

# DEATH PENALTY NEWS

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1 Easton Street  
London WC1X 0DW  
United Kingdom

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

## POSITIVE DEVELOPMENTS IN THE CARIBBEAN AND PHILIPPINES

**Caribbean Court Rules against Mandatory Death Penalty** - On 2 April the Eastern Caribbean Court of Appeal ruled that the mandatory death penalty in Caribbean countries is unconstitutional. In a landmark decision the Court significantly reduced the application of the death penalty in seven countries under its jurisdiction: Antigua & Barbuda, Dominica, Grenada, Montserrat, St Kitts & Nevis, St Lucia, St Vincent & the Grenadines and Anguilla.

The ruling, which affects all prisoners covered by the court, came in a case brought by Newton Spence from St Vincent & the Grenadines and Peter Hughes from St Lucia, both of whom had been sentenced to death for murder. It was referred to the Eastern Caribbean Court of Appeal by the Judicial Committee of the Privy Council in London.

In the words of Justice J Saunders: "The mandatory death penalty robs those upon whom sentence is passed of any opportunity whatsoever to have the court consider mitigating circumstances even as an irrevocable punishment is meted out to them. The dignity of human life is reduced by a law that compels a court to impose death by hanging upon all convicted of murder, granting none an opportunity to have the individual circumstances of his case considered by the court that is to pronounce sentence."

Eliminating the mandatory death penalty may lead to the death penalty being imposed in only the most extreme cases.

**Commutations in the Philippines** - President Joseph Estrada, who in December 2000 announced his intention to commute all death sentences and support Congressional repeal of the death penalty law, left office on 20 January 2001 amid mass public protests sparked by his impeachment trial on corruption charges. Before leaving office the former President signed commutation orders for 103 death row inmates whose sentences had been confirmed by the Supreme Court.

In March the new President, Gloria Macapagal Arroyo, commuted the sentences of two men whose execution was reported to be imminent. A further 17 prisoners whose sentences had been confirmed by the Supreme Court, were also reported to be facing execution. However, the newly appointed Secretary of Justice, Hernando Perez, was quoted by Agence France Presse as saying that during his period of office he would recommend to the President the commutation of all confirmed death sentences, except "in the most extreme cases".

President Arroyo was later reported to have stated that she would not support the carrying out of executions during her term of office but that it was a matter for Congress to decide whether or not the death penalty should be abolished in law.

Over 1,500 people remain under sentence of death in the Philippines.

**Opposition to Death Penalty in Iran** - On 27 January a military court in Tehran sentenced three agents of the state Intelligence Ministry to death for the murders in 1998 of Dariush Foruhar, his wife Parvaneh Eskandari, Mohammad Mokhtari and Mohammad Ja'far Puyandeh. The victims, who were political activists and prominent writers, were murdered as part of a suspected campaign to silence and intimidate individuals advocating reform and pluralism in government. The case, which attracted considerable publicity and media comment in Iran, was considered highly sensitive by the judiciary which had warned that anyone making unauthorized comments about it in the media would be prosecuted. Naser Zarafshan, the lawyer representing Dariush Foruhar and Parvaneh Eskandari, was imprisoned for his remarks about those responsible for the killings.

Dariush Foruhar was a former Minister of Labour in the Provisional Government of Mehdi Bazargan in 1979 and leader of the *Hezb-e Mellat-e Iran* (Iran Nation Party) opposition group. He was murdered together with his wife Parvaneh Eskandari, also a prominent opposition activist, in Tehran in November 1998. Mohammad Mokhtari, who was found dead in December 1998, was a member of a group of writers who helped to re-establish the writers association, *Kanun-e Nevisandegan*. Another member of the group, Mohammad Ja'far Puyandeh, disappeared in December while travelling to a meeting.

