

**ADPAN NEWSLETTER NO. 1, 2013
January-February 2013**

This is the first edition this year of the ADPAN Newsletter. It provides links to significant death penalty news stories from across the Asia Pacific region as reported in the media during January and February 2013.

The Anti-Death Penalty Asia Network (ADPAN) is an independent, impartial network of individuals, NGOs, lawyers and activists from 27 countries that are committed to working for an end to the death penalty in their own countries and across the Asia Pacific region.

Please distribute the ADPAN Newsletter widely, pass on to your networks, place online and use in any campaigning work against the death penalty.

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GOOD NEWS

PHILIPPINES

Aquino against death penalty

In spite of growing support for the death penalty following the killing of eight people, President Aquino resisted calls to reinstate the death penalty, considering it an inappropriate punishment. He has previously pointed to the risk of executing an innocent person as a result of the justice system being flawed. Deputy presidential spokesperson Valte explained that the President believes the threat of punishment to be the strongest deterrent.

Congressman Walden Bello, chairman of the House Committee on Overseas Workers Affairs, similarly maintained that the death penalty constitutes an ineffective deterrent. The Philippine government has recently intervened on behalf of its nationals in death penalty cases in Saudi Arabia.

06/01/2013 – GMA Network, The Gulf Today, Rappler.com, IOL News

<http://www.gmanetwork.com/news/story/289111/news/nation/palace-still-not-keen-on-death-penalty-for-heinous-crimes>

<http://gulftoday.ae/portal/4f590779-fc46-4ee6-ac83-7b2d7fc44d54.aspx>

<http://www.rappler.com/nation/19230-aquino-still-against-death-penalty>

<http://www.iol.co.za/news/world/blood-money-sets-death-row-man-free-1.1462704>

SINGAPORE

Singapore Prison Service released statistics

The Singapore Prison Service released its annual statistics, noting no executions in 2012.

30/01/2013 – Singapore Prison Service

http://www.prisons.gov.sg/content/dam/sps/publication_latest/2013%20Singapore%20Prison%20Service%20Annual%20Statistics%20Release.pdf

UN

UN chief calls for abolition of death penalty

UN Secretary-General Ban Ki-moon repeated his call for the global abolition of the death penalty at a meeting of the International Commission Against the Death Penalty (ICDP) in Geneva. In a statement read to the meeting, he said, “the sentiment towards abolition finds echoes in every region and across legal systems, traditions, customs and religious backgrounds”.

ICDP President Frederico Mayo strongly condemned the countries still supporting the death penalty: “the isolation of the world’s last executing nations is growing as more countries conclude that capital punishment is cruel, endorses violence and risks execution of the innocent, while failing to deter violent crime.”

25/02/2013 – Jurist, Talk Radio News

<http://jurist.org/paperchase/2013/02/un-chief-calls-for-abolition-of-death-penalty.php>

<http://www.talkradionews.com/united-nations/2013/02/27/un-head-abolish-death-penalty-worldwide.html>

REGIONAL DEVELOPMENTS IN THE ASIA PACIFIC

BANGLADESH

Bangladesh court gives death penalty to 1971 war criminal

Abul Kalam Azad, an Islamic cleric linked to the fundamentalist party Jamaat-e-Islami, was sentenced to death by Bangladesh's International Crimes Tribunal. He was convicted of eight crimes against humanity, which the court said were "proved beyond doubt". The trial was conducted in absentia with a state-appointed lawyer and no defence witnesses.

21/01/2013 – *International Business News, bdnews24*

<http://ibnlive.in.com/news/bangladesh-court-gives-death-penalty-to-1971-war-criminal/316942-2.html>

<http://bdnews24.com/bangladesh/2013/02/20/bachchu-to-appeal-or-hang>

Quader Mollah's conviction

Jamaat-e-Islami leader Quader Mollah was sentenced to life imprisonment for crimes against humanity. The sentence of life imprisonment prompted street protests calling for the death penalty for all those convicted by the Bangladeshi International Crimes Tribunal. The Cabinet approved changes to the International Crimes Tribunal Act allowing the state and victims to contest the verdict. The cabinet also set a 60-day limit for the Supreme Court's Appellate Division to dispose of appeals. Prisoners sentenced to death could be executed this year.

