



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

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By Peter Ischyron

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GUATEMALA CITY, Mar 18 -The Guatemalan Congress must decide, after Mar. 26, whether to overrule President Álvaro Colom's veto of a law that gave the green light to resuming executions of prisoners on death row.

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## **DEATH PENALTY-MOROCCO: Abolitionists Resigned To Long Wait**

By Abderrahim El Ouali

CASABLANCA, Mar 17 - The Moroccan ruling and political establishment continue to give conflicting signals about the future of the death penalty, leaving human rights activists now convinced that a behind-the-scenes decision has been made to keep the death penalty on the statute books for the foreseeable future.

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## **RIGHTS-EL SALVADOR: Prisons Out of Control**

By Raúl Gutiérrez

SAN SALVADOR, Mar 17 - The murder of eight inmates in two prisons in El Salvador has once again drawn attention to the serious problems plaguing the prison system, such as severe overcrowding, a lack of rehabilitation programmes and the housing of pretrial detainees with convicted criminals.

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## **RIGHTS-SOUTH AFRICA: Death Penalty Referendum Call - Critics Cry Populism**

By Stephanie Nieuwoudt

CAPE TOWN, Mar 12 - Jacob Zuma, the president of the African National Congress (ANC), the ruling party in South Africa, has of late been called a chameleon who adapts his speeches to what his audience wants to hear. It's a tactic that has proved controversial, not least when Zuma took up the issue of the death penalty.

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## **DEATH PENALTY-JAPAN: No 'Conveyor Belt' Executions - Abolitionists**

By Catherine Makino

TOKYO, Mar 12 - Abolitionist lawmakers in Japan are appealing to the international community to pressure their government to end the rising number of death sentences and hangings -- alarmed at how support for their stand at home appears to be dwindling.

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## **RIGHTS-US: One Electric Chair Ban Could Lead To Others**

By Nergui Manalsuren

NEW YORK, Mar 10 - Human rights activists are weighing the significance of one U.S. state's total ban on the use of the electric chair for executions, suggesting that this should be seen as another important milestone in winning battle against the death penalty in their country.

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## **RIGHTS-NIGERIA: The Threat of Death Hangs Over Thousands**

By Tolu Samuel

LAGOS, Mar 10 - Three months after the U.N. General Assembly called on states which practice capital punishment to adopt a moratorium on executions, several thousand Nigerians continue to live in fear of the gallows, with activists accusing the government of inertia -- and even of failing to carry out its past promises to free the aged on death row.

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## RIGHTS-CARIBBEAN: Many Turn Backs on Wrongly Executed

By Peter Ischyron

PORT OF SPAIN, Trinidad, Mar 31 (IPS) - The findings of the death penalty poll conducted in Jamaica were greeted with conflicting emotions of abhorrence and approval across the Caribbean -- nearly half of all Jamaicans would favour a return to hanging, even if that meant a few innocent people dying along the way.

Pollster Bill Johnson had asked a representative sample of the population to first acknowledge that justice might err in capital trials, sending the wrong person to the gallows. Forty-three percent of the poll's 1,008 respondents said they recognised this could happen -- but they still backed Jamaica ending its 18-year-long unofficial moratorium on executions.

When simply asked whether Jamaica should resume hangings, 79 percent voted "yes" -- a two-percent increase on the results of a similar poll for the same newspaper, *The Gleaner*, in 2006.

The results indicated "a level of frustration out there ... (at the)... seeming inability of government to stem the rise in crime and violence. People want something to be done and they are not necessarily thinking logically about it," Johnson said. The poll's results and Johnson's comments were widely reported in the region, underlining concerns shared by the Caribbean.

A joint United Nations-World Bank study in 2007 reported that the Caribbean had a murder rate of 30 per 100,000 inhabitants -- four times the number in North America and 15 times that of West and Central Europe. Since that study was carried out, the murder rate has increased almost everywhere.

Last year, Jamaica recorded more than 1,600 killings. The number included 65 children and 146 women. So far this year, more than 400 murders have been committed. Shortly after the new Johnson poll was published, Jamaicans for Justice (JFJ) sought to draw lessons from its findings.

"It shows how much work we have to do to build people's understanding of human rights and rule of law," said JFJ chairwoman Dr Carolyn Gomes.

Though saddened, she was not surprised "given our willingness to participate and support vigilante justice," she said, adding that a return to hangings would not be a step in the right direction.

Robert Buddan, a lecturer in government at the University of the West Indies, commented that the poll provided a warning to governments and human rights organisations about the urgency of positive action rather than constant debates on the death penalty.

"We need to do something on the ground to help communities to defend themselves because if we don't, they have a right to their own methods," he said, apparently in an effort to spur everyone into action before the unpredictable consequences of this were played out.

He also noted the damage that was being done to the Caribbean's reputation. Its standing on the death penalty was isolating it in the world. The region saw capital punishment as a criminal justice rather than a human rights issue, just like Singapore which "many admire for its tough discipline".

Buddan's comments were graphically illustrated during the U.N. General Assembly debate on an execution moratorium last December. The Caribbean community (CARICOM) joined with Singapore and more than 65 other countries opposing or abstaining in the final vote. But some 104 countries, a significant majority of the world community, supported the resolution. It was Singapore that led the opponents with its criminal justice arguments.

Since that vote, the pro-death penalty sentiment in the Caribbean may well have intensified.

Particularly shocking killings have contributed to this. Two of these were recently in Guyana where unidentified gunmen killed 23 people.

In the Bahamas, where the murder toll already looks as though it will surpass the 2007 figure of 75, Christian leaders have clashed over the 'bring back the hanging' call after an eight-year pause.

The head of the Roman Catholic Church of the Bahamas, Archbishop Patrick Pinder, has called for rational debate and urged the issue of the possibility of judicial mistakes to be addressed. "The death penalty, if carried out, is irrevocable. Unless the courts have resurrection power, there is no possibility of redress," he said, bringing a hint of satire to the debate.

"Capital punishment may have the chance to serve as a deterrent in cases of premeditated crime where a person has time to reflect on the consequences of his or her actions," he conceded. "However, how does this help us in the Bahamas where murder results predominantly from spur-of-the-moment violence born out of extreme of passion?"

But the head of the Bahamas Christian Council, Bishop John Humes, has backed the death penalty advocates, saying hangings should be re-started "immediately" for convicted killers.

"Once they have exhausted their appeal, the only thing that is left to be done is to administer justice -- and that is capital punishment," he said.

"Capital punishment is ordained by God. It is a divine system to create respect, reverence and fear of the law. When people have no respect and they feel as if they can do anything they want to do, it will cause things to become chaotic like where we are now heading," he said. "If we don't put a stop to [crime], it is going to affect us drastically..."

The Bahamas national security minister, Tommy Turnquest, has also stepped into the debate, urging everyone not to panic. "We need to involve everyone in this approach," he said.

In Trinidad and Tobago, the Patrick Manning government has hinted at the possibility of resuming hangings. Manning is coming under increasing pressure from the private sector, opposition politicians and public opinion to do something about the soaring crime rate. So far this year, there have been 92 murders.

But Manning's promise of a parliamentary debate on resuming executions after a nine-year break has so far not materialised.

Even in Grenada, where at least five murders have occurred since the start of the year, one opposition figure is currently calling for the resumption of hangings as a deterrent.

"I think it is time we put a cap on that. The deterrent is bringing back the hanging," said Dorset Charles, who heads the minority opposition The National Party (TNP).

From Apr. 4 to 7, Caribbean leaders will be gathering in Trinidad to discuss the crime issue.

"We are taking the discussions to a new level," Trinidad's Manning said, adding that the Caribbean could not afford to lose the war on crime.

It is not known whether among the new strategies to be discussed in Trinidad will be a return to an old, well tried one -- execution by hanging. (END/2008)

## RIGHTS-US:

### Court Rules No Death Row for Mumia Abu Jamal

By Adrienne Appel

BOSTON, Mar 27 (IPS) - A federal court has ruled that Mumia Abu Jamal, known the world over in the fight against the death penalty, be taken off death row for the 1981 murder of Philadelphia policeman Daniel Faulkner.

The three-judge panel of the Third Circuit Court of Appeals, in Philadelphia, said Abu Jamal should be given life without parole, or a new trial about whether he should be on death row.

The panel ruled that Abu Jamal's death row conviction is not valid because it appears that the 1982 jury, whose job it was to sentence Abu Jamal, may not have understood important aspects of the sentencing as it relates to death row. The judge in the 1982 trial gave the jury confusing information, the panel concluded. Its decision overturns that of a lower court, and may be appealed by the prosecution.

However, the judges, with one strongly dissenting in Abu Jamal's favour, turned down his request for an entirely new trial to prove innocence or guilt in the crime, finding that Abu Jamal's complaint about racial bias in jury selection was not filed in a timely fashion. Such bias is considered unconstitutional.

