

## Report of Chairman of the Kyrgyz Committee for Human Rights

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### Death penalty in Kyrgyzstan

On December 29, 2005 new President of KR has signed the Decree about prolongation since January 1, 2006 of term of the moratorium on execution of verdicts of courts concerning the persons condemned to an exclusive measure of punishment - death penalty, up to its full cancellation in the legislative way. The new moratorium, differs from the previous themes that the death penalty in a place of that is to constants while the previous moratoriums of former authority speculated with formal adherence to human rights, i.e. that will completely be cancelled every year prolonged, thus of a condition of the maintenance sentenced awful, are brutal.

Now in the country about 180 people wait for execution of the supreme measure of punishment. In total prisoners in our country is about seventeen thousand, and some years this figure essentially does not vary. That begins with people expecting execution of the supreme measure of punishment after its cancellation, nobody knows. Whether they will receive different terms or start beginning to hold in prisons for life, will be placed on separate territory or together with other prisoners - there are a lot of questions. Now condemned men contain in the isolation ward for temporary allowance on the same conditions, as other prisoners. They were not settled in single chambers as it is necessary under the law - simply the place does not suffice. Nevertheless, not looking that the moratorium on execution operates, verdicts to a death penalty continue to be taken out. Only for last year, on the data of Ombudsman, in republic 20 verdicts about an exclusive measure of punishment are born. He informed about it at a meeting with the management of Central Asian project of the international group on prevention of crises. Part of such prisoners as asserts Ombudsman, die, not waiting for executions of a verdict, - from a tuberculosis or, more often, as a result of suicides.

The human rights defenders consider, that execution for criminal acts in Kyrgyzstan should be cancelled in general. While the human rights defenders call to declare urgently in courts the moratorium on removal of verdicts to the supreme measure of punishment. As those cases are frequent when the state prosecutors ask nominal this kind of punishment. And courts continue to take out verdicts to a death penalty. For example in Batken, accusation has demanded the supreme measure of punishment for four participants of May events in Batken area. As public prosecutor of Batken area Ryskul Baktybaev informed, in area of Kadamdzhai court judicial consequence on the case about participants of May 12, 2006 events has ended. Accusation has demanded to sentence to the supreme measure of punishment of N.Shadiev, T.Zhoroev, M.Hudzhaev, M.Rakhmanov, and also 20 years of imprisonment - M.Zhoroev, and 12 years of imprisonment for D.Nishanbaeva.

According to the judge conducting the process of Rahmatylo Irisov, judicial session will proceed on October 3.

From among the condemned to death penalty on belief of lawyers and the human rights defenders there are affairs in which the question is miscarriage of justice, i.e. the born verdict is illegal as is born without the sufficient bases.

At former board the facts of " performance of orders of Chinese People's Republic » on all prosecution objectionable for it to take place. Arrested people in KR Uigurs were given out in Chinese People's Republic where they were threatened with tortures and death or they were judged in KR on affairs in which their fault "has been proved" to actually far-fetched proofs which for often contradicted each other. And the born verdicts are nothing than other as discredit of justice democratic and lawful state of Kyrgyzstan. The Uigur public of Kyrgyzstan including the human rights organization "Democracy" is sure that have condemned them illegally. For example:

- SHAKY POSITION or prosecution for that that the Uigur or the order of the big neighbour? The Supreme court of Kyrgyzstan one of these days has taken out a final verdict on sensational business about murder of the leader of Uigurs of Kyrgyzstan Nigmat Bazakov. Concerning the citizen of Uzbekistan Otabek Ahadov the death sentence is left in force, which was accepted in December, 2001 by Sverdlovsk regional court, and then kept without change by the Bishkek city Themis. The supreme measure of punishment has been appointed for execution in Bishkek, near Alamedin market, chairman of society "Ittipak" Nigmat Bazakov. Also Ahadov have recognized guilty of fulfilment of act of terrorism concerning the Chinese citizens, that he was a member of extremist organization "SHAT", other evil deeds. However Nina Zotova the lawyer of the condemned has made the official statement to journalists, that the Supreme court has taken out " the unprecedented decision ", upheld a verdict about a death penalty. As she said, in 11th tome affairs are not present authentic and indisputable proofs of participation Ahadov to this punishment. For example, father of the victim, Abdihadyr Bazakov, in the indications asserted. that on the day of murder saw " shooting, similar on Dunganee, Korean or the Chinese ". And the defendant on the appearance in any way did not approach under this description. He is of high growth also is similar to Causasus. A video shooting of the Uigur public, in Europe has been distributed, among the international organizations including the European Parliament and in opinion of Uigurs former Kirghiz authorities did it specially to discredit Uigurs in Kyrgyzstan. Zotova considers, that investigation has been constructed on inconsistent indications of witnesses. From the very beginning there was an impression that have detained people not involved in the murder. Moreover, Zotova has resulted the conclusions medicolegal

investigation, confirming, that from the citizen of Uzbekistan of the indication simply beat out. Actually accusation has been constructed on written recognitions accused though Ahadov in the beginning refused from them, but has subscribed under threat of ex-tradition him back home or to China. And there it is known, that with terrorists it happens - at once to a wall.

- - The Sverdlovsk regional court of the capital has taken out a verdict of two defendants, accused in partnership in murder of deputy of Zhogorku Kenesh Bayaman Erkinbaev. Accused Ruzimetov has declared, that did not accept participation in murder of the deputy. and the weapon, of which illegal storage accuse (automatic device AKSU with 419 cartridges, pistols φφ, Margolin), has got for self-defense. The second accused Batyrov swore, that there were no conversation with Erkinbaev about the heroine. As he said, he, as a good friend of Bayaman, has arrived to Bishkek under his invitation and was with him till death. Grateful indications has given under pressure of inspector of NSS. However the court has not taken into account these statements, having considered fault of defendants convincingly proved.

- Ahmed Gyunan the citizen of Turkey, Askar Tohti native SUAR citizen of Turkey, Chotchaev Nazyr the citizen of the Russian Federation, Bahramzhan Ahmad native SUAR citizen of Chinese People's Republic are sentenced by the Osh city court to an exclusive measure of punishment. They were accused of creation of criminal community, the organization of acts of terrorism in Osh. Some from the above-named people never were in Kyrgyzstan. Also assert that distances grateful indications under pressure and application of force on the part of employees of NSS. In opinion of lawyers of the defendants, the specified verdict is exclaim to the illegal, contradicting materials collected on business and based on doubtful conclusions of court. Rights of defendants were roughly broken, he have not been given translators, the right on protection has not been provided during carrying out of the investigation. The proofs collected on business contradict each other. And the facts confirming the basic accusations in general are not present.

- Sentenced to a death penalty hold hunger-strike. On September 28, 2006. It is more than 10-days of holding hunger-strike by Rustam Valiahmetov. He is accused of murder of several people in Bishkek on January 28, 2005 has been sentenced by a verdict of Sverdlovsk regional court, to a death penalty with confiscation of property. In opinion of lawyer Valiahmetov Yana Galiulina, in the case of her client there are no proofs which would testify to fulfilment by Valiahmetov of crimes incriminated to him as which he does not recognize.