

Crime and Justice

Death Penalty and the Right to Life

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



July 2011

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CRIME AND JUSTICE

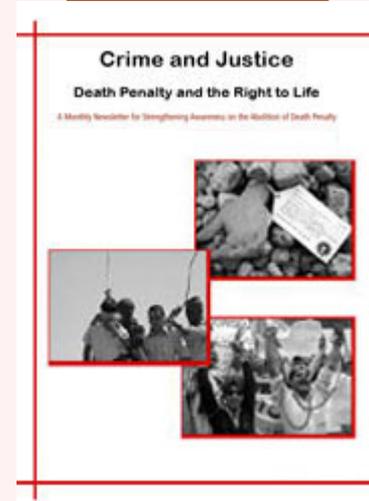
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By Stephen de Tarczynski

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INDIA: Noose Not Mandatory for Drug Crimes, Rules Court

By Ranjit Devraj

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BAHRAIN: Tribunal-Issued Death Sentences Cause Outcry

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ATLANTA, Georgia, U.S., Jun 11, 2011 (IPS) - Democracy advocates in the United States are troubled by the pending execution of two men who took part in anti-government protests in Bahrain.

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Death Penalty Popular in China

By Gordon Ross

BEIJING, Jun 10, 2011 (IPS) - Despite government efforts to curb the number of people it puts to death, China continues to execute more people than the rest of the world combined, and corporal punishment remains popular among the citizenry.

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ZIMBABWE: They Live by the Sword, But Should They Die by the Sword?

By Nyarai Mudimu

HARARE, Jun 9, 2011 (IPS) - In her glory days, death-row inmate Rosemary Khumalo (66) lived life dangerously on the edge. She was a sanguinary fortune hunter who would resort to anything, even murder, to land her loot, according to court records of her trial.

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UGANDA: 'So Many Innocent People Are Dying'

Wambi Michael interviews EDMARY MPAGI, Ugandan death penalty abolitionist

KAMPALA, Jun 7, 2011 (IPS) - Edmary Mpagi and his cousin Fred Masembe were convicted by a Ugandan court and sentenced to death for the murder of a man who was later found alive.

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DEATH PENALTY-INDIA: Clemency Denial Opens Can of Worms

By Ranjit Devraj

NEW DELHI, Jun 3, 2011 (IPS) - In a country where capital punishment is rare, human rights activists are surprised by a sudden move to hang a Sikh separatist militant convicted for bombing attacks on a senior police officer and a Congress party politician in the early 1990s.

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TAIWAN: No Indictment Over Wrongful Execution

By Dennis Engbarth

TAIPEI, Jun 1, 2011 (IPS) - Taiwan prosecutors certified that Air Force private Chiang Kuo-ching had been wrongfully executed in August 1997 for the rape-murder of a five-year-old-girl at an air force headquarters compound in Taipei, but failed to indict any of the nine military officers responsible for extracting his "confession" through torture.

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News from International NGOs:

ARAB SPRING AT THE HEART OF WORLD COALITION AGM - PENAL REFORM INTERNATIONAL HELD A REGIONAL CONFERENCE ON JUVENILE JUSTICE IN ALGIERS - PUERTO RICO PRESSURES OBAMA TO ABOLISH UNWANTED FEDERAL DEATH PENALTY - OBAMA AND THE DEATH PENALTY - UN ADOPTS DRAFT OPTIONAL PROTOCOL TO THE UN CRC ON A COMMUNICATIONS PROCEDURE - CLEMENCY URGED AS ALABAMA EXECUTION LOOMS - SAUDI ARABIA: SURGE IN EXECUTIONS IN RECENT WEEKS -

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PROJECT ARTICLES

Undisclosed Beheading at Heart of Indonesian, Saudi Row

By Matthew Cardinale

ATLANTA, Georgia, U.S., Jun 30, 2011

(IPS) - Indonesia, which has an estimated 1.2 million emigrants in Saudi Arabia, is deeply troubled that Saudi Arabia beheaded one of its citizens in a death penalty sentence without even contacting the government in Jakarta.

Indonesia has recalled its ambassador from Saudi Arabia, but is lobbying the kingdom to commute the sentences of 23 Indonesians who are currently on death row in Saudi Arabia.

"The reason they [Indonesia] are upset is, number one, they were not informed. Usually when it's international, they will inform the government concerned. Number two, they want to protect their citizens," T. Kumar, director of international advocacy for [Amnesty International USA](#), told IPS.

Roiati Beth Sabotti Sarona was beheaded after being convicted in Saudi Arabia for the murder of Saudi citizen

Khairiya bint Hamid Mijlid. She allegedly stabbed Mijlid several times with a knife and a meat cleaver. The motive for the crime was not revealed by authorities.

Indonesia has set up a special task force in Saudi Arabia to provide legal advice to the 23 remaining Indonesians on death row, in assisting them with their appeals.

"The government is committed to saving them from the death penalty," said Martua Batubara, spokesperson for Indonesia's Justice and Human Rights Ministry, according to the Jakarta Globe. "But at least for now, we have secured the commitment of the kingdom" to review the cases.

The Saudi government has also agreed to let 316 Indonesians out of prison to be deported back to Indonesia.

Saudi Arabia has sent back 4,410 Indonesians who overstayed their visas since March 2011.

The 23 Indonesians currently in death row in Saudi Arabia were convicted of crimes and are not facing the death penalty for the sole reason of being undocumented immigrants, Kumar said.

Still, human rights advocates have

expressed concerns about the fairness of trials in Saudi Arabia and about the recent increase in the number of executions there.

Indonesia is trying to convince Saudi Arabia to allow the payment of qisas, or blood money, to the victims of the alleged crimes, which would allow the 23 Indonesians to get off of death row.

"It's a common practice. It's something that's sanctioned in Islamic law, like Saudi Arabia or Iran, that claims to be guided by Islamic law," said Joe Stork, deputy director of the Middle East and North Africa Division of Human Rights Watch.

"Somebody may offer a certain amount. It's my understanding the victim has the right to refuse. You often find society will put a lot of pressure on a family to accept blood money," Stork said.

Stork said Saudi Arabia has an incentive to negotiate qisas, which is to decrease overall their number of executions, thus appeasing death penalty abolition advocates worldwide. "Saudi Arabia executes a lot of people, far too many," Stork said.

Indonesia, in response to the execution of Sarona, has called for a moratorium

on migrant workers going to Saudi Arabia to begin in August 2011, has created a 24 hour crisis hotline for its workers abroad, and is working to create more jobs at home.

"I decided to apply a moratorium on sending Indonesian workers to Saudi Arabia to be in effect on Aug. 1, but starting from today, steps toward this have begun," President Susilo Bambang Yudhoyono said in a national television address on Jun. 23, according to Reuters.

Indonesia's National Board for the Placement and Protection of Indonesian Overseas Workers has opened a crisis centre for migrant workers and their families.

"The migrants are treated pretty badly there. There are over one million Indonesians over there doing menial work. The law does not protect them as they should protect," Kumar said.

In response to the steps taken by Indonesia, Saudi Arabian Labor Ministry Thursday announced a ban on temporary work visas for workers from Indonesia as well as the Philippines, to begin on Saturday.

But Indonesian officials did not seem

too concerned.

"They often say that, but as a matter of fact, they're still taking workers from us," said Muhaimin Iskandar, Indonesian Minister of Manpower and Transmigration, according to the Jakarta Globe.

The diplomatic dispute, which will impact the work opportunities of hundreds of thousands of Asians, seems to stem back to Saudi Arabia's decision to violate international norms in beheading Sarona without notifying Indonesia.

Meanwhile, Amnesty International emphasised that even though it has raised special concerns about the situation involving Indonesia and Saudi Arabia, it is opposed to the death penalty not only in Saudi Arabia, but everywhere.

"We are concerned it's a violation of human rights of any human being- no one should have the right to take the life of another human being - including the government," Kumar said.

(END)

Iran Executing Hundreds in "War on Drugs"

By Matthew Cardinale

ATLANTA, Georgia, U.S., Jun 27, 2011 (IPS) - Iran is drawing international criticism for its continued mass executions of people convicted of violating its drug laws. The Islamic Republic's judiciary reported that 300 people were on death row as of May 30.

"For 300 drug-related convicts, including those who were in possession of at least 30 grammes of heroin, execution verdicts have been issued," said Abbas Jafari Dolatabadi, Tehran's prosecutor-general, according to the Sharq daily newspaper.

The Iranian government has already hanged 126 people for drug offences so far this year, as of May 30, according to [Hands Off Cain](#), a death penalty abolition organisation.

Iran executed 650 people in 2010, 590 of whom were convicted for drug offences, according to the United Kingdom Foreign & Commonwealth Office [2010 report on Human Rights and Democracy](#). This was up from 388 in 2009.

"Estimates suggest that Iran executes more people per capita than any other country in the world. The year 2010 saw a steep increase in the number of executions in response to a tough new anti-drugs policy," the report states.

"We've seen a huge surge in numbers being reported by the government, we're not sure whether they're the actual numbers," Faraz Sanei, Iran and Bahrain researcher with Human Rights Watch's [Middle East and North Africa division](#), told IPS.

Some of the executions have been recent. Iran executed Esmaeel G., Hossein N., Hasan Q., and Hasan K. for drug offences on Jun. 1, according to Iran's justice department website.

On Jun. 19, two men - Siah Khan Sh. and Mohammad N. - were hanged for drug-related convictions, according to the Ettelaat newspaper of Iran.

The executions are most often carried out by hanging, although another common method is firing squad. Iran's method of hanging, called suspension strangulation, is particularly cruel and involves strangulating someone by pulling them upward with a crane.

"The number of executions in Iran is

high because 74 percent of those executed are traffickers in large quantities of opium from Afghanistan bound for European markets," Mohammad Javad Larijani, head of Iran's Supreme Council for Human Rights, [said during a press conference](#) in May.

The press conference followed a meeting with South African Deputy Foreign Minister Ebrahim Ebrahim, at which South Africa criticised the sentences.

It is not disputed that Iran has some serious problems with drugs and drug trafficking. Many Iranians have addiction problems with heroin and opium, while some have reportedly turned to making chemical drugs in their homes.

In addition, "Iran is dealing with a problem of armed drug trafficking gangs from Afghanistan, paramilitaries. There have been levels of violence between traffickers and government forces," Ethan Nadelmann, executive director of the [Drug Policy Alliance](#), told IPS.

Still, "that is no reason to move forward with the hanging of 300 people, not people who are drug lords. Essentially people get caught up in low-level drug

offences," Nadelmann said.

Larijani defended Iran during the press conference.

"There is an easy way for Iran and that is to close our eyes so drug traffickers can just pass through Iran to anywhere they want to go," Larijani said. "The number of executions in Iran would drop 74 percent. That would be very good for our reputation."

But Nadelmann said, "The Iranians are being disingenuous when they say there's a requirement to execute people because of Western law."

Iran may be in violation of international law, specifically the [International Covenant on Civil and Political Rights](#), of which Iran is a signatory, Sanei argued. The ICCPR says the death penalty, if not abolished entirely, should be reserved for the most serious and grave offences.

"Look at the Iranian penal code. A whole host of crimes can get you the death penalty. A large number of these crimes would not be considered by human rights lawyers to be serious," Sanei said.

"One of those are drug offences... many of the individuals on death row in Iran are essentially on death row for drug

possession," Sanei said, adding, "The amount of drug required under Iranian law to get you the death penalty is very small."

"The judiciary is extremely nontransparent in Iran. We don't believe these individuals have fair trials. In particular with drug laws in Iran, there's been a streamlining process in last several years which allows, when they get someone for drug trafficking, it's not appealable. It goes back to the prosecutor's office, that's the person who decides if they should be executed or not. This completely violates international trial standards," Sanei said, adding that access to attorneys is often also a problem.

At the same time that Iran has taken increasingly severe approach in sentencing those convicted of violating drug laws, it also had embraced a public health or harm reduction approach in terms of needle exchange programmes.

"Five years ago the Ayatollah declared needle exchange programmes okay under Sharia law," Nadelmann said, adding that the decision was in part out of concern for preventing the spread of HIV.

"Because of the growing totalitarian

nature of the Ajmadinejad government, there has been less support for harm reduction, but it still continues," Nadelmann said.

Meanwhile, India's Supreme Court announced last week that the death penalty for drug related offences was unconstitutional.

(END)

Uphill Battle to Save Australians From Execution

By Stephen de Tarczyński

MELBOURNE, Jun 23, 2011 (IPS) - Any Australian government efforts to have two of its citizens spared from the death penalty in Indonesia have been made more difficult by past refusals to intervene on behalf of three Indonesian Islamists in the lead-up to their executions in 2008.

Time is running out for Australian citizens Andrew Chan, 27, and Myuran Sukumaran, 30.

The two men were sentenced to death by firing squad in Indonesia in 2006 for their roles in organising the attempted smuggling of more than eight kilograms of heroin from the Indonesian island of

Bali to Australia in April 2005.

Acting on information provided by the Australian Federal Police, Indonesian authorities swooped, arresting Chan, Sukumaran and seven other members of the trafficking group, since dubbed the 'Bali Nine'.

Although six members of the group actually received death sentences, Chan and Sukumaran are the only two still on death row.

Bali Nine couriers Tan Duc Thanh Nguyen, Matthew Norman and Si Yi Chen had their sentences downgraded to life in prison in 2008 following a roller-coaster ride of appeals and counter-appeals. Initially awarded life terms, their sentences were reduced to 20 years and then upgraded to death before finally settling back where they started - at life in prison.

Another member of the group, 24-year-old Scott Rush, experienced similar ups and downs in his appeal process. Rush's final appeal against the death penalty was commuted to a life sentence on May 10 this year.

That same day, Chan's last available judicial effort to save himself was rejected, although the Indonesian

Supreme Court only revealed its decision on Jun. 17.

