



ADPAN NEWSLETTER NO. 4, 2012 **September- November**

This is the fourth edition this year of the ADPAN Newsletter covering September-November 2012. It provides links to significant death penalty news stories from across the Asia Pacific region, and notes any public actions undertaken by ADPAN.

The Anti-Death Penalty Asia Network (ADPAN) is an independent, impartial network of individuals, NGOs, lawyers, human rights defenders and activists from 26 countries that are committed to working for an end to the death penalty in their own countries and across the Asia Pacific region.

Please distribute the ADPAN Newsletter widely, pass on to your networks, place online and use in any campaigning work against the death penalty.

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GOOD NEWS

INDONESIA

Supreme Court Judges annul death sentence in drug case

On 2 October, Indonesia's Supreme Court revoked the death sentence against Hengky Gunawan, who had been sentenced to death in 2006 for drug offences, reducing the sentence to 15 years. The ruling made in April 2012 has only recently been made public. The three judges ruled that the death sentence in Hengky's case was against the Constitution which enshrines the right to life as laid out in the Universal Declaration of Human Rights, arguing that the purpose of sentencing was to educate and rehabilitate. The *National Commission on Human Rights* hailed this decision as a positive step towards gradually abolishing the death penalty but the *National Narcotics Agency* stated that it may hamper the country's fight against drugs.

06/10/2012 *The Jakarta Globe*

<http://www.thejakartaglobe.com/news/supreme-court-judges-annul-death-sentence-in-drugs-case/5477877>

<http://www.thejakartaglobe.com/news/narcotics-agency-bnn-pans-death-penalty-reprieve/5485288>

<http://www.thejakartaglobe.com/news/mui-pans-supreme-court-judges-over-lightened-drug-verdict/5509833>

SBY Commutes death sentence of Indonesian drug convict

On 12 October, a spokesperson for President Susilo Bambang Yudhoyono announced that the President had granted clemency to Deni Setia Maharwa, who had been sentenced to death for his involvement in an international drug syndicate. The spokesperson stated that the clemency had been granted on humanitarian grounds, adding that "the death penalty for anyone is for God to decide" and the consideration of Indonesians on death rows overseas where the government had appealed for clemency. Earlier the Supreme Court had recommended that the request for clemency be rejected. The *National Anti-Narcotics Movement* denounced the decision and accused the President of being inconsistent in his commitment to fight narcotics.

On 16 October, Foreign Minister Marty Natalegawa said that many countries are imposing lengthy prison terms rather than death sentences for serious cases and that the Indonesian government is also moving in this direction, noting his own ministry's ongoing campaign to have the sentences of Indonesians on death row in other countries commuted on humanitarian grounds.

12/10/2012 *The Jakarta Globe, The Jakarta Post*

<http://www.thejakartaglobe.com/home/sby-commutes-death-sentence-of-indonesian-drug-convict/5498199>

<http://www.thejakartapost.com/news/2012/10/13/drug-dealer-clemency-a-setback.html>

<http://www.thejakartaglobe.com/lawandorder/indonesia-not-alone-in-death-penalty-reticence-ministers/550602>

New developments in Indonesia's death penalty debate

Following the President's clemency decision of 4 death row inmates, and the Supreme Court decision to revoke the death sentence of Hengky Gunawan, Foreign Minister Marty Natalegawa recently stated "based on the facts, there has been a sharp increase in the number of international governments adopting a policy of abolishing the death penalty because it is not consistent with human rights. Indonesia itself is already headed in that direction"

19/10/2012 *The Interpreter*

<http://www.lowyinterpreter.org/post/2012/10/19/New-developments-in-Indonesias-death-penalty-debate.aspx>

MALAYSIA

Death penalty may be scrapped for drug offences

Malaysian Minister Nazri Aziz announced that the Government and the Attorney General's Chambers will be studying the mandatory death sentence for drug offences, replacing it with a 30-year prison term, and allowing judges to make a discretionary decision. He explained that one of the main reasons is that there are close to 250 Malays arrested for drug crimes and sentenced to death abroad. He also stated that he would be discussing a stay on executions with the President pending a decision on the death penalty. His statements were welcomed by civil society, including ADPAN members *Malaysians Against the Death Penalty* and *Lawyers for Liberty*, as well as the Malaysian Bar Council. The Vice Chairman of the Malaysia Crime Prevention Foundation Tan Sri Lee Ham Thye however urged that the government should seek public consultation prior to a decision being made.

