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By Sujoy Dhar

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RIGHTS: Death Penalty Better, Say Some, Than Slow Execution

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PARIS - Twenty-five years after abolition of the death penalty in France, some of its beneficiaries say they would rather face execution.

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By Haider Rizvi

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By Dahr Jamail and Ali al-Fadhily

BAGHDAD - Expressions of outrage over the conduct of the trial and the manner of Saddam Hussein's rushed, chaotic execution are continuing unabated here as lawyers and human rights groups voice together their open criticism -- although some are still cautiously asking the media to withhold their names from publication.

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DEATH PENALTY-PERU: President's Bid Unlikely to Save Bill

By Angel Páez

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DEATH PENALTY-INDIA: A Hangman Speaks

by Sujoy Dhar

KOLKATA - In a tiny hovel on a narrow south Kolkata alley, 87-year-old Nata Mullick recalls with pride and placidity his chilling career as a hangman and his last job which catapulted him to international fame two years ago.

The global media spotlight then turned on Mullick as the "hangman extraordinaire" chosen to perform the execution of the convicted murderer and rapist, Dhanonjay Chatterjee. The resulting passionate debate over capital punishment elevated Mullick to fame and launched him on a new career as a much-in-demand stage performer in this eastern India state.

Today Mullick is happily still touring with 'Jatra', the travelling outdoor stage play, popular in rural Bengal for its melodrama. Though ailing slightly, Mullick still acts for good money and recognition. Executions are few and far between these days. His only bitter complaint is for the ungrateful administration, which he says has done so little for his family.

"The job of hanging people runs in my blood. My father, Shiblal Mullick, was a hangman in the British (colonial) days when they used to hang our freedom fighters," he says, describing how the entire business of state-sanctioned killing is carried out.

"It's an art: Your skills need to be honed," Mullick says with aplomb mixed with dispassion.

"I joined the profession when I was around 15 or 16. My father had two helpers who would ridicule me saying I would never be able to do the job. I was hot-blooded and so one day I joined the job. A man was going to the gallows and I tied his hands at the back and proved that I am not chicken-hearted. That was the beginning," Mullick recalls.

"My father was amazed by my feat. I then started assisting him in every hanging. Those days hanging used to take place all over India and I travelled with him everywhere. We used to be paid 16 rupees an execution. That was big money then," Mullick says.

"Just like I claim that I am the best hangman in India now, my father was the best in his time. He showed me all the techniques and in his entire career he never did a bad job. Neither did I ever falter in any of the 25 hangings carried out by me."

Detailing the modus operandi of a precise hanging, Mullick says: "A lot depends on the weight of the person to be hanged. A sack is filled with sand with the same weight as the man and then we perform a mock hanging three to four times.

"There is a particular way of preparing the rope, too. There are certain ingredients which need to be applied to the rope, soap and ghee (clarified butter). When the rope is fixed to the gallows, we apply a smashed banana on it," says Mullick.

"After the convict is brought in, two of my helpers tie the legs and hands and hold them upright. We hold the person because he might faint in the face of death. Then within a minute I cover his face, put the noose round his neck and put my hand on the handle. The jail

superintendent signals and I pull the lever."

There are other essentials for a "perfect" hanging. "Five knots in the noose. The preparation of the knot is important. The person being hanged would feel less pain if the knots are right. If the man is heavy, you need fewer knots. If he is light weighted, you need more knots. If the pull is too hard, the head can be even severed and he can bleed from mouth and nose. So the pull has to be of a force that kills the person and yet causes no pain to the dying," Mullick explains calmly.

Mullick's spiritual preparation for a hanging is no less thorough. He worships the Hindu god Narayan and seeks godly pardon for himself and the person to be hanged.

"The jail officer also seeks the person's forgiveness. The government lawyer seeks pardon. I seek his pardon. We say to the person that we are duty bound. I ask god to give him a new birth as a good person," Mullick says.

"During work I don't suffer from any sense of guilt. I worship god, put flowers in the gallows. I seek pardon again and again. I also give alms to people to purify my soul," he says.

Was his last hanging, with hundreds of human rights protesters on vigil all night calling for a presidential clemency and the battery of newsmen and TV crews from across the world, difficult to handle? "No, he was calm. I sought his forgiveness too," says Mullick.

But he recalls how he had to be rescued from the media by jail officials. "In the days preceding the hanging, I was hounded by media from every part of the world. It was too much to take."

Mullick still holds firmly to his belief in capital punishment. "Should a person like Chatterjee who raped and brutally murdered a 14-year-old be kept alive? Should a terrorist like Mohammad Afzal Guru (recently sentenced to death for his role in a plot to blow up Indian Parliament) be kept alive? I don't think so," he says, lying down in his bed against the grimy pink walls -- a collage of yellowing media clippings of a famous hangman's life and works and the Hindu pantheon.

(END/2007)

SOUTH AFRICA: High-Profile Murder Sparks Debate on Violent Crime

By Moyiga Nduru

JOHANNESBURG, - The murder of a world-renowned historian has jolted South Africa into confronting the reality of escalating violent crime, which is destroying the country's social fabric and hurting its international image.

David Rattray, an Anglo-Zulu war expert, was murdered Friday near his home, just 500 metres from the spot where British troops and Zulu warriors fought in South Africa's KwaZulu-Natal province 128 years ago.

Police are investigating the motives for this high-profile killing. So far, nobody has been arrested in connection with the shooting of Rattray, who will be buried in South Africa Thursday.

Ratray, 49, a friend of Britain's Prince Charles, has joined the list of the estimated 18,000 South Africans who are murdered every year -- an average of about 50 a day -- some over petty items like mobile phones.

Aware that the debate on crime could harm South Africa's image as the country prepares to host the football World Cup in 2010, the government is playing down the effects of the murder.

Deputy Foreign Minister Aziz Pahad told journalists Monday in Pretoria, the nation's capital, that South Africa should not allow itself "to be paralysed by individual incidents".

"Obviously the murder of someone of a high profile will definitely strengthen perceptions abroad about crimes in South Africa," he said.

"The murder of Mr. Ratray puts global focus on the crimes in South Africa," Pieter Mulder, leader of the Freedom Front Plus Party, told IPS in an interview. The Front is campaigning for the reinstatement of the death penalty, abolished in 1995, as a deterrent to violent crime.

"In three years, 2.5 million people fell victim to violent crimes such as murder, attempted murder, and robbery at private homes. This means more than 848,000 people fall victim to violent crime in South Africa every year," he said.

"From 1994 up to now, 272,000 people were murdered in South Africa. There is an increase of 8.3 percent in house robbery. These are the statistics of the police themselves," Mulder said. "This means people are feeling unsafe in their homes. And this makes South Africa the most unsafe country to live in."

Fed up with complaints about crime, safety and security, Minister Charles Nqakula was last year widely quoted by the media as saying that those who were unhappy with living in South Africa were free to leave. "Mr. Nqakula mentioned my name as one of those people," Mulder said.

Mulder urged President Thabo Mbeki and his ministers to refrain from sending confusing messages on crime. In the same breath, he rejected Mbeki's remark that crime rates have fallen by 10 percent since the demise of apartheid in 1994. "The world average for murder is five in every 100,000 of the population. In South Africa the figure is 40 in every 100,000. If this figure is compared to the world figures, South Africa is experiencing a very serious crime crisis which should immediately be acknowledged and addressed by government," Mulder said.

"What is worse is that on average only 10 percent of criminal cases end up in court," he added.

Among suggestions for addressing crime is to increase the police budget and the number of officers on the force, while also upgrading their training and providing them with the necessary logistics.

"Ministers travel in the latest Mercedes Benz. But if there's a break-in in one's home, police have no vehicle to transport themselves to the scene of the incident," Mohamed Zain, a businessman in Johannesburg, told IPS in an interview.

Zain's complaint, however, needs to be taken in context. In early January, Gauteng Province, where Johannesburg and Pretoria are located, bought 250 new vehicles to beef up crime fighting ability in the country's wealthiest province. The vehicles are part of the plan to complement the province's 2006-2014 safety strategy launched in

September 2006.

