

# DEATH SENTENCES AND EXECUTIONS 2013



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*Cover image:* This poster won first prize in a competition organized in October 2013 by Amnesty International Paraguay with the title "Towards a world without the death penalty".

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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 2013. 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 reliable data because governments do not make figures for death sentences and executions available, while others actively conceal death penalty proceedings. In countries affected by conflict it is often not 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 combined.

The global figures in this report are 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 updates its figures online at [www.amnesty.org/deathpenalty](http://www.amnesty.org/deathpenalty).

Where “+” appears after a figure next to the name of a country – for instance, Yemen (13+) – it means that this is the minimum figure calculated by Amnesty International. Where “+” appears after a country name without a figure – for instance, death sentences in Myanmar: (+) – it means that there were executions or death sentences (more than one) in that country but insufficient information to provide a credible minimum figure. When calculating global and regional totals, “+” has been counted as 2, including for China.

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. The organization campaigns for total abolition of capital punishment.

# SUMMARY

**“The right to life precedes everything. The primary aspect of human rights is the right to life. There is no correlation between the death penalty and decreasing crime rate.”**

Shakib Qortbawi, former Minister of Justice of Lebanon, 11 October 2013

2013 was marked by some challenging setbacks on the journey to abolition of the death penalty. Four countries – Indonesia, Kuwait, Nigeria and Viet Nam – resumed executions and there was a significant rise in the number of people executed during the year compared with 2012, driven primarily by increases in Iraq and Iran.

Executions were recorded in 22 countries during 2013, one more than in the previous year. As in 2012, it could not be confirmed if judicial executions took place in Egypt or Syria. The overall number of reported executions worldwide was 778, an increase of almost 15% compared with 2012. As in previous years, this figure does not include the thousands of people executed in China; with the death penalty treated as a state secret the lack of reliable data does not allow Amnesty International to publish credible minimum figures for China.

Despite these worrying developments, the overall data demonstrate that the trend is still firmly towards abolition. Excluding China, almost 80% of all known executions worldwide 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 remained the only country in the Americas to carry out executions in 2013, the number of executions in the country continued to decrease. Maryland became the 18th abolitionist US state in May. No executions were reported in Europe and Central Asia last year. Constitutional and legal review processes in several West African countries created real opportunities for the abolition of capital punishment. For the first time since Amnesty International began keeping records there were no prisoners on death row in Grenada, Guatemala and Saint Lucia.

Pakistan suspended once again its application of the death penalty, and no death sentences were implemented in Singapore, where six people had their cases commuted following the

review of the country's mandatory death penalty laws in 2012. In China, the Supreme People's Court issued legal guidelines aimed at ensuring greater procedural protections in death penalty cases.

Common to almost all executing countries was again the justification of the use of death penalty as an alleged deterrent against crime. But this position is becoming increasingly untenable and discredited. There is no convincing evidence that capital punishment is a particular deterrent to crime; mounting recognition by political leaders of this fact is reflected in this report.

Many of those states that retain the death penalty continue to flout international standards and safeguards in relation to its application. Grossly unfair trials and the execution of people who were under the age of 18 at the time they allegedly committed the crime were again reported in 2013. The report also highlights the secrecy that surrounds the use of the death penalty in many countries. Numerous governments continue to ignore international legal standards that require family members and lawyers to be notified about executions in advance.

# THE USE OF THE DEATH PENALTY IN 2013

**“While there is a clear trend towards the abolition of capital punishment worldwide, it is regrettable we still need to mark such a day.”**

Special Rapporteurs on extrajudicial, summary or arbitrary executions, Christof Heyns, and on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, on 10 October 2013, World Day Against the Death Penalty

Developments in the worldwide use of the death penalty in 2013 confirmed that its application is confined to a small minority of countries. Although only nine countries have continuously executed in each of the past five years – Bangladesh, China, Iran, Iraq, North Korea, Saudi Arabia, Sudan, USA and Yemen – and there has been a consistent trend away from the death penalty, some severe setbacks have to be acknowledged. The resumption of executions in Indonesia, Kuwait, Nigeria and Viet Nam, as well as a marked increase in reported executions in Iran and Iraq, were recorded during the year.

Amnesty International recorded executions in 22 countries.<sup>1</sup> The number of confirmed executions was 778, an increase of 14% over the 2012 figure of 682 in 21 countries. The figure of 778 excludes the thousands of executions carried out in China, which accounts for more executions than the rest of the world combined. Apart from China, almost 80% of all known executions were recorded in only three countries: Iran, Iraq and Saudi Arabia.

Despite the setbacks, progress towards abolition was recorded in all regions of the world. Although the USA remained the only country in the Americas to carry out executions in 2013, with the state of Texas alone accounting for 41% of all executions in the region, the number of executions carried out in the US continued to decrease. Maryland became the 18th abolitionist US state in May. For the first time since Amnesty International began keeping records there were no prisoners on death row in Grenada, Guatemala and Saint Lucia after all remaining prisoners had their death sentences commuted.

No executions were reported in Europe and Central Asia in 2013, for the first time since 2009. Constitutional and legal review processes in Benin, Comoros, Ghana and Sierra Leone created real opportunities for the abolition of capital punishment.

Pakistan suspended once again its application of the death penalty, and for the second

consecutive year no death sentences were implemented in Singapore, where six people had their sentences commuted following a review of the country's mandatory death penalty laws in 2012. In China, the Supreme People's Court issued further legal guidelines intended to ensure greater procedural protections in death penalty cases and announced plans to end organ transplants from executed prisoners by mid-2014.

#### THE GLOBAL TREND TOWARDS ABOLITION IN 2013

- The USA is the only country to have carried out executions in the Americas.
- Belarus did not carry out any executions - Europe and Central Asia was an execution-free zone.
- The USA was the only country 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, Nigeria, Somalia, South Sudan and Sudan. Thirty-seven member states are abolitionist in law or practice.
- Seven of 21<sup>2</sup> member states of the League of Arab States carried out executions: Iraq, Kuwait, Palestine, Saudi Arabia, Somalia, Sudan and Yemen.
- Three of the 10 member states of the Association of Southeast Asian Nations carried out executions: Indonesia, Malaysia and Viet Nam.
- Five of the 54 member states of the Commonwealth were known to have carried out executions: Bangladesh, Botswana, India, Malaysia and Nigeria.
- Japan and the USA were the only countries in the G8 to have carried out executions.
- 173 of the 193 member states of the United Nations were execution-free in 2013.

Latvia, Bolivia and Guinea-Bissau became State Parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty, on 19 April, 12 July and 24 September respectively. On 24 September Angola signed this treaty.

Commutations or pardons of death sentences were recorded in 32 countries: Afghanistan, Bangladesh, Botswana, Ghana, Grenada, Guatemala, Guyana, India, Indonesia, Iran, Jamaica, Japan, Kenya, Kuwait, Lebanon, Malaysia, Maldives, Mali, Morocco/Western Sahara, Nigeria, Saint Lucia, Saudi Arabia, Singapore, Somalia, South Korea, Sri Lanka, Taiwan, Trinidad and Tobago, United Arab Emirates (UAE), USA, Yemen and Zambia.

Exonerations<sup>3</sup> were recorded in six countries: Afghanistan, Bangladesh, Egypt, India, UAE and USA.

New groups of parliamentarians against the death were formally established in Italy, Jordan, Morocco and Switzerland.



## GLOBAL FIGURES

At least 22 countries were known to have carried out executions in 2013. However, it could not be confirmed if executions were carried out in countries experiencing conflict, such as Syria.<sup>4</sup> In 2012, 21 countries were reported to have implemented death sentences.

These figures represent a significant decrease over the past two decades: in 1994, 37 countries carried out executions; in 2004 the figure was 25.

### REPORTED EXECUTIONS IN 2013

Afghanistan (2), Bangladesh (2), Botswana (1), China (+), India (1), Indonesia (5), Iran (369+), Iraq (169+), Japan (8), Kuwait (5), Malaysia (2+), Nigeria (4), North Korea (+), Palestinian Authority<sup>5</sup> (3+, by the Hamas *de facto* administration in Gaza), Saudi Arabia (79+), Somalia (34+; 15+ by the Federal Government, and 19+ in Puntland), South Sudan (4+), Sudan (21+), Taiwan (6), USA (39), Viet Nam (7+), Yemen (13+).

At least 778 executions were known to have been carried out worldwide, 96 more than in 2012. A small number of countries – mainly Iraq and Iran – were responsible for the increase. In Iraq reported executions jumped by almost 30% with at least 169 people put to death. In Iran there were at least 369 officially acknowledged executions, but hundreds more were not officially acknowledged. Excluding China, almost 80% of all known executions worldwide were recorded in only three countries: Iran, Iraq and Saudi Arabia.

However, these figures do not include the thousands of people who were believed to have been executed in China. Since 2009 Amnesty International stopped publishing its estimates on the use of the death penalty in China, where such data is 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, in order to confirm their claims that there has been a significant reduction in the use of the death penalty in the country since 2007.

Official figures on the use of the death penalty were available only in a small number of countries. In Belarus, China 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 Egypt, Eritrea, Malaysia, North Korea 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.

In India, Indonesia, Japan, Malaysia and South Sudan, as well as in some cases in Iran, neither prisoners nor their families or lawyers were informed of their forthcoming execution. In Botswana, India and Nigeria, and in some cases in Iran and Saudi Arabia, the bodies of executed prisoners were not returned to their families for burial, nor were the locations of their graves made known.

**REPORTED DEATH SENTENCES IN 2013**

Afghanistan (174), Algeria (40+), Bahamas (2), Bangladesh (220+), Barbados (2), Belarus (4+), Burkina Faso (1+), China (+), Democratic Republic of Congo (26+), Egypt (109+), Ethiopia (8+), Gambia (4), Ghana (14), Guyana (6+), India (72+), Indonesia (16+), Iran (91+), Iraq (35+), Japan (5), Jordan (7+), Kenya (11+), Kuwait (6+), Laos (3+), Lebanon (7+), Lesotho (1+), Liberia (1), Libya (18+), Maldives (13), Malaysia (76+), Mali (7+), Mauritania (2+), Morocco/Western Sahara (10), Niger (12), Nigeria (141+), North Korea (+), Pakistan (226+), Palestinian Authority (14+: 13+ by the Hamas authorities in Gaza; 1+ by the Palestinian Authority in West Bank), Qatar (6), Saudi Arabia (6+), Sierra Leone (1), Singapore (1+), Somalia (117+: 8+ by the Federal Government; 81+ in Puntland; 28+ in Somaliland), South Korea (2), South Sudan (16+), Sri Lanka (13+), Sudan (29+), Taiwan (7), Tanzania (7+), Thailand (50+), Trinidad and Tobago (5+), Tunisia (5+), UAE (16+), USA (80), Viet Nam (148+), Yemen (3+), Zambia (9+), Zimbabwe (16).

At least 1,925 people were known to have been sentenced to death in 57 countries in 2013. This represents an increase from the 2012 figure (at least 1,722 death sentences in 58 countries). A considerable rise in the number of reported death sentences compared to 2012 was recorded in Afghanistan, Bangladesh, Nigeria and Somalia.

At least 23,392 people were under sentence of death worldwide at the end of 2013.

The following methods of executions were used: beheading (Saudi Arabia), electrocution (USA), hanging (Afghanistan, Bangladesh, Botswana, India, Iran, Iraq, Japan, Kuwait, Malaysia, Nigeria, Palestinian Authority (Hamas authorities, Gaza), South Sudan, Sudan), lethal injection (China, Viet Nam, USA), and shooting (China, Indonesia, North Korea, Saudi Arabia, Somalia, Taiwan, Yemen).

As in previous years, there were no reports of judicial executions carried out by stoning.<sup>6</sup> Public executions were carried out in Iran, North Korea, Saudi Arabia and Somalia.

At least three people were executed in Saudi Arabia for crimes they allegedly committed when they were under 18 years of age; juvenile offenders were also possibly executed in Iran and Yemen. The execution of people aged under 18 at the time of the alleged crime 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.<sup>7</sup> Amnesty International remained concerned that in Iran, Maldives, Nigeria, Pakistan and Yemen, people who were juveniles at the time of their alleged crimes remained in detention under sentence of death.

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. In several countries sentences were based on “confessions” that were possibly extracted through torture or other ill-treatment. This was particularly the case in Afghanistan, China, Iran, Iraq, North Korea, Pakistan, the Palestinian Authority (Hamas authorities, Gaza) and Saudi Arabia. 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 Iran, Kenya, Malaysia, Nigeria, Pakistan and Singapore. 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 used for drug-related offences in a number of countries, including China, Indonesia, Iran, Laos, Malaysia, Pakistan, Qatar, Saudi Arabia, Singapore, Thailand, UAE, Viet Nam and Yemen.

Other capital crimes which did not meet the standard of “most serious crimes” punished in 2013 included “adultery” (Saudi Arabia) and “blasphemy” (Pakistan), economic crimes (China, North Korea, Viet Nam), rape (Iran, Kuwait, Somalia, UAE) and forms of “aggravated” robbery (Kenya, Nigeria, Saudi Arabia, Sudan). Finally, different forms of “treason”, “acts against national security”, “collaboration” with a foreign entity 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 Lebanon, North Korea and Palestinian Authority (PA, West Bank; Hamas authorities, Gaza). In North Korea death sentences are often imposed even though the alleged crime is not subject to a death sentence under domestic law.

The scope of the death penalty was known to have been expanded, in contravention of international human rights standards, in Algeria, Bahrain, Bangladesh, India, Nigeria, Papua New Guinea, Sudan and the USA (Mississippi).

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, Libya, Palestinian Authority (PA, West Bank; Hamas authorities, Gaza) and Somalia. In Algeria, Bangladesh, Burkina Faso, Jordan, Lebanon, Libya, Palestinian Authority (Hamas authorities, Gaza) and Somalia, people were sentenced to death after trials in their absence.

# REGIONAL OVERVIEWS

## AMERICAS

The USA was the only country in the Americas to carry out executions in 2013, as in every year but one of the past decade.<sup>8</sup> A slight decrease in the use of the death penalty was recorded in the region last year, with another US state, Maryland, abolishing the death penalty in May, and three more countries in the Greater Caribbean, Grenada, Guatemala and Saint Lucia, reporting empty death rows for the first time since Amnesty International began keeping records.

The Caribbean remained execution-free. Continuing high murder rates in some countries, such as the Bahamas and Trinidad and Tobago, were met with calls on the authorities to strengthen the capacity of the police to detect and prevent murders, and of the judiciary to secure convictions.

The number of executions in the USA fell again, with an approximate 10% drop from the 43 executions of 2012. Last year 39 executions were carried out in nine states, 82% of which were in the Southern states. Texas alone accounted for 41% of all executions, an increase from 34% in 2012.

While the number of executing states remained the same as the previous year, four resumed executions in 2013 after not carrying out any in 2012 (Alabama, Georgia, Missouri and Virginia), while four states which had carried out executions in 2012 did not do so in 2013 (Mississippi, South Dakota, Delaware, Idaho). In October 2013 the US-based Death Penalty Information Center (DPIC) reported how a small number of local jurisdictions are responsible for the majority of death sentences. For instance, the more than 1,300 prisoners executed since 1976 were sentenced to death in just 15% of the counties in the USA.<sup>9</sup>

DPIC reported 80 death sentences imposed in the USA in 2013, a slight increase from the 77 recorded in the previous year. The use of capital punishment remains significantly lower than a decade earlier – there were 138 death sentences in 2004 – and dramatically down from the 1990s, when the annual number of death sentences averaged nearly 300.

### THE DEATH PENALTY IN THE USA IN 2013<sup>10</sup>

39 executions: Alabama (1), Arizona (2), Florida (7), Georgia (1), Ohio (3), Oklahoma (6), Missouri (2), Texas (16), Virginia (1)

80 death sentences: Alabama (5), Arizona (3), California (24), Florida (15), Georgia (1), Indiana (3), Missouri (3), Mississippi (2), North Carolina (1), Nevada (2), Ohio (4), Oklahoma (1)

Pennsylvania (4), Texas (9), Washington (1), federal (1), military (1)

3,108 people on death row, including 731 prisoners in California, 412 in Florida, 298 in Texas, 198 in Pennsylvania and 197 in Alabama

No commutations from the executive; one exoneration; three posthumous exonerations

At least 15 new death sentences were imposed elsewhere in the Americas: two in the Bahamas, two in Barbados, at least six in Guyana and at least five in Trinidad and Tobago. This does not represent a significant increase from 2012, when at least 12 new death sentences were recorded. There were no executions carried out or death sentences imposed in Antigua and Barbuda, Belize, Cuba, Dominica, Grenada, Guatemala, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines and Suriname. As of 31 December, no one was known to be on death row in Cuba, Dominica, Grenada, Guatemala, Saint Lucia and Suriname.

No new death sentences were recorded in **Antigua and Barbuda**. On 14 November, the Offences Against the Person (Amendment) Act, 2013 came into effect, removing the mandatory imposition of the death penalty for murder and bringing the law in line with regional and international standards.<sup>11</sup> The new law moves the power to set out the time, the place and method by which the execution of a death sentence should be carried out from the Governor-General to the Court, and introduces the possibility for the family of the executed prisoner to claim the remains for burial. Seven men who had been under sentence of death for more than five years, the timeline set by the Judicial Committee of the Privy Council<sup>12</sup> after which death sentences should be commuted, reportedly remained on death row.<sup>13</sup>

Two new death sentences were imposed in the **Bahamas** in two separate murder cases in October. The death penalty was also sought as punishment in a third case, but the sentencing was postponed as the defendant's psychiatric evaluation report had still to be submitted to the court when the hearing was held. Three men were known to be under sentence of death during the year.

The Bahamas was reviewed under the Universal Periodic Review (UPR) at the UN Human Rights Council on 23 January. The government rejected recommendations to introduce an official moratorium on executions; abolish the death penalty; and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). The Bahamas delegation emphasized that national legislation recognized the lawfulness of the death penalty when imposed on a discretionary basis for the crimes of murder and treason; and that there was no international consensus on the abolition of capital punishment.

On 8 July the Constitutional Commission presented its report<sup>14</sup> to the Prime Minister of the Bahamas on proposed reforms to the Constitution, following consultations carried out in the country. In relation to the death penalty, the Constitutional Commission noted that there was a widespread call for renouncing the Judicial Committee of the Privy Council as the final appellate court of the Bahamas, but recommended to continue sending appeals to this body for the time being. However, the Constitutional Commission recommended that an amendment to the Constitution be made to enable the implementation of the death penalty in appropriate cases, by precluding constitutional challenges based on criteria developed in case law and to the chosen method of execution. The current method of execution in the Bahamas is hanging.

In December the leader of the opposition Hubert Minnis announced his intention to propose draft legislation seeking to amend the Constitution of the Bahamas to renounce the London-based Judicial Committee of the Privy Council, in an attempt to circumvent legal standards set by the Court and facilitate the resumption of executions in the country. On 3 January 2014, the government clarified<sup>15</sup> that the matter will be addressed by the Constitution Review Commission as part of the broader constitutional reforms which began in August 2012.

Two new death sentences were recorded in **Barbados**. Eight men were reported to be on death row in December.<sup>16</sup> The government rejected recommendations made during its UPR on 25 January to establish an official moratorium on executions and abolish the death penalty, but accepted calls to remove the mandatory death penalty for murder and treason from national legislation. The country's representatives also stated that, while the government does not have a mandate to abolish the death penalty, it is open to facilitating and supporting public and open debates on the death penalty. Draft legislation to abolish the mandatory imposition of the death penalty was not tabled before the Parliament in 2013.

**Belize** did not impose any new death sentences last year. One man was on death row as of 31 December. Belize was reviewed at the UPR on 28 October, during which the government agreed to examine recommendations to ratify the Second Optional Protocol to the ICCPR, take steps towards abolition and undertake a public consultation on the complete abolition of the death penalty and provide a response on those issues at the 25th session of the UN Human Rights Council in March 2014.

