

## Worldwide Appeals

October 2008

Index: NWS 22/002/2008

An appeal to the authorities can help the victims of human rights violations whose stories are told here. You can help free a prisoner of conscience or stop torture. You can bring liberty to a victim of enforced disappearance. You may prevent an execution. Every appeal counts.

Dear Subscriber,

*the Wire* is changing!

We have some exciting news for all the readers of *the Wire*.

The next issue is likely to surprise you!

From December your *Wire* will appear in both print and digital formats. The print edition will appear six times a year and will include far more extensive and integrated coverage of our campaigns and research. The online digital version will include rapidly updated content from our own writers ("bloggers") and an opportunity for you to engage with the issues and actions personally.

In order to redesign *the Wire* we are suspending publication of the current version for October and November and will launch the new edition in early December along with an exciting digital forum for you to explore.

If you wish to subscribe to *the Wire* please do not hesitate to get in touch with our sales and marketing team at [ppmsteam@amnesty.org](mailto:ppmsteam@amnesty.org)

With warm wishes,

*the Wire* Team

### Sidebar text:

10 October is the World Day against the Death Penalty and this year urges the Asia region in particular to join the worldwide trend towards abolition. The target countries are Japan, South Korea, Pakistan, Taiwan and Viet Nam. The World Coalition against the Death Penalty, of which Amnesty International is a member, will organize a day of local actions around the world.

Further information is available at: [www.worldcoalition.org](http://www.worldcoalition.org)

## WORLDWIDE APPEALS

### Japan – Forty years on death row

Hakamada Iwao, 72, has spent the past 40 years on death row in Japan. As a result of 28 years in solitary confinement, he now suffers from a mental illness. He is at constant risk of execution unless he is pardoned by the Minister of Justice or granted a retrial.

In 1968, following an unfair trial, Hakamada was convicted of the murder of an executive of the factory where he worked, the man's wife and two children. The family had been stabbed and their house set on fire. He confessed after 20 days of police interrogation, during which time Hakamada claims he was beaten. Hakamada's lawyer had only restricted access to him during the questioning, which lasted more than 12 hours per day. Hakamada later retracted his

confession.

Key pieces of evidence at the trial were apparently flawed; a set of bloodstained clothes found at the factory were too small for Hakamada to have worn. According to his lawyer, the knife Hakamada was supposed to have used was too small to have made the fatal wounds. Moreover, the door by which he was said to have entered and left the victims' house was locked.

A series of appeals and petitions for retrials have failed, despite one of the judges from the original trial stating publicly in 2007 that he believes Hakamada to be innocent. Kumamoto Norimichi said he had argued with the other two judges for a "not guilty" verdict, but had been outvoted.

Hakamada is one of Japan's longest-serving death row inmates. Like his fellow prisoners, he is banned from talking to other inmates, watching television or engaging in personal interests or hobbies.

**Please write**, calling on the Japanese authorities to ensure Hakamada Iwao is not executed and expressing concern that he was convicted following an unfair trial. Urge them to release Hakamada on account of his age and mental illness, or grant him a retrial. Call for a moratorium on executions in Japan, and for the sentences of all those on death row to be commuted.

**Send appeals to:**

Justice Minister Yasuoka Okiharu  
1-1-1 Kasumigaseki  
Chiyoda-ku  
Tokyo 100-8977  
Japan  
Fax: +81 3 3592 7088 or  
+81 3 5511 7200

**Nigeria – Indefinite detention**

Patrick Okoroafor was 14 years old in May 1995, when he and six others were arrested and accused of a robbery and kidnapping, a crime he said he never committed. The police later charged all seven with robbery. Patrick Okoroafor was reported to have been tortured in police detention. His mother testified in court that he was at home when the crime was committed.

On 30 May 1997, at the age of 16, he and the six others were convicted and sentenced to death by a tribunal which allowed no right of appeal. Patrick Okoroafor and a boy aged 15 at the time of the crime (Chidiebere Onuoha) petitioned the Military Administrator of Imo State for clemency on grounds of age. Only Patrick Okoroafor's sentence was commuted to life imprisonment.

