

# Crime and Justice

## Death Penalty and the Right to Life

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



September 2011

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# CRIME AND JUSTICE

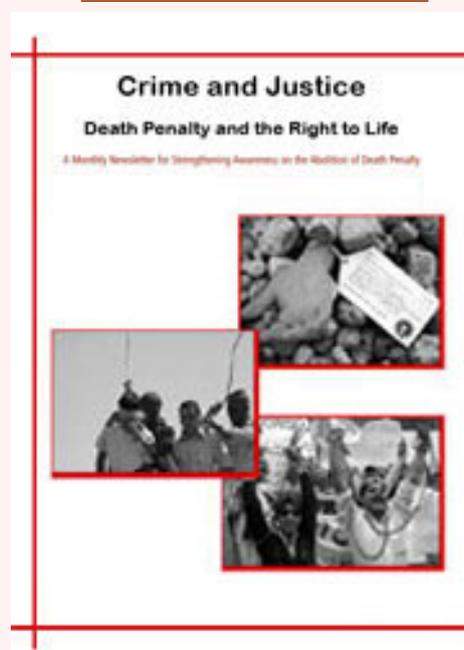
A Monthly Newsletter for Strengthening Awareness  
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This page includes news coverage which is part of a project funded by the European Union

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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Mohammed Omer

GAZA CITY, Aug 11, 2011 (IPS) - Access to education for Palestinian prisoners in Israeli jails is getting worse as international organisations remain unwilling or unable to intervene. Secondary-school students here completed their exams in June, and received their results by end of July. However, the 1,800 Palestinian prisoners who were supposed to complete their exams were not permitted to do so by the Israeli Prison Service.

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## PROJECT ARTICLES

### Executed for Being Gay

By Matthew Cardinale

ATLANTA, Georgia, U.S., Aug 31, 2011

(IPS) - Five nations still outlaw homosexuality and carry out executions of gay, lesbian, bisexual, and transgender people, according to a recent report by the U.S. group Human Rights First.

Currently, the nations that prescribe capital punishment for homosexuals are Iran, Mauritania, the Republic of Sudan, Saudi Arabia and Yemen.

South Sudan, the world's newest country, may become a sixth nation to do so, while, if religious extremists have their way, Uganda may become the seventh.

The death penalty also is carried out against homosexuals in certain parts of Somalia and Nigeria.

Many of the countries that carry out the death penalty against homosexuals also have anti-democratic regimes, noted C. Dixon Osburn, director of the Law and Security Programme at Human Rights First.

"When other freedoms are opposed, any freedoms can be oppressed. When you don't have freedom of the press, freedom of engagement, it makes it difficult. Certainly the countries that carry out the death penalty, these are countries where just speaking up contrary to the government can have dire consequences," Osburn told IPS.

The current penal code of South Sudan - which may become the sixth country to execute gays - is a departure from the shariah law previously practiced in the region when it was part of Sudan, yet it still criminalises sodomy.

"Right now they imposed a 10-year criminal sentence, but have not adopted the death penalty yet," Osburn said.

President Stealva Kiir Mayardit of South Sudan recently said that democracy, equality, and justice do not extend to people who are homosexual.

Recognition of homosexual people is "not in our character... It is not even something that anybody can talk about here in southern Sudan in particular. It is not there and if anybody wants to import or to export it to Sudan, it will not get the support and it will always be condemned by everybody," President Mayardit said.

"I'm sad to hear that Southern Sudan, as a new nation, is considering this," Joe Beasley, president of the U.S. NGO African Ascension, told IPS. "I was hoping it would be a lot more progressive."

"Given the prevalence of homosexuality in the communities, in the families of nations globally, South Sudan isn't regarded any different, does not fall outside the human norm," Beasley said.

Meanwhile, major disputes over the rights of GLBT people in Uganda continue, with one piece of legislation having been introduced to execute homosexuals who are HIV-positive.

David Bahati, a Ugandan parliamentarian, introduced the Anti-Homosexuality Bill of 2009 in the Parliament.

"You can see it creates a very difficult environment for anybody who's gay there," Osburn said.

The legislation would also criminalise people who advocate for GLBT rights, or who provide social or medical services to GLBT people, and would require Ugandan citizens to turn in anyone who they know is homosexual.

"In Uganda, there are those trying to keep the anti-homosexuality bill from becoming law," Osburn said, adding that he does not see as much movement to overturn the existing death penalty laws in the five countries.

One prominent Ugandan gay activist, David Kato, was murdered in January 2011, after a Ugandan magazine published a list of prominent gay rights activists and their contact details, with a banner over the photos that urged, "Hang Them".

"It's a lynch mob mentality. You have an elected parliamentarian, Mr. Bahati, who introduced this bill and has been pushing. He believes gay people are evil," Osburn said.

"You then have him getting the support of media where gay people are under the microscope, doing this McCarthyistic list, which adds to the mentality of going after folks who are a danger in the society," he said.

One of the leading supporters of the movement to execute homosexuals in Uganda is a minister, Martin Ssempe.

Incidentally, one man connected with Ssempe who visited with his

congregation in 2004, is a U.S. pastor, Peter Waldron, who currently works on the campaign of U.S. Rep. Michele Bachmann, a Republican from Minnesota and one of the leading candidates for president of the United States.

"The sad, frightening part of it, the homophobic stuff in Uganda is being propped up by the evangelists from the U.S. They've come over there and whipped up a frenzy," Beasley said.

And so, while the proponents of homophobic legislation in Africa argue that homosexuality is an Western import, there is evidence that the homophobia itself has been the U.S. export.

"I just left Uganda. I think it's draconian, it's totally out of step. The death penalty, regardless of what the offence is, is not in keeping with a civilized people," Beasley said.

"The ultimate decision about judging life is left to God," he added.

"My advice to the leaders is feed your damn babies, stop the neocolonialism, do that and the world will call you blessed and enlightened. With witch hunts, you're not going to be able to

change human nature. I think we need to get a life. God doesn't make mistakes," Beasley said. (END)

## **LEBANON: Women Prisoners Play the Liberation Role**

**By Dalila Mahdawi**

BAABDA WOMEN'S PRISON, Lebanon, Aug 18, 2011 (IPS) - To a soundtrack of almost constant pounding of fists against iron doors, drama therapist Zeina Daccache is trying to capture the attention of a group of women prisoners. Many of the 45 women are suffering from drug withdrawal and alternately appear agitated, upset, energised and detached. Others chat loudly, take long puffs off cigarettes, or pace the room.

But it doesn't take long for Daccache, who is also a well-regarded comedian on Lebanese television, to bring calm to the chaotic scene. After a few warm-up games intended to break the ice, she has several of the women relating their life stories and future ambitions, envisioning a world beyond the confines of bolted doors and barred windows.

Daccache has come to Baabda as part of

her goal to bring drama therapy inside Lebanese prisons. Her organisation, the Lebanese Centre for Drama Therapy (CATHARSIS), is the only one of its kind in the Arab world and one of very few offering rehabilitation services to those behind bars.

