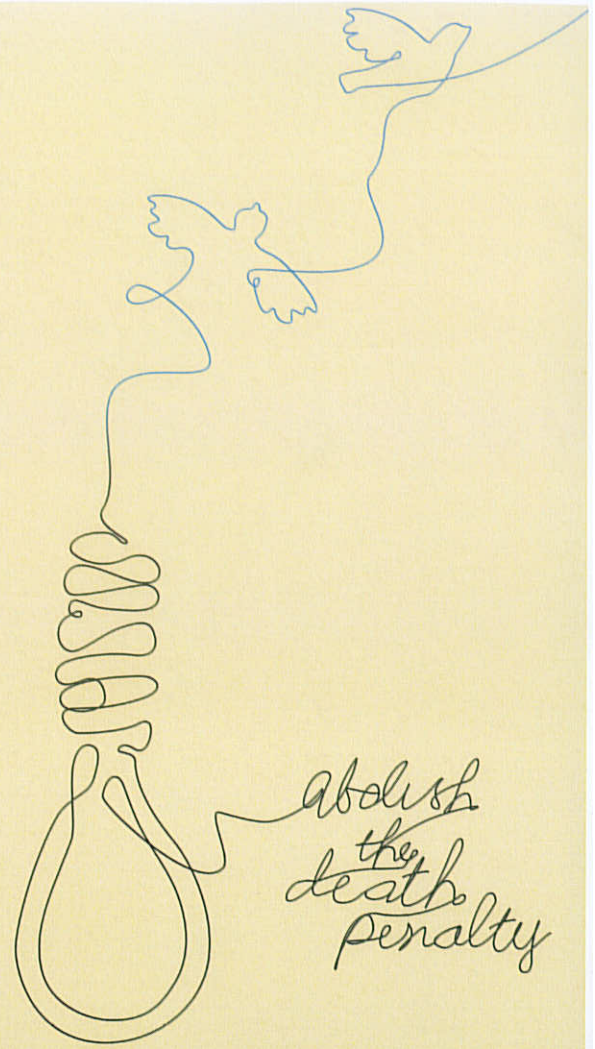


fidh



The Death Penalty is Murder!



**FIDH mobilises for the worldwide abolition of death penalty
2010 - 2013**

Justice!

*I don't want it done in my name,
my country, or our world.*



WHY

do we kill people who are
killing people to show that
killing is wrong

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WHY mobilise against THE DEATH PENALTY...

In accordance with all human rights organizations worldwide, and with all recent developments of international human rights law, the FIDH strongly opposes the death penalty.

The FIDH holds that the death penalty contradicts the notion of human dignity and liberty in its essence; furthermore, it has now proven its utter uselessness as a deterrent. Hence neither principles nor utilitarian considerations can justify upholding capital punishment.

<http://www.fidh.org/WHY-mobilise-against-THE-DEATH>

The death penalty contradicts human dignity and liberty.

Human rights and human dignity are now universally acknowledged as the supreme principles, and as absolute norms, in any politically organised society. The death penalty directly contradicts this very premise and is based on a misconception of justice.

Justice is based on freedom and dignity: a criminal can and should be punished because s/he freely committed an act disruptive to the legal order. It is the very reason why children, or insane persons cannot be held responsible for their actions in a criminal justice system. Death penalty is a contradiction in terms, since it means that at the very moment of conviction, when the criminal is held responsible, and is thus considered as having acted freely and consciously, s/he is being denied this very freedom because the death penalty is irreversible. Human freedom is indeed also defined as the possibility to change and improve the orientation of one's existence. The irreversibility of the death penalty contradicts the idea that criminals can be rehabilitated and resocialised. The irreversibility of the death penalty thus simply contradicts the notion of freedom and dignity.

The irreversibility argument has another aspect. Even in the most sophisticated legal system, garnished with the strongest array of judicial safeguards and guarantees of due process, the possibility of miscarriages of justice always remains. Capital punishment can result in the execution of innocent people. This is the very reason why Governor Ryan decided to impose a moratorium in Illinois, after having discovered that thirteen detainees awaiting execution were innocent of the crimes of which they had been accused, and decided in January 2003, to commute 167 death sentences to life imprisonment. The report of the Commission indeed stressed that: "no system, given human nature and frailties, could ever be devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again sentenced to death." In this case, "society as a whole - ie. all of us - in the name of whom the verdict was reached, thus becomes collectively guilty because its justice system has made the supreme injustice possible" said Robert Badinter, French Minister of Justice, in 1981. For a society as a whole, accepting the possibility of bringing innocent people to death flies in the face of its core principles of inalienable human dignity, and of the mere concept of justice.

Justice is based on human rights guarantees: the distinctive character of a reliable judicial system is precisely the existence of human rights guarantees; these notably include guarantees resulting from the right to a fair trial - including e.g. the rejection of proof obtained through torture or other inhuman treatments. In this perspective, the FIDH is convinced that the full respect of those human rights guarantees and the rejection of a legally sanctioned violence are at the core of the credibility of any criminal justice system. Justice, especially when the gravest crimes are concerned and life is at stake, should not rely on chance and fortune; an individual's life should not depend on random elements such as the jury selection, media pressure, the competence of a defence attorney, etc... The rejection of inhuman sentences, and first and foremost the death penalty, clearly contributes to building a judicial system on principles acceptable universally, in which vengeance has no place and that the population as a whole can trust.

The notion of the "death row phenomenon" indicates the conditions of detention of a person condemned to the capital punishment while awaiting the execution of the sentence. Those conditions of detention - due notably to the very long duration of detention, to the total isolation in individual cells, to the uncertainty of the moment of the execution, to deprivation of contacts with the outside world, including sometimes family members and legal counsel - often amount to an inhuman treatment.

Justice is fundamentally different from vengeance. The death penalty is nothing but a remnant of an old system based on vengeance: that s/he who has taken a life should suffer from the same fate. If understood consistently, this

would mean stealing from the stealer, torturing the torturer, raping the rapist. Justice has risen above such a traditional notion of punishment by adopting a principle of a symbolic, yet proportional sanction to the harm done - fine, imprisonment, etc., which preserves the dignity of both victim and culprit.

Furthermore, the FIDH does not believe in the supposed necessity of the death penalty out of regard for the victims and their relatives. The FIDH reaffirms that the victims' right to justice and compensation is fundamental in a balanced and fair justice system, and that solemn and public confirmation by a jurisdiction of the responsibility of the criminal and the suffering of the victim plays a chief role in order to substitute the need for vengeance ("judicial truth"). But the FIDH nonetheless holds that answering this call for justice by the death penalty serves only to relieve the basest emotional cries for vengeance, and does not serve the cause of justice and dignity (even that of the victims) as a whole. Paradoxically, the victims' dignity is itself better served by rising above vengeance. The victim's status of civil party in the criminal procedure contributes to answer the imperious need of the victim to be recognised as such. Providing psychological support and financial compensation to the victims also contributes to their feeling that justice has been rendered and that private vengeance is unnecessary and would have no added value. In light of those elements, the need of victims to vengeance as an argument in favour of the death penalty appears irrelevant.

Eventually, the FIDH notes that the death penalty is used in a discriminatory way. E.g. In the USA, where it particularly affects ethnic minorities, or in Saudi Arabia where foreigners are its first victims.

The death penalty is useless.

Among the most common arguments in favour of the death penalty, one hears that of its usefulness: the death penalty supposedly protects society from its most dangerous elements, and acts as a deterrent for future criminals. None of these arguments can be held to have any validity, as has been proven again and again.

Is the death penalty a protective element for society? It does not appear so: not only are societies which enact capital punishment usually no less protected from crime than societies which do not, but other sanctions are available in order to protect society, notably imprisonment: protection of society does not imply the physical elimination of criminals. In addition, it can be argued that the precautions taken to avoid suicide by death row inmates demonstrate that the physical elimination of the criminal is not the main aim of death penalty: what seems to matter is that the sanction is executed against the consent of the criminal.

With regard to the exemplarity of the death penalty or other cruel punishments, their efficiency as deterrents for criminality has repeatedly been proved wrong. All systematic studies show that death penalty never contributes to lowering the crime rate, anywhere. In Canada for example, the homicide rate per 100,000 population fell from a peak of 3.09 in 1975, the year before the abolition of the death penalty for murder, to 2.41 in 1980. In 2000, whereas police in the United States reported 5.5 homicides for every 100,000 population, the Canadian police reported a rate of 1.8.

The most recent survey of research on this subject, conducted by Roger Hood for the United Nations in 1988 and updated in 2002, concluded that "The fact that the statistics... continue to point in the same direction is persuasive evidence that countries need not fear sudden and serious changes in the curve of crime if they reduce their reliance upon the death penalty¹"

This should obviously not come as a surprise: a criminal does not commit a crime by calculating the possible sanction, and by thinking that he will get a life sentence rather than the death penalty. Furthermore, as Beccaria noted in the 18th century, "it seems absurd that the laws, which are the expression of the public will, and which hate and punish murder, should themselves commit one, and that to deter citizens from murder, they should decree a

public murder".

Finally, the FIDH notes that the death penalty is very often a barometer of the general human rights situation in the countries concerned: it proves to be a reliable indicator of the level of respect for human rights, as e.g. it is the case with regard to the situation of human rights defenders.

Arguments from international human rights law

The evolution of international law tends to go towards the abolition of the death penalty: the Rome Statute of the International Criminal Court and the UN Security Council resolutions establishing the International Criminal Tribunals for the Former Yugoslavia and for Rwanda do not provide for the death penalty in the range of sanctions although those jurisdictions have been established to try the most serious crimes.

Specific international and regional instruments have been adopted which aim at the abolition of the capital punishment: the UN second optional protocol to the ICCPR aiming at the abolition of the death penalty, the Protocol to the American Convention on Human Rights to abolish the death penalty (Organisation of American States), the Protocol 6 and the new Protocol 13 to the European Convention on Human Rights (Council of Europe). The Guidelines to EU Policy Towards Third Countries on the Death Penalty, adopted by the European Union on 29 June 1998 stress that one of the EU objective is "to work towards the universal abolition of the death penalty as a strongly held policy view agreed by all EU member states". Moreover, "The objectives of the European Union are, where the death penalty still exists, to call for its use to be progressively restricted and to insist that it be carried out according to minimum standards (...). The EU will make these objectives known as an integral part of its human rights policy.". The newly adopted EU Charter of fundamental rights also states that "No one shall be condemned to the death penalty, or executed".

At the universal level, even if the ICCPR expressly provides for the death penalty as an exception to the right to life and surrounds it by a series of specific safeguards, the General comment adopted by the Committee in charge of the interpretation of the Covenant states very clearly that article 6 on the right to life "refers generally to abolition in terms which strongly suggest that abolition is desirable... all measures of abolition should be considered as progress in the enjoyment of the right to life".

Moreover, in its resolution 1745 of 16 May 1973, the Economic and Social Council invited the Secretary General to submit to it, at five-year intervals, periodic updated and analytical reports on capital punishment. In its resolution 1995/57 of 28 July 1995, the Council recommended that the quinquennial reports of the Secretary-General should also cover the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty².

Every year since 1997, the UN Commission on Human Rights calls upon all states that still maintain the death penalty "to establish a moratorium on executions, with a view to completely abolishing the death penalty"³.

On 8 December 1977, the UN General Assembly adopted as well a resolution on capital punishment stating that "the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment"⁴.

Togo

Death Penalty

Towards the abolition of the death penalty in Togo

Last Update 19 September 2011

10 December 2008: the Council of Togolese Ministers takes an essential first step on the path to the abolition of capital punishment with the passing of a bill aiming to abolish the death penalty.

The FIDH and its member organization in Togo, the Togolese League for Human Rights, contributed to the passing of this bill, meeting several times with Togolese authorities during high-level missions.

Parliamentarians will soon have to make a decision on this bill; they will have to overcome their differences and unite for the final abolition of this cruel and inhumane punishment.

Recommander

Inscription pour voir ce que vos amis recommandent.

Tweet 0



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/Sudan-Intisar-Sharif-Abdalla-must>

Africa for Women's Rights

Sudan: Intisar Sharif Abdalla must not be executed!

- [english] - Africa - Sudan -

Date de mise en ligne : Friday 1 June 2012

Description :

The Coalition of organizations members of the Campaign, "Africa for Women's Rights: Ratify and Respect" strongly condemn the sentence to death by stoning of Intisar Sharif Abdalla, a twenty-year old Sudanese woman, native to the Nuba Mountains, on accusations of adultery. Our organizations urge the Sudanese authorities to overturn this sentence and immediately proceed to Intisar Sharif's unconditional release.

FIDH - Worldwide Human Rights Movement

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On May 13th 2012, the criminal court of Ombada, Khartoum state, sentenced Intisar Sharif Abdalla to death by stoning on charges of adultery under article 146.1(a) of Sudan's 1991 penal code dealing with "punishment for Zina". During her trial, Intisar Sharif, who initially pleaded "not guilty", was denied all minimum guarantees required in such a criminal case : she did not benefited from any legal representation : nor from the assistance of an interpreter despite her limited knowledge of Arabic. It is also to be noticed that Intisar Sharif, who has reportedly been beaten by her brother, later "admitted" to the charges.

"This sentence, based on the unique testimony of a threatened woman and delivered after an obviously unfair trial, is inconsistent with Sudan's regional and international human rights obligations" declared the undersigned organizations. *"The overturn of this sentence and the immediate release of Intisar Sharif are the only conceivable options for Sudan"* they added.

A legal team set up with the help of women's rights organizations recently filed an appeal at Ombada's Court of Appeals. Meanwhile, Intisar Sharif is being maintained at the Omdurman Women's Prison of Khartoum with her four-month old baby. For our organizations, *"the case of Intisar Sharif, whose co-accused has not been convicted, is symptomatic not only of the failures of the administration of justice in Sudan but also of the persisting and serious discrimination against women in this country"*.

According to our organizations, *"this sentence, pronounced in illegal conditions, raises the urgency of the establishment of a moratorium on executions in Sudan"*. The Campaign *"calls on the authorities not to proceed to the execution of Intisar Sharif and to adopt such a moratorium as a first step towards de jure abolition"*.

Signatory organizations:

- ▶ African Center for Democracy and Human Rights Studies (ACDHRS) - Gambia
- ▶ African Center for Justice and Peace Studies (ACJPS) - Sudan
- ▶ Al Khatim Adlan center for human development and Enlightenment (KACE)
- ▶ Association africaine de défense des droits de l'Homme (ASADHO) - Democratic Republic of Congo
- ▶ Association Capverdienne des Femmes Juristes (AMJ) - Cape Verde
- ▶ Associação Justiça, Paz e Democracia (AJPD) - Angola
- ▶ Association of Female Lawyers of Liberia - Liberia
- ▶ Association malienne des droits de l'Homme (AMDH) - Mali
- ▶ Association mauritanienne des droits de l'Homme (AMDH) - Mauritania
- ▶ Cause Rurale - Democratic Republic of Congo
- ▶ Centre des Femmes pour la Paix (CFP) - Burundi
- ▶ Civil Liberties Organization (CLO) - Nigeria
- ▶ Darfur Relief and Documentation Centre
- ▶ DITSHWANELO - The Botswana Centre for Human Rights - Botswana
- ▶ Dushirehamwe Network - Burundi
- ▶ Female Lawyers Association of the Gambia - Gambia
- ▶ Femmes debout pour défendre ses droits (FDPDD)
- ▶ Foundation for Human Rights Initiative (FHRI) - Uganda

Sudan: Intisar Sharif Adbdalla must not be executed!

