IPS, the global news agency, brings you independent news and views on capital punishment. In this newsletter you will find in-depth reports by IPS correspondents from around the world and columns by experts, in addition to special sections for news from international NGOs and a review of the global media for a glimpse of what is happening on the ground. Join us in helping strengthen awareness about the abolition of death penalty – and encourage your friends and colleagues to subscribe to this free monthly newsletter.

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by Mehru Jaffer
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MORE >>

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TAIWAN: EU CONDEMNS RESUMPTION OF EXECUTIONS -- TAIWAN: TIME NOT RIPE FOR DEATH PENALTY REFERENDUM, SAYS JUSTICE MINISTER -- CHINA: NEW RULES ON CONFESSION TO LIMIT DEATH SENTENCES -- CHINA: TOMB ROBBERS SENTENCED TO DEATH -- MALAYSIA: CONDUCTOR TO HANG FOR DRUG TRAFFICKING -- MALAYSIA: ABDUCTION NOT ENOUGH TO AVOID DEATH SENTENCE -- CHINA: JURY IMPOSSIBLE TO OBTAIN FOR DEATH SENTENCES -- VIETNAM: PIRATE SENTENCED TO DEATH -- INDIA: MUMBAI ATTACKS GUNMAN COULD BE HANGING THIS YEAR -- MALAYSIA: TERRORIST SOLUTION TO DEATH PENALTY EXECUTIONS -- CHINA: TOMB ROBBERS SENTENCED TO DEATH -- HONG KONG: COURT UPHEAALS DEATH FOR SWING TRAFFICKING

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

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DEATH PENALTY

World Moving Towards Abolition
By Mehru Jaffer

VIENNA, May 20, 2010 (IPS) - Anti-death penalty activists meeting in the Austrian capital to discuss the eighth quinquennial report of the United Nations Secretary-General have hailed a worldwide trend towards total and universal abolition of capital punishment.

The abolitionists are euphoric although several countries, where capital punishment remains in force, also disrespect international norms and standards on three counts - in limiting the death penalty to very serious crimes, excluding juvenile offenders from its scope and guaranteeing fair trial.

Rice told IPS that in his opinion the report contributed to a continuing and more reasoned debate on a very emotive subject. He praised the approach of the report and the contribution made by both U.N. offices and non-governmental campaigners such as the World Coalition Against the Death Penalty (WCADP), an alliance of NGOs, bar associations, local bodies and unions.

Together with WCADP, the NACDL hosted an ancillary meeting on Thursday that was also attended by Jacqueline Macalesher, death penalty project manager for the London-based Penal Reform International (PRI).

"The campaign against abolishing the death penalty is a long one requiring constant reminders. And the Secretary-General’s report is an extremely important and valuable tool in reminding the world to abolish capital punishment. The report will keep the dialogue and discussion with governments alive," said Thomas H. Speedy Rice of the National Association of Criminal Defence Lawyers (NACDL) from the United States.

The U.N. report on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty was tabled Thursday before the U.N. Commission on Crime Prevention and Criminal Justice at its 19th session that concludes here on May 20.

"The campaign against abolishing the death penalty is a long one requiring constant reminders. And the Secretary-General’s report is an extremely important and valuable tool in reminding the world to abolish capital punishment. The report will keep the dialogue and discussion with governments alive," said Thomas H. Speedy Rice of the National Association of Criminal Defence Lawyers (NACDL) from the United States.

Macalesher highlighted PRI's ongoing programme on the abolition of the
death penalty and alternatives that respect international human rights standards.

For two years the PRI's death penalty project will work in 20 countries in five regions to increase safeguards and promote greater accountability in criminal justice systems through holistic policy development and legal reform, including improved prison management.

The other objective of the project is to challenge governments to consider carefully whether sanctions intended to replace the death penalty and treatment of long-term prisoners comply with international standards and norms.

Macalesher, whose work began early this year, finds the Middle East and North African regions the most challenging because death penalty is seen as part and parcel of the culture and religion of populations there.

The project will take on society’s attitudes about the death penalty and support governments to move towards abolition, and transparency in the application of the death penalty.

"Even states that retain the death penalty are reported to have abolished its use either in law or in practice. The acceleration of this practice even slightly is extremely positive," said Aurelie Placaise, a campaigner representing WCADP.

The report finds that countries that retain the death penalty are, with rare exceptions, significantly reducing its use in terms of numbers of persons executed and the crimes for which it may be imposed.

However, while working towards an international ban on capital punishment abolitionists also want those states that retain the death penalty not to violate safeguards and to fully respect existing limitations and restrictions on the use of the death penalty.

Of particular concern to abolitionists is the use of the death penalty against juvenile offenders. The Convention on the Rights of the Child clearly stipulates that capital punishment shall not be imposed for offences committed by persons below 18 years of age.

The overwhelming and growing international consensus that the death penalty should not apply to juvenile offenders stems from the recognition that young persons lack maturity and judgement and, therefore, cannot be
expected to be fully responsible for their actions.

More importantly, it reflects the firm belief that young persons are more susceptible to change, and thus have a greater potential for rehabilitation than adults.

Placaise said that being the eve of the U.N. resolution on a moratorium on the use of death penalty, that faces a vote at the end of the year at the General Assembly, this is a good time to be discussing the issue.

This resolution is seen as the closest commitment of the international community to abolish capital punishment in the world.

According to Placaise more than two-thirds of the world's countries have already abolished the death penalty in law or in practice with 95 countries having abolished the death penalty for all crimes.

Nine countries have abolished the death penalty for all crimes except extraordinary crimes like those committed in times of war and 35 countries are de facto abolitionists where the death penalty is still provided for in legislation but no executions have take place for at least ten years. (END)

IRAN
Rights Group Condemns Secret Executions
By William Fisher

NEW YORK, May 14, 2010 (IPS) - Iran's nuclear ambitions and the bloody disturbances following its elections last year have so dominated media reporting on the country that many equally critical issues have been virtually forgotten.

That's the view of Hadi Ghaemi, executive director of the International Campaign for Human Rights in Iran (ICHRI), a New York-based not-for-profit group attempting to raise public awareness of human rights abuses in Iran.

In a telephone interview with IPS, Ghaemi cited two issues to illustrate his point: last Sunday's secret executions of five Iranian political prisoners, and the recent elevation of Iran to the United Nations Commission on the Status of Women.

"With the first anniversary of the
uprising that followed Iran's deeply flawed election, last Jun. 12, we can only expect more repression and more brutality as the authorities continue their relentless campaign to silence any voices of protest," he warned.

Iran's election to the U.N. Commission came as many women's rights activists and their international supporters issued a protest statement addressed to the U.N.'s Economic and Social Council (ECOSOC). The statement called Iran's election "shocking". It asked Council members to oppose Iran's request and to make Iran's election conditional on its adherence to international equal rights covenants.

The Iranian official news agency called the women's rights activists "hostile groups and western media", who through "poisonous propagation" tried to prevent Iran's membership in the Commission on the Status of Women, but that "their efforts were ignored by members of ECOSOC".

The agency said Iran's membership in the Commission is important because "Iran's views about the position of women can help reflect Islamic views about family and women".

The letter by women's rights activists said, "In recent years, the Iranian government has not only refused to join the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), but has actively opposed it."

The Iranian government, the letter said, "has earned international condemnation as a gross violator of women's rights. Discrimination against women is codified in its laws, as well as in executive and cultural institutions, and Iran has consistently sought to preserve gender inequality in all places, from the family unit to the highest governmental bodies."

The second development referenced by Dr. Ghaemi was Iran's May 9 sudden and secret hanging of five political prisoners. Neither their families nor their lawyers were notified.

ICHRI said the executions "appear to signal a government policy of relying on politically-motivated executions to strengthen its position vis-à-vis its opposition through terror and intimidation".

The four men and one woman executed include Farzad Kamangar, a 34-year-old teacher and social worker, who was charged with Moharebeh (taking up arms against God), convicted and
sentenced to death in February 2008, after a seven-minute long trial in which "zero evidence" was presented, ICHRI said in a statement.

He was charged with being a member of the Party of Free Life of Kurdistan (PJAK), a Kurdish nationist group that has been designated a "terrorist organisation" by numerous countries, including the U.S. and European Union.

"Kamangar was arbitrarily arrested and set up to be killed in a staged trial, with no opportunity to present a defence," said Aaron Rhodes, a spokesperson for the Campaign.

He added, "These secret executions are, in reality, nothing more than state-sanctioned murders, and provide more evidence of the Islamic Republic's brazen contempt for international human rights standards."

Kamangar was held incommunicado for seven months after his arrest in July 2006. ICHRI says there is "strong evidence" that he was tortured. His lawyer has stated that no evidence could be found in his interrogation records, file, or in presentations by prosecutors or the judge's decision to support the charge of Mohareb. Neither Kamangar nor his lawyers were permitted to speak at his trial.

Shirin Alam Holi, a 28-year-old Kurdish woman, was also executed. In several letters recently written from Evin prison, she denied charges of terrorism against her and said she had been tortured to make false confessions in front of television cameras, which she had refused.

