

Crime and Justice

Death Penalty and the Right to Life

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



September 2010



CRIME AND JUSTICE

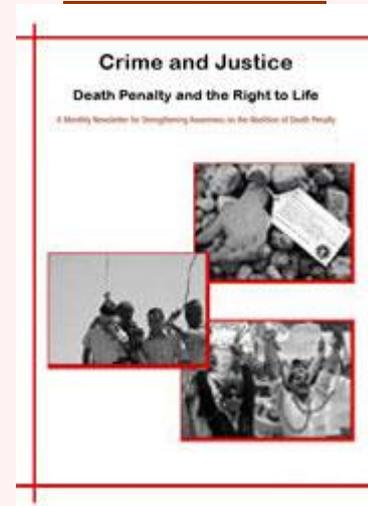
A Monthly Newsletter for Strengthening Awareness
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[Q&A: Capital Punishment in Canada, Revisited](#)

By Aprille Muscara

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[Dictators Guard Their Death Switch](#)

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

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Q&A

Capital Punishment in Canada, Revisited

By Aprille Muscara

NEW YORK, Aug 28, 2010 (IPS) - Thirty-four years ago, Canada was one of the first Western countries to abolish the death penalty. In 1987, the question of capital punishment and whether it should be reinstated resurfaced in the House of Commons.

David Daubney, former parliamentarian and current chair of Penal Reform International, was instrumental in the defeat of the motion.

In the run-up to the motion's vote, Daubney published an article detailing five key reasons why he would vote against the restoration of the death penalty.

In an interview with IPS, Daubney looks back at the historic moment when his country came dangerously close to reintroducing what Amnesty International calls "the ultimate denial of human rights."

Q: What kind of reactions did you get when you published that article?

A: The article, which highlighted the main points of my 20- minute speech in

the House on Jun. 5, 1987, was quite well received. I had a few intemperate letters and calls but most were positive and grateful for the information.

Some of my colleagues in the Commons, who were on the other side of the argument, were a bit cross with me as they had correspondence from constituents referring to my position as chair of the Justice Committee as authoritative on the issue. A number of others told me after the vote it led them to revisit their position.

Q: Your article convincingly outlined five important points against the death penalty. Do you see any value in capital punishment, whatsoever?

A: No. As the article points out, I was prepared to consider its use for killers of police and correctional officers if I could be satisfied it would be a deterrent that would protect these frontline workers. The massive literature review I had my staff assemble - which is now on deposit at the Library of Parliament of Canada - disclosed no evidence that that was the case.

As the Supreme Court of Canada said in an extradition case in 2001, *US v. Burns*, (paragraphs 76 to 78): "The death penalty has been rejected as an acceptable element of criminal justice by the Canadian people, speaking through their elected federal representatives, after years of protracted debate. ... It is... incontestable that capital punishment... engages the underlying values of the prohibition against cruel and unusual punishment [in the Canadian Charter of Rights and Freedoms.] It is final. It is irreversible.

Its imposition has been described as arbitrary. Its deterrent values have been doubted. Its implementation necessarily causes psychological and physical suffering. It has been rejected by the Canadian Parliament for offences committed within Canada. Its potential imposition in this case is thus a factor that weighs against extradition without assurances [that the prosecution will not seek the death penalty.]"

Q: In your capacity as a parliamentarian during the reinstatement debate, what were the most difficult roadblocks you encountered in your efforts to defeat the motion?

A: My approach to base my position on

exhaustive research obviously did not work for many.

A few days before the vote there was a lengthy story in the *Ottawa Citizen* about my role in campaigning against the death penalty within the government caucus.

Although I lobbied members privately on a one to one basis, the word had got out. This resulted in a number of angry letters and calls and one case of physical threats and intimidation on the night of the vote from several constituents who worked in the Parliament buildings.

I encountered many former supporters while campaigning in the next General Election in the autumn of 1988 who said they were not voting for me because of my role in the death penalty debate.

This was undoubtedly a factor in my defeat but I remain proud of the contribution I was able to make to maintaining Canada's reputation as a just, fair and progressive society.

Q: Why was the motion expected to carry, and what factors played a role in its eventual defeat?

A: During the 1984 General Election, the Progressive Conservative Party

promised to hold a free vote (i.e. without whips) on whether to reinstate the death penalty, which had been abolished in 1976. The PCs won the election in a landslide with 211 seats to 40 for the Liberals and 30 for the New Democratic Party, a social democratic party whose policy was abolitionist. Only one Liberal was a retentionist.

So the matter was essentially decided within the government caucus, the majority of whom had favoured a return to capital punishment during the debate in the House of Commons.

Prime Minister Brian Mulroney delivered a strong speech against reinstating capital punishment, which influenced many MPs, particularly those from Quebec.

At the end of the day the motion to reinstate was defeated 148 to 127 with 79 PCs voting in the negative.

Q: During the 1987 debate, public opinion polls showed that more Canadians supported the death penalty than didn't. Since then, polling has shown that public opinion has moved in the opposite direction. What factors do you think played a role in this change?

A: It is true that recent polling has

shown a drop in the percentage of Canadians who support capital punishment, although a majority of respondents remain favourable. I think this is reflective of the significant decrease in the murder rate and a realisation that after 50 years or more of debate, the question is now settled as confirmed by the Supreme Court and the government.

Q: According to Statistics Canada, the murder rate has been in decline since the mid-1970s despite the abolition of the death penalty. How would you interpret this?

A: I think the decline in the murder rate proves the deterrent argument continues to be without empirical support. There are doubtless other contributing factors such as an aging population and firearms controls.

(END)

Dictators Guard Their Death Switch

By Cam McGrath

CAIRO, Aug 6, 2010 (IPS) - Abolition movements are gaining momentum in North Africa, but authoritarian regimes

appear reluctant to remove capital punishment from the penal code.

"Rulers who could (abolish the death penalty) will not give it up easily," says Nasser Amin, director of the Arab Centre for the Independence of the Judiciary and Legal Profession.

Capital punishment is legislated in all North African countries. Libya and Egypt proscribe the death penalty for dozens of crimes ranging from murder to treason. Executions are carried out regularly by hanging or firing squad.

Morocco, Algeria and Tunisia have moratoriums on executions, though courts continue to pronounce death sentences for various offences. Hundreds of prisoners wait on death row.

Abolition campaigns have focused efforts on convincing regime leaders and senior religious authorities of the ineffectiveness and contradictions of capital punishment. Activists have pressed governments to adopt UN Resolution 62/149, which calls for a moratorium on executions as a step towards striking the death penalty from the statute books. Only Algeria has voted in favour of the resolution.

The absence of democracy in the region could be seen as an obstacle -- or an opportunity -- to abolition, says Amin.

"We're not talking about democracies here," he says. "To effect any change in this region you must convince the head of state. If he agrees, the parliament will agree."

But dictators have their reasons for maintaining the status quo. One oft-cited argument is that capital punishment is needed to counter rising crime rates.

Hafez Abou Seada, chairman of the Egyptian Organisation for Human Rights (EOHR), isn't buying it. He says the death penalty is an ineffective deterrent against crime, while its implementation risks the shedding of innocent blood.

