

Crime and Justice

Death Penalty and the Right to Life

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



March 2010



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

DEATH PENALTY: Post-Genocide Countries Ban Executions to 'End Revenge'

By Gustavo Capdevila

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DEATH PENALTY: On Trial for Their Lives - by Public Opinion

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WORLD PRESS REVIEW:

TEXAS (USA): CHARLES DEAN HOOD'S DEATH SENTENCED OVERTURNED -- USA: NORTH CAROLINA MAN EXONERATED AFTER 17 YEARS -- FLORIDA (USA): 45-YEAR-OLD INMATE EXECUTED FOR 1984 SLAYING -- ARIZONA: OLDEST US DEATH ROW INMATE DIES -- ITALY TO SEEK NEW UN RESOLUTION TO HALT DEATH PENALTY -- ITALY TO UN ON IRAN EXECUTING MINORS -- BELARUS ON ITS OWN WAY TOWARDS CAPITAL PUNISHMENT BAN -- UKRAINE: PARLIAMENT REFUSES TO RESTORE DEATH PENALTY -- KYRGYZSTAN: BISHKEK JOINS INTERNATIONAL PROTOCOL ON DEATH PENALTY ABOLITION -- CHINA ISSUES GUIDELINES TO LIMIT DEATH PENALTY USE -- BANGLADESH: 411 PEOPLE EXECUTED SINCE 1971 -- INDIA: SOCIO-ECONOMIC SITUATION FACTOR FOR COMMUTING DEATH PENALTY -- IRAN: DISSIDENTS - 'GOVERNMENT KILLS TO INSTILL FEAR' -- IRAQ: EUROPEAN ALLIES CALL FOR HALT TO DEATH PENALTY -- LEBANESE SENTENCED TO DEATH FOR SPYING FOR ISRAEL -- SAUDI ARABIA: MAN BEHEADED FOR MURDER -- UNITED ARAB EMIRATES: FIVE FACE FIRING SQUAD IN RAK FOR DRUG TRAFFICKING -- SUDAN RELEASES 50 DARFUR REBELS

News from International NGOs:

Sixth International Conference of the European Forum for Restorative Justice -- Towards a Universal Moratorium on the Use of the Death Penalty -- CRC Recommendations Relating to Juvenile Justice Reform -- Recommendations for Egypt's Juvenile Justice System -- World is 'Winning' Battle against Death Penalty Despite Setbacks -- South Korea Death Penalty Abolition Set Back By Constitutional Court Ruling -- Chronic Pain and Torture

عالمي مؤتمر حقوقي
أفريقيا لم تعرف الإعدام حتي أحضره الإستعمار
بقلم غوستافو كابديفيللا/وكالة انتر بريس سيرفس

فبراير، جنيف (آي بي إس) - أكد خبراء مشاركون في مؤتمر دولي في جنيف أن عقوبة الإعدام لم تكن موجودة في أفريقيا حتي أحضرها المستعمرون الأوروبيون عبر تطبيق دساتيرهم وقوانينهم وعاداتهم فيها.

IPS has partnered with Penal Reform International (<http://www.penalreform.org/>) to expand its independent coverage of issues surrounding capital punishment and long-term imprisonment.

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DEATH PENALTY: Post-Genocide Countries Ban Executions to 'End Revenge'

By Gustavo Capdevila

GENEVA, Feb 25, 2010 (IPS) - More than 1,000 activists and experts attending this week's Fourth World Congress Against the Death Penalty in this Swiss city are building a network of cooperation to support local organisations campaigning for human rights in countries that retain capital punishment.

One-third of the world's countries still apply the death sentence, and 2,390 persons were executed in 2008, according to Amnesty International (AI).

Nevertheless, there was marked global progress towards abolition of the death penalty in 2008, said the London-based rights watchdog.

In fact a real change in the history of the death penalty has occurred over the last 30 years, said Mario Marazziti, spokesman for the Community of Sant'Egidio, a Rome-based organisation that promotes international relations founded on human rights and North-South interdependence.

Back in the 1970s, only 23 countries had abolished the death penalty, by removing it from the statute books or ceasing to practice it, whereas today United Nations Secretary-General Ban Ki-moon reports that 141 nations have taken this step, or 139 countries according to AI, said Marazziti.

The discrepancy arises because "specialist

organisations may have access to confidential information that one or two executions have been carried out in a couple of countries, without any publicity," so there is doubt about the status of one or two countries, the Italian expert said.

So "we have around 140 countries without the death penalty, out of 192 in the world," said Marazziti, who added that the figures "indicate a real acceleration in at least the past 20 years."



As well as strengthening an international support network for those campaigning against court-ordered executions, the World Congress, which ends Friday, is planning a

common strategy for the U.N. General Assembly session in December that is due to discuss a resolution for a moratorium on the death penalty.

An appropriate strategy must include simultaneous action in every region of the world, Marazziti told IPS. The Community of Sant'Egidio is calling on South Africa, Russia and Brazil to commit themselves to this effort, and help bring in other players like Mexico and Chile, he said.

That way, it cannot be argued that this is a European initiative, or the product of a single school of thought. It will be a demand made by the whole world, the expert said.

Prime Minister José Luis Rodríguez Zapatero of Spain, which currently holds the EU rotating presidency, confirmed that he will push for approval of the death penalty moratorium resolution at the U.N. General Assembly.

Opening the World Congress on Wednesday, Zapatero said his government wishes to establish an International Commission Against the Death Penalty. Such a body would be a great help in securing universal application of an effective moratorium by 2015, as a step towards total abolition, he said.

The year 2015 was not chosen at random: it coincides with the deadline approved in 2000 by U.N. member countries for achieving the Millennium Development Goals (MDGs), which set targets for slashing hunger, poverty and disease and improving education, health, equality and preservation of the environment.

"As well as slavery and torture, the death penalty must be consigned to history. It's a barbaric and old-fashioned way of interpreting justice," said Marazziti.

"I think the MDGs mean that life must be respected under any circumstances, even when there is suspicion of a crime," he said. "I want that to be respected, because not all the MDGs are respected."

The countries where the most executions took place in 2008 included China (1,718), Iran (346), Saudi Arabia (102), the United States (37), Pakistan (36), Iraq (34), Vietnam (19), Afghanistan (17), and North Korea and Japan (15 each).

