

**3<sup>e</sup> Congrès Mondial**  
**3<sup>rd</sup> World Congress**  
**Contre la Peine de Mort**  
**Against the Death Penalty**  
المنتدى الدولي الثالث  
第三次世界反对  
ضد حكم الإعدام  
死刑大会

BOOKLET  
FOR PARTICIPANTS



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*There will be interpretation in English and French for all interventions. The opening session, the first major debate in plenary session and the solemn ceremony will also be interpreted in Arabic. Many thanks to the team of volunteer professional interpreters who graciously ensure interpretation under the leadership of Sarah Bordes (ISIT) and Madeleine Walter.*

**INTRODUCTION**

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**“PARIS 2007” TOGETHER, LET US MAKE THE PARIS MEETING  
FURTHER THE CAUSE OF UNIVERSAL ABOLITION!**

by  
**Michel Taube**  
General Delegate and  
Spokesman  
for ECPM

Abolitionists from all around the world, welcome to Paris for the 3rd World Congress against the death penalty.

Welcome, also, to France, to this country which abolished the death penalty 25 years ago and which is now on the point of adding an abolitionist article to its Constitution.

And last of all, welcome to Paris' Cité internationale universitaire. This campus, with its 5,000 foreign students in residence, was created almost a century ago, and its enlightened spirit is in full accord with our concept of French and European society, one which is both diversified and open to the world around it.

After Strasbourg in 2001, which led to the creation of the World Coalition Against the Death Penalty and the launching of the World Meeting of 10 October; after Montreal in 2004 which was the Congress of the consolidation of the abolitionist movement and which highlighted the need for regional strategies and a united penal approach, here is “Paris 2007” – a new Congress with new goals! The talks held in Paris will focus on forces which currently threaten to hold back the campaign to reduce and abolish executions in new countries which are observed each year.

One of the main objectives of “Paris 2007” is to give an international tribune to militant abolitionists from North Africa and the Middle East. Our objective is clear: why should the 100th abolitionist state of history not be an Arab country, especially if it is also the leading nation of North Africa and the Middle East? With the upcoming Olympic Games of Beijing and the situation of the death penalty in that country, another great debate will develop around the strategies to be used to make China move towards abolition, by encouraging mobilisation both within the country and on the level of the international community. This great debate will be the occasion for a solemn call for a truce for executions, to be launched by the athletes taking part.

As in Strasbourg and Montreal, there will be many round tables to give you food for thought regarding the best strategies for abolition, in the following directions: diplomacy and death penalty; penal justice; and the role of regional players.

There is something new in this 3rd Congress. Focus will display current events and mobilisation campaigns, such as the fate of the Bulgarian nurses and the Palestinian doctor who have been sentenced to death in Libya, the issue of lethal injections (especially in the United States), the fate of people who have committed terrorist attacks, and the campaign for Mumia Abu Jamal.

The latest guideline of the Congress is to assist citizens who want to take action and be of use to the movement. This includes workshops for people who wish to correspond with prisoners on death row, the “Espace Agir” or Action Area, an educational exhibition and a library.

On behalf of the ECPM association, I would like to thank all of the volunteers and the permanent staff, the more than one hundred participants, the partners and the institutions which make this event so enriching for all. I would also like to mention here the names of Eric Prokosch, former Director of the death penalty programme of Amnesty International, and Emmanuel Decaux, professor of International Public Law at the University of Paris II and independent expert for the Sub-Commission on Human Rights of the United Nations, who have chaired the scientific committee of the Congress along with the ECPM and the World Coalition against the death penalty.

Together, let us make the Paris meeting further the cause of universal abolition!

## **ABOLITIONISTS FROM ALL AROUND THE WORLD, WELCOME TO PARIS FOR THE 3RD WORLD CONGRESS AGAINST THE DEATH PENALTY**

by  
**Youssef Madad**  
Member of the  
steering committee  
of the World Coalition  
against the death  
penalty

Almost five years after the creation of the World Coalition against the death penalty in Rome, May 2002 – an idea born in Strasbourg at the 1<sup>st</sup> World Congress – Paris welcomes abolitionists from all around the world, more determined than ever to gather their forces and share their respective strategies.

The abolition of the death penalty is a recent phenomenon of history. That is why it has taken some time for the idea of a world abolitionist movement to take shape. And now it is a reality with this Coalition, which although young has already gained international scope, with over fifty member organisations in five continents.

The objective of the Paris Congress is to contribute to the development of the World Coalition against the death penalty. That is why the Coalition will make its presence felt throughout the Congress, from the opening ceremony to the closing March.

We will strive in our meetings and discussions to convince all the international, regional and local NGOs that the adhesion of more lawyer's associations, city councils, trade unions and religious organisations will strengthen the diversity of the Coalition.

Following the example of the World Coalition, we call out for the creation of national and regional Coalitions, such as the one which has on our initiative been created in Morocco on 10 October 2003. The Moroccan Coalition is actively mobilising civilian society. In the Arab world, as well as in Asia and in Africa of the Great Lakes, it is our hope that the meeting in Paris will convince the abolitionists to form networks and work together.

On behalf of the members of the World Coalition, I greet all of you who have joined the Congress of Paris. I would particularly like to thank the association Ensemble contre la peine de mort which, since 2002, not only provides the World Coalition with its executive secretariat but also organises this international Congress and in every way supports our movement for universal abolition.



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PROGRAM

**AGENDA**

Increasing the pressure exerted by the international community on countries that apply the death penalty and consolidating the prospects of abolition in those countries that have renounced execution: these are the central objectives of the debates to be held during this Third Global Conference. Delegates will focus particularly on the prospects for abolition in North Africa and the Middle East, and ways in which conditions could be applied to the staging of the Beijing Olympics to pave the way for abolition of the death penalty in China.

Debates will be structured around diplomatic strategies, the inclusion of abolition in penal reform and the creation of regional coalitions in those geographical areas where executions are most prevalent.

**THURSDAY FEBRUARY 1<sup>ST</sup>, 2007**

- 9:30am ● Welcoming
- 10:00/12:30am ● Opening session with the World Coalition Against the Death Penalty  
**International perspectives for the abolition of the death penalty worldwide and the role of the World Coalition against death penalty (WCADP)** .....p. 10
- 1:30/3:30pm ● **Round tables**
- The Role of the international and regional organisations .....p. 17
  - Is the death penalty an international relations issue? .....p. 17
  - Death Penalty: an inhuman, cruel and degrading treatment.....p. 19
  - From the trial Nuremberg to the trial of Saddam Hussein: how to judge the authors of crimes against humanity? .....p. 19
  - “Anti-Death Penalty Asia Network – a network for the abolition of the Death Penalty in Asia” .....p. 20
  - The new American abolitionists: an Appeal to the “unusual suspects” ...p. 21
  - Towards an Inter-Arab coalition against the death penalty .....p. 21
- 3:45/4:45pm ● **Focus on current campaigns, issues and stakes towards the universal abolition of death penalty**
- The lethal Injection on trial .....p. 22
  - The death penalty and military justice: assessment of the current situation.....p. 22
  - The case of the Bulgarian nurses and the Palestinian Doctor imprisoned in Libya .....p. 22
  - “No gays on the scaffold”: an ECPM campaign .....p. 23
  - Mumia Abu-Jamal: a symbol of the fight against the death penalty .....p. 23
  - Judging terrorists: the death penalty, a counter productive response .....p. 23
- 7:30pm ● **Major debate in plenary session: The paths to abolish death penalty in North Africa and the Middle East**
- I - Which reforms for political and legal progress? .....p. 14
  - II - Islam: a debate on the death penalty .....p. 14
- 7:30/8:30pm ● Videos for the abolition .....p. 14
- 8:45pm ● **Testimonies evening** .....p. 25



**FRIDAY FEBRUARY 2<sup>ND</sup>, 2007**

- 9:00/10:00am • **Focus on Key countries and national campaigns** .....p. 26
- 10:00/12:00am • **Round tables**
- The World Coalition campaign for the ratification of the Protocol 2 of the International Covenant on Civil and Political Rights .....p. 16
  - Lawyers facing the death penalty .....p. 18
  - The scale of sentences and alternative sentences .....p. 19
  - Towards the establishment of a death penalty free zone in Central Asia .....p. 20
  - Perspectives on abolition in the Great Lakes region of Africa .....p. 20
- 11:00am/6:00pm • **The space to act “Espace Agir”, tools for citizens**
- 11:00am/1:00pm • Awareness Campaigns .....p. 24
- 1:30/3:00pm • Correspondence with those condemned to death .....p. 24
- 1:00/3:00pm • **Round tables**
- From moratorium to abolition: what is the right diplomatic strategy? .....p. 16
  - The European Union efforts to overturn the death penalty worldwide .....p. 17
  - Supreme Courts facing the use of death penalty .....p. 18
- 3:00pm • **Speech of Monsieur Pascal Clément, Minister of Justice of the French Republic**
- 3:30/5:00pm • **Public questions and answers session** .....p. 26
- 5:00/7:00pm • **Major debate in plenary session: China, the death penalty and the Beijing Olympics** .....p. 15
- 8:00pm • **Reception, Paris Bar Association** .....p. 25

**SATURDAY FEBRUARY 3<sup>RD</sup>, 2007**

- 11:00am • **Solemn Ceremony at the Bastille Opéra** .....p. 12
- 2:00pm • **Peaceful Walk in Paris, organised by the World Coalition Against the Death Penalty** .....p. 26

**OFFICIAL SESSIONS**



● **OPENING SESSION  
AT THE CITÉ INTERNATIONALE UNIVERSITAIRE DE PARIS**

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
10:00 AM/11:00 AM  
ESPACE ADENAUER

**SPEECHES OF THE HOST AND PARTNERS  
OF THE 3RD WORLD CONGRESS AGAINST THE DEATH PENALTY**

- Official message of Mr Jacques CHIRAC, President of the French Republic, read by Mr Philippe DOUSTE-BLAZY, Foreign Affairs Minister, France
- Official message of Madam Angela MERKEL, Chancellor of the Federal Republic of Germany, read by the Ambassador, Dr. Peter WITTIG, Director General for the United Nations and Global Issues in the Foreign Office of the Federal Republic of Germany
- Mrs Sylviane TARSOT-GILLERY, Chief Representative of the Cité Internationale Universitaire - the International Campus of Paris, France
- Mr René VAN DER LINDEN, President of the Parliamentary Assembly of the Council of Europe (PACE).
- Mr Thomas HAMMARBERG, Commissioner for Human Rights of the Council of Europe

**“STRASBOURG, MONTREAL, PARIS:  
A GLOBAL MOVEMENT TOWARDS UNIVERSAL ABOLITION”**

- Mr Michel TAUBE, Spokesman of Together Against the Death Penalty (ECPM), France

### **INTERNATIONAL PERSPECTIVES FOR THE ABOLITION OF THE DEATH PENALTY WORLDWIDE AND THE ROLE OF THE WORLD COALITION AGAINST THE DEATH PENALTY (WCADP)**

Speeches of the World Coalition against the death penalty (WCADP) by the Executive Secretariat and the Members of the Steering Committee of WCADP

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
11:00 AM/12:30 AM  
ESPACE ADENAUER

- ECPM (Executive Secretariat)
- ACAT/FIACAT, Amnesty International France, Paris Bar, Penal Reform International, Ligue des droits de l'Homme, Sant' Egidio

### **OVERVIEW OF THE SITUATION OF THE DEATH PENALTY WORLDWIDE AND ITS ABOLITION**

- Mr Sidiki KABA, President of the International Federation for Human Rights (FIDH):  
Synthesis of the 15 investigation reports, France
- Mr Piers BANNISTER, death penalty team Coordinator,  
Amnesty International International Secretariat, UK

### **SPEECHES OF**

- Mr Graziano DELRIO, Mayor of Reggio Emilia, Italy
- Mr Riccardo NENCINI, President of the local authority of Tuscany, Italy
- Mr Alain TOURET, Vice-President of the local authority of Basse-Normandie, France

### **MESSAGE FROM MUMIA ABU JAMA, American condemned to death**

- Speech of Mrs Danielle MITTERRAND, President of France Libertés, France

### **PARIS CONGRESS: INSTRUCTIONS AND STAKES**

**OFFICIAL SESSIONS**



● **SOLEMN CEREMONY AT THE OPERA BASTILLE**

SATURDAY MODERATOR Olivier de Lagarde, *France Info*

FEBRUARY 3<sup>RD</sup>

10:00AM/1:00PM

OPERA BASTILLE

**SYNTHESIS OF THE DEBATES**

- Mr Piers BANNISTER, death penalty team Coordinator, Amnesty International International Secretariat, UK

**READING OF THE FINAL DECLARATION**

- Mr Michel TAUBE, Spokesperson of ECPM, France

**OFFICIAL SPEECHES OF GOVERNMENTS' REPRESENTATIVES AND PARTNERS SUPPORTING THE CONGRESS:**

- Official message of Mr Dominique de VILLEPIN, Prime Minister of the Republic of France
- Mr Jean ASSELBORN, Vice-Prime Minister, Minister for Foreign Affairs of the grand Duchy of Luxembourg
- Mr. Mohamed BOUZOUBAA, Minister of Justice, Morocco
- Official message of Mrs Laurette ONKELINX, Ministre of justice of Belgium, read by Mr Claude DEBRULLE, Director General of the Belgium Federal Public Service of Justice, in charge of Human Rights and criminal law
- Mr Gianni VERNETTI, Minister of State to the Foreign Affairs, Italy
- Mr Tom KITT T.D, Minister of State at the Department of the Taoiseach, with the special responsibility as Government Chief Whip, Ireland.
- Mr Guy CANIVET, First President of the French Supreme Court (cour de cassation)
- Mr Terry DAVIS, Secretary General of the Council of Europe
- Mr Michael MATTHIESSEN, Personal Representative for Human Rights to the Secretary General/ High Representative of the Council of the European Union.
- The Head of the Delegation of the European Parliament and/or of the European Commission

**SPEAKERS FOR THE ABOLITION WORLDWIDE**

- Mrs Bianca JAGGER, Good Will Ambassador of the Council of Europe, UK
- Mr Tursunbay BAKIR UULU, Ombudsman of the Republic of Kyrgyzstan
- Joint speeches from Mr Sakae MENDA, former Japanese condemned to death, Japan, and Mrs Françoise RUDETZKI, President of the NGO SOS Attentat, France

**ANNOUNCEMENT OF THE CREATION OF THE PERMANENT SECRETARIAT OF THE WORLD HUMAN RIGHTS FORUM OF NANTES**

- Franck Barrau, France

**MOBILISATION OF THE INTERNATIONAL COMMUNITY FOR THE BULGARIAN NURSES AND THE PALESTINIAN DOCTOR CONDEMNED TO DEATH IN LIBYA**

- Message from Mr Gueorgui PARVANOV, President of the Republic of Bulgaria
- Mr Gulnio GANEV, Bulgarian Ombudsman
- Mr Michel DUMONT, President of the Belgium National Federation for nurses, member of the International Council for Nurses.
- With the participation of a Delegation of Bulgarian Parliamentarians lead by Mrs Iliana IOTOVA
- Video message by Mrs Sylvie VARTAN, presented by M. Antoine ALEXIEV, Lawyer of the nurses

**APPEAL TO THE PRESIDENT OF CHINA AND TO THE CHINESE POPULATION FOR A TRUCE OF EXECUTIONS IN CHINA****CULTURAL PROGRAM**

- Under the direction of Mrs Emiko SAN SALVADORE - Tsubasa Ailé

**CLOSURE SPEECH**

- Mr Robert BADINTER, French Senator, former Minister of Justice and President of the French Constitutional Council: "Towards the universal abolition"

**With the presence of:**

(By alphabetical order)

- The Human Rights Ambassadors of Spain Mrs Silvia ESCOBAR; of The Netherlands, Mr Piet de KLERK; of Sweden, Mr Jan NORDLANDER; of France, Mr Michel DOUCIN; and of the European Union, Mr Michael MATTHIESSEN
- The Directors of the Human Rights departments of the Foreign Affairs Ministries of numerous member states of the European Union
- Mr Bertrand DELANOË, Mayor of Paris, France
- Mr Christian FAVIER, President of the local authority of Val-de-Marne, France
- Mr Lazare KI-ZERBO, Peace Delegation of the Democracy and Human Rights department, International Organisation of the Francophonie
- Mr Jarvis MATIYA, Human Rights Unit, Commonwealth Secretariat
- Mrs Pasqualina NAPOLETANO, Vice-president of the Socialist Group of the European Parliament
- Mr François NORDMANN, Ambassador of Switzerland in France
- Mrs Kristin ÓLAFSDOTTIR, Secretariat of the President of the Nordic Council
- Mr Jean-Pierre RAZAFY-ANDRIAMIHAINGO, Ambassador of Madagascar in France
- Mr Alain TOURRET, Vice-president of the local authority of Basse-Normandie, France

**PEACEFUL WALK OF THE CONGRES,**

Saturday 3<sup>rd</sup> of February at 2 pm, starting from Place de la Bastille

## MAJOR DEBATES



## ● THE PATHS TO ABOLISH DEATH PENALTY IN NORTH AFRICA AND THE MIDDLE EAST

None of the 22 countries in the region has yet abolished the death penalty. Morocco, Tunisia and Algeria have not conducted an execution for over ten years, but are still sentencing convicted prisoners to death. Others, like Saudi Arabia and Iran, are both hanging or stoning to death dozens of convicted criminals every year. Whether a hangover from colonial rule, an instrument of coercion used by strong regimes or carried out in the name of Islamic law, the death penalty is part of the penal landscape in North Africa and the Middle East. Nevertheless, calls to end the practice or question it are becoming louder all the time. These voices are those of elected representatives, lawyers, members of the public and the clergy. Each of these courageous individuals represents another route towards abolition of the death penalty in the region.

### 1 WHICH REFORMS FOR POLITICAL AND LEGAL PROGRESS?

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
5:00PM/07:30PM  
ESPACE ADENAUER

A wind of reform is now blowing south of the Mediterranean. Morocco's Justice Minister Mohamed Bouzoubaa has declared himself opposed to the death penalty. In Lebanon, the former Prime Minister Salim el Hoss has refused to give his support to a number of executions. Jordan is also preparing for penal reform. So doors are now opening on the possibility of addressing the issue of the death penalty. But what reforms are required in order to make the necessary political, legislative and judicial advances? Lawyers and politicians will reflect on these issues together during this debate.

ORGANIZER World Coalition against the Death Penalty (WCADP)

CHAIR Mr Michel Taube, spoke person of ECPM, France

SPEAKERS

Message from M. Beneddine Baghi, Chair of Iranian organization for the Right to life, Iran

- Mr Mohammed Arslan, Member of Parliament, Jordan
- Mrs Marie Ghantous, Chair of the organization for the Defense of Rights and Freedoms, Lebanon
- Mr Youssef Madad, associate general secretary of the Observatoire Marocain des Prisons-Morocco associate general secretary, Morocco
- Mrs Nouzha Skally, Member of Parliament, Morocco
- Mr Raji Sourani, Director of the Palestinian Centre for Human Rights in Gaza and vice-chair of the FIDH, Palestine

### 2 ISLAM: A DEBATE ON THE DEATH PENALTY

Rejecting the effective application of the death penalty; that is the theological challenge that some Muslims have decided to take up and put to the community of believers. *Ijtihad* is one of the key words around which this debate will revolve. *Ijtihad* refers to the basing of legal decisions on the interpretation of two sacred texts, and has not been practised amongst Sunni Muslims since the 11th century. But intellectuals and clerics are now calling for that closed door to be opened. They believe that Islamic law should be seen in the context of today. However, there remains one key question: How to break the link with *boudoud*? These offences are punishable by penalties fixed in the Koran, some of which call for capital punishment.

ORGANIZER ECPM (Together Against the Death Penalty)

CHAIR Mr Philippe Yacine Demaison, Vice-chair of the French movement "Muslims scouts", France

SPEAKERS

- Mr Sami Aldeeb, the Swiss Institute of comparative law, Lausanne, researcher, expert and specialist of Arabic and Islamic law, Switzerland
- Mr Hossam Bahgat, director of the Egyptian Initiative for Personal Rights, director, Egypt
- Sheikh Ali Jumma, Mufti of Egypt - Represented by Dr. Mohammed Mhanna, Egypt
- Pr. William Schabas, Director of the Irish Centre for Human Rights at the National University of Ireland, Galway, Ireland

### SCREENING OF A DOCUMENTARY: DEATH PENALTY IN MOROCCO

60 minutes documentary, from the monthly Tv program Tahqiq, on the channel 2MTV

PRESENTED BY M. Mohamed Khattam, journalist, and Mrs Samira Sitail Information Director for 2MTV, Morocco Broadcast 2006 december 21, an exclusivity in the Arabic World. The crew of Tahqiq has investigated on the reality of the death penalty in Morocco, by interviewing prisoners condemned to death, lawyers, civil societies actors





## ● CHINA, THE DEATH PENALTY AND THE BEIJING OLYMPICS

The precise number of executions carried out in China is one of the country's most closely guarded state secrets. The reality is frightening, with an estimated 10,000 executions carried out every year; a figure that accounts for over 95% of executions worldwide. Nevertheless, progress is being made: from 1 January 2007 onwards, death penalty verdicts must be ratified by the country's Supreme Court before being implemented by the provincial courts. This measure should deliver a dramatic reduction in the number of executions.

Chinese abolitionists are also making themselves heard at home and

internationally. The 2008 Beijing Olympics provides an extraordinary opportunity to bring pressure to bear on China, and take the fight against the death penalty to the heart of the country. But how? And on what basis? Researchers, politicians, lawyers and China specialists will use this debate to try and find some answers.

ORGANIZER **ECPM**

SPEAKER

- **Mr Mark Allison**, Amnesty International Asia Pacific regional office, researcher, Hong Kong
- **Ms Marie Holzman**, "Solidarités Chine", sinologist and expert on contemporary China, France
- **Mr John Kamm**, Executive director of Dui Hua Foundation president, USA
- **Mr Shaoping Mo**, lawyer specialized in the defence of human rights, China
- **Ms. Isabella Nitschke**, European Liaison Officer of Human Rights in China
- **Mr Zhang**, lawyer specialised in the defense of human rights, China

FRIDAY

FEBRUARY 2<sup>ND</sup>

5:00PM/7:00PM

ESPACE ADENAUER

**ROUND TABLES**

*Two hours to listen, develop substantial arguments, and exchange with experts and decision-makers the issues, the current strategies related to the universal abolition of the death penalty.*

## ● STRATEGIES TOWARDS ABOLITION

### 1 FROM MORATORIUM TO ABOLITION: WHAT IS THE RIGHT DIPLOMATIC STRATEGY?

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
1:00PM/3:00PM

Around the world, there are 99 countries where the death penalty has been abolished (either for all crimes or for all common law crimes), and a further 26 that have carried out no executions for at least ten years. How can we persuade the latter to make the move from moratorium to abolition? Moratorium is often the decisive step from which there is no return, but experience also shows that there are other routes to abolition, and that moratoriums can sometimes be fragile. A full debate is required in order to reassess the role played by the moratorium strategy as part of a global policy of encouraging abolition.

ORGANIZER **International Federation for Human Rights (FIDH) –Together Against the Death Penalty (ECPM)**

CHAIR **Ms Florence Bellivier**, International Federation for Human Rights (FIDH), associate general secretary. Professor of law, France

SPEAKERS

- **Mr Mamadou Lamine Fofana**, formal director of criminal affairs, Senegal
- **Mr Michel Taube**, co-founder and spokesperson of ECPM (Together against death penalty), France
- **Ms Yuliya Vassilyeva**, Hand Off Cain, Lawyer and coordinator of the Death Penalty project, lawyer, Kazakhstan
- **Ms Renate Wohlwend**, Rapporteur, Committee on Legal Affairs and Human Rights, Parliamentary Assembly of the Council of Europe. Liechtenstein
- **Mr Marc Zarrouati**, Associate Professor of Philosophy of Science, President of ACAT-France

### 2 THE WORLD COALITION CAMPAIGN FOR THE RATIFICATION OF THE PROTOCOL 2 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
10:00AM/12:00AM

To promote international abolition legislation and protect countries against any reintroduction of the death penalty: these are the aims of the World Coalition Against the Death Penalty. In 2007, the Coalition is launching a major campaign to persuade as many countries as possible to ratify Protocol 2 of the UN International Covenant on Civil and Political Rights. Only 57 had done so by 1 December 2006, despite that fact that this is the only universal agreement to ban the death penalty. This session examines the current state of progress on the basis of case studies that include Senegal, Ukraine, Cambodia, Chile and France.

ORGANIZER **Section Française d'Amnesty International**  
in the name of the World Coalition Against the Death penalty

CHAIR **Mr Denys Robiliard**, lawyer, former president of Amnesty International France  
and **Mrs Susanne Fries-Gaier**, desk officer for death penalty, Foreign Office of the Federal Republic of Germany, European Union Presidency

SPEAKERS

- **Mr Leonardo Aravena**, Amnesty International Chile, international criminal justice programs coordinator
- **Mr Marc Bossuyt**, Former Special Rapporteur of the United Nations, president of the sub commission of the United Nations on the promotion and protection of human rights, member of the permanent court arbitration (The Hague), Netherlands
- **Mr Emmanuel Decaux**, President of the Scientific Committee of the 3<sup>rd</sup> World Congress against death penalty. University of law Pantheon Assas, professor of international law, France
- **Mr Seydi Gassama** Director of Amnesty International Sénégal, director, Senegal
- **Mr Dmytro Groysman**, Vinnitsya Human Rights Group, Ukraine
- **Mr Manfred Hornung**, Human Rights Monitor, Legal Advisor of the Cambodian League for the promotion and defense of human rights (LICADHO), Cambodia



### 3 THE EUROPEAN UNION EFFORTS TO OVERTURN THE DEATH PENALTY WORLDWIDE

The European Union is the leading player in the international fight against the death penalty. This public debate aims to communicate and improve the action being taken by European institutions to promote abolition.

