

## **ADPAN NEWSLETTER NO.4 September - October 2010**

### **INTRODUCTION**

The fourth edition of the ADPAN Newsletter, covering the months of September and October, provides links to significant death penalty news stories from across the Asia Pacific region, ranging from individual cases of presidential clemency and commutations, to legislative amendments, public opinion and the work of abolitionists. The newsletter includes:

- positive developments
- death penalty news from **Bangladesh, China, India, Indonesia, Japan, Malaysia, Maldives, Mongolia, North Korea, Pakistan, Philippines, Singapore, South Korea, Sri Lanka, Taiwan, Thailand** and **Vietnam**.
- statements issued by ADPAN
- work of ADPAN members (names in bold)
- activities of ADPAN members for the World Day against the Death Penalty

Please distribute this widely, pass on to your networks 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>

### **POSITIVE DEVELOPMENTS**

#### **BANGLADESH**

##### **Bangladesh pardons 20 death row prisoners**

President Rahman has pardoned 20 prisoners on death-row, sentenced in 2006 for the murder of a then-ruling BNP student activist. They were members of the then-main opposition Awami League party, which has maintained that the case was politically motivated and the men innocent of all charges.

*07/09/10, AFP*

<http://www.rnw.nl/international-justice/article/bangladesh-pardons-20-death-row-prisoners>

<http://www.bdnews24.com/details.php?id=173406&cid=2>

[http://www.thefinancialexpress-bd.com/more.php?news\\_id=113007&date=2010-09-28](http://www.thefinancialexpress-bd.com/more.php?news_id=113007&date=2010-09-28)

#### **INDIA**

##### **No noose is good news**

Following a series of commutations this month, campaigners are hoping that this will reflect a trend towards the abolition of the death penalty. Maja Daruwalla, director of the Commonwealth Human Rights Initiative (CHRI), described “a marked reluctance among judges in India to hand out death sentences and this is absolutely right.”

*14/10/10, IPS*

<http://ipsnews.net/news.asp?idnews=53160>

## **JAPAN**

### **Ending the secret life of the death penalty**

Keiko Chiba, former Justice Minister and abolitionist, was the first Justice Minister to observe executions, stressed that

- the study group created in the Ministry of Justice should continue
- journalists and family members must be allowed to see an execution
- there should be more disclosure about conditions on death row, and openness about communications with family and friends, and the timing of executions, for convicts and their families
- there should be transparency on how officials choose who will be hanged next.

Surveys show that more than 80% of Japanese adults support the death penalty, but evidence in Japan demonstrated that capital punishment deters no better than a long prison term.

26/09/10, *Japan Times*

<http://search.japantimes.co.jp/cgi-bin/eo20100926a1.html>

### **EU adopts Japan crime deal with death penalty opt-out**

The European Union (EU), which prohibits the death penalty across the EU, adopted an agreement with Japan stating that the two sides may share evidence, information and testimony as part of criminal investigations, but there is an opt-out clause allowing a European country to refuse help in cases which may result in the death penalty.

07/10/10, *EU Business*

<http://www.eubusiness.com/news-eu/japan-justice-crime.6gk/>

## **PHILIPPINES**

### **Prison advocates oppose restoration of the death penalty**

The Catholic Bishops Conference of the Philippines - Episcopal Commission on Prison Pastoral Care (CBCP-ECPPC) has joined with the Coalition against the Death Penalty in opposing the restoration of the death penalty in the Philippines. Issuing a statement on the World Day against the Death Penalty, the CBCP-ECPPC called on prison advocates to join them in recommending alternative ways of keeping peace in the community.

12/10/10, *CBCP News*

<http://www.cbcnews.com/?q=node/13402>

## **SINGAPORE**

### **Establish ASEAN coalition against death penalty**

The Singapore-based group, **Think Centre**, is calling for the formation of a Coalition against the Death Penalty in ASEAN. They will urge the ASEAN Intergovernmental Commission on Human Rights (AICHR) to issue a formal request to suspend executions in Singapore especially in light of the undergoing clemency process for Yong Vui Kong, and propose that a study be undertaken in considering the abolition of the death penalty.

