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### **RWANDA: Abolition Needed for 'Integrating into International Justice'**

By Aimable Twahirwa

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By Zofeen T. Ebrahim

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### **NGOs to Push U.S. on Moratorium**

By Alison Langley

FRANKFURT - When the Human Rights Committee called on the United States last month to place a moratorium on the death penalty because it is imposed disproportionately on minorities and the poor, the Bush administration curtly ignored the recommendation.

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### **De Facto Moratorium Leaves 4,000 in Limbo**

By Joyce Mulama

NAIROBI - It's a penalty that has been put on ice for nearly two decades in Kenya. Nonetheless, capital punishment remains an option for judges handing down sentences in the East African country, high-level support for its abolition notwithstanding.

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By Mark Weisenmiller

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## DEATH PENALTY-RWANDA: Abolition Needed for 'Integrating into International Justice'

By Aimable Twahirwa

KIGALI - Rwanda's minister of justice announced that the government will propose a law ending capital punishment in Rwanda by December 2006 to encourage European countries to extradite suspected masterminds of the genocide that occurred in the country in 1994.

The move puts the country in a bind. Foreign governments, the United Nations and non-governmental organisations applaud it. The Rwandan public -- still reeling from the rampage that left 800,000 dead and countless injured or infected with HIV/AIDS after being raped -- want genocide perpetrators to hang.

Justice Minister Tharcisse Karugarama admits the majority of the population made it emphatically known during the writing of the constitution that do not want to scrap the death penalty, given the magnitude of the suffering from the genocide, in which extremist Hutu militias massacred Tutsis and moderate Hutus.

He told IPS in an exclusive interview that abolition now was a necessity in order to achieve a sense of closure. Unless the country abolishes capital punishment, it will not be able to try in its own national courts the masterminds of the genocide, he said.

For more than a decade, the Rwandan government has demanded the return of the suspects they know are living abroad. Some nations, notably Belgium, Netherlands, Denmark and Switzerland, have refused to extradite the suspects because the countries feared the suspects may be executed.

These countries preferred instead to prosecute them in their own courts. Only the United States, which allows the death penalty, has extradited a genocide suspect to Rwanda. It deported Enos Kagaba from the northern state of Minnesota in 2005 after he was judged to have entered the United States illegally.

The International Criminal Tribunal for Rwanda (ICTR) is reviewing the cases of 57 suspects in a specially built prison in Tanzania. Rwanda would like those suspects to be sent back or, if found guilty, to be imprisoned here. So far, the United Nations, too, has declined because officials fear the suspects will be put to death -- a violation of UN principles.

By abolishing the death penalty, Karugarama said, Rwanda could gain faster access to the accused.

"We're satisfied with the speed of the negotiations with ICTR officials. All the necessary requirements for transferring cases have been fulfilled except for abolition of the death penalty," he added.

Although the ICTR is mandated to complete all business by December 2008, officials in Tanzania predict their work will not be finished by then. Since its inception in 1996, 28 suspects have been tried. Of those, 25 have been convicted of crimes against humanity and sentenced to life imprisonment.

The international body now has begun to negotiate with courts in countries that have abolished the death penalty and have modern prisons that are up to international standards.

"Rwanda is one of the only two countries which have up till now expressed their wish to receive the cases of accused genocide perpetrators from the ICTR. We've accepted this proposal, but we're obliged to set up a rigorous monitoring system to insure, number one, that this law is applied," the ICTR's public prosecutor, Hassan Bubacar Jallow, told IPS.

Rwanda must guarantee that no convicted perpetrator of genocide will receive the death penalty, Jallow said.

There are currently some 650 prisoners on death row in the country's overcrowded penitentiaries, according to the justice ministry. Since the genocide ended in 1994, 40 people were sentenced to death in 2002 for crimes committed during the genocide, and in 2003, 18 received the the sentence for perpetrating it.

In 1998, however, 22 people found guilty of masterminding the genocide received the death penalty and were executed.

But ideas on capital punishment seem to have evolved since then, especially in the official circles of this central African country in the Great Lakes region.

"In spite of genocide's aftermath, Rwanda remains a country which needs to rebuild itself anew and integrate itself into the reality of standards of international justice," Minister Karugarama said.

Yet news that the law abolishing the death penalty soon will be adopted is painful to genocide survivors.

"Those who carried out the genocide should be executed in order to forever eradicate the culture of impunity that has always marred Rwanda. The only solution: sentencing them to a grave punishment, which their past actions merit," said Francois Ngarambe, president of a genocide survivors group, Ibuka ("Remember" in Kinyarwanda, the national language).

Moreover, they say close relations of the perpetrators, if not the perpetrators themselves, continue to threaten them.

"Abolishing the death penalty would be a new humiliation for the survivors, and would encourage the killers to finish off their extermination plan," according to Jean Glauber Burasa, the editor of Rushyashya, a bimonthly independent newspaper published in Kigali.

"It's unfortunate that even though a large majority of them (the genocide perpetrators) have just spent a decade in prison, they continue in the extremist ideology that the former genocidal regime infected them with," he added.

A Kigali attorney, who requested anonymity, disagrees. "The crime of genocide perpetrated in Rwanda had a disastrous effect on the social fabric here. Even though justice must be served, we'd have to agree on the advantages this reform will bring to Rwandan justice by conforming to international standards of justice," he said.

In a May 2005 report on the progress of judicial reforms, the U.S.-based group Lawyers Without Borders (LWB) said that for justice to be served, the main difficulty lies not only in abolishing the death penalty, but providing compensation to the victims.

"There have hardly been any reparations paid to the victims of the 1994 genocide. The Rwandan authorities need to assume their responsibilities and resolve this problem immediately," Hugo Jombwe Moudiki, the head of LWB's office in Rwanda, told IPS. (END/2006)

## DEATH PENALTY: U.S. States Widen Scope for Executions

by Haider Rizvi

NEW YORK - Politicians in primarily southern U.S. states have passed laws that expand the use of the death penalty to include repeat child sex offenders -- a move mental health professionals say is ineffective in stopping molestation and abolitionists believe ultimately will be ruled unconstitutional.

Despite the warnings, though, two states, South Carolina and Oklahoma, this summer enacted laws that allow repeat child sex offenders to be put to death. They join Louisiana, Florida, and Montana, which already have similar laws on their books.

The governors of both Oklahoma and South Carolina argued that the sexual abuse of children is as bad as murder because molestation causes permanent damage to the life of the child.

"(It) is about sending a very clear message that there are some lines that you do not cross," said South Carolina governor Mark Sanford in a statement, "and that if those lines are crossed the penalties will be severe."

Oklahoma State Senator Jay Paul Gumm echoed the sentiment. "We allow the death penalty for someone who has killed a body," Gumm, who authored the Oklahoma bill, said in a statement. "Why would we allow someone to escape who has killed a soul?"

But critics dismiss such reasoning as irrational and unconstitutional, even though they acknowledge that child rape is a serious crime.

"Obviously, it's a very, very serious crime," said John Holdridge, director of the American Civil Liberties Union's (ACLU) capital punishment project, in an interview with IPS. "But this law is totally disproportionate to the crime, which does not involve a case of an eye for an eye."

