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Moyiga Nduru

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[Number 1](#) | [Number 2](#) | [Number 3](#) | [Number 4](#)

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DEATH PENALTY: Wisconsin to Vote on Reinstatement

by Haider Rizvi

NEW YORK, Jun 30 (IPS) - For more than 150 years, the people of Wisconsin never approved of laws that would allow state authorities to execute anybody.

Now, however, some citizens of that mid-western state appear to have changed their minds.

The state senate voted by a narrow margin in May to allow Wisconsinites to vote on a referendum that could reinstate the death penalty.

Proponents of the death penalty describe the move as an opportunity for state residents to make their choice, but critics describe it as a tool that conservative lawmakers want to use for political gains.

Though Wisconsin is ruled by a Democratic governor who strongly opposes the death penalty, its legislature is dominated by Republicans, most of whom want to reintroduce the death penalty.

"I believe a majority of Wisconsin citizens strongly support the death penalty," state Senator Alan Lasee, a Republican who has been pushing for the restoration of death penalty for nearly three decades, said in a recent statement.

Lassie and others cite a number of murders in recent years, including serial killings, as reasons to support capital punishment. A death penalty in the state, they assert, would prove a strong deterrent against serious crimes.

They point to an April survey jointly conducted by a local public radio station and St. Norbert College in De Pere, Wisconsin in which more than 60 percent of those polled supported the death penalty referendum.

Though critics do not dispute the findings of the poll, they seem sceptical about the real motives behind the Republican initiative to restore death penalty.

"It's a biased decision because it's politically-motivated," Christopher Watson of Amnesty International's Wisconsin chapter told IPS.

Republicans are using the referendum as a political favour, Watson said. "Lasee is going to retire, and a lot of politicians want to grant him a favour," he said.

Despite a slight increase in public opinion in favour of death penalty, most Democrats oppose the proposed measure. Civil society groups, such as the American Civil Liberties Union (ACLU), already are fighting the referendum.

"ACLU members and others who oppose the death penalty will be going to polls in November to keep state-sanctioned killing from returning to our state," Chris Ahmuty, of the Wisconsin chapter of the ACLU told IPS.

The death penalty was banned in Wisconsin some five years after the state joined the union in 1848 in response to citizen revulsion over a public hanging in the town of Kenosha of a man who had drowned his wife.

"It has been 153 years since the government killed a person in the state of Wisconsin," Democratic Senator John Erpenbach said during senate debate in May. "We have functioned as a state without it. We don't need it."

In addition to Wisconsin, 11 other states prohibit capital punishment. They are Alaska, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, Vermont, and West Virginia.

Among the civil society groups opposing the restoration of death penalty in Wisconsin are leading faith-based groups in the state, including the Jewish Conference and Catholic Conference.

As elsewhere in the United States, many Republicans in Wisconsin believe the death penalty is an effective way to deter serious crimes. Opponents point out, however, that no study has ever proven that capital punishment discourages crime.

"It is no better deterrent to crime than life in prison," the Wisconsin State Journal, a well-respected local newspaper wrote in a recent editorial.

Southern states have not only the highest murder rate in the country, the paper said, but also the highest percent of the nation's executions. In contrast, the murder rate is lowest in the northeast -- a region which accounts for only one percent of total executions.

Currently, some 87 percent of the 5.3 million people who live in Wisconsin are of European descent. Only six percent are African-Americans.

Critics fear that if death penalty laws were restored in the state, African-Americans and other poor minorities, like Native Americans, would suffer the most.

"The statistics show that the poor don't have the resources to defend themselves," the journal observed in its editorial, noting that 42 percent of death row prisoners nation-wide are African-Americans.

"This disproportion," the journal added, "would likely be sharper in Wisconsin, which leads the nation in the number of black people in prisons."

Amnesty International's Watson does not question the validity of the opinion polls that suggests a majority of people in the state support death penalty laws. Still, he wonders how people would respond if they were asked the question differently.

"(The polls) always focus on the nature of the crime," said Watson. "The way they ask questions about the death penalty is not the right way. When you ask a question about life without parole, for example, people look the other way."

In November, the referendum will ask: "Should the death penalty be enacted in the state of Wisconsin for cases involving a person who is convicted of first degree intentional homicide, if the conviction is supported by DNA evidence."

Though still hopeful about the outcome of the November ballot, Watson admitted that he has no illusions about the possibility of success for those pushing for legislation in support of death penalty. "It is disheartening," he said.

Not all have lost heart, however. "Those who are counting on fear to change our state will be in for a surprise," ACLU's Ahmuty said. (END/2006)

DEATH PENALTY-U.S.: Mexico Could Not Stop Execution of Serial Killer Immigrant

by Diego Cevallos

MEXICO CITY, Jun 28 (IPS) - The southern U.S. state of Texas executed a Mexican immigrant Tuesday night after rejecting expert medical opinions that the condemned man was mentally incompetent, and ignoring appeals from the Mexican government to spare the man's life.

"Any execution is a failure of justice, and so was this one. Everything possible was done to prevent it, but the efforts were in vain," Alfonso García, spokesman in Mexico for the human rights watchdog group Amnesty International, said in an interview with IPS.

Mexican immigrant Ángel Maturino died by lethal injection at a prison in Texas, where he had been held since 1999. He was condemned to death for the 1998 murder and rape of doctor Claudia Benton.

Maturino was also implicated in 14 more homicides committed in the 1990s in Texas, California, Florida, Georgia, Kentucky and Illinois. All the victims were slain close to railways, earning him the nickname the "railroad killer."

The Mexican foreign ministry released a statement deploring the execution and stating that it "was carried out in spite of medical evidence that he suffered severe mental disturbance, which in principle should have rendered him ineligible for the death penalty."

Maturino's execution, originally set for May 10, was postponed so that psychiatric and psychological tests could be performed. He claimed to be "half angel and half man," and said he had been impelled to murder by an "evil force," and at the same time by "the will of God."

Last week judge William Harmon, of the 178th district criminal court in Houston, Texas, heard the medical evidence. Although four of the five experts were of the opinion that Maturino was insane, the judge ruled that he was "sufficiently competent" and would not be spared the death penalty.

The U.S. Supreme Court has ruled that convicts who are "mentally incompetent" shall not be executed.

"Maturino's case was a very difficult one because he had committed so many brutal crimes, although we maintain the position that he was not mentally fit," said Amnesty International spokesman García.

The administration of Mexican President Vicente Fox lodged a series of appeals with the U.S. justice system attempting to prevent the execution, and even convinced the Inter-American Court of Human Rights, based in Costa Rica, to ask the United States to postpone the execution until all available legal means had been exhausted.

But neither these actions, nor a telephone call from Mexican Foreign Minister Ernesto Derbez to Texas Governor Rick Perry, pleading for clemency, had any effect.

The Mexican foreign ministry's communiqué said that it had "monitored the case promptly and continuously from the start, and had resorted to every possible domestic and international recourse to preserve Mr. Maturino's life, according to our country's staunch commitment to defend the human rights of its citizens abroad, and its absolute opposition to the death penalty."

Maturino was the sixth Mexican to be executed in the United States since it restored the death penalty in 1976, when the Supreme Court lifted the ban on capital punishment that the court itself had imposed four years earlier. The death penalty remains illegal in 12 of the 50 states in the U.S.

The last Mexican to be put to death by the U.S. legal system prior to Maturino was Javier Suárez, executed in Texas in August 2002. "The failure in the Maturino case will not end our efforts to stop the use of the death penalty in the United States and other countries," human rights activist García said.

Maturino, who before his arrest was on the Federal Bureau of Investigation (FBI) Top Ten Most Wanted List, asked for the death penalty during the trial, rather than a life sentence.

