



CRIME AND JUSTICE

A Monthly Newsletter for Strengthening Awareness
on the Abolition of Death Penalty



This page includes news coverage which is part of a project funded by the European Union

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

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By Zoltán Dujisin

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RIGHTS-CZECH REPUBLIC: Life on Perpetual Hold for 'Lifers'

By Zoltán Dujisin

PRAGUE, Sep 26 (IPS) - Eighteen years after the death penalty was abolished in the Czech lands, little has been done to prepare anyone convicted of the gravest crimes for their eventual return to society.

Reintegration programmes for the Czech Republic's 35 inmates serving a fixed-term life imprisonment, including two women, were "scarce and unattractive", Ladislav Zamboj, of the Prague-based Counselling Centre for Citizenship, Civil and Human Rights, told IPS.

"As a result, few show any interest in them."

Prisoners, who had no work in prison, could easily be allowed to enrol in open-learning projects, at least giving them an elementary school education.

"But the biggest problem is financing this. Most prison staff have no sympathy with the idea of paying for educational programmes. They consider it a waste of resources.

"One prisoner is being funded by a Christian organisation and another by his family, but that is all."

"Alternative justice tools, such as conditional release or parole, are not being used adequately," said Frantisek Vales, executive director of the Czech Helsinki Committee, adding that this was due to "administrative incompetence".

Czech law allows prisoners sentenced to life imprisonment to apply for conditional release after 30 years in prison.

But most prisoners were likely to die a natural death behind bars before ever qualifying. "Three of them have committed suicide," Zamboj said.

Rights activists expressed concern at the psychological strain on their isolated lives in high-security prisons.

"Many do not have families or contact with the outside world," said Zamboj, who has counselled and corresponded with many "lififers".

Opportunities for maintaining contact with relatives were rare, and inmates needed convincing reasons to apply for them.

"They spend 90 percent of their time locked in their cells. They are entitled to go for a daily walk and an hour of activities, but overall they are not allowed out of their cells more than three hours a day. You could hardly say they have a social life."

Up until last year, regardless of their past behaviour, they were handcuffed for such trivial activities as taking a shower or a walk.

"They live in dark, humid underground cells with barely any natural light," Vales said. They were treated "repressively", not as individuals but as a group.

Activists say communication with the outside world is censored, preventing the media from having an accurate picture of prison conditions.

Letters to the press or local organisations were monitored and prison staff were likely to retaliate if inmates denounced their conditions.

There was a complaints procedure, but it was ineffective and self-protecting of the prison authorities, said Zamboj.

"There should be an independent body to address prisoner complaints."

In 2000, the repression was stepped up when a notorious double-murderer, Jiri Kajinek, escaped from one of the country's highest security prisons and was 40 days on the run before being recaptured, activists say.

High and low-ranking prison officers lost their jobs.

"Such situations can happen, but the staff should not be punished because it is the prisoners who have to bear the brunt of the repressive measures that follow," Zamboj said.

Night controls were introduced. Prisoners were moved around the prison system without notice.

"This goes against human dignity because everyone is entitled to a stable place of living," Vales said.

"One of the prisoners I work with was ordered one morning to move immediately after living 13 years in the same cell," said Zamboj.

Civil society organisations have complained recently of the prison system becoming even more repressive and closed to public scrutiny.

"Now, it takes at least a year for prison statistics to be published. Before, they were available every month. We presume the situation in Czech prisons is either unchanged or has slightly worsened," Vales said.

Some of this is traced to the 2006 election win of the right-wing Civil Democrats (ODS) and the appointment of a new director of the prison service, Ludek Kula. Under his leadership, social integration and education programmes have been further downgraded in importance. (END/2008)

RIGHTS-US: Court Holds Back Davis's Executioners

By Jonathan Springston

ATLANTA, Georgia, Sep 24 (IPS) - The U.S. Supreme Court issued a temporary stay of execution for Georgia death row inmate Troy Anthony Davis, less than two hours before he was scheduled to die by lethal injection Tuesday night.

Justices will meet on Sep. 29 to decide whether to hear an appeal of a Georgia Supreme Court decision denying Davis's petition for a new trial or court hearing to hear fresh evidence.

Family and friends were visiting Davis on death row in Jackson to express their final farewells when news of the temporary reprieve was announced.

Rallies, symbolic protests and vigils were also being held across the state as the minutes ticked towards the scheduled hour of execution. These were organised by rights groups and anti-death penalty organisations, including Amnesty International (AIUSA), Georgians for Alternatives to the Death Penalty (GFADP), the American Civil Liberties Union (ACLU) and the National Association for the Advancement of Coloured People (NAACP).

Later, several dozen campaigners gathered at the state capitol in Atlanta to express joy and relief at the court's decision.

"We are deeply grateful for this stay of execution for Troy Davis and we very much appreciate that the merits of his case for innocence are being taken seriously by the U.S. Supreme Court," Sara Totonchi, chair of GFADP, said.

Davis, 39, has been on death row since 1991 for the murder of Georgia police officer Mark Allen MacPhail in 1989. Prosecutors used eyewitness testimony to obtain a conviction but produced no physical evidence or murder weapon connecting Davis to the crime.

Since the conviction, seven of nine witnesses have either changed or recanted their original testimony in sworn affidavits. Those who have changed their testimony say police coerced them into implicating Davis.

While the Georgia Supreme Court ruled in March that these recantations were insufficient to warrant a new trial, Davis's attorneys and supporters argue that the new evidence left too much doubt to carry out an execution.

"We are prayerful that the court system will act to spare Troy Davis's life in light of the numerous questions about the validity of his conviction," Totonchi said.

If U.S. Supreme Court justices decided to take up Davis's appeal, the case could begin in October with a decision expected next spring, according to Jared Feuer, southern regional director of AIUSA. Davis's stay of execution would remain in place while they heard the case.

But if justices refused to hear the appeal, the stay would be lifted and a new execution date could be set in a matter of weeks.

"We hope that [the Supreme Court] takes up the case and looks at it with fresh eyes," said Larry Cox, executive director of AIUSA. If it did, it would be "the first time evidence pointing to Davis's innocence will have been heard in a court of law".

