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**Central Asia as a Model for Abolishing
the Death Penalty**

Analyzing the Factors and Strategies that could lead to the
Region's Status as the First Death Penalty-Free Zone in the
World.

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Abstract

The main objective of this thesis is to analyze the factors and strategies that could lead Central Asia and Mongolia to become the first regional death penalty free zone in the world. A comprehensive overview about the imposition of the death penalty as a sanctioning measure will be presented, followed by a more in depth research on the situation of the extended Central Asian region, overviewing the trajectory of some countries in the eradication of the death penalty. The ultimate intention of this research project is to examine how Central Asia could reach the final objective of eradicating these types of punishments, taking into account the bilateral and multilateral abolitionist initiatives that are being applied, as well as the issues that are complicating this purpose. Lastly, an insight will be done on how this achievement could catalyze similar regional initiatives to abolish the death penalty, ultimately contributing to the global abolition of capital punishment.

Key Words

Death Penalty, Capital Punishment, Abolition, Central Asia, Human Rights.

Resumen

El objetivo principal de esta tesis es analizar los factores y estrategias que podrían llevar a Asia Central y Mongolia a convertirse en la primera región del mundo libre de pena de muerte. Se presentará un panorama general sobre la imposición de la pena de muerte como medida sancionadora, seguido de una investigación más a fondo sobre la situación Asia Central, en la que se examinará la trayectoria de algunos los países en la erradicación de la pena de muerte. La intención final de este proyecto de investigación es examinar cómo Asia Central podría alcanzar el objetivo de erradicación de este tipo de castigos, teniendo en cuenta las iniciativas bilaterales y multilaterales abolicionistas que se están aplicando, así como los factores que podrían dificultar este propósito. Por último, se analizará cómo este logro podría catalizar iniciativas regionales similares para abolir la pena de muerte, contribuyendo en última instancia a la abolición mundial de la pena capital.

Palabras Clave

Pena de Muerte, Pena Capital, Abolición, Asia Central, Derechos Humanos.

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1. INTRODUCTION

This thesis attempts to explore Central Asia's aspiration of becoming the first geographical death penalty free zone. Extended Central Asia includes Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, Uzbekistan and Mongolia, all former states of the Soviet Union except for Mongolia, have traditionally practiced capital punishment as a form of criminal justice. The death penalty was a frequent form of punishment in the USSR (Union of Soviet Socialist Republics), mostly due to "political crimes, economic crimes, and crimes against the person." (Van den Berg, 1983). Even after independence, Soviet customs remained not only in theory but also in practice, which included capital punishment as a form of restorative justice. It was not until eight years after the dissolution of the Soviet Union, in 1999, that Turkmenistan became the first abolitionist country in Central Asia. After Turkmenistan, the rest of the countries started their path towards abolition: Kyrgyzstan in 2007, Uzbekistan in 2008, Mongolia in 2016 and Kazakhstan in 2022. The main reason behind this, which will be exposed in detail further on, is the desire to be accepted by the international community and to leave behind the Soviet reputation they had. Adapting to the required standards by the international community and adhering to international treaties, especially those of human rights, was necessary to consolidate the newly formed States as democracies in the eyes of the world. Abolishing the death penalty was one of the main steps taken to prove their commitment to human rights, and currently with Tajikistan being the only country which still has capital punishment in its legal framework, despite being on a moratorium since 2004, the goal of becoming the first Death Penalty Free Regional Zone in the world seems closer than ever.

This research project will cover the historical, legal, political and societal factors of this transformation, analyzing the incentives and deterrents, especially considering the socio-political situation worldwide. A deep focus will be put on the legislative changes this objective came with, the support of international organizations and creation of international agreements, as well as regional collaborations which contributed to a shift away from capital punishment. By examining the successes and challenges of the abolitionist countries, these being: Turkmenistan, Kyrgyzstan, Uzbekistan, Mongolia and Kazakhstan, the lessons can be applied as case studies for Tajikistan, which is the only remaining country in the region to pass from a moratorium to full abolition, and hopefully, these case studies can also serve for the whole world in pursuit of abolishing the death penalty worldwide.

Since we are facing a complex historical period, this thesis will cover the issues concerning the death penalty and terrorism, specifically focusing on the changes since the Taliban occupation of Afghanistan, as well as the current relations with Russia. Lastly, the extended Central Asian objective will be compared with other important regional projects such as the abolition of the death penalty in the Community of Portuguese Language Countries or in South America. This initiative is key not only in order to redefine global discourse on the abolition of the death penalty and impulse change, but also to redefine the idea of Central Asia as a region that pursues human rights evolution.

1.1 Objectives and Research Questions

The objective of this thesis is to investigate how Central Asia is attempting to become the first regional death penalty free zone, and the viability of this. The research questions that will be examined throughout the project are the following:

1. What is the current situation of the death penalty in extended Central Asia? What paths have each of the countries taken towards abolition?
2. Which treaties and international agreements have been the most pertinent in the abolition of the death penalty in Central Asia? Do civil society and international organizations have a role in fulfilling the final goal?
3. What was the role of the death penalty in the Soviet Union and how has this affected the abolition of the death penalty in Central Asian countries? How did the different paths of independence affect the pursuit of human rights, including the abolition of the death penalty, in each country?
4. How have geopolitics affected the death penalty and its abolition in extended Central Asia? What are the current threats that could be hindering the objective of regional abolition? How much of an importance does terrorism have?
5. How realistic is it for extended Central Asia to turn into the first geographical “Death Penalty Free Zone”? What are other regional initiatives?

2. METHODOLOGY

The methodology for this thesis will be mainly based on comprehensive investigation. Firstly, a conceptual approach will cover basic terminology to understand concepts related to the death penalty that will be developed throughout the essay. This will be followed by a theoretical framework, which will briefly explain the main legal documents that have had an impact on the abolition of the death penalty in the region. As civil society and non-governmental organizations have played a key role in the process so far, and are crucial in order to achieve the final goal of regional abolition, a section will be dedicated to present some of the most important ones. The main part of the thesis will be exposed in a case study form, presenting each of the countries in extended Central Asia and their path to abolition. As domestic reasons are not sufficient to understand why a country has turned abolitionist, or what is deterring it from taking the step, the posterior section will cover geopolitical aspects that could be influencing the current situation. Lastly, and with intentions of getting some insight of what the future could look like for extended Central Asia, a recent timeline of events on the subject will be exposed, as well as other regional initiatives from which they could take lessons from. The thesis will be finalized with conclusions from each point as well as personal observations and learnings.

For this thesis, it was key to have a wide variety of trustworthy sources. The sources used varied from public documents provided by international organizations, an array of studies on the subject, as well as legal frameworks such as the Constitutions and Criminal Codes from each Central Asian country. The bibliography was both used for general information throughout the essay, as well as for specific quotes.

3. CONCEPTUAL APPROACH

3.1 Phases of Abolition

Before covering specific aspects of the death penalty, it is key to explain some of the terms that will be mentioned for more clarity. First, we must expose the different phases of abolition of the death penalty, and the title the country receives according to each phase. In general terms, a country can be: retentionist, abolitionist or under a moratorium. When a State uses

the death penalty as a punishment, this country is known as retentionist. Retentionist countries are those which actively carry out executions, not necessarily all the ones which still have the death penalty in their legal system. On the other side, abolitionist countries are those who have abolished the death penalty completely and prohibited it explicitly in their legal provisions. Within abolitionist countries, a subdivision can be made regarding the countries that have abolished the death penalty for all crimes, and those who still maintain its possible use in war time, which to this day is still generally accepted within the international community (Amnesty International, 2023b). The abolitionist country will receive the title of abolitionist for ordinary crimes only, where the death penalty is only covered in military law or exceptional circumstances, or abolitionist for all crimes, whose laws prohibit the death penalty in any case.

In the phase between being a retentionist country and becoming an abolitionist one, countries tend to implement a moratorium as a transitional step. A moratorium is “a stopping of an activity for an agreed amount of time” (Cambridge Dictionary, n.d) in this case, concerning the death penalty. Moratoriums can take two routes when talking about capital punishment; first, a moratorium only on executions, meaning the country can still sentence people to death but not execute them, and second, on both death sentences and executions. While usually countries are only classified as retentionist or abolitionist, a term that is unofficially used is abolitionist in practice. Those countries who are abolitionist in practice have not executed anyone for at least ten years, meaning a decade of a moratorium on executions. (Aves, et al., 2023). Although the existence of countries with this status seems like a positive step forward, the reality is that executions can be reinstated at any time as moratoriums are not legally binding.

3.2 Punishable Crimes.

In order for a person to be sentenced to death, the crime committed must be what is considered a most serious crime, this is “crimes in which a victim is killed.” (Death Penalty Information Center, n.d.b). Any other crimes in which a death sentence is handed out go against international law and human rights standards. Despite this being the legal premise, executions have been carried out in 2022 for other crimes. This included 325 executions for drug related crimes (37% of all executions) (Amnesty International, 2023c), economic

crimes, apostasy, kidnapping, rape, and different forms of treason; acts against national security, espionage and questioning the leader's policies, among others.

It must also be noted that there are certain groups of people that cannot receive the death penalty as a sentence, according to international law. In the first place, there are children and young adults under the age of 18. According to Article 37 of the United Nations Convention on the Rights of the Child (CRC), "neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age." (Convention on the Rights of the Child, 1989). Furthermore, according to the Cornell Center on Death Penalty Worldwide, "in almost every country in the world, it is illegal to execute a pregnant woman. Of the 92 countries that retain the death penalty, 83 have passed laws prohibiting the execution of pregnant women." (Cornell Law School, 2012). Although it is not forbidden in all countries, the vast majority of them prohibit the execution of pregnant women and in general terms this prohibition is respected.

3.3 Inequality and the Death Penalty.

As mentioned in the point above, there are certain groups of people who cannot receive the death penalty as punishment. Despite this, a group that faces difficulties because the prohibition is not codified are people who suffer mental illnesses. Although the United Nations Commission on Human Rights has specifically stated "not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person" (United Nations Commission on Human Rights, 2001), without a binding restriction, the prohibition remains only as a recommendation. "While detailed constraints on the penalty are articulated in the treaties, none of them explicitly creates an exception for the execution of persons with mental illness" (Wilson, 2016). According to the Equal Justice Initiative (n.d) "mental health experts estimate at least 20% of people on death row today have a serious mental illness."

Another of the most common forms of inequality which occurs when giving out death sentences is racial inequality. According to the Oklahoma Coalition to Abolish the Death Penalty (2015), white defendants are less likely than other minorities to be sentenced to death for the same crimes: "blacks are three to four times as likely to be sentenced to death as whites charged in similar cases." (Oklahoma Coalition to Abolish the Death Penalty, 2015).

Additionally, it is much more likely that a person is given the death sentence for executing a white person over a black person. As stated by the Death Penalty Information Center (n.d.f), “when executions have been carried out exclusively for murder, 75 percent of the cases involve the murder of white victims, even though about half of all homicide victims in America are black.” (Death Penalty Information Center, n.d.f).

Furthermore, executions tend to occur among impoverished people and other marginalized communities. As mentioned by the Equal Justice Initiative (n.d) “whether a defendant will be sentenced to death typically depends on the quality of his legal team more than any other factor.” Due to capital punishment cases being complex and time-consuming, the fees that tag along with them are extremely elevated. It is often that the free legal assistance that may be given is of low quality, and many become active only at the trial stage, meaning they are often interrogated and investigated without a lawyer (UN Office of the High Commissioner for Human Rights, 2017). Lastly, gender biases also exist when facing a possible death sentence. Discrimination based solely on stigmas, stereotypes and patriarchal norms difficult women's access to a proper defense and representation. Furthermore, the trials for women have been noted as less transparent and more unfair, facing “long-term abuse, violence and sexual assault” (Amnesty International, 2021) while on death row.

In many of the countries that conserve the death penalty, a trend can be seen relating capital punishment to the presence and executions of minorities. Marginalized and discriminated groups are often more vulnerable to the death penalty and have higher chances of being disproportionately sentenced. Keeping this form of punishment guarantees those in power that minoritarian groups will not try to overcome them. These people will never be executed explicitly due to their belonging to a community, but it is often seen that the majority are sentenced with doubtful crimes such as drug trafficking and possession. Cases of abuse on minorities concerning the death penalty are seen in all parts of the world, and can be seen especially in the countries that most use this form of punishment. For example, in Iran in 2023, twenty percent of the executions were members of the Baluch minority, even though they only represented 5% of the country’s population (Iran International, 2024). Other minorities such as the Kurds and the Ahwazi Arabs also face disproportionate levels of executions (Amnesty International, 2023a). China, which although official statistics are not released, is the country with the most executions per year, and has been accused of even committing genocide due to the mass executions that take place among the Uyghur minority

and other muslim groups in the region of Xinjiang (BBC, 2022). The list continues: Saudi Arabia frequently executes the Shi'a minority (Amnesty International, 2022), in India not too long ago 76% of prisoners on death row were "backward classes and religious minorities" (Death Penalty India Report, 2016), and in Singapore most of the prisoners executed in 2023 were indigenous minorities from India and Malaysia (Death Penalty Information Center, 2023). What these figures show is that countries that conserve the death penalty tend to have a percentage of minorities, and most likely keep the form of punishment as a way of repressing them, among other reasons. Without a doubt, this worrying number of executions on marginalized groups represents a clear abuse of human rights.

