

# THE BALTIC STATES

## A summary of recent concerns

### INTRODUCTION

In the period January 1995 - July 1996 the main concerns in the Baltic states were the application of the death penalty and the detention of asylum-seekers.

Although up-to-date and accurate information on prisoners under sentence of death in Estonia, Latvia and Lithuania remained difficult to obtain (in some cases information from government sources even contradicted that previously issued), Amnesty International learned that death sentences were passed in all three Baltic states in the period January 1995 - July 1996. Four executions were carried out in the same period, two in Latvia and two in Lithuania.

Amnesty International opposes the death penalty unconditionally, believing it to be incompatible with respect for the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in the Universal Declaration of Human Rights and other international human rights instruments. The majority of countries in the world have now abolished the death penalty in law or practice.

In the period January 1995 - July 1996 asylum-seekers were detained in Estonia, Latvia and Lithuania. Although Lithuania adopted asylum legislation, it did not implement the legislation's provisions.

Amnesty International believes that any asylum-seeker who is detained should be given a prompt, fair, individual hearing before a judicial or similar authority to determine whether his or her detention is lawful and in accordance with international standards. Amnesty International also calls upon governments to provide asylum-seekers with the necessary protection against *refoulement*, including protection against return to third countries where they will not have effective and durable protection against *refoulement*, as is required by international law.

Reports were also received that a number of asylum-seekers detained in Latvia had been ill-treated by police officers.

### ESTONIA

#### ***Recent political developments***

In October 1995 the centre-left coalition government of the KMÜ electoral bloc (made up of the Coalition Party and Rural Union) and the Centre Party collapsed over a telephone bugging scandal. Prime Minister Tiit Vähi, who had resigned the day after forcing Interior Minister Edgar Savisaar to quit following allegations that he had made secret tapes of politicians' private conversations, was reappointed by President Lennart Meri. Tiit Vähi, Chairman of the Coalition Party, and Siim Kallas, Chairman of the Reform Party, signed a new centre-right coalition agreement and in late October 1995 the Estonian Parliament (*Riigikogu*) approved Tiit Vähi as Prime Minister and authorized him to form a new government. In November 1995 President Meri approved the new cabinet which was then sworn in before the *Riigikogu*. The posts of Minister of Foreign Affairs, Minister of the Interior and Minister of Justice are currently filled by Siim Kallas, Mart Rask and Paul Varul respectively.

#### ***The death penalty***

At least seven prisoners were under sentence of death at the end of June 1996. Four had been held on death row for periods of between 32-39 months; three others were sentenced to death in February 1996.

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**Vladimir Botchko** was sentenced to death in December 1992, **Ruben Melkonjan** in March 1993, **Sergei Krylov** in May 1993 and **Vassili Otshtalenko** in October 1993. All four men had been found guilty of aggravated murder. Sergei Krylov, Vassili Otshtalenko and Vladimir Bochko have submitted petitions for clemency; Ruben Melkonjan has not. The information that Vladimir Bochko was still under sentence of death was contained in a letter to Amnesty International from President Meri in September 1995. Amnesty International had previously been informed (in a letter to the organization from the Estonian Interior Ministry dated 16 March 1993) that Vladimir Bochko's death sentence had been commuted.

In February 1996, **Andreas Ojala**, **Albert Solodov** and **Oleg Borisov** were sentenced to death by a district court in the north-eastern region of Ida-Virumaa for robbing and brutally murdering five elderly people in the autumn of 1994. In May 1996 it was reported that Viru district court had rejected the men's appeal against their sentence. It is not known whether Andreas Ojala, Albert Solodov and Oleg Borisov have appealed for clemency. Under the Estonian Constitution it is the President who has the right to grant clemency in capital cases. He is advised by the members of the Clemency Commission.

Amnesty International repeatedly urged President Meri to commute all pending death sentences. In August 1995 the organization also expressed concern to President Meri about the conditions of isolation in which prisoners on death row were held. According to the organization's information, Ruben Melkonjan, Sergei Krylov, Vassili Otshtalenko and Vladimir Botchko had been held in total isolation for periods in excess of 18 months before a change was introduced to the prisoners' regime, allowing them to exercise in a courtyard for one hour each day. It is still not clear, however, whether they are allowed any contact with each other or with visitors.

Amnesty International's concern about the conditions of isolation in which death-row prisoners are held stems from its belief that such isolation may have serious effects on the physical and mental health of prisoners and may constitute cruel, inhuman or degrading treatment.