Holdridge's remarks seem to parallel the U.S. Supreme Court's 1977 opinion on a case involving the rape of an adult woman in Georgia. The ruling suggests that the death penalty may only be applied in cases of murder, not rape.

Deciding the case, the Court observed that execution for rape was "disproportionate to the crime."

"Rape is without doubt deserving of serious punishment," the ruling said, "but in terms of moral depravity and of the injury to the person and to the public, it does not compare with murder, which does involve the unjustified taking of human life."

Moreover, citing the Eighth Amendment of the U.S. Constitution, the Court described the death penalty for rape as "a cruel and unusual punishment."

Along with the majority of lawmakers in South Carolina and Oklahoma who voted in favour of death penalty laws, Gumm reasoned that only an unusual punishment, such as execution, could deter those who repeatedly use sexual violence against minors.

One death penalty opponent called it "a very stupid message," and Holdridge agreed. "This law is terrible for the victim," he said. "It gives no incentive to the offender not to kill the victim."

Moreover, in most child molestation cases, the victims and offenders know each other. Holdridge doubts family members would be willing to report the cases of child rape. Family members would not like to see the offender executed, they said.

Since the 1977 Supreme Court ruling, no one convicted of child molestation has been executed in the United States. One inmate in Louisiana, however, currently sits on death row for raping a child.

Patrick O. Kennedy was sentenced to die in 2003 for raping an eight-year-old girl. His case is working through appeals courts in Louisiana. It is not clear when or if it would come before the U.S. Supreme Court, but observers say it is likely.

Since the Supreme Court's previous decision against using the death penalty in the rape case involved an adult victim, proponents of execution for child rape are hoping the high court will not take that ruling into consideration.

Opponents, however, say despite the fact that the Supreme Court is now dominated by conservative judges, the possibility that judges may decide the Louisiana case in the light of its 1977 decision cannot be ruled out.

"When it finally reaches the Supreme Court," Richard Dieter of the Death Penalty Information Centre (DPI), and a long-time observer of capital punishment cases, told IPS, "It's most likely to be struck down."

Other critics of the death penalty laws say they fear that children may be forced by malevolent adults to make false statements against the innocent.

"There was a flurry of trials during the 1980s and 1990s of adults charged with sexual crimes against children in daycare centres," according to Amnesty International, the London-based rights group. "(But) time has shown that all, or almost all, of the alleged perpetrators were innocent."

Indeed, mental health professionals who work with repeat sex offenders say they do not believe the death penalty will deter a child molester.

"It's a very simplistic way to deal with the issue of child molestation," said Dr. Gerald Landsberg, professor of social work at the New York University, in an interview with IPS.

Dr. Landsberg, who has authored several publications in the area of forensic mental health and violence, said various methods of treatment are available for child molesters, though there is a "very mixed" opinion about which are most effective. Sometimes, for instance, child molesters are treated with chemical castration. (Aashti Bhartia contributed to this report.) (END/2006)

## DEATH PENALTY-UPDATE: Briton in Pakistan Gets Month Lease on Life

by Zofeen T. Ebrahim

KARACHI - Pakistan authorities have granted a one-month stay of execution for an Englishman who has been the focus of a massive effort by British authorities and civil society to obtain his freedom.

As reported earlier, Mirza Tahir Hussain, 36, a British Muslim from Leeds, has been on death row in Pakistan for the past 18 years, charged with murdering a taxi driver. Tahir, as he is known, says he acted in self defence after the driver tried to physically and sexually assault him in December 1988. Though he was found innocent of charges in criminal court, Tahir was sentenced to death by a religious ruling of the Federal Shariat Court.

Tahir's execution has been postponed three times now - June, August and September - as diplomats and civil society organisation try to negotiate a compromise with the family of the taxi driver. Under Shari a law, a prisoner can only be freed if compensation money has been paid to the victim's family. Tahir is now scheduled to be executed Oct. 1. Pakistani officials refused IPS requests for interviews and would not comment on the reasons for the execution delay.

British government officials together with Chaudhury Shujaat Hussain, the Pakistan Muslim League president, "are pursuing a compromise with the family of the deceased. I understand that this process is inching forward slowly," wrote Britain's High Commissioner to Pakistan, Mark Lyall Grant, in a letter dated July 20, 2006, to the Pakistani President's Secretariat urging a stay of execution. Other groups, like Amnesty International are working to free Tahir.. British members of the European Parliament, too, are working to drum up support for Tahir.

Last week Tahir's brother, Amjad Hussain, 38, said he was updated by the Foreign Office in London about the progress in negotiations between the UK government and the authorities in Pakistan. "The meeting was very positive," Amjad said in a telephone interview from Leeds, England with IPS.

"I'm quite hopeful from all the work that is being done here with four parliamentarians working on my brother's case and cabinet members aware of the latest situation. The Prime Minister Tony Blair has taken it upon himself to personally take this up. The ball is clearly in Pakistan's court," he added. "It's in the interest of both the families to have a closure to this."

While Tahir Hussain languishes in a death cell in Rawalpindi's Adiala Jail, his brother carries on the campaign for his release with more vigour than ever. "While the European Union had always been active using diplomatic channels, the UK government is taking this up very seriously."

Josep Borrell Fontelles, president of the European Parliament, wrote a letter to Pakistani President Pervez Musharraf last May urging Pakistan to grant Tahir clemency. Aug. 6, Fontelles followed up with a missive thanking Musharraf.

"May I express hope that this (stay) can be followed by overturning the verdict of the Islamic court and aligning it with the sentence of the

regular high court," Fontelles wrote. "This would greatly improve the image of Pakistan in the world as a country which upholds human rights and the rule of law."

Still, a spokesman for the family of the taxi driver said they will not negotiate any more and want to see Tahir hang.

"We may be very poor, but to us our honour is more important. Even if all of Pakistan's fortune is put before us, will we never relent," Imran Khan, the deceased cousin told IPS. (END/2006)

## DEATH PENALTY: Vietnamese Trader - and Foreign Business - In Jeopardy

By Tran Dinh Thanh Lam

HO CHI MINH CITY - A Vietnamese trader could face the death penalty if she is found guilty of losing money on a foreign currency transaction while working for a state-owned bank.

Nguyen Thi Quynh Van is a former deputy head of trade finance at a branch of one of the largest state-owned banks, Industrial and Commercial Bank of Vietnam (Incombank). Police charged her with "losing state resources through economic mismanagement." That crime carries the death penalty in this Southeast Asian nation.

Authorities say she lost 5.4 million US dollars in speculative currency trades made with three foreign banks doing business in Vietnam, although only one bank, ABN Amro, has been publicly named. Two Vietnamese employees of ABN Amro Vietnam affiliate were also jailed. Another two bankers from the Dutch bank were placed under house arrest.

Vietnamese-American Del Pham, general director of the ABN Amro Hanoi branch, has been asked to clarify issues related to activities conducted by the bank within Vietnam. He has been banned from leaving the country.

In response to the police arrests, Incombank Aug. 3 filed a lawsuit against ABN Amro, seeking the return of the money, plus interest and court fees.

"The persons involved at our branch weren't registered (authorised), and persons at the other bank (ABN Amro) knew about this and still undertook transactions with them, so it's clear that they were wrong as well," Incombank spokesman Tran Duy Bich said.

