

Crime and Justice

Death Penalty and the Right to Life

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



May 2010

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 Mohammed Omer

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Fatah Men Face Imminent Execution in Gaza

By Mel Frykberg

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Death Penalty Lingers in Former Soviet Republics

By Kester Kenn Klomegah

MOSCOW - The executions of two Belarus citizens in March and calls by Russian senators to reintroduce capital punishment for terrorists are being seen as indications that the death penalty is not about to fade out soon in the former Soviet republics.

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Israel Gags News on Extra-Judicial Killings

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"Roumieh Prison Breeds Criminality Not Reform"

By Mona Alami

BEIRUT - Lebanon's notorious Roumieh prison, the scene of a stand-off between inmates and security personnel this month, is no stranger to rioting, escapes, corruption and abuse.

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MIDEAST

Hunger Strike by Palestinian Prisoners Cuts No Ice

By Mohammed Omer

GENEVA, Apr 24, 2010 (IPS) - Raed Abu Hammad, 27, was allegedly kicked to death by Israeli prison wardens on Apr. 16. This while Palestinian prisoners in Israeli jails have been on hunger strike since Apr. 7 to press for better treatment.

Palestinian minister for prisoner affairs in the United States-backed government in the West Bank, Issa Qaraqi, said at a press conference on Thursday that an Israeli autopsy showed that Hammad had been kicked hard in the lower back.

Qaraqi based his statement on a report he had received from a Palestinian doctor who was present at the autopsy.

However, spokesman for the Israel Prisons Service, Yaron Zamir, maintains that results from the autopsy were still awaited. "The claims made in relation to the prisoner dying after having been beaten are unfounded, untrue and misleading," Zamir said in a statement.

Qaraqi, who spoke with IPS over telephone, said that his ministry would be making a formal complaint in the Israeli courts asking for an immediate, in-depth investigation into the cause of Hammad's death.

Apr. 17, the day after Abu Hammad was fatally kicked, is observed in the Palestinian Occupied Territories as 'The Day of Palestinian Prisoners'.

The estimated total number of Palestinian prisoners in Israeli jails, detention centres is



7,500. Among these are, 330 children under the age of 18 years, 37 female prisoners and 15 members of the democratically elected legislative council and ministries.

The prisoners are distributed in more than 18 prisons and detention centres across Israel and the West Bank, the biggest are the Negev Desert Prison and Ofer Prison, or what was formerly Incarceration Facility 385, close to the Palestinian city of Ramallah.

Qaraqi said punishment measures meted out to Palestinian prisoners include solitary confinement, denial of visits by family members and limiting access to prison canteen food rations.

Israel also imposes a punishment of 100 US dollars to be collected for each prisoner on hunger strike or does not comply with prison regulations, according to minister Qaraqi.

It is to protest against these conditions that Palestinian prisoners have been on hunger strike since Apr. 7 in what they call the 'Empty Intestines Battle. Exactly how many prisoners are participating in the hunger strike is unknown.

Demands include medical care for the "most seriously diseased prisoners", an end to mistreatment of families during visits that includes forcing them to take off their clothes for strip searches.

A statement by the National Senior Committee for Supporting Detainees (NSCSD), that has been functional since the beginning of this year, mentions the increasing number of administrative detainees in Israeli jails.

According to Riad Al Ashqar, press officer with the NSCSD, the number of administrative detainees now stands at 290 prisoners, an issue which he considers a "humanitarian crime" since they are mostly being held without charges.

He mentioned a number of documented cases, including that of former minister of prisoners Wasfi Qabha from the former Palestinian National Government, whose prison sentence was extended six times. Qabha was, however, released this week and a huge reception was accorded him by his family and friends at the Al Dahireah checkpoint close to Hebron.

"Administrative detention is a model of psychological torture, where prisoners never know when he/she will be released, but instead are subjected to extended detention anytime," Al Ashqar said.

Al Ashqar also spoke of reports which lack information on the actual charges against these prisoners, but document violations of prisoners' rights.

As of Palestinian Prisoners Day some 20 percent of Palestinian prisoners were in need of medical treatment or psychological support. The reports

said 16 prisoners have cancer, 88 are diabetics needing stabilisation, 25 have kidney failure and 23 have disabilities.

Hammad was physically fit although he had been "kept in solitary confinement for more than a year for breaking a TV monitor in the prison accidentally," his mother said. (END)

MIDEAST

Hamas to Carry Out More Executions

By Mel Frykberg

GAZA CITY, Apr 20, 2010 (IPS) - The Hamas authorities in Gaza have vowed to carry out more executions of those on death row despite intense international criticism and condemnation from both Israeli and Palestinian human rights groups.

During the last few days, the Islamic movement has faced a barrage of denunciation following the execution of two Gazan men last Thursday, by firing squad, for alleged acts of treason.

Gaza military courts had accused Muhammad As Sebea, 36, from Rafah in southern Gaza, and Nasser Abu Frej, 34, from northern Gaza, of providing Israel with sensitive security information during the December 2008-January 2009 war.

The two, whose bullet-riddled bodies were delivered to As Shifa Hospital in Gaza City following the execution, were also accused of being responsible for the death of several Gazan resistance fighters due to the information they supposedly provided Israel.

Despite the intense pressure de facto interior minister Fathi Hammad said on Monday that his government "would not hesitate" to implement more death penalties against other collaborators.

"The Hamas government will continue enforcing capital punishment in the coastal enclave against those who have caused harm to national interests and who were the cause of the death of many Palestinians," added Hammad.

Sixteen men are currently on death row in Gaza having been sentenced to death in 2009 and the first few months of this year. Eight of them are accused of treason.

Civil courts in Gaza apply the death penalty under the 1936 Penal Law No. 74, dating from the British mandate.

In the West Bank, the PA's civil courts impose capital punishment under the 1960 Jordanian Penal Law No. 16, which dates from Jordan's occupation of the West Bank.

Military court death sentences are applied under the Palestine Liberation Organisation (PLO) Revolutionary Penal Code of 1979. However, the code remains vague in regard to some of the situations in which it can be applied.

Penal code article 165 applies to capital punishment for any crime that "incites people" and "harms the reputation or prestige of the Palestinian revolution."

Furthermore, the Palestinian Legislative Council (PLC) has not ratified the code and therefore it remains unconstitutional even under Palestinian law.



The PLC remains frozen and politically divided between Hamas and Fatah following the civil war which broke out between the two main Palestinian political factions in Gaza in June 2007 when Hamas ousted Fatah from the coastal territory.

Human rights groups remained unimpressed by Hammad's statements. "In addition to objection in principle to the death penalty, Thursday's executions were based on trials that did not meet even minimal standards of due process," says Israeli rights group B'tselem, a firm defender of Palestinian rights.

Bill van Esveld from Human Rights Watch (HRW), which has monitored the death penalties being carried out in both the West Bank and Gaza, concurs.

"We are concerned about the lack of transparency, due process and impartiality. We see Fatah members being sentenced to death in Hamas courts," van Esveld told IPS.

"However, we haven't seen Hamas members who we have documented being involved in similar crimes being sentenced to death in Gaza. Part of an emerging pattern involved the lawyer

of one of the accused telling us his client was forced to confess," van Esveld said.

"This was backed up by the court which used this confession as part of its evidence against the individual despite the circumstances under which it was obtained.

"What is also problematic is the number of condemned civilians who should not have been tried in a military court in the first place," said van Esveld.

"Any death penalty has to be ratified by the Palestinian President Mahmoud Abbas," says Shawan Jabarin from Palestinian human rights organisation Al Haq

"Therefore all those Gaza sentences were carried out illegally," Jabarin told IPS.

However, in an interview with IPS in his Gaza office Hamas Deputy Foreign Minister Ahmed Yousef Yousef countered that Abbas' term officially ended in January 2009 when new presidential and legislative elections were meant to be held.