He was born in a small town in Puebla, a state near Mexico

City, and grew up virtually as a street child. He was 14 when he first entered the United States as an undocumented immigrant.

He was arrested 16 times in the United States for minor robbery and other crimes, and deported eight times. However, he kept returning to the U.S.

Unlike the cases of other Mexican immigrants in which the failure of the authorities to notify the Mexican consulate of their arrest served a key role in the legal strategy of their defence attorneys, this requirement was duly fulfilled after Maturino was arrested.

The International Court of Justice in The Hague ruled in late March 2004 that the United States had violated the rights of 51 Mexican nationals by sentencing them to death without having provided them with the opportunity for consular assistance at the time of their arrest and trial.

Thanks to this ruling, in 2004 the execution of Mexican immigrant Osvaldo Torres in Oklahoma was prevented, and his death sentence commuted to life imprisonment.

The other immigrants sentenced to death, and who did not have the benefit of consular assistance, are awaiting review of their cases.

Amnesty International maintains that "the death penalty is the ultimate cruel, inhuman and degrading punishment," and constitutes "a violation of the right to life."

"The death penalty is irrevocable and can be inflicted on the innocent. It has never been shown to deter crime more effectively than other punishments," the organisation states.

There were 2,148 known executions in 2005 -- 94 percent of them took place in China, Iran, Saudi Arabia and the United States. In 2004, 7,395 people in 64 countries were sentenced to death, according to Amnesty International. (END/2006)

DEATH PENALTY-CUBA: Dissidents Call for Legal Moratorium

by Patricia Grogg

HAVANA, Jun 28 (IPS) - Moderate dissidents in Cuba urged the government of Fidel Castro to declare a legal moratorium on executions and announced that a campaign would be launched this year to raise public awareness on the issue.

Capital punishment has not been applied in this Caribbean island nation since the April 2003 execution by firing squad of three Cubans who hijacked a ferry carrying dozens of passengers, including several foreign tourists, in an attempt to reach the United States. The hijackers, who had threatened to

kill their hostages, were executed after a summary trial in which they were found guilty under a 2001 law on terrorism.

"The time is right to move from a 'de facto' moratorium to a legal one," Manuel Cuesta Morúa told IPS, clarifying that he was speaking on behalf of the Pro Human Rights Dialogue Coalition and not as the spokesman for the Arco Progresista, which links groups with social democratic tendencies.

Both coalitions signed a statement earlier this month at the start of the very first session of the new United Nations Human Rights Council, which replaced the 60-year-old U.N. Commission on Human Rights.

Cuba is one of the 47 members of the new Council, which means -- according to the Jun. 19 communiqué issued by the dissident groups -- that it has assumed a commitment to effectively advance human rights around the world.

Cuesta Morúa said "it is in this context that we are calling, among other things, for a moratorium on the death penalty."

The groups' demands include a general amnesty for political prisoners and the creation of national mechanisms aimed at guaranteeing respect for human rights.

The Cuban government maintains that it has one of the cleanest human rights records in the world and consistently refuted the criticisms of which it was a target year after year in resolutions passed by the now-defunct U.N. Commission on Human Rights.

But Cuba's socialist government does not recognise internal opposition groups, which it accuses of being at the service of the United States.

According to Cuesta Morúa, however, authorities in Cuba are becoming aware that the time is ripe for making decisions with regard to the death penalty, although first "they must understand that the justification of keeping it on the books for reasons of national security no longer works."

He mentioned the cases of Salvadorans Raúl Ernesto Cruz León and Otto René Rodríguez Llerena, who were sentenced to death for terrorism in 1998.

Cruz León and Rodríguez Llerena -- whose sentences are currently pending a Supreme Court appeal -- took part in a series of bombings of tourist facilities in Cuba. One of the explosions resulted in the death of an Italian citizen, Fabio Di Celmo.

"The fact that the death penalty has not been applied in these cases amounts to an admission that it does not work as a dissuasive element against serious crimes," said Cuesta Morúa, who added that Cuba should not "emulate" the United States, where capital punishment exists in a number of states.

The activist announced that in November the Pro Human Rights Dialogue Coalition plans to launch a campaign that will include "citizen debates" to raise awareness on the issue, with the aim of gradually extending the discussions throughout the entire country.

"That will be the step prior to collecting signatures for a petition to be submitted to the National Assembly (the single-chamber legislature), urging it to declare a moratorium on executions," said Cuesta Morúa.

The 2003 executions broke the de facto moratorium on capital punishment in effect in Cuba since 2000.

But President Castro himself has not ruled out the possibility of eventually abolishing the death penalty.

In a lengthy interview that Castro gave to journalist Ignacio Ramonet, editor of the French publication *Le Monde Diplomatique*, the Cuban leader said that he believed Cuba was gradually moving towards a future in which the country would be in a position to abolish capital punishment.

A 700-page edition of the interview in Spanish began to be distributed in Cuba last month. The book contains a number of references by Castro to the issue of the death penalty, which is rarely discussed in Cuba.

Castro said capital punishment has not yet been abolished in Cuba because the country is going through a very difficult period, people are not yet totally prepared for that, and there are differences of opinion with respect to how to deal with serious crimes committed by common criminals.

The leader said he believed it would take a while before capital punishment would be eliminated for all kinds of crimes, and underlined that his government has made no commitment to a definitive moratorium.

In Cuba's penal code, the death penalty is only used in "exceptional" circumstances, but is applicable to a number of crimes if aggravating factors are present. However, it cannot be applied in the case of people under 20 or to women who were pregnant at the time the crime was committed or when the sentence is handed down.

In practice, the death sentence has never been applied against a woman since a 1959 law reinstated capital punishment.

Cuban law also stipulates that those convicted of a crime have the right to appeal to the Supreme Court. If the sentence is upheld, it must then be ratified by the Council of State (the highest government body), which has the last word.

According to the Cuban Commission for Human Rights and National Reconciliation, an opposition group that has no legal status but is tolerated by the Cuban government, there are currently 50 people in Cuba facing the death penalty. (END/2006)

DEATH PENALTY-IRAQ: Saddam's Execution Likely, Fair Trial Less So

by Brian Conley and Omar Abdullah

BAGHDAD, Jun 26 (IPS) - The trial of Iraq's former president Saddam Hussein has been wracked with controversy and spectacle. Now entering its final phase, the question for all Iraqis and the world is whether he will be executed for the deaths of 148 Shiites, killed in Dujail in 1982, as requested by prosecutors.

Perhaps the better question is how Saddam's execution will help Iraq move forward.

In the past, "The rule of the gun was more powerful than the rule of law in Iraq," wrote David Crane in 'The Jurist,' a web-based legal news service, earlier this year.

"Saddam's trial could reverse this and begin a process whereby the Iraqi people will begin to respect the rule of law. Get it wrong and the fledgling democracy that is the new Iraq is in trouble," he added.

In fact, many Iraqis see too many similarities between Saddam's trial and that of other former Iraqi government officials: the allies of Prime Minister Nuri al-Said and Crown Prince Abdul-Ilah.

In 1958, after Abdul Karim Qasem's forces overthrew the monarchy, he established a court to try ministers and members of the army who collaborated with Britain and the king. This court, known as the al-Mahdawi Court, essentially conducted show trials, say lawyers and historians.

"It was just a kind of comedy or theatre for these people. They judged the leaders of the regime, but at least it was a national, Iraqi court," a member of the Iraqi Lawyers Association told IPS. This attorney, who refused to give his name out of fear for his family, met with IPS in Amman, Jordan.

