

**ADPAN NEWSLETTER NO. 2, 2013
March-April 2013**

This is the second edition this year of the ADPAN Newsletter covering March and April 2013. It provides links to significant death penalty news stories from across the Asia Pacific region.

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

CHINA

Closer Look: Putting China on the Path to Ending Capital Punishment

There has been increasing discussion over abolition of the death penalty in China. Zhao Bingzhi, a professor of criminal law at Beijing Normal University, said China should gradually limit the use of the death penalty before abolishing it. He Jiahong, a professor at Renmin University, said that the death penalty does not curb corruption. The professor pointed out that even though punishment for corruption in China is very harsh, it is still very common. The best way to curb corruption is democracy and the rule of law, he maintained. Professor Qin Hui of Tsinghua University said judicial reform involving abolition of the death penalty would transform public opinion.

03/04/2013 – *Caixin Online*

<http://english.caixin.com/2013-04-03/100509655.html>

INDIA

Death penalty will not curb crime against women: Grover

Human rights lawyer Vrinda Grover, while speaking at the third Shankarlalji Bagadiya memorial lecture, which was held on 28 April at the Shri Govindram Seksaria Institute of Technology and Science, said the death penalty was not a solution to stop crimes against women in India. She emphasised that death penalty rhetoric would not bring about change in society, and that instead existing laws should be implemented more stringently.

29/04/2013 – *Times of India*

http://articles.timesofindia.indiatimes.com/2013-04-29/indore/38903485_1_women-safety-justice-is-verma-women-issues

MALDIVES

Court overturns death sentence of man after four years

A High Court in the Maldives overturned the death sentence of Mohamed Gasim, who has been on death row for the past four years. He was sentenced to death for murder by the Criminal Court in 2008. The High Court ordered the lower court to re-open the case against Gasim as he had not had the chance to question prosecution witnesses and to present witnesses on his behalf.

21/03/2013 – *Hands Off Cain, Haveeru*

<http://www.handsoffcain.info/news/index.php?iddocumento=17302837>

<http://www.haveeru.com.mv/news/48065>

SINGAPORE

Drug trafficker escapes death sentence under amended Misuse of Drugs Act

A 29-year-old man escaped execution for drug trafficking as he satisfied the twin requirements for the discretionary death sentence, in the first death penalty case prosecuted under the amended Misuse of Drugs Act which came into effect in January. Abdul Haleem Abdul Karim was convicted of trafficking a Class 'A'

controlled drug, which carries the mandatory death penalty. However, Justice Tay Yong Kwang ruled that Abdul Haleem satisfied the condition of having only played the role of courier, and the condition of providing "substantive assistance". Abdul Haleem was issued with a Certificate of Cooperation by Attorney-General Steven Chong stating that he had "substantively assisted CNB [Central Narcotics Bureau] in disrupting drug trafficking activities" within Singapore. Justice Tay sentenced him to life imprisonment and the maximum 24 strokes of the cane.

11/04/2013 – Channel News Asia, InSing

<http://www.channelnewsasia.com/news/singapore/drug-trafficker-escapes-death-sentence-u/634412.html>

<http://news.ingsing.com/tabloid/drug-courier-singapore-escapes-death-penalty/id-42723f00>

TAIWAN

Taiwan compensates trio after 11 years on death row

Taiwan will pay a total of Tw\$15 million in compensation to three men, Su Chien-ho, Liu Bin-lang and Chuang Lin-hsun (the Hsichih trio), who spent more than 11 years on death row before their acquittal. The three, who said they were tortured into making confessions, were first sentenced to death 21 years ago for the murder of a couple in Taipei. A soldier, who was executed in 1992, had confessed to killing the couple, claiming that the men were his accomplices.

10/04/2013 – Channel News Asia, Global Post

<http://www.channelnewsasia.com/news/asiapacific/taiwan-compensates-trio/633882.html>

<http://www.globalpost.com/dispatch/news/afp/130410/taiwan-compensates-trio-after-11-years-death-row>

REGIONAL DEVELOPMENTS IN THE ASIA PACIFIC

BANGLADESH

Bangladesh moves Supreme Court for death penalty to Abdul Quader Mollah

The Bangladeshi government instructed the Supreme Court to seek the death penalty for Jamaat-e-Islami leader Abdul Quader Mollah, who was convicted of committing crimes against humanity during the country's independence war in 1971 and sentenced to life imprisonment by the Bangladeshi International Crimes Tribunal. The sentence of life imprisonment had sparked protests in Shahbagh Square in February.

