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By Alison Langley\*

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#### IPS Columnist Service

##### ► SUPPORT FOR DEATH PENALTY SOFTENS IN U.S.

by Mark Sommer

Support for capital punishment is starting to soften even among some long-time death penalty advocates, writes Mark Sommer, director of the U.S.-based Mainstream Media Project and host of the award-winning internationally-syndicated radio programme "A World of Possibilities".

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## DEATH PENALTY: Execution Date Set for Iranian Prisoner

by Alison Langley

**FRANKFURT (IPS)** - An exiled Iranian opposition group claims it has received reports that one of seven political prisoners jailed at the Gohardasht prison has been informed he will be executed in May.

National Council of Resistance Iran (NCRI), a Paris-based umbrella association of dissident groups, and Amnesty International, the London-based human rights organisation, believe the execution may be in retaliation for Iran being sent to the United Nations Security Council for its nuclear programme.

Valiollah Feyz-Mahdavi, 28, is believed to have been arrested in 2001 and sentenced to death after being convicted of moharebeh (enmity with God), a term often applied to those accused of armed resistance to the state), an Amnesty International official said in London. Feyz-Mahdavi was reportedly tried before a Revolutionary Court, but did not have access to a lawyer, the AI official added.

An NCRI official in Paris said his organisation in Tehran had received word from Feyz-Mahdavi that his sentence will be carried out May 6. Kate Willingham, an Amnesty International official said they had received information that Feyz-Mahdavi will be executed May 16.

Feyz-Mahdavi is one of seven members of the armed Peoples Mojahedin of Iran (PMOI), which in turn is the largest member of NCRI. In August, 2002, the NCRI handed the International Atomic Energy Agency secret papers documenting that Iran ran nuclear programmes.

Willingham said earlier this month that she believes Feyz-Mahdavi's imminent death, following a February execution are in retaliation for NCRI's involvement in handing IAEA the papers.

In February, Hojjat Zamani, a PMOI member accused of planting a bomb outside a Revolutionary Court in Tehran in 1998, was hanged in Gohardasht prison, located just outside of Tehran.

Amnesty says all seven prisoners are in danger of being hanged in retaliation for NCRI's revelations.

In addition to Feyz-Mahdavi, Amnesty International believes the following men are at risk of being executed: Sa'id Masouri, a PMOI member who has been held in solitary confinement in Evin Prison since late 2004, Khaled Hardani, Farhang Pour Mansouri and Shahram Pour Mansouri, all three of whom were involved in a 2001 plane hijacking, Gholamhossein Kalbi, also a PMOI member, and Alireza Karami Khairabadi.

NCRI handed IAEA papers detailing an 18-year, 10 billion dollar nuclear programme in Natanz, Arak and Abe-Ali. The documents, which proved a hidden uranium enrichment programme, were the first indication the world had that Iran was working on a nuclear programme.

In 2003, the IAEA confirmed the existence of the uranium enrichment programme in Iran. The Iranian government claims its work is to

produce nuclear energy. IAEA officials worry, however, that the government is also trying to develop nuclear weapons.

Amnesty officials believe the Iranian government links the PMOI to the nuclear controversy. Because of that link, Willingham has said that PMOI prisoners said they have been told they will be executed if Iran is referred to the United Nations Security Council over its nuclear programme.

Iran was referred to the Security Council earlier this year. The Security Council has yet to agree on the wording of a statement or condemnation of the country.

None of the seven prisoners named by NCRI and Amnesty International is believed to have been involved in the leaking of the secret documents.

News of Feyz-Mahdavi's death sentence came from Shahin Gobadi, an exiled member of NCRI in Paris. Feyz-Mahdavi received a letter informing him that his sentence will be carried out May 6, Gobadi said. Feyz-Mahdavi informed NCRI members that he had also been threatened with death by Ali Mohammadi, a Gohardasht prison official, Gobadi added.

"Obviously the Iranian regime is upset by its referral to the Security Council," Gobadi said. "They blame the NCRI because we revealed to the world their nuclear programme. But you have to bear in mind that executions go on all the time in Iran."

The NCRI has documented 21,000 executions of political prisoners by the Iranian regime since it came to power in 1981, Gobadi said. But his organisation believes the true number is much higher, he added. (END/2006)

## DEATH PENALTY: Time Running Out for Indonesians on Death Row

by Stefania Bianchi

**LONDON (IPS)** - A leading human rights group is urging Indonesian authorities to abandon or delay the imminent execution of three men charged with committing premeditated murder and inciting riots in the country six years ago.

The London-based human rights group Amnesty International says the men - Fabianus Tibo (60), Dominggus da Silva (42) and Marinus Riwu (48) - are due to be executed before the end of March for their role in inter-faith clashes in Indonesia. The three were sentenced to death in April 2001 for their alleged role in the riots and ensuing deaths in the Indonesian town of Poso in May 2000.

Indonesian newspapers are reporting that the Central Sulawesi Police have prepared four firing squads, comprising of 44 sharpshooters, to carry out the executions within the next few days.

Between 2000 and 2001 Poso and the surrounding area, in the province of Sulawesi in eastern Indonesia, became the scene of rioting and violence between Christian and Muslim factions, leaving more than 1,000 people dead. A government-brokered

truce was established in December 2001, but sporadic violence has continued since that time.

The three men claim they know who is truly responsible for the violence, but they say their appeals have gone unheeded. Amnesty says last month lawyers representing the three men announced that they had new evidence proving their clients' innocence and called for a renewed investigation into the case. They claimed that this evidence demonstrated that 16 other people were responsible for instigating the violence in Poso.

Last November, the Indonesian President, Susilo Bambang Yudhoyono turned down their appeal for clemency. Shortly after, the Attorney General's office declared that the three men would be executed soon.

