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**World News**

**UN rights investigator blasts US justice system**

UNITED NATIONS (Agencies): A senior UN human rights investigator on Monday criticized the US justice system as flawed and called on authorities to ensure it does not execute innocent people. Philip Alston, the United Nations special rapporteur on extra-judicial, summary and arbitrary executions, blasted the administration of President George W. Bush for lack of transparency at the Guantanamo detention camp, and slammed state authorities in Alabama and Texas for being "strikingly indifferent" to the risk of putting innocent people to death. "At present, a great deal of time and energy is being spent trying to expedite executions" in the United States, Alston told a press conference after a two-week fact-finding tour. "A better priority would be to analyze whether the criminal justice system is failing in capital cases and why innocent people are being sentenced to death."

Alston, an Australian, wrapped up a two-week tour of the United States including Washington DC, New York, Alabama and Texas, during which he met government officials, judges, civil society groups and victims and witnesses.

He reserved a special barrage of criticism for Alabama, which has the highest per capita rate of executions in the country, and Texas, which has the largest number of executions as well as prisoners on death row.

"It is entirely possible that Alabama has already executed innocent people, but officials would rather deny than confront flaws in the criminal justice system," Alston said.

He said that since 1973, 129 people on death row in the United States have been exonerated and that the number continues to grow.

As for the US-run prison in Guantanamo, Alston expressed concern for the six "alien unlawful enemy combatants" currently detained at the US naval base in Cuba who face war crimes charges under special military tribunals.

The prisoners face the death penalty if convicted in the military trials.

"These trials utterly fail to meet the basic due process standards required for fair trial and international humanitarian and human rights law," he said.

He highlighted that access to counsel was limited and hearsay evidence was allowed in the military trials, and that the act's rules allowed "coerced statements" obtained during interrogations.

He also said that at least one of the detainees facing trial has been subjected to "waterboarding," a simulated drowning technique denounced by rights groups as torture.

Tribunals

But he said the Military Commissions Act that created the tribunals "does not prohibit all coerced statements from being admitted into evidence."

Referring to five deaths of inmates at Guantanamo in 2006-07, Alston called for the government to make public the investigations of those cases and release autopsies to the families of the deceased men.

"The Department of Defense has provided little public information about the cause or circumstances of any of these deaths," he said.

Alston described the US military justice system as "troublingly opaque," and called for greater transparency.

"Procedural and other impediments are firmly ensconced in order to thwart those who seek to monitor the accountability of public authorities," he said.

However, Alston said transparency could be achieved quickly and easily. "Reporting requirements and a central office or registry could be added to the existing system at little cost and this would markedly improve accountability," he said.

The criminal justice system in the US state of Alabama needs to be improved to ensure that no innocent people are executed but officials there seem indifferent to the problem, Alston said. A US official, however, rejected the envoy's views.

Alabama has the highest US per-capita rate of executions, which was the reason Alston, went there during an official visit to the United States. He also went to Texas, which has the highest number of executions and prisoners on death row.

Speaking to reporters at UN headquarters in New York, Alston said a number of officials in Texas acknowledged that innocent people might have been executed and expressed a desire to improve their criminal justice system.



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"In Alabama, the situation remains highly problematic," he said. "Government officials seem strikingly indifferent to the risk of executing innocent people and have a range of standard responses, most of which are characterized by a refusal to engage with the facts."

The reality, he said, is that the system is not designed to produce cases of innocence.

Richard Grenell, spokesman for the US mission to the United Nations, rejected the conclusions of Alston, an Australian who teaches law at New York University.

"We know our system isn't perfect but we afford everyone the presumption of innocence and due process," he said. "Mr Alston's sweeping judgments of our system after briefly visiting two out of 50 states show his personal dislike of the system we have, not fundamental problems with it."

According to Alston, a major problem is that in Alabama, elected judges have the right to change jury decisions on sentencing. Most changes in sentences are from life sentences to the death penalty, he said.

He added that the judges there appeared to be under political pressure to execute criminals.

"Alabama should relieve judges of this invidious role by repealing the law permitting judicial override," Alston said. "Instead juries should be permitted to play their historical role of protecting individual rights."

Also:

SAN FRANCISCO: California's 30-year-old death penalty system that costs more than \$100 million annually to administer is "close to collapse," according to a new report issued Monday. The California Commission on the Fair Administration of Justice, appointed by the state Legislature to propose criminal justice reforms, issued a 117-page report detailing a deeply flawed system with the biggest backlog of cases in the nation.

The commission stopped short of calling for the abolition of the state's death penalty. It did note, however, that California would save hundreds of millions of dollars if capital punishment were eliminated. Most condemned inmates are essentially given life sentences because so few executions are carried out, the report said.

The commission blamed inadequate legal representation and a broad death penalty law that makes nearly all first-degree murder cases eligible for the death penalty among other issues that have made the California capital punishment system "dysfunctional."

"It is the law in name only, and not in reality," the report stated.

The commission recommended California double its annual amount of capital punishment spending to hire more defense lawyers and prosecutors.

There are 673 inmates on California's death row. Seventy-nine of them are still waiting to be appointed attorneys to prepare their automatic appeals to the California Supreme Court.

California has executed 13 inmates since reinstating the death penalty in 1978. No one has been executed since 2005, when a federal judge ordered a de facto moratorium until state officials fixed flaws in how California prison officials deliver the lethal injection during executions.

It takes an average of about 17 years in California between the time a killer is convicted and when the killer is executed, and that only on the rare occasion when an inmate is executed. The national average is about 10 years.

"The families of murder victims are cruelly deluded into believing that justice will be delivered with finality during their lifetimes," the report stated. The commission also suggested limiting the number of crimes eligible for the death penalty to multiple murders, the killing of law enforcement officials or witnesses and the torture of murder victims. As it stands, the commission said 87 percent of all first-degree murder charges could be prosecuted as death penalty cases. The commission "found no credible evidence" that an innocent person had been executed in California in the last 30 years.

"The strain placed by these cases on our justice system, in terms of the time and attention taken away from other business that the courts must conduct for our citizens, is heavy," the commission concluded.

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