The state and Incombank say that Van was never authorised to make foreign exchange transaction. Moreover, they charge that her conduct amounted to mismanaging funds. ABN Amro denies any wrongdoing, saying it believed it was simply conducting a routine business transaction.

"ABN Amro believes the trades were valid," the bank said in a statement.

One employee of ABN Amro who spoke with IPS on condition of anonymity strongly denied the case involved illicit foreign exchange (forex) deals.

"How could we know that a deputy director of finance at Incombank wasn't allowed to conduct forex transactions?" The employee asked.

Van's arrest is just one example of a series of crackdowns in corruption, graft and embezzlement -- all crimes which can lead to a death sentence. Since 2003, Vietnamese courts have sentenced 11 high-ranking officials and businesspeople to death for economic crimes.

An additional five people have actually faced the firing squad. The latest execution was carried out in March on Phung Long That, head of the custom department's Anti-Smuggling Office, who was found guilty of accepting bribes and smuggling, according to Amnesty International.

Foreign investors, however, are wary of this most recent case. They little trust in Vietnam's legal system, which they say is not independent of the government or the Communist Party. In addition, they say the Incombank suit against ABN Amro may show that the laws could be applied arbitrarily.

Imposing the death penalty for economic crimes could hinder foreign business from coming to the country. Many businessmen and lawyers have requested the state to abolish the death sentence imposed on white collar crime.

Together with the chairman of the American Chamber of Commerce Tom O'Dore, many foreign banks operating in Vietnam have expressed concerns about the criminalisation of normal business transactions. They note that the police, which they believe is prone to political pressure, has filed the charges against Van and ABN Amro, not country's central bank.

The central bank as the official regulator of the financial sector has neither filed charges against any company nor publicly commented on the case.

"The (criminalisation of business transactions) could freeze business in Vietnam, and the (lack of central bank involvement) could negatively impact Vietnam's financial markets in general - and foreign exchange markets in particular," O'Dore said in a statement.

One businessman agreed this case could have a chilling effect on foreign investments. He noted that frequently banks and businesses lose money in foreign exchange deals and that the state cannot shield companies it owns from the ups and downs of the free market.

"People keep on thinking that police have wrongly arrested representatives of a foreign bank to help a local bank recoup its forex transaction losses," Edward E.G. Samuel, a veteran businessman in Ho Chi Minh City told IPS.

Lawyer Pham Hung, former chairman of Vietnam's Lawyer Association, agreed that the death penalty should not be imposed on economic crimes. "The Criminal Code should be revised on the basis of the current situation in Viet Nam."

Government officials have been quick to downplay the Van case and its possible consequences on foreign investment.

Vietnam has ratified the United Nations Convention against Corruption, and is committed to carrying it out, said Nguyen Van Thanh, head of research at Vietnam's Government Inspectorate.

"Ratifying the UN convention goes along with a host of other measures that will make Vietnam a more transparent place to do

business," he told IPS. "From our point of view, it is very important for the investors to see the developing of our transparency, and if we do that we can get more investors internationally into Vietnam."

Foreign Affairs spokesman Le Dung reaffirmed that resolution when he told the media, "Vietnam's relevant agencies are dealing with the case transparently and clearly, in conformity with Vietnamese law and our country's commitments to international agreements."

So far, the foreign investors don't seem convinced.

"Van may be only a scapegoat for Incombank. But the outcome of the legal dispute between Incombank and ABN Amro could become an interesting test given to Vietnam in a time when the country is making its best to polish its image of a trustworthy candidate for the World Trade Organisation," Samuel said. (END/2006)

## DEATH PENALTY: Groups Fight Uzbek Extradition

By Kester Kenn Klomegah

IVANOVO, Russia - Russian prosecutors confirmed earlier this month that they will begin the extradition of 13 people who authorities say were involved in a May 2005 uprising in Uzbekistan. Human Rights organisations are fighting the move, saying many in the group could face torture or execution if they are sent back.

Instead, the 14 human rights organizations, including Civil Assistance, Amnesty International, Human Rights Watch, United Nations and the Organisation for Security and Cooperation in Europe (OSCE) believe the 12 Uzbeks and one Kyrgyz are innocent and therefore should be seen as political refugees.

They issued a joint statement urging Russia to act within the UN conventions and international laws. These groups pointed out those countries like Russia which have a moratorium on death penalty are obliged to resist efforts to extradite people if they could face capital punishment. Uzbekistan routinely violates fundamental human rights, they charged.

"We are ...calling on you to state firmly and unambiguously that the Russian government is obliged to observe the international agreements it has ratified, in particular, the 1951 UN Convention relating to the refugee status, the European Convention for the protection of Human Rights and Freedoms, the Convention against Torture and other norms of the international law," the statement read.

The men are charged with funding and organising the uprising in Andijon, Uzbekistan in May, 2005. They have been sitting in jail in the town of Ivanovo, Russia, about 250 kilometres east of Moscow since June, 2005.

The Tashkent government charges the Uzbeks with providing financial assistance to a religious extremist movement Akromiylar, which is a branch of the international terrorist organisation Hizb ut-Tahrir, and were actively involved in organising the Andijon uprising.

The men deny all the charges. They said they were among hundreds of refugees who fled to Russia after Uzbek troops fired into an unarmed crowd.

According to an Amnesty International report, armed men attacked government buildings and military barracks May 12, 2005. They overran jails and released their prisoners. In the early hours of May 13, according to Amnesty, thousands of unarmed civilians, but some of those released prisoners, gathered in the city square demanding a more just society and an end to their poverty.

The Amnesty investigation charged that government troops eventually broke up the peaceful demonstration by firing indiscriminately into the crowd. The government denies its troops killed ordinary civilians. It said, however, 187 people died in the unrest. Amnesty puts the death toll around 400.

A lawyer for the Kyrgyz citizen, Mamirzhon Tashtemirov, said his client was in Turkey when the uprising in Andijon took place. He was arrested in Ivanovo while on a business trip, Rossiiskaya Gazeta reported.

"These people are accused in fabricated cases and could face gigantic prison terms in Uzbekistan and several could even face the death penalty. The prosecutor in taking such a decision is breaking all imaginable laws, all humanitarian norms," Yelena Ryabinina, east Asian specialist for Civil Assistance, a rights group, told IPS.

All the detainees repeatedly have asked to appear before an independent international commission that would investigate their case. Their request has been denied.

An attorney for some of the men, Svetlana Martinova, told IPS the Russian court has refused legal protection requested by the Uzbeks by giving them political refugee status.

The Russian Prosecutor General's Office informed the lawyers, the Moscow's office of the UN High Commissioner for Refugees and the human rights organizations earlier this month that it was "satisfied" with Uzbekistan's assurances that it would not torture or execute the men, according to press reports.

Uzbekistan has pledged to abolish the death penalty by January, 2008. Human rights groups, including Amnesty and the UNCHR said they fear executions may take place before then. They base their concerns on Tashkent's long history of human rights abuses, an Amnesty report said.

Moreover, Amnesty said it has received reports of police detaining not only people who reasonably can be suspected of criminal activity, but also witnesses of the uprising, people who are believed to have spoken to journalists, relatives of missing people and relatives of refugees.

"I call upon the Russian authorities to stop the extradition process," OSCE chairman Karel De Gucht said in a statement. Gucht, who is also Belgium's foreign minister, urged Russia "to continue to work together with the UN High Commissioner for Refugees to resolve this case in a manner consistent with international law."