No new death sentences were imposed in **Cuba**. The government of Cuba responded in September to recommendations made during the country's UPR, held in May, to abolish the death penalty or establish an official moratorium on executions by stating that, while some of the issues raised are being addressed by Cuba, assurance of their implementation could not be guaranteed. In the national report submitted ahead of the UPR, the authorities stated that "Cuba is philosophically opposed to the death penalty. It is in favour of eliminating it when suitable conditions exist. Cuba has been forced, in the legitimate defence of its national security, to adopt and enforce severe laws against terrorist activities and crimes designed to destroy the Cuban State or the lives of its citizens, while always adhering to the strictest legality and respecting the most ample guarantees. Cuba understands and respects the arguments of the international movement that advocates the abolition of or a moratorium on the death penalty."<sup>17</sup>

No new death sentences were imposed in **Dominica** and its death row was once again empty at the end of the year. The government took steps towards renouncing the Judicial Committee of the Privy Council and recognizing the Caribbean Court of Justice as the final appellate court of the country.

The last person on death row in **Grenada** had his death sentence commuted in 2013. No new death sentences were imposed and no one was under sentence of death at the end of the year.

No new death sentences were imposed in **Guatemala**, where the last death sentence was commuted in February. On 7 June, the Commission on Legislation and Constitutional Matters

of the Congress of Guatemala rejected a draft law which would have paved the way for the resumption of executions in the country.<sup>18</sup>

At least six people were sentenced to death and at least 25 were on death row at the end of the year in Guyana. Eleven men had their death sentences commuted to life imprisonment during the year. A planned national consultation, part of the UPR commitments made by the authorities in 2010, on the abolition of the death penalty was not carried out during the year.

No new death sentences were known to have been imposed in **Jamaica**. Two men remained under sentence of death at the end of the year, while three people had their death sentences commuted.

No new death sentences were known to have been imposed in **Saint Kitts and Nevis**, while one person was believed to be on death row at the end of the year.

The last remaining person on death row in **Saint Lucia**, Mitchel Joseph, had his death sentence commuted to life imprisonment on 8 July. No new death sentences were known to have been imposed.

No new death sentences were recorded in **Saint Vincent and the Grenadines**, where one person, Patrick Lovelace, remained on death row at the end of the year.

Courts in **Suriname** did not impose any new death sentences and death row was empty at the end of the year. In a statement presented before the Inter-Parliamentary Union on the occasion of the World Day Against the Death Penalty, the Vice-speaker of the National Assembly of Suriname, Ruth Wijdenbosch, stated that a “new version of the Penal Code has been drafted in which the articles relating to the death penalty are abolished. Furthermore, there is consensus amongst the leading political parties in The National Assembly and also within the Government about this very important amendment.”<sup>19</sup>

At least five new death sentences were imposed in **Trinidad and Tobago** and at least 39 prisoners were known to be on death row at the end of the year. Two death sentences were commuted to terms of imprisonment and the mandatory imposition of the death penalty was retained in national legislation.

The delay in the decision on the commutation of one of the two cases, Lester Pitman, sparked debate in the country highlighting lack of resources in the judiciary and timely delivery of judgments in the country. Lester Pitman had been convicted with his co-defendant in relation to the murder of three people committed in 2001. His case had been remitted to the Court of Appeal by the Privy Council in 2008, in light of fresh evidence showing he is affected by severe mental impairment and casting doubts about the admissibility of his confession and conviction. The delay of three years in the reconsideration of his case by the Court of Appeal focused the media’s attention on the backlog of cases pending before the courts.

### REHABILITATION AT THE CENTRE OF SENTENCING GUIDELINES IN MURDER CASES

In a case<sup>20</sup> that is likely to have implications for other prisoners in Trinidad and Tobago, on 17 December 2013 the Court of Appeal ruled on the question of life imprisonment without the possibility of parole, or “imprisonment for the rest of the natural life of the prisoner” as defined in the jurisprudence of Trinidad and Tobago. The ruling was made on an appeal brought by Alexander Don Juan Nicholas, Gregory Tan and Oren Lewis, who had been sentenced to life imprisonment without the possibility of parole for felony murder, after having pleaded guilty.<sup>21</sup> The judge found that, in cases where the death penalty is not a sentencing option and life imprisonment is a possible sentence, the first fact that should be “determined is the rehabilitative possibilities of the convict”. As the murder did not meet the “worst of the worst” or “rarest of the rare” standard and therefore did not warrant the death penalty, the judge quashed the previous punishment of life imprisonment without the possibility of parole and sentenced the three men to 30 years’ imprisonment as reports indicated that the defendants were “all good candidates for reform and social re-adaptation”.

In the context of rising murder rates, the government once again presented the death penalty as the solution to crime, and proposed measures aimed at reducing people’s fundamental freedoms and expediting judicial proceedings. These measures were proposed with a view to avoiding the five years’ timeframe set out by the Privy Council for commutations of death sentences for prisoners who have spent lengthy periods of time on death row. The proposed legal amendments were met with criticism, including by the Law Association of Trinidad and Tobago. Legislative amendments on the death penalty were expected to be introduced in Parliament in 2014.

In response to announcements by the authorities regarding an imminent resumption of executions to tackle murder rates, the Law Association of Trinidad and Tobago and some public opinion called for tougher gun control measures and enhanced crime detection and conviction rates.<sup>22</sup>

### THE GREATER CARIBBEAN FOR LIFE

On 2 October the Greater Caribbean for Life (GCL) was formally established in Trinidad and Tobago, at the end of a two-day regional conference on the theme of crime, public safety and the death penalty. The GCL, a network of activists and organizations campaigning against the death penalty in the Caribbean region, pledged to work towards the abolition of the death penalty, including by creating a culture of promotion and protection of human rights, and called on governments of countries that still retain the death penalty in the Greater Caribbean to urgently and effectively tackle crime, but without resort to the death penalty.<sup>23</sup>

A continued decline in the use of the death penalty in the **USA** was reflected not only in lower numbers of executions and death sentences compared to previous decades, but also in abolitionist initiatives in state legislatures. In May, Maryland became the 18<sup>th</sup> abolitionist state, and the fourth state to abolish the death penalty in the past five years.<sup>24</sup> Bills to repeal capital punishment were also considered, although not passed, in six other states: Colorado, Indiana, Montana, Nebraska, Oregon and Washington.

The death penalty in the USA continued to be marked by error, inconsistency, racial disparities and, in a number of cases, a lack of adherence to specific provisions of international law or safeguards.



Texas scheduled the execution of Mexican national Edgar Arias Tamayo in violation of an order from the International Court of Justice requiring that he have judicial “review and reconsideration” of the impact on his case of the denial of his consular rights after arrest. He was not advised of his right to seek consular assistance and the Mexican authorities did not learn of the case until a week before the trial. Without access to the sort of assistance the consulate subsequently provided, Edgar Tamayo’s trial lawyer failed to present evidence of the deprivations and abuse his client suffered as a child, his developmental problems, a serious head injury he sustained when he was 17 and its impact on his behaviour, including a worsening dependency on drugs and alcohol. In 2008 a psychologist put Edgar Tamayo’s intellectual functioning in the “mild mental retardation” range, which would render his execution unconstitutional under US law.

On 12 June, William Van Poyck was executed in Florida after 25 years on death row. Claims persisted that he had received inadequate legal representation at the trial, including the defence lawyer’s failure to present the full mitigating evidence of his client’s background of childhood abuse and mental health problems. Three of seven Florida Supreme Court judges dissented against upholding the death sentence, arguing that the case represented a “blatant example of counsel’s failure to investigate and prepare a penalty phase defense”. Final appeals based on this issue, and on evidence that it was William Van Poyck’s co-defendant who had actually shot the victim, who was a prison guard, were unsuccessful. This co-defendant, who was also given the death penalty, died in 1999 as a result of massive injuries sustained during an alleged beating by guards.

Paul Howell’s execution in Florida was stayed on 25 February, one day before it was scheduled, to allow a federal appeals court to consider whether his claim of inadequate legal representation could be reopened in light of recent US Supreme Court rulings in other cases. The claim related not only to his initial appeal lawyer’s missing a deadline to file an appeal, thereby defaulting it, but also to the failure of his trial lawyer to present certain mitigating evidence, including of physical childhood abuse and deprivations in his native Jamaica, as well as details of mental health problems as an adult. In September the court ruled against Howell. One of the three judges dissented, describing Howell’s representation at trial and on initial appeal as “incompetent, ineffective and deeply unprofessional”.

Florida passed the Timely Justice Act (TJA) aimed, in part, at speeding up the pace of executions. Such legislation is inconsistent with international human rights standards which seek eventual abolition of the death penalty, and ignores the reality of Florida’s high error rate in capital cases. Florida accounts for some 15% of the more than 140 inmates released from death rows in the USA since 1973 on grounds of innocence. When Florida’s Governor Rick Scott signed the TJA into law on 14 June 2013, Representative Matt Gaetz, the sponsor of the bill in the House of Representatives, responded by tweeting his thanks, adding: “Several on death row need to start picking out their last meals”.

#### **DEATH PENALTY AND MENTAL DISABILITIES**

International standards on the use of the death penalty state that the death penalty should not be imposed against people with mental disabilities. This safeguard continues to be ignored in the USA.

Florida executed **John Ferguson** on 5 August, despite his decades-long history of mental illness which pre-

dated his crimes. He was first diagnosed with schizophrenia in 1971. In 1975 a court-appointed psychiatrist concluded that Ferguson's severe mental illness rendered him dangerous and meant that he "should not be released under any circumstances" from a maximum security mental hospital. He was, however, discharged, and within three years was on death row for eight murders. The diagnoses of serious mental illness, including by prison doctors, continued on death row.

On 21 August, the US Court of Appeals for the Fifth Circuit found Texas death row prisoner **Scott Panetti** competent for execution and rejected the claim that he had been incompetent to represent himself at his 1995 trial. Scott Panetti was sentenced to death for murdering his parents-in-law in 1992, several years after he was first diagnosed with schizophrenia. He had been hospitalized for mental illness, including bipolar disorder and schizophrenia, on a number of occasions prior to the crime.

**Warren Hill's** execution was stopped three hours before it was due to be carried out on 19 July in Georgia, in connection with litigation on the state's lethal injection protocol. Despite all seven experts to have assessed Warren Hill stating that he had "mental retardation", the execution was not stopped on these grounds. The execution of those with "mental retardation" has been prohibited in the USA since 2002, but concerns remain about implementation of this US Supreme Court ruling.

A year earlier, on 17 July 2012, the UN Special Rapporteur on extrajudicial, summary or arbitrary extrajudicial executions had urged the US authorities to stop the execution of Warren Hill. He voiced "particular concern that Georgia is now the only US state that requires proof of what it calls 'mental retardation beyond a reasonable doubt,' rather than a preponderance of the evidence as in other jurisdictions."<sup>25</sup>

Murder charges against Reginald Griffin in Missouri were dismissed on 25 October, making him the 143rd person to be released from death row in the USA on grounds of innocence since 1973, according to the US-based Death Penalty Information Center (DPIC). He had been sentenced to death in 1983 for the murder of a fellow prison inmate. The Missouri Supreme Court overturned his conviction in 2011 because the state had withheld exculpatory evidence from the defence, and ordered that he be retried or released.

Legislation passed in Alabama in April allowed the Board of Pardons and Paroles to grant posthumous pardons in cases involving racial or social injustice. Three black men, Charles Weems, Andy Wright and Haywood Patterson, were posthumously exonerated in Alabama in November in relation to their wrongful convictions by all-white juries for the rape of two white women in 1931. After years on death row, they and their co-defendants had been released. The three posthumously pardoned in 2013 were the last of the group not to have been pardoned or to have had charges dismissed.

Concerns over racial discrimination also marked the 500th execution in Texas since judicial killings resumed in the USA in 1977. The case concerned Kimberly McCarthy, a black woman sentenced to death for the murder of her white neighbour. At her 2002 retrial the jury consisted of 11 white people and one black person, selected from a jury pool in which African-Americans were under-represented and from which three of the four black individuals who were on it were dismissed by the prosecutor during jury selection.

A petition filed in June 2013 by Kimberly McCarthy's new lawyer, seeking to present evidence of racial discrimination during the jury selection and to challenge the failure of her previous lawyers to raise the claims at trial or appeal, was dismissed on the grounds that the

claims should have been raised earlier. Kimberly McCarthy was executed by lethal injection on 26 June.

Mississippi expanded the scope of the death penalty to include acts of terrorism resulting in death in April. Following a shortage in the availability of drugs normally used in lethal injection protocols, the states of Arkansas, California, Florida, Louisiana, Montana, North Carolina and Ohio amended their executions procedures to include a one-drug protocol and/or allow to change the chemicals used.

In February the US federal government sought the death penalty in **Puerto Rico** in the on-going case of Lashaun Casey, charged in relation to a murder committed in 2005. The death penalty in Puerto Rico was abolished in 1929 but can be imposed under US Federal laws. In a separate federal trial, Alexis Candelario Santana was spared the death penalty by the Puerto Rican jury in March.

On 9 October, on the occasion of the World Day against the Death Penalty, the **Inter-American Commission on Human Rights** (IACHR) urged the Member States of the Organization of American States that still have the death penalty to abolish it or at least to impose a moratorium on its application. The IACHR stated it was “concerned about the persistence of significant and worrisome challenges regarding the application of the death penalty in the region. In particular, the IACHR notes that OAS Member States have executed individuals sentenced to death in defiance of precautionary measures granted by the Commission or provisional measures granted by the Inter-American Court of Human Rights in the context of cases or petitions alleging serious violations to due process, among other violations”.<sup>26</sup>

## ASIA-PACIFIC

While some setbacks were recorded in the Asia-Pacific region last year, positive steps in a number of countries showed that, even among traditional supporters of the death penalty, progress towards abolition is tangible.

Ten countries were known to have carried out executions, two more than in 2012. China once again executed more people than the rest of the world put together, but it was not possible to obtain an accurate picture of the reality of capital punishment there. Amnesty International also could not confirm reliable figures for Malaysia and North Korea. In Viet Nam, publishing statistics on the use of capital punishment was still prohibited in law. A new secretive trend also surrounded the use of the death penalty in India and Indonesia, where executions were not announced prior to being carried out, neither to the public nor to the families and lawyers of the prisoners.

Excluding China and despite the resumption of executions in Indonesia and Viet Nam, thirty-seven executions were confirmed in 2013, one less than 2012. Pakistan once again suspended its application of the death penalty and no death sentences were implemented in

Singapore, where six people had their cases commuted following a review of the country's mandatory death penalty laws in 2012. In China, the Supreme People's Court issued further legal guidelines for greater procedural protections in death penalty cases and the former Minister of Health, Huang Jiefu, said the goal was to end organ transplants from executed prisoners by mid-2014. Brunei Darussalam, 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, despite threats from Papua New Guinea to resume executions.

#### EXECUTIONS AND DEATH SENTENCES IN THE ASIA-PACIFIC

At least 37 executions were reported to have been carried out in 10 countries in the Asia-Pacific region: Afghanistan (2), Bangladesh (2), China (+), India (1), Indonesia (5), Japan (8), Malaysia (2+), North Korea (+), Taiwan (6), Viet Nam (7+). This figure does not include thousands of executions believed to have taken place in China.

At least 1,030 new death sentences were known to have been imposed in 17 countries in the region in 2013: Afghanistan (174), Bangladesh (220+), China (+), India (72+), Indonesia (16+), Japan (5), Laos (3+), Malaysia (76+), Maldives (13), North Korea (+), Pakistan (226+), Singapore (1+), South Korea (2), Sri Lanka (13+), Taiwan (7), Thailand (50+), Viet Nam (148+).

The scope of the death penalty was expanded in Bangladesh, India and Papua New Guinea. In several countries in the region, trials for offences punishable by death continued to violate international law and standards on the use of the death penalty, including through the imposition of 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 used for offences that did not meet the threshold of the "most serious crimes" under Article 6 of the ICCPR.

The death penalty continued to be imposed for drug-related offences in China, Indonesia, Laos, Malaysia, Pakistan, Singapore, Thailand and Viet Nam. Executions for these crimes were carried out in China, Indonesia, Malaysia and Viet Nam. Economic crimes were punished by death in China and Viet Nam. Such death sentences were implemented in China.

Two executions were carried out in **Afghanistan**, and 174 new death sentences were imposed for murder and terrorism. Approximately 300 people were under sentence of death at the end of the year. Two men were exonerated in the Western province of Herat after they had been sentenced to death in relation to the kidnapping and killing of a child.

In November the Ministry of Justice and the Ministerial Committee of Shari'a and Traditional Penalty and Investigating Crimes proposed at least 26 amendments to the country's Penal Code. The proposed changes included the reinstatement of punishments dating to the Taliban era and reflecting their interpretation of Shari'a law, including public stoning to death for "adultery" by married people, amputation of hands and feet for theft and robbery, and flogging of up to 100 lashes for unmarried people found guilty of "adultery". Following international criticism, the President stated in an interview on 28 November<sup>27</sup> that the

government had backed away from the proposal to reintroduce stoning as punishment for adultery. The proposals were awaiting consideration by the Parliament at the end of the year.

**Bangladesh** carried out two executions and imposed at least 220 death sentences. Of the death sentences, 152 were handed down in a single case related to a 2009 mutiny, following which the accused were allegedly tortured during their pre-trial detention. At least 1,100 people were reported to be on death row at the end of the year.

The scope of the death penalty was reportedly expanded on 16 June, when the Parliament adopted the Children Act 2013 allowing for the death penalty to be imposed against adults using children to carry out terrorist activities, as defined under the Anti-Terrorism Act 2009.

During the year, Amnesty International remained concerned about trial proceedings before the International Crimes Tribunal (ICT), a national court established in 2010 to try people suspected of crimes under international law, including genocide, war crimes and crimes against humanity, committed during Bangladesh's 1971 war of independence. While noting that most of those detained in connection with these crimes were members of the two opposition parties, Amnesty International expressed concerns in relation to amendments to the Act governing the conduct of trials before the ICT, which were adopted by Parliament on 17 February, introduced the possibility for the prosecution to appeal against any sentencing decision of the ICT, even retroactively.

In 2013, the ICT sentenced seven people to death. The sentence in one of the two cases in which the defendants had initially been awarded life imprisonment, that of Abdul Quader Mollah, a key figure in the Islamist opposition party Jamaat-e-Islami, was appealed by the prosecution and was increased to a sentence of death by the Supreme Court on 5 December. Without legal avenues available to appeal his death sentence, Abdul Quader Mollah was executed on 12 December.

On 29 April Bangladesh was reviewed under the Universal Periodic Review (UPR) at the UN Human Rights Council. The government rejected recommendations to reconsider its position on capital punishment; establish a moratorium on executions; and abolish the death penalty.

No new death sentences were known to have been imposed in **Brunei Darussalam**. A new Penal Code was enacted on 22 October,<sup>28</sup> retaining the death penalty including for acts that do not meet the threshold of the "most serious crimes" and, in some cases, acts that should not be considered crimes, including adultery and consensual sex between people of the same gender. Furthermore, the end of childhood is defined by the age of puberty, allowing for the imposition of the death penalty for crimes committed by defendants below 18 years of age.

**China** continued to execute more people than the rest of the world put together, often after unfair trials and for non-lethal crimes, such as drug trafficking and economic offences. The authorities continue to treat the figures on death sentences and executions as a state secret and do not publish statistics. Amnesty International's monitoring continued to indicate death sentences in the thousands. The organization could not confirm the reductions in the use of the death penalty claimed by Chinese officials in recent years.

Amnesty International stopped publishing its figures for China in 2009, in a challenge to the authorities to end the secrecy that surrounds the use of capital punishment. If implemented correctly, the reforms promoted by several bodies in China could in fact lead to a decrease in the number of death sentences and executions in the country. However, such an assumption is impossible to verify without critical information being made public.

China's amended Criminal Procedure Law (CPL) came into force on 1 January 2013. The new CPL offers some enhanced procedural protections for suspects and defendants in capital cases and together with the "Supreme People's Court Explanation for Implementation of the CPL", which came into effect on the same date, provides additional clarification with regard to the final review of death sentences by the Supreme People's Court.

However, the measures do not bring detainees' rights or trial proceedings into full conformity with international human rights standards. They are particularly insufficient given that in China forced confessions are commonplace and frequently lead to miscarriages of justice. Implementation of legal protections should begin during investigation, and not wait until the trial proceedings and the final review stage.