"Furthermore, the current Palestinian Authority (PA) government was installed in 2007 as an emergency government which under Palestinian law is legal for only a month. It was not elected into power," Yousef told IPS.

Yousef, also rejected the accusations that the men had been coerced into confessions.

"I reject those accusations completely. If there were any abuses perpetrated against the accused, I am not aware of these," Yousef told IPS. "There are those with vested political interests who are making these accusations.

Those men were given a fair trial."

Hamas has accused its arch-foe and Fatah leader Muhammad Dahlan, who is widely believed to be a stooge of the Central Intelligence Agency of the United States and the Israelis and a key figure behind an attempted Gaza coup, which Hamas preempted in June 2007, of being behind the false rumours.

During Israel's blistering military assault on the Gaza Strip last rumours were circulating in numerous media sources that Dahlan, and other member of the PA, had actually egged the Israelis on in their attack as well as provided logistical information.

Two of Dahlan's employees in Dubai are also alleged to have been involved in the January assassination of Hamas military leader Mahmoud Al Mabhohu supposedly carried out by Mossad. (END)

MIDEAST

Custodial Death Marred Palestinian Prisoners Day By Mel Frykberg

BEIT UMMAR, Occupied West Bank, Apr 19, 2010 (IPS) - A young Palestinian man died in Israeli custody as hundreds of Palestinians took to the streets of villages and towns across the West Bank and Gaza to commemorate Palestinian Prisoners Day on Friday, Apr. 16.

Raed Abu Hammad, 31, was found dead in his prison cell late on Friday after spending the last 18 months in solitary confinement.

The Hamas member was sentenced to 10 years in jail in 2005 for attempted political assassinations.

His lawyer Tareq Barghouti told the media that Hammad was on medication and psychologically ill.

The exact cause of his death is still being investigated after the Israeli authorities announced an autopsy was being carried out.

However, rights groups and fellow Palestinian prisoners, both current and former, have accused the Israeli Prison Services of maltreatment and neglect.

"Hammad is the 198th Palestinian prisoner to die in Israeli custody since 1967 when Israel occupied the West Bank and Gaza," said Shawan Jabarin from the Palestinian human rights organisation Al Haq in Ramallah.

"Many of the deaths have been from natural causes. However, Israel has carried out a deliberate policy of maltreatment and neglect by denying appropriate medical treatment to ill Palestinians. This has aggravated their physical condition and hastened unnecessary deaths,"



Jabarin told IPS.

"Several prisoners died from force feeding when they embarked on a hunger strike. Tubes were forced through their noses which subsequently caused damage to their livers.

"Furthermore, approximately 20 Palestinians have died during Israeli interrogation from beatings and torture since the outbreak of the first Palestinian Intifada in December 1987," explained Jabarin.

Israeli human rights organisations forced the domestic intelligence agency, the Shin Bet or General Security Services, to change its methods of interrogation after taking the torture of Palestinian prisoners to Israeli courts.

There are now limits to the amount of physical abuse Israeli interrogators can apply to Palestinian prisoners during interrogation.

Palestinian prisoners and their families also accuse the Israelis of forcing the prisoners to endure unhygienic conditions, sub-standard food, beatings and the denial of family visits.

There are currently approximately 10,000 Palestinian prisoners in Israeli custody. Hundreds are being held in administrative detention or without trial.

Meanwhile, the Israeli Defence Forces (IDF) sealed off the village of Beit Ummar in the southern West Bank, north of Hebron, where a prisoner commemoration ceremony was taking place.

Several photographers working with IPS took photos of Israeli soldiers using a young boy as a human shield despite being shot at by the

soldiers.

IPS managed to enter the village prior to the exits and entrances being blocked by soldiers as clashes broke out between Palestinian youths and Israeli soldiers.

The confrontations broke out after military jeeps entered the agricultural village and attempted to break up the commemoration.

The village committee had laid out hundreds of chairs and organised music for the celebration when it was stormed by the IDF.

Youngsters in the village had spent months rehearsing and preparing for the event which included speeches, dances, plays and music.

"You've got five minutes to evacuate the area," barked the Israeli military commander to the organisers who tried to negotiate the peaceful withdrawal of the soldiers. "If you don't leave we will arrest you all. This is not open to negotiation."

"I tried to negotiate with the soldiers. I told them if they withdraw from the village we will control the youngsters. The place where the celebration was taking place is far from the main road and the settlements," Mousa Abu Maria, an activist leader from the village, told IPS.

But the youths remained defiant and sat down on the ground and refused to move. After the Israeli soldiers withdrew to the entrance of the village, the commemorations continued.

Military jeeps then returned and were met with a hail of stones. They responded with tear gas, rubber-coated metal bullets and some live ammunition.

Sabri Ibrahim Awad, 15, was left bruised and limping after he was used as a human shield by the Israeli soldiers as he rode his bike past them. He was not involved in the clashes.

He was grabbed by the scruff of the neck and marched in front of the soldiers as rocks showered down. He was then cuffed and arrested and thrown into the back of a jeep.

Several hours later a traumatised Awad was released.

Israel security forces have used Palestinians as human shields both in Gaza and the West Bank despite international law and Israeli courts ruling this illegal.

The Goldstone Report admonished the Israelis for endangering the lives of Palestinian youngsters during Israel's war on Gaza at the end of 2008, beginning of 2009.

While the Gazan youths faced live fire and Awad "only" faced rocks, Abu Maria said it represented a dangerous escalation in Israeli tactics.

"The soldiers have abused many youths in the village. But to take a completely innocent youngster and expose him to this danger is totally unacceptable," Abu Maria told IPS.

In another development, the IDF has placed the West Bank under a complete lock-down for several days as Israel celebrates its independence.

This is the third time since the beginning of March that Palestinians from the West Bank

have been sealed off from Jerusalem for days.
(END)

MIDEAST

Fatah Men Face Imminent

Execution in Gaza

By Mel Frykberg

RAMALLAH, Apr 6, 2010 (IPS) - Nine Palestinians - most of them affiliated to the Palestinian Authority (PA) Fatah movement - face imminent execution by hanging or firing squad in Gaza.

The Hamas authorities, who control Gaza, have accused nearly all the condemned men of "treason and collaborating with Israel". Another seven Palestinians have been sentenced to death in absentia.

Hamas-run military courts in Gaza sentenced 16 people to death in 2009 and 2010. Eight of these were convicted of treason. A Hamas civilian court sentenced one person to death during that period.

Hamas interior minister Fathi Hammad stated that the death penalty would be carried out in the near future against "agents of Israel who have been sentenced to death, regardless of the position of rights groups that reject these kind of sentences."

"The death penalty is inherently cruel and inhuman, and the death sentences handed down by Hamas military courts violate fair trial standards," said Human Rights Watch (HRW) which released a report on the imminent executions on Monday.

"The entire government and legal system in Gaza is illegal. Unfortunately there is nothing we can do about the situation as we are not in control of Gaza," PA spokesman Ghassan Khatib told IPS.

"Hamas' legal system is not to be trusted. The Hamas government has proven itself to be vengeful and vindictive in regard to Fatah members," Samir Awad from Birzeit University, near Ramallah, told IPS.

In Gaza and the West Bank, Palestinians can be sentenced to death for 42 separate offences despite international standards generally applying the death penalty for only the most serious crimes.

The Hamas authorities have also called for capital punishment to be meted out for certain offences related to drug dealing.

Civil courts in Gaza apply the death penalty under the 1936 Penal Law No. 74, dating from the British mandate. In the West Bank, the PA's civil courts impose capital punishment under the 1960 Jordanian Penal Law No. 16, which dates from Jordan's occupation of the West Bank.

Military court death sentences are applied under the Palestine Liberation Organisation Revolutionary Penal Code of 1979.

