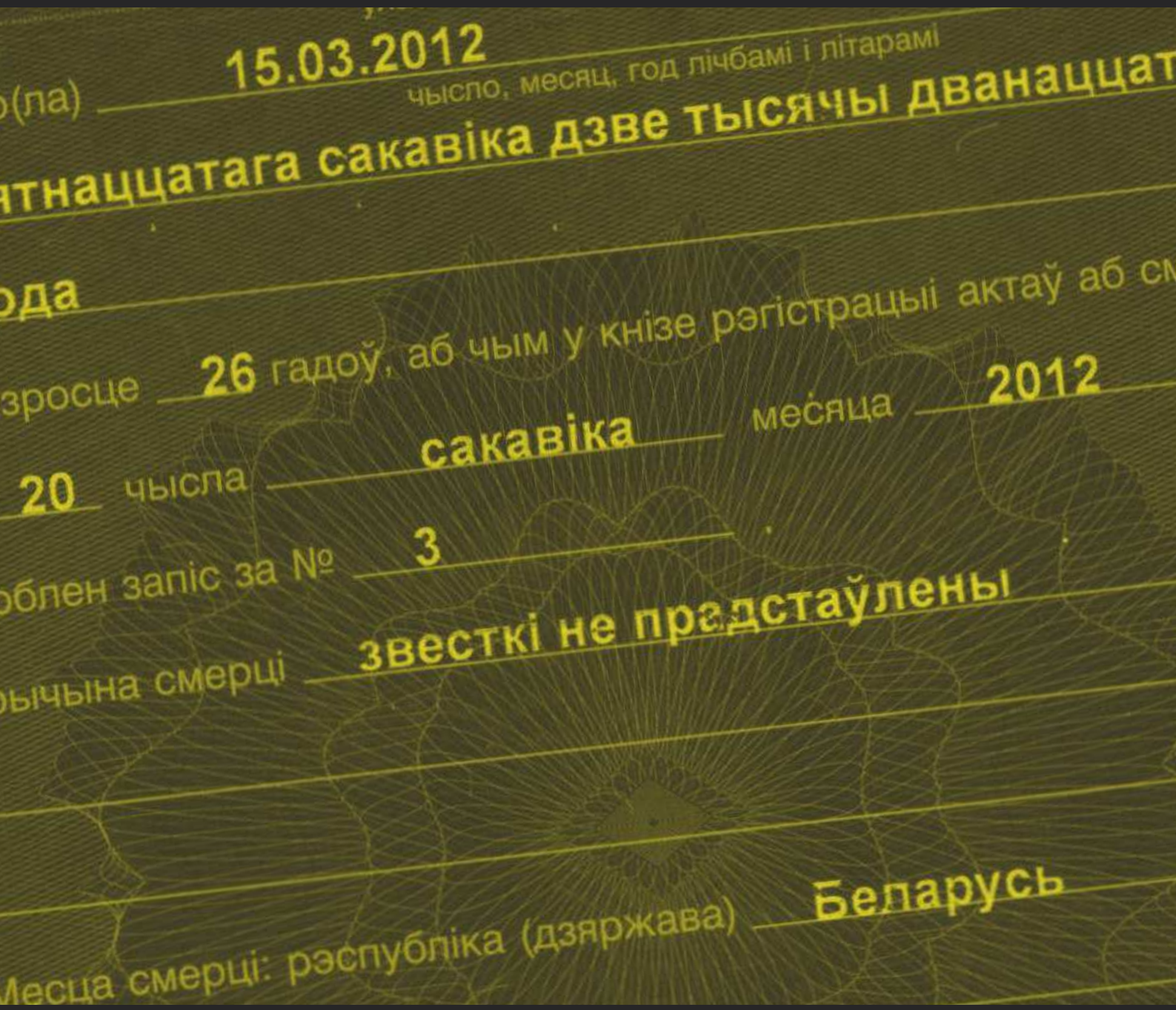

DEATH SENTENCES AND EXECUTIONS 2012

AMNESTY INTERNATIONAL

Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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Amnesty International Publications

First published in 2013 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Amnesty International Publications 2013

Index: ACT 50/001/2013
Original language: English
Printed by Amnesty International,
International Secretariat, United Kingdom

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Front and back page images: A Belarusian death certificate stating that a 26-year-old man died on 15 March 2012, and that this was entered on 20 March as the third entry into the official register. As cause of death, it states "no information provided". The man had been executed by shooting.
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Note on Amnesty International figures on the use of the death penalty

This report covers the judicial use of the death penalty for the period January to December 2012. Amnesty International records figures on the use of the death penalty based on the best available information. As in previous years, information is collected from a variety of sources, including official figures; information from individuals sentenced to death, and their families and representatives; reporting by other civil society organizations; and media reports. Amnesty International only reports figures on the use of the death penalty which can safely be inferred from its research.

In some countries, it is not possible to obtain precise data as governments do not make available figures for death sentences and executions, while others actively conceal death penalty proceedings. This problem is compounded in countries affected by conflict, where it may not be possible to obtain sufficient information to confirm whether any executions have taken place.

Since 2009, Amnesty International has stopped publishing estimates on the use of the death penalty in China, where data on the use of the death penalty is considered a state secret. The lack of reliable data does not allow Amnesty International to publish credible minimum figures for the use of the death penalty in the country; however, available information strongly indicates that China carries out more executions than the rest of the world put together.

The global figures in this report represent minimum figures, meaning that the number of executions, new death sentences, and people under sentence of death is likely to be higher. The number of countries carrying out executions and imposing death sentences may also be higher. Where Amnesty International receives and is able to verify new information after publication of this report, the organization will update its figures online at www.amnesty.org/deathpenalty.

Where "+" appears after a figure next to the name of a country – for instance, Yemen (28+) – it means that this is the minimum figure calculated by Amnesty International. Where "+" appears after a country without a figure – for instance, death sentences in Afghanistan: (+) – it means that there were executions or death sentences (more than one) in that country but not sufficient information to provide a representative figure. When calculating global and regional totals, "+" has been counted as 2.

INTRODUCTION

"…Every human life is precious… it is not just about our criminal justice system, which we also want to be proportionate and restorative; it is about the type of society that we want to build – a society that values every person, and one that doesn't give up on its people."

Singapore MP Laurence Lien in November 2012

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The organization campaigns for total abolition of capital punishment.

Proponents put forward a number of arguments for retaining the death penalty, including that it is necessary for an effective criminal justice system. However, these arguments do not stand up to scrutiny.

One often cited argument is that the death penalty acts as a deterrent to serious crimes. In reality, there is no evidence that the death penalty is a stronger deterrent against crime than custodial sentences.

The National Research Council of the National Academies in the USA confirmed in its April 2012 report that "research to date on the effect of capital punishment on homicide is not informative about whether capital punishment decreases, increases or has no effect on homicide rates. Therefore, the committee recommends that these studies not be used to inform deliberations … about the effect of the death penalty on homicide."[1]

Florida senior judge Charles M. Harris said in April: "If the death penalty is not a deterrent, and it is not, and if the death penalty does not make us safer, and it does not, then it is only high-cost revenge."[2]

Not only is there a conspicuous absence of evidence that capital punishment is a uniquely effective deterrent, there are also disturbing examples of it being used for political ends. A

number of executions carried out in 2012 appeared to be populist measures, used by some politicians to show they are tough on crime, or to silence dissent.

In Iran, four people were executed in June for the "offence" of "enmity against God and corruption on earth". Five others were sentenced to death in July, all in connection with anti-government protests by Iran's Ahwazi Arab minority. In Sudan, the authorities use the death penalty as a tool against real or perceived opposition activists.

The death penalty also continues to be used for crimes such as "adultery", "apostasy", and sexual relations between consenting adults, all acts which do not meet the international standard of "most serious crimes" but which should also not be considered crimes at all.

The countries that execute the most are also ones where serious concerns exist about the fairness of the justice system, such as in China where more people are executed than anywhere else in the world.

In Iran, many death sentences are handed down following convictions based on "confessions" obtained under torture. The situation is similar in Iraq, where defendants have described being beaten with cables, suspended by their arms, and subjected to electric shocks.

In Saudi Arabia, defendants are rarely allowed formal representation by a lawyer and can be held incommunicado – that is, without access to people outside their place of detention – for weeks at a time and convicted solely on the basis of "confessions" obtained under duress.

In the USA, concerns about the discriminatory application of the death penalty and about the possibility of executing individuals who have been wrongly convicted have contributed to a spate of abolitions by individual states.

In many countries that use the death penalty similar serious flaws in the administration of justice show, in and of themselves, that the death penalty cannot be defended. However, even if a justice system were infallible, no person should be executed or have to live under sentence of death. The death penalty is the premeditated, judicially sanctioned killing, by the state, of a human being. It is the ultimate denial of human rights. The use of such calculated violence in the name of justice stains any justice system.

Another underlying assumption of supporters of the death penalty – that it is necessary to deal with threats to society – is similarly untenable. By definition, a person under sentence of death is no longer an immediate threat because he or she is already imprisoned and therefore removed from society.

Many retentionist governments claim that the public supports the death penalty and that therefore it should be maintained. Governments have a responsibility to provide objective information to the public on issues that affect human rights, including the death penalty. Ultimately however, the purpose of national and international human rights frameworks is to protect the rights of the individual, sometimes in spite of the views of the majority.

The world's journey towards abolition of the death penalty is continuing. Many political and judicial figures in several countries that still apply the death penalty have come to the view that the death penalty does not serve the purpose for which it was intended, and are now advocating its abolition.

The 2012 figures on the use of the death penalty confirm that the overall trend globally is towards abolition: only one in 10 countries worldwide carried out death sentences. However, 2012 also saw setbacks: the resumption of executions especially in Gambia, India, Japan and Pakistan, as well as the alarming rise in reported executions in Iraq compared to 2011, are of grave concern.

While at least 682 people were executed in 2012 – in 2011, 680 executions were recorded – the number of people recorded as sentenced to death fell from 1,923 (in 63 countries) in 2011 to 1,722 (in 58 countries) in 2012.

THE USE OF THE DEATH PENALTY IN 2012

"Over the past few decades, the balance has shifted between a substantial majority of States that maintained the death penalty to these States becoming a minority. Furthermore, it may be noted that States that have abolished the death penalty or are moving towards abolition represent different legal systems, traditions, cultures and religious backgrounds."

Ban Ki-moon, UN Secretary-General, in his July 2012 report to the Human Rights Council

Developments recorded by Amnesty International in 2012 demonstrate that, despite setbacks, the global trend towards abolition of the death penalty is continuing.

Amnesty International recorded executions in 21 countries.[3] The number of confirmed executions was 682, essentially the same as the 2011 figure of 680, also in 21 countries. The figure of 682 excludes the thousands of executions carried out in China, which accounts for more executions than the rest of the world combined. Three quarters of the confirmed executions were recorded in only three countries: Iran, Iraq and Saudi Arabia.

Progress towards abolition was recorded in all regions of the world. Although the USA was the only country in the Americas to carry out executions in 2012, only nine of its states did so, compared to 13 states in 2011. Connecticut became the 17th abolitionist US state in April. Only 12 new death sentences were imposed elsewhere in the Americas.

Retrograde developments in South Asia, including the resumption of executions in some countries, bucked Asia-Pacific's overall trend towards abolition. Viet Nam did not implement death sentences last year; and Singapore observed a moratorium on executions while considering legislative amendments to its death penalty laws.

In sub-Saharan Africa, further progress towards abolition was recorded. Benin took legislative steps to remove relevant provisions from its laws, and Ghana plans to abolish the death penalty in its new Constitution. There are no more prisoners on death row in Sierra Leone.

Legislation to remove the death penalty for the last remaining crimes came into effect in Latvia on 1 January, making the country the 97th completely abolitionist country in the world.

THE GLOBAL TREND TOWARDS ABOLITION IN 2012

- The USA is the only country to have carried out executions in the Americas.
- Belarus is the only country to have executed in Europe and Central Asia.
- The USA and Belarus were the only two of the 56 member states of the Organization for Security and Co-operation in Europe to have carried out executions.
- Five of the 54 member states of the African Union were known to have carried out judicial executions: Botswana, Gambia, Somalia, South Sudan and Sudan. Thirty-seven member states are abolitionist in law or practice.
- Seven of 21[4] member states of the League of Arab States carried out confirmed executions: Iraq, Palestine, Saudi Arabia, Somalia, Sudan, the United Arab Emirates (UAE) and Yemen. There were reports of executions in Syria but it was not possible to verify them due to the current conflict.
- No executions were recorded in the 10 member states of the Association of Southeast Asian Nations.
- Five of the 54 member states of the Commonwealth were known to have carried out executions: Bangladesh, Botswana, Gambia, India and Pakistan.
- Japan and the USA were the only countries in the G8 to have carried out executions.
- 174 of the 193 member states of the United Nations were execution-free in 2012.

On 27 January, the Dominican Republic deposited the instrument of ratification of the Protocol to the American Convention on Human Rights to Abolish the Death Penalty with the Organization of American States. Mongolia and Benin acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty, on 13 March and 5 July respectively. Bills to implement the accession into national legislation remained pending in both countries at the end of the year. Madagascar signed the Second Optional Protocol in September.

Commutations or pardons of death sentences were recorded in 27 countries: Afghanistan, Bahrain, Bangladesh, Botswana, Egypt, Gambia, Guatemala, Guyana, India, Indonesia, Iran, Jordan, Kuwait, Mongolia, Myanmar, Nigeria, Saint Kitts and Nevis, Saudi Arabia, Sierra Leone, Singapore, Thailand, Tunisia, Uganda, UAE, USA, Viet Nam and Yemen.

Exonerations[5] were recorded in seven countries: Bangladesh, Egypt, Guyana, India, Nigeria,

Taiwan and USA.

On 20 December, the plenary session of the UN General Assembly (UNGA) adopted a fourth resolution on a moratorium on the use of the death penalty. Resolution 67/176, which was adopted by 111 votes in favour, 41 against, and 34 abstentions, reaffirms previous UNGA resolutions 62/149 in 2007, 63/168 in 2008 and 65/206 in 2010. It calls upon all States to: respect international standards that provide safeguards protecting the rights of those facing the death penalty; progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed; and to establish a moratorium on executions with a view to abolishing the death penalty. The resolution calls on States which have abolished the death penalty not to reintroduce it. Finally, it will consider the issue again at its 69th session in 2014, at which the Secretary-General is expected to report back on the implementation of the calls included in the 2012 resolution.

New elements in the 2012 text include more detailed wording on what information states should make available on their use of the death penalty; a specific call not to impose capital punishment on pregnant women or those who were juveniles (that is, aged under 18) at the time of the offence; and a call to consider acceding to or ratifying the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

More UN member states supported the resolution in 2012 than at the previous vote in 2010. The Central African Republic, Chad, Seychelles, Sierra Leone, South Sudan and Tunisia changed their previous votes and supported the call for a moratorium on the use of the death penalty. In a further sign of progress, Indonesia and Papua New Guinea moved from opposition to the moratorium in 2010, to abstention in 2012. For the first time, Mongolia, Samoa and Somalia joined as co-sponsors, reflecting the cross-regional support for ending use of capital punishment. However, Bahrain, Dominica and Oman changed their abstention to a vote against the resolution, while Maldives, Namibia and Sri Lanka went from a vote in favour to an abstention.

Regional intergovernmental bodies also continued to support the march towards abolition of the death penalty. In April, the African Commission on Human and Peoples' Rights published a "Study on the question of the death penalty in Africa". In August, the Inter-American Commission on Human Rights released a report on "The death penalty in the Inter-American human rights system: from restrictions to abolition". Among other things, both organizations recommend to their respective member states the imposition of a moratorium on executions.

GLOBAL FIGURES

At least 21 countries were known to have carried out executions in 2012. However, it is unclear if executions were carried out in countries in turmoil, such as Syria, in 2012. In 2011, equally 21 countries[6] were reported to have implemented death sentences.

These figures represent a significant decrease from a decade ago; in 2003, 28 countries carried out executions.

REPORTED EXECUTIONS IN 2012

Afghanistan (14), Bangladesh (1), Belarus (3+), Botswana (2), China (+), Gambia (9), India (1), Iran (314+), Iraq (129+), Japan (7), North Korea (6+), Pakistan (1), Palestinian Authority[7] (6, Hamas *de facto* administration in Gaza), Saudi Arabia (79+), Somalia (6+; 5+ by the Transitional Federal Government, and 1 in Puntland), South Sudan (5+), Sudan (19+), Taiwan (6), United Arab Emirates (UAE) (1), USA (43), Yemen (28+).

At least 682 executions were known to have been carried out worldwide, two more than in 2011. However, these figures do not include the thousands of people who were believed to have been executed in China. Since its 2009 report, Amnesty International stopped publishing its estimates on the use of the death penalty in China, where such data are considered a state secret. Amnesty International renews its challenge to the Chinese authorities to publish figures for the number of people sentenced to death and executed each year, to confirm their claims that there has been a significant reduction in the use of the death penalty in the country since 2007.

Amnesty International has also received credible reports of a large number of unconfirmed executions in Iran, which would surpass the number of officially acknowledged executions by almost three quarters.

Official figures on the use of the death penalty were available only in a small number of countries. In Belarus, China, Mongolia and Viet Nam, data on the use of the death penalty continued to be classified as a state secret. Little or no information was available in some countries, in particular Belize, Egypt, Eritrea, Libya, Malaysia, North Korea, Suriname and Syria, due to restrictive state practice and/or political instability. It is possible that judicial executions did in fact take place in Syria, but none could be confirmed for the present report. Amnesty International has recorded executions in Syria for all of the past 10 years except 2005.

In Belarus and Japan, prisoners were not informed of their forthcoming execution, nor were their families or lawyers. In Belarus and Botswana, the bodies of the executed prisoners were not returned to their families for burial.

REPORTED DEATH SENTENCES IN 2012

Afghanistan (+), Algeria (153+), Bahrain (1), Bangladesh (45+), Barbados (2), Botswana (5), Chad (2), China (+), Democratic Republic of Congo (11+), Egypt (91+), Equatorial Guinea (1), Gambia (5+), Ghana (27), Guinea (2+), Guyana (5), India (78+), Indonesia (12+), Iran (79+), Iraq (81+), Japan (3), Jordan (16+), Kenya (21+), Kuwait (9+), Laos (+), Lebanon (9+), Liberia (4+), Libya (5+), Maldives (2+), Malaysia (60+), Mali (10+), Mauritania (6+), Mongolia (+), Morocco/Western Sahara (7+), Myanmar (17+), Nigeria (56), North Korea (+), Pakistan (242), Palestinian Authority (6+: 5+ Hamas authorities, Gaza; 1 PA, West Bank), Qatar (1+), Saudi Arabia (10+), Singapore (2+), Somalia (76+: 51+ by the Transitional Federal Government; 7+ in Puntland; 18+ in Somaliland), South Korea (2), South Sudan (+), Sri Lanka (7+), Sudan (199+), Swaziland (1), Taiwan (7), Tanzania (3), Thailand (106+), Trinidad and Tobago (5+), Tunisia (9), UAE (21+), USA (77), Viet Nam (86+), Yemen (7+), Zambia (7+), Zimbabwe (11+).

At least 1,722 people were known to have been sentenced to death in 58 countries in 2012.

This is the minimum figure that can be confirmed by Amnesty International's research and represents a significant decrease from the 2011 figure of at least 1,923 death sentences in 63 countries worldwide.

At least 23,386 people were under sentence of death worldwide at the end of 2012, which is the minimum figure based on numbers Amnesty International obtained by country.

The following methods of executions were used: beheading (Saudi Arabia), hanging (Afghanistan, Bangladesh, Botswana, India, Iran, Iraq, Japan, Pakistan, Palestinian Authority (Hamas authorities, Gaza), South Sudan, Sudan), lethal injection (China, USA), and shooting (Belarus, China, Gambia, North Korea, Palestinian Authority (Hamas authorities, Gaza), Somalia, Taiwan, UAE, Yemen).

As in 2010 and 2011, there were no reports of judicial executions carried out by stoning.[8] Two new sentences of death by stoning were handed down in Sudan, but subsequently overturned. Public executions were known to have been carried out in Iran, North Korea, Saudi Arabia and Somalia.