21/10/2012 *The Star, New Strait Times*

<http://thestar.com.my/news/story.asp?file=/2012/10/21/nation/12204175&sec=nation>
<http://www.nst.com.my/top-news/defer-execution-of-drug-offenders-1.159853>

In a Newsflash published on its blog on 25 October, **ADPAN** welcomed the news, and called on Malaysian government to support the fourth UN General Assembly Resolution on a moratorium on the use of the death penalty.

25/10/2012 ADPAN

<http://adpan.net/2012/10/25/newsflash-malaysia-malaysias-proposal-to-review-the-mandatory-death-penalty-for-drug-offences-a-positive-first-step-towards-abolition/>

MONGOLIA

Mongolia considers dropping capital punishment

On 12 October, the Legal Policy Advisor to President Elbegdorj said Mongolia respected human rights, condemned the death penalty and called on other countries to reject it. The government is currently taking steps towards abolishing the death penalty in law, as well as in practice. He stated that life in prison was being considered as a replacement for the death penalty.

12/10/2012 News Mongolia

<http://english.news.mn/content/122503.shtml>

MYANMAR

Govt releases 66 prisoners, mostly political detainees

On 19 November, the Myanmar government freed 66 prisoners. Reports state that most were political prisoners, including several who were on death row. The release is said to form part of an amnesty marking US President Barack Obama's visit to the country.

19/11/2012 *Reuters, Irrawaddy*

<http://www.irrawaddy.org/archives/19247>

<http://www.reuters.com/article/2012/11/19/us-myanmar-prisoners-idUSBRE8AI05520121119>

SINGAPORE

Amendments to Penal Code passed in Parliament

On 15 October, amendments to two statutes were introduced in the House, removing mandatory death penalties for some types of homicide and drug offences.

On 14 November the Singapore Parliament approved amendments to the Penal Code, the Misuse of Drugs Act, and the Criminal Procedure Code. Under the revised Penal Code, the mandatory death penalty will no longer be applied to murder cases where the killing was unintentional. Under the Misuse of Drugs Act, the mandatory death penalty for drug offences will be removed in cases where the alleged drug trafficker can show that he/she only played the role of courier, and has either cooperated with the Central Narcotics Bureau in a “substantive way”, or suffers from a mental disability which substantially impairs his or her ability to appreciate the gravity of the illegal act. In addition, amendments to the Criminal Procedure Code have also been passed making the process of appeal automatic in cases where the defendant has been given a death sentence. These appeals will be made to the Court of Appeal. No executions can be carried out until the Court of Appeal has reviewed the case, whether or not the accused has appealed.

A stay of executions was put in place after the review of the mandatory death penalty began in July 2011. All 34 prisoners currently on death row can now apply to be re-sentenced.

16/10/2012 *Today Online, Singapore Law Watch*

<http://www.todayonline.com/singapore/EDC121016-0000045/Govt-tables-changes-to-death-penalty-regimee>

14/11/2012 *Channel News Asia, The Misuse of Drugs (Amendment) Bill*

<http://www.channelnewsasia.com/stories/singaporelocalnews/view/1237180/1/.html>

<http://www.channelnewsasia.com/stories/singaporelocalnews/view/1237192/1/.html>

[http://www.parliament.gov.sg/sites/default/files/Misuse%20of%20Drugs%20\(Amendment\)%20Bill%2027-2012.pdf](http://www.parliament.gov.sg/sites/default/files/Misuse%20of%20Drugs%20(Amendment)%20Bill%2027-2012.pdf)

GLOBAL

WMA Resolution to Reaffirm the WMA's Prohibition of Physician Participation in Capital Punishment.

On 13 October, the *World Medical Association* reaffirmed their position that physicians must not participate in executions. The Association, which is formed by national Physician Associations from across the globe, stated that “it is unethical for physicians to participate in capital punishment... including its planning...” and that physicians will not facilitate the importation or prescription of drugs for execution.

