

## **ADPAN NEWSLETTER NO. 6/2011 November and December 2011**

### **INTRODUCTION**

This edition of the ADPAN Newsletter covers the months of November and December and provides links to death penalty news stories from across the Asia Pacific region, specifically on the following countries: **China, India, Indonesia, Japan, Malaysia, North Korea, Singapore and Taiwan**. It is divided into four sections:

- Good News
- ADPAN releases reports and 8 appeal cases on unfair trials in Asia
- World News
- Regional Developments

This will be the last edition of the ADPAN Newsletter in this format. In 2012 the ADPAN Newsletter will be changed to make it a more useful reference around major developments.

The Anti-Death Penalty Asia Network (ADPAN) is an independent, impartial network of individuals, NGOs, lawyers and activists committed to working for an end to the death penalty in their own countries and across the Asia Pacific region. It has members in 24 countries. For further information, see:

[www.adpan.net](http://www.adpan.net);

Twitter: @ADPANetwork;

[www.facebook.com/ADPANetwork](http://www.facebook.com/ADPANetwork)

Please distribute the ADPAN Newsletter widely, place on websites, pass on to those who might be interested and use in any campaigning in support of work against the death penalty including activities such as Facebook, twitter and other online activity.

## GOOD NEWS

### JAPAN

#### **Calls grow for public debate on executions**

On 18 December, thirteen influential people including Tatsuya Mori, known for his documentary films on Aum Shrinrikyo, Janae Doi, Japan director of Human Rights Watch and Akira Kitani, a former judge, have issued a statement calling for public debate on the death penalty and urging the government to suspend executions while discussions are ongoing.

16/12/2011, *Japan Times*

<http://www.japantimes.co.jp/text/nn20111216f2.html>

#### **Japan bar federation to establish panel for abolishing death penalty**

On 17 December, the Japan Federation of Bar Associations established a committee to pursue the abolition of the death penalty – its first attempt to adopt an official policy against the death penalty since the group was established in 1949.

18/12/2011, *Japan Times*

<http://www.japantimes.co.jp/text/nn20111218x3.html>

#### **First execution-free year since 1993 in Japan**

2011 is the first in the last 19 years that Japan has not carried out any executions. There has been at least one execution every year since 1993 when Masaharu Gotoda, former Justice Minister, approved the first one after three years without executions.

29/12/2011, *Tokyo Times*

<http://www.tokyotimes.co.jp/post/en/2900/First+execution-free+year+since+1993+in+Japan.html>

## UNFAIR TRIALS REPORTS

On 6 December 2011 the Anti-Death Penalty Asia Network (ADPAN) launched two reports on Unfair Trials in Death Penalty Cases across Asia – a short campaign report “*Lethal Injustice: End Unfair Trials, Stop Executions*” and a longer report containing in-depth legal background and analysis “*When Justice Fails: Thousands Executed in Asia after Unfair Trials*”.

In many countries in the region the right to a fair trial is blocked by laws which deny due process. Even where due process safeguards exist in principle, they often do not apply in practice. Failures of justice in trials that end in a death sentence cannot be reversed. These reports highlight laws and practices in the Asia-Pacific region which undermine international standards of fair trial. It includes cases from China, India, Indonesia, Japan, Malaysia, Pakistan, Singapore and Taiwan.

The media coverage included international, regional and national publications from Taiwan, Hong Kong, Mongolia, India, Philippines, Italy Australia and New Zealand.

Sources:

### **International**

<http://www.voanews.com/english/news/asia/Amnesty-Protests-Pending-Chinese-Execution-135117183.html>

Al-Jazeera broadcast clip to follow.

