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By Alison Langley

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By Kimia Sanati

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Uganda Drafts Bill to Execute HIV Infectors

By Evelyn Kiapi Matsamura

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Jordan Reduces Crimes Eligible for Execution

By Shadi Al-Kasim

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IPS Columnist Service

▶ A FAILURE OF JUSTICE

By Piers Bannister

A man is in court on trial for murder. He does not understand the language in which he is being tried. He has no defence lawyer. Because he does not know what is being said, he is unaware that he has been sentenced to death.

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DEATH PENALTY: Seven Women Face Stoning in Iran

Alison Langley*

BERLIN - Amnesty International has issued an urgent appeal calling on its members to write letters to the Republic of Iran asking them not to stone seven women.

Nearly all of the women have been sentenced to die by stoning for adultery. Officially Iran had placed a moratorium on the cruel and painful practise in 2002, but Amnesty claims sentencing continues. The group has received credible reports that two people were stoned to death in May.

The United Nations Human Rights Committee has ruled that treating adultery and fornication as criminal offences does not comply with international human rights standards.

"The sentence of execution by stoning for adultery breaches Iran's commitment under article 6(2) of the International Covenant on Civil and Political Rights that death sentences will be imposed 'only for the most serious crimes'," Amnesty wrote in its appeal.

Under Shari'a law, a prisoner is buried up to her breast, her hands restrained. Rules also specify the size of the stones which can be thrown so that death is painful and not imminent. Both men and women can be sentenced to die by stoning. In practise, however, an overwhelming number of women receive that penalty.

"It's high time this brutal practise ends. Not only are people deprived of their right to life by the state but they are tortured in the process," Nicole Choueiry, Amnesty's Middle East press officer, told IPS.

"Iran should review its legislation as a matter of urgency to bring it into line with international human rights standards," she added.

According to an independent legal analysis of the country's penal code, Iranian judges are required to issue these mandatory sentences. Rarely, IPS sources inside Iran said, are these sentences carried out.

One lawyer, who asked not to be named, told IPS that the head of the judiciary, Ayatollah Shahroudi, frequently has been able to postpone executions. He does not, however, have the authority to commute death sentences to life imprisonment.

In addition to the seven women mentioned in the latest report, Amnesty earlier issued reports of two other Iranians also allegedly at risk of being stoned.

According to Amnesty, Parisa A. received her execution sentence while working as a prostitute in the city of Shiraz. She claims she had been forced into prostitution by her husband due to her family's poverty. Her sentence was upheld by a branch of the Supreme Court in November 2005. Her case is under review by the high court.

Iran E., an Ahwazi Arab from the Bakhtiari clan, was sentenced to be stoned for adultery. Her verdict was upheld by the Supreme Court in April.

Khayrieh V., another Ahwazi Arab, was reportedly subjected to domestic violence by her husband when she allegedly began an affair with one of his relatives, who then murdered her husband, the Amnesty report said. She has denied any involvement in the murder but has admitted to adultery.

The Supreme Court has upheld her sentence and the case now apparently has been sent to the Head of the Judiciary for permission to be implemented. Amnesty quoted her as saying, "I am ready to be hanged, but they should not stone me. They could strangle you and you would die, but it is very difficult to have stones hitting you in the head."

Shamameh Ghorbani (also known as Malek), was sentenced to die by stoning for adultery in June after relatives killed a man they found in her home. Her case is being re-examined.

Kobra Najjar, 44, is at imminent risk of execution, Amnesty said. She claims to have been forced into prostitution by her husband, a heroin addict who was violent towards her.

"In 1995, after a severe beating by her husband, she told one of her regular customers that she wanted to kill her husband. The customer allegedly murdered her husband after Kobra Najjar took him to an arranged meeting place. The customer was sentenced to death, but he was pardoned by the victim's family, to whom he paid blood money," Amnesty added.

Soghra Mola'i was sentenced to 15 years' imprisonment for being an accomplice to the January 2004 murder of her husband Abdollah and to execution by stoning for adultery. She claims her lover killed her husband. Her boyfriend has been sentenced to hang for the homicide, after receiving 100 lashes for "illicit relations."

In May 2005, a Tehran court sentenced Fatemeh, whose surname is unknown, to pay retribution for being an accomplice to murder, and to be stoned for having an "illicit relationship" with a man named Mahmoud. Her husband has been sentenced to 16 years' imprisonment as an accomplice to the murder. Her case is under review with the Supreme Court.

In addition to these women, Amnesty officials said the human rights group was concerned about the fates of Ashraf Kalhori and Hajieh Esmailvand, also convicted of adultery and sentenced to be stoned.

* Kimia Sanati in Tehran contributed to this report. (END/2006)

DEATH PENALTY: No One Too Young in Iran

Kimia Sanati

TEHRAN - In Iran it is difficult to figure out when a person is considered an adult. According to Article 49 of the Islamic Penal Code the age of legal responsibility is nine years for girls and 15 for boys. Youngsters of both sexes, however, have to wait until they are 16 to vote in elections, and 18 to open a bank account, get a driver's license, or sell property in their names.

They can be hanged at any age.

A girl known only as Nazanin, 17, turned herself in to police six months ago after she stabbed and killed one of three assailants who she says were trying to attack her and her 14-year-old niece. Nazanin was found guilty of murder and sentenced to death. She has appealed the verdict, Etemad Melli newspaper reported on Aug. 31.

In September, the same newspaper reported the execution of a youth, Sattar, in Tehran's Evin prison. He had killed a young man when he was 17, in a brawl over a public telephone booth.

Sattar was not hanged until he turned 18, but that has not stopped international bodies and human rights organisations within and outside Iran from condemning the Islamic state for the practice.

"Iran is the only country which still executed minors in 2005," Piers Bannister, coordinator of the death penalty team at Amnesty International in London, told IPS by telephone.

"The international community has recognised that children are special and require special attention," Bannister added. "The world is united on this matter."

As a signatory of the Convention on the Rights of the Child and the International Convention on Civil and Political Rights, Iran has agreed not to execute anyone for offences committed when they were under the age of 18. But it has repeatedly ignored the conventions.

Since 1990, Amnesty International has documented 19 prisoners who were children at the time of their alleged crimes yet have been hanged.

Groups like the UN Child Rights Committee, Amnesty and Hands Off Cain, among others, have called on Iran to abolish the death sentence for children. To mask their deed, these groups charge, the Tehran government typically postpones the execution until the prisoner is 18, or lies about the prisoner's age.

Rights groups also charge that Iran, which is the second only to China in the frequency of executions, also tends to sentence women to death for sex offences, whereas men are more likely to face lashings because, according to Shari'a law, men can have many temporary wives.

"Boys are at least luckier to be legally responsible only from the age of 15. But can you imagine a 10-year-old girl being sentenced to death for sex which usually comes in the form of rape at first, and goes on because the child is not able to fully comprehend the situation and is scared to tell anyone? Or an 11-year-old girl being hanged for killing someone?" a women's rights activist, wishing not to be named, told IPS.