The other six co-defendants, including 17-year-old Chidiebere Onuoha, were publicly executed by firing squad on 31 July 1997.

Patrick Okoroafor and Chidiebere Onuoha should never have been sentenced to death: international standards prohibit the use of the death penalty on children, defined as those under age of 18.

In 2001, a High Court pronounced Patrick Okoroafor's sentence of death "illegal, null and void", but he was not released. He remains in indefinite detention in Aba prison, Abia state, at the discretion of the Imo State Governor. In 2006 the Federal High Court ruled that it had no jurisdiction in his case.

Patrick Okoroafor is now 28 years old and has spent half his life in detention for a crime he has always said he never committed.

Prison has undermined his health; he suffers from asthma attacks described by prison authorities as "frequent and life-threatening". His condition "worsens daily". The Nigerian Bar Association, Nigerian non-governmental organizations and Amnesty International have urged the Governor of Imo State to release Patrick Okoroafor.

**Please write**, asking for Patrick Okoroafor's immediate and unconditional release and expressing serious concern for his health.

**Send appeals to:**

Governor of Imo State  
His Excellency Chief Ikedi Godson Ohakim  
Office of the Governor  
Government House  
Owerri, Imo State  
Nigeria  
Salutation: Your Excellency

[*Photo caption: Patrick Okoroafor. © Private*]

**Saudi Arabia – Executions and floggings may be imminent**

Seven people, including four juvenile offenders, could be executed or flogged at any time. Their sentences were upheld by the Court of Cassation in Mekkah in July and the cases passed to the Supreme Judicial Council. If approved, the sentences could be carried out within days.

The seven men were arrested in 2004 and charged with theft, robbery and assault. While held incommunicado by police in Madina, they are reported to have been beaten to make them "confess". In February 2008 the General Court in Madina sentenced five of them to death: Sultan Bin Khalid Mahmud al-Maskati; Yusef Bin Hassan Bin Salman al-Muwallad; Qassim Bin 'Ali Bin Ibrahim al-Nakhli; Sultan Bin Sulayman Bin Muslim al-Muwallad; and 'Issa bin Muhammad 'Umar Muhammad. The other two - Bilal Bin Muslih Bin Jabir al-Muwallad and Ahmad Hamid Muhammad Sabir - were sentenced to floggings of 1,500 and 1,250 lashes respectively, to be administered in instalments at 10-day intervals in public, in addition to terms of imprisonment. They were aged 15 and 13 at the time of the offences.

Sultan Bin Sulayman Bin Muslim al-Muwallad and 'Issa bin Muhammad 'Umar Muhammad were both sentenced to death for crimes committed when they were aged 17.

At least 71 people have been executed in Saudi Arabia during 2008. The death penalty is applied for a wide range of offences, including some with no lethal consequences, as in this case. Trials are often unfair and fall short of the most basic international standards. Saudi Arabia is a state party to the Convention on the Rights of the Child (CRC), which expressly prohibits the execution of juvenile offenders.

For further information, see the report *Affront to justice: the death penalty in Saudi Arabia* (MDE 23/027/2008), to be published on 14 October.

**Please write**, expressing concern that Sultan Bin Khalid Mahmud al-Maskati, Yusef Bin Hassan Bin Salman al-Muwallad, Qassim Bin ‘Ali Bin Ibrahim al-Nakhli, Sultan Bin Sulayman Bin Muslim al-Muwallad and ‘Issa bin Muhammad ‘Umar Muhammad are at imminent risk of execution, and urging that their sentences be commuted.

Express concern that Bilal Bin Muslih Bin Jabir al-Muwallad and Ahmad Hamid Muhammad Sabir are at imminent risk of flogging and urge that the sentences be commuted to a humane punishment.

