

# ARMENIA

## *The legal framework*

Armenia is still using the old Soviet-era Criminal Code (in force since 1961), with amendments. Article 116 punishes "sodomy", defined as "sexual relations of a man with another man". Part one of the article punishes consenting sex by up to five years' imprisonment. Same sex relations between women are not criminalized.

A new Criminal Code has been drafted and was given its first reading in parliament in April 1997. Amnesty International has received verbal assurances from a parliamentary official involved in the drafting that consenting adult same-sex relations will not be a criminal offence in the new Code. It is not clear at present when the new Code will enter into force.

## *Recommended Actions*

### In letters to the National Assembly officials:

- Request confirmation that same-sex relations between adults in private will not be a criminal offence in the new Criminal Code of the Republic of Armenia.

- Ask for information about when the new Criminal Code is expected to come into force.

### In letters to the Procurator General:

- Call on him to instruct procuracy officials at all levels not to pursue criminal prosecutions of people for consenting same-sex relations between adults in private, noting that AI has been assured that it is envisaged to decriminalize consenting same-sex relations between adults in a new Criminal Code now in preparation.

### In letters to all authorities:

- Urge that authorities ensure that all people are equal before the law and that the human rights of every individual in the Republic of Armenia are fully respected, regardless of their ethnic origin, religious or political beliefs, age, gender or sexual orientation.

## *Target addresses*

- 1) Chair of the Armenian National Assembly  
Babken ARARKTSYAN

Respublika Armeniya  
375095 g. Yerevan  
bulv. Marshala Bagramyana, 19  
Natsionalnaya Assambleya  
Respubliki Armeniya  
Predsedatelyu ARARKTSYANU B.

- 2) Chairman of the National Assembly Commission on State and Legal Problems  
Eduard YEGORIAN

Respublika Armeniya  
375095 g. Yerevan  
bulv. Marshala Bagramyans, 19  
Komissiya po gosudarstvennym i  
zakonodatelnyim voprosam  
Natsionalnoy Assambley  
Respubliki Armeniya  
Predsedatelyu YEGORIANU E.

- 3) Procurator General of the Republic of Armenia  
Genrikh KHACHATARYAN

Respublika Armeniya  
375010 g. Yerevan  
plosh. Shaumyana  
Prokuratura Respubliki Armeniya  
Generalnomu prokuroru  
KHACHATARYANU G.

Send copies of some of your letters to diplomatic representatives of Armenia in your country, if they exist.

# AZERBAIJAN

## *The legal framework*

Azerbaijan is still using the old Soviet-era Criminal Code (in force since 1961), with amendments. Article 113 punishes "sodomy", defined as "sexual relations of a man with another man". Part one of the article punishes consenting sex by up to five years' imprisonment. Same sex relations between women are not criminalized.

Revision of the Criminal Code is said to be under discussion, but AI has no specific information about prospects for the repeal of Article 113 part 1.

## *Recommended Actions*

In letters to officials in the Milli Majlis (parliament):

- Call on them to initiate moves to repeal Article 113 part 1 of the Criminal Code of the Azerbaijani Republic.

In letters to the Procurator General:

- Call on him to instruct procuracy officials at all levels not to pursue criminal prosecutions of people for consenting same-sex relations between adults in private.

In letters to all authorities:

- Urge that authorities ensure that all people are equal before the law and that the human rights of every individual in the Azerbaijani Republic are fully respected, regardless of their ethnic origin, religious or political beliefs, age, gender or sexual orientation.

## *Target addresses*

- 1) Chairman of the Presidium of the Milli Mejlis of the Azerbaijani Republic  
Murtuz Najaf oglu ALESQEROV

Azerbaydzhanskaya Respublika  
370601 g. Baku  
prospekt Azizbekova, 1  
Prezidium Milli Medzhlisa  
Azerbaydzhanskoy Respubliki  
Predsedatelyu ALESQEROVU M.N.

Fax: +994 12 38 96 73

- 2) Chair of the Azerbaijani Milli Mejlis Commission on Human Rights and Nationalities  
Safyar Beylyar oglu MUSAYEV

Azerbaydzhanskaya Respublika  
370073 g. Baku  
Metbuat pros. 2  
Postoyannaya komissiya po pravam  
cheloveka i mezhnatsionalnym  
otnosheniyam pri Milli Medzhlise  
Predsedatelyu MUSAYEVU S.B.

