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*TAJIKISTAN: DEATH SENTENCES PASSED ON  
FORMER MEMBERS OF PRO-GOVERNMENT MILITIAS*

**Safarqul SAMADOV and Abdurauf URUNOV**

( \_\_\_\_\_ )

**Abdunabi BORONOV and Nurali JANJOLOV**

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Amnesty International is concerned about reports that death sentences continue to be passed in Tajikistan. In two cases which have come to the attention of Amnesty International recently, death sentences have been handed down at the end of trials of people identified as former members of paramilitary groups linked to the authorities in Tajikistan.

Amnesty International has argued since the time of the 1992 civil war that paramilitary groups acting on orders from or with the approval or tacit acceptance of the authorities have perpetrated appalling human rights violations, notably political killings, "disappearances" and torture. It has called for all such perpetrators to be brought to justice in line with international law. However, in making such calls, Amnesty International argues against the use of the death penalty as a punishment, since the organization opposes capital punishment in all cases and without reservation. Therefore, while welcoming the fact that steps taken by authorities in Tajikistan to end impunity for former members of pro-government paramilitary groups have included the prosecution of the men named above, who have been found guilty of appalling crimes, Amnesty International is calling for them to be spared the death penalty, and for their sentences to be commuted to appropriate terms of imprisonment.

**The death penalty in Tajikistan**

Tajikistan continues to use the Criminal Code of the former Tajik Soviet Socialist Republic (adopted in 1962), with amendments. Currently the Criminal Code includes 27 peacetime and 14 wartime offences which are punishable by death. In addition to retaining capital punishment for a number of economic crimes (which is at odds with a trend evident since 1991 in other former Soviet republics to remove economic crimes from the scope of the death penalty), the list of peacetime capital offences includes up to 12 offences to which capital punishment has been extended only recently, apparently by amendments made to the Criminal Code in November 1995. These new capital crimes include three relating to the narcotics trade, and several crimes against property.

Authorities in Tajikistan do not publish statistics for the application of the death penalty, and the most recent statistical data available to Amnesty International, provided by the Statistical Committee of the Commonwealth of Independent States (of which Tajikistan is a member) is for 1991, the year before the start of Tajikistan's civil war, when six death sentences were passed. From unofficial sources Amnesty International has learned of death sentences passed regularly since then, including at least three in 1996.

It is unclear, however, whether death sentences are being carried out regularly. Political prisoner Adzhik Aliyev, who had been convicted in August 1993 of a range of anti-state and violent offences connected with the civil war, was reportedly put to death in September 1994 in circumstances which are unclear. No judicial executions have since come to the attention of Amnesty International, and in November 1996 the organization received notification from the office of the head of the Dushanbe city administration that five prisoners who had been sentenced to death in 1994 were still alive and on death row. In May 1995 the Government of Tajikistan agreed, pending the outcome of peace negotiations which are continuing, not to carry out death sentences on opposition supporters awaiting execution for crimes connected with the civil war, but it is not clear whether any or all of the five above-mentioned prisoners fell into this category. Furthermore, a sixth prisoner who had consistently been included alongside these five in appeals by Amnesty International was not mentioned in the November 1996 communication from the Dushanbe administration, and Amnesty International is consequently unaware of his fate.

Amnesty International has consistently pressed the authorities in Tadjikistan to reduce the scope of the death penalty as a step towards total abolition; to impose a moratorium on death sentences and executions pending a review of this punishment; and to publish comprehensive statistics on its application. It has urged commutation of all pending death sentences, including each individual death sentence that comes to its attention.

#### The phenomena of pro-government paramilitary groups and "warlordism" in Tajikistan

The armed conflict in Tajikistan began in the early part of 1992 when rival demonstrations turned into clashes in the capital, Dushanbe, developed into full-scale civil war during the rest of that year, and has continued since 1993 as an armed insurgency against the government by forces initially based in Afghanistan but now occupying or effectively in control of large parts of eastern and central Tajikistan.

During the civil war in 1992 armed formations operated on both sides of the conflict outside a strict chain of command, and committed appalling human rights violations. Since 1992 it has been Amnesty International's contention, based on evidence including eyewitness testimonies, that at least some of the paramilitary groups which operated on the side which came to power in late 1992 and which remains in government in Tajikistan did so with the full knowledge and tacit or explicit endorsement of the political leadership. The Government of Tajikistan has denied this, however, claiming that the crimes attributed to forces under its direct or indirect command were in fact the work of purely criminal gangs or forces seeking to destabilize the country.

