

EXTERNAL

28 November 1994

Boris Dekanidze

Republic of Lithuania

Amnesty International is concerned that Boris Dekanidze was sentenced to death by the Lithuanian Supreme Court on 10 November 1994. The 32-year-old stateless man of Georgian origin is alleged to be the leader of a mafia gang known as the "Vilnius Brigade". He was convicted of ordering the murder of Vitas Lingys, a journalist with the popular daily Respublika, reportedly as retaliation for the journalist's refusal to withdraw articles he had written exposing the activities of the gang. Boris Dekanidze maintained his innocence throughout the highly publicized trial, and is reported to have been convicted largely on the basis of statements made by Igor Akhremov, who pleaded guilty to carrying out the actual murder. Igor Akhremov was sentenced to life imprisonment along with two other accomplices who received shorter prison terms. Amnesty International has been informed by the Lithuanian Association for the Protection of Human Rights that the Supreme Court is due to begin re-examining Boris Dekanidze's case on 1 January 1995. If his sentence is not reduced then his only recourse will be to petition the President for clemency.

Background information about the death penalty in Lithuania

The death penalty is retained in Lithuania for one crime only - premeditated murder under aggravated circumstances. Death sentences are carried out by shooting. Five executions are known to have been carried out since restoration of independence. Four of these executions have taken place since December 1993. In all cases Amnesty International had appealed to the Lithuanian authorities for clemency. Two other prisoners - Jozas Maksimavicius (sentenced in December 1993) and Aleksandras Gladkovas (sentenced in June this year) - are currently under sentence of death. Amnesty International continues to appeal to the Lithuanian authorities for commutation of their sentences.

Capital cases in Lithuania are tried before the Collegium of Criminal Cases of the Supreme Court. Petitions for clemency are considered by the President of the Republic of Lithuania on the recommendation of the Clemency Commission, composed of the Ministers of Justice and of the Interior, the Chairman of the Supreme Court and the Procurator General. In recent cases Amnesty International has been particularly concerned at the short length of time between the passing of a death sentence and the rejection of a petition for clemency. This has suggested that appeals have not been heard in these cases. The organization has repeatedly sought information from the Lithuanian authorities about the mechanisms that exist to ensure that prisoners' internationally guaranteed right to have their conviction and sentence examined by a court of higher jurisdiction is respected. The response that Amnesty International has received from the authorities has led the organization to believe that no such mechanism exists in the Republic of Lithuania. It is not clear whether the re-examination of Boris Dekanidze's case by the Supreme Court fulfills the requirements of such a mechanism.

Amnesty International has consistently pressed the Lithuanian 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 this review has taken place. In January 1994 the organization was informed by the Minister of Justice that: "At present, the issue of capital punishment and the question whether it should be provided for in the new Criminal Code is being discussed by the Seimas (Parliament) and society. A working group preparing the new Criminal Code has no commonly accepted opinion on this issue". Amnesty International believes

that the recent spate of executions is particularly deplorable in view of the fact the issue of the death penalty is due to be discussed by parliament.