However, the code remains vague in regard to some of the situations in which it can be applied. Penal code article 165 applies capital punishment for any crime that "incites people" and "harms the reputation or prestige of the Palestinian revolution."

Furthermore, the Palestinian Legislative Council

(PLC) has not ratified the code and therefore it remains unconstitutional even under Palestinian law.

The PLC remains frozen and politically divided between Hamas and Fatah following the civil war which broke out between the two main Palestinian political factions in Gaza in June 2007 when Hamas ousted Fatah from the coastal territory.

According to Palestinian law, Mahmoud Abbas, the PA president, has to ratify the death sentences before they can be carried out.

Abbas' official term ended in January 2009 but he has remained in office after he postponed elections, citing the current political upheaval, until June 2010. Hamas counters that Abbas' rule is no longer constitutional and, therefore, he no longer has to be consulted for ratification.

The Islamic movement stated that it is in the process of establishing a committee of legal advisers and officials to ratify death sentences handed down in Gaza.

However, Hamas attorney-general, Muhammed Abed, last week called for Gaza's military courts' ruling against the men on death row to be implemented immediately.

What concerns human rights organisations is the politically motivated circumstances in which the death penalty is carried out in the Palestinian territories.

"We are concerned about the lack of transparency, due process and impartiality. We see Fatah members being sentenced to death in Hamas courts," Bill van Esveld from HRW told IPS. "However, we haven't seen Hamas

members we have documented being involved in similar crimes being sentenced to death in Gaza."

HRW documented 32 cases of masked gunmen said to be affiliated with Hamas executing alleged collaborators during Israel's military assault on Gaza from December 2008 to January 2009.

Of further concern is that convictions are based on confessions obtained under physical and mental duress and torture.

"Part of an emerging pattern involved the lawyer of one of the accused telling us his client was forced to confess.

"This was backed up by the court which used this confession as part of its evidence against the individual despite the circumstances under which it was obtained," explained van Esveld.

"What is also problematic is the number of condemned civilians who should not have been tried in a military court in the first place," van Esveld told IPS.

The Palestinian Centre for Human Rights in Gaza has also stated that those who are on death row have not been given sufficient time to mount an effective defence and many have been denied access to lawyers.

Despite the UN General Assembly calling for a worldwide moratorium on the use of capital punishment in December 2007 there appears to be no sign of political will in either the West Bank or Gaza to ban the practice.

"No death penalties have been carried out in Gaza since 2005. It's not necessary to carry

them out now. This would only be taking a step backwards," says van Esveld. Meanwhile, the fate of the men in Gaza seems sealed unless a last minute reprieve is received.

"The PA could open backdoor channels with the Hamas authorities and negotiate for these sentences to be commuted via a quid pro quo exchange," Awad told IPS. However, Khatib told IPS that the Arab countries and regional authorities are in a stronger position to exert pressure on Hamas if the lives of the men are to be saved. (END)

RIGHTS

Death Penalty Lingers in Former Soviet Republics By Kester Kenn Klomegah

MOSCOW, Apr 5, 2010 (IPS) - The executions of two Belarus citizens in March and calls by Russian senators to reintroduce capital punishment for terrorists are being seen as indications that the death penalty is not about to fade out soon in the former Soviet republics.

Amnesty International (AI), the London-based human rights organisation, said in a report that no executions took place in Europe in 2009. Belarus remains the only nation to use the death penalty in the region with two executions last month.

Friederike Behr from AI's Europe and Central Asia Programme explained to IPS that the Russian constitutional court has clearly stated that the path towards full abolition was irreversible.

"Russia has committed itself to a number of international human rights treaties which simply do not allow the return of the death penalty. Politicians may pay lip service to those among the people of Russia who still believe that the death penalty helps to reduce crime rates," Behr said.

It would be appropriate, Behr said, for Russian politicians to remind those who still favour the death penalty in Russia of Andrei Sakharov's words: "savagery begets only savagery".

The executions of Andrei Zhuk and Vasily Yuzepchuk were shocking and disappointing. President Alexander Lukashenko chose not to exercise his right to grant clemency despite pressure from the Council of Europe and the general global trend to move away from the death penalty.

The UN Human Rights Committee was considering applications from the two men and had asked the Belarusian authorities not to execute the two men until they made a decision. But the authorities went ahead with the executions showing a lack of respect for human rights standards which Belarus has voluntarily signed up to by ratifying the International Covenant on Civil and Political Rights.

Behr said that the way the death penalty is carried out in Belarus violates international fair trial standards.

"Condemned prisoners have only one level of appeal after which they can apply for clemency to the president. Most death row prisoners are executed within a year. They are not informed of the date of execution and will only be told that their application for clemency has failed

minutes before they are taken into a separate room and shot," Behr said.

"Their families do not have the chance to see them for the last time and are kept in ignorance of the execution, sometimes for weeks or months," Behr added.

For the first time, AI and local human rights organisations had access to death row prisoners and their families and were able to organise worldwide campaigns on their behalf.

The campaigning had some impact and the prisoners' relatives reported that they were treated more humanely as a result. Unusually, Andrei Zhuk's mother was informed by prison guards of her son's fate within a week of the execution being carried out.

Many former Soviet satellites banned capital punishment in the 1980s and '90s. Russia and Ukraine have not executed anyone in more than a decade. Amnesty said Belarus, Kazakhstan, Uzbekistan and Tajikistan have executed about 130 people between them over the past 10 years.

Since 2006 Belarus has been the only European state to carry out death sentences.

Rait Kuuse, regional director of South Caucasus for Panel Reform International, told IPS in an email that all South Caucasus countries abolished the death penalty years ago. The death penalty was abolished in Georgia in 1997.

The upper house of the Russian parliament may propose amendments to the criminal law stipulating the death penalty for organisers of terrorist attacks resulting in multiple deaths, according to Anatoly Lyskov, chairman of the

Federation Council's Committee on Legal and Juridical Issues.

"This is our reaction to tragic events in Moscow," Lyskov said referring to the Mar. 29 metro blasts that resulted in the deaths of 39 commuters. .

His committee is working on a draft law which would introduce death penalty for terrorists. The current law provides for life imprisonment for terrorist acts leading to the death of a single individual.

The death penalty was de facto abolished in Russia in 1996. The country imposed the moratorium after it joined the Council of Europe that year and signed the European Convention on Human Rights, but it has not yet ratified the document.

The Russian parliamentarian said amendments to be worked out by the Federation Council's committee stipulated that people involved in terrorist attacks resulting in multiple loss of life could not be pardoned.

Lyskov said the committee would work out the amendments at the earliest possible date and send them to the government and the Supreme Court for approval. (END)

MIDEAST

Israel Gags News on Extra-Judicial Killings

By Mel Frykberg

RAMALLAH, Apr 2, 2010 (IPS) - An Israeli journalist remains under house arrest and

another lives abroad, after they broke news on Israeli undercover units carrying out assassinations or "targeted killings" of non-combatant Palestinian political opponents.

Anat Kam, 23, who used to work for the Israeli news site 'Walla', was arrested last December for allegedly copying secret Israeli Defence Force (IDF) documents during her compulsory military service.

These documents outlined how Israeli assassination squads would plan the killing of Palestinian political leaders and fighters months beforehand and then pass their deaths off as "mishaps" during "failed" attempts to arrest them.

Uri Blau, a reporter from the daily 'Haaretz', then wrote a piece on the copied documents and is refusing to return to Israel from Britain fearing that Israel's domestic intelligence agency, the Shin Bet, will arrest him if he does.

Due to a military gag order the news has remained suppressed even as Israeli journalists fight the suppression order in court.

The news was broken several days ago by Donald McIntyre from Britain's 'Independent'.

The controversy has highlighted Israel's extra-judicial killings which violate international law and have caused death and injury to thousands of Palestinian civilian bystanders despite the country having no death penalty.

