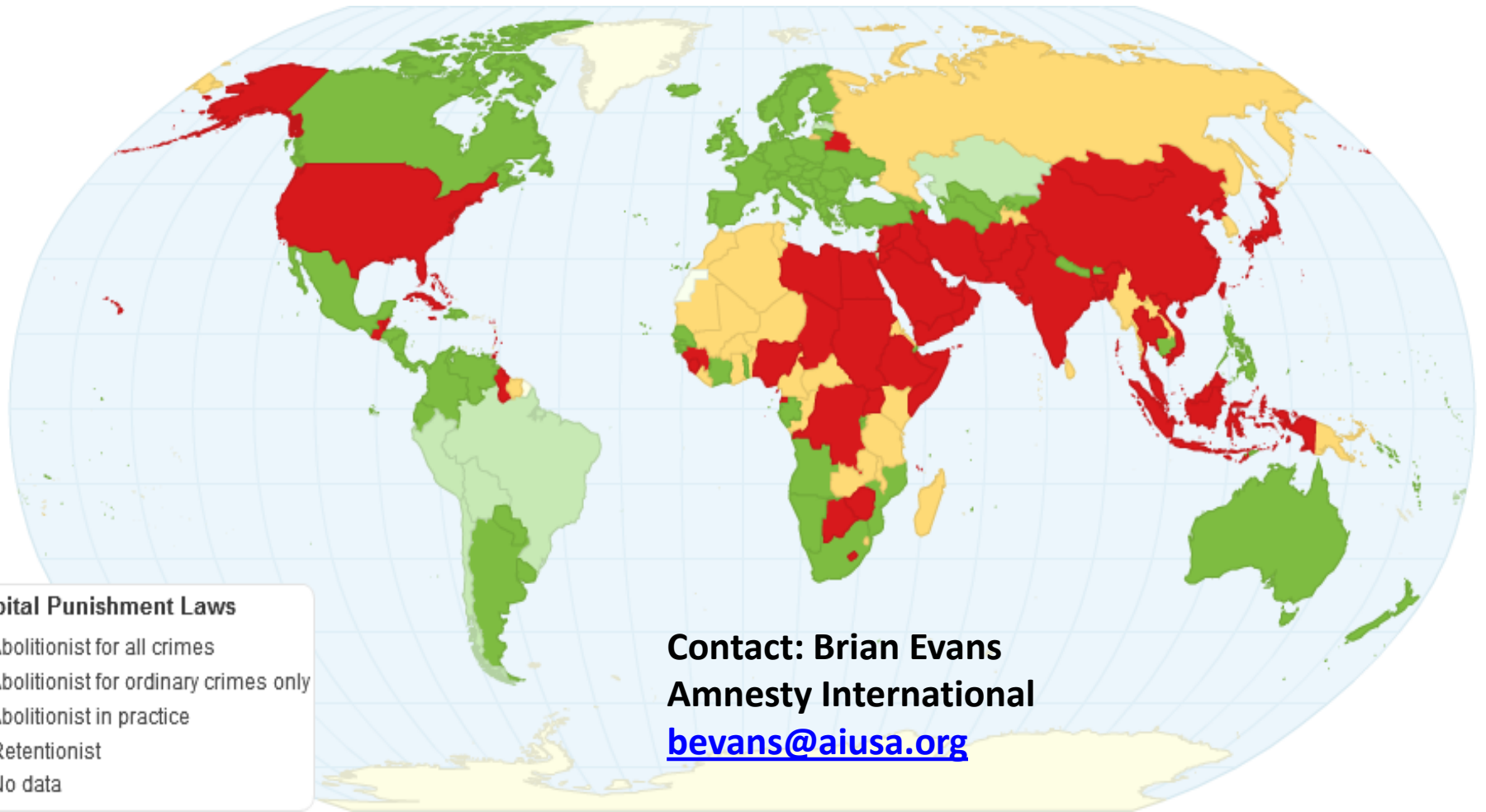


# THE DEATH PENALTY

## A WORLDWIDE PERSPECTIVE



### Capital Punishment Laws

- Abolitionist for all crimes
- Abolitionist for ordinary crimes only
- Abolitionist in practice
- Retentionist
- No data

