

News Service:232/98  
AI INDEX: EUR 50/14/98  
26 November 1998

## **PUBLIC STATEMENT**

### **THE MORATORIUM ON EXECUTIONS IN UKRAINE SHOULD APPLY TO EVERYONE**

Amnesty International is concerned about the recent statement of the Ukrainian President Leonid Kuchma on the death penalty, which puts at risk the existence of a moratorium on executions in Ukraine.

President Kuchma reportedly said in a media interview on 23 November, while commenting on the trial of serial killer Anatoly Onuprienko: "As a human being I cannot see any punishment for him other than death."

Amnesty International believes that the President's statement in the course of trial proceedings is a violation of the Constitutional principle of independence of the judiciary and the right of the accused to be presumed innocent before the court issues its verdict. Such a statement is especially dangerous in the context of Ukraine, where the judiciary is far from being independent from executive orders and influences.

Amnesty International opposes the death penalty in all cases and circumstances, regardless of the crimes for which it has been applied. The organization believes that the use of the death penalty allows for the execution of innocent people as a consequence of possible judicial mistakes.

The organization has been concerned for years about the practice of torture and ill-treatment of criminal suspects in police custody in Ukraine to obtain a confession of guilt.

In August 1996 Amnesty International approached the government of Ukraine concerning the case of Yury Mozola, aged 26. According to reports, on 27 March 1996 he was arrested by officers of the Lviv Regional Directorate of the Security Services on suspicion of multiple murder. Anatoly Onuprienko is now accused of those murders. Yury Mozola was detained in the investigation isolation prison of the Directorate where, according to information provided to Amnesty International, he was tortured to death while being interrogated about the crime. He reportedly died four days after his arrest.

According to information available to Amnesty International, another man was arrested in Lviv and then sentenced to death in connection with other murders now attributed to Anatoly Onuprienko. He was reportedly released following Anatoly Onuprienko's arrest.

The organization believes that this innocent man, who was wrongly accused and sentenced to death, is still alive only because of the existence of a moratorium on executions in Ukraine, given as

one of the commitments on accession to the Council of Europe.

In a similar case in the Russian Federation, an innocent man was sentenced to death and executed, before the Russian authorities arrested Andrey Chikatilo, who was then executed in 1994 for the murder of 53 people.

**Background:**

The trial of Anatoly Onuprienko began on 23 November in the city of Zhytomyr, more than two years after his arrest in April 1996. A former forestry student, sailor and soldier, he is accused of murdering 52 people between 1989 and 1996. Anatoly Onuprienko reportedly said in court that he had been previously treated in a psychiatric hospital. He also reportedly said that his mother had died when he was four years old and his father and older brother had taken him to an orphanage at the age of seven. During the investigation he allegedly said that he heard voices telling him to carry out the killings.

Amnesty International is calling on the authorities in Ukraine to initiate without delay an independent psychiatric examination of Anatoly Onuprienko. The organization has received reports suggesting that he may be suffering of a mental illness.

At least 345 prisoners remain under sentence of death in Ukraine, 81 of whom were sentenced to death in the first six months of this year.

In January, the Parliamentary Assembly of the Council of Europe adopted its third successive resolution strongly condemning Ukraine for continuing to carry out executions. The Parliamentary Assembly stated that unless it received formal notification that all executions had been halted, it would consider revoking the credentials of the Ukrainian delegation.

The deadline for full abolition of the death penalty set by the Council of Europe on Ukraine's accession in 1995 was November 1998. In September a draft new Criminal Code – containing no articles providing for the death penalty and introducing life imprisonment as an alternative punishment – was passed on first reading by the Ukrainian parliament. However, also in September the chairman of the Ukrainian parliament Oleksandr Tkachenko reportedly told a delegation from the Parliamentary Assembly of the Council of Europe that it was too early to speak about full abolition of the death penalty in Ukraine.

ENDS../