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

CHINA DRAMATICALLY INCREASES EXECUTIONS

The Chinese government has launched another "strike hard" campaign against crime. Between April and July at least 1,781 people have been executed - more than the total number of known executions in the rest of the world combined over the past three years. A total of 2,960 people have been sentenced to death for crimes as diverse as bribery, pimping, embezzlement, fraud, selling harmful foodstuffs, and "disrupting the stock market", as well as for violent crimes.

Under pressure to produce results, police in Hunan province claim to have solved 3,000 cases in two days in April. In Sichuan province, police reported they had arrested more than 19,000 people in six days. Prosecutors have been urged "not to get entangled in the detail" so as to achieve "quick arrest, quick trial and quick results". Courts too have boasted of their speed and "special procedures" during the campaign.

Under such circumstances miscarriages of justice are more than likely. Liu Minghe, an associate professor at a technical college in Anhui Province, was arrested during this latest "strike hard" campaign. He claims that he confessed to a murder he did not commit following "forced interrogation and torture" but was reportedly able to have his conviction quashed on the grounds of insufficient evidence due largely to his Communist Party membership and his family's wealth and social position.

Many of those condemned to death are likely to have been tortured in order to extract a confession. There are also persistent allegations of organs being harvested without consent from the bodies of the executed (see related story on page 2).

Most executions take place after mass sentencing rallies in front of huge crowds in public squares and sports stadiums like the Beijing Workers' Stadium, which may be the football venue of the Olympic Games in 2008. Rallies in Shaanxi province in April and May were reportedly attended by 1,800,000 spectators. Condemned prisoners are ritually humiliated by being paraded in public and insulted before being executed by firing squad or a bullet to the head.

PHOTO OF WOMAN TO BE EXECUTED

RUSSIAN PRESIDENT SUPPORTS MORATORIUM

In televised remarks from a meeting with the head of the World Bank in the Kremlin on 9 July, Russian President Vladimir Putin said that "The state should not assume the right which only the Almighty has - to take a human life. That is why I can say firmly I am against Russia reinstating the death penalty."

President Putin was also quoted as saying he believed that state-sponsored cruelty did nothing to fight crime and only engendered new violence. He said that Russia should continue to uphold the moratorium on the death penalty which has been in place for five years despite widespread public support to reinstate executions.

However, Russia has yet to ratify Protocol No. 6 to the European Convention on Human Rights which provides for abolition of the death penalty in peacetime and is a requisite for membership of the Council of Europe. Russia joined the Council of Europe in February 1996 (see **DP News** March 1996 and June 1999). It also has not abolished the death penalty in national law and at present there are no indications that it plans to do so.

SHARIA COURTS IN NIGERIA PASS DEATH SENTENCES BY STONING

In September an Upper Sharia Court in Birnin-Kebbi, the capital of the northern state of Kebbi, sentenced Attahiru Umar, aged 35, to death by stoning. Attahiru Umar, who was accused by residents in his neighbourhood of committing homosexual acts with a seven-year-old boy, is said to have confessed to the offence in a statement read to the court. The court allegedly did not seek medical confirmation and access to Attahiru Umar was refused to journalists by the prison authorities.

In October a 30-year-old woman, Safiya Tungar-Tudu, a divorcee, was sentenced to death by stoning by the Upper Sharia Court in Gwadabawa, Sokoto State, after allegedly pleading guilty to the offence of fornication. In both cases the governors of the states have to give their approval for the sentence to be carried out.

Over the past two years several northern states in Nigeria have introduced penal legislation for Muslims based on the principles of Sharia. Stoning to death has been introduced for a number of existing offences previously punishable to a lesser degree. In the legal tradition of Sharia the rules of evidence, rights of appeal, rights to legal representation and possible punishments are different from the laws which apply to citizens who are not Muslims.

DEATH SENTENCE FOR BLASPHEMY IN PAKISTAN

Dr Younis Shaikh, a medical school lecturer, was sentenced to death on 18 August by a criminal court in Islamabad for blasphemy. He had allegedly remarked during a lecture that the Prophet Mohammed was not a Muslim until the age of 40 when Islam was revealed to him. His comments were taken up by an Islamist organization, the Majlis Tahaffuz Khatm-i-Nabuwat (Committee for the Protection of the Finality of the Prophethood), which brought a complaint to the police. Dr Shaikh, who has been detained since October 2000, has filed an appeal.

The death penalty for blasphemy is a mandatory sentence in Pakistan which is usually commuted by a higher court. Earlier this year, however, Ayub Masih, a Christian sentenced to death for blasphemy, had his sentence upheld by a high court. Ayub Masih, who has been imprisoned since his arrest in October 1996 and is currently held in solitary confinement in Multan, 200 miles southwest of Lahore, has appealed for commutation to the Supreme Court of Pakistan, the final court of appeal.

CHINA ACCUSED OF ORGAN HARVESTING

According to the Taiwan *Taipei Times* of 3 August, an article was printed in the *Metropolitan Consumption News* in the southern Chinese city of Nanchang claiming that organs taken from executed prisoners are then sold for transplants. The article alleged that the body of Fu Xinrong, who was executed in May 2000, was sold by a court in Pingxiang to a hospital which transplanted his kidneys into a patient. The family of Fu Xinrong reportedly has yet to receive a court notice to recover his body or ashes.

In July, a Chinese doctor seeking asylum in the United States testified to the US Congress that he had removed body parts for transplanting from executed prisoners in China. Wang Guoqi claimed to have removed corneas and skin from the corpses of over 100 persons. He also stated that body parts were removed immediately after execution while the heart was still beating to preserve the organs.

