



IPS, the global news agency, brings you independent news and views on capital punishment. In this newsletter you will find in-depth reports by IPS correspondents from around the world and columns by experts, in addition to special sections for news from international NGOs and a review of the global media for a glimpse of what is happening on the ground. Join us in helping strengthen awareness about the abolition of death penalty – and encourage your friends and colleagues to subscribe to this free monthly newsletter.

ZIMBABWE: Death Penalty Stifling Free Speech

By Stanley Kwenda

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CARIBBEAN: Amid Increased Murders, Calls for Hanging

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DEATH PENALTY-PAKISTAN: Too Many Dubious Convictions Say Activists

By Zofeen Ebrahim

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RIGHTS: Executions Create Generations of Victims

By Mithre J. Sandrasagra

UNITED NATIONS - "They're going to kill him because he killed somebody, so when they kill him, who do we get to kill?" asked the 10-year-old daughter of Christina Lawson at the time of her father's execution by the U.S. state of Texas in 2005.

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RIGHTS-PHILIPPINES: UN Probes Extra-Judicial Killings

By Marwaan Macan-Markar

BANGKOK - A 10-day visit by a United Nations investigator to the Philippines, starting Monday, is being welcomed in some quarters as a chance to expose an alleged campaign to "exterminate left-wing activists" in that South-east Asian nation.

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GRENADA: Death Sentence Thrown Out for Bishop's Killers

By Peter Ischyron

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ZIMBABWE: Death Penalty Stifling Free Speech

by Stanley Kwenda

HARARE - Zimbabwean rights activists are campaigning with unprecedented vigour for an end to the death penalty as the country's political and economic crisis deepens, arguing that this is essential for an open debate on the nation's future and its joining the "civilised democracies of the world".

"The death penalty is a threat to freedom of speech," Edson Chiota, the national coordinator of the Zimbabwe Association for Crime prevention and Rehabilitation of Offenders (ZACRO) told IPS. He was interviewed while attending the Third World Congress against the Death Penalty in Paris at the beginning of February.

"The government is trying to silence the opposition. If you publicly criticise the state leader, there's a good likelihood that you will be charged with treason. That's a threat to be feared. Treason carries the death penalty," Chiota said.

Zimbabwe activists recall how two leading politicians were charged with treason in a campaign of intimidation before past elections.

Morgan Tsvangirai, the leader of the main opposition party Movement for Democratic Change (MDC) has been charged with treason three times, the last just ahead of the 2002 presidential elections. This trial lasted almost two years. It ended with a surprise acquittal.

Ndabaningi Sithole, the leader of the Zimbabwe African National Union (ZANU) was also charged with plotting to overthrow the government. This was just ahead of the 1996 presidential elections.

But he was found guilty. He was sentenced to five years in prison, but released because of failing health. His sentencing disqualified him from attending parliament until his death three years later.

Both politicians claimed they had been framed by the state security service.

Launching ZACRO's national anti-death penalty campaign with a newspaper article on Jan. 4, Wonder Chakanyuka, ZACRO's information and publicity officer, side-stepped the issue of how the death penalty was being used to silence dissent. He stressed rather that it was alien to the country's African traditions and left-over relic from colonial times.

"It was used to intimidate and eliminate black people and as Zimbabweans we cannot continue having this law on our books," he wrote in an opinion article.

"An increasing number of African states have abolished the death penalty and Zimbabwe cannot afford to be left behind," he added.

The article in the state-backed newspaper 'The Herald', ended with an editorial note that ZACRO's crusade against the death penalty was not party-based and should not be used to "demonise" the country.

This appears to confirm ZACRO's view that Robert Mugabe's regime will not block its campaign.

"We have never clashed with the government on this issue," Chiota said. "They are letting us go free. This means that they want to leave the public to take up its position."

ZACRO's campaign is likely to gather strong public support from many non-governmental organisations, churches, traditional leaders, lawyers and even members of the justice department.

"Killing someone for an offence will not change or solve anything," David Chimhini, executive director of the Zimbabwe Civic Educational Trust (ZIMCET) told IPS.

"No one has the right to kill another."

ZIMCET advocates life sentences in place of the death penalty for the most serious crime of murder.

The Human Rights Trust of South Africa (SAHRIT) has also staunchly come out against the death penalty. The death penalty should be replaced by life imprisonment for "reflection and reform".

"The courts can sentence someone to death, but they cannot be 100 percent sure that the person has committed the crime," Noel Kututwa, its executive director, told IPS.

He expressed scepticism that the Mugabe regime would listen to the voices of the abolitionists. "I don't see the government moving an inch on the death penalty law," he said.

Zimbabwe lawyers have also expressed concern over the possibility of judicial error and are likely to strongly back the ZACRO campaign on this issue.

One of the most tragic cases was that of Sukoluhle Kachipare, a mother who was condemned to death for allegedly inciting her 17-year-old maid to murder her own new-born child.

Only a concerned nation and international campaign saved her from the gallows in 1997. She would have been the first woman to be executed in Zimbabwe since 1898, when the British colonial regime executed the spirit medium Mbuya Nehanda.

Though Kachipare's sentence was first confirmed by the Zimbabwe Supreme Court, lawyers continued her legal battle. She was eventually acquitted, Stanford Moyo, president of the Zimbabwe Law Society told IPS.

Church groups are expected to take part actively in the ZACRO campaign -- especially Christian churches. There are roughly seven million Christians in Zimbabwe, just over half the population.

Anglican bishop Sebastian Bakare has publicly preached that state killing is against "the word of God and all biblical commandments".

"It does not prevent people from committing violent crimes. Rather, it creates an illusion that violent crime is under control and being eliminated," he told IPS in an interview.

All groups are likely to rally behind the campaign's call for an end to the secrecy surrounding the death penalty issue in Zimbabwe.

"The lack of public information is the biggest concern," Irene Petras, the acting director of Zimbabwe Lawyers for Human Rights, told IPS.

ZACRO's Chiota complains that his organisation is barred from visiting any death row prisoner. "We can't say anything about them. Only the authorities know their situation exactly."

High Court records show the number on death row totals 47. But efforts by IPS to obtain a list of the names was met with the response "classified information".

ZACRO now intends to take its anti-death penalty campaign to all ten provinces in the country. It has plans to print and distribute millions of pamphlets and posters. Everyone in the country will be offered a campaign T-shirt.

But only with outside funds will it be possible to finance such ambitious plans. Though nearly 100 years old, the prisoners' rights organisation still operates from humble offices in the old township of Mbare in Zimbabwe's capital, Harare.

Inflation is currently the highest in the world -- some 1,600 percent. Unemployment is over 85 percent and the economy is in a free fall. A third of all men and women between the ages of 15 and 49 are HIV positive.

But rather than despairing, ZACRO activists seem undeterred.

"We are trying to get a movement going. There's never been a fully-fledged campaign before to make this issue really visible," said Chiota.

"When the death penalty is gone, we believe that people will come out of their shells and express their hopes and wishes." (END/2007)

DEATH PENALTY-JAPAN: Killing Suspense

by **Suvendrini Kakuchi**

TOKYO - Last Christmas Day is etched into the memory of Kaoru Okashita, 60, a Japanese prisoner on death row. In the distance he heard the footfall of guards marching steadily towards his cell early in the morning -- and then miraculously passing by without halting.