At least 16 other Kurdish political prisoners and 11 post-election protestors are in danger of similar unannounced and sudden executions, ICHRI said.

Roxana Saberi, the journalist who was detained in Iran for 100 days in 2009 in Iran, is among many others attempting to raise awareness of dire situation inside Iran.

She wrote in an Op-Ed in the Washington Post, "If the international community fails to condemn such atrocities, Iran's regime will continue to trample on the basic rights of individuals, many of whom have been detained simply for peacefully standing up for universal human rights."

"It is common for Tehran's prisoners - including journalists, bloggers, women's rights campaigners, student activists
and adherents of the minority Baha'i faith - to be held in prolonged solitary confinement without access to an attorney as they try to defend themselves against fabricated charges such as espionage and 'propaganda against Islam' or the regime," she wrote.

Saberi believes international pressure and media attention helped her win her freedom. Her book, "Between Two Worlds: My Life and Captivity in Iran", chronicles her experiences and the stories of her fellow political prisoners in Evin prison. (END)

Death Penalty Back on the Agenda in Nigeria
By Toluwa Olusegun

LAGOS, May 11, 2010 (IPS) - It has been nearly twenty years since an official execution has taken place in Nigeria. State governors have been unwilling to sign the execution warrants of persons on death row.

Amnesty International reported in 2008 that it had evidence of a number of executions in the northern state of Kano, but Nigeria has observed an unofficial moratorium on executions since 1999.

Resolved to resume executions

So it was a surprise when state governors emerged from an Apr. 20 meeting to announce they had agreed to begin to execute prisoners in a bid to decongest overcrowded prisons.

The governors said the failure to carry out death sentences was mostly due to a lack of courage on their part.

But they also blamed prison authorities for failing to recommend executions. According to Abia State governor Theodore Orji, the execution papers should be initiated from the prisons. "It is when the recommendation comes to the government that it can be implemented.

Governors are willing to execute those
found guilty of offences ranging from murder to kidnapping and armed robbery, he said. "We agreed that those people who have been condemned should be executed accordingly."

Answering the wrong question

But rights advocates argued that governors can hardly base a decision to resume executions on relieving overcrowding.

Olawale Fapohunda, a managing partner at the Legal Resources Consortium in Lagos, pointed to studies such as one commissioned by the federal government in 2004, which show that the largest share of the prison population is made up of people awaiting trial.

There are more than 42,000 inmates in the country’s 227 prisons, out of which 26,000 are awaiting trial. Fewer than 1,000 are awaiting the hangman. In Lagos State for example, capacity for the five prisons is put at 2,975 but the number of inmates is 4,700 out of which persons awaiting trial number 4,000.

Ayo Fatinikun, a Chief Superintendent of Prisons and spokesman for the Lagos State Command, told IPS that the judiciary was responsible for the problem of prison congestion as they often remand suspects pending final police investigation even for minor offences.

He gave an example of a young boy who was detained for 10 years but was not convicted, during which period he lost both parents. He was released after it was discovered that he was wrongly arrested.

Fapohunda, who was secretary of the National Study Group on Death Penalty inaugurated in 2004 by former president Olusegun Obasanjo, also agreed the criminal justice system remained faulty.

He said that for that reason the group recommended an official moratorium on executions pending a time Nigeria’s criminal justice system can ensure fundamental fairness and minimise the risk of executing innocent people.

"Our call for official moratorium on all executions was borne out of the conviction that the federal government and state governors can no longer ignore the systemic problems that have long existed in our criminal justice system.

"These problems have been
exacerbated by limited funding of criminal justice agencies, inadequate training of personnel and inadequate legal aid scheme, as well as the well documented inadequacies of the Nigeria Police," he told IPS.

Research by Amnesty International in 2009 found many prisoners had been sentenced to death after blatantly unfair trials.

Popular sentiment

But Nigerians, worried about the activities of armed robbers, hired assassins, ethnic killings in some parts of the country as well as recent - fatal - incidents of rape and kidnapping, say those who kill must face the consequences of their actions.

"I am not in support of the execution of condemned prisoners for the sake of it, but steps must be taken to punish crime appropriately, and for the victims to get justice," Lance Aribike, a senior civil servant in Lagos told IPS,

"Perpetrators deserved death penalty. Even the Holy Books say, Thou shall not kill."

He disagreed with any suggestion that the death penalty is increasingly rejected world wide.

"It is not the trend in the world as the U.S., Asia, Latin America and Africa still have capital punishment. If we say stop death penalty, should we not speak for victims of crime? Don’t they have rights that should be protected?"

Over 60 percent of the world’s population live in countries where executions still take place: China, India, United States and Indonesia all retain the death penalty and are unlikely to abolish it in the near future.

In July 2008, a bill for the abolition of the death penalty in Nigeria, which would have permanently lifted the threat of execution of thousands awaiting execution, was unanimously rejected by the National Assembly.

The sponsor of the bill, Friday Itula, a member of the ruling PDP from Edo State, had argued that capital punishment had failed to deliver on its promises -- reformation, retribution or deterrence.

But legislators, led by Sada Soli, from Katsina state in the predominantly Muslim north of the country, where sharia law which prescribes stoning to death for such offences as adultery,
described the bill as foreign interference pressuring Nigeria to abolish capital punishment.

"Abolition is a serious business," Soli said. "The law should take its natural course. Anyone who takes another's life does not deserve (to keep) his," he said.

Prominent Nigerians including Dr Olapade Agoro, a politician and chairman of the Conference of Nigerian Political Parties (CNPP), also agreed it was too early for Nigeria to abolish capital punishment.

"Abolition could be considered in the future when the country becomes more enlightened and the avenues (are) created for people to make wealth," they said. (END)

PHILIPPINES

Death Penalty Dashes Migrant Workers’ Hopes

By Kara Santos

MANILA, May 11, 2010 (IPS) - Every day some 4,500 Filipinos leave their homeland in search of the proverbial green pastures. But some of them end up facing death instead.

Jakatia Pawa, 33, a mother of two working as a domestic helper in Kuwait, was convicted of killing her employer’s daughter despite the lack of evidence linking her to the alleged crime. She currently faces a death sentence in Kuwait.

Joselito Zapanta, 30, who works as a tile setter in Riyadh, claims he fought back when he was beaten by his Sudanese landlord. Early this year, the father of two was sentenced to death for the alleged accidental killing of his employer.

These are just two of the cases of overseas Filipino workers (OFWs) on death row that have been documented by Migrante International, the largest alliance of Filipino migrant organisations, which claims that the plight of OFWs has gotten worse.

"Some cases have recently been commuted to life imprisonment, but..."
there are roughly about 60 Filipinos on death row," Garry Martinez, chairperson of Migrante International, told IPS.

At least 26 of these come from the Middle East for crimes like homicide and murder in self-defense. Death row cases in China are also on the rise, mainly for drug-related offences, according to Migrante.

Local news reports cite the Department of Foreign Affairs (DFA) as saying some Filipinos are also facing death sentences in Malaysia, Kuwait, Brunei and the United States.

Roughly one-third or 58 countries around the world still hand out death sentences, according to the New York-based Amnesty International (AI), while 139 countries, including the Philippines, have abolished the death penalty in law or practice.

According to the Commission on Population, an estimated 10 percent of the country’s 92 million population works abroad, making the Philippines one of the biggest senders of workers for overseas employment. Between January and November 2009 alone, some 1.28 million Filipinos were deployed abroad, said the Philippine Overseas Employment Administration, which monitors the overseas employment of Filipinos.

"Many leave the Philippines for other countries to work as migrant workers due to the lack of jobs, poor working conditions and wages and salaries which are inadequate for decent living in the country. But many of them end up isolated, abused, trapped and, worse, some are killed," Dr Aurora Parong, director of AI-Philippines, told IPS.

Migrante estimates that there are close to 5,000 overseas Filipinos languishing in foreign jails. Cases of mysterious deaths of Filipinos in foreign countries are also common. The non-governmental organisation receives five to six new cases daily.

Based on cases it has handled, Migrante said that OFWs have been turned away from Philippines embassies when they sought help, were not given legal counsel, and that they were forced, usually by the host country’s police, to make false confessions. Language and cultural barriers are also a major challenge.

"We received a letter written on toilet paper from several (Filipinos) on death row detailing how they were tortured for five days until they confessed to a
crime they did not commit," shared Martinez. The victims, who were working in Saudi Arabia, were able to mail the letter to their families through the help of Filipino nurses based in the same country.

When sought for comment, the Office for the Undersecretary of Migrant and Workers Affairs (OUMWA) under the DFA could not give any updates on the cases of the OFWs facing the death penalty.

"I have no knowledge on these cases because the different (consular) desks assigned to the countries concerned are handling that," Bert Manayao, case officer of OUMWA, told IPS.

When asked what services they provided to OFWs in distress, Manayao said that they gave "legal assistance" but would not elaborate further. He added that it was difficult to deal with the cases of Filipinos who "pretended to be innocent" and that many OFWs were easily fooled into becoming drug mules.

