

ADPAN NEWSLETTER 1/11 January and February 2011

INTRODUCTION

This edition of the ADPAN Newsletter, covers the months of January and February, and provides links to significant death penalty news stories from across the Asia Pacific region. It includes:

- death penalty news from **Afghanistan, Australia, Bangladesh, China, India, Indonesia, Japan, Malaysia, North Korea, 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, pass on to your networks, place on your websites 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>

SIGNIFICANT REGIONAL NEWS

AFGHANISTAN

Watchdog: Said Musa Released from Afghan Prison, No Longer on Death Row

Said Musa, who was facing the death sentence for religious conversion in Afghanistan, has been released from prison. Christian leaders and organisations have been appealing for his release. International Christian Concern is now appealing for Shoaib Assadullah, who may face the death penalty for giving a Bible to a man who then reported him.

24/02/11, *Christian Post*

<http://www.christianpost.com/news/watchdog-said-musa-released-from-afghan-prison-no-longer-on-death-row-49156/>

CHINA

China drops death penalty for some non-violent crimes

China has abolished the death penalty for thirteen non-violent crimes and has banned the death penalty for offenders over the age of 75. This is unlikely to reduce the number of executions significantly, but the head of the legal committee to the National People's Congress, Lang Sheng, has said the government will consider further revisions in the future. This is the first time the government has reduced the number of crimes subject to the death penalty since 1976.

25/02/11, *The Globe and Mail*

<http://m.theglobeandmail.com/news/world/asia-pacific/china-drops-death-penalty-for-some-non-violent-crimes/article1920225/?service=mobile>

CHINA/ZAMBIA

China frees Zambian woman sentenced to death by firing squad

Mary Musyalike, who was sentenced to death by firing squad in China for drugs trafficking, has been released and returned to Zambia.

08/01/11, *The Lusaka Times*

<http://www.lusakatimes.com/2011/01/08/china-frees-zambian-woman-sentenced-death-firing-squad-2/>

TAIWAN

Military probes wrongful execution

The defence ministry has said that there is an inquiry to see whether military investigators conducted an illegal probe that led to the wrongful execution of a serviceman. Hsu Jong-chou has been arrested in connection with the case, and it is believed that he confessed fifteen years ago. The ministry said if he is proved to be guilty, all the investigators in the 1996 probe will be prosecuted.

30/01/11, *China Post*

<http://www.chinapost.com.tw/taiwan/national/national-news/2011/01/30/289613/Military-probes.htm>

WORLD NEWS

ADPAN joins the World Coalition Against the Death Penalty

On 5 February in Puerto Rico, it was agreed that the Anti-Death Penalty Asia Network (ADPAN) should become a member of the World Coalition Against the Death Penalty.

<http://www.worldcoalition.org/modules/smartpartner/partner.php?id=1>

DEATH PENALTY NEWS FROM ASIA AND THE PACIFIC

AFGHANISTAN

Afghan Christian faces potential death sentence for apostasy

An Afghan convert from Islam to Christianity has been given a week to renounce his faith, or he may be sentenced to death.

05/01/11, *Christian News Today*

http://www.christiannewstoday.com/Christian_News_Report_4726.html

Afghans stage raucous protest against Iranian regime's executions

Demonstrators in Herat called for an end to the executions of both Afghans and Iranians by the Iranian regime. This is the second protest of its kind within a week.

17/01/11, *NCRI*

<http://www.ncr-iran.org/en/news/iran-resistance/9694-afghans-stage-raucous-protest-against-iranian-regimes-executions>

Execution trial of Afghan convert is illegal

The trial of Said Musa, who may face execution after converting to Christianity, violates the Constitution of Afghanistan. His arrest violates at least three provisions of the constitution, and since he has been in prison he has suffered sexual assault and torture with apparently no access to a lawyer.

13/02/11, *Continental News*

<http://continentalnews.net/christian-news/afghanistan-christian-news/execution-trial-of-afghan-convert-is-illegal-6173.html>

AUSTRALIA/INDONESIA

Scott Rush's bid to beat the death penalty has been boosted by a panel of Indonesian judges

Scott Rush's bid has been boosted by a panel of Indonesian judges labelling his sentence "incorrect and inappropriate."