Another strategy to fight crime is to keep youth off the street. Young people between the ages of 14 and 35 make up close to 40 percent of South Africa's population, according to the Department of Labour.

"In South Africa, we have young people being the most affected by problems of underdevelopment, with young people constituting an estimated 70 percent of our unemployed population," said the department in a statement this week.

The department is "enlisting (the youth) as volunteers into a diverse range of national service priorities such as the construction of houses and the provision of home-based care giving (for people living with HIV/AIDS). All the projects are crafted in a manner that ensures that upon completion, the young volunteers gain certification that is recognised under our National Qualifications Framework".

Tourism officials also fear that the publicity around Ratray's death could affect tourism. More than 4.6 million visitors arrived in South Africa between January and July 2006, a 15 percent increase over the same period in 2005. Statistics South Africa, a think-tank, said 20.3 percent of the visitors came from Africa and the Middle East, 11 percent from the Americas, eight percent from Asia and Australia and 3.1 percent from Europe.

(END/2007)

LIBYA: These Nurses Came to Heal

by Georgi Milkov

TRIPOLI - "Please, do not leave us, we'll die here!" Nasya Nenova, the youngest of the five Bulgarian nurses sentenced to death by a firing squad in Libya on Dec. 19, 2006 shouted out through the bars of her locked cage.

She was losing all hope of salvation, although Christiana Vulcheva who had been sharing the same cell for the last 8 years, was trying to give her encouragement.

A few minutes later, Judge Mahmud Hueysa entered the courtroom and pronounced the sentences. The five nurses did not understand Arabic and watched transfixed in silence, as if witnessing a drama in which others were the main characters.

The Palestinian doctor, Ashraf al-Khadjudj, their fellow co-defendant, leaned towards Nasya and Christiana and whispered in their ears in English: a sentence of death for them all.

The other nurses also grasped immediately that their worst fears had come true. The courtroom suddenly exploded with cries of joy from the parents of the 400 HIV-infected children of Benghazi: "Allah-u Akbar! God is Great!" All were on their feet.

The court guards whisked the prisoners away so speedily that none had time to utter a word. Nasya managed just a last glance back to the courtroom where the Bulgarian lawyer, diplomats and journalists stood. There was horror in her eyes as if crying: 'Help!'

This was their second death sentence for allegedly deliberately causing an AIDS epidemic in a childrens' hospital. All deny the charges. Leading world AIDS experts have said they could not be responsible. Human rights groups say they are being made scapegoats for unhygienic practices which spread the infection before they even arrived.

Five years ago when I first visited the nurses in their Tripoli jail, Nasya was the quietest of them all. She hardly spoke. She preferred to ask questions and listen to the stories of the other four nurses locked up with her.

I learned then she had attempted suicide to escape the interrogations, torture, electric shock treatment and incessant mental torment from her guards. It was obvious that she was deeply traumatised.

At the end of last year when I last visited the nurses in the Judeyda jail, Nasya was still the least talkative. But I already knew her well and understood her additional torment. She was depressed and remorseful because she had been broken by the torture.

Confessions had been extracted. Her sense of guilt was intense and an almost unbearable burden. It was intensified by the nurses blaming each other for their fate. In an outburst of rage one of them had told Nasya: "If you had not signed, we wouldn't be here now!"

It was signatures, signed confessions made by Nasya, Christiana and Ashraf under extreme torture that provide the Libyan prosecution with its case against them. This was to condemn them to death by the Libyan judge.

"I wanted to die as I couldn't endure the electric shocks any more," Nasya had told me during our meetings in her prison cell, explaining why they had broken her. "As soon as I saw Colonel Djuma Mishri entering I knew they'd plug the wires to my fingers. I told him 'do whatever you want but not the electric shock treatment'. They gave me papers to sign in Arabic. Djuma always showed up just before and would say: 'You know what to do, you're good girl!' I just couldn't endure it any longer!"

Each of the five nurses has her own terrifying story to tell about the torture in the cells of the Libyan security services. After confessions had been extracted from the most fragile and vulnerable, their interrogators turned to the strongest in the group: Christiana Vulcheva.

Christiana Vulcheva never actually worked in the infected Benghazi hospital. But the Libyan prosecutor claimed she was the controller of the group of Valya Cherveniyashka, Snejana Dimitrova and Valentina Siropulo. She gave them their duties and flasks of HIV-contaminated blood plasma, he said.

Outside in Benghazi the people described her as a hard, heartless, foreign agent.

When I met her in the jail I told Christiana what they were saying. "I cannot cry anymore," she replied. "How could I cry when my tears dried long ago. If I had been a highly-trained agent, the torturing would probably not have broken me. They stripped me naked and stretched me out on an iron grill. They stuck wires in my groin, my ears and my fingers.

"The convulsions from the electric shocks were sometimes so violent that my grill tipped right over. There were moments when I fainted.

They poured buckets of cold water all over me. Djuma Mishri? Yes, he was the man who tortured me the most often. But the scars on my body are actually from somebody else: Abdelmadjid Shaul. In jail they called him 'The Chemist'."

Valya Chreveniyashka told me of the 'Dog Kennels', the centre for training police dogs where the nurses were imprisoned for some of the time.

"They wrenched me by my hair and thrust my head right up to the dog which was barking ferociously. I was terrified but then I thought 'this is an animal with feelings and it will not hurt me'." Valya was spared the electric shocks but they set large insects on her body, she said.

During one of our conversations, she pulled off her shoes and displayed her toes. The nails had fallen off. This had happened after several days of severe beatings with a stick on the soles of her feet.

Valentina Siropulo's worst torture was being beaten with sticks and a rubber hose.

Snejana Dimitrova, the eldest in the group, was strung up on hooks. Each time this happened her limbs were wrenched out of their sockets.

These are the terrifying stories behind those confessions which the Libyan Court accepted. They are the stories that have shocked all Bulgaria and have galvanised the nation behind the nurses.

Rossen Markov epitomizes the mood of the ever-growing national sympathy and solidarity.

For months he has camped out in a tent before the Libyan Embassy in Sofia. He heads an association in support of the nurses and their families and is always there in the front row of all anti-Libyan rallies in the Bulgarian capital.

Pinned to his jacket is a ribbon in the colours of the national flag. It reads: "You are not alone".
(ENDS/IPS/MM/AF/EU/IP/HD/DP/GM/PH/07)

(END/2007)

KYRGYZSTAN: Spared but Near Starving

by Kuban Abdymen

BISHKEK - The central Asian republic of Kyrgyzstan has adopted a new constitution specifically banning all taking of life and lawyers are now drafting revisions to its legal code replacing the maximum criminal sentence of death by firing squad with long prison terms.

Many independent lawyers and human rights activists here have welcomed this as an unequivocal ban on all state executions, saying the reforms were more progressive on this than anything in the constitutions of their immediate neighbours -- Kazakhstan, Uzbekistan, Tajikistan and China.

The new Kyrgyz constitution came into full force when President Kurmanbek Bakiyev signed it on January 16, 2007. Parliament had given its approved at its last sitting at the end of 2006. It was the

second constitution within two months with these changes, but the first was dropped in a presidential tussle with the opposition for the return some of the powers earlier wrestled from him.

"Every person in the Kyrgyz Republic has an inalienable right to life. No one can be deprived of life," article 14 declares. Conspicuously removed is an article specifying the death penalty for murder and some serious crimes, such as rape of minors. This had been in all Kyrgyz constitutions since independence from the Soviet Union in 1991.

"The death penalty has been abolished," a spokesperson on the parliamentary judicial reforms committee announced at a press conference immediately after the deputies approved the new constitution on December 30.

Confirmation of this was also later provided to IPS by Marat Zhamankulov, head of the justice ministry's department on prison reform: "There's not a word in the constitution about the death penalty. This means it no longer exists in Kyrgyzstan, either in law or practice," he said.

