

# Crime and Justice

## Death Penalty and the Right to Life

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



February 2011

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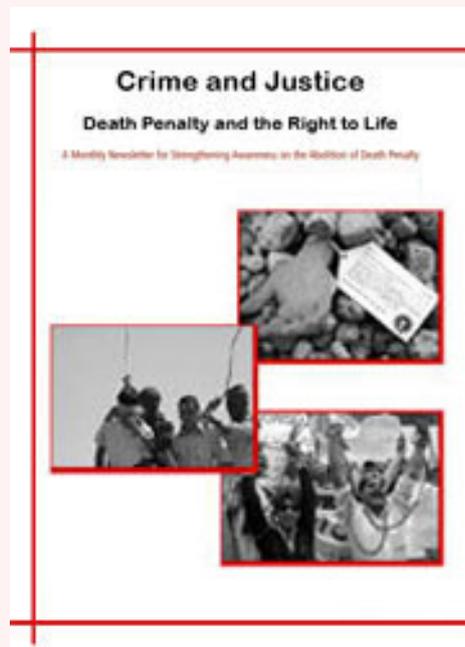
A Monthly Newsletter for Strengthening Awareness  
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IPS, the global news agency, brings you independent news and views on capital punishment. In this newsletter you will find in-depth reports by IPS correspondents from around the world and columns by 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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## US: Lethal Drug Shortage Creates Ethical Quagmire

By Matthew Cardinale

ATLANTA, Georgia, Jan 28, 2011 (IPS) - As the domestic and overseas sources that U.S. states relied upon for sodium thiopental (ST), a key drug used in lethal injections, have stopped producing or exporting the drug, state governments are scrambling to find another way to carry out planned executions.

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## Trinidad Aims to Bypass Privy Council on Death Penalty

By Peter Richards

PORT OF SPAIN, Jan 20, 2011 (IPS) - Claiming it is the best answer to an escalating murder rate, the eight-month-old People's Partnership coalition has tabled legislation to amend Trinidad and Tobago's Constitution to resume executions.

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## Report Shows Rollback on Rights in China

By Andrea Lunt

NEW YORK, Jan 11, 2011 (IPS) - A new report released Tuesday by Human Rights Watch (HRW) charges that China has largely failed to meet the commitments laid out in its first-ever National Human Rights Action Plan (NHRAP), introduced in 2009.

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## UZBEKISTAN: Muslims Face Horrific Torture in Jails

By Pavol Stracansky

PRAGUE, Jan 11, 2011 (IPS) - Muslims are facing a dark future of repression and torture in Uzbekistan for years to come as the government's relentless campaign of religious suppression continues.

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## DEATH PENALTY: Perception of Crime an Obstacle to Abolition

Terna Gyuse interviews OLAWALE FAPOHUNDA, anti-death penalty activist

LAGOS, Jan 11, 2011 (IPS) - The past year has seen mixed fortunes for activists working towards abolishing the death penalty in Africa. Togo and Burundi joined the ranks of African states that have removed capital punishment from their statutes, while Gambia extended its application to new offences.

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#### News from International NGOs:

Making Law and Policy that Work - Eight Years On...A Record of Gacaca Monitoring in Rwanda - Estonia: PRI contributes to development of the concept of 'service user monitoring' in relation to prisons - PRI Closes its Great Lakes Regional Office - PRI Closes its Great Lakes Regional Office - Conference in Amman, Jordan on the death penalty and the protection of fundamental human rights - PRI calls on EC to control the trade in drugs used for execution by lethal injection - Preventing exports of lethal drugs from Europe to the US - Catch-all clause - Scramble for sodium thiopental - Beating the death penalty in Illinois - IRAN: Dramatic wave of executions and death sentences to repress free expression, political opposition and ethnic affiliation - 13-year-old US boy's murder trial could violate international law - Iran hangs two men detained during 2009 unrest - Clemency urged for man facing imminent execution in Yemen 18 January 2011 - Illinois one step away from ending executions

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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## February Highlights

### Iran Executions Three Times Last Year's Rate –U.N.

February 2, 2011: Iran has witnessed a dramatic increase in executions so far in 2011, United Nations human rights chief Navi Pillay said today and her office said the rate was three times that of last year, Reuters, Fox News reported.

Expressing alarm at the rise, she said at least 66 people, including three known to be political dissidents, were executed in January. Pillay aides said they had recorded about 300 executions for the whole of last year. "We have urged Iran, time and time again, to halt executions," said Pillay, the U.N. high commissioner for human rights, in a statement issued through the U.N. European headquarters in Geneva, where she is based.

"I am very dismayed that instead of heeding our calls, the Iranian authorities appear to have stepped up the use of the death penalty." Most executions were for drug offenses, she said, but at least three were for political activism. Two executions were held in public. Pillay said she was worried about the large number of political prisoners, drug

offenders and even juvenile offenders who remain on death row in Iran. Her spokesman, Rupert Colville, said tracking of official Iranian reports and the country's media showed that last year the figure was running at about 18 to 25 a month. "So this year it is triple that rate," he told Reuters. (Sources: Reuters, Fox News, 02/02/2011)

### 121 Executions In Six Weeks: Prosecutor General Confirms Secret Birjand Executions

According to the statistics compiled by the International Campaign for Human Rights in Iran, 121 individuals have been hanged between 20 December 2010 and 31 January 2011. Only one day before two United Nations Special Rapporteurs asked the Islamic Republic of Iran for a moratorium on executions and a visit by the Rapporteurs, Iran's Prosecutor General noted executions inside Birjand Prison, and spoke of more executions during the coming days. But these executions have not been reported by official sources, such as the Prosecutor's website and the South Khorasan Judiciary's website, increasing concerns that numerous secret executions are taking place around the country.

On 31 January 2011, [Fars News Agency](#) reported that Mohseni Ejei told a press conference, “At dawn this morning, several drug traffickers were executed in Birjand, and over the past several days, also, several drug traffickers were executed in Tehran and Karaj.” The International Campaign for Human Rights in Iran has received reliable information from local sources that as many as fifty inmates have been executed inside the Birjand Prison over the past few months. Much like executions that have been taking place inside Mashad’s Vakilabad Prison, referenced in the UN Special Rapporteurs’ statement, the Iranian Judicial authorities have refrained from reporting the widespread executions. An informed source told the Campaign that over the past five months, more than 50 drug offense suspects have been executed in this prison. As no information has been released about such executions, the Campaign continues its research for details in this matter. The Prosecutor General’s statement about the Birjand executions is a significant confirmation of the news.

News of the Tehran and Karaj executions referenced by Mohseni Ejei on 31 January has also not been previously published in government

media or the Iranian Judiciary’s websites. Over the past several months, the International Campaign for Human Rights in Iran has published information about executions carried out inside prisons such as the Vakilabad Prison in Mashad and Birjand Prison, which have never been announced by the Judiciary. According to a local source, the Birjand executions, like the executions in Vakilabad Prison, are carried out suddenly and without the knowledge of families and lawyers of the prisoners.

According to Iranian laws, families and lawyers of death row convicts must be informed prior to their execution. Mohseni Ejei’s statements about the Birjand executions at his 31 January press conference, are an indication of the secret executions in Birjand Prison. Since Mohseni Ejei took office as the Islamic Republic of Iran’s Prosecutor General, executions in Iran have gained tremendous speed. In addition to the announced executions, the number of secret executions that are not announced to the media by the Iranian Judiciary has also increased. In some weeks, the number of unannounced executions is several times more than announced executions.

In an earlier press conference on 11 October 2010, the Prosecutor General had said that “according to orders from the Head of the Judiciary for uniform treatment of drug traffickers, their cases have been forwarded to the Prosecutor General’s Office,” and that he had ordered Prosecutors nationwide to put drug traffickers on trial in the shortest time possible and not show any mercy in carrying out their sentences. During the same press conference, he even implicitly said that some of those executed were only low-level workers for the main drug-dealers:

“Some of the people who are found in possession of drugs are not the main drug dealers and do not financially benefit from this; the main drug dealer hires these individuals and deceives them while he is sitting in a safe place himself, another individual is prosecuted and even executed in his place,” he said during the [11 October 2010 press conference](#). Trusted sources have told the International Campaign for Human Rights in Iran that there are many ambiguities in the cases of hundreds of death row prisoners with drug-related crimes. Considering the new order of the Prosecutor General for speedy trials, or speedy executions, there is concern that the trend toward more widespread executions will

continue over the coming weeks and months.

At the 11 January press conference, Mohseni Ejehi also reported on executions of one individual in Ilam and one in Kerman, about which, according to Campaign research, there have been no reports in any of the official Iranian media. Campaign research shows that in some death penalty cases, the verdicts were based on confessions obtained under duress and torture inside the Anti-Trafficking offices under the oversight of the Police, Detective Units, Police Detention Centers, the Republican Guards Intelligence Unit, and the Ministry of Intelligence.

Related Story: [97 Executions in 30 Days –The Iranian Judiciary Steps Up Executions](#)

Government media have reported of executions of 24 individuals between 21 to 31 January. Previously, the International Campaign of Human Rights in Iran published a list of executions carried out between 20 December 2010 and 20 January 2011. According to statistics compiled by the Campaign, between 20 December 2010 and 31 January 2011, 121 individuals were hanged in Iran. These statistics do not reflect several executions which were carried

out in Birjand Prison and other prisons such as Karoon and Sepidar Prisons in Ahvaz, and the Taibad Prison, about which the Campaign has also received execution reports.

The 24 recent executions are as follows: 2, one in Ilam and one in Kerman, as announced by the Prosecutor General on 11 January, [Fars News Agency](#) 1, Abdolreza Ghorabat, in Karoon Prison in Ahvaz, 29 January, [Tagheer](#) website and [Fars News Agency](#)

## **UN experts call for a moratorium on death penalty in the Islamic Republic of Iran**

GENEVA (2 February 2011) – Two UN independent experts warned Tuesday that there has been a dramatic surge in death sentences in the Islamic Republic of Iran carried out in the absence of internationally recognized safeguards, despite numerous calls by the UN to immediately halt executions.

“We call on the Iranian Government to immediately declare a moratorium on the death penalty in view of the gravity of the situation and the regular disregard of due process guarantees,” urged the Special Rapporteur on extrajudicial, summary or arbitrary

executions, Christof Heyns, and the Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul. “Any death sentence undertaken in contravention of a Government’s international obligations is tantamount to an arbitrary execution,” Mr. Heyns stressed. The UN expert noted that in January alone, at least 66 people have reportedly been put to death -with some sources reporting up to 83 executions-, the majority of whom on charges of drug trafficking, moharebeh (enmity against God) and alleged membership in or contact with a banned opposition group. A large number of the executions of those charged with drug trafficking have reportedly taken place at Vakilabad prison.

“Such a practice is unacceptable,” Mr. Heyns said. “Under international law, the death penalty is regarded as an extreme form of punishment which, if it is used at all, should only be imposed for the most serious crimes, after a fair trial.” On her part, Ms. Knaul also deplored that “in many cases, people sentenced to death do not have access to legal representation and their families and lawyers are not even informed of the execution.” She pointed out that “the ongoing violations of fair trial guarantees and recurrent

application of the death penalty by the judiciary, may be seen as a means to intimidate the population.”

Both UN experts urged the Iranian Government to comply with its international obligations, reiterating the General Assembly resolution 65/226 adopted on 21 December 2010, which called on the Government to abolish executions carried out in the absence of respect for internationally recognized standards. The Special Rapporteurs reiterated the appeals made to the Iranian authorities by several UN independent experts to allow them to visit the country, and encouraged the Government to respond positively to their request.

