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#### How Should Nations Respond to Atrocities?

By Neena Bhandari

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#### Mirza Tahir Hussain Freed by Pakistan's Musharraf

By Zofeen T. Ebrahim

KARACHI - For most observers it was a mere stroke of the pen, but that mark made by Pakistan's president saved 36-year-old Briton Mirza Tahir Hussain from going to the gallows.

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#### MNCs Join Calls to End Extra-judicial Executions in the Philippines

By Marwaan Macan-Markar

BANGKOK - Philippines President Gloria Macapagal Arroyo finds herself up against a rare political adversary -- multinational corporations (MNCs) that have added their voices to the growing chorus of calls to end a spate of extra-judicial killings.

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#### Russians Say Spare Saddam's Life

By Kester Kenn Klomegah

MOSCOW - Russian politicians and Muslim leaders here have thrown their weight against the death sentence handed down early this month to Saddam Hussein, and suggest that an independent, international tribunal be set up to retry the former Iraqi president.

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#### Uganda's Laws Favour Execution

By Evelyn Kiapi Matsamura

KAMPALA - In 2003, Corporal James Omedio and Private Abdullah Muhammad stood before a public firing squad for killing Irish Catholic priest Declan O'Toole, his driver Patrick Longoli, and his cook Fidel Longole.

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#### Kurds Want Early Death for Saddam

By Mohammed A. Salih

ARBIL - As Saddam Hussein faces his second trial, this one over the killing of an estimated 180,000 Kurds in the late 1980s, people in Kurdistan are taking a particular interest whether the death sentence in the first case will be carried out before there can be a verdict in the Kurds case.

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#### When Is It Appropriate to Execute?

By Peter Richards

PORT OF SPAIN - It took just 15 minutes on Wednesday to shed the image of being a "hangman's court", but the ruling by the Trinidad-based Caribbean Court of Justice (CCJ) has also thrown up another issue: When, if ever, is it appropriate to execute convicted killers?

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By Ángel Páez

LIMA - Within the first 100 days of his administration, Peru's President Alan García has put forward two proposals for applying the death penalty: for raping children and terrorism. But Congress is not in as much of a hurry to pass the president's draft laws as he is.

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By Abderrahim El Ouali

CASABLANCA - Ambiguity among key cabinet members about capital punishment has emboldened the interior minister to crack down on abolitionist demonstrations and quashed -- for now -- chances of a repeal of Morocco's death penalty laws.

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By Haider Rizvi

NEW YORK - A majority of voters across the Midwestern state of Wisconsin approved a referendum asking lawmakers to reinstate the death penalty after a 153-year hiatus.

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#### Texas Death Row Suicide Underscores Stress

By Mark Weisenmiller

TAMPA, Florida - When Texas death row inmate Michael Dewayne Johnson slit his throat with a homemade razor blade in the early morning hours of Oct. 19, he took a life that the state wanted to claim later that day.

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By Dahr Jamail and Ali al-Fadhily

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[Number 1](#) | [Number 2](#) | [Number 3](#) | [Number 4](#) | [Number 5](#) | [Number 6](#) | [Number 7](#) | [Number 8](#) | [Number 9](#)

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## DEATH PENALTY: How Should Nations Respond to Atrocities?

**Neena Bhandari**

SYDNEY - Over the last century, the world has witnessed horrific acts of brutality, but the international community still has not found a uniform way to respond in a way that provides justice and promotes reconciliation post-conflict.

Iraq's deposed dictator Saddam Hussein earlier this month was sentenced to hang after being found guilty of ordering the deaths of 148 people in the mainly Shia town of Dujail.

South Africa's government established a Truth and Reconciliation Commission rather than prosecuting Apartheid's leaders.

The United Nations Security Council established two temporary international criminal tribunals over the last couple decades -- one for the former Yugoslavia and one for Rwanda -- in response to acts of genocide, ethnic cleansing and mass rapes in those countries.

At a conference, "After the War: Prosecutions, Pardons & Peace", organised by the Australian Red Cross, an expert panel debated how a nation should respond to atrocities by studying the Nazi trials in Nuremberg, the South African Truth and Reconciliation Commission, the Rwandan genocide and the trials of Slobodan Milosevic and Saddam Hussein.

On one point, all panelists agreed: The death penalty solves nothing.

"Death sentences usually emphasise a continued fascination with violence as a way to respond to problems. Thus, the cycle of killing persists and not much is learned. Murder by the state, as in capital punishment, does not contribute to the building of a civil society," Stuart Rees, director of the Peace & Conflict Studies at Sydney University and director of the Sydney Peace Foundation, told the audience.

Human rights groups and legal experts across the world called Hussein's year-long trial, during which three defence lawyers were killed, deeply flawed.

And though U.S. President George W. Bush hailed the death sentence a "milestone" for Iraq, Rees said a death sentence simply increases tensions within a frail nation.

"No healing occurs by taking anyone's life. Even justice, not the same as healing, is not achieved by killing," Rees said. "Transformation to peace with justice, i.e. a continuous struggle to negotiate respect for and attainment of human rights, is the viable alternative. This means commitment to Mahatma Gandhi's non-violence."

The genesis of the idea that those who have violated international humanitarian law or the laws of war should be prosecuted is closely associated with the Red Cross.

In 1872, Gustave Moynier, one of the founders of the International Committee of the Red Cross, recommended that a permanent international criminal court be established.

That dream materialised more than a century later, after World War II,

when Allied Forces established a military tribunal to prosecute key remaining members of the Nazi regime for the extermination of more than six million Jews and civilians.

The so-called Nuremberg trials, which began in 1945, constituted the first attempt by the international community to articulate and develop what would become known as international criminal law.

But the high hopes that a permanent system of international criminal accountability would finally be established were not realised until the 1990s when the United Nations Security Council established temporary international criminal tribunals (ICT).

"Setting up the ICT was a bold and a highly political move. The U.N. and the United States had to be seen as doing something to end the conflict. However, the last thing the U.N. wanted was a trial and it took nine months before a prosecutor was appointed," said David Hunt, a former judge of the U.N. ICT for the former Yugoslavia, who later was assigned to the Appeals Chamber of the U.N. ICT for Rwanda.

Graham Blewitt was deputy prosecutor of the U.N. ICT for the former Yugoslavia at The Hague from 1994 to 2004 and has spent several years as the deputy director and then director of the Australian Nazi War Crimes Unit.

"The war in Yugoslavia and the atrocities were being seen around the world on television screens. The ICTY was being used as a deterrent. Its aim was to bring those responsible for the war crimes to justice," Blewitt said.

"The tricky part was that we would have to indict those responsible for the war crimes, but they were still leaders. So we decided if leaders had to be prosecuted, we would have to establish the crimes, get the witnesses and move up the chain of command. Once the tribunal was operational, indictments were quick," he added.

Increasing popular and political pressure for establishing a permanent and universal institution led to the Rome Statute for the International Criminal Court, which came into operation in 2002.

Still, when a brutal war has ended, and a country is seeking transition from a repressive regime to a democratic government, the panelists disagreed on how a nation should deal with its past.

Hunt believes emotions are too raw to have the tribunal in the country where events occur.

"As we have seen in Iraq, people are being killed while Saddam Hussein's trial was going on. Witnesses face retaliation and it is extraordinarily difficult to protect their identity from disclosure if they have to give evidence in their own country," Hunt said.

Blewitt disagreed. "While it is practical to have the criminal court elsewhere to solve the problem of witness protection, having the court where the crime happened makes the trial more meaningful," he said.

Martin Krygier, professor of law at the University of New South Wales and a fellow of the Academy of Social Sciences in Australia, said it was possible to run fair and healing trials in Germany after WWII because the country had been comprehensively defeated.

"What is less likely is a trial without political pressures. In Germany there could be no resistance and interference with the activities of the court, as there has been in Iraq, and would have been in Yugoslavia if the International Court had tried to operate there," Krygier said.

The two most effective ways to implement justice, the panelists said, are through international tribunals and truth and reconciliation commissions.

Criminal justice courts and tribunals have been successful in the former Yugoslavia and Rwanda; hybrid courts operate in East Timor and Sierra Leone and an additional court soon will commence in Cambodia.

An alternative transitional justice mechanism in the form of truth and reconciliation commissions has also grown in popularity. These include the Truth and Reconciliation Commission established in post-Apartheid South Africa, the Commission for Reception, Truth and Reconciliation of East Timor and the Truth and Reconciliation Commission of Sierra Leone.

These commissions are designed to provide a forum where victims and perpetrators can tell their stories in the hope that this process will promote reconciliation of the past and heal a society torn apart by violence and conflict. Underpinning them is the belief that the public or official exposure of truth is itself a form of justice.

Today, truth commissions often operate alongside criminal prosecutions. They complement each other.

"There is room for both prosecutions and truth and reconciliation commissions. However, punishment for serious crimes is essential if there is to be a real and lasting deterrent," Blewitt said.

The South African Truth & Reconciliation Commission made a significant contribution to the bloodless transition to democracy, but it incurred problems when the commission failed to pay promised compensation, Rees said.

Hunt added that although war crime tribunals are expensive, the international community owes it to the world to ensure justice is done and "to provide a deterrent against subsequent military commanders from committing war crimes in the belief that they will be the victors in the conflict and escape prosecution and punishment."

Cost is indeed one reason for looking at other models of justice and enforcing international humanitarian law.

Because of the high cost, the criminal court in East Timor was compromised, said Lia Kent, a doctorate student at the University of Melbourne completing a thesis on transitional justice in East Timor.

"There should be truth commissions for minor crimes like theft and arson, but serious crimes need to go through the courts. We need victim-centred models where more consultation is happening," she said.

That was a point concurred by Helen Durham, senior research fellow at the Law school of the University of Melbourne and director of Research and Development at the Asia Pacific Centre for Military Law.

"We have to listen to the people affected by conflict and not try to impose paradigms. In conflict situations, it is so crucial to an

individual's dignity to speak out," she said. "There are still many, many forgotten conflicts e.g. Georgia. It happens when the international community doesn't have direct self-interest in the conflict."

Whatever the mechanism for implementing justice and peace, experts are unanimous that it should have independent resources and no political interference. (END/2006)

## DEATH PENALTY: WTO Entry - Reprieve for Vietnamese Banker?

**Tran Dinh Thanh Lam**

HO CHI MINH CITY - Vietnam's recent softening toward economic offences, brought about by its new trade status, could bring relief to traders facing the death penalty for making bad financial transactions.

