AMNESTY INTERNATIONAL GLOBAL REPORT

DEATH SENTENCES AND EXECUTIONS 2019

AMNESTY INTERNATIONAL

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

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First published in 2020 by Amnesty International Ltd
Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK

Index: ACT 50/1847/2020
Original language: English
amnesty.org

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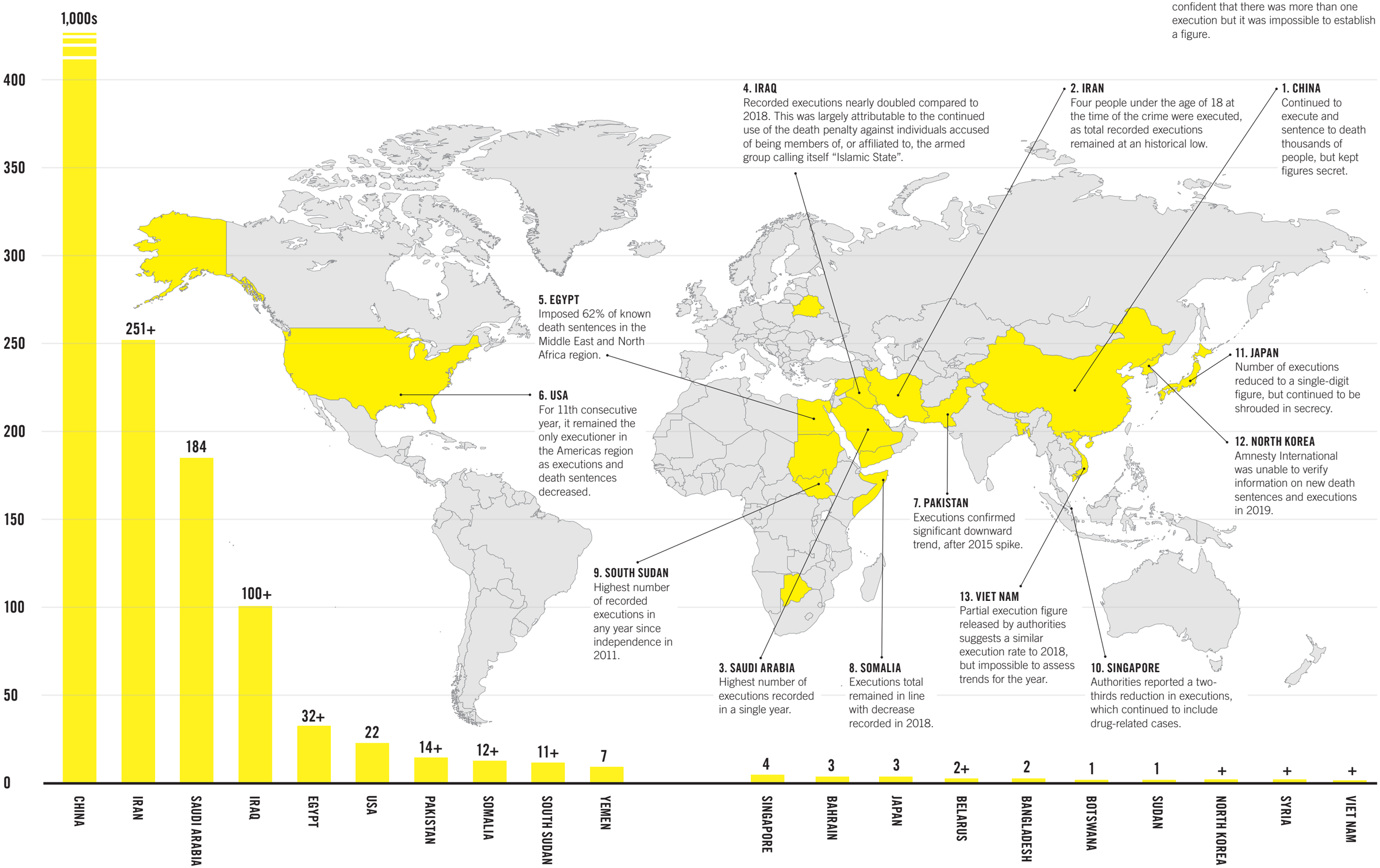
EXECUTING COUNTRIES IN 2019

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

The 13 countries numbered on the map have persistently executed people in the past five years (2015-2019).

+ indicates that the figure that Amnesty International has calculated is a minimum. Where + is not preceded by a number, this means that Amnesty International is confident that there was more than one execution but it was impossible to establish a figure.



DEATH SENTENCES AND EXECUTIONS 2019
AMNESTY INTERNATIONAL

NOTE ON AMNESTY INTERNATIONAL'S FIGURES ON THE USE OF THE DEATH PENALTY

This report covers the judicial use of the death penalty for the period January to December 2019. As in previous years, information is collected from a variety of sources, including: official figures; judgments; information from individuals sentenced to death and their families and representatives; media reports; and, for a limited number of countries, other civil society organizations. Amnesty International reports only on executions, death sentences and other aspects of the use of the death penalty, such as commutations and exonerations, where there is reasonable confirmation. In many countries governments do not publish information on their use of the death penalty. In Belarus, China and Viet Nam, data on the use of the death penalty is classified as a state secret. During 2019 little or no information was available on some countries – in particular Laos and North Korea (Democratic People's Republic of Korea) – due to restrictive state practice.

Therefore, for many countries, Amnesty International's figures on the use of the death penalty are minimum figures. The true figures are likely to be higher. Where the organization obtains official information on a specific country in a given year, this is noted in the report.

In 2009 Amnesty International stopped publishing its estimated figures on the use of the death penalty in China, a decision that reflected concerns about how the Chinese authorities misrepresented Amnesty International's numbers. Amnesty International always made clear that the figures it was able to publish on China were significantly lower than the reality, because of the restrictions on access to information. China has yet to publish any figures on the death penalty; however, available information indicates that each year thousands of people are executed and sentenced to death. Amnesty International renews its call on the Chinese authorities to publish information on the use of the death penalty in China.

Where Amnesty International receives and is able to verify new information after publication of this report, it updates its figures online at www.amnesty.org/en/what-we-do/death-penalty

In tables and lists, where "+" appears after a figure next to the name of a country – for example, Thailand (16+) – it means that Amnesty International confirmed 16 executions, death sentences or persons under sentence of death in Thailand but believes that there were more than 16. Where "+" appears after a country name without a figure – for instance, Syria (+) – it means that Amnesty International has corroborated executions, death sentences or persons under sentence of death (more than one) in that country but had 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.

THE USE OF THE DEATH PENALTY IN 2019

> **"The intentional killing of another person is wrong and as Governor, I will not oversee the execution of any individual. Our death penalty system has been, by all measures, a failure. It has discriminated against defendants who are mentally ill, black and brown, or can't afford expensive legal representation. It has provided no public safety benefit or value as a deterrent. It has wasted billions of taxpayer dollars. Most of all, the death penalty is absolute. It's irreversible and irreparable in the event of human error."**
>
> Gavin Newsom, Governor of California, 13 March 2019[1]

GLOBAL TRENDS

Amnesty International's analysis of the global use of the death penalty in 2019 shows that the momentum towards the worldwide abolition of the ultimate cruel, inhuman and degrading punishment is on course, even though some countries are bucking the trend.

Confirmed executions have decreased by 5% compared to 2018 to the lowest number recorded in at least 10 years thereby confirming a year-on-year reduction since 2015.[2] Several factors were mainly responsible for the global drop in recorded executions. There were significant reductions in the number of confirmed executions in countries – such as Egypt, Japan and Singapore – that are strong adherents of the death penalty. For the second consecutive year, Iran, the world's number two executing country, executed fewer people than it had historically done, following 2017 amendments to its anti-narcotics law.

1 "Governor Gavin Newsom orders a halt to the death penalty in California", Office of Governor Gavin Newsom, 13 March 2019, www.gov.ca.gov/2019/03/13/governor-gavin-newsom-orders-a-halt-to-the-death-penalty-in-california/

2 In 2015 Amnesty International recorded 1,634 executions (excluding China) which was the highest total that the organization had reported since 1989

However, some countries are bucking the trend towards complete abolition of the death penalty. Iraq, Saudi Arabia, South Sudan and Yemen significantly increased their execution of people compared to 2018; Bahrain and Bangladesh resumed executions after a one-year hiatus; the legislature in the Philippines proposed bills to reintroduce the death penalty; and Sri Lanka and the US federal government threatened to resume executions after years without carrying out any.

In addition, a lack of transparency by several countries hindered Amnesty International's full assessment of the global use of the death penalty. Major executing countries, for example China, North Korea and Viet Nam, continued to hide the full extent of their use of the death penalty by restricting access to death penalty-related information. Many countries did not provide official information on their use of the death penalty, including following specific requests made by Amnesty International. In some countries only partial information is made public; for example, the authorities in Viet Nam published partial information on executions which suggested a similar execution rate as in 2018, but incomplete figures impeded full assessment of the use of the death penalty. Also, some countries carried out executions without announcing them in advance or giving advance notices to families or legal representatives of people executed.

Although no country abolished the death penalty in 2019, positive signs were recorded which indicate that the desire for retention of the death penalty is dwindling among countries that are yet to abolish the punishment. In the USA, New Hampshire became the 21st state to abolish the death penalty for all crimes while the Governor of California – the US state with the largest death row population – established a moratorium on executions. Kazakhstan, the Russian Federation, Tajikistan, Malaysia and Gambia continued to observe official moratoriums on executions; Barbados removed the mandatory death penalty from its Constitution; and positive actions or pronouncements which may lead to the abolition of the death penalty soon occurred in Central African Republic, Equatorial Guinea, Gambia, Kazakhstan, Kenya and Zimbabwe.

EXECUTIONS

At least 657 executions were carried out in 2019 compared to 2018 when at least 690 occurred, representing a 5% drop. For the second consecutive year, Amnesty International recorded the lowest number of global executions in a 10-year period.[3]

As in previous years, the global recorded totals do not include the thousands of executions that Amnesty International believed were carried out in China, where data on the death penalty is classified as a state secret.[4]

Compared to 2018 records, executions reduced significantly in Egypt (from 43+ to 32+), Japan (from 15 to 3) and Singapore (from 13 to 4).[5] In contrast, executions increased significantly in Iraq (from 52+ to 100+), Saudi Arabia (from 149 to 184), South Sudan (from 7+ to 11+) and Yemen (from 4+ to 7).

Iran, Saudi Arabia and Iraq accounted for 81% of confirmed global executions in 2019. The 184 executions in Saudi Arabia were the highest ever recorded by Amnesty International in one year in the country. This spike occurred in the context of an increase in the use of the death penalty as a political weapon against Shi'a dissidents. The 92% increase in recorded executions in Iraq is largely attributable

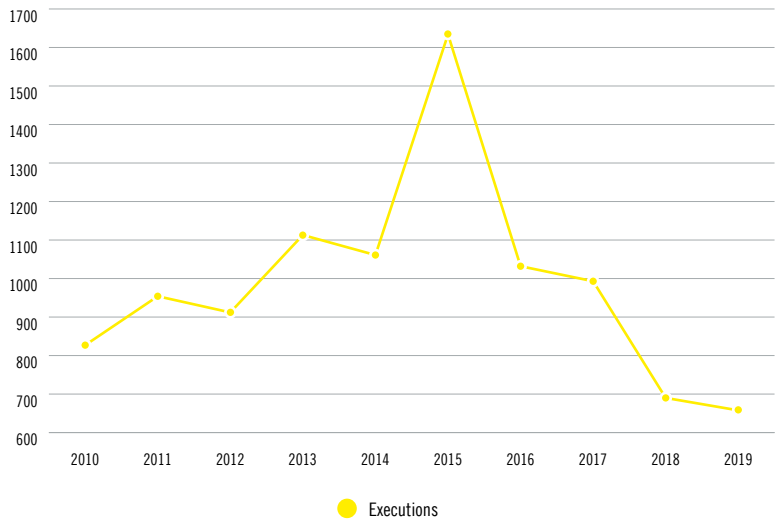
3 The total number of executions reported for 2019 represents one of the lowest figures that Amnesty International has recorded in any given year since it began its monitoring of the use of the death penalty in 1979. However, changes in access to information, configuration of countries and methodology over the decades make it challenging to accurately compare this figure over a longer period.

4 In 2009 Amnesty International stopped publishing its estimated figures on the use of the death penalty in China. Instead, the organization has challenged the authorities to prove their claims that they are achieving their goal of reducing the application of the death penalty by publishing the figures themselves. Little or partial information was available for several other countries (see "Note on Amnesty International's figures on the use of the death penalty" in this report for further information).

5 The recorded figures for Japan and Singapore in 2018 were the highest yearly totals in over a decade.

to the continued use of the death penalty against individuals accused of being members of, or affiliated to, the armed group calling itself "Islamic State". On the other hand, recorded executions reduced slightly in Iran (from 253+ to 251+) and remained at an historical low because of the implementation of amendments in 2017 to the country's anti-narcotics law.[6] Despite this Iran was responsible for 38% of known executions in the world.

RECORDED GLOBAL EXECUTIONS 2010-2019



Amnesty International recorded executions in 20 countries, the same number as 2018, but there were changes in the countries that carried out executions. Afghanistan, Taiwan and Thailand did not carry out any executions in 2019 but did so in 2018 while Bahrain and Bangladesh resumed executions in 2019 after not carrying out any in 2018. Of further significance is the fact that, unlike in previous years when Amnesty International was unable to confirm whether judicial executions took place in Syria, the organization confirmed executions were carried out in 2019 but had insufficient information to provide a credible minimum figure.[7]

EXECUTIONS RECORDED GLOBALLY IN 2019

Bahrain (3), Bangladesh (2), Belarus (2+), Botswana (1), China (+), Egypt (32+), Iran (251+), Iraq (100+), Japan (3), North Korea (+), Pakistan (14+), Saudi Arabia (184), Singapore (4), Somalia (12+), South Sudan (11+), Sudan (1), Syria (+), USA (22), Viet Nam (+), Yemen (7).

6 Known executions in Iran dropped from at least 507 in 2017, before the anti-narcotics law was introduced, to at least 251 in 2019 – a decrease of 50%. The law, which had been amended in November 2017, increased the threshold of the quantity of drugs involved in the offence required for courts to impose a mandatory death sentence, with potential retroactive effect, and permitted people sentenced to death for drug-related offences to request a review of their death sentences with a view to commutation

7 Due to the ongoing conflict, Amnesty International could not confirm that executions were carried out in Syria in 2013, 2014, 2015, 2016, 2017 and 2018

METHODS OF EXECUTIONS IN 2019[8]

Beheading	Saudi Arabia										
Electrocution	USA										
Hanging	Bangladesh	Botswana	Egypt	Iran	Iraq	Japan	Pakistan	Singapore	South Sudan	Sudan	Syria
Lethal injection	China	USA	Vietnam								
Shooting	Bahrain	Belarus	China	North Korea (Democratic People's Republic of Korea)				Somalia	Yemen		

2019 KNOWN EXECUTING COUNTRIES BY INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

- Organization of American States: 1 out of 35 countries carried out executions – USA.
- Organization for Security and Co-operation in Europe: 2 out of 57 countries executed people – Belarus and USA.
- African Union: 5 out of 55 countries carried out executions – Botswana, Egypt, Somalia, South Sudan and Sudan.
- League of Arab States: 8 out of 22 countries executed people – Bahrain, Egypt, Iraq, Saudi Arabia, Syria, Somalia, Sudan and Yemen.
- Association of Southeast Asian Nations: 2 out of 10 countries carried out executions – Singapore and Viet Nam.
- Commonwealth: 4 out of 54 countries executed people – Bangladesh, Botswana, Pakistan and Singapore.
- Organisation Internationale de la Francophonie: 2 out of 54 countries carried out executions – Egypt and Viet Nam.
- United Nations: 20 out of 193 member states (10% of UN membership) were known to have executed people.

DEATH SENTENCES

In 2019, Amnesty International recorded 2,307 death sentences globally, a decrease on the 2,531 death sentences recorded in 2018. However, variations in the nature and availability of information on death sentences for some countries make the evaluation of this global total in comparison with those of previous years methodologically challenging.

Amnesty International did not receive information on official figures for death sentences imposed in Malaysia, Nigeria and Sri Lanka, countries that reported high official numbers of death sentences in previous years. In contrast, Amnesty International received official information from Zambia which showed a significantly higher number of death sentences imposed in the country compared to 2018, when such official data was not provided to the organization.

8 In line with previous years, Amnesty International did not receive any reports of judicial executions by stoning in 2019

During the year death sentences were confirmed in 56 countries, two more than in 2018, when 54 countries were known to have imposed death sentences.

In 2019 four countries were known to have imposed death sentences after a hiatus – Malawi, Maldives, Niger and Trinidad and Tobago. Unlike in previous years when Amnesty International was unable to confirm death sentences in Syria, the organization confirmed that death sentences were imposed in the country in 2019 but had insufficient information to provide a credible minimum figure.[9] During the year no new death sentences were recorded in three countries – Chad, Libya and Papua New Guinea – where death sentences were recorded in 2018.