- ▶ Groupe Lotus (GL) - Democratic Republic of Congo
- ▶ International Federation for Human Rights (FIDH)
- ▶ Lawyers for Human Rights (LHR) - South Africa
- ▶ Legal and Human Rights Center (LHRC) - Tanzania
- ▶ Ligue des électeurs (LE) - Democratic Republic of Congo
- ▶ Ligue ITEKA - Burundi
- ▶ Ligue sénégalaise des droits humains (LSDH) - Senegal
- ▶ Ligue tchadienne des droits de l'Homme (LTDH) - Chad
- ▶ Ligue togolaise des droits de l'Homme (LTDH) - Togo
- ▶ Mouvement burkinabé des droits de l'Homme et des peuples (MBDHP) - Burkina Faso
- ▶ Mouvement pour la Défense des Droits de l'Homme ADALCI Niamey - Niger .
- ▶ No to Women Oppression Coalition
- ▶ Observatoire congolais des droits de l'Homme (OCDH) - Republic of Congo
- ▶ Organisation guinéenne des droits de l'Homme et du citoyen (OGDH) - Guinea Conakry
- ▶ Organisation nationale des droits de l'Homme (ONDH) - Senegal
- ▶ Rencontre africaine pour la défense des droits de l'Homme (RADDHO) - Senegal
- ▶ Strategic initiative for women in the Horn of Africa (SIHA)
- ▶ The REDEMEC - Network of Women Economist - Cape Verde
- ▶ The Women's Peace Center - Burundi
- ▶ Union interafricaine des droits de l'Homme (UIDH)
- ▶ Women In Law and Development in Africa - Afrique de l'Ouest (WILDAF West Africa)
- ▶ Women In Law and Development in Africa - Togo (WILDAF Togo)
- ▶ Women's Learning Partnership for Rights Development and Peace
- ▶ Zimbabwe Human Rights Association (ZIMRIGHTS) - Zimbabwe



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/FIDH-and-the-World-Coalition>

Gambia : Back to a Murderer State!

**FIDH and the World Coalition
against The Death Penalty call
upon the African Union to
relocate the seat of the ACHPR
in another country**

Date de mise en ligne : Friday 31 August 2012

- [english] - Africa - Gambia -

Description :

The International Federation for Human Rights (FIDH) and the World Coalition Against The Death Penalty (WCADP) vehemently condemn the 26 August 2012 executions, according to the Gambian authorities, of nine prisoners sentenced to death and urge President Yahya Jammeh to halt further executions. Since the African Union (AU) calls to restrain from carrying out such a decision were not understood, our organisations call upon the AU to relocate the seat of the African Commission on Human and Peoples' Rights (ACHPR), currently situated in Banjul.

FIDH - Worldwide Human Rights Movement

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Since President Jammeh announced, in an address to the Nation ten days ago, his decision to have all the death sentences carried out by mid-September, many Human rights' NGOs came together to stop the possible execution of an estimated 47 individuals condemned to death. States such as Senegal, France and the U.S, as well as regional organisations like the African Union and the European Union also called upon the Gambian authorities to restrain from carrying out such a decision.

AU President in particular, Boni Yayi, expressed his high concerns and sent an envoy Nassirou Bako, Foreign Affairs minister of Benin, to convince President Jammeh to renounce his plans. Despite all these exhortations, the Gambian authorities confirmed on August 27, 2012 that 9 inmates, including a Senegalese woman, had been executed, while 38 others including nationals from other West African countries, remain in death row.

"This horrible and murderous act indicates the resumption of executions in this country, which had been under a de facto moratorium since 1985", declared Souhayr Belhassen, FIDH President. "These executions confirm the retrograde behavior and disrespect of human rights, of the current regime, which is marked by arbitrary arrests and detentions, severe restrictions on fundamental freedoms, violations of freedom of sexual orientation, and recurrent threats against human rights defenders", she added.

According to Mabassa for Fall, FIDH Representative to the African Union, *"These executions represent an unfortunate step back for the Gambia, against the current regional and international trend towards the abolition of the death penalty".*

"The Gambian President should immediately reverse its position and ensure that no other inmate is executed, or risk being ostracized by the international community", said Florence Bellivier, President of the World Coalition Against the Death Penalty.

FIDH and the World Coalition call upon the international community, in particular the United Nations, the African Union and the Economic Community of West African States, to intensify its efforts to prevent further executions in the country. Further, considering the disregard of Gambian authorities, and in view of the violation of the provisions of Articles 4 and 5 of the African Charter on Human and Peoples' Rights - as reminded the ACHPR on August 24, 2012 - our organisations urge the AU to relocate the seat of the ACHPR in another country of the continent.



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/Uganda-Anti-Homosexuality-Bill-12565>

Uganda: "Anti-Homosexuality" Bill Must be Unconditionally Rejected

- [english] - Africa - Uganda -

Date de mise en ligne : Friday 7 December 2012

Description :

FIDH is extremely concerned by the speeding up of the voting process of the "Anti-Homosexuality Bill" before Ugandan Parliament, as Speaker of Parliament Rebecca Kadaga recently promised that the draconian Bill would pass by Year's end as a "Christmas gift" to its backers.

FIDH - Worldwide Human Rights Movement

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The "Anti-Homosexuality Bill", aimed at putting into the national penal code provisions that further criminalise the "offense of homosexuality", was first introduced before Ugandan Parliament in October 2009. At the time, strong mobilisation of civil society organisations as well as international governments and institutions enabled to halt the debate and set the bill aside for more than two years. In February 2012, it was reintroduced before Ugandan Parliament in its original version. With Ms. Kadaga's recent declarations, the threat of its quick adoption is weighing more than ever over all Ugandan lesbian, gay, bisexual, transgender and intersex (LGBTI) people as well as on human rights organisations, and in particular those working for the protection of LGBTI persons' rights.

"If adopted by the Ugandan Parliament, this Bill will not only further entrench discrimination and inequality before law, but it will also be a sword of Damocles more dangling over all Ugandan LGBTI citizens' head as well as over their relatives, friends and more generally those defending their rights. It has to be rejected unconditionally", said Souhayr Belhassen, FIDH President.

Although lack of transparency surrounds the Bill's current content, information gathered by FIDH clearly suggest that no substantial changes have been made to the 2009 text. In the original version, the Bill contained a series of severe provisions. The one which remains of utmost concern is that providing death penalty for "aggravated homosexuality", in case of "same sex sexual acts" with someone under 18 or with "a person with disability", of repeated conviction, or if the "offender is a person living with HIV". [1] Besides, this bill is putting at high risk civil society activists as well as doctors working with LGBTI persons on HIV and in the field of sexual health, and even parents and teachers, as complicity with or failing to "report" those who are, or believed to be LGBTI are severely sanctioned. This Bill further shocks by its extraterritorial jurisdiction provision making any Ugandan citizen living abroad likely to be charged and extradited.

Our organisation recalls that, in addition of the Constitution (Amendment) Act of 2005 explicitly prohibiting "marriage between persons of the same sex", homosexuality is already severely criminalized in the Ugandan Penal Code (Penal Code Act Chap 120 and Penal Code Amendment - Gender References - Act, 2000), which, among other sanctions, provides up to life sentence for anyone convicted for "carnal knowledge of any person against the order of nature". The "Anti-Homosexuality Bill" would then significantly broaden this criminalization and contribute to increasing the arbitrary arrests and detentions, physical and psychological violence by state and non-state actors, marginalisation and discrimination of all kinds already suffered by LGBTI individuals in Uganda. David Kato, LGBTI human rights defender, was murdered last year after his name and photos were published with threats in the media.

"This bill and the debate surrounding its reintroduction before Parliament are symptomatic of the more general hindrances to civil and political rights prevailing in Uganda. In a State of Law, authorities are expected to guarantee and protect the rights of citizens, not to persecute and discriminate them. If passed, this bill will seriously jeopardize fundamental freedoms and represent a setback for our country" denounced Sidiki Kaba, FIDH Honorary President.

FIDH considers that the existing laws and the proposed Bill seriously contravene to Uganda's national and international human rights commitments and obligations, in particular with regard to the national Constitution - which provides for equality and freedom from discrimination -, the African Charter on Human and Peoples' Rights, the International Covenant on Civil and Political Rights and the United Nations Declaration on Human Rights Defenders.

Uganda: "Anti-Homosexuality" Bill Must be Unconditionally Rejected

Our organization calls on Ugandan authorities to reject this bill unconditionally, immediately cease homophobic statements, and condemn stigmatisation and hate campaigns openly relayed by some media.

[1] The bill also contained provisions sentencing the "offence of homosexuality" (liable on conviction to life imprisonment), "promotion of homosexuality" (liable to a minimum of 5 years imprisonment, or, when the offender is an NGO, to the cancellation of the certificate of registration or to seven years imprisonment for its Director), the "failure to disclose the offence" within 24 hours (liable to a fine and to up to three-years imprisonment); or potentially punishing any owner who rents its property to an homosexual person (liable to up to five years imprisonment).



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/Priority-given-to-protecting-12779>

20th Summit of the African Union

Priority given to protecting civilians in the context of armed intervention in Mali

- [english] - Africa - African Union - African Union Summits -

Date de mise en ligne : Monday 21 January 2013

Description :

As the African-led International Support Mission is deployed in Mali (AFISMA) and fighting between international forces and Jihadists intensifies, FIDH calls upon the African Union - whose 20th Summit opened today in Addis Ababa, Ethiopia - to be vigilant and firm in securing the integrity of the civilian population.

FIDH - Worldwide Human Rights Movement

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Almost 2000 soldiers are expected to Mali by 26 January 2013. within the framework of AFISMA, the African-led international mission. Mandated by UN Security Council resolution 2085, AFISMA is to recover territorial control over Northern Malian areas still in the hands of terrorist groups. This deployment occurs while a Malian and French military intervention to combat these groups began on 11 January 2013, with a view to halting the terrorists' advance towards Bamako.

"In this context of intensifying military operations, the civilian population is likely to pay the heaviest price. The desire to neutralise the terrorist threat as quickly as possible should not foreshadow the responsibility to protect civilians. The African Union has a real contribution to make in this regard" said Souhayr Belhassen, FIDH President.

Consultations on the details of AFISMA's deployment are gaining momentum out with the Summit, with discussions on the composition, leadership and monitoring of the mission, and a donor conference due to take place on 29 January to address funding. FIDH calls upon the parties to these discussions to fully take into account the human rights protection mechanisms contained in resolution 2085. These include human rights training for Malian security and defense forces, the establishment of human rights protection monitoring procedures - ensuring that international support does not contribute to the perpetration of more violations -, the deployment of human rights observers and cooperation with the International Criminal Court (ICC) in the prosecution of perpetrators of human rights abuses. All these provisions are important in the current context. Indeed, the civilian population remains subject to serious acts of violence in the North and numerous allegations of violations by Malian forces have yet to be verified (see below).

"The Mali conflict will be at the heart of debates at this African Union Summit. The African Union will need to use all of its influence to ensure that the issue of implementing human rights protection mechanisms is incorporated into discussions. These necessary safeguards must be activated with the least possible delay" declared Mabassa Fall, FIDH Representative to the African Union.

An integrated task force on Mali (MITF) has just been established at the African Union's headquarters. This group is responsible for providing strategic advice and guidance to AFISMA and is composed of experts from the African Union, ECOWAS, the United Nations and the European Union, among others. FIDH expects the MITF to ensure coordination of all stakeholders in the implementation of resolution 2085's human rights protection mechanisms.

FIDH also re-emphasizes its recommendations to African Heads of States and Governments concerning political crises and conflicts in Sudan, Democratic Republic of Congo and Central African Republic at the African Union 20th Summit. The Kenyan elections, international justice and abolition of the death penalty in Africa must also be carefully considered.

FIDH addresses African Heads of States and Governments with the following recommendations regarding each of these situations. (in French)

Concerning the situation in Mali

The human rights and humanitarian situation in Mali remains seriously concerning. The country now has 229.000 displaced persons and 147.000 refugees in neighbouring countries. Various sources corroborate reports of serious violence being perpetrated against civilians in the Northern territory, mostly at the hands of terrorist armed groups. There are recent reports of women being raped, sometimes multiply, and then reduced to sexual slavery or killed when resistance is encountered. In particular, some rapes committed by MUJAO members have been registered in Timbuktu. Civilians also continue to be tortured and summarily executed by the Jihadists. The factual situation in Northern Mali discloses numerous crimes potentially falling within the jurisdiction of the International Criminal Court (ICC), which has just opened an investigation into crimes committed in the region.

The civilian population remains the primary target for armed groups and may be caught in fighting between belligerents. FIDH thus calls upon the African Union to ensure the effective implementation of the human rights protection mechanisms outlined in UN Security Council resolution 2085 on AFISMA's deployment. These include the imperative of ensuring that:

- Ongoing discussions on AFISMA's deployment modalities systematically incorporate a human rights and international humanitarian law component;
- AFISMA troops and Malian defence and security forces receive training on human rights and international humanitarian law in order to prevent serious violations against civilians;
- The physical integrity of those arrested and detained by Malian forces within the framework of the military intervention is ensured, in line with applicable law;
- Monitoring and control mechanisms, to prevent the international support mission contributing to the commission of further violations, are implemented. In particular, ensuring that perpetrators of human rights violations in the context of the international military intervention, are brought to justice by competent judicial authorities;
- AFISMA supports the ICC's investigation into crimes committed in the North - also recommended by the African Commission on Human and Peoples' Right (ACHPR). In particular, AFISMA should supply the Court's investigative team with all necessary information,, facilitate access to witnesses and transfer persons subject to prosecution;
- AFISMA fully cooperates with the UN Human Rights Office in Mali, which is supposed to be running within the next few weeks; and that
- Civilians, in particular refugees and displaced persons, receive unconditional humanitarian assistance.

Alongside the ongoing military conflict, political stability and sustainable peace in Mali are at threat due to the weakening of Mali's political institutions, the polarisation of defense and security forces and the escalation of ethnic tensions. In this context, FIDH calls upon the African Union to ensure that:

- An international commission of inquiry is established to shed light on human rights violations committed in Mali since January 2012, as recommended by the UN High Commissioner for Human Rights. This commission, which would complement the work of the ICC, must highlight cases of summary and extrajudicial executions, arbitrary arrests and detentions, allegations of torture, enforced disappearances and other human rights violations committed in the country. It must also aid identification of the perpetrators of those crimes in order to prosecute them before competent criminal courts; and
- The stability and securing of Malian political institutions and non-interference by the military in political affairs

are ensured and strengthened. This will require guaranteeing the organisation of general elections once Mali has recovered its territorial integrity, and ensuring that civil society, especially human rights organisations, is fully involved in this process.

Concerning the situation in Sudan/ South Sudan

On 27 September 2012, after many months of political stagnation and armed clashes, **Sudan** and **South Sudan** - under the auspices of the African Union- reached a series of agreements on points of dispute persisting since South Sudanese independence on 9th July 2011. These agreements, described as "historic" cover security, border, oil, economic issues and the status of nationals from both countries. However, no agreement was reached on the status of the Abyei region, nor on the status of other disputed border areas. With discussions on-going between the two States on the margins of AU 20th Summit, FIDH calls upon the African Union to seek the conclusion and implementation of sustainable agreements. Given the volatile security context, this is the only means of preventing the resumption of intense violence between the parties.

Our organisations are pressing the African Union Peace and Security Council (AUPSR), meeting on this subject on 25 January, to ask the Sudanese authorities to resolve the unsettled conflicts in **South Kordofan, Blue Nile** and **Darfur**. In these areas, civilian population continues to be the collateral victim of fighting between the Sudanese Armed Forces (SAF) and rebels. In South Kordofan and Blue Nile, over 900,000 persons need urgent humanitarian aid due to fighting between the SAF and SPLM-N rebels. These persons are victims of indiscriminate aerial bombardment that has persisted despite the provisional measures requested by the ACHPR to secure the avoidance of irreparable harm to civilians. In Darfur, fighting between SAF, pro-government militias, and armed groups has also seen the persistence of indiscriminate shelling. In all these areas, civilians continue to be disproportionately affected by obstacles to humanitarian access. The African Union Peace and Security Council urgently needs to take a stand on this issue.