In August, five traders were arrested following a foreign exchange dispute between Dutch bank ABN-Amro and the state-owned Incombank. One trader, Nguyen Thi Quynh Van, 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), may face the death sentence for losing more than five million US dollars in speculative currency trades.

The case created international embarrassment for Vietnam at a time when the country is polishing its image as a new member of the World Trade Organisation (WTO). Hanoi hosted the APEC 2006 summit last week in a bid to launch the country onto the front stage of economic development.

"By solving the ABN-Amro issue in a fair way, Vietnam would send a clear message to the world business community that the country is willing to follow international rules and will give up its practice of criminalising economic wrong-doings," lawyer Nguyen Van Anh of Van Anh and Associates told IPS in an interview.

To ease relations with the United States ahead of the APEC summit, Vietnam in September released without trial U.S. citizen Do Thanh Cong, 47, accused of terrorism. Earlier this month, three more U.S. citizens, Thuong Nguyen 'Cuc' Foshee, 58, Linda Huynh Bich Lien, 51, and Le Van Phu Binh, 41 -- also arrested on terrorism charges -- were given light sentences and released after a one-day trial.

As a result, the country has been removed from the U.S. blacklist of nations that severely violate religious freedom, though it failed to receive the Permanent Normal Trade Relation (PNTR) status.

Still, observers believe that the ABN-Amro case, too, would be settled soon.

"If decision-makers could release and deport some U.S. citizens convicted on terrorism charges, they could also solve that economic crime (the case of ABN-Amro and Incombank) in an amicable way," Anh told IPS.

That may have been Prime Minister Nguyen Tan Dung's intention when he called for police transparency in handling the eight-month-long case in which ABN-Amro's Hanoi branch was charged of cheating Incombank.

Incombank, Vietnam's fourth-largest bank by assets, filed a lawsuit in early August, seeking 5.4 million dollars from ABN-Amro for foreign exchange losses. Incombank said deals by their traders were speculative and made with an unauthorised Incombank trader.

The Incombank trader was arrested for "intentionally breaching state regulations, causing big losses to the state" and could face the death penalty, while the branch director of ABN-Amro in Hanoi was barred from leaving the country.

The indictments immediately incited diplomatic protests from the Netherlands, and prompted Dung to order police to quickly resolve it.

"Violations and guilty acts of all domestic and foreign individuals and organisations involved in the case must be brought to light in order to quickly bring the case to trial in line with the laws," Dung said in a statement quoted by the Communist Party newspaper 'Nhan Dan'.

Nhan Dan also quoted Dung as saying that if those who committed crimes repaid the money, they could be exempt from prosecution.

Lawyer Anh believes that statement offers the Dutch bank guidance on how to proceed.

"The ball is now in the hands of ABN-Amro. I believe with their long experience dealing business in Vietnam, the Dutch bank will know how to play it efficiently," Anh said.

Dung also instructed the ministry of public security and the ministry of foreign affairs to "take initiative in cooperation with diplomatic agencies to deal with related issues in terms of foreign relations based on the result of investigation."

"This is clear. The Prime Minister wants the brouhaha sparked by the affairs to be stopped so as to prevent any impact on the good investment environment that Vietnam is presenting to the world," Anh said.

However, a spokesman for ABN-Amro told the press that the bank had neither been officially informed of Dung's order nor of his reported instructions to the two ministries and the State Bank of Vietnam to meet ABN-Amro representatives.

"We continue to believe that our actions were legal and valid and we have not committed any crime," the spokesman said. "We would look forward to any discussions on the matter."

The director of Police Investigation Agency (PIA), Lt. Gen. Pham Quy Ngo, told the local press that investigators have found that of the nearly 600 foreign exchange trades between Hai Phong Incombank and ABN Amro Hanoi, only 85 were declared "legal."

Ngo added investigators also found that ABN-Amro Hanoi's foreign exchange trades with another state-run bank, the Bank of Agriculture and Rural Development (Agribank), caused losses of nearly 300 billion VN dong (18.75 million dollars) to the institution.

Ngo also said that the former director of ABN-Amro's Hanoi branch, De T. Pham, was pregnant and had been allowed to leave for medical care in Singapore last August. "We let her go on humanitarian grounds, not to let her dodge her responsibility. She pledged to return after her delivery," Ngo said.

Neither Incombank nor Agribank officials could be reached for comment.

The case of ABN-Amro has raised concerns among businesses in Vietnam; many said authorities usually "criminalise" unsuccessful business deals that lead to loss of state money.

The ABN-Amro case began with a trade dispute. Incombank filed a lawsuit at Hanoi's Economic Court asking ABN-Amro to pay back the sums it claimed lost in speculative deals the bank executed through an unauthorised Incombank dealer. The case rapidly became an "economic crime" when police arrested traders on both sides of the deals and charged them with stealing money from the state.

Ngo of PIA said that when his agency began its investigation, the Hanoi Economic Court suspended its case and handed over all documents to PIA.

"We do not "criminalise" the case," Ngo said. "Our agency has observed the laws (during the investigation)." (END/2006)

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## RIGHTS-PHILIPPINES: MNCs Join Calls to End Extra-Judicial Executions

**Marwaan Macan-Markar**

BANGKOK - Philippines President Gloria Macapagal Arroyo finds herself up against a rare political adversary -- multinational corporations (MNCs) that have added their voices to the growing chorus of calls to end a spate of extra-judicial killings.

A statement this week by major international business groups, normally not known to express public concern about human rights violations, reflects the deepening crisis in the South-east Asian archipelago, where local rights groups estimate that 766 people have been killed since January 2001, when Arroyo began her presidency. The victims, almost all included trade unionists, labour rights activists, farmers rights advocates, Catholic priests, lawyers, journalists and human rights campaigners.

"Perhaps now, the government will take notice and recognise what an international scandal human rights abuses in our country has become," wrote the 'Philippine Daily Inquirer' in a commentary, Wednesday, in response to the plea by the Joint Foreign Chambers of Commerce (JFC) and the Philippines Association of Multinational Companies Regional Headquarters.

The companies that have expressed concern are formidable and not easy for Manila to ignore, particularly as it tries to attract foreign investment to boost the country's economy. They include well-known international brand names in the clothing trade like Gap,

Polo, Ralph Lauren and Liz Clairborne from countries like Australia, Canada, Europe, Japan, South Korea and the United States.

"Such violence has no place in a modern democratic state," the JFC statement declared, according to the 'Inquirer'. "For the sake of justice and to deter continued killings, these murders should be investigated thoroughly and those found responsible punished under the law."

In fact, the alarm bells from the foreign private sector are the second unprecedented development in recent weeks arising from the political murders. Early November saw the first successful bid by local human rights groups to get the Permanent Peoples Tribunal in The Hague to try Arroyo for the murders. The Filipinos behind this move are hoping that the proceedings of the tribunal -- which will begin examining the Arroyo case in March 2007 -- will trigger concern among the international community, including the United Nations.

"These killings are happening under almost identical circumstances. The victims have been shot at close range by perpetrators riding motorcycles," Harry Roque, professor of international and constitutional law at the University of Philippines, told IPS during a telephone interview from Manila. "Human rights groups have identified para-military and military groups behind these killings."

Others who have studied the abuses, such as Michael Anthony of the Hong Kong-based Asian Human Rights Commission (AHRC), say that the violence is being directed at individuals sympathetic to leftist causes. "This is the military prosecuting a war against leftist groups and sympathisers of the left," he told IPS. "These members of the legitimate left in the Philippines are unarmed civilians."

On Tuesday, the AHRC released a report following a fact-finding mission to the Philippines, where it states that the Central Luzon region, north of Manila, "has been the source of one of the largest number of reports of extra-judicial killings and other human rights abuses."

"Among the victims were 21 church workers, including nine pastors and a priest," adds the report, which was edited by Anthony. "The persons killed are mainly from groups that are working with the poor and marginalised and have reportedly been targeted because they saw the problem in their country and sought change."

Of the murdered was one who had, like many others, received death threats for his human rights advocacy work. Bishop Alberto Ramento of the Iglesia Filipina Independiente, or the Philippines Independent Church, "was killed by unidentified men at his convent in Tarlac City on October 3, 2006," the report reveals. "(The) 69-year-old Bishop Ramento was found dead in his room on the second floor of the parish. He had been stabbed seven times."

The AHRC report mirrored similar conclusions made public in an August study on politically-motivated killings in the Philippines by Amnesty International, the global rights watchdog. "The killings mostly carried out by unidentified men often wearing face masks have rarely led to the arrest, prosecution and punishment of those responsible," Amnesty revealed. "The organisation remains gravely concerned that members of the security forces may have been directly involved in the killings, or else have tolerated, acquiesced to, or been complicit in them."

Manila has been locked in a decades long tussle with the New People's Army (NPA), the military wing of the Communist Party of the

Philippines. Under Arroyo, the military has gained more leverage to go after the armed leftists -- partially in exchange for the support it has given to prop up her embattled presidency. Such a relationship has empowered the army to request for more money from the government to wipe out the NPA by 2010.

What troubles human rights groups and legal experts is the government's lack of urgency to go after the perpetrators, with critics pointing to the two commissions of inquiry set up by Manila this year as being weak and having little power. "These are toothless commissions. They have no power to prosecute and have no subpoena power," says Roque, the law professor. "The president is out of sync with reality."

Human rights groups are also not willing to accept the frequent explanation offered by the government in response to the murders - that they are not part of a national conspiracy but the work of random and, at times, "rogue" elements. "The state may not be overtly conducting the campaign but it is certainly failing to protect people and investigate in any credible way the killings," adds Anthony.

And while it struggles to deal with its critics, now including the much needed multinational companies, the Arroyo administration could expect little help from sections of the military and police under fire for the murders. This week, a group of retired and serving military officers lashed out at Amnesty International, calling for it to be banned from the country. A senior police officer accused Karapatan, a local human rights group, of "consistent lies" and "distortion of objective facts" like "Hitler's propagandist, Goebbels". (END/2006)

## DEATH PENALTY: Russians Say Spare Saddam's Life

**Kester Kenn Klomegah**

MOSCOW - Russian politicians and Muslim leaders here have thrown their weight against the death sentence handed down early this month to Saddam Hussein, and suggest that an independent, international tribunal be set up to retry the former Iraqi president.

"We assume that trials of a person from any country, regardless of his position, is an internal issue of the state and should be held without influence from outside. We believe that any decision, especially on such a touchy issue as the trial of former Iraqi leader, should be taken on the clear judicial basis without resorting to the political environment," says an official statement from the Russian foreign ministry spokesman posted on the ministry's website.

