



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.

#### **RIGHTS-US: Sky-High Costs - But Few Executions**

By Michael J. Carter

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Interview with Victoria Sergeeva from Penal Reform International

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#### **RIGHTS-PHILIPPINES: Death Squad 'Cleanses' Davao**

By Brad Miller

DAVAO CITY, Mindanao, Apr. 16 - "Peaceful," is how Antonio Rivera, chief inspector of Davao's Philippine National Police (PNP) describes the city--at least relative to two decades ago.

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#### **Q&A: "The Death Sentence Was Used As a Tool of Intimidation"**

Interview with Leonard Vincent

CAPE TOWN, Apr. 10 - Journalism in Ethiopia has become an increasingly hazardous trade over recent years. A clampdown on the media in the wake of disputed elections in 2005 continues to resonate in the country, while certain members of the press have even found themselves facing capital punishment.

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By Blake Evans-Pritchard

KHARTOUM, Apr. 6 - The lives of 10 Darfuris convicted of killing a prominent Sudanese journalist in 2006 hang in the balance as lawyers struggle to prove that their confessions were extracted under torture, and should therefore be dismissed. The case has thrown the spotlight on court proceedings here and prompted concern that other capital sentences might be unsafe.

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## RIGHTS-US: Sky-High Costs - But Few Executions

By Michael J. Carter

SEATTLE - Forget the ethics of capital punishment in the United States. Forget the disproportionate number of blacks on death row, or the possibility of executing an innocent victim. The death penalty may really be just too expensive, according to a report released by the American Civil Liberties Union of Northern California (ACLU-NC).

In its 43-page report "The Hidden Death Tax", the organisation estimates that Californian taxpayers pay at least 117 million dollars a year seeking the executions of those already on death row. This averages out at roughly 175,000 dollars a year for each death row inmate. A major part of these costs is the extra 90,000 dollars a year to keep an inmate on death row rather than locked up in a general prison.

According to the report, if California abolished capital punishment today and allowed all 669 inmates to die a natural death in prison, the state would save 4 billion dollars in future costs.

Of the 36 states which still have the death penalty, California has the largest number of death row inmates at 669, although only 13 have been executed since the death penalty was reinstated in 1977. The ACLU-NC estimates that each capital trial costs an average of 1.1 million dollars more than a non-death penalty case. This is the organisation's minimum estimate.

"California has the broadest death penalty statute in the country," said Natasha Minsker, who began working on the report for ACLU-NC last June. "It gives prosecutors a lot of discretion, and as a result we've overloaded our system with too many cases."

"(The report) identifies issues of growing importance," Richard Dieter, the executive director of the Death Penalty Information Centre, told IPS. "States are feeling economic constraints. The cost becomes important because you realise you can't shorten the process. There's either an expensive death penalty or no death penalty. There's no third option."

But the extra spending on litigation after a capital conviction is critical for the death row inmates. Since 1977, more than 130 death penalty sentences in California have been reversed.

"Essentially what you're getting is life without parole at an expensive price," said Dieter, commenting on the long process. "You have a build-up of people on death row."

Expenses in maintaining the complex death penalty system accrue in a variety of forms. U.S. Supreme Court rulings require higher, lengthier trial processes when seeking a sentence which is irreversible. Judges and lawyers must be specially qualified, as well as jurors selected during a drawn-out questioning process.

Prosecution and defence costs are also significantly higher due to the rigorous investigation requirements. There is also a post conviction phase entailing a direct appeal and a habeas corpus challenge.

Usually there are two trials -- one to determine guilt and another to decide whether to implement capital punishment.

"I was shocked by the amount of money it took, and how quickly that amount is growing," Minsker told IPS.

California is not the only state spending exorbitant amounts of money in the pursuit of capital punishment.

In Washington State, the Death Penalty Subcommittee of the Committee on Public Defence determined in 2007 that capital punishment cases cost 467,000 dollars more to try than ordinary murder cases. In Texas it is estimated that a death penalty trial costs an additional 2.3 million dollars, according to Dieter.

In Florida in 2000, The Palm Beach Post estimated the state paid out 51 million dollars annually enforcing the death penalty. Recently, in New Mexico prosecutors were unable to press two death charges when the money-strapped state legislature failed to provide adequate funding for defence attorneys in a prison riot case that had already cost millions of state dollars.

The cost factor in maintaining the death penalty is undoubtedly playing a role in the recent attempts in state legislatures to repeal capital punishment.

Last year, New Jersey, which spent 10.9 million dollars annually on maintaining the death penalty, became the first state to abolish the practice since the death penalty was reinstated by the U.S. Supreme Court in 1976.

Similar legislation was attempted -- but failed -- in Nebraska, New Mexico and Montana. Last year, Colorado came close to repealing the death penalty when a bill that would have banned capital punishment in the state, using the money saved for investigating unsolved murder cases, was narrowly struck down.

"The extra money spent on the death penalty could be spent on other means of achieving justice and making the community safer: compensation for victims, better lighting in crime areas, more police on the streets, or ... funds for pursuing cold homicide cases," Dieter had said during testimony to the Colorado House of Representatives Judiciary Committee before the vote.

Earlier, polls in Colorado conducted by RBI Strategies and Research found that voters were in a dead heat when asked whether they preferred the death penalty or life without the possibility of parole. However, when asked if the estimated 3 million dollars annually spent on the death penalty in the state could be better used solving open-murder cases, 70 percent agreed.

Despite the legislative disappointments, both Dieter and Minsker believe that capital punishment will eventually be banned throughout the U.S.

Recommendations from Minsker for California included a comprehensive system for tracking all expenses involving death penalty cases at every level of the process, from court and prosecution expenses to jury fees and additional costs incurred by sheriffs. "Most of these costs fall on the local counties," Minsker wrote in the report. "Prior to annual budgeting decisions, the actual costs of death penalty cases should be reported to the board of supervisors and the public so they may assess whether, in light of other county needs, this use of resources makes sense."

Adopting such recommendations -- not only in California but in all other death penalty states -- would undoubtedly reveal many, until now, hidden costs of maintaining the death penalty. This could emerge as a powerful factor in eventually swinging the vote in favour of the abolitionist lawmakers' future bills, death penalty opponents clearly hope.

## AFGHANISTAN: Death Row Numbers Raise Grave Doubts

By Tahir Qadir

KABUL - By lifting the shroud of secrecy over the number of Afghans on death row -- some 100 -- the government has ended up raising grave doubts about the trial procedures that led to the extreme sentences.

On Apr. 16, the Afghanistan Supreme Court announced it had confirmed death penalties for about 100 convicted of such crimes as kidnapping, hostage-taking, armed robbery, murder and rape. The surprise press statement immediately revived memories of the mass execution by firing squad of 15 inmates on one day last October -- without any prior warning whatsoever.

"This is the estimated total number of all death row prisoners in Afghanistan," Elaine Pearson of the international rights lobby Human Rights Watch (HRW) told IPS. The Supreme Court had not issued the names and locations where the death row inmates were held, she added.

The independent human rights commission of northern Afghanistan confirmed that it had not been provided with additional details. "As soon as we get the names we will disclose them to the media," Qazi Sayed Mohammed Sami told IPS. He added that the cases would then be "assessed" to see whether internationally-accepted trial standards had been observed.

But some independent legal experts immediately charged that the 100 had not been given fair trials, suggesting that the Supreme Court should have overturned the death sentences.

"All these cases were dealt with in closed trials without observers -- and in most cases without legal representation," Prof. Wadi Safi, an expert on international public law at Kabul University, told Human Rights Watch.

Safi added that it was common practice in regional courts for the accused to be kept in the dark about the evidence against them.

The Washington-based HRW supported his charges. "There seems to be a lack of due process -- not only in death penalty cases but also in a lot of criminal cases," Pearson said.