At least two people were executed in Yemen for crimes that were committed when they may have been juveniles; the execution of people aged under 18 when the alleged crime was committed is a violation of international law. Often the actual age of the offender is in dispute if no clear evidence exists, such as a certificate of registration at birth.[9] Amnesty International remained concerned that in Iran, Nigeria, Pakistan, Saudi Arabia and Yemen, people who were juveniles at the time their alleged crimes were committed remained in detention under a sentence of death.

EXCERPTS FROM UN HUMAN RIGHTS COUNCIL RESOLUTION ON THE RIGHTS OF THE CHILD, ADOPTED ON 19 APRIL 2012[10]

[The Human Rights Council]

52. Also calls upon States to commute immediately such sentences and to ensure that any child previously sentenced to the death penalty or life imprisonment without possibility of release is removed from special prison facilities, especially from death row, and transferred to regular institutions of detention appropriate for the age of the offender and the offence committed;

55. Also urges States to presume children alleged as, accused of or recognized as having infringed the criminal law to be under the age of majority when their age is in doubt until such an assumption is rebutted by the prosecution, and to treat the accused as a juvenile if the burden is not met;

69. (f) To ensure that children whose parents or parental caregivers are on death row, the inmates themselves, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, its date, time and location, to allow a last visit or communication with the convicted person, the return of the body to the family for burial or to inform on where the body is located, unless this is not in the best interests of the child; …

Amnesty International remains concerned that, in the majority of countries where people were sentenced to death or executed, the death penalty was imposed after proceedings that did not meet international fair trial standards, often based on "confessions" that were possibly

extracted through torture or other ill-treatment. This was particularly the case in Afghanistan, Belarus, China, Iran, Iraq, North Korea, Saudi Arabia and Taiwan. In Iran and Iraq, some of these "confessions" were broadcast on television before the trial took place, further breaching the defendants' right to presumption of innocence.

Mandatory death sentences continued to be imposed in Barbados, India, Iran, Malaysia, Maldives, Pakistan, Singapore, Thailand, and Trinidad and Tobago. Mandatory death sentences are inconsistent with human rights protections because they do not allow any possibility of taking into account the defendant's personal circumstances or the circumstances of the particular offence.

People continued to be sentenced to death or executed for crimes that did not involve intentional killing, thereby not meeting the threshold of "most serious crimes" as prescribed by Article 6 of the ICCPR. The death penalty was known to have been used for drug-related offences in a number of countries, including China, India, Indonesia, Iran, Malaysia, Pakistan, Saudi Arabia, Singapore, Thailand, UAE and Yemen.

Other crimes punishable by death were "adultery" and "sodomy" (Iran), religious offences such as "apostasy" (Iran) and "blasphemy" (Pakistan), "sorcery" (Saudi Arabia), economic crimes (China), rape (Saudi Arabia) and forms of "aggravated" robbery (Saudi Arabia, Kenya, Zambia). Finally, different forms of "treason", "acts against national security" and other "crimes against the state" (such as "*moharebeh*" – enmity against God – in Iran), whether or not they led to a loss of life, were punished with death sentences in Gambia, Kuwait, Lebanon, North Korea, Palestinian Authority (PA, West Bank; Hamas authorities, Gaza) and Somalia. In North Korea death sentences are often imposed even though the alleged crime is not subject to a death sentence under domestic law.

Five countries – Botswana, Gambia, India, Japan and Pakistan – resumed executions in 2012. The scope of the death penalty was known to have been expanded, in contravention of international human rights standards, in Bangladesh and Kenya.

Of continuing concern was the use of the death penalty by military and special courts and tribunals, sometimes against civilians, in countries such as the Democratic Republic of the Congo (DRC), Egypt, Lebanon, Palestinian Authority (PA, West Bank; Hamas authorities, Gaza) and Somalia. In Algeria, DRC, Egypt, Iraq, Lebanon, Libya, Tunisia, UAE and Yemen, people were sentenced to death after trials in their absence.

REGIONAL OVERVIEWS

AMERICAS

The USA continued to be the only executing country in a region where recourse to the death penalty has been in decline.[11] Only four countries imposed death sentences in the Americas, and even within the USA support for capital punishment is waning.

Although the number of executions in the USA remained the same as in 2011 (43), only nine states carried out executions in 2012 – compared to 13 in 2011. The total number of new death sentences imposed (77) was the second lowest since the US Supreme Court approved revised capital punishment laws in 1976; these sentences were imposed in 18 out of the 33 states retaining capital punishment.[12] In April 2012, Connecticut became the 17th abolitionist state; a ballot initiative to abolish the death penalty in California narrowly failed in November.

THE DEATH PENALTY IN THE USA IN 2012

43 executions: Arizona (6), Delaware (1), Florida (3), Idaho (1), Mississippi (6), Ohio (3), Oklahoma (6), South Dakota (2), Texas (15)

77 death sentences: Alabama (6), Arizona (2), California (13), Connecticut (1), Delaware (1), Florida (22), Georgia (2), Louisiana (1), Mississippi (2), Montana (1), Nevada (3), Ohio (3), Oklahoma (1), Pennsylvania (7), South Dakota (1), Tennessee (1), Texas (9), Federal government (1)

3,170 people on death row, including 724 in California, 407 in Florida, 308 in Texas, 204 in Pennsylvania and 200 in Alabama

4 commutations by the executive; 3 exonerations

Twelve new death sentences were imposed elsewhere in the Americas, two in Barbados, five in Guyana and at least five in Trinidad and Tobago. Both Trinidad and Tobago and Barbados retain the mandatory imposition of the death penalty in their legislation.

There were no executions or death sentences passed in Antigua and Barbuda, Bahamas, Cuba, Dominica, Grenada, Guatemala, Jamaica, Saint Kitts and Nevis, Saint Lucia and Saint Vincent and the Grenadines. As of 31 December, no one was under sentence of death in Cuba or Dominica. Fifty-three death sentences were commuted in Guatemala after the Criminal division of the Supreme Court of Justice reviewed the cases of all prisoners under sentence of death in the country.

Seven prisoners remained under sentence of death in **Antigua and Barbuda** at the end of 2012. On 15 March, the authorities rejected calls – made by the UN Human Rights Council in October 2011 during a review of human rights issues in Antigua and Barbuda – to abolish the death penalty. According to the authorities, changing existing legislation on matters

related to the death penalty was not an acceptable proposition in light of public opinion.

One person remained under sentence of death in the **Bahamas** for a murder committed in 2007. The last execution in the country was carried out in 2000.

In **Barbados** six people were on death row at the end of the year and two new death sentences were imposed. The last execution was carried out in 1984. At the end of a three-day visit to the country in April, the UN High Commissioner for Human Rights, Navi Pillay, welcomed the state's commitment to abolish mandatory death sentences, and urged it to "carry this out as quickly as possible and then move on towards a moratorium on executions and eventual abolition."[13]

In **Canada**, where the death penalty was abolished for all crimes in 1998, the government did not make any special submissions in support of the clemency appeal of Ronald Smith, on death row in Montana for a double murder committed in 1982, and one of only two Canadian nationals known to be under sentence of death in the USA. His request for clemency was denied by the Montana Board of Pardons and Paroles on 2 May, but no execution date was set after a state judge declared Montana's lethal injection protocol unconstitutional in September. When the UN General Assembly adopted its fourth resolution on a moratorium on the use of the death penalty, Canada was the only abolitionist country in the Americas not to have co-sponsored the resolution.

One person remained under sentence of death in **Grenada**. No executions have been carried out in the country since 1978.

No new death sentences and no executions were recorded in **Guatemala**. On 23 January, the Criminal division of the Supreme Court of Justice reviewed the cases of all prisoners under sentence of death in the country and commuted to 50 years' imprisonment the death sentences of 53 prisoners. One person was left on death row. The President of the Criminal division explained that the decision was taken as the convicted prisoners had not been given the possibility of an adequate defence and therefore due process safeguards had been violated.

In March, the UN Human Rights Committee noted with satisfaction the implementation of a *de facto* moratorium on the death penalty in Guatemala since 2000, as well as the commutations ordered by the Supreme Court, described above. However, it expressed concern at bills introduced in 2010 and 2011 aimed at resuming executions, and at the growing support for those bills. The Committee urged Guatemala to consider abolishing the death penalty officially, and to accede to the Second Optional Protocol to the ICCPR.[14]

During its Universal Periodic Review (UPR) before the UN Human Rights Council on 24 October, Guatemala stated that no one was facing the death penalty in the country,[15] since all death sentences for the offences of kidnapping, murder and rape were commuted to life imprisonment through special applications for judicial review submitted by the Public Criminal Defence Institute. The commutations were in line with the judgments in specific death penalty cases that had been the subject of international litigation in the Inter-American Court of Human Rights. During the UPR Guatemala's representatives supported recommendations to ratify the Second Optional Protocol to the ICCPR, and to consider the

abolition of the death penalty in the country's domestic legislation.

Five new death sentences were imposed in **Guyana** and 30 death row inmates remained under sentence of death at the end of the year. At the end of May, death row inmate Ganga Deolall, who is diabetic, reportedly began a hunger strike to protest against the lack of medical assistance and care from the Georgetown prison authorities; he had been denied medications, suitable diet and clinic visits. In August, Hafeez Hussain, who suffers from high cholesterol levels, joined Deolall in his protest. Their families claimed that the inmates were told that there was no medication to treat diabetes or high cholesterol at the Georgetown Public Hospital Corporation.[16] Conditions of detention in Guyana, where prisons are persistently overcrowded, have been repeatedly criticized by international organizations.

On 5 June, acting Chief Justice Ian Chang commuted the death sentences of Noel Thomas, Lawrence Chan, Rabindranauth Deo and Muntaz Ali. Two of them, Lawrence Chan and Rabindranauth Deo, had had their death warrants read to them in February 2000. Chief Justice Ian Chang's ruling followed an appeal filed by Noel Thomas in 2010, which stated that his prolonged incarceration on death row – since 1992 – under the threat of execution violated the prohibition against torture or other cruel, inhuman or degrading punishment or other treatment as enshrined in Article 141 of the Constitution of Guyana.

Following a commitment undertaken during the country's UPR in 2010, the National Assembly of Guyana adopted, on 10 August, a government-backed motion to begin national consultations in relation to the abolition of the death penalty; abolition of corporal punishment in schools; and decriminalization of consensual adult same-sex relations, as well as ending discrimination against lesbian, gay, bisexual and transgender people. The Assembly established a Special Select Committee, tasked with organizing national consultations with a view to achieving legislative changes. The Terms of Reference guiding the work of the Committee explicitly request that the attitude of the Guyanese people be determined, particularly the families of victims, criminologists, and professionals, on capital punishment and its possible abolition.[17] Minister of Human Services and Social Security Jennifer Webster was elected Chairperson of the Special Select Committee on 28 November, and the consultation was yet to begin at the end of the year.

Seven people remained under sentence of death in **Jamaica**, where the last execution was carried out in 1988. The Committal Proceedings Act 2012, which was introduced in 2011 and aims to speed up trial proceedings by replacing the Magistrates' preliminary enquires with written briefings, was pending before the Joint Select Committee of the Parliament at the end of the year. Concerns were raised, including by the Norman Manley Law School[18], in relation to specific provisions which, as drafted, were inconsistent with the Charter of Fundamental Rights and Freedoms, incorporated in Chapter 3 of the Jamaican Constitution.

On 27 September a jury in abolitionist **Puerto Rico** rejected the death penalty in a US federal trial. Edison Burgos Montes was convicted and sentenced to life imprisonment for the murder of Madelyn Semidey Morales, who had been co-operating with the US authorities in an investigation against him.

Four people had their death sentences commuted in **Saint Kitts and Nevis** by a judgment of the Eastern Caribbean Court of Justice delivered on 21 March. Sheldon Isaac's conviction

was quashed as the Court concluded that he was unfit to stand trial due to severe brain damage, while Romeo Cannonier, Reudeney Williams and Louis Gardener's death sentences were commuted. One prisoner remained on death row at the end of the year.

TIME LIMIT ON RIGHT TO APPEAL IMPAIRS FAIR TRIALS GUARANTEES

Of critical importance in the case of *Romeo Cannonier v. the Director of Public Prosecutions*[19] is the part of the judgment that relates to the time limits on the right to appeal in capital cases. The Eastern Caribbean Supreme Court[20] found that section 52(2) of the Eastern Caribbean Supreme Court Act, which sets a strict 14-day limit for filing appeals to the Court in capital cases (and discretionary in non-capital cases), violated the defendants' fair trial rights as guaranteed under Section 10 of the Constitution of Saint Kitts and Nevis and Article 14 of the ICCPR, including the right to have adequate time and facilities to prepare a defence. The court directed that the time limits set in section 52(2) of the Eastern Caribbean Supreme Court Statutes should be read as discretionary in all cases, without differentiating between capital and non-capital cases.

One person remained under sentence of death in **Saint Lucia** and one in **Saint Vincent and the Grenadines** at the end of 2012. On 31 May, the Eastern Caribbean Court of Justice commuted the death sentence of Shorn Samuel, who had been convicted and sentenced to death in 2008 for a murder committed in 2006.

At least five new death sentences were imposed in **Trinidad and Tobago** and 36 prisoners remained under sentence of death at the end of the year. The Judicial Committee of the Privy Council referred four capital cases involving five individuals to the Courts of Appeal of Trinidad and Tobago. Nigel Brown was deemed unfit to plead and his conviction was considered unsafe on the basis of fresh evidence.[21] New evidence in Marcus Jason Daniel's case raised a credible defence of diminished responsibility, based on "borderline personality disorder" and "alcohol and drug induced psychosis".[22] In the cases of Deenish Benjamin, Deochan Ganga and Marlon Taitt, the Judicial Committee of the Privy Council referred the question of whether the imposition of the death penalty on a mentally impaired defendant is cruel and unusual punishment, contrary to section 5(2) of the Constitution of Trinidad and Tobago, to the country's Court of Appeal.[23]

Three-quarters of all executions in the **USA** occurred in only four states: Arizona, Mississippi, Oklahoma and Texas. All executions were carried out by lethal injection with pentobarbital, a substance recently introduced into execution procedures due to shortages in the supply of drugs previously used to kill death row prisoners.

Three people had their convictions over-turned and were exonerated from death row last year, in Ohio, Louisiana and Florida.[24]

In some cases, the use of capital punishment contravened international standards. In some states it was tainted by racial discrimination and systemic flaws.[25] The death penalty was imposed against and carried out on people with mental disabilities.[26] Pre-trial proceedings continued in the US naval base at Guantánamo Bay in Cuba in the cases of six foreign nationals charged with capital offences in trials carried out by military commission, under a system that does not meet international fair trial standards. Any use of the death penalty after such trials would violate the protection against arbitrary deprivation of life under

international law.

Yokamon Hearn was executed in Texas on 18 July after the state Board of Pardons and Paroles denied clemency, and the governor and the courts declined to intervene.

He was sentenced to death for a 1998 murder. He was 19 years old at the time of the crime and had a developmental mental disability that, according to expert opinion obtained by his lawyers, amounted to "mental retardation", thus rendering his execution unconstitutional. His lawyers' attempts to return to federal court to argue that Yokamon Hearn had been denied constitutionally effective legal representation at trial or during his initial appeals were unsuccessful.

On 10 October, **Jonathan Green** became the 248th prisoner executed in Texas under the governorship of Rick Perry. Two days earlier, a federal judge had granted a stay of execution. Jonathan Green's lawyer had submitted compelling evidence that his client suffered from schizophrenia and believed that he was going to be killed "as a result of demons conducting spiritual warfare over him". A mental health expert retained by the defence had concluded that Jonathan Green was suffering from "severe delusions, hallucinations, and formal thought disorders". The federal judge also noted that prison records dating back to 2003 showed "progressing mental illness, including visual, auditory, and somatic hallucinations. For instance, Green has stuffed toilet paper in his ears to try to stop the voices in his head. On several occasions, he required medical attention to remove the impacted toilet paper from his ears". The US Court of Appeals for the Fifth Circuit granted the state's motion to lift the stay of execution, and neither the US Supreme Court nor Governor Perry intervened; the execution went ahead. The final statement of the prisoner was recorded as: "I'm an innocent man. I did not kill anyone. Y'all are killing an innocent man. My left arm is killing me. It hurts bad."

Disparities in the use of the death penalty linked to racial discrimination continued to be recorded. In North Carolina, Marcus Robinson, Tilmon Golphin, Christina Walters and Quintel Augustine were re-sentenced to life in prison without parole after Cumberland County Superior Court Judge Greg Weeks had reviewed their cases under the state's Racial Justice Act (RJA). He found that prosecutors had employed racially discriminatory tactics during jury selection to dismiss prospective African American jurors. In his ruling on the latter three cases in December, Judge Weeks noted that after his decision in the Robinson case in April, the state legislature had "turned away" from the evidence of racism by narrowing the RJA. He nevertheless expressed the "hope that acknowledgment of the ugly truth of race discrimination revealed by Defendants' evidence is the first step in creating a system of justice that is free from the pernicious influence of race, a system that truly lives up to our ideal of equal justice under the law".[27]

In April, Connecticut became the fifth US state to have abolished the death penalty since 2007;[28] legislative bills to abolish the death penalty were also prepared in Colorado, Maryland and New Hampshire.

"My position on the appropriateness of the death penalty in our criminal justice system evolved over a long period of time. As a young man, I was a death penalty supporter. Then I spent years as a prosecutor and pursued dangerous felons in court, including murderers. In the trenches of a criminal courtroom, I learned firsthand that our system of justice is very imperfect. While it's a good system designed with the highest ideals of our democratic society in mind, like most of human experience, it is subject to the fallibility of those who participate in it. I saw people who were poorly served by their counsel. I saw people wrongly accused or

mistakenly identified. I saw discrimination. In bearing witness to those things, I came to believe that doing away with the death penalty was the only way to ensure it would not be unfairly imposed."

Dannel P. Malloy, Governor of Connecticut, Statement following his signing of the repeal bill, 25 April 2012

Another strong indicator of waning public support for the death penalty in the USA emerged with the results of the abolition referendum in California. On 6 November, California voters rejected by a 6% margin (about 500,000 votes) "Proposition 34", a ballot initiative aimed at repealing the death penalty in the US state with the biggest death row population. The vote outcome, while regrettable, differs substantially from the 1978 ballot on Proposition 7 which saw the death penalty reinstated in California by 71% to 29%. One of the authors of Proposition 7, Ron Briggs, endorsed Proposition 34, saying that "the ineffective legal beast created by California's death penalty laws costs taxpayers more than $100 million annually and ties up the lives of prosecutors and victims who could be moving on to other things".

Earlier in the year the Committee on Deterrence and the Death Penalty at the National Research Council published a report which concluded that "the research to date on the effect of capital punishment on homicide is not informative about whether capital punishment decreases, increases or has no effect on homicide rates." The report further stated "claims that research demonstrates that capital punishment decreases or increases the homicide rate by a specified amount or has no effect on the homicide rate should not influence policy judgments about capital punishment."[29]

In August, the **Inter-American Commission on Human Rights** released a report on "The death penalty in the Inter-American human rights system: From restrictions to abolition".[30] The report summarizes key death penalty developments in the Inter-American system in the previous 15 years and analyzes restrictions on the application of this punishment contained in international and regional standards. Among its recommendations to states are a call to impose a moratorium on executions as a step towards ending this penalty; and ensuring full compliance with decisions of the Inter-American Commission and Court, specifically with decisions concerning individual death penalty cases and precautionary and provisional measures.

ASIA-PACIFIC

Despite some setbacks in South Asia there were also positive developments in the region.

India and Pakistan resumed executions, bringing the number of executing countries in the region to eight, one more compared to 2011. However, Viet Nam[31] did not implement death sentences, and Singapore observed a moratorium on executions while considering legislative amendments to its death penalty laws. On 13 March, Mongolia acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty.

Brunei Darussalam, Indonesia, Laos, the Maldives, Mongolia, Myanmar, South Korea, Sri Lanka and Thailand did not carry out executions. The Pacific sub-region continued to be a virtually death penalty-free area.

China once again executed more people than the rest of the world put together, but due to the secrecy surrounding the use of the death penalty in the country it was not possible to obtain an accurate picture of the reality of capital punishment there. Amnesty International also could not confirm figures for Malaysia and North Korea. In Mongolia, the death penalty remained classified as a state secret. In Viet Nam publishing statistics on the use of capital punishment was still prohibited in law.