A parliamentary judicial reforms committee spokesperson added that some existing laws now needed altering to bring them into line with what was a clear constitutional ban on state executions. Draft proposals were currently being prepared.

The head of a specially created commission on police and law enforcement reform, Kubat Baybolov, confirmed that this was the next step.

"All that's needed now is to bring the legal code in line with the constitutional changes," he said.

"There haven't been executions in Kyrgyzstan for some time and there'll never be any again in the future."

Sources were unable to confirm when the necessary legal changes would be presented to parliament for approval. But the head of Bishkek's department of justice, Nurbolot Kurmanov told IPS that parliament was currently preoccupied with other more pressing issues.

Iskhak Masaliev, head of the parliament's constitutional committee, told IPS that the necessary changes in the criminal code would be made "as soon as our society is more ready".

Until the latest constitutional reforms, all executions had been halted by a death penalty moratorium. This had been in place since 1998 and was renewed annually by presidential decree.

The last renewal was on January 1, 2006 and was to be until the death penalty had been abolished in law in Kyrgyzstan. All sides in Kyrgyzstan now understand that with the latest constitutional reforms another prolongation is no longer necessary.

No official would say when the last execution was carried out or the name of the person. But the state prosecutor's office told IPS that the last two sentenced to death were Makhmujan Ruzimetov and Sabyrkul Batyrov. They were found guilty of the murder of the parliamentarian Bayaman Erkinbayev.

There are currently between 160 and 165 people in Kyrgyz jails sentenced to death, the non-governmental organization Civil Society against Corruption told IPS.

The final settling of the death penalty issue in Kyrgyzstan by an

altering of the constitution, appears to be a deft compromise between those who had different approaches to how a death penalty ban should be introduced in Kyrgyzstan.

Ombudsman Tursunbay Bakir-uulu had been calling on parliament to pass a specific law abolishing state executions.

"We tried to achieve this - but failed," he said.

"This was the idea I put forward together with the heads of the constitutional court and justice ministry. But the deputies rejected both the idea and our draft law.

"Their response was to suggest the holding of a national referendum on the death penalty issue. But we couldn't accept this. We felt this was an issue that should be decided solely by parliament."

Bakir-uulu apparently believed that in a referendum the public would have rejected a death penalty ban, according to members of his staff.

Nurbolot Kurmanov, the head of the department of justice in Bishkek, also said he believed a referendum would have resulted in the re-instatement the death penalty in country. Public anxiety over the economy, crime and corruption ran high and the death penalty was still widely perceived as a deterrent.

Opposition to a referendum -- and there have been several since independence -- was also expressed because of the cost. Kyrgyzstan's 5 million people are among the poorest in the world, according to the World Bank.

With the apparent settling of the death penalty issue, attention is now being focused on the country's dire prison conditions.

The Civil Society against Corruption earlier reported that death-row prisoners in basement jails of Bishkek and Osh were crammed ten to a cell designed for two.

Life expectancy behind bars was half that national average because of absence of medical attention and food shortages, one source reported

The tuberculosis was rife and often a reason for early release.

Prisoners barely survived on rations of 8 Kyrgyz Soms (17 US cents) a day, less than a quarter officially specified. This was just enough to buy a kilogram of potatoes, the sources said.

The prison system was entirely unprepared to cope with more life-term prison sentences, Kurmanbek Osmonov, the chairman of the Kyrgyz Supreme Court said.

The task now was to build new prisons and spend money on improvements and the conditions, said the parliamentary deputy Baybolov.

Justice Minister Kajypov has promised the prisons any budget surpluses.

"That means nothing will change in penitentiary system of Kyrgyzstan until situation in economy improves," one source commented.

"The exception has been the abolishment of the death penalty". (END/2007)

SAUDI ARABIA: Forgiveness Saves Lives from the Sword

by Emad Mekay

MECCA - The blazing headline read like this: 'Royal intercession saves two lives from the sword'. Literally, the governor of Mecca Province, Prince Makkah Abdelmageed bin Abdelaziz, who heads a committee for securing "forgiveness" for convicted murderers did help spare two from death by the sword.

The men were involved in two separate killings in this holy Muslim city. The first murdered his cousin, the second his brother. Both were Saudis, according the Saudi newspaper Al-Madinah.

But families of the murderers tapped into a law here that derives from the Islamic Sharia law called the "Pardon Provisions". This enables convicted murderers to appeal to the families of the deceased, also known as the "blood-owners", for forgiveness as instructed by the Qur'an.

The cases of the two cases here could then be transferred to the "Pardon Committee," a semi-official body formed from public figures and citizens known for their "wisdom, intellect and piety". These often are academics, religious men and activists who try to convince the 'blood-owners' to be forgiving.

This unique system, which has come under criticism mostly by Western human rights groups, allows the 'blood-owners', to offer a pardon in return for a dya, a sum of money or other compensation for the death. They may also offer a complete pardon solely "in pursuit of Allah's own sake and forgiveness".

Human Rights Watch has estimated that Saudi Arabia carried out more than 100 executions in 2005. It reports that Saudi Arabia imposes the death penalty for drug-related offences and robbery, crimes which should not be ranked among the most serious. Executions are often carried out by the sword.

But Saudis counter that the practice of "forgiveness" has recently been witnessing a revival as the country sees an upsurge in adherence to Islamic teachings. This means a reduction in the number of executions.

The Makkah "Pardon Committee" reports that with the its two recent successfully resolved cases, the number of pardons country-wide totalled 105 last year. This is in a country of 25.6 million people.

Mohammed Rabei Soliman, a journalist on the Al-Madinah newspaper who has followed such cases over the past 20 years, confirms that the number of victims' families accepting the pardon process is increasing. Publicity campaigns and "more people being aware of the benefits of forgiveness in Islam" were responsible.

"This is a deeply conservative society that abhors crime. So it only takes gentle reminding of the good aspects of forgiveness for people to embrace the idea. They trust the promise of Allah that those who forgive will be rewarded in this life and in the afterlife," he told IPS.

But even if the 'blood-owners' forgive, the state still has retains rights under the system. A judge may still sentence a murderer to a prison term - although this is usually no more than three years.

The "Pardon Committee" has other jobs. When families ask for dya money and the murderer cannot afford it, it steps in and approaches wealthy locals and businessmen to pay it.

"The system is based first and foremost on the public recognition of the enormity of the loss and the pain for the family of the deceased," Soliman of Al-Madinah newspaper said.

"Instead of giving the relatives of the deceased just one right, the right of revenge, they are in fact given an additional one - that of forgiveness and pardon. This is more justice not less. The Qur'an enjoins people in these situations to forgive and seek the rewards from Allah," he said.

"The principle of forgiveness however is based here on the principle of "qesas,". This simply means an 'eye-for-an-eye' and making someone pay for their mistakes. Yet the Qur'an also beseeches believers to think that forgiveness is far more rewarding," Soliman explained.

Many locals share his views. They say that some of the outwardly harsh penalties under the qesas system have given them low crime rates and an enviously high level of security in this country.

They point to the opposite in neighbouring nations which do not apply the system, such as the United Arab Emirates, also a Muslim nation.

Ghulam Abdelhakim, a Pakistani hotel worker, who has been working in Saudi Arabia for six years, says this is the best system he has experienced in the region.

"Nobody dares bring in drugs here," he said. "But in other Gulf countries, drugs are all over the place. People respect the law and the spirit of the law. I feel safer."

Badr al-Hassan, a Sudanese shop-owner, says the principles of qesas and forgiveness are good for Saudi society. "It's good to be able to deter by the qesas while be forgiving to those who deserve it at the same time."

But the pardon system may sometimes be long-delayed in coming into effect. Under the rule here, when a murderer has killed someone with young children, they must remain in prison until the children are mature enough to choose dya and forgiveness - or death by the sword.

Soliman remembers a case five years ago when the father of a murdered man refused to accept a huge amount of dya, compensation money. He was offered five million riyals (3 million US dollars). He also rejected the intervention of powerful public figures and members of the Saudi royal family.

