

Crime and Justice

Death Penalty and the Right to Life

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



November 2011

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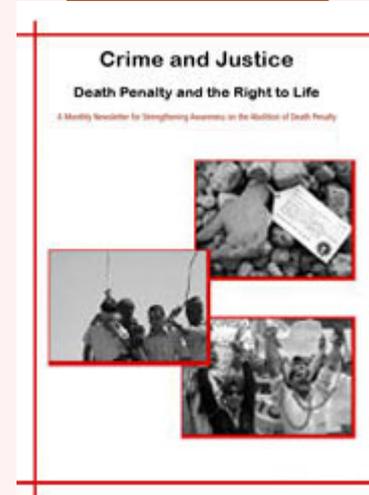
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IPS, the global news agency, brings you independent news and views on capital punishment. In this newsletter you will find in-depth reports by IPS correspondents from around the world and columns by experts, in addition to special sections for news 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.

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DEATH PENALTY: Why Innocence Didn't Matter for Troy Davis

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DEATH PENALTY: Arab League Asked to Intervene

By Sanjay Suri

LONDON, Oct 10, 2011 (IPS) - Campaigners from around the world have called upon the Arab League and on the African Commission on Human and People's Rights to explore the possibility of adopting regional protocols to abolish the death penalty.

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PAKISTAN: Divided Over the Death Penalty

By Zofeen Ebrahim

KARACHI, Oct 9, 2011 (IPS) - "I think Mumtaz Qadri carried out his action in a highly emotional state and should not be given the death penalty," Mufti Muhammad Naeem, founder of Binoria

University International, a religious seminary in Karachi tells IPS. Qadri has been sentenced to death on two counts for assassinating Punjab governor Salman Taseer in January this year.
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WORLD PRESS REVIEW:

SAUDI ARABIA: TWO MEN EXECUTED FOR MURDER - TAIWAN: DEATH PENALTY POLICY REMAINS UNCHANGED - JUSTICE MINISTER - VIETNAM READY FOR LETHAL INJECTIONS: CHIEF JUDGE - SAUDI ARABIA: EMIRATI PAYS OVER \$4M TO SAVE KILLER'S LIFE - LIBYA: APPARENT EXECUTION OF 53 GADDAFI SUPPORTERS - UGANDA: ANTI-HOMOSEXUALITY BILL REINTRODUCED TO PARLIAMENT - PANNELLA ON THE DEATH/ASSASSINATION OF GADDAFI - IRAQ OKAYS EXECUTIONS OF 53, INCLUDING FIVE FOREIGNERS - SAUDI ARABIA: WOMAN EXECUTED FOR BURNING HUSBAND TO DEATH - PUNTLAND: AL SHABAAB RELATED SUSPECT EXECUTED - KUWAITI PRINCE SENTENCED TO DEATH - PENNSYLVANIA: U.S. SUPREME COURT RULES IN FAVOR OF MUMIA ABU-JAMAL - EGYPT EXECUTES MAN FOR 2010 COPTIC SHOOTING - IRAN: FIVE AZERBAIJANIS EXECUTED FOR DRUG TRAFFICKING - VIETNAM: 3 SENTENCED TO DEATH FOR DRUG TRAFFICKING - JORDANIANS PROTEST SAUDI ARABIA EXECUTION VERDICTS - IRAN: POLITICAL PRISONER SECRETLY HANGED - JAPAN: TOP COURT REJECTS DEATH PENALTY APPEALS OVER QUADRUPLE MURDER - BARBADOS 'TO ABOLISH MANDATORY DEATH PENALTY' - IRAN: SEVEN MEN HANGED FOR DRUG TRAFFICKING - IRAN: OFFICIALS SAY DEATH-ROW PASTOR'S CHARGES NOT RELIGIOUS -

News from International NGOs:

PRI WORKSHOP ON DEATH PENALTY ABOLITION IN TUNISIA AND LEBANON - PRI CENTRAL ASIA TRAINING ON REHABILITATION OF TORTURE VICTIMS - PRI IN PRE-TRIAL DETENTION JOINT STATEMENT - PRI URGES SUPPORT FOR THE 2011 PETITION AGAINST THE DEATH PENALTY - GLOBAL CONFERENCE ADDRESSES CARIBBEAN OUTLOOK ON CAPITAL PUNISHMENT - AFRICAN COUNTRIES DISCUSS RWANDAN EXAMPLE IN DEATH PENALTY ABOLITION - SON OF MCCARTHY-ERA EXECUTION VICTIMS EQUATES DEATH SENTENCE WITH TORTURE - SAUDI ARABIA EXECUTES EIGHT BANGLADESHI NATIONALS - IRAN MUST ACKNOWLEDGE ABUSES BEFORE UN COMMITTEE, SAYS AMNESTY - US: AN ATTACK ON HUMAN DIGNITY -

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

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PROJECT ARTICLES

DEATH PENALTY

Why Innocence Didn't Matter for Troy Davis

Analysis by Matthew Cardinale

ATLANTA, Georgia, Oct 26, 2011 (IPS) - "Innocence matters" is one of the slogans used by activists opposing the U.S. state of Georgia's execution of Troy Davis, up until the day the sentence was carried out by lethal injection on Sep. 21.

It seems like stating the obvious that innocence matters in the criminal justice system, especially when someone's life is on the line in a death penalty case. At least, innocence should always matter. But does it in practice?

Davis was convicted of killing police officer Mark MacPhail in 1989. Yet following his conviction, seven of nine witnesses against him recanted their testimony, two witnesses implicated another person as the killer, and two of the original jurors who found Davis guilty came forward to oppose the execution.

No forensic evidence presented at trial indicated that Davis was the shooter.

Martina Correia, Davis's sister, explained the significance of the phrase in a 2008 video interview with Black Agenda Report.

"The court system is telling us that recanted testimony is not as important as trial testimony. And what's happening is my brother, Troy, is being denied access to the courts because they're saying that innocence - if you got a fair trial in the beginning - it doesn't matter whether or not you're innocent or guilty, they don't have to hear new evidence.

"So that's why our campaign about innocence matters means that innocence always matters, not just at trial, but at any time when someone comes to recant testimony, that proves that someone is innocent, you should not be killing them," Correia said.

Davis's case gained international attention, attracting high-profile supporters like Pope Benedict XVI, former U.S. president Jimmy Carter, Archbishop Desmond Tutu, and former FBI director William Sessions.

In 2009, the U.S. Supreme Court

ordered an extraordinary hearing in the trial court as to whether Davis could prove his innocence claims. But the trial court ruled against Davis, setting him back on a path where a new execution date was only a matter of time.

As it turns out, there are a number of procedural obstacles which essentially prevented Davis's possible innocence from mattering when it came to saving his life.

Many of these obstacles are the direct result of legislation passed by the U.S. Congress in 1996 called the Anti-terrorism and Effective Death Penalty Act (AEDPA). AEDPA presented major obstacles to Davis.

Hank Johnson, a Democratic member of Congress from Georgia who advocated on Davis's behalf, introduced legislation in 2009 to address some of these obstacles, including reversing parts of AEDPA.

"Congress should allow federal courts to grant habeas petitions for death row inmates who present new evidence of innocence. As it stands, inmates in the same situation as Troy Davis can find themselves stranded with no procedural options, even when there is new evidence that casts serious doubt on the

conviction," Johnson said in a statement to IPS.

Johnson's 2009 "Effective Death Penalty Appeals Act" would have ensured that death row inmates can present new evidence of innocence in federal court.

Earlier in 2009, the U.S. Court of Appeals relied heavily on AEDPA in ruling against an appeal by Davis, with some judges dissenting. The court also referred to statements made by U.S. senators at the time of its passage.

At that time, in 1996, many in Congress, including Democrats, were interested in appearing to be tough on crime. AEDPA was designed to limit the number of appeals and set a higher standard for new appeals, and was intended to prevent what some perceived to be a problem with endless appeals by convicted criminals, costing taxpayers thousands and even millions of dollars.

But by erring on the side of risk instead of caution, in the name of efficiency and saving money, critics say the Congress appears to have taken it too far.

Then-senator Joe Biden of Delaware, now vice president, said in 1995 that, "The vast majority of us... want to and have been trying for years to change the

old system to limit the time in which a petition can be filed and to limit the number of petitions that can be filed. So essentially you get one bite out of the apple."

Unfortunately, Davis needed another bite at the so-called apple.

Enacted in 1996, AEDPA, among other things, placed limits on the grounds upon which someone on death row could request a new federal hearing.

AEDPA "tightened these limits by requiring successive petitioners to show both cause, or diligence, as well as a fundamental miscarriage of justice, or actual innocence," the U.S. Court of Appeals had noted.

In terms of due diligence, the court asks that the defendant explain why they were not able to bring these claims in their first federal appeal.

In Davis's case, his attorneys did introduce evidence of the witness recantations, but according to the court, they did so in the context of a due process claim and not an innocence claim. So the attorneys failed to say the magic words "innocence claim" at the appropriate time.

Davis's two attorneys at the time were doing the best they could, representing 80 indigent convicts simultaneously with little funding, according to Laura Moyer, Death Penalty Abolition Campaign coordinator for Amnesty International USA.

The Court of Appeals ruled that Davis should have presented his innocence claims first, and that if he lost, he could have then appealed on procedural grounds. However, they argued he could not have done the reverse.

Following the 2009 Court of Appeals ruling, the U.S. Supreme Court granted Davis an opportunity to appear again before the trial court to make his innocence claims; however, the standard for someone proving that they are innocent is much higher than the standard for proving that there are doubts to their guilt.

"It's like proving a negative," Moyer said.

Therefore, Davis's new innocence trial was not successful, and that was the beginning of the end for Davis. The Supreme Court refused to intervene again, as did the Georgia Board of Pardons and Paroles, Georgia Governor Nathan Deal, President Barack Obama, and the U.S. Department of Justice.

