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## DEATH PENALTY: Hanged Almost Without Trial

by Sanjay Suri

LONDON - Saddam Hussein was convicted and hanged without fair trial, leading human rights groups said after his execution Saturday.

"Amnesty International believes the whole process was deeply flawed," James Dyson from Amnesty told IPS. The Iraqi Appeals Court failed to address the major flaws during the former dictator's trial before the Supreme Iraqi Criminal Tribunal (SICT), Amnesty said in a statement Saturday.

Human Rights Watch had issued a 97-page report last month detailing numerous flaws in the trial of Saddam.

"The Iraqi high tribunal was not independent of political pressure coming from the Iraqi cabinet," Richard Dicker from Human Rights Watch told IPS Saturday. "In January this year the judge in Saddam's trial resigned in protest because he was publicly criticised by the prime minister for being too lenient in the way he was conducting proceedings."

That kind of political interference, he said, is "wholly inappropriate to the judicial process."

What Saddam had faced, he said, was "trial by ambush" that was marked by the failure of prosecution to provide defence attorneys evidence that was being introduced in court. Sometimes the evidence to be presented was given to defence lawyers at the last minute, and sometimes not at all, he said. That denied "an effective and meaningful defence."

The Human Rights Watch report, 'Judging Dujail: The First Trial Before the Iraqi High Tribunal' was based on 10 months of observation and dozens of interviews with judges, prosecutors and defence lawyers.

According to the human rights group, the report found, among other defects, "violations of the defendants' right to question prosecution witnesses, and the presiding judge's demonstrations of bias."

Saddam's defence lawyers had 30 days to file an appeal from the Nov. 5 verdict pronouncing the death sentence. "However, the trial judgment was only made available to them on November 22, leaving just two weeks to respond." The appeals chamber announced its confirmation of the verdict and the death sentence Dec. 26.

"It defies imagination that the appeals chamber could have thoroughly reviewed the 300-page judgment and the defence's written arguments in less than three weeks' time," said Dicker in a statement put out by Human Rights Watch. "The appeals process appears even more flawed than the trial."

Both Amnesty and Human Rights Watch had over many years documented human rights abuses under the regime of Saddam Hussein -- at a time when Western governments paid little heed to those reports, let alone act on them.

"These crimes include the killing of more than 100,000 Iraqi Kurds in Northern Iraq as part of the 1998 Anfal campaign," Human Rights

Watch said in its statement. The execution of Saddam Hussein means the truth in that case might now never be known.

"At the time of his hanging, Saddam Hussein and others were on trial for genocide for the 1988 Anfal campaign," Human Rights Watch said. "The victims, including women, children and the elderly, were selected because they were Kurds who remained on their traditional lands in zones outside of areas controlled by Baghdad. Hussein's execution will therefore jeopardize the trial of these most serious crimes."

Amnesty and Human Rights Watch both oppose use of the death penalty on principle, and the groups say handing the death sentence has been compounded by an unfair trial in the first place.

"We oppose the death penalty in all cases as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment, but it is especially abhorrent when this most extreme penalty is imposed after an unfair trial," Malcolm Smart, director of Amnesty International's Middle East and North Africa Programme said in a statement.

"It is even more worrying that in this case, the execution appeared a foregone conclusion, once the original verdict was pronounced, with the appeals court providing little more than a veneer of legitimacy for what was, in fact, a fundamentally flawed process."

The trial "will be seen by many as nothing more than 'victor's justice' and, sadly, will do nothing to stem the unrelenting tide of political killings," Smart said.

Saddam Hussein was sentenced to death on Nov. 5 this year after being convicted in connection with the killing of 148 people from al-Dujail village north of Baghdad after an attempt to assassinate him there in 1982.

The trial, which began in October 2005 almost two years after Saddam Hussein was captured by U.S. forces, ended in July this year.

"Every accused has a right to a fair trial, whatever the magnitude of the charge against them," said Smart. "This plain fact was routinely ignored through the decades of Saddam Hussein's tyranny. His overthrow opened the opportunity to restore this basic right and, at the same time, to ensure, fairly, accountability for the crimes of the past. It is an opportunity missed, and made worse by the imposition of the death penalty."

"The test of a government's commitment to human rights is measured by the way it treats its worst offenders," said Dicker. "History will judge these actions harshly." (END/2006)

## POLITICS-US/IRAQ: Hussein's Death Leaves Unanswered Questions

By Aaron Glantz

SAN FRANCISCO, California - Iraqi-Americans reacted with sadness to the execution of Saddam Hussein Saturday, calling the former Iraqi president's death by hanging early this morning Baghdad time a missed opportunity for justice.

An Iraqi tribunal set up by the U.S. government had convicted Hussein of murder in the killings of 148 Shiite Muslims from the Iraqi town of Dujail, where assassins had tried to kill Hussein in 1982.

The crime, while severe, is actually one of his smaller-scale atrocities. In 1988, Hussein's government began the Anfal campaign of ethnic cleansing against the Kurds of northern Iraq. More than 100,000 Kurds were killed, many of them lined up and stripped before being machine gunned and dumped into trenches.

"As a Kurd, I don't think Saddam should have been executed right now," Kani Xulam, founder of the Washington-based American Kurdish Information Network, told IPS.

"They say suffering brings about compassion," he said, "but if suffering is not validated, is not honoured, is not heard, then people turn into cynics. Those are the issues that the Kurds feel, that I as a Kurdish activist feel."

In death, Xulam said, Hussein will escape justice for gassing Kurdish civilians with chemical weapons, as well as the brutal murders of thousands of Shiites who rose up against his regime at George Bush Sr.'s urging after the 1991 Gulf War. Those killings, taken together, account for most of those buried in mass graves unearthed after the U.S. military invaded Iraq and toppled the regime in 2003.

Xulam said he was hoping that the public airing of evidence of Hussein's crimes would bring closure to his victims and greater understanding to Iraqi society as a whole. Now, he said, such closure may be impossible.

"Justice is not being served as far as I can see," he said. "There's a miscarriage of justice; 142 killings is a tiny speck in the larger crimes that he has committed. Imagine if Hitler were alive to be prosecuted. A lot of details of his crimes would have come out. Hitler committed suicide, but Saddam was captured and I think this trial should have continued."

Shakir Mustafa, a Baghdad-born professor at Boston University, agreed with Xulam's analysis.

"During the trial, Saddam sounded really ready to provide such details," Dr. Mustafa said. "For the Dujail case, for example, Saddam said 'Yes, I wanted these men executed because they committed a crime. They wanted to assassinate me.' He volunteered these and other details and I think the Iraqi people would be interested in hearing about what he says he had done for Iraq's security."