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
1:00PM/3:00PM

ORGANIZER Sub-Commission for Human Rights of the European Parliament

CHAIR Ms H el ene Flautre, Member of the European Parliament, president of the Sub Commission for Human Rights, France

SPEAKERS

- Ms Maria Luisa Bascur, International Helsinki Federation for human rights (IHF), Chile
- Mr Richard Dieter, Director of Death Penalty Information Centre, director, USA
- Dr Fatih Selami Mahmutoglu, Member of board of directors, Istanbul Bar Association, Turkey
- Mr Michael Matthiessen, Personal Representative for human rights of the Secretary General / High Representative of the Council of the European Union, Denmark
- Mr Robert C. Whiteman, senior advisor, congressional and parliamentary liaison the Delegation of the European Commission in Washington, USA

### 4 THE ROLE OF THE INTERNATIONAL AND REGIONAL ORGANISATIONS

At regional and international levels, they open the way for human rights, adopt treaties and demand their ratification. Their many spokespeople contribute to strengthening the ranks of those campaigning for universal abolition. Regional and international organisations are now key players in the abolitionist fight. What influence can be exercised by, for example, by the European Union, the Council of Europe, the Regional Human Rights Commissions (Inter-American, African, etc.), the UN Human Rights Committee and the OSCE? What influence could such organisations really bring to bear on countries like Iran, the USA or Japan, for example? How could they go further? In this session, members of international organisations will explore these issues together.

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
1:30PM/3:30PM

ORGANIZER ECPM

CHAIR Mr Speedy Rice, Professor of International Law, Death Penalty Focus, World Coalition against the death penalty

SPEAKERS

- Mrs Christina Cerna, Principal Human Rights specialist at the Inter-American Commission on Human Right of the Organisation of American States, USA
- Mrs Christine Chanut, Member of the International Commission of Jurists, Magistrate specialised in Criminal Law, former Counsellor to the Court of Cassation (Supreme Court) of the Criminal Chamber of France, Personal representative for the HC for Human Rights in Cuba, France
- Mrs Lydia Grigoreva, Human Rights officer, Organisation for Security and Cooperation in Europe (OSCE), Ouzbekistan
- Mrs Salamata Sawadogo, President of the African Commission on Peoples' and Human Rights, Burkina Faso
- Mr Jeroen Schokkenbroek, Head of the Human Rights Intergovernmental Programmes Department, Council of Europe
- Mrs Dani ele Smadja, Director for Multilateral relations and Human Rights of External Relations of the European Commission (DG Relex).

### 5 IS THE DEATH PENALTY AN INTERNATIONAL RELATIONS ISSUE?

The death penalty ceased being a purely national issue in the 1980s, because abolition campaigns and the adoption of international treaties brought it fully into the international arena. This in turn is opening up new possibilities, but in reality the international community has largely failed to dissuade individual countries from executing convicted criminals sentenced to death. It has not, for example, been able to prevent the reintroduction of executions in India, Chad and Lebanon in recent years. So how can we make the death penalty a real issue for international relations? Diplomats and specialists in international affairs will attempt to answer that question in this session.

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
1:30PM/3:30PM

ORGANIZER Institut des Relations Internationales et Strat egiques (IRIS)

CHAIR Mr Pascal Boniface, Director of the Institute of international and strategic relations, France

SPEAKERS

- Ms Sandra Babcock, Clinical Director, Center for International Human Rights, Northwestern University Law School, Chicago, USA
- M. Kirill Koroteev, jurist, expert at the European Court of Human Rights, Russia

## ROUND TABLES

### ● CRIMINAL JUSTICE AND THE DEATH PENALTY

#### 6 SUPREME COURTS FACING THE USE OF DEATH PENALTY

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
1:00PM/3:00PM

In South Africa, it was the Supreme Court that abolished the death penalty in 1995. The US Supreme Court has limited its scope. In Uganda, the highest court in the country commuted all death sentences in 2005. In China, the Supreme Court must now ratify all death sentences before they are carried out. So what role can judges in the highest courts play in abolishing capital punishment? In this session, specialists and judges will discuss the room available for manoeuvre and share their experiences.

ORGANIZER **ECPM**

CHAIR **Mrs Christine Chanet**, Member of the International Commission of Jurists, Magistrate specialised in Criminal Law, former Counsellor to the Court of Cassation (Supreme Court) of the Criminal Chamber of France, Personal representative for the HC for Human Rights in Cuba

SPEAKERS

- **Ms Christina Cerna**, Principal Human Rights specialist at the Inter-American Commission on Human Right of the Organisation of American States, USA
- **Mr Parvais Jabbar**, human rights lawyer and Executive Director of the Death Penalty Project, UK
- **Mr Katuala Kaba Kashala**, Prosecuting Attorney at the Supreme Court of DRC, Democratic Republic of Congo
- **Mr Georges Kendall**, special counsel with the law firm of Holland & Knight, LLP, USA
- **Mr Livingstone Ssewanyana**, foundation for human right initiative, executive director, Uganda

#### 7 LAWYERS FACING THE DEATH PENALTY

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
10:00AM/12:00AM

The lawyer is the final bastion and the one where hope ultimately lies. But convicted criminals are not always equal when it comes to defence. How can lawyers help each other to counter the risk of a capital punishment verdict? How can they share their experience and support those who lack that experience when faced with a justice system that may be defective and arbitrary? And lastly, what is the role of bar associations and lawyer's organisations? Lawyers from North and South will offer solutions in this session.

ORGANIZER **The Paris Bar, ECPM**

PRÉSIDENTES **Mr Yves Repiquet**, President of the Paris Bar, France

MODÉRATEUR **Mr Richard Sédillot**, Lawyer, ECPM administrator, France

SPEAKERS

- **Mr Robert Bryan**, Mumia Abu-Jamal's Attorney, USA
- **Mr Saul Lehrfreund**, human rights lawyer and executive director of The Death Penalty Project, UK
- **Ms Catherine Mabille**, Lawyers without borders, France
- **Ms Robin Maher**, Director of the death penalty project, the American Bar Association, USA
- **Mr Mohamed Ould Ichidou**, lawyer, Mauritania
- **Ms Maiko Tagusari**, Lawyer, member of Forum 90, Japan
- **Mr Dr Biao Teng**, Chinese Lawyer specialised in Human Rights defence, China

## 8 DEATH PENALTY: AN INHUMAN, CRUEL AND DEGRADING TREATMENT

Not only must we take account of conditions of imprisonment, psychological pressure and the unbearable wait for execution, but also the methods of execution, all of which are cruel: stoning, hanging, lethal injection and the electric chair. Could we modify these conditions of imprisonment, execution methods and inhuman, cruel and degrading treatment? Could this argument have a legal value and provide a lever for abolitionists? It's a crucial question.

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
1:30PM/3:30PM

ORGANIZER **Christian Action Against Torture (ACAT)**  
and **Fédération Internationale des ACAT (FIACAT)**

CHAIR **Mr Marc Zarrouati**, associate professor of philosophy of science, President of ACAT, France

GUEST SPEAKER **Mr Thomas Hammarberg**, Commissioner for Human Rights, Council of Europe, Sweden

SPEAKERS

- **Mr Kamran Arif**, Vice-Chair, Human Rights Commission of Pakistan
- **Mr Piers Bannister**, Amnesty International Secretariat international, death penalty team coordinator, UK
- **Ms Sylvie Bukhari de Pontual**, President of FIACAT. Lawyer at the Paris Bar, France
- **Mr Edmary Mpagi**, Ugandan ex-death row inmate, Uganda
- **Mr Livingstone Ssewanyana**, Foundation for Human Rights Initiative, Uganda
- **Mr James Welsh**, Amnesty International, International Secretariat, Coordinator of the medical Program and Human Rights of Amnesty International, UK

## 9 THE SCALE OF SENTENCES AND ALTERNATIVE SENTENCES

Abolishing the death penalty also means rethinking the wider justice system, and reconsidering the architecture of penal policy to drive it forward by adapting penalties, and proposing other ways of delivering justice. This session will explore more humane and effective ways of preventing criminal behaviour and helping prisoners back into mainstream society. Lawyers, criminologists and prison system specialists try to advance the debate.

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
10:00AM/12:00AM

ORGANIZER **ECPM**

CHAIR **Mr Eric Bernard**, Lawyer, secretary general of ECPM, France

SPEAKERS

- **Mr Emmanuel Altit**, Lawyer at the Paris Bar. EU expert at the truth and reconciliation commission in Liberia, France
- **Ms Catherine Appleton**, research officer at the Centre for Criminology, University of Oxford, UK
- **Mr Peter Hodgkinson**, director of the centre of studies on capital punishment of the University of Westminster, UK
- **Mrs Emmanuelle Perreux**, Chair of the French union of magistrates, member of the French Collective "October 2001", France
- **Mr Pierre Victor Tournier**, research director, CNRS. Professor at the University of Paris Pantheon Sorbonne. Council of Europe, formal scientific expert, France

## 10 FROM NUREMBERG TO THE TRIAL OF SADDAM HUSSEIN: HOW TO JUDGE THE AUTHORS OF CRIMES AGAINST HUMANITY

In Cambodia, Sierra Leone and, now, Iraq, "hybrid" courts are trying those accused of crimes against humanity. Often assembled on a "made-to-measure" basis, they rely on a delicate balance between a desire for revenge, the hope of reconciliation and the demands of international law. Whereas the International Criminal Court and the Hague and Arusha tribunals have dropped the death penalty, so sixty years on from Nuremberg (10 executions out of 12 capital sentences), some countries, such as Iraq are still using death penalty. How do we try to judge crimes against humanity? More pointedly, why should we oppose the death penalty for the worst of all criminals? This debate has never been more necessary.

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
1:30PM/3:30PM

ORGANIZER **ECPM**

CHAIR **Mr Michel Taube**, spoke person of ECPM, France

SPEAKERS

- **Mr Jean-François Akandji-Kombé**, Professor of European Law, University of Caen - Basse-Normandie, France
- **Mr Patrick Baudouin**, honorary president of the FIDH. Lawyer at the Paris Bar, France
- **Mr Hugo Bedau**, Tufts University, emeritus professor of philosophy, USA
- **Mr Emmanuel Daoud**, Lawyer at the Paris Bar, France
- **Mr Jean-Baptiste Gnonhoue**, Amnesty International, Benin
- **Pr Horst Möller**, Director of the "institute für Zeithgeschichte", Germany

## ROUND TABLES

### ● THE REGIONAL PLAYERS ● IN THE ABOLITION MOVEMENT

#### 11 TOWARDS THE ESTABLISHMENT OF A DEATH PENALTY FREE ZONE IN CENTRAL ASIA

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
10:00AM/12:00AM

Central Asia is making progress apace. Kazakhstan and Tajikistan have adopted a moratorium on capital sentences, and Uzbekistan is committed to abolishing the death penalty in 2008, whilst Kirghizistan leads its neighbours having just adopted a constitution that abolishes the death penalty. However, nothing can yet be taken for granted in this region where prison conditions are deplorable and information is far from clear. So how do we support the countries of Central Asia as they move towards abolition? In this session, specialists on the region will try to find the answers to that question.

ORGANIZER International Helsinki Federation for human rights

CHAIR Mrs Tolekan Ismailova, Citizens against corruption, Kyrgyzstan

SPEAKERS

- Mr Nikolay Belorukov, Member of the Constitutional Council, Kazakhstan
- Ms Tamara Chikunova, Mothers Against Death Penalty and Torture, Uzbekistan
- Ms Bunafsha Gulakova, Bureau for Human Rights and Rule of Law, Tajikistan
- Ms Gulnara Kaliakbarova, Penal Reform International
- Ms Zulfia Marat, American Bureau of Human Rights and Rule of Law, Kyrgyzstan

#### 12 PERSPECTIVES ON ABOLITION IN THE GREAT LAKES REGION OF AFRICA

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
10:00AM/12:00AM

Daring to think in concrete terms about abolition strategies in countries that have experienced genocide, massacres and intertribal warfare. Advocating abolition of the death penalty in places where violence is still a fresh memory, where the thirst for revenge still drives society and where the wounds have yet to heal: these are the challenges facing abolitionists in the Africa of the Great Lakes regions. The paths are open: helping local players, advocating abolition as a means of reconciliation, creating a regional coalition and mobilising civil society to build a better world together.

ORGANIZER Culture pour la paix et la justice / Culture for Peace and Justice (CPJ)

CHAIR Mr Lievin N'Gondji, Culture for Peace and Justice, DRC

SPEAKERS

- Ms Maela Begot, Sociologist, ECPM, France
- Mr Pie Ntakarutimana, honorary President of the league ITEKA and vice president of the FIDH, Burundi
- Mr Sinyigaya Silas, CLADHO, Rwanda
- M Marcel Wetshokonda, Lawyer, Culture paix et justice, DRC

#### 13 ANTI-DEATH PENALTY ASIA NETWORK— A NETWORK FOR THE ABOLITION OF THE DEATH PENALTY IN ASIA

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
1:30PM/3:30PM

The Philippines have recently abolished the death penalty and South Korea is considering the same move, but Indonesia, Singapore and India continue to execute people. Established on 10 October this year at the initiative of Amnesty International, the Anti-Death Penalty Asian Network (ADPAN) brings together some twenty abolitionists from 12 countries in the Asia-Pacific region. This experimental regional coalition may, at some future time, inspire abolitionists in other parts of the world to get together in a similar way. This session will involve a debate between leading representatives of the network on the prospects for abolition in Asia.

ORGANIZER Amnesty International SI

CHAIR Mrs Purna Sen, Amnesty International, Asian Pacific Program, director

SPEAKERS

- Mr Mark Allison, Amnesty International Asia Pacific regional office, researcher, Hong Kong
- Mr Bikram Jeet Batra, Lawyer and Researcher, member of the ADPAN network, India
- Mr. Ravi, Singaporean Lawyer, member of the ADPAN network, Singapore
- Pr. William Schabas, Director of the Irish Centre for Human Rights at the National University of Ireland, Galway, Ireland
- Mrs Maiko Tagusari, Lawyer, Forum 90 Japan, member of the ADPAN network, Japan

## 14 THE NEW AMERICAN ABOLITIONISTS: AN APPEAL TO THE “UNUSUAL SUSPECTS”

The debate in the USA is a tricky one, since widespread public approval of the death penalty is well known. Nevertheless, the USA has been questioning itself a little more closely about capital punishment over the last ten years or so, and is becoming more aware of America’s status as the exception amongst democracies. Better still, capital sentences, like executions, are becoming significantly rarer. This is therefore the time for abolitionists to redouble their efforts and identify new players, new strategies and new partners... and, without a doubt, to mobilise the international community, perhaps by relying on the “unusual suspects”: those who fight capital punishment, even though they may have been thought to be in favour of its application.

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
1:30PM/3:30PM

ORGANIZER **ECPM USA**

CHAIR **Mr Marc Jacquand**, General Secretary, ECPM USA

SPEAKERS

- **Mr Frank Baumgartner**, professor of Political Science at Pennsylvania State University, USA
- **Mr Richard Dieter**, director of the Death Penalty Information Centre, USA
- **Mr Rick Halperin**, Professor at the Southern Methodist University, professor. Head of the Texas Coalition to Abolish the Death Penalty. Chair of Amnesty International, USA
- **Mr Sam Millsap**, former Prosecutor on death penalty cases, turned abolitionist, USA

## 15 TOWARDS AN INTER-ARAB COALITION AGAINST THE DEATH PENALTY

Bringing voices together to help them be heard more easily: in Arab societies, increasing number of lawyers, human rights activists, the general public and political leaders are taking up the abolitionist cause. The problem is that they are all too often isolated voices. Today’s objective is to lay the foundation stones for an inter-Arab coalition capable of highlighting abolition of the death penalty at regional level. This meeting is organised with the aim of establishing links and building a common strategy.

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
1:30PM/3:30PM

ORGANIZER **ECPM and the Moroccan Observatory of Prisons**

CHAIR **M. Youssef Madad**, associate secretary general of the Moroccan Observatory of Prisons, Morocco

SPEAKERS

- **Mr Hossam Baghat**, Director of the Egyptian initiative for human rights, Egypt
- **Ms Souhayr Belhassen**, Vice president of the FIDH and Journalist, Tunisia
- **Mr Raji Sourani**, Director of the Palestinian Centre for human rights in Gaza and Vice-president of the FIDH, Palestine

**FOCUS ON CURRENT CAMPAIGNS, ISSUES AND STAKES**

*1 hour to cover the question of current news and issues of campaigns towards universal abolition of the death penalty.*

## **1 THE LETHAL INJECTION ON TRIAL**

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
3:45PM/4:45PM

Long considered as a “gentle” method of executing convicted criminals, the lethal injection is now being questioned, and criminals on death row in the USA have challenged the practice in the Supreme Court. The leading medical journal “The Lancet” has published a description of the suffering caused by these lethal injections, which are much more painful than was original thought. Health specialists are conducting further research into the claims.

ORGANIZER **ECPM**

CHAIR **Mr James Welsh**, Coordinator of the medical Program and Human Rights of Amnesty International, UK

SPEAKERS

- **Dr Jonathan Groner**, University of Ohio State, Associate Professor of Clinical Surgery, USA
- **Mr Pierre Sané**, Unesco, assistant director-general for social and human sciences. Former General Secretary of Amnesty International International Secretariat, France
- A scientist from the *Lancet* review

## **2 THE DEATH PENALTY AND MILITARY JUSTICE: ASSESSMENT OF THE CURRENT SITUATION**

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
3:45PM/4:45PM

There is no comprehensive research on the application of the death penalty by military courts, but such courts certainly do hand down such sentences. This practice is particularly prevalent in Africa, but these cases may be joined by Guantanamo Bay in 2007. The international community deplores the secrecy that all too often surrounds these unusual justice systems, and is calling on them to abolish the death penalty under all circumstances, including during wartime. In this session, leading specialists in the field will assess the general situation worldwide.

ORGANIZER **ECPM**

CHAIR **Mr Emmanuel Decaux**, President of the Scientific Committee of the Congress and Professor of International Law at the Panthéon-Assas University, France

SPEAKERS

- **Ms Tolekan Ismailova**, Citizens against corruption, Kirghistan
- **Mr Molisho Eulethere**, Culture pour la Paix Justice, lawyer, DRC
- **Mr Etienne Jaudel**, former Secretary General of the FIDH. Lawyer at the Paris Bar, France
- **Mr Francis Perrin**, member of the Executive Committee of Amnesty International, France

## **3 THE CASE OF THE BULGARIAN NURSES AND THE PALESTINIAN DOCTOR IMPRISONED IN LIBYA**

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
3:45PM/4:45PM

It's a battle that has run for nearly eight years already. In 1999, five Bulgarian nurses and a Palestinian doctor were accused of having intentionally inoculated Libyan children with the AIDS virus. In 2004, all were found guilty and sentenced to death. That same year, General Gaddafi declared himself in favour of abolishing capital punishment, but despite international action and the best efforts of lawyers, the Libyan authorities remain deaf to the truth of their innocence. What lessons can be learned from this long and painful fight? Those who have supported their cause reply during this session.

ORGANIZER **ECPM**

CHAIR **Mr Thomas Hammarberg**, Commissioner for Human Rights, Council of Europe, Sweden

SPEAKERS

- **Mr Emmanuel Altit**, Lawyers without Borders, France, lawyer of Bulgarian nurses, France
- **Mr Declan Butler**, Nature, senior reporter, France
- **Mr Michel Taube**, General Delegate and spoke-person of ECPM, France



## 4 “NO GAYS ON THE SCAFFOLD”: AN ECPM CAMPAIGN

Just because some men love other men and some women love other women, they risk being sentenced to death. They live under the threat of capital punishment in 9 countries, including Nigeria, Sudan, Mauritania, Saudi Arabia and Iran. And that's 9 countries too many. The fight against those states is being fought on two fronts: the need to stop the executions, and the need to accept sexual differences and preferences in order to build more tolerant societies. This session will include personal experiences and debates about the role that the international community could play.

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
3:45PM/4:45PM

ORGANIZER **ECPM**

CHAIR **Mr Antti Timonen**, European parliamentary assistant, ECPM, Finland

SPEAKER

- **Mr Stephen Barris**, Communication and Project Officer, ILGA, Belgium
- **Mr Daniel Ottosson Barris**, Law Student, Södertörn University College, Stockholm, Sweden

## 5 MUMIA ABU JAMAL: A SYMBOL OF THE FIGHT AGAINST THE DEATH PENALTY

But Mumia Abu Jamal is much more than just a symbol, he is a cause in himself. For 25 years lawyers, members of the public, prominent personalities and even local authorities have been fighting side by side to have this journalist released from death row. In this session, the Free Mumia Collective acts as the central focus for Mumia's supporters to give their own accounts of the struggle so far, and redouble their efforts to secure his freedom.

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
3:45PM/4:45PM

ORGANIZER **Collectif Unitaire National de Soutien Mumia Abu-Jamal**

CHAIR **Mr Jacky Hortaut**, Co-presenter of the National Unit Collective, save Mumia, France  
et **Mr Robert R. Bryan**, Lawyer (Bar of New York), lead counsel for Mumia Abu Jamal, USA

SPEAKERS OF HONNOR **Mrs Nicole Borvo Cohen-Seat**, Senator, France  
et **Mr Patrick Braouezec** Parliamentarian, France

SPEAKERS

- **Ms Niki Adams**, legal action for women (LAW), coordinator, UK
- **Mr Thomas Giefer**, Berlin, Germany. Documentary filmmaker and director, Germany
- **Mr Linn Washington**, Associate Professor in the Department of Journalism, Temple University, Journalist, USA

## 6 JUDGING TERRORISTS: THE DEATH PENALTY, A COUNTER PRODUCTIVE RESPONSE

Often, they have no fear of death, so rather than dissuading or punishing them, capital punishment makes them martyrs. It is, without doubt, the most counter-productive of responses to the terrorists that plague every part of the world. Nevertheless, many of the countries beset by terrorism have made the decision to hand down capital sentences, whereas other players, like SOS Attentats, demand justice at the same time as putting forward personal accounts and explanations to demonstrate the pointlessness of capital punishment.

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
3:45PM/4:45PM

ORGANIZER **French Human Rights League (LDH) & FIDH**

CHAIR **Mr Michel Tubiana**, Honorary President of French Human Rights League, France

SPEAKERS

- **Mr Kamran Arif**, Pakistanese human rights commission, vice chair, Pakistan
- **Mr François Roux**, Lawyer of Zacarias Moussaoui, France
- **Ms Françoise Rudetzki**, General Delegate of SOS Attentats, France

## THE SPACE TO ACT

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### ● **INTERNATIONAL ACTION: A SPACE FOR ABOLITIONISTS**

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
11:00AM/3:00PM

The objective of The Space to Act "Espace Agir" is to propose concrete and constructive solutions to the citizen who wishes to participate in the fight for the abolition of the death penalty but who feels powerless or does not know how to proceed. This Space must make it possible for individuals to express themselves and give to all who would like to act the conviction that they have a role to play as much as an ordinary citizen as from within an organization. It is thus necessary to make these effective strategies accessible to the largest number of people possible and to create a space that is open to all. Located in a central location of the Congress, this Space to Act will welcome the stands of large and small associations who fight for the abolition of the death penalty in both abolitionist and non-abolitionist countries. They will present the strategies that they put into practice and have been successful as well as the tools that they have used to bring about this success. They will be able to propose certain actions for the future. The stress is thus placed on the positive aspects of what has been done and on what can be done thereafter. In addition, the meeting of numerous associations who come from all over the world will lead to a great richness of suggested ideas.

ORGANIZER **Amnesty International France & ACAT France**

MODERATOR **Mrs Françoise Dieryck, Amnesty International Belgium & Mrs Eleonore Morel, ACAT France**

### **AWARENESS CAMPAIGNS**

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
11:00AM/1:00PM

The first time slot, will be devoted in particular to awareness campaigns. Certain associations characterized by a specific national situation and an effective step will speak in order to present the concrete methods allowing them to make aware several categories of key actors in the society.

- How raising the awareness of political leaders and decision makers?
- How raising the awareness of religious authorities?
- How raising the awareness of the youth?
- How raising the awareness of the public opinion and the media?

Anyone in the audience will be invited to ask questions, to express him or herself about his or her own experience, or to present new ideas.

### **CORRESPONDENCE WITH THOSE CONDEMNED TO DEATH**

FRIDAY  
FEBRUARY 2<sup>ND</sup>  
1:30PM/3:00PM

The second time slot, will be devoted to the correspondence with those condemned to death. This time will start with the significant testimony of a person in correspondence with a death row inmate. Afterwards, the audience will be invited to respond. The time will be devoted to tackling all the concrete and practical questions that one can bring to ask when one wishes to initiate a correspondence with someone condemned to death.



## ● WORDS OF VICTIMS AND OF THE FORMERLY CONDEMNED

At this event, victims of the death penalty will testify about its far-reaching consequences. "Victims" include ex-death row inmates, families and loved-ones of those who were executed, and also people who had a loved-one murdered but are opposed to the death penalty. All of these people are victims of the death penalty because it has had an immeasurable impact on their lives. The families of murder victims who opposed the death penalty suffer from their inability to prevent a punishment they believe to be unjust and that they do not want carried out in the name of the one they loved. Those who are condemned to death clearly endure the immense shock of their sentence. The shock is all the more painful when they are innocent! In addition, the loved-ones of an executed person undergo a terrible loss at the hands of the State: in particular it is the children who suffer the most. The stories to be presented here tonight seek to elucidate the humanitarian objections to the death penalty: its cruelty as a form of punishment, its arbitrary application, its tendency to discriminate based on race, religion, minority status, or class, and the damage, both direct and indirect, that it affords to the lives of individuals.

