



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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DEATH PENALTY-PAKISTAN: Stonings - Sign of Taliban Resurgence

By Ashfaq Yusufzai

PESHAWAR, May 7 - The Taliban have confirmed that their sympathisers have executed by stoning a runaway couple in this remote tribal region bordering Afghanistan -- their first known use here of this long drawn-out death sentence for a so-called "honour crime".

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DEATH PENALTY: Another Mexican on His Way to the Scaffold in US

By Diego Cevallos

MEXICO CITY, May 6 - The Mexican government's aggressive strategy to prevent the execution of Mexican citizens in the United States has so far failed to bear fruit, despite a landmark international court ruling.

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Q&A: 'Arab Legislations Go Far Beyond Islamic Law'

Interview with Tahar Boumedra from Penal Reform International

CAIRO, May 29 (IPS) - Is Islamic law -- Sharia'a -- the only legal instrument regulating the death penalty in Arab and Muslim countries?

"No, the death penalty in most Arab and Muslim countries is regulated and applied according to positive laws -- man made law -- and not according to Sharia'a," says Tahar Boumedra, Penal Reform International's (PRI) Regional Director for the Middle East and North Africa.

In an interview with IPS journalist Baher Kamal, Boumedra explains how this issue was debated during a three-day regional conference on the death penalty, which ended in Alexandria on May 14.

"Some delegates -- they came from nine Arab countries -- tried to use Islamic law to argue against the abolition of the death penalty," says Boumedra. "But actually death penalty laws go far beyond anything Sharia'a law ever sought to impose."

The conference, co-organised by PRI and the Swedish Institute in Alexandria, issued the "Alexandria Declaration" calling for a moratorium on executions as a step towards abolishing the death penalty in the Arab region.

IPS: The "Alexandria Declaration" calls on Arab states to comply with the U.N. General Assembly's resolution on the death penalty of last December. This called for states that have not yet abolished the death penalty to establish a moratorium on executions and work progressively towards abolishing capital punishment. Did your discussions in Alexandria achieve any development in this regard?

TAHAR BOUMEDRA (TB): Well, to a certain extent, our discussion in Alexandria reflected somehow the diversity of opinion on the death penalty expressed in the Third Committee of the U.N. General Assembly during the drafting of the moratorium resolution.

At the end of our discussions we agreed to state in the Declaration that the death penalty was a "violation of the most fundamental human right, the right to life". We also agreed that this sanction had not succeeded anywhere in deterring criminality or preventing it.

IPS: Did you focus on the death penalty in the Arab region in particular or in the Islamic countries in general?

TB: We focussed on the Arab region. We brought together national coalitions and civil society representatives from the region -- Algeria, Egypt, Jordan, Iraq, Lebanon, Morocco, Tunisia, the United Arab Emirates and Yemen. We had a presentation on the Turkish experience as a Muslim country that abolished the death penalty.

Regional and international organisations such as the Arab League, the European Commission and the U.N. High Commission on Human Rights also attended.

IPS: But the debate was mostly about the role Islamic law plays in the application of the death penalty?

TB: Some delegates did use Islamic law to argue against the abolition of the death penalty. But they were reminded by the Jordanian

scholar, Professor Hamdi Mourad, and others that the death penalty in the Arab world is in fact prescribed by positive laws that have nothing to do with Islamic law -- and, in some instances, are actually a violation of Islamic law.

I agree with this view. My concern is that Arab positive laws prescribe the death penalty excessively. The laws go far beyond anything Sharia'a ever sought to impose.

In the Alexandria Declaration we specifically appealed to all Arab judges to refrain from using the death penalty in favour of more humane alternatives. We also called on the judges to adhere to international standards.

IPS: Such an appeal seems to suggest that there was a consensus of opinion that the legal systems in the Arab region, quite aside from the arguments over Sharia'a and the death penalty, do not meet international standards?

TB: Most Arab judicial systems are currently undergoing major reforms. This implicitly acknowledges serious difficulties in the delivery of justice.

In my view, it is a crime to empower a dysfunctional justice system with the application of such an irreversible punishment as the death penalty.

IPS: Recently, there has been a great deal of controversy over Article 7 of the Arab Charter on Human Rights. This appears to allow for the possibility of applying the death penalty against minors. How could the Charter ever have been ratified with such an article?

TB: We did discuss this in Alexandria. Also delegates expressed astonishment at this article. We urged the Arab League member states to consider amending this article to eliminate any possibility of applying the death penalty to children under 18 years of age.

It should be quite clear that ratifying the Arab Charter on Human Rights without expressing a reservation about this Article 7 (a) is a violation of the domestic law of the ratifying states as well as international law.

The prohibition of the use of death penalty against children is a peremptory rule from which no derogation is permitted.

IPS: Algeria has been observing a moratorium on executions for years. But Algerian courts are still issuing death sentences - several dozens of people were condemned to death only in the past days.

TB: In Alexandria we expressed satisfaction that Algeria was the sole Arab nation to vote in favour of the U.N. moratorium resolution last December. The Algerian vote then was consistent with the country's practice in observing a de facto moratorium since 1993.

But Algerian courts should refrain from passing down death penalties since these are not being enforced anyway.

It is hoped that Algeria's draft penal code currently under consideration will confirm its consistent practice of not carrying out the death penalty. There is a reasonable expectation that the death penalty will be eliminated from its provisions.

IPS: Algeria is not the only Arab country that appears to be moving in this direction. Lebanon has even drafted a law abolishing the death penalty. Why hasn't this been adopted into law?

TB: The debate on the death penalty in Lebanon has reached an advanced stage in the civil society. It was only the long-running constitutional crisis in Lebanon that delayed it being put on the parliamentary agenda.

IPS: What are the possibilities of the Yemeni parliament abolishing the death penalty?

TB: Well, abolishing the death penalty in Yemen is not yet on the official agenda. The priority for the time being is to reduce the scope of the application of the death penalty.

There are approximately 315 cases where the death penalty applies in Yemen.

If these were cut down at least to the level permissible by Sharia'a -- five cases at most -- the country would have gone a long way towards abolition. Such an approach is advocated by religious scholars and would be welcomed by tribal leaders.

In the Alexandria Declaration we issued a general appeal to all Arab nations to do the same and reduce the number of offences for which the death penalty is imposed.

IPS: Out of 22 Arab countries, 15 voted against the U.N. moratorium resolution (Bahrain, Comoros, Egypt, Iraq, Jordan, Kuwait, Libya, Mauritania, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria and Yemen), four abstained (Djibouti, Lebanon, Morocco and the UAE) and one was absent from the vote (Tunisia). Can you see a day in the future when all the countries in the Middle East will have abolished the death penalty?

TB: I am hopeful that there will be a day when the Middle East and North Africa will step out against the death penalty.

This day is closely linked to the countries' advancement and achievements in the field of human rights. The more the universal values of human rights are upheld, the more we will advance against the death penalty in the region. (END/2008)

DEATH PENALTY-US: Charges of Racism Offer New Evidence By Michael J. Carter

SEATTLE, May 26 (IPS) - Race played a "real" role in deciding who was sentenced to death in hundreds of capital trials over a seven-year period in one Texas county, according to new academic research to be published shortly.

Black defendants were more likely to be sentenced to death than white ones, according to Scott Phillips, a professor of sociology and criminology at the University of Denver. Blacks were also more likely to be sent to death row for murders which were less heinous than those committed by whites.

"My research suggests that those (racial) disparities are real," Phillips told IPS. The full study will be published in the Houston Law Review this autumn.