Article 34 of the new CPL requires not only the courts but also the procuratorate and the police to inform legal aid organizations that they should assign a defence lawyer to all suspects or defendants who potentially face life imprisonment or the death penalty and do not have a defence lawyer. However, there is no concomitant responsibility of the legal aid organization or timeframe for their compliance 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, and for clearer delineation of the role and responsibility of defence lawyers in the appeal and final review process.<sup>29</sup>

In a positive step, the new CPL (Article 121) provides that interrogations of criminal suspects may be recorded or videotaped. For suspects facing a potential death sentence or life imprisonment, it is mandatory for interrogations to be recorded in full, although suspects are still not guaranteed the right to be accompanied by a lawyer. It is also a positive step that Article 223 of the new CPL requires courts of second instance [appellate courts] to hold a court hearing, in which evidence is reviewed, in appeal cases where the defendant has been sentenced to death. In relation to the review of death sentences by the Supreme People's Court, Article 239 of the new CPL allows the Court to change the sentence (*gaipan*) if it does not approve the one of death. Article 240 of the new CPL further requires the Supreme People's Court to "hear the opinion of the defence attorney" if the latter requests this and to "question the defendant" during the review process.

These amendments represent limited enhancements to procedures in capital cases. The amended CPL fails to provide a procedure for prisoners under sentence of death to seek pardon or commutation of their sentence, as required under international human rights standards.

On 21 November the Supreme People's Court issued its opinion on "Establishing and Completing Work Mechanisms for Preventing Unjust, False and Wrongly-Decided Criminal Cases". The opinion provides guidance for courts on how to prevent wrongful convictions,

including by exclusion of confessions extracted through torture or other illegal methods. The opinion also suggests that death penalty cases should be heard by experienced judges.

On 12 November, the Chinese Communist Party Central Committee passed a resolution on deepening reform. The resolution affirms the authorities' intention to progressively reduce the number of crimes carrying the death penalty.

A Chinese woman who killed her husband after suffering months of domestic violence remained at imminent risk of execution.

**Li Yan's** husband, Tan Yong, abused her emotionally and physically following their marriage in 2009. He frequently beat her, stubbed cigarettes out on her face and, during the freezing Sichuan winters, locked her outside on the balcony of their apartment for several hours with little clothing. On one occasion, he cut off one of her fingers. Li Yan required hospital treatment for her injuries after one attack, and contacted the authorities, including the police, several times. They did not follow up her complaints, initiate investigations or offer her any protection. In late 2010, Li Yan beat her husband to death with a gun.

She was sentenced to death on 24 August 2011 by the Ziyang City Intermediate People's Court for intentional homicide under article 232 of the Chinese Criminal Code. Despite Li Yan's testimonies about the abuse she suffered and evidence provided by witnesses, the Sichuan Provincial Higher People's Court upheld the verdict on 20 August 2012. At the time of writing, the Supreme People's Court was still to announce the final ruling on her case.

According to Huang Jiefu, the former Minister of Health, quoted in the media, considerable progress was made in 2013 to introduce voluntary organ donation schemes with the aim of phasing out the use of organs from executed prisoners by mid-2014. However, according to Huang Jiefu, the 900 organs donated voluntarily in the first seven months of 2013 was less than half the number obtained from executed prisoners.

China was reviewed under the UPR on 22 October. The government agreed to examine and provide a response at the March 2014 session of the Human Rights Council on recommendations to: continue reform towards eventual abolition of the death penalty, including greater transparency on its use; publish the figures regarding death sentences and executions; further reduce the offences punishable by death penalty; and establish a moratorium on executions as a first step towards abolition of the death penalty.

**India** carried out one execution on 9 February, when Mohammad Afzal Guru was hanged in secret at Tihar Jail in New Delhi. He had been sentenced to death in 2002 after being convicted of conspiracy to attack the Parliament of India, waging war against India and murder in December 2001 by a special court designated under the Prevention of Terrorism Act (POTA), a law which fell considerably short of international fair trial standards and has since been repealed. Afzal Guru's death sentence was confirmed by the Supreme Court in August 2005, and his mercy petition was rejected by the President on 3 February 2013.

Serious concerns about the fairness of Afzal Guru's trial – including the fact that he did not receive legal representation of his choice or a lawyer with adequate experience at the trial stage - were not addressed. Afzal Guru's family were not informed in time of his imminent execution and his body was not returned to the family for last rites and burial, in violation of

international standards. Afzal Guru was also denied the opportunity to seek a judicial review of the decision to reject his mercy petition.

The President of India rejected the mercy petitions of 18 other prisoners in 2013, the most rejections by any President in nearly 25 years. Authorities began to take steps to increase secrecy around the use of the death penalty, including by removing information regarding decisions on mercy petitions by the President from the website of the President's Secretariat.

The Supreme Court of India rejected the commutation plea of **Devender Pal Singh Bhullar** on 12 April. He had been sentenced to death in 2001 for his involvement in a bomb attack in New Delhi in 1993 that killed nine people. He was arrested in January 1995 under the Terrorist and Disruptive Activities (Prevention) Act (TADA), a law that subsequently lapsed, and contained provisions incompatible with international fair trial standards.

Devender Pal Singh Bhullar had no access to a lawyer during his initial detention and trial. He was found guilty on the basis of an unsubstantiated "confession" that he made to the police, which he later retracted, claiming it was made under police pressure. In March 2002, the Supreme Court upheld Bhullar's death sentence, though one of the three judges on the bench had found him not guilty, saying there was no evidence to convict him.

Bhullar had been receiving treatment at a psychiatric facility in New Delhi, and in 2011 his lawyer requested that the Supreme Court consider his mental condition as grounds for commuting his death sentence. The President of India rejected Devender Pal Singh Bhullar's mercy petition in May 2011, eight years after the request was filed.

Devender Pal Singh Bhullar approached the Supreme Court seeking commutation of his death sentence on the grounds of inordinate delay in its consideration. On 12 April 2013, the Supreme Court rejected his plea and decided not to commute the death sentence because of the "enormity of the crime". The judgment stated that delay "cannot be invoked in cases where a person is convicted for an offence under TADA or similar statutes."<sup>30</sup> Devender Pal Singh Bhullar's case remained pending at the end of the year.<sup>30</sup>

Following the gang rape and murder of a young woman in Delhi in December 2012, the Indian government established the Justice Verma Committee, a panel of legal experts tasked with reviewing Indian laws on sexual assault against women. The Justice Verma Committee submitted its report to the Government on 23 January 2013. The report opposed punishing rape or other forms of sexual assault with the death penalty. Despite this, in April 2013, the Parliament of India passed the Criminal Law (Amendment) Act, 2013, which expanded the scope of the death penalty to include crimes of rape that result in death or a persistent vegetative state for the victim, or in cases of certain repeat offenders. On 13 September, four men were convicted and sentenced to death by a trial court in Delhi in relation to the December 2012 case.

At least 72 new death sentences were known to have been imposed throughout the year and at least 400 people were believed to be on death row at the end of the year. Eighteen prisoners had their executions stayed by the Supreme Court to allow for consideration of their appeals, which argued for commutation of the death sentences on the ground of inordinate delay by the executive in the rejection of their mercy petitions. Their death sentences were commuted in 2014.



On 14 March **Indonesia** resumed executions after four years without any notice, when Adami Wilson, a Malawian national convicted of drug trafficking was executed by firing squad. Four other people were executed during the year: Suryadi Swabuana, Jurit bin Abdullah and Ibrahim bin Ujang in May for murder; and Muhammad Abdul Hafeez, a Pakistani national, in November for drug trafficking. None of the executions was announced before being carried out.

At least 16 new death sentences were imposed and at least 149 people were on death row at the end of the year. Around half of those currently on death row, many of them foreign nationals, were convicted of drug-related offences.

The Ministry of Foreign Affairs continued to intervene in cases of Indonesian migrant workers sentenced to death abroad. Figures released in December indicated that of the 247 Indonesians who were under sentence of death in other countries, 186 were in Malaysia, 36 in Saudi Arabia, 11 in China and one in Singapore.<sup>31</sup>

After its review of Indonesia's compliance with the ICCPR, the Human Rights Committee in August regretted that Indonesia had "suspended its de facto moratorium on the death penalty and has resumed executions. The Committee regrets that death sentences are imposed by courts for drug crimes, which do not meet the threshold of the 'most serious crimes' set under article 6 of the Covenant (art. 6)." <sup>32</sup>

Eight people were executed for murder in **Japan**. Five new death sentences were imposed, while two people, Kazuo Inou and Tatsumi Tateyama, had their death sentences commuted to life imprisonment. A total of 130 people were under sentence of death at the end of the year.

The use of the death penalty in Japan continued to be shrouded in secrecy. When Masahiro Kanagawa, Kaoru Kobayashi and Keiki Kano were executed on 21 February, their families were not notified in advance. Furthermore, capital punishment continued to be used in contravention of international standards on the use of the death penalty. Kobayashi and Kano were executed despite both preparing to apply for retrials, and Tokuhisa Kumagai, one of the eight prisoners to be executed in 2013, was over 70 years of age.

On 16 October the Supreme Court of Japan denied a retrial to 87-year-old Masaru Okunishi, who was convicted of murder and sentenced to death in 1969 based on a forced confession. Okunishi, who has spent more than 40 years facing execution and is one of the oldest death row prisoners in the world, had retracted his "confession" during the first trial and was acquitted due to lack of evidence. However, a higher court reversed the verdict and sentenced him to death. His latest retrial request was denied partly because the Supreme Court ruled that his initial "confession" still stood, even though he had retracted it.

Iwao Hakamada, who has been on death row since 1968 and developed mental illness as a result of the decades he has spent in isolation, remained on death row at the end of the year. The decision on his appeal for retrial was expected to be delivered by the Shizuoka District Court in March 2014.

Japan was reviewed by the Committee Against Torture at its May session. The Committee expressed deep concern about many issues, including the conditions of detention of prisoners on death row, in particular with respect to the unnecessary secrecy and uncertainty surrounding the execution of prisoners; the use of solitary confinement for prisoners sentenced to death, some exceeding 30 years; interference with the right to assistance by legal counsel, including the limited confidential access to a lawyer; and the lack of a mandatory appeal system for capital cases given that an increasing number of defendants were convicted and sentenced to death without exercising their right of appeal. The Committee further urged the government of Japan to ensure that death row inmates are afforded all the legal safeguards and protections they are entitled to, including by giving them and their family reasonable advance notice of the scheduled date and time of the execution and revising the rule of solitary confinement for death row inmates. The Committee urged the authorities to provide data on death row inmates, disaggregated by sex, age, ethnicity and offence and to consider the possibility of abolishing the death penalty.<sup>33</sup>

At least three new death sentences were imposed for drug trafficking in **Laos**, where the last execution was carried out in 1989.

At least two people were executed in secret in **Malaysia**, one for murder and one for drug trafficking. At least 76 new death sentences were known to have been imposed, 47 for drug-related offences. Of those sentenced to death, 37 were foreign nationals, 10 of them women. There were an estimated 992 people in death row as of end 2013. Four death sentences were commuted.

Malaysia was reviewed at the UPR on 24 October. In the national report submitted before the review,<sup>34</sup> the government explained it had undertaken a study on comprehensive reform of administration of criminal justice in Malaysia, including the death penalty. The authorities agreed to examine a number of recommendations, including to establish a moratorium on the death penalty with a view to abolition. The government was expected to report to the UN Human Rights Council in March 2014.

No executions have been carried out in the **Maldives** since 1954, but 13 new death sentences were imposed last year. Eighteen people were on death row as of 31 December and one prisoner had his death sentence commuted for lack of credible evidence. On 2 May two people were sentenced to death by the Juvenile Court in relation to a murder committed when they were under 18 years of age. The sentence was under appeal at the end of the year. Draft legislation aimed at resuming executions was rejected on May.

**Mongolia** did not carry out any executions for the fourth consecutive year, since the President established an official moratorium on executions in 2010. No new death sentences were imposed. A Bill removing the death penalty from national legislation remained pending before the Mongolian Parliament at the end of the year.

Amnesty International is not aware of any new death sentences in **Myanmar**. On 2 January 2014 the authorities announced that all remaining death sentences in the country had been commuted. In October the Lower House of Parliament rejected a motion to debate a proposed amendment to the 1993 Child Law that would impose the death penalty for the rape of a child under 16 years.<sup>35</sup>

While reliable reports indicate that at least 70 executions were carried out in **North Korea**, Amnesty International believes the true figure to be much higher. Further reports about numerous public executions and executions of political opponents of North Korea's leader Kim Jong-un, including his uncle Jang Seong-taek, were also recorded, but such information could not be independently verified. Other crimes for which people were reportedly executed included murder and cannibalism, embezzlement, pornography, escaping to China, corruption, activities that countered the goals of the Korean Workers' Party and watching banned videos from South Korea.

Death sentences continued to be handed down, including for crimes that do not meet the threshold of "most serious crimes" under international law and for crimes which do not carry the death penalty under North Korean law.

#### **UN COMMISSION OF ENQUIRY ON NORTH KOREA**

On 21 March 2013, the UN Human Rights Council established the Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, which is mandated to investigate the systematic, widespread and grave violations of human rights in the country, with a view to ensuring full accountability, in particular for violations which may amount to crimes against humanity.

On 20 August the UN Commission of Inquiry began hearings in South Korea on North Korea's human rights record. Among other witnesses, Shin Dong-hyuk spoke of the regular public executions in the prison camp where he was detained, camp 14 Bowiso Pyong-an Nam-do, in Southern Pyong-an province:

"In the camp, twice a year, there was a public execution. I don't know exact meaning of that, but I think that in order to keep the prisoners on their toes and to scare them. I think that's why they held this public execution twice a year. In front of many inmates, the prisoners, they would tie this one person against the wooden column they would shoot or they would strangle them [...] The first time I witnessed such an execution was when I was five. [...] In 1996 [I overheard] my Mum and my brother were talking in the corner where we were preparing meal. [...] I think they were planning to climb over the mountain and escape. At that time, that thought that passed in my mind was that I thought I was very certain they were planning to escape from the camp. And, I went to the school and I reported to my teacher about their conversation. [...] And, because of the plans of my mother and brother, I learned, I was questioned about any further planning that might be happening in my family. And, in front of all the inmates, political prisoners, and in front of my father and myself, my mother and older brother [were] publicly executed. My older brother was publicly executed. My mother was hanged in front of me and my father."<sup>36</sup>

The hiatus in executions that had been interrupted in **Pakistan** in 2012 when the military authorities executed a soldier, continued in 2013, despite attempts to resume executions in August. At least 226 new death sentences were imposed and at least 8,526 people were on death row at the end of the year. Of these, according to the Minister of Interior, the legal appeals of at least 450 people were finalized and they were facing execution. Amnesty International was aware of at least seven prisoners under sentence of death who were juveniles at the time the offences were committed and who had exhausted their legal remedies.

In December 2013, the Federal Shariat Court ordered the enforcement of its 1991 ruling that the death penalty should be applied for the blasphemy offence, under Section 295-C of

the Penal Code, of derogatory remarks against the Prophet Muhammed. The Court further ordered the government to remove the punishment of life imprisonment from Section 295-C, leaving the death penalty as the only sentencing option.

After taking office in June 2013, the government of Prime Minister Nawaz Sharif announced its intention to recommence executions in an attempt to improve the law and order situation in the country. At least eight men were scheduled to be executed between 20 and 25 August 2013, including two men who were below 18 years of age when the alleged crimes were committed. The planned executions were suspended on 18 August.

Amnesty International remained concerned by the imposition of the death penalty after trials which did not meet international fair trial standards. These trials were characterized by a lack of access to legal counsel and an acceptance of evidence inadmissible under international law, including statements extracted through torture. The high courts did not have jurisdiction over the Federally Administered Tribal Areas, leaving people sentenced to death by courts in this region without a right to appeal to the superior judiciary.

No new death sentences were known to have been imposed in **Papua New Guinea**, where 10 prisoners remained under sentence of death at the end of the year. No executions have been carried out since 1954.

Following highly publicized and brutal killings of women accused of sorcery, a new law was adopted on 28 May 2013 expanding the scope of the death penalty to include robbery and aggravated rape, even if the crime did not result in death. Legal execution methods were changed to include, in addition to hanging, lethal injection, electrocution, firing squad and asphyxiation. The amendments signalled the intention of the government to resume executions.

No executions were carried out in **Singapore**. At least one new death sentence was known to have been imposed and at least 26 people remained under sentence of death at the end of the year.

The High Court of Singapore began reviewing the cases of 32 prisoners who had been mandatorily sentenced to death for drug-related offences and murder, following the adoption in 2012 of the Penal Code (Amendment) Act 2012 (Act No. 32 of 2012) and the Misuse of Drugs (Amendment) Act 2012, which introduced discretion for the judges in sentencing under certain circumstances.

Five death sentences that had been imposed for murder were commuted to life imprisonment and strokes of the cane: Jabing Kho was resentenced on 30 April; Fabian Adiu Edwin on 16 July; Bijkumar Ramadevi Nair Gopinathan on 28 August 2013; Kamrul Hasan Abdul Quddus on 12 November; and Wang Wenfeng on 13 November.

Additionally, Yong Vui Kong had his death sentence, imposed for drug-trafficking, commuted on 14 November, while Abdul Haleem bin Abdul Karim and Chum Tat Suan were spared the death penalty on 20 May and 24 October respectively following the introduction of discretion in sentencing.

The review and commutation of six death sentences was a welcome step in the reduction of the use of the death penalty. However, other aspects in the amended Penal Code, such as the continued imposition of the death penalty for drug trafficking and the retention of the mandatory imposition of capital punishment in certain cases, remained of concern.

For the 16th consecutive year, no executions were carried out in **South Korea**. Two new death sentences were imposed. Sixty-one men remained under sentence of death at the end of the year, including three soldiers. One death sentence was commuted.

At least 13 new death sentences were imposed in **Sri Lanka**, where the last execution was carried out in 1976. At least 15 people were pardoned. Figures reported by Hiru News indicated that at least 486 prisoners were on death row as of 3 January 2014.<sup>37</sup>

Two people were hired and started training as executioners in February. In October, the Ministry of Justice reportedly appointed a special committee tasked with the review of the country's Penal Code and repealing the death penalty.<sup>38</sup>

Six executions were carried out and seven new death sentences were imposed in **Taiwan**. Sixty-two people remained under sentence of death at the end of the year, 52 of whom were without any further legal avenues available to them. Concerns remained about the fairness of trials in Taiwan, including in cases involving capital offences. Four people had their death sentences commuted on appeal, including a man suffering from mental illness. Following executions, the Minister of Justice clarified that no organs were harvested from the executed prisoners.<sup>39</sup>

In February, Manfred Nowak, 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, visited Taiwan after calling on the authorities to establish a moratorium on executions. The two men were part of a panel of Independent Experts invited by the government to consider its report on implementation of UN human rights covenants. In their report issued on 1 March 2013, the Independent Experts strongly recommended that the government of Taiwan intensify its efforts towards abolition of capital punishment and – as a first and decisive step – introduce an immediate moratorium on executions. The Taiwanese government replied to the recommendations saying that it would be "difficult" for Taiwan to abolish the death penalty at this stage.<sup>40</sup>

In Taiwan, family members are typically not informed about scheduled executions in advance and only find out when they are invited to collect the body from the mortuary.

No executions were carried out in **Thailand**, where at least 50 new death sentences were imposed for murder and drug-related offences, including against foreign nationals. Figures reported by the Department of Corrections indicated that 678 people were under sentence of death as of November.

On 15 May, Prime Minister Yingluck Shinawatra launched a pilot project to remove shackles from 513 prisoners on death row. The abolition of the death penalty was included in the draft of the Third National Human Rights Plan (2014-2018), which was awaiting government approval at the end of the year. The Rights and Liberties Protection Department within the

Ministry of Justice announced in August that it will conduct a study and a public consultation on the possibility of abolishing the death penalty in Thailand.