THURSDAY  
FEBRUARY 1<sup>ST</sup>  
8:45PM  
FONDATION  
BIERMANS-LAPÔTRE

EVENING CO-CHAIRER BY

Mrs Françoise Rudetzki, Delegate General of SOS Attentats, France  
and Mr Renny Cushing, Executive Director of Murder Victims' Families for Human Rights, USA

EVENING HOSTED BY Mr Marc Zarrouati, President of ACAT France

- Mr Jean-Claude et Mrs Annick Brocheriou, SOS Attentats, France
- Ms Antoinette Chahine, Lebanon
- Ms Tamara Chikunova, Mothers against death penalty, Uzbekistan
- Mr Renny Cushing, Executive Director of surviving families criminal victims, USA
- Mr Edmary Mpagi, former condemned to death, Uganda
- Mr Joaquin Jose Martinez, former condemned to death in the United States of America, Spain
- Mr Philippe Maurice, historian, former France condemned to death, France
- Mr Sakae Menda, former condemned to death, Japan

## ● EVENING AT THE HOUSE OF THE BAR OF PARIS

Already strongly represented at the Strasbourg and Montreal conferences, and fully committed to the cause of universal abolition (especially as part of the World Coalition Against the Death Penalty), the Paris Bar Association is hosting one of the official evening receptions of the Paris Conference, welcoming representatives of other bar associations from all over the world, and hearing from artists who explain their opposition to this ineffective and cruel penalty.

FRIDAY  
FEBRUARY 2  
8:00PM  
PARIS BAR

ORGANIZER Paris Bar – ECPM

PARTENAIRES Bars from the world represented at the Congress  
Lectures and meeting with writers participating to "Abolir 2007", annual report of ECPM  
Presentation of the Paris Bar projects against the death penalty

SPEECHES FROM SOUTH AMERICAN PERSONALITIES

- Mr Francisco Soberón, executive director of APRODEH, Peru
- Mr Osvaldo Burgos, Executive Director of the Civil Rights Commission of Puerto Rico and Co-Chair of the Puerto Rican Coalition against the Death Penalty's steering committee, Puerto Rico

**PUBLIC EVENTS**

**● PUBLIC QUESTIONS AND ANSWERS SESSION**

FRIDAY CHAIR **Mr Jan Nordlander**, Human, Rights Ambassadors, Sweden  
 FEBRUARY 2<sup>ND</sup> Supporters and opponents of the death penalty, abolitionists looking for arguments to support their  
 3:30PM/5:00PM intuition or convictions and those who would like to find out more about the many challenges posed  
 ESPACE ADENAUER by the death penalty: this session will allow anyone and everyone to say what they think, ask question  
 and share views.

ORGANIZER **The World Coalition Against the Death Penalty**

SPEAKERS

- **Mr Piers Bannister**, Amnesty International-international secretariat-coordinator death penalty team, UK
- **Pr Hugo Bedau**, University of Tufts, Massachusetts, emeritus professor of philosophy, USA
- **Mr Eric Bernard**, Secretary General of ECPM, France. Lawyer at the Paris Bar, France
- **Mr Peter Hodgkinson**, Director of the Centre for Capital Punishment Studies, University of Westminster, UK
- **Mr Mario Marazziti**, Sant' Egidio, Italy

**● FOCUS ON KEY COUNTRIES AND NATIONAL CAMPAIGNS**

ORGANIZER **ECPM**

CHAIR **Mrs Silvia ESCOBAR**, Human, Rights Ambassadors, Spain

- FRIDAY  
 FEBRUARY 2<sup>ND</sup>  
 9:00AM/10:00AM  
 ESPACE ADENAUER
- 1 • Calling for a UNGA Resolution for a moratorium on executions.
    - **M. Marco Pannela et Marco Cappato**, Member of the European Parliament, Italy
  - 2 • No to the Execution of Seriously Mentally Ill!, presentation of the US current campaign.
    - **Mr Speedy Rice**, Professor of International Law, Death Penalty Focus, World Coalition against the death penalty, USA
  - 3 • The voice of family members of executed prisoners.
    - Presentation of the report, "Creating More Victimss: How execution hurt the families left behind"
    - **Mr Renny Cushing**, executive director of the surviving families of criminal victims, USA
  - 4 • Return behind: resumption of the executions in Bahrain.
    - **Mr Abdulla Alderazi**, Assistant General Secretary for Bahrain Human Rights Society, an affiliated member in FIDH, Bahrain
  - 5 • Success Story: the abolition of the death penalty in Philippines.
    - **Ms Tracy P. Pabico**, Philippine Human Rights Information Centre, Philippines

**● VIDEOS FOR THE ABOLITION**

- THURSDAY/FRIDAY  
 FEBRUARY 1<sup>ST</sup>-2<sup>ND</sup>  
 12:00AM/6:00PM  
 SALON GULKBENKIAN
- *Peine de mort aux USA: Tookie Williams* (20'14, France, 2005), Thierry Vivier, *CAPA*
  - *Le Paradoxe américain* (25'55, France, 1999), David André, *CAPA*
  - *Le couloir des femmes* (26', France, 1990), Anne-Marie Bennoun and Jérôme Caza, *CAPA*
  - *Condamnés à mort* (26', France, 2006), Ted Anspach, *Doc en Stock* and *13<sup>e</sup> Rue*
  - *L'équilibre des forces* ( 15', France, 2006), Damien Guerchois, *Merci*
  - *Amina* (75', Yemen, 2005), Khadija Al Salami
  - *Mort à l'Aube* (10'43, Morocco, 2005), *Ali N'production*
  - *Zero Execution Year for Taiwan* (12', Taiwan, 2006), *Public Television Service* for Taiwan Alliance to End the Death Penalty
  - *Quand l'Etat assassine* (29', France, 2000), Bernard Debord for Amnesty International France
  - *One life on the edge* (26'19, France, 2004), Jacques Secretan for Amnesty International France
  - *Choses vues: Victor Hugo Abolitionniste* (10', France, 2006), *Public Sénat*

**● CITIZEN WALK: SAY NO TO THE DEATH PENALTY**

SATURDAY  
 FEBRUARY 3<sup>RD</sup>  
 11:00AM/1:00PM  
 PLACE DE LA BASTILLE

As every World Congress, Paris 2007 will end with a citizen walk in the street of Paris. From the Bastille place, on Saturday 3 February at 2:00 pm, the World Coalition against the death penalty and the partners of the Congress invite all abolitionists to say NO to the death penalty.



# **SAY NO TO THE DEATH PENALTY**

**Saturday 3 February**

## **CITIZEN WALK**

**2:00 PM • PLACE DE LA BASTILLE • PARIS**

Radio Nova **partner of the citizen walk**

[www.abolition.fr](http://www.abolition.fr)



**3<sup>e</sup> Congrès Mondial**  
**3<sup>rd</sup> World Congress**  
**Contre la Peine de Mort**  
**Against the Death Penalty**  
المنتدى الدولي الثالث  
第三次世界反对  
ضد حكم الإعدام  
死刑大会

SPEAKERS  
PORTRAITS

**SPEAKERS PORTRAITS**

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**ADAMS Niki • UK**

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Niki Adams co-ordinates Legal Action for Women (LAW), an anti-sexist, anti-racist, legal service, founded in 1982, for low income women and their families based in London. Together with the Global Women's Strike, a network active in 60 countries, LAW has taken initiatives in the case of award-winning journalist, Mumia Abu-Jamal, convicted in 1982 for killing a policeman. In particular, LAW wrote a letter signed from 150 UK lawyers to the US courts asking for redress a decisive appeal against Mr Abu-Jamal's conviction. Recently, another letter was launched for journalists to sign in favor of Mr Abu-Jamal.

**AKANDJI-KOMBÉ Jean-François • France**

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Jean-François Akandji-Kombe is licensed in Public Law, Professor at the University of Caen, holder of the Jean Monnet Chair of European and International Law, a renowned specialist in human rights law. He is also an advisor to the European Council on questions related to the European Convention on Human Rights and the European Social Charter. Among his accomplishments are the publication of numerous reports and articles on human rights, the creation and direction of a Master's degree program in "Contesting and Protecting Fundamental Rights" at the University of Caen, and the administration of an international Institute on Human Rights and Peace.

**AL DEEB Sami • Switzerland**

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Sami Aldeeb is a Christian Arab of Palestinian descent, born in 1949. He holds a Ph.D. in Law from the University of Fribourg and has been working at the Swiss Institute of Comparative Law in Lausanne since 1980 where he is the head of the research department of Arab and Islamic Law. Sami Aldeeb is also Professor at the University of Law in Aix-en-Provence and in Palermo. Author of more than twenty books, between them *Introduction à la société musulmane: fondements, sources et principes juridiques*, published by Eyrolles (2005), and numerous articles. Mr. Al Deeb's interests include the relationship between religion and law, in particular: non-Muslim minorities in Muslim countries, Muslim minorities in the West, abortion, the death penalty, cloning, ritual slaughterings, circumcision, gender equality, mixed marriages, etc.

**ALDERAZI Abdulla • Bahrain**

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Assistant General Secretary for Bahrain Human Rights Society, an affiliated member in FIDH.

**ALLISON Mark • UK • China**

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Since 2002, Mark Allison is a researcher at the Asia-Pacific office of Amnesty International, and has been researching on the situation of Human Rights in China since 2002. He is author of several documents on human rights issues in China, including the death penalty. The most recent report was the latest update on the human rights situation in the run-up to the Olympics which summarizes recent developments on the death penalty, highlighting Amnesty International's concerns and recommendations: *People's Republic of China: the Olympics Countdown - Failing to keep human rights promises* (2006). Mark Allison also published a more detailed report on the death penalty in China in early 2004 which focused mainly on unfair trial issues: *People's Republic of China: Executed 'according to law'? - the death penalty in China* (ASA 17/003/2004). He has also participated in academic seminars on human rights issues in China, including a Beijing conference, which focused on the death penalty in 2005 in which he gave a speech on the role of public opinion in the debate on abolition of the death penalty.

**ALTIT Emmanuel • France**

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Lawyer at the Paris Bar, Emmanuel Altit is a member of Lawyers without Borders-France and is the lead attorney for the international defence team of the five Bulgarian nurses sentenced to death in Libya. On a legal front, together with Antoine Alexiev and three other lawyers, he has assisted the Bulgarian and Libyan lawyers who have handled the case since its beginning seven years ago. He has been pleading that the accused had been beaten and tortured in Benghazi, and has argued that the rights of defendants had been violated. On the political front, he has lobbied political leaders, the European Union, the Council of



Europe, the United Nations, and others. Emmanuel Altit is an expert on criminal law reforms and has been working for the Council of Europe in Bosnia. He has also been in charge of a mission in Democratic Republic of Congo, that aimed at reforming institutions. He participated in the creation of the International Penal bar Association. Currently expert at the Truth and Reconciliation Commission.

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**APPLETON Catherine • UK**

Catherine Appleton is a research officer at the Centre for Criminology, University of Oxford. She is currently working on 'ultimate penalties' and the question of how societies respond to their most serious crimes. She has recently completed a research paper for Amnesty International investigating 'life imprisonment without parole' as an alternative sanction to the death penalty and she is currently engaged in research for the Parole Board in England and Wales on the factors that influence resettlement and recall for life-sentenced offenders. Furthermore, her doctoral research examines 'life after life imprisonment' and the process of resettlement for discretionary life-sentenced offenders.

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**ARAVENA Leonardo • Chile**

Attorney and Coordinator, death penalty, international justice and CPI for Amnesty International, Chile, Leonardo Aravena is Professeur of Law. He is the author of numerous works on procedural law. Leonardo Aravena is President of the executive committee of Edai, Journal of Amnesty International in Spanish, based in Madrid, Spain. He is also titular member of the "Membership Appeal Committee (MAC)" of Amnesty International.

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**ARIF Kamran • Pakistan**

Kamran Arif is the Vice-Chair of the Human Rights Commission of Pakistan. He used to work with M. Zahoor ul Haq, an eminent criminal lawyer and then M. Qazi Mohammad Jamil, expert on the administrative and constitutional law, who later served as the Attorney General for Pakistan. Kamran Arif has established his independent practice in 1996. He attended Human Rights Commission of Pakistan's 'Human Rights Activist Training Workshop' in 1991 and he has been a human rights activist ever since. He has had a continuous relationship as a volunteer with the HRCP and at various stages with other human rights organizations in particular, the Norwegian Refugee Council (NRC), Democratic Commission for Human Development (DCHD) and Human Rights Studies Centre (HRSC), of the University of Peshawar. He is the author of numerous articles on death penalty and a visiting lecturer in several faculties of law.

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**ARSLAN Mohammed • Jordan**

Mohamed Arslan is a member of the Parliament of Jordan. A dedicated abolitionist, he is pleased by the direction chosen by his own country, which has reduced the number of crimes punishable by the death penalty. Mr. Arslan hopes to work with others in Jordan's parliament to adopt amendments that will allow even further reduction in capital punishment. Elected to Parliament in 2003, Arslan represents Zarqa, the country's second-largest city. Already very involved in civil society, this engineer by training is also concerned with environmental issues in Jordan.

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**BABCOCK Sandra • USA**

Sandra Babcock is a Professor of Law at Northwestern Law School in Chicago, Illinois, where she is the Director of the Human Rights Clinic. After graduating from Harvard Law School in 1991, she moved to Texas to work for the Texas Resource Center, a non-profit organization dedicated to providing legal representation to indigent men and women on death row. From 2000-2006, she was Director of the Mexican Capital Legal Assistance Program, a program funded by the Mexican Foreign Ministry to assist Mexican nationals facing the death penalty in the U.S. Professor Babcock also represented Mexico in the Avena case before the International Court of Justice, winning a judgment in 2004 on behalf of 52 Mexican nationals on death row.

**SPEAKERS PORTRAITS**

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**BADINTER Robert** • France

Robert Badinter is elected Senator in France, and since 1995, President of the OSCE Court of Conciliation and Arbitration. A leading French statesman, he abolished the death penalty when he was Minister of Justice, from 1981 to 1985. From 1986 to 1995 he was President of the Constitutional Council. Prior to this, he was a barrister at the Paris Bar. Professor of Law in Paris, Senator Badinter holds a LL.D. from Paris University and a M.A. from Columbia University, New-York. He also has published various books on the abolition of the death penalty.

**BAHGAT Hossam** • Egypt

Hossam Bahgat is the founder and director of the Egyptian Initiative for Personal Rights (EIPR). The EIPR is an Egyptian independent human rights organization that works through advocacy and litigation to promote and defend the rights to privacy, health and bodily integrity. He is also the vice-president of the Egyptian Association Against Torture. Mr Bahgat has actively and publicly opposed the application of the death penalty in Egypt and has organized and coordinated the civil society campaigns against the death sentences issued by emergency courts, including a terror-related trials. He also conducted a fact-finding mission to Jordan in the summer of 2006 to investigate the application of the death penalty and the prospects for abolition in the country. He has a background in political sciences and international human rights law.

**BANNISTER Piers** • UK

Piers Bannister has worked against the death penalty since 1990 when he was a paralegal on capital cases in Alabama, USA. His work as a researcher at Amnesty International's International Secretariat has taken him onto death rows in Texas, Pennsylvania, Jamaica and Trinidad. Publications include: *State killing in the English-speaking Caribbean: a legacy of colonial times*, *Racist, Arbitrary and Unfair: the Death Penalty in Georgia*, *Fatal Flaws: Innocence and the Death Penalty*, and *The Trial of Mumia Abu-Jamal – A Life in the Balance*.

**BARRIS Stephen** • Belgium

Stephen Barris is Communication and Project Officer, at the International Lesbian and Gay Association (ILGA). Initially chief editor of an international magazine for the Specialty Advertising industry, Stephen Barris came to lesbian gay, bisexual and transgender (LGBT) rights through HIV AIDS Prevention and community development work for the gay and lesbian community in Switzerland. He has been working with several Italian gay magazines and has collaborated to an EU funded Health project for gay youth, Eurogayway.

**BASCUR Maria Luisa** • Chile • Austria

María Luisa Bascur is a consultant for the Vienna-based International Helsinki Federation for Human Rights (IHF), an NGO promoting compliance with international human rights standards throughout the OSCE region (which includes Eastern and South Eastern Europe, the Caucasus and Central Asia). Her work at the IHF focuses on the protection and promotion of civil and political rights in Central Asia, including through advocacy before international organisations on behalf of human rights defenders in the region. She currently works on the project "A Coordinated Civil Society Campaign to Abolish the Death Penalty in Central Asian States". She qualified as a lawyer in Santiago de Chile, and obtained an LL.M. from the University of London, specialising in public international law and international human rights law. María Luisa Bascur was previously a United Nations staff member for four years, initially at UNESCO's World Heritage Centre and subsequently at the Office of the UN High Commissioner for Human Rights in Geneva.

**BATRA Bikram Jeet** • India

Bikram Jeet Batra is a New Delhi based lawyer and researcher. He practices law in the High Court and District Courts in Delhi and is a visiting fellow at the Centre for Study of Law and Governance at the Jawaharlal Nehru University in New Delhi researching various aspects of capital punishment in India. He is also a consultant with Amnesty International India on a report on the arbitrariness of the death penalty in India and a member of the Anti-Death Penalty Asia Network (ADPAN). Bikram Jeet Batra studied law at the Universities of Pune



and Warwick and was previously Legal Officer at Amnesty International India and Research Associate at the Institute of Advanced Legal Studies, Pune.

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**BAUDOIN Patrick** • France

Patrick Baudouin, graduate of the Institute of Political Science in Paris, has been a lawyer in the Parisian Courts since 1971. He is in charge of supervising administrative law at the University of Paris I. He has been a member of the Central Committee of the French League for Human Rights since 1973. From 1986 to 1995 Mr. Baudouin was Secretary General of the International Federation of Leagues for Human Rights (FIDH), then President from 1995 to 2001, and will continue as honorary President. He has undertaken numerous missions abroad on behalf of the FIDH. He currently heads their Judicial Activities Group (GAJ), which is made up of lawyers, judges, and law professors from many countries and aims to initiate and maintain programs in the field of international justice for the support of victims.

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**BAUMGARTNER Frank** • USA

Frank R. Baumgartner (Ph.D., University of Michigan, 1986) is Distinguished Professor of Political Science at Penn State University, where he has taught since 1998, and where he served as Department Head from 1999 to 2004. He previously taught at the University of Iowa (1986-1987), Texas A&M Universities of Michigan, Washington, Bergen (Norway) and Aberdeen (Scotland), as well as the Institute for Public Management (Paris). During 2004-2005 he was on sabbatical leave at the European University Institute (EUI) in Florence (Italy) and at CEVIPOF-Sciences Po in Paris. He is the author of numerous articles and books.

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**BEDAU Hugo** • USA

Hugo Adam Bedau is Austin Fletcher Professor of Philosophy at Tufts University. He is the author of numerous books on the death penalty. His work has been recognized through many national awards, including the Abolitionist Award from the national Coalition to Abolish the Death Penalty (1989); the August Vollmer Award from the American Society of Criminology (1997), and the Phi-Beta Kappa Romanell Professorship in Philosophy (1994-95). He was invited to lecture in Stockholm by Amnesty International in celebration of its Nobel Peace Prize. Mr Bedau has also served on the editorial boards of seven journals and served as a consultant to the National Association Against Capital Punishment Legal Defense Fund, Amnesty International, and the American Civil Liberties Union.

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**BEGOT Maela** • France

Maela Begot is the coordinator of a research program on Penal Reform International's gacaca courts in Rwanda. She is a doctoral student in Political Sociology at the Pantheon-Sorbonne University, studying Rwandan gacaca courts. In August 2006, Ms. Begot directed research for the End to Capital Punishment Movement (ECPM) on the situation of those condemned to death on the Democratic Republic of the Congo; she also led ECPM's inquiry into condemned prisoners in Rwanda in June 2006.

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**BELHASSEN Souhayr** • Tunisia

Souhayr Belhassen is vice-chair of the Ligue tunisienne des droits de l'Homme - LTDH [League of Human Rights in Tunisia] and of the Fédération internationale des Ligues des Droits de l'Homme - FIDH [International Federation of human Rights] since 2004; she is also a member of the board of the Euromed platform. LTDH, the oldest organisation defending human rights in the Arab world, faces constant harassment by the Tunisian authorities (legal harassment, police brutality, threats.). Her militant activities have several times exposed Souhayr to agressions from plainclothes policemen; like many Tunisian defenders of human rights, she is under constant surveillance (phone tapping, shadowing, mail checks). Souhayr Belhassen is also active on many other international topics with FIDH, starting with the rights of women.

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**BELLIVIER Florence** • France

Law professor at the University Paris-X-Nanterre since 2003, Ms. Bellivier mainly teaches criminal and civil law. She is specialised in bioethical issues and has co-published *Contrats et vivant*, LGDJ, (Contracts and Living Organisms) 2006

**SPEAKERS PORTRAITS**

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with Christine Noiville. Since joining the FIDH in 2000, she has closely followed the creation and evolution of the World Coalition Against the Death Penalty for the organisation. As assistant secretary general of the FIDH and officer in charge of the Death Penalty Program, she has worked with the permanent staff members of the FIDH to oversee a programme of thirteen fact-finding missions carried out between 2003 and 2006 in countries that use capital punishment.

**BELORUKOV Nikolay** • Kazakhstan

Belorukov Nikolaj Vasilyevich, born on March 20<sup>th</sup> 1952 in Karlovka, a Kazakhstan village, has graduated from the Kazakh State University, Law Faculty, 1974. After graduation he worked as the Assistant of the Public Prosecutors. In 1993 he was appointed as the Deputy Head of State Committee on State Property of the Republic of Kazakhstan. He worked as the Head of the Division of the Presidential Administration of the Republic of Kazakhstan. In 2001-2002 Belorukov Nikolaj was the Deputy Minister of Justice of the Republic of Kazakhstan. He then worked as the Deputy Head of State and Legal Sector of the Presidential Administration, the Senior Inspector of the Judicial System Division of the State and Legal Department of the Presidential Administration, the Senior Inspector of Law-enforcement and Judicial System Division of the Presidential Administration. He was appointed as a member of the Constitutional Council of the Republic of Kazakhstan by the Decree of the President of the Republic of Kazakhstan on 1 April 2005.

**BERNARD Eric** • France

Eric Bernard has been a lawyer at the Paris barrister for over 15 years – apart from his career as a business lawyer, he was involved several times in the process of penal defence in Africa (Mauritius – The Democratic Republic of Congo), in order to defend people which were about to be submitted to the death penalty and to discredit any attempt to violate human rights. He is Secretary General of the ECPM association and this position allows him to have his part in the decision process concerning the establishment and implementation of different activities of the association, especially the ones concerning the 3<sup>rd</sup> World Congress. He also takes part in conferences dealing with the death penalty and in actions which promote its abolition.

**BONIFACE Pascal** • France

Pascal Boniface is the director of the Institute of International and Strategic Relations and also a teacher at the European Studies Institute at Paris 8 University. Pascal Boniface is also the redactor in-chief of the *International and Strategic Magazine* (which has appeared every trimester since 1991) and the *Strategic Year* (which has appeared every year since 1985). He wrote or supported the publication of several works and articles in international publications dealing with geopolitics and takes part regularly in the media, be they national or international, written or audiovisual. He is also an editorialist for several weekly publications (*Challenges*, *L'Economiste maghrébin*, *Témoignage Chrétien*) and daily journals (*La Vanguardia*, *Gulf News* et *Al Ittibad*). Pascal Boniface also animates a programme in the field of geopolitics every week on Radio Orient. He is a member of the Comity for Support and Reflection of the African Diplomatic Academy (ADA). He was a member of the Consultative Council for disarming at UN (2001-2005) and a member of the High Council for International Cooperation (1999-2003). Pascal Boniface is Chevalier of the National Order of Merit and Chevalier of the Honour Legion.

**BORVO COHEN-SEAT Nicole** • France

Nicole Borvo Cohen-Seat is a member of the civil service in France (Legal Department of the Ministry of the Merchant Navy). She has been a senator since 1995, vice-chair of the Legal Commission and chairperson of the Communist, Republican and Citizen group. She has also been elected to the municipal council of the XIII<sup>th</sup> arrondissement in Paris and has been a town councillor for Paris since 2001. She is a member of the Paris federal directorate of the communist party, has been a member of the national Committee and the national Secretariat as well as the national College of the communist party, dealing with the civil service, public services, public enterprises. Within the national executive Committee she

deals with the problems of human rights within the party. She is also an appointed judge at the Higher Court of Justice.

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**BOSSUYT Marc** • Belgium

Doctor in law and PhD in politics, Marc Bossuyt is, since 1997, a judge at the Arbitration Court (Belgian) and professor of international public law at the University of Anvers. He is the author of Second Facultative Protocol reporting on the international Pact relative to political and civil rights, aiming to abolish the death penalty, adopted by the General Assembly of the United Nations the 15 of December 1989 (E/CN.4/Sub.2/1987/20, Annexe). Marc Bossuyt is a member of the Sub-Commission of the United Nations for the promotion and protection of human rights, of which he was president in 2006. He was also the Belgian representative from 1986 to 1991 for the Commission of the United Nations of human rights, of which he was president in 1989, and was Commissaire-general (Belgian) to refugees and stateless persons from 1987 to 1997.

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**BRAOUEZEC Patrick** • France

Patrick Braouezec, child of a working-class family, has taught for 20 years at Saint-Denis. He has been militantly active in associative work (Commission nationale du Logement [National Housing Commission]), are committees), trade unionism (SNI-PEGC - Syndicat national des Instituteurs-Professeurs d'enseignement général de Collège [Teachers' trade union], for more than 20 years), and politics (French communist Party since 1972). He was elected as borough councilor and later as mayor for 14 years in a major working-class town, Saint-Denis. He is still president of an multi-urban Community that regroups eight working-class towns in the North of Ile de France around a solidarity project. He has been a member of Parliament since 1993 and has fought all the major societal battles and debates: urbanisation, housing, immigration, youth, human rights. He has involved himself particularly in the topics of international relations and decentralised cooperations, e.g. with Porto Alegre (Social Forum and participatory Democracy), Barcelone (European Charter for the Safeguarding of Human Rights in the City [Charte européenne des Droits de l'Homme dans la Ville]). He is a member of the Executive Board of CGLU (Cités et Gouvernements locaux unis [United Cities and local Governments]), where he co-chairs the Commission on Social Inclusion and participatory Democracy).

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**BROCHERIOU Jean-Claude et Annick** • France

Members of the organization SOS Attentats-SOS Terrorisme (SOS Attacks-SOS Terrorism) which supports the fight against the death penalty.

