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ISSUE. **01**

COVER STORY

IS KILLING EASY?

REVITALISING
THE ABOLITIONIST
MOVEMENT



MANDALA IS A CIRCULAR PATTERN USED BY FOLLOWERS OF BUDDHISM TO HELP MEDITATION.

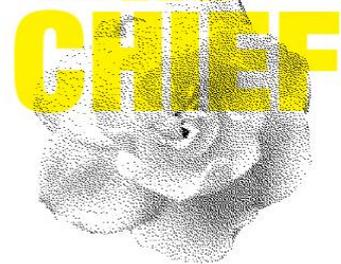
Ironically, this poster, designed by Mexican artist Artemio Rodriguez in 2010 for Amnesty International Peru to coincide with Amnesty International's global Control Arms campaign, shows a mandala formed by images of guns with the phrase "Do not live in harmony with armed violence".

Hello! Do you find the new look of Amnesty International Quarterly's Spring 2011 Issue refreshing? Starting from this issue we are nailing our colours to the mast by renaming our magazine "Human Rights Quarterly". Tina Davi and I are all new to the organisation, and we have set up the Human Rights editorial committee to revamp its contents and layout, with the aim of creating a platform to discuss local and international human rights issues.

To strengthen its contents, each issue of the magazine will feature a specific topic. For example, this issue is about Death Penalty. We have interviewed Alan Shadrake who was thrown in jail because he advocated the abolition of capital punishment. Another interviewee is Chang Chuan-fen, whose new book describes the difficulty of killing. We are also inquiring into Singapore's legal system. A round table discussion has been organised for post-90 generation youngsters from various high schools to collect their opinions on the pros and cons of the death penalty. Their young minds are active and critical. Through these reports, we hope to highlight in a multi-dimensional way the discussion about the relationship between the abolitionist movement and the discourses concerning violence, the legal system and punishment, as well as the protection of basic human rights. We hope this effort will encourage more people to support our global abolitionist campaign.

The Good News column has been retained in a new layout to look more appealing to the readers. Likewise, the visual information in the centre-spread is worth a thousand words. If you want to express your opinions or feelings, please write to us (editorial@amnesty.org.hk). They may be published in Human Rights.

With gratitude to jessamine flowers, 2011 was given a hopeful start. We therefore hope that the public could tide with the wave and make jessamine flowers blossoming around everywhere.



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Pat Quinn
Governor of
Illinois

Norma Cruz
Women's Human
Rights Defender

Kaddour Terhaz,
Retired Morocco
Military Officer

**Father Alejandro
Solalinde Guerra**

Pat Quinn
Governor of Illinois

Illinois will become the 16th state in the US to abolish capital punishment and it will be the third state to enact abolitionist legislation in the past two years after New Jersey and New Mexico.

Governor Pat Quinn signed the law on abolishing the death penalty on March 9th and he also commuted the death sentences of the 15 men on death row in the state.

Illinois has not carried out an execution since 1999 and it has been the second highest number of such exonerations among the USA's death penalty states. Amnesty International said it agrees with Governor Quinn's assessment that Illinois is taking an important step forward in its history.

Norma Cruz
Women's Human Rights Defender

Norma Cruz leads a women's rights organization- Survivors' Foundation (Fundación Sobrevivientes), based in Guatemala City, the capital of Guatemala. She fights for justice in cases of violence against women, in consequence, she has received dozens of death threats. Unfortunately, there has been no progress in the investigation in the threats against her.

Since May 2009, Cruz has received dozens of threats relating to the Survivors' Foundation's provision of legal assistance to a girl who was raped. On 30 August 2010, Norma Cruz received a death threat on her mobile phone. A man left a voicemail message saying that the head of her daughter would be delivered to her.

Norma Cruz has also said that the increased international attention on her case through the Letter Writing Marathon has had a positive effect due to media attention. The media attention has greatly helped increase their profile and make people aware of their situation. She expects that because of the media focus, the authorities will have no alternative but keep giving Norma and her organization protection, and to keep pursuing her case.

Kaddour Terhaz
Retired Morocco Military Officer

Kaddour Terhaz, the 73-year-old retired high-ranking military officer in Morocco, had been imprisoned since his conviction by a military court in November 2008, due to his letter to King Mohamed VI, calling on him to improve the situation of former pilots who had been held captive by the Polisario Front. The court found him guilty of threatening Morocco's "external security" through divulging a secret of "national defence", hence sentenced him to 12 years imprisonment since 2008.

The organization has been campaigning for the release of Kaddour Terhaz for the last 15 months. And Kaddour Terhaz's son said: "Amnesty International has followed the case constantly, with no interruption for asking for his father's release. AI's report, urgent actions, web action... I would like to thank AI a lot for everything."

Alejandro Solalinde Guerra
Father

Father Alejandro Solalinde Guerra is a Catholic priest, as well as director of a migrants' shelter that was set up to provide humanitarian assistance to migrants. He has dedicated his life to providing a place of safety for migrants. Because of his work, Father Solalinde has been continuously attacked and harassed by the xenophobic members of local communities. The authorities have done little to protect him, or investigate the threats against him.

Since 2008 Father Solalinde has faced frequent intimidation. Local media often report false stories blaming the shelter for housing migrants who are suspected of committing criminal offences. Father Solalinde has publicly condemned Mexican officials' treatment of irregular migrants, making himself increasingly vulnerable to attack and intimidation.

The Global Write-a-thon has changed the situation. Father Solalinde receiving protection from two state-appointed bodyguards to combat the harassment and threats he has received from xenophobic members of local communities for carrying out his work.

2011 GOOD NEWS

A PAINTING BY DELARA DARABI, AN IRANIAN CHILD OFFENDER.



Darabi served five years of a prison sentence for theft on death row after her conviction of murdering her father's female cousin. She initially confessed, but later recanted, claiming her boyfriend, Amir Hossein, persuaded her to confess by convincing her that he would be executed. She would not have been in most places, being a minor, but this was not the case in Iran.

Darabi was once documented as saying, "The only face I see in front of me every day is a wall. For three years, I have been defending myself with colours, fans and words. These paintings are an oath to a crime that I did not commit." She was only 17 years old when the murder took place.

After serving five years of a prison sentence on death row after her conviction, Darabi was executed at 5:00 AM local time in May without prior notification to her attorney and family. Just minutes before being hanged she was allowed to make a desperate last phone call to her parents, and she pleaded for them to save her, followed by the prison warden's voice informing her parents she was to be executed for her crimes immediately. She was 22 when hanged.

COVER STORY

You have seen what's been through with Zhao Lian Hai. With Ai Wei Wei. With Lin Xiaoxiao Bo. And there is Yang Yuh Keng, the Malaysian boy who receives little education. A full stop was probably written to Yang's short life while you are reading this. Yes, that was a life being given a full stop.

And there are situations and moments when a lot of us are given orders and restricted. People can only do certain things but you just cannot give up because there are people who can't even try to do it. People like Delara Darabi, who sees only walls every day, just do not have that right to try, not even to talk. Then you may come to realize that you cannot pass up any opportunity to talk.

And when we have the right to make a difference, we have to be with them, shoulders to shoulders, to work hard towards our goal by all means.

You are engaged too as you are picking up this magazine and reading it. Please start discussions with your friends after reading. Do share this like book-crossing by leaving it on a public space so someone else can pick it up and keep these messages flowing.

This cover story is a new chapter for us. Let's stick together, grow our public voices and choose to be the change that changes the world.

series 01:

The Death Penalty Roundtable

5 young Roundtablers. 1 Moderator. 1 Topic.
Ideology. Philosophy. Value. Perspective. Context.

Venue: Amnesty International Club, Chinese International School, Braemar Hill, Hong Kong./ Date: Feb 23, 2011/ Moderator: LD: Leung Dont
Roundtablers: YW: Yi-Wei Liu, Year 13/ L: Lucas Tse, Year 12/ K: Kolleen Ku, Year 12/ A: Amanda Li, Year 12/ E: Emily Tsui, Year 12

LD: Do you think sentencing some people to death penalty makes sense?

YW: I think it is something that should be reserved for very a few cases. The (Yong Vui Kong) video we just saw, I thought it was very tragic. I can't say out loud what I thought completely... I think it deserve some...at least... like murders, or serial killers that cause the death of many... high officers of Hitler regime maybe... I think they do deserve the death penalty.

L: I think it does make some sense to say that you should totally outlaw capital punishment, but the arguments for the punishment are often wrong I think because the fact that they did commit the crime, the fact that they are suitable for punishment...I don't think that is prudent.

K: Personally I would be against but a lot of the arguments for do make sense. It is more of a matter of perceptions and your own morals. It is rather a more emotional debate.

YW: A lot of democracy is very expensive to maintain, but it is not really a legitimate argument against it. Some people say that criminals should be treated as patients, and you are curing the patient by killing him. That is not right.

A: Sometimes it is an over-reaction by having such a small scale crime and expanding it into such a big punishment.

E: I read a book called "Dead Man Walking". They did a study which showed that with the increase of executions of criminals, it is proportional to the number of crimes committed every year. So the argument behind it is that the government committing an act of violence against an individual actually gives out a wrong message. Therefore the deterrent argument crime is debatable.

LD: Is it difficult to kill?

YW: It's not difficult but it should be difficult. There are sanity and sacredness in human life that should not be violated. But in the cases of murders, or mass murders, I would have to disagree because life is so sacred. If you are prepared to kill or murder someone, you should be prepared to forsake your life to violate that sacredness.

L: One other idea would be the social contract kind of thing... Some people would argue that when you first enter a democratic society, you are bestowed of some of the unalienable rights, one of them the right to life, right? But when you violate these laws, you are violating the social contract. Those things don't belong to you anymore once you violate it.

K: But don't you think that by punishing murders to death, the thinking is just as low as those people...