"The father was very poor. In fact, he used to live on charity and donations and yet when his son was killed and the murderer was identified beyond doubt, he turned down the pardon process and insisted on revenge for his son," said Soliman.

"Eventually the murderer was executed in qesas punishment. Despite all of the public efforts, the father did not choose the pardon option. It just didn't convince him."

(END/2007)

RIGHTS: Death Penalty Better, Say Some, Than Slow Execution

by **Julio Godoy**

PARIS - Twenty-five years after abolition of the death penalty in France, some of its beneficiaries say they would rather face execution.

"We'd prefer an immediate end to our lives rather than being cooked slowly under a flame," ten prisoners condemned to life terms wrote in a recent open letter. Before abolition they would have been sentenced to death.

The signatories compared life in French prisons with the prospect of freedom only far into the future with 'slow execution'.

French human rights groups and lawyers associations agree the prisoners are right to complain about their long sentences.

"Abolition of the death penalty in France 25 years ago was a great step towards preserving human dignity," Paris lawyer Thierry Lévy told IPS. He is author of a book on the death penalty entitled 'Eloge de la barbarie judiciaire' ('In Praise of Judicial Barbarity') which was published in 2004.

"But the price some lawbreakers, and we as society, have to pay for this in the form of life imprisonment, is enormous," Lévy added.

Hamida Djandoubi was the last person to be executed in France in September 1977. He was sentenced to death for murdering his former girl friend whom he forced into prostitution.

More than 525 people are currently serving life sentences in France.

In the mid 1970s, the number was less than 200.

Lévy says the number of life sentences have increased as a "form of compensation" for the abolition of the death penalty.

"In the last years before abolition in 1981, the French judiciary rarely handed down death sentences," Lévy said.

"If you consider that the nature and the number of crimes have not worsened since 1981, there is no reason for applying life sentences so much."

A life sentence in France means at least 20 years in so-called "security detention" with no chance of the usual early release for good conduct or a presidential amnesty. Detention can be increased to 30 years and average is actually 27 years behind bars.

Lucien Léger, a "model prisoner", was until recently the longest-serving prisoner in France with 41 years behind bars.

It was not until human rights groups took up his cause that he was released after a year-long campaign in 2005.

Philippe Maurice, the last to be handed down a death sentence in 1980, was spared by an order on May 25, 1981.

He eventually served 20 years. In prison Maurice studied mediaeval history. After his release, he became a researcher, something of an

exception for someone so long locked away.

Maurice owed his reprieve to Robert Badinter, a criminal lawyer and member of parliament for the Socialist Party. He campaigned against the death penalty throughout the 1970s.

A close friend of François Mitterrand, the Socialist opposition leader at the time, Badinter convinced him to support the abolition of the death penalty during his 1980-1981 election campaign.

When Mitterrand won the election in the spring of 1981, one of his first reforms was to abolish of the death penalty. He appointed Badinter as his minister of justice.

Today Badinter is campaigning for reduction of prison sentences and for social reintegration of former criminals.

"One thing we should not forget is that all prisoners will one day or another come out of prison - alive. When this happens, they must be ready to live in society as normal human beings," he said at a press conference to mark abolition of the death penalty last October.

"Our judicial system must work on facilitating reintegration."

Many human rights groups consider French prisons especially inhuman.

International institutions and the French parliament have also openly condemned the prison system.

In 2000, a national parliamentary commission called French prisons "a dishonour to our Republican institutions."

Four years later, another parliamentary report said the "shameful conditions" had worsened.

In a report published early this year, Alvaro Gil-Robles, commissioner for human rights at the Council of Europe, Europe's top human rights body, said he was horrified at the "shocking" conditions in French prisons, particularly the overcrowding.

Gil-Robles cited the long-prison terms as one reason for the degrading conditions which deprived many inmates of their "most basic human rights".

Claude Lucas, released after spending some 20 years in prison for bank robberies, agrees the conditions are appalling.

"The death penalty is a shame for a democratic system," he told IPS. "But to abolish it just to replace it with life sentences is no better. Life imprisonment is torture - abandoned to a degenerative existence."

Lucas said no judicial system should give prison sentences longer than 20 years. "Beyond that nobody is able to restart a new, normal life."

"With life sentences, everybody loses - the convicted of course, but also society." (END/IPS/EU/HD/DP/JG/PH/07) (END/2007)

POLITICS: U.N. Officials Question Iraq's Rough Justice

by Haider Rizvi

UNITED NATIONS - The U.S.-backed government in Baghdad is facing harsh criticism from the international community for ignoring calls to adopt a policy of restraint with regard to carrying out death sentences against the members of Iraq's former ruling party.

Reacting to the hanging of Saddam Hussein's two close aides Monday, senior U.N. officials and human rights organisations warned that the government must end its policy of executions, which they see as serious violation of international human rights standards.

"Those responsible for serious human rights violations must be brought to justice," said Louise Arbour, the top U.N. official for human rights. "But to be credible and durable, the fight against impunity must be based on respect for international human rights standards."

"The imposition of the death penalty after a trial and appeal proceedings that do not respect the principles of due process amounts to a violation of the right to life," she said in a statement.

Hussein's half-brother Awad Hamed Al-Bandar and former intelligence chief Barzan Ibrahim Al-Tikriti were hanged early Monday morning despite calls from Arbour and others to commute their sentences.

Both Al-Bandar and Al-Tikriti were condemned to death for the killings of 148 Shias in 1982. Reports from Baghdad said Barzan's hanging left behind a headless body, bloodied at the neck.

Arbour, who opposes the death penalty "under all circumstances", said that in Al-Tikriti and Al-Bandar's case, "not only is the penalty irredeemable, it may also make it more difficult to have a complete judicial accounting of other, equally horrendous, crimes committed in Iraq."

Like Arbour, Ban Ki-moon, the new U.N. chief, seemed equally displeased with the Iraqi authorities' decision.

"He fully regrets that despite pleas by the high commissioner, they were executed," Ban's spokesperson Michele Montas told reporters. Clarifying his views on Hussein's execution, Ban said last week he believed that life "is precious" and that it must be "protected and respected".

Noting that international law affirms these values, the U.N. secretary-general said he recognised the "growing trend in international law and national practice towards phasing out the death penalty."

While Ban and other U.N. officials chose to confine their criticism of the executions to Iraqi authorities, rights activists said the U.S. government must be held equally accountable.

"If the international community is to restore confidence in the rule of law in Iraq, it must prosecute the individuals for the international crime of aggression against the Iraqi people," said Dr. Curtis Doebbler, an international human rights lawyer.

In Doebbler's view, only by calling for such prosecutions can the international community restore trust in the rule of law. "Failure to do so," he cautioned, "will send a clear message to vulnerable people

everywhere who have been subjected to U.S. aggression that they cannot depend on the rule of law to stop the U.S. and its collaborators from violating their most basic human rights."

Speaking to reporters in Egypt, U.S. Secretary of State Condoleezza Rice defended the executions by saying that it was an "Iraqi process". However, she expressed her displeasure with the way the executions were actually carried out. "We were disappointed there was not greater dignity given to the accused under these circumstances," she said.

Deploping the executions in strong words, the London-based human rights watchdog group Amnesty International said such actions were nothing but "a further slide into the errors of the past."

The group said the Iraqi court failed to meet international standards for a fair trial and raised serious questions about its impartiality and ability to assert independence from political intervention.

During the trial of Hussein and his aides, many believe that authorities forced the first presiding judge to step down and blocked the other's appointment while failing to ensure protection for witnesses as well as defence lawyers, three of whom were assassinated during the course of the trial.

Amnesty also noted that Hussein was denied access to legal counsel for the first year after his arrest, and said the appeals process was conducted in "haste and failed to rectify any of flaws of the first trial."

In addition to Monday's executions, rights groups expressed concern about the possibility of a death sentence for Taha Yassin Ramadhan, the former vice president. Though already sentenced to life imprisonment, he is likely to face another trial.