"For a long time we've used death penalty against drug dealers, yet drugs are widely available today, and at a very cheap price," he told IPS. "Legislators tried to send a strong signal by the death penalty, but after strengthening the sentence what happened? Nothing."

According to Abu Seada, Arab regimes promote the misconception that capital punishment is proscribed in Islam. In Egypt, for instance, the grand mufti, a

state-appointed religious authority, is consulted before any execution order is carried out. The mufti rarely contradicts court rulings.

"They (regimes) interpret Sharia according to their purposes," he says.

Sharia, or Islamic law, mandates capital punishment for only four offences: premeditated murder, adultery, apostasy and banditry. It sets strict requirements and offers alternative punishments such as compensation and exile. Even in the case of premeditated murder, the Qu'ran proscribes qisas ("an eye for an eye"), but also provides the option of the victim's family accepting blood money in lieu of execution.

"Governments cannot really say the death penalty is taken from Sharia, because there are crimes such as adultery and apostasy...that are punishable by death according to Sharia and are not part of the national legislation, while others (such as arson) are not in Sharia yet appear in national legislation," says Taghreed Jaber, regional director of Prison Reform International. "In Morocco, for instance, there are 365 crimes that are punishable by death -- which goes far beyond what Sharia calls for."

If capital punishment is not an effective solution to crime, nor practised in accordance with Islam, why are North African leaders so reluctant to remove it from their penal code?

"The death penalty is an effective instrument of fear and repression," argues Amin. "It can be used to (intimidate) or eliminate political opponents."

Legislation blurs the grey line between terrorism and political activism, giving authorities broad discretion to arrest and execute dissidents. Capital crimes are usually tried in special courts, often without the right to appeal.

"If you look at the crimes punishable by death you will notice that many of them are related to the security and stability of the state -- which (encompasses) most political activities," says Jaber.

She points out that while the threat of execution may not be intimidating to extremists ready to commit suicide for their cause, it will make political activists think twice before speaking out against the government.

Regimes that curb freedoms have been reluctant to relinquish measures of

control. Algeria voted in favour of UN Resolution 62/149 in 2008, but cited terrorism and security concerns in its decision to scrap legislation that would have abolished capital punishment. Egypt recently renewed emergency laws in effect since 1981, signaling that the death penalty would remain in effect for the foreseeable future.

One problem throughout the region, says Jaber, is that the death penalty still enjoys popular support, as well as the backing of Islamic groups. If abolition movements can educate people on the political nature of capital punishment, and its divergences from Sharia, it could erode this support. The public would view the death penalty not as a criminal or religious issue, but as a violation of human rights.

North African leaders might be more inclined to abolish capital punishment if there was a palpable shift in public opinion, she adds. (END)

Secret 'Kill Lists' Fly in the Face of US and Int'l Law

By William Fisher

NEW YORK, Aug 31, 2010 (IPS) - Two of the nation's most influential human rights organisations have filed a lawsuit challenging the government's authority to carry out "targeted killings" of U.S. citizens located far from any armed conflict zone.

The American Civil Liberties Union (ACLU) and the Center for Constitutional Rights (CCR) charge that the authority contemplated by the Obama administration is far broader than what the Constitution and international law allow.

The organisations claim that, "outside of armed conflict, both the Constitution and international law prohibit targeted killing except as a last resort to protect against concrete, specific, and imminent threats of death or serious physical injury. An extrajudicial killing policy under which names are added to CIA and military 'kill lists' through a secret executive process and stay there for months at a time is plainly not limited to imminent threats."

The CCR and the ACLU were retained by Nasser al-Awlaki to bring the lawsuit in connection with the government's decision to authorise the targeted killing of his son, U.S. citizen Anwar al-Awlaki, whom the CIA and Defense Department

have marked for death.

The complaint asks a court to rule that using lethal force far from any battlefield and without judicial process is illegal in all but the narrowest circumstances; and to prohibit the government from carrying out targeted killings except in compliance with these standards. It also asks the court to order the government to disclose the standards it uses to place U.S. citizens on government kill lists.

Anwar al-Awlaki, 39, was born in Las Cruces, New Mexico, and is an Islamic lecturer who is a dual citizen of the U.S. and Yemen. He is a spiritual leader and former imam who has purportedly inspired Islamic terrorists. His sermons are said to have been attended by three of the 9/11 hijackers.

Today's lawsuit was filed against the CIA, Defense Department and the president in the U.S. District Court for the District of Columbia.

According to the complaint, the government has not disclosed the standards it uses for authorising the premeditated and deliberate killing of U.S. citizens located far from any battlefield. The groups argue that the American people are entitled to know

the standards being used for these life and death decisions.

"The United States cannot simply execute people, including its own citizens, anywhere in the world based on its own say-so," said Vince Warren, Executive Director of CCR. "The law prohibits the government from killing without trial or conviction other than in the face of an imminent threat that leaves no time for deliberation or due process. That the government adds people to kill lists after a bureaucratic process and leaves them on the lists for months at a time flies in the face of the Constitution and international law."

The groups charge that targeting individuals for execution who are suspected of terrorism but have not been convicted or even charged - without oversight, judicial process or disclosed standards for placement on kill lists - also poses the risk that the government will erroneously target the wrong people. In recent years, the U.S. government has detained many men as terrorists, only for courts or the government itself to discover later that the evidence was wrong or unreliable.

But a top Obama counterterrorism official is defending the government's right to target U.S. citizens perceived as

terror threats for capture or killing, citing al-Awlaki as an example.

Michael Leiter, director of the National Counterterrorism Center, does not say whether al-Awlaki is on a U.S. targeting list, but a senior U.S. counterterrorism official has previously confirmed that the cleric is among terror targets sought to be captured or killed.

What does the law say about targeting and killing people?

Much of the discussion thus far has been about the Constitutionality of such killings. But, counter-intuitively, the Constitution is not the primary engine. It is largely the laws of war that are in play here.

Daphne Eviatar of Human Rights First (HRF) explains to IPS, "Whether the target is a citizen isn't so important, because he's targetable if he's an enemy belligerent or civilian who's directly participating in hostilities against the United States."

She adds, "The problem with the government's drone program is that it hasn't provided the public with enough information to determine whether the government is complying with those legal requirements. The fact that

someone is suspected of having ties to al Qaeda or even supporting al Qaeda does not make them a member of a foreign force fighting the United States, or someone directly participating in hostilities against the United States."

"Until the U.S. starts providing information about not only who they're targeting but what evidence exists that this person is a legitimate target, then we can't know if what they're doing is legal," she says.

Scott Horton, a constitutional lawyer and contributing editor at 'Harper's Magazine', tells IPS, "There are two ways the government can justify the extrajudicial killing of an American citizen: one is when the person is in the act of a crime that threatens the lives of others, or serious injury to them, and no other means exists to stop him; the other is in the context of a war."

"The Obama Administration appears to think that the second case is applicable with respect to al-Awlaki, but if they have evidence to prove it, they certainly haven't advanced it to the public," he says.

But even if they have such evidence, he adds, "they haven't explained why they don't simply have him arrested and

brought back to stand charges based on the crimes they believe he has committed, which appear to include terrorist activities and perhaps treason. They obviously need to explain why that approach won't work before they go dropping bombs in circumstances that might kill large numbers of innocent civilians in addition to killing al-Awlaki," Horton tells IPS.