In 2004, Atefeh Sahaaleh Rajabi was hastily tried and hanged in Neka in northern Iran. Her case drew international attention because she had no access to legal counsel. Although court documents said she had been 22 at the time of her hanging, her birth certificate and her father's identity information later proved she was only 16.

Sahaaleh was found guilty by the state of having unlawful sex four times. Human rights activists, however, say the girl suffered

psychological problems and was repeatedly raped by a 51-year-old man, according to an Amnesty International report and a BBC documentary. She was hanged. He was sentenced to 100 lashes.

"The judge who tried her didn't take that into account, and when she appealed, the Supreme Court upheld the sentence anyway. Atefeh's family sued the judge after she was hanged but he has been acquitted," Nasrin Sotoudeh, a lawyer and children's rights activist, told IPS.

Since Sahaaleh was hanged, Amnesty International has documented at least nine more children executed by the state. In addition, Kaveh Habibnezhad, 14, died after being flogged. The boy had been caught eating in public during the month of fasting, a social worker from a state-run juvenile correction facility told IPS on the condition of anonymity.

Iran's Shari'a-based law conflicts with international law. International law does not allow executions for sex-related crimes. Shari'a does. In sex-related cases, even if there are no private plaintiffs, defendants are still prosecuted by the state, which acts as the guardian of public morals. When a defendant confesses to a crime or when the sufficient number of witnesses prescribed by Islamic law testify to the act, the sentences are automatic.

When Iran's reformist Parliament tried to raise the age of marriage to 18 for both sexes a few years ago, the move was vetoed three times by the six-member clerical Guardian Council. The Council must give the final authorisation to parliament legislation, ascertaining that laws conform to Shari'a.

Parliament was insistent, and the case was referred to a higher body with legislative powers, the Expediency Council, set up to arbitrate between the two bodies. Eighteen months later, the Expediency Council finally raised the age of marriage for girls to 13 after much deliberation.

Homicide and sex-related offences, such as incest, adultery, prostitution or homosexuality, are the leading crimes for which adults and minors alike can be sentenced to death. Rarely, death sentences are meted out for drug-related charges. In a murder case, the family of the victim has 'blood rights' under Shari'a laws. This gives them a choice between asking for diye (blood money) or qisas (retribution by killing).

"The family of the murderer can pay compensation to the family of the victim in lieu of execution. The murderer then walks free. The rich can get away with murder, the poor die," Bannister said. If the victim's family waives its right to qisas, the defendant still must serve a 10-year sentence for the public side of the offence.

Zhila and Bakhtiar Izadyar, a brother and sister from western city of Marivan, were found guilty of incest when their baby was born in 2004. The children had been turned in to the police by their disgraced father. Information on their case is also scarce, but according to newspaper reports, the court that tried them sentenced Zhila to death and her brother to jail and lashes.

Campaigns to save her life and international pressure led Judiciary Chief Ayatollah Shahroudi to interfere in the case. In absence of private plaintiffs, he used his authority to reduce the sentence to lashes, which she received shortly before her child was born.

"The head of the Judiciary has expressly told UNICEF (UN Children's Fund) people here that if defendants sentenced to death for homicide send their cases to him after the final legal stages are taken, he would stop the sentence from being carried out," a lawyer not wishing to be named told IPS.

Shahroudi has in the past intervened in at least one other case involving a juvenile.

The Judiciary head, however, cannot pardon a person found guilty of homicide -- even if that person is a child.

"He can only keep the cases in a pending state meanwhile, so the relevant laws need to change to put an end to this," the lawyer said. (END/2006)

DEATH PENALTY: "Swara" Killings in Pakistan Continue

Zofeen T. Ebrahim

KARACHI- In 2005, 17-year-old Rubina Bibi died under mysterious circumstances after eating a meal in the small village of Kas Koroona, in Pakistan's North West Frontier Province (NWFP). She was living at the time in an animal shed -- the only place where her in-laws would allow her to stay.

Not far away, in another village called Gumbat Banda, villagers have "disclosed to me in hushed tones that young Tayyaba, who died a month and a half after her marriage in June 2006, was actually poisoned by her in-laws," Samar Minallah, an anthropologist and rights activist heading Ethnomedia and Development, a non-governmental organisation, told IPS. Tayyaba Begum, 20, was tortured by her in-laws from the day she entered their home, Minallah believes.

Zarmina Bibi, 19, married in February 2006, was allegedly shot dead by her brother-in-law two months after her marriage. Her mother-in-law claimed the girl was cleaning her husband's rifle and it went off. Zarmina's mother believes her daughter was murdered by the in-laws, Razaqat Bibi, a social activist working in Mardan -- and no relation to Zarmina or Rubina -- told IPS.

All three young women were given in marriage to hostile families as compensation for a relative's crime in a practise called "swara" in Pashtun, parts of Afghanistan and the NWFP -- and "vanni" in the Punjab. Although officially outlawed in Pakistan, the custom prevails.

"For as long as I can remember, I've witnessed swara, but killing these poor women is a fairly recent phenomenon," said Razaqat Bibi, who has observed the trend since 1998.

Kamila Hayat, joint director of the Human Rights Commission of Pakistan (HRCP) told IPS via email from LaHore, "Swara is a virtual death penalty for young women who become victims of the tradition."

"Even in cases where they are not physically killed, the humiliation and misery they face, sometimes for an entire lifetime, is a terrible punishment. It is made all the worse by the fact that the women concerned are of course not guilty of any crime," Hayat added.

Assistant professor Fouzia Naeem Khan, a clinical psychologist

teaching at SZABIST Institute of Science and Technology in Karachi, belongs to a village in the NWFP where swara originally was designed to stop decades old blood feuds between two clans.

The root cause for most blood feuds is land, Khan said. To resolve conflicts the jirga, or village council, dictates sending a bride from the assailant's family to the aggrieved to put an end to all further killings.

Sometimes girls just a few months old are given as 'blood money' and married once they reach adulthood. At times when there are no women in the family, girls are purchased from another family.

"It's like proclaiming a death sentence," Khan told IPS. "A swara may be alive but her spirit has long been snuffed out. She is a constant reminder (to the in-laws) of the death of their loved one...The physical abuse may not always be there, but it's the psychological scars that she has to live with and which never seem to heal."

Minallah has been studying the custom since 2002. She produced a documentary film, 'A Bridge Over Troubled Waters' in 2003. In a new research project, 'Swara – The Human Shield', Minallah writes: "The hatred towards her does not end. At times even her children face verbal abuse and are taunted."

Minallah continued, "Contrary to the belief that a swara marriage is a form of lasting peace that binds two families together through a marriage alliance, rarely is it so." She, like Bibi, believes the number of women who have died in mysterious circumstances has risen in recent years.

While there are no statistics indicating how many girls are given in swara annually, the number, Minallah believes, is significant. During her research she met 60 swara women in the districts of Mardan and Swabi alone. Around 20 were women who had been swara for many years, but the rest were given away in 2006.

In 2005, the HRCP recorded at least 1,242 cases of violent crime against women in the first eight months of the year. According to the Karachi-based Lawyers for Human Rights and Legal Aid, 31,000 crimes against women had been reported in the last five years throughout Pakistan. The group does not separate swara crimes from its statistics.

