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by Elisabetta Zamparutti

The international campaign is building to save the life of Nazanin, the young Iranian woman sentenced to be hanged for allegedly stabbing to death one of two men that tried to rape her in Teheran in March 2005, when she was seventeen.

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First War Crimes Trial Exposes Weak Afghan System

By Ahmad Shafiq Hamdard

KABUL - Afghanistan's intelligence chief in the pro-Communist era has been sentenced to death for extra-judicial killings, raising troubling questions about the current judicial system and its capacity to investigate and prosecute violations of human rights in a fair manner.

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Life of Mexican Migrant Hinges on U.S. Psychiatrists

By Diego Cevallos

MEXICO CITY - He is linked to 14 murders, which he said he was pushed to commit by an "evil force" and "the will of God." These seemingly contradictory statements and other testimony indicating that Mexican drifter Ángel Maturino is insane did not stop a jury in the United States from returning a verdict of first-degree premeditated murder, or keep the judge from handing down the death penalty. But they might now save his life.

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Number of Executions Falling Worldwide

By Stefania Bianchi

BRUSSELS - More than 2,000 people were known to have been executed by governments around the world last year, down significantly from 2004, according to a new report from a leading human rights group.

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Indian's Life in Musharraf's Hands

By Muddassir Rizvi

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Capital Punishment in Iraq Seen Simply As Death Not Justice

By Brian Conley and Isam Rashid

BAGHDAD - The execution of 13 suspected insurgents in March marked a revival of the death penalty in Iraq - and sparked a debate among Iraqis about whether capital punishment should be written into the laws of a modern society.

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Families of Death Row Prisoners Ostracized in Japan

By Suvendrini Kakuchi

TOKYO - Just a few days after his father's death sentence was upheld by the Tokyo High Court, the son of the Aum Supreme Truth cult founder filed a suit against his junior high school demanding compensation for refusing to allow him to attend school.

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No Abolition in Sight in Cuba

By Patricia Grogg

HAVANA - A new de facto moratorium on the death penalty in Cuba, since the last three executions took place in 2003, does not seem to indicate that capital punishment will disappear any time soon in this socialist Caribbean island nation.

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Beslan Massacre at the Core of Russian Debate

By Kester Kenn Klomegah

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DEATH PENALTY: First War Crimes Trial Exposes Weak Afghan System

by Ahmad Shafiq Hamdard -- The Killid Media Group*

KABUL - Afghanistan's intelligence chief in the pro-Communist era has been sentenced to death for extra-judicial killings, raising troubling questions about the current judicial system and its capacity to investigate and prosecute violations of human rights in a fair manner.

Assadullah Sarwary, 64, has filed an appeal in mid-March to the Special Appeals Court for the Crimes Against Internal and External Security. He is the only senior government official to be tried for past human rights abuses in Afghanistan.

He was the secret police chief under the Soviet-backed Noor Taraki regime of the late 1970s, and languished in prison for 13 years until his trial began in December 2005. He was convicted on Feb. 25.

International rights groups, including Human Rights Watch, the United Nations and Amnesty International, condemned the trial as flawed and have called on President Hamid Karzai to reform the country's judicial system. Moreover, they have called for an end to the death penalty in the nascent democracy.

In February, Chief Judge Abdul Basit Bakhtiyari told Sarwary, who human rights groups said was not provided legal counsel, that he was being "sentenced to death for killing hundreds of Muslims and mujahideen in the feared Communist prisons under your control".

Sarwary was charged with "plotting against the Islamic government of Afghanistan". The case was tried in the National Security Court, a special branch established by the Supreme Court for crimes committed during the war years.

The prosecution and defence presented their cases in one day. United Nations officials and Human Rights Watch say they believe the government provided shoddy evidence because it knew it would get the conviction it wants.

International rights groups point out that what should have been a trial to set a precedent ignored standards of law and strict processes like the opportunity to challenge the evidence. The U.N.'s High Commissioner for Human Rights said in a written statement that he observed "serious structural flaws".

Amnesty International (AI), too, "expressed concern that he (Sarwary) was not provided with adequate safeguards", it said in a written statement.

A report by the High Commissioner for Human Rights dated Mar. 3 stated that Afghanistan's "judicial sector remains chronically weak", and "incapable of meeting international obligations" under humanitarian and human rights law.

Michael N. Shaikh, a Kabul-based researcher with Human Rights Watch, told IPS this week that he believed it would have been relatively easy for the government to have organised a coherent, credible and straight-forward case.

"Putting the victims at the centre of this trial would help set the record straight about what happened under the early years of the PDPA (communist regime) as well as provide victims and their families an opportunity to deal with the past and shed some of the weight of their trauma," he said.

The international rights groups urged the Karzai government to immediately implement a blueprint for transitional justice, approved late last year. It seeks to establish a system of justice and accountability that includes establishing documentation centres and chronicling the rights violations of the past 30 years.

The plan also calls for a monitoring system to prevent human rights abusers from holding senior government positions and sets out the possibility for taking them to court. However, the plan does not go beyond the promise that there will be no amnesty for war criminals.

At present, Afghanistan's criminal code does not have provisions for addressing war crimes. The charges against Sarwary did not take into account allegations of systematic rights violations leveled at the Communist-led governments of Taraki and Hafizullah Amin.

Moreover, HRW expressed "grave concern" about the use of the death penalty in Afghanistan. Since 2001, at least 25 death sentences have been sent to the president's office for a decision on execution or commutation. To date, one person, Abdullah Shah, a Taliban military commander, was secretly executed in October 2004.

AI in its 2005 country report said his trial was not open to the public. Shah, like Sarwary, was denied basic rights of defence. Charged in connection with multiple murders, he had no legal counsel and was not allowed to cross-examine witnesses. According to AI, the court reportedly imposed the death penalty under political pressure.

In 2003, President Karzai told AI's secretary general that there would be a moratorium on executions while judicial reform is being carried out. Instead, Shah was hung.

HRW researcher Shaikh said in an interview that he believed it was prescient. "Seeing that the Afghan legal system is based on the Shariah and the death penalty is prescribed for some crimes it is unlikely it will ever be banned," Shaikh said.

Last December, the Afghan Independent Human Rights Commission and the office of the Commissioner for Human Rights hosted a conference on truth-seeking and reconciliation. This was only the second time that members of civil society, victims and others across the country had sat down together to address the past and discuss the future.

Afghan rights activist Muhammad Aatif told Killid News Media that there are many war criminals in Afghanistan who are not being prosecuted. Nearly a million Afghans were killed and the country devastated by fighting over three decades.

"The reality is this that if a criminal is in the government or has influence, no one says anything. But when the individual doesn't have power, he is put on trial," he added.

(*Released under arrangement with The Killid Media Group) (END/2006)

DEATH PENALTY – CUBA: A Debate that Has (Yet) to Happen

by Patricia Grogg

HAVANA - In Cuba, the death penalty is not a focus of public debate, so the strength of feeling for or against a moratorium on executions, or the abolition of capital punishment, is difficult to gauge.

Opinions on whether or not the death penalty should remain part of the Cuban criminal code range from accepting capital punishment, to justifying it only for heinous crimes, to rejecting it absolutely.

However, the only known opinion survey, carried out three years ago by a moderate dissident group, which put forward a charter of human rights for public consideration, indicated widespread opposition to the death penalty.

Out of 35,209 people interviewed, only 1,842 disagreed with the text of the proposed charter, the first article of which stated that "no Cuban shall be sentenced to death or executed," Manuel Cuesta Morúa, one of the promoters of the initiative, told IPS.

Out of the total number of respondents, some 1,400 believed that the death penalty should be kept on the books, but only for exceptional crimes, added Cuesta Morúa, spokesman for Arco Progresista (Progressive Arc), a coalition of small groups with social democratic tendencies.

The same moderate opposition sector plans to hold a "social debate" on capital punishment in the near future, as a step towards organising a campaign for a legal moratorium or, indeed, abolition.

"When we conducted our first surveys, some time ago, we realised that even human rights activists backed the death penalty. That's why we thought it was necessary to talk about it and discuss it, first," said Leonardo Calvo, of the Corriente Socialista Democrática ("Democratic Socialist Current"), another dissident group.