"The judgment engendered controversial reactions in Iraq and a number of Arab states and fears that there will be even more instability," the statement says.

"Bearing in mind the complicated situation in Iraq, it is very important to avoid things that may divide Iraqi society or hinder the search for national consent through a broad inter-Iraqi dialogue" with the participation of all sides, Kamynin said.

Kamynin, however, did not mention the United States or any country in particular, and stopped short of even stating that the trial was influenced from outside the former Iraqi dictator's country.

The Iraqi Supreme Criminal Court sentenced Saddam Hussein on Nov. 5 to death by hanging for crimes against humanity in the 1982 killings of 148 people in a single town during his rule.

Russian legislators characterised the court's sentence as overly strict and asserted it was not in line with democratic norms. State Duma Speaker Boris Gryzlov said that the death sentence contradicts the principles of a democratic state and European values.

"There is a clear conflict between the fact that Iraq is called a democratic state, on the one hand, and the court rendering such undemocratic decision on the other," Gryzlov said.

Mikhail Margelov, the chairman of the Federation Council's International Affairs Committee, said he believed an attempt to dispose of a valuable witness lay behind the decision to sentence Hussein to death.

"The removal of such a valuable witness after what has happened and what is continuing to happen in Iraq could be a cover up by those who do not want Hussein to tell the whole truth about his time in power and about the various forms of collaboration he had with a host of different countries," Margelov said, according to reports by the Russian news agency Interfax.

"This verdict raises a mass of questions, first and most serious of which is: Who benefits?" he said.

The leader of the Liberal Democratic Party also believes that the judicial process and the verdict were greatly influenced from outside Iraq.

Concerning the sentence, "I can only give a completely negative assessment," LDPR leader Vladimir Zhirinovskiy told IPS, "especially when today the European Union consistently advocates for the abolition of death penalty. The union has accepted the verdict in a positive way, which further reveals absence of a common position on vital and sensitive matters."

"This will lead only to the aggravation of the political situation in the region. Furthermore, it is not possible to forget that Hussein for many years was the elected president and that Iraq was the colony of Britain and Turkey," said Zhirinovskiy, adding that the republic of Iraq is only 50 years old, with Hussein leading the country most of that time, as a "champion for the release from the colonial domination of the regimes, which led the country to the desperation."

"You see, the United States urged the execution of Hussein prior to the presidential elections in order to influence their results, when (U.S. President George W.) Bush will try to lead into the White House his successor, and plans to do everything to make it possible for his successor to bomb Iran, as (the U.S.) has bombed Iraq repeatedly. The reason behind all this is connected to oil resources, how to obtain access to the Iraqi oil," he said.

Zhirinovskiy, who had strong ties to the Saddam Hussein government, accused Bush of aggravating the international political situation, especially in the Arab world.

The Russian Muslim Spiritual Administration also condemned the court's ruling: "The illegal death sentence has become a disgraceful act of cruelty, heartlessness and judicial impotence. There is no

justification for it, nor can there be any, under Sharia, international or secular law," the administration said in a letter to the Iraqi leadership and heads of Iraqi Islamic organisations.

Iraq "has been seized by the international coalition without sanction from the United Nations, is under the sway of anarchy and brazen, unscrupulous international terrorism, which provides voluntary or involuntary support for the occupation of the country," the letter said.

Russia, an observer at the Organisation of the Islamic Conference (OIC), is willing to help rehabilitate Iraq and to give the Iraqis "all possible humanitarian aid," the administration said.

Hussein's only criminal offense was his "inability to organise a proper defence for Iraq" and a policy that led to the country's "isolation from most of the Arab and Islamic worlds and the entire civilised world."

Cases of this kind should be placed under the jurisdiction of an ad hoc "Supreme Islamic Tribunal," set up at the OIC, the letter said.

The Central Asian Islamic Cooperation Organisation (CAICO) has called for the reversal of Hussein's death sentence. The execution of Iraq's former leader would seriously upset the political situation in the world, the organisation's leaders said in a press release.

The former dictator does not arouse much empathy. However, the fact that foreigners are administering justice in a Muslim country is an affront to the people's national and religious feelings, the press release says.

>From the point of view of Islam, death is not the most ruthless punishment. In this regard, the world community will fail to achieve its goal. The former Iraqi leader must not be executed for the sake of global stability, according to CAICO.

The organisation's leadership contended that, after invading Iraq in defiance of a UN resolution, U.S. troops had destroyed the image of Western democracy as a promoter of progressive humanistic values. If the West makes a wise and carefully thought-out decision regarding the former Iraqi leader, it will have an opportunity to restart dialogue with the Muslim world and recapture its lost position. (END/2006)

## DEATH PENALTY: Uganda's Laws Favour Execution

**Evelyn Kiapi Matsamura**

KAMPALA - In 2003, Corporal James Omedio and Private Abdullah Muhammad stood before a public firing squad for killing Irish Catholic priest Declan O'Toole, his driver Patrick Longoli, and his cook Fidel Longole.

They were executed after they were found guilty by a field court martial, following a trial that lasted two hours and 36 minutes. The hasty execution occurred without access to a fair and independent trial, or a chance to appeal the decision. At the time it generated criticism from the public, rights groups and the international community.

But a report released this year shows that nothing has changed in the last three years -- the Uganda army continues to execute any soldier who violates the rights of civilians, and it uses summary executions as a way to clean up its human rights record. The army says that the drastic measures are necessary to curb excessive abuses within its ranks.

"The Progressive Report on Action Taken Against Human Rights Violations by Uganda People's Defence Force (UPDF) in Northern Uganda 2003-2005," written by the Ministry of Defence, reported that the army executed 26 soldiers in the region over the last three years.

The executions were carried out either by firing squad or by hanging in the conflict-torn region of northern Uganda, where government troops and rebels of the Lord's Resistance Army (LRA), headed by self-styled leader Joseph Kony, have been at war since 1986.

Approximately 20,000 soldiers currently are stationed there to protect the citizens who were forced into camps from rebel attacks.

State Minister for Defence Ruth Nankabirwa said the Ugandan army will continue to execute soldiers who violate the rights of other citizens, because that is the law.

"Soldiers who violate the rights of other citizens should be put away," Nankabirwa told IPS in an interview. "But this (execution) happens once in a blue moon," she added.

The report indicated that 11 soldiers were executed in 2003, seven were executed in 2004, and another eight in 2005.

No known executions have occurred this year. Yet, a second report, released by the Foundation for Human Rights Initiative (FHRI), a Kampala-based human rights organisation, says "several" death sentences were handed down by military tribunals and a few by civilian courts during the first half of 2006.

That report, "Deprivation of the right to life, liberty and security of persons in Uganda, January 2006-June 2006", released in early November, recommends a review of the military procedures in a bid to streamline the powers of the military tribunals versus those of civilian courts.

The FHRI report also expressed concern that the country's penal code does not cover military service offenders, and that military procedures are separate from the criminal justice system.

"It is this separation that is partly responsible for human rights abuses, most significantly, the circumvention of the appeals process," the FHRI report said.

The defence minister, however, is unapologetic. Executing undisciplined soldiers sets an example to deter other soldiers from violating the rights of citizens, Nankabirwa said. "This has maintained the highest standards of discipline in the army," she said.

The UPDF Act 2005 provides for the regulation of the army in accordance with the 1995 constitution. The act's "code of conduct" section outlines the purpose of guidance and instilling discipline within the army. Death is the most severe punishment imposed under this law.

Soldiers are tried either by the general court martial, division court martial, field court martial or unit disciplinary committees. The act also

includes provisions for appeals under the court martial appeal court. These courts have unlimited jurisdiction to try all persons subject to military law.

Although the constitutional court has held that military courts are subordinate to all civilian courts, the latter consider themselves independent of the former unless the law is changed.

Therefore, soldiers can only appeal to a military court and not civilian courts if they have been convicted by a military court in the first place.

"Through this, the army's human rights record has progressed to great levels... In the UPDF, these courts have gone a long way to assist the institution in improving and streamlining our human rights record," the military report stated.

The UPDF, a formation of the National Resistance Army (NRA) a guerrilla movement founded by President Yoweri Museveni in the 1980s has indeed earned itself a reputation of discipline and professionalism to a greater extent in comparison to armies in past regimes.

Since independence, armies were associated with cruelty, torture, murder and other human rights violations. The soldiers carried guns and roamed the city streets, robbing, killing and raping terrified citizens.

"Honestly, I think the disciplinary measures within the army have made the UPDF a clean force in comparison to any we have had before. I remember that when we were younger, the sight of a soldier would scare you because you thought he would harm you," Henry Nsubuga, an employee at a Kampala bank, told IPS.

"This army (UPDF) is different. They are even friendly, unlike the past ones. These soldiers carry guns and thus hold a lot of power. The temptation to use the weapon can be very high. There is thus need to control them," Nsubuga added.

Army spokesman Major Felix Kulayigye told IPS the UPDF will continue to use the death penalty because of its history and as a deterrent against reverting to the human rights abuses of the past.

"The history of the military in our country is not very friendly. The military was the greatest violator of human rights and the army was anti-law itself," he said.

"It is based on that history to put harsh and stringent conditions as far as discipline is concerned in the military, to avoid a repeat of the past."

This, Kulayigye said, is "to ensure and immunise the institution against the past mistakes of the previous army. And it is no wonder that the UPDF, I believe, is still the most disciplined force in the history of this country."

Yet while civilian prisoners in Uganda can appeal their sentences, army prisoners cannot. In June 2005, Uganda's constitutional court struck down the imposition of mandatory death sentences in civilian cases but rejected an appeal by over 400 death-row inmates to completely outlaw capital punishment.

Although capital punishment continues in Uganda, even the defence minister concedes the movement to abolish it is strong.

"We are listening to the debate. If Uganda decides that we should do away with the death penalty all together, then we shall amend the law accordingly," Nankabirwa said. (END/2006)

## IRAQ: Kurds Want Early Death for Saddam

**Mohammed A. Salih**

ARBIL - As Saddam Hussein faces his second trial, this one over the killing of an estimated 180,000 Kurds in the late 1980s, people in Kurdistan are taking a particular interest whether the death sentence in the first case will be carried out before there can be a verdict in the Kurds case.

Former dictator of Iraq Saddam Hussein was sentenced to death by an Iraqi court Nov. 5 for ordering the killing of 148 people in Dujail north of capital Baghdad, following an assassination attempt. Those killed were mostly Shia Muslims. Shias are the second largest denomination among Muslims, who believe that Prophet Muhammad's teachings were best propagated by his cousin Ali rather than a caliphate as believed by Sunnis.