"I thought the time had finally come for me to die," Okashita wrote to his friend and poetry teacher Keiko Mitsumoto. "When the guards passed my door, I heaved a sigh of relief." Okashita and Mitsumoto have been exchanging letters through prison bars since 2004.

Okashita had every reason to feel blessed. On Dec. 25 of last year, four of his fellow death row inmates were hanged, including Yoshie Fujinami, 72, a semi-invalid who could hardly stand, according to activists.

Their executions took place after a lull of 15 months. The new justice minister Jinen Nagase was showing he had no qualms unlike his Buddhist predecessor about signing execution orders. Nagase is an open supporter of capital punishment.

"It is important to consider the feelings of the victims and the public," he has said. "The social order has to be maintained."

Such strong views reflect the majority of Japanese public opinion.

Two years ago, a cabinet office survey showed that more than 80 percent of the Japanese supported the death penalty. More than half the population believed it was an effective deterrent and just retribution for any killing, according to press reports at the time. Only six percent expressed open opposition to the death penalty.

But among these opponents are a growing number of individuals actively taking a stand. Mitsumoto, 61, is one. A teacher of tanka (poetry), Mitsumoto responded to a letter from Okashita requesting her to accept his verse.

"I oppose the death penalty not as an issue of justice but simply on the basis that life is precious," Mitsumoto told IPS. "Through Okashita's poetry and letters, I know that he has learnt to value life again and that is why I want him to live."

The touching story of the friendship between a convicted for murdering two people in 1989, and his sympathetic poetry teacher became public here with the December publication of a tanka anthology, 'The Beginning of the End'. Edited by Mitsumoto, it includes poems sent to her by Okashita in letters he sends once or twice a month.

Okashita's poems express deep remorse for his crimes and his fear of social rejection.

Opponents of the death penalty agree that the Japanese public is rigid and unforgiving. This explains the near-total support for the death penalty, they say.

"Japan's extremely conservative sense of social order reinforces the view that people who commit crimes deserve the severest of punishments," said Misaki Yagishita of Amnesty Japan. "This is why there is still lingering support for the death penalty. It's seen the best way of ridding society of criminals."

Japan's anti-death penalty activists are focusing their campaign on the country's method of execution. They said that death by hanging is especially cruel. It can result in decapitation.

They also accuse the authorities of a callous disregard for the rights of the person awaiting execution. Singled out is the 'unjustifiable' practice of keeping secret the date of the execution from the death row inmate and family. Testament to this practice is Okashita's post-Christmas letter to his poetry teacher.

Other death row inmates have also told of how they listen for the early morning footsteps of their guards -- their only way of knowing of their approaching execution. Only after the hanging will their families be informed.

Campaigning anti-death penalty activists are now taking their campaign into the courts. Recently, Shuichi Adachi, a lawyer based in Hiroshima, filed a legal challenge to the practice of barring death row prisoners access to their lawyers. The condemned are only allowed to meet with their immediate family and religious representatives once or twice a month.

"The conditions for prisoners serving life sentences are much more lenient," Adachi said. He supports replacing the death penalty with life imprisonment. "They can meet with their lawyers. But the crimes committed by the two groups can be similar. This is unfair."

Activists are bracing themselves for more executions after the last ones at Christmas. At the end of February the number of inmates awaiting execution in Japan reached 100. Last year saw a big increase in the number of death sentences -- some 21 -- as Japanese courts took a tougher stand on violent crimes.

Activists are also concerned at the likely effect of a new move by the justice ministry to allow crime victims to speak in court. Lawyers have protested that this will fuel passions and could lead to yet more death sentences.

But campaigners are expecting more active support from religious groups in their effort to change public opinion. Oomoto-kyo, a Shinto-based religious group that is opposed to capital punishment, is planning more engagement, they say.

"Executions can be tackled by counter-arguments and focusing on the value of life. This is an especially respected concept in Japanese religions," said Katsuya Kimura, a representative in its international division. "We are planning several conferences with other religious groups to reach a consensus on the strategy we should follow," he confirmed.

Until now, Japanese religious organisations have been divided on the death penalty issue. Most Shinto groups, Japan's indigenous faith support the death penalty while Christian and Buddhist organisations have been firmly against it. (END/2007)

PHILIPPINES: UN Lifeline Against Extra-Judicial Killings

by Marwaan Macan-Markar

BANGKOK - By condemning the Philippines' military for having a hand in a brutal campaign to eliminate politicians and activists with left-leaning views, a United Nations envoy may have thrown a lifeline to many whose lives may be in danger.

The armed forces of the Philippines (AFP) "remains in a state of almost total denial" about the political killings in the South-east Asian nation despite many of the murders having been "convincingly attributed to them," Philip Alston, U.N. special rapporteur on extrajudicial killings, said in a statement released Wednesday in Manila.

He also charged the country's national police force of falling short in its investigation into the murders, often failing to use proper "forensic" measures. Alston was particular critical of the ease with which a recently retired army officer, Maj. Gen. Jovito Palparan, who has been called 'The Butcher,' by some, and 'The Executioner,' by others, has eluded charges that linked him to a spate of extrajudicial killings in areas where he used to operate, such as Central Luzon, north of the archipelago.

"When the Chief of the AFP contents himself with telephoning Maj. Gen. Palparan three times in order to satisfy himself that the persistent and extensive allegations against the general were entirely unfounded, rather than launching a thorough internal investigation, it is clear that there is still a very long way to go," Alston was quoted as having said in a report on Global Media Arts Network, a Manila-based national television station.

Palparan's views about the country's leftists were no secret. "We've got to hate the movement," he was once reported to have told the Philippines media last year. Prior to that he was quoted as having justified his drive against legitimate leftist activists with lines like, "they're legal but they are doing illegal activities".

The Australian-born Alston's comments came at the end of a 10-day investigation into the wave of political murders -- which local human rights groups say have exceeded 830 deaths -- since President Gloria Macapagal-Arroyo began her term in office in 2001. The victims have included over 360 left-wing activists in addition to journalists, lawyers, judges, priests, trade unionists, grassroots activists and human rights advocates.

"His strong position has helped clarify the wrong statements and lies spread by the Arroyo government," Renato Reyes, secretary-general of Bayan, the largest left-wing alliance in the Philippines, told IPS from Manila. "This should add pressure on the government to do something, particularly to respond to the role of the army in perpetuating and tolerating the killings."

The room for a government denial has been reduced dramatically and could diminish further when Alston releases his final report in three months, say other critics of the Arroyo administration. "Alston's comments were objective and fair," Teddy Casinno, a congressman belonging to the leftist Bayan Muna party in the legislature, said in an IPS interview. "The government cannot deny the charges about extrajudicial killings. It has to acknowledge the findings."

The lifeline thrown by the U.N. envoy to leftist activists in the Philippines is being warmly received. Alston said that Manila's counter-insurgency campaigns to win public support in areas where leftist sympathy is strong had seen drives that attempted to "vilify left-leaning organisations and to intimidate leaders of such organisations," according to the AFP news agency. "In some instances, such intimidation escalates into extrajudicial executions."

Alston's comments add to other critical reports that go against an argument trotted out by the authorities to explain the high number of political murders. The Philippines military, for instance, has tried to pin the blame on the in-fighting in the New People's Army (NPA), the military wing of the outlawed Communist Party of the Philippines (CPP).