07/02/2013 – *International Business News, bdnews24*

<http://www.thedailystar.net/newDesign/news-details.php?nid=268185>

<http://dawn.com/2013/02/11/bangladesh-approves-law-to-swiftly-execute-war-criminals/>

Bangladesh lacks in free trial and due process: UN human rights experts

UN experts voiced concerns over recent sentences by the Bangladesh International Crimes Tribunal. The Office of the High Commissioner for Human Rights stated that the trial of Abdul Kalam Azad, conducted in absentia, did not provide guarantees of a fair trial. The UN Special Rapporteur on the Independence of Judges and Lawyers, Gabriela Knaul, noted her concern about the lack of impartiality. She added that witnesses and lawyers for the defence have complained of intimidation and harassment.

07/02/2013 – *UN News Centre, hotnhit News*

<http://www.un.org/apps/news/story.asp?NewsID=44089&Cr=death&Cr1=penalty#.UV2bY6JORxU>

<http://hotnhitnews.com/Bangladesh-lacks-in-free-trial-and-due-process-UN-human-rights-experts-HotnHitNews-15414022013.htm>

CHINA

Outcry over Sichuan woman's death sentence for killing abusive husband

Li Yan was sentenced to death by the Ziyang Intermediate People's Court for killing her abusive husband and lost her appeal at the Sichuan Higher People's Court in August. The Supreme People's Court authorised her execution in January.

In a petition launched by ADPAN member China Against the Death Penalty (CADP) and published on the ADPAN blog on 31 January, over 400 lawyers and women's rights activists called for the reversal of her death sentence. CADP called on the

judiciary to take into account the domestic violence suffered by the victim and the series of complaints she lodged with the local women's federation prior to the murder.

30/01/2013 – South China Morning Post, ADPAN

<http://www.scmp.com/news/china/article/1138866/outcry-over-sichuan-womans-death-sentence-killing-abusive-husband>
<http://adpan.net/2013/01/31/china-li-yan-faces-imminent-execution-please-appeal/>.

INDIA

Death sentence against human rights charter: NHRC chief

On 8 January, the Director of India's National Human Rights Commission stated that the death penalty is against the Universal Declaration of Human Rights.

08/01/2013 – The New Indian Express

<http://newindianexpress.com/nation/article1413079.ece>

Some call for death penalty, others call for justice

Following the gang rape and death of a female student in New Delhi, several organisations and individuals called for the death penalty for those who "insult women's honour". India's Women and Child Development Minister Krishna Tirath and the leader of opposition in Parliament, Sushma Swaraj, Hindu nationalist Bharatiya Janata Party (BJP), said laws should be changed to include death as a penalty for rape in the most brutal cases.

Several women's groups oppose the death penalty for rapists. Kavita Krishnan, who participated in the New Delhi street protest against rape and secretary of the All India Progressive Women's Association, told IPS, "The death penalty is no solution for a country with misogynistic laws. There is no evidence anywhere in the world to prove that the death penalty lessens rape or, for that matter, deters anyone from committing any other crime."

The Dalai Lama and Gandhi's granddaughter, Ela Gandhi, also oppose the death penalty for rapists.

21/01/2013 – IPS News, Hindustan Times, Huffington Post

<http://www.ipsnews.net/2013/01/some-call-for-death-others-call-for-justice/>
<http://www.hindustantimes.com/India-news/MadhyaPradesh/crime-against-women-chouhan-for-death-penalty/Article1-997636.aspx>
http://www.huffingtonpost.com/2013/01/24/dalai-lama-delhi-gang-rapists-should-not-be-executed_n_2544785.html
<http://www.indianexpress.com/news/gandhis-granddaughter-opposes-death-penalty-for-rapists/1079699>

Verma panel says no to death penalty

On 23 January, a panel of jurists appointed to make recommendations on amending Indian sexual violence laws ruled against the death penalty for rape cases and did not favour lowering the age of a juvenile from 18 to 16. "According to the Working Group on Human Rights, the murder rate has declined consistently in India over the last 20 years despite the slowdown in the execution of death sentences since 1980. Hence we do take note of the argument that introduction of the death penalty for rape may not have a deterrent effect," the panel said.

UN High Commissioner for Human Rights Navi Pillay strongly supported these recommendations and this opposition to the death penalty for rapists.

