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Commonwealth of Independent States: Belarus - the sole executioner

The death penalty is the ultimate cruel, inhuman and degrading punishment. It violates the right to life. It is irrevocable and can be inflicted on the innocent. It has never been shown to deter crime more effectively than other punishments.

In the past two years – four more countries -- Albania, Kyrgyzstan, Philippines and Rwanda -- have abolished the death penalty. At present, a total of 133 countries have abolished the death penalty in law or in practice. Sixty-four other countries and territories retain and use the death penalty, but the number of countries which actually execute prisoners in any one year is much smaller.

Many governments and international organizations have led and supported international initiatives to achieve worldwide abolition. More than 90 countries signed a statement at the United Nations General Assembly (UNGA) 61st session in 2006 “calling upon states that still maintain the death penalty to abolish it completely and, in the meantime, to establish a moratorium on executions.” The signatory countries included nine member states of the Commonwealth of Independent States (CIS) – Armenia, Georgia, Moldova, Kazakhstan, Kyrgyzstan, Russia, Tajikistan, Turkmenistan and Ukraine.

During 2006-2007 a number of other positive developments regarding the application of the death penalty have occurred in the CIS. Several authorities in the region demonstrated their commitment to move towards abolition by introducing new legislation to restrict the use of or to abolish the death penalty, as well by supporting international abolitionist initiatives or promoting public debate about the death penalty.

Uzbekistan

In Uzbekistan, a new law adopted by the Uzbekistani Senate on 29 June 2007 will amend the Criminal, Criminal Procedural and Criminal Executive Codes by replacing the death penalty with life or long-term imprisonment. The law is scheduled to come into effect from 1 January 2008, marking the formal abolition of the death penalty in Uzbekistan. Amnesty International has called upon the authorities of Uzbekistan to promptly introduce moratoria on executions and death sentences pending the full abolition.

According to some local non-governmental organizations (NGOs) there could be hundreds of prisoners currently under sentence of death held in conditions which amount to cruel, inhuman and degrading treatment. According to the NGO Mothers Against the Death Penalty and Torture, 20 of at least 38 prisoners on death row in Tashkent prison (six of whom

were sentenced to death in the first half of 2007), are reported to be infected with tuberculosis and are not receiving adequate medical treatment.

Kyrgyzstan

In Kyrgyzstan it was announced on 26 June 2007 that President Kurmanbek Bakiev had signed a package of laws aimed at humanizing the criminal justice system. Although the death penalty has been replaced with life imprisonment for ordinary crimes, it remains unclear whether the new provisions apply to crimes committed in wartime or are reflected in the military penal code. The cases of all 174 prisoners currently sentenced to death were to be reviewed by the Supreme Court within six months.

Amnesty International considers Kyrgyzstan abolitionist in practice since it has had a moratorium on executions since 1998; in 2006 it adopted a new constitution with the provision for the death penalty removed. However, in September 2007 the Constitutional Court of Kyrgyzstan ruled that the 2003 constitution should legally remain in force, a move that prompted the President to call a referendum on the constitution for 21 October. Amnesty International urges the government of Kyrgyzstan to confirm its commitment to the abolition of the death penalty in light of these developments

Both the authorities and human rights activists have actively campaigned to engage the public in supporting abolition of the death penalty. In 2006, the capital Bishkek joined the international network of *Cities for Life – Cities against the Death Penalty* and on 30 November the authorities jointly with the NGO Citizens Against Corruption carried out a public event against the death penalty in Bishkek.

Kazakhstan

In Kazakhstan, the scope of the application of the death penalty permitted by the constitution was reduced from 10 “exceptionally grave” crimes to that of terrorism leading to loss of life. President Nursultan Nazarbaev announced the changes in his address to the joint session of the two chambers of Parliament in the capital, Astana, on 16 May 2007. Amnesty International is concerned about reports that 31 prisoners remain on death row.