IPS reported earlier this year how some voluntary groups are holding regular workshops and informal meetings to raise awareness about this brutal custom, which is as difficult to uproot as honour killings. In the case of swara, if the woman complains, her father could be arrested. This stops the woman from speaking up. These organisations also provide free legal aid to victims.

To end swara, the country must first wipe out the prevalence of the jirga system. The recent rise of the jirga's power denotes a failure on the part of Pakistan's weak judicial system, which is marred by a virtually non-existent investigative capacity on the part of police and lack of sensitisation of lower-level judges.

It is imperative, Ali Dayan Hasan, South Asia researcher for Human Rights Watch said, that "the government authorities ensure that village panchayats, tribal jirgas and other customary councils are abolished and local influentials act in accordance with the law and do not usurp the proper judicial role of the civil courts."

But, Hasan added in his conversation with IPS, "These informal forums of justice can only be effectively eliminated if the judicial system is truly effective."

So far, in Pakistan, it is not. (END/2006)

DEATH PENALTY: Florida Death Penalty System Criticised

Mark Weisenmiller

TAMPA, Florida - An influential lawyer's group in the United States has strongly criticised Florida's death penalty system, calling it ambiguous and secretive.

The American Bar Association (ABA) Death Penalty Moratorium Project also stated in a detailed, 450-page report that Florida has the highest number - 22 -- of innocent death row prisoners who have been exonerated since 1973.

That alarming number prompted the ABA to study Florida's justice system first. It eventually plans a review of 16 states in all. The report, funded by the influential law association and the European Union, identified 11 problem areas in total. Among its findings:

- The state of Florida did not provide adequate legal counsel to its poor prisoners after they have been convicted.

- Florida is the only U.S. state which does not require juries to vote unanimously on capital punishment cases.

- The southern state shows a racial disparity, making a non-white far more likely to be sentenced to death for killing a white victim than a white prisoner to be convicted for killing a person of colour.

- Florida has a high number of inmates - an estimated 50 percent -- with severe mental disabilities on death row. Some of them, the report stated, were disabled at the time of the offence; others became ill after conviction and sentencing.

- Florida's clemency process is full of "ambiguity and secrecy."

The ABA issued its report four days before Florida executed Clarence Hill, 48, the inmate who sought to block his death in an appeal to the US Supreme Court in January. Hill's death was the first execution in Florida in 2006. Moreover, the state this week has set Oct. 25 as an execution date for Denny Rolling, who was found guilty of murdering five college students 16 years ago.

"The people in charge of the death penalty have made mistakes. No one likes to admit that they made a mistake and the ABA report shows that. There's no accountability in the (state's death penalty) system," Mark Elliott, spokesman for the anti-capital punishment organisation Floridians for Alternatives to the Death Penalty told IPS.

The ABA panel reviewed previous death penalty studies, including one by the state's own Supreme Court, and concluded that defendants convicted of killing whites are more likely to receive death sentences than those found guilty of murdering a non-white.

None of the 60 prisoners executed by the state of Florida since 1979,

when the state re-instated capital punishment, have been white defendants found guilty of killing a black victim. A 2003 Amnesty International report found that even though blacks and whites are murder victims in nearly equal numbers in the U.S., some 80 percent of inmates executed since 1973 have been killed for murders involving white victims.

In 2000, Gov. John Ellis "Jeb" Bush appointed a commission to investigate racial bias among the state's death row inmates. Then-Florida Attorney General Charlie Crist, who currently is running for Governor in the November elections, "did nothing with the commission's report. He kept things at status quo," Mark Schlakman, director of the Centre for the Advancement of Human Rights at Florida State University and a member of the panel told IPS.

The first of four key recommendations by the ABA, then, is the creation of two commissions independent of each other. One committee would specialise in studying the underlying causes of wrongful convictions in death penalty cases. The other would be comprised of a panel of judges that would review claims of factual innocence in existing cases.

The 22 Florida death row inmates exonerated so far have served a total of 150 years in prison for crimes they did not commit, Christopher Slobogin, a University of Florida law professor who led the eight-member team told IPS.

The ABA panel also recommended that Florida eliminate its statutory lawyer fee of \$3,500 which must be paid by the defendant.. Instead, the state should allow for greater options in obtaining payments for services rendered. Moreover it wants state-appointed attorneys to meet minimum nationally-recognised requirements for lawyers defending death row prisoners.

Moreover, the state must immediately require a jury's capital punishment verdict to be unanimous and must drop a law that allows judges to overrule a jury decision, the panel recommended. In 2005, a state Supreme Court Justice urged the Florida legislature to amend its law requiring unanimity, saying Florida's death penalty rules could be open to attack. That bill did not pass.

One recommendation that Slobogin said could be implemented quickly is that the jury instructions by judges presiding over capital punishment cases should be uniform throughout Florida.

"It's important to know that our report does not come out for or against the death penalty," Slobogin told IPS. "Our point was to bring out the concerns and needs and some problems with the death penalty in Florida with some recommendations to address these issues."

The ABA panel was comprised of death penalty opponents as well as supporters and included a circuit judge, a state attorney, a former Florida Supreme Court justice and a former public defender.

"The composition of the team was important," Schlakman said, because the panel wanted to include all perspectives. It is believed to be the first comprehensive and impartial study of the death penalty as it is operated in Florida.

State officials said they would study the report, but have not yet promised to implement the changes.

"We're looking at the report...but I believe that the death penalty process here (in Florida) is protected by an appeals process that is extensive. It can go on for ten years," Gov. Bush told reporters.

It is doubtful that Gov. Bush will implement the recommendations in the report, as he will be leaving office, due to term limits, after this November's election. That job will fall to either Jim Davis of Tampa, the Democratic candidate for Governor, or Crist, the Republican candidate for Governor.

In the past, Crist has urged the legislature not to make any changes in the law because it might weaken it. He has called the state's current regulations necessary in order to "deter potential future murderers."

Still, Elliott, the death penalty opponent, added that the report "should be a wake-up call for both Governor Bush and whoever the new Governor will be to start to listen to people who have various viewpoints about the death penalty."

"It's a non-partisan problem, no matter if a Democrat or Republican is Governor, for not investigating problems that have long been in the system," he added. (END/2006)

DEATH PENALTY: DNA Tests Prove Justice Has Failed

Alberto Cremonesi

NEW YORK - When we talk of capital punishment there is no room for mistakes; no allowances for doubt or indecision. There is definitely no mechanism for review of guilt or innocence after someone has been killed.

Yet, consider these people:

Jeffrey Mark Deskovic, 33, spent nearly half his life in a New York prison for a rape and murder he did not commit. DNA testing cleared Deskovic and he was released Sep. 20 from prison.

"I was supposed to finish out my education...begin a career," Deskovic, choking up, told reporters when leaving the court room. "Marry, have a family, spend some time with my family...share the last years of my grandmother's life with her." Deskovic was 17 years old when he was ordered to spend his life in prison.

