



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

## **RIGHTS-COLOMBIA: Extrajudicial Killings Under Scrutiny**

By Constanza Vieira

BOGOTA, Oct 30 - The dismissal of 20 officers and seven noncommissioned officers for extrajudicial executions of civilians presented as battlefield casualties "is a triumph for human rights organisations and for Colombian society as a whole," said Reynaldo Villalba of the José Alvear Restrepo Lawyers Collective.

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## **RIGHTS-SUDAN: New Trials Could Condemn more to Death**

By Blake Evans-Pritchard

KHARTOUM Oct 30 - The number of people sentenced to death for their alleged role in the rebel attacks on Khartoum last May could rise if the government carries through its plans to set up more special anti-terrorism courts, according to human rights lawyers.

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## **RIGHTS-US: New Davis Reprieve Raises Hopes of Retrial**

By Jonathan Springston

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## **RIGHTS-PAKISTAN: Condemned Pin Hopes on Amnesty**

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## **RIGHTS-SRI LANKA: Migrants Deaf to Death Penalty Warnings**

By Feizal Samath

COLOMBO, Oct 22 - Foreign workers and their families continue to turn a blind eye to the risk of execution in the Middle East, particularly to the dangers of going to Saudi Arabia with its 'macabre' death penalty system.

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## **DEATH PENALTY-NIGERIA: 'Forced Confessions' Condemn Hundreds**

By Toye Olori

LAGOS, Oct 21 - Amnesty International says that hundreds of those awaiting execution on Nigeria's death row did not have fair trials and may therefore be innocent.

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## **RIGHTS-ALGERIA: Death Sentences Follow Fugitives Thick and Fast**

By Kaci Racelma

ALGIERS, Oct 20 - Algeria is set to be among the top three countries in the world with the highest number of death sentences passed in 2008, regularly condemning people accused of terrorism -- whether or not they are present in court to answer charges.

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## **RIGHTS: Activists Celebrate Iran's Ban on Juvenile Executions**

By Zainab Mineeia and Jim Lobe

WASHINGTON, Oct 16 - International human rights groups have welcomed the reports out of Tehran Thursday that Iranian courts may no longer order the death penalty against juvenile offenders.

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## **DEATH PENALTY: Activists Reveal Japan's Death Row to the World**

By Catherine Makino

TOKYO, Oct 10 - Japan's death row inmates revealed to the world on Friday their personal stories of isolation and suffering, uninformed until the last minute when they will be taken to the gallows.

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## **DEATH PENALTY-PAKISTAN: Reason For Hope on World Day**

By Zofeen Ebrahim

KARACHI, Oct 10 - As rights groups mark the Sixth World Day Against the Death Penalty with an appeal for an end to executions in Asia, Pakistan pulled one man back from the gallows and hinted that it will soon honour pledges to commute the sentences of over 7,000 death row inmates.

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## **Q&A: 'State Secrecy Over Death Penalty Must End'**

Sabina Zaccaro interviews ELISABETTA ZAMPARUTTI from Hands Off Cain

ROME, Oct 9 IPS - The call for a universal moratorium on executions made by the U.N. General Assembly last year is a landmark. But the ultimate goal of worldwide death penalty abolition could be delayed unless the new General Assembly goes further.

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## **RIGHTS-PAKISTAN: Civil Society United Against 'Honour' Killings**

By Ashfaq Yusufzai

PESHAWAR, Oct 6 - The current campaign against "honour" killings in Pakistan led by anti-death penalty NGOs has support from lawmakers and lawyers pressing for modifications of Islamic law to prevent perpetrators from evading justice.

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## RIGHTS-COLOMBIA: Extrajudicial Killings Under Scrutiny

By Constanza Vieira

BOGOTA - The dismissal of 20 officers and seven noncommissioned officers for extrajudicial executions of civilians presented as battlefield casualties "is a triumph for human rights organisations and for Colombian society as a whole," said Reynaldo Villalba of the José Alvear Restrepo Lawyers Collective.

Villalba urged the Attorney General's Office to carry out an in-depth investigation, "not only of the fired officers but especially of those who were not fired, who remain hidden and are responsible for these policies."

The three generals, 11 colonels, four majors, one captain, one lieutenant, six sergeants and one corporal who were sacked were posted in the northern departments (provinces) of Santander, Norte de Santander, Arauca and Antioquia.

The second and seventh army divisions both lost their commanders, Generals José Joaquín Cortés (Santander, Norte de Santander and Arauca) and Roberto Pico (Antioquia).

The third general who was cashiered is Paulino Coronado, commander of the 30th Brigade. The scandal was triggered by the discovery of bodies of missing men in the remote district of Ocaña in Norte de Santander, which is in his jurisdiction.

The dismissals were announced Wednesday during a visit by United Nations High Commissioner for Human Rights Navi Pillay, a South African jurist who sat on the International Criminal Court and the International Criminal Tribunal for Rwanda.

Pillay repeated the recommendation made in her 2007 annual report to the government and the commanders of the armed forces "to insist in their efforts to eliminate extrajudicial executions, (and to adopt) measures to prevent, investigate, punish and publicise those situations in which such violations may have occurred."

She also "recognises that it is very important that these cases are investigated by civil courts and encourages the Attorney General to strengthen the Human Rights Unit in order to address, as soon as possible, all claims regarding extrajudicial executions and enforced disappearances."

Stefano Sannino, European Commission general director of foreign relations for Latin America, said on a visit to Colombia this week that there have been very significant and positive advances in terms of human rights and the Colombian government's attention to the issue.

The case began to come to light on Sept. 23, when it was reported that the morgue in the small town of Ocaña was full, because the contract with the local Catholic church had expired and there was nowhere to bury so many bodies.

At least 23 of the bodies were those of young men brought in over the last four months by the military and reported as fighters killed in combat.

On different dates, 11 of the men had gone missing from their homes in the poor southern Bogotá suburb of Soacha, and a day and a half or

two days after they disappeared, their bodies were turned in to the morgue at Ocaña.

But Ocaña is 700 km from the capital, and the trip takes at least a day and a half by road. That means they were either flown to the remote district, or were killed immediately after arrival in the remote region.

Operating in Ocaña are the 15th Mobile Counterinsurgency Brigade -- two of whose colonels were sacked -- and the 15th Infantry Battalion and the Road Energy Plan Battalion.

The body of Joaquín Castro, a 25-year-old smelting company worker, was no longer occupying space in the morgue. He disappeared from his home in Soacha on Jan. 13 and two days later his body was delivered to the morgue in Ocaña, where he was registered as a guerrilla fighter killed in combat. His mother, Elvira Vásquez, was notified on Sept. 20.

The families emphatically deny that their sons were criminals or members of the far-right paramilitaries or the left-wing guerrillas, as General Coronado claimed. Of the 11 men from Soacha, the army reported that eight were paramilitaries and one was a rebel fighter.

The day the scandal broke, the ombudsman's office even issued a statement blaming the "forced recruitment of minors," a practice used by the irregular armed groups, not the army.

The authorities, meanwhile, focused on the criminal records of some of the men whose bodies were found in Ocaña.

The secretary of the Bogotá city government, Clara López of the left-wing Alternative Democratic Pole party, said from the start that the cases involved "forced disappearance for the purpose of murder," but she was harshly attacked by the government, which warned her not to "prejudge."

One of the focuses of the flagship policy of the right-wing administration of President Álvaro Uribe, the counterinsurgency Democratic Security policy, is to improve the image of the security forces.

In a stab at human rights activists, Uribe said on Jul. 25 that the "guerrillas' strategy" would be to "mobilise their spokespersons in the country and abroad each time an insurgent is killed, to claim that it was an extrajudicial execution."

On Sept. 9, Defence Minister Juan Manuel Santos reported the "discovery" of "a deliberate policy by certain organisations" with respect to the "misnamed extrajudicial executions."

This policy, according to the minister, consisted of "simple inflating the numbers" to "delegitimise the security forces" by means of accusations that are later "very difficult to counteract politically."

"It's very curious that whenever there is fighting with guerrillas in civilian dress, the denunciations of extrajudicial executions begin," Santos told the W Radio station on Sept. 29.

Since September 2007, the Defence Ministry has instructed the

troops that "a demobilised fighter is better than a captured one, and a captured one is better than a dead one," according to Santos.

But Uribe himself has ordered the troops on innumerable occasions to "exterminate" the guerrillas.

And despite repeated accusations that the security forces continue to work in collusion with illegal far-right militias known as the Black Eagles and other paramilitary groups that did not demobilise after negotiations with the government, Uribe has also continued to call for "results."

The number of guerrillas reportedly slain by the army -- used as a measure of success in the counterinsurgency war -- has indeed gone up.

Leftist Senator Gustavo Petro said he led a parliamentary debate in October 2006 on "false positives" -- civilians killed by the military and presented as war dead -- in which he cited a report by the Interinstitutional Humanitarian Commission of Antioquia that documented 107 cases in 2006 in that province alone.

And in September 2006, the Office of the Inspector-General (Procuraduría General) said it had received 335 reports of extrajudicial executions from 2004 to that date.

"In that parliamentary debate, I said the phenomenon was motivated by the government's policy of awarding soldiers for battlefield casualties with military promotions," Petro told IPS.

"That number has grown to such an extent that the Attorney General's Office today is investigating nearly 1,000 cases of extrajudicial executions," he said.

The Office of the Inspector-General, meanwhile, announced Wednesday that it was carrying out disciplinary inquiries for 2,300 members of the security forces and civilian public employees implicated in extrajudicial killings.

The Office of the U.N. High Commissioner for Human Rights in Colombia issued a harshly worded statement on Sept. 26 condemning the practice of extrajudicial executions, which it said it had documented in the northwestern provinces of Antioquia, Córdoba and Sucre.