No new death sentences were imposed in **Tonga**, where the last execution was carried out in 1982. Tonga was reviewed under the UPR in January 2013. Recommendations to take steps towards abolishing the death penalty and to ratify the Second Optional Protocol to the ICCPR and remove provisions in national law allowing for the imposition of the death penalty for people below 18 years of age, were rejected by the government, which cited public perception of the deterrent effect of the death penalty.

**Viet Nam** resumed executions after a hiatus of more than 18 months when Nguyen Anh Tuan, convicted for murder in 2010, was reportedly executed by lethal injection on 6 August. At least six other executions were carried out. In June 2010 Viet Nam had amended the Law for Enforcement of Criminal Verdicts to change the method of execution from firing squad to lethal injection, on the grounds that it was more humane. A shortage of drugs for use in lethal injections had resulted in no executions being carried out since January 2012. The shortage had followed changes made in 2011 to European Union (EU) regulations on trade in equipment and substances which can be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment.

Amnesty International was able to confirm that at least 148 people were sentenced to death last year, mainly for murder and drug-related crime, with a small number for economic crimes, such as embezzlement.

Figures published by the Minister of Public Security Tran Dai Quang<sup>41</sup> indicated that 678 people were on death row as of 11 November. At least 110 prisoners had exhausted their appeals and were facing imminent execution. Publishing figures on the use of capital punishment remained prohibited in law.

The **Anti-Death Penalty Asia Network** (ADPAN), an informal network of individuals and organizations from the Asia-Pacific region, continued to grow steadily, including new members in China. ADPAN organized a meeting of Asian activists at the 5th World Congress against the Death Penalty in June and moved to formally register as an independent entity in Malaysia. Among others, ADPAN members' achievements include the commutation of death sentences in Singapore. "This is the happiest day of my client's life," said M. Ravi, lawyer and ADPAN member, on hearing that his client Yong Vui Kong had had his death sentence revoked after the revision of Singapore's mandatory death penalty laws.

## EUROPE AND CENTRAL ASIA

**Belarus** is the last country in Europe and Central Asia which still uses the death penalty. No executions were reported for 2013, for the first time since 2009. At least four death sentences were imposed, after none in 2012.

Death sentences are often imposed after unfair trials which include forced confessions.

Sentences are implemented in strict secrecy, without giving adequate notice to prisoners, their families or legal representatives, and despite requests from international bodies such as the Human Rights Committee to suspend executions while international appeals are still pending. Article 175 of the Criminal Executive Code allows the government not to return the bodies of those executed to relatives and not to communicate the place of burial.

Rygor Yuzepchuk was sentenced to death on 24 April and Pavel Selyun on 12 June, each for murders committed in 2012. Their appeals to the Supreme Court were turned down. Eduard Lykau was sentenced to death on 26 November for five murders committed in 2002, 2004 and 2011. All confirmed death sentences are automatically referred to the President for consideration of clemency. However, President Alexander Lukashenka has reportedly only granted one stay of execution since he came to power in 1994.

**Alyksandr Haryunou**, aged 25, was sentenced to death by the Homel Regional Court on 14 June for the murder of a female student in 2012. His lawyer appealed the verdict and argued, according to a NGO observer, a range of fair trial violations, including that Alyksandr Haryunou had signed a confession without a lawyer being present and that there was contradictory information about his mental health. On 22 October the Supreme Court overturned the death sentence and returned the case for re-trial. The NGO observer called this move “unprecedented”.<sup>42</sup> But on 24 December the Homel Regional court again sentenced Alyksandr Haryunou to death.

In January 2013, the Chairman of the Constitutional Court, Petr Miklashevich, stressed that the question of a moratorium on the death penalty in Belarus remained open and that the Court was ready to consider the issue if relevant requests are made.<sup>43</sup> In June, the parliamentary working group on the death penalty held a round table on “Belarus, Religion and the Death Penalty” together with the Council of Europe in Minsk.<sup>44</sup> There, the Patriarchal Exarch of the Belarusian Orthodox Church, Metropolitan Filaret, spoke out in favour of abolition of the death penalty.

In October, the NGOs Penal Reform International and Belarus Helsinki Committee released an opinion poll finding that, when asked outright, nearly 64% of Belarusians supported the death penalty, while 31% of respondents were opposed.<sup>45</sup> The margin of support is significantly lower than the 80% in a 1996 referendum often referred to by the government. However, there was also widespread support for alternative measures, such as life sentences or a moratorium on executions, and only 37% supported capital punishment “unconditionally”. When asked about what should happen to capital punishment in the future, 47% of respondents said it should be retained as it is at present or even expanded. In contrast, a total of 45% stated that the death penalty should be abolished – immediately or gradually – or that a moratorium on executions should be established, with the sanctity of human life and the risk of judicial error being the main reasons for opposing capital punishment.

In October, the UN Special Rapporteur on the situation of human rights in Belarus, endorsed by the Special Rapporteurs on the independence of the judiciary, on summary executions and on torture, as well as the head of the UN Working Group on Arbitrary Detention, urged the Government of Belarus to impose an immediate moratorium on executions. He criticized the fact that “non transparent and politically-guided courts hand down death penalty sentences at the end of a procedure without guarantees of a fair trial or the right to appeal to

international bodies”, and the lack of transparency and statistics on executions, and stated: “The way the death penalty is carried out in Belarus amounts to inhuman treatment.”<sup>46</sup>

In **Kazakhstan** the official moratorium on executions established in December 2003 continued to be observed. A draft revision of the Criminal Code would remove the death penalty for some military crimes but introduce it for violating laws and customs of war committed in conjunction with premeditated murder.<sup>47</sup>

Throughout the year, individual members of **Russia’s** lower (Duma) and upper houses of parliament – but also the Minister of Internal Affairs, Vladimir Kolokoltsev, in a “personal opinion” – called for a re-instatement of the death penalty, especially in the aftermath of high-profile crimes involving the murder of children and the bombing attacks in Volgograd in October and December. But others, such as Russian ombudsman Vladimir Lukin, the Speaker of the lower house Sergey Naryshkin, and the head of the Presidential Human Rights Council Mikhail Fedotov, dismissed the proposals. In April, Russian President Vladimir Putin questioned the effectiveness of the death penalty in actually reducing crime.<sup>48</sup> However, no step was taken to move from the formal moratorium on the death penalty, in place since 1996, to its legal abolition. As part of its Universal Periodic Review (UPR) conducted by the UN Human Rights Council in April, Russia expressed its opinion that the decision of the Constitutional Court in 2009 to extend the moratorium on the death penalty in essence finalized the legal ban on such punishment in Russia, but rejected recommendations to accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty.<sup>49</sup>

In **Tajikistan**, President Emomali Rahmon, in his annual address to parliament on 26 April, said that the abolition of the death penalty should be reviewed by the relevant authorities. This is believed to be the first time that he has mentioned the issue in parliament since the introduction of the official moratorium in 2004. Also in April, a national plan was adopted to implement the accepted UPR Recommendations, including the ratification of the Second Optional Protocol to the ICCPR, in 2013-2014. In addition to the inter-departmental Working Group on the Study of the Socio-Legal Aspects of the Abolition of the Death Penalty set up in 2010, parliament in June established a Working Group on the Study of Public Opinion on the Death Penalty.

In December, the European Court of Human Rights of the **Council of Europe** held a public hearing in the case of *Al-Nashiri v. Poland*. The case concerns Poland’s alleged complicity in Abd al-Rahim al-Nashiri’s secret detention in the country and eventual transfer to the US Naval Base at Guantánamo Bay, Cuba, despite a real risk that he would be subjected to the death penalty in a trial by military commission.<sup>50</sup>

On 22 April, the Foreign Affairs Council of the **European Union** (EU) adopted revised and updated EU Guidelines on the Death Penalty, first issued in 1998 and last revised in 2008, setting out how and when the EU is expected to act in this field.<sup>51</sup> The revised Guidelines, among other things, include increased calls for transparency and a commitment to ensure that actions such as legal, financial or other technical EU assistance to third countries do not contribute to the use of the death penalty. They explicitly state that the death penalty should never be imposed for drug-related offences and other “non-violent acts”, such as financial or economic crimes.



## MIDDLE EAST AND NORTH AFRICA

The use of the death penalty in some countries in the Middle East and North Africa was an even greater cause for concern than in previous years. An alarming rise in executions in Iran and Iraq, the persistently high level of executions in Saudi Arabia, and the resumption of executions in Kuwait overshadowed the fact that for the past two years no executions have been reported in two thirds of all countries in the region.

There were some limited positive developments. No executions, and fewer death sentences, were reported in the United Arab Emirates (UAE).<sup>52</sup> For the first time since 2009, no death sentences were reported in Bahrain.<sup>53</sup>

However, both Algeria and Bahrain expanded the scope of the death penalty. Deposed former heads of state and senior officials of previous governments faced capital trials in Egypt and Libya. Draft constitutions proposed in Tunisia and Egypt – and adopted in early 2014 – did not contain provisions prohibiting the death penalty.

### EXECUTIONS AND DEATH SENTENCES IN MIDDLE EAST AND NORTH AFRICA

At least 638 executions in six countries (out of 19 in the region) could be confirmed: Iran (369+), Iraq (169+), Kuwait (5), the Palestinian Authority (3+, by the Hamas authorities, Gaza), Saudi Arabia (79+) and Yemen (13+). As in 2012, it could not be confirmed if judicial executions took place in Egypt and Syria.

At least 373 death sentences were imposed in 15 countries: Algeria (40+), Egypt (109+), Iran (91+), Iraq (35+), Jordan (7+), Kuwait (6+), Lebanon (7+), Libya (18+), Morocco/Western Sahara (10), the Palestinian Authority (14+: 13+ Hamas authorities, Gaza; 1+ PA, West Bank), Qatar (6), Saudi Arabia (6+), Tunisia (5+), UAE (16+) and Yemen (3+).

Executions rose by 15% in comparison to 2012, when at least 557 executions were recorded, also in six countries. In 2013, the vast majority of executions occurred in an even more concentrated minority of countries than in previous years. Iran, Iraq and Saudi Arabia alone accounted for over 95% of all confirmed executions in the region. While the number of executions in Saudi Arabia remained consistent, executions in Iran and Iraq saw rises of 18% and 30%, respectively. In contrast, executions in Gaza, in the area of the Palestinian Authority administered *de facto* by the Hamas authorities, halved; those in Yemen appear to have dropped for the second year in a row, although the real figures may be higher than the numbers Amnesty International was able to confirm.

For the second year running, the total number of confirmed death sentences – at least 373 – appears to have decreased considerably, from at least 505 in 2012, and at least 750 in 2011. However, in the area of the Palestinian Authority (especially in Gaza) and in Libya, the imposition of death sentences seems to have increased, the latter on account of its courts partially resuming operations since late 2012.<sup>54</sup> Generally, reporting on death sentences is incomplete due to a lack of comprehensive data, especially from countries such as Iran, Iraq, Saudi Arabia and Yemen. For the second year running, the armed conflict in Syria meant that no information on judicial death sentences could be confirmed.

The authorities in Algeria, Jordan, Lebanon, Libya, Morocco/Western Sahara, Qatar and Tunisia continued to impose death sentences but not to carry out executions.

Executions were carried out for crimes not involving intentional killings – therefore not meeting the threshold for the use of the death penalty under international standards. Death sentences were implemented for crimes such as armed robbery and “adultery” (Saudi Arabia), drugs offences (Iran, Qatar, Saudi Arabia, UAE), rape (Iran, Kuwait), and vaguely worded political “offences”, such as *moharebeh* (“enmity against God” – Iran), “collaboration” with Israel (Palestinian Authority), and charges under broad anti-terrorism laws (“belonging to a terrorist group” – Iraq). Death sentences were imposed for rape (UAE), “collaboration with Israel” (Lebanon) and for terrorism offences (Algeria). However, in UAE and Yemen, reports indicated a reduction of death sentences for crimes other than murder.

People who were under the age of 18 at the time of their alleged crimes were executed in Saudi Arabia, in violation of international law, and may have been executed in Iran and Yemen. Foreign nationals were at particular risk of capital punishment in Kuwait, Saudi Arabia and UAE, in part because adequate interpretation facilities were not available during interrogations or trials.

Fair trial concerns in 2013 included, among other things, military courts imposing death sentences, sometimes on civilians, in Egypt, Lebanon, Libya and the Palestinian Authority (PA, West Bank; Hamas authorities, Gaza). Death sentences were handed down by courts despite the suspect being tried in their absence (*in absentia*) in Algeria, Jordan, Lebanon, Libya and the Palestinian Authority. In Algeria and Lebanon, death sentences were imposed posthumously. In Iran and Iraq, “appeals” procedures did not provide a genuine review of sentences. The widespread use of “confessions” obtained under torture or other ill-treatment continued to be of serious concern, especially in Iran, Iraq, the Palestinian Authority (Hamas authorities, Gaza) and Saudi Arabia.

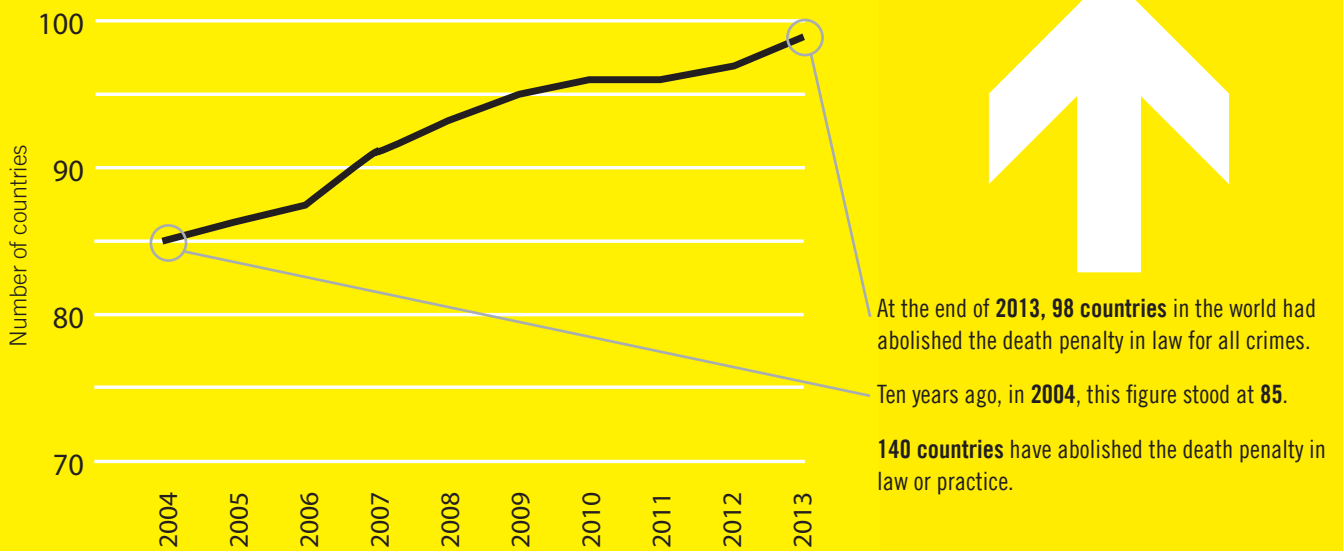
At least 40 death sentences were imposed in **Algeria**, for acts such as murder and related to terrorist attacks. Most were sentenced to death in connection with attacks carried out by the armed group al-Qa’ida in the Islamic Maghreb (AQIM). At least 26 death sentences were handed down *in absentia*, and at least one was imposed posthumously, on a man already killed in a police operation. In May, two men were given the death penalty for killing hundreds of civilians and soldiers between 1996 and 2004. In December, amendments to the Penal Code were adopted, which included the death penalty for kidnappers of children if the victim dies.

No executions took place in **Bahrain** and, for the first time in four years, no new death sentences were imposed. However, the death sentence of Ali Yousef Abdulwahab al-Taweel was upheld on 23 January 2013 following a retrial by the High Criminal Court of Appeal. It had first been imposed by a special military court in 2011 in connection with the death of a police officer in March that year. Punishments laid out in the 2006 anti-terrorism law were toughened through emergency decrees issued by the King of Bahrain. Decree no. 20 of 31 July 2013 expanded the scope of capital punishment to include bomb attacks which result in casualties.

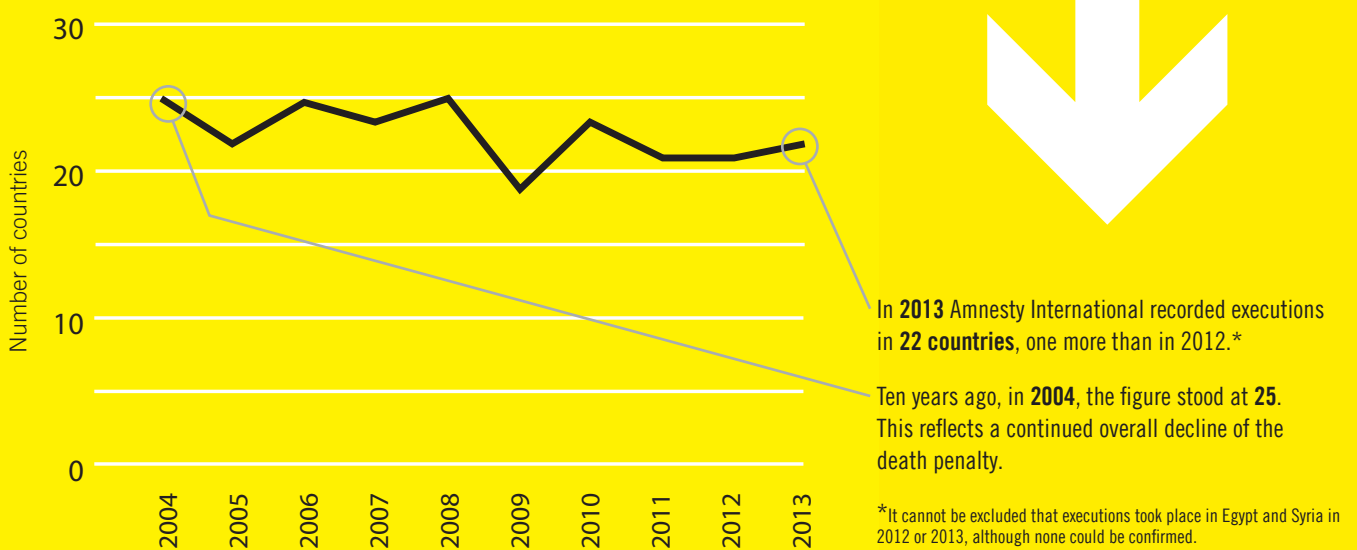
At least 109 death sentences were handed down in **Egypt**, but it could not be confirmed

