

Crime and Justice

Death Penalty and the Right to Life

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



January 2012

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CRIME AND JUSTICE

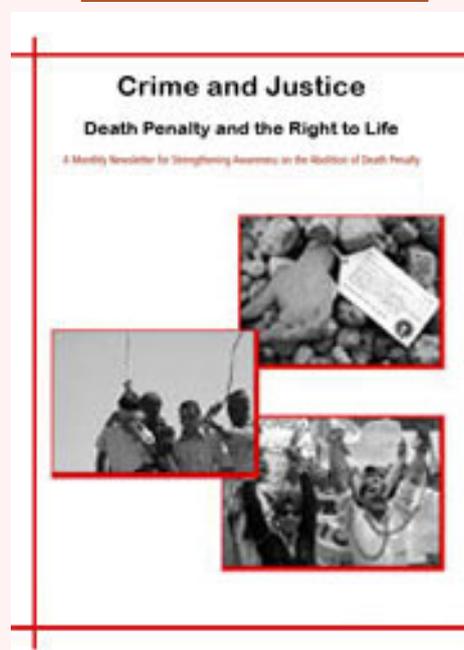
A Monthly Newsletter for Strengthening Awareness
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This page includes news coverage which is part of a project funded by the European Union

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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Death Penalty Returns to Haunt Afghanistan

By Rebecca Murray

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DEATH PENALTY: Urgent Appeal for Fair Trials

By Dennis Engbarth

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By Pavol Stracansky

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PROJECT ARTICLES

Death Penalty Returns to Haunt Afghanistan

By Rebecca Murray

KABUL, Dec 17, 2011 (IPS) - While Afghanistan's violent decades-long war has claimed thousands of lives, the last known state-sanctioned execution was in June under the direct order of President Hamid Karzai.

A lunchtime attack by suicide bombers and gunmen on the Kabul Bank branch in Jalalabad last February was one of this year's bloodiest. Most of the 40 dead and over 70 injured were members of the Afghan security services, lined up outside the bank to cash in their paychecks. The Taliban claimed responsibility for the incident.

In the subsequent groundswell of public outrage against the two surviving attackers, Zar Ajam from Pakistan and Afghan citizen Mateullah, President Karzai approved their deaths by hanging in Kabul's notorious Pul-e-Charki prison.

"Karzai was under enormous pressure from the public that these two men

should be executed," says Horia Mosadiq, Amnesty International's Afghanistan researcher. "There were a lot of people talking to the media pushing the government to execute these people, they really wanted to see something to happen."

Amnesty International says 139 countries worldwide have abolished the death penalty by law or practice. But Afghanistan is not one of them. More than 100 people are currently estimated to be on Afghanistan's death row, including some women.

"Our biggest concern is the Afghan judiciary is not able to provide a fair trial," Mosadiq says. "First, a presumption of innocence is lacking. Second, they are not trying testimony or evidence or witnesses. Third, the police are unprofessional and normally use torture to gain confessions from the accused.

"So many people under pressure from torture may falsely confess to a crime they have not committed. Finally, corruption plays a part, and also political pressure and connections as well."

In 2007, 15 state executions took place. And it is believed that President Karzai

bowed to domestic political pressure, especially before his re-election, when he opposed a United Nations resolution for a moratorium against the death penalty in 2008.

"Although Afghan courts continue to impose death sentences, Amnesty International has not recorded executions in the country in the past two years," the watchdog reported after the June execution took place. "The death penalty was widely used by the Taliban regime until its overthrow in 2001. The new government's reduction in executions was welcomed by the abolitionist movement as an encouraging sign."

Shabeer Ahmad Kamawal, director of the International Legal Foundation of Afghanistan (ILF-A), which provides pro-bono defense services for criminal detainees, claims the judicial process was unfair in one of their murder cases.

He believes in the innocence of their client, Mohammed, now on death row, who was embroiled in a violent dispute with his brother Hakim in a marriage arrangement between their children. According to Kamawal, Mohammed's five sons killed Hakim and one of his sons in the street, and then fled. Mohammed and another son, at home

during the crime, were arrested and tried for the murders instead.

"The fact is that the main doers were not found, and penalties were given to innocent people," says Kamawal.

"Officially we don't have a death penalty abolition campaign, but we can talk with the judge about turning the death penalty to life imprisonment," he adds. "Abolition is not a priority right now. When you do a campaign it takes a lot of effort, and now the people won't welcome it."

While the central government in Kabul works to implement a national rule of law system, traditional justice is still practised, especially in rural communities.

In a high profile case last month, a widow and her daughter in eastern Ghazni were publicly stoned and shot by armed men, believed to be affiliated with the Taliban, for "moral crimes" while community members watched.

In July, the killer of Ahmed Wali Karzai, the president's brother and Kandahar's major controversial power broker, was dealt an especially swift and brutal punishment.

Bodyguard Sardar Mohammad shot Karzai to death at close range in his office, before being killed by other bodyguards in the compound.

"It was shocking," says Horia Mosadiq. "I was disgusted when President Karzai said the Taliban killed his brother, but that he had forgiven his killer. How could he forgive him because he was immediately killed, hung on the back of a police car and then in the bazaar."

Mosadiq says it reminded her of the infamous murder in 1996 of the former Afghan president Najibullah, who was pulled from exile in a United Nations guest house by the invading Taliban, dragged through the streets and then publicly hung.

Mohammad Farid Hamidi, a commissioner at the Afghanistan Independent Human Rights Commission (AIHRC), says he isn't aware of local activists working specifically on ending the state-sanctioned death penalty, and that the AIHRC's position is complex.

"On one side the people support it, and it's in the context of Afghan religious and cultural issues, as well as the constitution and the criminal code," he says.

"However, with the current status of rule of law, where there is corruption in the government, policing, the judiciary, and culture of impunity, the big concern for AIHRC is how to apply fair trials for the death penalty," he says.

"The official stance therefore is the AIHRC asks the president and government for a moratorium, so they can stop corruption, strengthen the judiciary and government mechanisms."

"For a long time it seemed there was an unofficial moratorium on the death penalty by the government," says Human Rights Watch researcher Heather Barr. "But the Kabul Bank attackers was an exception to that. We don't know if this is an isolated incident or return to using the death penalty more broadly."

*Names in the ILF-A case have been changed to protect the client's identity. (END)

DEATH PENALTY: Urgent

Appeal for Fair Trials

By Dennis Engbarth

TAIPEI, Dec 15, 2011 (IPS) - Senior representatives of Amnesty International and the Anti-Death

Penalty Asia Network have urged the Taiwan government to "uphold fairness and justice" in its judicial system and resume a broken moratorium on use of the death penalty.

Amnesty International and the Anti-Death Penalty Asia Network (ADPAN) together with the Taiwan Alliance to End the Death Penalty have published a regional report 'When Justice Fails: Thousands Executed in Asia after Unfair Trials' focussed on the 14 countries in the region which retain the death penalty, including Taiwan.

After reviewing what constitutes a "fair trial" and the importance of the right to fair trial in death penalty cases, the new AI/ADPAN report highlights laws and practices that undermine the right to fair trial in eight Asian countries.

These barriers include reliance on "confessions" extracted through torture and other forms of ill-treatment as core or sole sources of evidence, the retention of mandatory death sentences including for non-lethal crimes, the lack of the presumption of innocence, inadequate guarantees for the right to legal counsel, the lack of effective processes for review and to seek clemency and the lack of transparency and independence in special courts and

rushed proceedings and offers recommendations for improvement.

"The consequence of the high number of executions in Asian countries and the widespread application of unfair trials in death penalty retaining countries in Asia makes miscarriages of justice a reality, just as in the case of Chiang Kuo-ching in Taiwan," said Louise Vischer, ADPAN coordinator in AI's Asia-Pacific Regional Programme.

The new ADPAN campaign is calling for action for seven other persons facing execution in China, India, Indonesia, Japan, Malaysia, Pakistan and Singapore in addition to the case of Chiou Ho-shun of Taiwan.

Vischer related that all eight cases are "at crucial points in the legal process with real risks of execution following unfair trials. Since no judicial process is perfect and can exclude all possibility of error, the only way to protect against executing innocents is to abolish the death penalty," the ADPAN coordinator said.