In its letter to the Estonian President in August 1995, Amnesty International asked for clarification of the conditions in which death-row prisoners were held and urged the Estonian authorities to consider all possible ways of alleviating the effects of isolation on death row prisoners. The organization also asked whether any other prisoners, apart from the three the organization had referred to, were currently under sentence of death. In his reply of September 1995, President Meri told Amnesty International that he hoped that the Minister of Justice, the Minister of the Interior and the Procurator General would provide answers to the organization's questions about the conditions in which death-row prisoners were held. In fact, Amnesty International has received no more information from the Estonian authorities on this issue. The President did not say whether any other prisoners were currently under sentence of death.

In response to Amnesty International's appeals to him to commute all pending death sentences, President Meri informed the organization in September 1995 that although he personally opposed the death penalty, "I find it difficult to counterpose my own ethical creed in the sanctity of life onto the will of my people". (There have been no executions since Lennart Meri became president in October 1992. The last execution to take place in Estonia was that of Rein Oruste in September 1991.<sup>1</sup>)

The argument most frequently put forward in all three Baltic states for retaining the death penalty is the need for a strong deterrent in the face of high crime rates. However, scientific studies have consistently failed to find convincing evidence that the death penalty deters crime more effectively than

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<sup>1</sup> Reports that Rein Oruste was shot by prison officials while in the prison washroom in retaliation for an earlier altercation with prison guards have been denied by the Estonian authorities.

other punishments. For example, a survey of research findings on the relation between the death penalty and homicide rates, conducted for the United Nations (UN) in 1988, concluded that:

"This research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. The evidence as a whole still gives no positive support to the deterrent hypothesis".

Amnesty International also maintains that the wrong message is given when a government itself violates human rights in the process of seeking to enforce law and order. Executing people to punish serious violent crime only serves to perpetuate a cycle of violence.

In September and October 1995 the Human Rights Committee met to consider Estonia's initial report on its compliance with the International Covenant on Civil and Political Rights (ICCPR). The Committee expressed concern that in Estonia the death penalty could still be imposed for crimes which could not be qualified as the most serious and that legislative amendments had added two more crimes - "Crimes against humanity"<sup>2</sup> and "Violence against a police officer or a person holding equivalent office"<sup>3</sup> to the list of those punishable by capital punishment. (The other crimes carrying the death penalty are aggravated murder, acts of terrorism and assassination.) The Committee urged the Estonian Government to "reduce substantially the number of crimes for which the death penalty might be imposed" and recommended that Estonia accede to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.

The expansion to the scope of the death penalty is not only inconsistent with Estonia's obligations under the ICCPR, but also defeats the object and purpose of Article 2 of the Sixth Protocol to the

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<sup>2</sup> According to Article 611, paragraph (1) of the Estonian Criminal Code: "For crimes against humanity, including genocide, as per definition of these crimes in international law, that is for deliberate acts whose aim it is to fully or partially eradicate a group, based on national, ethnic, racial or religious distinction, which is resisting an occupation regime, or any other social group; for the killing of a member of such a group or for causing him/her grave or very grave bodily injuries or mental dysfunction or for torturing him/her; for removal of his/her children by force; for deportation of the indigenous population or for banishment into exile once an armed invasion, occupation or annexation has occurred, and for depriving them of their economic, political and social human rights or for restriction of these rights - the penalty is deprivation of liberty for between 8-15 years or the death penalty". This amendment to the Estonian Criminal Code came into force on 9 December 1994.

The use of the death penalty for these grave crimes is, however, inconsistent with international standards. The UN Security Council, when it established the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda, expressly ruled out the death penalty for the gravest of all crimes: genocide, other crimes against humanity, and serious violations of humanitarian law.

<sup>3</sup> According to Article 184<sup>2</sup> (1): "For violence, i.e. beating or punching or causing bodily injuries to a police official or a person equal to a police officer, in connection with the policeman's professional activities or his activities on duty, when the perpetrator of the act may have known or must have known that the person was a police officer or a person equal to a police officer, and when no evidence exists of acts which are punishable under Articles 101 ["Aggravated murder"], 107 ["Deliberate infliction of serious bodily injury"] and 108 ["Deliberate bodily injury"] of this Code - the penalty is deprivation of liberty for up to five years". Paragraph (2) states that: "If the same act causes serious or very serious bodily injury, or the death of the victim, the penalty is imprisonment of between 5-15 years, or the death penalty." This amendment to the Estonian Criminal Code came into force on 11 March 1994.

