

# Crime and Justice

## Death Penalty and the Right to Life

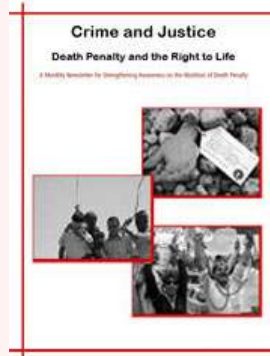
A Monthly Newsletter for Strengthening Awareness on the Abolition of Death Penalty



August 2011

IPS, the global news agency, brings you independent news and views on capital punishment. In this newsletter you will find in-depth reports by IPS correspondents from around the world and columns by experts, in addition to special sections for news from international NGOs and a review of the global media for a glimpse of what is happening on the ground. Join us in helping strengthen awareness about the abolition of death penalty – and encourage your friends and colleagues to subscribe to this free monthly newsletter.

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By Matthew Cardinale

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### U.S.: Execution of Mexican Citizen Draws Wide Condemnation

By Denis Foynes

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### ZIMBABWE: The Impossible Search for a Hangman

By Tariro Madzongwe

HARARE, Jul. 4, 2011 (IPS) - For over four years now, Tendai Dzingirai \* has lived each day afraid that it may be his last. Dzingirai is one of almost 60 inmates on death row in Zimbabwe's prisons. But like the other prisoners, Dzingirai does not know when he will finally meet his fate – especially since the country has not had an executioner for the last six years.

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IPS has partnered with [Penal Reform International](#) to expand its independent coverage of issues surrounding capital punishment and long-term imprisonment.

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## Iranian Man Faces Death over Religious Conversion

By Matthew Cardinale

ATLANTA, Georgia, U.S., Jul 18, 2011 (IPS) - Faith leaders in the U.S. representing 25 million citizens have expressed outrage about the case of Youcef Nadarkhani, an Iranian man who faces the death penalty if he refuses to recant his Christian faith.

Calling themselves Christian Leaders for a Nuclear Free Iran, the faith leaders sent letters regarding the matter on Jul. 8 to U.S. President Barack Obama, members of Congress, and foreign ambassadors and heads of state. The letter also called on Iran to refrain from developing nuclear weapons.

Nadarkhani is charged with apostasy, the act of a person formally disaffiliating themselves from, or renouncing, a religion.

However, "because apostasy is not mentioned in Iran's penal code, and apostasy is not considered a crime, then the court has to consider Mr.

Nadarkhani's case in the context of [the crime] 'insulting the Prophet of Islam'," Nadarkhani's attorney, Mohammad Ali Dadkhah, said in a statement to the International Campaign for Human Rights in Iran (ICHRI).

"In this respect, since my client has not made any insults, he can tell the same to the court," he said.

So is there a way to convert one's religion without insulting the Prophet?

"Under these legal systems, there's no way to convert, if you're Muslim, and changing faith from one to another, even if you became an atheist," Jordan Sekulow, director of international operations at the American Center for Law and Justice, told IPS.

"If you became Muslim, that wouldn't be a criminal case. It would be a celebration," he said.

Dadhkah had told ICHRI that on Jun. 27, Nadarkhani's death sentence was overturned by the Supreme Court in Qom and was on hold until Nadarkhani repents.

But according to a copy of the verdict obtained by Christian Solidarity Worldwide (CSW), the death sentence was not actually overturned. The verdict asks the lower court in Rasht to reexamine procedural flaws in the case.

The Supreme Court in Iran has "ultimately given local judges a free hand to decide whether to release, execute or retry Mr. Nadarkhani in October," according to CSW.

"In this ruling it has been stipulated that in case Nadarkhani does not repent, his case file would once again be sent back to the lower court in Rasht. In a way, a complete overturning of the apostasy verdict depends on Nadarkhani's repentance," Dadkhah said.

The Iranian government has also charged Dadkhah himself with crimes. He faces 10 years in prison and suspension of his law license for "actions and propaganda against the Islamic regime".

Nadarkhani may have an easier time appealing his case in the lower court if he repents his faith in Christianity, and Iranian officials are reportedly pressuring him to do so.

One issue the court may be looking at is whether Nadarkhani was a "true Muslim" at the time of his conversion to Christianity.

The Nadarkhani case is considered somewhat shocking even to those familiar with the politics of the Middle East. "What is happening in some strict Islamic law-

based countries like Pakistan, they have an apostasy law on the books. But they have a mob rule setting. People lose their life because they storm the jail," Sekulow said.

"There's a difference between what happens in Pakistan, where there's a mob and no justice," and this case, he said.

"This hasn't happened since 1990. No one's been executed by the government for changing their faith. I think the fact they haven't done it since 1990 is because they know the world reaction is, it's outrageous," he said.

"Anti-conversion laws are implemented throughout Islamic law in various ways. For example, in Egypt, the Constitution seems benign, but Article Two of the Constitution says Islam is the religion, and nothing in the Constitution shall conflict with Islam," Sekulow noted.

"I think we're at a point where the world doesn't accept denying religious freedom as a cultural norm," he added.

Victoria Nuland, spokesperson for the U.S. Department of State, said in a Jul. 6 statement, "We are dismayed over reports that the Iranian courts are requiring Youcef Nadarkhani to recant his Christian faith or face the death penalty

for apostasy – a charge based on his religious beliefs."

"While Iran's leaders hypocritically claim to promote tolerance, they continue to detain, imprison, harass, and abuse those who simply wish to worship the faith of their choosing," Nuland said.

"We join the international community in continuing to call on the Iranian government to respect the fundamental rights of all its citizens and uphold its international commitments to protect them," she said.

Nadarkhani, 32, was born to Muslim parents but converted to Christianity at the age of 19. He was the pastor for a congregation of about 400 Christians in Rasht.

Nadarkhani was arrested in October 2009 while trying to register his church, which is part of the nationwide Church of Iran.

On Aug. 23, 2010, Nadarkhani's apostasy death sentence was upheld by Branch Eleven of the Appeals Court of Gilan Province.

Nadarkhani is currently being held in Rasht Prison.

"He is one of 300 Christians who have been arrested in last year. Some have been released. There's been a significant crackdown on Christians in the last year," David Yeghnazar, U.S. director of Elam, an organisation which supports Iranian Christians, told IPS.

Yeghnazar believes the crackdown is in part due to anti-Western sentiments in Iran, but points out Christianity began as an Eastern religion.

"If you're born in a Muslim family, the expectation is you have to remain in a Muslim family or remain as a Muslim. We call on the government... in Iran, to honour the meaning and the intention of the U.N. Charter... which they signed up to," he said. "Certainly this case is a clear example of how they're contravening that charter."

"We believe in the basic human rights of every person to follow their convictions whether they choose to be a Jew, a Christian, a Bahai, or a Muslim," he said, predicting that the Iranian government's efforts may backfire.

"If they follow through, I think, to many Iranians, contrary to the goal of the Iranian regime, he might be seen as a martyr," Yeghnazar said. (END)

## **SRI LANKA: Saudi Death Sentence for Maid Shakes Govt**

### **By Feizal Samath**

COLOMBO, Jul 13, 2011 (IPS) - The Sri Lanka government is considering a further tightening of age restrictions on women leaving the country to become domestic workers. But some analysts say this is a quick-fix solution to the problem of women running afoul of the law abroad.

Sri Lankan authorities have been grappling with ways of restricting the flow of migrant women abroad due to complaints of non-payment or delayed wages, sexual abuse, and long working hours – issues faced by most domestic workers abroad. Often these issues remain unresolved.

But the latest case to stir Sri Lankans' conscience is that of Rizana Nafeek, who is awaiting execution in Saudi Arabia. Nafeek was found guilty of killing a baby who had choked to death while in her care. She was sentenced in 2007.

The argument that Nafeek was duped by a local agent and travelled to Saudi Arabia as an underaged worker (below

18 years old) failed to move Saudi authorities. Nafeek's execution has been delayed, however, due to appeals from Sri Lankan President Mahinda Rajapaksa.

Protests have been held in front of the Saudi embassy in Colombo pleading for Nafeek's release. The protests were prompted by fears she would be secretly executed, after an Indonesian maid was beheaded last month for murdering her Saudi employer's wife. Indonesian officials said they were not informed of the execution.

But advocates say imposing age restrictions is not the right approach. "These age barriers are not going to solve the problem," said J.C. Weliamuna, a human rights lawyer and director of the Sri Lanka branch of the global rights watchdog Transparency International.

Last week, Minister of Foreign Employment Dilan Perera told Parliament the government was planning to raise the minimum age for a domestic worker going abroad to 30 years. Since January 2011, the minimum age has been 21 years and before that, 18 years. Perera also said the maximum age for overseas-bound domestic

workers will also be changed to 42 years from the current age limit of 50.

Remittances from workers abroad are Sri Lanka's second largest foreign exchange-earner after commodity exports. More than 1.6 million Sri Lankans are contract workers in the Gulf, Asia and Europe. Close to half this number are women working as domestics, mostly in the Gulf.

Most migrant worker activists like Viola Perera, coordinator of Sri Lanka's ACTFORM (Action Network for Migrant Workers) believe that the best option would be for women to work in their home country but the option of being employed abroad is their right and "as long as that happens we need to ensure their protection overseas."

Perera said Sri Lankans must handle problems of women in the workplace delicately. "We can't be blaming those governments; otherwise we'll be placed in a situation similar to the beheading of the Indonesian maid (without the Indonesian authorities being informed). Our priority is ensuring Rizana's freedom. That's paramount in this particular case," she said in reference to the protests blasting the Saudi government for Nafeek's sentence.

Advocates admit a lack of skills and basic understanding by domestic workers is also a problem. "We need to teach migrant workers rights with responsibilities," said K. Velayutham, president of Sri Lanka's National Trade Union Federation. "If workers are not responsible and don't do the job they are assigned to, how can they claim rights? They need to perform the work they have been paid for.

"We need to teach them languages – English or Arabic; we need to make them aware of the environment they work in; we need to teach them the law so that they know if they violate it they would be taken to task," Velayutham added.