EXECUTIONS AND DEATH SENTENCES IN THE ASIA PACIFIC

At least 38 executions were reported to have been carried out in eight countries in the Asia-Pacific region: Afghanistan (14), Bangladesh (1), China (+), India (1), Japan (7), North Korea (6+), Pakistan (1), Taiwan (6). This figure does not include thousands of executions believed to have taken place in China.

At least 679 new death sentences were known to have been imposed in 19 countries in the region in 2012: Afghanistan (+), Bangladesh (45+), China (+), India (78+), Indonesia (12+), Japan (3), Laos (+), Malaysia (60+), Maldives (2+), Mongolia (+), Myanmar (17+), North Korea (+), Pakistan (242), Singapore (2+), South Korea (2), Sri Lanka (7+), Taiwan (7), Thailand (106+), Viet Nam (86+).

Trials for offences punishable by death continued to violate international law and standards on the use of the death penalty in several courts, which often imposed capital punishment as the mandatory punishment. Some individuals were sentenced to death on the basis of evidence extracted through torture and other ill-treatment. Foreign nationals remained disproportionately affected by the death penalty in the region, which continued to be imposed and carried out for offences that did not meet the threshold of the "most serious crimes" under Article 6 of the ICCPR.

Thirty death sentences were sent for Presidential ratification and 14 executions were carried out in **Afghanistan** last year. On 20 and 21 November, eight and six individuals, respectively, were executed. The executions were carried out for crimes including murder, rape, kidnapping and treason. At least 250 people remained on death row at the end of the year and 10 death sentences were commuted by the President in February.

One execution was recorded in **Bangladesh** last year, and at least 45 new death sentences were imposed. Approximately 1,000 people remained on death row at the end of the year. On 15 February, the Bangladeshi Parliament passed the Human Trafficking Prevention and Control Act 2012, providing for the death penalty as the highest punishment for human trafficking. On the following day it adopted the Anti-Terrorism (Amendment) Bill, 2012, which includes a provision allowing for the death penalty in certain circumstances.

China continued to account for the majority of the world's executions, but the lack of transparency surrounding the use of the death penalty in the country made it, once again, impossible to confirm figures that would adequately represent the reality of capital punishment in the country. State-owned media continued to cover high-profile cases, such as that of business woman Wu Ying who had been sentenced to death for "fraudulently raising

funds", but did not provide the much needed information to promote a meaningful debate on capital punishment in the country. Claims by officials from the Supreme People's Court that the total number of executions has more than halved since the court resumed reviewing all death sentences in 2007 have yet to be proven.

Death sentences continued to be imposed after unfair trials and for offences, such as drug-trafficking or financial crimes, that did not meet the threshold of the "most serious crimes", in line with Article 6 of the ICCPR. No procedures for death row prisoners to seek pardon or commutation of their sentence were established under national legislation.

Robert Shan Shiao-may of Hong Kong, and **Lien Sung-ching** of Taiwan, were executed in mainland China on 30 March after the Supreme People's Court in Beijing approved their death sentences.

Robert Shan Shiao-may, aged 54, was sentenced to death on 26 June 2009 for drug-trafficking, illegal possession of drugs and illegal possession of a firearm. Lien Sung-ching, aged 59, was sentenced to death at the same trial on charges of producing and trafficking drugs. The Guangdong Provincial Higher People's Court in Zhuhai, Guangdong province, rejected their appeals in December 2010. In December 2005, Hong Kong police officers, tipped off by the mainland authorities, had detained two containers at a shipping terminal that supposedly contained drugs and were bound for Manila. However, a senior inspector in Hong Kong's narcotics bureau later wrote to relatives of Lien Sung-ching saying that no drugs had been found and that the containers had been sent back to the company that owned them.

Guangdong public security agents had arrested both men in December 2005 and accused them of sending 192kg of crystal methamphetamine to the Philippines from the mainland via Hong Kong. During the appeal, the Guangdong Provincial People's Court rejected the letter because it did not have an official police stamp and because Hong Kong police later said the letter had been written in error. The police force apologized to family members of the defendants. However, the letter raised serious doubts as to the evidence used to convict the men of drug trafficking.

Lien Sung-ching was able to meet with his family before the execution. However, his family said that they had not been allowed to visit him in prison. The authorities informed Lien Sun-ching's lawyer of the Supreme People's Court decision. However, they did not inform the lawyer or the family of the date of execution.

On 11 June China's State Council Information Office published the National Human Rights Action Plan of China (2012-2015). The plan includes measures aimed at strengthening safeguards in all capital cases, such as: opening trial proceedings in appeal courts to the public; allowing for the examination of the defendant, giving the defendant's attorney the chance to express his or her opinion; and publishing key judgements from the Supreme People's Court with a view to clarifying norms of the application of the death penalty.

Amendments to the Criminal Procedure Law that were approved by the National People's Congress on 14 March (entering into force on 1 January 2013) would allow the Supreme People's Court to amend death sentences in all cases. The amendments would make it mandatory to record or videotape interrogations of suspects potentially facing the death penalty or life imprisonment. They would require the courts, prosecutors and the police to notify legal aid offices to assign a defence lawyer to all criminal suspects and defendants who face potential death sentences or life imprisonment and who have not yet appointed legal counsel. However, there is no concomitant responsibility of the legal aid organizations to

respond, nor is there a time frame for the compliance of the organizations stipulated in the amended law. Legal scholars within China have called for greater clarification to establish beyond doubt in the law that legally aided defence is available at all stages of the process in capital cases. They have also called for clearer delineation of the role and responsibility of defence lawyers in the appeal and final review process.

In November, the authorities announced that a voluntary organ donation system would be launched nationwide in early 2013 to phase out reliance on organs removed from executed prisoners.

India carried out its first execution since 2004, flouting the regional and global trend towards abolition of the death penalty. Ajmal Kasab, the Pakistani gunman convicted of and sentenced to death for his involvement in the 2008 Mumbai attacks was executed on 21 November. At least 78 new death sentences were imposed, and more than 400 people remained on death row at the end of the year.

After assuming office in late 2012, President Pranab Mukherjee rejected Ajmal Kasab's mercy petition, and commuted another death sentence. According to official figures, the President returned the mercy petitions of 14 people – 13 men and one woman – to the Ministry of Home Affairs for reconsideration. Fourteen former judges petitioned the President to commute 13 death sentences that they believe were wrongly imposed.[32]

The process leading up to Ajmal Kasab's execution raised serious concerns. The authorities considered Ajmal Kasab's mercy petition out of turn, instead of respecting the order in which the petitions had been filed. Furthermore, the execution was only announced to the public after it had been carried out, in violation of international standards. The Indian Home Minister then publicly stated they had taken this action to avoid intervention from human rights activists.

In November, the Supreme Court commuted the death sentences of two prisoners to life imprisonment. It found that one of the criteria for passing death sentences in India – that they can only be imposed if the alternative sentence of life imprisonment is "unquestionably foreclosed" – had not been met. It also urged a review of the sentencing principles underpinning the application of the death penalty. The Supreme Court removed mandatory death sentences for the use of prohibited firearms resulting in death.[33]

At its Universal Periodic Review (UPR) at the UN Human Rights Council on 24 May, India stated that the death penalty was imposed with strong procedural safeguards when life imprisonment appeared inadequate, and that the President of India and state governors had the power to grant pardons, reprieves, remission or suspension for any offence. India did not support recommendations made by the Un Human Rights Council to: establish a moratorium on executions with a view to abolishing the death penalty; respect the moratorium on the death penalty which had been in place since 2004; and consider adhering to the Second Optional Protocol to the ICCPR.

No executions have been carried out in **Indonesia** since 2008. At least 12 new death sentences were imposed, and at least 130 people were on death row at the end of the year. Over half of those on death row, many of whom were foreign nationals, had been convicted of

drug-trafficking. According to information provided by Indonesian authorities, 113 people were under sentence of death as of 31 December.

On 21 May, prosecutors asked for a life sentence rather than the death penalty in the high-profile case of Umar Patek, the man accused of premeditated murder in relation to two separate bomb attacks in 2000 and 2002 that killed 202 people.

According to figures released by the Coordinating Political, Legal and Security Affairs Minister Djoko Suyanto in June, the Migrant Workers Protection task force, set up in 2011 to help Indonesian nationals working abroad, helped commute the death sentences of at least 67 Indonesian migrant workers in China, Iran, Malaysia and Saudi Arabia.

On 18 June, the Constitutional Court rejected an appeal by two death row inmates to review Article 354 and sub-Article 4 of the Criminal Code, under which they had been convicted and sentenced to death. The appeal sought to remove the death penalty as the maximum available punishment for a group of two or more people who together cause severe injury or death to a victim through theft.

The Supreme Court confirmed on 27 September that a panel of its judges had revoked the death penalty imposed for drug-related offences on Hengky Gunawan last April. The panel found the death sentence in his case violated Article 3 of the Universal Declaration of Human Rights as well as Article 28 of the Indonesian Constitution, both of which state that everyone has the right to life. The judgement also stated that the purpose of criminal sentencing was to educate, correct and prevent additional wrongdoing. The President of Indonesia commuted at least two death sentences in 2012.

At its UPR on 23 May, Indonesia rejected recommendations to make official the moratorium on executions that has been in place since 2008, with a view to abolishing the death penalty. It stated that the death penalty was regarded as a last resort, imposed selectively, only for serious crimes. It noted that there had been public debates on the death penalty in the country, and that the issue had been referred to the Constitutional Court in 2007 for judicial review. The Court ruled that use of the death penalty did not contradict the Constitution.

When the UN General Assembly adopted its fourth resolution on a moratorium on the use of the death penalty on 20 December, Indonesia changed its vote from against to abstention.

Zulfiqar Ali, a textile worker from Pakistan, was sentenced to death in June 2005 after an unfair trial for possessing 300g of heroin. During his trial, the court rejected a witness statement which admitted that the drugs did not belong to him, because the statement had not been dated. During his pre-trial detention, Zulfiqar Ali was denied a lawyer, in violation of international human rights standards and Indonesia's own law. He was also refused the right to contact the Pakistan Embassy, in violation of the Vienna Convention on Consular Relations.

Zulfiqar Ali was only allowed access to a lawyer one month after his arrest. He stated that he had been beaten almost daily from his arrest on 21 November 2004 to 21 January 2005 by officers from the Bandara Soekarno-Hatta district police. He also said that he had been tortured and otherwise ill-treated in detention until he signed a confession. He later needed stomach and kidney surgery because of the beatings, and is currently in poor health.

Zulfiqar Ali's appeals to the High Court and to the Supreme Court were rejected and he remains under sentence of death at Kedung Pane Prison in Central Java Province. Reportedly, no material evidence has ever been brought against him.

Three prisoners were executed on 29 March in **Japan**, ending a 20-month hiatus there. The then Justice Minister Toshio Ogawa authorized the executions, justifying the act as his "duty" as Minister. Six men and one woman were executed last year, and three people were sentenced to death; 133 people remained under sentence of death at the end of the year.

Yukinori Matsuda was sentenced to death by the Kumamoto District Court in September 2006 for the murder of two people. He was executed at the Fukuoka Detention Centre on 27 September. He had withdrawn his appeal to the Supreme Court in April 2009. In Japan, there is no mandatory appeal in death penalty cases, raising questions as to whether the necessary legal requirements were met in his case.

At Japan's UPR on 31 October, the country's delegation stated that the majority of Japanese people considered the death penalty to be unavoidable in cases of vicious crime, and given that there seemed to be no end to such crimes, it regarded the immediate abolition of the death penalty as inappropriate. It further stated that confinement of death row prisoners in a single room 24 hours per day as the law stipulated was not a violation of their human rights, and that such treatment was imposed with a view to ensuring the prisoners' emotional stability. Japan's delegation agreed to provide an answer before the 22nd session of the UN Human Rights Council in March 2013 to recommendations to: ratify the second Optional Protocol to the ICCPR; encourage a deep nationwide dialogue on the death penalty, open to all stakeholders and views; abolish the death penalty or establish a moratorium on its use; and review the *daiyo kangoku* system (which allows police to detain prisoners for up to 23 days) to ensure that all people deprived of liberty are brought to justice without delay.

The elections on 16 December were won by Shinzo Abe, whose Liberal Democratic Party favours use of the death penalty.

At least 60 death sentences were known to have been imposed in **Malaysia**, but it was not possible to confirm a figure for executions. More than 930 people were under sentence of death at the end of the year. The death penalty continued to be imposed mandatorily, including for drug-related offences, and disproportionately against foreign nationals.

On 12 February, Malaysia extradited Saudi blogger Hamza Kashgari to Saudi Arabia. He had been accused by prominent clerics there of apostasy – a capital crime under Saudi Arabian law – following statements he had posted on Twitter which they deemed to be insulting towards the Prophet Mohammed.

In July, the Malaysian government announced plans to review its mandatory laws relating to drug offences. Reports in October suggested that it planned to replace the death penalty with prison terms as punishment for such offences.

Maldives' compliance with its obligations under the ICCPR was reviewed by the UN Human Rights Committee in July. The Committee noted that Maldives had adopted a moratorium on the death penalty but had not yet abolished it. It expressed concern about a draft bill to amend Section 21 of the Clemency and Pardoning Act; the bill requires the Supreme Court

to uphold death sentences for certain crimes and would prevent the President from granting clemency, as provided for in Article 115 of the Constitution. The bill remained pending at the end of the year. The Committee recommended that Maldives consider abolishing the death penalty, ratifying the Second Optional Protocol to the ICCPR, and removing mandatory death sentences from its statute books.[34]

On 13 March **Mongolia** acceded to the Second Optional Protocol to the ICCPR. The ratification of the international treaty was still to be implemented in national legislation at the end of the year. The President commuted nine death sentences.

At least 17 death sentences were imposed in **Myanmar**. On 2 January, 31 men and two women had their death sentences commuted to life imprisonment on the occasion of the 64th Anniversary Independence Day.

North Korea reported at least six executions in 2012; however, Amnesty International believes the true figure to be much higher. Executions of political opponents of North Korea's new leader Kim Jong-un were reported but these could not be verified. Many executions in North Korea are extrajudicial executions carried out without any investigation, trial or sentencing. Trials are unfair, in a system where the judiciary is not independent. Death sentences have been known to be handed down for crimes which do not carry the death penalty under North Korean law. North Korea carries out executions in public as well as in secret.

Kim Jong-un called for a crackdown on people caught trying to cross the border into China. This appears to have led to increased numbers of extrajudicial executions by border guards to prevent people from leaving North Korea. People forcibly repatriated from China faced the risk of detention, torture and other ill-treatment, and death.

Pakistan carried out its first execution since 2008 on 15 November, when the military authorities executed soldier Muhammed Hussain for the killing of a superior officer and two others. Government officials told Amnesty International that the execution was a military case and ran counter to existing policy of the government of Pakistan.

More than 8,300 people were on death row at the end of the year, and 242 new death sentences were imposed. On 26 June, the Pakistani authorities announced that Indian national Sarabjit Singh would be released, following commutation of his sentence. The next day, it emerged that the authorities had confused Sarabjit Singh with another prisoner due to be released.

The authorities scheduled the execution of Pakistan national Behram Khan for 30 June in Karachi. He had been sentenced to death by an Anti-Terrorism Court on 23 June 2003 for the murder of lawyer Mohammad Ashraf. The execution was postponed.

Reports indicated that five prisoners in Mach Jail, Balochistan, were on death row for crimes committed while they were juveniles.[35] In July, the government began consultations on a draft parliamentary bill to commute all death sentences to life imprisonment.[36]

At its UPR on 30 October, Pakistan agreed to provide an answer before the 22nd session of

the UN Human Rights Council in March 2013 to recommendations to repeal all provisions providing for mandatory death sentences with a view to abolishing them; declare an official moratorium on the death penalty; and abolish it from national legislation.

No executions were recorded in **Singapore**[37]; at least two people were sentenced to death. At least 32 people were under sentence of death at the end of the year.

On 9 July, the government announced it had introduced into Parliament legislative amendments to abolish the mandatory imposition of the death penalty under certain circumstances, and that executions were going to be suspended until the bills had been considered. The Misuse of Drugs (Amendment) Act 2012 and the Penal Code (Amendment) Act 2012 were adopted by Parliament on 14 November.

Under the amended legislation, courts are now given the discretion not to impose the death penalty in certain circumstances. In murder cases, the defendant may now be spared the death penalty if they prove that they did not intend to cause death. In drug-related cases, this would happen if the defendant had only been involved in transporting, sending or delivering an illicit substance, or had only offered to commit these acts. Equally, defendants would be spared the death penalty if they proved that they were suffering from "such abnormality of mind … as substantially impaired his mental responsibility for his acts and omissions…"[38]

While these restrictions to the imposition of the mandatory death penalty are a welcome step, proposed measures do not conform to human rights law and standards, particularly the inclusion use of caning as a form of alternative punishment, and the inclusion of persons with mental disabilities among those against whom the death penalty may be imposed. Furthermore, for defendants to be spared the death penalty, the Public Prosecutor has to be satisfied that the defendants have substantively assisted the Central Narcotics Bureau in disrupting drug trafficking activities.

Following the adoption of the legal amendments, the Attorney-General's Chambers announced that 32 death row inmates would have an opportunity to introduce new evidence to prove that they satisfy the conditions for their sentence to be reviewed.

Malaysian **Yong Vui Kong** remains at risk of execution in Singapore. Yong Vui Kong, who was 19 years old when arrested in 2007, was given a mandatory death sentence for possession of 47g of heroin. Under Singapore's laws at the time of his sentencing, this amounted to drug trafficking and warranted the mandatory death penalty. Yong Vui Kong was a courier. In a police statement, he identified the alleged mastermind of the operation who compelled him to transport the controlled drugs to Singapore. The charges against the alleged mastermind had been withdrawn. Yong Vui Kong is among 32 prisoners whose cases are pending review, following the adoption of the amendments to the Misuse of Drugs (Amendment) Act.

Two new death sentences were imposed in **South Korea**, and 63 people remained on death row at the end of the year. Three bills to abolish the death penalty that were introduced at the National Assembly in 2008, 2009 and 2010 lapsed when the National Assembly went in recession in May.

At its UPR on 25 October, South Korea stated that the government, through the Special Sub-

Committee on Revision of the Criminal Act (an advisory body to the Minister of Justice), would review the need to revise the laws which include the death penalty as statutory sentencing. It added that it found it difficult to ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

Sri Lanka took steps towards resuming executions. Reports suggested that Rehabilitation and Prison Reforms Minister Chandrasiri Gajadeera had advertised for two vacancies for hangmen. Child Development and Women's Affairs Minister Tissa Karaliyadda told the newspaper *The Nation* in July that she hoped to present a cabinet memorandum requesting an amendment to the laws to include rape among offences punishable by death.[39] At its UPR on 1 November, Sri Lanka did not support recommendations to abolish the death penalty. More than 800 people were reportedly under sentence of death at the end of the year, with about half of those sentences under appeal. The last execution in the country was carried out in 1976.

Six executions were carried out in **Taiwan** on 21 December, and seven new death sentences were imposed. Of the 120 prisoners under sentence of death at the end of the year, 55 had exhausted their legal appeals and were at risk of execution. Family members were not informed before executions were carried out. They only found out when invited to collect the body from the mortuary. In response to national and international calls on the President of Taiwan to stand by his commitment to abolish the death penalty, Minister of Foreign Affairs David Lin was reported in the Taiwanese newspaper *Taipei Times* as stating that the government had never made such a promise.[40]

In April, Taiwan's High Court quashed the convictions of three men sentenced to death over the murder of a couple 21 years ago, as it found that the convictions were based on unreliable confessions. Serious fair trial concerns continued to mark the use of the death penalty in the country.

Chiou Ho-shun has been on death row in Taiwan since 1989. He could be executed at any time. He was arrested in 1988 along with 11 other people in connection with two murders. All 12 say they were held incommunicado for the first four months of detention, and were tortured into confessing. Chiou Ho-shun says he was blindfolded, tied up and forced to sit on ice, electrocuted and had pepper water poured into his mouth and nose. These interrogations lasted up to 10 hours at a time, with five or six people beating him. As a result, the hearing in his left ear has been severely impaired and he suffers migraines. Following an unfair trial, his 11 co-defendants were given prison sentences. Only Chiou Ho-shun received a death sentence. In 1994, two public prosecutors and 10 police officers handling the case were convicted of extracting confessions through torture. No material evidence linking Chiou Ho-shun or his co-defendants to the crimes has ever been produced. Following an unsuccessful appeal in 2011, Chiou Ho-shun asked the court: "I haven't killed anyone. Why don't judges have the courage to find me not guilty?"

