

Crime and Justice

Death Penalty and the Right to Life

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



December 2010

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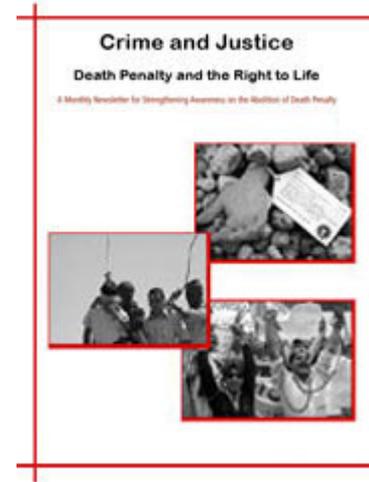
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IPS, the global news agency, brings you independent news and views on capital punishment. In this newsletter you will find in-depth reports by IPS correspondents from around the world and columns by experts, in addition to special sections for news 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 William Fisher

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U.S.: Poll Finds Growing Aversion to Death Penalty

By William Fisher

NEW YORK, Nov 16, 2010 (IPS) - A clear majority of U.S. voters - 61 percent - would choose a punishment other than death for murder if given a choice, the Death Penalty Information Centre said Tuesday as it released the results of "one of the most comprehensive studies ever conducted" of U.S. citizens' views on capital punishment.

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SRI LANKA: Death Sentence Highlights Risks for Migrant Workers

By Adithya Alles

COLOMBO, Nov 15, 2010 (IPS) - When a relative approached Mohamed Nafeek in 2005 to explore the possibility of sending his eldest daughter, Rizana, to the Middle East as a domestic worker, the family thought its luck had finally turned for the better.

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Execution for Drug Offences Challenged

By Pavol Stracansky

TBILISI, Nov 12, 2010 (IPS) - Two Georgian women are facing the death sentence in Malaysia in a case that human rights campaigners say has highlighted worries over the continued imposition of capital punishment for drugs offences.

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MIDEAST: Prisoner Speaks Out From Israeli Jail

By Mel Frykberg

RAMALLAH, Nov 11, 2010 (IPS) - Samer Hamdan*, a 26-year-old Palestinian prisoner, recalls being beaten until he bled. Seeing other prisoners covered in blood and screaming is the norm in the Israeli prison, he says.

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Sudan Still Sentencing Minors to Death

By Reem Abbas

KHARTOUM, Nov 9, 2010 (IPS) - Four minors are among nine people who have been sentenced to death for a carjacking in Khour Baskawit in South Darfur. The case has raised fresh concerns over protection for children's rights in Sudan.

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BRITAIN: Not Executing, Just Enabling

By David Cronin

BRUSSELS, Nov 4, 2010 (IPS) - European Union officials are reluctant to tighten up rules covering the trade in products designed for torture or the death penalty, despite suggestions that a British company has been exporting lethal injection drugs used in executions.

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WORLD PRESS REVIEW:

LEBANON: 3 SENTENCED TO DEATH - GAZA: PALESTINIAN 'SENTENCED TO DEATH BY HANGING' - IRAN: 23 INMATES REPORTEDLY EXECUTED IN OCTOBER - GAMBIA: SON GETS DEATH SENTENCE FOR HACKING MOTHER TO DEATH - SOMALIA: MILITARY COURT SENTENCES ONE TO DEATH - GUATEMALA: PRESIDENT VETOES LEGISLATION FOR REINSTATING EXECUTIONS - IRAQ: PRESIDENT TALABANI AGAINST HANGING TAREQ AZIZ - PAKISTAN: CHRISTIAN WOMAN SENTENCED TO DEATH FOR BLASPHEMY - SINGAPORE: MAN SPARED DEATH PENALTY DUE TO MENTAL ILLNESS - JAPAN: DEATH PENALTY UPHELD FOR MAN FOR KILLING WEALTHY WOMAN, BROTHER - TAJIKISTAN SET TO ABOLISH DEATH PENALTY IN 'NEAR FUTURE' - SENIOR OFFICIAL - MOROCCO: JUSTICE MINISTER- WE HOPE TO BE ABLE TO ABOLISH THE DEATH PENALTY - VIETNAM: SUPREME COURT CONFIRMS DEATH SENTENCE - SUDAN: 20 ALLEGED DARFUR REBELS COLLABORATORS SENTENCED TO DEATH IN NYALA - CHINA'S TOP COURT APPROVES DEATH PENALTIES - OHIO (USA): GOVERNOR TED STRICKLAND GRANTED CLEMENCY TO SIDNEY CORNWELL - JAPAN: JURORS HAND DOWN FIRST DEATH SENTENCE - U.N. PANEL CUTS GAY REFERENCE FROM VIOLENCE MEASURE - IRAQ: PRESIDENT TALABANI REFUSES TO SIGN AZIZ DEATH ORDER - CHINA: OFFICIAL EXECUTED FOR SELLING IMPERIAL RELICS - PAKISTAN: PRESIDENT ZARDARI STAYS EXECUTION OF ASIA BIBI - SOMALIA: MILITANTS EXECUTE 2 TEENS ACCUSED OF CRIMES - MALDIVES: DEATH SENTENCE PASSED IN MURDER CASE - MALAYSIA: HIGH COURT SENTENCES IRANIAN MAN TO DEATH FOR TRAFFICKING DRUGS - SAUDI BEHEADS MAN FOR MURDERING FIVE-YEAR-OLD DAUGHTER - CHINA OVERTURNS 10 PERCENT OF DEATH SENTENCES - IRAQ: DEATH SENTENCE FOR THREE SADDAM AIDES - UNITED ARAB EMIRATES: EXECUTION UPHELD FOR MURDER OF TEEN PHONE HARASSER

News from International NGOs:

The Death Penalty in the Middle East and North Africa: Tools, Techniques, Tactics and Strategies for Abolition - PRI Signs Open Letter from a Coalition Of Non-Governmental Organisations to Emomali Rahmon, President Of Tajikistan - Iran Urged to Halt Execution of Footballer's Wife - Italy Not To Collaborate With The Us Lethal Injection - Short Sentences an 'Obstacle to Rehabilitation' - UN votes once again to end executions - Mali: The Hands off Cain Mission's First Meetings for Abolition and the UN Moratorium

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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December Highlights

U.S. Execution Capital Reconsiders Ultimate Punishment

On Monday, Dec. 6, a district court in Texas will be asked – for the first time in that U.S. state's history – to decide whether the death penalty is unconstitutional based on the "disproportionately high risk of wrongful convictions" in Texas, IPS reports from New York.

John Edward Green, Jr., the defendant in Texas v. Green, is charged in the fatal shooting of a 34-year-old Houston woman during a 2008 robbery. He has not yet been convicted, but prosecutors say they would seek the death penalty.

Green's attorneys have filed a pretrial motion in Harris County District Court. Judge Kevin Fine will hear arguments that the death penalty is unconstitutional because it creates an unacceptable risk of executing innocent people

Green's attorneys contend that a number of factors in Texas's legal

system increase the risk of innocent people being executed.

According to the defence, these include a lack of safeguards to protect against mistaken eyewitness identification, faulty forensic evidence, incompetent lawyers at the appellate level, failures to guard against false confessions, and a history of racial discrimination in jury selection.

Paul Cates, director of communications for the Innocence Project, told IPS, "The Innocence Project will be participating in the hearing specifically to put on evidence about the cases of Claude Jones and Cameron Todd Willingham. Both Jones and Willingham were executed in Texas."

To Execute or Not, an Unfair Question

New polls in the Czech Republic showing high and growing support for the death penalty have sparked debate on the continuing use of surveys to back the retention of capital punishment, IPS reports from Prague.

The polls, published over the last two weeks (of November 2010, showed that

almost two-thirds of Czechs supported reinstating the death penalty.

But sociologists and anti-death penalty groups say polls are not necessarily an accurate reflection of true public feeling towards capital punishment.

"The catch is in what people are being asked and what people are really expressing when they answer," Czech sociologist Jan Hartl told IPS.

The death penalty was abolished in what was then Czechoslovakia in 1990 following the fall of communism. When the country split into the Czech Republic and Slovakia, capital punishment remained abolished in both states' new constitutions.

Polls over the last 20 years in the Czech Republic have shown a persistently high level of support for the death penalty, running at above 50 percent. The latest poll, by the SANEP agency, showed a 65 percent level of support for capital punishment while another poll by the CVVM agency showed support at 62 percent - up from 57 percent in a similar poll in 2007.

Commentary

UKRAINE: Reform of the Criminal Justice System

By Volodymir Bogatyr *

KIEV (IPS) - When it joined the Council of Europe in 1995, Ukraine agreed to shift management of the prison system to the Ministry of Justice until the end of 1998. In that year the administration of criminal sentencing was taken away from the Ministry of Internal Affairs and transferred to the State Department for the Enforcement of Sentences, a new body independent of the executive branch. Since 2000 the Department's activity has been directed by the minister of justice, whose ministry formulates and oversees the administration of criminal sentencing by the Department.

As of September 1, 2010, there were 32 pre-trial institutions for 39,600 detainees and 151 prisons holding 112,600 inmates in Ukraine's Criminal-Executive Service, which has 52,000 employees. There are 332,800 persons serving court-imposed sentences. At present the Criminal-Executive Service of Ukraine has the following basic problems:

-Financing is a mere 47 percent of what is needed.

-The living space per inmate is below international and national standards, three as opposed to four square metres.

-There is a shortage of efficient medical care for inmates, in particular TB patients.

-There is a severe shortage of jobs for inmates: only 49 percent of those who are capable work.

-Correctional personnel are under-qualified: only 11 percent of prison officers have legal training and just 6 percent have pedagogical education.

In order to further improve conditions and bring sentencing and incarceration into compliance with international standards, the ministry of justice is engaged in drafting legislation and regulations for consideration by the government of Ukraine. The 2010 law titled "On making amendments to the Criminal-Executive Code of Ukraine in relation to providing the rights for the sentenced persons at the penal establishments" envisages the following changes to the previous legislation:

1. On January 1, 2012, the living area per inmate should be brought into compliance with the international and national standards, from the current 3 square metres to four).

2. Limits on the number of parcels and telephone calls an inmate may receive are abolished.

3. Relatives' visits to inmates serving life sentences have been increased from two to four per year.

4. Inmates in minimum-security prisons will be allowed a 14-day leave per year.

5. Certain categories of government employees from the ministry of justice and the secretariat of the president will be allowed to visit prison facilities without receiving special permission.

6. To increase the efficiency of public monitoring of inmates' human rights, members of non-governmental organisations, in particular supervisory commissions, will have the right to visit the penal facilities without special permission from the prison administration.

At present, justice ministry experts are preparing five draft laws intended to improve conditions for women inmates.

Cooperation with international and public human rights organisations during the imposition of criminal sentences has an important place in the development of the Ukrainian prison system.	moratorium on death penalty proclaimed in 1998.
Ukraine has had a long and fruitful cooperation with the NGO 'Penal Reform International' (PRI). Moreover, since June, 2009 the coordinator of the Organisation for Security and Cooperation in Europe (OSCE) projects in Ukraine supports the implementation of the two-year project for the prevention of torture and other forms of cruelty.	At the same time the sentence of life imprisonment has been introduced into the Criminal Code of Ukraine.
The monitoring of human rights at the prisons has begun and an appropriate and effective monitoring methodology been developed.	At present there are 1,664 lifers (including 17 female murders) in prison in Ukraine. Between 100-150 are added per year.
In order to humanise criminal law and implement the recommendations of the Council of Europe, the death penalty was abolished in Ukraine on February 22, 2000.	Persons serving sentences of life imprisonment have been granted extensive rights, including: an hour of exercise in the open air; eight hours of uninterrupted sleep at night; one short visit every three months; unlimited correspondence by mail; the right to receive and use books, magazines and newspapers; to receive unlimited money transfers and parcels; to file proposals, allegations and complaints with government bodies, NGOs, and officials; to meet with lawyers for legal assistance.
The Supreme Court of Ukraine reviewed the cases of more than 400 prisoners sentenced to death and of those who had not been executed due to the	Lifers may apply for clemency after serving the first twenty years of imprisonment. In such case the Criminal Code of Ukraine stipulates that in cases of clemency, 25 years of the life sentence must be served.