Fax: +994 12 38 12 87

- 3) Chairman of the Azerbaijani Milli Mejlis Commission on Legal Policy and State Building  
Zakir ZEYNALOV

Azerbaydzhanskaya Respublika  
370073 g. Baku  
Metbuat pros. 2  
Postayannaya Komissiaya po  
zakonodatelnoy politike  
i gosudarstvostroyeniyu pri Milli  
Medzhlise  
Predsedatelyu ZEYNALOVU Z.

- 4) Procurator General of the Azerbaijani Republic  
Eldar HASANOV

Azerbaydzhanskaya Respublika  
370601 g. Baku  
ul.Saratovtza Efimova, 7  
Respublikanskaya prokuratura  
Generalnomu prokuroru HASANOVU E.  
Fax: +944 12 93 00 20

Send copies of some of your letters to diplomatic representatives of Azerbaijan in your country, if they exist.

# CHECHEN REPUBLIC-ICHKERIYA

## (*Chechnya*)

### ***The legal framework***

**Under a new Criminal Code reportedly being implemented in the Chechen Republic-Ichkeriya, Article 148 punishes "anal sexual intercourse between a man and a woman or a man and a man". For first- and second-time offenders, the punishment is caning. A third conviction leads to the death penalty, which can be carried out in a number of ways including stoning or beheading.**

The August 1996 peace accord which ended the 20-month armed conflict in the Chechen Republic-Ichkeriya deferred a decision on the final political status of this former Autonomous Republic of the Russian Federation for five years. Although it is regarded by the international community as still part of Russia, the Chechen leadership insists that the Chechen Republic-Ichkeriya is already independent of Russian legal and governmental institutions.

Shortly after the signing of the August 1996 peace accord it was reported that the President of the Chechen Republic-Ichkeriya had introduced by decree a new Criminal Code for the republic based on the rules and regulations of the Islamic religious tradition, the so-called *Shari'a* law. Although there were reports towards the end of 1996 that a further presidential decree had annulled the Code's implementation, no-one has been able to verify this (human rights activists in Russia have been unable to obtain a copy of that reported decree), and it seems to be contradicted by reports that courts in the Chechen Republic-Ichkeriya have been applying *Shari'a* punishments (no cases of punishments under Article 148 have yet been reported to AI). Moreover, in June 1997 the President decreed that only *Shari'a* courts could function in the Chechen Republic-Ichkeriya.

A number of Chechen officials are reported to have stated that Russian laws may be applied in the Chechen Republic-Ichkeriya as long as they do not contradict Chechen laws. Russian authorities seem content to allow this state of affairs, since there is no evidence that they have sought to challenge the Chechen Republic-Ichkeriya's legal structures and assert the primacy of Russian Federation laws. Therefore, the fact that consenting male adult same-sex relations have not been criminalized in the Russian Federation Criminal Code since 1993 would appear to be overridden by Article 148 of the Criminal Code of the Chechen Republic-Ichkeriya.

### ***Recommended Actions***

***NB. Please always refer to the territory by its full name, the Chechen Republic- Ichkeriya, in your letters.***

In letters to the President, Chairman of Parliament and the Representative in Moscow

- Urge the Chechen leadership to abolish Article 148 of the Criminal Code of the Chechen Republic-Ichkeriya, the introduction of which was announced by the President in August 1996.

- Request clarification of the current status of this Criminal Code. If it is not currently being implemented, seek assurances that whatever legislation is currently in force in the Chechen Republic-Ichkeriya does not allow for people to be punished for consenting same-sex relations in private.

- Urge that the Chechen leadership ensures that all people are equal before the law and that the human rights of every individual in the Chechen Republic-Ichkeriya are fully respected, regardless of their ethnic origin, religious or political beliefs, age, gender or sexual orientation.

In letters to the Procurator General:

- Call on him to instruct procuracy officials at all levels not to pursue criminal prosecutions of people for consenting same-sex relations between adults in private.

