

EXTERNAL (for general distribution)

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Fear of imminent execution

29 April 1994

KAZAKHSTAN

Four soldiers (names not known to AI)

Four male soldiers, whose names are currently not known to Amnesty International, were sentenced to death on or shortly before 19 April 1994 by the military collegium of the Supreme Court of the Republic of Kazakhstan. They do not have the right to appeal against their sentences, in violation of international human rights standards. Although they have the right to petition to the President of Kazakhstan for clemency, to Amnesty International's knowledge the carrying out of a death sentence is not automatically suspended while such petitions are under consideration.

According to a report by the Moscow television station 2x2 TV, the four soldiers were found guilty of the murder of a family at the railway station in the town of Yesil in Torghay region, northern Kazakhstan, on 21 January 1993. The soldiers are reported to have been drunk at the time. They were also found guilty of desertion.

Amnesty International opposes the death penalty in all cases and without reservation, on the grounds that it is 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.

BACKGROUND INFORMATION

To Amnesty International's knowledge, the Kazakhstan Criminal Code retains the death penalty for 18 peacetime offences. However, statistics shown to Amnesty International by Justice Ministry officials in April 1992 revealed that between 1987 and 1991 the death penalty had been applied for only four offences: murder under aggravating circumstances, rape, threatening the life of a police officer, and banditry. In 1991, the last year for which death penalty statistics have been made available to Amnesty International, 66 people were sentenced to death for murder, and one person for threatening the life of a police officer. Execution is by shooting.

The International Covenant on Civil and Political Rights states in Article 16.5 that everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. Resolution 1984/50 of the United Nations Economic Social and Cultural Organization (UNESCO) on safeguards guaranteeing protection of the rights of those facing the death penalty states that anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction.

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

- stating Amnesty International's opposition to the death penalty in all circumstances;
- urging President Nursultan Nazarbayev to grant clemency to the four soldiers sentenced to death by the military collegium of the Supreme Court in April 1994 and to commute the death sentences;
- urging President Nazarbayev to commute all other death sentences that come before him;
- urging that everyone sentenced to death in Kazakhstan be granted the

opportunity to appeal to a court of higher jurisdiction, in accordance with internationally-agreed human rights standards.

APPEALS TO

1. The President of Kazakhstan, Nursultan Nazarbayev

Respublika Kazakhstan,

480091 g. Alma-Ata,

pl. Respubliki, 4

Apparat prezidenta

Prezidentu Nazarbayevu N.A.

Telegrams: Kazakhstan, Alma-Ata, apparat prezidenta, Prezidentu Nazarbayevu N.A.

Faxes: + 7 3272 63 76 33 or + 7 3272 63 95 95

Salutation: Dear President Nazarbayev

2. The Chairman of the Clemency Commission, Yury Khitrin

Respublika Kazakhstan,

480091 g. Alma-Ata,

pl. Respubliki, 4

Komissiya po voprosam pomilovaniya

Predsedatelyu Khitrinu, Yu.

Telegrams: Kazakhstan, Alma-Ata, Komissiya pomilovaniya, Predsedatelyu Khitrinu.

Salutation: Dear Chairman Khitrin

COPIES OF YOUR APPEALS TO:

Procurator-General of Kazakhstan, Zharmakhan Tuyakbayev

Respublika Kazakhstan,

480099 g. Alma-Ata,

ul. Zheltoksan, 189

Prokuratura Respubliki Kazakhstan,

Generalnomu Prokuroru Tuyakbayevu Zh.

Chairman of the Supreme Court, Mikhail Malakov

Respublika Kazakhstan,

480103 g. Alma-Ata,

ul. Sovetskaya, 66

Verkhovny Sud Respubliki Kazakhstan,

Predsedatelyu Malakovu M.

Minister of Defence of Kazakhstan, Sagadat

Nurmagambetov

Respublika Kazakhstan

g. Alma-Ata

Ministerstvo oborony Respubliki

Kazakhstan

Ministru Nurmagambetovu S.K.

Foreign Minister of Kazakhstan, Kanat Belemirza-uly Saudabiyev

Respublika Kazakhstan,

g. Alma-Ata,

Ministerstvo inostrannykh del

Ministru Saudabiyevu K.B.

PLEASE SEND APPEALS IMMEDIATELY.