

# Crime and Justice

## Death Penalty and the Right to Life

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



July 2010



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on the Abolition of Death Penalty



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.

## RIGHTS-SINGAPORE: Hung Up on the Death Penalty

By Stanislaus Jude Chan

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## Commentary

### Like the Death Penalty, Slavery was once Established in Law

Commentary by Jacqueline Macalesher\*

LONDON - The recent news that U.S. Supreme Court nominee Elena Kagan is reaffirming her support for the death penalty is alarming. In a statement made at her confirmation hearing, Kagan stated her belief that the constitutionality of the death penalty is settled precedent going forward and generally should not be disrupted.

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Kagan's argument that the death penalty is "established law" falls short. The constitutionality of a law does not guarantee its moral right. Slavery was constitutionally protected in the USA until the Thirteenth Amendment to the Constitution prohibited its use.

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Although the USA is among the biggest executioners in the world (in 2009, it had the fifth highest number of executions in the world, putting it in the company of China, Iran, Iraq and Saudi Arabia), last year marked a turning point -- the amount of States that considered abolishing the death penalty was on the increase and the amount of people executed by the state declined.

## COSTLY

The death penalty is a costly punishment for the U.S. tax payer. It has been estimated that on average the true cost for a state to reach one execution is \$30 million. In California, since the death penalty was reinstated the cost for each execution is over \$250 million.

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of the world's leading criminologists would beg to differ. A 2009 report by the Washington DC-based Death Penalty Information Centre showed that the nation's police chiefs rank the death penalty last in their priorities for effective crime reduction, and rate it as one of the most inefficient uses of taxpayer dollars in fighting crime. In 2007 the State of New Jersey abolished the death penalty. Ever since, murder rates have declined.

On 10 October 2010, the world's spotlight will be on the USA, as the 8th World Day Against the Death Penalty focuses on it. Human rights activists will look toward President Obama and the U.S. Supreme Court to lead the way in upholding civil liberties and democracy, by calling for full abolition. (End)

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

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## RIGHTS-SINGAPORE

### Hung Up on the Death Penalty

By Stanislaus Jude Chan

SINGAPORE, June 18, 2010 (IPS) - "The

strict laws in Singapore have been made fun of, but crime, especially serious ones like murder and drug trafficking, are no laughing matter," said Ivan Tan, a 24-year-old undergraduate.

"The death penalty might be against human rights, but it's the reason we get to live in one of the safest cities in the world," he added.

When it comes to crime and punishment, this island state of five million people has been a lightning rod for derision, mockingly called a myriad of names from "a fine city" to "Disneyland with the death penalty."

But the Singapore government has stood firm on its tough stance, and proudly parades the twin banners of economic strength and low crime rates as symbols of the success of its authoritarian rule.

After all, the country's leaders have emphasised that Singapore will not follow liberal Western ideologies, and must instead have its own brand of Asian-style democracy.

To be fair, the country has made clear its zero tolerance policy in handling crime. On all inbound flights, for example, passengers are warned that possession of drugs is a crime that carries the death penalty in Singapore.

Under the Singapore Penal Code, the death penalty is meted out on a range of offences, from unlawful discharge of firearms to murder. Any person found in possession of more than the allowed quantity of drugs also receives the mandatory death sentence.

The "mandatory" clause in the death penalty law removes judges' discretion to impose a lighter sentence.

"Nobody can claim that they don't know the rules. Since these people knowingly challenge the system and break the law, they deserve to get punished," said Irene Ng, a 53-year-old homemaker.

This bustling city boasts one of the highest levels of literacy in the world, but is surprisingly backward when it comes to discussion on issues of human rights.

What will your choice be?"

Singaporeans tend to shy away from the topic, and when pressed for comments on the subject, turn conveniently to government-sanctioned answers, routinely replicated arguments against freedom of expression and other civil group concerns: that the death penalty is a necessary evil, and to succumb to international pressure in these matters is to risk destroying the fabric of society.

The mandatory death penalty for serious drug offences here is a "trade-off" the government makes to protect "thousands of lives" that may be ruined if illegal drugs were freely available, Law Minister and Second Home Affairs Minister K Shanmugam said at a dialogue session in May.

While the United Nations Commission on Human Rights adopted a resolution calling for the establishment of moratoria on executions in 2003, Singapore has been adamant in its decision to remain one of the few nations worldwide with the mandatory death penalty.