Following an adaptation and award-winning documentary of the 1950s U.S. play '12 Angry Men' (renamed '12 Angry Lebanese') with inmates from Lebanon's high-security Roumieh prison, Daccache decided to expand her drama therapy programme to other prisons in the country. With support from the Drosos Foundation, she is also training dozens more individuals to become drama therapists in the hope of encouraging a new generation of professionals combining theatre with rehabilitation. Although she has only been working in Baabda for a few weeks, Daccache is already seeing some of the prisoners shrug off their initial caution to embrace the therapy.

"I'm very sad because of my situation and I'm sad because my daughter is far away," says D.W., who is serving time for drug offences. "I have a good heart but I didn't think of my daughter," she says, crying quietly. "I didn't know right from wrong."

Drama therapy gained popularity in the 1970s and has been used ever since in schools, rehabilitative clinics, bereavement centres and prisons to help individuals overcome personal problems, promote critical thinking, teach teamwork skills and improve self-esteem. Through role-play, group therapy sessions and dramatisation, many of the women in Baabda are gaining greater self-awareness and reflecting on the events that led them into conflict with the law.

"The aim in the end of this current project in Baabda is to have a theatre performance," Daccache says. Because of the high turnover in prisoners, the group will create a montage of monologues as opposed to a full play, giving newcomers the chance to participate and explore their personal history. "Each one of them is a scene by herself," says Daccache. "Each one by themselves fills the room."

N.L., who has been using drugs since she was 15, clutches a sketch of herself on a stage. "My role in the past was addiction, humiliation," she tells the group. Although she awaits sentencing for drug trafficking charges, she says she'd "like to be a wife, a mother, someone who is respected, happy."

Daccache is passionate about the power of drama in rehabilitating prisoners and combating recidivism. At Roumieh prison, "the inmates started working on themselves instead of blaming their situation entirely on society the whole time," she says. "Depression diminished and the inmates were able to plan a future for themselves outside of prison." Some of the men became so passionate about theatre that they sought out acting jobs after leaving prison.

The need for such rehabilitative services is especially important given the dismal conditions in Lebanese prisons. Notoriously overcrowded, 19 out of Lebanon's 20 penitentiaries were not originally built to serve as such, says MP Ghassan Moukheiber, who as head of the Parliamentary Human Rights Committee recently presented a detailed report on prison reform. "Prison conditions are to be considered in themselves a form of torture, cruel and degrading punishment," he told IPS. "There is an urgent need to shift prisons from being places of punishment to places of rehabilitation."

Besides segregated quarters in mixed prisons, Lebanon has four women's prisons. Women count for only around 300 of Lebanon's roughly 5,000

prisoners, all of whom are kept in overcrowded penitentiaries that fail to meet the standard minimum treatment recommended by the United Nations.

Poor holding conditions lead to frequent rebellions and riots. In April, Roumieh prison experienced the worst uprising in Lebanese history. Prisoners protesting a lack of access to medical care and poor services broke down doors, started fires and took control of much of the prison in a standoff which resulted in the death of four inmates.

Earlier this month, Lebanon's Parliament rejected a proposal to reduce the prison "year" from 12 to nine months, prompting three inmates to set fire to themselves, resulting in the death of one, and hundreds of others to initiate hunger strikes. Last weekend, five prisoners from Roumieh managed a jail-break by scaling the prison walls with bed sheets. Experts are now warning that another prison riot there is looming on the horizon.

While in better condition than many of Lebanon's larger prisons, Baabda offers no exercise facilities, and women only have access to sunlight filtered through a caged-in rooftop. Many prisoners complain of inadequate medical treatment and unhygienic conditions,

and have little to no recourse to legal counsel. Frustrations often lead to spats among the inmates.

Amidst such circumstances, the group therapy offered by CATHARSIS takes on additional importance. "The sharing of experiences and the group dynamic helps them find a way to channel their anxieties," Daccache says. "The new social interaction has given them back a sense of worth and has made them feel as though they are part of a community."

Perhaps most importantly, says Daccache, drama therapy offers prisoners a sense of hope at a time when many experience an overwhelming sense of despair. "They are learning that there is still a chance to change even while they are still in prison," she says. (END)

## **MIDEAST: Divided We**

### **Execute**

**By Mel Frykberg**

RAMALLAH, Aug 16, 2011 (IPS) - The execution of a Palestinian father and son by Hamas security forces in Gaza throws up a sharp difference over the

death penalty between Gaza and the West Bank. In the West Bank a temporary moratorium is in place.

The executions were carried out despite pressure from Palestinian and international human rights organisations for the death penalty in the occupied Palestinian territories to be rescinded.

"Although few of the West Bank sentences are carried out as Palestinian Authority (PA) President Mahmoud Abbas doesn't sign the orders, the judicial system and sentencing procedures haven't improved. We continue to struggle with other human rights groups to get the PA to change its laws," Jaber Wishah from the Palestinian Centre for Human Rights (PCHR) told IPS.

The two were executed in July following their conviction on charges of treason and murder.

The man aged 60, and his 29-year-old son had been sentenced to death by a civilian court in November 2004. Hamas's ministry of the interior asserted that Gaza's Court of First Instance sentenced the defendants to death by hanging after Gaza's Court of Cassation rejected an appeal against the

death penalty and endorsed the First Court's sentence.

Hamis officials said the men had confessed to providing Israeli forces with intelligence which helped them track down Palestinian resistance fighters including Hamas leader Aziz Rantisi who was killed in a 2004 Israeli air strike on his car.

The Palestinian Centre for Human Rights (PCHR) condemned the death sentences, saying they had been carried out without ratification from Abbas.

Under Palestinian law death sentences have to be ratified by the president under the Code of Criminal Procedures of 2001. The leader has withheld approval in recent cases, creating a de facto moratorium on capital punishment in the Israeli-occupied West Bank, where his administration still holds sway.

A political schism between Gaza's Hamas leaders and the Fatah-affiliated PA in the West Bank following the 2007 civil war has split the Palestinian legal system, with the Hamas judiciary working independently of the judiciary in the West Bank.

PA law allows the death penalty. The

Palestinian Penal Code applying in the West Bank enables imposition of the death penalty for 17 offences. In the Gaza Strip, 15 offences can risk the death penalty. The penal laws are normally implemented by ordinary civil courts.

In addition to the current Palestinian penal code, the PA also imposes the death penalty pursuant to the PLO Revolutionary Penal Code of 1979.

This code enables imposition of the death penalty for 42 offences, and is applied by special military and state security courts. These special courts are responsible for the vast majority of death sentences imposed by the PA.

This situation has been criticised by civil judges from the PA's Judicial Authority.

Thuraya Alwazir, one of the PA Judicial Authority's few female judges, expressed dissatisfaction with the military courts taking over the jurisdiction of civilian courts.

"We are not happy about this and believe that only civilian courts should have the authority to impose the death penalty. The president is aware of our concerns and the matter was being looked into. However, due to the

current political situation the legislation January 2009.  
has remained on hold," Thuraya told  
IPS.