**The following points should also be made in ALL your letters to the Chechen authorities:**

- By addressing separately the authorities in the Chechen Republic- Ichkeriya, Amnesty International is not taking a position on the legal status of the Chechen Republic- Ichkeriya;

- Regardless of its current legal status, the Chechen Republic-Ichkeriya remains bound by the international human rights obligations of the Russian Federation, including the International Covenant on Civil and Political Rights and the Convention against Torture;

- AI does not promote or oppose any particular system of justice, and that you urge only compliance with internationally accepted standards for the respect of human rights.

***Target addresses***

NB. We suggest that when writing to the officials listed below (except number 3), on envelopes you write "via Moscow, Russia" in a language recognized by your national postal authority. Since AI takes no position on territorial disputes, this form of address should get around sensitivities in the Chechen Republic-Ichkeriya surrounding the republic's status, yet takes account of the fact that mail destined for the Chechen Republic-Ichkeriya goes via the Russian Federation.

1. President of the Chechen Republic-Ichkeriya  
Aslan MASKHADOV

Chechenskaya Respublika-Ichkeriya  
g. Grozny  
Apparat Prezidenta  
Chechenskoy Respubliki-Ichkeriya  
Prezidentu  
MASKHADOVU A.

Fax: +90 212 257 68 17

- 2) The Speaker of Parliament of the Chechen Republic-Ichkeriya  
Ruslan ALIKHADZHIYEV

Chechenskaya Respublika-Ichkeriya  
g. Grozny  
Parlament Chechenskoj Respubliki  
Ichkeriya  
Spikeru  
ALIKHADZHIYEVU R.

3. The Representative of the Chechen Republic- Ichkeriya in Moscow  
Vakha KHASANOV

Russian Federation  
Moskva 121002  
Denezhny pereulok d. 12  
Predstavitelstvo Chechenskoj  
Respubliki Ichkeriya  
Chrezvychainomu i polnomochnemu  
predstavitelyu Chechenskoj respubliki  
Ichkeriya v Rossiskoy Federatsii  
Khasanovu Vakhu

Fax: +7 095 241 73 80

4. The General-Procurator of the Chechen Republic- Ichkeriya  
Khavazh SERBIYEV

Chechenskaya Respublika Ichkeriya  
Grozny  
Prokuratora  
Generalnomu Prokuroru  
SERBIYEVU Kh.

### ***Other associated AI action***

Amnesty International members are currently participating in a lobbying action for the abolition of all legal provisions in the Chechen Republic-Ichkeriya allowing cruel, inhuman and degrading punishments and the death penalty, including the law punishing sodomy.

# KAZAKSTAN

## *The legal framework*

Kazakstan is currently still using the old Soviet-era Criminal Code (in force since 1960), with amendments. For the last four years it has been unclear to AI whether consenting same-sex relations between adult men remains a criminal offence (same sex relations between women are not criminalized). In 1993 AI received information from gay rights activists in Russia and from sources associated with a HIV/AIDS awareness project in Kazakstan that the relevant part of the Criminal Code, Article 104 part 1, had been repealed. This punished "sodomy" (defined as "sexual relations of a man with another man") between consenting adults by up to five years' imprisonment. AI publicized this news, but later in 1993 AI received an official communication from the Ministry of Justice that Article 104 part 1 was still in force.

In early 1997 AI again received indications from unofficial sources in Kazakstan that Article 104 part 1 was not in force, and again AI sought official clarification of the status of the article. AI also asked for information about whether it was envisaged that consenting same-sex relations between adults would not be criminalized in a new Criminal Code then in preparation. AI received no reply, but since then the new Code has been signed into law by the President, and is due to enter into force at the beginning of 1998. AI has yet to obtain a copy, but a local human rights monitor has told AI that the new Code does not criminalize same-sex relations between consenting adults.

## *Recommended Actions*

In letters to officials in the parliament, and to the Presidential Adviser on Legal Issues:

- Request official confirmation that same-sex relations between adults in private will not be a criminal offence in the new Criminal Code of the Republic of Kazakstan, which the President has just signed into law, and which is due to enter into force at the beginning of 1998

In letters to the Procurator General:

- Call on him to instruct procuracy officials at all levels not to pursue criminal prosecutions of people for consenting same-sex relations between adults in private, noting that AI has received information that consenting same-sex relations between adults is not a criminal offence in the new Criminal Code of the Republic of Kazakstan which the President has just signed into law.

