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PUBLIC STATEMENT

THE RUSSIAN FEDERATION: Amnesty International welcomes Constitutional Court *de facto* decision to abolish death penalty

Amnesty International welcomed today the Russian Constitutional Court's ruling not to sentence any more people to death until their cases have been heard in a jury trial.

The Constitutional Court ruling banned regular court judges from sentencing people to death until the jury trial system is introduced everywhere in the Russian Federation.

Jury trials are currently available in only nine of the Russian Federation's 89 regions. Following today's ruling, even the nine regions where jury trials are currently in operation will be banned from issuing new death sentences, in order to preserve the principle of equality before the law.

"Today's ruling is unprecedented as it is *a de facto* abolition of the death penalty until new laws and practices are introduced to ensure equal access to justice in the Russian Federation," Amnesty International said.

Nevertheless, the ruling of the Constitutional Court does not apply retroactively -- people convicted and sentenced to death cannot have their cases reviewed on the grounds that they have not been tried by a jury.

Despite the court's ruling, Amnesty International continues to call on the government and parliament to abolish the death penalty officially. The Russian Federation's deadline for a full abolition of the death penalty, given to the Council of Europe in 1996, will expire on 28 February 1999. The Russian government has yet to ratify Protocol No. 6 of the European Convention on Human Rights.

In April 1998 the government revealed that at least 894 prisoners were sentenced to death. However, in October 1998 the Minister of Justice reported that 839 people were under sentence of death in the Russian Federation, although no executions had reportedly been carried out since August 1996, except one in the Chechen Republic last year.

Amnesty International continues to call on the authorities to lift the secrecy surrounding the application of the death penalty in the Russian Federation and release the names and whereabouts of all prisoners currently sentenced to death.

Background information

Today's Constitutional Court ruling follows a December 1998 appeal by the lawyers of three people already sentenced to death in the absence of a jury, who argued that their constitutional rights had been violated.

No federal law regulating the system of jury trials has been adopted so far. The Constitutional Court judges ruled that parliament must act immediately and irrespective of any other factors to ensure the right of trial by jury.

Analysis of jury trials in nine regions of the Russian Federation in recent years showed that juries were most often reluctant to impose the death penalty and much more inclined to vote for alternative punishments, such as life imprisonment.

In the 80 regions where juries have not yet been introduced, criminal procedures are still weighted heavily in favour of the prosecution. Defendants are often expected to prove their innocence rather than prosecutors proving their guilt. Rates of conviction remain above 99 per cent, as opposed to the 16 per cent acquittal rate by juries.

The Russian Federation judiciary remains often subject to executive and military influence. Economic instability and lack of state funding have halted the widespread introduction of jury trials during the past five years. The courts are not being renovated, judges are not receiving necessary training, and insufficient funds are available to pay for jurors' stipends. Even in the nine regions where jury trials exist, courts sometimes abstained from using them for lack of funds.

On acceding to the Council of Europe in 1996, the Russian Federation pledged to establish an immediate moratorium on executions. It was reminded by the Parliamentary Assembly in 1997 and 1998 of the necessity of complying with this pledge. In August 1998 the Russian Federation government announced that it would abolish the death penalty by April 1999. Despite this, no official moratorium on executions has been put in place, no move has been made to ratify Protocol No. 6, and high-ranking government officials, including the prime minister, threaten to reintroduce the death penalty.
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