The envoy's findings are also expected to add pressure on Manila to make public the findings of a government-appointed commission, led by Jose Melo, a retired Supreme Court judge, to inquire into the political killings. The commission was set up in the wake of criticism last year by international human rights watchdogs like Amnesty International, which accused sections of the Philippines army for links with the bloody campaign.

The current campaign against the leftists is not unique, however. In the late 1980s, the Philippines was the scene of an officially sanctioned drive to go after leftists and sympathisers of the CPP. During that campaign, masked men riding motorcycles turned assassins and picked off over 580 victims, according to a human rights group.

And decades before that, in the 1940s and 1950s, leftist legislators and activists were targeted in violent campaigns backed by the state.

Consequently, there are some parallels being drawn between the present and the past in Manila's attempt to silence those it disagrees with. "Killing has become part of the government's attempt to quell dissent," Ruth Cervantes, spokeswoman for Karapatan, a local human rights group, told IPS from Manila. "They are against left-wing activists participating in the political arena." (END/2007)

RIGHTS: Some Way Yet to Killing Off the Death Penalty

by Julio Godoy

PARIS - If it were not for a handful of countries persisting in carrying out executions, activists for the abolition of the death penalty around the world would have departed for home after their Third World Congress which took place in Paris from Feb 1 to 3, saying: "Mission accomplished".

The handful of countries still resisting all arguments and evidence -- the United States, the People's Republic of China, Saudi Arabia, Iran, and North Korea -- account for more than 97 percent of all executions carried out annually, some 5,000 or more, according to the 2006 'Death Penalty Worldwide' report by the Italian group 'Hands off Cain'.

Another 50 countries are still applying the death penalty, but sporadically. These executed some 156 of their citizens in 2005.

The trend towards abolition is undeniable, the international congress heard. In 1981, France became the 35th country in the world to abolish capital punishment. Today, 25 years later, 142 countries do not carry out executions any longer; either they have abolished capital punishment entirely or are observing a moratorium.

The mixed feelings such figures stir up, and the sense of urgency there is to convince the United Nations General Assembly to approve a worldwide moratorium on capital punishment, dominated the three-day congress in Paris, attended by hundreds of personalities and activists from around the world.

Representatives of all 27 European Union member states participated at the meeting, as well as the former French minister of justice Robert Badinter, and delegates from national bar associations and groups such as Amnesty International and the International Federation of Human Rights.

Representatives of abolitionist groups from North Africa and the Middle East, where capital punishment continues is still applied, were also present.

Badinter, who in the late 1970s successfully led the French abolitionist campaign, summed up the mood of the congress. "I am absolutely sure that our cause is just and that universal abolition of the death penalty is upon us," he said at the closing ceremony. "There is an awareness throughout the world that there cannot be a justice that kills."

Badinter's optimism was tempered by the realism that the "salt of the earth" activists still had much work to do. This sentiment reverberated in the final congress declaration.

"We welcome the fact that the death penalty is receding in the world and that since the Montreal Congress (in 2004) Greece, Kyrgyzstan, Liberia, Mexico, the Philippines and Senegal have abolished capital

punishment, while no country has re-introduced it," the declaration said.

But, it added: "We regret that, during the same period, some countries have resumed executions after prolonged moratoria, such as Bahrain in 2006, and that the death penalty is still applied...in a number of countries including China, Iran, Saudi Arabia, the United States and Vietnam."

The declaration urged the United Nations General Assembly to approve a global moratorium on the death penalty. If this came into effect today, some 20,000 people waiting on the world's death rows would be saved, according to 'Hands off Cain' estimates.

Most of these are in China. The Paris congress addressed a specific plea to the Chinese government to introduce a moratorium "in the prospect of the Beijing Olympic Games in 2008 and the Shanghai Universal Exposition in 2010."

The congress also called for abolition of the death penalty in China for "non-violent offences, including economic and drug offences."

Numerous factors have contributed during the past decades to the growing number of countries joining the ranks of the abolitionists, Eric Bernard, general secretary of the French human rights group Ensemble contre la peine de mort ('Together against the death penalty'), the organiser of the congress, told IPS. Activists had taken their campaign to the world stage. The capital punishment issue was no longer a national penal issue, but a "central international human rights one," he said.

"Executions are no longer seen as an effective deterrent to crime, but as dehumanising for all society. Numerous judicial mistakes in countries applying capital punishment have also contributed to raising this awareness."

Horrible events surrounding executions have also helped to turn the tide of public opinion and governments against the death penalty.

One of the most recent was the 34-minute lingering death of Angel Nieves Diaz, executed in Florida last December. The first lethal injection failed and another was needed to finally kill the convict.

According to the local county medical examiner, the injections caused 30 cm-long chemical burns on Diaz's arms. Witnesses, including Diaz's lawyer Neal Dupree, reported under oath that Diaz grimaced in pain as the execution dragged on.

The botched execution forced Florida governor Jeb Bush to suspend all planned executions and to set up an investigative commission on the application of the death penalty in his state. The suspension gives respite to 398 people condemned to death in Florida.

"The death penalty is being questioned all over the country," Richard Dieter, director of the Death Penalty Information Centre based in Washington told IPS in a telephone interview.

The Diaz execution was the 53rd of 2006, the lowest figure in the United States for 10 years.

But the death penalty continues to be applied in 38 of the 50 states in the United States. Ten states have suspended executions, and one, New Jersey, announced in January it will be abolishing the death sentence.

"Capital punishment is risky, expensive, and could result in irreversible error. Fewer people are now willing to put their faith in such a flawed policy," Dieter said.

A symbol of the strengthening of resolve to see an end to the death penalty for all time was offered by France.

Twenty-five years after Robert Badinter won his campaign against death penalty there, the French parliament agreed in February that this decision should be enshrined in its constitution. (END/2007)

CARIBBEAN: Amid Increased Murders, Calls for Hanging

by Peter Ischyron

PORT OF SPAIN - Wendell Bowen was blunt: "I support hangings, something needs to be done with crime." She was speaking to the Trinidadian newspaper Newsday, which carried out a recent snap poll on what was worrying its readers most of all.

Her bluntness may have been a result of the brutal slaying of a woman police officer and members of her family, as well as an elderly couple in two separate incidents in Trinidad during the first weeks of the year.

Pastor Ethelbert Charles of the Pentecostal Church was even more forthright. At the funeral for the police officer, Elizabeth Sutherland, her husband and daughter, he told the grieving congregation, "Every murderer must be hanged."

"Death row must be emptied out," he said to loud applause.

There are currently 84 prisoners on Trinidad's death row, including six women.

Trinidad's business community is more diplomatic, but no less concerned about the crime wave which they see as scaring off local and foreign investors.

The Trinidad and Tobago Chamber of Industry and Commerce is currently calling on all political parties facing the elections later this year to present their agendas for dealing with the murders and other criminal activities in the country.

The last execution in the region was in 1999 when Trinidad hanged nine members of a drug gang convicted of the murder of a family in Williamsville, south of Port of Spain.

Many, including Caribbean governments, have blamed the London-based Privy Council for indirectly contributing to the murders. This body still remains the highest court for all but two regional states.

The Privy Council is not just seen by many as a leftover from the colonial era, but a hindrance to executions in the region. Its recent rulings have made it difficult to carry out executions, in particular its decision that it was inhumane to hang anyone who has been on death row for more than five years.