Cuba's socialist government defends the death penalty, which has not been implemented in the last three years, as a legal tool for defending Cuba from outside aggression, as well as from internal action to destroy the State, and to protect the population from the most execrable crimes.

"The possible abolition of capital punishment in Cuba would be linked to an end to the policy of hostility, terrorism and economic, commercial and financial warfare to which its people have been subjected for over 40 years by the United States," the Foreign Ministry said in 2004.

Many Cubans agree with this pre-eminently political justification, which was used in April 2003 against three Cubans who hijacked a ferry carrying dozens of passengers, in an attempt to reach the United States. They were executed by firing squad.

The executions interrupted the de facto moratorium on capital punishment in effect in Cuba since 2000, and drew adverse internal criticism and international protests. "They committed a crime, but they didn't kill anybody. Life imprisonment would have been punishment enough," remarked a medical doctor who asked to remain anonymous.

Cuban sociologist Aurelio Alonso perceives the problem of capital punishment from two angles: legal and ethical. "The crux of the matter is which perspective is subordinate and which is dominant. In my view, arguments justifying the death penalty are essentially based on legal and political criteria," he told IPS.

But Alonso explained that from an ethical point of view, at least two premises are indisputable. "The first is that the right to life takes precedence over every other right, and embraces everything, even that which goes against that right, including violent crime, death by malnutrition, or death from curable diseases."

Such a principle is "quite contrary to any justification that can be put forward in favour of the death penalty, whatever the enormity of the crime committed, and however reasonable capital punishment may seem to us from another angle," he said.

Secondly, "the death penalty simply eliminates the person to whom it is applied, by taking his or her life, but it condemns his or her nearest relatives to a life sentence of pain and sorrow, even though they are innocent of the crime committed," the researcher said.

These ethical points "are even more important" than other considerations, "such as the proven fact that capital punishment cannot be shown to exert an exemplary effect that contributes to reducing crime," Alonso stated.

"I think that a society that prohibits euthanasia, which is the taking of life as an act of compassion, yet needs to kill people in the interests of justice, has distorted values that it needs to straighten out," concluded the sociologist.

Writer and journalist Hugo Luis Sánchez takes the side of abolitionists of the death penalty wherever it is applied, and calls for different measures to prevent serious crime.

"It is too harsh, whatever the crime that has been committed. Besides, there is always a margin of error, and making a mistake in favour of a guilty party can be remedied, but condemning an innocent person is unforgiveable," he told IPS.

Economist Freddy Martínez, on the other hand, asks why he should concern himself with the life of someone who has not respected the lives of others. "People who commit barbaric acts, without scruples, should be condemned," he said.

Psychologist Alicia Fernández takes a similar position, although she admits that it is a "harsh and cruel" penalty. "It's necessary for the good of society. It's a means of protecting people, and it also makes people pay for crimes they have committed. Once a psychopath, always a psychopath: these are not people with an illness," she stated.

Article 29 of the Cuban Criminal Code states that "the death penalty is exceptional in character and shall only be applied by tribunals in

the most serious cases of the crimes for which it has been established."

The law further stipulates that capital punishment "cannot be imposed on people under 20 years of age nor on women who were pregnant at the time the crime was committed or are pregnant when the sentence is handed down." In practice, no woman has been executed since 1959.

There is an automatic and compulsory right of appeal to the Supreme Court. If the sentence is upheld, it must then be ratified by the Council of State (the highest government body), which has the last word.

The dissident Cuban Commission on Human Rights and National Reconciliation reports that there are close to 50 people who have been handed, or may receive, the death sentence, a figure that has not been officially confirmed.

Among them are Raúl Ernesto Cruz León and Otto René Rodríguez Llerena, of El Salvador, who were sentenced to death for terrorism in 1998 and whose cases are still pending appeal before the Supreme Court.

Cruz León and Rodríguez Llerena were involved in a number of bomb attacks on tourist facilities in Cuba. Italian businessman Fabio Di Celmo was killed in one of the incidents.

Humberto Eladio Real Suárez is another awaiting execution. He was arrested on Oct. 15, 1994, after disembarking on the island, killing a person and stealing his car. He was tried for acts against state security and murder.

An Apr. 20 report by the London-based human rights organisation Amnesty International indicated that at least 2,148 people were executed in 2005 in 22 countries, 94 percent of them in China, Iran, Saudi Arabia and the United States.

The report also indicated that more than 50 percent of the world's countries have abolished the death penalty, in their legislation or in practice. The most recent countries to have done so were Mexico and Liberia, in 2005. (END/2006)

DEATH PENALTY: Congolese Minors Sit on Death Row

by Anjan Sundaram

MBANDAKA, Western DRC - In a dank dormitory lit only by shafts of sunlight from holes in the roof, a hundred Congolese prisoners lie silently on straw mats and soiled blankets, some of them waiting to die.

The prison in Mbandaka, a western provincial capital, is typical of the Democratic Republic of Congo (DRC). Half its prisoners were gravely ill when an IPS reporter visited in March, but there were no doctors or medicines. Forty prisoners told a reporter they suffered from diarrhea. The inmates defecated into an open metal bucket sitting in the corner. The stench permeated their crowded space.

Among the inmates languishing in prisons throughout Congo are at least ten children, some as young as 15 years old, condemned to death and waiting to be executed, according to a September 2005

letter from the United Nations to the Congolese government.

IPS was not allowed to visit them, but one prisoner documented by the U.N. is 15-year-old Mbeko Banza. A child soldier working with government troops, he was one of 33,000 children recruited and armed during Congo's 1998-2002 war. In May 2005, a military court sentenced Banza to be executed for homicide, the U.N. letter said.

Minors like Banza sit on death row in DRC often because they cannot prove their age. More often, U.N. workers say, these children lack the funds to pay for adequate legal counsel.

Court-appointed lawyers frequently are too over-worked and under-paid to provide more than superficial service and Congolese judges preside over trials that may not provide a high level of justice, U.N. officials added.

"The trials are usually expeditious without respect for fair trial guarantees for the rights of the accused or victims. Some children condemned did not even have lawyers," Daniela Baro, a U.N. lawyer investigating juvenile criminals on death row told IPS in an interview.

"Last year, someone was condemned to death in just one day."

So far U.N. officials say they have gotten no concrete response from the government.

Congo's new constitution, approved during the country's first democratic vote in 40 years, in December 2005, enshrines human life as sacred, but it makes no mention of the death penalty.

Still, while Congo's penal code allows for it under certain circumstances, it is illegal to condemn a person to death for crimes committed when they were younger than 18 years old.

But Congo's crippled judiciary lacks qualified magistrates, funds and the infrastructure to carry out proper trials and protect witnesses in sensitive cases, such as those dealing with minors, U.N. workers said.

A corrupt 32-year dictatorship under Joseph Mobutu and Congo's five-year war left the country's infrastructure, including its judiciary, in shambles. Judges are now paid as little as 10 dollars a month and largely live off underhand payments in lucrative cases such as property disputes, many believe. Few magistrates bother to properly deal with cases involving impoverished minors, the U.N. officials added, because they are unlikely to be paid a tip for their services.

Still, it has been at least five years since anyone was executed in Congo, partly because of a moratorium on the death penalty imposed in 2003 and subsequently lifted in 2004. For minors sentenced to death, this means endless waits in Congo's decrepit prisons - a de facto life imprisonment.

Though executions have not been carried out, people continue to be sentenced to death, mostly at Congo's military tribunals. Judges at military courts, where most of Congo's death penalties are handed out, rarely follow the penal code's guidelines, observers said.

"Military justice is often unacceptably expeditious, even in condemning people to death," Luc Henkinbrandt, a senior U.N. human rights official in Kinshasa told IPS.

Moreover, military courts are not even supposed to try minors because the law does not allow children to fight in the army. Still, in most cases magistrates rule that the defendants, especially those who are now adults, do not have adequate proof of age to show they were minors at the time they allegedly committed their offences.

Congolese, including children, rarely possess identity cards or proofs of age. For most citizens, a voter registration campaign in 2005 allowed them to obtain official identification for the first time in their lives.

"Some lawyers are not able to prove the child's age by lack of resources to obtain alternative proofs of age and the judge then considers them as adults. This means they can impose the death penalty legally," Baro, the U.N. official, said.