The current legislation guarantees lifers the right to fulfilment of their religious needs.

Thus the implementation of the sentence of life imprisonment is now fully operational in Ukraine. Conditions should be in compliance with both the Constitution of Ukraine and the European Convention.

The priorities of the Ministry of Justice with regard to criminal justice are the development of the legislative foundation of the operation of the Criminal-Executive Service; decreasing the number of detainees and inmates at pretrial institutions and penal establishments; improvement of the living conditions there; and efficient cooperation with the civil society.

* Volodymir Bogatyr is Deputy Minister of Justice of Ukraine.

PROJECT ARTICLES

Britain Bans Exports of Execution Drug Sought by U.S. **By William Fisher**

NEW YORK, Nov 30, 2010 (IPS) - After first resisting the efforts of human rights and legal advocates, the British government has now backed down and placed an immediate ban on the export of lethal injection drugs to be used in U.S. executions.

The well-known legal charity, Reprieve, has been campaigning to secure a ban on the export of sodium thiopental to the U.S. for execution purposes for the past month. On Monday, the British government's secretary of state of business innovation and skills agreed to impose such an order.

The U.S. has run short of the drug, which is used in the execution protocol.

Reprieve said, "Originally, Secretary Vince Cable refused to act for two reasons – the suggestion that if Britain did not provide the drugs someone else would, and the notion that sodium thiopental was exported to the U.S. for medical purposes."

"The first reason was unworthy of a response – if something is immoral, it does not matter that someone else will commit the offence," it said in a statement.

The legal charity and one of the UK's

leading law firms, Leigh Day, say they "proved that no sodium thiopental was imported from Europe to the U.S. for any medicinal use, and that it would be illegal to do so under the regulations promulgated by the U.S. Food & Drug Administration (FDA)."

The charity added, "To their credit, Archimedes Pharma, which may unwittingly have been the source of the drugs used to execute prisoners, did not oppose the ban. Furthermore, the pharmaceutical company actively supported the effort to prove that the drugs were not legitimately imported into the US. "

Reprieve Director Clive Stafford Smith said, "There is urgent work to do. The California Department of Corrections and Rehabilitation – so named, notwithstanding their plan to execute a number of prisoners – expects to receive enough drugs to kill 86 people this week, perhaps as early as today, probably again from Britain. The British government must take active and urgent steps to prevent this from happening, and to make up for the delay in imposing a ban."

But Stafford Smith had kind words for the manufacturer. "Let me congratulate Archimedes Pharma for doing the right

thing as well. This should be a lesson to other companies that purport to be ethical – words are not enough. You have to take action."

Despite the shortage of one of the drugs in the execution protocol, death sentences continue in the U.S.

On Oct. 25, Jeffery Landrigan was executed in Arizona using drugs supplied by a British company, despite a plea for clemency from the judge who sentenced him to death.

Reprieve said, "The Arizona consignment was sufficient for four executions, so the drugs sourced in Britain will contribute to three more deaths."

The following week the U.S. lawyers for Edmund Zagorski contacted Reprieve with a plea for help: Tennessee was seeking to purchase the drugs to kill Zagorski, apparently from the same British company.

On Oct. 28, Reprieve and Leigh Day contacted the government and asked for emergency measures to be taken to avoid British complicity in Zagorski's execution.

On Nov. 1, Cable responded that the

British government would take no such step, arguing that sodium thiopental had medicinal uses in the U.S. The following day, Leigh Day filed a judicial review.

The British government opposed an immediate and temporary export ban although the main pharmaceutical company involved, Archimedes Pharma, did not. No such order was issued, in part because the Tennessee authorities had said that they would secure the drugs on Nov. 25 at the earliest.

Reprieve said, "It transpired that the Tennessee authorities had deceived everyone, and had already received the drugs on Oct. 26. The source remains secret to date, but may well have been the UK," Reprieve said.

Ed Zagorski is scheduled to die on Jan. 11, 2011. He has been on death row in Tennessee for almost 27 years, and Reprieve says he has been a model prisoner.

He protests his innocence, and an independent assessment from Physicians for Human Rights concluded that he had been "tortured" into implicating himself. The original trial prosecutor offered a life sentence, with eligibility for parole – evincing a clear

view that the death penalty was not a necessary punishment.

Meanwhile, other desperate states sought sodium thiopental from abroad. California expects to receive enough to kill 86 prisoners this week. Oklahoma is trying to use phenobarbital, the drug used to kill animals, as an alternative.

The 35 U.S. states that practice the death penalty have executed 1,233 prisoners since 1976. In 2010, executions will number 47, down from 52 a year earlier.

Some 3,261 prisoners are currently on death row. States executing the most prisoners since 1976 were Texas (466) and Virginia (108). One hundred thirty-eight prisoners have been freed from death row, largely as a result of new DNA evidence.

(END)

RIGHTS-JAPAN: Lay Judges Open Up Judicial System

By Suvendrini Kakuchi

TOKYO, Nov 30 , 2010 (IPS) - It recently handed down two death sentences just a few days apart, leaving many of those against capital punishment upset. But

legal experts say Japan's lay-judge system is changing this country's criminal justice process for the better, largely because it is making this process closer to the public.

"The new system is encouraging soul-searching for the first time," says lawyer Yukio Yanagida. "As a result, I see the lay-judge system as a landmark in fostering democracy in Japan."

He even argues that the relatively new quasi-jury system, which was implemented only in May 2009, is particularly welcome now that the Japanese seem to have become less socially responsible.

"Japanese society is increasingly dealing with crimes now linked to poverty, family disorder, and mental breakdown," observes Yanagida. "It is time people begin to think crimes are no longer isolated incidents but rather a social problem. The lay-judge system is one way of doing this."

The system certainly took long to make and implement, being one of the legal reforms pushed in the aftermath of Japan's economic downturn in the 1990s.

But even a 2001 report by the Justice

System Reform Council had argued that having lay judges may "deepen the people's understanding and support" for the judicial system, whose notorious secrecy had made it alien to the public.

It was also hoped that bringing ordinary citizens into the courtroom to judge their peers would not only help them appreciate the judicial process in a country that generally shuns lawsuits, but would also encourage the public to look deeper into the issues that lead people to commit crimes.

Japan's lay-judge system applies only to trials involving major criminal offences, which range from rape to murder, to arson. Six people are chosen randomly from the pool of registered voters in the district where the crime was committed. They are then joined in their tasks by three professional judges.

Deliberations are done in secret. The judges' votes must be unanimous for a death sentence to be meted, while only a majority vote is needed for life imprisonment. Decisions handed down by lay-judge courts may be appealed before a court in which a professional judge presides.

Last Nov. 18, the first defendant ever to be meted a death sentence by a lay-

judge court was urged by the court itself to appeal the judgement. The defendant had been found guilty of double murder.

On Nov. 25, a 19-year-old was sentenced to hang by another lay-judge court, after being found guilty of killing two women and seriously injuring another individual. His counsel advised him to file an appeal, although he said he was accepting the court's judgement.

While the death sentences seem to come one after another, court observers note that it took the lay-judge system more than a year before it handed down such judgements. The system had its first trial only in August 2009. Since then, more than 1,330 cases have passed through it.

Criminal lawyer Satoru Ooshiro says he expects the reformed justice system to promote a serious discussion on the death penalty, one that in the end could challenge the popular view that the grief of the victim's family needs to be eased.

"The public belief is that the death penalty deters crime and brings justice," says Ooshiro, who heads Lay Judges Net, a group set up to help citizens discuss their inhibitions and personal

stress they encounter while serving as lay judges. "But as ordinary people become involved by participating as lay judges, I expect diverse viewpoints to appear."

Support for capital punishment was above 70 percent in a poll conducted by the Justice Ministry in August. In December 2009, more than half of Japanese polled in one survey said that those who commit heinous crimes should pay with their lives, and many also believed that abolishing the death penalty would lead to more crimes.

Interestingly, a survey on lay judges conducted in early May by the 'Yomiuri' newspaper indicated that the rehabilitation of defendants was top priority for the citizen judges, while the feelings of victims were at third place.

At a press conference that followed the first case in which a lay-judge court handed down a death sentence, one of the lay judges admitted that he realised how difficult it was to pass such a sentence.

Ooshiro says that a key aspect in Japanese justice is the feelings of remorse expressed by the defendant, a factor that can influence lay judges who tend to view a case based on their

emotions. By comparison, professional judges rely more on legal precedents.

But lay judges may be taking after their professional counterparts soon.

Iwao Takasu, a massage therapist who sat as a lay judge in late 2009, says, "The experience was mind-boggling. The first day I was angry with the accused, but the second day, as the proceedings went ahead, I began to think calmly and logically. In the end, the judgement we delivered was definitely not based only on narrow personal sentimentality."

He and his fellow judges – lay and professional – meted a suspended jail term on a man who admitted to molesting and injuring a 16-year-old girl.

Takasu, who says his lay-judge stint gave him the "most important life lesson" he has had so far, has since joined the Lay Judges Network, which also aims to raise awareness about an individual's social responsibility. (END)

PAKISTAN: Death Sentence Revives Calls to Scrap Blasphemy Laws

By Zofeen Ebrahim

KARACHI, Pakistan, Nov 29, 2010 (IPS) - What began as altercation among farm workers has become a full-blown nightmare for Pakistani mother Asia Bibi, one that points to her being led to the gallows.

In jail since June 2009, Bibi, a Christian, was sentenced to death on Nov. 12 under the country's blasphemy laws, which penalise offending Islam in this majority Muslim country.

The sentence was handed down by a court in Nankana Sahib, a district in Punjab province, 75 kilometres west of the provincial capital Lahore where Bibi lives.

The sentencing of Bibi, the first woman to be meted the death penalty for blasphemy – has sent shock waves through civil society in this South Asian country. Terming the laws "violative of all norms of justice", the National Commission on the Status of Women (NCSW) has called for their repeal.

It has also revived a long-running debate about the blasphemy laws and what critics have said is their abuse to persecute minorities.

Bibi's story began one day in June 2009, when she was asked to fetch a glass of water to give to a landowner's wife. She did so, but several Muslim women, labourers like Bibi, remarked that the water was 'unclean' after it had been carried by a non-Muslim like her.

Heated exchanges ensued between Bibi and the Muslim women, and Bibi claimed she was also asked by her co-workers to embrace Islam.

Five days later, the blasphemy case was registered at the local police station by the mosque imam and three purported women witnesses. Since then, Bibi has been behind bars and her husband has gone into hiding, fearing for his life and that of their five children.

While the case has dismayed many and triggered protests in Lahore, lawyer Akmal Hussain says Bibi's case could yet be a "turning point" and boost efforts to scrap the law if "civil society and political parties come together".

"I don't see a repeal happening in my lifetime," Najam Sethi, editor of the 'The Friday Times' weekly, says, adding that an amendment was all that he can hope for.

"It remains to be seen if the

government has the political will to stand up to Islamist and anti-human rights lobbies within the political class, the civil administration and the judiciary," says Ali Dayan Hasan of Human Rights Watch.