But advocates expressed concern over the treatment of domestic workers in the Middle East. William Gois, regional coordinator of the Manila-based Migrant Forum for Asia (MFA), says the "kafala" (sponsorship) system, where the worker is not permitted to leave the house, is like a form of slavery. Migrant groups have been calling for the system to be stopped or reformed, as in Bahrain, where some mobility of movement is now allowed based on guidelines or consent between the sponsor and the worker.

At a two-day consultation in Colombo on migrant issues in Asia, Gois said his group was working on a reference wage rather than a minimum wage structure, relaxing the kafala system. The MFA has also launched a campaign to carry forward last month's passage of the International Labour Organisation's Convention on Domestic Workers, which applies to both domestic workers in their home countries and migrant workers employed as domestics.

At the meeting, Filipino officials pointed out that in an effort to minimise abuse and harassment, they are observing a rule that only countries with bilateral agreements with the Philippines can recruit workers. These countries must also have ratified key U.N. conventions connected to human rights and migrant workers.

"If we cannot ensure protection of rights for our workers in a particular country, we should not send them to that country," said one Filipino official.

Both migrant support groups and employment agents blamed authorities for the multitude of problems workers face. Wijaya Udupitiya, who runs an employment agency, said the state-run Sri Lanka Foreign Employment Bureau

doesn't share its data with all stakeholders.

"For example how many people are unregistered (with the bureau), how many Sri Lankans are in safe houses in Sri Lankan missions overseas, how many of these are runaways after working two to three weeks in a house?" he asked, saying that about half of all migrant workers go abroad on their own and not through local agents. (END)

## **U.S.: Execution of Mexican Citizen Draws Wide Condemnation**

### **By Denis Foynes**

UNITED NATIONS, Jul 12, 2011 (IPS) - "I'm ready. Let's get this show on the road," Humberto Leal Garcia told a prison warden minutes before his execution in Texas on the night of Jul. 7.

Garcia was executed by lethal injection for the kidnapping, rape and murder of a 16-year-old girl in 1994. He was the seventh person to be executed in Texas this year.

The execution was highly controversial, although Garcia's guilt wasn't the issue. That has never been in doubt.

In fact, Garcia used his last words to say, "I've hurt a lot of people. I take full responsibility for everything."

Garcia had been living in the United States almost his entire life, but he was born in Mexico.

In 2004, the International Court of Justice - the U.N.'s highest court - ruled that he and 51 other Mexican nationals arrested in the U.S. had not received assistance from the Mexican consulate, which they were entitled to under the Vienna Convention.

Navi Pillay, the U.N. High Commissioner for Human Rights, who visited Mexico last week, said the execution had placed "the U.S. in breach of international law".

"What the state of Texas has done in this case is imputable in law to the U.S. and engages the United States' international responsibility," she said.

"[The] ramifications are likely to spread far beyond Texas," Pillay warned.

The government of Mexico has claimed it could have assisted in Garcia's defence investigation, provided funds for experienced investigators and mental health experts, and taken

measures to ensure that Garcia had competent attorneys to represent him.

At the trial, questions were raised about the competence of the attorneys Garcia was provided with. One had been twice suspended from practicing law for failing to adequately defend clients, and was publicly criticised on two other instances.

For these reasons, the Mexican government had requested that Garcia's sentence be reduced to life in prison.

The request was supported by U.S. President Barack Obama, who warned that if the execution went ahead as scheduled, it would do "irreparable damage" to U.S. interests.

These interests included "protecting Americans abroad, fostering cooperation with foreign nations and demonstrating respect for the international rule of law," he said.

The Obama administration asked the U.S. Supreme Court to put the execution on hold while Congress debated a law to prevent Garcia and dozens of other foreign citizens denied a diplomatic representative from being executed.

In a 30-page brief to the Supreme Court, the White House said that the execution would "place the United States in irreparable breach of its international law obligation". The request was narrowly rejected by the high court by a vote of five to four.

In the end, Texas Governor Rick Perry, a Republican, ignored the wishes of Obama, the United Nations, the Mexican government and even former president and governor of Texas George W. Bush and refused the stay the execution.

After it was carried out, a spokesperson for Governor Perry stated that "Texas is not bound by a foreign court's ruling."

Some analysts suggest that giving in to a Democratic administration, especially Obama's, would have been political suicide for Perry, who is said to have presidential ambitions for 2012.

Now Perry is the Republican Party's new golden boy, with a reputation of being tough on crime and standing up to Washington.

Larry Birns, director of the Council on Hemispheric Affairs, told IPS, "This wasn't an international diplomacy decision. It came down to domestic

politics and the division between the left and right in America."

One consequence of the execution is a further souring of Mexican-U.S. relations, a relationship already strained by border issues such as drug violence and immigration.

"Mexican justice has the reputation in the United States of being careless, but now if the U.S. now has a complaint regarding the arrest of one of its citizens, it hasn't a leg to stand on," Birns said.

"That is not to say he shouldn't be killed for his crimes, but you must respect the rights of human beings and other countries," he added. What Governor Perry and Texas did was terribly short-sighted.

"There is likely to be retaliation for this execution and it is no question that Americans will die due to this rash action."

In the words of Vermont Senator Patrick Leahy, "Americans detained overseas rely on access to U.S. consulates every day."

"If we expect other countries to abide by treaties they join, the United States

must also honour its obligations," he said.

Kali Akuno of the U.S. Human Rights Network told IPS, "We are opposed to the death penalty, period, and this execution was a further breach of the most basic rights."

"It is clear that Texan state officials broke international law for their own political gain," he added.

Asked how the event could affect U.S.-Mexican relations, Akuno said that "actions such as these are in the public awareness not only in Mexico but in all of Latin America, hence the damage done to America's reputation is much more widespread." (END)

## **ZIMBABWE: The Impossible Search for a Hangman**

### **By Tariro Madzongwe**

HARARE, Jul. 4, 2011 (IPS) - For over four years now, Tendai Dzingirai \* has lived each day afraid that it may be his last. Dzingirai is one of almost 60 inmates on death row in Zimbabwe's prisons. But like the other prisoners, Dzingirai does not know when he will finally meet his fate – especially since

the country has not had an executioner for the last six years.

Since 2005, when the country's last hangman retired, there has been a moratorium on executions as the country is still searching for a replacement.

"For this matter we are waiting for a proper directive from cabinet. There is currently a moratorium on the death penalty since the matter is before cabinet," said the country's deputy minister of justice Obert Gutu.

And it may be a long time before one is found as Zimbabweans shun the job because of superstition and cultural reasons.

According to Gutu, Zimbabweans mostly look down on the hangman's job since it entails the "murdering" of people, which most locals believe brings "evil spirits" to the hangman and his family.

"In the African culture, a job that entails the killing of another human being is not considered a job at all. It is looked at with contempt and superstition, mostly because as Africans we believe that if one kills another human being the spirit of that person will return to torment its killer and his family."

He added that a majority of Zimbabweans, like himself, did not believe in the death penalty.

"To the best of my knowledge I am not sure when (a hangman) will be engaged. I don't know whether the process is in motion, but I know there is currently no hangman. Ordinary Zimbabweans are not comfortable with the death penalty."

Gutu castigated the death penalty describing it as a primitive and inhumane form of punishment that should not be on the statute books of any civilised and progressive country.

"My own suggestion is that all people on death row should have their sentences immediately commuted to life imprisonment. It is psychologically traumatic and inhumane to keep people on death row perpetually," Gutu said.

Gutu said his ministry has been advertising the job since 2005 and not many people have expressed an interest in applying.

Like any other civil service job, the monthly salary is pegged at around a paltry 300 dollars. The job is reserved for men only and the identity of the

person will remain a closely guarded secret.

In one of the advertisements by the ministry of justice, requirements for the job include dexterity in tying a knot and a cold-hearted person. Anyone prone to mercy or hesitation is instructed not to apply.

The hangman will be stationed at the Chikurubi Maximum Prison in Harare and is warned that his work will have no routine. On any given day he could be required to execute between two to four prisoners. But months and even a year could pass before another hanging.

"It's not a job one can openly talk about, it's a gory job only those deemed evil and cursed can ever want to do.

Culturally, people shun the spilling of human blood, whether the victim is guilty or innocent," Gutu said.

Pedzisai Ruhanya, a human rights academic and programs manager for Crisis Coalition in Zimbabwe, said the country had to do away with the death penalty.

"If the state does not allow citizens to kill each other so what right does the state have to kill its people? The death penalty is out dated..."

Ruhanya paid tribute to Zimbabweans for shunning the hangman's job adding that it was a deplorable job no man should do.

"Only the devil himself can do that job – not a normal human being. After all the hangman is paid peanuts like the rest of civil servants. Is 300 dollars (a month) enough for one to kill people for? Never. Zimbabweans should refuse to take up this job."

Zimbabwe's last hangman is said to be struggling with his conscience and claims to have regretted his job.

Many Zimbabweans interviewed by IPS said they could not imagine doing the job.

Petros Kamujarira, who earns a living repairing people's shoes, said he preferred to die poor rather than be employed as an executioner.

"In my family from my ancestors they was never a murderer so why should I be the first one to bring evil spirits into the family? Never will I ever do it. It's against the Lord and our spirit mediums even if you have the blessings of the country's laws. It's still wrong and it will bring bad luck through evil spirits into the family," he told IPS.

"I am not so sure if I want to have such a job which only entails killing people. What would my wife, children and relatives think of me knowing that when I leave home daily for work I will be going to kill someone else's mother, father, brother or sister?" said John Mapapu who earns a living as a vegetable vendor in one of Harare's high density suburbs.

Reverend Julius Zimbudzana from the Anglican Church in Zimbabwe said Zimbabweans were holy people and that is why the position was still vacant.

\*Name has been changed. (END)

## WORLD PRESS REVIEW

This review provides a glimpse of developments related to death penalty as reported by media around the world, in a chronological order from the end of July to the beginning of the month.

### PRESENTATION OF HANDS OFF CAIN'S 2011 REPORT 'THE DEATH PENALTY WORLDWIDE'

July 29, 2011: Hands Off Cain is an international association that, together with the Radical Party, is conducting a campaign for a moratorium on capital punishment. It is with pleasure that we invite you to the presentation of our 2011 Report "The Death Penalty Worldwide".

