

AMNESTY INTERNATIONAL

Open Letter

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Kyrgyzstan: Open letter from a coalition of non-governmental organizations to Askar Akayev, President of the Republic of Kyrgyzstan

Republic of Kyrgyzstan
720003 g. Bishkek
Prospekt Chuy, 205
Dom pravitelstva
Prezidentu AKAYEVU A.A.

18 December 2002

Dear President,

We greatly welcome the fact that Kyrgyzstan has not executed anyone sentenced to the death penalty since 1998, when you declared a moratorium on executions in honour of the 50th anniversary of the Universal Declaration of Human Rights (UDHR).

We appreciate that you made a clear statement against the death penalty then and that you included the abolition of the death penalty in the government's human rights program issued in January 2002.

Your leadership on this matter has without doubt contributed to the "growing trend within Kyrgyz society in favour of abolishing the death penalty", as outlined by Kyrgyzstan's delegation to the United Nations (UN) Human Rights Committee during the Committee's consideration of Kyrgyzstan's initial report under the International Covenant on Civil and Political Rights (ICCPR) in July 2000. CCPR/C/SR.1841 (Summary Record).

On 31 December 2002 the moratorium will come to an end. We urge you to continue to show decisive political leadership on this issue, not only by extending the moratorium, but also by using all appropriate powers within your remit to ensure that Kyrgyzstan fully abolishes the death penalty and enshrines this position in its constitution. Such steps would be in line with the trend in Kyrgyz society -- and indeed worldwide -- towards abolition of the death penalty.

One hundred and eleven countries -- more than half of the countries in the world

-- have now abolished the death penalty in law or practice. More than three countries a year on average have abolished the death penalty in the past decade. Every year since 1997, the UN Commission on Human Rights has adopted a resolution on the death penalty calling on states which retain the death penalty to establish a moratorium on executions with a view to abolition.

Despite the positive step of establishing such a moratorium in Kyrgyzstan, courts have continued to hand down death sentences throughout the period of this moratorium, and at least 160 persons are believed to be currently on death row. We urge you to use your constitutional authority to commute the sentences of all death row prisoners, as a further step towards full abolition. This step would bring Kyrgyzstan into compliance with the recommendation to this effect by the UN Human Rights Committee in its July 2000 concluding observations on Kyrgyzstan. We call on you to do this as a matter of urgency, not least because many of those on death row have been kept in uncertainty about whether they will be executed or not and in harsh prison conditions for years, a situation that we believe amounts to cruel and inhuman treatment.

We also urge you to ensure that Kyrgyzstan publishes comprehensive statistics on the practice of the death penalty in the country as a way of informing public debate on this issue, and in line with recommendations by the UN ECOSOC resolution 1989/64, adopted on 24 May 1989, and the Organization for Security and Co-operation in Europe Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, 29 June 1990, Paragraphs 17.7 and 17.8. on the need for sharing information.

The organizations joining this appeal are unconditionally opposed to the death penalty in all circumstances on the grounds that it is a violation of the right to life and that it is the ultimate cruel, inhuman and degrading punishment. The right to life and the right not to be subjected to cruel, inhuman or degrading treatment are enshrined in the UDHR and the ICCPR, to which Kyrgyzstan is a party.

We have great sympathy with the victims of crime and recognize the duty of the government of Kyrgyzstan 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. A survey of research findings on the relation between the death penalty and homicide rates, conducted for the UN in 1988 and updated in 1996 concluded:

"... research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. The evidence as a whole still gives no positive support to the deterrent hypothesis".

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.

The death penalty is often imposed in an arbitrary and discriminatory manner. No justice system in the world can be free from the risk of human error in applying the death penalty, yet it is an irrevocable punishment. In the USA, for example, since 1973 more than 100 US prisoners have been released from death row after evidence emerged of their innocence of the crimes for which they were sentenced to death.

The abolition of the death penalty would mark a historic step that would enhance fundamental human rights protection for future generations in Kyrgyzstan. As the President of

the Republic you have the power to take up this cause and to respond to this historic challenge.

Yours sincerely,

Irene Khan, Secretary General, **Amnesty International**

Cholpon Rahimdinova, Group Secretary, **Amnesty International -- Kyrgyzstan**

Elizabeth Andersen, Executive Director, Europe and Central Asia division, **Human Rights Watch**

Aaron Rhodes, Executive Director, **International Helsinki Federation for Human Rights**

Catherine Fitzpatrick, Director, **International League for Human Rights**

Asya Sasykbaeva, Director, **International NGO Support Centre Interbilim**

Natalia Ablova, Director, **Kyrgyz Bureau on Human Rights and Rule of Law**

Ramazan Dyrlydaev, Chairman, **Kyrgyz Committee for Human Rights**

Vitaly Ponomarev, Director of the monitoring program of human rights in Central Asia, **Memorial Human Rights Centre**

Valery Uleev, Director-Coordinator, **Justice**

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