According to Israeli rights group  
B'tselem, the imposition of the death  
penalty in the Palestinian judicial system  
contravenes international law in several  
ways.

These include the broad number of  
offences for which the penalty can be  
applied and the way these special courts  
deny defendants elementary rules of  
due process. The accused are given little  
opportunity to defend themselves, and  
there is no judicial procedure to appeal  
the decisions of military and state  
security courts.

So far this year five Gazans have been  
executed by the Hamas authorities.

B'tselem says that between 1995 and  
2010, 89 Palestinians were sentenced to  
death. However, "only" 18 executions  
were carried out.

Two of the death sentences were  
commuted to prison sentences. Eight of  
the condemned were murdered while in  
PA custody. A further three were  
murdered after escaping from prison  
during Israel's military assault on Gaza,  
Operation Cast Lead, December 2008-

Eleven people were released from  
prison or managed to escape, while two  
people sentenced to death are missing.  
The rest remain on death row.

Haider Ghanem from Rafah in the  
southern Gaza Strip was on death row in  
Gaza's central prison for a number of  
years. He was accused of providing  
Israel with information that led to the  
death of a number of Palestinian  
resistance fighters.

He managed to escape during Cast Lead.  
But masked Hamas gunmen abducted  
him from his sister's home during the  
second night of his freedom.

"A group of heavily armed Hamas men  
forced their way into our home and  
took Haider away," his sister Ighlas  
Ghanem told IPS. "Several days later we  
were informed we could retrieve  
his body. He had been severely beaten  
and had been shot numerous times in  
his legs and arms before being  
executed." (END)

## **MIDEAST: In Prison, and Denied Education**

### By Mohammed Omer

GAZA CITY, Aug 11, 2011 (IPS) - Access to education for Palestinian prisoners in Israeli jails is getting worse as international organisations remain unwilling or unable to intervene. Secondary-school students here completed their exams in June, and received their results by end of July. However, the 1,800 Palestinian prisoners who were supposed to complete their exams were not permitted to do so by the Israeli Prison Service.

In the early morning hours, Fatima Abu Jarryab, mother of Palestinian prisoner Eyad Khalid Abu Jarryab, gets ready for morning prayers. For the past nine years, every Monday morning this 57-year-old mother has stood outside the International Red Cross Committee (ICRC) office in Gaza City with a poster displaying her son. The Israeli authorities have prevented her from seeing him for the last five years.

Israeli authorities imprisoned Eyad Khalid Abu Jarryab for what Fatima calls affiliation to a political party. "I think of him every moment," she told IPS.

"I have lost faith in the International

Red Cross. They are not doing what a neutral organisation should be doing to meet the needs of prisoners in conflict areas," she says.

Fatima's worries have increased since hearing about her son's hunger strike. "There is nothing that I can do to stop him from doing this. I can't get to him."

Palestinian Authority (PA) Major General Tawfiq Al Tirawi issued a press release last week, following the release of 770 Palestinian prisoners, stating: "The Israeli occupation has launched an unusual and unprecedented war against the prisoners." Having spoken to the released prisoners Al Tirawi accused Israel of barring the prisoners from applying for their exams, continuing their university studies or obtaining medical care.

Last June, angry families of Palestinian prisoners in Gaza City pelted the ICRC building with eggs. The protest came following a statement from the ICRC demanding Hamas provide evidence that the Israeli soldier Gilad Shalit is still alive five years after his capture. "The total absence of information concerning Mr. Shalit is completely unacceptable," ICRC Director-General Yvest Daccord told the press.

Saber Abu Karsh, spokesman for Wa'ed, a Gaza-based organisation defending Palestinian prisoners said, "The ICRC statements are illegal and inhuman. Israel has been preventing 750 Gaza prisoners from family visits for five years now."

Abu Karsh adds, "There are 1,500 prisoners, including 36 female prisoners and 350 children in need of health care which is denied them. The ICRC needs to mention, just once, about the 7,000 Palestinian prisoners, and should intervene to ensure that medicine, food parcels, clothes and blankets get to the prisoners."

Hamas, however, has declined to answer the request of ICRC, according to Ismail Radwan, the movement's spokesman in Gaza. In October 2009, Hamas released a short video of Shalit, in exchange for the release of 20 Palestinian women.

PA Minister of Prisoners and Ex-Detainees Issa Qaraqi slammed Israel's decision of not allowing prisoners to complete their scholastic exams inside the Israeli prisons. "There has been no justification given for the denial of education," Qaraqi told IPS.

"The Israeli Prison Service agreed

recently to conduct the high secondary-school exams for all prisoners according to commitments and procedures whereby the ministry of prisoners, and ministry of education and higher education, conduct the exams in a transparent manner," Qaraqi said

This year 88,768 students took their secondary school exams across the Gaza Strip and the West Bank. The prisoners however, were excluded for the third year - since 2009.

In 2009, Qaraqi appealed to the Israeli Supreme Court of Justice to reverse the decision not to allow the exams. "This session has been postponed and has not been discussed ever since," Qaraqi said.

According to the ministry of prisoners and ex-detainees in Ramallah, Abu Jayyab, currently imprisoned in Negev prison, is one of the 1,800 Palestinian prisoners who have been denied access to secondary- school exams.

"The security prisoners are held by law in Israel Prison Service facilities," Lieutenant-Colonel Ian H. Domnitz told IPS. He refused to comment further. "We don't deal with such matters through the media," he said.

Qaraqi himself in his official capacity as

minister of prisoners has never been allowed to visit the prisoners, or to observe their conditions.

Maria Cecilia Goin, ICRC spokesperson in Jerusalem, acknowledges the problem. "We are aware about the situation that they cannot complete their high secondary-school exams and we are following it with the Israeli prison authorities."

However, the ICRC maintains a dialogue with Israeli authorities "which is bilateral and confidential," Goin told IPS. "Our recommendations regarding this problem or any other detention issue are discussed only with the authorities and thus, we do not share publicly the content of this dialogue."

In March 2010, imprisoned Fatah official Marwan Barghouti managed to complete his doctorate in political science. The University of Cairo and the Arab Academy for Research had accepted Barghouti in 1999 - three years before he was arrested by Israel. Qaraq, said that Barghouti's success was due to "personal efforts and study in secret" without facilitation from his jailers.

