

# AMNESTY INTERNATIONAL

## Open Letter

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### **A coalition of non-governmental organizations is calling for a death penalty-free zone in Europe and Central Asia**

The organizations joining this appeal are unconditionally opposed to the death penalty in all circumstances in all countries around the world on the grounds that it is a violation of the right to life and that it is the ultimate cruel, inhuman and degrading punishment. As long as the death penalty is maintained, the risk of executing the innocent can never be eliminated. Executions are brutalizing and only serve to reinforce the cycle of violence. They achieve nothing but revenge and cause anguish for the innocent relatives of those who are executed.

One hundred and twenty countries -- more than half of the countries in the world -- have now abolished the death penalty in law or practice. An average of over three countries a year have abolished the death penalty in law or, having done so for ordinary offences, have gone on to abolish it for all offences.

On 20 April 2005, the United Nations Commission on Human Rights adopted a resolution on the question of the death penalty calling for a moratorium on executions and the observance of international safeguards in death penalty cases. We welcome its adoption and urge all countries in Europe and Central Asia that retain the death penalty to follow the Commission's recommendations.

In particular, we are calling on the relevant authorities in **Belarus** and **Uzbekistan**, whose countries are the last executioners in Europe and Central Asia, to move swiftly towards abolition by introducing a moratorium on death sentences and executions as a first step with a view to complete abolition of the death penalty in due course.

We are calling on the governments of all countries and territories in the region that currently have moratoria in place to fully abolish the death penalty as a matter of urgency.

We urge the Presidents to exercise political leadership on this issue and to do all within their remit to further the trend towards abolition in the region.

The introduction of moratoria in **Belarus** and **Uzbekistan** is particularly pressing as flawed criminal justice systems in both countries provide a fertile ground for judicial error. There have been credible allegations of unfair trials, and torture and ill-treatment, often to extract "confessions", on a regular basis. In **Belarus** between four and seven people have reportedly been sentenced to death and executed every year since 2000. President Islam Karimov said at a press conference in December 2004 that between 50 and 60 people had been sentenced to death in **Uzbekistan** in 2004. However, both governments have consistently failed to publish comprehensive statistics on death sentences and executions. The application of the death penalty in **Belarus** and **Uzbekistan** is surrounded by secrecy. As a result death row prisoners and their

relatives are subjected to cruel and inhuman treatment. Neither the prisoners nor their relatives are informed of the date of the execution in advance, denying them a last chance to say goodbye. The body of the prisoner is not given to the relatives for burial and they are not informed of the place of burial.

Around 150 prisoners have "accumulated" on death row since **Kyrgyzstan** introduced a moratorium on executions in December 1998. Many death row prisoners have been waiting for years in a state of continued uncertainty as to their ultimate fate, which constitutes cruel, inhuman and degrading treatment. **Kazakstan** as well as the internationally unrecognized regions of **Abkhazia** and the **Dnestr Moldavian Republic** have also continued to pass death sentences.

**Russia** has a moratorium on death sentences and executions in place and is now the only country of all 46 members of the Council of Europe that has still not abolished the death penalty in law despite its promise upon accession to the organization to abolish it no later than 1999. **Tajikistan** and the internationally unrecognized region of **South Ossetia** also have moratoria on death sentences and executions in place.

In most of the countries in the region that no longer carry out executions, relatives of death row prisoners, who had previously been executed, have still not been able to find out where their loved ones were buried. In **Kyrgyzstan** and **Tajikistan**, for example, domestic legislation still stipulates that the place of burial is not disclosed.

We are concerned that the conditions on death row in the region fall far short of international standards. In **Belarus**, for example, death row prisoners are not entitled to any outdoor exercise and electric lighting is on day and night. In **Kyrgyzstan** some death row prisoners have reportedly lost mobility due to lack of exercise.