15/01/11, *Daily Telegraph - Australia*

<http://www.dailytelegraph.com.au/news/scott-rushs-bid-to-beat-the-death-penalty-has-been-boosted-by-a-panel-of-indonesian-judges/story-e6freuy9-1225987971109>

BANGLADESH

Five to go to gallows in JL leader murder case

Five BNP activists have been sentenced to death for the murder of Jubo League leader Imrul Kaiser Kanak. Three of them were tried in absentia.

24/01/11, *United News of Bangladesh*

<http://www.handsoffcain.info/news/index.php?iddocumento=15301088&srcday=0&srcmonth=0&srcyear=0&mover>

CHINA

Death sentence rule faces extra scrutiny

Starting from 2011, the Supreme People's Court will reject any case in which any evidence has been gained through illegal means. The Supreme People's Court Vice President, Zhang Jun, says that existing laws are not well implemented. "Forced confessions do exist in reality and lawyers sometimes state in court that torture has been used to get a confession, but very rarely do the courts determine that forced confessions exist. However, almost all the wrong cases that have been exposed are related to forced confessions."

10/01/11, *China Daily*

http://www.chinadaily.com.cn/china/2011-01/10/content_11814925.htm

Human rights action plan fails to deliver

The Chinese government has failed to deliver on commitments in its first National Human Rights Action Plan, for 2009-10. The NHRAP declares that the "death penalty shall be strictly controlled and prudently applied," but the Chinese government continues to conceal statistics on executions, and evidence suggests that mechanisms to prevent abuse of the death penalty appear to be inadequate.

11/01/11, *Human Rights Watch*

<http://www.hrw.org/en/news/2011/01/11/china-human-rights-action-plan-fails-deliver>

China's illicit organ trade continues unabated

In 2005, the Chinese regime admitted it had been harvesting the organs of prisoners on death row since the mid 1980s. In July 2006, they passed a law banning the sale of organs without the consent of the donor, but David Matas, who has written a book about the illicit trade, says the practice has increased since then. He says that China would "have to be executing people at the rate of 30,000 a year to produce organs for the volume of people that they're transplanting."

17/01/11, *The Epoch Times*

<http://www.theepochtimes.com/n2/content/view/49522/>

Canada deports Chinese businessman despite concerns about death penalty

Canada has deported a Chinese refugee accused of fraud, despite concerns that he may be tortured or executed on his return to China. Han Lin Zeng claims that corrupt officials framed him. The judge in Canada says there is no evidence that the death penalty should be expected, but Zeng's lawyer says the risk of execution is real.

16/02/11, *Canadian Press*

<http://ca.news.yahoo.com/canada-deporting-chinese-businessman-despite-concerns-death-penalty-20110216-100427-508.html>

China proposes death penalty for organ traffickers

A draft law has been submitted to the National People's Congress Standing Committee proposing the introduction of the death penalty for organ trafficking.

23/02/11, *AFP*

<http://www.google.com/hostednews/afp/article/ALeqM5iLSXGHSw2xxDN2po1WeX7dDOP7Fg?docId=CNG.c19f8061e61235bfae10db0e5037a33.441>

CHINA/PHILIPPINES

Difficult to have China's death sentences on 3 Filipinos commuted

According to the Department of Foreign Affairs, the death sentences for three Filipinos in China will be difficult to overturn. The DFA continues to fight for commutation.

16/02/11, *Philippine Daily Inquirer*

<http://globalnation.inquirer.net/news/breakingnews/view/20110216-320620/Difficult-to-have-Chinas-death-sentences-on-3-Filipinos-commutedDFA>

China: no one is above the law

The Chinese Embassy has stated that the death sentences on three Filipinos convicted of drug trafficking is final and that “no one is privileged to transcend law.” President Aquino has vowed to exert all efforts to save the three, citing humanitarian reasons.