# DEATH PENALTY TRENDS 2004-2013

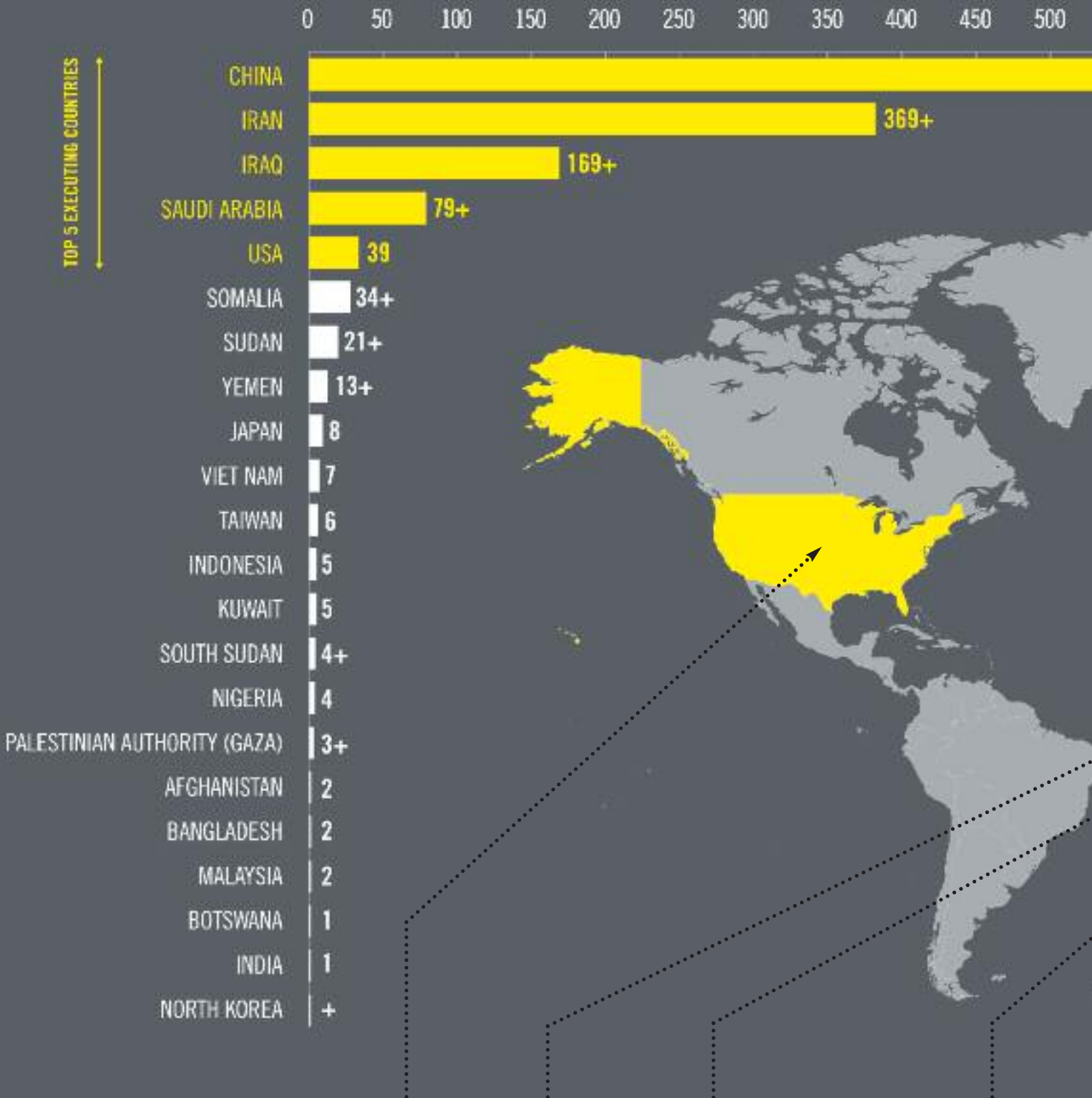
## Increase in countries abolishing the death penalty



## Decrease in countries carrying out executions



# 2013 EXECUTING COUNTRIES



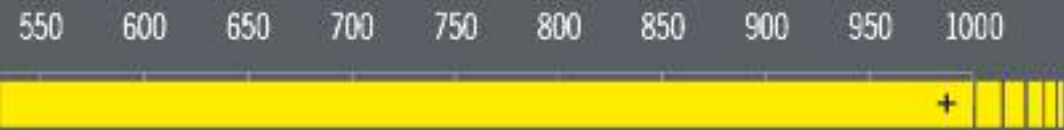
## NINE PERSISTENT EXECUTIONERS 2009-2013

**USA**  
Fewer executions;  
41% in Texas

**IRAN**  
Families and lawyers  
often not informed of  
executions

**SUDAN**  
Continued use of the  
death penalty to oppress  
political opposition  
activists

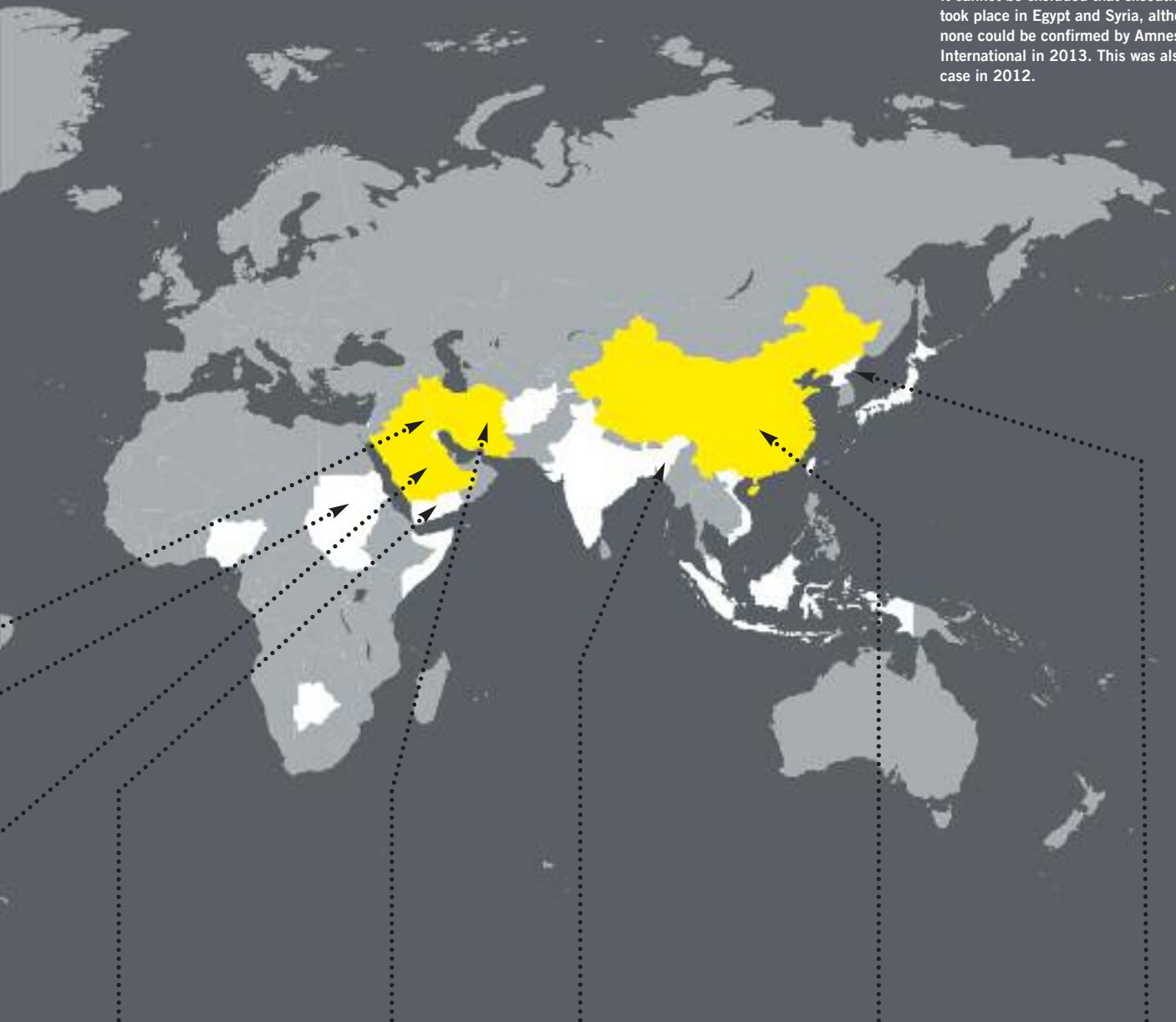
**SAUDI ARABIA**  
Almost half of all those  
executed are foreign  
nationals



+ indicates that the figure Amnesty International has calculated is a minimum. Where + is not preceded by a number, it indicates that there were executions 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 took place in Egypt and Syria, although none could be confirmed by Amnesty International in 2013. This was also the case in 2012.



**YEMEN**  
President ordered stay of executions of possible juvenile offenders

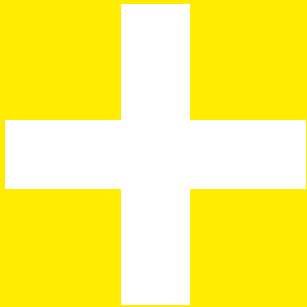
**IRAQ**  
Stark rise in executions for third year in a row

**BANGLADESH**  
152 new death sentences handed down in a single case

**CHINA**  
Thousands executed every year but figures are a state secret

**NORTH KOREA**  
Many public executions and executions of political opponents

# WORLDWIDE TRENDS 2013



## Positive developments

- 0 executions in **Belarus, Singapore** and **UAE**
- **Gambia** and **Pakistan** suspended executions again after resumptions in 2012
- 0 death sentences imposed in **Bahrain, Benin, Chad** and **Jamaica**
- 0 prisoners on death row in **Grenada, Guatemala** and **Saint Lucia**
- Commutations in **Singapore** after revision of mandatory death penalty laws
- Second Optional Protocol to the ICCPR on the abolition of the death penalty: ratified by **Bolivia, Latvia** and **Guinea-Bissau**, signed by **Angola**
- 39 executions in the **USA**, 10% fewer than in 2012
- 18 abolitionist states in the **USA** including **Maryland** in 2013



## Negative developments

- 9 countries **persistently executed** in each of the last five years
- 6 countries continued to use the **mandatory death penalty**
- 13 countries used the death penalty for **drug-related offences**
- 3 countries used the death penalty for **economic crimes**
- Executions resumed in **Indonesia, Kuwait, Nigeria** and **Viet Nam**
- Executions in **Iran** increased by 18%, and in **Iraq** by over 30%
- 41% of all executions in the **USA** took place in **Texas**, an increase from 34% in 2012
- People executed for crimes committed when they were under 18 in **Saudi Arabia** and possibly in **Iran** and **Yemen**

whether executions had taken place. On 9 March, 21 death sentences were handed down by the New Cairo Criminal Court in connection with the Port Said football violence, when 74 people were killed at a match in 2012.<sup>55</sup> The investigations into the incident and trial were marred by reports that some of the defendants had been subjected to torture and other ill-treatment in detention.

More than two years after the 2011 uprising against Hosni Mubarak, human rights violations continued. In January, the Court of Cassation accepted appeals by the Prosecutor General as well as by Hosni Mubarak and former Interior Minister Habib El Adly – both sentenced to prison terms in 2012 for involvement in the killings of protesters in the 2011 uprising – and ordered a re-trial. In July, Mohamed Morsi was ousted from office and detained. Both Mubarak and Morsi now face trials that could lead to the death penalty.<sup>56</sup>

The current authorities in Egypt have proposed new counter-terrorism legislation, which would expand the scope of the death penalty. Drafts seen by Amnesty International impose capital punishment for a wide range of offences, including establishing a “terrorist organization”, taking part in “terrorist acts” that result in deaths, or leading “gangs” to attack the security forces. The authorities designated the Muslim Brotherhood movement as a terrorist organization in December, raising concerns that the death penalty could be imposed on its members. On 1 December, the Constituent Assembly approved a new draft Constitution, replacing the one passed under Mohamed Morsi’s administration in 2012.<sup>57</sup> The text, among other things, still allows for the military trial of civilians, but is silent with regard to the death penalty. Amnesty International opposes the trials of civilians by military courts, which are fundamentally unfair and breach a number of fair trial safeguards. Military courts handed down at least two death sentences in 2013.

Executions in **Iran** rose even further during 2013. After the election on 14 June of Hassan Rouhani as Iran’s new President, some steps to improve the country’s image were undertaken, such as the release of possibly dozens of political prisoners, including one under sentence of death. However, there were no indications that his election led to changes in Iran’s application of the death penalty.

Iranian authorities or state-controlled or -sanctioned media officially acknowledged 369 executions (358 men and 11 women), a rise of 18% from 2012. However, there is credible evidence that large numbers of executions were carried out in secret, and reliable sources reported at least 335 additional executions (including at least 18 women). This would bring the total for 2013 to at least 704. Reports indicate that at least 11 of the executed may have been aged under 18 at the time of their alleged crimes. At least 44 executions were carried out in public, usually using cranes which lifted the condemned person by a noose around the neck in front of a crowd of spectators. At least 91 new death sentences were reported as imposed, but the true number is almost certainly much higher.

Executions in 2013 were mostly carried out following convictions for murder, drug trafficking, rape, espionage and vaguely worded offences of *moharebeh* (“enmity against God”) and *ifsad fil arz* (“corruption on earth”). The crime of *moharebeh* is principally aimed at armed insurrection, but in practice has been applied to cases where the accused have not taken up arms, but allegedly were associated with organizations that have been proscribed in Iran. The scope of the death penalty in Iran remained broad and included as capital

“crimes”, among others, “adultery while married”, “apostasy” and “sodomy” – acts which do not meet the international standard of “most serious crimes”, but which should also not be considered crimes at all. In May then-President Ahmadinejad signed into law revisions to the Islamic Penal Code, which among other things maintained stoning as punishment for the “crime” of “adultery”.

The majority of those executed were convicted of drug offences which are tried in Revolutionary Courts. These proceedings routinely fall far short of international fair trial standards; they are frequently held behind closed doors, sometimes only last hours or even minutes, and judges have the discretion to restrict lawyers’ access to the defendant. There is also no right to a meaningful appeal under Iran’s Anti-Narcotics Law. In April and November respectively, Denmark and Ireland ended financial support for an anti-drug programme in Iran – administered by the UN Office on Drugs and Crime – due to concerns over the increased use of the death penalty for drug offences in recent years.

Death sentences are typically imposed following proceedings that violate fair trial standards. During the pre-trial phase, this includes *incommunicado* detention, detention far exceeding time limits provided for in Iranian law, and the extraction of “confessions” through torture and other ill-treatment, which in addition are sometimes televised before a trial takes place. Although courts acknowledged that defendants retracted such “confessions” they still accepted them as evidence. Claims of torture are generally not investigated. Defendants are often denied the opportunity to have legal representation of their own choice.

With regard to executions, lawyers report not being informed beforehand despite legal requirements under Iranian law that they must receive 48 hours’ notification of a client’s execution. The families of executed prisoners are not always given an opportunity for a final visit, or told the date of the executions, either in advance or after they have taken place. Often the only indication of an imminent execution is the transfer of a prisoner to solitary confinement, known as the “execution waiting room.” After the execution, families sometimes do not receive the body of their relative or any notification of the burial place.

Amnesty International has documented numerous cases in which the death penalty was seemingly used to oppress activities of political or cultural representatives of Iran’s ethnic minorities, such as the Ahwazi Arab, Azerbaijani, Baluchi or Kurdish minorities.

Iranian authorities have become increasingly suspicious of Ahwazi Arabs following the unrest that broke out in 2005 in the province of Khuzestan. In January 2013, the Supreme Court upheld the death sentences of five members of the Ahwazi Arab minority: **Hadi Rashedi, Hashem Sha’bani Amouri, Mohammad Ali Amouri, Sayed Jaber Alboshoka** and his brother **Sayed Mokhtar Alboshoka**. They had been arrested, together with three other men, in early 2011, ahead of the sixth anniversary of the 2005 protests, apparently in connection with their organization of cultural activities. They were sentenced to death in 2012 by a Revolutionary Court after being convicted of charges including “enmity against God”. Prior to their trial, Hadi Rashedi and Hashem Sha’bani Amouri were shown “confessing” on a state television channel. On 7 December 2013, both men were transferred to an unknown location from Karoun Prison in Ahvaz, Khuzestan province.<sup>58</sup> Four other Ahwazi Arab men were executed in November or December 2013 following their transfer from Karoun Prison to an unknown location on 3 November.

On one weekend in late October, Iranian authorities carried out 20 executions. Among these was **Habibollah**



**Golparipour**, a Kurdish minority political prisoner. He had been arrested in 2009 and sentenced to death in a five-minute trial in 2010 for “enmity against God” (*moharebeh*) through his alleged cooperation with a banned armed group, the “Party For Free Life of Kurdistan” (PJAK). His family was not notified beforehand. After his execution, the authorities reportedly refused to hand over his body.

In March, the UN Special Rapporteur on Iran expressed alarm over the rate of executions, especially in the absence of fair trial standards, the application of capital punishment for offences that do not meet “most serious crimes” standards, and the continuing use of public executions.<sup>59</sup> In June, the UN Committee on Economic, Social and Cultural Rights expressed concern that consensual same-sex sexual activity is criminalized and that convicted persons may receive the death penalty.<sup>60</sup>

An Iranian-Canadian man, **Hamid Ghassemi-Shall**, was released in September and returned to Toronto in October. He and his brother Alborz Ghassemi-Shall had been sentenced to death in 2008 on charges of espionage and cooperation with the People’s Mojahedin Organization of Iran (PMOI), a political group proscribed in 1981. Hamid Ghassemi-Shall had been convicted of obtaining confidential military information from his brother, who had previously worked as a mechanical engineer in the Iranian army. During successive trial sessions, the men were denied regular access to a lawyer of their choice, obtaining one only when the case was before the Supreme Court. Alborz Ghassemi-Shall died in Evin Prison in Tehran in 2009 under unclear circumstances.

In October a man identified as “Alireza M.”, convicted of drug offences, was reported to have survived a 12-minute hanging in Bojnourd prison in north-east Iran. A doctor had declared him dead, but when the prisoner’s family went to collect his body the following day he was found to be still breathing. In the following days, judges stated that he would be executed again once medical staff confirmed that his health had improved. However, on 23 October Ayatollah Sadegh Larijani, Head of the Judiciary, suggested that “Alireza M.” would be able to lodge an application for a pardon from the Supreme Leader.

On 26 October, Ebrahim Hamidi, Justice Chief of Iran’s Sistan-Baluchestan province, announced that 16 individuals had been executed in response to an attack a day earlier near the border with Pakistan, during which a Sunni armed group allegedly killed 14 border guards. The executed men had been sentenced to death several years earlier, half for their alleged membership in an armed militant group in that province, the other half for drugs offences. No claim was made that the men, imprisoned at the time, had been involved in the border attack.

For the third year in a row, a stark rise in executions was reported in **Iraq**. At least 169 people were executed, an increase of more than 30% over the known total for 2012 (at least 129) and the highest figure since 2003. The vast majority of executions in recent years are believed to have followed convictions under Article 4 of the Anti-Terrorism Law, Law 13 of 2005. This includes a number of nationals of other predominantly Arab states. The law covers, in vague terms, acts such as provoking, planning, financing, committing or supporting others to commit terrorism. The government claims that the death penalty is needed to confront the high level of attacks by armed groups against civilians. There is no evidence to support the position that the death penalty is a deterrent to crime or attacks. The security situation in the country has actually worsened in recent years. No executions have taken place in the Kurdistan Region of Iraq since 2008.

Amnesty international recorded at least 35 death sentences in Iraq, including one woman. Most were imposed for murder and other killings, but others for non-lethal crimes such as kidnapping or “belonging to a terrorist group”. The real figure is likely to be much higher, as many death sentences are not reported. According to an Iraqi Ministry of Human Rights report published early in the year, criminal courts had pronounced more than 2,600 death sentences between 2004 and 2012, or more than 280 per year on average. Death sentences are often handed down after grossly unfair trials, during which prisoners do not have access to proper legal representation. “Confessions” are frequently extracted through torture or other ill-treatment, which according to credible reports can include electric shocks to sensitive parts of the body, being suspended from handcuffs, beatings on the sole of the feet (*falaqa*) and with a cable or a pistol butt, and use of a drill.

In March, Amnesty International documented 90 cases of death row inmates in Iraq who had been convicted of terrorism or other crimes on the basis of forced “confessions”.<sup>61</sup> At least 14 of these 90 prisoners were executed during 2013.

Saudi Arabian national **‘Abdullah ‘Azzam Saleh Musfer al-Qahtani**, Iraqi national **Safa Ahmad ‘Abul’aziz ‘Abdullah** and four other Iraqi nationals had been sentenced to death in March 2011 by the Central Criminal Court of Iraq in Baghdad for an armed raid two years earlier on a goldsmith’s shop in Baghdad during which the owners were killed. The sentences of ‘Abdullah ‘Azzam Saleh Musfer al-Qahtani and Safa Ahmad ‘Abul’aziz ‘Abdullah were upheld by the Court of Cassation and ratified by the Iraqi Presidency around September. Both men are held in the Maximum High Security Prison (al-Himaya al-Quswa) at Camp Justice (Mu’askar al-‘Adala) in Baghdad. The four other Iraqi nationals sentenced with them were executed on 2 April 2013.