*Mr. Christof Heyns from South Africa was appointed by the Human Rights Council as Special Rapporteur on extrajudicial, summary or arbitrary executions in August 2010. He is Co-director of the Institute for International and Comparative Law in Africa at the University of Pretoria. Learn more: <http://www2.ohchr.org/english/issues/executions/index.htm>*

*Ms. Gabriela Knaul from Brazil took up her functions as Special Rapporteur on the independence of judges and lawyers on 1 August 2009. She has a long-*

*standing experience as a judge and is an expert in criminal justice and the administration of judicial systems. Log on to: <http://www2.ohchr.org/english/issues/judiciary/index.htm>*

*OHCHR Country Page – Islamic Republic of Iran: <http://www.ohchr.org/EN/countries/AsiaRegion/Pages/IRIndex.aspx>*

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## COMMENTARY

### **Towards Abolition of the Death Penalty**

**By Federico Mayor \***

BARCELONA, January 2011 (IPS) - The Universal Declaration of Human Rights adopted by the General Assembly of the UN in December 1948 recognises the right of all people to life (Article 3) and categorically states: "No one shall be subjected to torture or to cruel,

inhuman, or degrading treatment or punishment."(Article 5)

In effect, capital punishment is the most extreme negation of human rights: it violates the right to life, the supreme right on which all other rights are based.

It is the most cruel, degrading, and inhuman punishment. Moreover, it is frequently discriminatory, disproportionate, and arbitrary, and, worse, can be both unjust and mistaken.

The UN has established in various international pacts and conventions, strict conditions for the application of the death penalty in countries that have still not decided to abolish it.

As noted in last August Report of the UN Secretary-General, there has been steadily growing movement towards a worldwide abolition of the death penalty. At present over two-thirds of the countries of the world have abolished the sanction in either legislation or practice. The international community has approved four abolition treaties, one global, the other three regional.

The Statute of the International Criminal Court adopted in 1998 bars capital punishment despite the fact that it has jurisdiction over extremely severe

crimes, including crimes against humanity like genocide and war crimes. The special tribunals for ex-Yugoslavia, Rwanda, East Timor and the Khmer Rouge Tribunal also barred the death penalty.

There has never been convincing scientific evidence that executions are a more effective deterrent than other punishments. A 1988 UN study, updated in 1996 and 2002 concluded: "Research has not shown scientifically that executions are superior to life imprisonment in terms of deterrence, and it is improbable that it will in the future. Overall, there is no scientific support for the deterrence hypothesis."

The death penalty is irreversible and no juridical system can avoid the condemnation of innocent people. As long as it is accepted as a legitimate form of punishment, there is a risk that it will be abused for political ends. Only abolition will guarantee that this will not occur.

In December 2007 and 2008, the UN General Assembly approved Resolutions 62/149 and 63/168, which called for a global moratorium against capital punishment. In the latter, all states that still had the death penalty were called upon to:

"Respect international norms establishing safeguards to guarantee the protection of the rights of those condemned to death, in particular minimum norms;

"Progressively limit the application of the death penalty and reduce the number of crimes for which it can be applied; and

"Establish a moratorium on executions with a view to the eventual abolition of the death penalty."

In late 2010 the UN General Assembly adopted a third resolution on the moratorium and the use of the death penalty, which won the support of a few new converts to the idea of abolition.

In order to speed up this process, in coordination with NGOs and with existing institutions of the UN at both the international and regional level, the International Commission Against the Death Penalty was founded recently with the special backing of the Spanish government. I have the honour of presiding over this commission, which is comprised of prominent individuals and has the backing of an important group of countries in favour of passing a

general moratorium on the death penalty in 2015.

Human rights are indivisible and no state or individual can try to uphold some while violating others. It is especially important that the 36 states of the US that still have the death penalty (some of which still execute prisoners, after years and even decades spent on death row) reconsider the punishment. This would set an important example for other death-penalty countries.

One particular concern is China, because there is evidence, including documents, of serial executions, though, as is the case with other practices, the state furnishes no information whatsoever. It is unacceptable that a country that has become the "factory for the world" and exerts massive financial influence as a result, does not respect the most elemental principles of transparency required by the "global village". When certain dictators allege that the death penalty has "popular support" it is because they have broadcast biased and unreliable information through the media.

We must all work together - governments, parliaments, the media,

the intellectual community, artists, of whatever belief or ideology- so that the horror of the death penalty soon disappear from the face of the earth. The day it does will be a brighter day for all people. (COPYRIGHT IPS)

\* Federico Mayor Zaragoza, ex-Director -General of UNECO, is president of the Foundation for a Culture of Peace and of the International Commission Against the Death Penalty.

## My Years on Death Row

By Wilbert Rideau\*

JANUARY 2011 (IPS) - Nothing in your previous life prepares you for living on the death row, You are like a head of cabbage on a garden row: planted, forced to lead a static existence, every day exactly like the last and the next. Unlike the cabbage, though, your life is without purpose. You are a cipher merely holding a place, awaiting your turn in the execution chamber. Until that day comes, perpetual misery is your condition in life, and your reward for surviving today is that you get to suffer tomorrow as well, writes Wilbert Rideau, author of *In the Place of Justice: A Story of Punishment and Deliverance*,

a memoir. While in prison, he became a journalist and won some of America's most prestigious journalism awards, including a George Polk Award and the American Bar Association's Silver Gavel.

That is what happens on death row. You lose the sense of yourself as part of a larger whole, a context in which your being has meaning and makes sense. You begin a struggle to keep your sanity. You must be on guard against magical thinking, the temptation to indulge in non-rational cause and effect, like thinking that the prison served red beans twice this week because you willed it, or that a judge will reverse your conviction if your horoscope continues to show the stars in a favorable alignment. On death row, where there is no meaning, your mind tries to create meaning out of nothing, and this can lead you to confuse fantasy with reality. Besides fighting to stay sane, every day you must justify your existence to yourself, justify why you continue to live when you're merely waiting to die, when the whole world wants you dead.

I realize every day just how fortunate I am to have survived death row. Stanley "Tookie" Williams wasn't so lucky: the co-founder of America's premier street gang, The Crips, reformed himself in

prison and wrote books to deter youngsters from following in his footsteps. No matter: California executed him in 2005 after he'd spent 25 years on death row. To the state, Tookie was less than a head of cabbage on a garden row.

\* Wilbert Rideau is author of *In the Place of Justice: A Story of Punishment and Deliverance*, a memoir. While in prison, he became a journalist and won some of America's most prestigious journalism awards, including a George Polk Award and the American Bar Association's Silver Gavel. (Copyright IPS)

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## Is the Death Penalty a Deterrent?

**By Wilbert Rideau\***

JANUARY 2011 (IPS) - In 1961 when I missed my bus home one evening and, desperate to change my dead-ended life, made a rash decision to hold up the bank in the shopping center where I worked as a janitor. The robbery was botched before it really began, and as

events spun out of control in its aftermath, in a panic I killed teller Julia Ferguson. It never entered my mind when I walked into the bank that I would hurt anyone, much less that I would take a life, writes Wilbert Rideau author of *In the Place of Justice: A Story of Punishment and Deliverance*, a memoir. While in prison, he became a journalist and won some of America's most prestigious journalism awards, including a George Polk Award and the American Bar Association's Silver Gavel.

I spent twelve years condemned to die by all-white male juries in three successive trials before the United States Supreme Court's 1972 *Furman v. Georgia* decision briefly abolished the death penalty. I was resentenced to life imprisonment in 1973. I won a new trial in 2000 and on January 15, 2005, was convicted of manslaughter, which carried a maximum sentence of twenty-one years. Since I had already served forty-four years in the Louisiana State Penitentiary, I was freed on the spot.

Deterrence is the end result of a reasoning process. If we are thinking rationally, we avoid behaviors or situations that will cause us pain and suffering. The problem is that most violent crimes are not committed by rational-thinking people. They are

committed by people who are walking time bombs because of frustration, rage, despair, desperation, and an inability to solve their life problems.

Of all the murderers I met during my years in prison, not one had thought about the death penalty before or while committing the crime that sent him to prison or to death row. Such forethought takes place in the minds of coolly reflective individuals, for whom the notion of punishing one person to scare others makes perfect sense. But it doesn't apply to most violent behavior, which is committed by individuals caught in a maelstrom of emotions, insensible to the consequences of their actions.

\* Wilbert Rideau is author of *In the Place of Justice: A Story of Punishment and Deliverance*, a memoir. While in prison, he became a journalist and won some of America's most prestigious journalism awards, including a George Polk Award and the American Bar Association's Silver Gavel. (Copyright IPS)

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## PROJECT ARTICLES

### **U.S.: Lethal Drug Shortage Creates Ethical Quagmire**

**By Matthew Cardinale**

ATLANTA, Georgia, Jan 28, 2011 (IPS) - As the domestic and overseas sources that U.S. states relied upon for sodium thiopental (ST), a key drug used in lethal injections, have stopped producing or exporting the drug, state governments are scrambling to find another way to carry out planned executions.

Oklahoma has already switched to a different lethal injection drug called pentobarbital, which had been previously used in animal euthanasia, and has used it to carry out two executions. Another state, Ohio, is considering also using pentobarbital.

However, pentobarbital maker Lundbeck Inc. says it never intended for the drug to be used to put inmates to death. The company sent letters to Ohio and Oklahoma urging the states not to use the drug in carrying out executions.

Arizona, meanwhile, is considering returning to the firing squad method for

the death penalty, while other states are looking for other international sources for ST.

Hospira Inc., the only U.S. manufacturer of ST, stopped producing it last year. Hospira had intended to begin producing out of its plant in Italy. However, the death penalty is unconstitutional in Italy.

Earlier this week, Hospira announced it would stop producing the drug altogether because of its use by U.S. states in carrying out lethal injection.

"We cannot take the risk that we will be held liable by the Italian authorities if the product is diverted for use in capital punishment," Hospira said in a statement.

To complicate matters, in November 2010 the British government placed a ban on the export of ST, after a month of lobbying by Reprieve, a legal charity.

Earlier this week, the state of Georgia carried out a planned execution of Emanuel Hammond, who was charged with raping and murdering a preschool instructor, Julie Love, in 1988. However, the execution almost did not happen because of nationwide shortages of ST and questions about where Georgia had

gotten its supply of the drug.

Attorneys for Hammond argued in court filings that Georgia's current supply of the drug had come from a "fly-by-night supplier operating from the back of a driving school in England".

"Mr. Hammond's attorneys presented in court the results of their initial investigation into the source of Georgia's drugs which suggest that Georgia procured its sodium thiopental from Dream Pharma Ltd, an unlicensed company operating from a back room of a driving school in London, England," said Kathryn Hamoudah, chair of Georgians for Alternatives to the Death Penalty (GFADP).

"Additionally, Mr. Hammond's attorneys showed that the labels on the boxes of drugs sold by Dream Pharma bear the name Link Pharmaceuticals, a company that has not existed since 2006, which calls into question whether the drugs bought by Georgia are in fact real and/or expired," Hamoudah said.

U.S. Supreme Court Justice Clarence Thomas had temporarily postponed the execution late on Tuesday. The full court considered but rejected Hammond's appeal, and Hammond was pronounced dead at 11:39pm EST that

same night.

"It's really creating an ethical quagmire," said Laura Moyer, death penalty abolition campaign director for Amnesty International USA.

According to Moyer, a previous Supreme Court decision ruled that U.S. Food and Drug Administration does not have to approve medical drugs used to end a person's life. Thus, she anticipates that companies in other countries around the world will begin to produce ST for export to the US.

"The idea you could buy this drug from any country in the world, and who knows which standards they use or don't use, and ship to the U.S. to have anybody killed, is pretty alarming. We're anticipating a lot of litigation. Lawyers are going to be saying, don't use my client as a guinea pig," Moyer said.

Some U.S. states still have some supplies of ST in stock, but they are running out, and the existing drug stockpiles will eventually expire.

"Nebraska yesterday bought 166 doses [of ST] from a company in India. So, it seems the Departments of Corrections are really looking around to find where they can buy this drug. Nebraska's doses

from India expire in 2012," Moyer said.

The state of Texas still has enough of the drug to carry out two scheduled executions in February 2011, but will have to obtain more to carry out a third in May, according to Wall Street Journal newspaper.

Mississippi ran out of ST last year, but was able to obtain more for two May 2010 executions "through a pharmacist who did not want to be identified", according to the Associated Press.