The Israel Prison Service had earlier allowed some Palestinian prisoners to

enrol in the Open University of Israel. This is no longer the case, according to the Ministry of Prisoners. (END)

## WORLD PRESS REVIEW

August 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 August to the beginning of the month.**

### **EETO CALLS FOR ABOLITION OF DEATH PENALTY IN TAIWAN**

August 31, 2011: the European Economic and Trade Office (EETO) in Taipei repeated its call for the Taiwan government to abolish the death penalty. EETO chief Frederic Laplanche said Taiwan's efforts on the matter so far had fallen short of expectations. "It's not enough at all," he said. "The Taiwan government should take the right path, which means it should to stop death penalty executions immediately." (FocusTaiwan.tw, 31/08/2011)

### **INDIA: OVER 20 DEATH ROW CONVICTS AWAIT FINAL WORD ON THEIR MERCY PLEAS**

August 31, 2011: as of today there are 22 death row convicts waiting for a final word from the Indian president on their mercy petitions. One of these petitions dates back to 2003. The president and state governors can grant pardons, suspend, remit or commute sentences handed down by courts. From November 2009 to today, President Patil has decided 13 mercy petitions-rejecting three pleas and commuting the death sentence in 10 others. (Economic Times, 31/08/2011)

August 30, 2011: China handed Li Hua, former chairman and general manager of the Sichuan branch of China Mobile Communications Corporation, a death sentence suspended for two years for accepting 16.48 million yuan worth of bribes, Xinhua reported, citing a spokesman for the Intermediate People's Court of Panzhihua City. The report said Li, whose age was not given, had taken money from local companies in exchange for offering "interests". (Agence France Presse, 31/08/2011)

#### **INDIA: HIGH COURT STAYS EXECUTION OF RAJIV GANDHI'S KILLERS**

August 30, 2011: The Madras High Court in southern India has stayed the executions of three men convicted of plotting the 1991 assassination of former Prime Minister Rajiv Gandhi. The men - Murugan, Santhan and Perarivalan - were to have been hanged at a jail in Tamil Nadu on 9 September but that has now been put back eight weeks. India's president rejected a plea for mercy this month. Lawyers for the men say the time taken to decide the plea - 11 years - was unconstitutional. (bbc.co.uk/; global post.com; 30/08/2011)

#### **RWANDA TO HOST MEET ON DEATH PENALTY**

August 30, 2011: International experts from various countries, including 25 from Africa, will meet in Kigali next month to discuss the elimination of the death penalty. The two-day conference slated for October 13, will launch a major debate on the need to abolish the death penalty on the African continent. Rwanda abolished the death penalty in 2008. The conference is organised by the government in conjunction with "HANDS OFF CAIN", an Italian organisation committed to the fight against the application of the death penalty with support from European Union, African Union and the World Coalition Against the Death Penalty.

#### **DEATH FOR CHINA MOBILE MAN**

In an exclusive interview with The New Times, the Minister of Justice, Tharcisse Karugarama, noted that some African countries have scrapped the death penalty, adding that it was imperative to share experiences on how the penalty can be eliminated.

"This is a very important conference, not only for Rwanda, but for other countries as well. Rwanda has benefited from abolishing the death penalty and we want to share those benefits with other countries," Karugarama said.

"It's a joint effort between our government and these bodies to create a climate for sound and intellectual debate on this issue".

All AU Member States are parties to the African Charter on Human and Peoples' Rights, which came into force on October 21st 1986, and for many in Africa, the death penalty is regarded as a violation of Article 5 of the Charter, especially regarding the prohibition of cruel, inhuman and degrading punishment and treatment.

Article 5 of the charter stipulates: "Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and

treatment shall be prohibited". (allafrica.com, 30/08/2011)

#### **IRAN: DEATH SENTENCE FOR SCIENTIST'S KILLER**

August 28, 2011: in Iran, Majid Jamali-Fashi was sentenced to death for murdering scientist Massoud Ali-Mohammadi in January 2010 on behalf of Israel to stop Iran developing nuclear technology, official news agency IRNA reported. IRNA quoted a judiciary spokesman as saying Majid was convicted of "waging war against God" and being "corrupt on Earth." The prosecution said Jamali-Fashi had traveled to Israel to receive training from the Mossad intelligence agency, and had been paid \$120,000 for the assassination.

An Iranian opposition website said at the time that Ali-Mohammadi was an opposition supporter who had backed moderate candidate Mir hossein Mousavi in the disputed June 2009 presidential election, suggesting there may be other motives for his murder. (Daily Star, 29/08/2011)

#### **SUDAN: REBEL LEADER SENTENCED TO DEATH**

August 27, 2011: a Sudanese court handed a death sentence to a leader of the Justice and Equality Movement (JEM), saying he violated the

constitution and fomented war against the state, Sudan's state news agency said. Al-Tom Hamed Tutu was captured in Southern Kordofan state, where fighting broke out in June between the Sudanese army and groups seeking to wrest control of the region from Khartoum.

According to Sudan news agency SUNA, Tutu was also accused of wearing a military uniform with an SPLA badge. JEM condemned the verdict against Tutu, saying he is a military and political leader of a movement that the Sudanese government recognizes and negotiates with. (Reuters, 27/08/2011)

#### **SRI LANKA: DEATH SENTENCE FOR FOUR POLICEMEN**

August 25, 2011: former OIC Angulana Police Station Inspector D. Newton, Police Constables G. I. Kumarasiri, Nihal Jayarathna and Reserve PC Janapriya Sumanaratna were sentenced to death by Sri Lankan High Court Justices Wijesundera, Warawewa and Wickremasinghe.

They allegedly abducted and murdered two inmates of the Angulana Police station, Dinesh Tharanga Fernando and Danushka Udayakantha Aponsu. The four were also sentenced to forty years rigorous imprisonment and fined Rs.100,000. (DailyNews.lk, 26/08/2011)

#### **MALAYSIA: APPEAL COURT UPHOLDS DEATH SENTENCE FOR DRUG PEDDLING**

August 24, 2011: Datuk Wira Low Bop Bing, Datuk Clement Allan Skinner and Justice Sangau Gunting of the Malaysian Court of Appeal affirmed the death sentence of Chung Ngee Hong, 39, for trafficking 85.37g of ecstasy pills on April 25, 2003.

The High Court sentenced him to death on February 15, 2008. (Borneo Post, 25/08/2011)

#### **VIETNAM: MAN SENTENCED TO DEATH FOR SETTING FIRE TO FAMILY**

August 23, 2011: the People's Supreme Court in Ho Chi Minh City, Vietnam, sentenced Nguyen Van Hay, 39, to death for killing his wife and 14 year old daughter on September 5, 2010.