Two days after the Nov. 5 verdict, another trial began over the killing of the Kurds in the late 1980s. Kurds are an ethnically distinct Iraqi people who live in the north of the country in a region that has strong autonomy as Kurdistan. Many Kurdish leaders seek independence for the region.

The trial in the second case would bring the spotlight on Kurds, given the nature of the charges and the fact that key witnesses would be Kurds. It was a Kurdish group that reportedly gave U.S. authorities vital information on Saddam's hideout, leading to his capture Dec. 13, 2003.

As the second case begins, a nine-judge panel is examining the death penalty announced for Saddam in the first case on automatic appeal. There is no time limit for this bench to take a decision, but if the panel confirms execution, the death sentence must be carried out within 30 days.

Many Kurds would like to see the sentence carried out soon. Kurds suffered continued persecution under the regime of Saddam Hussein, a Sunni Muslim. Shias, an estimated 60 percent of a population of 25 million, were also persecuted severely under Saddam. Kurds are believed to number five to six million.

Anger suppressed through 35 years of Saddam's rule until the invasion of Iraq in March 2003 is now surfacing after the death sentence was announced.

Thirty-nine-year-old Kurd Nasih Ramzan is not particularly keen to wait for the trial of Saddam in the Kurdish case. He wants to see Saddam Hussein "getting a dose of the medicine he gave others," he told IPS. Ramzan who lost a brother and a cousin during Saddam's reign, believes "the dictator only deserves death."

"One has to be one of his victims to understand he is not a man worthy of mercy," he said. "I still believe this is the least of justice applied to him."

That seems the general Kurdish view, given the jubilation that followed the verdict. Thousands came dancing into the streets. In

Arbil large crowds gathered around the city's ancient citadel. Some distributed sweets.

Complaints went round only that death is not sufficient punishment for Saddam, whatever the views of human rights groups and of states that oppose execution on policy. "It was absolutely a just verdict," Salih Omar Issa, dean of the Political Sciences College in Arbil told IPS. "Iraqi laws allow execution for a murderer who kills a single individual. So why should Saddam not be hanged while he has killed thousands of people."

But the jubilation is not unmixed. There are some concerns in Kurdistan that an execution could provoke violence directed at Kurds and deepen sectarian violence between ethnic groups, particularly between Shias and Sunnis, and between Kurds and Sunnis. Many Kurds are also Sunni Muslims, but they are seen as primarily Kurdish in their opposition to Saddam. Strong Sunni opposition to the U.S. led occupation has made Saddam a hero to many Sunnis.

Hiwa Mirza Sabir, head of the moderate Kurdistan Islamic Union politburo, whose party holds five seats in the 275-member Iraqi parliament and nine seats in the 111-member Kurdistan parliament, believes "Saddam's death would mean a big loss to his supporters."

But the execution of Saddam would not end problems, he said. "As far as the current problems in Iraq are concerned, Saddam is only part of them. The execution of Saddam will not reverse all the current equations in the country. The problem is too deep to be eliminated with Saddam's death."

Sabir does not believe that members of the Baath party that Saddam headed will target Kurds over the execution. "If they could do so they would have done it by now." (END/2006)

## DEATH PENALTY-CARIBBEAN: When Is It Appropriate to Execute?

**Peter Richards**

PORT OF SPAIN - It took just 15 minutes on Wednesday to shed the image of being a "hangman's court", but the ruling by the Trinidad-based Caribbean Court of Justice (CCJ) has also thrown up another issue: When, if ever, is it appropriate to execute convicted killers?

Barbados Attorney-General Dale Marshall said that a judgment handed down Wednesday gave some guidance on the extension of the prerogative of mercy to convicted killers. It remained silent, however, on the time frame for executing convicted killers who have petitions pending before international human right bodies.

The two killers, Jeffrey Joseph, 28, and Lennox Boyce, 25, had argued that the state was wrong to execute them for the murder of 22-year-old Marquelle Hippolyte on the grounds that they had a pending appeal lodged before the Inter-American Commission on Human Rights (IACHR), in which they had argued that the death penalty was inhumane.

The Barbados authorities had read death warrants to the men on two occasions after the island's Prerogative of Mercy Committee refused to recommend commutation of their sentences.

Their lawyers had argued that the Constitutional Amendment Act 2000 provided convicted persons with a right to petition international bodies or courts regarding their death sentences.

In Wednesday's announcement, the court held that the exercise of the prerogative of mercy could be reviewed by the courts on the ground of procedural fairness. According to Barbados Attorney-General Dale Marshall, it also crystallised the status of the rights of convicted persons to petition international human right bodies.

"The court held that convicted persons may have a legitimate expectation that the state should wait for a reasonable time for reports from international bodies. It is, however, worthy to note that the court did not determine what length of time was reasonable," Marshall said in a press statement.

In June, the CCJ was asked to rule on an appeal by the Barbados government against a decision of that island's court of appeal to commute the death sentence of the two convicted murderers to life imprisonment.

The CCJ was established last year to replace the London-based Privy Council as the region's final court of appeal. Its establishment came amid heightened fears in the Caribbean that it was being formed to counter the rulings by the Privy Council against the death penalty in the region.

Caribbean leaders and technocrats were forced to go on the offensive to counteract arguments that the CCJ would be nothing more than a "hangman's court" allowing for regional states to carry out the death penalty.

But so far, only Barbados and Guyana of the 15-member Caribbean Community (Caricom) grouping have made the CCJ their final court in its appellate jurisdiction. All of the countries have, however, signed on to the court's original jurisdiction.

Last week, Caricom Secretary General Edwin Carrington said more regional states needed to join the court, which he described as being at a "very important stage in its development".

In filing grounds of appeal for this key case, the Barbados government, through its lead lawyer Roger Forde, told the CCJ that there is no provision in the Barbados constitution that provides a basis for its citizens to petition international bodies such as the IACHR. Therefore, he said, the case should be dismissed.

However in six separate judgments on the issue handed down Wednesday, the seven-member CCJ panel of judges said "the majority of us hold that in this case the respondents had a legitimate expectation that they would be allowed a reasonable time to complete the process before the commission, and that to frustrate that expectation was to deny them the protection of the law."

Michael De La Bastide, the president of the CCJ, went on to say in a statement that "the judgments are unanimous in holding that the go-ahead given by the Barbados Privy Council (Prerogative of Mercy Committee) for the execution of the respondents shortly after they had initiated proceedings before the IACHR was a contravention of the right to the protection of the law."

The Barbados Court of Appeal was "bound in this connection" to follow the decisions of the London-based Privy Council in two cases, including one involving the Jamaican government, which established that the "State is under a duty to await the outcome of the process before human right bodies, at least for a reasonable period".

But in his statement after the ruling, Marshall noted that under the Barbados constitution, the governor general must convene the local Privy Council whenever a mandatory death sentence is passed down on a convicted killer to determine if the prerogative of mercy should be exercised and a pardon granted, or whether a less severe form of punishment should be substituted.

"In this way, the death penalty is only applied in the cases of serious atrocious crimes. This has always been a safety net of the law to ensure that justice did in fact prevail," Marshall said.

In his separate judgment, Justice Rolston Nelson emphasised the "paradox" which the courts faced in death penalty cases.

A judge was duty-bound to impose the death sentence on a person convicted of murder, but the "Constitution mandates that the convicted murderer must not be hanged unless there is a clemency hearing before a tribunal appointed by the executive," Nelson wrote.

He added the executive has signed and ratified treaties which confer on the citizen "a right after exhausting his or her domestic appeals to challenge his or her conviction and sentence before an international human rights body that tends not to favour the death penalty." This he said created a paradox.

The other element of the paradox was "that the death sentence declared by the trial judge to be mandatory really has an expiry date. It is not clear that recent amendments to the constitution have eliminated the paradox," he said.

Another judge warned that international acts by the executive must be accompanied by treaty-compliant conduct at the local level "in order to engender a legitimate expectation to which municipal courts may accord curial protection in accordance with applicable law". (END/2006)

## DEATH PENALTY-PERU: Alan García's New-Found Faith in the Firing Squad

Ángel Páez

LIMA - Within the first 100 days of his administration, Peru's President Alan García has put forward two proposals for applying the death penalty: for raping children and terrorism. But Congress is not in as much of a hurry to pass the president's draft laws as he is.

The chairman of the congressional Constitutional Commission, Aurelio Pastor, of the governing Peruvian Aprista Party, does not share the president's enthusiasm and sense of urgency for expanding capital punishment, although he would not comment on the content of the draft laws.

At present Peruvian law reserves the death penalty for treason committed at a time of war with a foreign power.

On Sept. 20, García sent a draft law to Congress to make the crime of raping and then murdering children under seven years old punishable by death. Following normal procedure, it was passed on to the Constitutional Commission for a ruling on whether it is constitutional.

Other political sectors have also submitted their own draft laws invoking the death penalty for persons convicted of raping minors.

The same procedure will be followed when the new draft law announced by García, calling for the death penalty for those convicted of acts of terrorism as defined by Peruvian law, is introduced in Congress. The 1993 Constitution provides for capital punishment for terrorists, but no laws to include this in the Criminal Code have yet been enacted.

"The draft law on the death penalty for child rapists is in the hands of a working group we have set up to deal exclusively with constitutional reforms," Pastor told IPS.

"The working group's agenda has made the reform of the administration of justice its top priority. Once it has completed that task, we will decide on the next priority. I can't say whether that will be the draft law on the death penalty, or a different constitutional reform."

García, who took office on Jul. 28, gained immediate popular backing for his proposal to execute child rapists. But he surprised everyone when he announced, on Nov. 1 --Peru's Day of the Dead, or All Souls' Day-- that he also wanted the death penalty for those found guilty of terrorism, and referred expressly to the Maoist Shining Path (Sendero Luminoso) guerrillas, who are still sporadically active in the jungle valleys of the Ene, Apurimac and Huallaga rivers, in the centre and south of the country.

García was very specific. He only mentioned the activities of Shining Path, which in his view is trying to rekindle the armed struggle. He told the press he would send a draft law to Congress so that anyone who engages in the crime of terrorism, which did Peru such harm, would face a firing squad.

The opposition is critical of the undeclared alliance between the ruling party and the lawmakers who support former president Alberto Fujimori (1990-2000), currently in detention in Chile awaiting a ruling on his extradition to Peru.

The government is basing its call for the death penalty for terrorists on the 1993 Constitution, imposed by Fujimori to legitimise his "self-coup" in April 1992, when he dissolved parliament and suspended fundamental freedoms.