Historically, white jurors are more likely to give the death penalty, so excluding black jurors is also a method to push someone on trial toward death row.

Abu Jamal will appeal the court's decision and seek a re-hearing, his lawyer said.

"We are grateful, but the decision does not go far enough," Robert R. Bryan, Abu Jamal's lead lawyer, told IPS. Abu Jamal is innocent, he said. "This is not a victory, not from my viewpoint."

Bryan said Abu Jamal's original trial was tainted by unfairness and fraud, and that his client deserves a fair hearing.

"This case was just reeking with racism. I want a new jury trial. I want him acquitted so he can go home to his family," Bryan said.

Protests of any unfavourable court decision have been planned for months by Abu Jamal supporters in U.S. cities and around the world, and are expected to be held on Friday. Another large protest is planned for Apr. 26 in Philadelphia.

As many as 10 African American potential jurors may have been excluded during the original trial, said attorney Christina Swarns, director of the Criminal Justice Project of the NAACP Legal Defence and Education Fund, and a member of Abu Jamal's legal team.

In an earlier interview with IPS, Abu Jamal was circumspect about the possibility that the appeals court panel would grant him a new trial.

"We're certainly working toward that end and I'm certainly hopeful. But I'm not in the prediction game," he said.

Abu Jamal was working as a journalist in Philadelphia and reporting about police corruption and racism, when he was charged with the murder of Faulkner, a white policeman. He was convicted at a time when the city, still the poorest big city in the U.S., was convulsing with racial tension, and evidence of gross police brutality. Abu Jamal was sentenced by an almost all-white jury on circumstantial, rather than forensic evidence.

"The true facts of this case have never come out," Bryan has said.

Abu Jamal said of his days as a reporter in Philadelphia: "It wasn't popular to certain segments of the local community. To be perfectly honest it wasn't terribly popular with many of my bosses. I was criticised constantly for some of the work I did. It may have been excellent and good quality work but it stepped on toes," Abu Jamal told IPS.

"Because I had come from the Black Panther party I still knew people around the country so I would do stories not just dealing with that but a wide range of political and related stories. I believed it was my duty and my job to do those stories so I tried to do the job as well as I could. I'm sure it got me into a whole lot of hot water," he told IPS.

Today, Abu Jamal produces broadcasts and writes books from prison and 23-hour-a-day isolation.

Meanwhile, the Fraternal Order of Police, which wields considerable power in Pennsylvania, has lobbied continuously for Abu Jamal's execution. Maureen Faulkner, widow of the slain policeman, also has maintained a bitter fight for Abu Jamal's death. She recently co-wrote a book with right-wing talk show host Michael Smerconish, in which she argues for Abu Jamal's execution.

The federal appeals judge panel has been deliberating since May 17, 2007.

The federal judge who dissented, Thomas Ambro, said Abu Jamal deserves a hearing about whether black jurors were excluded from the original jury, even if Abu Jamal's original complaint was not filed in timely fashion.

"Excluding even a single person from a jury because of race violates the Equal Protection Clause of our Constitution," Ambro wrote in the 118-page decision.

And it could be argued that Abu Jamal had indeed objected in a timely fashion because he attempted to survey his potential jurors about any possible bias, and his lawyer raised the issue, Ambro says.

Ambro quotes the Mar. 18, 1982 trial transcript to prove his point.

According to the transcript, Abu Jamal's lawyer spoke before the judge and raised his concern that black jurors may be excluded, as he had seen happen in other cases: "It has been the custom and the tradition of the District Attorney's Office to strike each and every black juror that comes up peremptorily. It has been my experience since I have been practicing law, as well as the experience of the defence bar... that that occurs."

"I am not saying, Your Honour, that that questionnaire or any other procedure that Your Honour might approve would in fact ensure any black representation on the jury. What I am saying is that even if it's an all-white jury, Your Honour, I want to be certain that it's a fair and impartial jury," the lawyer said.

In the end, all but one black juror was removed on the panel that sentenced Abu Jamal to death row.

The strong dissent is enough to seek a re-hearing before the full court, Bryan said.

"It is a guide, a light in the darkness," Bryan said.

Bryan said timeliness of the objection is not a good reason for the court to turn down his client's appeal. It was a big mistake made by Abu Jamal's previous lawyers, Bryan said. Bryan took over the case five years ago.

"The case had not been handled well. It was a disaster. It's in pieces. It's like trying to put Humpty Dumpty back together again," he said. (END/2008)

## RIGHTS-ROMANIA: Lifers Make a Bid for Attention By Claudia Ciobanu

BUCHAREST, Mar 26 (IPS) - "We just live for years in cages, just like in a zoo. But the toughest punishment of all is not the long sentences in our stables -- it's that we're being ignored."

Gavril Hrib, a convicted double murderer, was speaking out on behalf of his other fellow lifers during an interview in the library of the Rahova prison on the outskirts of Bucharest, the Romanian capital. He has served out 17 years of his 20-year life sentence in a two-man cell, only stepping outside once a day for a one or two-hour stretch of his limbs.

Ion Babus, another lifer from the 30 in Rahova, shyly recounted to his rare visitor how he passed his days. "I go to bed with the television and wake up with it," he said. His television taught him everything. "I can compare and learn from other people's mistakes." Nobody outside his cell had ever guided him about anything -- neither in communist times nor today.

Babus, a greying 50-year-old, has spent most of his life behind prison bars. In 1980, he was sentenced to death for the killing of a Romanian priest during a violent robbery. After six months on death row, expecting the firing squad every day, he was amnestied by former president Nicolae Ceausescu and eventually released in 1988.

"In those days, the most they ever did was beat me up. The stricter they were, the more stubborn I became."

In 1989, he was back in prison again, released three years later and almost immediately imprisoned for another crime. In 1999, he was sentenced to life after a fatal drunken pub brawl. The death penalty in Romania had been abolished after the end of communism in 1989.

Adrian Stroe, also serving a life sentence for murder, confided that he had been close to suicide in his cell. "When my mother died I felt I'd lost everything." Then his cellmate put a Bible in his hands. From that moment on his life took on meaning. His ambition now is to set up a training centre for ex-convicts once he has been released.

"My friends from here have told me how they've been rejected when they go back into the world. They're turned away when they look for a factory job. They try to make it on their own and they are crushed by the difficulties. They turn to the churches for help and get if for a few days or a season. But soon they are back in here once more knocking on the prison gates." Getting arrested again was the only way to get a meal and a roof over their heads.

The Association for the Defence of Human Rights in Romania - Helsinki Committee (APADOR-CH) has found lifers in Romania endure "terrible stress", confirming the complaints of the three interviewed by IPS. The way prisoners were treated throughout the Romanian penal system was "still far from European standards", it said in its 2004 report. Its representatives interviewed thousands of inmates and prison staff over a ten-year period to produce a 105-page study.

There has been some progress over the past decade, most notably a 'demilitarisation' following new staff regulations in 2004. But reform has been slow because of "public abhorrence to the world of prisons".

"It's true, television and the daily walk are their only activities," Nicoleta Popescu, a lawyer working with APADOR-CH, confirmed to IPS. "There's no work for them in prison. The very few special programmes open to them are for three months at the most. These are only available to a limited number of prisoners."

In Rahova lifers could "on request" participate in such programmes, though only two were attending school at primary level, prison officials confirmed to IPS.

Most of the 100 or so lifers in Romania were excluded from taking part in any cultural and educational activities in prison. This reduced their chances of reintegration after release. It also increased the possibility of conflict with other inmates and staff, APADOR-CH has reported.

Reform could come only if there were more guards and escort staff throughout the Romanian penal system, APADOR-CH said. In some prisons one staff member was responsible for 20 inmates. But the recommended ratio was one to five, according to the Council of Europe's Committee on the Prevention of Torture.

Babus and Hrib say they have created their own pastime activities. Babus paints icons and Hrib weaves Gobelin tapestries which are sold outside the prison.

The three lifers may have been muted in their criticisms, with a prison press officer nearby. Over the past two years in Rahova, a prison with 1,415 inmates reputedly with some of the best conditions of any in the country, there were 33,860 cases of sickness.

Most inmates in Romania were reporting ill with respiratory complaints, stomach pains and skin diseases. Heart complaints and self-inflicted wounds were also common.

APADOR-CH has identified overcrowding as the main cause for the "huge" amount of respiratory illness in Romanian jails. "It is hard to breathe in the rooms, especially in the summer, and the chances of getting contaminated are high."

But the National Administration of Penitentiaries (ANP) reports that Romanian prisons currently have 25 percent fewer inmates than their capacity.

"The ANP just assumes that if they do not have two to three people to a bed there's no overcrowding," Popescu responded. APADOR-CH did acknowledge that overcrowding was now less of a problem than before.

