

DEATH PENALTY NEWS

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

RESUMPTION OF EXECUTIONS IN PAKISTAN

Two prisoners were executed in Pakistan in April 1992, despite appeals from AI. These were reportedly the first executions in the country in over three years.

Mohammad Riaz Ahmed was hanged on 12 April 1992, after being convicted of murder by a Special Court for Speedy Trial. Two days later Sepoy Mehdi Khan was hanged for a murder committed in 1987.

AI had repeatedly urged the Pakistan authorities not to resume executions, which had been halted after former President Benazir Bhutto took office in 1988. In November 1991 AI appealed to the authorities to stay the imminent public execution of at least 20 people convicted by "speedy trial" courts. So far, these executions have not been carried out. In March 1992 AI had urged clemency for Mohammad Riaz Ahmed.

AI believes that the procedures of the Special Courts for Speedy Trial, introduced in August 1991, and the Special Courts for the Suppression of Terrorist Activities do not conform to internationally recognized minimum standards for fair trial. They deny the right to a public trial, the right to present a full defence and the right to be presumed innocent.

AI learned of over 200 death sentences imposed in Pakistan in 1991, a steep increase over the 52 death sentences known by AI to have been imposed in 1990. (Approximately 70 of the death sentences were imposed by the Special Courts for the Suppression of Terrorist Activities and approximately 55 were passed by Special Courts for Speedy Trial.)

ALGERIA: ISLAMISTS CONDEMNED TO DEATH

On 4 June two supporters of radical Islamic groups were sentenced to death by an Algerian court for the murder of a police brigadier in June 1991. Five others had been sentenced to death *in absentia* the day before in the same case. This brings to 28 the number of death sentences which have been passed against Islamic extremists in Algeria since 3 March.

In April and May sixteen Islamists were sentenced to death for attacks on the military. Three members of the Hizbollah (Party of God) were also condemned to death.

On 1 June two Islamists were sentenced to death *in absentia* for their involvement in violent political protests in June 1991. Many more trials are due to be held for people involved in these protests.

In recent years the death penalty has not been widely used in Algeria. The last known execution was carried out in December 1989. Death sentences are now being passed in the context of increased violence by Islamic groups and attacks on the security forces. Algeria is presently under a state of emergency.

In the recent past, those on death row in Lambèse Prison have been kept continuously handcuffed.

OUTCRY OVER EXECUTIONS IN THE USA

The recent executions of Robert Alton Harris and Roger Coleman have provoked controversy both within and outside the USA.

Robert Harris was executed by the state of California on 21 April 1992, the first person to be executed in the state for 25 years. Roger Coleman was executed in Virginia's electric chair on 20 May 1992 despite evidence that he may have been innocent of the crime of which he was convicted.

Robert Harris, convicted of the kidnap, robbery and murder of two teenage boys, received four stays of execution between 12.01 am and 6.21 am on 21 April before he was finally executed. The fourth stay was issued after he had been strapped into a chair in the gas chamber, and only moments before the lethal gases were due to be released. The US Supreme Court then took the highly unusual step of banning the lower courts from intervening again to stop the execution. Harris's execution was witnessed by 48 people, including 18 journalists, and was video-taped.

The execution was condemned in various quarters. The Times of London, in an editorial, said, "In any other country such an on-off 'mock execution', a form of psychological torture, would be universally condemned as a cruel violation of human rights." Representatives of the Roman Catholic Church also spoke out against the Harris execution. In Italy, Monsignor Dionigi Tettamanzi, head of the Italian Bishops' Conference, said: "The death penalty is not the way in which a convicted person can repay the injustice done, not the way to help society and avoid evil." The Swedish Red Cross condemned the execution and called on the American Red Cross to lead American public opinion towards a humanitarian attitude towards the death penalty. In their statement, the Swedish Red Cross said: "The action of subjecting a human being to the cruel uncertainty of death row for 15 years, followed by a protracted execution procedure which became a public spectacle for millions of people through television and other media, contradicts the most fundamental principles of humanitarianism".

Reaction of two demonstrators after the Harris execution, California, 1992.

The execution of Roger Coleman also attracted national and international attention. "An innocent man is going to be murdered tonight," Coleman said after being strapped into the electric chair. "When my innocence is proven, I hope Americans will realize the injustice of the death penalty as all other civilized countries have." It was primarily the issue of possible innocence which attracted media attention. In the weeks before the execution Coleman gave numerous media interviews by telephone. Time magazine devoted a cover story to the case.