Changes are happening in the United States, Marazziti said. Even in the state of Texas, where

there is a high level of support for the death penalty, "only eight new death sentences were handed down in 2009 whereas the previous annual average was 48. And (the states of) New Jersey and New Mexico have abolished the death penalty within the last two years," he added.

In China, two things have happened. "The Supreme Court removed the power to pass death sentences from the local courts two years ago, and observers said that this should bring about a reduction of up to 30 percent in new death sentences," he said.

And a few days ago, "the Supreme Court published official guidelines instructing tribunals not to give the death penalty except for very heinous crimes or crimes against the state. So, this is another good sign," Marazziti said.

Last month, Mongolia abolished the death penalty. Uzbekistan had already done so, and Kazakhstan has eliminated it for ordinary crimes.

Marazziti highlighted the cases of Cambodia, Rwanda and Burundi, "three countries that have really suffered the last three big genocides in contemporary history, yet feel that only without the death penalty can a reconciliation process be started in their societies. Otherwise revenge, and the thirst for revenge, will never end."

These countries' abolition of capital punishment is "a very symbolic and meaningful step that can be an answer to those countries that say: 'We have a high level of violence, we need the death penalty'," he stressed.

"I think that we are experiencing a positive trend to eradicate the death penalty in the world," said the Italian expert.

Originally many African societies did not have the death penalty. It arrived hand in hand with colonialism, because African nations copied European constitutions and many other customs, he pointed out.

But on this issue, Africa is now changing faster than the other continents, he concluded. (END)

DEATH PENALTY: On Trial for Their Lives - by Public Opinion

By Gustavo Capdevila

GENEVA, Feb 26, 2010 (IPS) - The death penalty remains an apparently fixed feature in many societies because it enjoys the approval or consent of a large majority of the population, or is based on supposed ancestral values or traditions.

The Fourth World Congress Against the Death Penalty, held in Geneva Feb. 24-26, devoted often heated sessions to countering such beliefs, regarded as a hindrance to the eradication of capital punishment.

Political leaders, experts and activists from around the globe meeting at the World Congress said the results of public opinion polls are often imprecise and unreliable, and that reputable scientists have said such surveys are "highly susceptible to manipulation by the elite."

The London-based human rights organisation Amnesty International (AI) has reported that as many as 36 countries retain the death penalty in law, although they have no intention whatsoever of executing persons in practice, and there are no signs of any disturbances in the

social order.

"The argument that they must retain it to satisfy public opinion needs to be seriously challenged in these countries," said Roger Hood, a professor of criminal law at Britain's Oxford University.

Hood said he was told by a scholar from Togo early in 2008 that the government of this West African country could not abolish capital punishment because of strong public sentiment in its favour, in spite of 30 years having passed since the last execution.

"Yet six months later, Togo did successfully abolish it for all crimes," he said.

Regarding public support for executions, "we all know that the outcome of opinion polls depends on the way the questions are asked, and on the day's news," said the Rapporteur on the death penalty for the Parliamentary Assembly of the Council of Europe (PACE), Renate Wohlwend.



In Japan, where 15 people were executed in 2008, the government released the results of an opinion poll about the justice system earlier this month.

Respondents were given three options from which to choose: "the death penalty should be abolished unconditionally"; "in some cases, the death penalty cannot be avoided"; or "I don't know/it depends."

The second answer, that sometimes the death penalty is inevitable, was chosen by 85.6 percent of the interviewees, and in a separate question 51.5 percent said that violent crimes would increase if the death penalty were abolished.

But there have been numerous criticisms against this survey method, including the setting of questions, said Maiko Tagusari, a lawyer with the Centre for Prisoners' Rights in Japan.

"But first of all we have to point out that this so-called 'public support' is brought about by the government's secrecy policy and failure to disclose the necessary information about not only the death penalty itself, but also the penal system as a whole," said Tagusari.

Amnesty International maintains that by keeping executions secret, many governments ensure that there is no effective public debate on the death penalty.

"In 2009, the reported murder cases in Japan hit the lowest number since 1945. But people believe that heinous crimes are increasing," Tagusari said.

Death row inmates are never notified of their execution dates, and no one knows how the next person to be executed is selected, or how many inmates were wrongly convicted and executed, she said.

"Can you imagine that the method of execution by hanging has not been changed for nearly 140 years? This would never happen in a democratic society where the public is provided with the necessary information," Tagusari said.

"The European experience has shown that abolition is an issue where parliamentarians must lead, not follow, public opinion," said rapporteur Wohlwend.

"In Europe no governing party has lost an election due to abolition. The prior introduction of a moratorium on executions has helped to reassure the general public that stopping executions does not mean rising crime," she

said.

"In most of Europe, following the lead of courageous politicians, the general public has now embraced abolition of the death penalty," Wohlwend said.

The death penalty is intrinsically a cruel, inhuman and degrading punishment, and therefore cannot be justified with the excuse that there is public pressure for it to be used, Hood said.

He quoted a Chinese criminologist, professor Mo Hongxian, who put the issue succinctly when she insisted that "public opinion does not necessarily represent justice."

Mo said she hoped that a policy of severely restricting the application of the death penalty in China "would reduce the public's inclination towards revenging justice against crimes."

China was the country which handed down the greatest number of death sentences in 2008, a total of 7,003. In the same year it executed 1,718 people, more than the rest of the world combined, according to Amnesty International estimates.

However, Hood recalled that at the U.N. Human Rights Council session in March 2007, China's representative, La Yifan, said the death penalty's scope of application was to be reviewed, and it was expected that this scope would be reduced, with the final aim of abolition.

Regarding the validity of arguments that "Asian values" and "Chinese culture" are reasons for the persistence of the death penalty, Hood cited the cases of Hong Kong and Macau, both enclaves with a majority Chinese population which supported capital punishment before it was abolished by the British and Portuguese colonial regimes, respectively.

After their return to Chinese sovereignty, "there have been no serious calls or pressure in Hong Kong and Macau for reintroduction" of the death penalty, and furthermore there has been "a continuing decline in the homicide rate," said Hood, quoting studies by Chinese and Western experts. (END)

WORLD PRESS REVIEW

FEBRUARY 2010

TEXAS (USA): CHARLES DEAN HOOD'S DEATH SENTENCED OVERTURNED

The Texas Court of Criminal Appeals threw out the death sentence of Charles Dean Hood, whose case has been dogged by admissions of an affair between his trial judge and the prosecutor, Associated Press reported on Feb. 24.