Reports from Baghdad said the hangings took place in the same building in the city where Hussein was executed on Dec. 30 and that the bodies of Al-Bandar and Al-Tikriti were flown to their ancestral town of Tikrit for burial.

According to Amnesty International, the use of death penalty has been on the rise in Iraq since its reintroduction in August 2004. Last year, at least 65 people were executed, many of them after unfair trials, the group said. (END/2007)

IRAQ: Furore over Execution Continues Unabated

by Dahr Jamail and Ali al-Fadhily

BAGHDAD - Expressions of outrage over the conduct of the trial and the manner of Saddam Hussein's rushed, chaotic execution are continuing unabated here as lawyers and human rights groups voice together their open criticism -- although some are still cautiously asking the media to withhold their names from publication.

Iraqi and international legal experts appear in agreement that the special court which sentenced the former Iraqi leader to the gallows was illegally set up and failed to meet international recognised standards.

They recalled that former UN Secretary General Kofi Annan said on Sep. 16, 2004 that the invasion and occupation of Iraq violated the UN

Charter. This made the setting up of the so-called special Iraqi High Tribunal to try Saddam illegal.

Two others sentenced to death, Barzan Ibrahim al-Tikriti, Saddam's half brother and a former intelligence chief, and Awad Hamed al-Bandar, the former head of Iraq's Revolutionary Court, were hanged early Monday. Barzan was decapitated, accidentally, authorities said.

The executions, and the manner of the executions, has added to the disquiet over the execution of Saddam, and the trial that led to it.

Throughout the lengthy trial of Saddam on war crimes many had voiced suspicions that the outcome was a foregone conclusion and had been pre-scripted by politicians in Baghdad and Washington.

"The verdict was pre-judged by the Bush administration and its Iraqi allies. The court was a disgusting comedy," a senior member of the Iraqi Lawyers' Union told IPS on condition of anonymity.

"The resignation of Rezgar Muhammad Amin, the first chief judge of Saddam's Dujail trial provoked serious questions among lawyers in Iraq and outside the country.

"It was clear that he resigned under pressure from the Iraqi government. They wanted him to take the case on another course that it was going."

Amin gave personal reasons for resigning as chief judge on the Iraqi High Tribunal in January last year, three months into the Dujail trial.

The Dujail trail focussed on an Iraqi government crackdown after a failed assassination attempt on Saddam in 1982. The action killed 148 Shiites.

A senior advisor at Iraq's Ministry of Justice, also speaking on condition of anonymity, told IPS that Amin's replacement, Judge Raouf, was under clear instructions from his assistant judges to deliver harsh verdicts against Saddam and the other co-defendants.

Criticism was also levelled at the atmosphere of deadly intimidation throughout the long trial which first started in October 2005.

A security colonel at the Ministry of Interior in Baghdad, also requesting not to be quoted by name, told IPS: "We wrote to the minister suggesting that by protecting the defence lawyers and witnesses we would be investing the court with integrity -- but our superiors ignored us.

"The result was that three defence lawyers were assassinated and some defence subjected to torture.

"The case should have been halted until proper protection was provided for these people." He added: "I and many of my colleagues believe Saddam deserved the death sentence, but not one issued by a weak court that did not serve justice or show even the minimal credibility."

The unconvincing prosecution witnesses and the courtroom dramas and scandals were also raised by critics here.

"Some witnesses were 10 years old or less at the time of the incident," Ahmed Saadoon, a lawyer from the city of Diwaniya, south of Baghdad, told IPS. "There were many contradictions in their statements."

The aggressive prosecution tactics brought discredit to the court proceedings, he said. "The Attorney General was so harassing. That made the trial look so bias," he said.

International human rights groups have also voiced their criticisms, calling the trial by a special court illegal and in violation of international law.

The UN Working Group on Arbitrary Detentions has ruled that Saddam's "deprivation of liberty" was "arbitrary". Its decision was passed on to Saddam's defence lawyers shortly before the final verdict and sentencing on Nov. 5, 2006.

The Working Group, made up of independent legal experts from Iran, Algeria, Paraguay, Spain and Hungary, spent more than two years collecting information before announcing its findings.

It based its decision on its interpretation of international treaties, particularly the International Covenant of Civil and Political Rights. It found article 14 of the Covenant had been violated in numerous ways.

Following the outcry over Saddam's hanging, Human Rights Watch issued a statement attacking Iraqi Prime Minister Nouri al-Maliki's fierce defence of the execution.

This showed the Iraqi government's "disregard for human rights and the rule of law," Human Rights Watch said. The rights group had called in vain on the Iraqi government to halt the upcoming execution of Barzan Ibrahim al-Tikriti and Awad Hamed al-Bandar.

The two had been sentenced to death with Saddam in the Dujail trial.

Human Rights Watch had earlier also criticised the Dujail trial as "fundamentally unfair" and Saddam's death sentence as "indefensible".

The Iraqi government now faces the prospect of being taken to the International Court of Justice at The Hague over the manner of Saddam's execution and allegations that his body was defiled after being cut down from the gallows.

Bushra al-Khalil, a lawyer on Saddam Hussein's defence team, told reporters here that she was planning to sue the government over the taunting of the former leader by his executioners on the gallows. This captured on video by a mobile phone and generated worldwide outrage when it was broadcast on TV stations across the world and across the Internet.

Khalil also she would also file a second action over allegations that executioners had violated Saddam's body after he was hanged, according to the Saudi daily al-Watan.
(END/IPS/MM/IK/IP/HD/DP/DJ/PH/07) (END/2007)

DEATH PENALTY-PERU: President's Bid Unlikely to Save Bill

by Angel Páez

LIMA - In an attempt to overcome the congressional defeat suffered by his death penalty bill, Peruvian President Alan García said he would seek a referendum to allow citizens to vote on whether or not they want capital punishment for terrorists.

Forty-nine members of Congress voted against García's bill late Wednesday and decided that it should be shelved. The initiative only won the support of 26 governing APRA party legislators and supporters of former president Alberto Fujimori, grouped in the Alliance for the Future. The session was attended by 75 of the 120 members of parliament.

In response, García said he respected the legislators' decision, but that it was "out of sync with the public, 80 percent of whom (according to the polls) are in favour of the death penalty for terrorists."

"When the political class fails to respond to what the people think, it seems anti-democratic not to consult them (by means of a referendum)," the president argued, after his first congressional defeat in his nearly six months in office.

But the president is unlikely to enjoy success in his bid to call a referendum.

The chairman of the congressional constitution commission, APRA lawmaker Aurelio Pastor, who had lobbied for approval of García's bill, told the press that the constitution does not allow a referendum to be held on an initiative that suppresses a fundamental right like the right to life.

One of the clauses of article 32 of the constitution states that the suppression of fundamental rights cannot be submitted to referendum.

The leader of the APRA legislators, Javier Velásquez, also expressed his doubts on the viability of García's proposal to hold a referendum.

"A constitutional reform would be necessary in order to submit the death penalty for terrorists initiative to referendum," Velásquez told IPS. "The APRA members of Congress have not met to analyse the president's new proposal."

"After the vote to shelve the bill, I believe it is improbable that Congress will approve a reform that would make it possible to call a referendum on the death penalty. For now, it is a closed issue for us, and we are working on other things."

A Constitutional Court magistrate who spoke to IPS on condition of anonymity said it would not be appropriate to call a referendum for the public to express its views on whether or not those found guilty of terrorism charges should be executed.

And if Congress did eventually approve García's proposal, the Constitutional Court would have the final say.

The "Democratic Constituent Congress" (Congreso Constituyente Democrático, CCD) created by former president Fujimori (1990-2000) after he dissolved the legislature in his Apr. 5, 1992 "self-coup", adopted the death penalty for terrorists.

At the time, the country was still in the grip of a civil war between government forces and the Maoist Shining Path (Sendero Luminoso) guerrillas and the smaller Tupac Amaru Revolutionary Movement (MRTA), when insurgents and suspected collaborators were imprisoned on terrorism charges.

