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RIGHTS: Executions Begin to Decline

by Sabina Zaccaro

ROME - Three people were hanged in Japan Friday, one was executed in the United States a day earlier. Not good news for those campaigning for abolition of the death penalty.

"The execution of the three people in Japan and one in Texas shows that even if significant steps have been taken towards abolition of capital punishment worldwide, the death penalty is still very much in the picture in 2007," Amnesty International secretary-general Irene Khan told IPS.

Yoshikatsu Oda, sentenced for a murder in 1990, Masahiro Tanaka, four times killer, and Kosaku Nada, who killed twice during a robbery, were hanged in Japan Friday, the day Amnesty launched its 2006 report in Rome.

The hangings came as stark reminder of the reasons for a continuing campaign against the death penalty, even if the position improved last year compared to 2005.

According to Amnesty, 1,591 executions were carried out in 2006, compared with 2,148 in 2005. A total of 3,861 people were condemned to death, down from 5,186 the previous year.

"A positive trend is set to continue this year," Khan said.

Amnesty International chose Rome to release the report because the Italian government is spearheading a campaign at the United Nations for a worldwide moratorium on the death penalty, Khan said. But that is not the only reason.

The Italian government is expected to rally a global coalition against the death penalty. "I have personally asked Italian Prime Minister Romano Prodi to invite in Rome those like-minded abolitionist states, and take the lead to build a global government coalition against capital punishment, similar to the one already existing among NGOs," Khan said.

Amnesty International, which is campaigning for a universal moratorium on executions, welcomed the European Parliament move for a resolution on a universal moratorium on capital punishment.

"But the resolution, important as it is, must not become another piece of paper," Khan said. "It has to be a concrete instrument to reduce significantly the number of executions and helping those people who are waiting on the death row."

And the moratorium must not be a European initiative only, she said. "Other countries must get involved, particularly those of Asia, Africa and Latin America. The condition to getting a majority vote is a wider diplomatic strategy, also at a regional level, something now missing."

Khan said she is confident that "like-minded countries" will respond to the Italian government call. "I think that there is sufficient cohesion of different views among these states that can bring them together, and I understand that the Italian government has been having bilateral discussion with some of them.

"It is important to have a multilateral discussion forum now to bring these people together, convene the governments, so that they can get more dynamic as a group to push these issues. I'm confident that nations which have abolished death penalty or are near to abolishing death sentences around the world will welcome this multi-party approach."

The Amnesty report says only six countries -- Iran, Iraq, Sudan, Pakistan, the U.S. and China -- were responsible for 91 percent of all executions carried out in 2006.

Iraq became one of the world's top executioners after it reintroduced capital punishment in 2004, the Amnesty report says. No executions were reported in 2004 in Iraq, and only three the following year. But the figure rose to 65 in 2006.

Iran's executions almost doubled in 2006 compared to the previous year with at least 177 people put to death, including four child offenders. Twenty-three minors are still on the death row in Iran.

However, "in the first months of 2007 Iran has started a discussion over the possibility to exclude children from capital sentences," Khan said.

Pakistan joined the list of top executioners with at least 82 reported executions. Sudan executed at least 65 persons, but Amnesty said it has reason to believe that the number is higher.

Fifty-three were executed in the United States, the only country in the Americas to have carried out executions since 2003. But the U.S. had the lowest number of executions in three decades last year.

The great majority of executions last year were as before carried out in China. The official numbers are a state secret in China. Amnesty says at least 1,010 people were executed last year, but that the real number could be between 7,000 and 8,000.

"The good news is that even China has launched a review of the death penalty process, and we hope that the coming pressure for the Beijing 2008 Olympic Games will contribute to this process," Khan said.

In Africa, four countries carried out executions in 2006, while in Europe only Belarus still applies the death penalty, the Amnesty report notes.

"Only Asia and the Middle East remain largely unmoved by the worldwide trend away from the use of the death penalty," Amnesty said.

"The most significant achievement over recent months has been abolition of the death penalty in the Philippines, which led to the biggest sentence conversion in the history, with 1,200 sentences to death converted into detention," Paolo Poggiati, president of Amnesty International Italy told IPS.

"Executioners must recognise that the international trend towards abolition is an unstoppable one, and they are destined to international isolation." (END/2007)

DEATH PENALTY: Moroccan Abolition Could Help Expose Political Killings

by Abderrahim El Ouali

CASABLANCA - Morocco continues to be haunted by its many extra-judicial killings in the past -- but human rights activists are looking to the long-expected abolition of the death penalty as an essential step towards encouraging more to speak out about what they know about these and help bring those responsible before the courts.

