INTRODUCTION

The fifth edition of the ADPAN Newsletter, covering the months of November and December, provides links to significant death penalty news stories from across the Asia Pacific region, ranging from individual cases to wider discussion on laws, public opinion and the work of abolitionists. The newsletter includes:

- positive developments
- death penalty news from Afghanistan, Australia, Bangladesh, China, India, Japan, Malaysia, Maldives, Pakistan, Philippines, Singapore, South Korea, Sri Lanka, Taiwan, and Thailand.
- statements issued by ADPAN
- work of ADPAN members (names in bold)

Please distribute this widely, place on your websites, pass on to your networks and use in any campaigning in relation to work against the death penalty.

ADPAN is an independent, impartial network of individuals, NGOs, lawyers and activists who are committed to working against the death penalty in their own countries and across the Asia Pacific region. Further information on ADPAN can be found at the following website: http://asiapacific.amnesty.org/apro/aproweb.nsf/pages/adpan

POSITIVE DEVELOPMENTS

INDIA
Court admits it erred, upholds commutation of death penalty
The Supreme Court has admitted that upholding the death sentence for Ram Deo Chauhan was a mistake and a violation of his human rights. In a review petition, the defendant said he was 16 at the time of the offence so the death penalty could not be applied. This was rejected, but the death sentence was later commuted by the governor.
6/12/10, The Hindu

JAPAN
14 sentenced to death in Japan this year, lowest in 11 years
14 were sentenced to death in Japan in 2010, down 20 from 2009. This reflects a decrease in crimes and a more cautious stance by the courts on handing down the death sentence. It is the first year the figure has fallen since 1999.
31/12/10, Mainichi Daily
http://mdn.mainichi.jp/mdnnews/news/20101231p2g00m0dm002000c.html
PHILIPPINES

Cebu, Talisay back anti-death campaign
The cities of Cebu and Talisay joined the global campaign, “Cities for Life,” which supports the moratorium on executions and abolition of the death penalty. 1,300 cities worldwide support the movement, which was established by Comunita’ di Sant’Egidio.
03/12/10, Sun Star Daily

SOUTH KOREA

Korean Church calls for death penalty abolishment
The Catholic Bishops’ Conference of Korea (CBCK) has urged the government to abolish death penalty laws. A statement from the CBCK subcommittee for the Abolition of Capital Punishment, Amnesty International Korea and the Council for the Abolition of the Death Penalty, said that Korean citizens today believe that the country can maintain peace without such laws. There are 61 death row inmates in South Korea.
31/12/10, UCA News

SRI LANKA

Ministry considers amnesty for Death Row prisoners
The Prison Reforms and Rehabilitation Ministry has decided to examine the possibility of granting amnesty to those sentenced to death or life imprisonment, or transferring them to an open prison. The death penalty has not been implemented in Sri Lanka since 1976.
01/11/10, Daily Mirror – Sri Lanka

THAILAND

Parliament to debate dropping death penalty
The government has declared its intention to abolish the death penalty, as announced in the Second National Human Rights Plan, for 2009 to 2013. The plan promises that Parliament will discuss the abolition of the death penalty and its replacement with life imprisonment. The author believes that public opinion, currently in favour of the death penalty, will change when the reasons for abolition are explained.
10/12/10, Bangkok Post
http://www.bangkokpost.com/opinion/opinion/210582/parliament-to-debate-dropping-death-penalty

UNITED NATIONS

UN votes once again to end executions
The United Nations General Assembly Human Rights Committee adopted a resolution on a moratorium on the use of the death penalty on 11th November 2010. The resolution was adopted by 107 votes in favour, 38 against and 36 abstentions. Bhutan, Kiribati, Maldives, Mongolia and Togo changed their vote to back the moratorium. In a further sign of support, Afghanistan, Comoros, Nigeria, Solomon Islands and Thailand moved from opposition to abstention.
11/11/10, Amnesty International