Like the trials by the al-Mahdawi Court, Saddam's trial, too, seems to reflect theatre more than jurisprudence, Muhammad Tareq, director of the Monitoring Human Rights in Iraq network, told IPS.

"These two courts were both established by the enemies of the previous regime. They are not independent. What is the difference? Mahdawi pushed for execution, the same with (this) new trial," Tareq said. "We must establish an independent committee to bring all the evidence out and move toward a real democracy."

The new Supreme Iraqi Criminal Tribunal (SICT) was established to try Saddam Hussein, and civil society groups have said it has some disturbing similarities to the al-Mahdawi Court, and it is difficult to perceive fairness due to

these similarities.

"Two of the crimes listed in Article 16 appear to have their origins in the military tribunal after the 1958 revolution. This tribunal, known as the Mahdawi Court, conducted overtly political trials, more concerned with discrediting the monarchy than with establishing the guilt or innocence of the accused. It is troubling that these offences have been included in the substantive jurisdiction of the SICT," says Human Rights Watch in an October 2005 briefing paper.

Saleh Mutlaq, head of the Iraqi Front for National Dialogue, the second largest Sunni party in Iraq's parliament, also questioned the veracity of the court, suggesting that Saddam should have been tried in an international tribunal.

"We do not think this government is fair or this judge and this court are fair. The best thing is to take Saddam outside Iraq and question him in a respectable court, then he will get what he should get. Questioning Saddam in this way is an insult for the Iraqis and it is an insult to the law in Iraq," he told IPS in Amman.

In addition, Mutlaq and others said the Iraqi governing council should have appointed non-Iraqi judges with experience in these types of tribunals, as allowed by Iraqi statutes.

It is difficult to understand why even this small concession was not made to provide the trial greater legitimacy in the international community, observers said. Were the trial to employ Iraqi prosecutors and investigators, as well as internationally recognised justices, its impartiality would be much harder to assail, Mutlaq said.

Throughout the trial, Iraqis and other Arabs throughout the Middle East have been glued to their televisions, radios, and even computers for the latest updates. Early on, Saddam and his half-brother Barzan Ibrahim made repeated outbursts, some of which made it to the international press.

Much of the excitement and spectacle in the trial has been reported only to the Arab world. When four defence witnesses testified that at least some of the 148 in question were still alive, for instance, judge Raouf Abdel-Rahman had them arrested.

Other, more sobering, news has made the world press. To date, three defence lawyers have been assassinated. The remaining jurists live in Amman and fly to Iraq only for the trial. The Iraqi government will not even provide the first name of the prosecuting attorney who presented its side of the closing arguments.

Non-governmental organisations and anti-death penalty activists have come out to oppose the capital punishment for Saddam, but have focused mainly on the egregious issues surrounding his trial.

An influential Vatican official, Cardinal Paul Poupard, has asked those sentencing Saddam Hussein to abstain from the death penalty. "No one can consider himself the proprietor of another's life and death, except the Creator," he told a Catholic web site.

Marco Cappato, a member of the European Parliament for Italy's Rosa nel Pugno party, called on the Iraqi government not to kill Saddam.

"The crimes Saddam Hussein is charged with are extremely serious. The answer, though, lies not in capital punishment," he said in a released statement.

"Those who, like Saddam Hussein and like Slobodan Milosevic and Charles Taylor, denied their own people the right to exist, still have a right to a fair trial, preferably one conducted under international jurisdiction: a trial that 'brings to justice' whilst fully respecting the rights of the accused and without resorting to the death penalty," he said.

Saleh Mutlaq disagreed, saying that if Saddam is guilty of the charges, then he should be put to death. However, Mutlaq added he would only support such a sentence from a legitimate court.

On July 10, the defence will present its closing arguments, but the world now is preparing itself for the eventual outcome of Saddam's trial.

If Saddam is condemned to die, the Kurds hope his sentence will be postponed until they can prosecute him for crimes committed in their region. If events up until now are any measure, Arabs can be expected to continue to tune into the trial in large numbers.

Iraqis such as Abu Salih, whose brother was killed by the Saddam government in 1992, are looking forward to the day when the former president is executed. "I want him to die just like he killed my brother, and I think this is justice because if a man kills anyone that man deserves to die."

Perhaps many in the world hope for a third way, where justice will be served without adding Saddam to Iraq's body count.

(Brian Conley reported from Amman and Omar Abdullah reported from Baghdad.) (END/2006)

DEATH PENALTY: Speaking Globally, Working Locally

by **Abderrahim El Ouali**

CASABLANCA, Jun 23 (IPS) - Local coalitions fighting death penalty laws are more efficient in moving towards a complete

abolition than are global movements, human rights campaigners have found.

"Our strategy is to promote a global speech that the death penalty is a violation of human rights," Michel Taube, spokesman for the executive secretariat of the World Coalition Against Death Penalty (WCADP), told IPS at the alliance's annual conference held recently in Casablanca.

How that global message is delivered, however, has to be tailored to fit the norms of each region and country. "Holding big speeches would not be enough. Field actions should be led in countries where the death penalty is carried out," he said.

WCADP's worldwide strategy is "to support local coalitions who efficiently act in countries where the death penalty exists," he said. Such coalitions already strive to abolish death penalty in countries like Morocco, Japan, India and Puerto Rico.

Supporting local movements is especially important because there is no universal strategy that would be successful everywhere. A successful approach in Asia, for instance, may not work in Muslim Arab nations or in the United States.

"Promoting international law is possible in several countries. There are great jurists in the Muslim Arab world who try to introduce respect for international law in their countries," Taube said.

But this seems not to be enough. "There are specific strategies for some regions," Taube said. For example, "there is actually a debate in the Arab world about Islam and the death penalty."

If it is often thought that Islamic law, called Shariah, allows for execution as retribution for crimes like rape, theft or murder. Yet, Taube said, "we hear more and more Muslim theologians say that the death penalty should not be carried out anymore."

On the other hand, methods to fight capital punishment in the United States, which Taube called "the last democracy in the world that still inflicts the death penalty," have to focus on other arguments.

U.S. jurist Speedy Rice told conference participants that a first step in the United States would be trying to impose a moratorium on the death penalty. One way to do that, Rice said, was through the public's growing objection to the use of lethal injection.

Encouraging medical personnel to refuse to take part in executions by lethal injection is a good way to start the fight, said other U.S. participants in the conference.

They said they were heartened by a U.S. Supreme Court decision last week that would allow inmates to appeal their executions by lethal injection on the grounds that it may cause

inhumane pain -- a violation of their human rights.

In other countries, notably Pakistan and Saudi Arabia, restricting the campaign to merely abolishing the death penalty would be "too limiting," said French attorney Etienne Jaudel, who is also a former secretary general of the International Human Rights Federation (FIDH).

Those countries also impose in their legal system other penalties, such as lashing, that can lead to serious injuries and sometimes death.

One strong argument against the death penalty is that in so many countries it is inequitably imposed. Studies show that the prisoners most likely to be condemned to death are poor and lack the means to pay for competent defence lawyers, Jaudel said.

Links between poverty and the death penalty are not exclusive to Muslim and Arab countries. Rice said that the death penalty in the U.S. is more often inflicted on poor citizens than any other social class.

Abolition is possible, but only through "the result of political dialogue," Rice told conference participants. "We should be encouraging continued dialogue."

By sticking to the facts, agreed many speakers at the conference, abolitionists can slowly educate the public that the death penalty solves no public problems.

