

# AMNESTY INTERNATIONAL



## **Tajikistan: Deadly Secrets A briefing on the death penalty**

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Secret executions after unfair trials take place every year in Tajikistan. Many of those sentenced to death allege they were tortured, and their relatives receive so little information about their fate that they are subjected to a form of mental cruelty.

Amnesty International believes it is particularly timely to urge the authorities of Tajikistan to review their policy on the death penalty now, in the context of the current review of the Criminal Code of Tajikistan.

### ***Secrecy of the death penalty and the plight of family members***

Amnesty International knows of 162 people who have been arrested on capital charges, convicted and sentenced to death since 1998, including 14 in the first three months of 2003. Ten people are known to have been pardoned over the past five years and 38 executed. Amnesty International believes that in all probability the others are also dead. As the death penalty is treated as a state secret in Tajikistan and comprehensive official information on the numbers of death sentences passed and executions carried out is not publicly available, the true figure of sentences and executions is likely to be much higher.

Families of death row prisoners are kept in a state of uncertainty about the fate of the person they love, often discovering that clemency was refused only when the prisoner has been removed without warning to the place of execution, and often when they are already dead. They have no right to see the condemned person to say goodbye before the execution and are deprived of all rights once the prisoner has been executed -- such as the opportunity to collect the prisoner's belongings, or the body for reburial. They are not even told where the grave lies.

### ***Sentenced to death after unfair trials and torture***

In none of the many cases that Amnesty International has documented in Tajikistan in recent years have the prisoners sentenced to death received a fair trial. For example, defendants have been denied access to lawyers, senior state officials have publicly proclaimed defendants guilty before the start of their trial, and courts have ignored torture allegations. In some cases death penalty trials have been held in secret. Given that the Tajik criminal justice system does not meet internationally agreed standards for a fair trial, the risk that innocent people will be sentenced to death is enormously high. Tajikistan's flawed legal system and its traditionally widespread recourse to the death penalty make this an alarming trend.

In all cases where Amnesty International has detailed information, people sentenced to death claim they were tortured. Allegations have included torture by ferocious beating; rape with a truncheon, penis or other objects; and electrocution of the ears, fingers, toes and anus. Several prisoners have named the same investigator, but no action has apparently been

taken to examine the truth of their allegations. On the contrary, courts have admitted confessions extracted under torture as evidence and used it to condemn prisoners to death.

### ***The case of Said Rizvonzoda and the cousins Abdulmajid and Nazar Davlatov***

The cousins Abdulmajid and Nazar Davlatov and their relative Said Rizvonzoda were sentenced to death by the Supreme Court of Tajikistan on 27 March 2002 and had their appeals rejected two months later. They and four other people were charged with murdering the former deputy Interior Minister, Habib Sanginov, on 11 April 2001. The men claimed in court that they had been tortured in detention, with beatings and electric shocks to the anus, genitals, fingers, nose and ears. The court did not suspend proceedings to allow for these allegations to be investigated. The United Nations Human Rights Committee (HRC) urged the authorities on 24 September 2002 to put the executions on hold while the cases were being considered by the Committee. Saidamir Karimov, another relative of the three men who was sentenced to death in the same case, had his death sentence commuted to 25 years' imprisonment by the Supreme Court on 3 December 2002. The HRC had also intervened with regard to his case. Said Rizvonzoda, and Abdulmajid and Nazar Davlatov were still believed to be on death row in fear they could be executed any day.

### ***Tajikistan's failure to honour its United Nations human rights commitments***

Tajikistan has subscribed to the international system for the protection of human rights, but blatantly undermines it. At least five people have been executed, although the UN Human Rights Committee had requested a stay on their execution to examine their case.

Although Tajikistan is a party to a number of major United Nations human rights treaties including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Inhuman or Degrading Treatment or Punishment which it acceded to in January 1999 and January 1995 respectively, it has not submitted a single report to the Human Rights Committee or to the Committee against Torture.

### ***Recommendations***

Amnesty International calls on governments to urge the authorities of Tajikistan to:

- **move towards abolition of the death penalty by declaring a moratorium** and by **commuting all pending death sentences**, including the death sentences of **Said Rizvonzoda** and the cousins **Abdulmajid and Nazar Davlatov**;
- **end the secrecy** surrounding the practice of the death penalty in Tajikistan; make publicly accessible comprehensive statistics; ensure that relatives of prisoners under sentence of death are treated humanely, including by keeping them fully informed about every stage in the proceedings, about the prisoner's whereabouts, and about the date of execution with advance notice; ensure that they can meet the prisoner regularly and frequently in private meetings at all stages after the death sentence has been passed;
- ensure that all those charged with capital offences receive a **fair trial**, including that they have regular access to an independent lawyer and that the defendant is presumed innocent unless his guilt is proven; examine all allegations of **torture** made by prisoners charged with a capital offence; make the results of the investigation public and bring those reasonably suspected to be responsible to justice; ensure that no testimony extracted under duress is used as evidence in court.

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For further information consult Amnesty International's report *Tajikistan: Deadly Secrets. The death penalty in law and practice* (AI Index: EUR 60/008/2002) on Amnesty International's website: [www.amnesty.org](http://www.amnesty.org)