Children who served with armed groups during the war often have been separated from their families for years. Lawyers could travel to the native villages of the children to find evidence of their age, but that would often mean journeying hundreds of kilometres from court proceedings - something few are prepared to do.

The main problem abolitionists of the death penalty face in Congo, explains Henkinbrandt, is that war-weary Congolese public are eager to see their country's criminals face justice. They believe the orchestrators of Congo's gruesome massacres deserve poor trials, and that by and large they should die for it.

"Even if the death penalty is not carried out, the population is for expeditious justice and the death penalty sometimes. Abolition of the death penalty is not very popular among people," Henkinbrandt said.

"Though abolitionist politicians have managed to stop executions, they don't have the courage to go against clear public opinion and eliminate the death penalty," he added.

Congo's war killed nearly four million people, mostly from hunger and disease but also during numerous battles and politically-motivated massacres. Peace deals ended the war in 2002. A new a transitional government was formed that comprises former rebels and warlords, some of whom are said to have participated in the war's worst killings. Dozens of militia leaders were not involved in the 2002 peace deals however, and they continue to rape, kill and recruit children even after the war ended.

Amnesty International said in a report this month that alarming numbers of children still were being enlisted by militia leaders in Congo's restive east. Hiding in Congo's forests beyond the reach of military, these warlords fear harsh reprisals for crimes such as killing civilians, torture, and enslaving children as concubines, porters or soldiers.

Efforts by the 17,000-strong United Nations peacekeeping mission in Congo, the world's largest, and ill-trained government troops, have managed to rope in some lawless militants like Thomas Lubanga, a former eastern warlord in Congo's conflicted Ituri territory.

Lubanga is now in The Hague as the International Criminal Court's (ICC) first case, to be tried for charges including the recruitment of children as soldiers. The maximum sentence allowed at the world's criminal court is life imprisonment.

Lubanga, therefore, will not face the death penalty if he is found guilty. Most of Lubanga's wartime accomplices however, including

children recruited to fight alongside him, remain in Congo. Tragically, they could face execution.

Some Congolese believe Lubanga has escaped true justice.

"Lubanga is one of Congo's worst criminals, he is one of the most dangerous people, but because he went to The Hague he will not face the death penalty. That is a shame," said Ken Ilunga, a 28-year-old computer technician in Congo's capital, Kinshasa. "But children should not face the death penalty. After all, they were young and only obeyed orders." (END/2006)

DEATH PENALTY - US: Life of Mexican Migrant Hinges on Psychiatrists

by Diego Cevallos

MEXICO CITY - He is linked to 14 murders, which he said he was pushed to commit by an "evil force" and "the will of God." These seemingly contradictory statements and other testimony indicating that Mexican drifter Angel Maturino is insane did not stop a jury in the United States from returning a verdict of first-degree premeditated murder, or keep the judge from handing down the death penalty. But they might now save his life.

His execution has now been postponed from May 10 to Jun. 27 to allow for additional psychiatric testing. The decision was announced last week, after Maturino's attorneys filed reports by two mental health experts who concluded that the 45-year-old Mexican migrant is mentally ill and is thus ineligible for execution.

"It was a positive decision, which must largely be attributed to the insistence of the lawyers paid by the Mexican government, because it is obvious that Maturino is not sane and thus is not eligible for capital punishment," Alfonso Garcia, with the Amnesty International office in Mexico, commented to IPS on Tuesday.

Mexico's National Human Rights Commission, a government body, had earlier pleaded unsuccessfully for clemency in the case.

Maturino, known as the "railroad killer" because his victims were all slain near the railways on which he rode the boxcars, is on death row in Livingstone, Texas. He turned himself in to the police in that state in 1999, and was tried by a jury made up of 11 white jurors and two African-Americans (the jury included one alternate). None of the jurors was Hispanic.

The Mexican migrant, who before his arrest was on the Federal Bureau of Investigation (FBI) Top Ten Most Wanted List, asked for the death penalty during the trial, rather than a life sentence.

Maturino was born in a small town in Puebla, a state near Mexico City, and grew up virtually as a street child. He was 14 when he first entered the United States as an undocumented immigrant, which he did many times over the following decades. He was arrested 16 times in the United States for robbery and other crimes, and deported eight times.

He is implicated in 14 murders committed between 1997 and 1999 in the U.S. states of Texas, California, Florida, Georgia, Kentucky and Illinois, although he was only convicted of the rape and murder of Dr. Claudia Benton in West University Place, Texas.

"The Mexican government reiterates its staunch opposition to the death penalty and will continue to take all legal and diplomatic action within its reach to prevent the execution of any Mexican sentenced to death abroad," states a Foreign Ministry document.

IPS spoke to one of the convicted man's family members who lives in Rodeo, in the northern Mexican state of Durango, where Maturino had a small plot of land at the time that he turned himself in to the Texas police.

"He was known around here as a calm, quiet guy. He was a bit of a loner. That's why we don't believe he did all of the horrible things that they say he did," said Maturino's relative, who spoke on the condition of anonymity, since "because of him, everyone looks at us askance around here."

"He used to come and check out his land every once in a while, but he was always traveling, and said he was taking care of business in the United States," he said.

"Now no one is looking out for Ángel, we only know that he had lawyers supplied by the Mexican government. I sure hope God helps him, because that's the only hope he has left," he added.

At his trial in Texas, the attorneys paid for by the Mexican government argued that Maturino is insane and was not responsible for his acts. The prosecutors, however, brought in various witnesses who testified that Maturino is an intelligent man and knew exactly what he was doing.

Harris County Texas District Attorney John B. Holmes Jr. stressed the brutality of the Mexican immigrant's crimes, noting that Benton was not only murdered, but also severely beaten and raped.

Moreover, he added, there was evidence to show that after killing his victims, Maturino took their belongings and sold them, which demonstrates that he was conscious of his acts.

But this was not the impression given by the statements made during the trial by Maturino himself, who claimed that he had been guided by "an evil force" and by "the will of God." These apparently contradictory declarations are evidence of schizophrenic behaviour, according to Dr. Larry Pollock, who testified for the defence.

Unlike the cases of other Mexican immigrants in which the failure of the authorities to notify the Mexican consulate of their arrest served a key role in the legal strategy of their defence attorneys, this requirement was duly fulfilled after Maturino was arrested.

The International Court of Justice in The Hague ruled in late March 2004 that the United States had violated the rights of 51 Mexican nationals by sentencing them to death without having provided them with the opportunity for consular assistance at the time of their arrest and trial.

Thanks to this ruling, the result of a case brought before the Court by Mexico, the government of Vicente Fox has succeeded until now in staying the execution of the Mexican nationals on death row in the United States.

In January, the Texas court ordered that Maturino's death sentence be carried out on May 10, making him the first Mexican to have a precise execution date set since March 2004.

That same month, another Mexican immigrant, Osvaldo Torres, had been scheduled for execution in the state of Oklahoma, but his death sentence was commuted at the last minute to life in prison.

The last Mexican executed in the United States was Javier Suárez, in August 2002 in Texas. Before that, four of his compatriots had met a similar fate.

There are over 20,000 people sentenced to death around the world today, according to an Amnesty International report released Apr. 20.

The London-based human rights watchdog reported that at least 2,148 people were executed in 2005 in 22 countries, 94 percent of them in Saudi Arabia, China, the United States and Iran. That same year, another 5,186 people were sentenced to death in 53 countries.

"The number of countries carrying out executions has dropped for a fourth consecutive year; over the last twenty years, numbers have halved," the report states, noting that Mexico and Liberia are the latest countries to abolish capital punishment, in 2005..

"As the world continues to turn away from the use of the death penalty, it is a glaring anomaly that China, Saudi Arabia, Iran and the USA stand out for their extreme use of this form of punishment as the 'top' executioners in the world," declared Amnesty International secretary general Irene Khan. (END/2006)

DEATH PENALTY: Number of Executions Falling Worldwide

by **Stefania Bianchi**

BRUSSELS - More than 2,000 people were known to have been executed by governments around the world last year, down significantly from 2004, according to a new report from a leading human rights group.

Officials at Amnesty International, the London-based human rights organisation, said that number, while still high, denotes a trend by governments towards abolishing the death penalty. Last year, Mexico and Liberia officially ended the practice and at least three more countries are considering it.

