

AMNESTY INTERNATIONAL

DEATH PENALTY NEWS

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Public

SUMMARY

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This issue of Amnesty International's "**Death Penalty News**" (AI Index: ACT 53/003/2008) provides updates on major death penalty developments that occurred between 1 April 2008 and 10 May 2008. It features updates on Liberia, Cuba, Guatemala, US, Afghanistan, Japan, Pakistan, Uzbekistan, Palestinian Authority and Saudi Arabia.

Over the next few months Amnesty International will review the "Death Penalty News", its format, content and distribution. If you have any suggestion, please contact us at: deathpenalty@amnesty.org

The distribution of the "Death Penalty News" will resume in September 2008.

Field Code Ch

AFRICA

Liberia- Death penalty for armed robbery debated in the Senate

On 6 May the House of Representatives proposed to amend the 1995 Act on armed robbery, terrorism, and hijacking. The proposals to chapters 14 and 15 subchapter C Title 26 of the Liberian Code of Law intend to make these capital offenses. This proposed law is currently being debated in the senate.

The proposal is to amend sections 14.54, 15.32, and 15.33 to read “in the event of death during the commission of armed robbery, terrorism or hijacking the accused shall be sentenced to death by hanging in a public place designated by trial court or life imprisonment without parole”.

AMERICAS

CUBA --President will commute death sentences

On 29 April 2008 Cuban President Raúl Castro announced in a speech concluding the Sixth Meeting of the Central Committee of the Communist Party of Cuba that virtually all the death sentences will be commuted to life imprisonment or to 30 years imprisonment.

Although the government does not provide statistics on the number of people under sentence of death, the dissident Cuban Commission for Human Rights and National Reconciliation estimates that nearly all the death row prisoners in Cuba have had their sentences commuted. The last execution was carried out in 2003.

GUATEMALA -- bill allowing resumption of executions fails

The one-month deadline, before which the Guatemalan Congress could have overridden a Presidential veto on a bill that would have allowed resumption of executions, expired on 5 May 2008.

Decree 06-2008, known as the “Law regulating the commuting of sentence for those condemned to death” (“*Ley Reguladora de la Conmutación de la Pena para los Condenados a Muerte*”) was adopted by the Congress of Guatemala on 12 February 2008. By establishing a procedure for those condemned to death to request a pardon from the President, it effectively gave credence to establishing a final appeals procedure for death sentences. Establishing this final appeal would have had the paradoxical effect of potentially allowing executions to resume, as the absence of a presidential pardon process had in practice resulted in a prolonged *de facto* moratorium in

Guatemala since 2000. The bill was also in breach of a ruling by the Inter-American Court of Human Rights (IACHR), which ordered Guatemala to specify clear criteria for evaluating individual petitions for pardon.

US Supreme Court ruling on constitutionality of lethal injection ends unofficial moratorium on executions

On 16 April the US Supreme Court ruling in *Baze v. Rees* upheld the constitutionality of the lethal injection procedures in Kentucky.

Chief Justice John Roberts indicated that in future cases a stay of executions on the lethal injection issue would only be granted if “the condemned prisoner establishes that the State’s lethal injection protocol creates a demonstrated risk of severe pain. He must show that the risk is substantial when compared to the known and available alternatives”.

Justice John Paul Stevens, however, stated in an opinion concurring in the judgment that the *Baze* ruling, instead of ending the controversy, would generate debate not only about the constitutionality of the three-drug protocol, but also about the justification for the death penalty itself. He wrote that his experience has led him to the conclusion that “the imposition of the death penalty represents the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes.”

On 6 May William Earl Lynd, sentenced to death in 1990 for the murder of Virginia Moore, was executed in Georgia. He became the first person in the United States to die by lethal injection since 25 September 2007. It was 2007 when the US Supreme Court agreed to review Kentucky's lethal injection protocol, leading to an unofficial nationwide moratorium on executions. Several other executions have now been scheduled in Georgia and in other states, including Oklahoma, Texas and Louisiana. In Mississippi, Earl Berry is scheduled to be executed on 21 May 2008, despite evidence that he has intellectual disability (UA 124/08, AMR 51/040/2008, <http://www.amnesty.org/en/library/info/AMR51/040/2008/en>).

Levar Walton, who suffers from serious mental illness, is scheduled to be executed in Virginia on 10 June. He was sentenced to death in 1997 for the murders of an elderly couple and a 33-year-old man in November 1996. Amnesty International issued an Urgent Action opposing Walton’s execution and noting compelling evidence that he had begun suffering from serious mental illness more than a year before the crime. For more information, see (UA 123/08, AMR 51/039/2008, <http://www.amnesty.org/en/library/info/AMR51/039/2008/en>)

US, North Carolina—Two people released from death row

Another two people were released from death row in April and May after serious doubts about the safety of their convictions were accepted.