"Thousands of lives have been ruined due to the free availability of drugs" in cities such as Sydney and New York, Shanmugam said. "You save one life here, but 10 other lives will be gone.

Singapore improved from first to fifth position in the world for number of executions per capita between 2004 and 2008. The city hanged more than one per million population each year, behind Saudi Arabia, Iran, Kuwait and North Korea, with China ranking a close sixth.

According to the latest U.N. report on capital punishment released at the end of 2009, the number of executions in Singapore has dropped dramatically from 242 in 1994-1998, and 138 in 1999-2003, to 22 in 2004-2008.

But the recent case of Yong Vui Kong has brought the mandatory death penalty in Singapore back into the limelight.

The 22-year-old Malaysian was convicted in 2008 of smuggling 47 grammes of heroin into Singapore. Lawyers representing Yong argued that the mandatory death sentence violates international standards and human rights laws.

"This is a young man, only 22, who committed a non-violent offence," Saul Lehrfreund, co-founder of the Death Penalty Project, a London-based group that appeals against death sentences,

told the media in May. "The court in Singapore has no choice but to impose death by hanging, regardless of the individual circumstances of the case. In this day and age, that just seems ludicrous."

Kong, whom lawyers describe as "impoverished and vulnerable," was due to be hanged in December until lawyers obtained an emergency reprieve. The case is regarded by experts as an important challenge to the country's death penalty law and has attracted media attention across Asia, where executing people for drug offences remains controversial.

Taiwan recently abolished the mandatory death penalty. China, which continues to execute prisoners for 68 different offences including 44 non-violent crimes, allows judicial discretion in sentencing drug-related cases. In Singapore's defence, Attorney General Walter Woon has argued that parliament has the power to show mercy in individual cases.

"It can't be right that an administrative body not amenable to judicial review effectively becomes the sentencing body," said Lehrfreund. "There is a clear global trend away from sentencing people to death without taking their

age, vulnerability and other powerful mitigating factors into account."

"The mandatory death penalty is barbaric. And what makes it worse in these cases involving drugs is that the accused is not presumed innocent until proven guilty. On the contrary, the burden is on lawyers of the accused to prove that he is innocent without doubt," said Joshua, a 38-year-old lawyer who was concerned about possible backlash and requested to be identified only by his first name.

"What this means is both simple and gruesome. That, sadly, considering how far we have advanced as a nation, it is still possible for an innocent man to be hanged in Singapore," he added. (END)

## Commentary

### **Like the Death Penalty, Slavery was once 'Established in Law'**

**Commentary by Jacqueline Macalesher\***

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announce the final verdict on October 20. Abu Aqrab was tried in absentia, Reuters said on June 23.

#### **IRAN TO REVIEW JUVENILE EXECUTIONS**

Iran agreed to review its widely condemned policy of executing juvenile criminals and pledged to uphold freedoms of expression, media and assembly, Western officials said.

Mohammad Javad Larijani, secretary-general of the Iranian high council for human rights, said that Iran was open to an impartial discussion of its record, but Western ways should not be imposed on the Islamic republic.

"We are a democracy, perhaps the only and greatest one in the Middle East. We are very proud of that achievement," he told the United Nations Human Rights Council.

Iran did not directly address the issue of executions by stoning, a concern raised by Australia and Japan, Reuters reported on June 10.

### **WORLD PRESS REVIEW** **June 2010**

#### **EGYPT COURT SENTENCES MILITANT LEADER TO DEATH**

Top Egyptian Al-Gama'a Al-Islamiya leader Abdel Hamid Musa Abu Aqrab was sentenced to death for killing two police commanders and for organising bomb attacks against security officials and tourists in 1992 and 1993. A judge at the state security court referred Abu Aqrab's case for confirmation by Egypt's top religious authority. The court will

#### **IRAN: TWO SENTENCED TO DEATH IN JAIL ABUSE CASE**

An Iranian military court sentenced two men to death in connection with the killings of three anti-government protesters, the state news agency said,

according to a BBC report on June 30. Prosecutors said the three died after a series of beatings in Iran's Kahrizak jail, where they were held for taking part in last year's election protests.

Nine other officials were sentenced to jail and lashes over the deaths, Irna said quoting a court statement.

Kahrizak jail was shut in July over concerns about the abuse of inmates.

The officials charged in the Kahrizak case - whose names have not been released - were among 12 people facing prosecution over the inmates' deaths.