Chinese officials routinely deny that body parts are sold or organs donated without permission. The reporter from the *Metropolitan Consumption News* has reportedly lost his job at the newspaper.

PUBLIC HANGINGS IN IRAN

More than 28 executions were carried out in Iran in August, some of them in public. Three men, convicted of armed robbery, were hanged in public on 16 August in the town of Semnan. In the city of Mashhad, Reza Nadi and Kazem Alayemi were publicly hanged and there were three public executions in Tehran. According to the Iranian news agency IRNA, public protests at one execution in Tehran led police to fire tear gas into the crowd. The protests reflect concern expressed by President Mohammad Khatami and other reformers that public hangings damage Iran's reputation abroad.

There have been 120 recorded executions in Iran this year to the end of September though the true figures may be much higher. More than 80 people are under sentence of death some for offences with non-lethal consequences such as economic sabotage.

NEWS IN BRIEF

Afghanistan - Four men were publicly hanged from steel cranes near the presidential palace in Kabul, the country's capital, on 8 August. They were convicted of setting off bombs in the city in November 2000.

Azerbaijan - On 15 May President Heydar Aliev signed a law forbidding Azerbaijan from extraditing alleged offenders in cases where the crime forming the basis of the extradition request is punishable by the death penalty in the requesting country.

The death penalty was abolished in Azerbaijan in February 1998 following a five year moratorium. The last known execution took place in 1993. Azerbaijan has signed Protocol No. 6 to the European Convention on Human Rights and is a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Ireland - A bi-lingual conference on International Law and the Abolition of the Death Penalty was held in Galway on 21-22 September. It was organised by the Irish Centre for Human Rights at the National University of Ireland and the Centre de Recherche sur les Droits de l'Homme, Université Panthéon-Assas Paris II. Topics covered in four sessions were International Norms; the Big Cases (LaGrand and the International Court of Justice, Ocalan and the European Court of Human Rights and Burns and the Supreme Court of Canada); the Diplomatic Front and other International Initiatives; and Moves towards Universal Abolition. Robert Badinter, a member of the French Senate, made the

concluding speech.

Turkey - The Turkish parliament passed a constitutional amendment on 3 October which states that "the death penalty cannot be imposed except in times of war, imminent threat of war and for terrorism".

Seventy-two of the 117 prisoners whose death sentences have been upheld by the Appeal Court, and who can be executed as soon as parliament approves, have been sentenced under Anti-Terror legislation. The last execution took place in 1984.

USA - Federal - In a speech to the Minnesota Women Lawyers group on 2 July, the 25th anniversary of the Supreme Court decision that allowed executions to resume (*Gregg v Georgia* 1976), US Supreme Court Justice Sandra Day O'Connor said: "After 20 years on the high court, I have to acknowledge that serious questions are being raised about whether the death penalty is being fairly administered in this country." She noted the number of condemned inmates who had been exonerated in recent years, saying: "If statistics are any indication, the system may well be allowing some innocent defendants to be executed." Noting that the state of Minnesota is abolitionist, Justice O'Connor told the audience: "You must breathe a big sigh of relief every day."

Twelve death row or former death row prisoners have been exonerated in the years 2000 and 2001, bringing the total number of such cases in the USA since 1973 to 98.

USA - At the request of the state of **North Carolina** the US Supreme Court on 25 September dismissed as moot the case of Ernest McCarver, who had been sentenced to death in 1987 for murder. The Supreme Court was due to consider the question, raised in Ernest McCarver's appeal, whether the execution of people with mental retardation violates the US Constitution. After the Supreme Court agreed to review this case, North Carolina passed a law prohibiting sentencing people with mental retardation to death. The new law applies retroactively but existing death sentences are not automatically commuted.

The Supreme Court will now consider the case of Daryl Atkins who was sentenced to death in **Virginia** for murder in 1996. Daryl Atkins reportedly has an IQ of 57 and his lawyers have appealed his sentence on the grounds of mental retardation.

Eighteen US states, as well as the federal government, now have legislation prohibiting the use of the death penalty on defendants with mental retardation. Six states: North Carolina, Florida, Connecticut, South Dakota, Missouri and Arizona, have introduced such legislation this year alone. In Texas, which accounts for a third of US executions since 1977, a bill passed by the state legislature prohibiting the execution of prisoners with mental retardation was vetoed by Governor Rick Perry.

USA - Oklahoma On 10 September the Oklahoma Court of Criminal Appeals granted an indefinite stay of execution to Gerardo Valdez Maltos, a Mexican citizen who was sentenced to death in 1990 for murder. Defence attorneys had filed a petition with the court arguing that the recent binding judgement of the International Court of Justice on consular rights violations (see **DP News** June 2001) must be applied by US courts and warrants a new trial for Gerardo Valdez Maltos.

On 6 June the Oklahoma Pardon and Parole Board had recommended that Gerardo Valdez Maltos' death sentence be commuted after hearing new mitigating evidence discovered with Mexican consular assistance. However, Governor Keating rejected the parole board's recommendation for clemency on 20 July on the grounds that although there had been a violation of the Vienna Convention on Consular Relations it had resulted only in "harmless errors".

USA - Texas - Napoleon Beazley was granted an emergency stay of execution on 15 August by the Texas Court of Criminal Appeals only four hours before he was due to be executed. Napoleon Beazley was convicted in 1995 for a murder committed when he was 17 years old. He is the third child offender to come hours from execution in the USA in the past year.

Another child offender, Gerald Mitchell, is currently scheduled to be executed in Texas on 22 October for a murder committed in 1985 when he was 17 years old.

The USA has carried out eight of the 12 known executions of child offenders worldwide since 1997.