Han was originally sentenced to life in May. He was found guilty of beating his wife unconscious in a jealous rage with a log and pouring petrol on all his family members and setting them alight. Two of his children survived the attack. (Monsters & Critics, 24/08/2011)

#### **KENYA: THREE SENTENCED TO DEATH FOR 2009 MURDER OF IRISH PRIEST**

August 23, 2011: in Kericho, Kenya, Chief Magistrate Hedwig Ong'undi sentenced Isaac Kipng'etich Bett, Jackson Cheruiyot Koskei and Joshua Maranga Makori to death for the 2009

murder and robbery of Irish Kiltegan Father Jeremiah Roche, 68, in Keongo. A laptop, two mobile phones and other electronic devices valued at more than \$3,000 were stolen. (Catholic News, 23/08/2011)

#### **NIGERIA: SHEMA PARDONS 8 PRISONERS ON DEATH ROW**

August 21, 2011: in Nigeria, Katsina State Governor Ibrahim Shema commuted the death sentence passed on eight prisoners to life imprisonment in commemoration of Ramadan. Musa Dauda, Shehu Idi Magaye, Nura Sabo, Samanu Salisu, Shittu Jubrin, Aminu Sada, Abdulkarim Mohammed and Friday Patrick were selected due to good behaviour, their length of stay in prison, and the fact that they had not killed anyone. Some among the convicts transferred to Kaduna prison from Katsina for execution. (Sunnewsonline.com, 21/08/2011)

#### **MALAYSIA: MAN TO HANG FOR DRUGS**

August 20, 2011: subcontractor Chong Soon Wah, 38, was re-sentenced to death by presiding Justice Azhar Mohamed of the Malaysian High Court for trafficking 103.02gm of heroin and 51.23gm of monoacetylmorphines in Ulu Tiram on January 10, 2004. The prosecution appealed the decision on March 3, 2008, to acquit Wah, and the

case was transferred back to the High Court. Wah was also sentenced to death by the High Court on July 24, 2008, for trafficking 49.19gm of drugs in Taman Desa Jaya on the same day, which was later upheld by the Federal Court. (The Star Online, 20/08/2011)

#### **SRI LANKA: FIVE CHINESE SENTENCED TO DEATH**

August 19, 2011: five Chinese nationals were sentenced to death in Sri Lanka, two in absentia, for murdering a fellow Chinese national over a dispute. Judge Sunil Perera of the Colombo High Court found that restaurant owner Wang Lee, Su Ting, Young Yang, Gwang Lee, and Lie Hulbo murdered Su Lincoln on or around January 24, 2003, in Dehiwela, Colombo. Restaurant owner Wang Lee said she was innocent. (Daily Mirror, 20/08/2011)

#### **CHINA EXECUTES MAN FOR RUNNING OVER MONGOL HERDER**

August 18, 2011: according to the official Xinhua News Agency, China executed truck driver Li Lindong for killing ethnic Mongol herder Mergen on May 10, while he was protesting the noise and pollution of coal trucks going through his village. Li was sentenced to death in June by the Intermediate People's Court in the

region's Xilingol League. (Sources: CBSnews.com, 24/08/2011)

sentenced. Both men had been drug dealers. (Tribune242.com, 12/08/2011)

### **BOTSWANA: FOUR PRISONERS STILL ON DEATH ROW**

August 14, 2011: four men remain on death row in Botswana, according to sources within the Botswana Prison Service. Those still on death row are Zibani Thamo, Modise Tlhokamolelo, Mangombe Tadubane and Gatlhalosamang Gaboakelwe. Thamo was convicted by the Francistown High Court for the 2007 murder of his girlfriend, Sihle Dube. The Francistown High Court convicted Tlhokamolemo in 2010 for the murder of six people in Letlhakane in 2008. Tadubane was sentenced to death in 2010 for murdering Tshokolo Ramokgau. (MMegi.bw, 12/08/2011)

### **BAHAMAS: ANOTHER DEATH SENTENCE OVERTURNED BY PRIVY COUNCIL**

August 12, 2011: the London-based Privy Council overturned the death sentence of Bahamas national Earnest Lockhart for murdering Caxton Smith, 23, on June 8, 1999, by shooting him with a single bullet after he refused to sell drugs for him.

In a written judgement, the council held that his crime was not "the worst of the worst" and ordered for him to be re-

## **News from International NGOs - August 2011**

### **PRI CONDUCTS TRAINING ON ABOLITION OF THE DEATH PENALTY IN THE MENA REGION**

Between 16-20 July 2011 PRI MENA Regional Office in Jordan co-organised a training workshop for human rights specialists representing civil societies promoting the abolition of the death penalty in the MENA Region. The group of fifteen participants working directly in the field of death penalty abolition from seven countries (Morocco, Egypt, Algeria, Yemen, Tunisia, Sudan, Lebanon and Jordan).

The training was conducted as part of the New Tactics in Human Rights Programme with financial support from the Foreign Ministry of the Netherlands. The goal of this project is to develop and share a regional and international New Tactics training materials specialized in death penalty abolition and to build the capacity of the civil society organizations advocating for the abolition of the death penalty utilizing PRI's MENA regional knowledge and the

international advocacy experience in collaboration with new tactical methodology.

PRI is currently implementing a Multi Regional project on the abolition of the death penalty and alternative sanctions that respect international human rights. The programme of work is being carried out in 19 countries in five regions: the Middle East and North Africa, Eastern Europe, South Caucasus, South Caucasus, Central Asia and East Africa.

Workshop Report

<http://www.penalreform.org/files/New%20Tactics%20-%20PDF%20-%20Workshop%20Report.pdf>

#### **PRI SUBMISSION TO THE CRC DAY OF GENERAL DISCUSSION ON THE CHILDREN OF IMPRISONED PARENTS**

PRI submits position paper to the Committee on the Rights of the Child's Day of General Discussion (30 September 2011) on the situation of children of imprisoned parents.

The paper entitled "Protecting Children in Prison with a Parent – Implement and Develop the Bangkok Rules" calls on policy makers and practitioners around the world to urgently address the issue of babies and young children born, living and/or growing up inside prisons. The 'Bangkok Rules'), adopted by the UN General Assembly in December 2010,

have introduced a set of instructions for policymakers and practitioners dealing with this issue in the context of women prisoners. These act as a basic international framework within which to assess, amongst other issues, whether the penitentiary system is equipped to comply with dependent children's needs when imprisoned with their parent.

#### **PRI SUBMITS COMMENT ON THE RIGHT TO REDRESS FOR VICTIMS OF TORTURE**

PRI submits observations to the Committee against Torture on the interpretation of the right to redress (article 14 of the UN Convention against Torture) in response to the draft comments of the committees interpretation of the right.

The observations detail the right to redress in relation to a number of issues including compensation; holistic rehabilitation, complaints and access to mechanisms for obtaining redress; obstacles to the right and monitoring and reporting instances of torture.

PRI Comment on Art 14 CAT: <http://www.penalreform.org/files/PRI%20Comment%20on%20Art%2014%20CAT-GC%2008-11.pdf>

**PRI: DEATH PENALTY ABOLITION AFTER ARAB SPRING**

PRI's MENA Regional Director gives some thoughts on the prospects for death penalty abolition, in light of the recent and current upheaval in the area. Interviewed at the World Coalition Against the Death Penalty AGM in Rabat, Taghreed Jaber spoke of her fears that the death penalty might be used as revenge, as well as her hopes that this was a time when NGOs could get involved in raising awareness of the arguments for abolition.

See video clip of the interview

<http://www.worldcoalition.org/The-Arab-Spring-and-the-death-penalty.html>

**PRI CONCERNED ABOUT RETROGRESSION IN KAZAKHSTAN'S PRISON SYSTEM**

On 15 September 2011, authority for Kazakhstan's penitentiary system will be transferred back from the Ministry of Justice to the Ministry of the Interior of Kazakhstan.

