

**DEATH
SENTENCES
AND
EXECUTIONS IN
2008**

**AMNESTY
INTERNATIONAL**



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Cover photo: Drawing depicting life on death row in Enugu prison, Nigeria, by former inmate Arthur Judah Angel.
©Arthur Judah Angel

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

**AMNESTY
INTERNATIONAL**



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1. OVERVIEW

In 2008 the world moved even closer towards abolition of the death penalty.

In December, the United Nations General Assembly (UN GA) adopted by a large majority a second resolution calling for a moratorium with a view to abolish the death penalty. This resolution consolidates three decades of steady progress towards complete abolition of the death penalty.

Developments at the UN provided a welcome boost to campaigners working across the globe to prohibit the death penalty. It also prompted some small but significant steps at the regional level. Notably, the African Commission on Human and Peoples' Rights again called on African states that still retain the death penalty to observe a moratorium on executions in the region with a view to abolish the death penalty.

Europe and Central Asia is now virtually a death penalty free zone following the abolition of the death penalty in **Uzbekistan** for all crimes. There is just one country left – **Belarus** – that still carries out executions.

In the **Americas**, only one state – the **United States of America (USA)** - consistently executes. However, even the USA moved away from the death penalty in 2008. This year, the smallest number of executions since 1995 was reported in the USA.

The majority of countries now refrain from using the death penalty. Furthermore, in 2008 Amnesty International recorded only 25 out of 59 countries that retain the death penalty actually carried out executions. The practice of states indicates that there is increasing consolidation of majority international consensus that the death penalty cannot be reconciled with respect for human rights.

Despite positive developments a number of tough challenges remain. Countries in **Asia** carried out more executions in 2008 than the rest of the world put together. The region with the second highest number of reported executions was the **Middle East**.

In 2008, at least 2,390 people were known to have been executed in 25 countries and at least 8864 people were sentenced to death in 52 countries around the world.

Some of the methods used to execute people in 2008 included beheading, electrocution, hanging, lethal injection, shooting and stoning.

Continuing the trend from previous years, in 2008 **China, Iran, Saudi Arabia, Pakistan** and the **United States of America** were the five states with the highest rate of executions. Together they carried out (93%) of all executions worldwide.

In some states the use of the death penalty remained shrouded in secrecy. In **China, Belarus, Mongolia** and **North Korea** executions were carried out in a secretive manner or without transparency.

As in previous years a large number of death sentences were handed down in trials that failed to meet internationally recognised standards of fairness. A concerning number of executions were carried out after proceedings that relied upon confessions solicited through torture in violation of international law. The authorities of **Iran** continued to execute prisoners who were under 18 at the time of the alleged offence in flagrant violation of international law.

This document summarises Amnesty International's global research on the death penalty. Information was gathered from various sources including official statistics (where available), non-governmental and inter-governmental organisations, human rights defenders, the media and interviews with survivors of human rights violations.

All of the figures in this document are minimum estimates only and we use the largest figure that can safely be inferred from our research.

Where “+” is indicated after a country and it is preceded by a number, it means that we know that there were executions or death sentences (at least more than one) in that country but we do not know how many.

This document is accompanied by two others (ACT 50/001/2009 - Ratifications of International Treaties. ACT 50/002/2009 - List of abolitionist and retentionist countries).

2. AMNESTY INTERNATIONAL'S COUNTDOWN TO A DEATH PENALTY FREE WORLD

Amnesty International campaigns for the total abolition of the death penalty. Amnesty International believes that the death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment.¹ Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner.

Amnesty International believes that the death penalty legitimizes an irreversible act of violence by the state. Research demonstrates that the death penalty is often applied in a discriminatory manner being used disproportionately against the poor, minorities and members of racial, ethnic and religious communities. The death penalty is often imposed after a grossly unfair trial. But even when trials respect international standards of fairness, the risk of executing the innocent can never be fully eliminated - the death penalty will inevitably claim innocent victims, as has been persistently demonstrated.

The death penalty not only runs the risk of irrevocable error, it has not been proven to have a special deterrent effect. It denies the possibility of rehabilitation. It promotes simplistic responses to complex human problems, rather than pursuing solutions. It consumes resources that could be better used to work against violent crime and assist those affected by it. It is a symptom of a culture of violence, not a solution to it. It is an affront to human dignity.

Since 1977 Amnesty International has campaigned to abolish the death penalty.² The campaign will continue until we finally see a world free of this most cruel, inhumane and degrading punishment. For more information see: <http://www.amnesty.org/en/death-penalty>

3. THE GLOBAL PICTURE

In total **59 countries retain the death penalty**.³ More than two-thirds of the countries in the world have now abolished the death penalty either in law or in practice (abolitionist states).⁴

Abolitionist states in law and practice

Abolitionist for all crimes:	92
Abolitionist for ordinary crimes only:	10
Abolitionist in practice:	36