3.4 Reasons to abolish the Death Penalty.

According to the United Nations Universal Declaration of Human Rights of 1948, humans have not only the right to live, but to be able to do so without facing any torture or cruel, inhuman or degrading treatment or punishment. Despite this, the death penalty as a form of punishment breaches both of these rights (Amnesty International, 2021). This point will cover the most prominent ideas towards why the death penalty should be abolished. First and foremost it can be argued that the death penalty does not achieve its initial goal, which is reducing crime. The Italian philosopher Cesare Beccaria (1738–1794) mentioned that the death penalty was not efficient from a utilitarian point of view, as instead of correcting the criminal, it simply eliminated it (Dziurkowski, 2016). The lack of correlation between the two can be seen in many studies, for example, one carried out by the Death Penalty Information Center which shows that murders in 2020 in the United States were higher in states with the death penalty as a form of punishment (7.5 murders per 100,000 versus 5.3 murders per 100,000) (Death Penalty Information Center, n.d.c).

The second argument for the abolition of the death penalty is its irreversibility. Since 1973 more than 191 prisoners on death row in the USA have been exonerated, which raises the concern on how many executed people were actually innocent. According to the Innocence Project, defendants can be wrongfully convicted because of "police and prosecutorial misconduct, ineffective assistance of counsel, eyewitness misidentification, unreliable forensic evidence, racial bias" (Innocence Project, 2023), among others. Furthermore, the death penalty serves as a political weapon in certain countries, highlighting those who have it as a punishment for crimes such as treason and attempts to change the regime. One of the

most recent and well known cases is Iran, which used capital punishment as a form of ending with protests against the regime. Lastly and as stated in a point above, death penalty sentences are often discriminatory. Minorities coming from impoverished backgrounds and racial groups face more chances of being sentenced to death, and are faced with limiting preconditions such as lack of access to legal representation and other resources.

Although these reasons seem understandable, countries that still retain the death penalty argue against these points. This may be due to the influence of religion, a long trajectory of the death penalty as a form of punishment, or the consideration that capital punishment deters crime, among many other reasons. For example, it is common to see the death penalty as punishment in those countries that are governed following the Sharia law. This is not to be confused with Islamic countries, as not all have the death penalty in their system. According to the Quran, life can be taken “by way of justice and law” (Quran 6:151). The use of capital punishment can be applied to those known as *qesas* crimes which involve homicide and physical injury, and *hudud* crimes, which are crimes against God, for example adultery (Asif, 2021). When a *qesas* crime is committed, the interpretation of the Quran is an eye for an eye, which in the case of murder would result in execution “if you punish, punish with an equivalent of that which you were harmed.” (Quran 16:126).

Another case is China, which as mentioned previously, is considered to be the country that carries out the highest number of executions every year. The issue in China is the high percentages of public support for the death penalty, with approximately 68% of the population supporting this form of punishment (Lewis, 2011). This high percentage of support is mainly due to the way the death penalty tackles issues such as corruption. Due to the way Chinese politics and elections function, it is not hard for corruption to take place, and if this matter is fought efficiently through executions, the Chinese population prefers this guarantee on social peace and political stability (Amin, 2019). Lastly, in countries such as the United States, the main reason behind keeping the death penalty is deterrence of crime in general, believing that punishment would prevent criminals from carrying out unlawful actions. Considering the dangerousness of the criminal, supporters of the death penalty in the United States fear the possibility that the criminal might commit another crime in the future if not executed (Jones, 2022).

3.5 The current global situation of the Death Penalty.

According to the World Coalition Against the Death Penalty, in 2022 there were 55 countries which still had the death penalty in their legal system, of which 20 of them made use of it in the past year (World Coalition against the Death Penalty, 2023). As stated by Amnesty International (2022c) in the latest facts and figures available, in 2022 there were 883 executions recorded, these without taking into account the hundreds of cases in countries such as China, North Korea and Vietnam, where secrecy on the subject prevents the confirmation of specific numbers. This number means there was a shocking increase of 53% from 2021, which recorded 579 executions. Fifty nine percent of these executions took place in the Middle East and North of Africa, with the highest number of executions occurring in Iran and Saudi Arabia. Four countries out of these (China, Iran, Saudi Arabia and Singapore) also carried out executions for drug-related offenses, which is prohibited according to international human rights law as it is not considered within the most serious crimes¹. In 2022, the records stated 28,282 people were serving a death sentence, as of official confirmation. Afghanistan, Singapore, Kuwait and the State of Palestine retook executions after a halt, and Myanmar's military performed its first executions after a 40 year moratorium.

Despite the alarming increase in executions and the abuse of the death penalty as a method of punishment for crimes which do not allow it, the year 2022 also resulted in progress towards abolition as six countries became abolitionist, both partially or wholly. Kazakhstan, Papua New Guinea, Sierra Leone and the Central African Republic abolished the death penalty for all crimes, and Equatorial Guinea and Zambia abolished the death penalty for ordinary crimes only, maintaining capital punishment in military situations. This results in 112 countries being abolitionist for all crimes, 9 abolitionists for ordinary crimes and 23 which have abolished it at least in practice (World Coalition Against the Death Penalty, 2023). These numbers can be better put into perspective in the map on the status of the death penalty worldwide presented in Figure 1 below. The remaining 23 countries which are abolitionists in practice are considered as such because although they still have the death penalty as a punishment in their legal system, executions have not been carried out in the past 10 years. Although not fully considered abolitionists, further progress has been made in Liberia,

¹ According to International Law, the death penalty can only be used as a punishment for the most serious of crimes. These crimes follow what is known as aggravated circumstances; crimes of severe nature, often murder, towards which the accused shows heinousness and no remorse. (Cornell Law School, 2022).

Malaysia and Indonesia with important legislative changes. Additionally, Gambia, Maldives and Sri Lanka are also currently under a moratorium for executions. Although executions still take place in these countries, it must be mentioned that notable reductions were seen in Iraq, Jordan, Lebanon and Yemen.

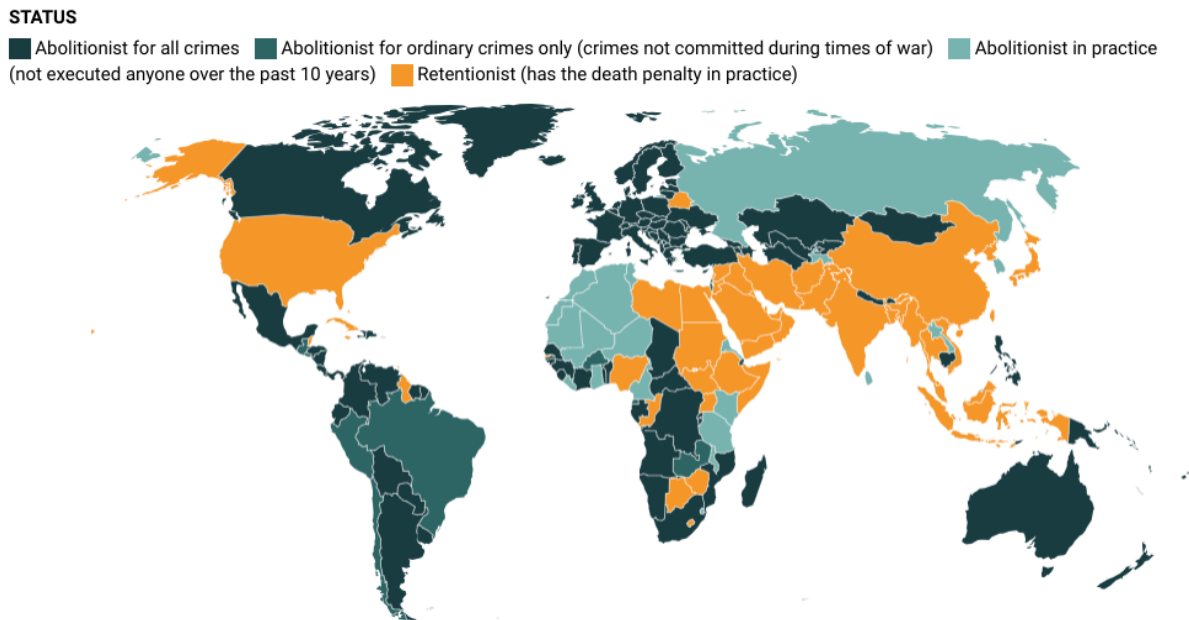


Image 1. Map of Death Penalty Status Worldwide. Source: Duggal & Ali, 2023.

3.6 The Contemporary Abolitionist Movement.

Over 85 countries have abolished the death penalty since 1976 (Death Penalty Information Center, n.d.a.), proving a constant evolution of the abolitionist movement that exists worldwide to this day. During the late 19th and early 20th century, the death penalty was considered necessary and justifiable “on the ground that society needed to be purged of incorrigible, dangerous and undesirable persons” (Zainabo Kayitesi & Iya, 2021). After the Second World War the attitude towards the death penalty changed and countries started to move, slowly but steadily, towards abolition, with its peak around the 1990’s. The concern for human rights in the international community has especially risen since the start of the decade, with the presence of more regional and international organizations that work towards abolition, “in terms of members and organisational budgets (on average, +98% between 2012-2022)” (Harm Reduction International, 2023). The increasing concern for this topic can also be reflected in the votings of the UNGA Moratorium Resolution, in which all the countries present in the General Assembly of the United Nations vote every two years for the

signing of an agreement on a global moratorium. In 2007 there were 107 votes in favor, while in 2022 this number increased to 125 (General Assembly of the United Nations, 2007). The appearance of stronger democracies with stable governments consequently led the death penalty to be a contradiction to equal and free citizenship. In order to put the immense rise of abolitionist countries in perspective, in 1988 there were only 35 completely abolitionist countries, and the rate of growth was at one abolitionist country per year (Hood & Hoyle, 2008). Seven years later, the number of abolitionist countries almost doubled, having 60 abolitionist countries in 1995.

An array of reasons exist towards why this increase has occurred in the past years. One of the main observations can be the relation between the abolition of the death penalty and the development of a country. Those countries that have experienced a democratic transition, currently have strong functioning institutions, and have moved away from armed conflict are more likely to focus on human rights (Mortensen, 2008). The emergence of human rights law and the new perspective towards these rights marked a before and after for the death penalty. Human rights quickly turned into the equivalent of democracy and freedom, especially for those countries which came from colonialism and imperialism. In this sense, abolishing capital punishment meant removing tyrannic power from the government over citizens, and guaranteeing a free and politically plural democracy.

Although these domestic reasons are a precondition for a country to pursue abolition and the initiative remains statal, the movement is pushed by the international community. It is a lot more likely for a country to abolish the death penalty if it is pressured by other abolitionist countries, especially its neighbors or the members of a regional group it may be part of. This is the case of the Council of Europe, which declared Europe to be a death penalty free continent in 1999, making it a precondition for any country that wanted to become a member to adopt a moratorium and accede to abolition in a determined time. Following the steps of the Council of Europe came the European Union, who adopted the same precondition. From that moment on, the European Union has worked together with third countries to impulse global abolition. For example, in 1998 the European Union created a set of guidelines called the Guidelines to European Union Policy towards Third Countries on the Death Penalty. Diplomatic initiatives like these did not cease on the European Union's behalf, and in 2001 they created a resolution on The Death Penalty in the World, making an international call for a moratorium on executions.

In this sense, the development of international initiatives that pursued abolition were a key part of the abolitionist movement at the time, and still are one of the key instruments to promote and guarantee the elimination of capital punishment. When the International Covenant on Civil and Political Rights (ICCPR) was drafted in 1957, it was the first international treaty that mentioned that the death penalty could only be applied for limited crimes, these being the most serious ones. This was complicated at the time because it was open to interpretation from one country to another, as the crimes which entered the category of most serious were not enumerated. In 1977, twenty years later, the United Nations General Assembly emphasized that the article which stated that the death penalty could only be applied for the most serious crimes (Article 6) was intended to restrict crimes with the intention of abolition. The European countries took matters into their own hands and in 1982 created the Protocol No 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) by the Council of Europe. This treaty stated in Article 1 the abolition of the death penalty in peacetime. Some years later, inspired by this European treaty, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty was adopted. Treaties with similar nature flourished with the start of the new decade, such as the Protocol to the American Convention on Human Rights and the Asian Human Rights Charter (Neumayer, 2008). Although these of course do not include all the countries in the region, and therefore cannot guarantee abolition, these international agreements are key aspects of the abolitionist movement.

Lastly is the important role of civil society organizations, NGOs and public opinion. There are currently hundreds of organizations, both national and international, which form a solid part of the abolitionist movement. These organizations started taking a more important role in the 21st century (Warren, 2020). Many of these, as will be seen in the following section, work in the form of alliances or Transnational Advocacy Networks. This last term refers to “relevant actors working internationally on an issue, who are bound together by shared values, a common discourse, and dense exchanges of information and services” (Keck & Sikkink, 1999). Here, the common goal of these actors is to strengthen the abolitionist movement: creating a loop of dialogue between the organizations, the States and the international community.

3.7 Global Advocacy and Support Networks for Death Penalty Abolition.

The global abolition of the death penalty is currently pursued by hundreds of groups and organizations worldwide. From larger and more renowned international organizations such as the United Nations Human Rights Council, to smaller local initiatives, the end of capital punishment is fought for in every corner of the world. The existence of these groups is necessary to start regional debates and put international pressure on leaders to protect human rights. Their existence is also important for research and the creation of reports, which helps mobilize public opinion and bring awareness to the subject. Some of the most well known groups that pursue global advocacy for the abolition of the death penalty include Amnesty International, Penal Reform International and Human Rights Watch, as well as the ones following which will be explained in more detail.

3.7.1 United Nations Human Rights Council

The United Nations stands strong in supporting the global abolition of the death penalty, stating it is a violation of human rights as it “is not consistent with the right to life and the right to live free from torture or cruel, inhuman or degrading treatment or punishment.” (UN Office of the High Commissioner for Human Rights, n.d). More specifically, the organ which works towards global abolition is the United Nations Human Rights Council, created in 2006 replacing the United Nations Commission on Human Rights and composed of 46 members representatives of the State parties. The Council is the most important international forum for the debate on human rights issues such as the death penalty. The Council has the ability of adopting resolutions on a subject, which although not binding, can create strong political and diplomatic pressure against a country.