Col. Morris Davis, the Defense Department's former chief prosecutor for terrorism cases who argued on behalf of a terrorism suspect that the military justice system has been corrupted by politics and inappropriate influence from senior Pentagon officials, tells IPS:

"The 5th Amendment says U.S. citizens can't be 'deprived of life, liberty, or property without due process of law.' If the Constitution prohibits the government from taking your house without giving you a hearing and the opportunity to defend yourself, it seems rather ironic that they might take your life with even less formality and less process."

Glenn Greenwald, constitutional lawyer and contributor to Salon.com, is similarly troubled by the targeting policy. He concludes: "We really are

talking about a President who believes he has the right to send the CIA to murder American citizens based purely on allegations and suspicions of wrongdoing."

(END)

SEPTEMBER HIGHLIGHTS

Penal Reform International open landmark conference on the abolition of the death penalty in the Middle East and North Africa

On 20 September 2010, Penal Reform International with the Swedish Institute in Alexandria and partner Arab Centre for the Independence of the Judiciary and Legal Profession opened the second Alexandria conference on the death penalty in the Middle East and North Africa.

The conference brings together representatives from government and civil society from eleven countries from the Middle East and North Africa (MENA), representatives of the African Commission on Human and Peoples'

Rights, the League of Arab States, the International Criminal Tribunal for Rwanda, the European Commission and the UN Office of the High Commissioner for Human Rights, as well as international non-governmental organisation Amnesty International and representatives of local and international media.

Ambassador Birgitta Holst-Alani, Director of the Swedish Institute, opened the conference and welcomed all participants in the spirit of cooperation. Ambassador Holst-Alani highlighted the importance of strengthening the dialogue between Europe and the MENA region on the issue of the death penalty, and encouraged participants to use this forum to discuss the opportunities and risks for progress toward establishing a moratorium and assessing the tools and strategies available for work on abolition.

Taghreed Jaber, Regional Director of the PRI-MENA office, welcomed participants and made a call to civil society and the media to continue engaging in dialogue and debate on this important topic in the MENA region. "This landmark conference represents an opportunity for participants to have an open and constructive debate on the steps civil

society and government officials can take to forward abolition of the death penalty," said Mrs Jaber. "We should use this opportunity to address the basic issues of limiting the number of death penalty applicable crimes to only the most serious offences, to open the debate on the question of the death penalty and Sharia law and to urge member states of the Arab League to consider amending article 7 of the Arab Charter on Human Rights in order to eliminate any possible application of the death penalty to those under the age of 18."

This conference is part of a series of events by government and civil society to debate the question of the death penalty in the region and to identify proposed tools and strategies to take this important work forward.

For more information please contact: + (0)44 207 247 6515

Notes:

PRI's current programme of work on the abolition of the death penalty focuses on supporting governments and other stakeholders in progressing towards the abolition of the death penalty and implementation of human rights standards in criminal justice systems,

particularly concerning the treatment of death row, life and long-term prisoners. The programme of work is being carried out in five regions: the Middle East and North Africa, Eastern Europe, South Caucasus, Central Asia and the Great Lakes region of East Africa.

The programme, funded under the European Union's Instrument for Democracy and Human Rights (EIDHR), commenced in February 2010 and will run for 2 years

Representatives from MENA states cover Algeria, Djibouti, Egypt, Jordan, Lebanon, Morocco, Palestine, Syria, Tunisia, Turkey and Yemen.

The Question of the Death Penalty: Report of the UN Secretary-General

On Monday 13 September, the UN Human Rights Council opened its fifteenth session in Geneva where the UN High Commissioner presented a report of the Secretary General on the question of the death penalty. Penal Reform International welcomes this report, and the information contained in it which covered the period from June 2009 to July 2010.

While the report marks a trend towards abolition, it highlights the ongoing difficulties of transparency by some States in providing information on individuals sentenced to death and individuals executed, and that serious problems remain with regard to respect for international law in countries where the death penalty is still imposed, particularly in its limitations to the most serious crimes, the exclusion of juvenile offenders from its scope, and due process guarantees.

Of interest to PRI's work on the progressive abolition of the death penalty, a number of PRI target countries were highlighted in the report, including:

-- Algeria: more than 100 people were sentenced to death in 2009; the long-standing de facto moratorium on executions was, however, maintained.

-- Egypt: at least 5 people were executed in 2009; in March 2010, 2 people were executed.

-- Kenya: the President commuted the death sentences of at least 4,000 prisoners in August 2009 to life imprisonment, and ordered a Government study on the impact of the death penalty on crime levels.

-- Kyrgyzstan: the Parliament approved a law on accession to the Second

Optional Protocol in February 2010 however formal accession to the Protocol did not take place during the reporting period.

-- Lebanon: although a de facto moratorium remains in place, in October 2009, 7 people were sentenced to death for attacks against the Lebanese army, 4 were sentenced to death by a military court for the crime of collaboration with Israel in November 2009, and 16 people (3 in absentia) were sentenced to death on terrorism-related charges between January and April 2010.

-- Morocco: the death sentences of 32 prisoners were commuted to life imprisonment on the occasion of the tenth anniversary, in July 2009, of the King's accession to the throne.

-- Russia: in November 2009, the Constitutional Court decided to extend indefinitely a long-standing moratorium in a move towards described as "an irreversible process to abolish the death penalty" that reflected "a trend in international law".

-- Uzbekistan: in a recent case (Communication No. 1280/2004, Tolipkhuzhaev v. Uzbekistan, views adopted 22 July 2009), the Human Rights Committee held that the imposition of a death sentence after a trial that did not meet the requirements for a fair trial amounted to a violation of

article 6 of the International Covenant on Civil and Political Rights.

-- Yemen: the Committee Against Torture expressed its concern at reported cases of imposition of the death penalty of children between 15 and 18 years of age, and at the lack of information in the State report on the number of persons executed in the reporting period.

Recommendations were made by the UN Human Rights Council to establish a moratorium and/or formally abolish the death penalty in Armenia, Egypt and Kazakhstan.

PRI's death penalty fact-finding mission to Yemen

PRI staff from the Middle East and North Africa (MENA) office went on a fact-finding mission to Yemen, 31 July – 4 August. The purpose was to gain a better understanding of the death penalty and its use in the country. During the visit meetings were held with relevant human rights organisations, the EU delegate to Yemen and with the UNICEF office.

One of the issues raised was the execution of children. Although the

Yemeni Penal code prevents death penalty for children and those who are mentally ill, they continue to be executed along with women and men. The execution of children was attributed, by some organisations, to a misunderstanding among the judicial system and society about the age of criminal responsibility; contrary to all conventions ratified by Yemen, they still consider the age of criminal responsibility to be 15 years.

It was discovered by PRI during its meetings that only eight percent of the population are formally registered upon birth. Age assessments for children in conflict with the law are carried out medically in the absence of their birth certificates. This can lead to errors in the determination of ages. Accurate statistics relating to the death penalty and its use are not available. It is evident however that the application of the death penalty is widespread across the country.