The presentation will be held on August 4 at 11.30am, at our headquarters in Rome, at 76 Via di Torre Argentina (third floor). In attendance will be Foreign Minister Franco Frattini and Taïeb Baccouche, Education Minister and spokesperson of the Transitional Tunisian Government.

Hands Off Cain's 2011 Report contains the most important facts regarding the practice of the death

penalty in 2010 and the first six months of 2011. This year's data shows that China, Iran and North Korea were the three countries with the highest number of executions in 2010. However, the data also confirms the positive global evolution towards the abolition of the death penalty that has been happening for more than ten years.

In particular, in the Arab world, the positive wave of liberation from longstanding regimes seem to foreshadow solutions to the adherence to systems and practices of the past.

From this point of view, the attendance of Minister Baccouche, the President of the Arab Institute for Human Rights, is particularly significant. The interim national unity Tunisian government ratified the Rome Statute on the establishment of the International Criminal Court and also announced the ratification of the Second Optional Protocol of the International Covenant on Civil and Political Rights, regarding the abolition of the death penalty.

During the event we will also present the objectives of Hands Off Cain's campaign for realising the UN Resolution on the Universal Moratorium on Capital Punishment, that was approved last December by the UN General Assembly.

The presentation will be held in Italian, with English and French interpreting services provided. (Source: HOC, 29/07/2011)

#### **JAPAN: JUSTICE MINISTER MAY HALT EXECUTIONS**

July 29, 2011: Japanese Justice Minister Satsuki Eda indicated his intention not to authorize the execution of death row inmates for the time being in an exclusive interview with The Yomiuri Shimbun, one year after the last death sentences were carried out on July 28, 2010.

Considering the Justice Ministry has been discussing the future of the death penalty system, "It's very unlikely [that I will] enforce it," Eda said.

According to the ministry, 107 inmates remained on death row following the last execution. Since then, the number of death row inmates has risen to 120.

The ministry launched an internal study group in August to discuss the death penalty, including the possibility of abolishing it. The group is still reviewing points of the argument.

"Human beings are rational creatures. I think it's wrongheaded to claim that taking the life of a person is the expression of a rational nature," Eda told The Yomiuri Shimbun.

"I'm considering how to exercise the authority

given to the Justice Minister, keeping in mind the global trend [to eliminate the death penalty]," Eda added.

The Criminal Procedure Code stipulates that execution of inmates on death row should take place within six months of a death sentence. However, executions are not conducted as long as the Justice Minister has not signed the order of execution.

The death sentences of two men were enforced on July 28, 2010, based on orders by then Justice Minister Keiko Chiba. They were the last cases of the death penalty being imposed to date. (Source:

Yomiuri.co.jp, 29/07/2011)

#### **CHINA: MAN GETS DEATH FOR FAKE MONEY SCAM**

July 26, 2011: a man was sentenced to death in south China's Guangdong Province for forging counterfeit yuan notes with a par value of 170 million yuan with 15 other gang members.

Xiao Guihong, the ring leader, was given the death penalty in the first-instance trial, according to a verdict released by the Dongguan City Intermediate People's Court.

The other 15 ring members were given sentences ranging from death with a reprieve to a year and 10 months in prison, the verdict said.

The 16 members were also ordered to pay fines ranging from 350,000 yuan (54,400 U.S. dollars) to 60,000 yuan.

The gang members made an illegal profit of 1.8 million yuan from selling fake yuan notes worth 56 million yuan in total par value in August 2009, according to the court.

Police confiscated the rest of the notes with a par value of 114 million yuan in two raids in the same year. (Source: English.cri.cn, 26/07/2011)

#### **CANADA DEPORTS TOP CHINESE FUGITIVE**

July 23, 2011: China arrested its most wanted fugitive in the capital Beijing after Canada deported him to end a decades-long saga that had plagued Sino-Canadian relations, but concerns remained among activists about whether he would receive a fair trial.

Beijing has sought the deportation of Lai Changxing, 53, accusing him of running a multibillion-dollar smuggling operation in the southeastern city of Xiamen in the 1990s in one of China's biggest political scandals in decades.

Lai arrived at Beijing's international airport, where Chinese police "announced his arrest and read him his rights, including hiring lawyers to

defend himself, after he was transferred by the Canadian side," state news agency Xinhua reported, citing the ministry of public security.

Lai may face life imprisonment, Xinhua cited Chinese legal experts as saying. Other legal experts and human rights activists said it was unlikely Lai could receive a fair trial in China.

Lai had been put on a plane from Canada after a court cleared the way for his extradition, dismissing concerns that he could be tortured or executed back home.

Lai's deportation was decided just after Canadian Foreign Minister John Baird's visit to Beijing, which laid the groundwork for an upcoming trip by Prime Minister Stephen Harper to China. Harper made waves in 2006 when he said that he would not sell out human rights in China "for the almighty dollar."

Lai fled to Canada with his family in 1999 and claimed refugee status, saying the allegations against him were politically motivated.

China had promised Canada that Lai would not be tortured or executed and that Canadian officials would have access to him.

Canada has no death penalty and will not usually extradite anyone to a state where capital punishment is practiced without assurances the suspect will not be executed.

The case exploded in the special economic zone of Xiamen in Fujian province in the mid-1990s when Jia Qinglin, now the ruling Communist Party's fourth most senior leader, was the province's Party boss.

Beijing has accused Lai's business empire, the Yuanhua Group, of bribing officials to allow a massive smuggling ring in a scandal that implicated more than 200 senior figures, including Jia's wife, Lin Youfang. She denied any wrongdoing.

Lai admitted in a 2009 interview with Toronto's Globe and Mail newspaper that he had avoided taxes by exploiting loopholes in the law, but he denies bribery charges. He said that had he not been in Canada he would have been executed. (Source: Reuters, 23/07/2011)

#### **PAKISTAN: SUPREME COURT MOVED TO ABOLISH CAPITAL PUNISHMENT**

July 25, 2011: Barrister Zafarullah Khan of Watan Party, filed a petition in the Supreme Court of Pakistan, seeking abolishment of the death penalty claiming it was in violation of the constitution.

The petition was filed before the Lahore registry of the apex court.

Khan stated that the rampant use of death penalty for murder was not only unconstitutional

but also "illegal" and "cruel". "Out of the total 213 countries in the world, only 68 are in favour of the death penalty," Khan said.

He stated that Pakistan was constitutionally a democratic country, and the whole purpose of a democratic constitution was to guarantee people the security of life and ensure welfare facilities. "There is no doubt about the fact that there are several miscreants and violators of law who need to be punished and their activities need to be monitored," Khan said, adding that violations and crime could be regulated by punishment of various terms rather than terminating criminals' lives.

He stated that the right to life is a very basic right given to each citizen through Article 9 of the constitution, and keeping this in view, the death penalty was a form of unnatural termination of life, therefore, it violated this article of the constitution. He stated that the drafters of the Constitution of 1973 were aware of the abolition of death penalty in many countries, particularly in England, whose legal system we had knowingly adopted. (Source: Daily Times, 26/07/2011)

#### **AMNESTY: SAUDI TERROR LAW 'WOULD STRANGLE PROTEST'**

July 22, 2011: A secret new anti-terror law being drawn up by the Saudi authorities would "strangle peaceful protest", Amnesty International has said.

The BBC has been shown a classified copy of the draft law showing a number of measures Amnesty said would severely restrict human rights.

These include lengthy detention without trial, restricted legal access and increased use of the death penalty.

But a Saudi official said it was directed at terrorists, not dissidents.

The Saudi government has so far declined to comment, but the senior official, who did not want to be named, confirmed the existence of the draft law and did not dispute the clauses contained in it.

"[The law] will give an open hand for the minister of the interior to do whatever he wants to do. Basically he will be controlling the judiciary, controlling the public prosecutor, he's in charge already of the prison system, and there is no way to get a fair trial," the head of the Saudi Civil Rights Association, Mohammad al-Qahtani, told the BBC.

Amnesty International's Middle East press officer James Lynch told the BBC the draft law - a copy of which was leaked to the human rights group - "seeks to entrench some of the most repressive practices that Amnesty has been documenting for years".

Among the measures proposed is a broadening

of the definition of a terrorist crime to include any action deemed to be "harming the reputation of the state" or "endangering national unity".

Suspects could be held incommunicado for up to 120 days - longer if authorised by a court - and there would be restrictions on access to legal advice.

Violations of the law would carry harsh punishments, with the death penalty applied in cases of taking up arms against the state or for any "terrorist crimes" that resulted in death, said Amnesty.

Questioning the integrity of Saudi Arabia's rulers would become an offence punishable by a minimum of 10 years in prison. (Source: BBC, 22/07/2011)

#### **SOMALIA: SOLDIER, WHO KILLED AHLU SUNNA FIGHTER, EXECUTED**

July 20, 2011: one of Somali soldiers, who has intentionally slain a fighter loyal to Ahlu Sunna Waljama (ASWJ), a moderate Islamist group allied with the government, was executed by a firing squad in southern Somalia town, officials said.

Forces from Somali government and Ahlu Sunna Waljama have publicly conducted the execution in Garbaharey town of Gedo region in southern Somalia, according to Jaylani Mohamoud Yusuf, a freelancer in the area.

The journalist said that officials from both administration and hundreds of people congregated at the square to watch the killing was conducted.

Abdullahi Khalif Ibrahim, who was from Somali government forces, yesterday shot and killed a fighter from Ahlu Sunna group in Garbaharey, 320km southwest of Mogadishu.

Mohamed Abdi Kailil, Somali government's governor of Gedo region told Shabelle Somali government administration in the region and Ahlu Sunna group had together made the execution.

"Killings and exchange of fire frequently occur between pro-government soldiers," said the governor.

He added that severe measures, including capital punishment, were aimed at minimising misuse of firearms within the armed forces. (Sources: AllAfrica.com, africareview.com, 20/07/2011)

#### **IRAN: FOUR PEOPLE HANGED FOR DRUG TRAFFICKING**

July 20, 2011: A total of four people charged with drug trafficking have been hanged in Rafsanjan and Jiroft prisons (both located in the Kerman province, southeastern Iran), according to a report

by the Iranian state-run media news agency ISNA.

