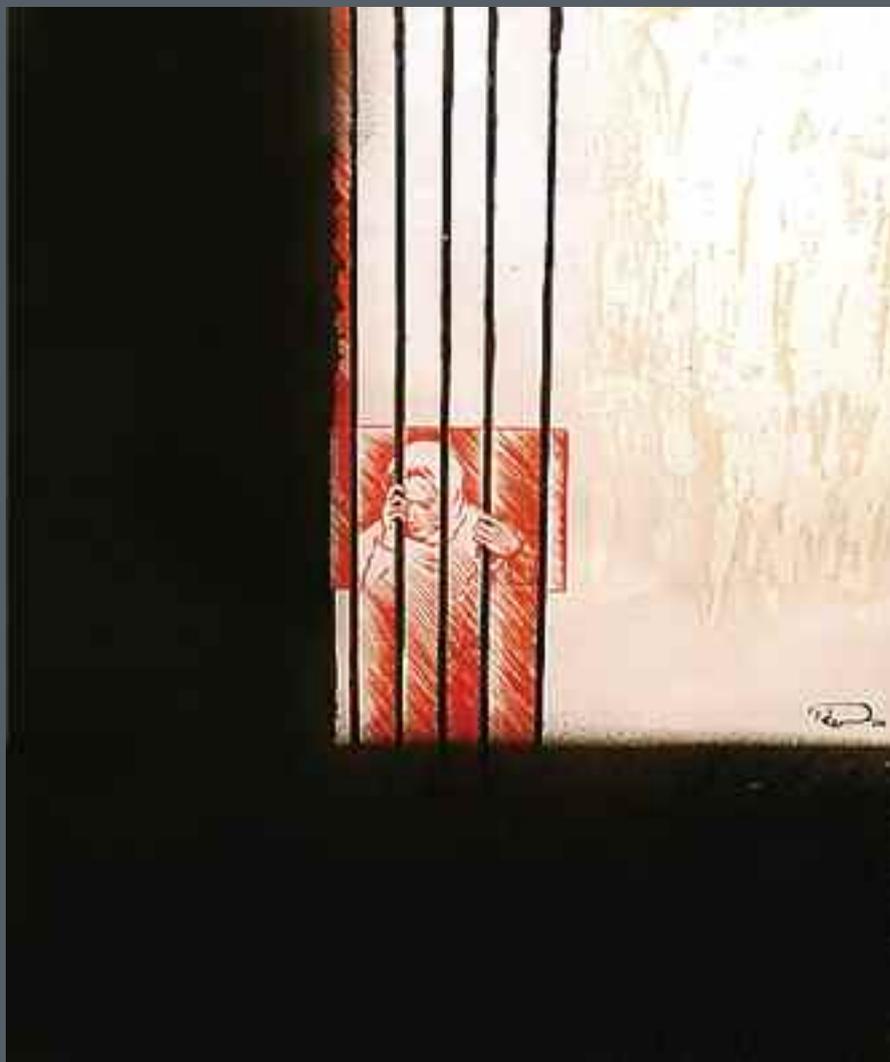


AMNESTY
INTERNATIONAL



DEATH SENTENCES AND EXECUTIONS 2009

Amnesty International is a global movement of 2.8 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

**AMNESTY
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Cover photo: Painting by Delara Darabi, who was executed in Rasht, Iran, on 1 May 2009. After unfair judicial proceedings during which she consistently protested her innocence and despite a two-month stay of execution order, Delara Darabi was hanged for a murder which took place when she was aged 17.

© Delara Darabi

Back cover photo: A flower-laying protest against the execution of Delara Darabi was held by Amnesty International members in front of the Embassy of Iran in Warsaw, Poland, on 6 May 2009.

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OVERVIEW

The world witnessed further progress towards ending judicial killings by states in 2009. For the first time since Amnesty International started keeping records, not a single execution was carried out in all of Europe, while important steps were taken to turn the United Nations General Assembly resolutions calling for a worldwide moratorium on executions into reality.

Two more countries, Burundi and Togo, abolished the death penalty in 2009, bringing the number of countries that have removed capital punishment entirely from their laws to 95. The world is in reach of 100 countries declaring their refusal to put people to death.

In the Americas, the United States of America (USA) was the only nation to carry out executions in 2009.

In sub-Saharan Africa only two countries executed prisoners: Botswana and Sudan.

In Asia, there were no executions in Afghanistan, Indonesia, Mongolia and Pakistan in 2009, the first execution-free year in those countries in recent times.

These successes follow decisions by the UN General Assembly in 2007 and 2008 to call for a global moratorium on executions as a first step to total abolition. Amnesty International hopes and believes that the UN General Assembly resolutions – the first of their kind – will continue to be a major influence in persuading countries to abandon their use of capital punishment. A similar resolution will be considered at the Third Committee of the UN General Assembly in late 2010.

But even as world opinion and practice shift inexorably towards abolition, the extensive and politicized use of the death penalty continues in countries including China, Iran and Sudan. In 2009, as in previous years, the majority of the world's executions occurred in two regions: Asia and the Middle East and North Africa.

The continuing executions of juvenile offenders – those under 18 years of age at the time of the crime – continued in two countries: Iran and Saudi Arabia. These executions were in violation of international law.

Secrecy surrounds the use of the death penalty in countries such as China, Belarus, Iran, Mongolia, North Korea and Viet Nam. Such secrecy is indefensible. If capital punishment is a legitimate act of government as these nations claim, there is no reason for its use to be hidden from the public and international scrutiny.

Eighteen countries carried out executions in 2009. Amnesty International has documented the executions of 714 people, but this total does not include figures from China, where the

majority of the world's executions take place, so the real global total is significantly higher. In 2009, China again refused to divulge exact figures on its use of the death penalty, although evidence from previous years and a number of current sources indicates that the figure remains in the thousands.

Methods of execution in 2009 included hanging, shooting, beheading, stoning, electrocution and lethal injection.

This document summarizes Amnesty International's global research on the use of the death penalty in 2009. Information was gathered from various sources including official statistics (where available), non-governmental and inter-governmental organizations, human rights defenders, the media and field research.

The figures used are the largest that can safely be drawn from our research, although we emphasise that the true figures are significantly higher. Some states intentionally conceal death penalty proceedings, others do not keep or make available statistics on the numbers of death sentences and executions.

Where "+" is indicated after a country and it is preceded by a number, it means that the figure Amnesty International has calculated is a minimum figure. Where "+" is indicated after a country and is not preceded by a number, it indicates that there were executions or death sentences (at least more than one) in that country but it was not possible to calculate a figure.

A list of abolitionist and retentionist countries as of 31 December 2009 can be found in Annex I. Annex II reports the list of ratifications of international treaties providing for the abolition of the death penalty as of 31 December 2009.

AMNESTY INTERNATIONAL'S WORLWIDE OPPOSITION TO THE DEATH PENALTY

Amnesty International has been campaigning for the total abolition of the death penalty since 1977. The organization believes that the death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment.¹ It opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner.

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

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

Amnesty International is a global movement of 2.8 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights. In 2009 its sections, structures and activists from around the world mobilized simultaneously in global days of action to protest against the application of the death penalty.

On 6 May 2009, for instance, Amnesty International members took part in paying tribute to Delara Darabi and opposing the use of the death penalty against juveniles in Iran. Delara Darabi, a 22-year-old Iranian woman who had been convicted after unfair judicial proceedings during which she consistently protested her innocence, was hanged for a murder which took place when she was 17. Her execution was carried out despite a two-month stay ordered by the Head of the Judiciary, and sparked international outrage.

On 19 May 2009 activists from Amnesty International joined the US abolitionist movement

in the organization of approximately 155 events calling attention to the injustice of Troy Davis's case. Troy Davis has been on death row in Georgia for 18 years for the murder of a police officer he maintains he did not commit. He has faced three execution dates in the past two years as the State of Georgia has continued to seek to kill him despite the fact that most of the witnesses it relied upon to convict Troy Davis in August 1991 have since recanted their testimony. On 17 August 2009, the US Supreme Court issued an order mandating a new evidentiary hearing for Troy Davis. With its ruling, the nation's highest court decided that Davis should have another chance to prove his innocence before the state of Georgia puts him to death.²

The abolitionist movement renews its commitment to the abolition of the death penalty each year on 10 October: Amnesty International, as a founding member of the World Coalition Against the Death Penalty, took part in an initiative dedicated to the importance of educating and reaching out to people in all countries of the world, urging them to take a stand against the death penalty.³

Throughout the year, Amnesty International continued campaigning towards ending the application of capital punishment worldwide and towards ensuring that the international standards and laws that limit its use are respected. The campaign will continue until we finally see a world free of this most cruel, inhumane and degrading punishment. For more information see: <http://www.amnesty.org/en/death-penalty>.