03/03/2013 – NDTV, Times of India

<http://www.ndtv.com/article/world/bangladesh-moves-supreme-court-demanding-death-penalty-to-abdul-quader-mollah-337620>

http://articles.timesofindia.indiatimes.com/2013-03-03/south-asia/37409316_1_life-imprisonment-war-crime-jamaat-leader

Bangladesh protesters demand anti-blasphemy laws

On 6 April, hundreds of thousands in Bangladesh demanded that the government introduce anti-blasphemy laws, including provisions to prosecute and hang so-called atheist bloggers, in a rally organized by Hefazat-e-Islam, an Islamic group drawing support from thousands of seminaries and allegedly backed by Jamaat-e-Islami (JI). The protest was alleged to have started in response to bloggers criticizing

conservative religious parties. The bloggers, who deny they are atheists, sought death sentences for those found guilty of war crimes during the nation's liberation war.

06/04/2013 – *Jurist, Al Jazeera, RT*

<http://jurist.org/paperchase/2013/04/bangladesh-protesters-demand-anti-blasphemy-laws.php>

<http://www.aljazeera.com/news/asia/2013/04/20134661058364976.html>

<http://rt.com/news/bangladesh-protest-muslim-blogger-431/>

INDIA

'Death penalty can't be commuted to life term due to delay'

On 21 March, the Supreme Court announced death row prisoners cannot claim commuting of their sentence on grounds of delay. A bench of Supreme Court judges cited an apex court judgement of 1989 which had ruled that "sentence can't be commuted merely on the ground of delay alone". They added that no rule can be laid down that in every case where there is a long delay in the execution of a death sentence, the prisoner should be spared.

21/03/2013 – *Zee News, DNA India*

http://zeenews.india.com/news/nation/death-penalty-can-t-be-commuted-to-life-term-due-to-delay_837021.html

<http://www.dnaindia.com/india/1814065/report-death-penalty-can-t-be-commuted-to-life-term-due-to-delay-sc>

India's anti-rape law goes into force

A new bill imposing the death penalty for rape came into effect on 2 April. It allows for the use of the death penalty for repeat perpetrators.

02/04/2013 – *Bikya News, Times of India*

<http://bikyaneews.com/86919/indias-anti-rape-law-goes-into-force/>

http://articles.timesofindia.indiatimes.com/2013-04-03/india/38247789_1_criminal-law-acid-attack-rigorous-imprisonment

Rights body condemns Prez rejection of mercy pleas

As President Pranab Mukherjee rejected five more mercy pleas of death-row convicts, the Asian Centre for Human Rights (ACHR) criticised him for using his clemency power in an arbitrary manner.

07/04/2013 – *Hindustan Times*

<http://www.hindustantimes.com/India-news/NewDelhi/Human-rights-body-condemns-rejection-of-five-mercy-pleas/Article1-1038915.aspx>

Supreme Court stays execution of eight death row convicts, says 'shouldn't happen like in Afzal case'

On 6 April, the Supreme Court stayed the execution of eight death row prisoners, convicted of murder, whose clemency pleas were rejected by President Pranab Mukherjee. The Supreme Court ruled that it wanted to ascertain whether the prisoners' families had been informed that the mercy pleas had been rejected. Law Minister Ahswani Kumar said, 'it is only fair that decisions of this nature are brought to the notice of the family members'.

07/04/2013 – *NDTV, Greater Kashmir*

<http://www.ndtv.com/article/india/supreme-court-stays-execution-of-eight-death-row-convicts-says-shouldn-t-happen-like-in-afzal-case-351157>

<http://www.greaterkashmir.com/news/2013/Apr/8/supreme-court-stays-execution-of-8-death-row-convicts-65.asp>

Death-row convicts' kin should be informed in advance: CJI

Amid the controversy over the hanging of Afzal Guru, Chief Justice of India (CJI) Altamas Kabir said on 7 April that the families of death row prisoners should be informed in advance of the execution.

07/04/2013 – *Times of India, The Hindu*

http://articles.timesofindia.indiatimes.com/2013-04-07/india/38345237_1_mercy-petitions-law-minister-afzal-guru

<http://www.thehindu.com/news/national/death-row-convicts-kin-should-be-informed-in-advance-altamas-kabir/article4591145.ece>

India court rejects plea to commute death penalty

On 12 April, India's Supreme Court rejected a petition by Devinder Pal Singh Bhullar to commute his sentence to life imprisonment. The petition was filed on the basis that there had been "an inordinate delay" in deciding his mercy plea. He has been on death row since August 2001 for a 1993 attack in Delhi that killed nine. His plea, filed in 2002, was denied by the President in 2011. The landmark ruling is likely to have a bearing on several other cases.