According to its website, the OUMWA is mandated to deliver "timely assistance to Filipino nationals" and protect "the dignity, rights and freedom of Filipino citizens abroad."

The Philippine government, though, has been able to save several OFWs on death row in the past, by appealing to host countries' governments, writing a ‘tanazul’ (letter of forgiveness) and offering blood money, a compensation paid by an offender to the family of the victim, said Migrante.

But this practice is unacceptable to some of the OFWs.

"For those in jail who are innocent, asking for forgiveness is like admitting that they committed a crime. What they want is for the Philippine government to defend them and fight for their innocence," said Migrante's Martinez.

Fifteen years after the hanging of Filipina domestic helper Flor Contemplacion in Singapore sparked public outrage, Migrante laments that not much progress has been achieved to improve the plight of OFWs.

Despite the threats confronting Filipinos abroad, the labour export policy in the country remains strong, which Migrante attributes to the billions the government rakes in from mandatory contributions and fees required of departing OFWs as well as from their remittances, which hit 17.348 billion U.S. dollars in 2009, up from 16.426
billion dollars in 2008, according to the Bangko Sentral ng Pilipinas (Central Bank of the Philippines.)

Now that the May 10 presidential elections are over, Migrante hopes that the next administration will do something concrete to address thehapless conditions of migrants, adding that six OFWs have been beheaded under outgoing President Gloria Macapagal-Arroyo’s watch.

"What we want to see is the (government’s) willingness to reverse the labour export policy and ensure jobs locally so that these kinds of human rights violations no longer occur," said Martinez. (END)

INDIA

Hanging for Pakistani Sets Back Anti-Death Penalty Campaign
By Ranjit Devraj

NEW DELHI, May 10, 2010 (IPS) - The death sentence awarded to Pakistani national Mohammed Ajmal Kasab, 22, for his role in the 2008 terror attack on the western port city of Mumbai that killed 166 people is being seen as a setback to a campaign to have the extreme punishment abolished in India.

"It is a setback in the sense that there were few voices heard for remission," Colin Gonsalves, leading human rights lawyer and vocal campaigner against the death penalty, told IPS. "However, I am optimistic that public opinion in the country will swing back towards abolition."

India was among 54 countries that voted against the December 2007 United Nations General Assembly moratorium on executions, which was passed with 104 votes in favour and 29 abstentions. The South Asian country’s Supreme Court ruled in 1983 that the death penalty may be resorted to only in the "rarest of rare cases".

While death sentences have continued to be handed down, hangings, the only accepted mode of execution in this country, are rarely carried out for a variety of reasons, including successful appeals in higher courts. India’s last hanging took place in 2004.

Kasab’s case, activists and legal experts agree, went far beyond the "rarest of rare" category. His conviction was easy because he was captured on camera as he and an accomplice, Abu Dera Ismail Khan, went about spraying bullets
indiscriminately on commuters at Mumbai’s main railway terminus on Nov. 9, 2008.

Kasab, it turned out, was the only survivor of a 10-man squad of gunmen who had sailed into Mumbai from the Pakistani port of Karachi and then fanned out to attack major landmarks. They attacked two luxury hotels and a Jewish centre and fought off commando teams for two days before being shot dead.

In video-recorded confessions, Kasab admitted that he and the other members of the squad had undergone weapons training at camps in Pakistan run by the Lashkar-e-Toiba or ‘Soldiers of God’ jihadist group, which has been linked to several terrorist attacks on India in the past.

The weight of evidence against Kasab as well as public opinion whipped up by round-the-clock media coverage of the Mumbai attacks was such that it was a foregone conclusion that he would be awarded the death sentence at the end of trial conducted in an ordinary court that was open to the media.

Kasab’s sentence must be ratified by a high court after which he has the right to appeal against his sentence in India's supreme court and, if that fails, ask for clemency from the president – a process which may well take years, going by past experience.

Indeed, the People’s Union of Civil Liberties, a prominent New Delhi-based rights group, has complained about a lack of timeframe in which executions are carried out.

Since Kasab's sentencing on May 6, India’s television channels have featured several debates and panel discussions on his specific case as well as the larger issue of death penalty in India.

Well-known rights activist Madhu Kishwar said at one of the TV debates that Kasab’s was an open-and-shut case and that keeping him alive posed a major risk to the country in that it could encourage attempts to secure his release through plane hijacks or kidnappings.

Kishwar’s fear was not baseless. In December 1999 a group of five Pakistani nationals, said to belong to the Harkat ul Mujahideen group, hijacked an Indian Airlines Airbus loaded with passengers from Kathmandu headed to Kandahar in Afghanistan, then under Taliban rule.
After seven days of negotiations, the passengers were exchanged for three Pakistanis lodged in Indian jails on terrorism charges. One of them, British-born Ahmed Omar Saeed Sheikh, was later arrested and sentenced to death in Pakistan for the 2002 murder of ‘Wall Street Journal’ correspondent Daniel Pearl. Sheikh's sentence is yet to be carried out.

The attempt to storm Indian parliament, the hijacking of the Indian Airlines plane and the Mumbai attacks have kept relations between India and Pakistan low over the past decade and at times hovering on the brink of open hostilities. Such events have also meant that there is little public sympathy in India for delaying or commuting Kasab's death sentence.

Nevertheless, rights activists and those in favour of abolition on both sides of the border have continued to argue against hanging Kasab.

"Two wrongs do not make a right," said Pakistani rights activist Tehmina Abdullah appearing at a panel discussion on an Indian TV channel. "Civilised countries do not sentence convicted people to death."

Maja Daruwala, who heads the Commonwealth Human Rights Initiative, told IPS that she opposed the death sentence in a case involving a young man like Kasab because "it snuffs out all possibilities".

Echoing similar sentiments, human rights lawyer Gonsalves said Kasab could have been given a life sentence instead and "a chance to reform and perhaps become a voice for moderation, even speaking to young people from jail against taking the path of ‘jehad’".

In the end, what may save Kasab from the gallows for any length of time is the fact that he is the only jihadist to have been captured alive in India and officially acknowledged by Pakistan as a citizen of that country.

"Kasab is the only living proof we have to put pressure on Pakistan and get it to shut down the terror camps that India has repeatedly said are being allowed to be operated from Pakistani territory," said Kamal Mitra Chenoy, professor of international studies at the Jawaharlal Nehru University and a human rights activist. (END)

RIGHTS
Gov’t Apathy to Indians on
Death Row in UAE Assailed
By Sujoy Dhar

NEW DELHI, May 4, 2010 (IPS) - Despite the Indian government’s pledge to extend assistance, legal or otherwise, to the 17 Indian migrant workers currently on death row in the United Arab Emirates (UAE), human rights advocates have decried its alleged insensitivity to the prisoners’ plight.

In their almost year-long incarceration, India’s consulate officials in the UAE "hardly visited them," said a non-governmental organisation called Lawyers for Human Rights International (LFHRI), based in India’s Punjab state, citing charges by the prisoners.

On Mar. 29, 17 Indians, aged 21 to 25, were sentenced to death by a lower court in the Sharjah emirate for allegedly leading a violent mob and murdering a Pakistani following a dispute over stakes in an illegal alcohol business.

The Indian government has not issued any reaction to the prisoners’ allegations.

A two-member LFHRI team who visited the prisoners in mid-April said the prisoners had criticised the Indian consulate for its "callous attitude" toward their condition, alleging that none of its officials paid them a visit until after the controversial judgment was rendered two months ago, generating widespread media attention.

The LFHRI team was composed of general secretary Navkiran Singh and another lawyer, who also met with the lawyers hired by the government after the trial to legally assist the 17 Indian prisoners.

The Indian government did not learn about the trial until the judgment was made, raising hue and cry.

India’s Minister for Overseas Indian Affairs, Vayalar Ravi, said "the death sentence to 17 people at a time is rather shocking, so we have decided to give them the best help possible". Among others, the cost of providing legal aid to the prisoners would be met from the welfare fund for the Indian diaspora, said Ravi.

LFHRI’s meeting with the 17 prisoners "revealed a very sorry state of affairs," Singh told IPS. The hapless workers were allegedly tortured, framed and suffered gross miscarriage of justice, said LFHRI in its fact-finding report.
released on Apr. 20.

"The apathy (toward) the prisoners revealed a total miscarriage of justice, high-handedness, religious bias of the CID (Criminal Investigation Department) branch of police of Sharjah and a totally callous attitude of the Indian consulate towards the Indian citizens who are languishing in the jails of UAE," LFHRI said in its report.

"They were beaten with golf clubs and plastic pipes and were also given electric shocks. They were made to stand on one foot and not allowed to sleep and asked to make confessions to the crime, which as per their version they never committed," Singh said.

Singh told IPS there is yet no response either by the Indian or UAE government to the LFHRI report.

LFHRI has demanded immediate action by the Indian consulate to protect the human rights of the prisoners. "The government should move the UAE authorities to ensure that none of the prisoners are tortured in custody and that they can practise their (Sikh) faith in jail," Singh said.