APADOR-CH blamed the poor quality and unhygienic preparation of food for stomach illnesses. Meals contained "few vegetables" but always a "piece of fat".

Skin diseases were put down to the lice, cockroaches and mice which "infested" many prisons. Blankets and mattresses were also filthy and toilets out of order.

Many voices are now calling for a new penal code which would help ease some of these problems. The current code, slightly modified, dates back to 1969. This allows for sentences of up to 12 years even for minor crimes.

Fewer and shorter prison terms would reduce the number of inmates.

In 2006, the ministry of justice drafted a new code incorporating alternative punishments to imprisonment, eliminating prison sentences for minors and specifying conditions for release on probation. The text was put up for public debate but has so far not been adopted.

"The future of this code is uncertain," Monica Macovei, the justice minister responsible at the time, told IPS. "Unfortunately, the code is being stalled for political reasons although politics should have nothing to do with the penal code."

APADOR-CH has suggested one immediate way of improving life for the long-term prisoners without waiting for politicians to make up their minds. Lifers should be allowed out of their cells to participate in general prison cultural and educational activities -- as is the case in many other countries. (END/2008)

## DEATH PENALTY-PAKISTAN:

### Reprieve For Indian 'Spy' Raises Wider Hopes

By Zofeen Ebrahim

KARACHI, Mar 20 (IPS) - "While I am against the death penalty, given Pakistan's flawed judicial system, I won't be able to request a reprieve for Sarabjit Singh as he was involved in terrorism and was proved guilty in court," Ansar Burney, Pakistan's minister for human rights, told IPS in a telephone interview from Islamabad.

But Burney expected "much trouble" if Singh's execution was carried out. He had asked President Pervez Musharraf to commute the death sentences for all long-serving death row inmates and he had included Singh in this general appeal.

"It's not just for this particular prisoner, but for all those who have served 10 years or more in a Pakistani death cell, which is nothing but sheer living hell," he said.

Singh was scheduled to be hanged on Apr. 1. But frantic, behind-the-scene efforts, between the governments of Pakistan and India, appear to have won him a temporary reprieve from the gallows. Almost as Burney was talking, Pranab Mukherjee, India's external affairs minister, announced in Indian parliament that the "President of Pakistan has stayed the execution of Sarabjit Singh until April 30."

Sarabjit Singh, who claims that he is the victim of mistaken identity and that his real name is Manjit Singh, was sentenced to death in 2003 on charges of espionage and alleged involvement in four bomb blasts in Lahore and Multan in 1990, in which 14 innocent people died. Some 90 were also injured.

Following the Supreme Court of Pakistan's rejection of Singh's plea for clemency in 2006, President Musharraf was petitioned for an amnesty. This was later also turned down after "thorough consideration".

Singh's sister, Dalbir Kaur, then threatened self-immolation at the Wagah check post, to bring attention to the case.

All through his 17 years in captivity, Singh and his family have resolutely insisted that his first name was Manjit, not Sarabjit. They say he accidentally strayed into Pakistan in an inebriated condition in 1990. They maintain he is a victim of mistaken identity and wrongly accused.

Burney, a caretaker minister with just a week left to serve in the interim government, may be anxious to keep in the background on the case following criticism that he helped secure the recent release of another alleged Indian spy, Kashmir Singh. Burney had discovered him in a Pakistani jail where he had been languishing on death row for 35 years.

Although Burney insisted the release of Kashmir Singh was a purely humanitarian gesture, this failed to impress many Pakistanis. Burney was strongly criticised for having aided the liberation of a convicted Indian spy.

Many expressed skepticism that India would be prepared to release convicted Pakistani spies held in its prisons. Criticism over this affair intensified last week when India returned the body of Khalid Mehmood, alleged to be a Pakistani spy. His body reportedly bore marks of torture. His family said he had gone to see a cricket match in India and lost his passport.

"The way the events were played up in the media were factually incorrect," S.K. Reddy, counsellor at the Indian High Commission in Islamabad, told IPS.

"The death of Mehmood took place in early February, much before the release of Kashmir Singh. The day Mehmood died, the Pakistani authorities were informed. However, the latter informed us that the family wanted the body to be sent towards the end of February. Accordingly, the body was sent. It so happened that it came soon after the release of Kashmir Singh, thereby inflaming the feelings of Pakistanis," Reddy explained.

"There is no need to send dead bodies to each other," Burney commented ruefully.

Rana Abdul Hameed, Sarabjit Singh's lawyer, now also Advocate

General of Punjab, has linked the case to a possible improvement of Indo-Pakistan relations. "An (amnesty) gesture on the part of the President would only help in creating better ties between the two countries," he said.

Hameed added that the Indian government could reciprocate by releasing some Pakistani prisoners in its jails.

Nasir Aslam Zahid, a former supreme court judge and member of the recently formed Indo-Pak Committee on Prisoners, agreed that the Singh case was of great significance to both countries and executing Singh at this time would be "all wrong".

"Even if the government has no intention of giving Singh a reprieve, his imminent hanging should be put off, for some time," Zahid told IPS.

He added that it was highly unlikely that people like either of the two Singhs, or for that matter Mehmood, could be hired to spy on each other's country. "In any case, except for nuclear facilities which are foolproof and well-guarded, there is nothing that is not available on the Internet. Everything you need to know about each other is just a click away!"

His feared that the Sarabjit Singh case could stall the newly-initiated process of repatriation of prisoners between the two countries.

"Both sides have agreed in principle to the release of juveniles, women, physically and mentally challenged prisoners and those who have completed their sentence. Also lists of prisoners between the two countries were to be exchanged. In fact, our Indian counterparts are to visit by mid-April," he said.

Across the border in India feelings are running high over a possible execution of one of their nationals in Pakistan. The nationalist, opposition Bharatya Janata Party seems all set to take the government to task for being soft on Afzal Guru, a Kashmiri political activist, convicted in the devastating attack on Indian Parliament in 2001. "It is unfortunate that Sarabjit Singh, who has not even been identified for any act of violence, is being hanged in Pakistan while in India we are not ready to carry out the death sentence given to Afzal Guru, whose guilt has been upheld (by the courts)," BJP leader Vijay Kumar Malhotra was quoted telling the media in New Delhi. (END/2008)

## DEATH PENALTY-GUATEMALA: Colom Had Second Thoughts - Will Congress? By Inés Benítez

GUATEMALA CITY, Mar 18 (IPS) - The Guatemalan Congress must decide, after Mar. 26, whether to overrule President Álvaro Colom's veto of a law that gave the green light to resuming executions of prisoners on death row.

Pressure from the international community and human rights groups prompted the social democratic Colom to veto the "pardon law", approved by Congress on Feb. 12 by 140 of the legislature's 158 lawmakers, including the president's supporters, even though immediately after its passage Colom had said he had no plans to pardon Guatemala's death row inmates.

When it meets again after Easter break, Congress will be able to revoke the veto with the votes of two-thirds of its members, or 105 lawmakers. However, in the view of most analysts, the legislature will accept the president's will in this case.

"If Congress approves the law as it stands, it will be shocking, as it contains a number of inconsistencies, such as not guaranteeing an effective appeal mechanism for the condemned prisoners and contravening principles of international law," David Dávila, of the Guatemalan Institute for Comparative Studies in Penal Sciences, told IPS.

The law restores the possibility of an appeal for a presidential pardon or commutation of sentence, a right which was revoked under the government of Alfonso Portillo (2000-2004).

Since then the lack of a final appeal procedure has meant a de facto moratorium on executions in Guatemala. By restoring an appeal process, the law that was just vetoed would have provided a means for executions to go ahead.

According to the statement announcing Colom's veto on Mar. 14, the law violates the constitution by allowing the president only 30 days to decide on whether to grant a pardon, and because if the president fails to make a pronouncement on a case, the sentence automatically proceeds to execution, based on the tacit denial of a pardon.

The American Convention on Human Rights, which was ratified by Guatemala in 1978, stipulates that the death penalty cannot be applied while an appeal is pending.

An editorial in the newspaper Prensa Libre, which has the widest circulation in Guatemala, said on Saturday that support for the death penalty has dropped considerably, especially among the ruling party in Congress, so that it will be impossible to obtain the 105 votes necessary to overrule the veto.

Colom stated on Friday that he has the support of legislators from his party, the National Union of Hope (UNE), and those of three other unspecified parties.

Of the 158 members of Congress, 51 belong to UNE, 29 to the rightwing Patriot Party (PP), 24 to another rightwing party, the Grand National Alliance (GAN), 14 to the Guatemalan Republican Front (FRG), and the remaining 40 to seven smaller opposition parties.

Mario Taracena, head of the government party in Congress, told the press that the bloc will respect the president's veto because when they first voted in February, they had not taken international pressure into account, nor Guatemala's vote in favour of a moratorium on executions at the U.N. General Assembly on Dec. 18, 2007.