DEATH SENTENCES RECORDED GLOBALLY IN 2019

Afghanistan (14), Algeria (4+), Bahrain (4+), Bangladesh (220+), Belarus (3+), Botswana (4), China (+), Democratic Republic of the Congo (8), Egypt (435+), Gambia (1), Ghana (8), Guyana (2), India (102), Indonesia (80+), Iran (+), Iraq (87+), Japan (2), Jordan (8+), Kenya (29+), Kuwait (5+), Lebanon (23), Malawi (8), Malaysia (26+), Maldives (2), Mali (4+), Mauritania (8), Morocco/Western Sahara (7+), Myanmar (4), Niger (8), Nigeria (54+), North Korea (+), Oman (7+), Pakistan (632+), Palestine (State of: 4, Hamas authorities, Gaza), Qatar (2+), Saudi Arabia (5+), Sierra Leone (21), Singapore (12), Somalia (24+), South Korea (1), South Sudan (4+), Sri Lanka (34+), Sudan (31+), Syria (+), Taiwan (2), Tanzania (4+), Thailand (16+), Trinidad and Tobago (8), Tunisia (39+), Uganda (2), United Arab Emirates (18+), USA (35), Viet Nam (76+), Yemen (55), Zambia (101), Zimbabwe (6).

Significant decreases in the number of death sentences imposed were recorded in the following countries: Democratic Republic of the Congo (from 41 to 8), Egypt (from 717+ to 435+), India (from 162 to 102), Iraq (from 271+ to 87+), Kuwait (from 34 to 5+), Libya (from 45+ to 0), Mali (from 18 to 4+), Palestine (State of) (from 13 to 4), Thailand (from 33+ to 16+).

On the other hand, Amnesty International recorded a significant increase in the number of death sentences imposed in 2019 compared to 2018 in the following countries: Indonesia (from 48+ to 80+), Kenya (from 12+ to 29+), Lebanon (from 5+ to 23), Pakistan (from 250+ to 632+), Sierra Leone (from 4 to 21), Sudan (from 8 to 31+), Tunisia (from 12+ to 39+), Yemen (from 13+ to 55), Zambia (from 21+ to 101).

Globally, at least 26,604 people were known to be under sentence of death at the end of 2019.[10]

9 Due to the ongoing conflict, Amnesty International could not confirm that death sentences were carried out in Syria in 2013, 2014, 2015, 2016, 2017 and 2018

10 For several countries where Amnesty International believed a high number of prisoners were under sentence of death figures were not available or it was impossible to estimate an adequate number. These included China, Egypt, Iran, North Korea and Saudi Arabia.

COMMUTATIONS, PARDONS AND EXONERATIONS

Amnesty International recorded commutations or pardons of death sentences in 24 countries:

Bangladesh, China, Egypt, Gambia, Ghana, Guyana, India, Indonesia, Iraq, Kuwait, Malaysia, Mauritania, Morocco/Western Sahara, Niger, Nigeria, Oman, Pakistan, Singapore, Sudan, Thailand, UAE, USA, Zambia, Zimbabwe.[11]

Amnesty International recorded at least 11 exonerations of prisoners under sentence of death in two countries –USA (3), Zambia (8).[12]

THE DEATH PENALTY IN 2019: IN VIOLATION OF INTERNATIONAL LAW

The death penalty continued to be used in ways that violated international law and standards in 2019. Some examples included:

- At least 13 **public executions** were recorded in Iran.
- At least 6 people – 4 in Iran, 1 in Saudi Arabia and 1 in South Sudan – were executed for crimes that occurred when they were **below 18 years of age**; Amnesty International believed that other people in this category remained on death row in Maldives, Iran, Pakistan, Saudi Arabia and South Sudan.[13]
- People with **mental or intellectual disabilities** were under sentence of death in several countries, including Japan, Maldives, Pakistan and USA.
- Death sentences were known to have been imposed after proceedings that did not meet **international fair trial standards** in several countries, including Bahrain, Bangladesh, China, Egypt, Iran, Iraq, Malaysia, Pakistan, Saudi Arabia, Singapore, Viet Nam and Yemen.
- **"Confessions"** that may have been extracted through **torture or other ill-treatment** were used to convict and sentence people to death in Bahrain, Egypt, Iran and Saudi Arabia.
- Death sentences were imposed **without the defendant being present (in absentia)** in Bangladesh and Lebanon.

11 Commutation is the process by which a death sentence is exchanged for a less severe sentence such as terms of imprisonment, often by the judiciary on appeal, but sometimes also by the executive. A pardon is granted when the convicted individual is completely exempted from further punishment.

12 Exoneration is the process whereby, after sentencing and the conclusion of the appeals process, the convicted person is later cleared from blame or acquitted of the criminal charge, and therefore is regarded as innocent in the eyes of the law

13 Often the actual age of the prisoner is in dispute because no clear proof of age exists, such as a certificate of registration at birth. 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 the doubt in disputed cases so that the individual is treated as a person who was below 18 years of age at the time of the crime, 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 UN Convention on the Rights of the Child.

- **Mandatory death sentences** were imposed in Ghana, Iran, Malaysia, Myanmar, Nigeria, Pakistan, Saudi Arabia and Singapore.[14]
- **Military courts** sentenced civilians to death in Egypt and Pakistan. **Special Courts** imposed death sentences in Bangladesh, Iran, Pakistan, Saudi Arabia and Yemen.
- The death penalty was used for **crimes that did not involve intentional killing**, and therefore did not meet the threshold of "most serious crimes" under international law.[15]
  - **Drug-related offences:** at least 118 executions were known to have been carried out in 4 countries – China (+), Iran (30), Saudi Arabia (84) and Singapore (2). This was 18% of the global recorded executions total and up from 14% in 2018. Information on Viet Nam was unavailable.

    184 new death sentences were known to have been imposed in 8 countries: Bahrain (2), Bangladesh (2), China (+), Indonesia (60), Malaysia (18), Singapore (12), Sri Lanka (15) and Viet Nam (73).
  - **Economic crimes**, such as corruption: China.[16]
  - **"Blasphemy"** or "insulting the prophet of Islam": Pakistan.
  - **Kidnapping:** Iran.
  - **Rape:** Egypt, Iran and Saudi Arabia.
  - Different forms of **"treason"**, **"acts against national security"**, **"collaboration"** with a foreign entity, **"espionage"**, **"questioning the leader's policies"**, participation in **"insurrectional movement and terrorism"**, **"armed rebellion against the ruler"** and other **"crimes against the state"**, whether or not they led to a loss of life: Pakistan and Saudi Arabia.
- **Expansion of the scope** of the death penalty: India, Thailand and Nigeria (Katsina State and Taraba State).

14 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". UN Human Rights Committee, *Pagdayawon Rolando v. Philippines*, Views of the Human Rights Committee, Communication No. 1110/2002, UN Doc. CCPR/C/82/D/1110/2002 (2004) para. 5.2

15 As prescribed by Article 6 of the International Covenant on Civil and Political Rights

16 In China, economic offences were punished with a "suspended" death sentence in one known case, which is generally commuted to terms of imprisonment after two years' imprisonment when no other crimes are committed

REGIONAL OVERVIEWS

AMERICAS

REGIONAL TRENDS

- New Hampshire became the 21st US state to abolish the death penalty for all crimes and the Governor of California established a moratorium on executions in the US state with the highest number of prisoners on death row.
- For the 11th consecutive year, the USA was the only executioner in the Americas region and Trinidad and Tobago was the only country to retain the mandatory death penalty for murder.
- The US Attorney General set the first executions for federal offences in nearly two decades.

COUNTRY	2019 RECORDED EXECUTIONS	2019 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2019
Antigua and Barbuda	0	0	0
Bahamas	0	0	0
Barbados	0	0	7
Belize	0	0	0
Cuba	0	0	0
Dominica	0	0	0
Grenada	0	0	1
Guatemala	0	0	0
Guyana	0	2	26
Jamaica	0	0	0
Saint Kitts and Nevis	0	0	0
Saint Lucia	0	0	0
Saint Vincent and the Grenadines	0	0	1

COUNTRY	2019 RECORDED EXECUTIONS	2019 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2019
Trinidad and Tobago	0	8	50
USA[17]	22 in 7 states: Alabama (3) Florida (2) Georgia (3) Missouri (1) South Dakota (1) Tennessee (3) Texas (9)	35 in 12 jurisdictions:[18] Alabama (3) Arizona (1) California (3) Florida (7)[19] Georgia (2) North Carolina (3) Ohio (6) Oklahoma (1) Pennsylvania (2) South Carolina (2) Texas (4) Federal authorities (1)	2,581 people held in 31 jurisdictions. Eight states held more than 100 people: 728 in California 339 in Florida 213 in Texas 175 in Alabama 143 in North Carolina 140 in Ohio 133 in Pennsylvania 116 in Arizona

Executions and death sentences in the USA represented the second lowest yearly totals in 28 and 46 years, respectively. Three fewer executions were recorded in 2019 (22) than in 2018 (25), a yearly total that is in line with average figures for recent years.

Six US states carried out executions by lethal injection and one, Tennessee, resorted to electrocution following legal challenges to its lethal injection protocol.[20] More than 40% of all recorded executions were carried out in Texas, which remained the leading executing state in the country. Missouri carried out one execution in 2019 after none in the previous year. Conversely, Nebraska and Ohio did not put anyone to death in 2019 after carrying out executions in 2018.

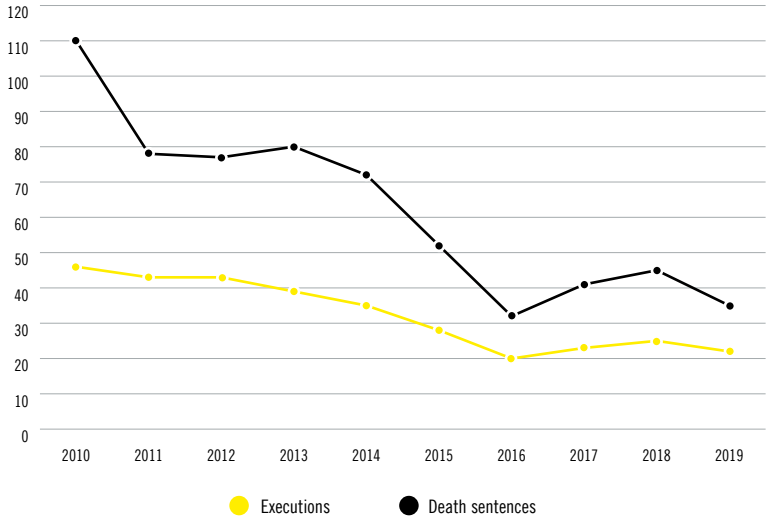
17 Figures based on information published by Departments of Corrections, courts and media in relevant US states

18 Death sentences were imposed by courts as a result of both state and federal prosecutions

19 This figure does not include the new death sentences imposed in re-sentencing hearings granted pursuant to the judgment of the US Supreme Court, *Hurst v. Florida*, Certiorari to the Supreme Court of Florida (No. 14-7505, 577 US) (2016)

20 Several executions set in recent years have been delayed nationwide in part as a result of legal challenges linked to the revision of lethal injection protocols, or problems faced by states in obtaining substances used in lethal injection procedures. Executions in 2019 were completely or in part on hold in several jurisdictions, including Arizona, California, Idaho, Indiana, Kentucky, Louisiana, Nevada, Ohio, Oklahoma, South Carolina and at federal level, because of litigation on their lethal injection procedures.

DEATH SENTENCES AND EXECUTIONS RECORDED IN THE USA 2010-2019



The number of US death sentences (35) decreased by 22% compared to 2018 (45) and by 68% compared to 2010 (110). The number of jurisdictions imposing death sentences (12) decreased by 25% compared to 2018 (16), and by 50% compared to 2010 (24).

Unlike in 2018, Arkansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada and Tennessee did not report any new death sentences in 2019, while Georgia, North Carolina and South Carolina did. In 2019 the number of death sentences was down by 43% in Texas.

In New Mexico, which abolished the death penalty in 2009, the state Supreme Court commuted the death sentences of the two men left on death row.[21]

THE DEATH PENALTY IN THE USA

With New Hampshire in 2019, as of the end of 2019 a total of 21 states had abolished the death penalty for all crimes, including eight since the beginning of the millennium.[22] Of the 29 remaining states, California, Colorado, Indiana, Kansas, Kentucky, Montana, Nevada, North Carolina, Oregon, Pennsylvania and Wyoming (11) had not carried out executions for at least 10 years, with official moratoriums on all executions in California, Colorado, Oregon and Pennsylvania. At the federal level, the civilian authorities had not carried out any executions since 2003 and military authorities since 1961.

21 *Robert Fry v. James Lopez* (2019-NMSC-013), Supreme Court of New Mexico (2019)

22 The states of Connecticut, Delaware, Illinois, Maryland, New Hampshire, New Jersey, New Mexico and Washington. In addition to these, in New York state the last remaining death sentence was commuted in 2007 after the state Court of Appeals ruled in 2004 that the state capital punishment law was unconstitutional. Colorado abolished the death penalty for all crimes in March 2020.

Outside the USA, the progress towards ending the use of the death penalty continued. Barbados removed the mandatory death penalty from its constitution while Antigua and Barbuda, Bahamas, Belize, Cuba, Dominica, Guatemala, Jamaica, Saint Kitts and Nevis and Saint Lucia (9) did not have anyone on death row and no reports of new death sentences. Grenada and Saint Vincent and the Grenadines (2) continued to hold one person under sentence of death.

Apart from the USA, Guyana and Trinidad and Tobago were the only two countries with recorded death sentences. The latter accounted for 80% of the Caribbean total and 59% of the total number of people on death row in the Caribbean (85).

The Inter-American Commission on Human Rights noted the absence of executions in the Caribbean for more than 10 years, and called on all states that apply the death penalty to remove it from national legislation or at least impose a moratorium on its application.[23]

NOTABLE COUNTRY DEVELOPMENTS

On 4 April the Constitution (Amendment) Act, 2019 came into force in **Barbados**, removing provisions in the Constitution that authorized the mandatory imposition of the death penalty (section 15) and prevented constitutional challenges, including on human rights violations associated with the use of this punishment, to the laws in force in 1966, the time of the country's independence (section 26, more commonly referred to as "savings clause").[24] The Act also removed a provision in section 78 that granted the Governor-General the power to set time limits for petitions for mercy, after which the implementation of death sentences would have been deemed lawful regardless of any pending appeals, in violation of international law and standards.

On 3 December the House of Assembly adopted the Offences Against the Person (Amendment) Bill, 2019, to remove the mandatory death penalty as punishment for murder, as well as establish a procedure for the review of all death sentences imposed under the Offences Against the Person Act. This would include murder cases where the death sentence had already been commuted on other grounds, such as delays in its implementation.[25] The Bill was pending before the Senate at the end of the year.

The amendments to the Constitution and the Offences Against the Person Act were proposed to bring them in line with the June 2018 decision by the Caribbean Court of Justice (CCJ) – the country's final appelate court – which found the mandatory imposition of the death penalty under section 2 of the Offences Against the Person Act unconstitutional.[26]

Attorney General Dale Marshall indicated in September that more than 70 people were waiting for their murder trials to begin and that no re-sentencing hearings had taken place by then, due to the needed reforms to national legislation.[27]

On 31 July the Court of Appeal quashed the murder conviction and death sentence of Omar Dacosta Holder, due to lack of evidence.[28] Seven men were known to be under sentence of death as of 31 December, with three others also awaiting re-sentencing.

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23 Inter-American Commission on Human Rights, *IACHR Completes 174th Period of Sessions*, 20 November 2019, www.oas.org/en/iachr/media_center/PReleases/2019/301.asp

24 Supplement to Extraordinary Gazette, *Constitution (Amendment) Act, 2019-15*, published on 4 April 2019

25 Offences Against the Person (Amendment) Bill, 2019, Cap. 141

26 *abari Sensimania Nervais v. The Queen* and *Dwayne Omar Severin v. The Queen* (CCJ 19 (AJ)), Caribbean Court of Justice (2018)

27 "Lawmakers to return sentencing power over convicted killers", Barbados Today, 3 December 2019, https://barbadostoday.bb/2019/12/03/lawmakers-to-return-sentencing-power-over-convicted-killers/

28 *Omar Dacosta Holder v. The Queen* (Criminal Appeal No.6/2010), Court of Appeal of Barbados (2019)

Dominica had its Universal Periodic Review at the UN Human Rights Council on 9 May 2019, during which the country's delegation stated that the Government was willing to receive support to enable a national dialogue on the issue of the death penalty.[29] However, it did not accept recommendations to abolish it, despite Dominica being in 2018 the first English-speaking Caribbean country to co-sponsor a UN General Assembly resolution calling for a moratorium on executions with a view to abolishing the death penalty.[30]

During the year the Inter-American Court of Human Rights issued three decisions and two resolutions on the implementation of previous decisions condemning violations of human rights associated with the past use of the death penalty in **Guatemala** and ordered reparations.[31] The Court found that the state had violated several provisions of the American Convention on Human Rights, including on the right to life, in the cases of those executed (4.1); the restriction of the use of the death penalty to the "most serious crimes" (4.2); the prohibition on its introduction (4.3); as well as on the banning of cruel, inhuman and degrading treatment or punishment (5.2), in relation to inhuman conditions of detention, the anguish of being on death row for prolonged periods of time ("death row *phenomenon*") and, in one instance, the televising of an execution carried out in 1996.[32] The Court also repeatedly held that the Government had violated the principle of legality (Article 9 of the Convention) in relation to the reliance in the Penal Code of "future dangerousness of the offender" as criteria to determine whether the murder is most heinous and warranting the imposition of the death penalty – a core reason mentioned in the 2017 decision of the Constitutional Court of Guatemala when declaring articles in the Penal Code and the Anti-Narcotics Law allowing for the imposition of the death penalty as unconstitutional.

