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Further information on UA 464/89 (EUR 46/31/89, 24 November 1989) - Fear of Imminent Execution

USSR: Andrey Viktorovich ZAPEVALOV

Amnesty International has learned that the case of 24-year-old student Andrey Zapevalov, who was sentenced to death after being convicted of murder, is being sent back to the USSR Supreme Court for a judicial review. Andrey Zapevalov's case was due to come before the Clemency Commission of the USSR Supreme Soviet on 22 November 1990. It is not known when the judicial review will take place.

Amnesty International believes that Andrey Zapevalov's death sentence was imposed after an unfair trial. Before he was convicted Soviet press and television published at least 16 reports on his case, conveying him as guilty as charged and quoting numerous members of the public who wanted him executed. Most witnesses at the trial reportedly admitted that they had followed the case in the media.

The death sentence was passed by judge M.A. Nesterov after the prosecution had recommended a sentence of 15 years' imprisonment. The official verdict, of which Amnesty International has a copy, does not explain why the death penalty was imposed. This is a violation of article 314 of the Russian Code of Criminal Procedure. Amnesty International is also concerned that the verdict does not take into account such mitigating factors as Andrey Zapevalov's youth, his confession and remorse and his previously clean record.

Amnesty International unconditionally opposes the death penalty in all cases as a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading treatment or punishment, as proclaimed in the Universal Declaration of Human Rights.

FURTHER RECOMMENDED ACTION: Telegrams/telephone calls/express letters:

- appealing for Andrey Zapevalov's death penalty to be commuted.
- expressing concern that media reports of Andrey Zapevalov's cases were prejudicial and violated his right to be presumed innocent before being proved guilty.
- pointing out that mitigating factors were not included in the court judgement, in violation of article 314 of the Russian Code of Criminal Procedure.

APPEALS TO:

The Chairman of the USSR Supreme Court, Yevgeny Alekseyevich SMOLENTSEV

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Predsedatelyu SMOLENTSEVU Ye.A.

**Telegrams: SSSR, Moskva, ul. Vorovskogo 15, Verkhovny Sud SSR,
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COPIES TO:

The Chairman of the Clemency Commission of the USSR Supreme Soviet, Nikolay
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and to diplomatic representatives of the USSR in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat
or your section office, if sending appeals after 25 December 1990.