In releasing its annual report this week, Amnesty officials also said the number of executions of people who were children when they committed their crime also had fallen. Only Iran is known to have killed minors last year.

Piers Bannister, coordinator of the death penalty team for Amnesty, welcomed the fall in executions, but "only in the context of one execution is one too many," he told IPS.

Amnesty will continue to campaign for the worldwide abolition of the death penalty, Bannister said. A total of 86 countries have abolished the death penalty to date, up from only 16 nations in 1977. A further 36 states have placed a moratorium on the practice or have stopped using capital punishment for all but exceptional instances, such as wartime crimes.

Researchers led by Bannister documented that at least 2,148 prisoners died by hanging, beheading, lethal injection or stoning in

22 countries last year. That compares with 3,797 people killed for crimes carrying the death penalty in 2004.

In addition, 5,186 people were sentenced to death in 53 countries in 2005, and some 20,000 people worldwide are sitting on death row, the Amnesty report said.

China, Iran, Saudi Arabia and the U.S. accounted for 94 percent of capital punishment recorded in 2005. China is known to have executed at least 1,770 people -- more than all other countries combined. However, the real figure is believed to be much higher, the Amnesty report said.

Iran hung at least 94 people; Saudi Arabia beheaded at least 86. In the United States, 60 people were killed through lethal injection.

The group warned that its latest analysis on the use of the death penalty worldwide contained minimum figures because of the secrecy surrounding the death penalty. Many governments, such as China, refuse to publish full official statistics on the number of people it kills, while Vietnam has classified statistics as a state secret.

The Chinese government may be executing many more than the reported amount, Amnesty report said, noting that a respected Chinese legal expert puts the figure closer to 8,000.

China executes its prisoners by shooting them or injecting them with lethal doses of drugs. Saudi Arabia tends to behead its prisoners; Iran hangs or stones them to death. In the United States, the condemned usually are killed through lethal injection.

The number of countries actually carrying out executions has halved in 20 years, falling for a fourth consecutive year last year, from 25 to 22, Bannister said.

"The Philippines, South Korea, Mali and other countries are currently considering the abolition of the death penalty. Amnesty is campaigning in these areas to educate and persuade that the death penalty serves no useful purpose and is a violation of human rights," he told IPS Thursday.

The death penalty is the ultimate, irreversible denial of human rights, because it disregards the essence of human values, he said in a plea to governments to abolish the practice.

Moreover, Bannister added that no statistics back up the claim that capital punishment deters crime, and called on governments to focus efforts instead on developing effective measures that do.

"There will soon be a small number of countries where the abolition of the death penalty will be very hard to achieve, but (the task is) not impossible. It may take many years. We may be able to achieve a dramatic drop in executions before abolition," he said.

In spite of the recent decline in the number of executions, Amnesty says more than 20,000 people remain on death row across the world today. The top executors remain China, Saudi Arabia, Iran and the United States.

In China, there are as many as 68 crimes, including non-violent charges such as tax fraud, embezzlement and drug offences, for which a person can be sentenced and executed.

In Saudi Arabia, people have been taken from their prison cells and executed without knowing that a death sentence has been passed against them. Others have been tried and sentenced to death in a language they didn't speak or read.

Iran was the only country known to have executed juvenile offenders last year, Amnesty said in its report. That country hung at least eight people in 2005 for crimes they committed when they were children. That number includes two prisoners who were still under the age of 18 at the time of their execution, according to the AI report.

However, the organisation commended the United States for banning the execution of juvenile offenders in March 2005, having previously been a "world leader" in the practice. (END/2006)

DEATH PENALTY: Indian's Life in Musharraf's Hands

by Muddassir Rizvi

ISLAMABAD - An alleged Indian spy condemned to death here appealed for clemency this month, creating a political quandary for Pakistan President Pervez Musharraf.

Sarabjit Singh, who continues to claim his innocence, was sentenced to death in 1991 by a Pakistani lower court after convicting him for four bomb attacks in 1990 that left 14 people dead and 89 injured. His subsequent appeals in higher courts were turned down and Pakistan's Supreme Court upheld his death sentence in August 2005. He has now appealed to the Pakistani president for clemency.

But more is at stake than one man's life. On the one hand, Musharraf must consider the possible damage in relations between India and Pakistan should the Indian national be executed. On the other, clemency will go against the president's avowed objective of showing no mercy to convicted terrorists, giving opposition parties another talking point.

The question of clemency to Singh, 40, comes at a time when the country is bracing for general election next year. Musharraf, who has indicated his intentions to run for a third term, will certainly not be ready to risk irking conservative Islam by pardoning Singh after having seen their street power during recent protest over the Prophet Mohammad's caricatures controversy.

"Showing mercy to a convicted terrorist will seriously compromise Musharraf's anti-terrorism campaign and his no-compromise-on-terrorism image that gives him international legitimacy," said an official in the Foreign Office who requested anonymity.

Moreover, a pardon will create precedent for at least 50 Pakistanis who are facing death penalty in Pakistan for various terrorism-related acts. A total of 5,447 people are waiting death in more than 50 jails in Pakistan. Some 15 people were hanged to death in the country in 2004, said information acquired from the home ministry that has yet to compile the similar data for 2005.

Equally important are the implications of this case on Indo-Pak relations. "It is a tough call for President Musharraf. Pardoning Sarabjit will certainly yield dividends for him [Musharraf] to create

amicable relations with India as well enhance goodwill with Indian leadership," said Zafar Nawaz Jaspal, an assistant professor at Quaid-i-Azam University in an interview with IPS in Islamabad earlier this month.

"Clemency will itself be a major confidence-building measure that will only cement the ongoing talks between the two countries," he added. Pakistan and India have been encouraging people-to-people contact by softening visa conditions and opening new transportation routes as part of an ongoing effort to push forward the peace process initiated in April 2003.

"But clemency to Sarabjit will not go down well at home where opposition parties, particularly right-wing Islamic parties, are running a concerted campaign against Musharraf for his tilt towards the West," said Jaspal, who is considered an authority on South Asian affairs.

Islamic parties have already accused Musharraf of softening Pakistan's position on the Kashmir issue, which has pushed the two South Asian countries to three full-fledged wars. Both countries stake claim over the disputed territory.

Indian government officials have confirmed to Pakistan that Singh is an Indian national from Bhikiwindi in the Punjab and have repeatedly called for his release. They have not, however, commented on the spy charges.

Despite the fact that the case will have repercussions for peace between India and Pakistan, peace groups in Pakistan are silent. "There is as such no planned campaign on this issue, other than a few random demands by peace groups for commutation of his sentence or even his release as he has been in prisoner for over 14 years," Dr. A. H. Nayyar, a prominent peace activist, told IPS this month.

Singh has maintained that he had strayed into Pakistani territory by mistake and was later arrested by Pakistani security agencies, who he claims coerced a confession for the bomb blasts. He says the crimes were carried out by someone with a similar name -- Manjeet Singh.

Sarabjit Singh could not provide sufficient evidence to substantiate his defence in Pakistan courts, which convicted him of the bomb attacks. The Supreme Court already has rejected one review appeal, but still is considering three new petitions.

Anticipating a defeat in the legal battle for his life, Singh has decided to go for a political gamble, knowing his high-profile case has repercussions for the ongoing peace process between India and Pakistan.

"If Sarabjit Singh is not pardoned it could have adverse impact on the relations between the two countries," Singh's lawyer Rana Abdul Hameed, told IPS by telephone from central Punjab town of Lahore.

"My client has pleaded in his mercy appeal that he was innocent and wrongly implicated. He has prayed for clemency under the constitutional powers bestowed upon the president of Pakistan," he said.

Indian Prime Minister Manmohan Singh, no relation to the convicted man, made a personal appeal for the condemned man's life to President Musharraf during their meeting in New York in September 2005. The Pakistani president reportedly assured the Indian premier that he would consider the issue in a "humanitarian spirit," because of his firm belief in sympathy and forgiveness.

"Manmohan Singh is more concerned since Sarabjit belongs to the same ethnic community as the Indian premier," said Asifa Hasan, a researcher with Islamabad Policy Research Institute, in an interview with IPS this month.

The Indian premier would feel let down by Musharraf in addition to letting down the Sikh community if he couldn't use his good offices to save Singh's life, she added. "This is one chance for Musharraf to develop a personal rapport of trust with India prime minister," she said ahead of Indian premier's likely visit to Pakistan in June.