At the plenary session on 21st December, there were 109 votes in favour, 41 against and 35 abstentions. 136 out of 192 UN member states have abolished the death penalty in law or practice.
23/12/10, Ekklesia
http://www.ekklesia.co.uk/node/13829
DEATH PENALTY NEWS FROM ASIA AND THE PACIFIC

AFGHANISTAN
Afghan facing Islamic court, execution, for Christian faith
Said Musa was detained in May after local broadcasters aired images of Afghan Christians being baptised. Leaving Islam is punishable by death in Afghanistan, and Christians are concerned that Musa may be made an example to show that Sharia remains the law of the land. Musa reports that officials have refused to protect him from abuse from fellow prisoners, and he has not had legal counsel.
21/11/10, BosNewsLife

AUSTRALIA/INDONESIA
Doubt over death penalty, says expert
International human rights law expert, William Schabas, says there is no evidence that the death penalty is a better deterrent than prison, and “in my opinion, drugs crimes do not belong to the category of the most serious crimes.”
6/11/10, Herald Sun

BANGLADESH
Bangladesh renames mutiny-hit BDR as BGB
Following the mutiny in February 2009 where many were killed, Bangladesh has renamed its paramilitary force, Bangladesh Rifles (BDR), to Border Guard Bangladesh (BGB). The new law includes a provision of death penalty for mutiny.
22/12/10, Hindustan Times

CHINA
8 more Tibetans sentenced, with suspended death for one for 2008 protests
Sonam Tsering has been sentenced to death for allegedly leading one of the protests in Lhasa in March 2008. Seven other Tibetans have been imprisoned for allegedly sheltering him. Sonam is the seventh Tibetan to be sentenced to death for involvement in the protests, and his current whereabouts and conditions are unknown.
22/11/10, Tibetan Review
http://www.tibetanreview.net/news.php?&id=7756

10 percent of death sentences overturned
The Supreme People’s Court has overturned on average 10% of death sentences since 2007, when it was given sole power to review and ratify sentences, following criticisms after reports of miscarriages of justice. Hu Yunteng, head of the research department under the Supreme People’s Court, said death sentences were overturned mostly for lack of evidence, procedural flaws or for an inappropriate penalty.
26/11/10, China Daily

INDIA
India votes against resolution on moratorium on death penalty
India voted against the UN resolution for a moratorium on the death penalty. There were 107 votes in favour, 38 against and 36 abstentions.
12/11/10, Economic Times
Kasab raises juvenile plea, urges study on his mental state
Ajmal Kasab, who has been sentenced to death for his participation in the 26/11 terror attacks, has urged the Bombay High Court to refer his case to medical boards to determine whether he was a juvenile, and to study his mental state. The Juvenile Justice Act (JJA) was enacted in India in 2000 to incorporate India's international obligations under the Conventions on the Rights of the Child (CRC) into domestic law. One of the provisions is an absolute ban on passing a death sentence against a juvenile.
13/12/10, The Hindu
http://www.thehindu.com/news/national/article950362.ece

JAPAN
Lay judges let killer of two avoid gallows
Koji Hayashi has been given a life sentence for murder. The lay judge system was introduced in May 2009, and allows a panel of six lay judges and three professional judges to participate in criminal trials. This is the first time there has been a lay judge panel at a trial where the death penalty was sought.
02/11/10, Japan Times
http://search.japantimes.co.jp/cgi-bin/nn20101102a3.html

Yokohama court hands down first death sentence in lay judge trial
The death penalty has been handed down for the first time by a lay judge panel. The judge has recommended that the defendant, Hiroyuki Ikeda, file an appeal. One lay judge said he tried to focus on the sentence as prescribed by law, rather than on the defendant: “looking at the defendant alone in court you would cry and a proper trial couldn’t go ahead.”
16/11/10, Mainichi News
http://mdn.mainichi.jp/mdnnews/news/20101116p2a00m0na015000c.html

