Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1145 (1998)[1]
Final version

Executions in Ukraine

Parliamentary Assembly

1. The Assembly recalls its Opinion N°. 190 (1995) on the application by Ukraine for membership of the Council of Europe, adopted on 26 September 1995, which noted that Ukraine committed itself to "put into place, with immediate effect from the day of accession, a moratorium on executions". Ukraine acceded to the Council of Europe on 9 November 1995, but did not institute a moratorium on executions.

2. On 28 June 1996, the Assembly held a debate on the abolition of the death penalty in Europe, and adopted Resolution 1097 (1996), in which the Assembly condemned Ukraine for apparently violating its commitment to introduce a moratorium on executions and warned Ukraine that further violations of her commitments, especially the carrying out of executions, would have consequences. Nevertheless, executions continued in Ukraine.

3. On 29 January 1997, the Assembly was forced to once again consider the honouring of the commitment entered into by Ukraine upon accession to the Council of Europe, to put into place a moratorium on executions, since it had received official information on continuing executions in Ukraine. In Resolution 1112 (1997), the Assembly warned the Ukrainian authorities "that it will take all necessary steps to ensure compliance with commitments entered into", including, if necessary, the non-ratification of the credentials of the Ukrainian parliamentary delegation, at its next session in January 1998.

4. The Assembly has now received official confirmation that executions continued after 29 January 1997. It is shocked that at least thirteen executions took place in Ukraine in 1997. It strongly condemns these executions which constitute, once again, a blatant violation of the commitments entered into by Ukraine upon accession to the Council of Europe, and of Resolution 1112.

5. The Assembly demands that no more executions be carried out under any circumstances whatsoever.

6. It also demands that a de jure moratorium be introduced in Ukraine.

7. It demands that the unnecessary and inhuman secrecy surrounding executions in Ukraine be lifted without further delay, and that a list of all those who have been under sentence of death, and their ultimate fate, since the accession of Ukraine to the Council of Europe on 9 November 1995 be made public.

8. It further demands that the death penalty be abolished by parliament as soon as a new parliament has been elected and that the President pardon all current death-row inmates.

9. The Assembly is also shocked by the appalling conditions in which prisoners condemned to death are held. It insists that all death-row inmates immediately be allowed one hour's exercise outside, in fresh air, per day. Lights should be installed in death row cells that can be turned down at night; where possible, daylight should be allowed into the cells as well as fresh air.

10. It recommends that, in the long term, prisoners be given the possibility to complain about ill treatment in detention to an independent body other than the prosecutor's office.

---

1. *Assembly debate* on 27 January 1998 (2nd Sitting) (see Doc. 7974, report of the Committee on Legal Affairs and Human Rights, rapporteur: Mrs Wohlwend). *Text adopted by the Assembly* on 27 January 1998 (2nd Sitting).

11. The Assembly is willing to grant Ukraine all the assistance within its means to help Ukraine achieve these goals and to honour this particular commitment.

12. Ukraine was clearly warned in Resolution 1112 (1997) of the consequences any further executions after 29 January 1997 could have. Recalling that executions continued at least until 11 March 1997, the Assembly, in the absence of an official notification by the President and the Speaker of Parliament of Ukraine notifying the Council of Europe of the imposition of a de jure moratorium on executions, decides to reconsider the credentials of the Ukrainian parliamentary delegation under Rule 6 (9).

13. When the credentials of the delegation are examined at one of the next sittings of the Assembly or the Standing Committee, it should be taken into account whether the Ukrainian authorities have lifted the secrecy surrounding executions and have furnished documentary and undeniable proof that a moratorium on executions has been established in Ukraine.