Within the Human Rights Council is the Human Rights Committee, one of the 10 Treaty Bodies of the United Nations. This body is composed of 10 independent experts which assess the fulfillment of the International Covenant on Civil and Political Rights² by the signing States. It must be mentioned that this organ is pertinent for the abolition of the death penalty because it also monitors the adequate following of the optional protocols, including the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming

² See point 4.1 for a further explanation on the International Covenant on Civil and Political Rights.

to the abolition of the death penalty. If abolition keeps pushing forward at the current positive rate, the creation of a Treaty Body for the abolition of the death penalty could be feasible. As the Treaty Bodies cover concerning issues on human rights, such as: racial discrimination, torture, and enforced disappearances, among others, it would be realistic to consider the creation of a Committee on the Abolition of the Death Penalty.

3.7.2 World Coalition Against the Death Penalty

The World Coalition Against the Death Penalty is made up of 160 groups, including NGOs, authorities and unions. Created in 2002, the main purpose of the alliance is to reach the global abolition of the death penalty. The organization works on two main aspects, on one side international advocacy focusing on the importance of abolition, and on the other, local support actions towards abolitionist forces in retentionist countries (World Coalition Against the Death Penalty, n.d.). In a way it is a support mechanism for these 160 groups which work individually in the regional or national sphere, but receive common support and international visibility through the alliance. The World Coalition Against the Death Penalty has a strong representation in the international sphere such as the World Congress Against the Death Penalty and once every two years the United Nations General Assembly. Furthermore, it has designated the 10th of October the World Day Against the Death Penalty, movement which was supported by over 180 local initiatives including eventually the Council of Europe and the European Union. Their work includes global and regional support for the signature of protocols against the death penalty, support towards the imposition of a moratorium and the strengthening of civil society in order to prevent the return of the death penalty.

3.7.3 International Commission against the Death Penalty.

The International Commission against the Death Penalty (ICDP) is “an independent body of politically influential people with international standing – supported by a diverse group of 23 governments from all world regions – working to free the world from the death penalty.” (International Commission against the Death Penalty, n.d.a). The ICDP was founded in October of 2010 as a result of a Spanish initiative, which currently holds its headquarters in its capital, Madrid. The Commission has a high international recognition and has among its Commissioners former Presidents, Prime Ministers and United Nations officials, among other influential persons. In aims of abolishing the death penalty globally, the ICDP carries out

strategic actions such as contact with high representatives of countries and international organizations, creates appeals and statements for abolition, and mobilizes public opinion with conferences and through investigation and the creation of reports.

The ICDP will be further mentioned throughout the thesis due to the important role it has in supporting extended Central Asia in their achievement of becoming the first regional death penalty free zone. The organization is a clear example of how influential bodies can incite countries towards abolition through regional and international cooperation.

4. THEORETICAL FRAME: LEGAL FRAMEWORK AND INTERNATIONAL AGREEMENTS

Throughout the thesis a series of legal documents, international agreements and initiatives done by States and International Organizations will be exposed, in order to understand how countries have worked together to reach the final objective of abolishing the death penalty globally. It is of great importance to understand these legal frameworks as they will allow an insight into how the international community regulates the death penalty, and regarding the regional treaties, how Central Asia could use them as reference.

4.1 International Covenant on Civil and Political Rights.

The International Covenant on Civil and Political Rights (ICCPR), adopted on the 16th of December of 1966 by the United Nations General Assembly resolution 2200A (XXI), is the ‘father treaty’ to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The ICCPR is “a key international human rights treaty, providing a range of protections for civil and political rights” (American Civil Liberties Union, 2013), which obligates those countries who are part of it to respect the preservation of a series of human rights, including the right to life and human dignity, which concerns the abolition of the death penalty. The ICCPR is tied to the Human Rights Committee, which was created to monitor if the treaty was being implemented correctly. The Human Rights Committee is made up of 18 independent experts “who shall be persons of high moral character and recognized competence in the field of human rights.” (Article 28, International Covenant on Civil and Political Rights, 1966).

In this treaty, the death penalty is covered in Part III, Article 6. The point that summarizes the whole idea, Article 6.1, goes as follows “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” (International Covenant on Civil and Political Rights, 1966). Furthermore, it states that the death penalty should only be given to those who have committed the most serious crimes, and that the right to seek pardon or commutation is inherent. Lastly, another key point stated in this article is that the death penalty shall not be carried out on minors under the age of eighteen and pregnant women. As observed in previous points, many countries unfortunately do not follow the rules of this treaty, making the issue of the death penalty more complicated to control.

[4.2 Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty.](#)

The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, is one of the most important legal documents to our days regarding the abolition of the death penalty. This is because it is the only international treaty which prohibits executions and aims for a global abolition of capital punishment. This treaty was adopted on the 15th of December of 1989 by Resolution 44/128 of the General Assembly, and entered into force on the 11th of July of 1991 (Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, 1989). This agreement was based on Article 3 of the Universal Declaration of Human Rights, and Article 6 of the International Covenant on Civil and Political Rights. Currently there are 90 state parties to the treaty, highlighting Kazakhstan, Turkmenistan, Uzbekistan, Kyrgyzstan and Mongolia from extended Central Asia. Once a State signs the treaty, it is their obligation to report back to the Human Rights Committee on the fulfillment of their obligations related to the treaty, which after the first review within the first year tends to be every four years per request of the Committee.

As stated by the Special Rapporteur Marc Bossuyt, this treaty is especially relevant because of two reasons, “first, to constitute an international engagement by States parties to abolish the death penalty, and, secondly, to act as a “pole of attraction” to encourage by example States that have not yet made such a commitment to do so.” (World Coalition Against the

Death Penalty, 2008). This second point is of great importance regarding Central Asia. Lastly, it must be mentioned that reservations can be made regarding the use of the death penalty during times of war for the most serious crimes of military nature, but these reservations can only be done at the time of ratification. Apart from this specific point, the death penalty cannot be reintroduced without it being considered a violation of international law.

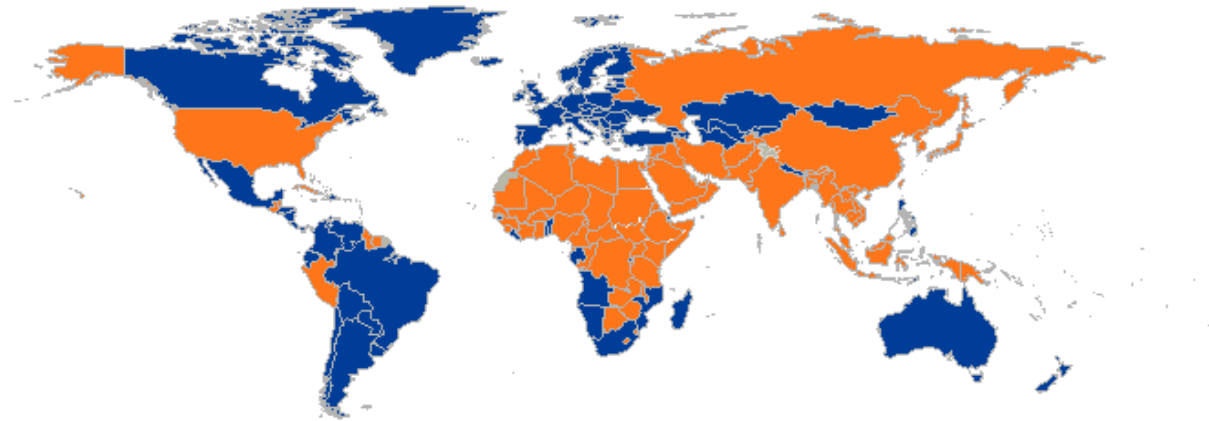


Image 2. Status of Ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Source: UN Office of the High Commissioner for Human Rights, 2023.

4.3 Protocol to the American Convention on Human Rights to Abolish the Death Penalty.

The Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted on the 8th of June of 1990, is an optional protocol that any state party to the American Convention on Human Rights can become part of. The American Convention on Human Rights, adopted on the 22nd of November of 1969, is a convention mainly focused on civil and political rights of the 25 members, which come from Central and South America, not including the United States. According to its preamble, the main objective of the convention is “to consolidate in this hemisphere, within the framework of democratic institutions, a system of personal liberty and social justice based on respect for the essential rights of man” (American Convention on Human Rights, 1969). The optional protocol to abolish the death penalty has been signed by 13 of the States, who are committed to not using the death penalty in any situation during peacetime (Protocol to the American Convention on Human Rights to Abolish the Death Penalty, 1990). Although the convention in itself does cover the death

penalty specifically in Article 4 “the death penalty shall not be reestablished in states that have abolished it” and “in countries that have not abolished the death penalty, it may be imposed only for the most serious crimes” (Protocol to the American Convention on Human Rights to Abolish the Death Penalty, 1990), this additional protocol pursues the total abolishment of the death penalty by all members.

This convention is interesting for Central Asia as it too attempts to create a Death Penalty Free Regional Zone, and it could serve as a good source of inspiration on the importance of regional cooperation. The creation of a convention like this one in Central Asia could strengthen the links between the countries and stimulate regional cooperation especially regarding human rights. Agreements as such create unison between the states and common goals, which in a near future could push Tajikistan to abolish the death penalty in order to fit in with the standards of the region and the expectations of the neighboring countries.

4.4 Treaty on a Nuclear-Weapon-Free Zone in Central Asia.

The importance of this treaty lies within the regional cooperation behind it, rather than the content of the treaty itself. Even though this agreement does not touch the subject of the death penalty, it was one of the first regional cooperation treaties created in Central Asia. This legally binding commitment was signed on the 8th of September of 2006 by all five Central Asian States, with the desire to “provide security, stability and peace in the region, address environmental concerns and create the necessary conditions for regional development and stability.” (United Nations, 2006). The treaty, which bans the presence, acquisition and production of nuclear weapons, meant a great advance in security and development in the region. During the times of the Soviet Union, Central Asia was a zone where nuclear weapons were tested and deployed, and it is currently also landlocked between two nuclear States. What this shows is the positive levels of regional cooperation between these countries to achieve a complicated goal in order for a safer future. Creating these mechanisms of dialogue and proving that the legal instruments to create treaties between the States exist gives positive insight into what could be a Death Penalty Free Zone Treaty. Although the example does not concern human rights and the specific subject, it is a great incentive for Central Asian states to remind themselves of what they are capable of doing when working together, and the positive outcomes regional cooperation could have.

4.5 UNGA Resolution on a Moratorium on the use of the Death Penalty.

Despite not being a treaty or agreement like the previously mentioned, this United Nations General Assembly (UNGA) resolution is one of the main initiatives that stimulates retentionist countries to apply a moratorium on the death penalty, in hopes of abolition. The first resolution took place on the 18th of December of 2007. Since then, every two years the members of the United Nations General Assembly vote against or in favor of a possible moratorium for the death penalty. These resolutions are an effective way of seeing the changing trends in the country's, and their possible paths towards abolition. In the last resolution, which took place on the 15th of December of 2022, all countries of extended Central Asia voted in favor of the moratorium, which creates hope for regional abolition (World Coalition Against the Death Penalty, 2022).

5. STATE OF THE ART

5.1 Death Penalty in Central Asia

As a reminder, the countries which form Central Asia are: Turkmenistan, Kyrgyzstan, Uzbekistan, Tajikistan and Kazakhstan, adding Mongolia for extended Central Asia. Number wise, the current situation of the death penalty in extended Central Asia seems positive. As of April of 2024, the only country left to abolish capital punishment from its Constitution is Tajikistan, which has been on an official moratorium since its last execution in 2004. During the past three decades the countries of extended Central Asia have worked towards improving the human rights situation in the region, including the abolition of the death penalty as part of their commitment with the international community. As of last year, the extended Central Asian countries have attempted to create a Treaty on a Zone Free from the Death Penalty in Central Asia and Mongolia, an initiative led by Turkmenistan who voiced the proposal at the 78th session of the UN General Assembly. Despite this positive progress, without the formal abolition of Tajikistan as the missing piece, the proposal remains impossible. Although it may seem like the finish line is closer than ever, several national, regional and international elements have to be taken into account when taking a deeper look into why Tajikistan is taking so long to abolish the death penalty. In order to understand the current situation and how possible it seems for a treaty like this to become reality in the following years, it is key

to analyze the history of the death penalty in these countries and how their transition to abolition became possible, as well as point out the ongoing efforts done by the countries and support groups.