Another reason Hussein's hanging is unlikely to bring closure to his victims, Mustafa said, is the fact that his trial was carried out under an unpopular U.S. occupation. The trial "lacks legitimacy," he said.

"[It's] being done by an occupying force and government that very much lacks legitimacy itself, so that closure, I don't think its coming," he added.

>From the beginning, observers note, Hussein's trial had been directly supervised by U.S. officials. It was funded by a 138-million-dollar grant from Congress and by a large staff of foreigners working out of the U.S. Embassy in Baghdad called the Regimes Crime Unit.

Previous key moments of Hussein's trial had coincided closely with the needs of the George W. Bush administration. In August, the trial

recessed only to reconvene on Sep. 11, the anniversary of the al Qaeda terror attacks on the United States. And Hussein was sentenced to death shortly before the U.S. midterm congressional elections in November.

Scott Horton, the chair of the International Law Committee of the New York City Bar Association, who worked on the trial, told IPS there was little doubt that the death sentence was intentionally handed down on the eve of the elections.

He said Washington exercised especially tight control over the tribunal's schedule.

"Access to the courtroom is controlled by the Americans, security is controlled by the Americans, and the Americans have custody over the defendants who must be produced before the trial can go forward, so whether they have the trial on day x or day y depends on the Americans giving their okay," he said.

"What is really being presented here is the narrative of people in power, the victors not the victims," Professor Mustafa said. "The Americans, not the Iraqis. Not people like me and my relatives who lost loved ones, but people who are deciding things in Iraq now."

Some observers believe Washington closely managed the trial in order to avoid having Hussein reveal damaging secrets about his past relations with U.S. presidents, especially Ronald Reagan.

In November 1983, Reagan removed Iraq from the U.S. government's official list of nations that "support international terrorism". That opened the door to full diplomatic and economic cooperation between Iraq and the United States.

The next month, Reagan he sent an emissary to Baghdad bearing a personal letter for Hussein. That emissary was none other than recently departed Secretary of Defence Donald Rumsfeld.

A declassified official note at the time read: "Saddam Hussein showed obvious pleasure with the President's letter and Rumsfeld's visits in his remarks."

Rumsfeld also met Hussein's foreign minister Tariq Aziz. According to a State Department memo made available by the non-profit National Security Archive in Washington, Rumsfeld told Aziz: "The United States and Iraq share many common interests," and the Reagan administration had a "willingness to do more" to "help Iraq".

Throughout this period, the Reagan administration largely ignored reports that Saddam Hussein was using chemical weapons against the Iranian army and against domestic Kurdish insurgents.

"While condemning Iraq's resort to chemical weapons," a U.S. government press release read, "the United States finds the Iranian regime's intransigent refusal to deviate from its avowed objective of eliminating the legitimate government of Iraq to be inconsistent with accepted norms."

With Hussein's execution, his precise relationship with the United States government during the Cold War will go unexplored, as will any investigation into possible U.S. complicity with specific crimes.

Companies that sold chemical weapons and other instruments of terror to Hussein are also likely off the hook with his death.

"I think there are companies that supported Saddam inside the U.S. and Europe," the American Kurdish Information Network's Kani Xulam told IPS. "My fear now is that they will go scot-free." (END/2006)

## IRAQ: Execution Begins to Deepen Divisions

by Dahr Jamail and Ali al-Fadhily

BAGHDAD - New divisions appear to be opening up between Iraqi political and religious leaders following the execution of Saddam Hussein Saturday.

Former president Saddam Hussein was hanged at an army base in the predominantly Shia district of Khadamiya in northern Baghdad outside of Baghdad's Green Zone just before 6am local time.

The execution of the 69-year-old former dictator was witnessed by a representative of Prime Minister Nouri al-Maliki and a Muslim cleric among others.

The execution appears already to be generating more sectarianism, which has already claimed tens of thousands of lives in the war-torn country. Sectarian divisions have opened up primarily between Shias and Sunnis, who follow different belief systems within Islam.

Several Shia leaders, particularly those of Iranian origin, say the execution would be a blow to resistance against the Iraqi government by Saddam loyalists. In Baghdad's sprawling Shia slum, the Sadr City, where most of the three million inhabitants are loyal to the Shia cleric Muqtada al-Sadr, people danced in the streets while others fired in the air to celebrate the execution.

National security advisor Mouaffaq al-Rubaii, a Shia, declared that "we wanted him to be executed on a special day."

Celebrations in Kurdish areas were no expression of unmixed joy, even though Kurds were persecuted more than any other group under Saddam's regime.

"The world ignored Saddam's crimes when he committed them," Azad Bakir, a 35-year-old engineer in the northern Kurdish city Arbil told IPS on phone. "But we are committing the same crime again by executing him like this."

And few Sunnis were cheering Saddam's death. A senior member of the Islamic Party who asked not to be named said the timing of the execution at the start of the Muslim holiday Eid al-Adha would prove a grave mistake. The festival marks the end of the Muslim pilgrimage to Mecca.

Muhammad Ayash, a spokesman for the Association of Muslim Scholars, a leading Sunni group, said Saddam had served his country well, and had been punished for the wrong reasons.

"He was executed for the good things he did such as fighting the U.S. aggression against the Arab nation," Ayash told IPS. "He stopped the dark Iranian plans in the area, and helped Palestinians survive the continuous Israeli crimes."

In predominantly Sunni cities like Beji, Ramadi and Saddam's hometown Tikrit, people fired shots in protest and swore to avenge the execution of the "legitimate president" of Iraq.

The execution may not bring the end to violence across Iraq that some Iraqi government leaders expect. At least 68 people were killed in bombings after the execution Saturday.

So far 2,998 U.S. soldiers have been killed in Iraq, including 109 just this month, according to the website Iraq Coalition Casualty Count.

The resistance to occupation is expected to continue. A spokesman for the Al-Mujahideen Army resistance group in Ramadi told IPS that his group saw Saddam Hussein simply as the leader of the Ba'ath Party who was "a helpless man in jail when we conducted our heroic operations against invaders."

The spokesman, who refused to give his name, added: "We praise his bravery in facing death, but his death will not increase or decrease our carefully planned actions until the U.S. invaders and their allies leave our country."

Across Iraq, Saddam seems to have won respect for the calm with which he went to his execution. And that could increase sympathy for him and his family.

A close friend of Saddam Hussein's daughters in Amman in Jordan spoke with IPS on condition of anonymity. She said that when the daughters got news of the execution, "they cried of course, but then they praised God for having such a great father who faced death with such courage and faith."

A friend of Saddam's oldest daughter Raghad told IPS: "The family's only concern now is to receive the body for burial in a dignified way suitable for a martyr and a national hero."