Pakistan's constitution gives the president power to grant clemency by overturning the highest court when the necessity of forgiveness is compelling enough for the greater interest of the state and society.

To many people and analysts, the desire for peace with India is a compelling necessity.

However, conservatives view the situation differently. They say that President Musharraf lost moral authority to grant clemency to Singh after showing no mercy to one of the convicts in the failed assassination attempts against him. That convict, Islam Siddiqui, a low-ranking soldier, was hanged to death in August 2005 for his involvement in the plot to kill Musharraf a year earlier. Five others are also facing death in the same case.

Conservatives say that Islam only allows the victims' families the right to grant clemency. "If Musharraf cannot pardon a man for attacking him, he has no right to pardon the killers of 14 people. Only the families of those killed have the right to pardon him," Badar Islam, a supporter of Jamaat-i-Islami in Islamabad, told IPS.

Indeed, many of the victim's relatives demand his public hanging. Mohammad Salim, who lost his father in one the Lahore blast, told IPS by telephone from Lahore that no one can understand the misery he and his family have had to endure. He said that the killer of his father must be hanged publicly unless India decides to release all Pakistani convicted in Indian courts for terrorism. (END/2006)

DEATH PENALTY: Capital Punishment in Iraq Seen Simply As Death Not Justice

by Brian Conley and Isam Rashid

BAGHDAD - The execution of 13 suspected insurgents in March marked a revival of the death penalty in Iraq - and sparked a debate among Iraqis about whether capital punishment should be written into the laws of a modern society.

The death penalty was suspended by the US when it took control of Iraq 2003. The nation's new government, however, reinstated it two years later, stating that the death penalty will be a deterrent to criminals in Iraq. Still, many Iraqis on the street say they are not convinced of that argument.

Most Iraqis, war-weary, make no distinction between executions under the newly-elected government and those carried out under Saddam Hussein.

"In Saddam's time and in all times the death penalty is not good.

There is no justice and sometimes innocent people are killed without good reason," Baghdad resident Omar Abdul Aziz told IPS.

Others favour capital punishment but question how it should be applied - especially to insurgents. "The Iraqi government calls Iraqis who resist the occupation 'insurgents,' and this is the problem because they are not insurgents but freedom fighters. We should give them rewards, not use the death penalty against them," said Zuhair Hasan, a 38 year-old veteran of the Iran-Iraq war, in the 1980s.

The thirteen insurgents hung March 9 allegedly confessed responsibility for many unspecified crimes "which frightened the citizens in Nineveh," according to Al'Iraqiya, Iraq's state television network. Iraqi authorities declined to elaborate further about the crimes of those who were hanged or their identities. Nor did they give details about their trial. They did, however, release one name; that of Shuqair Farid, a former policeman.

It is unclear how many people were executed during the 30 years of Saddam Hussein's rule. Hands Off Cain, an Italy-based organisation that opposes the death penalty, estimates that Saddam Hussein executed at least 113 individuals in 2003 before the invasion, but that number does not reflect mass murders of large populations.

Amnesty International and Human Rights Watch say they have no accurate estimations of the number of people killed Saddam's regime. This is partly due to the widespread use of the death penalty in Kurdish and Shia regions of Iraq after the Gulf War in 1991.. There appears to be disagreement between the organisations whether such killings, as well as those carried out through some manner of judicial process, should be counted similarly. Saddam had expanded use of the death penalty in 1994 to cover crimes such as theft, corruption, currency speculation and desertion from the military.

Following the occupation of Baghdad, Gen. Tommy Franks, then-US Commander-in-Chief of U.S. Central Command, suspended the death penalty. It was reinstated in August 2004 by Iraq's interim government. The hangings in March are believed to be the second executions since Saddam was removed following the U.S.-led invasion in 2003.

Three men were executed in Kut in September 2005, according to an AP report. No further details -- including the names of the men, what crimes they were charged with or how they were tried - are available.

Immediately after the March hangings, Amnesty International reiterated its call for a moratorium on executions, and asked the Iraqi government to move towards "full abolition of the death penalty."

Amnesty officials said reinstatement of the death penalty is partly due "to the continuing spiral of violence in Iraq." But they added that the death penalty "has never been shown to deter crime more effectively than any other method."

Iraqis are divided about whether the new government should keep or abolish the death penalty. How they stand depends in part to their personal experience. Baghdad resident Aziz says his father was executed in 1969 because he repeatedly spoke out against the Ba'ath party. Now Aziz continues to oppose the death penalty

because he is not convinced the current government is assuring justice is being served, though he conceded that the Koran provides for the death penalty in some cases.

"I hate the death penalty, but I respect Islam's law, because this law came from our God and our God is always just," he told IPS. "Islam says we must be sure about any murderer and then we can try him in the Islamic court, and then (the government) can use the death penalty." But he added that he was not convinced the government has safeguards in place to be totally sure of a crime.

A 28-year-old unemployed Iraqi, Mustafa Rahomi, agreed with Aziz. His uncle, Akram Ahmed was executed in 1984 because he joined the Da'wa party, the current party of now Prime Minister Ibrahim Al'Jaafari.

"Al-Da'wa party was not allowed during Saddam's time, especially during the Iraq-Iran war because this party was based in Iran at that time," Rahomi said. "My uncle didn't join this party and his charge was not true but with that they killed him."

Like Aziz, he appeared to be conflicted with his religious belief that the Koran allows for the death penalty in some cases and the fact that executions by governments do not always appear to be meted out justly. "The death penalty must be the last way to use, because we can imprison (criminals) for a long time."

Baghdad teacher Ahmed Ali, spoke out unequivocally against capital punishment. "I've lived in Iraq all my life and we haven't seen any government bring justice to Iraq; especially in Saddam's government and this government under occupation. Because of that, I say don't use the death penalty because too many Iraqi people killed before were innocent."

Moreover, people's experiences with the Iraq-Iran war brought heightened fears of the death penalty.

"I was a soldier in the Iraqi army during the Iraq-Iran war, I was young and I was afraid of the sound of the bombs," veteran Hasan said. "I always thought about running away from the army especially when I was on the front, but I couldn't because of the death penalty. There were Special Forces at the front. Their job was to execute anyone trying to run away from the enemy."

But, he added, "The people who join the (current) resistance want to die, and they don't care about the death penalty." (END/2006)

DEATH PENALTY: Families of Death Row Prisoners Ostracized in Japan

by **Suvendrini Kakuchi**

TOKYO - Just a few days after his father's death sentence was upheld by the Tokyo High Court, the son of the Aum Supreme Truth cult founder filed a suit against his junior high school demanding compensation for refusing to allow him to attend school.

The son, whose name is being withheld, was an infant in 1995 when Shoko Asahara, now 50, led members of the Aum cult to

gas the Tokyo Subway system with sarin. The attack left 12 people dead, and thousands injured. He was found guilty of murder charges in 1999.

Yet human rights lawyers and activists say the case filed by Asahara's son is yet another example of how families of death row prisoners face rampant discrimination, abuse and are forced to live in shame for crimes committed by a family member.

"Denying a child, who was only an infant when Asahara was arrested 11 years ago, is a serious human rights violation," Takeshi Matsui, the plaintiff's lawyer told IPS. "We are filing a case against the school to ensure justice is respected in Japan."

The son was bullied at his public primary school and forced to seek admission to a private school. Though he was initially granted entry, a few days before the entrance ceremony, school officials refused to admit him when they discovered his father's identity, Matsui said.

In response, Kasukabe Kyohei Middle School, the private school, issued a statement saying it will comment on the case after school authorities have had time to thoroughly examine the suit.

Human rights specialists say the Aum family case is not unusual. "While Aum is responsible for terrible crimes, there are also many others who live in shame, suffer depression and even commit suicide because they cannot face the social ostracism in Japan after they are identified to be related to a criminal, especially when the crime involves the death sentence," said Tomoya Uemura told IPS.

Uemura belongs to a citizens' group that visits prisoners on death row in Japan. She is currently supporting two foreign prisoners facing the death penalty.

Few families visit their death row relatives for fear of being identified with them and being socially ostracized, she said. "We find them lonely and deeply depressed without being able to talk to anyone or express their fears," she added.