Too close to the death penalty
The lay judge system should give ordinary citizens the opportunity to think deeply about the death penalty in a concrete way. Lay judges are prohibited from speaking about their deliberations in court, so are deprived from sharing with other citizens how they felt and what they thought.
20/11/10, Japan Times
http://search.japantimes.co.jp/cgi-bin/ed20101120a2.html

Tokyo rally against death penalty draws over 1,800
More than 1,800 people staged a rally in Tokyo to call for the abolition of the death penalty, to mark the 20th anniversary of the foundation of Forum 90. set up to campaign for the abolition of the death penalty. Speakers included Osamu Kobayashi, head of a Japan Federation of Bar Associations panel seeking to halt executions, Toshikazu Sugaya, who was acquitted in a retrial earlier this year of a high-profile 1990 child murder, and Chinatsu Nakayama, a writer who has campaigned against the death penalty.
20/12/10, Japan Times
http://search.japantimes.co.jp/cgi-bin/nn20101220a5.html

Number of death-row inmates hits record high of 111
There will be 111 death row inmates at the end of 2010, a record high since the end of World War II. In the last year two have been executed and two others have died in custody. 14 defendants have been sentenced to death. All three defendants sentenced in lay judge trials have appealed their sentences.
27/12/10, Mainichi Daily
http://mdn.mainichi.jp/mdnnews/news/20101227p2a00m0na017000c.html
Death should be different
Japan has the death penalty, but does not really have death penalty trials, because no one knows until the penultimate court session which punishment is being sought. This means there is no special procedure for super due process or special right to appeal. The system is particularly ill-suited to the lay judge system, as it gives the lay judges little time to consider what it means to condemn a person to death.
29/12/10, Japan Times
http://search.japantimes.co.jp/cgi-bin/eq20101229a1.html

MALAYSIA
Nazri: Govt welcomes proposals on whether to do away with death penalty
Minister in the Prime Minister’s Department, Nazri Abdul Aziz, welcomes suggestions from those who support the abolition of the death penalty. Proposals for abolition will be given due consideration after a thorough study has been done.
10/11/10, Star – Malaysia

Courts to implement plea bargaining, pre-trial conferences soon
Plea bargaining and pre-trial conferences for criminal case offenders will be implemented at Magistrates, Sessions and the High Court. This will reduce waiting time and backlog of cases, and allow for discussion between the prosecutor and the defence lawyer. It will be applicable for mandatory death sentences.
13/12/10, Malay Mail
http://www.mmail.com.my/content/57615-courts-implement-plea-bargaining-pretrial-conferences-soon

MALDIVES
Islamic professor contemplates Shariah “modernisation”
Shamrahayu A. Aziz, a professor of criminal law and human rights from Malaysia’s International Islamic University, speaking at the Justice Society of the Maldives, said there should be a “modernisation” of Shariah law. Aziz said that it is a misconception to see Shariah solely as a form of justice built around corporal and capital punishment, and Islam itself does not try to encourage violence: “Islam encourages compassion and forgiveness. Islam does not teach Muslims to kill. There are various verses in the Quran which state the clear position on the prohibition of killing.”
15/12/10, Minivan News
http://minivannews.com/society/islamic-professor-contemplates-shariah-%E2%80%9Cmodernisation%E2%80%9D-14345

PAKISTAN
Christian woman sentenced to death in Pakistan “for blasphemy”
Asia Bibi, a Christian, is the first woman to be sentenced to death for defaming the Prophet Mohammed, under Pakistan’s blasphemy law. Human rights groups believe that the law is used to discriminate against religious minorities.
09/11/10, Telegraph UK

Pakistan: Muslim lawyers demand clemency for woman condemned to death by Islamic law
The Human Rights Commission of Pakistan (HRCP) is demanding that the blasphemy laws be abolished. The blasphemy law undermines the Constitution of Pakistan and the teachings of Muhammad. Aslam Khaki, a prominent Muslim lawyer and scholar, favours the repeal of the blasphemy law.
13/11/10, Spero News
http://www.speroforum.com/a/43237/Pakistan-Muslim-lawyers-demand-clemency-for-woman-condemned-to-death-by-Islamic-law
Pope calls for release of Pakistani Christian woman sentenced to death
17/11/10, CNS News
http://www.catholicnews.com/data/stories/cns/1004711.htm