Two new death sentences were imposed for murder in **Guyana**. Two other men who had been sentenced before 2010, when legislative amendments removed the mandatory death penalty for murder, were re-sentenced to imprisonment for 25 years.[33]

Trinidad and Tobago was the only country in the region to retain the mandatory death penalty for murder, after Barbados introduced discretion in its laws. Eight men were known to have been sentenced to death for this offence, including five in the same case. Twelve of the 50 men on death row had spent more than five years under sentence of death, rendering the implementation of their death sentences unconstitutional.[34] The authorities continued to struggle with persistent high murder rates and low detection figures, which triggered occasional public calls for the resumption of executions. The Trinidad and Tobago Police Service indicated that 536 murders were reported in 2019, a further increase on 517 in 2018. Only 42 murders were classified as detected, half of the number reported for 2018 (83).[35]

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29 Human Rights Council, Report of the Working Group on the Universal Periodic Review – Dominica, UN Doc. A/HRC/42/9 (2019); and Addendum, UN Doc. A/HRC/42/9/Add.1 (2019)

30 UN General Assembly Resolution 73/175, adopted on 17 December 2018. Amnesty International, *English-speaking Caribbean: Time to make the death penalty history* (Index: ACT 50/9585/2018).

31 Inter-American Court of Human Rights, *Martínez Coronado v. Guatemala*,;*Rodríguez Revolorio and others v. Guatemala* (2019); *Girón and another v. Guatemala* (2019); resolutions, *Raxcacó Reyes v. Guatemala* of 30 January 2019, and *Fermín Ramírez v. Guatemala* of 6 February 2019

32 *Rodríguez Revolorio and others v. Guatemala*, Inter-American Court of Human Rights (2019). Two of the applicants had their death sentences commuted in 2012; the third one died in 1999.

33 Guyana retains the mandatory death penalty under the Anti-Terrorism and Terrorist-Related Activities Act 2015

34 In line with the standard set by the Judicial Committee of the Privy Council in *Pratt and Morgan v. The Attorney General of Jamaica* (UKPC 37) (1993). The Judicial Committee of the Privy Council is the last appellate court of several Commonwealth countries, including Trinidad and Tobago.

35 A crime is classified as detected when a suspect had been identified and charged in relation to the murder. The figures were available from www.ttps.gov.tt/Statistics/Crime-Totals-By-Month

As the country marked its 1,500th execution since 1977 in June, the use of the death penalty in the **USA** in 2019 was dominated by significant progress towards its abolition at the state level and yet the pursuit of executions by federal authorities. On 30 May, the New Hampshire legislature overrode the veto by Governor Chris Sununu to House Bill 455, thus abolishing the state's death penalty. Just months later, Oregon's legislature approved Senate Bill 1013, which came into force on 29 September and significantly reduced the scope of the death penalty from 19 offences to four, limiting its use to terrorism-related acts that result in the death of at least two people; premeditated murder of children under 14 years old or law enforcement officers; and murders by prisoners already convicted of murder.

On 13 March, California Governor Gavin Newsom signed an executive order establishing an official moratorium on executions, as 737 people remained on death row at the time.[36] Oklahoma, Pennsylvania, South Carolina and Virginia took steps towards ending solitary confinement for those on death row following legal challenges on detention conditions.

Conversely, on 25 July, US Attorney General William Barr directed the Federal Bureau of Prisons to adopt a new lethal injection protocol and schedule the first federal executions after a nearly two-decade hiatus.[37] Five men had their executions set for December 2019 and January 2020, which were eventually halted on 20 November to allow challenges on the new federal execution protocol.[38]

On 30 August, newly appointed judge Colonel Shane Cohen set 11 January 2021 to begin the trial of five men charged with plotting the attacks of 11 September 2001. Pre-trial hearings continued to address numerous issues, including the admission as evidence of statements that the defence holds are the result of torture.[39] Due to a conflict of interest, in April a federal court vacated all pre-trial decisions taken by the previous judge overseeing proceedings against 'Abd al-Rahim al-Nashiri, charged with masterminding an attack on the US warship *USS Cole* in 2000.[40] New pre-trial hearings in his case resumed in December. All six detainees could face the death penalty if found guilty by the military commissions, which if implemented would constitute arbitrary deprivation of life under international law since these proceedings do not meet international fair trial standards.

People with mental and intellectual disabilities continued to be subjected to the death penalty, in violation of international law and standards. In February the US Supreme Court vacated the death sentence imposed on Vernon Madison, who had come within 30 minutes of being executed in Alabama in January 2018.[41] In its decision, the Court clarified that the Eighth Amendment to the US Constitution prohibits the execution of those who cannot reach a rational understanding of the execution and of why the state wants to execute them, notwithstanding the type of mental disability that affects such understanding. In a separate case, the US Supreme Court reversed a decision by the Texas Court of Criminal Appeals. Confirming for the second time its findings on the issue of intellectual disability, the Court criticized the framework for the Texas Court's assessment of claims of intellectual disability in capital cases (known as the "Briseño factors"), reiterating that these

36 Office of Governor Gavin Newsom, *Governor Gavin Newsom orders a halt to the death penalty in California*, 13 March 2019, www.gov.ca.gov/2019/03/13/governor-gavin-newsom-orders-a-halt-to-the-death-penalty-in-california/

37 Department of Justice, *Federal Government to resume capital punishment after nearly two decade lapse*, 25 July 2019, www.justice.gov/opa/pr/federal-government-resume-capital-punishment-after-nearly-two-decade-lapse

38 *Roane et al. v. Barr* (19-mc-145 (TSC)), US District Court for the District of Colombia (2019)

39 Military Commissions Trial Judiciary Guantánamo Bay, Cuba, *Trial Scheduling Order in United States of America v. Khalid Shaikh Mohammad and others, AE 639M*, 30 August 2019, www.mc.mil/Portals/0/pdfs/KSM2/KSM%20II%20(AE639M(Trial%20Scheduling%20Order)).pdf

40 *Abd al-Rahim Hussein Muhammed al-Nashiri v. US Department of Justice* (No. 18-1279), US Court of Appeals for the District of Colombia Circuit (2019)

41 *Madison v. Alabama* (139 S. Ct. 718), US Supreme Court (2019). See also Amnesty International, *USA: Execution set for crime man cannot remember – Vernon Madison* (Index: AMR 51/7752/2018)

"had no grounding in prevailing medical practice", and because they invited "lay perceptions of intellectual disability" and "lay stereotypes" to guide assessment of intellectual disability.[42]

On 13 November the Inter-American Commission on Human Rights (IACHR) urged the US authorities to comply with its 2017 recommendation to review the conviction and death sentence of Víctor Saldaño and to remove him from death row.[43] The IACHR had highlighted that his mental health concerns had been improperly considered at sentencing after the second trial and found that the USA had violated multiple provisions of the American Convention on Human Rights.

During the year three men who had previously been convicted and sentenced to death were exonerated in Florida, North Carolina and Pennsylvania, bringing the total number of such exonerations since 1973 to 167.[44] On 15 November, the Texas Court of Criminal Appeals halted the scheduled execution of Rodney Reed and ordered the court where he was originally tried to consider the additional new expert and forensic evidence which called into question the state's theory of the crime, including the time of death.[45]

42 *Moore v.Texas* (586 U.S.), US Supreme Court (2019)

43 "IACHR urges the United States to comply with the recommendations issued in regard with Víctor Saldaño's human rights" (Press release), 13 November 2019, www.oas.org/en/iachr/media_center/PReleases/2019/294.asp

44 For more information see Death Penalty Information Center, https://deathpenaltyinfo.org/policy-issues/innocence-database

45 Amnesty International, *USA: Execution halted for man with innocence claims – Rodney Reed*, *Urgent Action* (Index: AMR 51/1438/2019)

ASIA-PACIFIC

REGIONAL TRENDS

- Lowest number of executing countries recorded in the region since 2011.
- Execution rates recorded in Japan and Singapore decreased to a level in line with average figures of previous years.
- Viet Nam released partial figures that suggested a similar execution rate as in 2018, but lack of transparency in this and other countries continued to prevent full assessment of the use of the death penalty.
- Attempts in India and Sri Lanka to resume executions and in the Philippines to reintroduce the death penalty threatened progress towards abolition.

COUNTRY	2019 RECORDED EXECUTIONS	2019 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2019
Afghanistan	0	14	538+
Bangladesh	2	220+	1,718+
Brunei Darussalam	0	0	+
China	+	+	+
India[46]	0	102	378
Indonesia	0	80+	308
Japan	3	2	121
Laos	0	0	+
Malaysia	0	26+	1,280
Maldives	0	2	19
Myanmar	0	4	+
North Korea	+	+	+
Pakistan	14+	632+	4,000+[47]
Papua New Guinea	0	0	20
Singapore	4	12	40+
South Korea	0	1	61
Sri Lanka	0	34+	1,000+
Taiwan	0	2	39
Thailand	0	16+	312
Tonga	0	0	0
Viet Nam	+	76+	249+

46 Project 39A, *Death penalty in India: Annual statistics report 2019,* January 2020, www.project39a.com/annual-statistics
Amnesty International monitors daily developments on the use of the death penalty in India, but it gathered a lower number of death sentences for 2019

47 According to a report submitted by the Federal Ombudsman to the Supreme Court of Pakistan, 4,225 people were under sentence of death as of July 2019. A copy of the report was provided to Amnesty International by NGO Justice Project Pakistan.

For the first time in almost a decade, the Asia-Pacific region saw a decrease in the number of executing countries, with seven known to be carrying out executions during the year. Although Bangladesh resumed executions, hiatuses were reported in Afghanistan, Taiwan and Thailand, which all executed people in 2018. Malaysia continued to observe its official moratorium on executions established in July 2018.

Without a figure for Viet Nam, the number of recorded executions (29) showed a slight decrease due to drops in Japan and Singapore. This regional total, as in previous years, does not include the thousands of executions that were believed to have been carried out in China and is affected by ongoing secrecy in this country as well as in North Korea and Viet Nam. The execution figure for Pakistan was the same as in 2018, confirming the significant downward trend that has been recorded since executions resumed in 2014.

At least 1,227 new death sentences were known to have been imposed, a 12% increase compared to 2018. This was linked to an increase in the number of such sentences imposed in Pakistan following the setting up of additional courts to clear the backlog of cases. The regional total is also affected by a variation in figures particularly in relation to Malaysia and Sri Lanka, for which official figures were received in previous years but not for 2019.[48]

The number of countries imposing death sentences (17) remained the same as in 2018. Courts in Papua New Guinea did not impose any in 2019, having done so in 2018; in Maldives, two people were sentenced to death after a hiatus in the previous year.

The use of the death penalty in the Asia-Pacific region in 2019 continued to violate international law and standards in many cases. The death penalty was extensively used for offences that did not meet the threshold of the "most serious crimes" to which the use of the death penalty must be restricted under international law.[49] These included drug-related offences; economic crimes, such as corruption; and acts that could not be considered to constitute recognizable criminal offences complying with requirements under international human rights law, such as "blasphemy". People who were below 18 years of age at the time of the crime remained under sentence of death in Maldives and Pakistan. In many cases recorded by Amnesty International, death sentences were imposed by special courts or military tribunals against civilians.

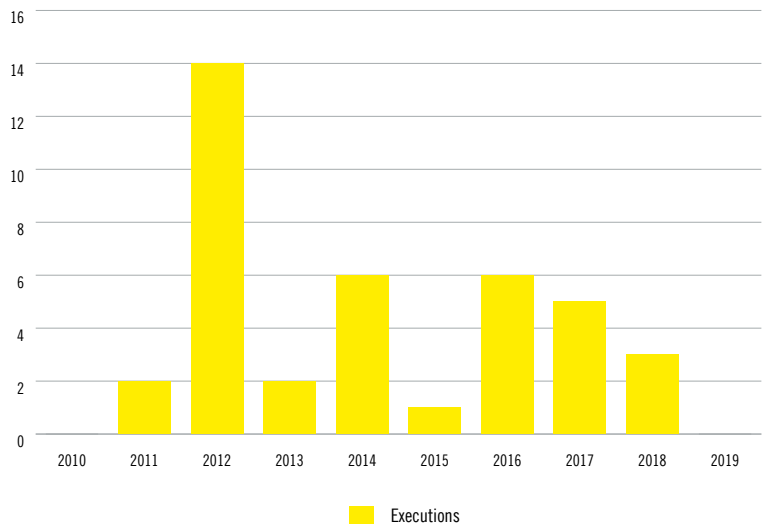
NOTABLE COUNTRY DEVELOPMENTS

No executions were carried out in **Afghanistan**, for the first time since 2010. According to official figures provided to Amnesty International, 14 new death sentences were imposed, including four for terrorism-related offences; one for kidnapping and murder; and eight for murder. During the year, a special committee established in 2018 within the Office of the Attorney General continued to monitor death penalty cases. Out of the total 102 cases it reviewed, 25 resulted in the affirmation of the death sentence, 26 in recommendations for commutation and 51 in the quashing of the convictions. Two detention facilities in Kabul and Bagram held 538 people under sentence of death.

48 For example, official figures indicated that Malaysian courts had imposed 190 death sentences in 2018, and Sri Lankan courts 218 in 2017

49 See p. 12 in the global overview for more detailed information

EXECUTIONS RECORDED IN AFGHANISTAN 2010-2019



Two men were executed in **Bangladesh** in two separate murder cases. Amnesty International recorded 220 new death sentences, the majority of which were imposed for murder. Of these 220 death sentences, 39 were imposed on men sentenced in their absence and 68 by special courts.[50] Fourteen were imposed on people convicted and sentenced by the International Crimes Tribunal, a Bangladeshi court established to investigate mass-scale human rights violations committed during Bangladesh's 1971 War of Independence. Two people were sentenced to death for drug trafficking.

No new death sentences were known to have been imposed in **Brunei Darussalam**. In its national report to the Human Rights Council for the country's third Universal Periodic Review, the Government stated that the last execution was carried out in 1996, but no further details were available.[51] The last execution known to Amnesty International was carried out in 1957. On 3 April the second schedule of the Syariah Penal Code Order, 2013, came into force. This section of the Code, which operates alongside the ordinary Penal Code, introduced death by stoning for same-sex sexual acts.[52] Following an international outcry, on 5 May the Sultan of Brunei, Hassanal Bolkiah, announced that the country's long-standing record of not implementing death sentences would be maintained and that Brunei Darussalam would ratify the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.[53]

50 Such as courts established under the Law and Order Disruption Crimes (Speedy Trial) Act, 2002. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that military and other special courts "are ill suited to ensuring full compliance with fair trial standards as required in capital cases" and "should not have the power to impose sentences of death." Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, UN Doc. A/67/275 (2012) para. 33.

51 Human Rights Council, National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 – Brunei Darussalam, UN Doc. A/HRC/WG.6/33/BRN/1 (2019), para. 32

52 Amnesty International, *Brunei must immediately halt plans to introduce stonings and other vicious punishments* (News release, 3 April 2019), www.amnesty.org/en/latest/news/2019/04/brunei-darussalam-must-immediately-halt-plans-to-introduce-stonings-and-other-vicious-punishments/

53 Amnesty International, *Brunei Darussalam: Sultan's speech a first step to repealing "heinous" laws* (News release, 6 May 2019), www.amnesty.org/en/latest/news/2019/05/brunei-darussalam-sultan-speech-first-step-repealing-heinous-laws/

Amnesty International believes that in 2019 **China** once again executed and sentenced to death thousands of people, remaining the world's lead executioner. Figures on the use of the death penalty continued to be classified as a state secret, making it impossible to independently assess trends and any claims by state officials of limiting this punishment to a small number of cases.[54] The organization continued to call on the Chinese authorities to be transparent and make a full breakdown of such information publicly available.

The death penalty remained applicable for 46 offences, including some non-violent acts which do not meet the threshold of the "most serious crimes" to which the use of the death penalty must be restricted under international law and standards. Through its monitoring of information gathered during the year, including court rulings uploaded on the online database maintained by the Supreme People's Court (SPC), Amnesty International observed that the majority of cases involved murder and drug-related offences.[55]

Several reports of death sentences and executions of people convicted of drug-related offences were published by online state media in the lead-up to the UN-established International Day against Drug Abuse and Illicit Trafficking on 26 June, with the Jiangsu High People's Court even holding a press conference to report that 43 courts across the province had ruled in 82 drug cases to mark the day and imposed some death sentences.[56] The resort to the death penalty in drug-related cases also appeared to play a central role in the middle of political stand-offs with some foreign countries.[57] Among other cases, Robert Schellenberg, a Canadian national, was sentenced to death in a hasty one-day retrial after he was convicted of a more serious offence than in his original trial. First arrested in 2014, he was initially convicted of drug trafficking and sentenced to 15 years' imprisonment in November 2018. Upon appeal, the higher court ordered a full retrial on the grounds that the original sentence was too lenient.[58]

Amnesty International remained further concerned about the secretive use of the death penalty in the Xinjiang Uyghur Autonomous Region (XUAR), where the authorities increased security measures in recent years in so-called "People's War" and "strike hard" campaigns, impacting predominantly Muslim-ethnic minorities within the region. Such campaigns have typically been associated with the increased use of the death penalty, and scholars have criticized the proceedings used as part of these crackdowns for their lack of fair trial guarantees and the likelihood of "wrongful executions".[59] Tashpolat Tiyip, who was the President of Xinjiang University when he was forcibly disappeared in 2017, was believed to be at imminent risk of execution in 2019 for his conviction on "separatism" charges in secret and grossly unfair proceedings.[60] The terms of his "suspended death sentence", which included the possibility of commutation after two years' imprisonment when no other crimes were committed, came to an end in September 2019, but his whereabouts remained unknown.