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**BRYAN Robert R.** • USA

San Francisco attorney Robert R. Bryan has appeared as chief counsel in numerous murder cases and specializes in death-penalty litigation. He is a member of the bar of Supreme Court of the United States, California, New York, Alabama, various federal courts, a Fellow of the American Board of Criminal Lawyers, and the former Chair of the National Coalition to Abolish the Death Penalty, Washington, DC. In 2003 Mr. Bryan agreed to become lead counsel for Mr. Abu-Jamal. He is also counsel in capital cases at the federal and state level, and had defended many people against whom the death penalty was sought. *The Airman* [L. Kennedy; 1985], *The Carpenter* [L. Kennedy; 1986] and other books, documentaries and a movie have been inspired by cases defended by Mr. Bryan. Since 1994 Mr. Bryan has been the legal commentator for ABC television in San Francisco. He has debated and lectured on the death penalty and human rights at universities in the United States and Europe, and has appeared on many television and radio programs regarding humanitarians. He is the author of numerous articles on the death penalty and human rights. Through his activities, have included: Chopin Council, National Coalition to Abolish Death Penalty, Amnesty International, etc.

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**BUKHARI de PONTUAL Sylvie** • France

Mrs. Sylvie Bukhari de Pontual is a lawyer at the Bar of Paris and a teacher and scholar focusing on international human rights law in the Faculty of Social

**SPEAKERS PORTRAITS**

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Sciences at the Catholic Institute of Paris (l'Institut Catholique de Paris). She is currently president of the International Federation of Action by Christians for the Abolition of Torture (FIACAT), past President of the French chapter of Action by Christians for the Abolition of Torture (ACAT-France), member of the Board of the French Episcopal Commission for Justice and Peace, and Secretary General of the French Coalition for the International Criminal Court (CFCPI). She is also a member of the National Coalition for the Elimination of Antipersonnel Mines (CNEMA) and a former member of the National Advisory Commission on Human Rights (CNCDH) in France.

**BUTLER Declan • UK**

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Butler Declan is journalist for *Nature*. Declan's interests include science in France, global health, science and development, computing, electronic publishing and space science. Before joining *Nature* in 1993, Declan wrote freelance, and worked for the French biotechnology magazine *Biofutur*. He graduated in biology from Queen's University, Belfast, and has a PhD in marine biology from the University of Leeds. He was made a Chevalier of France's National Order of Merit in 2003 for service to science and society.

**BURGOS Osvaldo • Puerto Rico**

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Executive Director of the Civil Rights Commission of Puerto Rico and Co-Chair of the Puerto Rican Coalition against the Death Penalty's steering committee.

**CERNA Christina • USA**

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Christina M. Cerna has since 1986, held the position of Principal Human Rights Specialist at the Inter American Commission on Human Rights of the Organization of American States. She is also Adjunct Professor at Georges Washington University Law School, teaching international human rights law. Before this, she was a Fulbright Fellow conducting research at the European Court of Human Rights. She has published extensively on the topic of international human rights law, public international law, international organisations and Latin American Affairs. Ms Cerna hold a J.D. from American University, Washington College of Law and an LL.M in International Law from Columbia University Law School, New-York.

**CHAHINE Antoinette • Lebanon**

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Antoinette Chahine was a student at the University of Beirut when she was arrested in June 1994. She was inadvertently caught up in the political activities of her brother Jean, a member of the Lebanese forces, a Christian militia implicated in the murder of a priest. Accused of participating in this murder, Antoinette was condemned to death in January 1997, at 26 years of age. Her sentence was commuted to life in prison because Lebanon does not execute women. After five years of imprisonment, a retrial finally exonerated her on June 24th, 1999. Upon her release from prison, word of her sad case had spread around the world. Today, Antoinette works with Amnesty International and has resumed her studies at the Sorbonne in Paris.

**CHANET Christine • France**

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After practicing as a lawyer at the Paris Court of Appeals, Christine Chanet has served as a justice at the Court of Cassation of France since 1996. She chairs the Committee for the Review of Criminal Law Decisions following a decision by the European Court of Human Rights. In addition, she is a member of the the United Nations Human Rights Committee, which she chaired from 1996 to 1998, as well as member of the United Nations Committee Against Torture.

**CHIKUNOVA Tamara • Ouzbekistan**

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Tamara Chikunova is the founder and head of Mothers Against the Death Penalty and Torture based in Tashkent, Uzbekistan. In 1999 her son, Dmitry, was accused of murder and sentenced to death. To honor her son's memory and work towards a reality where no one suffers what she and her son experienced, she and her group have worked on dozens of death penalty cases and helped to save the lives of many young men sentenced to death. For the past four years she has also worked with Amnesty International in campaigning against the death penalty



in Uzbekistan. Tamara was the driving force behind the organization of an international conference to be held in Tashkent in December 2003 with the goal of initiating a public debate about the death penalty and creating a platform for dialogue with authorities. The conference was blocked by the government only hours before it was due to begin. She has addressed a European Bank of Reconstruction and Development meeting in Tashkent and in 2004 traveled to Rome to receive a Colombo d'Oro, for her work for human rights and peace.

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**CUSHING Renny • USA**

The Honorable Robert Renny Cushing is a founder and Executive Director of Murder Victims' Families for Human Rights, an international organization of family members of murder victims who oppose the death penalty. In 1988 his father was murdered, and that painful experience has shaped his work as an advocate for crime victims and opponent of the capital punishment. As a victim-abolitionist, he has been a pioneer in the effort to build bridges between the movement to abolish the death penalty and the victims' rights movement. He is the co-author, with Susannah Sheffer, of *Creating More Victims: How Executions Hurt the Families Left Behind and Dignity Denied: The Experience of Murder Victims Family Members Who Oppose the Death Penalty*. He is also a trained facilitator for dialog between offenders and victims, and is part of a prison-based Victim-Offender Dialog Program. He presently serves on the Board of Directors of the National Coalition to Abolish the Death Penalty, where he is Vice-Chair, and the Steering Committee of the World Coalition to Abolish the Death Penalty. He is a member of National Organization for Victims Assistance, the US Human Rights Network, Amnesty International, Fight Crime Invest In Kids, Parents of Murdered Children, and the National Writers Union/UAW Local 1981. He is a trained facilitator for victim-offender dialogs.

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**DAOUD Emmanuel • France**

Emmanuel Daoud is a bachelor in General Private Law at Paris I Panthéon Sorbonne. Partner lawyer at Stasi & Co., Emmanuel Daoud took oath in 1988. He was responsible for the works conducted in penal procedure at Paris II Panthéon Assas (97/99). Emmanuel Daoud is a member of the French-Spanish Chamber of Commerce. He is also the treasurer of the French Association dealing with biotechnologists' right. Emmanuel Daoud provides assistance concerning the relations with the EU (Cuba).

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**DECAUX Emmanuel • France**

Since 1999 Emmanuel DECAUX, who holds a degree from the Institut d'études politiques de Paris, teaches public law at the Université Panthéon-Assas Paris II, where he runs the Centre de recherche sur les droits de l'Homme et le droit humanitaire (CRDH) [Research Centre on human Rights and humanitarian Rights] and is in charge of the corresponding Master degree, recognized in 2005. Since 1992, he has been a member of the Commission nationale consultative des Droits de l'Homme [National advisory Commission on human Rights] in which he has chaired the group on international problems since 1996. He was elected as a member of the UN sub-commission on human Rights (2002-2005, prolonged in 2006), after having served as alternate member from 1994 to 2002. He has published a manual on Droit international public [International public Law] (Dalloz, 1st ed, 1997; 5th ed 2006) and directs a collective commentary on the Pacte international relatif aux droits civils et politiques [International Agreement on civil and political Rights], to be published by Economica in 2007.

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**DE KLERK Piet • Netherlands**

The Human Rights Ambassadors, Netherlands.

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**DEMAISON Philippe Yacine • France**

Vice-chair of the French movement "Muslims scouts", France

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**DIERYCK Françoise • Belgium**

Since 1998, Françoise Dierick is in charge of the United States desk at Amnesty International Belgium, where she also is a member of the death penalty coor-

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dination group, closely following the prison situation in the United States and that of the prisoners in Guantanamo. She holds a BA in literature and philosophy and is a qualified teacher. She has held various responsibilities within Amnesty International Belgium and was at one time vice-president of the French-speaking section of the organisation in the country. Prior to her work on the death penalty she has worked in the areas of youth and education.

**DIETER Richard • USA**

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Richard C. Dieter is a graduate of the Georgetown University Law Center, where he was one of the University's first Public Interest Law Scholars. He has served as the Executive Director of the Death Penalty Information Center in Washington, DC since 1992, and is an Adjunct Professor at the Catholic University School of Law. Mr. Dieter has worked for many years on issues related to human rights and the death penalty. He has prepared reports for the U. S. House of Representatives and testified at numerous state legislative hearings. He is the author of many articles and reports on the death penalty and is frequently quoted in both national and international media. He was the founder of the Alderson Hospitality House and of the Quixote Center's death penalty project.

**ESCOBAR Silvia • Spain**

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The Human Rights Ambassadors, Spain.

**FLAUTRE H el ene • France**

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President of the sub-commission for Human Rights at the European Parliament, H el ene Flautre has joined the ecologist party since 1989. Elected European deputy in 1999, she has worked on the files related to the European public service and the right to asylum in Europe, as well as on the particularities of the human rights in Maghreb. At the moment, she works for the Commission on Foreign Affairs, as well as for the one on transport and tourism. Having specialized in engineering, H el ene Flautre was a member of the Cabinet of the president of Nord-Pas-de-Calais region from 1992 to 1998.

**FOFANA Mamadou Lamine • Senegal**

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Mamadou Lamine FOFONA is a magistrate in Senegal and since June 2004 is an adviser to the Keeper of the Privy Seal [Garde des Sceaux]. He was a public prosecutor in several major towns of Senegal, including the capital city of Dakar. Before holding important offices such as central inspector for legal services, head of the follow up office at the Ministry of Justice, and Secretary-general of the Higher Magistrate Council [Conseil sup erieur de la magistrature] between 1992 and 1996. Mamadou Lamine Fofana has represented his country in several international organisations (UN Human Rights Committee in Geneva, Committee against Torture, African Commission for human and Peoples' Rights at the OAU). In Senegal he was vice-chairman of the advisory Council on human Rights [Conseil consultatif des droits de l'Homme]. He has also published several books on legal subjects.

**FRIES-GAIER Susanne • Germany**

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Desk officer for death penalty, Foreign Office of the Federal Republic of Germany, European Union Presidency

**GASSAMA Seydi • Senegal**

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Seydi Gassama, who holds diplomas in economics and in business management, has been director of Amnesty International Senegal since 1998; he previously was the coordinator of AI campaigns in Senegal. As from 2000, he has been active in the abolitionist struggle in Senegal, where a law abolishing the death penalty was voted on December 10, 2004. He continues being active on the African continent, where he took part in a round table organised by FIDH during the meeting of the African human Rights Commission in Banjul (the Gambia) in May 2005, as well as in the General Assembly of the World Coalition against the Death Penalty in Casablanca (Morocco) in June 2006 and several high-level lobbying missions. He has also taken part in TV and radio programmes on the death penalty and on human rights as a whole, in Senegal and abroad.

**GHANTOUS Marie** • Lebanon

Marie Ghantous, a barrister-at-law in Tripoli, Lebanon is a member of the French Society for international law and of the Legal Committee of the Ministry of Justice for judicial action against Israel after the attacks of July 2006. She is involved in human rights and also chairs, in Beyrouth, the Association pour la défense des droits et libertés (ADL) [Association for the Defence of Rights and Liberties], which has led a national campaign for the abolition of the death penalty. This association has obtained the repeal of a law that forbade judges to apply extenuating circumstances in cases of crime with malice aforethought.

**GIEFER Thomas** • Germany

Documentary filmmaker and director. His award winning films include: *Frances Newton's Last Words: Chronicle of An Execution* (2006); *Romero: The Death of an Archbishop* (2003); *Assassination Colonial Style: Patrice Lumumba* (2001); *Berlin, 2<sup>nd</sup> June 67*; *The Kurds - Not Allowed To Exist*; *The Ratline - Escape of Nazis And War Criminals*; *The Power, the Oil and the Death*; - *Murdered In The Name of Allah*; *Courage of Desperation - Jewish Resistance Against The Nazi Regime*. He studied at the German Film and TV Academy Berlin (DFFB). Since 1974 as a freelance author, director and producer (ConVoi Film) for public television in Germany, Mr. Giefer has produced many documentary films on social topics spanning the world. His nearly 50 films relate to human rights issues in Europe, the Middle East, Asia, Latin America, USA and Africa. Mr. Giefer's work has been featured in numerous festivals and he has received many awards including the most important in German television, "Grimme with Gold". His writings have been featured in various publications including two books.

**GNONHOUE Jean-Baptiste** • Benign

Jean-Baptiste Gnonhoue was born in Benin where he underwent his studies before pursuing them in France. He trained as an English Teacher and spent some time in England before qualifying at the Institut social des facultés catholiques in Lyons. He retired in 1989 after 30 years' service and joined Amnesty International. He has chaired the Benin section of AI from 2000 to 2004 and coordinated activities related to the abolition of the death penalty for about ten years. He is still working as a resource person in this area. Jean-Baptiste Gnonhoue has taken part in the first two conferences in Strasbourg and in Montreal and is also involved in problems of international criminal justice. He is a member of the international working group of Amnesty International on impunity and universal competence and chairs the Benin Coalition for the International criminal Court.

**GRIGOREVA Lydia** • Ouzbekistan

Of Uzbek nationality, Lydia Grigoreva is a member of the office of Human Rights and Democratic Institutions of the Organization for the Security and Cooperation of Europe (OSCE) in Warsaw, Poland. Since 2001, she has coordinated the activities of the organization in the area of human rights in Central Asia and in the Caucasus, in particular regarding the death penalty, freedom of association and human rights. Between 1999 and 2000, while with OSCE, she assisted the Human Dimension Project in Tashkent, in Uzbekistan. Before that she worked for a program in the European Union in the Community of Independent States in Tashkent.

**GRONER Jonathan I.** • USA

Jonathan I. Groner MD, is Associate Professor of Surgery at the Ohio State University Medical School and director of the Trauma Program and Columbus Children's Hospital in Columbus, Ohio, USA. He is also a pediatric surgeon with a busy clinical practice. Dr. Groner's writings on the ethics of physician participation in lethal injection executions have appeared in several peer-reviewed journals. He has also been involved in legal battles against lethal injection in Missouri, Georgia, Florida, and the United States Supreme Court. Dr. Groner is an outspoken critic of capital punishment, and has been widely quoted by media outlets in the United States and all over the world.

**GROYSMAN Dmytro** • Ukraine

Vinnitsya Human Rights Group, Ukraine.

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**GULAKOVA Bunafsha** • Tadjikistan

Bunafsha Gulakova is a Tajik attorney, Director and co-founder of the Republican Bureau on Human Rights and Rule of Law in Dushanbe, Tajikistan. Since its establishment in 2000, the Bureau became the leading human rights organization in the country. Currently, the Bureau is working, together with the International Helsinki Federation, on the project of the Civil Society Campaign to Abolish the Death Penalty in Central Asian States. In 2001-2002, Mrs Gulakova was a OSI/PILI Public Interest Law Fellow at Columbia University in New York where she took human rights law classes at Columbia Law School and interned with the International Center for Transitional Justice in New York. In 2006, she completed her Masters in Law degree at the University of Oxford.

**HALPERIN Rick** • USA

Rick Halperin is Chair of the Amnesty International USA Board and President of the Texas Coaliton to Abolish the Death Penalty. He teaches courses on human rights through Southern Methodist University's History Department. Rick Halperin is a human rights educator and longtime activist who has lobbied tirelessly with abolitionist organizations on the frontlines of the struggle against the death penalty in Texas, elsewhere in the United States and abroad. In addition to service on the boards of directors of more than a half dozen non-profit organizations, Halperin has received awards for distinguished human rights activism, including the National Coalition to Abolish the Death Penalty's Lifetime Abolition Achievement Award (2003) and the Amnesty International Frederick Douglas Abolitionist Award (2000).

**HAMMARBERG Thomas** • Sweden

Thomas Hammarberg is Commissioner for Human Rights of the Council of Europe. He began his six-year term of office in April 2006. Formerly, he was Secretary General of the Olof Palme International Center, Sweden. His other positions have included those of Regional Advisor for Europe, Central Asia and the Caucasus at the office of the UN High Commissioner for Human Rights and Swedish Representative for the multilateral Middle East peace process. He was also the Personal Representative of the Swedish Prime Minister to the Special Session on Children of the UN General Assembly and Chairman of the International Council on Human Rights Policy. Previously, he was Special Representative of the UN Secretary-General for Human Rights in Cambodia, Secretary-General of Amnesty International, and Secretary General of Swedish Save the Children. He has also worked as the Foreign Editor of the daily newspaper Expressen, diplomatic correspondent for the Swedish Radio and as a teacher.

**HODGKINSON Peter** • UK

Founder and Director of the Centre for Capital Punishment Studies, Westminster University Law School, London, Frank Peter Hodgkinson is also Advisor to the Council of Europe on the death penalty and a Member of the UK Foreign Secretary's Death Penalty Panel. He has worked with the administrations of a number of countries developing penal strategies in preparation for replacing the death penalty and the aftermath. He has produced a number of publications on the death penalty including *Capital Punishment: Global issues and prospects* (1996), *Capital Punishment in the USA* (1996) and *Capital Punishment: strategies for abolition* (2004). In 2004 he was recognised in the Queen's Birthday Honours with the award of Officer of the British Empire for work promoting human rights.

**HOLZMAN Marie** • France

Marie Holzman is a specialist in Chinese studies. She was leaving in Peking when the events known under the name of "the spring of Peking" first took place, during the winter of 1978. She is trying to prevent total ignorance regarding the victims of the Chinese repression. President of the association Solidarity for China, established in 1989 after the massacre of Tien An Men, Marie Holzman has published several essays on some of the most important personalities who took part in the Spring of Peking (Wei Jingsheng, Lin Xiling, Ding Ziling, Liu Qing, ...). She translated the interviews of the writer Liao Yiwu, *The shoals empire* (2003) and Hu Ping's book *The evasion, the rebellion...* (2004).



**HORNUG Manfred** • Cambodia

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Human Rights Monitor, Legal Advisor of the Cambodian League for the promotion and defense of human rights (LICADHO), Cambodia

**HORTAUT Jacky** • France

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A 57 year-old union militant and bank executive, Jacky Hortaut represents the General Work Confederation-the most influent French union-at the National Unitary Collective "Let's save Mumia together", which brings together over 80 associations, collectives, unions and political parties. Since 1999, he has travelled to the United States several times, in order to meet Mumia Abu-Jamal and strengthen the contacts with his partners in the United States and his defence led by Mr. Robert R. Bryan. He co-animates the supports Mumia receives in France. The National Unitary Collective has already gathered 400.000 signatures on a petition which demands a new process for Mumia and has obtained the printing of a brochure entitled "Mumia Abu-Jamal: the event that accuses American justice". 150.000 euros have been gathered for his defence. At the same time, Paris and 20 other French cities already consider Mumia an honour citizen. A high number of delegations formed of personalities have visited Mumia and a series of meetings have been organised between Mumia and elected representatives from Philadelphia.

**ISMAILOVA Tolekan** • Kirghizistan

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Tolekan Ismailova is the Director of Human Rights Center "Citizen Against Corruption" since May 2000 (this organization was known as "Civil Society Against Corruption" Public Association, reorganized in March 2005 by the decision of Assembly of Non-Governmental Organizations - Partners of Human Rights Center "Citizen Against Corruption"). Tolekan is the one of the founders of "NGO's Forum of Kyrgyzstan" (1996), which played a key role for the development of non-governmental sector in Kyrgyzstan through the first law "About non-commercial organizations" passed by the Parliament of the Kyrgyz Republic. Tolekan was the founder and the first President of NGO's Coalition "For Democracy and Civil Society", which united country's non-governmental sector during conduction of national campaigns on civil society education and monitoring of elections on all levels, achieved adoption of New Code of Election, where the norm about independent election observers status was passed in 1998.

**JABBAR Parvais** • UK

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Parvais Jabbar is the co-founder and an Executive Director of the Death Penalty Project. He is a specialist in domestic and international human rights law on death penalty litigation providing pro bono legal representation to prisoners under death sentence in the Commonwealth Caribbean. He has represented prisoners under sentence of death before the Judicial Committee of the Privy Council, the Inter American Commission on Human Rights, the Inter American Court of Human Rights and the United Nations Human Rights Committee. He has assisted local lawyers in appeals before the Supreme Courts of Uganda, Kenya and Malawi in constitutional cases concerning the death penalty. Parvais Jabbar is a founder member of the Pro Bono Panel of the UK Foreign & Commonwealth Office providing assistance to British prisoners facing the death penalty. In 1999, he and Saul Lehrfreund were joint winners of the Times/Justice Young Lawyer of the Year award.

**JACQUAND Marc** • France • USA

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Marc Jacquand is Co-Founder and Board Member of the End to Capital Punishment Movement (ECPM USA), an independent, US based organization (ECPM USA is affiliate of the ECPM network). Mr. Jacquand is also an independent consultant on development and post conflict recovery. Marc Jacquand is a French and American citizen. He also works as a volunteer for NCADP and GENEPI organizations (France).

**JAUDEL Etienne** • France

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Etienne Jaudel is a lawyer and member of the Paris Bar since 1956, specialised in Business Law. Currently, he is the mission officer of the International Bureau of the FIDH. He served as mission officer, and then Secretary General of the Fédération internationale des ligues des droits de l'homme [International Federation of Human Rights Leagues] (FIDH) until 1992. He also served as President of the

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Special Aid Fund for FIDH missions which finances fact-finding and legal observation missions. Etienne Jaudel has participated in many fact-finding and legal observation missions, particularly in Argentina, Malaysia, Singapore, Pakistan, Japan, Burkina Faso, Mauritania, Romania, Turkey, etc. Most recently he travelled to USA, Japan, Egypt and Morocco on a death penalty mission. Etienne Jaudel is co-author of an essay on the death penalty entitled *Le théoricien et le Militant* [The Thinker and the Militant]. Etienne Jaudel is a Knight of the Legion of Honour and holds the title *Sitara-i-Quaid-i-Azam* (Pakistan) for “his contribution in restoring democracy.”

**JUMMA Ali, represented by Mohamed MHANNA • Egypt**

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Ali Jumma is the Grand Mufti of Egypt, the highest religious authority in the country. In Egypt, one of the duties of the Mufti is to provide a signed opinion on death sentences – the Justice Department may follow this opinion or not. Cheikh Ali Jumaa is one of the most respected theologians in the Muslim sphere. He has already approved several death sentences but is open to dialogue. He has accepted debate on the principle of the matter in a response to the appeal by Tariq Ramadan for a moratorium on the death penalty and physical punishment, even though he stated that the time was not yet ripe for this discussion. Ali Jumma, who has written a dozen books on advanced problems of Muslim religion, will be represented at our Congress by Mohamed Mhanna.

**KABA Sidiki • Senegal**

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Senegalese lawyer and president of the FIDH, Sidiki Kaba works full-time defending human rights: holding training seminars for human rights defenders all over the world (Egypt, Jordan, Gambia, Benin, Peru, Russia), and promoting public education in democracy and human rights. As a lawyer, Sidiki Kaba has defended human rights activists and victims of repressive regimes – whether known or not – at his firm. He assisted the former Ivorian Prime Minister Alassane Ouattara and the former Senegalese Prime Minister Idrissa Seck (2005); Chadian torture victims against the former president dictator Hissène Habré (2000); the Burkinabé defenders and political opponents in the case of Norbert Zongo, an assassinated journalist (1998); the Guinean political opponent, Alpha Condé (1998); former Ivorian political opponent Laurent Gbagbo now current president of the Côte d’Ivoire (1992). His latest work, *Sur la peine de mort : Le théoricien et le militant* [On the Death Penalty: the Thinker and the Activist] co-published with Etienne Jaudel in 2004, is about the death penalty.

**KALIAKBAROVA Gulnara • Kazakhstan**

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Gulnara Kaliakbarova has served as director of Penal Reform International (PRI) for Central Asia since September 2006. She had joined the organisation in 2002 as project manager for Penal Reform International in this region, where she essentially worked on correctional issues (alternatives to imprisonment, detainees’ rights, regional coordination). Physician specialised in immunology by training, Gulnara practiced for several years and did research at the Ministry of Health before joining PRI in 2002. She received her law degree from the University of Almaty in Kazakhstan in 2006.

**KAMM John • USA**

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John Kamm is a businessman and human rights campaigner active in China since 1972. He is the founder and chairman of The Dui Hua Foundation, based in San Francisco, California. He was awarded the Department of Commerce’s Best Global Practices Award by President Bill Clinton in 1997 and the Eleanor Roosevelt Award for human rights by President Georges W. Bush in 2001. In September 2004, John Kamm was given a MacArthur Fellowship for designing and implementing an original approach to freeing prisoners of conscience in China”. He is the first businessman to be awarded a MacArthur Fellowship, which recognizes, individuals who have demonstrated extraordinary originality and dedication to their creative pursuits and who have contributed importantly to society through their work. John Kamm has degrees from Princeton (A.B. 1972) and Harvard (A.M. 1975). He holds honorary professorship at the Guangzhou Foreign Trade Institute and Qingdao University in China, and is a visiting professor at Beijing’s Renmin University. He directs the Project in Human Rights Diplomacy at Stanford University, and sits on the Board of Advisors of the Berkeley China

Initiative. He is a director of the National Committee on US-China Relations. John Kamm has made more than 70 trips to Beijing to engage Chinese government in a non-governmental dialogue on human rights, focusing on the treatment of prisoners and condition in prisons.