In 2004, Ryan Matthew, convicted for the murder of a local convenience store owner in Louisiana, escaped the death penalty after prosecutors dropped all charges on the basis of DNA testing results.

There are other stories of executions conducted too fast, trials completed too quickly and mistakes too easily made. And yet, the state-sanctioned killings continue. Now, DNA testing is helping to prove that innocent people continue to be killed or placed on death row. It proves that the U.S. judicial system is flawed; it sends innocent people to jail and, worse, puts them to death.

Northwestern University School of Law's Centre on Wrongful Convictions (CWC) documented at least 38 executions carried out in the United States in spite of compelling evidence of innocence or serious doubt about guilt since capital punishment was restored in the mid-1970s. According to this study, while innocence has not been

proven in any specific case, there is reasonable doubt that some of the executed prisoners were innocent.

Moreover, the American Civil Liberties Union (ACLU) has documented 123 death-row inmates who, since 1973, have been exonerated and freed before their executions.

Officially, courts do not consider claims of innocence after a person has been executed. In the past, people attempting to prove innocence had to do so by re-examining the evidence and re-interviewing witnesses and investigators, with no finality granted them. In the last 20 years, however, they have had a new tool: DNA testing.

While DNA testing was still viewed with suspicion by prosecutors in the 1980s, nowadays its implementation and accessibility has shown it essential in many trials. As it has become more accepted, it has provided an absolute that previously was not available.

"DNA has introduced dramatic changes in the whole criminal justice system. Now capital executions are viewed in a more sceptical light thanks to this testing," Richard Dieter, executive director of the Death Penalty Information Centre (DPIC), told IPS.

Except in the case of identical twins, the structure of a person's DNA is unique. About 10 per cent of DNA contains chromosomes. The rest of it is "non-coding" DNA, partly made up of identical sequences. Experts analyse "repeat units" to compile a person's genetic profile, which takes the form of a series of figures and becomes essential for investigations.

"Recently, with DNA death-row exonerations, those who may support the death penalty in principle have questioned its legitimacy given the risk that we may have executed -- we may execute -- an innocent person.," Sarah Tofte, researcher for the U.S. Program at Human Rights Watch, told IPS.

This has led some prosecutors, law enforcement officials, conservative politicians and others to support moratoriums on the death penalty, if not outright abolition. The staff of the CWC pioneered the investigation and litigation of wrongful convictions, relying a great deal on DNA testing. Their work proving the innocence of 11 men sitting on death row in the U.S. state of Illinois was a driving force behind former Governor George H. Ryan's decision to suspend executions in Illinois in January, 2001.

The Innocence Project, which worked to free Deskovic, only handles cases where post-conviction DNA tests can yield conclusive proof of innocence. To date, it has helped exonerate 184 people, proving that wrongful convictions are not rare.

DNA tests point up the underlying need to reform of the criminal justice system, including a halt to the death penalty, human rights experts said.

"In my opinion, the recent exonerations of both death-row inmates and other prisoners represent just the tip of the iceberg of the failures of our criminal justice system. There is an intolerably high risk that many, many prisoners currently incarcerated are in fact innocent, including many death-row inmates," John Holdridge, director of the Capital Punishment Project for the ACLU, told IPS.

Until the late 1990s, DNA testing was seldom used due to the high

cost, which ran into thousands of dollars. Recently, with the improvement of new technologies, the price has dropped to about 1,000 dollars, a small amount compared to the average cost of a trial. Texas, for instance, with over 300 people on death row, spends an estimated 2.3 million dollars per case, according to the DPIC.

"Now almost everybody can afford the cost of a DNA test. It should be freely and automatically available to every death-row inmate and every person charged with a crime. Furthermore, it should be freely available to every prisoner with a substantial claim of innocence," Holdridge said.

DNA tests played a substantial role in establishing prisoners' innocence in at least 14 cases of the 123 exonerations since 1973, according to the DPIC.

Nonetheless, the scope of DNA is limited to the few individual cases in which biological evidence is available. For every DNA exoneration, there are countless cases where testing cannot help because no DNA was left on the scene or the evidence had been lost or destroyed.

"DNA testing is a very good tool to prove the innocence of inmates, but unfortunately it does not mean the end of erroneous capital executions," Holdridge said.

But it does point up the weaknesses in the U.S. justice system: Innocent people still are being put to death by the government.

"Hopefully people worldwide will continue to be concerned and indignant about the capital punishment issue. What is essential for succeeding is that people recognise it as a major diminishing of human values," Dieter said. (END/2006)

PERU: Congress to Debate Death Penalty for Child Rapists

Ángel Páez

LIMA - Three different draft laws have been announced in Peru to expand the death penalty to child rapists, who are "not human beings" but "abominable, execrable and monstrous" creatures who "have no rights," according to one of the initiatives.

The draft law presented to Congress last week by rightwing legislator Lourdes Alcorta describes rapists as "predatory, savage animals", "perverted criminals," and "ill bred wretches."

Therefore, society has no choice but to eliminate them, as "they do not deserve to live," according to the draft law, which would apply the death penalty to rapists of children under nine years of age, physically or mentally disabled persons, and minors aged nine to 18 who are raped and then killed.

Alcorta has the support of seven other lawmakers from her party, out of a total of 17 belonging to the rightwing National Unity alliance.

During the election campaign, President Alan García, who took office Jul. 28, proposed a similar measure. But only after Alcorta announced her initiative did the executive branch submit its own to Congress.

Peru ratified the American Convention on Human Rights, known as the Pact of San José, in 1978. Article 4 of the treaty severely restricts the

use of capital punishment and stipulates that "the death penalty shall not be reestablished in states that have abolished it."

Alcorta's draft law would imply reneging on the Pact of San José.

In its 1979 constitution, Peru recognised the competence of the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

The constitution restricts the use of the death penalty to cases of treason in times of war with a foreign country.

But in 1993, representatives of the regime of Alberto Fujimori (1990-2000) in the "Constitutional Congress" that replaced parliament after it was dissolved by his "self-coup" on Apr. 5, 1992 extended the death penalty to acts of terrorism, in spite of the opposition of the Inter-American Court of Human Rights, which Peru then distanced itself from.

When democracy was restored in 2001, Peru renewed its recognition of the Court's competence.

Opinion leaders are divided about the drastic plan to apply the death penalty to child rapists, although a majority of the public is in favour. On Aug. 13, a survey by the Apoyo polling firm found that 82 percent of those interviewed accepted the use of the death penalty.

On Sep. 7, the University of Lima published another survey on the same question, which found that 72 percent of respondents were in favour of capital punishment.

Critics of the death penalty, such as the president of the National Unity alliance herself, former presidential candidate Lourdes Flores, say the question is being exploited for political and electoral ends.

"There is nothing opportunistic about my proposal because I've been fighting for this for years," Alcorta told IPS. "It just happens to coincide with (the governing Aprista Party's) initiative. It's not a populist bill. It's up to Congress to decide what to do."