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54 See, for example, Supreme People's Court of China, *Report of Supreme People's Court on improving criminal trial work: The fourteenth meeting of the Standing Committee of the Thirteenth National People's Congress*, 23 October 2019; UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: China*, UN Doc. A/HRC/40/6/Add.1 (2018), para. 28.2

55 Supreme People's Court Monitor, China Judgments Online. For more information, see Amnesty International, *China's deadly secrets* (Index: ASA 17/5849/2017)

56 "Jiangsu concentrates on 82, publicly sentenced one drug offender to death for drug manufacturing", Xinhuanet, 25 June 2019, www.js.xinhuanet.com/2019-06/25/c_1124669623.htm

57 See, for example, "China warns of 'repercussions' if Canada blocks Huawei from 5G", *Financial Times*, 18 January 2019, www.ft.com/content/4bb83c5a-1aba-11e9-9e64-d150b3105d21

58 Amnesty International, *China: Canadian sentenced to death in a one-day retrial – Robert Schellenberg, Urgent Action* (Index: ASA 17/9729/2019); "5 sentenced to death for transporting, manufacturing drugs", Xinhuanet, 19 June 2019, www.xinhuanet.com/english/2019-06/19/c_138155001.htm; "Drug dealers sentenced to death in Shanxi", Xinhuanet, 26 June 2019, www.xinhuanet.com/english/2019-05/26/c_138091263.htm

59 Amnesty International, *People's Republic of China: The death penalty in China – breaking records, breaking rules* (Index: ASA 17/38/97); "Strike less hard", *The Economist*, 3 August 2013, www.economist.com/news/china/21582557-most-worlds-sharp-decline-executions-can-be-credited-china-strike-less-hard

60 Amnesty International, *China: Uyghur academic faces execution in China – Tashpolat Tiyip, Urgent Action* (Index: ASA 17/1006/2019)

One new "suspended death sentence" was imposed for corruption, a figure that is in line with the overall decline seen in recent years in death sentences for this offence, usually with the possibility of commutation after two years.[61]

During the year, the Supreme People's Court (SPC) issued new guidance on capital cases. New provisions effective from 1 September introduced the right to legal counsel for defendants during the SPC review of the case, as well as the notification of the verdict within five days after the decision is issued. Furthermore, the guidelines require the courts of first instance to, upon receipt of the final decision by the SPC, notify the prisoner and their close relatives of the imminent execution and allow them to meet. At the discretion of the court, the person facing execution may also meet their extended family and friends for the last time. The guidelines also grant the right to the prisoner to record any last words, including through video recording.[62] A further opinion issued in September requires lower courts to discuss with the judicial committee of the SPC any cases relating to national security, diplomatic, social stability and other sensitive cases and major, difficult, complex cases or cases where the death penalty is a possible sentence.[63]

The new guidance follows several cases of wrongful convictions, some of which sparked public debates in the country. State-run news agency Xinhua reported that on 7 January the Intermediate People's Court in Liaoyuan granted Liu Zhonglin 4.6 million yuan (approximately USD670,000) as compensation for his wrongful conviction.[64] He was given a "suspended death sentence" for murder in 1994. After repeated appeals, he was released in 2016 and had his conviction and death sentence quashed in April 2018.

Project 39A at the National Law University, Delhi, reported a 37% decrease in the number of death sentences imposed by first instance courts of **India** compared to the previous year. Of the 102 new death sentences, 28 were imposed for murder and 54 for murder involving sexual offences. On 5 August the President of India Ram Nath Kovind assented to the Protection of Children from Sexual Offences (Amendment) Act, 2019, which makes aggravated sexual assault on children punishable by death.[65] On 18 December the Supreme Court dismissed the final appeals of four men convicted of a high-profile rape and murder case in Delhi in 2012, paving the way for the scheduling of their execution.[66]

Amnesty International recorded 80 new death sentences in **Indonesia** in 2019, which was almost double the 2018 figure, when 48 were recorded. Sixty (75%) of all recorded death sentences were imposed for drug trafficking, and the remaining ones were for murder (18), child rape (1) and terrorism-related offences (1). Eight were imposed on foreign nationals, all for drug-related offences. Draft legislative amendments to the Criminal Code remained pending before Parliament at the end of the year.

The number of executions in **Japan** was down from 15 in 2018, when the country reported its highest yearly figure since 2008, to three in 2019.[67] This figure is in line with totals recorded for previous years (2014-17). Two Japanese men were executed on 2 August and a Chinese national was executed on 26 December.[68] All men had been convicted of murder. According to his lawyer, the Chinese man had

61 "Former Inner Mongolia's legislator sentenced for graft", Xinhuanet, 12 March 2019, www.xinhuanet.com/english/2019-12/03/c_138602855.htm

62 Supreme People's Court of China, *Several provisions of the Supreme People's Court on safeguarding the legal rights and interests of the parties in the review of the death penalty and enforcement procedures*, 8 August 2019

63 Supreme People's Court of China, *Opinion of the Supreme People's Court on perfecting the Working Mechanism of the Judicial Committee of the People's Court*, 22 September 2019

64 "Chinese man compensated for wrongful conviction", Xinhuanet, 7 January 2019, www.xinhuanet.com/english/2019-01/07/c_137725986.htm

65 The Gazette of India, No. 44 of 6 August 2019

66 *Akshay Kumar Singh v. State* (Review Petition (Criminal) D No. 44603 of 2019), Supreme Court of India (2019)

67 Thirteen out of the 15 total executions carried out in 2018 related to the same case. See Amnesty International, *Death sentences and executions in 2018* (Index: ACT 50/9870/2019), p. 22

68 Amnesty International, *Japan: Two hanged in deplorable move* (News release, 2 August 2019), www.amnesty.org/en/latest/news/2019/08/japan-two-executed/; and *Japan: Execution a shameful stain on human rights record of Olympic hosts* (News release, 26 December 2019), www.amnesty.org/en/latest/news/2019/12/japan-execution-a-shameful-stain-on-human-rights-record-of-olympic-hosts/

applied for retrial, meaning that for the third year running the authorities carried out executions while judicial appeals in the cases were pending, in violation of international safeguards protecting the rights of those facing the death penalty.[69]

Two new death sentences were imposed, a figure that remained in line with the annual totals recorded for most of the previous decade and constituted 20% of the total for 2010, when 10 people were known to have been sentenced to death. The Supreme Court confirmed five death sentences, bringing the number of people whose death sentence is final to 112 at the end of the year out of a total of 121 people known to be under sentence of death. Six foreign nationals were under sentence of death. Among the 121 was Iwao Hakamada, who was released from death row in 2014 but remained under sentence of death. He was sentenced to death in 1968 after being convicted in an unfair trial. The 2014 district court decision to grant him a retrial was overturned by the Tokyo High Court in 2018. His defence team appealed to the Supreme Court to allow for the retrial to take place and the decision remained pending at the end of the year.

Amnesty International remained concerned that several prisoners with mental (psychosocial) and intellectual disabilities continued to be under sentence of death, in violation of international law and standards.

MATSUMOTO KENJI

Matsumoto Kenji, who has developed a delusional disorder while detained in solitary confinement on death row in Japan, remained at risk of execution in 2019.[70] His latest application for retrial was pending at the end of the year. He was sentenced to death for murder in 1993 and had his conviction and sentence upheld by the appellate courts in 1996 and 2000.

↑ *Matsumoto Kenji © Private*

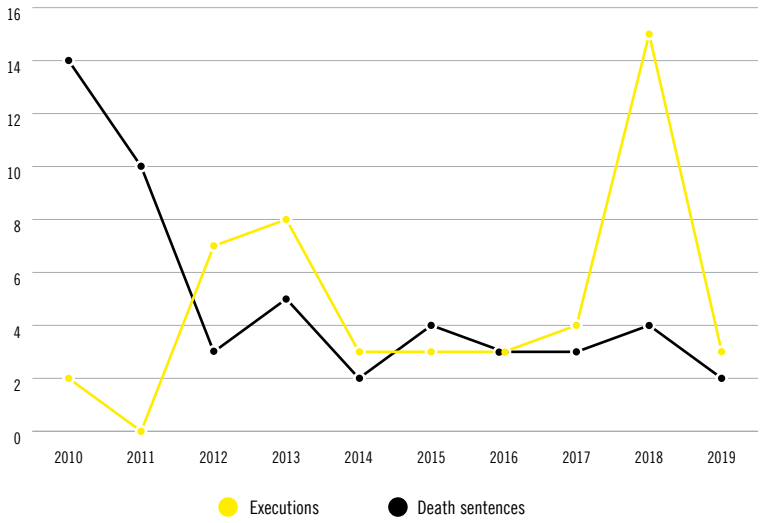
He has a long-standing mental disability which originated from mercury poisoning (Minamata disease) and predates his conviction, as well as a low IQ (between 60 to 70 according to the diagnosis by a psychiatrist). According to his lawyer, these played a significant part while the police interrogated him and resulted in a coerced "confession". The courts repeatedly ruled that he is competent enough to be sentenced to death and that his "confession" was reliable. He has a delusional disorder and his lawyer says that he is now paranoid and incoherent, and that he is not competent to understand and participate in the legal proceedings in his case. He is also unable to understand the nature and purpose of the death sentence imposed on him.

Article 479 of the Japanese Code of Criminal Procedure grants the Minister of Justice the power to order the suspension of the execution of people who have a serious mental disability. The authorities provide no notice of any scheduled executions. In a letter, Matsumoto Kenji expressed his fear after repeatedly hearing other prisoners being taken away to be executed.

69 Among other references, Safeguard No. 8 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, Economic and Social Council Resolution 1984/50 of 25 May 1984

70 Amnesty International, *Governments must put an end to death penalty cruelty and take steps towards full abolition* (Press release, 10 October 2018), www.amnesty.org/en/latest/news/2018/10/governments-must-put-an-end-to-death-penalty-cruelty/

DEATH SENTENCES AND EXECUTIONS RECORDED IN JAPAN 2010-2019



For the second consecutive year, the Government of **Malaysia** continued to observe an official moratorium on executions. Amnesty International did not receive information from the authorities on the number of death sentences imposed in 2019 and was only able to gather reports relating to 26 new death sentences. This was a significantly lower figure than the one in 2018, when official data was provided, and underscores the need for full transparency in the use of the death penalty. Of the recorded death sentences, 18 (69%) were imposed for drug trafficking and eight for murder. Nine involved foreign nationals, all but one for drug trafficking.

The Prison Department presented figures on death row prisoners in December, in response to a parliamentary question.[71] As of 2 December, 1,280 people were under sentence of death, including 827 who had exhausted their judicial avenues and were applying for pardon. Of the total, 70% (899) were convicted of drug trafficking; 27% (350) of murder; and 2% (31) of various offences including relating to firearms, waging war against the ruler, gang robbery and murder. Foreign nationals accounted for 43% of the total; of the 734 Malaysians, 349 were of Malay ethnicity, 193 Indian and 150 Chinese.

These figures are in line with the findings published by Amnesty International in October 2019, which also highlighted that the use of the death penalty in Malaysia had been tainted by laws and policies that are in contravention of international law and standards. Death sentences were imposed following violations of fair trial guarantees. These included: the rights to timely access to legal counsel and, for foreign nationals, consular assistance and interpretation; allegations of torture and other ill-treatment in pre-trial detention, including to obtain statements or information that were used to secure convictions; the reliance on "presumptions" of guilt in drug-related cases, which shift the burden of proof on to the defendant in violation of the right to be presumed innocent; and the lack of legal avenues to allow for the consideration of new evidence after a conviction is final.[72] Additionally, Amnesty International found that the arbitrariness and secrecy that surrounds the handling of pardon petitions have aggravated the mental trauma of the prisoners and their families and exacerbated the systemic flaws that undermine their right to this last review.

71 Parliament of Malaysia, *Written response to question no. 9 submitted by MP Kasthuriraani Patto*, 3 December 2019

72 Amnesty International, *Fatally flawed: Why Malaysia must abolish the death penalty* (Index: ACT 50/1078/2019)

On 20 September Liew Vui Keong, the Minister in the Prime Minister's Department for Legal Affairs, announced the establishment of a Special Committee tasked with studying sentencing policies to replace the mandatory death penalty and making recommendations to the Cabinet within three months.[73] Legislative amendments to this aim were yet to be introduced in Parliament by the end of the year.

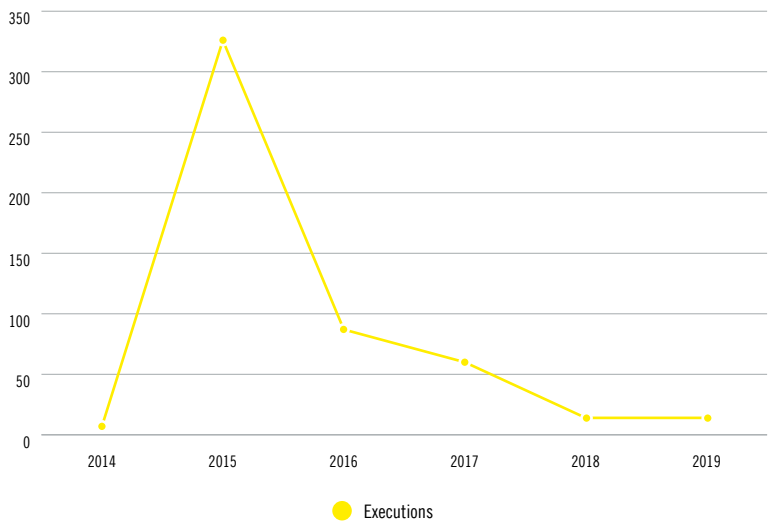
Official figures received by Amnesty International for **Maldives** confirmed that out of the 19 people under sentence of death at the end of the year, three had exhausted their legal remedies and five were below 18 years of age at the time of the crime.

Four men were known to have been sentenced to death in **Myanmar** in three separate murder cases.

Amnesty International continued to be denied access to **North Korea** and, without an independent media or local partner NGOs, was therefore unable to independently verify information of new death sentences and executions carried out in the country in 2019. As in previous years, reports of executions and death sentences suggested that this punishment continued to be used extensively, including in some instances through public executions, following summary trials and for a range of acts that either did not meet the threshold of the "most serious crimes" to which the use of the death penalty must be restricted under international law, or could not be considered to constitute recognizable criminal offences complying with international human rights law requirements.[74]

Recorded executions in **Pakistan** in 2019 represented the same total as in the previous year, confirming the significant downward trend that was recorded in recent years, following the 2015 spike. At least 14 men were hanged, including one who had been convicted by an Anti-Terrorism Court.[75]

EXECUTIONS RECORDED IN PAKISTAN 2014-2019



73 Y.B. Datuk Liew Vui Keong, Minister in the Prime Minister's Department for Legal Affairs, Media Statement, 20 September 2019

74 See, for example, "North Korea stages public executions to strengthen 'social order'", Radio Free Asia, 10 April 2019, www.rfa.org/english/news/korea/executions-04102019175353.html

75 Anti-Terrorism Courts are special courts established under the Anti-Terrorism Act of 1997, which the authorities have used to try defendants charged with offences under the Penal Code

Figures made publicly available by the Director-General of the Supreme Court Monitoring Cell, Sohail Nasir, indicated that the Model Criminal Trial Courts imposed 541 death sentences during the year.[76] These courts became operational on 1 April to deal with the backlog of criminal cases.

Amnesty International recorded a further 91 new death sentences imposed by ordinary or other special courts, mostly for murder. Other offences included espionage (2, by a military court) and "blasphemy" (1). Of the 91, 50 were imposed by Anti-Terrorism Courts.

No new death sentences were recorded in **Papua New Guinea**, a significant development compared to the previous year when nine men were sentenced to death. Twenty people were believed to be under sentence of death at the end of the year, including 10 with their death sentence being final.

Following the May 2019 mid-term elections in **the Philippines** at which the ruling party PDP–Laban won an unprecedented majority in both the House of Representatives and Senate, President Rodrigo Duterte once again asked to reintroduce the death penalty for "heinous crimes related to illegal drugs and plunder" during his 4th State of the Nation address.[77] As of the end of 2019, 10 bills to this aim were pending before the Senate and 13 before the House of Representatives. The Philippines is a state party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

The authorities of **Singapore** reported a two-thirds reduction in the number of executions in 2019, down from the record-high figure of the previous year (13). Of the four executions, two were carried out for drug trafficking and two for murder. One of these followed a discretionary death sentence for murder and another a mandatory death sentence for drug trafficking.[78] Two Malaysian nationals were known to be among those executed. Twelve new death sentences were imposed during the year, all as mandatory punishments for drug trafficking. In three of these cases, the judge had found that the defendant acted merely as a "courier", meeting one of the requirements that allow judges to exercise sentencing discretion under the amended Misuse of Drugs Act. Despite this, the prosecution did not certify that the defendants had assisted the state in disrupting further drug trafficking activities, leading to the mandatory imposition of the death penalty. For four other defendants where both criteria for sentencing discretion were met, the judges chose not to impose death sentences.

In a written response to Parliament, K. Shanmugam, Minister of Home Affairs, disclosed that executions had been carried out within a year, on average, from the final confirmation of the death sentence by the Supreme Court; and that since 2016 the authorities had communicated to the prisoners and their families at the same time both the rejection of the clemency application and the notification of the scheduled execution.[79] The Minister announced that this procedure would be revised to allow time between the two notifications.