The pair were found guilty of "inflicting intentional abuse leading to the murder" of the three protesters, Irna quoted the court statement as saying.

They have 20 days to appeal against the rulings.

The three who died while in custody have been named as Amir Javadifar, Mohsen Ruholamini and Mohammed Kamrani.

Officials had initially said Mr Ruholamini and Mr Kamrani died of meningitis, but the coroner ruled that the cause of death was a series of beatings.

#### **UNITED ARAB EMIRATES: COURT UPHOLDS DEATH SENTENCE FOR MURDER**

The Sharjah Appeal Court in the United Arab Emirates upheld the death

sentence of Bangladeshi nationals K.T, 28, M.M, 25 and A.A, 27, for murdering a man identified as Tara, over Dh300.

The three allegedly murdered Tara by strangling him with his trousers after they tied his hands and legs and beating him on the head in Umm Khanoor.

According to court documents, the court was not able to trace the parents of the victim as he does not have identification papers, the Gulf News reported on June 23.

The convicted men will not be able to obtain a pardon and they will face the Qisas in Islamic Sharia and will be executed for killing the man.

#### **CHINA EXECUTES DEALERS AHEAD OF INT'L ANTI-DRUG DAY**

Six men were executed in southeast China's Fujian Province ahead of the International Day Against Drug Abuse and Illicit Trafficking, Xinhua reported on June 23. Zhang Jinxuan, Li Weiliang, and Dong Yunshi were sentenced to death in June 2009 for trafficking and transporting drugs according to Putian City's Intermediate People's Court. They were executed in Putian. Lu Jianjun, Shi Zhongping and Li Dezhong were executed in Fujian's Quanzhou City for dealing. Lu and Shi were convicted in 2008 of manufacturing and selling heroines from 2006 to 2007, the city

court in Quanzhou said. Li was given death penalty in August last year for selling 25,000 grams of ketamine.

#### **CHINA: PAIR EXECUTED FOR DRUG TRAFFICKING**

June 23, 2010: Two men convicted of selling and trafficking 12,242 grams of heroin to Taiwan were executed in southeast China's Fujian Province, Zhangzhou City's Intermediate People's Court announced, according to BBC on June 26. Chen Mingxiong and Jian Zhicheng were arrested in October 2007 and were later given the death penalty by the city court in Zhangzhou. The two appealed the death sentence, but a higher court upheld the sentence.

Sources: BBC, 26/06/2010)

#### **VIETNAM: COURT COMMUTES DEATH SENTENCE IN PUBLIC LAND FRAUD CASE**

In Vietnam, a Ho Chin Minh City court commuted the death sentence handed to property speculator Pham Thi Tuyet Lan, 52, in 2007 for orchestrating an illegal property deal that involved public lands and massive bribery, the Gulf News reported on June 23.

According to the court, Lan sold 11 ha of



public land in Go Vap she had acquired between 2000 and December 2002 by bribing officials. She pocketed VND16.6 billion (\$1.3 million).

Lan has now 25 years for violating land-use regulations and bribery, as the HCM City People's Court overturned a verdict by a lower court.

The prosecution had asked for a life sentence for her. All the money involved in the scam will be seized.

#### **VIETNAM TO REPLACE FIRING SQUADS WITH LETHAL INJECTION**

Vietnam's communist-dominated National Assembly voted to replace firing squads with lethal injection after lawmakers sought to find a "more humane" method of execution, AFP reported on June 18. "Deputies voted this afternoon to choose lethal injection as the sole method of execution, starting from July 1, 2011," a spokeswoman for the legislature said. Almost all of the 433 lawmakers present in the National Assembly approved the change, according to the VietnamNet online news service. Vietnamese authorities do not issue death penalty statistics but since the start of this year, 49 people have been sentenced to death and one person executed, according to reports in



state-linked media.

Most death sentences in Vietnam are handed down in drug trafficking and murder cases. Last year the National Assembly removed rape and several other offences from the list of crimes punishable by death.

two Guineans and a Gambian with intent to rob, and a Lebanese murdered by three Nigerian employees. Three Mauritanians were found guilty of killing a local shopkeeper, who was found dead with 17 stab wounds, and a fourth was sentenced for murdering a friend in a jealous rage.

