



10 OCTOBER 2006

**FOURTH WORLD DAY
AGAINST THE DEATH PENALTY
« THE DEATH PENALTY:
A FAILURE OF JUSTICE »**

**GRASSROOTS MOBILISATION
KIT**

www.worldcoalition.org

Créée à Rome en mai 2002, la Coalition mondiale contre la peine de mort regroupe des O.N.G., des associations de juristes, des syndicats, des collectivités locales et toutes organisations attachées à coordonner leurs efforts internationaux dans la lutte contre la peine de mort.

Membres du Comité de pilotage au 1^{er} juillet 2006 :

• Amnesty International • Barreau de Paris • Comité national pour l'abolition de la peine de mort au Maroc • Communauté de Sant'Egidio / Death Penalty Focus • Culture pour la Paix et la Justice • Ensemble contre la peine de mort / Observatoire Marocain des Prisons • Fédération Internationale des Droits de l'Homme • Fédération Syndicale Unitaire / Collectif Unitaire National de Soutien à Mumia Abu-Jamal • Fédération Internationale des Chrétiens pour l'Abolition de la Torture • Journey of Hope • Ville de Matera • Murder Victims' Families for Human Rights • National Lawyers Guild • Penal Reform International • Région Toscane

Autres membres au 1^{er} juillet 2006 :

• ACAT France • American Friends Service Committee • Amnesty International section marocaine • Association Marocaine des Droits Humains • Ville d'Andoian • Ville de Braine l'Alleud • Campagne nationale pour l'abolition de la peine de mort au Liban • Center for Prisoner's Rights • Centre pour les Droits des Gens • Comitato Paul Rougeau • Comité Syndical Francophone de l'Education et de la Formation • Conférence Internationale des Barreaux • CURE – Missouri • Droits et Démocratie • Forum 90 Japan • Forum marocain pour la Vérité et la Justice • Foundation for Human Rights Initiative • Italian Coalition to Abolish the Death Penalty • International Helsinki Federation for Human Rights • Lifespark • Ligue des Droits de l'Homme • Lutte Pour la Justice • Mothers Against the Death Penalty • Mouvement contre le Racisme et pour l'Amitié entre les Peuples • Murders Families Victims for Reconciliation • National Association of Criminal Defence Lawyers • National Coalition to Abolish the Death Penalty • Organisation marocaine des droits humains • Organisation Mondiale contre la Torture • People of Faith Against the Death Penalty • Puerto Rican Coalition against death penalty • Ville de Reggio Emilia • Réseau d'activistes iraniens pour la Défense des Droits de l'homme Europe et Amérique du Nord • Texas Coalition to abolish the death penalty • Ville de Venise

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- **The World Day: 10 October 2006**

The organisers call upon all citizens and organizations that are committed to abolishing the death penalty to carry out hundreds of initiatives worldwide on the same day. Debates, concerts, press releases, demonstrations and events carried out locally in many countries will provide a broad, international dimension to the goal of universal abolition.

The World Day is aimed at the authorities as well as public opinion in those countries that have not yet abolished the death penalty: The aim is to convey, especially to the younger generation, the reasons for abolition and for a judicial system free from the death penalty.

This year, the European Union and the Council of Europe will participate in the World Day by establishing 10 October also as the European Day against the death penalty. The 10th October is therefore both the World and European Day against the death penalty.

- **Objectives**

Foster and reinforce the international dimension of the call for abolition to the public and to governments;

Put pressure on states that still apply the death penalty to influence them to abolish it, or at least, to institute a moratorium on executions;

Promote and enlarge the World Coalition against the Death Penalty to strengthen its international representation;

Commemorate the World Day against the Death Penalty with participation by international and regional institutions and organizations on every 10th of October.

- **The World Coalition against the Death Penalty**

The World Coalition was created in Rome on 13 May 2002, following the commitment undertaken by the organizations who signed the Final Declaration of the First World Congress against the death penalty in June 2001 in Strasbourg. It comprises 52 non-governmental organizations, as well as bar associations, trade unions and local communities.

The Coalition aims to reinforce the international movement to abolish the death penalty, to reduce the scope of capital punishment and put an end to executions wherever they take place. To this end, the Coalition facilitates the creation and development of national and regional coalitions against the death penalty. The Coalition also spearheads lobbying efforts directed towards states and international institutions.

Since 2003, the Coalition has established 10 October as the World Day against the Death Penalty. World Day 2005 prompted 263 local initiatives throughout the world. An international petition asking the Head of the African States to extend abolition to the whole continent gathered 42,200 signatures.