Rep. Johnson's Effective Death Penalty Appeals Act, introduced in 2009, gained 17 co-sponsors and was referred to a House subcommittee, but never received a hearing.

The new Congress began working at the beginning of this year, but Johnson has not reintroduced the legislation. One source familiar with the matter said it is due to concern about how the proposal might be amended by the current Republican majority in the U.S. House. (END)

Attacks on Human Rights Defenders Cast Wide Shadow

By Melanie Haider

UNITED NATIONS, Oct 26, 2011 (IPS) - A chair stood empty at the launch here Monday of a report on the repression of human rights defenders, a physical reminder that its would-be occupant - Ales Bialiatski, president of Human Rights Centre Viasna in Belarus – has been languishing in prison since August.

A three-time nominee for the Nobel Peace Prize, Bialiatski is charged with tax evasion, but supporters say it is clear that the charges are in retaliation for his

long and distinguished career of human rights activism in the country.

The chair was also empty for the hundreds of other human rights defenders across the world who have been deprived of their freedom and fundamental rights, leaving a void in the communities they worked to protect.

The Observatory for the Protection of Human Rights Defenders is a joint programme by the International Federation for Human Rights (FIDH) and the World Organisation against Torture (OMCT).

Its aim is to prevent or remedy crackdowns on human rights defenders through actions such as legal assistance on the ground and by issuing an alert mechanism to mobilise intervention by the international community.

The over [600-page report](#) details examples of individual human rights defenders and organisations that faced repression between January 2010 and April 2011. It covers 70 countries in Sub-Saharan Africa, North Africa, the Middle East, Asia, The Americas and Europe.

The abuses cited include attacks and harassment, threats and arrests, arbitrary detention, defamation

campaigns, and restrictions in terms of freedoms of association and expression. actors, and to strengthen international support mechanisms.

The report is based on information OMCT and FIDH received from their members, human rights organisations around the world, who in turn have contact with 400 independent domestic organisations on the ground.

Antoine Bernard, the chief executive officer of FIDH, told IPS that the Observatory's report doesn't "pretend to be exhaustive", but rather highlights broad trends that emerge from the cases FIDH and OMCT have worked on during the year.

"The major trend this year relates to the criminalisation of social protests," he said. "That is a very universal trend, to use the law not as a protecting tool, that is supposed to be its role, but law as a repressive tool to arbitrarily provide the legal basis for silencing human rights defenders."

He also cited ongoing impunity for these repressive tactics as a universal trend.

With the launch of the report, Bernard said that FIDH and OMCT call on governments to meet their responsibility to protect human rights defenders, as well as on other non-state

The United Nations special rapporteur on the situation for human rights defenders, Margaret Sekaggaya, underscored the importance of implementing the Declaration for Human Rights Defenders that the General Assembly adopted back in 1998, and the importance of disseminating information about it.

The declaration is not legally binding in itself, but articulates rights laid out in other legally binding treaties, in a way that makes it easier to apply these rights to the context of human rights defenders' situation. For example, it mentions the right to access funding, which is something that many countries have put restrictions on.

"It is still an instrument that is not sufficiently known, either to those who should shoulder the main responsibility for its implementation, namely states, or to those whose rights it sets out to protect, human rights defenders," Sekaggaya said.

But of course, it is not always in governments' interests to implement and disseminate this information, she added, makes the task very difficult.

The example of Syria

More than 3,000 Syrians are believed to have been killed since pro- democracy protests erupted in March this year, but the figure could be much higher. Many international organisations have condemned the Syrian government's brutality against the protesters.

Earlier this month, the U.N. Security Council failed to adopt a Western-sponsored draft resolution that strongly condemned the Syrian government's violent crackdown, when Russia and China vetoed it.

"The number of the people who have been detained nobody knows exactly, we have an estimated number that more than 30,000 have been detained," said Dr. Radwan Ziadeh, the executive director of the Washington-based Syrian Center for Political and Strategic Studies and director of the Damascus Centre for Human Rights studies in Syria, who attended the launch.

Since the revolution started, Ziadeh and his organisation have been in contact with a network of activists in Syria who have reported on the situation from underground, because they don't have the regime's permission to operate

legally.

He said authorities have taken family members hostage to send a message to human rights activists. Ziadeh's brother is in prison because of Ziadeh's efforts to promote human rights, as well as an uncle and three of his cousins, one of them just 14 years old. They have all been detained, and he has no information about them, he told the audience with a voice that quavered with emotion.

"The Syrian regime actually cancelled the football championship because they turned over all the soccer fields to be detention centres and torture centres...

It's almost like the Nazi regime practices, having thousands of thousands of political prisoners in detention centres," Ziadeh said.

"This is why any delay of the actions of the Security Council unfortunately makes the situation much more difficult, and much more open to options none of the Syrians like to have in Syria, like civil war," he added.

FIDH consists of 164 member human rights organisations around the world and OMCT is a coalition of international non-governmental organisations that "fight against torture, summary

execution, enforced disappearances and other cruel, inhuman or degrading treatment".

"A threat to a human rights defender very often transcends beyond the individual case, it carries a shadow to society at large," concluded Gerald Staberock, secretary-general of OMCT.

And this leaves the world with far too many empty chairs. (END)

RIGHTS-JAPAN: Lifer's Case Tells Migrant Workers' Plight

By Suvendrini Kakuchi

TOKYO, Oct 13, 2011 (IPS) - A Nepalese worker serving life for a murder he denies committing has become the rallying point for activists lobbying for the rights of migrant labour.

New evidence suggests that someone else may have committed the murder of a Japanese woman for which Govinda Prasad Mainali, 44, was arrested in 1997.

Defence counsel, Katsuhika Tsukuda, told the press last month that new DNA

data, released by independent analysts in July, indicate that Mainali may be innocent.

"The DNA results show that the High Court, by basing its verdict only on an interpretation of the lower court ruling rather than a proper hearing, relied on prosecutors and ignored the possibility that a third person may have committed the crime," said Tsukuda.

The Tokyo High Court handed down a life sentence in December 2000 after prosecutors appealed against a lower court ruling in July that year acquitting Mainali.

Human rights activists regard the final outcome of the Mainali case as crucial to the success of a campaign against recent measures taken in Japan to deter migrant labour.

Yoichi Mizukami, a former immigration official who advocates the opening of Japan's doors to migrant labour, told IPS there is a growing tendency within officialdom to establish new regulations aimed at keeping tabs on foreign workers.

The worst of these, he said, is a move by the justice ministry that requires foreigners to carry national identity

cards containing their legal status and record of movements within Japan.

"A national card with stipulations that require foreigners to report every move they make is aimed at treating migrants as potential terrorists. It is particularly hurtful to migrants who may not have legal visas," he said.

Mizukami said the current alien registration card, issued by local ward offices, is loosely regulated and does not require holders to report new relocation. Their children are entitled to health and schooling rights irrespective of legal status.

Amnesty Japan is also fighting the new registration move. Amnesty worker Sonoko Kawakami told IPS that the new strictures will allow authorities to ask migrant workers to leave summarily.

"Japanese Brazilian workers, for example, were encouraged to enter Japan during the economic bubble years of the late 1980s. Against the current job recession, they are being told to leave," she pointed out.

Japan's laws limit low-skilled migration into the country, but make exceptions for descendents of Japanese who emigrated to North and South America

in the early 1900s. Many so-called Nikkei moved to Japan to work in small and medium enterprises during the 1990s.

In 2010, Japan had 2.2 million foreign residents forming 1.7 percent of the total population. Almost a third of Japan's foreign residents are Chinese while some 30 percent are descendents of Koreans brought to Japan before 1945.

Rights activists view the arrest of Mainali and his unravelling nightmare as the result of xenophobic attitudes, particularly towards undocumented workers of whom there are an estimated 500,000 in Japan.

Four days after the discovery of the strangled woman in her apartment, police took in Mainali for overstaying his visa and later charged him with her murder and the theft of 400 dollars from her bag.

The prosecution identified samples of semen and pubic hair found at the scene of the crime as belonging to Mainali, who admitted to having had sexual contact with her - but weeks before her death.

New DNA evidence showed saliva,

semen and pubic hair found on the body overall," she said.
of a type different from Mainali's.

The prosecution has rebutted the findings, arguing that the samples could have been planted.

In September, Mainali's wife, Radhika, and elder brother, Indra, visited him in jail. Their anger and sadness at the perceived injustice was apparent.

"My brother came to Japan seeking to learn new things from a rich country and to earn an income for his family by working honestly. Instead, he was thrown into prison for a crime he has clearly not committed," said Indra.

Mainali's family members are convinced that he was arrested and charged because of his vulnerability as a foreigner, and also because the police could not find the real culprit.

Risa Kumano, one of the many Japanese supporters of the accused, told IPS she joined a support group seeking his release because she was enraged by the verdict.

"I saw justice was not being served in this case. Govinda's trial was a farce as far as we are concerned and to free him stands for reforming the justice system

Since the arrest of Mainali, Japan's justice system has been rocked by a series of blows to the uncontested reputation of the prosecution.

For example, in 2009 the special investigation squad of the Osaka District Public Prosecutor was found to have fabricated evidence in a case where a bureaucrat was charged with unduly favouring a particular organisation.
(END)

"The Death Penalty Has No Deterrent Effect"

By Gustavo Capdevila

GENEVA, Oct 10, 2011 (IPS) - Capital punishment continues to exist because in some countries people are barraged with propaganda depicting it as a curb on crime, which it is not, said Federico Mayor Zaragoza, chair of an international commission against the death penalty that inaugurated its new headquarters in Geneva Monday.

Mayor Zaragoza, director general of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) from 1987 to 1999, said that is the case

of right-wing Guatemalan presidential candidate Otto Pérez Molina, a retired general favoured to win the [Nov. 6 runoff](#) who has pledged to restore the death penalty to clamp down on rampant violent crime.