Israel's judiciary has approved "targeted killings" but only of militants who were allegedly involved in carrying out or planning armed attacks against Israeli soldiers or civilians both within the Palestinian occupied territories and in

Israel proper.

The Palestinian Centre for Human Rights (PCHR) in Gaza says that during the period September 2000 to March 2008, 500 Palestinians suspected of being involved in military resistance to the Israeli occupation were executed.

However, the "collateral damage" during the assassinations included another 228 civilian bystanders - 77 of them children. Eleven Palestinians have been assassinated in the last two years.

"Israel is using disproportionate force. Civilians are paying the price. In the overwhelming majority of cases the targeted individuals could have been arrested and brought to trial without being killed. Many of them have been killed in cold blood," Jaber Wishah from PCHR told IPS.

"International law's right to life says that state authorities are obliged to follow due process when they are in a position to arrest individuals," says Michael Kerney from the Ramallah-based rights organisation Al Haq which researched and documented many of the killings.

"Everybody is entitled to a fair trial and no state can dismiss this," Kerney told IPS.

Some of those targeted have included individuals who were "pardoned" by the Israelis after having agreed to give up armed resistance to the occupation.

Last December three pardoned members of the Al Aqsa Martyrs' Brigades, a military offshoot of the Palestinian Authority (PA)-affiliated Fatah movement, were shot dead in Nablus in the northern West Bank following the death of an

Israeli settler.

According to their families and the subsequent investigations of human rights organisations they had already surrendered and were unarmed despite Israeli claims that they had refused to surrender.

"By failing to produce any evidence linking the targeted individuals to attacks allegedly committed by members of the Palestinian resistance, as well as failing to utilise peaceful means in order to arrest and detain suspects, the soldiers assumed the role of both judge and executioner," reported Al Haq.

Furthermore, unarmed Palestinians, who have not been involved either politically or militarily in resisting the occupation, also continue to die in what some have called deliberate premeditated murder.

Several weeks ago four Palestinian teenagers were shot dead amidst dubious circumstances in two separate incidents in the villages of Awarta and Iraq Burin near Nablus.

According to medical reports they were shot at close range with live ammunition after clashes between Palestinian youngsters and Israeli soldiers had broken out.

However, the individuals concerned had not been involved in the clashes according to several investigations carried out by Al Haq, PCHR and Israeli rights group B'tselem.

One was shot in the back and another had a bullet lodged in the back of his skull despite Israeli soldiers saying they had only used non-lethal ammunition.

The Israeli military police declared they would investigate the incidents following contradictory testimony given by the soldiers involved.

However, when IPS visited one of the sites a week later with family members, approximately 20 spent cartridge cases, bloodied gloves, a saline solution kit and other bits of evidence lay on the ground undisturbed.

None of this is new. Israel has a history of assassinating political opponents predating its official establishment.

In 1944, the Israeli terrorist group, the Stern gang, assassinated Britain's Lord Moyne, the military governor of Egypt, accusing him of interfering with Jewish migration to Palestine.

In 1948, Count Folke Bernadotte - a Swedish diplomat who had secured the release of 15,000 inmates from Nazi concentration camps while he was vice-president of the Swedish Red Cross - was also murdered by the Stern gang.

Stern gang members believed Bernadotte, as the U.N.'s Palestine mediator, to be too sympathetic to the Arabs. Yitzhak Shamir, later to become an Israeli prime minister, was one of the Stern gang's leaders.

"Since the outbreak of the second Intifada, Israel has increasingly avoided accountability for the serious violations of the human rights of residents of the West Bank and the Gaza Strip for which it is responsible," says B'tselem.

"This avoidance is seen, in part, in its policy not to open criminal investigations in cases of killing or wounding of Palestinians who were not taking part in the hostilities, except in exceptional cases, and in its enactment of

legislation denying, almost completely, the right of Palestinians who were harmed as a result of illegal acts by Israeli security forces to sue for compensation for the damages they suffered." (END)

LEBANON

'Roumieh Prison Breeds Criminality Not Reform' By Mona Alami

BEIRUT, Apr 1, 2010 (IPS) - Lebanon's notorious Roumieh prison, the scene of a stand-off between inmates and security personnel this month, is no stranger to rioting, escapes, corruption and abuse.

This month's rioting - staged by inmates from the Fatah al-Islam group that fought the Lebanese army in 2007- were apparently triggered by restrictions placed by wardens on visiting relatives.

"Another riot took place last October," says Hannah Nassif, general secretary of the non-government organisation (NGO) 'AJEM', which works with Lebanese prisoners.

Riots were also reported in the months of August and September 2009, while a Fatah al-Islam inmate escaped only to be caught after a 24-hour manhunt by the Lebanese army's special forces.

In April 2008, seven policemen were taken hostage by prisoners. They were released after nine hours of negotiations between high-ranking police officers and inmate representatives.

"This penitentiary, which was built in 1964, was initially envisioned as a model jail. With a capacity of 1,400, it holds today some 3,700 inmates," says Nassif, adding that poor living conditions in the prison are exacerbated by overcrowding.

Part of the problem, she says, is caused by the slowness of the Lebanese judicial system with delays in sentencing often resulting in prisoners serving more time in prison than their sentences warrant.

"Prisoners have access to very limited activities, which are mostly provided by various NGOs. Some cells host as many as 150 prisoners, where young first-timers are held with hardcore criminals," adds Nassif.

Within the prison walls, other factors also contribute to the deteriorating conditions, including acts of violence as well as drug smuggling and drug use. This is particularly hard on first-time offenders and may lead to their relapse into criminal activity rather than reformed behaviour said one observer.

Nassif estimates that during the period of July - October 2009, there was at least one violent incident reported every week. According to a security source, who spoke on condition of anonymity, prisoners are often found high on drugs and in a state of stupor.

"Drug use, weapons and mobile phone smuggling have been on the rise lately," he said. "Drug trafficking includes the sale of medication such as Rivotril (a sedative used to alleviate anxiety and to treat epilepsy), Tramal (a strong analgesic) and Benzhexol (an antispasmodic used for Parkinson's disease)."

The drugs are usually traded for cigarettes, and are often smuggled in by prison guards.

"Hashish and cocaine can also be found inside Roumieh, but are usually brought in by the families of the inmates," according to the source.

Hierarchy exists in the prison. Distinctions are made between the haves and have-nots, with many drug lords and wealthy criminals buying small luxuries from the security personnel. According to the source, the pittance paid to the prison guards, who are often there on a punishment posting, has facilitated rampant corruption.

Nassif said one problem is that guards may be related to prisoners or come from the same region.

Another concern is the division of the prison along political and sectarian lines. The growing number of Fatah al-Islam inmates - all members of the minority Sunni community - has strained the prison's already volatile atmosphere.

"When tensions in the country's overall political environment are on the rise, this affects the prison and we observe more brawls among inmates from different sects," said the source.

What is perceived by other prisoners as lenient treatment given to Fatah al-Islam prisoners may be enough to trigger clashes.

According to the source, some Fatah al-Islam members have their own water pump, and sell water to selected inmates. They enjoy liberal visiting hours, are allowed special diets and get visits from religious figures who are believed to be smuggling in phones and electronic

equipment.

Acts of violence are sometimes instigated by security personnel. "In 2007, in the wake of the Nahr el-Bared war, we saw guards encouraging other prisoners to beat a teenager who was accused of being a Fatah al-Islam member. The same thing happens when prisoners accused of collaborating with Israel are transferred to Roumieh," said the source. (END)

WORLD PRESS REVIEW APRIL 2010

TAIWAN: DEATH PENALTY RETURNS, 4 EXECUTED

April 30, 2010: Taiwan executed four people, the justice ministry said, in the island's first cases of capital punishment since 2005 when the



sentence became a sensitive political issue. The Ministry of Justice confirmed that four death row convicts, identified as Chang Chun-hung, Hung Chen-yao, Ko Shih-ming and Chang Wen-wei, were executed earlier in the day, two days after Justice Minister Tseng Yung-fu signed the warrants for the executions, the ministry said in a statement. The four had been convicted of "the most serious crimes", including murder and kidnapping, the justice ministry said. "The justice ministry gave death penalty orders to the four people on April 28 and the order was carried out on April 30," the one-line statement said.