17/02/11, *The Philippine Star*

<http://www.thenational.ae/apps/pbcs.dll/article?AID=/20100928/national/100929432/1040/foreign>

China’s decision to postpone execution of Filipinos “historical”

The Chinese government postponed the executions of three Filipinos found guilty of drug smuggling. The deferment of the executions three days before they were due to take place, was a “special arrangement given by the Chinese side.” following the visit to Beijing of the Philippine delegation to make a last-minute appeal for a reprieve. Vice President Binay met with the vice foreign minister, president of the Supreme People's Court and a top foreign policy maker. It is not known how long the postponement will be or if a commutation is possible.

20/02/11, *Asia News*

<http://www.asianewsnet.net/home/news.php?id=17508>

79 Pinoys on China death row

There are 79 Filipinos on death row, in addition to three whose execution has recently been deferred. Migrant International said there are over 120 Filipinos facing death sentences in other countries. The group encourages the government to appeal to the Chinese government for the commutation of the other 79 overseas foreign workers on death row, and also the more than 120 others in other countries. A spokesperson has said that every case must be treated with urgency.

21/02/11, *The Philippine Star*

<http://www.philstar.com/Article.aspx?articleId=659449&publicationSubCategoryId=63>

INDIA

Preneet hopeful of happy ending for 17 Indians on death row in Dubai

Union minister for state for external affairs, Preneet Kaur, has said that a compromise of blood money for 17 Indians on death row in Dubai for murder cannot be under consideration because there are not yet sufficient grounds to accuse them of the murder. She is optimistic that they will all be proven innocent.

03/01/11, *Punjab News Online*

<http://www.punjabnewslines.com/content/preneet-hopeful-happy-ending-17-indians-death-row-dubai/27476>

Mercy petitions should be disposed within a year

Senior advocate KTS Tulsi described the government's attitude towards dealing with mercy petitions as “reprehensible.” They should be decided within a year, as the current situation where it can take longer than ten years, is “cruel and inhuman.”

07/02/11, *The Siasat Daily*

<http://www.siasat.com/english/news/mercy-petitions-should-be-disposed-within-year-top-lawyer>

Rarest of rare criterion considered

Senior advocates at the Commonwealth Law Conference questioned the criteria for “rarest of the rare,” arguing that it is subjective from judge to judge. Former attorney General, Soli J. Sorabjee, said the penalty should be abolished because the fallibility of judgment after the person was executed was irreversible.

08/02/11, *The Hindu*

<http://www.hindu.com/2011/02/08/stories/2011020865501700.htm>

Kasab to appeal against death sentence

Mohammad Kasab has been sentenced to death for his involvement in the 26/11 Mumbai attack. Kasab wants to file an appeal, which he must do through the jail superintendent to the Supreme Court, as he no longer has counsel.

24/02/11, *The Hindu*

<http://www.hindu.com/2011/02/24/stories/2011022456921200.htm>

JAPAN

New minister opposes death penalty

Satsuki Eda, Japan's new Justice Minister, was a founding member of a group that supports the activities of Amnesty International, and his official website states he is an advocate of the abolition of the death penalty.

14/01/11, *Herald Sun*

<http://www.heraldsun.com.au/news/breaking-news/new-minister-opposes-death-penalty/story-e6frf7ix-1225987985690>

Japan to consider abolishing death penalty

Satsuki Eda has said of the death penalty in Japan, "the time has come to look at the global situation and consider whether it is good to have this system." The study group set up by the justice ministry will consider changes to the secretive system and conditions on death row, as well as abolition.

21/01/11, *Financial Times - UK*

<http://www.ft.com/cms/s/0/d6aa312e-2577-11e0-93ae-00144feab49a.html#axzz1BvWS1Ckc>

Justice minister to study pros and cons of death penalty

Justice minister Satsuki Eda has said this is the right time to study whether Japan should abolish the death penalty. He has not confirmed whether or not he will suspend executions while the study is underway. He has said, "Capital punishment is a flawed penalty."