PRI will engage and work with MENA civil society in the spirit of the Alexandria Declaration of 2008 by hosting a second regional conference on “The Death Penalty in the Middle East and North Africa: Risks, Opportunities, Proposed Tools and Strategies” in Alexandria, September 2010. More

information about the conference will shortly be available on PRI’s website.

PRI’s global death penalty abolition project

PRI’s current programme of work on the abolition of the death penalty focuses on 20 countries in five regions of the world. In the Middle East and North Africa, PRI is working in Algeria, Bahrain, Egypt, Jordan, Lebanon, Morocco, Tunisia and Yemen. The objective of the work in the region and indeed, across the globe is to:

- Challenge society’s attitudes in relation to the effect and efficacy of the death penalty;
- Support governments and other stakeholders in progressing towards abolition, including increasing transparency on application of the death penalty, establishing moratoria on sentencing and executions, reducing the scope of application in law and the number of death sentences passed, and increasing awareness of the relevant international standards and norms;
- Challenge governments to consider carefully whether sanctions intended to replace the death penalty, and treatment of long-term prisoners comply with international standards and norms
- Increase safeguards and promote greater accountability in the criminal

justice system through holistic policy development and legal reform, including improved prison management.

PRI's death penalty abolition project is being implemented with the financial assistance of the European Union, under the Instrument for Democracy and Human Rights (EIDHR).

PRI's letter to the government of Trinidad and Tobago results in a formal diplomatic demarche on the use of the death penalty

Following the announcement that Trinidad and Tobago will resume the execution of its death row prisoners, PRI together with other organisations wrote an open letter to Kamla Persad-Bissessar, the country's Prime Minister, expressing its grave concerns.

PRI welcomes the response from the Foreign and Commonwealth Office, Caribbean, Central America and Mexico Group. They will deliver a formal and diplomatic demarche with the European Union on the use of the death penalty to the recently appointed People's

Partnership Government of Trinidad and Tobago.

PRI hopes that the demarche will help to bring an end to the use of the death penalty in Trinidad and Tobago.

News from International NGOs - June 2010

Uganda: One Step Closer To Abolition of the Death Penalty

Penal Reform International (PRI) welcomes the news that 167 inmates on death row in Uganda have had their sentences reduced to life imprisonment. This decision follows the landmark ruling of *Kigula & Others v Attorney General*.

On 13 June 2005, the Constitutional Court of Uganda ruled that holding prisoners on death row for more than three years amounts to excessive delay, and such prisoners should have their sentence commuted to life imprisonment. More than three-quarters of the death row population would benefit from this judgement.

Mr Livingstone Sewanyana, Executive Director of Foundation for Human Rights Initiative (FHRI), PRI's partner in Kampala, hailed this court ruling as a "turning point in the campaign against the death penalty. "The next question," he continued to say "is one of implementation and enforcement." The Court also declared that mandatory death sentencing was unconstitutional as trial judges were prevented from taking account of individual mitigating circumstances that might make the death penalty inappropriately severe.

The Attorney General appealed the ruling to the Supreme Court, and on 21 January 2009, the mandatory death penalty and excessive delay on death row were declared unconstitutional by the Supreme Court of Uganda. Approximately 900 prisoners were affected, including five who were immediately released, having been sentenced to death more than 20 years ago. Under the Uganda Prisons Act, life imprisonment carries a maximum 20 year sentence.

While the Supreme Court has effectively narrowed the scope and application of the death penalty in Uganda, taking it one step closer to abolition, there are still a number of areas that Parliament must look at to bring it in line with

Uganda's international obligations. This includes repealing all current legislation that still continues to provide for mandatory death sentences as well as reviewing bills before the House of Parliament that provide for a death sentence such as the HIV/AIDS bill, the Anti-homosexuality bill and the Anti-terrorism Act. While international law does not expressly prohibit the death penalty, the International Convention on Civil and Political Rights, to which Uganda is a party, limits the circumstances under which the death penalty can be applied and carried out.

While, Parliamentarians may argue that public opinion still favours the death penalty in Uganda, they should look to the judiciary for its guiding opinion. The judiciary is vested with the duty to interpret the Constitution and to uphold its provisions without fear or favour.

The Supreme Court of Uganda urged the legislature in the Kigula case to re-open the debate on the desirability of the death penalty in Uganda's constitution, particularly in light of findings which show that there have been no civilian executions since 1999 and yet individuals concerned continue to be incarcerated on death row without knowing whether they were pardoned,

have their sentences remitted or will to be executed.

Mr Livingstone of FHRI notes that, “the judiciary interprets public opinion. It is therefore an important institution leading the debate and campaign on death penalty. The fact that President Museveni does not sign execution orders indicates that Uganda is not committed to the death penalty.”

PRI's work on the abolition of the death penalty around the world
PRI's current programme of work on the abolition of the death penalty focuses on supporting governments and other stakeholders in progressing towards the abolition of the death penalty and implementation of human rights standards in criminal justice systems, particularly concerning the treatment of death row, life and long-term prisoners. The programme of work is being carried out in five regions: the Middle East and North Africa, Eastern Europe, South Caucasus, Central Asia and the Great Lakes region of East Africa.

The programme, funded under the European Union's Instrument for Democracy and Human Rights (EIDHR), commenced in February 2010 and will run for 2 years.

AI Middle East E-Magazine Focuses on Death Penalty

The 15th issue of Mawared, the human rights education magazine published by and prepared by the Regional Office in Beirut (www.amnestymena.org), focuses on death penalty, and provides a wealth of relevant documents, articles and resources.

Following are contents of the special issue:

Editorial

Abolish the Death Penalty

Why does Amnesty International Oppose Death Penalty? Amnesty International

Death Sentences and Executions in 2009, Amnesty International

Affront to Justice: death penalty in Saudi Arabia, Amnesty International
Death Penalty in the Arab World

The Death Penalty in International Law and the Practice in Arab Countries, Mervat Rishmawi

The Practice of Death Penalty in the Arab World, an Interview with Taghreed Jabr al-Qadi, Director of Penal Reform International MENA Office
Death Penalty, Salim el-Hoss, Previous Lebanese Prime Minister

National and Regional Coalitions against Death Penalty
Death Penalty around the World
The Road to Global Abolition, Martin Macpheson
Spain's Commitment to the Abolition of the Death Penalty: the creation of the International Commission against the Death Penalty, Asunta Cavaller
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Iran: Hundreds Possibly Executed in Mashhad

According to unofficial reports from several sources in Iran several hundred prisoners might have been executed in the Vakilabad prison of Mashhad, north east of Iran, in the past year. The executions have taken place secretly and neither the prisoners nor their families were informed prior to their execution. Most of those executed are thought to be convicted of drug related charges. Iran Human Rights once again urged the United Nations on August 25 to send their Special Rapporteur as soon as possible to Iran.

Mahmood Amiry-Moghaddam, the spokesperson of Iran Human Rights said: "There are reports of mass executions and tens or perhaps hundreds of prisoners and we believe hundreds of prisoners are in danger of imminent execution". Amiry-Moghaddam added: "We urge the world community to act now. The Special Rapporteur of the United Nations must visit Iran now and investigate these reports". Two weeks earlier, the website Green Voice of Freedom reported that "in the past few days, 70 prisoners were suddenly executed in Mashhad Prison." The report was based on information from a prisoner who was in the Vakilabad prison.