However, Fujimori did not apply the death penalty, among other reasons

because the Inter-American Court of Human Rights reminded the government that as a signatory to the American Convention on Human Rights, it could not introduce the death penalty.

What García's bill would have done is to incorporate the death penalty in the penal code, in order to make it effective. But the legislators of the Nationalist Party, the Union for Peru and the National Unity coalition voted it down.

The failure of García's bill in Congress was also a defeat for the Fujimoristas who, in an undeclared parliamentary alliance with the APRA lawmakers, backed the death penalty initiative.

Both García and Fujimori are facing cases in the Inter-American Court, for human rights violations allegedly committed by their past administrations.

García was president of Peru from 1985 to 1990.

Fujimori fled to Japan in 2000 to avoid prosecution when his government collapsed amidst a major corruption scandal. He is currently in Chile, facing extradition to Peru on corruption and human rights charges.

Juvenal Ordóñez, spokesman for the Nationalist Party -- whose members voted against the death penalty bill -- said that behind the initiative lurks a desire to challenge the American Convention on Human Rights, with the ultimate aim of refusing to comply with the imminent Inter-American Court rulings, which are expected to find García and Fujimori responsible for human rights abuses.

"We rejected García's bill because we discovered that it was concealing the government's aim of denouncing the American Convention on Human Rights and withdrawing from the jurisdiction of the Inter-American Court. Why? To try to save his ally Fujimori, and for García to save himself, because sentences for human rights violations committed by their governments will soon be handed down," Ordóñez told IPS.

Asked about García's proposal for a referendum, Ordóñez said "That shows that the president has not read the constitution. A referendum is prohibited when the right to life is involved."

Legislator Luisa María Cuculiza, a representative of the Fujimorista lawmakers, confirmed that they would back García's proposal to call a referendum.

"We agree, because the people will have the possibility to decide whether or not they want the death penalty for terrorists. Consulting them is part of democracy. Didn't they want democracy? Well, there they have it," she told IPS.

Constitutionalist lawyer Aníbal Quiroga León told IPS that a referendum "would violate the fundamental right to life," and that a referendum for abolishing the death penalty would be more viable.

"Applying the death penalty would imply, in juridical terms, restricting a fundamental right -- the right to life. It would be unconstitutional and should not be proposed, and the election

authorities should not accept the request for a referendum. The government should consider the case closed," Quiroga told IPS.

García introduced the death penalty for terrorists bill to Congress in November, but the APRA legislators held a surprise debate on it after the Inter-American Court ruled that Fujimori and the Peruvian state were responsible for the May 1992 massacre of 41 prisoners facing terrorism charges in Canto Grande prison in Lima, a month after the former president's self-coup.

The Inter-American Court ruled that the victims did not die as the result of a shootout triggered by a riot mounted by prisoners belonging to Sendero Luminoso, as was officially reported by the Fujimori administration, but that they were singled out and killed by the security forces. The victims included some of the main leaders of Sendero.

The Court ruling ordered the Peruvian state to pay reparations to the families of the victims of the massacre and to pay public homage to the victims.

The second part of the sentence drew a loud protest from President García, who announced that he would consider whether or not to comply with the ruling.

APRA leaders like Mauricio Mulder and Javier Velásquez even warned that Peru might withdraw from the jurisdiction of the Inter-American Court.

Velásquez said he and his fellow APRA lawmakers did not feel that they had been defeated in Congress. "We proposed what people in the streets are calling for: the death penalty for terrorists. If Congress decided not to listen to the voice from the streets, then we had better take a look at what is happening, why Congress is out of step."

Ordóñez, however, said the real defeat was for García himself.

"Of course this is a political defeat for President García, since he was the driving force behind the introduction of the death penalty for terrorists," said the National Party congressman. "Congress refused to commit itself to a question that would force us to allow people to be killed, in the name of the state and justice, which is something we do not want to be involved in. We do not want dead people on our conscience."

The president of the non-governmental Human Rights Commission (COMISDEH), Miguel Huerta, applauded the vote by Congress. "President García's proposal implied a violation of the American Convention, because it was a clear violation of the right to life," he told IPS.

"Approving it would have put us in a controversial position on the international stage. And contrary to what APRA says, the vote against the bill is not a step backwards in the fight against terrorism, because we have very stiff laws. The Sendero leadership was recently sentenced to life in prison," he added.

What most drew the attention of local human rights groups, said Huerta, was that the arguments set forth by García and his party coincided with those of the Fujimoristas. "And who would benefit the most? Fujimori," he argued.

García had also presented another death penalty bill, one that would provide for capital punishment for child rapists. Passage of that law, however, would require a constitutional amendment.

Velásquez said that after this week's decision, approval of the child rapist death penalty bill is unlikely. "I think that before submitting the bill to debate, we should seek a consensus, otherwise we will lose again when it goes to vote," he said. (END/2007)

News from International NGOs

USA: 30 YEARS OF EXECUTIONS, 30 YEARS OF WRONGS

If the USA's capital justice system was a private company it would have been shut down long ago, says Amnesty International. After three decades, this is an enterprise showing no measurable benefit for society despite an investment of billions of dollars. On the cost side have been multiple errors and inconsistencies, racism, cruelty and damage to the national image abroad. This business may repeatedly be making a killing, but it is operating at a huge loss, and has been from the outset.

Executions resumed in the USA on 17 January 1977 after a decade without them. By 16 January 2007, there had been 1,059 executions. A third of these killings – 380 – had been carried out in Texas, which is set to mark the 30th anniversary with another execution.(1) In the same 30 years, some 70 countries have abolished the death penalty, bringing to 128 the number that have turned their backs on judicial killing.

There are signs that the USA, too, is slowly turning against the death penalty. The 53 executions in 2006 was the lowest annual total for a decade, and death sentencing continues to drop from its peak in the mid-1990s. The number of people sentenced to death in 2006 was the lowest since 1977.

An erosion of the public's belief in the deterrence value of the death penalty, an increased awareness of the frequency of wrongful convictions in capital cases, and a greater confidence that public safety can be guaranteed by life prison terms rather than death sentences have all contributed to the waning of enthusiasm for capital punishment.

SINGAPORE HANGS TWO AFRICANS

Twenty-one year old Iwuchukwu Amara Tochi from Nigeria and South African citizen Okele Nelson Malachy, aged 35, were hanged on January 26 at 6am, at Singapore's Changi Prison, reported Amnesty International. Okele Malachy's execution date had not been reported and it was expected to be announced at a future date. The two men were executed despite appeals from the Nigerian government and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, calling on the Singaporean government not to proceed with Tochi's execution. The UN Special Rapporteur stated that Tochi's trial did not ensure the fundamental human right to presumption of innocence.

AMNESTY CALLS FOR END TO THE KILLING IN GUINEA

Since January 10, 2007 more than 30 people have been killed by the security forces while taking part in demonstrations, with Monday Jan. 22 being the bloodiest day by far according to many sources, Amnesty reported. This statement was issued today by Amnesty International, which is appealing to the Guinean authorities to put an immediate stop to the killings. Amnesty International said in a statement it was concerned at the excessive use of force by the military and the police who, since the January 2007 demonstrations began, have repeatedly fired live bullets at unarmed demonstrators demanding the departure of Lansana Conté, the Head of State who has been running the country since 1984. Several witnesses have told Amnesty International that the security forces, including members of the military, used their firearms against unarmed demonstrators, including minors. One of these witnesses told Amnesty International that a ten-year-old boy, Souleymane Ba, was fatally wounded during the demonstration in the district of Simbaya in the commune of Ratoma in the capital, Conakry, on January 17, 2007.

