

EXTERNAL

13 May 1992

@Aleksandr TIMOFEEV**£Russian Federation**

Aleksandr Timofeev, a shepherd, was sentenced to death in the Russian Federation after being convicted of raping and murdering two women and raping seven others. He comes from the Pskov region. The exact place of his trial and the date of his sentence are not known.

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passed and carried out in the Russian Federation, although the exact figures are not available as the authorities do not publish official statistics on its use.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 judgment 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.

In March 1992 the Chairman of the Committee for Legislation submitted a draft amnesty for parliamentary discussion. One of the proposals was to replace pending death sentences with a 20-year sentence of imprisonment. However, this is said to have provoked widespread opposition. Russian press coverage of the debate reported that there were currently 332 people on death row in the Russian Federation.

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