

KILLED BY THE STATE

Individuals condemned after unfair trials, political opponents executed, children sentenced to death – the following is just a selection of cases of people who have had their lives “legally” taken by a state.

CHINA

Ismail Semed was executed on 8 February 2006 in Urumqi, Xinjiang Uighur Autonomous Region (XUAR). Charged with “attempting to split the motherland” after being deported from Pakistan in 2003, he was sentenced to death on 31 October 2005 by the Urumqi Intermediate People’s Court.

He appealed against the conviction but, according to the US-based Uyghur Human Rights Project (UHRP), his appeal may have been heard in a closed session – which, while legal under certain circumstances, does make it difficult to determine whether the proceedings were fair. The UHRP also maintains that Ismail Semed confessed to the charges during interrogations but denied them during the trial, suggesting that his initial confession was extracted through torture.

Ismail Semed’s wife and two young children were allowed just 10 minutes alone with him the day before his execution. He was killed by a single shot to the heart.

INDONESIA

Fabianus Tibo, aged 61, Dominggus da Silva, aged 43, and Marinus Riwu, aged 49, were executed by firing squad on 21 September 2006 at 1.45am. They had been sentenced to death in April 2001 for premeditated murder and inciting riots, following ethnic and religious violence in the district of Poso, Central Sulawesi, in May 2000. Although the location of the execution was not officially disclosed by the authorities, a member of the police forces said it took place near Palu airport, Central Sulawesi.

Amnesty International believes that the trial was unfair. In particular, witness testimony provided as evidence by the defence may have been ignored by the Court when giving its verdict. There were reports of demonstrators armed with stones outside the courthouse, demanding that the three men be sentenced to death. It is feared that such intimidation affected the outcome of the trial. The men’s defence lawyers were also subjected to intimidation, including death threats and a bomb planted at the house of one legal adviser.

IRAN

Atefeh Rajabi Sahaaleh, aged 16, was hanged for repeated “crimes against chastity” on 15 August 2004. She was executed in public, in the centre of the town of Neka, Mazandaran province, northern Iran. The execution was carried out despite reports that Atefeh Rajabi was not believed to be mentally competent and that she did not have access to effective legal defence at any stage.

During the trial, Atefeh Rajabi is said to have lost her temper, shouted at the judge that she had been the victim of acts carried out by an older man, and thrown off her headscarf in protest. The judge reportedly reprimanded her and later said that she had “undressed in public”. It is alleged that Atefeh Rajabi was mentally ill both at the time of the acts which the government claim constituted her “crimes” and during her trial. Although her national identity card stated that she was 16 years old, the Mazandaran Judiciary apparently announced at her execution that she was 22. International law prohibits the execution of juvenile offenders – those aged under 18 at the time the crime was committed. Judicial authorities have not acted to investigate a complaint filed against the judge. According to the Iranian newspaper *Peyk-e-Iran*, the lower court judge who issued the original sentence placed the noose around Atefeh Rajabi’s head as she went to the gallows.



SINGAPORE

Nigerian citizen Iwuchukwu Amara Tochi, aged 21, and Okele Nelson Malachy, aged 35, from South Africa, were hanged in the early hours of 26 January 2007 at Singapore's Changi Prison.

The two were executed despite appeals from the Nigerian government and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, calling on the Singaporean government not to proceed with Iwuchukwu Amara Tochi's execution. The UN Special Rapporteur stated that his fundamental human right to presumption of innocence had not been guaranteed at the trial.

Iwuchukwu Amara Tochi was arrested at Changi Airport on 27 November 2004, and charged under the Misuse of Drugs Act with transporting 727.02 grams of heroin into Singapore. A death sentence is mandatory for anyone convicted of trafficking in more than 15 grams of heroin into the country. The judge who convicted him appears to have accepted that he might not have realized the substance he was carrying was heroin. In his verdict, he said, "There was no direct evidence that he knew the capsules contained diamorphine [heroin]. There was nothing to suggest that [Mr] Smith [who gave him the pills to transport] had told him they contained diamorphine, or that [he] had found that out of [sic] his own."

USA

Philip Workman, aged 53, was executed by lethal injection in Tennessee on 9 May 2007 despite evidence that a key state witness lied at his trial and that Lieutenant Ronald Oliver, the police officer that Philip Workman was convicted of killing during a 1981 robbery, may have been accidentally shot by a fellow officer. Philip Workman had been on death row for 25 years.

On 4 May 2007, the US Court of Appeals rejected Philip Workman's appeal for a stay of execution to pursue his claim of innocence. Two of the judges ruled that Philip Workman had "not met his burden of showing a likelihood of success" on the merits of his appeal. They continued: "Nearly 25 years after Workman's capital sentence and five stays of execution later, both the state and the public have an interest in finality..." However, the third judge, Judge Cole, dissented. He argued that Philip Workman had "made the necessary showing" that he was likely to succeed, at least in his bid to obtain an evidentiary hearing on his claims, and that that was enough to warrant a stay. Judge Cole also pointed out that another three-judge panel of the US Court of appeals had recently granted a stay of execution to a death row prisoner in similar circumstances. He said: "I simply cannot conclude that this inconsistency in the administration of the death penalty is permissible..." Since 1973, over 120 individuals have been released from death rows in the USA after being exonerated.