"ADPAN has sympathy with the victims of crime, but the death penalty is not an effective means of combatting crime and that the victims of crime become double victims when innocent persons

are executed and the real perpetrators are not brought to justice," stated Vischer.

Catherine Baber, deputy director for the Asia-Pacific programme of Amnesty International, stated that Taipei was chosen as the site to release the report Dec. 8 after the Taiwan government broke a nearly five- year tacit moratorium on execution of death penalties. That was with executions of four defendants in April 2010 and five in March 2011 despite having ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights and incorporating their provisions into domestic law March 2009.

Baber related that Taiwan's justice ministry admitted earlier this year that the late Air Force private Chiang Kuo-ching had been wrongly executed in August 1997 on charges of raping and murdering a five-year old girl the previous year and that President Ma Ying-jeou had made a public apology to Chiang's family.

"This apology was too little and too late for Chiang's family and by publishing this report in Taiwan we hope to ensure that there will be no more cases of

Chiang Kuo-ching in Asia," Baber stated.

"Taiwan has chosen to be bound by international standards, but actions speak louder than fine rhetoric," said Baber, who specifically criticized Taiwan for "executing defendants last April whose appeals for clemency were still in process

"The addition of 15 confirmed death sentences this year has imparted greater urgency to our call on the Taiwan government to restore the moratorium, especially as some of the cases are based on confessions extracted through torture and will lead to new miscarriages of justice," said Baber.

Baber said the new campaign highlighted the case of Chiou Ho-shun, who is now the subject of an AI 'Urgent Action' appeal, because his conviction in 1989 on charges of kidnapping and murdering a nine- year old boy Lu Cheng and another woman were based only on a confession that was extracted through torture during interrogation.

Chiou's case had rebounded between the Taiwan High Court and Taiwan Supreme Court 11 times since 1989 until his death sentence was finally confirmed by the Supreme Court on Jul.

28 and his request for an extraordinary appeal rejected by the Office of the Public Prosecutor General Aug. 25.

Greg Yo, Chiou's defence lawyer, stated that his client's conviction and death sentence were upheld despite the fact that video and sound recordings of the interrogation revealed that Chiou and his co-defendants had been tortured and even though two public prosecutors and 10 police officers investigating the Lu Cheng case were convicted of extracting confessions through torture.

Yo related that judges during Chiou's case had stated that "they did not want to hear any more about 'torture'.

"The case of Chiou Ho-shun contradicts claims that such practices and mentalities are limited to the military and do not exist in the civilian judicial system," said stated Yo, who added that "if Chiou Ho-shun can be executed based on a confession taken by torture, he will become another Chiang Kuo-ching."

TAEDP Executive Director Lin Hsin-yi stated that the Taiwan government's "words contradict its actions."

Lin related that the initial draft of Taiwan's first national report on the

implementation of the two human rights covenants released by the Ministry of Justice on Oct. 25 dropped previous presidential commitments to "gradually abolish the death penalty" and promised only to "decrease the use of the death penalty as a long-term aim."

Moreover, Lin related that the Taiwan Supreme Court had confirmed 15 death sentences as of the end of November 2011, bringing the total list of persons on death row to 54, and said several of the new cases included convictions based only on confessions and for non-lethal crimes.

"After ratifying the two human rights covenants and their guarantees for the right to life, the Taiwan government has gone in a reverse direction," said Lin. (END)

BELARUS: Fight Against Death Penalty Gets Tougher

By Pavol Stracansky

BRATISLAVA, Dec 12, 2011 (IPS) - A petition signed by 250,000 people calling for an end to capital punishment has been turned away by Belarussian authorities as the regime continues to

harden its stance on the death penalty.

Just one year ago there was hope that a moratorium on capital punishment could be close as a parliamentary commission began discussing the issue.

But just days after two men were sentenced to death, campaigners say a climate of fear now exists around official debate of the death penalty as President Alexander Lukashenka has moved to brutally crush any opposition to his regime since re-election at the end of last year.

One campaigner told IPS: "We have been dealing with a partner in Belarus on a project to open public discussion of the death penalty, but they admit to a fear of being linked with it. There is anxiety among civil society."

Belarus is the only country in Europe still executing people. There are no reliable official statistics available but rights groups estimate that as many as 400 people may have been put to death since Belarus became an independent state in 1991. Two men were executed earlier this year.

The former Soviet state has faced years of international condemnation over continued use of the death penalty.

Critics attack not only the retention of the sentence itself but also raise concerns over the fairness of trials in Belarus, use of torture when confessions are made, and the mental health of those convicted.

The establishment of a parliamentary committee to discuss a moratorium on the death penalty last year had led to hopes that Belarus might agree relatively soon to end the use of capital punishment.

But those hopes have been completely dashed in the past 12 months since Lukashenka's re-election as he has launched blanket suppression of all rights groups.

Meanwhile, independent local media have reported that government politicians are too scared to even approach the subject in parliament for fear of upsetting Lukashenka.

Heather McGill, a researcher with Amnesty International, told IPS: "What has changed is probably the events of last December. There has been a big change in atmosphere and a very strong clampdown by Lukashenka."

This clampdown has extended to harassment and persecution of rights

activists in Belarus who have been involved in campaigning for an end to capital punishment.

A report by the UN Committee on Torture released last month raised grave concerns over the harassment of rights campaigners. Among other things it specifically identified figures in two leading human rights organisations, which work on issues linked to the death penalty, as having been targeted by the regime - the chair of the Belarusian Helsinki Committee, Aleh Gula, and the president of Viasna, Ales Byalyatski.

The dismissal of the petition, raised by Amnesty and Belarusian human rights organisations Viasna and the Belarus Helsinki Committee, comes just days after the sentencing to death of two men has refocused attention on Belarus's use of capital punishment.

Dmitry Konovalov and Vladislav Kovalyov were sentenced to be shot by firing squad for a bomb attack in the Minsk subway in April 2011 that killed 15 people and wounded around 200 others at the end of last month.

While serious doubts have been raised about the fairness of the men's trial and the safety of their convictions amid

allegations of torture in custody and forced confessions, the international community has been united and swift in its condemnation of the sentence.

The United Nations, the EU, the Council of Europe and other international institutions immediately called for Lukashenka to introduce a moratorium on the death penalty.

But Lukashenka, who has overseen a de facto dictatorship in the country since he came to power in 1994, has ignored the calls.

Lukashenka has in the past been accused of using the death penalty as a political "bargaining chip" with the West which he will promise to end if and when it offers him something he wants.

But rights groups say that he is no longer even pretending to do this.

A spokesperson for Penal Reforms International (PRI) told IPS: "Lukashenka's stance on the death penalty might be influenced if he was offered some external economic help, as the country is facing an economic crisis, but invitations into international structures, like the European Union or others, would definitely not have any effect."

Rights groups have previously said that the only way to bring about an end to the use of capital punishment in Belarus is to work to change opinion from inside the country rather than internationally.

They are now hoping that, despite the climate of fear surrounding discussion of the issue, they can encourage public support for abolition of the death penalty.

Official referendums have shown as much as 80 percent of the population backs capital punishment.

But independent polls suggest the figure is much lower. In a 2010 poll by the Sociologists Centre in Minsk, 48 percent said they supported abolition of the death penalty. Another poll by the Belarussian NOVAK organisation showed 39 percent wanted an end to capital punishment.

The sentencing of Konovalov and Kovalyov and the emotional public appeals for clemency from Kovalyov's mother have moved public opinion and spurred local activists into action. Stickers and posters saying "no to the death penalty" appeared across Minsk after the pair were sentenced, put up by the European Belarus group.

And in what Amnesty International claimed was "an unprecedented show of public support" for the two men sentenced to death, a petition against their execution was signed by over 50,000 people.

John Dalhuisen, deputy programme director of the Europe and Central Asia programme at Amnesty International, said: "The delivery of our petition today brings Belarusian and international voices together in a clear message to the President to end this barbaric practice now." (END)

WORLD PRESS REVIEW December 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 December to the beginning of the month.

SAUDI ARABIA: 2 EXECUTED FOR KILLING FILIPINO TRUCK DRIVER

December 21, 2011: Two Egyptian nationals convicted of murdering a Filipino truck driver were executed in

Riyadh, the Interior Ministry said in a statement carried by the Saudi Press Agency.

