

DEATH PENALTY NEWS

SEPTEMBER 1992

AMNESTY

INTERNATIONAL

Easton Street

AI Index: ACT 55/04/92

89J

Distribution: DC/DP/PO/CO/GR

London WC1X

United Kingdom

A SUMMARY OF EVENTS ON THE DEATH PENALTY AND MOVES TOWARDS WORLDWIDE ABOLITION

PARAGUAY ABOLISHES THE DEATH PENALTY FOR ORDINARY CRIMES

A new Paraguayan Constitution abolishing the death penalty came into force on 21 June 1992. Chapter 1, Section 1, Article 4 of the constitution, which states "The death penalty is abolished", was approved by the elected National Constituent Assembly earlier in the month by 105 votes to 72.

The National Constituent Assembly began rewriting the Paraguayan Constitution in January 1992. It sent a series of recommendations to the members of the Drafting Committee in February urging that the Assembly amend the constitution to abolish the death penalty and recommending that it should contain a clear and unequivocal provision protecting the right to life.

Article 65 of the 1967 constitution stated that the death penalty would not be applied, under any circumstances, for political reasons. However the death penalty was applicable for a wide range of crimes when they resulted in death, including arson; acts endangering public safety; sabotage; unjustified manufacture, handling and possession of explosives and acts committed by a Paraguayan national to induce or help a foreign power to undertake hostilities against Paraguay when these acts lead to a declaration of war. No judicial executions are known to have been carried out in Paraguay since 1928.

The death penalty is, however, retained under the Military Penal Code of 1980 which allows for its use in time of war. Military personnel found guilty of treason or desertion in such circumstances may be sentenced to death but sentences may be commuted by executive power to 25 years' imprisonment.

AMNESTY INTERNATIONAL CAUTIONS PHILIPPINES AGAINST REINTRODUCTION OF THE DEATH PENALTY

AI wrote to President Fidel Ramos in August 1992, urging him against the proposed reintroduction of the death penalty in the Philippines.

The death penalty was abolished in the Philippines under the 1987 constitution introduced by the government of President Corason Aquino. However, following a series of murders, kidnappings and other serious crimes, the Philippines Government is now considering the reintroduction of the death penalty for a wide range of crimes including murder, rape, drugs-related crimes and economic crimes. In a news conference on 21 September 1992 President Ramos announced that he has certified certain versions of proposed bills to impose death penalties for so-called heinous crimes, and he expressed his wish that the Philippines Congress speed up legal moves to reimpose the death penalty.

In its letter to President Ramos, AI referred to its report Philippines: Case Studies on the Use of the Death Penalty (AI Index: ASA 35/08/89), which documented cases of innocent people sentenced to death, and at least one case of a prisoner who may have been innocent but who was executed.

LUXEMBOURG RATIFIES THE SECOND OPTIONAL PROTOCOL

Luxembourg ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the Abolition of the Death Penalty on 12 February 1992, two years after signing it. This brings to 12 the total number of countries which have ratified the protocol.

PUBLIC EXECUTIONS IN ALBANIA AND AFGHANISTAN

AFGHANISTAN

Mohammad Qasim was publicly executed on 15 September in the town of Jalalabad, reportedly after an Islamic court found him guilty of murder. A government spokesman has said that similar cases are still pending in court.

There have now been at least eight public executions following the imposition of death sentences by Islamic courts since the change of government in Afghanistan in April 1992. Islamic courts were officially set up in May and all laws not in conformity with Islamic injunctions declared void. In a report released on 11 September AI condemned the executions and expressed concern that the recently introduced Islamic code of laws is likely to mean more executions and possibly amputations of limbs for crimes such as adultery and theft.

Public execution of three Afghan prisoners in Kabul on 7 September. The men had their arms bound behind their backs and wore hoods. Soldiers lifted them on to tables below the gallows, removed their hoods and then kicked away the tables on which they stood.

ALBANIA

According to press reports two brothers, Ditbardh and Josef Cuko, were publicly executed on 25 June 1992 in the town of Fier in central Albania, after being found guilty of the murder of a family of five. Their bodies were reportedly left hanging from the gallows for a day after the execution.

AI knows of four executions which were carried out in 1991 and of seven death sentences which have been passed in 1992 including the cases of Ditbardh and Josef Cuko. AI does not know whether the five other death sentences passed earlier this year have been carried out.

The scope of the death penalty in Albania was restricted in May 1990 under amendments to the criminal code. Women may no longer be sentenced to death and the number of offences punishable by death has been reduced from 34 to 11, including treason, espionage, terrorism and premeditated murder, as well as certain economic, non-violent offences.

IRAQ: EXECUTIONS FOR ECONOMIC CRIMES

According to reports from diplomats and officials in Baghdad, 25 Iraqi people were executed in the city on 17 September for black market currency transactions.

These reports follow the execution on 26 July 1992 of 42 Iraqi traders, who were charged with profiteering and hoarding.

All receives reports of hundreds of prisoners being executed in Iraq every year, but in most cases is unable to ascertain whether they have received any form of trial.