Since then Christian and Muslim human rights activists have been quick to leap to their defence at both national and international level. In the past few weeks, the case has attracted the attention of numerous local and national human rights groups and religious leaders, including former president and prominent Muslim cleric Abdurrahman "Gus Dur" Wahid. They have repeatedly called on the authorities to abandon or at least delay the execution to allow for further investigation into the case.

Early last week, more than 500 people from a variety of non-governmental organisations (NGOs) demonstrated in Jakarta calling for the sentence to be overturned. Amnesty International has launched an appeal to President Yudhoyono, calling on him to revoke the death sentence hanging over the men.

"This death penalty case became very urgent last week, as we had confirmation that Riwu, da Silva and Tibo will be executed by the end of this month," Francesco Guzzardi, a research and campaign assistant for Amnesty told IPS from Indonesia Monday (Mar. 27). "We are trying every possible way to put pressure on the Indonesian government to stop or at least delay the execution," he added.

Amnesty officials fear that the trial of the three men in 2001 may not have been fair. It says there were demonstrators armed with stones outside the courthouse, demanding that the three be sentenced to death, and their legal representatives were subjected to intimidation including death threats. A bomb was also planted at the house of one legal adviser.

"The lawyers assert that the new evidence will show that Tibo, da Silva and Riwu did not orchestrate the disturbances, but that they are key witnesses in the cases of the 16 people, whose names the lawyers have submitted to the national police headquarters," the group wrote in its statement.

Amnesty is also concerned that the judicial system that sentenced these three men to death has done so "in contravention of international standards and safeguards" governing the use of capital punishment.

"Even the most proficient of judicial systems carry with them a serious risk of error in applying the death penalty. The Indonesian authorities have widely acknowledged that there is need to reform the country's judicial system, and Amnesty International welcomes the important steps that they are taking to address the inherent problems," the group in a statement.

Guzzardi says Amnesty "recognizes the need" to address serious crime, including murder, but is convinced that the death penalty does not provide a solution.

"There is no clear evidence that the death penalty deters crime any more effectively than other punishments," it said. More than 66 people are believed to be under sentence of death in Indonesia.

Following the execution of two men in May 2001, there was a de facto moratorium on the death penalty in Indonesia until 2004. Prior to 2001, there had been no executions in the country for six years.

In October 2005, the Indonesian Parliament ratified the International Covenant on Civil and Political Rights (ICCPR) which promotes the right to life. However, they did not ratify the Second Optional Protocol to the ICCPR, aimed at the abolition of the death penalty. (END/2006)

## DEATH PENALTY: Too Many Hanging Judges in China's Provinces

by Antoaneta Bezlova

**BEIJING (IPS)** - Stunned by the large number of executions carried out each year, Chinese legal experts and lawyers have joined human rights advocates in attacking the middle kingdom's system of capital punishment as arbitrary and calling for swift changes to judicial process.

Authorities have responded with cautious strides towards reforming its notorious system of capital punishment. It is doing that in part by announcing changes in court procedures that are expected to reduce the number of executions by 20- 30 percent, human rights advocates said.

China, which keeps the number of people it executes under wraps, is believed to have carried out about 8,000 executions in 2005, said Liu Renwen, a scholar at the Law Institute of the Chinese Academy of Social Sciences.

Amnesty International (AI) documented at least 3,400 executions in 2004 -- 90 percent of the total of capital punishments recorded around the world -- but workers for the rights lobby said they believe the actual number to be higher.

Liu and AI belong to a growing lobby of opponents of the death penalty in the country, fighting to stop its arbitrary use and reform the judicial system. China has come under fire for its widespread use of torture to extract confessions and achieve high rates of convictions in courts.

Meanwhile, a United Nations special investigator on torture, who was granted access to Chinese detention centres, after nearly a decade of negotiations, has criticised the heavy reliance on confessions, saying it encouraged the use of torture.

The most common methods, Manfred Nowak reported, were beatings with fists, sticks and electric batons. Prisoners also said they had been burned with cigarettes, beaten by fellow inmates under guard instructions and submersed in water or sewage. Many

detainees were held for long periods in extreme positions and death row inmates were kept constantly shackled or handcuffed.

Such systematic abuse was designed to break the will of detainees until they confessed, he concluded. "The criminal justice system is focused on admission of culpability, and the role of obtaining confessions continues to be central to successful prosecutions," Nowak wrote in his report. As special rapporteur and expert mandated by the United Nations High Commission on Human Rights, Nowak concluded that "torture, though on the decline -- particularly in urban areas -- remains widespread in China".

Forced confessions have long been denounced by legal rights advocates who say they lead to arbitrary rulings by provincial judges and the high number of death sentences.

Liu, the legal scholar, said provincial courts often resort to arbitrary sentencing because they face political pressure to control crime rates within their legal domains.

"Local governments think it (the death penalty) is a good tool to control public security. They would be loath to see such power being taken away from them," he told foreign correspondents at a meeting in Beijing.

Political pressure intensifies particularly during the periodic Yan Da (Strike Hard) campaigns against crime. Initiated in 1983, by China's late paramount leader Deng Xiaoping, to counter the downsides of the country's opening to the outside world, Yan Da campaigns were revived in 1996 by former President Jiang Zemin.

During these crackdowns, the country's legal institutions are required to speed up normal legal procedures in order to meet quotas for solved crimes. Death sentences are carried out swiftly by a bullet to the back of the head.

Since the first strike hard campaign in 1983, the number of crimes punished by death sentence has doubled from 32 to 68, including economic offences such as smuggling, tax evasion and embezzlement.

Since China signed the United Nations International Covenant on Civil and Political Rights in 1998, the lobby against the death penalty has grown larger, attracting legal scholars, lawyers and rights advocates.