AMNESTY CALLS FOR RELEASE OF SIX FOREIGN MEDICS IN LIBYA

Amnesty International is calling on the Libyan authorities to release the six foreign health professionals who were sentenced to death on December 19, 2006 after being convicted of deliberately infecting 426 children with HIV, some 57 of whom have since died of AIDS. Amnesty International is making this appeal for a number of reasons. Firstly, the organization believes that the health professionals – a Palestinian doctor and five Bulgarian nurses – have now been denied the right to a fair trial on two separate occasions, despite the repeated calls that it and others have made over a number of years for this fundamental right to be respected. Secondly, it considers that, after this passage of time, there can be little prospect now of their being tried in conformity with international fair trial standards. Thirdly, the evidence that they deliberately infected children with HIV is weak and, at least, inconclusive, suggesting strongly that these foreign nationals have been wrongly accused of responsibility for the tragedy which occurred at al-Fateh Children's Hospital in Benghazi.

CONCERN OVER REPORTED UNLAWFUL KILLINGS BY SECURITY PERSONNEL IN ASSAM

Amnesty International is concerned at reports of shootings, allegedly carried out by Central Industrial Security Force (CISF) personnel, that resulted in the death of two local businessmen near Geleki town, Sivasagar district (a town outside CISF jurisdiction in Upper Assam) on January 23, 2007. A third businessman was seriously injured.

Amnesty International would like to remind the Indian authorities that they are obliged, under both international human rights law and the Indian Constitution, to ensure that no one is arbitrarily deprived of their right to life. According to reports, Mr Nilikesh Gogoi, Mr Bholu and Mr Arun Saikia were returning from a coal depot in Anakbati when the shooting took place. According to Arun Saikia, who is currently undergoing treatment for bullet wounds to his stomach, CISF personnel overtook their vehicle when they were returning from Anakbati, a town bordering Nagaland, at approximately 23.30 and without warning immediately opened fire on the unarmed civilians. European battle."

RWANDA KILLINGS THREATEN JUSTICE FOR GENOCIDE

Rwandan police and judicial authorities must ensure prompt and effective law enforcement to deal with recent killings of participants in the justice system for genocide known as gacaca, Human Rights Watch said in a report published on Jan. 22. The 20-page report, "Killings in Eastern Rwanda," documents two incidents in late November 2006 in which 13 persons were killed. On November 19, genocide survivor Frederic Murasira was killed in the commercial center of Mugatwa in eastern Rwanda. Within hours, residents of a nearby village inhabited by genocide survivors killed eight Mugatwa residents who apparently had played no part in the murder. The victims included children aged three, six, eight and 13, as well as two women and a 70-year-old man. One suspect has surrendered to police and has been arrested for the killing of Murasira, and several others have been detained for the reprisal killings.

"Killings of genocide survivors cost human lives and threaten the delivery of justice," said Alison Des Forges, senior Africa advisor to Human Rights Watch. "Prompt and effective law enforcement is the way to deal with this threat, not reprisal killings. Reprisal killings have been rare in the past, but if they become more frequent, they could spur a new cycle of violence." Gacaca jurisdictions,

established to prosecute crimes committed during the 1994 genocide, have been trying suspects throughout Rwanda since July. Since that time, survivor groups have expressed alarm at attacks on survivors and witnesses.

SAUDI ARABIA EXECUTES 3 FOR DRUGS, ROBBERY AND MURDER

Saudi Arabia executed two Saudis and a Pakistani man for drug smuggling, armed robbery and murder, Hands off Cain reported Jan. 31 citing local media. A statement on state news agency SPA said Pakistani Khan Zadeh Abdul Qayyoom was put to death in Riyadh after being found guilty of trying to conceal heroin in his stomach. Saudi nationals Salama Al Khelwi and Samir Al Mutairi were put to death in Madinah for a series of bank and highway robberies, according to a separate statement carried by SPA. Al Khelwi was also found guilty of murdering an Egyptian resident.

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BULGARIAN NURSES TO BE SPARED EXECUTION

Libya will not execute five Bulgarian nurses and a Palestinian doctor sentenced to death last month, the son of Libyan leader Muammar Gaddafi said in a newspaper interview, calling the verdicts unfair, Reuters reported Jan. 29. Libyan court sentenced the six for intentionally infecting hundreds of children with the HIV virus in a case which started eight years ago and that has triggered widespread international concern about its fairness. Speaking to the Bulgarian daily newspaper 24 Chasa, Gaddafi's son, Saif al-Islam, said a solution would be found soon to save the six and satisfy families of the infected children, but he gave no details. "There will be no executions. I hope there will be a happy end soon ... My father is also against the executions," said Saif al-Islam, Gaddafi's leading envoy.

"The case went in the wrong direction from the very beginning. There were many manipulations in the original files, many errors ... This is why we should seek a compromise," Saif al-Islam said, adding Tripoli had already discussed a plan with Germany and France. Saif al-Islam said the outbreak was due to negligence, not conspiracy, but Bulgaria, Libya and the European Union should meet families' demands and help with the children's treatment.

EVIDENCE AMERICA IS LOSING FAITH IN DEATH PENALTY

America's attachment to the death penalty is well-rooted but there are significant signs that US courts, politicians and public opinion may be turning against capital punishment, Financial Times reported on Jan. 8. It said: On Friday, the US Supreme Court agreed to set a new standard for when a death row prisoner is too mentally ill to be executed without violating the constitution. On Monday, the justices will consider whether to force attorneys representing death row prisoners to take extraordinary measures to persuade juries to spare their lives. And next week the court will hear three cases that could have a significant impact on the imposition of the death penalty in Texas – the heartland of capital punishment – where nearly half of last year's executions took place. The Supreme Court's scrutiny of the practice comes against a background of growing public unease about the way prisoners are executed in many states, and the possibility that some might be innocent. A nationwide Gallup poll last year showed a big drop in public support for the death penalty. It showed Americans divided over the best punishment for murder – death or a life sentence without parole – after many years in which capital punishment was strongly preferred.

EU AGAINST DEATH PENALTY IN IRAQ

The European Commission, the EU's executive body, reiterated on Jan. 8 its position against the death penalty in Iraq and elsewhere, IRNA reported. "The EU and its member states are against the death penalty regardless of individual cases and circumstances," said chief European Commission spokesman Johannes Laitenberger. He was replying to a question by reporters if the EU will call for moratorium on executions in Iraq. "This position is crystal clear and this position does not need any further interpretation. The EU is opposed to the death penalty, In this case and in any other case," added the spokesman.

The Iraqi government has said that it will carry out the execution of ex-Iraqi intelligence chief Barzan Ibrahim al-Tikriti and revolutionary court chief Awad Ahmed al-Bandar despite international pressure. In November, an Iraqi court found Barzan and Bandar together with Saddam Hussein guilty of crimes against humanity for the killing of 148 Shiite civilians in the 1980s.

PERU MOVES TO RESTORE DEATH PENALTY

Alan Garcia, the president of Peru, has said he will change the country's constitution to allow a referendum on the re-instatement of the death penalty, agencies said. In a statement issued late on Saturday, Garcia said he would seek a referendum to change Article 32 of the constitution, which says cases limiting basic rights are not subject to referendums. Garcia's proposals to re-instate the country's death penalty were part of campaign pledges that won him last year's election in the Andean country.

His statement said that at the same time as holding a referendum on changing the constitution he would hold a referendum on executing child rapists. Earlier last week Garcia proposed a nationwide poll on capital punishment to be applied for terrorists.

DE FACTO PARLIAMENT OF ABKHAZIA ABOLISHED DEATH PENALTY

Abkhazian de facto Parliament has established moratorium on death penalty. The information has been spread by the news agency Apsnipress. Based on the legislation death penalty has been changed by imprisonment from 15-25 years, and for high treason or military treason - imprisonment for life.

The Moratorium has been functioning on the territory controlled by de facto Abkhaz government since 1993. And on January 12 2007, the so called Parliament received relevant law. According to the law, moratorium on death penalty will function only during the period of peace.

