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## DEATH PENALTY: Families of Philippine Victims to Fight Abolition

by B.C. Lee

**MANILA** - In a highly controversial and surprise move this April, President Gloria Macapagal Arroyo commuted the death sentences of all the country's convicts to life imprisonment.

Almost immediately some families of victims of violent crimes said they would fight the move. While some said they would resort to vigilante justice if necessary, others said they would lobby in congress against four bills endorsed by Arroyo that would make the Philippines the 123rd country in the world to abolish the death penalty in law or practice.

Arroyo has asked congress to decide this year whether to repeal Republic Act 7659, which reinstated the death penalty after the 1987 constitution specifically banned it.

The move has quickly divided the country, with its deep Catholic roots. Groups like the Catholic Bishops Conference of the Philippines support Arroyo. Families of crime victims vocally oppose it.

The constitution did allow for reinstatement under certain circumstances, but the chief justice of the Supreme Court has said in several written legal minority opinions that he did not believe current laws allowing the death penalty were constitutional. Since Arroyo's Easter pronouncement, he has called for a repeal of the laws.

Still, that does not mean that all Filipinos agree with Arroyo's Easter move.

"As long as the laws exist, we want her to abide by it and not set it aside." Teresita Ang See, the chairwoman of Movement for the Restoration of Peace and Order (MRPO), one of the family victim groups told IPS.

Volunteers Against Crime and Corruption (VACC), MRPO and other anti-crime groups plan to lobby against the death penalty bills because they want retribution.

"The proposed abolition of the death penalty is a highly emotional issue especially for the victims of heinous crimes and their families," lawyer Leonard de Vera told IPS. De Vera has helped VACC in filing cases against alleged murderers and other serious criminals.

VACC member Lauro Vizconde, whose family was massacred in the 1990s, said in a statement that he 'felt victimised all over again' because of Arroyo's commutations.

The organisation intends to exhaust every legitimate avenue available to them to "persuade the President and the members of Congress not to abolish the death penalty," de Vera said.

Some VACC members were thinking of availing the services of vigilante groups to exact justice from the alleged criminals because they felt betrayed, De Vera said. Abolishing the death penalty, their logic goes, favours criminals due to its retroactive effect, he said.

"(We) tried to dissuade them from doing such and encouraged (the VACC members) to seek justice through legal means," De Vera added.

Officials at MRPO, which is composed of kidnap-for-ransom victims and their families, said they were surprised by the president's timing. Typically in the Philippines a wealthy and middle-class family member is held captive until kidnappers receive a ransom.

"Our position is, if ever there is any commutation of death sentence by the President, it should be on a case-by-cases basis and not mass commutation," MRPO spokesman Emil Armas told IPS.

The commutation of sentences comes at a time when the number of kidnapping cases appears to have skyrocketed. A report by the Pacific Strategies and Assessments, a risk consultancy group, stated that the number of kidnapping cases in 2005 was actually three times more than what was officially reported by the government.

"We're alarmed because our members are increasing and it's not a good sign," said Armas, whose own son was kidnapped about a year ago and whose case is still unresolved.

Not all agree with VACC and MRPO.

Various groups lauded Arroyo's announcement, including the Catholic bishops Conference of the Philippines, the European Union and Amnesty International.

The current death penalty law passed Congress in 1994 after a spate of violent crimes such as killings and kidnap-for-ransom cases, rose to alarming proportions.

In 1987 under the new Constitution, former President Corazon Aquino commuted all death sentences and reduced them to life sentences.

Seven years later, however, the clamour for the restoration of the death penalty became stronger and congress reversed itself.

On December 13, 1993, under then President Fidel V. Ramos, Republic Act 7659 restored the death penalty.

The move to again abolish capital punishment came suddenly this Easter, but appears to have caught momentum. To date, there are four bills calling for the abolition of the death penalty in both the Senate and Congress.

It is expected that all these bills will eventually be consolidated into one single resolution.

According to Amnesty International figures, more than half of the countries in the world have abolished death penalty in law or practice. Only 91 still use capital punishment.

As in China, Guatemala, Thailand and the U.S., the Philippines uses lethal injection as a method of execution.

Anti-death penalty proponents point up that the death penalty victimises the poor and marginalised sectors of society. Moreover, they said, studies have not proved that death sentences reduce crime.

In a survey conducted by the Catholic Bishops conference in 1998, the majority of 425 convicts in the Philippines were farmers and labourers. Many of them only reached high school levels while the rest didn't even finish elementary school.

As of April 25, 2006, there were 1,118 death row inmates in the National Bilibid Prison. Of those, some 81 have run out of appeals and were scheduled to be executed.

If the death penalty is abolished, the sentences of all death row inmates could be reduced to 30 years imprisonment or less. They could also be granted parole depending on their conduct. (END/2006)

## DEATH PENALTY: Does Sudan Execute Minors?

by Noel E. King

**KHARTOUM** - Most people have never heard of Nagmeldin Abdallah. It is impossible to reach him in the eastern Sudanese prison where he waits for word on an appeal that may save his life. But Abdallah has achieved minor notoriety in activist circles.

Sudan's complex death penalty statutes may never have gained international attention were it not for Abdallah, who claims he was 15 when he was sentenced to death for killing a vegetable seller in 2003.

The problem boils down to how seriously the world should take judicial sentences that Sudanese officials say are not carried out. Sudan courts may sentence juveniles to death, but officials here say they never have carried out such a penalty. They prefer instead to release a minor to his parents on appeal.

This routine, though, leaves human rights groups concerned. First, merely sentencing a minor to death violates international treaties to which Sudan is a signatory. Second, they say, sentencing a minor to death may someday lead to actually killing one.

That is where Abdallah comes in.

Amnesty International decries Abdallah's conviction and mentions him often as part of a campaign aimed at ending the death penalty in Sudan.

But Sudanese officials said Abdallah was an adult when he committed his crime; he signed a confession stating that he was 20 at the time of the murder. Moreover, they said Sudan's peculiar jumble of ex-British colonial laws and Shari'a code make it hard for anyone in this land to actually be put to death.

Sudan's constitution under Article 36-2 appears to allow minors to be executed for hudud crimes, which include murder, adultery and apostasy, leaving Islam for another religion or for a secular lifestyle. Sudan officials, though, insist that the truth is lost in translation.

The English translation states: "The death penalty shall not be imposed on a person under the age of eighteen or a person who has attained the age of seventy except in cases of retribution or hudud."

"It is confusing," Fathi Khalil, president of the Sudan Bar Association, told IPS. "But it is clear to us in the Arabic translation that minors cannot be executed."

Leading rights groups including Amnesty denounce the constitution for allowing the execution of minors and list the names of four youth who they say have been sentenced to die by the state.

Amnesty charged in a 2005 report that minors are "convicted to death" in Sudan contrary to some four international human rights treaties that prohibit juveniles from being sentenced to death or executed.

An IPS investigation was unable to find evidence that the ultimate penalty has been used on any juvenile in Sudan, including the four named by Amnesty.