In his bid to 'Islamise' the country in 1986, Pakistan's then leader, Gen Mohammad Zia ul Haq, enacted the blasphemy laws. Only four percent of the country's 175 million people are from other religious groups, including Christians.

Bushra Gohar, a legislator with the Awami National Party, explains:

"Decades have passed but no government found the courage to repeal these laws that have contributed significantly to intolerance, violence, bigotry and hate in the country."

She blames "political expediency, compromise and the appeasement of a handful of religious extremists" for preventing succeeding governments from amending or striking out the blasphemy laws.

In 2000, President Pervez Musharraf promised to repeal the laws, but retracted this amid protests from religious parties.

Gohar submitted a bill on the repeal of the blasphemy laws in 2009, soon after a group of Muslims looted and burned houses and a Catholic church in a Christian community in Gojra, in Punjab, in August. It has yet to be tabled in the assembly.

Last week, legislator Sherry Rehman, former information minister of the ruling Pakistan People's Party, submitted a bill seeking a repeal of the blasphemy laws. Another bill she filed seeks to "rationalise punishments, making it very difficult to abuse these laws".

Still, Rehman says, the blasphemy laws reflect the larger problem of extremism and lack of respect for human rights. "Even with full repeal, the abuse of minorities won't stop. Most cases are perpetrated by mobs. They, too, must know the law will take cognisance of their behaviour as criminal and liable for punishment," adds Rehman.

Data collected by National Commission of Justice and Peace (NCJP), formed by Pakistan Catholic Bishops' Conference, shows at least 1,058 people have been charged under blasphemy laws from 1986 to 2010. These include 132 Christians, 449 Muslims, 456 Ahmadis and 21 Hindus. About 34 people have

been killed by angry mobs or individuals.

In his weekly public audience on Nov. 12, Pope Benedict XVI said that Pakistani Christians often became targets "of violence and discrimination". He added: "I feel close to Asia Bibi and her family and I ask that she be released as soon as possible."

But even if Bibi gets relief from the superior courts, her life would remain in danger. "She will not be safe in prison, and she will not be safe after release, which at the moment is unlikely," says I A Rehman of the Human Rights Commission of Pakistan (HRCP).

"Her security is highly at stake due to the publicity her case has received," agrees Peter Jacob of the NCJP.

Beyond Bibi's case, the challenge remains the building of political will among political parties in the parliament so that they take a stand despite the backlash from religious and conservative groups.

In truth, Gohar points out, "No mainstream political party in the country today supports the (blasphemy) laws, yet they are dragging their feet in building a consensus to deal with it

squarely."

The Women Action Forum, a women's rights organisation, has decided that a long-term campaign is needed to change public opinion so that the scrapping of these laws can become politically acceptable. "We first need to get the fencesitters on our side," says Kausar S Khan, a WAF member. (END)

PERU: Human Rights Body Protects Chinese Citizen at Risk of Execution

By Ángel Páez

LIMA, Nov 18, 2010 (IPS) - A prosecutor in Peru clarified that Wong Ho Wing, a Chinese businessman in prison in this country since 2008 on charges of customs tax fraud, will not be released despite an Inter-American Commission on Human Rights decision to accept his case, which was filed to prevent his extradition to China, where he could face the death penalty.

"The fact that the IACHR has declared the Chinese citizen's case admissible does not mean it has ruled in his favour," said prosecutor Delia Muñoz, a

Justice Ministry official who specialises in supranational law.

But Luis Lamas, Wong's defence lawyer, argues that the IACHR decision indicates that Peruvian authorities, under pressure from Beijing to extradite the Chinese national, infringed on his rights.

According to the recently approved IACHR report No. 151/10, if the Peruvian state extradites Wong, it would be jeopardising his right to life, integrity and personal liberty, which are protected by the American Convention on Human Rights.

The document also states that Wong has exhausted all available legal remedies in Peru to avoid extradition, and that when the Peruvian courts approved China's extradition request, numerous procedural irregularities were committed.

Lamas told IPS that "We filed a habeas corpus petition against extradition, which is prohibited by the constitution when the life of the person in question is in danger, because for the Peruvian government a mere promise by the Chinese authorities that my client would not be executed was deemed sufficient.

"They tried to overcome the obstacle to

the extradition of a person who faces charges that carry the death penalty by means of a simple document in which the Chinese justice system promised not to sentence Wong Ho Wing to death," he said.

"But how can credence be given to the word of authorities from a country where the norm is precisely to execute those guilty of serious crimes, such as the one my client is accused of?" Lamas wondered.

According to London-based rights watchdog Amnesty International, China is a world leader in executions.

"The Chinese authorities...while stating that their overall goal is to reduce the use of the death penalty, continue to use executions to demonstrate that activities deemed to be harmful to social stability will be treated harshly," Amnesty states in its report "Death Sentences and Executions 2009".

In report 151/10 approved in a Nov. 1 session in Washington, D.C., where the IACHR is based, the Commission urged the Peruvian state and Wong to reach a friendly settlement.

If they fail to do so, the path will be open for the IACHR to refer the case to

the Inter-American Court of Human Rights, based in San José, Costa Rica.

The IACHR and the Court are the human rights bodies of the Organisation of American States (OAS).

Lamas said his client is willing to reach a friendly settlement with the Peruvian government, to avoid going to trial.

"The only thing the Chinese citizen wants is not to be extradited, that's all," he said. "If the state does not accept, it will have to face a trial in the Court in San José and a possible reparations payment of millions of dollars."

Muñoz, the prosecutor, did not say whether the Peruvian government would accept a friendly settlement because, she said, the IACHR resolution would first be evaluated, before a pronouncement is made. In the meantime, Wong will stay in jail.

"The case won't go to the Inter-American Court yet," Muñoz said.

"What the Commission indicates is that the measures adopted with respect to the Chinese citizen should be complied with, and that he should remain in prison."

Wong, a businessman who was living in

Lima with his wife and two young daughters, was arrested at the airport in the Peruvian capital on Oct. 27, 2008 as he was about to leave the country.

He faces charges in China of money laundering and bribery as well as customs tax fraud, a capital crime under Chinese law. The crimes were allegedly committed in Hong Kong between 1996 and 1998.

The Peruvian authorities were acting on an international arrest warrant issued by Interpol at the request of China's Public Security Ministry.

Wong, who is being held at the Sarita Colonia maximum security prison, near the airport, has filed two habeas corpus petitions.

An appeal of habeas corpus safeguards a person's fundamental rights to life and liberty against acts or omissions of the judicial system that could cause the person harm.

But only this week is the Constitutional Court getting ready to pronounce itself on the first petition, brought a year and a half ago.

China's ambassador in Lima, Zhao Wuyi, met with Justice Ministry and Supreme

Court authorities to discuss the state of the extradition process.

Wong's defence attorney turned to the IACHR when it appeared that extradition was imminent. On Mar. 31, 2009, the Commission issued precautionary measures and asked the Peruvian government to refrain from extraditing him until a decision in the case was reached by the Inter-American human rights bodies.

The authorities in Peru agreed to the request, which triggered angry protests from the Chinese ambassador.

The incident has chilled relations between Lima and Beijing, which were excellent, largely as a result of a free trade agreement signed in April 2009.

In late May, the Inter-American Court issued provisional measures to protect Wong, and ordered the Peruvian state not to hand him over to China until Dec. 17, to give the IACHR time to issue its decision.

Provisional measures are used by the Inter-American Court to prevent irreparable harm to the rights and freedoms of persons who are in a situation of extreme gravity and urgency, including aliens under orders

of deportation or extradition and those sentenced to capital punishment.

The recent IACHR decision to accept Wong's case could further cool bilateral relations because the government of Alan García will have to wait for the case to make its way through the OAS human rights bodies. (END)

U.S.: Poll Finds Growing Aversion to Death Penalty

By William Fisher

NEW YORK, Nov 16, 2010 (IPS) - A clear majority of U.S. voters - 61 percent - would choose a punishment other than death for murder if given a choice, the Death Penalty Information Centre said Tuesday as it released the results of "one of the most comprehensive studies ever conducted" of U.S. citizens' views on capital punishment.

In a national poll of 1,500 registered voters conducted by Lake Research Partners, alternative punishments to execution included life with no possibility of parole and with restitution to the victim's family (39 percent), life with no possibility of parole (13 percent), or life with the possibility of

parole (nine percent).

The researchers said the survey "shows growing support for alternatives to the death penalty compared with previous polls."

The research shows that in states with the death penalty, a plurality of voters said it would make no difference in their vote if a representative supported repeal of the death penalty; and a majority (62 percent) said either it would make no difference (38 percent) or they would be more likely to vote for such a representative (24 percent).

"For decades, politicians have equated being tough on crime with support for the death penalty, but this research suggests voters want their elected officials to be smart on crime, use tax dollars wisely, and fund the services they care about the most," Richard Dieter, executive director of Death Penalty Information Centre, told IPS during a telephone news conference.

"We see a real openness to considering life with no possibility for parole as a punishment for murder and a real awareness among Americans of the many problems with the death penalty," said pollster Celinda Lake. "It is likely we will see Americans moving away from

support for the death penalty as states and local governments grapple with tight budgets and as today's younger voters and Latinos move into the core of the electorate,"

Since the start of 2009, many states, such as Maryland, Colorado, Connecticut, Montana, Kansas, and New Mexico considered legislation to repeal the death penalty, and it is expected that trend will continue in 2011.

Voters ranked the death penalty the lowest on a list of budget priorities and expressed strong support for replacing the death penalty with life without parole, if the money saved was used to fund crime prevention programmes.

In states with the death penalty, a plurality of voters said it would make no difference in their vote if a representative supported repeal of the death penalty, and a majority said either it would make no difference or they would be more likely to vote for such a representative. In 2011, about five states are expected to consider repeal legislation.

The poll dug deeply into citizens' thinking about the death penalty and the problems they see in this punishment. For decades, elected

officials have equated being tough on crime with support for the death penalty, but this research shows that capital punishment may no longer be a "third rail" of politics.

Additional key findings from the polling research include:

Cost emerged as an important concern for a strong majority of respondents. Sixty-eight percent said cost was a very or somewhat convincing argument against the death penalty. Voters ranked emergency services, creating jobs, police and crime prevention, schools and libraries, public health care services, and roads and transportation as more important budget priorities than the death penalty. Hispanic voters were among those most willing to replace the death penalty with an alternative punishment. They responded most strongly to moral objections to the death penalty rooted in faith, as well as the argument that the death penalty is particularly unfair along racial lines.

The poll explored the information that the public uses to make up its mind about the death penalty and the problems they see with this punishment.

Some of the public's top concerns about the death penalty were that it is applied unevenly and unfairly; it subjects victims' families to lengthy trials and years of appeals that interfere with the healing process; and it risks executing the innocent.

Spending millions of dollars on the death penalty, at a time when states are cutting back on services such as police forces, schools, and public health, and when life in prison would cost less, was also of concern to voters.

Moral and religious objections to the death penalty were strong among Latino and Catholic voters.

The nationwide poll was conducted in May 2010 with a margin of error of +/- 2.5 percent.

The Death Penalty Information Centre, founded in 1990, is a non-profit organisation serving the media and the public with analysis and information on issues concerning capital punishment.
(END)

SRI LANKA: Death Sentence Highlights Risks for Migrant Workers

By Adithya Alles

COLOMBO, Nov 15, 2010 (IPS) - When a relative approached Mohamed Nafeek in 2005 to explore the possibility of sending his eldest daughter, Rizana, to the Middle East as a domestic worker, the family thought its luck had finally turned for the better.