"They were not allowed to access their religious prayer books and had been forced to keep away from their articles of faith."

The trial of the Indians was conducted in Arabic, which was translated into Hindi, neither of which the 17 men understood, since they only spoke Punjabi, the main language of Sikhs, one of India's ethnic groups, to which they belong.

Moreover, they were provided with an Emirati lawyer, who could not speak their native language, rights groups said. The UAE embassy in India said the death penalty was subject to appeal and cassation by the rule of law "without any interference from parties."

"We fully trust our legal system and its procedures, and we are sure that it will provide and guarantee a fair trial to the convicted," added the statement quoted in the Indian daily 'The Hindu'.

The UAE – a federation of seven emirates in the Arabian Peninsula in south-west Asia – inflicts capital punishment for crimes such as pre-meditated murder, kidnapping, rape and drug trafficking. Eighty percent of its total population consists of migrant workers.
There are about 1.4 million Indians in the UAE, according to the Indian Embassy.

Support for the convicted Indians is also pouring in from Pakistan. Leading human rights group in neighbouring Pakistan, Ansar Burney Trust, said it would fight for the recall of the UAE judgment.

Noted human rights activist Ansar Burney said the NGO, which he chairs, would provide the maximum help possible for the 17 Indians.

"We have no sympathy whatsoever (for) hardened criminals and terrorists, but we are worried as to how, in a single murder case, any court can sentence 17 people," said Burney, who is also Pakistan’s former federal minister for human rights. He termed the conviction "shocking" and "against justice."

The LFHRI findings have prompted the New York-based human rights lobby group Amnesty International (AI) to lodge its protest against the penalty.

"This is a mockery of justice. These 17 men have been tortured, forced to confess, and sentenced to death based on a fake video," said Hassiba Hadj Sahraoui, AI’s deputy director for the Middle East and North Africa, in a statement.

"There appears to be a surge in the use of the death penalty in the UAE in 2010," said AI. "In the month before the 17 Indian nationals were sentenced to death, according to a 22 February article in [UAE capital] Abu Dhabi’s newspaper 'The National’, at least eight men had been sentenced to death in the UAE." (END)

WORLD PRESS REVIEW
MAY 2010

TAIWAN: EU CONDEEMS RESUMPTION OF EXECUTIONS

The European Union condemned the resumption of executions in Taiwan, asking the country to immediately re-establish the de facto moratorium on the death penalty. Ansa reported on May 1. EU Foreign Affairs high representative Catherine Ashton condemned the four executions carried out by Taiwan for the first time since 2005. 'The Union asks the government of Taiwan to immediately re-establish the moratorium on the death penalty and work towards the abolition of capital punishment, in accordance with the global trend towards universal abolition', she said in a statement.

Four people were executed on April 30 in Taiwan after being found guilty of “serious crimes”, comprising murder and kidnapping. The four were identified as Chang Chun-hung, Hung
TAIWAN: TIME NOT RIPE FOR DEATH PENALTY REFERENDUM, SAYS JUSTICE MINISTER

Taiwan’s Minister of Justice Tseng Yung-fu said there was no need to hold a referendum on the death penalty given that almost 80 percent of the public supported it, Taipei Times reported on May 12. Tseng made the remarks at the legislature in response to Chinese Nationalist Party (KMT) Legislator Hsieh Kuo-liang’s proposal to resolve the death penalty controversy once and for all through a referendum.

Tseng said that a poll conducted by the ministry in January showed that 74 percent of the public supported the death penalty. Various polls have also shown a support rate of 70 to 80 percent, he said. A referendum on the issue would be better considered once public opinion is more evenly spread, Tseng added.

He said that abolishing the death penalty was the nation’s long-term goal. The ministry has been promoting policies toward the abolition of capital punishment, but it has not set a timetable for its implementation. The ministry will follow public opinion, he said. In the meantime, the ministry would not suspend executions in accordance with the law, he said.

CHINA: NEW RULES ON CONFESSION TO LIMIT DEATH SENTENCES

Evidence obtained illegally - such as through torture during interrogation - cannot be used in testimony, particularly in cases involving the death penalty, according to two regulations issued May 30, 2010, China Daily reported. A death sentence should be pronounced only with sufficient evidence acquired through legal means, stipulate the two regulations: One on evidence review in death sentence cases, and the other on excluding illegal evidence in criminal cases.

Jointly issued by the top court, the top procuratorate, the ministries of public security, state security and justice, they are the first specific rules on collection of evidence and review in criminal cases. The first regulation sets out principles and rules for scrutinizing and gauging evidence in cases involving the death penalty, and the other sets out detailed procedure for examining evidence and for excluding evidence obtained illegally. They are expected to cut down on death sentences and reduce forced confessions, experts said.

The regulations make it clear that evidence with unclear origin, confessions obtained through torture, or testimony obtained through violence and intimidation are invalid, particularly in death sentences. “Not a single mistake is allowed in fact finding and collection of evidence in cases involving the death sentence,” said a written Q&A released by the five central departments.

The new regulations define illegal evidence and include specific procedures on how to exclude such evidence.

Lu Guanglun, a senior judge at the Supreme People’s Court, said such details do not exist in the Criminal Procedure Law and its judicial interpretations. “This is the first time that a systematic and clear regulation tells law enforcers that evidence obtained through illegal means is not only illegal but also useless,” said Zhao Bingzhi, dean of the law school at Beijing Normal University.

“Previously we could only infer from abstract laws that illegal evidence is not allowed. But in reality, in many cases, such evidence was considered valid,” he said.

“This is big progress, both for the legal system and for better protection of human rights,” he said. “It will help reduce the number of executions”.

Zhao said the new rules will also help change the mindset of law enforcers and reduce
torture in interrogation, one of the causes of wrongful sentences. Ever since the top court started reviewing all death sentences in 2007, the overall quality of handling criminal cases has improved, but a lot of problems still remain. In 2008, the top court announced that about 15 percent of death sentence verdicts by lower courts in 2007 were found to have faults. The case of Zhao Zuohai, who stayed behind bars for 11 years until the man he allegedly murdered turned up alive on April 30, has attracted national attention and triggered public criticism of judicial officers after Zhao said he was tortured by local police to confess. Three former police officers have been arrested for allegedly torturing Zhao. “Such cases seriously undermine the image of China’s justice system and people’s trust in the government,” said Bian Jianlin, a law professor at China University of Political Science and Law.

CHINA: TOMB ROBBERS SENTENCED TO DEATH

Four tomb robbers were sentenced to death for stealing more than 200 relics, including 11 items listed for the state’s top level of protection, from ancient tombs in central China’s Hunan Province, Xinhua reported on May 14. The death sentences were handed down at the Intermediate People’s Court in Changsha, capital of Hunan, after the first-instance trial to Lin Xisheng, Liu Shengli, Long Shouyun and Liu Zhihua. They had been convicted of robbing ancient tombs as well as concealing illegal earnings. Liu Zhihua was given a two-year reprieve. The court heard the four were among a 27-member gang responsible for robbing a dozen tombs near Changsha, including a tomb of the Warring States period (475-221 B.C.), from April 2008 to January 2009. The other 23 members of the gang were also convicted and given jail terms ranging from 13 years and six months to life at the same trial. “Police have retrieved all of the relics stolen by the gang,” said Wang Lifu, a court investigator. He said one of the stolen relics, a seal of a Changsha King, from a tomb of the Western Han Dynasty (206 B.C.-A.D. 25), was under the state first-class protection. Wang said the gang members were from several provinces, including Hunan, Shandong, Jiangxi, Shanxi and Gansu. They had used professional prospecting equipment, digging machinery and explosives to carry out their raids. “This is the largest tomb robbing case ever dealt with in Hunan,” said Wang.

CHINA: TWO DRUG DEALERS SENTENCED TO DEATH

Two drug traffickers have been sentenced to death for dealing large amounts of crystal methamphetamine, or "ice", in east China’s Zhejiang Province, sources with the local court said, Xinhua reported on May 12. The Intermediate People’s Court of Wenzhou City, Zhejiang province, sentenced Hu Zhongyi, a native of the city, to death for trafficking 3 kilograms of crystal methamphetamine between January and April 2009. Wu Yiwei, also from Wenzhou, received death for trading 1.4 kg of crystal methamphetamine and possessing another 1 kg. Eight others involved in drug trafficking received death sentences with reprieves, life imprisonment or jail terms.

INDIA: MUMBAI ATTACKS GUNMAN COULD BE HANGED THIS YEAR

The lone surviving gunman of the 2008 Mumbai attacks could be executed this year if he does not appeal his death sentence, a senior Indian government official said, Xinhua reported on
Mohammed Ajmal Amir Kasab, 22, was found guilty of waging war on India, mass murder, conspiracy and terrorism offences last week over the assault, which left 166 people dead and more than 300 injured. Home secretary G.K. Pillai said Kasab’s fate depended on whether the Pakistani national challenged the sentence through the higher courts and filed an appeal for clemency to the country’s president. "If he doesn’t file any appeal anywhere I think the chances of him getting hanged this year are quite high," he told the CNN-IBN news channel in an interview.