The six men initially “confessed” to being members of al-Qa’ida and carrying out the raid to raise funds for the organization, but later retracted these statements saying they had made them after torture and other ill-treatment. Before his conviction, al-Fayha TV broadcast an interview with ‘Abdullah ‘Azzam Saleh Musfer al-Qahtani in which he “confessed” to committing this and other crimes. In February 2013 he told a lawyer that his treatment had included severe beatings, pulling his genitals, burning with cigarettes and partial asphyxiation with a plastic bag. According to their lawyer, one of the men was in detention and the other was not in Iraq at the time of the attack on the shop. However, the court convicted the defendants on the basis of their “confessions”, which had been admitted as evidence despite their allegations of torture and coercion in pre-trial detention.

In statements in September and October, the Iraqi Ministry of Justice stated that all death sentences were reviewed and confirmed by the Court of Cassation before executions took place. However, the generally paper-based procedure does not provide a genuine review, as defendants are limited to written submissions, and the court regularly fails to address the issue of contested evidence such as “confessions” allegedly made following torture and other ill-treatment, and subsequently withdrawn. Hundreds of prisoners are on death row with their sentences ratified by the Presidency, the last formal step before implementation.<sup>62</sup> Executions are often carried out in large groups, and at very short notice. The UN High Commissioner for Human Rights stated in reaction to the execution of 21 prisoners on the same day in April that the justice system in the country was “too seriously flawed to warrant even a limited application of the death penalty, let alone dozens of executions at a time. Executing people in batches like this is obscene. It is like processing animals in a slaughterhouse.”<sup>63</sup>

According to government information, at least seven death sentences were imposed in **Jordan**, all on Jordanian nationals convicted of murder, including one woman. As part of its Universal Periodic Review (UPR) at the UN Human Rights Council in October, Jordan rejected recommendations to abolish the death penalty, ratify the Second Optional Protocol and establish an official moratorium on executions.

**Kuwait** resumed executions for the first time since 2007, by hanging five men. Three men convicted of murder were executed on 1 April. On 18 June, the death sentences against Hajjaj Al-Saadi, an Egyptian convicted of raping children, and another Egyptian national convicted of murder were also carried out. None of the executed had Kuwaiti nationality – one being a Bidun (“without” in Arabic), a member of the stateless minority community in Kuwait.

At least six new death sentences were imposed, all for murder. In November, the Supreme Court upheld a death sentence against a Kuwaiti woman for murdering a Filipino domestic worker employed in her household. Capital cases in Kuwait often involve foreign migrant workers, both as alleged perpetrators and as victims. Throughout the year, Pakistani and Indian authorities, among others, intervened on behalf of their nationals in Kuwait.

No executions were carried out in **Lebanon** for the ninth consecutive year. Amnesty International understands that no death sentences were imposed on defendants present before a court, but that at least seven death sentences were handed down by civil and military courts *in absentia*. Five people were sentenced to death in connection with a bomb attack in 2008 – one posthumously – and two men received their sentences for collaborating with Israel. Lebanon last carried out executions in 2004, and prior to that in 1998.

In October, then Justice Minister Shakib Qortbawi and the Head of the Parliament’s Human Rights Committee Michel Moussa spoke out against the death penalty. The minister reportedly said: “The right to life precedes everything. The primary aspect of human rights is the right to life. There is no correlation between the death penalty and decreasing crime rate.”<sup>64</sup> Under Lebanese law, a death sentence must be approved by the President, Prime Minister and Justice Minister.

After partially resuming operations in 2012, civilian and military courts in **Libya** handed down at least 18 death sentences in 2013, all involving killings. Most were for crimes allegedly committed during the 2011 armed conflict, but others concerned ordinary cases such as murder. Serious concerns about fair trials remain, due to the precarious security situation, the intimidation of lawyers and the lack of central government control over the whole country.

The Misratah Court of Appeals sentenced to death former Education Minister Ahmad Ibrahim on 31 July, along with five other men, four of whom had been tried *in absentia*. He was the first high-level official of the government of Colonel Mu’ammar al-Gaddafi to receive a death sentence. In October a criminal court in Tripoli indicted Colonel al-Gaddafi’s son Saif al-Islam, the former intelligence chief Abdallah al-Senussi and 36 other individuals, including former officials, in connection with crimes allegedly committed during the 2011 armed conflict. This was despite a decision by the International Criminal Court in May that Saif al-Islam al-Gaddafi should be prosecuted in The Hague, Netherlands. All face unfair trials and a

real risk of the death penalty.

According to government information, 10 death sentences were imposed in **Morocco/Western Sahara** in 2013, and 113 people were on death row at the end of the year. In February, the UN Special Rapporteur on torture noted that the prison regime and physical conditions were especially harsh for those on death row, including the limitations on family visits due to the long distances.<sup>65</sup> The same month a cross-party parliamentary network against the death penalty was created. In November, members of the opposition in the Moroccan Parliament introduced a bill to abolish the death penalty. Reportedly the bill would replace the death penalty in the Penal Code and the Code of Military Justice with a life sentence, but would rule out requests for clemency.

Three executions were carried out in the areas under the jurisdiction of the **Palestinian Authority** (PA) and at least 14 death sentences imposed in total. In those parts of the West Bank governed by a caretaker government appointed by PA President Mahmoud Abbas, no executions have taken place since he took office in 2005, but at least one death sentence was imposed in 2013, for collaboration with the Israeli army.

Three people were executed, by hanging, by the Hamas *de facto* administration, all at the Jawazat police compound in Gaza City. This is a reduction by half in comparison to 2012, possibly in reaction to increased international pressure. On 22 June, two men convicted in January of “collaborating with the enemy” were executed under the Palestinian Revolutionary Penal Law of 1979; at least one of them had reportedly confessed after being tortured. On 2 October, Hani Abu Alian was also executed, despite serious concerns about the fairness of his trial, including allegations that he was tortured to “confess” to murder and rape. He was under 18 at the time of one of his alleged crimes. At least 13 death sentences were imposed by courts in Gaza, for murder, but also for collaborating with Israeli intelligence.

According to the government information, six death sentences were issued in **Qatar**; reportedly three of these were for murder, and two for drug-related offences.

At least 79 executions were recorded in **Saudi Arabia**, including of one woman. This is consistent with previous years (2012: 79+; 2011: 82). Generally all executions are announced by the official Saudi Press Agency, shortly after they are carried out; however, credible information from Saudi Arabia indicated one secret execution. In some cases families are not notified of the execution of their relative. Executions were carried out by beheading or firing squad, often in public. On 21 May, five Yemeni men were beheaded and “crucified” in the city of Jizan, in front of the local university where students were taking exams. Pictures on social media appeared to show five decapitated bodies hanging from a horizontal pole with their heads wrapped in bags hanging next to them.

Over half of the executions were carried out for crimes involving killings. But at least 35 people were executed for non-lethal crimes: at least 25 for drugs offences – a rise for the third year in a row – and others for armed robbery. One man was executed for “adultery”. Sexual relations between consenting adults should not be considered a crime at all, let alone a capital one.

Amnesty International recorded the imposition of at least six death sentences in Saudi Arabia, including against two women. The real number is likely to be much higher. Authorities in Saudi Arabia routinely violate international standards for fair trial and safeguards for defendants, who in many cases are not informed of the progress of legal proceedings against them. Reports in some cases indicated that during pre-trial interrogation suspects were severely beaten, denied food and water, deprived of sleep, forced to remain standing for 24 hours and to sign “confessions”. Security officers have been reported as threatening defendants and their families with physical punishment if they withdraw their “confessions” at trial. Trials in capital cases are often held in secret, lasting only a few hours, and with no legal assistance or representation through the various stages of detention and trial.

In December, the Supreme Court ordered a halt to proceedings in the capital case of **Mabruk bin Ali al-Sai’ari** and once more referred the case for re-examination by the General Court in Najran. His representatives had complained that the case files included falsified information and testimonies. Mabruk bin Ali al-Sai’ari was not assisted by a lawyer throughout the pre-trial interrogation, during which he was tortured, nor during any of his trials. In 2007 and again in 2012 he had been sentenced to death for armed robbery and murder, based on contradictory evidence provided by one witness and sworn statements from four male relatives of the victim. Each relative swore 13 times, amounting to a collective total of 52 oaths, even though none of them had witnessed the alleged crime.

The death penalty is used disproportionately against foreign nationals, especially migrant workers from poor and developing countries in Asia and Africa. In 2013, at least 37 foreign nationals were executed. According to data compiled by Amnesty International, out of at least 2,017 people executed in Saudi Arabia between 1985 and 2013, at least 991 were foreign nationals – almost half. Foreign nationals with little or no knowledge of Arabic – the language of pre-trial interrogation and trial hearings – are often denied adequate interpretation facilities.

Saudi Arabia again executed individuals for crimes they allegedly committed while under the age of 18, as in 2007 and 2009, in breach of international law. In March two men who were under 18 when arrested were shot in a public square in Abha.

In January Sri Lankan domestic worker **Rizana Nafeek** was beheaded. When she was 17, she allegedly killed an infant in her care. Rizana Nafeek had no access to lawyers either during her pre-trial interrogation or at her trial in 2007, during which she was not allowed to present her birth certificate or other evidence of her age to the court. She claimed that she had been forced to make a “confession” under duress following a physical assault, which she later retracted. The man who translated her statement may not have been able to adequately translate between Tamil and Arabic. He left Saudi Arabia soon after. Before Rizana Nafeek’s execution, Sri Lankan President Mahinda Rajapaksa had appealed to the Saudi Arabian King to exercise clemency.

During 2013, the internal armed conflict between government and opposition forces in **Syria** continued, bringing with it thousands more violent deaths, many of them civilians. The death penalty remained in force, but it was not possible to confirm whether any death sentences were imposed, nor whether any judicial executions were carried out by the state.<sup>66</sup>

According to media reports, at least five death sentences were imposed in **Tunisia** in 2013, all for murder. Successive drafts for a new Constitution did not prohibit the death penalty, providing that "the right to life is sacred, and it cannot be infringed upon except in grave cases provided for by the law".<sup>67</sup> During the drafting process, President Moncef Marzouki had expressed his opposition to the death penalty, arguing that it did not deter crime, that irrevocable judicial errors had been committed, and that it had been used to suppress the political opposition.

Contrary to the previous two years, no executions were recorded for the **United Arab Emirates (UAE)** in 2013.<sup>68</sup> At least 16 death sentences were imposed, the lowest recorded figure since 2009. Most sentences involved murder. One death sentence was imposed for the rape of a child. Only one known death sentence was imposed for drug smuggling, a significant decrease from the previous two years when about a third of sentences involved drugs offences. Throughout the year the Abu Dhabi Court of Appeal commuted a number of death sentences to terms of imprisonment, especially in cases of murder and drugs offences. As in 2012, about half of the sentences were given to foreign nationals, who make up over 80% of the population.

In February, the UAE Supreme Court ruled that in cases involving life imprisonment or the death penalty defendants must have a lawyer at the first instance and when appealing their sentences. In December, the Chief Justice of the Criminal Court of First Instance, Saeed Abdul Baseer, called for changes to legal procedures, including in cases which could lead to the death penalty. He noted that around 85% of murder cases resulted from fights, and the deaths were therefore not intentional; also, often the police would overstep legal boundaries when interrogating suspects.

According to the Ministry of Interior of **Yemen**, at least 13 executions were carried out, the lowest recorded figure since 2008. At least three new death sentences were imposed. All cases involved Yemeni men convicted of murder. The authorities took steps to reduce the scope of the application of the death penalty and reinstated a committee of experts in forensic medicine to assess potential juvenile offenders where there is doubt about their age at the time of the alleged crime. In February the President ordered the halt of executions in all such cases. A number of executions were stayed just days before they were scheduled, in order to verify the convicts' ages. However, in some cases local authorities went ahead with executions regardless. Juvenile offenders continue to be at risk of execution, largely because of the lack of birth certificates, adequate training of the judiciary and good practices for determining age.

**Muhammad Abdul Karim Muhammad Haza'a** was executed on 9 March, in the south-western city of Ta'izz. He had initially been sentenced as a juvenile in 2000 to a term of imprisonment for killing a man in 1999, but subsequently his sentence was increased to the death penalty. A few days before the scheduled execution, the Attorney General signed a request filed by Muhammad Haza'a's lawyer that should have automatically guaranteed the referral of his case to the appropriate courts for a review of his age at the time of the alleged crime and claims that the killing took place in self-defence. But when the lawyer personally approached the prosecutor in Ta'izz on 6 March with the signed document, he apparently refused to look at the form, and only delayed the execution for two hours.

## SUB-SAHARAN AFRICA

Developments in Sub-Saharan Africa revealed a mixed picture. Executions were only carried out in a small minority of countries, and death sentences were reported in fewer than half of all states in the region. However, Nigeria resumed executions and there was a marked increase in the number of executions reported for Somalia.

Several countries appear to be moving towards abolition. In Benin, Ghana, Liberia and Sierra Leone, on-going constitutional review processes created real opportunities for permanent abolition of capital punishment. Draft penal codes that would abolish the death penalty were under consideration in Benin and Comoros. The Central African Republic and the Republic of the Congo accepted recommendations under the Universal Periodic Review (UPR) at the UN Human Rights Council to abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty. Guinea-Bissau ratified, and Angola signed, that treaty. The Ministers of Justice in Tanzania and Zimbabwe spoke out in favour of abolition. However, the death penalty was retained in the Constitution adopted in Zimbabwe.

### EXECUTIONS AND DEATH SENTENCES IN SUB-SAHARAN AFRICA

At least 64 executions were carried out in five countries. Judicial executions continued in Botswana (1), Somalia (34+; Federal Government (FG): 15+, Puntland: 19+), South Sudan (4+) and Sudan (21+); they were resumed in Nigeria (4), in the first known executions since 2006. This is a rise by more than half over 2012, when 41 executions were reported (also in five countries), mainly because of the high number of reported executions in Somalia in 2013.

Amnesty International recorded at least 423 death sentences in 19 countries: Burkina Faso (1+), Democratic Republic of the Congo (DRC, 26+), Ethiopia (8+), Gambia (4), Ghana (14), Kenya (11+), Lesotho (1+), Liberia (1), Mali (7+), Mauritania (2+), Niger (12), Nigeria (141+), Sierra Leone (1), Somalia (117+; FG: 8+, Puntland: 81+, Somaliland: 28+), South Sudan (16+), Sudan (29+), Tanzania (7+), Zambia (9+) and Zimbabwe (16).

The overall number of confirmed death sentences in the region appeared to have slightly decreased from 449 in 2012 (2011: 254), also in 19 countries (2011: 25), despite the fact that reported death sentences for Nigeria and Somalia were much higher than in 2012.

The emerging picture is one of opposing developments, in which a small minority of the countries in the region increased their use of the death penalty – both death sentences and executions – while most are using it less. Three countries – Nigeria, Somalia and Sudan – accounted for more than 90% of all reported executions and two thirds of all reported death sentences.

The vast majority of death sentences were imposed for murder. However, the scope of the death penalty in the laws of many countries is much wider and includes crimes such as armed robbery (Kenya, Nigeria, Sudan) and rape (Somalia). Such offences do not involve intentional killings and therefore do not meet the threshold for capital crimes under international standards. Fair trial concerns in 2013 included death sentences handed down

by military courts (DRC, Somalia) or after trials in the absence of the suspect (*in absentia* – Burkina Faso, Somalia), and the limited availability and quality of state-funded lawyers for indigent accused (Kenya, South Sudan).

In **Benin**, no death sentences were imposed for the third year running, but 13 people remained under sentence of death. The abolition of the death penalty was contained in the draft Constitution; the National Assembly had already repealed the death penalty provisions in the Criminal Procedure Code in 2012, after the country had ratified the Second Optional Protocol to the ICCPR that year, and a revised Penal Code without death penalty provisions was under consideration.

**Botswana** is the only country in Southern Africa that still executes, and has done so in recent years except 2011. On 27 May, Orelesitse Thokamolelo was executed at Gaborone Central Prison. He had been condemned to death in 2010 for the murder of six relatives in 2008. The Court of Appeal had turned down a final appeal in April and, according to local NGO and media sources, his attorney had not been informed in advance when his client would be executed. In six other cases during the year, the Court of Appeal reportedly commuted death sentences or overturned convictions. Five people reportedly remained on death row. The method of execution is hanging. It is practice in Botswana not to return the bodies of those executed to the families, but to bury them in the prison grounds.<sup>69</sup>

In October, the Francistown High Court in the case of *Rodney Masoko*<sup>70</sup> declared section 203 of the Penal Code to be unconstitutional, as it went too far in limiting the sentencing power of the judge. According to the law, the death penalty for murder can only be avoided if extenuating circumstances can be shown, but no further individualization of the punishment, for example through mitigating factors, is allowed.

As part of the outcome of its UPR adopted on 25 January, Botswana accepted recommendations to hold a public debate on the death penalty “in which all aspects of the issue should be highlighted in a holistic manner,” and in the meantime to provide information to concerned families, so that they can know in advance the date of execution of their relatives. However, it rejected recommendations to consider abolishing the death penalty or establishing a moratorium on its use, to ratify the Second Optional Protocol to the ICCPR, and to improve the transparency of the clemency process in death penalty cases.

At least one new death sentence was imposed in **Burkina Faso** during the year, after none in 2012. In February, the Court of Appeal sitting in Bobo Dioulasso sentenced a man to death *in absentia* for the 1996 murder of a woman accused of “witchcraft”. As part of its UPR conducted in April, Burkina Faso accepted a recommendation to bring its penal code in conformity with the prohibition of the death penalty for juvenile offenders, but emphasized that current national opinion did not support abolition.

Following its UPR in May, **Cameroon** rejected recommendations to abolish the death penalty and to ratify the Second Optional Protocol to the ICCPR. In this context the government noted that, while the death penalty was not applied “de facto”, the law remained in place as the expression of national opinion and because of its “deterrent effect”; however, even in the absence of individual applications, clemency was automatically exercised in every case.



No death sentences were imposed in **Chad** in 2013. During its UPR on 29 October, Chad's delegation promised to examine recommendations to abolish the death penalty for all crimes and ratify the Second Optional Protocol to the ICCPR, with a view to providing responses no later than the 25th session of the Human Rights Council in March 2014. The last known executions took place in 2003.

The government of **Comoros** reported to the UN in November that it had submitted to the National Assembly draft legislation amending the Criminal Code and the Code of Criminal Procedure, including abolition of the death penalty.<sup>71</sup> The government also stated that 10 individuals found guilty of murder and similar crimes were in prison, but that a moratorium on the death penalty was being observed. The last known execution took place in 1997.

In the **Democratic Republic of Congo (DRC)**, at least 26 new death sentences were reported to have been handed down. Most were imposed by military courts for crimes including murder, possession of weapons and "conspiracy"; two were imposed by civilian courts for murder. In December, a court in Goma in the east of the DRC imposed death sentences in connection with the conflict in North Kivu. The last known judicial execution took place in January 2003. Death sentences are usually commuted to life imprisonment.

In **Eritrea**, the majority of detainees do not go through a judicial procedure, as there is no functioning justice system. Official information on the use of the death penalty is very difficult to obtain. In this context, no formal executions or death sentences were reported during the year.<sup>72</sup> However, there have been many reports of deaths in detention as a result of torture, prison conditions or denial of medical care.

In **Ethiopia**, at least eight death sentences were imposed, the first recorded since 2010. They were reportedly imposed by the Federal High Court on alleged members of a rebel group for the killing of security personnel and civilians in the Gambella region in western Ethiopia in 2012. A general lack of governmental transparency, and legal restrictions on the work of human rights NGOs, means that information on the use of the death penalty is very difficult to obtain.

No new executions occurred in **Gambia**, which had resumed executions in 2012 after almost three decades. In September 2012, President Yahya Jammeh had announced a "conditional" moratorium on executions, which would be "automatically lifted" if crime rates increased. Three men and one woman were sentenced to death, all Gambian nationals convicted of murder. In a media interview in August President Jammeh justified the retention of the death penalty as being "divine law"; he also vowed to never pardon anybody condemned to death, effectively nullifying the defendants' right under international law to seek clemency.<sup>73</sup>

The bodies of the seven Gambian and two Senegalese prisoners executed in August 2012 were not returned to their families for burial, nor was the location of their graves disclosed during the year. Imam Baba Leigh, who had been illegally detained for more than five months after he had publicly condemned the executions, was released in May.