The constitutional reform of 1993 provided for capital punishment for terrorism, although it was never applied by the Fujimori regime. Paradoxically, García is now saying he would bring it into effect, using the same arguments as Fujimori and his then security chief Vladimiro Montesinos, who were his sworn enemies in the 1990s.

During García's first term as president (1985-1990), the number of attacks by Shining Path guerrillas and the Túpac Amaru Revolutionary Movement (MRTA) rose sharply, according to the independent Truth and Reconciliation Commission. Nevertheless, at that time the authorities did not consider using the death penalty to punish them.

In 1985, Shining Path killed 348 people and the MRTA killed two. In 1990, at the end of García's first administration, Shining Path killed 851 people and the MRTA killed 21.

Ministry of Interior statistics indicate a major drop in the number of Shining Path victims. In 2001, 34 deaths were attributed to the Maoist guerrillas; 12 in 2002; 14 in 2003 and three in 2004.

The MRTA has been completely dismantled, and what is left of the Shining Path has retreated into jungle areas where they survive by collecting "taxes" from drug traffickers. The Shining Path is no longer a threat to the state, as it was at the end of the 1980s. In this context, the death penalty "makes no sense, because Shining Path today has only a fraction of the followers it had in the 1980s," sociologist Carlos Reyna, an expert on political violence, told IPS.

"If the Shining Path were defeated with effective police intelligence procedures, why is there a need for the death penalty today? García's proposal is just a publicity stunt," he said.

But the hardline wing of the government, represented by Vice President Luis Giampettri, a retired vice admiral, is fired with enthusiasm for the project.

"How many of those people (guerrillas), who have done enormous damage to the country, should not be alive today," Giampettri, a declared enemy of human rights organisations, said at a press conference. "There are debts that are still unpaid," he added.

Perhaps for the same reason, García said it had been an error not to execute insurgents captured during his first administration.

But Ismael Vega, the representative of Amnesty International in Peru and a director of the National Coordinator of Human Rights, told IPS that "He is wrong when he says he was wrong."

"According to the Truth Commission's report, more than 80 percent of the victims of the armed conflict were from indigenous communities in the Andean highlands and Amazon jungle regions. García's error was not to do anything for those communities. The way to avoid repeating the same mistake would be to help these affected communities now," said Vega.

The president "is very poorly advised, because extending the death penalty to terrorists runs counter to the American Convention on Human Rights (signed in San José, Costa Rica in 1969). The proposal is non-viable from a legal point of view, and is a setback for democracy," he added.

Some of his critics say that the president is attempting to introduce this drastic penalty with the intention of reneging on the Pact of San José, as the Convention is also known.

"Unlike the proposal to extend the death penalty to child rapists, the initiative to apply capital punishment to terrorists does not require a constitutional reform, because it is provided for in article 140, but it violates the Pact of San José," constitutional expert Francisco Eguiguren told IPS.

"That's why the Fujimori regime never went through with enacting a law to include the death penalty (for terrorists) in the Criminal Code. So the first question President García should be asked is why, in spite of its authoritarian nature, the Fujimori regime did not apply the death penalty. And the answer is very simple: because they knew that it would violate the American Convention on Human Rights," he said.

When he announced his latest proposal, the president only talked about Shining Path and did not mention any other form of terrorism.

During his first administration, there was an active paramilitary commando group which called itself "Rodrigo Franco", the name of an Aprista leader killed by the Maoists.

This illegal group was made up of Aprista party supporters, under the protection of then minister of the Interior Agustín Mantilla. The group murdered people it suspected of belonging to Shining Path and the MRTA.

Although it has not been proved that the Rodrigo Franco commando was part of the party structure, the Truth Commission concluded that the group had been formed to combat subversion, out of the sense of frustration shared by some Aprista party supporters and members due to the incapacity of the state institutions to combat terrorism, and to avenge the deaths of Aprista members and authorities, as well as eliminate a few political opponents.

Similar practices were continued under the Fujimori regime with the death squad known as the Colina group, made up of members of the Army Intelligence Service, which kidnapped, tortured and killed suspected guerrillas.

"It's not true that terrorists weren't executed during (García's) government. They were, illegally and clandestinely. There were executions in the jails and in the field. A study of the military reports made after each engagement shows that no terrorists were ever wounded or taken alive. There were only casualties, dead subversives. So the death penalty was, indeed, applied," Reyna said.

The president has approximately 1,700 days left in government, and he has already proposed two crimes that he wants to make punishable by execution. In his speeches, he has referred to a wide spectrum of targets to be cracked down on: kidnappers, drug traffickers and those guilty of corruption, among others. Perhaps he will again propose the firing squad as a solution. (END/2006)

## DEATH PENALTY: Abolition Still a Mere Dream in Morocco

**Abderrahim El Ouali**

CASABLANCA - Ambiguity among key cabinet members about capital punishment has emboldened the interior minister to crack down on abolitionist demonstrations and quashed -- for now -- chances of a repeal of Morocco's death penalty laws.

Still, human rights groups say that while their dream of abolishing the death penalty must be put on hold for now, they are convinced police actions paradoxically will serve the abolitionist movement.

The Moroccan Coalition Against the Death Penalty was not allowed to hold a sit-in outside of Parliament on Oct. 10 to commemorate the world day against capital punishment. The interior ministry would not say why the peaceful civil demonstration was not allowed to take place.

In response, Driss Ould El Kabla, a member of the Moroccan Association for Human Rights (AMDH), told IPS that a lawsuit against the minister was now being prepared.

"Forbidding the sit-in will serve the abolitionists more than allowing it would have done," he said. If the proceedings are accepted by justice, "everyone will know about it for a long period of time." If the sit-in had been allowed to happen, the public would have long forgotten about it, he added.

That key decision by the minister of interior is now being changed into a pressure card on the Moroccan government, he said.

Bouchra Khiari, deputy of the opposition party le Front des Forces Démocratiques (FFD), introduced a bill in October to abolish the ultimate punishment. By law, the bill must be approved by the government before it is brought to parliament for a vote.

Abolitionists believe they have enough support for the bill to pass if it were brought before the lawmakers. Up to now, government has made no decision on whether to allow it to be discussed, Mohamed Nabil Benabdellah, minister of communication and government spokesman, told IPS.

"There is not any official position. The bill has not been studied yet," the minister said.

Human rights observers believe the issue pits the justice minister, who supports abolition, against the interior minister, who opposes it. The absence of an official position on the death penalty probably encouraged security officials to forbid the Oct. 10 sit-in, Michel Taube, president of the World Coalition Against Death Penalty (WCADP), wrote to IPS in an email.

Ambiguity within the government allows "easy police errors and many security slip-ups," he said.

Since the accession of King Mohamed VI to the throne in 1999, Morocco has been in a transitional period. Many reforms concerning human rights have been introduced but resistance is strong.

"In spite of recent reforms and developments started by King Mohamed VI, there is still a long way" to go for death penalty abolition, Taube added.

The transitional process towards democracy and human rights brings "an alternation of acceleration and braking that is strongly influenced by actuality and by some opposing currents in the entourage of the King," Taube added.

Security officials refused an IPS interview request. "Under current circumstances, a demand for permission to give you an interview will simply be ignored," said one security official who asked not to be named.

Resistance to death penalty abolition comes mainly from a handful of powerful security officials, especially from "those who were responsible of human rights violations during the years of oppression," Ould El Kabla said.

Morocco lived a long period of human rights violations, from independence in 1956 through the 1990s. King Mohamed VI founded the Equity and Reconciliation Commission (IER) to make amends with victims of that period commonly known as "The Years of Lead."

However, many senior security figures from that time still occupy powerful positions in decision-making spheres.

The IER recommended abolition of capital punishment in its final report last year. Although security officials' resistance to abolition is strong, some encouraging signs exist to bring hope to human rights activists.

King Mohamed VI has not signed any execution decrees since his accession to the throne in 1999, Taube said.

In addition, Morocco's Justice Minister Mohamed Bouzoubaa declared during the 61st session of United Nations Human Rights Commission, held March 2005, to be in favour of abolishing the death penalty.

Still, the minister's declaration was seen more as a personal conviction than an official position of the government and the King.

"The official position towards abolition is not clear yet," Ould El Kabla said, "though many high officials support it."

Death penalty advocates among security officials argue that capital punishment historically was necessary to quell two attempts on the King's life in the early 1970s.

Abolitionists counter that an eventual repeal of capital punishment would quell discontent in the first place. "It would allow the kingdom to strengthen its image as a mindful country of human rights, a democratic country that respects society and rights," Taube said.

"The political support provided to Morocco by the international community will be reinforced, above all within relationships between Morocco and the European Union," he added. (END/2006)

## DEATH PENALTY: U.S. State Backs Reinstatement After 153-Year Hiatus

**Haider Rizvi\***

NEW YORK - A majority of voters across the Midwestern state of Wisconsin approved a referendum asking lawmakers to reinstate the death penalty after a 153-year hiatus.

After counting some 85 percent of the total vote, state authorities declared Wednesday that about 55 percent of the electorate were in favour of the proposal to reimpose the death penalty.

The referendum was only advisory and even its author admitted there was little chance the state will indeed bring back the noose. Though the state House of Representatives remains under control of the Republican Party after Tuesday's mid-term election, the state Senate is now under the control of the Democrats, an overwhelming majority of whom oppose capital punishment.

"I am a realist. There is no prospect," state Senator Al Lasee, author of the referendum, told The Capital Times of Madison,

Wisconsin. "The Democrats took control of the Senate and Governor Doyle got re-elected."

Gov. Jim Doyle, a Democrat, has long opposed attempts to reinstate the death penalty. As governor, he can veto any bill that would bring back capital punishment. Lasee, then president of the state senate, won approval for placing the advisory referendum on Tuesday's ballot when both houses of the Wisconsin legislature were controlled by conservatives.

"We are encouraged by the vote," Sachin Chedda, campaign director for No Death Penalty for Wisconsin, a coalition of human rights and faith-based groups, told IPS. "They (Republicans) were only able to muster 55 percent."

Chedda said he, too, was confident there would be no attempt to change existing legislation on capital punishment in the foreseeable future.

Both the Democratic governor and the new Senate leader Jodi Robson repeatedly have made it clear that they would strongly oppose any attempt to change the existing legislation on sentences for homicide. This comes in spite of pledges by Lasee that he would continue his campaign.

"But we laid the foundation for the fact that Wisconsin citizens are interested in supporting the death penalty," Lasee said in his interview with The Capital Times. "It will not pass this session or maybe next, but at some time the Legislature will come around to the thinking of Wisconsin residents."