In November the Changwon District Court in **South Korea** convicted a man with a serious mental disability on charges of arson and murder and sentenced him to death.[80] According to court reporters, in its decision the Court did consider the serious mental disability of the man, but still proceeded to impose a death sentence, in violation of international safeguards guaranteeing the rights of those facing the death penalty.[81] In June the Government rejected a recommendation by the National Human Rights

76 "Model courts disposed of 30,049 cases in 2019", Pakistan Today, 3 January 2020, www.pakistantoday.com.pk/2020/01/03/model-courts-disposed-of-30049-cases-in-2019/

77 "Duterte asks Congress to restore death penalty for drugs, plunder", Philippine News Agency, 23 July 2019, www.pna.gov.ph/articles/1075720

78 Following legislative amendments to the Penal Code in 2012, the death penalty remains the mandatory punishment for intentional murder under section 300(a); and discretionary for murders caused as a result of intentional bodily injury under sections 300(b), (c) and (d) of the Penal Code

79 Parliament of Singapore, *Timeframe from final appellate court decision to date of hanging, and Timing of notification of clemency outcome and execution date to petitioner*, 8 July 2019

80 "S. Korean court declares death sentence on killer schizophrenic", KSB World, 27 November 2019, http://world.kbs.co.kr/service/news_view.htm?lang=e&Seq_Code=149652

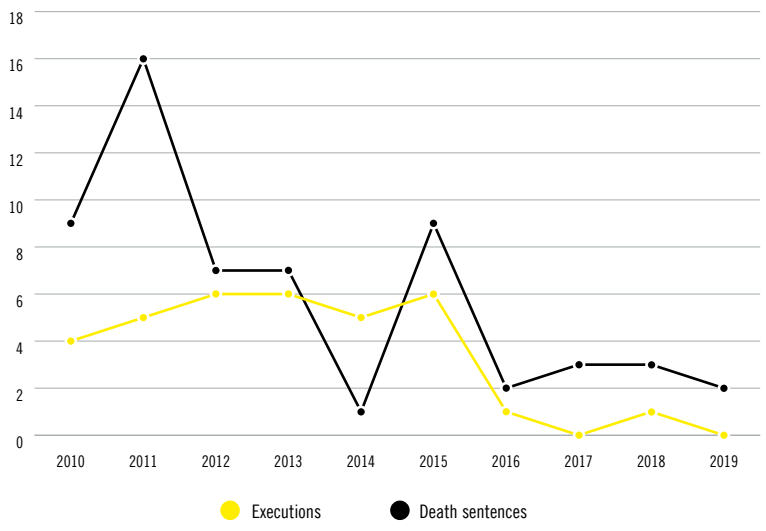
81 Among others, Safeguard no. 3 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty

Commission of Korea to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.[82] At the end of the year 60 men, including two foreign nationals, were on death row with their death sentences being final.

On 26 June the then President of **Sri Lanka** Maithripala Sirisena announced that he had signed four execution warrants and that the hangings would be carried out in the following days.[83] He had repeatedly expressed his intention to resume executions – after more than four decades without any – specifically for drug-related offences, but no details were revealed on the selected cases or scheduled executions. The Supreme Court stayed the executions on 5 July to allow for its consideration of petitions stating that the arbitrary selection of four prisoners and the secrecy surrounding the execution order and preparations violated the rights of those facing the death penalty. The petitions remained pending at the end of the year.[84] At least 34 new death sentences were imposed, including 19 for murder and 15 for drug-related offences.

No executions were carried out in **Taiwan**, where two new death sentences were known to have been imposed for murder. At the end of the year, 39 people were on death row with their death sentences being final. In March, one man was released after spending 18 years on death row as new forensic evidence put into question the safety of his conviction and death sentence. The High Court of Tainan accepted his application for retrial and quashed the conviction, eventually resolving to release the man in light of the lack of evidence. Three death row prisoners died in custody, two from illness and one following suicide. On 17 December 2019, the Legislative Yuan amended the Prison Act, improving arrangements for communications with and visits to those on death row, as well as the provision of work opportunities and vocational trainings in prison.[85]

DEATH SENTENCES AND EXECUTIONS RECORDED IN TAIWAN 2010-2019



82 "S. Korea rejects recommendation to join int'l protocol renouncing death penalty", Yonhap News Agency, 13 June 2019, https://en.yna.co.kr/view/AEN20190613009300320

83 Amnesty International, *Sri Lanka: President Maithripala Sirisena signs execution warrants for four prisoners, plans shrouded in secrecy* (Press release, 26 June 2019), www.amnesty.org/en/latest/news/2019/06/sri-lanka-president-maithripala-sirisena-signs-execution-warrants-for-four-prisoners-plans-shrouded-in-secrecy/

84 "Sri Lanka Supreme Court extends stay order against implementing death penalty", ColomboPage, 9 December 2019, www.colombopage.com/archive_19B/Dec09_1575871573CH.php

85 For more information on the use of the death penalty in Taiwan, see also the website of the Taiwan Alliance to End the Death Penalty www.taedp.org.tw/en

At least 16 new death sentences were known to have been imposed in 2019 in **Thailand**, where the last execution was carried out in 2018. One of these sentences was reportedly imposed for the first time on appeal by the Supreme Court, leaving the woman with no option to appeal.[86] On 3 May, King Maha Vajiralongkorn Badinthep Thearawangkun issued a royal decree on the occasion of his coronation ceremony, granting pardon to those under sentence of death who had exhausted their legal remedies.[87] According to official figures provided to Amnesty International, 243 people benefited from the measure, resulting in a drastic reduction in the total number of people known to be under sentence of death. The authorities indicated that, as of November 2019, 312 people, including 56 women, remained under sentence of death, compared to 551 a year earlier. Of the total, 49 Thai and three foreign nationals had their death sentences being final.

On 27 May amendments to the Criminal Code were published in the Official Gazette, making rape leading to death punishable by death.[88]

The authorities of **Viet Nam** did not release figures on executions or death sentences in 2019, making it impossible to assess trends on its use. In a report to the Justice Committee of the National Assembly for consideration in early September 2019, the Government stated that between 1 October 2018 and 31 July 2019, 68 men had been executed, and that the number of death sentences imposed in the first seven months of 2019 was 25% higher than in the same period in 2018. It was further noted that 229 people had been waiting for their executions on death row for between five and 10 years, with 20 others waiting for more than 10 years. Ten prisoners had their executions on hold due to inconsistencies in their personal details, concerns of wrongful convictions or new information in the case.

Amnesty International monitored reports of executions and death sentences during the year but was only able to gather reports referring to 76 new death sentences, including three imposed for murder and 73 for drug trafficking. On 14 June the National Assembly of Viet Nam adopted the Criminal Law Enforcement Act, effective from 1 January 2020. Its section 4 sets out procedures to be followed for the implementation of death sentences and sets out grounds, such as the notification of new facts relating to the crime, that would allow for the postponement of the execution. The procedures do not foresee a final meeting between the prisoners and their relatives, while allowing the family members to claim the bodies for burial after the executions have been carried out.

The conviction and death sentence of Hồ Duy Hải were suspended in December, after the Supreme People's Procuracy requested a re-investigation of the case. Hồ Duy Hải said that he was forced to "confess" to the murder through torture while interrogated by the police. He later retracted the "confession". His case has been marred by further procedural irregularities and disregard of key exculpatory evidence. He has come close to execution twice in the past decade.[89]

86 "Woman sentenced to death for murder of Japanese partner", *Bangkok Post*, 6 August 2019, www.bangkokpost.com/learning/easy/1725467/woman-sentenced-to-death-for-murder-of-japanese-partner

87 Official Gazette of the Kingdom of Thailand, Royal Pardon Decree, B.E. 2562 (2019)

88 Criminal Code Amendment Act (No. 27) 2019

89 For more information, see Amnesty International, *Death sentences and executions in 2019* (Index: ACT 50/9870/2019), p. 27

EUROPE AND CENTRAL ASIA

REGIONAL TRENDS

- Belarus continued to impose and implement death sentences.
- Kazakhstan, the Russian Federation and Tajikistan continued to observe moratoriums on executions.
- Kazakhstan due to start procedures to join the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

COUNTRY	2019 RECORDED EXECUTIONS	2019 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2019
Belarus	2+	3+	2+
Kazakhstan	0	0	1
Russian Federation	0	0	0
Tajikistan	0	0	0

NOTABLE COUNTRY DEVELOPMENTS

Authorities at Minsk Detention Centre No.1 in **Belarus** executed Alyaksandr Zhylnikau in June.[90] He was sentenced to death, alongside his co-defendant Viachaslau Sukharko, at a retrial in January 2018, after being found guilty of murder. Alyaksandr Zhylnikau filed a complaint to the UN Human Rights Committee in December 2018 and the Committee had requested the Belarusian authorities not to carry out the execution while the case was under consideration.[91]

Viachaslau Sukharko is believed to have also been executed at the same time as Alyaksandr Zhylnikau, but authorities had not issued official confirmation as of the end of the year.[92]

The Mahiliou Regional Prosecutor's Office confirmed that Alyaksandr Asipovich was executed in December in Minsk. The Mahiliou Regional Court convicted and sentenced him to death in January for murder and the Supreme Court upheld the decision in May.[93]

In July, the Viciebsk Regional Court convicted and sentenced to death Viktar Paulau for murder. The Supreme Court upheld the decision in November putting him at imminent risk of execution.[94]

In October, the Brest Regional Court convicted and sentenced to death Viktar Serhil for murder. Viktar Paulau and Viktar Serhil were the only two people known to be on death row at the end of 2019.

90 Human Rights Center "Viasna", *Death convict executed in Belarus on the verge of II European Games*, 13 June 2019, http://spring96.org/en/news/93194

91 Human Rights Center "Viasna", *UN HRC registers complaint of Belarusian death row prisoner*, 29 December 2018, https://dp.spring96.org/en/news/91717

92 Amnesty International, *Belarus: Amnesty International condemns another death sentence execution* (Index: EUR 49/0535/2019)

93 "Belarusian Supreme Court upholds death sentence in double-murder case", RFE/RL, 14 May 2019, www.rferl.org/a/belarusian-supreme-court-upholds-death-sentence-in-double-murder-case/29940461.html

94 Human Rights Center "Viasna", *Supreme Court confirms death penalty for Viktar Paulau*, 12 November 2019, http://spring96.org/en/news/94940

In his report in December, the General Rapporteur of the Parliamentary Assembly of the Council of Europe continued to raise concerns about the secrecy in which executions were carried out in Belarus. He highlighted that authorities continued to execute people sentenced to death without giving prior notice to prisoners, their families or their lawyers. Furthermore, families were unable to recover the body of the executed family member or even find out where they were buried.[95] He also expressed concern that "many death sentences are passed at the end of unfair trials during which proof of guilt is provided by 'confessions' drawn up after the use of torture or in the absence of any defence counsel."[96]

In her report in May, among other concerns, the UN Special Rapporteur on the situation of human rights in Belarus noted the violations of human rights associated with the use of the death penalty in Belarus. Although she welcomed the work of the parliamentary working group on the question of the death penalty established in early 2017, she highlighted that no progress had been recorded at the time of her report and emphasized that it is clear that "achieving significant change requires political will and leadership."[97] She urged the Belarusian government to reconsider its official line that the death penalty should be maintained until a majority of the population supports its abolition and added that a referendum is not needed where a moratorium can be decided either by the President or the parliament.[98]

In December, the President of **Kazakhstan**, Kassym-Jomart Tokayev, instructed the Ministry of Foreign Affairs to start procedures to join the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.[99] The Optional Protocol commits its state parties to the abolition of the death penalty.

95 PACE, *Abolition of the death penalty in Council of Europe member and observer states, Belarus and countries whose parliaments have co-operation status – situation report*, AS/Jur (2019) 50, 11 December 2019, para. 37

96 PACE, *Abolition of the death penalty in Council of Europe member and observer states, Belarus and countries whose parliaments have co-operation status – situation report*, AS/Jur (2019) 50, 11 December 2019, para. 38

97 UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Belarus, UN Doc. A/HRC/41/52, para. 90

98 UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Belarus, UN Doc. A/HRC/41/52, para. 23

99 "Kazakhstan intends to sign international protocol on death penalty abolition", KAZINFORM, 20 December 2019, www.inform.kz/en/kazakhstan-intends-to-sign-international-protocol-on-death-penalty-abolition_a3596675

MIDDLE EAST AND NORTH AFRICA

REGIONAL TRENDS

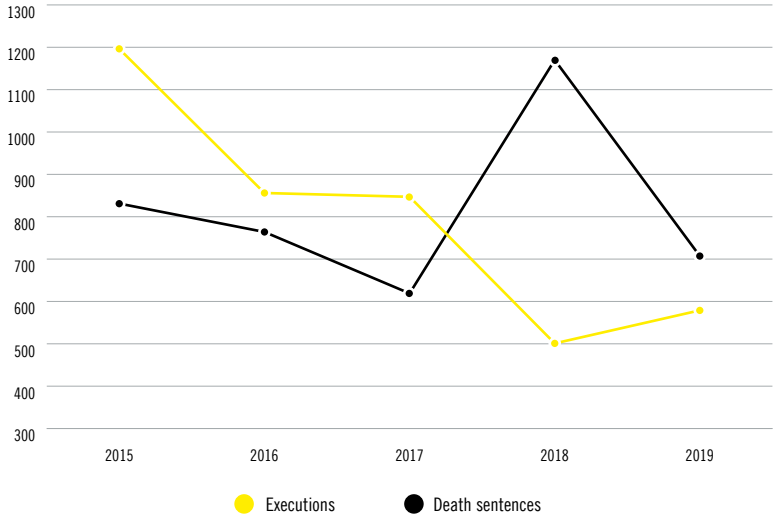
- Recorded executions increased by 16%, driven by significant increases in Iraq and Saudi Arabia.
- Seven countries carried out executions with Bahrain resuming executions after a one-year hiatus.
- Iran, Saudi Arabia and Iraq remained the top executing countries in the region, accounting for 92% of executions.
- There was a 40% drop in recorded death sentences, mainly due to reductions in Egypt and Iraq.
- Egypt imposed 62% of known death sentences in the region despite a drop in recorded death sentences in the country.

COUNTRY	2019 RECORDED EXECUTIONS	2019 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2019
Algeria	0	4+	+
Bahrain	3	4+	28+
Egypt	32+	435+	+
Iran	251+	+	+
Iraq	100+	87+	8,000+[100]
Israel	0	0	0
Jordan	0	8+	8+
Kuwait	0	5+	+
Lebanon	0	23	47+
Libya	0	0	+
Morocco/Western Sahara	0	7+	+
Oman	0	7+	+
Palestine (State of)	0	4[101]	+
Qatar	0	2+	+
Saudi Arabia	184	5+	+
Syria	+	+	+
Tunisia	0	39+	+
United Arab Emirates	0	18+	+
Yemen	7	55	+

100 "Iraq has executed 100 since January, 8,000 on death row: official", Rudaw, 19 August 2019, www.rudaw.net/english/middleeast/iraq/190820191

101 These death sentences were imposed by courts run by the Hamas de facto administration in the Gaza Strip

EXECUTIONS AND DEATH SENTENCES RECORDED IN THE MIDDLE EAST AND NORTH AFRICA 2015-2019



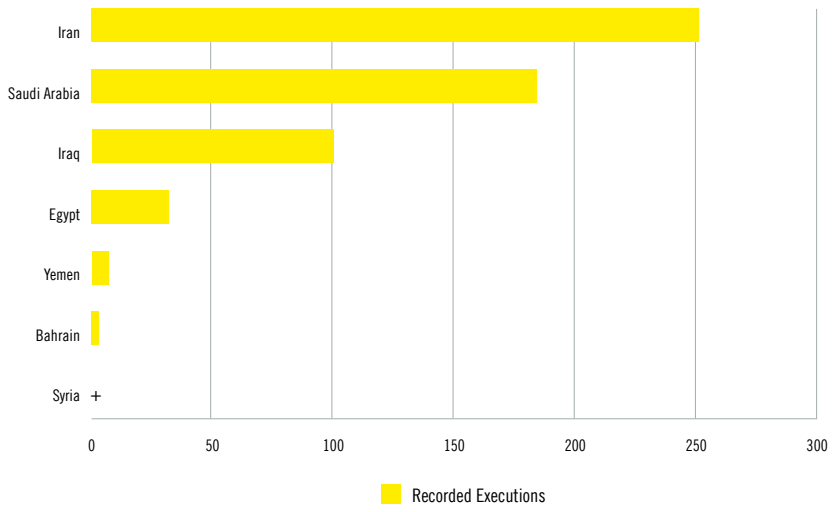
The number of executions recorded by Amnesty International in the Middle East and North Africa region increased in 2019. Recorded execution went up by 16%, from 501 in 2018 to 579 in 2019, bucking the trend of reductions in executions recorded since 2015.[102]

A significant increase in executions in Iraq and Saudi Arabia was largely responsible for the rise in executions in the region. Recorded executions went up by 92% in Iraq, from 52 in 2018 to 100 in 2019; and by 23% in Saudi Arabia from 149 in 2018 to 184 in 2019. Seven countries – Bahrain, Egypt, Iran, Iraq, Saudi Arabia, Syria and Yemen – were known to have carried out executions during the year. Bahrain resumed executions after not carrying out any in 2018. Amnesty International was able to corroborate information that executions occurred in Syria in 2019 but had insufficient information to provide a credible minimum figure. Iran – where recorded executions reduced by two in 2019 compared to 2018 – remained the top executioner in the region with 251 executions recorded; the country was followed by Saudi Arabia and Iraq, with 184 and 100 recorded executions respectively. These three countries carried out 92% of recorded executions in the region.