L: The act of killing someone is not the paramount issue here. It is rather why you are killing that person. I guess it is not the actual act of killing that matters, is the intension behind it.

YW: Let's say the assassins of Lincoln and Martin Luther King as an example. All of them believed that their attempts were correct. They are patients to be treated rather than criminals or evil persons that cannot be cured. Some people are good people, that are infected and believe that they are doing the right thing.

L: If I were a Jihad, I would think that serving justice by being faithful to Allah. But coming from a largely western-influenced background would sound absurd. How could you crash a plane into a building? But to them, it's perfectly just. Individual intent is not the only factor to be considered. The deeper question of whether capital punishment as manifestation of the law is an application of the social norms to the people. In different countries, you can be punished to death for very different crimes.

LD: I wonder what your thinking would be if you were brought up in Singapore.

L: It will be very different. The books we read, the teachers we have. Morality varies geographically.

A: If I were brought up in Singapore and possibly indoctrinated to accept death penalty, would it be okay to justify death penalty by saying social norms are different in every country?

YW: I am against it personally because I believe to a certain degree of universality of basic rights of people. Currently we have the Universal Declaration of Human Rights as the basic construct. I don't think it is perfect but I do believe we shouldn't respect cultures to the degree that we condone things like stoning. I don't care if it is a social norm for you to kill a woman believing Christianity because that violates universal rights that generally pushes our race to a higher standard of human lives.

L: I agree with him. There's a tradition in Africa there that when your husband died, you have to have sex with his brother to purify the family.

LD: It is absurd.

L: It sounds absurd. But the women act totally normal when some people feel pity for them because that is part of their daily life.

K: I can see how imposing western traditions onto more traditional and conservative countries can be seen as cultural imperialism. But I think that the universal declaration of human rights over-rides that. We are talking about a matter of choice.

LD: In Yong's case, the judge cannot do anything because of the mandatory death sentence. Should we allow flexibility when we come across a case like Yong who is an young iter etc?

E: It wasn't really his own fault. You don't get to choose which family you were born into. The circumstances kind of force you to act. It is society's fault for trapping them in this vicious circle.

L: According to that argument, no one should ever be judged for anything because the world is a machine that you can't control anything. But society doesn't work that way. You are subjecting everything to a previous causation.

YW: In terms of death penalty, it is not just a matter of letting him free or killing him. It is quite obvious that Yong is a product of the circumstances.

LD: But he could not be excused because of how the law was written.

YW: I know, and that's why I think the law is unjust. It is long term... It is not just like we now kill this dude, we can save 1.4 million bucks. But it's more like if we kill this dude, does it increase the general standard of living for the people in the general trend?

(please visit this website for the full transcript of the roundtable)

WHAT DID I DO WRONG?

AMЕРИКАНСКОГО СЕКТОРА
MERS
SORS TEZ
EUR AMERICAIN
SIE VERLASSEN DEN AMERIKANISCHEN SEKTOR

Alan Shadrake, a freelance investigative journalist from the UK, moved to Singapore in 2003. Interviewing Dushan Singh, who executed more than 500 people during his 43 years as an official executioner, inspired to write a book *Once a Jolly Hangman - Singapore Justice in the Dock*. One day after its publication in 2010, the Singapore government arrested and charged Shadrake with 'criminal defamation'. His appeal against a jail sentence was heard in the Appeals Court on April 11th 2011. Shadrake's prosecution has spurred discussion about Singapore's practice of capital punishment. In this email interview, he interviewed Tina Chan about his case, and his opinions about Singapore's capital punishment system.

Text/ Tina Chan

TC: Why did you go to Singapore in the first place? And what motivated you to investigate capital punishment there?

AS: I happened to go to Singapore for a change of scenery having lived in the United States for many years. I became involved in reporting the Orchard Towers murder case for UK newspapers, then the execution of Nguyen van Tuong for the Australian media. I soon found that Singapore's claim to be a perfect society where the people are the safest, smartest, happiest, cleanest in the world, etc., rang hollow. I soon tapped into Singapore's dark side - a side that is meticulously hidden from the outside world - and realised the Straits Times - which is known as the 'Straits Jockey' - is like a company brochure produced by the slickest of propaganda experts. Another reason is that Singapore hangs more people per capita than any other country including Iran, Saudi Arabia, China and the United States. It also has the second-highest per capita prison population after the United States - another fact they would prefer to keep to themselves.

TC: Why did you interview Dushan Singh then?

AS: I thought of trying to interview Dushan Singh just before Aussie citizen Nguyen van Tuong was hanged in 2005 when I was still reporting for the Australian media. I was very surprised that he agreed to talk - the first occasion and many more visits over the years - the last being March 2010.

TC: What motivated you to write the book 'Once a Jolly Hangman'?

AS: After I had interviewed Dushan Singh, I thought of writing his memoirs as his ghostwriter but when I started delving into various cases and got to understand how the system works, I realised I could not write this for him. It had to be a completely independent investigation and he could never be signed on to what I discovered otherwise he would be in the dock himself!

TC: What do you think was the main reason why the Singapore government arrested you?

AS: There were a variety of reasons, I think. But the main one was they cannot tolerate criticism or dissent in any form, and they prosecute anyone who opposes them in this way. Many Singaporeans are amazed at what I have done, mainly because they all tell me they don't have the guts themselves to go up against the government or Lee Kwan Yew (LKY), or say or do anything to upset their cosy, privileged lives.

TC: Do you think the Singapore government will change its standpoint on capital punishment?

AS: I think the mandatory death penalty will perhaps be abolished first, but not while LKY is around, and not even after then. It seems that the ruling elite is all for progress in areas where they can make money, but not where social progress is concerned, because democracy and freedom of thought are two things they have to keep exclusively for their own private use. They don't want them for everyone - they fear they will lose all their carefully cultivated privileges.

TC: Your book mentioned that the Singapore government only hangs drug traffickers from countries that have less international influence. What is that all about?

AS: Two cases in particular highlight this in my book. This is utter nonsense in my opinion. Most Singaporeans know nothing about these issues or the consequences, and discussion about the subject is not officially tolerated. They don't know anything about what happened to Aizawa Tochi, for instance, who was hanged in a trafficking case when even the judge said there was no evidence that he knew what he was carrying. In contrast, a German girl who had been running a major drug ring in Singapore and knew exactly what she was doing for several years, was jailed for only five years instead of being hanged. The difference was that she came from a powerful country that Singapore did not want to offend. The German people were furious at the prospect of her being hanged in Singapore, and the tabloid press began a serious campaign - one with a front page devoted entirely to a photo of this young woman standing next to a gallows with the headline: 'IF YOU HANG HER, 80 MILLION GERMANS WILL HATE 4 MILLION SINGAPOREANS'.

TC: Why do you think the Singapore government is wrong to hang drug traffickers?

AS: Everyone involved in the drug trade should be treated equally, but the Law Minister in Singapore states that they must hang drug mules because if they don't, the drug lords would send more, and the problem would get worse. But why not start with hanging the drug lords if anyone has to be hanged? Instead of hanging drug mules, why not use them as bait to catch the big fish - drug barons - and hang them?

- TC: If the Singapore government had not charged you and if they had allowed you to leave the country instead, would you have continued your fight for this group of people, and your investigations into the Singapore legal system?
- AS: If the Singapore government had not charged me and had just let me return to Penang after the book's launch, I would be as unknown now as I was on July 16 2010. But now I have decided that I will always campaign to end the death penalty, wherever it is practiced. It is a total waste of time and serves no purpose at all. It has not stopped drug trafficking and it never will. And it has not stopped other serious crimes. My view is that drug addicts should be treated as patients, not people to be hanged, imprisoned or caged. The drug bosses should be given stiff prison sentences and their sophisticated "privileged" clients' customers should also be severely punished. If it wasn't for them, there would be no demand for "mules" and no need to hang them. My view is that, if they can be hanged so casually, then so should everyone in this business. But I am not in favour of hanging anyone.
- TC: Since you have four children and you are now facing a possibility of prison sentence in Singapore, do you ever regret doing all this and publishing the book?
- AS: My four children are grown up, three with children of their own. In fact, they are proud of what I do, particularly regarding this book. I would do this all over again if necessary and I might even write another book when I have sufficient evidence to back up what I have in mind that needs exposing. We do what we have to do in life. Of course, they do not like to see me in this situation, but we are not the types to get sentimental. We all respect what we all have to do – and this is what I have to do.
- TC: If you had only one hour left in your life, what would you want to do the most?
- AS: I would like to spend it praying that I have not made any serious mistakes in life, and that I would go to a better place than this! Dushan Singh, the hangman, always said those words seconds before he pulled the lever and opened the trapdoor on the gallows.

Simon Shen on “Once a Jolly Hangman: Singapore Justice in the Dock”

In contrast to the authorised memoirs and autobiographies of Singaporean leaders like Lee Kuan Yew and Goh Keng Wee, Alan Shadrake's investigative report on the country's judicial system in general and its death penalty in particular undoubtedly gives us a valuable first-hand account of the hidden side of this international metropolis.

As an international relations scholar, I am particularly struck not only by the book's description of the victims and hangmen, but also by two of the author's observations. One is the fact that Singapore has been among the countries that have offered the greatest support to the military junta in Burma, while simultaneously imposing a strict policy – including the death penalty for smugglers – on the drug trafficking that is partially protected by the junta. The other fact is that Singapore's authoritarian governance is carried out by “civilian means”, in terms of using public funds to sue dissidents to the point of bankruptcy.

Coupled with the government's paternalistic rule, these observations sharply reveal the secrets behind Singapore's apparent communal harmony. However, an increasing amount of social tension has recently been observed in the city-state, which has the highest income parity after Hong Kong among all the countries and regions that are categorised as having a high degree of human development. If both the paternalistic system described in the book and the high level of income parity continue, then Singapore's long-term stability could be at risk.

