

RUSSIA EXECUTED OVER 100 PRISONERS DESPITE COMMITMENT TO STOP EXECUTIONS

The Russian Federation has executed 140 prisoners this year, 103 of them since it acceded to the Council of Europe, in defiance of the solemn commitment it made to institute an immediate moratorium on executions on joining the Council of Europe in February 1996.

The Russian Federation committed itself on 25 January 1996 "to sign within one year and ratify within three years from the time of accession [to the Council of Europe] Protocol No. 6 of the European Convention on Human Rights on the abolition of the death penalty in time of peace, and to put into place a moratorium on executions with effect from the day of accession".¹ It acceded to the Council of Europe on 28 February 1996.

On 28 June 1996 the Parliamentary Assembly adopted resolution 1097 (1996) on the abolition of the death penalty in Europe. The resolution stated that "The Assembly calls upon Russia... to honour (its) commitments regarding the introduction of a moratorium on executions and the abolition of capital punishment immediately. It warns...that further violation of commitments, especially the carrying-out of executions, will have consequences under Order No. 508 (1995). Order No. 508 (1995) concerns sanctions against countries which do not fulfill the commitments which they have made on joining the Council of Europe. Such sanctions could include the suspension of Russia from rights of representation in the Parliamentary Assembly, or to expulsion from the Council of Europe.

On 29 November 1996 speaking at a Council of Europe seminar on the abolition of the death penalty, Anatoly Pristavkin, chairman of the Russian Presidential Clemency Commission, said that 103 people have been executed in Russia since Russia joined the Council of Europe. Anatoly Pristavkin confirmed that 53 of those executed were sentenced in 1995 and the other 50 this year. In an interview with the Finnish newspaper Helsingin Sanomat on 1 December 1996, Anatoly Pristavkin claimed that 140 people had been executed in total in 1996.

Anatoly Pristavkin told Amnesty International on 24 October 1996 that there were 455 people under sentence of death awaiting consideration of their petitions for clemency with the Clemency Commission. According to the Head of the Commission, even if the Commission should recommend clemency, President Yeltsin does not always grant it. President Yeltsin

¹ Parliamentary Assembly of the Council of Europe, Opinion No. 193 (1996), paragraph 12.ii. Protocol No. 6 to the European Convention on Human Rights and Fundamental Freedoms ["European Convention on Human Rights"] provides for the abolition of the death penalty. By ratifying the protocol, a state commits itself to abolish the death penalty for peacetime. In signing the protocol, a state indicates its intention to ratify the protocol at a later date.

reportedly turned down 46 petitions for clemency in February and April 1996. In violation of the law, the Presidential Administration then reportedly passed clemency petitions over a period of time directly to the President, without informing the Clemency Commission. In May 1996, President Yeltsin reportedly refused to grant clemency to 22 or 23 prisoners. None of these petitions for clemency had been previously reviewed by the Clemency Commission. Amnesty International believes that these people have subsequently been executed.

According to the information available to Amnesty International, as of the beginning of 1996 about 700 people were under sentence of death in the Russian Federation. Some of them are still awaiting the outcome of their appeals through the courts and have not yet submitted petitions for clemency.

It was reported on 19 November 1996 that the Russian lower house of Parliament called on the upper house of Parliament to introduce a moratorium on executions until the issue of abolition is legally resolved. A draft federal law on a moratorium on executions, prepared by two Duma deputies, Valery Borshev and Yuly Rybakov, is said to be currently under discussion in Parliament.

At a press conference on 24 September 1996, Valery Borshev, representative of a public consultative body on human rights under the President, said that according to research carried out in Russia, judicial errors were made in 30 per cent of death penalty cases.

Tigran A. Yeranosyan and his brother Samvel Yeranosyan, both ethnic Armenians, were sentenced to death on 10 July 1996 by the Krasnodar regional court for murder. The death sentence was upheld by the Supreme Court of the Russian Federation, although the date of the ruling is not known. There are serious allegations that Tigran Yeranosyan was ill treated while in pre-trial detention following his arrest on 8 November 1996 by an official of the Krasnodar department of the Ministry of Internal Affairs, in order to incriminate his brother in the crime. There are allegations that Tigran Yeranosyan was promised a sentence of only 12 years in prison if he cooperated, and claims that he was threatened with death if he did not. After the interrogation, Tigran Yeranosyan was reportedly hospitalized for an emergency operation. Tigran Yeranosyan also claims that he was only given access to a defence lawyer once he had confessed his guilt, and that of his brother, and that once he met his defence lawyer he immediately retracted his statement.

Dmitry Klimantovich was sentenced to death by Krasnoyarsk Territorial Court on 9 September 1994, under article 191 of the Russian Criminal Code (attempt on the life of a police officer or a member of the armed forces). It is alleged that Dmitry Klimantovich seriously wounded a police officer whilst resisting arrest at the scene of a burglary. However, Dmitry Klimantovich claims that he was not involved in any criminal activity and that he was acting in self defence after the arresting officers, who were wearing civilian clothes and who did not identify themselves as policemen, attacked him. During the ensuing brawl he was reportedly shot nine times. On 22 November 1994 the Supreme Court of the Russian Federation turned down an appeal against his death sentence. A petition for clemency was lodged with the President of the Russian Federation. The outcome of this petition is not known, but it is feared that Dmitry Klimantovich is facing imminent execution.

Amnesty International considers that the Russian Federation must take five steps to implement its commitment to the Council of Europe.

First, there must be a political decision not to sign any more execution orders. Second, this decision must be formalized by the central government issuing an order to all prison governors that no further executions are to be carried out. These two steps must be taken immediately.

Third, the government must begin to prepare public opinion to accept the abolition of the death penalty. Fourth, it must sign Protocol No. 6 to the European Convention on Human Rights, as it agreed to do within one year of joining the Council of Europe. Fifth, the government and parliament must prepare and enact legislation to remove the death penalty from the country's penal code. The constitution should be amended to prohibit executions.

The Russian Federation should disclose the names of all executed prisoners, as well as the dates and places of execution, and should immediately inform their families. The families should be allowed to claim the bodies.