King Mohamed VI's accession to the throne in 1999 was followed by a much-welcomed process of reconciliation between the state and the victims of human rights violations during his father's reign. This centred on the Equity and Reconciliation Committee which held public hearings for victims and granted compensation.

The committee concluded its work over a year ago with a final report calling for the abolition of the death penalty. The Moroccan media has speculated that this recommendation could be adopted by parliament during its current session which ends in June.

But some leading rights activists remain critical that many of the gravest cases of human rights violations -- the "thousands" of extra-judicial killings without the sanction of the courts -- committed in the long reign of King Hassan II are still shrouded in secrecy.

"Reconciliation cannot be partial," Noureddine Gabbaz, a member of the Moroccan Human Rights Association, told IPS. "There is only one way to complete reconciliation: truth, all the truth. We need to know all that happened to the victims. We need enough guarantees that this will not happen again.

"The abolition of the death penalty is necessary to achieve the building of a state which respects the rule of law, human rights and freedom," Gabbaz stated. The eventual abolition of the death penalty should play a role in bringing the truth to light.

He added: "Abolition might help former secret service agents to reveal more useful information about what happened during 'The Years of Lead'. If the death penalty is abolished and the former executioners know they cannot be sentenced to death, they might then be more ready to tell us what happened. The complete truth would then be brought out into the open."

"The Years of Lead" is the graphic term used to describe the repression during the 38- year-long rule by King Hassan II. Dissidents and democracy campaigners were harassed, jailed and disappeared.

Typical of what is seen as only a "partial" dealing with these human rights violations is the case of the disappearance of Mehdi Ben Barka, the main opposition leader in 1965.

It was a former secret service agent, Ahmed Boukhari, who cast some light on this, admitting to the press how he coordinated Ben Barka's kidnapping in Paris from his agency's secret Dar al-Moukri detention centre. This is a villa in the exclusive Souissi district of Rabat, the capital. Agents smuggled Barka's dead body back to Dar al-Moukri where it was disposed of in acid without leaving a trace, Boukhari first claimed in 2000.

But despite these shocking revelations, no proceedings have been opened against anyone involved in the extrajudicial killing. The Moroccan government has also consistently ignored all calls to open up the villa and its gruesome secrets to public scrutiny. Permission to hold a sit-in to pressure the government to do this was refused.

Driss Ould Kabla, a well-known human rights activist, is now conducting his own investigations into the extra-judicial killings in the villa. This April he reported he had obtained information about these, but gave no numbers. Ex-agent Boukhari had earlier reported that it was "common" practice in the centre to dispose of bodies in acid.

Activists are also concerned about the continuing refusal of the authorities to investigate and bring to justice those responsible for the violent clampdown on demonstrations during Hassan's rule. The Moroccan Forum for Truth and Equity is campaigning for justice over one of the worse of these, the bloody repression of a demonstration against the high cost of living in Casablanca in June 1981. Activists say security forces shot dead more than a thousand. But the official death toll is 89.

Gabbaz, who is also a member of the forum, told IPS that many of the victims were later buried in mass graves in and around Casablanca. "The official version is that victims were shot by random bullets," Gabbaz said. "But I do not know of any random fire that aims only at heads and hearts." One of the victims was an eight-year-old deaf and dumb child. People watching the demonstration from their windows were also cut down by bullets, Gabbaz claimed.

Driss Ould Kabla, a human rights activist, is focusing on the purges in the army. In April he published details of nine army generals who were executed without trial in 1971 for allegedly plotting a coup.

The execution was broadcast live on Moroccan television. King Hussein of Jordan and King Hassan also "watched the execution through binoculars from the Moulay Ismail Barracks," Ould Kabla wrote. Some 30 other officers were also "executed by slow death" at a secret service detention centre in Tazmamart, a small town in eastern Morocco near the city of Arrachidia.

Ould Kabla has claimed that 58 other officers were arrested and imprisoned for other alleged coup attempts in 1971 and 1972. Thirty of them died a terrible death of suffocation, hunger and torture in tiny cells in the Tazmamart prison.

Human rights organisations also continue to press for information on the fate of more than 60 political detainees whose disappearance continues to be unexplained.

The apparent unwillingness of the authorities to initiate public investigations into the alleged extra-judicial killings, is causing continuing, deep resentment. This is compounded by the pain caused to the families of the victims watching the people they hold responsible appear regularly on state-run television.