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European Convention on Human Rights and Fundamental Freedoms (ECHR). Estonia signed the ECHR and its Sixth Protocol, which abolishes the death penalty in peacetime, in May 1993, at the same time that it became a member of the Council of Europe and agreed to ratify these instruments. More than three years later Estonia had still not done so. (Although Estonia did not enter into a formal commitment to abolish the death penalty upon its accession to the Council of Europe, in general the Parliamentary Assembly expects member states to ratify the Convention and its main protocols within one to three years of accession.)

In December 1995 Amnesty International informed the UN Centre for Human Rights in Geneva of the extension to the scope of the death penalty in Estonia and requested that the information be brought to the attention of the Special Rapporteur for extrajudicial, summary or arbitrary executions for urgent action. (In his 1996 report the Special Rapporteur called upon UN member states to adopt measures to strengthen the trend towards the abolition of the death penalty.)

In February 1996 the Estonian Government unanimously decided that parliament should ratify the ECHR without, however, its additional Sixth Protocol. The Estonian Government's decision followed a recommendation by the Board of Crime Prevention that it was first necessary to increase the maximum prison sentence from 15 years to life. In the same month the Estonian Minister of Justice informed the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe that "he hoped that the Criminal Code could be amended in this way in the summer of 1996, which would make it possible to abolish the death penalty by February 1997".<sup>4</sup>

In March 1996 the Estonian Parliament ratified the ECHR. In the same month President Meri proclaimed the Convention as law.

### ***The detention of asylum-seekers***

In February 1995 a total of 88 asylum-seekers, many of whom had been held in detention or under lesser forms of restriction for over a year, were allowed to enter Finland where they were granted political asylum (see AI Index: EUR 01/01/95).

## **LATVIA**

### ***Recent political developments***

Parliamentary elections on 30 September and 1 October 1995 failed to produce a clear result, with nine parties gaining seats in the 100-seat parliament (*Saeima*). In December 1995 Andris Skele was nominated Prime Minister after two previous nominees had failed to obtain a majority in parliament. In the same month parliament approved the broad-based coalition government put together by Andris Skele, a former businessman with no party affiliation. The posts of Minister of Foreign Affairs, Minister of the Interior and Minister of Justice are currently filled by Valdis Birkavs, Dainis Turlais and Dzintars Rasnacs respectively. In June 1996 President Guntis Ulmanis was re-elected for a second term by the Latvian Parliament.

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<sup>4</sup> Report of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe on the abolition of the death penalty in Europe, Doc. 7589, page 8.



### ***The death penalty***

In October 1995 Amnesty International received reports that **Michael Abramkin** had been executed during the previous year. In June 1996 the organization learned that two other prisoners - **Igor Strukov** and **Rolans Laceklis-Bertmanis** - had been executed in January 1996.

Michael Abramkin had been sentenced to death in February 1994 by the Latvian Supreme Court; he had been convicted on three counts of murder. Igor Strukov was sentenced to death on 14 November 1994 for robbery and the murder of two people. Rolans Laceklis-Bertmanis was sentenced to death by the Riga District Court on 5 August 1995; he had been convicted of the murder of two policemen. Reportedly Rolans Laceklis-Bertmanis had filed an appeal against the death sentence with the Latvian Supreme Court. (This is the first case that has come to Amnesty International's attention where a death sentence has been passed by a lower court. Previously all capital offences were tried only by the Supreme Court.)

Two other prisoners were on death row at the end of June 1996: **Viktor Pirozhnikov** was sentenced to death on 13 December 1994 for robbery, aggravated assault and murder; and **Vladimir Ivanov** was sentenced to death on 10 April 1995 for the murder of four people and robbery.

The executions of Igor Strukov and Rolans Laceklis-Bertmanis were the first to have been carried out since Latvia became a member of the Council of Europe and signed the ECHR in February 1995. (Latvia was invited to become a member of the Council of Europe on the understanding that the country would ratify the ECHR - and its Sixth Protocol - within a period of one year.)