21/01/11, *Japan Today*

<http://www.japantoday.com/category/crime/view/justice-minister-to-study-pros-and-cons-of-death-penalty>

Non-partisan Japanese lawmakers to propose only unanimous death sentences

A nonpartisan group of lawmakers will propose that all death sentences should be unanimous decisions and that laws on the death penalty should be revised. At lay judge trials, defendants could only be sentenced if all three professional and six lay judges agree to the death penalty. Higher courts would have to follow the same procedure for appeals.

16/02/11, *Asia One*

<http://news.asiaone.com/News/Latest%2BNews/Asia/Story/A1Story20110216-263775.html>

MALAYSIA/SINGAPORE

No ruling yet on trafficker's appeal

The Court of Appeal has reserved its judgement on Yong Vui Kong's appeal to force a judicial review of the clemency process. His lawyer, **M. Ravi**, argues that the President should be able to grant clemency without acting on the advice of the Cabinet, and has also started proceedings applying for Chief Justice Chan Sek Keong to withdraw as a judge in the case. The Chief Justice has previously served as Attorney General and advised the President in many clemency applications, so there could be a conflict of interest.

17/01/11, *Straits Times*

http://www.straitstimes.com/BreakingNews/Singapore/Story/STIStory_625197.html

Yong's story

Yong Vui Kong's conviction is forcing Singaporean courts to re-examine the law. Many in Singapore are now questioning the fairness of the mandatory death penalty given Yong's circumstances: growing up in extreme poverty, being so young at the time of his conviction and having now converted to Buddhism and fully repented of his crime. Judges are yet to release their decision on the request for a judicial review of the law minister's statements and the president's powers.

26/01/11, *Al Jazeera*

<http://english.aljazeera.net/programmes/witness/2011/01/20111258108702736.html>

NORTH KOREA

Party elite executed to clear path for Kim Jong-un

There have been reports of over 200 officials executed or detained by the state security bureau, in order to secure the succession of Kim Jong-un. Reportedly, notices have appeared threatening the death penalty for anyone caught using a Chinese mobile phone or trading in US dollars.

17/01/11, *The Australian*

<http://www.theaustralian.com.au/news/world/party-elite-executed-to-clear-path-for-kim-jong-un/story-e6frg6so-1225988948869>

North Korea holds public execution over South Korean propaganda

About 500 people were rounded up and made to watch the execution of a man and a woman caught reading South Korean propaganda. Sources say North Korea is increasing monitoring and crackdowns on dissent, to ensure transfer of power to Kim Jong-un.

24/01/11, *The Chosunilbo*

http://english.chosun.com/site/data/html_dir/2011/01/24/2011012401103.html

North tripled executions to quell outcry - Redomination repercussions

Public executions have more than tripled since the redenomination of North Korea's currency in late 2009 which sparked widespread public discontent. According to a confidential South Korean government report obtained by an economics professor at Kansai university, 52 North Koreans were publicly executed between December 2009 and November 2010. The report said the rise in executions was a direct result of the redenomination and a warning against social unrest. Crimes that could be subject to the death penalty increased in number from five to 21 in March 2008, and further categories were introduced after November 2009, including "execution for illegal circulation of foreign currency" and "death by shooting for leaking information via cellphones."

08.02/11, *Japan Times*

<http://search.japantimes.co.jp/cgi-bin/nn20110209a1.html>

PAKISTAN

Death penalty for blasphemy divides Pakistan

More than 40,000 people rallied in Karachi against the proposed reform of the blasphemy law, by former information minister Sherry Rehman who called for an end to the death penalty for blasphemy, as it is subjective in its implementation. Governor Salman Taseer, who was shot dead for his support of the amendment, had suggested there be a counter-punishment for those who made false allegations.

10/01/11, *Observers*

<http://observers.france24.com/content/20110110-pakistan-divided-over-lifting-death-penalty-blasphemy-law-salman-taseer>

EU parliament urges pardon, release of Asia Bibi

EU parliamentarians have asked "the Pakistani authorities to free Asia Bibi immediately" and have urged President Zardari "to use his constitutional authority to pardon her." They also called on "the Pakistani government once again for a sweeping revision of blasphemy laws and their application." The Pakistani government must work "to stop the voice of moderates being reduced to silence by extremists in the country."