Concerning **fundamental rights and freedoms** in Sudan, there are still numerous severe and unjustified restrictions on the freedoms of expression, association and peaceful demonstration of dissenting voices. Human rights defenders, journalists, students and political opponents continue to face administrative decisions, arbitrary arrests and detentions or acts of torture and extrajudicial execution.

In this context, our organisations call upon the African Union to take into account the following recommendations:

Concerning the relationship between Sudan and South Sudan

- Reinforce mediation efforts aimed at securing the final resolution of disputes between the two countries, and consider imposing sanctions, including individual sanctions, for negotiation failure on the issues of border demarcation or Abyei's status;
- Remind the Sudanese and South Sudanese authorities that they must respect their international human rights and humanitarian law obligations. In particular, the African Union should insist on the prosecution of those most responsible for the commission of international criminal offenses; and
- Make sure that civil society organisations are fully involved in the negotiation process between the two States.

Concerning the situation in South Kordofan, Blue Nile State and Darfur

Priority given to protecting civilians in the context of armed intervention in Mali

- Call upon all parties to the conflict in these areas to put an immediate end to hostilities, including military attacks, aerial bombardments against civilians, and any other violation of human rights and international humanitarian law ;
- Ask the Sudanese government to allow unconditional access to humanitarian organisations to victims in South Kordofan and Blue Nile; and
- Conduct an independent mission mandated to investigate the violations perpetrated during fighting in South Kordofan and Blue Nile. The African Union must make public the mission's findings as soon as possible. The AU must also confirm its commitment to seeing the perpetrators of international crimes brought before justice and to ensure that victims get justice and compensation.

Concerning the protection of fundamental freedoms

- Ensure that an impartial and independent investigation is carried out into the events of 5 December 2012 at Al Jazeera University, where security forces are reported to have used excessive force to disperse protesters, killing four students;
- Call upon the Sudanese authorities, in accordance with regional and international legal instruments, to put an end to the many hindrances on freedom of speech and assembly. This should include allowing journalists, human rights defenders and writers to carry out their work free from harassment, imprisonment or torture, and ceasing all forms of newspaper confiscation or closure. This will mean enforcing the Sudanese authorities' duty to respect their regional and international obligations regarding freedom of assembly. The Sudanese Studies Centre (SSC), Al Khatim Adlan Centre for Enlightenment and Human Development (KACE) and Cultural Forum for Literary Criticism must be immediately reopened after having been forced to stop their activities by the Sudanese government;
- Call upon the Sudanese authorities to ratify regional instruments for the protection of human rights, in particular the African Charter on Democracy, Elections and Governance, and to make a declaration under article 34.6 of the Protocol to the African Charter on Human and People's Rights, accepting the jurisdiction of the African Court on Human and Peoples' Rights; and
- Call upon the African Commission for Human and People's Rights' and the United Nations' special rapporteurs for freedom of speech, and human rights defenders, respectively, to undertake a mission to Sudan to investigate the state of freedom of speech and respect for the rights of human rights defenders in the country. The rapporteurs must follow the issues closely and ask to be invited by the Sudanese authorities.

Concerning the situation in the Democratic Republic of Congo

- Remain seized of developments in the Democratic Republic of Congo. There is a special need for public denunciation of the serious human rights and humanitarian law violations being perpetrated in the eastern provinces, in the context of fighting between the regular Congolese armed forces (FARDC), the M23 mutineers and other rebel groups. The Congolese authorities must be urged to prosecute those responsible for these crimes ;
- Integrate a human rights and humanitarian law component into all discussions concerning deployment of a neutral international armed force. Make sure that the troops deployed as part of such a force receive adequate training on these issues;

Priority given to protecting civilians in the context of armed intervention in Mali

- Call upon the Congolese authorities to strengthen and ensure the protection of civilians, human rights defenders and journalists, in accordance with ratified international and regional instruments for the protection of human rights;
- Support the creation of mixed criminal courts (part Congolese and part international) charged with prosecuting and punishing international crimes and serious human rights violations committed in the DRC since 1993. The creation of these courts has also been recommended in the report of the UN High Commissioner for Human Rights;
- Support Congolese authorities for the completion of the electoral cycle by putting in place a credible and efficient technical body to organise provincial and local elections within a reasonable time, so as not to exacerbate the legitimacy deficit of political institutions;
- Urge Congolese authorities to continue and finalise the reform process of the army and the security sector in general, ensuring that alleged authors of and responsible for serious human rights violations and international crimes are dismissed;
- Ask the Congolese authorities to fully cooperate with the ICC, in particular by arresting and transferring Bosco Ntaganda, wanted by the ICC since 2006; and
- Call upon the Congolese authorities to ratify regional instruments for the protection of human rights, in particular the African Charter on Democracy, Elections and Governance, and to make a declaration under article 34.6 of the Protocol to the African Charter on Human and People's Rights, accepting the jurisdiction of the African Court on Human and Peoples' Rights.

Concerning the situation in the Central African Republic

- Support the process leading to the establishment of a government of national unity, tasked with managing the transition and the organisation of free and transparent elections;
- Ensure that the perpetrators of the most serious crimes committed during the December 2012 rebel offensive are prosecuted. This recommendation particularly addresses acts of rape and other kinds of sexual violence, and seeks to combat the justice deficiency that has repeatedly been the source of conflict in the Central African Republic (CAR) for over a decade;
- Ensure that a disarmament, demobilization and reintegration process of rebel armed forces is conducted as soon as possible to avoid resumption of fighting; and
- Call upon the CAR authorities to ratify regional instruments for the protection of Human rights, in particular the African Charter on Democracy, Elections and Governance, and to make the declaration under article 34.6 of the Protocol to the African Charter on Human and People's Rights, accepting the jurisdiction of the African Court Human and Peoples' Rights.

Concerning the situation in Kenya

- Publicly remind Kenyan political and institutional officials, defence and security forces, the media and other

actors, that in the run-up to the general elections, scheduled for 4 March 2013, these entities must comply with regional and international law concerning the organisation of free and transparent elections. Place a particular emphasis on the provisions of the African Charter on Human and Peoples' Rights and the international Covenant on Civil and Political Rights. In this regard, call upon the Kenyan authorities to promptly ratify the African Charter on Democracy, Elections and Governance:

- Call upon the Kenyan authorities to take all necessary measures to ensure freedom of expression for civilians at the polls under conditions of effective security and without fear of harassment: Warn all stakeholders that any misbehaviour resulting in human rights violations outside of the elections, will be wholly condemned by the African Union and punished by competent judicial authorities;
- Ensure that the African Union's long-term observation mission, which has just been launched in Kenya, can coordinate its actions with those of other national and international observers. Ensure that the mission is adequately organised to activate preventive measures in the event of the commission of violations during the election process;
- Call upon the Kenyan authorities to fully cooperate with the ICC in its two current procedures addressing William Samoei Ruto and Joshua Arap Sang, and Francis Kirimi Muthaura and Uhuru Muigai Kenyatta; and
- Call upon the Kenyan authorities to make a declaration under article 34.6 of the Protocol to the African Charter on Human and People's Rights, accepting the jurisdiction of the African Court Human and Peoples' Rights.

Concerning international justice

During a hearing, on 12 December 2012, before the African Union Peace and Security Council (PSC), FIDH made an intervention on the needs of international justice. FIDH has shown its support for the importance of the authority in charge of conflict prevention and resolution in Africa to insist on human rights' protection in the framework of its decisions and actions, particularly with regard to the fight against impunity of the perpetrators of the most serious crimes at national and international levels.

FIDH has also called upon the PSC to make the fight against impunity of the most serious crimes an action priority by supporting justice efforts within national jurisdictions, but also through the International Criminal Court (ICC) when there is absence of willingness or lack of capacity of national authorities in effectively prosecuting the authors of these crimes. FIDH urged the PSC to support an enhanced and universal action of the ICC in order to combat the perception of a "double standards" policy, because of the absence of prosecutions outside the African continent.

In its press release following the FIDH delegation hearing, the PSC reiterated "the AU's commitment to fight impunity and emphasised the importance of international and transitional justice in the promotion of peace and security in Africa", In the search for solutions to crises and conflicts, and taking into account the fragility of peace and reconciliation processes on the continent, it also raised the need to ensure that they are mutually reinforcing"

FIDH therefore calls upon the African Union to take the opportunity of its twentieth summit, in the midst of persistent armed conflict and political crises in the aforementioned States, to render this commitment to combating impunity fully effective. In securing this aim, the African Union should consider the following recommendations:

Concerning the International Criminal Court (ICC) and plans to extend the jurisdiction of the African Court on Human and Peoples' Right to individual criminal responsibility

Priority given to protecting civilians in the context of armed intervention in Mali

- Review the African Union decision not to cooperate with the ICC concerning the warrant against Sudanese President Omar al-Bashir;
- Refrain from requesting the UN Security Council to apply article 16 of the Rome Statute to defer proceedings before the Court for a renewable period of 12 months;
- Ask Member States not yet a party to the ICC to ratify or accede to the Rome Statute, and to bring national laws into line with that treaty by legislating international crimes in a manner that would allow national courts to fight impunity. Such legislation should also include provisions ensuring the full cooperation of Member States with the ICC;
- Call upon concerned Member States to take all necessary measures to put an end to threats and harassment against victims, witnesses and members of civil society cooperating or considered to be cooperating with the ICC;
- Strengthen its dialogue with the ICC, particularly in facilitating the establishment and work of the ICC liaison office at the African Union;
- Help the ICC find a better way to highlight, communicate and raise awareness on its activities ;
- Recognise that the extension of the jurisdiction of the African Court on Human and Peoples' Rights to individual criminal responsibility would neither impact on the mandate and work of the ICC in Africa, nor interfere with or disturb the work of the Court with regard to its jurisdiction over matters of of State responsibility;
- If the jurisdiction of the African Court on Human and Peoples' Rights is extended to encompass individual criminal responsibility, the African Union should ensure that :
 - this court is independent;
 - the budget of the Court is appropriate for the actual pursuit of its new jurisdiction;
 - the Court's judges and staff, in particular the offices of the prosecutor and the registrar, are specialised in dealing with international crimes, including management of trauma related to sexual violence, if these crimes fall under the jurisdiction of the Court;
 - the definitions of the crimes under the its jurisdiction are compliant with human rights and international humanitarian law;
 - Opportunities for individuals and human rights organisations to access the Court, in particular its human rights section, are strengthened;
 - Victims can take part to all stages of the proceedings and that their rights are fully ensured, in particular regarding reparation and legal representation;
 - Functional immunity can never be invoked for international crimes which, due to their gravity, cannot be justified by any legitimate act of the State;
 - Technical and financial support be provided to national criminal courts, in order to effectively combat the impunity of perpetrators of the most serious crimes; and
 - that any statute and rules of procedure of the Court are drafted in compliance with international human rights and humanitarian law.

Concerning universal jurisdiction and Hissene Habré's trial

On 22 August 2012, an agreement was concluded between Senegal and the African Union in order to establish a special tribunal charged with trying former dictator of Chad, Hissene Habré. Habré stands accused of being responsible for thousands of political assassinations and systematic torture between 1982 to 1990. This agreement is a major step in the longstanding campaign for his prosecution. It will be the first trial of a former Head of State on the basis of extraterritorial jurisdiction on the African continent. While investigations are due to commence at the beginning of February 2013, FIDH calls upon the African Union to:

- Continue strengthening its processes of political and financial support to ensure the successful conduct of this trial and respect of the right to justice for the victims of Habré's regime;
- Contribute to information and public awareness campaigns which help good knowledge and understanding of ongoing procedures: and

- Adopt laws on extraterritorial and universal jurisdiction, in accordance with a model law drafted by the Legal Affairs Department of the African Union, and complying with human rights protection covenants.

Concerning the abolition of the death penalty in Africa

Despite the sensitivity of the death penalty issue, which generates much debate in Africa and beyond, it is clear that African Heads of State and government are now taking a stand on this issue. **16 States** have already abolished the death penalty in law - **3** of them in the last 5 years. **19** other African countries have abolished death penalty in practice as capital sentences have not been carried out over the last ten years. Moreover, on 20 December 2012, **23 African States** voted in favour of the fourth resolution of UN General Assembly, calling for a "Moratorium on the use of the death penalty". This is proof of the regional and global trend towards the abolition of death sentencing.

However, this trend must be strengthened in Africa as this sentence remains in national legislations of several States and continues to be issued by courts. FIDH takes the opportunity of the twentieth summit of the African Union to call upon African Heads of State and Government to:

- Comply with UN General Assembly resolutions requiring the implementation of a moratorium on the use of the death penalty as a first step towards its final abolition;
- Commute all death sentences to sentences of imprisonment for a duration appropriate to the gravity of the offence;
- Refrain from resuming executions once a moratorium is in place;
- Support, including through public declarations, the efforts of the African Commission of Human and People's rights, in particular the work of its working group on the death penalty in Africa. This crucial work aims at enabling the African Union to adopt a protocol to the African Charter of Human and People's Rights on the abolition of the death penalty in Africa, as recommended by the working group in a study on the state of the death penalty in Africa; and
- Support the efforts for increased public awareness on issues surrounding the abolition of the death penalty.



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/The-death-penalty-in-Africa-13151>

53rd Session of ACHPR - Statement of FHRI, FIDH, FIACAT,
and PRI

The death penalty in Africa

- [english] - Africa - African Union - African Commission on Human and Peoples' Rights -

Date de mise en ligne : Thursday 18 April 2013

Description :

Foundation for Human Rights Initiative, the International Federation of Action by Christians for the Abolition of Torture, the International Federation for Human Rights, and Penal Reform International, all members of the World Coalition against the Death Penalty are pleased to participate in the 53rd Ordinary Session of the African Commission on Human and Peoples' Rights, and would like to thank you for the opportunity to address the plenary.

FIDH - Worldwide Human Rights Movement

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Madame Chair,

We note that the trend towards abolition remains strong in the African region. In 2012, only five African countries carried out executions [1], and 22 imposed death sentences [2].

In December 2012, 23 African states [3] voted in favour of a fourth UN General Assembly resolution [4] which called for a moratorium on the death penalty. By its terms, the General Assembly called on States to progressively restrict the death penalty's use and not impose capital punishment for offences committed by persons below 18 years of age and on pregnant women. States were also called on to reduce the number of offences for which the death penalty might be imposed, and to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

We would specifically like to welcome the votes in favour of the moratorium resolution from the Central African Republic, Chad, Seychelles, Sierra Leone, South Sudan and Tunisia, who had previously abstained or not voted in the 2010 moratorium resolution. For the first time, Somalia also co-sponsored the resolution. Regrettably, Namibia went from a vote in favour in 2010, to abstention in 2012.

We also note that Benin, Djibouti and Rwanda co-sponsored a resolution, adopted by the UN Human Rights Council in March 2013, which aims to convene a high-level panel discussion on the question of the death penalty with the aim of exchanging views on advances, best practices and challenges relating to the abolition of the death penalty and to the introduction of a moratorium on executions, as well as on national debates or processes on whether to abolish the death penalty.

We would also like to recall and commend the high-level discussion on the abolition of death penalty in Africa, organised on the occasion of the 20th African Union Summit. We encourage further dialogues of this nature in that they constitute opportunities for political representatives, legal experts and other relevant stakeholders to reflect on the best ways to achieve universal abolition of death penalty in Africa.