In November Manfred Nowak, a former UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, and Eibe Riedel, a member of the UN Committee on Economic, Social and Cultural Rights, called on President Ma Ying-jeou to implement a moratorium on executions. This came ahead of their scheduled visit to Taiwan in 2013 to review the government's report on implementation of the two UN Human Rights Treaties – the ICCPR and the International Covenant on Economic, Social and Cultural Rights.

From December, hearings of all death penalty cases at the Supreme Court were required to include oral arguments on sentencing and related issues by both prosecution and defence lawyers. The panel of judges would then also take into consideration the opinion of victims' families in determining the sentence.

At least 106 new death sentences were recorded in **Thailand**, and more than 650 people were under sentence of death at the end of the year. Figures from the Correction Department showed that at least half of them had been convicted of drug-related offences.

On 15 March, the UN Human Rights Council adopted the outcome of the UPR of Thailand, which had been carried out on 5 October 2011. The country's authorities rejected recommendations to review or amend laws with regards to abolishing the death penalty, pending the completion of a study to assess the possibility of abolishing capital punishment. Thailand had made a commitment in its 2009-2013 Human Rights Action Plan to abolish the death penalty. Calls to expedite executions for drug-related offences, including by government authorities, were reported throughout the year.

Inability to obtain the supply of substances used in lethal injection procedures due to an EU export ban put executions on hold in **Viet Nam** throughout 2012. The country changed its method of execution from firing squad to lethal injection in July 2011 and built six execution facilities to be able to switch to the new method. However, changes in EU regulations on trade of equipment and substances appeared to have impeded the implementation of the death penalty in the country.

In November, National Assembly deputy Huynh Nghia, citing the Supreme People's Procuracy of Vietnam,[41] stated that 508 people were under sentence of death, with their sentences legally valid but unenforceable due to lack of means for execution.

The activities and reach of the **Anti-Death Penalty Asia Network** (ADPAN) continued to expand during 2012. By the end of the year, there were members in 26 countries. ADPAN held its 3rd Consultative Meeting at Hong Kong University in November. The meeting agreed the future direction of its work on unfair trials, the mandatory death penalty and foreign nationals on death row.

EUROPE AND CENTRAL ASIA

Belarus continued to be the only country in the region to carry out executions, and did so under strict secrecy. At least three men were executed in 2012.[42]

Typically, prisoners are executed within hours or even minutes of being told that their appeal for clemency has been rejected, by being forced to their knees and shot in the back of the head. Neither they, nor their families, will have been told of the impending execution. The family will only be informed days or sometimes months after the execution takes place. The bodies are not returned to them, and they are not told where their relatives are buried.

Uladzslau Kavalyou and Dzmitry Kanavalau were executed in March for their alleged involvement in a series of bomb attacks in Belarus in 2011. The death sentences had been imposed after unfair trials. The two men had been sentenced to death by the Supreme Court acting as the court of first and only instance, leaving no recourse for appeal to a higher court, in violation of international law. The Belarusian President Alyaksandr Lukashenka denied requests for clemency on 14 March 2012, having declared before they were even interrogated that both men had confessed to the attack.

Uladzslau Kavalyou later retracted his confession, claiming it was obtained under pressure, including threats to shoot him. His mother, Lubou Kavalyoua, said that both men had been beaten during interrogation. On 17 March, she received a letter notifying her of her son's execution. As in previous cases, Uladzslau Kavalyou's execution took place despite an official request from the UN Human Rights Committee not to execute him until his application to the Committee had been considered. In October, the Committee found that in carrying out these acts, Belarus had violated, among others, the rights of Uladzslau Kavalyou under Articles 6, 7 and 14 of the International Covenant on Civil and Political Rights (ICCPR). It also held that these acts amounted to inhuman treatment of his mother and sister, in violation of Article 7 of the ICCPR, because of the effect of intimidating or punishing the family by intentionally leaving them in a state of uncertainty and mental distress.[43]

Legislation to remove the death penalty for the last remaining crimes under military law came into effect in **Latvia** on 1 January, making the country the 97th completely abolitionist country in the world. Previously, Latvia had been abolitionist for ordinary crimes only. On 1 May, Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), concerning the abolition of the death penalty in all circumstances, entered into force for Latvia.

Russia continued its moratorium on the death penalty, in place since 1996 and indefinitely extended by the Constitutional Court in November 2009. In June, Russia informed the UN that proposals to abolish the death penalty legally and to ratify Protocol No. 13 of the ECHR, concerning the abolition of the death penalty in all circumstances, were currently pending before the State Duma (parliament).[44] However, Amnesty International is not aware of any steps taken in this regard or of the legislative timetable. Russia is the only Member State of the Council of Europe that has not ratified Protocol No. 6 to the ECHR concerning the abolition of the death penalty but allowing States Parties to retain the death penalty for crimes in time of war. In November, the UN Committee against Torture recommended to Russia to abolish the death penalty in law and to ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.[45]

The official moratorium on the application of the death penalty implemented in 2004 continued in **Tajikistan**. In the outcome of its Universal Periodic Review at the UN Human Rights Council in March, Tajikistan supported recommendations to ratify the Second Optional Protocol to the ICCPR, in continuation of its measures to reform the criminal code, and asked for technical assistance in the implementation of this recommendation.

Institutions belonging to the **Council of Europe** continued to be active on the issue of the death penalty. Its Parliamentary Assembly adopted resolutions in which it called on Belarus to introduce a moratorium on executions with a view to the complete abolition of the death

penalty, and on Russia to abolish the death penalty in law and to ratify without delay Protocol No. 6 to the ECHR.[46]

In July, the Council of Europe's European Court of Human Rights formally notified the Polish and Romanian governments of two cases filed concerning 'Abd al-Rahim al-Nashiri.[47] The complaints related to, among other things, each state's complicity in al-Nashiri's secret detention in Europe and eventual transfer in September 2006 to the US Naval Base at Guantánamo Bay, Cuba, despite a real risk that he would be subjected to the death penalty. Al-Nashiri continues to be detained at Guantánamo and faces capital charges in connection with the attack on the *USS Cole* in Aden, Yemen, in 2000. He is facing trial under a military commission system that does not meet international fair trial standards. Various pre-trial proceedings were held during 2012 in his case, but a date for his actual trial was not set.

In its judgment in the case of Almir Rrapo, the European Court of Human Rights recalled that Protocol No. 13 to the ECHR, taken together with obligations under Articles 1, 2 and 3 of the ECHR, prohibited a Member State of the Council of Europe from detaining individuals with a view to extraditing them to stand trial on capital charges or in any other way subjecting individuals within its jurisdiction to a real risk of being sentenced to the death penalty and executed. However, the Court found no violation of this rule, as sufficient and binding assurances had been sought and obtained from US authorities prior to extradition.[48]

On 25 June, the **European Union (EU)** adopted its first "Strategic Framework on Human Rights and Democracy", which covers the whole range of EU human rights activities, including its campaign for the abolition of the death penalty as an EU priority. In public statements on the death penalty, the High Representative of the EU for Foreign Affairs, Catherine Ashton, among other things, criticized executions in Belarus, India, Iran, Iraq, Japan, Pakistan and the USA.

MIDDLE EAST AND NORTH AFRICA

Use of the death penalty in the Middle East and North Africa remained a cause for great concern. Although there were limited positive developments, with most countries in the region continuing to refrain from implementing death sentences, the persistently high level of executions in Iran, Saudi Arabia and Yemen, and the alarming rise of executions in Iraq, made for an altogether bleak picture. Ongoing instability and violence in some countries in the region made it difficult to gather adequate information, especially in Syria. Several governments continued to provide no or only partial information about their use of the death penalty.

In Tunisia, 125 people on death row had their sentences commuted by the transitional government. However, the draft Constitution proposed in Tunisia did not rule out the death penalty. Egypt's new Constitution did not contain a provision on the right to life and did not rule out the death penalty. Bahrain, Morocco and Tunisia rejected recommendations in their respective Universal Periodic Review (UPR) at the UN Human Rights Council to abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on

Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty.

At least 557 executions in six countries (out of 19 in the region) could be confirmed: Iran (314+), Iraq (129+), the Palestinian Authority (6, by the Hamas authorities, Gaza), Saudi Arabia (79+), UAE (1) and Yemen (28+). This was essentially the same number of executions as in 2011, when 558 were confirmed regionally, but occurring in more countries (8).

It could not be confirmed if executions took place in Egypt or Syria.

The concentration of a very high number of executions in a small number of countries showed that Iran, Iraq, Saudi Arabia and Yemen were isolated even regionally. As in 2011, these four countries alone account for 99% of all confirmed executions in the region.

Iraq, and on a lesser scale the Palestinian Authority (the Hamas authorities in Gaza), stood out in the region as the only jurisdictions with a rise in executions from 2011. Iran and Yemen saw a drop in reported executions, although the real figures are likely to be much higher.

At least 505 death sentences were imposed in 16 countries: Algeria (153+), Bahrain (1), Egypt (91+), Iran (79+), Iraq (81+), Jordan (16+), Kuwait (9+), Lebanon (9+), Libya (5+), Morocco/Western Sahara (7+), the Palestinian Authority (6+: 5+ Hamas authorities, Gaza; 1 PA, West Bank), Qatar (1+), Saudi Arabia (10+), Tunisia (9), UAE (21+) and Yemen (7+).

The overall number of countries passing death sentences increased from 2011 (15), as no death sentences in Syria could be confirmed, but Libya and Tunisia resumed their imposition. The total number of confirmed death sentences decreased considerably, from at least 750 in 2011 to 505 in 2012. Reductions year-on-year could be observed in Bahrain, Kuwait and the UAE.

The authorities of Algeria, Jordan, Kuwait, Lebanon, Morocco/Western Sahara and Tunisia imposed death sentences but continued not to carry out executions. Bahrain refrained from implementing death sentences for the second year running.

It appeared that some governments in the region reduced their use of the death penalty through measures such as the imposition of fewer death sentences, commutations, or simply refraining from executions in practice. However, very few wanted to be seen as taking demonstrative steps, such as changes to their national laws or international legal obligations. At the same time, some states took visible steps to demonstrate their support for the death penalty, such as voting against the United Nations General Assembly (UNGA) resolution calling for a moratorium.

Legal concerns about the application of the death penalty abounded in the region. Capital punishment was frequently imposed for drug offences, which are not recognized as “most serious crimes” under international standards, and for vaguely worded political “offences”, including charges under anti-terrorism laws.

There were a variety of fair trial concerns in 2012. Among other things, military courts imposed death sentences, sometimes on civilians, in Egypt, Lebanon, Libya and the

Palestinian Authority (PA, West Bank; Hamas authorities, Gaza). Death sentences were handed down despite the suspect being tried in their absence (*in absentia*) in Algeria, Egypt, Iraq, Lebanon, Libya, Tunisia, the UAE and Yemen. Amnesty International rejects trials *in absentia* as inherently unfair, if the accused was never present in court.

There were serious concerns over the use of "confessions" obtained under torture or other ill-treatment in Algeria, Iran, Iraq, the Palestinian Authority (Hamas authorities, Gaza), Saudi Arabia and Yemen. The unfairness of some trials was further exacerbated by television broadcasts of these forced "confessions" prior to trial in Iran and Iraq, violating the right of the defendant to be presumed innocent. Where foreign nationals were accused of a capital crime, such as in Saudi Arabia, interpreters were often not present during interrogations or trials or their assistance was inadequate. It was apparent that the countries with the highest number of executions were also those where trials which failed to comply with international fair trial standards were appallingly common.

At least 153 death sentences were imposed in **Algeria**. Most were against people tried in their absence for terrorism-related offences, others for murder.

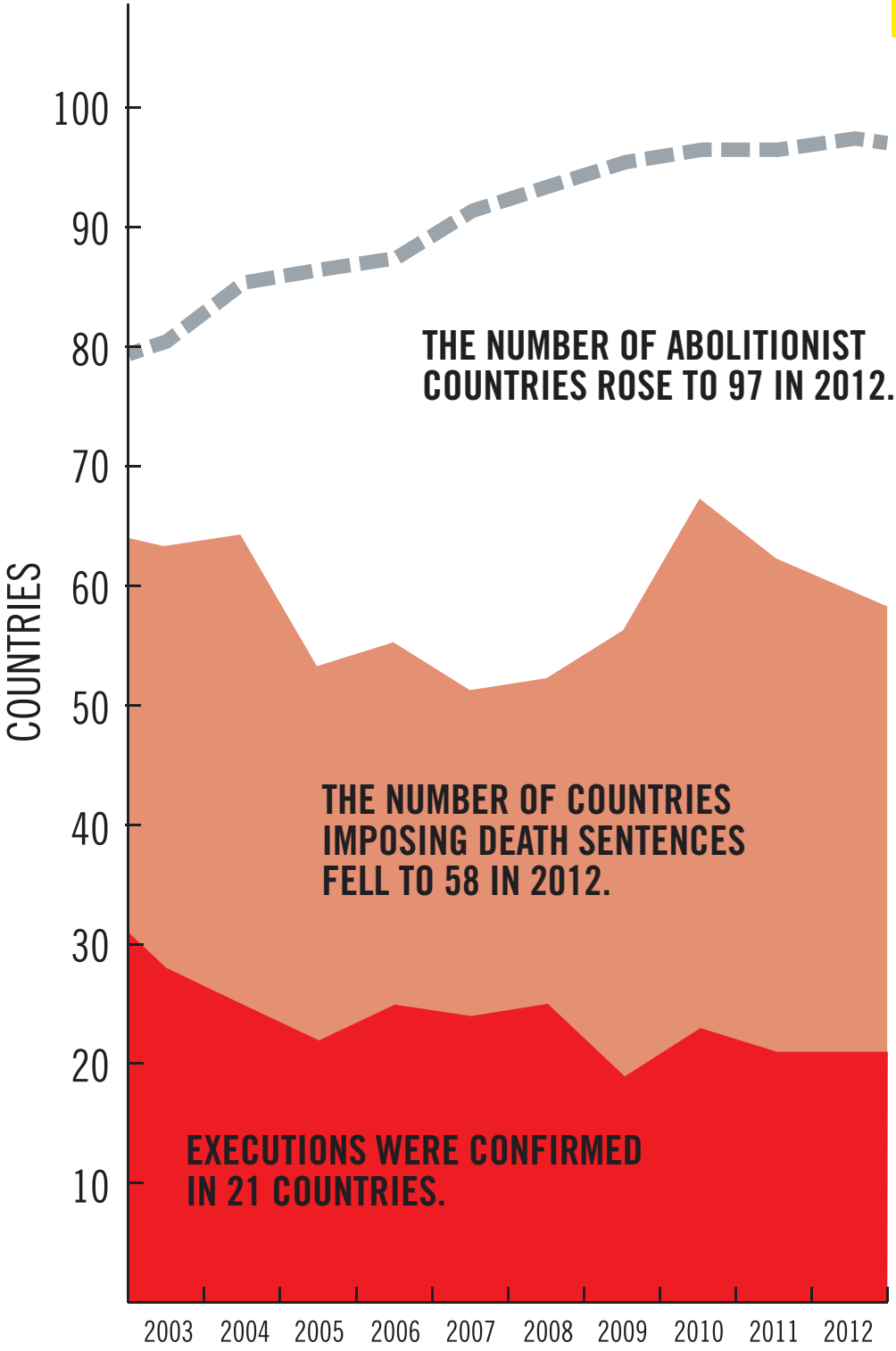
For the second year running, no executions were carried out in **Bahrain**. One death sentence was imposed, in March, on a Bahraini national convicted of killing his wife. On 9 January, the Court of Cassation quashed two death sentences imposed by the National Safety Court and its Appeals Court – military courts – in 2011. The cases of 'Ali 'Abdullah Hassan al-Sankis and 'Abdelaziz 'Abdelridha Ibrahim Hussain, two civilians who had been found guilty of killing two policemen during the March 2011 anti-government protests, were referred to the High Criminal Court of Appeal for a re-trial, in line with the recommendations of the Bahrain Independent Commission of Inquiry.[49]

As part of the outcome of its UPR adopted by the UN Human Rights Council on 19 September, Bahrain rejected recommendations to abolish the death penalty, including a recommendation to ratify the Second Optional Protocol to the ICCPR, stating that such measures would be inconsistent with its Constitution and were not required by international law. In December, Bahrain changed its previous abstention and voted against the UNGA resolution calling for a moratorium on the death penalty.

Information on the death penalty in **Egypt** is generally very difficult to obtain. At least 91 new death sentences were imposed, including by military courts. In March, the Supreme Military Court handed down death sentences to two civilians for killing a military officer in February 2011. Former President Mohamed Hosni Mubarak and his former Interior Minister, Habib El-Adly, were sentenced to prison terms in June over the killing of protesters in the 2011 uprisings, although the prosecution had called for death sentences.[50]

All death sentences by criminal courts have to be sent to the Grand Mufti of Egypt, the country's highest Islamic cleric, for his opinion. A new Constitution adopted after a referendum in December contained no reference to the death penalty, meaning that existing legislation remained unaffected. Further, the Constitution enshrined Shari'a as the principal source of legislation, and public opinion continues to strongly support the death penalty, making it likely that the death penalty will continue to be imposed.

DEATH PENALTY TRENDS 2003-2012

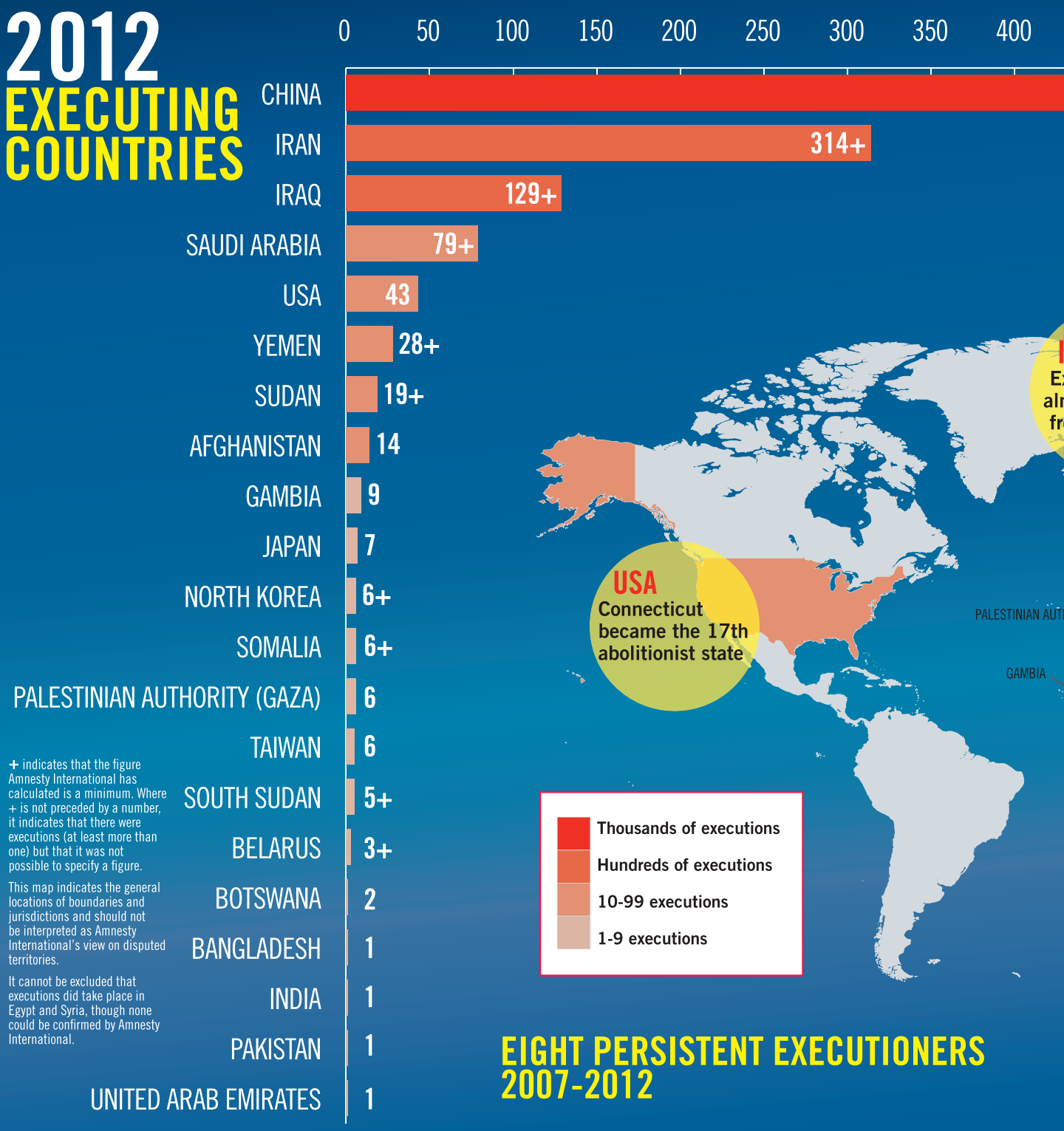


The death penalty was completely removed from legislation in Latvia, making it the 97th country abolitionist for all crimes worldwide. Ten years ago in 2003, this figure stood at 80. In total, 140 countries have abolished the death penalty in law or practice.