"The death penalty is not deterrent (to crime) and will never stop criminality," Taube told IPS. (END/2006)

DEATH PENALTY: Shariah Law Should Not Deter Abolition

by Abderrahim El Ouali

CASABLANCA, Jun 19 (IPS) - Abolition of the death penalty in the Muslim world is possible but could take a long time, as human rights activists first must fight misconceptions about crime deterrence and Shariah law.

This was the message heard at an annual conference on the weekend organised by the World Coalition Against the Death Penalty (WCADP). Speakers representing abolition groups from around the world added that strategies to end the death penalty in the Muslim world should be based on dialogue with its advocates.

Of the top nine countries which retain the death penalty, five -- Iran, Saudi Arabia, Pakistan, Yemen and Jordan -- are Muslim. All except Pakistan are in the Middle East.

Favourable theologians "and the more open Muslim and Arab

countries can lead" the abolition efforts, Etienne Jaudel, French attorney and former secretary general of the International Federation for Human Rights, told conference participants Sunday.

Positive signs towards abolition of death penalty in the Muslim Arab world first came when Senegal abolished the practise in December 2004. Morocco, too, is moving in the same direction. The last execution was carried out some 13 years ago.

"We are convinced that Morocco will abolish the death penalty," Youssef Madad, a member of the WCADP steering committee said at the conference.

As an expression of solidarity, five Moroccan parliament members attended the conference. Deputy Bouchra Khiyari told participants that her parliamentary group has already proposed a law that would "execute the death penalty and make it a part of the past" in Morocco.

Nezha Skalli, another Moroccan lawmaker attending the conference, noted that the first democratic government in Morocco was led by Abderrahmane Yousoufi, who had been sentenced to death during King Hassan's iron-fisted 38-year rule.

"If the penalty had been carried out, it would have deprived Morocco of an historic leader," Skalli said. That shows "there is always a possibility of a judicial mistake."

Still, the fight to end capital punishment will be long, conference participants said. First some common misconceptions must be overcome

Contrary to what is commonly believed, the death penalty is not clearly ordered by Islam, Mohamed Lemine Ould Bah, jurist and a member of the Association Mauritanienne des droits de l'homme, told IPS. The code of law derived by theologians from the Quran and from the teachings and example of Muhammad is called Shariah rule.

"Shariah is mostly a human thought of Muslim theologians during different ages. Therefore, it can be customised to actual needs," Ould Bah said.

For instance, Ould Bah said, polygamy was once allowed but now has been prohibited.

Within Shariah law, there is a specific set of violations known as Hadd offences. These may include crimes like theft, adultery, and apostasy, which is leaving the Islamic religion. Penalties can include stoning, lashing or the severing of a hand.

Penalties for Hadd offences are not uniformly adopted in Islamic countries. Only a few Muslim nations, notably Iran and Saudi Arabia, include death by stoning or hanging for some Hadd offences.

"The great majority of Shariah rules are not (commonly) implemented in Muslim Arab states," Ould Bah said. He added, however, that many governments choose not to abolish the death penalty because they use executions as a means of oppression.

Iran, for example, is one of the world's most frequent executioners. According to human rights watchdog Amnesty International, the Islamic country is known to have executed at least 94 people last year.

"The death penalty does not help to restore justice or to stop criminality," Amina Bouayache, president of the Moroccan Human Rights Organisation, told conference participants. "Fighting it is a human demand."

Some in attendance at the weekend conference said they believed efforts should be focused on countries like Iran and Saudi Arabia where a high number of executions are carried out every year.

"But fighting for the abolition of death penalty is linked to the freedom of speech," which is lacking in these countries, said one participant. Freedom of speech can help in talking about abolition but will not necessarily make it a reality.

Abdelilah Benabdeselem, coordinator of the Moroccan National Committee for Death Penalty Abolition, told the Sunday session that the "death penalty is a serious violation of the right of life," an important tenet in Islam.

Benabdeselem's committee was created by Moroccan human rights activists to help coordinate efforts aimed at effectively involving the Moroccan state in the international dynamic to abolish the death penalty, he said.

Though no executions have been carried out in Morocco for the last 13 years, some 149 persons still sit on death row. Eight of them are women.

Currently there are 283 offences in Moroccan penal law that can lead to the death penalty. Another 66 crimes in military law and 12 violations of the terrorism law also can carry the maximum penalty, said attorney Mohamed Ahdaf. (END/2006)

DEATH PENALTY: A Hindrance to U.S. War on Terror, Say Rights Groups

by Mithre J. Sandrasagra

NEW YORK, Jun 9 (IPS) - Continued use of the death penalty in the United States is straining its relations with allies and hampering the war on terror, say international human rights and legal experts.

Governments increasingly are refusing to extradite criminal suspects to countries like the United States and China, which impose the death penalty, without first obtaining guarantees that executions will not be carried out.

In response, the George W. Bush administration has resorted to what amounts to kidnapping as a means to side-step international extradition law in its so-called rendition programme (the extra-judicial seizure and transfer of terrorist suspects to detention in third countries), human rights advocates such as Amnesty International and Human Rights Watch said.

"As more and more countries turn their backs on the death penalty -- about 124 countries are now abolitionist in law or practice -- the U.S. finds itself increasingly isolated on this fundamental issue," Rob Freer of Amnesty International told IPS.

Continued implementation of the death penalty has eroded U.S. moral authority in the international community, Freer said, adding, "the U.S.'s claim to be the global human rights champion rings a little more hollow with each execution."

The majority of the world's governments, including European nations, Lebanon and Canada, now refuse to extradite criminal suspects to the United States without first obtaining guarantees that the death penalty will not be sought or imposed, according to Amnesty statistics.

In December 2005, Germany refused to extradite Mohammed Ali Hamadi -- who was freed on parole by German authorities after serving 19 years of a life sentence for the 1985 hijacking of a TWA airplane -- because he could face the death penalty in the United States on charges of killing a Navy diver in the hijacking. U.S. Attorney General Alberto Gonzales personally asked the German government not to release the terrorist, but was rebuffed.

Hamadi is now in Lebanon, which does not have an extradition treaty with the United States.

Since 1990, an average of three countries each year abolish the death penalty, according to Amnesty's statistics. In contrast, the United States has executed on average one prisoner a week since 1990.

In part because of that dichotomy, the U.S. is having trouble arresting terror suspects abroad, even after the terror attacks of Sep. 11, 2001 in New York and Washington, because of the likelihood of the death penalty being levied.

In November 2001, immediately following the Sep. 11 attacks, Spain refused to extradite eight alleged members of the al-Qaeda network to the United States because there was a risk that they could face the death penalty or trial by special military tribunals.

The British Home Office also confirmed to IPS that nobody would be extradited from Britain to the U.S. without assurances that they would not be executed.

Because countries will not turn over suspects without obtaining assurances the death penalty will not be used, the United States has been forced to circumvent formal extradition procedures, Anjana Malhotra, co-author of Human Rights Watch's recent report "Witness to Abuse: Human Rights Abuse under the Material Witness Law since September 11," told IPS.

The U.S. has resorted to rendition to question suspects in violation of international law, a move which ultimately will hamper prosecution, the report said.

Suspects that could have been prosecuted legally under U.S. and international law can now seek dismissal of their cases because they were questioned illegally, experts say.

"The Bush administration has severely compromised the chances of prosecuting terrorist suspects by holding them illegally, and reportedly subjecting some of them to torture and other mistreatment," said John Sifton, terrorism and counter-terrorism researcher at HRW.

In addition to holding prisoners without charges at Guantánamo Bay, a U.S. naval enclave in Cuba, the United States has also conducted renditions of prisoners to third countries. The Universal Declaration of Human Rights, adopted in 1948 by the United Nations General Assembly, prohibits arbitrary arrest, detention or exile.

