

11 November 2002

Further information on UA 148/02 (EUR 57/001/2002, 17 May 2002 - Death penalty/torture/ill-treatment)

KAZAKSTAN **Mikhail Vershinin (m), aged 27**
 Evgeniy Turochkin (m), aged 26
 Sergey Kopay (m), aged 35, his brother

The hearing of the Collegium of the Supreme Court of Kazakstan on 17 December will be the last chance for Mikhail Vershinin, Evgeniy Turochkin and Sergey Kopay to have their death sentences reviewed by a court. If their appeal against the death sentences is unsuccessful, their only hope will be to ask the President to grant them clemency.

Mikhail Vershinin's family recently wrote to Amnesty International: "The news that you are going to issue another action before the hearing at the Supreme Court gives hope to Mikhail and our family."

Those who sent appeals in response to the original UA received replies from the City Procuracy of Almaty, where the three men were sentenced, and from various embassies of Kazakstan abroad. The authorities' replies only addressed reports that the men were tortured to force them to confess. The replies did not address the fundamental issue of the death penalty as a violation to the most fundamental human right - the right to life - which had been expressed by appeal writers.

In a letter of 11 June Mr Mamytov, First Deputy of the City Procurator of Almaty, wrote that "at the court hearings ... the defendants stated that during the investigation they were psychologically and physically pressurized by police officers to force them to confess. How exactly this pressure looked like was not stated by the defendants [and] no concrete complaints were received to this respect from the defendants." Tamirlan Shakirov, the Consul of Kazakstan to the United Kingdom, stated in his letter of 9 August that "all detectives and policemen in charge of this criminal case have been examined, all details of this case as well as the video records of investigative actions have been checked and no evidence confirming torture and other violent acts has been found." Mr Mamytov wrote that "according to the forensic examination, no traces of bodily injuries or injections ... were found." Therefore, he concluded, "the confessions ... were admissible as evidence in the case."

However, Sergey Vershinin, Mikhail Vershinin's father, reiterated that the men were tortured to force them to confess and that the confessions were the only evidence that the verdict was based on. He stated that several complaints were submitted to the authorities, which gave details about the torture his son allegedly underwent in pre-trial detention. He gave dates for the submission of these complaints, including one submitted on 17 November 1999 and one of 31 January 2001. However, the authorities reportedly did not include these documents in the official documentation of the case. Mikhail Vershinin allegedly stated repeatedly in court that policemen at Iliysy District police station in Almaty beat him on the back of his head and kicked his feet, and that officers threatened him with torture if he retracted his confession. Three witnesses who gave evidence in court reportedly stated that they were psychologically pressurized by officials to testify against the three men, and one of them was reportedly beaten by officers. In addition, Sergey Vershinin also stated that forensic examinations were carried out to discover whether the defendants

were of sound mind at the time of the alleged crime and not in order to establish whether the defendants had been tortured. The doctors that carried out the examination were not independent, but state-employed.

BACKGROUND INFORMATION

Bolat Baykadamov, the first Commissioner for Human Rights in Kazakhstan, was appointed on 20 September. He and senior government officials, including the President, have made statements in favour of moves towards abolition of the death penalty in recent months. The chair of the Supreme Court, however, favours its retention.

Amnesty International believes that the treatment of family members of death row prisoners in Kazakhstan amounts to a form of mental cruelty. Families are not informed about the date of execution in advance. They usually learn about the execution by telegram, one week after it has been carried out. Even then they are not allowed access to the body, and they are only told the place of burial two years later.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Russian, Kazak or your own language (Kazak fax numbers may be difficult to reach. If a voice answers, repeat 'fax' until you hear the signal. Fax machines may be switched off outside office hours - six hours ahead of GMT):

- welcoming the recent statements by the President and Bolat Baykadamov, the newly appointed Commissioner for Human Rights, to move towards abolition of the death penalty;
- encouraging the authorities to commute the death sentences of Mikhail Vershinin, Evgeniy Turochkin and Sergey Kopay as a first step towards abolition of the death penalty, to impose a moratorium on executions, and to commute all pending death sentences;
- stating that you oppose the death penalty because it violates the most fundamental human right, the right to life;
- expressing sympathy for the victims of crime and their families, but pointing out that the death penalty has never been shown to deter crime more effectively than other punishments, and is brutalizing to all those involved in its application;
- urging the authorities to send you evidence to prove that the defendants in this trial were not tortured, including by sending you copies of all medical examinations conducted of the defendants, or otherwise, to open a thorough and impartial investigation into allegations that the three men were tortured to force them to confess.

APPEALS TO:

President of the Republic of Kazakhstan, Nursultan NAZARBAEV

Respublika Kazakhstan; 473000 g. Astana; ul. Beybitshilik 11; Apparat Prezidenta; Prezidentu RK; NAZARBAEVU N.A.; KAZAKSTAN

Fax: + 7 3172 32 61 82

Salutation: Dear President

Procurator General, Rashid TUSUPBEKOV

Respublika Kazakhstan; g. Astana; pr. Pobedy, 31; Prokuratura RK; Generalnomu prokuroru; TUSUPBEKOVU R.; KAZAKSTAN

Salutation: Dear Procurator General

Human Rights Commissioner of Kazakhstan, Bolat BAYKADAMOV

Respublika Kazakhstan; 473000 g. Astana; ul. Beybitshilik 2;

Upolnomochennomu po pravam cheloveka RK; BAYKADAMOVU B.; KAZAKSTAN

Fax: + 7 3172 321767

Salutation: Dear Mr Baykadamov

COPIES TO:

Foreign Minister of the Republic of Kazakstan, Kasymzhomart TOKAEV

Respublika Kazakhstan; 473000 g. Astana; ul. Beybitshilik, 10; Ministerstvo inostrannykh del RK; Ministru TOKAEVU K.; KAZAKSTAN

Fax: + 7 3172 32 7667

Chairman of the Supreme Court, Kayrat MAMI

Respublika Kazakstan; 473000 g. Astana; ul. Zh. Omarova, 57; Verkhovny Sud RK; Predsedatelyu MAMI K.; KAZAKSTAN

Chairman of the Clemency Commission of the Republic of Kazakstan, Zinaida FEDOTOVA

Respublika Kazakhstan; 473000 g. Astana; ul. Beybitshilik 11; Apparat Prezidenta; Komissiya po pomilovaniyu; Predsedatelnitse FEDOTOVOY Z.L.; KAZAKSTAN

Fax: + 7 3172 32 24 51 / 32 27 09

Salutation: Dear Chairman

and to diplomatic representatives of Kazakstan accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.