Total abolitionist in law or practice: 138

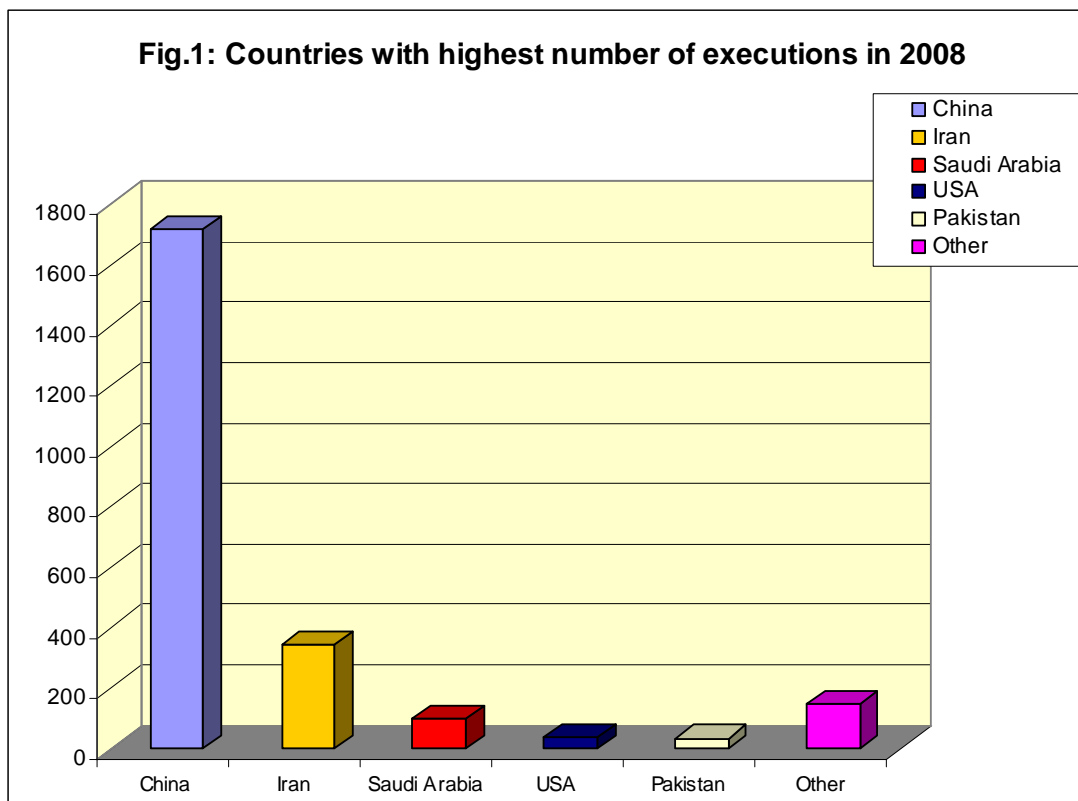
In 2008, at least 2,390 people were known to have been executed in 25 countries and is estimated that at least 8864 people were sentenced to death in 52 countries around the world.

The following countries carried out executions in 2008: **China** (at least 1,718), **Iran** (at least 346), **Saudi Arabia** (at least 102), **USA** (37), **Pakistan** (at least 36), **Iraq** (at least 34), **Viet Nam** (at least 19), **Afghanistan** (at least 17), **North Korea** (at least 15), **Japan** (15), **Yemen** (at least 13), **Indonesia** (10), **Libya** (at least 8), **Bangladesh** (5), **Belarus** (4), **Egypt** (at least 2), **Malaysia** (at least 1), **Mongolia** (at least 1), **Sudan** (at least 1), **Syria** (at least 1), **United Arab Emirates** (at least 1), **Bahrain** (1), **Botswana** (1), **Singapore** (at least 1) and **St Kitts and Nevis** (1).

Some of the methods used to carry out executions in 2008 included **beheading** (Saudi Arabia), **hanging** (Bangladesh, Botswana, Egypt, Iran, Iraq, Japan, Malaysia, Pakistan, St. Kitts & Nevis, Singapore, Sudan) **lethal injection** (China, USA), **shooting** (Afghanistan, Belarus, China, Indonesia, Iran, Mongolia, Viet Nam), **stoning** (Iran) and **electrocution** (USA).

Amnesty International knows of 13 countries that have carried out executions every year for the last 5 years: **China, Bangladesh, Belarus, Indonesia, Iran, Japan, North Korea, Pakistan, Saudi Arabia, Singapore, Viet Nam, Yemen and the USA.**

As in previous years, the five countries with the highest number of executions in 2008 were **China, Iran, Saudi Arabia, Pakistan** and the **United States of America** (Fig. 1). Together these five countries carried out 93% of all executions carried out in 2008. These countries provide the greatest challenge towards global abolition of the death penalty.



In 2008, there was a growing reluctance among those countries that do retain the death penalty to use it in practice. In 2008, only 25 out of 59 countries that retain the death penalty carried out executions. Those countries that choose to use this cruel, inhuman and degrading punishment are increasingly in the minority

In 2008 there was yet again a reduction in the number of countries that retain the death penalty. Two states abolished the death penalty for all crimes in 2008 (**Uzbekistan** and **Argentina**).

Reforms towards abolition are also underway in countries such as **Burundi**, **Mali** and **Togo**. In **Lebanon**, the Minister of Justice submitted a draft law proposing abolition of the death penalty. In **Algeria**, a group of opposition deputies submitted a draft law proposing abolition of the death penalty to parliament at the occasion of the 60th anniversary of the Universal Declaration of Human Rights.

A number of countries also took the first steps towards reducing the scope of the death penalty, including **Viet Nam**. Although the proposal submitted by the Minister of Justice in **Viet Nam** to remove the death penalty from the Penal Code for seventeen offences was not agreed by the National Assembly it was an encouraging first step.

A number of countries also commuted death sentences to terms of imprisonment. It was

reported that all 31 prisoners on death row in **Kazakstan** had their sentences commuted to life imprisonment. In **Cuba**, the President announced that virtually all death sentences would be commuted to prison terms.⁵ In **Cameroon**, the President announced the commutation of some death sentences, although it is not clear how many prisoners this will affect.

4. POSITIVE TRENDS: MOVING TOWARDS GLOBAL ABOLITION OF THE DEATH PENALTY

In 2008 the world moved yet closer towards total abolition of the death penalty.

On 18 December 2008, the UN GA adopted **resolution 63/168 (2008) “moratorium on the use of the death penalty”**. Resolution 63/168 builds upon the 2007 UN GA resolution which expressed concern at the application of the death penalty and called on states that still retain it to, *inter alia*, respect international safeguards guaranteeing the rights of those facing the death penalty, to reduce the number of offences for which the death penalty may be imposed and to establish a moratorium on executions with the view to abolishing the death penalty. The resolution requests the UN Secretary-General to provide a report on progress made in the implementation of resolutions 62/149 and 63/168 for consideration during its sixty-fifth session in 2010, and calls upon Member States to provide the Secretary-General with information in this regard.

