

Regional Report

Russian Regions Back Death Penalty

By Igor Rabinovich, Ufa

Even though it has been more than ten years since President Boris Yeltsin imposed a ban on the death penalty and “opened a window” to the Council of Europe, Russia has yet to abolish capital punishment completely. The question is extremely controversial in Russian society and the moratorium does not have wide support. After the terrorist act in Beslan, 84 percent of Russians supported removing the ban, according to the Kremlin-friendly All-Russian Center for the Study of Public Opinion (VTsIOM).

In regions where terrorist attacks have taken place and among members of the law enforcement community, the number of death penalty supporters is even higher. In the city of Moscow, 89 percent of population support capital punishment, while 96 percent of the employees of the Ministry of Internal Affairs back the ultimate sanction. As Federation Council Speaker Sergei Mironov said recently in Strasburg, “the number of supporters of the death penalty grows with the number of terrorist atrocities and criminal excesses.”

Strong Political Support for the Death Penalty

Opposing the death penalty is politically unpopular in today’s Russia. “From the political point of view, nobody wants to propose abolishing the death penalty while terrorist acts are taking place,” according to Pavel Krashennnikov, chairman of the State Duma Committee on Legislation. That is why the State Duma has not ratified the Sixth Additional Protocol to the European Human Rights Convention, which would abolish the death penalty. There have been several attempts to overturn the moratorium, usually citing the extensive amount of crime, including drug sales and terrorism, but none have succeeded. Additionally, the Duma leadership sometimes considers imposing the death penalty for particularly egregious crimes connected to terrorism, but has so far refrained from this step.

Following the Beslan tragedy, all of the parties currently represented in the Duma supported various initiatives calling for the abolition of the death penalty. In Kemerovo Oblast, even the usually competing Communists and United Russia had a similar position on this question. Both groups demanded from the State Duma “the most severe penalty” for people who organize and carry out terrorist acts. They supported Governor Aman Tuleev’s demands for the death penalty for terrorists, their supporters, and even their relatives. In Bashkortostan, Rodina proposed introducing the death penalty for terrorism and the distribution of narcotics. This proposal suggested delaying court-ordered executions for 10 years to reduce the probability of executing an innocent person. Earlier the Union of Right Forces had proposed a Russian referendum in-

roducing the death penalty for drug dealers and even collected more than one million signatures in support of this idea in half of Russia’s 88 regions.

Across the regions, the most consistent supporters of reinstating the death penalty are the leaders of Dagestan and North Osetia, where many terrorist attacks occur. After each attack, these North Caucasus leaders appeal to the federal leaders to reinstate the penalty. So far, President Vladimir Putin has not lifted the moratorium, but has said that that he would take public opinion and the mood of the deputies into account.

The Toll of Crime

The inability of the law enforcement agencies to deal with rising crime in Russia, as well as the proliferation of “razborky”, violent settlings of account among various crime groups leading to numerous killings, also prevent citizens and politicians alike from supporting efforts to end the death penalty. Members of the Krasnodar Krai Legislative Assembly recently sent appeals to Putin favoring a return of executions. They were inspired by an open letter to the president published by the journalists of the Volnaya kuban newspaper and the Kuban television and radio company angered by the brutal murder of their young colleague. The legislators pointed out that during the last month, eight people had been killed in Krasnodar. “People are afraid to go on the streets and parents fear for their children.” Governor Aleksandr Tkachev backed them, pointing out that assassins had recently murdered several public officials in the krai. Tkachev said “the hands of the law enforcement agencies should be freed so that in the battle with insolent bandits, they will know that if they kill a person, they will pay with their own lives.”

In fact, many observers blame the rising crime rate on the introduction of the death penalty moratorium. Viktor Shepty, a member of the Sverdlovsk Oblast legislature and a former employee of the Alfa special forces group, believes that following the introduction of the moratorium, the number of crimes for which this sanction can be applied grew 5-10 times. In calling on Putin to end the moratorium, the deputies

of the State Duma from Stavropol Krai argued that Russia has one of the highest crime rates in the world. They claim that banning the death penalty neither improved the situation, nor made society more humane. In their view, the best way for the state to address the rising level of crime is to provide punishments that are equivalent to the crimes committed.