"They're continuing to chase a new way to kill people. The whole affair is unacceptable to us. It sort of underlines the challenges of the states in terms of having to engage the medical profession in this really unethical institution," Moyer said.

Thirty-five U.S. states still carry out the death penalty, although the Illinois legislature recently approved a ban on the practice. It is now up to the governor to either sign or veto the bill. (END)

## **Trinidad Aims to Bypass Privy Council on Death Penalty**

## By Peter Richards

PORT OF SPAIN, Jan 20, 2011 (IPS) - Claiming it is the best answer to an escalating murder rate, the eight-month-old People's Partnership coalition has tabled legislation to amend Trinidad and Tobago's Constitution to resume executions.

The administration of Prime Minister Kamla Persad Bissessar has the required parliamentary special majority to ensure passage of the new legislation.

"Mothers have lost their sons and daughters, children are left motherless and fatherless. Homes left without incomes, families destroyed and forced into poverty and worse," she said, arguing that the war on crime cannot be won "unless we use every weapon in our arsenal".

According to government figures, 3,335 murders were committed here between 2002 and 2010. Currently, 42 people are on death row.

However, there is little data to support the government's position. The Trinidad and Tobago Humanist Society (TTHS) notes that there is no country in the world where the death penalty has been

proven to reduce crime.

"One notable comparison is between Canada, where the death penalty was abolished in 1976, and the U.S., where it was reinstated that same year after a ten-year moratorium. American homicide rates rose after the 1976 reinstatement, while Canadian homicide rates declined after its abolition," the TTHS said.

While there is broad public support for the death penalty here, not everyone agrees. Social activist Verna St. Rose-Greaves, a strong anti-capital punishment advocate, told IPS there is need for "ongoing, informed and sustained debate on this issue".

"We need to talk about the plan, the pain, the anger and victim support," she said. "And unless we are prepared to sit down in calm and with respect and address those issues, we're heading for more trouble."

"The death penalty is about taking away our humanity," she said.

The government insists that the "death penalty was and remains the law of the land" and that the proposed legislation "does not introduce any new penalty that did not previously exist".

"It simply seeks to plug some of the loopholes that have been exploited and manipulated by murderers who have been properly convicted and sentenced to death according to law," the prime minister said.

Caribbean countries that are former British colonies have long complained that rulings by the London-based Privy Council, the final court for some of them, have made it much more difficult to carry out the death penalty.

The landmark 1994 Pratt and Morgan case requires the death penalty to be carried out within five years from the date of sentence. However, a 1999 Privy Council ruling upheld the right of condemned persons to appeal to international bodies to which Trinidad and Tobago is a member, even if such bodies are unable or unwilling to hear the case within the five-year deadline.

In an editorial, the Trinidad Guardian newspaper urged the government to consider breaking ties with the Privy Council and move towards the Port of Spain-based Caribbean Court of Justice (CCJ) that was established in 2001.

The government said that the new legislation would seek to overcome the

hindrances to the implementation of the death penalty arising out of various Privy Council decisions, such as pre-trial delay, post-trial delay, the expectation that the Mercy Committee would consider the findings of an international appeal, and inhumane prison conditions.

While in the past, all murders were eligible for the death penalty, the government says the new legislation would incorporate a previous law passed by Parliament in 2000 "whereby murders were categorised to strike a balance and appreciate the varied circumstances in which a murder can occur".

As such the government, which came to power with a commanding 29-12 majority in the 41-seat Parliament last May, is proposing that the killing of a member of the security force, a prison officer, and a judicial or legal officer acting in the performance of his duties, the murder of a witness or a juror, and murders committed by a bomb and contract murders carry a mandatory death sentence.

The legislation also spells out the circumstances in which life imprisonment may be imposed, and the criteria for the lesser offence of

involuntary homicide.

The last state execution took place in 1999 and the government may find that it still faces an uphill task executing death row inmates.

Attorney General Anand Ramlogan is expected weigh in on the United Nations moratorium approved by the U.N. General Assembly last month, calling on member states to gradually eliminate the death penalty.

Last November, Trinidad and Tobago sponsored and voted for four amendments to the moratorium which would have acknowledged the sovereign rights of member states to development of their own legal systems and penalties. But each of the amendments failed.

Prominent local attorney Israel Khan said while the U.N. moratorium "is not legally binding, it is highly persuasive" and may result in "repercussions in the international community politically".

The Junior Foreign and Commonwealth Office Minister in Britain, Jeremy Browne, who is on a tour of three Caribbean islands, said here on Wednesday that London does not support Port of Spain's decision to

implement the death penalty.

He said while it is up to "every individual country to make their own choices...our government's position is that we would like countries to move towards total abolition of the death penalty."

"We feel that this is the right way to go," he told reporters. (END)

## **Report Shows Rollback on Rights in China**

**By Andrea Lunt**

NEW YORK, Jan 11, 2011 (IPS) - A new report released Tuesday by Human Rights Watch (HRW) charges that China has largely failed to meet the commitments laid out in its first-ever National Human Rights Action Plan (NHRAP), introduced in 2009.

The 67-page report, "Promises Unfulfilled: An Assessment of China's National Human Rights Action Plan", says the state continues to tolerate abuses such as illegal detention and torture, despite the NHRAP's promises to ramp up civil and political rights.

Among the urgent issues highlighted

was the imprisonment of high-profile political dissidents, including Nobel Peace Prize winner Liu Xiaobo.

Phelim Kine, an Asia researcher at the New York-based HRW, told IPS the action plan failed to mark a real change in the communist government's human rights performance.

Kine said the ongoing restrictions in China, particularly the controls on assembly and association, were leading to a "pressure cooker" situation.

"China is a state with an extremely politicised judicial system; a country which explicitly subordinates the rule of the law to the interests of the ruling communist party," he said. "When you look at issues such as the death penalty, illegal detention, torture in custody, etc., these issues to a large extent boil down to a lack of implementation of existing laws."

"These are issues which are threatening stability and if the Chinese government is serious about one of its key slogans – looking for harmony and stability – then these are the types of issues that it needs to address," Kine said.

China launched the NHRAP in April 2009, with the aim of boosting

economic, social, cultural, civil and political rights, and meeting international human rights conventions.

Despite this, the HRW report identified a series of rollbacks in freedoms over the past two years.

These included tightened controls on lawyers, broadened restrictions on Uighur and Tibetan minorities, increasing numbers of arbitrary detentions and the government's refusal to release death penalty statistics.

The report also underlined increasing restrictions on Internet and press freedoms, which Kine names as a root cause of a raft of serious problems in China.

"Local issues in China, whether it's SARS [ a strain of viral pneumonia] , melamine in milk, whether it's poisoned dog food or toxic toys, could and should be exposed at the local level and then addressed," he said.

"Instead, because there is no press freedom or whistle blowers, these issues enter the export stream and become international issues," Kine said.

While the HRW report focused on the

shortcomings in the NHRAP, it did note progress in social and economic rights.

This included a reduction in the number of Chinese living in absolute poverty by more than 200 million since 1978.

According to Professor Peter Kwong, a specialist in modern Chinese politics at Hunter College, City University of New York, as China reverses its poverty trend, civil rights have become more important to its citizens.

Kwong told IPS this had led to an increase in "very large and serious protests all across the country" over the past decade.

"Internally in China, there are a lot of people who see the importance of liberalisation in terms of political freedom," he said. "There is truly pressure from the public point of view that they have to have political reform."

"But I don't think we will see this happen this year or even a year from now. It will require a great deal of internal debate and struggle within China," Kwong added.

While the NHRAP promised to increase freedom of expression, Kwong said this was a contradiction in terms under one-

party rule.

"You have a very polarised society and a very centralised political party, and as China opens up to develop there are all these conflicts of interests," he said.

"On the one hand they would like to give an impression to the world that they want to improve human rights. On the other hand they just can't do it... they want to loosen up but they are also cracking down.," Kwong noted. "In many ways in recent times, freedom of speech is actually more tightly controlled."

HRW listed a number of recommendations as part of its report, including the creation of an independent NHRAP review commission and the drafting of a revised action plan with measurable benchmarks and timelines.

As China continues to deepen its economic ties with the international community, Kine called for states to take a tougher stance on issues of human rights.

"To a large extent the international community's engagement with China on human rights is more and more confined to annual bilateral dialogues,"

he said.

"In these dialogues it's an annual exercise in which human rights are taken out of the box, put on the table for a little while, and then put back in the box. This is not acceptable."

The Chinese mission to the United Nations could not be reached for comment on the HRW report. (END)

## **UZBEKISTAN**

### **Muslims Face Horrific Torture in Jails**

**By Pavol Stracansky**

PRAGUE, Jan 11, 2011 (IPS) - Muslims are facing a dark future of repression and torture in Uzbekistan for years to come as the government's relentless campaign of religious suppression continues.

At least 39 people were tortured to death last year in prisons, according to the Independent Human Rights Defenders Group (IHRDG) in Uzbekistan - a rise from 20 recorded the previous year.

IHRDG says that the torture has become steadily worse in recent years, and activists warn that the real number of those tortured to death is probably much higher as authorities cover up inmates' abuse by sending bodies back to families in sealed coffins. Relatives of the dead are wary of reporting incidents.

Religious prisoners are also now facing the prospect of being interred for life as unilateral extra-judicial orders are handed down to extend their jail terms indefinitely, rights campaigners say.

The dictatorial regime, led by President Islam Karimov who has ruled the central Asian nation since its independence from the Soviet Union, shows no signs of letting up in its persecution of any religious groups it sees as a potential threat to its power.

Alisher Ilkhamov who works on Uzbek issues for the Open Society Foundation in London told IPS: "The torture of religious prisoners is constant and I don't see any hope for improvement in the coming years. Muslims will continue to be repressed for a long time into the future, I have no illusions over that."

Karimov's regime has long been held by the international community as having

one of the world's worst records on human rights.

Brutal state suppression of civil society has been well documented over the last almost two decades. The UN has described use of torture by law enforcement officials, many of whom were schooled under the KGB when the country was part of the Soviet Union, as widespread and systematic.

In at least one case it was found that a prisoner had been boiled to death, and horrific abuse of inmates at the Zhaslyk prison in the remote northwest of the country – described as a post-Soviet gulag and one of the worst jails in the world by some activists – has also been recorded.

Activists working in Uzbekistan say that people arrested or convicted on charges related to religious offences – almost always falsely - are facing the worst of the torture.

One activist working in Uzbekistan, who asked not to be named, told IPS: "I have spoken to dozens of relatives of people in prison following trumped-up charges of religious extremism who have told me, in great detail, of the torture they have suffered in prison.

"It does seem that people in prison for religious extremism charges make up a disproportionate amount of those suffering torture."

Independent verification of many such reports is almost impossible as the state keeps severe restrictions on independent access to prisoners.

Much information on the abuses suffered by prisoners comes from their relatives speaking to rights groups. They have now revealed a new method of suppression by the state as prisoners are handed down extensions to original sentences that will see them kept in jail until the end of their lives.

One activist told IPS: "What we have heard is that the authorities are unilaterally extending the sentences of religious prisoners. Some who have been in prison for ten years or so whose terms are ending are having them extended, without trial, by authorities and their relatives are saying that the prisoners are being told, 'you will die here in jail'."

Tashkent has justified its more than decade-long campaign of suppression of religious groups by claiming it is trying to combat the dangers of religious extremism.

More than 90 percent of the country's 28 million population is estimated to be Muslim. The state controls practice of Islam strictly through a network of state-approved Muslim groups and places of worship. The same is true for the roughly five percent of Uzbeks who are Christian.

Many rights groups say the real reason for control is a fear of the threat a strong Muslim community could pose to the regime.

"The government sees the Muslim community as its biggest potential threat. Muslim clerics and leaders have the potential to mobilise a large number of people. In the past some have drawn crowds of thousands at talks and meetings," said Ilkhamov.

Mass, closed trials of people arrested on religious extremism charges are not uncommon, and one such trial last month saw 19 people sentenced to jail.

Activists also say that the state's suppression of religious groups as well as restricting other basic freedoms is merely fuelling a growth of non state-approved religious communities, and potentially pushing some to radical groups.