That is because Sudanese officials said that minors may be "sentenced" to death in Sudan, but are not actually killed. Upon appeal, if it is proved they are minors, they are released into the care of their parents or given reduced sentences.

Khalil said he believed Sudan is the victim of a smear campaign aimed at Islamic nations. The West views Islam as more cruel and unjust than other religions, he said.

"Amnesty International does not like Sudan," he said. "They write about Sudan without coming here."

Amnesty representative Theo Murphy told IPS via email that the organisation could not provide the names of any minors

who had been executed, only the names of the four youths who had been sentenced to death.

Other rights groups have charged similar abuses, but they, too, are unable to prove that minors are executed.

Amir Mohamed Suleiman, a lawyer with the Khartoum Centre for Human Rights and Environmental Development, said his organisation has documented the execution of minors.

When asked to produce documents to back up those claims, however, Suleiman said his colleague who handles the matter is in Britain. He shuffled through a mound of files on his desk and concluded it would take weeks to find her records of executions of minors.

He did recall the case of a 15-year-old southern Sudanese girl in Darfur who was sentenced to death for adultery. Upon appeal, Suleiman said, her sentence was reduced to 75 lashes.

Attorney Shakir Hassan, a former Ministry of Justice employee, said this type of appeal is common. "Any doubt [about age] is interpreted in the favour of the minor. If there is suspicion, the sentence is reduced," Hassan told IPS.

Hassan and Khalil both admitted that mistakes can be made and minors may be hung. "Every country everywhere makes mistakes," Khalil said. "What happens in England or in America?"

Amnesty officials counter that because all systems are fallible, the death penalty should be abolished worldwide, including the U.S. England abolished capital punishment in 1965.

Sudanese officials' claims that others are exaggerating the problem appear to have some basis.

Suleiman and a colleague, Ali Agab, insisted that the execution of minors is commonplace in Sudan. Weeks later, after repeated requests by IPS for the names of minors executed, Agab asked IPS to retract his prior statements.

Suleiman later sent IPS an email with the name of a youth, Abel Aziz Omer Hamed, whom he said had been executed in December 2005. He offered no further details on the youth and was unavailable for comment following the email message.

Tellingly, not all rights groups condemn Sudan. Some offer different interpretations of the death penalty quagmire, and even Shari'a law in Sudan.

Ghazi Suleiman, widely recognised as the godfather of human rights in Sudan, has spent much of his career and in and out of prison for decrying rights abuses. Still, he defended Sudan's legal code, claiming that Sudan is governed not by Shari'a code, but British Common Law, the remnants of colonisation which ended in 1956.

In fact, Sudan's penal code has 185 sections but only four, dealing with penalties for murder, adultery and theft, are Islamised.

"In my lifetime as a professional lawyer, I have not seen a case where a youth is executed," said Ghazi Suleiman. "We don't have Shari'a law."

Ghazi Suleiman currently is defending a group of southern Sudanese men on trial for their lives after allegedly instigating a May 2005 riot that left 14 police officers and up to 20 civilians dead.

The defendants included three boys under the age of 18, who Ghazi Suleiman said were released into the care of their parents immediately after they were proven to be minors.

That is why Nagmeldin Abdallah appears to have become the face of injustice in Sudan -- because he slipped through the cracks.

Despite the right to counsel under Sudanese law, Abdallah initially stood trial in May 2003 without a lawyer. Following the murder, Abdallah told authorities he had lost his birth certificate and he was examined by a doctor who determined Abdallah was an adult.

In a signed statement to police Abdallah swore he was 20 years old and confessed to stabbing the 35-year-old victim. He was convicted and sentenced to death in 2003.

Abdallah's father launched an unsuccessful appeal, while his son sat on death row. In November 2003 Abdallah met Rifaat Makkawi, a lawyer working with the People's Legal Aid Centre.

Abdallah told Makkawi that he was only 15 years old at the time of the crime, that he had not been represented and that his confession had been extracted after he was tortured.

Abdallah admitted he had a motive for the murder. He claimed that the man he killed had sexually abused him, a fact he did not mention at the trial because his father was present.

"According to this culture, he is not a criminal. If someone sexually abuses you, I would have done the same thing," Makkawi said.

Mekkawi has since set out to prove that Nagmeldin was a minor to save his client from death.

"When it came to the appeal court they started trying to use the age [defense], said Abdul Moneim Taha, head of the Sudan Advisory Council for Human Rights. "A birth certificate was submitted to the appeal court only after the initial trial."

Here the accusations and counter-accusations began.

Moneim charged the certificate is a fake; that it was issued only after Abdallah's father swore in an affidavit that his son was born on 7 November 1987.

Mekkawi said the certificate is a copy from state files and that prosecutors have refused to even look in state records for Abdallah's original birth notice.

Moneim said a panel of three doctors determined that Abdallah was an adult.

Mekkawi said his client was examined by a single doctor who merely looked at his body to determine he was an adult.

Abdallah's case is currently under review by the nation's Constitutional Court. His fate now hangs in the balance. (END/2006)

## DEATH PENALTY: U.S. High Court to Rule on Rights for Foreign Nationals

by Rebecca Romani

**LOS ANGELES** - Moises Sanchez-Llamas said he was drunk when, in 1999, he aimed a gun and almost hit an Oregon policeman.

Though he was told in Spanish and English of his rights to remain silent and have a lawyer, the Mexican never was notified that, as a foreigner, he also had a right to contact his consulate.

Sanchez-Llamas eventually was found guilty of attempted murder, but the U.S. Supreme Court will decide this term whether that conviction should be reversed.

Though the Mexican is not on death row, his fate, along with that of Honduran Mario Bustillo, whose case has been merged with Sanchez-Llamas, has significant implications for the estimated 120 foreign nationals from 31 different countries who are awaiting execution in the United States. Bustillo was found guilty in 1998 of murdering a Virginia man with a baseball bat.

Many of these prisoners may have had less than adequate representation, said a Death Penalty Information Centre official, because their rights to contact their consulate were violated under a 1969 treaty.

"What the treaty says is pretty clear, but it doesn't get done that way here (in the U.S.)," Richard Dieter, Executive Director of the centre, told IPS.

Article 36 of the Vienna Convention requires that police contact foreign governments when their citizens are arrested in another country. The U.S. added that provision to the convention when it was written and U.S. is the most frequent user of it for its roughly 6,000 citizens who are arrested abroad each year.

U.S. government officials interpret the treaty as an agreement between governments. They do not believe the treaty gives individual citizens rights that are enforceable in courts. When the U.S. has been found guilty of violating article 36 in the past, the State Department simply has apologised to the appropriate government.

Until now. Sanchez-Llamas and Bustillo say they never were told they had a right to contact their consulate and that their cases should be re-tried.

The Supreme Court will decide whether the Vienna Conventions give individual citizens rights that are enforceable in U.S. courts. It also will rule whether statements made to police should be suppressed if a defendant has not been informed of his consular rights. Finally, the nation's highest court will determine whether states may refuse to consider violations of consular notification provisions.