THE GLOBAL PICTURE

More than two-thirds of the countries of the world have abolished the death penalty in law or in practice. While 58 countries retained the death penalty in 2009, most did not use it. Eighteen countries were known to have carried out executions, killing a total of 714 people; however, this figure does not include the thousands of executions that were likely to have taken place in China, which again refused to divulge figures on its use of the death penalty.

Known Executions in 2009

Bangladesh (3), Botswana (1), China (+), Egypt (at least 5), Iran (at least 388), Iraq (at least 120), Japan (7), Libya (at least 4), Malaysia (+), North Korea (+), Saudi Arabia (at least 69), Singapore (1), Sudan (at least 9), Syria (at least 8), Thailand (2), USA (52), Viet Nam (at least 9), Yemen (at least 30).

Methods of execution used in 2009 included hanging (Bangladesh, Botswana, Egypt, Iran, Iraq, Japan, North Korea, Malaysia, Singapore, Sudan, Syria), shooting (China, Libya, Syria, Viet Nam, Yemen), beheading (Saudi Arabia), stoning (Iran), electrocution (USA) and lethal injection (China, Thailand and USA).

The Middle East and North Africa region had the highest per capita rate of executions in the world: Iraq reported the highest execution rate, followed by Iran, Saudi Arabia and Yemen.

There were no reported executions in Afghanistan, Bahrain, Belarus, Indonesia, Mongolia, Pakistan, St. Kitts and Nevis and United Arab Emirates in 2009, although all of these countries had carried out executions in 2008. On the other hand, Thailand carried out its first two executions since 2003 in August 2009.

At least 2001 people were sentenced to death in 56 countries in 2009

The true number is much higher: Afghanistan (at least 133), Algeria (at least 100), Bahamas (at least 2), Bangladesh (at least 64), Belarus (2), Benin (at least 5), Botswana (2), Burkina Faso (at least 6), Chad (+), China (+), Democratic Republic of Congo (+), Egypt (at least 269), Ethiopia (at least 11), Gambia (at least 1), Ghana (at least 7), Guyana (3), India (at least 50), Indonesia (1), Iran (+), Iraq (at least 366), Jamaica (2), Jordan (at least 12), Kenya (+), Kuwait (at least 3), Liberia (3), Libya (+), Malaysia (at least 68), Mali (at least 10), Mauritania (at least 1), Morocco/Western Sahara (13), Myanmar (at least 2), Nigeria (58), North Korea (+), Pakistan (276), Palestinian Authority (17), Qatar (at least 3), Saudi Arabia (at least 11), Sierra Leone (at least 1), Singapore (at least 6), Somalia (12, six of which in Puntland and six within the jurisdiction of the Transitional Federal Government), South Korea (at least 5), Sri Lanka (108), Sudan (at least 60), Syria (at least 7), Taiwan (7), Tanzania (+), Thailand (+), Trinidad and Tobago (at least 11), Tunisia (at least 2), Uganda (+), United Arab Emirates (at least 3), USA (at least 105), Viet Nam (at least 59), Yemen (at least 53), Zimbabwe (at least 7)

At least 17,118 people were under sentence of death as of 31 December 2009. The true number is higher, this is a minimum figure, which is the safest that can be inferred from Amnesty International's research. Essential information, including official statistics, is unavailable for key countries such as China, Egypt, Iran, Malaysia, Sudan, Thailand and Viet Nam.

While there were fewer executions in 2009 than there were the year before, Amnesty International remained concerned about the increasingly politicized use of the death penalty: capital punishment was applied extensively against political opponents or to influence the public to reinforce the leadership of governments in countries such as China, Iran and Sudan.

The Chinese authorities, for instance, while stating that their overall goal is to reduce the use of the death penalty, continue to use executions to demonstrate that activities deemed to be harmful to social stability will be treated harshly. In 2009, this included responding swiftly and forcefully to unrest in the Xinjiang Uighur Autonomous Region (XUAR), corruption and drug trafficking. Two men were executed for their involvement in the unrest in the Tibet Autonomous Region (TAR) in 2008. Executions in these cases receive broader media coverage and are often promoted as evidence of the government's serious efforts to tackle and supposedly deter crime.

In Iran, where at least 388 people were executed, the death penalty continued to be applied in political cases, in which individuals are commonly accused of "enmity against God". A sharp increase in the rate of executions was registered in the eight-week period between the presidential election on 12 June and the inauguration of Mahmoud Ahmadinejad for a second term as President on 5 August. Many of those executed were convicted in flawed legal proceedings, some after having made televised "confessions".

Similarly, in Sudan the application of the death penalty continued to be marked by judicial flaws and arbitrariness, often based on unfair trials and evidence extracted through torture and as a means to control political opposition in the country.

JUVENILE OFFENDERS

Iran and Saudi Arabia both executed juvenile offenders, although the use of the death penalty against people convicted of crimes committed when they were under the age of 18 is unequivocally banned in international law. At least seven juvenile offenders were executed in 2009: 'Issa bin Muhammad 'Umar Muhammad and Sultan Bin Sulayman Bin Muslim al-Muwallad, who were both 17 at the time of the offence, were executed in Saudi Arabia on 10 May 2009. Five others were executed in Iran, all of whom were 17 at the time of the offence: Mola Gol Hassan was executed on 21 January 2009; Delara Darabi on 1 May 2009; Ali Jafari on 20 May 2009; Behnoud Shojaee on 11 October 2009 and Mosleh Zamani on 17 December 2009.

At the end of 2009 Mohammadreza Reza Haddadi was at risk of imminent execution in

Shiraz, Iran, for a crime he allegedly committed when he was 15 years old. His execution had been scheduled to take place on 9 December but did not go ahead. Amnesty International remained concerned that the prison authorities might carry out the execution without informing his lawyers in advance, as required under Iranian law. Delara Darabi, an alleged juvenile offender, was hanged on 1 May 2009 despite a two-month stay of execution ordered by the Head of the Judiciary on 19 April. Her lawyers had not been informed in advance

Juvenile offenders remained on death row in several other countries around the world. In June 2009 the Special Rapporteur on the situation of human rights in the Sudan stated in her report to the 11th session of the Human Rights Council that two of the defendants arrested in connection with an attack on Khartoum were under 18 years of age when the attack took place. The report also expressed concerns that other children remain detained with adults, and that four reported 17 years old were on trial for alleged participation in the attack.

In its January report to the Security Council⁴, the Secretary General of the United Nations stated: "A Child Rights Act was passed by the National Assembly to provide a legal framework for the protection of the rights of the children. [...] In the North, at least eight child suspects who were tried in connection with the Omdurman attack remain on death row, despite Government assurances to my Special Representative for Children and Armed Conflict that no child will be executed in Sudan". Amnesty International received information that two juvenile offenders were pardoned in 2009.

Juvenile offenders remained under sentence of death in Nigeria and Uganda at the end of 2009. In October 2009 at least one child soldier was sentenced to death in Myanmar for the murder of another child soldier.

In Yemen, despite the fact that Yemeni law prohibits both the imposition and application of the death penalty for juveniles, executions of juvenile offenders continue to take place because of disputes over the age of the offenders. Walid Haykal, sentenced to death for a crime he committed when he was 16, remains on death row. He has exhausted all appeals and his sentence is awaiting ratification by the President.

MANDATORY DEATH SENTENCES

In Uganda, important progress was made in 2009 towards outlawing mandatory death sentences; on 21 January 2009 the Supreme Court of Uganda upheld the judgment of the Ugandan Constitutional Court, which held that the mandatory application of the death penalty is unconstitutional, although the death penalty itself remains constitutional. The court also decided that the mandatorily imposed death sentences received by the vast majority of more than 400 appellants in this case should be commuted to life imprisonment.

The Inter-American Court of Human Rights ruled in September 2009 in the case of DaCosta Cadogan v Barbados that the mandatory death sentences imposed in murder cases in Barbados violated the right to life: according to the Court, the mandatory imposition of the

death penalty is arbitrary and fails to limit the application of the death penalty in the most serious crimes, in violation of articles 4(1) and 4(2) of the American Convention on Human Rights. In their judgment, the Court also found that the State had violated Mr Cadogan's right to a fair trial and stated that "the State shall ensure that all persons accused of a crime whose sanction is the mandatory death penalty will be duly informed, at the initiation of the criminal proceedings against him, of their right to obtain the psychiatric evaluation carried out by a state-employed psychiatrist ..."

In Singapore, a stay of execution was granted in December 2009 to allow for a constitutional appeal challenging the mandatory imposition of a death sentence to be considered by the Court of Appeals. On 8 December the Court of Appeal ruled that Yong Vui Kong's appeal should be heard, nullifying an earlier withdrawal of his appeal. Yong Vui Kong's lawyers argued that the earlier withdrawal was due to his poor mental state after 20 months of "isolation."

