

EXTERNAL (for general distribution)

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Death Penalty

6 July 1992

TURKMENISTAN: Bayramgeldy CHARYYEV

(name in cyrillic ??????????? ??????)

Amnesty International fears that Bayramgeldy Charyyev may face imminent execution, having been sentenced to death in Turkmenistan for murder. His sentence has been upheld by the Supreme Court of Turkmenistan, and a petition to the President of Turkmenistan for clemency has been turned down.

Bayramgeldy Charyyev was born in 1969, is married, and comes from Gyzylyarbat in the Balkan region of Turkmenistan, where he worked as a shepherd on a state farm. He was found guilty of the murder of two men and sentenced to death on 5 November 1991 by the Balkan Regional Court sitting in the city of Nebit Dag. The sentence was upheld on appeal to the criminal cases collegium of the Turkmenistan Supreme Court on 15 January 1992, but it has been alleged that the appeal hearing violated the code of criminal procedure since the defendant and his lawyer were not present, the lawyer having not been informed about when the hearing was to take place. A petition to the President for clemency was turned down apparently in May.

According to the information received by Amnesty International Bayramgeldy Charyyev was due to be transported on 28 May 1992 from Turkmenistan to a prison in Tashkent, the capital of neighbouring Uzbekistan, where his sentence was to be carried out. Before the break-up of the USSR in late 1991 not all republics had their own places of execution, and it was therefore common for prisoners sentenced to death in one republic to be executed in a neighbouring republic. Amnesty International is aware, however, that since the break-up of the USSR some of the now independent republics have discontinued executions of prisoners sent from neighbouring republics. It is possible, therefore, that Bayramgeldy Charyyev's death sentence has not yet been carried out.

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. Amnesty International is appealing to the President of Turkmenistan to reconsider his earlier refusal and to exercise his constitutional authority to commute the death sentence passed on Bayramgeldy Charyyev.

BACKGROUND.

To Amnesty International's knowledge, the Criminal Code of Turkmenistan retains the death penalty for 18 offences in peacetime. Information about

the application of this punishment is meagre in the absence of any published official statistics. Execution is by shooting.

RECOMMENDED ACTION: Telegrams/express and airmail letters

- urging that President Saparmurad Niyazov reconsider his earlier rejection of Bayramgeldy Charyyev's petition for clemency, and commute the death sentence passed on Bayramgeldy Charyyev;

- urging that a moratorium be imposed on death sentences and executions pending a comprehensive review of the death penalty.

Page 2 of UA 226/92

APPEALS TO:

1. President of Turkmenistan:

Turkmenistan

g. Ashgabat

Prezidentu Turkmenistana

NIYAZOVU S.A.

Telegrams: Turkmenistan, g. Ashgabat, Prezidentu Niyazovu, S.A.

Salutation: Dear President Niyazov

2. Chairman of the Clemency Commission of the Turkmenistan Mailis:

Turkmenistan

g. Ashgabat

Komissiya po voprosam pomilovaniya Majlisa Turkmenistana

Predsedatelyu

Telegrams: Turkmenistan, g. Ashgabat, Komissiya pomilovaniya Majlisa, Predsedatelyu.

Salutation: Dear Chairman

COPIES TO:

1. Procurator-General of Turkmenistan:

Turkmenistan

g. Ashgabat

Prokuratura Turkmenistana

Generalnomu prokuroru

KHARCHENKO A.I.

2. Chairman of the Supreme Court of Turkmenistan:

Turkmenistan

744000 Ashgabat

prospekt Lenina, 18

Verkhovny Sud Turkmenistana

Predsedatelyu ATAYEVU Kh.A.

3. The Minister of Foreign Affairs of Turkmenistan:

Turkmenistan

g. Ashgabat

Ministerstvo inostrannykh del Turkmenistana

Ministru KULIYEVU A.O.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,

or your section office, if sending appeals after 17 August 1992.