The twin island state of Trinidad and Tobago is not the only Caribbean state where people are today loudly calling on the authorities to implement the death penalty as an answer to an upsurge in violent crime.

In Jamaica, some religious leaders have been calling for speedy execution of convicted murderers. There are 40 people currently on Jamaica's death row

"I believe the justice system must ensure that all trials are just and fair, but when we have persons who continue to murder people, I believe we ought to take a second look at our reluctance in dealing with capital punishment," Pastor Glen Samuels, president of the West Jamaica Conference of Seventh Day Adventist Churches, said at an international conference on "Restorative Justice" last December.

Repeat murderers must also be prepared to pay for their crimes with their own lives, he said.

Prominent Jamaican lawyer Clayton Morgan told the conference that as far as he was aware, politicians had provided the public with no convincing reason for the current halt in hangings.

"Hanging is perfectly lawful. The death sentence is still legal. There is absolutely nothing in the world that is preventing hanging. There are several men on death row who could be hanged tomorrow because they have lost all their appeals," he said.

Jamaica's opposition Labour Party has in the past weeks raised new alarm over the rise in violent crime. Public confidence in the security forces was eroding, it said in a February statement.

The last six years have been among the bloodiest in Jamaica's history. There have been more than 7,000 killings. Last year, 1,674 Jamaicans were murdered, giving the island a ratio of 63 murders for every 100,000 people -- one of the highest in the world. In the first six weeks of the year, 130 murders were registered.

Political analyst Kevin O'Brien Chang believes crime is now at the top of the political agenda and will be the dominating issue in Jamaica's coming election. Voters were so concerned at the failure of politicians to deal with the issue that they could bring down the current government.

"Every poll shows crime is the biggest problem the country is facing and with the explosion we have seen so far in January, it is more critical," he said.

Despite the ever-more strident calls for a resumption of hangings, there are still moderate voices arguing that this is not the answer to the region's crime problem.

Roman Catholic priest, Father Reginald Hezekiah, officiating at the funeral of the two elderly people bludgeoned to death by intruders in Trinidad in the new year, said a return to the use of capital punishment would not bring back those killed.

"We have to have a culture of life and not of death," he told the mourners. "We cannot say hang them. When we do that, we become like murderers ourselves and we think like them."

The Trinidad and Tobago Humanist Association has also vocally denounced pressure to resume executions. Rather than solving the country's crime problem, it might worsen it, the association said in a recent statement.

"It is understandable that the latest callous and bold murders would cause many citizens to call for hangings of convicted murderers," it

said. But after the last hangings in 1999, there was a two percent increase in the murder rate the following year.

It warned that the real danger in "shouting for executions" was that it allowed politicians to pretend they were tough on crime.

Human rights organisations are concerned that the current public mood on crime could lead to violations in human rights. The police could turn to "aggressive extrajudicial justice" to placate the "frustrations, grief and outrage" of the people, social scientist Selwyn Ryan warned on Feb. 11.

"This is a road we must not take," he said.

Concern has increased following a Feb. 2 police shootout in Trinidad leaving four people dead.

Immediately afterwards, police commissioner Trevor Paul responded to criticism by strenuously denying the existence of a "death squad" within his service.

Criminologist Ramesh Deosaran warns that Trinidad and Jamaica must deal more effectively with crime or public frustration will be expressed in ever-more vehement calls for extreme measures.

"The more things are not done to address crime, the more you will have people calling for drastic action and making statements like 'hang them high'," he said. (END/2007)

DEATH PENALTY-PAKISTAN: Too Many Dubious Convictions Say Activists

by Zofeen Ebrahim

KARACHI - The independent Human Rights Commission of Pakistan (HRCP) and the Paris-based International Federation of Human Rights have called for an immediate moratorium on death penalties in Pakistan -- or many innocent people may be executed.

There are "very serious defects" in Pakistan's criminal, police and justice system, the rights organisations charge in their joint fact-finding report 'Slow March to Gallows', launched late January. There is also "chronic corruption" and bias against women and religious minorities.

All this has made the capital punishment system in Pakistan "discriminatory and unjust" and allowed for the "high probability" of miscarriage of justice. "Until we wait for the imperfect system to be corrected many people, including quite a few innocents, will have been hanged," I.A. Rehman, director of the Human Rights Commission of Pakistan (HRCP), told IPS. There should be an immediate freeze on executions of those already sentenced, he said.

HRCP council member Zohra Yusuf added: "We are for abolition. A moratorium is proposed to give immediate relief in the interim period." A moratorium would spare those convicted under Pakistan's controversial Blasphemy Law. Minority religious groups in Pakistan, especially Christians, have long charged that this law was being used to persecute them.

The United States-based Human Rights Watch (HRW) has welcomed HRCP's call for a moratorium as a first step to abolition. "The use of the death penalty must end, period," said Ali Dayan Hasan, South Asia

researcher for HRW, adding that HRCP was highlighting the "very serious plight of large numbers of prisoners on death row."

Currently there are more than 7,400 prisoners on death row, some of whom have been there for decades. Rights groups say executions have been increasing, with 1,029 carried out between 1975 and 2002 in the Punjab province alone. In the first half of 2006, the number of people executed was 54.

In spite of the steady increase in the numbers sentenced to death and actual executions, the HRCP report states that there has been a spiral in the number of crimes carrying the ultimate penalty.

At the time of independence, in 1947, only murder and treason carried the death sentence. But today there are 27 capital crimes, including blasphemy, stripping a woman of her clothes in public and sabotage of the railway system. Many of these were introduced during the 1977-88 military dictatorship of Gen. Zia-ul-Haq.

It was under Gen. Zia's rule that former prime minister Zulfikar Ali Bhutto was executed despite worldwide appeals for clemency. Bhutto was hanged on Apr. 4, 1979 on the charge of conspiring to murder a political opponent, after what was widely held to be an unfair and politicised trial. His appeal to the Supreme Court was rejected by four judges out of seven and one of the four stated afterwards that he regretted his decision.

HRCP has urged the government to put a restriction on the number of offences carrying death sentence and refrain from adding new ones, but Rehman said he did not expect an immediate government response to their call. "The government is a thick-hide mule. We do not expect an early breakthrough. It has other priorities," he said.

By calling for a moratorium rather than a complete abolition of capital punishment, HRCP hopes to start a debate and "allow the government and the public to thrash out issues and reach a consensus," Rehman said. "Laws made without public concurrence rarely succeed."

Rehman conceded that the abolitionists would have to work hard to convince the public about their cause. "The public, at the moment, does not seem interested or supportive of abolition. People have been brutalised. They are also much too confounded by clerics claiming that killing is enjoined by faith. They would like to see more heads rolling than fewer," he said.

Giving an example of how the abolitionists might press their case in Pakistan, Rehman said: "One could argue, for instance, that murder apart, there is no sanction in Islam or in our legal tradition for awarding death in many of the cases that have been added to the capital offences list."

On the issue of deterrence, HRCP is arguing that the "certainty of conviction not the harshness of punishment," was decisive in reducing crime. "Capital punishment or any other punishment can be deterrent only in states where the legal order is not strong enough to prevent the wrongdoer escaping. We should be at the stage where even a minor punishment should act as a deterrent: Then there would be no need to hang anyone," explained Rehman.

There is also the question of reforms in Pakistan's judiciary, police, and executive which are considered essential issues. "Wherever justice has moved from retribution to reformation and meeting people's economic needs, the crime rate has fallen," said Rehman.