"Those who committed these atrocities should be brought to justice -- or at least leave their functions," Gabbaz said. "It's unbelievable that they all carry on appearing on TV." He identified these people as top military commanders and senior government officials. (END/2007)

RIGHTS-U.S.: DNA, Perseverance Win Freedom for Innocent Inmates

by Enrique Gili

SAN DIEGO, United States - Behind the double security doors at the California Western School of Law campus is a small, unconventional legal practice embedded inside the academic institution.

Decorating the walls of the Innocence Project are framed newspaper articles of headline-making cases of former clients. Those behind the project -- lawyers and law students -- have won freedom and exoneration for clients who have spent years behind bars convicted of murder.

The ticket to freedom is often DNA evidence that proves the client did not commit the crime for which he or she was convicted.

DNA is genetic material unique to each individual, and is found in blood, hair and tissue. This "invisible" evidence can be left behind at a crime scene, often unbeknownst to perpetrator.

Since 1989, 14 convicted murderers in the United States owe their freedom -- and, in death penalty cases, their lives -- to the role DNA played in overturning their sentences. Some of these cases were due to the successful work of the Innocence Project, founded by Barry Scheck and Peter Neufeld, pioneers in the use of DNA evidence in criminal cases.

Nearly 200 U.S. convictions for other crimes have been overturned using DNA evidence. The average amount of time the exonerated spent in prison was 12 years. They come from 31 of the 50 U.S. states.

"We're not fooling anyone when we say, for the most part, the criminal justice system gets it right," Jeff Chinn, assistant director of the California Innocence Project, told IPS, noting that the system is not infallible and mistakes occur on a regular basis.

He cited faulty eyewitness accounts as one of the principle grounds for overturning prison sentences. The Innocence Project has identified false confessions and dishonest officials as other sources of unjust convictions.

Chinn, a practicing attorney, is responsible for selecting the local cases where miscarriages of justice appear to have taken place. They involve inmates who have exhausted all other avenues of defence in a criminal justice system that has left them financially drained.

The Innocence Project at California Western School of Law has a staff of four full-time attorneys. Chinn divides the caseload between them and 12 students chosen by competition. Currently they are working on more than 50 cases.

Some 25 other university law schools across the United States have similar legal offices belonging to the Innocence Project network.

Chinn estimates that between three and four percent of the U.S.

prison population may actually be innocent of the crimes for which they were convicted. In California alone, the numbers of innocent inmates could be thousands, and nationally the figure could be tens of thousands.

There are now 2.1 million men and women prison inmates in the United States, according to the Justice Department. California's prison population totals about 170,000.

Texas -- the state responsible for 40 percent of U.S. executions over the last 10 years -- has seen some of the most sensational cases of overturned convictions. Over the past five years, 13 inmates there have been exonerated, according to Chinn.

In the U.S., 37 of the 50 states have capital punishment laws on the books. Also, the federal government can impose the death penalty for certain crimes.

"Each wrongful conviction shows that the justice system is flawed," he said, noting that in such a system there is always the risk that wrongfully-convicted people might be executed.

Elsewhere in the country, the meticulous work of the Innocence Project activists, especially their success in using DNA evidence to overturn convictions, has given a boost to the campaign for the abolition of the death penalty.

So far Texas has turned a blind eye to the evidence. Twelve of the 13 executions in the United States this year have been carried out in that southern state.

But there are signs of change. On Apr. 15, The Dallas Morning News, the state's highest-circulation newspaper, called for an end to the death penalty, reversing a 100-year-old stance.

"This (editorial) board has lost confidence that the state of Texas can guarantee that every inmate it executes is truly guilty of murder. We do not believe that any legal system devised by inherently flawed human beings can determine with moral certainty the guilt of every defendant convicted of murder," it wrote, citing the 13 cases of people exonerated in the state for crimes they did not commit.

"Exonerations keep coming, and the doubts keep piling up," but the politicians do not react.

The newspaper concluded: "The state cannot impose death -- an irrevocable sentence -- with absolute certainty in all cases. Therefore the state should not impose it at all."

On the following day, citing specifically the DNA exonerations, the newspaper called for the death penalty in Texas to be replaced by life imprisonment without parole. "It is harsh. It is just. And it is final without being irreversible," it said.

Back on the California Western campus, second-year student Taren Kern is working on a case she has been assigned by the Innocence Project. Old-fashioned leg-work and latest advances in forensic science and DNA are at hand to help her overturn convictions.

Each student working on the Innocence Project must be prepared to spend 20 hours a week re-investigating closed criminal cases. They

are working on appellate cases that can drag on well beyond their day of graduation.

Over the summer, Kern will switch camps and spend time gaining experience in a state prosecutor's office. "Even though I might want to be a prosecutor, this experience at the Innocence Project has opened my eyes," she told IPS. "I would honestly try as hard as possible to look at all the facts."