The court, in a 6-3 decision, said Hood was entitled to a new punishment trial because jurors were not allowed to properly consider mitigating evidence that could have convinced them he didn't deserve a death sentence.

The ruling made no mention of the affair between Hood's trial judge and prosecutor in Collin County. Last year, the same court refused Hood's appeal for an entire new trial because of the affair admission.

Hood, 40, insists he's innocent in the 1989 fatal shootings of Tracie Lynn Wallace, 26, and her boyfriend, Ronald Williamson, 46. A day before he was scheduled to die in September 2008, the Austin-based appeals court gave Hood a reprieve based on the faulty jury instruction claim, which is unrelated to the once secret romantic relationship between Hood's trial judge, Verla Sue Holland, and Tom O'Connell, the former district attorney in Collin County. O'Connell was the county's elected prosecutor from 1971-82 and from 1987-2002.

Holland was a state district judge from 1981-

96 before moving on to the Court of Criminal Appeals, where she served before resigning in 2001. Neither Holland nor O'Connell have been publicly disciplined by the State Commission on Judicial Conduct or the State Bar of Texas.

USA: NORTH CAROLINA MAN EXONERATED AFTER 17 YEARS

The North Carolina Innocence Inquiry Commission frees Gregory Taylor, 47, white, who was sentenced to life in 1993 for 1st degree homicide. In an historic decision, a panel of judges outside of the state's court system unanimously voted to exonerate and release Gregory Taylor, a man who was imprisoned for nearly 17 years for first-degree murder, according to WRAL News on Feb. 17.

In April 1993, Taylor was convicted of the 1991 murder of Jacquetta Thomas, 27, black, a prostitute found dead in Raleigh. Police arrested Taylor after finding his SUV about 100 yards from the crime scene, even though there was never any physical evidence linking Taylor to the victim.

Taylor became the first person in the state to be exonerated by the North Carolina Innocence Inquiry Commission, the only state-run agency in the United States with the power to overturn convictions based on claims of innocence. Earlier, the eight-member Commission had voted unanimously to send Taylor's case to the next level of review before the panel of three judges.

The judges voted unanimously to undo Taylor's 1993 conviction of murdering Thomas. Their decision exonerates Taylor and releases him from a term of life in prison. After the decision was read, Wake County District Attorney Colon Willoughby walked over to Taylor, shook his hand and apologized that he had been convicted. Taylor is the first person in North Carolina to be exonerated using a new process established to handle convicted people's claims of innocence.

Last September, the North Carolina Innocence Inquiry Commission voted

unanimously that Taylor's case warranted further review. The North Carolina Innocence Inquiry Commission is a state agency established in August 2006 by the General Assembly to investigate and evaluate post-conviction claims of factual innocence. The Commission only examines new evidence that was not considered at trial.

The Commission is made up of eight members selected by the Chief Justice of the North Carolina Supreme Court and the Chief Judge of the North Carolina Court of Appeals. The members include a Superior Court Judge, a Prosecuting Attorney, a Defense Attorney, a Victim Advocate, a Member of the Public, a Sheriff, and two Discretionary members.

FLORIDA (USA): 45-YEAR-OLD INMATE EXECUTED FOR 1984 SLAYING

Grossman, 45, white, was Jewish. He was sentenced to death for murdering Peggy Park, a Florida wildlife officer Park, on Dec. 13, 1984, as she patrolled a wooded area, Tampa Tribune & Rick Halperin reported on Feb. 16.

"I would like to extend my heartfelt remorse to the victim's family," Grossman said. "I fully regret everything that happened that night, everything that was done, whether I remember everything or not. I accept responsibility." "I would like to say a prayer," he added, and began reciting a prayer called the Schma. It is the most sacred prayer in Judaism and the first prayer that Jewish children learn.

The Vatican, Jewish leaders as far away as Israel, and thousands of petitioners called for a stop to the execution on several grounds, including questions about whether the slaying was premeditated, Grossman's diminished IQ and his remorse for the crime. Last-minute efforts to spare Grossman's life extended to the Vatican, which sent a letter to Gov. Charlie Crist saying "the prisoner has repented and is now a changed person." The letter was sent in response to a request from Rabbi Shear-Yashuv Cohen, chief Rabbi of Haifa, Israel.

Gov. Crist signed Grossman's death warrant Jan. 12. Since that time, his office has received about 49,000 letters, telephone calls or e-mails, according to a spokesman.

Grossman becomes the 1st condemned inmate to be put to death this year in Florida, and the 69th person executed since the death penalty was reinstated there in 1979. Grossman becomes the 7th condemned inmate to be put to death this year in the USA and the 1195th overall since the nation resumed executions on January 17, 1977.

ARIZONA: OLDEST US DEATH ROW INMATE DIES

Oldest US death row inmate died in Arizona. Viva Leroy Nash, 94, white, died late Friday at the state's prison complex in Florence, said an Arizona Department of Corrections spokesman. Deaf, nearly blind, confined to a wheelchair and suffering from dementia and mental illness, the oldest death row inmate in the United States has died of natural causes at age 94, Associated Press reported Feb. 12.

Nash had been imprisoned almost continuously since he was 15. Nash had suffered a series of heart attacks, the most recent early this month. His jailers recently removed him from the death row cell block on their own initiative because he was so mentally unfit.

At the time of Nash's death, state prosecutors were appealing a federal appeals court ruling to the U.S. Supreme Court that concluded he might not be competent, Phalen said.

Nash was born in 1915 and was sent to the federal prison in Leavenworth, Kan., in 1930 for an armed robbery. He spent 25 years in prison for shooting a Connecticut police officer in 1947. In 1977, Nash was sentenced to 2 consecutive life sentences for a robbery and murder in Salt Lake City but escaped from a prison work crew in October 1982.

3 weeks later, on Nov. 3, 1982, Nash went into a coin shop in Phoenix and demanded money from employee Gregory West. Nash

shot West 3 times, killing him. He was convicted of 1st-degree murder and sentenced to death in 1983.