Former Justice Minister Wang Ching-feng and Amnesty International have urged Taiwan President Ma Ying-jeou to scrap the death penalty.

Abolition of the law, which is widely supported, could hurt the government ahead of November local polls.

A further 40 inmates remain on death row,

the ministry said. About 500 inmates were executed between 1987 and 2005. (Sources: REUTERS, CNA, 30/04/2010)

UAE: TWO GET DEATH FOR MURDER COMMITTED AS MINORS

April 27, 2010: in Sharjah, United Arab Emirates, two men were sentenced to death for a murder they allegedly committed as 17-year-olds. According to Federal Supreme Court documents, the pair were tried as adults after a court ruled that their facial hair indicated they were mature enough to take responsibility for their crimes. WM, an Emirati, and AH, a Bangladeshi, and two others were convicted of killing a man with a knife on a Sharjah beach in November 2003. According to Shariah, a beard or moustache is regarded as evidence of maturity. The court ruled that because WM and AH were both old enough to shave their facial hair, they were criminally responsible for their actions.

The defendants claimed they did not intend to kill the man but rather to “discipline him and force him to divorce his wife”. (Sources: The National, 28/04/2010)

SOMALIA: AL-SHABAB MILITANTS EXECUTE MAN ON MURDER CHARGES, CUT OFF THIEF'S HAND



April 26, 2010: witnesses say militants from Somalia's al-Shabab Militia executed a man they convicted of murder and cut off the hands of an accused thief after injecting him

with anesthesia.

Hundreds of Mogadishu residents gathered to watch the firing squad execution, which was carried out by three masked men from the al-Shabab militia.

Resident Abdulle Lugey says the militants also chopped off the hand of a thief after two nurses injected him with anesthesia. Then a waiting ambulance rushed him to a hospital. The militants displayed mattresses they said the man had stolen from trucks. The hard-line militants carry out

amputations, stonings and lashings as punishment. Somalia has not had a functioning government since 1991. (Sources: Canadian Press, 26/04/2010)

UTAH (USA): GARDNER CHOOSES DEATH BY FIRING SQUAD

April 23, 2010: 3rd District Judge Robin Reese has signed the death warrant for Ronnie Lee Gardner, who choose to die by firing squad. Gardner, 49, white, was sentenced to death in 1985 after he was



convicted of killing attorney Michael Burdell during a failed courthouse escape attempt on April 2, 1985. Gardner will be executed on June 18 by marksmen armed with .30 rifles, aiming at a paper target pinned over his heart. Utah is the only state in the US to offer death row inmates the choice of a firing squad rather than lethal injection. It is an option that at least 4 prisoners have indicated that they will take, guaranteeing the state plenty of negative publicity if it proceeds with their executions. The last time that a firing squad was used in Utah was in 1996 at the request of John Albert Taylor. The only other firing squad execution in Utah since the reinstatement of the death penalty in the US in 1976 was that of Gary Gilmore in 1977. In the 35 States that have the death penalty, the method used is by lethal injection. Utah is the only state in the US to offer death row inmates the choice of a firing squad rather than lethal injection. Hanging is still allowed in New Hampshire and Washington State. It was last used in the US in 1996 when Delaware hanged Bill Bailey. (source: Desert News, The Times, Associated Press, KSL News, 23/04/2010)

DR CONGO COURT OVERTURNS DEATH SENTENCE FOR NORWEGIANS

April 22, 2010: the Democratic Republic of Congo's military high court overturned the death sentences handed down to Norwegians Joshua French and Tjostolv Moland for murder, espionage and conspiracy after their driver was found dead



in the jungle in May 2009. Both Joshua French, who also holds British citizenship, and Tjostolv Moland had previously served in Norway's military but Oslo

has denied they were in active service when the incident occurred last May near the town of Kisangani.

"The higher military court accepts the request of the defendants, annuls the decision in all its aspects and sends the case back to the military court of Province Orientale," said Colonel Bassolo Yeliambela, the lead judge in the case.

Yeliambela said the top military court in Kinshasa wanted new judges in the court in Kisangani, where the trial originally took place, to reassess the case.

Norway had rejected the spying charges and said it would do all it could via diplomatic channels to block any execution.

"We're happy that the judges considered the arguments we developed before them and annulled the decision by the Kisangani military court, which was riddled with errors never seen in the history of mankind," said Andre Kibambe, Moland's lawyer. (Sources: Reuters, 22/04/2010)

NIGERIAN GOVERNORS APPROVE EXECUTION OF CONVICTED PRISONERS

April 20, 2010: Nigeria's state governors backed the execution of more than 300



prisoners on death row to clear space in the overcrowded jails. "It was agreed that those people who have been condemned should be executed accordingly," said Theodore Orji, governor of the southeastern state of Abia, after a meeting of the 36 state governors in Abuja. A total of 330 prisoners are on death row in a country where capital punishment remains on the statutes despite rarely being implemented.

The governors, who have the power to sign execution orders, said also that 80 percent

of Nigeria's prison population is awaiting trial and efforts should be made to "leave go" those serving lengthy remands, according to Orji.

Koyode Odeyemi of the Nigerian Prisons Service told AFP that 36,000 of the 40,106 inmates are awaiting trial. (Sources: Agence France Presse, 22/04/2010)

HAMAS: WE'LL CONTINUE CARRYING OUT EXECUTIONS IN GAZA

April 19, 2010: Hamas said it would continue to carry out executions in the Gaza Strip, rejecting criticism by human rights groups and some Western governments.

The Islamist group, which seized control of the coastal territory in 2007, on April 15 executed two Palestinians convicted of helping Israel track and kill militants in Gaza. The execution sparked a major outcry among Palestinian rights groups and international organizations like Amnesty International and Human Rights Watch. The United Nations called for a halt to the practice and France condemned it as murder. "We will continue to implement execution sentences," Fathi Hammad, minister of interior in Hamas's Gaza-based government, told reporters.

Hammad said capital sentences would also be handed out for serious criminal offences, such as murder and major drugs crimes. (Sources: haaretz.com, Reuters, 19/04/2010)



DRC: TROOPS GET DEATH FOR KILLING REPORTER

April 17, 2010: a military court in the Democratic Republic of Congo handed down death sentences to two soldiers for killing a journalist earlier this month, a press freedom group said.

But Journaliste en Danger (JED)



condemned the sentences, charging that the men, a sub-lieutenant and a sergeant, were innocent.

A third soldier, a captain, was sentenced to five years in jail for violating army guidelines. Patient Chebeya Bankome, a 35-year-old freelance cameraman, was shot dead April 5 outside his home in the eastern town of Beni by men in military uniform.

His widow said in a statement that "the physique of the three accused presented to the tribunal did not correspond" to the men she saw the night of the murder.

Bankome was the sixth journalist killed in volatile eastern DR Congo since 2005.

JED said the population in the town was angered by the sentences, which were handed down last Saturday. It said the military tribunal's verdict had been "influenced by local authorities" in Beni, and called for a full inquiry into the circumstances surrounding the killing.

(Sources: Agence France Presse, 20/04/2010)



CHINA: WOMAN GETS DEATH FOR CHILD TRAFFICKING

April 16, 2010: A court in central China's Hubei Province sentenced a woman to death and another two to life in prison for trafficking more than 40 children.