At least 1,722 people were sentenced to death in 58 countries in 2012. This is a decrease from 2011, when at least 1,923 people were known to have been sentenced in 63 countries worldwide, and a reduction for the second year running (2010: 2,024 death sentences in 67 countries).

In 2012 Amnesty International recorded executions in 21 countries. It cannot be excluded that executions took place in Egypt and Syria, though none could be confirmed. This figure reflects the significant overall decline of the death penalty from a decade earlier, when 28 countries carried out executions in 2003.

2012 EXECUTING COUNTRIES

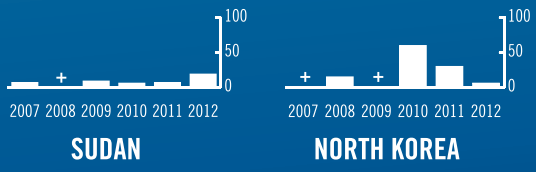


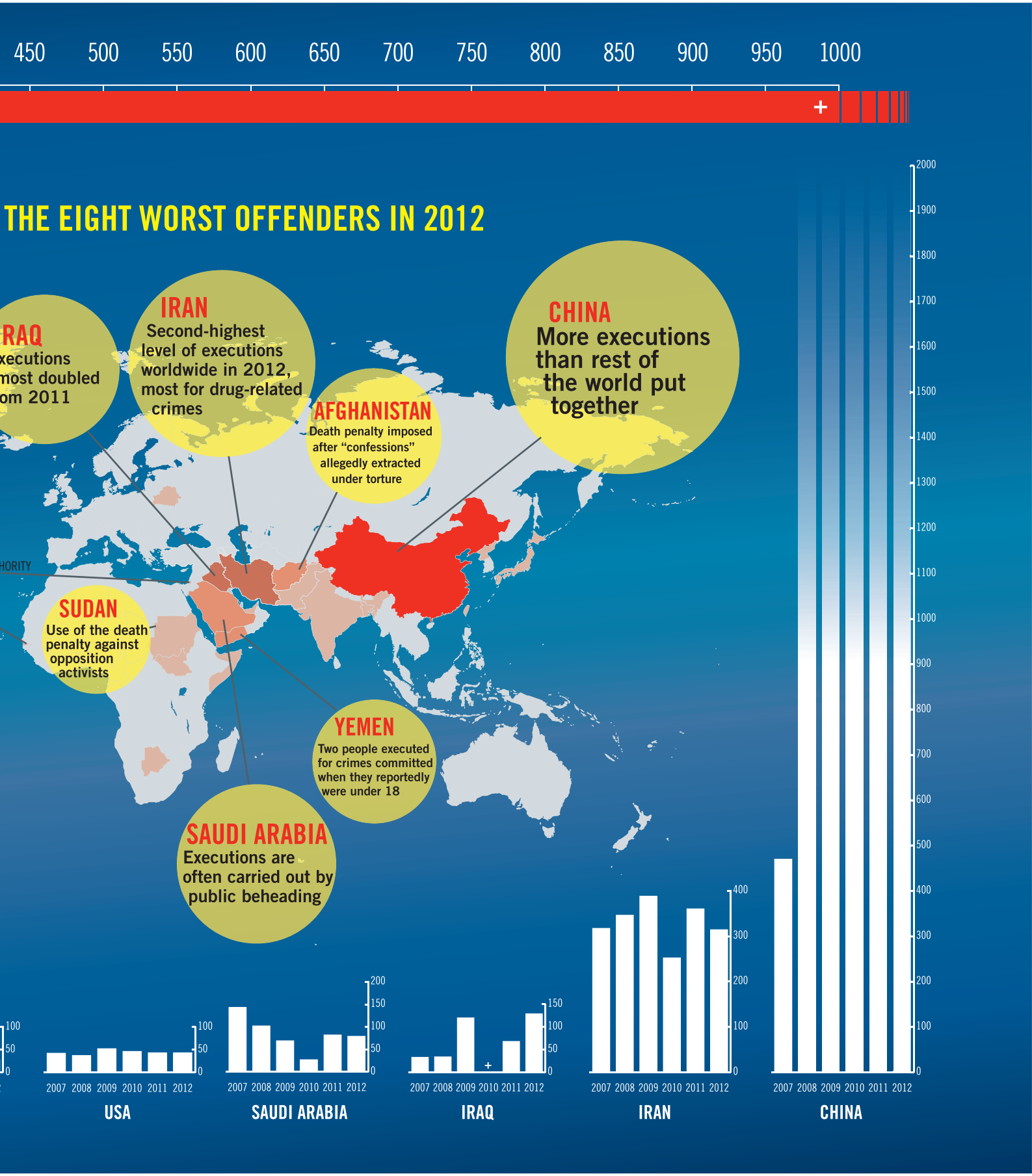
+ indicates that the figure Amnesty International has calculated is a minimum. Where + is not preceded by a number, it indicates that there were executions (at least more than one) but that it was not possible to specify a figure.

This map indicates the general locations of boundaries and jurisdictions and should not be interpreted as Amnesty International's view on disputed territories.

It cannot be excluded that executions did take place in Egypt and Syria, though none could be confirmed by Amnesty International.

EIGHT PERSISTENT EXECUTIONERS 2007-2012




450 500 550 600 650 700 750 800 850 900 950 1000
+
THE EIGHT WORST OFFENDERS IN 2012
RAQ
xecutions
most doubled
om 2011
IRAN
Second-highest level of executions worldwide in 2012, most for drug-related crimes
AFGHANISTAN
Death penalty imposed after "confessions" allegedly extracted under torture
CHINA
More executions than rest of the world put together
HORITY
SUDAN
Use of the death penalty against opposition activists
YEMEN
Two people executed for crimes committed when they reportedly were under 18
SAUDI ARABIA
Executions are often carried out by public beheading
2000 1900 1800 1700 1600 1500 1400 1300 1200 1100 1000 900 800 700 600 500 400 300 200 100 0
100 50 0
2007 2008 2009 2010 2011 2012
USA
200 150 100 50 0
2007 2008 2009 2010 2011 2012
SAUDI ARABIA
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2007 2008 2009 2010 2011 2012
IRAQ
400 300 200 100 0
2007 2008 2009 2010 2011 2012
IRAN
2007 2008 2009 2010 2011 2012
CHINA

WORLDWIDE TRENDS 2012

0 EXECUTIONS IN **BAHRAIN, SINGAPORE** AND **VIET NAM**

0 PRISONERS ON DEATH ROW IN **SIERRA LEONE**

97 COUNTRIES HAVE ABOLISHED THE DEATH PENALTY FOR ALL CRIMES – INCLUDING **LATVIA** IN 2012

2ND OPTIONAL PROTOCOL TO THE ICCPR (ABOLITION OF THE DEATH PENALTY): ACCEDED TO BY **BENIN** AND **MONGOLIA**, SIGNED BY **MADAGASCAR**

111 MEMBER STATES OF THE UN VOTED FOR A **MORATORIUM ON EXECUTIONS**

GHANA
ACCEPTS RECOMMENDATIONS TO ABOLISH THE DEATH PENALTY IN THE NEW CONSTITUTION

43 EXECUTIONS IN THE **USA**, THE SAME FIGURE AS IN 2011, DESPITE THE NUMBER OF ABOLITIONIST US STATES RISING TO 17

BEHEADING, HANGING, LETHAL INJECTION, SHOOTING: **EXECUTION METHODS** USED IN 2012

11 COUNTRIES WHERE THE DEATH PENALTY WAS USED FOR **DRUG-RELATED OFFENCES**

BELARUS STILL THE ONLY COUNTRY IN EUROPE AND CENTRAL ASIA TO CARRY OUT EXECUTIONS

9 COUNTRIES WHERE THE **MANDATORY DEATH PENALTY** CONTINUED TO BE USED

THE DEATH PENALTY WAS APPLICABLE FOR AN INCREASED NUMBER OF CRIMES IN **BANGLADESH** AND **KENYA**

EXECUTIONS RESUMED IN **BOTSWANA, GAMBIA, INDIA, JAPAN** AND **PAKISTAN**

8 COUNTRIES WHERE PEOPLE WERE SENTENCED TO DEATH OR EXECUTED AFTER **"CONFESSING" UNDER TORTURE** OR OTHER ILL-TREATMENT

99 PERCENTAGE OF EXECUTIONS IN THE MIDDLE EAST AND NORTH AFRICA REGION CARRIED OUT BY **IRAN, IRAQ, SAUDI ARABIA** AND **YEMEN**

9 PEOPLE EXECUTED IN **GAMBIA** IN SECRET ON ONE DAY IN AUGUST

AMNESTY INTERNATIONAL

In September, death sentences were confirmed for 14 members of the militant Islamic group Monotheism and Jihad (*el-Tawhid wi el-Jihad*), imposed by an emergency court for attacks on soldiers and security forces in the north of the Sinai Peninsula in 2011. Amnesty International has frequently raised concerns over the ability of emergency courts to deliver fair trials. In November, the death sentences of seven expatriate Coptic Egyptians and US Pastor Terry Jones from Florida, all tried in their absence for their alleged involvement with the controversial film *Innocence of Muslims*, were referred to the Mufti after a court found they had endangered Egypt's national unity.[51] The film was widely deemed to be offensive to many Muslims and led to protests in Egypt and other countries.

Iran is second only to China worldwide in the number of executions carried out each year. The number of executions remained high in 2012, especially for drug-related crimes, along with the politicized use of death sentences against members of minorities and opponents of the government, and for other crimes that are not considered "most serious" under international law. Death sentences were typically imposed following proceedings that violate fair trial standards, including the use of forced "confessions" as evidence, and under the Anti-Narcotics Law, defendants were effectively denied the right to an appeal in all instances. Iran continued to impose death sentences on juvenile offenders, in violation of international law.[52]

The Iranian authorities do not provide official statistics on their use of the death penalty and there is credible evidence that large numbers of executions are carried out in secret. Although 314 executions were officially acknowledged by Iranian authorities or state-controlled or -sanctioned media, reliable sources reported at least 230 additional executions. This would bring the total for 2012 to at least 544.

At least 79 new death sentences were imposed and officially acknowledged by the authorities, but reliable sources reported at least 37 additional ones. The true number is almost certainly much higher.

At least three women were executed. No executions of juvenile offenders could be confirmed. Reports from official sources appear to indicate that up to four executed may have been aged under 18 at the time of the alleged crimes, but this could not be verified. However, according to official sources, at least two juvenile offenders were sentenced to death. At least 63 executions were carried out in public, again a rise: in 2011, 50 such executions were recorded; in 2010 it was 14. The authorities appeared to believe that public executions deter crime and protest by spreading fear among those who witness them.

The scope of the death penalty in Iran remained broad and included, among others, murder, "adultery while married", "apostasy", "sodomy", as well as the vaguely worded offences of "enmity against God" (*moharebeh)* and "corruption on earth" (*ifsad fil-arz*). In June, Iran's Supreme Court upheld death sentences for two men found guilty for a third time of drinking alcohol.

At least 223 executions, or 71% of all officially acknowledged executions in 2012, were for drug offences. Under Iranian law, the death penalty is mandatory in cases of possession or trafficking of more than a specified amount of various drugs, and those convicted of drug offences are not permitted an opportunity to exercise their right to a review by a higher

tribunal, as required by international law. Article 32 of the Anti-Narcotics Law stipulates that those sentenced to death for drug offences will only have their convictions and sentences confirmed by either the President of the Supreme Court or the Prosecutor-General. In practice, it seems that many such death sentences are referred to the Prosecutor-General. Throughout 2012, concerns continued to be raised about financial and technical assistance provided to Iran through bilateral and UN drug enforcement aid programmes which, although intended to help seize drugs and arrest suspected traffickers, may actually be facilitating the capture and subsequent execution of people for drug offences.[53]

Saeed Sedeghi was executed on 22 October. He had been sentenced to death in May for participating, with three other men, in the purchase and possession of 512kg of methamphetamine. His state-appointed lawyer had no contact with him, or access to his case file, before his trial. Saeed Sedeghi was ordered to pay a fine of two million Rials (approximately US$163) and sentenced to 20 lashes for individual possession of 21g of opium and marijuana. In December 2010, amendments to the Anti-Narcotics Law had extended the scope of the death penalty to include additional categories of illegal drugs (including methamphetamine – "crystal meth").

According to Saeed Sedeghi's family, he had been tortured in prison, including being subjected to mock execution, and had three teeth knocked out. Saeed Sedeghi also told his family that while in prison he had been ordered to "confess" his guilt in front of a camera but had refused to do so. Following the execution, his body was returned to his family, but the authorities warned them not to speak to the media and barred them from holding a public funeral ceremony. On 11 October, Saeed Sedeghi's brother, **Majid Sedeghi**, was arrested after giving interviews to BBC Persian and Voice of America about his brother's plight. He was released on bail four days later, but may face charges and a trial in the future.

The crime of "enmity against God" (*moharebeh*) is aimed at armed insurrection or, more generally, the resort to armed, violent activities. Anyone found responsible for taking up arms, whether for criminal purposes or against the state, or even belonging to an organization taking up arms against the state, may be considered guilty of "enmity against God".

However, the provision can and has been applied to cases where the accused may not have taken up arms, but rather were allegedly members of, or associated with, organizations that have been proscribed in Iran. This includes those linked to political bodies claiming to represent one of Iran's ethnic minorities, such as the Ahwazi Arab, Baluchi or Kurdish minorities.

At least 19 Kurdish men were believed to be under sentence of death in connection with their alleged membership of, and activities for, proscribed Kurdish organizations.

On or around 19 June, Taha Heidarian and three other members of Iran's Ahwazi Arab minority were executed after reportedly being convicted of "enmity against God and corruption on earth" in connection with the killing of a law enforcement official in April 2011 amid widespread protests in Khuzestan, south-west Iran. Their bodies were not returned to their families. On 7 July, five other men were sentenced to death in connection with their activities on behalf of the Ahwazi Arab minority. They had been arrested in early 2011, just before the sixth anniversary of widespread anti-government demonstrations that took place in April 2005. Two of these, teachers Hashem Sha'bani Amouri and Hadi Rashidi, had previously been shown on Iran's state-controlled English-language television station, Press

TV, appearing to "confess" to the allegations against them. A third man convicted, Mohammad Ali Amouri, had been sought by the authorities for organizing protests during the demonstrations in 2005.[54]

At the end of February 2012, the Amnesty and Clemency Commission rejected the request for pardon of Abdolreza Ghanbari, a Persian literature teacher, university lecturer and former trade union activist who was arrested after anti-government demonstrations in 2009. His death sentence imposed in 2011 relates to emails and a phone call he allegedly received from the People's Mojahedin Organization of Iran (PMOI). His family denies that these contacts took place. The PMOI is a banned opposition group based in Iraq which advocates the overthrow of the Iranian government, and has previously engaged in armed action against the government. Other individuals sentenced to death for "enmity against God" had family links to members of the PMOI living in a PMOI camp in Iraq and had visited relatives or friends there.

The Iranian-Canadian dual national, Hamid Ghassemi-Shall, remained at imminent risk of execution throughout the year. He was sentenced to death in 2008 for espionage and co-operation with the PMOI, on the basis that he had obtained confidential military information from his brother Alborz Ghassemi-Shall, who had previously worked as a mechanical engineer in the Iranian army.

On 17 January 2012, the Supreme Court confirmed the death sentence of **Saeed Malekpour**, a permanent resident of Canada and Iranian national. He is a web programmer who was sentenced to death in 2010 for "insulting and desecrating Islam" after software he had developed for uploading photos online had been used without his knowledge to post pornographic images. He was arrested in October 2008 while visiting his family in Iran. His death sentence was suspended in December, after he entered a plea in which he "repented" for his actions.

Two other individuals, blogger **Vahid Asghari** and website administrator **Ahmad Reza Hashempour**, remained on death row awaiting execution in relation to their online activities.[55]

Christian pastor Yousef Nadarkhani, sentenced to death by hanging for the uncodified crime of "apostasy from Islam" in 2011, was re-tried and finally acquitted in September 2012 after almost three years in detention. He was re-arrested – intentionally – on Christmas Day, 25 December, but again released in early 2013.

Four men were reportedly sentenced to death by hanging for "sodomy" in May. In July, unconfirmed reports suggested that the Iranian authorities no longer intended to implement the stoning sentence handed down to Sakineh Mohammadi Ashtiani in 2006 for "adultery while married", and that she could be released. But her legal status was unclear, including whether any prison sentence imposed for her alleged role in the murder of her husband still remained. Her stoning sentence had previously been sent to the Office for the Implementation of Sentences, and could therefore, if still active, be carried out at any time. In addition, her last lawyer, Javid Houtan Kiyan, who was arrested in 2010, is believed to have been sentenced to at least four years in prison for representing her and was banned from practising law for five years.

In January, a revised Penal Code was passed by the Council of Guardians as presented by

parliament, but did not enter into force during the year. Explicit references to the punishment of stoning were removed in 2012 (but re-instated in early 2013). Sexual relations outside marriage remained a crime. Under the draft Code, judges would still be able to pass stoning sentences, including under Article 167 of Iran's Constitution, which directs judges to use Islamic law to rule on a case in the absence of codified law. The new Penal Code would also continue to allow judges to decide on the merits of a case based on their subjective "knowledge of the judge" (*elm-e qazi*), a key element in the conviction of Sakineh Mohammadi Ashtiani. Other proposed amendments would end the use of the death penalty against juvenile offenders for some crimes such as drug trafficking, but not for murder.

Trial procedures in Iran are generally flawed. Many death sentences in Iran follow grossly unfair trials, in which Iranian courts frequently accept as evidence alleged "confessions" extracted through torture and other ill-treatment. Televised "confessions" have repeatedly been used by the authorities to incriminate detained individuals during their trials. Many have later retracted these "confessions", stating that they were coerced into making them, sometimes under torture.

On 6 August, Iranian state television channel IRTV1 broadcast a 39-minute documentary called "Terror Club", showing the "confessions" of **Mazyar Ebrahimi**, Iranian founder of a cinema and television production company based in Iraq, and 11 other men and women arrested with him for their alleged involvement in the killings of five Iranian nuclear scientists and academics. If convicted, some or all would likely face the death penalty. **Majid Jamali Fashi**, one of the men featured in the documentary, had already been executed on 15 May following a TV "confession" broadcast in 2011.

Under Iran's Code of Criminal Procedures, defence lawyers are not permitted to fully represent their clients until formal charges have been made, a process which may take months. As a consequence, detainees are sometimes held for months in incommunicado detention, that is, without access to their lawyers and relatives. State-appointed lawyers are rarely able to mount an adequate defence for their clients, whose case may have been allocated only days or even hours before the initial trial.

Lawyers are not always informed in advance of their clients' execution, despite the legal requirement of 48 hours' notice, and families are not always given an opportunity for a final visit, or to receive the body and effects of their relative after execution. In many cases, the only sign that an execution is imminent is when death row prisoners are taken from their cells and transferred to places like Tehran's Evin Prison (this would happen 48 hours before the scheduled execution date). The families of the convicts are often told only a day before the execution, when they are called to the prison for a final visit. Family members have often reported that death row inmates had lost weight, were in poor health, experienced depression and memory loss, and had been subjected to physical and psychological torture. Reported examples of ill-treatment include floggings, severe beatings, blindfolding, boiling water being poured over inmates, and threats of rape.