During the year 2006, the Coalition plans to:

- support several national coalitions (e.g. National Coalition for the abolition of the death penalty in Morocco, Death Penalty Asia Network)
- undertake an international campaign to prompt states to ratify the Second Optional Protocol to the United Nations' International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,
- Organize the Fourth World Day against the Death Penalty, promoting over 500 initiatives in more than 100 countries under the theme "The Death Penalty: A failure of justice".

The Coalition also participates in and supports international actions led by its members, such as Cities against the death penalty - linking 392 cities in the world including 31 capitals, and the Third Congress against the death penalty – organized in Paris by ECPM, from 1st to 3rd February.

- **Former World Days**

In 2003 and 2004 the Coalition promoted the organization of **local and decentralised initiatives** on the World Day throughout the world, so that the World Day would become an annual international event.

188 initiatives were organized in 63 states on all five continents for the first World Day, with the theme Say "NO!" to the death penalty.

215 initiatives were undertaken in 24 countries during the second World Day in 2004. Coalition members took part in the Second World Congress against the Death Penalty from 6th to the 9th of October in Montreal.

263 initiatives in 46 countries were organized during the third World Day in 2005 under the theme "**Africa: on the road to abolition**". An international petition addressed to African heads of state gathered more than 42,200 signatures. It was handed to the Congolese Ambassador in Paris, representing the current Presiding Head of the African Union.

YOUR WORLD DAY: TAKE ACTION

The World Day's main objective is **the universal abolition of the death penalty. To that end we encourage you to publicise the World Day and organize local activities** in as many towns in as many countries as possible, especially in those countries that still retain the death penalty.

Debates, press releases, radio interviews, demonstrations, petitions, exhibitions, concerts, film showings and exchange programs with schools and cultural centres are some of the activities that in the past have successfully brought awareness of the need to abolish the death penalty to the public. Take the initiative and organize an event in your town this year!

In your own way, undertake initiatives to explain that the death penalty is an unfair punishment

The death penalty is an issue that has many moral, religious and political aspects attached to it. Here are a few **striking arguments** against the death penalty:

- **The life of any human being is sacred**, and no authority has the right to take away, judge or decide upon anybody's life.
- **Justice is not infallible**, and the death penalty is the one and only irreversible punishment
- **The death penalty is not effective against crime.** The crime rate has not risen in any pro-abolitionist State. Comparing the statistics of Canada and the USA, we can see that fewer criminal acts are correlated with less harsh prison sentences.
- **The death penalty violates human rights**, and is a cruel, inhumane and degrading treatment. It is a double form of torture: waiting on death row and being executed.
- **The death penalty is an act of vengeance** which gives legitimacy to violence. The role of justice should be to ease social relations. In order to be effective, justice must remain humane and balanced.
- **The death penalty is often applied in a discriminatory manner**, for it is often the weak, those lacking the means to get a lawyer, and minorities that receive it.
- **The death penalty goes against the idea of rehabilitation**, for it gives a legal basis to take the life of a human being because of his acts in a single moment.

- **The death penalty is a privilege of authoritarian regimes**, where justice is the instrument of political power and controls all aspects of society. In any democratic regime, justice acts in the name of the people. No one can give himself or herself the right to vote in favour of someone's death in our name. And that is why we shout out: "Not in our name!"
- **Internationally, there is a move toward abolishing the death penalty**, even for the most horrendous crimes: crimes against humanity, genocide and war crimes. International law is more and more inclined towards universal abolition and encourages the States to abolish the death penalty (since July 1st 2002, the International Criminal Court and the International Courts of The Hague and Arusha have so encouraged).

The target for World Day 2006 is to reach 500 local initiatives in 60 countries on all five continents!

• **Some proposals for 2006!**

- Support the appeal for the prisoners sentenced to death supported by the Coalition!
- Put a banner ad for the World Day on your website!
- Publish a press release explaining your abolitionist convictions! (Example: think of local radios and TVs as well as newspapers!)
- Organise a debate !
- Organise a meeting or a demonstration (Example: demonstrate peacefully in front of the embassy of a state that still applies the death penalty.)
- Organise a cultural demonstration! (Example: organize a concert, a theatre play, or invite artists to perform during the World day!)
- Organise an anti-death penalty film screening
- Show your support for death-row prisoners by sending them messages telling them about your activities
- Distribute posters on the Fourth World Day!
- Write to the local representatives of states that still apply the death penalty stating the above objections to capital punishment
- Arrange to meet prisoners who would like to meet you!

- **Examples of 2005 initiatives, among others:**

In Africa...

- **In Congo: A month against the death penalty.**

For a whole month, in Pointe Noire, the Congolese Organization for People's Rights and Freedoms, ACAT Congo, and the MRI organized demonstrations in favour of abolishing the death penalty. Events included: "Sport against the death penalty" which included a football tournament, the official launching of an art competition, a walk against the death penalty and a press conference at the Boscovites' house.