Madam Chair,

On the occasion of the 53rd Ordinary Session of the African Commission, we would like recall the African Charter on the Rights and Welfare of the Child, and reaffirm the purposes and principles of the Charter, in particular its Articles 3, 4 and 19.

We are deeply concerned at the negative impact of the imposition and carrying out of the death penalty on the human rights of children of parents sentenced to death or executed.

The suffering associated with a death sentence or execution does not remain restricted to the individual convict. Both mental and physical health and wellbeing are affected by the incarceration of a parent. However, the sentence and implementation of a death penalty means that a child will also have to endure the ever present and mounting anguish

of threat of death of their parent.

In many countries that retain the death penalty, the children of parents sentenced to death are unable to exercise their right to maintain personal relations and direct contact with their parent on a regular basis. This is often due to the location of death row which limits or restricts family visits, either due to distance or cost, or because of a strict security regime.

Very often, the child will not know in advance about the date of the execution and will not have a chance to say good-bye to their parent. If an execution takes place in public, the child will be humiliated alongside the prisoner under sentence of death.

Moreover, in some retentionist states the child does not receive information about the remains of an executed parent, and the body may not be returned for burial, or the location of the burial ground will not be disclosed, which can make the grieving process especially acute.

Finally, following a death sentence or an execution, the children then has to live with the stigma, discrimination and shame from having a parent executed, as well as dealing with the heightened media attention which can lead to feelings of exposure, humiliation and isolation.

Madam Chair,

Last month the UN Human Rights Council adopted a resolution which acknowledged the negative impact of a parent's death sentence and his or her execution on his or her children, and urged States to provide those children with the protection and assistance they may require. It called upon States to provide those children with access to their parents and to all relevant information about the situation of their parents, and has decided to convene a panel discussion on this topic.

In recognition of the African Commission's commitments to the rights and welfare of the child, we would urge the Commission, in close cooperation with the African Committee of Experts on the Rights and Welfare of the Child, and States to also acknowledge the impact of a parent's death sentence and his or her execution on his or her children, and to support the work of the UN Human Rights Council to find ways and means to ensure that children of parents sentenced to death or executed have the full enjoyment of their rights.

Madame Chair,

Foundation for Human Rights Initiative, the International Federation of Action by Christians for the Abolition of Torture, the International Federation for Human Rights, and Penal Reform International urge all African Union states, while continuing to move towards full abolition of the death penalty, to implement UN resolution 67/176 by imposing a moratorium on the death penalty; to take steps in law and practice to respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty; to make available relevant information with regard to their use of the death penalty, including at a minimum, the number of persons sentenced to death, the number of persons on death row and the number of executions carried out; to commute death sentences already passed into fixed-term sentences, depending on the gravity of the circumstances of the offence; to refrain from resuming executions once they have a moratorium in place; and to contribute to the UN Human Rights Council discussions on the question of the death penalty and the negative impact of a parent's death sentence and his or her execution on his or her children.

The death penalty in Africa

We also recall that the Fifth World Congress against the Death Penalty will be taking place in Madrid on the 12-15 June. We express gratitude to the Commission's Working Group on the Death Penalty for its participation to this Congress, and call upon Member States of the African Union to actively support the World Congress, and where possible, to participate in order to exchange views on best practices and challenges related to national and international processes towards the abolition of the death penalty.

We hope that this will give helpful impulses to the delegates, and we would like to wish all of you a successful discussion.

Thank you for your attention, Madam Chair.

[1] Botswana, Gambia, Somalia, Sudan, and South Sudan.

[2] Algeria, Botswana, Chad, Democratic Republic of Congo, Egypt, Equatorial Guinea, Gambia, Ghana, Guinea, Kenya, Liberia, Mali, Mauritania, Nigeria, Somalia, South Sudan, Sudan, Swaziland, Tanzania, Tunisia, Zambia and Zimbabwe.

[3] Algeria, Angola, Benin, Burkina Faso, Burundi, Cape Verde, Central African Republic, Chad, Republic of Congo, Ivory Coast, Gabon, Guinea-Bissau, Madagascar, Mali, Mozambique, Rwanda, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Togo, and Tunisia.

[4] UN GA resolution 67/176, adopted 21 December 2012.



Date : Tuesday 14 June 2011

Iran: Authorities are responsible for the death of prisoners in custody

Following the death of Mr Hoda Saber, testimony of his fellow prisoners reveals the direct responsibility of the authorities.

<http://www.fidh.org/Iran-Authorities-are-responsible>

Karim Lahidji, Vice-president of International Federation for Human Rights (FIDH) and President of the Iranian League for the Defence of Human Rights (LDDHI), said today: "The demise of Hoda Saber in Evin Prison is another sign of the looming human catastrophe in Iranian prisons. The conditions in those prisons are by far below the international standards and are deteriorating day by day. The authorities are responsible for the safety and lives of all prisoners, but they have consistently failed to treat prisoners - in particular the prisoners of conscience - fairly and humanely. Most prisoners are denied proper and adequate medical and health care. Experts of the Lyon-based International Observatory of Prisons have been asking unsuccessfully to visit the Iranian prisons for several years. The international community should persuade the Iranian authorities to open the prisons to such visits."

Reports from Iran indicate that another political prisoner, Mr. Hoda Saber died in custody in Evin Prison, in Tehran, on 10 June 2011, after a week of hunger strike in protest to the death of Haleh Sahabi who had died as a result of an attack by securityagents.

In a testimony published on 13 June, 64 political prisoners - all Mr Saber's fellow prisoners - declared that after feeling of pain in his chest and digestive disorders, "Hoda Saber was taken to Evin Prison's clinic at 4 am on Friday 10th June, but was returned after two hours, while he was still writhing in pain and saying that he had been beaten up and insulted in the clinic." Following the deterioration of his conditions and his complaints of having diarrhoea and nausea, he was taken away again on a stretcher a couple of hours later and died under unclear conditions on the same day.

Hoda Saber (born 1960), a journalist and political activist, had been detained several times during the past decade and spent long periods in prison, ranging from several months to two years. At the time of his demise, he had been in detention since 24 July 2010.

Over the past couple of decades, numerous Iranian prisoners have died in custody as a result of torture and other forms of ill treatment, denial of medical care, negligence of prison authorities and a possibly deliberate policy of getting rid of certain political prisoners.

The following are some of the Iranian prisoners of conscience and political prisoners who have lost their lives in custody over the past decade, but the list is by no means exhaustive:

- ▶ Zahra Kazemi (f), Iranian-Canadian photojournalist, died as a result of blows to her skull in Evin Prison, in July 2003.
- ▶ Ali Batrani, an Iranian Arab, died during demonstrations in Ahvaz (Khuzestan), in April 2005.
- ▶ Akbar Mohammadi, a student activist, died in Evin Prison, in July 2006.
- ▶ Valiollah Feyz-Mahdavi, a political prisoner, died in Evin Prison, in September 2006.
- ▶ Zahra Baniyaghoub (f) (a.k.a Zahra Bani-Ameri), a medical graduate from Tehran University, died in a detention centre in Hamedan, after being detained with her fiancé by the morality police, in October 2007.
- ▶ Ebrahim Lotfollahi, a young Kurdish law student, died in Sanandaj Prison, in January 2008.
- ▶ Abdolreza Rajabi, a political prisoner, died in Rejaieshahr Prison, in October 2008.
- ▶ Amir Hossein Heshmat-Saran, a political activist, died after he was transferred to hospital from Rajaieshahr Prison, in March 2009.
- ▶ Omidreza Mirsayafi, a blogger, died in Evin prison, March 2009
- ▶ At least three detainees, Amir Javadifar, Mohsen Ruholamini and Mohammad Kamrani, died in the extremely non-standard Kahrizak Detention Centre in summer 2009, while some others died after release as a result of torture and other ill treatment they had suffered in that detention centre.
- ▶ Gholam-Reza Bayat, a young Kurdish man, died in Kamyaran, in August 2010, after being beaten up in custody.



Date : Wednesday 16 February 2011

Nobel Laureate Shirin Ebadi and Rights Groups Demand Moratorium on Executions

Other nations and the UN should speak out against a wave of executions in Iran, the Nobel Peace Laureate Shirin Ebadi and six human rights organizations said today. Shirin Ebadi and the human rights groups called on the Iranian Judiciary and Parliament to institute an immediate moratorium on all executions.

<http://www.fidh.org/Nobel-Laureate-Shirin-Ebadi-and>

At least 86 people have been executed since the start of 2011, according to information received by the six organizations. The groups are Amnesty International, Human Rights Watch, Reporters without Borders, the International Campaign for Human Rights in Iran, the International Federation for Human Rights, and its affiliate, the Iranian League for the Defence of Human Rights. At least eight of those executed in January were political prisoners, convicted of "enmity against God" (moharebeh) for participating in demonstrations, or for their alleged links to opposition groups.

"The Iranian authorities have shown that they are no longer content to repress those contesting the re-election of Mahmoud Ahmadinejad by arresting and convicting them - they have shown they will now resort to execution," Shirin Ebadi said.

"They are using the familiar tactic of carrying out political executions at the same time as mass executions of prisoners convicted of criminal offences. These executions may increase if the world is silent," she added.

The increase in executions follows the entry into force in late December 2010 of an amended anti-narcotics law, drafted by the Expediency Council and approved by Supreme Leader Ayatollah Ali Khamenei. Officials have also vowed to step up enforcement measures against drug trafficking. Sixty-seven of those executed in January had been convicted of drug trafficking. The true number of executions may be even higher, the groups said, as there are credible reports that some executions that are not officially announced are taking place in prisons.

Another prisoner executed in January was Zahra Bahrami, who had dual Dutch-Iranian nationality. The prosecutor's office charged her with drug possession and trafficking after she had been arrested for participating in a post-election demonstration. Zahra Bahrami had no right to an appeal, as her death sentence was confirmed by the Prosecutor General's office. Despite the intervention of the Dutch authorities and calls by the European Union not to execute her, authorities executed her without warning. They did not allow her to meet with her lawyer or provide the legally required 48 hour notice prior to her execution.

"The authorities have for years arrested and tried their opponents on politically motivated criminal charges such as possession of alcohol or drugs and illegal possession of arms," Shirin Ebadi said. "They have imprisoned lawyers and journalists, some of them my colleagues, on such trumped-up charges. Given the sharp rise in executions, the lack of transparency in the Iranian judicial system and recent changes in the narcotics law, there is a great danger that authorities will use ordinary criminal charges to sentence opponents to death."

The recent executions also raise fears for the lives of two men, Saeed Malekpour and Vahid Asghari, believed to have been sentenced to death by Revolutionary Courts following separate unfair trials in which they were accused of "spreading corruption on earth."

On January 30, the Tehran Prosecutor, Abbas Ja'fari Dowlatabadi, announced that the death sentences of two unnamed "administrators of obscene websites" had been sent to the Supreme Court for review. Human rights activists in Iran believe that he was referring to Saeed Malekpour and Vahid Asghari.

Saeed Malekpour, a 35-year-old web designer and permanent resident of Canada, was sentenced to death at the end of November 2010 for creating "pornographic" internet sites and "insulting the sanctity of Islam". Prior to his arrest during a family visit to Iran in 2008, he had created a programme enabling the user to upload photos. That programme had then been used to post pornographic images, which he said had happened without his knowledge. He is alleged to have been tortured while being held for more than a year in solitary confinement in Evin Prison.

Vahid Asghari, a 24-year-old information technology student enrolled at a university in India, has also been detained since 2008 and reportedly tortured. He is believed to have been tried in late 2010, but the verdict has never been officially announced.

There is also concern surrounding the case of Yousef Nadarkhani. Authorities arrested Yousef Nadarkhani, a pastor in a 400-member church in northern Iran, in October 2009. He was sentenced to death in September 2010 for "apostasy from Islam", despite the fact that no such crime currently exists under Iran's penal code. His sentence is currently under appeal before the Supreme Court.

On January 26 authorities announced that Sayed Ali Gharabat had been executed for "spreading corruption" and "apostasy" in Karoun Prison, Ahvaz, after he, according to authorities, falsely claimed to have communicated with the Twelfth Imam. Twelver Shi'a Muslims believe that the Twelfth Imam is currently in hiding and will return to earth to bring about justice.

Freedom of religion and belief is guaranteed by the International Covenant on Civil and Political Rights (ICCPR), of which Iran is a state party. The covenant includes the right to change one's religion.

Iran executes more people than any country other than China. The hundreds, if not thousands, of prisoners currently on death row may include more than 140 who were under the age of 18 at the time they allegedly committed their offence. International law prohibits the execution of persons for offences that they committed while under 18.

To put an end to this killing spree, other nations should demand that Iran immediately end these executions and respect its obligations under international law, Shirin Ebadi and the six human rights organizations said.

Iran has made consistent efforts to obstruct scrutiny of the situation in the country by international human rights mechanisms over the past five years. In light of that record, Shirin Ebadi and the organizations called on other nations to take advantage of the forthcoming session of the Human Rights Council to appoint a special envoy of the UN Secretary-General with a mandate to investigate and report on human rights conditions in Iran.

Background Since 1979, Iran has executed thousands of men, women and even children for a variety of alleged offences.

Article 6 (2) of the ICCPR states: "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court."

Iran has never signed the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, and has voted against successive resolutions by the UN General Assembly calling for a moratorium on the use of the death penalty, most recently in December.

Human rights organizations, including the six who have joined this statement, have documented numerous human rights abuses during detention and trials. These violations include psychological and physical pressure, amounting to torture, to force prisoners to "confess" to alleged crimes, the use of extended solitary confinement, and lack of access to lawyers.

In addition, the Revolutionary Courts hold most of their trials behind closed doors, despite a requirement under Article 168 of the Iranian Constitution that trials for "political" and "press" offences should be open.

In many cases, such as Zahra Bahrami's, lawyers of those sentenced to death are informed of their clients' executions only after they have taken place, despite the legal requirement for 48 hours' notice.



Date : Thursday 6 January 2011

**IRAN: Dramatic wave of executions and death sentences to
repress free expression, political opposition and ethnic
affiliation.**

<http://www.fidh.org/IRAN-Dramatic-wave-of-executions>

International Federation for Human Rights (FIDH) Iranian League for Defence of Human Rights (LDDHI)

Joint press release

IRAN: Dramatic wave of executions and death sentences to repress free expression, political opposition and ethnic affiliation.

Paris, 6th January 2011 - The International Federation for Human Rights (FIDH) and the Iranian League for Defence of Human Rights (LDDHI) are alarmed by the wave of executions and death sentences on tens of people following blatantly unfair trials and for apparent grounds of repression of their free expression, political or ethnic affiliation.

On 5th January, the executions toll reached almost 70 in the span of one month alone. According to various official and semi-official sources, these included a public hanging at the centre of capital Tehran on 5th January 2011, 8 hangings on 3rd January and 16 'in the course of the preceding days in Ahvaz.' Most of those executed were charged with drug trafficking, but at least 18 reportedly faced the death penalty for political reasons facing the vague charges of moharebeh [fighting God] and 'corruption on earth.'

Vice-president of FIDH and president of the Iranian League for the Defence of Human Rights, Karim Lahidji condemned: "the dramatic toll embodying the increased repression" and repeated a "call to the international community to echo its condemnation outlined in the UN General Assembly Resolution of 21st December 2010 by adopting individual targeted sanctions against human rights offenders responsible for the massive level of human rights violations".