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**KATUALA KABA KASHALA Joseph-Médar** • DRC

Joseph-Médar Katuala Kaba Kashala is Attorney General of the Republic before the Supreme Court of the Democratic Republic of Congo, in charge in particular of the prosecution of senior government officials and other members of the government who enjoy “attachment of privilege” before the Supreme Court. He directs the Criminal Section of the Commission to undertake studies and make recommendations on reforms to national law and the judicial system, and to harmonise them with those international standards applicable to the DRC. In addition, he supervises the independent service in charge studying case law and law doctrine on behalf of judges. He represents the Public Prosecutor in appellate proceedings and other special proceedings at the Supreme Court. Finally, Joseph-Médar Katuala Kaba Kashala is also coordinator of harmonization of internal laws with the international conventions that the DRC has ratified with respect to human rights law and international humanitarian law.

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**KENDALL Georges** • USA

Mr. Kendall is Senior Counsel at Holland & Knight, New York. Thereafter earned, in 1974, a B.A. in philosophy, Georges Kendall spent two years in VISTA, working with prisoner reentry program in southeastern Connecticut. In 1979, Mr. Kendall earned a Bachelor of Law degree. Thereafter he entered the private practice of law in Washington, and specialized in criminal trial and appellate work, and in Freedom of Information Act Litigation. Mr. Kendall left Washington in 1983, when he became Staff Attorney for the American Civil Liberties Union Eleventh Circuit Capital Litigation Project in Atlanta, Georgia. In this position, he represented numerous Georgia capitally-sentenced inmates in states and federal post-conviction proceeding in Georgia and the southeast, and worked closely with those attorneys in many cases. In 1988, he left the ACLU and joined the NAACP Legal Defense and Educational Fund, Inc., as a staff attorney in its criminals justice project.

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**KOROTEEV Kirill** • Russia

Kirill Koroteev is a lawyer and member of the human rights defence association “Memorial” and representative to the European Court of Human Rights in charge of the Chechnya-Russia case. The association “Memorial”, to which he belongs, is based in Moscow but is present in most at-risk regions in Russia where there are currently armed conflicts. The association works to protect refugees as well as victims of persecutions and discrimination. It has also taken a stand on the Chechnya case.

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**LEHRFREUND Saul** • UK

Saul Lehrfreund is the Co-Founder and an Executive Director of the Death Penalty Project. He is an international human rights lawyer and has been running the project since its inception in 1992. He is a specialist in domestic and international human rights law and has represented prisoners under sentence of death before the Judicial Committee of the Privy Council, the Inter American Commission on Human Rights, the Inter American Court of Human Rights and the United Nations Human Rights Committee. The work of the Death Penalty Project has been critical in redressing a considerable number of miscarriages of justice; in bringing constitutional cases seeking to uphold the human rights and fundamental freedoms of condemned prisoners; and, in establishing violations of fundamental human rights standards before regional and international human rights bodies. In 1995, the project won the category of “best pro bono activity” at the inaugural ‘UK Lawyer Awards’, and in the same year Saul Lehrfreund received an individual award from the International Bar Association for his contribution to the promotion and protection of human rights. In 1999, he and Parvais Jabbar were joint winners of the Times/Justice Young Lawyer of the Year award. Saul Lehrfreund is a founder member of the British Foreign Secretary’s Death Penalty Panel and the Pro Bono Panel of the UK Foreign & Commonwealth Office. In November 2000, he was awarded an MBE by Her Majesty the Queen for “services to international human rights”. He was

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appointed as the UK nominated representative at the EU-China Human Rights Dialogue Seminar held in Beijing in June 2005. He has published and lectured extensively on capital punishment and human rights. Some of the articles include:

- “The Death Penalty and the continuing role of the Privy Council”, *New Law Journal* 149 (1999) pp. 1299-1301.
- “International Legal Trends and the ‘Mandatory’ Death Penalty in the Commonwealth Caribbean”, *Oxford University Commonwealth Law Journal* (2001) pp. 171-194.
- “The Constitution Amendment Act 2002 and the Death Penalty: Legislation without Justification” Nicholas Blake QC and Saul Lehrfreund (2002) *Caribbean Law Bulletin* Vol. 7, No. 2.

**MABILLE Catherine** • France

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Lawyer, Avocats sans frontières, France.

**MADAD Youssef** • Morocco

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Member of the steering committee of the World Coalition Against the Death Penalty and speaker at the Second World Congress in Montreal, Youssef Madad is the current secretary general to the Moroccan Prison Observatory. Confident of the new wind of reform in his country, he started his involvement in social action in founding, with other Human Rights Defenders, the Moroccan Prison Observatory in 1999. In its bylaws, the Observatory demanded to see the death penalty abolished in Morocco. Youssef Madad is the initiator and coordinator of the Moroccan Coalition Against the Death Penalty formed in the aftermath of the international conference organized by the Observatory in Casablanca in 2003. Author of several articles on the prison problem and a book about the female victims of torture during the 1970s, he is also secretary general of the association “Relais-prison” which works for the social reinsertion of detained minors.

**MAHER Robin** • USA

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Robin M. Maher, is Director of the American Bar Association Death Penalty Representation Project in Washington, DC., USA. The Project works to improve the quality and availability of legal representation for those charged with or convicted of capital crimes. Ms. Maher recruits, supports and trains volunteer lawyers to represent those on death row in the appeal of their death sentences. The Project also produced ABA Guidelines which detail standards for death penalty jurisdictions and defense counsel in all death penalty cases. Ms. Maher is a lawyer who has represented death row prisoners and speaks and trains frequently about the crisis of counsel in the US. She works for reform of counsel systems and adoption of the ABA Guidelines in the US and in other countries that use the death penalty. For the past three years she has worked closely with Chinese lawyers on reform efforts in China.

**MARAT Zulfia** • Kirghizistan

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Zulfa Marat is, since 1994, a project coordinator of the Bureau for Human Rights and Rule of Law, organisation founded in 1992 in Kyrgyz Republic. In 1999-2000 she coordinated the first NGO monitoring of the penitentiary system, where concerns on the death penalty were also raised. In 2005, the Bureau became a member of the Constitutional Council, asking for the abolition of death penalty in the new version of the Kyrgyz Republic’s Constitution, adopted in November 2006.

**MARAZZITI Mario** • Italy

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Mario Marazziti, journalist, is the spokesperson and a member of the executive board of the Community of Sant’Egidio, an international association of lay people in the Catholic Church, recognised as a non-profit organization by the EU and granted of the consultive status at the ECOSOC (Economic and Social Council of the United Nations). Based in Rome and active in peace making, at the side of the poorest, working for justice and human rights in 70 countries in the world, Sant’Egidio has been awarded the UNESCO Peace Prize and was among the founding members of the World Coalition against the Death Penalty, in 2002. Mario Marazziti coordinates the world campaign for a moratorium and for the abolition of the death penalty. He is author of the documentary *Thou Shalt Not Kill*.



**MARTINEZ Joaquin José** • Spain

Joaquin José Martinez, Spanish citizen, was condemned to death in 1996 for the murder of the son of a sheriff from Brandon, Florida. All of the scientific evidence demonstrated his innocence. He spent three years on death row before his second lawsuit revealed serious judiciary errors, including false testimonies and manipulation of evidence. José Joaquin Martinez was freed on June 7<sup>th</sup>, 2001.

**MATTHIESSEN Michael** • Sweden

Michael S. Matthiessen is the Personal Representative for Human Rights of the Secretary General/High Representative for CFSP (Common Foreign and Security Policy), Dr Javier Solana. The European Council on 16-17 December 2004 “welcomed the decision to appoint a Personal Representative of the SG/HR for Human Rights in the area of CFSP as a contribution to the coherence and continuity of the EU Human Rights policy, with the due regard to the responsibilities of the Commission”. He took up this position in January 2005. He is a member of the international Advisory Board of the DCAF (Democratic Control of Armed Forces) in Geneva and of the International Board of the Folke Bernadotte Academy in Sweden.

**MENDA Sakae** • Japan

Sakae Menda (Japan) was arrested in 1949 for a double homicide he did not commit. Following confessions extorted under torture and a botched trial, Sakae Menda was condemned to death. Determined to prove his innocence, in 1983 he was able to obtain a rehearing of his trial. Found not guilty after 34 years in jail, he was the first Japanese prisoner sentenced to death to be freed. Today, at age of 79, he is a key figure in Japan in the abolition movement.

**MAURICE Philippe** • France

Philippe Maurice is a medieval historian. But he is also, as a result of the murder of a policeman in 1980, the last prisoner condemned to death in France. Pardoned in 1981, he would be an obstinate denouncer of prison conditions, in particular of high security areas. The first years of revolt passed, he profited from his imprisonment to study and write: he received his baccalaureate degree in 1983 then undertook a degree path in history, as well as studies in law and Latin, which he pursued up to his doctoral thesis, which he defended in 1995, receiving the jury's congratulations. Philippe Maurice became a free man in the spring, 2000, and immediately was received within the University of Tours where he has worked ever since in a team of archeologists. After writing his autobiography, which appeared under the title “From Hate to Life” (Le Cherche Midi Editor, 2001), he is currently immersed in new research about Urban V, and, moreover, is getting ready to publish a biography of William the Conqueror.

**MILLSAP Sam** • USA

Sam Millsap, Bexar Co. District attorney, is a very unusual prosecutor who takes full – and personal – responsibility of the execution of Ruben Cantu, 18 years old, that we know about his innocence. Speaking at the Faces of Wrongful Conviction conference at UCLA, Sam Millsap introduced himself to the audience as the man “who is at least partially responsible for the execution of the first innocent man in the State of Texas”. He says he is speaking out in the hope that the other prosecutors who have made similar mistakes will have the courage to review their possibly flawed decisions.

**MO Shaoping** • China

Since 1995, Mo Shaoping has been director of the Beijing Moshaoxing Law Firm. Graduate of the University of Political Sciences and Law of Peking, he is a member of the Chinese Law Society, and one time Arbitrator of the Beijing Arbitration Commission. Mo Shaoping is also a member of the Professional Lawyers Committee for criminal defence, and has been director of the Beijing lawyers association (1998-2001). An eminent attorney for human rights, Mo Shaoping has defended very sensitive cases in China, such as that of Xu Wenlin, founder of the outlawed China Democracy Party, and of Yao Fuxin, who had been the head of a workers revolt in the province of Liaoning in 2003. He is the author of several of several important articles on the law in China, among them China economy and law encyclopedia, published in 1995.

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**MOLISCHO NDARABU Eulethère • DRC**

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Mr. Eulthère Molischo Ndarabu was born at Mwenze in the Democratic Republic of Congo, the 13th of December 1970. Bachelor of Law at the University of Kinshasa in 1998, he is currently a lawyer and a defender of human rights. He is Secretary General of the “Culture pour la paix et la Justice” (Culture for Peace and Justice), CPJ association; he participated in and/or co-organised several activities concerning human rights, among which we should count the spokesperson with the government of the Democratic Republic of Congo and the authorities of the Penitentiary and Re-education Centre in Kinshasa (CPRK), helping to establish a service of assistance and support for people sentenced to death; the survey in the death corridors of the DRC (2005); universal days against the death penalty (the 10th of October 2005 and 2006). He is also the author of a memoir in the domain of Law concerning “the death penalty and future perspectives” (1998).

**MÖLLER Hörst • Germany**

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Horst Möller is Director of the Institut für Zeitgeschichte Munich-Berlin, and also professor of contemporary history at the University of Munich. From 1969 to 1977, he was scientific assistant at the Université Libre of Berlin; thereafter he was collaborator of Walter Scheel, President of the Federal Republic in Bonn in 1978. Since 1979, he has joined the Institut für Zeitgeschichte in Munich. From 1982 to 1989, he was professor of modern history at the University of Erlangen and then, he became the director of the “Institut historique allemand” in Paris. 2002-2003, he was associate professor at Science Po Paris (Chair Alfred Grosser). Horst Möller has been awarded in France and in Germany. He is decorated from the University Michel Montaigne - Bordeaux 3 (1998), Science Po Paris and the University of Orléans (2006) of the title of Doctor honoris causa. In 2006 he won the Gay-Lussac/Humbolt award. Horst Möller is the author of numerous books about the German and the European modern history.

**MOREL Éléonore • France**

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Members of the ACAT, France.

**MPAGI Edmary • Uganda**

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Edmary Mpagi spent over 18 years on death row, accused of killing a man who was later found alive and well. In 1981, Edmary Mpagi was arrested for robbery in his family village of Kyamabale in the Masaka district of Uganda. Whilst in the notorious Luzira Upper Prison, Mpagi was an extremely active prisoner. He started an informal prayer group and soon began teaching his fellow inmates to read and write. Over time he became one of the longest serving inmates and a prison elder. Mpagi’s family highlighted that the man he had allegedly killed was still alive and they campaigned fiercely for his release. Eventually, in July 2000, the nine person presidential committee came to a decision. On his release from prison Mpagi has become an advocate for the abolition of the death penalty and a committed religious leader. He has graduated as a catechist from a Catholic Diocese and regularly tours prisons giving sermons and providing inspiration and hope to prisoners.

**N’GONDJI Lievin • DRC**

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Mr. N’Gondji was born on May 29, 1962 in Kalima. Lawyer at the Court of Appeals of Kinshasa/Gombe and at the International Criminal Court, Mr. N’Gondji is a member of the International Criminal Bar and a representative in industrial property. He holds a Certificate of Equivalency from the Paris Bar, obtained in 2003 and a Diploma in the Practice of Law in the International Criminal Court from the University of Montreal, obtained in 2004. He has published several articles on the abolition of the death penalty. Mr. N’Gondji is President of the abolitionist NGO, “Culture for Peace and Justice,” since September 1999; he is also a member of the Board of Directors of the Congolese Anticorruption Observatory since May 2002, a member of the Steering Committee of the World Coalition Against the Death Penalty and representative of Ensemble Contre la Peine de Mort “ECPM” in Sub-Saharan Africa.

**NITSCHKE Isabella • Sweden**

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Isabella Nitschke, from a Swedish-German family, holds the position of European Liaison Officer for Human Rights in China, since January 2007. She has worked on Human Rights



issues in various capacities since 2001 and has spent the last two years in Beijing as the Human Rights desk officer of the European Commission Delegation to China. She was formerly an officer of the Permanent Representation of Sweden to the EU in Brussels and the Permanent Mission of Sweden to the UN in New York. Ms Nitschke has a Master's Degree in Political Science and East and South East Asian Studies from Lund University, Sweden. Her Degree also includes studies in Political Science and EU law at the Institut d'Études Politiques of the Robert Schumann University in Strasbourg, France.

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**NORDLANDER Jan** • Sweden

Human Rights Ambassadorsof, Sweden.

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**NTAKARUTIMANA Pie** • Burundi

A militant of long standing, Pie Ntakarutimana, vice-président of the International Federation of Human Rights, joined the Ligue Burundaise des droits de l'Homme ITEKA [Burundi League of human Rights] in 1992. He was elected President of this League in 1999 for four years, during which civil war was raging in Burundi. Notwithstanding the major troubles encountered at that time, he developed several programmes, among which a network of observers in all provinces of the country to report violations of human rights to the authorities and to the public. He currently chairs an extended platform of Burundian civil society (FORSC) that brings together over one hundred organisations from various sectors. Pie Ntakarutimana is constantly under threat of death or imprisonment in his own country because of his activities as a defender of human rights.

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**OTTOSSON Daniel** • Sweden

Daniel Ottosson is a law student at the Södertörn University College in Stockholm, Sweden. He has been involved in LGBT activism since the year 2001. Currently he works with international issues within the Swedish Federation for Lesbian, Gay, Bisexual and Transgender Rights (RFSL), as well as conducting research on LGBT legislation for RFSL and the International Lesbian and Gay Association (ILGA) - including on the sodomy laws and the death penalty for consensual same sex activity.

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**PABICO P. Tracy** • Philippines

Philippine Human Rights Information Center, Philippines.

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**PERREUX Emmanuelle** • France

Emmanuelle Perreux is president of the Union of Judges – a member organisation of the Collectif Octobre 2001 [October 2001 Collective]. Beyond reaffirming their commitment against the death penalty, the organisations party to this collective have founded their common belief on the fact that any human being is capable of evolving. In 2006, Emmanuelle Perreux was nominated judge of application of penalties at the Court of First Instance in Bordeaux. She is also author of a book entitled *Le Rôle du juge français de l'application des peines et l'appréciation des risques* [The Role of the French Judge in the Application of Penalties and Risk Assessment](2005).

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**PERRIN Francis** • France

Former president of Amnesty International France, Francis Perrin is today one of the members of its executive office. Journalist, he is managing editor of the bimonthly magazine *Pétrole et gaz arabes* [Arab Oil and Gas].

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**RAVI Magasani** • Singapore

Advocate & Solicitor from Singapore, M. Ravi has graduated from the University of Cardiff in UK and also from the National University of Singapore (NUS) with a degree in Political Science and Sociology. Ravi began his legal career in civil and criminal litigation and is today armed with extensive court work experience. He runs his own law firm in the name and style of M.Ravi & Co with a group of Associates, and has had the opportunity to work in a wide range of legal areas like family law, corporate law, intellectual property law, criminal law and constitutional law. Ravi has

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also gained experience working with teams in foreign law practices and has been active in the academia having lectured for various institutions like Monash University (medical law), University of Queensland (Corporate Law), University of London (Sociology) and National University of Singapore (Real Estate Law). Ravi is the co-author of the book *Land of Good English* and recently launched his second book *Hung At Dawn*. Today he is the Singapore's leading human rights lawyer. M.Ravi led the unprecedented anti-death penalty campaign in Singapore in May 2005, and has been prominently featured in the international media including BBC CNN, ABC etc during the recent case of Nguyen Tuong Van, an Australian drug trafficker who was hanged on 2<sup>nd</sup> December 2005.

**REPIQUET Yves • France**

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Me Yves Repiquet was elected President [Bâtonnier] of the Order of Barristers-at-law for Paris in November 2005, and has worked as a lawyer since 1972. Me Repiquet worked with Bâtonnier Arrighi and has been a member of the Council of Barristers in 1994, 1995 and 1996. He specialises in business criminal law and in February 2005 joined the firm of Brandford-Griffith & Associates as an associate. Me Yves Repiquet has taken part in major trials of financial criminal law, dealing with corruption and financial whitewashing. President Yves Repiquet initiated the Paris Bar project on the reform of penal procedure in France *Ensemble vers une meilleure justice* [Together towards a better Justice], which he has presented to the National Assembly.

**RICE Speedy • USA**

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Professor Tomas H. Speedy Rice is currently a visiting Professor at Washington & Lee School of Law in Lexington, VA. He is currently teaching a Human Rights course. He graduated first in his class from California Western School of Law in 1986. He has tried cases in State and Federal courts and argued appellate cases before a number of courts including the United States Supreme Court, the California Supreme Court, and the New Mexico Supreme Court. He is a member of the Board of Directors of Death Penalty Focus and the international representative for the National Association of Criminal Defense Lawyers on U.S. death penalty issues. He regularly speaks and writes internationally on human rights and the death penalty and has presented expert testimony before international bodies and courts. Professor Rice has received a number of awards and recognitions for his work against the death penalty, including the Washington (State) Coalition to Abolish the Death Penalty, 2002 Abolitionist of the Year Award and NACDL's Champion of Justice Award.

**ROBILIARD Denis • France**

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Lawyer Denys Robiliard headed the French section of Amnesty International from 1998 to 2002. Today he is a member of Amnesty International's delegation to the World Coalition Against the Death Penalty.

**ROUX François • France**

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Lawyer and member of the Montpellier bar since 1972, François Roux is specialised in both criminal law and international relations. Among his many cases, he has represented conscientious objectors and the local farmers involved in the Larzac plateau protests in the 1970s, the independence movements in French Polynesia and New Caledonia, farmer-cum-anti-globalisation activist José Bové, and Zacarias Moussaoui. He has also represented cases before the International Criminal Tribunal for Rwanda and before the International Criminal Court. Mr. Roux is a consultant for the Office of the United Nations High Commissioner for Human Rights and for the United Nations Development Programme. He is the author of many publications in the national press and co-author of *En Etat de légitime révolte* [In Self-Defence] (Indigènes Editions, 2002).

**RUDETSKI Françoise • France**

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Françoise Rudetski was the victim of an act of terrorism in Paris on December 23<sup>rd</sup>, 1983. In 1985 she founded the group S.O.S. Attentats (S.O.S. Terrorism), which has brought together almost 2000 victims. An NGO with advisory status with the UN's Economic and Social Council, S.O.S. Terrorism advocates for the protection of all victims of terrorism, and for their right to compensation and support as they rebuild their social and professional lives. The organi-

zation participates in legal procedures related to terrorism in order to fight for justice and truth, and against impunity – all the while affirming their opposition to the death penalty. Françoise Rudetsky published a book, *Triple peine*, in 2004.

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**SANE Pierre** • France

Pierre Sané is UNESCO's Assistant Director-General for Social and Human Sciences. Prior to this, from October 1992 to April 2001, he held the office of Secretary General of Amnesty International. For 15 years prior to joining Amnesty International, he worked in the field of international development, serving successively as Regional Controller, International Director of Policy and Budget, and Regional Director (West and Central Africa) of the International Development Research Centre (Canada). He has published extensively on development and human rights issues. He is a founding member of the PANAF (Dakar) international committee; a trustee and founding member of Frontline (Dublin); and a Board Member to the Henry Dunant Institute (Geneva).

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**SAWADOGO Salamata** • Burkina Faso

A magistrate by training, Salamata Sawadogo, as from July 2003, is the envoy plenipotentiary and extraordinary of Burkina Faso to five countries in the subregion of West Africa, with residence in Senegal. At the same time, H.E. Sawadogo chairs the African Commission on Human and Peoples' Rights. She has also been in the past Secretary-general to the Ministry of Justice in her country, technical adviser to the Ministry of Justice and a judge in the tribunals and law courts of Burkina Faso. She is also a founding member of several associations including the Association of Women Law Agents of Burkina Faso, which she chaired from 1999 to 2006.

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**SELAMI MAHMUTOGLU Fatih** • Turquie

Member of board of directors, Istanbul Bar Association, Turkey

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**SEN Purna** • UK

Director, Amnesty International, Asian Pacific Program.

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**SCHABAS William** • Irelande

Professor William A. Schabas is director of the Irish Centre for Human Rights at the National University of Ireland, Galway, where he also holds the chair in human rights law. He is the author of twelve books dealing in whole or in part with international human rights law, including *The Abolition of the Death Penalty in International Law* (Cambridge, Cambridge University Press, 2003, 3<sup>rd</sup> ed.) and *The Death Penalty as Cruel Treatment and Torture* (Boston, Northeastern University Press, 1996). His latest book, which appeared in July 2006, is entitled *The UN International Criminal Tribunals: Former Yugoslavia, Rwanda and Sierra Leone*. He has also published more than 185 articles in academic journals, principally in the field of international human rights law. Professor Schabas is editor-in-chief of *Criminal Law Forum*, the quarterly journal of the International Society for the Reform of Criminal Law. Professor Schabas is an Officer of the Order of Canada.

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**SCHOKKENBROEK Jeroen** • Netherlands

Jeroen Schokkenbroek has occupied various functions in the Directorate (General) of Human Rights of the Council of Europe, including as Secretary of the Steering Committee for Human Rights, Head of the Minorities Section and Head of the Human Rights Law and Policy Division. After a passage in the Secretariat of the Parliamentary Assembly in 2004-2005, he was appointed Head of the newly created Human Rights Intergovernmental Programmes Department (Directorate General of Human Rights). He has published various books and articles in the field of human rights and constitutional law, including "Judicial Control of Restrictions on the Fundamental Freedoms of the European Convention on Human Rights, A Study of Strasbourg and Netherlands Case-Law" (in Dutch, Zwolle 1996) and contributed to P. Van Dijk and G.J.H. van Hoof, *Theory and Practice of the European Convention on Human Rights* (3<sup>rd</sup> ed., Kluwer 1998, and 4<sup>th</sup> ed., Intersentia 2006).

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**SÉDILLOT Richard** • France

Richard Sédillot is a lawyer, Bar of Rouen, specialised in criminal law and international law. From 1998, he is involved for the promotion and the defense of human rights. He defended accused people who risked being condemned to death in Burundi, Algeria, Mauritania, Democratic Republic of Congo, etc. He takes part in missions for training for African Lawyers in Rwanda, Benin and Burundi. He participated to the founding of the Beninese association *La Voie de la justice*, which provides assistance to the poor inmates whom can't pay for their defence. Richard Sédillot is fellow lecturer of international law and of human rights. He is an expert for international institutions (Kosovo, Albania, Serbia, Turkey, and Romania). Richard Sédillot is a board member of ECPM.

**SINYIGAYA Silas** • Rwanda

Is Executive Secretary of the "Collectif des Ligues et Associations de défense des Droits de l'Homme" in Rwanda (CLADHO). Professor of physic and mathematics before the Rwandese Genocide in 1994, he became Chief of Division of the "Programme d'Éducation Populaire" at the Ministry of work and social affairs (MINITRASO) in 1995. In 1995-1996, he was in charge of the emergency project of the decently inhumation of the victims of the genocide in order to work for the national peace and reconciliation. In 1999, Silas Sinyigaya became executive secretary of the CLADHO. He is one of the initiator of the national project aiming to sort out the contentious of the genocide by using participatory justice, called "gacaca" (PAPG program). He is the initiator of the campaign against death penalty in Rwanda ("Campagne de plaidoyer pour l'abolition de la peine de mort au Rwanda") and takes part in the investigation mission of ECPM about the condition of life of the inmate in Rwanda (2006)

**SITAIL Samira** • Morocco

Information Director for 2MTV, Morocco.

**SKALLY Nouzha** • Morocco

Pharmacist by training, Ms. Nouzha Skally is a PPS deputy ("Parti du progrès et du socialisme") to the Moroccan House of Representatives since 2002. She was the first Moroccan woman to serve as head of the parliamentary group "Alliance Socialiste" (2003-2004). She is also Vice-President of the "Commission des secteurs sociaux" [Social Sector Commission] at the House of Representatives and member of the PPS's Policy Section. In addition, Nouzha Skally is founder of the "Association démocratique des femmes au Maroc" (ADFM) (1985) [Women's Democratic Association of Morocco], of the "Centre pour le leadership féminin" (CLEF) [Female Leadership Centre] (1997), of the "Organisation marocaine des droits humains (OMDH) et du Centre d'écoute et d'assistance juridique aux femmes victimes de violence (1995)" [Moroccan Human Rights Organisation and its Legal Helpline and Assistance for Women Victims of Violence]. She is also member of the GNLG Steering Committee, a global governance network based in New Delhi. For her continued commitment and work, Ms. Skally has received several awards including Epsod's "Printemps des talents féminins" (2005), the Population Institute's Global Leader's Award (2004) and an award from the Women's Democratic Association of Morocco in Casablanca (2002).