Phillips examined the impact of race in some 504 cases where the

Harris County public prosecutor sought the death penalty between 1992 and 1999. Since the reinstatement of the death penalty in the U.S. in 1976, Harris County has been responsible for 102 of the country's 1,100 executions -- more than any U.S. state other than Texas itself.

Phillips found that in Harris County, "death was more likely to be imposed against black defendants than white defendants." For every 100 black defendants and every 100 white defendants, an average of five more blacks were sentenced to death than whites. The ratio was 17 to 12.

Evidence of racial discrimination in seeking the death penalty was also found when comparing capital trials on the basis of the vulnerability of the victims and the brutality of the crime. The criteria of the gravity of the crime before seeking the death penalty were set higher for whites.

"The racial disparity emerged after controlling for the seriousness of the crime," Phillips said.

"To impose equal punishment against unequal crime is to impose unequal punishment," he writes in his study.

"This is certainly a disturbing result," Richard Dieter, director of the Death Penalty Information Centre, commented to IPS. "Harris County is where some of the worst problems have occurred. The head prosecutors choose to seek it (the death penalty) in almost every eligible case."

"It doesn't surprise me," Taft Foley, director of legal advocacy for the Houston branch of the National Association for the Advancement of Colored People (NAACP), told IPS.

Statistics from Harris County also showed that the death penalty "was more likely to be imposed on behalf of white victims than black victims."

This particular finding was "commonplace" and showed up in more than 20 studies around the nation, the New York Times reported on Apr. 29.

"We tend to racially cheerlead whether we are conscious of it or not," Taft commented, citing black stereotypes which inspired fear as the reason for this.

"When you look at the white-victim cases with black defendants, these are usually the most feared crimes in the community," Dieter added. "Prosecutors are white and juries are white. I don't know if it is intentional, they look at that defendant as a danger. It tips the scales when you mix race into it."

The Harris County District Attorney's Office declined to comment directly on Phillips' yet unpublished study when contacted by IPS. But Scott Durfee, the general council for the office, insisted that the decision on drawing up charges was "race-neutral". Procedures had remained unchanged since the early 1980s.

"The District Attorney evaluates the quality of the evidence, the likelihood of success at the trial and on appeal, and whether justice would be done...by pursuing the death penalty," he told IPS.

Statistical evidence of clear racial disparities in meting out capital punishment cannot be used in the U.S. to block executions. In 1987

the U.S. Supreme Court ruled in the *McCleskey v. Kemp* case that such evidence did not violate the constitution. The ruling was a close five-to-four.

The *McCleskey v. Kemp* ruling has always been highly criticised. This latest evidence of racial disparities in the way death penalties are passed down is bound to put the ruling under more intense scrutiny.

Only last April, Supreme Court Justice John Paul Stevens, calling for a reconsideration of the "justification of the death penalty", referred back to the case after casting his vote giving the green light for lethal injections to go ahead once more in the U.S. Executions had been on hold for seven months while the Court heard challenges to the constitutionality of lethal injections.

The "significant concern" of the risk of discrimination had been "dramatically" reduced since the *McCleskey v. Kemp* case, Justice Stevens said. But the Court had allowed the risk of discrimination to continue to play an "unacceptable role in capital cases", he said, seeming to distance himself from this ruling.

Activists campaigning against the death penalty in the U.S. are likely to await the publication of the Phillips study with keen interest.

(END/2008)

DEATH PENALTY-ZAMBIA: Inmates Plead for Deliverance

By Newton Sibanda

LUSAKA, May 20 (IPS) - The common prayer of those on Zambia's jam-packed death row is for divine intervention to end their hell on earth and let the waiting hangman carry out his job speedily, according to a recently released inmate.

"It is so painful to be in suspense, we would pray to be hanged," Churchill Malama, 33, recounted to IPS. Malama spent three years on death row in the Mukobeko Maximum Security Prison, located in the central town of Kabwe. His death sentence for murder was overturned by the Supreme Court last March.

The "torment and trauma" of life on death row were relieved only by worship and the exchange of words between inmates. "There are no activities there to relax your mind," Malama said.

He described as "painful and degrading" the living conditions for the condemned, crammed into the 48 cells on death row: "Each cell -- measuring just two-and-a-half metres by two metres -- is supposed to have just one or two inmates, but there were five or six of us with two mattresses to share."

There was no sanitation or ventilation. "We improvised chambers (toilets) by cutting up five or two-and-a-half litre plastic containers for human waste. It was traumatic," Malama said.

During the day, death row inmates -- totalling 306 at the time of his release -- were let out of their cells. But the space where they could circulate was only three metres wide and 30 metres long, he said.

Malama recalled the traumatic day, Feb 10, 2005, when he was condemned to death by the High Court in the capital, Lusaka, after

being held for four years as a remand prisoner. He had been accused of murder and robbery after being attacked by an armed gang while guarding a city electricity sub-station with six colleagues from the Zambia National Service, a military wing that carries out civilian projects. Two officers died in the attack.

"I reported the case to the police. But the police turned against me. The judge convicting me called me a conspirator, but I was innocent. I never expected that pronouncement, 'You are sentenced to hang until pronounced dead.' I felt the world had closed in on me. I blacked out."

From that moment on the formerly friendly prison staff treated him as a dangerous criminal.

Malama was loaded onto a truck with five other inmates condemned that day and taken at high speed to Kabwe. "Instead of the normal two hours to reach Kabwe, the truck took just over an hour," he recalled.

Twice in the years afterwards he attended Supreme Court appeal hearings. But his case was adjourned each time. On the third occasion, this year, the court set him free.

"I couldn't hold back my tears. I couldn't believe I was out of hell," Malama said. "When I arrived home there was disbelief. It was like I had been resurrected. The whole family, including my father and my mother, were in tears."

Malama now intends to join the country's anti-death penalty campaign.

Campaigners interviewed by IPS expressed scepticism that Zambia would soon abolish the death penalty.

The majority of the petitioners reporting to the recent Mung'omba Constitutional Review Commission were in favour of retaining the death penalty in the country's new constitution, Kelvin Hang'andu, a prominent lawyer, told IPS.

"I can confidently say that the new constitution will have the death penalty as a legal form of punishment," he said.

Leonard Kalinde, also a prominent lawyer and anti-death penalty activist, said this situation reflected on those lobbying for capital punishment to be banned: "As campaigners, we have not done enough to communicate the message. We need more education on the death penalty. As a civilised nation, we should have abolished the death penalty and should now be focusing on (penal) reform."

Bishop Enocent Silwamba, executive director of the Prison Fellowship of Zambia, strongly criticised Zambia's failure to do away with the death penalty. "With our imperfect criminal justice system, not everyone sentenced to death has committed a crime," he told IPS.

A visiting delegation from the African Union's Commission on Human and People's Rights recently called on Zambia to abolish capital punishment; however, commissioner Pansy Tlakula also noted, Apr 18, that the delegation was encouraged by the fact that the country had not executed any prisoners in recent years (the most recent execution took place in 1997).

In response, Mike Mulongoti, minister for information and broadcasting, said it was the National Constitutional Conference that would finally decide the matter.

Since Zambia's independence in 1964, 53 people are believed to have been executed by hanging.