Eight other executions are reported to have been carried out since the beginning of 1991. A total of seven offences carry the death penalty in Latvia. These are: aggravated murder, banditry, actions disrupting the work of correctional labour institutions, counterfeiting under aggravating circumstances, attempted murder of an official of the police or of the home guard under aggravating circumstances, rape under particularly aggravating circumstances, the hijacking of an aeroplane under particularly aggravating circumstances. All death sentences passed since the beginning of 1991 - according to Amnesty International's information there have been 17 in total - have been for the crime of aggravated murder.

According to information provided by the Chairwoman of the Latvian Parliamentary Human Rights Commission to the Human Rights Committee (which met in July 1995 to consider Latvia's initial report on its compliance with the ICCPR) "new and completely revised draft Criminal and Criminal Procedures Codes will soon be submitted to the *Saeima* for its consideration. In particular, it should be noted that the draft Criminal Code foresees the abolition of the death penalty, to be replaced with life imprisonment". In its comments on Latvia's initial report on its compliance with the ICCPR, the Committee expressed satisfaction at the impending changes in the criminal code but was "concerned that the death penalty can be imposed for crimes which cannot be qualified as the most serious crimes under Article 6 of the Covenant". The Committee recommended that "a firm policy be adopted aiming at commuting, during the interim period, all death sentences into life imprisonment". (The *Saeima* had still not debated the draft Criminal and Criminal Procedures Codes by the end of June 1996.)

During the course of 1996 Amnesty International urged the authorities to impose an immediate moratorium on all death sentences and executions in Latvia until it had signed the Sixth Optional Protocol of the ECHR. The organization also asked the authorities for information on when and how the execution of Michael Abramkin had taken place and whether it was announced publicly at the time, and for information on the outcome of clemency appeals submitted by death row prisoners. Amnesty International had received no response to its letters by the middle of July 1996.

In June 1996 the Parliamentary Assembly of the Council of Europe adopted Resolution 1097 (1996) in which it expressed its regret that “Latvia has not kept its commitment to ratify Protocol No. 6 to the ECHR within one year of its accession to the Council of Europe”. The Assembly called upon Latvia “to honour [its] commitments regarding the introduction of a moratorium on executions and the abolition of capital punishment immediately”. It also warned Latvia about “further violation of [its] commitments, especially the carrying out of executions”.

### ***The detention and alleged ill-treatment of asylum-seekers***

In September 1995 Amnesty International received allegations that a number of the asylum-seekers held in Olaine detention camp had been ill-treated by police officials. (Amnesty International had previously expressed concern to the Latvian authorities about the detention of 104 asylum-seekers in Olaine, near the capital Riga (see AI Index: EUR 01/02/95). The number detained later rose to 130.)

According to Amnesty International’s information, the detainees, who had begun a hunger-strike to protest about their situation, barricaded themselves in the camp on 31 August 1995. The next day police officers succeeded in breaking into the detainees’ rooms and allegedly proceeded to beat them with batons. According to a representative of a Swedish non-governmental organization which had been granted access to the detainees on 6 September 1995, many of the asylum-seekers, including children, old people and women, had injuries which were consistent with blows from a baton. Reportedly four detainees had to be taken to hospital as a result of the injuries they sustained.

In its letter to the Latvian authorities in October 1995, Amnesty International said that the alleged beatings of detainees by police officers in Olaine camp would represent a flagrant violation of the international human rights standards to which Latvia has acceded, including Article 7 of the ICCPR, which states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Amnesty International urged the Latvian authorities to initiate an independent and impartial inquiry into the alleged beatings, to make public its findings, and to bring to justice anyone responsible for human rights violations. The organization also stressed that Amnesty International opposes the detention of asylum-seekers, unless they have been charged with a recognizably criminal offence or unless the authorities can demonstrate in each individual case that the detention is necessary, that it is on grounds prescribed by law, and that it is for one of the specified reasons which international standards recognize may be legitimate grounds for detaining asylum-seekers. The organization urged that any asylum-seeker who is detained should be given a prompt, fair, individual hearing before a judicial or similar authority to determine whether his or her detention is lawful and in accordance with international standards. Amnesty International also called upon the Latvian authorities to take immediate steps to provide the asylum-seekers with the necessary protection against *refoulement*, including protection against return to third countries where they will not have effective and durable protection against *refoulement*, as is required by international law. The organization had made similar appeals to the Latvian authorities in April 1995, but had received no response from them.