It means that an appeal to Indonesian President Susilo Bambang Yudhoyono, who has the power to grant clemency in such cases, is Chan's only hope of avoiding being executed.

Clearly, the court's decision to uphold Chan's death sentence does not bode well for Sukumaran. Both men launched their final appeals, known as judicial reviews, last August.

Although the outcome of Sukumaran's review has yet to be announced, the likelihood is that he, like Chan, will not be given a reprieve. Instead, it is likely that both will be pinning all their hopes on the mercy of President Yudhoyono.

The Australian Government has pledged to do all it can to help Chan. Sukumaran can expect the same assistance if his appeal fails.

"I'll be happy to do whatever is necessary to put as much force as we can into the appeal for clemency for Andrew Chan, including personally involving myself," said Australian Prime Minister Julia Gillard, who also reiterated the government's opposition to the death penalty, the day after the

rejection of Chan's judicial review was made public.

Foreign minister Kevin Rudd also spoke of backing Chan, committing "to use every form of representation to government concerned in support of that person."

In approaching Yudhoyono, who became the first Indonesian head of state to address the Australian parliament in March last year, Australian leaders can highlight the close relations that exist between Indonesia and its southern neighbour.

Presently, the two countries cooperate on a range of issues of concern to both, including counter- terrorism, people smuggling and illegal fishing.

Additionally, some 400 Australian firms operate in Indonesia and bilateral trade was worth 11.3 billion Australian dollars in 2009. Close to 14,000 Indonesian students studied here in 2010.

Indonesia is also the largest recipient of Australian aid funds, worth an estimated 458.7 million Australian dollars in the last twelve months alone, according to Australia's Department of Foreign Affairs and Trade.

While this strong and growing bilateral

relationship places Gillard government representatives in a good position from which to call on Yudhoyono to grant clemency to Chan and, if required, Sukumaran, considerable obstacles stand in the way of achieving that goal.

Indeed, Yudhoyono's own views on the matter loom as a major challenge for Australian officials. The Indonesian leader is regarded as a staunch supporter of capital punishment, including for those convicted of drug trafficking. Since coming to power in 2004, he has consistently maintained that he will not pardon drug convicts.

But any Australian efforts to influence a change of mind in Yudhoyono will undoubtedly be severely weakened by the attitudes of previous governments to the death sentences handed down to three Indonesian Islamist militants in 2003.

Convicted for their roles in the 2002 Bali bombings in which 202 people died, including 88 Australians, the three men were executed by firing squad in November 2008.

Despite Australia's long-standing opposition to capital punishment, former prime minister John Howard stated in 2007 that he would not

intercede for the Bali bombers while then foreign minister, Alexander Downer, was particularly blunt.

"The Australian government will not lift a finger to support these three people who killed 88 Australians in Bali," Downer famously said.

One month prior to leading the Australian Labor Party to victory in elections that year, then-opposition leader Rudd said that his government would never seek clemency for a terrorist on death row, despite having previously argued that the death penalty "is unacceptable in all circumstances and in all jurisdictions."

The Gillard government now faces an uphill battle to persuade Yudhoyono to grant clemency to Chan and, in the most likely scenario, to Sukumaran too. (END)

INDIA: Noose Not Mandatory for Drug Crimes, Rules Court

By Ranjit Devraj

NEW DELHI, Jun 22, 2011 (IPS) - By striking down a law that makes the death penalty mandatory for drug-related offences, the Bombay High Court has raised hopes among rights

activists that other countries in the region will follow suit.

"While we believe the death penalty for drugs – as a mandatory or discretionary sanction – has no place in any country's legal system, we believe this is a major step in the right direction," said Patrick Gallahue, analyst with the London-based Harm Reduction International (HRI).

Gallahue told IPS, in an e-mail discussion, that some of India's neighbours prescribe a mandatory sentence of death for certain types of drug offences and they argue that it is normal for the region.

"The removal of the death penalty as a mandatory punishment for drug-related crimes by India means that there is less cover for other countries in the region to defend national policies that go against international law," Gallahue said.

The Jun. 16 ruling of the court declared relevant sections of the Narcotic Drugs and Psychotropic Substances Act, (NDPSA), that imposes a mandatory death sentence for a subsequent conviction for drug trafficking, "unconstitutional".

The Court however, refrained from striking down the law, preferring to read it down instead. Consequently, the sentencing court will have the option and not obligation, to impose capital punishment on a person convicted a second time for possessing drugs in large quantities.

One beneficiary of the ruling is Ghulam Mohammed Malik, a Kashmiri man sentenced to death by a special NDPSA court in Mumbai in February 2008 for a repeat offence of smuggling charas (cannabis resin).

Malik was sentenced to death with no consideration given to mitigating factors because of the mandatory nature of the punishment provided under the NDPSA.

In general, Indian courts stick by the principle that the death penalty should awarded only in the "rarest of rare" case. Hangings, the sole approved mode of execution in India, are rarely carried out.

The court verdict toning down the NDPSA came in response to a petition filed by the Indian Harm Reduction Network (IHRN), a consortium of non-government organisations (NGOs) working for humane drug policies.

IHRN assailed the law as "arbitrary, excessive and disproportionate" to the crime of dealing in drugs.

Tripti Tandon, who heads advocacy at the Lawyers' Collective, a part of the network, told IPS that the death penalty is reserved for "very serious offences that involve the taking of life and this did not apply to possessing or dealing in drugs."

Tandon said she was aware of widespread concern that India is considered a major transit point for drugs from the "Golden Crescent" to its northwest and from the "Golden Triangle" to its northeast. "But the fact is trafficking in this country rarely involves violent crime," she said.

"Officially, India sees drug trafficking as an economic offence that is dealt with by the department of revenue." Tandon also pointed out that Indian society has traditionally been tolerant of a certain level of the use of such substances as cannabis and opium, which, in their unrefined state, are not as harmful or addictive as refined derivatives such as heroin.

"The Bombay High Court ruling is a recognition of the principles of harm reduction and human rights in relation

to drugs," Tandon said. "Laws that take away judicial discretion where the capital punishment is involved are unacceptable, because there may be mitigating circumstances and individual situations."

Tandon said she hoped that the Indian ruling will set a positive precedent in a region notorious for its draconian drug laws.

Some 32 countries currently impose capital punishment for offences involving narcotic drugs and psychotropic substances. Of these, 12 continue to prescribe mandatory death sentences for drug crimes.

In Iran and China drug offenders constitute the vast majority of those executed. In May last year, the Court of Appeal in Singapore upheld the mandatory death sentence imposed upon a young Malaysian for possession of heroin.

According to Gallahue less than five percent of the world's countries impose and carry out the death penalty for drug-related offences. "That is a very small minority of states and those that still impose a mandatory death sentence for drugs are an extreme fringe for both capital punishment and drug policies.

"Finally, there is not – nor has there ever been – any credible evidence that the death penalty for drugs serves as a deterrent," said Gallahue. "Capital punishment is a wildly inappropriate response to drugs." (END)

BAHRAIN: Tribunal-Issued Death Sentences Cause Outcry

By Matthew Cardinale

ATLANTA, Georgia, U.S., Jun 11, 2011 (IPS) - Democracy advocates in the United States are troubled by the pending execution of two men who took part in anti-government protests in Bahrain.

As some governments around the world are enacting, and even expanding upon, U.S.-inspired anti-terrorism policies - particularly in the wake of pro-democracy movements that have swept Egypt and Tunisia - Bahrain is taking things to a new extreme.

Ali Abdulla Hassan Al Sinkees and Abdulaziz Abdul Ridha Ibrahim Hassan were convicted on Apr. 28 for killing two policemen - Kashef Ahmed Mandhour

and Mahmoud Farooq Abdulsamad - during the protests.

The execution was issued by the National Safety Court, a special court created when Bahrain declared a state of national safety - a close approximation to martial law - in March 2011.

The state of national safety was lifted on Jun. 1, but the National Safety Courts are continuing their work in the prosecution of many pro-democracy activists, Faraz Sanei, Bahrain researcher for the [Middle East and North Africa Division](#) of Human Rights Watch, told IPS.

According to BNA, the special courts consist of two civil judges and one military judge "in order to ensure the fairness of the judicial system in the Kingdom and safeguards the suspects' right for fair trials and allowed them to appeal the verdicts."

But the trials were held behind closed doors, and the men all pled not guilty. The men were held in undisclosed locations in the weeks leading up to the trials, and were denied communications with family, friends, and attorneys.

The government of Bahrain produced a

video of what appears to be the convicted men admitting to the killings and describing how they carried them out, Sanei said. However, considering they pled not guilty, advocates like Sanei worry the two men may have been tortured.

Many of the protesters jailed since the March demonstrations appear to have been tortured, according to the [Bahrain Center for Human Rights](#), a group officially banned in Bahrain. HRW believes the reports of torture to be credible.

Two other men who originally received death sentences had their sentences reduced to life in prison by the National Safety Court of Appeal in a May 22 ruling. On May 30, BNA reported the Court of Cassation's Technical Office had received the case, number 75/2011, appealing the execution ruling of the National Safety Court of Appeal. The Court of Cassation will be reviewing the appeal.

Bahrain's King Hamad bin Isa Al Khalifa, a Sunni Muslim, declared a state of national safety on Mar. 15 in response to pro-democracy protests led by Shiite Muslims activists who are calling for more rights and freedoms under the monarchy.

Bahrain crushed the popular uprising with military help from Saudi Arabia and other Gulf nations. The government has detained hundreds of citizens since the state of national safety was declared.

One of the individuals detained, Mohammed al-Tajer, is a human rights lawyer who was planning to defend the men who received the death penalty.

In addition, the two were tried under a 2006 anti-terrorism law in Bahrain which mandates the death sentence for those convicted. Legal scholars have criticised the laws there for employing an overly broad definition terrorism which includes "threats to national unity".

Bahrain does not issue death sentences as often as other countries, such as the United States and Iran, but advocates fear the current sentences could be part of a new wave of death penalties there.

"Our concern is that all executions are inherently a violation of human rights. It's a cruel, inhumane, and degrading punishment," said Brian Evans, a campaigner for Amnesty International USA's [Death Penalty Abolition Campaign](#).

"Beyond that, we're very concerned civilians have been tried behind closed doors in a military court and I believe their first appeal was also behind closed doors in a military court. That amounts to an unfair trial," he said.

"We would like to see a new trial that meets international trial standards," Evans said.

But Evans noted Bahrain may not be the only nation with this problem.

"We [the U.S.] are getting ready to have military trials of our own... [where the accused] could face the death penalty as well," Evans said.

The European Union (EU) and the nation of France have been among those outspoken in opposing the pending executions in Bahrain. The United States, a major military ally of Bahrain, has been less critical.

"These death sentences risk further exacerbating recent tensions in Bahrain and as such, present an obstacle to national reconciliation," Catherine Ashton, Foreign Affairs Chief for the EU, said in a statement.

"France, like its European partners, is resolutely opposed to the death penalty

everywhere and under all circumstances. I remind you that we had, April 24, denounced the death sentence at trial of several people following the events of recent weeks [which] have shocked and saddened Bahrain," a spokesperson for France's Ministry of Foreign Affairs and European said in a statement.

"It is time to seek ways of a sincere dialogue between the parties and reconciliation, the only lasting solution to the political crisis in Bahrain. Respect for fundamental freedoms and the fair administration of justice and transparency are essential to carry out such a process," the statement said.

Earlier this week, on Jun. 7, U.S. President Barack Obama met with Bahrain's Crown Prince, Salman bin Hamad Khalifa, in a U.S. visit that was not pre-announced.

Obama's response to the apparent human rights violations in Bahrain has been "kind of tepid", Evans said, noting the double standards of U.S. foreign policy. "The U.S. position has been different than it was with Egypt," he said.

Prince bin Hamad Khalifa has promised to facilitate a period of national

dialogue next month, although it is unclear how opposition leaders will be able to take part in this dialogue when hundreds of them are in jail.
(END)

Death Penalty Popular in China

By Gordon Ross

BEIJING, Jun 10, 2011 (IPS) - Despite government efforts to curb the number of people it puts to death, China continues to execute more people than the rest of the world combined, and corporal punishment remains popular among the citizenry.

In February, China reduced the number of crimes punishable by death to 55, down from 68. Crimes that no longer warrant the death penalty include smuggling gold and silver, cultural relics and rare animals; forging or falsely selling tax invoices; teaching crime-committing methods; robbing ancient cultural ruins; and carrying out fraudulent activities with letters of credit or financial bills. Individuals over 75 years old are also exempt from the death penalty.

The changes were the result of a push

by Chinese legal scholars who argued that too many people were being unfairly executed for committing trivial crimes. The group had previously persuaded Communist Party authorities to require Supreme Court approval for all death sentences and to make confessions obtained by torture inadmissible in capital cases.

In another move to reduce the number of people China puts to death, the Supreme People's Court in late May announced a two-year suspension of execution for condemned criminals if an execution is not deemed immediately necessary. In 2007, the Supreme Court took over the authority to review all death penalty sentences.

The court said in its report that the death penalty should only be applied to "a very small number" of criminals who have committed "extremely serious crimes."

The impact these changes will have on the total number of people China executes is uncertain. The death penalty was seldom used for the 13 crimes scrapped in this year's ruling, and the vast majority of executions in China are for aggravated murder and large-scale drug trafficking – something unlikely to change despite the reforms.

Although the government does not release information about the number of people it executes, the human rights group Amnesty International has estimated that China kills thousands of people each year. The group last year refused to release its estimate of the number of people put to death in China to protest China's practice of secret executions, but the Dui Hua Foundation, a San Francisco-based human rights groups, estimates that just under 5,000 people were executed in 2009.