Vera Soboleva of the UNCHR told IPS last week that her organisation, too, is concerned about the fate of the detainees and described the extradition as "an extremely serious violation of the international principles stipulated in the 1951 Refugee Convention."

Kremlin authorities declined to comment on questions faxed by IPS on Monday. But, the Uzbek Prosecutor General's Office said it was

satisfied with Russia's decision to extradite their citizens.

"The Uzbek side has explained that the matter involves the criminal prosecution of people who committed especially grave crimes, and the Russian prosecutor's office accommodated us," the Uzbek Prosecutors said in a press release.

The Uzbek Prosecutor emphasised that the preliminary and judicial investigation into the uprising were conducted in strict conformity with national criminal procedural law.

"Along with a parliamentary commission, the preliminary investigation was also monitored by a working group composed of members of the diplomatic corps accredited in Uzbekistan," the press release said. (END/2006)

## DEATH PENALTY: Will Mirza Tahir Hussain Live?

by Zofeen T. Ebrahim

KARACHI - Having endured seven trials over the last 18 years, with all legal avenues exhausted and a clemency plea to the president of Pakistan rejected, Mirza Tahir Hussain, a British citizen, still maintains his innocence as he awaits execution September 1.

His brother, Amjad Hussain, waits for a miracle to save Tahir, as he is known, who is charged with robbing and killing a taxi driver in 1988 when Tahir was just 18 years old.

Not once has Amjad given up hope. "No, never! I endeavour to see this through and in God I put my trust. I will stand by him no matter what the odds and would go to ends of the earth to save his life," Amjad wrote in an email to IPS.

"It's a long nightmare that never seems to end for the family," Amjad wrote, as he described the ordeal of his younger brother, now 36, whom he has been able to visit only four times in the past 18 years. The last time they met, two months ago, was a shock for Amjad.

"He's been through hell and has died many times given the torment. He's aged rapidly, is grey all over and looks like an old man," he said. "Our lives are on hold. It's affected us physically, psychologically and financially. The emotional scars run deep. My father died of his sorrows three years ago of a broken heart and my mother cries all the time. Her anguish is unbearable for me."

The hanging of Tahir Hussain, a British Muslim from Leeds who also carries Pakistan citizenship, has been postponed twice - first in June, then in August -- to give his family more time to save his life and as international pressure mounts for President Pervez Musharraf to commute the death sentence to life imprisonment. Musharraf, according to press reports, has asked the families of both the accused and the deceased to find a solution - a common remedy under Shar'ia law is for the defendant's family to pay compensation.

In the last few days, two village councils, comprising scholars, religious leaders and elders, have convened to try to convince the family of the taxi driver to show mercy. Sohbat Khan, the taxi driver's uncle, said it is not possible.

"I just want to ask you one thing: Why are the various media and even officials coming in the way of justice? Why can't you accept the judgement given by the high court? Can you not feel our hurt," he asked in a telephone interview with IPS. "We may be poor, but we have hearts too. Why are you denying us justice?"

British Prime Minister Tony Blair has taken a personal interest in the case. Senior British officials, including Hillary Benn, Britain's International Development Secretary, and British Foreign Secretary Margaret Beckett, too, have appealed for mercy. Human rights organisations like Amnesty International, Islamic Human Rights Commission and the Human Rights Watch have condemned the death sentence served to Tahir Hussain.

For the past 18 years the family of the taxi driver has only demanded execution and refused compensation allowed under Islamic and Pakistani law, though they have been offered 18,000 pounds (33,500 U.S. dollars) by Tahir Hussain's family.

The idea of giving the power of life or death to the dead man's family makes no sense to the Amjad, raised in Leeds, England. "I think it's repulsive to hand over the life of any person to family members for them to lynch or reprove. Families can never make sound judgement given the overwhelming passions involved in such cases. Why have courts, judiciary and laws?"

Moreover, human rights advocates point out that compensation laws are discriminatory because they favour the wealthy.

In December 1988, at the age of 18, Tahir Hussain, who had joined the Territorial Army, travelled to Pakistan to see his family village of Bhubar in District Chakwal.

During the drive to the small village, according to the Tahir Hussain, the taxi driver, Jamshed Khan, stopped the car and tried to physically and sexually assault Hussain at gunpoint. A scuffle ensued and the gun went off eventually killing the driver.

Hussain, who had been in Pakistan only one day, drove the taxi to the first police station he could find, handed over the gun and related the episode. He was immediately arrested.

Sohbat Khan disputed Tahir's account. He believes Tahir killed his nephew in order to steal his taxi.

In 1989 Tahir was tried and sentenced to death. Three years later an appeal court found serious discrepancies and, after a retrial in 1994, gave sentenced Tahir to life imprisonment. When his appeal was heard in the Lahore High Court (LHC) in 1996, he was acquitted of all charges.

A week later, his case was passed on to the Federal Shariat Court, a religious court, where he was convicted of highway robbery. The Shariat Court then imposed the death penalty by a vote of 2:1. The Supreme Court upheld the lower court ruling. Last year, Musharraf denied clemency.

As the day nears for Hussain to die, Justice Nasir Aslam Zahid, a former Supreme Court judge, said the only chance left is if the president exercises the "unbridled power" bestowed upon him under constitution, wherein he can reprove, pardon, remit, suspend or commute any sentence passed by any court, tribunal or other

authority. But the president already has rejected pleas for mercy.

Human rights groups, too, are pressuring Musharraf to reconsider.

"President Musharraf should immediately quash the death sentence because this punishment is inhumane, and because there are such huge concerns about the safety of the conviction," Sarah Green, Press Office, Amnesty International UK, wrote in an email to IPS. "The Islamic provision under which he was tried requires that the death penalty should only be imposed if reliable eyewitness accounts or a confession to the court are submitted. In this case, neither was obtained."

Khan, however, said that justice "should be accepted. Why are we asked over and over again to give the motives behind the murder?"

A frustrated Amjad, continues to fight to save his brother.

"For an offence that has no eye witness, for a crime he didn't commit. It belies logic and reason and in short 'humanity'. The 'system' and country has failed him," says a frustrated Amjad Hussain.

Mirza Tahir Hussain has made international headlines because he is a British national. But there are many unfortunate ones - more than 7,400 men and 36 women -- who remain voiceless, spending half their lives languishing in Pakistan's prisons waiting to be executed. Not many have brothers like Amjad who have persevered and mustered support.

"To me a convict in a death cell dies every day," said I.A. Rehman, director of the Human Rights Commission of Pakistan. (END/2006)

## DEATH PENALTY: NGOs to Push U.S. on Moratorium

By Alison Langley

FRANKFURT - When the Human Rights Committee called on the United States last month to place a moratorium on the death penalty because it is imposed disproportionately on minorities and the poor, the Bush administration curtly ignored the recommendation.

Human rights organisations, however, have not; they are promising instead to keep up pressure.

"This helps us point out that the U.S. is increasingly isolated," David Elliot, chief communications officer of the National Coalition to Abolish the Death Penalty told IPS in a telephone interview from Washington, DC. "It is very important for Americans to understand we are one of very few industrialised countries that still have the death penalty."