But officials in the Supreme Court insisted that professional judges had presided over the death penalty cases in "transparent" trials. Abdul Rashid Rashed, a justice on the Supreme Court, rejected any criticism of the Afghan court's review procedures.

"We have professional staff able to take firm and proper decisions," he told IPS. All the sentences had passed in accordance with Islamic law.

The Afghan legal system was also recently criticised after the sentencing to death of a young Afghan journalist, Sayed Parwez Kambakhsh, last January. He was allegedly guilty of downloading from the Internet and circulating an article critical of the Prophet's teaching on the place of women in society. The exact details of the case were never clear.

"Kambakhsh didn't have access to a lawyer. In this particular case, there were concerns expressed by his family that he was threatened and physically beaten while in custody," Pearson said.

Kambakhsh, originally sentenced to death by a court in the remote northern province of Balkh, has now been transferred to Kabul, according to press reports. Officials of the government of President Hamid Karzai have promised that he will soon be set free.

The Kambakhsh case -- taken up by HRW and other western rights organisations -- received worldwide publicity as an example of Afghan regional judges ruling in accordance with their extreme, ultra-conservative religious beliefs. In this case, the Internet became a symbol of an alternative Western, secular society.

The unexpected announcement of confirmed Supreme Court death sentences is once again putting the Afghan legal system in the international news.

In 2006, Karzai appointed several new, younger justices to the Supreme Court. They apparently did not have links with the older conservative Islamists. He also nominated Abdul Salam Azimi to the crucially important post of Chief Justice, replacing the conservative Faisal Ahmad Shinwari.

The Supreme Court judges play an all-important role in selecting new judges and issuing legal directives to the lower courts. Expectations were clearly pinned on Azimi, partly educated in the U.S., to push through changes without a wholesale purge of those in office since the overthrow of the Taliban.

Huge amounts of money have been spent on bringing change to the judicial system since U.S.-led and Afghan forces brought down the Taliban in 2001. Afghanistan is now seeking an additional 360 million dollars for its judiciary, Karzai told a USINFO reporter during a visit to Washington last November.

The Supreme Court announcement of the 100 on death row has sparked off a debate on the death penalty in Afghanistan.

Karzai joined this a day after the announcement when he told a press conference in Kabul that he was against the death penalty. This explained why his government was moving slowly on carrying out executions. According to the constitution, a presidential signature is required to issue an order to a firing squad.

"I am happy to hear the Taliban are opposing the executions," Karzai told the press conference in Kabul on April 16. "I hope they also have mercy on people."

Ironically, on Apr. 27 Karzai survived a Taliban assassination attempt while attending a military parade in Kabul.

HRW has joined the death penalty debate by urging the President not to sign any future execution orders.

"President Karzai should suspend the death penalty immediately," Pearson said. "We would oppose the death penalty whether it was in Afghanistan, the U.S. or any other country."

Pearson said she did not believe any executions were imminent.

"It could be a lengthy process," she said, adding that knowledgeable experts in Kabul had informed HRW that 15 death row inmates could be executed in 2008 if the president yielded to pressure "from certain powerful individuals".

Following the Karzai press conference, IPS canvassed views on whether the 100 death row inmates should be granted a reprieve.

"Afghanistan is an independent country so there should be no interference with what the courts have decided. The Afghan Supreme Court has taken right decision in these cases," Mohammad Usman, a public prosecutor in the city of Mazar-e Sharif, told IPS..

"I agree with these sentences. We have many other criminals in this country who should also be punished in the same way, said Ustad Norollah, a professor at the Balkh University.

A rare voice expressing an opposite view was Arzoo Geso, a student of journalism.

"I am very much afraid of executions," she told IPS. "I once watched one on TV and could not sleep for many days. I think life-imprisonment is a better alternative to the death penalty."

## DEATH PENALTY-CUBA: Dissidents, Preachers Welcome Decision By Patricia Grogg

HAVANA - Cuban President Raúl Castro's announcement that virtually all death sentences would be commuted to terms of 30 years to life was welcomed Tuesday by social sectors calling for the abolition of capital punishment.

The Cuban government does not generally provide statistics on the prison population or the number of people facing the death sentence. But Elizardo Sánchez, president of the dissident Cuban Commission for Human Rights and National Reconciliation, said that according to his group's estimates, around 30 people on death row will benefit from the decision.

"It is a gesture that merits our support and I am sure that as we move towards a climate of mutual respect in international relations, capital punishment will be completely eliminated," Reverend Raúl Suárez told IPS.

The Baptist preacher holds a seat in the Cuban parliament, where he has publicly spoken out against the death penalty. "Neither in Cuba nor anywhere else in the world does this punishment effectively fight crime," said Suárez, who is the director of the ecumenical Martin Luther King Jr. Memorial Centre (CMMLK).

In a speech published by the ruling Communist Party newspaper Granma Tuesday, Castro announced that a group of prisoners facing the death penalty, some of whom have been waiting for years for a pronouncement by the Council of State, will now serve life sentences or 30-year terms instead.

Life imprisonment will apply to those who committed their crimes after the life sentence was adopted as an alternative to the death penalty in the 1999 modification of the penal code, while those who committed their crimes prior to the reforms will have their sentences commuted to 30 years in prison.

Orlando Márquez, director of the magazine Palabra Nueva, put out by the Roman Catholic archdiocese of Havana, said the announcement was "very good news and a bold and mature step by the Cuban Council of State, taking into account how deeply rooted support for this kind of punishment is among a large part of Cuban society."

"Any gesture of clemency and respect for life, of which this is one example, exalts, rather than weakens, the state that makes it," said Márquez.

In his view, Cuban society has other legal instruments that work just as well in terms of protecting the country's citizens and guaranteeing public order, without the need to punish people by putting them to death.

The decision reaffirms the de facto moratorium on the death penalty in place since 2000, which was only interrupted in 2003 by the execution of three men who hijacked a passenger ferry to attempt to sail to the United States.

The executions drew cries of outrage from the international community as well as criticism within Cuba.

"Many people disagreed because although what they (the hijackers) did was bad, they didn't kill anyone," retired high school teacher Digna Martínez told IPS. "I think they should have been kept in prison, like these prisoners will be now, rather than shot by a firing squad."

Castro said the death penalty was handed down in the 2003 passenger ferry case to cut short a wave of more than 30 attempted and planned hijackings of boats and planes, "encouraged by U.S. policy."

The decades-old conflict with Washington was thus once again blamed for the decision not to completely do away with capital punishment, with Castro stating that under the present circumstances, "we cannot disarm ourselves in the face of an empire that continues to harass and attack us."

Castro said that "in all these years, there have been 713 acts of terrorism against Cuba, 56 of which have occurred since 1990, organised and financed from U.S. territory, leaving a total of 3,478 people dead and 2,099 injured and disabled."

He added that although the death penalty remains on the books, "Cuba understands and respects the arguments of the international movement advocating its elimination or a moratorium," and said that "for this reason our country has not voted against such initiatives in the United Nations."

"We have been forced to choose, in legitimate defence, the route of establishing and enforcing severe laws against our enemies, but always strictly within the framework of the law and with respect for legal guarantees," Castro said Monday at the closing session of the sixth plenary session of the Communist Party Central Committee.

Observers described as "highly significant" the choice of venue for making the announcement.

"Socialism must be based on moral considerations, above all, and if we examine things from another point of view, to some extent we are all responsible for what other people do," said Raymundo Garcia, the founder of the Christian Centre for Reflection and Dialogue, a Cuban civil society organisation in the city of Cárdenas, 150 kilometres east of Havana.

"The death penalty is not a solution, but part of the problem," the Baptist preacher told IPS.

With respect to the prisoners who will have their sentences commuted, Sánchez said that "some have been awaiting execution for more than 10 years.