Georgia

On 27 December 2006 in Georgia President Mikheil Saakashvili signed a constitutional amendment regarding the complete abolition of the death penalty. Georgia had already abolished the death penalty in 1997 but the Constitution still stated that “until its complete abolition the death penalty can be envisaged by organic law for especially serious crimes against life. Only the Supreme Court has the right to impose this punishment”. This reservation has now been deleted and replaced with the wording “The death sentence has been abolished”.

Russian Federation

Amnesty International notes that on 15 November 2006 the Russian State Duma adopted a measure which effectively extends the moratorium on death sentences until 2010 but the organization urges the complete abolition of the death penalty as soon as practically possible. The Russian Federation is the only member of the Council of Europe which has not yet ratified Protocol 6 of the European Convention on Human Rights and Fundamental Freedoms, which commits states to abolish the death penalty in peacetime in law. The

country made a commitment to take steps towards abolition of the death penalty when it joined the Council of Europe in 1996. It still has to fulfil its promise.

On 14 September 2007 Russian President Vladimir Putin told journalists and political analysts that he strongly opposed the death penalty; however, allegedly some political parties and the majority of the population of the Russian Federation support its re-introduction. Amnesty International notes that historically it has almost always been the case that the death penalty has been abolished by governments even though the majority of the public favoured its retention. The organization believes that governments should lead public opinion in matters of human rights and criminal policy. Therefore, it is with great concern that Amnesty International notes statements made by officials seemingly in support of the death penalty. For example, the ombudsperson for human rights of the Arkhangelsk Region of the Russian Federation recently called for the death penalty to be imposed on the killers of a Russian soldier, who died on 27 August after being beaten by his superiors.

Moldova

On 29 June 2006 the Moldovan parliament voted unanimously to amend Clause 3 of Article 24 of the Constitution, which provided for the death penalty in exceptional cases, thus abolishing the death penalty in law. On 29 July parliament ratified Protocol 13 to the European Convention on Human Rights on the abolition of the death penalty in all circumstances, and the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Parliament had voted to abolish the death penalty in 1995, with all pending death sentences commuted the following year and provisions for this punishment removed from the criminal code.

Internationally unrecognized territories

Within the CIS there are four internationally unrecognized entities currently outside the *de facto* control of the states within whose territory they are located: Abkhazia and South Ossetia in Georgia, Nagorno-Karabakh in Azerbaijan, and the Transdniestrian Moldavian Republic in Moldova.

On 12 January 2007 the parliament of **Abkhazia** adopted the law entitled "Moratorium on the Death Penalty", establishing a moratorium on executions during peacetime. Since 1993 there had been a *de facto* moratorium on executions in place in Abkhazia. According to the governmental news agency *Apsnypress*, death sentences can still be handed down for "particularly grave crimes against life, the foundations of the constitutional order, against the security of the state, and crimes against military service." Reportedly, there are currently two male prisoners on death row in Abkhazia. The unrecognized region of **South Ossetia** continues to have a moratorium on death sentences and executions in place.

A moratorium on executions is believed to have been in force in the **Transdniestrian Moldavian Republic** since January 1999. With regard to the **Nagorno-Karabakh Republic**, Amnesty International understands that the Criminal Code in use there is the Criminal Code of the neighbouring Republic of Armenia which entered into force on the territory of Nagorno-Karabakh in August 2003. Article 6 of this Criminal Code abolished the death penalty and replaced it with life imprisonment.

On 26 June 2007 the Parliamentary Assembly of the Council of Europe adopted Resolution 1560 (2007) entitled "Promotion by Council of Europe member states of an international moratorium on the death penalty." It reiterated its call on Abkhazia, South Ossetia and the Transdniestrian Moldavian Republic to abolish the death penalty. It also urged that "the sentences of all prisoners currently on death row in these territories should be

immediately commuted to terms of imprisonment in order to put an end to the cruel and inhuman treatment of those who have been kept on death row for years in a state of uncertainty as to their ultimate fate.”

Belarus: the last executioner

Belarus is the last executioner in law and practice in the CIS and the wider Europe and Central Asia region. In Belarus, the courts continue to hand down death sentences and prisoners continue to be executed. Figures for the number of executions carried out are not publicly available. Execution is by gunshot to the back of the head, and relatives are not officially told of the date of the execution or where the body is buried.