20/01/11, *Dawn*

<http://www.dawn.com/2011/01/20/eu-parliament-urges-pardon-release-of-asia-bibi.html>

Against judges, Muslim extremists call for Asia Bibi's death

Muslim extremists, including more than 800 lawyers are calling for the release of Salman Taseer's assassin. Asia Bibi's prison transfer has been postponed, and human rights organisations are calling for her appeal to be heard in prison, because of death threats from Muslim extremists. Minority Affairs Minister Shahbaz Bhatti has repeated his belief that Asia Bibi is innocent and should be freed.

02/02/11, *Asia News*

<http://www.asianews.it/news-en/Against-judges,-Muslim-extremists-call-for-Asia-Bibi%E2%80%99s-death-and-Mumtaz-Qadri%E2%80%99s-release-20671.html>

Awan advises against amending blasphemy law, pardoning Asia

Law Minister Baber Awan has advised the prime minister not to amend the blasphemy law or to pardon Asia Bibi, arguing that the death penalty for blasphemy is in accord with the injunctions of Islam.

08/02/11, *The News - Pakistan*

<http://www.thenews.com.pk/TodaysPrintDetail.aspx?ID=3853&Cat=13&dt=2/8/2011>

PHILIPPINES

Filipino Catholics oppose return of the death penalty

Filipino Catholics oppose the reintroduction of the death penalty as proposed by some senators, because it is inhuman and will disproportionately affect the weakest. Rodolfo Diamante, executive secretary of the Commission on Prison Pastoral Care of the Catholic Bishops' Conference of the Philippines, says, "it's about time that [the authorities] look at the problem of enforcing the law instead of looking at the death penalty."

20/01/11, *Asia News*

<http://www.asianews.it/news-en/Filipino-Catholics-oppose-return-of-the-death-penalty-20559.html>

Debate on death penalty to be revived in Senate

Senator Juan Miguel Zubiri has filed a bill in Senate seeking to reimpose the death penalty, following a number of recent murders, but other senators have said that the death penalty does not deter criminals.

20/01/11, *Daily Inquirer*

<http://newsinfo.inquirer.net/breakingnews/nation/view/20110120-315613/Debate-on-death-penalty-to-be-revived-in-Senate>

SINGAPORE

Singapore "tops execution league"

Singapore has the world's highest per capita execution rate, according to a report by Amnesty International. The country has a population of four million, and has hanged over 400 people in the past thirteen years. The rate is three times that of Saudi Arabia, the second highest on the list. The report says that it is often the marginalised and vulnerable members of society who are sentenced to death.

15/01/11, *BBC*

<http://news.bbc.co.uk/1/hi/world/asia-pacific/3398043.stm>

Singapore's human rights record under UN scrutiny

The Singapore government has submitted its report on the country's human rights track record to the United Nations for the first time. The government has said that Singapore "considers capital punishment as a criminal justice issue, rather than a human rights one," but observers say the country's use of the death penalty will attract attention. The government has said Singapore will build on its achievements in human rights.

25/02/11, *Channel News Asia*

<http://www.channelnewsasia.com/stories/singaporelocalnews/view/1113004/1.html>

SOUTH KOREA

Cho Bong-am unjustly executed: Supreme Court

The Supreme Court has overruled the death sentence for Cho Bong-am, independence activist and politician, who was hanged in 1959 on allegations of being a communist sympathiser. The Truth and Reconciliation Commission reviewed his case at the request of his 83-year-old daughter, and called for a retrial in 2007. The Court said Cho played a crucial role in shaping Korea's progressive politics. Before being executed, Cho said, "The only sin I have committed is that I have initiated a political movement that campaigned for a society in which a lot of people equally live well. I hope my death doesn't come in vain and will serve as development of this country's democracy."