The report said that two of those executed, who were hanged at Jiroft prison, had their execution sentences issued by the Jiroft Revolutionary Court.

Abbas. A. was charged with, drug trafficking, the possession of 16.3 kilograms of opium, and committing multiple drug offences. Ali B. was charged with drug trafficking and the possession of 33.76 kilograms of crack.

The other two, who were hanged at Rafsanjan prison, had their execution sentences issued by the Rafsanjan Revolutionary Court, according to the report. Khodadad M. was charged with drug trafficking 396 kilograms of opium and 156.5 kilograms of morphine. Begam. N (possibly a woman), was charged with drug trafficking 555 grams of heroine.

The report said that all four executions were carried out "after the confirmation of the Iranian Attorney-General," the position currently held by Gholamhossein Mohseni Eje'i.

The Kerman Judiciary, referring to the possibility of getting the sentences reduced to a prison term, announced that the authorities had made the decision to reject the options of amnesty and pardon for these four recently executed people.

Information about their ages and the exact date and time of the executions was not published by ISNA, but it is believed that they were executed sometime in the last few days. (Source: Iran Human Rights, 20/07/2011)

#### **TEXAS (USA): 'ARAB SLAYER' EXECUTED AFTER VICTIM PLEAS FOR CLEMENCY**

July 20, 2011: Mark Stroman, 41, white, was executed in Texas. He was convicted of entering the store where Vasudev Patel was working on Sept 21, 2001, demanding money from the register, and then shooting him in the chest.

He admitted to at least three attacks in the weeks after the September 11, 2001, terror attacks on New York and Washington, all on men he believed to be of Middle Eastern descent.

Stroman was given a lethal injection of drugs and pronounced dead at 8:53 p.m. local time, Michelle Lyons, a Texas Department of Criminal Justice spokesman, said.

"The Lord Jesus Christ be with me," Stroman said, according to Lyons. "I am at peace. Hate is going on in this world, and it has to stop. One second of hate will cause a lifetime of pain. I'm still a proud American. Texas loud, Texas proud. God bless America, God bless everyone."

A survivor of one of the attacks, Raisuddin Bhuiyan of Bangladesh, had tried to convince

courts to stay the execution, saying it was against his religious beliefs as a Muslim.

Stroman's execution was held up for two hours while judges heard the final appeals by Bhuiyan, who was shot in the face during the condemned man's post-9/11 shooting spree. Bhuiyan and his lawyers have filed a lawsuit against Texas Governor Rick Perry, claiming Bhuiyan's rights as a victim were being violated because he never got to meet with his attacker or tell the court how he wanted Stroman punished.

But death-penalty advocates said the victim doesn't get to decide the punishment. (Source:

Reuters, 20/07/2011)

#### **IRAQ: QAEDA CHIEF NAMED SADDAM HUSSEIN TO HANG**

July 19, 2011: A local Al-Qaeda leader – named Saddam Hussein – was sentenced to hang by a court in the Shi'ite holy city of Karbala in southern Iraq, an official said.

"The criminal court of Karbala sentenced Saddam Hussein, the Al-Qaeda leader of (the village of) Khanafsa to death by hanging," said Mohammed Hamid al-Moussawi, chairman of Karbala's provincial council.

"Saddam Hussein was convicted of attacks on pilgrims with car bombs and bombs," he said. He was arrested in mid-April in Khanafsa, 30 kilometres (19 miles) north of Karbala.

Hundreds of thousands of Shiite pilgrims visit Karbala several times a year, notably for mourning ceremonies during the Shiite holy day of Ashura. Attacks by Sunni insurgents against the Shiite pilgrims are common. (Source: Egyptian Gazette, 19/07/2011)

#### **BANGLADESH: MAN HANGED FOR KILLING POLICEMAN**

July 19, 2011: a prisoner was hanged at Kashimpur central jail in Gazipur district north of Dhaka city, Bangladesh.

Hazrat Ali Bhuti, aged 34, and two of his associates were sentenced to death by Speedy Trial Tribunal of Dhaka for killing police inspector of Criminal Investigation Department (CID) Nazrul Islam on June 10, 2004

Bhuti and his two associates Liton Sarder and Abdul Qader stabbed Nazrul Islam to death while snatching away his valuables in Dhaka on July 26 in 2002.

Earlier, the Supreme Court had overturned his appeal. President Zillur Rahman also rejected his

mercy petition.

Additional deputy commissioner Md Humaun Kabir, assistant police superintendent Abul Hossain and jail officials were present during the execution.

Liton Sarder is now at Kashimpur jail while Abdul Qader is housed at Dhaka central jail. (Source: Gulf Times, 20/07/2011)

#### **CHINA: TWO OFFICIALS EXECUTED FOR GRAFT**

July 19, 2011: China executed two former local government officials for taking tens of millions of dollars in bribes, the state-run Xinhua news agency reported.

Xu Maiyong and Jiang Renjie, who both worked in prosperous cities on China's thriving east coast, were put to death early Tuesday, Xinhua said, citing the Supreme People's Court.

Xu, 52, former vice mayor of Hangzhou, was sentenced to death in May, reportedly for taking bribes worth 198 million yuan (\$37.2 million), embezzlement and abuse of power.

He was famous for his extravagant lifestyle - Chinese media said investigators found gold bullion and expensive jewellery at his home, and the number of mistresses he kept was reportedly in double digits.

Jiang, 62, a former vice mayor of Suzhou, was sentenced to death in 2008 for taking more than 108 million yuan in bribes, Chinese media reported. Both men were Communist Party members, according to earlier media reports.

Corruption by officials is routinely named in opinion polls as a top source of public discontent. In a speech earlier this month to mark the ruling Communist Party's 90th birthday, Chinese President Hu Jintao said the anti-graft fight was the key to 'winning or losing public support and the life or death of the party'. (Source: AFP, 19/07/2011)

#### **USA: DALAI LAMA PRAISES ILLINOIS FOR ABOLISHING DEATH PENALTY**

July 17, 2011: The Dalai Lama has praised Illinois for recently abolishing the death penalty. That praise came today as the Tibetan spiritual leader spoke before thousands at the University of Illinois at Chicago. The main topic of his talk was bridging the divide between faiths. As he first came on stage, he was greeted by Illinois Gov. Pat Quinn. The Dalai Lama gave Quinn a traditional blessing by placing a white silk scarf around his neck. In response, Quinn tapped his hand on his heart. A few minutes later, the Dalai Lama praised Quinn and Illinois legislators for abolishing the death

penalty. The 76-year-old leader says it was the right thing to do and that he wanted to congratulate Illinois. The state law ending the death penalty took effect this month, on the 1st.

(Source: Associated Press, 17/07/2011)

#### **IRAQ: LAWMAKERS AGAINST EXECUTION OF TOP OFFICIALS IN SADDAM REGIME**

July 16, 2011: Iraqi lawmakers on Saturday called the country's presidency not to approve the execution of two top military officials under Saddam Hussein, warning of the consequences of sectarian conflict.

"We demand the presidency not to ratify the execution of Sultan Hashim and Hussein Rashid, because they are symbols of the Iraqi military and the history of the Iraqi army is a witness for their professionalism," Hassan al-Jubouri, a Sunni lawmaker told reporters in Baghdad.

Iraqi Ministry of Justice said Friday in a statement that it had received on Thursday 196 prisoners detained at Camp Cropper near Baghdad International Airport from the U.S. military, including five senior officials of the former regime.

The five officials include Saddam's two half-brothers, Watban Ibrahim and Sabawi Ibrahim, former defense minister Sultan Hashim Ahmed, former chief of staff Hussein Rashid al-Tikriti and a top official of Saddam's Baath party, Aziz Saleh al-Numan, the statement said, adding that they have been sentenced to death in different trials from 2007 to 2011.

"We are concerned that there is an intention to execute Sultan Hashim, former defense minister, and Hussein Rashid, former chief of staff, after the U.S. military handed them over with other detainees to the Iraqi Ministry of Justice," Jubouri said at a press conference.

Camp Cropper, a detention center built in 2006, has held thousands of prisoners, most of whom were handed over to the Iraqi authorities last July.

The U.S. military is turning over bases, jails and prisoners to the Iraqi authorities as the scheduled deadline of full withdrawal on Dec. 31 is drawing.

Jubouri and many lawmakers from Iraq's northern city of Mosul, the hometown of Sultan Hashim, warned that such move is "a menace to the unity of the Iraqi people, particularly as we are looking forward to ending conflict between the already divided Iraqi sects and as the national reconciliation process is underway."

"We reject the execution (of the two) because the verdicts were illegal and were built on political motives because the two were doing their military

job, and there is no evidence that their hands were stained in the blood of innocent Iraqis," Jubouri said.

An official in the Iraqi parliament told Xinhua that some lawmakers are collecting signatures from their colleagues in the parliament to jointly oppose the execution.

According to the Iraqi law, the death penalty verdict must be formally approved by the president or vice president. Iraqi President Jalal Talabani has authorized his Shiite Vice President Khudair al-Khuzai to sign the verdict. (Source: Xinhua Net, 16/07/2011)

#### **SAUDI ARABIA: MAN BEHEADED FOR SEXUAL ASSAULT**

July 16, 2011: a Saudi man was beheaded in Tabuk, Saudi Arabia, after being convicted of sexually assaulting another man's wife. Adel bin Mohammed Assiri forcibly entered the man's apartment and assaulted his wife, hitting her, photographing her naked and attempting to rape her. His execution brings to 32 the number of people beheaded in Saudi Arabia this year, according to an AFP tally based on official and human rights group reports. (Source: AFP, 16/07/2011)

#### **IRAN: ANOTHER 30 HANGED AT VAKILABAD PRISON ON DRUG CHARGES**

July 16, 2011: Iranian authorities have hanged another 30 prisoners at Vakilabad Prison in Mashhad on drug-related charges, says the International Campaign for Human Rights in Iran. The campaign cites "local knowledgeable sources" saying 12 prisoners were executed on Wednesday June 29 and another 18 were hanged on Sunday July 3. The International Campaign for Human Rights in Iran say the executions once again were carried out in secret and en masse, with no prior notification of families and attorneys and no official announcement from the judiciary. (Source: Eurasia Review, 16/07/2011)

#### **N. KOREA PURGES 30 OFFICIALS INVOLVED IN INTER-KOREAN TALKS**

July 14, 2011: a South Korean government source said North Korea had reportedly purged 30 officials who participated in inter-Korean talks or supervised bilateral dialogue via execution by firing squad or staged traffic accidents. "Thirty people have been confirmed to have died or gone missing until recently. About 10 partners of inter-Korean talks with the South were executed by firing and

about 20 others were said to have died in traffic accidents," the source said. (Source: The Dong-A Ilbo, 15/07/2011)

#### **IRAN 'STONING WOMAN' ATTENDS MOTHER'S FUNERAL**

July 13, 2011: A woman sentenced to death by stoning in Iran is in "perfect health" and has been allowed to attend her mother's funeral, a justice official told IRNA state news agency. Sakineh Mohammadi Ashtiani "is in prison in perfect health... and like all inmates enjoys her full rights as a prisoner," IRNA quoted Malek Ajdar Sharifi, head of East Azarbaijan province's justice department, as saying.