(Ali al-Fadhily is our Baghdad correspondent. Dahr Jamail is our specialist writer who has spent eight months reporting from inside Iraq and has been covering the Middle East for several years.) (END/2006)

## DEATH PENALTY: Saddam Execution Set to Destabilise Iraq Further

by Dahr Jamail and Ali al-Fadhily

BAGHDAD - The execution of former dictator Saddam Hussein Saturday could bring more instability in an increasingly violent and chaotic occupation.

The execution followed a decision by a court of appeal Dec. 26 to uphold the death sentence for Saddam. Chief judge Aref Shahin said following confirmation of the death sentence: "From tomorrow, any day could be the day of implementation."

Saddam was executed on the morning of the Muslim festival Eid.

Saddam was convicted last month for ordering the killing of 148 Shias in Dujail town in 1982 in revenge for an assassination attempt against him. He was sentenced to death by hanging.

The completion of the nine-month trial saw 39 court sessions, through which three defence lawyers and a witness were murdered. The execution now will most likely inflame Iraq's political divide further.

Hashim al-Ubaydi's son was sentenced to death by a 'revolution court' of the Saddam regime. But he was not pleased to confront the imminent execution of Saddam Hussein.

"I was an opponent of Saddam and his policies, but I support putting him through a real national court away from occupation influence. I cannot forgive or forget that my son was executed, but as an Iraqi nationalist I cannot accept to see the president of my country put to trial in such a ridiculous way by invaders and their tails."

Many Iraqi leaders say the timing of the execution will enlarge the cracks between already divided Iraqis.

The Association of Muslim Scholars (AMS), the leading Sunni group, whose members were listed on Saddam's most wanted list prior to the U.S.-led invasion and occupation, has expressed deep concern about the consequences of execution.

AMS secretary-general Dr. Harith al-Dhari rejects suggestions that Saddam was a leader of Sunnis. He says 35 of the 55 most wanted persons by U.S. occupation authorities following the invasion were Shias.

The execution by a Shia-dominated government now was timed to meet demands made by some Shia leaders. "Saddam must be executed on the first day of Eid (the Muslim Holiday)," a leader of the Shia Sadr Movement told reporters two days back. "We demand live broadcast of the execution."

While not broadcast live, footage of his last moments and then of his shrouded body was shown on Iraqi television and consequently around the world.

The execution led to celebrations as well as misgivings.

But not everybody was celebrating even within Kurdistan where Saddam carried out some of his most repressive policies. "I hate Saddam and always wished him the death he deserved for his attitude against my Kurdish nation," Sardar Herki from Sulaymaniya in northern Iraq told IPS on phone shortly before the execution. "I still wish him death -- but together with his successors who killed half the population of Iraq and arrested the other half."

Compared with the present scenario, many Iraqis have begun to see the Saddam days as a "golden time", a political science teacher told IPS. A report in the medical journal Lancet says more than 655,000 Iraqis have died unnaturally as a result of the occupation.

"Iraqis would have not objected so much if the situation had been improved by Saddam's executors," the teacher said. "His time was certainly not a golden time, but Iraqis felt proud of his policies against Iranian and American arrogance and greed. He managed to feed his people and provide them with security and basic services despite all the wars they fought, and the UN sanctions against Iraq."

The defence team had objected to the verdict.

"The whole court procedures were illegal right from the beginning," Khalil al-Dulaimy, chief of Saddam's defence team told reporters in

Baghdad. Saddam Hussein, he said, had been a prisoner of war and under international law he should not have been handed over to his opponents.

International human rights organisations had asked for suspension of the death sentence, while arguing that Saddam was denied a fair trial. Human Rights Watch has reported that the trial was marred by political interference.

In a statement that seems to warn of impending violence and increasing political divide, the Ba'ath Party, formerly led by Saddam, has threatened it would target U.S. interests following execution of Saddam.

"Our party warns again of the consequences of executing Mr. President and his comrades," said a statement that appeared on a website known to represent the party, once the execution became imminent. "The Ba'ath and the resistance are determined to retaliate, with all means and everywhere, to harm America and its interests if it commits this crime." (END/2006)

## DEATH PENALTY: Will It Be Reactivated in Guinea - Again?

by Saliou Samb

CONAKRY - Behind bars, away from intrusive stares, the prisoners most recently sentenced to death in Guinea wait to hear their fate. The last time executions were carried out in this West African country was in 2001.

The country's two most famous inmates are housed at Kindia prison in eastern Guinea, about 135 km from Conakry, the capital. They are diamond-dealer Malick Conde, 26, and police officer Cleophas Lamah, 30.

Conde and Lamah are accused having savagely murdered diamond merchant Mohamed Toure in Conakry in 2000. After strangling him and binding his hands and feet, they broke his neck and a leg and stuffed him in a box, all to rob him of about 20 precious gems.

Lamah, a former member of an organised crime squad, had befriended Conde and served as his protector. They were arrested in October 2000 and sentenced to death in August 2005.

They join nine others who were sent to death row here this year. The men have also been sentenced to death by the Conakry Court of Assizes in 2006 for having slit the throat of a neighbourhood leader in the capital.

Their cells are grim; the only real furniture is a couple of wooden benches. It is impossible to know exactly what takes place in the mountaintop silence of Kindia's cells, where most of those condemned to death are doomed to reflect upon their fate.

Perhaps they had a bit of hope. The death penalty, reintroduced in 1984, has only been implemented once -- against seven criminals --, in 2001.

Sentenced six years earlier by the Conakry Court of Assizes, they were shot by a firing squad at Kindia after being brusquely awakened in the middle of the night.

The decision to "reactivate the death penalty" was taken by then minister of justice Abou Camara, who wanted to end the climate of insecurity that reigned when Guinea was attacked by rebels from neighbouring Liberia in 2000 and was subject to an uncontrolled influx of war weapons.

Now, human rights activists and the prisoners themselves believe public pressure may reactivate the death penalty once more. The public, they fear, believes that executing prisoners will bring an end to the ever-increasing violence.

During his last tour around the country before dying from an illness in November, Guinean Minister of Security Ibrahima Dieng, responding to demands from the populace, publicly called for the execution of death row inmates to take place more quickly. The government did not object to this remark.

A recent illustration of the attractiveness of the death penalty to the Guinean public: In July, 15 men suspected of being involved in a murder were burned alive after being soaked in acid in Nzerekore, in the south of the country, before the authorities were able to restore calm.

"Under the First Republic (1958-1984), sometimes for political motives, criminals were hung in public to be made an example of. People wrongly think that the death penalty is a deterrent to crime, but all the studies show the contrary," says Alpha Amadou Bano Barry, a professor of sociology at the University of Conakry.

