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@Aleksandr Alekseyevich AGAFONOV

£Russian Federation

Amnesty International has learned from unofficial sources that Aleksandr Agafonov was sentenced to death by a court in the Russian Federation after being convicted of murder.

Aleksandr Agafonov was arrested on 14 January 1990, accused of killing a police officer in the village of Pasha in the Leningrad Region earlier that month. Three other co-defendants were also charged with a total of four murders. The trial, by Leningrad Regional Court, lasted from 20 December 1990 to 29 April 1991. Aleksandr Agafonov was sentenced to death; the sentences passed on the other defendants are not known.

A former divisional police inspector, Aleksandr Agafonov, has consistently denied committing the murder. He alleges that he was severely beaten in pre-trial detention by investigators trying to obtain a confession. It is also reported that one of the co-defendants retracted his testimony incriminating Aleksandr Agafonov in his final statement to the court on 1 April 1991, and confessed to the crime himself. However, the court is said to have refused to admit his written statement to this effect as evidence in the case.

Aleksandr Agafonov's appeal was due to be heard by the Supreme Court of the Russian Federation in November and December 1991. However, five volumes of the criminal case against him are said to have been lost while the case was transferred to the Supreme Court. The case has now been sent back to the Leningrad Regional Procuracy for further investigation.

Aleksandr Agafonov, aged 30, is married and has an infant son. He is currently held on death row in Kresty prison in St. Petersburg, where prisoners are confined to their cells 24 hours a day. Sources reporting the case to Amnesty International say he is not allowed to receive family visits or parcels, or to write letters to the outside world.

Amnesty International is opposed to the death penalty in all cases and without reservation on the grounds that it is a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights. Amnesty International is appealing to the President of the Russian Federation to exercise his constitutional authority and commute the death sentence passed on Aleksandr Agafonov.

Background information

Death sentences are regularly passed and carried out in the Russian Federation, although the exact figures are not available as the authorities do not publish official statistics on its use. The most recent indication of the scale came from the head of the parliamentary Clemency Commission of the former USSR in July 1991, who reported that most of the 208 executions recorded in 1990 were carried out in two republics - Russia and Ukraine.

Prior to December 1991 the Russian Criminal Code retained the death penalty for 18 offences in peacetime. However at the beginning of that month the Russian parliament abolished the death penalty for three economic offences: large-scale speculation, aggravated bribe-taking and large-scale theft of state property. A draft criminal code, set to come before parliament shortly, proposes reducing the scope of the death penalty further to three offences: premeditated murder under aggravated circumstances, genocide and war crimes. To Amnesty International's knowledge the overwhelming majority of death sentences passed in recent years have been for murder under aggravated circumstances. A death sentence may not be passed on a pregnant woman, on anyone under 18, or on anyone ruled to have been insane, at the time of the offence or when sentence is passed.

Although there is discussion on the introduction of a jury system, capital cases are still tried by a bench of three judges, of which only one is professionally trained. A defence lawyer must assist in capital cases. Prisoners can appeal against the verdict or sentence to the next highest court within seven days of receiving a written copy of the judgment. As their cases are heard at a higher level at first instance, however, prisoners under sentence of death have fewer opportunities to appeal than many other prisoners. Some have been sentenced to death without right of appeal. Andrey Zapevalov, for example, was sentenced to death for murder by the Russian (RSFSR) Supreme Court without right of appeal in November 1989, after a trial Amnesty International considered was unfair. His sentence was commuted in April 1991.

Death sentences may also be reduced by a judicial review. Under this procedure a higher court re-examines the case after it has received a protest against the judgment of the court of first instance or the court of appeal. Although death sentences are suspended pending appeal, they may still be carried out before a judicial review has been completed. If these remedies fail, prisoners under sentence of death can petition for clemency, which may be granted by the President of the Russian Federation. Following the break-up of the Soviet Union such prisoners no longer have the opportunity for a judicial review or petition to be considered by the federal USSR authorities, and have thereby lost a possible final avenue for commutation. Prior to this legal authorities estimated that it could take some two years for a death penalty case to reach resolution.

In March 1992 the Chairman of the Committee for Legislation submitted a draft amnesty for parliamentary discussion. One of the proposals was to replace death sentences passed but not yet carried out with a 20-year sentence of imprisonment. However, this is said to have provoked widespread opposition, and was dropped. Russian press coverage of the debate reported that there were currently 332 people on death row in the Russian Federation.