27/10/10, *Aliran*

<http://aliran.com/3134.html>

## **THAILAND**

### **Thai Catholics join drive to scrap death penalty**

The Thai Church joined Amnesty International and other activists in condemning the resumption of executions in the country after a six-year hiatus.

08/10/10, *UCANews*

<http://www.ucanews.com/2010/10/08/thai-catholics-oppose-death-penalty/>

## **VIETNAM**

### **Catholics seek end to Vietnam death penalty**

Following reforms by the Vietnamese government to replace firing squads with lethal injection, Catholics have called for the total abolition of the death penalty. The Criminal Sentence Enforcement Bill providing for lethal injection will be approved by the National Assembly and take

effect on 1 July 2011. Catholics are arguing that the form of execution does not change the inhumanity of the punishment.

27/09/10, *CathNews Asia*

<http://www.cathnewsasia.com/2010/09/27/catholics-seek-end-to-vietnam-death-penalty/>

## **WORLD NEWS**

### **MEPs condemn continuing use of the death penalty**

Belgium's European Affairs Minister, Olivier Chastel, made a statement on behalf of Baroness Ashton, the EU's High Representative for Foreign Affairs, saying that fighting to abolish the death penalty is a priority of hers. On 7th October 574 MEPs voted in favour of a resolution calling for an "unconditional worldwide moratorium on executions," and 25 voted against.

06/10/10, *BBC*

[http://news.bbc.co.uk/democracylive/hi/europe/newsid\\_9058000/9058452.stm](http://news.bbc.co.uk/democracylive/hi/europe/newsid_9058000/9058452.stm)

### **Guyana abolishes death penalty**

Guyana has abolished the mandatory death penalty for murder, except in cases of murder of members of the security forces or judiciary. Lawyers have appealed for commutation of around 40 death sentences.

16/10/10, *Straits Times*

[http://www.straitstimes.com/BreakingNews/World/Story/STIStory\\_591545.html](http://www.straitstimes.com/BreakingNews/World/Story/STIStory_591545.html)

## **DEATH PENALTY NEWS FROM ASIA AND THE PACIFIC**

### **CHINA**

#### **Appeals are ensured for death cases**

Once an appeal has been accepted by a higher court, those sentenced to death are not allowed to stop it. The move is intended to prevent wrongful convictions in death sentence cases. Beijing-based lawyer Che Xingyi said that in some cases defendants revoke their appeals as they are "threatened by police officers and judges involved in the case, who might be punished for their mistakes," if the death sentence is reversed.

02/09/10, *China Daily*

<http://english.peopledaily.com.cn/90001/90776/90882/7126024.html>

#### **Amending death rules**

A draft amendment to the Criminal Law which reduces the number of capital crimes for 13 economic-related non-violent crimes was put out on the National People's Congress website to solicit public opinion, until the end of September. The draft amendment also allows greater leniency to those younger than 18 years and older than 75. Yuan Bin, associate professor at the College for Criminal Law Science in Beijing, says the Chinese public are moving away from support for the death penalty: "this is a landmark on our way to restricting capital punishment sentences until abolishing them for good." Currently there are 68 crimes punishable by death in China.

13/09/10, *Beijing Review*

[http://www.bjreview.com.cn/nation/txt/2010-09/13/content\\_297576.htm](http://www.bjreview.com.cn/nation/txt/2010-09/13/content_297576.htm)

#### **Jury still out on fewer crimes punishable by death**

The proposed amendment would reduce the number of capital crimes from 68 to 55, but the death penalty is seldom used for these 13 crimes and the changes would reflect the current reality. According to Pu Yijun, a criminology professor at the China University of Political Science and Law, they account for nearly 20% of overall death crimes.