The adoption of a second moratorium resolution by the body composed of all UN member states is a powerful and timely reassertion of UN commitment to work towards abolition of the death penalty.

89 States cosponsored the 2008 resolution and there were 106 votes in favour, 46 against and 34 abstentions.⁶ This represents a significant improvement on the vote on the UN GA moratorium resolution 62/149 (2007).⁷ It is also significant that eight members of the League of Arab States abstained. **Algeria** cosponsored and voted for the resolution. **Somalia** also voted for the resolution.⁸ All proposed amendments to weaken the resolution were defeated. The UN GA will next debate a new resolution and the Secretary-General’s report in October 2010.

These two UN GA resolutions are important tools that can be used to encourage retentionist countries to review their use of capital punishment and ultimately abolish the death penalty for all crimes.

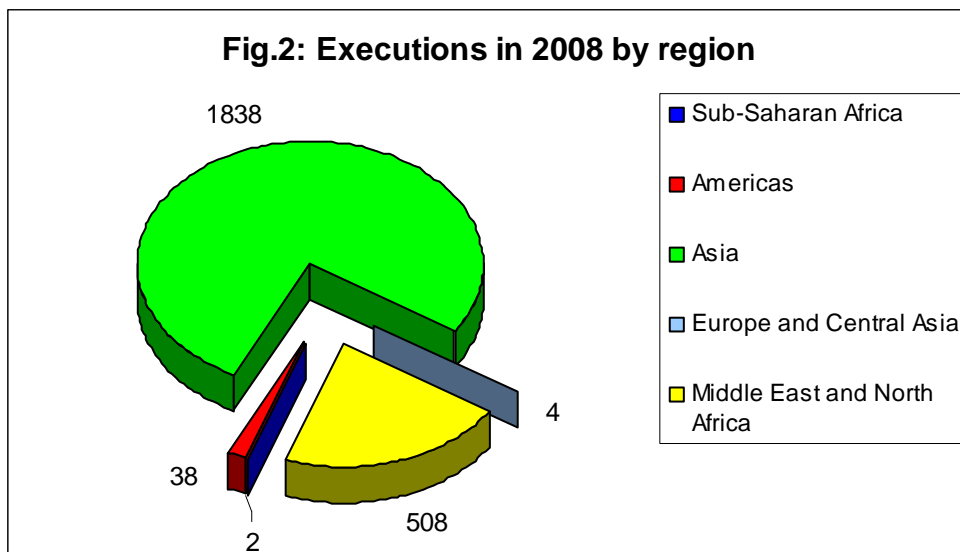
To coincide with the death penalty debate at the Third Committee of the UN GA, Amnesty International organised a panel discussion with judges and prosecutors from Japan, Jordan, and the USA. Panellists told UN delegates why judicial systems, even the most developed ones, fail to prevent fatal mistakes in death penalty cases and why they now oppose the death penalty.

In November 2008 the **African Commission on Human and Peoples' Rights** adopted a resolution calling upon state parties to the African Charter on Human and Peoples' Rights to observe a moratorium with a view to abolish the death penalty. The resolution expresses concern at the failure of some African states to give effect to UN resolutions and the African Commission's own resolution (1999) calling for a moratorium. The resolution also expresses concern at the application of the death penalty in conditions not respectful of the right to a fair trial and other human rights. By adopting the resolution the African Commission has aligned itself with the global trend towards abolishing the death penalty.

Representatives of Arab civil society, the League of Arab States, the UN Office of the High Commissioner for Human Rights, as well as international non-governmental organisations (including Amnesty International) met in Egypt in May 2008 to discuss the implementation of UN GA resolution 62/149 (2007). At the conclusion of the meeting those present issued a joint declaration "calling upon Arab countries to implement UN GA resolution 62/149 on the establishment of a moratorium on the death penalty" (**the Alexandria Declaration**). The Declaration calls upon Arab governments to take concrete steps to progressively abolish the death penalty and to consider amending article 7 of the Arab Charter on Human Rights in order to ensure that the death penalty is not applied to those under the age of 18.

5. REGIONAL TRENDS

Fig. 2 illustrates the minimum estimated number of reported executions carried out by region in 2008.



5.1. ASIA

More people were executed in Asia in 2008 than in the rest of the world put together. At least 1,838 (76%) of all total reported executions were carried out by Asian states.

The following 11 countries are known to have carried out a total of at least 1,838 executions in 2008: **China** (at least 1718), **Pakistan** (at least 36), **Viet Nam** (at least 19), **Afghanistan** (at least 17), **North Korea** (at least 15), **Japan** (15), **Indonesia** (10), **Bangladesh** (5), **Mongolia** (at least 1), **Malaysia** (at least 1), and **Singapore** (at least 1).

The following 16 countries are known to have sentenced a total of at least 7767 people to death: **China** (at least 7003), **Pakistan** (at least 236), **Bangladesh** (at least 185), **Afghanistan** (131), **India** (at least 70), **Viet Nam** (at least 59), **Japan** (27), **Malaysia** (at least 22), **Indonesia** (at least 10), **Taiwan** (at least 8), **Singapore** (5), **Thailand** (at least 3), **North Korea** (+), **South Korea** (at least 2), **Sri Lanka** (2) and **Laos** (2).

In **China**, at least 1,718 people were executed and at least 7,003 people were known to have been sentenced to death in 2008. These figures represent minimum estimates - real figures are undoubtedly higher. However, the continued refusal by the Chinese authorities to release

public information on the use of the death penalty means that in China the death penalty remains shrouded in secrecy.