- **In Morocco: Sit-in**

The National Coalition against the Death Penalty organized a sit-in in front of the Moroccan parliament in Rabat. A press release was issued to mark the event that brought together several public figures.

In America...

- **In Brazil: Debate.**

A public audience held by a collective of local and national associations was an opportunity to debate with the public authorities on the subject of arbitrary executions in Brazil.

- **In Puerto Rico: Concert**

The Puerto-Rico Section of Amnesty International, along with the Social Workers Organization of Puerto-Rico, the Puerto Rico Bar Association, the Puerto Rico University, the Puerto Rico Psychology Association and the El Boricua Bar-café, organized a concert in Rio which was broadcast on the University Radio Puerto Rico and over the Internet.

In Asia...

- **In China, Hong-Kong: e-mail campaign**

The Hong Kong Section of Amnesty international launched an email campaign named Lights Out, in order to organize an evening gathering with candles on the 10th of October.

- **In India: Bengali Balloons release**

Amnesty International India organised an event in the State of Bengali during which 100 balloons with messages against the death penalty were thrown into the air.

- **In Iran: Publication of a report**

On the occasion of the World Day, the Iranian Activists Network for Human Rights in Europe and America published its annual report on the death penalty in Iran.

In Europe...

- **In Spain: Exposition**

Students from the University of Seville organized an art exhibit on the death penalty.

Video Forum

Together with Amnesty International, a group of students from the University of Seville organized a video forum on the death penalty. During the four days before the World Day, four films as well as short films were shown and a debate was held after every film.

Boxes against the death penalty

Students from the University of Seville distributed one thousand boxes similar to packs of cigarettes with words and symbols against the death penalty. Little pieces of paper containing information about the death penalty in different countries, notably China and the US, were put inside the boxes.

THEME OF WORLD DAY 2006: A FAILURE OF JUSTICE

The World Coalition against the Death Penalty selects one main anti-death penalty theme each year on which to focus international public opinion. The theme for World Day 2006 is **“THE DEATH PENALTY: A FAILURE OF JUSTICE”** which aims to expose the inadequacies of the criminal justice systems in applying the death penalty such as summary, arbitrary or unfair trials, lack of competent legal representation and corruption. For abolitionists, any execution is a failure of justice.

These failures of justice can be broken down into five categories:

- Innocent people who are sentenced to death (testimonies of innocent people sentenced to death).
- Discriminatory application of the death penalty
- The lack of a fair trial (the right to competent legal representation).
- Mentally disabled people being sentenced to death.
- Child offenders being sentenced to death.

Each category of failure will be **represented by a death-row prisoner**, chosen by the World Coalition.

The public will be able to sign petitions demanding the reopening of their trials.

• The death penalty: A failure of justice

“Try thinking about the second, actually, the quarter of a second during which the criminal hears the sliding blade that's about to behead him. Nothing can be more mind-blowing.”

Fiodor Dostoïevski, *The Idiot*

“Those who believe that the death penalty is a deterrent know nothing about humankind. Criminal passions are not any more undermined by the fear of death than by other noble passions.”

Robert Badinter, *excerpt from a speech before the French National Assembly, September 17th 1981*

In the eyes of the 4th World Day Against the Death Penalty, whose theme is “The failures of justice”, any death sentence constitutes a failure of justice.

The death penalty is **irreversible**.

Executing a prisoner implies that human justice is definitive and infallible. It is therefore useful to take into consideration a new aspect of the popular saying “to err is human”!

Sadly enough, the history of these condemnations to death brings to light many misconceptions, clumsiness and errors as well as misinterpretations of the law.

These serious errors, these **concrete failures** in the enforcement of the law, are those that the World Coalition intends to denounce and fight against on **October 10th 2006**.

The World Coalition focuses its attention on innocents being sentenced to death, juvenile delinquents, mentally disabled people, as well as on discrimination, torture and lack of respect of the rules of a fair trial.

- **Innocence**

DNA test results have shown that some convicted prisoners were actually innocent. **Many judicial errors** (117 people released from death row since the reestablishment of the death penalty in the USA in 1977) that have come to light have caused several USA states to declare a moratorium on the execution of death-row prisoners.

In other contexts, **political opponents** or members or minorities are arrested, falsely accused, and executed. This is why many Tibetans and Uighurs are wrongly tried in China, as for example the Lama Tenzin Delek Rimpoché, whose death sentence was later changed to life imprisonment so as to avoid excessive media coverage on his case.

An incompetent defence, falsification of or suppression of evidence, and bias on the part of the authorities can easily lead to judicial error.

Further, **such errors may be difficult to uncover** since courts of appeal – even when they are competent – are more concerned with issues of law rather than a review of the factual evidence.