Five years after joining the Union, Wisconsin abolished capital punishment in 1853. Since then, no one has been executed there for any crime, including murder.

This year's referendum asked voters if they supported capital punishment in first-degree intentional homicide cases backed by DNA evidence.

The Republicans argued throughout the summer that capital punishment helps reduce serious crimes, such as homicide, and that it can be an effective deterrent.

Abolitionists retorted that scientific studies do not support that claim. Moreover, faith-based groups worked actively to reject the Republican proposal on moral grounds. All life, they said, is sacred. The referendum, too, was opposed by all of Wisconsin's major newspapers.

Among the prominent civil society groups opposing the restoration of the death penalty in Wisconsin were Amnesty International and the American Civil Liberties Union (ACLU), as well as leading religious groups, including the Lutheran Church, Jewish Conference and Catholic Conference.

Abolitionists attribute the lower-than-expected win by conservatives was due to the active work to fight the referendum. Still, they felt the referendum was added to the ballot at the last minute, giving them too little time to garner opposition.

"Unfortunately, there are people out there who use (the death penalty) for political purposes," Chris Ahmuty, executive director of the Wisconsin chapter of the ACLU, told IPS.

"They simply do not understand that the whole world is moving away from the death penalty," he said.

Moreover, critics like Amhuty suggested that the question asked in the referendum was misleading because it did not give the respondents a choice to consider life without parole and its efficacy in tackling serious crimes.

Asked another way, they believe a majority of voters would have responded differently.

A farmer in western Wisconsin, who gave her name as Margaret, told IPS she voted against reinstating the death penalty because of the financial burden it places on taxpayers.

"It costs more to execute someone than to keep them in prison for life, so I see this as a taxpayer issue rather than getting into the moral side of it," she said.

Noting that the ballot stated that the death penalty would be reserved for multiple, vicious homicides, she said she was troubled by what she described as "blurry" lines in the resolution.

"How vicious is vicious?" she wondered. "And if they're going that far, what's the difference between one, two or five murders? The victim's family in a single homicide won't feel a sense of justice."

Those who voted in support of the death penalty, however, had other thoughts on their minds.

"We voted 'yes' because a friend of ours was murdered. It struck a chord with us," said Tom Skerik, 26, as he came out of the polling station in the town of Superior with his girlfriend.

"We wanted to see justice," he added.

His friend Leah Gustafson, 29, was killed in January by Jason Borelli, 32. Borelli was found guilty last Thursday, Nov. 2, of first-degree intentional homicide. He had pleaded not guilty by reason of mental disease. He has not yet been sentenced.

Despite the Democrat's success in regaining the upper house in the state legislature, they pledged they would continue educating voters against the senselessness of the death penalty because they believe the Republicans will not give up.

"When something like this starts, it doesn't stop," Amhuty said. "So we have to ask people to do more on organising."  
(\*Linda Dorow contributed reporting from Wisconsin.)  
(END/2006)

## DEATH PENALTY-U.S.: Texas Death Row Suicide Underscores Stress

**Mark Weisenmiller**

TAMPA, Florida - When Texas death row inmate Michael Dewayne Johnson slit his throat with a homemade razor blade in the early morning hours of Oct. 19, he took a life that the state wanted to claim later that day.

In doing so, he called attention to the stress endured by more than 3,300 inmates sitting in U.S. prisons for years as they await execution.

Johnson woke up every day for 10 years knowing that someday in the future someone would inject a poisonous drug into his veins to avenge a crime that the 29-year-old claimed he did not commit.

Johnson was at least the seventh death row inmate known to take his life in Texas since that state reinstated executions in 1974. The Death Penalty Information Centre estimates 301 people have died on death row from "natural causes," including suicide, from 1973 to 2004. No reliable statistics exist on the number of death row suicides in the United States.

His suicide also raised the subject of mental illness in death row prisoners. Prisoner advocates and psychiatrists believe that many death row inmates -- between 12 and 25 percent -- have severe mental illness. Those estimates come from a psychiatrist like Dr. Jeffrey Metzner, a Colorado-based doctor who specialises in correctional psychiatry, and a national mental health organisation.

"Suicides are rare on death row but they do happen," Richard Dieter, of the Death Penalty Information Centre in Washington D.C., told IPS in an interview. "Given that mental illness among death row inmates -- who must always live under unbearable stress -- is growing, this may be an issue for the future."

Some inmates enter the correctional system already ill, while others develop symptoms during their stay, Metzner said. In contrast, in some cases, the stable routine of prison life has helped them mature.

"There's no question that as the total number of psychiatric beds (in U.S. prisons) has decreased the number of mentally ill in prisons and on death row has increased," Metzner told IPS.

Some of the more common psychiatric problems affecting death row inmates, according to Metzner, are schizophrenia, depression, substance abuse, and "probably some history with head trauma."

While the U.S. Supreme Court banned execution of severely mentally retarded people in 2002, it remains legal for states to kill the mentally ill. One problem defenders have is that there are no standardised legal definitions for mental illness. Different states define it in various ways.

Mental illness can be defined as anything from depression to bipolar disorders, from post-traumatic stress syndrome to paranoid schizophrenia. Johnson, for instance, most likely suffered from depression, but could have also shown signs of post-traumatic stress syndrome -- a mental illness common in death row inmates.

It is difficult to draw the line in determining which of those inmates would be eligible for the psychiatric ward and which

should be scheduled for execution.

The state of Texas, where Johnson lived, ranks first in the number of people executed in the U.S. It also ranked 46th among the states for amount of money spent per person on the treatment of the mentally ill, including in jails and prisons, according to the National Association of State Mental Health Programme Directors.

Moreover, while the general public assumes that punishments are meted out based on the severity of a crime, the Supreme Court has also ruled that the character and background of a defendant must also be considered when determining the sentence. That would include whether a defendant suffers from mental illness.

"Theoretically the issue of mental illness should be a factor when sentencing a person to death," Metzner said. Too often, he said, it is a factor not raised or emphasised.

Still, one psychiatrist said he believed prison can help some inmates mature. For example, a 19-year-old who commits homicide may have come from a world that was skewed by the environment of a very poor neighbourhood and probably did not have a stable home life, said Dr. Robert T.M. Phillips, who practices in Annapolis, Maryland.

"On death row, they're going to be in a very stable environment. They're going to get three meals a day, for example, which they may have never had before. Stability can bring maturity. They're going to start and finish their days at punctual times. They will be assigned responsibilities such as the cleaning of their cells, and they may have never had to cope with the concept of responsibilities before," Phillips said in an IPS interview.

But, prisoner advocates counter, society should not wait until an inmate has been sentenced to death before providing a person with a stable environment. Moreover, once a crime has been committed, a stable routine is also established among prisoners who have been given life sentences.

"They are simply different individuals over the 10 or 15 years that it usually is since they were convicted of killing someone. They are far more stable, both emotionally and on a mature side, than when they first went in... (it) never ceases to cause wonder in me," Phillips said.

This suggests that some murderers can indeed be rehabilitated and should not be executed, argue human rights activists.

Nevertheless, for every person who attains greater psychological maturity in prison, there are those -- like Johnson -- whose mental state deteriorates.

Death row inmates can become progressively depressed and are in an isolated environment, usually for 23 hours a day, which can lead to mental deterioration, Phillips said.

Metzner echoed Phillips' sentiments: "It's clear that there have been people sentenced to death, who have been

executed, who have had some sort of mental illness," Metzner said. (END/2006)

## IRAQ: Saddam Verdict Could Tear Iraqis Apart

### Dahr Jamail and Ali al-Fadhily

BAGHDAD - The death sentence for former Iraqi dictator Saddam Hussein could deepen a divide that threatens to tear Iraqis apart.

The signs on the street are dangerous already. Several reports have come in of celebrations in Kurdish and Shia areas, with strong protests in Sunni-dominated cities in central Iraq.

Iraq is being ripped apart by sectarian violence between Sunnis and Shias, and many fear that if Saddam Hussein is executed Iraq could slide into civil war.

On Sunday the High Tribunal in Iraq held Saddam Hussein guilty of ordering the killing of 148 Shias in 1982. The verdict threatens stability because Saddam Hussein, a Sunni Muslim, is seen by non-Sunnis to have run policies to the advantage of Sunnis and the disadvantage of others.

Manny Iraqis in Baghdad say the judgment was hastened for the benefit of the Republican Party in the United States, which faces congressional elections Tuesday. The party is expected to do badly primarily as a result of a widely perceived failure of the Republican Administration's Iraq policy.

The sectarian split under U.S.-led occupation has spiralled high enough to lead to fears that Iraq is in a state of civil war already. The oil-rich nation of 25 million comprises mainly Shias, Sunnis and Kurds, with the Shias an estimated majority of 60 percent.

In the Shia dominated Sadr City in Baghdad, and in other Shia cities like Najaf, Kerbala and Basra, large numbers came out on the streets to celebrate. Much of the Shia population suffered great repression during the rule of Saddam Hussein.

Celebrations have been reported also across Kurdish regions of northern Iraq. Like the Shias, the Kurdish population was also heavily repressed under the reign of the former dictator.

A day before the verdict was announced, Shia Prime Minister Nouri al-Maliki asked Iraqis not to "celebrate too much" when the announcement came.

Other Shia leaders have been trying to sober down such celebrations, and even oppose the death sentence. They say that execution of the former leader would make a martyr of him, and give him a higher status than he deserves.

The picture of a split society was completed by protests and anger in Sunni-dominated areas of Iraq, particularly in Baghdad and in al-Anbar province to its west. Facing repression now from a Shia-dominated government under U.S. influence, Sunnis have adopted the former leader as one of their own.

In Baghdad's predominantly Sunni neighbourhood al-Adhamiya, Iraqi police battled resistance members armed with machine guns. In Saddam Hussein's hometown Tikrit, thousands defied a curfew to carry pictures of Saddam through the streets.

The divisions were deepened further when Iraqi army units attacked pro-Saddam demonstrators in many areas. Sunni television channels Zawra and Salahedin that aired pro-Saddam demonstrations were immediately shut down and raided by Iraqi security forces.

The closure of the two networks has infuriated Sunnis further. The move appeared similar to the U.S.-ordered closure of the newspaper al-Hawza of Shia cleric Muqtada al-Sadr, which sparked his first uprising against occupation forces two years back.

In a country where sectarian death squads are killing on average more than 100 people a day in the capital city alone, another polarising event is the last thing Iraq needs at this time.