International Campaign for Human Rights in Iran also reported that a knowledgeable source has informed them that in the past few months over one hundred people have been executed in northeastern city of Mashhad. According to this report: "Judicial authorities at Vakilabad Prison in Mashhad have executed over one hundred prisoners, a majority of which were convicted of drug-related charges."

Ahmad Ghabel, a religious scholar close to former president Khatami, who had spent 170 days in the Vakilabad prison of Mashhad and who was released in June, at least 50 people were executed in the section where he was imprisoned. He also said that on 10th of April 35 people were hanged in the Vakilabad prison of Mashhad while only five of the executions were reported by the official Iranian media.

According to sources in Iran the mass executions in Mashhad have increased in number and frequency during the past weeks. Several sources have also reported that Mr. Sadegh Larijani, head of the Iranian judiciary, in a secret letter has asked the permission of Ayatollah Khamenei, the Iranian supreme leader, to implement the executions of 1120

prisoners whose death sentences have been approved by the Supreme Court.

Proposed China Death Penalty Reforms May Have No Great Impact on Executions

Amnesty International has warned that proposed reforms of China's application of the death penalty may not result in significantly fewer executions. Chinese government news agency Xinhua reported on 23 August 2010 that proposed amendments to China's criminal code may see the death penalty removed from 13 out of 68 crimes that currently carry the punishment. The draft amendments are working their way through numerous readings in China's legislative chamber.

"Although we would welcome any reform that would in practice decrease executions in China, we are not yet convinced that these legal revisions will have a significant impact," said Catherine Baber, Amnesty International's Deputy-Director for the Asia-Pacific programme. As part of its campaigning against the death penalty, Amnesty International has called on

China to reduce the number of capital crimes.

"We are still waiting for the Chinese government to release the data that shows these proposed revisions are more than just legal housekeeping, removing crimes which have seldom been punished with the death penalty in recent years," said Catherine Baber. The draft amendment to China's criminal code would, if passed, reportedly remove the death penalty as a punishment for white collar crimes such as tax fraud, and for smuggling valuables and cultural relics. It would also remove the death penalty as a punishment for those over 75 years of age.

The ultimate impact of any reforms to China's use of the death penalty cannot be publicly known and evaluated due to classification of execution figures as state secrets. Amnesty International has called on the Chinese government to make the draft legislation and the national execution figures public, so that there can be transparent analysis and debate on the death penalty.

In a challenge to China's lack of transparency, Amnesty International declined to publish its own minimum figures for Chinese executions and

death sentences in its worldwide annual report this year on the death penalty.

China is estimated to be the world's biggest executor. Amnesty International said it opposes the death penalty in all cases without exception, as the ultimate violation of human rights.

Execution of Four Men in Equatorial Guinea Condemned

Amnesty International on 23 August 2010 condemned the execution of four men in Equatorial Guinea, all convicted of attempting to assassinate the country's President. José Abeso Nsue, Manuel Ndong Anseme, Alipio Ndong Asumu and Jacinto Michá Obiang were executed on 21 August immediately after being convicted by a military court in the country's capital Malabo.

"These men were convicted after an unfair trial, sentenced to death and executed with chilling speed without having the slightest opportunity to appeal their sentence," said Erwin van der Borgh, Africa Director at Amnesty International. The four men had been living as refugees in Benin for many

years, when Equatorial Guinean security forces abducted them in January 2010.

The former military officers were then secretly detained in Black Beach prison in Malabo, where they reportedly “confessed” to the attack on the presidential palace on 17 February 2009. Amnesty International received reports that they had been tortured in detention, forcing them to “confess” to taking part in the alleged attack.

“Equatorial Guinea must put an end to the abductions, torture and executions it currently carries out under the pretence of justice,” said Erwin van der Borght. José Abeso had reportedly asked to see his family when the sentence was passed but when his wife and son arrived at Black Beach prison an hour later he had already been executed.

Equatorial Guinean authorities initially blamed the presidential palace attack on Nigerian armed group Movement for the Emancipation of the Niger Delta, who denied responsibility.

Scores of Nigerians were rounded up, imprisoned and expelled from Equatorial Guinea following the incident. Seven Nigerian fishermen and traders, who had been arrested at sea,

were in April 2010 sentenced to 12 years in prison for attempting to assassinate the president.

Two Equatorial Guinean members of the opposition party People’s Union (Unión Popular – UP), who were tried along with the Nigerian nationals, were acquitted in April. Despite their acquittal, Marcelino Nguema and Santiago Asumu were last week convicted on the same charges and were on 21 August sentenced by the Malabo military court to 20 years and one day in prison.

“Marcelino Nguema and Santiago Asumu were tried twice on the same charges in a clear violation of international law. We consider them prisoners of conscience and are calling for their immediate and unconditional release,” said Erwin van der Borght.

Equatorial Guinea has been criticised by the UN for abducting Equatorial Guinean refugees from neighbouring countries and holding them in secret detention.

Iran: 'Confession,' Stoning Sentence a Mockery of Justice

A televised confession by Sakineh Mohammadi Ashtiani heightens the already grave concern that Iran will soon execute the 43-year-old woman, Human Rights Watch said on August 13. Ashtiani, initially sentenced to death by stoning after being convicted in 2006 of adultery, told state-run television on August 11, 2010, that she participated in the murder of her husband. Iranian officials have repeatedly suggested over the past several weeks, in response to the international outcry over the stoning sentence, that Ashtiani murdered her husband.

"The men who run Iran apparently have no shame at all, first pronouncing the barbaric sentence of death by stoning and then resorting to a televised confession," said Nadya Khalife, Middle East women's rights researcher at Human Rights Watch. "Under the circumstances there is every reason to believe that this so-called confession was coerced."

During the televised interview, Ashtiani's face was blurred and her words were voiced over with translations from her mother tongue, Azeri, into Farsi. In the broadcast Ashtiani also criticized her previous lawyer, Mohammad Mostafaei, who

sought refuge in Norway after Iranian security forces threatened him and his family, accusing him of publicizing her case so he could gain asylum abroad.

Four days earlier, Ashtiani told The Guardian newspaper, through an intermediary, that an Iranian court had "acquitted" her in 2006 of conspiring to murder her husband. "They're lying," she told The Guardian. "They are embarrassed by the international attention on my case and they are desperately trying to distract attention and confuse the media so that they can kill me in secret."

On May 15, 2006, a criminal court in East Azerbaijan province found Ashtiani guilty of having an "illicit relationship" with two men following the death of her husband in 2005. The court sentenced her to flogging, and she was given 99 lashes. In September 2006, in a separate case, the government put a man to whom it referred to as "Isa T.," on trial for the murder of Ashtiani's husband and also put her on trial for conspiracy to murder.

At that point another court opened a separate adultery case against her based on events that allegedly took place before her husband's death, convicted her of "adultery during

marriage," and sentenced her to death by stoning. During this trial, Ashtiani retracted a confession she had made during a pretrial interrogation, alleging that it had been coerced. She has continued to deny the adultery charge.