At the opening of the fourth meeting of [the International Commission against the Death Penalty](#) (ICDP), made up of high-ranking personalities from various countries, Mayor Zaragoza told IPS that reactions like Pérez Molina's might be comprehensible "because these are places where the situation is extremely difficult, especially as a result of drug trafficking," as well as paramilitary movements. That is also the case in Mexico, he added.

But the death penalty has no dissuasive effect, just as a rise in the price of drugs does not curtail consumption, he said.

The ICDP is focusing in its meeting this week on the application of capital punishment in cases involving drug-related crimes, said another member of the commission, Ruth Dreifuss, who was president of the Swiss Confederation in 1999.

The situation in Africa, where there is an emerging trend away from the death penalty, is another question on the

commission's agenda.

Europe and South America are virtually free of the death penalty, with the exceptions of Belarus and Guyana, respectively. In both regions, said Dreifuss, the countries have supported each other in the will to do away with capital punishment.

The commission will also discuss the case of China, where the members hope a first step taken will be the provision of information on the use of the death penalty.

Although it is known that China is by far the world leader in capital punishment, there are no figures on just how widely it is used – to the extent that global rights watchdog Amnesty International will only say the country executes "thousands", because "the information does not exist," said Dreifuss.

The former Swiss leader said the ICDP is now based in Switzerland because her country is a staunch opponent of the death penalty. Like many other countries, it considers the death penalty a cruel, inhuman and degrading punishment that violates human rights.

At the international level there is a contradiction because although all cruel,

inhuman, or degrading treatment or punishment is prohibited by the Torture Convention and other global treaties, 58 countries still have the death penalty on their books, she said.

So far, 104 countries have abolished the death penalty while another 35 have a moratorium on executions, Mayor Zaragoza pointed out. "That makes a total of 139 countries without executions, which is good news," he enthused.

The ultimate goal of the ICDP and other institutions opposed to the death penalty is complete abolition, said Dreifuss.

But the commission has set a more immediate target: a global moratorium by 2015. Many countries have taken the first step on the way to abolition – suspending executions.

Dreifuss said that while a universal moratorium is gaining support year by year in the U.N. General Assembly, "it is still far from being recognised by all."

The moratorium should also extend to the handing down of death sentences, and not only to executions, she said.

U.N. High Commissioner for Human

Rights Navi Pillay concurred, in a statement issued on the occasion of the World Day against the Death Penalty, celebrated Monday, Oct. 10.

"Abolishing the death penalty," she said "is a long process for many countries, which often only comes to closure after a period of difficult and even acrimonious national debate. Until they reach that point, I urge those States still employing the death penalty to place a formal moratorium on its use with a view to ultimately scrap the punishment altogether everywhere."

She also expressed her point of view to the members of the ICDP who visited her at [OHCHR](#) headquarters in the Palais Wilson on the shores of Lake Lemman.

One of the reasons the ICDP secretariat was moved from Madrid to Geneva was to boost its visibility among the U.N. agencies and international organisations based in this Swiss city.

Besides Mayor Zaragoza and Dreifuss, the commission includes former Italian prime minister Giuliano Amato; former Haitian prime minister Michèle Duvivier Pierre-Louis; former foreign minister of Algeria Mohammed Bedjaoui; former French justice minister Robert Badinter; and former Philippine president Gloria

Macapagal-Arroyo.

The other members are former U.N. high commissioner for human rights Louise Arbour, from Canada; former deputy secretary for human rights in Argentina Rodolfo Mattarollo; the chairwoman of the Pakistan Human Rights Commission, Asma Jahangir; UNESCO chair on philosophy and human rights Ioanna Kuçuradi from Turkey; and former New Mexico Governor Bill Richardson, who in 2009 added his state to the list of 15 U.S. states to abolish the death penalty. (END)

INDIA: Kashmiri on Death Row Galvanises Opposition to Death Penalty

By Sana Altaf

SRINAGAR, India, Oct 10, 2011 (IPS) - "Is Afzal Guru really the person that so many Indians supposedly want dead? Or are they taking out their frustrations on an easy target?" asked Human Rights Watch, referring to the death sentence handed down to the Kashmiri man who was convicted of conspiracy in the 2001 suicide attack on the Indian Parliament.

"For many, Afzal bears the burden of representing all those who dare to

oppose Indian rule in restive parts of the country, because the attack on Parliament was an attack on India," said the statement by Meenakshi Ganguly, South Asia researcher for global rights watchdog HRW.

"Conversely, many Kashmiris would say that Afzal is a freedom fighter, planning an attempt at the symbol of Indian oppression," adds the statement, titled 'Life, Not Death: Why Afzal Mustn't Hang'. "Both views are flawed. For this multi-religious, multi-ethnic, multi-cultural state to survive, Indians have to believe in equal justice for all. And in the case of Jammu and Kashmir, there has been consistent failure to deliver on this promise."

A Kashmiri, supported by a wife who is a doctor and a lone teenage son, Mohammad Afzal, commonly called Afzal Guru, was found guilty of conspiracy in the attack on parliament which killed more than a dozen people. He was given the death penalty, which was upheld by the Supreme Court in 2004.

The sentence was to be carried out in 2006, but the execution was stayed following a mercy plea filed by Afzal Guru.

Although most nations across the globe – a total of 139 – have abolished the death penalty, India continues the practice, as the World Day Against the Death Penalty once again rolled around on Oct. 10.

India joined 53 other countries to vote against the December 2007 United Nations General Assembly moratorium on executions, passed with 104 votes in favour and 29 abstentions. However, Indian judges generally follow the 1983 Supreme Court ruling that the death penalty may be resorted to only in the "rarest of rare cases".

Afzal's death penalty has not gone down well amongst various quarters in Kashmir. The separatist leaders view it as an unjust step, which would endanger the political situation in Kashmir

"I am completely against execution of Afzal Guru. He didn't get a fair trial. Hanging him would be pure human rights violation," said Shabir Ahmad Shah, the chairman of the Democratic Freedom Party, a separatist organisation.

He says that Afzal's hanging could have a negative impact on the situation in Kashmir. "When Maqbool Bhat was

hanged in India's Tihar jail in 1984, it was followed by insurgency. And if Afzal is also hanged, it will as well result in dangerous consequences," Shabir told IPS. "People would surely come on streets and protest against it as no Kashmiri wants his hanging."

The unrest in Kashmir has its roots back in 1947, when Britain granted India independence and the Muslim-dominated areas became part of Pakistan. A U.N. resolution, meantime, gave Kashmiris the option to join either Hindu-dominated India or Pakistan or to become independent. But Kashmiris had no chance to make a choice as their homeland is claimed by both India and Pakistan.

Roughly a third of modern-day Kashmir is administered by Pakistan while the rest is under India. But many Kashmiris challenge this, and protesters living on the Indian side rose up in arms in 1989 in an insurgency that simmers to this day.

Saying Afzal did not get a fair trial, Sajjad Lone, another separatist leader, said intellectuals, NGOs and civil society in general needs to stand up against Afzal's execution, which he said "will not suit the people of Kashmir."

Hardline separatist leader of Kashmir Syed Ali Shah Geelani warned of "dire consequences" if Afzal Guru is hanged, saying in a statement in August that "it will unleash a storm."

Human rights activists and organisations have also criticised Afzal's death sentence, which they see as a human rights abuse.

"Afzal Guru's case is being adjudicated upon in terms of its politics, not in relation to the violations of process and hearing that have taken place. The death penalty has no place in a democracy," said Angana Chatterji, a professor of social and cultural anthropology at the California Institute of Integral Studies (CIIS) in San Francisco, and the co-convenor of the International People's Tribunal on Human Rights and Justice in Kashmir.

Chatterji says despite the international movement to abolish capital punishment and the 2007 U.N. moratorium on executions, "India continues to impose the (death) penalty. The allocation of capital punishment continues to be influenced by racism, ethnocentrism, and class prejudice, authorising the state to act against a person's right to life."

Kashmir-based human rights activist Khurram Parvez, a co-founder of the Jammu and Kashmir Coalition of Civil Society (JKCCS), says the sentence handed down to Afzal was not based on a fair trial.

"If anyone reads that judgment, one would come to know that he was pronounced guilty on secondary evidence. No direct evidence was produced in the court against Afzal Guru," Parvez told IPS.

Citing the Supreme Court sentence, he said it states that "the incident, which resulted in heavy casualties, has shaken the entire nation and the collective conscience of society will only be satisfied if capital punishment is awarded to the offender."

"When there is no evidence against Afzal, why should he be hanged? To satisfy the collective conscience of society, it appears India needs a sacrifice," Parvez added.

Advocate Faisal Qadri said the death penalty should be abolished in India. "I am completely against the death penalty. It is the worst kind of human rights violation. Humans have no right to kill anyone, even if it is a criminal."

And Qadri argued that in Afzal Guru's case, capital punishment is completely unjustified: "Even India's own leading lawyers admit that Afzal was not given a fair trial."

For ordinary people, the sentence handed to Afzal is a manifestation of India's bias against Kashmiris.

"The Indian system is biased against Kashmiri people...there are scores of innocent Kashmiri youth who are arrested on the basis of mere suspicion and put behind bars for years with no evidence. How can we expect India to be just to Afzal?" said Iqbal (who provided only one name).

"Whenever any Kashmiri is found involved in any wrong act, India has to act in an unjust manner. That has been India's policy towards Kashmir," says Amina Maqbool, a political science student from the University of Kashmir

The HRW statement says the group "unequivocally opposes the death penalty. Guilty or not, we believe that neither Mohammad Afzal Guru, nor (law student) Priyadarshini Mattoo's killer, Santosh Kumar Singh, nor (former Iraqi president) Saddam Hussein, nor anyone else, should be executed.