Pakistani minister urges retrial for blasphemy death sentence woman
Pakistani minister for minority affairs, Shahbaz Bhatti, is calling for a reinvestigation and appeal for Asia Bibi. Her supporters say her first trial was not heard properly.
18/11/10, Radio France International

Zardari stays execution of Christian woman
Zardari stayed the execution of Asia Bibi, who was given the death sentence on charges of committing blasphemy. He directed the Federal Minister for Minorities to submit a report within three days. A spokesperson from the National Commission of Justice and Peace (NCJP) said the proceedings took place under intense pressure and the verdict was likely to be overturned in the high court.
20/11/10, Hindustan Times

Comment: a crime worthy of death?
The persecution of Christians under the pretext of blasphemy has intensified in recent years. There is often no evidence against them and they are imprisoned for years before their case is brought to trial. Once freed, their lives are in danger from Islamic extremists. There is no evidence that Asia Bibi committed blasphemy and she has always denied the charge. The Centre for Legal Aid, Assistance and Settlement (CLAAS) has repeatedly called upon the Pakistani government to repeal the blasphemy laws. Not only are they being misused, but they foster an attitude of superiority among the majority-Muslim population. The government has established a committee to review “laws detrimental to religious harmony,” but there has been little apparent progress.
04/12/10, Inspire Magazine

PHILIPPINES
Philippines appeals to Middle East, China for clemency for Filipinos under death sentences
The Department of Foreign Affairs has renewed its appeal for clemency or moratorium in the implementation of death sentences in the Philippines. There are over 100 Filipinos sentenced to death and in prison in China, Saudi Arabia, Malaysia, Taiwan, Kuwait and the United States, mainly for drug-related crimes.
11/12/10, Manila Bulletin

SINGAPORE
Crime and punishment puzzle
Singapore’s use of the death penalty is given as the reason for its low crime rates; the murder rate per 100,000 people was 0.4 in 2006 and 2007. Yet, in Hong Kong, where there is no death penalty, the murder rates were 0.6 and 0.4 for the same years. Japan also has the death penalty but the rates in Tokyo were 1.1 and 1.0.
01/11/10, West Australian
http://au.news.yahoo.com/thewest/opinion/post/-/blog/theburningissue/post/1749/comment/1/

Singapore NGO wants caning and death penalty abolished, new rights for migrant workers
Think Centre, human rights NGO in Singapore, has called for the abolition of caning and the death penalty, and has asked the City State to ratify international human rights conventions.
03/11/10, Asian Tribune
Freedom of speech in Singapore
M. Ravi remains optimistic about Alan Shadrake’s case, arguing that the judge had advanced the cause of freedom of expression in Singapore a bit by making it harder to bring these contempt cases. Shadrake’s book, if published in Singapore, would create an opportunity for public discussion on the death penalty.
04/11/10, The Economist
http://www.economist.com/node/17419873

Alan Shadrake faces Singapore jail term for criticising use of death penalty
Shadrake is convicted of contempt for court but also faces charges of criminal defamation.
07/11/10, The Guardian UK
http://www.guardian.co.uk/world/2010/nov/07/alan-shadrake-singapore-death-penalty

UK author jailed six weeks for book on Singapore hangings
Alan Shadrake has been given a six week prison term and a 20,000 USD fine for publishing a book critical of executions in the city-state.
16/11/10, AFP

SRI LANKA/SAUDI ARABIA
Anglican Bishop seeks to reverse death sentence
An Anglican Bishop has appealed to heads of different Churches to help Rizana Nafeek.
03/11/10, CathNews India

