

8 November 2001

Further information on EXTRA 41/01 (EUR 62/007/2001, 5 July 2001) and follow-up (EUR 62/013/2001, 3 August; EUR 62/014/2001, 11 October 2001) - Fear of imminent execution

UZBEKISTANNikolay Ganiyev, (_____) (m), 22
Maksim Strakhov, (_____) (m), 24, Russian citizen
Nigmatullo Fayzullayev, (_____) (m), 26

Amnesty International is concerned that Nigmatullo Fayzullayev is in imminent danger of execution and calls upon the Uzbek government to confirm Maksim Strakhov and Nikolay Ganiyev's stay of execution, following a request by the United Nations Human Rights Committee on 16 October.

According to Nikolay Ganiyev's and Maksim Strakhov's mothers, the United Nations Human Rights Committee reportedly sent an urgent communication to the Uzbek authorities, copied to the families, requesting a stay of execution of Nikolay Ganiyev and Maksim Strakhov, and further information on the cases.

At the end of October, Maksim Strakhov's lawyer was informed that following psychiatric tests, the Appeals Committee of the Supreme Court of Uzbekistan had concluded that the execution of Maksim Strakhov could go ahead. According to the Committee's conclusions, "Strakhov did and does not suffer from chronic psychological disorder, mental deficiency. The lack of mental deviations since childhood is evidence for this, as well as his satisfactory social adaptation (participation in military action in Chechnya)."

Maksim Strakhov's mother and the Russian Embassy in Uzbekistan reportedly appealed to the Supreme Court on 30 October calling for further medical tests as they believe that the first tests were not conducted properly. He had been moved to the Republican Clinical Psychiatric Hospital from 15 August to 5 September in order to undergo psychiatric tests. Death penalty activist Tamara Chikunova, the attache of the Russian Embassy and the Embassy's medical doctor were all denied access to him while he was in hospital.

Once he returned to prison, Maksim Strakhov told his mother and his lawyer: "While I was in hospital, I was visited by a doctor twice. The doctor only talked to me for two to five minutes." An x-ray was reportedly taken of his skull, but no further examinations were made, nor was he given any medical treatment. Maksim Strakhov had reportedly previously received psychiatric treatment for post-traumatic stress symptoms after military service in Chechnya (see follow up EUR 62/013/2001, 3 August 2001).

In October, the Appeals Committee extended Nikolay Ganiyev's stay of execution, pending results of a psychiatric examination, reportedly following appeals by his mother that the murder he has been charged with was not premeditated. Nikolay Ganiyev is currently in the Republican Clinical Psychiatric Hospital in Tashkent. Neither Nikolay Ganiyev's lawyer nor his mother have been notified when the results of the tests are due.

According to Maksim Strakhov's and Nikolay Ganiyev's mothers, their sons, who reported that they were ill-treated in pre-trial detention, had not been visited by officials aiming to investigate these allegations. In her letter to Amnesty International, dated 13 August 2001, the Ombudsperson of Uzbekistan had stated with regard to the cases of Maksim Stakhov and Nigmatullo Fayzullayev that

the detentions and interrogations had taken place "without the use ... of unlawful methods" (see: EUR 62/014/2001).

AI learnt that Maksim Strakhov's lawyer was not given access to his client twice during this week.

The mothers of Maksim Strakhov and Nikolay Ganiyev expressed their gratitude to Amnesty International members who have appealed on behalf of their sons: "It is wonderful to know that people far away from us in other countries are worried about our children. It gives us more strength to face the situation and to do whatever we can to save the lives of our children."

FURTHER RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible in English, Russian, Uzbek or your own language:

- urging the President to use his constitutional authority to commute the death sentences of Maksim Strakhov, Nikolay Ganiyev, and Nigmatullo Fayzullayev, and all other death sentences that come before him;
- asking the authorities to confirm Maksim Strakhov and Nikolay Ganiyev's stay of executions following an intervention by the United Nations Human Rights Committee;
- expressing concern at allegations that the psychiatric tests of Maksim Strakhov were not conducted properly and asking the authorities to inform you which tests were conducted and what the results were;
- expressing concern at reports that the investigation into allegations that Maksim Strakhov was ill-treated in pre-trial detention was not thorough and impartial and asking for further independent and thorough investigations;
- asking the authorities whether an investigation into allegations that Nikolay Ganiyev was ill-treated in pre-trial detention was opened and, if so, to inform you what the outcome was;
- expressing sympathy for the victims of crime and their families, but pointing out that the death penalty has never been shown to deter crime more effectively than other punishments, and is brutalizing to all those involved in its application.

APPEALS TO (Please note that it may be difficult to send faxes. If a voice answers during office hours, repeat 'fax' until connected; fax machines may be switched off outside office hours -five hours ahead of GMT):

President, Islam Abduganiyevich KARIMOV

Respublika Uzbekistan; 700163 g. Tashkent; ul. Uzbekistanskaya, 43; Rezidentsia prezidenta;

Prezidentu Respubliki Uzbekistan; KARIMOVU I.A., UZBEKISTAN

Faxes: + 998 71 - 2 89 00 46 (Write on the top of your fax: "Tel.: 139 53 75; 139 82 60; 139 59 29; Prezidentu Respubliki Uzbekistan; KARIMOVU I.A.")

Telegrams: Prezidentu Karimovu, 700163 Tashkent, Uzbekistan

e-mails: uzinfo@uzinfo.gov.uz (if your e-mail bounces back, please fax it if possible)

Salutation: Dear President Karimov,

Minister of Foreign Affairs, Abdulaziz Khafizovich KOMILOV

Respublika Uzbekistan; 700029 g. Tashkent; pl. Mustakillik, 5; Ministerstvo inostrannykh del

Respubliki Uzbekistan; Ministru KOMILOVU A.Kh., UZBEKISTAN

Telegrams: Ministru inostrannykh del, 700029 Tashkent, Uzbekistan

Salutation: Dear Minister,

Faxes: + 998 71 139 15 17

General Procurator, Rashidjon Hamidovich KODIROV
Respublika Uzbekistan; 700047 g. Tashkent; ul. Gulyamova, 66; Prokuratura
Respubliki Uzbekistan; Generalnomu prokuroru; KODIROVU R. Kh., UZBEKISTAN
Telegrams: Generalnomu prokuroru, 700047 Tashkent, Uzbekistan
Fax: + 998 71 133 99 36
Salutation: Dear Procurator General

COPIES TO:

Chairman of the Supreme Court, Ubaydulla MINGBAYEV
Respublika Uzbekistan; 700183 g. Tashkent; ul. Abdulla Kodiri, 1; Verkhovny
Sud Respubliki Uzbekistan; Predsedatelyu MINGBAYEVU U.; UZBEKISTAN

Parliamentary Commissioner for Human Rights, Sayora RASHIDOVA (Ms)
Respublika Uzbekistan; 700035 g. Tashkent; ul. Xalqlar Do'stligi, 1; Oliy Majlis
Respubliki Uzbekistan; Upolnomochennoy po pravam cheloveka pri Oliy Majlis;
RASHIDOVY S., UZBEKISTAN

and to diplomatic representatives of Uzbekistan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 6 December 2001.