

@DEATH PENALTY NEWS

APRIL 1991

AMNESTY

INTERNATIONAL

1 Easton Street

File Index: ACT 53/02/91
Distribution: SC/DP/PO/CO/GR

London WC1X 8DJ
United Kingdom

A SUMMARY OF EVENTS ON THE DEATH PENALTY AND MOVES TOWARDS WORLDWIDE ABOLITION

DEATH SENTENCES AND EXECUTIONS IN 1990

AI learned of 2,029 prisoners executed in 26 countries and of 2,005 sentenced to death in 54 countries during 1990. These figures include only cases known to AI. The true figures are certainly higher.

As in previous years, a handful of countries accounted for the majority of executions recorded. AI recorded 757 executions in Iran and 750 executions in China, but the true figures were believed to be higher. A government official reported that 190 executions were carried out in the Union of Soviet Socialist Republics; it was the first year that official statistics from the country were included in AI's totals (see story below). At least 121 people were executed in Nigeria. These four countries alone accounted for 84% of all executions recorded. As in earlier years AI also received reports of hundreds of prisoners executed in Iraq, but in most cases the organization was unable to ascertain whether they had received any form of trial.

The worldwide total was 200 lower than the 2,229 executions recorded in 1989. The 1990 total is the second highest recorded by AI since 1981.

USSR RELEASES DEATH PENALTY STATISTICS

Statistics on the death penalty in the Union of Soviet Socialist Republics have been made public for the first time since 1954. Figures on its use from 1985 to 1989 were announced by the new USSR Minister of Justice, Sergey Lushechikov, at a press conference on 16 January 1991. The figures show that far more death sentences were passed in the USSR during the last few years than had been indicated by the official and unofficial sources monitored by AI.

In 1985, according to the figures, 770 death sentences were imposed and 20 death sentences were commuted. In 1986 there were 526 death sentences and 41 commutations; in 1987, 344 death sentences and 47 commutations; in 1988, 271 death sentences and 72 commutations; and in 1989, 276 death sentences and 23 commutations. The Ministry of Justice said that most death sentences were imposed for premeditated murder and rape.

Later, in March, government officials reported that during 1990, 447 death sentences were passed and 190 executions were carried out. A new criminal code, which has not yet been adopted, was published in draft form two years ago. It would reduce the number of offences punishable by death in peacetime from 18 to six. These are: state treason, espionage, terrorist acts, sabotage, intentional homicide with aggravating circumstances, and rape of a minor. However, on 16 January the Minister of Justice said that the final draft of the Fundamentals of Criminal Legislation retains only four categories of crime punishable by death: treason, acts of terrorism, acts of sabotage, and premeditated murder with aggravating circumstances.

INTERNATIONAL TREATIES

On 27 February Romania ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights. Five countries have now ratified the protocol. The protocol was signed by Iceland on 30 January. (See Death Penalty News, February 1991 for a list of earlier signatures and ratifications.)

The United Nations General Assembly, which adopted the Second Optional Protocol in 1989, has encouraged states to become parties to it. In Resolution 45/135, adopted by consensus on 14 December 1990, the General Assembly urged all states that have not yet done so "to consider acceding to the Optional Protocols to the International Covenant on Civil and Political Rights". During the debate, a number of delegations spoke of their support for the protocol, including Nicaragua, Ecuador, the Philippines, New Zealand, Romania, Australia and Finland.

MOVES TOWARDS ABOLITION

YUGOSLAVIA

The republic of Croatia in Yugoslavia adopted a new constitution on 21 December 1990 which abolishes the death penalty.

Croatia is the second republic in Yugoslavia to outlaw the death penalty - Slovenia did so in September 1989. The death penalty still remains in force under the laws of Yugoslavia's other four republics and the Federal Criminal Code, which deals with crimes against the state and national security. Republican law covers common crimes, such as murder.

POLAND

An official of the Polish Ministry of Justice has stated that the draft of the new Penal Code does not contain the death penalty. The information was given in December 1990 in a letter to a Polish organization in Germany.

The Ministry of Justice wrote that "Work is being carried out at the present time to make complex changes to the criminal law. The special commission for reforming the criminal law, which has been established and attached to the Ministry of Justice, has already prepared a draft of the new Penal Code. The draft does not contain the threat of the death penalty, even for the most grievous crimes. It is proposed that the sentence of life imprisonment should be introduced in place of the death penalty."