This is the second time in just over a year Davis has avoided execution. In July 2007, the Georgia board of pardons and paroles granted a stay of execution, less than 24 hours before Davis was scheduled to die.

Davis's attorneys and supporters were puzzled and outraged when the Chatham County superior court issued a death warrant and the commissioner of the Georgia department of corrections set an execution date earlier this month. They did this before attorneys had a chance to hear from the U.S. Supreme Court, which is in recess until Monday.

"For reasons that are unfathomable, Chatham County officials seemed doggedly determined to ram this execution through before justice could fully run its course," Cox said.

The parole board denied clemency for Davis on Sep 12. Twenty-four

hours before the scheduled execution, the parole board issued a statement reaffirming its decision and the Georgia Supreme Court ruled it would not take up the case.

"We didn't think we'd be fighting in September like we have been fighting," Laura Moye, member of GFADP, said.

The Davis case has received national and international attention.

Appeals for his life have come from many civil rights activists, including Rev Al Sharpton, former president Jimmy Carter, Archbishop Desmond Tutu, Pope Benedict XVI, and lawmakers in Georgia and across the U.S.

AIUSA says it has collected over 200,000 signatures appealing for clemency.

"I can't tell you how many random phone calls we're getting from all over the world," Moye told IPS. "This case is touching people in many ways."

Supporters used letters, emails, text messages, and phone calls this month to increase pressure on the parole board, Georgia Governor Sonny Perdue, the courts, and other state authorities.

While rights activists are encouraged by the Supreme Court's temporary stay of execution, they are urging everyone to continue their campaign to save Davis's life.

"This is a long term struggle and we need your support," Moye said. "We're going to keep fighting until there is justice for Troy Davis." (END/2008)

RIGHTS-RWANDA: Key Genocide Trials Depend On Judicial Reforms By Aimable Twahirwa

KIGALI, Oct 4 (IPS) - Rwanda is hoping to convince the International Criminal Tribunal to change its mind over refusing to transfer three genocide suspects to face trial at home, paving the way for extradition procedures to start against dozens of others living abroad in freedom.

In rulings in May and June, the Tanzania-based ICTR blocked applications to hand over the three suspects on the grounds that they might not receive fair trials in Rwanda.

The three are alleged to have committed crimes against humanity in the 1994 genocide where 800,000 people, mainly ethnic Tutsis, were massacred.

In three separate but largely similar rulings, ICTR judges raised doubts about the independence of the Rwandan judiciary. Guarantees against outside government pressure on the courts were missing.

Judges also expressed concern that defence witnesses could face intimidation. The Rwandan witness protection programme was not robust enough to guarantee them protection.

Some judges were unwilling to hand over the accused because they

might face inhumane prison conditions, including isolation and solitary confinement, if convicted.

The ICTR rulings were issued as its U.N. mandate for prosecuting the principle people allegedly responsible for the 1994 genocide draws to a close. All trials should be completed by the end of 2008, a goal which is unlikely to be met.

So far, ICTR judges have sentenced 30 people and acquitted five. Eight suspects are still awaiting trial.

The decisions to refuse to hand over the three are a blow to Rwanda's aim of securing the extradition of others who fled the country at the end of the genocide. In any extradition proceedings, suspects could cite the ICTR view that fair trial conditions do not yet exist in Rwanda, despite massive help from the international community.

In 2007, Rwanda rushed through a bill to abolish the death penalty, removing a major barrier to extradition posted by the ICTR and many abolitionist countries where the accused had fled.

Rwanda had a list of 97 people it wanted to extradite for allegedly masterminding or participating in the genocide, Tharcisse Karugarama, minister of justice, told IPS.

"Most of those wanted are still free ... in many European countries and in North America."

Their return to face justice in Rwanda was essential for national reconciliation, Theodore Simburudali, president of Ibuka, one of the main genocide survivors' organisations, told IPS.

Rwanda has been allowed to submit written appeals against the blocking of the transfer of the three. Its lawyers will also be allowed to back-up their arguments by appearing before ICTR judges.

The ICTR recognised the progress that had made in reforming Rwanda's judiciary system, but "some more requirements" were necessary, Hassan Bubacar Jallow, the chief ICTR prosecutor, told IPS.

His comment suggests that ICTR judges could reverse their decisions if Rwanda could show it was introducing more judicial and penal reforms.

In reaching their decisions, ICTR judges listened to the views of four NGOs, including Human Rights Watch. HRW questioned the independence of the Rwandan judiciary.

ICTR judges ruling in the case of Yusuf Manyakazi, a former businessman and farmer, suggested that this concern could be met by having a panel of trial judges. Three or more judges were less likely to bend to pressure from outside than a single judge.

But Martin Ngoga, a senior Rwandan prosecutor, rejected any need for changes to the present trial system. "Rwanda has already put in place all the necessary mechanisms to guarantee the international legal rights of the accused to a fair trial," he told IPS. "Many of those who committed genocide have already been convicted in Rwanda and all trials have been carried out with fairness and impartiality."

NGOs also gave evidence to the ICTR about the poor prison conditions in Rwanda. Death row was abolished when life imprisonment replaced capital punishment in 2007, but inmates now serving life terms were

said to be held in inhumane conditions, including solitary confinement. But Karugarama denied this. "Rwanda has already responded to these allegations", he said. Carina Tertsakian, a human rights activist and researcher, in her book, *Le Château: the lives of prisoners in Rwanda*, tells the story of life in Rwanda's prisons in the ten years which followed the 1994 genocide. "Forty centimetres is the standard width of a prisoner's individual space, where he sleeps, where he eats, where he sits, where he lives," she writes.

"Every aspect of prison life in Rwanda is defined by overcrowding."

Despite this, in March Rwanda qualified as the seventh country to receive prisoners sentenced by the ICTR to serve out their sentences. Adama Dieng, assistant secretary-general of the U.N., said at the time that he expected that Rwanda would take the necessary steps to implement this agreement. His comments suggest that Rwanda will be given time and help to improve its prison conditions before the actual transfer of convicted prisoners takes place.