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## South America



# IN THE VANGUARD OF ABOLITION: SOUTH & CENTRAL AMERICA

Venezuela: 1863

Costa Rica: 1877

Ecuador: 1906

Uruguay: 1907

Colombia: 1910

# IN THE VANGUARD OF ABOLITION: EUROPE



San Marino: 1865  
Germany (West): 1949  
UK: 1965 / 1998  
Sweden & Finland: 1972  
Portugal: 1976  
Norway: 1979  
France: 1981  
Netherlands: 1982  
Germany (East): 1987

East Bloc & former  
Soviet states: 1990s and  
early 2000s

Still retentionist:  
Belorussia

# Where Capital Punishment Remains Contested: Africa & the USA



## Capital Punishment Laws

- Abolitionist for all crimes
- Abolitionist for ordinary crimes only
- Abolitionist in practice
- Retentionist
- No data

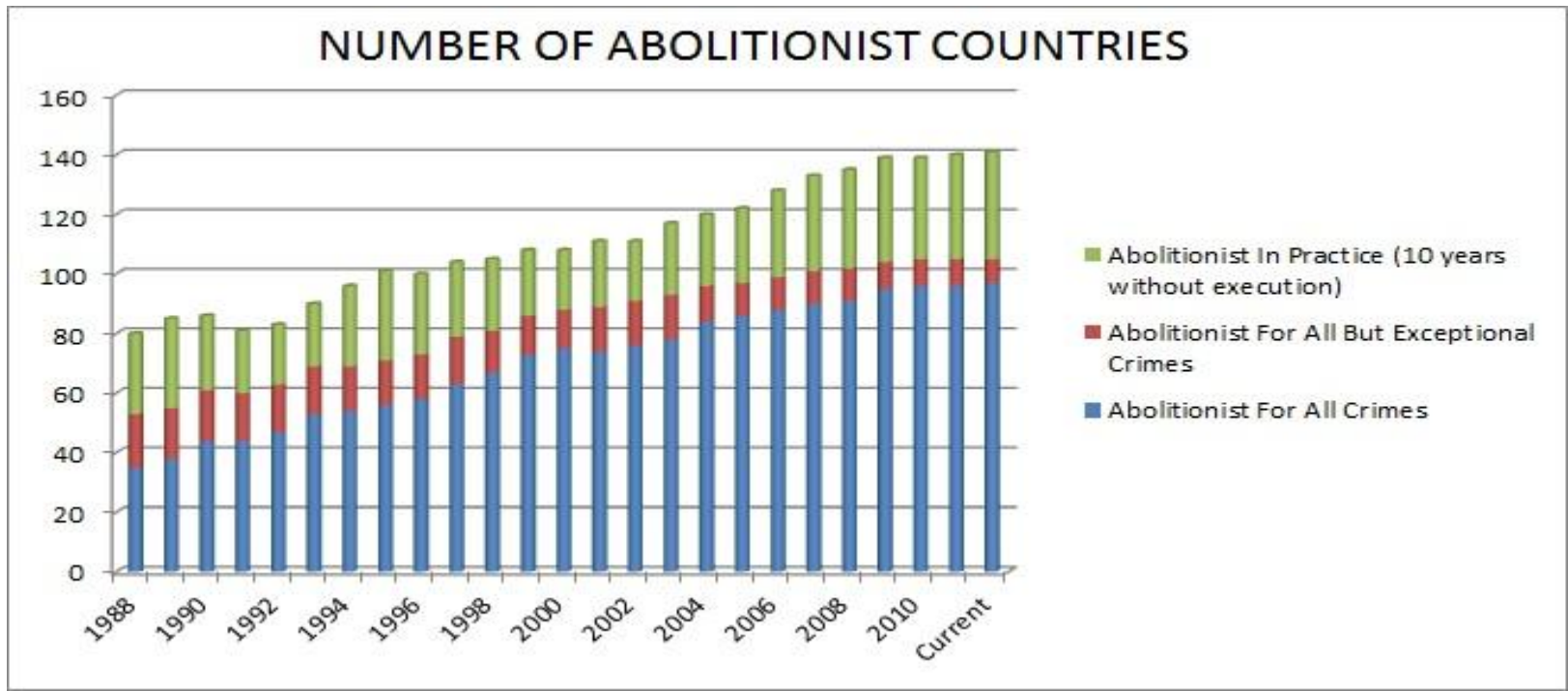


# Where Capital Punishment Remains Strong: Middle East & Asia



# Current Status of the Death Penalty

- **Abolitionist for all crimes: 97**
  - **Abolitionist for ordinary crimes only: 8**
  - **Abolitionist in practice: 35**
- Total abolitionist in law or practice: 140**
- Retentionist: 58**



# The Scope of Capital Punishment In Law

- Crimes that result in loss of life (homicide)
- Political offenses / Treason
- Drug Trafficking
- Rape
- Adultery / Homosexuality
- Economic Crimes / Corruption
- Religious Offenses / Blasphemy

# Methods of Execution

The following methods of executions were used in 2011:

- Beheading (Saudi Arabia);
- Hanging (Afghanistan, Bangladesh, Egypt, Iran, Iraq, Malaysia, North Korea, Palestinian Authority (Gaza), South Sudan, Sudan);
- Lethal injection (China, Taiwan, USA);
- Shooting (Belarus, China, North Korea, Palestinian Authority (Gaza), Somalia, United Arab Emirates, Vietnam, Yemen).
- There were no reports of judicial executions carried out by stoning, or any new sentences of death by stoning in 2011.  
The electric chair is still an option in some U.S. jurisdictions.

Public executions were known to have been carried out in Iran, North Korea, Saudi Arabia and Somalia.



# Who is Executing?

## THE TOP TEN GOVERNMENTS THAT CARRY OUT THE MOST KNOWN EXECUTIONS EACH YEAR

2011 – China, Iran, Saudi Arabia, Iraq, **USA**, Yemen, N. Korea, Somalia, Sudan, Bangladesh/Viet Nam

2010 – China, Iran, N. Korea, Yemen, **USA**, Saudi Arabia, Libya, Syria, Bangladesh, Somalia

2009 – China, Iran, Iraq, Saudi Arabia, **USA**, Yemen, Sudan, Viet Nam, Syria, Japan