In November 1995 Amnesty International was informed by the Ministry of Internal Affairs that allegations of alleged police brutality were “a blatant lie”. The Ministry stated that police officers had arrived at the camp on 1 September 1995 to restore order after the “illegal immigrants” had declared a hunger-strike and erected barricades to block the entrance to the camp premises. According to the Ministry:

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“[T]he immigrants set the door on fire. Quick action and use of force could not be avoided...However, neither women nor children were hit by any policemen, none of the immigrants were beaten up, and none of them had to be taken to hospital...On the contrary, in July and August immigrants themselves organized several assaults on the policemen on guard who were performing their duties. Criminal proceedings were initiated on one such case and the investigation is taking place in the matter”.

Finally, the Ministry explained that “Latvia has had the notorious fame of a transit country for illegal immigrants for many years” and that 260,000 lats (over half a million dollars) had been allocated to build a new camp.

In December 1995 Amnesty International wrote back to the Latvian authorities and expressed concern that while an investigation had been launched into the alleged assault on a police officer, no similar investigation appeared to have been initiated into allegations that police officers used excessive force on 1 September 1995. This is despite the fact that eye-witnesses reported seeing injuries to men, women and children, consistent with allegations that police had beaten the detainees with their batons. The organization once again urged the Latvian authorities to initiate an independent and impartial inquiry into the alleged beatings of detainees in Olaine. In carrying out their investigation the authorities should, Amnesty International stated, pay heed to Principle 4 of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials which states that: “Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms”, and to Article 3 of the Code of Conduct for Law Enforcement Officials which stipulates that: “Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty”.

Finally, Amnesty International expressed concern that according to information supplied by the authorities, none of the asylum-seekers were taken to hospital on or after 1 September 1995, despite evidence that a number of them required medical treatment. In its letter the organization asked the authorities what medical treatment detainees received following the police action on 1 September 1995 and whether any officers were subjected to any disciplinary sanctions following events on that day.

In February 1996 Amnesty International was informed by the Police Department of the Ministry of Internal Affairs that an investigation into the behaviour of police officers would only be undertaken “when the law or some other statutory regulation has been violated. In this case the law was not violated”.

In July 1995 the Human Rights Committee (which met to consider Latvia's initial report on its compliance with the ICCPR) stated that it was particularly “concerned at allegations of mistreatment of detainees and at the conditions in places of detention”. The Committee also expressed concern that “there do not seem to be clear mechanisms for dealing with complaints of violence by law-enforcement authorities and of conditions in detention centres and prisons”. On the issue of asylum, the Committee expressed concern that “as a result of the absence of domestic legislation and procedure governing the treatment of asylum-seekers trying to enter, or who have entered Latvia, the government has resorted to an excessive use of detention and removal of asylum-seekers from the country”. The Committee recommended that the Latvian Government “adopt domestic legislation governing the treatment of refugees and asylum-seekers in compliance with the Covenant and international refugees law” and that Latvia consider acceding to the 1951 Refugees Convention and the 1967 Protocol.



In December 1995 the asylum-seekers were moved to a new building near the town of Olaine. In the middle of July 1996 they were still detained.

## LITHUANIA

### *Recent political developments*

In January 1996 President Algirdas Brazauskas issued a decree dismissing Prime Minister Adolfas Slezevicius after he admitted withdrawing his personal savings from a Vilnius bank two days before it collapsed. In February 1996 the Lithuanian Parliament (*Seimas*) approved the decree and accepted the President's nomination of Mindaugas Stankevicius for the vacant post of Prime Minister. In the new cabinet the posts of Minister of Foreign Affairs, Minister of the Interior and Minister of Justice are filled by Povilas Gylys, Virgilijus Bulovas and Albertas Valys respectively. In September 1995 Lithuania signed the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

### *The death penalty*

In the period January 1995 - July 1996 two death sentences were reported to have been carried out.

**Boris Dekanidze**, a 32-year-old stateless man of Georgian origin, was executed on 12 July 1995. He had been sentenced to death in November 1994 for ordering the murder of an investigative journalist who had exposed the activities of a mafia gang operating in the Lithuanian capital Vilnius. (The crime of aggravated murder is the only crime which carries the death penalty in Lithuania.) In February 1995 the Supreme Court had ruled that there were no grounds to review the death sentence and on 11 May 1995 the President of Lithuania rejected the prisoner's appeal for clemency. However, six days later he received a stay of execution, as the Public Prosecutor wanted to hear another witness in the case, who had been arrested in Germany. In early June 1995 this witness was questioned by the Public Prosecutor, who stated subsequently that there were no grounds to revoke the death penalty against Boris Dekanidze.