Many governments in the region have frequently referred to public opinion as a key argument against introducing a moratorium or abolishing the death penalty. At the same time, several countries prevent an informed public debate from taking place by withholding vital information about the application of the death penalty, including comprehensive statistics on death sentences and executions. In **Belarus** and **Uzbekistan** there have been instances where the authorities have actively limited the peaceful expression of opinions on the death penalty, including by harassing and intimidating activists.

The organizations joining this appeal believe that governments should lead public opinion in matters of human rights and criminal policy. Historically it has almost always been the case that the death penalty has been abolished by governments even though significant sectors of the public favoured its retention.

We urge the governments in Europe and Central Asia to refrain from deporting people to countries where they are at risk of being sentenced to death, in line with international treaty obligations. Many countries have in the past facilitated such deportations and the death verdicts have often been pronounced in unfair trials accompanied by torture allegations. **Russia** deported at least two men to Tajikistan and Uzbekistan in 2001 and 2000 respectively where both were sentenced to death, in violation of Russia's human rights commitments as a member of the Council of Europe. **Kyrgyzstan** deported people to executions in China and Uzbekistan only months after Kyrgyzstan had put a moratorium in place citing its commitment to protect human rights. Other countries that deported people to executions in recent years included **Kazakstan**, **Tajikistan** and **Turkmenistan**.

## **Background**

In the nineteenth century and the period leading up to the Second World War, the death penalty was permanently abolished in several European countries. Out of the atrocities of the Second World War came a new thirst for human rights resulting, among others, in a new wave of moves towards abolition of the death penalty. The collapse of the Soviet Union and the creation of independent states from Eastern Europe to Central Asia gave a new impetus to the drive towards a death penalty-free zone in Europe and

Central Asia.

We have great sympathy with the victims of crime and recognize the duty of governments to tackle problems of law and order. However, scientific studies have consistently failed to find convincing evidence that the death penalty deters crime more effectively than other punishments. The most recent survey of research findings on the relation between the death penalty and homicide rates, conducted for the UN in 1988 and updated in 2002, concluded that *"it is not prudent to accept the hypothesis that capital punishment deters murder to a marginally greater extent than does the threat and application of the supposedly lesser punishment of life imprisonment."*

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#### **International non-governmental organizations**

Amnesty International - Irene Khan, Secretary General;  
ECPM, Ensemble contre la peine de mort - Micheel Taube, President;  
FIDH, International Federation for Human Rights - Sasha Koulaeva, Eastern Europe and Central Asia Desk;  
Human Rights Watch - Rachel Denber, Acting Executive Director for Europe and Central Asia;  
ICJ, International Commission of Jurists - Nicholas Howen, Secretary General;  
International Federation of ACAT, Action by Christians for the Abolition of Torture - Sylvie Bukhari-de Pontual;  
International Helsinki Federation for Human Rights - Aaron Rhodes, Executive Director;  
International League for Human Rights - Scott Horton, President;  
OMCT-Europe, World Organisation Against Torture - Laetitia Sedou, European Co-ordinator;  
Penal Reform International - Paul English, Executive Director;