MOVING FORWARD ON THE LONG ROAD TO GLOBAL ABOLITION

For Amnesty International, the total eradication of the death penalty cannot come a moment too soon. The use of the death penalty declined dramatically in the last century and progress has continued in the first decade of the new one. In the last 10 years, 23 nations have abolished capital punishment for all crimes. In 2009, for the first time in modern history, the whole of Europe and all of the former Soviet Union enjoyed its first complete year free from the stain of an execution.

Two African states -- Burundi and Togo -- abolished the death penalty. On 24 April 2009 Burundi became the 93rd country in the world to abolish the death penalty for all crimes by adopting a new Criminal Code. The Togolese National Assembly unanimously voted in favour of the adoption of law 2009-011 on 23 June 2009, making Togo the 15th member of the African Union and the 94th country in the world to become abolitionist for all crimes.

In countries that continue to sentence people to death, commutations and pardons of death sentences appear to be more frequent. In Kenya, in the largest mass commutation of death sentences known to Amnesty International, the government announced that more than 4,000 condemned prisoners would have their sentences commuted to imprisonment. Kenya has not carried out an execution since 1987.

Amnesty International received confirmation of commutation or pardons of death sentences in Dominica, Ghana, Iran, Libya, Malaysia, Mongolia, Morocco/Western Sahara, Nigeria, Qatar, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, South Korea, Taiwan, Uganda, USA and Zambia.

In 2009 Nicaragua and Brazil became state parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights⁵. Regrettably, Brazil made a reservation with respect to article 2 of the Protocol, which allows the country to apply the death penalty "in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime".

Spain and Italy ratified Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances: both countries were already signatories to the Protocol.

The African Commission on Human and Peoples' Rights (African Commission) organized a sub-regional conference in Kigali, Rwanda, in September 2009 to discuss the abolition of the death penalty in central, eastern and southern Africa. The conference was attended by representatives of civil society, governments, international and regional governmental

organizations, including representatives of ten African Union member states, the United Nations, national human rights institutions and members of the Working Group on the Death Penalty of the African Commission on Human and Peoples' Rights.

Capitalizing on the momentum generated by the adoption at the 44th Ordinary session of the African Commission of a resolution calling on states parties to the African Charter on Human and Peoples' Rights to observe a moratorium on the death penalty, the representatives of the African Commission renewed its commitment to the abolition of the death penalty and provided the participants with a platform to discuss issues related to capital punishment. The representatives of the African Commission also proposed the creation of a protocol to the African Charter, aiming at the abolition of the death penalty in Africa. A second regional conference on the application of the death penalty in western and northern Africa will be held in April 2010.

In Europe, a resolution on a moratorium on the death penalty and towards its abolition was adopted during the annual session of the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE), held between 29 June and 3 July 2009 in Vilnius, Lithuania. The resolution voices the concerns of the OSCE Parliamentary Assembly around the application of the death penalty and urges its participating states to establish an immediate moratorium on executions. It specifically urges OSCE participating states Belarus and USA to adopt an immediate moratorium on executions, and calls on Kazakhstan and Latvia to amend provisions in their national legislation that still allow for the imposition of the death penalty for certain crimes under exceptional circumstances.

The situation of Arab countries was raised in July 2009, as representatives of civil society and national experts of Arab countries met in Madrid to discuss working towards the establishment of a moratorium on executions. The seminar was attended by a representative from the League of Arab States, members of civil society from eight Arab countries (Algeria, Egypt, Iraq, Jordan, Lebanon, Morocco, Occupied Palestinian Territories, Syria), international and national NGOs and regional and international independent human rights experts and journalists. The participants issued the "Madrid statement", which encourages governments of Arab countries to comply with UNGA resolutions and introduce a moratorium on executions.

Amnesty International hopes and believes that the global trend towards abolition of the death penalty will continue. A third resolution on the use of the death penalty will be considered at the Third Committee of the UN General Assembly towards the end of 2010. This provides another opportunity for the global community to express its abhorrence of the death penalty and seek its removal from every part of the world.

Amnesty International is committed to consigning the death penalty to history. Huge progress has been made, with 2009 the first complete year in modern times in which Europe was execution-free. There is a clear long-term growth in the number of abolitionist countries and the international community is increasingly expressing its opposition to the use of the death penalty at the UN and elsewhere. Of course there are tough challenges in many countries for opponents of state judicial killings, but they can take inspiration and draw strength from the global trend towards abolition. History -- as well as human rights -- is on their side.

REGIONAL DEVELOPMENTS

ASIA

As in previous years, more people were executed in Asia than in the rest of the world combined. The vast majority of executions were carried out in China, although at least 26 executions were known to have been carried out in seven other countries in the Asia-Pacific region: Bangladesh (3), Japan (7), North Korea (+), Malaysia (+), Singapore (1), Thailand (2), Viet Nam (at least 9).

At least 819 death sentences were known to have been imposed: Afghanistan (at least 133), Bangladesh (at least 64), China (+), India (at least 50), Indonesia (1), Japan (34), North Korea (+), South Korea (at least 5), Malaysia (at least 68), Myanmar (at least 2), Pakistan (276), Singapore (at least 6), Sri Lanka (108), Taiwan (7), Thailand (+), Viet Nam (at least 59)

China again refused to divulge exact figures on its use of the death penalty. Although media coverage is permitted in selected cases, information on the number of executions is classified as a state secret and individuals disclosing state secrets can be held criminally responsible. Amnesty International therefore does not know the exact number of executions carried out in 2009. However, evidence from previous years and current sources indicates that the figure is in the thousands. The death penalty is applicable to approximately 68 offences in China, including non-violent ones. No one who is sentenced to death in China receives a fair trial in accordance with international human rights standards. Many have had confessions accepted despite saying in court that these were extracted under torture; have had to prove themselves innocent, rather than be proven guilty; and have had limited access to legal counsel.

Two Tibetan men, Losang Gyaltshe and Loyar, were executed in October 2009. They had been arrested during unrest in the TAR and Tibetan-populated areas in neighbouring provinces in March 2008 and were sentenced to death the following month by the Lhasa Municipal Intermediate People's Court.

Nine people - eight of the Uighur ethnic minority and one of Han Chinese ethnicity - were among 21 people sentenced in October in relation to unrest which broke out in the XUAR in western China in July 2009. The nine were convicted of offences ranging from robbery and arson to murder. On 9 November the authorities announced that all nine had been executed after an unusually swift review and approval of the death sentences by the Supreme People's Court (SPC).

Du Yimin, a businesswoman convicted of "fraudulently raising funds" in March 2008, was executed on 5 August 2009 after the SPC approved her sentence. Her lawyer has said that

Du Yimin should have been convicted of a lesser offence which carries a maximum sentence of 10 years' imprisonment and a fine of 500,000 yuan (US\$73,000).

Akmal Shaikh was put to death by lethal injection on 29 December 2009, in a prison in Urumqi. He was sentenced to death on 29 October 2008, by the XUAR Intermediate People's Court on charges of drug-smuggling. His appeal was rejected by the Uighur Autonomous Regional Higher People's Court, despite his lawyer's argument that he was mentally ill.

In June Chinese officials announced that a long term goal was to phase out execution by firing squad and replace it with lethal injection as this was "cleaner, safer and more convenient". According to media reports in August, Chinese officials admitted that approximately 65 per cent of transplant organs come from the bodies of executed prisoners. The vice-health minister told the media that condemned prisoners were "definitely not a proper source for organ transplants". Amnesty International has been critical of the use of organs from executed prisoners.

In recent years, and particularly since the re-introduction of the review of all death sentences by the Supreme People's Court in 2007, the Chinese authorities have repeatedly claimed that the number of executions and death sentences are dropping. However, as long as statistics on the use of the death penalty in China remain a state secret, it will be impossible to verify this claim and to analyse actual trends. The time is long overdue for China to fall into line with international law and standards on the death penalty and be open and transparent regarding its use of capital punishment

Pakistan did not carry out any known executions in 2009. This was a welcome change from 2008, when the country carried out the second highest number of executions in Asia by hanging at least 36 people. However, at least 270 people were sentenced to death during 2009 and more than 7,000 prisoners remained on death row, the largest known number of condemned inmates in the world.

The ruling Pakistan People's Party (PPP) appears to have imposed a de facto moratorium on executions. PPP leaders have spoken out against the death penalty in the past and on 21 June 2008, the birthday of slain former Prime Minister Benazir Bhutto, Prime Minister Yousaf Raza Gillani proposed to the National Assembly that all death sentences in Pakistan should be commuted to life imprisonment. Sadly, no commutations were implemented and 16 executions took place after the proposal in 2008. The fact that 2009 was an execution-free year therefore shows genuine progress. Pakistan has carried out executions for at least the last 17 years and has executed approximately 347 people in the past 10 years.

Mongolia did not carry out any executions in 2009. At least three condemned prisoners had their sentences commuted to 30 years' imprisonment by President Elbegdorj. In recent years Mongolia has carried out several executions each year, although figures are often not known as the death penalty is subject to the "Law on State Secrets".