In December 1995 Amnesty International was informed by the Ministry of Justice that the petition for clemency submitted by **Aleksandras Gudkovas**<sup>5</sup> had been rejected and that he had been executed. No further information - such as the date of execution - was provided. Aleksandras Gudkovas was sentenced to death by the Supreme Court in June 1994; he had been convicted of the murder of two people and had a previous conviction for attempted murder. Amnesty International had urged the Lithuanian authorities to commute his sentence.

Earlier in the year, in April 1995, it was reported that the Lithuanian Clemency Commission, headed by the President, had, for the first time, commuted a death sentence to life imprisonment. **Jozas Maksimavicus** was sentenced to death by the Supreme Court of Lithuania on 20 December 1993. He had been found guilty of the murder of the director of a metal works in Kazakhstan in December 1992.

In March 1995 Amnesty International expressed concern to the Lithuanian authorities that the review of the death sentence passed on Boris Dekanidze did not constitute an appeal under Article 14 (5) of the ICCPR, to which the Republic of Lithuania is a party and bound to comply. The organization

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<sup>5</sup> Previously the name had been reported as Gladkovas

received no response from the Lithuanian authorities. In November 1995 Amnesty International asked the authorities when the *Seimas* would be debating the issue of the death penalty. (In a previous letter it had received from the Ministry of Justice in August 1994, Amnesty International had been informed that two drafts of a new Criminal Code - one retaining the death penalty and one abolishing it - were to be presented to the *Seimas* "in the future".) In December 1995 Amnesty International was informed by the Ministry of Justice that the draft of the new Criminal Code - providing for both the death penalty and for life imprisonment - would be presented to the *Seimas* in March - April 1996. However, by the end of June there had been no reports of parliamentary discussions of the new code. As already stated, any decision to retain the death penalty would be inconsistent with the spirit of UN General Assembly resolutions, the recommendations of the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, and the ICCPR, which indicate that all steps towards abolition of the death penalty are desirable. Moreover, such a decision would be inconsistent with the worldwide trend towards abolition of this cruel, inhuman and degrading penalty.

In March 1996 Amnesty International received fresh information about three prisoners currently under sentence of death. According to a report in the Norwegian daily *Dagbladet* of 2 March 1996, **Kestotis Saviskas**, aged 20, was sentenced to death in 1995 for the murder of three people. It was reported that Kestotis Saviskas had appealed to President Brazauskas for clemency on 27 February 1996, and that a decision on his appeal was imminent. Two other prisoners were reported to be on death row: **Alfredas Francikas** and **L. Montvidos**. Both men had been convicted of aggravated murder. It was unclear how long they had been on death row. Nor was it clear whether the death sentences passed on Kestotis Saviskas, Alfredas Francikas and L. Montvidos had been subject to appeal.

In March 1996 Amnesty International appealed to the authorities for commutation of the death sentences passed on Kestotis Saviskas, Alfredas Francikas and L. Montvidos and of all other pending death sentences. In its letters to the authorities, the organization also expressed regret at the execution of Aleksandras Gudkovas and asked for information regarding the exact date and place of execution, who was present and whether and how the execution was officially announced or reported. Finally, Amnesty International urged the authorities to ratify the Sixth Protocol of the ECHR which abolishes the death penalty. (Lithuania became a member of the Council of Europe in May 1993 and ratified the Convention and three of its Protocols - but not the Sixth - in April 1995.) By the middle of July 1996 Amnesty International had received no replies to its letters.

In June 1996 the Lithuanian Government informed the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe that a total of nine prisoners were currently on death row. Three had appealed against their convictions, the remaining six were awaiting the outcome of appeals for clemency. In the same month the Parliamentary Assembly of the Council of Europe adopted Resolution 1097 (1996) in which it urged Lithuania "to institute a moratorium on executions without delay". In July it was reported that President Brazauskas had imposed a moratorium on executions, pending debate of the death penalty by parliament in the autumn.

### ***Asylum legislation***

In July 1995 a new law On Refugee Status in the Republic of Lithuania was adopted. By the middle of July 1996, however, the law had still not been implemented in practice. Throughout the period January 1995 - July 1996 reports were received of the detention of "illegal migrants" who had been arrested at Lithuania's borders or returned to the country from neighbouring Poland.