The Indian government has decided to examine the request for clemency for Devenderpal Singh Bhullar, following the dismissal of his plea before the Supreme Court.

12/04/2013 – *BBC, DNA India*

<http://www.bbc.co.uk/news/world-asia-india-22119442>

<http://www.dnaindia.com/india/1823120/report-govt-to-examine-clemency-demand-for-devenderpal-singh-bhullar-home-minister>

In a Newsflash published on the ADPAN blog on 17 April, ADPAN called for a retrial in the case of Devender Pal Singh Bhullar, in response to concerns that his trial was unfair and the rejection of his petition for commutation by the Supreme Court on 12 April.

17/04/2013 – *ADPAN*

<http://adpan.net/2013/04/17/india-unfair-trials-bhullar-adpan-calls-for-a-retrial/>

Activists oppose death penalty for rape

On 28 April, artists and civil society members protested in New Delhi against the rising incidence of rapes and to show opposition to the death penalty. Human rights lawyer Colin Gonsalves said the death penalty would not solve the problem of rape and murders. "If the people seek death penalty as a punishment or maybe as revenge, it doesn't reflect a healthy psyche of a society," he added.

29/04/2013 – *Times of India, IBNLive*

http://articles.timesofindia.indiatimes.com/2013-04-29/delhi/38903299_1_death-penalty-capital-punishment-death-sentence

<http://ibnlive.in.com/news/delhi-artists-protest-against-rapes-oppose-death-penalty/388388-3.html>

INDONESIA

Indonesia Executes First Convict in Four Years

Adami Wilson, a Malawian convicted of drug smuggling, was executed on 14 March in Indonesia's first execution since 2008. Attorney General Basrief Arief said that the

Attorney General's Office (AGO) planned to execute nine more death row prisoners this year.

The execution has raised fears that two Australians convicted of drug smuggling in Indonesia and awaiting a decision from the President on their appeals for clemency may be executed. Haris Azhar, coordinator of Kontras, ADPAN member, said that unlike in Adami's case, political factors and the relationship with Australia may influence the President's decision. He also raised concerns about the apparent growth of support for the death penalty in Indonesia.

The UN Special Rapporteur on extrajudicial executions urged the Indonesian government to restrict the use of the death penalty, emphasising that "any death sentence undertaken in contravention of a State's international human rights obligations is tantamount to an arbitrary execution, and is unlawful."

15/03/2013 – The Jakarta Globe, Office of the High Commissioner for Human Rights
<http://www.thejakartaglobe.com/home/indonesia-executes-first-convict-in-four-years/579982>
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13188&LangID=E>

In a Newsflash published on the ADPAN blog on 15 March, ADPAN condemned the execution of Adami Wilson, citing the illegality of the mandatory death sentence for drug smuggling under international law.

15/03/2013 – ADPAN
<http://adpan.net/2013/03/16/indonesia-execution-of-drug-offender/>

Bali Court Upholds Death Sentence for British Grandmother

On 2 April 2013, an Indonesian panel of judges affirmed the earlier death sentence imposed on Lindsay Sandiford by the lower court. The court had ignored prosecutors' call for a more lenient 15-year sentence and, instead, imposed the maximum penalty of death before a firing squad.

08/04/2013 – The Jakarta Globe, Bali Discovery
<http://www.balidiscovery.com/messages/message.asp?id=9295>
<http://www.thejakartaglobe.com/news/bali-court-upholds-death-sentence-for-british-grandmother/>

JAPAN

Guinness World Records certifies Hakamada longest-serving death row inmate

77-year-old Iwao Hakamada has been recognised by Guinness World Records as the world's longest-serving death row prisoner. Hakamada, currently seeking a retrial over the 1966 murder of a family of four in Shizuoka Prefecture, was sentenced to death by the Shizuoka District Court on 11 September 1968. The Supreme Court upheld his death sentence in 1980. His lawyers filed a second retrial request in 2008, demanding Hakamada be acquitted on the grounds that DNA tests on bloodstained clothes used as prosecution evidence did not match findings confirmed in the final and binding judgment. The case is now under review by the Shizuoka District Court. Hakamada is being held in solitary confinement at the Tokyo Detention House and is reportedly suffering from dementia.