13/10/2012 *World Medical Association*

<http://www.wma.net/en/30publications/10policies/c23/index.html>

MADAGASCAR

Madagascar scraps capital punishment

On 24 September, Madagascar President Adry Rajoelina signed the Second Optional Protocol of the International Convention on Civil and Political Rights, aiming at the abolition of the death penalty. The country is abolitionist in practice, having not executed anyone since 1953, and has voted in favour of the last two UN General Assembly Resolutions on a Moratorium on the use of the death penalty.

26/09/2012 *Africa Review, International Commission against the death penalty*

<http://www.africareview.com/News/Madagascar+scraps+capital+punishment/-/979180/1518122/-/484ij2z/-/index.html>

<http://www.icomdp.org/2012/09/the-republic-of-madagascar-signs-the-second-optional-protocol-to-the-international-covenant-on-civil-and-political-rights-aiming-at-the-abolition-of-the-death-penalty/>

REGIONAL NEWS IN THE ASIA PACIFIC

AFGHANISTAN

Afghanistan executes eight prisoners

In an unexpected move, on 19 November, President Karzai reportedly signed 16 execution orders. On 20 November, in one single day, eight prisoners convicted of “crimes against the people” were executed at Pul-e-Charki prison in Kabul and more were reported to follow. There have been only 2 executions in the country since 2008, and President Karzai had expressed his reluctance to sign execution orders. These executions caused several human rights organisations, including **ADPAN**, *Amnesty International* and *Human Rights Watch* to call for an immediate moratorium on further executions and raised questions around unfair trials.

20/11/2012 *Ahram, Reuters*

<http://english.ahram.org.eg/NewsContent/2/9/58699/World/International/Afghanistan-executes-eight-prisoners-officials.aspx>

<http://uk.reuters.com/article/2012/11/21/uk-afghanistan-executions-idUKBRE8AK1HT20121121>

In a Newsflash published on the ADPAN blog on 21 November, **ADPAN** condemned the executions and urged the government to halt all executions, to place a moratorium on all executions, and to commute all death sentences.

20/11/2012 *ADPAN*

<http://adpan.net/2012/11/21/newsflash-afghanistan-8-executions/>

Six ‘terrorists’ hanged in mass Afghan executions

On 21 November, a further six prisoners were executed in Afghanistan, bringing the total number of executions this year to 14. The six were accused of acts of ‘terrorism’. A spokesperson for the Taliban held that the prisoners had been prisoners of war, and that therefore their executions had been against human rights.

21/11/2012 *Dawn, New York Times*

<http://dawn.com/2012/11/22/six-terrorists-hanged-in-mass-afghan-executions/>

http://www.nytimes.com/2012/11/22/world/asia/afghan-suicide-bomber-kills-3-near-us-embassy.html?_r=0

CHINA

US lawmakers question China organ transplants involving executed inmates.

On 12 September, at a USA congressional hearing, lawmakers called on China to stop using organs from executed inmates. Experts fear that death row inmates are being deliberately targeted and executed in order to harvest their organs for transplants. China has strongly denied this noting that it requires written consent from prisoners if their organs are to be used. In 2009 it was claimed that 65% of China’s organ donations came from executed criminals.

13/09/2012 *Channel News Asia, Jurist*

http://channelnewsasia.com/stories/afp_asiapacific/view/1225735/1/.html

<http://jurist.org/paperchase/2012/09/us-house-panel-questions-china-organ-transplants-from-executed-inmates.php>

China to stop relying on prisoners organs: Minister

On 21 November Vice Minister of Health Huang Jiefu stated that China is to completely end their reliance on donations from executed prisoners within two years.

22/11/2012 Bangkok Post, Xinhua Net

<http://www.bangkokpost.com/lite/news/322601/china-to-stop-relying-on-prisoner-organs-minister>

http://news.xinhuanet.com/english/china/2012-11/23/c_131994014.htm

Kiwi on death row in China

A New Zealand citizen has submitted a legal challenge to have his death sentence commuted to life imprisonment. In 2010 he was convicted of smuggling heroin and was sentenced to death with a two year reprieve.

23/09/2012 New Zealand Herald

http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10835900

China strictly controls death penalty

On 9 October, a whitepaper released by the Information Office of the State Council entitled, “Judicial reform in China” held that China strictly controls and prudently applies the death penalty. The Criminal law stipulates that the death penalty should only be applied to the most heinous crimes. In 2011 an amendment to the Criminal Law eliminated the death penalty for 13 economic crimes, and held that the death penalty should not be applied when the accused is over 75 years of age at time of trial.