In letters to all authorities:

- Urge that authorities ensure that all people are equal before the law and that the human rights of every individual in the Republic of Kazakstan are fully respected, regardless of their ethnic origin, religious or political beliefs, age, gender or sexual orientation.

## **Target addresses**

- 1) Chairman of the Senate (Upper House of Parliament) of the Republic of Kazakstan  
Omirbek BAYGELDIYEV

Respublika Kazakhstan  
480091 Almaty (Alma-Ata)  
pl. Respubliki,  
Senat Kazakhstana  
Predsedatelyu BAYGELDIYEVU O.

Fax: +7 3272 63 94 90

- 2) Chairman of the Majlis (Lower House of Parliament) of the Republic of Kazakstan  
Murat OSPANOV

Respublika Kazakhstan  
480091 Almaty (Alma-Ata)  
pl. Respubliki,  
Madzhlis Kazakhstana  
Predsedatelyu OSPANOVU M.

- 3) Adviser to the President of the Republic of Kazakstan on Legal Issues  
Igor ROGOV

Respublika Kazakhstan  
480091 Almaty (Alma-Ata)  
pl. Respubliki, 4  
Apparat Prezidenta  
Sovetniku Prezidenta po pravovym  
voprasam  
ROGOVU I.

Fax: + 7 3272 53 45 38

- 4) Procurator General of the Republic of Kazakstan  
Stepan SHUTKIN

Respublika Kazakhstan  
480099 g. Almaty (Alma-Ata)  
ul. Zheltoksan, 189  
Prokuratura Respubliki Kazakhstan  
Generalnomu prokuroru  
SHUTKINU S.

Fax: +7 3272 53 27 30

Send copies of some of your letters to diplomatic representatives of Kazakstan in your own country, if they exist.

# KYRGYZSTAN

## ***The legal framework***

Kyrgyzstan is still using the old Soviet-era Criminal Code (in force since 1961), with amendments. Article 112 punishes "sodomy", defined as "sexual relations of a man with another man". Part one of the article punishes consenting sex by up to five years' imprisonment. Same sex relations between women are not criminalized.

Work is reported to be underway on drafting a new Criminal Code, but AI has no specific information about whether consenting same-sex relations between adults will be decriminalized.

## ***Recommended Actions***

### In letters to officials in the parliament:

- Call on them to initiate moves to repeal Article 112 part 1 of the Criminal Code of the Kyrgyz Republic.
- Ask the to ensure that in the future Criminal Code of the Kyrgyz Republic, which is reported to be in preparation, same-sex relations between consenting adults in private will not be a criminal offence.

### In letters to the Procurator General:

- Call on him to instruct procuracy officials at all levels not to pursue criminal prosecutions of people for consenting same-sex relations between adults in private.

### In letters to all authorities:

- Urge that authorities ensure that all people are equal before the law and that the human rights of every individual in the Kyrgyz Republic are fully respected, regardless of their ethnic origin, religious or political beliefs, age, gender or sexual orientation.

## ***Target addresses***

- 1) Chairman of the Legislative Assembly (the lower house of parliament)  
Usup MUKAMBAYEV

Kyrgyzskaya Respublika  
720003 g. Bishkek  
ul. Krasnooktyabrskaya, 189  
Zakonodatelnoe sobranie  
Kyrgyzskoy Respubliki  
Predsedatelyu MUKAMBAYEVU U.

- 2) Chairman of the Human Rights Commission of the Legislative Assembly  
Dooronbek SADYRBAYEV

Kyrgyzskaya Respublika  
720003 g. Bishkek  
ul. Krasnooktyabrskaya, 189  
Zakonodatelnoe sobranie  
Kyrgyzskoy Respubliki  
Komissiya po pravam cheloveka  
Predsedatelyu SADYRBAYEVU D.

- 3) Chairman of the Chamber of People's Representatives (the upper house of parliament)  
Almambek MUTABRAIMOV

Kyrgyzskaya Respublika  
720003 g. Bishkek  
ul. Krasnooktyabrskaya, 189  
Kamera narodnyx Predstaviteleyei  
Kyrgyzskoy Respubliki  
Predsedatelyu MUTABRAIMOVU A.

- 4) Procurator General of the Kyrgyz Republic  
Asanbek SHARSHENALIYEV

Kyrgyzskaya Respublika  
720632 g. Bishkek  
ul. Orozbekova, 72  
Prokuratura Kyrgyzskoy Respubliki  
Generalno? u prokuroru  
SHARSHENALIYEVU A.