Roger Coleman was convicted of the rape and murder of his sister-in-law in 1981. He maintained his innocence throughout his 11 years in prison. His lawyers sought to introduce fresh evidence in support of his claim, but the courts refused for procedural reasons to review the new evidence on its merits. When his lawyers inadvertently filed a notice of appeal one day late, the US Supreme Court held that Coleman had forfeited his right to a review of his conviction and death sentence by the federal courts. A final appeal to the US Supreme Court was rejected by seven votes to two. Justice Harry Blackman, who dissented along with Justice David Souter, wrote: "Coleman has now produced substantial evidence that he may be innocent...yet the court turns him away."

The Governor of Virginia, Douglas Wilder, denied clemency to Roger Coleman on 18 May and told a press conference, "I am not convinced he is innocent." He declined to say if he believed Coleman was guilty.

In the first five months of 1992 nineteen prisoners were executed in the USA, as against fourteen executions in the whole of 1991.

EUROPEAN PARLIAMENT CONDEMNS EXECUTIONS IN USA AND IRAN

The European Parliament, the parliamentary body of the European Community, adopted a resolution on 11 June condemning the executions of Robert Alton Harris and Roger Coleman in the USA (see page 2). The parliament said it was "appalled" by the execution of Robert Harris after 14 years in a condemned cell, and was "shocked" by the execution of Roger Coleman, "about whose guilt many distinguished Americans have grave doubts". The parliament called on the legislatures, governors and pardoning authorities of the US states to discontinue the use of the death penalty. It appealed to candidates for high office in the USA "to set an example by repudiating the use of the death penalty".

In another resolution adopted on the same day, the European Parliament condemned "religious and ethnic persecution, the use of torture, the application of the death penalty, imprisonment without charge and secret trials". The resolution was adopted shortly after eight prisoners were executed in connection with riots in Mashhad and Shiraz.

MEXICAN PRESIDENT CALL FOR CLEMENCY FOR MEXICAN CITIZEN ABROAD

President Carlos Salinas de Gortari issued a formal appeal for clemency for a Mexican citizen scheduled to be executed in the state of Texas (USA) on 12 May 1992. Ricardo Aldape Guerra, working illegally in the United States, was convicted of the murder of a white police officer and sentenced to death in October 1982.

A statement from the president's office said that in a letter to the Governor of Texas, President Salinas stressed his personal concern about the case of Ricardo Aldape Guerra and "the priority that his government gives to the defence of human rights of its citizens abroad". Mexico has abolished the death penalty for all but exceptional crimes.

On 11 May, one day before the scheduled execution, the federal district court granted a stay of execution until 24 September 1992 pending further court hearings on the case.

JAMAICA: MOVES TO LIMIT DEATH PENALTY

The Jamaican Government has tabled a bill to amend the Offences against the Person Act. If approved by parliament, this bill will narrow the death penalty to a new category of murder called "capital murder", excluding ordinary domestic crimes of passion which at present attract a mandatory death penalty.

There are currently more than 250 prisoners on Jamaica's death row. The bill contains a provision to apply the amended Act retroactively to those death penalty prisoners who have exhausted all avenues of appeal. If the bill is approved, the punishment for non-capital murder will be life imprisonment.

There have been no executions in Jamaica since February 1988. It has welcomed the bill as a positive step towards abolition and has recommended that the government take this opportunity to commute all existing death sentences.

MALI: FOURTEEN DEATH SENTENCES COMMUTED

Fourteen people had their death sentences commuted to life imprisonment as part of an amnesty to mark the Muslim festival of Eid el Fitr, the Malian authorities announced on 4 April.

The 14 had been sentenced to death on 17 February 1992 by a special trial court for their alleged part in the murder of a customs officer. They had been tried under a special procedure which allows no right of appeal, but provides for the right to seek clemency from the Head of State, Lieutenant-Colonel Amadou Toumani Touré, President of *Le Comité de Transition pour le Salut du Peuple* (Transitional Committee for the Salvation of the People).

It is believed that these were the first death sentences to have been passed under the transitional government, which came to power in March 1991. No executions are known to have been carried out in Mali since 1980.

YEMEN: PARDON FOR FORMER LEADERS SENTENCED TO DEATH; OTHER DEVELOPMENTS

President 'Ali 'Abdullah Salih pardoned an ex-president of the former People's Democratic Republic of Yemen (PDY), 'Ali Nasser Muhammad, and five of his aides in a presidential decree issued on 9 May. The six were sentenced to death *in absentia* in 1986 after fleeing from the PDY to the former Yemen Arab Republic (YAR) following heavy fighting with a rival wing within the PDY's ruling party. The

presidential decree said that the pardon was in line with the country's reform program aimed at ending political disputes that preceded the merger of the PDY and the YAR into the Republic of Yemen in May 1990.