(END/2008)

RIGHTS-US: Abolitionists Hope for Swing to Democrats in States

By Mark Weisenmiller

TAMPA, Florida, Sep 11 (IPS) - The two U.S. presidential candidates have both expressed support for the death penalty, but abolitionist activists are hoping that pragmatism and a swing to the Democrats in the state elections in November will inevitably edge the country along the road to total abolition whoever wins the presidency.

John McCain and Barack Obama have told voters they want the death penalty for convicted child murderers and rapists. They have also called for the death penalty for Osama bin Laden, the alleged mastermind of the Sep. 11, 2001 terrorist attacks on the U.S.

"Barack Obama's position is clear. By any means, bin Laden has committed heinous crimes that deserve the death penalty," Moira Mack, of the Obama presidential campaign staff, told IPS.

McCain has also said that he wanted the death penalty for bin Laden, if tried and found guilty in a court of law.

Anti-death penalty activists note McCain's more outspoken support of the punishment goes back many years. McCain has frequently called for more executions at a federal level.

The last federal execution was in 2003, bringing to three the number since the late 1960s.

Most crimes in the U.S. are prosecuted at a state rather than federal level. But there are now 51 people on the federal death row in Terre Haute, Indiana.

Rights activists have called for a moratorium on federal executions, citing racism. A Justice Department study in 2000 found that in 80 percent of cases where prosecutors sought the death penalty, the defendant was a member of an ethnic minority.

But although McCain's support of the death penalty at federal level was a "long-standing policy", he would not impose federal standards on the death penalty states, Taylor Griffin, McCain's spokesman, told IPS.

"Each state must decide whether they want it. Ultimately, this is an administrative issue, rather than an issue for the campaign," Griffin said.

In January 2000, McCain called for the death penalty to be generally used more frequently. Six years before, he voted in favour of a successful motion that prevented death row inmates anywhere from using sentencing statistics to argue that they had been racially discriminated against. African Americans make up 12 percent of the U.S. population, but 43 percent of the 3,200 on death row.

Richard Dieter, executive director of the rights group Death Penalty Information Centre, said he did not believe that the opinions of the two candidates on the death penalty would play a role in the presidential elections.

"Americans vote on larger issues -- the economy, foreign policy, the wars in Afghanistan and Iraq," he said.

However, he added, "I think the public is moving significantly away from the death penalty, and that is going to happen no matter who is elected president."

Obama was likely to be more sympathetic to those pressing for abolition, he suggested.

"Obama sees that there are problems with the death penalty. When he was a local politician in Illinois, he saw that there were problems with such things as police interrogations and tried to address these problems," Dieter said.

Diana Rust-Tierney, executive director of the National Coalition to Abolish the Death Penalty (NCADP), told IPS that whoever won the presidency would take a pragmatic stand on the death penalty.

"We do not put policy-makers in boxes or categories, especially presidential candidates. We think there is too great a risk of error if you do that. People's perceptions of the death penalty change over time," she said. "The question is not whether or not we are going to continue dragging along this non-working policy, but whether we are going to re-evaluate this."

People all over the U.S. were starting "to concentrate on answering the question: 'Is this in our best interest?'"

"I am optimistic that we are going to continue to see changes in America regarding death penalty policies," she said, adding that these would be carried through at a state level.

Dieter agreed that the future of the death penalty would be decided by politicians in each of the remaining 36 states out of 50 which allow the practice.

"State legislatures have more direct effect on the death penalty than the president of the U.S.," he said.

He agreed that a large liberal Democratic Party win in the state legislatures in November might eventually result in abolition bills.

"That is a possibility. Then we would start to see some real changes," Dieter said. "But since it often takes months or even years for such legislation to pass, it would still be a long time before we would see such states abolishing the death penalty."

According to the DPIC, there were 42 executions in the U.S. in 2007, all of them in southern states. Twenty-six of these executions were in Texas.

Since the lifting of a seven-month unofficial moratorium in April while the Supreme Court ruled on challenges to lethal injections, there have been 20 executions.

(END/2008)

RIGHTS-US: Death Row Activist Prepares New Appeal By Adrienne Appel

BOSTON, Sep 3 (IPS) - Mumia Abu-Jamal rallied thousands of protesters in the U.S. city of Denver last week who were calling for the release of U.S. political prisoners.

In a recorded message for the crowds protesting outside the Democratic National Convention, journalist Abu-Jamal attacked U.S. foreign policy, the protection of "foreign despots" and war for "foreign pipelines".

Abu-Jamal made the recording from his death row prison cell at a time when his 26-year battle for freedom has reached a critical point.

He and his lawyer are preparing to take his case to the U.S. Supreme Court to ask it to rule on whether the lower courts have denied him justice because of racial bias.

The decision to go to the Supreme Court was taken after a federal appeals court in Philadelphia in July refused to reconsider an application for a new trial about his guilt or innocence, Robert R. Bryan, the head of Abu-Jamal's legal team, told IPS.

The application was first turned down by the appeals court last March.

Abu-Jamal, a journalist and political activist, was sentenced to death 26 years ago after being convicted of shooting dead a white Philadelphia police officer in 1981.

His case has been taken up by rights activists in the U.S. and abroad who have contested much of the evidence that was presented to secure his conviction. Abu-Jamal has always maintained his innocence.

"Racism continues to raise its ugly head in this country, and should have no place in our legal system," Bryan said after the appeal court's decision.

"Bigotry lingers [on] today in Philadelphia. It would be naive not to realise that this case continues to reek of politics and injustice."

"In America... people often go to the death chamber because of the incompetence of their lawyers," Bryan said.

"The indisputable facts are that the prosecutor [in the 1982 trial] engaged in racism in selecting the jury in this case," Bryan said. "We will not rest until Mumia is free."

Abu Jamal's Supreme Court petition will focus on a number of issues, including that black jurors were intentionally excluded from his [1982] trial. Studies have shown that white jurors are more ready to pass death sentences than jurors of colour.

It is uncertain whether the court will agree to hear the case, since only between 1 and 2 percent of petitions are heard each year.

