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EXTRA 31/02 Fear of imminent execution/

Torture and ill-treatment

19 April 2002

UZBEKISTAN

Valery Agabekov (✂✂✂✂✂✂✂✂✂✂✂✂) (m), aged 26,  
Andrey Annenkov (✂✂✂✂✂✂✂✂✂✂✂✂) (m), aged 28

Twenty-six year old welder Valery Agabekov and his brother-in-law Andrey Annenkov are believed to be in danger of imminent execution. Their only hope is for clemency from the President. The two men were allegedly ill-treated whilst awaiting trial.

On 18 September 2001 Valery Agabekov and Andrey Annenkov were sentenced to death by Tashkent Regional Court. The death sentences were upheld by the Board of the court on 12 November. Amnesty International has only recently been informed of the case. The men were accused of having killed and robbed two women.

Valery Agabekov maintains his innocence. Following his arrest in February 2001, he was allegedly ill-treated in order to force him to confess to the crime, at a police station in the town of Akhangaran in Tashkent province. In a letter to his mother which was smuggled out of prison, Valery Agabekov wrote: "They broke my jaw. I am not able to eat properly now... They were trying to rape me. I was hand-cuffed, attached to the radiator... They started to hit my head against the radiator. Then they placed a plastic bag over my head and the investigator shouted: 'either you confess now or you'll die before your trial'. I couldn't breathe and blood was running down my hands. Several times I lost consciousness. I kept repeating 'I am innocent'. When I asked them to call a doctor the investigator said that the only person they would call for me was the grave-digger."

In his letter Valery Agabekov states that Andrey Annenkov was also ill-treated in pre-trial detention: "They broke one of his ribs and knocked out a tooth. We both had blood in our urine following the beatings."

#### BACKGROUND INFORMATION

In October 2001 the *Oliy Majlis* (parliament) reduced the number of offences punishable by death from eight to four. Premeditated aggravated murder remains punishable by death.

In 1998 the Parliamentary Commissioner for Human Rights in Uzbekistan, Sayora Rashidova, had informed Amnesty International that moves to reduce the number of articles in the Uzbek Criminal Code carrying a possible death sentence were part of Uzbekistan's policy to "abolish the death penalty by stages". This latest reduction appears to be part of this policy. However, Amnesty International has continued to receive a high number of reports of new death sentences. In September 2001 President Karimov publicly stated that around 100 people were executed in Uzbekistan each year.

As information on the death penalty is considered a state secret, no comprehensive statistics on the number of those sentenced to death and executed are made public. In many cases even a prisoner's immediate family are not told whether he or she has been executed. The UN Committee against Torture asked the Uzbek government delegation for death penalty figures at its November 1999 session, but did not receive them. In its concluding observations to its March 2001 session the UN Human Rights Committee "deplore[d] the State party's refusal to reveal the number of persons who have been executed or condemned to death, and the grounds for their conviction" and asked Uzbekistan once again to provide the Committee with such information as soon as possible.

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

- pointing out that clemency is the prerogative of the powerful, and urging the President to use his constitutional authority to commute the death sentences passed on Valery Agabekov and Andrey Annenkov; *(in letters to the President)*
- urging the authorities to use their discretionary powers to impose imprisonment instead of death sentences in capital cases; *(in all letters other than to the President)*
- 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;
- welcoming the October 2001 reduction in the number of articles in the criminal code that are punishable by death, and urging the authorities to build on this positive step by imposing a moratorium on death sentences and executions, in line with the international trend towards abolition of the death penalty;
- urging the authorities to open prompt and impartial investigations into allegations that Valery Agabekov and Andrey Annenkov were ill-treated at the Akhangaran police station, with the results made public and anyone found responsible brought to justice;
- urging the authorities to publish comprehensive statistics regarding death sentences and executions in Uzbekistan, which would be in line with Recommendation 7 adopted by the United Nations Human Rights Committee on 4 April 2001.

**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

**Telegram:** Prezidentu Karimovu, 700163 Tashkent, Uzbekistan

**Fax:** + 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.")*

**e-mail:** 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

**Telegram:** Ministru inostrannykh del, 700029 Tashkent, Uzbekistan

**Fax:** + 998 71 139 15 17

**Salutation:** Dear Minister

General Procurator, Rashidjon Hamidovich KODIROV

Respublika Uzbekistan; 700047 g. Tashkent; ul. Gulyamova, 66; Prokuratura Respubliki Uzbekistan; Generalnomu prokuroru; KODIROVU R. Kh., UZBEKISTAN

**Telegram:** Generalnomu prokuroru, 700047 Tashkent, Uzbekistan

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**Salutation:** Dear Procurator General

**COPIES TO:**

Chairman of the Supreme Court, ISHMETOV I.

Respublika Uzbekistan; 700183 g. Tashkent; ul. Abdulla Kodiri, 1; Verkhovny Sud Respubliki Uzbekistan; Predsedatelyu ISHMETOVU I.; 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; RASHIDOVU S., UZBEKISTAN

**E-mail:** Office@ombudsman.gov.uz

and to diplomatic representatives of UZBEKISTAN accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.**