"Guatemala cannot isolate itself from the rest of the world. We cannot be the exception. Any execution would cool our international relations," Colom said when he announced his decision to veto the law.

GAN legislator Jaime Martínez also told reporters that his congressional bloc would fall in with the president's decision.

PP lawmaker Gudy Rivera, however, announced that if Congress does not overturn the veto, his party will introduce a draft law to transfer the power to grant or deny pardons to the Supreme Court.

The pardon law was approved in February on the initiative of the PP, joined by UNE lawmakers who, according to some observers, had not consulted the president.

Congress passed the law making executions possible once again at a time when feelings ran particularly high, because "maras" or youth gangs had murdered at least seven bus drivers who refused to pay bribes, in the space of just four days.

Only the small leftwing Encuentro por Guatemala and Guatemalan National Revolutionary Unity parties, with four and two seats, respectively, voted against the law.

In the wake of the presidential veto, social sectors have advocated the abolition of capital punishment. "The next step should be to abolish the death penalty," Iduvina Hernández, head of the Association for the Study and Promotion of Security in a Democracy (SEDEM), told IPS.

Mario Polanco, of the Mutual Support Group (GAM), a local human rights organisation, also called on the president to do away with the death penalty. Guatemala and Cuba are the only countries in Latin America which maintain capital punishment for certain crimes.

Presidents Oscar Arias of Costa Rica, Antonio Saca of El Salvador, Manuel Zelaya of Honduras and Daniel Ortega of Nicaragua, at a summit held in Costa Rica last Wednesday, announced their "solidarity" with Colom in the decision he was facing on the pardon law. But they also called on "all countries" to abolish the death penalty.

The Guatemalan Catholic Church, Protestant churches and the European Union all declared themselves against capital punishment.

Analysts, however, emphasise that neither the president nor UNE lawmakers are contemplating abolition. In his election campaign, Colom said the death penalty was not a solution to the country's soaring rates of violent crime, but clarified that it formed part of the country's laws, which he would respect.

Polls indicate that a majority of Guatemala's 13 million people are in favour of the death penalty.

Colom said that "desperation" is what drives Guatemalans to support capital punishment, which is "not an effective deterrent," and which has not succeeded in reducing violence in this country, where there are on average 11 murders a day. He called for security institutions and the justice system to be strengthened in order to reduce crime.

In this Central American country, which has one of the highest homicide rates in the world, the justice system clears up less than 10 percent of all murders. (END/2008)

## DEATH PENALTY-MOROCCO: Abolitionists Resigned To Long Wait By Abderrahim El Ouali

CASABLANCA, Mar 17 (IPS) - The Moroccan ruling and political establishment continue to give conflicting signals about the future of the death penalty, leaving human rights activists now convinced that a behind-the-scenes decision has been made to keep the death penalty on the statute books for the foreseeable future.

Two weeks before the U.N General Assembly vote on an execution moratorium last December, Moroccan minister of justice Abdelouahed Radi told parliament that the country was not ready to abolish the

death penalty.

"We are abstaining from voting on the abolition of the death penalty because we have not yet resolved the issue," Radi told MPs after being questioned by the Socialist Coalition group. The coalition is one of several parties that currently make up the government.

Radi's statement raised questions about the fate of the work of the commission of the jurists set up to review the Moroccan criminal code. Mohamed Bouzabaa, a previous justice minister, had suggested that most lawyers on the commission supported striking out capital punishment.

Days after the announcement that Morocco would abstain in the U.N. moratorium vote, Abdellatif Ouamou, the president of the Socialist Coalition in parliament made clear publicly that he supported death penalty abolition.

"Execution is a crime," he told the newspaper al-Ahdath al-Maghribia. "It is unacceptable to punish one crime by committing another."

At the same time, Ouamou called for civil society organisations to keep up their struggle for abolition -- but with "more engagement".

The apparent clash of opinions on the death penalty issue between prominent politicians from the same party is explained by some as due to the dominating influence of the King Mohammed VI. The Moroccan government is under the full control of the King who presides over a weekly council of ministers. Radi, in his official ministerial function, was seen as expressing the views of the King, though they were contrary to the declared abolitionist position of his party.

"The death penalty is a repressive state instrument used to stifle social demands," Mohammed Hanafi, a member of the Moroccan Human Rights Association (AMDH) told IPS later. AMDH is part of the coalition of rights associations, including Amnesty International and the Moroccan Forum for Truth and Equity. It was set up in 2003.

Hanafi added that by retaining the death penalty, the Moroccan leadership was blocking "any movement to improve the economic, social, cultural and political situation."

Activists acknowledge that the death sentence has not been carried out since 1993. But they have expressed concern over the recent extension in the scope of the capital punishment laws. In response to the threat from terrorism, the Moroccan parliament passed an anti-terrorism law in 2003. This made ordinary crimes punishable with the death penalty if judged as terrorist crimes. Some death sentences have been handed down under this new legislation.

Many of those sentenced to death over the past decades have had their sentences reduced to life imprisonment through royal pardons, most recently to mark the birth of the King's daughter on Feb. 28, 2007. There are currently some 130 on death row, including seven women.

AMDH's Hanafi appeared critical of the suggestion that human rights organisations, with more engagement, could help bring about the end to capital punishment in Morocco.

The responsibility for abolition rested with the politicians, he said.

They needed to show more independence. "Most human rights NGOs are just taking orders from the political parties which are serving the interest of the state."

Despite Hanafi's views on the political ruling elites and the repressive effect of retaining the death penalty, Moroccans are showing increasing outspokenness on social issues, including capital punishment.

Noureddine Dayf, who was imprisoned for 11 years after taking part in the demonstrations against the high cost of living in 1981 in which hundreds of civilians were allegedly shot by the police, has been speaking publicly on the conditions he saw on death row.

The prisoners lived in constant dread of execution, he told IPS in an interview.

"A passing guard only has to cast a glance at their cell number and they fear they have been singled out for execution," he said. "At night every prisoner wedges a piece of wood behind their cell door so they are woken up with a noise if a guard enters while they are sleeping.

"There's a form of state terrorism there on death row which is worse than death itself," he said.

During his years behind bars in the Essaouira (South) prison, Dayf said he met death row prisoners who insisted they were innocent.

"The police are not investigating their alleged crimes properly and they are often using violence to extract confessions," he said.

Many among the younger generation in Morocco appear to agree with Dayf that the death penalty should be abolished - and are also willing to express their views to the press.

"The death penalty is a barbaric punishment," Zohra Sidki, studying for her degree in literature at the Hassan II University in Casablanca, told IPS.

"The only reason for retaining it would be if it could be shown it deterred crime."

Adam Daoud, a student in communications at the same university, was even more explicit.

"The death penalty is inhumane and should be abolished whatever the crime. The right to life is a fundamental principle."

But among the older, devout Muslims, resistance to abolition remains.

The death penalty for many is enshrined in Islamic law which cannot be questioned.

"A murderer must be executed. I know I will shock some by saying this. But this is the word of Allah," Mohamed Larbi el-Hayouli, a schoolmaster, told IPS.

Such people look up to the Moroccan King as both their head of state and religious leader, a direct descendant of the Prophet.

They expect him to defend a punishment which they believe is divine law.

(END/2008)

## RIGHTS-EL SALVADOR:

### Prisons Out of Control

By Raúl Gutiérrez

SAN SALVADOR, Mar 17 (IPS) - The murder of eight inmates in two prisons in El Salvador has once again drawn attention to the serious problems plaguing the prison system, such as severe overcrowding, a lack of rehabilitation programmes and the housing of pretrial detainees with convicted criminals.

The state is unable to guarantee the safety of prisoners because it lacks effective control over prisons, said experts consulted by IPS.

On Mar. 5, five members of the Mara Salvatrucha (MS) youth gang were murdered in different wings of the Chalatenango prison, in the northern province of the same name. The penitentiary holds 800 prisoners, all of whom belong to the MS.

The victims had been transferred over the last few months from the penitentiary in Ciudad Barrios, 150 km northeast of San Salvador, where on Mar. 9 three other prisoners, also members of the MS, were stabbed to death. A few months earlier, the three had been transferred from Chalatenango.

The Ciudad Barrios prison holds 1,800 inmates, all of whom belong to the youth gang.

In April and May 2007, IPS visited both prisons and witnessed the extreme overcrowding.

While internal power struggles between different "cliques" in the gang might be behind the murders, it should not be forgotten that the killings occurred "basically because of the overcrowding," the "lack of rehabilitation programmes" for prisoners and the deplorable conditions in the country's jails, said Nelson Flores, coordinator of the Penal Studies Centre (CEPES) in the Foundation for the Study of the Application of the Law. (FESPAD).

Flores, who visited the Chalatenango prison in December, told IPS that the overcrowding also fuels the spread of illnesses like hepatitis and HIV/AIDS.

