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Death sentence overturned in Belarus

On 22 October, the Supreme Court of the Republic of Belarus overturned the death sentence imposed on Alyaksandr Haryunou by the Homel regional court in June 2013 and returned the case to that court for re-trial.

Amnesty International welcomes this decision and calls on the Belarusian authorities to ensure that Alyaksandr Haryunou's new hearing at the regional court is held in rigorous compliance with international human rights standards, including those for fair trial.

In taking this decision the Supreme Court of the Republic of Belarus has demonstrated the important role that the judiciary can play in ensuring strict adherence to fair trial standards.

A copy of the judgment is not publicly available yet, but an observer of the Belarusian NGO, the Human Rights Centre Viasna, was present at the Supreme Court hearing.

The Supreme Court had heard Alyaksandr Haryunou's appeal against his death sentence the previous week, on 18 October. According to the NGO observer present Alyaksandr Haryunou's lawyer had argued a range of fair trial violations, as well as the fact that Belarusian law allowed for alternative sanctions to the death penalty. The lawyer stated that Alyaksandr Haryunou signed a confession without a lawyer being present and that there was contradictory information about his mental health.

Alyaksandr Haryunou had suffered mental health problems as a child, was treated in a psychiatric hospital, and was diagnosed as having "delayed psychiatric development" and a personality disorder. Despite this, a psychiatric examination ordered by the Homel Regional Court concluded that he had never suffered mental health problems and was competent to stand trial for murder.

Alyaksandr Haryunou, who is being held in a detention centre for death row prisoners in the capital, Minsk, will be transferred to Homel detention centre while his is heard afresh by the Homel Regional Court.

Alyaksandr Haryunou, 25-year-old, was sentenced to death by the regional court in the city of Homel on 14 June 2013 for the murder of a student on 20 September 2012. During his trial he admitted his guilt and asked forgiveness from the victim's mother. Alyaksandr Haryunou had previously been sentenced to eight years' imprisonment for fatally wounding his mother's partner. He served this sentence.

The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights and other human rights instruments, and it is the ultimate cruel, inhuman and degrading punishment.

Amnesty International reiterates that the Belarusian authorities should immediately establish an official moratorium on executions as a first step towards abolishing the death penalty.

Background information

Belarus is the last country in Europe and Central Asia which still carries out executions: in 2012 it executed at least three men. To Amnesty International's knowledge three death sentences have been pronounced so far in 2013: apart from Alyaksandr Haryunou, Rygor Yuzepchuk was sentenced on 24 April for the murder of a cellmate in July 2012, and Pavel Selyun on 12 June for the murder of his wife and her lover in August 2012. Their appeals to the Supreme Court were turned down.

In Belarus, death sentences are often imposed after unfair trials which include forced confessions; they are implemented in strict secrecy, without giving adequate notice to the inmates themselves, their families or legal representatives, and despite requests from the international bodies such as the UN Human Rights Committee to the government to suspend executions while international appeals are still pending. After executions, the authorities refuse to return the bodies of those executed to their relatives or even tell them where they are buried.. The Human Rights Committee and other bodies have found that the application of the death penalty in Belarus violates the human rights of those convicted and their families.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.