Wires including Reuters TV, DPA, covered the launch

### **Taiwan**

<http://www.taipeitimes.com/News/taiwan/archives/2011/12/08/2003520234>

<http://n.yam.com/lihpao/garden/201112/20111206819096.html>

<http://times.hinet.net/news/6747583>

<http://www.lihpao.com/?action-viewnews-itemid-113377>

[http://www.taiwannews.com.tw/etn/news\\_content.php?id=1779795](http://www.taiwannews.com.tw/etn/news_content.php?id=1779795)

[http://newtalk.tw/news\\_read.php?oid=20105](http://newtalk.tw/news_read.php?oid=20105)

<http://udn.com/NEWS/BREAKINGNEWS/BREAKINGNEWS2/6760263.shtml>

<http://www.udn.com/2011/12/6/NEWS/BREAKINGNEWS/BREAKINGNEWS2/6764571.shtml>

<http://www.udn.com/2011/12/6/NEWS/BREAKINGNEWS/BREAKINGNEWS2/6764617.shtml>

<http://www.udn.com/2011/12/6/NEWS/BREAKINGNEWS/BREAKINGNEWS2/6762840.shtml>

<http://n.yam.com/lihpao/garden/201112/20111206819096.html>

PTS News 公共電視晚間新聞 - <http://youtu.be/oljnyJAukV0> / <http://pnn.pts.org.tw/main/?p=36487>

CNA News 中央社 -

[http://focustaiwan.tw/ShowNews/WebNews\\_Detail.aspx?Type=aALL&ID=201112060044](http://focustaiwan.tw/ShowNews/WebNews_Detail.aspx?Type=aALL&ID=201112060044)

LiPao 立報 - <http://n.yam.com/lihpao/garden/201112/20111206819096.html>

Coolloud 苦勞網 - <http://www.coolloud.org.tw/node/65343>

PNN 公視新聞議題中心 <http://pnn.pts.org.tw/main/?p=36487> / <http://youtube/NG3TRYEvieg>

### **Hong Kong**

Radio Hong Kong - major public service broadcaster.

### **Mongolia**

Al Mongolia's press conference attracted Mongolian TV stations including TV-8, Mongol TV, Eagle TV, Royal HD TV, NBS, C-1, STAR N and newspapers as Udriin sonin, shuud.mn, Niigmiin toil, Mongoliin unen, Niislel times etc and some websites.

<http://gonews.mn/post.php?id=2249>

<http://www.shuud.mn/?p=32846>

<http://www.24tsag.mn/content/4032.shtml>

### **India**

<http://ibnlive.in.com/news/call-to-scrap-capital-punishment/209546-60-121.html>

### **Philippines**

<http://www.abs-cbnnews.com/global-filipino/12/06/11/amnesty-international-protests-china-death-penalty-pinoy>

### **Italy**

<http://it.notizie.yahoo.com/pena-morte-rete-asiatica-innocenti-condannati-da-processi-122200745.html>

<http://www.asca.it/news->

[PENA MORTE RETE ASIATICA INNOCENTI CONDANNATI DA PROCESSI INIQUI-1073365-ORA-.html](http://www.asca.it/news-PENA MORTE RETE ASIATICA INNOCENTI CONDANNATI DA PROCESSI INIQUI-1073365-ORA-.html)

### **Australia**

<http://www.radioaustralia.net.au/connectasia/stories/201112/s3386791.htm>

<http://au.news.yahoo.com/queensland/a/-/latest/12266934/stop-executions-and-unfair-trials/>

### **New Zealand**

<http://www.voxy.co.nz/politics/stop-executions-and-unfair-trials/5/109886>

<http://www.scoop.co.nz/stories/WO1112/S00265/asia-stop-executions-and-unfair-trials.htm>

<http://bikyamasr.com/50500/end-the-death-penalty-in-asia-says-rights-group/>

### **Vietnam**

<http://www.voanews.com/vietnamese/news/asia/amnesty-china-execution-12-06-11-135132123.html>

## Other

<http://www.nepszava.hu/articles/article.php?id=498402>

[http://www.monstersandcritics.com/news/asiapacific/news/article\\_1679215.php/Death-sentence-after-forced-confessions-in-Taiwan-says-Amnesty](http://www.monstersandcritics.com/news/asiapacific/news/article_1679215.php/Death-sentence-after-forced-confessions-in-Taiwan-says-Amnesty)

