

DEATH PENALTY NEWS

December 2002

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

AI Index: ACT 53/001/2003
Distribution: SC/DP/PO/CO/GR

CITIES AGAINST THE DEATH PENALTY: "Illumination for Abolition"

Cities across the world illuminated public buildings on 30 November in an event organized by two abolitionist groups - the Rome-based *Community of Sant'Egidio* and the French organization *Ensemble contre la peine de mort*, Together against the Death Penalty.

In an initiative entitled "Cities for Life - Cities against the Death Penalty" abolitionist groups from France to Chile arranged for the illumination of historic or modern monuments like the Coliseum in Rome, the Atomium in Brussels and Barcelona cathedral in protest against the continued sanctioning of state killing by 84 countries.

Anti-death penalty groups circulated petitions calling for a worldwide moratorium on the death penalty. The public were also asked to contribute to an international fund for the legal defense of those condemned to death. Signatories to the Appeal for a Universal Moratorium, which was first instigated in anticipation of the new millenium and presented to UN Secretary-General Kofi Annan in December 2000, now stand at more than four million. Events such as public colloquia and film shows were also organized.

The date of 30 November, designated the "First World Day against the Death Penalty", was chosen to commemorate the abolition of the death penalty in Tuscany in 1786.

Photograph courtesy of the Sant'Egidio Community

The Atomium in Brussels illuminated with the Sant'Egidio symbol of a dove in the centre. During the 30 November event, the message "No to the Death Penalty" was projected onto the Atomium in different languages

ABOLITION IN TURKS & CAICOS

The Caribbean islands of Turks and Caicos were the last British territory to retain the death penalty, for treason and piracy, until November when the United Kingdom government abolished it under the West Indies Act of 1962.

The death penalty for murder in the Turks and Caicos had been abolished in 1991, 26 years after it had been abolished in the United Kingdom.

COMMUTATIONS IN SAUDI ARABIA

The Saudi Arabian Minister of the Interior, Prince Naif bin 'Abdul 'Aziz, announced on 4 December that King Fahd bin 'Abdul 'Aziz had commuted the death sentences of 17 men from the Ismaili community to ten years' imprisonment. The men were among hundreds of people reportedly arrested in April 2000 during protests following the closure of their mosque by Saudi Arabian security forces.

Saudi Arabia applies the death penalty for a wide range of offences which, in addition to violent crimes, includes sorcery, certain sexual offences, drug-related offences and apostasy.

MORATORIUM ENDS IN DEMOCRATIC REPUBLIC OF CONGO

The government of the Democratic Republic of Congo announced on 23 September that it would end the moratorium on executions which had been in place for the past three years. In October, prosecutors requested the death penalty

for 115 prisoners who are being tried in connection with their alleged role in the assassination of former president Laurent Désiré Kabila in January 2001.

MORATORIUM TO BE EXTENDED IN KYRGYZSTAN

President Askar Akaev announced at the beginning of January 2003 that the moratorium on executions in Kyrgyzstan, which has been in place since 1998, would be extended for another year. In December, the country's first human rights ombudsman, Tursunbai Bakir-Uulu, sent a letter to President Akaev expressing his objection to the death penalty. He stated that "Criminality will not decrease [by using the death penalty]. The bottom line is that neither the state nor its citizens have the right to take a life..."

LAW-MAKERS REQUEST COMMUTATION OF DEATH SENTENCES IN SOUTH KOREA

Fifty-six South Korean members of parliament petitioned President Kim Dae-jung in November to commute all pending death sentences to life imprisonment. They urged the president to formalize the unofficial moratorium on the death penalty which has been in place since February 1998 and expedite legislation of a bill to abolish the death penalty. The bill, supported by 155 members of the 273-member National Assembly, had been submitted to the Standing Committee on Law and Judiciary for their approval in November 2001 but it appears to have been stalled there ever since.

The last executions in South Korea took place on 30 December 1997 when 23 people were executed in prisons across the country. There were no executions under the presidency of Kim Dae-jung, who took office in February 1998. Kim Dae-jung, a former prisoner of conscience, had himself been under sentence of death in 1980.

USA FEDERAL APPEALS COURT RULES ON DEATH PENALTY

A federal Court of Appeals for the 2nd Circuit in New York on 10 December upheld an appeal brought by the US government against a lower court ruling that the death penalty was unconstitutional. The earlier ruling by Manhattan District Judge Jed Rakoff on 1 July (see **DP News** September 2002) stated that recent exonerations of prisoners based on DNA evidence made capital punishment inconsistent with the constitutional guarantee of due process of law and that the possibility of executing the innocent made use of the death penalty "tantamount to foreseeable state-sponsored murder". The appeal court of three judges unanimously overturned that ruling in an opinion written for the court by Judge Jose Cabranes: "Binding precedents of the Supreme Court prevent us from finding capital punishment unconstitutional based solely on a statistical or theoretical possibility that a defendant might be innocent."

NEWS IN BRIEF

Japan - On 22 November the Japan Federation of Bar Associations made public a recommendation it had submitted to the Diet (parliament) calling for a moratorium on the death penalty, a public debate on the subject and an ending to the secrecy surrounding it.