ISLAMIC COURT IN IRAN SPARES TEENAGE GIRL FROM DEATH PENALTY

After initiating an international campaign to save the life of her Iranian namesake, human rights activist, Bodog Music recording artist and former Miss Canada Nazanin Afshin-Jam received confirmation Jan. 15 that the murder charge against 19-year-old Nazanin Fatehi has been dropped, according to the Earth Times. Nazanin Afshin-Jam's relentless campaign included a petition signed by 330,000 people, countless speeches and rallies worldwide and months on the media circuit as well as support from the International Committee Against Execution, Amnesty International, Canadian members of Parliament, the European Union and the United Nations. The effort appears to have been successful and Nazanin Fatehi may be released from prison within a week.

Fatehi was sentenced to death for murder by a court in Iran after she stabbed, in self-defense, one of three men who attempted to rape her and her 15-year-old niece in a park in Karaj, a suburb of Tehran, in March 2005. She was 17 at the time. On June 1, 2006, following extensive international pressure and news coverage, the Head of Judiciary, Ayatollah Shahroudi, announced a stay of execution and a new trial.

ITALIAN FOREIGN MINISTER SLAMS HANGING OF SADDAM'S AIDES

Speaking on the last leg of a four-day tour of the Persian Gulf, Italian foreign minister Massimo D'Alema criticised on Jan. 15 the execution of two aides of late Iraqi leader Saddam Hussein. D'Alema told a joint press conference in Abu Dhabi with his United Arab Emirates (UAE) counterpart Adballah Bin Zayed Al Nahyan: "We believe that in the current Iraqi situation, executions will not help the country's peace process," the Global Information Gateway AKI quoted D'Alema saying.

Two former aides of Saddam Hussein, Barzan Ibrahim al-Tikriti and Awad Hamad al-Bandar, were executed on Monday before dawn in the Iraqi capital Baghdad. Barzan Ibrahim al-Tikriti was Saddam's half-brother and served as the head of his feared secret police, the Mukhabarat. Awad Hamad al-Bandar was chief justice of the Iraqi Revolutionary Court.

Both were found guilty of crimes against humanity for the killing of 148 Shiites in the city of Dujail in 1982. The execution occurred in the same building where Saddam Hussein was hanged on December

30. "We are against the death penalty in principle and stress once again our position," said D'Alema on Monday, adding that "despite the divergences with the countries visited in the past few days, we have found a common concern in the Iraqi situation."

THE DEATH PENALTY HAS OUTLIVED ITS TIME

In a column in News Observer Jan. 22 Matthew Robinson wrote: It's been more than three years since the state Senate approved a two-year moratorium on executions, but the House still has not passed a similar bill, and so there is no pause in North Carolina executions. A moratorium would allow the practice of capital punishment to be carefully studied in order to determine whether it has "fatal" problems.

Although polls show a majority of North Carolinians support a moratorium, policy-makers should know that one is not necessary. Capital punishment experts already know well the problems that plague death penalty practice here and nation-wide.

Citing a study of scholarly experts on capital punishment -- people who have long taught and conducted research about the death penalty, Robinson said they overwhelmingly oppose the penalty, call for its abolition and favor alternatives that include life imprisonment without parole. The death penalty fails to achieve its goals of retribution, deterrence and incapacitation. Because killings so rarely lead to an execution in the United States, capital punishment does not achieve justice for society or for relatives of murder victims, does not sufficiently scare would-be murderers and does not kill enough murderers to have any impact on the murder rate.

Nationally, between 1977 and 2005 there were 575,437 murders and non-negligent homicides. These led to only 6,934 death sentences and 1,004 executions. Thus, only 1.2 percent of the killings led to death sentences, and only 0.17 percent have resulted in an execution so far. From 1977 to 2005, North Carolina averaged only 14.5 death sentences and 1.6 executions per year, in spite of suffering approximately 594 murders annually. The rarity of the death penalty is precisely why it is so ineffective and inefficient.

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DEATH PENALTY: TOWARDS A UNIVERSAL MORATORIUM

By Elisabetta Zamparutti (*)

ROME, Jan (IPS) With passage of the United Nations Moratorium on Executions likely in the current General Assembly, we are on the verge of obtaining a major victory for humanity and a civil and political advance for the entire world which the Non-violent and Transnational Radical Party and Hands Off Cain have been seeking for fourteen years.

Last June "Hands off Cain" launched the "Hands Off Saddam" initiative to prevent the execution of the ex-Iraqi dictator. Radical Party founder Marco Pannella revived this effort and aligned it with the general goal of a UN global death penalty moratorium by beginning a hunger strike on December 27. Hands Off Saddam grew out of the Free Iraq campaign introduced in 2003 by Pannella to promote the exile of Saddam Hussein as an alternative to war in Iraq. It was then followed by the First Major World Satyagraha for Peace held by the Transnational Radical Party to create a non-violent alternative to crisis in the Middle East. Satyagraha is the form of non-violent resistance practised by Gandhi.

After the execution of Hussein and through the moratorium campaign, Hands Off Cain and the Radical Party have succeeded in making everyone understand, even in the Arab world and beginning with the Cain of our time, the urgency of preventing a widening cycle of violence and war, in Iraq and elsewhere, which would have incalculably disastrous consequences. Usually a goal that has been sought for twenty years effort is not suddenly reached in a few days. It was non-violent actions that were responsible for convincing the public of the urgency of a measure like the UN moratorium and so accelerated the historic process of abolitionism.

Since 1994, when a resolution for a moratorium was first presented in the General Assembly by Italy and failed by just eight votes, 45 countries have passed from being death penalty supporters to being abolitionists. Since then, the UN Human Rights Commission has made a number of pronouncements in favour of the moratorium, but passage in the General Assembly was consistently blocked by the European Union, which used various arguments regarding the presumed absence of enough votes for passage or the idea that abolition was better than a moratorium.

But voting predictions from Hands Off Cain and verified by the Italian government had been known for some time: the moratorium would pass with between 99 and 106 voting for, 18-25 abstaining, and 61-68 voting against.

London has led the opposition to the moratorium. The reasons are clear: its privileged relationship with the United States and especially its position as head of the Commonwealth, the organisation of its former colonies, many of which still practice capital punishment. It should be said, however, that this is the attitude of those "more royalist than the king": for example, of the 50 states that make up the US, 12 are completely abolitionist, while of the 38 with a death penalty statute, 14 have put a hold on executions, whether because of court decisions or because of legislative or political measures (as is the case with New Jersey and Illinois). In addition, public support for the death penalty has reached a historic low in the US since the revelations that over 100 people that had been sentenced to death were subsequently found to be innocent.

The startling drama and horror of the death penalty in the world today, however, is to be found largely in the 98 percent of the world's 5000 years executions that are carried in totalitarian and repressive countries. It is because of the nameless and forgotten victims of the death penalty in these countries that a universal moratorium is so very important.

On 22 January there was a meeting of the foreign ministers of the European Union to decide how to proceed at the reopening of the General Assembly, after the directors-general of political affairs in Dresden and human rights experts in Brussels had come to an agreement on supporting a moratorium, spurred also by the fact that a declaration against the death penalty presented in December by the Finnish Presidency of the EU was supported by 85 countries, with others later coming on board.

There remains resistance in the EU, however, from certain countries that are not convinced that the resolution can pass. Thus it is important that the initiative not be billed as a European Union project. Abolitionism is no longer just the prerogative or monopoly of the old continent. Indeed there are clear signs from every part of the world of a willingness to abandon the death penalty.

Hands off Cain and the Radical Party are completely committed to all of this. The effort is further aided by the support offered in recent days by 918 people in 41 nations who have joined the hunger strike of Marco Pannella for one or more days, and by 49,772 people in 133 countries or territories who have signed a petition asking the UN Secretary General to impose a moratorium.

Only by strengthening the non-violent initiative front can we win this battle for humanity and civilisation, and for this reason we ask for support via our website, <http://www.radicalparty.org>.

(*) Elisabetta Zamparutti is curator of the annual report of Hands Off Cain, "The Death Penalty in the World" and a leader of the Radical Party.

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