

EXTERNAL

AI Index: EUR 50/01/97

9 January 1997

Further information on UA 280/96 (EUR 50/15/96, 2 December 1996) - Death Penalty / Legal Concern

UKRAINESergey Vysochansky, aged 23

Amnesty International has received further information from Sergey Vysochansky's lawyer, indicating that there are grounds to believe that Sergey Vysochansky is innocent, and that he was forced to sign a confession of guilt under physical and psychological duress.

According to his lawyer, the crime for which Sergey Vysochansky was sentenced to death was committed on 7 July 1995. Sergey Vysochansky was reportedly arrested and interviewed as a suspect on this day, but was released on 8 July. From 7 July to 5 September Sergey Vysochansky was interviewed several times, but on no occasion did he admit his guilt. On 5 September Sergey Vysochansky was arrested and held in detention for 20 days, during which time he was held in a cell with a prison informer who allegedly subjected him to psychological pressure and intimidation. On 6, 15 and 19 September, Sergey Vysochansky admitted his guilt in interviews with the investigators, and signed confessions which were reportedly dictated to him by an officer of the Department of Internal Affairs of Khmelnytsky Region responsible for investigating the crime. His lawyer claims, however, that the version of the crime which Sergey Vysochansky related does not correspond to evidence found at the scene of the crime. He withdrew his confession of guilt in an interview of 21 November 1995, saying that he had been forced to confess under duress.

On 17 January 1996 Khmelnytsky regional court returned the case against Sergey Vysochansky for further investigation. Sergey Vysochansky was sentenced to death for premeditated aggravated murder by Khmelnytsky regional court on 14 July 1996. This sentence was upheld by the Supreme Court of Ukraine on 6 August 1996.

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

To the President:

- urging him to grant clemency to Sergey Vysochansky;
- expressing concern at allegations that the prisoner's confession was extracted under duress;
- urging him not to sign any more execution orders as to do so places Ukraine in violation of its commitment to the Council of Europe;
- urging him to take the necessary steps for Ukraine to honour its commitment to the Council of Europe and to sign Protocol 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

To the Head of the Clemency Commission, Peotr Andreychenko:

- urge him to recommend to the President to intervene to prevent Sergey Vysochansky's execution and to grant him clemency;
- urge him to call for a review of the case following allegations that the confession was extracted under duress;

To the Procurator General of Ukraine, Gregory VORSINOV:

- urge him to call for an urgent review of the case following allegations that the confession was extracted under duress.

APPEALS TO:

President of Ukraine, Leonid KUCHMA

Ukraina

252601 Kiev

ul. Bankovaya, 7

Prezidentu Ukrainy Kuchma L.

Faxes: (380 44) 291 61 61

Telegrams: Ukraina, Kiev, Prezidentu Kuchma

Salutation: Dear President

Chairman of the Presidential Clemency Commission, Pyotr ANDREYCHENKO

Ukraina

252220 g. Kiev

ul. Bankovaya, 7

Kommissiya po voprosam pomilovaniya pri Prezidenta

Predsedatelyu Andreychenko P.

Telegrams: Ukraina, Kiev, Kommissiya po voprosam pomilovaniya, Predsedatelyu

Fax: (380 44) 291 61 61

Salutation: Dear Chairman

Procurator General of Ukraine, Grigory VORSINOV

Ukraina

252601 g. Kiev II

ul. Reznitskaya, 13/15

Prokuratura Ukrainy

Generalnomu prokuroru VORSINOVU G.

Telegrams: Ukraina, Kiev, Prokuratura

Fax: (380 44) 290 26 03

Salutation: Dear Procurator

COPIES TO:

Minister of Justice, Serhiy Holovatiy

Ukraina

252030 g. Kiev

ul. Kotsyubinskogo, d. 12

Ministerstvo yustitsii Ukrainy

Ministry HOLOVATOMU S.

Telegrams: Ukraina, Kiev, Ministry yustitsii

Salutation: Dear Minister

Foreign Minister of Ukraine, Hennady UDOVENKO

Ukraina

252501 g. Kiev 24

ul. Karla Liebknecht 15/1

Ministerstvo inostrannykh del

Ukrainy

Minsitru UDOVENKO H.Y

The Procurator of Khelmenitsky region, name not known

UKRAINE

Khmelnitsky oblast

Khmelnitsk

Oblastnaya prokuratora

Prokuroru

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 27 February 1997.