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**EXTERNAL**

16 October 1992

**@Andrey CHIKATILO**

**£Russian Federation**

Andrey Chikatilo was sentenced to death on 15 October 1992 by the Rostov Regional Court, sitting in the city of Rostov-na-Donu. He was found guilty of murdering 52 people in southern Russia, Ukraine and Uzbekistan between 1978 and 1990. Amnesty International opposes the death penalty in all cases without exception. It is calling on the authorities in the Russian Federation to commute the death sentence passed on Andrey Chikatilo.

Andrey Chikatilo, aged 57, is Ukrainian by nationality and is married with children and grandchildren. A former teacher, he worked in the period immediately before his arrest as a supplies clerk at a factory in Rostov-na-Donu. He was arrested in November 1990 and was originally charged with murdering 33 people, but during questioning he confessed to 21 more murders and personally led police to the remains of some victims whose deaths had gone unrecorded. He went on trial in April 1992, accused of murdering, raping, torturing and in some cases cannibalising 52 people, mostly children or teenagers of both sexes. In the course of the trial Andrey Chikatilo again confessed to these murders.

Psychiatric examinations conducted both before and during the trial found that Andrey Chikatilo was sane enough to be held accountable for his actions and was therefore fit to stand trial. These findings are disputed by Andrey Chikatilo's lawyer, who has announced that he will lodge an appeal against the court's verdict.

It has been reported that one person was wrongly tried and executed for the first murder committed by Andrey Chikatilo in 1978. It was also reported that another person committed suicide after having been wrongfully arrested for one or more of the murders committed by Andrey Chikatilo.

**Background information**

Death sentences are regularly passed and carried out in the Russian Federation. The most recent indication of the scale comes from the chairman of the Clemency Commission of the Russian Federation. On 19 May 1992 Amnesty International's Information Officer in Moscow was given the following information on the application of the death penalty in the Russian Federation. In 1989, 97 persons were said to have been sentenced to death. Of these 26 had their death sentence commuted by the Supreme Court, four were granted clemency and the remaining 67 were executed. In 1990 a total of 206 people were sentenced to death: 28 subsequently had this sentence commuted by the Supreme Court, two received clemency and 176 were executed. In 1991, 144 people were sentenced to death. The Supreme Court commuted 37 of these sentences, 37 prisoners were granted clemency and 70 were

executed. As of 1 May 1992 the staff department of the Clemency Commission were considering 308 cases of persons sentenced to death in the Russian Federation.

On 9 March 1992 a parliamentary debate on draft proposals for an amnesty in the Russian Federation took place. One of the proposals submitted by the Chairman of the Committee for Legislation was to replace death sentences passed but not yet carried out with a 20-year sentence of imprisonment. However, this provoked widespread opposition, and was dropped.

Prior to December 1991 the Russian Federation Criminal Code retained the death penalty for 18 offences in peacetime. However at the beginning of that month the Russian parliament abolished the death penalty for three economic offences: large-scale speculation, aggravated bribe-taking and large scale theft of state property. A draft criminal code, set to come before parliament shortly, proposes reducing the scope of the death penalty further to three offences: premeditated murder under aggravating circumstances, genocide and war crimes. To Amnesty International's knowledge the overwhelming majority of death sentences passed in recent years have been for murder under aggravating circumstances. A death sentence may not be passed on a pregnant woman or on anyone under 18, or ruled to have been insane, at the time of the offence or when sentence is passed.

Although there is discussion on the introduction of a jury system, capital cases are still tried by a bench of three judges, of whom only one is professionally trained. A defence lawyer must assist in capital cases. Prisoners can appeal against the verdict or sentence to the next highest court within seven days of receiving a written copy of the judgement. As their cases are heard at a higher level at first instance, however, prisoners under sentence of death have fewer opportunities to appeal than many other prisoners. Some have been sentenced to death without right of appeal. Andrey Zapevalov, for example, was sentenced to death for murder by the Russian Federation Supreme Court without right of appeal in November 1989, after a trial Amnesty International considered was unfair. His sentence was commuted in April 1991.

Death sentences may also be reduced by a judicial review. Under this procedure a higher court re-examines the case after it has received a protest against the judgment of the court of first instance or the court of appeal. Although death sentences are suspended pending appeal, they may still be carried out before a judicial review has been completed. If these remedies fail, prisoners under sentence of death can petition for clemency, which may be granted by the President of the Russian Federation. Following the break-up of the Soviet Union such prisoners no longer have the opportunity for a judicial review or petition to be considered by the federal USSR authorities, and have thereby lost a possible final avenue for commutation. Prior to this legal authorities estimated that it could take some two years for a death penalty case to reach resolution.