Send copies of some of your letters to diplomatic representatives of Kyrgyzstan in your country, if they exist.

# TAJIKISTAN

## *The legal framework*

Tajikistan is still using the old Soviet-era Criminal Code (in force since 1961), with amendments. Article 125 punishes "sodomy", defined as "sexual relations of a man with another man". Part one of the article punishes consenting sex by up to five years' imprisonment. Same sex relations between women are not criminalized.

Civil war between 1992 and 1997 meant that legislative revision in Tajikistan has not proceeded as quickly as in other CIS countries. The revisions that have come to the attention of AI have tended to be in reaction to law and order and public security problems exacerbated by the war, and have generally had the effect of making provisions in the Criminal Code more severe than in the Soviet-era (13 new capital offences have been added in the past two years, for example). AI has no information that repeal of Article 125 part 1 is contemplated.

## *Recommended Actions*

In letters to officials in the Supreme Council (parliament), and to the Counsellor to the President:

- Call on them to initiate moves to repeal Article 125 part 1 of the Criminal Code of the Republic of Tajikistan.

In letters to the Procurator General:

- Call on him to instruct procuracy officials at all levels not to pursue criminal prosecutions of people for consenting same-sex relations between adults in private.

In letters to all authorities:

- Urge that authorities ensure that all people are equal before the law and that the human rights of every individual in the Republic of Tajikistan are fully respected, regardless of their ethnic origin, religious or political beliefs, age, gender or sexual orientation.

## *Target addresses*

- 1) Chairman of the Supreme Council (Majlis Oliy) of the Republic of Tajikistan  
Safarali RADZHABOV

Respublika Tajikistan  
734051 g. Dushanbe  
pr. Rudaki, 42  
Verkhovny Sovet Respubliki  
Tajikistan  
Predsedatelyu RADZHABOVU S.

Fax: +7 3772 22 69 71

- 2) Chairman of the Tajikistan Supreme Council Committee for Legislation and Human Rights

Safarali KENZHAYEV

Respublika Tajikistan  
734051 g. Dushanbe  
pr. Rudaki, 42  
Komitet po zakonodatelstvu i  
pravam cheloveka pri  
Verkhovnom Sovete  
Respubliki Tadjikistan  
Predsedatelyu KENZHAYEVU S.

- 3) State Counsellor to the President on Legislative Affairs and Relations with Parliament  
Khalifabobo KHAMIDOV

Respublika Tajikistan  
g. Dushanbe  
Apparat Prezidenta Respubliki  
Tajikistan  
Gosudarstvennomu sovetniku po delam  
zakonodatelstva i otnosheniyam s  
parlamentom  
KHAMIDOVU Kh.

- 4) Procurator General of the Republic of Tajikistan  
Salomiddin SHAROPOV

Respublika Tajikistan  
734022 g. Dushanbe  
prospekt A. Sino, 126  
Prokuratura Respubliki Tajikistan  
Generalnomu prokuroru  
SHAROPOVU S.

Send copies of some of your letters to diplomatic representatives of Tajikistan in your country, if they exist.

# TURKMENISTAN

## *The legal framework*

Turkmenistan is a highly secretive and repressive country, and information about human rights and legal issues is difficult to obtain. Currently, the status of legislation concerning same-sex relations between consenting adults is not known to AI. A new Criminal Code was reportedly adopted in June 1997, but it is not clear whether this has yet entered into force, and AI has yet to obtain a copy of the text.

The previous Criminal Code (dating from the Soviet era), in Article 126, punished "sodomy", defined as "sexual relations of a man with another man". Part one of the article punished consenting sex by up to five years' imprisonment. Same sex relations between women were not criminalized. Considering the repressive nature of the Turkmen regime, it is not thought likely that same-sex relations between consenting adults have been decriminalized in the new Criminal Code.

## *Recommended Actions*

### In letters to officials in the Majlis (parliament):

- Request information about whether same-sex relations between consenting adults in private remains a criminal offence. Urge that, if the answer is yes, they initiate moves to repeal the relevant part of the Criminal Code.