Kasab was one of 10 Islamist militants who attacked the city’s main railway station, three luxury hotels, a popular tourist restaurant and a Jewish centre on November 26, 2008, sparking a bloody, three-day siege.

VIETNAM: DRUG SMUGGLERS SENTENCED TO DEATH

Five Chinese men were sentenced to death on May 28 by the People’s Court of northern Quang Ninh Province, in Vietnam, for illegally transporting 8 tonnes of marijuana resin, according to Viet Nam News.

Group leader Lu Minh Cheng, 53, and two accomplices, were also charged for carrying illegal amounts of cash. They were found transporting a total of HK$1.1 million (US$141,000) and US$20,000. The marijuana was carried into Viet Nam from Pakistan in April, 2008. The group then planned to transport the resin to Canada but was stopped by local police on May 12, 2008.

MALAYSIA: CONTRACTOR TO HANG FOR DRUG TRAFFICKING

Malaysian High Court judge Datuk Syed Ahmad Helmy sentenced freelance contractor Cheah Kin Wei, 52, to death for trafficking 2585.5 grammes heroin in Ampang Jaya on December 1, 2004, Malay Mail reported on May 12. Police found two bags containing wrapped compact packages of heroin in Wei's apartment. His counsel, Azura Alias, informed the court her client was remorseful over his actions following his remand in 2004 and has two schoolgoing children aged 14 and 16 respectively. Both children, she said, would now have to be supported by their mother. Even so, Syed Ahmad stated there was only one punishment he could give as Cheah has been convicted and that was the death penalty.

MALAYSIA: LIBERIAN’S DEATH SENTENCE FOR DRUG TRAFFICKING UPHENDED


He was sentenced by the Shah Alam High Court on August 16, 2005. The Court of Appeal on July 30, last year upheld the conviction and sentence.

SINGAPORE JUSTIFIES MANDATORY DEATH PENALTY FOR DRUG TRAFFICKERS

Singapore's law minister K Shanmugam justified imposing the mandatory death penalty for drug traffickers, arguing it would be wrong if they got off cheaply because of mitigating factors like youth, Earthtimes.org reported on May 10.

Shanmugam was referring to the pending case of Malaysian Yong Vui Kong, 22, sentenced to death for smuggling 47 grammes of heroin in 2007, but who challenged the constitutionality of the ruling. Although Yong was young, it would send a wrong signal to let him go, Shanmugam said, the Straits Times newspaper reported.

"We are sending a signal to all the drug barons out there: Just make sure you choose a victim who is young, or a mother of a young child, and use them as the people to carry the drugs into Singapore," the minister said. Singapore’s Court of Appeal still has to decide on Yong’s fate.
AFGHANISTAN: OVER 100 DEATH SENTENCES PENDING BEFORE PRESIDENT

More than a 100 death sentences are pending before Afghani President Karzai. Deputy chief of the Supreme Court Bahaoddin Baha said these people were sentenced to death for different crimes and the final authority in this regard lies with the president. "No cases have remained unprocessed in the court since last year. The fate of 100 people sentenced to death awaits presidential approval," he explained, according to BBC on May 6.

EU: IRAN URGED TO DROP DEATH SENTENCE ON TWO 'MOHAREBS'

European Union foreign affairs chief Catherine Ashton pleaded with Iran to drop death sentences imposed on two people awaiting execution for being 'enemies of God', AFP reported on May 13. Zeynab Jalalian and Hossein Khezri are currently in prison awaiting execution. The EU "is profoundly concerned by the repeated sentencing to death in Iran of people belonging to minorities, as well as of those who were involved in the post-election protests," she underlined.

Iran hanged six men convicted of drug trafficking in a prison in Karaj, west of Tehran, the official IRNA news agency reported. The report identified the men as Arsalan Asadi, Mohammad Ali Fakhr, Abbas Geravand, Rahman Biabani, Saeed Mikaill and Parviz Taghizadeh. Meanwhile 'Iran Focus' reported on May 9: Five Kurdish activists, including a woman, were hanged in Iran's notorious Evin Prison.

IRAN: FILMMAKER JAFAR PANAHİ RELEASED

Iran released an internationally renowned filmmaker and opposition supporter on bail after more than two months in custody, state TV reported, according to AP on May 25. Jafar Panahi, who has won awards at the Chicago, Cannes and Berlin film festivals, was freed on bail of about $200,000, but the report said his indictment would be sent to a revolutionary court for future action. It was unclear what charges Panahi faces. Cases referred to revolutionary courts are usually security related. Panahi was taken into custody after Iranian security forces raided the filmmaker's Tehran home in early March. A state prosecutor has said Panahi's detention is not political and the filmmaker is suspected of committing unspecified "offenses."

The filmmaker supported Iran's opposition following the disputed June presidential election in which Mahmoud Ahmadinejad was declared the winner. Panahi was briefly detained last summer when he visited the gravesides of the victims of Tehran's postelection unrest and was later banned from traveling abroad. Iran has detained more than 80 political activists and figures accused of fomenting postelection unrest since August, sentencing them to death and prison terms, from six months to 15 years.
Tehran’s prosecutor Abbas Jafari Dowlatabadi met Panahi in prison after he began his hunger strike. Panahi had been asked to be on the jury of the Cannes Film Festival this year and his detention was frequently raised during speeches by directors and actors. Several of his films have been banned from showing in Iran. Ahmadinejad’s re-election has been challenged by a range of public figures, including filmmakers and singers who have expressed support for the opposition and criticized the harsh government crackdown on street protesters. The opposition contends Ahmadinejad won through fraud and that opposition leader Mir Hossein Mousavi was the rightful winner.

**KUWAIT: DEATH PENALTY FOR A WOMAN WHO KILLED 57 PEOPLE**

The Kuwaiti appeals court confirmed a death sentence against a woman convicted of setting fire to the wedding tent as her husband took a second wife, killing 57 women and children, her lawyer said.

"We still believe it’s a harsh sentence. We will challenge the verdict at the supreme court," Zaid al-Khabbaz told AFP by telephone on May 26 after the ruling was announced. The lower court sentenced Nasra Yussef Mohammed al-Enezi, 23, in March after convicting her of "premeditated murder and starting a fire with the intent to kill." Enezi had denied the charge and her defence lawyers said her indictment contained no material evidence to convict her. The August 15 inferno engulfed the women-and-children-only tent in minutes and triggered a stampede. The final death toll was 57, including Saudis and stateless Arabs as well as Kuwaitis. Enezi was initially believed to be the groom’s ex-wife but defence lawyers said she was still married to him, as men are allowed to have more than one wife in the conservative Muslim emirate. Enezi and her husband have two children together, both of them mentally handicapped. If her death sentence is upheld by the supreme court, she would be the first Kuwaiti woman to be executed in the Gulf state’s history. Women from other nationalities have been hanged in the past, however. Kuwait has executed a total of 72 people, three of them women, since it introduced the death penalty some four decades ago. Most of the condemned have been convicted murderers or drug traffickers.

**GAZA: HAMAS ‘EXECUTES THREE FOR MURDER’**

The Palestinian movement Hamas executed three men convicted of murder in its Gaza enclave, the interior ministry said in a statement, AFP reported on May 18.

It was not immediately clear how the three were killed. Hamdi Shaqura, of the Palestinian Centre for Human Rights, identified the three men as Rami Joha, 25, Mattar al-Shobaki, 35, and Amer Jandiya, 33. He said Joha was sentenced to death by a civilian court in April 2004 for gang-raping and murdering a 14-year-old girl. Shobaki was sentenced by a civilian court, in 1996, for the murder of another man. Jandiya, was sentenced by a Hamas-run military court in March 2009 for the murder of a money changer. "The interior ministry this morning carried out the death penalty on three criminals who had committed murders after completing all legal procedures," the ministry said in a statement. The ministry said the three had been given "every right to defend themselves in open trials attended by their lawyers and family members." It also said that it granted the opportunity for the families of the victims to forgive the killers and accept blood money, in keeping with Islamic law, "until moments before the death sentence was carried out."
JORDAN: MAN SENTENCED TO DEATH AFTER KILLING WIFE FOR REFUSING SEX

A 28-year-old Jordanian man was sentenced to death by the Amman Criminal Court for killing his wife and chopping her body up into small pieces because she allegedly refused to have sex with him, a court official said. The man drug his wife, a nurse, and then killed her in December 2007 because she disrespected him and disobeyed him, reported Herald Sun on May 7.

LEBANON: COLONEL GETS DEATH PENALTY FOR SPYING FOR ISRAEL

The Beirut Military Tribunal in Lebanon sentenced a Lebanese Army lieutenant colonel to death for collaborating with Israel during the 2006 July war. Military Investigative Magistrate Riyad Abu-Ghayda also found Lieutenant-Colonel Ghazwan Chahine guilty of possessing illegal arms and explosives, and confidential military documents, BBC reported on May 8.