Their ruling, expected in June, will have far-reaching implications not only for many of the foreigners sitting on death row in the U.S., but also for its citizens arrested abroad.

"The U.S. has been really, really bad about following (the conventions). I would expect that right when I'm overseas, so it's only fair." said Susan Drake, a senior deputy public defender for the state of Oregon in an interview with IPS. "This (case) should create more awareness of the need to comply."

Currently, lawyers, consulate workers and human rights campaigners say the treaty is roundly ignored in the U.S. in part because most law enforcement officials in America do not know about it. Those who are informed of the treaty often ignore it, they add.

"It is undeniable this is a fundamental right," Mark Warren, a specialist in consular rights and director of the Canadian-based Human Rights Research. "This seems to be eluding the American courts where [...] it is a right without a remedy, they violate it with impunity."

An apology from one nation to another is not enough when it comes to particularly contentious cases, such as when a foreigner is sentenced to death, he said.

"It is a constant exercise to get them to follow the conventions," said the San Diego-based Mexican Consul, Luis Cabrera in an interview with IPS.

Mexico, which abolished the death penalty last year, has been the most aggressive nation in defending its citizens who have been arrested in the U.S.

In 2000, Mexico established the Mexican Capital Legal Assistance Program to monitor capital cases and to provide

translation and other assistance to the defence attorneys of Mexican nationals facing a possible death sentence. In addition, many consulates have set up a 24-hour phone number law enforcement officials can call when a Mexican citizen is arrested.

"It's not for us to decide if (the citizen) is guilty or innocent," Cabrera said. "We want justice applied and ... consular notification is important to that process."

Consular notification is crucial, said attorney Sandra Babcock, who heads the Mexican legal program because defence lawyers typically are underfunded and inexperienced.

"Even those who have experience are unfamiliar with the cultural impediments that arise in defending a Mexican national, as well as the particular legal issues that need to be raised," Babcock told IPS.

Violations of the convention are endemic, Babcock added, because police are not trained about them nor do they understand the need. "I hear reports of violations in death penalty cases virtually every week."

The European Union and a number of southern American countries have filed Friends of the Court briefs in death penalty cases of foreign nationals, urging the U.S. to respect the convention and pointing up that few countries still actively apply the death penalty.

"The EU considers the implementation of the right of consular access to be of utmost importance to members of the international community. ... When notification is omitted and a criminal conviction ensues, courts must provide a remedy," read a brief filed with the Supreme Court in support of Sanchez-Llamas.

Recently, at the urging of the EU, the U.S. has sought to comply by posting instructions to local law enforcement officials on the State Department website. It also has sent materials, including suggested statements in different languages, similar to the Miranda warning police must read to detainees.

Yet an informal survey by IPS of various states from California to New York showed that compliance with the conventions varied from state to state and police department to police department.

"They say, 'what the hell are you talking about?'" when asked about the Conventions, said La Jolla-based immigration lawyer Pieter Speyer to IPS. "Most (police) don't realise what it is."

In Chicago, where the police are forbidden to ask a detainee's immigration status, consular notification signs are posted in English, Spanish, Chinese and Polish in various processing centres.

Interviews with law enforcement in Texas and California, both

states with large foreign-born populations, indicated confusion exists. State officials say provisions for compliance are in place; public defenders counter that those rules often are not used in a timely manner.

A few states such as California and Oregon have enshrined the conventions in their legal codes and provided required training for every police officer. But, as Nathan Barakin, spokesman for California's Attorney General said, "the individual police departments are allowed to figure out" how to comply.

A study group on the Vienna Conventions is in the works in Oregon. Nonetheless, most law enforcement officials across the states are waiting for the Supreme Court's ruling on how they should apply the conventions.

Until then, said Warren, the Canadian human rights worker, the U.S. appears to the world to be engaging in a double standard.

"When you are abroad, you are a stranger in a strange land, the consulate provides a cultural bridge. By continuing to violate the convention at home, the U.S. reduces (its citizens abroad) to second class status." (END/2006)

## DEATH PENALTY: Five Years after Bosch, Nothing Changed in Botswana

by **Bester Gabotlale**

**GABORONE** - Botswana was in the international spotlight in 2001 after it hurriedly sentenced and secretly hanged Marriette Sonjaleen Bosch, a white South African woman convicted of murder.

Five years on, human rights activists say very little has changed. Fast convictions, hasty executions and inhumane treatment of the prisoner's family -- all hallmarks of Bosch's case -- continue. In fact, the government is unapologetic about it.

"There isn't any change, none at all," presidential spokesman Jeff Ramsay told IPS.

He said the status quo would remain for a long time to come. His bullishness about the government's position is no surprise. President Festus Mogae is a confessed "retributionist."

The landlocked southern African country has hanged 39 people since gaining independence in 1966. It is one of 35 African nations which still retains and uses the death penalty.

The latest execution was carried out on Modisane Ping, who was hanged Apr. 1. Ping, who was found guilty of killing his girlfriend and her six-year-old son, was the only death row inmate left.

Bosch's case was no different, except that it helped to highlight racism, Ramsay said. Bosch only attracted international attention because of her colour, he maintained.

Since she was hanged, Botswana has executed five citizens, including a black South African, Lehlohonolo Kobedi, convicted of murdering a police sergeant. None has received the attention that Bosch's execution did.

Bosch was convicted of premeditated murder of her friend Maria Woolmarans, whose husband, Tinnie, she later married. She was executed on Mar. 31, 2001.

Reacting to questions about Bosch just three days after she had been hanged, President Mogae told a press conference, "Remember, for us it was a murder case, full stop... Maybe you will convince us (differently) some day later."

Yet so far, the "some day later" that Mogae talked about is nowhere on the horizon. The government of Botswana has not been swayed on the death penalty. And campaigners for the abolition of it have no clue whether anyone out there is listening.

"The State has blatantly disregarded appeals for a moratorium or abolition of the death penalty in Botswana," Alice Mogwe, director of Ditshwanelo, the Botswana Centre for Human Rights, told IPS.

Mogwe regretted that the government used Bosch's colour to deflect attention from the issue of the death penalty. However, she said, Bosch's subsequent hasty execution, only two months after she lost her appeal, helped to put the issue into the public sphere.

Ditshwanelo is advocating for the abolition of the death penalty in accordance with internationally-agreed human rights standards prohibiting all forms of cruel, inhuman and degrading treatment and punishment.

Bosch's movie-style ordeal started at 6 a.m. Friday, Mar. 30, 2001, when she was served her execution letter.

When her husband Tinnie Woolmarans called authorities at the maximum security prison in Gaborone to fix a date to visit her later that day, he was not informed of the pending execution. Instead, he was told there was an ongoing inspection at the prison and that he should come on Monday instead.

He never could have thought the worst: His wife's fate had been decided; she would be hanged the next morning.

Though prison officials would not let her husband and family visit her, they did allow Bosch time to spend her last hours writing letters which would be delivered after her death. They were her last words.

"They did not want me to see you," she wrote in one of the letters pledging her undying love for her husband and pleading with him to take care of the family.