"The lack of any alternative space for an outlet for expression, combined with repression, provides a potentially fertile ground for extremism. People are thrown into prison and labelled as religious extremists and end up sometimes being forced to join those very extremists just for protection," one activist said.

"And prisons are known to have become recruiting grounds for extremist groups," he added.

International and local rights monitors have warned for years that Tashkent's repressions could drive people into membership of some of the militant religious groups known to be operating in Uzbekistan and the rest of Central Asia.

Local Muslim scholars have warned publicly of such dangers and appealed to Karimov to hold open religious discussions rather than persecute worshippers and take a heavy-handed approach to extremist groups.

Meanwhile, rights campaigners are dismayed at the approach of western governments to the continuing torture of prisoners and rights abuses by Tashkent.

The country's geopolitical importance has given rise to what one activist described to IPS as Karimov's power to "bully Western governments into turning a blind eye to the bad parts of his regime."

One senior official at a western rights organisation told IPS: "The torture situation is already atrocious and what is seriously concerning to human rights groups is that the growing close relationship between the U.S., EU and Uzbekistan, driven by its strategic position along supply lines needed for troops in Afghanistan, is overshadowing a long history of human rights abuses which could lead to a further deterioration in human rights." (END)

## **DEATH PENALTY: Perception of Crime an Obstacle to Abolition**

### **Terna Gyuse interviews OLAWALE FAPOHUNDA, anti-death penalty activist**

LAGOS, Jan 11, 2011 (IPS) - The past year has seen mixed fortunes for activists working towards abolishing the

death penalty in Africa. Togo and Burundi joined the ranks of African states that have removed capital punishment from their statutes, while Gambia extended its application to new offences.

In April, Nigerian state governors announced they wished to see executions resumed "as a measure to decongest prisons" and directed prison authorities to initiate execution papers.

Olawale Fapohunda, secretary to the National Study Group on the death penalty which called for an official moratorium on executions in Nigeria, spoke to IPS about developments in Africa's most populous country since then. Excerpts of the interview follow.

Q: What is the status of that order to prison wardens - have executions resumed since then?

A: There has been no development since that directive was given. This is perhaps due largely to the local and international condemnation that greeted that decision.

I had expressed concern at what is a simplistic if not crude solution to a serious problem.

Given the limited number of months left before the end of their tenure, it would seem logical that the task of deciding who should die should be the last thing on the mind of our governors, especially when one considers the enormous governance challenges faced in most states of the federation including poor infrastructure, rural and urban poverty, failing health care system, failing education to mention a few.

Secondly, given the bad publicity that Nigeria continues to receive over tragic deaths in the aftermath of at least two ethnic and religious conflicts, one would have thought our governors will be sensitive to any further killings under whatever guise.

The decision to sign death warrants as a matter of urgency was reportedly based on the inexplicable conclusion that the state of our prisons - including congestion - is the result of an increasing population of death row inmates and a backlog of death warrants requiring their signature.

Happily reason has prevailed and nothing further has been done or said on this issue.

Q: At the time of the governors' announcement, you pointed out that

the bulk of the prison population in Nigeria are people awaiting trial. What proportion of prisoners in Nigeria are death row inmates? How do conditions for death row inmates differ from those of other prisoners?

A: The total prison population in Nigeria is no more than 48,000. Of this number, there are about 26,000 inmates awaiting trial. Less than 1,000 inmates are on death row. Every single study on the state of Nigeria's prisons including those commissioned by Federal Government has pointed out that the number one challenge faced by the Nigerian prisons today is the situation of awaiting trial inmates.

All the studies have shown that these inmates suffer some of the worst conditions of prison life. Long lock up hours, limited or no access to rehabilitation opportunities, limited access to justice have all combined to making the awaiting trial population frustrated and vulnerable.

One issue that both the prisons and all of us who campaign for justice sector reform agree on is that keeping thousands of persons in our prisons without trial is exacting a heavy financial and human toll on the prisons system.

I served as secretary to the National Study Group on death penalty - the study group was inaugurated to advise government on the desirability or otherwise of abolishing death penalty in Nigeria.

We found that one of the most intractable problems in death penalty administration in Nigeria is the severe lack of competent and adequately compensated counsel for indigent defendants and death row inmates seeking appeals. The limited funding and mandate of the legal aid scheme has seriously undermined the support system for lawyers taking these complex and demanding cases.

Q: Gambia extended application of the death penalty to drug offences in October 2010 - how does the abolition or moratorium of the death penalty in one country influence government and popular attitudes in others?

A: I do not believe that what happens in the Gambia could or should influence what happens in the West African subregion, given the governance challenges in that country. It is good to note that countries like Senegal, with its large Muslim population, are setting the agenda for the abolition of death penalty in West Africa.

Q: Is popular support for the death penalty growing despite local and international campaigning against it? How can alternative responses to serious or violent crime be promoted?

We are concerned that not much progress is being made with respect to the abolition of death penalty in Nigeria. Religion and perception of the crime situation in Nigeria are key issues in this regard. It is often difficult to engage in any argument with those of religious persuasion.

With respect to the perception of crime, we have pointed out that with a population of 140 million, Nigeria still has one of the lowest inmate populations in the world. It is either we are a low crime country or the law enforcement institutions are simply not catching the offenders.

We have also advocated for a new legal framework that recognises victims of crime as important personalities in our criminal justice system. In my view, the attitude of Nigerians to offenders is due to the fact that there is an over-concentration on [punishment of] the offender.

The victim of crime is virtually ignored

once the offender is convicted. We need to reverse this. The organisation I work with, the Legal Resources Consortium, has proposed a victims of crime charter as well as a victim of crime bill. In our view if we are able to reform policy and legislation for victims of crime we can create an appropriate atmosphere for a healthy debate on death penalty. (END)

## WORLD PRESS REVIEW January 2011

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

### **'TAIWAN: MA APOLOGISES TO THE PUBLIC OVER WRONGFUL EXECUTION**

January 31, 2011: Taiwanese President Ma Ying-jeou and the Ministry of National Defense (MND) formally apologised to the family of former air force private Chiang Kuo-ching, reports China Post. Kuo-ching was wrongfully executed for the rape and murder of a five-year-old girl in the R.O.C. Air Force Command Headquarters compound on

RenAi Road in Taipei in September 1996.

Ma also instructed the MND to seek ways to restore Chiang's reputation via legal procedures and help the family get compensation. The president also wanted the ministry to hold accountable those responsible for the mishandling of the rape-murder case that led to the soldier's wrongful indictment and execution. This case showed that all public agencies should exert maximum caution to prevent a repeat of a similar incident and to safeguard the human rights of all citizens in the country, said Ma.

### **IRAN: MAN CONVICTED OF SPYING FOR ISRAEL SENTENCED TO DEATH**

January 31, 2011: The spokesman for the Iranian judicial branch announced that a person convicted of spying for Israel was sentenced to death and that the sentence has yet to be approved by the Supreme Court. Earlier this month Iran claimed it exposed a network of Israeli spies which was responsible for the assassination of an Iranian nuclear scientist last year, reported Ynetnews.com.

### **IRAN: ONE PERSON EXECUTED, PAIR CONDEMNED TO DEATH**

January 30, 2011: One person was hanged in Tehran for drug trafficking, Iran's prosecutor general, and spokesman of the Iranian judiciary, Gholam-Hossein Mohseni-Eje'i said in a press conference, reported AFP. On the same day, Prosecutor general Abbas Jafari Dolatabadi told the Islamic republic's official IRNA news agency that two administrators of porn sites had been convicted and would be executed after the supreme court confirms the sentences. The two men have not been named, and court released no further details about their alleged offences.

It is not the first time the Islamic Republic has handed down a death sentence to someone suspected of dealing in dodgy web sites. In December 2010, an Iranian-born Canadian was sentenced to death by the Tehran regime for allegedly designing an adult website, the AFP news agency reported, quoting family members. Freelance website developer and programmer Saeed Malekpour, 35, was arrested in 2008 when he went to Iran visit his sick father, and subsequently convicted of "designing and moderating adult content websites", "agitation against the regime" and "insulting the sanctity of Islam," an online group campaigning

for his release said. Canada expressed concern over the reported death sentence handed down to the Iranian-born Canadian resident.

### **IRAN HANGS IRANIAN-DUTCH WOMAN FOR DRUG SMUGGLING**

January 29, 2011: An Iranian-Dutch woman, Zahra Bahrami, arrested after taking part in anti-government protests in Iran in 2009, was hanged in Tehran's Evin prison for drug smuggling, the semi-official Mehr news agency said. Zahra Bahrami was charged with Moharebeh (war against the God) by branch 15 of Tehran Revolutionary Court on August 16, 2010. Her charges included: "acting against national security, propaganda against the establishment, Moharebeh, and membership in the Monarchist Association", reported Reuters and Human Rights Watch.

The 45-year-old woman's daughter was quoted by the New York-based rights group International Campaign for Human Rights in Iran as saying the drug charges were fabricated. Mehr reported that she had been found guilty of smuggling cocaine into Iran from the Netherlands and was found with 450 grams of the drug in her possession. Bahrami, who according to the International Campaign for Human

Rights, lived in London but visited her family in Iran, took part in opposition demonstrations marking the Shi'ite Muslim festival of Ashura in December 2009.

Shabaab fighters in the square. Sheikh Omar, Al-Shabaab's judge of Benadir, said that the man confessed to all the accusations, allheadlinenews.com reported.

**KUWAIT: COURT UPHOLDS DEATH AGAINST MAN FOR KILLING HIS FRIEND OVER WEALTH**

January 28, 2011: The Kuwaiti Court of Appeals presided by Judge Salem Al-Khudair recently upheld the verdict of the Court of First Instance and sentenced an Arab man to capital punishment for the premeditated murder by poisoning of his friend in order to steal KD 2,840, reports Al-Anba daily.

**SOMALIA: AL-SHABAAB EXECUTES SOMALI MAN ACCUSED OF SPYING FOR FBI**

January 28, 2011: Al-Shabaab militants executed a Somali man in the center of Mogadishu, charging him with being spy for United States' CIA, an Al shabaab official said. Al-Shabaab fighters called upon all residents in Huriwaa district just north of Mogadishu to flock in Maslah square where the execution took place, local residents said. Ahmed Ali Hussein, 45 year old, was shot and killed by a firing squad of masked Al-

**ZAMBIA: 5 TO HANG FOR MURDER**

January 27, 2011: Judge Munyinda Wanki of the Lusaka High Court in Zambia sentenced five people to death for murder, in two different cases. Nelson Mpala, Clement Dube, Kennedy Kakompe and Shadreck Mpala, all from Mumbwa district, were sentenced to death for killing Collins Shakunkuma on January 18, 2010, after accusing him of stealing K50,000. Shakunkuma's hands were tied and he was whipped all day using sticks and whips. In another case, domestic servant Isaac Mtonga of Zakeyo village in Lundazi district was sentenced to death for fatally stabbing and robbing Kamlesh Misra K200 million cash on January 26, 2010. The incident happened in Lusaka at Insunko House on Kalambo Road near Stripes Zambia, Zambia Daily Mail reported.

**MALAYSIA: THREE TO HANG FOR GANJA TRAFFICKING**

January 27, 2011: Three people including a couple were sentenced to death by hanging by the high court in

Pahang, Malaysia, for trafficking in 4.521kg ganja last year, MySinChew.com reported. Judicial Commissioner Datuk Akhtar Tahir said the prosecution had proven a prima facie case against Ahmad Mukamal Abdul Wahab, 37, Suhana Kamarudin, 28, and her husband Shawal Hashim, 37. "Death by hanging is the only sentence provided for offences under Section 39B (1) of Dangerous Drugs Act 1952," he added. They were jointly charged with trafficking ganja near McDonalds restaurant at Genting Sempah on March 9 2010. Police stopped the Perodua Kancil they were travelling in and seized the slabs of ganja. Deputy public prosecutor Muhammad Najmi Daud prosecuted. Counsel Zulkafli Abd Hamid appeared for Ahmad Mukamal and Shawal while Ahmad Nizam Hamid was for Suhana.