In spite of the popular support enjoyed by the death penalty, it is not certain that it will garner the necessary votes in parliament, especially as reintroducing capital punishment would require a constitutional reform, which in turn requires a special majority of at least 80 out of the 120 legislators, and ratification in the next legislative term, in 2007, with the same minimum number of votes.

The Aprista bloc of 36 legislators will back García's bill, which calls for capital punishment for those found guilty of raping and then murdering a child under the age of seven.

The death penalty is a measure aimed at "radically eliminating individuals whose aberrant personality offers no possibility whatsoever of social readaptation," states the government's bill, which is somewhat more lenient than Alcorta's, and might capture the votes of more legislators.

Speaker of Congress Mercedes Cabanillas of the governing party publicly backed Alcorta's bill. Afterwards, in line with her party's strategy, she presented another draft law to modify Peru's penal code, stiffening the penalties for rape without murder.

This initiative proposes increasing prison terms from 30 years to life for rapists of children under 10, instead of under the age of seven, as is currently the case. For victims aged 10 to 14, the new penalty would be no less than 30 years in prison (currently 20 to 25 years).

Cabanillas's press spokesman told IPS that the lawmaker did not wish to make any further comments on the matter.

But the APRA bloc in parliament has already made a fundamental decision.

"We will support en bloc the draft law to use the death penalty for child rapists," the vice president of the Aprista parliamentary group, Nidia Vilchez, told IPS. "It doesn't matter who proposes what, the main thing is to achieve the goal that child rapists receive the death penalty."

"We think Alcorta's bill is fine, and we congratulate her because it enriches the debate," but the Aprista parliamentary grouping itself intends to present its own proposal on the death penalty, in addition to President García's, she said.

The 42 legislators in former presidential candidate Ollanta Humala's alliance -- made up of the Union for Peru (UPP) and the Peruvian Nationalist Party (PNP) -- have not adopted a common position. Their spokesman Juvenal Ordóñez said that Alcorta's bill "goes against the advance of civilisation, because the death penalty is a particularly violent argument which dehumanises society."

However, he clarified that each member of Congress in his group "will be free to vote according to their conscience. My opinion is personal, but I think that I speak for most of our parliamentary bench."

The 17 National Unity members of Congress have not adopted a unified position either, and Alcorta's bill only carries the signatures of less than half of them.

The 13 legislators of the pro-Fujimori Alliance for the Future (AF) are also divided on the issue. The third vice president of Congress, Luisa María Cuculiza, supports Alcorta's proposal, but acknowledged that everyone in her party will vote in accordance with their own views.

"What I can say is that the majority are in agreement," Cuculiza told IPS.

In any case, the "Fujimorista" votes will not suffice, unless APRA's bill prospers.

According to the Ministry for Women and Social Development, between January 2002 and June 2003 the Emergency Centres received 1,688 complaints of sexual abuse involving children and teenagers, some 99 cases a month. And between January and June of this year there were 1,053 cases, approximately 175 per month.

Peru's Catholic Episcopal Conference issued a communiqué, saying that "experience elsewhere shows that extending the criminal code to include the death penalty to avenge crimes as serious as the rape and murder of a child does not solve the problem, and would impel us dangerously back to 'an eye for an eye and a tooth for a tooth', with the added problem that this will not eradicate the wrong."

The secretary general of the Episcopal Conference, Juan Larrañeta, told IPS that "the Church does not condemn the death penalty, but in

cases of murder and rape we are not in favour of its use because, first of all, it is irreversible."

"Secondly, the credibility of our judges is at an all-time low. And third, nothing has been done to improve the intellectual capacity and quality of life of the victims of rape, who are among the poorest of the poor and live in overcrowded slums," he said..

In addition, Larrañeta warned that reinstating the death penalty would put Peru on an international blacklist. "We would be isolated, because the world today appreciates and values life."

The international trend is to abolish killing people as a punishment for serious crimes. Amnesty International reports that by 1981, 27 countries had outlawed the death penalty, a number that has now climbed to 88.

"Extending the use of the death penalty would be a step backwards in terms of human rights and democracy," Eduardo Vega, a human rights specialist in the Ombudsman's office, told IPS.

"We would become distanced from the (Inter-American) Court (of Human Rights), and that would set a pattern for our international relations," he added.

President García apparently wants to reintroduce the death penalty without reneging on the Pact of San José, so that Peru will not be seen as going back to the time of Fujimori.

Foreign Minister José Antonio García Belaúnde explained it to IPS in this way: "I won't comment on the death penalty, but what I can say is that Peru is not going to renounce the Pact of San José. That is a firm decision."

Asked whether the decision meant that the president would abandon the idea of reinstating the death penalty, García Belaúnde replied: "No, that is an interpretation. What I am saying, as the person responsible for the government's foreign policy, is that Peru will not pull out of the Pact of San José." (END/2006)

DEATH PENALTY: Uganda Drafts Bill to Execute HIV Infectors

Evelyn Kiapi Matsamura

KAMPALA - In 1999, an HIV-infected 30-year-old man named Fred Mwanga shocked the country when he raped a three-month-old baby in a Kampala suburb.

Even more upsetting, Mwanga's action was not an isolated incident. The rate of HIV-infected adults sexually abusing the nation's most vulnerable citizens is rising. As these ill men prey on the minors, they spread the deadly HIV virus. Already one in 10 Ugandans is HIV-positive or has full-blown AIDS.

Now, however, the Ugandan government is drafting a bill to execute offenders who knowingly infect minors with HIV.

If passed, any HIV-infected person who performs a sexual act with another person who is below the age of 18 years commits a

felony called 'aggravated defilement' and, if convicted by the high court, will be executed, Elioda Tumwesigye, the chairman of the parliamentary committee on HIV/AIDS said in August. Defilement refers to the act of sex with a child 18 years or younger, with or without consent.

People like Mwanga could face death if Parliament passes this legislation.

Human rights groups in Uganda believe the bill is off target. Instead of putting unnecessary emphasis on death sentences, more effort should go to fighting HIV/AIDS and in AIDS awareness campaigns, they say.

In addition, more state investment should be given to the police and investigating agencies to ensure crime prevention and child protection, Livingstone Sewanyana, executive director, of the Kampala-based non-governmental organisation, Foundation for Human Rights Initiative, told IPS.

"When you subscribe to the death penalty, you give an unacceptable excuse to the state to forfeit or forget its cardinal function of maintaining law and order," Sewanyana said.

When a person sexually abuses a minor, that in itself amounts a failure of the state to prevent it, he argues. "For a state whose duty is to protect, to put emphasis on executing citizens, I think that would be abdicating its responsibility."

This bill is one of many the Parliament will be discussing in its attempt to cope with the widening HIV/AIDS epidemic. Previous bills have been drafted and shelved for years. This parliamentary session, however, Tumwesigye said he is confident action will be taken because the problems are spiralling out of control.

Early last month, the chairman of the Uganda Law Reform Commission, Joseph Kakooza presented a brief on the draft HIV bill, which outlines in part the government's alarm over the rise of sexual abuse of minors.

