

EXTERNAL

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Death penalty

9 September 1997

UKRAINE **Sergey Valerevich ROMANOV, aged 26**

**Ruslan YUSEV**

**Prisoners on death row since before 1997**

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Official confirmation that 13 death row prisoners have been executed in Ukraine this year, despite a supposed commitment to a moratorium on executions, has raised fears that more prisoners may have their death sentences carried out imminently.

Sergey Romanov is facing execution unless President Kuchma grants him clemency.

Sergey Romanov was first tried for murder in January 1997 but the case was subsequently sent back for further investigation. He was sentenced to death on 18 July for premeditated, aggravated murder by the Supreme Court of the Republic of Crimea in Ukraine. According to information available to Amnesty International, Sergey Romanov was arrested on 17 April 1996, and while in pre-trial detention in Kievsk region, was physically and psychologically coerced into signing his confession of guilt. He was also allegedly first interrogated without a defence lawyer being present.

All those people who have been on death row since before 1997 are feared to be at risk of imminent execution. One such prisoner is Ruslan Yusev, although no further information is known about his case.

On 28 August the Ukrainian Ministry of Justice reportedly confirmed that 13 executions have taken place in Ukraine this year, at least one of them after 5 May 1997 when Ukraine signed Protocol No. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, thereby committing itself to the abolition of the death penalty. Amnesty International is appalled at this flagrant lack of respect for the spirit of the commitment to abolition of the death penalty. Official sources also confirmed that 73 people have been sentenced to death so far in 1997.

Ukraine acceded to the Council of Europe on 9 November 1995, and committed itself to imposing an immediate moratorium on executions. However, despite this commitment 169 people were executed by the Ukrainian authorities in 1996.

During the review of the Third Periodic Review of Ukraine by the UN Committee against Torture in April 1997 representatives of the Ministry of Justice reported that no executions had taken place since the beginning of 1997. However, it now appears that executions continued throughout the first half of 1997.

On 29 January the Parliamentary Assembly of the Council of Europe passed Resolution 1112 (1997) which stated that *"the Assembly warns the Ukrainian authorities that it will take all necessary steps to ensure compliance with commitments entered into. In particular, should any more executions of the death penalty be carried out following the adoption of this resolution, the Assembly may consider the non-ratification of the credentials of the Ukrainian parliamentary delegation at its next session"*.

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

- expressing outrage at the execution of 13 people in Ukraine in 1997;
- reminding the Ukrainian authorities of the wording of Resolution 1112 (of 29 January 1997;

- urging President Kuchma to grant clemency to Sergey Romanov and Ruslan Yusef, as well as to all other prisoners at present on death row in Ukraine, as a sign of his serious intention to honour his commitments made to the Council of Europe;

**if possible, also:**

- reminding President Kuchma that Ukraine is a party since 14 May 1986 to the Vienna Convention on the Law of Treaties, and is therefore bound by Article 18 which states that once a state has signed a treaty it is "*obliged to refrain from acts which would defeat the object and purpose of [the] treaty*". The fact that at least one person has been executed since Ukraine signed Protocol 6 clearly defeats its object and purpose, which is to abolish the death penalty in peacetime.

**APPEALS TO:**

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Prezidentu Ukrainy Kuchma L.

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**Telegrams: Presidentu Kuchma, Kyiv, Ukraine**

**Salutation: Dear President**

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**Salutation: Dear Procurator General**

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Ministerstvo yustitsii Ukrainy

Ministra STANYKOY S

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**Salutation: Dear Minister of Justice**

**COPIES TO:**

Foreign Minister of Ukraine, Hennady UDOVENKO

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and to diplomatic representatives of UKRAINE accredited to your country.

ADDITIONAL ACTION: Council of Europe (If your country is in Europe please send up to 10 letters per section in English to representatives of the Parliamentary Assembly for your country, urging that the Council of Europe addresses the issue of Ukraine's violation of the moratorium on executions as a matter of urgency).

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**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 23 October 1997.