The Commissioner of Prisons and Rehabilitation, in a memo announcing the execution on Mar. 31, made a hand-written note: "The announcement should be made on Monday morning, the 2nd of April 2001 at any time from 6 a.m."

The family learnt of her execution the same way as everybody else -- on the lunch news bulletin two days after she had been hanged.

Bosch's case is no different from many others who were hanged before or after her execution. Her plea to President Mogae to exercise his "prerogative of mercy" to save her life was never answered. Neither was Ping's, who was executed last month.

Human rights campaigners, including Ditshwanelo, continue to complain about secretive and hasty executions, refusals to grant condemned prisoners a stay of execution and the poor treatment of their families.

"The government has never exercised the mercy rule nor communicated that the plea has been refused until after the execution," said Kgafela Kgafela, a human rights lawyer.

Ditshwanelo director Mogwe said it is abhorrent that the state continues to execute people in deep secrecy. Such an act punishes families who were not responsible for the crime, she added.

"We believe that a lack of transparency of procedures is a serious threat to democracy and good governance," she said.

Commenting on the latest hanging, Mogwe added, "The prison authorities behave in an unnecessarily cruel manner towards family members when carrying out death sentences."

Family members asking permission to see their loved one, are told of "an inspection" only to learn the following Monday that the person had been executed, she said.

This is what happened in the execution of Bosch, Kobedi and, most recently, Ping.

"A lot of people didn't know that the family cannot even attend the burial of a condemned prisoner," Mogwe told IPS. Nor are they allowed to visit their graves.

Mogwe also argued that despite the many executions, the death penalty has not reduced the murder rate in Botswana. "Serious attention should be paid to the underlying causes of crime and solutions found," she said.

Police records show that 1,500 people have been murdered here in the last five years. By the end of April, 47 homicides had been reported in 2006.

Seema Kandelia and Nicola Browne from the Centre for Capital Punishment Studies said at a Southern African regional death penalty workshop in Gaborone last November that they advocate for public education on the death penalty.

In a paper presented at the workshop, they argued that governments often cite public support as justification for retaining the death penalty. Such support can dwindle with proper education, they said.

"In all our work, we stress the importance of introducing effective, proportional and humane sentences, otherwise there is a danger of countries turning to the next draconian punishment: whole of life," they told the workshop.

They acknowledged, however, that the issue of victim support could be a major omission from the rhetoric of abolitionists. It is an issue exploited by politicians.

"There is also the need for victim support but it also forgets the elements of natural justice, namely consistency and proportionality," they said.

Ramsay, the presidential spokesman, said there is overwhelmingly support for the death penalty in Botswana.

But Bosch may live to haunt the very government that ended her life. She never pleaded guilty and there is still a body of opinion that the killer of her friend is still at large.

Her lawyer, Fashole Luke, speaking at a debate on the death penalty said: "When a mistake is made, it can't be corrected." (END/2006)

## RIGHTS-PAKISTAN: Tribal Approval for Honour Killings Decried

by Ashfaq Yusufzai

**PESHAWAR** - In a remote valley that rises high in the Hindu Kush mountains, a jirga (grand council of village elders) has decided that anybody reporting so-called 'honour' killings or filing a police complaint must also be put to death.

The jirga, held in Nehag Dara in the Upper Dir district three weeks ago, not only endorsed the centuries-old custom of putting to death a woman that the family considers dishonourable, but declared that those responsible were not liable for punishment.

Political parties and non-government organisations (NGOs) have slammed the controversial decree. At a meeting on Apr 30, organised by Aurat Foundation, an NGO working with women, they approved a resolution demanding that the

federal, provincial and district governments take strict action against jirga members.

"We strongly condemn the jirga's decision and ask the chief justice of Pakistan to take suo motu action against the members of the so-called jirga," the joint resolution stated. A second jirga in Nehag Dara on Apr. 28 had again declared honour killings permissible.

Crimes of honour are a pre-Islamic practice deeply rooted in the tribal societies of the North West Frontier Province (NWFP) where Upper Dir is located, Balochistan province, as well as those of Sindh and Punjab where they are called "karo kari" (literally black man and black woman).

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

Last year, relatives in Dir killed Zubaida Bibi, a councillor, and her daughter because she allegedly brought a bad name upon the family. The police arrested the main accused in the first information report (FIR), but he was soon released.

"The menace is so deep-rooted in society that campaigns, such as holding seminars and workshops, have made no difference at all," lamented Yasmin Begum of Shirkat Gah,

The federal government has asked the NWFP government to order an inquiry into the jirga verdict.

According to the independent Human Rights Commission of Pakistan (HRCP), 1,339 cases of honour killings were registered between 1998 and 2002. Of these, 659 killed were married women and the remaining were single. These were only the reported cases; most go unreported.

The perpetrators included brothers, husbands, fathers, sons, in-laws, the HRCP said. Of these, only 202 were arrested. The rest went scot-free.

Murders in the name of honour fall under the purview of the customary 'qisas and diyat' law. Riddled with flaws, it makes prosecution extremely difficult.

Activists have been urging the government to reform the law but a bill seeking to bolster secular law against honour killings, presented in parliament last year, was defeated as un-Islamic.

"Drastic changes are needed," Rakshanda Naz, resident director of Aurat Foundation told IPS. "The social mind-set, specially the attitude of the courts, needs to change. Often the courts adopt a lenient view towards an accused on the grounds of "grave and sudden provocation" which is nowhere in the law," she added.

Sections of the qisas and diyat law work to the advantage of the accused in the trial and appellate stages.

Under section 309 of the law, an adult wali (legal heir) of a deceased could use his right of qisas (to forgive the accused). Similarly, under section 310, the offence of murder is made a compoundable offence and any heir of a deceased could forgive an accused by compounding his right of qisas after receiving compensation.

Since in most honour-related murders, either a husband or parents are the heirs of the slain woman and as the murder takes place in connivance with almost all the family members, they prefer to waive their right of qisas and pardon the accused.

Each time, the judicial response has appeared to violate the basic principles of justice, activists observed.

Uzma Mehboob, a women's rights activist, said no FIR was registered in a recent case in a remote hamlet in NWFP's Mardan district where a powerful landowner sprayed his daughter and driver, who had eloped together, with bullets.

A month ago, the Peshawar High Court set aside the death penalty awarded to Gul Zaman for the murder of his wife and three daughters for venturing out of their house without his permission. A local judge had convicted Zaman on Jan 31, 2005. But the high court set him free after his three sons and a daughter, who were also the legal heirs of the deceased, forgave their father.

The same court commuted the death sentence of Wakeel Saeed to seven-years imprisonment for the murder of his daughter, and a cleric in the local mosque in 2002. His counsel argued that under section 306 of the qisas and diyat law, an offender could not be sentenced to death for killing his child.

Naeema Kishwar, member of the NWFP Assembly from the Jamiat Ulemai Islam (a religious party), is blunt in her criticism. "It's un-Islamic to kill a woman or man in the name of honour. We will fight the dirty tradition," she told IPS.