#### **UNITED ARAB EMIRATES: COURT ORDERS EXECUTION**

January 26, 2011: The Ras Al Khaimah Criminal Court in the United Arab Emirates sentenced an Asian to execution for murdering of his roommate by hitting him on the head with stones after a dispute regarding their electricity bill and rent. A third roommate was fined Dhs1,000 for not

reporting the crime to the authorities, reported Gulf Today.

#### **USA: OHIO TO REPLACE SODIUM THIOPIENTAL WITH PENTOBARBITAL**

January 25, 2011: Ohio has announced it will no longer be using the known common anesthetic for lethal injection, and is switching to a drug used to euthanize pets. The Department of Rehabilitation and Correction said the reason for the change is because the supply of the drug normally used for executions, sodium thiopental, is running low. That drug was already in short supply when its only U.S. manufacturer announced last week it would no longer produce it. Instead, a single, powerful dose of pentobarbital—used by veterinarians to euthanize dogs and cats—will be administered to prisoners who face the death penalty. Currently, Oklahoma is the only other state to use pentobarbital, FoxNews.com and Associated Press reported.

#### **ZIMBABWE: DEBATE ON THE ABOLITION OF THE DEATH SENTENCE**

January 25, 2011: Amnesty International in conjunction with Zimbabwe Human Rights NGO Forum held a two day workshop from Monday the 24th to

25th of January to stir debate on exploring and developing concrete strategies for campaigning against the death penalty in Zimbabwe, swradioafrica.com reported. Mr Maja a lawyer and Lecturer with the University of Zimbabwe pin pointed that it was pertinent for the courts to infuse human rights on their interpretation of the law to make sure that the law should not impede on the right to life. In his presentation, Mr Maja also highlighted that there were 52 inmates in Zimbabwe's Prisons that are currently waiting on the death row with others having spent more than a decade without knowing their fate. He further bemoaned the squalid inhuman conditions that amount to undermining of human dignity, prevalent in the prison cells for the inmates on death row. Traditional leaders denounced death penalty as a western idea brought about by the settler colonialist regime and submitted that it was un-African to kill as that the African culture places sacred importance to the right to life.

#### **BANGLADESH: FIVE TO GO TO GALLOWS IN JL LEADER MURDER CASE**

January 24, 2011: Sirajganj, Bangladesh, District and session judge Salma Bhanu sentenced BNP activists Prince, Shamim, 22, Hitler, 23, Khaleq and another

person named Shamim, 23, all from Chalita Danga village of Kazipur upazila, to death and fined them Tk 10,000 for the murder of Jubo League leader Imrul Kaiser Kanak in Kazipur upazila on October 27, 2001, over a political rivalry. Prince, Khaleq and Razzaq were tried in absentia, United News of Bangladesh reported.

#### **SAUDI ARABIA: 144 PRISONERS ON DEATH ROW SIT FOR EXAMS**

January 24, 2011: Thousands of prison inmates in Saudi Arabia sat for mid year examinations this week, including 144 who are sentenced to death, a newspaper reported. The nearly 4,000 students are part of a rehabilitation and educational programme launched by prison authorities in the Gulf Kingdom over the past few years, the paper said. "Among those who sat for the examinations are 144 prisoners who are sentenced to death," the paper said. "Their hope for life appears to be pushing them to pursue their education although they will face their destiny head for the execution room one day."

#### **N.KOREA HOLDS PUBLIC EXECUTION OVER S.KOREAN PROPAGANDA**

January 24, 2011: North Korea this month publicly executed two of its

citizens for handling propaganda leaflets floated across the border by South Korean groups, one of the activists said. An army officer who pocketed dollar bills enclosed with the leaflets was shot along with a 45-year-old woman caught reading the leaflets, said Choi Sung-Yong.

He said the executions were carried out on January 3 at Sariwon, 45 kilometres (27 miles) south of Pyongyang, in front of 500 spectators following a special ideological session on the leaflets. Choi, citing a source in Sariwon, told AFP that six members of the victims' families had been sent to a camp for political prisoners. "North Korea apparently carried out the executions to teach a lesson to its people," Choi said.

He said the regime appeared to have tightened ideological control as it grooms the youngest son of leader Kim Jong-Il as eventual successor to his father. Among those forced to watch the killings were about 50 relations of former South Korean prisoners of war and abductees, he said. Choi, whose own father was abducted by the North, runs an organisation which has arranged the escape of some former POWs and abductees.

South Korea estimates that about 500 prisoners of war from the 1950-53 conflict were never sent home from the communist North. It also says 480 South Korean civilians were abducted to the North in the post-war years. The North denies holding any South Koreans against their will. South Korean activists, including Choi, have floated balloons carrying hundreds of thousands of anti-Pyongyang leaflets, DVDs and one-dollar bills across the heavily fortified frontier.

The money is designed to encourage North Koreans to pick up the flyers despite the risk of severe punishment. The leaflets typically pour scorn on the North's regime and call for its overthrow.

Pyongyang's military last September threatened to open fire on South Korean sites used for the leaflet launches unless the Seoul government halts the practice. (Sources: Afp, English.chosun.com, ABC News)

#### **USA: HOSPIRA TO STOP MAKING LETHAL-INJECTION DRUG**

January 21, 2011: The sole U.S. maker of a key execution drug has decided to permanently halt production of the drug, which could lead many states to face delay in carrying out the death penalty, Wall Street Journal reported.

The decision made on Friday by Hospira Inc. caps months of controversy over thiopental sodium, an anesthetic that has long been used by states as a part of a cocktail of drugs administered during a lethal injection. Hospira's decision puts a wrench in the nation's capital-punishment system. States can attempt to use another anesthetic in place of thiopental, but such a switch likely would need to be approved by courts and possibly state legislators.

Many states have run out of thiopental, forcing prison officials to delay executions. The drug shortage followed a 2009 decision by Hospira to suspend production due to manufacturing issues. The Lake Forrest, Ill., company had planned to resume producing thiopental in the first quarter of 2011 at a company plant in Liscate, Italy. But in December, the Italian parliament issued an order binding the government to ensure that Hospira's Italian-made thiopental would not be used in lethal injections.

In the face of that opposition, Hospira ultimately decided to exit the thiopental market, said company spokeswoman Tareta Adams. "This will be a challenge for [medical] customers and we regret that," Ms. Adams said. "But we don't want to put our Italian facility at risk that the product will be misused" by

U.S. prisons. Hospira, she said, has had discussions with its drug distributors to see if the companies could block the drug from being sold to prisons, but Hospira ultimately decided there was no way to ensure the drug would not be "misused" by prisons.

#### **JAPAN: JUSTICE MINISTER TO CONSIDER ABOLISHING DEATH PENALTY**

January 21, 2011: Justice Minister Satsuki Eda said a study group set up by the justice ministry would consider abolition under its review of capital punishment in Japan. "The time has come to look at the global situation and consider whether it is good to have this [death penalty] system," Eda said at a news conference. But he did not elaborate on if he would suspend executions while the study is under way, only saying, "I will consider it carefully." He also said capital punishment is an irreparable penalty because it claims human lives. "Capital punishment is a flawed penalty," Eda told reporters after assuming the portfolio on January 14. However, the weakness of the DPJ government and high levels of public support for the death penalty mean rapid action is unlikely. Some human rights activists are concerned that notoriously conservative justice ministry

bureaucrats will be able to dominate the review. (Sources: Japan Today and Financial Times)

#### **IRAN: EXECUTED FOR DRUG SMUGGLING**

January 18, 2011: Iran has hanged a drug smuggler in the southern city of Zarand in Kerman province, ISNA news agency reported. Zarand prosecutor Mehdi Bakhshi said the convict, who was only identified as Ali K., was hanged in the city's prison, ISNA reported. It did not say when the execution was carried out.

#### **MALAYSIA: MAN'S DEATH SENTENCE UPHeld**

January 18, 2011: Judge Mahmud, Yunus and Hj Ma'ah of the Court of Appeal in Kota Kinabalu, Malaysia, upheld the March 11, 2005, death sentence of Filipino Albi Burahan Amiril, 34, for trafficking in 104.98 grammes of syabu at Karamunting Port in Sandakan on November 2, 2000. Albi was tried under Section 39b (1) (a) of the Dangerous Drugs Act which provides for the mandatory death sentence by hanging on conviction. (Source: Borneo Post)

#### **CHINA: ILLICIT ORGAN TRADE CONTINUES UNABATED**

January 17, 2011: Illegal organ harvesting has become worse under reforms put in place by the Chinese leadership to stop it, says David Matas, a Canadian human rights lawyer. After the allegations hit the mainstream press, in July 2006 the Chinese regime passed a law banning the sale of organs without the consent of the donor. However, Matas says the killing of Falun Gong prisoners of conscience in China for their organs has actually increased since then. "There remains a discrepancy between the volume of transplants and the volume of sources," he told The Epoch Times from his home in Regina.

"If anything the discrepancy is increasing, because the death penalty is going down and transplant volumes are going up. So if you look at it simply in terms of death penalty statistics and volume of transplants, then we'd have to conclude that the problem is not just continuing but getting worse." The regime admitted in 2005 that it had been harvesting the organs of prisoners on death row, a practice that started in the mid-1980s.

"As for death penalty statistics, China doesn't produce them, but my own

calculation was that they'd have to be executing people at the rate of 30,000 a year to produce organs for the volume of people that they're transplanting, and nobody suggests that they come anywhere close to that," Matas says. In remarks given at given at a Congressional-Executive Commission on China roundtable in June 2010, author Ethan Gutmann said that the theft of organs has spread from the Falun Gong population to imprisoned Uighurs, Christians, and Tibetans. In "China's Gruesome Organ Harvest," Gutmann interviewed several Falun Gong practitioners who had been blood- and organ-tested while incarcerated to gage their suitability as a donor—something Matas says is still going on.

#### **IRAN SUSPENDS SENTENCE TO HANG WOMAN IN STONING CASE**

January 17, 2011: Iran has suspended a sentence to hang a woman at the center of a global outcry about stoning, a member of parliament was quoted as saying. Sakineh Mohammadi Ashtiani's sentence to be stoned for adultery was suspended last year after condemnation from several governments, but she had still faced death by hanging for being an accomplice in her husband's murder.

In a letter to Brazilian President Dilma Rousseff, the head of parliament's human rights committee, Zohre Elahian, said the hanging, too, had been suspended due to pleas from her children. "Although the stoning sentence has not been finalised yet, the hanging sentence has been suspended due to (her children's) pardon," the letter said, according to student news agency ISNA. Ashtiani has been sentenced to 10 years' jail, Elahian said. Elahian in her letter insisted that, "according to evidence the Iranian woman has betrayed to her family and killed her husband jointly with her beloved. She has confessed to her crimes during her trial process."

#### **EGYPTIAN HANDED DEATH SENTENCE FOR COPT KILLINGS**

January 16, 2011: A Muslim man was condemned to death in south Egypt for the January 2010 slaying of six Copts after Christmas mass, a year before a suicide bomber killed 21 people outside a Coptic church, according to AFP. A Muslim policeman also died when three gunmen in a car raked worshippers emerging from mass with bullets in Nagaa Hammadi, near the southern town of Qena. Mohammed Ahmad Hossein, also known as Hamam

Kammouni, was considered the ringleader of the attack.

A Qena court said it would also announce verdicts against the two other Muslim suspects, Qorshi Abul Haggag and Hendawi Sayyed, on February 20. All three had pleaded innocent to charges of carrying out the January 6, 2010 attack. The chief judge of the Qena security court, which allows no right of appeal, gave no motive for the attack in which the Copts were gunned down. A Qena prosecutor charged the three suspects arrested two days after the attack with "premeditated murder, putting the lives of citizens in danger, and damage to public and private property."

