

DEATH PENALTY NEWS MARCH 2000

A QUARTERLY BULLETIN ON THE DEATH PENALTY AND MOVES TOWARDS WORLDWIDE ABOLITION

ABOLITION IN TURKMENISTAN, UKRAINE, BERMUDA; MORATORIA DECLARED

Rejection of the death penalty advanced worldwide at the end of the last millennium with Turkmenistan, Ukraine and Bermuda abolishing the punishment for all crimes. By the end of the year the number of countries abolitionist in law or practice had risen to 108.

Moratoria on executions were declared in the Philippines and the US state of Illinois in early 2000 (see stories on page 2).

On 29 December 1999 **Turkmenistan** became the first of the five former Soviet central Asian republics to abolish the death penalty. During a joint session of the Elders' Congress, the Turkmen's People's Council and the National Revival Movement, held in the capital, Ashkhabad, and broadcast live on Turkmen television, the Council passed a resolution amending the constitution and abolishing the death penalty.

The resolution was immediately signed into law by President Saparmurat Niyazov, who said: "No one has the right to take the life given by God. Even if someone commits a crime, let him live on and serve his sentence in jail. But taking someone's life is a barbaric act....Now in our country neither the government nor anyone else has the right to take away human life...Let this law be adopted once and forever." The longest prison term will now be 25 years.

A moratorium on the death penalty has been in place since January 1999 (see **DP News** December 1998).

On 22 March President of the **Ukraine** Leonid Kuchma signed a law abolishing the death penalty with immediate effect. The Constitutional Court had ruled on 30 December 1999 that the articles on the death penalty in the criminal code violated the principle of respect for human life and were unconstitutional. Following the court's decision, on 22 February the *Verkhovna Rada* (parliament) removed the death penalty from the criminal code replacing it with a maximum sentence of life imprisonment. It also ratified Protocol No. 6 to the European Convention on Human Rights in line with Ukraine's commitments to the Council of Europe which it had joined in 1995.

The government of Ukraine had originally committed itself to sign and ratify Protocol No. 6 within three years of its accession to the Council of Europe. By the deadline of November 1998 it had not done so, although a moratorium on executions was introduced in March 1997. In 1999 the Council of Europe's Parliamentary Assembly threatened to annul the credentials of the Ukrainian delegation if progress was not made towards reforms on human rights.

At the end of December 1999, 400 prisoners were reportedly under sentence of death in the Ukraine.

The death penalty was abolished in **Bermuda** on 22 December 1999 (see page 2).

"I cannot support a system which, in its administration, has proven so fraught with error and has come so close to the ultimate nightmare, the state's taking of innocent life...Until I can be sure that everyone sentenced to death in Illinois is truly guilty, until I can be sure with moral certainty that no innocent man or woman is facing a lethal injection, no one will meet that fate."

- Governor George Ryan of Illinois, USA

ILLINOIS GOVERNOR SUSPENDS EXECUTIONS

The Governor of the state of Illinois, George Ryan, announced on 31 January that he will suspend executions pending a special investigation into the state's system of capital punishment. Since 1977 when Illinois reinstated the death penalty there have been 13 cases of wrongful conviction, including the well-known case of Anthony Porter who spent 15 years on death row before a group of university students in the course of their studies found evidence establishing his innocence last year.

According to a recent poll by the Chicago Tribune newspaper published in February, support for the death penalty among registered voters in Illinois has fallen to 58% from 76% in August 1994.

PHILIPPINES ANNOUNCES MORATORIUM

On 24 March President Joseph Estrada announced a moratorium on executions in the Philippines to last for the rest of the year. His decision followed a personal appeal made to the President by his spiritual adviser, Bishop Teodor Bacani, to suspend all executions out of respect for the 2000th anniversary of the birth of Christ.

Despite the moratorium announcement, on 29 March Victor Esteban was taken to the lethal injection chamber, in preparation for his execution which had previously been scheduled for that day. He was saved after a prison chaplain made a hasty phone call to a local radio station, who were able to contact the President's chief aide and stop the execution from going ahead. Prison officials later claimed they had only been informed of the moratorium through the media and had not received any formal order to halt executions.

President Estrada is reported to have said that executions will resume again after the one-year grace period. On 5 April he publicly called for the death penalty to be imposed on two soldiers who murdered seven people during a drunken rampage.

The Philippines abolished the death penalty in 1986, reintroduced it in 1993 and began executing prisoners in February 1999. Since then seven people have been executed by lethal injection, including Alex Bartolome who was executed on 4 January for rape.

There are currently more than 1,200 prisoners under sentence of death in the Philippines.

BERMUDA ABOLISHES DEATH PENALTY

The British overseas territory of Bermuda abolished the death penalty on 22 December 1999 following majority votes in both its House of Assembly and the Senate. The Atlantic island had been under pressure from the British government to amend its criminal code to comply with international treaties such as Protocol No. 6 to the European Convention on Human Rights which have been ratified by the United Kingdom. The bill was signed into law by Governor Thorold Masefield on 23 December 1999.