It is this facing of facts -- the ever-growing number of convictions overturned by the painstaking, meticulous work of a non-profit law organisation -- that is playing a role in an awakening in the United States to the fact that mistakes can be made and innocent people may have been sent to the death chambers. (END/2007)

DEATH PENALTY-NIGERIA: Hope Held Out for Death Row Inmates

by Toye Olori

LAGOS - "You see the fear in their eyes. When someone has been on death row for 10 to 20 years and a strange face comes closer, he thinks the hangman is probably coming to take him to the gallows."

John Oziegbe, a legal officer with the Legal Resource Consortium in Lagos, was describing the ever-present dread of execution that haunts Nigeria's estimated 700 death row prisoners.

But visitors from the outside world stepping through the gates of Kirikiri maximum security prison in Lagos, where he often visits to give legal aid to inmates, were also likely to quake in their shoes even before setting eyes on a prisoner, he suggested in an interview with IPS.

"Nobody would think that human beings are kept in such places," Oziegbe said. At Kirikiri there was a separate building for the condemned. It was falling apart. "The structure is very bad, almost collapsing," he added.

Prison officials agree that nearly all of Nigeria's 227 prisons are like this.

"It is sad that the conditions in most of our prisons, even to the most casual observer, are dehumanising," Gabriel Oloyede, deputy comptroller general of prisons, said candidly at last year's opening of a new prison hospital at Kuje, in Nigeria's capital of Abuja. "Most of the prisons are still brutal and squalid."

But he assured those attending the inauguration of one of the five new show-case prison hospitals that measures were being taken "to improve services". His example was how the mortality rate in Nigerian prisons had been reduced from 1,500 to less than 400 a year.

Nigeria's minister of internal affairs, Magaji Muhammed, also chose this opportunity to note that the "monster" issue of prison overcrowding was recognised by officials. "This is why the president set up various committees to look into problems confronting the administration of justice and prison reforms in general," he said.

IPS has obtained a document from the key presidential commission on the reform of the administration of justice, which reports that more than half the country's 40,000 prison inmates have not even been

tried or sentenced. Some have been waiting for their trials for over ten years. The overcrowding this caused was "not conducive to the efficient application of rehabilitation and reintegration programmes" it said.

The situation showed that the entire criminal justice system in Nigeria was in a state of "dislocation", the report suggested. Last year a U.N. special rapporteur also found that the situation was so chaotic that some 3.7 percent of all case files of inmates had been lost.

Chronic but preventable diseases like malaria, tuberculosis, influenza and pneumonia were also present in the prisons, the report said, adding that the principal cause of these was the decaying buildings and poor prison diet. "In most prisons inmates are being provided with meals that fall short of the minimum dietary requirements," the report observed.

The official daily prison food allowance now stands at about 83 U.S. cents. In the days of the military regimes before the return to civilian government in 1999, it was less than half of this. More than 70 percent of Nigeria's 140 million people live on less than one dollar a day, according to the United Nations Development Programme.

The report put much of the blame for the situation on the long years of neglect by successive military regimes. But it also said that "several years of neglect by successive governments" had left the prisons "at the lowest ebb".

The commission, which has already submitted its report to President Olusegun Obasanjo, has made a string of bold proposals that could transform the penal system in Nigeria overnight - and the lives of those living in daily fear of execution.

Everyone on death row for more than 15 years should be released, it recommended. All on death row for more than 10 years and the sick or mentally ill should have their cases reviewed. And, all others condemned to death - the number is put at 111, but is steadily increasing - should have their death sentences commuted to life imprisonment.

The commission has also recommended that all inmates jailed for more than five years whose case files have been lost should be set free.

"We need an official (death penalty) moratorium," Olawale Fapohunda, secretary of the commission, told IPS. "Officially the constitution allows the death penalty but we are trying to see how the constitution can be changed for the commuting of all those sentences to life imprisonment as it is done in South Africa," he said.

The last known official execution in Nigeria was carried out under the late General Sani Abacha when environmental activist Ken Saro-Wiwa and eight Ogoni activists were executed in 1995.

While the commission has been at work, Nigeria's law-makers have been discussing a bill to enlarge and modernise the country's entire penal system. This is still being debated.

Just when the bill will be adopted, no one can say, but Fapohunda said the commission was working hard to see it was adopted during the term of the present assembly. "The bill has passed a second reading," he said.

"It was first presented to the house in 1999, but because it was not adopted in the first four years it started all over again. We want to ensure that it is adopted now, otherwise the next parliament will start it all over again."

