

AI INDEX EUR 46/34.92

EXTERNAL

23 July 1992

@S. KULAGIN

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On 15 May 1992 the newspaper Molodyozh Severa (Youth of the North) reported that S. Kulagin, first name not known, was under sentence of death in a prison in the Republic of Komi. He had been convicted in June 1991 of the rape and murder of a 13-year old girl in the village of Sindor in the Knyazhpogostsky district, Komi. No further details on the case were given. S. Kulagin is currently awaiting the outcome of his petition for clemency to the President of the Russian Federation.

Amnesty International is opposed to the death penalty in all cases and without reservation on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights. Amnesty International is appealing to Boris Yeltsin, the President of the Russian Federation to exercise his constitutional authority and commute the death sentence passed on S. Kulagin.

Background information

Death sentences are regularly passed and carried out in the Russian Federation. The most recent indication of the scale was given in the newspaper Izvestiya on 10 April 1992. Its report stated that the number of people executed in 1991 was 59, a fall from 76 in 1990 and 93 in 1989. The number of persons sentenced to death (and whose appeals had been turned down) numbered 147 in 1991, as opposed to 223 in 1990 and 100 in 1989.

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 aggravated 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 aggravated circumstances. A death

sentence may not be passed on a pregnant woman, on anyone under 18, or on anyone 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 judgment. 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 death sentences passed but not yet carried out with a 20-year sentence of imprisonment. However, this is said to have provoked widespread opposition, and was dropped. Russian press coverage of the debate reported that there were currently 332 people on death row in the Russian Federation.

The report in Molodyozh Severa gives further details on the situation of prisoners on death row in the Republic of Komi. According to the article there are three prisons where such persons under sentence of death are held in the republic - in the cities of Syktyvkar, Sosnogorsk and Vorkuta. The report names 10 prisoners on death row in Komi as of May this year, only one of whom was previously known to Amnesty International. The organization is also appealing for the death sentences passed on the other nine prisoners to be commuted.

Prisoners on death row in Komi may receive one visit a month from their relatives, according to the report, and may also receive parcels and buy articles from the prison shop twice a month. They are not allowed to correspond with persons outside the prison. Each death row cell contains sanitary arrangements, a table, a chair, a bed and a radio. There are three such cells in Syktyvkar prison, which in May 1992 held five prisoners. The procurator visits each prisoner on death row once a month regarding their case, and this official is charged with informing prisoners about the final outcome of their petitions for clemency.

The article explains that prisoners on death row in Komi are kept in such isolation prisons until the outcome of their petitions for clemency. If these are turned down by the President of the Russian Federation the sentence should then be carried out immediately. There is some delay in Komi, however, as the republic does not possess a prison where executions can take place. The prisoners then face several days wait while they are transferred to a city where such facilities exist.

The article concludes by saying that no one on death row in the Republic of Komi has had their sentence commuted in recent years. The last executions were said to have taken place on 4 October 1991 when two prisoners named as A. Kulikov and V. Kononov were shot.