

AI Index: PRE 01/607/2011
06 December 2011

Asia: Stop executions and unfair trials

A hard-line group of Asian countries are defying the global trend against the death penalty and putting to death thousands of people after unfair trials every year, the Anti-Death Penalty Asia Network (ADPAN) said today in a new report.

14 Asian countries, taken together, execute more people than the rest of the world combined.

When Justice Fails, Thousands executed after unfair trials highlights, through the cases of people on death row, the struggle to secure a fair trial in eight of these countries.

"Only a small number of countries in Asia are still using the death penalty but their actions cast a shadow over the entire region, with high numbers of people being sentenced after unfair trials, causing innocent people to be executed," said Louise Vischer, Coordinator of the Anti-Death Penalty Asia Network (ADPAN).

The report calls for action for eight people facing execution in China, India, Indonesia, Japan, Malaysia, Singapore, Taiwan and Pakistan. In each case a death sentence was delivered after an unfair trial, and in six of the cases conviction relied on confession extracted through torture.

"The flawed justice systems in many of these countries creates a situation where people are executed after blatantly unfair trials where they have had little or no access to legal advice and may even have been convicted after being tortured into confessing," said Catherine Baber, Amnesty International's Deputy Director for Asia-Pacific.

Over half of Asian countries have abolished the death penalty or have not carried out executions in the last 10 years.

Taiwan restarted executions in 2010 after a four-year break, despite declaring a policy of gradual abolition in 2000. Thailand resumed executions in 2009, despite committing to abolishing the death penalty in its human rights action plan.

In January 2011, Taiwan's Ministry of Justice admitted that Chiang Kuo-ching, a private in the Air Force, had been executed in error in 1997 for a murder he did not commit. The authorities acknowledged that a statement "confessing" to the crime had been made as a result of torture.

"Only abolition of the death penalty can guarantee that no innocent person is executed. Government apologies for execution 'in error' can never be enough," said Hsinyi Lin, Executive Director the Taiwan Alliance to End the Death Penalty (TAEDP).

Chiou Ho-shun is Taiwan's longest detained criminal defendant in its longest running criminal case.

Sentenced to death for murder in 1989, he has been detained for more than 23 years. His case was described by lawyers as “a stain on our country’s legal (history)”.

Chiou’s case has been re-tried 11 times. He claims he was tortured into making a false confession.

Taiwan’s High Court recognized that violence was used against Chiou but excluded from evidence sections of his interrogation tapes where the abuse could be heard.

He lost his final appeal to the Supreme Court in August 2011 and could be executed at any time.

Forced confessions are regularly relied upon as evidence during trials in Afghanistan, China, Japan, India and Indonesia despite laws against the practice.

In India, Devender Pal Singh, currently on death row, claimed to the Supreme Court that his interrogators threatened to kill him and “manhandled” him to “sign several blank papers”.

“That a person can be sentenced to death when there is virtually no evidence against them beyond a ‘confession’ is the ultimate indictment of a society’s justice system,” said Maiko Tagusari, Secretary-General of the Center for Prisoners’ Rights Japan.

Prisoners facing the death penalty in Asia often have little or no access to lawyers, either before or during trial.

Japan’s daiyo kangoku system allows the police to detain and interrogate suspects without a lawyer for up to 23 days, on the assumption that a lawyer’s presence would make it hard to ‘persuade the suspect to tell the truth’.

Chinese authorities can make it difficult for lawyers to meet with clients or access case files, and lawyers have been charged for introducing evidence that challenges the prosecution’s case.

Under international law, the death penalty can only be imposed for intentional crimes with lethal consequences, and mandatory death sentences are prohibited. Yet some Asian countries impose the death penalty for non-lethal crimes, including drug trafficking and theft.

Malaysia, Pakistan, Singapore, and North Korea are among Asian countries imposing a mandatory death penalty for possession of a certain amount of drugs.

There are at least 55 capital offences in China, 28 in Pakistan, and 57 in Taiwan.

“All Asian countries must work towards abolition of the death penalty. Only then can they demonstrate their true commitment to fairness and justice,” said Narendra, People’s Union for Civil Liberties (PUCL), India.

Background

The Anti-Death Penalty Asia Network (ADPAN)

Launched in 2006, ADPAN is an independent cross-regional network that campaigns for an end to the death penalty across the Asia-Pacific Region. ADPAN is independent of governments and any political or religious affiliation. Members include lawyers, NGOs, civil society groups, human rights defenders and activists from 23 countries. ADPAN’s work is made all the more urgent by concerns around the injustice of unfair trials across Asia.

Please see www.adpan.net and <http://www.facebook.com/groups/358635539514/>

please find the reports at the following links:

Short campaign report [Lethal Injustice in Asia: End unfair trials, stop executions](#)

Long report [When Justice Fails: Thousands executed in Asia after unfair trials](#) / [Click here for Appeal cases](#)