Reacting with little enthusiasm to Castro's announcement, the dissident leader told IPS that "what would be truly meaningful would be the immediate abolition of capital punishment, because otherwise the risk of it being applied remains latent."

But other dissidents said that was unlikely to happen. "I would say this is virtually a permanent de facto moratorium. I think it is improbable that after making this public commitment, a sentence of this kind would be carried out again," said Manuel Cuesta Morúa, spokesman for the moderate opposition coalition Arco Progresista.

Castro also mentioned the case of three men on death row whose appeals, he said, would be reviewed soon by Cuba's Supreme Court: Salvadoran nationals Raúl Ernesto Cruz and Otto René Rodríguez, who were sentenced to death in 1999, and Cuban citizen Humberto Eladio Real.

The two Salvadoran citizens were convicted of carrying out a string of terrorist bombings in tourism establishments in Havana in the summer of 1997, one of which resulted in the death of an Italian businessman.

The Cuban citizen, Real, was arrested in 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.

Capital punishment is reserved in Cuba for the most serious 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.

The penal code also establishes 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.

In addition, the penal code chapter that 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.

But the death penalty cannot be applied in the case of people under 20 or women who were pregnant at the time the crime was committed or when the sentence was handed down. In practice, no woman has been executed since the 1959 revolution.

## Q&A: Russia Vacillating over Abolition Interview with Victoria Sergeyeva from Penal Reform International

MOSCOW - How close is Russia to abolishing the death penalty? Possibly just two or three years away, suggests Penal Reform International's director for Russia, Ukraine and Belarus, Victoria Sergeyeva. In an interview with IPS correspondent Kester Kenn Klomegah, she explains that leading Russian politicians have already made up their minds on the issue, though their fellow MPs still need prodding out of their indecision. Across the country, young, educated city dwellers would welcome the move.

IPS: The Russian Federation recently backed the U.N. General Assembly's call for the world to move towards abolishing the death penalty. What is the legal position today in Russia on capital punishment? Victoria Sergeyeva (VS): Since 1996, Russia has observed a de facto moratorium on executions. The moratorium came into force by presidential decree at the time the Russian Federation was joining the Council of Europe. Later, Russia also signed -- but has yet to ratify -- Protocol No. 6 to the European Convention on Human Rights on the abolition of the death penalty. So, since 1996 no death sentences have been handed down or executions carried out. But a final decision on the future of the death penalty still has to be taken. The Russian Constitution still allows for the possibility of the death penalty. And the Russian Federation's Criminal Code still envisages capital punishment for five categories of crimes.

IPS: Apart from the 1996 presidential decree, has the moratorium been adopted into law?

VS: In 1999, the Constitutional Court did issue an unprecedented ruling on the moratorium -- at least a temporary one. It said that no death sentences could be passed down anywhere in the Russian Federation until jury trials had been introduced everywhere in the country. So, this was a constitutional ban on any court issuing death sentences until this was the case.

IPS: You said it was a temporary ban. When do you expect this process of introducing jury trials to be completed?

VS: The Chechnya republic will be the last region to complete this process. In January 2007, the State Duma approved a law postponing trial by jury there until 2010.

IPS: The ruling on jury trials would, it seems, not stand in the way of abolishing the death penalty ahead of whatever happens in Chechnya. Why has the Russian Federation been so slow in formally abolishing the death penalty?

VS: First of all, there's no common support for death penalty abolition among Russian deputies. Many MPs are in favour of capital punishment. The death penalty has been discussed a few times in the State Duma. But each time the debates have ended fruitlessly.

The authorities have put enormous efforts into ensuring capital punishment is not applied. But there's something preventing them from striking out this punishment from legislation. And although there are currently no executions, there's actually an active struggle going on to re-instate capital punishment, especially for past and potential acts of terrorism.

So, Russian parliamentarians are indecisive and inconsistent on the death penalty issue. The MPs very often try to mask this by saying that it's the Russian people who are not yet ready to accept death penalty abolition.

IPS: Have you carried out any surveys of public opinion on the death penalty?

VS: Last year, Penal Reform International initiated a worldwide project called 'Global Action on the Abolition of the Death Penalty'. This was organised by our four regional offices. Here in Russia, the Yuri Levada Analytical Centre conducted a countrywide poll asking some 1,600 people. We found the majority still supported the death penalty, but not such a high proportion as in previous years.

The results also showed that the majority of the young and educated in the large cities actively supported death penalty abolition. Generally, the number of people supporting the moratorium had increased from 23 percent in 2006 to 31 percent in 2007. Overall, 11 percent of Russian citizens were against the death penalty and we hope this percentage will continue to grow.

IPS: Did you question people on what they thought of life imprisonment?

VS: We did not canvass detailed views on the alternatives to capital punishment. But what we did learn was that the population is evenly split on what punishment is the worse: the death penalty or life imprisonment. This is very important as it seems to suggest that life imprisonment is seen to be as bad as the death penalty.

IPS: Did you find this to be the case in the other countries you surveyed?

VS: I would say this is not just the case in Russia. Most people in the world would have the same opinion. Prisons everywhere are filling up. Over the past three or four years there's been a general increase in prison populations. This is not just the case in poor developing countries, but also in the developed Western countries. And the preference is to isolate offenders.

IPS: You are familiar with the conditions in the Russian prison system. Is life imprisonment a humane alternative to the death penalty?

VS: Life imprisonment has existed as an alternative to the death penalty in Russia since 1992. It should be noted that this punishment is much more cruel here than in other European countries. Russia's 1,600 lifers serve out their sentences in special correctional colonies with a high level of supervision. They are totally isolated from society. One really could describe their living conditions and treatment as torture. When one considers that they can only apply for early release after 25 years of imprisonment, their chances of ever returning to society are really very minimal.

IPS: Are there grounds for optimism that Russian will abolish the death penalty?

VS: Some key politicians, including the president, the chairmen of various committees in the State Duma and Federation Council, including the head of its Committee on Internal Affairs, have expressed their support for death penalty abolition. As I mentioned, the State Duma has postponed jury trials in the Chechnya Republic

until 2010. This means that Russia's death penalty moratorium is extended for another three years. But I think it is going to be very difficult to extend the moratorium further.

IPS: Does this mean that you think abolition of the death penalty in Russia will be announced before 2010?

VS: Yes, it's possible that within the next two to three years, Russia will ratify Protocol No. 6 and strike out the death penalty from its national legislation. I know that in March this year, the State Duma's Committee on Legislation introduced a draft law on the abolition of the death penalty and this is now being discussed in the Russian parliament.

## DEATH PENALTY-US: Court Says, 'Pay Up - Or Let Live!'

By Adrienne Appel

BOSTON - After eight years and millions of dollars spent, New Mexico has decided to quit pursuing two death penalty cases when lawmakers ducked away from voting additional money for court-appointed defence lawyers.

The unprecedented decision to drop capital charges on cost grounds raises the question whether New Mexico prosecutors will ever want to press again death penalty charges. It also suggests that the burgeoning costs of pursuing death penalty cases in other U.S. states may emerge as a new key factor in hastening the end to capital punishment in the country.

Earlier this month, the chief prosecutor in the case against Reis Lopez and Robert Young -- both accused of murdering a prison guard, Ralph Garcia, during a jail riot in 1999 -- withdrew his death penalty charges on orders from a district court.

The court issued its directive after the state legislature adjourned in February until January 2009 without voting for more money for the court-appointed lawyers' office. A court had earlier said the state legislature should allocate another 200,000 dollars to the office after lawyers defending Lopez and Young complained about lack of money to meet their fees. Fifteen inmates, all but three of whom have seen their charges dropped or reduced, were originally under investigation, in a case that had already cost the state millions of dollars.

"There was no one in the legislature... to sponsor a bill to that effect," Gail Chasey, a New Mexico lawmaker, explained to IPS. "We have declining revenues and have to balance our budget."