Public support for the death penalty remains high in China. According to a survey last year by Sina.com, China's largest news portal, over 75 percent of Chinese favoured keeping the death penalty, compared with just 13.6 percent opposed.

"An eye for an eye, a tooth for a tooth. I support the death penalty," says Yu Dahai, a 24-year-old office manager in Dandong city, Hubei province.

Yu disagrees with the People's Court decision to suspend some death penalty sentences for two years, arguing that because of corruption in the legal system some suspended sentences will lead to early releases and more crime.

Jiang Bo, a 26-year-old IT engineer in Beijing, agrees.

"In China, if death sentences are suspended for several years, sometimes this means the person has a chance to be exempted from the death penalty," Jiang tells IPS. "People who do evil things must die."

There is some evidence that support for the death penalty is softening. A 1995 study by the Institute of Law, the Chinese Academy of Social Sciences and the National Bureau of Statistics, found that 95 percent of Chinese approved of the death penalty. In a 2003 survey of 16,000 netizens by Netease.com, those in favour of corporal punishment dropped to 83 percent, and dropped again eight percentage points in the Sina.com survey.

Liu Wenjuan, a 30-year-old interior designer, thinks the death penalty is warranted in cases of murder, drug dealing and other "nefarious" crimes, but she supports the Supreme Court's decision to review some sentences. "I think it is a better idea to let a convict rethink his crimes for another two years, so he can learn what's right and wrong."

Zheng Fengtian, a professor at Renmin

University of China who supports abolishing the death penalty, says the practice does little to deter crimes, results in people dying for crimes they didn't commit, and is grossly overused in China.

"China contributes two-thirds of the world's executions," Zheng says. "India, which has a similar population size as China, executes only 30 convicts a year. Even if we don't abolish the death penalty we need to reduce the number we execute."

Zhang Qingsong, director of Beijing Shangquan Law Firm and deputy director of the Beijing Lawyers Association, says the government reforms are a step in the right direction but that further reforms are needed.

"Currently we have too many crimes that would warrant the death penalty, most of which are non-violent," Zhang tells IPS. "We can't wait until all Chinese people agree to abolish the death penalty." (END)

ZIMBABWE: They Live by the Sword, But Should They Die by the Sword?

By Nyarai Mudimu

HARARE, Jun 9, 2011 (IPS) - In her glory days, death-row inmate Rosemary Khumalo (66) lived life dangerously on the edge. She was a sanguinary fortune hunter who would resort to anything, even murder, to land her loot, according to court records of her trial.

Her last crime in 1998, which ended with the murder of her businessman suitor Maxwell Sibanda, marked the end of her life of crime, and ushered in her new life as a death-row inmate at Zimbabwe's notorious Chikurubi Maximum Security Prison in 2000.

Convicted of the murder of Sibanda and armed robbery in 2000 and sentenced to death, now a frail and pale shadow of her former self, Khumalo has been waiting for her execution for over a decade.

"I have petitioned the President (Robert Mugabe) for clemency more than five times. Two of these petitions have been turned down while three have not yet been responded to.

"I am now frail and suffer ill health. I have become hypertensive and all I plead for is mercy. This waiting, not knowing when I will be executed has become torture that is worse than the

death sentence I am waiting for," Khumalo told IPS from her cell at Chikurubi Maximum Security Prison.

While Khumalo has been on death row the longest, she is not alone; there are 51 others awaiting execution in Zimbabwe. The last person to be hanged in this southern African country was Mandlenkosi 'Never' Masina Mandha who was executed in July 2005.

Zimbabwe is drafting a new constitution and during the consultative outreach programmes, mixed reactions were recorded. Both President Robert Mugabe's Zanu PF and Professor Lovemore Madhuku's National Constitutional Assembly (NCA) agree on the retention of the capital punishment on Zimbabwe's statutes.

NCA's draft constitution states that: "As part of the Bill of Rights, this draft proposes that the death penalty be abolished in Zimbabwe in respect of all other offences except serious cases of murder."

Section 37 of the controversial Kariba draft signed by the three parties in the government of national unity (Zanu PF, Prime Minister Morgan Tsvangirai's Movement for Democratic Change-Tsvangirai (MDC- T) and the Deputy

Prime Minister Prof Arthur Mutambabira's Movement for Democratic Change- Mutambara (MDC-M) states: "Every human being has the right to life and may not be deprived of it intentionally. A law may permit the death penalty to be imposed on persons convicted of murder but the penalty may be carried out only in accordance with a final judgment of a competent court..." (Although the MDC-T is a signatory of the Kariba draft they have backtracked on its contents and now say their position is anti-capital punishment.)

While the politicians call for the retention of the death penalty, civic society has been engaged in a spirited campaign against it.

The Catholic Commission for Justice and Peace Alouis Chaumba said his organisation was lobbying the minister of justice and legal affairs Patrick Chinamasa for the review of the death penalty. Human rights activist and lobbyist for the abolishment of the capital sentence Sanderson Makombe believes now is the time for Zimbabwe to remove 'this uncivilized sentence' from its statute books.

"There is no scientific evidence to support the death sentence as a

deterrent to criminal behavior compared to other forms of punishment.

"The death penalty is retributive and justified vengeance with the high costs of the litigation far outweighing life in prison sentences," said Makombe.

He said if put to a referendum, the majority of Zimbabweans might favour its retention on the country's laws.

"Because we are more prone to want revenge, we do not believe those that kill should be spared and treated differently.

"In fact, the majority will probably say prisoners have no rights at all. They forfeit their rights when they commit crime. However, the arguments for abolishing are technical and not populist," noted Makombe.

Because of the long lapse since the last execution, former deputy minister of justice and legal affairs Jessie Majome believes Zimbabwe could be on the road to the abolishment of the death sentence.

"The country executed in 2005 and if you check the trends in our courts, you will notice the reluctance to impose the

death sentence. There is restraint on the death sentence from the courts," said Majome, who is also a Member of Parliament.

In support of this Zimbabwe's two former Chief Justices are recorded to have voiced their concern over executions. The late former Chief Justice Enoch Dumbutshena is noted to have said: "I believe that many people we sentence to death for killing somebody should not be sentenced to death but given a life imprisonment term."

In apparent reference to the capital sentence, his successor former Chief Justice Antony Gubbay is recorded as having said: "What may not have been regarded as inhuman or degrading a few decades ago may be revolting to new sensitivities, which emerge as civilization advances."

Makombe explained that Britain only abolished the death penalty in 1964 after reviews showed that some people had been executed following erroneous court judgments.

"Equally tragic mistakes have been made by the courts in Zimbabwe. An innocent woman Sukholuhle Kachipare, who was on death row for a long time in Chikurubi Maximum Security Prison was

only released in 2001 following a judgment review that showed she was innocent," said Makombe.

Globally, more than 96 countries have abolished the death penalty for all crimes, eight for ordinary crimes and 43 are de facto abolitionists (countries with a death sentence but haven't used it in the last 10 years and have committed not to use it). Africa has 15 countries that have abolished the death sentence while 21 have committed not to use it although it is still in the statutes.

(END)

UGANDA: 'So Many Innocent People Are Dying'

Wambi Michael interviews EDMARY MPAGI, Ugandan death penalty abolitionist

KAMPALA, Jun 7, 2011 (IPS) - Edmary Mpagi and his cousin Fred Masembe were convicted by a Ugandan court and sentenced to death for the murder of a man who was later found alive.

Masembe died in prison before he could face the gallows while Mpagi spent 18 years waiting to be executed by the state. Mpagi said his conviction was

based on fabricated evidence by the state. He claims a pathologist was bribed to falsely testify that he had carried out a post-mortem on the body of William George Wandya, the man Mpagi and Masembe were accused of murdering.

Mpagi was released from prison in July 2000 after receiving a presidential pardon. He spends much of his time campaigning against the death penalty. Excerpts of the interview follow.

Q: Why are you opposed to the death penalty?

A: I'm campaigning against the death penalty because there are so many people (awaiting) execution or who were executed when they were innocent. The death penalty is also cruel and barbaric in nature. There are so many people who are dying when they are innocent, for example, the poor who cannot afford legal representation. Some are accused of capital offenses because of grudges, and some are convicted because of poor police investigation. Though some commit crimes, it is better to free 99 people instead of killing one innocent one.

Q: Has your campaign yielded any results at home and elsewhere?

A: Yes. I have worked with Amnesty International at the United Nations campaigning for a moratorium on executions among U.N. member states. In Uganda, 170 death row prisoners have been pardoned. Sentences of 400 prisoners on death row were commuted to life sentences following our appeal to the Constitutional Court. The court ruled that the mandatory death penalty was unconstitutional. That was good for us but we wanted the court to equally declare the death penalty itself unconstitutional. But the judges did not. We have not had an execution since 1999, though there are 100s of prisoners on death row in Uganda.

Q: What personally drives you to campaign against the death penalty?

A: I would not be talking to you today if the state had murdered me... We had a full trial and the state called several witnesses. The judge and the assessors concluded that the state had proved its case beyond a reasonable doubt and was satisfied that we committed the offence. We were convicted and sentenced to death. All this happened while George William Wandyaka, the man they claimed we had killed, was hiding in Jinja district and enjoying life. I spent 18 years on death row and two

years on remand. My cousin and I could not believe that a legal system would convict innocent people.

Q: So your conviction was due to an error in the justice system then. Is this common in Uganda?

A: I have always said that errors in the justice system have led to the execution of innocent people. My conviction was a typical example... In a country like ours where police investigations are done from the office, you cannot rule out (the possibility) that the evidence they take to courts is defective and leads to wrongful convictions.

Most of the prisoners who were executed while I was on death row were innocent but faced the gallows because they were poor. They could not afford to hire lawyers to defend themselves. In our case we had a state lawyer whom we only met twice. We did not have a lawyer in the real sense. There are also cases of widespread torture during interrogations so some suspects, especially in treason cases, end up admitting to crimes they have not committed.

Q: What was life like on death row?

A: Life is terrible on death row in Uganda. No one was ever given any notice that they would be executed. Each time we were taken by complete surprise. We lived in complete fear of any unusual activity from the wardens.

In Uganda, conditions for death row prisoners are cruel, degrading and inhumane. We were always denied medication. In 1984 my cousin developed malaria and stomach complications. I pleaded with the prison authorities to give him treatment but they told me that we were brought to prison to face death and that it was a waste of taxpayer's money to treat him. My cousin died in 1985. This really scared me.

Q: Were there executions at the time you were in prison?

A: There were five rounds of executions. The last one was in 1999, where the state executed 28 prisoners. But to make matters worse for the inmates, executions were carried out in a nearby place. We would hear the crying of inmates (before their execution). Executions normally took place at night. When a prisoner reached the gallows, we would all listen. After a few moments, we would hear a loud sound like a sudden explosion, as the trap

doors of the gallows sprang open and the prisoners were dropped to their death. We would then hear the corpses fall with a loud bang on the death table. (END)

DEATH PENALTY-INDIA: Clemency Denial Opens Can of Worms

By Ranjit Devraj

NEW DELHI, Jun 3, 2011 (IPS) - In a country where capital punishment is rare, human rights activists are surprised by a sudden move to hang a Sikh separatist militant convicted for bombing attacks on a senior police officer and a Congress party politician in the early 1990s.

Devinder Singh Pal Bhullar, a member of the Khalistan Liberation Force, was sentenced to death on charges of conspiring to kill Punjab police superintendent Sumedh Singh Saini in 1991 and Congress party leader Maninderjit Singh Bitta in 1993.

On May 25, Indian President Pratibha Patil, who holds a largely ceremonial position, suddenly denied him clemency after keeping frozen for more than eight

years his petition for mercy. The decision has stirred up a political storm in the northwest Indian state of Punjab, which faces provincial elections next year.

"This is surprising because the Indian government has shown reluctance to resort to the death penalty, and has been seen as moving in the direction of eliminating capital punishment," Maja Daruwala, director of the Commonwealth Human Rights Initiative, told IPS.

Punjab is currently ruled by the Sikh Shiromani Akali Dal (SAD) political party in alliance with the pro-Hindu Bharatiya Janata Party (BJP) on a common stand of opposing the professedly secular Congress party that rules at the centre.

SAD members, who have been sympathetic to the cause of autonomy, if not independence, for Punjab, as well as local leaders of the Congress party unit there, have appealed for a review of Bhullar's clemency petition.

In a petition, SAD has sought the direct intervention of Prime Minister Manmohan Singh, himself a Sikh, to save Bhullar's life "on grounds of humanitarianism and civilised concern and, above all, the national interest."

SAD's petition said intervention by the prime minister would ensure that the "atmosphere of acrimony, suspicion and estrangement between the Sikhs and the Centre is not vitiated any further."

SAD was referring to the 1984 anti-Sikh pogrom that engulfed the national capital after Prime Minister Indira Gandhi was assassinated by her Sikh bodyguards to avenge the army raid she ordered on the Golden Temple in Amritsar in Punjab. That raid aimed to remove separatist militants who had turned Sikhism's holiest shrine into an armed fortress.

A trial court sentenced Bhullar on Aug. 25, 2001, sorely testing India's justice system as well as the principle laid down by the Supreme Court that the death penalty should be awarded only in the "rarest of rare" cases.

On Dec. 17, 2002, Bhullar's death sentence was upheld when two of the three-member Supreme Court bench voted to convict, while presiding judge M.B. Shah voted to acquit.

Navkiran Singh, general secretary of the Lawyers for Human Rights International (LHRI) based in Chandigarh, the capital of Punjab and Haryana, said the split

decision showed that Bhullar's case did not satisfy the principle that, in cases where the death penalty is awarded, proof should be "beyond reasonable doubt."

Singh told IPS that it is noteworthy that Bhullar was the first person in independent India to be condemned to death on a split verdict by a Supreme Court bench. Judges Arijit Pasayat and B.N. Agarwal, whose majority decision prevailed, had controversially ruled that the principle "beyond reasonable doubt" should be a "guideline and not a fetish."