At night, the floor of the cells is covered with "human rugs," because the prisoners sleep on the floor, some of them right next to the few, and overflowing, toilets, said Flores.

The inmates and their families are also mistreated by the prison authorities, he said.

Minister of Public Security and Justice René Figueroa told the press that the deaths of the prisoners, who were serving time for homicide, were the result of "internal purges" in the MS and that authorities were making "a bigger effort to keep the situation under control."

Four new prisons will open in the next few months, which will ease the overcrowding, said Figueroa.

The authorities blame two powerful youth gangs, the MS and Mara 18, for a large part of the extortions, robberies, drug distribution and hired killings in this Central American country.

But the participation of gang members was only proven in 12 percent of the murders that came to trial in 2006.

The MS and Mara 18, which are deadly rivals, have carved up between them large areas that are under their control, especially in slum neighbourhoods.

The two gangs originated in California in the 1980s, after nearly one million Salvadorans fled to the United States during El Salvador's 1980-1992 civil war and settled in impoverished neighbourhoods in Los Angeles, California where gang violence was rife.

The gangs, or "maras", began to spread to Central America in the 1990s, when most of their leaders were deported from the United States. They are also active in Honduras and Guatemala.

According to Alberto Uribe, spokesman for the Dirección General de Centros Penales, the prison service, as of early March the country's 19 prisons, designed for a total capacity of 7,500 inmates, housed 18,300 adults, of whom over 5,000 belong to the MS and Mara 18.

In addition, 2,000 minors under the age of 18 are held in four juvenile detention centres in different regions of this country of 6.9 million.

The prison system suffers from a "lack of effective controls," which facilitates the entry of drugs into prisons, often with the complicity of prison guards, said juvenile court Judge Aida de Escobar.

She also said that crimes like extortion and murder are planned and ordered from prison cells.

And because many suspects who have not yet been tried are held in pretrial detention alongside convicted criminals who are serving their sentences, "more ruffians are being created," de Escobar told IPS.

There are people who go to jail "for a case of minor theft and turn into murderers," she said.

A 2007 FESPAD report states that there are 207 prisoners per 100,000 population in El Salvador. That figure compares to 700 per 100,000 in the United States, 95 in Italy, 80 in France and 65 in Sweden.

The skyrocketing of the prison population, from just over 12,000 in 2004 to 18,300 today, is due mainly to the "mano dura" or hard-line policy against crime that has led to the incarceration of large numbers of gang members but failed to bring the soaring crime rates down, say experts.

They also argue that a 2001 reform of article 103 of the penitentiary law violated the basic rights of prisoners.

The amended law made it possible to create special prison regimens for many inmates, including long-term isolation, restricted movement within the prison, limited telephone access and only no-contact family visits in the presence of a guard.

De Escobar also noted that the maximum sentence was increased from 30 to 75 years, which contributed to expanding the prison population.

Prisoners in El Salvador are overwhelmingly poor, while white-collar criminals receive special treatment and are held in police station cells.

The state "should not close its eyes to this situation," said the judge, who pointed out that prison authorities are legally obligated "to guarantee the safety of prisoners." (END/2008)

## RIGHTS-SOUTH AFRICA: Death Penalty Referendum Call - Critics Cry Populism

By Stephanie Nieuwoudt

CAPE TOWN, Mar 12 (IPS) - Jacob Zuma, the president of the African National Congress (ANC), the ruling party in South Africa, has of late been called a chameleon who adapts his speeches to what his audience wants to hear. It's a tactic that has proved controversial, not least when Zuma took up the issue of the death penalty.

Since his recent election as head of the party in December, Zuma has indicated that he is in favour of opening a debate on the issue of capital punishment. The death penalty was scrapped from the law books in 1995, but many are now calling for its reinstatement to help curb the high crime rate.

South Africa was in crisis and required "radical laws" to deal with crime, Zuma said during a speech at a forum hosted Mar. 4 in Johannesburg by Chief Rabbi Warren Goldstein. Zuma indicated that if he became the country's next president, he would try to persuade the ANC to start a debate on holding a referendum to sound out public opinion on bringing back hangings.

His comments echoed a speech made in December in which he called for a renewed discussion about the death penalty.

However, these are the words "of a populist leader who says what the people want to hear," Pierre de Vos, a professor of constitutional law at the University of the Western Cape, told IPS.

"For the death penalty to be reinstated, a two-thirds majority of the national assembly (the lower house of parliament), as well as six of the nine provincial delegates to the national council of provinces (the upper house of parliament), have to agree to the change."

The present constitution, which outlaws the death penalty, was adopted after South Africa's first democratic elections in 1994.

"There is no indication from the rest of the ANC leadership that they are in favour of bringing back capital punishment," De Vos added.

"Even if a referendum is held, it is only a test of the views of the population. Although the outcome of a referendum may place a moral obligation on the leadership, there is still no legal obligation to change the constitution."

De Vos noted further that it would be extremely dangerous to start "tinkering with the constitution".

"It would send a message to the people of South Africa and the rest of the world that the country is willing to change laws for short-term political gains."

And, bringing back capital punishment offered no guarantee that crime would decrease, he said.

Ebrahim Fakir, senior researcher at the independent Centre for Policy Studies, based in Johannesburg, shares this view; he noted that "globally there is no proof that capital punishment is effective".

In addition, there were serious failings in the police and justice systems in South Africa which needed to receive priority in efforts to reduce crime.

"There is no guarantee that if a perpetrator does wrong, he will be apprehended. Nor can one bank on it that cases will be thoroughly investigated, prosecutions properly handled, and appropriate sentences handed down and served," Fakir told IPS.

"These are basic requirements for the threat of (capital) punishment to work as a deterrent. If these things are lacking now, reinstating the death penalty will make no difference," he said.

"Besides, the death penalty is irreversible, which is problematic...We have many examples -- in the U.S. and other places -- of suspects being put to death only for their innocence to be proven years later on the basis of new information coming to light."

Steven Friedman, a political analyst at the Institute for Democracy in South Africa, a non-governmental think-tank, agreed with De Vos that the rest of the ANC would not support a call for a referendum on the death penalty.

"Although I do think that Zuma says what people want to hear, it is still too early to really know if he is serious or not. He can make certain statements now, but he does not have the real power to make a difference. He is the leader of the ANC, but he is not at this stage a member of parliament," Friedman told IPS.

"Should he become the leader of the country -- something which will be determined in the general elections in 2009 -- he will have to put his words to the test. He will have to make choices. As a leader, one cannot be everything to everybody."

Deon Geldenhuys, a political lecturer at the University of Johannesburg, called Zuma a "man of all seasons" on the death penalty issue.

"He adapts what he says to his audience, but he is very careful not to say that he will make constitutional changes. He chose his words carefully, saying that he will open a debate," Geldenhuys told IPS.

"People expect moral statements from him as leader of the ANC, and crime in South Africa is a moral issue. By making these kinds of statements, he proves that he is a grassroots politician who takes the concerns of the ordinary citizen seriously," he added.

"This stands in contrast to President Thabo Mbeki, who is often seen as distant and arrogant. The problem with a populist leader who blows with the wind, though, is that it creates uncertainty about his ability to make sound decisions."

Fakir doubts that Zuma really wants to bring back capital punishment. "Zuma himself would have been subject to the death penalty 25 years ago if he had been caught by the then apartheid regime in South Africa," he said.

Zuma was a senior leader in Umkhonto we Sizwe, the underground military wing of the ANC, during its armed struggle against

apartheid. Umkhonto we Sizwe is a Zulu term meaning "spear of the nation".

Zuma's statements on the re-instatement of the death penalty should be seen as a way of telling South Africans that "he hears them and is responsive to their concerns," Fakir added.

According to De Vos, South Africa would not want to risk damaging its world standing by backing out of its international treaty pledges never to use the death penalty. (END/2008)

## DEATH PENALTY-JAPAN: No 'Conveyor Belt' Executions - Abolitionists By Catherine Makino

TOKYO, Mar 12 (IPS) - Abolitionist lawmakers in Japan are appealing to the international community to pressure their government to end the rising number of death sentences and hangings -- alarmed at how support for their stand at home appears to be dwindling.

"We need the international community to draw attention to our country and wake up our citizens," Nobuto Hosaka, a member of the lower house of parliament (Diet), said. "Japanese need to be made aware their country is disregarding human rights."

Hosaka added: "Death sentences have rapidly increased in the past two years." Executions were also up. Last December, one of the three hanged was 75 years old.

"My country is drifting and I am ashamed," a visibly upset Hosaka told IPS.

In 2007, the Japanese Supreme Court confirmed at least 23 death sentences, the highest number since 1962, according to Amnesty International. At the end of 2007, there were at least 106 inmates on the death row, the highest number since 1980. Nine executions were carried out during 2007, more than in any year since 1980.

