

URGENT ACTION

TWO MEN EXECUTED IN BELARUS

Dzmitry Kanavalau and Uladzslau Kavalyou have been executed in Belarus. The authorities should now release the bodies of the two men to their families for burial.

On 17 March, Lubou Kavalyou, the mother of **Uladzslau Kavalyou** received a letter by post from the Supreme Court dated 16 March notifying her that her son had been executed in accordance with the Supreme Court judgement of 30 November 2011. The execution of **Dzmitry Kanavalau** has also been confirmed by state-owned media. The execution of Uladzslau Kavalyou took place despite an official request from the UN Human Rights Committee not to execute him until his application to the Committee had been considered.

Uladzslau Kavalyou and Dzmitry Kanavalau were sentenced to death on 30 November following a trial that failed to meet international fair trial standards. The two men's sentences were passed by the Supreme Court of Belarus leaving no possibility of appeal to a higher court. On 14 March, President Lukashenka denied them clemency. Lubou Kavalyoua sent letters to Belarusian Members of Parliament calling on them to influence Alexander Lukashenka to establish a moratorium on the death penalty in Belarus. On 11 March, Lubou Kavalyoua saw her son for the last time when she visited him in remand prison on Valadarski Street, Minsk. Lubou Kavalyoua believes that such a hurried execution is revenge for her attempts to fight for her son.

The letter sent to Lubou Kavalyoua is unusual practice. In the past, official notification that an execution has been carried out has not been sent to the relatives until weeks or months after the execution. The body is not released to the family, and the place of burial is kept secret, causing further distress to relatives. In 2003 the UN Human Rights Committee ruled, in the cases of two other executed prisoners, Anton Bondarenko and Igor Lyashkevich, that the secrecy surrounding the death penalty in Belarus punished the families and amounted to inhuman treatment. Tatiana Kavalyoua, sister of Uladzslau Kavalyou, reported that near the apartment block where they live in Vitebsk, north-east Belarus, security forces attempted to prevent any demonstrations of grief, including laying of flowers and lighting candles. Nevertheless, around 30 people left candles in the entrance to the building.

Please write immediately in Belarusian, Russian or your own language:

- Expressing regret at the execution of the two men and calling on President Lukashenka to establish an immediate moratorium on the use of the death penalty, in line with UN General Assembly resolution 63/168, adopted on 18 December 2008;
- Calling on the Belarusian authorities to release the bodies of Dzmitry Kanavalau and Uladzslau Kavalyou to their families for burial, in line with the UN Human Rights Committee's 2003 rulings in the cases of *Bondarenko v. Belarus* and *Lyashkevich v. Belarus*.

PLEASE SEND APPEALS BEFORE 30 APRIL 2012 TO:

President

Alyaksandr Lukashenka
 Administratsia Prezidenta Respubliki Belarus
 ul. Karla Marksa, 38
 220016 Minsk, Belarus
 Fax: +375 17 226 06 10/ +375 17 222 38 72
 Email: contact@president.gov.by

Salutation: Dear President Lukashenka

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the second update of UA 348/11. Further information: <http://www.amnesty.org/en/library/info/EUR49/002/2012/en>

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ADDITIONAL INFORMATION

The case of Dzmitry Kanavalau and Uladzslau Kavalyou has been very high profile within Belarus, following the shock that filled the country after the explosion in Minsk on 11 April 2011, in which 15 people died and hundreds were injured. Dzmitry Kanavalau was found guilty of committing terrorist attacks and producing explosives, in connection with a series of bomb attacks in Belarus, most recently the Minsk attack. Uladzslau Kavalyou was found guilty of assisting him and failing to inform the authorities.

There has been increasing public criticism about the swiftness and nature of the investigation and trial, as both Dzmitry Kanavalau and Uladzslau Kavalyou were detained within hours of the incident and the trial failed to meet international fair trial standards on a number of levels. Uladzslau Kavalyou's mother has said that both men were beaten during interrogation. There is no forensic evidence linking either Dzmitry Kanavalau or Uladzslau Kavalyou to the explosion and no traces of explosives were found on either of them. Experts concluded that it would not have been possible for them to prepare the explosives in the basement in which they are accused of having done so.

In a survey carried out in September by the Lithuanian Independent Institute of socio-political and economic research, only 21.2 per cent of Belarusians believed that the April 2011 explosion in Minsk was carried out by "a lone terrorist and his accomplice", 32.4 per cent believed that the crime was carried out under orders and 36.7 per cent were sure that "the crime was committed by other people."

In an unprecedented show of public scepticism in Belarus, a petition against the anticipated execution Dzmitry Kanavalau and Uladzslau Kavalyou was started in the country and was signed by over 50,000 people. Over 250,000 signatures from all over the world were collected by Amnesty International's global membership and Belarusian organizations calling for the abolition of the death penalty in Belarus. The petition, which began as a local initiative by Human Rights Centre Viasna became a focus of Amnesty International's 50th anniversary campaign against the death penalty. Amnesty International opposes the death penalty in all cases, as the ultimate cruel, inhuman and degrading punishment. Belarus remains the only country in Europe and the former Soviet Union which still carries out executions. The use of the death penalty is compounded by a flawed justice system and the secrecy surrounding its application which means that prisoners and family members are not informed in advance and may not be informed until months after the execution has taken place.

Belarus is the last country in Europe and the former Soviet Union which still carries out executions. Amnesty International condemns the Belarusian authorities' continuing use of the death penalty. Despite public statements regarding its intention to move towards abolition, the Belarusian government continues to issue death sentences and execute prisoners. Two men were executed in 2010 and at least one man in 2011.

In Belarus, condemned prisoners are given no warning that they are about to be executed, and they are usually executed within minutes of being told that their appeal for clemency has been rejected. They are first taken to a room where, in the presence of the Director of the detention facility, the Prosecutor and one other Ministry of Interior employee, they are told that their appeal for clemency has been turned down and that the sentence will be carried out. They are then taken to a neighbouring room where they are forced to their knees and shot in the back of the head. Their families will only be informed days or sometimes months after the execution that their relative has been executed.

Name: Dzmitry Kanavalau and Uladzslau Kavalyou

Gender m/f: both male

Further information on UA: 348/11 Index: EUR 49/003/2012 Issue Date: 19 March 2012