The case defended by the Coalition during its 2006 campaign

She Xianglin and Teng Xingshan were found guilty of killing their wives; their trials took place in 1994 and 1987, respectively. Teng Xingshan was executed in 1989. She Xianglin's sentence was commuted to a 15-year prison term after a re-trial. In April and June 2005, the women that they had reportedly killed reappeared.

After spending eleven years in prison, She Xianglin was freed on April 1st 2005 and officially exonerated for the crime he had been charged with. In October 2005, he and his family benefited from a compensation of 450.000 yuans (around 45000 euros).

- **Discrimination**

The death penalty is often imposed on **the most vulnerable members of society**: the poor, the mentally disabled, women, members of racial ethnic or religious minorities, and foreigners.

Throughout the world, it is **applied disproportionately to the disadvantaged**: for example, **foreigners and migrants** who suffer from marginalisation, poverty, xenophobia and discrimination. Often these marginalised individuals lack legal assistance or familial support and sometimes don't even understand their situation because they don't speak the local language.

These factors, often in combination, are key determinants in cases involving the death penalty.

The case defended by the coalition during its 2006 campaign

Sit Zainab Binti Duhri Rupa is an Indonesian woman and mother of two domiciled in Saudi Arabia. After being interrogated, cut off from the Indonesian consulate in Saudi Arabia, from her family and without any legal aid, she ended up confessing to killing her employer. She was secretly tried and sentenced to death. In Saudi Arabia, nearly half of the people on death row are foreigners: often many do not understand the testimonies that they sign in Arabic. Women are even more vulnerable in such cases.

- **Violation of due process**

The due process rules, as a specific legal concept aimed at guaranteeing a good administration of justice, are constantly violated.

Briefly, this concept refers to:

- The right to access in law and in fact to a tribunal;
- The right of access to a lawful, independent and impartial tribunal;
- Proceedings that take place within a reasonable time.

In criminal cases, which is the case in the death penalty, this concept also includes the right to defence counsel or the right to equality of representation between the parties.

From this results the presumption of innocence, the right to humane treatment during arrest and detention, the right to counsel, the right to be informed of the reasons for incarceration and, in the best cases, the right to compensation in case of error. To benefit from those guarantees, one needs first to be alive.

The case defended by the coalition during its 2006 campaign

Gloria needs an assumed name. She was arrested in 1987, aged 17, and jointly accused of murder after her male co-defendant claimed he had a vision of her killing the victim. She consistently claimed that she didn't know who the murderer was. She spent seven years awaiting trial in prison before being convicted and sentenced to death in 1994 in the absence of a lawyer. She was not able to lodge an appeal of that sentence. She was transferred to another prison where she has now been for over 12 years. Because of the long distance and the considerable transportation costs, she has not had any visits from her family. The church members who visit the prison are her only visitors.

- **Mental Disability**

It is generally agreed that **no individual may neither be condemned to death nor executed when he is not mentally able to realise his crime.**

However, the means of evaluation of the intellectual capacities of the suspects and detainees are fallible!

The UN Commission for Human Rights resolution 2005/9, in 2005 called on states "not to impose the death penalty on a person suffering from any mental or intellectual disabilities or to execute any such person".

In the United States, the Supreme Court ruled in the case, Ford v. Wainwright in 1989, that executing an insane person is unconstitutional.

In 2002, the US Supreme court ruled in Atkins v. Virginia that it was unconstitutional to execute a person with mental retardation.

Therefore, even retentionist states are implementing a checking policy to determine the Intellectual Quotient of the prisoners and whether or not they can stand trial. **However, these figures are highly manipulable.**

Moreover, **information about the mental health of prisoner is often not available at the relevant time.** It is therefore not used by lawyers that may be either too busy or less involved in their client's case or by many juries during their deliberations, or by judges.

The case defended by the coalition during its 2006 campaign

Scott Panetti suffers from a schizo-affective disorder. After his divorce, he murdered his parents-in-law, dressed up in a military uniform, then changed his clothes and turned himself in to the police. Despite his record of psychological disorders, he was declared capable of standing trial. He fired his lawyer and defended his case himself, most of the time dressed up as a cowboy and making incoherent statements. He has nevertheless been sentenced to death.

¹ Before and during detention, torture and inhuman and degrading treatments are unanimously condemned by international and national institutions. The UN Convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 now comprises 141 States parties. The Geneva Convention relative to the treatment of Prisoners of War of 1949 also prohibits torture in case of armed conflict. The prohibition of torture is an imperative norm of international law or jus cogens; that is to say that the international community of States as a whole recognises this rule as accepting no derogation whatsoever (Vienna Convention on the Law of Treaties of 1969, art.53). However, this political as well as legal consensus evidently does not prevent the authorities from imposing intolerable violence on detainees to obtain confessions.