In 2004, President Levy Mwanawasa promised not to sign any death warrants while in office; he was re-elected last year for another six-year term. (END/2008)

DEATH PENALTY-US: Catch-Up Wave of Executions Feared

By Adrienne Appel

BOSTON, May 13 (IPS) - Anti-death penalty activists are bracing themselves for a wave of executions across the U.S. after the state of Georgia moved swiftly to end the life of William E. Lynd following the Supreme Court's ruling that lethal injection was not a violation of the constitution.

On May 6, Georgia's executioners ended the life of Lynd, 53, with the unchanged lethal chemical formula used in 34 other death penalty states.

The execution ended a seven-month, nationwide moratorium in place while the Supreme Court heard challenges that the cocktail of drugs violated the constitution's ban on "cruel and unusual" punishment.

"Some risk of pain is inherent in any method of execution -- no matter how humane," the chief Justice John Roberts wrote on Apr. 16 in the court's majority decision in a test case initiated on behalf of two Kentucky death row inmates.

But in a separate opinion, Justice John Paul Stevens disagreed, saying the many problems with the application of the death penalty made it inherently unconstitutional. His stand stunned the legal community because he was previously known as a capital punishment supporter.

Justice Stevens also expressed the hope that the Kentucky case would stimulate debate on the justification for the death penalty.

Justice Stevens delivered "quite an indictment of the death penalty", Sarah Tofte, programme researcher with Human Rights Watch, told IPS.

David Elliot, spokesperson of the National Coalition to Abolish the Death Penalty, echoed the judge's views, adding that the court's green light for lethal injection "settled nothing".

"The death penalty was flawed before the Supreme Court case. Now that it has ruled it remains flawed," Elliot told IPS.

Michael Mello, professor of law at the Vermont Law School, suggested that 88-year-old Stevens was more in harmony with the changing views of the U.S. public than the other judges who sat with him on the Kentucky case.

"The 7-2 vote makes me wonder how in touch the court is with the genuine and fundamental questions that people and policy makers are asking about the death penalty," Mello told IPS.

Tofte predicted that the "fractured" Supreme Court ruling would open the door to further legal challenges to lethal injection.

Of the 50 U.S. states, 36 still have a death penalty and all but Nebraska use lethal injection to put prisoners to death.

Since Georgia's execution, at least nine other states have indicated they will soon resume executions. The states include Alabama, Arkansas, Illinois, Louisiana, Mississippi, Oklahoma, South Dakota, Texas and Virginia.

Several states have already penciled in the names of the inmates to die and their execution dates. Mississippi has set May 21 for the execution of Earl Wesley Berry. On May 27, Virginia will execute Kevin Green. And Texas plans four executions in June and July.

Texas has 360 people on death row and last year was responsible for more than 60 percent of the country's executions. Among those likely to be executed shortly is Jack Harry Smith, 70 years old and wheelchair-bound. Smith has been on death row for 30 years.

"We could easily see an extraordinary execution schedule in the second half of the year," Steve Hall, executive director of Stand Down Texas, told IPS. "For Texas public defenders (court-appointed lawyers) it could be just a nightmare."

The Death Penalty Information Centre (DPIC), a research organisation campaigning against capital punishment, is predicting that the number of executions could reach as many as 60 by the end of the year, compared to 42 in 2007.

The U.S. would then retain its current place among the world's leading five executioners. The DPIC puts the total number on death row at 3,263.

But several death penalty states in the U.S. are in the midst of a debate on capital punishment or facing legal challenges to the practice. These are holding back from executions. They include California, Maryland, Missouri, North Carolina, Ohio, Oklahoma and Tennessee, Elliot said.

The November nationwide elections of state officials may be influential in taking the debate on capital punishment forward, Elliot suggested.

"If one party wins, it means seismic shifts... It is state legislatures, not the Supreme Court, that will decide the future of the issue," Elliot said.

In a May 7 editorial, The New York Times, one of the country's most influential newspapers, said the country should take up Justice Stevens' call for a national debate on the future of capital punishment.

"These scheduled executions come at a time when many Americans are, rightly, turning away from capital punishment. We believe that the taking of life by the state is in all cases wrong, but it is particularly so with the deeply flawed system that exists today," the paper wrote.

(END/2008)

RIGHTS-JAPAN: Broadcasters Break Hanging Secrecy Taboos

By Catherine Makino

TOKYO, May 12 (IPS) - The final seconds in the life of a Japanese death row inmate -- the rasping muffled last words, the trapdoor springing open, the whip of a noose and a Buddhist gong signalling the end -- has made radio history here, waking listeners up to what goes on in one of the most secretive execution systems in the world.

In a breakfast radio programme on May 6, Tokyo's NCB (Nippon Cultural Broadcasting) audience heard the sounds captured by a hidden microphone in a death chamber as an unknown inmate fell 10 feet to his death beneath the Osaka prison gallows 53 years ago.

The recording, made specifically to train Japan's future executioners, was apparently smuggled out of prison and handed to NCB by campaigners against the Japanese capital punishment. It formed part of a one-hour documentary on how Japan's 106 death row inmates could expect to go to their deaths as the country speeds up the tempo of its executions.

"The idea is to have a clean death. The condemned aren't supposed to struggle or flop around," one veteran guard said, hinting how the inmate's feet and hands are bound up before the final fall to the recording of Buddhist monks chanting in the background.

In a separate command room, three to five executioners simultaneously press buttons to activate the gallows trapdoor. The system is designed to relieve anyone of feeling guilty that it was his button that caused the death.

The training tape included eavesdropping on a conversation between the condemned man and a family member the day before his execution. "I'm sorry for what I have done," he says, his voice cracking with emotion.

First estimates were that some 100,000 people listened to the early morning broadcast. Within hours, scores had called in or sent emails to the station to express their views, 60 percent of which were positive, NCB staff told IPS. "I wept when I heard the voice of the man about to be hanged. Now I understand what these people feel," one listener told the station.

A university lecturer called in to invite the entire production team to speak to his students. "This is a huge opportunity for them to discuss the death penalty issues as Japan stands on the verge of introducing a jury system for capital cases," he told the station.

But critics accused the programme-makers of being one-sided and keeping the listeners in the dark about the crime of the executed inmate. Elsewhere, listeners seemed to welcome the new light that was being cast on Japan's secretive death row system.

"It was shocking in its detail," Hiro Kawaguchi, 26, a financial services worker, told IPS shortly after the broadcast. "I learned they build death chambers of washable material and deck them out with non-stainable, plastic curtains so they can hose everything down after an execution. It's unthinkable that they could treat other human beings with such cold logic."

"It was certainly interesting to listen to such a rare programme like this on the death penalty," Toshie Komatsu, a businesswoman, told IPS. "But the broadcast didn't discuss the victims' feelings, so I am still undecided on the issue." Kanae Doe of Human Rights Watch Japan, praised the programme's producers, saying she hoped their documentary would stimulate debate on capital punishment and help bring about abolition.

Andrew Horvat, a well-know academic and former representative of the Asia Foundation, said that he hoped for more than just the sounds from a hanging but also the pictures.

"I think every person who is in favour of the death penalty should be forced to witness all executions carried out by the state," he told IPS.

Looking ahead to next year when jury trials will be introduced for capital offences, he said: "All jurors who vote to send someone to his death must be there for the send-off. To do otherwise is to fail to take responsibility."

Katsuhiko Shimizu, director of the NCB programme, refused to say how the death row tape came into his station's possession. He admitted the government's public prosecutor had tried to block the broadcast.

But after the station insisted it was in the public interest to air the tape, official complaints were dropped. All names and anything that could lead to anyone being identified in the tape were edited out by the station before it was made public. "There isn't any transparency about the death penalty. Japanese listeners have no idea or knowledge about it ... because of the secrecy. That's why we want to inform them," Shimizu told IPS.