"We're applying bad solutions to real problems. To effectively stamp out crime you need ... to combat poverty and unemployment, in order to provide everyone with the basic services that they are entitled to," Barry emphasised.

The fact that the overwhelming majority of Guineans are Muslim -- more than 80 percent of its eight million inhabitants -- may help explain the country's prevailing attitude toward crime. Many Muslims, according to Barry, favour the death penalty.

Moreover, human rights lawyers say, the government must first prove that it is capable of being fair and just before it can apply the ultimate punishment.

"The death penalty only makes sense if the judicial system respects all the rules regarding penal proceedings. Such is not the case in Guinea," Conakry jurist Youssouf Sylla told IPS.

Thierno Maadjou Sow, president of the Guinean Organisation for Human Rights (OGDH), adds that he is critical of the torture which continues to take place at military and local and national police installations.

"The first regime offered people employment opportunities, even though it was itself guilty of committing crimes. This explains the low crime rate during that time," Sow said.

Importantly, the death penalty should only be used on prisoners who are deemed unsafe for society. Those executed in 2001 all expressed profound remorse during visits from OGDH members to Kindia Prison, Sow said.

The seven men executed in 2001 "were so afraid to die and had so

reflected upon their crimes, that I'm convinced that if given a second chance, they would have been salvageable, from a societal point of view," he said.

It is a tale that has the current death row inmates worried. "Malick (Conde) says that when he thinks of the case of the seven prisoners executed in 2001, he has trouble sleeping at night. He's very afraid at night," Paul Youmba Kourouma, his lawyer, told IPS.

Kourouma believes that Conde has been wrongly condemned.

"I'm for the death penalty because I think that there are infractions that are so serious that death is the only sanction. But I don't agree with Malick's sentence in this case because the truth of the matter was never brought out," he said.

"Even the medical examiner acknowledged in court that Toure was killed by an experienced specialist in combat techniques, which completely matches Cleopha's (Lamah's) profile," said Kourouma. "If the Supreme Court rejects our appeal, our only remaining recourse will be a presidential pardon."

Lamah was defended by court-appointed attorneys, but during the trial and given the military manner in which Toure was killed, opinions were unanimous that he was in fact the murderer. Still, he sought to pin co-authorship of the crime on Malick. It was also proven during the trial that Lamah tried to poison him in prison.

Moreover, Kourouma charges that the government has roughly mistreated the prisoners.

Conde and Lamah had their arms tightly bound to their backs with ropes for the 135-kilometre trip to Kindia after they were sentenced to death, he said.

"Such treatment caused them to lose the use of their upper limbs during a period of about two months. That's very serious," the lawyer said. (END/2006)

## DEATH PENALTY-U.S.: Victims' Families Weigh In on State Moratorium Debate

by Michael Deibert

NEW YORK - When Lorry Post's daughter was murdered in 1989, Post did not want to see his daughter's murderer executed, but to spend the rest of his life behind bars.

"Lisa loved people, she couldn't stand to see anyone get hurt, so that would be the last thing she would want," Post told IPS.

A founder of New Jerseyans for Alternatives to the Death Penalty (NJADP), Post was of one of 70 people who spoke in recent months before a blue ribbon commission charged with studying whether capital punishment should be allowed in the northeastern state of New Jersey.

"I was always against the death penalty," says Post, one of the founders of NJADP.

The New Jersey Death Penalty Study Commission, created in January by the state legislature, held five public meetings between July and October in the state's capital, Trenton.

It heard testimony from people from both sides of the capital punishment debate. Speakers ranged from opponents like Post to those who are committed to keeping executions in the state as a means to punish the guilty.

The commission's report was due in November, but its release was postponed until sometime in the next few weeks, and observers say the panel is likely to recommend abolishing or at least instituting a moratorium on the deadly practise.

Earlier this year, the state's senate placed a one-year moratorium on executions, making New Jersey the first state to enact a legislative moratorium on the death penalty. Other states, notably Illinois, have abolished capital punishment through executive order.

New Jersey's Governor Jon Corzine, a Democrat, is a vigorous opponent of capital punishment. When he was serving as a U.S. senator, Corzine co-authored a 2002 opinion piece with Wisconsin Democratic Senator Russ Feingold calling for a halt to executions nationwide. The last time New Jersey executed someone was in 1963.

Chairing the 13-member committee is the former president of New York Theological Seminary, Rev. M. William Howard, Jr. Other members include local personalities as diverse as chief of police James P. Abbott and crime victims' advocate Kathleen M. Garcia.

The commission heard from former death row inmates who had been wrongfully convicted and listened to hair-raising tales, such as the 1997 Florida execution of Pedro Medina, a Cuban. The electric chair used to kill Medina, nicknamed Old Sparky, caused flames to shoot out of Medina's head.

Post and his wife gathered signatures from 31 relatives of murder victims who want an end to the death penalty. Post presented the letter to the commission.

"The death penalty has been an abysmal failure," Celeste Fitzgerald, NJADP's executive director, told IPS. "We've learned that the long (legal) process is harmful to murder victim's families, that it risks executing innocent persons, that it takes resources away from other critical needs from the state and that, overall, the death penalty is a distraction from justice."

The commission also heard from capital punishment proponents such as Sharon Hazard-Johnson, whose elderly parents were murdered by an intruder.

"I do think for the most heinous murders, the death penalty is the only punishment that is consistent with justice. Any less punishment is a travesty," John C. McAdams, a political science professor at Wisconsin's Marquette University and a death penalty supporter, told IPS. McAdams did not testify before the commission.

"We should risk erring in the direction of executing heinous murderers for no deterrent effect rather than failing to execute heinous murderers when to do so would cost innocent lives," he added.

As the commission found out, few issues in the United States generate such strong emotions as the death penalty. It is a topic which cuts across party, gender and religious lines.

Capital punishment is sanctioned by 38 of the 50 states in the union, though practiced by only a few. It is additionally reserved as a punishment by the federal government and the U.S. military.

In January 2003, then-Illinois governor George H. Ryan, a Republican, who had previously ordered a moratorium on executions in the state, commuted all of the state's death penalties. In contrast, in his five years as governor of Texas, U.S. President George W. Bush, also a Republican, oversaw the executions of 131 prisoners -- many more than in any other state.

The death penalty was declared unconstitutional in New York in 2004 by that state's court of appeals. In several states, "Innocence Projects" -- groups that work to exonerate the wrongfully convicted through post-conviction DNA testing -- have exonerated some 187 people who had been convicted for crimes they did not commit. Not all of those freed had been on death row.

However, in a referendum that coincided with the Nov. 7 legislative elections, more than 55 percent of Wisconsin voters backed reinstating the death penalty in cases where first-degree multiple intentional homicide has been committed and for which there is DNA evidence. The vote was non-binding.