USA - Federal - In October four of the nine US Supreme Court Justices dissented from a denial of an appeal brought on behalf of Kevin Stanford from **Kentucky** who was sentenced to death for a crime committed when he was aged 17 stating that the execution of people for crimes committed when they were under 18 years old "is a relic of the past and is inconsistent with evolving standards of decency in a civilized society. We should put an end to this shameful practice."

USA - Executions - Ten men were executed in December in the states of Alabama, Mississippi, North Carolina, Oklahoma, Texas and Florida bringing the total number of executions in 2002 to 71.

BOOK REVIEW

The Death Penalty - A Worldwide Perspective by Roger Hood, Oxford University Press, third edition, Oxford, UK, 2002, ISBN 0 19 925128 2 (pbk). In this third edition of a study first prepared for the UN Committee on Crime Prevention and Control in 1988, Professor Hood builds upon earlier editions with new contributions from the criminal sciences. The book documents changes in attitude of many countries and societies towards the question of the death penalty since publication of the second edition in 1996. There are chapters on the scope and practice of capital punishment, protecting the vulnerable, protecting the innocent, and questions of equality and fairness.

As in previous editions, Professor Hood points to the lack of a proven unique deterrent effect of the death penalty, stating on the basis of the latest studies that "...it is not prudent to accept the hypothesis that capital punishment deters murder to a marginally greater extent than does the threat and application of the supposedly lesser punishment of life imprisonment."

The Abolition of the Death Penalty in International Law by William A Schabas, Cambridge University Press, third edition, Cambridge, UK, 2002, ISBN 0 521 89344 5 (pbk). This third edition of William A Schabas's book has been extensively revised to take account of developments in the field since publication of the second edition in 1997. It includes new chapters on capital punishment in African human rights law and in international criminal law.

INTERNATIONAL TREATIES

The Second Optional Protocol to the International Covenant on Civil and Political Rights was ratified by Djibouti on 5 November, by Lithuania on 27 March and by South Africa on 28 August 2002 bringing the total of ratifications to 49. It has been signed by seven countries. **Protocol No. 6 to the European Convention on Human Rights** was ratified by Bosnia-Herzegovina on 1 August 2002 bringing the total ratifications to 41. There are three signatories. **Protocol No. 13 to the European Convention on Human Rights** was ratified by Denmark on 28 November and Liechtenstein on 5 December 2002 bringing the total of ratifications to five. There are 34 signatories.

DEATH PENALTY NEWS INDEX FOR 2002

COUNTRY	DATE	SUBJECT
Barbados	September	Moves to restrict appeals
Belize	September	Moves to restrict appeals
Congo (Democratic Rep.)	December	Moratorium ends
Cyprus	September	Wholly abolitionist
Fiji	September	Abolished death penalty except in military law
Guatemala	September	Moratorium
Iran	September	Five men publicly hanged Execution by stoning remains a concern
Jamaica	June September	Delegation visits Government promises to amend constitution
Japan	June September December	Council of Europe holds seminar Two executions without warning Japan Bar Association submits recommendation on the death penalty
Korea (Republic of)	December	Law-makers request commutation of death sentences
Kyrgyzstan	March December	Extends moratorium Moratorium to be extended
Mexico	June	President address Council of Europe committee
Nigeria	March	Death penalty for sexual relations: acquittal First execution under Sharia law
Pakistan	June September	Zafran Bibi acquitted of charge of adultery "Tribal justice" gang rape
Philippines	September	Suspends executions
Saudi Arabia	March December	Executions for sexual relations Commutations
Sudan	September	Mass death sentences
Taiwan	March	Reduces scope of mandatory death penalty
Tajikistan	June September	Death penalty under review Two brothers executed in secret

Tanzania	June	President commutes 100 death sentences to life imprisonment
Trinidad	June	Delegation visits
Turkey	September	Abolitionist for ordinary crimes State Security Court commutes death sentence of Abdullah Öcalan to life imprisonment
Togo	September	Death sentence
Truks & Caicos	December	Abolition
USA	March	Comprehensive study of death penalty published Federal - Death penalty sought against Moussaoui Federal - Operating procedures for trials by military commissions released Florida - UK citizen re-sentenced after almost 15 years on death row Georgia - commutes death sentence of mentally ill man - UK citizen executed Indiana - prohibits execution of child offenders Virginia - US Supreme Court hears arguments in case of mental retardation Missouri - Child offender Christopher Simmons receives indefinite stay of execution Texas - Child offender Napoleon Beazley executed Maryland - Governor announces moratorium Arizona - Ray Krone released after DNA proof of innocence Pennsylvania - Thomas Kimbell acquitted of all charges Landmark decisions by US Supreme Court Two judges find federal death penalty unconstitutional
	intbl	
	June	Texas - two child offenders executed Federal appeals court rules on death penalty Kevin Stanford appeal denied by US Supreme Court Ten men executed
	September	
	December	
Yugoslavia	September	Wholly abolitionist (Montenegro abolishes death penalty)
Council of Europe	March	New abolitionist protocol
	June	Seminar held in Japan 36 countries sign Protocol No. 13 Mexican president addresses Committee of Ministers

World Coalition against the Death Penalty (WCADP)	June December	Coalition formally constituted in Rome Cities against the Death Penalty
United Nations	June	No death penalty for sexual relations Special Rapporteur - latest report
BOOK REVIEWS	December	The Death Penalty - A Worldwide Perspective by Roger Hood The Abolition of the Death Penalty in International Law by William A Schabas