

UA 309/98

Death Penalty / Legal concern

11 December 1998

UNITED ARAB EMIRATES Anton Samoilenkov, aged 26, Russian national, publisher
of a Russian magazine
Ruslan Gerbekov, aged 21, Russian national
Ivan Tziberkine, aged 28, Russian national

The three above-named men were sentenced to death by a *Shari'a* (Islamic) Court in 'Ajman in June 1997 after being convicted of the murder of Alexey Eltzine, a Russian businessman based in the country. On 23 December the case is due to be heard by an appeal court. Amnesty International is concerned that, due to the serious nature of the crime, the men will be executed.

If the death sentences of the three men are upheld on appeal, the case is likely to be referred to the Federal Supreme Court in Abu Dhabi. If the Supreme Court upholds the sentences it is then up to the President, Sheikh Zayed bin Sultan Al-Nahyan, to ratify them.

The organization is also concerned at reports that Anton Samoilenkov was ill-treated by police and security service staff during interrogation, including being blind-folded and beaten.

In June 1998 Anton Samoilenkov wrote a letter to Amnesty International from prison where he says: "...I was convicted to death for the crime I never committed...the circumstances known as wrong time, wrong place brought me to the flat where murder was about to happen. Even the police believed me...". Alexey Eltzine was stabbed to death in his flat in 'Ajman in February last year.

Under *Shari'a* law families of murder victims can accept blood money (compensation) and pardon a defendant. In the UAE the amount is fixed at US\$41,000. In Anton Samoilenkov's case, the relatives of the victim are said to have accepted blood money and he is now trying to raise the amount needed.

Amnesty International recognises the rights and responsibilities of governments to bring to justice those suspected of criminal offences but is unconditionally opposed to the death sentence in all cases as the ultimate violation of the right not to be subjected to cruel, inhuman or degrading punishment.

BACKGROUND INFORMATION

In the United Arab Emirates all death sentences are referred to the President who may decide to ratify the sentence or to exercise clemency, in accordance with the Constitution. In 1997 six people, including a woman, were executed for murder. In 1998 one person, a Pakistani national, was executed after he was convicted of murder. Executions are usually by firing-squad.

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

- expressing sympathy for the victims of violent crimes and their families and acknowledging the role of governments in bringing the perpetrators of such crimes to justice, but expressing unconditional opposition to the death penalty, which has never been shown to have a unique deterrent effect and which is brutalizing to all involved in its application;

- calling for the death sentences against Anton Samoilenkov, Ruslan Gerbekov and Ivan Tziberkine to be commuted if upheld on appeal;
- reminding the government of the United Arab Emirates of its commitment to the Universal Declaration of Human Rights, in particular Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

APPEALS TO:

Minister of Interior

His Excellency

General Dr Mohammad Saeed al-Badi

Ministry of the Interior

PO Box 398

Abu Dhabi, United Arab Emirates

Telegrams: Interior Minister, Abu Dhabi, UAE

Faxes: + 9712 415 688

Salutation: Your Excellency

COPIES TO:

President of the United Arab Emirates

His Highness

al-Sheikh Zayed Bin Sultan Al-Nahyan

Ruler of Abu Dhabi

Manhal Palace

PO Box 280, Abu Dhabi, United Arab Emirates

and to diplomatic representatives of the United Arab Emirates accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 22 January 1999.

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"

Article

5, Universal Declaration of Human Rights

Visit the Amnesty International UDHR campaign website on <http://www.amnesty.excite.com>