

**EXTERNAL**

1 November 1993

**Vassili Otshtalenko**

**Republic of Estonia**

Amnesty International is concerned that Vassili Otshtalenko has been sentenced to death by Tallinn City Court on 14 October 1993. The 28-year-old man has been convicted of the rape of two young girls and of the murder of one of the victims.

Vassili Otshtalenko has the right to appeal to the State Court. If it decides to uphold the death sentence, then his final recourse will be to petition the President of Estonia for clemency.

**Background information about the death penalty in Estonia**

The death penalty is retained in Estonia for three crimes: aggravated murder, assassination and acts of terrorism. Six people, in addition to Vassili Otshtalenko, are known to have been sentenced to death since July 1988, all for the crime of premeditated murder under aggravated circumstances. Four people have been granted clemency and one person - Rein Oruste - was executed in September 1991. Amnesty International is appealing for the commutation of the other death sentence believed to be still pending - that of Ruben Melkonjan.

Petitions for clemency are heard by the President of the Republic of Estonia. The President receives recommendations on whether the death sentence should be commuted from the Clemency Commission, composed of four members of the Estonian Parliament, the Chairman of the State Court, the Procurator General and the Minister of Justice. Execution is by shooting.

In May 1993 Estonia became a member of the Council of Europe and at the same time signed the European Convention on Human Rights, together with its Sixth Protocol concerning abolition of the death penalty. By signing the Sixth Protocol, Estonia has taken a significant step towards the complete abolition of the death penalty. One informed local source has suggested that the new draft of the Estonian Criminal Code no longer provides for the death penalty. Both the European Convention and its Sixth Protocol still have to be ratified by the Estonian parliament, which is also expected to approve a new criminal code in the near future.

Amnesty International has consistently pressed the Estonian authorities to review the use of the death penalty as a step towards its abolition and to impose a moratorium on death sentences and executions until an exhaustive review of the death penalty has taken place.