"There is a big concern about people who infect others with HIV. In some countries, if an HIV positive person knowingly infects another, he or she is charged. In some countries, such people are referred to as murderers," Kakooza told members of Parliament at an August hearing.

Uganda's bill specifically targets those who infect children with HIV through sexually abuse.

Sexual abuse in Uganda is on the rise, according to a report by the Kampala-based child protection organisation, The African Network for the Prevention and Protection against Child Abuse and Neglect (ANPPCAN), Uganda Chapter.

A study released last year showed that 82.9 percent of the 16,800 abuse cases reported for three months in 2004 were sexual. This was an increase from previous a report which showed that 4,495 minors were sexually abused in 2002. Girls were the major victims of abuse, accounting for 85.8 percent of the cases reported, the document said.

Already in Uganda, defendants can be put to death if found guilty of rape and defilement, but judges have the discretion to give a convict a lesser sentence. So far, no one has been sentenced to death for this particular crime.

In addition to discussing whether death should be a mandatory penalty, parliamentarians also will debate whether a person who rapes a toddler should be given the same punishment as one who defiles a teenager. Thus, the problem for the government is how to define the age of consent. They have asked for the age of consent to be reduced from 18 to 16.

Others disagree, however. Many university girls have fallen victim to HIV-infected men, known locally as "Sugar Daddies", who will give the girls material things in exchange for sex. There are some campaigns now to try to stop this "cross-generational" sex.

Human rights groups worry that a mandatory death penalty for sex offenders will drive the problem underground. That is because the ANPPCAN report also stated that 90 percent of the alleged perpetrators were close relatives. That is where prosecution of criminals runs into a problem.

Many parents preferred to resolve abuse cases out of court because they do not want to see their relatives being dragged to prison for life, or worse still, hanged.

According to the report, sexual abuse cases reported to the police and in the media were far higher than the number of cases settled by the courts. This implies, the ANPPCAN report said, that reported cases do not go through the penal system and instead are privately. Out of court settlements are common in Uganda, with compensations in the form of money, livestock and "maintenance" packages if a girl gets pregnant.

"Child sexual abuse is a major problem that calls for intensified advocacy against this problem," the report concluded.

There have been several debates on capital punishment, especially during the constitution-drafting process that ended in 1995. However, the majority of the Constituent Assembly delegates voted to retain the death penalty amidst opposition from various rights groups.

Uganda has executed some 377 people, including one woman, since 1938, according to records from the Uganda Prisons Department. President Yoweri Museveni's government has put 51 people to death since it took over power in 1986.

Currently, some 555 prisoners, 27 of whom are women, sit on Uganda's death row, according to Uganda Prisons Department.

Rights group believe the death penalty is a violation of human rights and a right to life. It not only denies the judicial system an opportunity to correct mistakes, but also denies the victim all possibility of rehabilitation.

"We generally are convinced that the death penalty is not a punishment. After all, everybody will (one day) die. It (death penalty) does not provide an opportunity for reform. The idea behind punishment is to enable a person to reform and for society to change its ways," Sewanyana said. (END/2006)

DEATH PENALTY: Jordan Reduces Crimes Eligible for Execution

Shadi Al-Kasim

AMMAN - In lowering the number of crimes for which the death penalty would be eligible, the Jordanian government says it has moved one step closer to becoming the first Arab state to abolish capital punishment altogether.

But the move has received very mixed responses from everyone else. Within the Jordanian population, it is wildly unpopular. Human rights groups are torn. One local group called it a first step toward abolition, but the International Federation of Human Rights (FIDH) called it "symbolic at best."

In August, the government eliminated four crimes – relating to drugs, possession of illegal explosives and weapons -- in the criminal code which carry the death penalty. Defendants still can be executed for murder, rape, terrorism, drug trafficking, treason and espionage.

Jordanian Minister of Justice, Dr. Abed al-Shakabneh, told the Jordanian Dostoor newspaper that the cabinet's approval was given to help the government cope with the new regulations concerning the human rights.

FIDH, however, says the move will have no practical effect. "If the death penalty is retained for these crimes it is unlikely that the number of executions will decrease," FIDH said in a statement. According to official figures, 41 people were executed in Jordan since 2000, all of whom were convicted for murder, terrorism or sexual assault charges – crimes which still carry the death penalty.

Like other groups, such as Human Rights Watch, Amnesty International and local, Jordanian human rights organisations, FIDH opposes the use of the death penalty because it contradicts the notion of human dignity and liberty.

Specifically, the groups said they are concerned that Jordan's State Security Court, responsible for the majority of the country's death sentences, will remain intact. That court includes military judges – its president is an army officer – who are appointed by the prime

minister and therefore violate the principal of judicial independence and the separation of powers.

Moreover, rulings by the Court of Cassation to uphold death sentences do not require unanimity. A FIDH fact-finding team examined final rulings by that court and found cases in which defendants were sentenced to die on a 5 – 4 vote.

"Torture and mistreatment in places of detention in Jordan is another well-documented concern that adds to the necessity of an absolute abolition of the death penalty," FIDH said.

Still, the government's action was greeted by local human rights groups as a first step. "We have been lobbying for an end to the death penalty for years," Essam Rababa'ah from Adaleh Human Rights group told IRIN news agency. He urged officials to consider annulling the capital punishment entirely.

Yet the president of the Jordan Bar Association, Mr. Saleh Al-Armouty, and many Jordanian lawyers and segments on the Jordanian population, vociferously oppose an easing of death penalty laws.

"This is absolutely unacceptable. Dubious human rights groups should not interfere in our legal system," Al-Armouty said. He pointed out that death sentences, which are issued annually in Jordan, are very rare.

Al-Armouty was not alone.

"I have many reservations concerning the cancellation of the execution sentence in Jordan. The tribal nature of the Jordanian community would increase the revenge crimes in Jordan," Adnan al-Momani, former general prosecutor of Jordan Customs Department and currently a lawyer, told IPS.

Saad Azzouni, editor-in-chief of the Jordanian newspaper, al-Hayat, he told IPS, "I refuse to abolish this penalty categorically. It is a strong deterring penalty for criminals. And cancelling it would only increase the rate of crime on the Jordanian society."

Still, in spite of the strong public reaction against even the slightest move, King Abdullah II recently told an Italian newspaper that, "Jordan could soon become the first country in the Middle East without capital punishment." (END/2006)

News from International NGOs

CHINA. ORGAN SALES 'THRIVING'

The sale of organs taken from executed prisoners appears to be thriving in China, Hands Off Cain said quoting a BBC report 27. September. Organs from death row inmates are sold to foreigners who need transplants. One hospital said it could provide a liver at a cost of £50,000 (\$94,400), with the chief surgeon confirming an executed prisoner could be the donor. The BBC's Rupert Wingfield-Hayes visited No 1 Central Hospital in Tianjin, seeking a liver for his sick father. Officials there told him that a matching liver could be available in three weeks. One official said that the prisoners volunteered to give their organs as a "present to society". He said there was currently an organ surplus because of an increase in executions ahead of the 1 October National Day.