Furthermore, state legislatures in a handful of the southern U.S. states are considering adding laws that would make some sex crimes against juveniles eligible for the death penalty.

New Jersey voted to reintroduce capital punishment in 1982, though it has not executed anyone since Ralph J. Hudson was electrocuted in 1963 for having stabbed his estranged wife to death as she waited tables in Atlantic City.

Among those who previously paid the ultimate price in New Jersey's justice system were the murderous bigamist Henry Colin Campbell, in 1930, and Bruno Richard Hauptmann, a German migrant carpenter and one-time criminal who was electrocuted for allegedly abducting and killing the 20-month-old son of renowned pilot Charles Lindbergh.

Serious questions about Hauptmann's culpability arose years later. It is just this imperfection, capital punishment opponents say, of which they have tried to convince the commission. (END/2006)

## CHALLENGES 2006-2007: U.S. Unlikely to Sentence Soldiers to Death in Wartime

by Mark Weisenmiller

TAMPA, Florida - The final month of 2006 will be one to remember because of the first two -- of perhaps many -- U.S. army servicemen will face charges that can carry the death penalty for crimes committed in Iraq.

Yet, 2007 may well be the year the U.S. military decides instead to spare their lives and sentence them to life in prison.

Both Sgt. Paul Cortez and Private First Class Jesse Spielman are scheduled to appear separately in military court in mid-December. Together with three other defendants -- Pfc. Bryan Howard, Specialist James Barker, and discharged former Private Steven Green --, the men are accused of raping a 14-year-old girl and murdering her and her family last March near the Iraqi city of Al-Mahmudiyah.

Cortez, Spielman, and Howard face court martial proceedings at Fort Campbell, Kentucky, headquarters for the 101st Airborne Division

where they served. Green has pleaded not guilty to murder and sexual assault and is facing federal charges.

Barker pleaded guilty to numerous charges, including premeditated murder, to avoid the death penalty. He received a 90-year prison sentence in late November.

Those airmen are not the only military personnel who could face charges for war crimes that carry possible death sentences.

A U.S. sailor and seven marines are accused of killing an Iraqi man in Hamdaniya on Apr. 26. Another six to eight Marines, who allegedly killed 24 Iraqi civilians in November 2005 in Haditha, could also face execution.

An investigation into the Haditha incident by the Naval Criminal Investigative Service (NCIS) is ongoing to determine if charges against the marines should be filed. The marines currently are restricted to the base-grounds of Camp Pendleton, California, pending the findings of the investigation.

While Barker avoided execution, his manoeuvre raises the question of whether military personnel could be sentenced to death, even if the crimes for which they are found guilty were committed in wartime.

Although the law clearly states they can, politically such a sentence would not be possible, said Lee D. Schinasi, a retired Army Judge Advocate General's Corps (JAG) colonel who is now an associate professor of law at Barry University in Orlando, Florida..

"I don't think that you will see it (the death penalty) applied these days in relation to all of these alleged cases, because the average civilian American is aware of the tremendous pressures that soldiers are under during wartime," Schinasi told IPS. "To carry out the killing of a soldier who has been found guilty of a crime committed during wartime has tremendous ramifications."

There is a loyalty between the U.S. public and its soldiers, said Schinasi, who likened the relationship to a social contract. "If capital punishment was carried out on a soldier convicted of a crime committed during wartime that would be perceived as a violation of that social contract," Schinasi said.

Put simply: The public supports its soldiers because the military protects the public, Schinasi said.

Military services in other countries deal with the situation differently. Soldiers found guilty of war crimes in Europe, for instance, would face life imprisonment, said Diane Amann, a specialist on the subject, who is also a professor at the University of California-Davis law school.

Even in international tribunals that dealt with wartime crimes committed in Rwanda and the former Yugoslavia, former military officers found guilty of some horrific crimes received life imprisonment, she told IPS.

The United Nations will not allow war crimes to be tried in Rwanda until that African nation agrees to abolish the death penalty. In contrast, although the U.S. stated it would introduce a more modern constitution in Iraq when it toppled Saddam Hussein, it still has allowed that nascent nation to maintain capital punishment. In November, Hussein, along with some military officers, was sentenced to hang. That verdict is on appeal.

U.S. soldiers have been executed during wartime before, but these incidents are rare and sometimes controversial. During the U.S. Civil War, Confederate army captain Henry Wirz, commander of the notorious Andersonville prison, was hung in November 1865, after the end of the war, on charges of "impairing the health and destroying the lives of prisoners." The prison, built to hold captured Union soldiers and in existence for only 14 months, housed 45,000 soldiers -- nearly one-third of whom died in captivity.

Private Eddie Slovik was executed for desertion in 1945, the final year of World War II. He was the only soldier of the 49 who had been sentenced to die who actually was shot. The last execution of a soldier in the U.S. military justice system occurred in April 1961, for charges of rape and murder.

As of January 2006, the Department of Defence states that executions would be conducted not via firing squad but through lethal injection.

Kathleen Duignan, executive director of the National Institute of Military Justice in Washington, DC, told IPS the four-step process in the U.S. military justice system that is required to impose a death sentence ensures that the military judge and a panel of military officers must agree that a capital offence exists, and that the decision to execute must be unanimous.

"Ultimately, after all levels of review, the case would go to the president of the United States for approval. The president must personally approve execution of the sentence and even then the sentence can be delayed on federal habeas review," said Duignan.

Though it is not used often, the United States apparently feels the need to maintain the death penalty among its military ranks, agreed Amann and Schinasi.

"The reason why the death penalty isn't taken off of the (U.S. military justice) system," Schinasi said, "is for the same reason that it stays on the civilian law books -- to show society that there are certain crimes that people wouldn't put up with." (END/2006)

## RIGHTS-IRAN: Stoning for Adultery - More a Women's Issue

by Kimia Sanati

TEHRAN - Currently, in Iran, there are nine women sentenced to death by stoning on charges of adultery, compared to two men for the same offence -- highlighting the fact that this barbaric mode of execution is primarily a women's issue.

Whether these 11 unfortunate people can be saved from the brutality and humiliation involved depends on the success of a campaign, launched two months ago, by a group of lawyers and women's rights activists to have the stoning law abolished altogether from the Islamic Penal Code of this country.

Stoning is more a women's issue because, according to Islamic laws, a man can have four permanent wives and any number of temporary wives.

When caught in adulterous relationships, men can always claim to have been in a temporary marriage contract with the woman involved -- provided she is not already married to someone else.

Temporary marriage contracts, for hours or months or years, can be easily made between the partners. A married woman cannot escape stoning in the same way.