Sharifi added Mohammadi Ashtiani "meets with her family members regularly in accordance with regulations and in recent days she was given leave to attend her mother's funeral."

The official did not elaborate on when and for how long Mohammadi Ashtiani was granted leave.

In January, she appeared before a group of journalists working for international news networks during what judiciary officials called an "out of prison" visit to her family.

Mohammadi Ashtiani was sentenced to death by two different courts in the northwestern Tabriz, the capital of East Azarbaijan province, in separate trials in 2006.

A sentence to hang for her involvement in the murder of her husband was commuted to a 10-year jail term by an appeals court in 2007.

But a second sentence, to die by stoning, was on a charge of adultery levelled over several relationships, notably with the man convicted of her husband's murder.

The stoning sentence was upheld by another appeals court the same year, in a case that drew widespread international condemnation.

Sharifi also said that Mohammadi Ashtiani's "case is taking its natural course in the courts and that no change has occurred in her case."

Speaking earlier this year, Sharifi had said "anything is possible," when asked by Fars news agency whether Mohammadi Ashtiani's sentence for adultery could be overturned. (Source: AFP, 13/07/2011)

#### **THAILAND: COURT UPHOLDS DEATH FOR STUDENT'S MURDER**

July 12, 2011: the Thai Supreme Court upheld the death sentence of motorcycle taxi rider Sirimongkol Reunnak, 38, for raping, robbing and killing Mathayom-4 student Wewimol Sirivej, 16, behind Bangkok's Don Meuang housing estate in

2006. The court also ordered him to pay Bt600,000 in compensation to the victim's family. This is the second time the death sentence was upheld. (Source: Nationmultimedia.com, 12/07/2011)

#### **COMPANY ENDS CONTRACTS WITH IRAN AFTER CRANES USED IN PUBLIC HANGINGS**

July 12, 2011: A Japanese company said it has ended contracts with the Iranian government following a report that its cranes have been used for public executions.

Just days after United Against Nuclear Iran President Mark Wallace penned a July 6 opinion article in the Los Angeles Times stating that the Japanese crane company Tadano was one of several selling cranes to Iran, the company announced Tuesday it would cease making further Iranian deals.

Crane-hanging has become a common practice in Iran. Tadano's cranes, as well as those produced by other international manufacturers, have been used to make a dramatic public scene of executions. In 2004, Iran garnered international attention for hanging a 16-year-old girl from a crane in public view for having promiscuous sex, a violation of Sharia law.

While UANI communications director Nathan Carleton believes companies send their products to Iran without knowing the troubling consequences, he said the government has a dark history of misusing imported goods.

"No one should be having their products going to Iran, particularly given the Iranian regime's history of misusing products and money to fund terrorism," Carleton said.

Wallace wrote that since Iranian citizens staged uprisings in 2009, the Tehran government has stepped up its use of foreign goods, including cranes, in a crusade to execute its own people.

"It's no coincidence that Iran's increased staging of public executions came at the same time protest movements were gaining steam throughout the Middle East," Wallace wrote. "What better way to keep Iranians from having 'dangerous ideas' like those of their neighbors?"

UANI has launched a Cranes Campaign, publishing on its website a list of eight international companies that send crane resources to Iran, with photos of the cranes being used as execution devices. (Source: dailycaller.com,

13/07/2011)

#### **BAHAMAS: GOVT POSTPONES AMENDED DEATH PENALTY LEGISLATION**

July 11, 2011: the Bahamas government postponed the introduction of amended death penalty legislation that was expected to be tabled in the House of Assembly before MPs took their summer recess. Prime Minister Hubert Ingraham yesterday said by e-mail that the changes to the legislation are "incomplete." He added that the new law should be brought to Parliament "later in the year." In late June, Mr Ingraham announced plans to bring to Parliament updated capital punishment legislation that would strengthen death sentence cases from being overturned on appeal by the Privy Council. (Source: Tribune242.com, 12/07/2011)

#### **SAUDI ARABIA: THREE NIGERIANS EXECUTED**

July 10, 2011: Saudi Arabia beheaded three Nigerians accused of murdering and robbing a fellow citizen, the interior ministry said in a statement carried by the official SPA news agency. Mohammed Ismail, Abdulqudus Adam and Mohammed Kabir Ali broke into the house of Omar Mohammed Adam where "they beat him and his wife, tied them down and strangled Omar to death," said the statement. Then they burgled their compatriot's home, it added. The beheadings in the western Red Sea city of Jeddah, at Baiha Square, brings the number of executions in the ultra-conservative kingdom this year to 31, according to an AFP tally based on official and human rights group reports. (Source: The Nation, 10/07/2011)

#### **UN URGES SENEGAL NOT TO EXTRADITE EX-CHAD LEADER**

July 10, 2011: UN human rights chief Navi Pillay urged Senegal to reconsider its decision to send Chad's former dictator Hissene Habre back to his home country to face justice for alleged atrocities. Extraditing Habre to Chad, which sentenced him to death in absentia in 2008 for the torture and killing of political opponents during the 80s, may violate international law, she said. Pillay stressed the need for guarantees that Habre would not face torture or the death penalty and would get a fair trial. A 1992 truth commission in Chad found Habre responsible for widespread torture and the deaths of at least 40,000 people. Senegal put him under house arrest in 2005 when he was charged by the Belgian government for crimes against humanity based on cases brought by Chadians living in Belgium. (Source: Agence France Presse, 10/07/2011)

#### **MALAYSIA: FEDERAL COURT UPHOLDS DEATH**

#### **SENTENCE ON INDONESIAN FOR DRUG TRAFFICKING**

July 8, 2011: the Federal Court in Putrajaya, Malaysia, upheld the death sentence imposed on an Indonesian found guilty of trafficking in 866 grammes of cannabis six years ago. Chief Judge of Sabah and Sarawak Tan Sri Richard Malanjum presiding a three-man panel with Federal Court judges Datuk Hashim Yusoff and Datuk Zulkefli Ahmad Makinudin dismissed Muklis Jafar's final appeal. The panel reaffirmed the Shah Alam High Court's decision on Feb 6, 2009 to convict and sentence him to death for trafficking in the drug at Jalan Shahpadu, Kampung Teluk Kapas, Rantau Panjang, Klang, Selangor on Sept 21, 2004. The Court of Appeal also dismissed Muklis's appeal on Nov 17, 2009. Muklis has a final recourse to the Pardons Board to commute his death sentence to a jail term. (Source: Bernama, 08/07/2011)

#### **NIGERIA: SUPREME COURT UPHOLDS DEATH SENTENCE**

July 8, 2011: Justice Francis Fedode Tabai of the Nigerian Supreme Court upheld the death sentence passed on Kano State-based Kannywood actress, Rabi Ismail, by a Kano State High Court and the Court of Appeal in the Kaduna Division, for allegedly killing her boyfriend, Ibrahim Auwalu, in 2002.

She was not in court when the ruling was made and is believed to be in a prison in northern Nigeria.

The court ruled that Ismail drugged Ibrahim with a sweet, before drowning him in a dam in Kano. (Source: Saturday Tribune, 09/07/2011)

#### **INDONESIA: BALI NINE RINGLEADER LOSES DEATH APPEAL**

July 7, 2011: An Australian drug smuggler sentenced to death in Indonesia, one of the "Bali Nine" gang arrested in 2005, has lost his final appeal against the punishment, his lawyer said.

Todung Mulya Lubis, a lawyer for 30-year-old Myuran Sukumaran, said he found out on Wednesday that Sukumaran's judicial review had been rejected by the Supreme Court. "I'm very saddened by the decision," Lubis told AFP. "He has admitted his guilt and asked not to be sentenced to death. The death punishment should actually be revoked."

Lubis said it was not clear if Sukumaran would be able to seek any further judicial review of his sentence.

Sukumaran was a member of the so-called Bali Nine gang which attempted to smuggle eight

kilograms (18 pounds) of heroin into Australia from the Indonesian resort island of Bali in 2005.

The Supreme Court has also rejected the judicial review of Andrew Chan, another member of the group who was also sentenced to face the firing squad.

A third member, Scott Rush, won an appeal against his death sentence in May and is now serving life in jail. Six other gang members are serving lengthy jail sentences. (Source: Afp, 07/07/2011)

#### **U.S. BROKE INTERNATIONAL LAW BY EXECUTING MEXICAN NATIONAL, SAYS U.N.**

July 8, 2011: The United States breached international law by executing a Mexican national without having granted him consular access, the U.N. High Commissioner for Human Rights said.

Navi Pillay, in a statement, said she deeply regrets the execution of Humberto Leal Garcia, after a 5-4 decision by the U.S. Supreme Court denied him a stay of execution on July 7 night.

"The execution of Mr. Leal Garcia places the U.S. in breach of international law," said Pillay, who is on an official mission in Mexico. "What the state of Texas has done in this case is imputable in law to the U.S. and engages the United States' international responsibility."

Pillay said Leal was not granted consular access, which -- as a foreign national -- was his right under Article 36 of the Vienna Convention on Consular Relations.