In **China** those facing capital charges do not receive fair trials. Failings include the lack of prompt access to lawyers, a lack of presumption of innocence, political interference in the judiciary and failure to exclude evidence extracted through torture. On 21 May 2008 the Ministry of Justice and the Supreme People's Court (SPC) jointly issued a judicial interpretation outlining in one document the defence lawyers' role in capital cases. The judicial interpretation authorizes justice bureaus and government-controlled lawyers associations to intervene in death penalty case by providing guidance. It fails however to address the conflicts between the revised Lawyers' Law, effective since 1 June 2008, and the Criminal Procedure Law regarding provisions on access to lawyers in cases involving state secrets. In practice, the Chinese authorities continue to deprive criminal suspects' access to legal advice on state secret grounds. After the SPC took back the power to review all death sentences on 1 January 2007, authorities have been reporting a drop in the number of death sentences. According to a senior SPC official, the SPC overturned about 15 per cent of the death sentences handed down by high courts in the first half of 2008.⁹ However, statistics on death sentences and executions remain state secrets and it is impossible for external observers to verify this claim.

At least 36 people were executed and at least 236 sentenced to death in **Pakistan**. This brings the estimated number of people on death row in Pakistan to at least 7,000. Although the statistics are high there was a marked reduction in sentences as compared with 2007.¹⁰ In June the Prime Minister announced that death sentences would be commuted to life imprisonment. Despite this a Presidential Ordinance was issued in November that extended the death penalty to cyber crimes and executions continued.

In **Viet Nam** despite an encouraging attempt to reduce the scope of the death penalty, there were at least 19 executions and at least 59 death sentences.

In **Afghanistan** at least 17 people were executed and at least 131 others sentenced to death. The Supreme Court of Afghanistan upheld around 31 death sentences issued by lower courts and which now await President Karzai's approval. The trial proceedings in most cases violated international standards of fairness, including providing inadequate time for the accused to prepare their defence, lack of legal representation, reliance on weak evidence and the denial of the defendants' right to call and examine witnesses.

Japan carried out a total of 15 executions in 2008 (the highest known number since 1975). There are estimated to be approximately 100 people on death row. The prison authorities reportedly carry out executions by hanging, usually in secret. In June, Japan executed three men, including Miyazaki Tsutomu. According to his lawyer, he was mentally ill and had been receiving psychiatric medical treatment in the detention centre for more than a decade. Death row inmates continued to be confined to single cells, day and night, with limited opportunity to exercise or socialise. They were typically notified of their execution only on the morning of their execution, and their families were informed only after the execution had taken place.

In **Bangladesh** five people were executed and at least 185 people were sentenced to death, bringing the estimated number of prisoners on death row to at least 1,085.

In both **Mongolia** and **North Korea** executions were carried out and proceedings were marked by secrecy and a lack of transparency. The secrecy surrounding the death penalty in these two countries means that it is impossible for Amnesty International to gain reliable statistics and information about the use of the death penalty in these two countries.

In 2008, the first major study of **India's** legal rulings on death penalty revealed that the fate of prisoners on death row is a lottery and that the system is riddled with fatal flaws.¹¹ The study highlights the abuse of law and procedure and arbitrariness and inconsistency in the investigation, trial, sentencing and appeal stages in death penalty cases. The death penalty in India has not been used only in the "rarest of rare cases" - as claimed. On the contrary, there is ample evidence to show that the death penalty has been an arbitrary, imprecise and abusive means of dealing with defendants. The death penalty is also used disproportionately against ethnic minorities, the poor or other disadvantaged groups. There were no reported executions in India in 2008. However, at least 70 people were sentenced to death.

On 10 October 2008 the World Coalition Against the Death Penalty, Amnesty International and its partner the Anti-Death Penalty Asia Pacific Network (ADPAN) commemorated the Sixth World Day against the Death Penalty by focused campaigning on six Asian countries. Three countries were chosen because of progress towards abolition of the death penalty - **India, South Korea** and **Taiwan**. The others - **Japan, Pakistan** and **Viet Nam** - were chosen because of concerns about the scope and application of the death penalty.

5.2 MIDDLE EAST AND NORTH AFRICA¹²

The region with the second highest number (21%) of executions in 2008 was the Middle East and North Africa.

The following nine countries were known to have carried out a total of at least 508 executions: **Iran** (at least 346), **Saudi Arabia** (at least 102), **Iraq** (at least 34), **Yemen** (at least 13), **Libya** (at least 8), **Egypt** (at least 2), **Bahrain** 1, **Syria** (at least 1) and the **United Arab Emirates** (at least 1).

The following 10 countries are known to have sentenced a total of at least 609 people to death: **Iraq** (at least 285), **Algeria** (at least 200), **Egypt** (at least 87), **Jordan** (at least 14), **Syria** (at least 7), **Kuwait** (at least 6), **Libya** (+), **Morocco/Western Sahara** (at least 4), **Iran** (+), **Saudi Arabia** (+).

No executions have been carried out for some years in **Algeria, Morocco/Western Sahara** and by the **Palestinian Authority**.

Amnesty International remained concerned about the application of the death penalty in **Iran**. Some of the cruel and inhumane methods used to execute at least 346 people in 2008 included stoning and hanging.¹³ The number of public hangings in Iran decreased in 2008 after the Chief Justice issued a decree banning them.

Amnesty International was also concerned about proposals by the authorities in **Iran** to widen further the already wide scope of application of the death penalty. In 2008 a new law was passed that allows the application of the death penalty against people convicted of illegal audiovisual activities (pornography) and a proposed law prescribing the death penalty for apostasy, heresy and witchcraft and for certain internet-related crimes that “promote corruption and apostasy” was being drafted.

In July 2008 Amnesty International and nine other human rights organisations issued a joint public statement calling for an end to the execution of juvenile offenders in Iran.¹⁴ Many human rights defenders in Iran continue to campaign vigorously against such executions and for an end to executions by stoning. Despite these efforts the authorities in **Iran** executed eight juvenile offenders in 2008 in flagrant violation of international law.¹⁵ Iran was the only country in the world in which juvenile offenders were known to have been executed in 2008.