In **Ghana**, 14 death sentences were handed down, all to Ghanaian men convicted of murder. According to government information, 146 people are on death row, including four women and two foreign nationals. Ghana appeared to move further away from the death penalty, with

a reduction of death sentences imposed by courts, and the commutation to life imprisonment of 33 death sentences by President John Mahama on 1 July. An Implementation Committee was working through the recommendations of the Constitutional Review Commission, including the abolition of the death penalty.

In the outcome of Ghana's UPR adopted on 14 March, the government agreed to put to an early referendum all recommendations of the Constitutional Review Commission approved by the government that require changes to the Constitution, including the removal of the death penalty. However, it rejected recommendations to abolish capital punishment, adopt a formal moratorium on executions in the interim, or ratify the Second Optional Protocol to the ICCPR. Ghana explained that the issue of the death penalty could only be changed through a referendum, and that decisions on a moratorium or abolition could not be taken prior to that. At the conclusion of his visit to Ghana in November, the UN Special Rapporteur on torture expressed concern that conditions for prisoners on death row were worse than for other inmates.<sup>74</sup>

At least 11 death sentences were reported in **Kenya**, including for non-lethal acts such as car-jacking. However, the true number is likely to be much higher, and NGOs have reported that in 2012 alone, at least 575 death sentences had been handed down.<sup>75</sup> Serious concerns exist that indigent individuals accused of capital offences have been sentenced to death following unfair trials, as the quality of state-funded legal representation is often very poor.

Under the Penal Code, the offences of murder, treason, robbery with violence, attempted robbery, and administering an oath to commit a capital offence carry the mandatory death penalty. While the Court of Appeal in 2010 declared the mandatory death penalty for murder to be unconstitutional, the High Court has subsequently given conflicting decisions on this matter.<sup>76</sup> In October a different bench of the Court of Appeal decided that the mandatory death penalty should continue to be applied until Parliament chose to amend the statute.<sup>77</sup>

The Committee against Torture, when examining Kenya's state report in May, remained concerned over the legal uncertainty following the disparate judgments and by the high number of death sentences including for non-lethal offences. It noted that more than 1,600 people were under sentence of death, despite the Presidential commutation in 2009 of all then existing death sentences – over 4,000.<sup>78</sup>

At least one death sentence was imposed in **Lesotho**, for multiple murder.<sup>79</sup>

In **Liberia**, one man was sentenced to death for murder and rape in June. During a visit by European Union officials to the Supreme Court in October, Justices remarked that they could not rule against the death penalty unless the laws of Liberia, including the Constitution which was being reviewed, were changed by the legislature. The same month the acting Chairman of the Independent National Commission on Human Rights, Boakai Dukuly, emphasized the need for abolition of the death penalty.

According to local NGOs, 29 people are on death row in **Malawi**. In January, Attorney General Antony Kamanga justified its retention, claiming support by a majority of Malawians.

At least seven death sentences were handed down in **Mali** in 2013, all for murder. The death

penalty is foreseen for various offences in the Penal Code including, since 2007, those concerning terrorism. During its UPR in January 2013, Mali stated that draft legislation for abolition had been before the National Assembly since 2008, and that death sentences were systematically commuted to life imprisonment. However, consideration of the bill had been postponed indefinitely due to the social tension the issue provoked and the transitional state of the country. It rejected recommendations urging ratification of the Second Optional Protocol to the ICCPR. Presidential and parliamentary elections in the second half of 2013 appeared to put an end to the instability caused by the armed conflict that began in January 2012.

At least two death sentences were handed down in **Mauritania**, both for murder. According to government information, 72 people are on death row, mostly convicted of murder, robbery and terrorism. In October, the Human Rights Committee voiced concerns that homosexuality was a capital crime and that in 2011 death sentences had been imposed on juvenile offenders.<sup>80</sup> Like the Committee against Torture during its own review in May,<sup>81</sup> the Human Rights Committee recommended ratification of the Second Optional Protocol to the ICCPR. During the review the government stated that the latter was being studied, and that the Court of Appeal had commuted the death sentences against juvenile offenders to prison terms on appeal by the Attorney General.

Executions were resumed in **Nigeria** on 24 June, when four men were executed in Benin City Prison in the southern state of Edo, in the first known judicial executions since 2006. The executions were carried out without informing the relatives in advance, and while, according to the men's lawyers, appeals were still pending. The bodies were not returned to the families for burial, nor was the location of the graves made known. One week earlier, on Father's Day, President Goodluck Jonathan had urged state governors to sign death warrants for death row prisoners. In 2011 the federal government had confirmed that there was a moratorium on executions in place in Nigeria; however, in 2012 this was described as "voluntary".

At least 141 death sentences were imposed, mostly for murder, but also for other crimes such as armed robbery. In September, several soldiers were convicted of treason and sentenced to death by a General Court Martial for alleged links to Boko Haram. According to government information, at least 1,233 prisoners were under sentence of death as of September. The Nigerian Prison Services reportedly stated at the end of the year that 20 women were on death row.<sup>82</sup>

In Nigeria accused people are generally tried under state laws and execution warrants have to be signed by state governors. The prisons – and any execution – are administered by the federal government. The death penalty is mandatory for murder, armed robbery and certain cases of treason. Bills making kidnapping a capital crime became law in Bayelsa State, Edo State and Delta State. In June, the Attorneys-General of Delta State and Edo State questioned the deterrent effect of the death penalty, noting that the existence of the death penalty in Nigeria had not deterred people from committing murders or other crimes.<sup>83</sup> In October, Governor Kayode Fayemi of Ekiti State commuted two death sentences to life imprisonment.

On 24 June **Thankgod Ebhos** was dragged to the gallows in Benin Prison with the four men to be hanged; he only escaped execution because, at the last moment, the prison authorities realized that his death sentence

required a firing squad. Thankgod Ebhos has been on death row for over 17 years, convicted of armed robbery for a car-jacking in which, according to the judgment, the victim was very badly injured but survived. Thankgod Ebhos was sentenced to death by a Robbery and Firearms tribunal in Kaduna in 1995, seven years after his arrest. Serious concerns have been raised about the fairness of special tribunals set up in Nigeria during the military rule, which lasted until 1999. These tribunals at the time denied defendants the right to a legal appeal.

Thankgod Ebhos's son, Ebhodaghe Solomon, told Amnesty International that he only learned his father was going to be executed when a local newspaper carried the news of the executions. "They didn't call us. They didn't even ask him if there was anyone they could contact. They almost were going to kill him in secret," Solomon said.<sup>84</sup> In July the NGO Avocats Sans Frontières (France) filed an application with the ECOWAS Court of Justice, seeking an injunction against Thankgod Ebhos' execution.<sup>85</sup>

In February a special court was inaugurated in **Senegal** for trying – without recourse to the death penalty – former Chadian president Hissène Habré, accused of committing serious human rights violations while in office in the 1980s. Hissène Habré had been sentenced to death *in absentia* in Chad in 2008 for planning to overthrow the government there. During a meeting with Amnesty International in December, Minister of Justice Sidiki Kaba affirmed that the death penalty would not be reintroduced in Senegal, despite calls by MPs, and that Senegal would ratify the Second Optional Protocol to the ICCPR in the near future. The same month, speaking on the death of Nelson Mandela, Sidiki Kaba said that "the death penalty is something that should be banished from courts."<sup>86</sup>

In **Sierra Leone**, one death sentence was imposed, the first since 2011. The man was convicted of murder in September and is the only person presently on death row, following presidential pardons in the previous two years. As part of the on-going constitutional review process, a Committee for Human Rights is considering the abolition of the death penalty.

At least 34 people were executed and at least 117 sentenced to death in **Somalia**.<sup>87</sup> At least 15 executions were carried out under the authority of the Federal Government, and at least eight death sentences were imposed, despite the government's vote in favour of the UN General Assembly's (UNGA) resolution on a moratorium on the death penalty in December 2012. At least nine government soldiers were executed, eight having been convicted by military courts of murdering army officers and civilians, and one of rape. In August, a member of the Islamist armed group al-Shabab was executed, after a military court had found him guilty of murdering a radio journalist in 2013. Executions in Mogadishu are usually carried out by firing squad in the compound of the police academy. Also in August, another member of al-Shabab was publicly executed in Beled Weyne in central Somalia after being convicted of murder.

At least 19 executions were carried out, and at least 81 death sentences imposed, in the semi-autonomous region of Puntland in northern Somalia. In February, 12 people were sentenced to death after a military judge had found them guilty of the murder of a prominent Somali Islamic scholar in 2011. Six of the 12, including al-Shabab leader Ahmed Godane, had been tried in their absence. Others convicted in that case were among 13 people, including one woman, whose executions were carried out in Bossaso in April. Media reports suggest that a Puntland soldier also died during the execution after he was hit by stray bullets. According to Puntland law, all terrorism cases are tried by military courts. In October,

two Ethiopians, a woman and a man, were sentenced to death in Bossaso for the murder of the woman's husband. At least 28 death sentences were reported in the self-declared Republic of Somaliland, all for murder.

At least four executions occurred in **South Sudan**, despite the country's vote in favour of the UNGA resolution on a moratorium on the death penalty in December 2012. Two soldiers were hanged in the capital, Juba, on 12 November after being found guilty of murder. Two further executions took place in Wau in north-western South Sudan on 18 November. All were carried out in secret. According to local NGOs, the government neither informed families in advance nor released details of those executed afterwards. Information about death sentences or judicial executions is generally not disclosed, and the actual number of executions may be higher.

At least 16 death sentences were reported. In June, 11 men received death sentences in Wau for murder. The same month, the governors of Lakes, Warrap and Unity states resolved to make cattle-rustling activities a capital crime. The death penalty is used in South Sudan despite well-documented weaknesses in the legal system, including a general lack of legal representation in trials that often last only minutes. However, under South Sudanese law, the Supreme Court is required to review and confirm all death sentences, which has helped to reduce the number of death sentences passed.

At least 21 executions were reported in **Sudan**. Three people from Darfur were reportedly executed in Port Sudan in February after being convicted of armed robbery. In April and May, authorities in El-Obeid prison in Northern Kordofan State reportedly hanged five people convicted of killing a farmer. At least 29 death sentences were reported, but the real figure is believed to be over 100.<sup>88</sup> In July, the Sudan Armed Forces Act of 2007 was amended to allow for the prosecution of civilians in military courts for various crimes under Sudan's 1991 military code, some of which carry the death penalty. In December, the Sudanese parliament discussed a draft law on combating human trafficking, which reportedly included the death penalty if the victim died.

The Sudanese authorities continued to use the death penalty to oppress real or perceived activists of political opposition groups. Jalila Khamis Koko, a teacher and activist who was arrested by the National Security Service in 2012 and charged with various offences including capital ones, was released on 20 January 2013. She was acquitted of all charges except those related to "spreading false news", a provision often used by the government to silence dissent. That charge is punishable by up to six months in prison but Jalila Khamis Koko was released as she had already spent nine months in pre-trial detention.

No new death sentences were reported in **Swaziland**, but at least six people are believed to be on death row. The last execution took place in 1983.

At least seven death sentences were reportedly imposed by the High Court in **Tanzania**, all for murder. In September the High Court resolved to establish a panel to hear the case filed in 2008 by the Legal and Human Rights Centre and two other civil society organizations challenging the constitutionality of the death penalty. However, this had not happened by year end.

During the year, the Minister of Justice and Constitution Affairs Mathias Chikawe, former Prime Minister Edward Lowassa, and the Tanzania Women Parliamentarians Group, were reported as proposing to remove the death penalty in the on-going constitutional review process. Minister Chikawe said: “A punishment is meant to reform a criminal. The death penalty does not reform anyone, let alone deter crime as those convicted to die do not get time to contemplate.”<sup>89</sup> The second draft of the Constitution presented to the President by the Constitutional Review Commission on 30 December contained articles that explicitly recognize the death penalty by providing power to the President to endorse an execution, or to commute a death sentence to life imprisonment.

In June, it was reported that 420 prisoners were on death row in **Uganda**. In November the High Court in Kampala opened a session to re-sentence 167 of these. In fulfilment of the 2009 *Kigula* judgment in which the Supreme Court outlawed mandatory death sentences, all convicted under the old law can apply for mitigation of their sentence.

On 20 December the Parliament in a surprise vote adopted the “Anti-Homosexuality Bill”. The bill, first introduced in 2009 and reintroduced in 2012, dramatically increased the criminal penalties for consensual sexual activity between adults of the same sex.<sup>90</sup> The death penalty for “aggravated homosexuality” contained in an earlier draft of the bill had been replaced with a life sentence.<sup>91</sup>

At least nine death sentences were imposed in **Zambia**, all for murder. Among these was a 24-year-old woman who had killed her child and then tried to commit suicide because she felt she could not provide for themselves.<sup>92</sup> In February, it was reported that 337 prisoners were on death row in Mukobeko Maximum Security Prison in Kabwe. In April the National Constitution Convention voted to retain the death penalty, despite the Bill of Rights thematic working group, supported by the Zambian Human Rights Commission, suggesting removal of the clause. President Michael Sata commuted the death sentences of 113 people to life imprisonment in May, and a further 10 in December.

Sixteen new death sentences were imposed in **Zimbabwe**. At the end of the year, two women and 89 men were on death row. Earlier in the year, a new hangman had been appointed, filling a post that had been vacant since 2005 when the last execution took place. However, prison service officials stated that there were no plans to carry out executions.

A new Constitution was adopted in May containing restrictions on the death penalty but not full abolition. Section 48 of the new Constitution allows – but does not prescribe – the death penalty for “murder committed in aggravating circumstances” but prohibits its imposition on women, and on men under 21 years at the time of the commission of the crime, or aged over 70.<sup>93</sup> It also stipulates that the death penalty may not be imposed as a mandatory punishment, and that convicted persons have a right to seek clemency from the President. The new Constitution reduces the number of capital crimes from three to one by excluding mutiny and treason. In November a man convicted of a murder committed when he was aged 20 was sentenced to imprisonment rather than death, with the High Court judge reportedly referring to the rules of the new Constitution.

At an event in Harare on 10 October, the Minister of Justice, Legal and Parliamentary Affairs, Emmerson Mnangagwa condemned the death penalty in strong terms and set out his

commitment to abolition: “As someone who has been on death row myself and only saved by an ‘age technicality’, I believe that our justice delivery system must rid itself of this odious and obnoxious provision.”<sup>94</sup>

In July, the Working Group on Death Penalty and Extra-Judicial, Summary or Arbitrary Killings in Africa of the **African Commission on Human and Peoples’ Rights** met to, among other things, start the process of drafting an Additional Protocol to the African Charter on the Abolition of the Death Penalty in Africa. In October, the African Commission expressed its view that: “Scientific research on the impact of the death penalty has shown that its dissuasive aspects are not more effective than those of other forms of punishment, such as life in prison.”<sup>95</sup>

# ANNEX I: DEATH SENTENCES AND EXECUTIONS IN 2013

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 data on the numbers of death sentences and executions.

Where “+” appears after a figure next to the name of a country – for instance, Yemen (13+) – it means that this is the minimum figure calculated by Amnesty International. Where “+” appears after a country name without a figure – for instance, death sentences in Myanmar (+) – it means that there were executions or death sentences (more than one) in that country but insufficient information to provide a credible minimum figure. When calculating global and regional totals, “+” has been counted as 2, including for China.

## REPORTED EXECUTIONS IN 2013

|  |   |
|--|---|
| China +  | Indonesia 5   |
| Iran 369+  | Kuwait 5  |
| Iraq 169+  | South Sudan 4+  |
| Saudi Arabia 79+   | Nigeria 4   |
| USA 39   | Palestinian Authority 3+ (by the Hamas de facto administration in Gaza) |
| Somalia 34+ (15+ by the Federal Government, and 19+ in Puntland) | Malaysia 2+   |
| Sudan 21+  | Afghanistan 2   |
| Yemen 13+  | Bangladesh 2  |
| Japan 8  | Botswana 1  |
| Viet Nam 7+  | India 1   |
| Taiwan 6   | North Korea +   |



## REPORTED DEATH SENTENCES IN 2013

|  |  |                        |
|--|--|------------------------|
| China +  | South Sudan 16+  | Kuwait 6+              |
| Pakistan 226+  | UAE 16+  | Saudi Arabia 6+        |
| Bangladesh 220+  | Zimbabwe 16  | Qatar 6                |
| Afghanistan 174  | Palestinian Authority<br>14+ (13+ by the Hamas<br>authorities in Gaza; 1+<br>by the Palestinian<br>Authority in West Bank) | Trinidad and Tobago 5+ |
| Viet Nam 148+  |  | Tunisia 5+             |
| Nigeria 141+   |  | Japan 5                |
| Somalia 117+ (8+ by<br>the Federal Government;<br>81+ in Puntland; 28+ in<br>Somaliland) | Ghana 14   | Belarus 4+             |
|  | Sri Lanka 13+  | Gambia 4               |
|  | Maldives 13  | Laos 3+                |
| Egypt 109+   | Niger 12   | Yemen 3+               |
| Iran 91+   | Kenya 11+  | Mauritania 2+          |
| USA 80   | Morocco/Western Sahara<br>10   | Bahamas 2              |
| Malaysia 76+   |  | Barbados 2             |
| India 72+  | Zambia 9+  | South Korea 2          |
| Thailand 50+   | Ethiopia 8+  | Burkina Faso 1+        |
| Algeria 40+  | Jordan 7+  | Lesotho 1+             |
| Iraq 35+   | Lebanon 7+   | Singapore 1+           |
| Sudan 29+  | Mali 7+  | Liberia 1              |
| Democratic Republic of<br>Congo 26+  | Tanzania 7+  | Sierra Leone 1         |
| Libya 18+  | Taiwan 7   | North Korea +          |
| Indonesia 16+  | Guyana 6+  |                        |

# ANNEX II: ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 31 DECEMBER 2013

More than two-thirds of the countries in the world have now abolished the death penalty in law or practice. As of 31 December 2013 the numbers were as follows:

Abolitionist for all crimes: 98

Abolitionist for ordinary crimes only: 7

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, Bolivia, Bosnia-Herzegovina, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Colombia, Cook Islands, Costa Rica, Côte 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:

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<sup>96</sup>, 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 2013

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 2013. (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, Bolivia, 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, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Latvia, 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: 78)

Signed but not ratified: Angola, Madagascar, Poland, Sao Tomé and Príncipe (total: 4)

### **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)

## ENDNOTES

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<sup>1</sup> 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.

<sup>2</sup> Syria has had its membership suspended because of the violence used to suppress uprisings. Due to the ongoing conflict, Amnesty International could not confirm any information on the use of the death penalty in Syria in 2013.

<sup>3</sup> Exoneration is the process where, after sentencing and the conclusion of the appeals process, the convicted person is later freed from blame or acquitted of the criminal charge, and therefore is regarded as innocent in the eyes of the law.

<sup>4</sup> In 2012 Amnesty International was not able to confirm whether judicial executions were carried out in Syria.

<sup>5</sup> 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.

<sup>6</sup> Unlawful killings through stoning by armed opposition groups were reported in Somalia. Unlawful killings, including through stoning and shooting, ordered by tribal *jirgas* (Councils of Elders) were reported from Afghanistan and Pakistan. Armed groups in Afghanistan and Pakistan continued to unlawfully kill captives accused of spying.

<sup>7</sup> 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.

<sup>8</sup> With the only exception of 2008, when one execution was carried out in Saint Kitts and Nevis.

<sup>9</sup> Death Penalty Information Center, “The 2% Death Penalty: How a Minority of Counties Produce Most Death Cases at Enormous Costs to All”, October 2013, available at <http://deathpenaltyinfo.org/twopercent>.

<sup>10</sup> See also Death Penalty Information Center, “The Death Penalty in 2013: Year End Report”, 19 December 2013, available at <http://deathpenaltyinfo.org/documents/YearEnd2013.pdf> (accessed 4 March 2014).