There were other controversies surrounding Bhullar's case. After he was deported in December 1995 from Germany where he had sought asylum, a court in Frankfurt ruled that he should not have been sent back to India because his life would be in danger.

Singh said Germany had, by deporting Bhullar, violated the European Convention on Human Rights and blamed weaknesses in the German asylum system for landing him on India's death row.

But the flaws in the Indian justice system appear far more glaring, and the LHRI has listed some of these in an

appeal to the President, dated May 25.

According to the LHRI petition, Bhullar's father and maternal uncle were arrested in 1991 and tortured to death while in police custody. The Punjab and Haryana High Court ordered the filing of cases against Saini, a member of the elite Indian Police Service, for the custodial deaths.

Bhullar was charged with plotting to kill Saini but was acquitted by a lower court in Chandigarh in December 2006 for lack of worthwhile evidence, the LHRI petition pointed out.

Bhullar's conviction rested entirely on a confession, made under duress, which becomes admissible as evidence under the draconian Terrorist and Disruptive Activities Prevention Act (TADA). Normally, confessions made in police custody are not admissible as evidence in Indian courts.

The LHRI noted that Daya Singh Lahoria, Bhullar's co-accused in the case relating to the bomb attack on Congress party leader Bitta, was acquitted.

Lahoria could not be tried under TADA because that was a condition imposed by authorities in the United States to which he had fled and from where he

was extradited. In fact, dissenting Supreme Court judge Shah pointed out that since the "rest of the accused, who are named in the confessional statement, are not convicted or tried," there could not have been a conspiracy.

"It is trite to say that one person alone can ever be held guilty of criminal conspiracy for the simple reason that one cannot conspire with oneself," Shah had ruled.

Daruwala said she hoped the Indian state would stand firm against any pressure, political or otherwise, to abandon its stand on the death penalty, that it should be resorted to rarely, and that guilt should be proven beyond reasonable doubt.

Activists say India could play a key role in furthering the cause of human rights internationally, as underlined by its election on May 11 to the 47-nation United Nations Human Rights Council, winning 181 votes from 189 countries.

However, ahead of the election, the London-based Amnesty International urged the Indian government to ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (END)

TAIWAN: No Indictment Over Wrongful Execution

By Dennis Engbarth

TAIPEI, Jun 1, 2011 (IPS) - Taiwan prosecutors certified that Air Force private Chiang Kuo-ching had been wrongfully executed in August 1997 for the rape-murder of a five-year-old-girl at an air force headquarters compound in Taipei, but failed to indict any of the nine military officers responsible for extracting his "confession" through torture.

A decade-long campaign by his father, Chiang Chih-an and mother Ms Wang Tsai-lien and human rights lawyers who maintained that Chiang had been tortured into making a false confession finally led to a call by the Control Yuan, Taiwan's watchdog branch of government, to open the case May last year.

On May 23 this year, the Special Investigation Division of the Supreme Prosecutors Office announced that its re-investigation of the case had shown clearly that Chiang Kuo-ching was innocent of the rape- murder, and filed an indictment for murder against Hsu Jung-chou, 34, who had served in the

Air Force Operations Command together with Chiang, and asked for a 20-year sentence.

In a 127-page statement, the prosecutors acknowledged that a re-examination of the forensic evidence, including a blood-stained razor, toilet paper and a palm print, were not connected with Chiang and therefore had been insufficient to prove that Chiang had committed the crime.

Moreover, the prosecutor's brief acknowledged that Chiang had definitely been subject to compulsion, intimidation and abuse by the interrogating Air Force counter-intelligence officers and that his "confession" which was the primary basis for his conviction by a military tribunal, was "not voluntary" and was extracted by "torture".

However, citing the passage of a 10-year statute of limitations for the offences of "coercion" and "intimidation and endangerment," which carry maximum penalties of less than three years imprisonment, the SID prosecutors did not indict any of the nine former military officers responsible, including two former defence ministers.

Leading the list was Chen Chao-min, a

retired air force general who served as defence minister in President Ma Ying-jeou's right-wing Chinese Nationalist Party (Kuomintang or KMT) administration from May 2008 to September 2009 and had acted as convenor of the investigative team in his role as Air Force Combat Operations Command (AOC) commander at the time of the Chiang case.

The SID investigation found that in early October 1996 Chen had taken the investigation out of the hands of military prosecutors and asked a team of Air Force counter-intelligence agents led by then Air Force colonel Ko Chung-ching to assist in the investigation even though they did not have the judicial status of military prosecutors or military police.

The SID brief said Chen had "illegally instructed" the officers to "give it a try" to "break the mental defences" of Chiang and other suspects by "intensifying interrogation methods".

The SID brief detailed how Ko Chung-ching and other Air Force counter-intelligence agents had handcuffed and blindfolded Chiang and dragged him to an underground bunker at the AOC headquarters and subjected him to four hours of intense interrogation under

continuous and high intensity light, compelled him to repeatedly watch video of the autopsy of the murder victim, forced him to squat and engage in exercises, and used electric cattle prods to beat the enlisted man.

The confession extracted in this process was used as decisive evidence in a subsequent military tribunal despite Chiang's retraction and declaration that he had been tortured.

Nevertheless, the SID refrained from indicting the officers for "causing death through abuse of the power of prosecution," an offence which can carry sentences from 10 years to life and which has a 20 year statute of limitation, and stated that the Air Force officers could only be charged with "coercion" and "intimidation and endangerment," offences which carry maximum sentences of three years or less and have a 10 years statute of limitation for prosecution.

"This result falls far short of President Ma's declaration in February that the government would clarify the truth, reverse the unjust verdict of the Chiang case and prosecute the persons responsible for this injustice," said JRF Executive Director Lin Feng-cheng.

Chiang's mother, Ms Wang Tsui-lien, also said the SID decision not to indict Chen Chao-min or other officers was "unacceptable" and said that she would "never forgive" her son's torturers.

During an unsuccessful attempt to meet with Chiang's mother and issue a personal apology on the evening of May 25, the former defence minister told news media that "there had been administrative shortcomings" in the handling of the case.

"This result falls far short of President Ma Ying-jeou's declaration in February that the government would clarify the truth, reverse the unjust verdict of the Chiang case and prosecute the persons responsible for this injustice," said Judicial Reform Foundation Executive Director and lawyer Lin Feng-cheng.

Presidential spokesman Fan Chiang Tai-chi stated that Ma believed that the government "will deeply re-examine" the errors made by the military in handling the Chiang Kuo-ching case and "absolutely not have any repetitions."

National Taiwan University Professor of Law Chen Tzu-lung, a specialist in transitional justice issues, told IPS that the SID finding that Chiang's confession was the result of torture was potentially

"explosive".

"The decision by the SID not to indict Chen Chao-min and the other officers responsible for Chiang's torture and execution was political in nature as the prosecutors did not want to take responsibility for opening a Pandora's Box." (END)

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

IRAN: DEATH SENTENCE FOR APOSTASY REPORTEDLY UPHELD FOR PASTOR NADARKHANI

June 30, 2011: Christian Solidarity Worldwide (CSW) reported that the death sentence handed down in 2010 for the crime of apostasy, to evangelical pastor Pastor Yousef Nadarkhani, was reportedly upheld by the third chamber of the Supreme Court in the Shia holy city of Qom.

Pastor Yousef Nadarkhani of the Church of Iran was arrested in his home city of

Rasht on October 13, 2009 while attempting to register his church. His arrest is believed to have been due to his questioning of the Muslim monopoly on the religious instruction of children in Iran. He was initially charged with protesting, however the charges against him were later changed to apostasy and evangelising Muslims. Pastor Nadarkhani has been held in Lakan prison since that time.

He was tried and found guilty on September 22, 2010 by the 1st Court of the Revolutionary Tribunal. The pastor's lawyer filed an appeal on December 5, 2010. However, following a 6-month wait for an appeal hearing, the lawyer has confirmed that the appeal was unsuccessful, although so far there has been no official notification of this failure.

Pastor Nadarkhani had been imprisoned previously in December 2006, on charges of apostasy and evangelism, but was released two weeks later in January 2007. (Source: <http://au.christiantoday.com>)

JAPAN: MAN TO HANG FOR KILLING WOMAN, 21

June 30, 2011: Tatsumi Tateyama, 50, was sentenced to death by Presiding Judge Masanori Hatoko of the Chiba District Court in Japan for robbery, murder and arson. Tateyama allegedly

killed female university student Yukari Ogino, 21, in Matsudo, Chiba Prefecture, between October 20 and 21, 2009, and set fire to her apartment. (Source: Japan Times)

EGYPT: CLERIC APPROVES COP'S DEATH SENTENCE

June 28, 2011: in Egypt, Islamic cleric Grand Mufti Ali Gomaa affirmed the death sentence handed down to police officer Mohamed Abdel Moneim for murder. Moneim was sentenced on May 22, 2011, for shooting to death 23 protesters rioting near a Cairo police station on January 28, 2011. Moneim told Egyptian television he was just following orders to protect the police station and had killed no one, firing only into the ground. (Source: UPI.com)

IRAQ: PRESIDENCY RATIFIES DEATH SENTENCE AGAINST TUNISIAN

June 28, 2011: Iraq's Presidency ratified the death sentence against Tunisian citizen Yusri Fadhil al-Tureiqi for his involvement in the destruction of the Tomb of the Askari Imams in Samarra city in 2006, according to al-Iraqiya TV Channel. "The (Iraqi) Presidency has issued a number of Presidential decisions, ratifying the death sentences against a number of convicts." The Tomb had been target for an explosion

that destroyed it in February, 2006, followed by a wave of sectarian violence that overwhelmed Iraq's central provinces and its capital of Baghdad. The Tomb was followed by another explosion in June, 2007, that destroyed the remaining parts of the two golden tombs. (Sources: ABNA.ir)

MALAYSIA: RESOLUTION OVER MORATORIUM ON DEATH PENALTY

June 27, 2011: A resolution calling for an immediate moratorium on the mandatory death penalty in Malaysia was agreed by a roundtable which discussed it in Parliament. The resolution also called for capital punishment to be reviewed by a Parliamentary caucus consisting of NGOs, former judges, lawyers and other stakeholders. The roundtable, which was made up of representatives from NGOs and the legal fraternity, met in Parliament and agreed that there should be further discussions on the matter, particularly for drug offences. In a statement, the roundtable said drug offences were not classifiable as "a most serious crime" and should not be dealt with by capital punishment. It also said that there was no proof that the death penalty was especially effective in reducing crime. "The mandatory death penalty for drug

traffickers and drug mules has had virtually no impact on the drug trade. Instead, drug related offences and addiction have been on the rise in Malaysia since the 1983 amendment to the Dangerous Drugs Act 1952 which brought in the mandatory death penalty," it added.

It also said the punishment was irreversible and was too great a responsibility to be burdened on a judge.

The statement said as of Feb 22 this year, a total of 696 inmates were on death row. Of that, 676 were males and 20 were females with 90% of them aged between 21 to 50 years old.

The inmates were sentenced to death mainly for drug offences (479) followed by murder (204) and illegal possession of firearms (13).

The roundtable, which was chaired by Puchong MP Gobind Singh Deo, has four panelists – former federal judge Datuk Seri Gopal Sri Ram, Bar Council president Lim Chee Wee, Attorney General's Chambers representative DPP Datuk Nordin Hassan and Suhakam chairman Tan Sri Hasmy Agam. (Source: The Star)

SAUDI ARABIA: 'BLOOD MONEY' PAYMENT SPARES INDONESIAN MAID FROM EXECUTION

June 26, 2011: An Indonesian maid convicted of murder in Saudi Arabia has been spared execution by beheading after the Indonesian government paid Rp 4.6 billion (\$534,000) in "blood money."

Foreign Ministry spokesman Michael Tene confirmed the news on Sunday, saying that the compensation, or diyat, to spare the life of Darsem has been paid by officials from the Indonesian Embassy in Riyadh to the head of the court in the Saudi capital.

"The court immediately issued a verdict to repeal her qisas sentence," Michael said, referring to the reprisal system under Shariah law. "Darsem is now released from the death sentence."

The funds were taken from the Foreign Ministry's protection budget and transferred to the embassy ahead of the July 7 deadline.

Darsem, from Subang, West Java, was convicted in May 2009 and sentenced to death despite her plea that she had killed the victim in self-defense because he had attempted to rape her.

In January, the victim's family forgave Darsem and agreed to spare her, but only if she could afford to pay the compensation.

Michael said the court would hand over Darsem's case for review to the Riyadh local administration, which would decide whether Darsem should serve a

prison term or be exonerated. "If she has to serve more time in prison, there is a possibility to appeal for clemency from the king [King Abdullah]," Michael said. Anis Hidayah from advocacy group Migrant Care said the diyat payment was "necessary" but should not set a precedent. "It is ironic that Darsem had to pay for the crime she unintentionally committed to defend herself from being raped," Anis said.

Darsem's sparing came a week after the beheading of another Indonesian maid, Royati binti Sapubi, prompted to government to announce a moratorium on Indonesian workers heading to Saudi Arabia from Aug. 1. (Source: Jakarta Globe)

TUNISIA: RADICALS SAY TUNISIA MOVING TOWARDS ABOLITION

June 24, 2011: Tunisia is moving towards the abolition of the death penalty and joining the International Criminal Court. The two objectives are central to the meeting of the Transnational and Transparty Nonviolent Radical Party delegation and the transitional Tunisian government. Education minister Taieb Baccouche assured the Radicals, led by Marco Pannella, of the Tunisian commitment at the next UN General Assembly: "With Pannella" Senator Marco Perduca

explained "Baccouche also supports his themes of a Euro-Mediterranean vision, that moves from single nations towards a regional level."

