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Solidarity letters received by Lyubou Kavalyova, mother of Uladzislau Kavalyou. © Private

ABOLITION BEYOND BORDERS

When it comes to the death penalty, Europe has gained global prominence as a stronghold of abolition. This is in large part due to the progress that has seen the region almost entirely rid itself of this punishment in recent decades, as well as its role in championing abolition beyond its borders.

It was 1989 when the European Court of Human Rights first determined that European states had an obligation to protect from torture and inhuman or degrading treatment or punishment individuals who could face the death penalty if forcibly returned to another country. Since then, the prohibition against extraditing people who might be at risk of the death penalty unless credible and reliable assurances are provided has not only been echoed outside Europe, such as in South Africa, but also by international bodies such as the UN Human Rights Committee. This has in turn prompted several retentionist countries to remove the death penalty as a sentencing option in many cases involving extradition from abolitionist countries.

Europe's principled opposition to the death penalty has also meant refusing complicity in the application of the death penalty elsewhere. This has led in more recent times to the tightening of European Union regulations on the trade of tools and substances that could be used in executions – an initiative that Amnesty International is seeking to see replicated in other regions as well.

European bodies and actors have also created platforms for continued dialogues for abolition, provided technical assistance and resources to support initiatives to this aim, and shared best practice to reduce the resort to the death penalty worldwide. As the world has progressively moved towards abolition, the community of countries that have abandoned this punishment has also grown and its voices have diversified. While the abolitionist community is stronger as a result, the challenge, however, remains the same – to support actors and amplify abolitionist voices in the minority of countries that still implement it.

ABOLITIONIST REFLECTIONS

On 11 December 1977 Amnesty International and participants of the International Conference on the Abolition of the Death Penalty issued the [Stockholm Declaration](#) – the first international abolitionist manifesto – which called on all governments to bring about the immediate and total abolition of the death penalty.

At the time, only 16 countries had abolished the death penalty. Forty years on, that figure stands at 105. Let's not make it another 40 years before the death penalty is consigned to history.

EUROPE AND CENTRAL ASIA: CLOSE TO THE FINISHING LINE

Of the 105 countries that have fully abolished the death penalty, close to half of them are located in Europe and Central Asia. While some countries in the region had already stopped executions and abolished this punishment by the time the United Nations was created in 1945, the march towards full abolition in Western Europe picked up pace only from the late 1970s. The first country to abolish the death penalty in Eastern Europe was the then German Democratic Republic (East Germany) in 1987, which led the way for former Soviet Union countries to join the trend from the following decade.

The impetus for abolition has been driven not only by the growing consensus that the death penalty is a violation of human rights, which has also led many countries in the region to enshrine abolition in their Constitutions; but also by the role that regional bodies, such as the Council of Europe, the Organization for Security and Co-operation in Europe and the European Union, have played in promoting abolition of this punishment as one of their cornerstone principles.

Today Europe and Central Asia are close to being free from the death penalty. Kazakhstan, Russia and Tajikistan retain the death penalty in law but continue to observe official moratoriums on executions. Kazakhstan, which has abolished the death penalty for ordinary crimes such as murder, is the only one of the three to have imposed a death sentence in recent years.

Belarus remains the last executioner in the region, retaining the death penalty for murder. Executions, which are carried out by shooting in the back of the head, follow proceedings that often have not met international standards for a fair trial, held behind closed doors. One of the most chilling features of the application of the death penalty in Belarus is the secrecy that surrounds it. We only learn that executions have occurred after the relatives going to the prisons thinking of meeting their beloved ones find out that they “have been moved”, or have been executed. This cruel treatment towards family members continues well after the executions take place – the bodies of executed prisoners are not returned to their families nor is the place of burial disclosed to them. It is against the backdrop of this cruelty that organizations in the country and outside have been urging the Belarusian President to immediately declare a moratorium on executions, as a first critical step towards abolition.

Elsewhere in the region, there are sometimes reactive calls for the reintroduction of the death penalty, particularly in the aftermath of attacks that have claimed lives and heightened feelings of insecurity. But serious challenges to abolition have yet to appear. Belarus is the next frontier. Help us make Europe and Central Asia an execution-free zone.

IN FOCUS – REFLECTIONS FROM MINSK



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Andrei Paluda is the Coordinator of the campaign Human Rights Defenders Against the Death Penalty in Belarus at Human Rights Centre Viasna, an NGO based in the capital, Minsk.

Andrei, tell us about the national campaign against the death penalty in Belarus. When did it start? What are its main goals and what obstacles are you facing?

