

EXTERNAL

4 February 1997

Aleksandr GAYUROV

Tajikistan

Amnesty International has learned that Aleksandr Gayurov was sentenced to death apparently on 3 February 1997 by a court in Tajikistan for premeditated aggravated murder. An appeal is being prepared for submission to the Supreme Court. If that fails, Aleksandr Gayurov's only hope of avoiding execution will be a petition for clemency to the President of Tajikistan. Amnesty International is opposed to 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. Amnesty International is appealing to authorities in Tajikistan to do all within their power to spare the life of Aleksandr Gayurov.

Aleksandr Gayurov, aged 30, was convicted, possibly by the City Court of Dushanbe, the capital, of the murder of two Russian soldiers in February 1995. From the limited information available about his trial the details of the crime are not clear, but from Amnesty International's records it appears that Aleksandr Gayurov was convicted in relation to one of three incidents in which Russian soldiers were attacked and killed in or near Dushanbe during that month. Aleksandr Gayurov had been arrested reportedly in August 1995. The available information does not give any indication whether the prosecution identified the killing as having been politically motivated and connected with the continuing armed insurrection by forces of the mainly Islamic United Tajik Opposition (UTO) against the Government of Tajikistan, which has included attacks on Russian forces stationed in Tajikistan ostensibly as peacekeepers (see below).

According to a media report of the outcome of the trial, Aleksandr Gayurov's lawyers intend to submit an appeal to the Supreme Court on the grounds that the investigation leading to Aleksandr Gayurov's arrest had been "superficial and unprofessional".

Background information: The death penalty in Tajikistan

Tajikistan continues to use the Criminal Code of the former Tajik Soviet Socialist Republic (adopted in 1962), with amendments. Currently the Criminal Code includes 27 peacetime and 14 wartime offences which are punishable by death. In addition to retaining capital punishment for a number of economic crimes (which is at odds with a trend evident since 1991 in other former Soviet republics to remove economic crimes from the scope of the death penalty), the list of peacetime capital offences includes up to 12 offences to which capital punishment has been extended only recently, apparently by amendments made to the Criminal Code in November 1995. These new capital crimes include three relating to the narcotics trade, and several crimes against property.

Authorities in Tajikistan do not publish statistics for the application of the death penalty, and the most recent statistical data available to Amnesty International, provided by the Statistical Committee of the Commonwealth of Independent States (of which Tajikistan is a member) is for 1991, the year before the start of Tajikistan's civil war, when six death sentences were passed. From unofficial sources Amnesty International has learned of death sentences passed regularly since then, including at least three in 1996.

It is unclear, however, whether death sentences are being carried out regularly. Political prisoner Adzhik Aliyev, who had been convicted in August 1993 of a range of anti-state and violent offences connected with the civil war, was reportedly put to death in September 1994 in circumstances which are unclear. No judicial executions have since come to the attention of Amnesty International, and in November 1996 the organization received notification from the office of the head of the Dushanbe city administration that five prisoners who had been sentenced to death in 1994 were still alive and on death row. In May 1995 the Government of Tajikistan agreed, pending the outcome of peace negotiations which are continuing, not to carry out death sentences on opposition supporters awaiting execution for crimes connected with the civil war, but it is not clear whether any or all of the five above-mentioned prisoners fell into this category. Furthermore, a sixth prisoner who had consistently been included alongside these five in appeals by Amnesty International was not mentioned in the November 1996 communication from the Dushanbe administration, and Amnesty International is consequently unaware of his fate.

Amnesty International has consistently pressed the authorities in Tadjikistan to reduce the scope of the death penalty as a step towards total abolition; to impose a moratorium on death sentences and executions pending a review of this punishment; and to publish comprehensive statistics on its application. It has urged commutation of all pending death sentences, including each individual death sentence that comes to its attention.

Background information: Attacks on Russian military personnel in Tajikistan

There are currently two predominantly Russian military units stationed in Tajikistan: the 201st motorized rifle brigade of the Russian Army which is garrisoned in Dushanbe (formerly a division of the Soviet Army, this brigade remained in Tajikistan by agreement between Russia and Tajikistan after the demise of the USSR), and the CIS Collective Peacekeeping Forces in Tajikistan, comprising mainly Russian troops but including small Uzbek, Kazak and Kyrgyz contingents. Officially both these units are described as "peacekeepers" playing a neutral role in the conflict and deployed solely to protect key installations and the Tajikistan-Afghanistan border and assist in humanitarian tasks including distribution of aid and facilitating safe return of refugees. However, there have been a number of reports, including by United Nations military observers, of Russian forces acting in concert with Tajik government troops in offensive actions against positions occupied by UTO forces, in some cases resulting in civilian casualties. In the light of such reports Russian military commanders have repeatedly denied playing anything but a neutral and defensive role in the conflict.

Throughout the armed conflict in Tajikistan, units guarding the border have come under attack both by insurgents from the UTO and by criminal gangs trying to smuggle narcotics from Afghanistan, resulting in many casualties among the Russians. There have also been numerous killings of individual members of the Russian military and their families, especially in Dushanbe, but responsibility for these killings has remained largely unclear. Commentators have speculated on a number of motives, and it is probable that the motives behind the various killings are not uniform: murders of individual Russians have been variously attributed to units of the UTO forces; to organized criminal gangs commanded by non-UTO warlords interested in the continuing destabilization of Tajikistan; to rivalry within the narcotics trade (in which some Russian soldiers are alleged to have become involved); and to random acts of criminality.