<http://www.ndtv.com/xtr/b5/2011/12/07/a628255.html.->

<http://www.ndtv.com/xtr/b5/2011/12/07/a628255.html.-%E4%BA%9E%E6%B4%B2%E4%B8%8D%E5%85%AC%E5%AF%A9%E5%88%A4%E5%9C%A8%E8%87%BA%E7%99%BC%E8%A1%A8->

<http://www.ndtv.com/xtr/b5/2011/12/07/a628255.html.-%E6%8F%90%E9%82%B1%E3%80%81%E6%B1%9F%E6%AD%BB%E5%9B%9A%E6%A1%88.html>

[http://www.menafn.com/qn\\_news\\_story.asp?storyid=%7B139e3a01-f491-47ce-8e79-e4ad14c39589%7D](http://www.menafn.com/qn_news_story.asp?storyid=%7B139e3a01-f491-47ce-8e79-e4ad14c39589%7D)

## WORLD NEWS

### UN rights chief tells countries to abolish death penalty for homosexuality

On December 15, Navi Pillay, the UN's top human rights official urged countries to abolish legal discrimination against homosexuals, including the death penalty for consensual sex. The appeal came in a report released to the Human Rights Council which criticises the continued existence of the death penalty for same sex relations in at least five countries – Iran, Mauritania, Saudi Arabia, Sudan and Yemen.

15/12/2011, *Washington Post*

[http://www.washingtonpost.com/world/middle-east/un-rights-chief-tells-countries-to-abolish-death-penalty-for-consensual-sex-outlaw-gay-abuse/2011/12/15/gIQAQXAtvO\\_story.html](http://www.washingtonpost.com/world/middle-east/un-rights-chief-tells-countries-to-abolish-death-penalty-for-consensual-sex-outlaw-gay-abuse/2011/12/15/gIQAQXAtvO_story.html)

## REGIONAL DEVELOPMENTS

### CHINA

#### Executioner describes job as 'uncomplicated'

On 14 November, Hu Xiao, a veteran judicial police officer, told the Beijing Evening News that his job as one of China's executioners is not complicated: 'we all use rifles, stand about four meters from the condemned prisoner with a barrel one meter-long, take aim, press the trigger, and that's that'.

14/11/2011, *Reuters*

<http://deathpenaltynews.blogspot.com/2011/12/last-death-sentence-upheld-in-1995.html>

#### China sentences 113 people over pork tainted with fat-burning drug

On 19 November, state media announced that more than 100 people, including over a dozen Chinese government employees, were sentenced to death over chemical-laced pork that caused a food safety scandal earlier in 2011. One person was sentenced to death.

25/11/2011, *Washington Post*

<http://latestchina.com/article/?rid=55570>

## **A Glimpse of Death Row in China**

A group of Chinese women, photographed inside death row at a Chinese prison engage in tasks such as painting their nails, brushing their hair, discussing clothes with uniformed guards which take on a tragic resonance in the final 12 hours before the womens' execution.

*02/12/2012, New York Times*

<http://thelede.blogs.nytimes.com/2011/12/02/a-glimpse-of-death-row-in-china/>

## **Amnesty International protests scheduled execution of Filipino in China**

On 2 December, Amnesty International (AI) called on the Chinese government to stop the execution of an unidentified 35 year old Filipino man for smuggling 1.5 kilos of heroin. Dr. Aurora Parong, Director of AI Philippines, expressed 'serious concern that China scheduled another execution of a person convicted of a non-lethal crime such as drug trafficking', an act which contravenes international law'. The execution was carried out on 8 December.

*02/12/2011, Amnesty International*

<http://www.amnesty.org.ph/news.php?item=news&id=211>

*07/12/2011, ABS CBN*

<http://www.abs-cbnnews.com/global-filipino/12/06/11/amnesty-international-protests-china-death-penalty-pinoy>

## **INDIA**

### **Death penalty 'barbaric, anti-life' says Supreme Court judge**

On 15 November, Justice AK Ganguly of the Supreme Court described the death sentence as 'barbaric, anti-life, undemocratic and irresponsible'. He said that the Constitutional guarantee of the right to life cannot be subjected to 'vague premises' and that currently the doctrine of a crime falling in the 'rarest of rare' category is a 'grey' area as its interpretation depends on the view of individual judges.