In 2019, Amnesty International recorded 707 death sentences in the region, a drop of 40% compared to 2018 when 1,170 death sentences were recorded. The drop in numbers was a result of a significant decrease in recorded death sentences in Egypt (from 717 in 2018 to 435 in 2019) and Iraq (from 271 in 2018 to 87 in 2019). Death sentences were recorded in all the countries in the region except in Israel – which has abolished the death penalty for ordinary crimes only but retains it for exceptional crimes – and Libya.

102 In recent years Amnesty International recorded the following executions in the Middle East and North Africa region: 2014: 491; 2015: 1,196; 2016: 856; 2017: 847; 2018: 501

EXECUTING COUNTRIES IN THE MIDDLE EAST AND NORTH AFRICA 2019



NOTABLE COUNTRY DEVELOPMENTS

Three of the four death sentences recorded in **Algeria** were imposed in June by a military tribunal on intelligence officers for "disclosure of state secrets" and "communicating with foreign parties".[103] The fourth recorded death sentence was imposed for murder by a Tébessa Criminal Court in January.[104]

In **Bahrain**, Amnesty International recorded three executions and four death sentences. The three people were executed on 27 July; among them were Mohamed Hakeem al-Arab and Ahmed Issa Ahmed al-Malali whose convictions and death sentences were upheld on 28 January by an appeal court and on 6 May by the Court of Cassation. The Fourth High Criminal Court in Bahrain had convicted the two men of offences, which included "forming and joining a 'terrorist' group", after a mass trial involving 60 people in January 2018. The two men had said security officers used torture and other ill-treatment to force them to sign "confessions" they had not read.[105] At least four people were sentenced to death: two for murder and theft, and two for drug-related offences. One of the death sentences was that of a Bahraini national convicted of robbing and killing Asian migrant labourers.[106] At least 28 people were under sentence of death at the end of the year.

Amnesty International recorded 32 executions and 435 death sentences in **Egypt**. The recorded executions were carried out for murder while the death sentences were imposed for crimes that included murder, terrorism-related offences, rape, assassination attempt against the President, attempted murder and inciting violence. At least 16 commutations were granted.

103 "Former Algeria PM faces corruption trial as 3 officers sentenced to death", *Asharq Al-Awsat*, 12 June 2019, https://aawsat.com/english/home/article/1763646/former-algeria-pm-faces-corruption-trial-3-officers-sentenced-death

104 "Tébessa assassine mari aide amant verdict tombe", *Alg24*, 28 January 2019, www.alg24.net/tebessa-assassine-mari-aide-amant-verdict-tombe/

105 Amnesty International, *Bahrain: Further information – two men at risk of execution* (Index: MDE 11/0341/2019)

106 "Death sentence for Bahraini man who killed two Asian migrants with a hammer to steal 41 dinars", *Al Ayam*, 30 June 2019, www.alayam.com/online/local/802449/News.html

On 7 February the authorities executed three men who had been sentenced to death for the killing of a judge's son in the town of Mansoura in 2014.[107] The men said they had been tortured into confessing to the crime. On 13 February the authorities executed another three people who were convicted of killing a police officer in Kerdasa, Giza on 19 September 2013. One of the three men convicted was forcibly disappeared for three days before appearing before a prosecutor and being charged.[108] The lawyers of all the defendants claimed that the men were tortured into confessing to the murder. Also, among the recorded executions were those of nine men convicted, after a grossly unfair trial that was marred by enforced disappearances and torture, for the 2015 killing of the country's former Public Prosecutor, Hisham Barakat.[109]

At least 251 executions were carried out in **Iran** during the year. Executions continued to be lower than they were before the implementation of amendments to the anti-narcotics law in November 2017, which has drastically reduced the number of people executed for drug-related offences in the country. Of the 251 individuals whose executions were recorded by Amnesty International, 196 were convicted of murder; 30 were convicted of drug trafficking; 12 were convicted of rape; one was convicted of murder and rape; eight were convicted of *moharebeh* ("enmity against God"), six of them in relation to robberies and two in relation to political activities; two were convicted of *efsad f'il arz* ("spreading corruption on earth"); one was convicted of kidnapping and rape; and the crime for which one was convicted was not known. Fifteen women were executed, 10 more than recorded in 2018. Thirteen executions were carried out in public.

The Islamic Penal Code continued to provide for stoning as a method of execution, but this was not recorded as being used in 2019. Hanging was the only recorded method of execution used during the year. The death penalty was maintained for some consensual same-sex sexual conduct and sexual extramarital relationships, as well as for vaguely worded offences such as "insulting the Prophet", "enmity against God" and "spreading corruption on earth".

Iran continued to use the death penalty against people under the age of 18 at the time of the crime, contrary to international law which strictly prohibits the use of the death penalty in such cases. As a state party to the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights, Iran is legally obliged to treat anyone under the age of 18 as a child and ensure that they are not subjected to the death penalty. During the year Amnesty International recorded the execution of four people who were under the age of 18 at the time of the crime.

Mehdi Sohrabifar and Amin Sedaghat, two cousins, were executed on 25 April in Adelabad prison in Shiraz, Fars province, southern Iran. Both were arrested at the age of 15 and convicted on multiple rape charges following an unfair trial; they were 17 years old at the time of their execution. According to information received by Amnesty International, the teenagers were unaware that they had been sentenced to death until shortly before their executions. They bore lash marks on their bodies, indicating that they had been flogged before their deaths. Their families and lawyers were not informed about the executions in advance. They had been held in a juvenile correction centre in Shiraz since 2017. On 24 April they were transferred to Adelabad prison, apparently without knowing the reason. The same day, their families were granted a visit to see them, but they were not told that the visit was in preparation for their execution. The next day, on 25 April, the families received a call from Iran's Legal Medicine Organization, a state forensic institute, informing them of the executions and asking them to collect the bodies. The legal proceedings leading to the two boys' conviction and sentence were unfair and flagrantly violated the principles of juvenile justice. Following their arrest, they were held for two months in a police detention centre, where they said they were beaten. They also had no access to a lawyer during the investigation stage.

107 Amnesty International, *Egypt steps up executions as six people put to death within two weeks* (Press Release, 13 February 2019), www.amnesty.org/en/latest/news/2019/02/egypt-steps-up-executions-as-six-people-put-to-death-within-two-weeks/

108 Amnesty International, *Egypt steps up executions as six people put to death within two weeks* (Press Release, 13 February 2019), www.amnesty.org/en/latest/news/2019/02/egypt-steps-up-executions-as-six-people-put-to-death-within-two-weeks/

109 Amnesty International, *Egypt: Execution of nine men after an unfair trial a monumental disgrace* (Press release, 20 February 2019), www.amnesty.org/en/latest/news/2019/02/egypt-execution-of-nine-men-after-an-unfair-trial-a-monumental-disgrace/

Abdorrahman Boroumand Center reported the execution of two more people in July. Amir Ali Shadabi was 17 when he was arrested, and he was subsequently convicted of murder and sentenced to death under the principle of *qesas* ("retribution in kind"), and executed on 14 July in Minab prison, Hormozgan province.[110] Touraj Aziz (Azizadeh) was 16 years old when he was arrested; he was convicted of murder and sentenced to death under the principle of *qesas*, and executed on 28 July in Nur prison, Mazandaran province.[111]

Under Iran's Islamic Penal Code, boys aged above 15 lunar years and girls aged above nine lunar years who are convicted of murder and certain other capital crimes may be sentenced to death in the same way as adults. However, the law grants judges discretion to replace the death penalty with an alternative sentence if they find that there are doubts about the individual's full "maturity" at the time of the crime.

During the year, Danial Zeinolabedini was at heightened risk of execution in Mahabad prison following his conviction in relation to a crime that occurred when he was 17 years old.[112] He was sentenced to death on 3 June 2018 after a juvenile criminal court in the city of Mahabad, West Azerbaijan province, found him guilty of participating, along with four other young men, in the murder of a man. The court rejected his lawyer's request that he should be issued an alternative sentence to the death penalty on grounds that he had not yet attained full maturity. The court reasoned that even though "he is younger than the other defendants, all of whom were aged between 18 and 20 years old at the time of the crime, the way he speaks, argues and defends himself shows that his level of mental maturity is higher than them." The death sentence was upheld on 27 October 2018 by the Supreme Court, and Danial Zeinolabedini's subsequent request for a judicial review was rejected. The legal proceedings that led to his conviction were unfair and flagrantly violated the principles of juvenile justice; he was not allowed access to a lawyer during the entire period of his pre-trial detention and statements he had made without a lawyer present were used against him in court.

On 4 August, Abdullah Karmollah Chab and Ghassem Abdullah, two men from Iran's Ahwazi Arab minority, were executed in Dezful prison, Khuzestan province following a grossly unfair trial which relied on "confessions" the men said were obtained under torture and other ill-treatment to convict them of *moharebeh* ("enmity against God"). Abdullah Karmollah Chab and Ghassem Abdullah were among 15 Ahwazi Arabs who were arrested following an armed attack on a religious ceremony in Safiabad, Khuzestan province on 16 October 2015. After their arrest, the men were held in solitary confinement in an unknown location for six months. In addition, within weeks of the attack and before their trial had taken place, the authorities made a series of announcements that undermined their presumption of innocence. In court, Abdullah Karmollah Chab and Ghassem Abdullah were tried alongside six other Ahwazi Arabs. The prosecution authorities accused them of involvement in an armed group called Jandolfareq, which they described as following a "Salafi Takfiri" ideology but failed to provide any evidence to show how the defendants were connected to the group. Amnesty International received credible information showing flaws in the investigation of the armed attack. These included inconsistencies between "confessions" the men said they made under torture and the evidence presented to the court. In addition, Ghassem Abdullah, who was a farmer, told his interrogators that he owned a rifle and indicated where they could find it. However, according to statements made by the arms specialist assigned to this case and a report by the security authorities, three shells found at the scene of the crime did not match the bullets found in the cartridge of the rifle that was retrieved from Ghassem Abdullah's home. Despite these flaws, the judge presiding over their trial refused to order an investigation into their torture allegations and accepted their "confessions" as evidence to sentence them to death.

110 Abdorrahman Boroumand Center, *One Person's Story: Amir Ali Shadabi* (Memorial), www.iranrights.org/memorial/story/-8385/amir-ali-shadabi

111 Abdorrahman Boroumand Center, *One Person's Story: Turaj Azizi* (Memorial), www.iranrights.org/memorial/story/-8384/turaj-azizi

112 Amnesty International, *Iranian teenager at risk of execution* (Index: MDE 13/0487/2019)

In **Iraq**, Amnesty International recorded 100 executions and 87 death sentences.[113] All the recorded executions were carried out by the Iraqi central authorities. According to the information received from the authorities of the Kurdistan Region of Iraq, no executions were carried out in the region but 45 death sentences were imposed and 13 commutations were granted. Throughout the year the mandatory death penalty was used under anti-terrorism laws for a wide range of acts that do not meet the "most serious crimes" threshold required under international law. In this regard the UN reported that imposition of the death sentences in these types of cases often followed unfair trials.[114]

Kuwait commuted five death sentences during the year. An Indian national, Arjun Athimuthu, had his death sentence commuted to life imprisonment and a Kuwaiti national had his death sentence commuted by an appeal court to 15 years in prison, which was upheld by the Court of Cassation. The death sentences of the three other people (one from India, one from Pakistan and one of unknown nationality) were commuted to life imprisonment.

According to information received by Amnesty International from the government of **Lebanon**, since January 2004 no executions have been carried out in the country. The government stated that 23 death sentences were imposed, 17 of which were imposed in the absence of the accused. The commutation applications of four people were still being considered at the end of the year. Sixteen foreign nationals were under sentence of death, 13 of whom had their death sentences imposed in their absence.

In **Morocco/Western Sahara** King Mohammed VI commuted one death sentence to life imprisonment as part of the celebrations for the 75th Anniversary of the Manifesto of Independence.[115] No executions have been carried out since 1993; the courts imposed at least seven death sentences in 2019.

The government of **Oman** informed Amnesty International that no executions were carried out and that death sentence(s) were imposed in 2019 but did not specify the number. Amnesty International recorded seven death sentences reported by the media.[116] The authorities commuted one death sentence to eight years' imprisonment in a murder case because the family of the victim accepted *diya* ("blood money").

In **Saudi Arabia**, 184 executions – of six women and 178 men – were carried out; this was the highest number of executions recorded by Amnesty International in one year in the country. Eighty-four of the executions were for drug-related offences; 55 for murder; 37 for terrorism-related offences; five for rape; two for beating and rape; and one for armed robbery and rape. Of the 184 people executed in 2019, 88 were Saudi Arabian nationals. The others – a majority of 52% – were foreign nationals from the following countries: Afghanistan (1); Ethiopia (1); Philippines (1); Somalia (1); Turkey (1); Bahrain (2); India (2); Chad (3); Jordan (5); Nigeria (5); Egypt (6); Syria (10); Yemen (20); Pakistan (35); and three people whose nationality was not known.

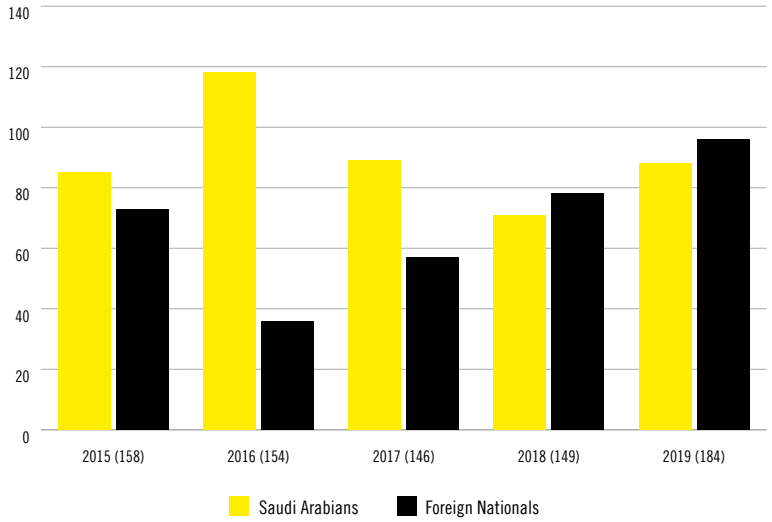
113 "Iraq has executed 100 since January, 8,000 on death row: official", Rudaw, 19 August 2019, www.rudaw.net/english/middleeast/iraq/190820191

114 United Nations Assistance Mission for Iraq, Office of the United Nations High Commissioner for Human Rights, *Human rights in the administration of justice in Iraq: Trials under the anti-terrorism laws and implications for justice, accountability and social cohesion in the aftermath of ISIL*, January 2020, www.ohchr.org/Documents/Countries/IQ/UNAMI_Report_HRAdministrationJustice_Iraq_28January2020.pdf

115 "King of Morocco pardons 783 prisoners", Royal Central, 13 January 2019, https://royalcentral.co.uk/international/king-of-morocco-pardons-783-prisoners-114089/

116 "Death sentences in the case of wife who killed husband", *Atheer*, 6 May 2019, www.atheer.om/archives/497948/; "An Omani court issues a death sentence for 5 people on this charge", Watanserb, 25 February 2019, www.watanserb.com/2019/02/25/

EXECUTIONS RECORDED IN SAUDI ARABIA 2015-2019



The authorities continued to fail to abide by international law and standards relating to fair trial and the death penalty. Often trials in death penalty cases are held in secret and their proceedings are unfair and summary with no legal assistance or representation through the various stages of detention and trial. Defendants may be convicted solely on the basis of "confessions" obtained under torture or other ill-treatment.

The use of the death penalty as a political weapon against Shi'a dissidents increased.[117] On 23 April, there was a mass execution of 37 men, 32 of whom were from Saudi Arabia's Shi'a minority. They included 11 men convicted by the Specialized Criminal Court (SCC) of spying for Iran and sentenced to death after a grossly unfair trial. The 11 were among 15 men who had been convicted by the SCC in December 2016 in the "Iran Spying Cell" trial and sentenced to death on charges that included high treason, "supporting protests", "spreading the Shi'a faith" and "possessing banned books and videos". The mass execution also included 14 men convicted by the SCC in a mass trial for their participation in anti-government protests and a young man who was under 18 years old at the time of the crime.

117 Amnesty International, *Muzzling critical voices: Politicized trials before Saudi Arabia's Specialized Criminal Court* (Index: MDE 23/1633/2020)

CASE OF 14 EXECUTED PROTESTERS

Munir al-Adam © Private

Among those executed on 23 April were 14 Saudi Arabian Shi'a men – Hussein al-Rabi', Abdullah al-Tureif, Hussein al-Mosallem, Mohammed al-Naser, Mustafa al-Darwish, Fadel Labbad, Sa'id al-Skafi, Salman al-Qureish, Mujtaba al-Suweyket, Munir al-Adam, Abdullah al-Asreeh, Ahmad al-Darwish, Abdulaziz al-Sahwi and Ahmad al-Rabi' – who were sentenced to death on 1 June 2016 following a grossly unfair trial of 24 men before the SCC. They were found guilty of violent offences related to their alleged participation in anti-government demonstrations in the Eastern Province between 2011 and 2012. They were convicted of a range of charges that included "armed rebellion against the ruler" by, among other things, "participating in shooting at security personnel, security vehicles", "preparing and using Molotov cocktail bombs", "theft and armed robbery" and "inciting chaos, organizing and participating in riots".