But because the three appeal court judges were split two to one on the issue of racism in the jury selection, the Supreme Court might be more likely to hear the case to resolve the differences of opinion.

A Supreme Court ruling in favour of Abu-Jamal would mean that the appeals court would have to reconsider his request for a new trial about his guilt or innocence.

At the same time that the appeals court turned down Abu-Jamal's request for a new trial, it ruled that he deserved a trial limited to determining whether his sentence should be changed from death to life without the possibility of parole.

This appeals court ruling removed the immediate threat that Abu-Jamal will be executed, but it could be overturned.

Bryan is not satisfied with the narrow ruling of the appeals court. He wants a re-trial to prove Abu-Jamal's innocence.

The prosecution is also unhappy and is likely to file its own petition to the Supreme Court, asking it to overturn the appeals court ruling and order Abu-Jamal's sentence remains as death.

In an interview with IPS, Philadelphia district attorney Hugh Burns, the chief prosecutor, said he had not yet made a decision whether to petition the Supreme Court to send Abu-Jamal back to death row to await execution.

Burns said he was confident that racial bias had not influenced Abu-Jamal's original trial. He said it was "not possible" that significant errors had occurred during the trial.

If the Supreme Court refused to hear Abu-Jamal's appeal and agreed to the prosecution's request to reinstate the death penalty, the execution clock would start ticking again, Bryan said.

"Mumia remains very much on death row because this is still under review."

Mark Taylor, a coordinator of Educators for Mumia Abu-Jamal and professor of theology and culture at Princeton Theological Institute, said the Abu-Jamal case was a potential embarrassment to important state officials.

The Pennsylvania governor, Ed Rendell, who would order the death warrant for Abu Jamal's execution, was a former chief prosecutor on the case. Ronald Castille, chief justice on the Pennsylvania Supreme Court, is a former prosecutor who worked to keep Abu-Jamal in prison. He did not remove himself when the state Supreme Court ruled on Abu-Jamal's case in February.

Taylor said his organisation would continue to hold workshops and

teach-ins to keep the public informed and rally support for Abu-Jamal's release.

"We have to continue doing what we have been doing, educating the public about the details of the case and its significance to issues like the death penalty in America, and racism and police brutality and prisons," he said.

(END/2008)

RIGHTS-TRINIDAD: Ruling Dismays Death Penalty Advocates By Peter Ischyron

PORT OF SPAIN, Sep 2 (IPS) - A court order lifting the threat of execution hanging over 52 convicted killers in Trinidad and Tobago has put the government under renewed pressure from the opposition, death penalty supporters, the public and lawyers to set out clearly its position on the ultimate sentence.

On Aug. 15, high court judge Nolan Bereaux ruled that 49 men and three women awaiting execution should be taken off death row and their sentences commuted to life imprisonment

They were all benefiting from a 2004 decision of the Privy Council, the twin-island's highest court of appeal, that it would have been "unfair" to execute those on death row because a year before they had been told that they could expect a review of their death sentences and even the possibility of a presidential commutation.

The Privy Council had ruled on an appeal by four death row prisoners from Trinidad, Barbados and Jamaica against the mandatory death penalty in their countries. The judges struck down the mandatory death penalty in Jamaica, but reversed their 2003 decision abolishing the automatic death penalty in Trinidad. The reason for this change of opinion was that the wording of Trinidad's constitution differed from that of Jamaica.

The judges based their reasoning for commuting the Trinidad death sentences on a constitutional provision relating to "human rights and fundamental freedoms". It was this power, also in the Jamaican constitution, that the Privy Council had invoked to justify its ruling in 1993 that it would be "inhumane" to execute anyone after spending more than five years on death row.

Bereaux's order for 52 death sentences in Trinidad to be commuted only applied to those on death row up to Jul. 7, 2004. About 30 people have been sent to death row since and are awaiting execution.

But there has been an outcry over the commutation of most of the nation's death row inmates at a time of a soaring violent crime rate. So far this year, there have been 344 homicides, making it one of the highest murder rates in the world.

The government should have commuted the sentences immediately after the 2004 Privy Council ruling, said Dana Seetahal, a lawyer and independent legislator.

"It may be that the authorities did not want a message being sent that convicted murderers would not pay the price of their crime,"

Seetahal said. "The government needs to make up its mind what it intends in relation to the death penalty."

Former attorney general and human rights lawyer Ramesh Maharaj agreed that the government should have acted immediately after the judges ruled in 2004.

After that the legal position on the death penalty was unclear and should have been "reviewed", Maharaj said, adding: "Punishment is an important factor in the fight against crime."

Criticism of the mass commutation has also been expressed by the president of the non-governmental organisation Crime Watch, Ian Alleyne.

"These people should not be spared...They broke the law, they murdered and then should face the ultimate penalty for murder which is death by hanging. Criminals will continue to terrorise, kill, murder and rape our innocent law-abiding citizens," he said.

Radio and television talk shows have also been inundated with callers questioning Beraux's ruling and urging the government to resume executions.

"Even before the day is over, we will record at least two more murders," said one irate caller. "We need to put an end to that."

The government has responded to its critics by insisting that the death penalty remains in force.

It has also promised unspecified measures, presumably to re-start executions, the last of which were in 1999 when eight members of a gang were hanged for several murders.

"The government will take all steps which it considers necessary, including the enactment of relevant legislation to give effect to the law," said the attorney general, Brigid Annisette-George.

Some of these measures would "affect" the Privy Council. She referred specifically to the 1992 Privy Council Pratt and Morgan ruling halting executions after five years on death row, hinting that the government would propose an amendment to its constitutional amendment bill.

Israel Kahn, a lawyer, has called on the government to restrict the death penalty to premeditated murder.

"Murder at this point should be classified in three degrees. First, second and third and the death penalty retained only for first degree murder until our society has developed to such a state that one day we would be able to abolish the death penalty," Kahn said. "Without the classification in reality, the death of the death penalty already exists."