09/04/2013 – The Mainichi
<http://mainichi.jp/english/english/newsselect/news/20130409p2a00m0na010000c.html>

Japan executes 2 gangsters

On 26 April, Katsuji Hamasaki, 64, and Yoshihide Miyagi, 56, two members of Japan's Yakuza organised crime syndicates, were executed for the murder of two rival gangsters in Chiba, southeast of Tokyo, in 2005. The executions bring to five the number of death row prisoners hanged since Prime Minister Shinzo Abe's conservative government came to power in December 2012. Japan has executed 12 people since March 2012, following a 20-month de facto moratorium. There are now 134 death row prisoners. Kenji Yamagishi, president of the Japan Federation of Bar Associations, issued a statement, raising concerns that the Ministry may be executing to control the number of prisoners on death row.

26/04/2013 – *The Sydney Morning Herald, The Mainichi, The Tokyo Times*

<http://www.smh.com.au/world/japan-executes-two-gangsters-on-death-row-20130426-2jic7.html>

<http://mainichi.jp/english/english/newsselect/news/20130427p2a00m0na005000c.html>

<http://www.tokyotimes.com/2013/death-penalty-cases-in-japan-worry-amnesty-international/>

MALDIVES

State seeks High Court ruling on President's discretion to grant clemency in death sentences

The state sought a High Court ruling on the President's discretion to commute death sentences to life imprisonment. The case was filed on 22 April by five citizens seeking to annul the President's discretionary power of clemency. The last execution took place in 1953 but courts continue to sentence people to death.

23/04/2013 – *Minivan News, Maldives Times*

<http://minivannews.com/politics/state-seeks-high-court-ruling-on-president%E2%80%99s-discretion-to-grant-clemency-in-death-sentences-56851>

<http://www.maldivestimes.com/news/state-seeks-high-court-ruling-president%E2%80%99s-discretion-grant-clemency-death-sentences>

PAPUA NEW GUINEA

Backing for death penalty in PNG

The killing of two women suspected of sorcery in April triggered support for the death penalty to be carried out in Papua New Guinea. Secretary for the Department of Justice and Attorney General and chairman of the Family and Sexual Violence Action Committee Dr Lawrence Kalinoe said the death penalty should be imposed and reported that the Minister for Justice and Attorney General was in the process of finalising a submission to the government to introduce the death penalty for murder. Papua New Guinea's Catholic Church spoke out against the move. Archbishop Douglas Young said, 'It is already well known that the death penalty is not a deterrent to violent crime.'

09/04/2013 – *Islands Business, The New Zealand Herald, news.com.au*

<http://www.islandsbusiness.com/news/papua-new-guinea/814/backing-for-death-penalty-in-png/>

http://www.nzherald.co.nz/world/news/article.cfm?c_id=2&objectid=10876884

<http://www.news.com.au/breaking-news/world/png-govt-mulls-backing-death-penalty/story-e6f7rkui-1226631437699>

SINGAPORE

Call for guidelines on capital offence cases

A former senior district judge has called for guidelines on how judges should use their discretion to decide if a capital offender should hang or get a life term. Dr S.

Chandra Mohan raised concerns over whether such discretion will lead to inconsistency in sentencing.

24/03/2013 – *The Star*

<http://thestar.com.my/news/story.asp?file=%2F2013%2F3%2F24%2Fasia%2F12881931&sec=asia>

TAIWAN

Rights experts call for end to death penalty

On 1 March, a group of international human rights experts invited by President Ma Ying-jeou's administration to review the first national human rights report urged Taiwan to scrap the death penalty. The experts believed that all 15 executions carried out in Taiwan over the last 3 years violated the International Covenant on Civil and Political Rights, providing that anyone sentenced to death shall have the right to seek pardon or commutation of the sentence.

02/03/2013 – *Taipei Times, Focus Taiwan*

<http://www.taipetimes.com/News/front/archives/2013/03/02/2003556053>

<http://focustaiwan.tw/news/aip/201303010017.aspx>

Government 'assessing' death penalty

Premier Jiang Yi-huah said on 19 March that the Taiwanese government is cautiously assessing scrapping the death penalty, but added that the current policy of executing death-row inmates remains unchanged. He stressed that the government continues to review cases in order to avoid wrongful convictions. However, if all due procedures are completed and convictions upheld, the Ministry of Justice would execute death-row inmates, the premier said.