The U.N. Office described a common pattern, in which the victims were promised jobs, either legal or illegal, and were taken from their hometowns to different municipalities or provinces, where their bodies showed up a day or two later as "combat deaths".

The U.N. Office points to the existence of criminal networks dedicated to deceiving the victims and taking them to the areas where they are then killed.

The dismissal of the officers was announced an hour and a half before the presentation in Bogotá of four reports on extrajudicial executions by 209 local human rights groups and an international mission of 13 experts from four European countries and the United States.

One of the reports says that more than 55 of the bodies presented as "combat deaths" over the last two years in the jurisdiction of the 15th Brigade were actually, according to the victims' families and friends,

working men.

In the last three years, this Brigade "has been a veritable killing machine, leaving a trail of deaths in the area where it operates," said jurist Alberto Yepes, coordinator of the Colombia-Europe-United States Coordination Group's (CCEEU) Observatory of Human Rights and Humanitarian Law, which presented one of the reports.

Gustavo Gallón, director of the Colombian Commission of Jurists, wondered "why this government and previous governments have not reacted before this," given that the phenomenon "has been denounced at least since the 1970s."

"This behaviour occurs in every brigade, every division, every region" and "follows a pattern based on discrimination against poor black or indigenous people, and of course, against government opponents," Gallón told IPS.

Many of the victims come from the most vulnerable social sectors, including homeless people, drug addicts and others without social networks, "undoubtedly so they (the security forces) can act with greater impunity, believing that no one will seek these people out," said Villalba of the José Alvear Restrepo Lawyers Collective.

Between January 2007 and June 2008, extrajudicial executions by the security forces claimed the lives of one person a day, as indicated by the complaints received by the CCEEU, an umbrella group of 202 human rights organisations.

That is nearly twice the number of victims documented by the CCEEU from July 1, 2002 to Jun. 30, 2007, and nearly three times the number registered in the five years prior to the start of the first Uribe administration in August 2002.

Yepes attributes that increase to the intensification of the war.

"There has been an extreme militarisation of civilian life, which has significantly increased the presence of the security forces throughout the national territory," added to "heavy pressure for results, on the troops, who have to show that they have the areas under their jurisdiction under control, at all costs," Yepes told IPS.

This is combined with "a perverse system of incentives and sanctions" like bonuses, promotions, transfers and trips abroad, based on military "results" in the framework of the Democratic Security policy, he said.

"We have verified that brigades that are heavily involved in extrajudicial executions receive military aid from the United States," and many of their commanders "have also received training" from that country, said Yepes.

The human rights conditions that the U.S. Congress sets on military aid to Colombia, the third-largest recipient of such aid after Israel and Egypt, "are not being fulfilled," he said.

If the authorities had taken action earlier, "many deaths could have been avoided," said Yepes.

But he also said there were some positive developments. "Public awareness about the appalling reality of extrajudicial executions has increased," not only among society but among the authorities, "who

are beginning to understand that this practice is internationally unacceptable," he added.

"The brave stance taken by victims' (families) who have dared to speak out and report the cases...despite the enormous risk to their lives," as well as the efforts by the local and international human rights movement, and by the U.N. Office of the High Commissioner, have also helped raise awareness, said Yepes. (END/2008)

## **RIGHTS-SUDAN: New Trials Could Condemn more to Death**

**By Blake Evans-Pritchard**

**KHARTOUM** - The number of people sentenced to death for their alleged role in the rebel attacks on Khartoum last May could rise if the government carries through its plans to set up more special anti-terrorism courts, according to human rights lawyers.

So far, 50 people have been condemned to death for laying siege to the nation's capital on May 10. The attack was led by one of Darfur's most prominent rebel groups, the Justice and Equity Movement (JEM).

Twenty more alleged rebels also faced death penalty trials in the next weeks "if the government is allowed to establish more anti-terrorism courts", Kamel Jazouri, a lawyer on the defence team, told IPS.

The special courts were set up for these trials for the first time under the country's Anti-Terrorism Law. This was adopted after the September 11, 2001 attacks on the U.S.

Washington, apprehensive about emerging extremism in the Middle East, pressed Sudan to pass the legislation which was already being discussed at the time.

"These courts have no legitimacy," Jazouri said.

He had appealed to the country's Constitutional Court, contesting their legitimacy, but this was rejected.

"The judge ruled that the judiciary should not be an isolated island from what is happening in the country."

Jazouri claimed that the anti-terrorism courts were not impartial and did not keep to "practices set out in existing criminal law". Each court had its own set of rules and judges took directions from the chief justice and minister of justice.

The courts denied the accused certain basic rights, and restricted legal access to defence lawyers.

Jazouri said he was only allowed to see his client Abdul Aziz, the head of JEM's political bureau and brother of its leader, just before the court session was due to start.

"I pressed for an adjournment, but this was not immediately given so I had no choice but to walk out of the court and go to the press. It was scandalous."

Evidence presented to the courts was insufficient to secure convictions.

Abdul Moneim Osman, rapporteur for the government's Advisory Council for Human Rights, rejected Jazouri's criticisms, defending the use of the courts.

"JEM's attack on Khartoum constituted an act of war, and we could have gone to the military tribunals. But military tribunals are not open to all -- even lawyers have restricted access. By sticking to these civil and specialised courts, the government is being fair to everybody."

The prosecution had presented "plenty of hard evidence" to secure convictions, he said, adding: "We are not just relying on confessions alone."

He acknowledged that "some" defence lawyers had not been able to meet their clients before the court sessions.

"But once this matter was raised with the courts, the judge proposed adjourning the session for 48 hours to give everyone enough time."

Ali al-Sadiq, a foreign ministry spokesman, told IPS that the government was now compiling evidence against the JEM and would present it to the international community for it to be listed as a "terrorist organisation".

Sudan would then be seeking the extradition of JEM leaders living abroad.

Lawyers for the 50 Darfuris sentenced to death have filed appeals.

Only if the special courts reject these, will President Omar Hassan al-Bashir, sign the death warrants. The anti-terrorism law does not allow for a further appeal to country's Supreme Court, something that would be permitted under normal criminal procedures. This has provoked widespread condemnation by human rights lawyers and NGOs.

In the past days, the Sudanese media has speculated that Bashir might be considering pardoning some or all of the convicted rebels.

Sadiq refused to comment on whether a presidential pardon was imminent, saying that no decision had been taken.

Local journalists have suggested that a presidential pardon may be one way for the government to deflect some of the international condemnation it has been receiving since Luis Moreno-Ocampo, chief prosecutor of the International Criminal Court (ICC), said he would seek the indictment of Bashir.

In July, the prosecutor filed ten charges against Bashir, three counts of genocide, five crimes against humanity and two of murder.

Since 2005, the U.N. estimates that between 200,000 and 300,000 have died and 2.5 million displaced as a result of the conflict in Darfur, Sudan's western region.

Amnesty International estimates that at least seven people were executed in Sudan last year and 23 people condemned to death. (END/2008)

## **RIGHTS-US: New Davis Reprieve Raises Hopes of Retrial**

**By Jonathan Springston**

ATLANTA, Georgia - A federal appeals court in Atlanta has stayed the execution of Georgia death row inmate Troy Anthony Davis scheduled for Monday -- the third time he has been pulled back from the death chamber in just over a year.

Davis had fulfilled the requirements required for "a provisional stay of execution", the court ruled on Friday. The stay gives time for Davis's lawyers to apply for a new appeal.

Two days earlier, Davis's lawyers had argued that Davis was innocent and his execution would be a violation of the eighth and fourteenth amendments of the U.S. Constitution.

Davis, who was set to die on Monday, Oct. 27 for the 1989 murder of Savannah police officer Mark Allen MacPhail, had appeared to have exhausted all his legal avenues to prevent his execution.

On Oct. 14, the U.S. Supreme Court announced that it would not take up his appeal, three weeks after granting him a stay of execution just two hours before a scheduled execution.

Since Davis's 1991 conviction, seven of the nine eyewitnesses called by the prosecution have changed or recanted their testimonies in sworn affidavits.

Attorneys for Davis have argued that these recantations, coupled with the fact that the prosecution never produced a murder weapon or physical evidence linking Davis to the crime, left too much doubt to carry out an execution.

Davis has gone through a gruelling series of appeals, trying desperately to get any court to hear new evidence and possibly grant a new hearing or trial.

"It's a first step toward what we've been asking for a decade, which is getting our evidence heard before a judge," Jason Ewart, lead attorney for Davis, told IPS after the court announcement of the latest stay of execution.

Davis's attorneys have 15 days to file their legal arguments justifying an appeal. The Georgia attorney general's office will then have 10 days to file a response. The appeals court will then decide whether to grant Davis permission to pursue more appeals.

The Davis case represents an overall problem about how eyewitness testimony was collected, rights activists said.

"Faulty eyewitness identification is the leading cause of wrongful convictions nationwide, accounting for 75 percent of wrongful convictions in over 200 DNA exonerations," Sara Totonchi, chair of Georgians for Alternatives to the Death Penalty (GFADP), told IPS.

"Eyewitness identification is notoriously unreliable, but it was the basis for the conviction against Troy Davis," she added.

Stephanie Benfield, a state lawmaker, attempted earlier this year to introduce legislation that would have significantly overhauled eyewitness identification procedures. But the bill never came up for a vote.

Benfield told IPS she was planning to reintroduce such legislation when the Georgia General Assembly reconvenes in January.

The Davis case also represents the problem of getting new evidence before a court.

"As a result of procedural bars, new evidence of innocence in the Troy Davis case has never been given a fair hearing in a court of law," Totonchi said.

"The witnesses who changed or recanted their testimonies never had their credibility tested and confirmed in a court of law," she continued. "Had Mr. Davis been given a hearing, any doubts about the credibility of the affidavits could have been resolved through meaningful adversarial testing of the new evidence."

Davis's supporters also allege class bias, racial bias, geographical bias, and prosecutorial misconduct, as well as problems with proper legal representation.