This may account for the Bush administration's difficulty in bringing terrorists to justice, Sifton added. One of these suspects, a Yemeni national, was reportedly handed over to U.S. authorities by Pakistani agents on Oct. 26, 2001 in secret and without any formal deportation or extradition proceedings, according to Amnesty International.

The suspect, Jamil Qasim Saeed Mohammed, was charged in connection with the bombing of the Navy destroyer USS Cole, in Yemen in October 2000, in which 17 U.S. servicemen were killed and more than 40 others wounded. The whereabouts or legal status of Mohammed are still unknown.

The United States is holding at least 26 such "ghost detainees" at undisclosed locations outside the country, according to HRW. They are being held "indefinitely and incommunicado, without legal rights or access to counsel," said the rights watchdog.

Kidnapping, rendition and torture in opposition to international human rights law has put a strain on U.S. relations with its allies as they negotiate each extradition request. Such was the case earlier this year with Canada.

On Mar. 30, Canada did agree to extradite Abdullah Khadr, a Canadian national, after the U.S. provided assurances that the death penalty would not be on the table.

Khadr is accused of procuring munitions and explosives for al-Qaeda to use against U.S. forces in Afghanistan, a spokesperson for the U.S. Attorneys Office told IPS.

If found guilty of the current charges, Khadr faces a maximum sentence of life in prison. The investigation however continues and further charges may be brought against him.

"Khadr is still in Canada but he's on his way," the spokesperson said. (END/2006)

DEATH PENALTY: Calls for the Return of Capital Punishment in South Africa

by Moyiga Nduru

JOHANNESBURG, Jun 7 (IPS) - Frustrated with what they see as increasing lawlessness in South Africa, leaders from political parties such as the Freedom Front Plus, the Christian Democratic Party and the Pro-Death Penalty Party are united in one cause: that capital punishment needs to be reinstated.

Still, those who worked hard to abolish the death penalty 11 years ago say they will push with equal force to maintain the ban. They point to a decrease in the country's murder rate over the past five years, and say South Africa's brutal apartheid history shows that too often, innocent people can be hanged by the state.

South Africa abolished the death penalty in 1995, a year after the demise of apartheid. But Pieter Uys, spokesman of the Pretoria-based Freedom Front Plus, told IPS it was a mistake to scrap the law.

"There are 18,000 murders a year in South Africa. That means there are 18,000 killers walking around with too few police looking for them," Uys said. "These criminals don't respect any form of life at all. The only solution is to bring back the death penalty. All the other solutions have failed."

The problem is particularly acute for white farmers, his party's voter base, Uys said. "In the last five years we've had 4,126 attacks on farms; 562 (white) farmers were killed...South Africa is the only place in the world where such murders happen."

Frustration combined with a perceived inaction by officialdom has led the Freedom Front Plus to call for a return to executions, he added.

"It's horrible. People don't know what to do anymore. People have demonstrated, they have written petitions and highlighted their plight in the media without any results," he

said.

With cases of violent crime continually splashed on the front pages of newspapers, Uys's party is not the only one to call for the death penalty.

"It shouldn't be seen as retribution. It is to ensure the safety of society," said Theunas Botha, the national leader of the Christian Democratic Party.

Botha's party has campaigned for the return of capital punishment for years, so far with little result. The government will not allow a referendum on the death penalty, he said, because authorities fear it will be approved.

"If you are to have a referendum today, you will find that the overwhelming majority will support the reinstatement of the death penalty," Botha noted.

Moreover, Botha said his party believed that the threat of death can deter crime: "I lived in Britain from 1960 to 1970 when the death penalty was there. There was less crime. Since they took away the death penalty, you hear (about) all sorts of crimes, including murders. The police also didn't use to carry guns. Now they carry guns."

Botha could not provide statistics to back claims that capital punishment has deterred crime in Britain and South Africa. In fact, studies have failed to prove that capital punishment discourages crime, according to Amnesty International.

South Africa's overall crime rate is comparable to that of other developing countries, Interpol statistics indicate. The nation does, however, suffer from one of the highest per capita rates of violent crime in the world.

The murder rate in South Africa shot up at the onset of democracy 11 years ago; but after peaking around 2001, it began to fall.

Police statistics show that while 21,405 homicides were recorded in 2002/2003 in South Africa, 18,793 murders were committed between March 2004 and April 2005.

"(The) death penalty is premeditated murder. There is very little evidence to support that the death penalty can deter murder. It's a very weak and sloppy argument," said Marjorie Dobson, chairwoman of Khulumani Support Group, which campaigned for the abolition of capital punishment a decade ago.

A better way to prevent crime, Dobson suggested, was to confront the causes. "We studied people on death row and found that most of the killings happen haphazardly when (the perpetrators) are drunk," she said.

For Dobson, there's no justification to reinstate the death penalty. "Taking life is a cruel and inhuman punishment,"

she noted, that allows people to "wash their hands and let the state do the terrible function of the killing."

Despite the abolition of capital punishment nearly 11 years ago, some 63 prisoners technically remain on death row. When delivering the ruling that ended the practice, the constitutional court said the sentences of these prisoners should either be commuted to life imprisonment or reviewed with the possibility of parole.

The high court provided the chance of parole on the grounds that some prisoners might have been wrongfully jailed.

In its 1998 report, the Truth and Reconciliation Commission, chaired by former Anglican Archbishop of Cape Town Desmond Tutu, identified more than 20,000 victims of human rights violations, including miscarriages of justice, which were committed between 1960 and 1994.

A spokesperson at the department of justice told IPS that authorities were dealing with the remaining death row cases by assessing each on its merits.

Botha said he believed no innocent person would be executed, were capital punishment to be reinstated.

"The death penalty should be handled in a special way. It should never be applied without proper witnesses and processes," he said. "Give the person a chance and opportunity to prove his innocence."

Betty Kumalo, a primary school teacher based near Johannesburg, is not convinced by Botha's assurances, saying no system in the world is perfect.

She knows the consequences of an imperfect system. Her husband, Duma, was one of six men sentenced to death for allegedly killing the deputy mayor of Sharpeville, near Johannesburg, following demonstrations sparked by rent increases in the township in 1984.

Duma Kumalo was released following the abolition of the death penalty, but was never given a chance to clear his name. He died in February.

"The problem is (that) innocent people could be arrested and executed for nothing," Betty Kumalo told IPS.

She said the stigma of Duma's death sentence was still being felt by her family.

"His record affects us negatively. It closes all doors for us in everything. When he was alive, whenever he applied for a visa he would be denied," Kumalo said. "He died with a criminal record. I want him cleared. Then I will be free."

Kumalo has joined Dobson to maintain pressure on the government for keeping the death penalty ban in place.

"We have to be vigilant. The abolition of the death penalty can always be overturned," Dobson said. (END/2006)

DEATH PENALTY: Public Seeks Blood for Corrupt Chinese Officials

by Antoaneta Bezlova

BEIJING, Jun 6 (IPS) - When Liu Zhixiang was given a suspended death sentence in April for a long list of crimes that included hiring an assassin, bribery and embezzling some 40 million yuan (5 million U.S. dollar), it sparked indignant letters of protest from ordinary people and legal scholars alike.

Not because the sentence against Liu, a high-ranking railway official from Wuhan city, was too strong but too lenient. The readers, it seems, wanted Liu's head.

"We shouldn't let off some corrupt officials and punish others," argued legal scholar Yan Lieshan in the China Economic Times. "Corrupt officials' lives should be spared only if the capital punishment is negated for all economic crimes. The current practice of punishing some with death while sparing others harms the public's trust in justice."