Japan executed one prisoner in 2005. Asahara has run out of appeals, and by Japanese law, he could be sent to the gallows at any time.

Indeed, this week, the Tokyo Bar Association released a survey of 79 inmates that reveals death row prisoners live in solitary confinement in cells with closed windows.

Only one in four prisoners has visitors, including relatives and lawyers, according to the survey. Seventy percent surveyed said they want to be able to see the sky and wished to talk to other inmates.

A new bill is pending in the Diet to ease restrictions death row prisoners. The bill would allow, for example, friends to visit when family members cannot.

According to crime expert, Koichi Kikuta, former professor of criminology at Meiji University and a lawyer, families of criminals in Japan are seen as responsible as the person who committed the crime itself.

This is not the first time one of Asahara's children has fought to maintain a relatively normal life.

Two years ago, the third daughter of Asahara, who suffers bouts of

depression and nightmares, fought and won against a university that had refused her admission on the grounds that "she would disturb the educational environment of our school even if she is not directly responsible."

"It is absolutely wrong for a child to be held responsible for something he has nothing to do with. This case is an example of the Japanese social system that believes criminals and their families have no human rights," he said.

Kikuta, who lectures and teaches human rights across Japan, said the Aum trial is a potent test case for the country's poor human rights record given the heavy crimes attached to the cult and the founder.

"The crime pits individual rights of a prisoner against Japanese social customs where the family is expected to take the blame and punishment is favoured as the right remedy," he said.

Victims of the AUM sarin attack and their families have gained much sympathy among the public with most media reports laying the blame squarely on Asahara for the sarin attack before the actual verdict.

They have lobbied hard for the death penalty for Asahara and pressure has been high for a quick resolution to the trial, which concluded in March.

Desperate for their father to have a fair trial, Asahara's two oldest daughters appointed Matsui in 2003 after his court-appointed lawyers withdrew saying they could not communicate with their client.

In a recent interview, the daughters, both of whom are in their twenties, told IPS about their ordeal that began after the arrest of their parents 1996.

"We were little children and my youngest brother just a few months old," said the elder daughter who spoke on condition of anonymity. The family now lives scattered, either alone or in the homes of a few supporters, she said.

"We are so afraid of being identified, because we face constant harassment from the public. We cannot rent apartments, find employment or go to school when we are discovered to be the children of Asahara," she said. "Our father ... must tell the world why, if he was involved, the sarin attack occurred. At this stage we know nothing of the facts from him," she said.

Misaki Yanagishita, an expert on the death penalty at Amnesty International's Japan office, said that a fair trial for Asahara is imperative for his children to live normal lives in Japan, if ever that is possible given the heinous crimes associated with Aum. (END/2006)

DEATH PENALTY-CUBA: No Abolition in Sight

by Patricia Grogg

HAVANA - A new de facto moratorium on the death penalty in Cuba, since the last three executions took place in 2003, does not seem to indicate that capital punishment will disappear any time soon in this socialist Caribbean island nation.

Tuesday marked the third anniversary of the application of the death penalty in the case of three Cubans who hijacked a ferry carrying dozens of passengers, including four foreign tourists, in an attempt to reach the United States in April 2003.

The hijackers, who had threatened to kill their hostages, were executed after a summary trial in which they were found guilty under a 2001 law on terrorism.

The executions drew widespread condemnation, even from international figures who have been staunch supporters of the government of Fidel Castro, as well as in Cuba, where capital punishment tends to be accepted in the case of serious crimes like murder or the rape of minors.

A few days after the executions, Castro himself acknowledged the political costs of the drastic measure that was aimed at curbing a wave of hijackings of boats and aircraft by people keen on making it to the United States.

Even before the executions, "It pained us to hurt many of our friends and a large number of people around the world, whose sensitivity towards the death penalty, arising from religious, humanistic and philosophical motives, we are familiar with, and in many aspects share," said Castro at the time.

Among the personalities who lashed out against the executions were Uruguayan writer Eduardo Galeano and Portuguese novelist and Nobel Literature Prize-winner José Saramago, who as a result qualified his support for the Cuban revolution.

The executions broke the de facto moratorium on capital punishment in effect in Cuba since 2000, in line with a call issued to that effect by the U.N. high commission on human rights on the suggestion of U.N. Secretary-General Kofi Annan.

In mid-November 2001, Castro publicly stated that a group of legal experts was studying alternatives to the death penalty.

"We have other ideas that will enable us one day, by our own decision, to abolish capital punishment," the president said on that occasion.

Years before, in 1992, the Cuban leader had remarked at the Earth Summit in Rio de Janeiro, Brazil that his government was willing to sign a multilateral treaty on the abolition of the death penalty, but would not eliminate the punishment on its own, because "it is a tool in the struggle against those intent on destroying our country."

In Cuba's criminal code, the death penalty is applicable to a number of crimes if aggravating factors are present, although it cannot be applied in the case of people under 20 or to women who were pregnant at the time the crime was committed or when the sentence is handed down.

Cuban law also stipulates that those convicted of a crime have the right to appeal to the Supreme Court. If the sentence is upheld, it must then be ratified by the Council of State (the highest government body), which has the last word.

In practice, the death sentence has never been applied against a

woman since a law was passed in 1959 to reestablish the use of capital punishment, which was later incorporated into the 1976 Socialist Constitution.

The 1940 constitution in effect when Castro took power specifically banned the death sentence, although capital punishment was allowed in the case of "members of the armed forces for crimes of a military nature and persons guilty of treason or committing espionage for the enemy in times of war with a foreign nation."

At present, the Cuban government stresses that the death sentence is only handed down in "exceptional" circumstances, and is kept on the books as a judicial weapon that can be used by the country to defend itself from both external attack and potential internal activities aimed at destroying the state. It is also maintained to protect the population from the most heinous crimes.

"The possible abolition of capital punishment in Cuba would be linked to a cease in the policy of hostility, terrorism and economic, commercial and financial warfare to which its people have been subjected for over 40 years by the United States," the Cuban Foreign Ministry told the U.N. High Commissioner for Human Rights in 2004.

With regard to crimes against life and physical integrity, the Cuban Criminal Code establishes the death penalty for cases of homicide, rape, sexual abuse of minors involving violence, robbery involving violence and intimidation, and crimes in which corruption serves as an aggravating factor.

Article 2 of the Criminal Code establishes the application of the death penalty for crimes against the country's external security, including acts aimed at undermining its independence or territorial integrity, the promotion of armed actions against Cuba, aiding the enemy, and espionage.

Chapter II, which addresses crimes against the country's internal security, stipulates the use of this punishment for offences like rebellion, sedition, usurpation of political or military leadership, sabotage and terrorism.

In February 1999, a Criminal Code reform introduced life imprisonment as an alternative sentence to capital punishment.

"Right now there are around 50 people either sentenced to, or eligible for, the death sentence," opposition leader Elizardo Sánchez told IPS. Sánchez is the president of the Cuban Commission for Human Rights and National Reconciliation, an opposition group that has no legal status but is tolerated by the Cuban government.

His list includes Salvadorans Raúl Ernesto Cruz León and Otto René Rodríguez Llerena, who were sentenced to death for terrorism in 1998.

Cruz León and Rodríguez Llerena – whose sentences are currently pending a Supreme Court appeal – took part in a number of bombings of tourist facilities in Cuba. One of these explosions resulted in the death of Fabio Di Celmo, an Italian residing in Havana.

The death sentence has also yet to be applied against Humberto Eladio Real Suárez, who was arrested on Oct. 15, 1994 after illegally landing in Cuba and murdering a man in order to steal his car. He was sentenced for crimes against the security of the state, homicide and the illegal use of firearms.

There have been various periods over the past decades when Cuba's use of capital punishment has sparked considerable tensions. Immediately after the overthrow of dictator Fulgencio Batista in 1959, former government officials and military leaders accused of crimes committed during his bloody regime were executed.

And in the 1960s, numerous opponents of the revolution were also sentenced to death.

In 1989, the trial of a group of armed forces officers and Interior Ministry officials charged with corruption and drug trafficking culminated in the execution of Arnaldo Ochoa, Jorge Martínez Valdés, Antonio de la Guardia and Amado Padrón.