The Arizona Supreme Court upheld the conviction in 1985 and Nash then filed a series of unsuccessful appeals in both state and federal court. His most recent appeal was rejected by a U.S. District Court judge in 2006, but the 9th U.S. Circuit Court of Appeals ruled in September that he was entitled to a hearing to determine if he was competent to assist in his defense. Doctors who had examined him told the court he suffered from a delusional disorder and memory problems and was incompetent.

ITALY TO SEEK NEW UN RESOLUTION TO HALT DEATH PENALTY

Italy is preparing a new resolution at the United Nations to abolish capital punishment worldwide, Foreign Undersecretary Enzo Scotti said, ANSA reported Feb. 24.

"Italy is ready to continue working closely with all those nations who backed the campaign for a moratorium on the death penalty," Scotti told the Fourth World Conference Against the Death Penalty in Geneva.

Scotti was referring to a 2007 non-binding UN resolution on a moratorium, which was spearheaded by Rome and the European Union.

Scotti said Italy planned to present the new resolution at the UN General Assembly in autumn.

"The time has come to abolish capital punishment worldwide. There is no data to prove that it acts as a deterrent to reduce crime or political violence," said Scotti, who said it was "especially terrible when it involves children, the disabled or pregnant women".

ITALY TO UN ON IRAN EXECUTING MINORS

Italy voiced "serious concern" to the United Nations over Iran's "systematic" use of capital punishment, especially against

minors, ANSA reported Feb. 15. "We urge a ban on executing minors," said Italy's ambassador to the UN organisations based in Geneva, Laura Mirachian.

Taking part in a debate on human rights in Iran, Mirachian repeated Italy's longstanding call for a worldwide moratorium on the death penalty pending its eventual abolition. The debate took place at the UN Council for Human Rights.

BELARUS ON ITS OWN WAY TOWARDS CAPITAL PUNISHMENT BAN

Belarus will seek its own way to ban capital punishment, Nikolai Samoseiko, Chairman of the Legislation and Court Affairs Commission of the House of Representatives of the National Assembly, head of the parliamentary ad hoc group on capital punishment matters, said.

According to a reported posted on Law.by Feb. 22, he stressed that the number of death penalty verdicts has been greatly reduced. While in 1998 the number stood at 47, in 2008 and 2009 it made up 2 per annum. Asked when the bill to ban capital punishment may be ready, Nikolai Samoseiko did not mention specific dates. He added it would be incorrect to say that the decision to ban death penalty will be introduced as a bill. In line with a ruling of the Constitutional Court the decision can be made either by the president or the parliament.

UKRAINE: PARLIAMENT REFUSES TO RESTORE DEATH PENALTY

Ukraine's parliament refused to make changes to the present legislation that would bring back the death penalty, the proposal supported by a tiny 32 of the 413 registered deputies. The Communists had suggested re-introducing the death penalty for grave crimes, ITAR-TASS reported Feb. 16. Some legislators also wanted to make rape, robbery, fraud, organization of crime rings, bribes and some other crimes punishable with the life imprisonment.

KYRGYZSTAN: BISHKEK JOINS

INTERNATIONAL PROTOCOL ON DEATH PENALTY ABOLITION

The Kyrgyz Parliament approved the Second Option protocol of the International Covenant of Civil and Political Rights, aimed to abolish the death penalty, Interfax reported on Feb. 11.

According to the Justice Minister Kurmantai Abdiev, the document makes provision for complete death penalty abolition, in turn, it will help to develop humanization of a criminal law.

It will be recalled that Kyrgyzstan adhere the Covenant in 1994. The United Nation Organization (U.N.O.) approved Second Option Protocol to this Covenant in 1989. The Protocol obliged a member country to abolish death penalty. The law replacing the death penalty with life imprisonment was passed in June 2007.

CHINA ISSUES GUIDELINES TO LIMIT DEATH PENALTY USE

China's Supreme People's Court (SPC) said it had issued guidelines for courts nationwide to handle criminal cases with a policy of "justice tempered with mercy," stressing that death penalty use be limited, Xinhuanet.com reported Feb. 9.

The guidelines say the death penalty should be "resolutely" handed down to those who have committed "extremely serious" crimes, but that the punishment should be reserved for the tiny minority of criminals against which there is valid and ample evidence.

The guidelines also say that capital punishment reprieves should be granted for as long as they are allowed by law.

The guidelines are an interpretation of the "justice tempered with mercy" policy and details on the judicial principles used when handling criminal cases, SPC spokesman Sun Jungong said.

The "justice tempered with mercy" policy was first enacted in a document approved in 2006 by the Sixth Plenary Session of the 16th Central Committee of the Communist Party of China (CPC).

The policy required courts to issue both severe and lenient sentences, depending on the seriousness of each crime.

According to the guidelines, crimes involving officials taking advantage of their position and mafia-style gangs should be handled "with severity."

Severity should also be applied to repeat offenders.

On the other hand, the document says minors and senior citizens who commit crimes should be punished with leniency.

Commutation and paroles for ex-officials who took advantage of their public position, especially those at county-level or above, are required to be heard at court.

Commutations for criminals convicted of major crimes like murder and robbery are to be strictly limited, the guidelines say.

BANGLADESH: 411 PEOPLE EXECUTED SINCE 1971

Bangladesh has executed more than 400 people since the country became independent in 1971, an official said, and more than 1,000 others are currently sitting on death row, AFP reported on Feb. 14.

The authorities last month hanged five army officers convicted of killing the country's independence leader, taking the number of executions since 1971 to 411, deputy prisons chief Golam Haider said.

At least 36 women have been sentenced to death but none went to the gallows, another prison official said, speaking on condition of anonymity as he is not authorized to reveal figures.

"Those hanged were all men," the official said, adding that at least 1,020 convicts were currently on death row.

Bangladesh has been handing down death penalties with increasing frequency since 2002, when fast-track courts were established as part of a crackdown on rising crime.

INDIA: SOCIO-ECONOMIC SITUATION FACTOR FOR COMMUTING DEATH PENALTY

Long incarceration and socio-economic factors leading to crime are relevant and mitigating considerations for commuting the death sentence to life imprisonment, the Supreme Court has held, *The Hindu* reported Feb. 10.