The result is that the government has been put in a bind. Under worldwide criticism to curb its appetite to execute its citizens -- China accounts for more than 80 percent of the death sentences carried out worldwide -- the country is trying to reform.

The death penalty opposition lobby has urged China to abolish capital punishment for non-violent white-collar economic crimes, like bribery, fraud and embezzlement. But the public sees the campaign, called "kill fewer, kill carefully," as unevenly applied and benefiting mostly corrupt officials.

"The truth is that people here are so infuriated with big-time corruption that even executing Liu wouldn't have assuaged public anger," says a Western diplomat based in Beijing, who did not want to be identified.

Still, China's wanton use of the death penalty for economic crimes has made it difficult for the country to repatriate suspects who have fled the country. In order to convince many Western countries to hand over suspects, it must agree not to use capital punishment, something Beijing is slow to do. As a consequence, the number of economic criminals who have found "safe heavens" abroad has risen sharply.

According to figures from the Ministry of Public Security, more than 800 suspects accused of embezzling a total of

70 billion yuan (8.75 billion U.S. dollar) worth of property and funds have fled the country. Only 320 have been repatriated.

Repeated smuggling schemes and fraud scandals within its own officialdom tarnish the Chinese government, making it difficult to convince its own citizens it can severely but evenly crack down on corruption.

In recent years Beijing well-publicised the hangings of a handful of high-ranking party cadres and government officials to show its determination in fighting corruption.

Such was the case of Hu Changqing, vice-governor of the east coastal Jiangxi province, who the court, in 2000, sentenced to death for accepting bribes and executed in a matter of weeks. Hu was said to be the most senior government official executed since the founding of communist China in 1949. The People's Daily, the communist party's newspaper, labelled him the "people's enemy."

The country's most wanted fugitive, Lai Changxing, accused of being the mastermind behind the country's largest ever smuggling ring, fled to Canada in 1999 and remains there under house arrest.

Beijing wants him extradited home to face charges of smuggling, bribery and tax evasion, all of which could carry a death sentence. Canadian officials have been unwilling to send Lai back precisely because he could face a firing squad. Now, China may well agree not to execute him.

Last month China ratified a new repatriation agreement with Spain. As part of the treaty, the first with a Western government, Beijing agreed not to execute repatriated criminals.

China's formal commitment not to execute repatriated criminals from Spain has drawn approvals from the death penalty opponents here who hope the treaty will serve as a basis for future similar agreements with other countries. Yet some legal experts and legislators fear the treaty undermines China's anti-graft fight by encouraging more corrupt officials to flee abroad and making the public even more distrustful.

"Ratifying the treaty with a clause that formalises the exemption of death penalty could stir a lot of anger here," says legal expert Ying Songnian who attended the Parliament's deliberations of the treaty. "It would appear that crooked officials who have the connections and money to buy their way out get spared, while others who don't get punished," Ying told the media on the sidelines of the parliamentary session.

But Beijing lawyer Chen Chuangdong approved of the

move. "The limits imposed on the death penalty use through treaties like this mean there would be more sentences of life imprisonment," he told IPS. "This is more humane and still ensures that justice is achieved."

In China, theft or embezzlement of 500,000 yuan (62,500 U.S. dollar) officially is the threshold for a death sentence. Lawyers say the sentence these days is rarely applied to cases that involve less than three or four million yuan.

With 40 million yuan of embezzled funds, Liu, the railway employee, should have received a mandatory death sentence. Instead, he was given a suspended death sentence in a trial seen by some as casting a shadow over judicial fairness.

Chinese newspapers often carry opinion pieces written by readers or experts in lieu of letters to the editors. As an indication of the raw nerve Liu's sentence struck, the opinion pieces filled a full page. Nearly all the contributions opposed his sentence.

Liu's lawyers had argued that his crimes resulted from flaws in the social system, which has been undergoing rapid changes in the course of China's headlong market reforms. That defence did not play well with the public.

"It is absurd to blame graft of government officials on defects of our social system," said a signed opinion piece in the China Economic Times. "Why don't we blame the system for failing to provide employment and social benefits when laid-off workers and poor peasants are sentenced to death for stealing or murdering?"

Liu's punishment was viewed too soft by many readers because the government routinely commutes suspended death sentences to life imprisonment. Life imprisonment allows for early parole. A survey by the Ministry of Justice last year found out that the majority of criminals who were sentenced to life imprisonment actually stayed in prison 15 or 16 years before being released.

Moreover, official statistics show that in 2004 only two of the 11 people sentenced to death for economic crimes were executed. (END/2006)

DEATH PENALTY: Freed From Death Row, Botswana Man Recounts His Tale

by **Bester Gabotlale**

MAISANE, Botswana, Jun 1 (IPS) - Maokaneng Makolong has witnessed much in his 75 years of life, but two events will stay in his mind forever.

The first was in September 2002 when a judge told him:

"You will hang by your neck until you die."

Makolong, a traditional healer, someone who had devoted himself to curing and restoring life, had been found guilty of ending one.

"I thought it was a big joke when I heard that. I had no feelings," he says in an interview at his home village in Maisane, about 20 kilometres from the southern town of Lobatse, the seat of the country's highest court where his fate was sealed.

The other event, one Makolong prefers to dwell on, occurred July 25, 2003 when a second judge set him free. He was acquitted on appeal after spending 10 months on death row.

"It was like a dream when the prison warders put me in the bus and told me I could go home. I didn't have any idea I could find home," he says.

During his stay in prison, Makolong says he would have ended his life were he not in the hands of the warders. "I said to myself it would have been better if God had taken my life instead of what I am going through," he says, trying to hold back his emotions.

"I had no sleep and I even fell sick with high blood pressure and was hospitalised for two weeks," he says. During his stay at the hospital, gun-toting guards kept watch over him 24 hours a day.

The healthy, tall Makolong who seems intent on defying his age is hesitant to talk about his ordeal. He drinks a few cans of Castle Lager before settling under a tree where we chat. We are often interrupted by a handful of people who come around, curious to hear his story.

The first days home were terrible for him. He was haunted by hallucinations and every time a dog barked at night he would wake up.

Maisane is a small village, with slightly more than a thousand people. Almost everybody in the village knows Makolong and knows of his story.

"I love people here. Nobody castigates me and as a traditional doctor, people come here in droves from all over the country. Nobody says a thing (about the case). It all ended there," he says.

He shared his cramped prison cell with four other death row inmates, including Lehlohonolo Kobedi, a black South African convicted of the murder of a police sergeant and

Douglas Simon, with whom he had been convicted for the murder of George Chabe.

Chabe died of malachite green poisoning, a toxic medicine, which the state said Makolong had provided to Simon. Throughout the trial, Makolong maintained that he had given Simon two other traditional herbs, Thonya and Maleko, which were to be used to cement a relationship.

Each day started badly for the death row inmates; for them every dawn could be the day they would die. The cell was small and there was very little for them to do but think about impending death. Occasionally voices from outside would waft through, otherwise their life was characterised by silence, prayer, singing of hymns, moaning and groaning.

Things got worse when the sun set, he said. "We would pray and cry," he says as if confessing his own weakness.

Unlike the other people serving their sentences at the prison, the death row prisoners never ran short of food. Whatever food they wanted was brought to them, he says. There was also a hot shower, which they could use as often as they wished.

On July 18, 2003 early in the morning, their worst fears were confirmed when one of them, Lehlohonolo Kobedi, was led to the death chamber and hanged.

On that day, he says, a dark cloud hung over them.

"I got cold. I had no hope at all," he says.

A week after Kobedi's execution, the court acquitted Makolong of murder; but his other death row inmates were not as lucky.