Poor, living in a ramshackle shack in Muttur, a coastal village in Trincomalee district 250 kilometres from the Sri Lankan capital Colombo, the family of six barely managed to survive from the meagre earnings Nafeek made as a wood collector. Rizana, according to the family, agreed to the job. The relative took her to a recruitment agency. She then underwent 10 days of training before leaving for Saudi Arabia in May 2005.

But instead of changing the family's luck, Rizana's life turned inside out in a foreign land.

Barely a month into her job, she was sitting in a jail charged with killing the four-month-old infant of her employers. She was later found guilty and sentenced to die by beheading. She appealed her sentence and has spent

the last five years in a Saudi jail. In October, news reached Sri Lanka that her sentence had been confirmed and would thus be carried out.

That news has generated renewed focus on the case of Rizana Fathima Nafeek, and the issue of Asian migrant workers getting a fair hearing in a foreign justice system, both here and internationally.

President Mahinda Rajapaksa has written to Saudi Arabia's King Abdul Aziz seeking a pardon. Similar appeals have been made by Amnesty International, the Asian Human Rights Commission (AHRC) and other Sri Lankan and international advocacy groups. The sentence is reviewed by an advisor to the Saudi king.

The AHRC says Rizana's trial was skewed against her, citing factors like language issues and competent legal support that often make it hard for migrant workers to ensure that they get fair proceedings.

For example, the translator provided during Rizana's confession, which the AHRC maintains was taken under duress, was not a professional one, AHRC director of policy and development Basil Fernando points out. "He was just someone from Karnataka (state) in India, who did not have any

idea of the Tamil dialect that Nafeek spoke," Fernando said. The translator has since left Saudi Arabia.

Evidence indicated that the infant choked while Rizana was feeding him, in what was an accident and not intentional murder, Fernando adds.

No legal aid was extended to Rizana during the trial. The Sri Lankan Embassy in Riyadh had contacted a lawyer only after her conviction. When it could not hire the lawyer due to government stipulations that prevent it from paying for legal services in a criminal case, the Hong-Kong based AHRC moved in. It has so far spent 30,000 U.S. dollars in legal fees for the appeal of Rizana's verdict.

The case is complicated by the fact that Rizana was underage when she left for the Middle East. Some reports have suggested that she was 15, but her family told IPS she was 17 at the time of her departure. Either way, she was a minor below the age of employment when she left.

Rizana's forged passport became pivotal to her conviction when the courts went by details contained in that, and did not consider her birth certificate. "The passport she used to enter Saudi Arabia gives her date of birth as February 1982

but according to her birth certificate she was born six years later, in February 1988," Amnesty International said in an October appeal.

"This would make her 17 years old at the time of the murder for which she has been convicted. According to Amnesty International's information, she was not allowed to present her birth certificate or other evidence of her age to the court, which relied instead on her passport and so considered her to be 23 years old at the time of the crime," it added.

Advocates say that Rizana was a victim of recruitment agencies that send poor, untrained Sri Lankan women as unskilled domestic workers to the Middle East, including to countries like Saudi Arabia, which hosts some 500,000 migrant labourers from this South Asian island nation.

"We never heard from the agency (that sent Rizana to Saudi Arabia). We only got a letter from the (Sri Lankan) Embassy (in Riyadh) about the sentence," her mother Razina said.

Rizana's case came into the limelight after media reports highlighted her death sentence. AHRC officials told IPS that when Saudi Arabia's Supreme

Court upheld the verdict, they heard the news not through the Sri Lankan Embassy but through a well-wisher who had visited Rizana in jail.

They now fear that if Saudi Arabia's king ratifies the sentence, there would be no chance of pardon.

"There is every probability that the execution of Rizana might be carried out without warning in the very near future. Saudi Arabia has an infamous record of having one of the highest execution rates in the world with at least 69 executions carried out in 2009, 102 in 2008 and 158 in 2007, an average of almost 2 persons a week," AHRC said in a statement.

Fernando adds that a two-track approach is needed to try to save Rizana from the executioner's sword. One is to lobby the Saudi monarch through national and international campaigns.

The second is for the family to use diplomatic means to seek a pardon under Saudi law. "The King is the last option, before that someone should speak to the family," Fernando said.

(END)

Execution for Drug Offences Challenged

By Pavol Stracansky

TBILISI, Nov 12, 2010 (IPS) - Two Georgian women are facing the death sentence in Malaysia in a case that human rights campaigners say has highlighted worries over the continued imposition of capital punishment for drugs offences.

Babutsa Gorgadze, 26, and Darejan Kokhtashvili, 37, were arrested last month in Malaysia after they were found with more than 10 kilos of methamphetamine.

Under strict Malaysian laws the pair, both mothers, are now facing mandatory death penalties if convicted and efforts are under way by Georgian authorities to stop the pair being sentenced to death if convicted.

Human rights campaigners say the case has brought into focus the dangers of imposing capital punishment for drugs crimes. The case took a new turn this week when Georgian media reported the husband of one of the women had confessed to Georgian police that he had been behind the drug smuggling,

and that the women had gone to Malaysia unaware that they were carrying illegal narcotics.

Patrick Gallahue of the International Harm Reduction Association (IHRA), which has led a series of studies into the imposition of the death penalty for drug offences and campaigned against it, told IPS: "Cases like this highlight concerns over capital punishment, especially when enforced as a mandatory punishment.

"When there is no individualised consideration of the circumstances in a capital case, to impose a death sentence is a cruel and inhuman punishment as well as an arbitrary deprivation of life."

There are currently 32 countries which retain the death penalty, in some cases as a mandatory sentence, for narcotics offences.

New legislation was also passed just last month in Gambia which could see the death penalty imposed for possession of more than 250g of cocaine or heroin.

Research by the IHRA, among others, has shown that in some countries drug offenders make up a significant proportion of all annual executions. Available statistics show that hundreds

of people are executed worldwide for drugs crimes every year. But many countries do not release figures on executions and it is believed that the real figure could be more than a thousand.

However, while many states retain capital punishment for narcotics offences but do not use it and others do so only rarely, a handful of countries, including Malaysia, Singapore, China, Iran, Vietnam and Saudi Arabia, have been identified as carrying out high numbers of executions every year.

These countries say that capital punishment acts as a deterrent to traffickers. But critics reject the claim.

Tsira Chanturia, South Caucas Regional Director for Penal Reform International, told IPS: "In Indonesia, Malaysia, Singapore and Thailand, reports indicate that a high proportion of death sentences are imposed upon those convicted of drug offences. However, this does not deter individuals from committing such crimes.

"There is no credible evidence that the death penalty deters serious crime in general more effectively than other punishments."

They also argue mandatory use of capital punishment in cases of drug offences is an inappropriate punishment when the circumstances of many of those convicted are taken into account.

"In many countries, those arrested tend to be foreign, young, vulnerable and from difficult circumstances. In some cases, there is a very real possibility they were deceived about what they were transporting.

"At the very least, there is a chance that those who were arrested were misled about the risks involved," Gallahue told IPS.

Rights groups point to a high proportion of foreigners sentenced to death for drug offences in some countries and also question the fairness of trials for drug crimes, pointing to the fact that in some countries drug cases are referred to special courts where accepted standards of fair trial may not be met.

The specific legal paragraph of Malaysian law under which Goradze and Kokthashvili have been charged breaks international legal standards as it assumes the defendant is guilty unless they can prove their own innocence, according to Amnesty International.

There are also deeper concerns over the legality of capital punishment for drugs offences and the sometimes unwitting support of countries supporting abolition of the death penalty for its continued use in retentionist states.

Under the International Covenant of Civil and Political Rights (ICCPR), countries retaining the death penalty should only use it for "the most serious crimes." Human rights bodies, including the UN's Special Rapporteur on Torture and other cruel or inhuman punishments, have said that drug offences should not be defined as among the most serious crimes and that countries still using capital punishment should only impose it for wilful murder.

The United Nations Office on Drugs and Crime (UNODC) has also said it is opposed to the death penalty for drugs crimes.

Governments of countries using the death penalty for drug offences have repeatedly said that drugs offences are among "the most serious crimes" and pointed to rulings in their own courts justifying its legality. They also say capital punishment is an accepted social norm in their society.

Some also justify it on the grounds that

is serves the needs of society as a whole despite concerns over the rights of the individual.

In a commentary published in the UK newspaper The Guardian in June this year for instance, Singapore's

Ambassador to Ireland, Michael Teo, wrote: "Every society strikes its own balance between the rights of the individual and the rights of society.

Capital punishment is an integral part of our successful comprehensive anti-drug strategy. Our tough stance against drugs has saved tens of thousands of lives from the drug menace."

A report by IHRA released earlier this year also showed how abolitionist states helping fund efforts to battle the international drug trade are, in some cases, actually helping bring about executions for drug crimes.

The group cited case studies where such programmes supported by UNODC and funded by, among others, the European Union and states such as Sweden, Australia, and the UK had ended in the execution of convicts.

In another case, a UNODC project jointly funded by Austria and the European Commission to help combat drug crime on the Afghan-Iran border led to the

equipping of control posts along the border. IHRA said that during the course of the project between 2004 and 2008, 16 Afghan children were arrested by Iranian border authorities, convicted of drug trafficking and sentenced to death by hanging.

Rights groups argue that there is now a question mark over international organisations' complicity in subsequent human rights violations when these operations are carried out and that all similar drug enforcement projects must be closely examined prior to funding.

Jacqueline Macalesher, death penalty project manager at Penal Reform International, told IPS: "In funding projects like this donor organisations should perform a full risk assessment of the human rights ramifications of that project, including the fact that the people arrested under that programme could be sentenced to death." (END)

MIDEAST: Prisoner Speaks Out From Israeli Jail

By Mel Frykberg

RAMALLAH, Nov 11, 2010 (IPS) - Samer Hamdan*, a 26-year-old Palestinian

prisoner, recalls being beaten until he bled. Seeing other prisoners covered in blood and screaming is the norm in the Israeli prison, he says.

Hamdan is serving a nine-year sentence in Ketziot prison in the Negev desert for membership of an "illegal organisation".

"In the end you admit to stuff even if you didn't do it just so that the beatings and abuse will stop," Hamdan, a former member of the Popular Front for the Liberation of Palestine (PFLP) told IPS. "I was only 17 at the time of my arrest and very afraid as I wasn't sure how to deal with the interrogation."

Hamdan said he is only allowed to see his mother once a month for 45 minutes, and his father every four months. But his mother doesn't take the long and tiring journey every month - it takes hours to travel from her village in the northern West Bank to the prison by Red Cross bus through several Israeli security checkpoints.

"Sometimes, when my family brings clothes or educational books, I'm not allowed to receive them. It depends on the mood of the soldiers," Hamdan said. "The soldiers also regularly abuse the prisoners, and clashes break out periodically."

Hamdan spoke to IPS on a mobile phone that he says was smuggled into his cell by a corrupt Israeli soldier. Several other phones have been smuggled into Israeli prisons by soldiers who sell the phones for up to ten times the market value.

"In 2007, the Israeli police and soldiers raided our cells at midnight to search for mobile phones and other items which are banned," Hamdan said. "This was despite a previous agreement between prisoner representatives and the Israeli authorities that there would be no midnight raids."

The ensuing clashes between prisoners and police made international headlines after beds were set on fire and a prisoner was shot dead.

The Palestinian Authority (PA) pays a sum into the bank account of every prisoner each month. The prisoners depend on this money for their survival. "We are not given sufficient quantities of food, and the quality of the food is very poor. We have to use our own money to buy food from the prison canteen," says Hamdan.