Zahira Khattak, vice president of the Awami National Party, has warned her partymen that they would be expelled if found to be involved in honour crimes. But the ultimate responsibility lies with the government, she warned. "The government has so far utterly failed to apply brakes on it (the custom)," she observed. (END/2006)

## DEATH PENALTY: British Surgeons, Rights Groups Warn Chinese to Halt Organ Harvesting

by Stefania Bianchi

**LONDON** - Top British transplant surgeons and human rights campaigners said new measures to curb the harvesting of organs of executed prisoners to sell for transplants in China may do little to halt the practice.

The Chinese government will introduce new regulations from July 1 banning the sale of human organs and requiring written permission from transplant donors. It announced the measures in March following numerous reports by human rights groups that prisoners' organs were being removed without their consent or that of their families.

However, groups that include the London-based Amnesty International and British Transplantation Society (BTS) fear that little will change under the new measures. As long as the death penalty remains in the country, the practice of organ harvesting may also continue, they charged.

"We cautiously welcome this move, but our position on the use of organs from executed prisoners remains the same. Given the coercive nature of the death penalty there will be few, if any, circumstances under which a prisoner facing imminent execution will be able voluntarily to give free and informed consent to having their organs extracted," Saria Rees-Roberts, spokesperson for Amnesty International, told IPS.

Britain's leading transplantation society added its voice to the growing concern over the practice of organ harvesting in April when it claimed in a statement on its website that an "accumulating body of evidence" convinced them that organs of executed prisoners were being removed for transplantation without consent.

"The British Transplantation Society condemns unreservedly any activity that transgresses an individual's human rights or involves the coercion of an individual to become an organ donor. A reported close relationship between transplant units and the authorities regulating executions and the availability of organs is unethical," Professor Stephen Wigmore, chairman of the BTS ethics committee, told IPS.

Such evidence includes information from the Beijing-based Bek-Transplant.com website which openly admits under its "Frequently Asked Questions" section that the organs they use come from "people that are executed in China."

More than 3,000 executions were documented in China last year by Amnesty International, although the true figure is known to be much higher. In March 2004, a senior member of the National People's Congress announced that China executes around 10,000 people per year.

The Bek.Transplant website openly advertises for business from foreigners. The cost of a kidney transplant for non-Chinese nationals is put at 70,000 dollars, and a liver transplant at 120,000 dollars for both the organ and the operation. Payments are made to the medical centres.

Although the exact number of organs taken from prisoners is unknown, the organisation reckoned the figure could be

in the thousands. The organs are being sold both to Chinese residents and foreign nationals, the BTS official said.

"We know that Japanese and Koreans are the main users but individuals from USA, Britain, Israel and Arab countries are all reported to have been to China for transplants," said Wigmore.

Many of the patients who travel to China for an organ often are desperate, Wigmore said, adding, however that purchasing an unethically-obtained organ could backfire. "Any act that risks calling the practice of transplantation into disrepute is to be regretted," Wigmore said.

The society membership decided to speak out on the practice to lower demand, he added.

"We hope that by raising awareness of the practices in China we will discourage people from going there for transplants thus reducing the demand for organs and also the financial incentive to do this activity," said Wigmore. "We hope that other medical societies and governments will support the position that we have taken and apply their own pressures to China to make it stop doing this."

The Falun Gong Human Rights Working Group has been documenting the practice. The group reported on its website that many of its practitioners are being killed for their organs in the Sujiatun Concentration Camp. The cut-open bodies are then cremated, the group charged.

"It is known that human organs from the Sujiatun Concentration Camp are sold to various hospitals. Those hospitals purchase human organs for resale on the international market. In the past, many Falun Gong practitioners were tortured to death, and some of their organs have been harvested," the group wrote in a statement on its website.

The group, which practices the ancient art for mind and body, highlighted a number of examples of people who it claims have been subject to the practice. One of these is the case of Ms. Yang Ruiyu from Fuzhou City in the Fujian Province of China.

"On the morning of July 19, 2001, at around 10 am, Ms. Yang was taken away from her work. Ms. Yang was tortured to death on July 22. Her body was sent under police escort all the way to a crematorium. Yang Ruiyu's husband and daughter were not allowed to approach the body. It was said that there was a hole in Ms. Yang's side as large as a fist," the group wrote.

Since making its appeal to halt organ harvesting last month, Wigmore said limited progress has been made, but insisted the practice is far from over.

"One website originating in China representing transplants in Chinese hospitals being sold overseas has been closed down.

Another which does the same but is based in Japan stopped working for a few days then came back online," said Wigmore.

The BTS hoped that the political pressure it has applied on the Chinese government will ensure that the regulations they are planning from July will be effective, and said the group will continue to monitor reports from China on the issue.

Amnesty International said secrecy remains a problem within China. The Chinese government does not allow Amnesty access to conduct research within the country, for example. Still, it is not immune to international criticism and pressure, the London-based rights group said.

"The fact that the authorities legislated against the sale of organs shows that they are aware that the practice goes on and that it is damaging to their credibility. This is a key way to push for change," said Rees-Roberts.

The group doubted, however, that there will be few instances where a voluntary consent to organ extraction could be given. "Given the cruel, inhuman and degrading nature of the death penalty, Amnesty International considers that there will be few, if any, circumstances under which a prisoner facing imminent execution will be able to 'voluntarily' give 'free and informed consent' to having their organs extracted," she added.

The group has long called on China to ban such practices, first reporting the practice of harvesting organs from executed prisoners in 1993. The death penalty remains applicable to around 68 crimes in China. They include non-violent offences, such as committing tax fraud, embezzling state property and accepting a bribe. (END/2006)

## DEATH PENALTY: Death to Malaysian Water Contaminators?

by Anil Netto

**PENANG** - While there is a global trend toward abolishing the death penalty, the Malaysian government is set to add more entries to its list of capital offences -- like contamination of water and rape.

A new Water Services Industry Bill is one of two water-related bills due for a second reading in parliament this week. The bill seeks to revamp the way water is managed in the country, transferring control of state water authorities and privatised firms to a single federal regulatory body.

But it also provides for capital punishment for serious cases of water contamination that result in loss of life.

Anyone who contaminates the water supply with the

intention of endangering lives or causing death could face the death penalty. The death penalty could also apply to those who contaminate the water supply with any substance that would likely endanger lives.

Opponents of the law believe the proposed rules are draconian and unworkable. Moreover, they do not address the real causes of water pollution.

"Most of the time, the real offenders are likely to be companies and you can't hang the companies," said Charles Hector, a human rights lawyer who was one of the coordinators of the campaign network Malaysians Against Death Penalty and Torture (MADPET). "So who would face the death penalty then -- the chairman of the board? All the directors? The general manager? The administrative officer? It's absurd."

Hector told IPS there was no need to add to the death penalty laws as there are already provisions in the penal code that cover the intention to kill someone. "Besides," he added, "we are against the death penalty as it doesn't address the real issues."

More than half the rivers in Malaysia are polluted by raw or partially treated sewage as well as industrial effluents, agricultural run-offs, waste from animal husbandry and land development, and municipal rubbish.

