

EXTERNAL

AI Index: EUR 62/09/96

UA 153/96 Fear of imminent execution / Torture concern /  
Legal concern

26 June 1996

UZBEKISTAN Rafis VALEYEV, aged 27 ( \_\_\_\_\_ in Cyrillic)  
Vitaly AN ( \_\_\_\_\_ )  
Atan ABDULAYEV ( \_\_\_\_\_ )  
Ayubkhon AKBAROV ( \_\_\_\_\_ )

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Amnesty International fears that Rafis Valeyev, Vitaly An, Atan Abdulayev and Ayubkhon Akbarov face imminent execution after having been sentenced to death in the former Soviet republic of Uzbekistan. Atan Abdulayev and Ayubkhon Akbarov are known to have had appeals against their sentences turned down by the Supreme Court, and this is feared to be the case also for Rafis Valeyev and Vitaly An. Their only hope of avoiding execution now is a petition for clemency to the President of Uzbekistan. Amnesty International is also concerned about allegations that Rafis Valeyev was tortured in detention, and that the legal proceedings against Atan Abdulayev were flawed.

The four men were sentenced to death in three separate trials. Specific information about the cases is scarce, but the available details are as follows:

Rafis Valeyev and Vitaly An stood trial together and were sentenced to death in 1995 (the place and exact date of their trial is unknown) after being found guilty of premeditated, aggravated murder and kidnapping. It is assumed that, since at least six months has passed since their trial, an appeal has already been heard by the Supreme Court, although this cannot be confirmed. Human rights monitors from Uzbekistan report that Rafis Valeyev had an alibi to the effect that he was out of the country at the time when the crime for which he was sentenced was committed. It has also been alleged that Rafis Valeyev was tortured in detention.

Atan Abdulayev was sentenced to death for premeditated, aggravated murder, probably in 1995, by the Namangan Regional Court. The sentence has been upheld by the Supreme Court. He was accused of having been ringleader of a criminal gang, and other defendants in the case received long prison sentences. Human rights monitors allege serious irregularities with the trial proceedings: specifically it is alleged that at first the Namangan Regional Court found that there was insufficient evidence to convict the defendants and returned the case to the procurator's office for further investigation, but this was overruled by the Namangan procurator, whereupon the presiding judge was replaced and a second judge appointed who convicted the defendants.

Ayubkhon Akbarov was sentenced to death in 1995, also by Namangan Regional Court. He was found guilty of murder committed during a drunken street brawl. His sentence has been upheld by the Supreme Court. He is the father of two young children.

#### BACKGROUND INFORMATION

A new Criminal Code introduced in Uzbekistan in 1995 retains the death penalty for 13 offences. The Uzbekistani authorities do not disclose statistics on their application of the death penalty, but unofficial sources continue to allege a very high number of executions: most recently human rights monitors from Uzbekistan have claimed that at least one execution a week takes place at the main prison in the capital, Tashkent.

Amnesty International has consistently pressed the Uzbekistani authorities 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 the application of the death penalty.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Russian, English or your own language:**

**to the President:**

- urging him to use his constitutional authority and commute the death sentences passed on Rafis Valeyev, Vitaly An, Atan Abdulayev and Ayubkhon Akbarov, and all other death sentences that come before him;
- expressing unconditional opposition to the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights;
- 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 involved in its application.

**to the Procurator General:**

- urging him to initiate a full and impartial investigation into allegations that Rafis Valeyev was tortured, with the findings made public and anyone found responsible for torture brought to justice.

**to the Procurator General and the Chairman of the Supreme Court:**

- urging them to order a judicial review of the cases of Rafis Valeyev and Atan Abdulayev, on the grounds that there have been allegations that Rafis Valeyev was tortured in detention and that Atan Abdulayev's trial was marred by procedural irregularities.

**APPEALS TO:**

1. The President of Uzbekistan, Islam Karimov:

Respublika Uzbekistan  
700000 g. Tashkent  
pr. Uzbekistansky  
Rezidentsiya Prezidenta  
Prezidentu Karimovu I.A.

**Telegrams:Uzbekistan, 700000 Tashkent, Prezidentu Karimovu I.**

**Faxes:+ 7 3712 39 55 25 or + 7 3712 39 54 00**

**Salutation:Dear President Karimov**

2. Procurator General of Uzbekistan, Buritosh Mustafoyev:

Respublika Uzbekistan  
700000 g. Tashkent  
ul. Gogolya, 66  
Prokuratura Respubliki Uzbekistan  
Generalnomu Prokuroru Mustafoyevu B.

**Telegrams: Uzbekistan, 700000 Tashkent, Gen. prokuratura, Mustafayevu B.**

**Salutation: Dear Procurator General**

3. Chairman of the Supreme Court of Uzbekistan, Ubaydulla Mingbayev:

Respublika Uzbekistan  
700183 g. Tashkent  
ul. Abdulla Kodiri, 1  
Verkhovny Sud Respubliki Uzbekistan

Predsedatelyu Mingbayevu U.

**Telegrams: Uzbekistan, 700183 Tashkent, Verkhovny sud, Predsedatelyu Mingbayevu U.**

**Faxes: +7 3712 41 00 28** (if voice, ask for fax)

**Salutation: Dear Chairman**

**COPIES TO:**

Head of the Clemency Department at the President's Office, Akhmanov (first name unknown):

Respublika Uzbekistan

700000 g. Tashkent

Apparat Prezidenta

Otdel po voprosam pomilovaniya

Zaveduyuchshemu otделom Akhmanovu

Foreign Minister of Uzbekistan, Abdulaziz Komilov

Respublika Uzbekistan

700029 g. Tashkent

pl. Mustakillik, 5

Ministerstvo inostrannykh del

Ministru Komilovu A.

Fax: +7 3712 39 41 58 or 39 15 17 or 39 43 48

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 13 August 1996.