The Cuban government does not publish statistics on the country's prison population, individuals sentenced to death, or executions. Nevertheless, Sánchez asserts that between 5,000 and 6,000 people were executed in Cuba between 1959 and 2003, "most of them for so-called crimes against the state or offences with political connotations."

According to United Nations documents cited by the Cuban Foreign Ministry, as of Dec. 31, 2003 there were 66 countries and territories in the world where capital punishment was still applicable for various types of crimes and 77 that had completely abolished it.

Another 15 nations had only eliminated it for the punishment of common crimes, while 37 others were classified under the category of de facto abolition, since they no longer applied the death penalty although it remained in force in their national laws. (END/2006)

DEATH PENALTY: Beslan Massacre at the Core of Russian Debate

by Kester Kenn Klomegah

MOSCOW - The only hostage-taker to survive the Beslan school tragedy has received unlikely support in his bid to avoid the death penalty: a group of parents whose children died in the September 2004 attack.

Shortly after public prosecutors requested the death penalty for Nurbashi Kulayev, The Voice of Beslan organisation sharply objected. The parents' group said Russia should keep in place a 10-year moratorium on capital punishment made when the country joined the Council of Europe. A court will decide Kulayev's sentence in July.

"We do not want to become barbarians in response to barbarity. We do not support deputy prosecutor general Nikolai Shepel... in his call for... the death penalty," says a statement signed by committee head Ella Kesayeva.

Kulayev was among the 30 kidnapers who seized the elementary school in southern Russia at the start of its new academic year in 2004. More than 330 people, half of whom were children, died during the siege.

The attackers took the school to pressure authorities to withdraw federal forces from the autonomous Chechnya republic. Students, teachers and parents were held for three days without food or water. Many perished in an explosion detonated by the rebels. Others died from gunfire between the captors and Russian military when government special forces began rescue operations.

Kulayev, a 25-year-old Chechen carpenter, proclaimed his innocence in his final statement at his Feb. 16 trial at the North Ossetian Supreme Court in Vladikavkaz: "I would like to give my condolences to everyone who lost their family members. I lost relatives myself for eight years. But I am not guilty."

While The Voice of Beslan made its plea for Kulayev, another parents' group, Beslan Mothers Committee, said it would insist on death for the militant and called for a national referendum to lift the death penalty moratorium. Moreover, they want to reopen an investigation of the hostage crisis and punish officials responsible for what they see as a bungled hostage release operation.

Without a referendum however, the death penalty will not be easy to impose on Kulayev, parliamentarians and human rights activists said. Russia agreed to begin the process of prohibiting the death penalty when it joined the Council of Europe a decade ago. Though it has not done so completely, it has placed a moratorium on executions. It is the only member of the Council of Europe that does not prohibit the death penalty.

A June 2005 report by the Council of Europe's Parliamentary Assembly found there had been "very little progress" on Russia's commitment to the formal abolition of the death penalty.

Before joining this European body, there were 716 convicts on Russia's death row. Russia halted executions, although courts continued to hand down death sentences.

>From 1989 to 1991, 470 people were given death sentences and 228 were executed. But between 1992 and 1995, the number of executions fell to 10 per year. This was possible, in part, because of legislative changes that allowed death sentences to be commuted to life imprisonment. In 1995, when the moratorium was put in place, the president pardoned only five of 91 death row inmates who petitioned for clemency.

Death penalty abolition advocates hope Russia's presidency of the Council of Europe's committee of ministers this year will help persuade State Duma legislators to abolish capital punishment completely.

"We have examined the case and acknowledged the fact that the militant group's aim was to cause instability and social chaos in the region. But under the present circumstances our membership in the Council of Europe does not permit us to kill the remaining culprit. It's simply impossible and impermissible

because the parliament has adopted a bill that confirms the abolition of death penalty," Duma legislative committee chairman Pavel Krasheninikov told IPS.

"It was an emotional tragedy but we have to act within some framework of the law in order to avoid being expelled from the Council of Europe," he added.

The court is expected to issue its sentence in July. Prosecutors should insist on life imprisonment for Kulayev, Krasheninikov said. Human rights advocates agree.

"If one follows the mood and attitudes of the general public, which readily endorsed the death penalty, Russia would have to lose its membership of the Council of Europe," Alexander Petrov, deputy director of Human Rights Watch in Russia, told IPS.

"Reintroduction of the death sentence as the severest form of punishment in Russian society, even for most terrible criminals, would not conform to modern democratic ideals," he added. "We believe instead that authorities should take measures to provide adequate security and be able to prevent terrorist attacks in the future."

The newly-created Public Chamber also expressed alarm over the public prosecutor's call for the death penalty, saying that authorities would be reversing to a primitive society by allowing the this maximum punishment.

It is important that the country's judicial institutions operate independently without any influence from other branches of the state, says Grigory Tomchin, an executive member of the Public Chamber and president of the Foundation to Support Legislative Initiatives.

"Society gives everybody certain basic rights -- such as the right to life -- and limitation should not be placed on people's rights. Taking away the life of a person does not really constitute punishment for a crime," Tomchin told IPS. "It's a senseless form of action to be meted out for a crime."

The sentiments expressed by the Beslan Mothers Committee could put on pressure for harsh punishment decisions, but civilised society should ignore their demands, he suggested. Instead, society should heed the call of The Voice of Beslan and stop the barbarity.

(*This updated and corrected version replaces the story DEATH PENALTY: Beslan Mothers Make Plea for Militant's Life, moved on Mar. 27.) (END/2006)

WORLD PRESS REVIEW - April 2006

MP HOPES RUSSIA WILL ABOLISH DEATH PENALTY IN 2006

Pavel Krasheninikov, chairman of the Russian State Duma's Legislation Committee, has said he hopes the State Duma will ratify an additional protocol to the European Convention on Human Rights and Fundamental Freedoms to abolish the death penalty in Russia by the end of the year, Interfax reported from Moscow. "I hope that we will ratify Protocol 6, which envisions the abolition of the death penalty at the legislative level, by the end of this year," Krasheninikov told Interfax.

SUPREME COURT TO REVIEW ALL DEATH PENALTY CASES

Three new criminal tribunals under China's Supreme People's Court, established to review certain death sentence cases of provincial courts, has begun to work on April 1, Xinhua reported. They will firstly begin to review the cases and give their opinions. "They do not yet formally have the right to review and make final decisions on death sentence cases," said Chen Guangzhong, a consultant to the Supreme People's Court. He declined to say when the three tribunals will formally regain this power. Staff for the three tribunals, who are undergoing a month of training in Beijing, are selected from various regional courts through a series of rigorous examination processes. They are all very brilliant judges," said a teacher in the training class.

GOVT LOBBIES CHINESE PREMIER ON DEATH PENALTY

The Federal Government (of Australia) has raised with Chinese Premier Wen Jiabao the case of a man facing the death penalty in China over the murder of a Canberra university student, reported the ABC. The body of Chinese student Steffi Zhang was found in her Belconnen unit last January. Her former boyfriend is being held in custody in China. China and Australia have signed a treaty setting out the conditions under which police in the two countries will cooperate on criminal investigations.

DEATH PENALTY AWARDED TO FIVE LJ ACTIVISTS

The anti-terrorist court (ATC)-5 on Tuesday awarded death penalty to the five activists of outlawed outfit Lashkar-e-Jhangvi for attacking the police vehicle, which left three persons dead including a policeman, a prisoner and a passerby, on February 27, 2002, Pak Tribune reported. Judge Haq Nawaz Baloch also handed down 10-year and 4-year rigorous imprisonment to each for injuring people, resorting to encounter with police and other charges. The convicts will also have to pay Rs 50000 and Rs 15000 fine each and in case of default, they will have to serve the jail for additional six months.