He stressed that Pakistan's religion-based Qisas and Diyat Ordinance, highly criticised by rights activists for miscarriage of justice, must be reformed. This law allows families of murder victims to accept compensation and pardon the offender. "It gives the victim's family veto-power to decide whether a convict should live or die," Rehman said. "It's a privatisation of justice because murder, which is a crime both against the victim and society, is reduced to a matter between the killer and the victim's family. Society is deprived of its say."

HRCP's Yusuf adds that the ordinance allows the rich to "literally get away with murder by paying the 'blood money' while the poor are hanged. The law will have to go if death penalty is abolished."

Besides calling for a moratorium, the HRCP report presses for several administrative measures to be introduced. These include greater accessibility for members of civil society to prisons and contact with condemned prisoners. It wants a strengthening of the police investigation system, an increase in spending on the police and justice system and a mechanism for protection of victims and witnesses taking part in criminal procedures. (END/2007)

RIGHTS: Executions Create Generations of Victims

by Mithre J. Sandrasagra

UNITED NATIONS - "They're going to kill him because he killed somebody, so when they kill him, who do we get to kill?" asked the 10-year-old daughter of Christina Lawson at the time of her father's execution by the U.S. state of Texas in 2005.

State executions leave such children confused and traumatised -- and entire families, too. Some are so affected that they are driven to the brink of insanity, a groundbreaking report entitled "Creating More Victims: How Executions Hurt the Families left Behind" graphically illustrates.

It has been published by Murder Victims' Families for Human Rights (MVFHR), a Massachusetts-based organisation representing the family members of the victims of murder and state executions.

"Families of the executed are victims too," the report stresses.

The pain of one group of survivors should not be redressed by causing pain to another group of survivors. Society needs to address the emotional and physical harm that is being done.

"We must stop creating more victims," Robert Cushing, executive director of MVFHR, told IPS.

"There are obviously similarities between the experiences of those left behind after an execution and those who have suffered other types of violent loss -- like dealing with grief and trauma," he said.

But there were also major differences, he said, pointing to findings from the 36 families MVFHR surveyed for its report.

The families of the executed suffered from "shame, increased isolation and feelings of personal failure". They might also feel responsible for the crimes of their relatives or blame themselves for their inability to save them from execution.

Janis Gay, whose grandfather Alex Kels was hanged at California's Folsom Prison in 1924, confirmed just this in an interview with IPS.

"People assume violence ends with the execution," she said. "It doesn't. Just like with any murder, the family is shattered, with the added impact of being crushed by shame."

Her mother's promising writing career was halted by depression. Her brother died of alcoholism. All contact with the families of her grandfather's seven brothers and sisters was cut off forever.

The trauma can be passed on from one generation to another.

Gay, a teacher who is also director of the U.S.-based organisation Murder Victims' Families for Reconciliation, entered therapy in 1991. She says she is one of the fortunate few who could afford to pay for a psychotherapist to help her cope.

"It's impossible to find support," she said. "There's no one to talk to, no one who understands. Food is provided and therapists are on hand before and after an execution for the families of the victims of the executed. But there is nothing for the families of the executed."

The MVFHR report gives other examples of mental health problems within the families of the executed.

Misty McWee was 14 when she learned that her father had been charged with murder. She was 28 when her father was executed.

McWee suffered severe depression in the year following the execution, culminating in a hospitalisation after a suicide attempt near the one-year anniversary.

"It felt like the two things were connected, my father's execution and my cutting my wrists," she recalled to MVFHR's researchers. "I didn't care what happened to me. I felt like I should go be with him.

"Why couldn't we have had someone to help us through it?" she asked. "When we walked in the courtroom, people gave us dirty looks, just because we belonged to our father. You wonder, what did we as kids do to deserve this? There's so much you're trying to understand and it doesn't help to have people judging you. People look at it like the whole family must be bad."

Irene Cartwright, whose son Richard was executed in Texas in 2005, also required treatment for depression afterwards and is today taking anti-depressants.

"I wish people could understand that everyone who is executed had a mother and father, maybe brothers and sisters, aunts and uncles, friends, whatever, and that each one of those people have been hurt and impacted by the execution," he told researchers.

MVFHR's report concludes that the needs of the families of the executed have not just been ignored, they have never been truly comprehended.

"The problem is that survivors are not recognised as victims," Cushing told IPS. "There are no execution victim families' support groups, there are no counselling services available to children left behind. Nobody knows where they are, they lead anonymous lives."

MVFHR is now calling for more studies of their problems.

"We challenge the mental health community to recognise that these victims exist, to recognise the uniqueness of their experiences and to devise appropriate treatment alternatives for them," Cushing added.

MVFHR specifically recommends that the short and long-term psychological effects of an execution in the family be included in literature and training directed at social workers, clinical psychologists, trauma specialists, and others who might come in contact with such families.

It also calls on lawmakers to give equal legal recognition to families of the executed as the relatives of murder victims.

They should all have access to assistance and support. This should include financial help to pay for medical care, mental health counselling and funerals, Cushing said.

MVFHR breaks new ground by calling for the suffering of the families left behind after an execution to be squarely placed within a human rights framework rather than a criminal justice one. The victims' families deserve protection accorded by the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, adopted by the U.N. General Assembly in 1985.

The Declaration defines victims as those who have "suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights".

These victims "should be treated with compassion and respect for their dignity" and "receive the necessary material, medical, psychological and social assistance".

"Leadership must come from the U.N.," Cushing concludes. "This is an international human rights problem." (END/2007)

RIGHTS-PHILIPPINES: UN Probes Extra-Judicial Killings

by **Marwaan Macan-Markar**

BANGKOK - A 10-day visit by a United Nations investigator to the Philippines, starting Monday, is being welcomed in some quarters as a chance to expose an alleged campaign to "exterminate left-wing activists" in that South-east Asian nation.

Days ahead of the visit by Philip Alston, U.N. special rapporteur on extra-judicial killings, another victim was added to a grisly death toll of over 800 people since 2001 when President Gloria Macapagal-Arroyo began her term in office.

Dalmacio Gandinao, provincial chairman of a left-wing farmers' movement, was gunned down on Thursday night in Salay, a town 750 km southeast of Manila. He was having dinner at home with his wife and grandchildren when the assassins struck before getting away in a van.

"We want the U.N. official to look at the systematic pattern of killings," Harry Roque, professor of international and constitutional law at the University of Philippines, told IPS over telephone from Manila. "The U.N. human rights mechanism must be put into full use here to shame the Philippines."

The special rapporteur should also meet the countless people who have been threatened for their "anti-capitalist" views, added Roque, who has himself received six death threats for being part of the Philippines human rights community that is charging the Arroyo government with permitting a climate of impunity.

Concern that such violence may intensify is also growing, as the country heads for general elections in May for the 250-member House of Representatives, half of the 24-member Senate and hundreds of officials to fill the posts of mayors and governors. In late January, a mayor of a town in central Philippines was killed by a gunman and in December a congressman was shot dead while standing at the entrance of a church in Manila.

"The climate of impunity will not go away with the elections approaching," Red Constantino, managing director of the Foundation for Nationalist Studies, a Manila-based think tank, said in an IPS interview. "I wouldn't be surprised if these killings increase because of the climate of impunity."