The denial of access raises concerns about whether Leal got a fair trial, Pillay said.

Leal, who was convicted for the 1994 rape and murder of a 16-year-old girl, was executed on July 7 evening by lethal injection in Texas.

Federal officials, including the Obama administration, had tried to persuade Texas Gov. Rick Perry to delay the execution. "The secretary herself is quite disappointed in the outcome in this case," said State Department spokeswoman Victoria Neuland about Secretary of State Hillary Clinton.

"The U.S. government sought a stay of Leal's execution in order to give the Congress time to act on the Consular Notification Compliance Act, which would have provided Leal the judicial review required by international law."

Neuland said the case underscores the importance of the act's passage. "If we don't protect the rights of non-Americans in the United States, we seriously risk reciprocal lack of access to our own citizens overseas," she said. (Source: cnn.com, 08/07/2011)

#### **TEXAS (USA): MEXICAN CITIZEN EXECUTED**

July 7, 2011: The U.S. State of Texas executed a Mexican citizen convicted of rape and murder of an American girl, defying protests from his home country and the Obama administration that it violated international law.

Humberto Leal Garcia, 38, was put to death by lethal injection in Huntsville, Texas, a spokesman for the Criminal Justice Department of Texas said.

The execution was carried out an hour after the U.S. Supreme Court rejected a White House-backed appeal to stay it for six months. Texas Governor Rick Perry rejected requests to intervene to spare Garcia's life.

The Mexican government denounced the execution, saying that it was "in clear violation" of the Vienna Convention, which grants a right to each person "to be able to enjoy the support of their country of origin when they face criminal proceedings in a foreign country."

Garcia was denied access to legal assistance from the Mexican Embassy or Consulate during his trial in violation of the provisions of the Vienna Convention, a treaty signed by both the United States and Mexico.

Garcia was sentenced to capital punishment for the rape and murder of 16-year-old Adria Saucedo hours after she left a party with him in San Antonio in 1994, a charge that he admitted. (Source: RTTNews, 07/07/2011)

#### **VIETNAM DELAYS LETHAL INJECTION PLAN**

July 6, 2011: Vietnam was supposed to execute the condemned by lethal injection as of July 1 instead of the firing squad but the plan has been delayed, probably until September.

The switch to lethal injection was passed by the legislature National Assembly last year but Ministry of Public Security has proposed a delay until September 1 for some preparations.

The ministry has submitted the postponement plan to the National Assembly's Justice Committee, blaming it on "unavailable conditions" for the injections.

According to Le Thi Nga, deputy chairperson of the Committee, facilities for lethal injection need to be set up and executioners also need to be trained in the new method.

Relevant agencies are also stepping up the completion of a decree to guide the implementation of the Law, the official said.

Under the Law on Execution of Criminal Verdicts that took effect from July 1, Vietnam will carry out the death penalty using lethal injection.

The Committee urged the ministry to step up its preparations so that lethal injection can be applied as soon as possible.

The ministry has submitted a plan to build lethal injection facilities to the Prime Minister for approval.

Due to the delay, the schedule for execution will also be postponed until September, Nga said. (Source: English.Vietnamnet.vn, 06/07/2011)

#### **VIETNAM: DEATH SENTENCE UPHELD IN PARTY OFFICIAL MURDER CASE**

July 4, 2011: Vietnam's top court upheld the death sentences of two men for an attack that left a Communist Party official of Phu Nhuan District dead and two women seriously injured, the court said.

The condemned men argued that they had only meant to intimidate the employer of one of their wives when they were interrupted by one of the employer's friends, who was stabbed to death in the September incident.

But the Supreme People's Court on Monday confirmed the sentences against Nguyen Trong Nhan, 31, and Luong Hoai Sang, 21, ruling that the attack was premeditated.

The target of the attack, Bui Thi Ngo My, and her 25-year-old daughter were both injured.

The pair were convicted of stabbing to death Dang Thu Hong, deputy secretary of a district party committee, when he arrived at My's house for a visit.

The attack was intended as revenge against My for threatening to dismiss Nhan's wife, the defendants said.

The two men were arrested after neighbours, alerted by the noise, called police.

The condemned men could now appeal to the president for a pardon. (Source: DPA, 04/07/2011)

#### **CHINA: TELECOM EXECUTIVE SENTENCED FOR TAKING BRIBES FROM SIEMENS**

July 4, 2011: a court in Hebi city, China, handed a suspended death sentence to telecom executive Shi Wanzhong, 49, for taking 5.1 million dollars in bribes from Siemens. Wanzhong allegedly accepting bribes while he was head of China Mobile Ltd's operations in the eastern province of Anhui from 2002 to 2009, the influential business daily Caixin reported. (Source: Monsters & Critics, 04/07/2011)

#### **IRAN 'ANNULS DEATH TERM' FOR CHRISTIAN PASTOR**

July 3, 2011: Iran's supreme court has overturned a

death sentence handed down to Yusef Nadarkhani, a Christian pastor accused of apostasy for having converted from Islam, his lawyer told AFP.

"The supreme court has annulled the death sentence and sent the case back to the court in Rasht (his hometown), asking the accused to repent," Mohammad Ali Dadkhah said.

Nadarkhani, now 32, converted from Islam to Christianity at the age of 19 and became a pastor of a small evangelical community called the Church of Iran.

He was arrested in October 2009 and condemned to death for apostasy under Iran's Islamic Sharia laws, which however allow for such verdicts to be overturned if the convicted person "repents" and renounces his conversion.

After his conviction was upheld by an appeal court in Gilan province in September 2010, Nadarkhani turned to the supreme court. His wife, who was initially sentenced to life imprisonment, was released on appeal.

The lawyer said the verdict had been read out to him on the telephone and that he needed to travel to Rasht, where Nadarkhani is being held, to see the ruling for himself.

Dadkhah said he himself was sentenced on July 3 by a Tehran court to nine years in jail and a 10-year ban on practicing law or teaching at university for "actions and propaganda against the Islamic regime".

The lawyer said he had been criticised for having cooperated with the Centre for the Defence of Human Rights, an organisation founded by Nobel peace laureate Shirin Ebadi, as well as for giving interviews to foreign radio stations.

"I have 20 days to lodge an appeal," he said. (Source: Agence France Presse, 03/07/2011)

#### **DANISH COMPANY MOVES TO BLOCK USE OF DRUG FOR LETHAL INJECTIONS**

July 1, 2011: Lundbeck overhauls pentobarbital distribution program to restrict misuse. New specialty pharmacy drop ship program will deny distribution of pentobarbital to prisons in U.S. states currently carrying out the death penalty by lethal injection.

Lundbeck today announced that the company has moved to alter the distribution of its medicine Nembutal® (pentobarbital sodium injection, USP) in order to restrict its application as part of lethal injection in the U.S.

Going forward, Nembutal will be supplied exclusively through a specialty pharmacy drop ship program that will deny distribution of the product to prisons in U.S. states currently active in carrying

out the death penalty by lethal injection.

The company notified its distributors of the plan in late June. The new distribution program ensures that hospitals and treatment centers will continue to have access to Nembutal for therapeutic purposes. Under the program, Lundbeck will review all Nembutal orders before providing clearance for shipping the product and deny orders from prisons located in states currently active in carrying out death penalty sentences. Prior to receiving Nembutal, the purchaser must sign a form stating that the purchase of Nembutal is for its own use and that it will not redistribute any purchased product without express written authorization from Lundbeck.

By signing the form, the purchaser agrees that the product will not be made available for use in capital punishment.

"Lundbeck adamantly opposes the distressing misuse of our product in capital punishment. Since learning about the misuse we have vetted a broad range of remedies - many suggested during ongoing dialogue with external experts, government officials, and human rights advocates. After much consideration, we have determined that a restricted distribution system is the most meaningful means through which we can restrict the misuse of Nembutal," says Ulf Wiinberg, Chief Executive Officer of H. Lundbeck A/S and continues: "While the company has never sold the product directly to prisons and therefore can't make guarantees, we are confident that our new distribution program will play a substantial role in restricting prisons' access to Nembutal for misuse as part of lethal injection."

Nembutal represents less than one percent of Lundbeck's global sales but the company chose not to withdraw the product from the market because the product continues to meet an important medical need in the U.S. Nembutal is used to treat serious conditions such as a severe and life threatening emergency epilepsy.

"Lundbeck's move has serious implications for those states that already use pentobarbital for lethal injection executions as well as those states that were preparing to make the switch," said Deborah Denno, a Fordham University law professor who is a death penalty opponent. "In due time, states will have to find an alternative drug, thereby repeating the cycle that started when states abandoned sodium thiopental. This development throws doubt yet again on the viability of using drug injections as an execution method because surely this cycle has no foreseeable end," she said. (Sources: Lundbeck

press release, Associated Press, Wall Street Journal, Washington Post, 01/07/2011)

#### **USA: OBAMA CALLS FOR HALT TO TEXAS EXECUTION**

July 1, 2011: The Obama administration took the unusual step today of asking the Supreme Court to stop Texas from executing a Mexican citizen convicted of raping and killing a 16-year-old girl in 1994.

The administration said the court should delay the planned July 7 execution of Humberto Leal for up to six months to give Congress time to consider legislation that would directly affect Leal's case. The 38-year-old native of Monterrey wasn't told he could contact the Mexican Consulate after his arrest in the murder of Adria Saucedo. His lawyers say police violated an international treaty by not telling Leal he could have consular assistance.

Legislation pending in the Senate would allow federal courts to review cases of condemned foreign nationals to determine if the lack of consular help made a significant difference in the outcome of their cases. Last week, a federal judge refused to delay the execution. The Supreme Court has previously ruled that states can't be forced to comply with the provisions of treaties without some intervening federal legislation. The administration noted in its filing Friday that the recently introduced Senate bill -- the Consular Notification Compliance Act -- would put the United States into compliance with its international obligations. It added that, since passage of that legislation by the House may take until early next year, Leal's death sentence should be delayed until then.