In particular, the following executions clearly contravened Iran's international obligations under the International Covenant on Civil and Political Rights (ICCPR): " 62-year-old Ali Saremi, was one of the 40 prisoners of conscience, for whose release FIDH and Reporters Without Borders (RSF) launched a joint campaign in June 2010 (see: <http://www.rsf-fidh-iran.org/?lang=...>). He had served at least 11 years in prison in the 1980s and 90s. He had been arrested in September 2007 and charged with moharebeh. He was hanged in Evin Prison of Tehran on 28 December. The Tehran prosecutor had alleged in January 2010 that Saremi had been detained during post-election unrests in 2009. Another man, Ali Akbar Siadat, was hanged on charge of spying for Israel, but the authorities provided hardly any concrete detail about his case. " 16 imprisoned members of the Baluch ethnic community were executed. Eleven of them were hanged on 20 December for alleged membership of an armed terrorist group known as Jondollah [army of God] in the immediate aftermath of a suicide bombing on 15th December at a mosque in Chabahar, a city in the Sistan-Baluchistan province, for which the Jondollah claimed responsibility. This should clearly be seen as a reprisal victimising prisoners who had been detained before the bombing. " 50-odd alleged drug traffickers were executed, including eight in Kermanshah province in western Iran, which is in large part inhabited by Kurds, another ethnic community, and 16 in Ahvaz, the provincial capital of Khuzestan in the south with a large population of the Iranian Arab ethnic community. " Unofficial reports indicated that 10 people were secretly executed in Vakilabad Prison of Mashhad in late December 2010. Secret group executions in Mashhad have been reported several times in recent months.

Other reports show an increase in death sentences following arbitrary and unfair trials, being passed in recent months, in violation of Iran's same international obligations: " The stoning sentences against a man (Vali Janfeshani) and a woman (Sarieh Ebadi) held in Orumieh Prison on charge of adultery were upheld by the Supreme Court for the second time (22 December). " At least one juvenile (identified by his first name as Ashkan) was sentenced to death in Fars province for a murder committed at the age of 14 (21 December). " An Iranian-Canadian web designer,

Saeed Malekpur, having been coerced to confess under extensive pre-trial torture, was sentenced to death on charges of "moharebeh and 'corruption on earth', insulting sanctities, propaganda against the state and insulting the leader." (5 December). Another Iranian-Canadian, Hamid Qassem Shaal, is reported to be on death-row on charge of spying, since 2008. " At least one Christian pastor, Yousef Nadarkhani, has been sentenced to death in Rasht on charges of apostasy at the end of September. Another imprisoned pastor, Behrouz Sadeq Khanjani, is likely to receive a similar sentence in Shiraz. The increasing dangers and threats against newly converted Christians in Iran came to light on 4th January when the governor-general of Tehran Province, Morteza Tamaddon, described the 'Evangelical proselytising Christians as a deviate and corrupt tendency' and reported that 'their leaders had been arrested in the Tehran province and more will be arrested in future.' Unconfirmed reports indicated that up to 60 Christians had been detained on Christmas Eve, including Priest Leonard Keshishian in Isfahan. " While a Kurdish political prisoner, Habibollah Latifpur, was scheduled for execution in late December and was only spared temporarily after widespread international outcry pending a possible review of his case, two other Kurdish political prisoners, Zanyar Moradi and Loqman Moradi, were sentenced on 1st January to hanging in public. The former's father, a political activist abroad, said that his son had been sentenced to death in retaliation for his father's activities. All three are charged with moharebeh and corruption on earth. Nearly 20 Kurdish prisoners are believed to be on death row and some of them are at imminent risk of execution, notably Hossein Khezri and Zaynab Jalalian. " An Iranian-Dutch woman, Zahra Bahrami, who had been arrested during anti-government protests in Tehran in January 2010, was sentenced to death on charge of possession of 500 grams of cocaine, according to reports on 5th January 2011. She denied the charge during her trial and said she had been coerced to confess to it under "physical and psychological torture" in Section 209 of Evin Prison, which is run by the Ministry of Intelligence. She is scheduled to appear in another trial for 'membership of an armed' opposition group later and is likely to receive a second death sentence. " At least seven other prisoners who were arrested during the post-election protests last year, have been charged with moharebeh, and sentenced to death. Reports on 6th January indicated that the death sentence on one of them, Jafar Kazemi, has been referred for implementation and he is at risk of imminent execution.

Background information:

While an increasing number of countries worldwide have abolished the death penalty, the Islamic Republic of Iran has long overtaken China as far as per capita number of executions is concerned. The number of executions in Iran has been consistently rising in recent years since the start of Mr. Ahmadinejad's presidency in 2005, from 94 to 177 (2006), 335 (2007), 346 (2008), and 388 (2009). The figures of executions are minimum numbers compiled from various available sources, but the true numbers may be much higher, because the Iranian judiciary does not systematically report all the death sentences issued or implemented.

Thousands of people are believed to be on death row in Iran. A parliamentary delegation from Afghanistan visiting Iran in February 2010 reported that 3,000 Afghan nationals were on death row in Iranian prisons. A report in August 2010 indicated that the head of the judiciary, Ayatollah Sadeq Larijani, had written a letter to the Supreme Leader Ayatollah Khamenei asking for his permission to implement 1,120 death sentences. The Iranian authorities remained conspicuously silent on the report.

The Iranian judicial system consistently and systematically denies the defendants the right to due process and fair trials as required by international standards. The prisoners are sentenced after frequently coerced confessions and grossly unfair and show trials. The Islamic Penal Code in force in Iran stipulates that "any person resorting to arms to cause terror, fear or to breach public security and freedom will be considered to be a mohareb [fighter against God] and corrupt on earth." Furthermore, it classifies armed robbers and highway bandits to be moharebs. Judges have the power to choose from four punishments for moharebeh: execution, crucifixion for three days (not necessarily entailing death), amputation of the right hand first and then of the left foot, and internal banishment. They often opt for the death penalty, in particular in political cases.

Under the ICCPR, to which Iran is a State party, member states may use the death penalty only for the "most serious crimes", meaning intentional crimes with lethal or other extremely grave consequences. In the overwhelming majority of the cases, the charges and offences alleged by the Iranian judicial authorities, do not amount to "the most serious crimes." Meanwhile, keeping prisoners on death row for very long periods of time, sentencing to death and executing people by hanging or stoning for political or sexual charges, are clear cases of torture, inhuman and degrading treatment or punishment in violation of the ICCPR.

For more information, see the following reports: FIDH-LDDHI Report on discrimination against ethnic and religious minorities "The Hidden side of Iran" available at: <http://www.fidh.org/Damning-report-...> FIDH-RSF Campaign: "Iran-Freedom for all prisoners of conscience detained in Iran", available at: <http://www.rsf-fidh-iran.org> FIDH Report on Death Penalty in Iran: "A State Terror Policy" available at: <http://www.fidh.org/A-State-Terror-...> FIDH update to Death Penalty report: <http://www.fidh.org/iran-death-pena...>

Press contact: Arthur Manet: + 33 1 43 55 90 19 / + 33 6 72 28 42 94



Date : Tuesday 3 January 2012

Open letter on the abolition of the death penalty in Japan

<http://www.fidh.org/Open-letter-on-the-abolition-of>

FIDH - Worldwide Human Rights Movement

(Japanese version attached below)

Open letter to:

Mr. Yoshihiko Noda Prime Minister of Japan Shugiin Giin Kaikan No.1 #821 2-2-1, Nagata-cho, Chiyoda-ku, Tokyo, Japan 100-0014

Mr. Hideo Hiraoka Minister of Justice of Japan Shugiin Giin Kaikan No.2 #205 2-1-2, Nagata-cho, Chiyoda-ku, Tokyo, Japan 100-0014

Paris, 3 January 2012

Re: Open letter on the abolition of the death penalty in Japan

Dear Prime Minister Noda, Dear Minister of Justice Hiraoka,

The International Federation for Human Rights (FIDH) and the World Coalition Against the Death Penalty (WCADP) are honoured to write to you at this critical juncture of death penalty developments in Japan. Your country has not carried out any execution since the last executions in Japan were carried out on 28 July 2010, when Mr. Ogata Hidenori and Mr. Shinozawa Kazuo were hanged at the Tokyo detention centre. FIDH and WCADP welcome such a positive development; 2011 has been the first year without any execution in Japan since 1993. Especially we applaud the deliberated initiative taken by Minister Hiraoka, despite various difficulties he faced in domestic circumstances.

FIDH and WCADP thus encourage your government to sustain its efforts and call on your authority not to approve any execution order in the future and to initiate careful studies and to engage in public and parliamentary debates of the use of capital punishment in the country. Japan would benefit from the establishment, as soon as possible, of an independent, broad-based panel of experts, including civil society representatives, to study and make recommendations to the Government on the abolition of the death penalty.

More than two thirds of the countries in the world have abolished the death penalty in law or practice. Out of 41 countries in the Asia-Pacific, 17 have abolished the death penalty for all crimes, nine are abolitionists in practice and one - Fiji - uses the death penalty only for exceptional military crimes. This means that less than half of the countries in the region still use this ultimate and irreversible punishment.

Of the G8 nations, only Japan and the United States still use capital punishment, while Russia has not executed anyone since 1996. Even in the US, 16 States and the District of Columbia have abolished the death penalty, while the Governor of Oregon has recently declared he would not allow any execution during his term. On 9 September 2011, the Republic of Korea marked the 5000th day without execution. In January 2010, the Mongolian president has announced a moratorium of the death penalty and called for its abolition.

As a leading democracy in Asia and a key member of the international community, an official commitment by Japan towards the abolition of the death penalty will not only be consistent with the international trend but also send a powerful signal all over the world that the right to life must be respected and protected.

We thank you for your attention and future actions regarding this important matter.

Sincerely yours,

Souhayr Belhassen FIDH president

Florence Bellivier WCADP president



Date : Thursday 29 March 2012

Japan: By executing three, the government sends a very negative signal to the abolitionist movement in Asia

The International Federation for Human Rights (FIDH) and the World Coalition Against the Death Penalty (WCADP) express their outrage at the hanging of three inmates this morning in prisons in Tokyo, Hiroshima and Fukuoka. These executions are the first since July 2010 and occurred less than three months after the new Justice Minister Toshio Ogawa took office. The year 2011 had been the first without any execution since 1993.

<http://www.fidh.org/Japan-By-executing-three-the>

At a press conference held in Tokyo at 10am (local time), Justice Minister Toshio Ogawa declared that 132 people remain on the death row in Japan, which nearly corresponds to the highest level since World War II. At the time of the two executions in July 2010, there were only 107 death row convicts. 10 death sentences were handed down in 2011.

Today's executions contradict recent efforts by the Japanese government not to approve any execution order. *"The Justice Minister's statement that he carried out his duty as stipulated by law is not only neglecting the government's earlier promises to look seriously at its use of the death penalty; it also clearly violates the right to life, which Japan is ought to respect as a State Party to the International Covenant on Civil and Political Rights"*, said Souhayr Belhassen, FIDH president.

Japan is one of the 58 countries that retain the capital punishment. More than 140 countries, including all EU members, have abolished the death penalty in law or practice. Of the G8 nations, only Japan and the United States still use capital punishment, while Russia has not executed anyone since 1996. Even in the US, 16 States and the District of Columbia have abolished the death penalty, while the Governor of Oregon has recently declared he would not allow any execution during his term. On 9 September 2011, the Republic of Korea marked the 5000th day without execution. In January 2010, the Mongolian president has announced a moratorium of the death penalty and on 5 January 2012, the Mongolian parliament passed a bill to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights to abolish the death penalty. *"Given the current context of an increase in executions in Asia, including in countries like Iran and China, Japan needed to play a leading role in showing the way towards abolition. The issue of the death penalty has been much debated at the national level in many countries in the region and the executions in Japan may seriously affect such positive trends"*, said Florence Bellivier, WCADP president.

FIDH and WCADP call on the Japanese government to refrain from approving any executing order and establish, as soon as possible, an independent, broad-based panel of experts, including civil society representatives, to study and make recommendations to the government on the abolition of the death penalty.



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/Iran-Death-penalty-for-every-case>

Iran: Death penalty for every case - ethnic protests,
prisoners of conscience, drinking alcohol...

Iran: Death penalty for every case - ethnic protests, prisoners of conscience, drinking alcohol...

- [english] - Asia - Iran -

Date de mise en ligne : Tuesday 3 July 2012

FIDH - Worldwide Human Rights Movement

Karim Lahidji, vice president of FIDH and president of LDDHI, said : "The authorities in the Islamic Republic of Iran are relentlessly pursuing their policy of state terror against any form of dissent by imposing and implementing the death penalty. While regularly targeting the ethnic communities, and in particular the Iranian Arabs, Kurds and Baluchis, they keep making frequent use of this inhuman punishment for other 'offences' such as drinking alcohol that do not by any criteria fall under the category of 'the most serious crimes' as required by international law."

At least four young Iranian Arabs were reportedly executed in the southern province of Khuzestan around 18 June 2012. The four victims, three of whom were brothers, had been arrested together with a large number of others, following mass protests in the provincial capital of Ahvaz and other cities of the province, in April 2011. Their families have reported that during the subsequent long period of detention, they were subjected to severe torture and other ill treatment to confess to the killing of one security agent. One of them was shown in self-incriminating televised confessions. Subsequently they were sentenced to death after summary unfair trials on various charges including the vague charges of moharebeh (fighting God) and corruption on earth, apparently without access to proper legal representation.

Several other members of the Arab minority who were tried in May 2012 are also facing similar charges and their lives are in danger.

Many other political prisoners are also on death row after extremely unfair trials that are illegal even under the norms of the highly flawed justice system in the Islamic Republic of Iran.

A notable case is **Gholamreza Khosravi Savadjani**. Having been charged with providing information and financial assistance to the Iraq-based opposition People's Mujahedin Organisation of Iran (PMOI), he is said to have stood trial in the southern city of Rafsanjan in 2007-2008, sentenced by the appeals court to six years imprisonment and served a part of his sentence. Nevertheless, he was tried again for the same charges and sentenced to death in late 2011. The authorities have notified him that his execution has been scheduled for September 2012.

On the other hand, the prosecutor of the north-eastern city of Mashhad announced on 22 June 2012 that the Supreme Court had upheld the death sentences on two people for being convicted for the third time on charge of drinking alcohol, who will be executed in due course.

Background information

* In April 2005, many Iranian Arabs took to the streets in the south-western Khuzestan province in protest against reports about government's plans to change the demographic structure of the province; scores of people were reportedly killed. The protests were followed by a series of bombings and further mass arrests and at least 15 people were reportedly executed.

Since then, the anniversary of April 2005 events has been marked every year by mass protests, arrests of scores of Arab cultural and rights activists and subsequent executions of several protesters in Khuzestan province after unfair trials that regularly fail to meet the international standards of due process. After mass protests in April 2011, at least 9 people were reportedly executed in the province including a 16-year-old juvenile and at least four died in custody, possibly under torture. According to reports of credible international human rights organisations, 50-65 Arab protestors were arrested in the province from January to March 2012. Two detainees have died in custody so far in 2012.

Iran: Death penalty for every case - ethnic protests, prisoners of conscience, drinking alcohol...

* At least 16 Kurdish political prisoners are on death row in various prisons.

* A number of prisoners are facing the death sentence in Evin Prison of Tehran including 10 in Section 350 of the prison. They include prisoners of conscience such as the web programmers **Saeed Malekpour**, **Ahmad Reza Hashempour** and **Mehdi Alizadeh Fakhrabad**, and several prisoners accused of contacts with the POMI including **Abdolreza Ghanbari**, an active member of the Teachers Association, whose application for pardon has been rejected.

There are about 20 categories of offences punishable by death in the laws of the Islamic Republic of Iran. Death sentences are regularly imposed for drugs-related charges, religious charges, charges related to consensual sex between adults of different sexes or of the same sex, and even drinking alcohol, none of which are among the "most serious crimes." There are also vague charges such as moharebeh (fighting God) and corruption on earth. Trials are often, in particular in political cases, extremely unfair, and frequently contravene even the legal norms of the highly flawed justice system, where confessions extracted under torture are admitted in court.