Human rights groups are hoping, however, that the killing of politicians will not pre-occupy Alston's agenda, since such political murders, they say, are different from the violent campaign being directed at individuals challenging the agenda of the government or of some multi-national companies.

Victims over the past six years have included trade unionists, farmers' rights activists, people from indigenous communities, lawyers, journalists, human rights campaigners and men of religion. In October last year Bishop Alberto Ramento, Chairman of the Supreme Council of Bishops of the Iglesia Filipina Independiente and a vocal critic of the Arroyo administration was murdered in his house in Tarlac.

The findings of the Australia-born Alston are expected to add to the damaging conclusions arrived at in January by a special commission appointed by Arroyo to investigate into the murder of the left-wing activists. A small group of soldiers was behind the death of the activists, said Jose Melo, a retired Supreme Court judge, who headed the commission.

The complete report, which is yet to be made public, does not fault the entire Philippines army for the violations, a charge that had dogged it as the murder of left-wing activists piled up. According to 'Karapatan', a human rights group with which Ramento was closely associated, over 360 of the more than 800 people killed were left-wing activists.

Arroyo's decision to appoint the commission came after Manila faced pressure from international groups to investigate the murders. The global rights lobby Amnesty International is among them, accusing sections of the Philippines army last year for being involved in this bloody campaign.

In November, even multi-national companies in the Philippines joined ranks with those concerned about the

escalation in extra-judicial killings. In January, the European Union urged Manila to take strong measures against the murders that are bad for the "reputation of this country."

Manila has also been criticised by environmentalists who have produced reports recently revealing that a number of people from indigenous communities in the northern Cordillera mountain ranges were among those killed for protesting against plans to expand the mining industry in their midst. Alston is due to visit indigenous communities in some of the mountainous area during his mission.

"He should take time to listen to their testimonies, for they (indigenous people) have lost many through this violent campaign," Jo Villanueva, executive director of the Legal Rights and Natural Resources Centre, an environmental lobby in Manila, told IPS. "The victims were those who had been leading community resistance against encroachment by the mining companies."

The attacks on left-wing activists have lent an added dimension to the decades-long battle Manila's troops have been locked in with the New People's Army (NPA), the armed wing of the outlawed Communist Party of the Philippines. December marked 38 years since the NPA launched a guerrilla war against the Philippines government, a conflict that has resulted in over 40,000 deaths, including civilians, soldiers and rebels. (END/2007)

GRENADA: Death Sentence Thrown Out for Bishop's Killers

by Peter Ischyron

ST. GEORGE'S - Grenada celebrated its 33rd anniversary of political independence from Britain on Wednesday with the usual pomp and ceremony befitting such an occasion.

But for 13 former political and military officials, Feb. 7 could also mark the turning point in their efforts to be released from prison more than 23 years after they were convicted of murdering the island's first left-wing Prime Minister Maurice Bishop and members of his government in a palace coup.

Ironically, their freedom could come through the intervention of an institution that Grenada and other Caribbean countries still regard as a remnant of the colonial era and are now seeking to replace with the region's own Caribbean Court of Justice (CCJ).

The ruling by the London-based Privy Council that the death sentences imposed on the 13 men, including Bishop's own deputy, Bernard Coard, and the head of the then People's Revolutionary Army (PRG) Hudson Austin, are invalid and that they should be re-sentenced was greeted with much enthusiasm by the lead defence lawyer for the group, Trinidadian Keith Scotland.

Scotland, who said he would be traveling to Grenada on Thursday to discuss the new developments with his clients, says he will ask the Grenadian courts to set an immediate date for the re-sentencing.

"I am totally gratified and I feel that we have at least taken a step in the right direction and that justice has been done in this case," he said.

"The Privy Council has vindicated our position, which from the outset was that anything to do with the sentencing should have been done by a competent impartial court," Scotland told reporters.

On Aug. 15, 1991, Grenada's governor-general commuted the death sentences to life imprisonment on condition that each of the convicted men would be "kept in custody to hard labour for the remainder of his natural life."

In their 12-page ruling, the five Law Lords agreed that the governor general was not legally empowered to amend the sentence.

"The validity of the life sentence substituted by the warrant of commutation is dependent upon the validity of the sentence of death. In the absence of such a sentence, the Governor-General has no power to order that the appellants be imprisoned for life and the appellants therefore remain held in detention without lawful authority," they ruled.

Coard and the 12 other appellants were among 17 people, including Coard's wife, Phyllis, who were convicted of murdering Bishop and other members of his left-wing administration in October 1983. The killings brought to an end Grenada's flirtation with a popular but undemocratic government that had ousted the Sir Eric Gairy administration in the English-speaking Caribbean's first ever coup.

Last December, three of the convicted men were released after spending 23 years in jail. Phyllis Coard has been out of prison for the past two years seeking medical treatment for cancer.

The men had also gone to the Privy Council contending that the imposition of the death sentence was unconstitutional, and in its ruling the Privy Council noted that the state did not contest that point.

The British Law Lords pointed to several cases involving other Caribbean states with similar constitutions to Grenada's, and noted that upon the true construction of the Grenadian constitution, such a sentence was unconstitutional at the time it was passed in 1986.

"The result is that section 230 of the Criminal Code must be interpreted to mean, and has meant since the Constitution came into force in 1974, that the death penalty for murder is discretionary: a person convicted of murder may be sentenced to death but may instead be given a lesser sentence. The judge did not exercise this discretion and the sentence was therefore unlawful."

"There appears to be no adequate mechanism in Grenada for providing the appellants, even now, with the judicial sentencing procedure to which they were entitled," the Law Lords wrote.

"The only prospect of a review of the sentences is by means of the exercise of the royal prerogative of mercy, which depends entirely upon executive discretion."

In addition, the Privy Council noted that the prison rules require that the Board of Review review the life sentences of all prisoners after the first 12 months have been served and thereafter at four-year intervals, but this not appear to have been done in the appellants' case.

In their 12-page judgment calling for re-sentencing, the Privy Council noted that "perhaps most important is the highly unusual circumstance that, for obvious reasons, the question of the appellants' fate is so politically charged that it is hardly reasonable to expect any Government of Grenada, even 23 years after the tragic events of October 1983, to take an objective view of the matter." (END/2007)

News from International NGOs

HANDS OFF CAIN UPDATES COUNTRY STATUS ON THE DEATH PENALTY

The Rome-based updated Feb. 2 country status on the death penalty as following.

Abolitionist: 91

Andorra, Angola, Armenia, Australia, Austria, Azerbaijan, Belgium, Bermuda*, Bhutan, Bolivia, Bosnia Herzegovina, Bulgaria, Cambodia, Canada, Cape Verde, Columbia, Costa Rica, Ivory Coast, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, East Timor, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guinea Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Kiribati, Kyrgyzstan, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia (former Yugoslav Republic of), Malta, Marshal Islands, Mauritius, Mexico, Micronesia (federated states of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, Tajikistan, turkey, Turkmenistan, Tuvalu, Ukraine, united kingdom, Uruguay, Vanuatu, Vatican City* and Venezuela.

Abolitionist for ordinary crimes: 10

Albania, Argentina, Brazil, Chile, Cook Islands*, El Salvador, Fiji, Israel, Latvia and Peru.