"When people who are poor cannot have adequate legal representation...that is an issue," said Laura Moye, deputy director of Amnesty International USA's (AIUSA) southern regional office.

Supporters expressed joy and relief over Friday's decision.

"It's like beyond words," Martina Correia, Davis's sister, told IPS. "It was just amazing. All I could do was think of my brother who has faced death three times. It has to be a traumatic experience. I'm ecstatic and I'm praying that this gives us time."

Amnesty said it is "heartened" by the news.

"Until this point, the compelling issues in this case have been virtually ignored, leaving Georgia vulnerable to the possibility of killing an innocent man," Larry Cox, executive director of AIUSA, said in a statement.

Hours before the announcement of the temporary reprieve, supporters turned out in Atlanta in driving rain to participate in a mock funeral procession, marching to the parole board with a casket containing 140,000 petitions asking for clemency for Davis.

The crowd then delivered two letters signed by clergy from across Georgia and around the world to governor Sonny Perdue's office.

Groups like AIUSA and GFADP have helped bring international attention to the case. Pope Benedict XVI, Archbishop Desmond Tutu, Rev Al Sharpton, and former president Jimmy Carter were among the many prominent people who appealed for clemency.

The European Union issued a statement Oct. 22 denouncing the scheduled execution. Correia told IPS she received a phone call on Friday from the French ambassador expressing support for her brother on behalf of the EU. (END/2008)

## **RIGHTS-PAKISTAN: Condemned Pin Hopes on Amnesty**

**By Beena Sarwar**

KARACHI - Zulfiqar Ali, 38, has been snatched from the gallows once again after Pakistan's president agreed to give his relatives

more time to negotiate clemency from the families of two persons shot dead during a violent dispute.

On Oct. 7, just hours before Ali's scheduled execution, the president granted him a 14-day stay of execution. The stay, meant to allow time for negotiations for a compromise between the families, has now been extended to 60 more days.

Ali's younger brother, Abdul Qayyum, said they initially needed more time because "at first we did not even know where they lived".

"We lost some time because of that. Now we need to proceed slowly. These things do not happen in a hurry. Those families have also suffered a loss and have to be handled delicately. We are hopeful that they will agree to a compromise, but I cannot say at this point what it will involve," he told IPS.

Negotiations are being carried out through intermediaries.

"I do not want to get into whether my brother is guilty or not. I am only begging forgiveness for him on humanitarian grounds from the affected families, from the government, from God," said Qayyum.

Ali, a former Pakistan navy physical training instructor, was arrested in 1998 for the death of two passers-by shot when he used his licensed revolver during a quarrel with a bus-driver. A district court sentenced him to death in April 1998. After all the appeals failed, he was issued with a 'black warrant' on Sep. 29 this year and his execution date was set for Oct. 8.

So far this year, Pakistan has executed 35 of its over 7,000 death row prisoners, according to I.A. Rehman, director of the Human Rights Commission of Pakistan (HRCP).

Two years ago, Ali's wife died of cancer. His two daughters, 10 and 11, are now cared for by Qayyum, 31, who has four children of his own.

Under the controversial Criminal Law (Amendment) Ordinance 1990, commonly known as the Qisas and Diyat Law, enacted in the name of Islam, families of murder victims may accept compensation ('diyat') or insist on retribution ('qisas') from a convicted murderer.

Rights activists say this law enables those with resources to "buy" their way out of punishment. Many, like HRCP co-chair Iqbal Haider, a former law minister, also believe that the law has no divine sanctity.

"It is a man-made law which is inherently unjust as it gives the rich a licence to kill," said Haider who has lobbied hard behind the scenes with representatives of the ruling Pakistan People's Party (PPP) to save Ali's life on humanitarian grounds.

The Hong Kong-based Asian Human Rights Commission has also appealed to the Pakistan government for clemency on the grounds that Ali did not have adequate legal representation.

He was provided state-appointed lawyers at each stage of his trial, fulfilling the legal requirements. But state-appointed lawyers are poorly paid.

They also tend to be "young and inexperienced or those without briefs -- lawyers who should not be representing persons in death penalty cases," the New York-based Human Rights Watch (HRW) said in a letter on Jun. 17. The letter urged Prime Minister Yusuf Raza Gilani to

commute all Pakistan's death sentences to life imprisonment and abolish capital punishment.

Qayyum said that he had never ever met his brother's lawyer appointed by the Supreme Court at the penultimate stage of appeal. In the final review stage, he had "only spoken to the lawyer involved a couple of times on the phone".

"Basically, they were just fulfilling formalities. He kept telling us that the [next] hearing dates had not been set, and then suddenly we were presented with the black warrant.... When I confronted him, he expressed total ignorance," Qayyum said. "I learnt from another lawyer that the Supreme Court had dismissed Zulfiqar's final petition [against execution] because our lawyer was not present in court."

Pakistani law provides no redress or remedy on the grounds of incompetent or ineffective legal representation, notes HRW.

Condemned prisoners are now clinging to the hope that Pakistan will issue a general amnesty for all those on death row.

On Jun. 21, Gilani told parliament that the death sentences would be commuted in honour of the memory of former prime minister Benazir Bhutto, assassinated during a PPP election rally last December.

But the law ministry has still not finalised the details of the amnesty. Since the June announcement, 15 people have been executed, said Rehman. HRCP's Iqbal Haider said the delay in carrying through the commutation promise was due to law minister Farooq Naek.

"The government wants it, but the law minister has given an adverse opinion because he is scared of the religious forces," Haider told IPS. "He has created complications by saying that death sentences cannot be commuted to life because of the qisas and diyat law."

The electorate roundly rejected the religious parties in the general elections on Feb. 18. These parties, known for their displays of street power, form the main opposition to a moratorium on executions and the proposal to commute death sentences.

Haider said the powerful law minister could insist that "Article 45 of the Constitution, which gives the president the power to grant a reprieve or pardon to a condemned prisoner, overrides qisas and diyat which is a man-made law with no divine sanction."

PPP spokesman and former member of the Senate human rights committee, Farhatullah Babar, said that the death penalty "should not be carried out in any case as it is irreversible". He was hopeful that the country's death sentences would be soon commuted.

Until the government fulfils its promise to commute death sentences to life imprisonment, the only hope for condemned prisoners like Zulfiqar Ali lies in clemency from the families of the deceased -- and temporary presidential reprieves to buy them enough time to negotiate these. (END/2008)

## **RIGHTS-SRI LANKA: Migrants Deaf to Death Penalty Warnings**

**By Feizal Samath**

COLOMBO - Foreign workers and their families continue to turn a

blind eye to the risk of execution in the Middle East, particularly to the dangers of going to Saudi Arabia with its 'macabre' death penalty system.

"They still go -- either knowing the stiff laws in Saudi Arabia and the Middle East or being totally unaware," David Soysa, director of the Migrant Workers Centre in Colombo, told IPS.

"There is the 'it won't happen to me' mentality," Nimalka Fernando, a human rights activist, added.

On Oct. 14, Amnesty International issued its latest warning on Saudi Arabia where "poor foreign workers are literally paying with their lives when accused of capital crimes".

"The death penalty is not only applied unfairly and in a secretive manner, it is discriminatory and used against those who are least able to access their rights. It is little more than a macabre lottery whose consequences, for many, are lethal," Amnesty said.

Three days earlier, three Sri Lankans were sentenced by a Saudi court to public execution for allegedly killing a Yemeni national. Eight others, including two Sri Lankan women allegedly working for the Yemeni as prostitutes, were also sentenced to jail terms and floggings for being linked to the same crime.

All have the right of appeal -- if they can raise the tens of thousands of dollars needed to hire a local law firm to take on their cases.

The average rate of executions in Saudi Arabia is currently two a week. Last year, Saudi Arabia executed more than 143 people, a highly disproportionate number of whom were foreigners.

On Oct. 6, the Human Rights Commission of Asia reported again on the three-year trauma of Rizana Nafeek, a Sri Lankan housemaid sentenced to death in Saudi Arabia after the infant she was feeding tragically choked and died before help arrived.

Nafeek was employed as a domestic worker and had travelled to Saudi Arabia in 2005 on a passport that showed she was not a minor, although she actually was only 17. Foreign domestic workers must be over 22 to be legally employed in Saudi Arabia.

A Saudi judicial tribunal will hear Nafeek's case on Nov 5 in an attempt to get the mother and father to save her from execution by the sword. Under Sharia-based law, they can pardon her.

Pardons for foreign workers in Saudi Arabia are rare, one for every 30 executions. Saudi citizens are eight times more likely to get one, according to Amnesty.

HRCA reported that Nafeek had no legal representation at her murder trial. A confession was used to secure her conviction. But this was given under duress and later retracted.

The confession may have been authenticated by a translator without sufficient knowledge of the Tamil language.

It was only after HRCA mounted an international campaign last year to raise 40,000 dollars needed to lodge an appeal through a Saudi lawyer that Nafeek was given a temporary stay of execution.

Despite 100,000 local people signing a petition for Nafeek to be spared, girls were still falsifying their ages to leave the country to work exactly as Nafeek had done, activists report.

Many of these underage female workers were from Nafeek's own hometown of Mutur, eastern Trincomalee, a Catholic nun told IPS.

"They probably know of Nafeek's plight but still their parents send them due to extreme poverty," the nun said. "Agents from Colombo and in the receiving country are part of this racket."

The girls are often passed to these agents by sub-agents working in the villages. "The sub-agents are mainly to blame as they pay the parents of these illegal migrants and that becomes the incentive," Hussain Bhaila, Sri Lanka's deputy foreign minister, told IPS.

It was difficult to detect their true age because of their traditional Muslim clothes, Suraj Dandeniya, a former president of an association representing job agents, told IPS.