Penal Reform International has serious concerns that this transfer of authority will undermine Kazakhstan's previous reforms aimed at the modernisation and the demilitarisation of the penitentiary system.

In 2002, responsibilities for prisons had been transferred the opposite way,

from the Ministry of Internal Affairs to the Ministry of Justice, implementing recommendations by the UN Committee against Torture.

"PRI strongly believes that a penitentiary system should be governed by judicial authorities and separate from agencies involving policing or military functions," states Saule Mektepbayeva, PRI's Central Asia Director.

"It is worrying that rather than modernising its penitentiary system, Kazakhstan seems to be moving backwards."

In most models in the world the penal services are either under the Ministry of Justice or set up as independent agencies. Where this is not the case yet, the trend is a decoupling the penitentiary system from Ministries of Interior.

The separation of the functions of investigation and prosecution on the one hand, and of execution and supervision of criminal sanctions on the other hand, has proven to be the far superior division of tasks between government entities. Prison management requires skills very distinct from those of policing. Experience across the globe has confirmed that rehabilitation of offenders, highly relevant to the prevention of recidivism, has a far higher prospect of success if

allocated to judicial authorities rather than policing authorities.

Since prisons are under the authority of the Ministry of Justice, Kazakhstan has seen concrete positive developments, including a reduction in the prison population. Kazakhstan moved from 3rd place in the ranking of global prison populations in 2001, to 22nd place in 2010; progress was made with regard to public control over prisons and in dealing with tuberculosis in prisons.

“Not only does this retrogressive move put into question Kazakhstan’s commitment to penal reform, it has negative repercussions on other countries in the region which had been encouraged by Kazakhstan’s example,” stresses Saule Mektepbayeva.

PRI calls on the Kazakhstani government to halt the retrogressive transfer of authority before it enters into force on 15 September, and to expand on the process of modernisation and professionalism in the penal system.

Media coverage for PRI following a press conference on this issue

<http://www.penalreform.org/publications/kazakhstan-media-coverage>

EU statement on Kazakhstan transfer of prison authority (43KB)

<http://www.penalreform.org/files/EU%20statement%20on%20Kazakhstan.pdf>

USA statement on Kazakhstan transfer of prison authority (53KB)

<http://www.penalreform.org/files/USA%20statement%20on%20Kazakhstan.pdf>

## **BENIN CLOSER TO ABOLISHING THE DEATH PENALTY**

19 August 2011

Benin has taken an important step towards abolishing the death penalty after the country’s National Assembly yesterday voted in favour of ratifying an international treaty banning capital punishment.

Benin would be the 74th state worldwide to join the Second Optional Protocol to the International Covenant on Civil and Political Rights, which calls for the death penalty to be abolished. “The Beninese authorities should be commended for this important step that would bring their criminal justice system in line with the global trend to outlaw this cruel punishment,” said Véronique Aubert, Amnesty International’s Deputy Director for Africa.

“Benin’s President Boni Yayi must act swiftly to finalize Benin’s ratification of the Optional Protocol and Benin’s example must be followed by neighbouring West African countries

who have yet to abolish the death penalty,” said Véronique Aubert.

While Benin’s penal code has allowed for the death penalty to be handed down for various offences, Beninese authorities have not executed anyone for more than two decades.

To Amnesty International’s knowledge, the last executions in Benin took place in September 1987, when two people were shot after receiving death sentences for ritual murder. The previous year, six people had been executed by shooting after being convicted of armed robbery and murder. The last death sentence was handed down in 2010 to a woman sentenced in absentia for murder. At least 14 people are currently on death row in Benin’s prisons.

Benin joins other countries in moving towards the abolition of the death penalty in Africa. To date, 16 African countries have abolished the death penalty for all crimes, including three – Burundi, Togo and Gabon – in the last two years.

Despite these important advances, work remains to be done to abolish the death penalty worldwide.

In 2010, 23 countries carried out executions and 67 imposed new death sentences. Among the methods of execution used were beheading,

electrocution, hanging, lethal injection and shooting.

“The death penalty is the ultimate cruel and inhumane punishment, and should never be used by any state under any circumstances,” said Véronique Aubert.

“Those countries that still execute offenders are increasingly isolated as they battle against the changing tide of global public opinion and legal practice on the death penalty.”

#### **TUNISIA MEN DETAINED IN RAIDS SET TO FACE MILITARY TRIALS**

11 August 2011

Four men arrested following clashes with security forces in northern Tunisia are set to face trial before a Tunis military court.

The four men – Ayman Gharib, Anis el-Krifi, Walid Boujballi and Haitham el-Mejri – were arrested on 19 July during raids in the northern town of Menzel Bourguiba. Three days earlier, a protest in the town ended in violent clashes with security forces.

The men have been charged with creating or leading armed groups, inciting violence, and “assault with the intention of changing the government,” offences punishable by the death penalty under Tunisian law.

Eight other men believed to be on the run have also been referred to Tunis

Military Court in the same case in connection to the events of 16 July and will be tried in absentia.

“Civilians should never face trial before a military court. If these men have committed a recognizable criminal offence, the Tunisian authorities must ensure they are referred to a civilian court to be tried in line with international fair trial standards,” said Hassiba Hadj Sahraoui, Deputy Director of Amnesty International’s Middle East and North Africa Programme.

“If convicted, they must not be sentenced to death.”

“A full, independent investigation must be carried out to determine the course of events that led to clashes and subsequent arrests.”

The four defendants were among a number arrested following the clashes in Menzel Bourguiba on 16 July, during which a police station and police car were reportedly set on fire. All of the others arrested have since been released. Many of those who were released were said to have traces of beatings and violence.

The case has been referred to a military court because three security officers submitted medical reports claiming they were injured during the 16 July events. Tunisian law allows for civilians to be tried by military tribunals for ordinary criminal offences when a member of the

military is involved and for offences committed in military areas, as well as offences related to terrorism or that threaten the country’s internal or external security.

According to one of the lawyers for the accused men, the charges were fabricated, and there are no witnesses to place the four men at the scene of the demonstration in Menzel Bourguiba. Two witnesses claim that one of the accused was inside a mosque throughout the clashes.

Tensions escalated in several Tunisian cities and towns in mid-July following the forcible dispersal of a sit-in at the Kasbah in the capital Tunis on 15 July. Tunisian security forces responded to last month’s renewed demonstrations in the central town of Sidi Bouzid by using live ammunition to disperse protesters which led to the death of a 13-year-old boy.

More than 300 protesters died and many more were arrested following demonstrations that began in Sidi Bouzid last December, before spreading quickly around Tunisia and inspiring protests across the Middle East and North Africa.

Demonstrations in the Tadamon area of Tunis also led to violent clashes between protesters and security officers and several men were also arrested during house raids. Curfews were put in

place in Menzel Bourguiba and Sidi Bouzid which have now been lifted. The Tunisian government renewed the state of emergency on 1 August, despite the Ministry of National Defence earlier stating that order had been restored to all parts of the country.