De facto abolitionist (countries that have not carried out any executions for 10 years; date of last known execution in brackets): 37
Antigua and Barbuda (1991), Barbados (1984), Belize (1985), Benin (1993), Brunei Darussalam (1957), Burkina Faso (1988), Cameroon (1988), Central African Republic (1981), Congo (1982), Dominica (1986), Eritrea (no death penalty since independence in 1993), Gabon (1979), Gambia (1981), Ghana (1993), Grenada (1985), Jamaica (1988), Kenya (1987), Laos (1989), Lesotho (1995), Madagascar (1958), Malawi (1992), Maldives (1952), Mauritania (1987), Morocco (1993), Myanmar (1988), Nauru (no executions since independence, 1968), Niger (no executions or death sentences since 1976), Papua New Guinea (1957), Saint Lucia (1995), Saint Vincent and the Grenadines (1995), Sri Lanka (1976), Suriname (1982), Swaziland (1982), Tanzania (1994), Togo (1978), Tonga (1982) and Tunisia (1991).

Committed to abolishing death penalty as members of the Council of Europe: 1

Russia.

Retentionist countries observing a moratorium on executions: 4

Algeria, Guatemala, Kazakhstan and Mali.

Retentionist: 54

Afghanistan, **Bahamas**, Bahrain, Bangladesh, Belarus, **Botswana**, Burundi, Chad, China, Comoros, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Ethiopia, Guinea, Guyana, **India**, **Indonesia**, Iran, Iraq, **Japan**, Jordan, Kuwait, Lebanon, Libya, Malaysia, **Mongolia**, Nigeria, Oman, Pakistan, Palestinian National Authority*, Qatar, **Republic of Korea**, Rwanda, **Saint Kitts and Nevis**, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Syria, **Taiwan***, Thailand, **Trinidad and Tobago**, Uganda, United Arab Emirates, **United States**, Uzbekistan, Vietnam, Yemen, Zambia and Zimbabwe.

In **bold**, liberal democracies¹ (11) that retain the death penalty

* Non-UN member states

¹ The classification "liberal democracy" is based on the rigorous analytic standards employed by freedom house in its freedom in the world 2006 report on the state of political rights and civil liberties around the world (see www.freedomhouse.org)

3RD WORLD CONGRESS AGAINST THE DEATH PENALTY EXPRESSS RELIEF AND CONCERN

The third World Congress Against Death Penalty held in Paris Feb. 1 to 3 welcomed the fact that the death penalty is receding in the world and that since the Montreal Congress Greece, Kyrgyzstan, Liberia, Mexico, the Philippines and Senegal have abolished capital punishment, while no country has re-introduced it. But it regretted that, during the same period, some countries have resumed executions after prolonged moratoria, such as Bahrain in 2006, and that the death penalty is still applied on a large scale in a number of countries including

China, Iran, Saudi Arabia, the United States and Vietnam. "We strongly condemn the initiatives in some abolitionist countries to reintroduce the death penalty and demand in particular that the Peruvian authorities renounce this effort," the final declaration said.

It recognised that the process of abolition must be accompanied by a better consideration of the needs of victims and by an in-depth reflection on penal policy and prison systems, in the framework of an equitable and restorative justice.

The Congress adopted a set of five recommendations:

1. It called upon all countries to abolish the death penalty and to ratify international and regional abolitionist treaties, especially the Second Optional Protocol to the UN International Covenant on Civil and Political Rights.
2. It urged all states of the world to stop all executions immediately – following on from the statement at the UN General Assembly in December 2006, which was supported by an unprecedented number of countries from around the world. It also appealed the member states of the United Nations to take all necessary steps to ensure the adoption by the General Assembly of a resolution calling for an immediate and universal moratorium on death sentences and executions and the commutation of existing death sentences, with a view to the universal abolition of the death penalty. The conference participants called on the citizens of the world to sign the petition, launched by the Sant'Egidio Community and supported by the World Coalition against Death Penalty, which has already attracted over five million signatures, in favour of a worldwide moratorium on executions.
3. The Congress welcomed the presence in Paris of many abolitionists from North Africa and the Middle East and their efforts to create national, sub-regional and regional coalitions. We hail the initiatives taken in Morocco, Lebanon and Jordan towards abolition and call on the countries of the region to abolish the death penalty.
4. Welcoming the presence in Paris of Chinese abolitionists, the participants called on the Chinese government, in the prospect of the Beijing Olympic Games in 2008 and the Shanghai Universal Exposition in 2010, to establish an immediate moratorium on executions with the objective of progressively abolishing the death penalty, and in particular to remove non-violent offences, including economic and drug offences, from the scope of capital punishment. As, moreover, the Chinese Supreme Court from 1 January 2007 is to review all death sentences imposed by courts of first instance, we call on the Chinese authorities to remove the secrecy surrounding the administration of the death penalty.
5. The Congress welcomed the fact that, since the Strasbourg Congress in 2001, the world abolitionist movement has structured itself, with full respect for the diversity of its members, around the World Coalition against the Death Penalty, which was created in 2002 and now includes over 50 organisations.

"We call on organisations and institutions that share the objective of abolition – non-governmental organisations, bar associations, trade unions and local governments - to join the World Coalition.

We call on abolitionists of the whole world to take part each year in the World Day against the Death Penalty, which will focus in 2007 on China in the Prospect of the Olympic Games and in 2008 on *Teaching Abolition*. We call on all regional and international organisations, and the European Union in particular, to adopt October 10 as an official day in favour of universal abolition," the Declaration said.

It called on the cities of the world to take part in Cities for Life on Nov. 30 each year. It urged members of parliament of the whole world, whose powers include that of voting for abolition, to sign this Declaration.

CENTRAL ASIA, CLOSER TO BECOMING A DEATH PENALTY-FREE REGION?

Central Asia is making progress apace. Kazakhstan and Tajikistan have adopted a moratorium on capital sentences, and Uzbekistan is committed to abolishing the death penalty in 2008, whilst Kyrgyzstan leads its neighbours having just adopted a constitution that abolishes the death penalty. However, nothing can be taken for granted in this region where prison conditions are deplorable, secrecy surrounds all matters relating to the death penalty and changing political wills could overturn the accomplished achievements, said the International Helsinki Federation for Human Rights (IHF) in a brief report early February.

This report presents a brief overview of the current situation regarding the death penalty in the four Central Asian republics which – to varying degrees - still retain the death penalty: Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. Additional information on death penalty cases in Uzbekistan gathered during an IHF mission to the country in January 2007 is provided in Annex I. Turkmenistan is not included in this report as it abolished the death penalty in 2000.

WORLD PRESS REVIEW – February 2007

FRANCE ADOPTS CONSTITUTIONAL AMENDMENT, ABOLISHING DEATH PENALTY

The French parliament adopted a constitutional amendment in Versailles, west of Paris, formally abolishing the death penalty in the country, Xinhua reported from Paris on Feb. 19. The amendment, which won support from the majority of the nearly 900 legislators, says "no one can be sentenced to the death penalty" in France.

Although France banned the capital punishment with a 1981 law, President Jacques Chirac has said he wants to go further by inscribing the abolition of the death penalty into the constitution. Chirac decided in early February this year to call a joint legislative session instead of a national referendum to vote on the amendment in order to achieve his goal before leaving office.

Under the current constitution, a bill to change the constitution can take effect after it is ratified by a national referendum. The only alternative lies in the hands of the president, who can call a joint legislative session instead of a national referendum. The bill must get three-fifths of the legislators' support to pass. France's official data shows that altogether 78 countries all over the world uses the death penalty at present.