Justices P. Sathasivam and H.L. Dattu commuted the death sentences of Mulla and Guddu for causing the death of five agricultural labourers for ransom on December 22, 1995 in Uttar Pradesh's Sitapur district.

The Bench said: "In the present case, the convicts belong to an extremely poor background and one thing is clear — that they have committed these heinous crimes for want of money. Though we are shocked by their deeds, we find no reason why they cannot be reformed over a period of time."

One of the appellants was 65 years old and the other 64, and they had already been in prison for more than 14 years, the Bench pointed out. "Despite the nature of the crime, the mitigating circumstances can allow us to substitute the death penalty with life sentence. However, the punishment of life must extend to their full life, subject to any remission by the government for good reasons."

IRAN: DISSIDENTS - 'GOVERNMENT KILLS TO INSTILL FEAR'

According to the International Network Iran Human Rights 2009 Report there were 402 executions in Iran in 2009, 20% more than the year before. The report was presented in Bari, Italy, by Mahmood Amiry-Moghaddam, IHR spokesperson, during the 'Spring of Rights', a cultural event on civil and human rights around the world organised by Regione Puglia and the Pugliese Public Theatre, ANSA reported on Feb. 22.

Of the 402 executions last year, almost all were by hanging, while there was one confirmed the stoning of a man. This peak continues the upward trend from 2007, when

there were 317 executions. Among those executed were 13 women and at least five youths who were under 18 years of age either when they committed the crime or when they were executed. One of these minors was Delara, who was accused of murder at 17 years old and who always maintained her innocence. She was taken from her home six years later, without the knowledge of her family or lawyers, and executed.

'They are about to kill me' were the only words she managed to say on the telephone to her mother before being taken away.

Amiry-Moghaddam reported that, officially, the executions comprised 140 people sentenced to death for drug trafficking, 56 for murder, 31 for being 'moharebeh' (an enemy of god), and 2 for indecent acts.

Amongst those executed were people presumed innocent (like Behnoud, sentenced for a crime that he maintained he did not commit and whose execution was delayed five times) and dissidents (Kouhyar, 26, a student at Tehran Polytechnic who was expelled by the University, arrested and hanged for writing against the regime and the death penalty on Facebook).

'Arbitrary executions are used to cause terror,' Amiry-Moghaddam said.

The peak in executions is almost as high as June last year during the Iranian elections (50 executions in May and 94 in July, 50 of them in Tehran alone). Moreover, despite a government ordinance on January 31, 2008, which essentially banned public hangings, last year nine were hanged in public.

When a group of dissidents managed to free two people sentenced to death on December 22, they were quickly recaptured by the police and hanged in jail.

IRAQ: EUROPEAN ALLIES CALL FOR HALT TO DEATH PENALTY

Britain, France and Italy called on Iraq to halt use of the death penalty, expressing concern at a growth in the number of executions in the past two years, Agence

France Presse reported Feb. 18.

However, Iraq told the UN Human Rights Council that it had not been in a position to abolish capital punishment "because of the severity and intensity of terrorist crimes" and their huge civilian toll.

"Because of the extraordinary circumstances we are facing... we have maintained the penalty as a means of deterrence," while victims and their relatives needed a sense of justice, explained Iraq's Minister for Human Rights, Wijdan Salim.

Some 122 executions were carried out over the past five years out of 925 death sentences passed by criminal courts, according to Iraqi authorities.

France told the UN council that 79 people were hanged last year alone.

French ambassador Jean-Baptiste Mattei called on Iraq to commit to "the path of abolition of capital punishment" by swiftly approving "a moratorium and commuting death sentences already handed down."

Britain and Italy also called for a moratorium.

"We remain concerned that Iraq maintains the death penalty and the number of executions has increased in the last two years," said British ambassador Peter Gooderham.

Salim told the council that the Iraqi government was striving to reduce the number of executions "to the minimum," while "respecting the rights of victims" and their families.

Iraq was facing a four yearly review of its human rights record in the council, a process applied to all UN member states.

LEBANESE SENTENCED TO DEATH FOR SPYING FOR ISRAEL

A retired member of Lebanon's Internal Security Forces was sentenced to death for having spied for Israel and for his involvement in the murder of two Palestinian militant leaders, AFP reported Feb. 18

Mahmoud Qassem Rafeh, 63, was convicted of "collaboration and espionage on behalf of the Israeli enemy," according to the verdict handed down by a military tribunal.

He was also convicted of involvement in the 2006 car bomb murder in the southern coastal town of Sidon of brothers Mahmoud and Nidal Mazjoub, members of the Islamic Jihad group.

A second defendant, Hussein Sleiman Khattab, was convicted in absentia.

Under Lebanese law, they have the right to appeal. At the same time, any death sentenced must be signed both by the country's prime minister and its president to be carried out.

Rafeh was arrested in 2006 and confessed last year to having collaborated with Israeli intelligence agents from 1993.

Lebanon and Israel remain in a state of war, and convicted spies face life in prison with hard labour or the death penalty if found guilty of contributing to Lebanese loss of life.

SAUDI ARABIA: MAN BEHEADED FOR MURDER

A Saudi man convicted of murder was beheaded by the sword in the eastern province of Dammam, the interior ministry announced, AFP reported Feb. 22.

Fayhan al-Sabi was sentenced to death for gunning down a fellow Saudi, Samhan al-Sabi, the ministry said in a statement carried by the official SPA news agency.

It was the seventh execution announced in the conservative Muslim kingdom so far in 2010.

UNITED ARAB EMIRATES: FIVE FACE FIRING SQUAD IN RAK FOR DRUG TRAFFICKING

In Ras Al Khaimah, United Arab Emirates, the Criminal Court sentenced five people to death for drug possession and trafficking

through the Oman-Ras Al Khaimah border. Judge Bilal Abul Baqi sentenced an Omani and four Pakistanis after they confessed. They will be executed by firing squad, GulfNews.com reported Feb. 10.

A senior court official said this was the first time the RAK Court had sentenced five people to death on drug charges in a single hearing. He added the suspects will have an automatic appeal against the court ruling, but if rejected, the execution will be carried out.