"Taking the life of a human being is inherently cruel, and as a form of punishment is unique in its irreversibility. The intrinsic fallibility of all criminal justice systems assures that even when there is a fair judicial process, innocent persons will still be executed. On a practical level, there is no evidence that it is an effective deterrent," it adds. (END)

DEATH PENALTY: Arab League Asked to Intervene

By Sanjay Suri

LONDON, Oct 10, 2011 (IPS) - Campaigners from around the world have called upon the Arab League and on the African Commission on Human and People's Rights to explore the possibility of adopting regional protocols to abolish the death penalty.

The campaigners adopted a resolution following a meeting organised by Penal Reform International (PRI) last month that was attended by more than 100 campaigners and government and civil society representatives from around the world.

The campaigners called for the Arab League and the African group to

intervene "in recognition of the important role that regional and inter-regional government bodies play in forming standards and norms".

The resolution called upon the Arab League also to "amend Article 7 of the Arab Charter for Human Rights to absolutely prohibit the sentencing to death and execution of those under the age of 18 at the time of the commission of the crime."

"The London Declaration, which was adopted unanimously by over 100 participants at PRI's conference, including governmental and civil society representatives from abolitionist and retentionist countries across almost all regions of the world, is seen as a great achievement to the abolitionist community," Jacqueline Macalesher, death penalty project manager for PRI, told IPS.

"Endorsements from organisations will follow, however the UK's Foreign and Commonwealth Office have already agreed to endorse this declaration."

PRI hopes that "this London Declaration will build upon the current momentum toward moratorium and abolition at the global level," Macalesher said. "It echoes the determination of the human

rights community to move towards universal abolition."

The declaration, she said, "will be used as a new tool in the abolitionist's toolbox in their advocacy efforts to encourage retentionist states to implement minimum standards, a moratorium on executions and sentencing and to move towards full abolition in law.

"It also makes an important statement that those states that have abolished the death penalty should only implement alternative sanctions, such as life or long-term imprisonment, that are fair, proportionate and respect international human rights standards."

The declaration noted that there is no convincing evidence that the death penalty deters criminal behaviour any more effectively than other punishments. It said that "where the death penalty is retained at all, it should only be imposed for the 'most serious crimes', and after a fair trial has been granted to the accused."

While calling for full abolition, the campaigners said that if at all used, the death penalty should only be applied to crimes that lead to loss of life.

The resolution points out that "the death penalty creates additional victims – the family members of those who have been executed – who are often forgotten, marginalised or stigmatised by society." It says that "the essential aim of the penitentiary system should be the 'reformation and social rehabilitation' of prisoners."

The resolution says mandatory death sentences should be abolished, and sentencing guidelines established for capital cases where there are none.

Participants who attended the PRI conference, and who backed the resolution, included government officials and representatives of civil society and inter-governmental organisations from 31 countries (Algeria, Armenia, Austria, Azerbaijan, Bangladesh, Belarus, Belgium, Canada, China, France, Georgia, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Lebanon, Morocco, Nigeria, Poland, Qatar, Russia, Switzerland, Syria, Tajikistan, Tanzania, Tunisia, Turkey, Uganda, Ukraine, United Kingdom and United States).

The resolution said states must "prohibit the use of the death penalty against juveniles, persons who were juveniles at the time when the crime

was committed, pregnant women, mothers with young children, and those suffering from mental disabilities," and "provide training for judges and professionals working in the criminal justice system to ensure they are fully aware of the relevant international standards relating to the death penalty."

It called upon those states that have an official or de facto moratorium on executions, or a partial abolition, to establish a moratorium on sentencing, commute sentences for prisoners on death row, taking into consideration the time already spent in prison, and "take the necessary steps through legislative or constitutional reforms to abolish - in law the death penalty for all crimes". (END)

PAKISTAN: Divided Over the Death Penalty

By Zofeen Ebrahim

KARACHI, Oct 9, 2011 (IPS) - "I think Mumtaz Qadri carried out his action in a highly emotional state and should not be given the death penalty," Mufti Muhammad Naeem, founder of Binoria University International, a religious seminary in Karachi tells IPS. Qadri has

been sentenced to death on two counts for assassinating Punjab governor Salman Taseer in January this year.

Naeem acknowledges that "Qadri should not have taken the law into his hands" but says his action reflected "his adulation for Prophet Muhammad like any Muslim would have." The dispute over the death sentence arises just ahead of the World Day against the Death Penalty on Oct. 10.

Pakistan is among 23 countries that still impose the death penalty, says Amnesty International. Last year 365 persons were sentenced to death in Pakistan. But since December 2008 there has been an informal moratorium on these executions. Oct. 10 will mark the 1,040th day in Pakistan without execution of a death penalty convict.

Qadri was one of Taseer's police guards. He riddled the governor with bullets on Jan. 4, and then surrendered.

Judge Syed Pervaiz Ali Shah overruled Qadri's plea that he had assassinated the governor because of the latter's "blasphemous" statements. The high-profile trial was held inside Adiyala prison in the garrison town Rawalpindi in Punjab province.

The ruling has drawn mixed responses.

"It's a bit weird when a death sentence being announced gives me joy and hope," tweeted stand-up comedian Sami Shah. "I'm against death penalty; don't want MQ to be hanged. But it's important to convict and punish him," tweeted human rights activist and journalist Beena Sarwar.

Osama bin Javaid, journalist at DawnNews TV wrote: "Who's protecting the judge and the police station?"

"Our rejection of death penalty is based on a principle which cannot be compromised by any incident," I.A Rehman, director of the Human Rights Commission of Pakistan (HRCP) told IPS. The Commission has long stood for abolition of this form of punishment.

Rafia Zakaria, a legal scholar who works for Amnesty International in the U.S.

and opposes the death penalty "in this or any case" told IPS that the death penalty "positions the state as the institutionalisation of private revenge.

Justice requires punishment, not retaliation and vengeance." She said Qadri's act was "reprehensible" but said life imprisonment would be appropriate.

"I don't believe Qadri's hanging will be a

deterrent," HRCP chairperson Zohra Yusuf told IPS. "People like him are proud of their actions - quite like suicide bombers."

"There is no such thing as a special case," agreed Zakaria. "It is, in fact, precisely that perspective that undermines the rule of law and has in its various iterations delegitimised the legal system in Pakistan."

"There is a difference between our position and the views of the mobs which are protesting against the verdict," said Rehman. "We oppose death penalty but hold Qadri liable to stiff punishment, while the agitators uphold death penalty and argue that Qadri did not commit any offence."

The court verdict came after months of campaigning by hardline religious groups who hailed Qadri a hero. After the murder he was garlanded and showered with rose petals. Many in the legal fraternity vowed to defend him.

The HRCP has renewed its call for abolition "on account of the critical and well-documented deficiencies of the law itself, of the administration of justice, police investigation methods, chronic corruption and the cultural prejudices against women and religious minorities.

"Even though there has been an informal moratorium on executions since December 2008, capital punishment remains on the statute books for over two dozen offences, and the courts continue to award the death penalty more or less on the pre-moratorium rate. HRCP demands abolition of the death penalty in Pakistan and urges that until that happens the informal moratorium on executions should be made formal."

Upon taking up office, Prime Minister Yousaf Raza Gilani had vowed to "discourage the imposition of capital punishment." But instead of reducing the number of offences for which the death sentence is awarded, "cyber-terrorism" was added to Pakistan's long list of offences, taking it to 28. When Pakistan came into existence in 1947 only the offences of murder and treason carried the death sentence.

But with sentiments in favour of Qadri running high, many suggest that this may not be the best of time to call for abolition or even a moratorium. "But the time is never right," says Yusuf. "The debate has to start."

"The discussion must be how to temper its (death penalty) use until action is

taken to abolish it altogether," 24-year-old Waris Husain, lawyer and a researcher at the Washington D.C. based Middle East Institute told IPS.

He says if a society progresses to the point that it rejects the death penalty, then the court or parliament could reflect that. "Unfortunately, there isn't this thrust in public support to change the death penalty especially in the face of terrorism." (END)

WORLD PRESS REVIEW

October 2011

This review provides a glimpse of developments related to death penalty as reported by media around the world, in a chronological order from the end of October to the beginning of the month.

SAUDI ARABIA: TWO MEN EXECUTED FOR MURDER

October 27, 2011: Saudi Arabia beheaded two men convicted of murder, one who ran over his victims and the other who deliberately hit his victim's car, the interior ministry announced. Mohammed al-Harbi, a Saudi national, was convicted of "intentionally running over" and killing a

Saudi couple—Rabih al-Asiri and his wife Nasila Asiri, the Saudi interior ministry said in a statement carried by state news agency SPA.

He was beheaded in the kingdom's western province of Qunfudah. In a separate statement, the ministry said that another man, Abdullah al-Jahdali, was also beheaded in another western province, Al-Laith, after he was found guilty of intentionally hitting Fahd al-Jahdali's car and killing him. The executions bring to 67 the number of those beheaded this year in the ultra-conservative Muslim kingdom. (Source: Afp, 27/10/2011)

TAIWAN: DEATH PENALTY POLICY REMAINS UNCHANGED - JUSTICE MINISTER

October 27, 2011: Taiwan's Minister of Justice Tseng Yung-fu reaffirmed that there has been no change in the government's policy of minimizing rather than abolishing capital punishment.

"Our policy remains unchanged – the death penalty will be used as little as possible, but will not be scrapped for the time being," Tseng said during a Legislative Yuan (Parliament) session. Tseng's statements came after the United Daily News (UDN) said in a front-page story the same day that Taiwan had reversed its policy on capital

punishment. The Ministry of Justice (MOJ) has suggested in its first-ever human rights report that prosecutors refrain from recommending the death sentence for defendants or criminal suspects, the paper said. "The suggestion aims to minimize and even avoid death sentencing," an MOJ official was quoted as saying. The newspaper cited the example of a case in Nantou County in which prosecutors recommended Wednesday either the death penalty or life imprisonment for a man charged with the death of four people. The man allegedly poisoned the four victims with a toxic industrial solvent in July. Usually, prosecutors would seek only the death penalty in such a case, the paper said.