#### **IRAN: KURDISH POLITICAL PRISONER EXECUTED**

January 15, 2011: One Kurdish political prisoner was executed in the prison of Oroumieh, in Iran. According to reports the prisoner was convicted of Moharebeh (war against the God) through membership in the banned Kurdish political party "PJAK". The identity of the prisoner is not certain yet. He was convicted of involvement in the murder six years ago of a border police officer, state television reported on its website. Iran Human Rights had

last warned about the possibility of execution of the Kurdish political prisoner Hossein Kehzri. (Source: Agence France Presse)

#### **SOMALIA: THREE SOLDIERS EXECUTED IN MOGADISHU**

January 15, 2011: A military court in Somalia executed three soldiers of transitional federal government on Saturday who were found guilty of murder. Scores of local residents packed the square in Mogadishu's Hamar-jajab where a government firing squad carried out the death penalty in public. After the execution, military court Judge Hassan Mohammed Hussein Mungab held a press conference in a police center not far from where the execution took place. "Abdul Azeez Mohyidiin Ga'al, a policeman, was found guilty of murdering another soldier of Somali police forces," Mungab said, adding that he was sentenced to death in December. "The second executed man, Antob Arabow Addan, killed Hassan Mohammed Sabiye, a civilian, last year." The third man executed, Wowlid Mohammed, confessed to murdering a civil servant in 2010, according to Mungab. The court martial judge cautioned government soldiers against the harassment and murder of innocent civilians and said the court was

determined to deal with any soldier involved in misconduct. (Sources: [www.allheadlinenews.com](http://www.allheadlinenews.com); BBC)

#### **USA: DEATH SENTENCE OVERTURNED**

January 15, 2011: US District Judge Ginger Berrigan has overturned the death sentence of Paul Hardy on the grounds that he was mentally retarded. Hardy, now 38, black, is a drug dealer convicted of killing a witness, Kim Groves (32, black), on the orders of a corrupt New Orleans police officer, Len Davis (black). Davis in 1994 ordered Hardy to kill Groves after she filed a brutality complaint against Davis and his patrol partner.

Groves (black) was gunned down October 13, 1994 outside of her home. A cell-phone conversation planning the murder was secretly recorded by federal agents as part of a probe into police corruption. A jury in July 1996 found Hardy and Davis, now 42, guilty of first degree-murder and sentenced both men to die. U.S. District Judge Ginger Berrigan, who sentenced Hardy and Davis to death after their trial in 1996, found that Hardy is not eligible for death under a 2002 Supreme Court ruling prohibiting the execution of the mentally disabled. Berrigan scheduled re-sentencing for March 2, noting that

Hardy faces a mandatory penalty of life in prison. The U.S. Attorney's office is appealing Berrigan's ruling to the U.S. Fifth Circuit Court of Appeals. Davis, whose sentence is under appeal, remains one of 60 inmates on federal death row. (Source: WWL TV News,)

#### **JAPAN: NEW MINISTER OPPOSES DEATH PENALTY**

January 14, 2011: Japan has appointed a new justice minister who opposes the death penalty, raising hopes among activists that he will push for the abolition of capital punishment. Prime Minister Naoto Kan's centre-left government appointed Satsuki Eda, 69, a law expert educated at Japan's top University of Tokyo and at Oxford in Britain, as the new justice minister in a cabinet reshuffle today, AFP reported.

Mr Eda was a founding member of a Japanese lawmakers' group that supports the activities of the London-based rights group Amnesty International, which has long campaigned against the death penalty. The new minister is "personally against" capital punishment, an official at his office confirmed, adding that Mr Eda would "ponder carefully" how to act. A text - written by a secretary to the upper house lawmaker in 2000 and still

posted on Mr Eda's official website - says that "parliamentarian Eda is an advocate of the abolition of the death penalty".

Mr Eda opposes executions mainly due to the belief that "a state should not commit murder", the risk of errors, the mental burden on executioners, and an international trend towards abolition, the aide wrote.

The Japan branch of Amnesty International has close relations with Mr Eda, said Osamu Amano, one of its anti-death penalty campaigners. "We hope he will work for the scrapping of the death penalty... we know he is strongly interested in human rights and has passionately worked to promote them," Amano said.

#### **ALABAMA (USA): INMATE EXECUTED AFTER TEMPORARY HALT**

January 13, 2011: A convicted murderer was executed in Alabama after the US Supreme Court denied a stay of execution for the man accused of killing his wife as she held their young child in her arms, reported AFP. Supreme Court Justice Clarence Thomas had issued a temporary stay in order to give the court more time to review the case's legal arguments shortly before Leroy White was scheduled to die. But the

High Court later denied the request for a stay and White, 51, was put to death by lethal injection at Holman Correctional Facility in Atmore. He had spent 22 years on death row. White was 29 years old in October 1988, when he murdered his wife with two gunshots because she wanted a separation.

His lawyers said he did not have adequate representation and should have had the opportunity to plead guilty to get life without parole, in order to avoid the death penalty. "Mr White's execution marks another step back from the commitment to heightened scrutiny and fair review that states and courts promised when the death penalty was reintroduced 35 years ago," White's lawyer Bryan Stevenson said in a statement.

"Today's execution further demonstrates how capital punishment in this country has become arbitrary, unreliable and a sentence carried out mostly against those too poor, disabled and vulnerable to avoid lethal vengeance." The family of the victim opposed the execution, according to Stevenson. Two executions have been carried out in the US since the start of 2011, after 45 last year and 52 in 2009. In Alabama alone, 203 prisoners are on death row.

To contribute, please send an email to [lawandpolicy@penalreform.org](mailto:lawandpolicy@penalreform.org)

## News from International NGOs - January 2011

### **Making Law and Policy that Work**

Published by Penal Reform International in 2010, Making Law and Policy that Work is aimed at specialists and non-specialists faced with the responsibility of creating a policy and legislative framework for criminal justice and penal systems. It recognises that criminal justice reform requires expertise and experience in a variety of disciplines which are rarely embodied in one person. It takes into account the fact that many countries in transition lack specialists. It aims to provide clear guidance and practical suggestions for reform in line with an international human rights framework which can be applied in different contexts and countries.

Making Law and Policy that Work is intended to be a living publication that reflects the latest developments and thinking on criminal justice reform. PRI therefore welcomes comments, corrections and contributions, particularly examples of good practice in policy, legislation and implementation.

### **Eight Years On...A Record of Gacaca Monitoring in Rwanda**

Eight Years On...A Record of Gacaca Monitoring in Rwanda summarises the findings of all of PRI's Gacaca reports to date. It is published in English and French. The book is not an analysis by PRI of the process or a commentary on it. It is however a faithful record of the points expressed by Rwandans and a valuable contribution to discussions about the Gacaca process.

### **Estonia: PRI contributes to development of the concept of 'service user monitoring' in relation to prisons**

Between 19 and 21 January 2011 PRI's Policy Director, Mary Murphy, participated in a workshop in Tallinn, Estonia, co-organised by PRI, Mental Disability Advocacy Centre, the Estonian Patients' Advocacy Association and Office of the Estonian Legal Chancellor of Justice. The workshop emerged from an initiative by the latter body, and representatives of the Ombudsman offices of Azerbaijan, Finland and Lithuania were also present. Staff and board members from the Care Quality Commission (England's psychiatric

monitoring body), users of mental health services, and the World Health Organisation's Technical Officer for Mental Health were among presenters.

PRI's presentation aimed to do the following: use good practice in involvement of mental health service users in detention monitoring, and in systematically consulting prisoners through prisoner 'councils', to create or build upon support for involvement of prisoners and/or former prisoners in monitoring prisons; to increase the possibility of future action towards institutionalising this in participating States; to identify a number of potential advantages for the State in consulting prisoners and former prisoners and involving them in monitoring activities, as well as perceived risks; to identify practical ways of facilitating such monitoring and overcoming perceived objections.

PRI's session highlighted the fact that, although international standards require of prison services an aspiration to develop a sense of responsibility among prisoners, as an element of 'normalization' and as part of the process of rehabilitation, it is not yet standard practice to have consultative structures that ensure systematic participation of prisoners in decision

making even on fairly basic aspects of their lives. Absence of such experience makes it less likely that official bodies will have the skills and confidence to include prisoners or former prisoners in formal monitoring activities. In preparation for the workshop PRI circulated a questionnaire which explored national practice. It would welcome broader participation in this information gathering exercise. If you would like to participate, please contact Mary Murphy

[mmurphy@penalreform.org](mailto:mmurphy@penalreform.org) for a questionnaire. For more information about the workshop, please contact Dorottya Karsay [dkarsay@mdac.info](mailto:dkarsay@mdac.info).

### **PRI Closes its Great Lakes Regional Office**

In December 2010, PRI closed its regional office in the Great Lakes region of Africa. It worked in Rwanda after the 1994 genocide when approximately one million citizens were killed and approximately 130,000 people accused of organizing or taking part in the genocide were detained in prisons built to accommodate 18,000 prisoners. PRI was one of a small number of organizations that sought to improve conditions in prison and reduce overcrowding.

It subsequently monitored the Gacaca process developed by the Rwandan government to deal with the genocide cases and produced a number of reports and recommendations for the process, communicated to the government authorities at the time. In 2010, PRI published *Eight Years on . . . A record of Gacaca monitoring in Rwanda*, a short volume summarizing PRI's Gacaca research, downloadable from the website.

PRI monitored prison and community service camp conditions, reporting their findings and recommendations for action to the government authorities. With support from the European Commission and the Belgian government, it developed paralegal services for detainees in prisons in Rwanda and Burundi to improve access to justice, reduce high rates of pre-trial detention and support detainees' rights to a fair trial. The paralegals advised detainees how to prepare and present their cases at trial. They also worked with the prosecution services to introduce better case records and systems to improve court procedures. The paralegal programmes in both countries brought clear results as cases were brought to trial or conclusion more rapidly and detainees

were able to obtain bail or release dates.

The PRI Board held a number of discussions over 2009 and 2010 to develop a new strategy for working in Africa that would be based on working with local partners rather than through a regional office, which inevitably had a limited geographical remit. It agreed that PRI should find new ways to re-engage with penal reform in the continent, through supporting the Special Rapporteur for the African Commission for Human and Peoples' Rights and working with local partners active in promoting human rights and prison reform. This approach led to the decision in December 2009 that PRI should seek to transfer responsibility for paralegal services to local partners and focus on new ways of working in Africa. In 2010, steps were taken to find local partners to take on these services and by the end of the year, negotiations had taken place with the Legal Aid Forum in Rwanda and with the EC donor in Burundi to facilitate the continuation of paralegal services.

PRI's current activities to improve access to justice in Africa include mapping the range of paralegal services for detainees in prison; producing information tools to support paralegal

services, supporting the role of the Special Rapporteur and promoting the global campaign for pre-trial justice led by the Open Society Justice Initiative.

**Conference in Amman, Jordan on the death penalty and the protection of fundamental human rights.**

On Monday 17 January, Penal Reform International with the Adaleh Center for Human Rights Studies opened a conference in Amman, Jordan on the death penalty and the protection of fundamental human rights.

The conference brought together 70 national representatives from government and civil society. This included judges, police, prosecutors, defence lawyers, the Arab Center for the Independence of the Judiciary and the Legal Profession, academics, the National Centre for Human Rights, Islamic scholars, forensic doctors, non-governmental organisations including the Palestinian Coalition Against the Death Penalty and human rights activists.

The conference ran for two-days, and generated dialogue and debate on Jordan's road to abolition.

The three key issues which were addressed at the conference included: Reducing the number of death penalty applicable crimes to only the "most serious" crimes in the Jordanian Penal Code;

Evaluating alternative sanctions to the death penalty; and

Identifying and analysing religious and cultural arguments linked to the death penalty in Islamic law.

An expected outcome of the conference will be to review the current restrictions and safeguards implemented in Jordan's criminal justice system to protect the rights of those who face the death penalty, in particular fair trial guarantees, and develop recommendations for tightening these controls.

PRI's current programme of work on the abolition of the death penalty focuses on supporting governments and other stakeholders in progressing towards abolition and implementation of human rights standards in criminal justice systems, particularly concerning the treatment of death row, life and long-term prisoners. The programme of work is being carried out in five regions: the Middle East and North Africa, Eastern Europe, South Caucasus, Central Asia

and the Great Lakes region of East Africa.