The federal government rarely intervenes in state death penalty cases. The thrust of the administration's legal argument deals with the government's international treaty obligations, not Leal's guilt or innocence, or even whether he should ultimately be executed. "This case implicates United States foreign-policy interests of the highest order," including protecting U.S. citizens abroad and promoting good relations with other countries, Solicitor General Donald Verrilli Jr. said. Verrilli, the administration's new chief Supreme Court lawyer, has long represented death row inmates free of charge in his private practice. State Department legal adviser Harold Koh separately has written Gov. Rick Perry and other Texas officials asking them to step in and put off the execution.

"If the scheduled execution of Mr. Leal Garcia goes ahead, the United States government will

have implemented a death penalty after a trial that did not comply with due process rights," said Christof Heyns, the U.N. Special Rapporteur on extrajudicial, summary or arbitrary executions. "This will be tantamount to an arbitrary deprivation of life." (Sources: CNN, Associated Press, 01/07/2011) ☑

## NEWS FROM INTERNATIONAL NGOs

### PROGRESSING TOWARDS ABOLITION OF THE DEATH PENALTY IN EAST AFRICA

On 24-27 July, 2011, PRI jointly hosted a regional roundtable on "Death Penalty in East Africa: Challenges, Strategies and Comparative Jurisprudence", with Foundation for Human Rights Initiative (FHRI), International Commission of Jurists-Kenya section (ICJ), and the Judicial Studies Institute (JSI) in Nairobi, Kenya. The conference brought together approximately 60 participants including members of the Supreme Court of Kenya and Uganda, retired Chief Justice of Tanzania, members of the Constitutional Court of Kenya, members of the Court of Appeal of Uganda, members of the High Court of Kenya and Uganda, magistrates, Prison Commissioners of Kenya and Uganda, lawyers and law associations, academics, members of civil society from Kenya, Uganda, Tanzania and Rwanda, the media, and members of the international donor community (the European Union and the Foreign & Commonwealth Office).

The aim of the roundtable was to promote progressive abolition of the death penalty in the region, and to identify best practices, challenges and opportunities for reform in the criminal justice system. Although Kenya has not carried out an execution since 1987, Uganda since 2003, and Tanzania since 1995, the courts are still sentencing people for death, including for the crimes of murder, treason and aggravated robbery, to name a few. To date, there are 487 death row inmates in Uganda, 1,438 in Kenya, and 549 in Tanzania. Problems with a growing prison population, including the use of excessively long sentencing and the use of whole life sentences, are creating serious overcrowding concerns for prison staff. PRI's Death Penalty project Manager spoke on the subject of global trends towards abolition, and reinforced the important role that civil society

organisations have in effecting change on the death penalty and within criminal justice reforms. The British High Commissioner in Kenya, Rob Macaire, raised concerns over the worrying trend in Kenya, and elsewhere in the region, of extrajudicial killings, and how this undermines the rule of law.

The great need for more work on abolition amidst strong opposition is demonstrated by an article about the event (PRI's Jacqueline Macalesher is shown third from the left in the accompanying photo). Further articles for the death penalty here and against here.

Following a lively, open and collaborative debate, conference participants agreed eight key recommendations, including to progressively reduce death penalty applicable crimes to only 'the most serious', abolish mandatory death sentences, establish sentencing guidelines for capital cases, to recognise the rights of victims of violent crimes and establish a compensation fund, to undertake civic education on abolition, and to tackle overcrowding in prisons. The recommendations can be downloaded below.

This conference is part of a series of events being held under PRI's current programme of work on the abolition of the death penalty and alternative sanctions that respect international human rights. The programme of work is being carried out in 19 countries in five regions: the Middle East and North Africa, Eastern Europe, South Caucasus, Central Asia and East Africa.

The programme is supported by the European Union's Instrument for Democracy and Human Rights (EIDHR).

Recommendations East Africa Workshop Death Penalty (63KB PDF)

<http://www.penalreform.org/files/Recommendations%20East%20African%20Workshop%20Death%20Penalty%20270711.pdf>

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### PRI FACILITATES SECOND TRAINING VISIT FOR TORTURE PREVENTION EXPERTS

The prevention of torture is enshrined in national constitutions and in a number of international conventions. In an ideal world that would be enough to eliminate it and live without brutality and torture. However, the reality is that despite all the efforts of the progressive part of mankind,

torture is unfortunately a part of everyday life in many societies and, although the movement in the direction of eradication of torture is in progress, much more needs to be done to improve the situation.

Meanwhile the victims of torture need more attention and care and for that reason rehabilitation programmes need to be in place to support the “victims” of torture to become “survivors” of torture to carry on. For this purpose a number of methodologies have been developed around the globe and a number of rehabilitation centres function and provide support to those in need. Freedom from Torture, formally the Medical Foundation for the Care of Victims of Torture, has been working with torture victims for a number of years. The expertise and knowledge accumulated is of great value to the Torture Prevention Project that PRI implements in the 9 countries of CIS (Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Tajikistan, Russia, Belarus and Ukraine). Freedom from Torture is a partner of PRI in implementing this EC-funded project on Prevention of Torture and plays a vital role in promoting the torture prevention agenda internationally.

Within the framework of the abovementioned project a second group of experts, this time from the Central Asia region (Kazakhstan, Kyrgyzstan and Tajikistan) visited London from 11th – 15th July for a training course at Freedom from Torture. The experts from those countries were selected from a large number of applicants to receive training on holistic rehabilitation, a developing concept in the care of victims of torture. The participants were excited and pleased to meet with survivors of torture who shared their stories with them and discussed their work to unite survivors and try to help the victims of torture by sharing their experiences.

Both the methodology and the substance of the training were new for the participants, who were predominantly clinicians, psychotherapists, psychologists and medical doctors working with survivors of torture. The training programme included many practical exercises and real-life examples. The participants had a chance also to present their own work and the context within which they work and the challenges they face in the promotion of care for victims. Similarities and differences between contexts were vigorously debated by the active group. It was useful for the

members of the group and the staff of Freedom from Torture to share experiences and gain insight into the various contexts, legal and cultural traditions of each country.

Within the framework of the project the first training course, for participants from the South Caucasus region, took place in June, and a similar series of training sessions is expected for experts from Belarus, Russia and Ukraine in September 2011. R

#### **PRI HOSTS REGIONAL CONFERENCE ON LIFE IMPRISONMENT IN THE SOUTH CAUCASUS**

On Friday 15 July 2011, Penal Reform International opened a regional conference in Tbilisi, Georgia, on the application of life and long-term imprisonment in the South Caucasus region. The conference was supported by the European Union, the Open Society Institute-Armenia and the OSCE Office in Yerevan.

The conference brought together 40 representatives from government and civil society from Armenia, Azerbaijan and Georgia, including prison warders from the three penitentiary systems, as well as representatives from the Ministry of Corrections and Legal Assistance of Georgia, the Public Defender’s Office, the General Prosecutor’s Office, and the Supreme Court. Participation from international bodies included the European Union, the Norwegian Mission of Rule of Law Advisers to Georgia (NORLAG), the International Committee of the Red Cross (ICRC), and the Council of Europe.

To date, while the South Caucasus region has fully abolished the death penalty in law, it has replaced it with life imprisonment with a tariff sentence of 25 years’ imprisonment in Georgia and Azerbaijan, and 20 years’ imprisonment in Armenia.

The findings of research gathered by PRI (Georgia) and its partner NGOs in Azerbaijan and Armenia into the imposition and implementation of life imprisonment in all three countries was presented at the conference. The numbers of life sentenced prisoners are relatively small (Armenia 99; Azerbaijan 176; and Georgia 92), however all three countries operate a regime whereby lifers are incarcerated in a system of segregation and partial isolation. All three research findings raised concerns about the conditions and treatment of lifers, but also highlighted opportunities for

reform.

International academic, Dr. Catherine Appleton (Leeds University, United Kingdom) provided technical expertise on the international minimum standards for the treatment of life and long-term prisoners. Dr. Appleton raised awareness that life sentenced prisoners should be entitled to the same basic rights as other categories of prisoners, and should not be segregated purely on the basis of their sentence, but their treatment and care in prison should be determined by individual need rather than the type of sentence they are serving.

Participants agreed a set of recommendations for criminal justice reforms across the region. The recommendations will be available here shortly, and will also be included in the regional research report due to be published in September 2011.

This conference is part of a series of events being held under PRI's current programme of work on the abolition of the death penalty and alternative sanctions that respect international human rights. The programme of work is being carried out in 19 countries in five regions: the Middle East and North Africa, Eastern Europe, South Caucasus, Central Asia and East Africa.

The programme is supported by the European Union's Instrument for Democracy and Human Rights (EIDHR). R

#### TAIWAN CONFIRMS DEATH SENTENCE FOR 23-YEAR-OLD CASE 28 July 2011

Taiwan must halt the use of the death penalty, Amnesty International said today, after the death sentence was confirmed in the country's longest-running criminal case. Chiou Ho-shun who has been detained for 23 years is now on death row facing execution following the rejection of his appeal by the Supreme Court on 28 July.

"The Taiwanese authorities must immediately halt the execution of Chiou Ho-shun, and order his retrial with fair proceedings in line with international standards." said Sam Zarifi Amnesty International's Asia-Pacific Director. "Taiwan must also introduce a moratorium on all executions as a step towards abolishing this cruel, inhuman and degrading punishment outright." After an official investigation in 1994 two public prosecutors and ten police officers handling the kidnapping of Lu

Cheng were convicted of extracting confessions through torture.

In 2003, police also admitted they had covered up the fact that a man executed for other offences had confessed to the murder. He was sentenced to death in 1989 in connection with two separate crimes that took place in 1987: the kidnapping of Lu Cheng and the murder of Ko Hung Yu-lan. Chiou Ho-shun's case has bounced back and forth between the High Court and the Supreme Court for retrial 11 times. Chiou's other 11 co-defendants received prison terms; all have since served their sentences and one died in prison.

More than 50 people are on death row in Taiwan. Five men were executed this year and four more executed on 30 April 2010. The last execution prior to this occurred in December 2005. Since 2000, the government of Taiwan has repeatedly pledged to abolish the death penalty. The mandatory death penalty was abolished in 2006. The number of capital crimes has been reduced but executions have continued.