These can pollute sources of drinking water. After a flood in February, residents around Kuala Lumpur complained of smelly water coming from their taps. A common complaint at other times is of murky water in parts of the country.

The soaring costs of maintaining the rivers prompted the government of the developed state of Selangor to announce in February that it would privatise three key rivers to firms, which would be tasked with ensuring their cleanliness. Critics argue that this is not the solution as the sources of river pollution have to be tackled.

The new water bills are being tabled at a time when the private sector has been eyeing a larger stake in water treatment, supply and distribution.

Top officials at the Energy, Water and Telecommunications Ministry could not be reached for comment about the provision for the death penalty despite several attempts. That leaves Malaysians only speculating why that provision was added.

"I think the death penalty was included because they had terrorists in mind" who might deliberately contaminate water sources, opposition Parliamentarian Teresa Kok told IPS, adding, however, that she was opposed to the death penalty.

Others have a different view. "It seems that the intention of the bill is merely to randomly prosecute harshly some nobodies to give an impression something is being done," was one comment in response to a blog entry on the issue at the popular website, Malaysia Today.

By including the death penalty in the bill before parliament, Malaysia is bucking a global trend against capital punishment. It is one of 74 countries where the death penalty is still allowed, while 123 countries have abolished capital punishment.

In contrast, Malaysia's neighbour, the Philippines, commuted the death sentences of all prisoners last month. President Gloria Macapagal-Arroyo has appealed to the Philippine Congress to abolish the death penalty, while Chief Justice Artemio Panganiban has described the country's death penalty laws as unconstitutional.

In Malaysia, however, the death penalty remains mandatory for drug trafficking (including possession), murder, certain firearms offences and offences against the king.

The majority of the death sentences meted out are for drug trafficking. Out of 52 people sentenced to death from 2004 until July 2005, 36 were convicted for drug offences. Last December, Deputy Internal Security Minister Chia Kwang Chye said that from 1960 through last October, 434 convicts were hanged while 172 cases were pending appeal.

But despite the country's tough stance, the drug menace remains serious. For MADPET, that proves that capital punishment is not the solution. It has never been proven that the death penalty effectively deters crime, the group says.

Parliamentarian Kok, however, is under no illusions that it will be easy to abolish capital punishment. She was a member of a Parliamentary select committee, made up predominantly of ruling coalition members, which traveled the country in 2004 seeking public views on proposed amendments to the penal code and criminal procedure code, which will be brought to Parliament on Thursday.

During the hearings, she said she got the impression that public sentiment was in favour of the death penalty. "The problem is that many among the public still want the death penalty in cases where the victim loses his or her life."

Kok told IPS that among proposed amendments to the codes is the provision for the death penalty for any act of terrorism involving the "release of poisonous substances into the environment". The death penalty would also be handed out to those found guilty of rape resulting in the death of the victim.

Kok pointed out that when the cabinet minister responsible for the law, Nazri Aziz, spoke out against the death penalty in March, he did not receive much support from his ruling coalition colleagues. "For me, a life is a life. No one has the right to take someone else's life, even if that person has taken another life," he had said.

Public opinion may be changing though. Nazri's comments were in response to an unprecedented resolution opposing the death penalty by the Malaysian Bar Council, the governing body for the country's 12,000 lawyers, at its annual general meeting on Mar. 18. The resolution, calling for the death penalty to be abolished and for a moratorium on all executions, was passed by a thumping 105-2 majority, with 21 abstentions.

And, during a recent morning talk show programme aired on state-run television station RTM2, a cell phone text message poll showed that just over 60 percent of those who responded supported the abolition of capital punishment. (END/2006)

## DEATH PENALTY: Legal Uncertainties Cloud Indonesian Case

by **Stefania Bianchi**

**LONDON** - Human rights groups and religious leaders welcome a temporary reprieve given by the Indonesian government to three men who had been slated to die in March.

However groups that include the Asian Human Rights Commission (AHRC) and Religious Group for Human Rights fear that legal ambiguities surrounding the men, charged with murder and inciting riots six years ago, could further jeopardise their lives.

"It is hard to say why the executions were delayed. The Attorney General had first blamed unfinished preparations for the delay and denied that it was connected to widespread protest demanding a stay in the execution and the re-opening of the investigation," Francesco Guzzardi, a research and campaign assistant for Amnesty International told IPS via email from Jakarta.

Fabianus Tibo (60), Dominggus da Silva (42) and Marinus Riwu (48) were due to be executed before the end of March for their alleged role in inter-faith clashes in the Indonesian town of Poso in May 2000, in which more than 1,000 people died and even more were injured. The executions were inexplicably delayed in the last minute by the government.

More than two weeks later, on April 17, the Attorney General's Office said it had halted the executions while a

five-member panel of judges at Indonesia's Supreme Court reviewed the case of the three men. No further explanations were given.

An official at the Hong Kong-based AHRC, which works to promote human rights in the region, said his group "appreciates" the Supreme Court's decision to review the case.

Basil Fernando executive director of AHRC, told IPS via email though, that the decision has caused confusion among legal practitioners and civil society, particularly as the court had rejected an earlier appeal for review, saying simply the sentence was binding.

In an article in the Jakarta Post, a respected newspaper in the region, a spokesman for Supreme Court later said that "national and international concern" had persuaded the court to reconsider the case.

In addition to the most recent puzzling legal pronouncements the groups also have raised concerns regarding incongruities in the trial and say that new evidence which points to involvement of police and army officers should allow further investigation into the case. They have repeatedly called on authorities to abandon the executions.

"Under no circumstances should the three men be executed while the review is proceeding. Any uncertainty regarding the procedure in this case -- there being no previous instances to follow -- must not be allowed to negatively affect the rights" of the men, Fernando said.

AHRC now is urging the Supreme Court to issue clear guidelines to the Indonesian government to stay all proceedings until the review is completed.

"It must clarify whether the five-member panel will review the judgment sentencing the men, or whether it will consider the new evidence that has come to light. The Supreme Court must then issue corresponding instructions to the relevant government agencies and these communications must be made public," said Fernando.

"It would be a gross violation of human rights if people died" because of ambiguities surround the case, Fernando added.

Amnesty International, which has been campaigning for a retrial, also has welcomed the delay of the March execution of the men. Its officials, too, said details surrounding the case are confusing.

During 2000 and 2001 Poso and the surrounding area, in the province of Sulawesi in eastern Indonesia, became

the scene of rioting and violence between Christian and Muslim factions, leaving more than 1,000 people dead. A government-brokered truce was established in December 2001, but sporadic violence has continued since that time.

The three men, who continue to insist they are innocent, claim they know who truly is responsible for the violence, but they say their appeals have gone unheeded. They accuse 16 men, including military, intelligence and government officials, of being the real masterminds of the attacks.

The case has attracted the attention of numerous local, national and international human rights groups and religious leaders, including Pope Benedict XVI who sent a message of support to the three in March by way of the Indonesian Catholic leader, Bishop Joseph Suwatan of Manado.