Hamdan shares his cramped cell with five other prisoners. The bunk beds they sleep in have one thin, dirty mattress.

But he says his conditions are dramatically better from the cell where he spent a month under interrogation.

"I was interrogated day and night and deprived of sleep. During interrogation I was handcuffed and beaten. A foul-smelling sack was placed over my head. In between interrogation sessions I was placed in solitary confinement in an underground cell where a fluorescent light was on 24 hours daily. I was not allowed a change of clothes nor was I able to shower. A bucket served as a toilet and was emptied only periodically."

Last week two Israeli human rights organisations released a report based on the testimonies of 121 Palestinians held in an Israeli detention facility, which accused Israeli authorities of gross abuses of the prisoners.

B'Tselem and the Hamoked Centre for the Defence of the Individual said detainees were subjected to continuous handcuffing, sleep deprivation, solitary confinement, beatings and disgraceful hygienic conditions, amongst other severe human rights violations.

"The violations begin from the moment of their arrest and continue until the detainee's transfer from the facility,"

the report said.

The human rights organisations reported that despite hundreds of complaints by the detainees to Israeli prison authorities, no criminal investigations or charges had been pursued.

Saeed Al-Haj from the Palestinian Prisoners' Society in Ramallah told IPS, "The abuse of Palestinian prisoners in Israeli detention has been an ongoing issue for decades.

"Some prisoners are placed in solitary confinement for months at a time. We have one female prisoner, Wafa El Biss from Gaza, who has been in isolation, handcuffed around the clock, for nearly two weeks. She is only permitted limited toilet visits during the day and has to wait until the wardens come to uncuff her hands. She has to sleep with the lights on."

Most of the cells in which the detainees are incarcerated are underground. Bright fluorescent lights are left on 24 hours per day, disorienting the prisoners and causing eye pain, vision problems, and headaches, the report says.

Thirteen of the 121 detainees in the report spoke of sleep deprivation that

lasted more than 24 hours. In all 36 percent of the detainees said they were humiliated and cursed by their investigators; 56 percent reported threats, and nine percent said they were treated violently.

* Name has been changed. (END)

Sudan Still Sentencing Minors to Death

By Reem Abbas

KHARTOUM, Nov 9, 2010 (IPS) - Four minors are among nine people who have been sentenced to death for a carjacking in Khour Baskawit in South Darfur. The case has raised fresh concerns over protection for children's rights in Sudan.

At 17, Ibrahim Shrief Yousef, is the eldest of the four children sentenced. Abdalla Abadalla Doud and Altyeb Mohamed Yagoup are 16 and Abdarazig Daoud Abdelseed is just 15 years old.

The nine were sentenced to death on Oct 21, found guilty of armed robbery, offences against the state and fomenting war against the state, all serious crimes under the Sudanese

Penal Code of 1991. The prosecution alleges they are affiliated with the Justice and Equality movement (JEM), the largest rebel movement in Darfur.

Sudan is a signatory to the U.N. Convention on the Rights of the Child, which prohibits the execution of minors. In line with this, Sudan reformed its laws in January 2010, raising the age at which an offender can face capital punishment from 15 to 18.

But according to the Sudan-based Africa Center for Justice and Peace Studies, the reformed Child Law contains an ambiguity, defining a child as a person under 18, unless "they have reached maturity under other applicable law".

This opened the way for the accused to be tried as adults under the Penal Code, which defines a person as an adult if they have reached puberty. In addition, the charges faced by the Khour Baskawit group are considered Huddoud, offences against acceptable Islamic behavior. Other Huddoud crimes include fornication, apostasy, and the consumption of alcohol.

Hamed Emam, an expert at the National Centre for Legal Work told IPS that although armed robbery is defined as Huddoud, the court has overlooked the

fact that a child under the age of 18 is not responsible under the criminal law.

"The court based the sentence on the physical appearances of the minors. However, the claim that we follow Shariah law regarding such crimes, ie Huddoud, is inaccurate since the teachings of the prophet emphasise that under the age of 18, a person is a minor," said Emam who's PhD dissertation focused on juveniles facing the death penalty in Sudan.

Mohammed Al Hafiz, an independent human rights lawyer and former judge, explains that minors accused of criminal activities are exposed by ambiguities in the Penal Code as well.

"Article 8 [of the Penal Code] states that only a responsible individual who has reached the age of puberty can face capital punishment, but puberty is a loose term. It could be reached at 12, 13, 14 or even 15. The article fails to define an age for minors."

According to a source in the Ministry for Social Welfare, speaking on condition of anonymity, any minor under the age of 18 should be sent to the Juvenile Corrective Services Centers either in Jeriaf, where there's a centre for girls and boys, or in Bahri where a centre

houses boys only.

"Even if this minor committed a major crime such as murder and robbery, they are still sent there, where the state takes care of them for up to five years."

But as they were tried in normal courts, the minors in Darfur will not enter the corrective services programme unless they are re-tried in juvenile court.

Al Hafiz was involved in a similar case while working as a judge a few years ago in the state of El-Obeid.

"A 17-year-old committed murder and he was given the death penalty, I voted against it and asked for the case to be reconsidered," he told IPS.

He added that the vagueness of the laws could benefit the accused if the judge is on their side, Al Hafiz believes that the judge's decision in Darfur should be viewed in the context of the current political situation in Sudan.

"Sadly, the courts in Sudan are politicised, this case proves the point. The group sentenced to death is affiliated with the Justice and Equality Movement. If this was not the case, the sentence could have turned out differently."

Emam questioned whether the JEM affiliation was valid.

"The techniques of interrogating an accused in Sudan date back to the Ottoman days," Emam told IPS. "Police officers use fear and mental exhaustion to get information out of the accused. If they subjected these kids to this, they could've just claimed that they are affiliated to the JEM. It is a possibility, but it's not always the case."

The Sudanese government has defended its law by saying that no juvenile is actually executed in practice. But the ACJPS says that the mental anguish of being sentenced to death is in itself a violation of a child's rights.

Sudan, along with Iran and Saudi Arabia, is one of only three countries to have executed a minor since 2009. In May 2009, 19-year-old Abdulrahman Zakaria Mohammed was executed in El Fasher, North Darfur, after he was found guilty of armed robbery and murder two years earlier.

The ACJPS, which is currently working on a comprehensive report on the death penalty in Sudan, joins Human Rights Watch and other groups in reviewing the case of the Khor Baskawit group

and ultimately reviewing provisions intended to prevent similar cases in line with the absolute prohibition of the death sentence for minors under the Convention on the Rights of the Child. (END)

BRITAIN: Not Executing, Just Enabling

By David Cronin

BRUSSELS, Nov 4, 2010 (IPS) - European Union officials are reluctant to tighten up rules covering the trade in products designed for torture or the death penalty, despite suggestions that a British company has been exporting lethal injection drugs used in executions.

During the last week of October, Jeffrey Landrigan was executed by the U.S. state of Arizona. The state's attorney general has revealed that the sodium thiopental used to kill Landrigan was imported specially from Britain because of a shortage of the substance domestically.

Opponents of the death penalty want an EU regulation on the trade in the tools of torture and capital punishment

strengthened so that pharmaceutical companies would be banned from selling sodium thiopental to executioners.

But the European Commission, the EU's executive arm, has indicated that it is averse to revising the regulation - dating from 2005 - given that sodium thiopental also has medicinal applications.

Asked if the Brussels authorities would be investigating the use of a British-made substance in Arizona or examining how the regulation can be tightened, a Commission spokesman said that while his institution is opposed to the death penalty, it recognised that sodium thiopental is "widely used" as an anaesthetic in medicine.

"The EU has rules that prohibit the trade in goods used for capital punishment and torture and ill-treatment, as well as the supply of technical assistance related to such goods," the spokesman told IPS. "These rules, however, do not include sodium thiopental in the lists of prohibited and controlled goods. Sodium thiopental is on the list of essential drugs of the World Health Organisation."

The 2005 regulation is accompanied by

lists of goods that are either banned or subject to controls. While sodium thiopental is not explicitly mentioned on these lists, the regulation prohibits the trade in "automatic drug injection systems designed for the purpose of execution of human beings by the administration of a lethal chemical purpose."

Another possibility, according to human rights campaigners, is for sodium thiopental to be designated a controlled substance that may be exported to hospitals and clinics but not to authorities that carry out executions.

Richard Dieter, director of the Death Penalty Information Centre in Washington, argued that ways of bolstering the regulation should be examined. "I wouldn't think that a company would want to be associated with having its drug used to kill people," he said. "This is sort of like extraditing someone to face the death penalty."

Repeive, a human rights group based in London, announced Nov. 2 that it is suing the British government over the exports. The legal action follows an appeal made by Repeive that an emergency order be issued to regulate sodium thiopental.

Vince Cable, Britain's business secretary, has rejected the call, claiming that if the U.S. did not import lethal injection drugs from Britain it would simply find them elsewhere. "An export restriction imposed by the United Kingdom is very unlikely to be effective in preventing any execution taking place in the United States, given that the drug is generally available and traded globally," Cable wrote, in a letter to Repeive's lawyers.

Repeive is acting on behalf of Ed Zagorski, who is scheduled to be executed in Tennessee in January next year. Tennessee is one of several states running low on lethal injection drugs; others include Kentucky, Oklahoma and Missouri.

"It is ironic that Ed Zagorski is on death row, accused - falsely, he insists - of playing a role in a drug deal gone bad," said Clive Stafford Smith from Repeive. "If the British government continues to adhere to its policy of gutless inaction, he will die as a result of another drug deal gone bad, this time with a British company pocketing 18,000 dollars in blood money."

Only one company in Britain makes sodium thiopental. That firm, Archimedes Pharma UK, has insisted it has no control over how the substance

is used and denied knowingly providing the drug for use in the Arizona execution.

However, Arizona is known to have bought enough supplies of the drug from Britain for four executions. Despite acknowledging that the drug came from Britain, Arizona has refused to give further details of where and how it obtained the substances used to kill Landrigan. Arizona mounted - and won - a legal challenge in the U.S. Supreme Court after a lower court had ordered it to reveal the identity of the drug's supplier.

Nycomed, another European company that produces sodium thiopental, said that it does not distribute the drug in the U.S.

In an appeal to the European Commission, Amnesty International has asked that "urgent assurances" be sought that future exports of sodium thiopental will not be used for executions. (END)

WORLD PRESS REVIEW

November 2010

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

LEBANON: 3 SENTENCED TO DEATH

November 1, 2010: A Lebanese military court sentenced Sami Farhat, Amar al-Halabi and Jawdat el-Hakim to death spying for Israel to death. Farhat and al-Halabi were sentenced in absentia. The three were found guilty of disclosing sensitive information that helped Israeli attacks during the Second Lebanon War, Ynetnews.com reported. Al-Hakim allegedly admitted to cooperating with Israel between 1999 and 2009. His job was to transfer large sums of money and transmission apparatus to other agents allegedly working for Israel.

GAZA: PALESTINIAN 'SENTENCED TO DEATH BY HANGING'

November 2, 2010: A court in the Hamas-run Gaza Strip has sentenced a man from Beit Lahiya to death by hanging after he was convicted of killing a child, a Palestinian human rights group

said, according to Maannews.net. Zahi Abdul Rahman Al-Masri, 32, was convicted of the willful killing of Samah Sofian Al-Shamali, 9, on in December 2004, the Palestinian Centre for Human Rights said in a statement expressing grave concern over the continued application of the death penalty in the occupied Palestinian territories.