The Radical delegation also met various human rights associations in preparation for the Party's General Council to be held in the Tunisian capital on July 22nd to 24th. (Source: AGI)

INDIA: 4 MAOISTS GET DEATH FOR J'KHAND MASSACRE

June 24, 2011: Judge Indradeo Mishra of the Giridih additional district and sessions court in India sentenced four Maoists to death for the 2007 Chilkhari massacre.

Jeetan Marandi, Anil Rajwar, Manoj Rajwar and Chhatrapati Mandal allegedly killed 20 people in the presence of hundreds of villagers taking part in a cultural programme and a football match at Chilkhari village under Deori police station on October 27, 2007. (Source: Times of India)

MOROCCO: WORLD COALITION AGM OPENS WITH PLEA FOR ABOLITION

June 24, 2011: Morocco is moving gradually towards the abolition of the death penalty and the adoption of the draft constitutional revision on July 1, which establishes the right to life, will accelerate this process, a senior Moroccan official.

“Morocco is moving gradually towards the abolition of the death penalty,” said in Rabat the Ministry of Justice’s director for penal affairs Mohamed Abdennabaoui,

“If the proposed constitutional amendment that enshrines for the first time the right to life is adopted on 1 July, it will speed up the process to abolish the death penalty,” said Abdennabaoui, who leads the most important branch of the Ministry of Justice of Morocco.

Mr. Abdennabaoui was speaking on the sidelines of the opening of the General Assembly of the International Coalition against the Death Penalty, held for the first time in an Arab country.

A draft reform of the current Moroccan constitution, which strengthens the powers of the Prime Minister while preserving the political and religious powers of the king, will be submitted to a popular referendum on July 1.

“I personally am in favor of the death penalty be abolished,” has said.

Some 103 death row prisoners, including two women, are awaiting execution in Morocco, said

Abdennabaoui, who presented these figures as the “latest official figures.”

Participants at the meeting Federico Mayor Zaragoza, president of the International Commission against the death penalty, Eneko Landaburu, the EU

ambassador to Morocco, and Abderrahim Jamai, of the Moroccan Coalition against the death penalty. (Source: worldcoalition.org)

GEORGIA (USA): MAN EXECUTED FOR 1978 RAPE AND MURDER

June 23, 2011: Georgia executed by lethal injection a man convicted of raping and murdering a 78-year-old Savannah woman.

Roy Blankenship, 55, was sentenced to death for the 1978 murder of Sarah Mims Bowen, who died of heart failure after she was raped and beaten in her apartment.

It was the state's first execution using a new sedative, pentobarbital, in place of sodium thiopental.

In March, agents with the U.S. Drug Enforcement Administration seized Georgia's supply of sodium thiopental, which attorneys for several death row inmates said Georgia had improperly imported from England.

Hospira Inc. of Illinois, the only U.S. company that manufactured sodium thiopental, said in January it would stop making the drug after Italy, where it planned to move production, objected because the European Union has banned the death penalty.

Several states have either run out of supplies of sodium thiopental or switched to pentobarbital, a barbiturate

often used to euthanize animals. Georgia now has executed 50 men since the U.S. Supreme Court reinstated the death penalty in 1976. Blankenship was the 27th inmate put to death by lethal injection in Georgia, which has 100 men and one woman on death row. Blankenship was the 24th person executed in the United States this year. There were 46 executions in 2010. (Source: Reuters)

ARKANSAS (USA): SUPREME COURT HALTS THREE EXECUTIONS

June 23, 2011: The state Supreme Court today halted the executions of three inmates who are challenging the constitutionality of lethal injection in Arkansas. The high court issued stays for the executions of Jason Farrell McGehee, who was scheduled to die July 26; Bruce Earl Ward, who was scheduled to die Aug. 16; and Marcel Wayne Williams, who was scheduled to die July 12. The three men are plaintiffs in a lawsuit filed in Pulaski County Circuit Court alleging that a 2009 state law authorizing the director of the state Department of Correction to choose the drugs used for lethal injection amounts to an unconstitutional delegation of authority. The Supreme Court today directed the circuit court to provide it with a status

update on the case. Arkansas has not executed anyone since 2005, in part because of legal challenges to the state's method of execution. Several other executions have been stayed because of court challenges. "As we have stated previously, we respect every decision issued by the Supreme Court but are troubled by the court's reasoning in these cases," Aaron Sadler, a spokesman for Attorney General Dustin McDaniel, said today. (Source: Arkansas News)

FLORIDA (USA): MIAMI FEDERAL JUDGE RULES DEATH PENALTY UNCONSTITUTIONAL

June 22, 2011: A Miami federal judge ruled that the way Florida courts mete out the death penalty is unconstitutional because juries — not judges — should be the ones to spell out which details about the crime justify execution. U.S. District Judge Jose E. Martinez ordered that Paul H. Evans, convicted in a 1991 murder-for-hire case in Vero Beach, must receive a new sentencing hearing. The ruling, likely to be argued in appellate courts for years, does not strike down Florida's capital-punishment law. But it could force lawmakers to change the statute, and could give recent convicts new avenues

for appeal, legal experts say.

“If the case survives appeals, the Florida Legislature is going to have to modify the law to allow jurors to explain why someone deserves the death penalty,” said Miami attorney Terry Lenamon, founder of the Florida Capital Resource Center, a support group for death-penalty defense cases.

Florida Attorney General Pam Bondi, through a spokeswoman, said Wednesday that her office would request a rehearing and appeal the decision.

Legal scholars say Martinez’s ruling marks the first time a Florida judge has overturned a death sentence under the U.S. Supreme Court case *Ring v. Arizona*. In that 2002 ruling, the court held that defendants are entitled to have juries decide on whether any “aggravating factors” in a crime justify enhanced punishment.

Evans was convicted in the 1991 trailer park murder of Alan Pfeiffer. Jurors voted 9-3 for the death penalty in February 1999. The trial judge imposed death, finding that Evans committed the crime for “pecuniary gain” and the murder was “committed in a cold, calculated and premeditated manner.” Whether any convicts will be resentenced because of Martinez’s ruling remains to be seen, but the opinion has reignited debate in the

Florida legal community over the jury’s role in deciding on the death penalty.

Florida is one of the few states that allow juries to issue death penalty recommendations that are not unanimous. Here, 12-person juries recommend by majority vote whether someone convicted of first-degree murder should be executed. But state jurors do not have to check off on an instruction sheet which reasons contributed to their decision, as jurors are required to do in the rare death penalty case in federal court.

Trial judges in Florida’s state courts have authority to override jury recommendations, although in death penalty cases, they rarely do.

Judge Martinez, in the ruling said there was no way to know if all nine of the jurors in Evans’ case who voted for death were swayed by the same aggravating factors as the judge. He conceded that jury unanimity may not be constitutionally necessary, but wrote: “... It cannot be that Mr. Evans’ death sentence is constitutional when there is no evidence to suggest that even a simple majority found the existence of any one aggravating circumstance.” (Source: miamiherald.com)

EGYPT: DEATH SENTENCE FOR BUS DRIVER WHO SHOT DEAD 6 COLLEAGUES

June 22, 2011: the Giza Criminal Court in Egypt sentenced Mahmoud Suweilam, the Arab Contractors bus driver, to death for murder.

Suweilam was driving company employees to a work site in Giza in July 2010, when indiscriminately opened fire on passengers with a machine gun, killing six. Suweilam believed a colleague was excavating antiquities under Suweilam's house. Public prosecutors had called for the severest punishment for the defendant, particularly since a psychiatrist's report found that the driver was mentally stable when he committed the murder. (Source: Almasryalyoum.com)

PAKISTAN: MAN SENTENCED TO DEATH FOR BLASPHEMY

June 21, 2011: an additional district and sessions judge in Talagang, Pakistan, sentenced a man to death for committing blasphemy.

Abdul Sattar, a 29-year-old resident of Larkana was sent to prison in Jhelum. Mohammad Saeed, of Talagang town, had filed a complaint with the city police station on Feb, 2010. He said he had been receiving derogatory text messages and calls from a wrong number for several days. He told police

that contents of the messages and conversation of the caller blasphemed Holy Quran, Prophet and Sahabas (companions of the Prophet).

A case was registered and District Police Officer Syed Ali Mohsin set up a special inquiry committee, headed by then Superintendent of Police (Investigation) Malik Matloob. The committee collected data of calls and text messages sent by a cell number belonging to Abdul Sattar, who was arrested in Larkana.

SP Matloob said Sattar had confessed to have committed the crime. "The accused behaved quite normally when arrested," the SP added. (Source: DAWN.com)

CHINESE COALMINER SENTENCED TO DEATH FOR MURDERING MAN IN POLLUTION ROW

June 21, 2011: A court in China's northern region of Inner Mongolia sentenced to death a coal mine worker for killing a resident who had complained about pollution, state media said.

Sun Shuning was convicted of murdering Yan Wenlong after "a dispute over pollution caused by a coal mine" where Sun worked, the official Xinhua news agency said.

Sun killed Wen with his forklift, the report added.

"The act was utterly cruel, the crime very serious, and the consequences extremely bad," it cited the court in Xilinhote as saying. Xinhua provided no other details of the case. (Source: Reuters)

BAHAMAS: GOVERNMENT PLANS LEGISLATION TO STRENGTHEN DEATH SENTENCES

June 20, 2011: the Government in the Bahamas plans to introduce capital punishment legislation which will strengthen death sentence cases from being overturned on appeal by the Privy Council, Prime Minister Hubert Ingraham said. The new legislation will specify which categories of crimes warrant capital punishment and he plans to bring the law to Parliament for debate before the summer recess. The proposed legislation will be crafted around recent recommendations made by the Privy Council after it quashed the death sentence of Maxo Tido, who was found guilty of the 2002 murder of 16-year-old Donover Conover, Mr Ingraham said.

"They set out in their judgment a number of circumstances which, they say, can result in the death penalty being imposed.

"For instance, somebody being killed during the course of an armed robbery or being killed during the course of a

rape or drug trafficking. There are a number of other things that they said," said Mr Ingraham.

"For instance a policeman being killed in the line of duty would be something that we would regard as fitting for the death penalty being imposed. So we're going to seek to categorise all of those and put us in a better position to have it upheld by the Privy Council," Mr Ingraham added. (Sources: Tribune242.com)

AFGHANISTAN: TWO CHARGED IN DEADLY BANK ATTACK EXECUTED

June 20, 2011: Two men charged with murder for a February bank attack that killed 38 people were hanged around 11.00 am in Kabul, a spokesman for Afghanistan's intelligence agency said. Lutfullah Mashal, spokesman for the National Directorate of Security, identified one of the men as Zar Ajam of Pakistan. He identified the other man as "Matiullah, whose real name was Mahmood," a resident of eastern Afghanistan.

A third person involved in the attack has been sentenced to 20 years in prison, Mashal said.

In February, a group of attackers stormed a branch of the Kabul Bank in Jalalabad, the capital of Nangarhar province. Four of them were killed, Interior Ministry spokesman Najib

Nekzad said at the time.

Nekzad said 13 police officers were among those killed in the attack. The February 19 incident also left 41 people wounded, including 14 police officers, he said.

Fighting between attackers and security forces lasted for more than four hours, said Ahmadzia Abdulzai, a spokesman for the provincial governor.

The NATO command in Afghanistan said reports indicated the incident might have been a suicide attack. It issued a statement saying three people apparently entered the bank wearing suicide vests and detonated themselves. An eyewitness said some civilians were taken hostage. (Sources: CNN, DPA)

CALIFORNIA (USA): STATE TAXPAYERS HAVE SPENT \$4 BILLION ON CAPITAL PUNISHMENT SINCE 1978

June 19, 2011: Taxpayers have spent more than \$4 billion on capital punishment in California since it was reinstated in 1978, or about \$308 million for each of the 13 executions carried out since then, according to a comprehensive analysis of the death penalty's costs.

The examination of state, federal and local expenditures for capital cases, conducted over three years by a senior federal judge and a law professor, estimated that the additional costs of

capital trials, enhanced security on death row and legal representation for the condemned adds \$184 million to the budget each year. The study's authors, U.S. 9th Circuit Judge Arthur Alarcon and Loyola Law School professor Paula Mitchell, also forecast that the tab for maintaining the death penalty will climb to \$9 billion by 2030, when San Quentin's death row will have swollen to well over 1,000. In their research for "Executing the Will of the Voters: A Roadmap to Mend or End the California Legislature's Multi-Billion-Dollar Death Penalty Debacle," Alarcon and Mitchell obtained California Department of Corrections and Rehabilitation records that were unavailable to others who have sought to calculate a cost-benefit analysis of capital punishment. Their report traces the legislative and initiative history of the death penalty in California, identifying costs imposed by the expansion of the kinds of crimes that can lead to a death sentence and the exhaustive appeals guaranteed condemned prisoners. The authors outline three options for voters to end the current reality of spiraling costs and infrequent executions: fully preserve capital punishment with about \$85 million more in funding for courts and lawyers each year; reduce the number of death penalty-eligible crimes for an annual savings of \$55 million; or abolish

capital punishment and save taxpayers about \$1 billion every five or six years. Alarcon, who prosecuted capital cases as a Los Angeles County deputy district attorney in the 1950s and served as clemency secretary to Gov. Pat Brown, said in an interview that he believes the majority of California voters will want to retain some option for punishing the worst criminals with death. He isn't opposed to capital punishment, while Mitchell, his longtime law clerk, said she favors abolition. Both said they approached the analysis from an impartial academic perspective, aiming solely to educate voters about what they are spending on death row. Alarcon four years ago issued an urgent appeal for overhaul of capital punishment in the state, noting that the average lag between conviction and execution was more than 17 years, twice the national figure. Now, it is more than 25 years, with no executions since 2006 and none likely in the near future because of legal challenges to the state's lethal injection procedures. The long wait for execution "reflects a wholesale failure to fund the efficient, effective capital punishment system that California voters were told they were choosing" in the battery of voter initiatives over the past three decades that have expanded the penalty to 39 special circumstances in murder, the

report says. Unless profound reforms are made by lawmakers who have failed to adopt previous recommendations for rescuing the system, Alarcon and Mitchell say, capital punishment will continue to exist mostly in theory while exacting an untenable cost. Among their findings to be published next week in the Loyola of Los Angeles Law Review: The state's 714 death row prisoners cost \$184 million more per year than those sentenced to life in prison without the possibility of parole. A death penalty prosecution costs up to 20 times as much as a life-without-parole case. The least expensive death penalty trial costs \$1.1 million more than the most expensive life-without-parole case. Jury selection in a capital case runs three to four weeks longer and costs \$200,000 more than in life-without-parole cases. The state pays up to \$300,000 for attorneys to represent each capital inmate on appeal. The heightened security practices mandated for death row inmates added \$100,663 to the cost of incarcerating each capital prisoner last year, for a total of \$72 million. (Source: Los Angeles Times)

SAUDI BEHEADS INDONESIAN WOMAN CONVICTED OF MURDER

June 18, 2011: An Indonesian woman was beheaded by the sword after being convicted of murdering a Saudi woman,

the interior ministry said.