The ministry identified the executed Egyptians as Wael Al-Sayed Fareed Al-Sayed and Rizq Eid Ali Rajab, who killed Alister Morong.

“The two Egyptians took the Filipino to a place far from residential areas after promising him that they would purchase his truck,” the ministry said.

“After reaching a desolated area, the two attacked the Filipino and strangled him and threw him along the road in order to take away his vehicle and share the booty,” it added.

Security officers later caught the two criminals who confessed to the crime. According to figures cited by AFP this brings the number of executions in the Kingdom to 75, during 2011. Figures quoted by IB Times, based on Amnesty International statistics, differ, with a higher count of 79 prior to today’s double beheading. (Sources: Arab News, digitaljournal.com, 22/12/2011)

INDIA: BILL PROVIDING FOR DEATH SENTENCE FOR SABOTAGE OF PIPELINES PASSED

December 22, 2011: Parliamentary approval was accorded in India to a bill that makes acts of terrorism aimed at destruction of oil and gas pipelines and

probable cause of loss of life punishable with death sentence.

The Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment Bill was passed by the Rajya Sabha. The bill had earlier been passed by the Lok Sabha.

It provides for a jail term of a minimum of ten years' rigorous imprisonment for acts of destruction of pipelines used for transportation of crude oil, petroleum products or gas and may extend to imprisonment for life or death in case the act of sabotage is likely to cause death of any other person.

Minister of State for Petroleum and Natural Gas R.P.N. Singh said the existing legal provisions were not enough to curb the malpractices and new provisions were needed to prevent pilferage of petroleum by organized gangs and saboteurs. (Source: Twocircles.net, 22/12/2011)

EU IMPOSES STRICT CONTROLS ON 'EXECUTION DRUG' EXPORTS

December 21, 2011: The European Commission has imposed strict controls on the export of drugs used to carry out lethal injections.

EU firms wanting to export drugs such as the sedative sodium thiopental will now first have to ensure the product is not going to be used for executions.

The ruling could slow down the rate of executions in the US, where the drug must be used by law in lethal injections but is in short supply.

The European Commission - the executive arm of the EU - said it wanted to ensure that no drugs were being exported from the union for use in "capital punishment, torture or other cruel, inhuman or degrading treatment or punishment".

Sodium thiopental is legally required to be used in lethal injections in the 34 US states that still practice the death penalty.

It is the first of three drugs used for executions, intended to make the condemned person unconscious before deadly drugs are administered.

Earlier this year its only US manufacturer, Hospira, stopped making the drug.

It is still made in Britain, Italy, Germany, Austria and Denmark, but in April, an emergency export ban was imposed in the UK after the human rights group Reprieve sued the government.

Indian produce Kayem Pharmaceuticals has also said it will no longer sell the drug to US prisons.

The shortage in the US has already led to a marked decrease in the number of executions being carried out.

Some states have stockpiled sodium thiopental while others switched to

using an alternative, pentobarbital, but that is also covered by the EU ban.

The Danish manufacturer of pentobarbital, Lundbeck, has objected to the "distressing misuse" of its product, designed for epilepsy treatment, and introduced checks to ensure it is not shipped to US prisons. (Source: BBC, 21/12/2011)

SYRIA: NEW LAW STIPULATES DEATH FOR 'TERRORISTS'

December 20, 2011: The Syrian regime is tightening its grip around armed rebels and deserters. The official news agency SANA reported that President Bashar al-Assad, has signed a decree imposing the death penalty on anyone who 'supplies weapons or helps supply weapons to commit terrorist acts'.

The measure also provides for life imprisonment and forced labour in cases of arms trafficking 'for profit or to commit terrorist acts'.

The Syrian government claims armed gangs and terrorists are behind the nine-month uprising against Assad's rule.

Government opponents deny that and say they are protesters seeking more freedoms in one of the most authoritarian regimes in the Middle East. (Source: AGI, 20/12/2011)

JAPAN: BAR FEDERATION TO ESTABLISH PANEL FOR ABOLISHING DEATH PENALTY

December 17, 2011: The Japan Federation of Bar Associations decided to establish a committee to pursue the abolition of the death penalty, its first attempt to adopt an official policy against capital punishment. The federation will select the members of the committee in January and ask the Diet to establish a panel to review the death penalty. The committee will also lobby the justice minister and the public on abolishing capital punishment. (Source: Japan Times, 18/12/2011)

IRAN: THREE PRISONERS HANGED IN ARAK

December 17, 2011: Three prisoners were hanged in the prison of Arak (south of Tehran) early in the morning. According to the official website of the Iranian judiciary in the Markazi province, the three prisoners who were executed today were identified as: "S. P."; convicted of carrying and keeping 830 grams of crack, "M. A." and "P. A." for participation in carrying 5 kilos and 7 grams of heroin. All the prisoners were tried behind the closed doors by the Revolution Courts. (Source: Iran Human Rights, 17/12/2011)

MALI: PRESIDENT TOURÈ PARDONS TUNISIAN NATIONAL

December 15, 2011: Amadou Toumani Touré, the President of Mali, pardoned Bechir Sinoun, the Tunisian national sentenced to death for attacking the French embassy on January 5, 2011. The decision was made after Tunisia's President, Moncef Marzouki, called upon the Malian government to return Sinoun to Tunisia. (Source: AllAfrica.com, 16/12/2011)

SWAZILAND ADVISED TO REPEAL DEATH SENTENCE

December 15, 2011: Swaziland is one of the countries that have been urged to consider repealing the death sentence. Mtsambama MP Bheki Mkhonta who is also Chairperson of the Ministry Justice and Constitutional Affairs portfolio committee said the country is expected to commence discussions on whether this can be done or not. He has recently returned from a trip in Italy where countries looked into issues relating to the death sentence. Mkhonta was in that country to attend the 39th Congress of the Nonviolent Radical Party Transnational and Transparty. He represented Speaker of the House of Assembly Prince Guduza. "We talked about global politics and also looked into the UN resolution on renouncing the death penalty. Countries

were looking at how it can be removed and why it would be good or not to remove it," he said.

Speaking on national radio yesterday morning, he said comparatively the country fares better than others regarding this.

This he said because no one has been executed in the country since 1983 even though initially there were 45 people who had been sentenced to hang but it never happened.

He said at least 43 were granted prerogative of mercy.

The meeting resolved that UN member states begin internal processes of interrogating the matter.

"We resolved that we go back to our respective countries to initiate talks about the possible removal of the death penalty," he said.

The MP said the country also fared better than other states regarding the welfare of inmates.

He said to his surprise Swaziland was apparently doing better than developed states including the hosts.

"Swaziland fares better in treatment of inmates regarding the conditions of stay. We had a look at Italy and found we are better than them in some areas even though they are a first world state. You would expect them to be advanced as they are first world but they are not," said Mkhonta.

He said the Commissioner of Correctional Services Isaiah Ntshangase and his staff are to be commended for this. (Source: times.co.sz, 15/12/2011)

ZAMBIA: MAN SENTENCED TO DEATH FOR MURDER

December 14, 2011: In Zambia, Judge Isaac Kamwendo of the Kitwe High Court sentenced Innocent Kunda, alias 'Sharp Shooter', a 46-year-old charcoal burner, to death.

Kunda was found guilty of raping pregnant woman Anne Chimfwembe before he bludgeoned her to death with an axe on August 10, 2010, in Kalulushi. (Source: Zambia Daily Mail, 15/12/2011)

NORTH CAROLINA (USA): PERDUE VETOES REPEAL OF RACIAL JUSTICE ACT

December 14, 2011: Gov. Bev Perdue today vetoed the bill that would gut the Racial Justice Act, the 2-year-old law that allows death-row inmates to appeal their sentences based on statistical proof of racial bias.

"I am – and always will be – a strong supporter of the death penalty," Perdue said in a statement her office issued late this morning. "I firmly believe that some crimes are so heinous that no other punishment is adequate. As long as I am governor, I am committed to ensuring that the death penalty remains a viable

punishment option in North Carolina in appropriate cases.”