Bishop Suwatan told the Catholic inmates that the Pope sent his blessing to them.

Amnesty's Guzzardi says civil society has played an important role in the case so far and is urging campaigners to maintain the pressure on the Indonesian government so that the men do not fall victim to the confusion surrounding the case.

"I believe that the massive mobilisation of local and international civil society, as well as of some prominent religious leaders like the former Indonesian President Abdurrahman Wahid and the Pope, did play a part in that," he said.

The AHRC agrees. It is also calling on all legal professionals as well as human rights activists to closely monitor the review and relevant developments. (END/2006)

## WORLD PRESS REVIEW - May 2006

### EUROPEAN UNION PRESSES CHINA ON TORTURE, DEATH PENALTY

The European Union pressed China about its use of torture and the death penalty as EU and Chinese officials wrapped up two days of meetings Friday on human rights issues. Envoys from the EU and China convened the 21st round of their joint human rights dialogue in Austria, which holds the rotating EU presidency. The talks also touched on media and Internet restrictions, the arrests and intimidation of journalists and the shutdown of newspapers, the EU said in a statement May 26.

### CAMPAIGN FOR DEATH PENALTY BAN IN CENTRAL ASIA

International organizations are holding a campaign for abolition of the death penalty in Central Asia, International Helsinki Federation for Human Rights project coordinator Natalia Lazareva said at a roundtable in Almaty, Interfax reported on May 29.

"Some problems have not been resolved, as a moratorium does not mean the abolition of the death penalty," she said. The federation launched the two-year project last December "to give more information to citizens and discuss human rights aspects of the death penalty," Lazareva said.

The project is under way in Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, she said. Kazakhstan, Kyrgyzstan and Tajikistan have a death penalty moratorium. Uzbekistan will abolish the death penalty by a presidential decree on January 1, 2008. Turkmenistan abolished the death penalty in 1999.

### HEALTH MINISTER RATH SUPPORTS DEATH PENALTY

Health Minister David Rath who is the election leader of the senior governing Social Democrats (CSSD) in Prague supports the reintroduction of death penalty in the Czech Republic, the daily Mlada fronta Dnes wrote in its Prague edition on May 31.

Before the June 2-3 elections to the Chamber of Deputies, the daily put ten questions to each of the Prague election leaders of the five parties that have a chance of entering the lower parliamentary house, with one of the questions concerning the

death penalty.

Rath was the only of the five election leaders to answer affirmatively when asked whether the death penalty should be reintroduced in the Czech Republic due to such people as the perpetrator of a recent series of murders without motives in Czech forests that stirred the public opinion.

The Prague election leaders of the senior opposition Civic Democrats (ODS), the Communists (KSCM), the Greens and the Christian Democrats (KDU-CSL) answered negatively.

The death penalty was abolished in the former Czechoslovakia in 1990. Sentences of 15 to 25 years in prison and life imprisonment are considered exceptional punishments.

The Charter of Fundamental Rights and Freedoms that is part of the Czech Constitution bans the reinstatement of the death penalty.

### 'DEATH PENALTY IS INHUMAN' - LAWCLA DIRECTOR MOHAMED KONNEH

The Director Lawyers Centre for Legal Assistance (LAWCLA) Melron Nicol-Wilson has said that Death Penalty is cruel and an inhuman practice, reported the Standard Times from Freetown on May 31.

"The death penalty must be removed from our laws and practice," he said, adding that it is degrading and has no place in modern legal system. Lawyer Nicol-Wilson further pointed out that those presently on trial at the Special Court who are alleged to be responsible for the death of hundreds of people, would not face the death penalty if found guilty.

He also said that individuals tried and found guilty by our national court for murder would face the death penalty as well as those who have not yet been killed but are guilty of treason would also face the death penalty.

LAWCLA and the Centre for Capital Studies Punishment at the university of West Minister in the United Kingdom have already

completed a research entitled "Capital Punishment in Sierra Leone, Time for Change". This book he noted will be launched in two weeks time, adding that the hand book is presently with the printers printing together the final papers on it.

### **SENATE'S 2 PANELS BACK DEATH PENALTY ABOLITION**

Two Senate committees—on justice and human rights, and on constitutional amendments—has recommended the adoption of the bill calling for the abolition of the death penalty., the Manila Standard Today reported.

Senate made the decision after President Gloria Macapagal Arroyo certified as urgent the bill repealing the Death Penalty Law. Since she assumed the presidency in 2001, Mrs. Arroyo has consistently granted reprieve to death convicts.

In a short sponsorship speech, Senator Joker Arroyo, chairman of the committee on justice and human rights, noted that even if the death penalty is in our statute books, it has not been implemented for a long time so it is good as a useless law. This is a good argument in support of the bill, he said.

Besides, Senator Arroyo noted that the members of the European community have been calling for the abolition of the death penalty and had noted that the Philippines, as a Christian community, should follow the Christian tenets.

Senate Bill 2254 is a substitute for Senate Bills 226, 649, and 1143 and counts as its sponsors Senators Richard Gordon, Sergio Osmeña III, Manuel Villar and Minority Leader Aquilino Pimentel Jr.

The proposed measure repeals Republic Act 6759, otherwise known as the Death Penalty Law. It provides that in lieu of the death penalty, the penalty of life imprisonment should be imposed instead.

In endorsing the passage of the bill, Pimentel noted that the Constitution itself prohibits cruel and unusual punishments such as the cutting of the organs of a rapist, or the hands of the murderer, or the legs of the kidnapper.

### **JUDGING WHETHER A KILLER IS SANE ENOUGH TO DIE**

Scott Panetti, a death row inmate in Texas, understands that the state says it intends to execute him for the murder of his wife's parents, the New York Times reported on June 2.

But Mr. Panetti, 48, who represented himself in court despite a long and colorful history of mental illness, says he believes that the state's real reason is a different one. He says the state, in league with Satan, wants to kill him to keep him from preaching the Gospel.

That delusion has been documented by doctors and acknowledged by judges and prosecutors. It poses what experts call the next big question in death penalty law now that the Supreme Court has barred the execution of juvenile offenders and the mentally retarded: what makes someone too mentally ill to be executed?

A three-judge panel of the United States Court of Appeals for the Fifth Circuit, in New Orleans, recently said Mr. Panetti was sane enough to die. The full court will soon decide whether to hear the case.

Mr. Panetti, in prison now almost 14 years for the killings in 1992 in the quaint Hill Country city of Fredericksburg, has long seemed to exemplify madness, addressing himself to the jury in his trial in 1995 as "the born-again April Fool," a schizophrenic healed by God.

### **DEATH PENALTY FOR REPEAT CHILD MOLESTERS**

The original author of Oklahoma legislation to allow the death penalty for repeat child molesters is now only one step away from seeing the proposal signed into law, the Herald Democrat reported.

Senator Jay Paul Gumm, has pressed for passage of the legislation for the entire 2006 session. "This has been a long struggle, with many twists and turns," he said. "Now, working with lawmakers of both parties and in both the Senate and House of Representatives, we are close to victory." Gumm, himself a new father, originally introduced Senate Bill 1747 early this year, and the proposal received national attention. That measure passed the Senate but died in the House of Representatives when a committee chair refused to hear the bill.