The demand for an immediate moratorium on capital punishment came during a review of U.S. compliance with a human rights treaty known as the International Convention of Civil and Political Rights (ICCPR). The review, which ended in July in Geneva, is a routine procedure that is supposed to occur every four years. This time it was more than seven years late due to the U.S. State Department's delay in submitting its own official report, the ICCPR said.

The committee recommendations on the death penalty were overshadowed by other aspects of the report, which included strong criticism over the treatment of prisoners in Guantanamo Bay, torture of prisoners, Bush administration policies of rendition and charges of spying on domestic citizens. The treaty monitoring committee also expressed concern over racial disparities and the treatment of gays in the U.S.

In fact, the largest number of U.S.-based non-governmental organisations in recent memory - more than 150 -- formed a coalition to force the Bush Administration to re-assess its compliance with the human rights treaty, which was signed and ratified by the U.S. in 1992.

Together, the coalition representing groups as disparate as victims of Hurricane Katrina to gays to lawyers fighting for death row inmates and Guantanamo Bay prisoners said it would continue to press the U.S. to comply with the work of the committee.

"We will be using (the committee report) to get the U.S. to commit to change," Rob Freer, the Amnesty International officer in charge of death penalty abolition said in a telephone interview from London.

What the committee found, said Christine Chanet, chairwoman of this year's committee session, was a deterioration of human rights in the U.S. overall. In particular, there was a lack of movement in capital punishment as well.

"If you read the report from ten years ago, from 1995, you will see it was not as strong," Chanet told IPS by phone from France. "It is up to us to tell them they are moving in the wrong direction."

While not forbidding the use of the death penalty, the convention commits ratifying countries to abolish it in the long run and, in the meantime, to apply extremely stringent standards to its use. The convention's underlying philosophy is that punishment should have a rehabilitative purpose.

Instead, the committee found the United States still routinely executes or imprisons for life the mentally ill and imprisons for life without chance of parole offenders who were minors when they committed their crimes.

"The Human Rights Committee said locking children up for life without chance of parole is an international crime," Freer said, adding that children are considered to be more amenable to rehabilitation and need to be afforded appropriate chances. There are believed to be at least 72 people serving life sentences who were minors at the time they committed their crimes.

Moreover, while the U.S. Supreme Court has struck down attempts at executing the mentally retarded, people with mental illness, such as paranoid schizophrenia, still are killed by the state, the committee report found.

The committee also said that the U.S. disproportionately metes out the death penalty to ethnic minorities and people with low-economic resources. Additionally, the U.S. was increasing, rather than decreasing the number of offences for which a defendant could be executed. For instance, states such as South Carolina and Oklahoma now have laws allowing repeat child molesters to be executed.

The committee concluded that federal and state legislation in the U.S. should be reviewed "with a view to restricting the number of offences

carrying the death penalty" and called on the U.S. to place a moratorium on capital punishment.

Delegates from the U.S. declined to comment to IPS, but they did disagree in its written statement to the committee, that it discriminated against people of colour.

"U.S. constitutional restraints, federal and state laws, and governmental practices have limited the death penalty to the most serious offences and has prevented the racially discriminatory imposition of the death penalty," the U.S. delegation wrote in a response to the committee's charges.

Both Freer, of Amnesty, and Elliot of the National Coalition said they were astonished by the statement. Some 63 percent of death row inmates are people of colour, yet they comprise only 25 percent of the U.S. population overall. African-Americans make up 12 percent of the U.S. population, but 42 percent of the death row inmates.

Both groups said the ICCPR's report will not have any immediate affect in the U.S. They did add, however, that it is an important tool. The U.S. Supreme Court has begun to cite international law in its rulings and in an important opinion that abolished juvenile executions in 2005, it cited international opinion.

Though the report calls on the U.S. to impose an immediate moratorium on executions, the U.S. delegation insisted it had no power to do so, claiming most death sentences were carried out under the jurisdictions of the states. This claim of federalism is "a real obstacle," for abolitionists, Freer said, but not a complete block.

"We've called on the Bush administration to impose a moratorium on federal executions, thereby showing moral leadership," he said.

The Human Rights Committee was established in 1966 by the United Nations to monitor the implementation of the ICCPR and its protocols. The committee is made up of 18 independent members who are appointed due to their expertise in international law or human rights law. (END/2006)

## DEATH PENALTY: De Facto Moratorium Leaves 4,000 in Limbo

by Joyce Mulama

NAIROBI- It's a penalty that has been put on ice for nearly two decades in Kenya. Nonetheless, capital punishment remains an option for judges handing down sentences in the East African country, high-level support for its abolition notwithstanding.

Though it has been 19 years since anyone has been executed, a human rights group believes some 4,000 souls linger in prison with a death sentence hanging over their heads. The de facto cessation of executions does not mean that life on death row becomes easier.

"When we speak to them (death row prisoners), some say they prefer to be executed at once rather than remain on death row indefinitely. They say this is psychological torture," observed Moses Chepkoy, a public relations officer at the prisons department.

Sentiment is turning against capital punishment in certain quarters. Former justice and constitutional affairs minister Kiraitu Murungi has condemned the death penalty, as has Moody Awori -- the vice

president and minister of home affairs. Awori has also talked about introducing a bill in parliament to abolish capital punishment in Kenya.

Although the government has effectively halted executions, prisoners continue to be sentenced to death. Capital punishment can be applied to cases involving murder and violent robbery.

IPS was not able to obtain official figures for the number of people on death row; however, Samwel Mohochi, acting executive director of the Independent Medico-Legal Unit (IMLU), estimated the number to be around 4,000. This amounts to nearly ten percent of the total number of prisoners, which currently stands at 50,000.

The IMLU is a non-governmental organisation based in the Kenyan capital, Nairobi, that documents torture, and helps rehabilitate torture victims. It has also done extensive research on the country's prisons.

In the event that the legislation to outlaw capital punishment is passed, Kenya would join several other countries across the continent that have consigned the death penalty to history. According to rights watchdog Amnesty International, 12 of the 53 states in Africa have abolished capital punishment.

"A Constitution that prohibits the death penalty and links the abolition of the death penalty to human rights, in particular to the rights to life and physical and mental integrity...is in line with international human rights standards," said Amnesty in a 2005 statement.

Indications are that there is some way to go before these arguments are accepted across the board, however.

"Kenyans believe that a wrongdoer must be harshly punished," noted Chepkoy.

For those who fear that the loss of the death penalty would undermine crime control efforts, the Kenya National Commission on Human Rights (KNCHR) points to a 1998 United Nations study -- updated in 2002 -- that found no relationship between the existence of the death penalty and homicide rates.

The KNCHR, a government-appointed body, argues that the key to crime deterrence lies instead in the increased likelihood of crimes being detected -- and the arrest and conviction of those responsible for them.

In addition, the death penalty "perpetuates a cycle of violence and promotes a sense of vengeance in the society," the commission noted in a recent position paper detailing why capital punishment should be abolished in Kenya.

"To support the death penalty is to teach that violence and killing is an acceptable way of dealing with serious crimes," it added.

Extensive and vigorous debate on the future of capital punishment in the country is essential for progress, Chepkoy said. "A lot of awareness creation on this matter is necessary," he told IPS.

For the moment, however, the only hope for death row prisoners resides in the president.