On 10 May 1992 President Salih pardoned 16 political prisoners. All were members of the National Democratic Front (NDF), and all had been sentenced to death after unfair trials.

In another case, Ali has called on the Government of the Republic of Yemen to quash the death sentence imposed on Mansur Rajih in 1984, and to release him unconditionally. Ali believes that Mansur Rajih was falsely convicted of murder because of his non-violent political activities in the YAR. Mansur Rajih's sentence is currently pending decision by the Presidential Council. Ali has adopted Mansur Rajih as a prisoner of conscience.

Mansur Rajih

ESTONIA: MOVES TOWARD ABOLITION

Ali has learned that in May 1992, in an amendment to the penal code of 1961, the Supreme Council of Estonia reduced the scope of the death penalty from 18 to three crimes. The death penalty is retained for aggravated murder, assassination and terrorist acts.

Since 1989, three prisoners have been sentenced to death in Estonia; one was subsequently executed and another was granted clemency. The third sentence has been pending the adoption of a new penal code.

In a letter to Ali in May 1992, the Chairperson of the Supreme Court, Jaak Kirikal, said that the Supreme Court's proposal for complete abolition had been rejected by the Supreme Council. He expressed the hope, however, that abolition would become a reality with the adoption of a new penal code, the first draft of which is almost ready. According to Jaak Kirikal it could take two to three years, however, before the new penal code is finally in place.

ZAMBIA: COMMISSION STUDYING PUBLIC VIEWS ON DEATH PENALTY

Ali has been informed that the Law Development Commission of Zambia has been asked to find out whether the Zambian people wish to have the death penalty continue or to have it abolished completely. The results of the study will be made available for possible governmental action.

Zambia retains the death penalty for murder, treason and aggravated robbery. Ali received no reports of executions in 1991.

KAZAKHSTAN, KYRGYZSTAN, UZBEKISTAN: DEATH PENALTY STATISTICS

AI obtained important information on the death penalty in Kazakhstan, Kyrgyzstan and Uzbekistan when it visited these republics for the first time in April 1992. The laws of the three republics are similar to those of other former republics of the Soviet Union.

In **Kazakhstan**, the Criminal Code retains the death penalty for 18 offenses in peacetime. The AI delegation was informed by senior officials at the Ministry of Justice, however, that no one has been executed for economic crimes in the past 10 years. According to statistics provided to the delegates, between 1987 and 1991 death sentences were imposed for only four offenses: murder under aggravating circumstances, rape, threatening the life of a police officer, and banditism.

In 1991, 66 people were sentenced to death for murder, and one person for threatening the life of a police officer. To date at least 26 of those death sentences have been commuted. The number of executions carried out in 1991 was not disclosed. However, AI later learned that four prisoners were executed on 19 May 1992 after President Nazarbayev turned down their petitions for clemency. They were described as organizers of armed criminal gangs, and all were convicted of murder under aggravating circumstances.

In **Kyrgyzstan** the Minister of Justice, Usup Mukambayev, informed the AI delegation that the Criminal Code retains the death penalty for a total of 32 offenses (in line with other former Soviet republics, this figure apparently includes 18 offenses in peacetime, plus wartime offenses). It is planned to reduce this to three or four offenses in a new penal code currently in preparation. The Prosecutor General, Cholpon Bayzkova, noted that in current practice death sentences are passed only for murder under aggravating circumstances.

Justice Ministry officials provided statistics for death sentences and executions between 1987 and 1991. These showed that on average eight death sentences had been passed annually between 1987 and 1990, and that all of these had been carried out. In 1991 the number of death sentences rose sharply to 21, seven of which have already been carried out. The head of the Clemency Department in the President's Office, Ainabek Kaehkynbayev, informed AI that three of the death sentences passed in 1991 had been commuted, leaving 11 people currently under sentence of death. No one has been executed since the republic gained full independence at the end of 1991.

In **Uzbekistan**, the Criminal Code retains the death penalty for 19 offenses in peacetime. However, senior officials told AI's delegation that regulations introduced in December 1991 reduced the number of offenses which in practice still carry the death penalty to four: treason, murder under aggravating circumstances, murder of a minor, and aggravated rape. Minister of Justice Muhamed-Babur Malikov told AI that the use of the death penalty in the republic was declining, but he did not provide statistics.

BELARUS: DEATH PENALTY STATISTICS

The Deputy Chairman of the Supreme Soviet of the Republic of Belarus has informed AI that from 1990 to 1992, 33 people were sentenced to death for premeditated murder under aggravated circumstances. Two of these sentences were commuted to 20 years' imprisonment. The status of the remaining 31 is not known.