

# AMNESTY INTERNATIONAL TAJIKISTAN: APPEAL CASES

10 May 2002; AI Index: EUR 60/004/2002; public

## **Death sentences: Muhammadjon ASOMIDDINOV and Murodjon USMONOV**

The Tajik Supreme Court has recently confirmed the death sentences passed on Muhammadjon Asomiddinov and Murodjon Usmonov, according to a report by the official Tajik news agency Asia-Plus on 19 April 2002. The two men had been sentenced to death by Soghd Regional Court in the north of the country.

Now the only recourse available to them is to petition the Tajik President for clemency. The new Code of Executing Sentences adopted in August 2001 entitles prisoners to a stay of execution while their clemency petitions are being considered. The President is obliged to decide on each petition within four months.

According to one of the Supreme Court judges who heard the appeal the two men had stopped at the house of two elderly ladies in their local district of Bobojon Ghafurov in October 2001, intent on stealing their two cows and three sheep. In the course of the theft they are reported to have beaten the two women with heavy metal objects, stabbed them and then cut off their heads. They were convicted under Article 104 (2) (f) of the Tajik criminal code of "Premeditated murder with exceptional cruelty". A third man who was tried with them - Abdusattor Rahmatov - had his death sentence commuted to 25 years' imprisonment on appeal.

## **BACKGROUND INFORMATION**

Tajik law prescribes the death penalty for 15 offences - not all of them connected with violence - and "murder" is punishable by death in no fewer than sixteen aggravating circumstances under Article 104(2) of the Criminal Code. The death penalty is discretionary, which means that judges can choose to impose imprisonment instead.

Nevertheless, AI has learned of no fewer than 74 death sentences passed in 2001 and 5 executions. Since the official death penalty statistics are not accessible to the public, it is probable that the true figures for both categories are higher. Only two death sentences were reported commuted over the same period. The population of Tajikistan is around six million.

Between June 1995 and November 1998 *de facto* moratorium on death sentences and executions was in place in Tajikistan. Since August 2001 the Tajik press has published articles by several human rights lawyers, calling for capital punishment to be restricted, citing known judicial mistakes in the past. In January 2002, however, the Chair of the Criminal Cases Collegium of the Supreme Court - Fakhriddin Dodomatov - said that current legal guarantees were adequate to prevent mistakes and that, in his view, the country was not ready for abolition.

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## Recommended actions:

Please send politely worded faxes/telegrams/airmail letters in English, Russian, Tajik or your own language, (note that it can be difficult getting through to fax numbers in Tajikistan. If a voice answers, repeat 'fax' until you hear the signal; otherwise it is advisable to leave your fax machine on auto-redial. Sometimes faxes work only during office hours. Tajikistan is 5 hours ahead of Greenwich Mean Time)):

- pointing out that clemency is the prerogative of the powerful, and urging the President to use his constitutional authority to commute the death sentences passed on Muhammadjon Asomiddinov and Murodjon Usmonov, and to impose a moratorium on death sentences and executions in line with international trends towards abolition of the death penalty;
  - 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 - as it did not in this case - and is brutalizing to all those involved in its application;
  - welcoming the public debate on the death penalty that has begun in Tajikistan, and urging the authorities to develop it further by de-classifying the statistics on death sentences and executions in Tajikistan, in line with Article 17.8 of the 1990 Copenhagen document with which Tajikistan is obliged to comply as a member of the Organization for Security and Co-operation in Europe.
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### Write to:

1. **President Rakhmonov/** Respublika Tajikistan/ g.Dushanbe/ pr.Rudaki 80/ Prezidentu RAKHMONOVU I.Sh.  
FAX: + 00. 992. 372. 21 25 20; +00. 992.372. 21 18 37  
(Salutation: "Dear President Rakhmonov")
2. **Tajik Minister of Justice, Khalifabobo HOMIDOV**  
Respublika Tajikistan/ 734025 g.Dushanbe/ prospekt Rudaki 25, Ministerstvo Yustitsii Respubliki Tajikistan/ Ministru HOMIDOVU Kh..  
FAX:+00 992. 372. 21 80 66  
(Salutation: "Dear Minister")  
  
Bobojon Ghafurov District, where the murders took place, is the Justice Minister's electoral constituency.
3. **Chair of Tajik Supreme Court Plenum, Ubaydulo DAVLATOV**  
Respublika Tajikistan/ 734018 Dushanbe/ ul N. Karabayeva 17/ Verkhovny Sud respublikii Tajikistan, Predsedatelyu DAVLATOVU U.A.  
(Salutation:"Dear Chairman")
4. **Chair of Clemency Commission of the Supreme Council (Ms Gulchekhre SHARIPOVA)**  
Respublika Tajikistan/ 734051 g.Dushanbe/ pr. Rudaki 42, Komissiya po voprosam pomilovaniya, Verkhovny Sovet Respubliki Tajikistan, PRESEDATELYU

(Salutation: "Dear Madame Chairman")

**5. Procurator General of Tajikistan Bobojon BOBOKHONOV**

Respublika Tajikistan /734043 g. Dushanbe/ prospekt A. Sino 126/ Prokuratura Respublikii Tajikistan, Generalnomu Prokuroru BOBOKHONOVU B.K.

(Salutation: "Dear Procurator General")

Send copies of your letters to:

- the Chair of the Soghd Regional Court which passed the original sentence (name not known)  
Respublika Tajikistan/ g. Khujand/Oblastnoy Sud/ Predsedatelyu
- the Ambassador of Tajikistan to your country (if there is one)
- the Director General of Asia-Plus news agency which published the report (Name Unknown)  
Respublika Tajikistan/ Dushanbe/Agenstvo novostey "Asia-Plus" / GENERALNOMU DIREKTORU
- the Tajik Permanent Representation at the United Nations in New York (Name Unknown):  
Permanent Representative to the UN of the Republic of Tajikistan, 136 East 67<sup>th</sup> Street, New York NY 10021, USA. Fax: 00 1 212. 628 0252; 00 1 212. 472 7645

**DURATION OF APPEALS: 4 MONTHS**

**PLEASE SEND ANY REPLIES FROM THE TAJIK AUTHORITIES AS SOON AS POSSIBLE TO THE INTERNATIONAL SECRETARIAT OF AMNESTY INTERNATIONAL. (South Caucasus and Central Asia Research and Campaign Team; Amnesty International; 1 Easton Street; London WC1 X ODW; United Kingdom)**