

EXTERNAL

AI Index: EUR 50/16/97

10 September 1997

Further information on UA 204/97 (EUR 50/13/97, 10 July 1997) - Death penalty/ill treatment

**NEW CONCERN: FEAR OF IMMINENT EXECUTION**

**UKRAINE** Mykola Khokhlich, aged 21  
**Aleksey Gaga, aged 21**

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Amnesty International has learned that Mykola Khokhlich is at risk of imminent execution in Ukraine unless President Kuchma intervenes to grant him clemency. Sources in Ukraine fear that he may be executed within a month. This fear has been heightened by the Ukrainian Ministry of Justice confirming that 13 people have been executed in Ukraine this year. Aleksey Gaga is also feared to be at risk of imminent execution.

At least one execution is known to have taken place after 5 May 1997, when Ukraine signed Protocol No. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, thereby committing itself to the abolition of the death penalty. Amnesty International is appalled at this flagrant lack of respect for the spirit of the commitment to abolition of the death penalty. Official sources have also confirmed that 73 people have been sentenced to death so far in 1997.

Ukraine acceded to the Council of Europe on 9 November 1995, and committed itself to imposing an immediate moratorium on executions. Despite this commitment, 169 people were executed by the Ukrainian authorities in 1996.

During the review of the Third Periodic Review of Ukraine by the UN Committee against Torture in April 1997, representatives of the Ministry of Justice reported that no executions had taken place since the beginning of 1997. However, it now appears that executions continued throughout the first half of 1997. Amnesty International fears that they could still continue.

On 29 January, the Parliamentary Assembly of the Council of Europe passed Resolution 1112 (1997) which stated that "*the Assembly warns the Ukrainian authorities that it will take all necessary steps to ensure compliance with commitments entered into. In particular, should any more executions of the death penalty be carried out following the adoption of this resolution, the Assembly may consider the non-ratification of the credentials of the Ukrainian parliamentary delegation at its next session*".

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

- urging President Kuchma to commute the death sentence passed on Mykola Khokhlich and Aleksey Gaga, as well as all other people on death row in Ukraine as a sign of his serious intention to honour his commitments made to the Council of Europe;
- expressing outrage at the execution of 13 people in Ukraine in 1997;
- reminding the Ukrainian authorities of the wording of Resolution 1112 of 29 January 1997;
- reminding President Kuchma that Ukraine is a party since 14 May 1986 to the Vienna Convention on the Law of Treaties, and is therefore bound by Article 18 which states that once a state has signed a treaty it is "*obliged to refrain from acts which would defeat the object and purpose of [the] treaty*". The fact

that at least one person has been executed since Ukraine signed Protocol 6 clearly defeats its object and purpose, which is to abolish the death penalty in peacetime.

**APPEALS TO:**

President of Ukraine, Leonid KUCHMA  
Ukraina  
252601 Kyiv  
ul. Bankovaya, 7  
Prezidentu Ukrainy Kuchma L.  
**Faxes: + 380 44 291 61 61**  
**Salutation: Dear President**  
**Telegrams: Ukraina, Kyiv, Presidentu Kuchma**

Procurator General of Ukraine, Oleh Lytvak  
Ukraina  
252601 g. Kyiv II  
ul. Reznitskaya, 13/15  
Prokuratura Ukrainy  
Generalnomu prokuroru LYTVAKU O.  
**Fax: + 380 44 290 26 03**  
**Salutation: Dear Procurator General**  
**Telegrams: Ukraina, Kyiv, Generalnomu Prokuroru Lytvaku O.**

Minister of Justice of Ukraine, Suzannah Stanyk  
Ukraina  
252030 g. Kyiv  
ul. Kotsyubinskogo, d. 12  
Ministerstvo yustitsii Ukrainy  
Ministra STANYKOY S  
**Fax: + 380 44 229 66 64 (N.B. they can only receive one page at a time)**  
**Salutation: Dear Minister of Justice**  
**Telegrams: Ukraina, Kyiv, Ministra Stanykoy S.**

**COPIES TO:**

Foreign Minister of Ukraine, Hennady UDOVENKO  
Ukraina  
252501 g. Kiev 24  
ul. Karla Liebknecht 15/1  
Ministerstvo inostrannykh del  
Ukrainy  
Ministru UDOVENKO H.Y

and to diplomatic representatives of UKRAINE accredited to your country.

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