Iran's penal code allows judges in hodud (morality) crimes such as adultery to use their own "knowledge" to determine guilt in the absence of direct evidence. Mostafaei, her former lawyer, said in a posting on his blog, Modafe', that two of the five judges found Ashtiani not guilty during the adultery trial but that the three remaining judges found her guilty on the basis of their own "knowledge." Ashtiani was convicted three to two.

In public statements, Mostafaei and Ashtiani's present lawyer, Javid Kian, said that Ashtiani was never convicted of murder and was ultimately only sentenced to prison for "disturbing the public order" during the 2006 trial. The victim's family eventually forgave both Ashtiani and her alleged accomplice, which under Iranian law amounts to a legal pardon from the death penalty. The man convicted of actually committing the murder paid "blood money" to the victim's family and was later freed, while Ashtiani was sentenced to 10 years in prison on the

"disturbing the public order" charge. In addition, her death sentence in the separate adultery case remains in effect.

Kian told Human Rights Watch that his client's latest confession on state television was coerced by authorities.

He referred to her televised confession as a "pantomime" and remarked, "It's obvious that she [was under pressure]. We should only be surprised if this were not the case." Kian also told Human Rights Watch that he is awaiting the Supreme Court's final ruling on whether his client's execution will go forward and expects to receive word within the next few days. He added that prison authorities have prevented him from meeting his client during the past couple of days.

On July 12, the Judiciary temporarily halted Ashtiani's stoning sentence after the case attracted international attention, but officials said that she may be hanged. On August 1, President Luiz Inacio Lula da Silva of Brazil offered Ashtiani asylum, but the Iranian government rejected Brazil's offer and said that da Silva did not have enough information on her case.

Authorities have held Ashtiani at the Tabriz prison, in the eastern province of Azerbaijan, since 2006. Mostafaei fled

Iran after authorities issued a warrant for his arrest but instead arrested his wife, Fereshteh Halimi, and his brother-in-law, Farhad Halimi, when he went into hiding and held them for more than a week.

On August 2 in Turkey, Mostafaei asked the Office of the United Nations High Commissioner for Refugees for asylum in a third country. On August 8, Norway granted Mostafaei asylum and he entered the country. Iran alleges that Mostafaei, who had long been active in representing juveniles in death penalty cases, was involved in improper financial transactions in connection with accounts he helped set up for juvenile clients condemned to death.

Human Rights Watch opposes the death penalty in all circumstances as an inherently cruel and unusual form of punishment and a violation of fundamental human rights.

‘Sakineh’ Campaign Culminates in Worldwide Protests

What started as an effort to save an Iranian woman sentenced to death by stoning is turning into a global movement for human rights and against capital punishment. On August 28, thousands of protesters marched in dozens of cities around the world to oppose the planned execution of Sakineh Mohamadi Ashtiani. The Iranian widow’s photo has become a symbol of the cruel and inhuman nature of the death penalty as activists prepare for events from Bagdad, Iraq to Brisbane,

Australia, according to the International Committee Against Stoning’s website <http://stopstoningnow.com/wpress/2249>

The day of international protest marked the culmination of a growing wave of outrage since Sakineh was sentenced to death by stoning after having been convicted for having affairs with two other men than her dead husband.

Petitions and appeals have multiplied through the summer and it is now hard to find a political leader or an artist who has not publicly stated their opposition to the stoning. Among the most successful initiatives, the activist website Avaaz.org has gathered more than 500,000 signatures on a petition asking Ayatollah Ali Khamenei and the leaders of Iran “to finally put an end to capital punishment by stoning and to reverse the unjust judgment in the case of Sakineh Mohammadi Ashtiani”.

Avaaz has also been raising money from the public to pay for ads in the Brazilian and Turkish media calling on Brasilia and Ankara to weigh on their Iranian allies in support for Sakineh.

French writer Bernard-Henri Lévy has enlisted celebrities including actresses Mia Farrow and Juliette Binoche,

novelists Milan Kundera and Jorge Semprun and the Iranian-born, Oscar-winning author of Persepolis Marjane Satrapi. Together, they wrote a column published on the front page of the newspaper Libération on August 16 and in media outlets worldwide. Many other artists and politicians have since then signed their appeal to “stop the stoning of Sakineh”.

Another petition published on the website Freesakineh.org features the signatures of artists such as Gwyneth Paltrow and Peter Gabriel, Nobel Prize winner Shirin Ebadi and New York Mayor Michael Bloomberg. More than 200,000 visitors have now signed it, the World Coalition Against Death Penalty stated on August 25.

In Iran, too, web activists were making their voice heard. The Farsi language blog Salam Sabz <http://salamsabz.zaminblog.com/>, close to the Green Movement that opposed President Mahmoud Ahmadinejad’s contentious re-election last year, describes the stoning sentence as a “distortion of religion that leaves it with nothing but its name”. “The forgiveness and kindness of God are being ignored and anger and madness are being presented as God’s words,” adds the author, Sabz-e Hossein.

SINGAPORE: FIDH Calls for Presidential Pardon for Young Vui Kong

The International Federation for Human Rights (FIDH), representing 164 organisations across the world, has on 24 August called on the Singaporean authorities to uphold the right to life, as enshrined in international law, and urged S. R. Nathan, President of Singapore, to exercise his constitutional power to grant a pardon to Yong Vui Kong, a 22-year-old Malaysian national, who has been sentenced to death by hanging.

Yong, from Sabah, Malaysia, was 19 years old when he was arrested on 13 June 2007 in Singapore for drug possession and was later charged with trafficking 47.27g of diamorphine under Section 5(1)(a) of the Misuse of Drugs Act. He was convicted by the Singapore High Court in 7 January 2009 and sentenced to death by hanging. In December 2009, Yong appealed against his sentence but not his conviction, admitting his action was wrong and in violation of the law. In a trial marred by public comments by executive officials, undermining the independence of the judicial proceedings, his appeal was

dismissed on 14 May 2010 by Chief Justice Chan Sek Keong. At this final stage in the proceedings, Yong's only escape from the gallows is a presidential pardon commuting his sentence from execution to life imprisonment, on the advice of the Cabinet, pursuant to Article 22(P) of the Constitution of the Republic of Singapore.

Several mitigating factors point towards the appropriate use of a presidential pardon in this case. Yong was born into a disadvantaged and vulnerable family situation. After his family moved to the estate of another family member, where Yong and his mother were repeatedly abused, Yong moved on his own as a youth to Kuala Lumpur. In addition, Yong is repentant for his crime and has openly recognised his wrongdoing. He has consequently embraced Buddhism while incarcerated and has been educating his fellow inmates as well as the wider public on the destructive nature of drugs, hoping to use his remaining days to provide positive guidance to young people like himself.

