

# DEATH PENALTY NEWS

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1 Easton Street  
London WC1X 0DW  
United Kingdom

A QUARTERLY BULLETIN ON THE DEATH PENALTY AND MOVES TOWARDS WORLDWIDE ABOLITION

## COALITION FORMED TO FIGHT DEATH PENALTY

Pursuant to a decision of the First World Congress against the Death Penalty held in Strasbourg, France in June 2001 (see **DP News** June 2001), a coalition has been formed to work for the universal abolition of capital punishment.

The **World Coalition against the Death Penalty** was formally constituted at a meeting in Rome on 13 May. Its founding members include the Community of Sant' Egidio, Hands off Cain, the International Federation of Human Rights and the International Federation of Christians against Torture as well as the National Coalition against the Death Penalty (USA), Journey of Hope (USA), the Japanese organization Forum 90, Mothers against the Death Penalty (Uzbekistan) and national organizations from other countries.

Membership is open to national and international abolitionist organizations as well as bar associations, trade unions, and local and regional authorities such as city councils. The French organization *Ensemble contre la peine de mort*, Together against the Death Penalty, organizer of the Strasbourg congress, will serve as secretariat for the World Coalition.

In a statement released on 13 May, UN High Commissioner for Human Rights Mary Robinson commended the organizers of the World Coalition for their "timely initiative" which "confirms that the trend towards banning capital punishment under

international law is gaining strength and momentum". She said that the launch of the Coalition "gives me new hope" that the goal of universal abolition of the death penalty "is now within reach".

## UN: "NO DEATH PENALTY FOR SEXUAL RELATIONS"

The UN Commission on Human Rights has urged all states that still maintain capital punishment "to ensure...that the death penalty is not imposed for non-violent acts such as ...sexual relations between consenting adults".

The appeal was included in resolution 2002/77, adopted on 25 April at the Commission's annual session in Geneva. It came in the wake of international concern about the threatened execution of a divorced mother of five convicted of adultery in Nigeria (see **DP News** March 2002).

This was the sixth resolution on the question of the death penalty which the Commission has adopted annually since 1997.

For the first time, the Commission noted that "persons belonging to national or ethnic, religious and linguistic minorities appear to be disproportionately subject to the death penalty". As in previous resolutions, the Commission urged all retentionist states "to establish a moratorium on executions, with a view to completely abolishing the death penalty" and to respect international safeguards, including those barring the use of the death penalty against child offenders.

The resolution was co-sponsored by 68 states, one more than in 2001. It was adopted

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by a vote of 25 in favour and 20 against, with eight abstentions. Following its adoption, Saudi Arabia introduced a statement on behalf

## **AI DELEGATION VISITS JAMAICA, TRINIDAD**

*“Talking to people in the Caribbean, I realise that much of the support for the death penalty comes from the anger caused by the prevalence of violent crime in society. When looking for an answer to this problem, politicians put forward the death penalty and then go on to claim to be carrying out ‘the will of the people’ when carrying out hanging. I hope our campaigning in the Caribbean has gone some way to breaking this cycle.”*

*Sister Helen Prejean, author of *Dead Man Walking*, was speaking as a member of an Amnesty International delegation which toured Jamaica and Trinidad and Tobago in April. Another delegate, Pat Clark of Murder Victims= Families for Reconciliation, found that “the debate around the death penalty in the Caribbean is not well informed. My message that not all the relatives of the victims of murder want to see the cycle of violence continued via an execution has been particularly well received.”*

*During the visit, the delegation met the Prime Minister of Trinidad and Tobago and members of the Jamaican cabinet. Several politicians, most recently the Jamaican*

*of 62 states disassociating themselves from the resolution.*

*The text of resolution 2002/77 is on the UN human rights website, [www.unhcr.ch](http://www.unhcr.ch) Attorney General, expressed their personal opposition to the death penalty.*