"The stoning law affects women more than men. So, as feminists, we naturally have to address it as well as other issues, such as polygamy, lack of right of divorce for women, forced marriages, domestic violence and poverty that greatly contribute to situations leading to stoning. We also hope that the campaign to abolish stoning can mobilise the women's movement," Mahboubeh Abbasgholizadeh, a feminist activist and advocacy group member of the 'Campaign to Stop Stoning Forever', told IPS.

"The nature of the feminist movement in Iran is political because feminists have to target the laws, like (those on) polygamy and stoning, that sustain the patriarchal view of the society. They have to challenge the religious and political establishment that supports those laws," Abbasgholizadeh added.

Most women sentenced to stoning are those found guilty of being accomplices in the murders of their husbands. In a few cases married women have been found guilty of prostitution. If not married and found guilty of illicit sex, one is sentenced to lashes the first three times. A fourth occasion can lead to the death penalty as happened to Atefeh Sahaleh, a 16-year-old girl from Neka in Northern Iran who was hanged in August 2004.

Proving adultery is difficult under Islamic laws. For a stoning sentence to be passed, there must be four confessions on four separate occasions by the accused in front of a judge, or testimony by four eye witnesses, or 'knowledge of the judge'. Confessions can be retracted at any stage by the accused. In most cases the knowledge of the judge serves as the basis for meting out the sentence.

Hajieh, 35, from north-western town of Jolfa, has served five years in prison for aiding the murder of her husband and has two more years to go before facing a stoning sentence. Out on bail now, she claims that the man who killed her husband, had attempted to rape her before the murder took place.

The man was sentenced to retribution-in-kind (qisas) for the killing. When interrogated by the police, he accused Hajieh of being an accomplice to the killing as well as having an affair with him. As an unmarried man, he received a hundred lashes for illicit sex.

Hajieh spoke only the Azeri language and no Farsi at the time of her arrest. She claims she did not understand the technical term used by the judge to refer to adultery so she accepted the charge and discovered the error only after the court ordered her to be stoned.

In 2004, Hajieh's stoning sentence was almost carried out. Invitations to the public to participate were distributed in her small town, but the execution was stopped in time when the executive judge realised the flaws in her case. Chief Justice Ayatollah Shahrudi then stayed the execution of the sentence. Hajieh has been tried once again and hopes to be acquitted of all charges soon.

Iran made a verbal pledge to the European Union to stop stoning more than a decade ago and there was a moratorium by the Chief Justice, in December 2002, on execution by stoning. The Chief Justice has himself on several occasions intervened to stay sentences from being executed.

Judiciary spokesman Mohammad Karimi Rad recently denied execution by stoning and said such sentences were passed by courts but were not carried out. But there are reports by eye witnesses of the secret stoning of Zahra Gholami in Tehran's Evin prison in 1999. News of the stoning of a man, Abbas, and a woman, Mahboubeh, in the north-eastern city of Mashad, in May, have also emerged recently.

According to news reports the Mashad stoning was carried out in a cemetery. The two were first ritually washed as for corpses being prepared for burial and then wrapped in shrouds from head to toe. The woman was buried in the ground up to her chest and the man up to his waist. A secretly congregated crowd pelted them with pebbles until they were dead.

"We are campaigning against stoning because of the brutality of the act. This kind of punishment is against human dignity. We are not against legal punishment for people committing crimes, but no human being in his right mind should take another person's life so ruthlessly," Abbasgholizadeh said.

Officially launched on Oct. 1, the campaign works through collecting signatures to support abolition of stoning. Campaigners say even if the Chief Justice intervenes in every single case, without a complete abolition, it will always be possible to reverse an order and carry out a sentence.

"Stoning is regarded as a highly sensitive issue by the regime and the religious and political establishment. There is so much reaction from the international community and human rights organisations to stoning news. This has made it taboo for journalists and news on the campaign is not given coverage by the press as they have been repeatedly warned to avoid it," a journalist told IPS.

In the face of such censorship, most publicity for the campaign is made through websites and blogs. Women's Field (meydane zanan), the campaign website in the Farsi and English languages, was recently filtered by authorities. A change of address was the campaigners' response.

"Campaigners have a hard way ahead of them. The response from the society as a whole to the issue of stoning is not so unified. Activists are campaigning to abolish it but there are many, not only religious and political hardliners, who don't mind the law," a social observer who did not want to be named told IPS.

"In some areas, traditions hold very strong and the stigma against the family of an adulterous woman is compelling. There is little opposition to the idea of stoning in these places because people think a law like that may prevent adultery and stabilise family life. In some cases the families of the accused women might even take the matter into their own hands and try to wipe off the shame by killing the guilty even before the law takes up the matter. In men's case, if they are not involved with married women, there is much greater toleration," he said.

"Taking personal action is what the family of Shamameh (Malek) Ghorbani did last year in a village in Western Iran. The man was killed by her brother and husband, but the woman herself survived stab injuries -- only to be sentenced to stoning in spite of her denial of adultery," the observer said. (END/2006)

## News from International NGOs

### **BANGLADESH: ELITE FORCE TORTURES, KILLS DETAINEES**

Bangladesh's elite anti-crime and anti-terrorism security force is responsible for widespread torture and killing more than 350 suspects in custody, Human Rights Watch said in a report released Dec. 14. Human Rights Watch warned that the former ruling party could use the abusive force for political purposes prior to elections slated for January 23, 2007.

The 79-page report, "Judge, Jury, and Executioner: Torture and Extrajudicial Killings by Bangladesh's Elite Security Force," describes how the Rapid Action Battalion (RAB), established in 2004 to stop spiraling crime, has made a practice of killing criminal suspects in detention. Torture methods used by the force include beatings, boring holes in suspects with electric drills, and the application of electric shock. "Bangladesh's Rapid Action Battalion has become a government death squad," said Brad Adams, Asia director at Human Rights Watch. "Its methods are illegal and especially shameful to a nation whose citizen just won the Nobel prize for peace."

Even Bangladeshi government officials told Human Rights Watch that the government had given the force a mandate to kill suspected criminals instead of making arrests. One top official said the government had drafted a list of most-wanted criminals for RAB to kill.

### **IRAQ: HANGING AFTER FLAWED TRIAL UNDERMINES RULE OF LAW**

The execution of former Iraqi President Saddam Hussein following a deeply flawed trial for crimes against humanity marks a significant step away from respect for human rights and the rule of law in Iraq, Human Rights Watch said Dec. 30. Human Rights Watch has for more than 15 years documented the human rights crimes committed by Hussein's former government, and has campaigned to bring the perpetrators to justice. These crimes include the killing of more than 100,000 Iraqi Kurds in Northern Iraq as part of the 1998 Anfal campaign. "Saddam Hussein was responsible for massive human rights violations, but that can't justify giving him the death penalty, which is a cruel and inhuman punishment," said Richard Dicker, director of Human Rights Watch's International Justice Program. The Iraqi High Tribunal sentenced Saddam Hussein and two others to death in November for the killing of 148 men and boys from the town of Dujail in 1982. The tribunal's statute prohibits, contrary to international law, the possibility of commuting a death sentence. It also requires that the execution take place within 30 days of the final appeal. Human Rights Watch opposes the death penalty in all circumstances. Increasingly, governments are abolishing the death penalty in domestic law. "The test of a government's commitment to human rights is measured by the way it treats its worst offenders," said Dicker. "History will judge these actions harshly."