Amnesty International is calling upon the authorities of Belarus to promptly introduce moratoria on executions and death sentences.

International commitments to the abolition of the death penalty

As member states of the Organization for Security and Co-operation in Europe (OSCE), all CIS countries have committed themselves to keep the question of abolition under consideration. Moreover, all CIS countries who are members of the UN and/or the Council of Europe are entitled to become parties to treaties provided by these bodies that stipulate the abolition of the death penalty. Already four CIS countries -- Azerbaijan, Georgia, Moldova and Turkmenistan -- have ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights thereby committing the government to the abolition of the death penalty. Amnesty International urges abolitionist Armenia, Kyrgyzstan and Ukraine to ratify this Protocol and it also urges Azerbaijan to withdraw its reservation made under the Protocol.

Abandonment of the death penalty is one of the key membership requirements of the Council of Europe. Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms on the abolition of the death penalty in all circumstances, which was opened for signature in 2002, has already been ratified by 39 of the 47 Council of Europe member states and signed by a further six. Only Azerbaijan and Russia have not yet signed it.

Amnesty International's recommendations to all authorities in the region

A resolution calling on a global moratorium on executions will be introduced at the UNGA 62nd session which begins on 18 September 2007. Endorsement by the UNGA of a global moratorium on executions would be a significant milestone towards achieving the goal of a death penalty-free world. Countries from many regions of the world have already expressed their support for the resolution. Amnesty International is calling upon the CIS governments to join the initiative by fully supporting it and promoting the resolution during the General Assembly session.

The organization also calls on the authorities in the CIS region to build on the progress achieved and implement promptly the following recommendations:

- for the authorities of Kazakhstan, Tajikistan and the unrecognized territories of Abkhazia, South Ossetia and Transdniestrian Moldavian Republic to promptly abolish the death penalty in law and practice;
- for the authorities of Kazakhstan, Kyrgyzstan, Uzbekistan and the *de facto* authorities of the internationally unrecognized territory of Abkhazia to promptly commute the sentences of all prisoners currently on death row to terms of imprisonment;

- for all relevant authorities to bring the prison conditions on death row into line with international standards;
- for all relevant authorities to honour their commitment as OSCE member-states to “make available to the public information regarding the use of the death penalty” and disclose information related to the application of the death penalty and also ensure that the relatives of prisoners already executed receive full access to information including the dates and places of execution and burial and are allowed to collect the prisoner’s remains and any personal effects;
- for all relevant authorities to encourage and promote public support for abolition.

See also:

For more information about the international initiative calling for a global moratorium on executions, please see Amnesty International’s document *Global moratorium on executions now* (AI Index: IOR 41/018/2007) 22 August 2007

<http://web.amnesty.org/library/index/engior410182007>

Amnesty International’s briefing, *Commonwealth of Independent states: Positive trend on the abolition of the death penalty but more needs to be done* (AI Index: EUR 04/003/2006)

<http://web.amnesty.org/library/index/engneur040032006>

Amnesty International’s statement, *Light a City for Life* (AI Index: ACT 50/018/2005)

<http://web.amnesty.org/library/index/engact500182005>

Amnesty International’s statement, *Moldova: Abolishes the death penalty in law* (AI Index: EUR 59/006/2006) <http://web.amnesty.org/library/Index/ENGEUR590062006>

Amnesty International’s report, *Uzbekistan: Questions of life and death cannot wait until 2008* (AI Index: EUR 62/020/2005) <http://web.amnesty.org/library/index/engneur620202005>

Amnesty International’s Public Appeal, *Deadly Secrets: A Heritage from the Soviet Union* (AI Index: EUR 04/011/2004) <http://web.amnesty.org/library/index/engneur040112004>

Amnesty International’s report, *Belarus and Uzbekistan: the last executioners - The trend towards abolition in the former Soviet space* (AI Index: EUR 04/009/2004)

<http://web.amnesty.org/library/index/engneur040092004>