

**EXTERNAL**

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**@Mikhail N. TYRNIKOV**

£Russian Federation

Amnesty International is concerned that Mikhail Tyrnikov may face imminent execution. According to unofficial sources he was convicted in October 1989 by a court in Maykop, the capital of the Adygey Republic in Russia, of the murder of three elderly women. The sentence was upheld on 3 April 1990 by the Supreme Court of the Russian Federation. Mikhail Tyrnikov denies the murder charges and alleges that he was forced by physical and psychological pressure to incriminate himself.

The case is reportedly due for consideration now by the clemency committee attached to the office of the Russian President, who has the ultimate authority to decide whether clemency should be granted.

Background information

Death sentences are regularly passed and carried out in the Russian Federation, although the exact figures are not available as the authorities do not publish official statistics on its use. The most recent indication of the scale came from the head of the parliamentary Clemency Commission of the former USSR in July 1991, who reported that most of the 208 executions recorded 1990 were carried out in two republics - Russia and Ukraine.

Prior to December 1991 the Russian Criminal Code retained the death penalty for 18 offences in peacetime. However at the beginning of that month the Russian parliament abolished the death penalty for three economic offences: large-scale speculation, aggravated bribe-taking and large scale theft of state property. A draft criminal code, set to come before parliament shortly, proposes reducing the scope of the death penalty further to three offences: premeditated murder under aggravating circumstances, genocide and war crimes.

To Amnesty International's knowledge the overwhelming majority of death sentences passed in recent years have been for murder under aggravating circumstances. A death sentence may not be passed on a pregnant woman or on anyone under 18, or ruled to have been insane, at the time of the offence or when sentence is passed.

Although there is discussion on the introduction of a jury system, capital cases are still tried by a bench of three judges, of which only one is professionally trained. A defence lawyer must assist in capital cases. Prisoners can appeal against the verdict or sentence to the next highest court within seven days of receiving a written copy of the judgement. As their cases are heard at a higher level at first instance, however, prisoners under sentence of death have fewer opportunities to appeal than many other prisoners. Some have been sentenced to death without right of appeal. Andrey Zapevalov, for example, was sentenced to death for murder by

the Russian (RSFSR) Supreme Court without right of appeal in November 1989, after a trial Amnesty International considered was unfair. His sentence was commuted in April 1991.

Death sentences may also be reduced by a judicial review. Under this procedure a higher court re-examines the case after it has received a protest against the judgement of the court of first instance or the court of appeal.

Although death sentences are suspended pending appeal, they may still be carried out before a judicial review has been completed. If these remedies fail, prisoners under sentence of death can petition for clemency, which may be granted by the President of the Russian Federation. Following the break-up of the Soviet Union such prisoners no longer have the opportunity for a judicial review or petition to be considered by the federal USSR authorities, and have thereby lost a possible final avenue for commutation. Prior to this legal authorities estimated that it could take some two years for a death penalty case to reach resolution.