He said more than 200 of Nigeria's death row prisoners could benefit from a presidential pardon to mark the country's Democracy Day on May 29, when a new government is expected to be inaugurated. (END/2007)

DEATH PENALTY: Italy Keeps Up Pressure for U.N. Moratorium

by Ernst-Jan Pfauth

UNITED NATIONS - Italian diplomats at the U.N. are working hard to win over more support for their proposed resolution calling for a worldwide moratorium on executions -- but are still short of the necessary pledges to be certain that an eventual General Assembly vote would be decisive enough to give a historic boost to the abolitionist cause.

Some 88 countries have so far signed a declaration of association with Italy's death penalty moratorium proposal, according to an official from Amnesty International. "But the Italians need at least 100 signatures," one source here told IPS. This was the minimum number for Italy to be confident that the moratorium would win a majority vote in the 192-member General Assembly.

"There certainly is momentum for a U.N. moratorium," Louise Arbor, the U.N. high commissioner for human rights, confirmed to IPS. "I sense that there is a growing will for a moratorium," she said, adding confidently, "and also for, in the end, abolishing the death penalty."

A U.N. General Assembly call for a universal halt on state executions would not be binding for U.N. members. But rights activists believe a strongly-backed call for a moratorium would hasten the day when the death penalty as punishment would be consigned to history.

Over the past two decades there has been a steady increase in the number of countries abolishing the death penalty. Death sentences and executions are still carried out in some 69 countries, according to Amnesty International. But only a handful of these countries -- China, Iran, Saudi Arabia and the U.S -- accounted for most of the 4,000 or more state executions carried out worldwide annually. Some 25,000 people are believed to be waiting on death rows worldwide, according to human rights researcher Mark Warren.

China and the United States are likely to oppose the Italian death penalty moratorium when it comes before the General Assembly. But neither country is expected to openly campaign against the Italian resolution, according to a diplomat whose country was opposed to the moratorium.

This did not mean the road ahead for a moratorium resolution was free of potential obstacles. "The death penalty is a sensitive subject which divides the U.N.," Yvonne Terlingen of Amnesty International told IPS. There were "political pitfalls" ahead.

Terlingen said she expected Italy to issue soon a statement on the

moratorium issue in the General Assembly. Finland, a firm supporter of Italy on this issue, already prepared the ground for doing this last December. This called on all countries which had not yet abolished the death penalty "to abolish it completely and, in the meantime, to establish a moratorium on executions".

"The abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights," Kirsti Lintonen, Finland's ambassador to the U.N., said at the time. "The right to life was universally affirmed by article 3 of the Universal Declaration of Human Rights."

The death penalty was not an effective deterrent and once carried out could never be reversed because of a judicial mistake. Finland's statement was backed by 85 countries.

Italy's statement could be expected to express the same principles and abolitionist arguments. But it would be more influential if it had more countries supporting it. Italy, currently a rotating member of the U.N. Security Council, should be able to use this influential position to achieve this.

Just what could be expected in the General Assembly when Italy seeks to table its moratorium resolution is difficult to predict. Diplomats here recall the difficulties faced by the European Union when it tried to do this in the past.

In 2001, Singapore -- cited by Amnesty International as having the highest execution rate per capita in the world -- objected. It argued that it was for each individual country to decide for itself whether to apply the death penalty. This view won enough support to become one of the main reasons that the resolution did not go into voting procedure.

The more pragmatic members of the EU are not likely to risk provoking such opposition again. But the EU is clearly anxious to demonstrate full support for Italy's moratorium initiative. Last December it issued a strong statement stressing that the abolition of the death penalty was a "fundamental value" of the 27-nation body and a prerequisite for membership.

The European Parliament clearly believes that it is high time for the EU to flex its diplomatic muscles and come to Italy's aid. In February it called for a sense of "urgency" in supporting the Italian moratorium initiative. Every political and diplomatic effort should be made "to ensure the success of this resolution," a statement said.

The Italian government has given itself until the end of the current General Assembly session in September to table its moratorium proposal. But this has not reassured critics at home.

Last month, Marco Pannella, a member of the European Parliament and president of the rights group Hands off Cain, accused the government of "delay and errors" in bringing the moratorium proposal before the U.N. On Mar. 21, Pannella announced he was going on a hunger strike to put pressure on the government to move faster.

A week later, the spokesman for the Italian ministry of foreign affairs, Pasquale Ferrara, assured the public that Italy was working "intensely" on the moratorium issue. This would be on the agenda when the EU foreign ministers met in Luxembourg on Apr. 23.

"The Italian government is losing time," Elisabetta Zamparutti of Hands off Cain, told IPS. "The U.N. moratorium resolution should be presented immediately."