#### **Regional non-governmental organizations**

ACAT México [Action by Christians for the Abolition of Torture] - Fabienne Cabaret, Legal Coordinator (Mexico);  
Asia Pacific Mission for Migrants - Esther C Bangcawayan, Women Program / Area Co-ordinator (Hong Kong);  
Asian Human Rights Commission - Basil Fernando, Executive Director (Hong Kong);  
Australian Coalition Against Death Penalty - Dorina Lisson, President (Australia);  
Azerbaijan Foundation for Democracy and Human Rights Protection - Rena Sadaddinova (Azerbaijan);  
Azerbaijan Human Rights Center - Eldar Zeynalov, Director (Azerbaijan);  
Belarusian Helsinki Committee - Dzmitry Markusheuski, Press Secretary (Belarus);  
Bureau for Human Rights and the Rule of Law - Nigina Bakhrieva, Program Director (Tajikistan);  
Caucasian Institute for Peace, Democracy and Development - Emil Adelhkanov, Deputy Chair of the Council (Georgia);  
Center of Legal Aid for Ethnic Minorities - Guncham Nurakhunova, Director (Kazakhstan);  
Centre for Civil Initiatives - Albert Voskanyan, Director (Nagorno-Karabakh);  
Centre for Humanitarian Programs - Batal Kobahiya (Abkhazia);  
Chernihiv Public Committee of Human Rights Protection - Oleksiy Tarasov, Chair (Ukraine);  
Congress of Caucasian Women - Maka Khangoshvili, Chair (Georgia);  
Death Penalty Focus - Lance G. Lindsey, Executive Director (United States of America);  
Former Political Prisoners for Human Rights - Nana Kakabadze, Chair (Georgia);  
Helsinki Citizens' Assembly of Azerbaijan - Arzu Abdullaeva (Azerbaijan);  
Helsinki Citizens' Assembly of Vanadzor - Artur Sakunts (Armenia);  
Human Rights Center "Fray Francisco de Vitoria" - Miguel Concha Malo, Chair of the Board (Mexico);  
Human Rights Committee - Fray Pedro Lorenzo de la Nada (Mexico);  
Human Rights Information and Documentation Centre - Ucha Nanuashvili, Executive Director (Georgia);  
Human Rights Network "Todos los Derechos para Todos" [All Rights for All] - Edgar Cortés, Secretary General (Mexico);  
Human Rights Society of Uzbekistan "Civil Assistance" - Ruslan Sharipov, Chair (Uzbekistan);  
Independent Human Rights Group - Dinara Sayakova, Director (Kyrgyzstan);

Initiative Group of Independent Human Rights Defenders of Uzbekistan - Surat Ikramov, Chair (Uzbekistan);  
Institute of Peace and Democracy - Leyla Yunus (Dr.), Director (Azerbaijan);  
Italian Coalition to Abolish the Death Penalty - Arianna Ballotta, President (Italy);  
Joint Committee for the Abolition of the Death Penalty - Father Franco Mella (Hong Kong);  
Journey of Hope...from Violence to Healing - Bill Pelke, President (United States of America);  
Justice and Peace Commission of the Hong Kong Catholic Diocese - Christine Or (Hong Kong);  
Legal Aid Society - Nozima Kamalova (Uzbekistan);  
Legal Forum Association - Yury Shentsov, Executive Director (Kyrgyzstan);  
Legal Initiative - Valeri Fadeev, Chair (Belarus);  
Mexican Commission for the Defence and Promotion of Human Rights - Fabián Sanchez Matus, Director (Mexico);  
Mothers Against the Death Penalty and Torture - Tamara Chikunova, Chief-Coordinator (Uzbekistan);  
Murder Victims' Families for Human Rights - Hon. Renny Cushing, Executive Director (United States of America);  
Norwegian Helsinki Committee - Bjorn Engesland, Secretary-General (Norway);  
Professional Assistance - Yelena Volochay, Member of Board (Ukraine);  
Public Committee for Aid to Refugees "Civil Assistance" - Svetlana Gannushkina (Russia);  
Texas Coalition to Abolish the Death Penalty - Rick Halperin, President (United States of America);  
Turkmen Initiative for Human Rights - Farid Tukhbatullin (Turkmenistan);  
Turkmenistan Helsinki Foundation on Human Rights - Tadzhigul Begmedova, Chair (Turkmenistan);  
United Filipinos in Hong Kong Secretariat - Emmanuel C Villanueva, Secretary-General (Hong Kong);  
Uzbekistan Human Rights Society "Ezgulik" - Vasila Inoyatova, Chair (Uzbekistan);  
Women's Association of Abkhazia - Natella Akaba, Chair of the Steering Board (Abkhazia);  
Youth Human Rights Group - Maria Lisitsyna, Chair of the Coordinating Council (Kyrgyzstan).

#### Public Document

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