SUDAN RELEASES 50 DARFUR REBELS

Sudan released 50 Darfur rebels who had been sentenced to death, under a new truce agreement between the government and the Justice and Equality Movement, the country's most powerful rebel group. Justice Minister Abdel-Basset Sabdarat told reporters that President Omar al-Bashir ordered the prisoners freed, ajc.com reported Feb. 24.

The leader of the most powerful rebel group promised that it, too, would release government soldiers it holds.

The rebels had been imprisoned for their part in an attack on the Sudanese capital in 2008 that killed more than 200 people and caused heavy damage to public properties.

News from International NGOs – February 2010

Sixth International Conference of the European Forum for Restorative Justice

The 6th International Conference of the European Forum for Restorative Justice will take place from 17-19 June 2010 in Bilbao, Spain. The conference marks the 10th anniversary of the Forum and so is an opportunity to look back at restorative justice practices developed so far and to look forward to new practices, possibilities and opportunities.

The conference will cover three main themes:

- The work of the practitioners - Restorative justice in different countries
- Cooperation with legal practitioners - A way to increase the involvement of judges, prosecutors and police
- Conferencing - A way forward for restorative justice in Europe

More information and the full programme of the conference can be found at www.euforumrj.org/Activities/conferences.htm

Towards a Universal Moratorium on the Use of the Death Penalty

The World Coalition Against the Death Penalty, of which Penal Reform International is a member, has produced a detailed report on the strategies, arguments and perspectives for a universal moratorium on the use of the death penalty. The report emphasises the important and necessary role which a moratorium can play in advancing universal abolition.

This report was released just before the 4th World Congress Against the Death Penalty in Geneva (24-26 February 2010). The 4th World Congress, organised by ECPM in partnership with the World Coalition, will assemble abolitionists from around the world and give them the opportunity to canvass ideas and strategies for eliminating the death penalty. It will largely deal with the moratorium issue as a step towards total abolition.

In 2007 and 2008, the UN General Assembly adopted two historic resolutions calling for a moratorium on the death penalty. In this report the World Coalition Against the Death Penalty encourages all UN Member States to support the next resolution on a moratorium which will be examined by the UN General Assembly in December 2010.

One of the countries covered in the report is the USA. In 1972 the Supreme Court (in

Furman vs Georgia) ordered a moratorium pending a revision of capital punishment legislation. This moratorium lasted 4 years, leading to the death penalty being abolished in many US states. Although 35 states currently apply the death penalty more and more call for its abolition and moratorium. Currently there are 5 abolition bills and 2 moratorium bills in progress in Alabama and Missouri. In addition, various other states presented abolition bills in 2009: Nebraska, Colorado, Montana, New Hampshire, Maryland, Washington, and Kansas.

On 10 October 2010, the World Coalition Against the Death Penalty will dedicate the World Day Against the Death Penalty to the USA.

At present 58 countries still apply the death penalty and 25 of them execute prisoners every year. Nevertheless, there is a clear and indisputable trend towards abolition. In recent history 104 countries have abolished the death penalty and currently 35 countries have a moratorium on executions.

The countries covered in the report are: Algeria, Belarus, Benin, Burkina Faso, Ghana, India, Jordan, Kazakhstan, Lebanon, Liberia, Madagascar, Morocco, Nigeria, Russia, South Korea, Togo and the USA.

Towards a Universal Moratorium on the Use of the Death Penalty
<http://www.penalreform.org/edith/wcadp-moratoriumreport2010-en.pdf>

CRC Recommendations Relating to Juvenile Justice Reform

The Interagency Panel on Juvenile Justice (IPJJ) Secretariat has prepared a compilation entitled "Extracts from the Committee on the Rights of the Child Concluding Observations, 53rd Session: Recommendations relating to Juvenile Justice".

The compilation provides extracts of the recommendations on matters of relevance to juvenile justice reform, including: the right to

life and survival; torture or other cruel, inhuman or degrading treatment; corporal punishment, abuse and neglect; administration of juvenile justice and justice in matters involving child victims and witnesses of crime. The compilation also includes specific recommendations under the two Optional Protocols relating to the protection of children by the justice system, rehabilitation and social reintegration.

The following State parties were reviewed by the Committee during this session: Burkina Faso, Cameroon, Ecuador, El Salvador, Norway, Mongolia, Paraguay and Tajikistan.

OPSC: Ecuador, El Salvador, Estonia, Mongolia, Sierra Leone

OPAC: Ecuador, Israel, Liechtenstein, Mongolia, Sierra Leone

The Committee made recommendations that the following State parties seek technical advice and assistance from the Panel: Burkina Faso, Cameroon, Ecuador, Mongolia, Paraguay and Tajikistan.

Extracts from the Committee on the Rights of the Child Concluding Observations, 53rd Session: Recommendations relating to Juvenile Justice

http://www.penalreform.org/edith/IPJJ_CRCCompilation53_Feb2010.pdf

International Conference on Preventing Torture in Kazakhstan

PRI hosted an international conference together with the Ministry of Justice of the Republic of Kazakhstan, the OSCE centre in Astana, and the British Foreign and Commonwealth Office. The event was held in Astana, Kazakhstan on 15-16 February 2010. It marked the end of PRI's project on torture prevention. The conference focused on how the government of Kazakhstan can safeguard its citizens from ill-treatment in prisons and other places of detention.

In 2008 Kazakhstan ratified the Optional Protocol to the UN Convention against Torture (OPCAT), an international treaty designed to prevent people being subjected to torture and other cruel, inhuman or

degrading treatment or punishment. Within a year of ratifying the protocol the Kazakh government were obliged to set up a national preventive mechanism (NPM) – a structure which would ensure that people deprived of their liberty are regularly visited and monitored. The government did not however set up an NPM within the specified time.

PRI has been working in Kazakhstan with the Ministry of Justice, civil society organisations, and NGOs to ensure that an NPM is put in place which meets international standards. This work forms part of PRI's global work on torture prevention.

The conference was attended by amongst others, members of the UN Subcommittee on Prevention of Torture, and will share information on legislative provisions for establishing an NPM in Kazakhstan, international standards on NPMs as well as international experiences of implementing OPCAT.

PRI hopes that the conference will support the government in its efforts to prevent the practice of torture and other cruel, inhuman or degrading treatment or punishment in places of detention. PRI urges the government of Kazakhstan to demonstrate its commitment to torture prevention by meeting its obligations under OPCAT and establishing an effective NPM during 2010.