According to human rights organisation *Dui Hua*, China executes around 4000 people every year.

09/10/2012 China Daily, Business Insider

http://chinadaily.com.cn/china/2012-10/09/content_15803680.htm

<http://www.businessinsider.com/china-white-collar-criminals-death-sentence-2012-10>

Criminal rules improve death sentence

On 23 November, the Supreme People’s Procuratorate (SPP) published the updated criminal rule, which specifies stricter control over the prudent application of the death penalty, see www.jcrb.com. According to the new rules if a death sentence is found to be wrong, the SPP must inform the Supreme Peoples Court (SPC) of its opinions. Since 2007 only the Supreme People’s Court has the right to approve death sentences. The new rules saw as many as 240 new articles added.

23/11/2012 China Daily, Sina

http://usa.chinadaily.com.cn/china/2012-11/24/content_15955898.htm

<http://english.sina.com/china/2012/1122/529728.html>

INDIA

26/11 terrorist Ajmal Kasab executed in secrecy

On 21 November, Muhamed Ajmal Kasab was executed in a Pune Jail. Kasab, who was first sentenced to death in May 2010, was the last surviving prisoner accused of the 2008 Mumbai terror attacks, and his final mercy plea was rejected by President Mukherjee on 5 November. The execution was the first in India since 2004, and marked an end to an eight-year unofficial moratorium on executions. The death sentence of Kasab has caused strong feelings on both sides of the death penalty debate in India. Most agree that the trial, appeal and final presidential clemency appeal allowed Kasab the right to fair trial. However, the fact that he was executed following an almost decade long stay on executions, and that he was barely 20 years old at the time of his offence, have left many condemning the execution. Further, the execution was only announced to the public once it had already occurred, and according to officials Kasab was immediately buried inside the prison.

Union Home Minister Shinde spelt out the reasons for secrecy over Kasab's hanging. He said the government didn't want any untoward incident and hence it was carried out in a secret manner

21/11/2012 *Express Tribune, India Today*

<http://tribune.com.pk/story/469128/mumbai-attacks-ajmal-kasab-executed-in-india/>
<http://indiatoday.intoday.in/story/ajmal-kasab-hanging-demand-for-abolition-of-death-sentence/1/230517.html>

On 23 November, ADPAN members *Peoples Union for Civil Liberties* (PUCL) called for the abolition of the death penalty.

<http://www.outlookindia.com/article.aspx?283084>

In a Newsflash published on the ADPAN blog on 21 November, **ADPAN** condemned the execution of Ajmal Kasab, a Pakistani national, and urged the Indian government to halt all executions, to place a moratorium on death sentences, and to work toward full abolition of the death penalty. Yug Chaudhry, a lawyer who has been outspoken on Ajmal Kasab's case, said, "Executing Kasab in the name of the Indian people will only feed a base instinct for retribution that will make our society more vengeful and violent. It will not contribute to our safety or well-being in any way".

21/11/2012 ADPAN

<http://adpan.net/2012/11/21/newsflash-india-resumption-of-executions/>

Previous Articles on Muhammed Ajmal Kasab

24/09/2012

<http://timesofindia.indiatimes.com/city/mumbai/Maharashtra-govt-rejects-Kasabs-mercy-plea/articleshow/16562775.cms>
<http://timesofindia.indiatimes.com/india/Maharashtra-governor-rejects-Ajmal-Amir-Kasabs-mercy-petition/articleshow/16602610.cms>

04/10/2012 *Mumbai Mirror*

<http://www.mumbaimirror.com/article/2/2012100420121004020503161a2c1a95e/qasab-deserves-legal-aid-to-draft-mercy-plea.htm>

SC to revisit IPC provision on kidnapping for ransom

Following a stay of execution of two inmates sentenced to death under section 364 A of the Indian Penal Code (IPC), Vikram and Jasir Singh, the Supreme Court has decided to examine the provision to ensure that it is being applied as Parliament intended. Singh and Singhs counsel argued that section 364A of the IPC was only ever meant to apply to situations where kidnapping for ransom was part of a strategy by international terrorists to destabilize the country, and not applicable to individual criminals.