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

**PRI calls on EC to control the trade in drugs used for execution by lethal injection**

On 5 January 2011, a coalition of international non-governmental organisations (NGOs), wrote to the European Commission to urge them to review and amend Council Regulation (EC) No. 1236/2005, which controls the international trade in equipment that could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, to include drugs used in the lethal injection protocol.

On 26 October 2010, Jeffery Landrigan was executed by lethal injection for the 1989 murder of Chester Dean Dyer in Phoenix, Arizona, United States. The execution took place in spite of a US-wide shortage of sodium thiopental, the anaesthetic agent in the three-drug cocktail used in lethal injections in Arizona. The Arizona Attorney General revealed that the sodium thiopental

used to execute Landrigan was imported from the United Kingdom.

The export of sodium thiopental from any European country to the US for the purpose of lethal injections undermines not just the spirit and purpose of Council Regulation (EC) No. 1236/2005, but also the EU's policy of fighting against the death penalty in countries where it still exists. Sodium thiopental is the drug preferred by US authorities that still carry out the death penalty with lethal injections.

The joint NGO submission outlined recommendations to the European Commission. Specifically, to urge the Commission, in consultation with Member States and at the earliest possible opportunity, to extend the scope of Council Regulation (EC) No. 1236/2005 to control the trade in drugs used in lethal injections by:

- (a) including sodium thiopental in its Annex III, thereby subjecting this drug to the export control systems of EU Member States; and
- (b) including a new 'torture-death penalty end-use catch-all' clause in the Regulation, which would allow EU Member States to prohibit, on a case-by-case basis, the trade of any item not listed in the Annexes of the Regulation but that clearly have no practical use

other than for the purposes of capital punishment; or where there are reasonable grounds to believe that such items would be used for the purposes of capital punishment. This catch-all clause has been advocated by the UK government, and would enable EU Member States to prevent exports of any drugs where there are reasonable grounds to believe that such items would be used for the purposes of capital punishment.

These two measures would help ensure that any future exports of any drugs from the EU (including sodium thiopental, and the other drugs currently used in the lethal injection protocol: pancuronium bromide (Pavulon), potassium chloride, and pentobarbital) would not be used for capital punishment, but only for legitimate medical purposes.

The submission was endorsed by the following NGOs:

- [Amicus, UK](#)
- [Amnesty International](#)
- [Ensemble Contre la Peine de Mort \(ECPM\), France](#)
- [International Federation for Human Rights \(FIDH\)](#)
- [International Federation of Action by Christians for the Abolition of Torture \(FIACAT\)](#)

- [International Harm Reduction Association \(IHRA\), UK](#)
- [Murder Victims' Families for Human Rights \(MVFHR\), US](#)
- [National Association of Criminal Defense Lawyers \(NACDL\), US](#)
- Omega Research Foundation (ORF), UK
- [Penal Reform International \(PRI\), UK](#)
- [Reprieve, UK](#)
- [Texas Coalition to Abolish the Death Penalty \(TCADP\), US](#)
- [World Coalition Against the Death Penalty \(WCADP\)](#)

Download a copy of the full submission here: [Review of Council Regulation \(EC\) No. 1236/2005 to include drugs used in the lethal injection protocol](#)

For further information, please contact: Jacqueline Macalesher, Death Penalty Project Manager, Penal Reform International  
[jmacalesher@penalreform.org](mailto:jmacalesher@penalreform.org) / +44 207 247 6515

PRI's current programme of work on the abolition of the death penalty focuses on supporting governments and other stakeholders in progressing towards the abolition of the death penalty and implementation of human rights standards in criminal justice systems,

particularly concerning the treatment of death row, life and long-term prisoners.

### **Preventing exports of lethal drugs from Europe to the US**

High-profile civil society organizations have signed a submission appealing to the European Commission to control the exportation, from Europe, of the drugs that are used in US executions.

[The submission, which was initiated by World Coalition member Penal Reform International](#), comes after the revelation that Jeffery Landgrin had been executed in Arizona using sodium thiopental that was produced in Europe and exported from Britain by Archimedes Pharma.

The US is currently seeking sources of the lethal injection drug from Europe as a nationwide shortage is preventing several states from executing their death row inmates.

The submission is seeking to add sodium thiopental to Annex III of EU Council Regulation 1236/2005 which makes it illegal to “trade in certain goods which could be used for capital punishment, torture, or other cruel, inhuman or degrading treatment or punishment”.

Amending Annex III to include sodium thiopental will subject it to stringent export controls and ensure that the drug is not used to execute a human being.

### **Catch-all clause**

The submission also recommends adding a ‘torture-death penalty end-use catch-all’ clause in the Regulation, which would allow EU Governments to prohibit, on a case-by-case basis, “the trade of any item not listed in the Annexes of the Regulation but that clearly have no practical use other than for the purposes of capital punishment; or where there are reasonable grounds to believe that such items would be used for the purposes of capital punishment”.

This catch-all safeguard will capture the two remaining drugs in the traditional three drug cocktail, pancuronium bromide and potassium chloride, as well as pentobarbital. This last drug that is often used by veterinarians to put-down animals was used as a replacement execution drug by the state of Oklahoma late last year.

The catch-all safeguard will not interfere with trade that has a legitimate medical purpose.

### **Scramble for sodium thiopental**

Various states in the US including Arizona, Oklahoma and California are currently seeking sodium thiopental. According to a report from the American Civil Liberties Union, the state of California is seeking the export of the drug from countries as far away as Pakistan. Texas, despite being well stocked with sodium thiopental, has refused to share with other states.

[According to the Wall Street Journal](#), the only US-based provider of sodium thiopental, Hospira, has decided to stop manufacturing the drug. The company had stopped production in the US and has now given up on plans to transfer it to Italy.

### **Beating the death penalty in Illinois**

**Published by Aurélie Plaçais on 21**

January 2011 on

[www.worldcoalition.org](http://www.worldcoalition.org)

In a video interview at the NCADP conference in Chicago, leading Illinois abolitionist Jeremy Schroeder explains how grassroots activism and political lobbying combined to get the abolition bill passed.

The US National Coalition to Abolish the Death Penalty held its annual meeting between January 13-16 in Chicago. A

few days before, the senate of Illinois had passed a bill for the repeal of the death penalty in the state.

The director of the Illinois Coalition to Abolition the death penalty, Jeremy Schroeder, explains how local abolitionists have been campaigning for two years to have the bill passed at the Illinois House of Representatives and Senate. It is now in the hands of the governor.

The NCADP Conference is the premier gathering of civil and human rights leaders, citizen activist volunteers, families of murder victims and death row prisoners, attorneys, and law enforcement & crime prevention professionals who support repeal of the death penalty in the US.

At this year's meeting, keynote speaker Bryan Stevenson said: "One of the truths of the death penalty is poverty. If we eliminate poverty, we would abolish the death penalty. Our justice system treats you better if you are rich and guilty than if you are poor and innocent. The opposite of poverty is not wealth, it is justice. We are against the death penalty, but we also are for justice, against violence, crime and murder. I bleed every time a victim is murdered."

**IRAN: Dramatic wave of executions and death sentences to repress free expression, political opposition and ethnic affiliation.**

International Federation for Human Rights (FIDH) + Iranian League for Defence of Human Rights (LDDHI) Joint press release

Paris, 6th January 2011 - The International Federation for Human Rights (FIDH) and the Iranian League for Defence of Human Rights (LDDHI) are alarmed by the wave of executions of and death sentences on tens of people following blatantly unfair trials and for apparent grounds of repression of their free expression, political or ethnic affiliation.

On 5th January, the executions toll reached almost 70 in the span of one month alone. According to various official and semi-official sources, these included a public hanging at the centre of capital Tehran on 5th January 2011, 8 hangings on 3rd January and 16 'in the course of the preceding days in Ahvaz.' Most of those executed were charged with drug trafficking, but at least 18 reportedly faced the death penalty for political reasons facing the vague charges of moharebeh [fighting God] and 'corruption on earth.'

Vice-president of FIDH and president of the Iranian League for the Defence of Human Rights, Karim Lahidji condemned: "the dramatic toll embodying the increased repression" and repeated a "call to the international community to echo its condemnation outlined in the UN General Assembly Resolution of 21st December 2010 by adopting individual targeted sanctions against human rights offenders responsible for the massive level of human rights violations".

In particular, the following executions clearly contravened Iran's international obligations under the International Covenant on Civil and Political Rights (ICCPR):

- 62-year-old Ali Saremi, was one of the 40 prisoners of conscience, for whose release FIDH and Reporters Without Borders (RSF) launched a joint campaign in June 2010 (see: <http://www.rsf-fidh-iran.org/?lang=...>). He had served at least 11 years in prison in the 1980s and 90s. He had been arrested in September 2007 and charged with moharebeh. He was hanged in Evin Prison of Tehran on 28 December. The Tehran prosecutor had alleged in January 2010 that Saremi had been detained during post-election unrests in 2009. Another man, Ali Akbar

Siadat, was hanged on charge of spying for Israel, but the authorities provided hardly any concrete detail about his case.

- 16 imprisoned members of the Baluch ethnic community were executed. Eleven of them were hanged on 20 December for alleged membership of an armed terrorist group known as Jondollah [army of God] in the immediate aftermath of a suicide bombing on 15th December at a mosque in Chabahar, a city in the Sistan-Baluchistan province, for which the Jondollah claimed responsibility. This should clearly be seen as a reprisal victimising prisoners who had been detained before the bombing.
- 50-odd alleged drug traffickers were executed, including eight in Kermanshah province in western Iran, which is in large part inhabited by Kurds, another ethnic community, and 16 in Ahvaz, the provincial capital of Khuzestan in the south with a large population of the Iranian Arab ethnic community.
- Unofficial reports indicated that 10 people were secretly executed in Vakilabad Prison of Mashhad in late December 2010. Secret group executions in Mashhad have been

reported several times in recent months.

Other reports show an increase in death sentences following arbitrary and unfair trials, being passed in recent months, in violation of Iran's same international obligations:

- The stoning sentences against a man (Vali Janfeshani) and a woman (Sarieh Ebadi) held in Orumieh Prison on charge of adultery were upheld by the Supreme Court for the second time (22 December).
- At least one juvenile (identified by his first name as Ashkan) was sentenced to death in Fars province for a murder committed at the age of 14 (21 December).
- An Iranian-Canadian web designer, Saeed Malekpur, having been coerced to confess under extensive pre-trial torture, was sentenced to death on charges of "moharebeh and 'corruption on earth', insulting sanctities, propaganda against the state and insulting the leader." (5 December). Another Iranian-Canadian, Hamid Qassemi Shaal, is reported to be on death-row on charge of spying, since 2008.

• At least one Christian pastor, Yousef Nadarkhani, has been sentenced to death in Rasht on charges of apostasy at the end of September. Another imprisoned pastor, Behrouz Sadeq Khanjani, is likely to receive a similar sentence in Shiraz. The increasing dangers and threats against newly converted Christians in Iran came to light on 4th January when the governor-general of Tehran Province, Morteza Tamaddon, described the 'Evangelical proselytising Christians as a deviate and corrupt tendency' and reported that 'their leaders had been arrested in the Tehran province and more will be arrested in future.' Unconfirmed reports indicated that up to 60 Christians had been detained on Christmas Eve, including Priest Leonard Keshishian in Isfahan.

• While a Kurdish political prisoner, Habibollah Latifpur, was scheduled for execution in late December and was only spared temporarily after widespread international outcry pending a possible review of his case, two other Kurdish political prisoners, Zanyar Moradi and Loqman Moradi, were sentenced on 1st January to hanging in public. The former's father, a political activist abroad, said that his son had been sentenced to death in retaliation for his father's activities. All

three are charged with moharebeh and corruption on earth. Nearly 20 Kurdish prisoners are believed to be on death row and some of them are at imminent risk of execution, notably Hossein Khezri and Zaynab Jalalian.

