

# AMNESTY INTERNATIONAL

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## Death Penalty: Cases and developments 2003

Thousands of men and women are on death rows around the world, waiting to be executed by the state. Amnesty International's members are constantly writing to governments raising their concerns, calling for the prisoners' death sentences to be commuted. Here follows a few of these cases.

### Iran

Amnesty International has recently learned that Afsaneh Nouroozi is at imminent risk of execution after the death sentence against her was upheld by the Supreme Court. The Supreme Leader of Iran, Ayatollah Sayed Ali Khamenei, is the only authority able to grant clemency at this stage. Afsaneh Nouroozi was reportedly arrested in 1997 after killing the Head of Police Intelligence in Kish, Southern Iran. She allegedly acted in self-defence in order to protect herself from being raped. Afsaneh Nouroozi is being held in Bandar Abbas prison in southern Iran, which is notorious for its poor conditions.

Amnesty International has recorded 83 executions so far this year in Iran, although the true figure may be much higher.

### Japan

Hakamada Iwao, aged 67, has been in prison for nearly 37 years and under sentence of death for over 34 years. He is detained in Tokyo Detention Centre. He is said to be in poor mental and physical health as a result of his long imprisonment. Hakamada Iwao was accused of the murder on 30 June 1966 of the managing director of Kogane Miso plant at Yokosuna, Shimizu City and his (the managing director's) wife and two children. He was again arrested in August 1966; he was reportedly interrogated for periods lasting on average some 12 hours a day, with one period alleged to have lasted over 16 hours, for a period of 23 days. Hakamada Iwao has consistently claimed that he was forced to confess to the charges of which he was convicted.

At least 118 people are under sentence of death in Japan, some 50 of whom have had their sentences finalized and can be executed at any time. Prisoners are told less than two hours before execution that they are going to be killed; families and lawyers are never informed of the decision. Most condemned prisoners are held on death row for many years, and endure considerable mental distress.

### Nigeria

Ahmadu Ibrahim and Fatima Usman were originally convicted for extra-marital relationship by a Sharia court in Niger State and sentenced, in absentia, to death by stoning in May 2002. They did not have legal representation during their first trial. They now have a defence lawyer working on their case. The lawyer is supported by Baobab for women's human rights, a Nigerian NGO. Their appeal is now pending.

Last year five people were sentenced to death under new Sharia penal legislation. One of them was Amina Lawal whose sentence to death by stoning was overturned by a Sharia Court of Appeal in Katsina State on 25 September this year. Since 1999 new Sharia penal legislation have been introduced in 12 northern states in Nigeria. These new laws provide for mandatory death sentences for consensual sexual relations outside marriage and murder cases.

### **Saudi Arabia**

Saudi Arabian national, Mas'ud bin Ali bin Muhammad bin Gimeshan al-Gahtani may be executed at any time. He was arrested in 1991 in connection with the murder of Musfir bin Ogaym al-Dawsari. He faced an unfair trial and was only informed of his conviction for murder after eight years in prison.

Saudi Arabia applies the death penalty for a wide range of offences which, in addition to violent crimes, include some with no lethal consequences, such as sorcery, certain sexual offences, drug-related offences and apostasy (converting from Islam to another religion). Sentencing occurs after trials which fall short of internationally agreed standards - trials are held behind closed doors and defendants do not have the right to formal representation by a lawyer. At least 40 people have been executed since the beginning of 2003.

### **USA**

John Clayton Smith is scheduled to be executed in Missouri on 29 October 2003. He was sentenced to death in 1999 for the murder of his former girlfriend Brandie Kearnes and her stepfather, Wayne Hoewing, in 1997. John Smith has chosen to drop any further appeals against his conviction and death sentence. He has been diagnosed with mental illness, specifically bipolar disorder with psychotic features, and is on medication in prison. On death row in August 1999 he was treated for an apparent suicide attempt and placed on suicide watch.

The USA is approaching its 900th execution since resuming judicial killing in 1977. More than 700 men and women have been executed since 1990, and almost 60 already this year. Those executed since 1977 include child offenders, the mentally impaired, the inadequately represented, people whose guilt remained in doubt, and foreign nationals denied their consular rights after arrest. The US death penalty remains arbitrary, discriminatory and error-prone. More than 100 people have been released from death rows since 1977 after evidence of their innocence emerged. Eighty per cent of those executed since 1977 were put to death for killing whites, even though whites and blacks are the victims of murder in the USA in approximately equal numbers.

### **Uzbekistan**

Amnesty International received information in May that Abror Isaev and Nodirbek Karimov had been sentenced to death for murder. Amnesty International fear that they may face imminent execution. Amnesty International received reports that Abror Isaev was ill-treated in the death chambers of Tashkent prison. Following this he reportedly tried to commit suicide. There were strong indications that Abror became mentally disturbed while on death row; the authorities have reportedly ignored these signs, in violation of international standards and domestic law.

Scores of people are executed every year after unfair trials in Uzbekistan. Many of them were tortured. 'Confessions' extracted under torture are routinely used as evidence in trials. Amnesty International have no exact figures about death sentences and the number of executions in Uzbekistan since there are no

official figures. In all cases that came to Amnesty International's attention, prisoners were executed in secret. Their families were often only informed months later; they were not informed about the place of the execution and were not told where their relative was buried. Therefore they do not even have a location over which to grieve. Many search for years in the hope of finding the grave.

## **Yemen**

Spanish national, Nabil al-Mankali, is at risk of imminent execution. According to press reports, President Ali Abdullah Saleh ratified the death penalty against Nabil al-Mankali on 11 September. Nabil al-Mankali was convicted on charges of planning acts of sabotage and assassination, in connection with a bombing incident in Aden in July 1997. Nabil al-Mankali and 27 others were reportedly tortured in order to force them to confess to the charges. The "confessions" were then admitted as evidence in court and the 27 co-accused given prison sentences.

Amnesty International has long-standing concerns about the use of the death penalty in Yemen, particularly as death sentences are often passed after proceedings which fall short of international standards for fair trial.

## **Developments during 2003**

### **Tajikistan - scope of death penalty reduced**

The Tajikistan parliament approved in July draft amendments to the criminal code, proposed by President Imomali Rahmonov. Among the amendments were the abolition of the death penalty for women, for boys aged under 18 at the time of the crime and for men over 60, and a reduction of the articles in the criminal code carrying a possible death sentence from 10 to five. The present amendments will enter into legal force once they have been signed by President Rahmonov.

### **Europe closer to a death penalty-free zone**

On 1 July, Protocol No. 13 to the European Convention on Human Rights and Fundamental Freedoms (European Convention on Human Rights, ECHR), which bans the death penalty in all circumstances, entered into force. Protocol No. 13 closes the gap under Protocol No. 6 to the ECHR, which prohibits the death penalty except for acts committed in times of war or imminent threat of war in those countries that have agreed to be bound to it. Only four Council of Europe member states have neither signed nor ratified Protocol No. 13: Armenia, Azerbaijan, the Russian Federation and Turkey. To date, Protocol 13 has been ratified by 18 countries and signed by 23.

## **Second Optional Protocol to the International Covenant on Civil and Political Rights**

Paraguay ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights on 18 August 2003 and Timor-Leste ratified it on 18 September 2003 bringing the total number of ratifications to 51. San Marino signed the Second Optional Protocol on 26 September 2003 bringing the total number of signatories to 8.

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