Dr. Simon Shen is an Associate Professor in the Department of Social Sciences, Hong Kong Institute of Education, Adjunct Associate Professor and Chief Coordinator of the Master of Global Political Economy Programme, Chinese University of Hong Kong. He is also the Founding Chancellor of Rombrakle Institute and Its Newark. Educated at Oxford University and Yale University, his research interests include Sino-American Relations, Contemporary Chinese Foreign Policy, Chinese Nationalism, Anti-Terrorism and Regional Security and External Relations of Hong Kong.

REVITALISING THE ABOLITIONIST MOVEMENT

After all these years, we are still debating whether the death penalty should be abolished. It goes without saying that abolitionists and advocates are divided into two irreconcilable camps. One supports it, the other opposes it. Neither side is able to convert the other. It seems to have almost become a waste of time to continue debating the issue. However, my online conversation with Chang Chuan-fen, revealing the difficult to kill with her new book, was very thought-provoking.

As Chang says, we are not naive enough to believe that every criminal can be reformed, so that he or she will never reoffend. However, the law can only correct misdeeds, not evil intentions. It doesn't have jurisdiction over a criminal's mind. After all, criminals are human beings. Crime is an indelible part of their nature.

“This guy had been locked up. Why the big fuss about executing him?”

Dont: Many people dare not adopt a fixed position about the death penalty. It generally depends on the circumstances of each case. A person may even take a different view concerning different cases. They may say, “This man has committed a serious crime and he deserves to die” or “That crime was less serious. The death sentence is probably too harsh a punishment for it”.

Fen: There is a sentence on the cover of my book: “The death penalty is a temptation”. It expresses my view that the death penalty is a process. I was not against capital punishment to begin with.

Dont: Why?

Fen: I began to ponder this issue seriously when I wrote about the Su Jian-He case. It involved four convicts who were sentenced to death. It was believed that there was insufficient evidence against three of them. It was concluded that the fourth, Wang Wen-Shan, was the real murderer. I was definitely against the death penalty for the other three. But what about Wang? I started to ask myself: am I also against Wang's death sentence?

Dont: “It was concluded” neatly highlights the question: “How can we be so sure?”

Fen: Exactly. Often, a legal case teaches us to be humble about the truth. In the voluminous dossier about the Su case, there is one file that seems to be the least important: the one about Wang's execution. Only one thing is documented in that file: the killing of this man. It contained some photos, like a series of stills from a movie. Wang with a resentful expression, getting into the prison van, eating his last meal

and writing his last words. Then Wang blindfolded. Finally, Wang lying on the ground, bleeding, with one slipper on and the other missing. I suddenly found it all so ridiculous! This guy had been locked up. We “on the outside” were safe. Why wake him up one morning and make so much fuss about killing him? My questioning of the death penalty began there. Why do we need capital punishment?

Therefore, we begin to realise that any discussion about capital punishment must transcend practicalities, such as the law and the crime rate. Instead, it must focus on a deeper level: our concepts of crime and humanity's innate urge for revenge, as well as issues like punishment, forgiveness, atonement and retribution. Only by exploring these topics can society discuss capital punishment in a mature way.

“Those who support the death penalty often visualise heinous crimes in their minds”

Dont: We probably deal with serious crimes like this as a way to reassure ourselves. An impulse that seems to come from nowhere urges people to dispose of such offenders swiftly and mercilessly. Is that what you mean by “temptation”?

Fen: As I see it, some of the reasons why its advocates believe in capital punishment are that, firstly, villains should be punished and justice is “an eye for an eye”. The death penalty is therefore a valid way to exercise justice. In fact, I also agree that good deeds should be rewarded and bad deeds punished. But the retribution should be proportionate. It must also be consistent with proper legal procedures. Secondly, its supporters hope severely punishing wrongdoers will protect society. They almost believe the death penalty is a source of security. A friend of mine was once robbed of her wallet in the UK. She reported it to the police. The next day, she received a call from a government department to ask if she needed free counselling. What victims need is a victim-support system. It means that, when I suffer a blow, I don't have to bear it on my own. The government will use public resources to help me. Only a society with a victim-support system can make me feel really safe. Thirdly, from the point of view of the victim's family, the death penalty is a consolation. Like other members of the public, I'm afraid of being the victim of a crime, and I sympathise with the families of victims. Nevertheless, I think the real solution is to set up a victim-support system, give victims substantial rights and help support them with a system. Capital punishment is not the solution. It's merely a smoke screen.

If the death penalty is the only way we can “take care” of a murder victim’s family, how do we care for the victims of other types of crime and their relatives?

Dont: It’s about “taking care”, psychological care. Asking what their needs are, instead of clinging to capital punishment as a kind of so-called “care”. It seems we have double standards about what “taking care” means.

Fen: You’re right. Most discussions about the death penalty focus on ways to punish criminals. Since the death penalty is the ultimate punishment, people get a sense of pleasure about the thought of “executing them on the spot”.

“Revenge is part of human nature”

Dont: After all, criminals are also people. Crime is an inescapable aspect of their nature. We should punish extreme evil, but the focus should be the causes of extreme evil, how does a person end up this way?

Fen: I agree. Once we’re preoccupied by the idea of punishment, we tend to neglect the various social aspects of crime and demand that criminals should bear all the responsibility. By saying this, I’m not trying to exculpate criminals. Criminals also have free will, and no doubt they have done irredeemable harm to others. Nevertheless, if we go on neglecting the social structures that cause crime, it’s no use arguing to a safe society.

Dont: Many people can’t forgive those who commit serious sins. They even assert that such mistakes can’t be corrected unless the culprits are executed. What do you think?

Fen: It’s commonly believed that abolishing the death penalty is tantamount to forgiving the inmates on death row. Some even think we are asking the victim’s family to forgive them. I regard forgiveness as a noble virtue. But nobody has the right to ask victims or their relatives to forgive. Forgiving is not the responsibility of victims or their families. I always object to forgiveness being advanced as a reason for abolishing the death penalty. Of course, we shouldn’t negate the value of forgiveness, which is still a quality worth yearning for. I do not oppose the death penalty because I forgive the convicts or feel anguished that they are going to be executed. Rather, it’s because the availability of life imprisonment as a less-detemental sentence means that capital punishment is excessive.

Dont: We have talked about proportionate retribution. But what is proportionate? Many argue that only “a life for a life” is proportionate.

Dont: That’s a horrible sort of pleasure, because it overshadows other needs, like the need to take care of the victim’s family.

Fen: Those who support the death penalty often visualise the details of heinous crimes in their minds. The mass media often feed these imaginations by playing up the lurid aspects of the crime and labelling the wrongdoer as a “beast”, someone who doesn’t deserve any human rights, rather than a human being. However, these so-called heinous crimes are often distortions of what really took place. What the masses yearn for is that such ghastly crimes should be punished. But in reality, they actually put to death a living human being, not an incarnation of evil. In this sense, the death penalty is rather like witch-hunting.

Fen: Some may advocate an eye for an eye, a life for a life. If this principle were to be established, then if someone injured me seriously and was sentenced to five years of imprisonment, I could object. I could say, “I don’t want him locked up. I want to beat him up until he is seriously injured!” Could a victim of sexual crime ask for the perpetrator to be sexually assaulted in a certain way? Obviously, an eye for an eye is not a prevalent form of justice. Nor is it practicable.

Dont: To be honest, some would prefer to beat the hell out of a criminal, rather than see him jailed. Many believe that imprisonment is too lenient for criminals.

Fen: I believe revenge is part of human nature. However, I couldn’t imagine what would happen if we let this sentiment run wild. How could a society continue to function? In fact, the entire legal system is designed to constrain human instincts and human nature. It’s not because we are such noble creatures, it’s simply because we are well so are that a state ruled by the law of the jungle would do nobody any good. In other words, punishment isn’t meant to satisfy the sentimental propensity of the victim or culprit, even though both you and I may have that propensity.

Dont: Inevitably, we have to consider the level of public discussion about the death penalty in Chinese societies.

Fen: Among the various Chinese societies, the death penalty has been abolished in Hong Kong. On the other hand, China is a gigantic black box. As for Taiwan, it used to be a hot-issue. Although miscarriages of justice have come to light occasionally and raised questions about the legal system, all the opinion polls on the subject in Taiwan have produced ridiculous results. When you ask people whether they trust Taiwan’s legal system, most of them will say “No”. But if you ask them whether they support the death penalty, they will answer “Yes”!

It wasn’t until last year that the issue really attracted attention and aroused discussion. Despite a lot of emotional hot air, rational reflection is taking root everywhere. I have made about 20 speeches since my book was published. I always feel the audiences are rational, and they are willing to discuss the issue. That’s very encouraging to me. In Taiwan, we are reforming the legal system, including the imbalance between the powers of prosecutors and defendants in criminal prosecutions, and amendment in cases of miscarriage of justice. Recently, the mechanism for appointing and removing judges came under review. Although it was a major setback when executions restarted last year, in terms of the debate of ideas, we’re still making progress. In any case, social dialogues must never stop. I always believe that abolishing the death penalty isn’t just about abolishing the death penalty, it also represents the emergence of a new world view, a new concept of justice.

Appendix:

01

The Su Jian-He case was a major criminal case in Taiwan in the 1990s. Su Jian-He, Liong Bing-Liang and Juang Lin-Shun were sentenced to death for gang robbery, rape and murder. In January 2003, the Supreme Court of Taiwan withdrew the original sentence and declared them not guilty. However, they were later sentenced to death again. In 2007, the Supreme Court suspended their death sentences. In October 2010, three of the defendants were declared not guilty after a retrial. In December, Amnesty International issued a statement urging Taiwan’s authorities to look into the flaws of the judicial proceedings in this case, including the extraction of confessions under duress. For details of this case, see <http://www.hsiichuh-tno.utl.tw/index.php>

02

Having studied various victim-support systems around the world, Feng finds the best of them usually cover three aspects: financial compensation, professional psychological counseling, and legal aid. She says Germany has the best system. “Germany’s victim-protection system possesses a very important insight: awareness of the diversity of victims and their families. Some victims may want to go to the court to see justice done, whereas others don’t want to testify in case it causes them further suffering. An emphasis on tailoring the system to serve the victim is therefore very important. There’s no absolute standard of right and wrong. It depends on the victim’s individual needs or wishes concerning the case. It’s the government’s duty to provide necessary assistance. If a victim persists in pressing charges, then the government will provide legal aid. If otherwise, the victim may receive specific help. For example, he or she may be given the chance to make a complete affidavit in a single session, rather than having to suffer further during the proceedings.”