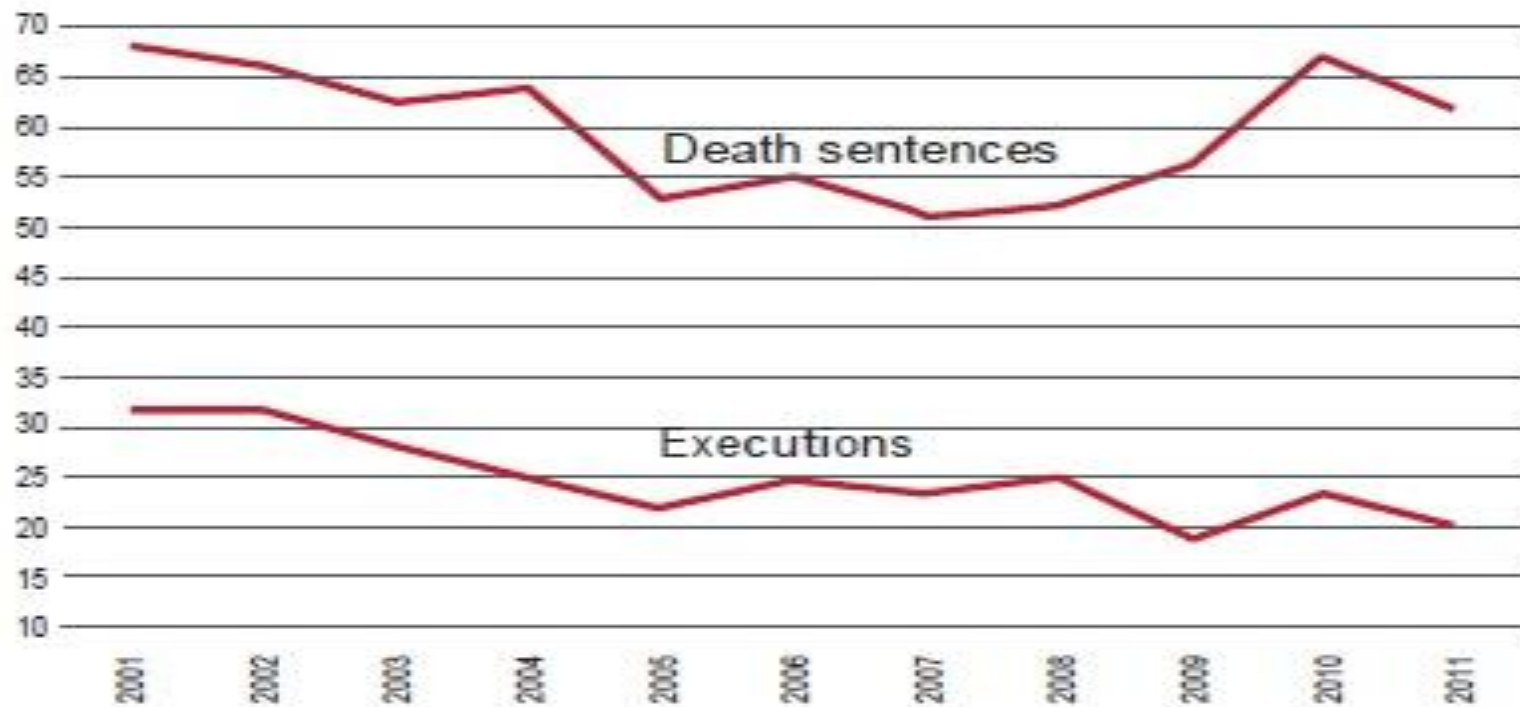
2008 – China, Iran, Saudi Arabia, **USA**, Pakistan, Iraq, Viet Nam, Afghanistan, N. Korea, Japan

2007 – China, Iran, Pakistan, Saudi