FIDH opposes the death penalty in all circumstances as a cruel, inhuman punishment that violates one of the most fundamental human rights: the right to life. In addition, our

Organisation wishes to underline that execution of drug traffickers both in Singapore as well as in other parts of the world has had no apparent or proven deterrent effect on drug trafficking. Despite Law Minister Shanmugam's words to the contrary, there is no empirical data supporting the deterrence effect of the death penalty for drug crimes, especially among indigent and vulnerable sectors of society. In this particular case, FIDH invites the Singaporean authorities, in particular President Nathan, to consider Yong's repentance, background, and the positive message his rehabilitation and reform can send to young people around world in commuting Yong's sentence to life in prison. To this end, FIDH strongly urges a presidential pardon be granted to Yong and calls the Singaporean government to take concrete steps towards abolishing the death penalty.

Note: Death sentence for drug related offences is mandatory in Singapore. For more information, FIDH points to the statement of Philip Alston, the Special Rapporteur on extrajudicial, summary or arbitrary executions of the United Nations, in November 2005, calling on the Government of Singapore not to proceed with the planned execution of Nguyen Tuong Van sentenced to death

for attempting to drug trafficking. r. Alston, a law professor at New York University, said that the execution of Mr Nguyen would violate international legal standards relating to the imposition of the death penalty. The principal problem, according to the UN Special Rapporteur, is the mandatory nature of the death penalty.

FIDH Report on Vietnam: An Update on Death Penalty Statistics

The FIDH and the Vietnam Committee on Human Rights released a new report, *From Visions to Facts: Human Rights in Vietnam under its Chairmanship of ASEAN*, on 16 August 2010. The report reveals that Vietnam continues to have high death penalty statistics.

Vietnamese judges hand down death sentences for crimes such as murder, armed robbery, drugs trafficking, rape and economic crimes.

“In 2010, the official legal magazine *Phap Luat (Law)* reported 11 death sentences for the month of January alone,” the report states. It also stresses that in “January 2004, Vietnam adopted a decree classifying death penalty statistics as “state secrets”.

FIDH and the Vietnam Committee on Human Rights recommend that Vietnam “lift the classification of “state secrets” on capital punishment and make public statistics on the number of death sentences pronounced and executed every year”. Many of the death sentences were given for drug offences. The International Harm Reduction Association recorded at least 109 such cases between 2007 and 2009. An Amnesty International report states that at least nine people were executed and 59 people were sentenced to death in 2009.

Even though the government intends to keep the death penalty there are positive signs that it is moving away from capital punishment. Vietnam has shown positive action towards the abolition of the death penalty when “in 2009, the government reduced the number of offences punishable by death from 29 to 22”. Vietnam also abstained from the 2007 and 2008 moratorium votes in the UN General Assembly and did not sign the note verbale of disassociation against the resolution.

Vietnam complied with one of the recommendations included in these resolutions by reducing the number of crimes punishable by death. But the

resolutions also request countries that maintain the death penalty to provide death penalty statistics to the UN General Assembly.

WORLD PRESS REVIEW August 2010

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 August to beginning of the month.

60 PRISONERS FREED UNDER SAUDI KING'S RAMADAN PARDON

Al-Ahsa Prison has released 60 inmates of various nationalities over the past few days as part of the King's Ramadan pardon. The prisoners were found eligible for a Ramadan release after their files were studied by the authorities, Abdul Hadi Al-Smaeel reported in the Saudi Gazette end of August.

Major Anwar Al-Abdulqader, Al-Ahsa's Prison Director, said the pardon committees are continuing to study prisoners' files, noting that there is no time frame for the release of those who

are eligible. He said all public right prisoners will benefit from the pardon except for smugglers and drug dealers, and those who committed crimes threatening the security of society.

Abdulqader said the pardon does not mean the remaining time of a sentence is canceled permanently. This time will be added to a new sentence if a pardoned prisoner commits another crime. Early August, 60 inmates were released in Al-Baha region and they all expressed their gratitude for the royal gesture and pledged to repent. More prisoners were expected to be released soon under the Ramadan pardon, officials said.

VIETNAM PRESIDENT GRANTS AMNESTY TO 17,529 PRISONERS

Vietnam's President Nguyen Minh Triet has agreed to grant amnesty to 17,520 prisoners on the occasion of the National Day on Sept. 2, VietNamNet reported on August 28. The President's decision was made public on Aug. 28 at a press briefing which brought together reporters from many local and foreign newspapers and news agencies and representatives of foreign diplomatic corps in Vietnam.

The amnesty recipients include 17,210 prisoners who are serving their jail terms and 310 offenders with prison terms being cancelled or temporarily suspended who are eligible for the amnesty, said the State President Office. Among those, there are 20 offenders who had been convicted on the charge of “infringing upon national security” and 37 inmates who hold foreign nationalities, including China , Laos , Cambodia and others.

Giang Son, Deputy Director of the State Office, noted that the President’s amnesty decision once again constitutes and affirms the Party and State’s policy of clemency for those offenders who have shown repentance, encouraging them to redeem themselves to become useful citizens. He stressed that every punishment that the State has given out in line with its penal code aims to not only reprimand law-breakers but also re-educate them to become useful citizens with a sense of abiding by the law and code of conducts in society as well as prevent them from committing crimes again.

Son cited the fact that almost all those granted with amnesty over the past years have quickly re-integrated back into the community. Many of them have become successful and enthusiastically

participated in the fight against crimes and charitable activities. Regarding the post-amnesty work, Deputy Minister of Public Security Sen. Lieut. Gen. Le The Tiem said the Prime Minister has already instructed local authorities to assist the former prisoners to reintegrate into the community.

As many as 114,913 prisoners have been released ahead of time as the result of the previous ten times of amnesty with many of them becoming businesspeople and setting up funds to assist those who are in similar situation with them, said Tiem. He said all prisons and detention camps nationwide will begin enforcing the amnesty decision in the morning of August 29.

MALAYSIA: SALESMAN TO HANG FOR FIANCEE'S MURDER

On August 29, Judge Datuk Zamani A. Rahim of the Malaysian High Court sentenced salesman Raja Saiful Nizam Raja Ali, 28, from Bandar Amanjaya, Sungai Petani, to death for murdering his fiancée Rohayu Kasa, 28, on August 29, 2006, in Yan after an argument over bridal money. The spat turned ugly when the accused beat his fiancée to death with a motorcycle helmet. He hid the body in a bush before surrendering to the police several hours later. Before

sentencing, Zamani said the prosecution had proven its case beyond reasonable doubt, Business Times reported on August 30.

MALAYSIA: MINISTER AGAINST DEATH PENALTY

A senior Malaysian minister reportedly urged the government to abolish the death penalty amid outrage from rights groups, Afp reported on August 29. The call came amid a debate over executions -- carried out in Malaysia by hanging -- after Kuala Lumpur last month sought clemency from Singapore for a young Malaysian drug trafficker who is facing the gallows in the city-state.

Both Malaysia and Singapore have tough anti-drug laws and rarely seek clemency for nationals facing drug charges in the other country. "If it is wrong to take someone's life, then the government should not do it either," Nazri Aziz, the Minister in the Prime Minister's Department told the Sunday Star English newspaper.

"No criminal justice system is perfect. You take a man's life and years later, you find out that another person did the crime. What can you do?" said the senior minister, who oversees legal affairs.

Local rights groups have long campaigned against the death penalty, which is mandatory for murder, drug trafficking and possession of firearms among other crimes in the country. Campaigners said the sentence was inhumane.