Recommendations for Egypt's Juvenile Justice System

PRI and the Egyptian Foundation for the Advancement of Childhood organised a juvenile justice conference on 10 January 2010. At the conference in Cairo, Egypt's juvenile justice system was reviewed and recommendations were put forward by participants for its improvement.

National organisations, specialists, government bodies, and international organisations had the opportunity to share their own experiences of dealing with children in conflict with the law.

Conference participants commented on the

positive developments taking place within the juvenile justice system in Egypt and talked about the willingness of the authorities to develop the system in accordance with relevant international standards.

A set of measures to improve the juvenile justice system in Egypt was recommended.

World is 'Winning' Battle against Death Penalty Despite Setbacks

Claudio Cordone said the death penalty was one of the 'embarrassments of human history'

25 February 2010

Amnesty International's interim Secretary General has hailed recent global efforts to end the death penalty but warned that more needs to be done to achieve the goal of full abolition. Claudio Cordone told delegates at an anti-death penalty summit in Geneva that campaigners were "winning" the fight against capital punishment.

"The day is coming when we can see an end to the death penalty worldwide. We must push on to consign the death penalty to join apartheid, slavery and torture as embarrassments to human history," Cordone told members of the 4th World Coalition Against the Death Penalty.

In 2009, for the first time in modern history, the whole of Europe was execution-free. Burundi and Togo became the 94th and 95th countries worldwide to entirely remove state killings from their law, while several other nations reduced - or stopped - executions.

Among them was Pakistan, which carried out no executions in 2009 compared to at least 36 killings the year before. Other countries who did not execute in 2009 include Indonesia, India, Mongolia, Algeria, Bahrain, Morocco, Tunisia, Lebanon and Jordan.

However, the progress was tempered by the use of executions for political purposes in Iran. China and Saudi Arabia also continued to carry out frequent executions, while Saudi Arabia and Iran continued to execute child offenders.

"We don't know exactly how many thousands of people are being executed in China, it's still a shameful state secret," said Cordone. "while in the USA we still see grotesque incidents such as the botched execution of a man who after two hours of failed attempts to kill him obtained a reprieve, now awaits a new date for his death.

"Those countries which persist in pursuing such an obscene punishment are steadily isolating themselves from the international community, becoming a hard core that we need to challenge with increased assertiveness," said Cordone, welcoming the cooperation between civil society, governments and intern-governmental organizations in the fight to rid the world of the death penalty.

South Korea Death Penalty Abolition Set Back By Constitutional Court Ruling

President Kim Dae-jung and other former inmates talk about life on death row in South Korea

25 February 2010

Amnesty International said it was deeply disappointed by the South Korean Constitutional Court's decision to uphold the death penalty 25 February. In a five to four ruling, the Constitutional Court stated that capital punishment did not violate "human dignity and worth" protected in the Constitution.

"This is a major setback for South Korea and runs counter to the current abolitionist trend in the country, which has not executed in over a decade," said Roseann Rife, Asia-Pacific Deputy Programme Director at Amnesty International.

Amnesty International considers South Korea to be abolitionist in practice, as it has not carried out any executions since

President Kim Dae-jung took office in February 1998. President Kim himself had previously been sentenced to death in 1980. However, death sentences are still handed down with currently 57 people remaining on death row.

Increasingly countries are moving away from using the death penalty as the ultimate punishment. More than 70 per cent of countries have a moratorium on executions or have abolished capital punishment.

"Despite this ruling, we call on the South Korean government to retain the country's abolitionist position and urge them to fully abolish this practice in the law. Any move backwards on this issue is extremely damaging to South Korea's international reputation. An economic leader, the country also should lead by example by fully respecting every individual's right to life," said Roseann Rife.

Amnesty International opposes the death penalty in all cases, as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. The death penalty is irrevocable, and there is always the risk that an innocent person will be executed.

Furthermore, the death penalty is inherently arbitrary and discriminates against those who are poor, marginalized or belong to minority communities.

The Constitutional Court of Korea was established in September 1988 and its functions include deciding on the constitutionality of laws, ruling on competence disputes between governmental entities, adjudicating constitutional complaints filed by individuals, giving final decisions on impeachments, and making judgments on dissolution of political parties.

Chronic Pain and Torture

By Joseph Amon, Health and Human Rights director

Published in: The Huffington Post
February 23, 2010

Human Rights Watch researchers have interviewed thousands of victims of torture. But it may come as a surprise for a lot of people that our interviews with people experiencing severe, chronic pain are very similar to those who have been tortured.

Severe pain undermines quality of life. Pain is known to affect sleep, appetite and social interaction, and to cause anxiety. A World Health Organization study found that people who live with pain are four times as likely as others to suffer from depression.

Like torture victims, patients in severe pain told us that all they had wanted was for the pain to stop. Many torture victims do or say anything they think might stop the torture. Patients with untreated pain told us that they had contemplated suicide, told friends and relatives that they wanted to die, and prayed for death.

A Human Rights Watch report on access to pain treatment includes an advertisement from a Colombian newspaper that read: "Cancer is killing us. Pain is killing me because for several days I have been unable to find injectable morphine in any place. Please Mr. Secretary of Health, do not make us suffer any more."

As this advertisement attests, this suffering that so many endure is treatable, and treating it is also almost entirely in the hands of governments. Morphine is a restricted drug, and governments must estimate the amount they need and request it from the International Narcotics Control Board - the UN agency assigned the task of controlling licit opiod production and distribution.

In a recently published article in BMC Medicine, "Access to Pain Treatment as a Human Right," three researchers from Human Rights Watch discuss barriers to effective pain treatment. These include problems with procurement and distribution systems for pain medications, the need for adequate government policies to address the issue, poor instruction for healthcare workers, complex drug control regulations, fear of legal penalties among healthcare professionals, and the cost

of medications.

But what is really shocking in the article is the estimates some countries give for their annual morphine needs.

Burkina Faso estimates that 8 people need morphine per year. Gabon estimates 14. The Gambia, 31. Those lucky few.

Even when the estimates are larger, they still represent a shockingly small percentage of those in pain.