### **Q&A: ACCOUNTABILITY IN TUNISIA AND EGYPT**

2 August 2011

Eight months after popular uprisings ousted the long-ruling presidents of Tunisia and Egypt, both former leaders are being held to account in criminal trials. Egypt's former President, Hosni Mubarak, is due to appear in court on 3 August in Cairo to answer charges ranging from murder, arising from police shootings of anti-government demonstrators, to corruption and profiteering. Meanwhile, a court in Tunis has tried and convicted former Tunisian President Zine El Abidine Ben Ali of corruption and other offences – he was prosecuted in absentia after fleeing to Saudi Arabia.

What are the charges against Mubarak? Mubarak and his former Interior Minister, Habib El Adly, are charged with responsibility for the murder and attempted murder of hundreds of people shot by security forces during

the January uprising – the official death toll is 840. The former President is also accused of corruption and abuse of power. Two of his sons, Alaa Mubarak and Gamal Mubarak, and businessman Hussein Salem, also face corruption charges.

Mubarak could face the death penalty if convicted. Many of his victims support that. What is Amnesty International's position?

Amnesty International categorically opposes the death penalty in all cases, whatever the magnitude of the crime. The death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment. A majority of states at the UN General Assembly have repeatedly called for a worldwide moratorium on executions, which Amnesty International supports in addition to universal abolition of the death penalty.

Can someone be tried if they are in poor health?

If there are concerns about a defendant's health, in the interests of justice it is essential to carry out an independent and impartial medical assessment. This should determine whether the defendant is mentally and physically capable of standing trial and, crucially, whether they can participate

in their own defence. A trial should be abandoned or postponed only if the defendant is judged incapable of participating.

There have been contradictory reports about former President Mubarak's health; if deemed necessary, the Egyptian authorities must set up an independent commission of medical experts to assess his mental and physical fitness to stand trial. This is especially important given a wide public distrust of government institutions in Egypt and victims' families concern that questions about the former President's health could be used inappropriately to prevent or delay the trial.

Was Ben Ali's trial in absentia in Tunisia fair?

No. It was unfair because he was denied the right to be present. His lawyers had requested a postponement to allow time to prepare an adequate defence. The current Tunisian government must follow due process and fair trial standards, otherwise it risks replicating the unfair justice system that was a hallmark of Tunisia under Ben Ali.

The charges against Ben Ali so far have not related to major human rights violations. Could he be tried for more serious crimes under international law?

Anyone who may reasonably be suspected of committing crimes under international law, such as torture, enforced disappearances and unlawful killings, should generally stand trial in the country where the alleged crimes were committed. In the case of former President Ben Ali, it would be preferable if he were to be returned to Tunisia and prosecuted there, so long as he can receive a fair trial without facing the death penalty. However, under the concept of international jurisdiction, any state may legally try suspects for such crimes, regardless of where they were committed. Moreover, every state has a responsibility to investigate such crimes, prosecute them if there is sufficient evidence and offer assistance, including through the extradition of suspects.

How have victims of abuses been treated since the fall of Mubarak and Ben Ali?

Families of demonstrators killed earlier this year have been able to file complaints in both Egypt and Tunisia. Trials have begun for some of the officials allegedly responsible for the killings. However, in Egypt, limited access to the court rooms has meant that many victims' families have not been allowed in, leading them to feel that their complaints were not being heard. This was exacerbated by the

authorities' failure to remove or suspend accused security officials from their posts until recently. Delays and lack of progress in these trials have prompted demonstrators to return to the streets in both Egypt and Tunisia.

Should these former heads of state also be tried for older human rights violations?

In the context of the trials under way, suspects can only be tried for recent crimes, but they must also be held criminally responsible for those committed during their past years in power. Amnesty International regrets that while investigating Commissions have been set up in both Egypt and Tunisia, their mandates have been limited to violations committed during the popular uprisings. In both countries, the authorities have so far failed to take concrete steps to address the crimes of the past. The charges currently facing former President Mubarak do not cover the decades when security forces under his control committed numerous serious human rights violations and documented crimes with impunity. Similarly, the charges that have been brought against former Tunisian President Ben Ali to date have largely ignored the systematic and widespread human rights abuses that sparked the public demonstrations in the first place.

### **ASIA STILL TOP EXECUTIONER BUT MORE DIVIDED THAN EVER: HANDS OFF CAIN REPORTS**

Article by Aurélie Plaçais published on August 11

Hands Off Cain 2011 Report contains the most important facts regarding the practice of the death penalty in 2010 and the first six months of 2011.

"Asia is responsible for 98.4% of the executions worldwide, with the 3 main executioner countries being China, Iran and Nord Korea, all illiberal countries where official information about the use of the death penalty is shrouded in secrecy. This explains how the abolition of the death penalty is linked to the battle for democracy and rule of law" said Elisabetta Zamparutti, who supervised the publication of the report.

Top 3 executioners: China, Iran and North Korea

Relying on the number of death penalty cases reviewed by the Supreme People's Court (SPC), Hands Off Cain estimates that about 5,000 executions took place in China in 2010, representing 85.6% of the world total of executions. In 2007, a legal reform required that every capital sentence be reviewed by the SPC. In 2010 only, it dealt with 12,086 cases of

various types. Although China still executes thousands of people, it also reduced the scope of the death penalty: “on February 25, 2011, China dropped the death penalty for 13 non-violent crimes and banned capital punishment for offenders over the age of 75 in a move seen as symbolic but unlikely to significantly reduce executions.” Referring to Iran Human Rights’ report, Hands Off Cain confirms that Iran put at least 546 people to death. It also stresses that in violation of international standards, Iran conducted public executions and “Iran was the only known country to carry out the death penalty in cases involving those who were minors at the time of their crimes”, at least 2 in 2010 and 3 in 2011. Consistent with Amnesty International figures for 2010, Hands Off Cain reports that at least 60 executions took place in North Korea. Worried about increasing public executions, the report states that “in a bid to tighten controls amid the designation of North Korean leader’s son Kim Jong-un as his father’s heir, Kim Jong-un has called for “gunshots across the country.” Kim Jong-il did exactly the same thing when he took power. “

Significant political and legislative steps towards abolition in the region

Despite those worrying figures, positive steps were taken by several Asian countries. During the period of the report, the government of Thailand has declared its intention to abolish the death penalty, as announced in the human rights plan for the years 2009-2013.

In January 2010, Mongolia’s President announced a moratorium on the death penalty and a law came into effect in Vietnam eliminating the death penalty for eight crimes

In Tajikistan, a Working Group on the Abolition of the Death Penalty was established in April 2010.

Indonesia has not executed anyone since 2008 and Hands off Cain explains that “there has been a discernible shift in attitude. Perhaps the best explanation for the new reluctance to carry out executions lies with a seminal ruling by the Constitutional Court in 2008, saying capital punishment should be used sparingly and those on death row should be given the chance to rehabilitate.”