The close vote (six in favour, five against) in the Senate reflected concerns from the Opposition United Bermuda Party about sentencing procedures. The Senate Chairman, an independent, cast the deciding vote in favour of the ruling Progressive Labour Party to pass the bill. The concerns raised will be put before Bermuda's Attorney General and the Law Reform Committee to incorporate where necessary as amendments to the law.

The last execution in Bermuda took place in 1977.

MORATORIUM PETITIONS AIM FOR 10 MILLION SIGNATURES

During 1999 three petitions calling for moratoria on executions were circulated: one by Hands off Cain, an organization allied to the Transnational Radical Party; one by a group called Moratorium 2000 which is collecting signatures in the USA; and one, the largest international petition, by the Sant' Egidio Community in Rome.

Founded in 1968 as a voluntary organization involved in various services to the poor, the

Sant'Egidio Community has developed a wider role in international peacemaking over the years. It is continuing to collect signatures and hopes to present the petition to the UN General Assembly on Human Rights Day, 10 December 2000. By the end of March, more than two million people had signed the petition.

VATICAN

In his Angelus address at the Vatican on 12 December 1999 Pope John Paul II once again called upon world leaders to abolish the death penalty, saying: "The Great Jubilee [a year-long celebration in the Roman Catholic Church to mark the millennium] is an excellent opportunity to promote in the world ever more mature forms of respect for the life and dignity of every person. I therefore renew my appeal to all leaders to reach an international consensus on the abolition of the death penalty..."

SAUDI ARABIA EXECUTES MAN FOR SORCERY

Hassan bin Awad al-Zubair, a Sudanese national, was beheaded in the capital Riyadh on 28 February after he was convicted on charges of "sorcery", according to a statement by the Interior Ministry. The statement said Hassan bin Awad al-Zubair claimed the power to heal the sick and to "separate married couples".

With one of the highest execution rates in the world, both in absolute numbers and per capita, Saudi Arabia has expanded the scope of the death penalty to cover a wide range of offences including those not resulting in loss of life such as apostasy, drug dealing, sodomy and "witchcraft". More than 100 people were executed in Saudi Arabia in 1999, many for non-violent crimes, after summary trials which offer no opportunity for defence.

USA NEWS

Several municipal authorities have adopted resolutions urging their state legislators to impose a moratorium on executions. On 10 February the City Council of Philadelphia, the fifth largest US city, adopted such a resolution, as did Baltimore City Council on 29 February. On 25 March the Texas Criminal Defence Lawyers Association called on Governor Bush to impose a moratorium on executions in Texas.

In February and March respectively, Senator Leahy of Vermont and Representatives Delahunt of Massachusetts and LaHood of Illinois proposed bills in the US Senate and House of Representatives aimed at preventing wrongful convictions in capital cases through access to DNA testing and competent lawyers.

In the first three months of 2000, three more people were acquitted of crimes for which they had earlier been sentenced to die: Steve Manning (**Illinois**), Eric Clemmons (**Missouri**) and Joseph Green (**Florida**). This brings to 87 the number of condemned inmates released from US death rows since 1973 after evidence of their innocence emerged.

The US Department of Justice is conducting a review of the federal death penalty to see if there are any inappropriate racial disparities in federal death sentencing. However, the scope and methodology of the review have not been made public.

New Hampshire - the state House of Representatives voted by a 28-vote margin on 9 March to abolish the death penalty. The bill has still to be passed by the state Senate and signed by the governor before becoming law. The last execution in New Hampshire took place in 1939; there are no outstanding death sentences.

Executions of Child Offenders - Three prisoners whose crimes were committed when they were under 18 years of age were executed in January in violation of international law. In **Texas**, Glen McGinnis was executed on 25 January; Steve Roach and Douglas Thomas were executed in **Virginia** on 10 and 13 January respectively. The states of Virginia and Texas are responsible for the six executions of child offenders in the USA since 1997.

Texas - Betty Lou Beets was executed on 24 February, two weeks before her 63rd birthday, for the murder of her fifth husband. The UN Special Rapporteurs on extrajudicial, summary or arbitrary executions and on violence against women, Asma Jahangir and Radhika Coomaraswamy, were among those who expressed

concern that the severe physical and sexual abuse suffered by Betty Lou Beets since childhood, including at the hands of various spouses, was not made known to the jury which sentenced her to death.

Since Governor George Bush took office in January 1995, over 120 prisoners have been executed in Texas, far more than in any other US state. Despite concerns of possible innocence in several cases, Governor Bush has never used his power to grant a 30-day reprieve, and his appointees on the Texas Board of Pardons and Paroles have only once recommended that he commute a death sentence as a result of a clemency petition (that of Henry Lee Lucas in 1998). In March 2000, some 450 prisoners were awaiting execution in Texas.

NEWS IN BRIEF

China - In the two weeks leading up to Chinese New Year on 4-6 February the government executed at least 44 people including a former bank computer operator convicted of embezzlement, 13 "unemployed migrants" and 13 pirates. China executes more prisoners each year than all the rest of the world combined; in 1999 more than 1000 people were executed and nearly 2000 were sentenced to death.