Indonesia also did not carry out any executions in 2009. This was the first execution-free year since 2004. Ten people were executed in 2008.

For the fifth consecutive year **India** did not carry out any executions, although numerous death sentences were imposed. The last hanging took place in 2004. A number of judgments of the Indian Supreme Court recognised the arbitrariness of the application of the death penalty in India. One judgment⁶, citing an Amnesty International report on the death penalty in India, observed, “extremely uneven application of [the ‘rarest of the rare’ formulation] ... has given rise to a state of uncertainty in capital sentencing law which clearly falls foul of constitutional due process and equality principle.” The judges called for credible research by the Law Commission of India or the National Human Rights Commission to encourage an informed discussion and debate on the question of the death penalty. In the same judgment, the Supreme Court also acknowledged the United Nations General Assembly moratorium resolution and the global move away from the death penalty, noting in particular the abolitionist South Asian states of Nepal and Bhutan and the positive developments in Philippines and South Korea.

For the second consecutive year, **Singapore** was known to have carried out one hanging. The island state has significantly decreased its use of the death penalty in recent years. In the past decade reported executions have averaged approximately seven a year, peaking in 2000 with 21 hangings. There appears little prospect of abolition of the death penalty in Singapore. Although two political parties – the Reform Party and the Singapore Democratic Party – issued statements opposing the use of the death penalty for drug offences, neither party has any seats in the nation’s parliament.

Thailand carried out its first executions since 2003. In August Bundit Jaroenwanit and Jirawat Poompreuk were executed by lethal injection. They had both been sentenced to death for drug offences in 2001. According to press reports, the men were given just one hour’s notice that they were about to be executed. No further executions took place during the year.

In **Viet Nam**, media reports indicated that at least nine people were executed, although the true number is believed to be much higher. This compares to at least 19 in 2008. In June Viet Nam’s National Assembly voted to reduce the number of crimes carrying the death penalty. Rape, fraud, smuggling, counterfeiting money, using drugs, giving bribes, hijacking, piracy and destroying military weapons will no longer be capital offences, a parliamentary statement announced. The death penalty was retained for 22 crimes, including drug smuggling and murder. The amendments to the Criminal Code take effect from January 2010, and those already under sentence of death for offences that are no longer capital crimes will have their sentences commuted to life imprisonment. In November, the National Assembly debated whether to replace the current execution method of firing squad with lethal injection.

Those facing execution include pro-democracy activists from the Viet Nam Democratic Party. In December, five were charged under Article 88 of the Criminal Code for “spreading propaganda against the Socialist Republic of Viet Nam”. The charge carries a maximum sentence of death. One week after the five were arrested they appeared on television to “confess” to their crimes.

The escalation of executions witnessed in **Japan** in recent years may be abating. The number of executions each year was one or two at the turn of the century. In 2006, four people were hanged, rising to nine in 2007 and 15 in 2008. 2009 witnessed seven executions in the

period to September, when a new government under the Democratic Party was elected. No executions took place after September and the new Justice Minister, Chiba Keiko, is an outspoken opponent of the death penalty. In December a government Minister, and former police officer Kamei Shizuka, announced that the government would work towards abolition of the death penalty, saying: “the journey isn’t easy and the road is steep considering that 85 per cent of the population are in favour of capital punishment.”⁷ At the end of 2009, 106 people remained under sentence of death in Japan.

North Korea was the only country outside the Middle East to carry out executions in public. Executions were carried out by hanging or firing squad. Public executions appeared to be carried out for crimes such as murder, human trafficking, smuggling, circulating “harmful” information, disseminating religious material and espionage.

In June, Ri Hyun-ok was publicly executed in the north-western city of Ryongchon (near the border with China) on charges of distributing bibles and espionage. Ri Hyun-ok’s parents, husband and three children were sent to a political prison camp. Representatives of the country told the UN Human Rights Council in December that public executions took place for those guilty of “very brutal and violent crimes” and were used “in very exceptional circumstances” at the demand of the victim’s relatives.

In **South Korea**, the Constitutional Court heard an appeal from a death-row inmate claiming that the death penalty was in violation of the country’s Constitution. A decision is expected from the Court in 2010. There have been no executions in South Korea since late December 1997 but numerous prisoners remain under sentence of death.

The Anti-Death Penalty Asia Network (ADPAN), an independent cross regional network committed to working for the abolition of the death penalty in Asia and the Pacific region has seen an increase in membership with almost 40 members from 22 countries since it was launched in 2006. ADPAN’s activities include joint statements, actions taken by its members to prevent executions and activities around the mentally ill in Japan, cross-regional concerns about the death penalty and drugs, and legislative changes in support of abolition in South Korea.

THE AMERICAS

Since **Cuba** stopped carrying out executions in 2003 (commuting the sentences of the majority of death row prisoners), the **USA** has been the only country in the Americas to carry out executions with the exception of St Kitts and Nevis, which executed one person in 2008.

Fifty-two executions were known to be carried out in the United States as follows: Texas (24), Alabama (6), Ohio (5), Georgia (3), Oklahoma (3), Virginia (3), Florida (2), South Carolina (2), Tennessee (2), Indiana (1), Missouri (1).

At least 123 death sentences were known to have been imposed in five countries in the Americas: Bahamas (at least 2), Guyana (3), Jamaica (2), Trinidad and Tobago (at least 11),

USA (at least 105).

Trinidad and Tobago issued one death warrant but the execution was stayed by the courts. Debate around the death penalty continued in many of the Caribbean nations with widespread public support for the resumption of hanging. Support for capital punishment appears to be based on the erroneous belief that it will act as a deterrent to violent crime.

Despite continuing to carry out executions, the USA is showing some signs of turning against the death penalty. Although the 52 executions during the year was the highest total for three years, it was still only about half the number (98) executed a decade earlier in 1999. It also reflected the first full year of executions as the US Supreme Court stayed all executions for periods of 2007 and 2008 while it considered the constitutionality of lethal injection. A minority of states continue to account for a majority of executions. Twenty-four of the executions in 2009 were carried out in Texas. Ten other states conducted executions, with Alabama (6) second to Texas.

Death sentences are also on a downward path in the USA, and this decline continued in 2009. The total of 106 death sentences estimated by the US Death Penalty Information Center as having been passed across the USA during the year would represent the seventh straight year of decline and the lowest annual total since executions resumed in 1977. Death sentences reached a high of 328 in 1994 and have dropped some 60 per cent in the past decade.

Even in Texas and Virginia, which between them account for almost half of all executions carried out in the USA since 1977, death sentencing has dropped dramatically. In 2009, 10 death sentences were handed down in Texas and one in Virginia. During the 1990s, Texas passed an average of 34 death sentences per year while Virginia averaged six.

In March, New Mexico became the 15th state to end the death penalty when the state governor signed a new law. Abolitionist bills were considered in a number of other states and may make further progress in future legislative sessions.