Arabia, **USA**, Iraq, Viet Nam, Yemen, Afghanistan, Libya

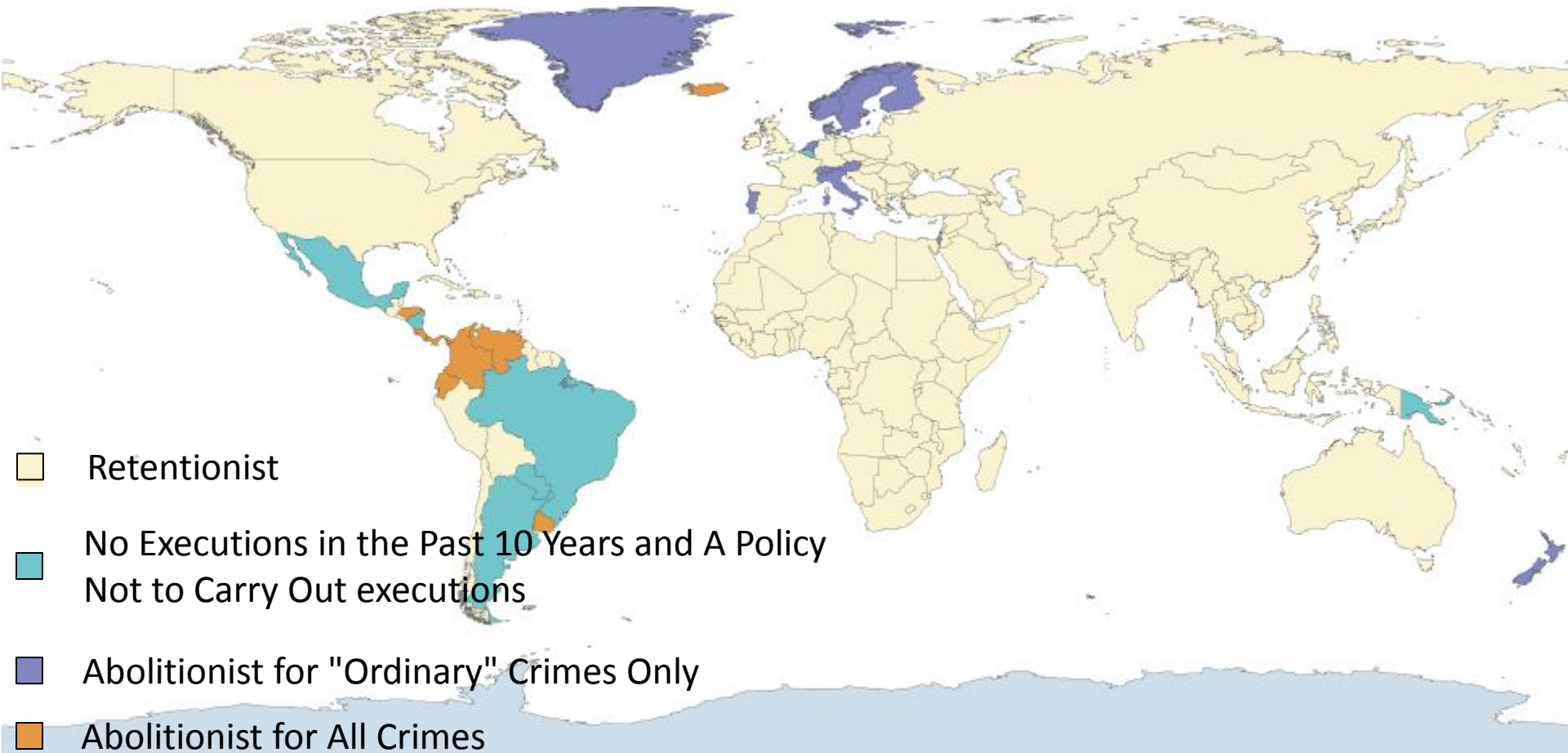
*Source: Amnesty International - <http://www.amnesty.org/en/death-penalty/numbers>*