But, the governor continued, it’s important the death penalty be given “fairly and that the process not be infected with prejudice based on race.” Perdue’s statement also countered claims by the state’s prosecutors that a successful appeal under the Racial Justice Act would free inmates. The only recourse if a death-row inmate successfully argues statistical bias is a reduction in sentence to life in prison without parole. (Source: News & Observer, 14/12/2011)

CHINA: MAFIA-STYLE GANG LEADER EXECUTED

December 13, 2011: The leader and two core members of a Mafia-style gang that terrorized local communities in southwest China's city of Kunming were executed, court officials said.

Gang leader Jiang Jiatian, his mistress Yang Jufen and Xie Mingxiang were executed after the Supreme People's Court approved their sentences, said Ma Yukun, vice-president of the Kunming Intermediate People's Court.

Jiang, 58, made a fortune from drug trafficking in the mid-1990s and invested his earnings in at least 10 teahouses, Internet cafes and hotels in Kunming. He organized a gang of 41 members and nearly all of his

businesses were used as dens for prostitution, extortion, racketeering, and the sale of drugs and counterfeit banknotes, Ma said.

The gang disrupted social order in at least three villages in the suburbs of Kunming and many villagers wrote to local governments complaining that they felt unsafe, court officials previously said.

Jiang and other core gang members were sentenced to death by the Kunming local court in 2009, but the father of Jiang's mistress won a two-year stay of his execution after appealing. (Source: Xinhua, 13/12/2011)

SAUDI ARABIA: WOMAN BEHEADED FOR 'SORCERY'

December 12, 2011: A Saudi woman was beheaded after being convicted of practising sorcery, which is banned in Saudi Arabia, the interior ministry said.

Amina bint Abdulhalim Nassar was executed in the northern province of Jawf for "practising witchcraft and sorcery," the ministry said in a statement carried by SPA state news agency.

The beheading took to 73 the number of executions in Saudi Arabia this year. (Source: Afp, 12/12/2011)

DEATH PENALTY: EUROPE RESTRICTS EXPORT OF SODIUM THIOPENTAL

December 12, 2011: Pushed by human rights groups, the European Union is set to ban the sale to the United States of one of the main active substances needed for lethal injections. Sodium thiopental is already in short supply, and executions are now set to be further delayed.

The European Union is set to restrict the sale to the United States of one of the main active substances needed for lethal injections. According to information obtained by the *Süddeutsche Zeitung*, the export of sodium thiopental will only be possible by special permission, beginning Friday, posing a major problem for the US justice system.

The Official Journal of the European Union (OJEU) is to publish a new, uniform set of authorized export regulations, valid for all short or intermediate-acting barbituric acids. One of them is the easy-to-use and fast-working anesthetic sodium thiopental, which is used to execute criminals in the states of Ohio and Washington. In 33 other states, sodium thiopental is a key ingredient in other toxic cocktails used to kill inmates.

Approximately 100 people are executed by American authorities every year. But in the past few months, supplies of the drug have become scarce.

The only manufacturer based in the US, Hospira, is unwilling to continue to make its product available for lethal injections, and under American law it is not allowed to simply change the injection "recipe." To do that, a complicated approval procedure is required. So authorities -- who have been postponing executions as a result of the difficulty in finding supplies -- have been seeking other sources such as those in the EU.

Anti-death penalty and other human rights groups have pushed for the EU decision to now require special permission to export to countries outside of Europe. The most prominent supporter of the move is Germany's Minister of Economy and head of the Free Democratic Party (FDP), Philipp Rösler. In an earlier role as Minister of Health he had written to German manufacturers of sodium thiopental to encourage them not to sell the drug to the US. After changing jobs, he introduced to the Commission a bill to create a regulation valid Europe-wide that would effectively prevent the export of thiopental to the US. Initially, the proposal met with resistance from other states, but it has now been approved by the majority of the 27 member states. (Source: *Süddeutsche Zeitung*, 12/12/2011)

IRAN: PUBLIC HANGING AND AMPUTATIONS

December 11, 2011: One man was hanged publicly and amputation verdicts of two prisoners were implemented today in Iran.

According to the state run Iranian news agency ISNA, one man identified as "Kianoosh S. K. G." was hanged publicly in the "Danesh Square" of Shahr-e-Kord (west of Iran) early in the morning. The man was convicted of kidnapping and rape of one woman. The report didn't mention the age of the prisoner.

The official website of the judiciary in Fars province, amputation verdicts of two prisoners were carried out in the prison of Shiraz this morning. According to this report one foot of a prisoners who was convicted of armed robbery, was amputated today. The report stated that hand of this prisoner had been amputated earlier.

One hand of another prisoner was also amputated in the same prison this morning.

None of the prisoners were identified by name. (Source: Iran Human Rights, 11/12/2011)

SOMALIA: PUNTLAND EXECUTES TWO AL SHABAAB CONVICTED TERRORISTS

December 10, 2011: Government officials in Somalia's Puntland State say they have executed two men convicted

of committing terrorism crimes in Puntland, Radio Garowe reports.

Puntland's Attorney-General Mohamud Hassan Aw'Osman told the media during a press conference in the Puntland capital of Garowe that the two men were executed by firing squad.

"The two men were convicted of terrorism crimes and they both have confessed openly," said Puntland's Attorney-General, who showcased videotape confessions to the media.

The two men were identified as Mr. Abdullahi Abdulle Iman and Mr. Osman Abdi Gabow. Both men are from south-central Somalia, according to Puntland security sources.

Mr. Aw'Osman, the Attorney-General, told reporters that Mr. Iman was convicted of killing two persons – a policeman and a community elder. The second man, Mr. Gabow, was convicted after confessing to have killed five

persons in Puntland's port city of Bossaso – including two policemen and three civilians. "Al Shabaab terrorist

group has declared to kill anyone who is active or educated in Puntland...and so we have declared no mercy for anyone associated with Al Shabaab terrorist group," said Puntland's Attorney-

General, Mr. Mohamud Hassan Aw'Osman. (Source: Garowe Online, 11/12/2011)

ARKANSAS (USA): DEATH ROW INMATE GETS NEW TRIAL THANKS TO TWEETING JUROR

December 8, 2011: The Arkansas Supreme Court tossed out Erickson Dimas-Martinez's murder conviction and said he deserves a new trial because one juror slept and another tweeted during court proceedings. Dimas-Martinez's attorneys had appealed his 2010 conviction for the death of 17-year-old Derrick Jefferson after a robbery. Dimas-Martinez's attorneys claimed that one juror sent tweets despite the judge's instruction not to post on the Internet or communicate with anyone about the case.

The lawyers also complained that another juror slept. In one tweet, juror Randy Franco wrote: "Choices to be made. Hearts to be broken...We each define the great line." Less than an hour before the jury announced its verdict, he tweeted: "It's over." Other tweets by Franco made passing references to the trial, with posts such as, "the coffee sucks here" and "Court. Day 5. Here we go again."

The court said Franco, known as Juror 2 in court documents, violated general instructions to not discuss the case. "Because of the very nature of Twitter as an ... online social media site, Juror 2's tweets about the trial were very

much public discussions. Even if such discussions were 1-sided, it is in no way appropriate for a juror to state musings, thoughts, or other information about a case in such a public fashion," Associate Justice Donald Corbin wrote.

An assistant attorney general had argued before Arkansas' highest court that the tweets were merely about the juror's feelings and not about specifics of the trial.

Courts in Arkansas and around the country are grappling with problems caused by jurors using Twitter, Facebook or other online services during trials. In 2009, a Washington County judge dismissed an attempt to overturn a \$12.6 million judgment against a building materials company, despite the firm's complaint that a juror's Twitter posts showed bias. In the Arkansas case, the justices said, Franco had been given specific notice that tweeting was taboo. "More troubling is the fact that after being questioned about whether he had tweeted during the trial, Juror 2 continued to tweet during the trial," Corbin wrote.

The justices sent the case back to a lower court for a new trial. (Source: CBS News, 08/12/2011)

USA: PROSECUTORS DROP EFFORT TO SEEK EXECUTION FOR ABU-JAMAL

December 7, 2011: Convicted murderer Mumia Abu-Jamal, whose case became an international cause, will not be executed and will spend his life in prison, District Attorney Seth Williams announced.

Abu-Jamal was convicted in 1982 of killing a Philadelphia police officer and sentenced to death, a sentence that sparked criticism the case had been handled unfairly.