### **LIBYA: RESCIND DEATH PENALTY FOR FOREIGN MEDICAL WORKERS**

The death sentences announced Dec. 19 by a lower court in Tripoli against six foreign medical workers for purposely infecting 426 Libyan children with HIV is a gross miscarriage of justice, Human Rights Watch said. The trial was deeply flawed. According to media reports, the defense counsel said that the court refused to hear testimony from defense experts or from the defendants concerning their torture and coerced confessions. Moreover, lawyers for the defendants said that the court produced no scientific evidence to back up its conviction. "We had placed hope in the retrial, but this verdict proves that for these foreign medical workers, justice is still elusive," said Sarah Leah Whitson, Middle East and North Africa director at Human Rights Watch. Defense lawyer Othman Bizanti told the media that he would file an appeal before Libya's Supreme Court.

Libyan authorities arrested the six defendants, a Palestinian doctor, Ashraf Ahmad Jum`a, and five Bulgarian nurses, Nasya Nenova, Kristiana Valceva, Valentina Siropulo, Valya Cherveniyashka, and Snezana Dimitrova, in February 1999. The court charged them with purposely infecting 426 children with HIV, who were patients in the al-Fatih Children's Hospital in Benghazi, where the medics worked. A Benghazi court relied on the medical workers' confessions in sentencing them to death by firing squad in May 2004.

### **FLORIDA, CALIFORNIA: LETHAL INJECTION UNDER ATTACK**

All US states that conduct lethal injection executions should immediately impose a moratorium on the death penalty and order a review of their execution procedures, Human Rights Watch said Dec. 15. The urgency of such scrutiny was underscored today by a California court ruling and the decision by Florida's governor that current methods require immediate review, Human Rights Watch said. All 37 states that conduct lethal injection executions use the same three-drug method and basic protocol. "Every day the evidence mounts that the United States is using unacceptably cruel methods to put people to death," said Jamie Fellner, director of the US program at Human Rights Watch. "After so many botched executions, states cannot continue to execute prisoners using their current methods." A federal court ruling issued today said that California must review its procedure for lethal injection executions because the present method is "broken." The decision comes as state lethal injection protocols are under increasing scrutiny around the country because of concerns that they cause unnecessary pain and suffering before death, as documented by the April 2006 Human Rights Watch report, "So Long as They Die: Lethal Injections in the United States".

## EU DECLARATION UNSATISFACTORY

On the presentation by the EU of the Declaration on the death penalty at the United Nations General Assembly, Secretary of Hands Off Cain Sergio D'Elia and Treasurer Elisabetta Zamparutti made the following declaration on Dec. 20: "The EU decision, backed by the Italian government, to present at the UN headquarters a declaration stripped of any formal value instead of the resolution for a universal moratorium on capital execution as had been asked Italy's Parliament was a sign of weakness that also had repercussions on the amount of support obtained. Many countries that had in the past co sponsored the resolution against the death penalty at the UN Commission on Human Rights were among those not to lend their support to the declaration (Azerbaijan, Turkmenistan, Samoa, Kiribati, Djibouti, South Africa, Namibia). Such was also the case with Liberia and Tajikistan, which recently abolished the death penalty under all circumstances. The European Union is in need of reflecting on its ability to conduct initiatives against the death penalty at the General Assembly for it wasn't able to keep intact the group of countries that had, in recent years, always sustained it in this campaign. If Italy really wants to present, as announced by Foreign Minister Massimo D'Alema, a moratorium resolution at next year's UN General Assembly, it should work towards the creation of a global coalition of abolitionist states representing all continents for abolition of the death penalty is no longer an exclusively European battle."

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### EU DEATH PENALTY DECLARATION PRESENTED AT UNGA

A declaration on the death penalty was presented at the United Nations General Assembly in New York. On Dec. 20, ANSA reported. The declaration was prepared by the EU on Italy's initiative and was undersigned by 85 UN member states. For Italy's Undersecretary for Foreign Affairs, Gianni Vernetti, his government's actions were fundamental in the presentation of the declaration and in the high number signatures collected which surpassed the number of co-sponsors obtained for the resolution on the death penalty presented by the European Union at the last session of the now extinct UN Commission on Human Rights. Vernetti said that as a result of the support foundations had been laid for future initiatives at the United Nations General Assembly.

### RWANDA MINISTER APPEALS TO RESIDENTS ON DEATH PENALTY

The Minister of Infrastructure, Stanislas Kamanzi has appealed to the people of Gicumbi to support the government's proposal to scrap the death penalty, according to The New Times from Kigali on Dec. 18. It reported: Kamanzi, who was addressing the district local leaders at Groupe Scolaire Secondary School in Byumba Sector, said despite its existence in the Rwandan Penal Code for long; the death penalty did not help solve any problem or deter the killers during the 1994 genocide. "Though the Death Penalty has existed in our country for so long, it has not benefited us in any way. A punishment is meant to make someone change his or her habits and be an example to others. Killing him or her, does not in any way bring about any change to commit a crime," the Minister said. He further noted that the death penalty does not give people a chance to exploit all avenues of the law. "When you kill some one and later discover that there was a mistake in the court ruling or discover evidence that the person was innocent, there is no way you can bring back his or her life," Kamanzi underscored. He pointed out that the death penalty is only applicable in dictatorial governments where leaders want to suppress their opponents.

### CHINA'S SUPREME COURT READY TO EXERCISE DEATH PENALTY REVIEW RIGHT

China's supreme court has made sound preparations and is ready to take back the death penalty review right from local higher courts, People's Daily online said in a Xinhua report Dec. 16 quoting the chief justice. Xiao Yang, President of China's Supreme People's Court (SPC), said at a criminal judge conference Dec. 15 that preparations have been progressing and the SPC is "basically ready" to exercise its right to review the death penalty from Jan. 1 next

year. He ordered judges to exercise extreme caution when sentencing people to death, saying that every judgement must stand the test of time. Only an "extremely small number" of serious offenders should be given the capital sentence, he said.