5.2 History of the Death Penalty in Central Asia. The Soviet System.

The history of the death penalty in Central Asia cannot be understood without going back in time to when these Eurasian countries formed part of the Union of Socialist Soviet Republics (USSR), more referred to as the Soviet Union, from 1922 to 1991. The death penalty, despite socialist principles which tend to prioritize correction and re-education in order to treat criminality, was frequently used throughout most of the history of the USSR (Amnesty International, 1991). In fact, the Soviet Union was to be the “first European revolutionary state that would rule without the death penalty” (Skorobogatov, 2018), as socialism was supposed to rehabilitate people, including criminals of any type. The death penalty was abolished on three occasions, from 1917-18, 1920-21 and 1947-50, yet beyond these years executions were heavily relied on as a form of punishment. In order to put numbers into perspective and going further back in history, in the times of the RSFSR (Russian Soviet Federative Socialist Republic), previous to the USSR, around 20,000 people were executed in the span of two years (1918-1920), and even this number is cut short as it comes from official statistics, which are not always trustworthy (Hood & Hoyle, 2008). It is to note also that at this time, death sentences were not even handed out by sentencing by a court after trial, but rather by the All-Russian Extraordinary Commission (VChK), which was the KGB at the moment. The year 1920 seemed like a ray of hope as the death penalty was abolished for all ordinary crimes due to stability in the region, but as the decree did not state its permanent abolition, a mere four months later the death penalty was brought back. This point will be key further on when analyzing the importance of the irreversibility of the death penalty. Irony surrounded the death penalty throughout the years, such as when the Criminal Code of 1922 stated that capital punishment would be kept until abolition, leaving the door open for future changes but still using it not only for military, but also political and economic crimes. The times of Lenin (1917-1924) were also contradictory, and could show the extent to which the death penalty was and still is used as a form of maintaining power. In 1917, before he rose to power, Lenin stated that the death penalty was “a weapon against the masses” (Skorobogatov, 2018), yet some years later clarified that it was an “efficient weapon in the class struggle”

(Van den Berg, 1983) and “necessary to defend the revolution from its class enemies.” (Hood & Hoyle, 2008).

The use of the death penalty during the existence of the Soviet Union varied throughout the years, but the decades of Stalin’s regime (1924-1953) resulted in the highest number of executions in the times of the USSR. Although it is very complicated to verify exact numbers, especially as most of the executions were performed as mass killings, around 750,000 people who were considered a threat or dissident to the Communist Party were executed from 1936 to 1938 (History, 2022). Rumors circulated that this number was even higher, stating that “about one million executions occurred during the heyday of Stalin’s purges.” (Van den Berg, 1983). The political purges were usually carried out by firing squads, mostly in public settings. These executions occurred in the margins of law, where the prisoners were sentenced by the NKVD troika, repressive bodies to eliminate any anti-soviet movement. This group, which was only composed of three people, had the capacity to sentence anyone who fit the criteria to death, all extrajudicially and without a trial or public investigation (Academia Lab, 2024). The NKVD troika was the core of the soviet model of the death penalty, as the executions were carried out “in complete secrecy regarding the time and place of execution. Even the relatives did not know about the sentence, they were only told “not in prison.” (Bolashaq Academy, 2021). The countries of Central Asia as former republics acquired many of the characteristics of the Soviet Death Penalty System even after independence. A lack of basic human rights for prisoners, absence of information such as execution dates and burial locations, as well as the prohibition of visits from loved ones remained as common practices until the start of the 21st century.

5.3 Democratic Transition after Independence.

Once the dissolution of the Soviet Union took place, and each Central Asian state gained its independence, one of the lines of action for these countries became the pursuit of human rights and democratic standards in order to get the acceptance of the international community. This was indeed challenging for the newly emerged countries because of their cultural, social and political customs, especially in those countries who still had ex-communist leaders. As there was no fight for independence, rather, independence was ‘forced’ on these countries, the political leaders gained no legitimacy and a complicated power vacuum was formed. The International Community awaited with hope these newly transformed nations, and while the

road was turbulent, especially in establishing leaders that were not a continuation of the Soviet communist model, countries such as Kazakhstan, Kyrgyzstan and Uzbekistan quickly adopted a commitment towards democratization (Afzal, 2004).

Despite the Soviet legacy, the new nations had a strong desire of creating strong relations with the West and leaving behind any Soviet image that they could be associated with. Bilateral Embassies were opened throughout the countries by the major powers, guaranteeing strong diplomatic relations. Although financial assistance and investment was the main objective behind these relations, a change of attitude had to be shown by these newly emerged nations to be able to do so (Matveeva, 1999). The West also took special interest in the economic relations with the new countries, due to the natural resources they possessed such as oil. Furthermore, another aspect of concern from the West was the possible presence of nuclear weapons in Central Asia. The creation of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia, mentioned in the theoretical frame above, was a solid step into gaining the trust of the international community.

5.3.1 Advocacy of Human Rights After Independence.

After their independence from the Soviet Union, the term Human Rights gained great importance in the newly formed nations. Human rights are norms and standards agreed internationally and enshrined in International Human Rights Law (Jones, 2022). These are rights which are “inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status.” (United Nations, n.d.a). Many of these rights were violated during Soviet times, such as the right to life, the right to freedom from torture and the right to freedom of opinion, and the newly independent countries seized the opportunity of guaranteeing their fulfilment in order to gain international acceptance.

Although the five countries have received criticism in this sense over the past decades, the transition which occurred to overcome the Soviet legacy is notable (Jones, 2022). Stimulated by the public demands and those of the international community, all of the Central Asian countries took part in the Human Rights Conference in Vienna in 1993, shortly after their independence. Another step was joining the United Nations, which codified basic human rights in their constitution as they formed part of the Universal Declaration of Human Rights. Although some years later, it is also important to mention that to this date, Kyrgyzstan,

Kazakhstan, and Uzbekistan have been elected to the United Nations Human Rights Council. Another human rights framework for these countries is the Convention on Human Rights and Fundamental Freedoms of the Commonwealth of Independent States (CIS), in force since 1995, which emphasizes the importance of forming part of international human rights treaties and following these standards. By becoming part of the convention, the five states agreed to fulfill these fundamental rights and freedoms. Although all these progressive steps were taken after independence, the truth is that the deterioration of human rights in the area over the recent years is notable, and could be a reason why Tajikistan has less pressure to abolish the death penalty than its neighboring countries in a moment in which the pursuit of human rights was a priority on the top of the list.

6. COUNTRY ANALYSIS

Each Central Asian country carried out the abolition of the death penalty in varied ways and with different timelines, due to the complex social, political and economic situation each nation had. In order to fully understand why abolition occurred in each of the States, a case study form will be adopted for deep analysis. After this, and with all the cases understood one by one, comparisons will be made to hypothesize on how the final objective could be reached, and what steps could be taken for it to be viable, as well as which are the main issues that cause differences and impede abolition.

6.1 Turkmenistan.

According to the Constitution of the country, “Turkmenistan is a democratic, legal and secular state in which the government takes the form of presidential republic.” (Article 1, Constitution of Turkmenistan, 2008). The President is Serdar Berdimuhamedow since 2022, after winning the country’s elections by 72.97%, and succeeding his father after he resigned from his 15 year regime (United States Department of State, 2023c). Although the reality may be this on paper, Turkmenistan is considered one of the least free countries in the world, ranking 2/100 in the index provided by Freedom House in 2024. Unfair and non-transparent elections, as well as all branches of power being controlled by the President and his family, the country has become a “repressive authoritarian state where political rights and civil liberties are almost completely denied in practice.” (Freedom House, 2024c).

Despite the current situation concerning civil and political freedoms, as well as human rights, Turkmenistan was the first country of Central Asia to abolish the death penalty. The elimination of capital punishment in the country was rapid and efficient, starting in 1999, some years after the dissolution of the Soviet Union and with this its independence, and finalizing a mere year later. At the time of abolition, the death penalty was still a valid form of punishment, as was stated in Article 20 of the Constitution of 1992, but it could only be assigned “as the sentence of a court as an exceptional means of punishment for a very serious crime.” (Article 20, Constitution of Turkmenistan, 2008). As mentioned in the definitions above, the most serious crimes are those of aggravating circumstances, usually murder. Contrary to the Constitution, the number of crimes which could be punished with the death penalty were extended in the Turkmen Criminal Code of 1997, modified one year before steps towards abolition were taken. Seventeen crimes were punishable by death according to this legal provision, ranging from more serious crimes such as genocide and murder, to drug-related or anti-state cases (Organization for Security and Co-operation in Europe, 1999).

The first step towards abolition took place on the 3rd of December of 1998, when the Turkmen Minister of Foreign Affairs Boris Shikhmuradov announced at the OSCE Ministerial Council in Oslo that Turkmenistan would soon initiate a moratorium on the death penalty. Barely a month later, on the 1st of January of 1999, the moratorium was enforced (Organization for Security and Co-operation in Europe, 1999), and before the century ended, on the 29th of December of 1999, the death penalty was eliminated from the country by Constitutional Law (Boyarov, 2023). As of today, the Constitution of Turkmenistan states in Article 22 that “the right of each person to free life is protected by the state on the basis of law” followed by “the death penalty has been abolished in Turkmenistan.” (Article 22, Constitution of Turkmenistan, 2008). Furthermore, the State ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty on the 20th of January of 2000, proving to the eyes of the international community its commitment to worldwide abolition.

The transition that occurred in Turkmenistan regarding the death penalty is worth mentioning. Up to abolition in 1999, Turkmenistan was among the top 10 countries using the death penalty as punishment, with incredibly high numbers per capita. From 1992 to 1994 a total of 350 people were sentenced to death, and the executions were subsequently carried out in 1995. The main reason why the death penalty was used, according to the Turkmen Minister

of Foreign Affairs at the time, was because it was necessary at the stage of development Turkmenistan was in, and in order to fight crime and avoid public opinion that could damage society. At the time, in the Criminal Code of 1997 specifically, a citizen of the country could be sentenced to death for an array of different reasons: from murder to state and drug related crimes (Organization for Security and Co-operation in Europe, 1999). From this information, we can interpret that the death penalty was a heavily relied on form of punishment.

Despite this, in a mere year, Turkmenistan did not only establish an official moratorium, but it also abolished the death penalty in its Constitution and signed the most powerful international agreement regarding capital punishment. As stated previously, this rapid pursuit of human rights would have been most likely because of the desire of being accepted by the international community and seen as a nation of the upcoming 21st century. This is reflected in the Human Rights based approach theory, which states that “human and human rights are always at the center of policies and laws.” (Viet Dat & Dang Cam Nhung, 2021). As the most inherent human right is the right to life, abolishing the death penalty would be the first step forward. It is of no doubt that Turkmenistan took an important step forwards in starting the trend of abolition in Central Asia, especially during a time where the death penalty could have been very useful to control the post Soviet society. Turkmenistan was also following a global trend, as from 1995-1999, twenty other countries also abolished the death penalty for all and ordinary crimes (Death Penalty Information Center, n.d.a). It is important to note that Turkmenistan now plays a key role in promoting the creation of the first Death Penalty Free Regional Zone, point which will be developed in further paragraphs.

Despite the death penalty being abolished for so long in the country, it is not a subject that must be relaxed upon. The alarming situation published by Freedom House in their Freedom in the World 2023 report shows that the presence of NGOs and Civil Society groups is close to nonexistent (Freedom House, 2024c). These groups are essential in creating consciousness among the Turkmen population about the importance of maintaining the abolition of the death penalty and how it is a grave violation to human rights. The harassment and intimidation that occurs towards these organizations could initiate a retrograde mentality towards the death penalty, and especially with the turbulent situation worldwide, incite the general population to bring it back. Although Turkmenistan has currently not made any statements on wanting its return, the centrality of power of the different branches would create an easy pathway for constitutional reform if the moment were to come.

6.2 Kyrgyz Republic (Kyrgyzstan).

Kyrgyzstan, also known as the Kyrgyz Republic, is a “Unitary multiparty republic with one legislative house” (Britannica, n.d). The President, Sadyr Japarov, rose to power through supposedly free and fair elections in 2021 after 15 years of turbulent revolutions, the last one being in 2020 (United States Department of State, 2023a). Japarov is known to be an authoritarian leader with a populist style. Similar to the situation of Turkmenistan, President Japarov assured his power by reforming the Constitution, which allowed him to stay longer in power, and reduced the power of the legislative and judicial branches. According to the Freedom in the World 2024 index of Freedom House, Kyrgyzstan is not considered a free country, scoring 27/100 (Freedom House, 2024a).

Closely following the steps of Turkmenistan, Kyrgyzstan became the second country in the region to abolish the death penalty. At the time of independence and the years following, it was known to have “the most democratic political processes and the most open society of all the former Soviet Central Asian republics.” (Amnesty International, 1996). Although the situation resulted more turbulent during the following decades, the abolition of the death penalty is a legacy of the rapid democratic transition that occurred in the country. Once again in comparison to Turkmenistan, although the death penalty was officially abolished in Kyrgyzstan some years later, it was the latter that started a moratorium on executions first. The last executions in the country took place in 1998, when President Askar Akayev declared a two year moratorium, which was eventually extended until 2005 when an indefinite moratorium was announced. In contrast to Turkmenistan, which carried out mass executions before announcing its moratorium, Kyrgyzstan executed 26 people previous to the moratorium, which although still a very elevated number, was just a fraction of its neighbor (Amnesty International, 1998). In general, the Kyrgyz society was keen for the abolition of capital punishment, or so was stated in July of 2000 in the initial report to the UN Human Rights Committee’s by the Kyrgyz delegation (Penal Reform International, 2012).

Apart from the moratorium, some other steps taken to slowly eliminate the death penalty were reducing the number of crimes applicable for this punishment. On the 23rd of March of 2004, three crimes were removed and no longer punishable with the death penalty, these being: “1.) Attempts upon the life of a state or public official; 2.) Attempt upon the life of a

person administering justice or conducting an investigation; 3.) Attempt upon the life of a law enforcement officer.” (Penal Reform International, 2012). This marked a step forward for the country in terms of abolition, as those crimes were the easiest to justify the death penalty with, as well as the most anti-democratical as they all were related to an authoritarian and controlling way of leading. Amendments for the Constitution to eliminate the death penalty were drafted on the 9th of June of 2005 and accepted by the Constitutional Council of Kyrgyzstan. On the 25th of June of 2007, these amendments were signed and turned into law by the President, replacing the death penalty with life imprisonment in the Criminal Code. Finally, on the 27th of June of 2010, the death penalty was eliminated from the Constitution by public referendum, and as stated in Article 25 of the current Constitution (2021) “everyone in the Kyrgyz Republic has an inalienable right to life. Death penalty shall be prohibited.” (Article 25, Constitution of the Kyrgyz Republic, 2021). The final step to become an abolitionist nation in the eyes of the international community was taken on the 6th of December of 2010, when Kyrgyzstan ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at abolition of the death penalty. Although Kyrgyzstan was the first to start a moratorium on executions, it ended up being the third country to sign the international agreement, after Turkmenistan and Uzbekistan.