"Their heads are fully covered and the officers at the passport office are reluctant to ask them to show their faces to ascertain their ages as it could be considered a sacrilege," Dandeniya said. "Their birth certificates are falsified to show they are 22 when in fact they are 18 or less, which means their passports show they are five years older than they actually are."

The Sri Lankan government is now drawing up measures to control the work of the sub-agents. Courts will scrutinise the family background of each person wanting to go abroad, an official drafting the regulations, told IPS.

This would reduce the number of young girls going abroad for work "as villagers would be aware and inform the courts".

More than a million Sri Lankans are working in the Middle East and Asia. About 60 percent are working as domestic workers. It is estimated that between 10 and 20 percent leave the country on passports which show false ages, many of them girls under 18. (END/2008)

## **DEATH PENALTY-NIGERIA: 'Forced Confessions' Condemn Hundreds**

**By Toyé Olori**

LAGOS - Amnesty International says that hundreds of those awaiting execution on Nigeria's death row did not have fair trials and may therefore be innocent.

At an Oct. 21 press conference in Abuja, the capital, releasing its latest report on the death penalty in Nigeria, co-authored by the Nigerian rights organisation Legal Defence and Assistance Project (LEDAP), Amnesty called for an immediate moratorium on executions in the country.

The report, Nigeria: Waiting for the Hangman, exposed a catalogue of failings in Nigeria's criminal justice system, saying that it was "riddled with corruption, negligence and a nearly criminal lack of resources".

More than half of the 720 death penalty convictions were based on confessions which were often extracted under torture.

"Although prohibited in Nigeria, in practice torture by police occurs on a daily basis. Almost 80 percent of inmates in Nigerian prisons say they have been beaten, threatened with weapons or tortured in police cells," the report said.

"The police are over-stretched and under-resourced. Because of this, they rely heavily on confessions to 'solve' crimes -- rather than on expensive investigations. Convictions based on such confessions are obviously very unsafe," Amnesty's researcher Aster van Kregten said.

"The judicial system is riddled with flaws that can have devastating consequences. For those accused of capital crimes, the effects are obviously deadly and irreversible."

Chino Obiagwu, LEDAP's national coordinator added that although under Nigerian law confessions given under pressure, threat or torture could not be used as evidence in court, judges took no notice.

"Judges know that there is widespread torture by the police -- and yet they continue to sentence suspects to death based on these confessions, leading to many possibly innocent people being sentenced to death."

The Amnesty report said death penalty trials could take more than 10 years to conclude. Some files went missing, leaving the condemned in a limbo and apparently robbing them of their rights to amnesties.

Death row conditions were harsh.

There were also a growing number of children on death row.

"Although international law prohibits the use of the death penalty against child offenders, at least 40 death row prisoners were aged between 13 and 17 at the time of their alleged offence."

"Questions of guilt and innocence are almost irrelevant in Nigeria's criminal justice system," Obiagwu said.

"It is all about if you can afford to pay to keep yourself out of the system -- whether that means paying the police to adequately investigate your case, paying for a lawyer to defend you or paying to have your name put on a list of those eligible for pardon.

"Those with the fewest resources are at the greatest risk in Nigeria's criminal justice system."

A bill which would have partially abolished the death penalty in Nigeria was overwhelmingly rejected last July.

Stunned by the degree of opposition, anti-death penalty activists and sponsors are planning a massive public education campaign before a new attempt to abolish the death penalty is made in the next parliamentary session in 2009.

"We intend to carry everybody along in the enlightenment campaign," Friday Itulah, the main sponsor of the rejected bill, told IPS.

"We intend to involve local and international NGOs and the media in addition to organising seminars and workshops."

Itulah said his bill was voted down because of religious sentiment and ignorance.

"From the religious angle, adherents particularly of the Islamic faith were of the view that life is sacred and, therefore, anyone that deprives another of life does not deserve to retain their own."

Although Itulah did not mention him by name, the leading parliamentary opponent of his abolition bill was Sada Soli, an MP from

Katsina State in the predominantly Muslim north of the country.

Itulah said people need to be educated to accept the modern view that punishment should be accompanied by efforts to reform the criminal "to atone or give back to the society what he or she has taken".

He implicitly agreed with the views of Amnesty and other NGOs that many on Nigeria's death row may be innocent, saying people were unaware of the possibility of judicial errors.

"There is a lot of work to be done to create awareness in the enlightenment campaign and this will involve a lot of money ... this needs to be done to ensure a smooth passage of the (new) bill in the legislature. I strongly believe that someday we will achieve our goal."

One of Nigeria's leading anti-death penalty campaigners and secretary of a presidential commission on the reform of the justice system, Olawale Fapohunda, said everything must be done to prepare the country for the introduction of the abolition bill.

"The first is to show that retention of death penalty in our laws has not been a deterrent to serious crimes.

"We want to focus on the link between property crimes, poverty and the limited opportunities that exist for a large population of Nigerians to work themselves out of poverty.

"Secondly, we note the need to respond to the concerns about crime and the inability of our criminal justice system to respond to the victims of crimes."

This issue was now addressed before the Senate by a bill on the rights of the victims.

"What is most important now is to attract local support, not only in financial terms, but getting representatives of local pressure groups to support abolition. I think we need to do a lot more on this."

Earlier this month, legislators took up the issue of Nigerians on death rows abroad. All of these are condemned for drug-related crimes and are being denied rights to full legal representation.

A Senate motion called on the government to intervene and press foreign governments to grant these inmates clemency.

In its report, Amnesty said that there were 42 Nigerians on death rows in Indonesia (20), Libya (15), Afghanistan (6) and Saudi Arabia (1).

Between October 2006 and April 2008, Saudi Arabia executed 10 Nigerians for trafficking in drugs, including one woman. (END/2008)

## **RIGHTS-ALGERIA: Death Sentences Follow Fugitives Thick and Fast**

**By Kaci Racelma**

ALGIERS - Algeria is set to be among the top three countries in the world with the highest number of death sentences passed in 2008, regularly condemning people accused of terrorism -- whether or not they are present in court to answer charges.

So far this year, nearly 300 death sentences have been handed down by courts and tribunals around the country, Amar Zaidi, a lawyer and human rights activist told IPS. Most of these sentences were passed in absentia to people on terrorism related charges.

Only a small number of this year's death sentences have been for premeditated murder and drugs-related offences, according to press reports.

In 2007, Algeria sentenced 271 people to death, putting it third on the list of 51 countries still passing death sentences, according to Amnesty International. China was top of the list with more than 1,800 death sentences, followed by Pakistan with more than 307.

In 2007, Algeria was the only Arab nation to vote for the U.N. resolution calling for a moratorium on the use of the death penalty. Algeria could do this because since 1993 it has observed a moratorium on executions.

Since the passing of the U.N. moratorium, there has been a worldwide reduction in the use of the death penalty, according to NGOs. Algeria's civil society needs to do more to educate the public on death penalty abolition, said Zaidi.

Hocim Azem, vice-president of the Amazigh World Congress, an NGO representing the estimated eight million indigenous Berbers in Algeria, said it was also important for anti-death penalty campaigners to put pressure on politicians.

"It is necessary to abolish this cruel punishment which belongs to a bygone age. But deputies show no special interest in death penalty abolition," he told IPS.

"There is no serious debate about the death penalty in parliament. The democratic opposition is too weak to change anything and propose new legislation. The government procrastinates."

He said a major reason for this inertia was religion. Then came "fear of terrorism" and political and social factors.

In 2006, the Labour Party tabled a bill to abolish the death penalty. But eight parties, including the ruling National Liberation Front, refused to back the bill. Also in 2006, the criminal code was revised and the number of death penalty crimes was reduced.

Azem called into question the fairness of the trials which have resulted in the passing of death sentences. "Many citizens have been arrested and sentenced without evidence," he said.

The party Rally for Culture and Democracy (RCD) is actively pressing for death penalty abolition. RCD holds 19 seats in the 390-seat parliament.

Hadj Arab Lila, an RCD MP and lawyer, told IPS that she would support abolition of this "cruel and inhuman" punishment. "It is absurd that it is still retained in our criminal code."

Many expect RCD party chief Said Saadi to contest next year's presidential elections. The party is now campaigning against a constitutional amendment that would allow President Abdelaziz Bouteflika to serve a third term.

Saadi is popular among the Berbers, many of whom support death penalty abolition. Many Berbers also support the Socialist Forces Front

(SFF), also in favour of abolition. But the SFF boycotted the 2007 elections, and is not represented in parliament.

Farouk Ksentini, head of the human rights advisory commission, has recently called on the president to abolish the death penalty. "It has no deterrent affect on crime," he told the press. It was also tarnishing the country's reputation, he said.

Ksentiti said that he was facing criticism from clerics because of his anti-death penalty views.

Ksentiti has also raised the issue of Abdelmoumene Khelifa, apparently hinting at what could be an additional reason for Algeria abolishing the death penalty. He said Britain was refusing to hand over Khelifa because it was feared that he might face the death penalty. In 2007, Khelifa was sentenced in absentia to life imprisonment after the collapse of his financial empire, including the Khelifa Bank which was closed by the Algerian authorities.

European Union members are prevented from extraditing anyone to a country where they have been sentenced to death in absentia or could face the death penalty -- even if that country is observing an execution moratorium.

In the most recent statement on the death penalty from an NGO, the honorary president of the Algerian League for the Defence of Human Rights, Abdennour Ali Yahia, called for a new debate on the issue.

"Before making a decision, there should be consultation between men of justice and religion," he was quoted as saying in the Algerian French-language newspaper L'Expression Oct. 15. He added that there were innocent people on death row. (END/2008)

## **RIGHTS: Activists Celebrate Iran's Ban on Juvenile Executions**

**By Zainab Mineeia and Jim Lobe**

WASHINGTON - International human rights groups have welcomed the reports out of Tehran Thursday that Iranian courts may no longer order the death penalty against juvenile offenders.