Hosaka said Japan was unmoved by condemnations from Amnesty International and the Council of Europe. The passing of the non-binding United Nations General Assembly moratorium on executions on Dec. 18 apparently had little effect.

In an effort to stop the hangings, Hosaka, together with a cross-party group of MPs from the Parliamentary League for the Abolition of the Death Penalty, had drafted a bill for a temporary moratorium.

The bill proposed an initial four-year-long moratorium as a step towards the total abolition of the death penalty, Hosaka said.

It projected an entirely new punishment sentence for the most serious crimes in Japan, life imprisonment without parole, Hosaka said. Under the present system, those sentenced to life imprisonment became eligible for parole after 10 years.

The draft bill also called for the setting up of special parliamentary committees in both the lower and upper houses of parliament to investigate the operation of the capital punishment system in Japan.

Hosaka acknowledged that the chances of the bill succeeding were extremely slim.

"Two years ago we had 120 anti-death penalty lawmakers on our side, today it has shrunk to 72," Hosaka said. "In parliament the death penalty is something of a taboo subject. Lawmakers know that they will be unpopular if they support abolition and could even end up losing their seats."

He added: "Nor do we have public support. The public need to open their eyes, but there is no discussion about the death penalty here in the media."

Amnesty International Japan has confirmed steadily increasing support for the death penalty, opposite to the trend in many other countries. In the most recent survey of public opinion, more than 80 percent of respondents were in favour of keeping the death penalty in Japan.

Hosaka singled out one man by name for the growing number of recent executions -- justice minister Kunio Hatoyama, a staunch capital punishment supporter. "He has declared executions should be carried out systematically. Hatoyama views executions should be carried out like on a conveyor belt," he said.

Hatoyama, appointed justice minister last September, has so far signed six execution orders.

But there has been one positive reform during his term of office. Names of those six executed were made public -- a break with the past Japanese tradition of secrecy. But activists are concerned that Hatoyama is reportedly considering halting the introduction of a jury system for serious crime cases.

This is scheduled to go into operation in spring 2009. The plan is for six citizens to sit with three professional judges.

Hatoyama, whose term of office has been marked by a firestorm of criticism over his remarks on carrying out executions "systematically", was preceded by Jinen Nagase who was more cautious in his statements during his 11 months in office while quietly signing 10 execution orders.

"The Japanese are among the most gentle-natured people," Nagase wrote in a column in the Asahi Shimbun last December. "We share a culture to protect society by respecting others. Some people claim the Japanese lack an awareness to protect human rights and are cruel, but I strongly object to such views.

"It is one matter, of course, that mistakes should never be allowed in trying criminal cases. However, these issues are different from abolition or maintenance of the death penalty."

Such views are common in Japan, Andrew Horvat, visiting professor at Tokyo Keizai University and former president of the Asia Foundation, told IPS.

"Most families of victims demand 'justice'. One often hears bereaved fathers and mothers express anger with judges for failing to send to the gallows those who murdered their sons or daughters. The idea that the system makes mistakes, and therefore innocent people may be hanged by mistake, has also failed to win over a majority of Japanese," Horvat said.

The Japanese also closed their minds to the possibility that serious offenders could ever improve, according to Noguchi Yoshikuni, a former prison guard turned lawyer currently campaigning for more public access to prisons.

"People are capable of changing and can reform, especially those who were raised without affection," Yoshikuni told IPS. "I've seen it. If you talk to these prisoners and touch them, you will find they are not as bad as people think they are."

Yoshikuni added that the public failed to read from the official crime statistics that the death penalty was not an effective deterrent to the most serious of offences. "The public's belief that hanging people will lower crime is false," he declared.

Japan, a country of 127 million people, had a relatively low homicide rate compared to some countries with an active death penalty system. In 2005, there were 1,391 homicides. The U.S. murder rate was nearly five times this figure, human rights activists point out.

Hosaka said he expected the moratorium bill to be tabled in the current parliamentary session, although this was still under discussion.(END/2008)

## RIGHTS-US:

### One Electric Chair Ban Could Lead To Others

By Nergui Manalsuren

NEW YORK, Mar 10 (IPS) - Human rights activists are weighing the significance of one U.S. state's total ban on the use of the electric chair for executions, suggesting that this should be seen as another important milestone in winning battle against the death penalty in their country.

On Feb. 8, the Supreme Court of Nebraska, the only state still using the electric chair as its sole method of execution, ruled that this form of capital punishment was "cruel and unusual". The decision means that the ten men on Nebraska's death row cannot be executed until the state decides on whether to adopt a replacement execution method.

According to the Washington-based Death Penalty Information Center (DPIC), there are currently nine states that have electrocution as an alternative execution method to lethal injection -- Alabama, Arkansas, Florida, Illinois, Kentucky, Oklahoma, South Carolina, Tennessee, and Virginia. Two of these -- Illinois and Oklahoma -- will only authorise electrocution if lethal injection is ever found to be unconstitutional.

The Nebraska ban on the electric chair could also make these states "think about abolishing this method of execution", Sarah Tofte, a Human Rights Watch researcher working on the death penalty in the U.S., told IPS. The ruling was especially important because it was made by a state where the electric chair was the sole method of execution.

The history of the electric chair dates back to 1881 when Albert Southwick, a dentist, saw an inebriated man accidentally kill himself -- without visible pain -- after touching a live generator terminal in Buffalo, New York. Southwick convinced friends in the

state legislature that such a method of execution would be humane.

Since 1884 the electric chair has been used in the executions of more than 4,000 people in the U.S. Nebraska adopted the electric chair as its method of execution in 1913. In 2004, the state set higher standards for its use. A more powerful, 2,450-volt, 20-second charge of electricity was to be used. Eighteen minutes after this massive charge, the go-ahead was to be issued for officials to examine whether the inmate was dead.

"If the U.S. Supreme Court ever has to rule on the electric chair, the Nebraska ruling would be very influential," Richard C. Dieter, executive director of the DPIC, told IPS. It would also indirectly influence the current U.S. Supreme Court case on whether lethal injection violated the constitution, "laying out some standards for what is cruel and unusual".

"The evidence here shows that electrocution inflicts intense pain and agonising suffering," Justice William M. Connolly wrote for the majority in the Nebraska Supreme Court ruling. "We recognise the temptation to make the prisoner suffer, just as the prisoner made an innocent victim suffer. But it is the hallmark of a civilised society that we punish cruelty without practicing it."

Justice Connolly noted that the burning of the prisoner's body was "an inherent part of electrocution". It was not unusual for witnesses to see smoke coming from the prisoner's head and legs.

Smoke and the smell of burning were witnessed by Herbert Shaps, William E. Vandiver's lawyer, who was executed by electrocution in 1985 for killing his father-in-law, according to the DPIC.

Vandiver was still breathing after the first administration of 2,300 volts. Five additional jolts of electricity were required in an execution that lasted 17 minutes. Shaps called the execution "outrageous". The Department of Corrections admitted the execution "did not go according to plan".

Dieter predicted that the focus of attention in Nebraska would now turn on whether to abolish the death penalty, rather than on which new method of execution to adopt.

"There is currently a bill to abolish the death penalty in Nebraska. That bill will probably be heard before any change is made to the method of execution. I suspect this bill will come very close to passing, although the governor may veto any bill," he said.

In 2007, a similar bill to repeal the death penalty in Nebraska failed by just one vote. The present governor, David Heineman, has said he would veto any bill that abolished the death penalty. That would mean that the state legislature would have to muster 30 votes to override his veto.

The death penalty abolition bill in Nebraska is being presented by Senator Ernie Chambers. He has tried to repeal the death penalty every year since 1970.

"Eventually, the death penalty will be eliminated in Nebraska," Dieter said. "The polls there indicate that people would be willing to replace the death penalty with a sentence of life (imprisonment) without parole."

(END/2008)

## RIGHTS-NIGERIA: The Threat of Death Hangs Over Thousands By Tolu Samuel

LAGOS, Mar 6 (IPS) - Three months after the U.N. General Assembly called on states which practice capital punishment to adopt a moratorium on executions, several thousand Nigerians continue to live in fear of the gallows, with activists accusing the government of inertia -- and even of failing to carry out its past promises to free the aged on death row.

"I do not see Nigeria towing the U.N. line," said Demian Ugwu, head of advocacy at the Civil Liberties Organisation, based in the financial capital, Lagos.

"Nigerians in general support the death penalty because of the high crime rate. This is why when an armed robber is apprehended by members of the public on the streets, he is given jungle justice," he told IPS, noting that government might well use the excuse of public opinion to justify to the international community its inaction over a formal moratorium.

There are 784 inmates held in "tiny, dark and filthy" cells on death row in Nigeria, according to Amnesty International. But there are also thousands of others at risk of being sentenced to death, it reports in 'NIGERIA: Prisoners' Rights Systematically Flouted', a 52-page study issued last month.