23/01/2013 – The Hindu, RTT news

<http://www.thehindu.com/news/national/verma-panel-says-no-to-death-penalty/article4336046.ece>

<http://www.rttnews.com/2043612/un-rights-chief-backs-indian-report-eschewing-death-penalty-for-rape-murder.aspx>

India's President approves death penalty in some rape cases

On 3 February, India's President approved harsher punishments for rapists, including the death penalty. It will be an option in cases where the victim dies or is in a persistent vegetative state and where there is a repeat offence of aggravated sexual assault.

03/02/2013 – Dawn, The Link

<http://dawn.com/2013/02/03/indian-president-approves-death-penalty-in-some-rape-cases/>
<http://thelinkpaper.ca/?p=26535>

India Executes Man Convicted in 2001 Attack on Parliament

On 9 February, India secretly hanged Afzal Guru, convicted of his involvement in the 2001 attack on Parliament. His family received notification only after the execution had taken place.

Jammu and Kashmir Chief Minister Omar Abdullah criticised the hanging.

Gopal Subramaniam, the special public prosecutor in the Parliament attack case in the Delhi High Court and the Supreme Court, expressed concern about the secrecy of the execution. He said the government's failure to inform the family in advance was a "serious omission in the administration of human rights".

ADPAN member People's Union for Civil Liberties (PUCL) issued a statement condemning the hanging. The execution had denied Afzal Guru and his family the right to seek a final legal remedy.

10/02/2013 – NY Times, NDTV, Times of India

<http://www.nytimes.com/2013/02/10/world/asia/india-executes-man-tied-to-2001-attack-on-parliament.html>
<http://www.ndtv.com/article/india/afzal-guru-s-family-receives-letter-about-his-execution-today-329213>
http://articles.timesofindia.indiatimes.com/2013-02-13/india/37078504_1_afzal-guru-mercy-petition-parliament-attack

In a Newsflash published on the ADPAN blog on 12 February, ADPAN condemned the execution of Afzal Guru, reiterating its demand for the abolition of the death penalty.

12/02/2013 - ADPAN

<http://adpan.net/2013/02/12/india-adpan-condemns-the-execution-of-afzal-guru/>

Not so rare: One death penalty every 3rd day in India

A report by the Asian Centre for Human Rights (ACHR) showed that India passes a death sentence against an average of 132.27 people accused per year. ACHR Director Suhas Chakma said, "This implies that on average one convict is awarded death penalty in less than every third day in India. The rarest of the rare doctrine for application of death penalty has become routine. Death penalty is no longer the exception but the rule." He added that there is no evidence of the death penalty having a deterrent effect.

14/02/2013 – Hindustan Times, Asian Centre for Human Rights

<http://www.hindustantimes.com/India-news/NewDelhi/One-death-penalty-every-third-day-in-India/Article1-1011856.aspx>
www.achrweb.org/reports/india/IndiaDeathPenaltyReport2013.pdf

CPI to fight for commutation of death sentence

Communist Part of India (CPI) national secretary D. Raja stated that the use of the death penalty is not an effective way of reducing crime.

DMK (Dravida Munnetra Kazhagam) chief M Karunanidhi also appealed for the death penalty to be abolished. He said that hanging should be removed from the law books "in the interest of human rights and humanity".

18/02/2013 – *Times of India, NDTV*

<http://www.thehindu.com/news/national/tamil-nadu/cpi-to-fight-for-commutation-of-death-sentence-d-raja/article4425670.ece>

<http://www.ndtv.com/article/india/dmk-chief-m-karunanidhi-asks-for-death-penalty-to-be-abolished-332429>

INDONESIA

Death sentence surprises defendant, spectators

Lindsay Sandiford, a British national, was sentenced to death for drug trafficking on 22 January. Indonesia's Director General of Excise and Customs, Agung Kuswandono, publicly applauded the judgment, adding, "We hope that this heavy sentence will deter smugglers who are destroying the next generation of Indonesians".

Law firm Leigh Day sought judicial review of the British government's decision not to pay for Sandiford's appeal lawyer, arguing that it has a duty to ensure that British citizens sentenced to death have adequate legal assistance.

Sandiford appealed her death sentence after receiving an anonymous donation towards the cost of her lawyer.