THE DEATH PENALTY AND JUVENILE OFFENDERS

Article 6(5), ICCPR and Article 37(a) of the CRC prohibit anyone under 18 years old at the time the crime was committed from being sentenced to death. The major regional treaties in Europe, the Americas and Africa also have similar provisions.

More than 100 countries that retain the death penalty for some crimes have outlawed the execution of juvenile offenders. A small number of countries, however, continued to execute child offenders in flagrant violation of international law.¹⁶

Amnesty International is concerned that the **Arab Charter on Human Rights (ACHR)**, which entered into force in 24 March 2008, clearly fails to prohibit the imposition of the death penalty on those under the age of 18. Article 7(a) of the Charter prohibits the imposition of the death penalty against persons under 18 years of age except where it is permitted under national legislation. This, clearly, leaves room for states to execute juvenile offenders in flagrant violation of international law, in particular the ICCPR and the CRC, but without necessarily breaching the terms of the ACHR.¹⁷

The sharp increase in executions in **Saudi Arabia** that commenced in 2007 continued into 2008. There were at least 102 executions – at an average rate of two executions every week.¹⁸ Almost half of those executed were foreign nationals from poor and developing countries. This is a disproportionately high number in relation to the local population. In Saudi Arabia, prisoners are sentenced in largely secret and unfair trials and defendants, particularly poor migrant workers from countries in Africa and Asia, often have no defence lawyer and are unable to follow court proceedings in Arabic. They, and many of the Saudi Arabians who are executed, also have little or no access to influential figures such as government authorities or heads of tribes who can intercede in their behalf, or to money – both crucial factors in securing clemency.¹⁹

Saudi Arabia is one of the few states in the world in which the authorities continue to execute women and in which juvenile offenders have been executed in recent years, although no executions of juvenile offenders were reported in 2008. Execution is usually by beheading,

generally in public. In some cases, crucifixion follows execution. Secretly filmed footage of a man being beheaded in Saudi Arabia was received by Amnesty International in 2008.²⁰

In **Iraq** at least 34 people were executed and at least 285 were sentenced to death, mostly by the Central Criminal Court of Iraq or by the Supreme Iraqi Criminal Tribunal, established to try former senior officials of the previous government headed by Saddam Hussain. Trials before both courts failed to meet international fair trial standards, including in cases which resulted in executions.

In Iraq's **Kurdistan Region**, at least nine people were sentenced to death and at least three executions were carried out by the Kurdish Regional Government (KRG) authorities. In mid-2008, at least 84 people were on death row in the Kurdish Region, including 33 in Erbil and 47 in Sulaimaniya. In June, the Kurdish parliament extended the application of the 2006 Anti-terrorism law, which increased the number of capital offences, for a further two years. Two men were executed in April after being convicted in connection with a car bomb explosion in May 2005 in Erbil.

In **Yemen**, at least 13 people were executed in 2008 and hundreds were on death row. Death row prisoners included individuals suffering from mental or other disabilities and minors. Defendants with impaired hearing were sentenced after being denied interpretation facilities.

In **Egypt**, at least two people were executed and 87 people sentenced to death. There was increasing debate on the use of the death penalty within the country.²¹

5.3 THE AMERICAS

During 2008, 38 executions were known to have been carried out in the Americas – 37 in the USA and one in the twin island state of **St Kitts and Nevis**.

At least 125 people were sentenced to death in six countries: **USA** (at least 111), **Trinidad and Tobago** (10), **Bahamas** (at least 1), **Saint Kitts and Nevis** (at least 1), **Saint Vincent and Grenadines** (at least 1), and **Jamaica** (1).

The **United States of America** (USA) remains the only country in the Americas that regularly executes.

In **USA**, 37 executions were carried out by the authorities in nine states: Texas (18), Virginia (4), Georgia (3), South Carolina (3), Florida (2), Ohio (2), Oklahoma (2), Mississippi (2), Kentucky (1).

There is increasing evidence that the USA itself is slowly turning away from the death penalty. Sentences have continued to drop since the peak in the mid-1990s. The 37 executions carried out in 2008 represented the lowest number since 2005. Abolitionist bills were introduced in a number of states, although none was passed during the year. Furthermore, a number of death sentences were commuted to life imprisonment, including in the case of a prisoner with a long history of mental illness.²²

Reports continue to demonstrate that capital justice in the **USA** is marked by arbitrariness, discrimination and error. During 2008, four more men were released from death rows on grounds

of innocence, bringing to more than 120 the number of such cases since 1975. The four men had all spent more than a decade on death row. Despite such revelations about mistakes, states continue to execute even where there are doubts about the condemned prisoners' guilt.

Texas continues to execute more people than any other state in the USA. One case of particular concern was the execution on 5 August 2008 of Mexican national José Medellín who was sentenced to death in 1994 for his part in the murder of two girls. The state of Texas ignored international outcry, including appeals from the UN Secretary-General for the execution to be stopped. The authorities carried out the execution despite a 2004 judgement by the International Court of Justice which called for judicial review and reconsideration of convictions and sentencing of José Medellín and 50 other Mexican national also denied the right to consular services in violation of international law.²³

At the end of the year, six men held as “enemy combatants” in the US Naval Base in Guantánamo Bay, Cuba, were facing military commission trials at which the outgoing US administration was intending to seek the death penalty. All six had been held in secret incommunicado detention by the Central Intelligence Agency (CIA) for between two and three years before being transferred to Guantánamo Bay. They were victims of enforced disappearance and at least two of them had been subjected to a form of water torture known as “waterboarding” (simulated drowning). What other interrogation techniques and conditions of detention they had endured in secret custody remained classified.²⁴

Detainees held by the **USA** in the name of counter-terrorism have had their right to the presumption of innocence systematically undermined by a pattern of official commentary on their presumed guilt. They have been subjected to enforced disappearance, secret detention and torture or other cruel, inhuman or degrading treatment. Such abuses heighten the need for any trials to take place before courts independent of the executive and legislative branches which have authorized or condoned these human rights violations and it raises concern about the application of the death penalty.