Hussein al-Rabi' © Private

Court documents show that all the defendants, including the 14 sentenced to death, were held in pre-trial detention for more than two years before their trial began and all alleged they had been tortured or otherwise ill-treated during interrogation to extract "confessions". Some defendants asked the judges to request video footage from the prison that they said would show them being tortured. Others asked the court to summon interrogators as witnesses to describe how the "confessions" were obtained. In all cases judges ignored these requests and failed to order investigations into the allegations. The SCC appears to have largely based its decision on the "confessions". All 14 men were executed on 23 April.

Another of the 37 men executed on 23 April was a Shi'a man who was under 18 years old at the time of the crime. Abdulkareem al-Hawaj was arrested at the age of 16 and sentenced to death on 27 July 2016 by the SCC for a range of offences related to anti-government protests. The court appears to have based its decision solely on "confessions" which he says he was forced to make while held incommunicado and tortured.

↑ *Abdulkareem al-Hawaj © Private*

He was arrested on 16 January 2014 at a security checkpoint in al-Awamiyya. He was taken to the General Directorate of Investigations (GDI) prison in the city of al-Qatif, where he said the prison guards beat him with their hands, shoes and sticks. After a week he was moved to the GDI prison in Dammam, the capital of the Eastern Province, where he was allegedly tortured, including by being beaten and threatened with the death of his family, during interrogations by GDI officers to make him write and sign a "confession". He had no access to a lawyer during pre-trial detention and interrogation and said that he was held incommunicado in solitary confinement for the first five months of his detention. His family looked for him in the police stations and prisons of al-Qatif governorate, but officials told them he was not held in these locations.

In June, following international pressure on his case, Murtaja Qureiris, a young man who was facing the death penalty, was sentenced to 12 years in prison instead of the death penalty.[118] He had been arrested at the age of 13. The charges against him included joining a "terrorist organization"; throwing Molotov cocktails at a police station; and firing at security forces. He was denied access to a lawyer until after his first court session in August 2018.

No executions were recorded in the **United Arab Emirates (UAE)** but at least 18 death sentences were imposed by the courts for crimes that included murder, rape and armed robbery. One death sentence was commuted to life imprisonment by an appeal court.

In January, according to media reports, a Federal Supreme Court in Abu Dhabi overturned a death sentence and ordered the appeal court to re-examine the case on the ground that under Islamic law children cannot demand the death penalty for their father after their mother's death.[119] Earlier the children had declined *diya* ("blood money") in exchange for pardon and requested that their father be sentenced to death for the murder of their mother.

In March, a Pakistani man was convicted of premeditated murder, attempted murder and attempted theft by the court and sentenced to death.[120]

118 Amnesty International, *Saudi Arabia: Decision to spare teenager's life must be followed by abolition of death penalty for all juveniles* (Press release, 17 June 2019), www.amnesty.org/en/latest/news/2019/06/saudi-arabia-decision-to-spare-teenagers-life-must-be-followed-by-abolition-of-death-penalty-for-all-juveniles/

119 "UAE court rejects death penalty for man who murdered wife", Khaleej Times, 25 January 2019, www.khaleejtimes.com/news/crime-and-courts/UAE-court-rejects-death-penalty-for-man-who-murdered-wife

120 "Man sentenced to death for killing mother and stabbing children at Fujairah home", The National, 26 March 2019, www.thenational.ae/uae/man-sentenced-to-death-for-killing-mother-and-stabbing-children-at-fujairah-home-1.841681

In April, a man who was reported to be suffering from a mental illness was sentenced to death for murder after the family of the victim refused *diya*.[121] Eight Nigerian nationals were reported to have been sentenced to death for armed robbery by a criminal court in the Emirate of Sharjah.[122]

Yemen carried out seven executions and there was a sharp increase in the imposition of death sentences; 55 death sentences were recorded compared to 13 in the previous year, 38 of which were for spying. Those sentenced to death included journalists, political opponents and activists. All the death sentences – except one – were imposed by the Huthi-run Specialized Criminal Court of Sana'a.[123]

On 9 July, the Huthi-run Specialized Criminal Court of Sana'a sentenced 30 academics and political figures to death on charges that included espionage for the coalition led by Saudi Arabia and the UAE. Amongst those sentenced to death was Youssef al-Bawab, a 45-year-old father of five, linguistics professor and political figure.[124] He was arbitrarily arrested on 20 October 2016 as he was leaving his local mosque in Sana'a. Later that night, the Huthi de facto authorities raided his house, where his wife and five children live, and confiscated his belongings, including his personal computer and 150 academic documents. During the first three months, the family was unable to obtain any official information as to his whereabouts; they only found out later, through unofficial channels, that he was detained by the Political Security Office (PSO). He was interrogated for the first time in March 2017 in the presence of his lawyer, the only time he was permitted to have legal counsel prior to the trial. He was then charged on 8 April 2017, alongside 35 others, with several offences, including assisting the coalition led by Saudi Arabia and the UAE with intelligence regarding military objectives and organizing assassinations; most of these charges carried the death penalty. Throughout his detention, proceedings against Youssef al-Bawab were seriously flawed. Irregularities included enforced disappearance, excessive pre-trial detention, undue delays in his trial, incommunicado detention, claims of torture and other ill-treatment, and lack of access to legal counsel and medical care. During one of the trial sessions on 2 April, he stated how he and others had been subjected to torture and other ill-treatment throughout their detention by the PSO in Sana'a, including beatings, being hung from the ceilings and tied up using iron chains. The court did not respond to this statement and the judge failed to order an investigation into these claims.

121 "Death penalty to murderer after claiming mental illness", Khaleej Times, 8 April 2019, www.khaleejtimes.com/nation/sharjah/death-penalty-to-murderer-after-claiming-mental-illness

122 "Death penalty for eight men over spate of armed robberies in Sharjah", The National, 18 April 2019, www.thenational.ae/uae/courts/death-penalty-for-eight-men-over-spate-of-armed-robberies-in-sharjah-1.850881

123 Huthi forces controlled large parts of Yemen

124 Amnesty International, *Yemen: Further information – 30 opposition figures sentenced to death* (Index: MDE 31/0709/2019)

SUB-SAHARAN AFRICA

REGIONAL TRENDS

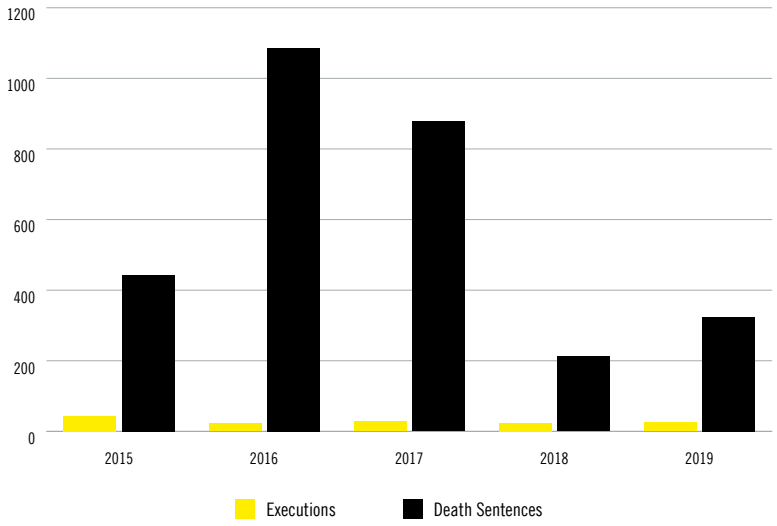
- The same four countries – Botswana, Somalia, South Sudan and Sudan – that carried out executions in 2018 did so in 2019.
- Recorded executions increased by one, compared to 2018, despite a decrease in recorded executions in three out of these four countries; only South Sudan recorded an increase.
- Recorded death sentences went up by 53% due to increases in 10 countries.
- Positive signs towards abolition of the death penalty were recorded in five countries.

COUNTRY	2019 RECORDED EXECUTIONS	2019 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2019
Botswana	1	4	7
Burkina Faso	0	0	+
Cameroon	0	0	+
Central African Republic	0	0	
Chad	0	0	4+
Comoros	0	0	
Democratic Republic of the Congo	0	8	48+
Equatorial Guinea	0	0	
Eritrea	0	0	
Eswatini (former Swaziland)	0	0	1
Ethiopia	0	0	
Gambia	0	1	1
Ghana	0	8	168
Guinea	0	0	15+[125]
Kenya	0	29+	1,000+
Lesotho	0	0	+
Liberia	0	0	
Malawi	0	8	23
Mali	0	4+	+
Mauritania	0	8	123

125 Although Guinea abolished the death penalty for all crimes in 2017, some prisoners remained under the sentence of death at the end of 2019. In November 2019, Amnesty International visited prisons in Guinea and documented 15 people under the sentence of death, 12 in Kindia and three in Conakry. The death sentences of these prisoners had not been commuted and more prisoners in this category could be in other prisons in the country.

COUNTRY	2019 RECORDED EXECUTIONS	2019 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2019
Niger	0	8	0
Nigeria	0	54+	2,700+
Sierra Leone	0	21	63
Somalia	12+	24+	+
South Sudan	11+	4+	338+
Sudan	1	31+	115+
Tanzania	0	4+	500+
Uganda	0	2	133
Zambia	0	101	393
Zimbabwe	0	6	89

EXECUTIONS AND DEATH SENTENCES RECORDED IN SUB-SAHARAN AFRICA 2015-2019

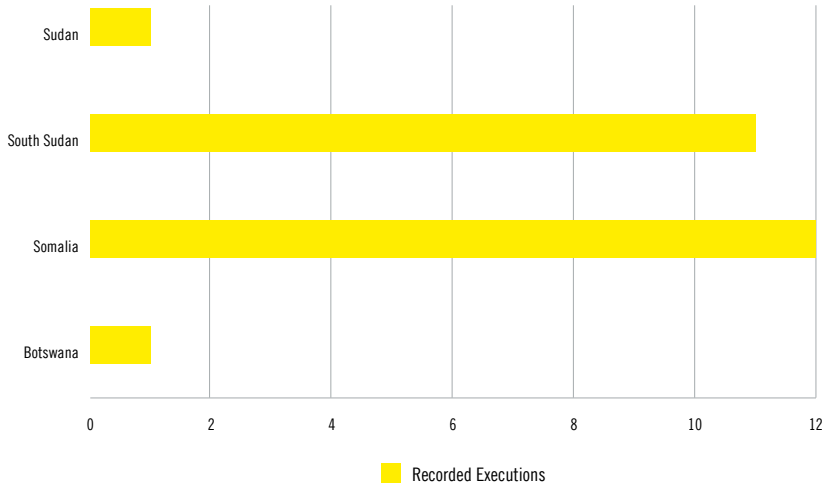


Amnesty International recorded a slight increase in the number of executions in the sub-Saharan Africa region in 2019; 25 executions were confirmed compared to 2018 when 24 were recorded. Botswana, Somalia, South Sudan and Sudan carried out executions in 2019, just as they did in 2018. Recorded executions went down by one in Botswana, Somalia and Sudan. However, in South Sudan recorded executions increased by 57%, from 7+ recorded in 2018 to 11+ in 2019.

The number of confirmed death sentences in the region went up by 53%, from 212 in 2018 to 325 in 2019. This was due to increases in Kenya (12+ to 29+); Malawi (0 to 8); Mauritania (3 to 8); Niger (0 to 8); Nigeria (46+ to 54+); Sierra Leone (4 to 21); Somalia (15+ to 24+); Sudan (8 to 31+); Zambia (21+ to 101); and Zimbabwe (5+ to 6). Death sentences were confirmed in 18 countries in 2019, an increase of one compared to 2018.

Positive actions or pronouncements which may lead to the abolition of the death penalty were recorded in Central African Republic, Equatorial Guinea, Gambia, Kenya and Zimbabwe.

RECORDED EXECUTIONS IN SUB-SAHARAN AFRICA 2019



NOTABLE COUNTRY DEVELOPMENTS

The government of **Botswana** informed Amnesty International that one execution was carried out, four death sentences were imposed, and seven people were under the sentence of death at the end of the year. The government added that no commutations or pardons were granted, no one under the sentence of death was exonerated and no foreign national was under the sentence of death in the country. The Prison Service announced the execution of Mooketsi Kgosibodiba through a statement on 2 December, stating that he was executed at the Gaborone Central Prison in the "morning". He was convicted for the murder of his employer in 2012 and was sentenced to death by the Francistown High Court in December 2017; his appeal was dismissed by the Court of Appeal in July 2018. Kagiso Molefe, who was facing the death penalty after being convicted of murder, was not sentenced to death. On 11 April, the High Court in Lobatse, during a ruling on extenuation, ruled that it was "satisfied that there are extenuating circumstances which abate the moral blameworthiness of the accused entitling the court to impose a sentence other than death." The Court sentenced him to 20 years' imprisonment.

In March, the Speaker of the National Assembly of the **Central African Republic**, Honourable Laurent Ngon-Baba, was reported to have issued a decision to establish a joint committee to examine a bill on the abolition of the death penalty.[126]

On 15 April, the President of **Equatorial Guinea**, President Teodoro Obiang Nguema, announced in Praia, Cabo Verde, that he would soon submit to the country's Parliament a bill to abolish the death penalty, as required by the Community of Portuguese Language Countries. Amnesty International was unable to confirm at the end of the year that the bill had been sent to Parliament.

The government of **Eswatini** informed Amnesty International that no death sentence was imposed, and that no execution was carried out. The last execution was carried out in 1983, and since that year a total of 45 people have been sentenced to death, 44 of whom have had their death sentences commuted to life imprisonment during that period. The last person remained under the sentence of death at the end of the year.

In May, the Attorney-General and Minister of Justice of **Gambia** announced that President Adama Barrow had commuted the death sentences of 22 prisoners to life imprisonment. These prisoners represented the number of people under the sentence of death at the end of 2018. The only death sentence recorded in the country was imposed in July by the High Court against Pap Ibrahim Khalilulaye Thiam, a Senegalese national, for murder.[127] In November, Gambia's Constitutional Review Commission (CRC) published a draft constitution for the country.[128] The Chairman of the CRC, Justice Cherno Suluyman Jallow, emphasized that while reviewing the current constitution, the CRC considered international treaties that Gambia is a party to and its international legal obligations. One notable development in the draft constitution is the removal of the provision in the current constitution which allows for the death penalty as an exception to the right to life. Section 37(1) of the draft constitution provides: "A person shall not be deprived of life intentionally." As a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Gambia has a legal obligation to take all necessary measures to abolish the death penalty within its jurisdiction.[129]

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126 Parliamentarians for Global Action, *Central African Republic and the death penalty* (News story, March 2019), www.pgaction.org/ilhr/adp/caf.html

127 "Senegalese sentenced to death for strangling woman", *The Standard*, 25 July 2019, https://standard.gm/senegalese-sentenced-to-death-for-strangling-woman/

128 "Gambia publishes first draft constitution", *The Voice*, 16 November 2019, www.voicegambia.com/2019/11/16/gambia-publishes-first-draft-constitution/

129 Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, Art.1(2)

The **Ghana** Prisons Service informed Amnesty International that no executions were carried out and the courts sentenced eight people to death in 2019. At the end of the year, 168 people were under sentence of death, including six foreign nationals from Benin (1), Burkina Faso (2) and Nigeria (3). Twelve people had their death sentence commuted to life imprisonment and one person was pardoned. The last execution recorded in Ghana was in 1993.

In **Kenya**, the Task Force on review of the mandatory death sentence under section 204 of the Penal Code, which was set up on the orders of the Supreme Court in the case of *Francis Karioko Muruatetu and Wilson Thirimbi Mwangi v. Republic*, published its report in October.[130] The Task Force was given the responsibility of preparing "a detailed professional review with regard to the death penalty in the context of the Judgment and Order of the court, set up a legal framework to deal with resentencing of capital offenders, formulate parameters of what ought to constitute life imprisonment, review the legislative framework on death penalty in Kenya with a view to formulate amendments, and propose law to give effect to the Judgment."[131]

The Task Force noted in its report that following the judgment in *Muruatetu*, and before its work was completed, many people who were under the sentence of death for murder before the mandatory death sentence was abolished had made applications to the courts for re-sentence hearing. Some of the applications had been assigned for hearing in the future; some had become final and the petitioners had been either released from prison, re-sentenced to a definite term in prison or had the original death sentence confirmed. At least 1,148 petitions for re-sentencing had been received by the court, at least 107 had been dismissed for a lack of jurisdiction, and at least 67 had been decided.

The Task Force made the following key findings:[132]

1. The death penalty is not an effective deterrent (it does not stop people from committing capital offences);
2. There is growing consensus that extended time on death row, if not the death penalty itself, constitutes inhuman punishment in violation of international law, regional law and most modern constitutions including those similar to Kenya's;
3. The world – but more specifically African countries – is moving toward abolition at a minimum with respect to all but the most serious crimes;
4. The justice system is not perfect, and this leads to a disproportionate number of poor or vulnerable persons, many who are in fact innocent, being sentenced to death; and
5. Kenyans, when presented with the reality of injustice and hardship faced by people in the correctional system, and the truth about the humanity and fallibility of many who are incarcerated, are willing to accept that offenders can reform their lives and become productive members of society.