There have been no executions in Poland since April 1988. An unofficial moratorium on the use of the death penalty is currently in force.

GREECE

Minister of Justice Athanasios Kanellopoulos announced in January that draft legislation proposing the abolition of the death penalty was to be submitted to the Greek parliament.

COMMUTATION AND STAYS IN USA, JAMAICA

USA

The Governor of Virginia, L Douglas Wilder, has commuted Joe Giarratano's death sentence to life imprisonment with the possibility of parole after 25 years. The governor's decision came on 19 February, just two days before Giarratano's execution was scheduled to be carried out.

Giarratano was convicted of a double murder in 1979.

Since then his lawyers have uncovered serious questions about his guilt and have challenged his mental competency at the time of trial. Since he entered prison, Giarratano has taught himself law and has filed petitions on behalf of several prisoners on death row as well as drafting a landmark lawsuit on prison conditions.

A long running campaign for Joe Giarratano was led by the Virginia Coalition on Jails and Prisons and drew appeals from the European Parliament and celebrities including the pop star Peter Dinklage and actors Jack Lemmon and Roy Scheider. The governor is reported to have received almost 6,000 letters, telephone calls and petitions in support of Giarratano. In commuting the sentence, the governor said that the Attorney General of Virginia had discretion to order a retrial if appropriate.

JAMAICA

On 6 March, one day before their scheduled execution, Jamaican prisoners Earl Pratt and Ivan Morgan were granted stays of execution. An execution date of 7 March had been set despite the United Nations Human Rights Committee finding in April 1989 that their human rights had been violated and their sentences should be commuted. Many appeals were made on the prisoners' behalf, including appeals from: the Acting General Secretary of the World Council of Churches, the Chairman of the British Bar Council and the President of the British Law Society.

Earl Pratt and Ivan Morgan have been on death row for 12 years since being convicted in 1979 for involvement in a murder. This was the third time in four years that warrants for their execution had been issued.

ATTEMPTS TO REINTRODUCE THE DEATH PENALTY

BRAZIL: A vote on a proposal for a constitutional reform to allow for a national plebiscite on the reintroduction of the death penalty is scheduled for the current parliamentary session, which runs from March to June. The proposal, introduced by Congressman Amaral Netto, was approved on 12 December 1990 by a committee of the House of Deputies (the lower house of parliament). If the proposal is passed, a plebiscite will be held within 18 months on the reinstatement of the death penalty for kidnappings, burglaries and rapes, where these crimes result in the victim's death.

PHILIPPINES: The Committee on Constitutional Amendments of the Senate (upper house of the Philippine Congress) is expected in the near future to reopen discussion on bills reintroducing the death penalty for certain crimes, including rape. This proposed discussion has been initiated by a decision of the Supreme Court in the recent case of a father who raped his two daughters in front of his wife. Last year the Philippine Senate decided to postpone for one year any decision on reintroducing the death penalty (see Death Penalty News, March 1990).

ISRAEL: The Knesset, the Israeli parliament, rejected a bill which would have speeded up proceedings in death penalty trials for acts of terrorism. This bill was proposed by Tzahi Hanegbi, a Likud party deputy, who favours the application of the death penalty particularly in light of recent knife-attacks on Jews in Israel. It was defeated on 15 March by 35 votes to 16. Capital punishment for terrorist acts is provided for in other Israeli laws, but prosecutors are instructed not to ask for it.

USSR: INTERVIEW WITH AN EXECUTIONER

An interview with an unnamed executioner published in the summer 1990 issue of the Soviet newspaper Trud gives a rare glimpse of the carrying out of death sentences in the Soviet Union.

His own preparations begin the day before, the executioner said. "I must, as a rule, be at my 'post' 24 hours before the 'event'. Psychologically I begin to prepare in advance. I cast off all personal and family concerns ..."

The execution could be over very quickly, he said: "... they don't bind his eyes or shout 'shoot!'. It all happens suddenly and he falls down dead straight away." Later in the interview, however, he admitted that the process could take longer. "We mustn't shoot into the back of the head. There's no guarantee of instant death and the condemned could still for some time experience the most terrible torture. The shot is aimed at the vital organs. Of course, you need a special knack to whip out your pistol, release the guard, pull the trigger and aim accurately. In such cases, when I've done it, death has been instantaneous. Then the prosecutor and doctor come along. They fill out all the necessary documents. Then, I need to relax for two or three hours, chat to people about something or other, play a little chess. It's not nice to be on your own then."