*The delegates launched a new AI report (*State killing in the English-speaking Caribbean: a legacy of colonial times* - AI Index: AMR 05/003/2002) which shows that the judicial systems of the English-speaking Caribbean fall short of international standards governing the imposition of capital punishment. It details faults including inadequate provision for defence lawyers, both at trial and appeal, the imposition of death sentences on those suffering from mental health problems and the use of coerced confessions. The report is available on the AI website [www.amnesty.org](http://www.amnesty.org).*

*The last execution in the English-speaking Caribbean was in the Bahamas in January 2000.*

## **JAPAN: COUNCIL OF EUROPE HOLDS SEMINAR**

*A seminar on the abolition of the death penalty was held in the members’ office building of the Japanese Diet (parliament) in Tokyo on 27-28 May.*

*The seminar was organized by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe in cooperation with the Diet members’ League for the Abolition of the Death Penalty. Speakers included League Chairperson Shizuka Kamei and Sakae Menda, a former Japanese prisoner who spent over 33 years under sentence of death before being released after a retrial in 1983.*

*In June 2001 the Council’s Parliamentary Assembly had called for a moratorium on executions in Japan and the USA and the improvement of death row conditions in the two countries and resolved to call into question the two countries’*

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continuing observer status with the Council of Europe if no significant progress towards the implementation of its demands is made by January 2003 (see **DP News** June 2001). The seminar was organized in connection with this initiative.

## **USA CHILD OFFENDERS: ONE EXECUTED, ONE REPRIEVED**

The outcomes in the cases of two prisoners sentenced to death for crimes committed when they were 17 years old highlight the arbitrariness of the death penalty in the USA.

*In Missouri, the State Supreme Court on 28 May granted an indefinite stay of execution to Christopher Simmons pending the outcome of a case before the US*

*A few hours later Napoleon Beazley was executed in Texas. The Texas Court of Criminal Appeals had denied a stay of execution on the same argument later presented in Christopher Simmons' case, and the Texas Board of Pardons and Paroles subsequently voted 10 to seven against clemency. Governor Rick Perry also refused to intervene, despite being informed of the Missouri Supreme Court decision in the Christopher Simmons case, stating that "to delay [Beazley's] punishment would be to delay justice".*

Napoleon Beazley, an African American with no previous criminal record, was convicted of murder by an all-white jury.

*Supreme Court to decide whether "standards of decency" in the USA have evolved to the extent that executing mentally retarded people constitutes cruel and unusual punishment. A favourable US Supreme Court decision, Christopher Simmons' appeal argued, could lead to a ruling that a national consensus also exists against allowing the execution of child offenders, those aged under 18 at the time of their crimes. (See **Stop Press**, page 4).*

During his eight years on death row he repeatedly expressed remorse for the murder which occurred during a car-jacking. His case had attracted considerable interest around the world: six Nobel Peace laureates were among the tens of thousands of people who had appealed for clemency.

Napoleon Beazley became the 14th child offender to be executed in the USA since January 1993. In the same period, **AI** documented only eight such executions in the rest of the world combined.

## **TAJIKISTAN - DEATH PENALTY UNDER REVIEW**

The Presidential Administration of Tajikistan has set up a working group to examine the number of capital crimes and the categories of people eligible for a death sentence.

Under the 1998 Criminal Code, 14 crimes are punishable by death and pregnant women and men over 65 cannot be sentenced to death. Under discussion is a proposal to eliminate five capital offences including genocide, biocide and the cultivation of illegal

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substances, and to exempt all women, and men over the age of 60, from the death penalty.

This proposal, while welcome, is unlikely to have significant impact on the execution rate in Tajikistan. Statistics on the death penalty are secret, but the courts are known to have passed at least 74 death sentences in 2001 - none involving charges of genocide, biocide or the cultivation of drugs, according to trial records. Three women received death sentences in the same period, according to a legal advisor in the working group. One was executed, one was pardoned and a third is awaiting the outcome of her petition for clemency.

## **NEW ABOLITIONIST PROTOCOL: 36 COUNTRIES TO JOIN**

Thirty-six states signed Protocol No. 13 to the European Convention on Human Rights on the day it opened for signature, indicating their intention to become parties to it. Three of the 36 states have also ratified the protocol (see box, page 4). The signing took place at a meeting of the Committee of Ministers of the Council of Europe in Vilnius, Lithuania on 3 May.

