

PUBLIC APPEAL

Belarus

Make Europe and Central Asia a Death Penalty – Free Zone!

The cases of Sergei Lishchuk and Anton Bondarenko

In Belarus the state refuses to tell families when their loved one is to be executed and they are not granted a final chance to say goodbye. Death row prisoners are executed by shooting in the investigation-isolation prison (SIZO) No. 1 in the capital Minsk. Neither relatives nor death row prisoners themselves are informed of the date of the execution in advance. Relatives are sent a death certificate once the execution has been carried out; however, the notification can take several weeks. After the execution the state refuses to reveal where the body has been buried. The secrecy surrounding the death penalty leads to immense suffering.

Amnesty International is deeply concerned that Sergei Lishchuk, who is reported to be on death row in Belarus, may have been executed. On 1 July 2003 the Supreme Court of Belarus upheld the decision of the Gomel Regional Court of 30 October 2002 sentencing Sergei Lishchuk, aged 28, to death for taking part in multiple aggravated murders. His lawyer and his family have reportedly not been informed whether or not he is still alive.

In July 1999 Amnesty International was contacted by the mother of Anton Bondarenko, whose son was being held under sentence of death. Anton Bondarenko was sentenced to death in Belarus in June 1998 for a murder he committed when he was 19 years old. His appeal was rejected and the original death sentence was upheld. His mother informed Amnesty International that she had visited the prison where her son was being held on a daily basis for several weeks to see if her son was still alive. The prison authorities refused to inform her of the date when her son would be executed. Amnesty International appealed urgently to the authorities against the execution of Anton Bondarenko. On 15 July 1999 Amnesty International was informed by a friend of Anton Bondarenko's mother that the previous day she and his mother had staged a two-person picket outside the building of the Presidential Administration, where the mother had reportedly pleaded for her son's sentence to be commuted. The two women were arrested by police officers and detained for three hours. Anton Bondarenko was executed on 24 July 1999.

In January 1999 Anton Bondarenko's lawyer had submitted a complaint to the (UN) Human Rights Committee (HRC) alleging violations of the International Covenant on Civil and Political Rights. However, the HRC was only able to intervene on the case in October 1999 when Anton Bondarenko had already been executed. When issuing its ruling on this case in April 2003 the HRC requested the authorities to inform Anton Bondarenko's mother of *"the location where her son is buried, and compensation for the anguish suffered. The State party is also under an obligation to prevent similar violations in the future."* To date Anton Bondarenko mother still does not know where her son is buried.¹

Background

Belarus and Uzbekistan are the last executioners in the former Soviet space. On 11 March 2004 the Constitutional Court of Belarus concluded its assessment of the compliance of death penalty provisions in the Belarusian Criminal Code with the Belarusian Constitution and international standards. The Court found that a number of articles of the current Criminal Code were inconsistent with the Constitution, and that in the current circumstances the abolition of the death penalty, or as a first step, the introduction of a moratorium, could be enacted by the head of state and by parliament.

While Belarus has not published comprehensive statistics on death sentences and executions there is sufficient information in the public domain to establish that the number of death verdicts has decreased since 1999. While from 1991 to 1999 between 20 and 47

¹ With regard to the case of Igor Lyashkevich, the (UN) Human Rights Committee made similar requests. His family has also not been informed of the location of his grave.

people were sentenced to death per year, 13 were sentenced to death in 1999, and between four and seven per year until 2003. According to Colonel Oleg Alkayev, 134 were executed while he was director of SIZO No.1 in Minsk from December 1996 until May 2001. He reported that only one man was granted clemency by President Alyaksandr Lukashenka during that time.

TAKE ACTION NOW!

Urgent action is needed. Please send appeals to arrive as quickly as possible, in Belarusian, English, Russian or your own language:

- expressing concern about Sergei Lishchuk, who was sentenced to death on 30 December 2002 and urging the authorities to disclose if he is still alive;
- urging President Lukashenka to commute Sergei Lishchuk's death sentence, if he is still alive, and all other death sentences that to him for consideration;
- urging the authorities to build on the March 2004 decision of the Constitutional Court of Belarus and impose a moratorium on death sentences and executions;
- calling on the authorities to comply with the (UN) Human Rights Committee's 2003 rulings on the cases of *Bondarenko vs. Belarus* and *Lyashkevich vs. Belarus*;
- stating that you believe that the abolition of the death penalty is a major historical step which will ensure one of the fundamental human rights for future generations in Belarus;
- expressing sympathy for the victims of crime and their families, but pointing out that the death penalty has never been shown to deter crime more effectively than other punishments, and is brutalizing to all those involved in its application.

Amnesty International is a worldwide movement of people who campaign to prevent and end grave abuses of the rights to physical and mental integrity, freedom of conscience and expression, and freedom from discrimination, within the context of its work to promote respect for all human rights. For more information see: <http://www.amnesty.org/campaign/>

1) President of the Republic of Belarus

Alyaksandr G. LUKASHENKA
Karl Marksa Str. 38
220016 g. Minsk
Belarus

or send a letter directly from his web-site:
www.president.gov.by/eng/president/mail.shtml

Fax: +375 (172) 26 06 10 or 22 38 72
E-mail: pres@president.gov.by or
contact@president.gov.by

2) Minister of Justice
Victor G. GOLOVANO
Kollektornaia Str. 10
220084 g. Minsk
Belarus

Tel: + 375 (172) 20 6779
Fax: +375 (172) 20 9755
E-mail: info@minjust.belpak.by

3) Chairman of the Belarusian House of
Representatives
Vadim A. Popov
Sovetskaia Str. 11
220010 g. Minsk
Belarus

Fax: +375 (172) 27 37 84