What can come as striking when revising the abolition timeline of Kyrgyzstan is how long it took to completely retire the use of capital punishment, specifically 12 years. This slow progress, especially taking into account the mere year that its neighbor Turkmenistan took, can be understood by taking a look at the history of the country. In the early 2000’s, the Central Asian region found itself threatened by possible Islamist groups such as the Talibans and Al-Qaeda, coming from Afghanistan into the bordering countries (Britannica, n.d). Authorities claimed that being able to execute any terrorist that put in danger the region maintained certain stability in countries such as Kyrgyzstan. This point will be developed further on in the essay, as it is still an argument of great importance, and terrorism is seen as one of the most ‘justifiable’ crimes to be punished with the death penalty. Along with possible external threats, Kyrgyzstan also faced internal issues such as revolutions. The well known Tulip Revolution took place in 2005, after the corrupt government of Akayev was overthrown, and started a time of political instability and doubtful democratic governance which lasts until today (Britannica, n.d).

It must also be mentioned that although Kyrgyzstan was under a moratorium for executions since 1998, death sentences were still heavily handed out until abolition, the last one being in December of 2007. Specifically, from 2003 to 2007, 54 people were sentenced to death for both murder and rape along the years. Although it is believed that these people were never executed, the data remains inaccessible (Penal Reform International, 2012). As mentioned in the paragraph above, this could have been a method of instilling fear in the population as a counter-revolutionary and anti-terrorist measure.

6.3 Uzbekistan.

Uzbekistan, officially called the Republic of Uzbekistan, is the second largest country in Central Asia and the most populated. The President, Shavkat Mirziyoyev, has been in power since 2016 after the death of Islam Karimov, who had been ruling since 1989 appointed by Soviet powers (BBC, 2023). The presidential republic has a strong control on behalf of the executive power, which dominates the three branches. Uzbekistan is considered a not free nation, scoring 12/100 in the 2024 Freedom House Freedom in the World Index (Freedom House, 2024d).

Uzbekistan abolished the death penalty on the 1st of January of 2008, becoming the third country in Central Asia to officially eliminate capital punishment (Amnesty International, 2008). Before the efforts towards abolition began, at the moment of its independence in 1991, the Criminal Code of Uzbekistan covered in thirty articles the use of the death penalty (International Commission against the Death Penalty, 2018). This number was reduced to thirteen in 1994, to eight in 1998, to four in 2001 and eventually to two in 2003. A decree was issued in the country by its President, Islam Karimov, in August of 2005 with the purpose of abolishing the death penalty at the start of 2008, as did occur eventually. The last execution in Uzbekistan took place in 2005, moment in which they established an unofficial moratorium with the objective of changing the death penalty with life in prison or long prison terms (World Coalition Against the Death Penalty, 2021). According to the decree, this time frame between the moratorium and the official abolition was necessary to create adequate infrastructures and programs for the prisoners, as well as to create public awareness campaigns on abolition (Nessuno Tocchi Caino, n.d). As stated, up to the signing of the decree, the death penalty could be used as punishment for two types of crimes. These were aggravated intentional killing, which “shall be punished with imprisonment from fifteen up to

twenty years or by capital punishment” (Article 97, Criminal Code of the Republic of Uzbekistan, 1994) and terrorism which “shall be punished with imprisonment from fifteen to twenty years, or capital punishment.” (Article 155, Criminal Code of the Republic of Uzbekistan, 1994). Using capital punishment to deter terrorism was and still is a recurring issue in this area, as we will see later on with Tajikistan.

Uzbekistan did not take long to adhere to the Second Optional Protocol to the International Pact on Civil and Political Rights, aiming at the abolition of the death penalty. On the 30th of October of 2008, the Legislative House of the country passed the bill necessary to make Uzbekistan a State Party, on the 5th of December of 2008 its senators approved the accession and on the 12th of the same month, the ratification was signed and officially entered into law (World Coalition Against the Death Penalty, 2021). Currently, the abolition of the death penalty is also reflected in its Constitution, which was amended in April 2023 after a referendum was held. According to Article 25 of the Constitution of Uzbekistan, “in the Republic of Uzbekistan, the Death Penalty shall be prohibited.” (Article 25, Constitution of the Republic of Uzbekistan, 2023). When the amendments were first proposed in 2022, the President, Shavkat Mirziyoyev stated that “the right to life is the natural right of every person, and this right was given to him by God, and not by the state.” (UZ Daily, 2022).

Uzbekistan was a country that largely had issues concerning the death penalty and the conditions of prisoners that were on death row. It was one of the countries which most followed the Soviet Model of the death penalty that was stated previously, which consisted on unfair trials with inadequate legal representation, inability to see family members while on death row and, many of the times, secretive executions in which loved ones were unable to know when the prisoner was executed or where the burial took place. In general, it has always been a country which heavily depended on the death penalty. During Soviet times, its Criminal Code contained 33 articles in which the application could be used as a method of punishment. Although this number was reduced in 1994 after independence, Uzbekistan still had 13 articles which covered the application of the death penalty (Saidov, 2008). The International Federation for Human Rights (FIDH) published a report in 2005 after a mission was carried out by three of its members in Uzbekistan, in order to assess the critical conditions of those facing death row and eventually, executed. As a matter of fact, Uzbekistan before abolition was considered to have the record of secret executions, 18 times higher than China and 4.5 times higher than Singapore (Fédération internationale des ligues

des droits de l'Homme, 2005). As the FIDH mission stated, many people were not even informed that they were going to be executed, let alone the families and the international community. This report was further supported by the Commission on Human Rights of the United Nations, which stated in April of 2005 that Uzbekistan had an absence of information of the number of prisoners sentenced to death and executed (UN Office of the High Commissioner for Human Rights, 2008).

An issue with Uzbekistan laid at the core of the structure of the government and the lack of separation of powers. Although by law, the judicial branch acted independently, during the times of the death penalty this was not the case, and the judicial power was completely dependent on the political power because of the authoritarian government. This was of course largely criticized by international organizations and the international community, especially by the United Nations Commission on Human Rights. It is to note that after independence, Uzbekistan prioritized reforms in this aspect, to be able to efficiently reform other human rights concerns such as the elimination of the death penalty. Due to this, its development can be classified into two phases, the first one being state building and transitioning from the Soviet way of ruling (1991-2000) and the second one the “modernization and dynamic democratic renewal.” (International Commission against the Death Penalty, 2018).

6.4 Mongolia.

Mongolia is a semi-presidential republic with a multi-party representative system. The President is Ukhnaagiin Khürelsükh from the Mongolian People's Party, and has been in power since 2021 when he was elected by a majority of 72%. The elections, according to Freedom House, were considered fair and free. According to the Freedom House Freedom in the World 2024 Index, Mongolia is a free country scoring 84/100 (Freedom House, 2023). Mongolia, although never a republic of the Soviet Union as such, is still included in the ambitious goal of turning Central Asia into the first death penalty free regional zone, hence the word extended. Despite not being part of the USSR, Mongolia had a very strong relation with the empire, especially financially. The collapse of the Soviet Union meant a time for transformation, and political changes such as the end of the one-party rule arose. Although Mongolia's transition to democracy seemingly went with ease, the advocacy for human rights coming from new democracies as such was not seen so soon, especially regarding the abolition of the death penalty (Lkhaajav & Maire, 2021).

The Constitution of Mongolia of 1992 and the Criminal Code of 2002 covered the application of the death penalty for seven types of offences which resulted in fifty nine different crimes “assassination of a state or public figure, aggravated murder, rape, sabotage, terrorism, acts of banditry against state or public institutions or individuals, and genocide.” (Organization for Security and Co-operation in Europe, 2013). Before it started taking distance from the USSR, Mongolia heavily relied on the death penalty as a form of punishment. In terms of numbers, from 171 people who were sentenced to death from 1980-1990, 118 of those were executed (International Commission against the Death Penalty, 2018). Mongolia, as did ex-Soviet countries, also followed a Soviet style when carrying out the death penalty. The executions were carried out in secret and the family members of the prisoner were not allowed to have any contact previously, or know of the place of burial. There were also no official statistics which confirmed how many people were executed each year in the country, for example in 2007 forty five people were sentenced to death, and although the number of those executed was not published by the authorities, it is thought that five were executed the following year (Le Monde, 2010).

The last execution in Mongolia took place in 2008, and in 2010, under the mandate of abolitionist President Tsakhiagiin Elbegdorj, a moratorium for executions was approved commuting all those in death row to life sentences. Elbegdorj, before announcing the official moratorium on executions, attempted to avoid executions by handing out pardons to those on death row (Amnesty International, 2009). In the first month of 2012, Mongolia took an ambitious step to abolition by passing a bill that would ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, which as stated previously, is the most important international agreement concerning abolition in the eyes of the international community (International Commission against the Death Penalty, 2012). Signing this document made Mongolia abolitionist, as according to the protocol, no State party can carry out executions and has the obligation of working towards eliminating the death penalty from its legal framework. This was exactly what happened during the following years and on the 3rd of December of 2015 a new Criminal Code was approved in which the death penalty will be abolished for all crimes (International Commission against the Death Penalty, 2015). This new Criminal Code started taking effect on 1st of July of 2017, officially ending capital punishment in Mongolia (Amnesty International, 2017).

An issue which occurred with the Mongolian society, as stated by Amnesty International which has been present in the region since 1994, was the lack of support for abolition. There was strong mobilization coming from the families of victims to keep the death penalty, as they believed it would deter crime. It was also very complicated to mobilize public opinion because of the Soviet model of execution, as there was no reliable information that could be used to promote abolition. The work of civil societies such as Amnesty International was very important in informing the population about the cruelty and inhumanity of the death penalty, and ended up being a key point for abolition. The importance of public opinion can be seen in the history of Mongolia, as in the 1950's the death penalty was abolished in the country, only for it to be reinstated months after due to public demand. This highlights the importance of keeping society informed and assuring that the Mongol population is dedicated to work towards not only a death penalty free zone, but also a death penalty free world (Galsanlkhagva, 2015). It is also important to mention the importance of having an abolitionist President as was Elbegdorj, as he initiated real reforms in the country. Tsakhiagiin Elbegdorj, although no longer President of Mongolia, is still an important political figure in advocating for abolition worldwide, forming part of the International Commission against the Death Penalty as commissioner since 2018. Elbegdorj, in the speech in which he announced the moratorium in his country on the 14th of January of 2010, already stated the importance of creating Death Penalty Free Regional Zones, as he stated that the European Union and large parts of Latin America and Africa had managed to do so (Halbertsma, 2020).

When President Elbegdorj started taunting abolition, Mongolia received explicit support from the European Union, which had already started becoming a closer partner since breaking from the Soviet sphere of influence and carrying out its de facto independence (Halbertsma, 2020). Initiatives of the European Union before the moratorium were introduced, included the sending of Official Development Assistance to human rights groups which fought for abolition. It is of no doubt that delegations and Embassies of state members of the European Union were key in supporting abolition in Mongolia. Although the relations between the rest of the countries and the European Union are not as strong, it can still be used to exemplify how regional cooperation promotes abolition. In this case, it was the European Union the one that supported Mongolia and helped it in its path towards abolition, whereas currently, the same thing should occur between the already abolitionist countries in extended Central Asia and the remaining country to abolish: Tajikistan. It is very important that this is led by the

Central Asian countries as their own initiative, “ending it is not an imposition of Western values on our societies. It’s a choice inspired by universal human rights – one that has been made by the majority of the world’s nations.” (Tsakhia, 2023).

An issue with Mongolia is that although the death penalty was removed from the Criminal Code, it is still within the Constitution of the country. While this was not a fear with Elbegdorj in power, the elections of 2018 reinstated the fear of the death penalty, as the new President Khaltmaagyn Battulga wanted to bring it back for crimes such as sexual abuse of minors. Although the elections of 2021 ended with his mandate, and the death penalty is still forbidden in the country, it is key to keep civil society groups active in sharing the importance of being abolitionists and of spreading this trend to the rest of the region, and eventually to the rest of the world (President of Mongolia Office of the President, 2018).

6.5 Kazakhstan.

Kazakhstan is a “unitary state with the presidential system of government.” (Official website of the President of the Republic of Kazakhstan, n.d.), whose current President is Kassym-Jomart Tokayev from 2019. Tokayev rose to power after the resignation of Nursultan Nazarbayev, who had been in power for nearly 30 years. It is to note that he came into office through non democratic snap elections, this meaning elections which occur before their original programming. According to the Freedom House Freedom in the World 2024 index, Kazakhstan is considered a not free country, scoring 23/100 and lacking political pluralism and an adequate division of powers.