TANDOOR CASE: HIGH COURT CONFIRMS DEATH PENALTY

The Delhi High Court upheld the death sentence awarded to former Youth Congress leader Sushil Sharma in the 1995 Naina Sahni Tandoor murder case, the Press Trust of India reported Feb. 19 from New Delhi. It said the offence was "an act of extreme depravity" which shook the conscience of society.

Justifying the reasoning given by the trial court for awarding him the death sentence, a Bench comprising Justice R S Sodhi and Justice P K Bhasin said the case fell in the "rarest of rare" category and Sharma did not deserve any mercy for the gruesome killing of his wife. "The gruesome manner in which Sharma had killed Naina Sahni and dealt with her body must have shocked the conscience of the community at large, and we unhesitatingly say his abhorrent act has definitely shocked our judicial conscience also," the Bench said in a jam-packed courtroom.

The Court rejected the mercy plea of reducing the death sentence into life imprisonment for Sharma who murdered his wife and then disposed of her body by burning it in a tandoor on the suspicion of her having extra-marital affair. "People like Sharma who are power drunk and have no value for human life are definitely a menace for society at large and deserve no mercy. In such circumstances, no other punishment except the death penalty would be justified," Justice Bhasin, who wrote the 89-page judgement, said.

BANGLADESH. ARMY OFFICER, TWO OTHERS SENTENCED TO DEATH

A special court in Rajshahi, Bangladesh, sentenced three people, including an army captain, to death for murder, according to the Gulf Times. The court found Khandaker Mohammed Elahi Biplob, Captain Khandaker Iftekher Elahi Shanto and Hossain Kabir Parvez chopped Iffat Bin Mahmud to death and then ran their car over his body to cover up the murder. Iffat married off his younger sister to Captain Shanto. After an altercation, Iffat took his sister from Shanto, who retaliated by murdering Iffat with the other two accused.

CHINA. HIGHEST COURT TO ORDER PROVINCES TO RETRY DEATH SENTENCES

China's Supreme People's Court (SPC) will send back cases involving death sentence to provincial courts for retrial if it finds errors in judgement, instead of directly changing the sentence, according to a regulation released by the SPC., Xinhua reported on Feb. 27-.

"The new regulation will guarantee that death sentences are handed out with caution by ordering retrials, which will also improve the efficiency of SPC death penalty reviews," a SPC spokesman told Xinhua. Under the new regulation, the SPC will only change original death penalty sentences in cases involving individual criminals facing multiple death sentences, or multiple criminals facing death penalties.

Some details of the review process have been spelt out on SPC's website. For instance, a bench of three judges will review each case. The judges will have to check the facts, the laws applied and criminal procedures adopted. Any testimony extracted through illegal means will be declared invalid. If the case is very complicated or the facts in doubt then the judges can visit the spot of the crime to check details.

DEATH PENALTY TO REMAIN IN ZAMBIA

Death penalty will be maintained on the statute books of Zambia despite President Levy Mwanawasa not signing any death warrants, according to Times of Zambia on Feb. 24. It quoted Justice Minister George Kunda as telling the Parliament that death penalty is "very contentious" and that is why it is among the terms of reference for the Wila Mung'omba Constitution Review Commission (CRC).

He said the majority of the people who submitted before the CRC argued that the death penalty should remain on the statute books. He was responding to a supplementary question by a parliament member, who wanted to know why the death penalty is being maintained when it is not being implemented. Earlier, Justice Deputy Minister Bradford Machila said 41 people have been sentenced to death since 2001 although none of them has been executed.

When another parliament member asked whether the president has the discretion not to follow the law by refusing to sign death warrants, Kunda said he has. Zambia Daily Mail quoted Kunda as telling the parliament that Mwanawasa has indicated that he will not sign any warrant for death penalty for the period he remains in office. Kunda said the prerogative of mercy committee has been active since 2001 and that a number of death sentences have been reduced to life or terminable sentences.

UGANDA. PRESIDENT MUSEVENI SUPPORTS DEATH PENALTY

The Monitor newspaper reported Feb. 24: "I am a strong believer in the death penalty", Ugandan President Yoweri Museveni said at the Forum on Justice and Human Rights in Uganda. "I've heard that in some places in Europe, they forgive a deliberate killer. But how do you for instance control the Army? (In Uganda) soldiers are no longer killing people, because we execute whoever kills another. It will take a long time for someone to convince me," Museveni said.

Museveni stated he supported capital punishment because it saved the lives of the victims of capital offences such as rape, defilement and extra-judicial killings. He made the comments at the end of the Forum on Justice and Human Rights at Speke Resort Munyonyo, a Kampala suburb. The event was organised by Restore International, an American-based NGO, and Uganda's Judicial Training Institute.

Museveni said that HIV carriers who deliberately infect others should be charged with murder. "People who infect others deliberately are killers - they are murders," Museveni said during the Forum. "I would treat harshly someone who gets involved with another knowing that he or she has HIV. We clearly need to be tough on this."

ETHIOPIAN SC UPHOLDS DEATH SENTENCES ON CONVICTED TERRORISTS

The Ethiopian Federal Supreme Court upheld death sentences passed by the Federal High Court on five convicted terrorists, The Ethiopian Herald reported Feb. 23. Mohammed Mahmoud Farah, Mohammed Hassan Mahmoud, Ibrahim Hussein Nalaye, Mohammed Almi Liben and Mohammed Ibrahim were convicted of committing various terrorist attacks in Addis and Dire Dawa cities in 1988.

The Bench saw no reason to change the sentences, explaining many people died in the convicts' terror attacks and they were intended to endanger the sovereignty of the nation and

destabilize its peace and security. The attacks committed by the terrorists claimed 29 lives, injured 18 and destroyed property valued at 11.42 million birr.

LEGISLATORS WILL LOOK AT N.C. DEATH PENALTY RULE

It's not an issue that state legislators thought they were going to be dealing with when their session opened in January. But now, the question of North Carolina's death penalty has been tossed back onto the lap of the General Assembly, News reported on Feb. 19. "I think we will be spending some time on this," said Rep. Russell Tucker, D-Duplin County.

The death penalty issue was raised in 2006 when an inmate sentenced to die brought an appeal that death by lethal injection was cruel and inhumane unless it could be guaranteed that he would remain unconscious throughout the procedure. In response, a federal judge ordered that the execution could be carried out as long as there was a doctor present to monitor the inmate's consciousness.

The state Department of Corrections agreed and instituted a policy requiring doctors to monitor inmates' vital functions during executions, but not to actually step in except in cases of medical emergencies. The North Carolina Medical Board said, however, that doctors could not play any sort of role in an execution, which allowed the inmate's lawyers to return to court to have the execution stopped. Since then, North Carolina's death penalty has been under a sort of de facto moratorium as three scheduled executions also have recently been postponed. Earlier this month, the issue was brought before the N.C. Council of State, a board made up of the nine highest ranking state-elected officials, including Gov. Mike Easley, Lt. Gov. Beverly Perdue, Treasurer Richard Moore and Attorney General Roy Cooper. They handed it back to the legislature for consideration.

Introduced early Feb. were two Senate bills regarding the death penalty -- one calling for a moratorium while a commission studies the lethal injection process and the other to protect any medical professional who participates in an execution from being punished by a state authority. Those measures are drawing mixed reactions.

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