21/01/11, *JoongAng Daily*

<http://joongangdaily.joins.com/article/view.asp?aid=2931306>

TAIWAN

Exclusive human rights agency to be established: vice president

Vice President Vincent Siew has said that the human rights committee under the Presidential Office will set up an agency specifically to report on human rights in the country. He said that the government is working towards the abolition of the death penalty but this cannot be achieved before consensus has been reached.

08/01/11, *Focus Taiwan*

http://focustaiwan.tw/ShowNews/WebNews_Detail.aspx?Type=alPL&ID=201101080003

Talk of the Day - Injustice reversed but death can't be undone

A review of Chiang Kuo-ching's case has proven him to be innocent. The soldier was executed after being tortured into confessing sexual abuse and murder of a young girl, although he denied it in court. The investigation found evidence that another soldier had confessed to the crime prior to Chiang's conviction. The Judicial Reform Foundation is calling for a review of Taiwan's use of the death penalty.

29/01/11, *Focus Taiwan*

http://focustaiwan.tw/ShowNews/WebNews_Detail.aspx?ID=201101290016&Type=aTOD

Taiwan urged to scrap death penalty after wrongful execution

The **Taiwan Alliance to End the Death Penalty** has urged the government to abolish the death penalty. The executive director, Lin Hsin-yi, said "this case of Chiang Ching-kuo proves again there is a risk to carrying out the death penalty, because once a person is wrongly executed, the mistake cannot be corrected."

31/01/11, *Deutsche Presse-Agentur*

http://www.earthtimes.org/articles/news/365144_death-penalty-wrongful-execution.html

Ma apologises personally to mother of executed soldier

President Ma Ying-jeou went to the home of Chiang Kuo-ching's mother to offer a personal apology for her son's wrongful execution. He said, "the government will not let something like this happen again... I want to express to you that we are very sincere about admitting our mistakes and apologising, I hope that nothing like this ever happens again. We will help your family gain justice and compensation." He said that Taiwan has already decreased its executions, and the government will wait until there is a larger consensus on the issue before the death penalty is abolished.

01/02/11, *Radio Taiwan International*

<http://english.rti.org.tw/Content/GetSingleNews.aspx?ContentID=118750>

THAILAND/CHINA

A one-way ticket to trouble

There are 13 Thai women on death row for drug smuggling in China, and many more are serving prison sentences. According to information gathered by the Foreign Ministry, most of these women are enticed into smuggling unknowingly by the promise of a relationship or money. They are usually poor and uneducated.

06/02/11, *Bangkok Post*

<http://www.bangkokpost.com/news/investigation/220109/a-one-way-ticket-to-trouble>

WORLD NEWS

Excellent decision by Hospira to cease production

Hands Off Cain, which has campaigned to prevent sodium thiopental from reaching American prisons, is delighted with the decision of pharmaceutical company, Hospira, to stop manufacturing the drug.

21/01/11, *Hands Off Cain*

<http://www.handsoffcain.info/news/index.php?iddocumento=15300953>

Lethal injection drug production ends in the US

The sole American manufacturer of sodium thiopental, a drug used in lethal injections, has announced it is ending production. The drug is supplied from Rome, where the government has said it will only license manufacture if the drug is not used in executions, but Hospira manufacturers "could not prevent the drug from being diverted to departments of corrections for use in capital punishment procedures."

23/01/11, *The Guardian - UK*

<http://www.guardian.co.uk/world/2011/jan/23/lethal-injection-sodium-thiopental-hospira>

The International Commission against the Death Penalty

The International Commission against the Death Penalty (ICDP) met on 3rd and 4th February to analyse the situation of the death penalty in different regions of the world and to continue to promote universal abolition. The ICDP attached a particular importance to the third resolution on a moratorium on the use of the death penalty, adopted by the General Assembly of the United

Nations on 21 December 2010, which confirms the clear and continuous trend towards the abolition of the death penalty. The next meeting will take place in June.

04/02/11, Amnesty International

http://asiapacific.amnesty.org/apro/APROweb.nsf/pages/adpan_04022011