

PUBLIC

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UA 317/07 **Fear of imminent execution**

BELARUS **Syarhey Marozaw (m)**
Ihar Danchanka (m)
Valerii Gorbatii (m)

Syarhey Marozaw, Ihar Danchanka and Valerii Gorbatii face imminent execution unless President Alyaksandr Lukashenka exercises his constitutional authority to commute the death sentences.

Syarhey Marozaw, Ihar Danchanka and Valerii Gorbatii were allegedly members of a criminal gang that carried out a series of murders in the Gomel region between 1990 and 2004. All three men were sentenced to death by shooting by the Supreme Court on 1 December 2006. On 9 October, Syarhey Marozaw, the leader of the gang and his assistant Ihar Danchanka were tried for further murders and sentenced again to the death penalty. Both trials were conducted in the Minsk remand centre where the men were held, the trials were closed and the remand centre was surrounded by security forces. According to press reports, all three men have appealed to President Lukashenka for clemency, but have not yet received an answer.

The state prosecutor told the press on 9 October that this is a "unique case in the history of the Belarusian judiciary", because of the scale of the investigation. He also said that the investigation into the activities of the criminal gang are continuing and that in the interests of this investigation, the death sentence against Syarhey Marozaw may not be carried out. He did not comment on the sentences of the other two men.

Amnesty International opposes the death penalty in all cases without exception. The death penalty is the ultimate denial of human rights - the premeditated and cold-blooded killing of a human being by the state in the name of justice. It violates the right to life as proclaimed in the Universal Declaration of Human Rights and is the ultimate cruel, inhuman and degrading punishment.

BACKGROUND INFORMATION

Belarus maintains the death penalty for "premeditated, aggravated murder" and 12 other peacetime offences.

Execution is by a 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. Death sentences are usually carried out within six months of sentencing. The Supreme Court announced in February 2007 that 16 people had been sentenced to death in 2006, but no information is available about the number of executions carried out.

On 15 November 2007, the UN General Assembly's Third Committee adopted a resolution calling for a global moratorium on the death penalty. The resolution called on states that still maintain the death penalty "to establish a moratorium on executions with a view to abolishing the death penalty". It urges these states "to respect international standards that provide safeguards guaranteeing the protection of the rights of those facing the death penalty" and "progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed."

Commenting on the UN resolution, the Minister of Internal Affairs said that Belarus "could not cope without the death penalty for the time being". The resolution, in his words, was passed in the interests of politics and not common sense. He stated that in the last five years, the number of murders in Belarus had decreased: "In any country without the death penalty it is quite the opposite."

Scientific studies have consistently failed to find convincing evidence that the death penalty deters crime more effectively than other punishments. The most recent survey of research findings on the relation between the death penalty and homicide rates, conducted for the UN in 1988 and updated in 2002, concluded: ". . . it is not prudent to accept the hypothesis that capital punishment deters murder to a marginally greater extent than does the threat and application of the supposedly lesser punishment of life imprisonment."

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Russian, English or your own language:

- stating Amnesty International's opposition to the death penalty in all cases;
- explaining that Amnesty International sympathizes with those whose relatives have been victims of violent crimes and murders, but that scientific studies have shown the death penalty is not an effective deterrent against such crimes;
- urging President Lukashenka to grant clemency immediately to Syarhey Marozaw, Ihar Danchanka and Valerii Gorbatiï;
- reminding President Lukashenka that the resolution by the UN General Assembly's Third Committee, adopted on 15 November 2007, called for a moratorium on executions, and urged states to "progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed";
- urging President Lukashenka to call for a moratorium on executions in Belarus.

APPEALS TO:

President

Alyaksandr LUKASHENKA

ul .Karla Marksa, 38

220016 Minsk

Belarus

Fax: + 375 172 26 06 10 or + 375 172 22 38 72

Email: infogrp@president.gov.by or via website: www.president.gov.by/eng/president/mail.shtml

Salutation: Dear President Lukashenka

Chairman of the Supreme Court of the Republic of Belarus

Valentin SUKALO

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Belarus

Fax: + 375 17 227 12 25 (works in office hours only. Please say "fax" clearly and wait for the fax machine to be turned on)

Salutation: Dear Chairman

COPIES TO:

General Prosecutor:

Petr MIKLASHEVICH

Internatsionalnaya str. 22

220050 Minsk

Belarus

Fax: + 375 17 226 42 52

Salutation: Dear General Prosecutor

and to diplomatic representatives of Belarus accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 8 January 2008.