The 23-member child trafficking ring were convicted of buying 49 children from Shizong

County in southwestern Yunnan Province and selling them to people in Shexian County in northern Hebei Province, the Wuhan Railway Transport Intermediate Court said in a statement.

The ring, busted in May and June last year, sold the boys for up to 40,000 yuan (\$5,860) and girls for up to 20,000 yuan each between March 2005 and July 2009.

The court handed down the death sentence to Yu Lixiang, the ringleader, for trafficking 33 children and causing one to death. Du Minghua and Yu's sister Yu Xiaofen were sentenced to life in prison in the first-

instance trial.

The rest 20 accomplices were sentenced to two to 15 years in prison.

The railway transport court deals with criminal cases and economic disputes relating to railway and transportation.

(Sources: Xinhua, 19/04/2010)

GAZA: FIRING SQUAD EXECUTES TWO 'COLLABORATORS'

April 15, 2010: Hamas said it executed two Palestinians convicted by a Gaza military court of collaborating with Israel.

It was the first time that Hamas has carried out formal executions since the Islamist



group seized control of the Gaza Strip three years ago from the rival Fatah party of President Mahmoud Abbas, who governs in the occupied West Bank.

A Hamas government official confirmed the executions after the bodies of two men arrived at a Gaza hospital but did not say how they were carried out.

The Palestinian rights group al-Mizan identified the executed men as Mohammed Ismail and Nasser Abu Freh.

London-based Amnesty International had urged Hamas not to carry out several death sentences against Palestinians convicted of murder and of collaborating with Israel.

Amnesty said proceedings in Hamas military courts do not meet international legal standards.

Under Palestinian law, execution orders can be carried out only with presidential approval. But Hamas does not recognize Abbas's presidency, and the executions represented a further challenge by the group to his authority.

Abbas has refrained from approving death sentences against Palestinians convicted of capital offences in the West Bank.

Amnesty said the last execution in Gaza took place in 2005. (Sources: Reuters, Afp, 15/04/2010)

IRAN: THREE CONVICTED RAPISTS PUBLICLY HANGED



April 14, 2010: Three men were hanged in public in the northern Iranian city of Babolsar, reported the state run Iranian news agency Fars.

The men who were identified as A.A. (24), M. V. (25) and A. T. (30), were convicted of rape and acts against chastity, according to the report. The executions took place on the "Imam Ali" square of Babolsar early this morning. The three had abducted and then raped 13 women, including a pregnant one, in 2007 and were identified and arrested after one of the women complained to the police, the daily newspaper Iran reported. (Sources: Iran Human Rights, 14/04/2010; Dpa, 15/04/2010)

UAE: ANOTHER MULTIPLE DEATH VERDICT GIVEN IN SHARJAH



April 14, 2010: four United Arab Emirates nationals were sentenced to death for raping and killing an Ethiopian maid by Justices Yaqoub Al Hamadi, Hussein Al Asoufi and Ahmad Awdh. In August 2009, the four

allegedly kidnapped an Ethiopian maid in Khorfakkan, gang raped her, ran their vehicle over her and tried to cover the body with rocks before driving away. (Sources: Khaleej Times, 15/04/2010)

GAZA: HAMAS REJECTS RIGHTS GROUP'S APPEAL NOT TO RESUME DEATH PENALTY

April 7, 2010: Hamas rejected rights group' call for not resuming executions in the Gaza Strip. Ihab al-Ghusein, spokesman for Hamas' interior ministry, said that the New York-based Human Rights Watch (HRW)'s recent

call on Hamas not to carry out executions was "not objective and far away from professionalism."

On April 6, the HRW urged Hamas not to execute 17 people sentenced to death in 2009 and this year

because "most of those facing the death penalty in Gaza are affiliated with the rival Fatah movement or are people whom Hamas military courts have convicted of collaborating with Israel."

Executions were last carried out in Gaza in 2005 when Fatah, which dominates the Palestinian National Authority, was still controlling Gaza before Hamas drove it out in a bloody infighting in 2007.

Though the HRW's statement showed cases in which minimum international standards of fair trials were not met, al-Ghusein said the rights group "depended on media reports and did not obtain information from official sources."

Under Palestinian law, death sentences must gain ratification from the Palestinian president before they can be carried out. Hamas, which is at odds with President Mahmoud Abbas, announced in May 2009 that it was establishing a committee of legal advisers and officials to ratify death sentences. (Sources: Xinhua, 08/04/2010)

BIHAR (INDIA): 16 SENTENCED TO DEATH IN 1997 CARNAGE

April 7, 2010: Sixteen persons were sentenced to death in India by a Bihar court for their involvement in the Jehanabad carnage of 1997, in which 58 unarmed Dalits were massacred by the Ranbir Sena, a private militia of landlords.

Ten others were sentenced to life term and were also slapped with a fine of Rs.31,000 each by Additional District Judge Vijay Prakash

Mishra. Fifty-eight Dalits, including 27 women and 16 children, were



gunned down by the Ranbir Sena at Laxmanpur Bathe in Jehanabad on December 1, 1997, sending shockwaves across the country.

The victims, landless agricultural workers and their families, were supporters of the Communist Party of India (Marxist-Leninist) Party Unity. The main aim of the killers was to terrorise the CPI(M-L) Party Unity sympathisers to strengthen the stranglehold of the powerful landlords in central Bihar. Around 91 of 152 witnesses in the case had deposed before the court. (Sources: PTI, 07/04/2010)

ETHIOPIA: COURT SENTENCES OROMO SEPARATIST TO DEATH



April 6, 2010: An Ethiopian court has handed down a death sentence to an alleged leader of an outlawed Oromo separatist group and given stiff prison terms to 15 others convicted of plotting to

overthrow the government.

A three-judge panel found 16 defendants guilty of conspiracy to wage war on Ethiopia's government as part of a plan to establish a separate Oromo state. Oromos are Ethiopia's largest ethnic group, comprising about 40 percent of the country's population.

The verdicts were handed down last week, but the news was delayed because of the Easter holiday. The defendants were arrested in 2007 and 2008 and were accused of being members or sympathizers of the Oromo Liberation Front, or OLF, which the government considers to be a terrorist group.

Most were sentenced to jail terms of 10 to 13 years without parole. But alleged group leader Mesfin Abebe was sentenced to death. Another defendant, Tesfahun Chemed, was given a life term.

Ethiopian Justice Ministry spokesman Mekonnen Bezabeh says the charges included killings and armed robberies aimed at terrorizing the population, and financing the OLF's separatist campaign. (Sources: VOA, 06/04/2010)

YEMEN: SPYING FOR ISRAEL DEATH SENTENCE UPHELD

April 3, 2010: An appeals court in Yemen upheld the death sentence against Bassam al-Haidari who was found guilty of contacts with former Israeli premier Ehud Olmert on the Internet to plot against Yemen.



The court in Sanaa also confirmed a three-year jail term which a lower court slapped on an accomplice, Abdullah al-Mahfal, but it shortened a five-year sentence to three years for a third accused in the case, Imad al-Rimi.

The three men, whose trial opened on January 10 and who pleaded not guilty to charges of making "contact with an enemy state," said they would appeal to Yemen's highest court.

Israel has dismissed the whole case as "totally ridiculous."

Haidari was accused of having contacted Olmert in 2008, when he was prime minister, claiming to represent an Islamist militant group and offering to cooperate with Israel against the Yemeni state.

President Ali Abdullah Saleh disclosed the case in October 2008 when he said that a "terrorist cell" linked to Israel's intelligence services had been dismantled in Yemen. (Sources: Afp, 03/04/2010)

Note: These news briefs are extracted from www.handsoffcain.info

News from International NGOs – APRIL 2010

Letter to UAE Ministry of Justice highlights PRI's grave concerns

The World Coalition Against the Death Penalty, of which PRI is member, has expressed its grave concerns over human rights abuses in a letter to the Minister of Justice of the United Arab Emirates (UAE), Dr Hadeef bin Jua'an Al Dhaheri. The letter comes following the sentencing to death of 17 Indian nationals for the murder of one Pakistani citizen and the upholding of the death sentence for three juvenile offenders by the Supreme Court.