#### **MALAYSIA: 14 DEATH-ROW PRISONERS**

##### **GET PARDON**

Fourteen prisoners who received the death sentence in Malaysia were pardoned between 2000 and 2009,



including two who were freed. Home Minister Datuk Seri Hishammuddin Tun Hussein said seven of them were now serving life imprisonment, while the sentence of four others had been reduced to 20 years' jail, Bernama reported on June 22.

##### **UGANDA: MOTHER, SON TO BE**

##### **HANGED FOR MURDER**

Justice John Bosco Katutsihe of the Ugandan High Court, sitting in Rukungiri district, recently sentenced Aitah Tukwasibwe, 36, and his mother, Lydia Tumubwaine, to death for killing his father Caleb Turyatumba on January 26, 2008, in Kashenyi, Nyakagyeme sub-county. The pair allegedly strangled Turyatumba after accusing him of selling the family land, AllAfrica.com reported on June 21.

#### **MAURITANIA HANDS DOWN DEATH**

##### **SENTENCES IN CRIME CRACKDOWN**

A court in Nouakchott, Mauritania, handed down ten death sentences for murder, a judicial source said, AFP reported June 23. The sentences on June 21, 22 were pronounced against three Mauritians and six foreigners for four different murders committed in 2008. Two victims were restaurant owners, a Frenchwoman attacked in her home by

##### **UGANDA: COURT MARTIAL SENTENCES SOLDIER TO DEATH**

In Uganda, Lt. Col. Eugene Ssebugwawo, who chaired the 3rd Division Court Martial, sentenced UPDF officer 2nd Lt. Ambrose Ogwang, 23, to death for killing a Police officer in Mbale town in March. Ogwang allegedly held a family hostage on Kumi Road after robbing a shop.

When George Koire attempted to rescue the family, Ogwang shot him in the head, New Vision reported on June 13.

#### **ETHIOPIA: OFFICIAL GETS DEATH SENTENCE FOR SUPPORTING REBELS**

The Ethiopian Federal High Court sentenced former regional official Jemua Ruphael Amen to death for murder and supporting an Eritrean-backed terror group.

The state-run Ethiopian News Agency cited a statement from the Ministry of Justice that said Jemua murdered "three innocent civilians" and formed a separatist movement in Benishangul Gumuz state and was carrying out terrorist attacks there with the Eritrean government, Voanews.com reported on June 16.

#### **SOMALIA: FANS EXECUTED FOR WATCHING WORLD CUP**

Somali Islamist militants executed two football fans and arrested dozens of others for breaking a ban on watching



the World Cup, Reuters reported. Gunmen from the Hizbul Islam group swooped on homes in the Afgoi district, 19 miles south of the capital Mogadishu. Ali Yasin Gedi, vice-

chairman of the Elman rights group, said that "Islamists unexpectedly entered houses in Afgoi district and fired (at) some people who tried to jump over the wall to escape." Their crackdown came after Islamist groups had banned Somalis from watching World Cup matches on TV.

Rebel hardliners say that watching football is "un-Islamic" and that it distracts citizens from their duty to overthrow the troubled east African country's government, The Australian reported on June 16.

#### **USA: THE SUPREME COURT OVERTURNED THE DEATH SENTENCE OF BILLY JOE MAGWOOD**

The U.S. Supreme Court overturned the death sentence of Billy Joe Magwood, ruling that Magwood can argue that Alabama retroactively changed its laws to make his crime qualify for the death penalty, Courthouse News, Project Hope reported on June 24.

Magwood, 59, black, was convicted for the murder of then 51-year-old Sheriff C.F. "Neil" Grantham, whom Magwood targeted after he served time on drug charges. Magwood became convinced that Grantham jailed him without cause and vowed revenge.

On the morning of March 1, 1979, he parked outside the jail and waited for

the sheriff to arrive. When Grantham got out of his car, Magwood shot him and fled the scene.



Magwood was sentenced to death June 2, 1981. The conviction and death sentence were upheld by the state courts and the U.S.

Supreme Court. In 1985, the U.S. District Court for the Middle District of Alabama also upheld the conviction, but required a new sentencing hearing for the consideration of additional mitigating circumstances.

Magwood was again sentenced to death in 1986 and the sentence upheld by the state appeals court. Another appeal began in 1997 before the U.S. District Court eventually resulted in Magwood's sentence being vacated on April 9, 2007.