LIBYA: 18 PEOPLE EXECUTED BY FIRING SQUAD

Eighteen people including nationals of Nigeria, Chad and Egypt were executed in Libya after being convicted of premeditated murder, Libya's online Qurina news website reported on May 30, 2010. Of the 18, 14 were executed in the capital, Tripoli, while the four other executions were carried out in Benghazi. Their identities have not been made public by Libyan authorities. "In the case of Libya, we fear that death sentences are handed down after proceedings which fail to satisfy international standards for fair trial," Amnesty International said. More than 200 people are currently on death row in Libya, Qurina reported. "They are believed to include a large number of foreign nationals against whom the death penalty appears to be used disproportionately," Amnesty said. "They are often not provided with interpretation or translation assistance during legal proceedings, which are conducted in Arabic, or access to their own government’s consular representatives," Amnesty added. It said, "foreign nationals are also at a disadvantage compared to Libyans in seeking commutation of their death sentences because they generally have limited financial means and lack a family network in Libya that can assist them by negotiating with the family of their alleged victim."

MAURITANIA: DEATH SENTENCE FOR AL-QAEDA YOUTHS IN FRENCH KILLINGS

A Mauritanian court sentenced three Al-Qaeda members to death for the 2007 murder of four French tourists, who responded with threats against France and its president, AFP reported on May 25. Mohamed Ould Chabarnou, 29, Maarouf Ould Haiba, 28, and Sidi Ould Sidna, 22, had pleaded not guilty to the murders -- which shocked the visitor-friendly nation -- but presented themselves as "soldiers of Al-Qaeda". The three men were accused of shooting five French tourists on December 24, 2007 near the city of Aleg in southern Mauritania. Only one man survived the cold-blooded attack, a man in his seventies who lost two of his sons, his brother and a friend of the family. The accused acknowledged during the trial that they had been "trained in camps" of Al-Qaeda, but denied they killed the tourists. Prosecutors sought the death sentence, which has not been applied since the 1987 execution of three officers sentenced for attempting to overthrow the government of Maaouiya Ould Taya. The three men had been accused of criminal association, belonging to an armed gang that carried out murders and terrorist attacks against citizens of a foreign country.
The court is trying a total of 12 Mauritanian men in connection with the murders, two in their absence because they are on the run. Ould Sidna and Ould Chabarnou were arrested in January 2008 in the west African country of Guinea-Bissau with the help of French intelligence. Ould Haiba was detained shortly after in the Mauritanian capital of Nouakchott.

**MAURITANIA: TERROR SUSPECTS FACE DEATH PENALTY**

A Mauritanian prosecutor asked the Nouakchott criminal court to sentence to death three young men accused of the murder of four French tourists in 2007, AFP reported on May 24. The defendants - Sidi Ould Sidna, 22, Maarouf Ould Haiba, 28, and Mohamed Ould Chabarnou, 29 - are accused of having shot five French tourists east of the southern desert town on Aleg, killing four of them on December 24, 2007.

At the opening of the trial, the three men presented themselves as 'soldiers of Al-Qaeda' and acknowledged they had been 'trained in camps' of the organisation, but they denied killing the French tourists. 'I am a soldier of Al-Qaeda, I say it with pride. I have been trained in their camps,' Ould Sidna, one of the three defendants, told the trial in the Mauritanian capital. 'I did not kill but I confess that it would have been a great honour for me if I had killed,' said another, Ould Haiba.

The three men are notably accused of criminal association, belonging to an armed gang that carried out murders and terrorist attacks against citizens of a foreign country.

The court is trying a total of 12 Mauritanian men in connection with the murders, two in their absence because they are on the run. Since the shootings of the French tourists, usually peaceful Mauritania has been subjected to several attacks, killings and kidnappings claimed by Al-Qaeda in the Islamic Maghreb.

**DRC: TWO SOLDIERS AND A CIVILIAN GET DEATH**

Two soldiers Sergeant-Major Seba Tandema and Sergeant Oscar Tchenda Kashama and a civilian identified as Mushamuka were sentenced to death by a military court in the Democratic Republic of Congo for murdering journalist Didace Namujimbo, 34, in Bukavu in November 2008, News24.com reported on May 5. The three must also pay $500,000 damages to the victim's family. Six journalists have been killed in the volatile eastern DRC since 2005.

Local media rights group Journalists in Danger (JED) has previously denounced "intimidation, denigration and threats" against journalists in the region, which for a decade has been the theatre of ongoing clashes between the army and several rebel groups.

**ZIMBABWE: COURT ACQUITS MUGABE OPPONENT ROY BENNETT**

Roy Bennett, a leading opponent of Zimbabwe’s president, Robert Mugabe, has been acquitted of terrorism charges that could have led to the death penalty, Guardian reported on May 11.

The high court in Harare, packed with supporters, journalists and foreign...
diplomats, erupted in cheers and applause today as a judge ruled that all charges be dropped in a case that has strained Zimbabwe's unity government. Bennett, 53, a white former farmer and now treasurer general of the Movement for Democratic Change party, said: "It was incredibly emotional. To have this hanging over your head, knowing it could mean the death penalty, has been very hard. I've got to thank God and think that good will always triumph over evil. This experience has fortified me and made me stronger."

He had been accused of buying £3,000 worth of arms in 2006 to carry out acts of insurgency, sabotage, banditry or terrorism in a plot to topple Mugabe.

His supporters, including the prime minister and MDC leader, Morgan Tsvangirai, maintained the charges were baseless and aimed at undermining the coalition.

Judge Chinembiri Bhunu ruled that the most important evidence presented by prosecutors – a confession that an arms dealer said he was tortured into making – was inadmissible.

He also ruled that prosecutors had failed to prove that emails allegedly linking Bennett to the arms dealer were genuine. "The state has failed to prove its case," the judge told the court as he dismissed the charges. "The accused is accordingly found not guilty." (Sources: Guardian, 11/05/2010)

ALABAMA (USA): MAN EXECUTED FOR 1976 KIDNAPPING, RAPE AND MURDER

Thomas Whisenhant, a US man convicted of having killed and mutilated a young woman in 1976, was executed by lethal injection at Alabama's Holman prison, penitentiary authorities said, according to an AFP report on May 27.

Whisenhant, 63, spent 32 years on death row, exhausting all available appeals. "He had no last words. He refused his breakfast," said Brian Corbett, a prison services spokesman.

Whisenhant was convicted of kidnapping, killing and mutilating 24-year-old Sheryl Lynn Payton, a convenience store clerk. He also admitted killed two other women.

His execution was the 24th this year in the United States, and the first this year in Alabama.

Eight executions are scheduled to take place in the United States in June.

MISSISSIPPI EXECUTES 2ND INMATE IN AS MANY DAYS

The state of Mississippi on May 20 executed its second death row inmate in as many days, this time a man convicted of raping and killing a 15-year-old girl, according to an AP report.

Gerald James Holland was declared dead by lethal injection at 6:14 p.m. At 72, he was the oldest inmate on the state's death row. He was convicted in the rape and slaying of Krystal King at his home in 1986. Prison officials say he admitted to drinking heavily that night and killing the girl, but he never admitted to rape.

On Wednesday, Paul Everette Woodward was executed for his 1987 conviction in the rape-slaying of a 24-year-old woman. The Mississippi Department of Corrections said the last back-to-back executions occurred in 1961. (Sources: Ap, 21/05/2010)

TEXAS (USA): MAN EXECUTED FOR 1998 KILLING

The state of Texas executed by lethal injection a 41-year-old man convicted in a killing spree in which his female accomplices lured men for sex before robbing and beating them, AFP reported on May 12 quoting authorities.

Kevin Varga was pronounced dead at 6:19 p.m. local time (2219 GMT), seven minutes after receiving the lethal dose, the Texas corrections department said.

Varga’s male accomplice, Billy Galloway, is also set to be executed this week.

The two men accompanied by two 17-year-old girls left South Dakota for Mexico with the intention of "rolling" male victims to finance their trip, according to authorities.

The females met David Logie, a 37-year-old serviceman, in a bar in Greenville, Texas, where they lured him to a deserted area of town for sex, according to court documents.
Varga and Galloway were waiting, and beat the man to death with a hammer and tree limb. The group had previously carried out a similar scheme, killing David McCoy, 48, and stealing his car in Kansas, according to officials. Varga has been on death row since 2000, having failed in appeals for commutation of his sentence. Varga was the eighth person executed in Texas in 2010, the most active US state in capital punishment. The two females were sentenced to prison terms in the case.

**News from International NGOs – May 2010**

**PRI at UN Commission on Crime Prevention and Criminal Justice session**

On 19 and 20 May, PRI attended the United Nations Commission on Crime Prevention and Criminal Justice 19th session in Vienna, Austria, which considered the 8th Quinquennial Report submitted by the Secretary General of the United Nations. The Report reviews the use and trends in capital punishment including implementation of safeguards guaranteeing protection of the rights of those facing the death penalty. This report marks a trend towards abolition and restriction of the use of capital punishment in most countries.