A copy of the letter is available at http://www.penalreform.org/files/Letter-Presidency-UAE-28%2004%202010-en_0.pdf

PRI at 12th UN Crime Congress in Brazil 12-19 April 2010

The Twelfth United Nations Congress on Crime Prevention and Criminal Justice closed in Salvador de Bahia, Brazil, on 19 April 2010 with the adoption of the Salvador Declaration which calls on Member States to adapt their criminal justice systems to a changing world.

In the Declaration, Member States underline the need to respect and protect human rights in preventing crime and administering criminal justice. The Congress devoted two whole days to sharing good practice in the management of prisons and treatment of prisoners, and to ways of avoiding the overuse of imprisonment and resulting overcrowding. A great deal of attention was paid to vulnerable groups such as children and youth, women, migrants and those suffering from addiction to drugs, and to the challenges in many countries of huge and speedy urbanisation. The Declaration calls on Member States to improve prison conditions and the treatment of prisoners, to seek alternatives to imprisonment and to reduce the number of prisoners in pretrial

detention.

The new UN rules for the treatment of women prisoners and non-custodial measures for women offenders were welcomed and will be further discussed at the forthcoming Crime Commission, along with the other issues covered by the Declaration. The Declaration recognizes the importance of rehabilitating and reintegrating young offenders into society as well as the importance of addressing the needs of the children of prisoners. It also recommends that Member States endeavour to reduce pretrial detention and promote access to legal defence mechanisms.

Penal Reform International was represented at the Congress by Policy Director Mary Murphy, Board Member (Chile) Maria Eugenia Hofer, and Moscow Regional Director Viktoria Sergeyeva.

PRI made its main statement in the Workshop on Strategies and Best Practices against Overcrowding in Correctional Facilities. The statement urges progress on measures which would reduce the overuse of imprisonment including the adoption of supplementary UN rules on the treatment of women, improving the situation of children and vulnerable prisoners, upper limits on the number of detainees in prison facilities, the use of paralegals, and more humane strategies for the treatment of prisoners following abolition of the death penalty.

PRI was also a platform speaker at the Workshop on UN and Other Best Practices in the Treatment of Prisoners in the Criminal Justice System, speaking on 'Communication strategies to create a better understanding of what prison can (and can't) do for society and under what circumstances.'

PRI is shortly publishing its Handbook for Law and Policy Makers and this was introduced and discussed by a multinational audience at a dedicated ancillary meeting.

Policy Director Mary Murphy said the concerns of PRI had chimed with the concerns of a large number of attendees. Important ideas circulating at the Congress included the draft supplementary Standard

Minimum Rules on women, a complete amendment of the UN Standard Minimum Rules which were adopted in 1955 and a proposal to create a UN Convention on the Rights of Detainees as one way of ensuring that other important rights of prisoners are not arbitrarily denied when they are deprived of their right to liberty.

According to the Policy Director: "A distinct message from the Congress was that civil society is not just important but essential for criminal justice reform and crime prevention, that it can be usefully involved in a huge variety of ways, in prison and outside, and that addressing and preventing crime requires a holistic approach which includes social action, not just punishment and pursuit."

Oral Statement on behalf of members of the Interagency Panel on Juvenile Justice (IPJJ) available at:

<http://www.penalreform.org/news/oral-statement-behalf-members-interagency-panel-juvenile-justice-ipjj>

For PRI Statement at Crime Congress April 2010 visit:

<http://www.penalreform.org/files/PRI%20Statement%20Crime%20Congress%20April%202010.pdf>

UAE must investigate allegations of torture of Indian men on death row

23 April 2010

Amnesty International has condemned abuses and torture said to have been meted out to 17 Indian men facing the death penalty in the United Arab Emirates for the murder of a Pakistani national.

The migrant workers, sentenced to death on 29 March, are alleged to have been tortured by police over nine days while in custody in a bid to make them 'confess' to the crime.

The men were beaten with clubs, subjected to electric shocks, deprived of sleep and forced to stand on one leg for 'prolonged periods', say Lawyers For Human Rights International (LFHRI), an Indian NGO

campaigning on behalf of the men.

Navkiran Singh, of the LFHRI says that a month after their arrest they were taken to the scene of the killing and forced to re-enact it. They were made to beat up a policeman posing as the dead man. The scene was videotaped and later presented at their trial as genuine CCTV footage of the killing.

"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, Amnesty International's Deputy Director for the Middle East and North Africa.

Amnesty International is calling on the UAE authorities to investigate the allegations of torture and abuse and to ensure the 17 men receive a fair trial on appeal, and without recourse to the death penalty.

They must be protected from further torture and other ill-treatment, and any evidence obtained using such methods should not be used in court.

The workers, all from the Punjab region and aged between 21 and 25, were arrested in January 2009, after a Pakistani man died and three more were injured in a fight, believed to be between rival gangs for control of an illegal alcohol business in the emirate of Sharjah.

According to the LFHRI, officials in Sharjah Jail forcibly removed religious bracelets and necklaces worn by the men, all but one of whom are Sikhs, and made the prisoners stamp on them, saying "Who is your God? Call him. We would like to meet him."

According to the information available to Amnesty International, the trial was conducted in Arabic then translated from Arabic into Hindi, neither of which the 17 men understand. They were provided with an Emirati lawyer, who could not speak their native language, Punjabi, and did not refer to the alleged torture in court.

The men were held for months before the Indian government was told they had been

arrested. On 29 March the lower court in Sharjah sentenced them to death but the verdict was not made known to them until 14 April. An automatic appeal was filed on 8 April and the men will appear in court next on 19 May.

“The authorities must investigate these reports of torture and ensure that the results are made public and those allegedly responsible are held to account,” said Hassiba Hadj Sahraoui.

Sharjah is one of the seven semi-autonomous emirates that make up the UAE. In the UAE, a total of 3,113,000 foreign, migrant workers of over 200 nationalities work in 250,000 enterprises and as domestic workers. Migrant workers make up some 80 per cent of the total resident population of the UAE; UAE nationals around 20 per cent.

In 2009 at least three people were sentenced to death by courts in Dubai and Sharjah but no executions were reported. In June 2009, the Supreme Court set aside the death sentence imposed on a US national, Shahid Bolsen, because he had not had access to a lawyer at his lower court trial in Sharjah.

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

Soon-to-be abolitionist Benin hosts forum on death penalty in Africa

Published by Guillaume Colin (FIACAT) on April 24, 2010

After the Kigali conference in September 2009, the death penalty working group of the African Commission on Human and Peoples' Rights organised a second regional meeting in Cotonou between April 12-15, 2010.

The conference focused on North- and West

-African countries and aimed to raise awareness on the death penalty issue among participants and to help design political and legal strategies for abolition. Participants also examined the prospect of adopting an additional protocol on the death penalty to the African Charter on Human and Peoples' Rights.

Around 50 people from 15 countries in the region came to take part in the debates. Over four days, plenary sessions and workshops targeted the death penalty in Africa and the means to achieve abolition.

The conference emphasised the need to inform and educate the population of the region to fast-track abolition. In that respect, several participants referred to the educational guide “Teaching abolition” published by the World Coalition on World Day Against the Death Penalty, October 10, 2009.

Part of the debates also focused on the role of religion in the region, as it can boost abolitionist efforts in some countries and hinder them in others.

A continental conference involving experts and officials from African Union member states will follow the Kigali and Cotonou regional meetings.