<sup>11</sup> The bill was adopted by the House of Representatives on 30 August 2013 and by the Senate on 12 September 2013. The final version of the Act is available at: <http://laws.gov.ag/acts/2013/a2013-4.pdf> (accessed 4 March 2014).

<sup>12</sup> *Pratt and Morgan v. the Attorney General of Jamaica*, [1993] UKPC 37 (2 November 1993).

<sup>13</sup> “Reaction to Death Row Reprieve”, *Caribarena News*, 20 May 2013, available at <http://www.caribarenaantigua.com/antigua/news/latest/103912-reaction-to-death-row-reprieve.html>

(accessed 4 March 2014). No further information was available during the year.

<sup>14</sup> See also: [http://www.thebahamasweekly.com/publish/bis-news-updates/Bahamas\\_Constitution\\_Commission\\_Report\\_PDF\\_Document29417.shtml](http://www.thebahamasweekly.com/publish/bis-news-updates/Bahamas_Constitution_Commission_Report_PDF_Document29417.shtml)

<sup>15</sup> “Government to address the death penalty”, *Nassau Guardian*, 3 January 2014, available at: [http://www.thenassauguardian.com/index.php?option=com\\_content&view=article&id=44267&Itemid=27](http://www.thenassauguardian.com/index.php?option=com_content&view=article&id=44267&Itemid=27) (accessed on 4 March 2014).

<sup>16</sup> “End death penalty”, *Nation News*, 11 December 2013, available at <http://www.nationnews.com/articles/view/end-death-penalty/> (accessed on 4 March 2014).

<sup>17</sup> Human Rights Council, “National report submitted in accordance with Human Rights Council resolution 16/21, annex, paragraph 5, Cuba”, 7 February 2013, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/106/93/PDF/G1310693.pdf?OpenElement> (accessed on 4 March 2014).

<sup>18</sup> “Rechazan proyecto para regular la pena de muerte”, *Agencia Guatemalteca de Noticias*, 7 June 2013, available at <http://www.agn.com.gt/index.php/component/k2/item/5576-rechazan-proyecto-para-regular-la-pena-de-muerte> (accessed on 4 March 2014).

<sup>19</sup> Parliamentarians for Global Action, “Statement by PGA Board Member Ruth Wijdenbosch on behalf of the National Assembly of Suriname for the Abolition of the death Penalty”, 10 October 2013, available at <http://www.pgaction.org/news/press-releases/statement-by-pga-board-member-ruth-wijdenbosch-for-the-abolition-of-the-death-penalty.html> (accessed on 4 March 2014).

<sup>20</sup> *Alexander Don Juan Nicholas, Gregory Tan, Oren Lewis v. the State*, Cr. App. Nos. 1-6 of 2013.

<sup>21</sup> Discretion in the sentencing for felony murder was introduced in Trinidad and Tobago with *Nimrod Miguel v. The State of Trinidad and Tobago* [2011] UKPC 16.

<sup>22</sup> See for instance “Al-Rawi responds to PM: Death penalty already law in T&T”, *Trinidad Guardian*, 17 August 2013, available at: <http://guardian.co.tt/news/2013-08-17/al-rawi-responds-pm-death-penalty-already-law-tt>; “Sociologist—Tougher gun control to deal with murder rate”, *News Day*, 18 August 2013, available at: [http://www.newsday.co.tt/news/0\\_182402.html](http://www.newsday.co.tt/news/0_182402.html); “Hanging not the answer”, *Trinidad Express*, 26 August 2013, available at <http://www.trinidadexpress.com/news/Hanging-not-the-answer-221250161.html>.

<sup>23</sup> See also Greater Caribbean for Life, <https://en-gb.facebook.com/GCFLife>.

<sup>24</sup> New Mexico abolished the death penalty in 2009; Illinois in 2011; and Connecticut in 2012.

<sup>25</sup> UN News Centre, “UN expert urges US authorities to stop execution of two persons with disabilities”, 17 July 2012, available at [http://www.un.org/apps/news/story.asp?NewsID=42493&Cr=death+penalty&Cr1#.Uu5Htvl\\_tIU](http://www.un.org/apps/news/story.asp?NewsID=42493&Cr=death+penalty&Cr1#.Uu5Htvl_tIU) (accessed on 4 March 2014).

<sup>26</sup> Inter-American Commission on Human Rights, “IACHR Urges States to Abolish Death Penalty or Impose a Moratorium on its Application”, 9 October 2013, available at [https://www.oas.org/en/iachr/media\\_center/PReleases/2013/074.asp](https://www.oas.org/en/iachr/media_center/PReleases/2013/074.asp).

<sup>27</sup> “Stoning will not be brought back, says Afghan president”, *The Guardian*, 28 November 2013, available at <http://www.theguardian.com/world/2013/nov/28/stoning-not-brought-back-afghan-president-karzai> (accessed on 4 March 2014).

<sup>28</sup> Available at

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[http://www.agc.gov.bn/agc1/images/LAWS/Gazette\\_PDF/2013/EN/syariah%20penal%20code%20order2013.pdf](http://www.agc.gov.bn/agc1/images/LAWS/Gazette_PDF/2013/EN/syariah%20penal%20code%20order2013.pdf)

<sup>29</sup> “Experts and academics recommend adding special chapter to amended criminal procedure law on “procedures for death penalty cases to bring together all death penalty provisions in order to strengthen the principle of “killing less, killing better.”, *Legal Daily*, 25 November 2011, available at <http://epaper.legaldaily.com.cn/fzrb/content/20111125/Article03002GN.htm> (accessed on 4 March 2014).

<sup>30</sup> On 21 January 2014 the Supreme Court of India indicated in Writ Petition (Criminal) no. 55 of 2013 that the ratio laid down in *Devender Pal Singh Bhullar v. State (NCT) of Delhi (2013) 6 SCC 195* is *per incuriam* and that there is no good reason to disqualify TADA cases as exception from commutations on the ground of delay.

<sup>31</sup> “247 Indonesians abroad under threat of death penalty”, *Antara News*, 20 September 2013, available at <http://www.antaranews.com/en/news/90806/247-indonesians-abroad-under-threat-of-death-penalty>, last accessed on 4 March 2014.

<sup>32</sup> Human Rights Committee, “Concluding observations on the initial report of Indonesia”, 21 August 2013, UN document CCPR/C/IDN/CO/1.

<sup>33</sup> Committee against Torture, “Concluding observations on the second periodic report of Japan”, adopted by the Committee at its fiftieth session (6-31 May 2013), 28 June 2013, UN document CAT/C/JPN/CO/2.

<sup>34</sup> Human Rights Council, “National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21”, A/HRC/WG.6/17/MYS/1, 6 August 2013.

<sup>35</sup> “MPs reject death sentence for rape of a child”, *Mizzima News*, 23 October 2013, available at: <http://www.mizzima.com/mizzima-news/myanmar/item/10399-mps-reject-death-sentence-for-rape-of-a-child> (accessed on 4 March 2014).

<sup>36</sup> Commission of Inquiry on Human Rights in the Democratic People's Republic of Korea, “Public Hearings-Transcript of hearing on 20 August”, available at <http://www.ohchr.org/EN/HRBodies/HRC/CoIDPRK/Pages/PublicHearings.aspx>

<sup>37</sup> “Sri Lanka: A roof top protest by 6 prisoners at Bogambara demanding death of freedom”, *Onews*, 3 January 2014, available at <http://onews.us/sri-lanka-a-roof-top-protest-by-6-prisoners-at-bogambara-demanding-death-or-freedom.html> (accessed on 4 March 2014).

<sup>38</sup> “Committee reviews Sri Lanka's Penal Code regarding death penalty”, *Colombo Page*, 27 December 2013, available at [http://www.colombopage.com/archive\\_13B/Dec27\\_1388159391JV.php](http://www.colombopage.com/archive_13B/Dec27_1388159391JV.php) (accessed on 4 March 2014).

<sup>39</sup> “Six death-row inmates executed”, 20 April 2013, *Taipei Times*, available at <http://www.taipetimes.com/News/front/archives/2013/04/20/2003560175> (accessed on 4 March 2014).

<sup>40</sup> “Government 'assessing' death penalty”, *Taipei Times*, 20 March 2013, available at <http://www.taipetimes.com/News/taiwan/archives/2013/03/20/2003557534> (accessed on 4 March 2014).

<sup>41</sup> “Vietnam minister wants to restore firing squad”, *Thanh Nien*, 11 November 2013, available at <http://www.dailyvietnamnews.net/index/pages/20131109-vietnam-minister-wants-to-restore-firing-squad->



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[for-executions.aspx](#) (last accessed on 4 March 2014).

<sup>42</sup> “Belarusian Supreme Court Annuls Death Sentence In Murder Case”, *Radio Free Europe*, 23 October 2013, <http://www.rferl.org/content/belarus-capital-punishment-overtuned-murder-case/25145575.html> (accessed 4 March 2014).

<sup>43</sup> ODIHR, “The Death Penalty in the OSCE Area: Background Paper 2013”, p. 19, <http://www.osce.org/odihr/106321> (accessed 4 March 2014).

<sup>44</sup> The working group had been set up in 2010, but after a period of inactivity was re-established in December 2012.

<sup>45</sup> <http://www.penalreform.org/resource/belarusian-public-opinion-crime-punishment-including-death-penalty/> (accessed 4 March 2014).

<sup>46</sup> “Belarus / Death penalty: UN expert calls to stop executions after recent court rulings”, *UN News Centre*, 9 October 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13840&LangID=E> (accessed 4 March 2014).

<sup>47</sup> In January 2014 proposed legislative amendments were reported that would reduce the number of capital crimes in the Criminal Code from 18 to 16, but retained for individuals, for example, found guilty of “plotting lethal terror acts”; First Deputy Prosecutor General Johan Merkel was quoted in these reports as opposing full abolition.

<sup>48</sup> “Putin says no Stalinist tendencies in society, confirms Berezovsky's letters”, *RT*, 25 April 2013, <http://rt.com/politics/questions-annual-call-in-putins-376/> (accessed 4 March 2014).

<sup>49</sup> Constitutional Court ruling, No. 1344-O-R of 19 November 2009.

<sup>50</sup> Application no. 28761/11; Amnesty International and the International Commission of Jurists had jointly submitted written arguments as third party interveners in 2012 and 2013.

<sup>51</sup> [http://eeas.europa.eu/human\\_rights/guidelines/index\\_en.htm](http://eeas.europa.eu/human_rights/guidelines/index_en.htm) (accessed 4 March 2014).

<sup>52</sup> But one execution already occurred in 2014.

<sup>53</sup> One death sentence was imposed in February 2014.

<sup>54</sup> The Libyan judicial system collapsed as a result of the 2011 armed conflict. Since 2012, courts have been slowly reactivated.

<sup>55</sup> In February 2014, the Court of Cassation quashed the sentences and ordered a re-trial.

<sup>56</sup> Mohamed Morsi faces trial in several different cases, including on charges of involvement in political violence, espionage, and a mass jailbreak during the 2011 uprising in which prisoners and members of the security forces were killed.

<sup>57</sup> Egyptian voters approved the Constitution in a national referendum in January 2014, though the polls were boycotted by Morsi's supporters.

<sup>58</sup> Hadi Rashedi and Hashem Sha'bani Amouri were executed in January 2014. The date and place of the execution had not been revealed to the families and their bodies have not been returned.

<sup>59</sup> Report to the Human Rights Council, UN document A/HRC/22/56, 28 February 2013, para. 34.

<sup>60</sup> Committee on Economic, Social and Cultural Rights, “Concluding observations: Iran, 50th session, 29 April - 17 May 2013”, UN document E/C.12/IRN/CO/2, 10 June 2013, para. 7

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<sup>61</sup> Amnesty International, “Iraq: A decade of abuse” (Index: MDE14/001/2013).

<sup>62</sup> In January 2014, the presidency’s office ratified around 200 further death sentences.

<sup>63</sup> “Pillay condemns rampant use of death penalty in Iraq”, *UN News Centre*, 19 April 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13253&LangID=E> (accessed 4 March 2014).

<sup>64</sup> “Focus on execution as activists protest capital punishment”, *Daily Star*, 12 October 2013, <http://www.dailystar.com.lb/News/Lebanon-News/2013/Oct-12/234386-focus-on-execution-as-activists-protest-capital-punishment.ashx#axzz2u4ajnWIZ> (accessed 4 March 2014); in January 2014, the then Justice Minister reportedly stated that that he would not sign any execution warrant.

<sup>65</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Addendum: Mission to Morocco, UN document A/HRC/22/53/Add.2, 28 February 2013, para. 52.

<sup>66</sup> This does not include reports of unlawful killings and extrajudicial executions by both government forces and armed opposition groups during the armed conflict, or deaths in custody following ill-treatment.

<sup>67</sup> The National Constituent Assembly adopted the Constitution on 26 January 2014. In previous votes, amendments to abolish the death penalty had been rejected.

<sup>68</sup> However, Sri Lankan migrant worker Ravindra Krishna Pillai was executed on 21 January 2014. In February 2014, Shaikh Khalifa Bin Zayed Al Nahyan ordered a stay on executions for people convicted of murder – but not of terrorism, rape or drug offences – to enable authorities to contact relatives of murder victims with a view to arranging financial settlements.

<sup>69</sup> DITSHWANELO – The Botswana Centre for Human Rights, World Day Against the Death Penalty Report, 10 October 2013.

<sup>70</sup> High Court of Botswana, case no CTHFT- 000008-07, judgment delivered by Justice Tshepo Motswagole on 2 October 2013 (unreported).

<sup>71</sup> At the UPR in early 2014, Comoros informed that the draft penal code had been adopted by the law commission of the National Assembly, and that the plenary would adopt the law soon. The government also accepted recommendations to proceed with the formal abolition of the death penalty and ratify the Second Optional Protocol to the ICCPR.

<sup>72</sup> During its UPR in early 2014, Eritrea stated that the death penalty can serve as a deterrent factor, and that the punishment had been used in exceptional and limited cases.

<sup>73</sup> “Gambia Radio and Television Services – Interview with President Jammeh”, *Foroyaa Newspaper*, 7 August 2013.

<sup>74</sup> “Ghana’s criminal justice and mental health practices need critical attention to be more humane”, *UN News Centre*, 14 November 2013, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13990&LangID=E> (accessed 4 March 2014).

<sup>75</sup> “Alternative report to the UN Committee against Torture regarding the consideration of Kenya’s second report”, FHRI and PRI, 15 April 2013, [http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/KEN/INT\\_CAT\\_NGO\\_KEN\\_12863\\_E.pdf](http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/KEN/INT_CAT_NGO_KEN_12863_E.pdf) (accessed 4 March 2014); Amnesty International reported at least 21 death sentences for that year.

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- <sup>76</sup> See for example, *Republic v. Dickson Mwangi Munene and another* [2011] eKLR; *Republic v. John Kimita Mwaniki* [2011] eKLR.
- <sup>77</sup> *Joseph Njuguna Mwaura & 2 Others v. R*, Criminal Appeal No. 5, judgment of 18 October 2013.
- <sup>78</sup> Committee against Torture, “Concluding observations: Kenya, 50th session, 6-31 May 2013”, UN document CAT/C/KEN/CO/2, 19 June 2013, para. 33.
- <sup>79</sup> *Summary of Events in Lesotho*, vol. 20, no. 3 (2013), pp. 21/22.
- <sup>80</sup> Human Rights Committee, “Concluding observations: Mauritania, 109th session, 14 October - 1 November 2013”, UN document CCPR/C/MRT/CO/1, 21 November 2013, paras. 8, 12.
- <sup>81</sup> Committee against Torture, “Concluding observations: Mauritania, 50th session, 6 - 31 May 2013”, UN document CAT/C/MRT/CO/1, 18 June 2013, para. 28.
- <sup>82</sup> “Nigeria: 20 Women, 1,014 Men Face Execution - Prison Service”, *Leadership*, 21 December 2013, <http://allafrica.com/stories/201312210549.html?viewall=1> (accessed 4 March 2014).
- <sup>83</sup> “Day of the Edo hangman: One raped house wife, inserted a bottle in her private part”, *Vanguard*, 28 June 2013, <http://www.vanguardngr.com/2013/06/day-of-the-edo-hangman-one-raped-house-wife-inserted-a-bottle-in-her-private-part/>; “Death Penalty Won't Stop Kidnapping - Ajuyah, Delta Attorney-General”, *Vanguard*, 18 June 2013, <http://allafrica.com/stories/201306181328.html> (both accessed 4 March 2014).
- <sup>84</sup> *Nigeria executions: “They almost executed him secretly”*, 28 June 2013 (Index: AFR 44/011/2013).
- <sup>85</sup> On 31 January 2014, the court ordered the federal government and the Edo state government to take Thankgod Ebhos’ name off the list of those to be executed.
- <sup>86</sup> “Me Sidiki Kaba: ‘Si Mandela était condamné à mort, nous n’aurions pas pu voir les qualités de l’homme...’”, *Setal.net*, [http://www.setal.net/Me-Sidiki-Kaba-Si-Mandela-etait-condamne-a-mort-nous-n-aurions-pas-pu-voir-les-qualites-de-l-homme\\_a21593.html](http://www.setal.net/Me-Sidiki-Kaba-Si-Mandela-etait-condamne-a-mort-nous-n-aurions-pas-pu-voir-les-qualites-de-l-homme_a21593.html) (accessed 4 March 2014).
- <sup>87</sup> These figures do not include reports of public unlawful killings by Somali armed opposition groups such as al-Shabab, including the reported stoning of an 18-year-old man for the alleged crime of “sodomy” in March.
- <sup>88</sup> In October 2012, Sudan had reported to the UN Human Rights Council that in 2011, 142 sentences had been imposed, of which 11 had been carried out.
- <sup>89</sup> “Chikawe recommends striking out death penalty in new constitution”, *The Guardian*, 11 September 2013, <http://www.ippmedia.com/frontend/index.php?l=59172> (accessed 4 March 2014).
- <sup>90</sup> President Museveni signed the bill into law on 24 February 2014. The Act foresees life imprisonment for the offences of “homosexuality” and “aggravated homosexuality”.
- <sup>91</sup> Legally, the death penalty for consensual same-sex sexual conduct between adults is possible in Afghanistan, Brunei Darussalam, Iran, Mauritania, some northern states of Nigeria, Pakistan, Saudi Arabia, the southern region of Somalia, Sudan and Yemen, due in part to the application of Islamic Shari’a law.
- <sup>92</sup> “Killer Mom to Hang”, *Times of Zambia*, 2 March 2013, <http://allafrica.com/stories/201303020174.html> (accessed 4 March 2014).
- <sup>93</sup> *Zimbabwe: Human rights agenda for the government, 2013 – 2018* (Index: AFR 46/017/2013), chapter 4.1.
- <sup>94</sup> <http://livewire.amnesty.org/2013/11/13/a-big-step-closer-to-abolishing-the-death-penalty-in-zimbabwe/> (accessed 4 March 2014).

<sup>95</sup> Statement by the African Commission on Human and Peoples' Rights on World Day against the Death Penalty, 10 October 2013, <http://www.achpr.org/press/2013/10/d177/> (accessed 4 March 2014).

<sup>96</sup> 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 2013

Developments in the use of the death penalty in 2013 confirmed that its application is confined to a minority of countries. However, some severe setbacks have to be acknowledged. The resumption of executions in Indonesia, Kuwait, Nigeria and Viet Nam, as well as the marked increase in reported executions in Iran and Iraq, were among the negative facts that Amnesty International recorded during the year. Executions were recorded in 22 countries in 2013, one more than in 2012.

The USA remained the only country in the Americas to have imposed death sentences, but only nine US states carried out executions in 2013, as in the previous year. Maryland became the 18<sup>th</sup> abolitionist US state in May 2013.

While Belarus continued to be the only country in Europe and Central Asia to impose death sentences, no executions were recorded last year. Commutations in Singapore and enhanced legal safeguards in China showed that even among traditional supporters of the death penalty progress is visible. Constitutional and legal review processes in Benin, Comoros, Ghana and Sierra Leone created real opportunities for the abolition of capital punishment.

This report analyses some of the key developments in the worldwide application of the death penalty in 2013, citing figures gathered by Amnesty International on the number of death sentences handed down and executions carried out.

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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