15/10/2012 *Daily Pioneer, Times of India*

<http://dailypioneer.com/nation/101711-sc-to-revisit-ipc-provision-on-kidnapping-for-ransom.html>

http://articles.timesofindia.indiatimes.com/2012-10-14/india/34448066_1_section-364a-ransom-death-penalty

Need to rethink the death penalty, says Shinde

On 25 November, Union Home Minister Sushil Kumar Shinde said that the government had received correspondence from 13 eminent Indian persons, demanding a ban on the death penalty. He also said that they had received several letters from the international community, also stating that India should abolish the death penalty. He stated: "we need to rethink".

26/11/2012 *Indian Express*

<http://www.indianexpress.com/news/need-to-rethink-death-penalty-says-shinde/1036306/>

JAPAN

2 death row inmates hanged in Japan, making 7 in last six months

On 27 September, the Justice Ministry announced that Sachiko Eto, 65, and Yukinori Matsuda, 39, had been executed. Eto was the fourth woman to be executed in Japan since 1950. These executions bring the number of executions in Japan this year to seven; Japan did not carry out any executions in 2011.

27/09/2012 *Japan Daily Press, Japan Times*

<http://japandailynews.com/2-death-row-inmates-hanged-in-japan-making-7-in-last-six-months-2713522>

<http://www.amnesty.org/en/news/two-executed-japan-amid-fears-new-wave-hangings-2012-09-27>

In a Newsflash published on the ADPAN blog on 27 September, **ADPAN** condemned these two executions, noting that this was a further setback following five executions earlier this year. ADPAN also urged the government to place a moratorium on all executions, and to commute all death sentences.

<http://adpan.net/2012/09/27/adpan-newsflash-japan-2/>

SOUTH KOREA

Crimes rekindle debate over capital punishment

The presidential candidate for the New Frontier Party in South Korea recently stated that she was "someone who called for it (the death penalty) in the past too" and that "capital punishment should be maintained because it tells criminals that they too can die if they harm others". A recent rise in crime against women and children in South Korea has led to an increased debate over whether the country should enforce the death penalty. South Korea has not executed anyone since 1997 and are considered abolitionist in practice.

05/10/2012 *Asia One, Hani*

<http://news.asiaone.com/News/AsiaOne%2BNews/Asia/Story/A1Story20120905-369624.html>

http://english.hani.co.kr/arti/english_edition/e_national/550278.html

NORTH KOREA

N.Korean vice Defence Chief executed by firing squad

On 23 October intelligence data submitted to lawmaker Yoon Sang-hyun at the National Assembly's Foreign Affairs, Trade and Unification Committee, revealed that North Korea's vice minister of the People's Armed Forces was among 14 senior officials and leaders who were executed earlier this year for drinking alcohol or being involved in sex scandals during the mourning period for former leader Kim Jong-il. Yoon stated: "it seems that the purges will continue for the time being, as Kim Jong-un is tightening his grip on power".

24/10/2012 Cho Su, UPI

http://english.chosun.com/site/data/html_dir/2012/10/24/2012102400755.html

http://www.upi.com/Top_News/World-News/2012/10/24/North-Korea-executes-top-defense-chief/UPI-15571351088546/

MALAYSIA

930 prisoners on death row yet to serve sentence

On 10 October, the Home Ministry announced that there were 930 death row prisoners in Malaysia. 725 of these have appealed to courts, and 205 have submitted their appeals to the Pardons Board. Over half have been convicted of drug related offences.

10/10/2012 The Malaysian Bar, New Straits Times

http://www.malaysianbar.org.my/legal/general_news/930_prisoners_on_death_row_yet_to_serve_sentence.html

<http://www.nst.com.my/latest/930-on-death-row-as-of-aug-31-says-abu-seman-1.155069>

MALAYSIA / INDONESIA

Two migrant workers face death penalty in Malaysia

On 8 October, Kompas.com reported that two Indonesian men, Haryanto Azlan and Effendi, both on death row in Malaysia, are in the process of filing their appeals at the Kuala Lumpur High Court. Anis Hidayah, executive director of *Migrant Care*, stated that there were more than 6000 Indonesian migrant workers currently detained in Malaysia, 300 of which may be facing the death penalty.