20/10/10, *IPS*

<http://ipsnews.net/news.asp?idnews=53226>

## INDIA

### Prez commutes 14 death sentences in life terms

President Patil has commuted 14 death sentences. Four of the people have had mercy petitions pending since 1991. All had served more than ten years of their sentences.

12/09/10, *Central Chronicle*

<http://www.centralchronicle.com/viewnews.asp?articleID=47139>

### Businessman offers aid to 17 death row prisoners

Dubai businessman, SP Singh Oberoi, has paid for the families of several of the 17 men on death row for the murder of one man to visit them in prison. The defendants deny any knowledge of the victim and say that their confessions were extracted following severe beatings from police.

27/09/10, *National – UAE*

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

## INDONESIA

### Penalty abolition “requires anti-violent culture”

At a public discussion on the relation between the death penalty and human rights, Rocky Gerung, a philosophy lecturer at the University of Indonesia, said that an anti-violence culture is a prerequisite for abolishing the death penalty.

09/10/10, *Jakarta Post*

<http://www.thejakartapost.com/news/2010/10/09/penalty-abolition-%E2%80%98requires-antiviolent-culture%E2%80%99.html>

## INDONESIA/MALAYSIA

### Malaysia asked to spare 3 traffickers facing death

Indonesia’s Justice and Human Rights Minister Patrialis Akbar petitioned Malaysia to spare three Indonesian drug traffickers on death row. As of 2007, 19 Indonesians sentenced to death in Malaysia had been granted clemency. According to Migrant Care, the Commission for Missing Persons and Victims of Violence and **Imparsial**, there are 345 Indonesians in Malaysia facing possible death sentences, but the ministry insists the number is 177.

19/09/10, *Jakarta Globe*

<http://www.thejakartaglobe.com/home/malaysia-asked-to-spare-3-traffickers-facing-death/396989>

### No request to reduce death sentence on Indonesians

According to Indonesia’s official news agency Antara, Indonesia’s Foreign Minister Dr Marty Natalegawa said that the Indonesian government was requesting Malaysia to reduce the death sentence on Indonesian criminals, but the Malaysian Foreign Affairs Ministry says no request has been made.

15/09/10, *Malay Mail*

<http://www.mmail.com.my/content/49471-no-request-reduce-death-sentences-indonesians>

## JAPAN

### Give more info on death row

Anti-death penalty organisations in Japan have urged the government to share more information on death row inmates and executions to help inform public debate.

06/09/10, *Straits Times*

[http://www.straitstimes.com/BreakingNews/Asia/Story/STIStory\\_575489.html](http://www.straitstimes.com/BreakingNews/Asia/Story/STIStory_575489.html)

### Justice panel hears out experts on death penalty

Following the establishment of an official study group to look into the future of the death penalty, four experts have expressed their opposition to Japan’s use of capital punishment, arguing, amongst other things, that abolition is the global trend.

10/09/10, *Japan Times*

<http://search.japantimes.co.jp/cgi-bin/nn20100910a6.html>

## Domestic media hangs on Chiba's every comment

Since Keiko Chiba signed two execution orders in July, and attended the hangings, she has added that she wants to "push a debate on capital punishment." 21 journalists, each representing a member of the ministry's press club, were able to view the gallows for 16 minutes. The NHK described the chamber in detail and interviewed a former warden and a prison chaplain, but did not elicit opinion from anyone who is against the death penalty. The official ministry explanation for the secrecy surrounding death row is that they don't want to "agitate death row inmates." The author claims that in reality, they do not want to agitate the citizens, who are overwhelmingly in favour of the death penalty, or the families of murder victims.