Recent public outcry over several miscarriages of justice, involving the death penalty and the use of torture in prisons and detention centres, has strengthened the hand of reformers.

In one sensational case, a man accused of killing his wife was released from prison after 11 years, following the discovery that his wife was living with another man. The case sparked calls from legal experts to outlaw confessions gained through torture. Under the appeal to "kill fewer, kill carefully", lawyers and scholars campaigned for a central review of all death penalties and reform of court procedures.

Even critics of the death penalty are aware that reform in China must go beyond arbitrary rulings. Surveys show that, for cultural and historical reasons, the majority of Chinese public support the use of death sentence as a deterrent for crimes.

Many people still believe in the old principle that "a life is paid with another life." So while impetus for reform of the capital punishment

system is growing, China is not likely to discontinue the use of the death penalty.

During the March annual legislative session of parliament, the government ruled out the abolition of the death penalty, according to people who attended.

Xiao Yang, president of the Supreme People's Court, told legislators that grave economic crimes would still be punished by death. He announced, however, that a series of new measures would be implemented to avoid wrongful executions.

As a first step, the apex court is taking back the final review of all death penalty cases from the provincial courts. Moreover, when hearing death sentence trials for a second time, Chinese courts will begin open court sessions, allowing prosecutors, judges and defence attorneys to meet face to face.

"As of July 1, 2006, all second-instance trials of death sentence cases shall be heard in open court," Xiao, who is also the country's chief judge, said at a press conference.

But to regain control of the final decision in death sentences, the central government should first outlaw the use of evidence gained through torture, legal experts warn, or it would face difficulty in rightfully handling the reviews, legal experts said.

"Without discarding the use of such evidence, we cannot expect to achieve our goal of curbing wrongful executions," Cai Zhang, president of the Jilin Province high court said at a panel discussion on the sidelines of the parliamentary session this month. (END/2006)

## DEATH PENALTY: Sanctions on Iran May Trigger Executions

by Alison Langley

**FRANKFURT (IPS)** - A United Nations Security Council (UNSC) vote imposing sanctions on the Tehran government for its nuclear programme could result in retaliatory executions of some seven condemned prisoners, the rights watchdog Amnesty International (AI) believes.

Iranian prison officials reportedly have told the men -- all of whom claim to be political prisoners -- they soon will die in retaliation for possible UNSC sanctions, said Kate Willingham, a staff member for AI with the Iranian portfolio.

The seven are members of the armed Peoples Mojahedin of Iran (PMOI), which, in turn, is the largest constituent of the National Council of Resistance Iran (NCRI), an umbrella organisation of dissident groups.

NCRI, in August, 2002, handed the Vienna-based, International Atomic Energy Agency (IAEA) secret papers documenting Iran's secret nuclear programmes in Natanz and Arak.

The documents were the first indication the world had that Iran was working on a secret nuclear programme. The Iranian government claims its work is to produce nuclear energy but IAEA officials worry

that there is a secret plan to develop nuclear weapons.

NCRI later revealed that the Iranian government also was working on a nuclear programme in Abe-Ali and that it had spent at least 10 billion U.S. dollars on nuclear projects over the last 18 years.

In 2003, the IAEA confirmed the existence of an uranium enrichment programme in Iran.

As signatory to the nuclear Non-Proliferation Treaty (NPT), Iran is allowed to develop a fuel cycle for nuclear power, but only under IAEA supervision.

Because it hid its enrichment programme for nearly two decades, IAEA member states say they no longer trust the Iranian government and reported the matter to the UNSC.

"The Iranian government links the PMOI to the nuclear controversy," said Willingham, a London-based campaigner on Iran for AI in an e-mail." In this context, certain PMOI prisoners have claimed that they have been told that if Iran is referred to the UNSC over its nuclear programme, they will be executed."

None of the men is believed to have been involved in the leaking of the secret documents, Willingham said. Still, she added, because of their membership in PMOI, she believed their lives are at risk.

In February, Hojjat Zamani, a PMOI member accused of planting a bomb outside a revolutionary court in Tehran in 1998, was hanged in Ghor Dasht prison, located just outside of Tehran.

Zamani was charged with 'corruption on earth' (mafsad fil arz) and 'enmity against God' (moharebeh), under Articles 183, 186 and 187 of Iran's penal code. AI said it believed both charges to be "vaguely worded".

According to a PMOI statement, Zamani was severely tortured in detention. After Zamani's hanging, other prisoners have reportedly been told that they were next, Willingham said.

Among prisoners AI believes to be at risk are: Sa'id Masouri, a PMOI member who has been held in solitary confinement in Evin Prison since late 2004; Khaled Hardani, Farhang Pour Mansouri and Shahram Pour Mansouri -- all of whom were involved in a 2001 plane hijacking.

In addition, Gholamhossein Kalbi and Valiollah Feyz Mahdavi, both PMOI members, and Alireza Karami Khairabadi also are believed, by AI, to be at risk of imminent execution.

Of particular concern is the fate of Shahram Pour Mansouri because he was a minor, aged 17, when he allegedly committed a crime. Under international law, to which Tehran is a signatory, minors may not be executed.

Western diplomats in Tehran said they had not heard of any direct threats to PMOI prisoners. One European diplomat added, that if Iran did retaliate by executing prisoners, "we will react very strongly".

AI claims that state executions continue "at an alarming rate" in Iran. The human rights group recorded 94 executions in 2005, although the organisation added that the true figure could be higher. So far, in 2006, the rights lobby has recorded some 28 executions in Iran.

This week, the UNSC failed to reach an agreement on the wording of any statement. Western members, led by Britain and France, want the council to list Tehran's failures to comply with IAEA demands and urge Iran to suspend any activity that could lead to nuclear weapons production.