While the Iranian authorities officially acknowledged 360 executions in 2011, information collected by Amnesty International put the total including the officially acknowledged and unacknowledged executions at no less than 634. More than three quarters of the total, i.e. 488 people, were executed on drugs-related charges.

Execution in public, which is additionally a form of torture and incompatible with human dignity, is frequently used. More than 50 - possibly 56 people - were executed in public in 2011, according to Amnesty International's annual Death Penalty Report. In a joint statement issued on 28 June 2012, three UN Special Rapporteurs put the minimum number of public executions so far this year at 25 cases.

The International Covenant on Civil and Political Rights, to which Iran is a state party, strictly requires that in countries where the death penalty has not been abolished, it should be imposed only for the "most serious crimes." In November 2011, the United Nations Human Rights Committee, the body that examines the compliance of member states with the provisions of the ICCPR, once again reminded those provisions to the Islamic Republic of Iran and called on its authorities to prohibit the use of public executions:

"The State party should consider abolishing the death penalty or at least revise the Penal Code to restrict the imposition of the death penalty to only the "most serious crimes" within the meaning of article 6... The State party should furthermore prohibit the use of public executions, as well as stoning as a method of execution."

For further information, see the following reports on Iran:

On ethnic and religious communities:

<http://www.fidh.org/spip.php?action...>

On death penalty:

<http://www.fidh.org/IMG/pdf/Rapport...>

On state policy of repression and compliance with ICCPR:

<http://www.fidh.org/spip.php?action...>

LDDHI: <http://www.fidh.org/-Iran,228->

E-Mail: [iddhi\(at\)fidh.net](mailto:iddhi(at)fidh.net);

Twitter: <http://twitter.com/humanrightsiiran>



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/UN-Special-Rapporteurs-condemn>

UN Special Rapporteurs condemn ongoing executions in
Iran

UN Special Rapporteurs condemn ongoing executions in Iran

- [english] - Asia - Iran -

Date de mise en ligne : Thursday 28 June 2012

Description :

GENEVA (28 June 2012) - Three United Nations Special Rapporteurs* on Iran, summary executions and torture condemned the recent execution of four members of the Ahwazi Arab minority in Ahwaz's Karoun Prison in the Islamic Republic of Iran. Following a reportedly unfair trial, they were sentenced to death and executed on or around 19 June 2012.

FIDH - Worldwide Human Rights Movement

UN Special Rapporteurs condemn ongoing executions in Iran

GENEVA (28 June 2012) - Three United Nations Special Rapporteurs* on Iran, summary executions and torture condemned the recent execution of four members of the Ahwazi Arab minority in Ahwaz's Karoun Prison in the Islamic Republic of Iran. Following a reportedly unfair trial, they were sentenced to death and executed on or around 19 June 2012.

"Given the lack of transparency in court proceedings, major concerns remain about due process and fairness of trials in cases involving the death penalty in Iran," said the independent human rights experts, recalling the execution of Abdul Rahman Heidarian, Abbas Heidarian, Taha Heidarian and Ali Sharif. The four men, three of whom are brothers, were reportedly arrested in April 2011 during a protest in Khuzestan and convicted of Moharebeh (enmity against God) and Fasad-fil Arz (corruption on earth).

"Under international law, the death penalty is the most extreme form of punishment, which, if it is used at all, should be imposed only for the most serious crimes," they said. "Defendants in death penalty cases should also receive fair trial guarantees stipulated in the International Covenant on Civil and Political Rights, ratified by Iran in 1975."

"Any death sentence undertaken in contravention of those international obligations is tantamount to an arbitrary execution," the three UN Special Rapporteurs stressed.

The rights experts noted with concern the high numbers of executions carried out in public, despite a circular issued in January 2008 by the Iranian Chief Justice that banned public executions. At least 25 executions have been carried out in public this year.

"Executions in public add to the already cruel, inhuman and degrading nature of the death penalty and can only have a dehumanizing effect on the victim and a brutalizing effect on those who witness the execution," the independent experts underscored.

The Special Rapporteurs regretted that the authorities continue to apply the death penalty with alarming frequency, despite numerous calls to the Government of the Islamic Republic of Iran to establish a moratorium on executions. At least 140 executions are known to have been carried out since the beginning of 2012, with some sources indicating the figure to be as high as 220. The majority of these are for drug-related offences, which the experts do not believe constitute the "most serious crimes" as required by international law.

The UN independent experts urged the Iranian authorities "to halt immediately the imposition of the death penalty for crimes which do not constitute the most serious crimes, as well as ensure stringent respect for fair trial guarantees."

The Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed; the Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez.

<http://www.ohchr.org/EN/NewsEvents/...>



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/Joint-Open-Letter-to-Prime-12264>

Joint Open Letter to Prime Minister of Thailand on Abolition of the Death Penalty

- [english] - Asia - Thailand -

Date de mise en ligne : Tuesday 9 October 2012

FIDH - Worldwide Human Rights Movement

Joint Open Letter to Prime Minister of Thailand on Abolition of the Death Penalty

Dear Madame Prime Minister,

On the eve of the 10th World Day Against the Death Penalty, the World Coalition Against the Death Penalty (WCADP) and the International Federation for Human Rights (FIDH) write to you to urge the Government of Thailand to take immediate steps to abolish the death penalty, an irrevocable, inhuman, cruel and degrading punishment that does not make society safer.

Thailand has not carried out any execution since August 2009 when two convicted drug traffickers were executed by lethal injection. Before that, there were no executions between 2003 and August 2009. Thailand voted against the first two United Nations General Assembly (UNGA) moratorium resolutions, but changed its position on the third resolution in 2010 by abstaining. Thailand's second National Human Rights Action Plan (2009-2013) includes the review of laws which permit capital punishment and the replacement of capital punishment with life imprisonment as indicators of success. In August 2012, Thailand abolished the death penalty for offenders under 18 years of age and reduced life imprisonment for minors to 50 years. On 16 August 2012, a royal pardon was announced whereby all prisoners who have been sentenced to death and whose cases have reached a final verdict would have their death sentences commuted to life imprisonment.

The World Coalition and FIDH hope that these positive steps indicate a growing political will on the part of the Government of Thailand to move progressively and expeditiously towards abolition.

We are concerned, however, that Thai courts continue to hand down new death sentences every year, including for drug-related offenses, in contravention to the recommendation of the UN Human Rights Committee in 2005. Thailand is a State party to the International Covenant on Civil and Political Rights (ICCPR), which requires States that still retain the death penalty to restrict its use to only the "most serious crimes", which drug-related offenses are not. We are therefore disturbed by reports that the Deputy Prime Minister recently publicly supported an amendment to the Narcotics Act to shorten the appeals process for drug offenders sentenced to death and expedite their executions. We are also appalled by the inhuman practice of permanently shackling male death row prisoners, despite a landmark ruling in 2009 by the Administrative Court which found shackling to be unlawful under both domestic and international law.

We further regret that Thailand did not accept the ten recommendations on abolition or moratorium it received from UN Member States at the Universal Periodic Review in October 2011, and urge Thailand to reconsider its position on these important recommendations.

The global trend towards abolition is strong and unmistakable. Two of Thailand's fellow ASEAN Member States, Cambodia and the Philippines, have abolished the death penalty while no executions have been reported in Burma and Laos in the last decade. According to the United Nations, approximately 150 countries have abolished the death penalty or introduced a moratorium, either in law or in practice. Many countries have abolished the death penalty when public opinion was still in favour of it, and this demonstrates that political courage is needed to steer societies towards a more compassionate and less violent future, and to ensure the full respect for the right to life, as guaranteed by the ICCPR.

The World Coalition and FIDH respectfully call on Thailand to:

- vote in favour of the 2012 UNGA resolution on a moratorium on the use of the death penalty, and immediately introduce a moratorium on executions;
- take prompt and effective measures, including through legislative and administrative reforms, to review all laws

Joint Open Letter to Prime Minister of Thailand on Abolition of the Death Penalty

permitting the imposition of the death penalty, with a view to abolishing it in law at the earliest instance;

- and immediately instruct all prison authorities to end the practice of permanent shackling of male death row prisoners, and effectively monitor their compliance.

Thank you for your serious consideration of our recommendations and we look forward to hearing from you.

Sincerely yours,

Souhayr Belhassen
FIDH President

Florence Bellivier
WCADP President

Copied to:

H.E. Pracha Promnok
Minister of Justice
22nd Floor Software Park Building
Chaeng Wattana Road
Pakkred, Nonthaburi 11120, Thailand
Fax: +66 2 650 9340 / 2 502 6734 / 2 502 6884
E-mail: om@moj.go.th , secretary@moij.go.th

H.E. Surapong Tovichakchaikul
Minister of Foreign Affairs of Thailand
443 Sri Ayudhya Road
Bangkok 10200, Thailand
Fax: +66 2 643 5320 / 2 643 5314 / 2 643 5272
Email: minister@mfa.go.th, thaiinfo@mfa.go.th, permsec@mfa.go.th

Jullasingha Wasantasingha
Attorney General
Office of the Attorney General
Lukmuang Building, Nahuppei Road
Prabaromrachawang, Pranakorn
Bangkok 10200, Thailand
Fax: +66 2 224 0162 / 1448 / 221 0858
E-mail: ag@ago.go.th oag@ago.go.th

H.E. Norachit Sinhaseni
Ambassador Extraordinary and Plenipotentiary
Permanent Representative
Permanent Mission of Thailand to the United Nations
351 East 52nd Street
New York, N.Y. 10022, USA
Fax: +1 212 688 3029
E-mail: thailand@un.int

Joint Open Letter to Prime Minister of Thailand on Abolition of the Death Penalty

Professor Amara Pongsapich
Chairperson of the National Human Rights Commission of Thailand
120 Chaengwattana Road, Laksi District
Bangkok 10210, Thailand
Fax. +66 2 141 3900
Email: amara@nhrc.or.th, interhr@nhrc.or.th, help@nhrc.or.th



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/Nobel-Peace-Prize-laureate-urges-12298>

Nobel Peace Prize laureate urges Thailand to take a stand against death

- [english] - Asia - Thailand -

Date de mise en ligne : Wednesday 10 October 2012

Description :

In an op-ed in the Bangkok Post, Nobel Peace Prize laureate and former president of Timor-Leste, Jose Ramos-Horta, urges Thailand to vote in favor of the upcoming UN General Assembly moratorium resolution and impose a moratorium on death sentences and execution.

FIDH - Worldwide Human Rights Movement

This op-ed by Nobel Peace Prize laureate and former Timorese president Jose Ramos-Horta appeared in the *Bangkok Post* on October 10, 2012, the World Day against the Death Penalty.

Thailand must take a stand against death

Oct 10 marks the 10th World Day Against the Death Penalty. I am proud to say that the inalienable right to life is enshrined in the Constitution of my country, East Timor. Our struggle for independence was not without sacrifice.

Many of our loved ones died in the quest for self-determination and dignity, a constant reminder of the sacredness of life. Therefore, one of our first priorities upon gaining independence 10 years ago was to ensure that no one would be subject to the death penalty.

This reverence for human life is consistent with humanity's experience of the modern world. The Universal Declaration of Human Rights, formulated after the devastating world wars that caused the deaths of tens of millions of people, declares in Article 3 that everyone has the right to life. Similarly, Cambodia emerged from the savagery of its Killing Fields with a constitution that also upholds the sacredness of life. The Philippines, another Asean member, has also abolished the death penalty.

At the time the Declaration was proclaimed in 1948, only eight countries had abolished the death penalty. On Sept 13 this year, the UN Secretary General Ban Ki-moon reported that the number of countries which have now, in one form or another, abolished the death penalty has reached a total of 150, while another 32 are retentionist.

Although Thailand retains the death penalty, there have been only two executions since 2009. The government of Thailand has told the UN that it is studying the possibility of abolishing the death penalty. Abolition of the death penalty has been included in Thailand's National Human Rights Programme of 2009 to 2013. On Aug 15 this year, there was a remarkable commutation of sentence from execution to life imprisonment of all 58 condemned prisoners.

The resolution calling for a worldwide moratorium on the death penalty has been presented at the UN General Assembly three times already, in 2007, 2008, and 2010. Thailand on the first two occasions voted against the moratorium, and abstained in 2010.

In December, a vote on a moratorium will again be submitted to the UN General Assembly. I hope, as a friend of Thailand, that it will vote in favour of the resolution. While the votes have been enough to get the resolution passed, with an increasing number of countries voting yes on each occasion, it is important that Thailand votes yes as official evidence of the moral stance of its government and people. Just as importantly, I sincerely hope that Thailand follows up on such an official commitment by stopping the imposition of death sentences and executions.

What motivation can be proposed to favour a step forward for countries which still hesitate? For centuries now, lawmakers and humanists have come to realise that the death penalty does not deter serious crime. Caesar Beccaria, an Italian criminologist pointed out in a famous work on Crime and Punishment, that execution was an ineffective deterrent, that certainty of detection and punishment were the only bar to crime.

There are many arguments for a moratorium on execution. The Council of Europe, an association of 47 states, makes abolition of the death penalty a condition of membership, declaring boldly: Capital punishment, like torture, is simply wrong. The death penalty does not deter crime, however much is to be gained in emphasising the inviolability of human life. In the history of Asia, there is an emphasis on mercy, kindness and forgiveness in all our faiths and

Nobel Peace Prize laureate urges Thailand to take a stand against death

cultural values.

As member of a brother nation in the family of Asian nations I hope that all the countries of Asia will join East Timor in the UN General Assembly to cast a positive vote in favour of life over death. I am very proud that East Timor does not have the death penalty, and that the maximum prison sentence is 25 years. We do not have life imprisonment.

Jose Ramos-Horta. is a Nobel Peace Prize Laureate (1996), former President of East Timor (2007-2012), and former Prime Minister of East Timor (2006-2007).



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/The-recent-execution-of-a-death-12460>

The recent execution of a death row prisoner is a major setback

- [english] - Asia - Pakistan -

Date de mise en ligne : Friday 16 November 2012

FIDH - Worldwide Human Rights Movement

The recent execution of a death row prisoner is a major setback

FIDH and its member organization, the Human Rights Commission of Pakistan (HRCP), strongly condemn the hanging on Thursday of Mr Muhammed Hussain, a prisoner at the Mianwali Central Prison, North-West of Punjab. The execution represents a major setback, disrupting a four-year moratorium after the government desisted from executing anyone.

"HRCP is deeply shocked by the execution of a prisoner at the Mianwali Central Jail early on Thursday. Hitherto, dates were set for execution of several death penalty convicts in these four years but the grisly punishment was always put off. We do not know if this time it was an oversight or the fact that this execution was based on a conviction by a military court had anything to do with it. The last execution of a death row prisoner in Pakistan before Thursday, in December 2008, was also based on a military court's verdict. The inference is as disturbing as it is obvious", said Zohra Yusuf, HRCP chairperson.

Former soldier Mr Hussain was sentenced to death penalty by a military court in 2008 for the murder of another soldier. All appeals in court and pleas for clemency were rejected. General Ashfaq Parvez Kayani rejected the petition for mercy and President Zardari decided against commuting the death sentence into a long sentence.

Since 2009, the Government of Pakistan had implemented an informal moratorium in the form of a letter by President Zardari turning death sentences into prison terms. In 2010, Pakistan ratified the International Covenant on Civil and Political Rights (ICCPR). In his first press conference upon taking the presidential oath in 2008, President Zardari announced that death sentences would be commuted. The then Prime Minister Gillani stated on 21st June 2008 that death sentences would be commuted to life imprisonment but failed to issue the notification. The President further requested the Government to draft a new legislation to abolish the death penalty.