Commenting on the newspaper report, Tseng said that even though prosecutors have been asked to recommend penalties other than capital punishment, the ministry has consistently respected prosecutors' decisions. Asked whether the 51 convicts on death row will be executed, Tseng said the government's stance remains unchanged because majority public opinion is still in favor of the death penalty, as various polls have shown. The death row prisoners "will be executed once all the relevant screening procedures are finalized," Tseng said.

"There is no timetable for the executions," an MOJ official said. Although the death penalty remains valid under the current law, the official said, the MOJ has been working to gradually limit the use of capital punishment, through measures such as scrapping the regulations that list the death sentence as the only option for certain types of crime.

The Judicial Yuan (the highest judicial organ in Taiwan) is also planning law revisions that, if passed, will require the Supreme Court to conduct an open debate on any death penalty case, the report said. (Source: Central News Agency, 27/10/2011)

VIETNAM READY FOR LETHAL INJECTIONS: CHIEF JUDGE

October 26, 2011: from November 1, condemned prisoners in Vietnam will be executed by lethal injections, Bui Hoang Danh, chief judge of Ho Chi Minh City's Court, told Tuoi Tre. The condemned offenders will be injected lethal drugs by an automatic machine. According to the rules, three drugs will be used - sodium thiopental for anesthesia, pancuronium bromide to paralyze the nervous system and muscles, and potassium chloride to stop the heart. Relatives or legal representatives of the prisoners will not be allowed to claim

the bodies to have them buried.
(Source: Tuoitrenews.vn, 28/10/2011)

SAUDI ARABIA: EMIRATI PAYS OVER \$4M TO SAVE KILLER'S LIFE

October 26, 2011: In Saudi Arabia, an unknown UAE donor gave more than \$4 million (Dh14.69m) to save a teenage Saudi killer from the gallows and allow the boy to return to his family after awaiting execution in prison for many years, a Saudi newspaper said. The family of Faisal Al Ruwaili in the northwestern town of Jouf has managed to raise around SR2 million (\$540,000) while it has also received some funds into a special bank account set up for donations, 'Sharq' Arabic language daily said.

The victim's family had demanded diya (blood money) SR20m, prompting the defendant's family to appeal for help. "A UAE benevolent person donated more than SR16m to close the account, which now has SR20m, the diya demanded by the victim's relatives...this person refused to disclose his or her name and sources said they believe she is a woman," the paper said. "Sharq is pleased to convey the good news to Failal's family and wishes that God the Almighty preserve and protect this person who ever he is." Faisal was to be executed on 25 October but the victim's relatives agreed to give

his family seven more months to pay the diya following mediation by Prince Khaled Al Faisal, a member of the ruling family.

Ruwaili has been in prison in the Western town of Makkah for several years for murdering a school colleague during a fight. 'Sharq' did not mention his age now but said he is the only supporter of his family, which comprises four sisters and his parents. (Source: Emirates247.com, 26/10/2011)

LIBYA: APPARENT EXECUTION OF 53 GADDAFI SUPPORTERS

October 25, 2011: Fifty-three people, apparent Gaddafi supporters, seem to have been executed at a hotel in Sirte last week, Human Rights Watch said. The hotel is in an area of the city that was under the control of anti-Gaddafi fighters from Misrata before the killings took place.

Human Rights Watch called on Libya's National Transitional Council (NTC) to conduct an immediate and transparent investigation into the apparent mass execution and to bring those responsible to justice.

"We found 53 decomposing bodies, apparently Gaddafi supporters, at an abandoned hotel in Sirte, and some had their hands bound behind their backs when they were shot," said Peter

Bouckaert, emergencies director at Human Rights Watch, who investigated the killings. “This requires the immediate attention of the Libyan authorities to investigate what happened and hold accountable those responsible.”

Human Rights Watch saw the badly decomposed remains of the 53 people on October 23, 2011, at the Hotel Mahari in District 2 of Sirte. The bodies were clustered together, apparently where they had been killed, on the grass in the sea-view garden of the hotel.

Anti-Gaddafi fighters from Misrata had held that area of Sirte since early October, according to witnesses interviewed by Human Rights Watch. On the entrance and walls of the hotel Human Rights Watch saw the names of several brigades from Misrata.

The condition of the bodies suggests the victims were killed approximately one week prior to their discovery, between October 14 and October 19, Human Rights Watch said. The bloodstains on the grass directly below the bodies, bullet holes visible in the ground, and the spent cartridges of AK-47 and FN-1 rifles scattered around the site strongly suggest that some, if not all of the people, were shot and killed in the location where they were discovered, Human Rights Watch said. (Source: iloubnan.info, 24/10/2011)

UGANDA: ANTI-HOMOSEXUALITY BILL REINTRODUCED TO PARLIAMENT

October 25, 2011: Uganda’s Anti-Homosexuality bill was reintroduced to parliament.

The bill includes the death penalty for some offences, requires that all people in Uganda report homosexuals and would ban advocacy by anyone for LGBT human rights.

The bill is the same one which ran out of time in the last parliament.

Chief proponent of the bill, David Bahati MP, is now the Chair of the ruling NRM party.

That version came out of a parliamentary committee in May with the death penalty clauses ‘hidden.’ This led to reports that capital punishment had been removed as a sop to international reaction. (Source: care2.com, 25/10/2011)

PANNELLA ON THE DEATH/ ASSASSINATION OF GADDAFI:

October 20, 2011: regarding the death of Gaddafi, Marco Pannella, the leader of the Non Violent Radical Party, Transnational and Transparty (PRNTT) and Hands Off Cain President, said: «Regarding the death or assassination of the Libyan dictator Gaddafi, which needs to be clarified, I hope we discover the truth straight away. I am sorry that

he can no longer be taken to the Hague for an international trial. This would have given the world the right to the truth and to knowledge of maybe his greatest criminal act.

By stopping the highly likely and probable voluntary exile of Saddam, Gaddafi sparked off the war in Iraq, therefore preventing peace. This also prevented democracy and freedom in Iraq.

His two accomplices, George W. Bush and Tony Blair, were responsible for the war in Iraq. The effects of this continue in the Middle East, with a "West" that must answer for the use of a "weapon of mass revulsion".

Bush and Blair are more tainted than Gaddafi, because they betrayed their oaths, their countries and their duties. We still haven't been able to use the truth to repair this fabrication. As the Non Violent Transnational and Transparty Radical Party, today this is perhaps our main task. As long as we cannot give the world the truth, we haven't completed one of our main tasks.

The disappearance of Gaddafi affects me greatly. He was a killer, he accepted being one. However he was paid for his infamous role in every way. Gaddafi was sent by his two accomplices, who were infinitely more guilty than him, to sabotage Saddam's exile in peace. Bush

and Blair were traitors of the truth, of the law, of civility and of the people. We needed him alive, not dead, the same as with Saddam and all the other "Cains". Without him I believe we cannot know the even more lurid and dirty details of this tragic page in contemporary human history."» (Source: Radicali.it, 20/10/2011

IRAQ OKAYS EXECUTIONS OF 53, INCLUDING FIVE FOREIGNERS

October 20, 2011: Iraq's presidency approved the executions of 53 people, including five foreigners, according to the head of the presidency council office.

"There are 53 people who have been approved for execution -- among them are five foreigners," Nassir al-Ani told AFP. He provided no further details of who the people were who would be executed, or the nationalities of the foreign prisoners.

Ani heads the office of the presidency council, comprised of President Jalal Talabani and his two deputies Tareq al-Hashemi and Khudayr al-Khuzai, which must approve all death sentences in Iraq.

Last month, Abdelsattar Birakdar, the spokesman of the Higher Judicial Council, said 338 death sentences had been issued so far this year, and three executions had been carried out.

Iraq's Deputy Justice Minister Busho Ibrahim said in December 2010 that Iraq has executed 257 people, including six women, since 2005. (Source: AFP, 20/2011)

SAUDI ARABIA: WOMAN EXECUTED FOR BURNING HUSBAND TO DEATH

October 19, 2011: A Saudi woman convicted of burning her husband to death was beheaded today, the interior ministry said. Ghazala bint Nasser al-Balawi was condemned to death after being found guilty of killing Ali al-Shehri by pouring petrol in his house, setting it on fire after having locked the man inside asleep, it said in a statement carried by SPA state news agency. Her beheading in Riyadh brings the number of executions this year in the kingdom to 65. (Source: AFP, 19/10/2011)

PUNTLAND: AL SHABAAB RELATED SUSPECT EXECUTED

October 17, 2011: The high court of Somalia's semi-autonomous state of Puntland conducted death penalty against a man accused of committing murders and having links with Al shabaab.

Abdullahi Abdi Iman, the defendant who was executed, was charged by the court with plotting of killing of several people in Mudug region.

The general attorney of Puntland high court at Nugal region, Mohamed Hassan Osman told the reporters the executed man has professed all the accusation, adding that he distinctly said he was working with Al shabaab. (Source: Allafrika.com, 17/10/2011)

KUWAITI PRINCE SENTENCED TO DEATH

October 14, 2011: a Kuwaiti prince has been sentenced to death after he was found guilty of killing his nephew, al-Qabas daily reported.

The report said the Criminal Court had ordered the execution of Shaikh Faisal Al Abdullah Al Sabah for the June 2010 killing of Prince Basel Al Sabah.

The two men were talking privately, when guests at the house heard several gunshots. Medics said Prince Basel Al Sabah had been shot several times at close range.