She added that the lawmakers were "relieved" that they could go off until next year without having to deal with this "big ticket item".

"It's really good news that the death penalty has been taken off the table," Kathleen MacRae of the New Mexico Coalition to Repeal the Death Penalty told IPS after the public prosecutor formally dropped the death penalty charges. "It's good news for the state and its money -- and good news for the men and their families."

Jacqueline Robins, a so-called "public defender" who represents Lopez, was one of the lawyers who filed the complaint to the court about lack of money to meet her professional costs.

"Ours was a legal argument," she told IPS. "If New Mexico is going to pursue the death penalty, it has to make funds available to the defence as well as the prosecution."

Robins said she did not set out to overturn the death penalty in the case, but was glad this was the outcome -- and so was Lopez.

"The (assistant prosecutor) at one point claimed we were doing this as a ploy to get rid of the death penalty. I said that facing bankruptcy in order to do my job was not a ploy," she said.

Earlier, Rachel Garcia, the widow of the prison guard, had urged the state not to seek the death penalty for those responsible for her husband's death.

The decision to drop the death penalty charges in the high-profile case is likely to play a role in the ongoing debate in New Mexico over outlawing the death penalty altogether.

"We are very close," Diane Wood of the New Mexico American Civil Liberties Union told IPS. "The House and the Senate want a (death penalty) repeal."

Bills drafted by Chasey to abolish the death penalty were passed in one chamber, the House, in 2005 and 2007. Supporters say it was Governor Bill Richardson, with his veto threat, that blocked the bills becoming law.

"I am in favour of New Mexico's death penalty law," the governor has said. "It sends a strong message of zero tolerance for heinous crimes, and it provides certain justice for the victims' families."

Richardson, who recently dropped out of the race to become a Democratic candidate for the next presidency, has said that he would leave office if ever offered a cabinet post. This would apparently pave the way for New Mexico becoming one of the next states to scrap the death penalty. New Jersey abolished the death penalty last year.

"Even if he doesn't leave, maybe he will be ready to change his position," said Chasey, suggesting that as a declared Catholic, the governor might be open to influence from his church leaders.

New Mexico's decision to drop death penalty cases on cost grounds is likely to be noted with keen interest in the other 36 death penalty states, several of them facing crippling bills from maintaining their death penalty systems. Reviews of the cost and fairness of the death penalty are currently underway in California, Georgia, Maryland, Nebraska, Ohio and Utah.

## Q&A: 'Brutalisation of State, Society Behind Spurt in Executions'

### Interview with I. A. Rehman, Human Rights Commission of Pakistan

KARACHI - In 2007, Pakistan executed someone, somewhere on an average, every three days. And every single day 7,000 others died -- "figuratively speaking" -- waiting in dread for the black warrant announcing their own date with the gallows, says I.A. Rehman, director of the independent Human Rights Commission of Pakistan (HRCP).

In an interview with IPS correspondent, Zofeen Ebrahim, Rehman attributed Pakistan's huge increase in executions last year as a reflection of the "brutalisation of state and society".

IPS: The Human Rights Commission of Pakistan has just released its annual report. Can you explain the enormous increase in executions last year?

I.A. REHMAN (IAR): There were 134 executions in 2007, compared to 83 in 2006. That's a 61 percent increase. Executions have been rising year by year -- 18 in 2003, 21 in 2004, 52 in 2005 and 83 in 2006. The spurt in executions is due to a number of reasons, but mainly the brutalisation of state and society. Also responsible has been the bar to pardons and remissions caused by the 1990 Qisas and Diyat Ordinance (on retribution and blood money), the government's increasing despair at the burgeoning death row population and its cost, and lastly, the high number of offences for which death penalty is prescribed.

IPS: Amnesty International in its annual report now ranks Pakistan second in the world for the numbers of those sentenced to death. What are you reporting on this?

IAR: Pakistan does have a fairly high rate of death penalty convictions. For example, there were 455 in 2004, 362 in 2005, 445 in 2006 and 319 in 2007. The pattern is clear. Every year the death row population is increasing by a good margin. Obviously, the state has decided not to wait long enough for "compromises" that would enable convicts to escape the gallows.

IPS: Can you generalise about the crimes, background and ages of the people sentenced to death?

IAR: The largest group comprises of men convicted of murder, some 147 in 2007. There were also two women sentenced to death for murder in 2007. Other crimes for which death penalty can be awarded are drug smuggling, kidnapping for ransom, rape, robbery, terrorism. As for the age and background of those sentenced to death, I am unable to give you details.

IPS: How can you stop the execution numbers rising even more this year?

IAR: The only way is to reduce the number of offences liable to the death sentence and by reviving the practice of commutation. For the last two years, HRCP has been demanding a moratorium on executions, pending the abolition of death penalty.

IPS: The HRCP reports that Pakistan has more than 7,000 on death row. Can you explain how 134 of these were selected for the gallows last year?

IAR: There is no logical way of selecting candidates for execution. Those who complete the process of trial, review and mercy application can be hanged. It goes something like this: first a trial -- taking up to 3 years; the High Court's confirmation of the sentence -- another 2 to 3 years; the appeal to Supreme Court -- many years; and, finally, a period allowed for compromise and mercy petitions -- possibly indefinite. In some cases, such as terrorism and if the target is the president of Pakistan or an army general, the sentence may be carried out quite soon -- even within a year of the crime.

IPS: Can you describe conditions for those held in prison awaiting execution?

IAR: Conditions on death row are horrendous. In the distant past those awarded the death sentence used to be kept in solitary confinement -- one person per cell. Often they were kept in chains, with an iron ball in their mouths. Now there are three or four prisoners to a cell. This is an improvement. There are better class convicts on death row also.

IPS: Are these conditions better or worse than in the general, overcrowded sections of the prisons?

IAR: My impression is that conditions in death cells are no worse than elsewhere in the prisons.

IPS: What prevents Pakistan the most from simply abolishing the death penalty -- religion or politics?

IAR: Religion more than politics, but I'd say, inertia above all. The state is a victim of the belief that Islam provides for mandatory death penalty and thus this cruel practice cannot be done away with.

IPS: But doesn't Islam, indeed, teach "an eye for an eye"?

IAR: Eye for an eye is the classical interpretation of the Quranic verse. But there is room for debate whether the trial system prevailing here accords with the incorruptible system considered necessary for application of the Quranic rules. I also accuse the Pakistani clerics of selective obedience to Islam holding to this tit-for-tat rule. They also condone, for example, the marrying of minor girls and even more fundamental Islamic principles rather than fight exploitation and support living by honest labour.

IPS: Are you planning any new initiatives to bring an end to capital punishment in Pakistan?

IAR: We are planning quite a few activities this year to persuade people to support death penalty abolition.

IPS: Will you give more details of these?

IAR: After our annual meeting last month, we sent a 16-point priority list in response to the prime minister's 100-day agenda for the newly-formed government. Point number eight strongly suggests a moratorium on executions and the setting up of a parliamentary review committee on this form of punishment. We also plan to publish brochures and hold meetings across the country to mobilise public opinion in support of our views.

IPS: Will you be targeting lawmakers on the argument that the capital punishment is not a deterrent?

IAR: We have done a study on the death penalty with the Paris-based International Federation of Human Rights (FIDH) and published it in both Urdu and English. The idea behind this is to try to sensitise parliamentarians on such issues.

IPS: Is a one-time study with the FDIH going to be sufficient to achieve your aims of raising awareness of the lawmakers and bring about a review of the laws?

IAR: No one-time, two-time, 10-time study will ever bear fruit. It is going to be a long haul. We have to go on sloggng at the bad practice.

IPS: With a democratic set-up now in place, are you optimistic that the new government will be more amenable to your pressure to halt executions?