• An Iranian-Dutch woman, Zahra Bahrami, who had been arrested during anti-government protests in Tehran in January 2010, was sentenced to death on charge of possession of 500 grams of cocaine, according to reports on 5th January 2011. She denied the charge during her trial and said she had been coerced to confess to it under "physical and psychological torture" in Section 209 of Evin Prison, which is run by the Ministry of Intelligence. She is scheduled to appear in another trial for 'membership of an armed' opposition group later and is likely to receive a second death sentence.

• At least seven other prisoners who were arrested during the post-election protests last year, have been charged with moharebeh, and sentenced to death. Reports on 6th January indicated that the death sentence on one of them, Jafar Kazemi, has been referred for implementation and he is at risk of imminent execution.

Background information:

While an increasing number of countries worldwide have abolished the death penalty, the Islamic Republic of Iran has long overtaken China as far as per capita number of executions is concerned. The number of executions in Iran has been consistently rising in recent years since the start of Mr. Ahmadinejad's presidency in 2005, from 94 to 177 (2006), 335 (2007), 346 (2008), and 388 (2009). The figures of executions are minimum numbers compiled from various available sources, but the true numbers may be much higher, because the Iranian judiciary does not systematically report all the death sentences issued or implemented.

Thousands of people are believed to be on death row in Iran. A parliamentary delegation from Afghanistan visiting Iran in February 2010 reported that 3,000 Afghan nationals were on death row in Iranian prisons. A report in August 2010 indicated that the head of the judiciary, Ayatollah Sadeq Larijani, had written a letter to the Supreme Leader Ayatollah Khamanei asking for his permission to implement 1,120 death sentences. The Iranian authorities remained conspicuously silent on the report.

The Iranian judicial system consistently and systematically denies the

defendants the right to due process and fair trials as required by international standards. The prisoners are sentenced after frequently coerced confessions and grossly unfair and show trials. The Islamic Penal Code in force in Iran stipulates that "any person resorting to arms to cause terror, fear or to breach public security and freedom will be considered to be a mohareb [fighter against God] and corrupt on earth." Furthermore, it classifies armed robbers and highway bandits to be moharebs. Judges have the power to choose from four punishments for moharebeh: execution, crucifixion for three days (not necessarily entailing death), amputation of the right hand first and then of the left foot, and internal banishment. They often opt for the death penalty, in particular in political cases.

Under the ICCPR, to which Iran is a State party, member states may use the death penalty only for the "most serious crimes", meaning intentional crimes with lethal or other extremely grave consequences. In the overwhelming majority of the cases, the charges and offences alleged by the Iranian judicial authorities, do not amount to "the most serious crimes." Meanwhile, keeping prisoners on death row for very long periods of time, sentencing to death and executing people by hanging or

stoning for political or sexual charges, are clear cases of torture, inhuman and degrading treatment or punishment in violation of the ICCPR.

For more information, see the following reports:

FIDH-LDDHI Report on discrimination against ethnic and religious minorities "The Hidden side of Iran" available at: <http://www.fidh.org/Damning-report-...>

FIDH-RSF Campaign: "Iran- Freedom for all prisoners of conscience detained in Iran", available at: <http://www.rsf-fidh-iran.org>

FIDH Report on Death Penalty in Iran: "A State Terror Policy" available at: <http://www.fidh.org/A-State-Terror-...>

FIDH update to Death Penalty report: <http://www.fidh.org/Iran-death-pena...>

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### **13-year-old US boy's murder trial could violate international law**

Jordan Brown is charged with killing his father's pregnant fiancée when he was 11 © Private

24 January 2011

Amnesty International has urged the US authorities in the state of Pennsylvania to drop their pursuit of a murder trial in

an adult court for a 13-year-old boy, as it could result in a violation of international law.

On 25 January, the Pennsylvania's Superior Court is set to hear an appeal against an earlier decision to try 13-year-old Jordan Brown in adult court on charges of killing Kenzie Houk, his father's pregnant fiancée, when he was 11 years old in 2009.

The Pennsylvania Attorney General is pushing for the court to agree to Jordan Brown being tried as an adult, which will result in life imprisonment without parole if he is convicted of first-degree murder.

"Putting a child as young as Jordan Brown at risk of life in prison with no chance of parole is inconsistent with international human rights obligations" said Susan Lee, Amnesty International's Director for the Americas.

The USA and Somalia are the only countries in the world that have not ratified the UN Convention on the Rights of the Child, which prohibits life imprisonment without the possibility of release for crimes committed before the age of 18.

"It is shocking that anyone this young

could face life imprisonment without parole, let alone in a country which labels itself as a progressive force for human rights," said Susan Lee.

Jordan Brown was charged with two counts of homicide, because the victim was eight and a half months pregnant and her unborn child also died.

He was automatically charged for trial in adult court in accordance with Pennsylvania law for murder cases. The 25 January hearing will review an appeal by Jordan Brown's lawyers to have his trial transferred from an adult court to a juvenile court.

Jordan Brown is the youngest person known to Amnesty International to be currently at risk of being sentenced to life imprisonment with no parole. However, there are already at least 2,500 people in the US serving life imprisonment without parole for crimes committed when they were under 18.

"The USA is the only country we know of in the world that pursues life imprisonment without parole against children – and it does so regularly" said Susan Lee.

Amnesty International is calling on the USA to bring its laws into line with

international standards on the treatment of children accused of criminal offences.

### **Iran hangs two men detained during 2009 unrest**

24 January 2011

Amnesty International has condemned the executions of two men who were arrested in September 2009 during mass protests following Iran's disputed presidential election.

Ja'far Kazemi and Mohammad Ali Haj Aghaei were hanged this morning at Tehran's Evin Prison. Both men had been convicted of moharebeh (enmity against God) for having contact with a banned opposition group, the People's Mojahedin Organization of Iran (PMOI), and "propaganda against the system". At least four others are facing execution after conviction on similar charges.

Their hangings are the latest in a wave of executions which has seen the Iranian authorities execute at least 71 prisoners since the beginning of this year – an average of more than 20 each week. Thousands more prisoners are on death row.

"We are appalled by the executions of Ja'far Kazemi and Mohammad Ali Haj

Aghaei, as we are appalled by the continuing use in Iran of this most cruel and extreme penalty," said Malcolm Smart, Amnesty International's director for the Middle East and North Africa.

"Like so many other victims, neither of these men received a fair trial."

According to some reports, Ja'far Kazemi was tortured for months by his interrogators at Evin Prison to force him to make a televised "confession" but he refused to do so.

He and Mohammad Ali Haj Aghaei were tried together. They are believed to have been sentenced to death in April 2010. Their sentences were upheld by the Supreme Court in July and September 2010 respectively.

Before they were arrested both men had visited members of their families who live in Camp Ashraf in Iraq, where some 3,400 members and supporters of the PMOI live in exile. Ja'far Kazemi's son lives at the Camp, which is located some 60km north of Baghdad.

For months, the residents of Camp Ashraf have been subject to constant harassment, pressure and siege like conditions by the Iraqi authorities, who wish them to leave Iraq. They would be

at very serious risk if forced to return to Iran.

Other prisoners executed by the Iranian authorities in recent weeks include Ali Saremi who was executed in December 2010 for alleged membership of the PMOI. Hossein Khezri, a member of Iran's Kurdish minority, is also believed to have been executed on 15 January.

Two other members of the Kurdish minority, known only as Ayoub and Mosleh, are among those reportedly facing execution. They are alleged to have taken part in and filmed sexual acts between men.

Amnesty International wrote to the Head of Iran's Judiciary last week seeking clarification of their current legal situation and urging him to prevent their execution if they have been sentenced to death.

Three other men were hanged in Tehran on Monday after they had been convicted of male rape.

### **Clemency urged for man facing imminent execution in Yemen**

18 January 2011

Amnesty International has called on the Yemeni authorities to halt the imminent

execution of a man facing the death penalty for a murder he is alleged to have committed when he was under 18 years old.

Yemeni authorities are reported to have stopped Muhammed Taher Thabet Samoum's prison visits, prompting fears that his execution could be imminent. He was initially scheduled for execution on 12 January but was granted a temporary reprieve by the Attorney General.

"We urge President Ali Abdullah Saleh to show clemency in this case and prevent the state killing of Muhammed Taher Thabet Samoum, a young man accused of a murder committed when he says he was still under 18," said Malcolm Smart, Amnesty International's Director for the Middle East and North Africa.

"The death penalty is the ultimate cruel, inhuman and degrading punishment, and it must never be applied to juvenile offenders."

Muhammed Taher Thabet Samoum was sentenced to death in September 2001 by the Criminal Court in Ibb, west Yemen, for a murder he is alleged to have committed in June 1999. He maintains that he was under 18 years

old at the time of the alleged offence but does not have a birth certificate.

Another alleged juvenile offender convicted of murder, Fuad Ahmed Ali Abdullah, remains at risk of execution although he was given a temporary reprieve on 18 December 2010, the day before he was due to be executed by firing squad, following the intervention of his lawyer.

He was sentenced to death for a murder committed when he is believed to have been under 18. Yemen's Attorney General is expected to request that his age be determined by a forensic doctor.

"Executing individuals for crimes they are alleged to have committed when they were less than 18 years of age is not only inhumane but also contravenes both Yemeni law Yemen's obligations under international human rights treaties," said Malcolm Smart.

Yemen is a state party to the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, both of which expressly prohibit the execution of juvenile offenders – those convicted of crimes committed when they were under 18.

Amnesty International is aware of at least eight other people who are possible juvenile offenders on death row in Yemen and has long-standing concerns about the use of the death penalty in the country, particularly as death sentences are often passed after legal proceedings which fail to satisfy international standards for fair trial.

In 2010, at least 51 people were executed in Yemen. At least two more people have been executed since the start of this year. Hundreds of people are believed to be under sentence of death.

### **Illinois one step away from ending executions**

12 January 2011

Amnesty International has urged Governor Pat Quinn of Illinois to bring an end to executions in his state by signing a bill to abolish the death penalty newly passed by the state legislature.

The bill was approved yesterday in the state Senate by 32 votes to 25 and would make Illinois the 16th abolitionist state in the USA. The Senate's vote follows passage of the bill through the state House of Representatives last week.

"This historic vote is the latest sign that the USA is gradually moving away from this cruel, inhuman and degrading punishment," said Rob Freer of Amnesty International.

"It is encouraging that legislators have recognized that the death penalty comes with high costs and risks for no measurable benefit.

"Governor Quinn should now sign this bill into law as soon as possible and set an example to other states that still retain the death penalty. This is a punishment that should have no place in a modern criminal justice system."

Illinois has executed 12 people since judicial killing resumed in the USA in 1977. During the same period, 20 people have been released from the state's death row, the second highest number of such exonerations among the USA's death penalty states.

Illinois has not carried out an execution since 1999, and in 2000 then-Governor George Ryan declared a moratorium on executions after concluding that the capital justice system was fundamentally flawed.

In 2003, he pardoned four death row

inmates whom he concluded were innocent, and commuted the death sentences of 167 others.

Under the bill newly passed by the legislature, funds allocated for capital punishment cases would be transferred to services for families of murder victims and for training of law enforcement personnel.

If Governor Quinn signs the bill, Illinois would become the third state to enact legislation to abolish the death penalty in the last four years, following New Jersey in 2007 and New Mexico in 2009.

The 13 other abolitionist states in the USA are: Alaska, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, New York, North Dakota, Rhode Island, Vermont, West Virginia, and Wisconsin. The District of Columbia is also abolitionist. The remaining 35 states have the death penalty, as does the federal government and the US military.

Amnesty International is calling on the US government and authorities in the 34 states other than Illinois that still have the death penalty to work against the punishment with a view to its abolition.

Pending abolition, the relevant

authorities are urged to prevent any further executions, in line with the United Nations General Assembly's resolutions passed in 2007, 2008 and 2010 calling for a worldwide moratorium on executions.

There have already been two executions in the USA this year, bringing to 1,236 the number of executions carried out since 1977.



Read the latest information about worldwide  
efforts to abolish the death penalty!

<http://www.ipsnews.net/deathpenaltyabolition>



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