23/01/2013 – *The Jakarta Post, Channel News Asia, Global Post, Bali Discovery, The Mirror*

<http://www.thejakartapost.com/news/2013/01/23/death-sentence-surprises-defendant.html>

http://www.channelnewsasia.com/stories/afp_asiapacific/view/1251359/1.html

<http://www.globalpost.com/dispatch/news/afp/130131/bali-death-sentence-woman-fails-make-britain-pay-lawyer>

<http://www.balidiscovery.com/messages/message.asp?id=9066>

<http://www.mirror.co.uk/news/uk-news/lindsay-sandiford-gran-on-death-row-1571814>

1st state executions since 2008 on horizon with 12 facing firing squad

The Attorney General's Office revealed that 12 death row inmates, at least two of whom are foreign nationals, are likely to be executed after exhausting all avenues for appeal, in the first executions since 2008. Basrief Arief, the attorney general, said it was doubtful their sentences would be commuted to imprisonment.

02/02/2013 – *The Jakarta Globe*

<http://www.thejakartaglobe.com/home/first-state-executions-since-2008-on-horizon-with-12-facing-firing-squad/569094>

Japan hangs three death row inmates

Japan carried out its first executions since Prime Minister Shinzo Abe came to power. The three men, Masahiro Kanagawa, Kaoru Kobayashi and Keiki Kano, were hanged after being convicted of murder. No executions were carried out in 2011, but executions resumed in March 2012. Executions are typically carried out in secret, with no advance notice given to families or lawyers.

Justice Minister Sadakazu Tanigaki showed no intention of reviewing the death penalty in Japan, insisting any debate of the issue should be based on Japan's "domestic situation", arguing the death penalty is a deterrent.

21/02/2013 – BBC, Japan Times

<http://www.bbc.co.uk/news/world-asia-21528526>

<http://www.japantimes.co.jp/news/2013/02/21/national/japan-executes-three-inmates/#.UVMe-BfidxU>

In a Newsflash published on the ADPAN blog on 21 February, ADPAN condemned the execution of Masahiro Kanagawa, Kaoru Kobayashi and Keiki Kano. ADPAN fears more executions may follow and called upon the Japanese government to introduce a moratorium, to commute all death sentences and to work toward abolition of the death penalty for all crimes.

21/02/2013 - ADPAN

<http://adpan.net/2013/02/21/japan-three-more-executions-adpan-fears-more-may-follow/>

PAKISTAN

Black warrant: Jaleel Morejo escapes death for the 20th time

Hafiz Jaleel Morejo, who was scheduled to be hanged in January, has evaded death for the 20th time, after spending the past 15 years on death row in Pakistan. Morejo, who claims he is innocent, says he was framed by his cousins after they killed their own brother. Conviction has been postponed until March on orders of the president, as the Pakistan Peoples Party hopes to amend the death penalty law.

17/01/2013 – The Express Tribune

<http://tribune.com.pk/story/495049/black-warrant-jaleel-morejo-escapes-death-for-the-20th-time/>

7,046 death row inmates awaiting execution, SC told

On 27 February it was reported that 7,046 prisoners were on death row across Pakistan. 5,378 appeals were pending in provincial high courts and 1,031 in the Supreme Court. The president has “stopped” the implementation of 78 capital punishment sentences.

28/02/2013 – Daily Times, Dawn

http://www.dailytimes.com.pk/default.asp?page=2013%5C02%5C28%5Cstory_28-2-2013_pg7_3

<http://dawn.com/2013/02/28/7046-inmates-awaiting-execution-sc-informed/>

SRI LANKA/SAUDI ARABIA

Saudi beheads Sri Lankan maid defying calls for stay

On 9 January, Saudi Arabia beheaded Rizana Nafeek, a Sri Lankan maid sentenced to death for murder, after 8 years on death row. The execution led to condemnation by many, including the Muslim Council of Sri Lanka, the Asian Human Rights Commission, the Sri Lankan government, the European Union, Amnesty International and the UN. Nafeek was 17 at the time of the offence and reportedly made a forced confession under duress, which she retracted. No lawyer was present during key stages of her interrogation and trial, and language interpretation was poor and at times unavailable, according to a spokesperson from the Office of the UN High Commissioner for Human Rights.

The government of Sri Lanka later recalled its ambassador to Saudi Arabia following the execution. The Sri Lankan government is accused of having failed to do more.