IAR: We will push for a moratorium. We had higher hopes while Benazir Bhutto was alive, because she understood our point of view. She pardoned many convicts in 1988 -- the first thing after becoming the prime minister. And executions during her two terms were rare. Maybe something can be done even now, though coalitions are not good or fast vehicles.

IPS: You say you will be pushing hard for a moratorium. Have you started building momentum towards this and already held meetings with the new government?

IAR: It is too early to meet the new government leaders. But we have sent a statement to all ministers. All offices of HRCP are approaching the government and political parties on the subject.

IPS: Do you feel the new government is ready to listen to you on this sensitive issue?

IAR: There is no harm in hoping.

## RIGHTS-PHILIPPINES: Death Squad 'Cleanses' Davao By Brad Miller

DAVAO CITY, Mindanao - "Peaceful," is how Antonio Rivera, chief inspector of Davao's Philippine National Police (PNP) describes the city--at least relative to two decades ago.

Throughout the 1980s, communist New People's Army (NPA) "Sparrows" conducted "agaw-arms" (arms grabbing) operations, killing policemen and soldiers for their guns, which in turn released a wave of authority-backed vigilante activity.

Every night, Alsa Masa and Tad Tad militia armed with automatic weapons and machetes cruised up and down San Pedro street in the city that was called the "laboratory". The overt presence of the enforcers of "people's justice" has largely faded from the city's centre, but as Davao's population balloons, local government officials are increasingly faced with problems like gang wars and "shabu" (methamphetamine) dealers.

Residents now fear that City Hall is conducting another "experiment" to solve these problems using what is called the Davao Death Squad (DDS).

The middle weeks of November 2007 brought on a DDS killing spree, with eight targets being brought down in a five-day stretch, including Richie Caro, 21, an alleged gang leader, Elorde Padoo, a 30-year-old pimp and a gay prostitute identified only as Nikkie. Most of the death squad's victims have been petty thieves, drug dealers, gang members, street kids and more recently, sex-trade workers, killed in a manner uncannily similar to the method used by NPA "Sparrows"--a duo riding a motorcycle, one operating the vehicle, the other a .45.

"No one even mentions it anymore," says a local print journalist who tallied a body count of almost 3,000 DDS victims over the last decade, an estimate much higher than the official record of 500

murders. He stopped counting when the local police began taking a keen interest in his arithmetic.

Both the PNP and city government have denied the existence of an organised death squad, blaming the murders on gang wars or rivalries between drug dealers. But United Nations Special Rapporteur Philip Alston released a report on Nov. 28, 2007 asserting that "it is a commonplace" that "the Davao Death Squad (DDS) operates in Davao City".

Progresive organisations like Bayan and many average Davaoeños on the street believe the group is the creation of Mayor Rodrigo Duterte. Known as "The Punisher", Duterte has publically proclaimed that Davao is not a safe place for criminals, gangs or drug pushers.

City Hall's denial of the DDS has also been put into question by the testimonies of two former employees working with the mayor's special task force, both of whom requested anonymity for their safety and that of their families.

One worked under the confidential "political affairs" department. He says the DDS was originally formed in the 1990's by a group of businessmen, who, wanting to 'cleanse' the city of criminal elements, gave monthly sums of cash to the city's peace and order fund to payroll the group. It was his job to pass out the "awards" to the individual DDS members, who normally received between 85-125 US dollars per hit.

Some of the funding was allotted to agents of the city government to buy drugs on the street, mainly "shabu", and then re-sell it in order to uncover who was running the drug enterprises--so they could be terminated. According to Alston's investigation, targets are also ferreted out using "assets", who are arrested suspects that trade information for the promise of early release, and barangay (barrio) officials.

Many of the original DDS members used to be NPA. "Most of them are now dead," says the former "political affairs" worker --either killed by cops or one of their own. One of those that survived sits across from him. A rebel returnee, he worked for the city gathering intelligence on drug dealers and other criminals. He sums up the programme's strategy with a shrug. "Just eliminate them."

Both conceded that the group operates with, if nothing else, the consent of the mayor. Some say "DDS" stands for "Duterte Death Squad." The problem for his political opponents and human rights proponents is proving it.

Davao City councilor Peter Laviña called activists' accusations that Duterte funds armed vigilantes with recently approved peace and order funds "baseless and malicious".

But Alston wrote in his final report that the mayor "dominates the city so thoroughly as to stamp out whole genres of crime, yet he remains powerless in the face of hundreds of murders committed by men without masks in the view of witnesses. One fact points strongly to the officially-sanctioned character of these killings: no one involved covers his face."

The killings in Davao are being committed in an atmosphere of impunity that pervades the entire country. International watchdogs like Human Rights Watch and the Asian Human Rights Commission have documented over 800 extrajudicial killings and 200 "disappearances" of leftist politicians, clergy, activists and journalists

that occurred under the rule of President Gloria Macapagal-Arroyo.

The U.N.'s findings were criticised by local government officials and the army chief Gen. Hermogenes Esperon. Concerning the lack of convictions, or even arrests of the murderers, director of the Commission on Human Rights for Region XI Alberto Sipaco says: "What is lacking is evidence."

Duterte scoffed at Alston's report, saying he will continue to run the city his way.

There are signs that the DDS' methods are spreading to other regions in the Philippines, including urban centers like Manila and Cebu City. On Jan. 20, two victims of suspected summary execution were found dumped in the Manila slum of Tondo, their necks slashed, faces covered with packing tape and signs placed near their bodies reading "I'm a mugger, I'm a drug pusher."

The U.N. Special Rapporteur's report on the Davao Death Squad ends by stating that "there are already preliminary indications that these practices are being replicated in other parts of Mindanao and Cebu, and this trend needs to be halted immediately".

## Q&A: "The Death Sentence Was Used As a Tool of Intimidation" Interview with Leonard Vincent

CAPE TOWN - Journalism in Ethiopia has become an increasingly hazardous trade over recent years. A clampdown on the media in the wake of disputed elections in 2005 continues to resonate in the country, while certain members of the press have even found themselves facing capital punishment.

In July 2007, journalists Andualem Ayele Legesse, Mesfin Tesfaye Gobena, Wonakseged Zeleke Tessema and Dawit Fasil Woldeeselassie were sentenced to death on charges that included treason -- this in connection with the unrest that followed the 2005 polls.

While the four were later amnestied, their sentences are viewed as having had a somewhat chilling effect on press freedom in Ethiopia. To find out more, IPS correspondent Miriam Mannak spoke to Leonard Vincent, head of the Africa desk at Reporters sans frontières (Reporters Without Borders, RSF). This Paris-based advocacy group helped negotiate the release of the four condemned writers.

IPS: The decision to issue death sentences against the journalists must have come as a shock to RSF...

Leonard Vincent (LV): On the one hand it was, as it is a very serious matter. On the other hand, we never thought that the Ethiopian government would go ahead with it and shoot the journalists. The death sentence was used as a tool of intimidation, a way to put journalists in their place and to make sure they understand the consequences of defying the authorities.

Despite the fact we were aware of this and knew the government was overreacting, we treated the situation with the greatest urgency...

IPS: What effect has this event had on the media in Ethiopia?

LV: It has had a great impact. Self-censorship is a way of life for

Ethiopian journalists, especially for those living and working in Addis Ababa (the capital). Any form of criticism and any attack against the president or the government may lead to telephonic threats, intimidation or even arrest and (a) jail sentence...

Nevertheless, two of the journalists involved have again started independent newspapers in Addis Ababa. This was a couple of months ago. Of course, both editors are under strict surveillance and it has been very difficult to obtain a license, but they are managing.

IPS: Are journalists in Ethiopia afraid of the death penalty?

LV: No real fear exists among media people when it comes to the death penalty. These were exceptional circumstances that lead to the events in 2005, and everyone understands that. That includes RSF.

There is...a greater fear of being imprisoned. Prisons in Ethiopia have a very bad reputation: we are talking about cells with 120 people and only one latrine, as well as restricted visiting rights.