The rest -- Douglas Simon (his co-accused), Gouwane Tsae and Joseph Makhobo -- were hanged together September 19, 2003.

The landlocked southern African country has hanged 39 people since gaining independence in 1966. It has a policy of executing quickly so few people sit on death row long. It is one of 35 African nations which still retains and uses the death penalty.

Before his case, Makolong confesses that he never thought about the death penalty.

"I saw it myself (the death penalty)," he says with pain written all over his face. "It's terrible, I think the government must find another way of punishment -- not hanging." (END/2006)

WORLD PRESS REVIEW - June 2006

CHINESE SUPREME COURT TO HIRE LAWYERS FOR DEATH PENALTY REVIEWS

China's highest court is working on a plan to take in lawyers and law school teachers as senior judges as it prepares to reassume its authority to review death penalty cases. China Daily reported June 30: A candidate list of lawyers and law teachers who have decade-long experience in criminal lawsuits has been sent to the Supreme People's Court (SPC) by provincial judicial organs, Xiong Xuanguo, vice-president of the SPC, said.

Those with strong political qualifications and a sense of responsibility will be chosen as judges on death penalty reviews, he said without specifying any possible figure.

The SPC had been responsible for reviewing death penalty cases until 1983 when the authority was handed down to provincial courts as part of a crackdown on crime.

However, the practice of provincial courts both considering death sentence appeals and conducting the final review has long been criticized for leading to miscarriages of justice, prompting the SPC to announce plans to reassume its judicial authority last year.

A timetable for the reform is still unavailable, as local courts need time to readjust and the SPC has to increase its pool of judges to meet the rising workload, analysts say. Over 30 judges from higher and intermediary people's courts have been chosen for the first batch to Beijing. Having received three months of training, they will have to go through a probationary year before officially assuming office.

DEATH PENALTY CONFIRMED FOR MAFIA HENCHMAN IN VIETNAM

The People's Supreme Court of Appeal in Ho Chi Minh City confirmed June 30 the death sentence for Nguyen Van Tho, a close associate of a crime boss who was executed in 2004 for murder and bribery, Thanh Nien News reported.

Tho, known as "Captain Tho", is a nephew of Nam Cam was considered the Mafioso's 'right hand man.' He was arrested in August 2004 after two years of hiding. He was tried for arranging the murder of an HCMC policeman, Phan Le Son, and Son's friend, Ho Phuoc Hung, in January 2000. The city lower court sentenced Tho to three years in imprisonment for gambling, 20 years for bribery, and death for murder in late October 2005. Tho later appealed against the murder charge, saying that he was not the instigator.

However, the appeal court dismissed Tho's appeal, affirming it had evidence to prove that Tho himself directed the killing of Son and Hung. The appeal court also confirmed a four-year prison sentence for Nguyen Van Thanh, former head of the District 4 People's Procuracy in HCMC. Thanh was charged with "brokering bribes" that helped one of the Nam Cam gang's members escape from prosecution after injuring two people in 1991.

MALAYSIA GOVERNMENT WON'T ABOLISH DEATH PENALTY

The death penalty will be maintained in Malaysia to show the Government's seriousness in curbing serious crimes, reported The

Star on June 29. Deputy Minister in the Prime Minister's Department Datuk M. Kayveas said the punishment was based on the principles of prevention and public interest.

"The Government has no intention of abolishing the death penalty. "It is only provided for serious crimes such as murder under Section 302 of the Penal Code and drug trafficking under Section 39B of the Dangerous Drugs Act 1952," he said in a written reply to Karpal Singh (DAP – Bukit Gelugor). Kayveas said the Government felt that there were adequate safeguards to ensure that the death penalty was not imposed with impunity.

"One of the safeguards is the country's experienced and efficient investigative body led by the police, which will carry out a comprehensive and wide ranging investigation before one is brought to court for an offence that could lead to the death penalty."

MOST RUSSIANS WANT MORATORIUM ON DEATH PENALTY LIFTED

One of Russia's most senior politicians said June 28 that he strongly opposes the restoration of the death penalty, according to MosNews. Russia imposed a moratorium on the death penalty in 1996, but is yet to abolish it constitutionally, which is an obligation under its membership of the Organization for Security and Cooperation in Europe, MosNews quoted RIA Novosti saying.

Sergei Mironov, the speaker of the upper chamber of parliament, told delegates to another European body in France, "I am a convinced opponent of the death penalty, but objectively there are few people in Russia who agree with me." The Parliamentary Assembly of the Council of Europe will hear a report Wednesday evening on Council of Europe member countries that have not yet abolished the death penalty.

Mironov said that due to the numerous terrorist acts and crimes committed in the 1990s, some people in Russia thought justice should be applied on the principle of "an eye for an eye", but added he hoped that idea was becoming a thing of the past. Prosecutors in southern Russia were seeking the death sentence in May for the last known survivor of a gang that staged the Beslan school siege in September 2004, which led to the deaths of 331 people, including 186 children. The judge sentenced 26-year-old Nurpashi Kulayev to life imprisonment in May after he was found guilty on all counts.

PHILIPPINES' DEATH PENALTY DEBATE

In the Philippines, Congress is notorious for taking months - if not years - to pass laws. But earlier this month (June), both houses repealed the death penalty in quick time, leaving many analysts wondering why that bill got sudden priority while other items languish, BBC reported from Manila on June 26.

The move was welcomed by the influential Roman Catholic Church and human rights groups that had put pressure on President Gloria Arroyo and previous administrations to scrap capital punishment. But others questioned what triggered the urgency to repeal a law that was rarely applied. "The unusual speed in a legislature constantly bogged down in gridlock raised cynical suspicions that lawmakers are in dire need of the Catholic Church's approval and support. For what, the public can only hazard a guess," the

Philippine Star newspaper said in an editorial.

Eight in 10 Filipinos are Catholic and the Church wields considerable power, having helped to topple two presidents - Ferdinand Marcos in 1986 and Joseph Estrada in 2001 - in popular revolts. Mrs Arroyo, who survived an impeachment attempt last year, depends on the support of the Church as she fights persistent allegations she cheated in the 2004 election, after taking over from Mr Estrada in 2001. But the Arroyo government has tested that support by pushing a revival of mining to bring in foreign investment, cut debt and reduce poverty. Some Catholic bishops oppose mining on environmental grounds.

"The abolition of the death penalty is one way of saying to the bishops I can't give you what you want over the mining but I can give you something else, quid pro quo," said political analyst Earl Perrano of the Institute of Political and Electoral Reforms. "The Church will still campaign strongly to stop mining operations but with the repeal of the death penalty it's one less issue she has to worry about." Other analysts say president Arroyo is also seeking support from bishops for her push to change the country's US-style constitution and set up a parliamentary system.

ITALIAN: POLITICIAN WANTS TO SAVE SADDAM HUSSEIN

Maverick veteran Italian politician and European Parliament member, Marco Pannella has asked the Italian government for an official mandate to save former Iraqi dictator Saddam Hussein from the death penalty, Adnkronos International (AKI) reported said on June 26. Pannella, the historical leader of Italy's Radical Party had called on the international community to send Saddam Hussein into exile in a campaign against the 2003 US-led war to oust the dictator.

His proposal won widespread support in the centre-left government coalition of Romano Prodi of which the Radicals are members within the 'Rose in the Fist' a party which also consists of the Socialists. Foreign undersecretary Ugo Intini, himself a Rose in the Fist member said he was in favour of the initiative stressing that had Pannella's proposal to send Saddam into exile been taken into consideration "we would have avoided today's disaster" in Iraq. Former premier Lamberto Dini also voiced his approval along with Cesare Salvi, a leading member of the main government party, the Democratic Left, who said "Marco Pannella should be employed by the cabinet

not only in Saddam's case."