09/01/2013 – A Safe World for Women, International Business Times, Trust Law

<http://www.asafeworldforwomen.org/children/save-rizana-nafeek/3565-rizana-charge-wrong.html>

<http://www.ibtimes.com/execution-housemaid-saudi-arabia-roils-sri-lanka-ambassador-riyadh-recalled-1006722>

TAIWAN

Process exists for special pardon of death row inmates: minister

When briefing a legislative committee on 9 January, Justice Minister Tseng Yung-fu announced that a system is in place in Taiwan to handle special pardons for death row prisoners. This was in response to questions on whether the issue was properly addressed before the execution of six people on 21 December 2012. When a death row pardon is requested, it is sent to the Presidential Office. If granted, the office notifies the ministry. The Justice Minister said the ministry has not received any notification of special pardon since resuming executions in 2010. Saying that the Pardon Act has no guidelines on procedures for rejecting a special pardon request, Opposition Democratic Progressive Party legislators proposed that the Executive Yuan study a revision of the law and that the Justice Ministry submit a report on the issue within a year.

09/01/2013 – Taiwan News

http://www.taiwannews.com.tw/etn/news_content.php?id=2117059

Taiwan to continue enforcing death penalty

Taiwan says it will continue to enforce the death penalty, despite international appeals to end it.

Opinion polls in Taiwan suggest that 77% of the public supports the death penalty. Since President Ma took office in 2008, he has tried to use so-called “soft power” to highlight Taiwanese cultural and humanitarian achievements. Lin Hsinyi, executive director of Taiwan Alliance Against the Death Penalty, ADPAN member, says human rights represent the best possibility for Taiwan to express its soft power.

27/02/2013 – VOA News

<http://www.voanews.com/content/taiwan-to-continue-enforcing-death-penalty/1611571.html>

Death penalty at the heart of human rights review

The Taiwanese authorities conducted a voluntary assessment of the human rights situation in the country, which culminated in the visit of a panel of experts in late February and the production of a report, <https://docs.google.com/file/d/OBxViEd1ZNUfNWW41ZONIU1VaMXc/edit?usp=sharing>.

The government published reports on the human rights situation in Taiwan and a coalition of 45 national human rights NGOs, “Covenants Watch”, replied with shadow reports. These argued that criminal law reform to reduce the scope of the death penalty is far behind schedule. It added that cases involving confession under torture still occur and “seven of the nine persons executed in April 2010 and March 2011 did not have defence counsel in their third-level trials”. It also pointed out that the official report neglected to examine death row conditions and the use of the death penalty against the mentally ill. ADPAN member Taiwan Alliance Against the Death Penalty contributed to the shadow report, highlighting that recent executions have been carried out despite the prisoners having asked for amnesty and without receiving a response, which constitutes a violation of the ICCPR.

05/02/2013 – World Coalition

<http://www.worldcoalition.org/taiwan-death-penalty-human-rights-review-moj-covenants-watch-iccpr.html>

GLOBAL AND REGIONAL NEWS

BELARUS

Belarus delays death penalty abolition

The question of abolishing the death penalty in Belarus remains open, though the inclusion in Belarusian law of the death penalty is a temporary and exceptional measure, the Chairman of the Constitutional Court of the Republic of Belarus Petr Miklashevich told a news conference in Minsk in January. Belarus is the only country in Europe that still uses the death penalty. The Constitutional Court has explained that a moratorium on the death penalty could be introduced by a decision of the President and parliament.

23/01/2013 – Russian Legal Information Agency

http://rapsinews.com/legislation_news/20130123/266163878.html

CHINA/BANGLADESH/VIETNAM

Bundesbank stories

Bangladesh's central bank dropped a proposal seeking the death penalty for currency forgery after Germany's Bundesbank shelved an anti-counterfeiting partnership with Bangladesh in response to the proposal. The Bundesbank stated that while it "believes that counterfeiting is a serious criminal offense, it considers the threat of imposing the death penalty to be excessive".

The Bundesbank has also limited cooperation with Chinese and Vietnamese central bank officials, excluding them from anti-counterfeiting seminars due to concerns about the use of the death penalty for forgery.

The Bank is also examining if other countries it cooperates with are imposing the death penalty for forgery.

18/01/2013 – Bloomberg

<http://www.bloomberg.com/news/2013-01-18/bangladesh-drops-death-penalty-proposal-after-bundesbank-objects.html>

<http://www.bloomberg.com/news/2013-01-25/bundesbank-limits-china-cooperation-on-death-penalty.html>