The woman named Roiaiti Beth Sabotti Sarona, according to a transliteration from Arabic, was found guilty of killing Saudi Khairiya bint Hamid Mijlid by striking her repeatedly on the head with a meat chopper and stabbing her in the neck, the ministry said in a statement carried by the official SPA news agency. The ministry did not elaborate on the motives of the crime, nor it did disclose the relation between the two women. But Indonesian officials say that around 70 percent of the 1.2 million Indonesians working in Saudi Arabia are domestic staff.

The beheading in the western province of Mecca brings the number of executions in the ultra-conservative kingdom this year to 28, according to an AFP tally based on official and human rights group reports. (Source: AFP)

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SOMALIA: AL SHABAB PUBLICLY EXECUTES 2 FOR SPYING

June 18, 2011: the court of Al-Shabaab in Daynile district in Mogadishu, Somalia, carried out the sentence of two young men saying they were working for the Somali Security Agency.

“The men were very young. They aged 19 and 24. They were called Adil Mohamed Hussein and Abas Mohamed Abukar. They were killed as the court it had affirmed that the men were spying for the transitional government of Somalia, we were very sorry,” said one witnesses who requested not to be named.

More people came together to watch the killing of the two men who were

reportedly captured three months before. (Source: www.mareeg.com)

IRAQ: COURT GIVES DEATH PENALTY TO 15 IRAQIS OVER WEDDING MASSACRE

June 16, 2011: The Criminal Court of Karkh sentenced 15 Iraqis to death penalty after they were found guilty in the massacre of 70 people at a wedding party in 2006.

Firas Hassan Fleih al-Jubouri, a main criminal in the wedding massacre, and 14 codefendants were among the 25 arrested earlier by Iraqi security forces for connection to the massacre of Dujail City located 60 km north of Baghdad, spokesman of the Iraqi Supreme Judicial Council Abdul-Sattar al- Biraqdar told reporters here.

"These verdicts will automatically be appealed within 30 days starting from Thursday, and then the verdicts must be ratified by the Federal Appeals Court before sending them to the presidency for approval," Biraqdar told China's Xinhua news agency.

Jabouri was accused of leading a terrorist group that killed dozens of Iraqis, including a wedding party during the mass killing of the sectarian strife that engulfed the country after the U.S.-led invasion in 2003. (Source: Bernama, 16/06/2011)

UAE: FORMER FOOTBALLER SENTENCED TO DEATH

June 15, 2011: Former Emirati football player Fayez Juma was sentenced to death for premeditated murder of his compatriot.

The Abu Dhabi Supreme Court delivered the capital punishment verdict to Juma for intentionally killing, along others, their compatriot following a scuffle in a parking lot in Sharjah, reported 'Gulf News'.

The court overturned a ruling from Sharjah Appeals Court that sentenced Juma to a year in jail.

Another player for Sharjah, Mohammed Najib, and Juma's brother, Moses, were also sentenced to death, reported AP. Fayez Juma played for Sharjah and for the national team more than four years ago.

The defendants were charged with preplanning and plotting the intentional murder. They brought sharp tools, including swords and knives, and stabbed the victim to death, heard the court.

Tuesday's verdict is irrevocable. Only the President, Sheikh Khalifa, or the ruler of Sharjah, Sultan bin Mohamed Al-Qasimi, can now halt the execution or issue a pardon. (Sources: emirates247.com)

TRINIDAD & TOBAGO: PRIVY COUNCIL QUASHES MANDATORY DEATH FOR CERTAIN MURDERS

June 14, 2011: The mandatory death sentence for murder in Trinidad & Tobago was again overturned by the Privy Council, who quashed the death sentence of Nimrod Miguel, ruling it "unconstitutional". The ruling is likely to affect most Death Row inmates who were convicted under similar circumstances. On January 30, 2008, Miguel was sentenced for the murder of Ramesh Lalchan, whose body was found on December 31, 2003, in Rio Claro. Miguel and three other men had hijacked Lalchan, a taxi-driver, in Princes Town and Lalchan was robbed, bound, shot and dumped. On December 31, 2003, Lalchan was found shot dead in a canefield in Rio Claro. Miguel claimed he walked away before Lalchan was shot twice in the head. Miguel appealed to the local Court of Appeal on February 27, 2009, but his appeal was dismissed. The Law Lords pointed out that while the felony murder rule, at common law, had formed part of the law of Trinidad and Tobago for many years, this was abolished in 1996 and a distinction was drawn between felonies and misdemeanors, and as a result no one could be convicted of felony murder or sentence to death for such offences.

However, in 1997, the Criminal Law Act was amended and made death by the hangman's noose mandatory for persons convicted of killing a person during the commission of an arrestable offence.

In Miguel's judgment, Lord Clarke ruled that they were unable to accept the State's submissions, adding that the 1997 Act did not repeal the common law rule, as it had already been repealed.

"It simply enacted a new provision which was no doubt intended to reproduce something very similar to the common law rule."

Clarke also noted that any attempt to reinstate a repealed law, which was inconsistent with Sections of the Constitution as it relates to invalidate an existing law, can only be done by votes of no less than three-fifths of each Houses of Parliament. (Source: Trinidad Express)

BAHAMAS: MAXO TIDO DEATH SENTENCE OVERTURNED

June 14, 2011: The Privy Council overturned convicted murderer Maxo Tido's death sentence.

The London-based court, the highest recognised by Bahamian law, delivered its judgment today allowing the appeal of Tido's death sentence which was handed down by Supreme Court Justice

Anita Allen in March 2006. Observers considered this a test case, as it was thought the outcome would indicate whether the Privy Council would let any Bahamian death penalty stand.

A jury found Tido guilty of brutally murdering 16-year-old Donnell Conover in 2002.

Tido was convicted and sentenced to death only days after the Privy Council ruled that the mandatory death sentence in The Bahamas is unconstitutional.

During her ruling, Supreme Court Justice Anita Allen said she was satisfied beyond a reasonable doubt the appropriate sentence in this case was death.

The Privy Council's judgment said the approach to sentencing a person to death is two-fold. Firstly, the death sentence must only be given in cases where the facts of the offence are "the most extreme and exceptional - the worst of the worst or "the rarest of the rare."

Secondly, there must be no reasonable prospect of reform, and death would be the only way punishment is achieved.

The judgment said: "Murder is always a heinous crime. But it is clear that a death sentence - the ultimate and final sentence - must be reserved for the wholly exceptional category of cases

within this most serious class of the offence."

The Privy Council held that while it was a dreadful crime, Tido's behaviour could not be placed along side the most horrific murders.

The judgment said "this was, in short, an appalling murder but not one which warrants the most condign punishment of death".

The Privy Council decided under the circumstances it was unnecessary to reach a conclusion on the second ground.

In 2009, the Committee for the Prerogative of Mercy decided the law should take its course, as it did not see Tido's case as "an appropriate one for the Prerogative of Mercy to be exercised." The Minister of National Security had advised the Governor General of the decision at that time. However, the Government also said no further action would be taken pending the outcome of the appeal at the Privy Council.

The matter will be returned to the Bahamian Court of Appeal for sentencing in view of the Council's judgment. (Sources: Tribune242.com)

SAUDI ARABIA: KILLER SAVED FROM THE SWORD AT THE 11TH HOUR

June 14, 2011: Saudi Arabia's executioner mounted the platform,

raised his sword and was about to bring it down on the killer's head in a packed field in the Gulf Kingdom before he abruptly stopped at hearing a man shouting through a loudspeaker. The man, who was the victim's father, declared he had pardoned the killer. Hundreds of people had arrived into the execution field in the western town of Madina amidst tight security to witness the beheading of Abdul Aziz bin Ibrahim Al Anzi, a young Saudi convicted of murdering his friend Mamdouh bin Mutab Al Fakeer, another young Saudi, during a fight five years ago. The victim's father, Mutab Al Fakeer, was among the crowd as he had rebuffed previous attempts to pardon the killer and accept blood money that could have led to the release of Abdul Aziz under Islamic law. "As the swordsman was about to bring his sword down and cut off Abdul Aziz's head, he immediately stopped when the victim's father screamed through a loudspeaker that he had pardoned the killer of his son," the Saudi Arabic language daily Alriyadh said. "He announced that he was pardoning the killer in response to mediation by the Monarch and many other people....as he made the announcement and the execution was halted, the crowd began shouting 'Allah Akbar (God is great)...God the Almighty has given

Abdul Aziz a new life." (Sources: emirates247.com; 14/06/2011)

AFGHANISTAN: TWO SENTENCED TO HANG FOR MASSACRE IN JALALABAD

June 14, 2011: Two men who were part of a group of Taliban assailants that killed at least 42 people in an attack on a bank in eastern Afghanistan in February have been sentenced to death, a court official said.

Qari Matiullah, a Pakistani national, and Zar Azam, an Afghan, were convicted of murder and sentenced to hang, said Abdul Wakeel Omari, spokesman for the court. Their accomplice Daad Mohammed was sentenced to 20 years in prison for his involvement.

At least 42 people were killed and 71 others injured when six would-be suicide bombers armed with rifles and explosive vests attacked a branch of Kabul Bank in Jalalabad city, capital of the eastern province of Nangarhar. Afghan security personnel were queuing up to receive their salaries when the attackers dressed in army uniforms entered and started a gun battle that lasted several hours.

At least 21 security personnel and four insurgents died. The rest of the victims were civilians.

Azam was the main organiser of the attack, the court official said.

"These men killed dozens of people and

they confessed their crime," Omari said. President Hamid Karzai would have to sign death warrants for the sentence to be carried out, he said, adding the decision has already been sent to the president's office for signature. (Source: DPA)

TUNISIA: BEN ALI MAY FACE UP TO 20 YEARS OR THE DEATH PENALTY

June 14, 2011: Tunisia's ousted president Zine al-Abidine Ben Ali could face 20 years in jail if convicted of drugs, weapons and cash charges and possibly the death penalty for murder and torture, the justice ministry said.

The country's interim leader Beji Caid Essebsi said that Zine al-Abidine Ben Ali and his wife Leila Trabelsi will be tried in absentia in the case beginning June 20. The couple fled to Saudi Arabia after a popular uprising forced Ben Ali's downfall on January 14 after 23 years of rule.

They are accused of withholding public funds and theft following the discovery of \$27mn in cash and jewels in their palace in the Tunis suburb of Sidi Bou Said.

Ben Ali himself has also been charged over the discovery of drugs and weapons at the presidential palace in Carthage.

If convicted he could receive between five and 20 years in jail, justice ministry

spokesman Kadhem Zine al-Abidine said.

The former ruler is currently facing a potential 93 charges. Authorities have said they are looking into allegations of murder and torture—crimes punishable by the death penalty.

They are also looking into cases of money laundering and the trafficking of archaeological artifacts.

Essebsi told Al Jazeera that Saudi authorities had not responded to Tunisian requests to hand over Ben Ali. (Source: AFP)

VIETNAM: DEATH SENTENCES TO BE EXECUTED BY POISON

June 13, 2011: the Law on Execution of Criminal Sentences will take effect as of July 1, 2011, under which death sentences in Vietnam will be executed by poison injection, instead of shooting. This is said to be more advantageous than shooting because families of death-sentence criminals can take the bodies. The law was approved by the 12th National Assembly.

The Ministry of Public Security organised training courses on the implementation of the Law on Execution of Criminal Sentences.

The new law is also praised to have specific regulations on rewards and punishments for prisoners who perform

well or violate regulations at prisons.
(Sources VietNamNet Bridge)

IRAQ: TAREQ AZIZ'S SON- END MY FATHER'S SUFFERING

June 9, 2011: Sentenced to hang in Iraq, Saddam Hussein's ex chief of diplomacy Tareq Aziz has serious health problems and does not want to die in jail. His son Ziad asked the Iraqi government to put an end to his suffering. "My father can no longer move or speak, and has great difficulty feeding himself," Ziad explained in a telephone interview from Amman with the daily Le Figaro. Aziz's family is indignant over the Iraqi authorities' silence. "Two weeks ago my mother and my sister went to meet the authorities in Baghdad, but they weren't able to. The vice Justice minister did not even respond to our phone calls" Ziad said. Three months after the confirmation of his death sentence, Aziz launched a petition for either his sentence to be carried out immediately or for him to be provided needed medical care. The request that Aziz receive all necessary assistance has been rejected by Nouri al-Maliki's Shiite government many times. In a visit to Baghdad yesterday, Italian foreign minister Franco Frattini expressed satisfaction that a moratorium on Tareq Aziz's death

sentence was achieved. "We know that many preeminent voices such as President Jalal Talabani spoke of the possibility of clemency, however the Iraqi law does not allow for this."