Of the five countries that still permit the execution of juveniles, Iran has been responsible for the most executions in recent years.

"I'm delighted," Jo Becker, director of the Children's Rights Project of New York-based Human Rights Watch (HRW) told IPS. "If this directive is implemented, it will be a huge step forward and will move the world very close to a real ban on the execution of juvenile offenders."

"[We] welcome the announcement and hope that it will pave the way to a complete abolition of the death penalty in Iran," said a statement issued late Thursday by Amnesty International in London.

The group also called on Iran's parliament, the Majlis, to ensure that the ban, which was reportedly issued by the office of Iran's prosecutor general, is made into law and that the Islamic Republic's Council of Guardians endorses it.

Both Amnesty and HRW, as well as a number of other international and Iranian rights groups, have made the abolition

of the execution of juvenile offenders a major priority in their international lobbying efforts.

Earlier this week, they published a statement signed by more than 300 non-governmental organisations (NGOs) from 82 countries around the world calling on the U.N. General Assembly to put pressure on the five hold-out countries, which include Saudi Arabia, Sudan, Pakistan, and Yemen, as well as Iran, to ban the practice.

Together, the five countries had executed 32 individuals who were juveniles at the time they allegedly committed the capital offence of which they were accused between January 2005 and last month. Of the total, however, Iran executed by far the most -- 26.

"We, as local, national, regional and international non-governmental organisations from every part of the world, call on each U.N. member state to fully implement the absolute ban on the juvenile death penalty, as required by customary law, the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, and as highlighted by the (U.N.) Secretary-General's recent study on violence against children," said the petition, which was organised by the Children's Rights International Network (CRIN).

Until 2005, when its Supreme Court declared the execution of juvenile offenders unconstitutional, the United States also executed juvenile offenders. From 1976 until the Court's ruling, 22 individuals who were younger than 18 at the time they committed their crimes were executed in U.S. states, 13 of them in Texas.

According to an interview with the Islamic Republic News Agency (IRNA) Wednesday, the judicial deputy of the Prosecutor General said courts have been ordered to commute death sentences of juvenile offenders to prison terms.

"According to this directive, punishments for offenders under the age of 18 [in capital offence cases], will be reduced to life in prison in the first stage and in the second stage [of parole] will be reduced to 15 years," the deputy, Hussein Zebhi, stated, according to a translation provided by the International Campaign for Human Rights in Iran.

"In addition, in cases of good behaviour and signs of rehabilitation, juvenile offenders may qualify for conditional release under Islamic compassions guidelines," he told IRNA, the state news agency.

The Campaign's coordinator, Hadi Ghaemi, explained that Iranian officials had previously made a distinction between execution for capital offences and executions for under the law of "qisas" ("an eye for an eye"), claiming qisas sentences cannot be reduced by judges.

But while Zebhi did not explicitly address that issue, he told IRNA that "offenders under the age of 18, no matter what their offence is, will not be subject to executions but will receive other punishments according to the law." Ghaemi called on the Iranian Judiciary to publicly release the entire text of the directive and clearly state that there will be no exceptions for cases of qisas.

"This decision is long overdue given that Iran leads the world in executing juvenile offenders, and it is a significant step towards honouring international law," Ghaemi said, noting that Iran has ratified the relevant treaties, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, which bans the death penalty for offenders under the age of 18.

"We are extremely for the families of nearly 130 juveniles on death

row and hope that this directive will put an immediate end to any more executions of juvenile offenders," he said.

Like Amnesty, however, Ghaemi stressed that the directive still fell short of a legally binding commitment and called for it to be approved into law by the parliament. "The next and urgently needed step is for the parliament to act on this issue and abolish the death penalty for children through legislation," he said.

One of those apparently spared by the new directive may be Mohammed Feda'i, who allegedly killed another boy in a fight when he was 17. Earlier this summer, he was given a stay of execution to allow his family more time to reach an agreement over financial compensation with the victim's family, according to Amnesty, which noted that Iran's Supreme Court had upheld the sentence despite evidence that he had received inadequate representation at his trial.

The directive comes too late for Seeyed Reza Hejazi who was executed Aug. 19 for his role in a murder committed in 2003, when he was 15. Hejazi, who admitted that he stabbed an assailant while trying to break up a fight involving several others, insisted repeatedly that he did not intend to kill him.

Iran executed eight juvenile offenders last year and another six so far in 2008. According to a HRW report released last month, judges in Iran have had the power to impose the death penalty in capital cases if the defendant has attained "majority", which is defined in Iranian law "as nine years for girls and 15 years for boys". (END/2008)

## **DEATH PENALTY: Activists Reveal Japan's Death Row to the World**

**By Catherine Makino**

TOKYO - Japan's death row inmates revealed to the world on Friday their personal stories of isolation and suffering, uninformed until the last minute when they will be taken to the gallows.

They were participating in this year's World Day Against the Death Penalty, answering 14 questions in a survey conducted by Forum 90, a civil organisation opposed to capital punishment.

The questions were sent to the inmates late July and returned to Forum 90 through their families and lawyers. Forum 90 published the responses Friday on its Japanese Internet website -- <http://www.jca.apc.org/stop-shikei/index.html>.

The World Day is focusing its attention on Asia this year, calling for an end to executions in 14 countries of the region.

Japan's death row inmates wrote of their suffering in solitary confinement, Akiko Takada, an administrative solicitor and member of Forum 90, told IPS.

"From seven in the morning until seven at night they have to sit still in a small space. If they move, fall over or lie down, the guards immediately force them to sit up again. They only exercise twice a week, for 30 minutes," Takada said.

"Cameras watch them 24 hours a day -- while they eat, use the toilet, do anything."

Many said they were falsely charged and sentenced by an unfair justice system.

"Their defence lawyers told them during their trials to apologise, so they could receive lighter sentences, even if they were not guilty," Takada said. "They asked, 'Why did we have to say we were sorry when we were innocent?'"

"Their lawyers give up because 99 percent are found guilty in the current legal system," she said.

Many said they needed regular medical attention and were taking medication. Nearly half said they were seeking help from prison chaplains.

Seventy-six death row inmates filled out the questionnaires. Their ages ranged from around 20 to over 80. Two of those who participated were executed on September 11.

According to the justice ministry, there are now 102 people on death row.

Takada said Forum 90 faced strong public opposition to its work on behalf of death row inmates.

Everyday members received abusive calls for "trying to save murderers while not helping the families of the victims". Forum 90 had also seen its membership drop from 5,500 to 4,000.

Japanese were unlikely to change their minds about the death penalty because of outside pressure, Takada said. "There was a time when I thought international pressure would help, but the death penalty is part of Japanese culture."

Former justice minister Okihara Yasuoka agreed, adding: "Japan has a culture of shame. There is recognition that death is the only way to atone for some crimes."

Anti-death penalty activists are hoping that this might change when Japan introduces a long-debated "citizen justice system" for criminal trials in May next year.

Three professional judges and six lay jurors will pass judgments in capital cases.

"The impact on normal people of the compulsory lay judge system means the public cannot escape responsibility of being part of it," Teranaka Makoto, secretary general of Amnesty International Japan, told IPS.

"While the majority supports the death penalty, they don't want to take responsibility by taking part in handing out executions."

On the Sixth World Day, the Paris-based World Coalition Against the Death Penalty (WCADP) denounced Japan for the "lack of transparency" surrounding its death penalty system.

"We also express our concern about Hakamada Iwao, sentenced to death in 1968 after an unfair trial," WCADP executive secretary, Cecile Thimoreau, told IPS.

"He is now 72 and one of Japan's longest-serving death row inmates. He is suffering from mental illness after spending over 28 years in solitary confinement. We emphasise the fact that no system is safe from judicial errors."

The general secretary of the International Federation for Human Rights, Florence Bellivier, also called on Japan to "eliminate the secrecy surrounding the practice of the death penalty".

Thirteen people have been executed in Japan so far this year. (END/2008)

## **DEATH PENALTY-PAKISTAN: Reason For Hope on World Day**

**By Zofeen Ebrahim**

KARACHI - As rights groups mark the Sixth World Day Against the Death Penalty with an appeal for an end to executions in Asia, Pakistan pulled one man back from the gallows and hinted that it will soon honour pledges to commute the sentences of over 7,000 death row inmates.

Zulfiqar Ali, 38, was due to be executed on Oct. 8. But on Wednesday, President Asif Ali Zardari granted him a two-week reprieve.

The news was confirmed to the Ali family, including his two daughters, aged ten and 11, by a midnight telephone call from the interior minister, Rehman Malik.

"When the interior minister himself called me and gave me the news, I knew a miracle had happened," said Abudul Qayyum, Ali's younger brother, talking to IPS from Lahore.

The minister told him he should begin negotiations immediately with the families of the two people who his brother was convicted of killing.

Under Islamic law, the families can pardon Ali and receive "Diyat" money in compensation.

"Time is short", the minister reportedly told Qayyum.

Although Ali has only 14 days in which to reach an agreement with the families, the minister also referred to the government's plans to commute the death sentences of most of the over 7,000 on Pakistan's death row.

"Malik told me that the government is working on this issue and I should soon hear some good news."

On Oct. 4, the newspaper Dawn reported that the government was "finalising" its plans to commute these sentences.

"The law ministry is doing a thorough research on the subject to come up with a final draft and fulfil the government's promise to commuting death sentences into life term(s)," sources told the paper.

As a tribute to Benazir Bhutto on her birthday on Jun. 21, Prime Minister Yousuf Raza Gilani announced the commutation, one of the largest in modern times. Bhutto was assassinated during an attack on a Pakistan People's Party rally last December.

Her widower, Zardari, was sworn in as Pakistan's president on Sep. 9 after Pervez Musharraf was forced to resign.

"Since the prime minister announced his decision in June, 15 people

have been executed; and since the beginning of the year, a total of 35 people have been hanged," said I.A. Rehman, chairperson of the independent Human Rights Commission of Pakistan (HRCP).

