

## **Time for Tajikistan to End Death Penalty**

**Author:** [Zarina Ergasheva](#)

Government should move from moratorium to full abolition, leading lawyer says.

A lawyer working for the Tajik interior ministry says that five years after introducing a moratorium on executions, it is time to abolish capital punishment altogether.

In an interview for IWPR, Karim Soliev, deputy head of the Academy of the Ministry of Internal Affairs, said the move would bring Tajikistan into line with its obligations under international law.

Tajikistan introduced moratorium on carrying out the death penalty in 2004 and no executions have taken place since then. But capital punishment remains on the lawbooks, making Tajikistan the only Central Asian state where this is the case for common crimes, as opposed to exceptional circumstances such as in time of war.

IWPR asked Soliev to explain why he thinks it is time to move forward to total abolition.

**Karim Soliev:** There always have been and always will be supporters and opponents of the death penalty, and Tajikistan is no an exception. The announcement of a moratorium on the death penalt, in a speech to parliament which the president of Tajikistan [Imomali Rahmon] delivered in April 2004 was an important step for our country. As the head of state noted, “no one can deprive anyone else of the right” to life.

It should be recognised that the death penalty issue and attitudes to it in our country... is gradually changing, I would say in a positive way. Evidence of this can be seen in state policies such as initially cutting the number of crimes subject to the death penalty, and subsequently applying a moratorium to ordering the death sentence and carrying it out.

There can be no doubt that in the near future, there can be no place for the death penalty in a civilised society, all the more so given that Tajikistan has declared itself to be part of the international community, which means respecting and following its principles.

The next step for the country’s political leadership and legislature should be to abolish this ultimate punishment, as has been done in many countries of the world, including members of the Commonwealth of Independent States.

**IWPR:** Is the public in Tajikistan ready to accept the idea of abolishing the death penalty?

**Soliev:** The public generally finds it hard to accept the idea of dropping the death penalty from the list of criminal penalties. That’s probably a result of the difficult history of violence [1992-1997 civil war] and harsh circumstances which people have endured. This shapes the view that crime must be dealt with by harsh measures. Hence, the public often demands that criminals are executed.

I believe that we need to conduct a survey to find out what public view is. I don’t think there’s a need to put it to a referendum; that wouldn’t produce a positive outcome for resolving this problem. I can say in advance that the majority of Tajikistan’s population would favour preserving the death penalty. If public opinion had been taken into account, no country would have abolished it.

I think the authorities should demonstrate political courage and push through the solution of the problem, unilaterally. According to the human rights organisation Amnesty International, more than 100 countries have abolished capital punishment. Several dozen of countries retain and use the punishment.

When the First World Congress Against the Death Penalty took place in Strasbourg in 2002 under the aegis of the Council of Europe, participants called on all world countries to abolish the death penalty. Terrible statistics were presented at the congress, estimating that about seven per cent of the death sentences carried out were erroneous or were handed down unfairly.

**IWPR:** The moratorium in Tajikistan means capital punishment is replaced by life imprisonment. The authorities say there aren’t suitable facilities to accommodate convicts serving life sentence. Ought this problem to be solved first?

**Soliev:** An institution of this kind needs to be built, we mustn’t forget about it. But we cannot wait until new facilities for lifers have been built, and fail to live up to our international humanitarian obligations.

**IWPR:** En route to abolition, the Tajik government needs to work on public attitudes and also amend the national legislation. What needs to be done in the latter regard?

**Soliev:** One of the objectives of the legal system reform currently being carried out in Tajikistan is to bring national legislation into line with the standards of international law. The 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights, which seeks the abolition of the death penalty, is of no small importance here. But our country has not ratified this protocol yet.

Second, we need to overcome what seems to be a constitutional problem – article 18 of Tajikistan’s constitution permits the application of capital punishment for particularly grave crimes. Now, crimes of this kind may be committed in peacetime and may be of a non-military nature. The constitution allows deprivation of life, but it does not require it; it makes [executions] possible but not mandatory. This leads us to conclude that this constitutional provision is optional rather than fundamental.

The constitution needs to contain a clarification that declaring the citizen’s rights, freedoms and interests as the supreme good presupposes abolition of the death penalty in peacetime, although it does not exclude its use in wartime, for the most heinous war crimes.

I believe this would allow us to bring our national legislation fully into line with the Second Optional Protocol.

**Zarina Ergasheva is an IWPR-trained reporter in Tajikistan.**

*This article was produced jointly under two IWPR projects: Building Central Asian Human Rights Protection & Education Through the Media, funded by the European Commission; and the Human Rights Reporting, Confidence Building and Conflict Information Programme, funded by the Foreign Ministry of Norway. The contents of this article are the sole responsibility of IWPR and can in no way be taken to reflect the views of either the European Union or the Foreign Ministry of Norway.*

**Location:** [Tajikistan](#)

**Topic:** [Human rights](#)

---

**Source URL:** <https://iwpr.net/global-voices/time-tajikistan-end-death-penalty>