The convicted prince was a member of the army and 20 years younger than the victim. (Source: SkyNews.com.au, 14/10/2011)

PENNSYLVANIA: U.S. SUPREME COURT RULES IN FAVOR OF MUMIA ABU-JAMAL

October 11, 2011: The U.S. Supreme Court rejected a request from Philadelphia prosecutors who want to re-impose a death sentence on former

Black Panther Mumia Abu-Jamal, convicted in 1982 of killing a white Philadelphia police officer in 1981. The justices refused to get involved in the racially charged case. The Third Circuit Court of Appeals in Philadelphia ordered a new sentencing hearing for Abu-Jamal after finding that the death-penalty instructions given to the jury at Abu-Jamal's 1982 trial were potentially misleading. Courts have upheld Abu-Jamal's conviction for killing Officer Daniel Faulkner over objections that African-Americans were improperly excluded from the jury. The federal appeals court in Philadelphia said prosecutors could agree to a life sentence for Abu-Jamal or try again to sentence him to death. The Philadelphia District Attorney's office appealed the ruling, but the Supreme Court refused to hear the case, ending decades of legal wrangling over his death sentence. The DA's office declined to comment on the Supreme Court's decision against taking the case. Abu-Jamal, born Wesley Cook, will now spend the rest of his life in prison unless the Philadelphia District Attorney's office seeks the death penalty again at the new sentencing hearing in a county trial court. "At long last, the profoundly troubling prospect of Mr. Abu-Jamal facing an execution that was produced by an

unfair and unreliable penalty phase has been eliminated," said John Payton, president and director-counsel for the NAACP's Legal Defense and Education Fund, which represented Abu-Jamal. "Like all Americans, Mr. Abu-Jamal was entitled to a proper proceeding that takes into account the many substantial reasons why death was an inappropriate sentence." (Sources: Associated Press, International Business Times, 11/10/2011)

EGYPT EXECUTES MAN FOR 2010 COPTIC SHOOTING

October 10, 2011: Egypt executed a man for killing six Christians and one Muslim in a shooting in 2010. The drive-by shooting, which sparked protests at the time, occurred in the southern town of Nagaa Hamady after mass on the eve of Orthodox Coptic Christmas, which is on January 7. The body of Mohamed Ahmed Mohamed Hussein, 41, also known as Hamam El Kamouny, was taken to a morgue in Alexandria after his execution for his family to collect, the state news agency MENA reported. The shooting, which also wounded nine Copts, had sparked protests by more than 1,000 Copts from Nagaa Hamady. Muslims and Christians set fire to each others' homes and shops in the town. The incident was linked to the

suspected rape of a Muslim woman by a Christian. (Source: Reuters, 10/10/2011) (Sources: www.hurriyetdailynews.com, 18/10/2011)

IRAN: FIVE AZERBAIJANIS EXECUTED FOR DRUG TRAFFICKING

October 10, 2011: Five Iranian Azerbaijanis – Jamal Shaikhzade, Farhad Islamdust, Muhammad Jangali, Dehqan Salamat and Riza Alipour –, who were convicted of drug trafficking, were executed in the central prison of Orumieh.

According to the Association for Defense of Azerbaijani Political Prisoners in Iran (ADAPP), the individuals were convicted after an unfair trial process largely based on confessions extracted under torture and false documents allegedly prepared by the Ministry of Intelligence and National Security of Iran.

Three of these five executed individuals, Shaikhzade, Islamdust and Jangali, were residents of Isti Su village and were members of the Iranian Azerbaijani Sunni minority commonly referred as “Sunni Turk” or “Kuresunni” by locals. According to their families, they were subjected to severe psychological and physical torture under interrogation. There are reports that at least one of the executed individuals, Jamal Shaikhzade, a 30-year-old driver assistant, may have been innocent.

VIETNAM: 3 SENTENCED TO DEATH FOR DRUG TRAFFICKING

October 5, 2011: A court in northern Vietnam sentenced three people to death for heroin trafficking. Presiding Judge Pham Thi Thuy says the three were convicted of trafficking nearly 22kg of heroin from 2006-2010. She said that four other defendants were given life in prison and four others received jail terms of eight to 20 years in prison on the same charges. The trial at the People's Court in Lao Cai province lasted three days. (Fonti: AP, 06/10/2011)

JORDANIANS PROTEST SAUDI ARABIA EXECUTION VERDICTS

October 4, 2011: Scores of Jordanians demonstrated in front of the Saudi Arabian embassy in Amman to protest rulings by Saudi courts to behead 29 Jordanian truckers found guilty of drug trafficking. 'There are 29 Jordanians ... mostly truck drivers, who have been condemned for drug trafficking and they are awaiting execution by beheading,' lawyer Abdul Karim Shraydeh told reporters. The protest was arranged by Jordanian and Arab groups campaigning for the annulment of the death penalty. One of

the convicts was beheaded a few days back.

According to judicial sources, drug traffickers use Jordan as a transit country for smuggling narcotics from other parts of the region to Saudi Arabia and other oil-rich Gulf nations. (Source: Monsters & Critics, 04/10/2011)

IRAN: POLITICAL PRISONER SECRETLY HANGED

October 4, 2011: Political prisoner Aziz Khakzad was secretly hanged in Kerman Central Prison, Iran, on charges of Waging War Against God (Moharebeh). He was a resident of Salmas County in Kurdistan Province and was exiled to Kerman to serve his prison term. According to a report by Human Rights Activists News Agency (HRANA), Khakzad was a 29 year old political activist arrested in 2007. The Revolutionary Court in Khoy County sentenced him to death on charges of Waging War Against God and helping opposition groups. As a result of efforts made by his family and friends, the Appeals Court had reduced the death sentence to 5 years in prison and exiled him to Kerman.

Last night, Aziz Khakzad was unexpectedly transferred from the general prison population to solitary confinement and was hanged in Kerman Prison this morning. Aziz Khakzad's

family received the news of his execution this morning but Iranian government officials have yet to confirm the report. (Sources: HRANA News Agency, 04/10/2011)

JAPAN: TOP COURT REJECTS DEATH PENALTY APPEALS OVER QUADRUPLE MURDER

October 3, 2011: the second petty bench of the Japanese Supreme Court refused to review death penalty appeals filed by two defendants over the murders in 2004 of four people in Omuta, Fukuoka Prefecture.

The second petty bench of the Supreme Court handed down the ruling, upholding lower court decisions to sentence Mami Kitamura, 52, and her 27-year-old son, Takahiro, to death for killing four people in 2004. In handing down the ruling, the bench said, "Their criminal responsibility is extremely heavy."

Mami Kitamura's 67-year-old husband, Jitsuo, and her 30-year-old son Takashi had separately appealed against lower court rulings to sentence them to death in the same murder case. The Supreme Court is expected to hand down rulings on Oct. 17. (Source: Mainichi Japan, 04/10/2011)

BARBADOS 'TO ABOLISH MANDATORY DEATH PENALTY'

October 2, 2011: Barbados is to abolish the mandatory death penalty before the end of the year in keeping with an Inter-American human rights court decision, Attorney General Adriel Brathwaite said. But Brathwaite stressed in an interview with the paper that the death penalty would remain on the statute books, though he acknowledged that there was less of a chance that convicted murderers would be hanged. The death penalty has not been carried out here in nearly 27 years. (Source: Antiguaobserver.com, 02/10/2011)

IRAN: SEVEN MEN HANGED FOR DRUG TRAFFICKING

October 2, 2011: Seven prisoners were hanged in Shiraz (southern Iran) early in the morning.

According to the official website of the Fars province, seven prisoners identified as Abdolmajed A., Mohammadreza A., Abdolrasoul T., Mohsen A., Ahmad K., Hadi K. and Masih K.

All the seven were arrested in the towns of Abadeh, Neyriz, Kazeroun, Bavanat and Shiraz and were sentenced to death by the revolutionary courts convicted of drug trafficking.

The charges have not been confirmed by independent sources.

The Iranian Students News Agency said the men already had a criminal history before they were arrested. (Sources:

Iran Human Rights, Wireupdate.com, 03/10/2011)

IRAN: OFFICIALS SAY DEATH-ROW PASTOR'S CHARGES NOT RELIGIOUS

October 1, 2011: the charges against an Iranian pastor sentenced to death were not based on religious grounds or his conversion from Islam to Christianity, the Fars news agency reported quoting officials.

Youssef Naderkhani, 32, converted to Christianity in 1998 and headed a small Protestant community in the northern province of Gilan. The unnamed official said the charges against Youssef were not of a religious nature, but claimed instead that he had committed crimes such as 'several rapes and extortions' as well as security breaches. (Sources: Monsters & Critics, 01/10/2011)

News from International NGOs - October 2011

PRI WORKSHOP ON DEATH PENALTY ABOLITION IN TUNISIA AND LEBANON

Within the framework of PRI's project "Progressive Abolition of the Death Penalty and Alternatives that Respect International Human Rights Standards", PRI's Middle East and North Africa office

conducted two specialised training workshops in Tunisia and Lebanon between 1 and 6 October 2011 with the financial support of the European Union.

PRI trains civil society in Tunisia: On 1 and 2 October 2011, Penal Reform International convened a death penalty workshop in Tunisia. Approximately 34 participants attended including judges, representatives of the National Human Rights Organisations, civil society / non governmental organisations including Amnesty International, journalists, lawyers and law students, and members of the public.

The aim of the workshop was to increase public awareness on abolition of the death penalty, to highlight the available alternative sanctions, to support the existing moratorium (an unofficial moratorium has been in place in Tunisia since 1991), and to discuss the constitutional process and how it might be used to move Tunisia towards full abolition in law. The workshop also highlighted the steps and actions needed to strengthen the capacity of civil society, including the media, on advocacy efforts to support progressive abolition.

