

EXTERNAL

AI Index: EUR 50/11/97

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Further information on UA 280/96 (EUR 50/15/96, 2 December 1996) and follow-up (EUR 50/01/97, 9 January 1997) - Death penalty / Legal Concern

UKRAINE **Sergey Vysochansky**

Amnesty International has learned from Sergey Vysochansky's mother that on 7 March 1997 President Kuchma ruled to commute her son's death sentence and replace it with a 20-year term of imprisonment.

Sergey Vysochansky was sentenced to death for premeditated, aggravated murder by Khmelnytsky regional court on 14 July 1996, and the sentence was upheld by the Supreme Court of Ukraine on 6 August. Sergey Vysochansky had been arrested on 5 September 1995 and held in detention for 20 days, during which time he was held in a cell with a prison informant who allegedly subjected him to psychological pressure and intimidation. Sergey Vysochansky signed a confession of guilt, but retracted this on 21 November 1995, saying that he had been forced to confess under duress.

Sergey Vysochansky's mother wrote to Amnesty International:

"Thank you for saving my son's life.. I am so grateful for your thorough work with the Ukrainian authorities. You helped me to get my son back, to save his life. Your help now allows us to continue the battle against the illegal, unfounded sentence passed on my son which was based on fabricated evidence."

This is the second time, to Amnesty International's knowledge, that a person on death row has had a sentence commuted since the beginning of 1996. Amnesty International learnt this week that Andrey Yevtemy, sentenced to death by Zhitomir regional court on 19 March 1996, has had his sentence commuted to 20 years' imprisonment (see update to EXTRA 197/96, EUR 50/09/97, 29 April 1997).

On 29 April the United Nations Committee against Torture examined the third periodic report of Ukraine. The Committee expressed concern about the failure of the Ukrainian authorities to institute an immediate moratorium on executions - in violation of the country's commitments upon accession to the Council of Europe - and the high level of executions in Ukraine. With 169 prisoners executed in 1996, Ukraine is second only to China for known executions. The Committee against Torture's recommended that Ukraine sign and ratify Protocol No.6 of the European Convention on Human Rights and Fundamental Freedoms, relating to the abolition of the death penalty, and also that Ukraine introduces a permanent moratorium on executions.

Participants are asked to send letters:

- welcoming the commutation of Andrey Yevtemy's death sentence;
- urging that all other prisoners on death row in Ukraine are granted clemency;
- urging President Kuchma to follow the recommendations of the Committee against Torture and take the necessary steps for Ukraine to honour its commitment to the Council of Europe and to sign Protocol 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms, and to introducing a permanent moratorium on executions.

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Salutation: Dear President

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Salutation: Dear Chairman

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and to diplomatic representatives of Ukraine accredited to your country.