A federal appeals court overturned Abu-Jamal's death sentence in October and the U.S. Supreme Court declined to review the case, leaving the district attorney to accept life in prison or seek a new sentencing hearing.

"The decision to end this fight was not an easy one to make," Williams said in a statement in which he also said he will not seek a new hearing.

Abu-Jamal, who is in state prison in Greene County, will spend life in prison, he said.

"There has never been a doubt in my mind that Mumia Abu-Jamal shot and killed officer (Daniel) Faulkner, and I believe the appropriate sentence was handed down in 1982," Williams said.

"While Abu-Jamal will no longer be facing the death penalty, he will remain behind bars for the rest of his life, and that is exactly where he belongs," Williams said.

Over the years, "Free Mumia" graffiti has become a common sight in many cities and college campuses where the convicted killer has found support.

His supporters have pointed to what they believe are factual errors in ballistics reports and they also say some eyewitnesses were never called to testify.

In Philadelphia, however, officials renamed part of a heavily traveled boulevard after the slain officer.

Maureen Faulkner, his widow, said in a statement: "My family and I have endured a three-decade ordeal at the hands of Mumia Abu-Jamal, his attorneys and his supporters, who in many cases never even took the time to educate themselves about the case before lending their names, giving their support and advocating for his freedom."

Faulkner was gunned down at a Center City intersection on December 9, 1981. He was 25 at the time.

"All of this has taken an unimaginable physical, emotional and financial toll on each of us," his widow said. (Source: Reuters, 07/12/2011)

GUJARAT (INDIA): DEATH PENALTY INTRODUCED FOR TOXIC ALCOHOL

December 6, 2011: The illegal manufacture and sale of toxic alcohol in

the western Indian state of Gujarat will now be punishable by death.

The governor of the state, Kamala Beniwal, has given her assent to the new law after keeping it on hold for more than two years.

Gujarat has witnessed many incidents of people dying after consuming poison alcohol.

The government says the law will deter those involved in the illegal trade.

Gujarat is the only state in India where alcohol is totally prohibited by law.

The state legislative assembly passed the new stringent bill after scores of people died in one incident in 2009. But the governor refused to sign it into law.

Correspondents say she wanted the provision of the death penalty to be dropped from the bill, but the state government did not agree.

It was then referred to the central government for "legal opinion", and the governor gave her approval only after getting the nod from Delhi.

The law will also allow the authorities to impound and auction vehicles used for transporting contraband. (Source: BBC, 06/12/2011)

IRAQ: TAREQ AZIZ TO BE EXECUTED IN 2012, OFFICIAL SAYS

December 6, 2011: Saad Yusef al-Muttalibi, adviser to the Iraqi prime minister Nouri al Maliki, has told CNN

that Saddam Hussein's former deputy, the Christian Tareq Aziz, will be executed in 2012 "after the withdrawal of USA troops".

The announcement came as a surprise to Aziz's lawyers. "We did not think the government was so stupid," said a member of the legal team. "By behaving this way they will drag the country to the edge of an abyss," said Badi Arif. Aziz was arrested by U.S. troops in April 2003 and was sentenced to death last year because of the role he played in the persecution of Shiite movements. (Source: AGI, 06/12/2011)

ASIAN COUNTRIES PUTTING THOUSANDS TO DEATH AFTER UNFAIR TRIALS

December 6, 2011: A hard-line group of Asian countries are defying the global trend against the death penalty and putting to death thousands of people after unfair trials every year, Amnesty International and colleagues in the Anti-Death Penalty Asia Network (ADPAN) said today in a new report.

Some 14 Asian countries, taken together, execute more people than the rest of the world combined. Worryingly Thailand and Taiwan have both resumed use of the death penalty after a period of cessation.

The report, "When justice fails: thousands executed in Asia after unfair

trials”, highlights the struggle to secure a fair trial in eight of these countries.

The report calls for action for eight people facing execution in China, India, Indonesia, Japan, Malaysia, Singapore, Taiwan and Pakistan. In each case, a death sentence was delivered after an unfair trial and in six of the cases the conviction relied on a confession extracted through torture.

Catherine Baber, Amnesty International’s Deputy Director for Asia-Pacific, said:

"The flawed justice systems in many of these countries, creates a situation where people are executed after blatantly unfair trials where they have had little or no access to legal advice and may even have been convicted after being tortured into confessing."

Over half of all Asian countries have officially abolished the death penalty, or have in practice not carried out executions in the last ten years.

The Anti-Death Penalty Asia Network (ADPAN) launched in 2006. ADPAN is an independent cross-regional network that campaigns for an end to the death penalty across the Asia-Pacific Region. ADPAN is independent of governments and any political or religious affiliation. Members include lawyers, NGOs, civil society groups, human rights defenders and activists from 23 countries. (Source: Amnesty International, 06/12/2011)

VIRGINIA (USA): JUDGE WHO OVERTURNED INMATE'S DEATH SENTENCE ORDERS HIS RETURN TO DEATH ROW

December 3, 2011: Federal Judge who overturned inmate's death sentence orders his return to death row. U.S. District Judge Raymond A. Jackson, who overturned Justin Wolfe's death sentence, has ordered his return to death row, citing harsher restrictions Wolfe had received in segregation elsewhere.

Wolfe, 30, white, was convicted in 2002 of a drug-related murder-for-hire in Prince William County. The case was tossed out in July by Judge Jackson, who was critical of the evidence and who found prosecutorial misconduct.

Jackson gave the state 120 days to retry Wolfe or let him go. The Virginia Attorney General's Office appealed the ruling to the 4th U.S. Circuit Court of Appeals, where the matter is pending. Meanwhile, Wolfe, then no longer under a death sentence, was transferred from death row at Sussex I State Prison to nearby Sussex II State Prison. Once at Sussex II, he was placed in administrative segregation and, initially at least, he was under tighter restrictions and lost some of his death row privileges — moves his lawyers argued were punitive. Court papers

show the Virginia Department of Corrections explained that Wolfe was placed in segregation in part for his own protection because his case had gained notoriety and another inmate might attack him to make a name for himself. Last week, Jackson issued a 23-page order sending Wolfe back to death row. Jackson wrote that even if, as the state contends, the intent was not to penalize Wolfe, "the effect of Wolfe's transfer to Sussex II has been just that — punitive." The judge wrote that the reasons given by officials for transferring Wolfe are at best inconsistent, "and the result has been that Wolfe is in a worse position in segregation at Sussex II than when he was on death row at Sussex I". (Source: Richmond Times-Dispatch, 03/12/2011)

IRAQ: 6 CONVICTED WITH TERRORISM CHARGES EXECUTED

December 1, 2011: Iraqi Ministry of Justice announced that 6 detainees, convicted with terrorism charges, were executed following the declaration of their final rule.

"The death penalty sentence of 6 convicted was executed this morning by virtue of article 4 of Anti-Terrorism Law," the ministry reported in a statement which Alsumarianews received a copy of.

"Death penalty was executed after declaring the final rule of the sentence," the ministry added.

Is considered a terrorist act every violence or threat of sectarian discord and civil war through citizens' arming as well as their instigation and financing to arm each other, according to Article 4 of 2005's Anti-Terrorism Law.

Iraqi presidency had approved, on October 20, the execution of 53 convicted including 5 foreigners, an Iraqi official declared.

Justice Minister Hassan Al Shammari reported, on September 5, that his ministry received 40 presidential decrees of death penalty. 5 out of the 40 decrees are ready to be executed, he announced explaining that the execution of the other sentences awaits their ratification.

Iraqi President Jalal Talabani appointed his first deputy Khudair Al Khuzai, on June 13, as well as his second deputy Tarek Al Hashimi, on July 19, to sign death penalty sentences. (Source: Alsumaria.tv, 01/12/2011)

UAE: DEATH SENTENCE OF 2 INDIANS COMMUTED AFTER BLOOD MONEY DEAL

December 1, 2011: Two Indians, who were facing death sentence in the UAE, are set to be released this month as their death penalty was commuted by a

Sharjah court after an Indian hotelier paid Rs eight lakh in blood money to the family of victim.

The two youth from Punjab had been awarded death sentence in Sharjah for bootlegging and murdering another Indian from Andhra Pradesh.