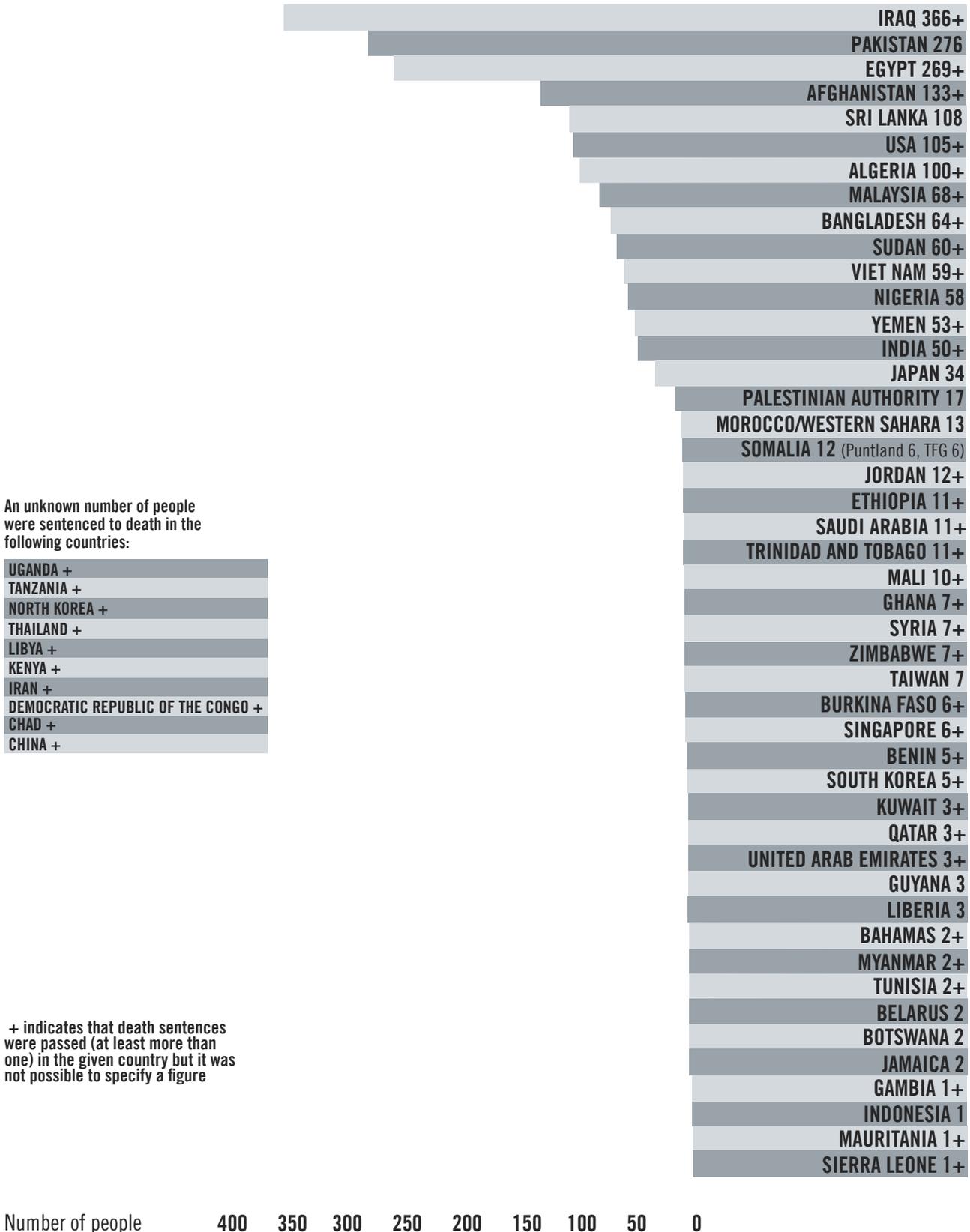
Declining public and political support for the death penalty in the USA may be attributable to a number of issues, including growing awareness of wrongful convictions in capital cases. Signing his state's abolitionist bill into law in March, for example, New Mexico governor Bill Richardson noted that although he had been a supporter of the death penalty throughout his adult life, in recent years he had come to the conclusion – in light of the evidence of mistakes in capital cases in the USA -- that the death penalty's irrevocable nature rendered it an untenable punishment in an imperfect justice system.

In October, the Council of the American Law Institute voted to withdraw Section 210.6 of its Model Penal Code "in light of the current intractable institutional and structural obstacles to ensuring a minimally adequate system for administering capital punishment". The Institute had issued its Model Penal Code in 1962, and Section 210.6 had sought to provide legislators with guidelines aimed at maximizing fairness and reliability in capital sentencing. The 1976 Supreme Court decision which gave the green light for executions to resume under revised laws (*Gregg v. Georgia*) cited provisions of §210.6 in so doing, and many state capital laws reflected the section's provisions. In assessing whether to withdraw §210.6, the