"Inmates are informed of their execution only in the morning of the day they are to be hanged. Their families only find out about the execution when they are told to collect the bodies," he added.

According to the latest public opinion poll, more than 80 percent of Japanese support the death penalty.

So far this year, there have been seven executions, including four in one day last month.

(END/2008)

EUROPE: Still without a 'Coherent' Human Rights Policy

By David Cronin

BRUSSELS, May 8 (IPS) - More than 50 years after its inception, the European Union continues to lack a "coherent and hard-hitting policy to uphold and promote human rights around the world", a new report by the EU's only directly-elected body has complained.

The European Parliament's latest annual report on human rights in the world argues that whereas respect for human rights and democracy is a principle enshrined in EU law, "substantial progress needs to be made" to ensure that the surrounding policies are respected. The report was approved by the assembly May 8.

Too often, according to the report's author Marco Cappato, efforts to ensure that the EU delivers a strong and cogent message on human rights are "hampered" by the "predominance of its member states' national interests."

This was illustrated last month when the EU's foreign ministers decided to lift sanctions they had imposed on Uzbekistan following a massacre of unarmed civilians at Andijan in 2005. The sanctions were lifted, even though no official investigation of an impartial nature into the events has yet taken place.

Germany, the EU's most populous nation, had been pushing vigorously for the sanctions to be lifted; it has a military base at Termez in southern Uzbekistan.

Cappato, a Member of Parliament (MEP) for the Italian Radical Party, noted that clauses relating to respect for human rights are systematically included in the trade and cooperation agreements that the EU signs with foreign countries. Yet "we don't have effective measures" to ensure that the agreements in question are suspended when serious abuses of human rights occur.

His paper advocates that EU governments and the European Commission should draw up a list of "countries of particular concern" in which attempts to promote human rights have proven especially fraught, and to develop criteria for measuring the performance of particular countries in order to establish priorities for the Union's work on human rights.

He also criticised the scarcity of tangible results to emerge from the 'dialogues' on human rights that the Union has entered into with 30 countries. A "radical intensification" is required of the dialogue between the EU and China, he argued, noting how Beijing has only provided replies to about two-thirds of the individual cases raised by the Union. A separate dialogue with Iran has been frozen since 2004 because no "positive progress" has been made by the Tehran authorities.

Cappato's criticisms echo those contained in an internal EU paper evaluating the human rights dialogues. The internal paper warned that such consultations are at risk of turning into a "meaningless ritual".

Although Cappato's report won broad backing from across the political spectrum in the Parliament, several MEPs queried some of his recommendations.

In particular, Cappato urged that the doctrine of non-violence espoused by Indian independence leader Mahatma Gandhi should become an official policy of the EU. That would require the Union to support campaigners involved in civil disobedience against dictators, he said. He urged too that 2010 should be declared the European Year of Non-Violence.

Richard Howitt, a British Labour MEP, said he respected Cappato's views about non-violence but said it "cannot be the only guiding principle" of the Union's foreign policy. Conflict resolution, he added, "sometimes involves military means."

Vittorio Agnoletto, an Italian MEP, argued that Cappato had been too focused on civil and political rights rather than economic and social rights. "Social rights and economic rights, as defined by the United Nations, are a sine qua non for individual rights," he argued.

French Green Hélène Flautre said that the EU needs an "integrated

policy" on human rights and that violations of "the rights to life, food and housing should be at the top of the list."

Benita Ferrero Waldner, the European commissioner for external relations, argued that "human rights dialogues have become an increasingly important component of the EU's efforts to promote human rights in the world." Yet she acknowledged that consultations with Russia have brought "mixed results".

Sarah Ludford, a British Liberal, protested that the EU is not doing enough to support the work of the International Criminal Court, the permanent tribunal tasked with prosecuting genocide and crimes against humanity. The Union has "so far been weak," she suggested, in pressing Sudan to hand over Ahmad Muhammad Harun and Ali Muhammad Ali Abd-Al-Rahman to the court. Both men have been indicted over alleged involvement in mass atrocities in the western Sudanese province Darfur.

Czech MEP Libor Roucek complained that his country is alone among the EU's 27 member states in not yet ratifying the Rome Statute, which led to the ICC's formation. "This is a disgrace," he added.

Despite the critical tone of Cappato's report, he claimed that the European Parliament's own work on human rights is proving fruitful. By taking a strong line against the death penalty, he said, the Parliament had encouraged EU governments to back the moratorium against executions sought by the United Nations General Assembly in December last year. (END/2008)

DEATH PENALTY-PAKISTAN: Stonings - Sign of Taliban Resurgence By Ashfaq Yusufzai

PESHAWAR, May 7 (IPS) - The Taliban have confirmed that their sympathisers have executed by stoning a runaway couple in this remote tribal region bordering Afghanistan -- their first known use here of this long drawn-out death sentence for a so-called "honour crime".

"A qazi (religious official) court run by the Taliban found the couple guilty of adultery and sentenced them to death by stoning. The sentence was carried out in Khwezai-Baezai area of the Mohmand Agency, about 60 km north of the border city of Peshawar," Mohammad Asad, a Taliban spokesman, told IPS. The execution took place on Apr 1, two weeks after the Taliban had issued their ruling.

"Shano (Bibi) was a married woman living in Peshawar and her family had filed a complaint that she had been abducted by Daulat Khan. But later it was reported that she had eloped with him," Asad alleged.

Mohmand Agency is one of seven tribal regions on the Pakistan-Afghanistan border. The regions form part of the Federally Administered Tribal Area (FATA), encompassing more than 6,000 square km where the Taliban have sanctuaries.

The stonings were condemned by human rights organisations. They appeared to be a worrying new development in the old-age tribal practice of "honour killings" with the Taliban now adjudicating with a more cruel form of the ultimate punishment rather than firing

squads.

"We ask the government to arrest the people responsible and bring them to justice," Kamran Arif, a member of the executive council of the independent Human Rights Commission of Pakistan (HRCP), told IPS.

"The government must take strict action against those responsible," added Rahshanda Naz of the Aurat Foundation, a national NGO with offices throughout the country.

A Peshawar lawyer, Noor Alam Khan, said that he had noted recent cases of "honour killings" -- the execution of those who had allegedly brought shame on their families -- which were "frequently making newspaper headlines".

"In these rigidly patriarchal communities, wives, daughters, sisters and mothers are killed for the least sexual indiscretion and on the slightest suspicion of adultery," Khan explained.

Zahir Ali, a writer on the Urdu-language newspaper Aaj (Today) published in Peshawar, said the reported incidents did not give a full picture of what was currently happening in the region. Journalistic self-censorship was preventing full reporting.

"There are cases occurring almost once or twice a month, but we can't report them due to the harsh reaction that this would create in the community," he explained to IPS.

The most recent case was on May 1 when a couple in a local village was killed for marrying without the consent of their families, he said.

Khan said that the incidents confirmed that the recent laws to rein in the practice had failed "to bring about the desired results". In 2005, the Criminal Justice Act was amended to prevent courts from acquitting offenders after they had reached their own out-of-court compromise agreements, sometimes in return for compensation.

Since then, there have been several inconsistent rulings in the Peshawar High Court and law enforcement authorities which appeared to run counter to the spirit of the legal amendments.