Gumm also amended House bills to include the language. In every case, the proposal was rejected by the Republican House leadership. Not giving up, Gumm continued to look for bills into which the death penalty provisions would fit.

As the 2006 session neared its end, Senator Jonathan Nichols, R-Norman, offered a bill he wrote as one to include the death penalty language. Gumm quickly agreed. That measure — Senate Bill 1800 — has now passed the Senate and House overwhelmingly and is on its way to Gov. Brad Henry's desk. "I appreciate Senator Nichols' essential help in passing this important bill," Gumm said. "Senator Nichols was a supporter from the beginning, and we would not be this close to victory without his help."

If signed by the governor, SB 1800 will make Oklahoma one of the first states to enact the death penalty for repeat child molesters. A similar bill is making its way through the South Carolina Legislature, and Louisiana has such a law on the books.

### **TWO IN THREE FAVOR DEATH PENALTY FOR CONVICTED MURDERERS**

Recent Gallup data show Americans continue to support the execution of convicted murderers. When given a choice between the death penalty and life imprisonment, however, Americans divide evenly as to which is the better penalty for murder. While Americans believe innocent people have been executed in the last five years and doubt that the death penalty deters people from committing murder, most believe it is applied fairly and should be used more often, the Gallup Polling Organisation reported on its website.

### **MARINES IN IRAQ 'MASSACRE' MAY FACE THE DEATH PENALTY**

US Marines could face the death penalty after one of their number took horrific photos of a massacre in Iraq on his mobile phone, Britain's Independent has learned, the New Zealand Herald reported on May 29.

The photographs, seized by the US Naval Criminal Investigative Service, show many victims shot at close range in the head and chest. One shows a mother and child bent over as if in prayer. Both have been shot dead.

The pictures were taken in Haditha last November after an incident that US Marines had described as an ambush and a firefight with insurgents. Witness accounts say the Marines entered homes and shot occupants dead.

Images taken by US intelligence after the shooting stopped show that soldiers "suffered a total breakdown in morality and leadership", the LA Times quoted an official yesterday.

Two inquiries have been presented to Congress in the past 10 days, provoking the international scandal.

Democrat John Murtha, a former Marine who has retained close links to the military despite his denunciation of the Iraq occupation, said

Marines "killed innocent civilians in cold blood".

Another probe is now expected to result in charges of murder, dereliction of duty and making false statements against up to a dozen Marines. Military prosecutors may seek the death penalty for those found guilty of murder.

The incident is being described as potentially the worst war crime since the invasion of Iraq.

**Editor's Note :** The copyright for items included in the world press review lies with the respective media mentioned as sources. This review is purported to provide a glimpse of the coverage of death penalty related issues in the global media. This review is in no case intended for commercial purposes. -

## News from International NGOs

### **SOMALIA: CHILD PUBLICLY EXECUTES FATHER'S KILLER ON ORDERS OF SUMMARY COURT**

Amnesty International today (May 9) condemned the public execution of Omar Hussein in Mogadishu on 2 May. He was tied to a stake, hooded and stabbed to death by the 16-year-old son of the man whom he admitted stabbing to death in February, an elderly Qur'anic school teacher. Omar Hussein had been sentenced to death hours earlier by an Islamic (Shari'a) court. Shari'a courts in Somalia do not allow the right to legal representation or appeal.

The execution was in violation of numerous international laws and standards relating to capital punishment. Omar Hussein's right to a fair judicial hearing before a competent and independent judicial authority, including his right to judicial review, his right to life and his right to be free from cruel, inhuman or degrading punishment, have all been violated by the imposition of the death penalty by this court and the swift carrying out of the death sentence in this particularly abhorrent way.

<http://web.amnesty.org/library/print/ENGAFR520012006>

### **UN HUMAN RIGHTS COUNCIL: A NEW BEGINNING FOR HUMAN RIGHTS**

Amnesty International today congratulated the first members of the Human Rights Council on their election, saying that: "Each member has a duty to ensure that the Council will be strong and effective and give the best possible protection to victims of human rights violations all over the world."

New Council members have a heavy responsibility to create the right structures and procedures for a Council that marks a fresh start in the UN's efforts to promote and protect all human rights in all countries, and that sets aside past practices of selectivity, double standards and excessive politicization. All those elected made voluntary pledges and commitments on how they will work with the Council and how they will contribute to better promotion and protection of human rights internationally and nationally. Amnesty International welcomed these pledges and urged all elected members to honour their pledges in full.

<http://web.amnesty.org/library/Index/ENGIOR400172006?open&of=ENG-393>

### **HANDS OFF CAIN. ANNULMENT OF SENTENCE WELCOMED, RULING SHOWS TRUTH IN HOC'S DENOUNCEMENT**

Hands Off Cain welcomed the Iranian Supreme Court's decision to overturn the death sentence handed down to Nazanin and to order a retrial due to the emergence of new factors in the case. In February 2006 Hands Off Cain had promoted an appeal directed at the highest representatives of the International Community and backed by Nobel Laureates and others to save Nazanin, sentenced to death in Iran on January 7 for having killed her attempted rapist in an act of self defence. She was only 17 at the time.

<http://www.handsoffcain.org/news/index.php?iddocumento=8321804>

### **KAZAKHSTAN. 'FROM MORATORIUM TO THE ABOLITION OF THE DEATH PENALTY'**

The seminar entitled "Kazakhstan from the Moratorium on Death Penalty Toward the Adoption of the Second Optional Protocol to the ICCPR" took place in the country's capital Almaty. The event was organized by the Vienna-based International Helsinki Federation and the Pavlodar Committee for Monitoring Penal Reform and Human Rights, part of the European Commission funded project, "A Coordinated Civil Society Campaign to Abolish the Death Penalty in Central Asian States".

The Embassy of the Federal Republic of Germany in Kazakhstan and Freedom House Kazakhstan Human Rights Support Program provided funding and technical assistance. About 30 NGO leaders from Kazakhstan, Uzbekistan, Kyrgyzstan and Tajikistan participated at the event, as well as experts from Italy, Austria, United Kingdom, Norway, and from the Parliamentary Assembly of the Council of Europe.

<http://www.handsoffcain.org/news/index.php?iddocumento=8320737&srcday=0&srcmonth=0&srcyear=0&mover=>

### **FOREIGN NATIONALS ON U.S. DEATH ROWS**

There are currently 120 foreign nationals from 32 countries on death rows across the U.S. These are individuals who have been condemned to death in this country but are not citizens of the U.S. In many cases, these defendants were not informed of their rights under Article 36 of the Vienna Convention on Consular Relations. This treaty was signed and ratified by the U.S., but many defendants from countries that are also parties to the Vienna Convention were not told of their right to contact the consulate of their native country. The consulates were also not promptly informed of the arrest of one of their citizens.

<http://www.deathpenaltyinfo.org/article.php?did=1788&scid=64>



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