One potential flashpoint everyone is watching is the northern oil-rich city Kirkuk. The city has a mixed population, including Sunni ethnic Arabs who were settled there under Saddam's regime. Kurdish leaders want Kirkuk, and its wealth, within an autonomous Kurdistan.

In the Shia-dominated south, more than 100,000 Iraqis are fleeing their homes each week as Shia leaders push for federalism, under which each ethnic group would take substantial control of a region it dominates.

Execution of Saddam Hussein, if it takes place, could worsen a pattern under which every 'success' of the government under occupation has led to increasing attacks on U.S. and Iraqi security forces.

This happened after Saddam Hussein was captured by U.S. forces in December 2003 after they were tipped off by Kurdish militia members. The attacks against security forces rose dramatically after that. A similar pattern followed the killing of suspected al-Qaeda leader Abu Musab al-Zarqawi by occupation forces.

It is not yet certain that execution will be carried out. The verdict on Saddam now goes before a nine-judge panel that has indefinite time to review the case. But if the sentence is upheld, the execution must be carried out within 30 days. (END/2006)

## News from International NGOs

### AI CONDEMNS DEATH PENALTY IN AN ORAL STATEMENT TO AFRICAN COMMISSION

In an oral statement to the African Commission on Nov. 15 Amnesty International has expressed opposition to the death penalty in all cases. Some of those who argue that the death penalty should be retained put forward cultural and religious arguments. Amnesty International, however, considers that the death penalty violates the right to life and the prohibition of torture, cruel, inhuman or degrading punishment and treatment – universally recognized human rights that are also enshrined in the African Charter on Human and Peoples' Rights (African Charter).

The death penalty has never been shown to deter crime more effectively than other punishments. Use of the death penalty carries an ever present risk of executing the innocent and every execution has a brutalising effect upon the society that carries it out. For these reasons and many more, the world is turning away from state judicial killing. In 1977, just 16 countries had abolished the death penalty. Today, that figure stands at 99. A further 30 countries can be considered "abolished in practice" having not carried out an execution for at least 10 years. 129 of the world's 190 countries are now death penalty free., the statement says.

African states have also taken important steps towards the abolition of the death penalty. In 2005, of the 53 member states of the African Union, four are known to have carried out executions: Egypt, Libya, Somalia and Sudan. Regretfully, Botswana has joined this list in 2006 with the execution by hanging of Oteng Modisane Ping on 1 April.

Angola, Cape Verde, Cote d'Ivoire, Djibouti, Guinea-Bissau, Liberia, Mauritius, Mozambique, Namibia, Sao Tome and Principe, Seychelles, Senegal and South Africa have abolished the death penalty completely. Liberia abolished the death penalty for all crimes in 2005. In 2006, the Nigerian authorities commuted the sentences of 107 condemned men and the Attorney General of Ghana called for the abolition of capital punishment. Government officials in Kenya and Rwanda have indicated they want to remove the death penalty from their laws. The government of Togo recently informed Amnesty International of their wish to abolish capital punishment. But in other countries the situation remains dire.

For complete statement visit <http://web.amnesty.org/library/print/ENGAFR010112006>

### AI DEPLORES DEATH SENTENCES IN SADDAM HUSSEIN TRIAL

Amnesty International deplored in a statement on Nov. 5 the decision of the Supreme Iraqi Criminal Tribunal (SICT) to impose the death sentence on Saddam Hussein and two of his seven co-accused after a trial which was deeply flawed and unfair. The former Iraqi dictator was sentenced today in connection with the killing of 148 people from al-Dujail village after an attempt to assassinate him there in 1982. The trial, which began in October 2005 almost two years after Saddam Hussein was captured by US forces, ended last July. The verdict was originally due to be announced on 16 October but was delayed because the court said it needed more time to review testimony.

The case is now expected to go for appeal before the SICT's Cassation Panel following which, if the verdict were to be upheld, those sentenced to death are to be executed within 30 days. "This trial should have been a major contribution towards establishing justice and the rule of law in Iraq, and in ensuring truth and accountability for the massive human rights violations perpetrated by Saddam Hussein's rule," said Malcolm Smart, Director of the Middle East and North Africa Programme. "In practice, it has been a shabby affair, marred by serious flaws that call into question the capacity of the tribunal, as currently established, to administer justice fairly, in conformity with international standards." In particular, political interference undermined the independence and impartiality of the court, causing the first presiding judge to resign and blocking the appointment of another, and the court failed to take adequate measures to ensure the protection of witnesses and defence lawyers, three of whom were assassinated during the course of the trial. Saddam Hussein was also denied access to legal counsel for the first year after his arrest, and complaints by his lawyers throughout the trial relating to the proceedings do not appear to have been adequately answered by the tribunal.

For complete statement visit <http://web.amnesty.org/library/print/ENGMDE140372006>

## **SAATCHI & SAATCHI AIDS HANDS OFF CAIN WITH ONLINE CAMPAIGN AGAINST THE DEATH PENALTY**

Saatchi & Saatchi has created a banner for the collection of signatures in favour of a UN moratorium on executions and for the "Hands Off Saddam" appeal. The initiative was revealed during a press conference held at Hands Off Cain headquarters in Rome for the presentation of Sandro Veronesi's book "An Eye for an Eye". The banner consists of an image of Saddam Hussein with the options "Don't Save", "Cancel" and "Save" given below. Clicking on "Don't Save" reveals the message "FATAL ERROR! Maybe the Judge who condemned him made one too" Clicking on "Save" gives the option of signing the appeal for a moratorium and to save Saddam from execution. "Saatchi & Saatchi has given us an important contribution in helping to gather support against the death penalty at a time when it is necessary to re-launch the campaign for a UN moratorium on executions," stated Hands Off Cain Treasurer Elisabetta Zamparutti. The banner can be seen on the site [www.handsoffcain.info](http://www.handsoffcain.info)

## **EU SHOULD RAISE RUSSIAN HUMAN RIGHTS ABUSES AT THE SUMMIT IN HELSINKI**

On the eve of the EU-Russia Summit in Helsinki on Nov. 24, the International Helsinki Federation for Human Rights (IHF) urged the European Union to express concern about the serious setback in human rights and democracy in Russia. Human rights have been increasingly undermined under the banner of protecting national security. In the recent years the Kremlin, in both practice and rhetoric, has been persistently moving away from the compliance with the international human right obligations of the Russian Federation. To eliminate independent control over the executive branch, the Russian authorities have practically destroyed such pillars of civil society as independent media, independent political parties, and independent judiciary. The last targets of this campaign are independent non-governmental organizations, whose work is now put under a grave threat with the new, restrictive NGO law and the recent dangerous amendments to the anti-extremism legislation.

The IHF welcomed the efforts of the EU to conduct a human rights dialogue with the Russian Federation and to involve NGOs in this dialogue. "We are, however, concerned that the introduction of specific human rights consultation meetings has resulted in that human rights issues are no longer discussed at EU-Russia summits, bilateral summits by Russia and EU member states and other high profile EU-Russia events. This development weakens the efficacy of the human rights dialogue," IHF said.

For complete statement visit [http://www.ihf-hr.org/viewbinary/viewhtml.php?doc\\_id=7156](http://www.ihf-hr.org/viewbinary/viewhtml.php?doc_id=7156)

## **CIRCUMVENTING THE ABSOLUTE BAN ON TORTURE**

A briefing paper published by the International Helsinki Federation for Human Rights (IHF) on Nov. 14 documents how governments in Europe, Central Asia and North America have called into question and circumvented the prohibition on torture and ill-treatment in their efforts to counter terrorism.

International law establishes an absolute prohibition on torture and cruel, inhuman or degrading treatment, which is without exception in any circumstances. In the post-September 11 period, this fundamental human rights principle has been openly challenged in ways previously unseen. While governments of established democracies have called for a rethinking of old rules in the face of the threat of terrorism, governments of more authoritarian countries have exploited the fight against terrorism to continue and worsen abusive policies. "Circumventing the ban on torture and ill-treatment in the name of enhancing security is illegal and diminishes respect for human dignity," stated Aaron Rhodes, IHF Executive Director. "Any admission of abusive practices is the beginning of a slippery slope toward the uncontrollable and systematic use of torture and ill-treatment and constitutes a security threat to all," he continued.

For complete statement visit [http://www.ihf-hr.org/documents/doc\\_summary.php?sec\\_id=3&d\\_id=4342](http://www.ihf-hr.org/documents/doc_summary.php?sec_id=3&d_id=4342)

## **A LANDMARK DEATH PENALTY RULING BY THE CARIBBEAN COURT OF JUSTICE**

The International Federation for Human Rights (FIDH) has welcomed the Caribbean Court of Justice's (CCJ) first death penalty ruling given on Nov. 8, which dismisses an appeal by the Barbados government seeking to restore execution orders for two convicted murderers. The case was largely perceived as a test of the new court's position on the death penalty. The CCJ is the supreme judicial organ in the Caribbean Community and replaces the Judicial Committee of the Privy Council since April 2005.

In 2001, Lennox Boyce and Jeffery Joseph were sentenced to death by hanging for a murder which took place in April 1999. Their execution was scheduled for June 2002, but was stayed by the Privy Council, highest appellate body in Barbados at that time, pending further appeals. In 2004, the two men appealed against their sentences to the Inter-American Commission on Human Rights (IACHR). In 2005, their death sentence was commuted

to life imprisonment by the Barbados Court of Appeal, because it considered that Boyce's and Joseph's appeals to the IACHR could not realistically be completed within the five year time limit stipulated by the Privy Council. It was held that they would be on death row for an inhumanely long time, uncertain about their fate, whilst they waited for their cases to be heard by the IACHR.

The Barbados government had asked the CCJ to overturn the Privy Council's precedent which requires that execution takes place within five years of conviction. But the CCJ considered that Privy Council's decisions continue to be binding in Barbados until and unless they are overruled by the CCJ itself - which has not been the case at present.

For complete statement visit [http://www.fidh.org/article.php?id\\_article=3812](http://www.fidh.org/article.php?id_article=3812)

## WORLD PRESS REVIEW - September 06

### COUNCIL OF EUROPE URGES RUSSIA TO ABOLISH DEATH PENALTY

The Council of Europe will insist that Russia ratify Protocol No. 6 to the European Convention on Human Rights, so as to abolish the death penalty in the country, Interfax reported Nov. 30. "This issue will be in the focus of the Council of Europe and will be the cornerstone of our relations with Russia," Council of Europe Parliamentary Assembly co-rapporteur Matyas Eorsi said at a press conference. At the same time, the Council of Europe takes into account the fact that Russia has a moratorium on the death penalty in place, Eorsi said. "We recognize that the death penalty is actually not carried out in Russia, and moreover, the decision has been made to extend the death penalty moratorium," he added.

