

**EXTERNAL**

23 July 1992

**@Abduvakhad Kenzhebeyevich TEMIROV**  
**Kabylzhan Kenzhebeyevich TEMIROV**

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**£Kazakhstan**

The information currently available on this case comes from an unofficial source, which reports that brothers Abduvakhad and Kabylzhan Temirov have been sentenced to death for murder by the criminal cases collegium of the Supreme Court of Kazakhstan. A petition for clemency was turned down by the clemency department of the Office of the President of Kazakhstan in January 1991. A further petition for clemency was lodged with the clemency commission of the USSR Supreme Soviet, but this body was disbanded apparently before the petition could be considered, following the demise of the USSR. Amnesty International believes that the case has therefore been returned to the Kazakh authorities for final consideration.

Abduvakhad Temirov and Kabylzhan Temirov are ethnic Uzbeks from the town of Kara-su in the Osh region of the Republic of Kyrgyzstan. They were convicted, along with three others, of murdering two Kyrgyz women in Kara-su during an outbreak of intercommunal violence between Kyrgyz and Uzbeks in Osh region in June 1990. They were tried in Kazakhstan apparently on the orders of USSR procuracy officials, who considered that to hold the trial in Kyrgyzstan would incite further ethnic conflict. The date of the original trial is not known.

Amnesty International opposes the death penalty in all cases and without reservation, on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights. Amnesty International is appealing to the authorities in the Republic of Kazakhstan to commute the death sentences passed on Abduvakhad and Kabylzhan Temirov.

**Background information on the death penalty in Kazakhstan**

The Kazakhstan Criminal Code retains the death penalty for 18 offences in peacetime. However, senior officials at the Kazakhstan Ministry of Justice informed an Amnesty International delegation visiting Kazakhstan in April 1992 that no one has been executed for economic crimes in the past 10 years. Statistics shown to Amnesty International revealed that between 1987 and 1991 the death penalty had been applied for only four offences: murder under aggravating circumstances, rape, threatening the life of a police officer, and banditry.

In 1991, 66 people were sentenced to death for murder, and one person for threatening the life

of a police officer. Amnesty International's delegation in Kazakhstan in April 1992 was told that to date at least 26 of those death sentences had been commuted. The figure for the number of executions carried out in 1991 has not been made available to Amnesty International. Execution is by shooting.

Although there is discussion about the introduction of a jury system, capital cases are currently tried by a bench comprising a judge and four "people's assessors", who are without legal training. A defence lawyer must assist in capital cases. Prisoners can appeal against the verdict or sentence to the next highest court within seven days of receiving a written copy of the judgement. As their cases are heard at a higher level at first instance, however, prisoners under sentence of death have fewer opportunities to appeal than many other prisoners. Some have been sentenced to death without right of appeal.

Death sentences may also be reduced by a judicial review. Under this procedure a higher court re-examines the case after it has received a protest against the judgement of the court of first instance or the court of appeal. Although death sentences are suspended pending appeal, they may still be carried out before a judicial review has been completed. If these remedies fail, prisoners under sentence of death can petition for clemency, which may be granted by the President of the Republic of Kazakhstan. Following the break-up of the Soviet Union such prisoners no longer have the opportunity for a judicial review or petition to be considered by the federal USSR authorities, and have thereby lost a possible final avenue for commutation. Prior to this legal authorities estimated that it could take some two years for a death penalty case to reach resolution.

#### Background information on the Osh events of June 1990

The Osh region of southern Kyrgyzstan is at the eastern end of the Fergana valley, which was divided when the boundaries of the Central Asian republics were drawn by Soviet authorities in the 1920s between Uzbekistan, Kyrgyzstan and Tadzhikistan. The valley is one of the most densely populated areas of Central Asia. The Osh region is home to a large part of the Uzbek minority in Kyrgyzstan, which comprises around 13 per cent of the republic's population of 4.4 million.

In June 1990 serious ethnic violence broke out between the Kyrgyz and Uzbek communities in Osh region, sparked by a dispute over plans to use farmland on the edge of Osh city for housing. Rioting and intercommunal violence erupted in Osh city on 4 June and spread to neighbouring districts, the worst reported incidents occurring when Kyrgyz mobs attacked the predominantly Uzbek town of Uzgen on 5 June. Violence in Osh region during the first three weeks of June, and again for several days in mid-July, left several hundred people dead, although full official statistics for the number of victims have never been made public. The violence led to the imposition of a state of emergency in Osh region and in the Kyrgyz capital, Frunze (now Bishkek). The state of emergency was lifted in the capital in November 1990, but remains in force in parts of Osh region, including Kara-su district.

Amnesty International has learned of at least two other death sentences connected with the Osh events. These were passed in 1991 by a court in Kyrgyzstan on two ethnic Kyrgyz, Batyrbek Kyyazov and Taalaibek Kalmatov. They also come from Kara-su, and were convicted of the murder of three Uzbeks. Amnesty International is appealing to the Kyrgyz authorities to commute these death sentences.