The Task Force recommended that: Parliament abolish the death penalty entirely; life imprisonment be substituted where the Penal Code previously provided for the death penalty, with the option of life imprisonment without parole for the most serious of crimes; if not abolished, the death penalty should only be reserved for the rarest of rare cases involving intentional and aggravated acts of killing; the current Sentencing Policy Guidelines be enacted as regulations in order to have the force of law, in addition to formulation of Re-sentencing Regulations to guide the sentencing and re-sentencing processes; and a new system of parole for offenders serving a life sentence, including a clear definition and degrees of offences for purposes of determining eligibility for parole, is established.

130 The Supreme Court of Kenya in this case abolished the mandatory death penalty for murder in December 2017

131 Report of the Task Force on Review of the Mandatory Death Sentence under Section 204 of the Penal Code, Vol. 1, p. 3

132 Report of the Task Force on Review of the Mandatory Death Sentence under Section 204 of the Penal Code, Vol. 1, p. 108

The government of **Malawi** informed Amnesty International that no executions were carried out and that five death sentences were imposed. However, the media reported the imposition of eight death sentences; all were imposed for the murder of people with albinism. According to the government, 23 people were under the sentence of death at the end of the year; one was a foreign national (from Mozambique).

Willard Mikaele was convicted of the murder of a person with albinism on 19 March and sentenced to death on 3 May; he was arrested in Mozambique on 12 January 2017. The court imposed the death sentence citing the prevalence of attacks against people with albinism in the country and the court's obligation to protect them.[133] In August, a court in the western town of Mchinji convicted and sentenced three people – Douglas Mwale, Fontino Folosani and Sophie Jere – to death for killing a person with albinism.[134] In December the High Court in Lilongwe convicted and sentenced four people – Gerald Phiri, Medson Madzialenga, Jesmon Baluwa and Steven Ching'ombe – to death for killing a 21-year-old woman with albinism in Dowa in 2016.[135]

The authorities in **Mauritania** informed Amnesty International that no executions were carried out, eight death sentences were imposed, one commutation was granted, and 123 people – including 15 foreign nationals – were under the sentence of death at the end of the year.

In **Niger**, the eight death sentences imposed during the year were commuted by presidential decree, on independence day, in December.

No execution was recorded in **Nigeria** but at least 54 death sentences were imposed. At least 67 people had their death sentence commuted to life imprisonment and at least 13 people were pardoned. Amnesty International estimates that at least 2,700 people were under the sentence of death at the end of the year. In May, following an amendment of relevant sections of the Penal Code, the death penalty was introduced for kidnapping and cattle rustling in Katsina State.[136] In June, Taraba State introduced the death penalty for kidnapping.[137] In Lagos State, the then Governor, Akinwunmi Ambode, commuted 20 death sentences to life imprisonment in April,[138] while the incumbent, Babajide Sanwo-Olu, commuted three death sentences to life imprisonment in December.[139]

According to the data provided by the Correctional Service of **Sierra Leone**, no execution was carried out; 21 death sentences were imposed by the courts for murder and conspiracy to murder; and 63 people were under the sentence of death at the end of the year. On 14 November, a High Court in Freetown convicted and sentenced 18-year-old Osman Kamara to death by hanging after the jury found him guilty of the murder of a 22-year-old man during a fight at a nightclub.[140]

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133 *Republic v. Willard Mikaele*, Homicide Case no. 238 of 2018

134 Malawi: 3 sentenced to death over killing of person with albinism", Aljazeera, 15 August 2019, www.aljazeera.com/news/2019/08/malawi-3-sentenced-death-killing-person-albinism-190815084058460.html

135 "Four sentenced to death killing albinos", The Nation, 2 December 2019, https://mwnation.com/four-sentenced-to-death-killing-albinos/

136 "Masari approves death penalty for kidnappers, rustlers in Katsina", *The Guardian*, 25 May 2019, https://guardian.ng/news/masari-approves-death-penalty-for-kidnappers-rustlers-in-katsina/

137 "Taraba okays death penalty for kidnappers", *Punch*, 5 July 2019, https://punchng.com/taraba-okays-death-penalty-for-kidnappers/

138 Lagos State, "Lagos pardons 14 inmates, commutes 20 death sentences to life imprisonment" (News story, 28 April 2019), https://lagosstate.gov.ng/blog/2019/04/28/lagos-pardons-14-inmates-commutes-20-death-sentences-to-life-imprisonment/

139 "Christmas: Governor commutes death sentences of three, pardons six others", Premium Times, 26 December 2019, www.premiumtimesng.com/regional/ssouth-west/369904-christmas-governor-commutes-death-sentences-of-three-pardons-six-others.html

140 "18-year-old sentenced to death by hanging", *Awoko*, 19 November 2019, https://awokonewspaper.com/18-year-old-sentenced-to-death-by-hanging/

In **South Sudan**, at least 11 people were executed (four more than were known to have been executed in the country in 2018). This was the highest recorded number in South Sudan in any year since the country's independence in 2011. Seven men were executed in February, three of whom were from the same family. The authorities did not inform the family of the three related men before they were executed. Of the seven people, six were executed in Juba Central Prison, while one was executed in Wau Central Prison. In September, four people were executed; two men were executed in Juba Central Prison on 27 September and two were executed in Wau Central Prison on 30 September. One of the two executed on 30 September had been sentenced to death by the High Court in Tonj on 29 November 2018 for murder. The other was a child at the time of the crime. He was about 17 when he was convicted and sentenced to death by the High Court in Lakes State on 10 September 2015.

At least four death sentences were imposed in 2019. On 8 March, death sentences were imposed on three soldiers by the Military Court for killing two civilians in their homes in 2018.[141]

At the end of the year, Magai Matiop Ngong, now 18 years old, who was just 15 when he was sentenced to death, remained on death row and at risk of execution. The use of the death penalty against people who were children at the time of the crime is strictly prohibited under international human rights law and South Sudan's 2011 Transitional Constitution. Article 21(2) of the Constitution states that "No death penalty shall be imposed on a person under the age of eighteen". Article 37(a) of the Convention on the Rights of the Child, to which South Sudan is a party, stipulates that "neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age".

South Sudan's Penal Code provides for the use of the death penalty for murder; bearing false witness resulting in an innocent person's execution or for fabricating such evidence or using as true evidence known to be false; insurgency, banditry, sabotage or terrorism resulting in the death of a person; aggravated drug trafficking; and treason. Hanging is the method of execution provided for in the Code of Criminal Procedure. Before a person sentenced to death can be executed, the Supreme Court and the President must confirm the death sentence.

In **Sudan**, the at least 31 death sentences recorded were a significant increase on the eight death sentences recorded in 2018. Sudan's Transitional Military Council (TMC) issued 25 pardons as "part of the implementation of the measures aiming to create confidence-building measures aiming to achieve peace in Sudan as provided in the agreements reached by the TMC and the Forces for Freedom."[142]

No executions were carried out in **Tanzania**, but at least four death sentences were imposed by the courts. In June a Bukoba High Court sentenced three Muslim men to death for decapitating four Christians in November 2015 during an outbreak of violence.[143]

In July, a High Court in Dar es Salaam declared that the mandatory death penalty in Tanzania is constitutional and that it could not depart from an existing decision of the Court of Appeal that the death penalty was constitutional. In contrast, on 28 November, the African Court on Human and Peoples' Rights delivered judgment in the case of *Ally Rajabu and Others v. United Republic of Tanzania*.[144] The Court held that Section 197 of the Tanzania Penal Code which provides for mandatory

141 "South Sudan military court sentences soldiers to death for killing civilians", The EastAfrican, 8 March 2019, www.theeastafrican.co.ke/news/ea/Death-sentences-for-South-Sudan-soldiers-for-killing-civilians/4552908-5016018-q2jhy7/index.html

142 "TMC overturns death sentences against Sudan's rebels", Sudan Tribune, 9 August 2019, www.sudantribune.com/spip.php?article67910; "Sudan drops 8 Darfur rebel death sentences to 'build confidence'", France24, 19 September 2019, www.france24.com/en/20190919-sudan-drops-8-darfur-rebel-death-sentences-to-build-confidence

143 "Tanzanian court sentences 3 Muslims to death for murder", SowetanLIVE, 20 June 2019, www.sowetanlive.co.za/news/africa/2019-06-20-tanzanian-court-sentences-3-muslims-to-death-for-murder/

144 The African Court on Human and Peoples' Rights is a continental court established by African countries to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes submitted to it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other relevant human rights instrument ratified by the States concerned.

death sentence violates the right to fair trial and right to life which are protected in Article 7(1) and Article 4 of the African Charter on Human and Peoples' Rights.[145] The Court emphasized that the mandatory death sentence for murder in Section 197 of the Tanzania Penal Code constitutes an arbitrary deprivation of the right to life and that Tanzania had violated Article 4 of the African Charter.[146]

On 4 November, President Yoweri Museveni of **Uganda** signed into law the Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act 2019. The Act amended the Penal Code Act and the Anti-Terrorism Act, 2002 to: remove the mandatory death penalty prescribed by these laws;[147] restrict the death penalty to the most serious crimes under those laws; remove the restriction on mitigation in the case of convictions that carry a death penalty; and define life imprisonment or imprisonment for life. The Act provides that "the court may only pass a sentence of death in exceptional circumstances where the alternative of imprisonment for life or other custodial sentence is demonstrably inadequate."[148] Also, the Act provides that a death sentence that is not carried out within three years shall be deemed to have been commuted to imprisonment for life.[149] In addition, it defines imprisonment for life as "imprisonment for fifty years".[150]

The government of **Zambia** informed Amnesty International that no executions were carried out; 101 people – 88 men and 13 women – were sentenced to death;[151] 393 people – 370 men and 23 women – were under the sentence of death at the end of the year, five of whom were foreign nationals (two Chinese, one Malawian, one Namibian, one Tanzanian); 21 commutations were granted; and eight people were exonerated by the courts.

The government of **Zimbabwe** informed Amnesty International that no executions were carried out; six death sentences were imposed for murder, murder and robbery, murder and attempted murder; and 89 people were under the sentence of death at the end of the year. In February, the media reported that the government commuted 34 death sentences to life imprisonment; the Ministry of Justice, Legal and Parliamentary Affairs had recommended to the government to abolish the death penalty; and the government was in the process of implementing strategies and policies aimed at abolishing the death penalty.[152]

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145 *Ally Rajabu and Others v. United Republic of Tanzania,* Application No. 007/2015

146 Shortly before this judgment was delivered, Tanzania withdrew the right of individuals and NGOs to directly file cases against it at the Arusha-based African Court on Human and Peoples' Rights. The Tanzanian Minister of Foreign Affairs and East African Cooperation, Prof Palamagamba Kabudi, signed the notice of withdrawal of the declaration made under Article 34(6) of the African Court Protocol on 14 November 2019. This notification was sent to the African Union on 21 November.

147 The mandatory death penalty had already been abolished by the Constitutional Court in 2005 in *Susan Kigula & 416 Ors v. Attorney General*

148 Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act 2019, Section 5

149 Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act 2019, Section 7(2)

150 Law Revision (Penalties in Criminal Matters) Miscellaneous (Amendment) Act 2019, Section 7(3)

151 This constitutes a significant increase compared to 2018 when Amnesty International confirmed 21 death sentences

152 "Govt removes 34 from death row to life imprisonment as death sentence phases out", ZimEye, 1 February 2019, www.zimeye.net/2019/02/01/govt-removes-34-from-death-row-to-life-imprisonment-as-death-sentence-phases-out/

ANNEX I: RECORDED EXECUTIONS AND DEATH SENTENCES IN 2019

This report only covers the judicial use of the death penalty and does not include figures for extrajudicial executions. Amnesty International only reports figures for which it can find reasonable confirmation, although the true figures for 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 example, Thailand (16+) – it means that Amnesty International confirmed 16 executions or death sentences in Thailand but believes there were more than 16. Where "+" appears after a country name without a figure – for instance, Syria (+) – it means that Amnesty International has corroborated executions or death sentences (more than one) in that country but had insufficient information to provide a credible minimum figure. When calculating global and regional totals, "+" has been counted as 2, including for China.

RECORDED EXECUTIONS IN 2019

China 1,000s

Iran 251+

Saudi Arabia 184

Iraq 100+

Egypt 32+

USA 22

Pakistan 14+

Somalia 12+

South Sudan 11+

Yemen 7

Singapore 4

Bahrain 3

Japan 3

Belarus 2+

Bangladesh 2

Botswana 1

Sudan 1

North Korea +

Syria +

Viet Nam +

RECORDED DEATH SENTENCES IN 2019

China 1,000s

Pakistan 632+

Egypt 435+

Bangladesh 220+

India 102

Zambia 101

Iraq 87+

Indonesia 80+

Viet Nam 76+

Yemen 55

Nigeria 54+

Tunisia 39+

USA 35

Sri Lanka 34+

Sudan 31+

Kenya 29+

Malaysia 26+

Somalia 24+

Lebanon 23

Sierra Leone 21

UAE 18+

Thailand 16+

Afghanistan 14

Singapore 12

Jordan 8+

Democratic Republic of the Congo 8

Ghana 8

Malawi 8

Mauritania 8

Niger 8

Trinidad and Tobago 8

Morocco/Western Sahara 7+

Oman 7+

Zimbabwe 6

Kuwait 5+

Saudi Arabia 5+

Algeria 4+

Bahrain 4+

Mali 4+

Tanzania 4+

South Sudan 4+

Botswana 4

Myanmar 4

Palestine (State of) 4

Belarus 3+

Qatar 2+

Guyana 2

Japan 2

Maldives 2

Taiwan 2

Uganda 2

Gambia 1

South Korea 1

Iran +

North Korea +

Syria +

ANNEX II: ABOLITIONIST AND RETENTIONIST COUNTRIES

AS OF 31 DECEMBER 2019

More than two thirds of the countries in the world have now abolished the death penalty in law or practice. As of 31 December 2019 the numbers were as follows:

Abolitionist for all crimes: 106

Abolitionist for ordinary crimes only: 8

Abolitionist in practice: 28

Total abolitionist in law or practice: 142

Retentionist: 56

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, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Bulgaria, Burundi, Cabo Verde, Cambodia, Canada, Colombia, Congo (Republic of the), Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guinea, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, Ireland, Italy, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nauru, 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, Suriname, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, Tuvalu, UK, Ukraine, 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:[153]

Brazil, Burkina Faso, Chile, El Salvador, Guatemala, Israel, Kazakhstan, Peru.

3. ABOLITIONIST IN PRACTICE

Countries that 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 last 10 years and are believed to have a policy or established practice of not carrying out executions:

Algeria, Brunei Darussalam, Cameroon, Central African Republic, Eritrea, Eswatini (former Swaziland), Ghana, Grenada, Kenya, Laos, Liberia, Malawi, Maldives, Mali, Mauritania, Morocco/Western Sahara, Myanmar, Niger, Papua New Guinea, Russian Federation,[154] Sierra Leone, South Korea (Republic of Korea), Sri Lanka, 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, Cuba, Democratic Republic of the Congo, Dominica, Egypt, Equatorial Guinea, Ethiopia, Gambia, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Nigeria, North Korea (Democratic People's Republic of Korea), Oman, Pakistan, Palestine (State of), 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, USA, Viet Nam, Yemen, Zimbabwe.

153 No executions were recorded in these countries in more than 10 years

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

ANNEX III: RATIFICATION OF INTERNATIONAL TREATIES

AS OF 31 DECEMBER 2019

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

Below are short descriptions of the four treaties, a list of states parties to the treaties and lists of countries which have signed but not ratified the treaties, as of 31 December 2019. States may become states 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 a party, 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, AIMING AT THE ABOLITION OF THE DEATH PENALTY

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, Angola, Argentina, Australia, Austria, Azerbaijan, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Madagascar, Malta, Mexico, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palestine (State of), Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia (including Kosovo), Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, UK, Ukraine, Uruguay, Uzbekistan, Venezuela (total: 88).

Signed but not ratified: Armenia (total: 1).

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

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 1983, 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, North Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia (including Kosovo), Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, UK, Ukraine (total: 46).

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

PROTOCOL NO. 13 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS, CONCERNING THE ABOLITION OF THE DEATH PENALTY IN ALL CIRCUMSTANCES

Protocol No. 13 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 in all circumstances, adopted by the Council of Europe in 2002, provides for the abolition of the death penalty in all circumstances, including 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, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia (including Kosovo), Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, UK, Ukraine (total: 44).

Signed but not ratified: Armenia (total: 1).

AMNESTY INTERNATIONAL IS A GLOBAL MOVEMENT FOR HUMAN RIGHTS. WHEN INJUSTICE HAPPENS TO ONE PERSON, IT MATTERS TO US ALL.

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DEATH SENTENCES AND EXECUTIONS 2019

Amnesty International's monitoring of the global use of the death penalty in 2019 showed that the number of known executions decreased slightly on the 2018 total, continuing the year-on-year reduction recorded since 2015 and reaching the lowest figure in more than 10 years. Significantly, this decrease was reported despite Iraq nearly doubling its tally and Saudi Arabia having its highest executions total in any given year.

The number of executing countries (20) remained the same as in 2018 and confirmed that the resort to executions remained confined to a minority of states. Major executing countries – including China, Iran, North Korea and Viet Nam – continued to hide the full extent of their use of the death penalty by restricting access to death penalty information.

Positive developments towards abolition were recorded in Barbados, Central African Republic, Equatorial Guinea, Gambia, Kazakhstan, Kenya, Malaysia, the Russian Federation, Tajikistan, the US States of California and New Hampshire, and Zimbabwe during 2019, while threats of setbacks in the Philippines, Sri Lanka and by the US federal authorities did not come to fruition by the end of the year.

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

Index: ACT 50/1847/2020
April 2020
amnesty.org

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