St Kitts and Nevis became the first country in the Americas outside of the USA to carry out an execution since 2003. On 19 December 2008 Charles Laplace was hanged despite remaining doubts as to whether all avenues of appeal had been exhausted.

In the **Caribbean** there were worrying calls for the resumption of executions as a response to increasing rates of crime. In **Jamaica**, both houses of the legislature voted to retain capital punishment. In the **Bahamas** the Prime Minister and other politicians committed themselves to carrying out hangings. The government of **Antigua and Barbuda** proposed laws to allow for the imposition of the death penalty for crimes involving guns even if the victim is not killed. The Parliament of **Guyana** approved legislation to impose the death penalty for piracy. Government spokespersons in **Trinidad and Tobago**, **St Vincent and the Grenadines** and **St Lucia** all undertook to resume hangings. For the second year running all 12 English-speaking Caribbean nations voted against the UN GA on the moratorium.

5.4 SUB-SAHARAN AFRICA

In sub-Saharan Africa, there were only two known executions carried out in **Botswana** (1) and **Sudan** (at least one). The only country to reintroduce the death penalty in 2008 was the state of **Liberia**.

At least 362 people were known to have been sentenced to death in 19 African countries: **Uganda** (114), **Sudan** (60), **Democratic Republic of Congo** (at least 50), **Nigeria** (at least 40), **Ethiopia** (39), **Mali** (at least 15), **Chad** (at least 12), **Mauritania** (8), **Botswana** (4), **Ghana** (3), **Guinea** (3), **Sierra Leone** (3), **Gambia** (2), **Burkina Faso** (1), **Burundi** (1), **Niger** (1), **Kenya** (+), **Madagascar** (+), and **Tanzania** (+).

In a particularly regressive move **Liberia** reintroduced the death penalty for the crimes of robbery, terrorism and hijacking.²⁵ Liberia reintroduced the death penalty despite being a party to Second Optional Protocol to the International Covenant on Civil and Political Rights.

In **Sudan** there was only one reported execution but 60 people were sentenced to death. The newly set-up Sudanese counter-terrorism courts sentenced to death 50 alleged members of the Justice and Equality Movement (JEM), found guilty of participating in an armed attack on the capital in May. Amnesty International and other organizations expressed concern over the fairness of the trials.

In **Uganda** civilian courts continued to impose the death penalty but there were no executions. Military courts continued to hand down death sentences and order executions of soldiers in Uganda's armed forces. It was not clear whether there were any executions.

In **Nigeria** at least 40 death sentences were handed down. This brings the total estimated number on death row to 735, including 11 women. Hundreds did not have a fair trial. Approximately 140 people have been on death row for longer than 10 years; some for over 20 years. Around 80 were denied the right to an appeal as they were sentenced before 1999 by the Robbery and Firearms Tribunal. Approximately 40 were under the age of 18 at the time of the offence and should not have been sentenced to death. The Federal Government ignored the recommendations by the National Study Group on the Death Penalty (2004) and the Presidential Commission on Reform of the Administration of Justice (2007) to adopt a moratorium. In July 2008, a bill to abolish the mandatory death penalty under the Robbery and Firearms Act and replace it with life imprisonment was defeated in the House of Representatives. By the end of 2008, most prisoners whose forthcoming release was announced by the Federal Minister of Information in May 2007 were still on death row. Five men had their sentences commuted by the Ogun State governor. In November, the President pardoned a man who had spent 22 years on death row. No confirmed executions were carried out in 2008.

In the **Democratic Republic of Congo** military courts sentenced at least 50 people to death during the year, including civilians.

Despite promises by **Mali** to abolish the death penalty before the end of the President's term, the courts sentenced at least 15 people to death in 2008. At least two death sentences were passed by the Assize court of Bamako seating in Ségou in July 2008. Broulaye Bagayogo was sentenced to death for attempted murder. Najim Lakhali Aly was sentenced to death for conspiracy, kidnapping, robbery and illegal possession of weapons.

In August, a judge in **Chad** convicted and sentenced to death exiled former President Hissène Habré and 11 armed opposition leaders, including Timane Erdimi, leader of the Rally of Forces for Change, and Mahamat Nouri, leader of the National Alliance. The court convicted

them in their absence for crimes against Chad's "constitutional order, territorial integrity and security."

In Sierra Leone civil society pushed hard for the death penalty to be abolished as part of the review of the Constitution. The current draft Constitution provides for the death penalty in cases of treason, murder and armed robbery with violence. Civil society and human rights defenders are lobbying to ensure full implementation of the report by the Sierra Leone Truth and Reconciliation Commission which recommends the abolition of the death penalty. In the meantime courts in Sierra Leone continue to pass sentence of death.

In May, **Ghana** was examined as a part of the Universal Period Review (UPR) carried out by the UN Human Rights Council. During the UPR review several countries raised the issue of the death penalty and recommended that Ghana abolish it. In its response, the Minister of Justice stated that: "The death penalty is enshrined in Ghana's Constitution in article 3b, which is an entrenched clause requiring amendment by referendum and a six-month process. (...) After the elections in 2008, the Government intends to review the Constitution and the issue will be raised again".²⁶

5.5 EUROPE AND CENTRAL ASIA

Europe is the only virtually death penalty-free region of the world, the only exception being **Belarus** where at least four people were known to be executed and at least one more sentenced to death in 2008.

In Europe there is a solid and long-standing trend towards abolition of the death penalty. The **Russian Federation** has held a moratorium on executions and death sentences for more than ten years but still needs to abolish the death penalty in law.