The families of the murdered intellectuals did not take part in the trial in protest at a gagging order imposed by the judiciary and the alleged removal of key evidence from the files which might have revealed the motive for the crimes and whether high level authorities were involved. Now the families have publicly spoken out against the death sentences handed down to the former secret police officers, saying they do not agree with the death penalty nor do they seek revenge. Ahmad Bashiri, the lawyer for Mohammad Mokhtari's family, said the relatives of the murder victims are opposed to anyone being killed for their personal ideas and beliefs. "The families say they are not murderers and they want intolerance uprooted", he was quoted in the Tehran daily newspaper *Dowran-e-Emrouz* as saying.

In 2000, at least 75 people were executed in Iran. To date in 2001, 35 executions have already been reported, including the public hanging of a 30-year-old woman on 19 March who had been arrested on charges of drug possession.

**Guinea: First Known Executions in 17 Years** - Four men, Tamba Toundoufédouno, Denka Mansaré, Ibrahima Bangoura and Mohamed Cissé, sentenced to death in 1995 for murder, were executed in separate locations on 5 February. Although the death penalty had never been abolished in law, these are the first confirmed executions since 1984 when Lansana Conté became President of Guinea. The men, who were not named, had been imprisoned in Kindia, east of Conakry the capital.

Following the executions, the Minister of Justice, Abou Camara, said: "It is not the government that decided to execute them, but the judicial system and it will from now on be this way. Whoever is found guilty of murder will be executed."

## **NEWS IN BRIEF**

**Afghanistan** - Two women convicted of prostitution and "becoming a cause of moral corruption" were publicly executed in southern Kandahar on 23 February. Taleban radio reported that thousands of people watched as the women were hanged in the sports stadium.

**Bangladesh** - The first execution since 1997 took place at the Central Jail in the capital, Dhaka, when Firoze Mia was hanged on 14 March. According to a report in the Dhaka *Daily Star*, Firoze Mia had been convicted of four murders in 1991, including that of two children, when he intervened in an altercation between his child and the son of a neighbour over a game of marbles.

**Canada** - Two Canadian men, Atif Rafay and Sebastian Burns, who are accused of murdering the family of Atif Rafay in July 1994 in the US state of Washington and then escaping to Canada, are to be extradited to face trial in the US. The Canadian government received assurances in March from the prosecutor in King County, Washington, where the trial will be held, that the men, if found guilty, will not be sentenced to death.

The two men have been imprisoned in Vancouver, British Columbia since 1995 when undercover police are said to have taped conversations in which the pair boasted about the killings. However, Canada which has been abolitionist for ordinary crimes since 1976, was reluctant to extradite its citizens to face possible execution. The Canadian Supreme Court unanimously ruled in February that they could not be returned to the US unless the government received assurances that its citizens would not face the death penalty.

Norm Maleng, the King County prosecutor, said in a press release on 9 March to the Canadian Broadcasting Corporation that he was "personally troubled by the idea that a foreign government can restrict the application of our state law for a crime that occurred within our borders" but that he had an "interest in seeing these men brought to justice and in achieving finality in this tragic case."

**Italy** - The anti-death penalty organization Hands Off Cain, together with the online company nexta.com, in March launched an Internet petition calling for a United Nations vote to ban executions worldwide. The campaign also aims to expand awareness about the death penalty among Internet users. According to the news agency Agence France Presse, the secretary of Hands Off Cain, Sergio D'Elia, said: "With the Internet we can cross borders that are closed to human rights in countries like China where death penalty statistics are considered a state secret and others such as Cuba and Afghanistan where this information is censored."

**USA - Massachusetts** - The state House of Representatives on 12 March voted by 94 to 60 votes not to reinstate the death penalty. The 34-vote margin was in marked contrast to the last debate on the death penalty in 1997 when a bill to reinstate it was defeated by only one vote. A number of factors were cited as a reason for the result including diminished confidence in the criminal justice system and more liberal legislators replacing those who supported the death penalty. According to the *Boston Globe* on 13 March, Representative Colleen Garry, a member of the legislature's Criminal Justice Committee, said: "We should spend the money on programs to make the streets safer and look to prevent murders rather than take out revenge after the fact." The House Speaker, Thomas Finneran, said the vote reflected nationwide trends and showed an "extraordinary movement away from the death

penalty".