08/10/2012 The Jakarta Post

<http://www.thejakartapost.com/news/2012/10/08/two-migrant-workers-face-death-penalty-malaysia.html>

MALAYSIA / BULGARIA

Bulgarian diplomats asks leniency in Malaysian death verdicts

On 30 October, two Bulgarian citizens, Ivan Kostov and Georgi Bakalov were sentenced to death on drug charges. The Special Envoy for Bulgaria in Malaysia has asked for leniency in the case, stating "we simply do not accept the death penalty as a measure and sanction".

04/10/2012 Novinite, Focus Fen

http://www.novinite.com/view_news.php?id=144775

<http://www.focus-fen.net/?id=n291736>

MALDIVES

Waheed Government submits bill to facilitate death penalty

The Government has announced its intention to introduce a bill to guide and govern the implementation of the death penalty. Although the Maldives have not executed a death row prisoner since 1953, between 2001 and 2010 14 people were sentenced to death, and an increase in violent murders have sparked a debate regarding the President's right to commute death sentences to life imprisonment.

10/10/2012 *Minivan News*

<http://minivannews.com/politics/waheed-government-submits-bill-to-facilitate-death-penalty-45194>

MONGOLIA

Former company president sentenced to death

On 16 October, it was reported that Song Wendai, a former President of a gold and silver company, has been sentenced to death for alleged corruption and embezzlement of public funds. The Intermediate People's Court in Bayan Nur City held that the crimes committed were serious and as Wendai refused to admit the crimes, he was sentenced to death.

16/10/2012 *China Daily, South China Morning Post*

http://usa.chinadaily.com.cn/china/2012-10/16/content_15822635.htm

<http://www.scmp.com/news/china/article/1062730/corrupt-boss-mainland-precious-metals-firm-sentenced-death>

PAKISTAN

Jailed abroad: around 1800 Pakistanis doing time in Saudi jails

On 5 September, Foreign Minister Hina Rabbani Khar said in a written statement that there are 1,831 Pakistani prisoners in Saudi Arabian jails. Around 40% of these are accused of drug trafficking, a serious offence in Saudi Arabia punishable by death.

06/09/2012 *Tribune*

<http://tribune.com.pk/story/432224/jailed-abroad-around-1800-pakistanis-doing-time-in-saudi-jails/>

Sarabjit Singh accuses jail authorities of 'severe torture'

Indian national Sarabjit Singh, currently on death row in Pakistan, has accused the prison authorities of Kot Lakhpat jail of "conspiring to drive him insane". He has also stated that they are refusing him access to his lawyer.

25/09/2012 *Tribune*

<http://tribune.com.pk/story/441985/death-row-convict-sarabjit-singh-accuses-jail-authorities-of-severe-torture>

Pakistan executes convicted criminal, but death penalty rarely carried out.

On 15 November, Mohammad Hussain, who was sentenced to death by a military court in 2008, was executed. The execution was the first in the country in the last four years, ending an unofficial moratorium. The action has been condemned by governments and civil society, including **ADPAN**, *Amnesty International*, and the *Human Rights Commission of Pakistan*.

15/11/2012 *Amnesty International, The Tribune*

<http://www.amnesty.org/en/news/pakistan-execution-condemned-amid-moves-abolish-death-penalty-2012-11-15>

<http://tribune.com.pk/story/467097/capital-punishment-eu-ici-condemn-execution-in-pakistan/>

PHILIPPINES / SAUDI ARABIA

Doomed Filipino gets 4-month reprieve in Saudi.

On 14 November, Vice President Jejomar Binay announced that Filipino migrant worker Joselito Zapanta's death sentence has been stayed by four months, in order to give his family time to raise the requested "blood money". Zapanta was originally scheduled to be executed on 14 November. Binay appealed for private donations in order to raise the funds, and also commended the work of the Philippine Embassy in Saudi Arabia, which has been working for a stay of execution. At least 27 other overseas Filipino workers were reportedly currently on death row in the Middle East.