Human rights activists and NGOs are predicting stiff opposition to the government's plans to push through the commutation.

"I think the government has made up its mind that it wants to do away with the death penalty but there are people like the very orthodox law minister, Farooq Naek, who are scared of taking bold decisions," said Syed Iqbal Haider, a former senator, former federal law minister (1993) and one time the attorney general of Pakistan, who is vehemently against the death penalty.

"The decision is a correct stand. The government needs to be resolute and not budge under any pressure," he added.

Rehman has called the commutation plans an "explosive issue" about which Islamic groups would "kick up quite a row".

Fierce opposition has already been expressed by the religious party Jamiat-Ulema-Islam headed by Maulana Fazlur Rehman who is opposed to the power vested upon the president to grant reprieves.

Opposition has also come from Pakistan's Chief Justice, Abdul Hameed Dogar, appointed by President Musharraf in November 2007.

After the commutation announcement by the prime minister, the Supreme Court asked the attorney general and the ministries of interior and law to submit written statements explaining the government's position on death row prisoners.

"What comes to mind is that Musharraf may have instigated it with a view to bringing the government under pressure," said Rehman. He might also have wanted to see hanged the people who had tried to assassinate him.

Another reason for the Chief Justice's opposition might also be that he shared the view of the vast majority of Pakistanis who believed that the death penalty was a Quranic injunction and should never be abolished.

"That is why we have been calling for a moratorium on executions and reduction in the number of capital offences. We do foresee additional difficulties but we hope the controversy should lead to healthy conclusions," said Rehman.

At the time of independence, in 1947, only murder and treason carried the death sentence. But today there are 27 capital crimes, including blasphemy, stripping a woman of her clothes in public and sabotage of the railway system. Many of these were introduced during the 1977-88 military dictatorship of Gen.I Zia-ul-Haq.

The Asian Human Rights Commission has hailed the eleventh hour stay of execution for Ali.

It also welcomed the president's order that 475 prisoners at Adiala prison in Rawalpindi should be moved from death row cells to open barracks with ordinary inmates. (END/2008)

## Q&A: 'State Secrecy Over Death Penalty

### Must End'

#### Sabina Zaccaro interviews ELISABETTA ZAMPARUTTI from Hands Off Cain

ROME - The call for a universal moratorium on executions made by the U.N. General Assembly last year is a landmark. But the ultimate goal of worldwide death penalty abolition could be delayed unless the new General Assembly goes further.

In order to strengthen the resolution politically, "some other urgent steps are needed, and they can be taken now by the General Assembly meeting in New York," says Elisabetta Zamparutti, Italian MP and editor of the annual report on the death penalty by the Rome-based abolitionist organisation Hands Off Cain.

On the eve of the World Day Against the Death Penalty (Oct. 10), Zamparutti told IPS that while the 2007 U.N. resolution has produced numerous positive developments around the globe, "the real work begins now and, if we don't want to dissipate this success, the current New York meeting has to be substantial rather than merely a formal process."

#### **IPS: The U.N. General Assembly is going to return to the death penalty issue. After its moratorium approval, what do you expect from this year's discussion?**

Elisabetta Zamparutti (EZ): As explicitly stated in the declaration approved last year, the resolution is part of the agenda of the current General Assembly, which is asked to simply reiterate its support for the moratorium. This has to be done annually.

The discussion could be a simple procedural process, confirming the 2007 resolution's contents. Or it could be a debate of substance, even strengthening those contents; this is what we are hoping for.

#### **IPS: How could this happen, concretely?**

EZ: In two ways. What we are requesting is that this year's resolution includes the elimination of state secrecy surrounding the death penalty. This means that countries must provide the U.N. Secretary-General with all information concerning their death sentences and executions.

We are persuaded that the lack of information available to the public is one of the causes for an increase in the number of executions in some countries. The annual global report released by Hands Off Cain, covering the death penalty situation in 2007 and the first half of 2008, says that 39 out of 49 pro-death penalty countries have dictatorial, authoritarian or repressive regimes. Twenty-one of these are responsible for 99 percent of all executions worldwide in 2007.

Of course, if retentionist states are required to provide information about all those condemned and executed, they would naturally reduce the number of death sentences because they would respond not only to their own people but to international public opinion.

This is something the General Assembly could ask to be included in this year's resolution.

Our second key request is for the appointment of a special envoy to the Secretary-General. This special envoy should have the responsibility of not just monitoring the global death penalty situation but also helping individual countries realise the U.N. call for a moratorium. The envoy would see countries maintain a high degree of transparency about their capital punishment systems.

A very pragmatic role, then, that would help retentionist countries deal with their problems moving towards democracy and the respect for political and civil liberties, not just the abolition of the death penalty.

**IPS: Does the Italian government support your requests?**

EZ: The U.N. Secretary-General has openly recognised the prominent role played by Italy in the abolitionist process. We are now waiting to see if the current government (centre-right government elected in April) wants to continue with this commitment.

The chamber of deputies recently approved a draft law ratifying protocol 13 of the European Convention for the Protection of Human Rights and Fundamental Liberties. This concerns the abolition of the death penalty in all circumstances. The draft law will now go to the Senate.

The ratification of the protocol was perfectly consistent with the Italian judicial ruling removing the death penalty for military crimes. After Italy's commitment to the U.N. resolution for the universal moratorium, our country now has the moral and political responsibility to strengthen and realise the contents of this resolution.

We have also asked the Italian government to support our requests to the U.N., and we hope to see a concrete reaction to this.

**IPS: One condition of last year's resolution was that the U.N. Secretary-General reports annually on the death penalty to the General Assembly. His recent report shows positive worldwide progress after the resolution's approval. What is your view on that?**

EZ: Hands Off Cain has positively welcomed the report. It essentially confirms that the moratorium has accelerated the abolitionist process.

The U.N. findings substantiate how the adoption of a moratorium is a key step towards the definitive legal abolition of state executions. The U.N. essentially confirms the global trend towards the abolition of capital punishment stated in our 2008 report.

We had pointed out that while the resolution is not binding and the General Assembly in fact cannot impose a moratorium on its member states, the number of countries that have adopted a moratorium is actually growing. And the Secretary-General's report confirms this positive development.

**IPS: After the resolution, is the climate of the World Day Against the Death Penalty in some ways different**

**this year?**

EZ: The World Day celebration is a chance for us to determine what has changed in one year, and what still has to be done. Yes, this year we feel we have a bigger responsibility because the approval of the moratorium on executions has not ended the struggle. We feel like we have signed a contract with the U.N., and we now have to apply its terms. And this is the hardest part of the job. (END/2008)

**RIGHTS-PAKISTAN: Civil Society  
United Against 'Honour' Killings**

**By Ashfaq Yusufzai**

PESHAWAR - The current campaign against "honour" killings in Pakistan led by anti-death penalty NGOs has support from lawmakers and lawyers pressing for modifications of Islamic law to prevent perpetrators from evading justice.

The NGOs take a principled stand against the death penalty under any circumstances. Some lawmakers and lawyers who support them in the struggle against "honour" killings may not be active opponents of capital punishment, although it is inconceivable that they would back Pakistan's death penalty for consensual sex outside marriage.

The groups have joined forces over the alleged killings of five women in Balochistan, a region known for its highly conservative and patriarchal traditions.

On Jul. 13, five women were kidnapped by armed men objecting to three of them -- Fauzia, 20, and two unnamed schoolchildren between 16 and 18 -- wanting to marry men of their own choosing, according to the Asian Human Rights Commission (AHRC).

In defiance of Umrani tribal elders in the village of Babakot, the young women, accompanied by a mother of one of the teenagers and an aunt of Fauzia, were abducted as they were preparing to leave to get married at a court in Usta Mohammad, a city 80 km away.

The men forced them into a jeep with Balochistan government number plates. They were driven to a remote area where the three young women were allegedly beaten and shot.

They were still breathing when the men "hurled them into a wide ditch and covered them with earth and stones".

The two married female relatives who tried to intervene were also pushed into the ditch and all five were buried alive, according to AHRC.

On Sep. 24, the police, under intense pressure from NGOs and lawmakers in parliament, arrested seven people.

"We have seven suspects, including the brother of two of the girls," Balochistan police chief, Asif Nawaz Warraich, told IPS. One of the arrested had allegedly confessed to the crime, although the police still had no other evidence.

"The federal government is sending a top official to Quetta [the provincial capital] to investigate the murders," he added.

Senator Mohammad Adeel told IPS that the parliament human rights committee would be recommending legislation that would reform the Islamic Qisas and Diyat law. The committee was set up after heated exchanges in parliament over the alleged killings.

Qisas gives the victim's heirs the right of retribution. But Diyat orders them to seek compensation rather than demand this. Both concepts are incorporated into Pakistani law.

Adeel said he was also proposing that those accused of "honour" killings be tried by judges sitting on the anti-terrorism courts rather than the ordinary courts of justice.

"If that happens, the relatives of the deceased women will not be able to get away with the crime by invoking Diyat law."

Adeel said he had told the parliamentary human rights committee that the police in Balochistan were facing difficulties investigating the case because of political interference.

The Human Rights Commission of Pakistan (HRCP) and some lawyers would prefer the government to amend the 2005 law specifically outlawing "honour" killings, reining in the rights given to the accused under Qisas and Diyat. Since most of "honour" killings took place within families, agreements were being reached in accordance with Islamic law which undermined the ability of the state to prosecute those guilty.

"We have been urging the government to reform the law," Asma Jehangir, chair of the HRCP, told IPS. "But when our reform proposals were presented to parliament in 2005, they were defeated as 'un-Islamic'."

The Peshawar-based women's rights lawyer, Noor Alam Khan,

also wanted the law against "honour" killings amended.

She predicted that no one would be punished for the alleged killings in Balochistan because the families would invoke Islamic law.