"Amnesty International questions Taiwan's stated intention to abolish the death penalty after recent executions and in light of this latest ruling," said Sam Zarifi. "Taiwan should make good on its promises to end this abhorrent practice and follow the global trend toward abolition."

In 1977, when Amnesty International began its global campaign against the death penalty, it had been abolished by only 16 countries. Now, nearly a hundred countries have abolished it for all crimes, with 139 ending it in law or practice. R

#### EXECUTION OF BELARUS DEATH ROW PRISONER CONFIRMED

26 July 2011

The recent execution of a Belarusian man convicted of assault and murder does nothing to advance the cause of justice, Amnesty International said today. The exact date of 28 year-old Andrei Burdyka's execution is not known, but it is believed to have taken place between 14 and 19 July. Another man convicted over the same case was also believed to have been executed although this has not yet been confirmed.

"While this man has committed terrible crimes, he should not have been executed", said Heather McGill, Amnesty International's Belarus

researcher. "We sympathize with the families of those who lost their lives in the robbery in 2009, but the taking of further lives does not right this wrong. The taking of a life by the state is not an adequate answer to the problem of violent crime in society," she added.

"In Belarus the use of the death penalty is compounded by a flawed criminal justice system that uses capital punishment in a manner that violates international laws and standards. There is credible evidence that torture and ill-treatment are used to extract "confessions", she said. Andrei Burdyka and one other man were sentenced to death by shooting on 14 May for crimes committed during an armed robbery on a flat in the western city of Grodno in October 2009.

Both men were found guilty of premeditated murder, armed assault, arson, kidnapping of a minor, theft and robbery. Andrei Burdyka and the other man pleaded guilty to the charges. On Monday, Andrei Burdyka's mother visited the prison where her son had been held. She was informed that he had been shot and was handed his clothing and glasses. Neither of the families was officially informed of the executions. The family of the other condemned man chose not to travel to Minsk to ask the prison authorities if he had been executed.

In Belarus, prisoners on death row are told that they will be executed only moments before the sentence is carried out. They are shot in the back of the head; sometimes more than one bullet is needed. The body is not handed over to the family, who are often informed only afterwards, and the place of burial is kept secret, causing further distress to relatives. R

#### **IRAQ URGED TO HALT EXECUTION OF FORMER SADDAM HUSSAIN OFFICIALS**

18 July 2011

The Iraqi authorities should halt the imminent execution of five senior officials under former president Saddam Hussain, Amnesty International said today. The five were transferred from US to Iraqi custody last week. All five men, who have been convicted of crimes against humanity by the Supreme Iraqi Criminal Tribunal (SICT), could be executed within a month, if the Iraqi Presidency approves their sentences. A Ministry of Justice official told Iraqi media that he expected the ratification of the death sentences within days.

"While the Iraqi authorities have a responsibility to bring to justice those responsible for the gross human rights crimes committed under Saddam Hussain, they must not use the death penalty under any circumstances. It is a violation of the right to life and the ultimate form of cruel, inhuman and degrading punishment" said Malcolm Smart, Amnesty International's Director for the Middle East and North Africa. "These men must not be executed. The Iraqi authorities should commute these and all other death sentences and declare an immediate moratorium on executions."

Amnesty International has questioned the fairness of trials before the SICT, which was established to try Saddam Hussain and others accused of responsibility for war crimes and crimes against humanity committed during his rule. The court has been subject to repeated political interference undermining its independence.

Watban Ibrahim Hassan al-Tikriti, former Iraqi Minister of Interior, and Sab'awi Ibrahim Hassan al-Tikriti, former Head of Intelligence - both half brothers of ex-President Saddam Hussain - were sentenced to death in 2009 after being convicted of crimes against humanity.

Senior army and security officials Sultan Hashem Ahmad and Hussain Rashid al-Tikriti were sentenced to death in 2007 after being convicted of participation in the so-called Anfal campaign against Iraq's Kurdish minority in 1988 in which some 180,000 Iraqi Kurds died.

The fifth man, 'Aziz Saleh Nu'man, a senior Ba'ath party official, was sentenced to death in June 2011 for his role in the brutal suppression of the 1991 uprising against Saddam Hussain by the Shi'a community in southern Iraq. The five were among a group of 206 "high value" detainees and prisoners handed over to the Iraqi authorities by the US military on 14 July.

In a letter to the Iraqi Minister for Justice last month, Amnesty International raised concern at Iraqi news reports that the Iraqi Presidency had approved 81 out of a total of 516 death sentences submitted for ratification since 2009. According to other news reports, a further 20 sentences were referred for ratification on 14 June alone.

The death penalty was suspended for a time after the US-led invasion of Iraq but restored in August 2004. Since then, hundreds of people have been sentenced to death and many have been executed.

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### **NIGERIA URGED TO COMMUTE ALL DEATH SENTENCES FOLLOWING COURT JUDGMENT**

11 July 2011

The Nigerian authorities must commute all death sentences and impose an official moratorium on executions, Amnesty International said today, following the confirmation of a death sentence by the Supreme Court. On Friday, the Supreme Court in Abuja upheld rulings by two lower courts that actress Rabi Ismail drugged and drowned Auwalu Ibrahim in the northern city of Kano in December 2002. She was sentenced to death in December 2004. If carried out, the execution would be the first in Nigeria since 2006.

"President Goodluck Jonathan must show leadership and declare an official moratorium on executions," said Erwin van der Borgh, Amnesty International's Director for Africa. "By doing so, the Nigerian government would act in accordance with the global trend towards abolition of the death penalty."

Executions are shrouded in secrecy, and official statistics are not easily available. Although a Nigerian representative to the UN claimed in 2007 that no executions had been carried out in recent years, Amnesty International was able to confirm that six death row prisoners were executed in 2006 without ever having had an opportunity to appeal their death sentence.

"Weaknesses in the Nigerian criminal justice system mean that hundreds of prisoners on death row have not had a fair trial and therefore may be innocent" Erwin van der Borgh said. There are approximately 830 death row inmates currently in Nigeria's prisons, including eight women, 10 prisoners over the age of 70, and more than 20 who were under 18 at the time of the offence.

Expert groups set up by former President Olusegun Obasanjo in 2004 have acknowledged that the Nigerian criminal justice system cannot guarantee a fair trial and therefore recommended a moratorium on executions. Since the handover to democracy in May 1999, at least 650 people have been sentenced to death in Nigeria. During the same period, at least 22 people were executed, and possibly more.

In April 2010, Nigeria's State Governors reportedly

agreed to execute death row inmates "to ease prison congestion". The same decision was confirmed at a meeting of the National Economic Council in June 2010. Two applications filed by Nigerian human rights organizations however, forced the 36 Nigerian States to refrain from carrying out the executions. R

### **SENEGAL: AUTHORITIES MUST NOT RETURN FORMER CHADIAN PRESIDENT TO CHAD**

9 July 2011

Amnesty International has urged the Senegalese authorities not to return former Chadian president Hissène Habré to Chad, where he has been sentenced to death in absentia. Senegalese officials have said the former Chadian leader will be returned on 11 July. He was sentenced to death in his absence in August 2008 for allegedly "undermining the constitutional order, the integrity and security of the State".

"The Senegalese authorities must not send Hissène Habré back to Chad where he faces the death penalty, the ultimate cruel, inhuman and degrading punishment, and where he will not receive a fair trial," said Erwin van der Borgh, Africa Director at Amnesty International. More than ten years after a complaint was lodged against the former Chadian president, who fled to Senegal after being forced from power in 1990, no judicial proceedings have yet begun. The Senegalese government has consistently avoided bringing Hissène Habré to justice.

Despite Senegal's legal obligations and repeated calls by the African Union, the Senegalese authorities have not tried him on charges that he ordered the killing and torture of his opponents. "For years, the Senegalese authorities avoided putting Hissène Habré on trial despite their international obligations to do so. Instead, they are planning to sent him back to Chad where he faces the death penalty and an unfair trial, a move that will not bring real justice to the thousands who suffered human rights violations during his rule," said Erwin van der Borgh. R

### **OUTGOING GAZA GOVERNMENT MUST STOP EXECUTING DEATH SENTENCES**

Article by Leaders Organization published on July 26th, 2011

Leaders Organization, a Palestinian member of the World Coalition, is opposing a decision by the

Hamas-run cabinet due to leave office in the Gaza Strip to carry out existing death sentences. Two men were executed in Gaza on July 26 after being convicted of collaborating with Israel, Leaders Organization reported.

The resigned government in Gaza known as the "Hamas Cabinet" officially mandated its Ministry of Justice to continue the implementation of death sentences issued by Palestinian courts that have met the "legal procedures", in addition to the cases that are currently being considered in courts.

This mandate was publicized through a press release issued by the Media and Information Office of the Council of Ministries, as it had shadowed a number of death sentences currently issued by the courts in Gaza, and several other death sentences that have been implemented by the resigned Ministry of Interior in the past.

World Coalition member Leaders Organization and its partners are expressing deep concern regarding this mandate. They have reminded Prime Minister, Ismail Haniyeh, of the resigned government in Gaza, of his statement regarding death sentences on June 9th, 2009 to the President of the Arab Commission for Human Rights in Paris, lawyer Haytham Manna.

Haniyeh was asked not to implement death penalty provisions until the formation of a new

united Palestinian Legislation that eliminates the death penalty from the Palestinian Penal Code, and in return he promised the following: "The death penalty will not be implemented and no one will be executed while I am in power".

Discrepancies between Gaza and the West Bank

The World Coalition has written a letter to Ismail Haniyeh congratulating him for being party to the April 2011 agreement according to which Hamas and Fatah will form a technocratic government to unify national institutions in Gaza and the West Bank.

The letter then notes the differences in the application of the death penalty in Gaza and the West Bank and requests the government withdraw the mandate and not implement the death penalty provisions until new united Palestinian legislation eliminating the death penalty from the Palestinian Penal Code is enacted.

Fatah holds power in the occupied West Bank while Hamas, which won the last parliamentary election in 2006, routed Abbas' forces in 2007 to seize control of the Gaza Strip. Each of them has had its own Cabinet ever since. Hamas government uses the death penalty severely, while there is a draft Penal Code in the West bank that abolishes the death penalty. Both bodies use different legal texts. R



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