20/03/2013 – *Taipei Times*

<http://www.taipetimes.com/News/taiwan/archives/2013/03/20/2003557534>

6 death-row inmates executed

On 19 April, 6 prisoners were executed in Taiwan. Chen Jui-chin (陳瑞欽), Chen Tung-jung (陳東榮), Chang Pao-hui (張胞輝), Chi Chun-i (紀俊毅), Lee Chia-hsuan (李嘉軒) and Lin Chin-te (林金德) had all been sentenced to death for murder.

Taiwan observed a de facto moratorium between 2005 and 2010, when it resumed executions. There have since been 21 executions under the current president, Ma Ying-jeou. Following yesterday's executions, the number of prisoners on death row now stands at 56, according to the Ministry.

Human rights activists criticised the government for allowing the executions to go ahead before the prisoners' appeals had been heard. Several human rights groups, including Covenants Watch, ADPAN member Taiwan Alliance to End the Death Penalty and the Taiwan Association for Human Rights, issued a joint statement condemning the executions, while saying that they would pursue legal action against the ministry officials and civil servants involved in the decision-making process.

Responding to criticism and a call by the European Parliament for an immediate end to the use of the death penalty in Taiwan, the Ministry of Foreign Affairs (MOFA) said that such a step cannot be taken without the support of the people.

20/04/2013 – *Taipei Times, Focus Taiwan*

<http://www.taipetimes.com/News/front/archives/2013/04/20/2003560175>

<http://www.taipetimes.com/News/taiwan/archives/2013/04/21/2003560339>

<http://focustaiwan.tw/news/aip/201304200021.aspx>

In a Newsflash published on the ADPAN blog on 20 April, ADPAN condemned the executions of these six prisoners in Taiwan, asking the government to take note of a report by an International Group of Independent Experts, which recommended the government intensify its efforts to abolish the death penalty and introduce an immediate moratorium on executions.

20/04/2013 – ADPAN

<http://adpan.net/2013/04/20/taiwan-another-six-executions-despite-call-by-international-experts-to-introduce-a-moratorium/>

WORLD AND REGIONAL NEWS

GLOBAL

Death penalty 2012: Despite setbacks, a death penalty-free world came closer

On 10 April, Amnesty International issued its worldwide report noting overall that the use of the death penalty is diminishing around the world, despite setbacks in Asia Pacific. India, Japan and Pakistan had not used the death penalty for several years, but resumed executions in 2012. India, Japan, China, Afghanistan, Bangladesh, North Korea, Pakistan, Taiwan carried out 38 reported executions in 2012. A total of 679 new death sentences were imposed in 19 countries in the region.

China led the top five countries using the death penalty, executing more people than the rest of the world put together. Thousands are believed to be executed every year, many following unfair trials. Vietnam and Singapore did not carry out any death sentences, and Mongolia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), committing the country to abolition.

10/04/2013 – Amnesty International, India Times, Japan Times, Business Insider

<http://www.amnesty.org/en/news/death-penalty-2012-despite-setbacks-death-penalty-free-world-came-closer-2013-04-10-0>

<http://www.indiatimes.com/news/europe/use-of-death-penalty-falls-amnesty-71212.html>

<http://www.japantimes.co.jp/news/2013/04/10/national/amnesty-condemns-japan-for-resuming-death-penalty-in-2012/>

http://www.businessinsider.com/china-secret-executions-amnesty-report-2013-4?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+businessinsider+%28Business+Insider%29

UN

UN decries hike in death penalty use in Mideast, Asia

The Office of the UN High Commissioner for Human Rights criticised India, Indonesia and Japan for resuming executions, saying it flies in the face of the “overwhelming global trend towards abolishing the death penalty”.

05/04/2013 – The Express Tribune

<http://tribune.com.pk/story/531545/un-decries-hike-in-death-penalty-use-in-mideast-asia/>

USA

Maryland Legislature Passes Death Penalty Abolition

On 15 March, the Maryland House of Delegates followed the lead of the state Senate and passed the death penalty repeal bill. The bill went to Governor Martin O’Malley

for signing, bringing Maryland closer to being the 18th American state and the 6th state in 6 years to abolish death penalty.

15/03/2013 – Amnesty International USA

<http://blog.amnestyusa.org/americas/maryland-legislature-passes-death-penalty-abolition/>