15/11/2012 PhilStar, Inquirer

<http://www.philstar.com/headlines/2012/11/15/866805/binay-execution-ofw-deferred>

<http://globalnation.inquirer.net/56226/saudi-defers-execution-of-filipino-binay>

SRI LANKA

President will decide fate of death row prisoners

On 11 October it was announced that the Ministry of Justice has prepared a report on all death row prisoners in Sri Lanka. Based on this report the President will decide on implementing the death penalty or pardoning the convicts. The report was based on information provided by the Ministry of Prison Reforms and Rehabilitation. The government reinstated the death penalty for murder, rape and drug trafficking in 2004 following a high profile murder of a judge. Sri Lanka has not executed anyone since 1973.

11/10/2012 Colombo Page

http://www.colombopage.com/archive_12A/Oct11_1349970649KA.php

VIETNAM

VN upholds death penalty for Thai

On 6 October, the Saigon Daily reported that Thai student Preeyanooch Phuttaraksa, sentenced to death in June 2011 for drugs offences by the People's Court in Ho Chi Minh City had had her death sentence upheld by the Supreme People's court.

Thai Foreign Ministry reports that around 100 Thai women are detained for drug trafficking in several countries where the crime could lead to a death sentence, including China and the United Arab Emirates.

04/10/2012 Saigon Daily, Bangkok Post

<http://www.saigon-gpdaily.com.vn/Law/2012/10/102943>

<http://www.bangkokpost.com/lite/breakingnews/315768/vietnam-upholds-death-penalty-for-thai>

EU won't export drugs used for executions

On 26 October, the National Assembly discussed the issue of delayed executions. In July 2011 Vietnam amended the Law on Criminal Verdict Executions, changing its method of execution from firing squad to lethal injections. Vietnam's health minister has stated that the EU, who is the main producer of the drugs needed for lethal injections, is refusing to export them. This has led to no executions being carried out since the country reverted to lethal injection in 2011.

29/10/2012 Tuoitre News, Vietnam Net

<http://tuoitrenews.vn/cmmlink/tuoitrenews/society/lethal-injection-switch-stalls-over-lack-of-drugs-1.90277>

<http://english.vietnamnet.vn/fms/government/51726/national-assembly-considers-execution-by-shooting.html>

GLOBAL NEWS

UN

Executions increasingly viewed as torture: UN Investigator

On October 23, the *United Nations (UN) Special Rapporteur on Torture* Juan Mendez told the UN Human Rights Committee that there is a need to reconsider the death penalty not only as contradictory to the right to life, but also as potentially contradictory to the right not to be tortured, a right which is considered absolute and which cannot be derogated from. Mr Mendez noted that not only could several forms of execution be considered torture, as there is no such thing as a pain-free execution, but also what he called the “death row phenomenon”, such as uncertainty and anxiety caused by the imminent threat of execution, extended solitary confinement, poor prison conditions and lack of recreational or educational possibilities.

23/10/2012 *United Nations, Chicago Tribune*

<http://www.un.org/News/Press/docs/2012/gashc4046.doc.htm>

<http://www.chicagotribune.com/news/sns-rt-us-executions-unbre89mlbb-20121023.0.3706815.story>

UN

Call for a moratorium on the use of the death penalty gathers strength

On 19 November the UN General Assembly’s Third Committee voted on a draft fourth resolution calling for a moratorium on the use of the death penalty. This will now be tabled at the 67th UN General Assembly’s plenary session in December [exact date not known]. This resolution will be the fourth such UN resolution since 2007.

The draft resolution was adopted by 110 votes in favour, 36 abstentions and 39 opposed the resolution.

21/11/2012 *United Nations*

<http://www.un.org/ga/61/news/news.asp?NewsID=43568>

USA – CALIFORNIA

Californian death penalty fight goes on, despite vote.

On 6 November, voters in California rejected Proposition 34, which would have repealed the death penalty, replacing it with life without parole. Although an unofficial moratorium on the death penalty has been in place since early 2006, California has 724 prisoners on death row, the highest number in any American state. However, the vote, which was decided by the small margin of 53-47%, saw support for the death penalty fall significantly since the last vote in 1978, which saw 71% of voters in favour of the death penalty.

08/11/2012 *The Guardian, In these Times*

<http://www.guardian.co.uk/world/2012/nov/08/california-death-penalty-fight-vote>

http://inthesetimes.com/uprising/entry/14156/after_failed_death_penalty_repeal_california_could_see_spate_of_executions/