Original Text: Fred Lam Translation: Esther Wong

The Death Penalty: Our Distance from Justice

It was probably due to the general ignorance about the issue in Hong Kong – no one here had been sentenced to death during the 45 years since 1966, and the death penalty was formally abolished in 1993 – but before reading this book, I thought abolition of the death penalty was a global trend. But it turns out I was wrong. In Taiwan, its advocates are much more vociferous than the abolitionists. Chann Chuan-fen’s (陳冠中) *The Difficulty of Slaughter* (literal translation, originally listed as 殺戮的難題) is an abolitionist rallying cry. It is a hard one to give voice to, but it is humble, yet resolute.

It has never been easy to appeal for mercy for a felon. I am reminded of Mr. Leung Yiu-chung, the only LegCo Member who was willing to speak out for juvenile life-tenners. Both he and the convicts were cold-shouldered. It is even harder to stand up for flagrant offenders who have been condemned to death. Although the abolition of the death penalty is a sweet, long-term ideal for Taiwan, the Minister of Justice, Wang Ching-feng, stirred up a heated debate when he refused to carry out death sentences last year. He was berated by capital punishment advocates like Pai Ping-ping, and he was eventually forced to resign. Subsequently, nine of the 44 prisoners on death row were executed under a new minister. The road to abolition remains an arduous one.

Against this backdrop, *The Difficulty of Slaughter* covers issues like the controversy surrounding the death penalty, the low quality of the judicial system, the inevitability of miscarriages of justice, the trumped-up charges, the loopholes in existing laws, and the influence of the media on the courts. The book focuses less on emotional appeals than the defects in the system. That is probably the reason why the abolitionist movement is at a disadvantage in public opinion. Sober and rational discussion in the media inevitably tends to be at a disadvantage when it is confronted with public fear and abhorrence, as well as by the grief of the victims’ relatives.

The main point of the controversy is to seek justice. And what is justice? Does the death penalty exemplify and defend justice? Or does it undermine and besmirch it? If we presume that the judicial system is always infallible and that the truth will eventually be revealed, few people would oppose punishing vicious and unrepentant criminals with death. But that is the crux of the problem. In practice, cases of improper judicial procedures are not uncommon, miscarriages of justice are not rare, and criteria for imposing penalties are not consistent. Judgments about a person’s life and death based on such a system are the Achilles’ heel of capital punishment. Justice is indeed farther away from us than we imagine. *The Difficulty of Slaughter* cites various suspicious cases and includes an interview with death row inmate Teng Cheng-gang in an attempt to use them to explore how justice should be implemented.

To Hong Kong people, the death penalty is an irrelevant issue. However, life and justice are always relevant. This book reminds me of the controversy about euthanasia in Hong Kong, the juvenile convicts mentioned above, and issues like police power and the media’s professional ethics. I recommend it to you.

Fred Lam is the Chief Campaigner of Roundtable Community, a social activist and a current affairs critic.

“To take a life
when a life
has been lost
is revenge,
not justice.”

15 grams

SINGAPORE....SINGAPORE....
What images does the name conjure up?
A well-educated population?
Strict laws? Clean streets?
State-owned industries? Text: Tina Chan

Singapore is certainly a unique country. It is commonly regarded as an elite society that does everything efficiently and speedily. Well, there is a kind of “efficiency” and “speed” about the way it hangs seven prisoners at a time. After all, that shortens the time they spend languishing on death row, and it speeds up the entire execution process, so that more people can be put to death.

In fact, as an elite society, Singapore tries to be different from others in many ways. It embraced “Asian Values” in the 1990s by adopting a unique political ideology that reflects its culture. Meanwhile, it tries to maintain its regional influence by inviting foreign professionals to work there in order to make the city as international and multi-cultural as possible, a kind of melting pot of races and cultures. But, looking more deeply, is Singaporean society really as international as it first appears to be?

To help you refresh your memory, Yong Vui Kong, a 22-year-old Malaysian, is on death row because he brought 47 grams of diamorphine (heroin) into Singapore when he was aged 19.

Yong’s case challenged Singapore’s legal system, because it created a sensation in the community, and it led to a campaign to save his life. It also raised public awareness of and spurred discussion about Singapore’s capital punishment regime. Quite a number of “Save Yong Vui Kong” campaigns were launched, together with several websites hosted by his supporters and people who have been following his case since day one. I am not going to analyse Yong’s case in depth here. That has already been done by others. But has it caused you to think about Singapore’s mandatory death penalty policies? What does “mandatory” mean in this context? How can 15 grams of heroin result in a death penalty that will prevent crime?

Under Singapore’s Misuse of Drugs Act, anyone found in possession of more than 15 grams of heroin is presumed to be trafficking and will be sentenced to death, regardless of whether or not there is any proven intention of selling or distributing the drugs. This allows the judge no discretion to consider the penalty “mandatory” in Singapore law also means offenders who are found in possession of that amount of drugs can’t defend themselves.

Although criminals convicted of offences such as murder and unlawfully discharging firearms are also sentenced to death, according to the Think Centre, a Singaporean civil rights group, about 70 percent of hangings in the country are for drug offences.¹ Is that the right way to treat a life that has gone wrong?

Deterrence

Commenting on Amnesty International’s report *Singapore - the Death Penalty: A Hidden Toll of Executions*, the Singapore Government stated that “the death penalty plays a key role in deterring organised drug syndicates from establishing themselves in Singapore and keeps the drug situation under control.”²

Deterrence is one of the main reasons why countries like Singapore still practice capital punishment. All of them claim that the death penalty acts as a deterrent to other potential offenders. Honestly, how many offenders actually think about the law and consider the consequence before they commit a crime? And should 15 grams of heroin, or another quantity of a drug, give the right to end someone’s life? Since when have we taken life and death decisions so easily?

A person who violates a specific law should be regarded as someone who thinks irrationally who has a different mindset to others that leads him or her to make decisions and obtain their goals by illegitimate means. An offender usually decides to risk the consequences of being caught because of his or her immediate need for the benefits of committing a crime, situational factors, or even simple excitement. Hence, the death penalty is not a general deterrent to crime. Instead, offenders should be treated as patients who need re-education and rehabilitation, rather than people who need to be hanged.

Furthermore, not all drug traffickers are well educated and knowledgeable. They may not even know about the law and the consequences they will have to face if they are caught, as Yong was. Isn’t this a good opportunity for the government to re-educate them? Prison provides them with a place and a chance to repent and repay society for what they have done. The death penalty obviously deprives them of their only opportunity to do this.

A valuable human life should not be ended because of a certain quantity of a “trafficked” drug. After all, a life is a life. Every life is unique and valuable. The threat of ending it should not be used as a tool to achieve other objectives, for example deterring potential offenders. A modern and civilised country should stop revenge killings. Instead, it should use punishment as a means of rehabilitation rather than revenge.

Since we were small, we have been told to respect every single life and that killing is wrong and unacceptable. So why do some governments regard killing offenders as legally and morally right?

Desmond Tutu, a South African human rights activist (Nobel Peace Winner in 1984)

¹ Amy, Tan. (2012, April 12). Singapore Death Penalty Should be Stopped. Retrieved from <http://www.thinkcentre.org/infocentre/ArticleID-1425>

² Ministry of Home Affairs, Singapore, (2007, July 26). The Singapore government’s response to Amnesty International’s report “Singapore - the death penalty: a hidden toll of executions” (drug abuse and rehabilitation). Retrieved from <http://www.thinkcentre.org/infocentre/ArticleID-1425>



Bushholding
increases the feeling of
being alone and
abandoned.
"The worst thing is
being held for days and
not waiting for someone
to tell you why you are
there... for days, weeks or
months."
They keep people like
that to add to the fear...
but when they suddenly
wake up the truth is
overcome you, you are
alone alone. The light is
painful and you can't
concentrate on a single
thought."
—An Iranian political
prisoner released from
Evin Prison in 1982.

Poster for the secret Campaign Against Torture (1982).

The poster includes an extract from one of the testimonies given by former Iranian prisoners to representatives of Amnesty International about their experiences of torture and imprisonment between August 1981 and early 1984.

JASMINE BLOSSOMING. THESE ARE THE HAPPENINGS.

EGYPT

The way Egyptians have taken to the streets in unprecedented numbers to demand dignity, human rights and social justice has been an inspiration to oppressed peoples everywhere. Congratulate the protesters for their extraordinary courage and commitment to achieve fundamental change.

TUNISIA

On March 7th, 2011, Tunisia's prime minister has appointed a new government, the third caretaker administration since the overthrow of authoritarian leader Zine el-Abidine Ben Ali in January.

Amnesty International has

- called for immediate independent investigations as it released a report detailing unlawful killings and acts of brutality by Tunisian security forces during the protests in December and January that led to the departure of former President Ben Ali;
- called on the caretaker authorities to allow Tunisians to express their opinions and participate in peaceful protests without fear of injury or arbitrary arrest.

BAHRAIN

Hundreds of anti-protestors are reported to have been injured due to Bahrain security forces crackdown, as well as Bahraini human rights activists received anonymous death calls in mid-March.