At an ancillary meeting on 20 May, hosted by the World Coalition Against the Death Penalty (WCADP), Jacqueline Macalesher, PRI’s Death Penalty Project Manager, launched and presented PRI’s current programme of work on the abolition of the death penalty and alternatives that respect international human rights standards. This programme of work is being implemented with the financial assistance of the European Union. Jacqueline took this opportunity to highlight PRI’s priorities and strategies for successfully implementing this two-year project.

Also on 20 May, PRI issued a statement in relation to the outcomes of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice held in Brazil in April 2010. In the statement PRI welcomes the recommendations in the Congress Report which “reaffirm the importance to an effective criminal justice system of human rights protection, fairness and accountability, and the universal character of the existing UN standards and norms”.

PRI also notes the emphasis placed by the Crime Congress Declaration on the fact that there remains “a serious problem in implementing standards and norms which have already been accepted as of universal applicability”.

Mary Murphy, PRI’s Policy Director, participated in the launch of the ‘Madrid Recommendation on Prison Health Protection’, organised by the World Health Organisation Regional Office for Europe Health in Prisons Project and UNODC HIV and AIDS section. The Madrid Recommendation is the outcome of a conference on prison health protection that was held in Madrid 29-30 October 2009.

**Alternative Report Says Kazakh HIV Prevention Measures In Prisons Inadequate**

The UN Committee on Economic, Social and Cultural Rights heard statements on 3 May 2010 from a series of non-governmental organizations (NGOs) on the situation of economic, social and cultural rights in Colombia, Algeria, Mauritius, Kazakhstan and Afghanistan. Alternative reports prepared by the NGOs were considered during the committee’s session.

The alternative report on Kazakhstan’s initial report on the implementation of the International Covenant on Economic, Social and Cultural Rights was prepared by the International Harm Reduction Association (IHRA) in collaboration with local Kazakh NGOs.

The alternative report states that while there have been positive developments in recent years, measures for HIV prevention among people who use drugs and prisoners remain inadequate. The report says prisoners are at very high risk of
HIV infection through unsafe injecting practices and that efforts to address this problem have been insufficient. There are no needle and syringe programmes in the Kazakhstan prison system, and opioid substitution therapy is not permitted.

The report also notes that there is no possibility in legislation for court ordered drug dependence treatment as an alternative to imprisonment, meaning that in practice incarceration is the only policy option available for people arrested for drug offences. R

Human Rights Groups Condemn Two New Belarus Death Sentences

Amnesty International has joined leading Belarusian human rights groups in condemning the death sentences handed down to two men convicted of murder in the city of Grodno.

Aleg Gryshkautsou (29) and Andrei Burdyka (28) were sentenced to death by shooting on 14 May 2010 for crimes committed during an armed robbery on a flat in Grodno in October 2009. Both men were found guilty of premeditated murder, armed assault, arson, kidnapping of a minor, theft and robbery.

"The death penalty is not the answer to violent crime. At a time when the world is moving towards abolition of the death penalty, Belarus is taking a step backwards," said Halya Gowan, director of Amnesty International's Europe and Central Asia Programme.

Aleg Gryshkautsou and Andrei Burdyka have 10 days to appeal against the sentence to the Supreme Court. If refused, they can apply to Belarusian President Alyaksandr Lukashenka for clemency.

Belarus remains the only country in Europe that is still carrying out executions. Amnesty International, the Belarusian Helsinki Committee and the Human Rights Centre "Vyasna", have jointly called on the Belarusian authorities to signal their desire to abolish the death penalty by commuting both sentences.

“We will judge the government on the basis of its acts, and by sentencing these two men the government is demonstrating its true intention of continuing the use of this brutal and pointless punishment. The only convincing declaration would be to declare a moratorium,” said Aleg Gulak, Chair of the Belarusian Helsinki Committee.

Oleg Grishkovtsov and Andrei Burdyko reportedly robbed a flat in Grodno in October, killing one man and two women and taking a child hostage. They reportedly set fire to the flat and then forced a taxi driver to drive them to Minsk or Moscow, but were detained the following morning in Belarus when the taxi driver escaped.

The death sentences come two days after a UN Universal Periodic Review Working Group session at which Belarus came under criticism for its retention of the death penalty.

The government stated that the death penalty is a temporary measure, applied only for the gravest crimes, and that abolition is being actively discussed.

"The death sentences passed against Aleg Gryshkautstou and Andrei Burdyka once again demonstrate the need to immediately impose a moratorium on the death penalty. It is clear that as long as the death penalty is retained in law, judges will continue to hand down death sentences," said Halya Gowan.

Two men were executed in Belarus in March. Vasily Yuzepchuk was executed for the murder of six elderly women, while Andrei Zhuk received the death penalty for the armed assault on and murder of a man and woman. R

PRI Launches Programme in Burundi

The 31st of May 2010 marks the official launch of PRI’s programme and the opening of its project office in Burundi.

PRI’s work in the country seeks to uphold and promote human rights for people detained in
prison and improve access to justice for them through the work of paralegals. PRI is specifically focusing on supporting children, women, and those affected by HIV and AIDS.

“Many people detained within Burundian prison walls have been in pre-trial detention for months or years illegally. This is why PRI is deploying eight paralegals in four pilot prisons to train detainees in legal issues so that they know their rights, understand the judiciary system better, can follow the progress of their own cases, and represent themselves in court,” said Johanne Fortin, regional director of PRI’s work in the Great Lakes Region.

PRI will train prison staff in human rights and international human rights instruments, laws and regulations pertaining to prison and the national police, and jurisdictions among other things.

PRI’s work in Burundi is funded by the European Commission and the Kingdom of Belgium. PRI’s work in the Great Lakes region http://www.penalreform.org/worldwide/great-lakes

Sudanese Man Facing Execution In Saudi Arabia Over ‘Sorcery’ Charges

Amnesty International has urged the Saudi Arabian authorities to intervene to halt the possibly imminent execution of a Sudanese man who was sentenced to death for “sorcery”.

Abdul Hamid Bin Hussain Bin Moustafa al-Fakki was sentenced to death by a Madina court on 27 March 2007, after he was accused of producing a spell that would lead to the reconciliation of his client’s divorced parents.

Very little is known about his trial proceedings as they were held in secret. Three years since he was sentenced to death, it is not known what stage his case is at or if his execution has been scheduled, but it is likely to be imminent given the time that has elapsed.

“Abdul Hamid al-Fakki appears to have been convicted solely for the peaceful exercise of his rights to freedom of expression and religion,” said Philip Luther, Deputy Director of Amnesty International’s Middle East and North Africa programme.

“We are calling on King Abdullah of Saudi Arabia not to let this or other executions go ahead.”

‘Abdul Hamid Bin Hussain Bin Moustafa al-Fakki was arrested on 8 December 2005 in the city of Madina by the Mutawa’e’en (religious police), officially called the Committee for the Propagation of Virtue and Prevention of Vice (CPVPV).

He was accused of practising sorcery, after being entrapped by the CPVPV. It is not clear why the authorities targeted him. A man working for the CPVPV approached ‘Abdul Hamid and asked him to produce a spell that would lead to the man’s father separating from his second wife and returning to his first wife, the man’s mother.

‘Abdul Hamid apparently accepted to do this in exchange for 6,000 Saudi Arabian riyals (approximately US$1,600).

He apparently took an advance of 2,000 riyals from the man, together with the names of his father and the father’s second wife, as well as the names of their mothers, and agreed to meet the man afterwards to deliver his work.

He went to the agreed meeting place and was seen by CPVPV agents getting into the man’s car. He delivered his work, consisting of nine pieces of paper with codes written on them with saffron, and received the rest of the money.

He was then arrested while in possession of bank notes whose serial numbers had been recorded by the CPVPV.

He was questioned and apparently beaten, and is believed to have confessed that he did carry out acts of sorcery in a bid to solve the family problems of the man who had approached him.

The crime of “sorcery” is not defined in Saudi Arabian law, and has been used to punish people for the legitimate exercise of their human rights, including the rights to freedom of conscience, religion, belief and expression.
The Saudi Arabian authorities arrested scores of people for “sorcery” in 2009, and have arrested over 20 more this year. Often arrests are carried out by the Mutawaa’een, which uses entrapment to secure charges not only of “sorcery” but also of other offences such as khilwa (being in the company of members of the opposite sex who are not close relatives).

The last known execution for “sorcery” was that of Egyptian national Mustafa Ibrahim, on 2 November 2007. He had been arrested in May 2007 in the town of ‘Arar, where he worked as a pharmacist, and accused of “apostasy” for having degraded a copy of the Qur’an by putting it in a toilet.

Saudi Arabia applies the death penalty for a wide range of offences, including some with no lethal consequences such as sorcery. Court proceedings fall far short of international standards for fair trial.

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. Prisoners in Saudi Arabia may be put to death without a scheduled date for execution being made known to them or their families. Since the beginning of 2010, at least 11 people have been executed.

**Will Need Strong Mandate, Cooperation from Security Services**

(London) - The British government’s planned inquiry into the complicity of UK intelligence agencies in torture should be comprehensive, independent, and public, Human Rights Watch said today. UK Foreign Secretary William Hague announced the inquiry in comments to the BBC last night, but did not provide details regarding its scope, time-scale or composition.

