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EXTERNAL

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@V. BAG Aidin, A. KOVALYOV
(in cyrillic)
£Kazakhstan

On 3 June 1992 the newspaper Kazakhstanskaya Pravda (Kazakhstan Truth) reported that V. Bagaidin and A. Kovalyov had been sentenced to death by the Uralsk Regional Court. They were convicted of murder. The date of the trial was not reported. The report mentions that V. Bagaidin and A. Kovalyov have lodged appeals against their sentences with the Supreme Court of Kazakhstan.

According to the newspaper report, V. Bagaidin and A. Kovalyov were accused of committing a total of four murders and one attempted murder over a three-day period in or near the village of Kopzhasar in Uralsk (now renamed West Kazakhstan) Region, where they were working as members of a construction brigade on a state farm. The murder victims were the brigade foreman, two other brigade members, and the passenger in a lorry which V. Bagaidin and A. Kovalyov tried to steal in order to flee Kopzhasar. V. Bagaidin and A. Kovalyov, who both have previous criminal convictions, were reported to have been drunk when they committed the crimes.

Amnesty International opposes 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 and degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights. Amnesty International is appealing to the authorities in the Republic of Kazakhstan to commute the death sentences passed on V. Bagaidin and A. Kovalyov.

Background information

The Kazakhstan Criminal Code retains the death penalty for 18 offences in peacetime. However, senior officials at the Kazakhstan Ministry of Justice informed Amnesty International in April 1992 that no one has been executed for economic crimes in the past 10 years. Statistics shown to Amnesty International revealed that between 1987 and 1991 the death penalty had been applied for only four offences: murder under aggravating circumstances, rape, threatening the life of a police officer, and banditry

In 1991, 66 people were sentenced to death for murder, and one person for threatening the life of a police officer. To date at least 26 of those death sentences have been commuted. The figure for the number of executions carried out in 1991 has not been made available to Amnesty International. Execution is by shooting.

Although there is discussion about the introduction of a jury system, capital cases are currently tried by a bench comprising a judge and four "people's assessors", who are without legal training. 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.

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 Republic of Kazakhstan. Following the break-up of the USSR 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.