On 19 June, prosecutors in the trial of Saddam Hussein asked for the death penalty for the former dictator and two of his aides. The three are among eight people charged with the killings of 148 Shiite villagers in the town of Dujail in 1982. Over the years Pannella has been at the forefront of many campaigns to reform Italy's divorce, abortion and prisoner amnesty laws. He has often embarked on hunger strikes to make his voice heard.

U.S. HIGH COURT RULING SHOWS DISSENSION ON DEATH PENALTY

The Supreme Court upheld June 26 a state death penalty law in a splintered ruling that revealed deep division among the justices over the fairness of capital punishment in America, Boston Globe said in an AP report from Washington.

New Justice Samuel Alito had been called on to break a tie in the case, which was argued twice -- first while Sandra Day O'Connor was still on the court. The 5-to-4 outcome was as much a debate about capital punishment as it was a ruling on a unique law in Kansas, which has just eight death row inmates and hasn't executed anyone in 40 years. The law says that juries should sentence a defendant to die -- rather than serve life in prison -- when the evidence for and against imposing death is equal.

Justice Clarence Thomas, writing for the majority, said "Our precedents establish that a state enjoys a range of discretion in imposing the death penalty." But Justice David H. Souter, writing for the court's liberals, said the law would lead to death sentences in doubtful cases and "is obtuse by any moral or social measure."

The ruling overturns a Kansas Supreme Court decision that found that the law violated the Eighth Amendment's protection against cruel and unusual punishment. Supporting Thomas, in addition to Alito, were Chief Justice John Roberts and Justices Antonin Scalia and Anthony M. Kennedy. The court's decision might have been different if O'Connor had still been on the bench.

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News from International NGOs

JAPAN: PRISONERS EXECUTED WITHOUT WARNING

Elderly and mentally ill prisoners are among those waiting decades on Japan's death row -- only to be executed without warning and in secret. Death sentences are often handed down after unfair trials, with suspects having "confessed" to crimes they did not commit after lengthy interrogations, threats and violence.

This is the reality of the death penalty in Japan according to an Amnesty International report, released as activists and experts on the death penalty from across Asia-Pacific meet in Hong Kong to debate the region's high rate of executions compared to the rest of the world.

<http://news.amnesty.org/index/ENGASA220072006>

MEXICO: CANDIDATES MUST ADDRESS MURDERS OF WOMEN

The candidates in Mexico's July 2 presidential elections should publicly pledge to prevent and punish the mutilation and murder of women in Mexico, Human Rights Watch, V-Day and 65 other civil society groups said in an open letter published June 26.

"Women are still being abducted, tortured and killed in Mexico despite some government efforts to investigate these brutal murders," said José Miguel Vivanco, director of the Americas division at Human Rights Watch. "Before going to the polls, the Mexican people should know which, if any, of the

presidential candidates will commit to do something to stop these horrendous crimes."

Over the past 13 years, more than 400 women have been murdered or "disappeared" in Ciudad Juárez. In a number of these cases, the women had been mutilated or severely beaten before they were killed. Some had even had their nipples cut off, or their torsos were dismembered. In a majority of the cases, authorities have not determined who was responsible for the crimes and at least 34 of the victims remain unaccounted for today.
<http://www.humanrightswatch.org/english/docs/2006/06/26/mexico13623.htm>

AT THE 30TH ANNIVERSARY OF GREGG V. GEORGIA, DEATH PENALTY REMAINS ARBITRARY

Professor Michael Meltsner, who worked as an attorney with the NAACP Legal Defense Fund in its efforts to challenge the death penalty in the 1960s and 70s, recently assessed the U.S.'s application of the death penalty over the past 30 years. He noted that today's death penalty system is "broken" and fails to make the nation a safer society. Writing in the Boston Globe, Meltsner wrote: The same week Americans enjoy the 230th birthday of the Declaration of Independence, they might also consider the meaning of another, less celebratory, anniversary. Thirty years ago, on July 2, 1976, a divided US Supreme Court upheld Georgia, Florida, and Texas laws that promised an end to the arbitrariness and discrimination that had rendered capital punishment

<http://www.deathpenaltyinfo.org/article.php?did=1826&scid=64>

EX-PUBLISHER OF THE CHICAGO TRIBUNE CALLS FOR END TO EXECUTIONS

In a recent op-ed, Jack Fuller, former editor and publisher of the Chicago Tribune, called for an end to capital punishment. Citing a series of mistakes by eyewitnesses, police and forensic experts, he stated that the criminal justice system is too deeply flawed to entrust with carrying out executions. Pointing to the likely innocence of Carlos DeLuna, a Texas man who was executed in 1989, Fuller concluded that the death penalty should be abolished because "no government is good enough to entrust with the absolute power that capital punishment entails." He wrote: Death-penalty opponents advance various arguments for abolition, but the most powerful of them all finds embodiment in the person of Carlos De Luna.

Texas executed De Luna in 1989 for the murder of Wanda Lopez in a gas station knife attack. Something went terribly wrong at the execution by lethal injection. De Luna did not slip quickly into unconsciousness as he was supposed to. Instead, he reared up on the gurney against the restraints and seemed to try to say something.

<http://www.deathpenaltyinfo.org/article.php?did=1825&scid=64>

ANESTHESIOLOGISTS ADVISED TO AVOID LETHAL INJECTIONS

Dr. Orin Guidry, president of the 40,000-member American Society of Anesthesiologists (ASA), issued a public statement strongly urging members to "steer clear" of any participation in executions by lethal injection. In a four-page "Message from the President," Guidry noted that anesthesiologists have been "reluctantly thrust into the middle" of the legal controversy over lethal injections. In recent months, the procedures being used around the United States have been challenged because they may result in unnecessary and excruciating pain in violation of the ban on cruel and unusual punishment.

<http://www.deathpenaltyinfo.org/article.php?did=1824&scid=64>

MOLDOVA PARLIAMENT EXCLUDES DEATH PENALTY FROM CONSTITUTION

Moldova's parliament unanimously supported the definitive exclusion from the country's Constitution of Paragraph 3 of Article 24 allowing the use of death penalty in exceptional cases. Forty-four lawmakers representing all parliamentary factions signed a draft law in this regard and the document was delivered to legislature along with a notification of the Constitutional Court, reports Hands Off Cain Daily eNewsletter in a report June 29.

The constitutional amendments called for the exclusion of the text allowing the use of death penalty for actions committed in times of war from Constitution. The new Penal Code approved in 2002 does not stipulate the use of death penalty, but provisions of Article 25 (3) of Constitution have never been applied. Moldova abolished the death penalty for all crimes in December 1995.

The death penalty has been retained in the internationally unrecognized separatist entity of Transdniestria. In the region, that unilaterally declared independence from Moldova in 1990, the death penalty is a legal punishment for crimes committed in peacetime and in wartime. Under Article 58 of the de facto Criminal Code of Transdniestria, approved on May 15, 2002, the death penalty is envisaged for especially grave offences against life. Six crimes are punishable by death: murder, attempt to murder a state or public official, armed rebellion, attempt to murder a magistrate or investigator, attempt to murder a law enforcement agent and genocide. The method of execution is shooting and there was one person on death row in 2002.

Women and people who were below the age of 18 at the time when the crime was committed cannot be sentenced to death. On July 6, 1999, the de facto President signed a decree introducing a moratorium on executions with retroactive effect from January 1, 1999. The moratorium is still in place. The Criminal Code gives the President authority to grant clemency. The death penalty can be replaced with life imprisonment or deprivation of liberty for a period of 25 years.



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