# Declining Number of Countries Are Executing

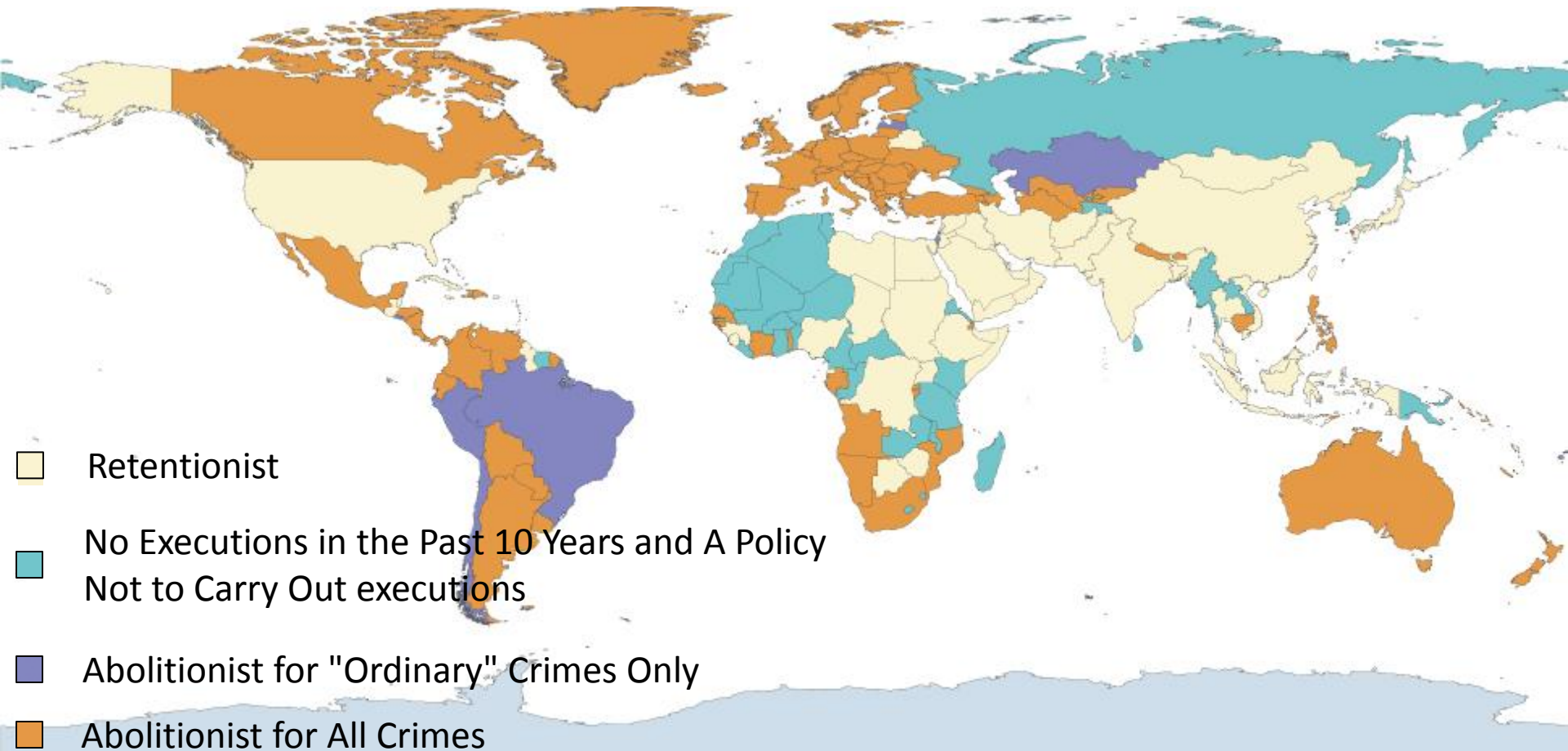
THE NUMBER OF COUNTRIES CARRYING OUT EXECUTIONS AND IMPOSING DEATH SENTENCES 2001-2011