(END/2008)

News from International NGOs – September 2008

FIVE COUNTRIES RESPONSIBLE FOR ALL EXECUTIONS OF JUVENILE OFFENDERS

Ending executions for crimes committed by children in just five countries would result in universal implementation of the prohibition on the juvenile death penalty, Human Rights Watch said in a report released Sep. 10. Governments should commit to urgently needed reforms to protect the rights of children in conflict with the law.

In the 20-page report, "The Last Holdouts: Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen," Human Rights Watch documents failures in law and practice that since January 2005 have resulted in 32 executions of juvenile offenders in five countries: Iran (26), Saudi Arabia (2), Sudan (2), Pakistan (1), and Yemen (1). The report also highlights cases of individuals recently executed or facing execution in the five countries, where well over 100 juvenile offenders are currently on death row, awaiting the outcome of a judicial appeal, or in some murder cases, the outcome of negotiations for pardons in exchange for financial compensation.

"We are only five states away from a complete ban on the juvenile death penalty," said Clarisa Bencomo, Middle East children's rights researcher for Human Rights Watch. "These few holdouts should abandon this barbaric practice so that no one ever again is executed for a crime committed as a child."

ARGENTINA ABOLISHES THE DEATH PENALTY

Two recent ratifications by Argentina unequivocally support its recent abolition of the death penalty. This latest initiative paves the way for other countries to follow suit, and makes Argentina the seventh country to ratify all the human rights instruments of the inter-American system, Amnesty International said on Sep. 12.

On Sep. 2, Argentina ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at the abolition of the death penalty. This was followed by the government's ratification of the Protocol to the American Convention on Human Rights to Abolish the Death Penalty, on Sep. 5, making Argentina the tenth country to ratify. Both of these instruments were ratified without reservations, AI said.

These significant developments come only a month after the Argentine Senate unanimously approved the law repealing the 1951 Military Code of Justice, on Aug. 7. This move abolishes the death penalty for all crimes including those committed in times of armed conflict or in peace time by members of the armed forces, and deposes the military courts of justice.

Initiatives taken by the government of Argentina over the past month illustrate their international commitment to the abolition of capital punishment, AI said. Furthermore, it supports the call made by the Organization of American States' (OAS) Secretary General, José Miguel Insulza, for other countries to follow Argentina's example and put an end to the death penalty in the Americas. In the region, only the USA, Guatemala and several Caribbean countries retain the death penalty.

"To have ratified all of the important human rights instruments of the inter-American system is a very positive development, but must be followed through by their full implementation", said Susan Lee, Americas Director at Amnesty International.

JAPAN SHOULD ADOPT DEATH PENALTY MORATORIUM

In the wake of three men being executed in Japan on Sep. 11, Amnesty International called for the government to immediately adopt a moratorium on executions. The organisation called on new Japanese Minister of Justice Yasuoka Okiharu to conduct a thorough re-examination of the country's death penalty policy after Mantani Yoshiyuki (68), Yamamoto Mineteru (68) and Hirano Isamu (61) were killed by hanging.

Their executions bring the total this year to 13. They are the first executions since Yasuoka Okiharu took office on Aug. 2 and are further evidence of Japan's intent to continue sanctioning the state taking of life. There are currently around 102 people on death row in Japan. The prison authorities usually carry out executions in secret. Officials notify death row inmates just hours before the execution and inform family members only after the execution has taken place. Once the appeals process is complete, a death row prisoner in Japan may wait for years or even decades before execution. This practice means that these prisoners can be executed at any time and live in constant fear of execution.

When the UN Human Rights Council reviewed the human rights situation in Japan in May 2008, they expressed particular concern about the death penalty. A number of states urged Japan to adopt a moratorium on executions in accordance with the UN General Assembly resolution (62/149), which calls for a global moratorium on the use of the death penalty.

NEW PAKISTANI PRESIDENT MUST IMPROVE HUMAN RIGHTS

With the swearing in of Pakistan's president, Asif Ali Zardari, the Pakistani government should act immediately to reverse the country's human rights record, Amnesty International said on Sep. 10. The organisation urged Zardari and his party's government to:

- reveal the fate of hundreds of victims of "enforced disappearances"
- reinstate all the judges illegally deposed by former president Pervez Musharraf in November 2007
- commute the death sentences for more than 7,000 people currently on death row
- protect civilians in the tribal areas of Pakistan

"There are no excuses for the government to delay acting on its pledge to address the terrible situation for many families of the "disappeared" by gathering and publicizing a list of all those in government detention," said Sam Zarifi, Amnesty International's Asia Pacific Director.

Amnesty International also said that the human rights situation would remain bleak in Pakistan without an effective, independent judiciary. "The restoration of the judges is a necessary step toward ensuring an independent judiciary." Zafiri said. "Judges are in a unique position to challenge human rights policies, overturn abusive laws and protect individuals from violations. Without an effective, independent judiciary, the human rights situation will remain bleak in Pakistan."

The organization also reminded the new president of the public commitment made by his party and the prime minister to commute the death sentences of more than 7,000 people who are on death row – what would be the largest mass commutation in modern times. This would be the first action towards a general moratorium on the death penalty, with the ultimate aim of abolishing it.

In the final point of the statement, Amnesty International recognised the legitimate security concerns of the Pakistan government in the

tribal areas of Pakistan but urged the new President that security forces operations should aim at protection of civilian lives. The security forces operations and militants' activities have resulted in mass internal displacement of hundreds of thousands of people, in addition to the loss of many civilian lives.

DEATH ROW INMATES AND ABOLITIONISTS TAKE UGANDA'S DEATH PENALTY TO COURT

Hundreds of Ugandan death row inmates and those who support them were awaiting a final decision in the constitutional case they have taken against the death penalty in their country, the World Coalition Against Death Penalty reported on Sep. 11.

It said: On July 4 last, Uganda's Supreme Court heard both sides' arguments in a five-year long legal battle against the death penalty. The government wants to retain the death penalty as a constitutional form of punishment, while all 417 prisoners who were on death row in 2003 then took a court case against capital punishment, which "amounts to cruel, inhuman and degrading treatment their lawyer", according to their lawyer, Frederick Ssempebwa.