**Vatican City State** - On 1 February the Vatican published a new constitution, signed into law by Pope John Paul II on 26 November 2000, which does not mention the death penalty. This is the first time the constitution has been amended since its inception in 1929 when the Vatican became a separate state within Italy.

The death penalty had been abolished in the Vatican City State's penal law by Pope Paul VI in 1969 but until now it had not been removed from the state's constitution.

### **Death Sentences and Executions in 2000**

During 2000, at least 1,457 prisoners were executed in 28 countries and 3,058 people were sentenced to death in 65 countries. These figures include only cases known to Amnesty International; the true figures are certainly higher.

In 2000, 88 per cent of all known executions took place in China, Iran, Saudi Arabia and the USA. In addition, hundreds of executions were reported in Iraq but many of them may have been extrajudicial.

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Bermuda	tap1 March	Abolishes Death Penalty
Bosnia-Herzegovina	June	New criminal code adopted without death penalty
Canada	June Dec.	Homicide statistics released for 1998 Canadian statistics for 1999 show crime rates drop again
China	March June	44 people executed in February Man extradited from Canada sentenced to death
Congo (Dem Rep)	March June	19 prisoners executed despite moratorium 14-year-old child soldier executed
Côte d'Ivoire	Sep.	Abolishes Death Penalty
European Union	Dec.	Proclaims charter of fundamental rights 50th anniversary of European Convention on Human Rights celebrated at conference in Rome
Guatemala	June Dec.	More televised executions Ruling on international law
India	Sep. Dec.	Campaign against death penalty launched South Asia Human Rights Documentation Center calls for suspension of the death penalty
Iran	June	Considers reforms
Jamaica	Sep.	Landmark ruling
Japan	Dec.	Three men hanged

Kyrgyzstan	Dec.	President decrees moratorium to be extended for another year
Lebanon	June	Prime Minister refuses to sign death warrant
Malaysia	Dec.	First executions in four years
Malta	Sept.	Abolishes death penalty
Pakistan	Sept. Dec.	Man condemned to death for blasphemy Juvenile executions banned
Philippines	March Dec.	Announces moratorium President commutes death sentences
Qatar	June	Executions resume after 12 years
Russia	Sept.	Orthodox church opposes death penalty
Saudi Arabia	March June	Executes man for sorcery Beheadings for rape
South Korea	March	Bill to replace death penalty with life imprisonment presented to National Assembly
Turkmenistan	March	Abolishes death penalty
Ukraine	March	Abolishes death penalty

USA	<p>March</p> <p>June</p> <p>Sept.</p> <p>Dec.</p>	<p><b>Illinois</b> - Governor suspends executions Several municipal authorities adopt resolutions calling for moratoria on executions Three more people on death row acquitted</p> <p><b>New Hampshire</b> - House of Representatives votes to abolish the death penalty Three child offenders executed</p> <p><b>Texas</b> - Betty Lou Beets executed Increasing concern over execution of the innocent American Psychiatric Association asks for policy statement calling for moratorium on death penalty Poll shows support for moratorium Federal government schedules execution National survey shows states with death penalty have higher homicide rates</p> <p><b>Georgia</b> - DNA testing conducted posthumously</p> <p><b>Texas</b> - Death sentence overturned by federal court of appeal Anti-death penalty conference held in</p> <p><b>California</b> Germany brings hearing against USA to International Court of Justice</p> <p><b>Texas</b> - Mexican national executed</p> <p><b>Louisiana</b> - Two innocent men released from death row</p> <p><b>Florida</b> - Prisoner who died on death row posthumously cleared</p>

Vatican	March	Pope John Paul II calls upon world leaders to abolish the death penalty
Uzbekistan	Sept.	Executions continue
United Nations	June Sept.	UNCHR - holds 56th session in Geneva Sixth quinquennial report issued Sub-Commission on the Promotion and Protection of Human Rights condemns death penalty on juveniles
Book Review	June	<b>Actual Innocence: Five Days to Execution</b> by Barry Scheck et al; <b>Upington</b> by Andrea Durbach;
Moratorium	March Dec.	Petitions aim for 10 million signatures Three million signatures presented at UN

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