Talwinder Singh from Kapurthala and Paramjiit Singh from Gurdaspur were in prison since 2009 for murdering Chinna Ganganna Chepuri from Hyderabad. The case was being heard at a Sharia court in Sharjah.

"We have paid blood money, which alongside other expenses, have cost around Rs 10 lakhs. Their death penalties have been waived and they will now only get three years of jail, which they have almost served," S P Singh Oberoi, a local businessman and founder president of Indian Punjabi Society told PTI.

Oberoi said the verdict was delivered on November 29 after a pardon letter was signed by the family of the victim.

"It will take around a week to 10 days for the two Punjabis to be released," Oberoi said.

Oberoi had paid Rs eight lakh as 'diya' or blood money to the family of Chepuri last month. (Source: PTI, 01/12/2011)

SAUDI ARABIA: DEATH UPHELD FOR TRIO IN MAKKAH MURDERS

December 1, 2011: the Supreme Court has upheld the death sentences issued in Saudi Arabia by a lower court against three Pakistanis who were convicted of murdering and dismembering a compatriot and two Indonesian women, one of whom was pregnant, Al-Madinah newspaper reported.

It said the three Pakistanis were members of a money laundering ring. The crime was committed in the central area around the Grand Mosque in Makkah during the last 10 days of the holy month of Ramadan a few years ago.

The gang members were found to have been transferring large sums of money to Pakistan through an Arab Gulf country. The gang was composed of four men, but the three of them got jealous of the fourth who acted as their leader. The defendants lured the man to their home, where they served him tea mixed with sleeping pills. When he fell unconscious, they killed him, chopped his body into pieces and put them in a garbage bag.

An Indonesian woman, who had an affair with the gang members, including the murder victim, came to the house to inquire about the victim, but was shocked to see his dismembered body. Fearing that the woman might report them to the police, the gang members killed her and put her body in a garbage

bag, which they buried in the holy site of Arafat.

A few days later, a female friend of the murdered woman, also Indonesian, contacted the gang members on telephone to ask about her friend.

When she persisted in her inquiries, they told her that the woman was staying with them and that she could come and visit her if she wanted. When the woman arrived, they killed her, too. The woman was pregnant. They put her body in a garbage bag, which they buried inside the house.

When the gang vacated the house, the landlord found the decomposed body of the Indonesian woman buried inside the house. He informed the police, who launched a manhunt and tracked down all the three members of the gang. They admitted to their crimes and authenticated their confessions at the Shariah court.

The judge sentenced them all to death in view of the brutality of the crimes, which they committed at the holiest of places during the holiest of months.

The gang members offered large sums of money to the families of the victims to forgive them, but the judge refused to release them saying that their crimes were tantamount to waging war on and spreading corruption in society. He said nobody had the right to forgive the trio and upheld the death sentences issued

by the lower court. (Source: Arab News, 01/12/2011)

News from International NGOs - December 2011

PRI Welcomes Legal Amendments to Control Lethal Drug Export

Penal Reform International welcomes legal amendments to control the export of lethal injection drugs

20 December 2011, the European Commission extended the list of goods subject to export controls, to prevent their use for capital punishment. The export of certain anaesthetics, such as sodium thiopental and pentobarbital, which are used in lethal injections, will now be strictly controlled for all EU Member States.

“Implementing controls to prohibit the trade in equipment used for capital punishment sends a strong message to retentionist states,” says Jacqueline Macalesher, PRI’s Death Penalty Project Manager. “If those states wish to carry out executions, they should not receive assistance – either directly or indirectly – from Europe.”

Civil society and the European Parliament have lobbied the European Union to close legal loopholes since it was revealed that sodium thiopental,

one of the three drugs used by the USA in its lethal injection cocktail, was exported from the UK to be used in a number of executions in 2010.

“Although this is a vital step forward for the European Union in its continued fight against the death penalty, there remain other legal loopholes which will only be closed with an end-use catch-all provision to prevent European drugs of any type being used in executions.”

PRI encourages the European Commission to prioritise its in-depth review in 2012 of Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment, and ensure that recommendations for a death penalty and torture catch-all clause be included in the review.

Click here to read the release by the European Commission <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/11/1578&format=HTML&aged=0&language=EN&guiLanguage=en>

Penal Reform International hosts Lebanon Death Penalty Conference

Year of publication: 2011

On 17 December 2011 Penal Reform International hosted a conference entitled 'For practical legal alternatives'

in Lebanon as part of its Death Penalty Abolition project.

The conference was a great success, and a number of high profile individuals opened the event, including: the former Prime Minister of Lebanon, Mr Salim Al-Hoss, who urged the current government to take steps towards death penalty abolition in the country; the Minister of Justice, Mr. Chakib Cortbaoui; the Head of the Political Section of the Delegation of the European Union in Lebanon, Ms Elsa Fenet; and the former President of the Parliamentary Committee of Administration and Justice, Mr. Mkhayel Al-Daher.

The day-long conference was attended by 60 participants altogether, including the Head of the Court of Cassation, the Head of the Parliamentary Human Rights Committee, former and current parliamentarians, former ministers, civil society organisations and human rights activists, judges, lawyers, academics, and representatives from the Ministry of Education and the EU (Head of Political Section).

The conference focused on discussing alternatives to the death penalty, and the need to promote a non-violent culture to help reach abolition; it is a time when there is a need to promote dialogue and reconciliation, and avoid using the death penalty as a tool for

revenge in the region. Participants urged the government to take steps towards abolition in an attempt to set an example for other Arab states. The conference also included discussion of the importance of reviving the work of the Lebanese National Campaign Against Death Penalty, and to enhance the coordination between the different NGOs, political parties, activists who are supporting the abolition. The conference concluded with a proposal to send a letter to the Lebanese parliament, supporting the step taken by its Human Rights Committee to include death penalty abolition in the National Lebanese Human Rights Strategy, urging the government to fulfill its commitments in its Universal Periodic Review report, and requesting that it review legislation and abolish the death penalty.

See below for the full agenda and recommendations from the day

<http://www.penalreform.org/files/Death%20Penalty%20Conference%20Programme-Beirut%2017dec%202011.pdf>

<http://www.penalreform.org/files/DP%20Conference%20Lebanon%20Write-up.pdf>

DPIC'S YEAR END REPORT: DEATH SENTENCES PLUNGE TO HISTORIC LOWS

December 15, 2011: The Death Penalty Information Center released its latest report, "The Death Penalty in 2011: Year End Report," on statistics and trends in capital punishment in the past year. The report noted that new death sentences dropped in United States to 78 in 2011, marking the first time since 1976 that the country has produced less than 100 death sentences in a year. It represents a 75% decline since 1996, when there were 315 new death sentences.

California, which has the country's largest death row, saw its death sentences drop by more than half this year - 10 compared with 29 in 2010.

Only 13 states carried out executions in 2011, 74% of which were in the South. Only 8 states carried out more than one execution.

Texas led the country with 13 executions, but that number represents a 46% decrease from 2009, when there were 24 executions.

"This year, the use of the death penalty continued to decline by almost every measure," said Richard Dieter, DPIC's Executive Director and the report's author. "Executions, death sentences, public support, the number of states with the death penalty all dropped from previous years. Whether it's concerns about unfairness, executing the

innocent, the high costs of the death penalty, or the general feeling that the government just can't get it right, Americans moved further away from capital punishment in 2011."

Iran: 'Killing Spree' of Drug Executions

December 15, 2011: Amnesty International said in a report Iran has launched "a killing spree of staggering proportions."

According to the report, at least 600 people were executed in Iran from the beginning of 2011 up to the end of November, of which a minimum of 488 executions were carried out for alleged drug offences.

Amnesty International said the figures showed a threefold increase in comparison to drug-related executions it documented in 2009 (166 executions) and 2010 (172 executions).

"These included reports of secret mass executions at Vakilabad Prison in Mashhad, with one - on 4 August 2010 - involving over 89 individuals."

Roundtable on Human Rights in Kyrgyzstan's Temporary Detention

Bishkek, December 14, 2011 – A roundtable was held for discussion of human rights issues in relation to temporary detention facilities (IVS) in Kyrgyzstan. The roundtable was attended by government

representatives including the Attorney General, law enforcement agencies and the Office of the Ombudsman, national and international experts in the field of human rights, including the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

The audience presented the results of independent monitoring of the 47 IVS, conducted in all regions during the period from July to November 2011.