In **Central Asia**, there is a clear move towards abolition. **Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan** and **Uzbekistan** retained the death penalty when they gained independence in 1991. However, by September 2008 **Kazakstan, Kyrgyzstan, Turkmenistan** and **Uzbekistan** had abolished the death penalty in law.²⁷ **Tajikistan** has moratoria on executions and death sentences.

Belarus is the last country in Europe and in the former Soviet Union that is still carrying out executions. All information on the death penalty in Belarus is kept secret. There are no available statistics for the number of executions, but Amnesty International estimates that as many as 400 people may have been executed since Belarus gained its independence in 1991. The organisation knows that at least four people were executed in 2008 and one more sentenced to death.

Execution in Belarus is by a gunshot to the back of the head, and relatives are not officially told of the date of the execution or where the body is buried.

In **Belarus** the use of the death penalty is compounded by a flawed criminal justice system that administers capital punishment in a manner that violates international laws and standards pertaining to the death penalty. There is credible evidence that torture and other ill-treatment are used to extract "confessions"; condemned prisoners may not have access to effective appeal mechanisms; and the inherently cruel, inhuman and degrading nature of the death penalty is

compounded for death row prisoners and their relatives by the secrecy surrounding the death penalty. Neither prisoners nor their families are told the execution date in advance and prisoners must live with the fear that every time their cell door opens they may be taken for execution.

The conditions in which the prisoners are kept exacerbate the inherently cruel, inhuman and degrading experience of waiting for the death penalty to be carried out. Prisoners condemned to death in Belarus are reportedly held in basement cells in SIZO No. 1 in Minsk. Officials would not confirm to Amnesty International whether this was the case.

In addition to its use as a sanction under criminal law, the threat of execution has also been used to suppress political activity. In March 2006, following the presidential elections, the head of the state security services (KGB) threatened potential demonstrators with the death penalty: "The actions of people who come to the square [to demonstrate] will be assessed as terrorism, which is punished according to various articles with eight years' imprisonment to the death penalty".²⁸

Since gaining its independence from the USSR Belarus has taken some significant steps towards ending the use of the death penalty. It has reduced the scope of the death penalty, and a Constitutional Court decision in 2004 found that the death penalty was in conflict with the Constitution and that it could be abolished by the President and Parliament. However, despite these positive moves and pressure from international organizations the Belarusian authorities have not yet demonstrated any political will to initiate public debate on the topic or to make the necessary legislative changes.

On the 1 January 2008, **Uzbekistan** abolished the death penalty. However, by the end of December 2008 authorities had still not published statistics on the death penalty for previous years, including the number of sentences, executions and commutations. The total number of people on death row who had their sentences automatically commuted to life imprisonment upon abolition was also not published.

The Supreme Court started reviewing death sentences and by mid-April 2008 had commuted at least 17 death sentences to long prison terms, either 20 or 25 years, but not life imprisonment.

By the end of December 2008 there was no progress on allowing relatives access to information on burial sites of executed prisoners. Also, there had been no information released regarding the reinvestigation old cases where the accused or his relatives had alleged the use of torture in order to force a confession. In addition, no moves appeared to have been made towards possible compensation, even in those cases where the UN Human Rights Committee had decided in favour of the applicant and found violations of human rights.

REPORTED EXECUTIONS 2008

The following charts summarise reported executions carried out and death sentences passed in 2008. These figures represent those death sentences known to Amnesty International. Other countries may have condemned prisoners to death but the information has gone unreported.

These numbers represent minimum estimates.

Key

“+” after a number indicates that the figure is a minimum one. The true figure is at least the figure shown. For example, “47+” means that there were at least 47 executions in the given country in 2008.

If “+” is not preceded by a number, it means that we know that there were executions or death sentences (at least more than one) in the given country in 2008 but we do not know how many.

Country	Executions
CHINA	1718+
IRAN	346+
SAUDI ARABIA	102+
USA	37
PAKISTAN	36+
IRAQ	34+
VIET NAM	19+
AFGHANISTAN	17+
NORTH KOREA	15+
JAPAN	15

YEMEN	13+
INDONESIA	10
LIBYA	8+
BANGLADESH	5
BELARUS	4
EGYPT	2+
MALAYSIA	1+
MONGOLIA	1+
SINGAPORE	1+
SUDAN	1+
SYRIA	1+
UNITED ARAB EMIRATES	1+
BAHRAIN	1
BOTSWANA	1
SAINT KITTS AND NEVIS	1

REPORTED DEATH SENTENCES 2008

Country	Death Sentences
CHINA	7003+
IRAQ	285+
PAKISTAN	236+
ALGERIA	200+
BANGLADESH	185+
AFGHANISTAN	131
UGANDA	114
USA	111+
EGYPT	87+
INDIA	70+
SUDAN	60
VIET NAM	59+
DEMOCRATIC REPUBLIC OF CONGO	50+
NIGERIA	40+
ETHIOPIA	39
JAPAN	27
MALAYSIA	22+
MALI	15+

JORDAN	14+
CHAD	12+
INDONESIA	10+
TRINIDAD AND TOBAGO	10
TAIWAN	8+
MAURITANIA	8
SYRIA	7+
KUWAIT	6+
SINGAPORE	5
MOROCCO/WESTERN SAHARA	4+
BOTSWANA	4
THAILAND	3+
GHANA	3
GUINEA	3
SIERRA LEONE	3
SOUTH KOREA	2+
GAMBIA	2
LAOS	2
SRI LANKA	2
BAHAMAS	1+
SAINT KITTS AND NEVIS	1+
SAINT VINCENT AND GRENADINES	1+
BELARUS	1

BURKINA FASO	1
BURUNDI	1
JAMAICA	1
NIGER	1
IRAN	+
KENYA	+
LIBYA	+
MADAGASCAR	+
NORTH KOREA	+
SAUDI ARABIA	+
TANZANIA	+

ENDNOTES

¹ The right to life and the prohibition of cruel, inhuman or degrading punishment are set out in the Universal Declaration of Human Rights, the UN International Covenant on Civil and Political Rights, the African Charter on Human and People's Rights, the American Convention on Human Rights, the European Convention on Human Rights and other important human rights treaties. These rights are also guaranteed by many national constitutions and other laws.