Around 8,000 inmates are currently on death row in Pakistan. FIDH and HRCP are concerned that the execution of Muhammed Hussain may end the moratorium, representing a serious setback for the rule of law and respect to the right to life in Pakistan.

"The execution of Muhammed Hussain overshadows years of apparent efforts towards abolition by the Government of Pakistan. In the light of the present arbitrary decision, FIDH urges the Government of Pakistan to speed-up the drafting of legislations abolishing death penalty once and for all, so as to avoid executions in the future", said Souhayr Belhassen, FIDH President.



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/iran-must-immediately-revoke-the-12723>

Iran must immediately revoke the death sentences of
prisoners of conscience

Iran must immediately revoke the death sentences of prisoners of conscience

- [english] - Asia - Iran -

Date de mise en ligne : Monday 14 January 2013

Description :

The Iranian authorities are threatening prisoners of conscience from the Iranian ethnic minorities, notably the Kurds and Arabs, with a new wave of executions.

FIDH - Worldwide Human Rights Movement

Karim Lahidji, vice president of the International Federation for Human Rights (FIDH) and president of the Iranian League for the Defence of Human Rights (LDDHI), said today:

"The Iranian authorities regularly impose the death penalty for all forms of dissent. The ethnic communities, and in particular the Iranian Arabs, Kurds and Baluchis, are regularly targeted for demanding their rights, and occasionally members of these communities and their family members fall victim to the vengeance of authorities. The authorities also regularly ignore the strict ban under international law on execution of children. The Iranian government must immediately revoke the death sentences of activists from ethnic communities as well as all prisoners of conscience and join the accelerating worldwide trend to abolish the death penalty."

The Iranian authorities are threatening prisoners of conscience from the Iranian ethnic minorities, notably the Kurds and Arabs, with a new wave of executions.

The spectre of death is threatening two young Kurdish men: **Zanyar Moradi** and **Loqman Moradi**. These two men were sentenced to death for allegedly murdering the son of a local cleric based on confessions that were coerced. The judge admitted their coerced pre-trial confessions despite their denials in court. Furthermore, in keeping up with their unethical and illegal methods, the authorities televised the confessions on Press TV, the extra-territorial TV channel of the Islamic Republic of Iran. Special Rapporteur for the situation of human rights in Iran, Dr Ahmed Shaheed, noted in his report in September 2012: "According to reliable sources, both men [Zanyar and Loqman Moradi] vehemently denied the charges, but were forced to confess as a result of severe beatings and threats of rape and arrest of family members... Reliable sources reported that both men were forced to rehearse answers to questions they were asked during the televised interview." [1] According to the families of the two men, orders have been issued for implementation of their death sentences.

In addition, the Supreme Court has reportedly upheld the death sentences of five Iranian Arab prisoners of conscience, who were arrested in February 2011 and sentenced on ambiguous charges such as moharebeh (fighting against God) and corruption on earth: **Mohammad Ali Ammorynejad** (engineer, blogger and former teacher), **Hadi Rashedi** (high school teacher), **Hashem Sha'baninejad** (poet and teacher), **Jaber al-Boushaka**, and **Mokhtar al-Boushaka**. The latter two are brothers.

Background Information

The Iranian authorities have repeatedly executed cultural, religious and political activists in areas populated by ethnic communities.

In May 2011, at least eight members of the Arab community were executed in Ahvaz, provincial capital of the Khuzestan province. One of them, Hashem Hamidi, was believed to be 16 years old at the time; three of them were hanged in public. The secret execution of four Arab political prisoners, including three brothers, in Ahvaz in June 2012 [2] sparked widespread local protests. "In a video plea to the Special Rapporteur, all four defendants denied the charges and maintained that they were tortured for the purpose of soliciting confessions." [3]

Ten 'Salafist' Kurdish prisoners, who were charged with involvement in assassination of a cleric, were tried in July 2011 and sentenced to death. Six of them were executed in late December 2012. The fate of the other four is unknown. Also, in recent years, a number of Kurdish, Arab and Baluch minority activists have been victims of extrajudicial killings and others have died in custody possibly as a result of torture.

Iran must immediately revoke the death sentences of prisoners of conscience

Currently, more than 40 prisoners of conscience and political prisoners are known to be on death row. These include four more members of the Arab community who were convicted of moharebeh and other vague charges, 15-20 Kurdish and several Baluch people, some persons accused of contacts with opposition groups abroad, and a few web and programming experts. The real total number may be much higher as the Iranian authorities do not provide the information regarding the death sentences imposed and carried out, in particular on prisoners of conscience and political prisoners.

Thousands of prisoners are believed to be on death row in Iran. In December 2009, head of the Prisons Organisations estimated that there were 4,000 death-row inmates, but the authorities do not consider qesas (retaliatory death) sentence as part of this count. In late October 2012, Mr. Mehdi Mahmoudian, a journalist who is serving a five-year prison sentence in Rajaishahr prison for exposing police atrocities in illegal detention centres, reported that there were 1,117 death-row inmates, including 734 sentenced to qesas, in that prison alone that does not even hold drug-related convicts. Most victims of the death penalty in Iran are charged with drugs-related offences. However, the Iranian law denies the death-row drug-related convicts the right to appeal.

There are about 20 categories of offences punishable by death under the laws of the Islamic Republic of Iran, and it is regularly imposed for charges related to drugs, religion, consensual sex between adults of different sexes or same sex, alcohol, and vague offences such as moharebeh and corruption on earth. In the first week of January, two people were even sentenced to death for using knives to extort money from other persons, which has no legal basis.

The trials, and in particular in political cases, often fail to satisfy the legal standards under Iran's own highly flawed justice system, where confessions extracted under torture, and frequently televised, are admitted in court. Under these circumstances, they also fail to meet the standards of fair trial and guarantees of the International Covenant on Civil and Political Rights, to which Iran is a State party.

For further information, see the following reports on Iran:

On [death penalty](#):

On [ethnic and religious communities](#):

On [state policy of repression and compliance with ICCPR](#):

[1] A/67/369, Situation of human rights in the Islamic Republic of Iran, 13 September 2012

[2] See: <http://www.fidh.org/DP-for-every-case-in-Iran>

[3] See Footnote 1



Date : Tuesday 16 March 2010

Egypt upholds death penalty policy in disregard of international recommendations

The International Federation for Human Rights (FIDH) and the Egyptian Organization for Human Rights (EOHR) deplore that a few weeks after the UN Human Rights Council, in the framework of the "Universal Periodic Review", called upon Egypt to "issue a moratorium on the death penalty with a view to abolishing it", two executions have been carried out in Cairo on March 11th 2010.

<http://www.fidh.org/Egypt-upholds-death-penalty-policy>

FIDH and EOHR firmly condemn the death by hanging of Atef Rohyum Abd El Al Rohyum and Jihan Mohamed Ali1, on the charge of murder, after the Court of Cassation upheld their death sentence in February 2009.

Egypt's policy relating to capital punishment recently gained attention during the 4th World Congress against Death Penalty which took place last month in Geneva, in which Egyptian human rights activists urged the government to abandon the death penalty which they believe may be pronounced after unfair judicial procedures or even the use of torture to extract confessions2.

FIDH has persistently appealed the Egyptian authorities to establish a moratorium on the death penalty. In 2005 FIDH submitted a report on the Death Penalty in Egypt to the African Commission on Human and People's Rights (ACHPR) when the human rights record of Egypt was being reviewed by this Commission, and encouraged Egypt conform with the ACHPR 1999 resolution, which urged all States parties that still maintain the death penalty to consider establishing a moratorium on executions of death penalty as a first step towards abolition.

FIDH and EOHR oppose the death penalty in all circumstances, believing it to be a violation of the right to life and a cruel, inhuman and degrading punishment. The death penalty legitimizes an irreversible act of violence by the state. There is no clear evidence that the death penalty deters crime more effectively than other forms of punishment, it denies the possibility of reconciliation or rehabilitation and is often being inflicted on a discriminatory basis.



Date : Sunday 26 June 2011

Arab spring at the heart of World Coalition debates

International abolitionists gathered in Morocco have discussed the recent wind of change in the region and the resulting hope for the abolition of the death penalty. The World Coalition Against the Death Penalty's AGM began on June 24 in Rabat with an opening ceremony during which the Moroccan government committed itself to the « gradual abolition » of capital punishment.

<http://www.fidh.org/Arab-spring-at-the-heart-of-World>

Date de parution : 26 June 2011

FIDH - Worldwide Human Rights Movement

Abolitionists from around the world met in Morocco Friday evening to open an annual general meeting centered on the Arab World. The event is taking place at the judiciary's training college in Rabat, at the invitation of the Ministry of Justice.

Around 200 people attended the opening ceremony and listened to Abderrahim Jamaï of the Moroccan Coalition to Abolish the Death Penalty, who insisted that the continued handing down of death sentences by Moroccan courts has not led to a decrease in crime in the country.

"The State has failed in addressing the issues of the right to life and the abolition of the death penalty", Jamaï said. He referred to the draft new constitution currently under discussion, which protects the right to life but fails to mention abolition despite requests from "human rights activists, trade unions, many political leaders, artists, media professionals and a section of public opinion".

Reform of the Moroccan Penal Code

Jamaï called on the government to turn its attention the ongoing reform of the Penal Code to introduce abolition.

The Ministry of Justice's director for penal affairs Mohamed Abdennabaoui replied that "the government's position has been consistent and supports gradual abolition" since an official forum on this issue was held in 2004.

Abdennabaoui said that no execution has taken place in 18 years in Morocco and that the number of capital crimes had been cut by two-thirds in national law over the same period. He added that according to the proposed new Penal Code, death sentences would only be passed if all judges on a court panel agree.

The official gave official figures on the death penalty in Morocco: 103 prisoners are on death row, including two women, and around 10 death sentences are passed every year.

Abdennabaoui stated his personal preference for abolition and said: "We are expecting a new start from the new constitution, which states in article 20 that the right to life is the first of all rights."

Abolition, not cosmetic change

"We don't want cosmetic change. What we want is abolition," said Tagreed Jaber, Penal Reform International's regional director for Middle east and North Africa. Her remark took a particular meaning in Morocco, where the draft new constitution protects the "right to life", but doesn't go any further.

"This is not enough for abolitionists. That article doesn't ban the death penalty, contrary to other constitutions or the international protocol," said Mostafa Znaidi of the Moroccan Coalition Against the Death Penalty.

Jaber underlined the positive and negative aspects associated with the protest movements under way in the region in relation to the abolition of the death penalty. Halem Chabouni of the Tunisian Coalition said that his organisation had recovered its freedom to exist after it being banned by the Ben Ali government. Nobody has called for the death penalty for the ex-president so far, but he still considers that option as a risk.

Most participants, however, are optimistic about the effect of the Arab Spring on the death penalty. Montassir Sakhi, a Moroccan blogger and activist who has been taking part in the February 20 Movement, said that the online networks created during the protests could help push for abolition in the near future.

1,145 people officially on death row in Iraq - many more in reality

Yet in some Arab countries, the trend is far from pointing towards abolition. Nasser Abood of the Iraqi Coalition said that his country moved from the Saddam Hussein regime, which used multiple laws to impose the death penalty on its people, to the current government, which uses anti-terrorism legislation to sentence thousands of people to death.

Although a recent report by the Iraqi ministry of human rights stated that 1145 people were on death row, Abood estimates the real figure to be several times higher.

The public section of the World Coalition's AGM ended with a debate on the inhumanity of the death penalty, which will be the theme of this year's World Day Against the Death Penalty on October 10.

Rosalyn Park of The Advocates for Human Rights, Bernadette Jung of FIACAT and Essadia Belmit of the UN Committee Against Torture discussed the overlaps between the death penalty and inhuman treatments in international law. The Rabat general meeting is continuing on Sunday with the World Coalition's statutory meeting and training workshops for its members.

During the General Assembly the Coalition decided that it would become autonomous as of January 2012. The Coalition has now an independent political structure and is now chaired by **Florence Bellivier**, Academic and Deputy Secretary General of FIDH.



Extrait du FIDH - Worldwide Human Rights Movement

<http://www.fidh.org/Egypt-Post-revolution-president-12811>

Egypt: Post revolution president following in Mubarak's footsteps?

- [english] - North Africa & Middle East - Egypt -

Date de mise en ligne : Thursday 31 January 2013

Description :

Extremely concerned by the increasing violence during demonstrations, FIDH condemns the response of the Egyptian authorities that have once more used excessive force in their handling of demonstrations.

FIDH - Worldwide Human Rights Movement

"We are extremely concerned by the increasing violence during demonstrations and condemn the response of the Egyptian authorities that have once again used excessive force in their handling of demonstrations" stated Souhayr Belhassen, FIDH President on Wednesday, January 30, 2013.

The International Federation for Human Rights (FIDH) deplores the tragedy that resulted in at least 53 deaths and 1757 injuries since 25 January 2013 after violent clashes between demonstrators and security forces have been ongoing for 4 days in major cities across Egypt including Cairo, Suez and Port Said. The causes of death include live ammunition, bird-shot pellets and suffocation from tear gas. According to the figures provided by lawyers from the *Association for Freedom of Thought and Expression* and the *Arab Network for Human Rights Information*, at least 153 protesters have been presented before the Prosecution in Cairo, 33 have been released on bail, while 11 have been presented to the Prosecution in Al-Mahalla. The *No to Military Trials for Civilians Group* reported 42 detained protesters in Alexandria.

Clashes started on 24 January after protesters took to the streets across the country marking the second anniversary of the Egyptian Revolution. The situation deteriorated on 26 January in Port Said, Suez and Ismailiya with at least 38 deaths in one day and hundreds injured after the Court issued its final verdict in the case of the death of 74 football fans in Port Said stadium on 1 February 2012. Indeed the Court sentenced 21 defendants of Al Masry football fans to death while it postponed the sentence of 9 accused senior police officers to 9 March 2013.

"This sentence is not only a scandal in itself, it also paved the way to inflammation, violence and repression. Death penalty is a blatant violation of the right to life and is considered as a cruel, inhuman and degrading punishment" declared Belhassen.

Families of the defendants gathered at the prison where they were incarcerated and allegedly attempted to storm the prison to free the prisoners. On 27 January, a funeral procession in Port Said carrying the victims of the earlier clashes was attacked by live ammunition. Clashes swiftly erupted between the marchers and security forces leading to an escalation of violence and the death of at least 6 individuals. While FIDH notes the announcement of the Public Prosecutor in opening an investigation regarding the violence, FIDH urges the Egyptian judicial authorities to conduct an independent, impartial and prompt investigation in order to ensure that the perpetrators will be held accountable.

In addition, FIDH has some concerns over the fairness of the trial including the fact that none of the 9 police officers were condemned despite the government's fact-finding commission report that allegedly reported on the responsibility of the security forces in locking the exits of the stadium which caused the highest number of deaths by suffocation. Moreover, prior to the verdict, the Public Prosecutor requested last week that the investigation be re-opened, new evidence be entered, new arguments be allowed and that 6 defendants be added to the case based on the latest report by the government fact-finding commission. FIDH urges the Egyptian authorities to make the report of the fact-finding commission public so as to ensure the victims' right to truth, justice and remedy.

Furthermore, FIDH is highly concerned about the decision by President Morsy to declare a 30-day state of emergency in Suez, Port Said and Ismailia, as it constitutes a major setback for the Egyptian revolution which demanded an end to the 30 year rule of the emergency law and has given government forces sweeping powers which have been used to systematically infringe upon Egyptian people's fundamental freedoms. FIDH is further alarmed by the decision by the Shura Council to approve the draft law submitted by the government allowing the Army to arrest civilians in order "to maintain the security of the State and its vital institutions". Even though it has been stated that civilians arrested as a result of this law will be referred to civil prosecution, FIDH fears an abusive use of exceptional powers by military personnel, which may, once again, result in a deterioration of the situation and further violations of freedom of peaceful assembly.