A month ago, the Peshawar High Court overturned a death sentence passed against Gul Zaman for murdering his wife and three daughters, allegedly for venturing out of their house without his permission. The judge made his ruling after hearing that the surviving three sons and daughter had forgiven their father.

The original death sentence had been passed on Jan 31, 2005 by a local court.

But in March last year, the Peshawar High Court issued a firm ruling in accordance with the new legal amendments to curb the practice of "honour killings".

The court confirmed the 10-year prison sentence against Gul Zameen for murdering his mother in the upper Dir district of NWFP in Feb last year.

The presiding judge, Dost Muhammad Khan, then said: "In some backward areas women are being treated as second-class citizens and such inhuman practices as honour-related killings are still in vogue. This is against Islam as well as the law of the land."

Six months later, the Peshawar High Court annulled a compromise agreement that would have set free a father who was convicted of murdering his daughter with the help of his son and nephew after she married without his permission. Justice Tariq Pervez sentenced each of them to 10 years imprisonment.

Local police have sometimes shown reluctance to act on reports of "honour killings".

Last year, in Mardan, 60 km from Peshawar, the police arrested, but then released without pressing charges, the relatives of a couple killed for allegedly bringing discredit on the family.

Recently, also in Mardan, the police did not even bother with an initial report on allegations that a powerful local landlord had shot his daughter and driver after they eloped, Sajjad Ali, an NGO activist, told IPS.

In the past three years, defence lawyers had developed skills in "hoodwinking" courts to circumvent the amendments to curbing the practice of reaching family compromises to head off prosecution charges, according to Khan.

The effect of the new laws against "honour killings" was also being blunted by a continuing readiness of the courts to consider mitigating circumstances.

"Often courts adopt a lenient view towards the accused on the grounds of "grave and sudden provocation" which nowhere exists in the law," Naz said.

Human rights organisations are now calling on the government to take firmer action on all fronts to bring to a halt "honour killings".

Up to now, the authorities had "utterly failed to apply the brakes" on the practice, Jamila Bibi of the HRCP said.

"Drastic changes are needed," Naz insisted.

"It is un-Islamic to kill a woman or a man in the name of honour. We will fight this outrageous tradition," Sitara Imran, minister for women's development in the NWFP parliament, told IPS.

Between 1998 and 2002, HRCP registered 1,339 cases of "honour killings". About half of the victims were married women. HRCP believes most such murders go unreported.

HRCP has issued no recent statistics on "honour killings". But the continuing high number of husbands killing their wives in Pakistan suggests that the number has not been falling. In 2006, 355 husbands were accused of this offence, compared to 296 in 2005, HRCP has reported. (END/2008)

DEATH PENALTY: Another Mexican on His Way to the Scaffold in US

By Diego Cevallos

MEXICO CITY, May 6 (IPS) - The Mexican government's aggressive strategy to prevent the execution of Mexican citizens in the United States has so far failed to bear fruit, despite a landmark international court ruling.

Aug. 5 is the date set Monday by a court in the southern U.S. state of Texas for the execution of José Medellín, one of 51 Mexican nationals on death row in the United States.

"Mexico must not and cannot let down its guard, but it has certainly begun to run out of options," Alberto Herrera, spokesman in Mexico for the London-based rights watchdog Amnesty International, told IPS.

Medellín, arrested in 1993 for taking part in the gang rape and murder of two teenage girls, is on his way to becoming the seventh Mexican citizen executed in the United States since the early 1970s. The two girls, Jennifer Ertman, 14, and Elizabeth Pena, 16, had taken a shortcut home through the woods in Houston, Texas one night in June 1993 when they ran into Medellín and five other members of the "Black and White" gang who were engaged in an initiation rite. The girls were gang-raped and finally choked, beaten and kicked to death. Medellín was 18 years old at the time. Fabián Sánchez, who was director of the Mexican Commission for the Defence and Promotion of Human Rights until 2007, told IPS that "this is the time for direct intervention by the Mexican President (Felipe Calderón), now that all other options have failed."

"The pressure should be increased as much as possible; there is no other way," said Sánchez.

On Mar. 25, the U.S. Supreme Court rejected a 2004 International Court of Justice (ICJ) ruling that the convictions of Medellín and the other Mexicans on death row violated the 1963 Vienna Convention, which states that people arrested abroad must have access to consular officials from their home country.

The ICJ, based in The Hague, said the Mexicans -- including Medellín -- should have new court hearings to determine whether their cases were affected by the denial of their right to consular representation.

"Courts in the United States openly ignore and contravene international law, but the possibility of challenging the situation and protesting remains open, and Mexico should do that," said Herrera.

Sánchez took a similar position. "It is outrageous for the United States to refuse to respect such an important international ruling, which is why President Calderón should speak out against it."

The Mexican Foreign Ministry lamented the decision to set an execution date for Medellín, and said the government "will exhaust all of the resources within its reach to get the United States to comply with its international obligations and review and reconsider the sentence as provided for by the Avena ruling (as the ICJ verdict is known)."

Mexico does not have the death penalty and refuses to extradite people to countries where they could face capital punishment.

In June 2006, Mexican serial killer Ángel Maturino was executed by lethal injection in Texas, for the robbery, rape and murder of a 39-year-old woman in 1998.

Although Maturino was not included in the group of Mexicans whose right to consular representation was denied -- to whom the ICJ ruling applied -- the Mexican government did everything possible to prevent his execution, including a last-minute plea for clemency.

But the execution went ahead despite the fact that Maturino was declared mentally ill by a team of experts, after the judge found that he was "sufficiently competent."

For eight years, the Mexican government has carried out a diplomatic and legal offensive aimed at preventing the execution of Mexican citizens in the United States, spending hundreds of thousands of dollars on private lawyers, for example.

In that context, the ICJ ruling was considered a historic achievement.

But judges in the U.S. refused to respect it even after President George W. Bush urged that they do so.

Amnesty International reports that 22 foreign nationals have been executed in the United States since 1988, and that virtually none of them had been informed, upon arrest, of their Vienna Convention right to contact their consulates.

Article 36 of the Vienna Convention on Consular Relations states that "...if he so requests, the competent authorities of the receiving State shall...inform the consular post of the sending State if...a national of that State is arrested or committed to prison.... The said authorities shall inform the person concerned without delay of his rights under this sub-paragraph."

The Convention was ratified by the United States in 1969. (END/2008)

News from International NGOs

INDIA: A "LETHAL LOTTERY"

A study of the rulings by New Delhi's Supreme Court for more than 50 years concluded that "the administration of the death penalty in India is manifestly flawed". Amnesty International India said on May 2 that together with the People's Union for Civil Liberties (Tamil Nadu & Puducherry) it has issued the study, 'Lethal Lottery: The Death Penalty in India, A Study of Supreme Court Judgments in Death Penalty Cases 1950-2006'.

The first major study into India's legal judgements on death penalty cases, it reveals that the system is riddled with fatal flaws and that the only remedy is to abolish the death penalty completely. The Anti-Death Penalty Asia Network, a regional coalition of abolitionist organisations and activists, will be using the report to campaign for a moratorium and ultimately for the abolition of the death penalty in India in the coming months.

The study of the courts highlights some of the main failings as:

Errors in consideration of evidence - most death sentences handed down in India are based on circumstantial evidence alone.

Anti-terrorist legislation - concerns include the broad definition of 'terrorist acts', insufficient safeguards on arrest, and provisions allowing for confessions made to police to be admissible as evidence.

Arbitrariness in sentencing - in the same month, different benches of the Supreme Court have treated similar cases differently, with mitigating factors taken into account or disregarded arbitrarily.