Malaysia filed a clemency plea to Singapore last month over the case of Yong Vui Kong, a 22-year-old who is facing the death penalty after he was convicted in 2008 of trafficking 47 grams (1.65 ounces) of heroin into Singapore. The case has received wide attention in the two countries, after activists petitioned for his life to be spared. Yong, who was 19 when he was caught, said he has repented and pledged to campaign against drugs.

USA: ANESTHESIA SHORTAGE MAY DELAY EXECUTIONS

A nationwide shortage of several anaesthesia drugs has left several states scrambling to find enough doses to carry out lethal injections — potentially delaying executions well into next year, according to USA Today reported on August 28.

Kentucky announced three days earlier that it would not be able to carry out two executions, despite pending death

warrants, because the state has only enough sodium thiopental, also known as Pentothal, to perform a single lethal injection. "We have reached out to some other states, but that has not been fruitful," said J. Michael Brown, secretary of the Justice and Public Safety Cabinet. "We've had other states call us trying to find it."

Oklahoma has also been forced to delay an execution after a federal judge said a hearing needs to be held before the state could substitute a drug for the state's remaining dose of sodium thiopental. That dose "wasn't at the quality we wanted," said Jerry Massie, a spokesman for the state Department of Corrections.

Ohio prison officials have been closely watching the nationwide shortage after they feared they may not be able to carry out a lethal injection last spring because of limited supplies, according to Ohio corrections spokeswoman Julie Walburn. Hospira, based outside Chicago, the sole U.S. manufacturer of sodium thiopental, says manufacturing problems have hindered production of the drug, though spokesman Dan Rosenberg declined to elaborate. "We are working to get it back on the market as soon as possible," Rosenberg said.

Rosenberg said Hospira won't have more of the drug available until sometime in the 1st quarter of 2011. The lack of sodium thiopental developed after a more commonly used anesthetic called Propofol grew scarce, said Bona Benjamin with the American Society of Health-System Pharmacists.

The shortages have led to major disruptions for hospitals, doctors and patients, who have postponed some elective surgeries as a result. Benjamin said that with the shortage of Propofol it didn't take long to start seeing shortages in drugs that could be safely substituted. Kentucky has 9.5 grams of sodium thiopental available, according to Department of Corrections documents. Execution requires 3 grams, plus an additional 3 grams for backup injection. Moreover, Kentucky's dose of sodium thiopental expires in October. Democratic Gov. Steve Beshear signed a warrant this week that sets an execution date of Sept. 16 for Gregory Wilson, who was sentenced in 1988 for the May 1987 murder and rape of Deborah Pooley.

Brown said he recommended scheduling Wilson first because his case is the oldest of the three warrants requested. Warrants also were requested for Ralph Baze, who was

convicted of killing a sheriff and deputy in 1992, and Robert Carl Foley, who was convicted in 1993 and 1994 of killing six people in 2 incidents.

INDIA: PRESIDENTIAL PARDON FOR OLDEST DEATH ROW CONVICT

Indian President Pratibha Patil has commuted the death sentence of 75-year-old Shobhit Chamar — the oldest mercy petitioner alive, Mail Today reported on August 27. For a person who has already spent 22 years of his life behind bars, this had been a long wait. His mercy petition was with the President's office since 1998. Chamar was jailed for killing six members of his upper-caste landlord's family, including two children aged 10 years and eight years.

The ministry of home affairs (MHA) had twice rejected his mercy plea in 2000 and 2005 respectively, recommending to the President's secretariat that he be hanged. But the MHA relented the third time around last month when the President again sent Chamar's file back to home minister P. Chidambaram's office on June 9, 2010, for reconsideration. The MHA revised its opinion saying Chamar's sentence may be commuted given his old age and sent a communication accordingly to the

President on July 6, 2010. Based on the ministry's suggestion, the President has decided that Chamar will spend the rest of his life in jail without parole.

JAPAN: EXECUTION CHAMBER OPENED TO REPORTERS

The Tokyo Detention House opened its execution chamber to the media, giving the public its first peek at the place where death-row inmates are hanged, the Japan Times and BBC reported on August 27. The Justice Ministry organized the tour at the instructions of Justice Minister Keiko Chiba, who is trying to generate public debate on the death penalty.

Officials of the detention house and the ministry escorted some 20 reporters to the execution chamber, which is part of a larger structure consisting of a chaplain chamber, front chamber, button chamber and attendant chamber. Reporters were first briefed in a conference room and then loaded onto a small, curtained bus for the trip to the execution chamber. Reporters were banned from speaking and from bringing anything other than pen and notebook.

In the chaplain chamber, inmates can receive services from a chaplain

appointed by the detention house. The room has a Buddhist altar, but Christian and Shinto arrangements can also be made upon request. Tea, fruit or sweets are also offered in the room, he said. Then they are escorted to the front chamber, where they are given a last chance to speak with the chaplain.

It is in the front chamber where the chief of the detention house formally announces the execution. Inmates are then blindfolded, handcuffed in front and escorted to the execution chamber. A curtain is the only thing that separates the front and execution chambers, but it is usually closed, and inmates are unable to see the execution chamber and the rope dangling from the ceiling pulley and hooked to the floor.

There was no rope visible in the execution chamber because "it is installed only when execution is carried out," officials said. In the execution chamber, the inmate's legs are tied, the noose is tightened and the condemned stands on a trap door. The 30-minute tour showed the red square on the floor where a convict stands with a noose around their neck before the trapdoor opens beneath them.

Then three officials enter a side room where there are three buttons. They

push them at the same time so they don't know which one actually springs the trapdoor. In the attendant chamber, officials view the execution chamber and the room below. In five minutes after a doctor confirms death, the corpse is lowered and put in a coffin.

JAMAICA: EX-SOLDIER SENTENCED TO DEATH

Jamaican Supreme Court Justice Horace March sentenced ex-soldier Leslie Moodie, 35, to death for the Double Diamond night club murders in October 2008, Jamaican and foreign news media reported on August 26. Four people were killed in the attack. Lawyers for Moodie had argued that he was drunk and accidentally shot the men. In handing down the sentence, Justice Marsh said the only punishment that could be imposed was death. He said the mitigating factors did not outweigh the extreme and exceptional circumstances of the murders. It is unlikely, however, that Moodie will be hanged, reports said and added that no one has been executed in Jamaica for more than two decades. At least four people besides Moodie are on death row.

NORTH CAROLINA (USA): DEATH ROW

INMATES USE RACIAL JUSTICE ACT TO REQUEST COMMUTATION

Under the Racial Justice Act 147 of the 159 inmates on death row used the law to request that their sentences be converted to life without parole, The Sun News reported August 22. This month, under the fledgling Racial Justice Act, all but a dozen of the 159 inmates on North Carolina's death row used the historic law to request that their sentences be converted to life without possibility of parole because of racial bias in their trials and sentencing. None of the racial bias claims filed under the year-old Racial Justice Act, 1 of only 2 laws of its kind in the country (the other is Kentucky), has gone before a judge. The deadline for death row inmates to file claims was Aug. 10, and according to the latest count by the state attorney general's office, 147 inmates - 82 black, 53 white and 12 of other races - are seeking relief.



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