# Status of Capital Punishment in 1961



# Status of Capital Punishment in 2010



# Capital Punishment & International Standards

- 1948: Universal Declaration of Human Rights proclaims every individual's right to life. It states that no one shall be subjected to cruel or degrading punishment.
- 1966: The UN adopted the International Covenant on Civil and Political Rights (ICCPR). Article 6 states that "no one shall be arbitrarily deprived of his life," and neither pregnant women nor those under 18 at the time of the crime shall receive the death penalty.

# Capital Punishment & International Standards

- 1984: The UN General Assembly adopted the Second Optional Protocol to the ICCPR, aimed at abolition of the death penalty.
- 1989: The UN Economic and Social Council (ECOSOC) adopted "Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty" which were endorsed by the UN General Assembly. The Safeguards state that anyone sentenced to death has the right to appeal and to petition for a pardon or commutation and that no one under the age of 18 at the time of the crime shall be put to death.

# Capital Punishment & International Standards

- 1990: The Protocol to the American Convention on Human Rights was adopted by the General Assembly of the Organization of American States. It provides for the total abolition of the death penalty, allowing for its use in wartime only.
- 1993: International Criminal Tribunal for the former Yugoslavia does not provide the death penalty as an option, even for the most heinous crimes such as genocide.

# Capital Punishment & International Standards

- 1995: The UN Convention on the Rights of the Child came into force. Article 37(a) prohibits the death penalty for persons under 18 at the time of the crime.
- 1999: The UN Commission on Human Rights (UNCHR) passed a resolution calling on all states that maintain the death penalty to restrict the number of offenses punishable by death.



# Capital Punishment & International Standards

- 2002: The Council of Europe's Committee of Ministers adopted Protocol 13 to the European Convention on Human Rights, the first legally binding international treaty to abolish the death penalty in all circumstances with no exceptions.
- 2005: The UNCHR approved Human Rights Resolution 2005/59 on the question of the death penalty, calling for all states that still maintain the death penalty to abolish the death penalty completely.