Egypt: Post revolution president following in Mubarak's footsteps?

Finally, FIDH notes the latest decision by the Shura Council on the formation of a fact-finding commission into the current violence. "***We hope that these commissions that have been formed provide the truth regarding the events and be used to fully prosecute all those responsible for the human rights violations***" added Belhassen.



Date : Wednesday 12 October 2011

**World Day Against the Death Penalty: Son of McCarthy-Era
Execution Victims Equates Death Sentence with Torture**

<http://www.fidh.org/World-Day-Against-the-Death>

October 12, 2011, Paris, France - Today, Robert Meeropol, Executive Director of the Rosenberg Fund for Children, outspoken opponent of the death penalty, and the younger son of Ethel and Julius Rosenberg, spoke regarding his parents' execution and, more broadly, the current status of the death penalty in the United States. October 10, 2011 marked the ninth annual World Day Against the Death Penalty and today marks the thirtieth anniversary of the abolition of the death penalty in France, Mr. Meeropol also presented a paper on behalf of the U.S.-based Center for Constitutional Rights (CCR) arguing that the death penalty is tantamount to torture. A roundtable marking these events was held between 9:00 a.m. and 12:30 p.m. at the Maison du Barreau de Paris, 2-4 rue Harlay, 75001, Paris.

Robert Meeropol explains, *"If we wish to eradicate the death penalty in the United States, rather than just reduce it, we must convince the American courts and educate the American public to view capital punishment as a human rights abuse. The conditions on death rows in the United States engender the internationally recognized 'death row phenomenon': those slated to die spend an average of 14 years in isolation and sensory deprivation while facing their impending though uncertain extermination. As one lower court in the United States found in 1972, 'the process of carrying out a verdict of death is often so degrading and brutalizing to the human spirit as to constitute psychological torture.'"*

The position paper, entitled **"The United States Tortures Before It Kills: An Examination of the Death Row Experience from a Human Rights Perspective"**, argues that the extreme conditions on death row in the United States qualify the sentence as torture, as defined by the UN Convention Against Torture, ratified by the United States in 1994. These conditions include extremely restricted access to visits, phones, reading materials, educational programming, showers, and exercise; sensory deprivation; solitary confinement usually for 23 hours a day; and forms of mock execution. American death penalty prisoners are frequently subjected to these conditions for decades. The paper was co-authored by CCR staff attorneys Rachel Meeropol (Robert Meeropol's daughter) and Katherine Gallagher.

Copies of the paper are available at: <http://ccrjustice.org/deathrowtorture>.

Robert Meeropol is the younger son of Ethel and Julius Rosenberg, who were executed when Robert was six years old, for "conspiring to steal the secret of the atomic bomb." In 1990, Robert founded the U.S.-based Rosenberg Fund for Children, which provides for the education and emotional needs of targeted youth activists and children whose parents have been harassed, injured, jailed, lost jobs, or died in the course of their progressive activities.

The **International Federation for Human Rights (FIDH)** is an international NGO defending all civil, political, economic, social and cultural rights, set out in the Universal Declaration of Human Rights. It acts in the legal and political field for the creation and reinforcement of international instruments for the protection of Human Rights and for their implementation. Founded in 1921, FIDH is composed of 164 member organisations. Visit FIDH at: www.fidh.org.

The **Center for Constitutional Rights (CCR)** is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change. Visit www.ccrjustice.org; follow @theCCR.



USA

Center For Constitutional Rights Position Paper: The United States Tortures before it Kills: An Examination of the Death Row Experience from a Human Rights Perspective, 10 October 2011

See this link, document of 20 pages) :

http://ccrjustice.org/files/deathrow_torture_postition_paper.pdf

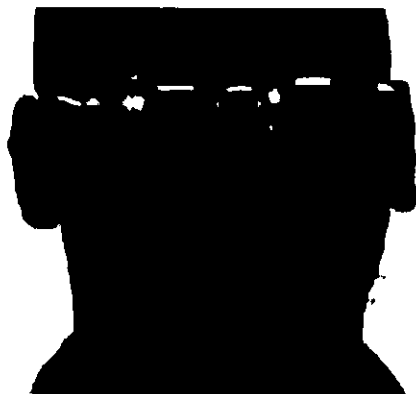


Date : Tuesday 20 September 2011

Troy Davis must not be executed

Today, the State Board of Pardons and Paroles in the US state of Georgia denied clemency for Troy Davis. His execution by lethal injection is scheduled for September 21st at 7pm at the prison in Jackson, despite solid doubts about his guilt.

<http://www.fidh.org/Troy-Davis-must-not-be-executed>



"This decision is shameful. It is a huge disappointment for the administration of justice in the United States of America, which decided to confirm the execution of someone who always claimed to be innocent and was condemned without any material evidence. The Board of Pardons and Paroles shall urgently reconsider its position. We also demand that Chatham County (Savannah) District Attorney Larry Chisolm seeks a withdrawal of the death warrant", said Florence Bellivier, Deputy Secretary General of the International Federation for Human Rights and President of the World Coalition against the death penalty.

Troy Davis was sentenced to death in 1991 for the murder of police officer Mark Allen Macphail in Savannah, Georgia. He was sentenced without any material evidence, on the sole basis of witness testimonies. Since his 1991 trial, seven of nine key witnesses have recanted or changed their testimony, some alleging police coercion. One of the last two witnesses has been the main suspect, accused by other witnesses. The execution was postponed in extremis 3 times.

"FIDH opposes the death penalty in all cases and under all circumstances. The case against Troy Davis clearly illustrates that the death penalty is cruel and inhumane, and illustrates as well the absurdity of this system. The death penalty may be applied by national justice system capable of making irreparable mistakes", added Florence Bellivier.

In contrast to the 139 countries worldwide that have abolished the death penalty in law or practice, the USA, together with China, North Korea and Iran is among the states which most apply the death penalty today. 3,200 people are currently on US death rows. Currently the US State of Georgia has over 100 persons on its death rows and three persons have been executed in this state in 2011 already. In the past four years, three states in the USA - New Jersey, New Mexico and Illinois - have abolished the death penalty, taking into account the inability to exclude judicial errors, and the possibility of executing innocent persons.



Date : Thursday 25 March 2010

**FIDH Vice President and President of Human Rights Center
Viasna arrested and fined for protesting against the death
penalty**

Paris, March 25, 2010 - FIDH Vice President and President of FIDH member organisation Human Rights Centre Viasna Ales Bialiatski along with two other members of Viasna, Mr. Valiantsin Stefanovich, Ms. Iryna Toustsik, were sentenced on March 24 by the Leninski district court of the city of Minsk to a fine of 17500 belarusian rubles (approximately 4,30 euros) according to Article 23-34 of the Civil Code ("violating of public event procedures").

<http://www.fidh.org/FIDH-Vice-President-and-President,8737>

The activists were arrested on March 23 and detained until they received the verdict of the court¹. The reason for this detention was their peaceful protestation in front of the Presidential Administration Building in Minsk against the recent executions of Andrei Zhuk and Vasil Yuzepchuk, which violated both national legislation and international principles and instruments of protection of Human Rights.

Viasna is indeed leading a campaign against the death penalty. Moreover, the relatives of the convicts² were not informed of the implementation of the death sentences, as stipulated in law of Belarus. The authorities also ignored the demands of the UN Human Rights Committee not to execute the condemned until their appeals were examined by the Committee, although Belarus has recognised the competence of the Committee to consider individual appeals since the ratification of the International Covenant on Civil and Political Rights and its first Optional Protocol. Belarusian authorities also ignored the repeated appeals of the European Union and the Council of Europe³ on the abolition of the death penalty.

FIDH recalls that the organisation Viasna has been denied registration by the authorities since 2003 and that when FIDH president Souhayr Belhassen attempted in August 2009 to observe the appeal of Viasna by the Supreme Court about registration, her visa was refused.⁴ FIDH denounces the detention and harassment of human rights defenders, in particular the members of Viasna, and the continuing implementation of the death penalty.

FIDH therefore urges the Belarusian authorities:

- ▶ to put an end to all acts of harassment, including at the judicial level, against the members of Viasna and all human rights defenders in Belarus;
- ▶ to register officially the human rights organisation Viasna;
- ▶ to abolish the death penalty or introduce an effective moratorium on the capital punishment.



Date : Tuesday 13 December 2011

**Belarus Dzmitry Kanavalau and Uladzislau Kavaliou must not
be executed !**

<http://www.fidh.org/Belarus-Dzmitry-Kanavalau-and>



FIDH - Worldwide Human Rights Movement

FIDH strongly condemns the death sentences imposed by the Supreme Court of Belarus on Dzmitry Kanavalau and Uladzislau Kavaliou.

Dzmitry Kanavalau and Uladzislau Kavaliou, both 25 years old, were condemned to death on 30 November 2011, on charges of plotting a powerful blast in the Minsk underground on 11 April 2011. The death sentence was announced by First Deputy Chairman of the Supreme Court, Aliaksandr Ferdartsou, after a two-and-a-half-month trial which started on 15 September 2011.

Both men were arrested and detained on 12 April 2011, as the principal suspects in orchestrating the explosion which killed 15 people at one of the city's busiest metro stations, situated within 100m of the presidential administration building. Dzmitry Kanavalau and Uladzislau Kavaliou were also accused of organizing the 2005 and 2008 explosions in Vitebsk and Minsk.

On 30 November, the 114-page verdict was read aloud at the request of the two defendants during the trial session. In the course of the trial, conflicting testimony cast doubt on the defendants' involvement in organizing the blasts. Dzmitry Kanavalau recanted his earlier testimony, dated 18 April 2011, in which he had admitted his connection to the various blasts, arguing that he had confessed to those crimes under psychological pressure and torture.

Moreover, observers reported serious procedural violations during the preliminary investigation and the judicial examination of the case, sufficient to constitute a blatant infringement of the defendants' rights to a transparent and impartial trial. Neither motive nor the exact circumstances of the crime were ever established in Court.

"The application of the death penalty in the centre of Europe cannot be tolerated", stated Souhayr Belhassen, FIDH President. ***"The nature of this sentence is in a total contradiction of international standards. Moreover, the evidence presented to the Court against Dzmitry Kanavalau and Uladzislau Kavaliou is questionable and their right to a fair trial has not been respected. In these circumstances, their execution equates to simple murder."***

The 2007 United Nations General Assembly resolution calling for a universal moratorium on the use of the death penalty confirms the growing international momentum towards its abolition. Today, more than two thirds of countries around the world have abolished the death penalty in law or practice. FIDH reminds that Belarus itself is a party to a number of international treaties guaranteeing its citizens the right to life, as well as the right to a fair trial, including the International Covenant on Civil and Political Rights. Belarus must also comply with international customary standards including those enshrined in the Universal Declaration of Human Rights.

FIDH calls on the Belarusian authorities to:

- review the imposition of the death penalty on Dzmitry Kanavalau and Uladzislau Kavaliou;
- open an investigation into the conditions in which the confessions of Dzmitry Kanavalau and Uladzislau Kavaliou were obtained;
- and abolish the death penalty for all crimes and declare an immediate moratorium on the imposition and execution of the death penalty without delay.



Date : Monday 19 March 2012

**FIDH strongly condemns the execution of two young men
after a blatantly unfair trial**

On 16 March 2012, Dzmitry Kanavalau and Uladzislau Kavaliou were executed, two days after President Lukashenka rejected their request for clemency.

<http://www.fidh.org/FIDH-strongly-condemns-the>

The two men had been condemned to death on 30 November 2011 on charges of plotting a powerful blast in the Minsk underground in April 2011.

"These executions are a further illustration of the total absence of an independent judiciary in Belarus, since the guilt of the two young men has not been clearly established and the trial was not fair. These capital shootings look like a way to silence two disturbing witnesses", said Souhayr Belhassen, President of FIDH.

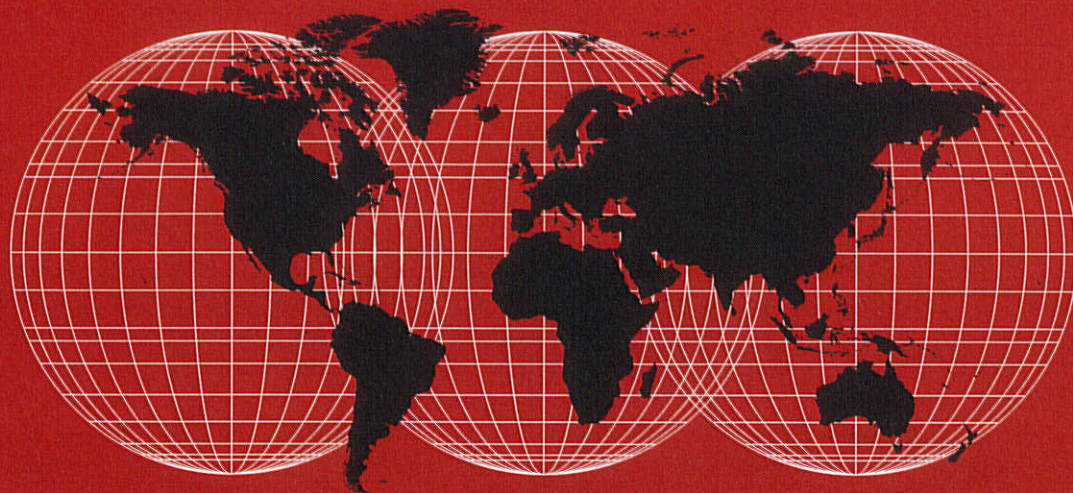
Both men were arrested on 12 April 2011, as the main suspects in orchestrating the explosion which killed 15 people in a metro station of Minsk, situated within 100m of the presidential administration building. Dzmitry Kanavalau and Uladzislau Kavaliou were also accused of organizing explosions in Vitebsk and Minsk in 2005 and 2008.

Conflicting testimonies in the course of the trial cast doubt on the defendants' involvement in organizing the blasts. Dzmitry Kanavalau recanted his earlier testimony in which he had admitted his connection to the various blasts, arguing that he had confessed to those crimes under psychological pressure and torture. Moreover, observers reported serious procedural violations during the preliminary investigation and the judicial examination of the case, sufficient to constitute a blatant infringement on the defendants' rights to a transparent and impartial trial. Neither the motive nor the exact circumstances of the crime were ever established in Court. In addition, the elements of proof on which both men were condemned have now been destroyed by the court.

"Belarus is the very last country in Europe to use the death penalty. 70% of the countries worldwide are abolitionist in law or in practice. With these executions, the authorities of Belarus have unfortunately chosen to go contrary to this global progressive trend", added Souhayr Belhassen.

FIDH calls on the Belarusian authorities to abolish the death penalty for all crimes and to adopt an immediate moratorium on the imposition and execution of the death penalty.

FIDH
represents **164**
human rights organisations
on **5** continents



ABOUT FIDH

FIDH takes action for the protection of victims of human rights violations, for the prevention of violations and to bring perpetrators to justice.

A broad mandate

FIDH works for the respect of all the rights set out in the Universal Declaration of Human Rights: civil and political rights, as well as economic, social and cultural rights.

A universal movement

FIDH was established in 1922, and today unites 164 member organisations in more than 100 countries around the world. FIDH coordinates and supports their activities and provides them with a voice at the international level.

An independent organisation

Like its member organisations, FIDH is not linked to any party or religion and is independent of all governments.

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Find information concerning FIDH's 164 member organisations on www.fidh.org