- **Child offenders**

Within the same logic as mentally disabled people, international law encourages States to suppress the application of the death penalty to individuals that were not 18 years old at the time of the crime.

191 States are now bound by the UN Convention on the Rights of the Child of 1989: only The United States and Somalia refused to sign.

Other international instruments forbid the condemnation to death of juveniles: the International Covenant for the Civil and Political Rights of 1966, the American Convention on Human Rights of 1969 and the African Charter on the Rights and Welfare of the Child of 1990.

This interdiction principle is generally recognised amongst the international community and has become **an international custom, which implies that it binds States, regardless of whether they have signed or and ratified a Treaty.**

For all, some States are **still executing** in violation of their international obligations: since 1990, China, the Democratic Republic of Congo, Iran, Nigeria, Pakistan, Saudi Arabia, the United States and Yemen have executed juveniles.

Eight juveniles have been executed in Iran in 2005. A young man of 17 years old was hung in May 2006. Pakistan also executed a minor this year, without even raising the issue of his age during the proceedings.

The case defended by the coalition during its 2006 campaign

Khaled Hardani and his brothers-in-law, aged 17 and 18 respectively, were charged with attempting to hijack an airliner in January 2001. They were sentenced to death for « acts against national security » and “acts of enmity with God”. Their execution, which was scheduled for January 2005, was suspended by the Head of the Judiciary but this decision may be overturned at any time

• **Representative death-row prisoners:
Profiles**

**FAILURE N°1:
Innocents condemned to death**

Facts: the She Xingshan case, China

She Xianglin and Teng Xingshan were convicted of killing their wives; their trials took place in 1994 and 1987, respectively.

In both cases, the judge issued death sentences while the defendants claimed to be innocent and to have confessed only because of the beatings they received during the questioning.

Teng Xingshan was executed in 1989. She Xianglin's sentence was commuted to a 15-year prison term after another trial.

In April and June 2005, the women that they had reportedly killed reappeared.

After spending 11 years in prison, She Xianglin was freed on 1 April 2005, and, exonerated on all charges. In October 2005, he and his family were granted 450.000 yuan compensation (around 45.000 euros).

Action:

- Write to the President of the People's Republic of China, Hu Jintao, and to the Prime Minister, Wen Jiabao:
- Express concern about judicial errors in China and the number of death-row prisoners that are likely to be the victims of such errors. Encourage them to implement a systematic appeal procedure in cases involving the death penalty.
- Request that official statistics on executions and death sentences in China be made publicly available.
- Request that all death sentences be commuted and a nation-wide discussion on abolition of the death penalty be undertaken.

Signature gathering:

“President Hu Jintao,

Prime Minister Wen Jiabao,

The death penalty is a failure of justice.

Its application is often accompanied by violations of internationally recognized standards of due process of law and the treatment of prisoners. It is inflicted on the innocent, on children and on the mentally disabled. It is discriminatory in that it is overwhelmingly inflicted on the poor, the disadvantaged, and the vulnerable on the basis of race, gender, social position and ethnic origin.

The death penalty is irreversible and can be inflicted on the innocent. You will be familiar with the cases in your own country of She Xianglin and Teng Xingshan who were sentenced to death for murdering their wives in 1984 and 1987 respectively. In April and June 2005 the women they had allegedly killed reappeared. She Xianglin was released and exonerated but it was too late for Teng Xingshan who was executed in 1989.

Judicial errors can occur throughout the world. An incompetent defence, falsification of or suppression of evidence, and bias on the part of the authorities can easily lead to miscarriages of justice. For example, In the United States of America there have been 123 exonerations since 1973.

The death penalty has never been shown to have a greater deterrent effect than imprisonment. Countries without the death penalty often have lower per capita crime rates than countries that retain capital punishment. Despite numerous “Strike Hard” campaigns in China in past years, the numbers of those executed for criminal offences appears to continue to rise.

We urge you to implement an appeal procedure by the Supreme Court of all death sentences, to commute death sentences that have already been pronounced, to publish statistics on death sentences and executions, and to undertake a national debate on the abolition of the death penalty in China.

We hope that you will respond to this appeal from the international community, delivered on the occasion of the Fourth World Day against the death penalty on 10 October 2006.

Yours sincerely

Firstname Name

Signature

**FAILURE N°2:
discriminatory sentence to death**

Facts: the Sit Zainab binti duhri rupa case, Saudi Arabia

Saudi Arabia is one of the countries where the death penalty is most frequently applied. In 2005, almost half of those condemned to death were foreigners.

Sit Zainab is an Indonesian woman and the mother of two children who has been in prison since 1999 when she was arrested and accused of murdering her employer.

Following her arrest Sit Zainab was not given access to her family nor to the Indonesian Embassy, or given access to legal representation for at least 11 months. She is said to have “confessed” to the murder of her female employer during police interrogation.