She added that the organisation would be holding an Easter march through Rome to exert pressure on the Italian government to act more swiftly. (END/2007)

DEATH PENALTY-PHILIPPINES: A Mother Fights for Justice

by Stella Gonzales

MANILA - Five years ago, Evangeline Hernandez was just an ordinary wife and mother of four living in Davao City on the southern island of Mindanao. But her simple life was shattered when militiamen allegedly shot dead her daughter, a human rights worker.

Benjaline "Beng" Hernandez was only 22 when she was killed along with three other human rights workers in April 2002. They were on their way to research on the situation of peasants in Arakan Valley, North Cotabato in Mindanao.

"I had no idea at the time that going on a fact-finding mission could be dangerous," the mother told IPS as she recounted the circumstances behind Benjaline's death.

An eyewitness account said the group was having lunch inside an isolated hut when a group of armed men -- an army staff sergeant and members of its recruited civilian armed helpers, officially-termed "militiamen" -- arrived and, without warning, started strafing the hut. One victim was killed when he tried to run. The others were rounded up and one was shot in the stomach. The man pleaded for his life, but was shot in the neck instead.

Benjaline and another female companion were made to kneel before they were shot several times, the eyewitness said. Hernandez was told that both had their arms raised pleading to be allowed to take their companion to a doctor when they were killed.

According to the human rights group Karapatan (Alliance for the Advancement of Human Rights), of which Benjaline was an official, the men later boasted to village residents that the "girls were weeping loudly." The families of the victims filed a case against the alleged perpetrators. The case is still pending before the prosecutor's office. The suspects are free on bail.

Five years might be a long wait for justice in most countries, but Hernandez said she is resigned to the fact that in the Philippines it takes about eight to ten years before such cases can even be brought to trial. In fact, Hernandez said, they might not even win the case at all -- despite the testimony of witnesses.

There were only a few extrajudicial killings in 2002 and Benjaline's case was so shocking at the time that it made news even abroad. "Then in 2006, the killings escalated," Hernandez said. Karapatan has documented 839 extrajudicial killings since January 2001 (when Gloria Macapagal-Arroyo took over as Philippine president) up to Mar. 14, 2007. But a police task force, created by Arroyo in May 2006 to investigate these killings, said there were only 118.

Extrajudicial killings -- or as some would prefer to call them "political killings" -- are summary executions and assassinations carried out

without the sanction of law or a court. The left-leaning group Bayan (Bagong Alyansang Makabayan, New Patriotic Alliance) says the perpetrators are state agents and the victims are politically-engaged individuals. The victims are mostly human rights workers, priests and pastors, teachers, lawyers, farmers and workers.

The growing number of Filipinos summarily executed prompted Hernandez and other relatives of victims of such killings to band together in September 2006. They set up their group Hustisya (literally: justice), and Hernandez, after giving it a lot of thought, acceded to become its head.

Hustisya is one of several activist organisations which recently brought charges against Arroyo at the Permanent People's Tribunal in The Hague. The Tribunal is an international, independent organisation which publicly examines complaints on human rights violations.

Hernandez was pinning hopes on the tribunal coming out with an equally strong verdict condemning Arroyo as it did the dictator Ferdinand Marcos in 1980. After hearing four days of testimony from witnesses to extrajudicial killings and reviewing evidence, the jurors issued their verdict on Mar. 25. They found Arroyo and her government responsible for "gross and systematic violations of human rights".

According to Renato M. Reyes Jr., secretary-general of Bayan, one of the organisations which filed charges, they decided to go to the tribunal after exhausting all legal means available in the country. "We tried to use the small legal space we have here but we were not successful. That's why we had to go to the international community to ask for help. We know we cannot do this on our own," he told reporters in Manila.

Hernandez said she believed the tribunal's verdict could play a role in bringing further pressure to bear on the Arroyo government. But she added that even the strongly-worded statement last month from Philip Alston, U.N special rapporteur on extrajudicial killings, "failed to affect the government".

"How many have been killed?" Alston asked in a statement at the end of his 10-day fact-finding mission in February. "Is it 25, 100, or 800? ... Numbers are not what count. The impact of even a limited number of killings of the type alleged is corrosive in many ways. It intimidates vast numbers of civil society actors, it sends a message of vulnerability to all but the most well-connected, and it severely undermines the political discourse which is central to a resolution of the problems confronting this country."

He said Arroyo must persuade the military to acknowledge the facts and take "genuine steps" to investigate the killings. On Mar. 22 he also called on the government to provide him with a copy of leaked military battle orders which listed groups and individuals considered "illegitimate" by the military, hinting that this organisation can expect a devastatingly-condemnatory final report from him in some weeks.