Amnesty International has called on

- the governments of Bahrain and Saudi Arabia to immediately restrain their security forces after an anti-government protester was shot dead in Bahrain lately and many others sustained gunshot injuries;
- the Bahrain authorities to hold security forces accountable over the use of excessive force after police fired rubber bullets at close range at demonstrators in the capital Manama.

LIBYA

At the Tunisia-Libya border, a heaving crush of thousands of people anxious to leave the insecurity of Libya gathered in no-man's land and on the Libyan side of the border on 2 March, 2011. Most were young men, principally migrant workers from Tunisia and Egypt. They were desperate to go home or find shelter and safety in Tunisia. Amnesty International has urged the Libyan authorities to cease using excessive force to suppress anti-government protests.

CHINA

China's recent crackdown on foreign journalists reporting potential "Jasmine Revolution" shows that the government fears of any popular protest. Over 100 activists in China have been detained or placed under surveillance by the police since mid-February. Five activists in criminal detention are at risk of torture and other ill-treatment.

Amnesty International is....

- calling on authorities to release detained activists immediately and unconditionally unless the authorities can show reasonable grounds for suspecting them of having committed an internationally-recognizable criminal offence;
- urging the authorities to ensure they have access to family, legal representation of their choice, and any medical care they may require;
- guarantee that those mentioned names will not be tortured or ill-treated while they remain in custody;
- urging the authorities to take effective measures to guarantee freedom of expression, association and assembly in line with China's Constitution and the International Covenant on Civil and Political Rights which China has signed and declared an intention to ratify.

茉莉盛放 正在發生

埃及

不計其數的埃及人跑到街頭，爭取人權、尊嚴和社會公義。他們的行動鼓舞了世界各地的被壓迫者。讓此向這些具有勇氣和熱誠，致力爭取社會徹底改變的示威人士送上祝賀。

突尼西亞

自今年一月穆賈德林Zine el-Abidine Ben Ali被推翻後，突尼西亞首相於二零一一年三月七日任命了第三屆看守政府。

國際特赦組織要求：

立即進行獨立調查。因為據報稱，在十二月至一月示威期間，突尼西亞軍隊非法屠殺及作出暴虐行為，亦因此激起民憤。最後使前總統Ben Ali離職。要求臨時政府准予突尼西亞人民表達意見，以及不會受傷害或被任意逮捕的威脅下參與和平示威。

巴林

三月中，據報數以百計的示威者在巴林軍警的鎮壓下受傷。此外，當地的維權人士亦接到匿名的死亡恐嚇電話。

國際特赦組織要求：

巴林政府和沙地亞拉伯政府，在巴林發生示威者被殺和逮捕之後，應馬上限制軍警的駐紮，巴林當局必須確保在首都麥那那附近距離向示威者發射橡膠子彈一事，向國際部隊透明度運用權力行為的責任。

利比亞

二零一一年三月二日，數以千計希望或離開比亞動亂狀態的難民，擠塞在與突尼西亞接壤的利比亞邊境一帶的曠地上。他們主要是來自埃及和突尼西亞的外籍勞工，大部份是年青男性。他們希望從邊境進入突尼西亞再轉回國。或直接在當地尋找安身之處。國際特赦組織要求利比亞政府停止使用暴力鎮壓示威者，以舒緩難民流亡潮。

中國

中國政府近月來對外國記者報導「茉莉花革命」的打壓，顯示政府害怕任何公眾抗議活動。自從二月中旬開始，超過一百名中國維權人士被公安扣留或監禁。其中五名被刑事拘留的維權人士有可能遭到酷刑虐待。

國際特赦組織要求：

中國當局馬上無條件釋放拘留的維權人士，否則當局需要證明拘留他們是由於懷疑他們與自願參加茉莉花運動有關。當局應容許他們律師與其家屬，獲得法律代表及告知他們的法律權利，與及他們所需要的治療和藥物。確保這些維權人士在拘留期間不會遭到酷刑和虐待。當局採取有效措施以保障言論自由及集會自由，以落實中國憲法及中國政府所簽署及承諾遵守的《公民權利及政治權利國際公約》。

BODIES THAT WE WOULD LIKE TO SAY A HEARTILY THANK YOU



所有捐款者和義工 / 藝文工作發展局 / 美國國際學校 / 漢基國際學校 / 拔萃男書院 / 行人文化實驗室 / 協恩中學 / 香港教育專業人員協會 / 匯豐銀行 / 劉錫媛女士 / 林輝先生 / 區新明先生 / 貝萬先生 / 沈旭暉先生 / 葉錫芬小姐 / 商業電台何利利小姐 / 勵志聯誼會 - 黃大仙下邨展能中心餐館 / 街坊工友服務處 / 新牛精神康復會 / 樂齡會 / 嘉諾撒聖心書院 / 天主教崇德英文書院 / 聖保羅女子中學 / 藝穗會 / 香港女同盟 / 五代十國

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巴林



反政府的群眾 @ Al Jazeera English

突尼西亞



示威者於突尼西亞首都突尼斯遊行抗議前突尼斯總統Ben Ali @ Reuters

埃及



於埃及開羅的示威 @ Sarah Carr

中國



維權人士於社會團體於北京示威 @ Ubin

利比亞



群眾被圍於突尼斯與利比亞接壤邊境 @ UNHCR/A. Duclos



身有一名政治犯。你可能會看到
光明的權也沒有。把犯人的雙眼
蒙起來，是要令人看不見光明，
自然地感到孤單無助，甚至變得
毫無防備。

一名曾於女監獄(Ms. Prater's)的
前伊朗政治犯於一九八二年獲悉後
表示，給帶到監獄以後一直給蒙著
眼。給蒙眼的日子不定，有人給蒙眼
數星期，有人是數月。日子久了，
心裡的恐懼就會膨脹起來。
然後一天，他們決定要來離開你的
時候，會突然蒙眼的布拿開。你當下
就盲了。入監的光線讓雙眼感到
很刺癢。那一刻，你根本不能集中
思維去想一件事。



事實上，作為一個精英社會，新加坡在很多方面都盡力做與眾不同。自六十年代起，其獨特的政治體制（Asian Value），進行「善治」與其文化的獨特政治體制。同時它為了維持在亞洲地區的影響力，通過吸引外國專業人士在國內就業，新加坡更趨國際化和文化上更多元化，成為匯聚文化的大熔爐。但隨着之下，到底新加坡社會，有沒有它表面上所說的那麼國際化呢？

大家應記得這宗命案的個案。他是一個二十二歲的馬來西亞人，在十九歲那年，因為攜帶四十七克的毒品被警方拘捕。白粉，進入新加坡而被判死刑。

這宗命案的個案轟動了社會各界，並引發了一連串特赦耀光（Shaw Wu Kong）的運動，挑戰新加坡的司法制度。同時亦引起了公眾對於新加坡死刑制度的關注和激烈的討論。民間發起多個「特赦耀光」的運動和網站，這些運動都是由支持和同情耀光，或者是由案件曝光一列像耀光此案的人所發起的。已有不少人認為耀光，要作出不少深入分析，因此無罪在此案。那麼，這案件有沒有令你反思新加坡的強制性死刑政策？會不會令你返回到底「強制性」意味著什麼？會不會令你質疑，對攜帶十五克海洛英的人判處死刑，是否真的可以阻止犯罪？

根據新加坡的《濫用藥物法》(Misuse of Drugs Act) 任何人攜帶超過十五克海洛英，即使有證明只供自用而沒有轉售意圖，也會一併判處死刑。依法必須判處死刑。這樣法官在判罰時，便無法使用酌情權而判處其他刑罰。此外，在新加坡法律下，「強制性」一詞亦意味著沒有超過此份量毒品的犯人無罪放歸。

雖然死刑亦用其他刑罰如監禁和非法使用槍械的刑罰，但根據新加坡一個名為「思考中心」(Think Centre) 的民間人權組織統計，新加坡有大约七成的死刑判決個案為精犯重要的人士，難道我們該選擇這種處理入獄終身的生命嗎？

阻嚇作用

新加坡政府對國際特赦組織的新加坡——死刑，看不見的代價 (SINGAPORE: The death penalty: A hidden toll of executions) 報告，作了這樣的回應：「死刑對阻止新加坡境內的販毒組織起了阻嚇作用，亦有效地控制了毒品問題。」¹

強調死刑的阻嚇作用，是不少像新加坡那樣的國家堅持實行死刑的主要理由。它們都認為死刑對那些有組織的罪犯法律的人起到阻嚇作用。但事實上，有多少人會在精犯法律前想到自己犯的是什麼法？又有多少人會想清楚犯法的後果？又為什麼「攜帶十五克海洛英，又或是任何特定份量的毒品」的條例能夠賦予國家他人生命的權力呢？我們從轉手開始，把生命和死亡看得如此簡單？

我們應該要把精犯法律的人，看作是出於他不懂思考，或者抱有這一類人不同的想法，才會引他作出犯法的決定，或以不法手段達到目的。他們很多時是為了解決眼前的需要，或是落入一些困難的處境中，甚至可能只是為了滿足一時的快感，才甘願冒著被捕的後果而犯法。因此，死刑一般並不能阻止罪行發生，而犯法者更應被視作需要接受再教育及監禁的病人，而非等候接受刑罰的囚徒。還有一點，就像耀光那樣，並不是所有販毒者都接受系統教育和知識該怎樣守法的，他們並不知道這些法律和精犯它們的後果，難道政府不該尋求這個機會再教育他們嗎？監禁這地方，就是為了讓犯法者有機會悔改和償還他們對社會造成的傷害。然而，判處他們死刑，就是剝奪了他們這一改過的機會。

一條可貴的生命，絕不應因為「販運」某個份量的毒品而被剝奪。不論怎樣，生命就是生命，任何一條生命都是獨特和無價的。我們不應處以阻嚇犯法為由，結束任何一條生命。一個現代和文明的國家，更應該停止以仇殺作為懲罰，而應把刑罰作更生的方法。