### In letters to the Procurator General:

- Request information about whether same-sex relations between consenting adults in private remains a criminal offence in Turkmenistan. Urge that, if the answer is yes, she instruct procuracy officials at all levels not to pursue criminal prosecutions of people for consenting same-sex relations between adults in private.

### In letters to all authorities:

- Urge that authorities ensure that all people are equal before the law and that the human rights of every individual in Turkmenistan are fully respected, regardless of their ethnic origin, religious or political beliefs, age, gender or sexual orientation.

## *Target addresses*

- 1) Chairman of the Majlis (Turkmenistan's standing parliament)  
Sakhat Nepesovich  
MURADOV

Turkmenistan  
g. Ashgabat  
Majlis Turkmenistana  
Predsedatelyu MURADOVU S.N.

- 2) Chairman of the Majlis Committee on the State System and Legislation  
Ereshkul DZHUMAYEV

Turkmenistan  
g. Ashgabat  
Komitet po gosudarstvenoy sisteme  
i zakonodatelstvu  
Majlisa Turkmenistana  
Predsedatelyu DZHUMAYEVU E.

- 3) Procurator General of Turkmenistan  
Gurbanbibi ATAJANOVA (Ms)

Turkmenistan  
g. Asghabat  
ul. Seidi, 4  
Prokuratura Turkmenistana  
Generalnomu prokuroru  
ATAJANOVOY G.

Fax. +993 1 35 44 82

Send copies of some of your letters to diplomatic representatives of Turkmenistan in your country, if they exist.

# UZBEKISTAN

## *The legal framework*

A new Criminal Code came into force in Uzbekistan in 1995. Article 120 punishes "sodomy" (*besakalbazlyk* in Uzbek), defined as " the satisfaction of a sexual urge by a man with a man without violence", by up to three years' imprisonment. This is a small improvement on the previous criminal code, where the maximum punishment for sodomy was five years' imprisonment. Same sex relations between women are not criminalized.

## *Recommended Actions*

In letters to the Supreme Assembly officials:

- Call on them to initiate moves to repeal Article 120 of the Criminal Code of the Republic of Uzbekistan.

In letters to the Procurator General:

- Call on him to instruct procuracy officials at all levels not to pursue criminal prosecutions of people for consenting same-sex relations between adults in private.

In letters to all officials:

- Urge that authorities ensure that all people are equal before the law and that the human rights of every individual in the Republic of Uzbekistan are fully respected, regardless of their ethnic origin, religious or political beliefs, age, gender or sexual orientation.

- Note that the criminal punishment of adults for having consenting same-sex relations in private contradicts Article 27 of the Constitution of the Republic of Uzbekistan, which states that "Everyone shall be entitled to protection against encroachments on [his/her] honour, dignity and interference in [his/her] private life...".

## *Target addresses*

- 1) Chairman of the Supreme Assembly (Oliy Majlis) of the Republic of Uzbekistan  
Erkin Khamdamovich  
KHALILOV

Respublika Uzbekistan  
700008 g. Tashkent  
pl. Mustakillik  
Oliy Majlis Respubliki Uzbekistan  
Predsedatelyu KHALILOVU E.Kh.

- 2) **Parliamentary Ombudsman for Human Rights**  
Sayora RASHIDOVA (Ms)

Respublika Uzbekistan  
700008 g. Tashkent  
pl. Mustakillik 2  
Oliy Majlis Respubliki Uzbekistan  
Upolnomochennomu po pravam  
cheloveka pri Oliy Majlis  
RASHIDOVY S.

Fax: +7 3712 139 85 55

- 3) **Chairman of the Oliy Majlis Committee on Legislation and Legal Issues**  
Nurdinzhon ISMAILOV

Respublika Uzbekistan  
700008 g. Tashkent  
pl. Mustakillik  
Komitet po zakonodatelstvu i  
sudebno-pravovym voprosam  
pri Oliy Majlis  
Predsedatelyu ISMAILOVU N.M.

- 4) **Procurator General of the Republic of Uzbekistan**  
Buritosh MUSTAFOYEV

Respublika Uzbekistan  
700000 g. Tashkent  
ul. Gogolya, 66  
Prokuratura Respubliki Uzbekistan  
Generalnomu prokuroru  
MUSTAFOYEVU B.

Send copies of some of your letters to diplomatic representatives of Uzbekistan in your country, if they exist.