Judge Myron Thompson ruled that Magwood's death sentence violated due process and had to be overturned. Thompson contended that at the time Magwood murdered Grantham, the highest penalty applicable for the crime was life without parole. He also ruled that Magwood's death sentence had to be vacated because of the ineffectiveness of counsel. On Jan. 23, 2009 the 11th U.S. Circuit Court of Appeals in Atlanta overturned judge Thompson's decision, and reinstated the death sentence for Magwood. Today

the Supreme Court agreed with judge Thompson, and reinstated his decision.

## News from International NGOs - June 2010

### **What Are the Alternatives to Prison?**

Radical prison reforms to "shut the revolving door of crime and reoffending" have been outlined by Justice Secretary Ken Clarke.

Criticising the growth of the prison population in England and Wales, he said in a broadcast on 30 June that there must be other penalties. Richard Watson investigates what alternatives there are for dealing with offenders.

The broadcast can be accessed at <http://news.bbc.co.uk/2/hi/programmes/newsnight/8779634.stm>

### **Final Monitoring and Research Report on the Gacaca process**

September 2009 marked the end of an era for Rwanda and also for PRI. After years of recording and supporting a greater understanding of the Gacaca jurisdictions, PRI's monitoring and

research programme came to a close as the Government of Rwanda wound up this system of community-based courts for prosecuting genocide suspects. The work was carried out with support from the Belgian Ministry of Foreign Affairs, the Swiss Agency for Development and Cooperation, the Kingdom of the Netherlands and the UK Department for International Development and in collaboration with the National Service of Gacaca Jurisdictions.

Over eight years, local PRI monitors travelled across the country in search of facts, people and testimonies. This information, accompanied by analysis, formed a series of Gacaca reports which have been published by PRI since 2002.

This final report looks back at the work carried out and also casts a wider look at the role played by Gacaca in resolving the genocide caseload, on its limitations and on the expectations of Rwandan society of the post-Gacaca phase.

Later in 2010 PRI will publish a report summarizing its work on Gacaca entitled 'The impact of Gacaca on justice and reconciliation in post-genocide Rwanda'.R

### **PRI Training On Medical Ethics for Prison Service Staff in Tajikistan**

Penal Reform International (PRI) held a two-day training session on 28-29 May 2010 for medical and non-medical prison service staff in Tajikistan.

The training under the title 'International standards, human rights and healthcare in prison' was organised within a UNDP programme for the elimination of TB, Malaria and HIV/AIDS in Tajikistan, and was designed and carried out by PRI.

The aim was to sensitise non-medical staff to the fact that medical staff need to be able to take medical decisions without interference by staff from other disciplines -- decisions based on international standards and norms relating to medical ethics.

Participants sat a multiple choice pre-test which asked some basic questions designed to assess knowledge and understanding of human rights, healthcare standards (in particular issues relating to TB transmission and treatment), and the relationship between human rights and healthcare in prison. They sat the same test at the end of the training and scores improved from an average of just under 60

percent pre-test to about 90 percent post-test. R

expression and association to enable a strong civil society to develop. R

### **The Challenge of Cooperating with Governments on Justice and Human Rights**

PRI's Executive Director attended the first international conference organised by Avocats sans Frontiers Network in Rome on 21 May 2010, covering the ethics of international justice and human rights.

Speakers commented on the implications for international justice of recent cases at the International Criminal Court and on European extradition law. Panel discussions took place on how human rights NGOs should engage with national governments and civil society to establish balanced partnerships.

PRI's Executive Director commented that PRI has been most successful where it works with governments that are truly committed to implementing human rights and international standards. This is demonstrated by a transparent and accountable government that respects PRI's Independence, and allows freedom of

### **Libya Executes 18 by Firing Squad – Amnesty Condemns**

Amnesty International has condemned the reported execution by firing squad of 18 people, many of them foreign nationals, in Libya on May 27.

Cerene, a newspaper closely affiliated with Saif al-Islam al-Gaddafi, son of Libyan leader Muammar al-Gaddafi, reported that the 18, including nationals of Chad, Egypt and Nigeria, were executed after being convicted of premeditated murder.

"Amnesty International opposes the death penalty in all cases, as the ultimate form of cruel and inhuman punishment and a violation of the right to life," said Malcolm Smart, Amnesty International's director for the Middle East and North Africa.

"In the case of Libya, we fear that death sentences are handed down after proceedings which fail to satisfy international standards for fair trial."

Fourteen people were executed in the capital, Tripoli, Cerene reported, while

the four other executions were carried out in Benghazi, Libya's second largest city. Their identities have not been made public by the Libyan authorities.