Three out of four of these are suspected of armed robbery, a capital offence in Nigeria; the remainder are behind bars awaiting trial for murder. They include aged and mentally ill prisoners, as well as young mothers.

In May 2007, Nigeria announced that it would grant amnesty to all death row inmates over 70, and those 60 or over who had been awaiting execution for ten years or more. However, Amnesty has no confirmation that any such prisoners were released.

Human rights activists have also accused Nigeria of breaking its promise to maintain an unofficial moratorium, saying it has conducted executions in secret.

Former head of state Olusegun Obasanjo, who was succeeded by Umaru Yar'Adua in May last year, promised never to carry out capital punishment during his administration. He also pledged to introduce a death penalty ban. Obasanjo was in office for two terms, from 1999 to 2007.

Ugwu said there were executions last year in Kano State, northern Nigeria, and that certain death row inmates had also been executed two years ago in Enugu State, in the south-east. "Officials are reluctant to allow access to information and say they do not kill any longer; but we are aware these executions took place."

Last year, Amnesty International said it had uncovered evidence of at least seven executions in the past two years, although more may have taken place. The death warrants had been signed by Kano State Governor Malam Ibrahim Shekarau, it noted.

Olawale Fapohunda, a leading anti-death penalty activist and managing partner of the Legal Resources Consortium, a Lagos-based non-governmental organisation, said he could not confirm the

allegations of execution. Although the Nigerian Supreme Court had affirmed the constitutionality of the death penalty, state governors were following an unofficial moratorium "because they believe some of the convicted may not be guilty," he told IPS.

Fapohunda said that during a visit to Kano State last year, he found certain inmates lacking access to legal representation, which suggested that people risked being sentenced to death even if innocent: "I saw two death row inmates in Kano Prison. One of them said that he had a problem with someone who wanted to take his wife. He was accused of rape and sentenced to death because he had no access to a lawyer."

The problem of legal representation for the poor has also been highlighted by Amnesty International, which reports that 80 percent of the 25,000 persons awaiting trial in Nigeria have no such representation. Nigeria's Legal Aid Council, responsible for helping citizens who cannot afford lawyers, is said to be insufficiently funded, employing only 100 lawyers.

Inadequate representation is also a major factor in suspects having to wait years to be heard in court. Amnesty researchers visited 10 prisons in preparing their recent report on Nigeria and in virtually all these institutions met inmates who said they had been "awaiting trial for seven years or more".

The rights watchdog also found evidence of torture being used to extract confessions used in obtaining convictions.

Concern over the risk of innocent people being sentenced to death prompted the Presidential Commission on the Reform of the Administration of Justice to call last May for an official moratorium on executions. This was essential "until the Nigerian justice system can ensure fundamental fairness and due process in capital cases," it said.

Fapohunda, who was secretary of the commission, said that although the momentum for reform seemed to have slowed since its recommendations were published, he was still confident they would eventually be adopted.

"I think it fair to say that the government of President Yar'Adua is not anti-human rights. The first phase of his administration has been an absolute commitment to the rule of law and due process," he noted.

"The government says it is in the process of studying the policy reports of the last administration. We hope the president will come out soon to implement the recommendations."

But, he said it was essential for rights activists to maintain pressure for death penalty abolition to be kept on the national agenda.

Ugwu also believes that Nigeria will ultimately act on the death penalty issue: "All in all, we do not have a choice but to join the rest of the world and abolish the death penalty in the nearest future."

However, Amnesty International is more cautious about the prospects for those in Nigeria's jails, including inmates on death row.

It notes that Nigeria has given the organisation full access to prisons, and often said it was ready to reform; but, the necessary changes were not made.

"The reality remains that those in prison stand little chance of their rights being respected. Those who lack money stand even less of a chance," the organisation writes in its February report. (END/2008)

## News from International NGOs

### AMNESTY WRITES AN OPEN LETTER TO THE PRESIDENT OF SOUTH KOREA

In this open letter to the newly elected President of the Republic of Korea, published March 5, Amnesty International draws attention to key concerns regarding human rights in South Korea. The organization urges the President to make the promotion and protection of human rights a government priority in the coming years. The letter says: "Since December 2007, Amnesty International considers South Korea to be abolitionist in practice, as it has not carried out any executions for ten years. This landmark anniversary is welcomed by Amnesty International. However, the organisation remains concerned that there are still 58 inmates on death row in South Korean prisons and certain crimes still carry the death penalty. The Special Bill to Abolish the Death Penalty has been before the Legislation and Judiciary Committee (LJC) of the National Assembly since February 2005. Given the de facto moratorium on executions in South Korea and the parliamentary bill currently before the LJC, Amnesty International hopes that these positive steps will now provide your new government with the right framework to look again at abolishing the death penalty in law."

### HOPE FOR POOR IMMIGRANTS AT RISK OF CAPITAL PUNISHMENT IN SAUDI ARABIA

World Coalition members Action by Christians for the Abolition of Torture (ACAT-France) and Together Against the Death Penalty (ECPM), members of the World Coalition Against the Death Penalty, have launched a campaign against the death penalty in Saudi Arabia. The 'Saudi Arabia: why are foreigners losing their heads?' campaign condemns the increasing number of executions in Saudi Arabia since the start of the year. In particular, it focuses on the fact that almost half of all executions involve foreigners (out of 158 people executed in 2007, 76 were foreigners).

The situation is illustrated by the case of Rizana, a 20-year-old Sri Lankan woman who came to work in Saudi Arabia with false identity documents when she was 16. She is accused of causing the death of the baby for whom she was caring. According to her, the child choked as it drank from its bottle. She was 17 at the time. Arrested in May 2005, she did not have the right to a lawyer, either during questioning or during the trial. She allegedly 'confessed' to the murder during police questioning in a language she does not understand and signed a document drawn up in a language she cannot read. She was sentenced to death on 16 June 2007 and appealed the sentence. If it is confirmed Rizana will be decapitated. In Saudi Arabia executions are performed in public through decapitation by sword.

## **SAUDI ARABIA HARSHLY CRITICISED FOR EXECUTING 15-YEAR OLD BOY**

The international Human Rights Watch organisation harshly criticised Saudi Arabia's justice system in a report published in London Mar 25. In particular, the manner of dealing with minors, who have been sentenced to flogging or even to death, was cruel and contradicted the principles of the rule of law, the report said. "In 2007, Saudi Arabia executed three juvenile offenders, including a 15-year-old boy who was only 13 at the time of the alleged crime," HRW said. Saudi Arabia does not have a penal code and judges pass verdict based on their own interpretation of sharia law. King Abdullah announced a reform of the justice system a few weeks ago which, among other things, would strengthen the right to appeal.

## **FIDH CONDEMS NEW DEATH SENTENCES FOR POLITICAL ACTIVISTS IN IRAN**

FIDH and LDDHI expressed their utmost concern on Mar 4 at the recent condemnation to death of three Kurdish activists by an Iranian revolutionary tribunal. Farzad Kamangar, teacher and member of the Kamyaran teacher's association (in the Kurdish province in North West of Iran), was also an active member of a local human rights organization banned by the government. Farhad Vakili was an employee in the Ministry of Agriculture in Sanandaj and Ali Heydarian was a member of the Kurdistan Workers Party (PKK).

Farzad Kamangar was arrested in July 2006 in Tehran. Farzad Kamangar was held in a secret place, where he has reportedly been violently tortured; he was notably beaten - in particular on the sensitive parts -, insulted and subjected to electric shocks of which he still has after-effects today. He was then transferred to the Evin prison, in the infamous section 209, reserved to political prisoners, and then to the Sanandaj prison. He was held incommunicado for nearly eight months, without access to a lawyer, without any contact with his relatives, even by phone. He has reportedly been subjected on several occasions to acts of torture during this period. He was then transferred to the Evin prison again and appeared before a revolutionary tribunal in May 2007. Since November 2007, he is held in Rajay Shahr high security prison, where dangerous criminals condemned for ordinary crimes are also being held.

## **WORLD PRESS REVIEW – MARCH 2008**

### **US MARKS SIX MONTHS WITH NO EXECUTIONS**

The United States marked its sixth consecutive month with no executions of prisoners, its longest such period since 1982, but experts say the death penalty could make a swift return once questions about lethal injection are resolved, AFP reported on Mar 27. The last execution took place on Sept. 25, when Michael Richard, 48, was put to death for the rape and murder of a woman 20 years earlier. He was executed by lethal injection, the method most commonly used. Just hours before Richards was pronounced dead, the US Supreme Court announced it would examine the legality of the lethal injection method. The court is considering arguments from several death row inmates, led by a pair from Kentucky, that execution by lethal injection violates the US Constitution, which prohibits "cruel and unusual punishment." According to the Death Penalty Information Center, only one more execution is planned this year, a convict in Louisiana in July, and that is expected to be postponed as well. When the Supreme Court heard oral arguments on the issue in January, the judges appeared split, with some seeming to lean toward the idea of returning the issue to lower courts for a deeper examination of alternative procedures.