# Capital Punishment & International Standards

- 2007: The UN General Assembly approved Resolution 62/149 which called for all states that still maintain the death penalty to establish a moratorium on executions with a view to abolishing the death penalty.
- 2012: The UN General Assembly approved a similar Resolution by a vote of 110 for, 39 against, with 36 abtentions

# Regional & Civil Society Calls for a Moratorium on Executions

- 2008: The African Commission on Human and Peoples' Rights adopted a resolution calling on states parties to the African Charter on Human and Peoples' Rights to observe a moratorium on the death penalty.
- 2009: The “Madrid statement”, issued by Arab civil society groups, encouraged governments of Arab countries to comply with UNGA resolutions and introduce a moratorium on executions.

# Result of UN Standards: A Chipping Away At the Death Penalty

- Excluding the Vulnerable
- Protecting the Accused and Ensuring Due Process




# Excluding the Vulnerable from Execution

- Juvenile Offenders
- The Aged
- Pregnant Women
- Diminished Mental Capacity
  - The Intellectually Disabled
  - The “Insane”

# Executions of Juvenile Offenders

All countries except the U.S. and Somalia have ratified the UN Convention on the Rights of the Child, which prohibits executing child offenders. This practice was banned in the U.S. by the Supreme Court in 2005.

At least 17 countries have not banned the practice. Since 1990 Amnesty International has documented 87 executions of child offenders in 9 countries: **China**, the **Democratic Republic of Congo**, **Iran**, **Nigeria**, **Pakistan**, **Saudi Arabia**, **Sudan**, the **USA** and **Yemen**.



*Delara Darabi was executed in Iran on May 1, 2009 for a crime she allegedly committed at age 17.*

*She originally confessed and was executed for killing a wealthy cousin, but doubts about her guilt, and that she had confessed to cover for her older boyfriend Amir Hussein, emerged.*

*She was hanged despite a 2 month stay granted by the Iranian judiciary.*

# Protecting the Accused & Ensuring Due Process

- Fair Trial (including the right to competent counsel)
- Right to Appeal
- Right to Seek Clemency or Pardon

*UN Safeguards #4: “Capital punishment may be imposed only when the guilt of the person charged is based on clear and convincing evidence leaving **no room for an alternative explanation of the facts.**”*

# Many of the Top Executing Countries Regularly Conduct Trials that Do Not Meet Fair Trial Standards

FROM AMNESTY INTERNATIONAL'S 2011 ANNUAL REPORT:

**China**: *Torture and other ill-treatment remained endemic in places of detention.*

**Iran**: *The year saw a further degradation of the criminal justice system ... Political suspects received grossly unfair trials in which they ...were convicted in the absence of defense lawyers on the basis of “confessions” or other information allegedly obtained under torture in pre-trial detention.*

**Iraq**: *Torture was used to extract information from detainees and “confessions” that could be used as evidence against them in court.*



# Many of the Top Executing Countries Regularly Conduct Trials that Do Not Meet Fair Trial Standards

FROM AMNESTY INTERNATIONAL'S 2011 ANNUAL REPORT:

**Saudi Arabia**: *The authorities maintained a high degree of secrecy about detainees and their detention conditions and treatment, but reports emerged of at least two deaths in custody, possibly as a result of torture or other ill-treatment.*

**North Korea**: *Torture appeared to be widespread in prison camps. Many detainees died due to strenuous, and often hazardous, forced labour with little rest and inadequate access to food or medical care. Many were executed for minor infractions and others were forced to witness the public executions.*

**Yemen**: *Torture and other ill-treatment by police and prison guards continued to be reported, particularly by National Security officials, in the first weeks of detention. Methods cited included beatings with sticks and rifle butts, kicking, and prolonged suspension by the wrists.*

# CHINA

- In February, the National People's Congress passed a revision of China's Criminal Law which **removed the death penalty as punishment for 13 crimes**. At the same time, it added **new capital crimes** and expanded the scope of others.
- China continued to use the death penalty extensively, including for **non-violent crimes**, and to impose it after unfair trials. **Executions were estimated to number in the thousands**. Statistics on death sentences and executions remained classified.



# IRAN

- At least 360 executions were reported by official sources, although other information suggested over 274 other executions, with many executed secretly. Up to **80% of executions were for drug-related offences**, often imposed on people living in poverty and marginalized communities, particularly Afghan nationals. People sentenced to death under an Anti-Narcotics Law appeared to be **denied the right to appeal**.
- The number of **public executions quadrupled** to at least 50. At least **3 juvenile offenders** were executed; a further 4 cases were reported by credible sources. No stoning executions were reported, but at least 15 people sentenced to death by stoning remained on death row.