In June, Iran publicly complained about executions of Iranian nationals in Saudi Arabia in violation of rules on fair trials and consular assistance, and the Iranian news agency ran the headline: "Execution of Iranian citizens in Saudi Arabia was a medieval act".[56]

A stark rise in executions was reported in **Iraq**, making it the country with the third highest

number of executions in the world and with the biggest rise in confirmed executions from 2011. At least 129 people were executed, almost twice the known total for 2011 (at least 68) and the highest figure since 2005. Executions were often carried out in batches, with up to 34 in a single day. At least five women were executed, and at least two were sentenced to death. Amnesty International recorded at least 81 new death sentences in total, but the real figure is possibly in the hundreds. According to government statistics, death sentences numbered between 250 and 600 in each of the previous five years. Most death sentences are imposed for terrorism-related offences, others for murder. All death sentences are automatically reviewed by Iraq's Court of Cassation, and then need to be ratified by the presidency before an execution can be carried out. Hundreds of people remained on death row with ratified death sentences; they could be executed at any time.

Abid Hamid Mahmoud, Saddam Hussain's presidential secretary and bodyguard, was executed by hanging on 7 June. He had been sentenced to death in 2010 by the Supreme Iraqi Criminal Tribunal (SICT) together with Tariq Aziz, the former Foreign Minister and Deputy Prime Minister, and Sadoun Shakir, the former Interior Minister. All three were convicted of participating in the crackdown on opposition political activists under Saddam Hussain. Tariq Aziz and Sadoun Shakir remain at risk of imminent execution. On 16 December, Iraqi vice-President Tareq al-Hashemi, now in exile in Turkey, and his son-in-law Ahmed Qahtan, were sentenced to death *in absentia* for possession and use of weapons. These were their fifth respective death sentences in 2012, with the others imposed for terrorism-related offences.

Many trials of those sentenced to death failed to meet international standards for fair trials, including the use of "confessions" obtained under torture and other ill-treatment. Defendants described how they suffered systematic torture while in detention, including being beaten with cables, burned on the face with cigarettes, and given electric shocks to the hands, wrists, fingers, ankles and feet, or were left in a room with water on the floor while an electric current was applied to the water. But courts continued to include "confessions", even if formally withdrawn, as part of the evidence when handing down a sentence. Some Iraqi television stations broadcast these self-incriminating "confessions" before the opening of a trial.

Four Iraqi men, **Nabhan 'Adel Hamdi, Mu'ad Muhammad 'Abed, 'Amer Ahmad Kassar** and **Shakir Mahmoud 'Anad**, were sentenced to death on 3 December, for membership of an armed group and involvement in terrorism-related offences, after an unfair trial in Anbar, western Iraq. They were reported to have been tortured after their arrest while being held incommunicado for several weeks at the Directorate of Counter-Crime in Ramadi, the capital of Anbar province. Their "confessions" were then broadcast on a local television channel, al-Anbar, on 24 and 25 April. When brought to trial, they told the Anbar Criminal Court that they had been forced under torture to "confess". Witness testimony from fellow detainees and photographs of some of the men's injuries supported their allegations. The medical examination of one of the men also revealed burns and other injuries consistent with torture. No investigation into their torture allegations is known to have been held.

At least 16 people were sentenced to death in **Jordan**, most for murder. On 16 and 17 June, the World Coalition Against the Death Penalty held its General Assembly in Amman.

At least nine new death sentences were imposed in **Kuwait**, all for murder, including on one

woman. In two cases, Kuwaiti nationals were sentenced for killing foreign domestic workers employed in their households, one from Nepal and one from the Philippines.

In June, the Amir of Kuwait, Sheikh Sabah al-Ahmed Al Sabah, rejected a bill passed by Kuwait's parliament that would make "blasphemy" punishable by death. The draft law was introduced following the arrest on 27 March of Hamad al-Naqi, a member of Kuwait's Shi'a Muslim minority who was accused of posting messages "insulting" to Islam on the micro-blogging site Twitter, and of criticizing the leaders of Saudi Arabia and Bahrain. In June he was sentenced to 10 years of hard labour in prison.

No executions were carried out in **Lebanon** for the eighth consecutive year, but at least nine death sentences were issued by both civilian and military courts. Seven of the sentences were imposed on people convicted of collaborating with and giving information to Israel, the other two for crimes involving murder. Five people were sentenced to death *in absentia*. A proposed National Human Rights Action Plan launched in December suggested substituting life imprisonment for the death penalty in all relevant Lebanese laws but had not been endorsed by parliament by the end of the year.

No judicial executions were reported from **Libya**. The judicial system resumed operations in 2012 and imposed at least five death sentences. In November, a military court in Benghazi sentenced five former government soldiers to death *in absentia* for killing and raping civilians, crimes allegedly committed during the 2011 armed conflict.

In June, former Libyan prime minister al-Baghdadi al-Mahmoudi was extradited from Tunisia to Libya, in violation of the principle of *non-refoulement* (that is, the principle which prohibits states to transfer (*refouler*) people when there is a real risk of serious violations of human rights). His trial began in December. Mauritania extradited Abdullah al-Senussi, the former military intelligence chief for Colonel Mu'ammar al-Gaddafi, to Libya in September. Both face an unfair trial and a real risk of the death penalty.

At least seven death sentences were imposed in **Morocco/Western Sahara.** On 9 March, an appeals court confirmed a death sentence against Adil Al-Atmani, convicted in October 2011 for planning a bomb attack in Marrakech in April of that year, and increased the life sentence of his accomplice Hakim Daha to death. In April, Foreign Minister Saadeddine El Othmani informed parliament that the government was approaching Iraqi authorities to reduce to prison terms death sentences issued against Moroccan prisoners convicted for taking part in terrorism-related acts, and to allow them to spend the rest of their sentences in Morocco as part of the Arab Judicial Co-operation Agreement.

During its UPR in May, Morocco reiterated that a draft law was pending which aimed to reduce the number of capital crimes. The government accepted recommendations to consider further steps towards abolition, but rejected immediate abolition of the death penalty. The First Regional Congress on the Death Penalty for the Middle East and North Africa region took place in Rabat from 18 to 20 October, in partnership with Moroccan human rights organizations.

In **Oman** no death sentences or executions were reported, but this could not be verified. In December, Oman changed its previous abstention and voted against the UNGA resolution

calling for a moratorium on the death penalty.

Six executions were carried out in the areas under the jurisdiction of in the **Palestinian Authority** – a doubling from 2011 – and at least six death sentences imposed in total. In those parts of the West Bank which are administered by the Palestinian Authority (PA), no executions were carried out, but a member of the security forces was sentenced to death by a military tribunal. Death sentences must be ratified by the PA President before implementation, which has not happened since Mahmoud Abbas took office in 2005.

Six men were hanged by the Hamas authorities in the Gaza Strip, three each in April and July. Five of them had been convicted of murder and other offences, the other of treason and being an accessory to murder. Two men were sentenced to death in Gaza for "collaboration" with the Israeli army, one in January and one in September. Strong concerns exist over the fairness of trials in Gaza, including procedures before military courts and the use of forced "confessions". At least 14 people have been executed by Hamas since 2010.

No executions were carried out but at least one death sentence was imposed in **Qatar**, on a Sri Lankan man, for murder.

Saudi Arabia was the country with the fourth highest number of executions in the world. At least 79 executions were recorded – close to the same high level as in 2011 (82). Executions were carried out for crimes involving killings, but at least 29 people were executed for non-lethal crimes that are not accepted as "most serious crimes" under international standards applying to the death penalty. These included adultery, armed robbery, burglary, drug smuggling, forming a gang and committing theft, kidnapping, rape, and "witchcraft" and "sorcery". In particular, there was a marked increase in executions for drug-related offences, with at least 22 people executed in 2012, compared with three in 2011, and only one (out of 27 executions) in 2010. Executions are usually carried out by beheading with a sword, often in public. The bodies are transported to be buried in unmarked graves. In at least one case in 2012, a Sudanese man was beheaded, followed by what is known in Saudi Arabia as crucifixion: his severed head was sewn back on to the body which was later hung from a pole in a public place.

Amnesty International recorded the imposition of at least 10 death sentences, but the real number is likely to be much higher. Saudi Arabia does not have a codified criminal law but applies Shari'a law. On 22 December, a court in Jeddah began prosecuting Raif Badawi for apostasy. An online activist, Raif Badawi had founded a website for political and social debate. His prosecution appeared to be an attempt by the authorities to intimidate him and others trying to engage in open debates in Saudi Arabian society.[57] Hadi al-Muteef was released on 10 February following a royal pardon after being in prison since 1994 for comments deemed to be blasphemous. He had originally been sentenced to death but his sentence was later commuted to a prison term.

Court proceedings fall far short of international standards for fair trial. Defendants are rarely allowed formal representation by a lawyer, and in many cases are not informed of the progress of legal proceedings against them. Defendants may be held incommunicado for weeks at a time, and may be convicted solely on the basis of "confessions" obtained under torture and other ill-treatment, or deception. Death sentences have to be upheld by a court of

appeal and the Supreme Court, then sent to the King for ratification before an execution can be carried out.

A disturbing pattern of discrimination against vulnerable individuals continued to be apparent. In 2012, 27 of those executed in Saudi Arabia were foreign nationals.[58] Over the past five years, an average of three out of every 10 people executed were foreign nationals – mainly migrant workers from developing countries in Africa and Asia.

Siti Zainab Binti Duhri Rupa, an Indonesian national and mother of two, has been detained in Medina Prison since 1999. She is currently under sentence of death and is thought to be mentally ill. According to sources in Indonesia, in November 1999 she admitted stabbing her female employer. Under interrogation, she said she had killed the woman because of "mistreatment". She had no legal representation at any stage and did not have access to a consular representative during the police interrogation. The police suspected that she suffered from mental illness at the time of the interrogation. Before she was arrested, Siti Zainab Binti Duhri Rupa sent letters in which she said that her employer and her employer's son had acted cruelly towards her.

Conditions in **Syria** meant that it was impossible to obtain confirmed information about executions or death sentences. During 2012, protests calling for reform, which had begun in March 2011, escalated into an internal armed conflict between government and opposition forces, bringing with it more violence and casualties on all sides.[59] Despite some limited reports, it was not possible to confirm whether death sentences were imposed or if executions were carried out.

On 23 October, Syrian President Bashar al-Assad reportedly granted a general amnesty for people who had committed crimes before that date; people convicted of "terrorist crimes", smuggling weapons and drug trafficking, were excluded. Amnesty International was unable to confirm reports that some death sentences had been commuted to terms of imprisonment.

After no death sentences were imposed in 2011, courts in **Tunisia** resumed the imposition of capital punishment in 2012. According to official figures, nine death sentences were imposed, all involving murders. In January, Interim President Moncef Marzouki commuted 122 death sentences to life imprisonment, which according to the government applied to all prisoners then on death row. Ousted president Zine al-Abidine Ben Ali, who is in exile in Saudi Arabia, was sentenced in June to life imprisonment by a military court in his absence over the killing of protesters in the 2011 uprisings, although the prosecution had called for a death sentence.

In its UPR outcome adopted by the UN Human Rights Council on 19 September, Tunisia rejected recommendations to abolish the death penalty, referring to the ongoing debate in the National Constituent Assembly and the need for a dialogue in which "the will of the people would be respected". The new draft Constitution proposed in August contained a provision protecting the right to life, but implicitly allowed for the death penalty through reference to other laws. The Penal Code still prescribed the death penalty for 21 offences, including some without lethal consequences.

As in 2011, one execution took place in the **United Arab Emirates** (UAE). Alex Rohana, a Sri Lankan, was executed on the morning of 6 December in Abu Dhabi. He had been convicted of murdering an Emirati engineer in 2002 during a struggle in the victim's house. Executions

in Abu Dhabi and other emirates[60] have to be upheld by the Supreme Court and endorsed by the country's President. Executions are carried out by firing squad. At least 21 death sentences were imposed, with at least six people sentenced to death for smuggling drugs into the country. Other crimes receiving death sentences included murder, rape[61], and the shooting and wounding of two police officers. Over half of the sentences were given to foreign nationals, who make up over 80% of the population, one in the suspect's absence.

On 20 November, the Minister of State for Foreign Affairs, Anwar Mohammed Gargash, reportedly stated that death sentences could only be imposed by unanimous court decision. Any death sentence in the UAE is subject to an automatic appeal.

At least 28 executions were reported in **Yemen**, but the actual number is believed to be much higher. Yemen executed 41 people in 2011 and, according to official information, 62 in 2010. Executions are usually carried out by shooting, with the executioner firing directly at the heart at close range. Shaikh Khalid Nahshal and Abduh Muhammad Nahshal, reportedly leading members of opposition party Islah, were executed on 31 January despite concerns that their trials may have been unfair.

At least seven new death sentences were imposed, but the real number is likely to be much higher. Most death sentences were imposed for murder, but also for offences not involving lethal violence, for example drug offences. Consensual heterosexual and same-sex sexual intercourse for a married person, if the act is not with the spouse, is also a capital crime, as is "communicating" with foreign countries. In at least one case in April, the Supreme Court confirmed a death sentence on an individual found guilty of "communicating" with Iran. The sentence was passed in connection with activities supporting independence for southern Yemen. In June, three men were sentenced to death *in absentia*, in connection with a grenade attack on a protest in Ta'izz in February 2011 which left one protester dead and several injured.

Two of those executed in 2012 are believed to have been juvenile offenders. Despite the fact that Yemeni law currently prohibits use of the death penalty against juvenile offenders, executions continue to take place because of disputes over the actual age of the accused at the time of the alleged crime. Fuad Ahmed Ali Abdulla was executed in Ta'izz prison on 18 January after being convicted of a murder in June 2004 that he was alleged to have committed while below the age of 18. On 3 December, Hind Al-Barati was executed for killing a girl about seven years ago, when she was reportedly 15 years old. At least 25 alleged juvenile offenders were under sentence of death. At least four of these, Mohammad Abduh Qasim al-Taweel, Muhammad Abdul Wahhab Faysal al-Qassem, Muhammed Taher Thabet Samoum, and Walid Haykal, remained under imminent threat of execution throughout the year. Around 180 people were reported to be at risk of being sentenced to death for offences allegedly committed when they were below the age of 18.

In June, the Ministry of Justice established an independent medical examination committee to determine ages of alleged juvenile offenders, especially in cases where birth certificates were unavailable. However it lacked the appropriate legal status and jurisdiction, and ceased to function within six months of its creation.

In March, the UN Human Rights Committee expressed concern over a number of aspects of Yemeni death penalty legislation, including the criminalization of homosexuality; the death penalty for juvenile offenders; the legality of stoning; and the lack of the right of every person sentenced to death to seek a pardon.[62]

SUB-SAHARAN AFRICA

Developments in several countries in the region showed that the trend towards abolition remained strong in the region. On 5 July, Benin became the 75th State Party to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty; Madagascar signed this treaty on 24 September. The government of Ghana accepted the recommendation of the Constitutional Review Commission to abolish the death penalty in the new Constitution. At the end of the year, there were no prisoners on death row in Sierra Leone. Benin did not impose any death sentences; nor did Burkina Faso, Malawi and Sierra Leone – unlike in 2011.

But at least 40 executions were carried out in five countries in Sub-Saharan Africa. Judicial executions continued in Somalia (6+; Transitional Federal Government (TFG): 5+, Puntland: 1+), South Sudan (5+) and Sudan (19+), and were resumed in Botswana (2) and Gambia (9). There is a real risk of renewed executions in Nigeria, after the governor of Edo State signed two execution warrants in October. The last known executions in Nigeria were carried out in 2006.

Amnesty International recorded at least 449 death sentences imposed in 19 countries in sub-Saharan Africa: Botswana (5), Chad (2), Democratic Republic of the Congo (11+), Equatorial Guinea (1), Gambia (5+), Ghana (27), Guinea (2+), Kenya (21+), Liberia (4+), Mali (10+), Mauritania (6+), Nigeria (56), Somalia (76+; TFG: 51+, Puntland: 7+, Somaliland: 18+), South Sudan (+), Sudan (199+), Swaziland (1), Tanzania (3), Zambia (7+) and Zimbabwe (11+).

The number of confirmed death sentences increased from 254 in 2011, mainly because of the high number of death sentences reported in Sudan. The number of countries which imposed death sentences fell compared to 2011, when such sentences were reported in 25 countries. However, comprehensive information could not be obtained for some countries. Military courts continued to impose the death penalty in the Democratic Republic of the Congo (DRC) and in Somalia. In the DRC people were also sentenced to death *in absentia*.

According to government information, no death sentences were imposed in **Benin**, for the second year running. On 17 December, the National Assembly repealed death penalty provisions in the Criminal Procedure Code. This was in reaction to a ruling by the Constitutional Court in August that previous amendments had become unconstitutional after the country's accession to the Second Optional Protocol to the ICCPR. The removal of all remaining death penalty provisions in national legislation was put on the parliamentary agenda for 2013.

After no executions in **Botswana** in 2011, two men were executed in 2012, and five death sentences were imposed. Zibani Thamo was hanged for murder on 31 January. The authorities did not return his body to the family, nor did they reveal where he was buried. Gatlhalosamang Gaboakelwe lost his appeal in February. He was not executed as of the end of the year, but legal appeals for a formal stay of execution were unsuccessful.

In **Burkina Faso**, no death sentences were imposed during the year. In January, the President of the National Assembly, Roch Marc Christian Kaboré, reiterated to Amnesty International his support for eventual ratification of the Second Optional Protocol to the ICCPR, but no legislative steps were taken.

In **Cameroon**, government information indicated that 102 prisoners were on death row at the start of the year. In November, the government-funded National Commission on Human Rights and Freedoms released a report in which it called for the abolition of the death penalty.

According to official information, two men were sentenced to death for murder in **Chad**.

In the **DRC**, at least 11 new death sentences were reported to have been handed down. On 30 May, a military court in South Kivu reportedly sentenced to death two officers *in absentia*, Eric Ngabo and Saddam "Ringo", for their alleged role in a mutiny in eastern Congo in April. On 31 March, the then Minister of Foreign Affairs Thambwe Mwamba publicly declared the government's intention to establish an official moratorium throughout the country, but in the context of a change of government and escalation of violence in the east of the country, no further steps were taken.

One death sentence was imposed in **Equatorial Guinea**. On 7 May, Amadou Tamboura, a 20-year-old Malian national, was sentenced to death by the Provincial Court in the city of Bata for aggravated murder of a woman, although the prosecution had asked for a custodial sentence. An appeal was lodged with the Supreme Court.

Information on the use of the death penalty in **Eritrea** is very difficult to obtain. The majority of detainees do not go through a judicial procedure, and the government generally refuses to provide relevant information. In this context, no formal executions or new death sentences were reported, but over recent years there have been reports that inmates were unlawfully killed in prison.

For the second consecutive year, no death sentences were reported in **Ethiopia**. Throughout the year, journalists and members of political opposition parties were tried under broad 2009 anti-terrorism legislation, for criticizing the government, calling for reform, and reporting on protests and arrests. Among others, journalist Eskinder Nega was tried on charges potentially carrying the death penalty. He was found guilty and sentenced to 18 years in prison for high treason and terrorism-related offences on 13 July.

In August, nine executions were carried out in **Gambia**, the first in the country in nearly three decades. At least five people were sentenced to death, and at least 36 prisoners – many sentenced after unfair or politically motivated trials – remained on death row at imminent risk of execution. Amnesty International reclassified Gambia, previously abolitionist in practice,

as retentionist.

On 19 and 20 August, in a television address to mark the Muslim feast of Eid-al-Fitr, Gambian President Yahya Jammeh announced to the nation that by mid-September all existing death sentences would be "carried out to the letter". On the evening of 23 August, eight men and one woman were taken from their cells in Mile 2 prison near the capital city, Banjul, and were shortly after executed by firing squad. Two of those executed were reported to have been Senegalese nationals. The executions were carried out in secret and neither the individuals nor their families or lawyers were informed in advance. The family members did not receive official confirmation of their relatives' fate until 27 August, three days after the executions were first reported. The authorities did not return the bodies to the families and gave no information about where they were buried. At least three of the nine prisoners executed, **Malang Sonko**, **Tabara Samba** and **Buba Yarboe**, had not exhausted their legal appeals. Gambia's Constitution states that all those sentenced to death must be guaranteed the right of appeal to the Supreme Court. On 14 September, President Jammeh announced a "conditional" moratorium on executions, which would be "automatically lifted" if crimes rates increased.