More than 200 people are currently on death row in Libya, the Cerene report said. They are believed to include a large number of foreign nationals against whom the death penalty appears to be used disproportionately. They are often not provided with interpretation or translation assistance during legal proceedings, which are conducted in Arabic, or access to their own government's consular representatives.

Foreign nationals are also at a disadvantage compared to Libyans in seeking commutation of their death sentences because they generally have limited financial means and lack a family network in Libya that can assist them by negotiating with the family of their alleged victim.

In cases of qisas (retribution for murder) and diya (financial compensation or blood money), the murder victim's next-of-kin may agree to pardon the person convicted and under sentence of death in return for financial compensation.

To date, the Libyan government has resisted moves towards the abolition of the death penalty. In December 2007 and 2008, Libya was among the minority of states that voted against successful UN General Assembly resolutions calling for a worldwide moratorium on executions.

"The Libyan authorities must declare a moratorium on executions and join the international trend towards abolition of the death penalty," said Malcolm Smart. "They should also commute the sentences of all those on death row."

"Last Sunday's dreadful events should not be repeated. The authorities should reveal the identities of the 18 people who were executed and vow to desist from further executions."

Amnesty International urges the authorities to ensure that the most rigorous internationally-recognized standards for fair trial are respected, particularly in death penalty cases.

"It is unconscionable that people may still be sentenced to death and executed in Libya after trials which fail to meet the highest international standards," said Malcolm Smart.

Libyan courts continue to hand down death sentences, mostly for murder and drug-related offences, although it may also be imposed for a wide range of other offences, including the peaceful exercise of the right to freedom of expression and association. There are no official statistics available on the number of people sentenced to death and executed annually in Libya.

Amnesty International's repeated requests for the Libyan authorities to share detailed information on the imposition of the death penalty have not been granted. R

#### **Nigeria: Halt Plan to Resume Executions**

New York, June 25, 2010 - The Nigerian government should reverse plans to resume executions and instead address underlying problems in the country's criminal justice system, Amnesty International, Human Rights Watch, the Nigerian Bar Association Human Rights Institute, and other Nigerian human rights nongovernmental organizations said today. The reason given by the authorities for the resumption is to ease prison congestion.

Many death row prisoners may be innocent, as Nigeria's justice system is riddled with flaws and is unable to guarantee fair trials, the groups said. The overcrowding is in part due to delays in trials and failure to provide enough lawyers.

The decision to execute death row inmates to ease prison congestion was taken at a meeting of the National Economic Council (NEC) on Tuesday, June 15, 2010. The meeting was chaired by the vice president of Nigeria and attended by Nigeria's 36 state governors. Following the meeting, the governor of Benue State announced that the council had asked the Nigerian state governors to review all cases of death row inmates and to sign execution warrants as a means of decongesting the country's prisons. This is the second time in two months that Nigeria's state governors have considered the execution of inmates to ease prison congestion. In April 2010, a similar decision was taken in a meeting of the Council of State, a meeting of the 36 state governors, chaired by the president of Nigeria.

The resumption of executions is the wrong solution to the problem of overcrowding; prisons will remain overcrowded until the real underlying

problems are addressed, the groups said. According to Nigeria's minister of interior, the total prison population is 46,000, of which 30,000 are awaiting trial. Few inmates can afford a lawyer, and the government funded Legal Aid Council only has about 100 lawyers.

There are approximately 870 death row inmates in Nigeria's prisons, including women and juveniles. However, weaknesses in the Nigerian criminal justice system mean that hundreds of those awaiting execution on Nigeria's death rows did not receive a fair trial and may therefore be innocent, the groups added.

Trials can take more than 10 years to conclude. Appeals in some death row cases have been pending for a decade. Some appeals are never heard because case files have been lost but the person remains on death row.

Two expert groups set up by former president Olusegun Obasanjo - the National Study Group on Death Penalty (2004) and the Presidential Commission on Reform of the Administration of Justice (2007) - recommended a moratorium on executions because the criminal justice system cannot guarantee a fair trial.

The organizations called on the Nigerian government to establish an official moratorium on the death penalty as a first step toward abolition. By declaring a formal moratorium on executions, the Federal Government of Nigeria would be exercising important leadership on the issue of the death penalty in line with the global trend toward abolition. A moratorium on executions requires a commitment by all Nigerian authorities not to carry out executions, regardless of whether death sentences have been passed. A moratorium would eliminate the risk of executing the innocent as well as prisoners who have not yet exhausted their right to appeal.