The constitutionality of hanging, Uganda's method of execution, was also questioned in the case.

Since then, Ssempebwa's legal firm has been providing free legal representation for the petitioners. They have received support from the Death Penalty Project, a British NGO that offers legal help to people facing the death penalty around the world. According to documents published by the Death Penalty Project at the time, "the case is of huge significance as it represents a broad constitutional challenge to all aspects of the death penalty in Uganda".

The organisation pointed out that in June 2005, Susan Kigula and her 416 fellow death row prisoners claimed a first victory in the Constitutional Court. The judges ruled that mandatory death sentences, as well as a delay of more than three years between the death sentence and the execution, was unconstitutional. All the petitioners fell under either condition, and the decision meant that all their death sentences were overturned. However, the Constitutional Court's decision failed to outlaw the principle of the death penalty. Uganda's Attorney General then took the case to the Supreme Court, arguing that mandatory sentences should remain constitutional. In turn, the 417 petitioners appealed the ruling, hoping that the courts would ban the death penalty completely.

With last July's hearing, the case has entered its final stage. In its latest newsletter, the Foundation for Human Rights Initiative (FHRI), a Ugandan member of the World Coalition that has supported the petitioners since 2003, reported that the case was heard in "a packed court room". According to FHRI, there are now more than 900 death row inmates in Uganda, all of which are "eagerly awaiting the judgement". According to the Ugandan newspaper Daily Monitor, the case holds hope for anti-death penalty activists: "For the most part, the government's legal team looked ill-prepared, and there were instances that just fell short of resulting in embarrassment", it reported. However, they will need patience as the Supreme Court has warned that it would take time to make a decision.

'GHEDDAFI'S REGIME UNTRUSTWORTHY'

"The threatening technique of creating emergencies and then asking for money to resolve them was often used by the Libyan regime. The regime is characterised among other things by the cynical use of the drama of illegal immigrants that depart from the Libyan coast, which destabilises our country" Sergio D'Elia, Hands Off Cain Secretary said Sep. 22. D'Elia was commenting on the incident between the Libyan ambassador in Italy and the Internal Minister Roberto Maroni.

"In recent years, thanks to law 271 passed in 2004, Libya has already obtained help for building at least three detention centres for migrants, and the results of this help can be seen on the Italian coast," D'Elia said. "The problem is that Italy hasn't given this help conditional on the respect of fundamental human rights and minimum international rules for detention in such structures, where the violation of human rights is systematic."

"The abuses weren't only confirmed by humanitarian organisations, but by top people from the Italian Secret Service, including the ex-director of SISDE Prefect Mario Mori. In 2005, during a hearing of the Parliamentary Committee in Control of the Secret Services, Mori said that in Libya, "the illegal immigrants arrived tied like dogs, put in pick-up trucks and released in detention centres where the entry guards need cloths over their mouths due to the nauseating smell..."

"The detention centre in Seba is one of the detention centres financed by Italians, where rejected illegal immigrants from Italian temporary holding centres are transferred." Mori visited Seba in January 2005, and found there were 650 people housed there, instead of a hundred, amassed against each other without respect to hygiene norms and in terrible conditions."

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BAN KI-MOON'S REPORT RELEASED ON DEATH PENALTY

Ban Ki-Moon, the Secretary General of the United Nations, released a report on the death penalty in Sep. 15. It was one of the provisions of the Resolution on the moratorium on capital punishment, approved by the General Assembly in December 2007, asking the Secretary General to report on the issue. The report monitors the respect of the rights of those condemned to death, as set out in the international treaties on human rights and guidelines established by the Economic and Social Council in 1984.

Drawing on contributions of Member States, the report examines various motivations for establishing a moratorium on or abolishing the death penalty, as well as those for retaining the death penalty.

The report includes up to date statistical information on the worldwide use of the death penalty around the world and important developments, including the establishment of the moratorium by the 62nd session of the General Assembly. The report confirms the global trend towards abolition of the death penalty, the important role played by moratoria in countries that have not abolished the death penalty, and the possibilities of further work on the issue.

In its conclusions, the report confirms the persistence of the deep seated global trend towards abolition of the death penalty, as revealed in previous reports by the Secretary General of the Economic and Social Council and by the Council of Human Rights. The contribution by countries to the report suggests that the introduction of a moratorium on the use of the death penalty is a key passage towards the definitive legal abolition of the practice. Regarding countries that employ the death penalty, the report contends that the standards of protection of human rights of those sentenced to death are of crucial importance for assuring that the death penalty is carried out with respect to countries' international obligations.

Though differences between the member states persist regarding the appropriateness of the death penalty, the information in the report suggests that further work can be useful on restricting the use of the death penalty. This includes the prohibition of executions for specific, 'singled out' groups, or the prohibition of torture and other cruel, inhuman or degrading punishments in the application of the death penalty, including detention conditions on death row.

'DEATH PENALTY SUPPORT DENIES BASIC CHRISTIAN BELIEF'

Support for the death penalty is a denial of the basic Christian belief that God can turn any person from a life of sin, a Vatican official told a group of justice ministers, judges and lawmakers examining positions on capital punishment, Catholic News Service reported on Sep. 30. Archbishop Agostino Marchetto, secretary of the Pontifical Council for Migrants and Travelers, spoke at the conference "No Justice Without Life," which gathered representatives from 16 countries in Rome for a daylong meeting.

The conference, sponsored by the Sant'Egidio Community, included government officials from Rwanda, Ivory Coast, Guinea, Burkina Faso, Gabon, Kenya, Benin, Tanzania, Mozambique, South Africa, Guinea-Bissau, Lesotho, Liberia, Mexico, the Philippines and Kazakhstan. Archbishop Marchetto said the United Nations' 2007 resolution urging a moratorium on the use of the death penalty was the "first necessary step" to abolishing capital punishment completely.

"Despite everything, the church has always and will always defend the sacredness of human life from conception to natural death as a universal value," the archbishop said. If one accepts that respect for human life reflects the reality that God created people in his image and likeness, he said, then "the death penalty increasingly appears to be an unacceptable instrument even more than being a useless and dangerous one."