The SPC used to review all death penalty cases until 1983. But provincial courts were later given the authority for crimes that seriously endangered public security and social order, such as homicide, rape, robbery and the criminal use of explosives. The practice of provincial courts handling both death sentence appeals and conducting final reviews, however, has drawn sharp criticism in recent years in the wake of some highly-publicized miscarriages of justice.

The Standing Committee of the National People's Congress, China's top legislature, adopted an amendment in October to the organic law on the people's court, ending the practice of allowing executions on the order of lower-level courts. The legal change will come into effect on Jan. 1, 2007.

### POLICE OFFICER GETS DEATH PENALTY FOR CUSTODY DEATHS

In a landmark judgment, a Delhi court on Dec. 15 sentenced a former police officer to death and awarded rigorous imprisonment to two others for killing a man in custody. This is the first instance in the country where capital punishment has been awarded in a case of custodial death, according to DNAINDIA.COM. RK Tyagi, a former assistant commissioner of police, was held guilty of illegally confining and killing Mahinder Kumar in 1987. Mahinder Kumar was detained at the Vivek Vihar police station in the capital for causing minor injuries to a couple during a fight. Kumar and his friend Raj Kumar were detained without a warrant by Tyagi and his associates. Tyagi, ACP KP Singh and Sub-Inspector Tej Singh, were accused of beating up the two men in the lock-up. The victims were later taken to the Loknayak Jayaprakash Narain hospital from where Raj Kumar fled. Mahinder Kumar died of his wounds at the hospital.

Kamini Jaiswal, a lawyer who has taken up the clemency petition of Mohammad Afzal, prime accused in the Parliament attack case, said death in police custody cannot be condoned. "Although I am against the death sentence, this could be treated as the rarest of rare offence," Jaiswal said. "Police are supposed to protect. Here that basic premise was overlooked."

### **PLAN TO REVIVE DEATH PENALTY IN THE PHILIPPINES CRITICISED**

The proposal to revive the death penalty by Surigao del Norte Rep. Robert Ace Barbers drew flak from a Catholic bishop even before it received a response from the House of Representatives, gulfnews.com reported from Manila on Dec. 23. Dagupan Archbishop Oscar Cruz, former president of the Catholic Bishops' Conference of the Philippines (CBCP) vowed that the clergy will never support initiatives to impose capital punishment saying that it does not deter the commission of crimes. "To eradicate criminality, what is needed is a really honest-to-goodness and effective police system," Cruz told ABS-CBN television. Barbers proposed to restore the death penalty which was junked by both chambers of Congress in June this year following the assassination of lawmaker Luis Bersamin Jr and the assassination attempts on Pasig Rep. Robert Jaworski Jr. and House Majority Leader Prospero Nograles. Bersamin was gunned down while attending the wedding of a relative in Manila.

### **IRAQI COURT ORDERS DEATH PENALTY FOR LIBYAN ADMITTING AL QAEDA TIES**

Jurist-Legal News and Research reported: US military sources in Iraq announced Dec. 16 that earlier that month the Central Criminal Court of Iraq sentenced 16 security detainees accused of terrorism law breaches, illegal weapons possession and border breaches to punishments ranging from death to a year's imprisonment. The heaviest punishment was imposed on a Libyan accused of being a member of al Qaeda in Iraq, who was sentenced to death by hanging as provided under Iraqi law. Most of the other condemned defendants sentenced between December 1 and December 7 were Iraqis, not including two Syrians and two Saudis accused of passport violations, illegal possession of special category weapons and failure to renew resident identification.

The CCCI has held 1,767 trials of insurgents since being re-organizing in 2004, leading to the conviction of 1,521 individuals with sentences ranging up to death. Earlier this year the US State Department noted in its annual human rights report on Iraq was process in the Iraqi court was regularly delayed, and that the time between arrest and arraignment often exceeded 30 days, despite a 24-hour requirement set by local law. The New York Times found in a major investigation of its own published Sunday that although the CCCI has acquitted over half of the defendants brought to it by US and Iraqi forces, defendants have little practical opportunity to present evidence and witnesses, and the court is seriously constrained by both the pressure of its caseload and ongoing dangers to its personnel.

### **FLORIDA DEATH PENALTY INQUIRY WELCOMED**

Death penalty opponents and human rights organizations are hailing Florida governor Jeb Bush's decision to temporarily halt all executions in his state, One World US reported on Dec. 22. "We welcome his executive order," said Sue Gunawardena-Vaughn, of Amnesty International, the London-based group that has been campaigning for the abolition of the death penalty in the United States and elsewhere for years. Bush decided to suspend further

executions and formed an inquiry commission after a medical examiner said last week that the lethal injection procedure performed on a death-row prisoner was botched.

Death penalty activists described the formation of the inquiry commission as "a step in the right direction," but expressed dismay that the governor had failed to address the issue of lethal injection earlier. "It is deplorable that it took the atrociously botched execution of Angel Diaz for the governor to admit that Florida's lethal injection protocol might be unconstitutional," said Gunawardena-Vaughn. Diaz was strapped onto a gurney and given an injection that was supposed to kill him within 15 minutes. Instead, he lay there making facial expressions that have been described as squinting and grimacing, while reportedly trying to speak. Diaz died 34 minutes after the process began, and only after prison officials gave a second injection.

### **IN CALIFORNIA, THE DEATH PENALTY TAKES YET ANOTHER HIT**

At last report there were about 3,200 inmates in the United States awaiting execution, wrote columnist Al Knight in Denver Post on Dec. 21. That number includes about 150 convicted murderers who were sentenced to death in 2006. During the last 12 months, there have been just 53 executions nationwide. The math is easy. At the current rate, it will take about 60 years to clear the death rows in the various states, never mind any sentences that might be imposed during the coming decades.

The inescapable conclusion is that many convicted murderers, sentenced to death, will instead die of old age. It's not difficult to find the reason why.

The courts are awash in cases challenging some aspect of the death penalty. Next month the U.S. Supreme Court will hear four death penalty cases. It is no wonder opponents of the death penalty needn't worry about mustering the support for repeal. They would be quite happy if courts simply prevented its use. The strategy seems to be working. Take the California case of Michael Angelo Morales, who has been on death row for a quarter-century. He was sentenced to die for the brutal rape and murder of 17-year-old Teri Winchell in 1981. Winchell was stabbed and ultimately beaten to death with 23 blows from a claw hammer.

Early this year (2006), Morales sought a stay of his scheduled February execution on the grounds that the lethal injection he faced posed an "unnecessary risk" of inflicting "extreme pain." Last week (mid-December), U.S. District Court Judge Jeremy Fogel issued an unusual opinion, giving California one more chance to "fix" its execution protocols to ensure that inmates facing the death penalty will be absolutely and positively unconscious when the final two of a three-chemical combination are administered.

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