# IRAQ

- According to the Ministry of Justice, **65 men and 3 women** were executed during the year.
- Trials **consistently failed to meet international standards** for fair trial. Defendants complained that “confessions” accepted as evidence against them had been obtained under **torture** when they were held incommunicado, and that they could not choose their own defense lawyers. In many cases, these “confessions” were **broadcast on television**, in some cases in advance of trials, undermining the right to be considered innocent until proven guilty.



# SAUDI ARABIA

- The recorded number of executions rose sharply, with at least 82 people executed, over triple the number recorded in 2010. Those executed included at least five women and at least **28 foreign nationals**.
- At least 250 prisoners remained under sentence of death, including some sentenced for offences not involving violence, such as **apostasy and sorcery**. Many were foreign nationals, sentenced for drug-related offences after grossly unfair trials.



# NORTH KOREA

- In July, there were unconfirmed reports that the authorities had either executed by firing squad or killed in staged traffic accidents **30 officials who had participated in inter-Korean talks** or supervised bilateral dialogue.
- On 10 March, the Special Rapporteur on extrajudicial, summary or arbitrary executions wrote to the government regarding 37 reported cases of executions between 2007 and 2010 for “**financial crimes**”.



# YEMEN

- At least 29 people were sentenced to death and at least 41 were executed; the real numbers may have been **considerably higher**. Hundreds of people remained under sentence of death.

This month Human Rights Watch reported that there were over **20 juvenile offenders** on Yemen's death row, and that at least **15 child offenders** had been executed in the last 5 years.



# UNITED STATES

- **Forty-three** prisoners – all of them men – were executed in the USA during the year, all by lethal injection. This brought to 1,277 the total number of executions carried out since the US Supreme Court lifted a moratorium on the death penalty in 1976.
- In March, Illinois became the 16th abolitionist state in the USA. In November, the Governor of Oregon imposed a moratorium on executions in the state and called for “a long overdue reevaluation” of the system of capital punishment.
- Troy Davis was executed in Georgia on 21 September despite **serious doubts about the reliability of his conviction**. The execution went ahead despite hundreds of thousands of appeals for clemency.



# THE DEATH PENALTY IS WANING

- But still strong in countries where other human rights violations are rampant
- It is also still used, though with less enthusiasm, in the U.S. and in Asian democracies like Japan, South Korea & Taiwan.
- Death sentences are issued but not carried out in the English speaking Caribbean.

# NOTABLE ABOLITIONS

- Germany (West): Abolished the death penalty in 1949 in the aftermath of WW II and genocide.
- Spain: Abolished the death penalty in its 1978 Constitution after the fall of dictator Francisco Franco.
- South Africa: Abolished the death penalty in the 1990s after the demise of Apartheid
- Rwanda: Abolished the death penalty in 2007 in the aftermath of genocide.

Public Support For the Death Penalty Is  
Generally Lower Where It Has Been  
Abolished ...

But Does Changing Public Opinion  
Lead to Abolition, Or Does Abolition  
Change Public Opinion?

# Public Support for the Death Penalty and Preferred Alternatives

COUNTRY	% FAVOR DEATH PENALTY	PREFER DEATH PENALTY	PREFER LIFE W/O PAROLE	PREFER LIFE W/ PAROLE
Canada	44%	25%	51%	20%
France	45%	21%	55%	22%
Germany	35%	11%	59%	27%
Italy	31%	16%	60%	15%
Mexico	71%	46%	43%	7%
South Korea	72%	35%	44%	21%
Spain	28%	12%	64%	20%
U.K.	50%	34%	44%	19%
USA	69%	52%	37%	9%

# THE FUTURE?

- Current trend is towards abolition (Ghana, Mongolia, more U.S. states)
- As the largest industrial democracy with capital punishment, what happens in the U.S. will have a significant impact on the ultimate fate of capital punishment
- Life without parole appears to be gaining momentum as a preferred alternative.