The workshop concluded by launching an advocacy campaign which will start after the election of the Tunisian Constituent Assembly in 23rd October 2011 and will target the members of the assembly and the general public through different media outlets, and campaign materials which will clarify the legal, political and social arguments as to why the death penalty should be abolished. The campaigning activities will be funded by the British Foreign and Commonwealth Office

PRI trains journalists in Lebanon: On 5 and 6 October 2011, Penal Reform International held a workshop on the abolition of the death penalty with journalists and bloggers in Lebanon.

The aim of the workshop was to enhance the technical capacity of journalists on issues linked to the death penalty, alternative sanctions and criminal justice issues, both within the Middle East and North African region as well as globally.

The workshop increased awareness by journalists of the legal arguments behind the death penalty and the situation regarding Lebanon (both from a historical and present day perspective), including to support the existing moratorium (an unofficial

moratorium has been in place in Lebanon since 2004).

Participants were able to practice data collection and drafting articles and blogs on various criminal justice issues applicable to a Lebanese audience. Advocacy strategies and targets were highlighted to underscore how journalists and bloggers can contribute to the abolitionist movement in their country.

One of the main results of the workshop was the creation by participants of a plan of action to contribute to advocacy efforts towards abolition in Lebanon and to establish a network to share information and stories regarding the death penalty. The workshop also called for the adoption of the draft law calling for abolition in Lebanon.

PRI CENTRAL ASIA TRAINING ON REHABILITATION OF TORTURE VICTIMS.

PRI in partnership with Freedom from Torture has hosted a three day training on rehabilitation of torture victims for staff of public organizations of the Republic of Kazakhstan, Kyrgyz Republic and the Republic of Tajikistan between 31 October and 2 November in Almaty, Kazakhstan.

The main goal of the training was to teach participants (doctors, psychologists, social workers) the methodology of complex rehabilitation of torture victims and build successful rehabilitation centers for the further application of knowledge and experience in their own countries. READ MORE > <http://www.penalreform.org/files/Press%20release%20freedom%20from%20torture.doc>

PRI IN PRE-TRIAL DETENTION JOINT STATEMENT

PRI and fifteen other human rights organisations have joined together to call for alternatives to, and better conditions and safeguards for pre-trial detention around the world, at the 50th session of the African Commission on Human and People's Rights, held on 25 October in Banjul, Gambia.

READ MORE > http://www.soros.org/initiatives/justice/articles_publications/publications/achpr-pretrial-20111025/pretrial-detention-statement-10252011.pdf

PRI URGES SUPPORT FOR THE 2011 PETITION AGAINST THE DEATH PENALTY.

139 nations have already abolished the death penalty in law or in practice. In December 2012, the United National General Assembly will vote on a resolution calling for a worldwide halt to its use.

PRI is asking for signatures on the petition calling for a worldwide moratorium on sentences and executions with a view to abolishing the death penalty worldwide in the belief that this penalty is inhumane:

- * Whatever the method of execution, there is no humane way to kill
- * Whatever the country, death row is inhumane
- * Whatever the length, awaiting death dehumanizes people sentenced to death

For the 4th vote of the United Nations General Assembly on a moratorium on the use of the death penalty, to be held in December 2012, we call on all countries to support the resolution and all those which retain the death penalty to establish a moratorium on its use, with a view to abolishing this inhumane practice altogether!

The petition is available on <http://www.dp-petition.net/>

GLOBAL CONFERENCE ADDRESSES CARIBBEAN OUTLOOK ON CAPITAL PUNISHMENT

By Emile Carreau, October 26, 2011

A two-day conference organised by the Community of Sant'Egidio on the death penalty in the Greater Caribbean took place in Madrid between 17-19 October, highlighting issues of rising crime and international influence in the region.

Despite executions in the Caribbean being a rarity and many of the 25 Caribbean countries being either de jure or de facto abolitionist, human rights activists and academics at the conference were quick to point out the urgent need to promote abolition.

Kevin Miguel Rivera from the Puerto Rico Bar Association noted that "governments are trying to establish legislation to facilitate executions" and that "the Caribbean countries took a stance to weaken the motion on the moratorium" at the United Nations General Assembly in December 2010.

Representing the UK-based Death Penalty Project, Saul Lehrfreund said: "There is a desire in a number of countries in the Caribbean to execute" and "the majority of countries in the English speaking Caribbean are thwarted executioners."

He was referring to recent failed government attempts to circumvent international judicial restrictions that have effectively halted further executions.

Rising rates of violent crime and public opinion

In recent years the murder rates on a number of the islands have been escalating at an alarming rate and hindered progress towards constructive dialogue about abolition.

Carmelo Campos Cruz from the Puerto Rican Coalition Against the Death Penalty refuted capital punishment's supposed deterrent value, which is often put forth by retentionists. There is “no connection between the death penalty and the violent crime rate”, he said

Similarly, the assumption that public opinion in the Caribbean overwhelmingly favours the death penalty was refuted by Arif Bulkan from the University of the West Indies in Barbados. Pointing to a report on public opinion on the mandatory death penalty in Trinidad, he remarked: “What this wonderful poll has done is to show us that... in the Caribbean support for the death penalty is not as unequivocal

as conventional wisdom would have us believe.”

According to Michael Radelet, from the University of Colorado, empirical research can and should be used to develop arguments against the death penalty in the Caribbean. He also see potential in giving voice to police chiefs, murder victims family members, wardens, and high profile figures as tools in the fight for abolition.

Capital punishment was initially brought to the Caribbean by the old colonial powers of Spain, France, England and the Netherlands and abolition of the death penalty is now being sought by these same countries.

Participants recognised this as a sensitive issue.

“The better approach is to encourage local debate and local opinion that is informed by world standards rather than imposed and it is the change in the politics that will really effect the eventual abolition of the death penalty,” said Gregory Delzin, a lawyer from Trinidad & Tobago.

There was a general consensus among the speakers that abolition in the region requires strengthened civil society to move the debate forward and help

political leaders develop the courage and the tools to abolish the death penalty. To this end, the conference participants decided to develop the Caribbean Network Against the Death Penalty “to fasten the road to abolition”.

AFRICAN COUNTRIES DISCUSS RWANDAN EXAMPLE IN DEATH PENALTY ABOLITION

By Hands Off Cain, October 22, 2011

Kigali hosted the Inter-African conference against the death penalty on 13 and 14 October. The conference was held by the Rwandan government with Hands off Cain in collaboration with the World Coalition Against the Death Penalty under the aegis of the African and European Unions. Representatives of about twenty African governments were present, as well as various exponents from the international community and many nongovernmental organizations.

“In Rwanda in 1994, death was on every street corner,” Justice Minister Tharcisse Karugarama reminisced during the opening ceremony. “The only hope was to survive until the next day. After the genocide we didn't have judges or prosecutors or police, yet we still achieved justice and not revenge: who

would have done this better than us? It was an extraordinary experience, that today we are allowed to live in harmony. We have humbled death by not giving it the dignity of the law.”

The president of the African Union Commission, Jean Ping of Gabon (photo, left), said: “This country, after having suffered so much, knew to arrive at forgiveness. Taking Gabon as an example, we could never have believed Rwanda would abolish the death penalty in turn.

Ping added: “To protect life, the Rule of Law needs to be established and citizens must be educated about democracy. Today the African Union supports abolition or a moratorium in all its efforts.”

Louis Michel, co-president of the ACP-EU parliamentary assembly, emphasised the fact that the country that had known absolute evil had decided to hold the abolitionist conference. “It is a struggle in all people against barbarism. Democracies that want to be defined as such are embarrassed by the continued use of this perverse institution,” he said in relation to capital punishment.

Reconciling the end of impunity and the culture of forgiveness

Aldo Ajello, honorary president of Hands Off Cain, remembered the organization's long fight as a part of the Radical Party. Ajello also emphasised the courageous act of processing those guilty of genocide without resorting to revenge, rather by reconciling the end of impunity and the culture of forgiveness.

Rwandan President Paul Kagame (photo, right - video below) stressed on the importance of the right to life: "There was a time in our history when some Rwandans did not enjoy fundamental rights including the right to life. Over the years this denial culminated in the loss of more than one million people in the genocide of 1994," he said.

Kagame then spoke of the absolute ineffectiveness of the death penalty for dissuading criminals. "Our experience teaches us that abolition has contributed to harmony, because crime has decreased. We did not put those guilty of genocide to death, instead we preferred to break with the past, and we have never regretted this decision," the Rwandan president concluded.

The World Coalition was represented by its executive secretary Raphael Chenuil-Hazan (video below). He addressed the issue of the death penalty and public opinion by saying that in order to

achieve abolition political courage must be coupled with education.

Italian Parliamentarian and Hands Off Cain treasurer Elisabetta Zamparutti concluded the two-day conference and presented the Kigali resolution. The conference adopted the resolution unanimously, asking African countries to sign and support treaties and international resolutions on the death penalty and the moratorium on executions, with a commitment by governments to transpose their contents into each country's legislation.

SON OF MCCARTHY-ERA EXECUTION VICTIMS EQUATES DEATH SENTENCE WITH TORTURE

October 12, 2011, Paris, France – Today, Robert Meeropol, Executive Director of the [Rosenberg Fund for Children](#), outspoken opponent of the death penalty, and the younger son of Ethel and Julius Rosenberg, spoke regarding his parents' execution and, more broadly, the current status of the death penalty in the United States. October 10, 2011 marked the ninth annual World Day Against the Death Penalty and today marks the thirtieth anniversary of the abolition of the death penalty in France, Mr. Meeropol also presented a paper on behalf of the U.S.-

based Center for Constitutional Rights (CCR) arguing that the death penalty is tantamount to torture. A roundtable marking these events was held between 9:00 a.m. and 12:30 p.m. at the Maison du Barreau de Paris, 2-4 rue Harlay, 75001, Paris.