**SMADJA Danièle** • Belgium

From 2002, Danièle Smadja is director "Multilateral relations and human rights", at the general directorate of the external relations of the European Commission. Danièle Smadja is graduated in political sciences politiques, specialised in international relations. She is also Danièle Smadja occupied various function for the service of the directorate of the external relation of the European commission.

**SOBERÓN Francisco** • Peru

Executive director' of APRODEH, Peru.

**SOURANI Raji** • Palestine

Raji Sourani is the Director of leading human rights NGO in the Gaza Strip, the Palestinian Centre for Human Rights (PCHR). He has been dedicated to the protection and promotion of human rights since establishing his own law firm in 1983 to defend Palestinians in Israeli Military Courts. In the course of his work, Raji Sourani has been arrested by both the Israeli and Palestinian Authorities on numerous occasions; in 1988 he was adopted as an Amnesty International Prisoner of Conscience during a period of administrative detention in Israel. In 1991 he was a joint laureate of the Robert F. Kennedy Memorial for Human Rights Award. In 1996, Raji Sourani and PCHR received public recognition through the Human Rights Prize awarded by the Republic of France. He is an Expert Member of the International Council of the International Human Rights Law Group (1993). Since 2000 Raji Sourani has been a Board Member of the Arab Centre for the Independence of Judiciary and the Legal Profession and a Board Member for the Geneva based International Service for Human Rights. Raji Sourani also currently serves as Vice-President of the Federation Internationale des Ligues des Droits de l'Homme (FIDH).

**SSEWANYANA Livingstone**

Livingstone Sewanyana is the founder of the Foundation for Human Rights Initiative, one of Uganda's largest human rights non-governmental organisations. Having just celebrated its 15th Anniversary, the Foundation has been at the forefront of all the major human rights campaigns in Uganda. In 2003, Mr. Sewanyana brought together local and international organisations to form the Ugandan Coalition Against the Death Penalty. As a passionate advocate against capital punishment, he led the Foundation to sponsor a constitutional petition on behalf of all prisoners on death row. In this historic case, the Constitutional Court held that mandatory death sentences were unconstitutional and excessive delay constitutes cruel, inhuman and degrading treatment.

**TAGUSARI Maiko** • Japan

Maiko Tagusari has defended death row prisoners in criminal cases including re-trials, and advocated various prisoners in lawsuits against Japanese government. She is a founding and board member of Center for Prisoners' Rights, a national NGO which aims at the establishment of international human rights standards in Japanese penal institutions and abolition of the death penalty, and leading its litigation section. At the same time, as a member of Bar, she is the Vice-Secretary General of Penal Reform Headquarter of Japan Federation of Bar Associations (JFBA), to which all attorneys in Japan belong. She is also the Vice-Secretary-General of JFBA's another body, Death Penalty Moratorium Implementation Committee.

**TAUBE Michel** • France

Michel Taube founded Together Against the Death Penalty/Ensemble Contre la Peine de Mort (ECPM), in 2000. He is also the Chief Representative and Spokesman of ECPM-France and Chairman of ECPM-US. After studying political sciences, Michel Taube worked in the field of social and political: professor of history of political sciences, training for local government, newspaper *Cité Campus*, mediation with homeless people, etc. Michel Taube is the publisher of 10 books and the author of *On n'en a pas fini avec le Front national* (l'écart), *Lettre ouverte aux Américains pour l'abolition de la peine de mort* (l'écart) and *L'Amérique qui tue* (Michel Lafond). He is also the author of numerous articles among which La peine de mort in *l'Encyclopaedia Universalis*.

**TENG Biao** • China

Dr. Teng Biao is a lecturer at the Law School of China University of Political Science and Law. He practices law at the Beijing Huyai Law Firm. He has BA in Law (1996), MA in Information Management (1999) and PhD in Law (2002) from Beijing University. His published articles include "Change of the Speech 'Judicial Independence' in Contemporary China" and "On flux of the conception of Judicature". Together with Dr. Zhiyong Xu and Dr. Jiang Yu, he filed a petition to the national legislature challenging the Custody and Repatriation Detention System for migrants labors in 2003. The authorities eventually decided to abolish the system. Dr. Teng is



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also one of the “Top Ten Figure in Rule of Law” selected by the Ministry of Justice and the national TV IN 2003 and one of the *Asia Newsweek*’s “Persons of the Year” of 2005.

**TIMONEN Antti** • Finland

Of Finnish birth and living between Paris, Brussels and Strasbourg, Antti Timonen is the parliamentary attaché to MEP Pii-Nora Kauppi. As a member of ECPM’s Board of Directors since 2004, he was the 2005 spokesperson for the “Pas d’homo à l’échafaud” [No Gays to the Scaffold] campaign, a campaign that seeks to condemn the nine countries in which homosexuality calls for the death penalty.

**TOURNIER Pierre-Victor** • France

Specialist in the area of sentencing and incarceration, Pierre Victor Tournier has a doctorate in demography and is director of research at the CNRS, as well as at the Centre d’histoire sociale du XX<sup>e</sup> siècle (Center for 20<sup>th</sup> Century social history) at l’Université Paris Panthéon Sorbonne. He is also a teacher of applied and penal social-demography at Paris 1. He is the former president of the Association française de criminologie (AFC) and former scientific counselor to the Council of Europe. He is the founder of the association Pénombre et de la revue électronique *Champ pénal, nouvelle revue de criminologie française*.

**TUBIANA Michel** • France

Michel Tubiana is a lawyer at the Court of Appeal in Paris. He is a member of the League for Human Rights, having been its Secretary General from 1984 to 1995, then its vice-president from 1978 to 2000. He is also a member of the executive committee of the Euro-Mediterranean Network for Human Rights and vice-president of the International Federation of Human Rights Leagues since 1997.

**VASSILYEVA Yuliya** • Kazakhstan

Yuliya Vassilyeva is a lawyer. She is actually Coordinator of the initiatives in Central Asia, Hands Off Cain – International League of Parliamentarians and Citizens for the Abolition of Death Penalty – and, from 2005, Responsible for Kazakhstan of the Project: “A Coordinated Civil Society Campaign to Abolish the Death Penalty in Central Asian States” for International Helsinki Federation for Human Rights (IHF). In the past Yuliya Vassilyeva was Trainer on basic human rights, related national legislation and NGOs development and Consultant for the Open Society Institute and the Freedom House for the assessment of human rights defender in Uzbekistan. She wrote Comments in newspapers and articles for the journals *La Nuova Frontiera – International Human Rights and Security Review* and *Monitoring situatsia s pravami cheloveka* (“Monitoring Human Rights Situation”).

**WASHINGTON Linn Jr.** • USA

Linn Washington Jr. is an award-winning journalist who serves as the Print News Sequence Director in the Department of Journalism at Temple University in Philadelphia, Pa. An Associate Professor, Washington is a graduate of the Yale Law Journalism Fellowship Program. He holds a Masters in the Study of Law from the Yale Law School. Washington’s professional career included newspaper positions from reporter to executive editor plus serving as Special Assistant to the Chief Justice of the Supreme Court of Pennsylvania. Washington regularly writes on issues involving race-based inequities in America’s criminal justice system and its news media. Washington has covered the Mumia Abu-Jamal case since December 9, 1981.

**WELSH James** • UK

James Welsh is coordinator of the Amnesty International health and human rights office. He completed a PhD in virology at La Trobe University in Melbourne and moved to London in 1979. For more than two decades, he has worked on the documentation and analysis of human rights violations and on mobilising health professionals to protect and promote human rights. He has a particular interest in medical participation in, and opposition to, the death penalty. He is author of several articles on this subject for the *Lancet* medical journal and of a chapter of *Capital Punishment: Strategies for Abolition* (Cambridge University Press,



2004). Recently, he wrote reports for Amnesty International on nurses and human rights (including with respect to the death penalty) and on lethal injection.

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**WETSHOKONDA Marcell** • DRC

Marcel Wetsh'Okonda Koso is a lawyer at the Ba of Kinshasa/Gombe (since 1998) and since 2005 has been in charge of legislative and policy lobbying for Global Rights. From 2003 to 2005 he was a member of Global Rights' strategic working group. He is the co-founder and past president (2003-2005) of the Campaign for Human Rights in the Congo. Marcel Wetsh'Okonda Koso is Secretary General in charge of Communication for the Congolese Coalition for the International Criminal Court.

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**WHITEMAN Robert C.** • USA

Robert C. Whiteman has been the European Parliament's delegate to the United States since 1984. He coordinates legislative activities for the European Commission in thirty different areas, from foreign policy to the environment, and including human rights. He keeps the European Commission up to date on the changing political climate of the United States. Mr. Whiteman also coordinates the activities of ambassadors from the European Union in their efforts toward a moratorium on the death penalty in the United States.

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**WOHLWEND Renate** • Liechtenstein

Mrs Renate Wohlwen, member of the Council of Europe (COE) since 1994 as Liechtenstein representative, is in charge with the abolition of the death penalty in COE.

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**ZARROUATI Marc** • France

Marc Zarrouati is chairman of Action des Chrétiens pour l'Abolition de la Torture (ACAT). He is titular professor [professeur agrégé] in mathematics; he also holds a doctorate in theoretical physics and a BA in moral and political philosophy. He currently teaches epistemology and the history of sciences and techniques; his ongoing research deals mainly with the epistemology of education sciences and the philosophy of international relations. He has published several texts on torture.

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**ZHANG** • China

lawyer specialised in the defense of human rights, China.



**3<sup>e</sup> Congrès Mondial**  
**3<sup>rd</sup> World Congress**  
**Contre la Peine de Mort**  
**Against the Death Penalty**  
المنتدى الدولي الثالث  
第三次世界反对  
ضد حكم الإعدام  
死刑大会

HIGHLIGHTS

# THE PATHS TO ABOLISH DEATH PENALTY IN NORTH AFRICA AND THE MIDDLE EAST

**program p. 14**

One of the main objectives of the 3<sup>rd</sup> World Congress Against the Death Penalty is to promote the abolition of the death penalty in Northern Africa and the Middle East. To define a consistent and effective regional strategy, enabling a sustainable fight against the death penalty in this region of great complexity, due as much to the nature of its political regimes and the plurality of the sources of law as to the varying degree of civil society development, any reflection must be centred around three distinct but fundamentally complementary problems:

- How can we introduce the winds of judicial and political reform that would lead to the restriction of the field of application of the death penalty if not its definitive abolition by certain States in the region?
- How can we build the cultural and religious foundations that allow the notion of abolition to advance on judicial territory and mentalities to change in favour of abolition? In this regard, which texts and interpretations of Islamic Sharia would enable the legitimization of the proposal and a call to be made for the definitive renunciation of the application of the death penalty?
- How can we strengthen the role of Arab civil society and federate national coalitions so as to create an influential inter-Arab abolitionist network?

## JUDICIAL AND POLITICAL PERSPECTIVES

Northern Africa and the Middle East are among the principal regions of the planet where the death penalty is still in force: to date, not one country in the region has abolished the death penalty from its penal code, not one country has ratified the second optional protocol of 1989 pertaining to the UN's International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. Some countries continue to execute more than ten people each year: Saudi Arabia, Iran, Yemen and Jordan. An increase in the number of executions has even been observed in Iraq, Libya, Kuwait and Palestine. In Lebanon, where a moratorium was being observed, three executions suddenly took place at the beginning of 2003.

Nevertheless, we can observe in the region a slight trend towards a reduction in the number of death sentences and executions (less pronounced than in the rest of the world where the death penalty has markedly regressed), as well as the fact that executions have ceased in several countries for more than ten years (Morocco, Tunisia, Mauritania, Algeria). Better yet, some representatives of Arab governments have taken up a position in favour of either the definitive abolition or the reduction or suspension of executions and/or death sentences, an action that was unimaginable just ten years ago.

The current situation concerning the outlook for the abolition or the legal reduction of the field of application of the death penalty.

## ISLAM, A DEBATE AROUND THE DEATH PENALTY

A characteristic of the countries of the Arab-Muslim world is the existence – in parallel with a system of positive law for some and as the exclusive system for others – of a special source of law, of a divine nature, known as the Sharia (a dimension which enables the debate to be extended to other countries such as Iran, Indonesia and Pakistan where the death penalty is still in force). If we are to establish solid foundations on which political, judicial and social advances can be developed in a sustainable way, serene debate on the religious implications of the death penalty is necessary.

Indeed, in countries where Islam is the state religion, it could be thought that the limitations to the right to life inherent in each human being are specified in divine texts, revealed to humans so that they might better regulate life within society and protect it from the most dangerous of human activities. There are in fact, in the penal context, several crimes for which the punishment is consistent in part with the law of retaliation (*lex talionis*). Sanctions such as amputation or stoning are effectively provided for in the case of major crimes.

Nevertheless, Islamic voices are being raised today calling for a practice of Islam directed towards a more humane system of penal justice and a definitive renunciation of its application.

The objective of this great debate is to propose a platform of discussion and exchange for religious representatives and specialists in Muslim law from Muslim countries and Europe, to further the judicial and theological debate already initiated by Muslim legal experts concerning the application of Islamic penal provisions. To this end, the debate will attempt to provide answers to the following questions:

- Which texts (and to what degree of authenticity) refer to the death penalty in the Islamic penal law known as the *budûd*?
- What conditions are stipulated for each of the sentences by the sources themselves or by the consensus of savants throughout the history of Islamic law and jurisprudence (*fiqh*)? What are the mitigating circumstances that have sometimes been drawn up by religious authorities throughout history to suspend the application of capital punishment?
- The socio-political context (*al-wâqi'*) has always been considered by the *ulamâ'* to be one of the conditions for the application of the *budûd* but its importance is such that this question demands special treatment and the participation of intellectuals in the discussions, in particular those who specialize in human sciences. In what context today is it possible to envisage the *budûd*?
- Since Islam also represents humanist teaching and the Prophet is a figure to be emulated, what is the role of pardon and repentance in the commutation of capital punishment?

These questions must enable the opening of a debate with the objective of inviting Muslims to reflect on the possibility of a definitive renunciation of the application of the death penalty.

Gwendoline Abou-Jaoudé  
ECPM

# CHINA, THE DEATH PENALTY AND THE BEIJING OLYMPICS

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The situation in China is ambiguous, to say the least. It is a secret to no one that the existing political and judicial apparatus executes thousands of prisoners every year. In China, the death penalty is an instrument of governmental, political, economic and social control, and has been an integral part of the Communist regime since it came to power in 1949. For this reason, the speakers at the Round Table will focus on the specific state of current procedures and legal conditions, as well as the long list of misdemeanours which are punished by the death penalty in China.

On the other hand, however, there are signs of improvement within China itself. Increasingly, we have seen Chinese intellectuals and lawmakers speaking out against the death penalty, and some of them have even come to Europe to publicly voice their protests. Human rights advocates representing the United Nations have travelled to China over recent years, such as Manfred Nowak, Special Rapporteur on Torture, in 2005, and Louise Arbour, High Commissioner for Human Rights, in 2006. Well-known abolitionists such as Robert Badinter (France) have conferred publicly on the subject in Beijing. There have been new developments within the Chinese government also, which are encouraging in spite of the purely political motivations behind them. The central administration of the State Communist Party has been attempting to exert tighter control over local authorities in the provinces, as a result of which a major penal reform was decreed on 1 January 2007, requiring all death sentences passed by provincial courts to be reviewed by the Supreme Court. If this measure is effectively put into force, it would inevitably bring about a significant reduction in the number of executions which are carried out.

However, in China, words alone do not move mountains, and they are often not meant to be taken at their face value. This, plus the fact that it is extremely difficult to get clear statistics on the number of death sentences handed down by the courts, makes it necessary to respond with the greatest caution and firmness. We should not forget that all these lofty measures and declarations are inevitably influenced by the government's desire to win favour with world opinion, as China prepares to host two major international events which it hopes will do much to enhance the country's world image. These are the Olympic Games of Beijing in 2008 and the Universal Exposition of Shanghai in 2010.

Therefore, the speakers will attempt to inform public opinion by discussing the credibility of the government's statements and promises, and the most effective ways of pressuring it to live up to them. They will also call for greater support for Chinese abolitionists and demand that this become a major goal of the international community. It is, furthermore, our hope that this historic encounter will lay the ground for the next World Day Against the Death Penalty, on 10 October 2007, which will be devoted to the death penalty in China.

Michel Taube  
ECPM



# FROM MORATORIUM TO ABOLITION: WHAT IS THE RIGHT DIPLOMATIC STRATEGY?

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The moratorium vs. abolition debate is a crucial one for anti-death penalty strategy. Of course, all death penalty opponents would like to see capital punishment overturned in all countries in which it is still on the books—regardless of whether it is used. However, the key is to determine whether the best way to wipe out the death penalty permanently is to fight for moratorium or abolition.

First, it is important to clarify the terms of the debate:

- The term “**moratorium**,” which comes from the Latin *morari*, “to delay,” refers to “a legally authorized period of delay in the performance of a legal obligation or the payment of a debt.”<sup>1</sup> When applied to the death penalty, the term encompasses various realities. A moratorium can be declared on death sentences, on executions, or on a specific method of execution.
- “**Abolition**,” which is a synonym for “eradication,” is more commonly used in political philosophy: We speak of abolishing privileges, of slavery, of prostitution, or of the death penalty. Indeed, the term abolition can refer to a wide variety of situations (social practices such as slavery or prostitution, or legal rules such as privileges or the death penalty). It can also take different forms (abolition can be established by law or practice—abolition in practice is similar to a moratorium). The fact remains that abolition means permanent eradication, unlike a moratorium, which is by definition a temporary suspension.

## THE PURPOSE OF THE DISCUSSION TODAY IS TWOFOLD:

- The discussion will begin with a brief history and review of practices used by death penalty opponents. The idea of campaigning for a moratorium dates from the late sixties and originated at the United Nations. In support of abolition as outlined in article 6.6 of the International Covenant on Political and Civil Rights of 1966, the UN Human Rights Commission has repeatedly recommended that states still practicing the death penalty consider declaring a moratorium. UN resolutions in 1994 and 1999 included the recommendation, which has also appeared in the annual resolution of the UN Human Rights Commission since 1998.<sup>2</sup> The fight to obtain a moratorium on the death penalty has also been a recurrent theme for certain activist groups in civil society (“Hands off Cain,” “Moratorium 2000,” and “Moratorium Now,” among others). Professional organizations, most notably medical groups in the United States, have also joined in the movement. It is not easy to paint a clear picture of the current situation. Amnesty International publishes a list each year of de facto abolitionist countries.<sup>3</sup> However, there are no accurate, comprehensive statistics about the number of countries that have declared a moratorium and the effects of moratoriums on the abolitionist movement. This is due mainly to the many forms a moratorium can take, depending on whether it comes about through legislative, executive, or judicial channels.
- During the second part of the debate, we will try to identify the advantages and disadvantages of abolition vs. moratorium. Moratoriums have resulted in major strides toward achieving abolition, as seen in the United Kingdom and Canada. However, other countries, such as France, have gone directly from application of the death penalty to abolition. The issue here is one of method, in both fundamental and tactical terms. On the one hand, temporarily suspending the death penalty provides an opportunity to show its irrele-

vance, needlessness, as well as its political and financial costs. In other words, a moratorium gives those who have doubts about the issue an opportunity to form an opinion. Furthermore, cases in which countries that enact a moratorium return to practicing executions when the moratorium expires (see the example of Illinois) are rare. Therefore, parliaments in several retentionist countries consider a moratorium much easier to pass than full-fledged abolition. The mere threat of an immediate commutation of death sentences would thus provide abolitionists with leverage for improving the way the death penalty is administered (for the mentally retarded, minors, DNA proof, or effective legal representation). Revealing the failings of the death penalty significantly increases the chances of obtaining a moratorium.<sup>4</sup> Of course, a moratorium is not as permanent as abolition. However, abolition is not irrevocable either—the legislature instates it and by the same powers can also repeal it.

Conversely, there are some ambiguities inherent to the moratorium—retentionists sometimes lobby for a moratorium as a way of correcting the flaws of the death penalty. There is no empirical evidence that a moratorium is necessarily followed by a decision to abolish the death penalty. The example of the State of Illinois is telling here. Of course, the moratorium declared by Governor Ryan is significant—even more so given that the current governor has not overturned it. However, the fact remains that four years after the moratorium was declared, the debate continues to focus on how to improve the death penalty rather than on what to replace it with. This even though a faction of the commission felt that administering the death penalty would always be vitiated. How, then, given the political about-faces and ineffectual—and even corrupt—politicians, can we expect these promises to be kept? Moratoriums are declared on a case-by-case basis (in the U.S. individual states handle the issue).

Finally, in tactical terms, we will examine whether it is suitable to present to the United Nations General Assembly a resolution calling for a universal moratorium on executions. “Hands off Cain” recommends such a resolution in support of the ultimate goal of universal abolition. Such a resolution is not without risk given the number of countries in the UN that support the death penalty. Of course, this has more to do with the underlying issue than with the method—lobbying for a moratorium would not only risk falling short of abolitionists’ expectations; it could also be counterproductive.

Indeed, the strident reactions of the UN and the international community to the execution of Saddam Hussein have undoubtedly opened an unexpected window of opportunity. The UN General Assembly may now adopt a harder line on the death penalty—it could support abolition but will more likely call for a moratorium. The discussion should allow us to answer the question of whether abolition and moratorium are mutually exclusive or, on the contrary, if—and how—death penalty opponents could use them in a complementary manner.

Florence Bellivier  
FIDH

- 1 Dictionary *Le Petit Robert*.
- 2 P. Hodgkinson and W. A. Shabas, ed., *Capital Punishment. Strategies for Abolition*. (Cambridge University Press, 2004), 5.
- 3 As of 12 December 2006, AI counted 29 de facto abolitionist countries, meaning countries that had not performed any executions for at least ten years even though capital punishment remains on their law books.
- 4 This movement is aptly described by R. J. Tabak in “Capital Punishment in the United States: Moratorium Efforts and other Key Developments” in Hodgkinson and Shabas, *op. cit.*, 208.

# THE WORLD COALITION CAMPAIGN FOR THE RATIFICATION OF THE PROTOCOL 2 OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

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Adopted on 15.12.1989 by the General Assembly of the United Nations (resolution 44/128), the second optional protocol to the international covenant on civil and political rights went into effect on 11.07.1991. It is the subject of a round table aimed at identifying the contribution of the covenant in comparison with other international instruments, and at examining reasons for its insufficient ratification.

## 1 • THE PROTOCOL

### THE OTHER INTERNATIONAL INSTRUMENTS

Even though the death penalty is a denial of the right to life, it has not been excluded from the main international instruments on human rights. However, these instruments strongly suggest that abolition is desirable. Article 6 of the international covenant for civil and political rights (ICCPR) states that it *“it cannot be used to delay or prevent the abolition of capital punishment by a State Party”*. It confines the application of the death penalty to the most serious crimes and specifically reaffirms the principle of non-retroactivity of penal law and the principles of fair trial. The prisoner should be able to plea for mercy or for the commutation of his sentence. Lastly, the death penalty is forbidden for minors under 18 years of age and cannot be applied to pregnant women. The International Covenant for Children’s Rights also forbids the application of the death penalty to minors.

On the regional level, additional protocols to the American and European covenants for Human Rights abolish the death penalty except in time of war, or without restriction. The European protocols have a notably high rate of ratification.

### THE CONTRIBUTION OF PROTOCOL 2

Article 1 of the protocol is unreservedly abolitionist. It states *“1. No one within the jurisdiction of a State Party to the present Protocol shall be executed. 2. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.”* However, its article 2 allows *“a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime”*. The application body for the Protocol is the Human Rights Committee, in the same terms as those of the international covenant on civil and political rights.

Protocol 2 is similar to the international covenant on civil and political rights in that it does not contain any clause of denunciation. Article 60 (5) of the Vienna Covenant makes it clear that an implicit clause of denunciation cannot exist in a human rights treaty, which suggests that a State Party cannot legally denounce it. It is therefore clearly the only available instrument which, on a universal level, ensures the irreversible nature of abolition. It went into effect on 11.07.1991, binding 60 States. 8 others are signatories.

**HIGHLIGHTS**

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**2 • GENERALISING THE RATIFICATION****2.1 THE CONCERNED STATES**

On 19.12.2006, 128 countries or territories were abolitionists de jure ou de facto. 88 had abolished capital punishment for all crimes and 11 only for common law crimes. 29 were de facto abolitionists. 69 States, however, maintained capital punishment. There are therefore 29 States which, although abolitionists by law, have not yet become parties to the protocol. We must do everything possible to encourage them to do so. We know from experience that the death penalty can be re-established. No country is immune to shifts in public opinion and internal as well as international crises. For this purpose, the ratification of protocol 2 can act as an indispensable anchor chain.

The de facto abolitionist States are also susceptible to rapid changes. Executions can suddenly pick up again from one day to the other, with a simple political decision. The ratification of the protocol is a way of ensuring the permanent and formal abolition of capital punishment.

Lastly, ratification can be a path towards abolition for States which are not even de facto abolitionists. This was the case of Liberia, when it adhered in September 2005.

**2.2 THE STRATEGIES**

Obviously, ratification is decided State by State. It is necessary to first identify the obstacles, which can be of a juridical nature (the constitutional obstacle is currently being removed in France), political or sociological.

Next, it is necessary to identify the national and international players, whose joint efforts can help bring about ratification.