But activist organisations believe it is Arroyo herself who must be made to answer for the killings. As Hernandez put it: "Even a dim-witted mother with no background in political science can tell that Arroyo, as the head of state, has the power to dictate everything. Otherwise, it would mean that she has no control over the soldiers." (END/2007)

WORLD PRESS REVIEW – April 2007

EU STATES BACK KENYA'S CALL TO ABOLISH HANGING

A proposal by the Government's human rights watchdog to abolish the death sentence has received backing from 27 European Union (EU) countries. A section of lawyers have also supported the recommendations contained in a new report by the Kenya National Commission on Human Rights (KNCHR), according to the East African Standard.

German ambassador, Mr Walter Lindner, described hanging as crude and inhuman. "Eleven countries in Africa have abolished the death penalty and it is time Kenya joined in to do the same," he said. Germany, which holds the EU presidency, and other member States have abolished death sentences. EU has been at the forefront in supporting civil society organisations to lobby for the abolition of capital punishment. At last year's World Day Against Death Penalty, EU urged all governments to get rid of the punishment. Britain also added its voice. "Uganda and Tanzania has started questioning the death penalty and Kenya should start to do the same," said Mr Adam Wood, the British High Commissioner.

Wood said death row convicts are cruelly treated. More than half the countries in the world have abolished the death penalty and apply life imprisonment for the most serious crimes. Under the local laws, murder, treason and robbery with violence, including attempted robbery with violence, carry a death sentence. KNHRC says Parliament should amend the law to do away with the penalty. Its report, Abolition of the Death Penalty in Kenya, also recommends that current hanging convicts face life imprisonment instead. "The fact that there has never been executions in the last 20 years suggests that death penalty is not right," said KNCHR chairman, Maina Kiai, while launching the paper on Wednesday.

"Even though it is in our legal books and laws, it is not the right thing for us to be doing." The most damning aspect about the penalty is that once executed, it is irreversible even if there has been miscarriage of justice, KNCHR said. The commission is mandated to advise the Government on ways to enhance protection of human rights. Enforcement of the death penalty violates Article 7 of the International Covenant on Civil and Political Rights, and the Convention against torture and other cruel, inhuman or degrading treatment or punishment, to which Kenya is party. Addressing rights activists and envoys, Kiai said it was time for Kenya to join in the steps of the emerging global trend that seeks to abolish capital punishment. Eleven African countries have abolished the punishment. These are Angola, Cape Verde, Ivory Coast, Guinea Bissau,

Liberia, Senegal, Seychelles, Mauritius, Mozambique, Namibia, and South Africa. "Tanzania and Uganda's highest courts have ruled that death penalty is a crude and cruel punishment that ensures human rights violations," Kiai added.

ZAMBIA PRESIDENT SAYS HE WILL NOT SIGN ANY WARRANTS TO HANG PEOPLE

In Zambia, President Levy Mwanawasa maintained that he will not sign any warrants to hang people that face the death penalty.

Instead the President has indicated that he would soon sign a statutory instrument in which death sentences would be commuted to life imprisonment, Mmegi Online reported on April 30.

The High Court and the Supreme Court are still issuing death penalties because it is still part of Zambian law. Abolition could only be effected if that is reflected in the new Constitution. However, recommendations to the Mung'omba-led Constitutional Review Commission have not been enacted into law. Most of the petitioners submitted that the new constitution be adopted by a Constituent Assembly, but this is not provided for in the current Constitution.

PRESIDENT KAGAME AND FORMER EU ENVOY DISCUSS DEATH PENALTY

The former European Union Special Representative for the Great Lakes Region, Mr Aldo Ajello, persuaded the Rwandan Government to sign the international moratorium on the death penalty, the New Times Kigali reported April 15.

"I have discussed the issue of Rwanda signing the proposal for the abolition of the death penalty with the president (Kagame) and he is supportive of the process." Ajello explained that the signing of the international declaration abolishing the death and the corresponding moratorium would see Rwanda join a long list of countries worldwide that recognise the value of humanity.

He noted that apart from placing the country at a better global position in its judicial reform, the approval of the 'Hands off Cain' initiative would also assist Rwanda in dealing with the legal challenges the country faces such as bringing the perpetrators of the 1994 genocide to justice. The change would enable countries which arrest genocide suspects but which object to capital punishment to extradite them to Rwanda. The development comes at a time when Rwanda is debating the abolition of the death penalty, with anti-death penalty legislation now before the parliament.