Sit Zainab is said to be psychologically ill and her condition is compounded by the violence that often occurs between female detainees and male jail-keepers.

She has been tried in secret and sentenced to death.

Action:

- Write to Kin Abdullah of Saudi Arabia and to Prince Naif bin Abdul Aziz Al-Saud, Minister of Domestic affairs;
- Request that they:
 - Commute the death sentences of all prisoners in Saudi Arabia, especially in the case of Sit Zainab Binti Duhri Rupa;
 - Allow Sit Zainab Binti Duhri Rupa access to her family, consular assistance from Indonesia, and legal and medical assistance;
 - Protect the rights of all people, without distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin, including foreign workers

Signature gathering:

“Your Majesty King
Abdullah Bin ‘Abdul’ Aziz Al-Saud,
Your Excellency Prince
Naif bin ‘Abdul’ Aziz Al-Saud,
Minister of Domestic Affairs

The death penalty is a failure of justice. It is the ultimate cruel, inhuman and degrading punishment.

It violates the right to life.

It is irrevocable and can be inflicted on the innocent.

It has never been shown to deter crime more effectively than other punishments.

It is discriminatory in that it is overwhelmingly inflicted on the poor, the disadvantaged, on women and on the vulnerable on the basis of race, gender, social position and ethnic origin.

We urge you to commute the death sentence of Sit Zainab Binti Duhri RUPA, a mother of two children, who was arrested in 1999. She was not given access to her family, the Indonesian Embassy or legal representation for at least 11 months.

We urge you to guarantee better access to justice for those who suffer from discrimination within your judicial system and to commute all death sentences.

We hope that you will respond to this appeal from the international community, delivered on the occasion of the Fourth World Day against the death penalty on 10 October 2006.

Yours sincerely”

Firstname	Name	Signature



**FAILURE N°3:
violation of due process**

Facts: "Gloria" case, Nigeria

"Gloria", (an assumed name) was arrested, aged 17 years, in October 1987 in Calabar, in Cross River State. She was jointly accused of murder after her male co-defendant claimed he had a vision of her killing the victim. She has always maintained she is innocent.

Following her arrest, she spent seven years awaiting trial in Calabar town prison.

In November 1994, she was convicted and sentenced to death by the Calabar High Court without having any legal representation. She was not allowed to appeal her death sentence.

After sentencing, she was transferred to Enugu prison in Enugu State where she has remained for over 11 years. Because of the long distance between Calabar and Enugu and the considerable transportation costs, she has not had any visits from family members or any other person. The church members who visit the prison are her only visitors.

Action:

- Write to the governors of four states in Nigeria that still apply the death penalty and request them to:
 - Commute all death sentences and review any pending cases;
 - Condemn the use of torture to obtain confessions;
 - Request that all prisoners who are sentenced to death be provided with competent legal counsel;
 - Adhere to internationally recognized standards of due process of law including the length of time between arrest and a court hearing;
 - Ensure decent conditions of detention for all prisoners.

¹ Before and during detention, torture and inhuman and degrading treatments are unanimously condemned by international and national institutions. The UN Convention against torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 now comprises 141 States parties. The Geneva Convention relative to the treatment of Prisoners of War of 1949 also prohibits torture in case of armed conflict. The prohibition of torture is an imperative norm of international law or jus cogens; that is to say that the international community of States as a whole recognises this rule as accepting no derogation whatsoever (Vienna Convention on the Law of Treaties of 1969, art.53). However, this political as well as legal consensus evidently does not prevent the authorities from imposing intolerable violence on detainees to obtain confessions.

Signature gathering:

"To the Governors of Lagos State, Asiwaju Bola Ahmed Tinubu, of the Rivers State, Peter Odili, of Enugu State, Chimaraoke Nnamani, and of Kaduna State, Alhaji Ahmed Mohammed Makarfi,

Dear Sir

The death penalty is a failure of justice.

It is the ultimate cruel, inhuman and degrading punishment.

It violates the right to life.

It is irrevocable and can be inflicted on the innocent. It has never been shown to deter crime more effectively than other punishments.

It is discriminatory in that it is overwhelmingly inflicted on the poor, the disadvantaged, on women and on the vulnerable on the basis of race, gender, social position and ethnic origin.

The due process of law aims to guarantee the lawful administration of justice in that it provides for:

- The right of access to a lawful, independent and impartial tribunal;
- Proceedings that take place within a reasonable time.

In criminal cases, which is the case in the death penalty, this provision also includes the right to defense counsel and/or the right to equality of representation between the parties.

From this results the presumption of innocence, the right to humane treatment during arrest and detention, the right to counsel, the right to be informed of the reasons for incarceration and, where possible, the right to compensation in case of error.