### SRI LANKAN EXECUTED IN KUWAIT FOR ASSAULT AND ROBBERY

"Oh my God, the man is moving, he is still alive," paramedics shouted after carrying the body of an executed Sri Lankan convict into an ambulance, Kuwait Times reported on Nov. 28. The man was executed in Kuwait after being found guilty of assault and robbery in the country's Sulaibikhat area. The man had originally been scheduled to be executed on Nov. 21 along with four other foreign nationals. Medical sources at the criminal investigations department told the Kuwait Times that the man was hung for 8 minutes and 10 seconds before being proclaimed dead. "The jerk of the corpse was merely as a result of some electric power in his nervous system," the source said.

The death penalty in Kuwait is provided for by laws based on the Sharia. Capital crimes include murder, rape and crimes against the security of State. Sexual molesters are also liable to capital punishment. Since 1995 the death penalty has been a mandatory punishment for certain drug-related offences. The first drug-related executions were in 1998 when Kuwait hung two Iranians found guilty of drug smuggling. Death sentences, which are normally carried out by hanging, can be appealed twice and must receive the final approval of the Emir of the State of Kuwait.

### EGYPT. STATE SECURITY COURT SENTENCES 3 MILITANTS TO DEATH

A state security court in Ismailiya, 75 miles east of Cairo, convicted and sentenced to death three Islamic militants for their role in a suicide attack that killed 34 people at tourist resorts in the Sinai town of Taba in 2004, AP reported on Nov. 30. The three belonged to the militant group Tawhid and Jihad, which Egyptian security officials and prosecutors said carried out two other bombings

against Sinai resorts that killed another 87 people - Sharm el-Sheik in July 2005 and Dahab in April. Israeli security officials said they suspect al-Qaida played a part in the attacks.

The Egyptian government, however, said the Sinai militants were local Islamic extremists who did not have international connections. The trial did not look into the suspects' alleged al-Qaida link. The three top defendants, Younes Mohammed Mahmoud, Osama al-Nakhlawi and Mohammed Jaz Sabbah, were convicted and sentenced to death for terrorism, murder, illegal possession of weapons, and belonging to a terrorist group in connection to the Taba attack. The October 2004 bombings targeted the Taba Hilton hotel, near the Israeli border, and a nearly simultaneous blast went off in the nearby Red Sea resort of Ras Shitan. Eleven Israelis were among the 34 killed.

### IRAN. PROSECUTORS SEEK DEATH PENALTY FOR 7 "VULGAR CD" SELLERS

Tehran's public prosecutor's office is seeking the death penalty for seven individuals accused of producing and distributing pornographic CDs which are banned in Islamic Iran, Iran Focus reported on Nov. 22. The judiciary is currently examining three dossiers in which several individuals have been accused of producing and distributing "vulgar CDs", Judiciary spokesman Jamal Karimi-Rad told reporters. Karimi-Rad, who is also the country's Minister of Justice, said that 35 individuals had been arrested in relation to the cases and that the prosecutor's office is seeking the death penalty for seven of them. "We hope to witness these dossiers being dealt with as soon as possible so that those who try to spread corruption in society ... do not feel safe", he said.

### IRAQ SHOULD NOT CARRY DEATH PENALTY AGAINST SADDAM-UN

U.N. human rights experts called on Iraq's government not to carry out the death sentence passed on former leader Saddam Hussein, saying his trial had been seriously flawed, Reuters reported on Nov. 28. The U.N. working group on arbitrary detention said the Iraqi tribunal had lacked independence and impartiality, had not given Saddam enough time to prepare his defence, and had restricted his access to his lawyers and right to call his own witnesses.

"The working group also urges the Iraqi government to refrain from carrying out the sentence of death by hanging imposed in a proceeding, which does not meet applicable basic standards of a fair trial," it said in a statement. Iraq's former dictator was condemned to death for crimes against humanity earlier this month for his role in the killings of 148 Shi'ite villagers after he escaped assassination in 1982.

He is now standing trial for genocide against Iraqi Kurds in the late 1980s. Prosecutors have said the campaign included widespread use of chemical weapons, killed more than 180,000 people and destroyed hundreds of villages. The U.N. group, composed of five independent legal and human rights experts, is headed by Algerian Leila Zerrougui.

#### **DALAI LAMA WANTS SADDAM HUSSEIN SPARED**

Tibet's exiled spiritual leader the Dalai Lama appealed for Saddam Hussein's life to be spared, saying the deposed Iraqi president was not beyond redemption, AFP reported on Nov. 12. "The death penalty is said to fulfil a preventive function, yet it is clearly a form of revenge," the Nobel peace laureate told reporters as he ended a two-week visit to Japan on Nov. 12. "However horrible an act a person may have committed, everyone has the potential to improve and correct himself," he said. "I hope that in the case of Saddam Hussein, as with all others, that human life will be respected and spared." An Iraqi court sentenced Saddam, ousted in a US-led invasion in 2003, to hang on November 5 for the deaths of 148 Shiites in an Iraqi village in 1982, after an attempt to assassinate him. Iraq's Prime Minister Nuri Al Maliki has said he expected Saddam to be hanged before the end of the year.

#### **SAUDI ARABIA BEHEADS AN EGYPTIAN**

Saudi Arabia beheaded an Egyptian who killed a Saudi man after an argument, the Interior Ministry said, according to AP on Nov. 28. Rajih bin Ahmed bin Mustafa Waziri was convicted of stabbing to death Majid bin Abdel-Karim bin Abdullah following a dispute, the official statement said. He was executed in the southern town of Jizan. Saudi Arabia follows a strict interpretation of Islamic law that prescribes the death sentence for murder, apostasy, rape, drug trafficking, highway robbery, sabotage and armed robbery. Saudi Arabia has one of the highest execution rates in the world, both in terms of number of people killed and in relation to its population. Between 1980 and 2002, approximately 1,500 people were put to death in the country. The record number of beheadings in one year in Saudi Arabia was 191 in 1995.

#### **CHINA. 3 PROTESTANT LEADERS CONDEMNED WITHOUT PROOF EXECUTED IN SECRET**

The leaders of a Protestant group "Three Grades of Servants", condemned to death without proof, were executed in secret last week, according to the China Aid Association (CAA), a US-based non-governmental organisation that lobbies for religious freedom in China, AsiaNews reported on Nov. 29. The three Christians - Xu Shuangfu (60 years), Li Maoxing (55) and Wang Jun (36) - were killed in a prison in the western province of Heilongjiang: the authorities let their relatives know only after the execution, asking them to pick up their ashes.

Not even the lawyers of the three men were told in advance about the execution; they had presented a second appeal after the failure of the first on 18 October. In July this year, the Intermediate People's Court of Shuangyashan in the eastern Heilongjiang Province, sentenced the three men to death for murder in a trial that saw another 17 people charged. Also convicted on the same charges and condemned to death were Zhang Min (35), Zhu Lixin (37) and Ben Zhonghai; their sentences were suspended. The judge condemned the remaining eleven to sentences ranging between three to 15 years imprisonment.

#### **CHINA ADMITS ORGANS FROM EXECUTED PRISONERS SOLD TO TOURISTS**

China acknowledged the practice of "transplant tourism," in which the organs of executed prisoners are sold to foreigners, and said it wants to regulate the sale of kidneys, livers and other body parts, Daily Telegraph reported on Nov. 17. "Most of the organs from cadavers are from executed prisoners," Vice Health Minister Huang Jiefu said at a summit for transplant doctors in Guangzhou, state newspapers reported. The practice had been repeatedly denied by the Chinese government.

A ministry spokesman also said that "wealthier people, including foreign patients" could jump waiting lists because they were willing to pay more. Under new rules, foreigners would only be allowed to come to China for transplants under regulations yet to be announced but that would conform to international standards, the summit was told. Priority would be given to an estimated 1 million Chinese on waiting lists. In some cases, it was claimed that prisoners were being executed so transplants could take place. The claims were repeatedly denied by government spokesmen.

#### **CHINA. COURTS ORDERED TO RESTRICT USE OF DEATH PENALTY**

In China's latest move to control the use of the death penalty, the chief justice has urged courts to exercise extreme caution when sentencing people to death, saying that every judgement must stand the test of time, Xinhua reported on Nov. 9. "In cases where the judge has legal leeway to decide whether to order death, he should always choose not to do so," said Xiao Yang, President of China's Supreme People's Court. Xiao said a bullet to the back of head should be reserved for only an "extremely small number" of serious offenders. If a convict surrenders to the police or helps them solve crimes the judge should generally not pass a sentence of death, the chief justice said. Xiao also ruled out the possibility of abolishing the death penalty as a number of legal experts and human rights groups have urged. "The conditions are not yet ripe for China to ban the death penalty. It is still a necessary means to ensure the safety of the state and protect the people," he said.

#### **PAKISTAN COMMUTES DEATH SENTENCE FOR BRITON: OFFICIAL**

President Pervez Musharraf has commuted the death sentence for a British man who has been in jail in Pakistan for the past 18 years for a murder he says he didn't commit, Pakistan's interior minister said, Reuters reported on Nov. 16. The British government and rights groups had pleaded with Pakistan to grant clemency for Mirza Tahir Hussain, 36, from Leeds in northern England.

"The president has commuted the death sentence to life," Interior Minister Aftab Ahmed Khan Sherpao told Reuters, adding that his ministry was working out the modalities of his release. Musharraf took the decision on November 15, officials said. Technically, Hussain has completed a life term, but certain conditions may have to be met before he can be freed, officials said. He was being held at Adiala Jail in Rawalpindi, the city adjacent to Islamabad. Hussain, a British Muslim of Pakistani descent, was convicted of killing a taxi driver in 1988, during his first visit to his ancestral home. He said the man had tried to sexually assault him and then threatened him with a gun, which went off when they struggled. Hussain was originally acquitted by Pakistan's High Court, but the Islamic Federal

Shariat Court sentenced him to death by hanging in 1998.

### **BANGLADESH. MAN HANGED FOR KILLING EIGHT FROM SAME FAMILY**

Safiqul Islam Montu, 45, was executed in Comilla Central Jail, Bangladesh, at 12:30am local time. According to the prosecution, Safiqul Islam and accomplices killed eight members of the same family over a land dispute at Jorakhali village on June 30, 1997, United News of Bangladesh Limited reported on Nov. 29.

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