我們從小就被教導要尊重一切生命，殺人是絕對不能容忍的事。那為什麼有些政府又會認為殺掉犯了罪的人是合法的和合乎道德呢？

¹ Amy Tan (2002年 03月 28日), Singapore Death Penalty: Shrouded in Silence. 查閱: <http://www.bbc.com/news/asia-03-28-02>
² 新加坡法律 (2007年 07月 24日), "新加坡政府對國際特赦組織的報告". 查閱: http://www.mha.gov.sg/news_content.aspx?page=74

已迷失方向

的生命是報復，

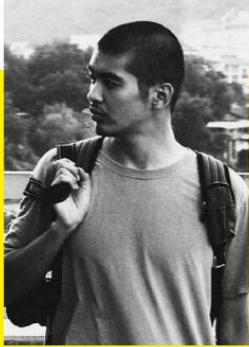
不是公義。」

Diamond Toke · 香港攝大社 (Society of Photo-Journalists)

新加坡：新加坡：大家對這個地方有什麼印象？是她有著受過高等教育的人口？是她嚴厲的法律？潔淨的街道？還是她的國有化工業？

新加坡總計是一個獨特的國家。一般人會把它看成是一個經濟高度發展而快速發展一切事情的精英社會 (An elite society)。然而沒錯，它能夠同時以歐洲處死七名死囚這件事情上，的確是「迅速」而「有效」的。畢竟這樣可以縮短死囚漫長的輪候時間，加快整個死刑程序，使更多人可以被判處死刑。

事實上，作為一個精英社會，新加坡在很多方面都盡力與眾不同。自九十年代起它與其他的國家 (Singapore) 同時推行了「反罪化」的藥物 (Drug decriminalization) 維持在亞洲地區內的影响力，透過吸引外國專業人士在國內就業，把新加坡變成是國際化和文化上更多元化，成為種族和文化的大融爐。但細看之下，到底新加坡社會，有沒有它表面上所說的那麼國際化呢？



林震
Roundtable Community 總幹事、社會運
動參與者、時事評論員。

東：老實說，有人寧願把罪犯打成重傷，也不願
他受刑。很多人以為坐牢是便宜了那犯人。

芬：我相當「復仇」是人類的天性，但我卻無法
想像，如果我們放任「復仇」的情緒，那在如何能讓
一個社會運作下去。其實整個法律制度都在對抗人
類的本能與天性。並不是因為我們比較高貴，而是
因為，如淪落到一個肉肉橫行的森林狀態，對誰
都沒有好處。換句話說，刑罰並不是用來增加受害人
或被害人的情緒愉快的。雖然這種情緒愉快可能
對我也好。

東：死刑是一個議題，然後我們無可避免地要
談到，作為一個公共議題，華人社會對死刑的討論
水平到底怎樣？

芬：華人社會裡，香港已經把廢時廢除了死刑，
中國則是一個很大的黑盒子。至於台灣，死刑
過去一直是個很冷門的議題。雖然陸陸續續有一些疑
案冤案，引起大眾對司法體系的質疑，但歷次民
調都出現這樣的結果：問大家：你相不相信
台灣的司法？大部分人不相信。再問：那你不
支持死刑？支持！一直到去年，死刑議題在
台灣才真正受到重視，掀起了討論。雖然有很多
情緒性的發言，但是，理性思考也在逐漸萌芽。
我出書以後至今大約有二十場左右的演講，總是
感受到現場觀眾那種願意討論問題的理性態度，
我非常受鼓舞。就台灣而言，我們反正是全體的在
推司法改革，包括刑事訴訟制度要達到原告與被告
的公平，冤案的救濟，最近則在檢討法官的產生
方式與選任機制。我們去年雖然獲得了很大的挫敗，
重啟執行，但是與理念印證的部分來說，我覺得是
有進步的。而且，與社會對話也是不能停下的。
我向來認為廢死不只是廢死，而是一個新的
世界觀、正義觀。

—— 蘇建和是上世纪九十年代台灣建和、劉泰和及莊林勉三人被以「結夥強盜、強姦、殺人」等罪名宣判
死刑的重大刑案。蘇、劉及莊三人於零三年一月一日起由最高法院改判為無罪，但其後遭最高法院判
死刑。零七年，最高法院重審劉泰和死刑判決，並於一零年十一月於高等法院二審後再度獲判無罪。同年十二月，
國際特赦組織發出聲明，敦促台灣當局正視此案司法程序中的各項瑕疵，包括刑求問題。關於蘇案更多資料，
可參考「蘇案平反行動大隊」：<http://www.nshih-tai.org.tw/index.php>

二—— 據萊納芬芬引述，她研究過各國的被害人支持系統裡面，發現做得最好的國家都從三個方面著手：金錢
補償、專業心理諮詢、與法律援助，其中又以金錢補償最好。「德國的被害人保護制度有一個很重要的洞見，
就是被害人與受害人的多樣性，有些被害人也要上法庭去控兇手的罪，有些被害人希望不要上法庭，受不了那麼
二三四五的傷害，所以強調要量身訂做是很重要的，因為沒有對錯之分，所以要看那個個案的個人決定，政府
就是提供必要協助。如果他想控兇手，那政府提供法律援助。如果他不想，那就協助他比如說，一次就做完
完整的陳述報警，以後就不用再出庭被折磨了。」

死刑——我們與正義的距離

文／林震

也許是出於身為香港人對死刑的認知——自一九六六年之後，四十五年以來香港便再沒有人被合法處死，「死刑」
也於一九九三年正式從香港法律中廢除——讀這本書之前，我一直以為廢除死刑是世界的普遍法。但原來，我錯了，
至少在台灣，維護死刑的聲音比廢除的力量要大得多。萊納芬芬的《殺戮的距離》正是台灣廢除死刑者聽發出的
呼聲，卑微，但堅定。

為被判重罪的犯人奔走從來不容易。我想起在香港為「等候審訊發落」的無期徒刑少年犯奔走的梁耀忠（也只
有他一個議員願意為他們發聲），議員與囚犯均受盡了白眼，再何況是已定讞罪、短行昭然得「求其生而
不能」的死刑犯？「廢除死刑」雖然是台灣的「長遠理想」，但去年發生了法務部長王清峰拒絕執行死刑事件，
引發了社會的大討論。王清峰被反廢死支持者如白冰冰炮轟，最後以辭職告終。四十四名死刑犯當中已有九名
在新法務部長手下被處刑，廢除死刑之路仍是崎嶇滿途。

《殺戮的距離》正是在這個環境下出版的一本書，內裡收錄了關於死刑的各種論爭，由司法質素的低落、冤判
錯判的無法逆轉，到現行法例的不完善，媒體對司法的影響，多著眼於制度上的缺失，而少強調情感上的感動。
想清楚，這可能是廢死運動在公眾討論中處於下風的原因。冷靜理性的討論，要在媒體上戰勝大眾對罪行的
恐懼、對罪犯的痛惡，以及受害者家屬的痛楚，無疑難上加難。

關於死刑，最重要的交鋒點，還是「正義」。何謂正義？死刑彰顯正義，守護正義，還是相反破壞正義，使正義
蒙污？如果我們假設司法必然正確，真相必然昭然，將那罪犯滔天自死不悔之徒處死，大概反對的人不會
太多，然而問題正出於那多假設之上，現實是司法程序屢有「不公、冤獄並不少見，量刑準則亦不一」，依賴
如此制度去決定一個人的生死，正是死刑制度的最大弱點，也使我們距離「正義」比想像中遠得多。《殺戮
的距離》羅列了不少充滿疑點的死刑個案，還有對一名死囚鄭武功的訪問，嘗試從他們的身上，找出一「正義」
應該如何彰顯。

對香港人來說，死刑是 *no body, no good* 的討論，但生命和正義卻永 *no body, no good*。在書中，我想起了香港的安樂死爭議，
也想到了刑文道反的少年犯，還有聲援和媒體操守的問題，謹將此書推薦給各位。



8. 如果新加坡政府並沒有想訴你，並且允許你離開這個國家，你會為這一群人繼續爭取公義嗎？你會繼續調查新加坡的法律制度嗎？

如果新加坡政府並沒有想訴我，並且讓我在新書出版後回到檳城，我便會像二零一零年七月十六日當天一樣鮮為人知。但現在我已經決定，我將會一直爭取終止死刑，不論死刑是在哪裡施行。死刑並沒有令走私毒品活動停止，而且永遠也不會做到。它也不能令其他嚴重罪行停止。我的看法是，吸毒者應被視為病人，而不是應被絞死、監禁或鞭笞的人。毒梟應被判處重刑，他們的顧客也應該受到相當懲罰。如果不是他們，根本用不著販毒的人。

9. 由於你有四個孩子，而你在新加坡正面臨被判監禁，你有否為所做的一切或出版你的書感到後悔？

我的四個孩子都長大了，其中三個也有他們的孩子。事實上，他們都為我做的一切感到驕傲，尤其是關於這本書。如有必要，我會把一切從頭再做一遍，如果我有足夠證據支持我們需摸索的想法，我甚至可能會寫另一本書。每人生命中也有應做的事。當然，他們也不喜歡看到我目前的情況，但是我們不是多愁善感一類的人。我們互相尊重彼此都必須做的事——而這也是我必須做的事。

10. 如果只餘下一小時生命，你最想做甚麼？

我想用刑者 Darshan Singh 在執行處決前數秒跟囚犯說的那些話：「我想用餘下的時間開告，希望我一生沒有犯下任何嚴重過錯，可以去到一個比這個更好的地方！」



沈旭暉

香港國際關係學者，現職香港教育學院社會科學系副教授，香港中文大學全球政治經濟碩士課程總督導，同時為Roundtable研究所及網絡理事會主席。畢業於耶魯大學及牛津大學，研究方向為中國外交、中美關係、恐怖主義、次主權外交等。