The largest and most active of the "pro-government" paramilitary organizations was the **People's Front of Tajikistan**. Led by Sangak Safarov, a convicted criminal who had spent a total of 23 years in prison for offences including murder, the People's Front was officially registered as a public organization in 1992, but was essentially an alliance of paramilitary units commanded by individual warlords. Units of the People's Front took the lead in seizing control of Dushanbe and installing the present government in power there in December 1992. At that time People's Front fighters allegedly committed widespread human rights violations including mass extrajudicial executions and "disappearances" of people identified as or

perceived (often on the basis of their ethnic group) to be supporters of the previous government.

Although the People's Front was officially disbanded during 1993, a number of its field commanders were appointed to high political office (for example some entered the government; others became mayors of towns or districts) or to command positions in the nascent armed forces (Sangak Safarov himself died in a shoot-out with one of the Front's field commanders at the end of March 1993, after which he was proclaimed a national hero). Since then there has been strong evidence to suggest that some of the former People's Front members, including some holding high office, continued to engage in criminal activity, including the abuse of human rights, and that a response by the authorities to curb their activities has been slow or non-existent (see below). Certainly, for the period from 1993 to at least the beginning of 1995 the efforts of the law enforcement agencies to resolve the crimes of the civil war appeared to be concentrated almost exclusively on bringing to justice suspected human rights abusers who were identified as activists with or supporters of the political opposition.

Nevertheless, the case of Safarqul Samadov and Abdurauf Urunov (the details of which are given below) may be evidence that at least a limited commitment to end impunity for former pro-government paramilitary fighters was emerging as early as the beginning of 1995. Certainly, in November 1995 this commitment was in evidence when the authorities announced the arrest of member of parliament and former People's Front field commander Khoja Karimov for the July 1993 "disappearance" and subsequent murder of Saidsho Shoyev, also a member of parliament, and his brother Siyarsho Shoyev, a collective farm manager, as well as for the kidnapping and murder of member of parliament Tagkhoykhon Shukurov. However, this case in particular casts doubts on the full extent of the commitment of the Government of Tajikistan and the law enforcement organs to seeing that justice is done, or their ability to exercise the kind of authority or chain of command control that would make this possible. Not only has it been suggested that Khoja Karimov was arrested so that he could be held up as solely responsible for crimes in which other, possibly more powerful people shared responsibility, but Amnesty International was dismayed to learn from media sources in Tajikistan at the beginning of 1997 that Khoja Karimov had still not been brought to trial because he had escaped from detention. It is Amnesty International's understanding that an investigation into the escape is underway.

Another case in which the authorities have only recently reversed a previous position of allowing a former People's Front warlord to act with impunity involves Ibod Boymatov, an ethnic-Uzbek former field commander of the People's Front who from 1992 to 1996 periodically held sway in the town of Tursunzade in the Gissar valley. In 1993 Ibod Boymatov was appointed head of the town administration (mayor), apparently as a reward for his services in helping to install the present government in power in Dushanbe. However, the extent of his involvement in criminal activities and violence, and the extent to which he had apparently been allowed to violate human rights with impunity while in charge of the town has been the subject of reports since at least July 1994. News agencies reported that Ibod Boymatov was removed from his post as mayor of Tursunzade after an incident on 7 July 1994 when he fired shots apparently with the intention of trying to kill Mikhail Sinani, the director of the Tursunzade aluminium smelting plant, Tajikistan's largest industrial enterprise and one of its main sources of foreign income, after Sinani had refused to authorize delivery of a large aluminium consignment which Boymatov had requested without proper authorization. Ibod Boymatov was not arrested for the apparent attempt on Sinani's life (from which the latter escaped unhurt), but reportedly left Tajikistan and settled in Uzbekistan. He reappeared in Tursunzade in January 1996 at the head of an armed group which seized control of the town,

and working in concert with another ex-People's Front warlord, Mahmud Khudoyberdiyev, a military commander who had used his 11th army brigade to almost simultaneously seize control of the town of Kurgan-Tyube, forced concessions from the Government of Tajikistan including ministerial and policy changes, under threat of an armed assault on the capital. Ibod Boymatov was subsequently named as deputy mayor of Tursunzade and became a member of the Supreme Council (parliament) of Tajikistan.