19/09/10, *Japan Times*

<http://search.japantimes.co.jp/cgi-bin/fd20100919pb.html>

## Lay judges face first demand for death

Prosecutors have demanded the death penalty for the first time since the lay judge system was introduced in May 2009. The defence has called for leniency because the defendant Hayashi repents of the murders, and a psychiatrist has testified for the defence to say that his ability to judge right and wrong was weak at the time of the incident. (Decision in report below)

26/10/10, *Japan Times*

<http://search.japantimes.co.jp/cgi-bin/nn20101026a3.html>

## Lay judges let killer of two avoid gallows

On November 1<sup>st</sup> Hayashi was given a life sentence. The group of lay judges said the judging the case was tough, and one said, "during the two weeks, I kept thinking of both the defendant and the families of the victims."

02/11/10, *Japan Times*

<http://search.japantimes.co.jp/cgi-bin/nn20101102a3.html>

## MALAYSIA

### Vui Kong's story now in theatre

"Banduan Akhir di Sel Akhir" (The Last Prisoner in the Last Cell) is a production based on Yong Vui Kong's life story. It played for five nights from 10th October, the World Day against the Death Penalty, in Solaris, Mont Kiara, and is commissioned by **Amnesty International Malaysia**.

25/09/10, *Free Malaysia Today*

<http://www.freemalaysiatoday.com/fmt-english/living/lifestyle/10670-vui-kongs-story-now-in-theatre>

## Ombudsman assists Georgian citizens detained in Malaysia to avoid death penalty

A People's Advocate seeks to extradite two Georgian women who have been detained in Malaysia for possession of drugs and may be sentenced to death if they remain in Malaysia. There are concerns around their testimony because of language problems and inadequate translation.

29/10/10, *Trend News*

<http://en.trend.az/news/politics/1774209.html>

## MALAYSIA/SINGAPORE

### Divided over the death penalty

Malaysian anti-death penalty campaigners protested outside the Singapore High Commission in Kuala Lumpur, against the denial of due process to Yong Vui Kong. Yong's lawyer, **M Ravi**, has argued that comments from the law minister have prejudiced and compromised Yong's constitutional right to an appeal for clemency, and Yong has turned over a new leaf and immersed himself in Buddhism. The **Singapore Anti-Death Penalty Campaign (SADPC)** has more than 1,400 facebook group members and a petition for Yong carried 109,346 signatures.

13/10/10, *IPS*

<http://ipsnews.net/news.asp?idnews=53146>

## MALDIVES

### Death penalty and Shari'a are the answer to escalating violence in the Maldives, say MPs

MPs in the Maldives have stated that imposing the death penalty, following Shari'a and harsher prison conditions are the best way to solve the increasing violence in Moldovan society.

05/10/10, *Minivan News*

<http://minivannews.com/politics/death-penalty-and-shari%E2%80%99a-are-the-answer-to-escalating-violence-in-the-maldives-say-mps-11936>

## MONGOLIA

### Amnesty International Suggested Recommendation to Mongolian Govt

Amnesty International advised Mongolia to end secrecy surrounding the death penalty, in light of the recent moratorium, and to make publicly available all information on it.

07/09/10, *Ulan Baator*

[http://ubpost.mongolnews.mn/index.php?option=com\\_content&task=view&id=5287&Itemid=36](http://ubpost.mongolnews.mn/index.php?option=com_content&task=view&id=5287&Itemid=36)

## NORTH KOREA

### Public executions on the rise in N. Korea

North Korea has reportedly publicly executed at least 22 people in the first half of this year, in an attempt to tighten controls amid the designation of North Korean leader's son Kim Jong-un as his father's heir.

07/10/10, *Chosun Ilbo*

[http://english.chosun.com/site/data/html\\_dir/2010/10/07/2010100700264.html](http://english.chosun.com/site/data/html_dir/2010/10/07/2010100700264.html)

## PAKISTAN

### Punjab set to oppose abolition of death penalty

The Punjab government decided to oppose the conversion of capital punishment to life imprisonment, stating that it would lead to frequent occurrence of heinous crimes and proliferation of hired assassins.