Monitoring was carried out on the basis of the memorandum of cooperation signed on 7 June 7 2011 by the Ombudsman, the OSCE Centre in Bishkek and eight human rights organisations specialising in the prevention of torture and illtreatment.

Andrew Tesoriere, Head of the OSCE Centre in Bishkek, opened the roundtable and stressed the timeliness and importance of establishing a national human rights protection mechanism to strengthen measures against torture.

The UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Mr. Juan Mendez, reminded participants that freedom from torture is an absolute right which can not be limited under any circumstances. Due to the fact that Kyrgyzstan ratified the UN Convention against Torture and Other Cruel,

Inhuman or Degrading Treatment or Punishment in 1997 and its Optional Protocol in 2008, the country faced the task of implementation of all commitments, including the early establishment of a national mechanism to prevent torture.

Aziza Abdirasulova, director of the Human Rights Centre Kylym Shamy, noted that the use of torture is a tragedy for the entire state; she also called for cooperation between the Prosecutor General's Office, Ministry of Interior and National Security Committee.

"In the Office of the Ombudsman much attention is paid to this problem, and there is even a special department which monitors the situation of torture. I often go to such events, but rarely see the hall so full - the problem is interesting for all", said Ikram Mamedov. Attorney General of the Republic of Kyrgyzstan, Aida Salyanova, and Kashkar Djunushaliev, Deputy Minister of Internal Affairs, also emphasised the importance of cooperating with human rights organisations, and assured that all recommendations will be taken into account.

The recommendations were addressed directly to the Government, the Supreme Court, the Prosecutor General, and Ministry of Internal Affairs and

Administration. They are aimed at strengthening the role and influence of government agencies and officials in the prevention of torture and ill-treatment, ensuring the inevitability of punishment for their application, compliance with human rights and freedoms in places of detention and improved conditions of detention in accordance with international obligations by Kyrgyzstan. At the conclusion of the roundtable it was decided to extend the 2012 Memorandum of Understanding, and a proposal was made to the General Prosecutor's Office and Interior Ministry to join this Memorandum and to provide for the future conduct of preventive visits to places of detention throughout the country with civil society and members of the Ombudsman's Office.

The organisers of the roundtable were the OSCE Centre in Bishkek, the Regional Office of the High Commissioner for Human Rights (OHCHR) for Central Asia, European Union, Freedom House, with support from USAID, Office of the Ombudsman, the CD, The Royal Netherlands Embassy in Astana, Penal Reform International, "The Voice of Freedom," "Independent human rights group," "Kylym Shamy" OPZO "Justice," and "Ray of Solomon." To contact "Voice of Freedom" - Elmira Esenamanovoy:

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PRI Human Rights Day Film Festival

Penal Reform International (an international non-governmental organisation dedicated to the promotion of penal and criminal justice reform worldwide), in collaboration with Karama Human Rights Film Festival 2011, will present via its Middle East and North Africa office a panel session entitled Right to Life and the Arab Spring: Prospects for Abolition of the Death Penalty. This forms part of a series of film festivals in all its regions to tie in with International Human Rights Day.

The session provides a platform for informed debate among policy-makers, civil society and the public towards the progressive abolition of the death penalty, through the screening of documentaries.

The session screens a number of short documentaries on the impact of the death penalty on society, and its impact on people on death row and the family of convicted offenders, and families of victims of murder, the prison conditions of death row inmates and testimonies of prison guards who implement the executions.

The screenings will be followed by a panel of International and regional speakers from Algeria, Jordan, Lebanon, Morocco, Tunisia, Jordan and Yemen, who will discuss the debate surrounding death penalty abolition and the importance of the protection of the right to life as a fundamental right. The debates will highlight the international human right standards calling for death penalty abolition, with special focus on the different arguments for and against the death penalty, the social impact of death penalty, the economic impact of death penalties and, most importantly, the political use of the death penalty as a tool of oppression.

The debate also tackles the Arab revolutions and their impact on the death penalty, and the importance of the rule of law as a main safeguard for the right to life.

Participants include parliamentarians, law, policy makers, prosecutors, judges, National Human Rights Institutions, journalists, media, law societies, religious groups, NGOs and law students.

Media Coverage

PRI host film festival in Jordan on abolition of the death penalty after the Arab Spring

<http://www.jordantimes.com/?news=44116>

British Ambassador speaks at film festival

<http://ukinjordan.fco.gov.uk/en/news/?view=News&id=703499582>

PRI Round Table on Women's Health In Kazakhstan's Prisons

Issues on prevention of HIV/AIDS in Kazakhstan prisons to be discussed within the framework of an EU project ASTANA – A round table on 'Prevention of HIV/AIDS in prison system in Kazakhstan' with the support of the European Union will be held on 6 December 2011 in the conference hall of the Jumbaktas hotel. During the conference, specific issues on prevention of HIV/AIDS in Kazakhstan's prisons will be discussed, with particular focus on women drug-injecting users, numbers of whom are on the rise. The high risk of HIV transmission and other diseases amongst prisoners requires effective state policy on this issue. However, the lack of a harm-reduction programme in prisons exacerbates the spread of HIV transmission among prisoners. According to Saule Mektepbayeva, Regional Director of Penal Reform International in Central Asia, 'Civil and prison healthcare are interrelated. Unsolved problems in one area have an influence on another. For example, in 2010 4,208 patients were released from

prison: 1,268 people of them suffered from drug addiction and about a thousand people were HIV-infected patients. In this regard, special attention should be given to reducing the risk of HIV transmission among prisoners.' Issues of women's health in prison will be discussed during the round table; there are currently 3,000 women in prison, while 2,368 are mothers. In the Karagandy region 248 women are registered for drug addiction and 100 have HIV / AIDS.

Representatives including state officials, NGOs, academics from Kazakhstan and overseas, and international organisations will participate in the round table.

The round table has been organised by Penal Reform International in Central Asia, the United Nations office on drugs and crime (UNODC) and the Penal Committee of the Ministry of Interior of the Republic of Kazakhstan in the framework of the 'Model programme on HIV/AIDS and TB prevention in women prisons in Kazakhstan' project. The European Union has allocated 228 052 euro for financing this two-year project.

MEDIA ARE INVITED to participate in the round table that will be held on 6 December, in the conference hall of the Jumbaktas hotel, at: Astana, Marsovaya

str. 65, at 10.00 am. Registration starts at 9.00 am.

For additional information please contact:

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[Press Release 5 December 2011 145KB PDF](#)

[PRI's work to improve women's health in Kazakhstan prisons 91KB PDF](#)

A Challenge to the Abolitionist Movement

Article by Sandra Babcock published on <http://www.worldcoalition.org>

On December 16, 2011

Over the last few decades, we have made great strides toward the universal abolition of the death penalty.

Nevertheless, despite the progress we have made, the death penalty remains entrenched in a significant number of states. And even in those nations that have refrained from carrying out executions in a sort of de facto moratorium, courts continue to sentence vast numbers of individuals to

death. In this rather lengthy blog, I'd like to address what I see as the limitations of international law and the shortcomings of the international abolitionist movement in the face of these challenges. I should hasten to add that I am a steadfast believer in the potential for international law to influence the behavior of states that retain the death penalty. Nevertheless, there is a significant gap between existing international norms with regard to the death penalty, and the actual practice of states ostensibly bound by those norms.

First, there is an enforcement gap. The Achilles heel of the international legal regime is the lack of an adequate enforcement mechanism to ensure that nations live up to their international legal commitments. Our ability to enforce international human rights obligations in many parts of the world depends on the willingness of nations to adhere to their international obligations in good faith, as well as their self-interest in maintaining good relations with other actors in the international community. But the threat of international opprobrium is often an insufficient incentive for powerful nations such as the United States or China. A good case in point is the United States' refusal to comply with the Avena judgment of the International

Court of Justice, in which the ICJ held that the United States had violated its obligations under the Vienna Convention on Consular Relations in the cases of 51 Mexican nationals on death row in the U.S. As a remedy for those violations, the ICJ held that United States courts must review and reconsider the convictions and sentences of the Mexican nationals affected by the judgment in order to determine whether, and how, each was harmed by the violation of his consular rights. The judgment is unquestionably binding under the UN Charter, the ICJ Statute, and the Optional Protocol to the Vienna Convention on Consular Relations. But although both Republican and Democratic presidents have sought to enforce the ruling, they have been thwarted by the U.S. Supreme Court, which held in 2008 that the Avena judgment was not automatically enforceable in domestic courts in the absence of legislation. That means that if the U.S. is to comply with Avena, Congress must pass legislation to implement the judgment. The problem is that Congress is a political body, and conservative, anti-internationalist politicians have little interest in passing a law that enforces an international judgment benefitting foreign nationals who were convicted of heinous murders. Unsurprisingly,

Congress has failed to enact legislation, and as a result two Mexican nationals—José Medellín and Humberto Leal García—have been executed in violation of the ICJ’s judgment.