Russia and China, both permanent members of the UNSC, prefer a shorter document that would simply underline UN support for the IAEA.

A senior Iranian official said Wednesday that U.S. pressure on the UNSC to penalise his country for its nuclear policy would not succeed. News agencies quoted Iranian Foreign Minister Manouchehr Mottaki as saying that the "the irrational American view" would not prevail in the council.

Iran has repeatedly denied it is trying to build nuclear weapons. "Iran will not agree with any UNSC resolution on our nuclear programme," Iran's powerful religious leader Ali Khamenei stated on an Iranian website. (END/2006)

## DEATH PENALTY: U.S. Judges Reject Use of Lethal Injection

by Haider Rizvi

**NEW YORK (IPS)** - Despite strong opposition from the ruling Republican Party to those demanding the abolition of the death penalty, many judges in the United States seem increasingly willing to stop scheduled executions -- at least temporarily.

Since the beginning of this year, court rulings have let as many as eight death row prisoners to live on, following legal arguments that the use of lethal injection as a method of execution causes pain and suffering. The appeals on behalf of the death row prisoners assert that the injection method is in violation of the Eighth Amendment of the U.S. Constitution, which prohibits cruel and unusual punishment.

It is not clear whether states which want to continue executions will have to resort to using the electric chair again. In one California case, the prosecutor said at a hearing that changes would be made in which drugs the state would use to ensure that prisoners "would not experience wanton or unnecessary pain."

Still, those closely studying various aspects of capital punishment believe that growing legal challenges to the injection method are likely to have a positive impact on the campaign to abolish the death penalty.

"Over the past few years, public support for the death penalty has declined," said Richard Dieter, executive director, Death Penalty Information Center, a Washington, DC-based group that keeps track of death penalty cases. "The injection issue is just a part of that larger debate. It will be resolved only after stopping the death penalty."

In his view, the death penalty will continue for many years in the U.S., but he is confident that the trend among the law community reflects that change is in the offing, because wrongful convictions have raised serious questions.

Last month, despite court orders, two anesthesiologists in California

refused to observe an execution on the grounds that their professional ethics do not allow them to ensure whether, after being injected, a prisoner is unconscious or not. Judge Jeremy Fogel then ordered a licensed medical professional to do the job, but again was turned down. As a result, the prisoner's death warrant expired.

The prisoner, Michael Morales, now is waiting the judge's decision on his lawsuit arguing against the application of the injection method. Published reports suggest that Fogel had ordered the presence of a licensed medical professional in the Morales execution after studying the medical records of executed prisoners which raised "substantial" questions as to whether prisoners were still conscious after being injected with a paralyzing drug.

A similar case is pending in the U.S. Supreme Court, along with seven others in which the courts have granted a stay of appeals against executions by injections in Missouri, Maryland, Ohio, and Washington, DC.

On average, nearly 50 people are executed in the United States every year, according to the Death Penalty Center, which, however, points out that the numbers gradually are decreasing. In 2005 some 60 prisoners were put to death, down from 98 in 1999. So far this year only nine have been executed.

Currently, 38 states carry out the death penalty. All but one allow authorities to use lethal injections as a method of execution. Only the state of Nebraska still uses the electric chair. The U.S. is the only country that employs the electric chair, according to Amnesty International. China, Guatemala, Philippines and Thailand also use lethal injection to kill people.

The injection method was introduced to US prisons in 1977. Before that, for almost 100 years, jail wardens used electrocution as the main method of execution, according to historians. Prison authorities in the U.S. also have used gas chambers, firing squad in the last century, to.

Published studies explain that when the injection method is used, the prisoner is usually bound to a gurney and a member of the execution team positions several heart monitors on his skin.

"Two needles are then inserted into veins, usually in the arms. Long tubes connect the needle through a hole in a cement block wall to several intravenous drips," according to "Perfecting death: When the state kills it must do so humanely," a 1994 study authored by William Ecenbarger, an independent researcher.

The first is considered a harmless saline solution that is started immediately, Ecenbarger explains. Then, at the warden's signal, a curtain is raised exposing the inmate to the witnesses in an adjoining room. After that, the inmate is injected with sodium thiopental, an anesthetic, which puts the inmate to sleep. Next flows Pavulon or Pancuronium Bromide, which paralyzes the muscle system and stops the prisoner's breathing. Finally, the flow of potassium chloride stops the heart.

In the injection method some doctors participate, but only to confirm the death. None takes part in the killing since doing so is in violation of medical ethics. Studies suggest that an overwhelming majority of those facing the death penalty in the U.S. are either Black or Latino while prosecutors responsible for capital punishment happen to be around 98 percent white. (END/2006)

## HUMAN RIGHTS: New Council to End Paralysis

by Ravi Kanth Devarakonda

**GENEVA (IPS)** - Members of the new Human Rights Council will find it hard to sabotage the work, as did happen in the previous UN High Commission on Human Rights, says Louise Arbour, the UN High Commissioner for Human Rights in Geneva.

She also signaled that the period of crisis and paralysis that has undermined the proceedings of the discredited UNHCHR, which was scheduled to begin its annual five-week meeting in Geneva this week, will soon be over.

The outgoing commission will commence its final session on Monday and, for the next three- to five days, will work to pave the way for its successor to begin work in June this year.

The new Human Rights Council is expected to hold a ten-week session starting in June to address substantive issues, including the annual death penalty resolution and independent investigators' reports. It also will take up a recent UN report on the US prison in Guantanamo Bay, Cuba as well as look at deteriorating rights in Belarus, Iran, Nepal, and elsewhere.

Because new members to the new Council will be elected based on their deeds, Arbour said she feels it will be difficult for them to delay action on resolutions wherever it is required.