Amnesty International, Human Rights Watch, the Nigerian Bar Association Human Rights Institute, and other Nigerian human rights nongovernmental organizations oppose the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner.

Under international human rights law, the death penalty must not be imposed for crimes committed by people below 18 years of age and people charged with capital crimes are entitled to the

strictest observance of all fair trial guarantees.

In November 2008, the African Commission on Human and Peoples' Rights at its 44th Ordinary Session in Abuja, Nigeria, adopted a resolution calling on states party to the African Charter on Human and Peoples' Rights to observe a moratorium on the death penalty.

In December 2007 and 2008, the UN General Assembly also adopted two resolutions on the use of the death penalty calling upon states that still maintain the death penalty to progressively restrict the use of the death penalty, reduce the number of offenses for which it may be imposed, and establish a moratorium on executions with a view to abolishing the death penalty.

While Nigeria did not adopt an official moratorium on executions, the Federal Minister of Foreign Affairs stated in February 2009 at the 4th Session of the United Nations Universal Periodic

Review (UPR) at the UN Human Rights Council that Nigeria has a "self-imposed moratorium."

In 2006, at least six death row prisoners were executed without having had an opportunity to appeal their death

sentence. They had been tried and convicted by Robbery and Firearms Tribunals under the jurisdiction of the military.

Any step by the Nigerian government, state or federal, to resume executions will be contrary to commitments made by Nigeria at the international level.

#### **World Coalition AGM encourages US to join the abolitionist majority**

On June 12 and 13, the World Coalition Against the Death Penalty convened in San Francisco, marking the first international abolition meeting on U.S. soil.

San Francisco-based Death Penalty Focus (DPF) co-hosted a free one-day conference for the public and World Coalition members at the University of California, Hastings College of the Law. DPF serves on the Steering Committee of the World Coalition. This meeting was the annual General Assembly of the Coalition's members.

Close to 200 conference attendees were greeted by Shauna Marshall, Academic Dean of Hastings, and State Senator Mark Leno, who gave a comprehensive look at California's political landscape

with respect to progressive reform measures.

DPF President Mike Farrell presided at the opening plenary session, which presented the meeting's theme: Death penalty at a crossroads – USA abolition



in the context of global strategy. Farrell set the stage for the weekend with a compelling discussion of the troubling implications of "American exceptionalism" in the context of human rights and the death penalty.

The panel included Hadar Aviram, associate professor of law at Hastings; Hsinyi Lin, executive director of the Taiwan Alliance to End the Death Penalty; Mario Marazziti, spokesperson of the Community of Sant'Egidio; and Elizabeth Zitrin, DPF's international outreach and communications coordinator.

The closing plenary presented the latinization of death row and ongoing issues of racial inequity, with Professor Michael Radelet of the University of Colorado at Boulder and veteran

abolition and human rights activist Magdaleno Rose-Avila, moderated by Denise Serrano of the ACLU of San Diego and Imperial Counties.

"The World Coalition Against the Death Penalty gathering was a historic event that brought together death penalty opponents from all over the world," said Elizabeth Zitrin, who chairs the World Coalition's USA working group. "The conference was a chance for American death penalty opponents to learn from activists from around the world and share strategies for worldwide abolition."

"We kill people because we hate them" The conference included panel discussions led by victim's families, wrongfully convicted death row prisoners, and former members of law enforcement opposed to the death penalty.

John Burton, chairman of the California Democratic Party, gave a special report on the party's recent adoption of a platform position opposing the death penalty and favouring permanent incarceration as a better alternative for the safety and fiscal health of the people of California.

Darryl Stallworth, a former Alameda County prosecutor who currently opposes the death penalty, spoke about his experience prosecuting a capital case and the difficulty he experienced arguing for the death of another human being.

"I had to make him a monster," Stallworth said. "I had to dehumanize him. In all reality, we kill people because we hate them. We don't do it because it deters crime, because it doesn't. We don't do it to help victims' families either, because it doesn't. In fact, it often makes it worse."

Randy Steidl, who was wrongly convicted of murder and sentenced to death, serving 17 years before being exonerated, told his story to illustrate how an innocent man could be convicted.

"If it was not for outside resources, like college students and news media, I'd be dead today," he said. "That's the power our system has."