IPS: Have there been recent cases of journalists elsewhere in Africa receiving death sentences?

LV: Not that I know of. Maybe some artists have been sentenced to death, but not journalists -- at least not in the past 10 years.

There have been cases of life imprisonment. Moussa Kaka, a journalist from Niger, was arrested in September last year on a charge of complicity in an attack on state authority. He is being accused of being in contact with the rebels who are fighting in the north of the country. Moussa faces a life sentence, but has not been tried yet. In the same event, two French journalists were arrested and threatened with the death penalty. They were released in January this year.

IPS: In general, is it difficult for journalists in Africa to write about the death penalty?

LV: Yes, commenting on judicial decisions is tricky in many countries. In some nations journalists are not even allowed to comment on the justice system. Last month in Niger, the editor of the independent publication 'L'Eveil Plus', Aboubacar Gourouza, was sentenced to one month in jail for an article in which he compared the provisional release of the mayor of the city of Maradi with a decision to keep the mayor of Niamey (the capital) in prison. Both mayors had been accused of fraud.

IPS: What type of difficulties does your organisation encounter when trying to highlight these problems?

LV: In some countries, the authorities are quite prejudiced and sceptical towards us. In Rwanda, for instance, they suspect that RSF is funded by the French government. Others think we are paid by the American intelligence services. That is obviously not true...We try to open the debate with the authorities and talk to them about freedom of the press. Sometimes it works, sometimes it doesn't.

## RIGHTS-SUDAN: Torture Claims Cast Doubt on Capital Convictions

By Blake Evans-Pritchard

KHARTOUM - The lives of 10 Darfuris convicted of killing a prominent Sudanese journalist in 2006 hang in the balance as lawyers struggle to prove that their confessions were extracted under torture, and should

therefore be dismissed. The case has thrown the spotlight on court proceedings here and prompted concern that other capital sentences might be unsafe.

The 10 men were sentenced in November 2007 for beheading Mohammad Taha, the well-known editor of the daily 'al-Wifaq' newspaper. Taha was accused of blasphemy in May 2005 for publishing an article questioning the origins of Prophet Mohammad. These charges were later dropped, although angry crowds called for the death penalty.

All the men immediately appealed their sentence, but on Mar. 8 the appeal was rejected. Their only recourse now is through the constitutional court.

The difficulty with allegations of torture is overcoming the hurdles set in the way of presenting a credible case.

To begin with, it is imperative that victims of torture are examined as early as possible in the proceedings.

"Too often, prisons and courts delay medical examinations so that torture cannot be proven," a medical doctor who works for a human rights organisation told IPS. "Signs of torture disappear very quickly, and the perpetrators usually avoid leaving big scars."

In addition, for a medical examination to be admissible in court it must be carried out by persons from a government hospital appointed by the judge in the case. Examinations carried out by the staff of human rights organisations or independent hospitals are not acceptable.

Concerning the Taha case, the judge ruled that a medical examination could be carried out after the initial hearing had taken place. However, the legal team of the Darfuris never lodged an official application for the examination.

"We need better training for solicitors in Sudan," observed Sadiq Absul Salam, a psychologist who works at the Khartoum Centre for Human Rights.

"They need to know how they can deal with torture cases and how they can bring this evidence to the courts," he told IPS.

Kamel Omar, the lead defence attorney, has repeatedly insisted that the confessions are unsafe because they were obtained through torture. Omar was arrested and detained overnight for making these allegations, and has refused to speak to IPS about the case.

However, his claims have been echoed by Mohammed Sherif, who worked on the case last year before resigning from the legal team.

"I think it is quite evident that torture did take place and that any sign of torture must throw into doubt the admissibility of the confessions," he told IPS.

There is some debate about whether torture is an endemic part of the Sudanese legal system, or whether the cases that have come to light simply represent isolated incidents.

Many human rights lawyers in the country claim torture is a serious problem in Sudan, although due to client confidentiality

issues they are often unable to provide concrete examples to substantiate these allegations. The Sudan Organisation Against Torture, a London-based campaign group, also asserts that those who carry out torture in Sudan generally escape justice because they are part of the law-enforcement establishment.

However, Abdul Moneim Osman -- rapporteur at the Advisory Council for Human Rights, a governmental body -- rejected the notion of institutionalised torture.

"Sudan is one of the countries with the lowest number of torture cases," he told IPS. "The only reason that human rights lawyers in Sudan talk about torture so much is for their own political ends and to garner international sympathy."

He insisted that the trial of Taha's killers was carried out fairly and that the claims of torture are unfounded. The convictions, he added, do not only rest on the confessions of the defendants, but also on hard evidence -- although he was unable to produce this immediately.

Osman has just presented a report to the government calling on Sudan to sign up to the United Nations Convention Against Torture. But human rights lawyers and organisations say authorities should spend less time talking and more time taking action against alleged torturers.

"We must take steps to bring all those involved in torture to justice," said a lawyer who declined to be named. "Until we root out all forms of torture in the country, we cannot be certain that the sentences handed down are the correct ones."

Those convicted for the Taha killing are being held at Kobar prison in Sudan's capital, Khartoum. Five other inmates of this institution, all farmers, were executed in February for the killing of another farmer in 2004.

In 2005, Human Rights Watch estimated that there were some 300 on death row in Sudan. According to a recent Amnesty International report, Sudan is the African nation that carries out the most executions each year, with more than 65 people having been put to death in 2006.

## News from International NGOs

### DEATH SENTENCE IN THE PALESTINIAN TERRITORIES

The World Coalition Against the Death Penalty urged President Mahmoud Abbas on April 18 to declare an official moratorium on the death penalty and not to ratify Tha'er Rmailat's death sentence. On April 6, the Palestinian High Military Court in Jenin sentenced Tha'er Mahmoud Husni Rmailat to death by firing squad. Rmailat, an officer of the Palestinian Military Intelligence, was convicted for the murder of a member of the Palestinian National Security Forces.

The World Coalition Against the Death Penalty (WCADP) is concerned that Rmailat was not given the guarantees of a fair trial. In particular, his lawyer indicated that he was given only one day's notice before the hearing when the legislation of the Palestinian Authority requires that a written notice be sent 72 hours in advance; and that his client was denied a psychological evaluation.

The WCADP notes with satisfaction that Palestinian Authority President Mahmoud Abbas issued a decree on June 22, 2005 requesting that all death sentences pronounced by the State Security courts be retried in civilian courts as they were considered to fall short of international standards for fair trials and due process. It also notes that no execution has been carried out since July 2005. It is concerned however that death sentences continue to be pronounced in conditions that contravene both international standards and the national legislation.

In the spirit of the 2005 presidential decree, attached to the fair administration of justice, and of the United Nations General Assembly resolution, the World Coalition Against the Death Penalty calls upon President of the Palestinian authority Mahmoud Abbas: 1) not to ratify Tha'er Rmailat's death sentence; and 2) to issue a Presidential Decree declaring a moratorium on the death penalty, pending total abolition by the Palestinian Legislative Council.

### MOBILISATION GATHERS PACE IN TUNISIA

The Tunisian Coalition Against the Death Penalty has launched a campaign combining support for an abolition bill and reaction to the sentencing of a man sentenced for terrorism, WCADP reported on April 7. The Tunisian abolitionists came together on March 14 at the offices of the Tunisian section of Amnesty International to launch a twin offensive against capital punishment in their country. The opposition parliamentarian, Adel Chaouech, defended the bill he had put before with the Tunisian Parliament with 24 of his colleagues to banish the death penalty from national law.

Supporters of the text were awaiting the green light from President Ben Ali to launch a parliamentary debate on the issue. The president spoke in favour of the universal moratorium on the death penalty in an interview with France's Figaro Magazine in November 2007. "We really hope that this will be discussed. We are optimistic," said Lofti Azzouz, Director of the Tunisian section of Amnesty International.