In the meantime, officials from human rights groups said they preferred to spend the next week in Geneva resolving procedural problems arising from the creation of the Council, but do not want meaningful issues to be forgotten.

Human Rights Watch workers said they will push for the adoption of a convention against the forced disappearances of political prisoners by various states at next week's meeting.

"We want a procedural session only with a decision to adopt the convention on forced disappearances as befits the new Council," said Mariette Grange, the Geneva director of the Human Rights Watch.

In the past 60 years, the Swiss-based body whose first chairwoman was US First Lady Eleanor Roosevelt, failed to live up to its goals because of excessive politicization.

Countries like Sudan, Russia, and Zimbabwe finagled their own elections to the commission and members like the United States blocked resolutions condemning its retention of prisoners at Guantanamo Bay. and Israel's violations in Palestine.

Moreover, the commission has suffered from low status within the UN system and selective treatment of countries and rights due to defensive regional groups blocks and disproportionate influence of some powerful countries.

All this is expected to undergo change because of the overwhelming approval that the members of the United Nations gave to the resolution to create new Human Rights Council March 15.

"There will be universal review of the implementation of human rights of both the members of the Council as well as all other countries, which is a significant step in the advancement of rights," Arbour said.

The new members only will be voted in May and there will be no pre-conditions of who can join. For instance, old UNHCHR has voted every year since 1997 on resolutions calling on countries to establish a moratorium on the death penalty. Still, abolition of the death penalty will not be a pre-condition to membership.

Despite opposition from the United States, Israel, the Marshall Islands and Palau, 170 countries voted last week to create the Council that is expected to substantively address human rights issues.

Arbour, however, expressed confidence that Washington will fully cooperate with the Council as well as continue paying its share in the budget for the new body.

She added that she was confident that the new Human Rights Council can move forward on important issues. "Undue politicization to sabotage work at the Commission through measures taken to go against the intent of the resolutions will be difficult in the new Council because all elected members will be judged against their pledges and commitments," Arbour said.

The organizing body of the out-going commission has not yet decided what issues will be addressed during the current, shortened session, Arbour said.

All the existing work of the Commission such as resolutions as well as reports of the special investigators will be transferred to the new council.

"It is best to take some procedural steps to terminate the commission on human rights as any negotiated statements on historical achievements by the Commission could prove controversial at this point," said an Asian human rights diplomat.

The first major test for the new Council will come May 9 when members states elect by absolute majority the 47 seats to the council based on the geographic representation.

"We want the best candidates whose records can be held up to public scrutiny," said Reed Brody, special counsel of Human Rights Watch in New York, arguing that "candidates must set a concrete agenda and take commitments not to use any procedural devices such as 'no action' resolutions."

Human Rights Watch officials added they also expected the naming and shaming of countries such as Sudan, Nepal, and Zimbabwe which are responsible for human rights violations. This will be done by periodically reviewing countries to create a culture that elevates human rights to a new high. (END/2006)

## INT'L WOMEN'S DAY: Death Penalty Rare for Women, But On the Rise in Iran and China

by Alison Langley\*

**FRANKFURT (IPS)** - A 17-year-old Iranian girl known only as Nazanin fought off two men trying to rape her, and is said to have

fatally stabbed one of them. In January, almost two years after the incident, a Tehran court sentenced her to death.

A 17-year-old Iranian girl known only as Nazanin fought off two men trying to rape her, and is said to have fatally stabbed one of them. In January, almost two years after the incident, a Tehran court sentenced her to death.

Nazanin is one of at least 19 women believed to be on the death row in Iran, says Elisabetta Zamparutti, head of Hands Off Cain, a Rome-based organisation working to abolish the death penalty around the world.

While the number of women facing the death sentence appears to be on the rise in some countries, like Iran and China, worldwide, women are less likely than men to be condemned to death.

Women commit fewer heinous crimes like murder, for which death can be the ultimate sentence, and there is a cultural repugnance to killing a woman that does not hold for men.

"Legally there is no discrimination" between men and women in Egypt, Amr Abdel Motaal, senior partner at a Cairo law firm, told IPS. "Males and females are equal before the law, although judges, who are typically men, tend to be more lenient towards female defendants. The number of women who receive the death penalty is very small."

Only China, Iran, Jordan, Saudi Arabia, Singapore and Vietnam regularly execute women without any apparent gender bias, according to the Capital Punishment U.K. website. The penal codes of most countries prohibit the execution of pregnant women, who are either reprieved at once or, in theory, liable to be executed after they have given birth.

While overall the number of executions around the world is seeing a downward trend, according to Amnesty International, they appear to be increasing in a few countries, notably China and Iran, where Nazanin lives.

Following the election of Iranian President Mahmoud Ahmadinejad last year, the number of executions in Iran has increased sharply. According to news articles in the Iranian media compiled by Hands Off Cain and Human Rights Watch, between Jan. 20 and Feb. 20 alone the judicial authorities executed 10 prisoners and condemned another 21 to death. Last year at least two Iranian women were executed and another 13 were given death sentences, Zamparutti said. Of those, two, Delara Darabi and a young woman known only as Fakhteh, were minors like Nazanin, Zamparutti said.

The Convention on the Rights of the Child and the International Covenant on Civil and Political Rights prohibit the imposition of the death penalty for crimes committed before the age of 18. These treaties also prohibit the use of torture and cruel, inhuman, or degrading punishments. Iran is a party to both treaties, Zamparutti said, but appears to ignore them.

The death penalty continues to be used extensively and arbitrarily in China, says Amnesty International. People were executed for non-violent crimes such as tax fraud and embezzlement, as well as for drug offences and violent crimes. Because authorities keep national statistics on death sentences and executions secret, AI researchers said it is difficult to come by accurate figures. Based on the available

public reports, the human rights watchdog estimates that at least 3,400 people had been executed and at least 6,000 sentenced to death in 2004. There is no breakdown in the number of women killed by the Chinese state.