We urge you to commute all death sentences under your jurisdiction, especially in the case of GLORIA, and to guarantee provision of due process of law. We hope that you will respond to this appeal from the international community, delivered on the occasion of the Fourth World Day against the death penalty on 10 October 2006.

Yours sincerely"

Firstname Name

Signature

**FAILURE N°4:
execution of mentally disabled individuals**

**Facts: the Scott Panetti case,
United States of America**

Scott Panetti suffers from several psychiatric disorders, summarised under the appellation of schizo-affective disorders (a combination of schizophrenia and bipolar disorder proper to manic-depressive people).

Scott Panetti and his second wife separated in August 1992 because of his drinking and abusive behaviour. His wife took their three-year-old daughter and went to stay with her parents. She obtained a restraining order against her husband. However, two month later, Scott Panetti went to his parents-in law home with his head shaved and dressed in military fatigues. He broke into the house and shot his parents-in-law at close range with a rifle. He allowed his ex wife and their daughter to leave.

Later that day he changed into a suit and turned himself in to the police. He subsequently said that "Sarge" (an auditory hallucination) controlled him at the time of the crime, that divine intervention had meant that the victims did not suffer, and that demons had been laughing at him as he left the house.

In 1994, two juries convened on the question of his competency to stand trial held that Scott Panetti was sane enough to be judged. Despite the concordant diagnosis of schizophrenia, he is considered competent to stand trial.

Scott Panetti waived his right to counsel and defended himself; the process begun in 1995.

Scott Panetti dressed as a cowboy during the proceedings, and gave a rambling presentation in his defence.

He has nevertheless been condemned to death.

Action:

- Ask the Governor of Texas to intervene immediately in favour of Scott PANETTI and to commute his death sentence.

Signature gathering:

“To the Governor of Texas, Rick Perry,

Dear Sir

The death penalty is a failure of justice.

The conditions of its application are more often than not accompanied by violations of the law. Innocents, juvenile and mentally disabled people are condemned to death, the right to due process is violated and the application of the death penalty is discriminatory.

The UN Commission for Human Rights, resolution 2005/9, in 2005 called on states, ‘not to impose the death penalty on a person suffering from any mental or intellectual disabilities or to execute any such person’.

In the United States, the Supreme Court ruled in Ford v. Wainwright in 1989, that executing the insane is unconstitutional.

In 2002, the US Supreme court ruled in Atkins v. Virginia that it was unconstitutional to execute a person with mental retardation.

We urge you to commute the death sentence of Scott PANETTI who suffers from schizo-affective disorder, who should have been considered incapable to stand trial, and who should not have been allowed to handle his own defence considering his mental condition. Under US law he should not be considered eligible for the death penalty, an opinion shared by the daughter of one of his victims. We hope that you will respond to this appeal from the international community, delivered on the occasion of the Fourth World Day against the death penalty on 10 October 2006.

Yours faithfully

Firstname	Name	Signature

**FAILURE N°5:
execution of juvenile delinquents**

Facts: the Khaled Hardani case, Iran

Khaled Hardani and his brothers-in-law, aged 17 and 18 respectively, were charged with attempting to hijack an airliner in January 2001. They were sentenced to death for "acts against national security" and "acts of enmity with God".

On 31st December 2001, the lawyer of the two brothers wrote to the Head of the Judiciary to inform him that his clients had not received a fair trial as the Court did not follow "the protocols of justice".

The death sentences were confirmed by the Supreme Court and the Amnesty and Leniency Commission rejected their plea for clemency.

Their execution, which was scheduled for January 2005, was suspended by the Head of the Judiciary but this decision may be overturned at any time.

Following this suspension, Khaled Hardani was informed that his case had been forwarded for further review. No decision has yet been made.

In May 2006, Khaled Hardani stated: "The death sentence is there. It has not been removed and at any time they decide, they can call me and say that your sentence must be carried out today or tomorrow or in the next hour. [...] The only thing that is in my file is the order from [Head of the Judiciary] Shahroudi to stop the execution. But for how long it is going to be effective, is not clear. It is possible that they could call me in the next hour and say that your sentence has been confirmed and you must be executed tomorrow morning." He added that neither he nor his lawyer had ever received any documents concerning the confirmation of his death sentence by the Supreme Court. Khaled Hardani also complained that he was not getting adequate medical treatment for injuries to his face sustained when he was shot during the attempted hijacking, and that he had been denied visits from his family for the past three months. On the 20th May 2006, he announced his decision to begin a hunger strike to protest against his conditions of detention and the uncertainty of his case.