From this standpoint, the European Union has an important role to play. Firstly, because in spite of the force of its abolitionist conviction, and in spite of article 2.2 of its charter of fundamental rights, all of its members are not parties to the protocol. The case of Poland alone demonstrates the importance of having all countries adhere. But most of all it is the moral example which Europe must create, by leading the member States to *“resolutely strive for the abolition of this penalty, in order to contribute to the strengthening of human dignity and the on-going development of fundamental rights, given that this penalty has no legitimate place in the penal system of civilised societies.”*

Denys Robiliard  
Coalition mondiale  
contre la peine de mort

# THE EUROPEAN UNION EFFORTS TO OVERTURN THE DEATH PENALTY WORLDWIDE

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The European Union has a long-standing tradition of supporting the abolition of the death penalty. The E.U. has consistently lobbied non-E.U. countries, leveraging political and financial channels via support granted to various groups from civil society.

## E.U. ROLE IS MAINLY POLITICAL

The European Union is mainly active on the political front. The bloc's actions are based on a set of guidelines for the promotion of universal abolition adopted in 1998. The guidelines cover the actions to be taken and the minimum standards countries that uphold the death penalty are expected to adhere to. These standards include requiring countries not to use the death penalty for crimes committed by persons under the age of 18 and using methods of execution that cause the least possible suffering.

The actions set out in the guidelines mainly target diplomatic relations. Therefore, the Union's commitment to abolition takes the form of repeated requests to retentionist countries to cease executions deemed not to comply with international standards. If necessary, the Union also exerts pressure on certain countries to declare a moratorium on the death penalty. Furthermore, the E.U. considers this process a first significant step toward abolition.

Sometimes, the role of the E.U. can be decisive in achieving abolition, as was the case for Turkey in 2003 or the Philippines in 2006. The case of the Philippines is a prime example of the E.U.'s role in raising the awareness of retentionist countries. On several occasions the E.U. held talks in the Philippines to promote reconstructive justice and to push for the immediate abolition of the death penalty. The E.U. is continuing these efforts, lobbying some 30 retentionist countries, some of which the E.U. targets individually as needed.

Furthermore, the E.U. has repeatedly defended the abolition of the death penalty before international bodies such as the UN Commission on Human Rights and at meetings of the Organization for Security and Co-operation in Europe.

The E.U. has also provided political support for international campaigns from their inception. The First World Congress against the Death Penalty held by ECPM (*Ensemble contre la peine de mort*) and World Day against the Death Penalty launched by the World Coalition are two initiatives that have received support.

In addition to these actions, the E.U. also targets the judiciary process. Indeed, since the French presidency in 2000, the Union has submitted *amicus curiae* briefs for symbolic trials, including at the United States Supreme Court. On several occasions, the United States Supreme Court handed down rulings in line with *amicus curiae* briefs submitted by the E.U.

## E.U. FINANCIAL BACKING FOR THE ABOLITIONIST MOVEMENT

The E.U. also provides significant financial support for organizations from civil society that aim to further the abolitionist movement. This support is provided through the European Initiative for Democracy and Human Rights (EIDHR). In 2001, the abolition of the death penalty was recognized as a priority target for EIDHR support.

The EU finances through EIDHR projects and programs—mainly run by NGOs—designed to raise public awareness of the issue in retentionist countries and train lawyers and legal experts in those countries. EIDHR



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also conducts research on the conditions in which executions are carried out and whether minimum standards are adhered to in the application of death sentences. This financial backing for initiatives taken by members of civil society is often essential for retentionist countries in the developing world.

The E.U.'s involvement in the abolitionist movement is also seen in the budget allocated to the issue. Indeed, some years, such as in 2002, the E.U. provided nearly 4 million in support for projects around the globe. During the last fiscal year (July 2005 to June 2006) the E.U. financed six projects for a total budget of more than 1.6 billion. The projects mainly concerned national campaigns (Jamaica, Kazakhstan, the Gaza Strip, and Rwanda), but EIDHR also supported an international project submitted by an NGO. The breakdown in funding clearly reflects the E.U.'s strategy, which includes local, regional, and international actions.

What can be done to bolster and improve the effectiveness of the E.U.'s actions? Analyses, recommendations, and discussion between anti-death penalty groups from civil society and representative of the European Union would contribute to this objective.

Florence Leroux  
ECPM

## **INTERVIEW WITH THE COMMISSIONER MRS FERRERO-WALDNER**

### **WHAT ARE THE PRIORITIES OF THE EUROPEAN COMMISSION AGAINST THE USE OF THE DEATH PENALTY?**

There can be no doubt that the death penalty is an odious and degrading practice which no longer has any place in today's world. It is an obstacle to the on-going development of human rights and justice, and it is also totally unjustified from a moral standpoint. For this reason, action for the universal abolition of the death penalty is a priority of the highest importance for the foreign policy of the European Commission. Furthermore, we know that the fight against the death penalty is a long and hard one which requires constant mobilisation and vigilance. Our priority, therefore, will be to press forward with the action which has been undertaken by the European Union in the framework of its policy of opposition to the death penalty, as set forth in the "European Guidelines on the death penalty" adopted in 1998. This means that we will continue to actively intervene with the retentionist countries. For example, last year the EU directly intervened with more than 30 countries, both for individual cases and, more broadly, to express its position on the death penalty in the country in question. We will continue to apply pressure for the creation of a moratorium on executions as a first step toward the abolition of the death penalty, and for the ratification of the Second Optional Protocol to the International Covenant on civil and political rights, aimed at abolishing the death penalty. We will also firmly insist that the countries which persist in maintaining the death penalty should meet the minimum standards established by the United Nations. Lastly, another of our priorities will be to ensure that the new *European Instrument for Democracy and Human Rights* continues to support all of the many projects of civilian society whose goal is the worldwide abolition of the death penalty. I would like to point out that since 1994 we have financed more than 30 projects with a budgetary cover of over 15 million euros, in countries as far-flung as China, the United States and Jamaica.

### **WHAT CAN THE COMMISSION DO TO HELP BRING ABOUT THE ABOLITION OF CAPITAL PUNISHMENT?**

I am convinced that support for the local and international projects of NGOs is an essential complement to our diplomatic action in favour of abolition, both in the framework of our bilateral relations with the retentionist countries and in multila-

teral forums such as the UN and the Council of Europe. The abolition of the death penalty was slowly and laboriously achieved in each of our 27 member States, and now civilian society must set out on the same long path to have this practice abolished in those States which maintain it. No progress can be made in this direction – the reduction of misdemeanours punishable by death, the creation of a moratorium, etc. – without the support of open, forceful and direct debate, aimed at creating a national consensus on this sensitive and fundamental issue, which is essentially that of the power of the State over individual life. The recent abolition of the death sentence in the Philippines, where the Commission has supported several projects of local NGOs active in this area, is a good example of this process in which non-governmental players have significantly contributed to clearing the way for the abolition of capital punishment by local lawmakers.

**YOU ARE WORKING ON OTHER DOSSIERS ALSO, ESPECIALLY THE ONE OF THE BULGARIAN NURSES SENTENCED TO DEATH IN LIBYA. JUST HOW IMPORTANT DO YOU THINK THE DEATH PENALTY IS IN INTERNATIONAL RELATIONS?**

Action for the universal abolition of the death penalty is a significant vector of the pacification and humanisation of international relations. It is aimed at helping to strengthen human dignity and steadily develop human rights in the world. The tragic fate of the Bulgarian nurses, who are now European citizens, and the Palestinian doctor in Libya obviously has a negative effect on our relations with that country. It is clear that each execution carried out is a setback for all of humanity, and as such it concerns every one of us, from the average citizen to the political decision-makers.

**THE EUROPEAN UNION HAS FINANCED ABOLITIONIST PROJECTS. WHAT HAS IT ACHIEVED UP TO NOW?**

As I said before, the EU is and has been one of the main sources of financial support for abolitionist organisations, over the course of many years and in a great number of countries. The activities which we support are varied – for example, lobbying with political leaders, legal aid for people facing the death sentence, improving scientific procedures for DNA analysis, as well as the support for events such as the World Congress against the death penalty. These projects often have a direct impact, either on the fate of prisoners sentenced to death, on the penal code or by stimulating national debate on the death penalty. Nevertheless, our role and the good effects it may and should have can only be limited. Even if we pledge our support to local and international initiatives, all progress towards abolition in a given country must mainly come from the merit of the local abolitionists.

I would like to take this opportunity to salute the remarkable work and dedication of all the civil organisations which are fighting for this cause. It is a great pleasure to be able to follow the discussions of the World Congress of Paris, which I am sure will be a key moment for the world abolitionist movement.

# THE ROLE OF THE INTERNATIONAL AND REGIONAL ORGANISATIONS

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Regional and international organizations have been instrumental in the struggle to end capital punishment. According to Amnesty International, a total of 123 countries have abolished the death penalty in law or practice, leaving 73 other countries and territories that maintain the legal use of the death penalty. Since 1984 (23 years ago) 59 countries have abolished the death penalty. This could not have happened without the dedicated work and mechanisms of the regional and international organizations.

But there are still 73 countries with the death penalty and these include the countries most committed to its use. If it took 23 years to convince 59 countries, arguably the less committed ones, how many years will it take for regional and international organizations (and many others) to persuade the remaining 73? At the current rate it will be 45 -50 years (2057) before the world is rid of this injustice. Each year, China kills in the thousands, Iraq has rejoined the states actively executing citizens, and a solid core of 10 to 15 states execute people every year. Using current numbers and the pace of ending the death penalty, we will see the deaths of over 100,000 persons from today to the day of universal abolition. That is unacceptable and we must reassess and renew the efforts of the international and regional organizations, to shorten the life of the death penalty and extend the lives of human beings.

As the program states what influence can be exercised by these organizations on member and non-member states. What influence could such organizations really bring to bear on countries like Iran, the USA or Japan, for example? How could they go further?

To begin with, I want to ask each member of the panel to address what steps their organization is willing to take to support and promote passage of a United Nations General Assembly Resolution calling for a worldwide moratorium on the use of the death penalty? The state memberships of the regional organizations number 132 countries, well over the number needed for passage of the UN resolution. This issue is before us today and it needs our full support for success.

Now is the time for new thinking. Can we create a credit and cost system for human life, as we now do for greenhouse gases? What would that mean? If diplomacy or a diplomatic protest are insufficient, such as we have seen with the recent executions of Saddam Hussein, his half brother and the former head of Iraq's Revolutionary Court, and with executions in the US and China, what voice would be stronger. Is it too much to ask that each of the organizations on this panel commit to canceling all meetings with an offending state representative for three days after each execution? Are meetings to discuss the value of business more valuable than the value of human life? Diplomacy has many tools beyond the demarche; we need to use them to be successful

Can each of the organizations encourage its members to raising and condemning the death penalty at every opportunity, not just at the notorious events or annual meetings? Shame has been a powerful tool for conforming conduct for centuries; how can we use that universal emotion in the international diplomatic process?

We need new thinking and approaches and this panel of experts is a great place to start

**Speedy Rice**  
Death Penalty Focus

# IS THE DEATH PENALTY AN INTERNATIONAL RELATIONS ISSUE?

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The death penalty has long been considered an integral part of the sovereign state's powers. Indeed, one of the privileges of the sovereign state is to establish its own criminal justice system. The arrival of universal abolition of the death penalty is fairly recent on the international scene.

Regional or international laws specifically targeting capital punishment brought the death penalty into international relations. During the 1980s, Protocol No. 6 of the European Convention on Human Rights (1983) was adopted, as was Protocol No. 2 of the International Covenant on Political and Civil Rights (1989). Protocol No. 2 was drawn up at the United Nations and is the only universal document calling for the commutation of executions and abolition of the death penalty. Furthermore, it was not until the E.U. Charter of Fundamental Rights in 2000 that a human rights declaration included abolishing the death penalty.

Therefore the death penalty is considered a full-fledged human rights violation—here, the right to life. The abolitionist movement has thus come amid the growing importance of fundamental rights in international relations. Therefore, this new effort to “globalize human rights,” which would make protecting basic freedoms one of the international community's objectives, has for the past several years had an impact on criminal law. This has been a direct result of the abolition movement.

A significant rise—especially since the 1980s—in the number of abolitionist states, mainly among the world's democracies, has bolstered this move towards standardization.

The arrival of the abolition issue on the international scene also stemmed from the backing of high-level politicians. Abolition has become a measure of international integration and cooperation and is a priority diplomatic issue, particularly for the European Union. In addition, the E.U. and other world leaders have implemented policies that have sped up the international death penalty abolition process. The international criminal justice system is a prime example.

Following World War II, the statutes of the Nuremberg and Tokyo military tribunals included the death penalty. The 1990s saw the disappearance of this practice from the international criminal justice system—neither the statutes of the International Criminal Tribunals for the former Yugoslavia and Rwanda nor those of the International Criminal Court included the death penalty in their sentencing arsenals. Therefore, even those convicted of the most serious crimes in international or internationalized jurisdictions no longer risk the death penalty. In addition, this new order has at times affected criminal law and led to abolition, such as in Kosovo and East Timor. International negotiations concerning the trials of high-profile criminals can lead some states to abolish the death penalty—this may soon turn out to be the case in Rwanda and Lebanon, for instance.

## OBVIOUS LIMITATIONS

Clearly, the death penalty is now an issue in international relations. However, its sudden emergence does inconvenience certain countries that would prefer not to see the death penalty and the abolition of the death penalty enter into their international relations. The September 11 terrorist attacks led death penalty proponents to take a harder line. This however, has not hindered the international abolitionist movement.

China and the United States are among the most recalcitrant countries. Both are permanent members of the UN Security Council and play key roles in the global economy. Indeed, China and the United States are seemingly impervious to international pressure. Despite the changes

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announced by the government, China—where the number of executions each year is estimated in the thousands—is far from adopting abolition as its objective. Nevertheless, with the 2008 Olympic Games on the horizon, the international community may be able to pressure Chinese authorities to improve the country’s human rights record, ensure greater transparency in China’s justice system, and reduce the number of crimes punishable by death.

Given this context, how could international relations play a greater role in the movement toward universal abolition of the death penalty?

Florence Leroux  
ECPM

# SUPREME COURTS FACING THE USE OF DEATH PENALTY

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The death penalty is often abolished as the result of a favorable combination of different factors. More importantly, abolition comes about because of the mobilization of various groups from civil society, political spheres, and the judicial system. Supreme court actions—and, consequently, the actions of the judges on their benches—can indeed be a determining factor in the abolition process. Nevertheless, how involved the supreme courts are in the issue depends on the situation in the countries concerned. Courts must be allowed to be independent, impartial, and objective if they are to play a role in applying—or, on the contrary, abolishing—the death penalty. Once this condition has been met, judges may work to close legal loopholes or to ensure that constitutional, democratic principles are adhered to.

## SUPREME COURT JURISPRUDENCE IN SOUTH AFRICA: A FIRST STEP TOWARD CONSTITUTIONAL ABOLITION

Supreme court decisions can be crucial in that they can launch or speed up the abolition process in the country concerned. South Africa is a good example of the potential impact of supreme courts. In 1995, amid South Africa's transition toward democracy, the South African Supreme Court ruled in *S. v. Makwanyane* that the death penalty was incompatible with the interim constitution. According to the decision, the state had failed to show that the death penalty was necessary in a democratic society. In South Africa—whose population was not necessarily disposed toward abolition—the constitutional court provided for the protection of human rights independent of public sentiment. It is thus undeniable that the court advanced the state of democracy in South Africa by sanctioning the values underpinning the newly implemented constitutional order. The final version of the constitution, which was adopted in 1996, included the right to life and thus confirmed the court's position.

## SUPREME COURTS AND APPLICATION OF THE DEATH PENALTY

While supreme courts can sometimes work to advance abolition, some have focused on the application of the death penalty by making it more specific or reducing its scope. Uganda and the United States are two compelling examples of this.

In June 2005, the Constitutional Court of Uganda handed down a historic decision to commute the death sentences of 417 convicts, thereby condemning the automatic application of the death penalty in certain cases and the more than three-year time lapse between sentencing and execution.

With regard to the United States, three rulings are relevant here. The first is the 2002 decision in the case of *Atkins v. Virginia*, which declared unconstitutional any execution of a mentally retarded criminal. The second ruling prohibited a judge from sentencing a convict to death stating that only a jury of the convict's peers may do so. The verdict led to the commutation of hundreds of death sentences. The last, more recent, decision was handed down in 2005 in the case of *Roper v. Simmons*. The court ruled unconstitutional the death penalty for persons under the age of 18 at the time the crime was committed. In both cases, the Supreme Court ruled that applying the death penalty to vulnerable persons violated the Eighth Amendment of the Constitution of the United States, which forbids cruel and unusual punishment. These cases highlighted the judiciary activism of the Supreme Court with regard to the death penalty, thus demonstrating that the practice violates society's evolving standards of decency. The court's ruling echoes the European conceptions of decency and dignity, which are dear to the European Court of Human Rights in particular.



**SUPREME COURTS AND APPLICATION OF THE DEATH PENALTY:  
THE MUTUAL INFLUENCE OF NATIONAL AND SUPRANATIONAL  
JURISDICTIONS**

Amid increasing globalization of law and human rights, the role of national and supranational jurisdictions has come to the forefront. Mutual inspiration between supreme courts is now more than a mere hypothesis in many fields of law. However, for human rights and, specifically, the abolition of the death penalty, direct, fruitful exchanges between supreme courts, whether they are national or international, do not appear to exist. The United States Supreme Court is an interesting case. Indeed, references to one or several precedents set by supranational or national courts are not always clear when it comes to abolishing the death penalty. For example, in support of its refusal to sanction the application of the death penalty to minors, the United States Supreme Court referred to international and foreign laws, including European human rights law. However, the court also chose not to refer to the rulings of the Inter-American Court of Human Rights on the application of the death penalty to minors—this despite the fact that on at least two occasions the Inter-American Commission on Human Rights had ruled against the United States (1987<sup>1</sup> and 2002<sup>2</sup>) on this issue. Note also that the International Court of Justice also ruled against the United States in 2004 for not protecting the consular rights of 53 Mexicans who had been sentenced to death. In retaliation, the United States then challenged the authority of the ICJ.

While the issue of mutual influence has been raised and is still open for debate, the response is perhaps more likely to be found in chambers rather than in the content of the rulings themselves.

Florence Leroux  
ECPM

- 1 Inter-American Court of Human Rights, 22 September 1987, *Roach and Pinkerton v. United States*, report 3/87, case 9647.
- 2 Inter-American Court of Human Rights, 22 October 2002, *Domingues v. United States*, report 62/02, case 12.285.

# LAWYERS FACING THE DEATH PENALTY

**program p. 18**

Defending a person punishable by the death penalty is without a doubt the greatest responsibility that can weigh upon a lawyer. A human life depends on the outcome of the trial.

Even so, the working conditions of lawyers defending people liable to be sentenced to death are often particularly difficult and the right to a fair trial is rarely respected. Few lawyers have sufficient means to provide their client with a defence worthy of the name. The financial issue is key, since the people on death row are often the poorest members of the population. They lack the personal financial means to pay their lawyer and are generally represented by legal aid attorneys.

Do court-appointed attorneys have the adequate training and sufficient financial means to give their client a proper defence?

Can lawyer defence strategies influence the adoption of a moratorium or abolition itself?

How can bar associations and professional law organizations lend support to attorneys defending people on death row?

Is media coverage useful to the defence?

The testimony of lawyers and representatives of bar associations and professional organizations practising in the different regions of the world will help provide concrete answers to these questions. They will shed light on the difficulties they have faced or continue to face in their fight against the death penalty.

Barreau de Paris

# DEATH PENALTY: AN INHUMAN, CRUEL AND DEGRADING TREATMENT

program p. 19

The conditions of detention for the condemned are dreadful: the psychological pressures, the excruciating wait for the execution. But there are also the procedures themselves, all of which are cruel: stoning, hanging, lethal injection or electric chair. Can one qualify the conditions of detention and the procedures of inhumane treatments? Are they not all cruel and degrading? Can this argument have a legal authenticity and be a source of leverage for abolitionists? These questions are crucial to today's case against the death penalty.

Much has already been done, in particular within the Commission on Human Rights of the United Nations, (now the Council on Human Rights) by its successive resolutions regarding the death penalty. It asks Nations "to take care that, when capital punishment is applied, it is carried out so as to cause the minimum possible of sufferings and is not carried out in public or in any other degrading way, and that particularly cruel or inhuman modes of execution, like stoning, must be immediately put to end."

The "Soering jurisprudence" of the European Court of Human Rights also makes statements with the same sense: "Have regard, however, for the very long period to be passed in the 'hall of death' under such extreme conditions, for the omnipresent and increasing anguish about the execution, and for the personal situation of the person to be executed, in particular his or her age and mental state at the time of the infringement. The extradition to the United States would reveal the concerned party at the real risk of punishment exceeding the threshold fixed by article 3 (Article 3). The adoption, in this case, of another means of achieving the legitimate goal of the extradition without involving suffering at such an exceptional intensity or duration, would be another additional relevant consideration." It is thus contrary to article 3 of the CDEDH "No one can be subjected to torture or to distress or treatment that is inhumane or degrading".

On the basis of the definition of the inhumane treatment that is cruel and degrading, its dismantling must rely on analyses of the various countries where it is applied - Japan, the Caribbean, Pakistan, Uganda and the USA. The death penalty is connected with cruel, inhuman and degrading treatment because of the intensity of conditions of detention - physical and psychological, of the differences in treatments between the prisoners condemned to death, and also of the differences in circumstances between rich countries, such as the United States or Japan, and that of poorer countries. Some advanced nations are thus capable, on the international level, of considering the death penalty a cruel, inhumane, and degrading form of punishment.

ACAT/FIACAT

# THE SCALE OF SENTENCES AND ALTERNATIVE SENTENCES

program p. 19

The abolition of the death penalty necessarily raises the question of a scale of punishment and more precisely of the upper end of this scale. Let us agree that this is not a matter of creating a “substitute for” or an “alternative to” capital punishment, in other words, a punishment that “would take the place of”, and which would have to meet certain requirements to do so. Indeed, the combat for the universal abolition of the death penalty must find its justification in the very nature of this “legalized murder” which is contrary to human rights. Accordingly, protocol 6 of the *European Convention on Human Rights*, which came into force on 1 March 1985, forbids recourse to the death penalty during peace time; protocol 13, which came into force on 1 July 2003, abolishes the death penalty in all circumstances and makes no provision for derogations or reservations. These texts do not of course deal with the question of how to penalize the most serious crimes in a way that respects human rights.

The Rome Statute of the *International Criminal Court* (1 July 2002) provides a first element of reference. Article 77 on applicable penalties states that the Court may impose “(a) Imprisonment for a specified number of years, which may not exceed a maximum of 30 years; or (b) A term of life imprisonment when justified by the extreme gravity of the crime and the individual circumstances of the convicted person.” This statute also specifies the conditions for obtaining a reduction of sentence: “When the person has served two thirds of the sentence, or 25 years in the case of life imprisonment, the Court shall review the sentence to determine whether it should be reduced. Such a review shall not be conducted before that time.” (Art. 110).

What is the situation of the 46 member states of the Council of Europe in this matter? According to a study conducted in 2002 (CE, 2003a), the maximum sentence incurred in most States is life imprisonment. Only five States do not follow this model: Croatia and Spain have a maximum sentence of 40 years, Slovenia and Portugal 30 years and Norway 21 years.

In countries where it exists, life imprisonment does not necessarily imply detention until the natural death of the convicted person, as there are procedures enabling the review of the sentence and the granting of early release. In general, a mandatory number of years must be served before conditional release becomes possible. This period varies from 10 years (Belgium) to 15 years (Germany, France<sup>1</sup>, Luxembourg, Switzerland), 20 years (Albania, Greece, Czech Republic, Romania, Turkey), 25 years (Poland, Slovakia), 26 years (Italy) and 30 years (Estonia) (CE, 2003b). This is a minimum period of imprisonment before any conditional release can be considered and can in certain countries be prolonged by the existence of a security period, during which no reduction of the sentence is possible.

On the basis of these observations, it is quite clear that the issue of the upper end of the scale of punishment, after the abolition of the death penalty, cannot be approached uniquely in terms of the *sentence incurred* at the time of the trial (life imprisonment versus fixed sentences of 10, 20, 30 years), but demands a consideration of the procedures of application of the penalties (whether or not there are periods in which sentence reduction is prohibited, the minimal duration of the period to be served before release) and especially the conditions under which early release is granted and how it is implemented. In its recommendation adopted in September 2003, the Council of Europe specified that “the criteria for granting conditional release should be applied so as to grant conditional release to all prisoners (my underlining) who are

considered as meeting the minimum level of safeguards for becoming law-abiding citizens. It should be incumbent on the authorities to show that a prisoner has not fulfilled the criteria” (art. 20).

We might consider that after the abolition of the death penalty, the disappearance of life sentences would represent further progress for civilization. Nevertheless, the question must be approached in a responsible fashion by explaining the conditions in which this progress might be made. (Tournier, 2006). We hope that such reflection both on the maximum sentence incurred and the conditions of its application will be developed on an international scale.

Pierre Victor Tournier<sup>2</sup>

- Council of Europe, 2003a, *Recommendation Rec(2003)23 of the Committee of Ministers to member states on the management by prison administrations of life sentence and other long-term prisoners*, adopted by the Committee of Ministers on 9 October 2003.
- Council of Europe, 2003b, *Recommendation Rec(2003)22 of the Committee of Ministers to member states on conditional release (parole)*, adopted by the Committee of Ministers on 24 September 2003.
- Tournier Pierre V., 2006, *Réformes pénales, deux ou trois choses que j’attends d’elles*, [Penal reform, one or two things I expect from it] Publication of the social-democrat club “DES Maintenant en Europe” [Deviance and socialism, now in Europe], Paris, 18 pages.