02/10/10, *Express Tribune*

<http://tribune.com.pk/story/57290/punjab-set-to-oppose-abolition-of-death-penalty/>

### Death row convicts bear brunt of torture

Death row convicts are singled out for abuse by prison officials. The **Human Rights Commission of Pakistan** (HRCP) reported that three inmates in a Punjabi prison have developed renal ailments after being tortured. On average, inmates spend ten years on death row before they are executed. Rights groups say that there is no system in place for reporting such abuses by prison officials. Pakistan is a signatory to the U.N. Convention Against Torture and the International Covenant on Civil and Political Rights. Article 14 of the Constitution of Pakistan states, "No one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment."

24/10/10, *IPS*

<http://www.ipsnews.net/news.asp?idnews=53406>

## PHILIPPINES

### 112 OFWs on death row

There are 112 Filipino Overseas Foreign Workers held, most of them drug mules in China, and 302 drug-related cases in Asia involving Filipinos, mostly female victims who were lured to act as "drug mules" by international syndicates. The Department of Foreign Affairs in the Philippines has reiterated its warning about travelling overseas in possession of drugs.

26/10/10, *Philippine Headline News*

<http://www.newsflash.org/2004/02/hl/hl110174.htm>

## SINGAPORE

### Singapore Justice in the Dock indeed

British author Alan Shadrake is tried in Singapore for his book, "Once a Jolly Hangman: Singapore Justice in the Dock," highlighting the injustice of the secretive use of mandatory death penalty for drugs trafficking, which weighs heavily against poorer members of society. The prosecution

described the book as an “an attack to the entire judicial system” and without “an iota of truth.” **M. Ravi**, defence lawyer, maintains that the contents were fair.

18/10/10, *Asia Sentinel*

[http://asiasentinel.com/index.php?option=com\\_content&task=view&id=2765&Itemid=164](http://asiasentinel.com/index.php?option=com_content&task=view&id=2765&Itemid=164)

## **Singapore must release British Journalist sentenced for the publication of death penalty book – ADPAN statement**

[http://asiapacific.amnesty.org/apro/aproweb.nsf/pages/adpan\\_singaporestatement](http://asiapacific.amnesty.org/apro/aproweb.nsf/pages/adpan_singaporestatement)

## **Joint statement by Singapore Anti-Death Penalty Campaign (SADPC) and Think Centre on Alan Shadrake's case**

<http://www.thinkcentre.org/article.cfm?ArticleID=3064>

## **SOUTH KOREA**

### **Plan on execution chamber shelved**

The government is likely to scrap plans to build a new execution chamber. These plans showed a clear indication that the government would break the 13-year moratorium, and generated strong backlash from domestic and international human rights activists.

03/10/10, *Korea Times*

[http://www.koreatimes.co.kr/www/news/nation/2010/10/117\\_73906.html](http://www.koreatimes.co.kr/www/news/nation/2010/10/117_73906.html)

## **SRI LANKA/SAUDI ARABIA**

### **Sri Lankan leader appeals for death-row maid**

The Sri Lankan president has appealed to the king of Saudi Arabia for clemency for Rizana Nafeek, who is convicted of murder. Her original confession was made under duress and she has since pleaded manslaughter. She was 17 at the time of her alleged crime.

26/10/10, *Arab news*

<http://arabnews.com/saudiarabia/article171042.ece>

### **Sri Lankan Muslim leaders are concerned about Rizana**

Rauff Hakeem, leader of the Sri Lanka Muslim Congress, reported that they were to meet the Saudi Arabian envoy in Colombo and plan to write an appeal for the family of the victim in Saudi Arabia.

27/10/10, *Sri Lanka Guardian*

<http://www.srilankaguardian.org/2010/10/sri-lankan-muslim-leaders-are-concerned.html>

## **TAIWAN**

### **Life imprisonment mulled as alternative to death penalty**

Members of a task force set up by the Ministry of Justice have agreed that the replacement of the death sentence, with life imprisonment without parole, would be acceptable to most Taiwanese. 70% of people oppose the abolition of the death penalty, but this percentage drops when life imprisonment without parole is offered as an alternative. However, some committee members questioned whether imprisonment until death would be more inhuman than capital punishment.