Death penalty not confined to the "rarest of rare" cases

Nine capital offences exist in India's penal code, and at least 14 other 'special' or 'local' laws also provide for the death penalty in India including for terrorism and drug offences.

The last execution in India took place in 2004. Secrecy surrounds the country's death penalty statistics, but Amnesty International believes that at least 140 people were sentenced to death in India in 2006 and 2007.

ACHRS REPORT: THE DEATH PENALTY IN THE ARAB WORLD IN 2007

The Jordan-based Amman Centre for Human Rights has released its second annual report on the status of the death penalty in Arab countries. The report gives both an overview of the region and a detailed look at each Arab state, World Coalition Against the Death Penalty reported on May 9.

The ACHRS report stresses that 2007 saw a worldwide trend towards the abolition of the death penalty, with several states getting rid of capital punishment and the UN General Assembly Resolution calling for a moratorium on the death penalty. "However, while strides have been made worldwide in the campaign for the abolition of the death penalty, progress in the Arab World has been slower," the document states.

Figures compiled in the report show that most Arab states have reduced the number of executions in 2007, with the notable exception of Saudi Arabia, which accounted for 147 of the 195 deaths recorded in the Arab World last year. ACHRS was instrumental in establishing the Arab Coalition Against the Death Penalty, a member of the World Coalition.

HUMAN RIGHTS MEMORANDUM TO RUSSIAN PRESIDENT MEDVEDEV

Amnesty International said in a memorandum to Russian President Medvedev on May 28 that it is deeply concerned at entrenched problems relating to human rights in the country. There have been positive developments over the past several years, for example the reform of the criminal and criminal procedure codes, some improvement in prison conditions, prosecutions of some police officers for abuses amounting to torture, and also the moratorium on the death penalty has been maintained. Nevertheless, overall a number of serious patterns of violations persist and in some cases have worsened in recent years. Amnesty International has highlighted these issues in recent reports, and provided recommendations for action by the authorities.

Amnesty International urged President Medvedev to take action on several issues in order to achieve lasting, substantive improvements in terms of legislative, policy and administrative change. One of these, it said, is that the President initiates a sea-change in direction in terms of freedom of expression in Russia. Upon becoming president of the Russian Federation he had promised to protect and honour human rights and freedoms and to honour and protect the constitution of the Russian Federation.

In his speech following inauguration he stated that human rights and freedoms are of the highest value to the Russian society and that they determine meaning and content to all state activity and in that context he considered it to be his most important task to further develop civil

and economic freedoms. Amnesty said: "With great hopes Amnesty International looks forward to seeing this commitment made a reality. We urge you to ensure that the rights and freedoms, as enshrined in the Russian Constitution and in international human rights treaties Russia has ratified, will become a reality for all people in the Russian Federation, no matter their ethnic origin, citizenship, political or religious belief or their sexual orientation."

USA: WAY OF LIFE, WAY OF DEATH

On May 13 the USA opened another chapter in its relationship with the death penalty when it referred capital charges against five Guantánamo detainees for joint trial by military commission, Amnesty International said in a document on May 20. The five are accused of involvement in the September 11, 2001 attacks in the USA, attacks which Amnesty International has described as a crime against humanity. Two weeks after those attacks, President George W. Bush had said that his was an administration that was "focused on justice. And we're going to get justice." That his administration's concept of justice would include judicial killing was foreshadowed by his record on the death penalty as governor of Texas before taking the White House.

The five Guantánamo detainees against whom charges have just been referred – Khalid Sheikh Mohammed, Walid bin Attash, Ramzi bin al-Shibh, 'Ali 'Abd al-'Aziz 'Ali and Mustafa al Hawsawi – were arrested in Pakistan in 2002 and 2003 and held in secret incommunicado custody by the Central Intelligence Agency (CIA) at unknown locations outside the USA for between three and four years. Their fate and whereabouts concealed, they became victims of enforced disappearance, like torture a crime under international law. Prolonged secret incommunicado detention itself amounts to torture or other cruel, inhuman or degrading treatment. At least one of the defendants, Khalid Sheikh Mohammed, was subjected to the form of water torture known as "waterboarding". Which other "enhanced" interrogation techniques were used against these and other CIA detainees has not been revealed by the US authorities, and any such techniques, the conditions of detention, and location of CIA detention facilities, remain classified at the highest level of secrecy.

The five men – whose arraignment is currently scheduled for June 5, 2008 – were transferred with nine others from secret CIA custody to virtually incommunicado military detention at Guantánamo in September 2006. In a speech confirming publicly for the first time that the USA had been operating a program of secret detention and interrogation, President Bush exploited these cases to obtain congressional approval for the Military Commissions Act (MCA), the legislation under which the government is now driving these five detainees towards the possibility of the execution chamber. "As soon as Congress acts to authorize the military commissions I have proposed", the President said, "the men our intelligence officials believe orchestrated the deaths of nearly 3,000 Americans on September 11, 2001, can face justice." Again, for justice read execution.

HUMAN RIGHTS WATCH CONCERNED ABOUT PERU

Justice for past abuses is a leading human rights concern in Peru, said Human Rights Watch (HRW) in a submission to the Human Rights Council on May 5. While authorities have made some progress in holding accountable those responsible for some abuses committed during its 20-year armed conflict (1980-2000), most perpetrators continue to evade justice. Investigations of massacres and "disappearances" by government forces have been held up in part by lack of military cooperation, HRW said.

It added: The efforts of Peruvian prosecutors to bring former President Alberto Fujimori to justice in Peru finally bore fruit in September 2007, when the Chilean Supreme Court, in a landmark decision, authorized his extradition on charges of human rights abuse and corruption. But the human rights concerns in Peru include torture and ill-treatment of criminal suspects, violence against journalists in some parts of the country, and government efforts to regulate nongovernmental organizations (NGOs), HRW said. The government Truth and Reconciliation Commission estimated in 2003 that almost 70,000 people died or "disappeared" during the armed conflict. Many were victims of atrocities committed by the Shining Path and another insurgent group, and others of human rights abuses by state agents.

Former President Alberto Fujimori is currently being tried in Lima for his alleged involvement in the extrajudicial execution of 15 people in the Barrios Altos district of Lima in November 1991 and the forced disappearance and murder of nine students and a teacher from La Cantuta University in July 1992. Fujimori also faces multiple corruption charges which will be heard in subsequent court proceedings. Fujimori had been in self-imposed exile in Japan for five years, before traveling to Chile, where he was arrested in November 2005.

Efforts have been underway to investigate and prosecute former officials and military officers implicated in scores of other killings and "disappearances" dating from the beginning of the armed conflict. For example, at least 50 alleged members of the Colina Group, the death squad directly responsible for the Barrios Altos and La Cantuta crimes, have been on trial in Lima since August 2005.

"Yet, at this writing, only 17 former military officers and civilians had been convicted for abuses attributed to state actors by the truth commission. Lack of cooperation by the armed forces has hampered the investigation of these cases. The military has often failed to provide information needed to identify potentially key witnesses who served in rural counterinsurgency bases during the conflict. It has also declined to identify military officials known to witnesses only by their aliases," HRW said.

WORLD PRESS REVIEW – MAY 2008

EU CONDEMNS US RESUMPTION OF EXECUTIONS

The European Union condemned the resumption of judicial executions in the United States and said abolishing capital punishment was fundamental to protecting human dignity and furthering human rights, Reuters reported on May 14. EU president Slovenia said it unsuccessfully appealed for the United States to stop convicted murderer William Earl Lynd's execution on May 6. He was convicted of shooting his girlfriend to death in December 1988. "Any miscarriage or failure of justice in the application of the death penalty represents an irreparable and irreversible loss of human life," it said.