Kazakhstan was the last country from Central Asia to abolish the death penalty, excluding Tajikistan. The death penalty was abolished for all crimes on 29th of December of 2021 under President Kassym-Jomart Tokayev. It is important to note that Kazakhstan after independence and when different reforms took place, only had three crimes punishable with death penalty in 1998, in comparison with the 25 crimes of the Criminal Code of 1959 (International Commission against the Death Penalty, 2022a). Furthermore, in 1999 the mandatory death penalty was eliminated and alternative punishments such as life imprisonment were brought upfront up to 2004. Before the moratorium, Kazakhstan carried out 12 executions in 2003, which although still a high number, lower than the examples seen previously. Once the moratorium was officialized, all the prisoners that were on death row had their sentences

commuted to life in prison without parole (Penal Reform International, 2012). Further on, in 2007, Kazakhstan advanced by keeping the death penalty only for the most serious of crimes, which were two general situations: “terrorist acts that cause loss of human life and exceptionally grave crimes committed during wartime.” (International Commission against the Death Penalty, 2022a). Abolition became more of a priority when in the 2009-2012 National Human Rights Action Plan of the Republic of Kazakhstan, the abolition of the death penalty was presented as one of the key objectives (Penal Reform International, 2012). This was stated in the seventh session of the Universal Periodic Review of the United Nations, along with the necessity of “ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty” and mentioned that “further work must therefore be done to bring about the gradual abolition of the death penalty.” (Human Rights Council, 2010). The National Human Rights Action Plan was further extended with a law of humanisation in 2011, which intended to reform the penal system of Kazakhstan in a span of ten years (from 2010 to 2020) and “aimed to take a step-by-step approach towards humanising the Criminal Code.” (Penal Reform International, 2012).

Although Kazakhstan was on a moratorium for executions, death sentences were still handed out, the last one being in 2016 (The Sigrid Rausing Trust, 2022). This last death sentence was a tense moment for human rights and the abolition of the death penalty in Kazakhstan, as due to the shooting in the city of Almaty, death sentences were allowed once again for terrorism and the number of crimes punishable incremented from 18 to 19 (Organization for Security and Co-operation in Europe, 2021). In December 2019, Tokayev announced the proposal of Kazakhstan to accede to the Second Optional Protocol, and became a signatory party on the 23rd of September of 2020. Despite this, it was not until the 29th of December of 2021 that the death penalty was abolished for all crimes. Kazakhstan acceded to the Second Optional protocol on the 24th of March of 2022, and changed the Constitution of the country in June of 2022. As stated in Article 15.2 of the Constitution of the Republic of Kazakhstan “No one shall have the right to arbitrary deprivation of life. The death penalty is prohibited.” (Article 15.2, Constitution of the Republic of Kazakhstan, 2022). Currently in place of the death penalty, for those crimes which were applicable, Kazakhstan was a form of life in prison, which is a maximum of 25 years and 30 if the crimes are accumulative. The case is the same in Kyrgyzstan and Tajikistan, which could show an effective way of replacing the death penalty (Penal Reform International, 2012).

Civil society has had a key role in promoting the abolition of the death penalty, as well as advocating for other penal reforms and changes in human rights matters. These groups are key as they interact both with politicians and representatives of the country, as well as mobilize public support, and in result, change public opinion (Organization for Security and Co-operation in Europe, 2021). In Kazakhstan, these organizations were especially important in pushing the government to take the final step in abolition, especially in the eyes of the international community and signing the Second Optional Protocol. Some of the key organizations include PRI, Charter for Human Rights, and the Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR). The Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), one of the most important non-profit human rights organizations in the country. The KIBHR was created in 1993 in order to “achieve systemic change in the sphere of political rights and civil liberties and draw attention to human rights violations and systemic analysis of trends.” (The Sigrid Rausing Trust, 2022).

One of the key roles of civil society organizations was informing the population about the importance of abolition. In the case of Kazakhstan, in the early years of the abolition, the population was generally more in favor of the death penalty than against it. An opinion poll of 2008 exemplified this where “66.6 percent of Kazakh nationals consider that the death penalty must be imposed in extreme cases, and 44.3 percent consider the death penalty to be a deterrent to crime.” (Penal Reform International, 2012). An example of how civil society was included in the transition towards abolition is the national conference held on the 19th of November of 2010 between government members and members of civil society groups, which came together to debate on the issues life imprisonment could present and how to tackle them when abolition came.

6.6 Tajikistan.

Tajikistan is a presidential authoritarian republic under the power of President Emomali Rahmon, who was appointed shortly after the Soviet era in 1994, making this his third decade of ruling. The elections in the country are not considered to be free or fair and there is a great campaign of repression coming from the centralized government towards political dissidence and the media, as well as great religious repression. It is important to note that Tajikistan went through a civil war from 1992-1994 after independence known as the Tajik Civil War,

which left many issues in the country. According to the Freedom House Freedom in the World 2024 Index scored 5/100, three points less than two years ago showing the deteriorating situation (Freedom House, 2024b).

Tajikistan is currently the only country left from the extended Central Asian region to abolish the death penalty. This year marks 20 years since a moratorium on death penalty sentences was introduced in the country on 15th of July of 2004, yet although this form of punishment is not used, the final step for abolition does not seem like an upcoming priority. Capital punishment is reflected both in the Constitution of the country and in its Criminal Code. The Constitution of Tajikistan states in Article 18 that “no one shall be deprived of life except by order of the court for especially grave crimes.” (Article 18, Constitution of the Republic of Tajikistan, 2016). The issue is that these grave crimes are many. The crimes which are punishable with the death penalty are exposed in the Criminal Code, specifically in Article 59, which mentions it can be imposed for “aggravated murder, acts of terrorism that result in death, the rape of a minor (under 14 years of age), genocide and biocide” following the amendments done in 2003 and 2012. This is a gradual decrease from the crimes eligible for the death penalty in 1991 which were 47, and in 1998 after the reform of the Criminal Code which were 15 (Penal Reform International, 2012). A report on Tajikistan from the Bureau for Human Rights and Rule of Law carried out in 2004 concluded that the years before imposing a moratorium, this being from 2001-2003, 133 death sentences were handed out (Organization for Security and Co-operation in Europe, 2013).

It is of no doubt that the subject of abolition has been on the table for over a decade, but none of the initiatives seem to come close to the end of capital punishment. At the start of the moratorium in 2004, Abdumannon Holikov, who was the Deputy Chairman of the Parliamentary Committee on Constitutionality, stated that if the circumstances were adequate in the country and the moratorium was successful in its monitoring, the death penalty would be eradicated. Twenty years from this statement, we can see that this promise remains far from reality (Penal Reform International, 2012). In 2013, as an outcome of the Universal Periodic Review, the members of the Human Rights Council “advised Tajikistan to take necessary steps to abolish it, in particular by ratifying the second Optional Protocol to the International Covenant on Civil and Political Rights.” (U.N. General Assembly, 2013). The same year, the President of Tajikistan approved the National Plan of the Republic of Tajikistan to Implement the Recommendations of the Member States of the United Nations

Council in connection with the Universal Periodic Review of the Republic of Tajikistan upon Human Rights in the years 2013-2015. Furthermore, the National Action Plan of the country had within its objectives the ratification of the Second Optional Protocol in 2014 at latest.

It must be said that the country also had different working groups ongoing to abolish the death penalty such as the Working Group on the Study of Public Opinion on the Death Penalty and the Working Group on the Study of Socio-Legal Aspects of the Abolition of the Death Penalty. The same OSCE report but of the year 2014 stated that the Working Group was

“In line with the plans of abolition by studying international practice and the national laws of abolitionist countries, analyzing crime trends before and after the moratorium, conducting sociological studies and considering the possible ratification by Tajikistan of the Second Optional Protocol to the ICCPR.” (Organization for Security and Co-operation in Europe, 2014).

Despite the incentives of over a decade ago, the working group has not emitted a report since 2010, and no positive initiatives like the ones stated in the reports of 2013 and 2014 were presented again by the OSCE, as work for the abolition of the death penalty in Tajikistan stagnated.

Tajikistan imposed a moratorium on the death penalty when the country was in a turbulent situation some years after the civil war. As the judicial system was unstable, a moratorium was needed in order to not wrongly sentence an innocent person. This same narrative could be used nowadays, as the judicial system is still not fully independent, and full justice is not guaranteed during sentencing. For this matter, the most feasible decision would be to commit to full abolition and adopt the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as Tajikistan has already ratified the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Although the subject of abolition has been on the national political agenda as a topic of needed discussion, no referendum has been carried out to assess public opinion on the subject, as the last referendum which was carried out in 2016 made no mention of the death penalty (Central Asian Bureau for Analytical Reporting, 2023).

Although there are no recent surveys on the support of the abolition of the death penalty by the Tajik population, the lack of evident opposition to maintaining it could be one of the main reasons why the country still preserves it, as sometimes no opposition causes no action. Although it is true that the country could eliminate capital punishment without a referendum, as mentioned previously, a strong civil society which is conscious about this form of punishment and proud to be free from it is necessary for durability. In an interview carried out by the Institute for War & Peace Reporting to Karim Soliev, deputy head of the Academy of the Ministry of Internal Affairs, he stated that admits that there is no place for the death penalty in the future of the country, but that to the current day “the public generally finds it hard to accept the idea of dropping the death penalty from the list of criminal penalties [...] the public often demands that criminals are executed.” (Ergasheva, 2010). This in large part is due to the relatively war the country was in from 1992-1997 and the citizens’ view of violence. It is important to mention that Tajikistan was the only country in Central Asia to go through a civil war, which could have greatly impacted the perception of the death penalty for its citizens.

Lastly, it is important to state that Tajikistan usually mentions that the death penalty has not been abolished yet as the prison system needs a deep reform before changing capital punishment to life sentence. As a legacy of the Soviet Union, Tajik prisons have been known to lack adequate conditions, and have been denounced for having “food shortages, gross overcrowding, physical abuse, lack of access to medical treatment, and inadequate sanitary conditions.” (United States Department of State, 2023b). As a response to this, on the 16th of August of 2020, Tajikistan declared the start of an official reform of the penitentiary system with the 2020-2030 Penal Reform Strategy’s Implementation Plan for Tajikistan (Organization for Security and Co-operation in Europe, 2020). The plan, which was initiated after the 2018-2019 prison riots, has come as a hope even to human rights organizations. The proposals are proof of dialogue with these groups, as was stated by one of the Human Rights Center lawyers Parvina Navruzova “the most unexpected news for us human rights defenders was when we read the Strategy Implementation Plan and saw many of the suggestions we made during the discussions there.” (Central Asian Bureau for Analytical Reporting, 2021). This dialogue shows that if the presence of NGOs, civil organizations and human rights groups was important and taken into account for the reform of the penitentiary system, the same thing could occur for the abolition of the death penalty. It also shows the possible

willingness Tajikistan has of abolishing the death penalty, even if it was in 2030, when the prison conditions become adequate for punishment alternatives.

7. IMPACT OF THE CURRENT GEOPOLITICAL SITUATION

7.1 Terrorism and the Death Penalty. A focus on Afghanistan.

As seen in all of the countries mentioned in the case studies, terrorism has been on the list of crimes punishable with the death penalty until abolition. It is also safe to say that terrorism was one of the main reasons why the countries retained this form of punishment. Bordering Iran and now especially Afghanistan, Central Asia has had many issues related to terrorism, more specifically Islamic Extremism: from Al Qaeda formerly to the current Taliban. After analyzing all the Central Asian countries and their evolution towards abolition in the previous section, it is to note that almost all of the countries retained the death penalty as punishment for terrorism. In 2017 the Wall Street Journal stated that the area was a “growing source of terrorism” and “fertile ground” for recruitment (Lemon, 2018). Terrorism in the region began some years after independence, especially from groups of religious extremism. Historically, the first terrorist attacks were seen by the Islamic Movement of Uzbekistan (IMU), a Salafi-jihadist group which acted with the intentions of imposing an Islamic State under Sharia. These attacks occurred in 1999, and in 2001 the United Nations stated that the IMU was associated with Al-Qaeda (United Nations Security Council, 2011). This in fact was true, and the IMU received funding by Osama Bin-Laden until Uzbek-Afghan relations deteriorated. At this moment the IMU bandwagoned to the Islamic State, and pledged to Abu Bakr al-Baghdadi’s ISIL (Lemon, 2015). This terrorist group is of great importance as it created fear among all the neighboring countries, and due to the linkage with Afghanistan, key for understanding the limits to achieve regional death penalty.

The existence of terrorism is especially important for Tajikistan, as it is one of the main reasons why the death penalty is preserved to this day. Apart from the IMU, other terrorist groups that have been banned in the country are: Hizb-ut-Tahrir, the Islamic Party of Turkestan, Tochikistoni Ozod (Free Tajikistan) and Khaar Dinma. Terrorism in Tajikistan does not only involve the attacks that are carried out by the organizations in the territory, but also the number of Tajiks that ended up joining these organizations. This is the case with the

Islamic State of Iraq and Levant (ISIL), organization in which the highest number of suicide bombers are in fact Tajik nationals (Chutia, 2022). Even though the numbers have decreased, in 2016 there were over 1000 Tajik fighting soldiers for ISIL (Asia-Plus, 2016). According to the Country Reports on Terrorism 2022 of the U.S Department of State, Tajikistan and Uzbekistan have been the only countries in extended Central Asia to experience terrorism of some form in the past years. This same report mentioned the imminent fear of two terrorist groups: ISIS-K and Jamaat Ansarullah, also known as the Al-Qaeda related Tajikistan Talibans.

Nowadays and even more with the return of the Talibans to power, the biggest fear of terrorism comes from Afghanistan, taking into account that Tajikistan is the country in the region which shares the largest border. According to the Tajik government the situation provokes “severe security concerns in preserving the *raison d’etat* of the state.” (Chutia, 2022). Issues between these countries range from cross border terrorism to drug trafficking, creating an array of difficulties. From 2011 to 2017 there were 143 incidents reported between the Tajik-Afghan border (Lemon, 2018). As mentioned, the latest feared terrorist group is Jamaat Ansarullah (JA), whose objective is to overthrow the Tajik government. This group carried out two attacks in 2023 on the border between both countries (D’Souza, 2023).