Second, there is an information gap. The information gap leads to mistaken assumptions about the extent of the progress we are making on the ground toward worldwide abolition. I’ll give you two examples. The first pertains to the abolition of the death penalty for individuals with mental retardation. In 2002, the European Union filed an amicus curiae brief in the U.S. Supreme Court in support of Ernest McCarver, a mentally retarded man facing execution in Virginia. The EU argued that the United States was [quote] “one of the last remaining nations on the world” [end quote] executing mentally retarded persons. This argument was ultimately accepted by the Supreme Court, which concluded that the execution of individuals with intellectual disabilities constituted cruel and unusual punishment.

While I believe that most nations do not intentionally execute individuals with mental retardation, we have little data to support or refute that assertion. The vast majority of retentionist states have no laws that prohibit the execution of individuals with mental disabilities. Although most have laws providing that

offenders who suffer from severe forms of mental illness cannot be found criminally responsible for their acts – something that is commonly referred to as the “insanity defense”—they have no laws or regulations to ensure that individuals with mental disabilities are not executed. Moreover, there is no universally applicable definition of mental illness or mental retardation, and most retentionist states simply do not have the means to ascertain, with any degree of certainty, whether an individual suffers from a mental disability. In many parts of Africa, for example, trained mental health experts are exceedingly rare, so mental health assessments are frequently conducted by nurses or other staff who lack formal training.

Another example is the abolition of the mandatory death penalty. While the abolitionist community has celebrated legal decisions striking down the mandatory death penalty, it has paid little attention to the implementation of those decisions. In Malawi, for example, the High Court struck down the mandatory death penalty in 2007. Yet, in the last four years, not a single man or woman who was given a mandatory death sentence has been granted a new sentencing hearing. A third liability of the international abolitionist movement arises from its

focus on abolition at the expense of reform. It is understandable that the international community would seek the holy grail of abolition, particularly in countries that are moving quickly in that direction. But in many other states, abolition will take time. In those states, a single-minded focus on abolition often forecloses careful examination of systemic failures in the criminal justice system that could be effectively addressed through concerted international pressure.

The most important of these systemic failures involves the lack of quality legal representation for individuals facing the death penalty. Inadequate legal representation, more than any other factor, is what determines who ends up on death row. The risk that innocent individuals will be condemned to death rises sharply in nations that have inadequate resources for legal aid. Yet in many retentionist states, individuals languish for years in pretrial detention without access to lawyers. Many of those accused of capital crimes will not meet their lawyers until the day their trial begins – too late to investigate and present evidence that could lead to their exoneration.

The challenges that I’ve described today are difficult and complex. So how can they best be addressed? As a first step, the international community should

adopt a new set of principles relating to the application of the death penalty. The UN Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty were adopted in 1984, and they are outdated and overly vague. We need to develop instruments that reinforce the limits on how the death penalty can be applied in practice. Second, donors must fund comprehensive studies on the implementation of the death penalty in countries around the world so that the abolitionist movement has the necessary data to make intelligent strategic decisions about reform efforts. Third, the international community should devote more resources to the development and training of legal aid lawyers around the world, because they are the first guardians of the rights of those facing the death penalty. Through these measures, we can drastically reduce the numbers of individuals who face execution around the world, and ultimately save the lives of countless prisoners. This is not to say that the abolitionist community should abandon their efforts to engage political leaders on the question of abolition. These strategies are complementary, not mutually exclusive. But we simply cannot ignore the 17,000 prisoners already on death rows, and the thousands who will ultimately face

execution after trials that fall far short of international standards of due process.

Asia: Stop Executions and Unfair Trials

Article by ADPAN published on December 06th, 2011

<http://www.worldcoalition.org/Anti-Death-Penalty-Asia-NetworkADPAN.html>

A hard-line group of Asian countries are defying the global trend against the death penalty and putting to death thousands of people after unfair trials every year, the Anti-Death Penalty Asia Network (ADPAN) said today in a new report.

14 Asian countries, taken together, execute more people than the rest of the world combined.

When Justice Fails, Thousands executed after unfair trials highlights, through the cases of people on death row, the struggle to secure a fair trial in eight of these countries.

"Only a small number of countries in Asia are still using the death penalty but their actions cast a shadow over the entire region, with high numbers of people being sentenced after unfair trials, causing innocent people to be executed," said Louise Vischer, Coordinator of the Anti-Death Penalty Asia Network (ADPAN).

The report calls for action for eight people facing execution in China, India, Indonesia, Japan, Malaysia, Singapore, Taiwan and Pakistan. In each case a death sentence was delivered after an unfair trial, and in six of the cases conviction relied on confession extracted through torture.

Over half of Asian countries have abolished the death penalty or have not carried out executions in the last 10 years.

Taiwan restarted executions in 2010 after a four-year break, despite declaring a policy of gradual abolition in 2000. Thailand resumed executions in 2009, despite committing to abolishing the death penalty in its human rights action plan.

In January 2011, Taiwan's Ministry of Justice admitted that Chiang Kuo-ching, a private in the Air Force, had been executed in error in 1997 for a murder he did not commit. The authorities acknowledged that a statement "confessing" to the crime had been made as a result of torture.

"Only abolition of the death penalty can guarantee that no innocent person is executed. Government apologies for execution 'in error' can never be enough," said Hsinyi Lin, Executive Director the Taiwan Alliance to End the Death Penalty (TAEDP).

Chiou Ho-shun is Taiwan's longest detained criminal defendant in its longest running criminal case.

Sentenced to death for murder in 1989, he has been detained for more than 23 years. His case was described by lawyers as "a stain on our country's legal (history)".

Chiou's case has been re-tried 11 times. He claims he was tortured into making a false confession.

Taiwan's High Court recognized that violence was used against Chiou but excluded from evidence sections of his interrogation tapes where the abuse could be heard.

He lost his final appeal to the Supreme Court in August 2011 and could be executed at any time.

Forced confessions are regularly relied upon as evidence during trials in Afghanistan, China, Japan, India and Indonesia despite laws against the practice.

In India, Devender Pal Singh, currently on death row, claimed to the Supreme Court that his interrogators threatened to kill him and "manhandled" him to "sign several blank papers".

"That a person can be sentenced to death when there is virtually no evidence against them beyond a 'confession' is the ultimate indictment of a society's justice system," said Maiko

Tagusari, Secretary-General of the Center for Prisoners' Rights Japan. Prisoners facing the death penalty in Asia often have little or no access to lawyers, either before or during trial. Japan's daiyo kangoku system allows the police to detain and interrogate suspects without a lawyer for up to 23 days, on the assumption that a lawyer's presence would make it hard to 'persuade the suspect to tell the truth'. Chinese authorities can make it difficult for lawyers to meet with clients or access case files, and lawyers have been charged for introducing evidence that challenges the prosecution's case. Under international law, the death penalty can only be imposed for intentional crimes with lethal consequences, and mandatory death sentences are prohibited. Yet some Asian countries impose the death penalty for non-lethal crimes, including drug trafficking and theft. Malaysia, Pakistan, Singapore, and North Korea are among Asian countries imposing a mandatory death penalty for possession of a certain amount of drugs. There are at least 55 capital offences in China, 28 in Pakistan, and 57 in Taiwan. "All Asian countries must work towards abolition of the death penalty. Only then can they demonstrate their true commitment to fairness and justice,"

said Narendra, People's Union for Civil Liberties (PUCL), India.

To know more about the report and ADPAN, visit www.adpan.net



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



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