USA: CONVICTED MURDERER GETS LETHAL INJECTION

Mississippi put a convicted murderer to death by lethal injection in the second U.S. execution since the Supreme Court lifted an unofficial moratorium on the death penalty last month, Reuters reported on May 21. Courts rejected final appeals by Earl Wesley Berry's lawyers who argued he was mentally retarded and that the cocktail of three drugs used in the lethal injection method represented cruelty banned under the Constitution. Berry, 49, was convicted in 1988 of beating 56-year-old Mary Bounds to death. He kidnapped Bounds outside her Houston, Mississippi, church in November 1987, killed her and dumped her body in a wooded area. He later confessed to the crime. He was pronounced dead at 6:15 p.m. local time at Parchman prison, said Tara Booth, spokeswoman for the Mississippi Department of Corrections. Berry had been scheduled to be executed last October but he received a last-minute stay because of the national moratorium on executions effectively in place after the U.S. Supreme Court said in September it would hear an appeal by two death row inmates in Kentucky against the use of the lethal drugs. The court on April 16 rejected a challenge to the three-drug cocktail used in most U.S. executions, which opponents claimed inflicted unnecessary pain. Georgia then conducted an execution on May 5. It was Mississippi's eighth execution since the Supreme Court restored the death penalty in 1976.

USA: AMERICAN BAR ASSOCIATION PRESIDENT CALLS FOR MORATORIUM

Charlotte Observer reported on May 10: William Neukom, the President of the American Bar Association, addressed the graduating class at Duke University Law School in North Carolina said that the ABA had closely studied the death penalty systems of eight states recently and found repeated failures to meet minimum standards advocated by the ABA. He renewed the call of the ABA for a halt to executions until these problems are addressed, calling on North Carolina legislators in particular to pass a Racial Justice Act. An excerpt from his speech follows: "The American Bar Association takes no position on whether the death penalty is right or wrong. But the association strongly maintains that no person should be executed unless that person has a lawyer and received a fair trial. Yet when teams of experts from eight states' own legal communities applied ABA protocols to examine their death penalty systems, they documented evidence of racial disparities, poorly trained or inadequate lawyers, insufficient defense resources, confused jurors, failure to preserve scientific evidence for follow-up analysis and a host of other problems. This is why the ABA renewed its call last year for a moratorium on executions in each death penalty jurisdiction, until thorough analysis can uncover each and every shortcoming, and the states can rectify the problems. The death penalty analyses that have been done in select states demonstrate that the promise of due process often remains unfulfilled. Racially disparate treatment of people in our criminal justice system, from arrest to charging to seeking the death penalty, has been and remains a fundamental issue that we must address. The Racial Justice Act, pending in the North Carolina General Assembly, is an effort to do so, by allowing courts of appeals to consider whether or not racism was a consideration in imposing a death sentence. Legislators should consider whether this measure will advance justice in capital cases".

GAMBIAN PRESIDENT THREATENS TO BEHEAD GAYS

Gambian President Yahya Jammeh has threatened to behead gays unless they leave the country, according to reports, according to AFP on May 22, 2008. "The Gambia is a country of believers ... sinful and immoral practices [such] as homosexuality will not be tolerated in this country," the president told a crowd at a political rally on May 15, local journalists said. He went on to say he would "cut off the head" of any gay person caught in Gambia. The anti-gay campaign continued in the Gambian pro-government media this week with the Daily Observer publishing a virulent editorial. "We have said it before and we will say it again. This is a Muslim and Christian country. Both the Koran and the holy Bible condemn homosexuality - pure and simple," the paper wrote. British gay rights group Outrage today said the Gambian leader's comments came as no surprise. "Jammeh has a long history of homophobia," spokesman Peter Tatchell said. "If he tries to carry out these threats, international aid donors are likely to withdraw their support, and foreign tourists will stay away in droves, thereby damaging the Gambian economy," he added. The tourism industry is vital to Gambia's economy as the West African nation lacks other natural resources. Jammeh drew condemnation from African AIDS groups after he claimed in January to have found a "miracle" treatment for HIV/AIDS. The method was based on medicinal plants and a Koranic verse. All participants were ordered to give up their antiretroviral drugs.

DR CONGO: THREE SEPARATISTS SENTENCED TO DEATH

Three members of a separatist group were sentenced to death in Congo in a mass trial for crimes committed in the run-up to a bloody government crackdown on the group, the chief judge said, Reuters reported on May 22. Twenty-two members of the ethnic-based religious and political sect Bundu dia Kongo (BDK) were on trial for crimes including plotting to overthrow the government, insurrection, and murder earlier this year. The state prosecutor in the town of Mbanza-Ngungu, 150 km west of the Congolese capital Kinshasa, requested the death penalty for all defendants.

"Three were condemned to death for assassination and murder. Sentences of two months to 20 years were given to another 15, and four were acquitted," Aime Mayengo, the presiding judge, said. New York-based Human Rights Watch (HRW) questioned the legitimacy of the verdict.

"We have received numerous reports that confessions were obtained by torture. The case relies predominantly on these confessions, and we are troubled by the allegations," Anneke Van Woudenberg, a Congo researcher for HRW, said. All the crimes date from a period between Feb. 17 and 29 and were followed by a three-week government campaign that saw hundreds of heavily armed police pursue BDK members from village to village.

GHANA: JUDGES ENDORSE DEATH PENALTY

Two of the four Appeal Court Judges nominated by President J. A. Kufuor to the Ghanaian Supreme Court, who appeared before the Appointments Committee of Parliament, endorsed the death penalty remaining on the statute books, Modern Ghana and Gbcghana.com reported on May 28. Justices Paul Baffoe-Bonnie and Ms Rose Constance Owusu held strong views in favour of capital punishment to serve as deterrent from very serious offences. Ms Owusu, who was very strong on maintaining capital punishment on the statute books, said she would never advocate for its abolition. However, Mr. Justice Jones Dotse and Mr. Justice Anim Yeboah called for its abolition.

ETHIOPIA: SUPREME COURT HANDS DEATH SENTENCE TO MENGISTU

Ethiopia's Supreme Court sentenced former dictator Mengistu Haile Mariam to death in his absence, along with 18 senior officials of his regime, overturning a previous life term on appeal, Afp reported on May 26. The court followed the request of the prosecution to toughen the sentence imposed in January 2007 on Mengistu, who has lived in exile in Zimbabwe since he was toppled in 1991, after he was found guilty of genocide at the end of a decade-long trial. But Mengistu, who has lived a life of comfortable exile in Zimbabwe since he was driven from power in 1991, is unlikely to face punishment unless Zimbabwe's President Robert Mugabe loses a run-off election next month.

ALGERIA: 14 SENTENCED TO DEATH IN ABSENTIA FOR TERRORISM

Quoting the official Algerian News Agency Xinhua reported on May 30: An Algerian criminal court sentenced 14 people to death in absentia for a series of crimes. The suspects were sentenced by the Court of Boumerdes for the "constitution of an armed terrorist group and possession of weapons, ammunitions and explosive materials," an Algerian judicial source was quoted as saying. Some defendants walked away with lighter sentences as the level of punishment was largely dependent on the gravity of the criminal charges. Mehdi, the key suspect in the case, was sentenced to 20 years imprisonment. "The Algerian authorities showed some degree of leniency owing to the fact that Mehdi identified seven people arrested in the case," a reliable source said. During the investigations, Mehdi led the security forces to secret caches in the mountains of Zbarbar in Bouira which served as the main operational base for his group.