ARROYO LIKELY TO BLOCK DEATH PENALTY UNTIL 2010

President Gloria Macapagal-Arroyo is inclined to block all death sentences "regardless of the crime" for the rest of her term, her spokesman said Monday, two days after ordering the commutation of the death penalty meted on several convicts. Inq7.net reported. Under the Constitution, Arroyo's term will end in 2010. But at the same time, Press Secretary Ignacio Bunye and Presidential Chief of Staff Michael Defensor clarified that the cases for commutation would be those in which the death penalty had been affirmed with finality by the Supreme Court. "I believe that the intent is to commute the sentences of those who have been meted the death penalty with final judgment," Bunye said. "It is clear that the inclination of the President is to commute [the sentences to life term]," Bunye said. Asked if this covers crimes such as kidnapping and those related to terrorism, Bunye said, "Yes, she will commute, regardless of crime." However, Bunye and Defensor contradicted each other on whether the President could commute the death sentence with or without a review by the Department of Justice (DoJ). Bunye said a review by the DoJ was not needed while Defensor said the DoJ would have to study the individual cases and recommend to the President if these should be commuted to life terms.

THE PHILIPPINES. DEATH PENALTY LAW UNCONSTITUTIONAL, CHIEF JUSTICE

Moves to abolish the death penalty in the Philippines received a big boost when Chief Justice Artemio Panganiban said the law on capital punishment "as written" was unconstitutional, the Philippine Daily Inquirer reported. Speaking at the first Supreme Court media seminar, the country's top jurist said it was now up to Congress to repeal Republic Act No. 7659. "The death penalty law as written is unconstitutional," Panganiban said. "Thus, it follows that lethal injection would also be unconstitutional."

CHIEF JUSTICE SAYS DEATH PENALTY LAW 'IS UNCONSTITUTIONAL'

President Gloria Macapagal-Arroyo's wholesale commutation of death sentences was backed Monday night by Supreme Court (SC) Chief Justice Artemio Panganiban, who maintained his stance against the death penalty for being unconstitutional, Sun Star reported. Panganiban said he still believes that Republic Act (RA) 7659 or the death penalty law should be abolished for being unconstitutional by failing to comply with requisites prescribed by the 1987 Constitution. He said under the 1987 Constitution, Congress may restore death penalty only on two conditions: that it shall only cover heinous crime cases and only upon compelling reasons such that there was an urgent need to impose it.

DEATH PENALTY NOT A CRIME DETERRENT

THE Easter Sunday announcement of President Gloria Macapagal-Arroyo commuting all death sentences to life terms has resurrected the debate over the death penalty, said the Philippine Daily Inquirer in a comment. Leaving aside the legal issues and questions about the real motivation of the President in making that now controversial decision, the commutation is laudable. It's high time that the Death Penalty Law (Republic Act 7659) is repealed. It will be recalled that RA 7659 was enacted in 1994 -- despite the fact that the 1987 Constitution abolished capital punishment and implicitly discouraged its reimposition -- as a State response to the constantly rising crime incidence. It was argued that the ultimate punishment of death for heinous crimes would deter criminality. When Congress finally weighs the issues in connection with pending bills seeking the repeal of RA 7659, the lawmakers should go back to this basic question: Is the death penalty really an effective deterrent to criminality?

GEORGE CALLS DEATH PENALTY 'DYSFUNCTIONAL'

The chief justice of the California Supreme Court said the state's death penalty has become "dysfunctional" and blamed lawmakers for looking the other way as 650 condemned inmates idle on death row, Mercury News reported from San Francisco. Ronald George said in an interview with The Associated Press that the Legislature's inability to adequately fund capital punishment has led to a de facto moratorium on executions in California. "I think that there are many, many things in the eyes of legislators that have greater priority," said George, who marks his 10th anniversary as chief justice on Monday. "That's the problem. People want to have the death penalty, but they don't want to pay everything it costs to have it implemented in a judicious manner."

DEATH PENALTY STEP CLOSER TO REFERENDUM

A state referendum on restoring the death penalty in Wisconsin after 153 years took another step today toward an appearance on the November ballot, Capital Times reported. The Assembly criminal justice committee voted 7-5 to send a resolution to the full Assembly that a nonbinding advisory referendum be placed on the statewide ballot asking whether the death penalty should be allowed in some cases. The vote was along party lines, with all Republicans voting yes and all Democrats opposed. The state Senate has already approved the measure, but would need to consider it again if the Assembly OKs it because it was amended. The question now states: "Should the death penalty be enacted in the state of Wisconsin for cases involving a person who is convicted of first-degree intentional homicide, if the conviction is supported by DNA evidence?"

Editor's Note : The copyright for items included in the world press review lies with the respective media mentioned as sources. This review is purported to provide a glimpse of the coverage of death penalty related issues in the global media.

CAMPAIGN BUILDS AGAINST IRAN JUVENILE DEATH PENALTY

By Elisabetta Zamparutti

IPS COLUMNIST SERVICE, FEBRUARY 2006

ROMA (IPS) - The international campaign is building to save the life of Nazanin, the young Iranian woman sentenced to be hanged for allegedly stabbing to death one of two men that tried to rape her in Teheran in March 2005, when she was seventeen.

This is but one of many cases of minors who are condemned to death in Iran by a misogynist totalitarian regime that does not recognise the most fundamental of human rights, particularly for women.

Locked up in the juvenile prisons of Teheran and Rajai-Shahr are at least 30 people sentenced to death for crimes committed under the age of eighteen. In 2005, at least eight minors were hanged, in direct violation of both the International Pact on Civil and Political Rights and the UN Convention on the Rights of the Child, which forbid the execution of individuals for crime committed before they were eighteen. Iran is a signatory to both.

The Iranian regime, which oppresses its citizens with unheard of violence, also represents a threat to the security of the international community, as demonstrated by its atomic ambitions and recent public statements by its president against the existence of the state of Israel.

For Hands Off Cain, opposing the death penalty in Iran is first of all a battle for the affirmation of human rights and the constitution of a democratic state. For us, democracy in Iran also starts with the life of Nazanin and all the forgotten women on death rows throughout the country. For this reason, we are asking the highest representatives of the international community to pressure Iran to respect its citizens' right to life and liberty and other democratic rights that are fundamental to the international community.

In Iran, the death penalty is imposed for homicide, armed robbery, rape, blasphemy, apostasy, conspiring against the government, adultery, prostitution, homosexuality, and drug-related crimes, for example, the possession of 30 grammes of heroin or 5 kilos of opium.

According to Iranian authorities --which, by the way, do not provide official statistics-- many executions are for drug crimes. However, human rights observers allege that many of those charged for common crimes, particularly drug-related crimes, are in reality political opponents.

Islamic law, or Sharia, forbids the consumption of alcoholic beverages, which is punished by whipping and, for the third offence, the death penalty. Under Sharia, pre-marital sex is also punished by whipping, and the penalty for stealing is the amputation of feet or hands. Such practices do not constitute isolated cases but occur with some frequency, in open violation of the International Pact on Civil and Political Rights and the Universal Declaration of Human Rights to which Iran is a signatory.

In December 2003, the Iranian Parliament approved a bill establishing special tribunals to judge minors and barring the death penalty for crimes committed below the age of eighteen. The proposed legislation would also bar life sentences and whipping for minors. It passed in the parliament but awaits approval by the Council of Guardians, the body charged with reviewing all legislation to verify conformity with Islamic law.

Executions are usually by hanging, although stoning is also sentenced. For the latter, the condemned is wrapped in a white shroud and buried (women up to their arm pits and men up to the waist), a load of stones is placed at the site, and government personnel -- and in some cases plain citizens-- carry out the sentence.

In a promising step towards ending the controversial practice, on May 27, 2003, Grand Ayatollah Naser Makarem Shirazi issued a religious edict barring judges from imposing sentences of death by stoning.

In January 2005, in a meeting with the international press, the spokesman for the judiciary, Jamal Karimirad, denied that Iran imposes the death penalty for minors or stoning, asserting that "the Islamic Republic no longer carries out executions of this type. I don't know how such baseless allegations come to be circulated as news... Such reports are intended to damage the reputation of Iran."

Unfortunately there seems to be a disparity between the statements of Iranian authorities for international consumption and the actions of Islamic judges. In 2005 Islamic tribunals at various levels continued to issue sentences of death by stoning, though they were not carried out. The country re-emerged as one of the world's leading executioners, with at least 197 executions in 2004 and 113 in 2005. It came in second, after China, although for executions per capita it would place first. Moreover, the true figures could be higher still, given that Iran does not issue official statistics and the reported numbers are drawn from Iranian papers, which evidently do not report all executions. (END/COPYRIGHT IPS)

(* Elisabetta Zamparutti is the coordinator of the annual report of Hands Off Cain on the death penalty worldwide.

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