Action:

- Request the Iranian authorities to commute the death sentences of the HARDANI brothers
- Remind those authorities that Iran is a State Party to the international Covenant on Civil and Political Rights of 1966 as well as the UN Convention on the Rights of the Child of 1989 which prohibit the execution of persons aged under 18 at the time of the offence

- Request that conditions of detention conform to internationally recognised standards

Signature gathering:

"To the President, Mahmoud Ahmadinejad,
To the Head of the Islamic Republic, Ayatollah Sayed Ali Khamenei,
To the Head of the Judiciary, Ayatollah Mahmoud Hashemi Shahroudi,

Your Excellency

The death penalty is a failure of justice.

It is the ultimate cruel, inhuman and degrading punishment.

It violates the right to life.

It is irrevocable and can be inflicted on the innocent. It has never been shown to deter crime more effectively than other punishments.

Internationally recognised standards of law do not allow for the execution of offenders who were under 18 years of age at the time of the offence. The UN Convention on the Rights of the Child has been ratified by 192 countries including Iran.

Other international instruments such as the International Covenant on Civil and Political Rights, the American Convention on Human Rights to Abolish the Death Penalty and the African Charter on the Rights and Welfare of the Child also forbid the sentencing to death of child offenders.

We urge you to commute the death sentence of Shahram Pourmansouri, age 17 at the time of his offence to desist from sentencing child offenders to death in line with your international obligations, and to commute all death sentences.

We hope that you will respond to this appeal from the international community, delivered on the occasion of the Fourth World Day against the death penalty on 10 October 2006.

Yours sincerely

Firstname Name Signature

COMPLEMENTARY RESSOURCES

- Web site of the
World coalition against the death penalty
www.worldcoalition.org
- ACAT bibliography
www.acat.asso.fr/execute/BiblioPDM.pdf
Proposed themes: The 19th Century, The Witnesses, Thoughts on and context of the death penalty, The United-States, Documents, Romans.
- Online library of *Amnesty International*
www.amnesty.org/library/engindex
Thematic research on the death penalty, by Country, Region and Sub region.
- Thematic documents of *ECPM*
www.abolition.fr/ecpm/french/dossiers.php
Z. Moussaoui trial, enquiry on the “sans voix” of the Democratic Republic of Congo, In the heart of death row, Women and the death penalty in Iran, Mumia-Abu-Jamal’s defence, Åc
- ∑ Death penalty heading of the *FIDH*
www.fidh.org/rubrique.php3?id_rubrique=535
Heading “voir”, “rapports par pays”, “interventions”.
- Heading “Publications” of *Death Penalty Focus*
<http://www.deathpenalty.org/index.php?pid=Publications&menu=1>
Semi-annual newsletter, mensual online letter, legislative letter, thematic documents in pdf.
- Heading “Death Penalty Info” of *Murder Victims’ Families for Human Rights*
www.murdervictimsfamilies.org
“Brief background on capital punishment and a link to the official declarations of the temporal communities on death penalty.
- We invite you to visit the websites of Coalition members and to contact them directly.

JOIN US: HOW TO BECOME A MEMBER OF THE COALITION

According to article 2 of the Charter*, the Coalition is open to institutions who have the common objective of the universal abolition of the death penalty.

To join us, send a written application to the Executive Secretary of the Coalition. You must add to your demand a presentation of your institution and its activities. You can download the application form as well as the Strasbourg declaration on the coalition's website: www.worldcoalition.org Every member of the Coalition must pay a subscription of 150 euros, according to article 4 of the Charter*.

Kindly consult the Charter of the World coalition against the death penalty on the Coalition website.

* ARTICLE 2 : To Join

2.1: The Coalition is only composed of institutions.

2.2: Qualified individuals and institutions may take part to the work of the Coalition and support it in signing the final declaration of the 1st World congress against the death penalty.

2.3: Every subscribing organisation addressed a written demand to the Secretary of the Coalition (infra 3.2) as well as the signed Strasbourg declaration and any complementary presentation element.

2.4: The Steering Committee (infra 3.5), during its next meeting, deliberates on this demand and votes its approbation by consensus or with the majority of the 2/3 of the present members. In case of refusal, the Steering Committee addresses a motivated answer to the demanding institution.

2.5: Any member may withdraw from the Coalition in notifying its decision to the Executive secretary of the Coalition.

2.6: In case of grave lack of respect to the Strasbourg declaration or to the present Charter, the Steering Committee may decide the suspension of the member by consensus or by a vote of the 2/3 of the present members. This member is preliminarily asked to explain its conduct to the Steering Committee. The next General Assembly decides by consensus or with the majority of the 2/3 of the present members, to exclude the concerned member or to cancel the suspension.

* ARTICLE 4 : COORDINATION AND FINANCE

4.1: the amount of the subscription is fixed to 150 euros, but the members are invited to allow voluntary contributions to the Coalition. The Steering Committee may authorise an institution to pay a special dispensation amount for one year.

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