IRAQ. CHURCH OPPOSES DEATH PENALTY FOR ARCHBISHOP'S KILLER

Agence France Presse reported on May 19: The Archbishop of Kirkuk, Louis Sako, said that the Chaldean Catholic Church in Iraq opposed the death penalty passed by an Iraqi court on the convicted killer of an archbishop in Mosul. "This conviction does not meet Christian values." We are not satisfied with this decision because the church is against the death penalty." Archbishop Sako said the death sentence against a suspect "will also not help improve the situation" in Iraq which is plagued by sectarian violence between Sunnis and Shiites in addition to attacks against religious minorities.

He said the church had no details about the trial or the accused nor was it aware of the motives of the killers. It learnt about the sentencing from television. "The announcement of the government gave very little detail. We do not know any of those responsible. We don't know why the archbishop was kidnapped, whether it was due to political, religious or criminal intentions," he said.

IRAN HANGS TWO FOR MURDER IN FAMILY FEUDS

Quoting Fars news agency, Agence France Presse said on May 27 Iran hanged two people for killing close relatives. A man, R.A., convicted of fatally shooting his two brothers and the wife of his brother two years ago was hanged in the northern city of Babol. He was executed in a police station in the city, the report said, adding that the shooting broke out over an inheritance feud. Meanwhile, a man was hanged in the northern city of Ardebil for murdering his wife. The execution was carried out by the victim's family in Ardebil's central prison.

UK: GAY STUDENT WHO FACED EXECUTION IN IRAN GRANTED ASYLUM

The Independent reported on May 19: A gay man who faces the death penalty in Iran won asylum in the UK after protests prompted the Home Secretary to reconsider his case. Family and supporters of Mehdi Kazemi, now 20, welcomed the decision not to send him back to Iran where his boyfriend was arrested by the state police and executed for sodomy. Simon Hughes, the Liberal Democrat MP for North Southwark and Bermondsey, said: "I am delighted by the Home Office decision that my constituent Mehdi Kazemi can now stay in this country. This is great news for a very decent guy."

Mr Kazemi came to London to study in 2005, but in April 2006 discovered his gay partner had been arrested and named him as his boyfriend before his execution. Fearing he might suffer the same fate if he returned, Mr Kazemi decided to seek asylum in Britain. His claim was refused and he fled to the Netherlands where he also failed to win asylum before returning to Britain last month. The UK Border Agency said it had decided to allow him asylum, granting him leave to remain for five years.

YEMEN: COURT APPROVES DEATH PENALTY

NewsYemen.net reported on May 31: The State Specialized Appeals Court in Yemen approved the death penalty against the number one convicted in a 36-member group called "First Sana'a Cell" in Sa'ada. The court convicted Ibrahim Mohammed Sharafaddin of forming an armed group, attacking political officials and security officers and planning to attack US Embassy in Sana'a and assassinating former US Ambassador to Yemen. The court sentenced others from three to eight years in jail and acquitted others. A primary court gave the cell's members sentences of death penalty, imprisonment and quittance in November 22, 2006.

UAE: FORMER INMATE SAVES TWO FRIENDS FROM DEATH ROW

Gulf News reported on May 30: An Indian and a Sri Lankan were saved from death row in the United Arab Emirates by Khadim M. Al Daheri, 42, a former inmate who secured a pardon from the family of the victim who was murdered. A court sentenced the two men to death in 1998 for the victim's murder. Abdul Rahim Mohammad Farouq, 43, a Sri Lankan, and Radwad Naeem Al Deen, 37, an Indian, spent about 10 years in jail. Daheri became friends with the pair during his imprisonment and said "I have never met such good people." He found prominent Emirati's to donate money for their release. The victim's family in Kerala in South India were initially reluctant. "My family and I tried to speak to the victim's family but with little success. My brothers also visited them several times," said Noorjahan, the mother of Al Deen. Saeed Mohammad Al Ameri, a prominent Emirati in Al Ain donated Dh 300,000, said Al Daheri.

TAIWAN: JUSTICE MINISTER BIDS TO SCRAP DEATH PENALTY

Taiwan's new Justice Minister Wang Ching-feng said she will attempt to abolish the death penalty to bring the island into line with the international trend, Agence France Presse reported on May 21.

A bill proposing the scrapping of capital punishment has failed to pass the cabinet since 2001 amid opposition from the public. Surveys showed 76 percent of the Taiwanese people opposed scrapping capital punishment, fearing the move would lead to a rise in serious crime, Wang said. But about half would be in favour of the move as long as those who committed serious crimes were jailed for life. "Keeping the death penalty has cost the country's international image. Especially when Taiwan is struggling to defend its fragile diplomacy, it is not worth it," Wang said a day after she took office. "Abolishing the death penalty is an international trend.... The European Union is actively pushing for the goal," she said. Acknowledging widespread domestic objections, Wang said she would take steps to amend existing law "to eventually drop the death penalty."

JAPAN: GANGSTER SENTENCED TO HANG FOR MAYOR'S ASSASSINATION

A gangster has been sentenced to death by a Japanese court for killing the mayor of Nagasaki, BBC reported on May 26. Tetsuya Shiroo, 60, shot Mayor Iccho Ito twice in the back as he campaigned for re-election in April 2007. Shiroo, a member of the country's largest crime syndicate, blamed the city government for his financial problems, the court heard. The murder

shocked Japan, where gun crime is extremely rare and the possession of hand guns is banned. At the court in Nagasaki, Judge Yoshimichi Matsuo called the shooting "outrageous and heinous". "This was a crime that shook the democratic system from its root and was equivalent to denying the electoral process," he said. Prosecutors said Shiroo blamed the mayor for the local government's refusal to grant him a loan and compensate him for a traffic accident. He shot him outside Nagasaki station in April 2007 in a bid to prevent his re-election, they said. During the trial, Shiroo expressed remorse for the shooting and apologised to Mr Ito's family. Mr Ito had served three terms as Nagasaki mayor and was a well-known pacifist.

CHINA CLARIFIES DEFENCE LAWYERS' ROLE IN CAPITAL CASES

China's Supreme Court and Ministry of Justice jointly issued regulations on the protection of defence lawyers' roles in capital cases to ensure that defendants' legal rights were upheld, Chinaview.cn reported on May 22. "This is another important regulatory document since the Supreme People's Court took back the power of death penalty reviews," an official with the Supreme Court said. The regulations build upon existing documents on defence lawyers' work in capital cases. They also standardize the lawyers' duties, the official said. Some provisions of the regulations include:

- Legal aid institutions must designate lawyers with criminal defence experience in capital cases.
 - Lawyers shall not transfer such cases to assistants and must meet the defendant before trial.
 - Judges must "earnestly listen" to lawyers' suggestions, ensure that lawyers are able to complete their presentations, and explain why defence lawyers' motions are honoured or denied.
 - Court must inform "interested parties," lawyers and prosecutors of any date change for court hearings three days ahead of time.
 - Court must notify lawyers if prosecutors submit new evidence or re-evaluate the case before the second court session.
- The regulations also improve the death penalty review procedures. For example, they stipulate that if a defence lawyer submits any motions or evidential documents during such a review, the relevant court must formally receive and record them.

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