IRAN: 23 INMATES REPORTEDLY EXECUTED IN OCTOBER

November 2, 2010: 23 prisoners were executed in Mashhad, the capital of Iran's northeastern Khorasan Razavi Province, over the past 30 days, the Iranian news website Rahana reported. It said 13 prisoners were hanged on October 5, and 10 more were hanged on October 12. The agency said that the executed prisoners had been convicted of distribution and possession of drugs. It said the families and lawyers of those executed were not notified beforehand, which constitutes a violation of Iranian law.

GAMBIA: SON GETS DEATH SENTENCE FOR HACKING MOTHER TO DEATH

November 3, 2010: Justice Lamin A.M.S Jobarteh of the Banjul high court in the

Gambia sentenced Buba Yarboe, a resident of Busumbala Village in the Kombo North District of West Coast Region, to death for hacking his mother Jainaba Jarju, alias Nani Coba, to death on March 29, 2009, according to AllAfrica.com.

SOMALIA: MILITARY COURT SENTENCES ONE TO DEATH

November 3, 2010: The Transitional Federal Government of Somalia's [TFG] Court martial sentenced a man to death by firing squad after the judge of the martial court, Hasan Muhammad Husayn, said he admitted to murder, according to BBC.

GUATEMALA: PRESIDENT VETOES LEGISLATION FOR REINSTATING EXECUTIONS

November 4, 2010: Guatemalan President Alvaro Colom vetoed legislation that would have reinstated executions while giving the president the power to commute death penalty sentences. He said that his government doesn't think the death penalty helps improve security. While reinstating executions, the vetoed measure would have given Guatemala's president the authority to commute a prisoner's death

sentence to a prison term of up to 50 years. Colom vetoed a similar law two years ago, according to Canadian Press.

IRAQ: PRESIDENT TALABANI AGAINST HANGING TAREQ AZIZ

November 6, 2010: Iraqi president Jalal Talabani spoke out against the fact that his country uses the death penalty, including against ex vice-premier Tareq Aziz. Talabani said this in answer to a question from Arab League Secretary Amr Moussa, who hoped that the Iraqi president makes every effort because, "in the context of forgiveness, pardon and social harmony in the country", the ex right hand of Saddam Hussein should not be hanged, AGI reported.

PAKISTAN: CHRISTIAN WOMAN SENTENCED TO DEATH FOR BLASPHEMY

November 7, 2010: A Pakistani court sentenced Asia Bibi, 37, a farm laborer from Ittanwali, Punjab, to death for "blasphemy" after a trial that lasted for more than 16 months. She was also fined more than £700. Ms Asia's case dates back to June 2009 when she was asked to fetch water while out working in the fields. But a group of Muslim women labourers objected, saying that as a non-Muslim she should not touch

the water bowl. A few days later the women went to a local cleric and alleged that Ms Asia made derogatory remarks about the Prophet. The cleric went to police, who opened an investigation, according to AllVoices.com.

SINGAPORE: MAN SPARED DEATH PENALTY DUE TO MENTAL ILLNESS

November 8, 2010: A bus driver who had been sentenced to hang for killing his step-daughter was spared the death penalty. The Court of Appeal took into account Ong Pang Siew's family history of mental illness as well as his own mental state. It found that although the 46 year old did have the intention to kill or cause injuries, it found he qualified for the defence of diminished responsibility. Ong had killed 15-year-old Ong Pan Hui at her Marsiling Drive flat on October 20, 2007, a few weeks after her mother was granted a divorce from him. Ong was convicted of culpable homicide instead and would be re-sentenced at a later date, according to Channel NewsAsia.

JAPAN: DEATH PENALTY UPHELD FOR MAN FOR KILLING WEALTHY WOMAN, BROTHER

November 10, 2010: In Japan, Presiding Judge Akira Kanaya of the Tokyo High Court upheld a decision by the Tachikawa branch of the Tokyo District Court in May 2009 sentencing former city official Kazuo Okikura, 63, to death for killing and robbing Hirokazu Obuku, 51, and his sister in a 2008 murder-robbery case in Akiruno on April 10, 2008. The judge said in the decision, "The crime was premeditated and was based on a selfish motive" of trying to pay back a huge debt that he incurred from losing in mah-jongg games, reported Kyodo.

TAJKISTAN SET TO ABOLISH DEATH PENALTY IN 'NEAR FUTURE' - SENIOR OFFICIAL

November 10, 2010: Tajikistan is a "few steps away" from abolishing capital punishment as a moratorium on this form of punishment has been in force across the country over the past six years, the Tajik presidential adviser on legal affairs, Jumakhon Davlatov, said. He underlined the government's determination to abolish the practice in the "near future", but said there were still certain logistic and financial problems and impediments. According to Davlatov, at present Tajik society is not yet fully prepared for the abolition

of the death penalty, because approximately 60 per cent of the country's population is against ending the practice, reported BBC.

MOROCCO: JUSTICE MINISTER- WE HOPE TO BE ABLE TO ABOLISH THE DEATH PENALTY

November 11, 2010: "We hope to be able to abolish the death penalty in Morocco with an ad hoc law", Moroccan Justice Minister Muhammad al-Naseri said during 'question time' in Parliament in Rabat.

According to reports by the Arab newspaper 'al-Sharq al-Awsat', the Minister responded to a question on the death penalty from other parliamentarians by stating that "in Morocco, we stopped using the death penalty 17 years ago." 'The last case was a man hanged in 1993 in Quneitra for a series of rapes and murders." Al-Naseri concluded by saying that "a series of legislative provisions are being studied for the reform of the penal code to fix this problem." (Sources: Adnkronos/Aki)

VIETNAM: SUPREME COURT CONFIRMS DEATH SENTENCE

November 11, 2010: At an appeal trial the Vietnamese People's Supreme Court

confirmed Nguyen Duc Nghia's death sentence for beheading and robbing his ex-girlfriend Nguyen Phuong Linh on May 4 in Hanoi, state media reported. Nghia was sentenced to death at the hearing court on July 14. Police said Nghia may have killed his ex-girlfriend to rob some properties for money, because he was a game addict. Nghia still has a chance to ask for State President Nguyen Minh Triet's amnesty, the judges said at the appeal trial, Vietnam News Brief Service reported.

SUDAN: 20 ALLEGED DARFUR REBELS COLLABORATORS

SENTENCED TO DEATH IN NYALA

November 11, 2010: The Nyala General Court in Sudan issued death sentences against 20 people accused of committing crimes of rebellion against the state, armed robbery, terrorism, murder, and banditry. Nine of the convicts are alleged members of the Justice and Equality Movement (JEM) and another ten are members of the Liberation and Justice Movement (LJM). Counselor Abdel Moneim Osman, Director of Public Prosecutions in South Darfur, said that Ali Hassan Zambaki was sentenced for violence at Kalma Camp, which claimed the lives of 53 people. (Sources: Radiodabanga.org)

CHINA'S TOP COURT APPROVES DEATH PENALTIES

November 12, 2010: China's Supreme People's Court approved the death penalty of three men, it said in a statement. Sun Yujun and Yin Jianli raped three women and stole more than 100,000 yuan across Henan and Anhui provinces from April to August, 2007. They were sentenced to death by the Intermediate People's Court of Shangqiu City, Henan Province, which was upheld. Wang Yihai was involved in 23 rape cases Linquan and Funan counties from autumn of 2005 to March, 2008. Wang also stole 2,200 yuan. He was sentenced to death by the Intermediate People's Court of Fuyang City in eastern Anhui Province and a higher court upheld the death penalty, reported BBC.

OHIO (USA): GOVERNOR TED STRICKLAND GRANTED

CLEMENCY TO SIDNEY CORNWELL

November 15, 2010: Ohio Governor Ted Strickland granted clemency to Sidney Cornwell a day before scheduled execution. Cornwell, 33, black, who killed three-year-old Jessica Ballew and 3 adults in June 1996, will now serve a

sentence of life in prison without the possibility of parole. Strickland's decision, shifting Cornwell's sentence to life in prison without parole, goes against the 7-1 recommendation of the state parole board, whose members believed the execution should move ahead on Tuesday morning as scheduled, said Columbus Dispatch.

In a statement Mr Strickland, a Democrat who was defeated in his bid for re-election on November 2, said: "There is absolutely no doubt that Mr Cornwell is guilty of the crime of aggravated murder - and he has admitted that." But Mr Strickland questioned "whether the death penalty is appropriate in this case given the fact that certain mitigating information was not available at the time the sentence was imposed."

Cornwell was recently diagnosed with Klinefelter syndrome, also known as the XXY condition, which describes males who have an extra X chromosome in most of their cells, meaning many of the males affected do not make as much testosterone as other boys during puberty.

Some males with the XXY condition exhibit symptoms during puberty including less facial and body hair,

broader hips and larger breasts, according to the National Institutes of Health (NIH). Some boys develop language problems and may struggle in school and sports. But according to NIH, adult XXY males live lives similar to men without the condition.

Mr Strickland said in his statement that there was a "substantial possibility that had the jury or sentencing judge known about Mr Cornwell's disorder, one or more of them would have found that the death penalty was inappropriate in this case."

"Because the trial jury and sentencing judge did not have information at the time of sentencing about Mr Cornwell's Klinefelter's syndrome, I have concluded that it would be inappropriate to proceed with the death penalty in this case," he said. The decision is the last Strickland must make regarding a death penalty case. He was defeated in this month's election and will be succeeded by Republican John Kasich in January.

JAPAN: JURORS HAND DOWN FIRST DEATH SENTENCE

November 16, 2010: A Japanese jury trial sent a man to the gallows for a double murder in the country's first

death penalty ruling by jurors. Hiroyuki Ikeda, 32, was convicted of kidnapping and killing the two men, aged 28 and 36, last year on the orders of a fugitive drug-ring gangster. Yokohama District Court presiding judge Yoshifumi Asayama -- who oversaw the trial involving six jurors -- described the crimes as "too cruel and inhumane" for Ikeda to be spared capital punishment, public broadcaster NHK said. The sentence -- decided by six members of the jury and three professional judges -- was the first time the death penalty was handed down since Japan introduced the so-called lay-judge system in May last year, Agence France Presse reported.

U.N. PANEL CUTS GAY REFERENCE FROM VIOLENCE MEASURE

November 16, 2010: Arab and African nations succeeded in getting a U.N. General Assembly panel to delete from a resolution condemning unjustified executions a specific reference to killings due to sexual orientation, reported Reuters.

Western delegations expressed disappointment in the human rights committee's vote to remove the reference to slayings due to sexual orientation from the resolution on

extrajudicial, summary and arbitrary executions.

The General Assembly passes a resolution condemning extrajudicial, summary and arbitrary executions and other killings every two years. The 2008 declaration included an explicit reference to killings committed because of the victims' sexual preferences.

But this year, Morocco and Mali introduced an amendment on behalf of African and Islamic nations that called for deleting the words "sexual orientation" and replacing them with "discriminatory reasons on any basis."

That amendment narrowly passed 79-70. The resolution then was approved by the committee, which includes all 192 U.N. member states, with 165 in favour, 10 abstentions and no votes against.

The resolution, which is expected to be formally adopted by the General Assembly in December, specifies many other types of violence, including killings for racial, national, ethnic, religious or linguistic reasons and killings of refugees, indigenous people and other groups.

"It's a step backwards and it's extremely disappointing that some countries felt the need to remove the reference to sexual orientation, when sexual orientation is the very reason why so many people around the world have been subjected to violence," said Philippe Boloignon of Human Rights Watch.

IRAQ: PRESIDENT TALABANI REFUSES TO SIGN AZIZ DEATH ORDER

November 17, 2010: Iraqi President Jalal Talabani said he would never sign former deputy premier Tareq Aziz's execution order, stressing it was time to turn the page on Iraq's history of capital punishment, AFP reported. "No, I will not sign this kind of order because I am a socialist," Talabani told France 24 television in an interview. "I feel for Tareq Aziz, because he's an Iraqi Christian, and he's also an elderly person, over 70 years old. That's why I will never sign this execution order."