"This new government has done something its predecessor lacked the courage to do - order an investigation into the mounting evidence of British complicity in torture," said Tom Porteous, London director of Human Rights Watch. "It's vital that this inquiry has the mandate to follow the evidence however high it leads, and the full cooperation of the security services."

Human Rights Watch believes that in order for the inquiry to be successful it should:

- Be held in public;
- Not be held under the Inquiries Act 2005, which allows the government to control an inquiry.
- Have the full cooperation of the security services;
- Examine all cases brought to its attention in which UK complicity is alleged;
- Assess whether the guidance provided to the members of the security services in the interrogation of suspects overseas and on cooperation with foreign intelligence agencies was adequate to prevent complicity;
- Examine the degree to which UK government policy, and decisions by UK ministers and officials, contributed to such abuse.
- Examine whether the British justice system is able to investigate and prosecute those responsible for acts of complicity or participation in torture, as required by the Convention against Torture;
- Assess adequacy of mechanisms of oversight of the security services, including that provided by the Intelligence and Security Committee;
- Produce a public report with detailed recommendations on the steps needed to ensure that UK security services are never again complicit in torture overseas.

In November 2009, Human Rights Watch released a report detailing five cases in which UK security services were complicit in the torture of UK citizens in Pakistan by the Pakistan security services. Cases of complicity have also been documented by the Guardian, and by other civil society organizations.
Pressure for an inquiry has been mounting. The House of Commons Foreign Affairs Committee and the Parliamentary Joint Committee on Human Rights (JCHR) both issued critical reports about UK complicity in 2009, with the JCHR concluding that an inquiry was necessary. In March 2010, the All Party Parliamentary Group on Extraordinary Rendition, together with Human Rights Watch and three other leading NGOs, called on the incoming government to order a judicial inquiry.

But the previous government refused to order an inquiry, even when confronted with the detailed evidence in Human Rights Watch's report on Pakistan. It instead repeated blanket denials of wrongdoing, and pointed to the existence of two police investigations - one into allegations of complicity by one or more MI5 agents in the torture of Binyam Mohamed, and another into unspecified allegations involving one or more MI6 agents, referred by that agency - as sufficient steps towards accountability. Those criminal investigations must continue in parallel to the inquiry, Human Rights Watch said.

The previous government also failed to publish the guidance given to members of the security services on interrogation of suspects held overseas, despite an undertaking by then Prime Minister Gordon Brown in March 2009 to do so once it had been reviewed by the Intelligence and Security Committee (ISC). The guidance was finally made available to the ISC in November 2009, which has yet to release it. The new government should order the release of the current and historic guidance without delay, Human Rights Watch said.

There has been longstanding support for an inquiry from a number of senior Liberal Democrats and Conservatives. Liberal Democrat leader (now Deputy Prime Minister) Nick Clegg committed his party to an inquiry during the election campaign. The detailed coalition government agreement released yesterday includes a commitment “never to condone torture.”

“This inquiry offers the chance to help restore Britain’s global reputation as an anti-torture champion,” said Porteous. “It’s not only the right thing to do, it’s also crucial for efforts to prevent radicalization and recruitment to terrorism at home and abroad.”

At Least 17 More Kurdish Prisoners at Risk of Imminent Execution

(New York) – Iranian authorities executed five prisoners, four of them ethnic Kurds, without warning their families, and have so far refused to release their bodies, Human Rights Watch said today. These executions follow convictions that appear to have relied on the use of torture.

The Kurdish prisoners – Farzad Kamangar, Ali Heidarian, Farhad Vakili, and Shirin Alam Holi – were executed by hanging on the morning of May 9, 2010, in Tehran’s Evin prison, said a statement released by the Tehran Public Prosecutor’s office. The government also executed a fifth prisoner, Mehdi Eslamian, an alleged member of a banned pro-monarchist group. Authorities maintain that all five were engaged in “terrorist operations, including involvement in the bombing of government and public centers in various Iranian cities.”

“These hangings of four Kurdish prisoners are the latest example of the government’s unfair use of the death penalty against ethnic minority dissidents,” said Joe Stork, deputy Middle East director at Human Rights Watch. “The judiciary routinely accuses Kurdish dissidents, including civil society activists, of belonging to armed separatist groups and sentences them to death in an effort to crush dissent.”

The Tehran prosecutor’s statement alleged that Kamangar, Heidarian, Vakili, and Alam Holi had confessed to being members of the outlawed Free Life Party of Kurdistan, or PJAK, and were involved in a series of bomb plots in northwestern Iran as well as Tehran. PJAK is widely regarded by analysts to be an Iranian affiliate of the banned Turkish Kurdish Workers’ Party, or PKK.

The government accused the fifth prisoner, Eslamian, of involvement in the bombing of a religious site in the southern city of Shiraz in
2008. Authorities alleged that Eslamian was a supporter of the pro-monarchist Anjoman-e Padeshahi, or the Kingdom Assembly. The government executed two other alleged members of this group, Arash Ramanipour and Mohammad-Reza Ali Zamani, earlier this year.

Branch 30 of the Revolutionary Court sentenced Kamangar, Heidarian and Vakil to death on February 25, 2008. Khalil Bahramian, one of the lawyers representing Kamangar who was at the closed-door trial of the three men, said that gross irregularities, including the absence of a jury, plagued the initial trial and subsequent appellate court decisions upholding the convictions. Bahramian told the BBC on Sunday that Kamangar’s trial lasted all of 10 minutes, and that when Bahramian asked permission to present his client’s case, the judge simply instructed him to “write down [his] concerns.”

“In the end [the judge] never heard what I had to say,” Bahramian told the BBC. He sharply denied that his client was in any way involved with PJAK or any other terrorist group.

In addition to finding the five persons guilty of various national security crimes, the judiciary sentenced all five to death after convicting them of the crime of moharebeh, or “enmity with God.” Under articles 186 and 190-91 of Iran’s penal code, anyone charged with taking up arms against the state, or belonging to organizations that take up arms against the government, may be considered guilty of moharebeh and sentenced to death.

Security forces arrested Kamangar, a superintendent of high schools in the city of Kamyaran in July 2006 in Tehran. In February 2008, Bahramian informed Human Rights Watch that his client had alleged numerous instances of abuse and torture at the hands of prison authorities in Sanandaj, Kermanshah, and Tehran. Human Rights Watch obtained a copy of a letter Kamangar wrote and smuggled out of prison in which he detailed his torture, including threats of sexual violence. Bahramian also represented Eslamian.

Vakili, Heidarian, and Alam Holi made similar allegations in prison letters, indicating that authorities used torture to secure confessions from them. In a series of letters from prison, Alam Holi, a 28-year-old Kurdish woman accused of bombing a vehicle at a Revolutionary Guards compound in Tehran, described numerous instances of physical and psychological torture suffered at the hands of her captors, including beatings with cables and electric batons.

The May 9 executions were carried out unannounced – the government informed neither the lawyers nor the families of the prisoners, Bahramian and family members said. Bahramian told the BBC that “the law requires that I be informed regarding my two clients... but I was not informed [of their execution] in any way.” One of Kamangar’s brothers told the BBC that the families learned about the executions from media reports.

A family member of one of the other prisoners told Human Rights Watch that the authorities have so far prevented delivery of their bodies to the families for burial. Islamic custom generally requires burials to take place as soon as possible, preferably within 24 hours.

“[Iran’s judiciary] should immediately issue a moratorium on all executions,” Stork said. “This includes the 17 Kurdish dissidents known to be on death row.”


Human Rights Watch opposes capital punishment in all circumstances because of its cruel and inhumane nature.
San Francisco hosts World Coalition AGM

Published by Thomas Hubert on 2010/5/31
For the first time, a major international abolitionist event will take place on US soil on June 12 when World Coalition members converge on California for their general meeting and a public conference.

The World Coalition's AGM will take place at Hastings College of Law in San Francisco, California at the invitation of member organisation Death Penalty Focus. On June 12, the public is invited to take part in debates on key issues surrounding capital punishment in America and to prepare for the 2010 World Day Against the Death Penalty, which will focus on the US.

Two plenary sessions and four thematic debates will give participants a chance to discover or further explore the fields in which the battle against the death penalty is being fought in the US, from racial discrimination in its administration to the execution of innocents and the opinion of crime victims and law enforcement professionals.

World Day and "Cities for Life" launch

The rest of the world will not be overlooked with the launch of the autumn’s two global abolitionist events – World Day Against the Death Penalty on October 10 and “Cities for Life – Cities Against the Death Penalty” on November 30.
Spain’s ambassador against capital punishment, Rafael Valle Garagorri, is also expected to present his government’s initiative to create an International Commission on the Death Penalty.
On June 13, World Coalition members will stay on to hold their statutory general meeting and receive training on a range of issues including international law, internet campaigning, activism in China and fundraising.
Read the latest information about worldwide efforts to abolish the death penalty!

http://www.ipsnews.net/deathpenaltyabolition

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