1 Today, 18 years and even 22 years for repeat offenders.

2 Demographer-criminologist, director of research at the Centre national de la recherche scientifique [National centre for scientific research] (CNRS, Paris), Université Paris 1. Panthéon Sorbonne, Centre d’histoire sociale du XXe siècle [Centre for 20th Century social history], former expert at the Council of Europe (1983-2003). Pierre-victor.tournier@wanadoo.fr

# FROM THE TRIAL OF NUREMBERG TO THE TRIAL OF SADDAM HUSSEIN: HOW TO JUDGE THE AUTHORS OF CRIMES AGAINST HUMANITY?

program p. 19

Why doesn't the international community sentence to death those convicted of genocide, crimes against humanity, and war crimes more often? Often, public opinion has a hard time fathoming how it is that history's most notorious criminals—often responsible for hundreds of thousands of killings—often escape the ultimate punishment. The purpose of this discussion is to explain the underlying reasons most democracies and international criminal justice have considered the death penalty futile and ineffective since the 1990s. History (the Nuremberg and Tokyo trials following World War II as well as Eichmann's trial in Jerusalem in 1962, which all resulted in death sentences) provides some indication of the ground covered. The International Criminal Tribunal for Rwanda in Arusha, Tanzania; the International Criminal Tribunal for the former Yugoslavia in The Hague; and, most significantly, the 2002 International Criminal Court no longer included the death sentence in their arsenals.

The shock wave created by the execution of Saddam Hussein by a national court (the Iraqi Special Court) may well cast a shadow over the progress made by the international community. Now more than ever, abolitionists must state their position firmly and clearly.

Abolishing the death penalty also plays a role in rebuilding peaceful societies in various situations of national reconciliation following serious collective crises and crimes. Today we are seeing in countries such as Sierra Leone and Rwanda—as well as in Lebanon amid the trial of the killers of former Prime Minister Rafik Hariri—a breakdown in negotiations with the international community on the abolition of the death penalty, much like what occurred in Cambodia in the 1980s. Even when faced with the perpetrators of crimes against humanity, one of the goals of abolishing the death penalty is to build peace and the foundations of a lawful state.

Michel Taube  
ECPM



# TOWARDS THE ESTABLISHMENT OF A DEATH PENALTY FREE ZONE IN CENTRAL ASIA

program p. 20

## THIS ROUND TABLE SEEKS TO:

- 1 • Raise awareness amongst the international community and world abolitionists of the continuing use of the death penalty in Uzbekistan and existence of moratoria in Kazakhstan and Tajikistan, as well as of the recent positive changes in Kyrgyzstan.
- 2 • Bring Central Asia into the World Congress discussions.
- 3 • Promote the establishment of a regional network of abolitionists to unite efforts and action to achieve a death penalty-free zone in Central Asia.
- 4 • Engage Central Asian decision makers to work towards the full abolition of the death penalty in the region.

## MAIN SUBJECTS OF DISCUSSION:

Central Asia is making progress apace. Kazakhstan and Tajikistan have adopted a moratorium on capital sentences, and Uzbekistan is committed to abolishing the death penalty in 2008, whilst Kyrgyzstan leads its neighbours having just adopted a constitution that abolishes the death penalty. However, nothing can yet be taken for granted in this region where prison conditions are deplorable and secrecy surrounds all matters relating to the death penalty.

The main topics to be debated during the Round Table are:

**Uzbekistan** Notwithstanding the government's announcement that the death penalty will be abolished in January 2008, a moratorium is not currently in place in Uzbekistan and the number of persons being executed is feared to be high. What can be done in the interim time period to obtain an immediate moratorium and what actions would help reinforce the respect of the right to life in Uzbekistan?

**Kyrgyzstan** In December 2006 Kyrgyzstan amended its Constitution and removed the provisions relating to the use of the death penalty. Although supplementary legislation has still to be put in place in order to fully abolish the death penalty, this is a substantial step towards the creation of a death penalty-free zone in the Central Asia. What measures need to be taken to ensure adequate alternative prison sentences and what can the Kyrgyz civil society contribute to other activists of other countries in terms of experience?

**Kazakhstan and Tajikistan** Albeit the existence of moratoria in these countries, much remains to be done to ensure that the moratoria will be transformed into full abolition of the death penalty. What are the risks of reintroducing executions and what actions are required to ensure abolition of the death penalty?

- An **aura of secrecy** surrounds the passing of death sentences and executions in the four Central Asian countries mentioned above (each to a different degree). Public information is rarely released regarding the number of persons on death row or the number of executions. What is worse, the families of the deceased are not

informed about the date of the execution or the place of burial. Notwithstanding international calls and obligations to release this information, the authorities are not heeding to them; what can be done to make them more accountable in this regard?

- **Prison conditions** in Central Asia is an important concern for abolitionists as serving long term sentences in some Central Asian prisons can be equivalent to a de facto death sentence. What will happen in each of the countries when abolition is introduced, are prison conditions being prepared for those serving long-time sentences, and what alternative penalties are being discussed?

International Federation of Helsinki  
for Human Rights

# PERSPECTIVES ON ABOLITION IN THE GREAT LAKES REGION OF AFRICA

**program p. 20**

The argument that the moment for abolishing the death penalty has not yet come, for reasons associated with insecurity and the social and political context, is often the argument that enables it to be maintained: choosing to abolish capital punishment in countries where the populations have been victims of violent conflict and crimes against humanity, as happened in South Africa and Liberia, is therefore an act of courage. In the African Great Lakes Region (DRC, Rwanda and Burundi), which finds itself today in a situation of transition, seeking “national reconciliation” after the massacres that marked the 1990s, this choice has not yet been made by the authorities. Nevertheless, the development of abolitionist ideas over the past few years is important and deserves to be emphasized: the abolition of capital punishment, unthinkable a few years ago, is now defended by an important number of figures in civil society, and is even considered by certain political figures, especially in Rwanda where a parliamentary debate is soon to be initiated.

In the 1990s, the African Great Lakes Region distinguished itself by a wave of extreme violence, in the context of conflicts that were not only internal to each State but also regional. The massacres of 1993 and the 13 years of civil war in Burundi, the genocide in Rwanda in 1994, and the complicated war that took place in the DRC, combining an internal power struggle, the military intervention of seven African States, predation upon the natural wealth of the Congo and ethnic tensions, caused the deaths of several million people. In this context, the death penalty was widespread at the time. Used as a war weapon in the DRC, it was applied by military jurisdictions, essentially against military personnel, some of whom were minors at the time, former child soldiers, but also against civilians: between 1997 and 1999 the DRC was among the countries with the highest rate of judicial executions in the world. In Rwanda, the death sentence was widely pronounced against the organizers and planners of the genocide, but it was implemented on only one occasion: 22 people were publicly executed by shooting in 1998, in several sports stadiums around the country, before huge crowds, in the name of the fight against impunity. Similarly in Burundi, most of those sentenced to death had been judged for their participation in the 1993 massacres and the executions took place in 1997.

Today, there seems to be a lull in judicial executions: the last applications of death sentences took place in 1998 in Rwanda, 1997 in Burundi (as far as civilians are concerned, as there seem to have been military executions since then), and 2003 in the DRC. Nevertheless, the number of people condemned to death is impressive: in this region of Africa, close to 1,500 men and women are awaiting possible execution in overflowing prisons. They numbered 814 in Rwanda in July 2006, including 42 women, according to official statistics. There were close to 500 in Burundi in 2005 according to Amnesty International. We do not have precise figures for the DRC, but in the country’s biggest death row in Kinshasa, there were more than 160 inmates during our visits in August 2005. Moreover, it would be legitimate to think that in the death rows of the Congo, Rwanda and Burundi, there are a significant number of prisoners “condemned in error”. Indeed, in the DRC most condemned persons had been judged by the very sinister Cour d’Ordre Militaire (Court of Military Order), abolished in 2003, which was renowned for its iniquity and disregard for the human individual. And in Rwanda and Burundi, a judicial system under construction and lacking in means, in a difficult social con-

text, in countries in the throes of war, has been obliged to undertake the judgement of individuals implicated in the massacres and the genocide.

However, there has been significant progress towards abolition over the past few years. In Rwanda, the Front Patriotique Rwandais (FPR) (Rwandan Patriotic Front), the presidential party, holding the majority in the Senate and National Assembly, declared itself in favour of abolition for all crimes in October 2006, which allows a great deal of optimism concerning the outcome of the parliamentary debate which should soon take place. In Burundi, the question of capital punishment is also discussed concretely in the framework of the revision of the Penal Code. In the DRC, a Congolese coalition against the death penalty was created in 2003 and, thanks to their efforts, all references to capital punishment have been removed from the new Constitution.

Consequently, it is important for the region's principal abolitionists to be able to exchange their experiences and strategies, and to develop a regional approach to mobilizing opinions in favour of abolition. How to convince political leaders that abolition may encourage "national reconciliation"? How to explain to the traumatized populations that abolition is not a favour extended to criminals? Are there any judicial possibilities for contesting the death sentences of certain condemned persons judged under unfair conditions? This round table will enable representatives of civil society in each of the countries concerned to present their country's particular situation, for there are of course limits to the similarities between the three States, and to describe the strategies they use.

**Maela Bégot**  
ECPM

# “ANTI-DEATH PENALTY ASIA NETWORK A NETWORK FOR THE ABOLITION OF THE DEATH PENALTY IN ASIA”

**program p. 20**

The world has retreated from the use of the death penalty but the region of Asia has been somewhat resistant to this trend. Many of the region's countries retain capital punishment and carry out regular executions, especially China, Singapore, Vietnam, Pakistan, Mongolia and North Korea. But the situation is not without hope. In June 2006 the Philippines abolished the death penalty. South Korea and Taiwan are considering abolition and may complete the process in the near future. Vietnam has undertaken to decrease the number of crimes which carry the death penalty. To help the cause of the abolition of capital punishment in Asia, Amnesty International has worked with those campaigning to end executions to form the Anti Death Penalty Asian Network (ADPAN). ADPAN consists of representatives from 21 countries including Indonesia, Singapore, India, Mongolia, etc.

Sixteen of the region's countries retain the death penalty and the remaining 25 are abolitionist in law or in practice. These figures show that the death penalty can be removed from societies in Asia. However, to persuade the political leadership and public opinion of nations where the death penalty is entrenched, such as Singapore or Pakistan, will take effective campaigning. ADPAN has been established to create a unified voice calling for an end to state killing for the populations of the Asia Pacific region.

This Round Table examines the reality of the situation in the region by providing a regional overview and examining specific aspects of the administration of the death penalty in example countries. Namely:

The secrecy surrounding the use of the death penalty in Japan, a situation which forces prisoners to live with the daily constant fear of death (see 'Will this day be my last?' The Death Penalty in Japan, AI publication ASA 22/006/2006). Prisoners are given a few hours notice of their execution and wake up each morning wondering whether they will be executed in the next few hours. Executions are often carried out at times designed to avoid the glare of publicity and debate, as, for example, in the case of the four prisoners executed on Christmas day 2006. A time when the Japanese Diet (parliament) is not sitting and many other countries have extended public holidays.

The use of the mandatory death penalty for drug offences in Singapore where ownership of even small amounts of drugs carries a mandatory death sentence because the authorities' allege that it makes the individual a trafficker in narcotics. The assumption is a challenge to the legal right to the presumption of innocence.

India is currently maintaining a hiatus on executions but continues to pass death sentences and threaten prisoners with execution. However, recent statements by the President and the Chief Justice of the Supreme Court against the death penalty give reason for hope. The last execution in India took place in August 2005.

# THE NEW AMERICAN ABOLITIONISTS: AN APPEAL TO THE “UNUSUAL SUSPECTS”

program p. 21

The United States is one of the last retentionist countries in the modern democratic arena. As a global super power its actions carry a lot of sway in the world. Despite the emergence of a fairly homogenous consensus among liberal democracies as to which fundamental individual rights the state must protect and uphold, the United States stands increasingly alone when it comes to the death penalty.

Twenty years ago, capital punishment was considered a prerogative of the state as a part of its criminal policy. Today, it is mostly and increasingly considered a violation of human rights. In fact, the US is the only modern democracy to still, significantly, carry out executions. Most have abandoned the practice. Japan only executes a handful of inmates each year, while India proceeded to only one execution in 2004. In contrast, 60 inmates were executed in the US in 2005 and over 3,000 inmates await their execution on death row.

The United States is today the main battlefield for abolition as the gravitational pull of abolition will be irresistible if the US should choose to forego the practice. Conversely, the rising abolitionist trend in the world, coupled with a vigorous internal debate, should and can be a strong and persuasive tool for abolition in the United States.

Recently, the US has made important strides towards abolition. By prohibiting the use of capital punishment on the mentally ill and minors, the Supreme Court has restricted the use of the gurney and thereby raised the standards of decency which govern the country's criminal justice system, a welcomed step in ultimately distancing the United States from some of the most egregious human rights violators around the world. Furthermore, the number of executions carried out and death sentences handed down is decreasing. These developments reflect, in part, a growing concern over the fairness and credibility of the judicial process and over the method of execution (lethal injection) applied in capital cases.

## WAYS TO CREATE NEW LOCAL AND NATIONAL ALLIANCES AGAINST THE DEATH PENALTY

What can be done to reach out to new actors in the fight against capital punishment and broaden the abolitionist base? Who are the unusual suspects that could be mobilized?

What are the most effective ways to develop new alliances? Do the abolitionist arguments need to be broadened, reviewed, or strengthened?

What supporting role can and/or should the World Coalition, the European community and the greater international community play?

## OBJECTIVES

Explore strategies and arguments designed to broaden the support base and mobilize new actors in the fight against capital punishment.

Better understand and debate how the international community can effectively support American abolitionists.

Frank Jarolimek  
ECPM USA



# **TOWARDS AN INTER-ARAB COALITION AGAINST THE DEATH PENALTY**

**program p. 21**

It would seem crucial to offer an international forum to the organizations and important figures of Northern Africa and the Middle East who, increasingly numerous but often isolated and too little heeded in their own countries, militate against the death penalty.

This involves encouraging the setting up of national militant networks (national coalitions) resolutely opposed to capital punishment and capable of influencing the decision process and of creating their own impetus to engender a regional movement which would unite around the abolitionist cause all those who, within the Arab world, seek to promote respect for the right to life. These coalitions should bring together as many NGOs as lawyers, bar associations, political groups, religious leaders and intellectuals. It also involves federating around the abolitionist cause the forces – especially the media (very active in Morocco, for example) – capable of creating a national and pan-Arab mobilization around symbolic cases such as the trial of the Bulgarian nurses and Palestinian doctor condemned to death in Libya.

In Lebanon, for example, human rights organizations have formed a coordination collective fighting against the death penalty, on the initiative of the Mouvement pour les droits humains (Human Rights Movement). In 2001, a larger civil network was created bringing together more than 50 associations and political parties coordinating their efforts to mount a national campaign against the death penalty. In 2005, the Lebanese Association for Civil Rights organized a Conference, which adopted a roadmap for more humane penal justice in Lebanon.

In Morocco, to encourage Moroccan authorities along the path to the total abolition of the death penalty, an international conference was organized in Casablanca in October 2003 which led to the creation of the Coalition nationale contre la peine de mort (National Coalition Against the Death Penalty) composed of seven non-governmental organizations.

Gwendoline Abou-Jaoudé  
ECPM

# THE LETHAL INJECTION ON TRIAL

program p. 22

Amnesty International opposes the death penalty without reservation as a violation of the right to life and the right not to be exposed to torture or to cruel, inhuman or degrading treatment. The method of execution has no bearing on this position. The problem lies not with the method of execution but with the punishment itself. Lethal injection, however, raises a number of questions including: is a “humane” method?, and can it work without participation by doctors?

The lethal injection method is now on the statutes of six countries and has been used in five of them.

## USA

The first country to introduce execution by lethal injection was the United States of America (USA) where, on 11 May 1977, the state of Oklahoma introduced legislation permitting this form of execution. Texas followed suit the next day; subsequently other states moved to legislate for lethal injection executions.

## TAIWAN

Taiwan was the first after the USA to introduce lethal injection legislation though it has never used it. On 19 October 1992, legislation was adopted permitting execution by injection of lethal chemicals as an alternate method to shooting. However there has been a trend over recent years to reduce the number of executions. As early as 2000, the newly-elected President Chen Shui-bian, said that the country would move towards the abolition of capital punishment, a position he re-stated in September 2005. Currently execution is by shooting in the presence of a medical team consisting of a psychiatrist, anaesthesiologist, and a doctor.

## CHINA

China is the country which in recent years has executed the highest number of people. Based on public reports available, AI estimates that in 2005 at least 1,770 people were executed and 3,900 people were sentenced to death during the year, although the true figures were believed to be much higher.

The use of lethal injection execution has steadily increased since 1997 when it was introduced and, in 2003, 18 mobile execution vans were distributed to all intermediate courts and one high court in Yunnan province. In December 2003, the Supreme People’s Court urged all courts throughout China to purchase mobile execution chambers “that can put to death convicted criminals immediately after sentencing”.

## GUATEMALA

In October 1995, Manuel Martínez Coronado was sentenced to death for murder. At that time, execution was by firing squad. However, in 1996, a botched double execution which was televised, the Guatemalan Congress decided that future executions would be carried out by lethal injection. Martínez was executed in early 1999 – also in front of television cameras. A further two executions were carried out by lethal injection in 2000. There have been no judicial executions by any method since then but attempts to abolish the death penalty have stalled.

## PHILIPPINES

Between 1987 and 1993 the death penalty was prohibited in the Philippines under a constitutional provision introduced during the Corazon Aquino presidency. However with a change in political leadership and a growing crime rate, this constitutional provision was overturned. In 1996 the government introduced lethal injection. In total, seven executions were carried out between the first execution by lethal injection of Leo Echegaray on 5 February 1999 and the suspension of executions in 2000 under a moratorium. In 2006 the death penalty was abolished.

## HIGHLIGHTS

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### THAILAND

In October 2003, Thailand adopted lethal injection as the execution method to replace firing squad. It replaced shooting which had been introduced in Thai law in 1934 and which itself replaced beheading which had been prescribed in 1908. The first executions by lethal injection – of four men – took place on 12 December 2003. The first of these was reported to have taken an hour. There have been no further executions from that date.

Lethal injection has also been discussed in India, Papua New Guinea, and Vietnam though no decisive steps have been taken to introduce it.

### ETHICS

International bodies have adopted strong positions on participation in executions though they are not specific to lethal injection.

The World Medical Association (WMA) first adopted a resolution against medical participation in executions in 1981 in response to the threat of lethal injection executions. It makes clear in spirit if not in the letter that doctors should not assist in executions. The World Psychiatric Association (WPA), in its Declaration of Madrid (1996), similarly urges non-participation by psychiatrists, though the International Council of Nurses (ICN) has gone further by urging “its member national nurses’ associations (NNAs) to lobby for abolition of the death penalty”. US associations have articulated the ethics of the death penalty in much greater detail and I do not have time to review their policies here.

### LEGAL CHALLENGES TO LETHAL INJECTION EXECUTIONS

In the past couple of years there have been numerous court cases over lethal injection protocols with prisoners contending that the method constitutes cruel and unusual punishment. In California a judge ruled in December in the case of *Morales* that the current protocol risks breaching the constitutional prohibition on cruel and unusual punishment. The state now has the option of “reforming” its methodology. In a Tennessee case, by contrast, the US Court of Appeals refused to grant a stay of execution to Sedley Alley based on a lethal injection challenge. Judge Boyce Martin dissented from the ruling noting a “dysfunctional patchwork of stays and executions going on in this country” and stating that there was no principled distinction to justify the sparing of some prisoners and the execution of others.

A similar comment could be made about the death penalty itself – it represents a dysfunctional patchwork of prejudices and discrimination, and implementing lethal injection does nothing to address this wider objection to the death penalty.

James Welsh  
Amnesty International

# THE DEATH PENALTY AND MILITARY JUSTICE: ASSESSMENT OF THE CURRENT SITUATION

program p. 22

Abolishing the death penalty in peacetime leaves open the possibility of reinstatement in the name of “exceptional circumstances” in wartime and, more generally, during states of emergency or crises.

This is the case for French law, for instance. The French law of 1981 could be repealed under the full powers article 16 of the Constitution confers on the President of the Republic. Article 2 of Protocol No. 6 of the European Convention on Human Rights leaves the door open to exceptions to the principle of abolition: “A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions.” This highlights the importance of Protocol No. 13 of the European Convention on Human Rights of May 2002, which abolishes the death penalty in all circumstances by stating that no derogation from the provisions of the protocol may be made.

The same ambiguities are found universally. Indeed, the second optional protocol of the International Covenant on Political and Civil Rights, which expresses a “commitment to abolish the death penalty,” has its own article 2 “provid[ing] for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.” We can only hope that states will sign the protocol without making any such reservations; this would make the abolition of the death penalty absolute and unconditional.

However, beyond this fundamental question, the discussion must also clarify the role of military justice in such circumstances. The UN Subcommission on Human Rights recently adopted a set of principles on the administration of justice by military tribunals following a report by Emmanuel Decaux (E/CN.4/2006/58). In many countries, the death penalty may be called for under military law for a broad range of crimes “of a military nature” or, more generally, “treason” or crimes against the state. Sometimes, these offenses are vague and do not meet the standards of precision required under criminal law. What is more, these sentences may apply to civilians, including conscientious objectors, who could potentially be excluded from trial from their rightful and natural—common-law—jurisdictions.

One of the principles adopted by the subcommission states that civilians may not be tried by military tribunals and that it is unacceptable for a military tribunal to sentence a civilian to death. Not only is there a risk that military tribunals may not be independent and impartial, but there is also a risk that expedited proceedings may infringe on the defendant’s rights. The lack of appeals or other recourse before common-law jurisdictions further increases the likelihood that a defendant’s rights will not be protected or that a miscarriage of justice will occur. Therefore, in a lawful state, countries that retain the death penalty in their laws must not allow military jurisdictions to hand down death sentences.

This particular focus on military tribunals is not intended as a challenge to the goals of eliminating exceptional jurisdictions and achieving universal abolition of the death penalty. However, it is important to point out that—even within a constant legal framework, such as under international

**HIGHLIGHTS**

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treaties or secondary laws based on the work of bodies independent of the UN— crisis situations do not give a state carte blanche to practice exception-based justice. The challenge is thus internal to de facto abolitionist states, but it is also international due to the limitations placed on criminal cooperation with states that retain military jurisdictions or special tribunals and that practice the death penalty, particularly as part of “the war on terror.” This calls to mind the extradition agreement between the European Union and the United States and the recent bilateral extradition treaty signed by France and China. As the concept of war becomes increasingly vague, tighter measures are required to counter the added risk of arbitrary justice that these new conditions bring.

Emmanuel Decaux

# THE CASE OF THE BULGARIAN NURSES AND THE PALESTINIAN DOCTOR IMPRISONED IN LIBYA

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On 19 February 1999, eight long years ago, five Bulgarian nurses and a Palestinian doctor, from among dozens of other health care workers at the Children's Hospital of Benghazi, were jailed by the Libyan authorities. After they were sentenced to death in May 2004, the Libyan courts called for a re-trial, on 25 December 2006. In this second trial, on 19 December of last year, they were once more sentenced to death. Eight years after their arrest, and having suffered torture, these six innocent people, victims of a punishment without a crime, are appealing for help to the international community. Now more than ever before, the Bulgarian government must lead an international drive to rescue them, and public opinion must speak out to demand their release. Although they are accused of having deliberately inoculated the 426 children with the AIDS virus, eminent scientists such as Professor Luc Montagnier have proven that the foreigners could not be guilty of a crime of this nature. The magazine Nature has proven that the epidemic broke out before their arrival in Benghazi. The prosecution's entire case is based on confessions extracted under torture, evidence of which has been detected by medical examinations ordered by the Libyan government itself, although it refused to draw the obvious conclusions. Clearly, the foreign medical workers are being used as scapegoats by the Libyan hospital staff, which should have been held responsible for the failures of their own health system. The prisoners are, in fact, the hostages of a political scandal which is 100% home-grown.

Bulgarian and European diplomats have up to now avoided direct confrontation, in the hope that Colonel Khadafi would show some good will and step in to release the six prisoners. But when Khadafi paid an official visit to Brussels in 2005 they were dismayed to see that he was not confronted a single time on the issue. In the meantime, business goes on as usual: the United States has re-established diplomatic relations with Libya, and trade with this rich North African nation is booming. France is about to close a deal with Libya for an order of its Rafale fighter jets. France and Italy have hosted the children infected with AIDS and are treating them, in the hope of appeasing the angry parents, who are demanding the deaths of the nurses and the physician. The European Union, for its part, has put up the funds needed to improve the sanitary conditions in the Children's Hospital of Benghazi. But none of these efforts have done anything to make the Libyan government back down.

Since they were first sentenced to death, almost three years ago, in response to the Bulgarian government's plea for help, lawyers (mostly from France) and human rights organizations (including ECPM), as well as celebrities such as French singer Sylvie Vartan, have taken up the defence of the Benghazi Six in an attempt to mobilise world opinion. But there isn't much cause for optimism. It will take much more to obtain justice for the grave violation of human rights which is at the heart of this sordid affair. Public opinion in Bulgaria is united in defending the prisoners, but with Bulgaria now a member of the European Union, the responsibility falls to the EU to lead the struggle. As well as the entire international community, especially the citizens of the Arab world who uphold democracy and justice. What else can the lawyers do to help? What must be done to get the necessary mobilisation off the ground, once and for all? How can we convince the Bulgarian government and the European Union that it is in the interest of diplomacy to use public pressure to overturn the death sentences and release the prisoners? Our goal is clear. We want the suffering of Christiana, Valia, Valentina, Nazia, Snezhana and Ashra to arouse the same outrage as the fate of the Nigerian women Safya Hussein and Amina Lawal did four years ago! The freedom of six innocent people is at stake.

Michel Taube, ECPM



# **“NO GAYS ON THE SCAFFOLD”: AN ECPM CAMPAIGN**



As part of the ECPM campaign entitled “No Gays to the Scaffold!”, the situation of the world’s Gays and Lesbians who still face the death penalty in 9 countries will be discussed, with the aim of awakening and mobilising international opinion. As well as protesting against the horror of the death penalty in all of its forms, the debate will call for an end to discriminatory attitudes which send people to the scaffold because of their sexual orientation.

The countries where being a homosexual is punished with the death penalty are:

One of the speakers will be an Iranian refugee, focusing the debate on Iran where it is common for homosexuals to be publicly executed. The debate will also discuss other countries which treat homosexuality as a criminal offence. The fight against homophobia must be given an international dimension by protesting against the countries where homosexuals are most persecuted. The speakers will also discuss ways of mobilising the gay community.

Christine Dirakis  
ECPM