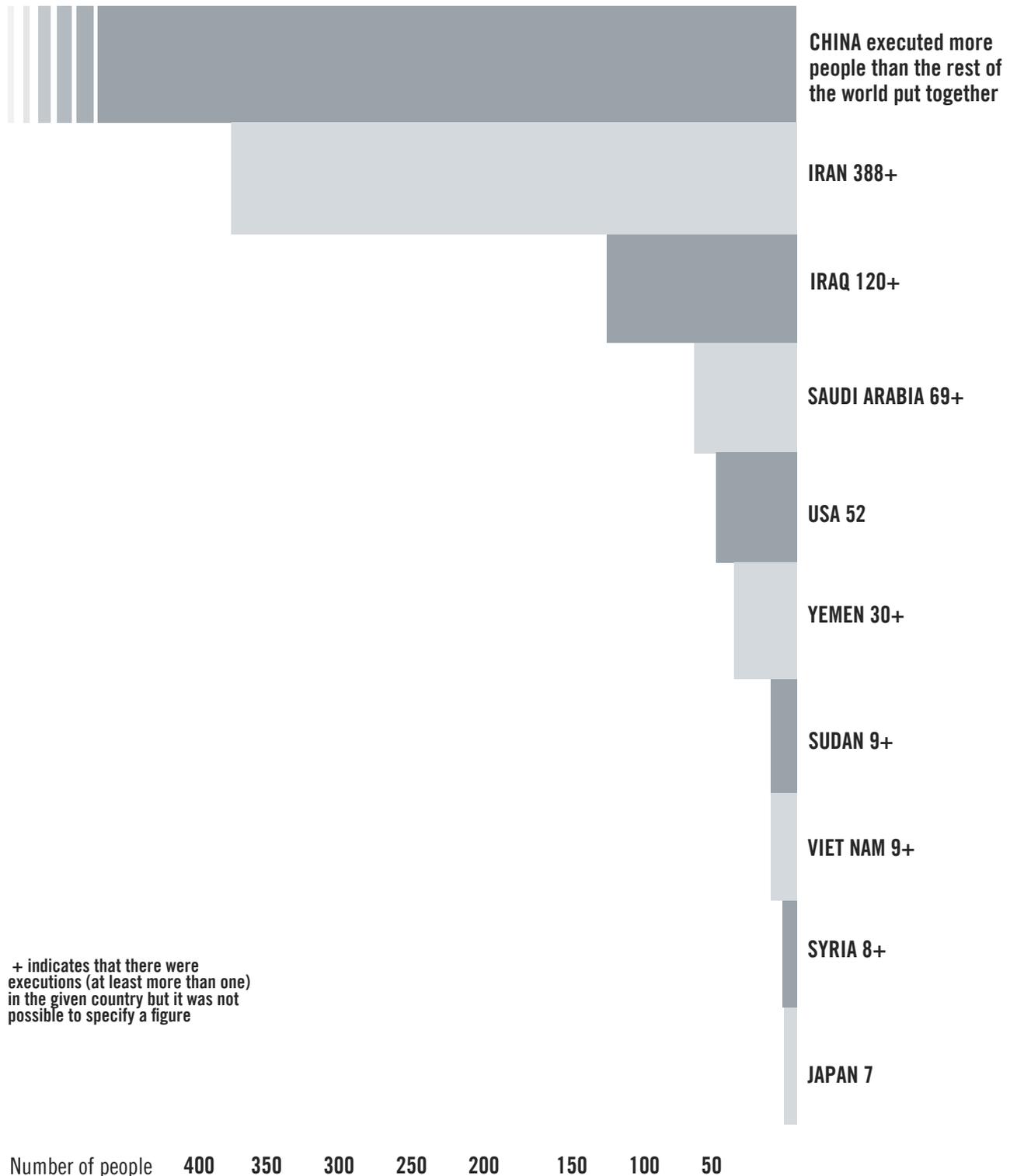
DEATH SENTENCES AND EXECUTIONS IN 2009 FACTS AND FIGURES



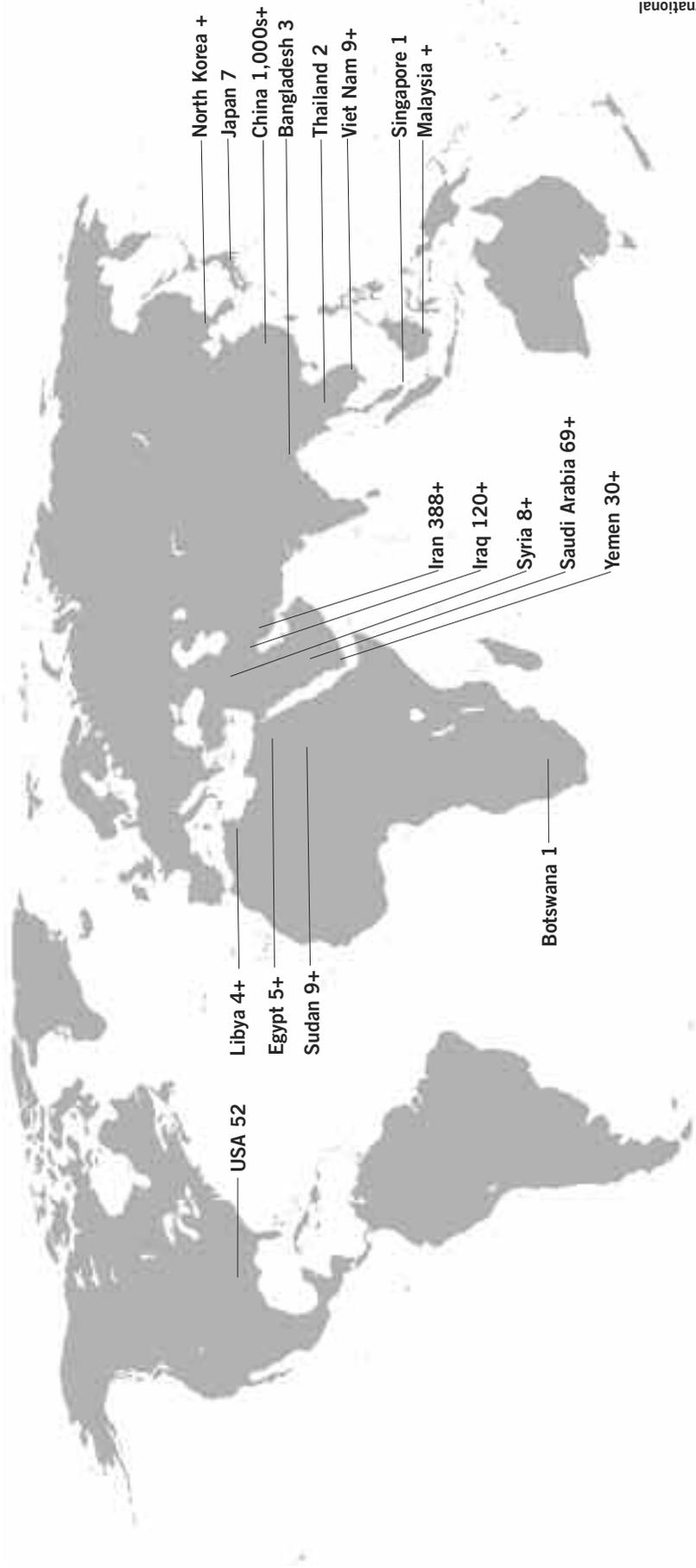
DEATH SENTENCES IN 2009



COUNTRIES WITH THE HIGHEST NUMBER OF EXECUTIONS IN 2009



EXECUTIONS IN 2009



© Amnesty International

+ indicates that there were executions (at least more than one) in the given country but it was not possible to specify a figure

American Law Institute had considered, among other things, the politicization of the death penalty, racial discrimination in capital cases, the under-funding of defence counsel services, and the risk to the innocent.

Evidence of the risk of wrongful convictions in capital cases continues to emerge and feed into the debate about the death penalty in the USA. Nine men who had been sentenced to death were exonerated and freed in 2009, the second highest number of exonerations since the death penalty was reinstated (the highest being 12 in 2003).

The nine inmates freed in 2009 had spent a combined 121 years between their death sentence and exoneration. The total number of exonerations since 1973 now stands at 139, according to the Death Penalty Information Center.

It has yet to be proven that the USA has executed an innocent person since resuming judicial killing in 1977, although a number of prisoners have gone to their deaths despite serious doubts about their guilt. One was Cameron Willingham, put to death in Texas in 2004 after being convicted of arson murder, and after the clemency board and Governor Rick Perry allowed the execution to proceed. Expert evidence has long indicated that the fire may have been accidental. The case received further attention in 2009, after an expert in the science of fires completed a review ordered by the Texas Forensic Science Commission, set up by the state legislature in 2005 to monitor and investigate allegations of professional negligence or misconduct by forensic analysts. The expert concluded that the investigation into the Willingham fire had not complied either with modern standards or the standards pertaining at the time of the investigation in 1991, and that a finding of arson “could not be sustained” in the case under such standards.

Shortly before the expert was due to appear before the Commission, Governor Perry replaced its head. The hearing was cancelled. The Commission’s new presiding officer, an elected local Texas prosecutor, subsequently stressed that the Commission’s role was not to decide whether persons are guilty or innocent of criminal offences or to serve as “a forum for the debate of social issues, such as the appropriateness of the death penalty”. The Commission has yet to release a final report relating to the Willingham case.

The April 2008 ruling by the US Supreme Court upholding the constitutionality of Kentucky’s three-drug lethal injection procedures may have ended a six-month moratorium on executions, but it did not put an end to litigation challenging this execution method in a number of states. One such state in 2009 was Ohio where in September a failed lethal injection again highlighted the myth of the “humane” execution and led to a change in the state’s lethal injection protocol.

Romell Broom, a 53-year-old African American man who had been on death row since 1985, was taken to be executed on 15 September 2009. The team seeking to administer the lethal injection failed to find a useable vein and gave up after two hours. According to his lawyer, Romell Broom had been wincing in pain as the execution team held him down and repeatedly tried to find a vein. The Ohio governor, who had earlier denied clemency, issued a one-week reprieve. The stay of execution was then further extended by the courts and no further attempts to execute Romell Broom were made in 2009, as Broom pursued a lawsuit against the state. Meanwhile, Ohio changed to a one-drug lethal injection protocol – the first state in

the USA to do so – and carried out its first execution using this method on 8 December 2009.

EUROPE AND CENTRAL ASIA

For the first year in modern history, no executions took place in Europe in 2009. **Belarus**, the only nation in Europe to carry out executions in recent years, did not execute any prisoners, although two death sentences were passed and two prisoners remain under threat of execution by shooting.

The moratorium on executions in **Russia** was extended by its Constitutional Court in November. The moratorium was put in place in 1999, suspending executions until jury trials were in place across Russia. This was completed on 1 January 2010. In November the Russian Constitutional Court ruled that: “The introduction of jury trials does not open the way for the possible use of the death penalty. The path towards full abolition of the death penalty is irreversible” read a Court statement.

Tajikistan is the only state in Central Asia retaining the death penalty for ordinary crimes - even though a moratorium on death sentences and executions had been introduced in 2004 and no executions have been carried out since then.

MIDDLE EAST AND NORTH AFRICA

Although the authorities in several states carried out high numbers of executions, in several others - such as Algeria, Lebanon, Morocco/Western Sahara, and Tunisia - governments maintained longstanding moratoriums on executions even though the death penalty remained in force for a range of crimes and death sentences continue to be imposed.

At least 624 executions were known to have been carried out in seven countries in Middle East and North Africa in 2009 as follows: Egypt (at least 5), Iran (at least 388), Iraq (at least 120), Libya (at least 4), Saudi Arabia (at least 69), Syria (at least 8), Yemen (at least 30).

At least 863 death sentences were known to have been imposed in 15 countries in the Middle East and North Africa in 2009 as follows: Algeria (at least 100), Egypt (at least 269), Iran (+), Iraq (at least 366), Jordan (at least 12), Kuwait (at least 3), Libya (+), Morocco/Western Sahara (13), Palestinian Authority (17), Qatar at least (3), Saudi Arabia (at least 11), Syria (at least 7), Tunisia (at least 2), United Arab Emirates (at least 3), Yemen (at least 53)

Amnesty International recorded 388 executions in **Iran**. Only China executes more people. Iran does not release official statistics on executions, and the true figure is likely to be higher. At least 14 executions took place in public. In one eight-week period between the

presidential election on 12 June and the inauguration of Mahmoud Ahmadinejad for a second term as President on 5 August, Amnesty International recorded 112 executions; by contrast, in the five and a half months between 1 January and 12 June, at least 196 executions had taken place.

The majority of executions took place after trials that were in violation of international law and standards pertaining to the death penalty.

Those executed included five juvenile offenders – people under the age of 18 at the time of their alleged offence. Such executions are a violation of international law and, globally, have become increasingly rare in recent years as states reject the judicial killing of juvenile offenders – banned under the UN Convention of the Rights of the Child (to which Iran is a party). One of those executed was Delara Darabi, a 22-year-old woman convicted of a crime she allegedly committed when aged 17. She was hanged on 1 May despite having been given a two-month stay of execution by the Head of the Judiciary on 19 April.

The Iranian authorities continued to use the death penalty against political prisoners and to punish people convicted of certain extramarital sexual acts.

Three alleged members of the People's Resistance Movement of Iran (PRMI), also known as *Jondallah* were hanged in public in Zahedan on 30 May 2009, less than 48 hours after an explosion, claimed by the PRMI, killed up to 25 worshippers in a Shi'a mosque. Officials said that although the three men were in detention at the time of the bombing, they had "confessed" to bringing explosives used in the mosque into the country and to involvement in other bomb attacks and kidnapping. Thirteen other alleged PRMI members were hanged on 14 July 2009.

Ehsan (Esma'il) Fattahian, a male member of Iran's Kurdish minority, was executed on 11 November, despite domestic and international pressure to save his life. He had been convicted of "enmity against God" on account of his activities as a member of Komala, a Kurdish minority opposition group. He was initially sentenced to 10 years' imprisonment to be served in internal exile, but this was increased on appeal to the death penalty. Ehsan Fattahian said in a letter from prison that he had been told that his sentence would be increased because he refused to agree to a televised "confession" in which he would have to express remorse for his beliefs. As a result, he had no opportunity to appeal against his death sentence.