A petition launched on March 14 emphasises the universal principles which denounce the death penalty and recalls that it has not been applied in Tunisia since 1994. The petition indicates that the persistence of such an unapplied legal provision "damages the prestige of the legal system because it loses its power to judge the most appropriate punishment".

### ETHIOPIA MUST RELEASE MOSQUE ATTACK CHILDREN

Ethiopian forces and forces of the Transitional Federal Government of Somalia (TFG) have been accused of targeting civilians in an attack on a Mogadishu mosque on April 19. Twenty-one people were killed in the attack, which Amnesty International has said may constitute a war crime. Eleven of the twenty-one dead were killed inside the mosque, including the Iman Sheik Saiid Yahya, Sheik Abdullah Mohamud and a number of Tabliq Islamic scholars. At least ten other individuals were killed in the area around the mosque. Their bodies were later brought to the mosque by local residents. Seven of the twenty-one were reported to have died after their throats were cut, a form of extra-judicial execution

practised by Ethiopian forces in Somalia.

The mosque was raided during extensive conflict in the north eastern area of Mogadishu, in which a number of Ethiopian soldiers were reported to have been killed. According to eye-witnesses, the eleven killed inside the mosque were unarmed civilians taking no active part in hostilities. A spokesperson for the Ethiopian government has denied the involvement of Ethiopian troops in these killings.

Amnesty International is also concerned that approximately 41 children, estimated to range from 9 to 18 years of age, were taken by the Ethiopian military from the Al Hidyaa mosque where they were attending religious classes. The children are reported to be detained at the Ethiopian military base close to the pasta factory in Mogadishu. Other younger children present were not arrested.

Witnesses have told Amnesty International that Ethiopian forces said these children would be released "once they had been investigated" and "if they were not terrorists". The Ethiopian military and TFG forces have been fighting against armed groups opposed to them for two days. The Elman Human Rights Organisation has documented 81 deaths and more than one hundred injured in the fighting. It is not known how many of these were civilians.

#### **EXTRA-JUDICIAL KILLING OF REVEREND FR M X KARUNARATNAM**

The Observatory for the Protection of Human Rights Defenders has been informed by reliable sources about the extra-judicial killing of Reverend Fr M X Karunaratnam, a Catholic priest as well as the founder and Chairperson of the North East Secretariat on Human Rights (NESOHR), operating in the areas administered by the Liberation Tigers of Tamil Eelam (LTTE), WCADP said on April 22. The Observatory, a joint programme of the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH), requests urgent intervention in the situation in Sri Lanka. According to the information received, on April 20, after presiding over Sunday Mass, Reverend Fr Karunaratnam was travelling in his vehicle when he was killed by a claymore attack in Vannivilangkulam, Mallavi, within the LTTE controlled territory.

NESOHR was established in July 2004, as part of the Norwegian-facilitated 2002 Peace Process to strengthen the human rights protection mechanisms in the Northeast of Sri Lanka, and Rev. Fr. Karunaratnam worked tirelessly to strengthen the human rights protection mechanisms in the Northeast of Sri Lanka and sought to publicise the human rights violations to which the people living in the northeast, particularly the Wannii region, were subjected to. He also actively involved himself in providing psychological counselling to people affected by the war and the tsunami.

#### **THOUSANDS LOST IN KASHMIR MASS GRAVES**

Hundreds of unidentified graves – believed to contain victims of unlawful killings, enforced disappearances, torture and other abuses - have been found in Indian-administered Jammu and Kashmir, according to a statement by Amnesty International on April 18. Amnesty has urged the Indian government to launch urgent investigations into the mass graves, which are thought to contain the remains of victims of human rights abuses in the context of the armed conflict that has raged in the region since 1989.

The findings appear in the report Facts under Ground, issued on March 29 by the Srinagar-based Association of the Parents of Disappeared Persons (APDP). The report details the existence of multiple graves which, because of their proximity to Pakistan controlled-areas, are in areas not accessible without the specific permission of the security forces. Since 2006, the graves of at least 940 people are reported to have been discovered in 18 villages in Uri district alone. The Indian army has claimed that those found buried were armed rebels and "foreign militants" killed lawfully in armed encounters with military forces. However, the report recounts testimonies from local villagers saying that most buried were local residents hailing from the state.

The report alleges that more than 8,000 persons have gone missing in Jammu and Kashmir since 1989. The Indian authorities put the figure at less than 4,000, claiming that most of these went to Pakistan to join armed opposition groups. In 2006, a state police report confirmed the deaths in custody of 331 persons, and also 111 enforced disappearances following detention since 1989. Unlawful killings, enforced disappearances and torture are violations of both international human rights law and international humanitarian law, set out in treaties to which India is a state party. They also constitute international crimes.

Amnesty International has called on the Indian government to unequivocally condemn enforced disappearances in Jammu and Kashmir and ensure that prompt, thorough, independent and impartial investigations into all sites of mass graves in the region are immediately carried out by forensic experts in line with the relevant UN Model Protocol. All past and current allegations of enforced disappearances must be investigated and, where there is sufficient evidence, anyone suspected of responsibility for such crimes must be prosecuted in fair trial proceedings, with all victims granted full reparations, Amnesty said.

#### **COMMUTATION OF DEATH SENTENCES IN CUBA AN IMPORTANT HUMANITARIAN ACT**

"We are happy that President Raul Castro has commuted almost all death sentences in Cuba," Sergio D'Elia, Hands Off Cain Secretary, said on April 29. D'Elia explained that "the decision is an important humanitarian act because jail conditions in Cuba are among the worst in the world. It also removes the stigma of the death sentence that the approximately 50 people on death row faced". D'Elia concluded that "the humanitarian act certainly doesn't preclude the immediate abolition of the death penalty, nor a radical change to the state of democracy in Cuba. However, it is a signal in favour of the United Nations Resolution on the universal moratorium on the death penalty."

## WORLD PRESS REVIEW – April 2008

### UZBEKISTAN: DEATH SENTENCES REVISED

With capital punishment in the country abolished, the Supreme Court of Uzbekistan began the process of revising death sentences in April. Tamara Chikunova, the head of Mothers Against Death Sentence and Torture (Uzbek non-governmental organization), says seventeen sentences have been revised already, the Central Asia News reported on April 29. All those sentenced for murder were given 20 to 25 years imprisonment. The Supreme Court detracted the time the criminals had already spent behind the bars from the new sentence. The prisoners whose verdicts were already revised have been transferred from death row in Tashkent to prisons and colonies in Andijan, Urgench, Nukus, Karshi, and Navoi. Of the seventeen death sentences already revised, not one of the convicts drew a life sentence.

### IRAQ: SENTENCING JUDGE CONDEMNNS HUSSEIN'S EXECUTION

The Iraqi judge who sentenced Saddam Hussein to death condemned the manner in which the notorious dictator was executed. "It was uncivilized and backward," said Chief Judge Raouf Abdul Rahman, who spoke to reporters as they awaited the start of the latest trial of ex-regime members, CNN reported on April 29. The hanging occurred December 30, 2006, when Sunnis began celebrating the religious holiday Eid al-Adha. A video showed Hussein being taunted by Shiites and included bitter exchanges between Hussein and Shiite witnesses. There were shouts of praise for Shiite cleric Muqtada al-Sadr, whose father was believed to have been murdered by Hussein's regime. After Hussein was hanged, Shiite witnesses danced around his body, chanting celebratory slogans. "In Iraqi law, there are no public executions," Abdul Rahman said. "Eid is a time of love, tranquility and reconciliation, not a time for executions."