Reading for pleasure, the executioner said he had come across an electrocution scene in Theodore Dreiser's novel An American Tragedy.

"Didn't it arouse any association in you?" interviewer V Belykh asked.

The executioner replied that he disliked electrocution as a method of execution. "I've had to watch video recordings of it. I think it's even less humane than shooting. There the person doesn't die straight away but gradually. And from the very beginning, when they lead him in, sit him on the chair, wire him up to the electrodes he realises that the execution has begun, that death is near and he experiences spiritual torture even more terrible than the physical one. The same applies to hanging."

When questioned as to whether he ever has doubts about the guilt of the defendant, he replied: "Doubts?"

There is a two-year procedure between the pronouncement of the sentence and its execution. That which has been proved in court is painstakingly examined and checked at every level. Mistakes are in practice out of the question."

The executioner said that there were no special advantages or privileges attached to his job, except that "you get longer holidays and it's easier to get a place in a sanatorium." He added that he "joined to fight evil. And I've never regretted it. If I didn't do it, who would?"

THE DEATH PENALTY IN PRACTICE

IRAN: CHRISTIAN PASTOR EXECUTED

Reverend Hossein Soodmand, a minister of the church of the Assembly of God in Iran, was executed on 3 December 1990 in Mashhad. Aged 55, Reverend Soodmand had converted to Christianity from Islam more than 20 years ago and had been a minister in the church for about two years. He had been arrested four times since September 1990 and on the fourth occasion he was reportedly charged with apostasy (punishable by death under the Islamic Penal Code of Iran), propagating Christianity, distributing Christian literature and setting up an illegal church. It is not known whether he was tried before his execution but his family was apparently not informed of his situation until after the execution.

RWANDA: DEATH SENTENCES IN POLITICAL TRIALS

Seven people were sentenced to death in February after the second in a series of political trials by the Rwandese State Security Court of over 1,500 people arrested last year. The seven had been arrested in connection with a violent attack on northeast Rwanda by Uganda-based Rwandese exiles in October 1990. Public opinion was hostile to the defendants, and the atmosphere during the trial apparently intimidated the defence lawyers. Two defence lawyers withdrew from the case after receiving death threats. Two of the accused said they had signed false statements under duress during pre-trial detention, and the court admitted these statements as evidence. Earlier, in the first of the political trials, another person, who was not represented by a lawyer, was also sentenced to death by the court on 3 January.

CHINA: PIMP SENTENCED TO DEATH

A Beijing pimp was sentenced to death on 4 March, the Beijing Evening News reported. Su Zhifu, aged 57, had enticed women to his Beijing home and other places to work as prostitutes, the newspaper said.

JORDAN: EXECUTIONS FOR ESPIONAGE

The first executions for high treason since the 1960s in Jordan were carried out on 3 February. Lieutenant 'Ali 'Abd al-Hafez, an air force pilot, and Ahmad Muhammad Ahmad, a farmer, were convicted of treason for spying for Israel and were sentenced to death apparently by the Martial Law Court. There is no right of appeal to a higher tribunal against verdicts of the Martial Law Court or other military courts in Jordan.

SOUTH AFRICA: COMMUTATION; EXECUTIONS IN "HOMELAND"

The Supreme Court (Transvaal Provincial Division) on 4 March granted a stay of execution on the eve of the first hanging authorized by South Africa's President F W De Klerk since November 1989. Paul Bezuidenhout had been convicted of a double murder in 1989. The stay of execution was granted to give time to make further representations on the basis of new psychiatric evidence, according to the South African organization Lawyers for Human Rights.

Two prisoners were executed in early February in the nominally independent "homeland" of Venda, despite assurances from the Venda authorities in January that the "homeland" leader Brigadier Gabriel Ramushwana had ordered a review of Venda's death penalty legislation with a view to bringing it into line with South Africa's amended legislation governing the death penalty.

DEATH PENALTY NEWS

A Spanish version of the Death Penalty News is now being produced by AP's Spanish translation unit, EDA. Copies are available direct from EDA, Soria, 9, 4º, 28005 Madrid, Spain, or from AP offices in Latin America and the USA.