The reasons women are sentenced to death and the way they are killed sometimes differ from men. Of the 13 women in Iran sentenced to death, three face stoning as punishment for alleged adultery. Stoning is a particularly painful way to die. "Only women are sentenced to death by stoning for adultery," Zamparutti said. Men, on the other hand, are hanged, if they are sentenced to death for that crime at all.

Ma Weihua, a woman facing capital punishment on drugs charges in China, was reportedly forced to undergo an abortion in police custody in February 2005, apparently so that she could be put to death "legally," according to Human Rights Watch. Chinese law prevents the execution of pregnant women.

In the wake of public protests, Ma's trial eventually was suspended after her lawyer provided details of the forced abortion, HRW said, and she was eventually sentenced to life imprisonment.

There are 55 women currently on death row in the United States. Frances Newton was killed by the southern state of Texas on Sep. 14,

2005. Since capital punishment was reinstated in the United States in 1976 after a three-year suspension, 11 female offenders have been put to death. Still, death sentences and actual executions for female offenders are rare in comparison to male offenders in the United States. In fact, women are more likely to be dropped out of the system the further the capital punishment system progresses. While women account for one in ten murder arrests, only one in 97 are actually executed.

In a 1983 ruling, India's Supreme Court said the death sentence should be awarded only in "the rarest of rare cases" but the country has yet to abolish the death penalty altogether. Capital punishment is carried out by hanging, without exception, and this method is considered to be devoid of suffering and humiliation -- it is never done publicly. The last woman to be executed in India was in the 1920s.

In Latin America, the death penalty is rare for men and women alike. Only Cuba and Guatemala still have the death penalty on the books for criminal offences, beyond crimes in the military arena or in times of war. The last time Cuba implemented capital punishment was in 2003: three men were condemned to death for stealing a boat in an attempt to escape the island. And Guatemala is debating the abolition of capital punishment altogether. (\*With reporting contributed by other IPS correspondents.) (END/2006)

## News from International NGOs

### CALL FOR APPROVAL OF CONVENTION ON ENFORCED DISAPPEARANCES

The United Nations Working Group on Enforced or Involuntary Disappearances called Mar 31 for the adoption of the draft International Convention for the Protection of all Persons against Enforced Disappearances. The Working Group urged Member States "to do everything necessary to ensure that the draft Convention comes before the General Assembly for adoption at the Assembly's sixty-first session in 2006." It should be brought forward as quickly as possible for approval and opening for ratification, said the working group.

It said in a statement: "The United Nations draft convention represents significant progress in international law for the protection of persons from enforced disappearance, in particular by providing a clear definition of an individual act of enforced disappearance for the first time in a universal treaty. This definition is entirely consonant with the United Nations Declaration on the Protection of All Persons from Enforced Disappearances."

The Working Group was established by the United Nations Commission on Human Rights in 1980 to assist the relatives of disappeared persons in ascertaining their fate and whereabouts. The panel also monitors the compliance of States with their obligations under the Declaration on the Protection of All Persons from Enforced Disappearance. The Working Group is composed of five independent experts: Professor Stephen J. Toope (Chairperson-Rapporteur), Professor J. 'Bayo Adekanye (Vice-Chairperson), Saied Rajaie Khorasani, Darko Götlicher, and Santiago Corcuera.

For more information on the Working Group on Enforced or Involuntary Disappearances, please refer to the web site:  
<http://www.ohchr.org/english/issues/disappear/index.htm>

### GANGMASTER GETS 14 YEARS FOR COCKLE PICKER DEATHS

The Anti-Slavery International reports: Gangmaster Lin Liang Ren was sentenced to 14 years in prison on Mar 28, for his role in the deaths of 21 Chinese cockle pickers in Morecambe Bay, Lancashire over two years ago. Lin Liang Ren received 12 years for manslaughter and six years for facilitation - helping people to breach immigration laws. These sentences will run concurrently. He was also sentenced to two years for conspiracy to pervert the course of justice; which will run consecutively to the other sentences. His cousin, Lin Mu Yong was sentenced to four years and nine months and his girlfriend Zhao Xiao Qing to two years and nine months, both for facilitation.

The deaths on Feb 5, 2004 drew widespread attention to the realities of forced labour in the United Kingdom. Survivors told police they were forced to hand over most of their wages for accommodation, food and transportation, leaving them only £1 per day for over nine hours of work. They were kept in appalling and over crowded conditions and were forced to work in all weather conditions.

The case highlights the problem of forced labour in the UK and the fact that protection for migrant workers from slavery and other exploitation remains insufficient.

The UK Government has yet to sign the United Nations Convention on the Protection of the Rights of All Migrant Workers and Their Families (1990). Implementation of the Convention would provide comprehensive protection for migrant workers and their families, regardless of their status.

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## WORLD PRESS REVIEW - March 2006

### PIPELINE OIL THIEVES FACE DEATH PENALTY

China will hand out severe punishment, including the death penalty, to those who steal fuel from oil pipelines in the future. An 8-month crackdown, which started this week, aims to reduce rampant theft and to prevent it from spreading following the recent rise in fuel prices, officials from the Ministry of Public Security told a press briefing in Beijing on Mar 31, China Daily reported.

### DEATH PENALTY COULD BE WAIVED - KAGAME

The government will consider lifting the capital punishment on genocide suspects whose extradition is subject to condition that they will not face the death sentence, President Paul Kagame of Rwanda has said, The New Times reported. The President was on Mar 30 responding to journalists' questions on whether Rwanda was willing to let go the transfer to Rwanda of genocide suspects detained at the International Criminal Tribunal for Rwanda (ICTR) or give in to the Tribunal's demands to exonerate the suspects from facing a death sentence. He said that much as the capital punishment is entrenched in the country's laws, it was not worth to insist on its application on suspects that are not in government's hands.