### PALESTINE: CONVICTED COLLABORATOR WITH ISRAEL SENTENCED TO DEATH

Palestinian military court imposed the death penalty on a man convicted of collaborating with Israeli security, raising the possibility of the first such execution in seven years, AP reported on April 28. Military judges ruled that 25-year-old Emad Saad, who worked for Palestinian security, provided information that helped Israeli forces kill four Palestinian militants. A video recording shows the judges declaring the death sentence. Then Saad calmly asks for leniency, explaining he is the main breadwinner for his family. He does not deny the charges. After the hearing, Samih Steidi, Hebron's Palestinian security commander, was pleased with the death sentence. "Let it be an example to those who sell their homeland and their people," he said. He said Saad would be executed by a firing squad because of his military status. However, death sentences imposed by Palestinian courts have often been commuted.

The last time a convicted collaborator was executed was in 2001. Palestinian judges last sentenced an accused collaborator to death in 2004, but the decree has not been carried out. Palestinian President Mahmoud Abbas must approve the death sentence. Abbas aide Nimr Hamad did not say what the president would do, but he said an execution would serve as deterrence. He also complained about Israel's use of collaborators. "I don't think that peace with

Israel should mean having to accept spies for Israel. Peace is one thing and spying is another," he said. "There is enough reason for such a penalty — that he caused the death of Palestinian citizens." A leading Palestinian rights group, the Palestinian Centre for Human Rights, called on Abbas "not to sign this cruel and inhumane sentence."

### QATAR: MAN GETS DEATH FOR BRUTAL MURDER

A Qatari man was sentenced to death for the brutal murder of his aunt following a fight about money, the Gulf Times reported on April 29. The man, in his 20s, was caught after his friend told his brother, who called the police. The killing took place on September 17, 2007. The Doha court was told that the man drove his aunt to the desert to demand money she owed him. When she refused, the man tried to choke her and then pushed the semi-conscious woman out of the car and left her to die. He asked a friend to help get rid of the body, however, the woman was still alive when they returned. He then smashed her over the head with a stone and reversed over her several times with the car. The murderer then contacted his own brother who agreed to help him. They offered three Egyptians QR200,000 to dispose of the body. The court ordered the murderer be killed by firing squad or hanging. His brother was sentenced to three years for trying to cover up the crime and the three Egyptians were each given a year for not informing the authorities that a murder had taken place.

### PAKISTAN: SUPREME COURT SEEKS AG'S EXPLANATION

A three member bench of the Pakistani Supreme Court directed the attorney general to report whether any legislation to convert the death sentence into life imprisonment was under consideration, The Post reported on April 29. The court decided to keep all appeals in death sentence cases pending for the time being. The bench comprising Chief Justice Abdul Hameed Dogar, Justice Ejaz-ul-Hassan and Justice Chaudhry Ijaz Yousaf issued the directive to the attorney general during the hearings in three separate petitions. Advocates Sardar Muhammad Siddique and Muhammad Zaman Bhatti appeared before the bench in separate petitions and informed the court of news reports about the proposed legislation to convert the death sentence into life imprisonment. Attorney General Malik Muhammad Qayyum told the court that he was not aware of such legislation. The bench directed him to inform the court through a written statement whether such legislation was under consideration of the federal government.

### CHINA: DEATH ROW DEFENCE BY VIDEO FOR FIRST TIME

China's top court interrogated a death penalty defendant via a video link for the first time since a key legal reform aimed at cutting wrongful executions, Reuters reported April 24 quoting Xinhua news agency. The reform, prompted by public outcries over a series of high-profile and wrong death sentences in recent years, had nevertheless greatly increased the workload of the top court, Chinese media have said. "The Supreme People's Court judges have had to travel to places across the country to meet the defendants. It is both time-consuming and costly," Xinhua quoted an unnamed official from the top court as saying. The top court questioned Jiang Huaquan, sentenced to death for drug trafficking in the

southeastern province of Fujian, from Beijing through a video link, Xinhua said. "Distance interrogation can not only ensure face-to-face communication but also ... boost efficiency of the final review work maximally," the official said. The questioning process would be recorded and judges would still travel to detention centres to personally meet defendants when necessary, the official said.

#### **CHINA: FOOD-SAFETY DRAFT: DEATH PENALTY FOR VIOLATORS**

China released a draft of its food-safety law that includes imposing the death penalty as the government of the world's most populous nation seeks to boost confidence in its products, according to the Financial Express on April 21. Companies that make and sell unsafe food or additives face fines of 10 to 20 times the profits made in non-criminal cases. Violators may also face life in prison or the death penalty, based on China's criminal code, the rules said. Food-safety problems sparked a drop in exports to Japan this year, China's third-biggest overseas market for food products.

#### **JAPAN: MAN SENTENCED TO DEATH FOR MURDERS HE COMMITTED AS TEENAGER**

A Japanese court overturned two earlier rulings and sentenced a man to death for a double murder he committed as a teenager, making him only the third person to be placed on death row for a crime committed as a minor since 1983, International Herald Tribune reported on April 22. The man, now 27, whose name is being withheld because he was a juvenile at the time of the crime, was found guilty of strangling and raping Yayoi Motomura, then 23, and killing her 11-month-old daughter, Yuka. The Hiroshima High Court ruled that he had posed as a utility company employee to enter their home, indicating the crime was premeditated. Judge Yasuhide Narazaki said he found "no sufficient reasons to avoid the death sentence," public broadcaster NHK said. In 2006, the Supreme Court ordered a retrial of the murders, committed in 1999 when the defendant was 18, because the life sentences handed down by two lower courts were too light. Defense lawyers called the ruling unfair and said they would appeal to the Supreme Court.

#### **NIGERIA: SUPREME COURT CONFIRMS DEATH SENTENCE**

The Supreme Court in Lagos confirmed the death sentence of Abdullahi Ada, who, eight years ago, played a prominent role in the killing of Alhaji Abdullahi Umaru of Randali village in Kebbi state, for allegedly insulting Holy Prophet Mohammed, All Africa reported April 25. Abdullahi was murdered on July 14, 1999. Three others,

identified as Shallah, Yaro and Abubakar, who also participated in death are also to die by hanging. Ada went to the village head to explain their intention to murder the deceased for defaming the name of Holy Prophet Mohammed. Yaro informed the villagers that Abdullahi had insulted the Prophet Mohammed and incited the mob by reading from Risala that whoever insulted Prophet Mohammed must be killed. Abubakar confessed to slitting Abdullahi's throat along Randali-Kardi Road near the Kardi burial ground after Yaro pronounced the death sentence on him. Justice George Oguntade, Sylvester Umaru Onu, Alome Mariam Mukhtar, Walter Samuel Nkanu Onnoghen and Ibrahim Tanko Muhammad presided.

#### **CUBA: RAUL CASTRO COMMUTES MOST DEATH SENTENCES**

New Cuban President Raul Castro announced that all death sentences had been commuted to prison terms of 30 years to life, with the exception of three people charged with terrorism, Reuters reported April 28. "The Council of State decided to commute the death penalty imposed on a group of prisoners," Raul Castro announced at a Communist party Central Committee meeting, in a speech broadcast by state-run television. Castro said two Central Americans charged with hotel bombings in the 1990s that took the life of an Italian tourist, and a Cuban American charged with murder during an attempt at armed infiltration of the island, were not included and their cases were still on appeal. "This does not mean we have eliminated the death penalty from the penal code," Raul Castro said.

He blasted the United States for allowing Cuban Americans to use its soil to launch violent attacks on the country. "It would be irresponsible and ingenuous to renounce the the dissuasive power that capital punishment has on the real terrorists, the Imperialist mercenaries," he said. Cuba has been under pressure from human rights organizations to eliminate the death penalty, which is carried out by firing squad. Just three people have been executed since 2000, all of them involved in a failed 2003 boat hijacking. "This decision was not undertaken because of pressure, but as a sovereign act in line with the humanitarian and ethical conduct that has characterized the Cuban revolution from the start," he said.

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