At least 21 other members of the Kurdish minority, including two women, were known to be on death row for political offences at the time of writing. They include Zaynab Jalalian, convicted in or around January 2009 of "enmity against God" in connection with her alleged membership of a Kurdish armed opposition group. She is reported not to have been granted access to her lawyer during her trial, which is said to have lasted only a few minutes. Zaynab Jalalian's death sentence was upheld on appeal and confirmed by the Supreme Court on 26 November 2009. In a letter Zaynab Jalalian wrote the next day and in which she claimed to have been tortured, she said: *"I asked the Judge if I could say good-bye to my mother. He told me "shut up." The Judge rejected my appeal and refused to let me to see my mother."*

Rahim Mohammadi was hanged on 5 October after being convicted of “sodomy”. The Iranian authorities did not inform his lawyer that he was about to be executed, and it appeared that his wife, Kobra Babaei, was at risk of being executed by stoning to death. However, the sentence had not been carried out by the end of 2009. They were both convicted of “adultery while being married”, which carries a mandatory sentence of execution by stoning but Rahim Mohammadi was also convicted of “sodomy”, for which the penalty is also execution, with the method used being determined by the trial judge. The couple’s lawyer publicly expressed his view that Rahim Mohammadi had been charged and convicted of “sodomy” solely so that he could be hanged rather than stoned to death.

Despite a 2002 judicial directive imposing a moratorium on executions by stoning, and an announcement in August 2008 by a spokesperson for the judiciary that this form of execution had been suspended, at least five men and one woman have been stoned to death since 2002. In January 2009 a spokesperson for the judiciary confirmed that executions by stoning had taken place in December 2008 and said that the directive on the moratorium had no legal weight and that judges could ignore it

On 5 March 2009 Vali Azad was stoned to death in secret inside Lakan Prison in Rasht, northwestern Iran.

At least seven other women and three men are also threatened with execution by stoning after being convicted of “adultery while being married”.

In **Iraq**, the authorities carried out at least 120 executions in 2009, overwhelmingly for alleged ‘terrorist’ offences. Iraqi Prime Minister Nouri al-Maliki publicly called for the execution of all members of the previous Ba’ath administration of Saddam Hussain, and other Iraqi government ministers also defended the use of the death penalty. The country’s President, Jalal Talabani, who advocates for its abolition, has refused personally to sign execution warrants since he took office. Dr Wijdan Mikhail Salim was reported in *El Mundo*, a Spanish newspaper, on 28 May 2009 as saying: “I think at the moment the death penalty is very necessary in Iraq. It is not the time to abolish it. And you can be sure that it is not easy to sentence anybody to death.” This contrasts with her statement to the UN Human Rights Council in March 2007: “we are working at the present moment in order to pave the way to eliminate capital punishment in Iraq, after restricting it to the largest possible extent”. Amnesty International is disappointed that a minister whose portfolio is to advance the cause of human rights protection should justify the use of the death penalty.

More than 900 people, including 17 women, were thought to be at risk of imminent execution in Iraq at the end of 2009. They had reportedly exhausted all forms of appeal and their death sentences were said to have been ratified by the Presidential Council.

In **Saudi Arabia**, the authorities continued to execute at an alarming rate. At least 69 people were publicly beheaded during 2009. At the end of 2009 Amnesty International knew of at least 141 people on death row in Saudi Arabia, including at least 104 foreign nationals, mostly from developing countries in Africa, Asia and the Middle East. Prisoners are sentenced in largely secret and unfair trials, often without a defence lawyer, and so the true figures for those under sentence of death are believed to be much higher. At least one prisoner was reported by the authorities to have been sentenced to death on “terrorism”

charges after a secret trial before a special court.

Two of those executed were juvenile offenders – people under the age of 18 at the time of their alleged offence – whose executions were in violation of international law. Sultan Bin Sulayman Bin Muslim al-Muwallad and 'Issa bin Muhammad 'Umar Muhammad were executed on 10 May 2009 after being convicted of crimes committed when they were 17 years old.

In Saudi Arabia the death penalty may be imposed for a wide range of offences, including “sorcery”. In December 2009 a Lebanese national, 'Ali Hussain Sibat, and another unidentified man were reported to be at risk of execution after they were convicted of “sorcery”. 'Ali Hussain Sibat, a TV presenter who appeared on the Lebanese satellite station Sheherazade, offering advice and seeking to predict the future, was arrested while he was in Saudi Arabia to perform a form of Muslim pilgrimage, the ‘umra. There, according to his lawyer, interrogators told 'Ali Hussain Sibat to write down what he did for a living, reassuring him that, if he did so, he would be allowed to go home; however, the document that he wrote was then presented in court as his “confession” and used to convict him. He was sentenced to death in Madina on 9 November, after a secret trial in which he had no defence lawyer. His death sentence was rescinded in early 2010.

The crime of “sorcery” is not defined in Saudi Arabian law, yet it has been used to punish people for the legitimate exercise of their human rights, including the rights to freedom of thought, conscience, religion, belief and expression.

In another case, Muhammad Basheer bin Sa'oud al-Ramaly al-Shammari, aged 22, was beheaded in December after being convicted of kidnapping and raping four people. After his beheading, his severed head was sewn back on to his body, which was then hung from a pole in a public place - an act known as crucifixion in Saudi Arabia. This was the second such known crucifixion; in May, Ahmed bin 'Adhaib bin 'Askar al-Shamlani al-'Anzi was also beheaded and had his corpse displayed in this way after he was convicted of abduction and murder; previously, he had been convicted of other offences, including *luwat* (homosexual intercourse).

In **Yemen**, the authorities executed at least 30 prisoners. Hundreds of others were believed to be on death row, including more than 70 people held at Ta'iz Central Prison alone. In July Yahia al-Raghwa was executed by being shot dead in public. He had been convicted of the rape and murder of a child. Those executed also included 'Aisha Ghalibal-Hamzi, put to death on 19 April after being convicted of the murder of her husband; all seven of her children had refused to pardon her. In cases of *qisas* (retribution in kind) the relatives of the victim have the power to seek execution, request compensation or grant a pardon freely.

In **Egypt**, the authorities carried out at least five executions. In **Libya**, at least four were carried out.

SUB-SAHARAN AFRICA

Only two countries in sub-Saharan Africa carried out executions: Botswana (1) and Sudan (at least 9). The death penalty was abolished in **Burundi** and **Togo**.

At least 194 death sentences were known to have been imposed in 19 countries in sub-Saharan Africa in 2009 as follows: Benin (at least 5), Botswana (2), Burkina Faso (at least 6), Chad (+), Democratic Republic of Congo (+), Ethiopia (at least 11), Gambia (at least 1), Ghana (at least 7), Kenya (+), Liberia (3), Mali at least (10), Mauritania (at least 1), Nigeria (58), Sierra Leone (at least 1), Somalia (12, 6 of which in Puntland and 6 within jurisdiction of the Transitional Federal Government), Sudan (at least 60), Tanzania (+), Uganda (+), Zimbabwe (at least 7).

In April **Burundi** passed a new penal code that did not include the death penalty. One of the authors of the new law, Member of Parliament and former Justice Minister Didace Kiganahe, was quoted as stating: "It is a revolutionary penal law because it abolishes the death penalty for the first time in Burundi. This vote required some courage because the lawmakers voted in favour of abolishing the death penalty knowing that their electorate wanted to maintain it."⁸ The last executions of people sentenced to death by civilian courts were carried out in 1997, when six people were executed after grossly unfair trials. A local human rights organization stated at the end of 2008 that there were approximately 800 people on death row. Together with abolishing the death penalty, the new code makes torture, genocide, war crimes, and crimes against humanity punishable offences.

Togo abolished the death penalty in June. Announcing abolition in December 2008, Justice Minister Kokou Tozoun stated: "This country has chosen to establish a healthy justice system that limits judicial errors...and guarantees the inherent rights of the individual. This (new) system is no longer compatible with a penal code that maintains the death penalty and grants the judiciary absolute power with irrevocable consequences."

Liberia reintroduced the death penalty in 2008 but has carried out no executions since 2000.

In **Botswana**, Gerald Dube, a Zimbabwean national, was executed for murder on 18 December 2009.

The **Sudanese** government executed nine men in April 2009; all said that they had been tortured to make them sign confessions. They had been convicted of the 2006 murder of a newspaper editor, Mohamed Taha, who had written articles seen to be critical of Darfuris. The accused had retracted their confessions in court and requested medical examinations to substantiate their torture claims. The Appeals Court not only refused their request, but accepted their confessions as evidence against the men and sentenced them to death in November 2007.

Amnesty International is concerned that the use of torture to extract confessions is built into the Sudanese system of justice. The Law of Evidence of 1993 states that "... evidence is not dismissed solely because it has been obtained through an improper procedure, if the court is

satisfied that it is independent and admissible”.⁹

At least 60 people had been sentenced to death in 2008 by “special courts” established after an attack on Khartoum by a Darfur-based armed opposition group. According to local lawyers and human rights activists, many of these trials were grossly unfair. Defendants often had no access to legal counsel until their trials had begun. Many were tortured or otherwise ill-treated, and many were convicted on the basis of “confessions” extracted under torture. Between April 2009 and January 2010, 56 more people were sentenced to death for their alleged membership in the Justice and Equality Movement (JEM), a Darfur-based armed opposition group, and for their alleged participation in an attack on the capital, Khartoum, in May 2008. These new death sentences brought the total number of individuals who had been sentenced to death in connection with the Khartoum attacks to 106 as of 19 January 2010. All of them were found guilty of crimes such as membership of a terrorist organization and waging war against the state and were sentenced by special Anti-Terrorism courts.