Aziz, 74, was handed the death penalty on October 26 for the suppression of Shiite religious parties in the 1980s, and is also on trial for a crackdown on Iraqi Kurds, of which Talabani is one. Iraq's supreme criminal court found the long-

time international face of former president Saddam Hussein's regime guilty of "deliberate murder and crimes against humanity," sentencing him to death.

Two other men received the death sentence at the same time as Aziz -- former interior minister Saadoun Shaker and Abid Hmoud, an aide to Saddam. All three were sentenced for their role in the crackdown on Shiites, but the urbane Aziz was by far the most prominent figure. Ratifying the death sentence is one of the prerogatives of Iraq's head of state, as stipulated in article 73 of the constitution. Talabani's refusal to sign the death warrant should therefore allow Aziz to escape execution.

The Iraqi president, who was reappointed last week in a power-sharing pact that ended more than eight months of political paralysis, has previously said he is generally against capital punishment. During his first term, he declined to confirm some court execution orders but without preventing the hangings going ahead as the two vice presidents at the time, a Shiite and a Sunni, were able to authorise them in his place.

But their mandate has not been renewed. Aziz was the latest member of Saddam's fallen regime to be ordered to die, but Talabani said it was time to turn the page on the punishment, except for some sectarian crimes. "I think that the page of executions needs to be turned, except concerning the crimes committed at the cathedral of Our Lady of Perpetual Help and crimes against Shiite pilgrims and holy sites," he said.

CHINA: OFFICIAL EXECUTED FOR SELLING IMPERIAL RELICS

November 19, 2010: China executed a local official six years after he was convicted of illegally selling hundreds of Qing Dynasty imperial relics for about 550,000 dollars, state media said, according to DPA. Li Haitao and several accomplices stole the items while he was head of security for relics at the Waibaimiao, or Eight Outer Temples, in the Qing court's summer resort of Chengde in the northern province of Hebei.

Li was convicted in 2004 of stealing 259 protected items from 1993 to 2002 and selling 152 of them for a total of 554,000 dollars, state television and newspapers reported. Li lost an appeal against his sentence, and China's

Supreme People's Court approved the death penalty, the reports said without saying when the higher court gave its approval. Three accomplices received sentences of two to seven years in prison in 2004.

Earlier reports said police suspicions were raised in 2002 by a Hong Kong auction of two Qing Dynasty (1644-1911) items labelled 'Forbidden City,' the common name of the former imperial palace in Beijing, now also known as the Palace Museum. The Beijing museum had sent cultural relics to Chengde in the 1950s and 1960s, and they were not returned, the reports said. (Sources: DPA, 19/11/2010)

PAKISTAN: PRESIDENT ZARDARI STAYS EXECUTION OF ASIA BIBI

November 20, 2010: Pakistan President Asif Ali Zardari has stayed the execution of Asia Bibi, a Christian mother sentenced to death on charges of blasphemy. Zardari directed the federal minister for minorities, Shahbaz Bhatti, to submit a report in this regard within three days, The News reported. The lawyer for the accused, SK Shahid, has already challenged the verdict in the Lahore High Court. Bibi, the first woman sentenced to death for blasphemy, has

appealed to President Asif Ali Zardari to pardon her. "It will take few more days. We are looking into different things, not just pardon. She could get relief from the courts," Minister for Minorities Shahbaz Bhatti said. (Source: Sify.com)

SOMALIA: MILITANTS EXECUTE 2 TEENS ACCUSED OF CRIMES

November 22, 2010: Militants from Somalia's most feared insurgent group used a firing squad to execute two teenagers in public, witnesses and officials said, according to AP. The executions took place in front of hundreds of people summoned to witness the killings in the capital. The firing squad was made up of five masked men.

A self-described "judge" inside al-Shabab, who goes by the name Sheik Omar, told reporters Tuesday that one of the two teens executed was Abdihakim Ali Mohamed, 15, who was accused of sexually assaulting another boy of 9 years old. The other teen was Ismail Hussein Ahmed, 18. He was accused of being a spy for the Mogadishu-based Somali government. "We have been holding them for some time. We investigated and they confessed," said Omar.

MALDIVES: DEATH SENTENCE PASSED IN MURDER CASE

November 22, 2010: the Maldives Criminal Court sentenced Mohamed Nabeel, 21, to death for murdering Abdulla Faruhad, 18, of Hulhudhoo in Seenu Atoll on March 8, 2009, in revenge for harassing his sister, according to BBC. The charges claimed that Faruhad was walking near Nalahiya Hotel on Majeedee Magu when he was forced into the "UN Park" in front of Sosun Store and was asked whether he had been abusing Nabeel's younger sister. Faruhad denied but Nabeel's gang tortured him. Faruhad ran down Majeedee Magu to escape but was stabbed in the back with a paper cutter by Nabeel.

MALAYSIA: HIGH COURT SENTENCES IRANIAN MAN TO DEATH FOR TRAFFICKING DRUGS

November 22, 2010: A Malaysian court sentenced an Iranian man to death by hanging for trafficking methamphetamine into the country. Prosecutor Rozanna Abdul Hadi says a High Court in central Selangor state found 50-year-old Rouhollah Ahmadzadeh Irandoust guilty. Drug

trafficking carries the mandatory death penalty. Authorities arrested Irandoust in June last year after finding 2 pounds (one kilogram) of methamphetamine in his luggage when he arrived at Kuala Lumpur International Airport. Rozanna said the court dismissed Irandoust's defence that the bag wasn't his. Malaysian authorities have stepped up surveillance on Iranian travellers following a recent spike in drug trafficking cases, partly fueled by rising demand and high prices. (Source: Winnipegfreepress.com)

SAUDI BEHEADS MAN FOR MURDERING FIVE-YEAR-OLD DAUGHTER

November 26, 2010: Saudi Arabia executed Mosleh bin Salim bin Eid al-Atawi by the sword in the northwestern town of Tabuk for murdering his five-year-old daughter, the Interior Ministry said in a statement carried by the official SPA news agency. He allegedly beat her severely using an electric wire, Agence France Presse reported.

CHINA OVERTURNS 10 PERCENT OF DEATH SENTENCES

November 26, 2010: China has overturned 10 percent of death

sentences handed down in the country since the top court began reviewing them in 2007 in a bid to limit use of capital punishment, an official has said, according to AFP. Most of the reversals were made due to insufficient evidence, procedural flaws, or because the penalty was too harsh, Hu Yunteng, head of research for the Supreme People's Court, was quoted saying by China Daily.

China is believed by rights groups to execute more people than the rest of the world combined, and it gave the top court final review powers in 2007 amid concerns some death sentences were unwarranted. "We must make sure the use of the death sentence is accurate and free of mistakes to respect and protect the convicts and their rights," Hu said.

"The Supreme People's Court will not tolerate any mistakes regarding evidence or procedure and will thoroughly investigate questionable judgements." Hu said the supreme court had overturned "on average" 10 percent of death sentences, according to the report, which provided no further explanation.

Most executions are carried out for violent crimes such as murder and

robbery, the report said, but drug trafficking and some corruption cases also are punishable by death. Hu declined to say how many people were executed each year, the report said. The figure is treated as a state secret in China.

IRAQ: DEATH SENTENCE FOR THREE SADDAM AIDES

November 29, 2010: Three aides to Saddam Hussein were sentenced to death by an Iraqi court for the repression of Kurds during the 1980s' Iraq-Iran war, officials said, according to UPI. "The High Criminal Court issued death sentences against Saadoun Shaker, Mizban Khuder Hadi and Aziz Salih al-Noaman by hanging after finding them guilty on charges of genocide against the Faili Kurds," a court official told Xinhua news agency.

During the eight-year war between Iraq and Iran, Faili Kurds were either exiled to Iran or executed by Saddam's security forces for not being loyal to the Iraqi regime. Shaker was Iraq's interior minister during the 1980s, while the other two were top officials in Saddam's Baath party during the same period. Two of Saddam's brothers were found not guilty in the case, the court official

said. Other co-defendants in the case, including former Deputy Prime Minister Tariq Aziz, were given prison sentences of 10 to 20 years.

UNITED ARAB EMIRATES: EXECUTION UPHELD FOR MURDER OF TEEN PHONE HARASSER

November 30, 2010: In Abu Dhabi, the United Arab Emirates, the Cassation Court approved the death sentence of H B for killing a teenager on February 27, 2009, over harassing telephone calls to the man's wife. H B ran over to the teenager with his car and stabbed him to death. The Al Ain Criminal Court of First Instance sentenced HB to death in April 2009, this was upheld by the Court of Appeal. (Source: The National)

News from International NGOs - November 2010

The Death Penalty in the Middle East and North Africa: Tools, Techniques, Tactics and Strategies for Abolition

The European Commission
Representation in the United Kingdom

and Penal Reform International (PRI) invite to the launch of PRI's publication: influence change at the national, regional and international level.

The death penalty in the Middle East and North Africa: tools, techniques, tactics and strategies for abolition

Wednesday, 15 December 2010:

11.00am-12.30pm

Representation of the EC to the UK, 32 Smith Square, London, SW1P 3EU

Addresses by:

Mr Jonathan Scheele, Head of Representation of the European Commission to the UK

Ms Mary Murphy, Policy Director, Penal Reform International

Mrs Mervat Rishmawi, Co-author of the publication

The death penalty in the Middle East and North Africa: tools, techniques, tactics and strategies for abolition is a toolkit for civil society organisations working toward abolition of the death penalty in the Middle East and North African region (MENA). It is the only tool of its kind in the MENA region, and will be published in Arabic, with an English language abstract.

The toolkit includes practical suggestions to develop appropriate advocacy strategies, identify methodologies and provide guidance to

The toolkit is the outcome of the conference "Death Penalty: Risks, Opportunities, Proposed Tools and Strategies" organised by PRI, the Swedish Institute in Alexandria and the Arab Centre for the Independence of the Judiciary and Legal Profession in Alexandria, Egypt, on 20 and 21 September, 2010.

The death penalty in the Middle East and North Africa: tools, techniques, tactics and strategies for abolition will be launched in Cairo, Amman and London on the occasion of international Human Rights Day, 10 December 2010.

PRI's current programme of work on the abolition of the death penalty is supported by the European Union's Instrument for Democracy and Human Rights (EIDHR).

Please RSVP to Ms Jenny Clarkin by Monday 13 December + 44(0) 020 7247 6515 or headofsecretariat@penalreform.org

PRI Signs Open Letter from a Coalition Of Non-Governmental

**Organisations to Emomali
Rahmon, President Of Tajikistan**

Emomali Rahmon
Presidential Administration of the
Republic of Tajikistan
Rudaki avenue 80
734023 g. Dushanbe
TAJKISTAN

30 November 2010

Dear President,

As more than 1300 cities around the world commemorate the first abolition of the death penalty by the Granduchy of Tuscany in 1786 on 30 November, we take the opportunity to welcome the fact that Tajikistan has not sentenced to death or executed anyone since the country's moratorium took effect in April 2004. Your leadership was crucial in introducing the moratorium and your speech to Parliament in April 2004 in which you stated that "the right to life is natural, and nobody has the right to deprive any other person of this right" was a strong statement in support of human rights protection in Tajikistan. Subsequently, the law "on the suspension of the application of the death penalty" was adopted by the Majlis Namoyandagon (lower house of

parliament) and endorsed by the Majlisi Milli (upper house of parliament) in June and July 2004 respectively.