On 3 December, **Imam Baba Leigh** was arrested and detained incommunicado without charge. Imam Baba Leigh had strongly condemned the August executions, stating that they were "un-Islamic", and had called for the government to return the bodies to their families. Before his arrest, he had continued to criticize the government and speak out against the death penalty in his sermons.

Section 18 of Gambia's Constitution mandates a review of the abolition of the death penalty within 10 years of the date on which the Constitution entered into force (January 1997). The review is therefore more than five years overdue. Section 18 also restricts the death penalty to crimes "resulting in the death of another person", and under Gambia's Criminal Procedural Code, the death penalty is mandatory for murder. However, death sentences have repeatedly been imposed for alleged crimes of treason, even when nobody was killed. On 19 October, the Supreme Court upheld the death sentences of seven of the eight men convicted of treason in 2010 for procuring arms, equipment and mercenaries in preparation of a coup against President Jammeh's government.

According to government information, 27 death sentences were imposed in **Ghana**, all on men convicted of murder; 162 men and four women were under sentence of death at the end of the year.

In June, the government accepted the recommendation of the Constitution Review Commission to abolish the death penalty in the new Constitution and to replace it with life imprisonment. As a reason for abolition, the government stated in its White Paper on the Report of the Commission that: "The sanctity of life is a value so much ingrained in the Ghanaian social psyche that it cannot be gambled away with judicial uncertainties." During its Universal Periodic Review (UPR) at the UN Human Rights Council in October, Ghana pointed out that this change would have to be put to a popular referendum. Also in October, the nominee for appointment as a Supreme Court Judge Anthony Alfred Benneh called for the abolition of the death penalty, citing specifically the risk of executing an innocent person.

At least two death sentences were imposed in **Guinea**, in separate murder cases.

At least 21 new death sentences were reported to have been imposed in **Kenya**. During the year, at least eight men were sentenced to death for crimes involving robbery and violence,

but not intentional killing. In December, six Administration Police officers were reportedly sentenced to death for opening fire and killing seven taxi operators in Kawangware in 2010. In some of these cases, judges appeared to continue to apply the death penalty as a mandatory punishment. Kenya no longer retains a hangman.

The scope of the death penalty was expanded when President Mwai Kibaki signed into law the Kenya Defence Forces Act in August. The Act allowed for members of Kenya's Defence Forces being sentenced to death for a range of offences, including treachery, spying, aiding the enemy, assisting the enemy with intelligence information and unlawfully advocating for a change of government.

In July, the UN Human Rights Committee expressed regret that a total of 1,582 convicts still faced the death penalty, and that the death penalty applied to crimes such as robbery with violence that did not qualify as "most serious crimes" within the meaning of Article 6(2) of the ICCPR. The Committee recommended abolishing the death penalty and acceding to the Second Optional Protocol to the ICCPR. It suggested that the state should intensify awareness campaigns with a view to changing the mindset of the public regarding the retention of the death penalty.[63]

At least four death sentences were handed down in **Liberia**. No further steps were taken to bring the country's laws on the death penalty into compliance with Liberia's obligations under the Second Optional Protocol to the ICCPR. These obligations include taking all necessary measures to abolish the death penalty within Liberia's jurisdiction. Liberia acceded to the Protocol in 2005, but re-introduced the death penalty in 2008. The death penalty is also allowed explicitly in Article 20 of the Constitution.

In **Malawi**, no executions have been carried out since 1992, but 29 men remained on death row.

In January, an armed conflict began in the north of **Mali**, which triggered in March a military coup in the capital, Bamako.[64] This resulted in the de facto partition of the country in April. No further steps towards abolishing the death penalty were taken. At least 10 death sentences were imposed. In January, Bachir Simoun, who had been sentenced to death in Mali in 2011 for an attack on the French embassy, was extradited to his home state Tunisia.

At least six death sentences were imposed in **Mauritania**, including three on terrorism-related charges. On 15 May, the Court of Appeal upheld the death sentence imposed on Mohamed Abdellahi Ould Ahmednah in March 2011. An alleged member of Al-Qaeda in the Islamic Maghreb (AQIM), he had been found guilty of shooting an American citizen in Nouakchott in 2009.

The last known executions in **Nigeria** were carried out in 2006, when at least seven men were hanged in Kano state in northern Nigeria. According to government information, 56 death sentences were imposed in 2012, and a total of 1,002 people were under sentence of death at the end of the year. Among those on death row were many who had been sentenced by military tribunals without the right to appeal, before the move to democracy in May 1999, and up to 20 juvenile offenders. Reportedly 19 women were under sentence of death. The Office of the Federal Attorney General and Minister of Justice described the moratorium on

executions in Nigeria currently in place as "voluntary".

Death sentences are mandatory for murder but also non-lethal offences such as armed robbery and treason. In August, officials in Cross River state stated that abolition of the death penalty was being considered as part of the ongoing review of its criminal justice administration.

An appeal was pending against the decision of the Federal High Court in April to lift the injunction initially granted against the execution of all death row inmates, in a lawsuit brought by the Nigerian NGO Legal Defence and Assistance Project (LEDAP) in Lagos in 2010.[65] In late September, the High Court of Lagos state declared that the mandatory imposition of the death penalty was unconstitutional, in a case brought in 2008 by the Legal Resources Consortium, assisted by LEDAP. The ruling judge held, in addition, that death by hanging or firing squad amounted to a violation of the condemned's right to dignity of the human person and protection from torture and inhuman or degrading treatment under Section 34(a) of the 1999 Constitution. He granted a perpetual injunction restraining the Lagos state government from carrying out any executions. A nationwide survey conducted by LEDAP in 2010 and directed at over 30,000 professionals working in the justice sector, prisoners and members of the general public found that a slim majority of the stakeholders polled (51%) opposed the use of the death penalty, mainly on religious grounds.[66]

In early October, the governor of the south-western state of Edo signed execution warrants for two men convicted of murder and sentenced to death by hanging in 1996. The execution warrants were signed despite an ongoing appeal in the Court of Appeal. Reportedly, prison authorities had informed the governor that death row inmates in the regional Benin City prison were becoming "unmanageable". This was in reference to the alleged involvement of some of these prisoners in a jailbreak incident. Executions may be carried out by the Nigeria Prisons Service once a state governor has signed the death warrant. As of the end of the year, the executions had not been carried out.

At the end of the year, there were no prisoners under sentence of death in **Sierra Leone**, following pardons issued on the occasion of Independence Day in April. In September, a man who had been convicted of murder in 2003, and sentenced to death, was acquitted by the Court of Appeal. The man had spent over eight years on death row, before his sentence was commuted to life imprisonment in 2011. No new death sentences were imposed in 2012. However, the death penalty was retained in law for treason and aggravated robbery, and was mandatory for murder.

On 10 October, the World Day against the Death Penalty, President Ernest Bai Koroma was awarded "Abolitionist of the Year 2012" by the NGO "Hands Off Cain". When accepting the award, he said: "Sierra Leoneans are still reeling from those largest numbers of executions carried out on a single day by agents of the state [24 people in 1992, and 29 people in 1998, during the civil war]. Sierra Leoneans don't want a repeat of state sanctioned executions."

At least six executions were carried out, and a total of at least 76 people were sentenced to death in **Somalia**.[67] According to information by the Federal Government, four executions were carried out in Mogadishu, and 51 death sentences were imposed. However, Amnesty

International's own monitoring indicated that at least five executions occurred. In January and July, one and four Transitional Federal Government (TFG) soldiers, respectively, were executed by firing squad in the main police compound after a TFG military court found them guilty of killing other TFG soldiers and civilians. In August, the "transitional" period in Somalia ended, and a new government – the Federal Government of the Somali Republic – was formed. A new Constitution was approved in August.

At least one execution was carried out, and at least seven people were sentenced to death in the semi-autonomous region of Puntland in northern Somalia. In June, a convicted murderer was sentenced and publicly executed in Qardho. On 23 October, a military court sentenced to death a Yemeni man for bringing a cache of weapons and explosives on a boat from Yemen into the country. In the self-declared Republic of Somaliland, 18 death sentences were reported, for killing soldiers and civilians.

In only its second year as an independent state and UN member, **South Sudan** continued to use the death penalty, despite well-documented weaknesses in the country's legal system. At least five executions were carried out: two men were hanged in Juba prison on 28 August, followed by three further executions in Wau Prison on 6 September. More than 200 prisoners were on death row, shackled and crowded into cramped and dirty cells. The vast majority of prisoners on death row were not represented by counsel in trials that often lasted only minutes. South Sudanese law requires the Supreme Court to review and confirm all death sentences, and that no death sentence is carried out without approval by the President.

On 26 September, the Permanent Representative of South Sudan in Geneva, Riek Puok Riek, told the UN Human Rights Council that "South Sudan agrees with … the logic of abolishing the death penalty. But we believe that this is a process that could be approached gradually." A government spokesperson confirmed in November that existing death penalty legislation would be reviewed as part of the ongoing constitutional review process to replace the Transitional Constitution of 2011.

At least 19 executions and at least 199 death sentences were reported in **Sudan**. Two women, Intisar Sharif Abdallah and Layla Ibrahim Issa Jumul, were sentenced to death by stoning on charges of "adultery while married" in separate cases in May and July. In both cases the women were sentenced after unfair trials involving forced confessions. The sentences were subsequently overturned on appeal, and both women were released.

The Sudanese authorities continued to use the death penalty, and wide-ranging powers under the 2010 National Security Act, to oppress real or perceived activists of political opposition groups. Al-Tom Hamed Tutu, a member of the armed opposition group Justice and Equality Movement in Darfur, western Sudan, was sentenced to death by hanging in 2011 for crimes against the state. The government had accelerated the legal process by filing appeals without informing him or his lawyer. The execution was suspended in June pending an appeal to the Constitutional Court.

In June 2011, an armed conflict broke out in the Southern Kordofan state, southern Sudan, between government forces and the Sudan People's Liberation Army-North, the military wing of the Sudan People's Liberation Movement-North (SPLM-N). Sudanese teacher and activist **Jalila Khamis Koko**, a Nuba from Southern Kordofan and a member of SPLM-N, volunteered to provide humanitarian support to people who had

fled their homes in Southern Kordofan. In the same month – June 2011 – she appeared in a Youtube video in which she denounced the conditions in conflict-affected areas and called for a ceasefire. She was arrested in March 2012, and remained detained for the rest of the year, without charge and, for a time, in solitary confinement. Jalila Khamis Koko was charged with five criminal counts on 13 December, two of which – "undermining the constitutional system" and "waging war against the state" – carry the death penalty.[68] Amnesty International believes that she was detained because of her humanitarian work and peaceful expression of her views.

One death sentence was imposed in **Swaziland**. Individualized assessments in applying the death penalty are now becoming the norm, since Article 15(2) of the Constitution of 2005 prohibits the mandatory death penalty. In November, the High Court awarded a long prison sentence to a 27-year-old man, despite the alleged brutality of the murder he was convicted of; the judge found some mitigating circumstances, including the young age of the offender and the possibility of reintegration into society. But in another case, Mciniseli Jomo Simelane was sentenced to death for a murder committed for financial gain. In a separate case, the Supreme Court of Appeal rejected the appeal of David Simelane, sentenced to death for the murders of 34 women in 2011. His last remedy available under national law is now a clemency petition. Despite its confirmation of its status as abolitionist in practice during its UPR, Swaziland stated in March that it was not yet ready to accept recommendations to ratify the Second Optional Protocol to the ICCPR and to abolish the death penalty.

Three new death sentences were reported from **Tanzania**. On 20 November, the High Court in Dar es Salaam sentenced to death three former members of the Tanzania People's Defence Forces (TPDF) for murder. According to the Legal and Human Rights Centre (LHRC), death sentences are imposed for murder, treason and military-related offences.[69] In March, the Court of Appeal upheld two death sentences imposed for murder, including one for the killing of an albino girl in 2008. In its observations on UPR recommendations of 12 March, the government responded that it did not currently consider signing and ratifying the Second Optional Protocol to the ICCPR a priority. It also rejected recommendations to establish a moratorium on executions, stating that "internal consultations and public opinion should be given highest consideration before any policy measure is undertaken". However, when LHRC interviewed 1,500 people, it found that three quarters of interviewees thought that the death penalty is "not good" as a punishment.[70]

In the aftermath of the 2009 *Kigula* judgement, in which the Supreme Court outlawed mandatory death sentences, some judges in **Uganda** resorted to lengthy prison terms instead, such as 50 or 60 years, for capital offences. Uganda retains the death penalty for 28 civilian and military offences.

In February, the "Anti-Homosexuality Bill", which included increased penalties including life imprisonment for sexual activities between consenting adults of the same sex, was reintroduced in Parliament. It had originally been proposed in 2009 and included the death penalty for the offence of "aggravated homosexuality". In November, the bill's author publicly claimed that the death penalty clause had been removed; but the bill as considered by the Parliamentary and Legal Affairs Committee was not made public. Parliament did not debate the bill, pending a report by the Committee. Other offences raised by political leaders to make subject to the death penalty included misappropriation of funds by public officials and sexual abuse of children.

In March, the government did not accept UPR recommendations on the abolition of the death penalty – which included establishing a moratorium on executions and ratifying the Second Optional Protocol to the ICCPR – on the basis that the proposals did not enjoy support during the country-wide constitution-making consultative process.

At least seven death sentences were imposed in **Zambia**, all for murder. The Supreme Court upheld at least three sentences, including two imposed for armed robbery. In July, 64 out of some 300 inmates under sentence of death in Mukobeko Maximum Prison, Kabwe, lodged a case with the Lusaka High Court over the Supreme Court's delay in considering their appeals. During a visit to the prison, Vice President Guy Scott was reportedly shocked by the conditions on death row, where each one-person cell holds up to eight people.

In March, the UN Human Rights Committee found that Zambia had violated Article 6 of the ICCPR, as the appeal of a death sentence imposed for murder in 1995 by the Supreme Court had been pending for nearly 17 years. The case file had apparently been lost. This, together with the psychological distress caused by the prolonged detention on death row, was also seen as violating Article 7 of the ICCPR.[71] During its UPR in October, Zambia noted that abolition or retention of the death penalty would be discussed during the ongoing process for adopting a new Constitution.

At least 11 new death sentences were imposed in **Zimbabwe**, all for murder with intent. There is an automatic right of appeal to the Supreme Court. In August, Justice and Legal Affairs Deputy Minister Obert Gutu was quoted as saying: "The Executive no longer has the appetite to execute inmates… There is a *de facto* moratorium on executions and I don't see any being conducted any time soon… What will eventually happen to those on death row is that their death sentences will be commuted to life sentences. That is the trend the world over."[72] However, in September the government announced that it had filled the position of the state executioner, which had been vacant since 2005.

On 18 July, a second draft of the new Constitution was released, containing restrictions on the death penalty, but not full abolition. Section 4(5) in the new draft Constitution still allowed the death penalty for murder "committed in aggravating circumstances," but exempted from its application all women, men under 21 years at the time of the commission of the crime, and those aged over 70. It also prohibited the imposition of the death penalty as a mandatory punishment. While mutiny and treason would be excluded under this proposal, Amnesty International is not aware of any prisoners on death row who were convicted of these crimes. The practical impact of the provisions under the current draft would not significantly reduce the use of the death penalty. Partial abolition would also be in contrast to the support indicated by Zimbabwe in March for UPR recommendations to take measures to abolish the death penalty and to ratify the Second Optional Protocol to the ICCPR. It is planned that the new Constitution will be put to a popular referendum in 2013.

In April, the **African Commission on Human and Peoples' Rights** published a "Study on the question of the death penalty in Africa", in which, among other things, it recommended the adoption of a "Protocol to the African Charter on Human and Peoples' Rights on the Abolition of Death Penalty under any circumstances".[73]

ANNEX I: DEATH SENTENCES AND EXECUTIONS IN 2012

This report only covers the judicial use of the death penalty. The figures presented are the largest that can safely be drawn from Amnesty International's research, although we emphasize that the true figures in relation to some countries are significantly higher. Some states intentionally conceal death penalty proceedings; others do not keep or make available statistics on the numbers of death sentences and executions.

Where "+" appears after a figure next to the name of a country – for instance, Yemen (28+) – it means that this is the minimum figure calculated by Amnesty International. Where "+" appears after a country without a figure – for instance, death sentences in Afghanistan: (+) – it means that there were executions or death sentences (more than one) in that country but but not sufficient information to provide a representative figure. When calculating global and regional totals, "+" has been counted as 2.

REPORTED EXECUTIONS IN 2012

China +

Iran 314+

Iraq 129+

Saudi Arabia 79+

USA 43

Yemen 28+

Sudan 19+

Afghanistan 14

Gambia 9

Japan 7

North Korea 6+

Somalia 6+ (5+ by the Transitional Federal Government, 1+ in Puntland)

Palestinian Authority 6 (Hamas authorities, Gaza)

Taiwan 6

South Sudan 5+

Belarus 3+

Botswana 2

Bangladesh 1

India 1

Pakistan 1

United Arab Emirates 1

REPORTED DEATH SENTENCES IN 2012

China +

Pakistan 242

Sudan 199+

Algeria 153+

Thailand 106+

Egypt 91+

Viet Nam 86+

Iraq 81+

Iran 79+

India 78+

USA 77

Somalia 76 (51 by the Transitional Federal Government; 7 in Puntland; 18 in Somaliland)

Malaysia 60+

Nigeria 56

Bangladesh 45+

Ghana 27

Kenya 21+

United Arab Emirates 21+

Myanmar 17+

Jordan 16+

Indonesia 12+

Democratic Republic of the Congo 11+

Zimbabwe 11+

Mali 10+

Saudi Arabia 10+

Kuwait 9+

Lebanon 9+

Tunisia 9

Morocco / Western Sahara 7+

Sri Lanka 7+

Yemen 7+

Zambia 7+

Taiwan 7

Mauritania 6+

Palestinian Authority 6+ (5+ Hamas authorities, Gaza; 1 PA, West Bank)

Gambia 5+

Libya 5+

Trinidad and Tobago 5+

Botswana 5

Guyana 5

Liberia 4+

Japan 3

Tanzania 3

Guinea 2+

Maldives 2+

Singapore 2+

Barbados 2

Chad 2

South Korea 2

Qatar 1+

Bahrain 1

Equatorial Guinea 1

Swaziland 1

Afghanistan +

Laos +

Mongolia +

North Korea +

South Sudan +

ANNEX II: ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 31 DECEMBER 2012

More than two-thirds of the countries in the world have now abolished the death penalty in law or practice. As of 31 December 2012 the numbers were as follows:

Abolitionist for all crimes: 97

Abolitionist for ordinary crimes only: 8

Abolitionist in practice: 35

Total abolitionist in law or practice: 140

Retentionist: 58

The following are lists of countries in the four categories: abolitionist for all crimes, abolitionist for ordinary crimes only, abolitionist in practice and retentionist.

1. ABOLITIONIST FOR ALL CRIMES

Countries whose laws do not provide for the death penalty for any crime:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bhutan, Bosnia-Herzegovina, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Colombia, Cook Islands, Costa Rica, Cote D'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, Ireland, Italy, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niue, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Sao Tome And Principe, Senegal, Serbia (including Kosovo), Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Uruguay, Uzbekistan, Vanuatu, Venezuela.

2. ABOLITIONIST FOR ORDINARY CRIMES ONLY

Countries whose laws provide for the death penalty only for exceptional crimes such as crimes under military law or crimes committed in exceptional circumstances:

Bolivia, Brazil, Chile, El Salvador, Fiji, Israel, Kazakstan, Peru.

3. ABOLITIONIST IN PRACTICE

Countries which retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the past 10 years and are believed to have a policy or established practice of not carrying out executions:

Algeria, Benin, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Congo (Republic of), Eritrea, Ghana, Grenada, Kenya, Laos, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Mongolia, Morocco, Myanmar, Nauru, Niger, Papua New Guinea, Russian Federation[74], Sierra Leone, South Korea, Sri Lanka, Suriname, Swaziland, Tajikistan, Tanzania, Tonga, Tunisia, Zambia.