Sri Lankan minister to seek pardon for Rizana
The Sri Lankan Minister for Industry and Commerce, Rishad Bathiudeen, is to visit Saudi Arabia in December to meet the tribal leaders seeking pardon for Rizana Nafeek. He will request them to advise the deceased infant’s parents to pardon her on humanitarian grounds. The Asian Human Rights Commission (AHRC) says Rizana was sentenced to death after inadequate legal proceedings in Saudi Arabia. There was no Tamil interpreter available for her during the preliminary court case; furthermore, she was 17 at the time of her arrest.
30/11/10, Asian Tribune

Clarification relating to the appeal for pardon for Rizana Nafeek
Rizana Nafeek’s case is currently pending before the King of Saudi Arabia, and will remain so until he pardons her or confirms the death sentence. There are two possible options for pardon, either pardon by the parents of the deceased child, or by the King. The government is obliged to pursue negotiations with the parents of the deceased child, but this does not seem to be happening.
08/12/10, Sri Lanka Guardian

Sri Lankans appeal to Saudi king for mercy
Catholic and Muslim groups are organising campaigns and prayer services in support of an appeal to King Abdullah of Saudi Arabia to pardon Rizana Nafeek. Over 700 people including Christian, Hindu, Buddhist and Muslim religious leaders took part in the signature campaign for Universal Human Rights Day, on 10th December.
14/12/10, UCA News
http://www.ucanews.com/2010/12/14/sri-lankans-appeal-to-saudi-king-for-mercy/
TAIWAN

“Hsichih Trio” suspects in 1991 murder case acquitted

Su Chien-ho, Liu Bing-lang and Chuang Lin-hsun, known as the “Hsichih Trio,” have been acquitted for a murder case that has gone on since 1991. The three men were sentenced to death on charges of robbery and murder and were imprisoned for 12 years, before being acquitted in 2003. After a retrial they were sentenced to death again in 2007, although another man was convicted of the crime and sentenced in 1992. An investigation report by Henry Lee in 2009 showed that a single killer could have carried out the attack, and the three have finally been acquitted by the Taiwan High Court.

13/11/10, The China Post

ADPAN welcomes “not guilty” verdict in “Hsichih Trio” case

ADPAN welcomes the decision to acquit the “Hsichih Trio,” who were first sentenced to death in 1992. Since then, the defendants have alleged that confessions were extracted by torture, but these allegations were never satisfactorily investigated. Given the serious concerns around the possible miscarriages of justice, forced confessions and the impact on the health of the defendants, ADPAN hopes that the Supreme Court will decide to uphold the “not guilty” verdict.

24/11/10

Prosecutors file appeal of Hsichih Trio’s acquittal

The Taiwan High Prosecutors’ Office filed an appeal of the High Court’s acquittal of the “Hsichih Trio,” saying that Henry Lee’s investigation report gave no evidence at all, and that it is debatable whether the trio were coerced into confessing.


Minister Tseng says executions will be carried out

Minister of Justice Tseng Yung-fu announced that the government would definitely carry out executions of death row convicts once all legal avenues have been exhausted. He is not sure when the next executions will take place, but Chinese Nationalist Party Legislator Wu Yu-sheng has said executions should begin immediately after the Lunar New Year at the latest, and demanded there should be no commutations. There are 44 death row inmates in Taiwan.

17/12/10, Taipei Times

WORLD NEWS

Execution for drug offences challenged

The husband of one of two Georgian women facing the death sentence for drug smuggling has claimed that he was behind the smuggling and the women were not aware they were carrying illegal narcotics. Patrick Gallahue of the International Harm Reduction Association says, “when there is no individualised consideration of the circumstances in a capital case, to impose a death sentence is a cruel and inhuman punishment as well as an arbitrary deprivation of life.” Tsira Chanturia, South Caucus Regional Director for Penal Reform International, says that there is no evidence that the death penalty deters serious crimes, and that those arrested for drugs offences “tend to be foreign, young, vulnerable and from difficult circumstances.”

12/11/10, IPS
http://www.ipsnews.net/news.asp?idnews=53543