In 2010, for the sixth year in a row, India has not carried out a death sentence. On February 10, 2010, the Supreme Court held that long incarceration and socio-economic factors leading to crime are relevant and mitigating considerations for commuting a death sentence to life imprisonment. In 2010,

13 commutations were decided by Indian president Pratibha Devisingh Patil and Harm Reduction International reported that in 2011 Bombay High Court struck down the mandatory death penalty for drug offences.

More recently, in May 2011, Myanmar's new President commuted all death sentences to life imprisonment.

The 2011 Report on the death penalty worldwide was presented at the headquarters of Hands Off Cain in Rome on August 4, 2011 with the presence of Italian Foreign Minister Franco Frattini and Education Minister and Transitional Tunisian Government spokesperson Taïeb Baccouche.

#### **HANDS OFF CAIN PRESENTS 2011 REPORT ON THE DEATH PENALTY WORLDWIDE**

August 4, 2011: The 2011 Report on the death penalty worldwide, supervised again this year by Elisabetta Zamparutti, was presented at the headquarters of Hands Off Cain. Foreign Minister Franco Frattini, Education Minister and Transitional Tunisian Government spokesperson Taïeb Baccouche, Senate Vice President Emma Bonino, HOC President Marco Pannella, HOC Secretary Sergio D'Elia, and Elisabetta Zamparutti all participated at the conference. Also present were ambassadors and representatives of

numerous foreign embassies. During the conference, Foreign Minister Frattini said: "Regarding Mubarak, Egypt must show courage in avoiding the temptation for revenge" with the death penalty. "I felt sadness seeing the image of Mubarak in a stretcher at the trial.

Above all I thought that only one year ago the ex leader was known around the world as a champion in the fight against terrorism." Frattini invited Egypt to follow the example of Norway, where the extremists were isolated.

"The state's answer cannot be revenge and Egypt should avoid handing the death penalty to someone who practised it when he was in power."

Emma Bonino also hoped Mubarak received "a justice that is fair as well as humane." HOC President Marco Pannella said that even if "we are winning the battle regarding the death penalty, we must push forward."

Messages from President Napolitano, the presidents of the Chamber and Senate Gianfranco Fini and Renato Schifani, and from the vice president of the Council, Gianni Letta, were then read. The abolition of the death penalty is an objective of 'immense ethical and civic legal value'. Norway is an example to all of 'composure and adherence to democratic freedom', 'wounded by a blind and pointless violence', Napolitano wrote in a message sent to Hands Off

Cain. 'Civil freedom, the rule of law and democratic institutions better defend against violent aggression when the answer is to 'teach legal civility and respect for human rights', the President continued. The presidents of the Chamber and Senate and the vice president of the Council Gianni Letta also acknowledged the significant work by Hands Off Cain, and emphasised how stopping the death penalty is an 'absolute imperative'. The protection of the individual is a 'categorical and absolute imperative', Schifani wrote. Fini said it is a 'battle for civility', but there is still a lot of work to do. Gianni Letta explained that the world is still 'horribly stained by capital punishment', but 'in this tragic reality' there are 'also signals that indicate an 'evolution towards a greater respect for human rights', for example what happened in the Arab Spring.

#### **HANDS OFF CAIN: POSITIVE EVOLUTION TOWARDS THE ABOLITION OF THE DEATH PENALTY**

August 4, 2011: The Hands Off Cain 2011 Report, presented today, contains the most important facts regarding the practice of the death penalty in 2010 and the first six months of 2011. It confirms the positive evolution towards the abolition of the death penalty in

practice around the world in recent years.

There are currently 155 countries and territories that, to different extents, have decided to renounce the death penalty. Of these: 97 are totally abolitionist; 8 are abolitionist for ordinary crimes; 6 have a moratorium on executions in place and 44 are de facto abolitionist (i.e. countries that have not carried out any executions for at least 10 years or countries which have binding obligations not to use the death penalty).

Countries retaining the death penalty worldwide are down to 42, compared to the 45 retentionist in 2009, 48 in 2008, 49 in 2007, 51 in 2006 and 54 in 2005. In 2010, at least 22 Countries carried out executions, compared to 19 in 2009 and 26 in 2008.

In 2010, there were at least 5,837 executions, compared to at least 5,741 in 2009 and at least 5,735 in 2008. The increase of executions relative to preceding years is a result of the incredible escalation of executions in Iran which went from at least 402 in 2009 to no less than 546 in 2010.

In 2010 and in the first six months of 2011, there were no executions in 3 countries where executions were carried out in 2009: Oman, Singapore and Thailand.

On the other hand, 8 countries resumed executions: Bahrain (1), Belarus (2), Equatorial Guinea (4), Palestinian National Authority (5), Somalia (at least 8) and Taiwan (4) in 2010; Afghanistan (2) and United Arab Emirates (1) in 2011.

In the United States, no “abolitionist” State reintroduced the death penalty, but two States which had not carried out executions for a substantial period both performed an execution, In June 2010, Utah carried out its first execution since 1999 (by firing squad, a method which had not been used in the U.S.A. Since 1996) and in September of 2010, in the United States, the State of Washington carried out its first execution since 2001.

Once again, Asia tops the standings as the region where the vast majority of executions are carried out. Taking the estimated number of executions in China to be about 5,000 (more or less equal to the number in 2009 but diminished in respect to preceding years), the total for 2010 corresponds to a minimum of 5,746 executions (98.4%), an increase in respect to the minimum of 5,670 in 2009.

In the Americas, the United States of America was the only country to carry out executions (46) in 2010.

In Africa, in 2010, the death penalty was carried out in 6 countries (in 2009 there

were 4) – Libya (at least 18), Somalia (at least 8), Sudan (at least 8), Egypt (4), Equatorial Guinea (4) and Botswana (1) – where there were at least 43 executions. In 2009 there were at least 19 executions as in 2008 and compared to 26 in 2007 and 87 in 2006 on the entire continent.

In Europe, the only blemish on an otherwise completely death penalty-free zone continues to be Belarus, where two men were put to death for homicide in 2010 while another two men were executed on July 21, 2011.

#### **MUBARAK: D’ELIA (HANDS OFF CAIN)-MUBARAK TREATMENT TEST OF THE NEW EGYPT**

August 3, 2011: Regarding Mubarak's Trial, Hands Off Cain secretary Sergio D’Elia said: “After the fall of the Arab dictators that have been in power for decades, the legitimate request for justice for those responsible for the old regimes cannot be translated into acts against humanity. An example of this is making a person face trial when they are clearly not in any condition to do so. The treatment of Hosni Mubarak is a test of the new Egypt. If the interim Egyptian government isn't able to guarantee Mubarak the fundamental personal rights that he himself denied his subjects, it is difficult to foresee reforms in the humanitarian and

democratic sense. Ending the trial of the old and sick dictator with the death penalty (a penalty that he himself wanted to extend to up to 40 crimes during his thirty years of uninterrupted power) would continue the adherence to systems and practices of the past.”



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