### SOUTH CAROLINA BILL PUSHES DEATH PENALTY FOR CHILD RAPISTS

The South Carolina state Senate has endorsed making rapists eligible for the death penalty. Currently, the only crime eligible for the death penalty is murder in the state of South Carolina. According to CBS news (Mar 29), the proposal allows prosecutors to seek the death penalty for sex offenders who are convicted twice of raping a child younger than 11. The proposed legislation is known as "Jessica's Law", named after a 9-year-old Florida girl who was allegedly kidnapped and killed last year by a convicted sex offender.

### U.S. DEATH PENALTY POPULARITY DROPPING

Several U.S. states have suspended carrying out death sentences as capital punishment undergoes another round of judicial inquiries, according to a UPI report on Mar 23. Eight of the 38 states that have the death penalty on their books have stopped the practice because of a series of legal moves, including three cases before the U.S. Supreme Court, Stateline.org reported. A Gallup poll last October showed that 64 percent of U.S. respondents favored the death penalty but that is down from 80 percent in 1994. Stateline said concern that an innocent person may be put to death may be behind the reduction in the number of death sentences. A non-profit group against the death penalty told Stateline there were about 96 death sentences handed down last year, a 70-percent drop from 1995. Technology has also played a role, with DNA evidence leading to the exoneration of more than 120 people on death row.

### KOREAN BISHOPS URGE END TO DEATH PENALTY

The South Korean Catholic bishops' conference has announced its intention to appeal to the Seoul government to abolish the death penalty. "Let us inspire in this land respect for life," urged an exhortation of the conference. "The abolition of the death penalty is the first step toward a world in which all can live together better," the prelates' document said, according to a Vatican Radio report quoted by ZENIT News Services on Mar 21. "Human beings do not have the right to deprive others of the life that has been given to them by God," the bishops wrote. Over 110,000 signatures have been collected since the campaign against the death penalty was launched last December.

### AMERICANS: DEATH PENALTY FOR SADDAM

Most people in the United States want Saddam Hussein to hang if he is convicted at his trial, a view not shared by some of the country's long-time allies, the British Scotsman reported Mar 8. A poll found that residents of eight other countries - most of whom have abolished the death penalty - prefer that the former Iraqi leader spend life in prison. Similar, but less dramatic, disparities were found when U.S. attitudes were compared to those in Britain, Canada, France, Germany, Italy, Mexico, South Korea and Spain on whether Saddam is getting a fair trial and whether Iraqis are better off since he was driven from office. Almost six in 10 in the US, 57 percent, said Saddam should be executed if he is convicted in the trial now in its fifth month in Baghdad.

### COURT UPHOLDS CULT DEATH PENALTY

Tokyo High Court on Mar 15 upheld the death penalty of a former doomsday cult member convicted in attacks including the 1995 Tokyo subway nerve gassing that killed 12 people, a court official said. Tomomitsu Niimi, former "home affairs minister" of the Aum Shinrikyo cult, was sentenced to hang in 2002 for murdering 26 people in seven separate attacks. He appealed his death sentence. The court official, who spoke on condition of anonymity because of court rules, had no other details of the decision.

Niimi gained notoriety at the start of his trial in 1996 by refusing to enter pleas and pledging eternal loyalty to former cult leader Shoko Asahara, who was sentenced to die in 2004 but is appealing, Associated Press reported.

### PAKISTANI COURT UPHOLDS DEATH PENALTY

A court in Pakistan upheld death sentence to a convict against his death penalty for planning suicide attacks on Pakistani President Pervez Musharraf, Xinhuanet reported Mar 15 quoting the NNI news agency. Mushtaq Ahmed was awarded death sentence by the Anti Terrorism Court for planning two suicide attacks on Musharraf in Dec. 2003. He then filed appeal in the

Lahore High Court against his death sentence but the court dismissed the appeal and upheld his death sentence. Ahmed still has the right to file another appeal in the Supreme Court. Ahmed was arrested by the intelligence agencies for allegedly involved in planting bomb under a bridge in Rawalpindi , which exploded as Musharraf's convoy passed through, according to the NNI. Another attack on Musharraf was carried out a few days after the first attack, when two suicide bombers tried to hit Musharraf's car.

#### DEATH PENALTY SOUGHT FOR YEMEN EDITOR

Lawyers for a cleric have urged a judge in Yemen to condemn to death a local editor who published the Danish caricatures of the prophet Muhammad, the newspaper's website reported Mar 9, according to an AP dispatch in the Los Angeles Times. Mohammed Al-Asadi, editor of the Yemen Observer, says he is being prosecuted by both the state and a prominent Islamic cleric, Sheik Abdulmajid Zindani, whom the United States has accused of supporting terrorism. Editors of two other Yemeni papers that published the cartoons, Al Rai al Aam and Al Hurriya, have also been charged with offending Islam. Their trials have not yet started. It appeared unlikely that a court would hand down executions in any of the cases. Yemen , a poor country at the foot of the Arabian Peninsula , has a secular, U.S.-allied government that controls the judiciary. But the case highlights once again the extent of the sensitivities over the cartoons throughout the Muslim world — even when,

as in this case, they are displayed in a critical context.