African Commissioner Sylvie Kayitesi, who chairs the working group, is planning to use that opportunity to present African heads of State and government with a draft additional protocol on the death penalty to the African Charter on Human and Peoples' Rights. Such a move would give Africa a chance to adopt a binding instrument calling for the abolition of the death penalty.

On a national level, Benin's Foreign Affairs Minister Jean-Marie Ehouzou told the conference's closing ceremony that Benin's president has asked Parliament to enshrine the abolition of the



death penalty in the Constitution. “The government sent the corresponding bill to Parliament five months ago. It will be examined during the parliamentary session due to open soon,” he said.

Liberia urged not to resume executions

Published by Thomas Hubert on April 9, 2010

While no executions have taken place in Liberia since 2000, the country has recently reinstated the death penalty and sent three persons to death row. Liberia came close to executing two of them last month.

“On March 19, 2010, Hans Williams and Madea Paykue were sentenced to death by the Circuit Court in Monrovia for the murder of 13 year-old Angel Tokpa in 2007,” the World Coalition wrote in a report to be submitted to the United Nations’ Human Rights Council. “They were scheduled to be publicly hung on Friday, March 26, 2010 on a Monrovia City beach. The Court ordered the hangings to be public with the bodies left hanging until 6:00pm. An appeal filed with the Supreme Court of Liberia has stayed execution,” the report adds.

The UN Human Rights Council will examine the situation in Liberia as part of its Universal Periodic Review in November 2010.

Presidential pledge

Any execution in Liberia would violate the pledge made by President Ellen Johnson-Sirleaf in December 2008 to the World Coalition’s treasurer Speedy Rice and Anthony Valcke of the American Bar Association that she would not sign any death warrants.

Rice reminded Johnson-Sirleaf of her promise in a letter on behalf of the World Coalition on March 23.

The use of the death penalty also contradicts the Liberia’s obligations under international law.

On July 16, 2008, amid popular outcry at a wave of violent crime, the Liberian Senate passed a bill making armed robbery,

terrorism and hijacking capital offenses if they result in death, despite Liberia’s accession to the UN Protocol on the abolition of the death penalty in 2005. That treaty explicitly prohibits executions (“No one within the jurisdiction of a State Party to the present Protocol shall be executed,” Art. 1) and bans any reinstatement of capital punishment.

“The former Minister of Justice issued a legal opinion that while Liberia had acceded to the Protocol, since the Liberian Legislature has not ratified it as required under the Liberian Constitution, it has no legal force in domestic law. His opinion recognizes that there has been an international commitment but it is not a commitment that can bind domestic law,” Rice said.

The report to the UN Human Rights Council states that “the World Coalition is deeply concerned by the reinstatement of the death penalty and by the possible resumption of executions in the near future in Liberia which will result in a violation of its international commitment”.

Making Liberia an abolitionist leader once again

The World Coalition has been working closely with Liberian NGOs, the national authorities and partners of Liberia such as the European Union to ensure that death sentences are commuted to prison terms until the country abolishes capital punishment again.

“At one stage Liberia was shaping itself to be a leader in the abolition of the death penalty in Africa,” Rice wrote to Johnson-Sirleaf. “How do we retrace those steps so that Liberia is walking forward and in line with the global trend towards abolition once again?”

Four Japanese executed in China

Published by Thomas Hubert on April 9, 2010

A Japanese abolitionist organisation has criticised both the Chinese and the Japanese authorities after the series of

executions.

Four Japanese nationals found guilty of drug smuggling were executed in China in recent days. Teruo Takeda, 67, Hironori Ukai, 48, and Katsuo Mori, 67, were put to death on April 8. On April 6, China had executed Mitsunobu Akano, 65.

After British national Akmal Shaikh was executed on December 29, 2009 amid international outcry, Japanese citizens are the new victims of the Chinese authorities' tough stance on drug trafficking.

Maiko Tagusari (photo), the secretary general of World Coalition member organisation Center for Prisoners' Rights Japan (CPR), stated that China's policy violates international legal provisions that reserve the death penalty for the most horrible crimes.

"There is no room to interpret that drug-related offences are regarded as 'the most serious crimes' under Article 6, paragraph 2 of the International Covenant on Civil and Political Rights," she wrote. She added that Akano did not have a fair trial.

"No decisive attitude"
"Center for Prisoners' Rights Japan strongly denounces this premeditated murder by the Chinese government. At the same time we condemn the Japanese government, which took no decisive attitude against the imminent execution of its own citizen, despite the Deputy Prime Minister's visit to China earlier this month," Tagusari further wrote.

CPR regretted that although Japanese Foreign Minister Katsuya Okada expressed concern over how the executions will impact public sentiment, the government made no specific demands to stop the scheduled execution.

On April 8, Japanese Prime Minister Yukio Hatoyama called Akano's case "regrettable", but said he hoped relations with China would not be affected, according to media reports.

In contrast, Japan's justice minister Keiko Chiba, an abolitionist who has blocked



executions in her country since she was appointed, said: "I am concerned about relations between Japan and China when I think of the uncomfortable feeling or reaction felt by a majority of the Japanese people ... I wish China had thought about this point more."

Japan itself has been criticized for its heavy use of the death penalty in recent years. However, the new government that came to power in November 2009 is seen as more open to the idea of a moratorium and eventual abolition.

Belarusian setback on the way to abolition

Published by Thomas Hubert on April 2, 2010

After one year of encouraging signals from Belarus, the last European country with the death penalty has brutally resumed secretive executions and the harassment of abolitionist activists.

On March 22, 2010, World Coalition member organisation Amnesty International revealed that two men, Andrey Zhuk and Vasil Yzepchuk, had recently been executed in Minsk, the Belarusian capital.

Because of Belarus's policy of opacity on executions, the news only came out when Zhuk's mother failed to contact him and was finally told that her son had been shot. On March 23, Ales Bialiatski, FIDH Vice President and President of Belarusian Human Rights Center Viasna was arrested and fined with three other human right activists as they protested peacefully against the executions in Minsk.

Both events attracted stark criticism from

human right defenders and international organisations. In a letter to Belarusian President Alexander Lukashenko (photo) on March 24, the World Coalition called on Belarus to “commute the death sentences



of those remaining on death row and adopt a moratorium on executions”, and to “ensure the right to peaceful demonstration is not interfered with arbitrarily”.

“Insurmountable obstacle” for dialogue with Europe

In a joint statement, the bodies dealing with Belarus for the Parliamentary Assembly of the Council of Europe, the European Parliament and the OSCE Parliamentary Assembly wrote: “The Belarusian authorities carried out the executions ignoring all appeals to for clemency and knowing that capital punishment represents an insurmountable obstacle for the development of political dialogue with the Parliamentary Assembly of the Council of Europe and the European Parliament.”

The executions also flew in the face of the United Nations Human Rights Committee, which had specifically asked Belarus not to execute the two men while it was investigating whether they had had a fair trial.

In its letter to President Lukashenko, the

World Coalition regretted that Belarus lifted the moratorium on executions observed throughout 2009. It also expressed surprise that the executions contradicted recent positive contacts with Belarusian officials. “At the 4th World Congress against the Death

Penalty we were happy to welcome representatives of Belarus, and to receive and discuss with them the document “Belarus’ approach to step-by-step abolition of the death penalty”,” the letter read.

The Belarusian Helsinki Committee, which the World Coalition’s member organization in Belarus, helped publicise the letter in the country.

Its chairperson Aleh Hulak described the cruelty of Belarusian execution procedures towards the families of death row inmates: “Firstly, they learn about the execution only post factum, as was the case now. The mother of Andrey Zhuk learned the news when she attempted to pass a parcel for him and it was not accepted. Secondly, the official notification of the shooting is sent to them only a month later, which prompts them to cherish hopes until the last moment that an error has occurred. Thirdly, they are not given the body of the convict or his belongings and they are not able to bury the killed person in accordance with established rituals. Relatives are not even told where the burial place is.”



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