The Minister explained that "regardless, it is important that we still speak about Tareq Aziz today as a man in prison and not in a tomb." (Sources: TMNews)

CHINESE SENTENCED TO DIE FOR MONGOL HERDER'S DEATH

June 8, 2011: A Chinese truck driver was sentenced to death for killing an ethnic Mongol herder by dragging him under his truck in a case that triggered Inner Mongolia's largest demonstrations in 20 years.

Li Lindong's sentence was read out at the end of his six-hour trial at the Intermediate People's Court in the region's Xilingol League, the official Xinhua News Agency said.

Fellow driver Lu Xiangdong, who had been sitting in the cab of Li's truck when he drove over the herder, was also convicted of homicide and sentenced to life in prison, Xinhua said.

Two others, Wu Xiaowei and Li Minggang, were convicted of obstructing justice and given three-year sentences for having blocked police who arrived at the scene, allowing Li Lindong and Lu to escape.

The speed of the trial and severity of the

sentences underscore authorities' sensitivity over the case and their desire to assuage Mongol demands for justice. Outcomes in such trials are usually a foregone conclusion, and proceedings are often shown on television as a public relations tool. Xinhua said 160 people attended the trial including relatives of the victim and the accused. The herder, Mergen, who like many Mongols uses just one name, was killed on May 10 while he and others were blocking the road through their village to protest noise and pollution produced by coal trucks transiting the grasslands. Police said Li ran over Mergen and then dragged his body for 160 yards (145 meters) before he died. His death and that of another Mongol in a clash with Chinese coal miners sparked protests across the sprawling northern pastureland by herders and students demanding justice and greater protection for Mongol culture and the nomadic herding lifestyle. Mass migration to the region by members of China's majority Han ethnic group and a booming mining industry have placed traditional ways of life under severe pressure. Protesters were reportedly detained by security forces, but there has been no official word on arrests. (Source: Ap)

INDIA: HIGH COURT STAYS EXECUTION OF DEATH SENTENCE ON DAS

June 7, 2011: The Gauhati High Court in India stayed the hanging of death row convict Mahendra Nath Das till June 17, after his mother Kusumbala filed a writ petition to keep her son's execution in abeyance for at least 14 days. The family will file a writ petition in the Supreme Court, seeking commuting of his death sentence to life term. Mahendra Nath Das was sentenced to death in 1997 for murdering Harakanta Das in Fancybazar on April 24, 1996. The death sentence was confirmed by the High Court in February 1998, while the Supreme Court rejected the appeal in 1999. Das is now kept confined in an isolated cell meant for condemned prisoners. Authorities of Central Jail, Jorhat have already initiated arrangement for installing the gallows for execution of the death sentence, while prison authorities in the State are on the lookout for a hangman, as President Pratibha Patil on May 25 rejected the clemency plea. (Sources: The Hindu, The Telegraph)

CHINA: STUDENT EXECUTED OVER HIT-AND-RUN MURDER

June 7, 2011: China executed music student Yao Jiabin, 21, for stabbing 26-year-old mother Zhang Miao to death

after hurting her in a car crash on October 20, 2010. The high court in north China's Shaanxi province turned down his appeal over the April 22 death sentence, China Central Television reported. The execution was also approved by China's Supreme People's Court, which noted the "extremely despicable and odious" nature of the crime.

Zhang, who was riding her bike, only suffered minor injuries in the accident but instead of helping the woman, Yao stabbed her eight times with a knife as she eyed his car number plate.

Yao, a student at the Xian Conservatory of Music, fled the scene but was later caught and, according to an earlier Xinhua report, confessed that he killed her because he feared the "peasant woman would be hard to deal with" over the accident.

The crime has prompted hand-wringing over the country's so-called "rich second generation."

The term is applied to the wealthy offspring of people who have prospered with China's economic opening of the past 30 years -- youths seen as expecting privilege and sometimes lacking in morals. (Sources: Agence France Presse)

IRAN: SUPREME COURT QUASHES DEATH SENTENCE IN 'PORN' CASE

June 6, 2011: Iran's Supreme Court has quashed the death sentence for Saeed Malekpour, a web programmer who was facing execution on charges of developing and promoting porn websites.

The 35-year-old was convicted of designing and moderating adult materials online although his family said he was a web programmer whose photo uploading software was used by a porn website without his knowledge.

Defence lawyers said the conviction was quashed after they provided the court with expert evidence.

Malekpour, a Canadian resident who was arrested in October 2008 on arrival in Tehran, will remain in jail while a judicial review into his case is held.

Speaking from Toronto, his wife, Fatima Eftekhari, said: "This a sigh of relief for me, I'm very pleased that his life is finally saved.

"It's unbelievable that someone in this world has spent three years of his life in jail for merely designing software and was until now facing execution for that."

According to Eftekhari, the campaign by human rights groups in support of her husband was crucial in saving Malekpour's life.

"Never underestimate the power of such campaigns when you can save the life of an innocent somewhere miles away from you by clicking a button or

signing a letter," she said.

"I remember that I was collecting signatures in support of my husband and people were reluctant to put their names on the campaign because they were pessimistic that they can save someone else's life by doing so. Now you can see how a signature affects lives."

A year after his arrest, Malekpour was put on state television to confess to his charges. He later retracted the confession in a letter sent from prison in which he said it was made under duress. Students from some of the Iran's leading universities also wrote to the judges calling for his release. (Source: The Guardian)

DANES TRY TO BLOCK USE OF DRUG IN US EXECUTIONS

June 6, 2011: Lundbeck, the Danish company embroiled in the controversy over the use of its products in lethal injections in the United States, has agreed to take action to restrict such use after facing intense pressure at home and abroad.

In a meeting today with Maya Foa, of the Legal action charity Reprieve, Lundbeck Chief Executive Officer Ulf Wiinberg reportedly said that the company had "reconsidered its position" and he acknowledged that "there are steps that the company could

take to restrict the distribution of pentobarbital so that it is not delivered to execution chambers in the U.S., but still reaches legitimate users."

Lundbeck is a U.S.-government-approved manufacturer of pentobarbital. Pentobarbital has been used in 13 executions in the U.S. thus far. Over the course of the last one year, an increasing number of correctional facilities in the U.S. have turned to using pentobarbital – also known commercially as Nembutal – as the unconsciousness-inducing component of the lethal injection cocktail. Reprieve officials said that while Lundbeck refused to make concrete assurances the company had agreed to hire "external consultants to assess the most effective strategies."

The statement by Mr. Wiinberg came after months of intensive campaigns against Lundbeck, which also resulted in a major Danish pension fund, Unipension, selling 40 million Danish Kroner – nearly \$8 million – worth of shares in the pharmaceutical company owing to concerns regarding pentobarbital use in U.S. executions. After the meeting with Mr. Wiinberg, Reprieve said in a statement that the fierce criticism from press, politicians, non-governmental organisations and shareholders had led Lundbeck to promise that it would "be more

transparent in their communications on this matter going forward... [and] that this time the full independent consultancy would be published." Following the meeting with Lundbeck, Reprieve representative Maya Foa said, "At last we are beginning to see some positive movement from Lundbeck on this issue. But too much time has already been lost - not to mention too many lives." Ms. Foa said that in addition to the 13 people killed to date using Lundbeck's drugs, another 7 were set to be executed by the end of June, which is the timeframe in which Lundbeck promised to reconsider the issue. (Source: The Hindu)

KUWAIT: BANGLADESHI TRIO SENTENCED TO DEATH IN MURDER OF COMPATRIOT

June 5, 2011: The Kuwait Criminal Court sentenced three Bangladeshis to death for the premeditated murder of a compatriot taxi driver. Case files indicate the suspects kidnapped the victim and set fire to him in a desert in Jahra, leading to his death. Autopsy reports revealed the suspects beat the victim before burning him to death, while the results of investigations showed that they had been keeping sharp objects for a long time — a clear indication the killing was planned.

It has been reported the brutal killing was an act of revenge because the victim allegedly had an affair with the girlfriend of one of the suspects. The session was presided over by Judge Mohammad Al-Khalaf. (Source: Arab Times)

ARMENIAN PRISON CONDITIONS AGAIN CRITICIZED BY CIVIC MONITORS

June 2, 2011: Conditions in Armenia's prison remain inadequate and have only worsened in recent years, a team of civil society representatives that regularly inspects them claimed on Thursday. Artur Sakunts, a prominent human rights campaigner heading the monitoring team, singled out prison overcrowding as the most serious problem facing the country's 5,100-strong prison population, which also includes those kept in pre-trial detention.

"Our objective is to have humane conditions in the correctional system, where a part of our citizens is being kept," he said. "Conditions that do not infringe on their dignity."

"The trend in the last three years has been negative. The number of unsolved problems has increased," Sakunts told a news conference.

Sakunts's team comprises representatives of more than a dozen non-governmental organizations

involved in human and civil rights advocacy. The Armenian government allows them to visit prisons and inspect conditions there on a regular basis. The monitoring group officially publishes its findings in annual reports.

“During our visits we have repeatedly seen 12, 18 or even 20 individuals kept in prison cells designed for 8 persons,” Sakunts said. “When I ask inmates how they sleep they say, ‘We take turns.’”

“I would urge those inmates to take legal action against the Republic of Armenia because of the inhuman conditions in which they are kept,” added the campaigner highly critical of the Armenian authorities’ human rights record.

Arsen Babayan, the spokesman for a Justice Ministry department running the Armenian prisons and detention centers, dismissed these claims, saying that the problem of overcrowding is “very often exaggerated.” He insisted that every prisoner in Armenia has their own bed and does not have to share it with cellmates.

According to Babayan, the total number of prisoners and detainees exceeds the country’s nominal prison capacity by roughly 800. “Just because a certain [maximum] number is set doesn’t mean that it’s not possible to keep more people than that in penitentiary institutions,” he told journalists. “Let’s

also take into account prison remodeling done there and the creation of new cells.”

The official added that overcrowding will be significantly alleviated with the early release of some 400 prisoners which is currently underway in accordance with a general amnesty declared by the authorities late last month. (Source: www.azatutyun.am/content/article/24213711.html)

ETHIOPIA PARDONS 23 TOP DERG OFFICIALS

June 1, 2011: Ethiopian government commuted the death sentences of 23 former Derg regime high ranking officials for committing genocide to life time imprisonment. According to Ethiopian President Girma Wolde Giorgis, who made the announcement to local media at the national palace this morning, all the 23 prisoners have received pardon from the government and they are sentenced to life time imprisonment.

The former Derg regime high-rank officials were in prison for the last 20 years. According to the Ethiopian law, someone who will be punished with a life sentence will not be imprisoned for more than 25 years.

Speaking at the event, “There is no half forgiveness,” said Abune Paulos, Ethiopian Orthodox Church Patriarch

and member of the religious representatives who addressed forgiveness request of the prisoners to the government. "In their pardon request, the prisoners urged the government to release them completely from prison so that they will spend the remaining few years of their life time with their children," Abune Paulos noted. "I hope and believe that our government will fully release them from prison," he said. Indicating that the genocide committed during the Derg regime has knocked the doors of millions of Ethiopians, including religious leaders, Sheikh Elias Redman, representing the Muslim community of the country, also urged the government to consider releasing the prisoners fully pardoning. The list of top high ranking the Derg regime officials who set free from death sentence includes: Fikre-Silasse Wegderes, Legesse Asfaw, Melaku Teferra, Tesfaye Welde-Silasse, Gesigis Gebre Meskel and General Legesse Belayneh.

The list also includes, Abdulkadir Mohamed, Petros Gebre, Sileshi Mengesha, Colonel Nadew Zekariayas, Begashaw Atalay, Major General Woubishet Desse, Colonel Fisseha Desta, Colonel Endale Tessema and Colonel Debella Dinsa. In addition, Argaw Yimer, Degene Wendimagegnaw, Eshetu Shenkute, Gessesse Welde –

Kidan, Desalegn Belay, Lisanu Molla, Abebe Eshetu and Berihun Mammo are also set free from the death sentence, according to President Girma's statement. (Sources: New Business Ethiopia)

NEW CHARGES FOR 9/11 SUSPECTS HELD AT GUANTANAMO

June 1, 2011: US military prosecutors have filed new charges against self-described 9/11 mastermind Khalid Sheikh Mohammed and four alleged co-conspirators, held at Guantanamo Bay. The charges of murder and conspiracy could result in the death penalty. Five defendants had previously been charged at Guantanamo over the attacks.

But the charges were set aside as the Obama administration tried to move the trial into US civilian courts; a move which was reversed in April.

The new charges are similar to those laid under President Bush's administration.

The five men are charged with conspiracy, murder in violation of the law of war, attacking civilians, attacking civilian objects, intentionally causing serious bodily injury, destruction of property in violation of the law of war, hijacking aircraft and terrorism.

The Pentagon has said before that Khalid Sheikh Mohammed admitted to

being responsible "from A to Z" for the 2001 attacks in New York and Washington, which claimed about 3,000 lives.

He was captured in Pakistan in March 2003 and sent to the US detention centre in Cuba in 2006.

US prosecutors say he has confessed to involvement in a host of terrorist activities in addition to 9/11.

These include the 2002 nightclub bombing in Bali, Indonesia, the 1993 World Trade Center bombing, the murder of American journalist Daniel Pearl and a failed 2001 attempt to blow up an airliner using a shoe bomb.

In a 2007 hearing, Mr Mohammed alleged that he had been tortured at Guantanamo Bay. CIA documents confirmed that he had been subjected to waterboarding - simulated drowning - 183 times.

