

Mr. Jean Asselborn
President-in-office of the Council of the European Union
Ministry of Foreign Affairs of the Grand Duchy of Luxembourg
Luxembourg

Brussels, 28 January 2005
B 448

EU-Uzbekistan Co-operation Council Meeting in Brussels, 1 February 2005

Dear Mr. Asselborn,

In view of the forthcoming EU-Uzbekistan Co-operation Council on 1 February 2005, Amnesty International urges the EU to adopt a more robust approach to Uzbekistan's failure to take tangible steps towards the abolition of the death penalty.

Amnesty International calls on the EU to ensure that the human rights situation in Uzbekistan will be adequately reflected in your forthcoming talks with the Uzbek government.

In particular, we ask the EU to raise its concern that Uzbekistan has failed to take any fundamental steps towards the abolition of the death penalty. The application of the death penalty represents the worst consequence of the country's flawed criminal justice system. Uzbekistan has not even adhered to key provisions concerning the death penalty in its National Action Plan against torture. For example in the Plan, Uzbekistan committed itself to preparing "recommendations to ministries and agencies on mandatory implementation of interim measures" issued by the UN Human Rights Committee, in the second quarter of 2004. However, at least four prisoners were executed in 2004 while their cases were under consideration by the UN Human Rights Committee, in violation of Uzbekistan's obligations under the first Optional Protocol to the International Covenant on Civil and Political Rights. This brought the total number of such executions to at least 14.

According to a statement by President Islam Karimov on 2 December 2004, between 50 and 60 people were sentenced to death that year. Comprehensive statistics on the number of death sentences and executions remain secret, making it impossible to verify government statements that the number of death sentences has decreased in recent years.

Death sentences are passed within a criminal justice system that is seriously flawed by widespread corruption and the failure of courts to investigate allegations of torture. Death row prisoners and their relatives are not informed of the date of execution in advance, and the location of the burial sites of executed prisoners remains secret, which constitutes cruel and inhuman treatment of relatives. Prison conditions on death row continue to fall far short of international standards. Amnesty International has received allegations that death row prisoners are regularly beaten and not allowed outdoor exercise.

Anti-death penalty activists and their relatives continue to be harassed and intimidated by the authorities in many cases. The authorities' harassment of the mother of Mrs. Tamara Chikunova, director of the human rights group *Mothers against the Death Penalty and Torture*, who was a key-note speaker at the EU Human Rights Forum in The Hague in December 2004, illustrates their situation. At six o'clock in the morning of 29 September 2004 an investigator from Mirobad district procuracy in Tashkent came to the house of her mother. The investigator told the 78 year-old woman, who is confined to her bed, that he had an arrest warrant for her daughter on accusations that she had carried out pickets that had led to unrest in the Ferghana valley and in Tashkent. There were strong

indications that the authorities targeted her mother to put pressure on Mrs. Chikunova who was in the Netherlands at the time on a speakers' tour organized by Amnesty International.

We would like to remind the EU that while the Co-operation Council in January 2004 "welcomed Uzbekistan's announcement of a reduction in the number of crimes subject to the death penalty", the reduction of the number of articles in the Criminal Code carrying the death penalty from four to two crimes was no more than a window-dressing exercise. To our knowledge, the two articles that were dropped - "genocide" and "initiating or waging of an aggressive war" - had never been used.

Amnesty International urges the EU to firmly call on the Uzbek authorities to:

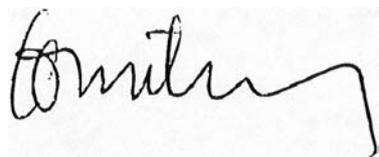
- take immediate steps towards abolition of the death penalty by promptly introducing a moratorium on death sentences and executions;
- ensure that no further executions take place of those death row prisoners on whose behalf the Human Rights Committee has requested a stay of execution;
- end the secrecy surrounding the application of the death penalty and publish comprehensive statistics;
- ensure that relatives of death row prisoners are not subjected to cruel and inhuman treatment, in particular, that they are informed of the date of execution in advance and of the location of the site of burial; and
- ensure, in line with the EU Guidelines on the Protection of Human Rights Defenders, that local human rights defenders and activists working for the abolition of the death penalty in the country are not harassed and intimidated by the authorities and that they can engage in human rights work without hindrance.

As a result of the introduction of moratoria in Kazakstan, Kyrgyzstan, Tajikistan and the abolition of the death penalty in Turkmenistan, Uzbekistan is now the only executioner in Central Asia. We hope that the EU will build on the regional trend towards abolition at the upcoming EU-Uzbekistan Cooperation Council meeting. Such an initiative would also reinforce the recommendation by the UN Special Rapporteur on Torture in his February 2003 report, according to which the "abolition of the death penalty would be a positive step towards respect for the prohibition of torture and other forms of ill-treatment."

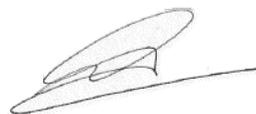
We look forward to hearing from you about the outcome of your discussions with the Uzbek government.

Thank you in advance for your consideration and support on this matter.

Yours sincerely,



Dick Oosting
Director
Amnesty International EU Office



Virginie Giarmana
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