LAWYERS TO TAKE CASE OF CATHOLICS' EXECUTIONS TO INTERNATIONAL CRIMINAL COURT

Lawyers and priests from a Church-based group have decided to bring the case of the executions of three Indonesian Catholics in Central Sulawesi province to the International Criminal Court, claiming the executions were illegal and unconstitutional, Human Rights Death Penalty reported quoting the Indina Catholic. "The executions of Fabianus Tibo, Marinus Riwu and Dominggus da Silva on Sept. 22 in Palu were a legal and human tragedy. They were illegal and unconstitutional because the 3 citizens did not perpetrate the crime during Poso riots in May 2000 of killing 224 people, burning about 5,000 houses/office buildings and doing torture," Advocacy Service for Justice and Peace in Indonesia (Padma Indonesia, Indonesian acronym) says in a statement. Palu, capital of Central Sulawesi, is 1,530 kilometers northeast of Jakarta.

The statement was signed by Divine Word Father Nobert Bethan, director of Padma Indonesia; Stefanus Roy Rening, coordinator of the legal team; Ignatius Ignas Iryanto, coordinator of the paralegal team; and Father Jimmy Tumbelaka, spiritual counsel. The four presented the statement at a Sept. 29 press conference in Jakarta, accompanied by Robert Tibo, son of Fabianus Tibo. According to Padma Indonesia, which had provided legal and spiritual assistance for the 3 executed men, the government of President Susilo Bambang Yudhoyono perpetrated crimes against humanity by carrying out the executions of the 3 poor villagers. "The judgment against them is wrong because it was not free and honest," its statement says.
<http://people.smu.edu/rhalperi/updates.html>

DEATH PENALTY BEING INVOKED AGAINST CHILD MOLESTERS

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, Human Rights Death Penalty reported quoting the Frost Illustrated. Despite the warnings, 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, and that if those lines are crossed the penalties will be severe," said South Carolina Gov. Mark Sanford in a statement. Oklahoma State Sen. 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?"

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. "But this law is totally disproportionate to the crime, which does not involve a case of an eye for an eye."
<http://people.smu.edu/rhalperi/updates.html>

EU TO CALL ON MUSHARRAF FOR DEATH PENALTY MORATORIUM IN PAKISTAN

As EU leaders and members of the European Parliament prepared to meet the President of Pakistan, Amnesty International urged September 11 the EU to call for an immediate moratorium on executions with view to abolishing the death penalty in Pakistan. In the Province of Punjab alone, at least 37 people have been executed so far this year. More than 7,000 men and 36 women wait to be hanged in Pakistani jails according to the Human Rights Commission of Pakistan. Most of these are confined in small over-crowded cells. "Pakistan's rate of executions is one of the highest in the world. Given the EU's strong commitment to oppose the death penalty, President Musharraf should be pressed hard for a moratorium on all executions," says Dick Oosting, Director of Amnesty International's EU Office.
<http://www.amnesty-eu.org/static/html/pressrelease.asp?cfid=12&id=278&cat=4&l=1>

WORLD PRESS REVIEW - September 06

FOUR U.S. SOLDIERS COULD FACE DEATH PENALTY IN RAPE, KILLING CASE

A U.S. military investigator has recommended a court-martial on charges that could lead to the death penalty for four soldiers accused of raping and killing of a Iraqi girl, The New York Times website said September 4, according to China View. In his recommendation, Col. Dwight Warren agreed with military prosecutors that "reasonable grounds exist to believe that each accused committed the offense for which he is charged," including premeditated murder, which under the Uniform Code of Military Justice could be punishable by death. Defense lawyers said they would file objections to the recommendation, which goes to a convening authority that will decide whether to follow it. The finding comes three days after another military investigator recommended that four other soldiers, accused of killing three Iraqi men during a May 9 assault on an island north of Baghdad, face the death penalty in courts-martial. The four soldiers involved in the most recent recommendation are charged with raping the 14-year-old girl and killing her, her parents and 7-year-old sister in the family's home in Mahmoudiya, Iraq, in March.

FEDERAL PROSECUTORS MAKE RARE DEATH PENALTY BID IN D.C.

Federal prosecutors are seeking the death penalty against a DC man charged in five killings, setting up the prospect of just the third capital murder trial in the city in 30 years, reported ABC on September 25. Larry Gooch is expected to go on trial in January on

felony charges, including first-degree murder and armed robbery. He's described by law enforcement officials as "an enforcer" in the 'M' Street Crew drug gang. Capital punishment is not allowed under D.C. law. But 27-year-old Gooch could get the death penalty because he is charged under federal law. The Justice Department decision to seek the death penalty required the approval of Attorney General Alberto Gonzales. Gooch is charged in the August 2000 deaths of 19-year-old Christopher Lane and 27-year-old William Cunningham; the September 2002 killing of 34-year-old Miguel Miles; and the February 2003 deaths of 40-year-old Calvin Cooper and his girlfriend, 32-year-old Yolanda Miller.

DEATH PENALTY BEING INVOKED AGAINST CHILD MOLESTERS

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, reported Louisiana Weekly on September 11 quoting IPS/GIN. Despite the warnings, 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, and that if those lines are crossed the penalties will be

severe," said South Carolina Gov. Mark Sanford in a statement. Oklahoma State Sen. 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?"

COUNCIL PERFECT FORUM FOR DEATH PENALTY DEBATE, UN OFFICIAL SAYS

The UN says the Federal Government today has its best chance yet of bringing international attention to the fate of six Australians facing the death penalty in Indonesia, ABC Radio's flagship current affairs program AM reported September 18. Six members of the so-called Bali Nine face the firing squad after being convicted of attempting to smuggle drugs out of Bali. Philip Alston, a senior United Nations official, has told AM that a meeting of the UN's Human Rights Council is the perfect forum for Australia to argue its case against the death penalty.

AMNESTY URGES EU TO PRESS MUSHARRAF TO END DEATH PENALTY

Human rights group Amnesty International on Monday called on European Union officials to press Pakistan's President Gen Pervez Musharraf to end the use of the death penalty in his country, ZEENEWS.COM reported September 11. On the eve of Musharraf's visit to EU headquarters, Amnesty urged European Commission President Jose Manuel Barroso, who will hold talks with the Pakistani leader tomorrow, to call for an immediate moratorium on executions. Musharraf also planned to hold talks with EU foreign policy chief Javier Solana and to meet with EU lawmakers at the European Parliament during his visit to Belgium. "Pakistan's rate of executions is one of the highest in the world," said Dick Oosting, from Amnesty's EU office. "Given the EU's strong commitment to oppose the death penalty, President Musharraf should be pressed hard for a moratorium." Amnesty said that, according to the Human Rights Commission of Pakistan, more than 7,000 men and 36 women were awaiting execution in Pakistani jails.