Mwai Kibaki has the authority to issue pardons to those who have received the death penalty -- something he exercised soon after coming to power in December 2002, on behalf of 28 prisoners on death row. Those pardoned had served between 15 and 20 years in jail, after being sentenced to hang.

Their release was commended by rights activists, many of whom wish to see life imprisonment instituted as the maximum sentence for the most serious of crimes.

Interestingly, the last execution was carried when the plotters of a 1982 coup -- Hezekiah Ochuka and Pancreas Otenyo Okumu -- were put to death. They had been found guilty of attempting to overthrow a former president, Daniel arap Moi. (END/2006)

## DEATH PENALTY-U.S.: Exonerated, Florida Death Row Inmate Tells His Tale

By Mark Weisenmiller

TAMPA, Florida - Juan Roberto Melendez has not been able to stop talking since he was freed from a cell on Florida's death row four years ago.

"I remember the day and date exactly -- Thursday, January 3, 2002. It's like my second birthday. The first thing I did was kiss the ground because all I did for 17 years was to walk on concrete," said Melendez, who in spite of his age, 55, still has jet black hair and sports a fashionable goatee.

Melendez was released from Union Correctional Institution in Raiford, Florida after being condemned to die in 1984 for a crime he did not commit. The State of Florida still has not apologised.

His story is typical of other exonerated death row inmates, found caught in a prison system simply because he is poor and Hispanic. Some 96 percent of the states where death penalty sentences were studied by the American Bar Association in 1998 showed a direct link of discrimination.

Some 63 percent of the inmates on death row in the U.S. are black or Latino, even though they represent 25 percent of the total population, according to a 2002 Human Rights Watch report.

Melendez is one of 123 former death row inmates set free since 1973. Because so many mistakes are made and innocent people killed, the death penalty must be abolished, rights workers say.

"God only knows how many of all of the people who have been executed in this country did not have the same good fortune as I or other death row exonerates in this country," Melendez told IPS. "I can not stress enough just how lucky I was to have been able to prove my innocence."

Melendez spent 17 years, eight months, and one day -- nearly one-third of his life -- on death row. "When I was released, I was given 100 dollars, a pair of pants, and a shirt. That's it," Melendez said. "Nobody ever apologised."

The U.S.-born Melendez dropped out of school after attending ninth grade in Puerto Rico. He moved back to the U.S. in 1970 and found a job in Delaware as a migrant worker picking

vegetables. Later that year, he travelled on to Florida working at various citrus fruit plantations in the state.

Soon after, Melendez started getting in trouble. He served seven years in prison for armed robbery in 1974, a crime he admits he committed.

In 1981, he was set free, but the freedom would prove to be short lived.

Less than two years later, Sept. 13, 1983, a cosmetology school owner named Delbert Baker was brutally murdered and robbed shortly after closing up for the night.

Though Melendez maintained his innocence and could provide four people who verified he was elsewhere that day -- police arrested the Latino on the basis of testimony of a man who held a grudge against Melendez.

While awaiting trial, though, Melendez's attorney interviewed Vernon James, a man seen in the cosmetology school just before closing time, who confessed to the crime in a tape recording.

"I was already indicted; that's why the confession didn't let me go free and why James wasn't charged," Melendez said.

James refused to testify at Melendez's trial, citing his Fifth Amendment constitutional right against self-incrimination. The court ruled that his tape-recorded confession was hearsay evidence and did not allow it to be played. Melendez was sentenced to death on September 21, 1984.

Appeals by Melendez's attorney proved unsuccessful and Melendez sat on death row an innocent man. James was murdered in 1986.

"Death row was hell," he said simply. "All of us (inmates) always felt the pressure everyday." The mental anguish of having a death sentence hanging over their head took its toll on everyone, he said.

He was locked in his cell nearly all day. He spent that time reading, mostly books sent to him from people in Europe who had read about his plight. His Bible, too, was a constant companion. He prayed a lot.

When he was allowed out two hours on Monday and Wednesday to exercise, he was shackled. The restraints remained on during the five-minute long showers he was allowed three times a week.

"Sometimes I was deliberately shackled too tight by some of the guards," Melendez said, adding that he believes this is why he has arthritis in his arm joints. The irons have left permanent marks on his wrists.

In those 17 years, Florida executed 51 inmates. Melendez did not

know most of them, but when a friend was killed, it was emotionally painful. "It was horrible. It was like losing a loved one," he said. Melendez only had two visits -- his mother and brother came in 1986; an aunt and his mother came in 1992 -- but it was emotionally overwhelming for him. "I told all of them not to come back; it was just too much," he said.

Ten into his stint, Melendez gave up hope. He had lost a round of appeals and depression set in. A lasting sadness among prisoners is common on death row and he had endured four friends' attempts at suicide. He decided that was the only way out of his nightmare.

"I actually made a noose with a plastic bag. I was ready to kill myself," he said.

In the end, though, he did not. "I had a vivid dream about happy times. When I woke up, I knew I didn't want to kill myself."

In 1999, Melendez was on his last round of appeals before execution. His attorney told an investigator to find something -- anything -- that would give the defence more time. He did. He found the transcript of James' confession in a circuit court judge's office in Polk County, Florida. The judge was Melendez's original defence attorney.

The circuit court judge told the investigator that, while cleaning out his old office he found the transcript. Its discovery was enough to grant Melendez a new trial.

"For a day or two, I was mad at the (circuit court) judge for either forgetting or not knowing about the transcript. But then I figured that anything that could get me off death row was good," Melendez said.

It took two more long before a new trial was granted by Circuit Court Judge Barbara Fleischer on December 5, 2001. A month later, Melendez was set free.

Since then, Melendez can't stop telling his story. He lectures about his ordeal to universities, high schools, detention centres and "anywhere people want to hear my story," Melendez said. Requests have taken him across the U.S. and over to Austria, Canada, England, France, Germany and Spain.

When he is not lecturing, Melendez helps recruit troubled children to work on a plantain farm in Puerto Rico. He teaches them the methods of farming and harvesting. While they work, he tells the story about how he came to live on death row.

"I try to tell the kids to not commit crimes, to try to not mark themselves (get arrested), to live a clean life. Because I had a criminal record, I became a tool for the system," Melendez said. (END/IPS)

## WORLD PRESS REVIEW - August 2006

### USE DEATH PENALTY AS DETERRENT - SAY BAHRAIN MPS

A call for Bahrain to enforce the death penalty went out from MPs and lawyers Aug. 21 in the wake of the brutal shooting of a Bahraini man in Muharraq. Although capital punishment does exist under Bahraini law, it has rarely been used, the Gulf Times of Bahrain reported Aug. 22.

The murder of Bahraini Mahdi Abdulrahman Mohammed, 38, followed the slaying of 37-year-old Bahraini Sana Al Jalahma by a Bangladeshi cook in Saar earlier in August. There was also the murder of Pakistani illegal resident Mohammed Mahboob Khan the previous week, while a 15-year-old Bahraini turned himself in after allegedly murdering his elder sister on Aug. 9.