Forty-year-old Glen Chapman was released in North Carolina on 2 April 2008 after prosecutors dropped charges against him. He had been sentenced to death in 1994 for two murders. He was granted a new trial in 2007 by a state judge who found that the evidence against Chapman was weak, that he had been denied effective legal representation, and that the prosecution had withheld evidence and used false testimony.

On 2 May 2008, also in North Carolina, Levon "Bo" Jones was released after more than a decade on death row. A federal judge had overturned his conviction in 2006, finding that Jones had been denied his right to effective assistance of counsel at trial. Jones remained in prison pending retrial, but was released after the prosecution dropped all charges against him.

Levon Jones becomes the 129th person to be freed from death row on after serious doubts about the safety of their convictions in the USA since 1973, according to the Death Penalty Information Center in Washington, DC.

ASIA AND PACIFIC

AFGHANISTAN Around 100 unnamed individuals face execution

On 16 April 2008 the Supreme Court of Afghanistan upheld around 100 death sentences issued by lower courts against individuals convicted of crimes including murder, rape, kidnapping and armed robbery. The names of the accused and the locations where they are being detained remains unknown.

Credible information received by Amnesty International shows that the trial proceedings in at least some of the cases fell far below international standards of fairness. Flaws in the trial procedures included inadequate time for the accused to prepare for their defence, lack of legal representation during court proceedings, weak evidence presented before the courts and the denial of the defendants' right to call and examine witnesses. A Supreme Court judge, Abdul Rashid Rashed, reportedly dismissed criticism concerning the court procedures, claiming that the trials had been "transparent".

The sentences require the approval of President Karzai before executions can be carried out. Amnesty International, fearing that sudden and large-scale executions may take place in secrecy as happened in October 2007, issued an Urgent Action (UA 122/08 ASA 11/005/2008) calling on President Karzai to commute these and all other outstanding death sentences in Afghanistan.

JAPAN –Four more people executed in April

Four men were executed in Japan in April: Akinaga Kaoru, 61, Nakamoto Masayoshi, 64, Nakamura Masahuru, 61 and Sakamoto Masahito, 41, were hanged on 10 April. These executions bring to seven the number of executions carried out in Japan in 2008.

PAKISTAN – New government ratifies UN Human Rights Conventions

In April 2008 the new government of Pakistan ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR), and signed both the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT). Amnesty International welcomed the ratification and signatures as a key step to ensuring human rights are respected, protected and realized for all in Pakistan in line with international standards.

AI hopes that protections afforded in the ICCPR will help to ensure the fair trial rights of those facing capital punishment in Pakistan. For more information, see also:

<http://www.amnesty.org/en/for-media/press-releases/pakistan-new-government-sends-positive-signal>

EUROPE AND CENTRAL ASIA

UZBEKISTAN – Death sentences commuted

Following the abolition of the death penalty as of 1 January 2008, the Supreme Court of Uzbekistan started in April a review of all death sentences in order to commute them to sentences of life or 20 to 25 years. The Supreme Court subtracts the time the prisoners have already spent in detention from the new sentence.

According to Tamara Chikunova, the head of Mothers Against Death Sentence and Torture, none of the seventeen death sentences that had already been revised was changed to life imprisonment.

MIDDLE EAST AND NORTH AFRICA

PALESTINIAN AUTHORITY- Risk of imminent execution

Military Intelligence officer Tha'er Mahmoud Husni Rmailat was sentenced to death by a military court in the city of Jenin on 6 April 2008. Tha'er Mahmoud Rmailat was sentenced to death for the murder of a National Security Forces officer in the northern West Bank city of Tulkarem on 22 October 2006, the day before the major Islamic holiday of Eid al-Fitr.

Tha'er Rmailat's lawyer has said that he was only given one day's notice of the hearing. Under the Palestinian Authority (PA) Basic Law, he should have been given at least 72 hours in which to prepare a defence. He may now appeal; if this is unsuccessful his sentence must be ratified by President Mahmoud Abbas before it can be carried out.

Since the Palestinian Authority was established, in 1994, more than 60 Palestinians have been sentenced to death, and 10 have been executed.

The last known execution in the Palestinian Authority took place on 27 July 2005 when Ra'ei Khalil al-Mughrabi was hanged at Gaza central prison. He had been sentenced to death for murder in 2001, by a criminal court. For more information, please visit:

<http://www.amnesty.org/en/library/info/MDE21/001/2008/en>

SAUDI ARABIA--Secret video shows horror of beheading

In April Amnesty International received a filmed footage of a man being beheaded in Saudi Arabia. The horrific footage shows the condemned man's public execution, kneeling on a mat while spectators and guards watch. With one strike of the executioner's sword, his head rolls off and his body collapses in a heap.

Amnesty International had been closely monitoring the prisoner's case, a Jordanian citizen convicted on drug trafficking related charges; the footage filmed on a mobile phone is consistent with AI's records.

The footage is a dire reflection of the extensive use of the death penalty in Saudi Arabia. In defiance of the world community, in 2007, Saudi Arabia executed at least 143 people, including children and three women.

Since January 2008 the figure has already reached 58.