Democratic Republic of Congo - Nineteen prisoners have been executed in the DRC this year even though the government had assured the UN in 1999 that a moratorium was in place and the death penalty would be abolished. The DRC authorities also assured **AI** in August 1999 that they would abolish the *Cour d'ordre militaire*, Military Order Court, which was set up in 1997 to try soldiers accused of military offences. Since then the Court, which does not conform to international standards for fair trials, continues to sentence hundreds of people to death of whom as many as 200 have been executed since 1998, including civilians accused of economic offences.

South Korea - A bill to replace capital punishment with life terms in prison has been presented to the National Assembly by 92 legislators. This is believed to be the first time a bill abolishing the death penalty has been proposed and, while it is unlikely to become law, its supporters hope it will stimulate public debate on the issue. According to a Gallup poll published in December 1999, 43% of South Koreans oppose the death penalty with 50% in favour and the rest undecided.

There have been no executions since President Kim Dae Jung, whose death sentence in 1980 for inciting an uprising was later commuted, was elected in February 1998.

INTERNATIONAL TREATIES

p1 Cyprus ratified Protocol No. 6 to the European Convention on Human Rights on 19 January 2000 and **Ukraine** ratified it on 4 April 2000, bringing the total of countries which have ratified the Protocol to 36. **Albania** signed the Protocol on 4 April 2000, bringing the total of countries which have signed but not ratified the Protocol to four.

DEATH PENALTY NEWS INDEX 1999

COUNTRY		
DATE	SUBJECT	
Bangladesh	September	Government proposes amendment to provide for death penalty for acid attacks and rape
Bolivia	September	Calls for death penalty rejected by parliamentarians
China	March	13 Uighurs executed
Congo (Democratic Republic)	June	At least 69 people executed
Cuba	March	Extends scope of death penalty
East Timor	December	Death penalty abolished

El Salvador	June	Government appeals to Cuba for clemency for two of its citizens
Ethiopia	December	Death sentences imposed <i>in absentia</i>
India	December	Appeal rejected in Gandhi assassination case
Iran	March December	"Executing drug smugglers not suitable way to fight drugs" Two teenagers hanged
Japan	September	Three prisoners executed
Lithuania	June	Parliament overwhelmingly ratifies Protocol No. 6 to European Convention on Human Rights
Macau	June	Xinhua news agency reports that China would not restore capital punishment
Nepal	June	Death penalty formally abolished for all crimes
Oman	June	Scope of death penalty expanded for drug-related crimes
Pakistan	June	14-year-old re-arrested on murder charges
Palestinian Authority	March	Col Ahmad 'Atiya Abu Mustafa executed
Philippines	March September December	Resumes executions Executions suspended Executions follow reprieves
Russian Federation	March June	Death sentences may no longer be imposed by courts All death sentences commuted
Saudi Arabia	June September	33 people executed between January and May Executions on the increase
Sri Lanka	June	Death sentences will no longer be automatically commuted
Tajikistan	September	Political executions
Trinidad and Tobago	June December	Hangings Executions resume
Turkey	December	Oçalan appeal rejected
Ukraine	December	Threat to moratorium
United Kingdom	June	Country abolitionist for all crimes since November 1998

United Arab Emirates	December	Federal law provides death penalty for violators "who import banned materials or nuclear waste and dump or store them ... in the country"
USA	March	Michigan: Catholic Conference states death penalty should not be reintroduced
	June	Missouri: Governor Carnahan commutes death sentence Massachusetts: Bill to reintroduce death penalty defeated Nebraska: State legislature becomes first to pass bill calling for two-year moratorium on executions in state
USA (cont/...)	June	New York: Committee on Psychiatric Medicine unanimously calls for abolition of capital punishment in state
	September	Nevada: Appeal against execution of child offenders
	December	Decreasing support for death penalty; Joint Jewish-Catholic statement Illinois: Chicago Tribune claims "capital punishment in Illinois...so riddled with faulty evidence...and legal incompetence that justice has been forsaken" Nevada: US Supreme Court will not consider appeal on execution of child offenders North Carolina: Alfred Rivera acquitted at retrial
Zimbabwe	December	Constitutional Commission proposes death penalty as optional punishment for murder
Book Reviews	March	<u>Women and the Death Penalty in the USA 1900-1998</u> by Kathleen O'Shea
	June	<u>La pena di morte nel mondo, Rapporto 1999</u> by Hands Off Cain
	September	<u>The Death Penalty - Abolition in Europe</u> , Council of Europe <u>Death as a Punishment: an Offence Against Life</u> , Commissie Justitia et Pax, Netherlands
Council of Europe	March	Responds to threats to resume executions
Inter-American Court	December	Ruling, requested by Mexico, issued
United Nations	June	Call for worldwide moratorium gains momentum; Special Rapporteur calls for tighter safeguards
	September	Action at the UN
	December	No action at UN General Assembly; UN High

		Commissioner: No use of death penalty against child offenders