"As Christians, how can we accept that someone be denied the hope of redemption?" the archbishop asked. "A man or a woman who made a mistake, who committed a crime, no matter how brutal, must have the possibility of being forgiven, while serving a tough sentence, and of living in hope."

DEATH PENALTY FOR DALIT MURDERS IN INDIA

A court in the western Indian state of Maharashtra has sentenced six people to death for killing four members of a lower-caste Dalit family in 2006. Another two were sentenced to life in prison. All eight were found guilty. Three others were acquitted, BBC reported on Sep. 24.

The Dalits, a woman, daughter and two sons, were killed by an upper-caste mob in a land row. The husband escaped. The case led to widespread protests. Crimes against Dalits, formerly known as untouchables, often go unpunished. The prosecution argued that the killings were caste-related, but the court rejected the allegation. Prosecutors plan to appeal.

Discrimination against Dalits, who are at the bottom of the centuries-old Hindu caste system, is a punishable offence in India. Even so, campaigners say violence against Dalits is on the rise. The brutal killings took place on 29 September 2006 in a remote village called Khairlanji, in Bhandara district in the north-east of the state.

Surekha Bhotmange, her 17-year-old daughter Priyanka and two sons, 19-year-old Roshan and 21-year-old Sudhir, were at home when an upper-caste mob broke into their mud hut and murdered them.

The four were dragged out and beaten with bicycle chains, sticks and other weapons, the court in Bhandara heard. The mother and daughter were stripped and raped by the mob, prosecutors said. The women's bodies were found in a nearby canal the next day. Surekha's husband, Bhaiyyalal Bhotmange, managed to escape and hid behind a tree from where he watched his family being killed.

He pursued the case with the support of several human rights activists.

Death sentences are relatively rare in India - and even more rarely carried out. According to law, the death penalty must be confirmed by a higher court, and may be appealed against.

The killings led to widespread protests across Maharashtra and in November 2006 the case was handed over to the Central Bureau for Investigation (CBI). A month later, the agency charged 11 people with criminal conspiracy, unlawful assembly with deadly weapons, murder, trespass, outraging the modesty of women, destruction of evidence and caste-related offences.

About 10.2% of Maharashtra's population of about 100 million belong to the Dalit community.

In the traditional Hindu caste system, Dalits were considered the lowest of the low castes.

They were expected to do the most menial jobs in villages. They could not share basic amenities, including drinking water, with upper-caste people. Such practices still exist in rural areas.

FIGHT AGAINST DEATH PENALTY SET TO GET TOUGHER IN INDIA

With increasing support for tougher laws to deal with fundamentalist and extremist activities in India, the fight against death penalty is set to get tougher, former Additional Director of Central Bureau of Investigation V.R.Lakshminarayanan said, the Hindu newspaper reported Sep. 17. He was speaking at the release of a book "Lethal Lottery: The Death Penalty in India", brought out by the People's Union for Civil Liberties (PUCL) and Amnesty International.

According to statistics, between 1950 and 2006, the Supreme Court has passed over 700 death sentences. Amnesty International (India) Director Mukul Sharma said, "Among them 44 are on the death row awaiting a response from the President on their mercy petitions."

Considered to be the first comprehensive documentation of Supreme Court judgments in death penalty cases in India, the book is a weapon in the hands of activists fighting for its abolition, said V. Suresh of PUCL. The book was researched and written over a period of ten years by Bikram Jeet Batra, consultant to Amnesty International India and Dr.Suresh and D. Nagasaila from PUCL contributed to it.

Sharma said the rights body would urge India to declare an immediate moratorium on executions with a view to abolishing death penalty. Advocate Sudha Ramalingam said since the Code of Criminal Procedure was in the concurrent list, States too could enact laws to abolish the death penalty. Viduthalai Chiruthaigal Katchi (Dalit Panthers of India) Member of the Legislative Assembly D. Ravikumar said he would try pushing for a private bill in the Tamil Nadu Assembly for this purpose.

APPEAL FOR SUSPENSION OF EXECUTIONS IN IRANIAN REFORMIST NEWSPAPER

The reformist Iranian newspaper Kargozaran published a public appeal asking the chief magistrate to suspend the execution of six Kurdish activists, ANSA reported on Sep. 30. Signed by "more than 1,400 political, cultural and social activists", the letter asks Ayatollah Mahmud Hashemi Shahrudi to "immediately suspend the executions" of Farzad Kamangar, Fahrad Vakili, Ali Heidarian, Arsalan Oliyai, Anvar Hossein Panahi and Habibollah Latifi. The men were condemned to death in the Islamic Republic in recent months.

The latter two accused have appealed their sentences and are awaiting the outcome. All six were sentenced to death for belonging to or supporting PJAK, an armed group affiliated with the Turkish PKK, the Workers Party of Kurdistan. On Sep. 29, another young man, identified as Homayon Shabestari, was hanged in the western Iranian city of Kermanshah. Shabestari, 21, allegedly committed a crime in 2005 when he was a minor.

TWO DEATH SENTENCES COMMUTED IN SAUDI ARABIA

A Saudi Arabian court overruled the verdict of a lower court and sentenced a Kuwaiti girl and her brother to 20 years in jail for killing their sister in a desert in Saudi Arabia before surrendering themselves to Saudi authorities, Arab Times quoted Awan daily Sep. 14. It said that a lower court sentenced the brother and sister to death for the murder that took place ten years ago. Allegedly, the duo suspected the victim of immoral behavior and strangled her. Their mother was sentenced to 10 years jail and she is said to have already served 7 years.

INDONESIA'S PROSECUTOR CLARIFIES DEATH PENALTY FOR GRAFT OFFENDERS

The death penalty can only be applied to criminals convicted of embezzling funds for natural disasters, riots and economic crises, Indonesia's Deputy Attorney General for Special Crimes stated, according to a report in the Jakarta Post on Sep. 10. "Based on Article 2 Verse 1 of the Corruption Law, the death penalty is only for criminals convicted for misappropriating funds for natural disasters, riots and economic crises," Marwan Effendy said. "So not all graft cases entail the death penalty," he added. He was responding to mounting concern in Indonesia over why criminals convicted of corruption were not immediately put to death.