**Send appeals to:**

His Majesty King Abdullah Bin ‘Abdul ‘Aziz Al-Saud  
Custodian of the two Holy Mosques  
Office of His Majesty the King  
Royal Court  
Riyadh  
Saudi Arabia  
Fax: (via Ministry of the Interior): +966 1 403 1185  
Salutation: Your Majesty

*[Photo caption: Bin Muhammad 'Umar Muhammad (left) and Saudi Arabian national Qassim bin 'Ali Bin Ibrahim Al-Nakhli. © Private]*

**Turkey – Activist in police shooting**

On 7 October 2007, political activists including 19-year-old Ferhat Gerçek were selling copies of a legal left-wing magazine when they were challenged by police. The dispute culminated in officers opening fire. Ferhat Gerçek was shot in the back, leaving him permanently paralyzed.

The officers claimed that they fired warning shots in self-defence. The indictment into the case claims that the bullet ricocheted and was not a direct shot; however, it provides no forensic evidence to support this claim.

Ferhat Gerçek’s lawyer reported that the prosecutor did not conduct a crime scene investigation, which should have happened under normal procedure, and a crucial piece of evidence, the T-shirt Ferhat Gerçek was wearing when he was shot, was lost by police. Moreover, the lawyer reported that officers present at the shooting were also involved in the investigation, raising questions about the independence of the investigation.

The indictment names Ferhat Gerçek and seven police officers as both victims and suspects. Ferhat Gerçek could face over 15 years in prison if convicted. Although the officers are facing trial in connection with their use of force, flaws in the investigation mean that the person who shot Ferhat Gerçek might not face justice. There are also concerns about the forthcoming trial, due to begin on 24 December 2008. According to Ferhat Gerçek’s lawyer, a witness to the shooting has since been prosecuted alongside Ferhat Gerçek and faces a similar prison sentence. This is likely to discourage other witnesses from providing testimony. Furthermore, AI has learned that two members of the public who provided first aid to Ferhat Gerçek are also being prosecuted.

**Please write**, urging the Turkish authorities to ensure Ferhat Gerçek's trial is fair. Express concern over the apparent flaws in the investigation, and ask that these be subject to an independent, impartial and thorough investigation.

**Send appeals to:**

Bakırkoy Public Prosecutor Rahmi Tan  
Bakırköy Cumhuriyet Başsavcısı  
Bakırköy Adliye Sarayı  
34144 Osmaniye Bakırköy  
Istanbul  
Turkey  
Salutation: Dear Prosecutor

[*Photo caption: Ferhat Gerçek. © Private*]

**USA – Prisoners' wives refused visits**

The US government has repeatedly refused to grant temporary visas to Olga Salanueva and Adriana Pérez, Cuban nationals whose husbands are serving prison sentences in the USA.

The women's husbands, René González and Gerardo Hernández, are part of a group known as the 'Cuban Five' or 'Miami Five', who have been imprisoned in the USA since 1998. They were found guilty of "acting as unregistered agents of a foreign government" and related charges. Although some Cuban relatives have been granted visiting visas, they have experienced considerable delays.

Olga Salanueva was deported from the USA shortly after August 2000. She was granted a visa to visit González in March 2002, which was revoked on 23 April 2002, shortly before her trip. In 2002, Adriana Pérez obtained a visa to visit her husband but was detained upon arrival in the USA and expelled 11 hours later. Since then, the US authorities have denied successive visa applications from both women.

The US authorities cite as the reason for refusing their visa applications the belief that both women were involved with terrorism, espionage and issues of national security. However, neither has faced charges in connection with such claims.

Amnesty International believes that denying prisoners visits from their family is unnecessarily punitive and contrary to standards for humane treatment of prisoners and states' obligations to protect family life.

**Please write**, calling on the US government to promptly grant temporary visas to Olga Salanueva and Adriana Pérez so that they may visit their husbands.

Note that by denying temporary visas for visitation purposes, the USA is imposing unnecessary punishment on the prisoners beyond the constraints of their imprisonment, in contravention of international human rights standards.

**Send appeals to:**

Stephen McFarland  
Head, Office of Cuban Affairs  
US Department of State  
2201 C Street NW

Washington DC 20520  
USA  
Fax: +1 202-736-4476

*[Photo captions: Adriana Pérez with her husband Gerardo Hernandez; Olga Salanueva with her husband René González. © Private]*