We welcome that your government has since taken steps aimed at the full abolition of the death penalty. In April 2010 you established the Working Group on the Study of Social-Legal Aspects of the Abolition of the Death Penalty in the Republic of Tajikistan (Working Group), which consists of key officials from the executive and the judiciary, as well as the Ombudsman. In his presentation on 5 October to the 2010 Review Conference of the Organization for Security and Co-operation in Europe about the death penalty, Jumahon Davlatov, head of the Working Group and Presidential Advisor on Legal Policy, stated that "we shall in the very near future arrive at its total abolition".

The organizations signing this appeal believe that the time is ripe to fully abolish the death penalty in Tajikistan. We are calling on you to use your leadership once again to make the prompt and full abolition of the death penalty and the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights a priority on your government's agenda.

When the moratorium on death sentences and executions was introduced, domestic legislation, including the Constitution and the Criminal Code, retained provisions about the death penalty. By abolishing the death penalty and erasing legislation pertaining to it from its statute books Tajikistan would send a strong signal to the international community and the people of Tajikistan that it is fully committed to outlawing this cruel, inhuman and degrading punishment forever.

On 30 November 2010 over 1300 cities around the world are celebrating "Cities for Life -- Cities against the Death Penalty" and are expressing their affirmation of the value of life and their opposition to the death penalty. "Cities for Life -- Cities against the Death Penalty" is an annual event organized by the Rome-based Community of Sant'Egidio and supported by the World Coalition Against the Death Penalty consisting of numerous human rights organizations that are its associated members.

On 30 November human rights defenders in Tajikistan will join activists around the world to draw attention to the issue of the death penalty. They are

planning to engage in a series of activities to raise awareness about the importance of abolishing the death penalty, including on the radio stations Asia plus and Imruz and on the television channel Safina, and leaflets entitled "Say no to the death penalty" will be distributed to the population.

When the Universal Declaration of Human Rights was adopted in 1948, only eight countries were abolitionist for all crimes. As of today, more than two-thirds of the countries in the world have abolished the death penalty in law or practice. The world is in reach of 100 countries that have removed capital punishment entirely from their laws.

On 11 November 2010 the Third Committee of the United Nations General Assembly adopted a resolution on a moratorium on the use of the death penalty, the third since 2007, calling on member states "to establish a moratorium on executions with the view to abolishing the death penalty". The resolution was adopted by 107 votes in favour, 38 against with 36. The resolution is due to be endorsed by the UN General Assembly at its plenary session in December. Tajikistan's support of the resolution is an important reaffirmation of the authorities' commitment to the

abolition of the death penalty, in line with the worldwide trend.

In Central Asia, there is also a clear trend towards abolition of capital punishment. Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan retained the death penalty when they gained independence from the Soviet Union in 1991. Today, Kyrgyzstan, Turkmenistan and Uzbekistan have abolished capital punishment for all crimes. Kazakhstan abolished the death penalty for ordinary crimes only.

The organizations joining this appeal oppose the death penalty unreservedly in all cases. Every death sentence is an affront to human dignity, every execution a symptom of a culture of violence, rather than a solution to it. The risk of error in applying the death penalty is inescapable, and, once made, irrevocable. We recognize the need to address serious crime all over the world, including murder. However, the death penalty will not provide a solution. There is no clear evidence that the death penalty acts as a more effective deterrent against crime than other forms of punishment.

The abolition of the death penalty would mark a historic step that would enhance fundamental human rights

protection for future generations in Tajikistan. As the President of the Republic you have the power to take up this cause and to respond to this historic challenge.

Yours sincerely,

Amnesty International
Bar Association of Sugd region
Bureau of Human Rights and Rule of Law
Center for Civil Society Development
Centre for Human Rights
Child Rights Centre
Independent Center for Human Rights
Inis
Khoma
Lawyers Association of the Pamir
NOTA BENE
Perspektiva+
Penal Reform International
Rights and Prosperity
Society and Law
Society of persons with disabilities of Dushanbe "IMKONIYAT"
World Coalition Against the Death Penalty

Iran Urged to Halt Execution of Footballer's Wife

30 November 2010

Amnesty International called on the Iranian authorities to immediately halt the imminent execution of Shahla Jahed, the temporary wife of a prominent Iranian footballer.

Iranian media reports indicate that her lawyer has now received official notice that Khadijeh Jahed, known as "Shahla", is to be executed in Evin prison in Tehran at dawn on Wednesday.

"Shahla Jahed must be spared execution - the death penalty represents the ultimate denial of human rights and the most extreme form of cruel, inhuman and degrading punishment," said Malcolm Smart, Amnesty International's director for the Middle East and North Africa.

"As well, in this case, there are good reasons to suggest that she may have been wrongly convicted. She should not be made to pay with her life."

Shahla Jahed, who had contracted a temporary marriage with Nasser Mohammad-Khani, a former striker for the Iranian national football team, was convicted of stabbing to death her husband's permanent wife.

Under Iranian law, men and women can marry either permanently or

temporarily. In a temporary marriage, men and women can commit to be married for an agreed period of time, on payment of an agreed sum of money to the woman, after which the marriage is null and void, although it can be renewed.

Men can have up to four permanent wives, and any number of temporary wives. Women can only be married to one man at a time.

Shahla Jahed was initially sentenced to death by the Tehran General Court in June 2004. She withdrew her "confession" of murder in court, but her sentence was upheld by the Iranian Supreme Court.

"There are strong grounds to believe that Shahla Jahed did not receive a fair trial, and may have been coerced into making a 'confession' during months of detention in solitary confinement. She retracted that confession at her trial but the court chose to accept it as evidence against her," said Malcolm Smart.

Shahla Jahed's lawyer had requested a review of the execution order arguing that Shahla Jahed's case had not been properly investigated.

In November 2005, the then Head of the Judiciary ordered a stay of execution so that the case could be re-examined. However, the death sentence was upheld in September 2006.

In early 2008, the Head of the Judiciary again overturned the verdict and ordered a fresh investigation, citing "procedural flaws". However, Shahla Jahed was again sentenced to death in February 2009 by the General Court.

On 13 September 2010, Shahla Jahed wrote to the current Head of the Judiciary, Ayatollah Sadegh Larijani, asking for a final decision in her case.

Italy Not To Collaborate With The Us Lethal Injection

16 November 2010: Radical parliamentarian and Hands Off Cain treasurer Elisabetta Zamparutti today presented an urgent interrogation to the Council President and the Health Minister. The topic was the notice spread by the British humanitarian organisation "Reprieve" and published by the Repubblica website that Hospira Spa, a pharmaceutical company based in Liscate, a province of Milan, was commissioned to produce and export Pentothal to the United States.

Pentothal is a potent barbiturate used in all lethal injection protocols and its scarcity has provoked the postponing of executions in various American states.

In her interrogation, which was signed by all Radical parliamentarians, Zamparutti asked Berlusconi and Fazio to "intervene, in coherence with Italy's commitment to and mobilisation at the international level for the abolition of the death penalty, to respect all our laws and the European norms that prohibit cooperation in any way with the practice of capital punishment, torture or any other cruel and inhumane acts."

"It would be totally paradoxical for our country, that has abolished the death penalty and recently committed to the approval of a new Resolution for the universal Moratorium on capital punishment at the United Nations, to now help the United States replenish the stocks of Pentothal for the lethal injection. In the last few months, the scarcity of Pentothal has given a respite to death row prisoners," Zamparutti said. (Sources: HOC, 16/11/2010)

Short Sentences an 'Obstacle to Rehabilitation'

12 November 2010: Serving short sentences prevents criminals from breaking the cycle of reoffending, a new study suggests. The report by the Scottish Centre for Crime and Justice Research said most offenders wanted to become law-abiding citizens. But it said short sentences were an "obstacle" to rehabilitation. The report found the typical short-sentence prisoner had a serious, long-term issue with drugs and alcohol. It said short sentences were often used by prisoners as a drying out session. While this allowed some sober time for reflection, it rarely developed into a sustained period of staying off drugs, the report said. It concluded that using prison as a detox facility was an "expensive proposition".

UN votes once again to end executions

11 November 2010

The UN General Assembly's human rights committee today adopted a resolution on a moratorium on the use of the death penalty, the third since 2007.

The resolution was adopted by 107 votes in favour, 38 against with 36 abstentions at the UN General

Assembly's Third Committee in New York.

The resolution garnered more support from UN Member States than the previous resolution in 2008, confirming the worldwide trend towards ending the use of capital punishment.

"This third resolution by the UN General Assembly in favour of a moratorium on executions is yet another milestone in the campaign to end premeditated killing by the state," said José Luis Díaz, Amnesty International's representative at the UN in New York.

"Once again, a clear majority of countries have committed to the goal of abolishing the death penalty, the ultimate denial of human rights".

When the UN was founded in 1945 only eight states had abolished the death penalty for all crimes. Today, 136 out of the 192 UN member states have abolished the death penalty in law or practice.

Bhutan, Kiribati, Maldives, Mongolia and Togo changed their vote to back the moratorium. In a further sign of support, Afghanistan, Nigeria, Solomon Islands and Thailand moved from opposition to abstention.

“These positive changes are an encouraging development that we hope will be followed by concrete steps by these states to remove capital punishment from national legislation as soon as possible”, added José Luis Díaz.

The General Assembly is expected to endorse the resolution in its plenary session in December. Amnesty International urges all UN Member States to support the plenary resolution and, if still retaining the death penalty, to immediately establish a moratorium on executions while considering abolition.

Mali: The Hands off Cain Mission's First Meetings for Abolition and the UN Moratorium

10 November 2010: The Hands Off Cain and Radical Party delegation in Mali, comprising Marco Pannella, Elisabetta Zamparutti and Matteo Angioli, had a series of meetings concerning one of the objectives of the four day mission- accelerating the legislative process towards the abolition of the death penalty in Mali.

The Radicals first met the President of the Mali Order of Lawyers, Maiga

Seydou Ibrahim, and then various members of the Platform of Economic, Social and Cultural Rights, including executive secretary of the People's Movement for Education on Human Rights Mahamari Mohamed El Moktar and the vice president of the National Commission of Human Rights Kané Nana Sano.

Openly abolitionist, the president of the Order of Lawyers explained the internal difficulty of seeing to completion the parliamentary procedures of the legal project for the definitive abolition of capital punishment, presented by the Government in October 2007. The difficulties are tied to aggression by certain Muslim exponents and their complaints prevented the parliament approving the procedure. The Parliamentary Commission on Human Rights didn't have the strength to give a positive opinion on limiting itself to record the imams' 10 reasons of aversion and the abolitionists' 10 reasons in favour.

“It concerns Mali giving value to supporting international measures, from the co-sponsorisation of the pro moratorium UN Resolution, also confirmed this year, to adhesion to the statute of the International Court of Justice not to use the death penalty,”

Radical parliamentarian Elisabetta Zamparutti said. The same evaluation was given by the Platform for Economic, Social and Cultural Rights, which consists of 55 non governmental organisations in Mali.

On Nov 10 the Radical delegation will hold meetings with the highest representatives of Mali- the Minister of Foreign Affairs and Justice Minister. Besides the abolition of the death penalty in Mali, the other objective of the mission is to gain the African country's support for two important Resolutions in discussion at the United Nations- the Universal Moratorium on capital punishment and the banning of female genital mutilation.

The mission in Mali is part of Hands Off Cain's "Africa Project" for the realisation of the UN resolution for the moratorium on executions and the abolition of the death penalty in Africa. The two year project, financed in part by the European Union, foresees missions in 8 African countries for the first year and the holding of regional conferences in the second year.



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