The World Coalition includes 108 organizations from 35 nations on five continents, all committed to universal abolition of the death penalty. According to Zitrin, the Coalition has been instrumental in urging the United

Nations to adopt a worldwide moratorium on all executions, and its members chose to meet in the United States out of concern about the continued use of the death penalty in this country.

On October 10, 2010, the World Coalition has decided to focus the World Day Against the Death Penalty on the US.

**"The world is showing us a better way to provide justice"**

"The vast majority of the world's nations no longer use the death penalty," said Stefanie Faucher, associate director of Death Penalty Focus. "95% of executions occur in just five countries: China, Iran, Iraq, Saudi Arabia, and the United States. The recent rejection of California's proposed lethal injection protocols once again shows how broken our death penalty system is, and now the world is showing us a better way to provide swift and certain justice instead of decades of uncertainty and delay."

Organizations that attended the World Coalition meeting included France's leading abolition organization Ensemble contre la peine de mort, the Community

of Sant'Egidio, Amnesty International, Penal Reform International, Murder Victims Families for Human Rights, the Taiwan Alliance to End the Death Penalty, and other organizations from the Americas, Asia, Africa, and Europe.

Updates on recent developments for members included a report on the death penalty and hopes for abolition in China.

"We must work together to help countries with the death penalty to realize the importance of a moratorium," said Hsinyi Lin, executive director of the Taiwan Alliance to End the Death Penalty. "The members of the

World Coalition Against the Death Penalty are our best partners and our supporters."

(Story by Elizabeth Zitrin & Jessica Lewis) R

Taiwan's Constitutional Court (Judicial Yuan, photo) rejected a petition questioning the constitutionality of the death penalty on May 28, exposing the country's 40 death row inmates to the risk of execution.

The Taiwan Alliance to End the Death Penalty (TAEDP), a World Coalition member organisation, had filed the petition earlier this year. It highlighted the lack of legal representation and debates between the prosecution and the defence in the final stages of capital trials as well as the weakness of procedures allowing death row inmates to apply for clemency.

TAEDP argued that Taiwan's death penalty legislation was thus in contradiction with the country's constitution and international commitments.

### **Taiwan's top court rejects appeal to suspend executions**

As the legal action taken by local activists to block the use of the death penalty failed, abolitionists across Asia have been calling for an end to the death penalty in their region.

But according to local media reports, the Constitutional Court ruled that "the defendants are given the opportunity to defend and express themselves during the trial process". It added that "there is no violation of the Constitution in the convictions" and "execution of the death row prisoners does not violate the two United Nations covenants that Taiwan has signed".

“The request to suspend the executions is dismissed”

“The request to suspend the executions is dismissed, as the court declines to review the case,” the court concluded.

Taiwan broke a five-year moratorium executions in April, when four people who had not taken part in the petition were executed in one day.

Now that the legal action taken on their behalf has been rejected, “the 40 remaining death row inmates now face an increasingly uncertain future and may face imminent execution,” the Asia Anti-Death Penalty Network (ADPAN), a regional network including TAEDP and Amnesty International, wrote in a statement.

In a letter to FIACAT, another World Coalition member organisation engaged in combating the death penalty in Taiwan, the ministry of justice (MOJ) wrote that cases when death row inmates have no pending appeals or petitions nor is there doubts about their conviction, “the MOJ will go carefully with the case in accordance with the law” and execute them.

The MOJ added that it would “continue its set policy of moving in the direction

of gradually abolishing death penalty in hopes to attain the ultimate goal of no death penalty” through a “step-by-step” approach including a reduction in the number of capital offences, the introduction of alternative penalties and wider information of the public about capital punishment.

“At present, the majority of the people in Taiwan are still opposed to the abolition of death penalty and therefore it is inappropriate for our country to do away with death penalty right now,” the ministry conducted.

Regional petition ADPAN “appeals to the Taiwan Government to stand out, lead and join the global majority rather than aligning itself with other executing countries in the region such as Bangladesh, China, North Korea and Vietnam - all have executed prisoners since the beginning of 2010”.

At the regional level, Asian activists have launched a petition to convince governments, including Taiwan’s, that “we can do without the death penalty”. The campaign, which is co-ordinated by Japan’s Center for Prisoners’ Rights and Amnesty International section, regrets that the heaviest users of the death penalty are located in Asia and states

that “East Asian states should renounce the state-sponsored violence known as the death penalty”.



Read the latest information about worldwide  
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