In June 2009 the Special Rapporteur on the situation of human rights in the Sudan stated in her report to the 11th session of the Human Rights Council that the defendants arrested in connection with the Khartoum attack were held in incommunicado detention for up to four months before their trials began. While on pre-trial detention, most of them signed confessions they later retracted in court, alleging the statements were made under duress.

On 25 February 2010, the Sudanese government announced the release of 57 alleged JEM members, following an agreement that was signed with the JEM. 50 out of the 57 who were released were on death row.

In August, the **Kenyan** government announced that more than 4,000 condemned prisoners would have their sentences commuted to terms of imprisonment. This is the largest ever mass commutation of condemned prisoners known to Amnesty International. Kenya continues to impose death sentences even though it has not carried out an execution since 1987.

There were also commutations in **Nigeria**. In June, the governor of Lagos state pardoned and released three death-row prisoners. A further 29 prisoners in Lagos state had death sentences commuted to life imprisonment and eight others to various prison terms. However, kidnapping was made a capital offence in six Nigerian states during 2009 – Abia, Akwa Ibom, Anambra, Ebonyi, Enugu and Imo.

A number of countries in sub-Saharan Africa have initiated a constitutional review process which may present an opportunity for the abolition of the death penalty. This is the case for example for Benin, Ghana, Kenya, Zimbabwe and Zambia. In November 2009 the government of Benin submitted a government bill to the National Assembly concerning the constitutional abolition of the death penalty. In Ghana, a Constitutional Review Commission was established in January 2010. It will hold public consultations, including on the abolition of the death penalty, present recommendations to the government and draft a bill for amendment of the Constitution. In Kenya article 26 of the proposed draft Constitution guarantees the right to life but fails to prohibit the use of the death penalty. On 3 February 2010 the Zambia National Constitutional Conference decided to retain capital punishment in a draft Constitution to be presented to the public for consultation.

REPORTED DEATH SENTENCES AND EXECUTIONS 2009

The following lists summarise reported executions carried out and death sentences passed in 2009. These figures represent those death sentences known to Amnesty International.

Other countries may have executed prisoners or imposed death sentences, but the information has gone unreported.

These numbers represent minimum estimates.

Key

“+” means that we know that there were executions or death sentences (at least more than one) in the given country in 2009 but we do not know how many.

EXECUTIONS 2009

China: +

Iran: at least 388

Iraq: at least 120

Saudi Arabia: at least 69

USA: 52

Yemen: at least 30

Sudan: at least 9

Viet Nam: at least 9

Syria: at least 8

Japan: 7

Egypt: at least 5

Libya: at least 4

Bangladesh: 3

Thailand: 2

Botswana: 1

Singapore: 1

Malaysia: +

North Korea: +

DEATH SENTENCES 2009

China: +

Iraq: at least 366

Pakistan: 276

Egypt: at least 269

Afghanistan: at least 133

Sri Lanka: 108

USA: at least 105

Algeria: at least 100

Malaysia: at least 68

Bangladesh: at least 64

Sudan: at least 60

Viet Nam: at least 59

Nigeria: 58

Yemen: at least 53

India: at least 50

Japan: 34

Palestinian Authority: 17

Morocco/Western Sahara: 13

Somalia: 12 (6 of which in Puntland and 6 within jurisdiction of the Transition Federal Government)

Jordan: at least 12

Ethiopia: at least 11

Saudi Arabia: at least 11

Trinidad and Tobago: at least 11

Mali: at least 10

Ghana: at least 7

Syria: at least 7

Zimbabwe: at least 7

Taiwan: 7

Burkina Faso: at least 6

Singapore: at least 6

Benin: at least 5

South Korea: at least 5

Kuwait: at least 3

Qatar: at least 3

United Arab Emirates: at least 3

Guyana: 3

Liberia: 3

Bahamas: at least 2

Myanmar: at least 2

Tunisia: at least 2

Belarus: 2

Botswana: 2

Jamaica: 2

Gambia: at least 1

Indonesia: 1

Mauritania: at least 1

Sierra Leone: at least 1

Chad: +

Democratic Republic of Congo: +

Iran: +

Kenya: +

Libya: +

North Korea: +

Tanzania: +

Thailand: +

Uganda: +

ANNEX I-ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 31 DECEMBER 2009

More than two-thirds of the countries in the world have now abolished the death penalty in law or practice. The numbers are as follows:

Abolitionist for all crimes: 95

Abolitionist for ordinary crimes only: 9

Abolitionist in practice: 35

Total abolitionist in law or practice: 139

Retentionist: 58

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

At the end is a list of countries which have abolished the death penalty since 1976. It shows that in the past decade, an average of over three countries a year have abolished the death penalty in law or, having done so for ordinary offences, have gone on to abolish it for all offences.

1. ABOLITIONIST FOR ALL CRIMES

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

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

2. ABOLITIONIST FOR ORDINARY CRIMES ONLY

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

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

3. ABOLITIONIST IN PRACTICE

Countries which retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the past 10 years and are believed to have a policy or established practice of not carrying out executions. The list also includes countries which have made an international commitment not to use the death penalty:

Algeria, Benin, Brunei, Burkina Faso, Cameroon, Central African Republic, Congo (Republic of), Eritrea, Gabon, Gambia, Ghana, Grenada, Kenya, Laos, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Morocco, Myanmar, Nauru, Niger, Papua New Guinea, Russian Federation¹⁰, South Korea, Sri Lanka, Suriname, Swaziland, Tajikistan, Tanzania, Tonga, Tunisia, Zambia

4. RETENTIONIST

Countries and territories that retain the death penalty for ordinary crimes:

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

ANNEX II-RATIFICATION OF INTERNATIONAL TREATIES AS OF 31 DECEMBER 2009

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

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

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

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

States parties: Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Belgium, Bosnia-Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Mexico, Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Portugal, Romania, Rwanda, San Marino, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Turkey, Turkmenistan, Ukraine, United Kingdom, Uruguay, Uzbekistan, Venezuela (total: 72)

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

PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS

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, Ecuador, Mexico, Nicaragua, Panama, Paraguay, Uruguay, Venezuela (total: 11)

PROTOCOL NO. 6 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS

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

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

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

PROTOCOL NO. 13 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS

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

States parties: Albania, Andorra, Austria, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom (total: 42)

Signed but not ratified: Armenia, Latvia, Poland (total: 3)

ENDNOTES

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

² For more information on Troy Davis case, see USA: 'Unconscionable and unconstitutional': Troy Davis facing fourth execution date in two years, May 2009, <http://www.amnesty.org/en/library/info/AMR51/069/2009/en> and USA: Supreme Court orders evidentiary hearing into Troy Davis's claim of innocence, August 2009, <http://www.amnesty.org/en/library/asset/AMR51/091/2009/en/113e915b-17c0-43bf-b12a-44c970c7fb9e/amr510912009en.html#sdfnote1sym>

³ Vigils were also organized on 30 November in different cities around the world to celebrate the first abolition of the death penalty by a European state, decreed by Peter Leopold Joseph of Habsburg-Lorraine in 1786 for his Grand Duchy of Tuscany (Cities for Life initiative)

⁴ Report of the Secretary General on the Sudan, 19 January 2010, S/2010/31, para. 64-65.

⁵ Nicaragua was already signatory to the Second Option Protocol to the International Covenant on Civil and Political Rights.

⁶ Santosh Kumar Satishbhushan Bariyar v. State of Maharashtra, (2009) 6 SCC 498

⁷ Financial Services and Postal Reform Minister, Shizuka Kamei.

⁸ Quoted in "Burundi abolishes the death penalty, outlaws homosexuals", 22 November, AFP

⁹ Article 10(i).

¹⁰ The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic.



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DEATH SENTENCES AND EXECUTIONS 2009

By the end of 2009, a total of 139 countries worldwide had abolished the death penalty in law or practice. Only 58 countries continued to retain the punishment in their legislation. Important steps towards the implementation of a worldwide moratorium on executions were taken in all regions of the world during 2009, and two further countries – Burundi and Togo – abolished the death penalty for all crimes.

The figures that Amnesty International compiles each year in its global monitoring of the application of the death penalty show that the world is drawing ever closer to total abolition. While 18 countries continue to execute prisoners, as a means to deter crime, a small number of these countries also use executions against political opposition. And for the first time ever, one region of the world – Europe – remained free of executions for the entire year.

This report analyzes some of the key developments in the worldwide application of the death penalty, citing figures gathered by Amnesty International on the number of death sentences handed down and executions carried out in 2009.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to carry out the execution.

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