WHEN WILL THE REFERENDUM ON THE DEATH PENALTY BE HELD?

An editorial in the FOROYAA Newspaper (Serrekunda), posted to the web on March 26 said: Section 18 of the Constitution deals with the right to life. However, the courts are empowered to impose capital punishment or the death penalty after conviction of a criminal offence for which the penalty is death.

Section 18 subsection (3) states that "The National Assembly shall within ten years from the date of the coming into force of this constitution review the desirability or otherwise of the total abolition of the death penalty in the Gambia."

The fact of the matter is that the National Assembly cannot set aside an entrenched provision. This can only be done through a referendum. Section 43 (1) (a) accords the Independent Electoral Commission the responsibility for the conduct and supervision of the registration of voters for all public elections and the conduct and supervision of all public elections and referenda. The Attorney

General and the National Assembly need to come up with a bill which should ultimately give the Gambian people an opportunity to decide whether the death penalty should be abolished or not.

Furthermore, Foroyaa is calling on the Attorney General to give advice to the President to activate the Committee on the exercise of the prerogative of mercy by the President. There are many prisoners who need to be pardoned to reduce the state expenditure and the congestions in our prisons. The government needs an active social programme dealing with all areas of National life. The constitution needs to be constantly monitored and the institutions and tasks it calls for should be put into effect. This is what is meant by the rule of law.

S. AFRICA NOT TO BRING BACK DEATH PENALTY

The South African government would not resort to the death penalty in spite of high crime rate in the country, Xinhua said quoting the local English paper Daily News on April 16. The paper reported that any hope that the government would bring back the death penalty were dashed when President Thabo Mbeki said the previous day this was not considered an option to bring down the country's crime rate.

Mbeki, on a presidential imbizo in black concentrated Soweto, was responding to the pleas of a resident who asked for the death penalty to be implemented because of the high crime rate in the area, but the president reminded her of the ugly historical legacy of capital punishment. The resident said at the imbizo, attended by Mbeki, some of his ministers and Gauteng and Johannesburg leadership, that crime was a serious problem and that she believed the death penalty would solve the matter.

However, the president said the problem with the death penalty was that it was mostly black people who were being hanged in the past. He reminded her that crime was not a new phenomenon and that residents of Soweto and Alexander lived with this scourge for many years under apartheid. Mbeki told residents that criminals lived in their midst and some of them even buy stolen goods from thieves. "But you turn around and say Mr President what about crime ... while you are (part of the problem)," he said, urging residents to cooperate with the police.

SWASI AIDS ACTIVISTS CALL FOR DEATH PENALTY FOR HIV INFECTION BY RAPE

A rising incidence of rape in Swaziland, coupled with the world's highest level of HIV-infection, is fuelling a national debate on what punishment should be meted out to rapists, especially if the victims of sex crimes become infected with the disease, UN Integrated

Regional Information Networks reported on April 23.

"Giving a little girl HIV is like giving her a death sentence," Nonhlanhla Dlamini, director of the Swaziland Action Group Against Abuse (SWAGAA), told IRIN. The group offers medical and legal assistance as well as psychological counselling to victims of abuse, most of whom are women.

The debate about sex crimes and the high prevalence of HIV/AIDS has stalled passage of the Sexual Offences and Sexual Violence Bill, introduced last year. Originally the bill called for the death sentence for HIV-positive men who infected women they raped while knowing their medical condition, but parliament is now expected to debate the bill later this year.

However, Thembi Nkambule, National Coordinator of the Swaziland National Network of People Living with HIV and AIDS (SWANNEPHA), felt that "being HIV positive is not a criminal offence; we should not criminalise being HIV positive". Those advocating more severe sentences for offenders who knowingly infect their victims said it was not the medical condition they sought to criminalise, but a violent act that was made worse by an infection that would lead to an incurable disease.

The Constitution enacted last year by King Mswati, the continent's last absolute monarch, provided for capital punishment for HIV-positive rapists, but after objections by human rights groups the penalty was replaced by a life sentence.

PORNOGRAPHY PRODUCERS TO GET DEATH PENALTY UNDER NEW IRANIAN LAW

The culture committee of the Iranian parliament has approved a bill sentencing to death producers of 'pornography', videos and films deemed vulgar by the country's censorship. The draft law will now go to parliament where it is expected to be approved by an ample majority. Amateur porn films are popular in Iran and can fetch up to 30 euros each. The market, tolerated for a long time, became a nationwide issue earlier this year after a film of popular television actress, Zohre Mir Ebrahimi, having sex with her partner, was released, the Kyrgyzstan newsagency AKI reported on April 30.

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