*15/11/2011, The Times of India*

[http://articles.timesofindia.indiatimes.com/2011-11-15/india/30401179\\_1\\_death-penalty-sc-judge-the-rarest-of-rare-category](http://articles.timesofindia.indiatimes.com/2011-11-15/india/30401179_1_death-penalty-sc-judge-the-rarest-of-rare-category)

## **INDONESIA**

### **221 Indonesians Facing Death Penalty in three Foreign Countries**

On 7 November, Humphrey R Djemat, spokesman of the Indonesia Migrant Workers Task Force said that a total of 221 Indonesians are facing the death penalty in Saudi Arabia, Malaysia and China. He said he had appointed lawyers in Saudi Arabia and Malaysia to support Indonesian migrant workers facing the death penalty. More importantly, he claimed that in the future a memorandum of understanding should be signed by the Indonesian, Saudi and Malaysia governments so that they could coordinate the problems faced by migrant workers before their cases reached the courts.

*08/11/2011, English Kompas*

<http://english.kompas.com/read/2011/11/08/09321358/221.Indonesians.Facing.Death.Penalty.in.3.Foreign.Countries>

## **JAPAN**

### **Aum Killer Nakagawa's death penalty finalised**

On 18 November, the Supreme Court upheld Tomomasa Nakagawa's death penalty for his role in the Aum cult's two deadly nerve gas attacks in Tokyo. Nakagawa, a 49 year old physician, is the 12<sup>th</sup> Aum member whose death sentence has been finalised.

*19/11/2011, The Japan Times*

<http://www.japantimes.co.jp/text/nn20111119a1.html>

## **MALAYSIA**

### **Malaysia rethinks death penalty**

On 22 November, The Japan Times reported that Nazri Abdul Aziz, a minister of Malaysia, said the government is 'rethinking' the death penalty' as part of an 'effort to move ahead with the times for a more humane world'. The anti-death penalty campaign received a boost in June when the legislature set up a bipartisan group to look into the issue. At this meeting, the parties agreed on a resolution to call on the government to impose a moratorium while a thorough review is being conducted.

*22/12/2011, The Japan Times*

<http://www.japantimes.co.jp/text/nn20111123f3.html>

## **NORTH KOREA**

### **North Korean prison camp survivor speaks out**

On 25 November, Kim Hye Sook, a North Korean prison camp survivor gave a rare testimony exposing public executions and starvation at the Gwaliso No 18 political prisoner camp. Miss Kim claimed that more than 100 public executions were carried out every year for various types of offences 'ranging from stealing corn power to being superstitious'.

*23/11/2011, ABC Net*

<http://www.abc.net.au/news/2011-11-24/nkorea-prison-camp-survivor-speaks-out/3690346>

## **SINGAPORE**

### **Retrial for death row drug trafficker**

On 1 December, Asia One reported that a drug trafficker who was sentenced to death last year will receive a re-trial on the grounds that the judge who convicted him failed to provide clear enough reasoning for his decision. Appeal judge Justice Rajah emphasised that transparency in the judicial process provides an important constraint on the judiciary's exercise of power, and a record of a detailed account of the reasoning process makes it possible for the decisions to be debated, attacked and defended.

*01/12/2011, Asia One*

<http://www.asiaone.com/News/AsiaOne%2BNews/Singapore/Story/A1Story20111201-313874.html>

## TAIWAN

### **Court rescinds death sentence in 16 year old case**

On 25 November, the Taiwan High Court rescinded a death sentence against Hsu Tzu-Chiang and gave him a life sentence in the seventh retrial in one of the longest-running murder cases in the nation's history. Hsu did not speak after learning of his sentence in court, while his mother said outside the court that "the judiciary system is dead" and that she could not accept the sentence, even though the death sentence had been rescinded. According to Hsu's lawyer, he was convicted based solely on the confessions of the two other defendants and that the judge did not make a ruling based on the evidence in the case as Hsu had an alibi on the day the kidnapping took place.

*26/11/2011, Taipei Times*

<http://www.taipeitimes.com/News/taiwan/archives/2011/11/26/2003519268>