The other four accused are: Waleed bin Attash, a Yemeni; Ramzi Binalshibh, a Yemeni who allegedly helped find flight schools for the hijackers; Ali Abd al-Aziz Ali, accused of helping nine of the hijackers travel to the US; and Mustafa Ahmad al-Hawsawi, a Saudi, accused of helping set up the hijackers with money, clothes and credit cards.

President Barack Obama's original intention was to close Guantanamo Bay, and have the five tried by federal courts on US soil.

He abandoned that plan in April, because of opposition in Congress. Instead, the five accused will be tried by a military commission, sitting at Guantanamo Bay. (Source: BBC)

News from International NGOs - June 2011

ARAB SPRING AT THE HEART OF WORLD COALITION AGM

26 June 2011

"We don't want cosmetic change. What we want is abolition." This statement is from Tagreed Jaber, Penal Reform International's regional director for Middle east and North Africa, took a particular meaning in Morocco, where the draft new constitution protects the "right to life", but doesn't go any further.

"This is not enough for abolitionists. That article doesn't ban the death penalty, contrary to other constitutions or the international protocol," said Mostafa Znaidi of the Moroccan Coalition Against the Death Penalty. Jaber underlined the positive and negative aspects associated with the protest movements under way in the region in relation to the abolition of the death penalty.

Halem Chabouni of the Tunisian Coalition said that his organisation had recovered its freedom to exist after it being banned by the Ben Ali government. Nobody has called for the death penalty for the ex-president so far, but he still considers that option as a risk. Most participants, however, are optimistic about the effect of the Arab Spring on the death penalty. Montassir Sakhi, a Moroccan blogger and activist who has been taking part in the February 20 Movement, said that the online networks created during the protests could help push for abolition in the near future.

In some Arab countries, however, the trend is far from pointing towards abolition. Nasser Abood of the Iraqi Coalition said that his country moved from the Saddam Hussein regime, which used multiple laws to impose the death penalty on its people, to the current government, which uses anti-terrorism legislation to sentence thousands of people to death.

Although a recent report by the Iraqi ministry of human rights stated that 1145 people were on death row, Abood estimates the real figure to be several times higher. The public section of the World Coalition's AGM ended with a

debate on the inhumanity of the death penalty, which will be the theme of this year's World Day Against the Death Penalty on October 10.

Rosalyn Park of The Advocates for Human Rights, Bernadette Jung of FIACAT and Essadia Belmit of the UN Committee Against Torture discussed the overlaps between the death penalty and inhuman treatments in international law. The Rabat general meeting is continuing on Sunday with the World Coalition's statutory meeting and training workshops for its members.

PENAL REFORM INTERNATIONAL HELD A REGIONAL CONFERENCE ON JUVENILE JUSTICE IN ALGIERS

On 22 and 23 June 2011, Penal Reform International's Middle East and North Africa Office, organized a conference in cooperation with the Ministry of Justice in the People's Republic of Algeria in Algiers. The conference, entitled "Juvenile Justice in the Arab World: The Reality of the Situation and Future Prospects," included representatives from Jordan, Algeria, Egypt, Morocco, Yemen, Kuwait, Oman, Sudan, and the Palestinian National Authority.

The session began with opening remarks from Mr. Fleon, Director of

Prisons and Reintegration, Ms. Alison Hannah, Executive Director of Penal Reform International, Ms. Eva Amanus the Swedish Ambassador to Algeria, and Mr. Massoud Bifrisha, the Secretary-General of the Ministry of Justice in Algeria. The opening remarks focused on the importance of assessing the reality of juvenile justice in the Arab world and determining constructive developments for the future. Their words stressed that these developments are a conceivable through programs and projects implemented by Penal Reform International and its governmental and non-governmental partners.

During the first day, Taghreed Jaber, director of the Middle East North Africa Regional Office of Penal Reform International, gave a brief overview of the organizations achievements and role in enhancing juvenile justice with international standards. She presented the results of a study, entitled “The Development of Juvenile Justice Systems in Jordan, Algeria, Egypt, Morocco, and Yemen.” Additionally, the first day included presentations on the international Rights of the Child by D. Kamel Filali and Fatima Zahra, Member of the Committee of Experts on the Rights and Welfare of the child. These presentations were followed by

presentations of the experiences of Algeria, Jordan, Egypt, Morocco, Yemen, and Kuwait.

On the second day, the conference presented information on inspection mechanisms in detention centers and the status of children within those centers. Workshops were conducted discussing issues of child custody, transfer, deprivation of liberty, reintegration, and aftercare. The conference was concluded with a field visit to El Harrach Foundation, organized by the Ministry of Justice.

PUERTO RICO PRESSURES OBAMA TO ABOLISH UNWANTED FEDERAL DEATH PENALTY

19 June 2011

In a letter addressed to President Obama, World Coalition member, the [Puerto Rican Coalition Against the Death Penalty](#) (PRCADP), has requested that the President abolish the application of the federal death penalty in Puerto Rico. [The letter](#), signed by PRCADP’s General Coordinator Edgardo Roman-Espada, was sent to the White House before the President’s visit to the island on 14 June 2011.

Mr. Roman-Espada’s letter points out that Puerto Ricans are still exposed to the death penalty despite its abolition in

law in 1929 and constitutionally in 1952 and the last execution occurring over 80 years ago in 1927. Public opinion of the largely Catholic population is against its application and as the letter states “no jury has ever imposed a death penalty in the Federal District Court for Puerto Rico, although the US District Attorney’s Office is constantly trying to push for it”.

According to PRCADP spokesperson Carmelo Campos Cruz “ there are three cases before the Federal District Court for Puerto Rico that have been certified for the death penalty, as well as three other procedures pending to be certified as possible cases for capital punishment”.

“In flagrant disregard to our Constitution, the Secretary for Justice and the Police Superintendent, with the acquiescence of the Governor of Puerto Rico, has mobilized the Commonwealth government’s resources to help federal authorities impose the death penalty on Puerto Rico.”

Under the Federal Death Penalty Act 1994 signed by President Clinton, the number offences Puerto Ricans could be executed for increased tremendously, including several non death offences such as treason and drug trafficking in large quantities.

Those seeking the abolition of the death penalty in Puerto Rico have repeatedly argued that the federal death penalty should not be applied in jurisdictions that do not have capital punishment statutes. In 2000, this argument was supported by a federal judge who ruled that the federal death penalty could not be sought against two defendants in Puerto Rico because the death penalty is “locally inapplicable”.

This decision was reversed by the US 1st Circuit Court of Appeals in 2001 and the two defendant were tried under the federal death penalty. Two years later the defendants were acquitted.

Obama and the death penalty

In his capacity as senator in Illinois, Barack Obama lead a successful campaign to reduce the risk of prosecution misconduct by passing a law that requires the video taping of confessions in capital cases.

Nonetheless, President Obama is officially for the death penalty. In the lead up to the presidential election, Obama stated during a live television debate that “we have to have this ultimate sanction for certain circumstances in which the entire

community says this is beyond the pale, and I think it is important that we preserve that”.

When asked if the PRCADP thought President Obama would act on the recommendations in the letter, spokesperson Campos Cruz replied; “Although we are aware of his previous positions on capital punishment, being a person awarded with the Nobel Peace Prize, makes him— at least in theory – a sensitive recipient of our requests. We know that given the current scenario in the US Congress it will be difficult to approve an amendment to the Federal Death Penalty Act to exclude the application of federal capital punishment in Puerto Rico. Nevertheless, there are administrative measures that can be adopted by President Obama to limit capital punishment”.

He then added that the “PRCADP will continue to use any viable strategy to demand the end of federal capital punishment in Puerto Rico. Next June 20, our organization will present – for the fourth consecutive year – a brief of the application of federal death penalty in Puerto Rico before the UN’s Special Committee on Decolonization”. Interestingly, Puerto Ricans cannot vote

in U.S. presidential elections despite the islanders being U.S. citizens.

UN ADOPTS DRAFT OPTIONAL PROTOCOL TO THE UN CRC ON A COMMUNICATIONS PROCEDURE

PRI welcomes the adoption on 17 June 2011 of the final [draft Optional Protocol](#) establishing a communications procedure for children's rights violations by the UN Human Rights Council. The final text will now be transmitted to the UN General Assembly to be discussed by its Third Committee in Autumn 2011 and endorsed and adopted by the General Assembly in December 2011. This will be the third Optional Protocol to the CRC. If the GA adopts it, ratification of the new instrument would be open from January 2012.

The Draft was crafted by an intergovernmental working group over ten days in December 2010 and February 2011. The new protocol will enable the Committee on the Rights of the Child to examine communications from children and their representatives alleging violations of their rights. The Convention on the Rights of the Child is the only core international human rights treaty that does not have a communications procedure.

A complaints or “communications” procedure allows individuals, groups or their representatives, claiming that their rights have been violated by a State that is a party to a Convention, to bring a communication before the relevant UN Committee, provided that the State has accepted the procedure. A coalition of over 80 international and national NGOs, supported by more than 600 organisations in all regions, has been actively lobbying for the establishment of this new mechanism since 2006. For further information on the campaign see here: http://www.crin.org/law/crc_complaints

CLEMENCY URGED AS ALABAMA EXECUTION LOOMS

14 June 2011

Amnesty International today called on the Governor of the southern US state of Alabama to commute the death sentence of a man who is due to be executed on 16 June. Eddie Duval Powell, a 41-year-old African-American, was sentenced to death in 1998 for the rape and murder of a 70-year-old white woman near Tuscaloosa, Alabama three years earlier. His appeal lawyers have claimed he has a mental disability that would render the execution unconstitutional while questions have also been raised over possible racial

discrimination.

“Alabama’s Governor should spare Eddie Powell’s life. The power of executive clemency is not constrained in the same way the courts are and he should take this opportunity,” said Susan Lee, Americas Programme Director at Amnesty International. “There is no doubt that Eddie Powell has been convicted of a serious crime, but given the irrevocable nature of the death penalty, the authorities should surely err on the side of caution when the constitutionality of an execution has been questioned in this way.”

Four years after Eddie Powell was sent to death row, the US Supreme Court ruled that the execution of prisoners with “mental retardation” was unconstitutional. A clinical psychologist recently found that Eddie Powell has “mild mental retardation”. In his childhood, Powell had been placed in special-education classes from the age of 10. US courts have dismissed a claim by Eddie Powell’s appeal lawyers on these grounds, without holding an evidentiary hearing on the claim.

His lawyers have lodged a new appeal asking the Alabama Supreme Court to order a hearing and are also seeking clemency from the state’s Governor.

However, they failed in a 2010 attempt to have the US Supreme Court take the case, which included claims that racial discrimination had played a role in the jury selection and trial.

Out of 29 African-Americans in the original jury pool, only one ended up on the jury, along with 11 white jurors. The jury voted by 11 to one to recommend that Eddie Powell be put to death. Studies of the USA's capital justice system have consistently indicated that race plays a role in the death penalty, in particular that a death sentence is more likely when the murder victim is white.

The USA has executed 1,254 people since the death penalty was reinstated in 1977. Blacks and whites are the victims of murder in approximately equal numbers in the USA, but in nearly 80 per cent of the cases that have ended in execution since 1977, the crimes involved white murder victims. The state of Alabama has carried out 52 executions – in 86 per cent of these cases the victim was white.

Amnesty International unconditionally opposes the death penalty in all cases worldwide. There have been 20 executions in the USA so far this year.

SAUDI ARABIA: SURGE IN EXECUTIONS IN RECENT WEEKS

Executions in Saudi Arabia are mainly carried out by beheading.

10 June 2011

The Saudi Arabian authorities must halt the use of the death penalty, Amnesty International said today, following a significant increase in executions in the country in the last six weeks. At least 27 people have been executed in Saudi Arabia in 2011, the same as the total number of people executed in the whole of 2010. Fifteen people were executed in May alone.

“The Saudi Arabian authorities must halt this disturbing pattern, which puts the country at odds with the worldwide trend against the death penalty,” said Philip Luther, Amnesty International's Deputy Director for the Middle East and North Africa. “Amnesty International is aware of over 100 prisoners, many of whom are foreign nationals, currently on death row. The Saudi authorities must immediately stop executions and commute all death sentences, with a view to abolishing the death penalty completely,” he added.

Two brothers, Muhammad Jaber Shahbah al-Ja'id, 54, and Sa'ud Jaber Shahbah al-Ja'id, 47, are at imminent risk of execution. They were sentenced

to death in 1998 by a court in Mecca, for the murder of another Saudi Arabian man. In April 2011 their sentences were said to have been ratified by the King and it is feared that they could be executed at any time, although no date is known to have been set.

They did not have access to a lawyer during their pre-trial investigation or their trial. Furthermore, it appears that Sa'ud Jaber Shahbah al-Ja'id confessed to the murder under duress as the authorities reportedly arrested his elderly father in order to place pressure on him. "Amnesty International is opposed to the death penalty in all circumstances, but it is particularly appalling that Muhammad and Sa'ud al-Ja'id were sentenced to death after a trial in which they received no legal assistance," said Philip Luther.

"However strongly the Saudi Arabian authorities support the death penalty, they must at least recognize that no one should be executed after such problematic legal proceedings and commute their death sentences." Five of those executed this year are foreign nationals. Amnesty International has previously documented the disproportionately high number of executions of foreign nationals from developing countries.

At least 158 people, including 76 foreign nationals, were executed by the Saudi Arabian authorities in 2007. In 2008 some 102 people, including almost 40 foreign nationals, were executed. In 2009, at least 69 people are known to have been executed, including 19 foreign nationals and in 2010, at least 27 people were executed including six foreign nationals.

Saudi Arabia applies the death penalty for a wide range of offences.

Defendants are rarely allowed formal representation by a lawyer, and in many cases are not informed of the progress of legal proceedings against them. They may be convicted solely on the basis of confessions obtained under duress or deception. R

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