Legislators and lawyers said that if the death penalty was brought in for perpetrators of brutal, premeditated murders, it could help reduce such crimes in the future. MP and lawyer Ali Samaheji said he was deeply concerned about the direction that Bahraini society is taking. "These types of premeditated murders are very unusual here, occurring once or maybe twice a year at the most," he said. "Bahrain has always been a country in which you felt safe on the streets. But these two crimes, one by a household servant and the other committed by a Bahraini against a fellow Bahraini, are extremely disturbing. "I hope the Interior Ministry can solve this case and bring the perpetrators to

### SADDAM HUSSEIN FACES POSSIBLE DEATH PENALTY

The ousted Iraqi leader, Saddam Hussein, went on trial on Aug. 21 for a second time on charges of genocide, crimes against humanity and war crimes. According to the prosecution, all the crimes were committed in the wake of Hussein's 1987-88 alleged crackdown against ethnic Kurds in northern Iraq. The case against Hussein and six co-defendants is centred on the deaths of some 180,000 Kurds during this offensive, dubbed Operation Anfal (Arabic for 'spoils of war') by the Iraqi army, IRIN reported on Aug. 21.

The operation was allegedly aimed at crushing Kurdish militias and clearing all Kurds from the northern region along the border with Iran. Hussein had accused the Kurds of helping Iran in its war with Iraq [September 1980 to August 1988]. Many Kurdish villages were razed to the ground and countless young men disappeared, according to the prosecution. "This case is completely different from the previous one in which there was just one charge: crimes against humanity," said Tarik Harb, a Baghdad-based legal expert.

"Today [in this trial], there are three charges [against Hussein and his co-defendants]: genocide, which is defined as crimes against a group of people for their ethnic, religious or nationality backgrounds; crimes against humanity, which are the systematic targeting of civilians; and war crimes, which include all acts that contravene the Geneva Conventions," Harb said. When asked to enter a plea on the three charges, Hussein, who faces a possible death penalty, replied by saying, "That would require volumes of books." The judge then ordered a plea of not-guilty to be recorded on his behalf.

### 'PERUVIANS WOULD BRING BACK DEATH PENALTY'

Many adults in Peru believe capital punishment should be implemented again, according to a poll by Apoyo published in El Comercio. 82 per cent of respondents support the death penalty for people convicted of child molestation and murder, Angus Reid Consultants – a partnership dedicated to understanding public opinion in North America and around the world – reported Aug. 21 on their website [www.angus-reid.com](http://www.angus-reid.com).

On Jul. 28, Alan Garcia of the American Revolutionary People's Alliance (APRA) officially took over as president. He had previously served as Peru's head of state from 1985 to 1990. Earlier this month (August), Garcia urged the country's lawmakers to support his proposal to allow the death penalty for child abusers and murderers, saying, "I think society needs more rigour and order, and delinquents need tougher sanctions. (...) I think these people have no right to live."

Former prime minister and national prosecutor Beatriz Merino voiced her disapproval, saying, "We are facing a problem of education and the values of society, which we should deal with through education and policy." First vice-president Luis Giampietri also disagreed with Garcia, declaring, "I'm Catholic, and I think the death penalty is an extreme act."

The South American country abolished capital punishment in 1979, with the exception of crimes of treason committed in a time of war, and terrorism.

### PERUVIAN JURISTS AGAINST RETURN TO DEATH PENALTY FOR RAPISTS

A reintroduction of capital punishment would imply modifying Peru's Constitution and would separate Peru from the Inter-American Court of Human Rights, Peruvian jurists Francisco Eguiguren and Cesar Valega declared, [www.livinginperu.com](http://www.livinginperu.com) reported on Aug. 7.

Eguiguren explained that people's indignation for child rape and molestation is justified. However, when put in balance, such a decision does not justify jeopardizing Peru's commitment to respect Human Rights, demonstrated by its membership at the Inter-American Court and the signing of the Pact of San Jose.

"It would agree to look for other ways of punishment such as life imprisonment without the possibility of parole", the lawyer said. His colleague Cesar Valega agreed with Eguiguren's statement and added that the actual issue is the State's carelessness for going to the root of the problem before sanctioning the consequences. "The application of a national campaign for the protection of minors and the fight against poverty would be the first initiatives", he remarked.

Cesar Valega added that it would also be necessary handing out "penalties that fit the crime", because there's a difference between a simple violation and murdering the victim.

### DEATH PENALTY PHASE BEGINS IN ARYAN BROTHERHOOD TRIAL

Federal prosecutors seeking the death penalty against two alleged ringleaders of the notorious Aryan Brotherhood prison gang portrayed the men for jurors Monday (Aug. 28) as remorseless killers who entered the prison system in childhood and committed some of their worst crimes there, SanDiego.com said quoting an AP report.

Assistant U.S. Attorney Joey Blanch reminded jurors in the first day of the trial's death penalty phase that they had already convicted Barry "The Baron" Mills and Tyler "The Hulk" Bingham of murder, conspiracy and racketeering. The federal case aims to dismantle the violent white supremacist gang. "Mills is a six-time, multi-murderer and if he'd had his way he would have been responsible for 12 murders. Prison sentences did nothing to deter him from his criminal behavior," said Blanch. "Every time these men made a choice, people died. At some point, somebody has to stand up and say, 'That's enough.' For Barry Mills and Tyler Bingham, today's the day. We're standing up and saying enough."

Mills' attorney, H. Dean Steward, said that the defense team would show the defendants were goodhearted people who acted as they did to survive as white inmates in a violent prison system where they were the minorities. He also said that Allen Benton, another man involved in the death penalty-eligible murders, received nine years in prison for his role and could see his sentence reduced further. "If Allen Benton is going to hit the streets in a couple of years, how can you possibly put these guys to death?" Steward said.

The trial in Santa Ana is part of a larger indictment that experts say is one of the largest federal capitol punishment cases in U.S. history, with more than a dozen people potentially facing the death penalty. More defendants face trials in Los Angeles later this year.

The government's indictment, which lists 32 murders and attempted murders, laid out a sweeping case of plots to kill rivals and even fellow brotherhood members to control drug dealing and other criminal enterprises behind bars.

### **JURY RECOMMENDS DEATH PENALTY FOR TRUCK DRIVER**

Former truck driver Wayne Adam Ford should be sentenced to death for the slayings of four women who were strangled and their mutilated bodies dumped across California in the 1990s, a jury recommended, the The Desert Sun of Palm Springs, CA, USA, said in an AP report Aug. 11.

Judge Michael A. Smith, who will ultimately decide Ford's fate, scheduled sentencing for Oct. 20, said Superior Court clerk Edi Roberson. Smith also was to hear defense motions for a new trial at that time, Roberson said. Ford's lawyer had pleaded for leniency, saying the former trucker was repentant and had surrendered to authorities.

Indeed, the case was cracked not by investigators or tipsters, but by Ford himself when he walked into a sheriff's station in Northern California's Humboldt County in November 1998 with a woman's severed breast and told authorities it represented the "tip of the iceberg."

He was subsequently charged with the killings of Patricia Tamez, 29, of Hesperia; Lanett Deyon White, 25, of Fontana; Tina Renee Gibbs, 26, of Las Vegas; and an unidentified woman whose torso was found in a slough.

### **DUNCAN DEFENSE EYEING ARGUMENT AGAINST DEATH PENALTY**

The lawyer defending Joseph Duncan III, accused in the slayings of three members of a Coeur d'Alene family, has asked for details on Idaho's method of execution in what could be a first step in challenging its constitutionality, The Seattle Times reported Aug. 11.