It is of no doubt that the Central Asian region has had many troublesome years due to terrorism related issues. Despite this, to this day, all neighboring countries except Tajikistan have abolished the death penalty as a punishment for terrorism. The Tajik government believes the death penalty is necessary as a counter-terrorism strategy, yet terrorism remains at an all time low in countries that have abolished it. The threat of terrorism and the damage it has done to the country also provokes negative reactions towards abolition in public opinion, which does not push the government forward. Tajikistan must focus on other counterterrorist measures and getting to the root of the issue, even if it requires external support with bodies such as the United Nations Counter-Terrorism Implementation Task Force (CTITF), which is already active in the region (United Nations Office of Counter-Terrorism, n.d). Keeping the death penalty in the judicial system as a form of creating fear is not a deterrent for something like terrorism, and will keep damaging the international reputation of the country and the rule of law, especially if the definition of terrorism is expanded to politically motivated revolts.

7.2 Russia and the Death Penalty.

Although capital punishment is still a legal penalty in Russia, there have been no executions since 1996, after the country acceded to the Council of Europe. Russia also signed Protocol No. 6 to the European Convention on Human Rights and Fundamental Freedoms, relating to the abolition of the death penalty, the treaty which made the abolition of the death penalty a binding necessity, but unfortunately it never ended up ratifying it. Despite this, in 1999 the Russian Constitutional Court ruled “not to sentence any more people to death until their cases have been heard in a jury trial.” (Amnesty International, 2001). Even President Vladimir Putin, after his election in 2001 stated that “the state should not assume the right which only the Almighty has -- to take a human life. That is why I can say firmly -- I am against Russia reinstating the death penalty.” (Amnesty International, 2001).

A lot of this has changed over the past years, especially with the most recent invasion of Ukraine by Russia in 2022. The start of the war resulted in the expulsion of Russia from the Council of Europe, and with this breaking any treaties that legally binded it to fulfill certain human rights aspects, such as not making use of the death penalty. Although the country is still under a moratorium, the use of extra judicial executions is doubtful. Extra judicial or extra law killings or executions are defined by the United Nations as “killings committed—e.g., by vigilante groups or secret government agents—outside judicial or legal process—that is, in contravention of, or simply without, due process of law.” (Vera Files, 2017). Executions of this sort do not need a trial or a specific sentence in order to consider that a country still uses the death penalty outside the rules of the law. This has been the case especially with Russia’s dark prison system and the strange circumstances of death of political prisoners, the most recent case being opposition leader Alexander Navalny. The ill conditions of these prisons leads dissidents to death, even if the execution is not explicitly carried out. Dmitry Muratov, Nobel Prize Winner, stated that “Navalny’s death had sent a clarion call for the world to save the Russian political prisoners who could die next.” (Roth & Sauer, 2024).

Most recently, and with a higher impact on Central Asia, is the question of bringing back the death penalty due to the Moscow Terror Attack which occurred the past 22nd of March of 2024. The attack, committed by four members of ISIS-K, left at least 140 dead. Although the Kremlin has not pronounced itself regarding the death penalty and the justifiable punishment

for the terrorists, a number of senior members of the regime and other officials have called for bringing capital punishment back for this case, and those similar in the future. Dmitry Medvedev, ex President of Russia and one of Putin's biggest allies supported this statement "Do they have to be killed? He asked. "They have to be and will be." (Reuters, 2024). The reintroduction of the death penalty would be simple as there would be no necessity of referendum, as stated by Vyacheslav Volodin, Chairman of State Duma "In our constitutional and criminal legislation no one has abolished the death penalty... The decision of the Constitutional Court on this issue is enough." (Hindustan Times, 2024). At the time, the moratorium on the death penalty was in line with the international obligations Russia had while being in the Council of Europe, but this barrier no longer exists. The possible coming back of the death penalty in Russia touches Central Asia from all sides, and specifically Tajikistan. The situation for this country is complicated after the attack, as the terrorists resulted to be Tajik nationals. Although the event is recent and no conclusions can be determined, there are some chances that this attack will affect the course of abolition in Tajikistan. Terrorism remains the biggest reason to keep capital punishment, and although the biggest fear was the Afghan border, the Moscow attack raises the concerns of cross national and even cross regional terrorism. The possible rise of extreme Islamism could give Tajikistan a reason to further extend their moratorium in case the death penalty was needed to combat terrorist insurgencies, or in a worse case scenario put an end to the moratorium and bring back death sentences. A possible change in Russia's attitude towards the death penalty could also spur desires by the population of bringing it back to the other countries of Central Asia, due to political, cultural and social influence.

8. CENTRAL ASIA AND GLOBAL ABOLITION

8.1 Timeline of Events

After reviewing every point exposed in the thesis, it could be said that the objective of extended Central Asia becoming the first Death Penalty Free Regional Zone is possible, but there are a lot of factors that could turn the situation over. Since Turkmenistan declared itself abolitionist, the rest of the Central Asian countries have followed the movement, with Tajikistan remaining on a moratorium. In order to understand how the situation is going, it is necessary to take a look at any initiative, meeting or declaration done by any of the Central

Asian countries, bilaterally or multilaterally. It is also important to see how the abolitionist trends have changed to understand the path of Tajikistan.

One of the most efficient ways of bringing up the topic to debate is through regional dialogue and conferences. For example, on the 26th of April of 2011 a conference was held titled Partial Abolition in Central Asia: How to move the Process of the Death Penalty Abolition Forward (Penal Reform International, 2012), organized by Kazakhstan with the support of Kyrgyzstan and Tajikistan. The three countries were on different points of the spectrum: Kyrgyzstan was already considered abolitionist and Tajikistan and Kazakhstan were under a moratorium. In this meeting, the countries established 23 key points to follow in order to transition into abolition. These meetings, although only recommendations, are an example of regional cooperation and how constant initiatives like this one can eventually create mechanisms for abolition. On the 17th of May of 2011 another international conference took place in Tajikistan titled Central Asia without Death Penalty (International Commission against the Death Penalty, 2011). Conferences like these create a platform for governments and civil society actors to dialogue on the importance of abolition and the mechanisms to do so. Some years later, once more countries became abolitionist, another Regional Conference was held on the 15th of April of 2014 titled Towards a Complete Abolition of the Death Penalty in Tajikistan: Experience of Central Asian Countries (Dildabek, 2014). These conferences show how even a decade ago the idea of abolishing the death penalty in the whole of Central Asia was important. Conferences like these of previous experiences serve for retentionist countries to learn about the changes in legislation they would have to go through and the challenges they might face, all within a support group to facilitate transition.

Another way of encouraging regional dialogue is through international missions by external actors such as civil society groups, NGO's or other international organizations. The International Commission against the Death Penalty (ICDP) has a very important role in pursuing regional abolition in Central Asia and has been involved in a series of missions to those countries who still kept the death penalty. The ICDP carried out a mission to Kazakhstan in its due time and in 2013 to Tajikistan. This organization has also had a key role in organizing meetings to bring the Central Asian countries together on this matter. The first meeting took place in 2019 in the form of a Permanent Representative-level regional meeting, which was hosted in Geneva between the extended Central Asian countries and co-organized by the ICDP (International Commission against the Death Penalty, 2022b). The

second meeting of this sort took place in 2022, and was officially named Permanent Representative-Level Meeting in Geneva: Central Asia + Mongolia as the World's First Death Penalty Free Zone (Ministry of Foreign Affairs of the Republic of Kazakhstan, 2022). The third and to this day final meeting occurred in February of 2023, the third meeting took place in Geneva in the side-lines of the 52nd UN Human Rights Council. This last meeting seemed very promising, as the representatives stated that they would soon create a “joint declaration of Ministers of Foreign Affairs, proclaiming the extended Central Asia region as officially the world's first death penalty-free zone.” (International Commission against the Death Penalty, 2023).

Further initiatives and efforts towards the final goal include actions carried out by the abolitionist countries of the region at a larger scale. Most recently, at the 78th session of the United Nations General Assembly (UNGA) which took place the past September of 2023, Turkmenistan talked about the matter for the first time in a context of such international relevance as is the UNGA (Turkmenportal, 2023). Turkmenistan proposed the creation of a treaty on a zone free from the death penalty in Central Asia and Mongolia, stating that the region had the full potential to become completely abolitionist (Boyarov, 2023). The pushing forward of this treaty would mark a before and after on the death penalty in extended Central Asia, as its legally binding nature would oblige Tajikistan to abolish in the following years if it became a State party. The Turkmen representative at the session also stated that the creation of a treaty of this nature could set the guidelines for a future convention on the abolition of the death penalty, led by Central Asia, to abolish the death penalty worldwide.

Another efficient way of seeing the attitude towards the abolition of the death penalty in the different Central Asian countries is through the votes on the United Nations General Assembly Resolution on a Moratorium on the use of the Death Penalty. As mentioned in the theoretical framework above, this voting has taken place every two years since 2007, in attempts to reach a global moratorium on the death penalty. As general information, the past voting session which took place in 2022 resulted in 125 votes in favor, 37 votes against and 22 abstentions (World Coalition Against the Death Penalty, 2022). In all the votes of the resolutions, the extended Central Asian countries voted in favor of it. Although this resolution is on a moratorium, and not on abolition, it is positive to see this trend as it shows that all the countries in the region are keen on abolishing the death penalty (International Commission against the Death Penalty, n.d.b).

Lastly, as part of the timeline of events and the possible future changes, it is interesting to comment on the Universal Periodic Review done by the United Nations Human Rights Council every four and a half years. This peer review serves to analyze the human rights situation of each country and see if there are arising issues to comment on. If so, the country will receive a series of non binding, but politically and diplomatically important recommendations. The most recent session to comment on is the 39th session of the Working Group, which took place from the 1st to the 12th of November of 2021. In the review previous to this one, which took place in 2016, Tajikistan accepted all recommendations concerning the abolition of the death penalty, yet to the current day, no further steps have been taken. The recommendations in the review of 2021 were similar to those done the four years previous. A total of 18 countries recommended the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, or at least the consideration of it and the speeding up of the process (UN General Assembly, 2022). Furthermore, Iceland recommended Tajikistan to create a timeline with specific steps towards abolition, which should happen at latest in 2026. Additionally, Uruguay mentioned the importance of creating strong awareness-campaigns on the death penalty in order to encourage public debate. Lastly, six countries explicitly recommended Tajikistan to abolish the death penalty. Although Tajikistan has retained the moratorium on the death penalty since the last review, no other recommendations have been taken. Approximately two years are left for the next UPR, which leaves Tajikistan some time to attempt to follow these recommendations, or at least take solid steps towards abolition.

8.2 Becoming the First Death Penalty Free Zone: Other Initiatives.

The trend for the abolition of the death penalty is in constant increase as the years go by and human rights take a more important position in politics. This can be seen solely with data on how many countries were and currently are abolitionist. In 1945, when the United Nations was founded, only eight countries had abolished the death penalty. This number increased to twenty five in 1965 and around sixty in 1998. Currently, with four countries removing capital punishment from their legal system in 2022, there are 111 countries abolitionist for all crimes, and for ordinary crimes only (International Commission against the Death Penalty, 2018).

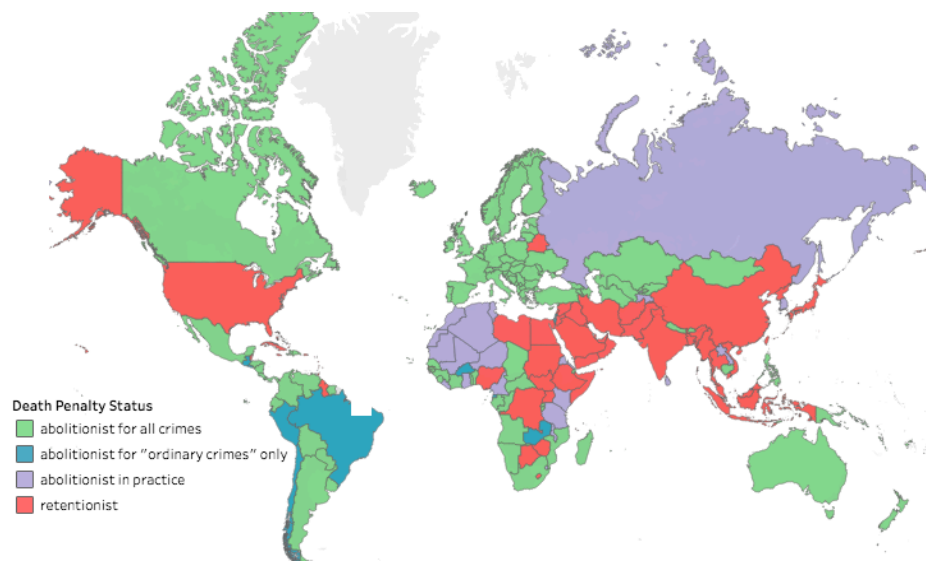


Image 3. Abolitionist and Retentionist Countries as of 2022. Source: Death Penalty Information Center, n.d.d.

The abolitionist trend is peaking now more than ever, and because of this, regional and other types of initiatives for abolition are taking place around the world. This thesis goes over one of the predominant initiatives, the creation of the first Death Penalty Free Regional Zone by extended Central Asia, but it is also important to highlight other initiatives to see how these could influence worldwide abolition, and how similar they are to extended Central Asia. The most predominant and advanced ones are the Community of Portuguese-Speaking Countries and South America.