Robert Meeropol explains, "If we wish to eradicate the death penalty in the United States, rather than just reduce it, we must convince the American courts and educate the American public to view capital punishment as a human rights abuse. The conditions on death rows in the United States engender the internationally recognized 'death row phenomenon': those slated to die spend an average of 14 years in isolation and sensory deprivation while facing their impending though uncertain extermination. As one lower court in the United States found in 1972, 'the process of carrying out a verdict of death is often so degrading and brutalizing to the human spirit as to constitute psychological torture.'"

The position paper, entitled "[The United States Tortures Before It Kills: An Examination of the Death Row Experience from a Human Rights Perspective](#)", argues that the extreme conditions on death row in the United States qualify the sentence as torture,

as defined by the UN Convention Against Torture, ratified by the United States in 1994. These conditions include extremely restricted access to visits, phones, reading materials, educational programming, showers, and exercise; sensory deprivation; solitary confinement usually for 23 hours a day; and forms of mock execution. American death penalty prisoners are frequently subjected to these conditions for decades. The paper was co-authored by CCR staff attorneys Rachel Meeropol (Robert Meeropol's daughter) and Katherine Gallagher. Copies of the paper are available at: <http://ccrjustice.org/deathrowtorture>.

SAUDI ARABIA EXECUTES EIGHT BANGLADESHI NATIONALS

Resumed in Saudi Arabia at an alarming rate since Ramadan.

Eight Bangladeshi men have been executed in the Saudi Arabian capital Riyadh on Nov 4. The migrant workers, who were beheaded in public, were sentenced to death for the alleged murder of an Egyptian man in April 2007. Since the end of the Holy month of Ramadan, executions have resumed in Saudi Arabia at an alarming rate, says Amnesty International.

“Court proceedings in Saudi Arabia fall far short of international standards for fair trial and news of these recent multiple executions is deeply disturbing,” said Hassiba Hadj Sahraoui, Amnesty International’s Deputy Director for Middle East and North Africa.

“The Saudi authorities appear to have increased the number of executions in recent months, a move that puts the country at odds with the worldwide trend against the death penalty.”

“The government must establish an immediate moratorium on executions in the Kingdom and commute all death sentences, with a view to abolishing the death penalty completely,” she added.

The beheadings bring the number of executions in Saudi Arabia this year to at least 58, more than double than the 2010 figures. Twenty of those executed in 2011 were foreign nationals.

The Bangladeshi men who were executed are Ma'mun Abdul Mannan, Faruq Jamal, Sumon Miah, Mohammed Sumon, Shafiq al-Islam, Mas'ud Shamsul Haque, Abu al-Hussain Ahmed, Mutir al-Rahman.

According to reports, the Egyptian man was killed during a clash between the

Bangladeshi workers and a group of men who allegedly were stealing electric cable from a building complex where the Bangladeshis worked.

Three other Bangladeshis were sentenced to prison terms and flogging. Two other Saudi nationals were executed in the northern city of Tabuk, bringing the total number of executions on Novb 4 to ten. Many of those executed in Saudi Arabia in recent years have been foreign nationals, mostly migrant workers from poor and developing countries.

Defendants often have no defence lawyer and are unable to follow court proceedings in Arabic. In many cases they are not informed of the progress of legal proceedings against them. They, and many of the Saudi Arabians who are executed, also have no access to influential figures such as government authorities or heads of tribes, nor to money, both crucial factors in paying blood money or securing a pardon in murder cases.

Saudi Arabia applies the death penalty for a wide range of offences. They may be convicted solely on the basis of confessions obtained under duress or deception. At least 158 people, including 76 foreign nationals, were

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

IRAN MUST ACKNOWLEDGE ABUSES BEFORE UN COMMITTEE, SAYS AMNESTY

The Iranian authorities will make a farce of a UN Committee hearing into Iran's human rights record unless they acknowledge current and past abuses, Amnesty International warned on Oct 17. The UN Human Rights Committee, which monitors how states comply with their obligations under the International Covenant on Civil and Political Rights, begins meeting today to consider Iran. The Iranian authorities' report to the Committee, the first submitted since 1993, is more than a decade late.

"The Iranian authorities have already shown contempt for the Committee by submitting this report so late," said Hassiba Hadj Sahraoui, Amnesty International's Deputy Director for the Middle East and North Africa. "They must now provide truthful answers to its questions and commit to providing a

remedy to the many Iranians and their families who have suffered human rights violations".

The Committee's task is to consider how far Iran has upheld key rights enshrined in the Convention, including the right to life, freedom of expression, non-discrimination, and the prohibition of torture and arbitrary detention. Iran's report to the Committee and its written answers to the Committee's initial questions both paint a severely distorted picture of its human rights record and fail to reflect serious and continuing abuses.

The Iranian authorities do implicitly acknowledge ways in which laws discriminate against women and minorities. They also refer to some laws which would offer protection if implemented, but which are widely flouted in practice. And they make it clear that Iran is continuing to impose the death penalty on juvenile offenders – those convicted of offences when under 18 – despite the fact that this is explicitly prohibited under international law.

In reality, Iran is a serial human rights violator which executes hundreds of people each year, including juvenile offenders. The Iranian authorities also

deny that minorities face any kind of discrimination. They vilify the Baha'i community, and accuse women's rights activists of "contributing to public disorder".

"It is shocking that the Iranian authorities are trying to imply that members of the lesbian, gay, bisexual and transgender (LGBT) community do not have rights which are protected under the Covenant," said Hassiba Hadj Sahraoui. "It only highlights the degree of the authorities' blindness and bigotry against those who identify themselves outside the narrow confines of state-imposed gender norms".

In reality, consensual same-sex relations face draconian punishments including flogging and the death penalty. Baha'is are frequently arrested or imprisoned on account of their faith, with over 100 currently behind bars. A Christian pastor, Yousef Nadarkhani, is awaiting the outcome of a retrial for "apostasy" for refusing to renounce his religion. If convicted, he could face the death penalty.

Iran jails defence lawyers and other human rights defenders and persecutes religious and ethnic minorities, along with anyone who expresses any form of peaceful dissent, after trials which are

usually grossly unfair. Torture and other ill-treatment is routine.

"Iran's appearance before the Human Rights Committee offers a small glimmer of hope to victims and their families. The country's authorities must begin to listen to them, and implementing the Committee's recommendations would be an important first step", said Hassiba Hadj Sahraoui.

"Cooperation with international human rights mechanisms must consist of more than appearing before the Human Rights Committee and rejecting the questions of the Committee's experts.

Allowing all UN Special Rapporteurs – and particularly the new Special Rapporteur on the human rights situation in Iran - into the country to conduct a fact-finding mission would be a welcome sign that the authorities are serious about their international engagement on human rights issues", she said.

Iran has a patchy record on cooperation with UN human rights mechanisms.

When it appeared before the UN Human Rights Commission's Universal Periodic Review in 2010, it refused to acknowledge the gravity of its human

rights situation, despite substantial evidence to the contrary.

US: AN ATTACK ON HUMAN DIGNITY

Statement on World Day against the Death Penalty

October 10, 2011: The cornerstone of human rights is respect for the inherent dignity of all human beings and the inviolability of the human person. Human Rights Watch opposes capital punishment in all countries and in all circumstances because the inherent dignity of the person is inconsistent with the death penalty. This form of punishment is unique in its cruelty and finality, and it is inevitably and universally plagued with arbitrariness, prejudice, and error.

October 10, 2011 is the ninth annual World Day against the Death Penalty, and this year marks 35 years since the United States reinstated capital punishment in 1976. In that time, 1,271 people have been electrocuted, shot, hanged, gassed, or put to death by lethal injection. In September, the state of Georgia executed Troy Davis despite significant doubts about his guilt. Texas executed its 475th prisoner since 1976. During that time, Texas has by far executed the largest number of people of any US state.

Those responsible for serious crimes should be fairly and appropriately brought to justice, and the victims of crimes and their families should have access to the mechanisms of justice and redress. But it is increasingly recognized around the world that the death penalty is a fundamental assault on the right to life found in the Universal Declaration of Human Rights and international human rights treaties.

Innocent people have been sentenced to death in the United States. Since 1973, 138 prisoners have been released from death rows around the country after they were shown to be innocent of the crimes for which they had been sentenced to die. Some of them were released just days before they were scheduled for execution. The inherent fallibility of all criminal justice systems assures that even when full due process of law is respected, innocent people are likely to be executed. Because an execution is irreversible, such miscarriages of justice can never be corrected.

Race, poverty, and geography are inexorably intertwined with the death penalty. Defendants whose victims were white are more likely to be sentenced to death than those whose victims were

members of a minority group. Poor defendants are generally represented by government-appointed counsel, who are often overworked and underpaid for the weighty responsibility of defending a person faced with the possibility of execution. Prosecutors in certain counties are more likely to seek the death penalty than those elsewhere in the same state. The accident of geography, and no other aspect of a particular crime, can mean the difference between life and death for the defendant.

The United States stands increasingly alone among democratic countries in its continued use of the death penalty. By retaining capital punishment in a world that has largely turned its back on this barbaric practice, the US damages its reputation, causes friction with its closest neighbors and allies, and undermines its efforts to promote human rights at home and abroad.

For all of these reasons, the death penalty is becoming increasingly rare in the United States. The numbers of executions and death sentences per year have decreased by half in the last 10 years. Four states have abolished the death penalty in the past four years, raising the total number of states prohibiting capital punishment to 16,

plus the District of Columbia. Death as a punishment is becoming more and more unusual because it is increasingly recognized as inherently cruel.

Human Rights Watch urges all jurisdictions in the United States to reject the death penalty, and in doing so, to reaffirm fundamental principles of human rights.



Read the latest information about worldwide
efforts to abolish the death penalty!

<http://www.ipsnews.net/deathpenaltyabolition>



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