"All [those allegedly guilty] are relatives and they will be set free because of Qisas Law," she told IPS.

HRCP's statistics on "honour" killings show that they have been increasing, in spite of the 2005 legislation.

In 2007, there were 636 "honour" killings, of which 61 victims were under 18. In 2006, the number was 271. So far this year, HRCP has recorded 283.

"Many more cases go unreported. Almost all go unpunished," said AHRC.

Anti-death penalty NGOs say the increase in "honour" killings is also a reflection of the growing brutalisation of Pakistani society. The death penalty, and its steady extension, has contributed to this.

"Pakistan currently has 26 criminal offences that allow for the death penalty -- as opposed to just two, for murder and treason, at the time of independence in 1947," Human Rights Watch said, in an open letter to Prime Minister Yusuf Raza Gillani in June, calling for a ban on state executions.

Over 7,000 people, including 40 women, are awaiting execution, although most of these were promised a commutation of their death sentences in June.

In 2007, 134 people were executed by the state in Pakistan. (END/2008)

## News from International NGOs

### ASIA: TIME TO MOVE TOWARDS ABOLITION OF THE DEATH PENALTY

With Asia executing more people each year than any other part of the world, Amnesty International called Oct. 10, on World Day Against the Death Penalty, for India, South Korea and Taiwan to join the global trend and establish a moratorium on the death penalty immediately. China, Iran, Saudi Arabia, Pakistan and the USA accounted for 88 per cent of the 1,252 known executions that Amnesty International recorded in 2007. In Asia, 14 countries still carry out executions but 27 countries have now abolished the death penalty in law or in practice.

"There is a window of hope and a chance for change in Asia. Today we are urging India, South Korea and Taiwan to join the global trend towards ending executions and set an example for the rest of the continent to follow," said Irene Khan, Secretary General of Amnesty International.

India has not executed anyone since 2004, although death sentences are still handed down -- at least 100 in 2007 -- often in trials where poorer defendants have inadequate legal representation.

South Korea last executed people in December 1997, when 23 people were put to death. On 31 December 2007, six people had their sentence commuted to life imprisonment by the President. However, 58 prisoners remain under sentence of death. Taiwan has not carried out any executions since December 2005. This year two individuals have been sentenced to death, meaning Taiwan now has 30 people on death row.

"Death sentences continue to be imposed for a wide range of crimes and people executed often after unfair trials in a number of countries in

Asia. There is also a terrible lack of transparency about the use of the death penalty," said Irene Khan. In Japan there have been 13 executions so far in 2008 -- compared to a total of nine in 2007 -- and more than 100 people are currently on death row. Hangings in Japan are typically shrouded in secrecy, with a prisoner being notified hours before the execution.

In Pakistan at present there are around 7,500 persons, including children, under sentence of death, mostly for murder, with at least 130 people executed in 2007 after trials that are often marked by their unfairness and lack of justice for defendants.

In Viet Nam, a total of 29 offences in the country's Penal Code carry the optional death penalty, including drug trafficking crimes. Statistics on executions, by firing squads, are classified as a state secret but from January 2007 to the end of May 2008, Amnesty International documented, from media sources, 91 people, including 15 women, sentenced to death.

### **SAUDI ARABIA: DEATH BY DISCRIMINATION**

The Saudi Arabian government continues to execute people at an average of more than two a week, Amnesty International said in a new report Oct. 10. Almost half of them - a disproportionately high number in relation to the local population - are foreign nationals from poor and developing countries.

"We had hoped that the much-heralded human rights initiatives introduced by the Saudi Arabian authorities in recent years would bring an end to - or, at least, a significant reduction in the use of the death penalty. Yet, in fact, we have witnessed a sharp rise in executions of prisoners sentenced in largely secret and unfair trials, making the need for a moratorium more urgent than ever," said Malcolm Smart, Director of the Middle East and North Africa Programme at Amnesty International.

In 2007, there was a sharp increase in executions, with a total of at least 158 people put to death compared with 39 executions monitored by Amnesty International in 2006. So far this year, Amnesty International recorded a further 71 executions to the end of August, and the organisation fears that there could be a new surge of executions in the coming weeks following the end of the holy month of Ramadan. "The Saudi Arabian government's continuing high use of the death penalty runs counter to the growing international trend towards abolition," said Malcolm Smart. "Moreover, the death penalty is carried out disproportionately and discriminately on national or ethnic grounds against poor foreign workers and Saudi Arabian nationals who lack the family or other connections that, fortunately, help others to be saved from execution."

All too often the defendants, particularly poor foreign migrant workers from developing countries in Africa and Asia, have no defence lawyer and are unable to follow the court proceedings which are in Arabic. They and many of the Saudi Arabians who are executed also have no access to influential figures such as government authorities or heads of tribes, nor to money, both crucial factors in securing a pardon. "The process by which the death penalty is imposed and carried out is harsh, largely secretive and grossly unfair. Judges, all men, have wide discretion and can hand down death sentences for vaguely-worded and non-violent offences," said Malcolm Smart. "Some migrant workers have even been unaware that they had been sentenced to death until the very morning of their execution."

Execution is usually by beheading, generally in public. In some cases, crucifixion follows execution.

Saudi Arabia is one of the few states in the world with a high rate of executions for women. It is also one of the few remaining countries to execute people for crimes they committed when they were still under the age of 18, in breach of international law. "It is high time for the Saudi Arabian government to step up to the plate on this issue and respect its obligations under international law," said Malcolm Smart. "As an elected member of the UN's Human Rights Council, the government should move quickly to reverse this ghastly trend and bring Saudi Arabia's legal and judicial practices into conformity with international standards. It must ban the death penalty for children, ensure fair trials, address rampant discrimination, and curtail judges' discretionary powers in the use of this cruel, inhumane, and degrading punishment."

### **DEATH PENALTY ABOLITION DISCUSSIONS IN MOROCCO**

The World Coalition Against Death Penalty reported on Oct. 27: A seminar to discuss the death penalty took place in Rabat on Oct. 11 and 12. It was organised by Ensemble Contre la Peine de Mort (ECPM) and the Conseil Consultatif des Droits de l'Homme (CCDH - Consultative Council for Human Rights). Parliamentarians, judges, lawyers, academics, ulemas and human rights organisations gathered in thematic sessions linking capital punishment to five other concepts: human rights; Islamic beliefs; national legislation; criminology; and international position.

Chaired by Ahmed Herzenni, the president of CCDH, the opening session was marked by a speech by Moroccan Minister for Justice Abdelwahed Radi. Reminding those present that Morocco has suspended executions since 1993, Mr Radi explained that the number of prisoners sentenced to death has fallen substantially from 146 to 125 since 2004. Herzenni stated that the death penalty was only used in "rare circumstances", recalling the royal pardon granted in July 1994 to all those sentenced to death in Morocco.

During two days of intense work, participants studied the ways and means to implement the recommendations of the Instance Equité et Réconciliation (Equity and Reconciliation Board), and in particular the ratification of the Second Optional Protocol to the Covenant on Civil and Political rights.

The protocol, signed by 67 countries to date, binds states to "take all necessary measures to abolish the death penalty within its jurisdiction".

According to Richard Sédillot, an ECPM board member, "The international community considers that Morocco has abolished the death penalty

in practice; it is a country that deserves abolition". Each of the speakers then justified abolition providing objective and rational arguments. Statistics in hand, Driss El Yazami, President of the Conseil de la Communauté marocaine à l'étranger (Council of the Moroccan Community Abroad), refuted the deterrent effect on crime that is often cited by defenders of the death penalty. Using many concrete examples, Richard Sédillot highlighted the reality of countless judicial errors, arguing that no justice system is infallible.

Ahmed Abbadi, Secretary General of the Rabita Mohammédia des oulémas (Mohammédia Rabita of ulemas), brilliantly demonstrated that abolishing the death penalty was not contradictory to the principles of Islam. He argued that capital punishment is limited to a few specific circumstances, like apostasy, premeditated murder or high treason and explained that Islam "always empowers the iman to choose". His enthralling intervention provoked many reactions among the captive audience. "The religious frame of reference cannot be a pretext for maintaining the death penalty", declared Amina Bouayach, President of the Organisation Marocaine des Droits Humains (OMDH – Morocco Human Rights Organisation) to the Aujourd'hui Le Maroc newspaper, one of the many media organisations present.

Concerning that most basic of human rights, i.e. the right to life, the death penalty is still a very sensitive subject in Morocco. There is still no consensus on its abolition, as is proved by the country's abstention from the vote on the resolution for a moratorium on executions at the United Nations' General Assembly in 2007. Claudius Fischbach, Germany's ambassador's minister to Morocco, believes that, by taking that plunge, Morocco would be sending a strong signal as the first Arab state in the Maghreb to achieve abolition. Germany and the Republic of Ireland cofinanced the seminar.

ECPM will publish a report on this seminar on 10 December 2008, marking the 60th anniversary of the Universal Declaration of Human Rights.

### **NIGERIA: "WAITING FOR THE HANGMAN"**

Amnesty International Oct. 21 said that hundreds of those awaiting execution on Nigeria's death rows did not have a fair trial and may therefore be innocent. The organisation exposed a catalogue of failings in the country's criminal justice system, saying that it is "riddled with corruption, negligence and a nearly criminal lack of resources". At a press conference in Abuja to release a comprehensive report on the death penalty in Nigeria, the organization called on the government to establish an immediate moratorium on executions in light of its findings. Joining in the call was the Legal Defence and Assistance Project (LEDAP), a Nigerian legal organization working to promote good governance and the rule of law in Nigeria. LEDAP co-authored the report released Oct. 21. "It is truly horrifying to think of how many innocent people may have been executed and may still be executed," said Aster van Kregten, Amnesty International's Nigeria researcher, speaking from Abuja. "The judicial system is riddled with flaws that can have devastating consequences. For those accused of capital crimes, the effects are obviously deadly and irreversible."