Walter Schwimmer, Secretary General of the 44-member Council of Europe, declared **Pakistan** - *On 6 June, the Federal Sharia Court in Islamabad acquitted Zafran Bibi of the charge of adultery for which she had previously been sentenced by a lower court to death by stoning.*

In 2000, Zafran Bibi, who comes from a village in the Kohat district of the North West Frontier Province, reported to the police that she had been raped while her husband was in prison; she later gave birth to a child. Instead of being treated as a victim and the rapist being prosecuted, she herself was charged with adultery and sentenced to death.

that Protocol No. 13 was “a decisive step towards a universal abolition of the death penalty”. “We shall spare no effort in achieving this”, he added.

Protocol No. 13 is the first legally-binding international treaty to abolish the death penalty in all circumstances with no exceptions permitted (see **DP News** March 2002). Any state party to the European Convention on Human Rights can become a party to the protocol.

## **NEWS IN BRIEF**

**Mexico** - President of Mexico Vicente Fox Quesada was invited to address the Committee of Ministers of the Council of Europe in Strasbourg on 15 May during a state visit to France. In his speech, President Fox thanked the Parliamentary Assembly of the Council of Europe for their interventions to prevent Mexicans residing abroad being sentenced to death and said that “whatever be the seriousness of the crime committed, depriving a human being of life is a violation of fundamental rights, placing public authorities in the same attitude of violence as the criminals”.

**Tanzania** - In April, President Benjamin Mkapa commuted to life imprisonment the death sentences of 100 people convicted of murder. Home Affairs Minister Mohammed Seif Khatib, who announced the commutations, said it was a way for the President to “show his concern for human rights, especially the right to life”. Tanzania retains the death penalty for murder and treason and continues to pass death sentences.

**USA: 100th and 101st innocence cases since 1973** - On 8 April, Ray Krone was released from prison in **Arizona** after DNA testing proved he was innocent of the murder for which he was sentenced to death in 1992.

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He had received a new trial in 1995, but was sentenced to life imprisonment.

On 3 May, Thomas Kimbell was acquitted of all charges at his retrial for a crime for which he had been sentenced to death in **Pennsylvania** in 1998. He had consistently maintained his innocence.

For a full updated list of prisoners released from death row after evidence of their innocence emerged, see [www.deathpenaltyinfo.org/innoc.html](http://www.deathpenaltyinfo.org/innoc.html)

**Maryland** - On 9 May Governor Parris Glendening announced a moratorium on executions pending the outcome of a study by the University of Maryland into the fairness of the state's death penalty, particularly with regard to racial bias. At the same time, the governor issued a stay of execution for Wesley Baker who was due to be put to death during the week of 13 May.

Maryland is the second state to impose a moratorium on the death penalty (Illinois did so in January 2000), which will stay in place until the study is completed and acted upon by the state legislature.

**Special Rapporteur: Latest Report** - The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Asma Jahangir, has submitted her annual report to the UN Commission on Human Rights (Document No. E/CN.4/2002/74, available on the UN human rights website). It contains

information on urgent appeals sent to the USA, Iran, India and other countries during 2001 and on the replies received from governments. Among other things, the Special Rapporteur recommended that "In order to scrutinize whether safeguards relating to capital punishment are being observed, it is urged that every court decision awarding capital punishment must record the safeguards to be observed and that the decision be made public" (para. 149).

#### INTERNATIONAL TREATIES

**Protocol No. 13 to the European Convention on Human Rights** opened for signature on 3 May. It has been signed and ratified by three countries: Ireland, Malta and Switzerland and signed by 33 others: Andorra, Austria, Belgium, Bosnia and Herzegovina, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Moldova, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Slovenia, Spain, Sweden, Macedonia, Ukraine, United Kingdom

**STOP PRESS** - On 20 June the US Supreme Court ruled that the execution of the mentally retarded is contrary to the US Constitution.