Using the Death Penalty to Achieve Humanitarian, Social Goals

Reinstating the death penalty would be a humanitarian gesture, according to Sergei Golubev, the chairman of the Committee on State and Legal Affairs of the Vologda Legislative Assembly. Currently, convicts who would have faced the death penalty now get life terms. Golubev, a former employee of the Ministry of Internal Affairs, said that many of those he met in prison would rather die than spend the rest of their natural life behind bars.

Feelings of social justice also stimulate support for the death penalty in the regions. When Edvard Musin, a member of the Bashkortostani legislature, introduced an initiative to amend the penal code to remove the death penalty, his colleagues refused to even consider the measure. They argued that capital punishment was necessary in Russia in order to “punish criminals like Mikhail Khodorkovsky” who, in their opinion, “stole billions of rubles.” While Russian legislation does not provide for the death penalty for the kind of crimes these legislators accuse Khodorkovsky of committing, they remembered that Soviet law foresaw death sentences for the theft of state property.

Some Express Reservations

Several representatives to the upper house Federation Council agree with the general idea of abolishing the death penalty, but argue that such a step is not acceptable for Russia today. Yury Sharandin, a representative of Evenkia, believes that Russia should ratify protocol number 6 since the country has committed itself to doing so. However, he points out, “Russia is on the front line in the war on terrorism and the highest possible punishment should remain for those who kill innocent people.” According to Stanislav Vavilov, representing the Jewish Autonomous Oblast, Russia needs a transitional period during which it can prepare public opinion to accept the abolition of the death penalty. The moratorium should be in effect during this period. However, he believes that the death penalty should be preserved for particularly vicious crimes against children and terrorist acts. Ryazan Senator Rafgat Altynbaev, chairman of the Committee on Federal Affairs and Regional Policy, argues that Russian society is not ready to abolish the death penalty. “Of course, you cannot take away someone’s right to

life,” he noted. “However, this thesis applies only to those countries where most people obey the law and the conditions for committing crime are minimized. At the same time, Altynbaev says “there are some crimes which must be punished adequately.”

Savagery and violence used in interethnic and religious conflicts are also reasons for preserving the death penalty, according to some observers. A St. Petersburg jury recently heard the case against a group of youths who attacked a family of refugees from Tajikistan, killing a 9-year-old girl and wounding other family members. Kamilzhan Kaladarov, the director of the Institute for Human Rights and a member of the Russian Public Chamber, said that “as a human rights defender, I am against the death penalty, but as an ordinary person I understand that abolishing the death penalty is not possible.” He also said that he would treat Aleksandr Koptsev, convicted of wounding visitors to a Moscow synagogue, the same as the murderers of the Tajik girl.

A Few Exceptional Politicians Reject the Death Penalty

The death penalty does not enjoy universal support in Russia. For example, the members of the Committee on Legislation of the Tatarstan State Council at first unanimously supported a return to the death penalty and even adopted a resolution describing Yeltsin’s decree as “contradicting the will of the people.” However, they subsequently changed their position, announcing that they considered life imprisonment to be a harsher penalty. According to reports about this action, the legislators were particularly interested in fulfilling Russia’s obligations in joining the Council of Europe.

Even in regions where a majority of regional legislators support the death penalty, there are exceptions. For example, in Ivanovo Oblast, where almost all deputies called for canceling the moratorium, Deputy Sergei Val’kov did not back his colleagues, reporting that his constituents were opposed to the death penalty.

Krasnoyarsk Krai Legislative Assembly Member Aleksandr Shvedov declared his opposition to the capital punishment and claimed that “the campaign to overturn the moratorium on the death penalty was planned from above.” Chairman of the Chelyabinsk Public Chamber Vyacheslav Skvortsov argued that introducing the most extreme measures of criminal punishment would not solve society’s problems with crime and terrorism. He blamed these problems on the weakness of Russian civil society. These death penalty opponents, however, are exceptions to the general rule.

About the author:

Igor Rabinovich is deputy director of the Center for Economic and Political Research “Uralbizneskonsalting” in Ufa.