4. RETENTIONIST

Countries that retain the death penalty for ordinary crimes:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Chad, China, Comoros, Democratic Republic of the Congo, Cuba, Dominica, Egypt, Equatorial Guinea, Ethiopia, Gambia, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Nigeria, North Korea, Oman, Pakistan, Palestinian Authority, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, South Sudan, Sudan, Syria, Taiwan, Thailand, Trinidad And Tobago, Uganda, United Arab Emirates, United States Of America, Viet Nam, Yemen, Zimbabwe.

ANNEX III: RATIFICATION OF INTERNATIONAL TREATIES AS OF 31 DECEMBER 2012

The community of nations has adopted four international treaties providing for the abolition of the death penalty. One is of worldwide scope; the other three are regional.

Below are short descriptions of the four treaties and lists of states parties and countries which have signed but not ratified the treaties, as of 31 December 2012. (States may become parties to international treaties either by acceding to them or by ratifying them. Signature indicates an intention to become a party at a later date through ratification. States are bound under international law to respect the provisions of treaties to which they are parties, and to do nothing to defeat the object and purpose of treaties which they have signed.)

SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted by the UN General Assembly in 1989, is of worldwide scope. It provides for the total abolition of the death penalty but allows states parties to retain the death penalty in time of war if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state which is a party to the International Covenant on Civil and Political Rights can become a party to the Protocol.

States parties: Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Mexico, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Portugal, Romania, Rwanda, San Marino, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Turkey, Turkmenistan, Ukraine, United Kingdom, Uruguay, Uzbekistan, Venezuela (total: 75)

Signed but not ratified: Guinea-Bissau, Poland, Sao Tomé and Principe (total: 3)

PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS ON THE ABOLITION OF THE DEATH PENALTY

The Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted by the General Assembly of the Organization of American States in 1990, provides for the total abolition of the death penalty but allows states parties to retain the death penalty in wartime if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state party to the American Convention on Human Rights can become a party to the Protocol.

States parties: Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay, Venezuela (total: 13)

PROTOCOL NO. 6 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms ["European Convention on Human Rights"] concerning the abolition of the death penalty, adopted by the Council of Europe in 1982, provides for the abolition of the death penalty in peacetime; states parties may retain the death penalty for crimes "in time of war or of imminent threat of war". Any state party to the European Convention on Human Rights can become a party to the Protocol.

States parties: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom (total: 46)

Signed but not ratified: Russian Federation (total: 1)

PROTOCOL NO. 13 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS

Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms [European Convention on Human Rights] concerning the abolition of the death penalty in all circumstances, adopted by the Council of Europe in 2002, provides for the abolition of the death penalty in all circumstances, including time of war or of imminent threat of war. Any state party to the European Convention on Human Rights can become a party to the Protocol.

States parties: Albania, Andorra, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom (total: 43)

Signed but not ratified: Armenia, Poland (total: 2)

ANNEX IV: VOTING RESULTS OF UN GENERAL ASSEMBLY RESOLUTION 67/176, ADOPTED ON 20 DECEMBER 2012

Co-sponsors of UN General Assembly resolution 67/176, adopted on 20 December 2012

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Cape Verde, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Mali, Malta, Marshall Islands, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Somalia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (total: 91)

Votes in favour

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African Republic, Chad, Chile, Colombia, Congo (Republic of), Costa Rica, Cote d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Mali, Malta, Marshall Islands, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Samoa, San Marino, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, South Sudan, Spain, Sweden, Switzerland, Tajikistan, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Uruguay, Uzbekistan, Vanuatu, Venezuela (total: 111)

Votes against

Afghanistan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Dominica, Egypt, Ethiopia, Grenada, Guyana, India, Iran, Iraq, Jamaica, Japan, Kuwait, Libya, Malaysia, Myanmar, North Korea, Oman, Pakistan, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadines, Saudi Arabia, Singapore, Sudan, Swaziland, Syria, Tonga, Trinidad and Tobago, Uganda, United States of America, Yemen, Zimbabwe (total: 41)

Abstentions

Belarus, Cameroon, Comoros, Cuba, Democratic Republic of Congo, Djibouti, Eritrea, Fiji, Guinea, Indonesia, Jordan, Kenya, Laos, Lebanon, Lesotho, Liberia, Malawi, Maldives, Mauritania, Morocco/Western Sahara, Namibia, Niger, Nigeria, Papua New Guinea, Senegal, Solomon Islands, South Korea, Sri Lanka, Suriname, Tanzania, Thailand, Viet Nam, United Arab Emirates, Zambia (total: 34)

Not present

Antigua and Barbuda, Equatorial Guinea, Gambia, Ghana, Kiribati, Mauritius, Sao Tome and Principe (total: 7)

ENDNOTES

[1] National Research Council, "Deterrence and the Death Penalty", Daniel S. Nagin and John V. Pepper, eds., The National Academies Press, 2012, p.2.

[2] Charles M. Harris, "Why Florida should abolish the death penalty," http://www.gainesville.com/article/20120418/OPINION/120419608?p=3&tc=pg (accessed 8 March 2013).

[3] Amnesty International cannot exclude that further executions took place in other countries, and that decreases year-on-year are partially attributable to a lack of complete information.

[4] Syria has had its membership suspended because of the violence used to suppress uprisings. Despite some limited reports on judicial executions and death sentences imposed, Amnesty International could not confirm any information on the use of the death penalty in Syria in 2012.

[5] Exoneration is the process where, after sentencing and the conclusion of the appeals process, the convicted is later freed from blame or acquitted of the criminal charge, and therefore is regarded as innocent in the eyes of the law.

[6] Shortly after the publication of *Death sentences and executions in 2011* (Index: ACT 50/001/2012), which stated that 20 countries had carried out executions in 2011, Amnesty International found that four executions had been carried out in Singapore, bringing the number of executing countries in 2011 to 21.

[7] The term "Palestinian Authority" is used to refer to the areas under the jurisdiction of the Palestinian Authority, including parts of the occupied West Bank and the Gaza Strip, governed by the Hamas *de facto* administration since June 2007.

[8] Unlawful killings through stoning by armed opposition groups were reported from Afghanistan, northern Mali, Pakistan and Somalia.

[9] Governments should apply a full range of appropriate criteria in cases where age is in dispute. Good practice in assessing age includes drawing on knowledge of physical, psychological and social development. Each of these criteria should be applied in a way that gives the benefit of doubt in disputed cases so that the individual is treated as a juvenile offender, and accordingly should ensure that the death penalty is not applied. Such an approach is consistent with the principle that the best interests of the child shall be a primary consideration in all actions concerning children, as required by Article 3(1) of the Convention on the Rights of the Child.

[10] Human Rights Council resolution 19/37 "Rights of the Child", adopted on 19 April 2012, UN document A/HRC/RES/19/37.

[11] Since Cuba stopped executing in 2003, and with the exception of one execution in Saint Kitts and Nevis in 2008, the USA has been the only country carrying out executions in the region. The number of death sentences in the region has also been decreasing in the past five years, from at least 125 in 2008 to 89 in 2012.

[12] "The Death Penalty in 2012: Year End Report, December 2012", Death Penalty Information Center, http://deathpenaltyinfo.org/documents/2012YearEnd.pdf (accessed 8 March 2013).

[13] "UN rights chief urges Barbados to address domestic violence and discrimination", *UN News Centre*, 5 April 2012, http://www.un.org/apps/news/story.asp?NewsID=41723#.UQT47rSWTFI (accessed 8 March 2013).

[14] Concluding observations of the Human Rights Committee, Guatemala, UN document CCPR/C/GTM/CO/3, 19 April 2012.

[15] Information received by Amnesty International indicated that one person was under sentence of death at the end of 2012.

[16] "Death row inmates on hunger strike over bread and butter diet", *Guyana News*, 1 August 2012, http://www.guyananews.co/2012/08/01/death-row-inmates-on-hunger-strike-over-bread-and-butter-diet/ (accessed 8 March 2013); Ganga Deolall and five others' death sentences were commuted to life imprisonment by acting Chief Justice Ian Chang on 16 January 2013.

[17] Parliament of Guyana, Notice Paper No. 83 (M34 Govt 13) published on 17 July 2012.

[18] "Law school raises concerns over Committal Proceedings Bill", *Jamaica Observer*, 22 October 2012, http://www.jamaicaobserver.com/news/Law-school-raises-concerns-over-Committal-Proceedings-Bill_12790110 (accessed 8 March 2013).

[19] Eastern Caribbean Court of Appeal, Appeal HCRAP 2008/002, delivered on 21 March 2012.

[20] The Eastern Caribbean Supreme Court is the superior court of record for the Member States of the Organisation of Eastern Caribbean States.

[21] Privy Council appeal No 0107 of 2010, *Nigel Brown v. the State*, [2012] UKPC 2, delivered on 7 February 2012.

[22] Privy Council appeal No 0109 of 2009, *Marcus Jason Daniel v. the State*, [2012] UKPC 15, delivered on 23 May 2012.

[23] Privy Council appeal No 0113 of 2009, *Deenish Benjamin and Deochan Ganga v. the State*, [2012] UKPC 8, delivered on 13 March 2012; Privy Council appeal No 0002 of 2012, *Taitt v. the State*, [2012] UKPC 38, delivered on 8 November 2012.

[24] Death Penalty Information Center, http://www.deathpenaltyinfo.org/innocence-list-those-freed-death-row (accessed 5 March 2013).

[25] See: Amnesty International, *USA: Another brick from the wall. Connecticut abolishes death penalty, and North Carolina judge issues landmark race ruling, as momentum against capital punishment continues* (Index: AMR 51/028/2012), 27 April 2012, http://www.amnesty.org/en/library/info/AMR51/028/2012/en (accessed 8 March).

[26] See: Amnesty International, *USA: Senseless killing after senseless killing: Texas inmate with mental disability claim facing execution for murder committed as teenager*, 7 June 2012, http://www.amnesty.org/fr/library/info/AMR51/042/2012/en (accessed 8 March 2012).

[27] See: Amnesty International, *USA: Another brick from the wall. Connecticut abolishes death penalty, and North Carolina judge issues landmark race ruling, as momentum against capital punishment continues* (Index: AMR 51/028/2012), 27 April 2012, http://www.amnesty.org/en/library/info/AMR51/028/2012/en; and *USA: Judge finds racism in three more death penalty cases: Death sentences overturned under North Carolina's Racial Justice Act*, 20

December 2012, http://www.amnesty.org/en/library/info/AMR51/100/2012/en (both accessed 8 March 2013).

[28] New Jersey abolished the death penalty in 2007; New Mexico in 2009; Illinois in 2010. The death penalty was deemed unconstitutional in the state of New York in 2004, and the legislature has not enacted a new capital law since; in 2007, its last death sentence was commuted.

[29] National Research Council, "Deterrence and the Death Penalty", p. 2.

[30] The Inter-American Commission on Human Rights, "The death penalty in the Inter-American human rights system: From restrictions to abolition", OEA/Ser.L/V/II. Doc. 68, 31 December 2011.

[31] Viet Nam was unable to obtain the substances used in lethal injection procedures due to a ban on exports for that purpose by the EU.

[32] "9 death penalties wrongly imposed: Ex-judges to President", *Times of India*, 19 August 2012, http://articles.timesofindia.indiatimes.com/2012-08-19/india/33272716_1_sc-judge-death-penalty-sc-and-hcs (accessed 8 March 2012).

[33] *Sangeet & ANR. v. State of Haryana*, Criminal Appeal Nos. 490-491 of 2011.

[34] Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant, Concluding observations adopted by the Human Rights Committee at its 105th session, 9-27 July 2012, Maldives, UN document CCPR/C/MDV/CO/1, 31 August 2012.

[35] "NGO requests higher judiciary to probe Balochistan juvenile death sentences", *The Tribune*, 10 October 2012, http://tribune.com.pk/story/449708/ngo-requests-higher-judiciary-to-probe-balochistan-juvenile-death-sentences/ (accessed 8 March 2013).

[36] The proposal to introduce the bill was withdrawn in 2013.

[37] On 27 March 2012, Amnesty International published its annual global figures on the use of the death penalty, noting no confirmed reports of executions in Singapore for 2011. After publication, however, Amnesty International learned that Singapore authorities had reported four executions for 2011; http://www.amnesty.org/en/library/info/ASA36/006/2012/en (accessed 7 March 2012).

[38] Misuse of Drugs (Amendment) Act, 2012, Section 33B, para. 3(b).

[39] "Death penalty for rapists a must Minister", *The Nation*, 15 July 2012, http://www.nation.lk/edition/news-online/item/8326-death-penalty-for-rapists-a-must-minister.html (accessed 8 March 2012).

[40] "No promises over death penalty: MOFA", *Taipei Times*, ,23 November 2012, http://www.taipeitimes.com/News/front/archives/2012/12/23/2003550794 (accessed 8 March 2012).

[41] The Supreme People's Procuracy of Vietnam has functions of practicing prosecution and supervising judicial activities in the country.

[42] ODIHR, *The Death Penalty in the OSCE Area: Background Paper 2012*, p. 11, http://www.osce.org/odihr/94219 (accessed 29 January 2013).

[43] Communication No. 2120/2011, *Vladislav Kovalev et al. v. Belarus*, Views adopted on 29 October 2012, UN document CCPR/ C/106/D/2120/2011, 27 November 2012.

[44] Moratorium on the use of the death penalty – Report of the Secretary-General, UN document

A/67/226, 2 August 2012, paras. 7 and 12.

[45] Concluding observations: Russian Federation, Committee against Torture, 49th session, 29 October - 23 November 2012, UN Document CCPR/C/RUS/CO/5, 11 December 2012, para. 26.

[46] Resolution 1857 (2012), The situation in Belarus, adopted on 25 January 2012; Resolution 1896 (2012), The honouring of obligations and commitments by the Russian Federation, adopted on 2 October 2012.

[47] *Al Nashiri v. Poland* (Fourth Section, application no. 28761/11, 6 May 2011); *Al Nashiri v. Romania* (Third Section, application no. 33234/12, 1 June 2012); Amnesty International and the International Commission of Jurists submitted written arguments as third party interveners on 5 November 2012: http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2012/11/ICJAI-AmicusBrief-AlNashiri_v_-Poland.pdf (accessed 30 January 2013).

[48] *Rrapo v. Albania* (application no. 58555/10, judgment of 25 September 2012).

[49] The death sentence of a fifth protester, Ali Yousef Abdulwahab al-Taweel, convicted in September 2011 for murdering a policeman in March 2011, was upheld on 23 January 2013.

[50] In January 2013, the Court of Cassation accepted appeals of both the Prosecutor General and of Mohamed Hosni Mubarak and Habib El-Adly against different parts of the verdict, paving the way for a re-trial. It is unclear if a re-trial could lead to death sentences.

[51] The Mufti approved the sentences in January 2013.

[52] On 16 January 2013, 21-year-old Ali Naderi was hanged; he was 17 when he was allegedly involved in the murder of a woman.

[53] Harm Reduction International, "Partners in Crime: International funding for drug control and gross violations of human rights", 2012, http://www.ihra.net/files/2012/06/20/Partners_in_Crime_web1.pdf (accessed 28 January 2013).

[54] The five sentences were upheld by the Supreme Court on 9 January 2013.

[55] In September, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran reported 19 cases of 'netizens' at risk of death; Report to the UNGA, UN document A/67/369, 13 September 2012.

[56] http://livewire.amnesty.org/2012/06/15/iran-saudi-arabia-and-the-unfair-trials-for-drugs-offenders/, 15 June 2012 (accessed 29 January 2013).

[57] The charge of "apostasy" was dropped in 2013 and his case was sent back to the original court.

[58] On 9 January 2013, Sri Lankan domestic worker Rizana Nafeek was executed for allegedly murdering an infant in her care in 2005, when she herself was only 17 years old.

[59] These figures do not include reports of unlawful killings and extrajudicial executions by both armed opposition groups and government forces during the armed conflict.

[60] Only Dubai has its own higher courts.

[61] The Dubai Appellate Court commuted the sentence to five years in prison in January 2013.

[62] Concluding observations: Yemen, Human Rights Committee, 104th session, 12-30 March 2012, UN

document CCPR/C/YEM/CO/5, 23 April 2012, paras. 13 and 14.

[63] Concluding observations: Kenya, Human Rights Committee, 105th session, 9-27 July 2012, UN document CCPR/C/KEN/CO/3, 31 August 2012, para. 10.

[64] These figures do not include reports of public unlawful killings by armed Islamist groups after summary hearings in northern Mali, including "executions" by stoning.

[65] *Godwin Pius, Ojo Adeyeye, Nnenna Obi (suing for themselves and on behalf of all prisoners sentenced to death and presently on the death row in Nigerian prisons) v. Governor of Abia State & 36 others*, suit no. FHC/L/CS/573/2010.

[66] LEDAP, *Assessment Report, Poll Survey on Death Penalty & Crime management in Nigeria*, 2012.

[67] These figures do not include reports of public unlawful killings by Somali armed opposition groups such as al-Shabab, of persons they accuse of spying or not conforming to their own interpretation of Islamic law, including the stoning of a woman for the alleged crime of "adultery while married" in October.

[68] Jalila Khamis Koko was released from detention after a court hearing on 20 January 2013; the court acquitted her of all charges except those related to "spreading false news", and commuted her sentence to six months imprisonment which she has already spent during her time in pre-trail detention.

[69] Legal and Human Rights Centre and Zanzibar Legal Services Centre, *Tanzania Human Rights Report 2011*, 2012, http://www.humanrights.or.tz/wp-content/uploads/2010/09/TANZANIA-HUMAN-RIGHTS-REPORT-2011.pdf (accessed 14 February 2013).

[70] Legal and Human Rights Centre and Zanzibar Legal Services Centre, *Tanzania Human Rights Report 2011*, p. 17.

[71] Communication No. 1859/2009, *Kamoyo v. Zambia*, Views adopted on 23 March 2012, UN document CCPR/C/104/D/1859/2009, 26 April 2012.

[72] "No takers for hangman's job", *Newsday*, 9 August 2012, http://www.newsday.co.zw/2012/08/09/2012-08-09-no-takers-for-hangmans-job/ (accessed 13 February 2013).

[73] 10 April 2012, adopted by the African Commission at its 50th Ordinary Session (24 October - 07 November 2011), http://www.achpr.org/files/news/2012/04/d46/study_question_deathpenalty_africa_2012_eng.pdf (accessed 22 January 2012).

[74] The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic.

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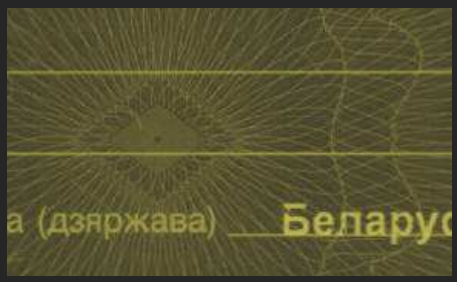

DEATH SENTENCES AND EXECUTIONS 2012

Despite some negative developments, the use of the death penalty in 2012 overall confirmed the global trend towards abolition.

The USA was the only country in the Americas to have carried out executions in 2012. However, just nine states in the USA carried out executions in 2012, compared to 13 in 2011. Connecticut became the 17th abolitionist US state.

Despite setbacks in the Asia-Pacific region – including the resumption of executions in India and Pakistan – Viet Nam did not carry out death sentences and Singapore observed a moratorium on executions while considering amendments to its death penalty laws. In sub-Saharan Africa, further progress was visible. The government of Ghana plans to abolish the death penalty in the new Constitution. There are no more prisoners on death row in Sierra Leone.

Belarus continued to be the only country in Europe and central Asia to carry out executions. Legislation to remove the death penalty completely came into effect in Latvia in January, making it the 97th country abolitionist for all crimes worldwide.

In December the UN General Assembly adopted the fourth resolution on a moratorium on the use of the death penalty, with 111 Member States voting in favour.

This report analyzes some of the key developments in the application of the death penalty in 2012, presenting figures gathered by Amnesty International on the number of death sentences handed down and executions carried out during the year.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.

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Index: ACT 50/001/2013
April 2013

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