Only in December 1996 did this evident impunity stop, when the Supreme Council voted to end Ibod Boymatov's parliamentary mandate. A report by the Russian news agency ITAR/TASS said that the decision had been taken at the request of constituents, and because of his absence from parliamentary sessions. President Imamali Rakhmonov of Tajikistan, who addressed the session, said that Ibod Boymatov had committed crimes for which he would be prosecuted.

The cases of Samadov and Urunov, Khoja Karimov and Ibod Boymatov notwithstanding, it is currently far from certain that the Government of Tajikistan is taking a consistent approach to ending impunity. Notably, the extent to which the Government of Tajikistan remains implicated in warlordism and organized crime was described graphically in January 1997 by President Islam Karimov of Uzbekistan, who condemned renewed armed clashes between groups fighting for control of Tursunzade (one of them led by Mahmud Khudoyberdiyev, the other by the local police chief, Kodir Abdulloyev) as a game between "thieves and convicts", some of whom hold "high positions in the Interior Ministry".

#### The individual cases of Samadov, Urunov, Boronov and Janjolov

These four men were sentenced to death in two separate trials in the Supreme Court of Tajikistan (apparently acting as the court of first instance) in 1995 and 1996. Information on the cases comes from media reports.

*Safarqul Samadov* and *Abdurauf Urunov* were sentenced to death apparently in the first half of 1995 for multiple aggravated murder, robbery with violence and exceeding authority (information about their case has only just come to the attention of Amnesty International, however, from an article in the 18 December 1996 issue of the Tajik newspaper *Sadoi Mardum*).

According to the newspaper's account of the case, the crimes involving Safarqul Samadov, aged over 60 and a former teacher from the town of Yavan (Khatlon Region), began in December 1992 when he formed an armed militia group on the authorization of the local council and with the cooperation of local police (it is unclear whether the group was in fact connected with the People's Front; it is described in the *Sadoi Mardum* report as being a branch of the "National Guard", a body which had existed prior to the People's Front but to Amnesty International's knowledge had been effectively subsumed into the Front in the course of 1992). This group, consisting of between 10 and 15 men (including Safarqul Samadov's son and nephew), on 14 December 1992 attacked the home of a man identified as Abdulhaq Sadulloyev, beat him, looted his property, and arbitrarily detained him. Early in 1993 Safarqul Samadov illegally detained nine young men who had returned to Yavan district after having fled to the Garm district during the civil war (the conflict particularly in Khatlon Region had featured a strong inter-ethnic dimension, with the Garmi and Pamiri ethnic groups on one side and Kulyabis and Uzbeks on the other). He informed Abdurauf Urunov, who brought a group of men to the place where the Garmis were being detained and beat these prisoners, three of whom died as a result. Safarqul Samadov ordered the survivors to assist with the burial of the dead, but when the survivors argued that verses from the Koran should be read out at the burial all of them were shot dead on Safarqul Samadov's orders.

Safarqul Samadov was arrested at the beginning of January 1995 (almost two years after the last of his crimes); it is unclear when Abdurauf Urunov was arrested. The exact date of their trial is not known, nor is their subsequent fate, including whether they had the opportunity to appeal against their sentences, and whether petitions for clemency were submitted to the President of Tajikistan.

Two other members of Samadov's group died before they could be brought to justice. An investigation into the activities of three others is reported to be continuing.

*Abdunabi Boronov* and *Nurali Janjolov* were sentenced to death on 21 August 1996. They had been found guilty of the murder in February 1995 of Zayniddin Mukhiddinov, a newly-elected member of parliament, who had been shot dead outside his Dushanbe home. Coming so soon after parliamentary elections which had been denounced by the opposition, the murder had been ascribed initially to armed opposition supporters. From the limited information currently available to Amnesty International about the case it is not clear whether the trial established the motive for the murder. Nor was it clear whether the two men have been officially acknowledged as having been People's Front members, but allegations to that effect were made in a report by the Voice of Free Tajikistan, a radio station run by the United Tajik Opposition.