Kenya, for example, estimates that close to 5,000 people will need morphine. But that represents only 4 percent of the 115,000 people expected to experience severe pain from cancer or HIV/AIDS. The calculations don't even consider those who experience acute pain or chronic pain from other causes.

The Human Rights Watch report, "Unbearable Pain: India's Obligation to Ensure Palliative Care," took an in-depth look at palliative care and access to pain medicines in India. The report found that even though more than 70 percent of patients in India's major cancer care hospitals were incurable and likely to require pain treatment, the hospitals did not provide patients with morphine. Some simply did not have morphine, and some had doctors and nurses who were not trained to prescribe it. India has invested in advanced cancer treatment centers providing state-of-the art treatment. But for the large majority of cancer patients who arrive for diagnosis late and seek only medicine to address their pain, cheap, effective morphine, produced in India, is not available.

More needs to be done to help the tens of millions of people worldwide experiencing untreated severe pain. I wish I could say that the solution was simple. In one sense it is: morphine is cheap and it is effective. In another it is not: political commitment is needed to help those suffering, and to overcome the regulatory barriers and lack of training of health providers worldwide.

One patient told us: "I just kept crying...with that pain you think death is the only solution." We need to ensure that better solutions are available.

مؤتمر حقوقي عالمي: أفريقيا لم تعرف الإعدام حتى أحضره الإستعمار بقلم غوستافو كابديفيل/وكالة انتر بريس سيرفس

فبراير، جنيف (أي بي إس) - أكد خبراء مشاركون في مؤتمر دولي في جنيف أن عقوبة الإعدام لم تكن موجودة في أفريقيا حتى أحضرها المستعمرون الأوروبيون عبر تطبيق دساتيرهم وقوانينهم وعاداتهم فيها.

وأفاد ماريو ماراثيني المتحدث بإسم جماعة "سان إيجديو" في روما، وهي الهيئة الناشطة في الترويج لعلاقات دولية مبنية على احترام حقوق الإنسان، أفاد وكالة انتر بريس سيرفس أن أفريقيا هي القارة التي تشهد أسرع تغيير في مجال إلغاء عقوبة الإعدام.

ويذكر أن نحو 1000 خبيراً وناشطاً في حملة إلغاء عقوبة الإعدام الدولية، ركزوا في "المؤتمر العالمي ضد عقوبة الإعدام" في جنيف الذي إختتم أعماله في 26 فبراير، على تأسيس شبكة عالمية لدعم الهيئات المحلية الناشطة من أجل تحقيق هذه الغاية في الدول التي لم تلغها بعد.

وأشارت منظمة العفو الدولية الحقوقية العالمية أن ثلث بلدان العالم مازالت تطبق عقوبة الإعدام، وهي العقوبة التي حصدت حياة 1,290 شخصاً في 2008 وحده رغم التقدم المحرز على طريق إلغائها.

وشرح الخبير الإيطالي ماريو ماراثيني أن التغيير الحقيقي في تاريخ عقوبة الإعدام جاء في آخر 30 عاماً. فحتى عقد السبعينات، كان عدد الدول التي ألغتها من أنظمتها القضائية أو من ممارساتها يقتصر على 23 دولة، ليبلغ الآن 141 دولة من أصل 192 وفقاً لتقرير للأمم المتحدة، أو 139 حسب بيانات منظمة العفو الدولية.

وأضاف لوكالة انتر بريس سيرفس أن ثمة بلدان ألغت هذه العقوبة في الواقع ولكن دون حذفها رسمياً من قوانينها، وأن منظمات حقوقية تورد معلومات عن حالات إعدام في بعض الدول، لم تعلن سلطاتها عنها.

وعن الإستراتيجية المشتركة المقترحة في المؤتمر لطرح مشروع قرار يقضي بوقف العمل بعقوبة الإعدام في العالم كله، على الدورة المقبلة للجمعية العامة للأمم المتحدة، قال أنها ينبغي أن تكون عالمية بالفعل وبمشاركة كافة الدول وليس فقط الأوروبية مثلاً.

ويذكر أن رئيس الوزراء الأسباني خوسيه لويس ثاباتيرو الذي تتولى بلاده حالياً رئاسة الإتحاد الأوروبي بالتناوب، قد أعلن في إفتتاح المؤتمر العالمي في 24 الجاري أن حكومته تعمل على تأسيس "الجنة دولية ضد عقوبة الإعدام" تهدف لوقف تنفيذها، تمهيداً لإلغائها تماماً بحلول عام 2015.

هذا وتصدرت الصين قائمة الدول التي نفذت أحكام الإعدام في سنة 2008، بمجموع 1718 حكماً، تلتها إيران (346)، المملكة السعودية (102)، الولايات المتحدة (37)، باكستان (36)، العراق (34)، فيتنام (19)، أفغانستان (17)، وكوريا المالية واليابان بإجمالي 5 أحكام إعدام كل منها.

ويشار إلي أن الولايات المتحدة قد شهدت بعض التغيير، كإقتصار ولاية تكساس، المعروفة بتشددها في فرض عقوبة الإعدام، على إصدار 8 أحكام فقط في عام 2008 مقابل 48 حكماً سنوياً في المتوسط. كما ألغت ولايتا نيو جيرزي ونيومكسيكو هذه العقوبة في السنوات الأخيرة.

هذا التوجه نحو التغيير لوحظ في الصين أيضاً حيث جردت محكمة العدل العليا المحاكم المحلية من صلاحية إصدار أحكام الإعدام، وعممت توجيهات للمحاكم بالحكم بالإعدام فقط في حالات جرائم وحشية أو ضد الدولة.

وأكد الخبير الإيطالي ماراثيني لوكالة انتر بريس سيرفس أن ثمة مؤشرات متنامية على التوجه نحو إلغاء هذه العقوبة في مختلف أنحاء العالم، وإستدل بمنغوليا التي ألغتها في يناير، وكذلك أوزبكستان، ورواندي، رواندا، وكمبوديا، علماً بأن الدول الثلاث الأخيرة كانت مسرحاً لأكبر عمليات الإبادة البشرية في التاريخ الحديث.

وإختتم أن كل هذه هي مؤشرات إيجابية في مواجهة الدول التي مازالت تنفذ أحكام الإعدام بحجة إنتشار العنف فيها. (أي بي إس / 2010)



Read the latest information about worldwide
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