#### CHINA RULES OUT THE POSSIBILITY OF ABOLISHING DEATH PENALTY

China's top judge Xiao Yang has ruled out the possibility of abolishing the death penalty in the country, but has stressed the necessity to apply death sentences in a more prudent and cautious manner., CRIENGLISH.com reported Mar13. During the ongoing National People's Congress session, a deputy submitted a motion, suggesting that the death penalty be gradually phased out in sentences on economic crimes such as embezzlement and accepting bribes. Regarding this motion, Xiao pointed out however that there has been no decision on whether the death penalty will no longer be applicable to certain kinds of crimes. " China 's current policy regarding the death penalty is to preserve it but use it cautiously. There is no stipulation on doing away with executions in China 's existing laws, and there has been no decision on whether the death penalty will no longer be applicable to certain kinds of crimes. Therefore, we must continue to follow the policy of being both strict and lenient according to the actual situation of the cases."

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## SUPPORT FOR DEATH PENALTY SOFTENS IN US

By Mark Sommer

### IPS COLUMNIST SERVICE, MARCH 2006

**ARCATA, CALIFORNIA, Mar (IPS)** - When death row inmate Tookie Williams sought a final reprieve from execution this January, California Gov. Arnold Schwarzenegger expressed uncharacteristic anguish before making the decision not to intercede. A founder of the notorious Crips gang in Los Angeles, Williams claimed to have undergone a remarkable transformation in prison. His exhortations to youth not to join gangs had earned him several Nobel Prize nominations.

The governor's tremors were likely less due to qualms of conscience than to a queasy sense that support for capital punishment is starting to soften even among some long-time death penalty advocates.

Alongside Iraq, Iran and China, nations whose human rights records it vociferously condemns, the US remains the sole advanced democracy still cleaving to what much of the world views as state-sponsored homicide. At 64 percent, Americans' support for the death penalty is 20 percent higher than Canada and 40 percent higher than Australia. Nonetheless, it is at its lowest level in 27 years and is lowest among youth, indicating that a shift may be in the offing.

Surprisingly, this shift is occurring most of all among some of those who until now have been adamantly opposed to abolishing the death penalty: Republican officeholders. The reason they are changing their minds is less ideological than pragmatic -- a realization that too often the wrong man is executed and the exorbitant cost of prosecution is stealing resources from law enforcement programmes of more proven effectiveness.

In recent years, DNA testing has resulted in the exoneration of 14 death row inmates. In all, 114 people nationwide have been released from death row with evidence of their innocence, sometimes within hours of their scheduled execution. These exonerations have sown doubt about the fairness of the entire death penalty prosecution system. Following the lead of Illinois Republican Gov. George Ryan, several states have instituted moratoria on executions pending comprehensive reviews of their death row cases.

Still more troubling is the racial bias embedded in death penalty prosecutions, as it is in the entire US criminal justice system. In an American population that is just 12 percent African American, 42 percent of the more than 3,100 inmates on death row are black and just 45 percent white. Of those actually executed, 34 percent are African American. In Pennsylvania and Texas, minorities comprise 70 percent of death row inmates. A 1990 US government report found that "those who murdered whites were more likely to be sentenced to death than those who murdered blacks".

Indeed, since 1976, 209 black defendants were executed for killing whites while just 12 whites were executed for killing blacks. The reasons for this stark imbalance are not far to seek. The great majority of prosecutors in every state are white and in many jurisdictions blacks are barred from jury service for frivolous reasons. Black defendants lack the financial resources to hire their own attorneys and must often settle for overwhelmed, under-qualified public defenders.

To those for whom racial discrimination is not a compelling concern, the cost of prosecuting capital punishment cases is more persuasive. With complex pre-trial motions, lengthy jury selections, and the protracted appeals required to assure due process, capital trials cost up to six times more than other murder trials. In Texas, which leads the nation in executions, the average death penalty case costs taxpayers 2.3 million dollars, three times the price of placing someone in solitary confinement for 40 years. In California, given that just 11 death row inmates have been executed since capital punishment was reinstated thirty years ago, federal and state taxpayers have paid 250 million dollars for each execution. The burden of death penalty prosecutions falls most heavily on counties with few resources to bear them.

Ironically, a single capital trial can force early prisoner releases and law enforcement cutbacks, measures that only increase the likelihood of higher crime rates.

For some former hard-line death penalty advocates, such ironies are starting to trump ideology. "This may seem strange coming from a man known as the 'hanging judge' of Orange County," wrote Donald McCartin, a retired Superior Court judge from right Republican Southern California, "but I think it's time to abolish the death penalty. Legal debates result in staggering expenses and years of irresolution. In times of huge budget deficits, too much money is being squandered in murder trials. Human error, inequities, biases and personal ideologies create the problems that have caused my rejection of the death penalty. because these frailties will not magically vanish, capital punishment cannot be implemented with any sense of balance or fairness."

And finally, no survey to date has definitively proven that capital punishment actually deters capital crimes. A 1996 UN study reported that "research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment." On the contrary, programmes like community policing, restorative justice, alternative sentencing, and educational opportunities within the prison system appear to be more effective both in preventing crime and reducing recidivism. such programmes cost far less than capital prosecutions, yet they remain unaffordable as long as death row cases dominate the docket.

But if not the death penalty, what other form of justice should be meted out to convicted murderers? Death penalty opponents advocate life in prison without parole combined with restitution to the victim's family. When offered this option, Americans' support for the death penalty plunges to just 41 percent.

Given that the US is currently governed by politicians from a state of fervent death penalty devotees, it could be some time yet before the country as a whole relinquishes the practice, though individual states may jump-start the process. If and when the death penalty is abolished, it will be less because soft hearts prevail than because a hard look at the costs and benefits persuades a pragmatic majority that public safety is better served by alternative sentencing that is less costly and more effective in deterring capital crimes. (END/COPYRIGHT IPS)

(\*) Mark Sommer directs the US-based Mainstream Media Project and hosts the award-winning internationally syndicated radio programme "A World of Possibilities".

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