Some of the most serious findings revealed in Amnesty International and LEDAP's report, "Nigeria: Waiting for the Hangman":

- Confessions: most death penalty convictions are based on confessions alone. Confessions are often extracted under torture.
- Torture: although prohibited in Nigeria, in practice torture by police occurs on a daily basis. Almost 80 percent of inmates in Nigerian prisons say they have been beaten, threatened with weapons or tortured in police cells.
- Delays: death penalty trials can take more than 10 years to conclude; some appeals have been pending for 14, 17 and even 24 years.
- Negligence: many death row prisoners cannot even have their appeals heard because their case files have been lost.
- Conditions: life on death row is extremely harsh. Prisoners whose appeals are over are held in cells where they can see executions. After a prisoner has been hanged, other death row prisoners are forced to clean the gallows.
- Children: although international law prohibits the use of the death penalty against child offenders, at least 40 death row prisoners were aged between 13 and 17 at the time of their alleged offence.
- The majority of those on death row were sentenced to death based on a confession – in many cases, extracted under torture, according to Amnesty International and LEDAP research.
- "The police are over-stretched and under-resourced," said Aster van Kregten. "Because of this, they rely heavily on confessions to 'solve' crimes – rather than on expensive investigations. Convictions based on such confessions are obviously very unsafe."

## **WORLD PRESS REVIEW – October 2008**

### **JAPAN HANGS TWO MORE ON DEATH ROW**

Japan hanged two more death-row inmates as the country steps up executions to a pace unseen in three decades, despite an ongoing UN review of its rights record, AFP reported Oct. 28. The country, which has one of the world's lowest crime rates, is the only major industrial nation other than the United States to use the death penalty. Its use is widely supported among the Japanese public. Oct. 30 executions were the first since conservative Prime Minister Taro Aso took office last month. "The executions were carried out after we repeatedly gave full, cautious and appropriate consideration," Justice Minister Eisuke Mori told reporters.

The hangings brought to 15 the number of people executed this

year, the highest total since 1975 when Japanese authorities hanged 17 people. The executed inmates were Michitoshi Kuma, 70, and Masahiro Takashio, 55, the justice ministry said. Kuma was convicted of kidnapping and killing two girls, both seven, in 1992 in western Fukuoka prefecture. Takashio stabbed an elderly woman and her daughter to death in northern Fukushima prefecture in 2004 to get money.

Mori denied that Japan was trying to speed up the pace of executions. "I did not take the timing or space (in between executions) into account at all," he said. Following the latest executions, Japan has 101 inmates on death row. Under Japanese law, the justice minister must sign off on every execution. At the

time of his appointment as justice minister, Mori said he would "solemnly carry out" his duties on the death penalty. Japan had a de facto moratorium on executions for 15 months until 2006 because the then justice minister, Seiken Sugiura, said the death penalty went against his Buddhist beliefs. Last year, Japan executed nine convicted killers.

### **UN CRITICISES N KOREA FOR HOLDING PUBLIC EXECUTIONS**

North Korea is using public executions to intimidate its citizens, the UN investigator on human rights in the reclusive nation said, according to Deseret Morning News Oct. 24. Vitit Muntarbhorn told the UN General Assembly's human rights committee that North Korea has also imposed more severe sanctions on people seeking to leave the country and those forcibly returned, and it still detains "very large numbers" of people in camps. "The human rights situation in the Democratic People's Republic of Korea remains grave in a number of key areas," Muntarbhorn said. "Particularly disconcerting is the use of public executions to intimidate the public," he said. "This is despite various law reforms in 2004 and 2005, which claim to have improved the criminal law framework and related sanctions." He urged North Korea to terminate public executions, modernize the legal and prison systems and abide by the rule of law, and build an independent judiciary.

### **SOUTH KOREA. CONSTITUTIONALITY OF DEATH PENALTY TO BE REVIEWED**

In South Korea a provincial court has challenged the constitutionality of the current law legalizing capital punishment amid an intensifying tug-of-war between courts and human rights groups at home and overseas to abolish the capital punishment., Korea Times Oct. 3. The Gwangju High Court has filed a petition with the Constitutional Court on behalf of a convicted prisoner, who is in detention on homicide charges. Civilians or civic groups have lodged several petitions but this is the first case that a local court filed a constitutional petition on the internationally sensitive issue. The latest ruling, which stuck to current law, was made in 1996. A 70-year-old fisherman was sentenced to death in the first trial for killing four tourists, who were on board his fishing boat. He asked his appellate court judge to file the petition, alleging "capital punishment is unconstitutional." Accepting his suggestion, the appellate trial will be suspended until the Constitutional Court reviews the petition.

The presiding judge of the trial said, "At the time of the latest constitutional ruling on the death penalty in 1996, the Constitutional Court stated it was constitutional although it indicated the need to scrap the capital punishment on a long term basis". According to the Ministry of Justice, 58 convicted are now behind bars awaiting the death penalty.

### **MALAYSIA. DEATH FOR SMUGGLING DRUGS**

The Malaysian High Court sentenced a 61 year old senior citizen to death after finding him guilty of trafficking in 1,558g of ketamine at 7.30am on Dec 3, 2006, according to New Straits Times on Oct. 10. The security guard was boarding a plane to Shenzhen when he was caught with drugs hidden in his underwear with a high waist female undergarment over it. Jun Lam Chin Swee Kong was caught by officers at the Kuala Lumpur International Airport as he was passing through the metal detector. Judge Datuk Syed Ahmad Helmy Syed Ahmad said the defence had failed to rebut the prosecution's case.

During the trial, Jun Lam said he was helping a friend to take the drugs, which he had believed were traditional herbs, to China. He said he hid the herbs to avoid paying tax.

### **40 FILIPINOS OVERSEAS FACE DEATH PENALTY: GOVERNMENT OFFICIAL**

A total of 40 Filipinos overseas are facing the death penalty in various countries, a government official of the Philippines said, Xinhua reported Oct. 15. The cases, involving offences such as rape, drug smuggling and homicide, are pending in Kuwait, Malaysia, Brunei, the United States and Saudi Arabia among others, said Esteban Conejos, Undersecretary of the Philippine Department of Foreign Affairs. Conejos said the cases are in different stages, but in the event of conviction, the maximum penalty is death. Since 2006, there were a total of 64 death penalty cases, but the government was able to ask commutation of 24 sentences from death to life imprisonment.

### **CHINA: FORMER BEIJING COURT PRESIDENT GIVEN SUSPENDED DEATH SENTENCE FOR BRIBERY**

A former Beijing court president was sentenced to death with a two-year reprieve in China for bribery and embezzlement, Chinaview.cn reported Oct. 30. The First Intermediate People's Court of Beijing also confiscated all the belongings of Guo Shenggui, ex-president of the Xicheng District People's Court. Guo garnered 7.97 million yuan (US\$1.17 million) of illicit money between October 1998 and May 2007.

He was bribed by more than 10 people to influence lawsuits and construction project bids, among other things. He also embezzled public funds. Guo, 60, retired in 2006. Disciplinary authorities began investigating him in June 2007.

### **INDIA: ANTONY COMMUTES DEATH PENALTY OF JAWAN**

An Army jawan in India facing the death penalty for killing an officer had his death sentenced commuted to life imprisonment by Defence Minister A K Antony, Sify.com reported Oct. 31. "But it is not my personal decision (to commute the death sentence). Before I took a decision, it was recommended by the Army Chief and the Defence Ministry. Only then, I took a decision," Antony said. Army headquarters sources said the fragging case was related to jawan Ravi Kumar Pola, who was found guilty of firing at his senior officer with a service weapon. The fragging incident took place on September 13, 2006. A court martial found Pola guilty and ordered the death penalty for killing Major Harsh, sources said. Following the court decision, Army headquarters put it up before its chief General Deepak Kapoor, the confirming authority in the case. General Kapoor recommended to the Defence Ministry that considering the circumstances of the case, the death penalty could be commuted to life imprisonment.

### **DEATH PENALTY STILL STANDS IN BOTSWANA, SAYS KHAMA**

The Botswanan Government does not intend to change its current stance on the death penalty, the President Lt Gen. Seretse Khama Ian Khama said Oct. 31, Daily News Online reported. Responding to a comment from a resident during a kgotla meeting he addressed in Palapye, President Khama said people who took their time to plan and deliberately killed others should know that they would be executed.

This, he said, did not mean that the government enjoyed 'doing it' but it was the only way to discourage people from taking other individuals' lives. "The fear of facing death penalty can make a would-be killer to think twice about murdering somebody," he said. "Nobody wants to die."

#### **SUDAN: SUPREME COURT REJECTS DEATH SENTENCE APPEAL**

The Sudanese Supreme Court in Khartoum rejected an appeal by lawyer Kamal Umar Abd-al-Salam on behalf of the defence committee for the defendants convicted of killing the journalist Muhammad Taha Muhammad Ahmad, BBC reported Oct. 24. The accused were sentenced to death by hanging. The resolution to reject the appeal stated that the sentences neither contravened the Islamic Shari'ah law nor the civil law, and therefore, there was no justification for the verdict to be reviewed.

#### **ALGERIA: REZAG BARA CALLS FOR DEFINITELY ABOLISHING DEATH PENALTY**

Algerian President Bouteflika's advisor in charge of Human Rights, Rezag Bara, wanted an ultimate decision to be made concerning the death penalty in Algeria, El Khabar reported Oct. 12. He proposed jail sentences of 30 years as an alternative. At the margin of a conference on human rights held at the headquarters of the Human Rights Advisory Commission, Razak Bara indicated that judicial authorities have suspended death penalty rulings, following an instruction issued in 1993, however courts have persisted in issuing death sentences. He called for a final decision to be made. Bara also called on judicial authorities to remove "the special cells" reserved for prisoners serving death sentences.

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