沈旭暉 評

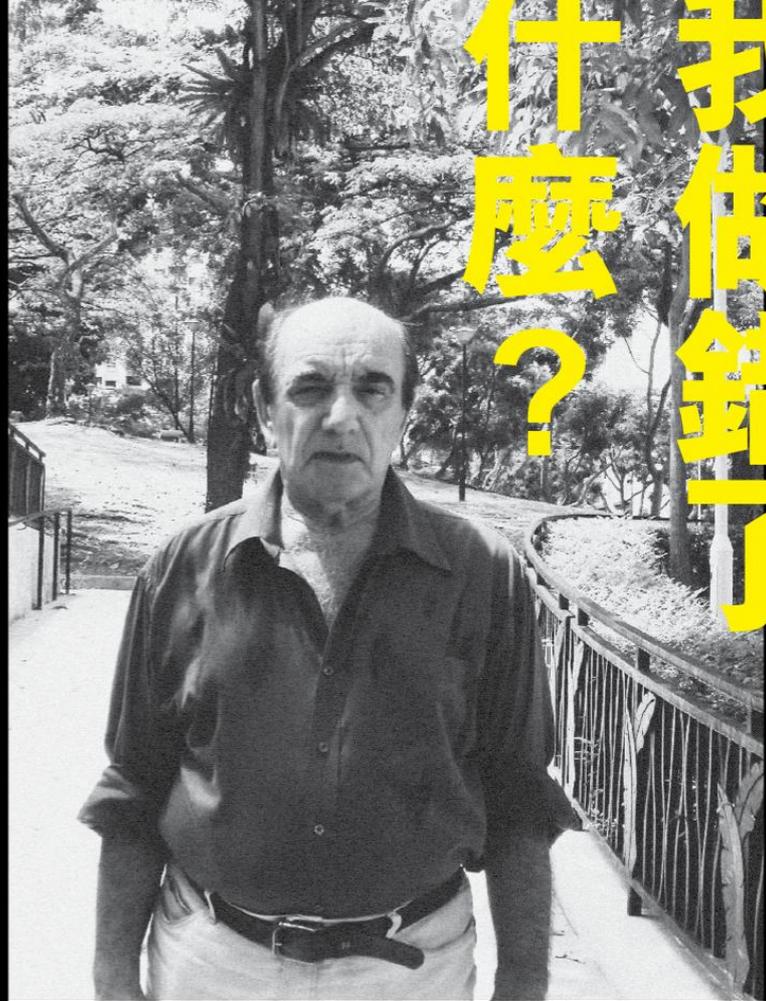
“Once a Jolly Hangman: Singapore Justice in the Dock”

與其他新加坡領袖例如李光耀和吳瑞慶的親筆和口述回憶錄相比，Alan Shadrake所著的有關新加坡司法制度的調查報告，特別是書中有關死刑的部份，毫無疑問向我們披露了這個國際都會所不為人知的第一手資料。

即使我是研究國際關係的學者，我還是被書中對執行絞刑者及死囚的描述所震撼，更令我難忘的是作者在書中提及的兩點：一是新加坡是向緬甸軍政府提供最多協助的，但它卻同時對毒品買賣——一項緬甸軍政府有份包庇的罪行——的觸犯者判以死刑；另一點是新加坡政府的家長式管治，是透過「民事手段」所進行的，即是運用公務對與見人士進行民事訴訟及索償，使他們因此而破產，配之以政府所進行的家長式管治，作者的調查報告徹底地戳破了新加坡和諧表象背後的秘密。

但近年新加坡的社會矛盾亦日趨嚴重，在一眾被視為有較高度人類發展的國家和地區之間，新加坡的貧富收入差距位列第二高——僅次於香港。假如此書所述的家長式管治和貧富差距的社會狀況一旦嚴重下去，將會影響新加坡的長遠穩定。

我做錯了什麼？



照片攝於2010年7月。Shadrake 獲釋後由 Alan Shadrake

Alan Shadrake 是來自英國的自由調查記者，二零零三年移居新加坡。他過訪聞Darshan Singh，一位擔任新加坡警方刑人員，四十三年前處決超過八百五十人，Shadrake因而獲得靈感撰寫他的著作《Once a Jolly Hangman — Singapore Justice in the Dock》。他的著作於二零一零年出版，他在新書出版翌日即被新加坡政府拘捕，控以「刑事誹謗罪」。他就被刑提出上訴，案件並於二零一零年四月十一日在上訴法院審訊。Shadrake被起訴一事引發當地討論有關新加坡的死刑制度。Shadrake在電子郵件採訪中透露了有關他的案件和他對新加坡死刑制度的看法。

文 / 陳嘉輝

1. 首先，你為甚麼要去新加坡？是甚麼驅使你調查新加坡的死刑？

我居住美國多年，去新加坡只是想轉換一下環境。我開始為英國報章報道Orchard Towers謀殺案，然後為澳洲媒體報道Nguyen van Tuong被處決一事。我很快就發現，當新加坡自稱為世上人們生活得最安全、最聰明、最快樂、最清潔等等的完美社會的時候，其實卻是另一回事。我很快就挖掘到新加坡的黑暗面——被精心隱藏於外界的一面，同時也明白到，《海峽時報》（註：The Straits Times是新加坡的英文報紙），其真象如由宣傳專家炮製出來的公司小冊子一樣。另一個原因是，新加坡的人均收入比任何其他國家都優勝，包括伊朗、沙特阿拉伯、中國和美國，同時也是繼美國之後，全球人均囚犯人口第二高的國家，這也是新加坡希望隱瞞的另一項事實。

2. 為何要採訪Darshan Singh？

我當時還在替澳洲媒體工作，想在澳洲公民Nguyen van Tuong二零零五年被以絞刑處決之前，採訪Darshan Singh。他同意接受訪問令我感到非常驚訝，那是第一次，之後多年陸續有更多採訪，最後一次是二零一零年三月。

3. 甚麼促使你寫作《Once a Jolly Hangman》？

採訪Darshan Singh後，我想過隱瞞身份為他撰寫回憶錄，但是當我開始鑽研不同的案件時，我了解到系統是如何工作，明白到我不能代他下筆，它必須是一項完全獨立的調查。Singh永遠不可能為我所發現的簽署名字，否則他自己將會被告上法庭！

4. 你認為新加坡政府拘捕你的主要原因是甚麼？

我認為有多個原因，但主要的原因，是他們不能忍受批評或任何形式的異議，會超越任何以媒體方式反對他們的人。很多新加坡人都對我做的一切感到驚訝，主要是因為他們都告訴我，他們自己沒有膽量去抗衡政府或李光耀（LKY），又或說出或做出任何擾亂自己舒適、優越生活的事情。

5. 新加坡政府會改變其對死刑的立場嗎？

我認為強制執行死刑的做法將來有可能會被廢除，但當LKY仍然在位的時候是不可能的，甚至之後也不可能。當地的執政精英只會在他們可以賺錢的領域內進步，但在社會改革方面則欠奉，他們因害怕因「給予民主和思想自由」而失去他們所精心栽培的特權。

6. 你的書提到，新加坡政府只會對來自國際影響力較弱國家的毒品走私犯施以絞刑。這究竟是怎麼一回事？

我在書中有兩個案例特別說明這一點。大多數新加坡人都不認識這些問題或相關後果，而官方亦不會容忍這方面的討論。例如他們不知道因為走私毒品案被處以絞刑的Amara Tochi發生了甚麼事，儘管法官說沒有證據證明Amara Tochi知道所攜帶的是毒品。相比之下，一名在新加坡操縱主要毒品集團的德國女孩多年來知道自己在做甚麼，但卻只被判處入獄五年，而非判處絞刑。所不同的是，她來自一個新加坡並不想開罪的強大國家。德國民眾為她可能會在新加坡被判處絞刑感到憤怒，有小報專員於是展開認真的運動，一份報章的頭版更以全版刊登該名年輕女子站在絞刑台旁邊，標題是：「如果你吊死她，八千萬德國人將會憤恨四百萬新加坡人」。

7. 為甚麼新加坡政府處決毒品走私罪犯是錯誤的？

對每一個參與毒品交易的人都應該一視同仁，但新加坡法律部長指出，他們必須以絞刑處死販毒的人，因為若不這樣做，毒梟將會派出更多販毒的到新加坡，問題將會更糟糕。可是，如果一定要有人被處以絞刑的話，為甚麼不是從處死那些毒梟開始？與其處死販毒的，為甚麼不利用他們作誘餌去捕獲大魚——毒梟——並把他們送上絞刑台？

梁：你們認為對某些人死刑合理嗎？

廖：我認為應該對極少數個案保留死刑。大家剛剛看過有關Yong Vui Kong的錄像，那是很大的悲劇。我無法把心裡的想法完全表達出來。我認為某些人還是應該被判死刑……起碼……例如謀殺犯、殺人無數的連環殺手、納粹黨高層等……我認為他們應該被判死刑。

謝：我認為完全廢除死刑有一定道理。支持死刑的理據往往是錯的，因為說囚犯確實犯了罪就應當接受極刑懲罰，我認為並不恰當。

顧：我個人反對死刑，但某些支持的理據也有一定道理。這是個人觀念和道德的問題，其中涉及的更多是情緒的爭辯。

廖：要維持民主制度的成本也非常高昂，但這並不能成為否定民主的理據。有些人認為罪犯應該像病人一樣接受治療。難道要醫治病人就要殺死他，這是不對的。

李：有些時候，對某些並非很嚴重的罪行處以極刑，是不成比例，反應過激了。

徐：我讀過《步向刑場》(意譯，原名"Dead Man Walking")這本書。有人曾經做了一個研究，顯示行刑的數目增加，每年的犯罪率也會相應升高。背後的論據就是說：政府對某個人施加暴力，實際上向人們發放了不正確的啟示。因此主張死刑可以阻嚇犯罪的理據，實在值得商榷。