UGANDA LAWMAKERS DRAFTING BILL THAT SEEKS DEATH PENALTY FOR HIV-POSITIVE PEOPLE WHO PERFORM SEXUAL ACTS WITH MINORS

Ugandan lawmakers are drafting a bill that if passed would seek the death penalty for HIV-positive people who perform sexual acts with minors with or without consent, said kaisernetwork.org on September 18 quoting South Africa's Mail and Guardian. Elioda Tumwesigye, chair of the parliamentary committee on HIV/AIDS, in August said if the bill is passed, HIV-positive people who perform sexual acts with people under age 18 would face a felony charge called "aggravated defilement" and will be executed if convicted. Some human rights groups in the country say the bill is "off target," adding that instead of emphasizing capital punishment, more effort go toward increasing HIV/AIDS awareness campaigns, the Mail and Guardian reports. According to the Mail and Guardian, under current Ugandan law, people who

are found guilty of rape and defilement can be sentenced to death, but judges can choose to give an offender a lesser sentence and no one to date has been sentenced to death for the crime.

IFP BACKS CALL FOR DEATH PENALTY POLL

The Inkatha Freedom Party added its voice on Friday to those supporting High Court Judge Gerhardus Hattingh's call for a referendum on the death penalty, iafrica.com reported September 28. "The IFP calls on government to set the wheels of democracy in motion, to allow every citizen of this country to decide for themselves whether or not the death penalty should be reinstated," IFP chief whip Koos van der Merwe said. The crime statistics released this week showed there was an "enormous problem with atrocious crimes", such as murder, and therefore every South African should be given the right to have their say through a referendum. The IFP also backed Hattingh's statement that a life sentence was misleading to the public, as prisoners were eligible for parole after spending 25 years in prison, depending on behaviour. "Furthermore, we call on government to allow ordinary South Africans to decide for themselves on hotly debated issues by way of referendums." South Africa was a democracy, so South Africans should decide on issues seriously affecting their lives, Van der Merwe said. Hattingh presided over the murder trial of the killers of Transvaal Judge President Bernard Ngoepe's grandchild, Makgabo Matlala.

'AFZAL'S DEATH PENALTY SHOULDN'T BE POLITICISED

The BJP on September 29 said the death sentence awarded to Parliament attack plotter Mohammad Afzal 'Guru' should not be politicised as it was an attack on the democracy and the sovereignty of the country, the Hindustan Times reported. On Jammu and Kashmir Chief Minister Ghulam Nabi Azad seeking presidential clemency for Afzal, who will be hanged on October 20, 2006 BJP spokesman Prakash Javadekar said, "People involved in Parliament attack should be hanged. It was an attack on the democracy and sovereignty of the country, which should not be politicised or linked with any religion." "There were about 800 MPs, including top national leaders, when fidayeens attacked Parliament. And, if the security forces had not countered it successfully, the damage could have been enormous," he said. Javadekar, who was attending BJP's Vande Mataram celebrations in Jammu, also accused Congress of playing vote bank politics on the 'National Song' and favouring divisive forces. "Vande Mataram is not only the National Song but a symbol of freedom struggle," he said. On Indo-Pak talks, the spokesman said it would not yield any result till Islamabad stops training camps of terrorists.

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. -

DEATH PENALTY: A FAILURE OF JUSTICE

By Piers Bannister (*)

LONDON, Oct (IPS) A man is in court on trial for murder. He does not understand the language in which he is being tried. He has no defence lawyer. Because he does not know what is being said, he is unaware that he has been sentenced to death.

Some time goes by in prison. He speaks to his brother by phone and tells him that everything is all right and he is doing fine. A few hours later, he is led from his cell, taken to a public square and beheaded.

This is not a fictional story, it happened to a Somalian man in Saudi Arabia in 2005. It is yet another example of the unacceptable use of the death penalty.

In the few countries that continue to execute people, the death penalty is arbitrary; used disproportionately against ethnic minorities or other disadvantaged sections of society. It is administered after unfair trials, inflicted upon the innocent, the mentally ill and child-offenders. In short, the manner in which the death penalty is deployed is a failure of justice.

However, some countries may prove hard to persuade that executions serve no useful purpose and actually damage any society that commits them. The governments of Singapore, China, the United States, Iran and many others are convinced that the death penalty controls crime.

Amnesty International vehemently denies this is true. Proof shows that the death penalty has no unique deterrent effect. Even if executions do prevent crime, even the most ardent supporter of the death penalty should be unhappy with the manner in which it is administered, assuming they are a supporter of fair trials, equality before the legal system and due process of law.

Every study of the systems that impose capital punishment in today's world shows an appalling failure of justice and an unacceptable assault upon the legal rights of the individuals involved. The use of the death penalty is a political tool for politicians to appear to be addressing high crime rates or to instil fear in the populations they control.

As a high ranking politician in the U.S. once asked, "What will we use to control our populations if we don't have the death penalty to scare them?"

After 16 years of working against the death penalty, I cannot name a single country where the standards of justice that impose capital punishment come close to meeting agreed upon United Nations safeguards essential to the administration of justice.

The 23 countries that actively carried out executions in 2005 (it appears that the figure for 2006 will be very similar) did so in a manner contemptuous of justice.

In the U. S., the evidence of the racial bias use of the death penalty is overwhelming, particularly when the race of the alleged victim is taken into account. African Americans and whites are the victim of homicide in almost equal numbers, yet since 1976, 80% of those executed were convicted of the murder of a white person and only 14% of an African American.

Moreover, the number of wrongful convictions which are regularly overturned by U.S. courts proves that the justice system there is seriously flawed. Since 1973, 123 death row inmates have been exonerated before their sentences were carried out. A more frightening statistic, however, comes from the Northwestern School of Law, which has documented that 38 innocent people have been executed in the U.S. since 1973.

In China, many are executed after confessing to crime while being subjected to torture. Teng Xingshan was executed after confessing to be the murder of his wife, a statement he later retracted claiming he had been beaten by police officers. Nevertheless the authorities continued with his execution and he was put to death in 1987. Sixteen years later she reappeared alive and well.

Iran is one of only two countries which execute those under the age of

18 at the time of the crime. This is in violation of international law. In 2004, for instance, a 16-year-old girl, Atefeh Rajabi, believed to be mentally ill, was publicly hanged in the northern Iranian province of Neka for "acts incompatible with chastity." Her co-defendant, an unnamed man, was reportedly sentenced to 100 lashes.

He was released after this sentence was carried out.

Indeed, because of these potential mistakes and abuses, the majority of governments have chosen to abandon the old eye-for-an-eye form of justice and embrace more progressive penal policies. Worldwide, the use of the death penalty is becoming increasingly rare; 129 countries no longer use capital punishment in law or practice and in 2005, a mere 23 countries carried out executions. The movement towards a world without capital punishment is relentless.

It is an indefensible act to take a defenceless prisoner and in the most cold-blooded manner possible kill him. The individual is no

longer a threat to society because he is incarcerated yet the authorities decide the time, place and method by which he is to die.

The world is learning that the death penalty is a barbaric act that debases any society that uses it. As a crime control measure it is ineffective. Indeed, many of the countries that use capital punishment suffer higher rates of violence than many other non-executing nations.

Many politicians have provided human rights leadership by abolishing capital punishment. Sadly, many more lack this courage and the phrase we are not ready to abandon the death penalty is too often heard. (END/COPYRIGHT IPS)

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