Public defender John Adams earlier that week requested the state's protocol on the method of execution from Kootenai County prosecutors. He wants to know what drugs the state would use during lethal injection and how they would be administered. "The prosecutor says that if they get a conviction they're going to seek a sentence of death," Adams told The Spokesman-Review. "There's a question of whether Idaho has a protocol that's constitutionally acceptable for executing prisoners. We want to know the protocol so we can address that."

Besides lethal injection, Idaho allows execution by firing squad when lethal injection is considered "impractical." Since 1864, 27 people have been executed in Idaho, the last in 1994.

### **DEATH PENALTY PROTESTORS, STATE AT ODDS OVER JAIL VISITS**

A new visitation policy at the Texas Department of Criminal Justice is rankling some Europeans who make frequent visits to state prisons, a story posted on [www.houstonist.com](http://www.houstonist.com), a website about Houston said quoting the Chronicle. The policy, which limits people who travel more than 300 miles to visit a Texas prison to one "special visit" per trip — that's two four-hour sessions on consecutive days — prevents long-distance death penalty opponents from making connections with inmates, they claim, but prison officials say they're just trying to keep some people from taking advantage of the system.

Under the former policy, back-to-back special visits were allowed during a trip — for example, one at the end of a month and another at the beginning of the next month. That led some long-distance visitors to stick around for months at a time so they could take advantage of as many prison visits as possible. It was such an issue with some European visitors to the death row at the Polunsky Unit near Livingston that prompted the policy change, TDCJ spokeswoman Michelle Lyons said: One woman tried to establish residence in the area, getting a post office box and cell phone and making plans to open a business: "For years and years," she said, "this has not been a problem. But the change has been prompted by foreign visitors who have taken it a step further and established residency for months at a time. When you've got a local post office box, we no longer consider you someone who has traveled more than 300 miles to make a visit."

The new policy, which limits long-range visitors to a total of eight hours per visit with inmates, makes things much harder for people like Sandrine Ageorges, who said she has advocated for Texas death row inmates for 10 years. "Most visitors can only afford to stay a week or so," she told the Chronicle. "Two special visits, when one visits at the end of a month back to back with another (early monthly visit) makes the trip, the expense and the time really worthwhile to all concerned." She noted that regular weekly

two-hour visits, which aren't affected by the policy change, aren't any good because "two hours is about the time a segregated prisoner needs to adjust to a visitor." According to the Chron, some European visitors have started a petition asking the TDCJ to reconsider its visitation policy. There's no word yet on whether the agency will do so.

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

## News from International NGOs

### GUINEAN SECURITY FORCES TORTURE, KILL WITH IMPUNITY

Guinean police and other government security forces routinely torture, assault, rob and sometimes even murder the citizens they are entrusted to protect, said Human Rights Watch in a report released Aug. 22. The 30-page report, "The Perverse Side of Things: Torture, Inadequate Detention Conditions and Excessive Use of Force by Guinean Security Forces," documents how police brutally torture men and boys held in police custody. The victims are individuals suspected of common crimes as well as those perceived to be government opponents. Once transferred from police custody to prison, many are left to languish for years awaiting trial in cramped, dimly lit cells where they face hunger, disease and sometimes death.

These abuses are occurring in Guinea during a time of uncertainty tied to economic turmoil and impending political transition. Guinea's economy is in a tailspin; its president, Lansana Conté, is rumored to be gravely ill; and its military is believed to be deeply divided. "The Guinean government is allowing its security forces to get away with torture and brutality," said Peter Takirambudde, Africa director at Human Rights Watch. Combating this brutality by ending impunity could boost Guinea's stability in this uncertain time."

[http://hrw.org/english/docs/2006/08/18/guinea14049\\_txt.htm](http://hrw.org/english/docs/2006/08/18/guinea14049_txt.htm)

### THOUSANDS AWAIT GALLOWS IN PAKISTAN JAILS

More than 7,400 men and 36 women are waiting in 81 Pakistani jails to be hanged, the Human Rights Commission of Pakistan (HRCP) has confirmed. In Punjab, the country's most populous province, more than 5,000 of its 53,000 prisoners face death. Many are serving their time confined to cells measuring just 10 sq metres. Intended for one prisoner, the cells often accommodate up to 10. Pakistan retains capital punishment by hanging for a range of offences, including murder, drug smuggling, rape, attempted murder, kidnapping and acts of terrorism. But the number of death sentences handed out annually far exceeds the number of hangings, meaning prisoners could remain in the terrible conditions on death row for up to 10 years, according to cases documented by the HRCP. This year 253 people, including three women, have been sentenced to death, with 42 hanged.

<http://www.handsoffcain.info/news/index.php?iddocumento=8328081>

### EU. POLAND DEATH PENALTY PLAN CONDEMNED

Europe's main human rights watchdog told Polish President Lech Kaczynski his support for restoring the death penalty was an attack on European values and would breach Poland's treaty obligations. "In our view, the death penalty has no place in the criminal justice system of any modern, civilised country," Rene van der Linden, President of the Parliamentary Assembly of the Council of Europe, said in an open letter to Kaczynski. The letter followed comments from the conservative Kaczynski on Polish radio last week, expressing support for the death penalty in cases of murder. On August 2, the European Commission rejected Kaczynski's views as incompatible with European values. Van der Linden said restoration of the death penalty, which was abolished in Poland soon after the fall of communism in 1989, "would constitute a flagrant breach of a country's obligations under the European Convention on Human Rights".

<http://www.handsoffcain.info/news/index.php?iddocumento=8328200>

### THREE SENTENCED TO DEATH FOR KILLING KYRGYZ LAWMAKER

A court in Kyrgyzstan sentenced to death three men charged with killing a member of the Central Asian state's parliament. The penalty will not be implemented because Kyrgyzstan has a moratorium on executions. Instead, the men -- Yevgeny Golovin, Azamat Zakirov and Rustam Abdulin -- will be jailed on death row. Parliament member Tynychbek Akmatbayev was killed in October 2005 when inmates at a tuberculosis hospital inside a prison took him and his entourage hostage. The murder highlighted the impoverished country's volatility after violent protests toppled veteran leader Askar Akayev earlier that year. The court also sentenced 35 people to jail terms in connection with the killing. One man got a suspended sentence.

<http://www.handsoffcain.info/news/index.php?iddocumento=8328206>

### OCTOBER 10 FOURTH ANNUAL WORLD DAY AGAINST DEATH PENALTY

The fourth annual World Day against the death penalty will be held on 10 October 2006. This year's theme, "The Death Penalty: a Failure of Justice" will highlight the failures of the systems that administer capital punishment via examples including the execution of innocent people, discrimination and unfair trials. Hundreds of events, debates, concerts, press conferences, radio interviews, exhibitions and plays will be organized around the world to condemn the death penalty. Mark the date in your diaries to bring the message to the world: the death penalty is not justice. Created in Rome in May 2002, the World Coalition brings together legal associations, unions, local governments, non-governmental organizations and others who are committed to the struggle against the death penalty and who want to coordinate their lobbying and actions at an international level.

<http://www.worldcoalition.org/bcoalintro.html>



Read the latest information about worldwide efforts to abolish the death penalty! <http://www.ipsnews.net/>

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