² Amnesty International is a founding member of the World Coalition against the Death Penalty (a coalition of more than 70 human rights organizations, bar associations, trade unions and local and regional authorities). Amnesty International also coordinates the Anti-Death Penalty Asia Network (made up of lawyers, parliamentarians and activists from numerous Asian countries).

³ Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Burundi, Chad, China, Comoros, Cuba, Democratic Republic of Congo, Dominica, Egypt, Equatorial Guinea, Ethiopia, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Mongolia, Nigeria, North Korea, Oman, Pakistan, Palestinian Authority, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Syria, Taiwan, Thailand, Trinidad And Tobago, Uganda, United Arab Emirates, United States Of America, Viet Nam, Yemen, Zimbabwe

⁴ Amnesty International, List of Abolitionist and Retentionist Countries (31 December 2008), ACT 50/002/2009, 24 March 2009.

⁵ Cuba does not provide public statistics on the death penalty, however, human rights organizations have reported that nearly all prisoners on death row have now had their sentences commuted.

⁶ Ethiopia voted in favour but stated after voting they had made a mistake and intended to vote against.

⁷ The breakdown of voting for the 2007 resolution (cosponsored by 87 states) was: 104 in favour, 54 against and 29 abstentions.

⁸ The members of the League of Arab States that abstained in 2008 are: Bahrain, Djibouti, Jordan, Lebanon, Mauritania, Morocco, Oman and the United Arab Emirates.

⁹ Xie Chuanjiao, "Top court overturns 15% of death sentences in 1st half year," *China Daily*, June 27, 2008.

¹⁰ In 2007 135 people were executed and 307 death sentences handed down.

¹¹ This report was prepared jointly by Amnesty International India and the People's Union for Civil Liberties (Tamil Nadu & Puducherry). India: The Death Penalty in India: A lethal lottery: A study of Supreme Court judgements in death penalty cases 1950-2006 (ASA 20/006/2008).

¹² The following countries make up the Middle East and North Africa region: Algeria, Bahrain, Iran, Iraq,

Israel, Jordan, Kuwait, Lebanon, Oman, Palestinian Authority, Qatar, Saudi Arabia Syria, Egypt Libya, Morocco/Western Sahara, Tunisia, United Arab Emirates and Yemen.

¹³ Amnesty International received information that on or around the 26 December 2008 two men were stoned to death in north-east Iran.

¹⁴ Public joint statement: Iran: End Execution of Juvenile Offenders (ASA 13/103/2008), 29 July 2008

¹⁵ They were Javad Shojaee (16), Mohammad Hassanzadeh (16 or 17), Hasan Mozafari (under 18), Rahman Shahidi (under 18) Reza Hejazi (15), Behnam Zare (15), Gholamreza H. (17) and Ahmad Zare (17). Ages are those of the juveniles at the time the offence was committed.

¹⁶ Nine countries since 1990 are known to have executed prisoners who were under 18 years old at the time of the crime – China, Congo (Democratic Republic), Iran, Nigeria, Pakistan, Saudi Arabia, Sudan, USA and Yemen.

¹⁷ Article 7(c) states that the death penalty shall not be imposed for 'persons under 18 years of age, *unless* otherwise stipulated in the laws in force at the time of commission of the crime' [emphasis added]. This violates Articles 37(a) of the CRC and 6(5) of the ICCPR. States are not able to invoke national law as a reason for fulfilling obligations under international treaties.

¹⁸ Only 39 executions were reported in 2006.

¹⁹ Amnesty International, Saudi Arabia: Affront to Justice: Death Penalty in Saudi Arabia (MDE 23/027/2008), 14 October 2008.

²⁰ Amnesty International, Saudi Arabia: Secret video shows horror of Saudi beheading, 28 April 2008.

²¹ For example, Egyptian jurists and others attending a workshop organized by the Maat Center for Jurist and Constitutional Studies in March agreed to recommend that the death penalty should be restricted to only four crimes: premeditated murder, high treason, spying in wartime, kidnapping and rape of a female.

²² Levar Walton, who suffers from serious mental illness had the death sentence commuted to life imprisonment by the Governor of Virginia. On 27 June, a judge in North Carolina found Guy Tobias LeGrande incompetent for execution due to his serious mental illness.

²³ Amnesty International, Death Penalty/Legal concern (Texas) (UA 204/08 (AMR 51/081/2008), 17 July 2008.

²⁴ Amnesty International, USA: The show trial begins: Five former secret detainees arraigned at Guantánamo, 6 June 2008; USA: Way of life, way of death: Capital charges referred against five former secret detainees, 20 May 2008; USA: Another CIA detainee facing death penalty trial by military commission, 2 April 2008.

²⁵ Amnesty International, Liberia: President must veto death penalty bill, 18 July 2008: Liberia: Amnesty

International calls for repeal of death penalty law signed by Liberian President, 25 July 2008.

²⁶ Report of the working group on the Universal Periodic Review: Ghana, UN. Doc. A/HRC/8/36 (29 May 2008).

²⁷ In Kazakstan the scope of the application of the death penalty was reduced from 10 "exceptionally grave" crimes to one (terrorism leading to loss of life). The death penalty also remains on the books for war crimes. In Kyrgyzstan the cases of all 174 prisoners sentenced to death were to be reviewed by the Supreme Court within six months. The reviews are still pending.

²⁸ Quoted from, "Violations of Human Rights in Belarus in 2006. Analytical Review", Viasna Human Rights Group, <http://spring96.org/en/edition>

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