Human Rights Defenders Against the Death Penalty campaign was launched on 26 January 2009 by two Belarusian human rights groups — Human Rights Centre Viasna and Belarusian Helsinki Committee. The campaign's goal is to secure the implementation of a moratorium on the death penalty as a first step towards its full abolition and also to introduce Belarus to common European values. This is a topical issue for our country — the only one in Europe and the former Soviet Union that retains capital punishment both in law and in practice. It is estimated that since independence, Belarus has executed some 400 prisoners, according to the best available unconfirmed data. It is impossible to talk about the exact figure because information related to the death penalty is subject to strict secrecy. The bodies of executed prisoners are not released to the relatives and the time and place of execution are not disclosed, nor is the date. The main problems we currently face are related to the situation in the country in general, namely the authorities' repression of political opponents, journalists, human rights defenders (HRDs) and any kind of dissent. But there are also specific circumstances, such as that the issue of the death penalty in Belarus is politicised and HRDs have no access to mainstream media to speak out and

argue their case. The President's personal view of the death penalty is unambiguous and explicit and he supports this type of punishment, including by citing the prevailing public opinion in favour of it.

In your view, has there been any progress towards abolition of the death penalty in Belarus? Can you see any changes in attitudes among Belarusian authorities and/or Belarusian people?

It is quite difficult to give a definitive answer to this question. For instance, if we are talking about public opinion, it is rather fickle as the issue of the death penalty is highly emotive and as soon as a heinous head-line making crime is reported, public opinion immediately swings in favour of the death penalty and demands punishment, retaliation and reprisal. Quite often this happens without full understanding of the situation or analysis of the investigation or consideration of any human rights violations; no thought is given as to whether the accused person is really the one who committed the crime. On the other hand, when HRDs publically present a review of judicial errors and reveal violations of detainees' and convicted persons' rights, public opinion quite often changes in favour of abolition. A very good example of this is the explosion in the Minsk metro in 2011. With distrust of the judiciary and awareness that those in the dock were not directly linked to the incident, as well as the swiftness of the trial and execution of the sentence, it was documented for the first time that the majority in the country are in favour of abolition, according to our information and results of the opinion polls.

The authorities' attitude is quite predictable. As I have already mentioned, this issue is politicised and in fact abolition has become the subject of political bargaining. When relations between our country and Europe improve the issue of the death penalty soon comes up on the agenda and becomes the subject of active discussions and negotiations between politicians. When the relations cool, the death penalty debate closes down.

On the other hand, I can say for certain that the death penalty and its retention in our country has become one of the top issues in the media and I believe it to be an achievement of our campaign, Human Rights Defenders Against Death Penalty in Belarus. When the campaign began, each year in our country dozens of people were sentenced to death. Society did not show much interest and the media did not report this. And now, thanks to human rights defenders and journalists who care, this issue is widely reported on, meaning that there is an ongoing debate in society. Arguments for and against are considered, society becomes more mature and more ready to say a decisive NO to the death penalty in order to stop this death machine in the very heart of Europe.

We are aware that you and Viasna are working closely with the families of death row prisoners. In your experience, how does the death penalty impact them and their families?

Our campaign Human Rights Defenders Against Death Penalty works in two distinct areas. One is awareness raising and I have already touched briefly on this above. This work is mainly focused on raising public awareness through various events such as public discussions, open lectures, presentations, debates, music festivals and rock concerts, media publications and exhibitions. We make a vast number of media products, documentaries, animated films and videos and we have also published a book called Death Penalty in Belarus. Also, together with colleagues from Amnesty International and FIDH, we conducted research and prepared reports about capital punishment in Belarus.

Another equally important area is legal work, whereby we provide legal assistance to victims of human rights abuses — those sentenced to death and their families.

The secrecy around the death penalty — including the conditions on death row, the date and the place of the execution and the place of burial — contrasts with how freely the media and officials, in violation of presumption of innocence and standards of fair trial, publically disclose information available to the investigation, show the detainees on TV and refer to them as "criminals" before the court announces its decision. All this results in strong public pressure on the relatives of the accused, especially if they live in small towns. And this is on top of the unbearable torment of not knowing about their loved ones and being so impotent in the face of the blind and indifferent, but by no means independent, Belarusian justice system as well as full isolation from their loved one, when they know that their days are numbered. Even corresponding with death row prisoners is difficult and in many cases impossible. After execution the body is not released to the relatives who have no opportunity to say goodbye according to their family custom and very often do not know the date of their loved one's death.

All this is truly terrible. There have been instances when human rights defenders found out about executions and had to inform the prisoners' mothers, thus by a twist of fate becoming messengers of death. We are working and will continue to work with families of those sentenced to death as they are not only disempowered legally but are also subjected to public pressure from the state. In a way this turns them into outcasts in society.