PAKISTAN: DEATH PENALTY FOR BLASPHEMY

A bill providing for a mandatory death penalty for blasphemy against the Prophet Mohammed was unanimously adopted by Pakistan's Senate in July 1992. The bill had already been approved by the National Assembly, the lower house of parliament.

RUSSIAN FEDERATION: DEATH PENALTY STATISTICS

The following Russian Federation death penalty statistics were given to AI by the Clemency Commission at the President's Office earlier this year:

	<u>Received Death Sentence</u>	<u>Reversal of Sentence at Supreme Court</u>	<u>Received Clemency</u>	<u>Shot</u>
1989	97	26	4	67
1990	206	28	2	176
1991	144	37	37	70

According to the information AI received, on 1 May 1992 there were 308 death penalty cases being considered by the staff department of the Clemency Commission.

UNITED KINGDOM: DEATH OF A PUBLIC EXECUTIONER

Albert Pierrepoint, a leading executioner in the United Kingdom for 25 years, recently died at the age of 87. During his career as an executioner Pierrepoint executed over four hundred prisoners including Ruth Ellis, the last woman to be hanged in Britain, and Timothy Evans, who received a posthumous pardon. After resigning in 1956 Pierrepoint began campaigning for the abolition of the death penalty. In his autobiography, Executioner: Pierrepoint (1974), he wrote:

I now sincerely hope that no man is ever called upon to carry out another execution in my country. I have come to the conclusion that executions solve nothing and are only an antiquated relic of a

primitive desire for revenge which takes the easy way and hands over the responsibility for revenge to other people.

BOOK REVIEWS

LIFE ON DEATH ROW: ONE MAN'S FIGHT AGAINST RACISM AND THE DEATH PENALTY, Merrilyn Thomas

(Paladin, a Division of Harper Collins Publishers, 77-85 Fulham Place Road, Hammersmith, London W6 8JB, England, 1991. ISBN number: 0-586-09055-X)

In *Life on Death Row* Merrilyn Thomas examines the plight of two prisoners on Mississippi Death Row; black men accused of the murder of white policemen, protesting their innocence within "a system which picks concertedly upon the poor, the black and the disenfranchised". This is the analysis offered by Clive Stafford Smith in the foreword to this book. Stafford Smith, a young English lawyer committed to the abolition of the death penalty, represented both prisoners as they appealed against their death sentences.

The story of one of these prisoners, Edward Earl Johnson, who was executed by cyanide gas on 20 May 1987, was according to Stafford Smith "a clear-cut case against capital punishment". Merrilyn Thomas' examination of Johnson's arrest and conviction also suggests that a mixture of racism, intimidation and inadequate legal defence combined to secure his execution.

The last fortnight of Johnson's life was filmed and shown throughout the world in the form of a moving documentary entitled '14 Days in May'. In response to this film, Jan Arriens, living near Cambridge in England, began writing to prisoners on America's Death Rows. He now oversees an organisation of people prepared to do the same (see *Death Penalty News*, December 1991).

Sam Johnson, the other prisoner on Mississippi Death Row whose case is examined by Merrilyn Thomas, formed a close friendship with Arriens. His letters provide a chilling indictment of life on America's Death Rows:

This is a death environment, an insane environment. Everything they do here is designed to oppress, suppress, depress and repress. Over the period of time it wears you away.

MEDICINE BETRAYED: THE PARTICIPATION OF DOCTORS IN HUMAN RIGHTS ABUSES, British Medical Association

(Zed Books Ltd, 57 Caledonian Road, London N1 9BU, UK, and 165 First Avenue, Atlantic Highlands, New Jersey 07716, USA, 1992. ISBN numbers: 1-85649-103-X-Hb, 1-85649-104-8-Pb)

Medicine Betrayed, the product of a two year study by a British Medical Association (BMA) Working Party, examines medical involvement in human rights abuses, including the death penalty. As the report notes "the death penalty is a punishment which, by virtue of its effects on the body, has involved doctors in different aspects of the process in many countries." The Working Party examines two broad levels of medical involvement in capital punishment - direct participation whereby a doctor acts in such a way as to assist in the carrying out of an execution, and involvement in other ways which might be deemed to constitute a contribution to the process of execution. The report discusses the giving of medical evidence in capital trials; the examination of a prisoner to determine "fitness for execution"; the provision of medical care to ensure that a prisoner is fit for execution; advising on or supervising the carrying out of an execution and the certification of a prisoner's death.

In this report, the BMA Working Party takes the clear view that the active involvement of doctors in carrying out death sentences is unethical and recommends that all medical associations adopt resolutions condemning such active medical involvement in the application of the death penalty. It acknowledges that there are areas of involvement, such as the provision of medical testimony in capital trials, which pose major ethical problems which are not easy to resolve, but states that the medical profession should work towards the objective of ending medical participation in those parts of the judicial process leading to execution.

The final chapter of the book presents the conclusions and recommendations of the Working Party. Six of the Working Party's 46 recommendations relate to aspects of medical involvement in the death penalty.