

PUBLIC

AI Index: EUR 46/09/98

UA 118/98

Fear of imminent execution / Death penalty 16 April 1998

CHECHEN REPUBLIC, RUSSIAN FEDERATION 48 people, names unknown

Two of 48 people arrested on suspicion of kidnapping and hostage-taking in the Chechen Republic now face imminent execution. Amnesty International has just learned that they were sentenced to death by the Chechen Supreme Shari'a Court at the beginning of 1998. Another 46 detainees may also face the death penalty.

In a media interview on 15 April, Magomed Magomadov, a high ranking official of the Chechen Shari'a National Security Ministry, reportedly stated that 26 criminal cases involving 48 people had been sent to the Supreme Shari'a Court so far this year. Eleven of these cases had already been examined, with 20 of the 48 people receiving various measures of punishment. These included the two people sentenced to death on charges of kidnapping. Another nine people, including a woman, were apparently also convicted of kidnapping and received life sentences.

BACKGROUND INFORMATION:

In August 1996 a peace agreement put an end to a two year armed conflict in the Chechen Republic resulting from its' claim to independence from the Russian Federation in 1991. Under the agreement the decision on the region's final political status has been deferred for five years. The Chechen leadership has, however, continued to insist upon Chechnya's independence from the Russian legal and governmental institutions, including the laws of the Russian Federation.

Regardless of its current legal status, however, the Chechen republic remains bound by the international human rights obligations of the Russian Federation, including the International Covenant on Civil and Political Rights and the Convention against Torture.

A new criminal code introduced the rules and regulations of the Islamic religious tradition, the Shari'a law, into Chechnya's judicial practices in 1996. A Council of Europe delegation visiting Chechnya in November 1997 was told that a new Shari'a Criminal Code is being drafted in line with Chechen tradition.

Amnesty International does not promote or oppose any particular system of justice, urging only that it conforms to internationally accepted standards. The organization is opposed to the death penalty in all cases and without reservation, on the grounds that it violates 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.

At least five people were publicly executed in the Chechen Republic in 1997 [see UA 123/97, EUR 46/11/97, 29 April 1997 and update and EXTRA 122/97, EUR 46/26/97, 9 September 1997 and update).

Although the armed conflict in Chechnya is now over, kidnappings and hostage-takings still occur, usually for financial aims. According to official information, 65 people are currently being held as hostages in Chechnya, with 43 people kidnapped so far in 1998. Thirty-five of them were reportedly freed after an intervention by the Chechen security service.

The President of Chechnya, Aslan Maskhadov, last year urged the Shari'a courts to "sentence those people [kidnappers and hostage-takers] to severe punishments". In June 1997 he issued a decree allowing courts to sentence kidnappers to death.

While Amnesty International supports the Chechen authorities' efforts to ensure the safety and release of hostages in the republic, the organization continues to urge the authorities to grant clemency to all those facing the death penalty in Chechnya.

In March 1998 the organization met with President Maskhadov during his visit to the United Kingdom, and called on him to immediately institute a moratorium on executions, with a view to totally abolishing the death penalty.

RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in Russian, English or in your own language:

- reaffirming your condemnation of the practice of kidnapping and expressing sympathy with the victims of such crimes, but referring to the 1988 United Nations Study on the death penalty which concluded that it is not an effective deterrent for violent crime;
- regretting President Maskhadov's 1997 decree allowing people convicted of kidnapping to be sentenced to death and urging him to amend all articles in the Criminal Code which provide for the death penalty and replace them with punishments which do not violate international human rights standards;
- urging the authorities to abolish the death penalty and grant clemency to all those sentenced to death;
- urging the Chechen authorities to ensure that all people accused of crimes punishable by death have unhindered access to a defence lawyer of their own choice, and that they are allowed to appeal against the sentence to a court of higher jurisdiction.

APPEALS TO:

The President of the Chechen Republic, Aslan Maskhadov
Russian Federation, Chechenskaya Respublika
Grozny, Administratsiya Prezidenta, Presidentu Maskhadovu
Chechen Republic, Russian Federation

Telegrams: President, Grozny, Chechen Republic, Russian Federation
Salutation: Dear President

The Representative of the Chechen Republic in Moscow, Vakha Khasanov
Russian Federation, Moskva 121002
Denezhny pereulok d.12, Predstavitelstvo Chechenskoj Respubliki
Chrezvychainomu i Polnomochnemu Predstavitelju Chechenskoj respubliki v
Rossiskoj Federatsii, Khasanovu V.
Russian Federation

Telegrams: Representative Chechen Republic Khasanov, Moscow, Russian Federation
Faxes: + 7 095 241 73 80
Salutation: Dear Mr Khasanov

NO COPIES

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 28 May 1998.