梁：殺人是否一件難事？

廖：不是很難，但殺人理應是一件難事。人生命的理智和神聖價值不應該受侵犯。但是對於謀殺犯，或者嚴重殺人犯，我就不能贊同說因為生命很神聖(便不能處死他們)。如果你準備殺人或謀害他人，要去侵犯生命的神聖價值，就得準備擔負自己的生命。

謝：另一個理念是所謂的社會契約。有人主張你投身一個民主社會，就首先被賦予某些不可被剝奪的人權，其中一項正是生命權。對吧？一旦你觸犯了相關法律，你就違背了該社會契約。你侵犯了的權利，也就不再享有。

顧：但你認為以死刑來懲罰殺人犯，這種想法就正如這些人一樣低下嗎？

謝：殺人的行為本身並非這裡討論的重點。問題是為什麼要殺人。重要的不是殺人的實際行為本身，而是背後的意圖。

廖：以行刺林肯和馬丁路德金的人為例。所有行刺者都認為他們的所作所為是對的。他們是需要接受治療的病人，而不是無可救藥的罪犯或惡劣之徒。有些人本質善良，只是受了影響才自以為在做正確的事情。

謝：假如我是聖戰戰士，我會認為發動聖戰是忠於真主，就是正義。但受西方文化背景影響的人卻會覺得這很荒謬。你怎可以駕駛飛機撞向大廈？但是對於他們來說，這是完全正義的行為。個人意圖不是唯一要考慮的因素。死刑是否影響法律的更深層次問題在於社會規範加諸人們身上。在不同國家，人們會因為不同的罪行而被判處死刑。

梁：假設你們在新加坡長大，不知對此的看法又會怎樣。

謝：會很不同吧。大家唸的書，接受的教育都會不一樣。道德標準會隨著地方而改變。

廖：如果我們在新加坡長大，並且受灌輸接受死刑，難道可以說因為不同國家有不同的社會規範而合理化死刑嗎？

謝：我個人反對死刑，因為我相信基本人權具有一定程度的普遍適用性。目前我們以世界人權宣言為基礎。我不認為那是完美無缺的，但是我們不能說應該尊重其他文化以至於要容忍投石砸死這種刑罰。我不管你是否認為以這種方式來殺死一個信仰基督教的女人是合乎社會規範。我反對是因為它違背了普世人權，正是這些人權理念把人類普遍推向更高等的生存標準。

梁：我同意。在非洲，有一種習俗要求一個女人的丈夫去世時，她要和他的兄弟發生性行為來為家庭驅邪。

廖：這很荒謬。

謝：這聽起來很荒謬。但是當地的女人卻視之為常理來做。其他人也會同情她們，因為這是他們日常生活的一部分。

顧：我理解把西方傳統強加於某些較傳統保守的國家之上，會被視為文化帝國主義。可是我認為世界人權宣言應該凌駕這種反對聲音。這是選擇的問題。

梁：在Yong的案例中，法官無可選擇一定要依例判死刑。像Yong是個無知的年青文盲，當遇到類似的案例時，我們是否應該有一定彈性呢？

徐：這不是他本身的錯。人無法選擇生下來的家庭。環境往往使人逼不得已做某些行為。讓他們陷入這種惡性循環是社會的錯。

謝：那麼根據這種論點，沒有人應該被判以任何罪名，因為世界是一台你無法控制的機器。可是社會不是這樣運作的。你把所有事情都歸咎於前因了。

廖：就死刑而論，問題不僅僅是釋放他抑或處死他。很明顯Yong是環境的產物。

梁：但因為法例明文規定，他不能被赦免。

廖：我明白，所以我認為那條法例不合理。問題不是簡單說處死了他，可以省回一百四十萬。而是究竟處死了他，人們的生命水平會否獲得提升嗎？

請上國際特赦組織的網站閱讀該次討論的完整紀錄。

死刑存廢 圓桌討論會

五位年青討論者
一位主持人
一項論題
意識形態、哲學、價值、觀點、脈絡



國際特赦組織香港青年參與系列之一
文 / 梁樂攝 / Zzy



封面專題

這是伊朗青年犯 Deiera Darabi 的畫作

Deiera Darabi 曾說，在坐牢的日子裡，每天見到的面孔總是那一張臉。幾年下來，她會以繪畫來替自己申辯。那些畫作描寫她所見的，以證明她從來沒有殺過人。她大概想說，事實上她只是共犯，因為她曾與父親共同簽署了罪名成立，更被判死刑。雖然 Deiera 後來否認了之前該罪名的口供，並指認非親男友的意思，以為自己認了罪便可挽回男友一命。可是本該被判死刑的男友最後脫罪了，自己卻要死。

和當時 Deiera 還未滿十八歲，然而她被判刑後一直都在坐牢。直至五年後一個五月的清晨，Deiera 才知道自己將要被吊了。她的律師和家人在此之前一直被禁在獄裡。Darabi 打了一通電話回家，求家人救她，然後看守把屍體運回來，對她的父親 Darabi 說女兒被吊死了。

這幅畫描了兩人行屍，Deiera Darabi 二十一歲。

你看到了超現實的事情。艾未未的事情，劉曉波的事情，還有楊德光，那位讀書很少的大陸青年。大抵在你看這篇文章的時候，楊德光的生命已經被寫上了句號。

很多時候，很多人在很多地方，都顯得很被動。人只能做到某些事情，但你不能不做，因為有些人根本連做也做不到。連做也沒權做。

像 Deiera Darabi，每天見到的面孔總是那一張臉的那類人，他們連談論的權力也沒有。你或許明白，有些事情，你不能不參與討論。

我們這些擁有主動權的，便要幫助他們做，與他們並肩同行一起的做，而且根據我們相信的，從各個層面和途徑，一直努力的做。

你捧起這本季刊來讀，正好是一種參與。讀完以後，請與身邊朋友作討論，還可以參考外國漢學的觀念 book-connection，將這些話放到公眾地方讓另一人取閱，如此一路下去，讓關於死刑的論述漸漸散去。

這期封面故事是一個新的章節。讓我們凝聚討論的力量，製造民間輿論，然後，再改變世界。

2011
GOOD NEWS

× 維護女權人士 Norma Cruz

總部設於地拉馬的婦女權益組織「生存者基金」(Survivors' Fund) 領導人 Norma Cruz 致力記錄當地女性暴力事件及為受暴力侵害的婦女提供公義。為此，Cruz 的生活備受威脅，但保護者仍未受到法律制裁。

二零零九年五月，「生存者基金」向一名被強姦女童提供法律援助後，Cruz 陸續接到數十宗死亡恐嚇。二零一零年八月三十日，她從手機留言中收到死亡恐嚇的訊息，一名男子揚言會把她女兒的頭蓋骨丟下送給她。

但 Cruz 認為，組織地拉馬的「Survivors' Fund」介入後，當地媒體已開始關注其個案，並將對其他地拉馬婦女保護其人生及組織工作的安全，並持續跟進此案件。

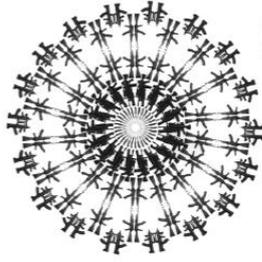
× 伊利諾州州長 Pat Quinn

本年七月一日起，伊利諾州將成為美國第十六個廢除死刑的州份，亦是過去兩年以來，美國第三個制定廢除死刑法的州份。三月九日，伊利諾州州長 Pat Quinn 簽署廢除死刑法，亦宣佈十五名死囚將獲改判。

伊利自九年起已無執行死刑，亦因此成為美國第二大對囚犯釋刑的州份。州長 Quinn 將再次廢除死刑視為伊利歷史上一大突破，而國際特赦組織對此表示認同。

好 二 零 一 一 消 息

佛教徒一般認為曼陀羅有助其進入禪修境界。諷刺地，這卻是個用槍支併湊而成的受陀羅圖案。



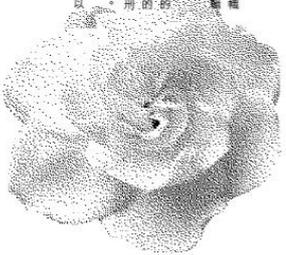
由墨西哥藝術家Aterro Rodriguez為國際特赦組織變格設計的這活動海報，宣傳文案的意思則「不要與武裝暴力和槍共存」。

大家好！當大家拿到這本國際特赦組織二零一一年春季季刊時，是否有一種煥然一新的感覺呢？由這一期刊開始本季刊亦會諷刺鮮明地正式命名為《人權》季刊。Li Ho、承東及我均是本會的新元老，我們為了革新內容及排版，成立了《人權》的編輯委員會，旨在使季刊能成為討論本土及國際人權議題的平台。

編委會為了加強內容，決定每期設有專題探討，例如這一期的專題是死刑，我們訪問了因調查死刑制度而身陷囹圄的英國記者Alan Shore，亦與《殺戮》的作者羅敏達進行了深度對話，還探討了新加坡的司法制度，還有有關中學的「九十年」在「附錄」欄上發表對死刑應有的意見，思進活話，充滿批判，我們希望透過這些專題文章，立體地帶出廢除死刑運動與聲力，用上制度、書簡的聲浪及保留基本人權者之間的關係討論，亦希望以此推動更多人支持我們的全球反對死刑運動。

其他文章方面，《試探兩「好漢地」(Good News)》由巴西的羅敏達出現，描述黃土巴城從讓羅敏達文章，中間亦同樣以視角貫注替千言萬語，如希望讀者因有羅敏達，歡迎來信投稿 (editorial@amnesty.org.hk)，讓家國同聲呼出來。

在此感謝茉莉花帶給二零一一年一個充滿希望的開始，亦祝願世界各地民眾能乘風使茉莉花花開遍地。



國際特赦組織香港辦事處

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封面故事

殺人容易嗎？

廢死運動復興