### **FAMILY'S DEATH SENTENCES UPHELD IN JAPAN**

Death sentences were upheld by the Fukuoka High Court in Japan against a yakuza gang boss and his son, ensuring they will join his wife and another son on Death Row, Mainichi Daily News reported on Mar 27. The court dismissed the appeals by gang boss Jitsuo Kitamura and his son, Takashi, against the lower court ruling that sentenced them to death for committing four murders in 2004. The high court also upheld execution orders handed down to Kitamura's wife, Mami, and another son, Takahiro, for their roles in the killings. Each member in the family of four has now received a death sentence that has been upheld by a high court. During his initial trial at the Kurume Branch of the Fukuoka District Court, Jitsuo Kitamura, 64, said he

alone had killed all four people the clan was accused of murdering. However, during the appeal trial, Kitamura said his family had worked together to bring about the killings. His son Takashi, 27, has maintained his innocence throughout proceedings.

### **WOMAN BOSS IN CHINA GETS DEATH PENALTY FOR FRAUD**

A woman boss of a beauty parlour was sentenced to death in east China's Zhejiang Province, convicted of fraud and illegally raising fund of more than 700 million yuan (US\$100 million), a local court said, according to a report by China Daily on Mar 22. Du Yimin, 43, promised high returns to her 67 creditors from 2003 to July 2006, according to the Intermediate People's Court in Lishui, Zhejiang. In addition, hundreds of other investors had been attracted by the lucrative returns and channelled funds into Du's company. Du spent much of the money she had amassed on purchasing apartments and cars and on other luxury items. Du said she would lodge an appeal.

### **CHINA TO RATIFY UN COVENANT ON CIVIL RIGHTS: WEN JIABAO**

China said it would ratify the UN Covenant on Civil and Political Rights at an "early date" and dismissed as "unfounded" allegations that it was cracking down on dissent ahead of the Beijing Olympics, The Hindu and Press Trust of India reported on Mar 18. "We are trying to make domestic laws consistent with international laws. We are in the process of internal coordination. We will try to ratify the covenants at an early date," Chinese Premier Wen Jiabao said at a press conference after China's parliament ended its annual full session. Wen said China had been reforming its judicial system including the Supreme People's Court which has taken back the powers from lower courts to examine and approve death penalty. There was also a cap on the number of death penalty. China is reportedly one of the countries with maximum number of executions. "We are working actively to advance the reform in the political system, including the reforms in judicial system", he said. "There is no such question at all", he said on allegations by human rights activists that China had stepped up its action to curb dissent before the Beijing Olympics. China signed the UN Covenant in 1998 but never ratified it. The covenant covers freedom of expression, religion, assembly movement and speech, participation in public affairs and elections, and equality.

### **'BALI BOMBERS' DEATH SENTENCE APPEAL DROPPED**

Islamic militants in Indonesia facing death over the 2002 Bali bombings are one step closer to the firing squad after a last-ditch appeal was dropped, Khaleej Times reported Mar 24. "The case was withdrawn by the ones that requested it and the prosecutors did not object, this means it is over. There are no further courts (of appeal)," the head of the panel of judges hearing the case Ida Bagus Putu Madeg was quoted as saying by news website Detikcom. A lawyer for the bombers, Fachmi Bachmid, told AFP he withdrew from the judicial review at the Denpasar district court because a request to bring his three clients, Amrozi, Ali Ghufron and Imam Samudra, to appear in person at the appeal had been rejected by the court. "The rights of our clients have been amputated. It is clearly stated in the letter from the Supreme Court that my clients and the prosecutors need to be present (in court for the appeal)," Bachmid said. The review is the last avenue to stop the executions of the three short of an unlikely clemency from Indonesian President Susilo Bambang Yudhoyono.

### **THREE AUSTRALIANS SPARED DEATH PENALTY IN BALI**

Three members of the so-called Bali Nine have had their death sentences reduced to life imprisonment following a judicial review by the Supreme Court. Matthew Norman, Si Yi Chen and Tan Duc Thanh were spared execution by firing squad, AP reported on March 6. The three had been on death row since 2006 when the Supreme Court, ruling on an appeal, had increased their original life sentences, for smuggling drugs in Bali, to sentences of death. Three of the Bali Nine continue to face execution. Scott Rush, Myuran Sukumaran and Andrew Chan challenged the validity of the death penalty in drugs cases before the Constitutional Court, but had their case rejected in October 2007. Renae Lawrence is serving a 20-year sentence and Michael Czugaj and Martin Stephens were sentenced to life. Amnesty International welcomed the news of the three commuted sentences and called on the Indonesian Government to abolish the death penalty. "The application of the death penalty is a violation of the right of life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment," said Tim Parritt, Asia-Pacific Deputy Programme Director.

In total, 11 people were sentenced to death in Indonesia last year. Tim Parritt said that, while it is legitimate for the Indonesian government to take appropriate law-enforcement measures against drug offenders, there is no scientific evidence that the death penalty deters would-be traffickers more effectively than other punishments. "We call on the Indonesian government to follow the example set by 135 countries around the world which have already abolished the death penalty in law or practice, including neighbouring Philippines which abolished the death penalty in 2006," said Tim Parritt. The trend towards total abolition continued in 2007 with the UN General Assembly adopting a resolution calling for a global moratorium on executions. The resolution was supported by 104 countries in favour, with 54 countries against.

### **BANGLADESH. FOUR STUDENTS GET DEATH PENALTY FOR KILLING SPREE**

Four former students who shot dead eight rivals with AK-47 rifles over a college power struggle have been given the death penalty, a Bangladesh court official in Chittagong said, according to AFP on Mar 27. Three more Jamaat-e-Islami activists received life terms over the attack in July 2000. The victims were members of the youth wing of the Awami League, one of Bangladesh's main political parties. Seven were killed immediately while the eighth died in hospital. "The students from the Awami League wanted to take control of the politics of their college, but so did the other students from Jamaat-e-Islami youth wing," said public prosecutor Ahsanul Huq Hena. Two of the four men condemned to death are on the run and were sentenced in absentia, while another two were recently killed in shooting incidents with security services, Hena said. All the students were in their early 20s at the time of the attack.

### **EMIRATI SAVES TWO PRISONERS FROM CAPITAL PUNISHMENT**

An Emirati man's charity gave a new lease on life to two prisoners sentenced to death for a murder they committed ten years ago, Gulf News reported on Mar 31. Abdul Rahman Farooq, a 42 year old Pakistani and Radwad Naeem Al Deen, a 37 year old Indian were awaiting execution. Saeed Mohammad Al Amiri, a good Samaritan, paid the blood money to the parents of the victim and rescued the prisoners from capital punishment. "I'm not a rich man. I live a normal life just like my fellow compatriots in the country, but I have the intent to do good things and help people who are suffering from financial problems or those living under poor conditions," said Al Amiri.

### **IRAN. NEW DEATH PENALTY FOR KURDISH JOURNALIST**

A young Kurdish journalist has been condemned to death in Iran for the second time, a report posted on AKI website Mar 19 said. Hiwa Boutimar, a journalist and environmental activist, received the death penalty after a second trial failed to acquit him. Hiwa, who received the City of Siena-Isf award for freedom of information in Italy in November last year, was condemned to death for the first time last July. An international campaign which began in Italy and extended throughout Europe forced Iran's Judicial Authority to cancel the first verdict. Sources close to the journalist's family have told Adnkronos International that the new trial was carried out in the same way as the first trial without legal representation. The new death penalty issued just after the parliamentary elections in Iran, was not officially communicated to Hiwa, imprisoned in Mariwan, western Iran, or to his family, only to his lawyer verbally.

### **GUATEMALA. VETO KEEPS EXECUTIONS ON HOLD**

Guatemalan President Alvaro Colom vetoed a bill that would have reinstated capital punishment and given the president the power to commute death penalty sentences, AP reported on Mar 14. There are 34 prisoners in limbo on death row after a high court in 2002 suspended executions, ruling that presidential reprieves on death penalty cases were unconstitutional. The vetoed measure, approved overwhelmingly in February by lawmakers, would have given Colom the authority to decide whether the prisoners in question are executed by lethal injection or have their sentences commuted to the maximum 50 years in prison. "If (the death penalty) were a disincentive, we would reinstate it," Colom said. "But we have studied cases in various states in the United States, and it doesn't dissuade" crime. The Catholic Church and European embassies openly opposed the law, saying it would violate human rights. Colom said "strengthening security institutions" is the best way to fight crime in Central America's most violent country, where gangs are rampant and as few as 2 percent of more than 5,000 homicides a year are solved.

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