17/10/10, *Taipei Times*

<http://www.taipetimes.com/News/taiwan/archives/2010/10/17/2003485871>

[http://focustaiwan.tw/ShowNews/WebNews\\_Detail.aspx?ID=201010180024&Type=aIPL](http://focustaiwan.tw/ShowNews/WebNews_Detail.aspx?ID=201010180024&Type=aIPL)

## **THAILAND**

### **Thailand to kill four Ghanaians**

Four Ghanaians are imprisoned in Thailand for drugs-related offences, but they claim they have been framed by the authorities. Ibrahim Musah was given a death sentence before his colleagues could testify at court, and he said he had met many other West African nationals in prison under similar circumstances.

08/10/10, *The Enquirer*

<http://news.myjoyonline.com/news/201010/53563.asp>



## ACTIVITIES OF ADPAN MEMBERS

### World Day against the Death Penalty 10.10.10

Australian Lawyers for Human Rights and **Australians Against Capital Punishment** organised a dinner for over 250 people in Brisbane, at which David Marr was the guest speaker.

In Hyderabad, India, the **People's Union for Civil Liberties** (PUCL), Andhra Pradesh unit, organised a programme with Jana Chaitanya Vedika at Hyderabad Press Club. Former Chief Justice of Allahabad High Court, Justice Ambati Lakshamana Rao, gave the keynote speech.

**Action for Peace and Human Rights** (APHR) had a meeting to commemorate the World Day against the Death Penalty, and have launched a blog: <http://prisonnotes-aphr.blogspot.com/> to share information with supporters of the anti-death penalty campaign.

At an event in Forlì, Italy, entitled 'A strange fruit, a bitter crop: the death penalty in the USA and Japan,' Yukari Saito, member of **Forum 90**, gave a talk on 'The Japanese noose: a knot of power difficult to loose.' **AI Japan** organised a demonstration in Tokyo in which 80 people took part (left), and the organisers presented poetry, essays and painting contributed by death row inmates.

In Indonesia, the **Commission for the Disappeared and Victims of Violence** (KontraS) hosted a press conference to evaluate the situation of the death penalty, with an exhibition of posters, prior to a peace demonstration in Jakarta. They met with the Minister of Foreign Affairs to discuss the issue of Indonesians on death row in foreign countries, and reported a good response from him.

**Odhikar** and FIDH published a joint report on the use of the death penalty in Bangladesh, entitled *Criminal justice through the prism of capital punishment and the fight against terrorism*, which was presented in Dhaka to the Bangladeshi authorities, civil society and the media during an FIDH visit from 8 to 12 October.

Members of **AI Thailand** held a silent action in the city centre to raise awareness about the death penalty (right), and there was an in-house discussion on the arguments for and against the death penalty.

The **Taiwan Alliance to End the Death Penalty** (TAEDP) organised a three day film festival called 'Murder by Numbers.' It opened with a documentary on the case of Lu Cheng, whose sister Lu Ching believes was wrongfully executed in September 2000.

**AI Malaysia** presented a play based on the life story of Yong Vui Kong, entitled *Banduan Akhir Di Sel Akhir*, at Black Box Theatre in Kuala Lumpur.

The **Singapore Anti-Death Penalty Campaign** (SADPC) published a statement calling for a moratorium on the death penalty in Singapore, to their blog and to *The Online Citizen*.

The **Human Rights Commission of Pakistan** (HRCP) held public awareness meetings across Pakistan, and sent a letter on the occasion of the World Day welcoming the moratorium on executions in place in the country since November 2008, to the President, Asif Ali Zardari.

**AI Korea** had a celebratory ceremony in the National Assembly, with other civil society groups. Major members of the National Assembly, from six different parties, were present, and the UK Ambassador and the head of the EU delegation to Korea made speeches of solidarity.