VIETNAM EXPERTS OPPOSE SCRAPPING OF DEATH SENTENCE FOR GRAFT, BRIBERY

A proposal to remove capital punishment for crimes of corruption and taking bribes was strongly opposed by law experts at a criminal-law drafting session of Ho Chi Minh City's Bar Association (HBA) in Vietnam, Thanhnien News reported on Sep. 6. HBA Chairman Nguyen Dang Trung said it was necessary to keep the strict punishment considering the current corruption climate. Moreover, the battle against corruption and taking bribes was a top priority for the Communist Party and the government, he said. Chief Justice of the HCMC People's Court, Bui Hoang Danh, also suggested "careful consideration" was needed before excluding bribe-taking and graft offenders from the death sentence.

MAN SENTENCED TO DEATH IN KENYA FOR MURDER AT FUNERAL

The Kenyan High Court upheld the death sentence against Nyando Mukuta Mwambanga for the murder of Mizingo Munga Gube on April 2, 2001, the Daily Nation reported Sep. 14. According to the evidence, the incident occurred during a funeral. After the burial the appellant started chasing people with a panga saying that he would kill somebody and that as the people were dispersing the appellant cut the deceased several times on the head, neck and shoulder. He then fled towards his home.

The incident occurred in the evening with several people at the funeral witnessing it. According to the post mortem report, the deceased who was about 65 years of age, had multiple deep cut wounds on the head, neck and left shoulder. The Court of Appeal also upheld the death sentence on July 25, 2008.

EIGHT ON DEATH ROW FOR MURDER IN UGANDA

Eight people were convicted and sentenced to death over murder by the High Court criminal session held at Mubende during the months of August and September, according to the official report of court proceedings, The Monitor reported on Sep. 20.

A total of 72 cases were handled. The report submitted to Principal Judge James Ogoola also indicates that the session was dominated by defilement cases which stood at 92 per cent.

A total of 10 cases were sent to the lower magistrates courts while the Director of Public Prosecutions (DPP) withdrew charges against 10 suspects.

Justice Joseph Murangira, the resident Judge at Mubende High Court Central Circuit, told journalists on September 27 in Kampala that nine other case files were adjourned to the next session for full trial after the suspects denied the charges. The completion of 72 criminal cases leaves a backlog of 535 cases pending at the court in addition to 130 cases that were handled during the month of July at Nakawa Criminal session.

UN CALL ON TANZANIA TO RATIFY PROTOCOL ON DEATH PENALTY

The United Nations advised Tanzania to ratify the International Covenant on civil and Political Right's Optional Protocol on Abolition of Death Penalty as a step in protecting and promoting human rights, IPPMedia.cpm reported Sep. 12. The UN Resident Coordinator in Tanzania Oscar Fernandez Taranco made the call in Dar es Salaam during the launch of the declaration of human rights campaigns in the country prepared by the Commission for Human Rights and Good Governance.

The envoy insisted that it was not enough to ratify international conventions, but to ensure that the instruments were domesticated and applied properly in the country. "This is of paramount importance to the objectives of truly achieving the status of compliance and upholding rights," Ambassador Taranco said. He said protecting and promoting Human Rights was first and foremost a national responsibility.

RIGHTS COMMISSION CALLS FOR ACTION ON DEATH ROW NIGERIANS

Nigeria's National Human Rights Commission called on the government to examine why so many Nigerians are facing the death penalty worldwide, 'Monsters & Critics' website said quoting a dpa report Sep. 24. "More than 50 Nigerians are currently on death row across the globe," the commission's spokesman, Lambert Oparah, said. "The situation should be a worry to the government... whose image in the international community is further tarnished by these vicious and heinous criminal activities," Oparah added. He urged the Nigerian government to examine why Nigerian youths abandoned their country to engage in criminal acts. Oparah, however, said that the government should attempt to convince countries to commute the death sentences to life imprisonment.

BOTSWANA. MAN EXECUTED FOR MURDER

A death row inmate in Botswana, Kedisaletse Tsobane, 49, who was convicted of killing his 10 year old daughter in 2004, was executed, the Daily News of Botswana reported Sep. 24. The Court of Appeal dismissed had dismissed his case on July 21, the newspaper said. Tsobane was sentenced to death by the Francistown High Court after he was convicted of killing his 10 year old daughter in 2004 to avoid paying for her maintenance. He pleaded guilty to a charge of murder.

The Court of Appeal in Lobatse upheld the death sentence imposed by the High Court. In dismissing the appeal, the court found that there were no extenuating circumstances in Tsobane's case. Tsobane was the last person seen with the deceased who was on her way to school on the morning of January 20, 2004. Police found the deceased kneeling on her knees with a cable around her neck tied to a tree. In his confession statement, Tsobane stated: "I killed the child in an attempt to avoid liability in order to do away with my indebtedness. I was trying to do away with maintenance arrears. I killed the child by strangling it with a rope."

CONGO POLITICIAN'S MURDER

Three soldiers and two civilians were sentenced to death for the July 6th murder of Daniel Boteti, an opposition member of the Democratic Republic of Congo's parliament, AFP reported on Sep. 22. Four of the five accused, including the three soldiers, all members of the Republican Guard, were present in the military tribunal in the capital Kinshasa when the decision was announced, while the fifth remains at large. Boteti was a member of the Movement for the Liberation of Congo (MLC) led by senator Jean-Pierre Bemba, who went before the International Criminal Court in July for crimes allegedly committed by his forces in Central African Republic.

The court also ruled that Boteti's family should be paid \$955,000 (645,735 euros) in damages. The judges acquitted four other suspects of the murder. One of the pillars of the MLC, Boteti was killed by armed men in the Macampagne district, an area controlled by the Republican Guard, when he was returning home from a wedding. The court gave five days for the men to file an appeal. Boteti's lawyers told AFP Monday that they will appeal the ruling as they believe that not all those involved in the lawmaker's murder have been brought to justice.

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