8.2.1 Community of Portuguese-Speaking Countries.

The Community of Portuguese-Speaking Countries (CPLP), whose members are Brazil, Angola, Cabo Verde, Guinea-Bissau, Equatorial Guinea, Mozambique, Portugal, Sao Tome and Principe, and Timor-Leste, was founded at the Lisbon Constitutive Summit of 1996. The countries joined with three main purposes: “political and diplomatic coordination; cooperation in all areas; and promotion and diffusion of the Portuguese language.” (Government of Brazil, 2024). Since 2005 the organization has also established cooperation resolutions with the United Nations every two years. As mentioned, the CPLP is important for an array of political and diplomatic issues. These include political cooperation and dialogue between member countries, crisis support, assistance in the strengthening of

institutions, and even electoral observance to guarantee democracy among the countries in the group. Within these objectives also stood the abolition of the death penalty in all the member countries, and the objective was finally achieved in 2022 when Equatorial Guinea became abolitionist. Although it is true that this is not a regional group, it is interesting to observe how cooperation and support between countries that have something in common can make reaching the final goal easier.

One of the requisites Equatorial Guinea had when entering the CPLP in 2014 was to abolish the death penalty. Although this took more years than expected, a moratorium was introduced in the country just after acceding, and even before, a series of pardons were given (Lusa, 2021). It is key to understand the extent to which the CPLP was essential for Equatorial Guinea to abolish the death penalty. Firstly is the fact that in order to form part of the organization, Equatorial Guinea was obliged to abolish. Equatorial Guinea could have not entered the group in the first place, but forming part of an organization as the CPLP supposed many advantages. Some of these advantages included international reputation as a country that pursued human rights, legal harmonization which adjusted Equatorial Guinean law to international law, and regional integration in some form with the rest of the Portuguese speaking countries. Furthermore, the CPLP in itself helped Equatorial Guinea throughout the whole process of abolition through diplomatic engagement, by offering assistance to adapt the legal framework to the standards agreed on and by creating awareness in the country. The CPLP without a doubt also implicitly might have helped promote abolition in other parts of the world, in this case especially neighbors of Equatorial Guinea.

8.2.2 Abolition of the Death Penalty in South America.

It could be said that currently, Central Asia stands in the mid-point between the CPLP countries and the South American region in terms of abolition. To this day, the only country in South America which still has the death penalty in its legal system is Guyana. The difference between Guyana and Tajikistan is the extent to which each country makes use of capital punishment. While Tajikistan has been on a moratorium for over 20 years, inclusive of death sentences, Guyana still sentences criminals to death, the last sentence taking place in January of 2023, despite having an unofficial moratorium on executions since 1997. The last countries to abolish the death penalty for all crimes in South America were Argentina and Bolivia in 2009 (Amnesty International, 2018), despite this both countries had already been

abolitionist for ordinary crimes for a much longer time. Excluding Guyana, the region would have become the first regional death penalty free zone in the world a long time ago. The trend in South America towards the abolition of the death penalty tends to be very supportive mainly due to the history of the region. The long years of human rights abuses, authoritarian regimes and political violence have made the majority of the countries receive certain democratic values with open arms, especially those concerning their physical integrity. The abolition of the death penalty was quickly recognized as a violation of the right to life and human dignity.

Apart from political initiatives of constitutional reforms and the presence of civil society groups and NGOs to lead the human rights transition, a specific regional organization also paved the way. This is the case of the Organization of American States (OAS), created in 1948, and subsequently the Inter-American Commission on Human Rights (IACHR), created in 1959. This organization includes among its objectives the importance of building state-cooperation and creating a common regional agenda for topics such as democratic governance and human rights. As stated in the American Convention of Human Rights, which entered into force in 1978, the importance of abolishing the death penalty, not to be confused with the obligation, is clearly stated in Article 4 covering the Right to Life (American Convention on Human Rights, 1969). Furthermore, an Optional Protocol which sought the total abolition of the death penalty in the region was created in 1990 (Protocol to the American Convention on Human Rights to Abolish the Death Penalty, 1990). Unfortunately, due to its optional nature, Guyana is not a signatory state and is not bound to its fulfillment. Despite not being bound to any treaty that obliges abolition, the OAS has the capacity to stimulate Guyana into abolition in the near future. The constant monitoring of human rights situations provided by the IACHR, the provision of technical assistance by the organization, the advocacy efforts to raise awareness and the creation of a forum for dialogue and diplomacy makes the OAS an extremely important body for reaching regional abolition.

Guyana is surrounded by an adequate climate to abolish the death penalty in the near future. South America, in terms of certain human rights and in the specific case of the death penalty, has the strength of multilateral and bilateral dialogue, as well as international organizations. Although the OAS does not have a binding treaty that obliges its members to abolish the death penalty, it still serves as pressure for a common goal. The future of Guyana seems positive, as the Minister of Parliamentary Affairs and Governance stated in the 104th session

of the United Nations Commission on Human Rights, that in the next constitutional reform process the abolition of the death penalty will be consulted in all regions. The Minister stated that no funds have been put in to execute anyone and that there is no equipment or personnel, implicitly showing the inevitable path towards abolition (Guyana Chronicle, 2024). Although Guyana failed to meet the 2023 deadline of constitutional reform dialogue, it is most likely that the conversations behind this year, and hopefully, the abolition of the death penalty is acknowledged.

These regional initiatives show how important cooperation and dialogue are when pursuing something as complicated yet as important as abolishing the death penalty. In first place, the CPLP shows how regional organizations can serve as a support network for a country to abolish the death penalty. Through diplomatic and political cooperation, and by binding themselves to a treaty which pursues international human rights standards, a series of countries with different backgrounds and history can come together to promote change in groups. It would be extremely efficient for the extended Central Asian countries to create an organization of the sort which would homogenize aspects such as their legal system to reach the democratic and human rights transition they aspired after independence, and with this abolish the death penalty in the region. On the other hand, South America shows that a formal organization with a binding treaty is not necessary in order to influence neighboring countries into something or to promote diplomatic and political engagement for human rights issues. Bilateral and multilateral cooperation seems equally efficient if each country puts in its part in order to achieve the final goal. Even though one country is left in South America to consider the region officially death penalty free, the objective is not impossible through regional dialogue. In this sense, all the other countries of extended Central Asia that have already abolished the death penalty should propose initiatives that reinforce the regional narrative and stimulate common goals. By doing this, the countries of the region could not only achieve the goal of being the first Regional Death Penalty Free Zone, but many others in the future.

9. CONCLUSIONS

After covering all the aspects concerning the death penalty in extended Central Asia in the points above, a series of conclusions can be extracted. The main purpose of these conclusions is to bring the thesis to a close and to create answers to the research questions presented at the

start. The main question that must be answered, after reviewing all the points, is: How viable is it for extended Central Asia to become the first death penalty free zone? While at the start of the dissertation it seemed like this objective was completely feasible for extended Central Asia in the near future, as Tajikistan is the only country remaining and regional dialogue is at its prime, the answer seems more doubtful after analyzing all the different factors and seeing the impediments that could retaliate the process.

At a first glance the current situation seems optimal for the region. With Tajikistan remaining as the only country to abolish, and having established a moratorium for the past 10 years, the final goal must be around the corner. Yet the issue remains here: How come Tajikistan has not abolished the death penalty after so many years of moratorium, and with the pressure of being the only retentionist country in the region? All the other countries of Central Asia have been ex-Soviet republics influenced by the Soviet system of the death penalty, have been under the power of authoritarian rulers and have been affected by terrorism and conflict, yet have still managed to remove capital punishment from their system. This aspect may be understood by taking into account the timing of abolition. Countries such as Turkmenistan and Kyrgyzstan, being the first in the region to abolish, ended with capital punishment in a time in which the region was searching for acceptance from the international community. After independence, the abolition of the death penalty was one of the most visible ways to prove to the world their commitment to human rights. At this time, Tajikistan was undergoing a Civil War and the effects of it remained for many years to come, giving the country a justification into why it was not the adequate moment to abolish the death penalty. Unfortunately, and as the years have gone by, the utopian pursuit of human rights that started after World War II has been deteriorating over the past years. The current situation in many parts of the world is far from positive, and the abolition of the death penalty specifically in Tajikistan is not on the top of the list of priorities for global governors. This has taken pressure off of Tajikistan's back and has allowed it to keep its moratorium going despite overcoming a decade since its implementation. It is true that the presence of NGOs and other civil society organizations against the death penalty remain strong in their objectives, yet the worrying situation concerning executions in countries such as China and Iran takes away the importance of working on Tajikistan, which at the end of the day has not carried out executions since 2004.

The turbulent global situation permits Tajikistan to maintain itself strong in its narrative towards why capital punishment still remains as a necessary legal provision in the country.

As stated throughout the dissertation, the main argument the county backs the necessity of the death penalty with is the presence of terrorism. It is true that the situation with Afghanistan since the Taliban government came in power is more unstable than ever and that the number of Tajik citizens leaving to fight for these terrorist organizations does not cease to increase. In this sense, Tajikistan has a justifiable worry on how terrorism can affect the security of its country and citizens. Despite this, and as stated at the start of the paper, several studies have proved that the death penalty does not deter crime nor cause a fear which would impede terrorists from carrying out their due actions. Instead, what it does seem, is that Tajikistan may be justifying keeping the death penalty with terrorism, when it actually might be a way of keeping power controlled and centralized, as well as avoiding uprisings. In this sense, Tajikistan should rather invest in stronger border security to avoid transnational terrorism, as well as more in depth monitoring of the presence of terrorist organizations that could recruit its citizens to join movements of the kind.

Another conclusion that can be extracted is that in order for this situation to improve, and for the abolition of the death penalty to be actually considered, regional cooperation remains essential. Examples of success such as the abolition of the death penalty in Equatorial Guinea after the incentives and pressure exerted from the rest of the Community of Portuguese-Speaking Countries show the extent to which regional cooperation can be determinant for the remaining country to become abolitionist. Central Asian countries have shown in the past their capacity to work together towards common goals that concern the wellbeing of the region, as was seen in the creation of the Treaty on a Nuclear-Weapon-Free Zone in Central Asia. This treaty is a clear example of how, with the implication and commitment of each individual country, even the most complicated subjects can find common ground. It is true that initiatives have been carried out by the majority of the countries in the region, most recently by Turkmenistan in the proposal of a creation of a treaty for this matter, but these efforts must go beyond. After reviewing the case of the Community of Portuguese-Speaking Countries and the Council of Europe, followed by the European Union, an interesting solution for extended Central Asia could be the creation of a regional organization between them. Although the creation of a regional organization of this nature would take some time, it could include the abolition of the death penalty as a prerequisite for entering. In some sense, this would oblige Tajikistan to abolish the death penalty in due time, as otherwise, it would remain as the only excluded country from the regional organization, causing diplomatic, political and economic distancing from its

neighbors and main allies. Furthermore, the creation of an organization of this nature could facilitate collective security, as terrorism does not only pose a security threat for Tajikistan but also the rest of the countries in the region. A solid network of support in case of incidents related with terrorism could bring tranquility to Tajikistan knowing that, although the death penalty is no longer a punishment for crimes of the matter, it can count on its neighbors for protection and safeguarding.

After reviewing the different case studies on how the different countries in extended Central Asia abolished the death penalty, the case of Mongolia is important for another conclusion. One of the changes that could spark abolition in Tajikistan is the coming to power of an abolitionist leader, as was the case of President Tsakhiagiin Elbegdorj in Mongolia. Taking into account the centralization of powers that currently exists in these countries, a leader which firmly believes in the abolition of the death penalty is the most rapid and effective solution for the elimination of capital punishment, taking into account that Tajikistan has all the previous requests fulfilled after having a moratorium for so long. Although this of course depends solely on the appearance of a leader of this nature, educating the Tajik population through the presence of NGOs and civil society groups could at least create some pressure from society for a figure as such to be the next leader.

Many concerns appear after analyzing the current situation, and conclusions can be speculated on what could happen if the death penalty in Tajikistan is not abolished in the near future. Solely focusing on Tajikistan, it is important to take into account that the moratorium, as not being legally binding in any form, can be lifted if the President believes necessary. Taking into account all the issues concerning terrorism, and the fear instilled in the population due to the recent attacks, it would not be impossible for the moratorium, at least on sentences, to be lifted. If this were to occur, it would be a question of years or even months for executions to resume, as moratoriums are never lifted without further intentions. As Tajikistan has not signed any formal agreement that obliges it to keep a moratorium on the death penalty, the only backlash it could face would be political and diplomatic. In the speculative case that Tajikistan was to bring back the death penalty in the future due to an increase of terrorism, this could motivate the neighboring countries in the region to contemplate the same action, especially if the President of the country at the time were to be in favor of capital punishment. Although this is highly unlikely, as all the other countries mentioned in extended Central Asia have signed the Second Optional Protocol to the

International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, there may be a time when consequences are weighed and the ability of using the death penalty to fight against domestic issues outweighs the international condemnations they could receive from breaching the international treaty.

After exposing these conclusions, a final reflection can be made on the question of how viable it is for extended Central Asia to become the first regional death penalty free zone in the world. From what has been observed, although the current situation is complicated, it is probably in its highest peak for change to occur, at least in the near future if global issues deteriorate. In order for this objective to be fulfilled, the work must not only be left in Tajikistan's hands, but also in the hands of the rest of the countries in the region. It is understood that the main reason Tajikistan is not currently abolishing the death penalty is due to fears of terrorism affecting the security of its country and its people. Therefore, it is key for the neighboring countries to keep showing their support to Tajikistan and working towards the creation of collective security mechanisms that could tranquilize the area before turning it into a death penalty free zone. It is essential for Tajikistan to abolish the death penalty in the near future, before terrorism-related issues become more serious and the retentionist spirit possibly contaminates the leaders of other nations. The support of the international community, the presence of NGOs and the work of civil society organizations to keep the people of these countries informed is just as key to keep fighting for the global abolition of the death penalty. The moment is now for Tajikistan and extended Central Asia to defend the most basic and inherent right to mankind: the right to life, and to prove to the world that the region maintains its utmost concern with the fulfillment of human rights and the safeguarding of its people.

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