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ASIA-PACIFIC

REGIONAL TRENDS

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

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

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

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

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

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

At least 1,227 new death sentences were known to have been imposed, a 12% increase compared to 2018. This was linked to an increase in the number of such sentences imposed in Pakistan following the setting up of additional courts to clear the backlog of cases. The regional total is also affected by a variation in figures particularly in relation to Malaysia and Sri Lanka, for which official figures were received in previous years but not for 2019.⁴⁸

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

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

NOTABLE COUNTRY DEVELOPMENTS

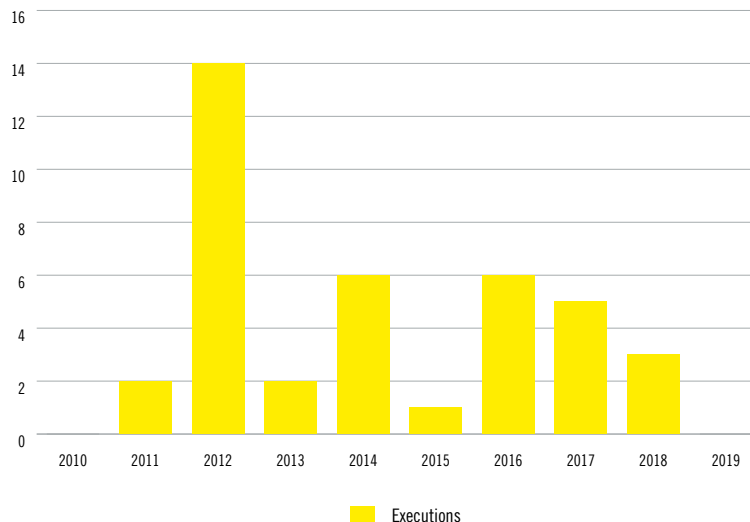
No executions were carried out in **Afghanistan**, for the first time since 2010. According to official figures provided to Amnesty International, 14 new death sentences were imposed, including four for terrorism-related offences; one for kidnapping and murder; and eight for murder. During the year,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

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

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

EXECUTIONS RECORDED IN AFGHANISTAN

2010-2019



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The number of executions in **Japan** was down from 15 in 2018, when the country reported its highest yearly figure since 2008, to three in 2019.⁶⁷ This figure is in line with totals recorded for previous years (2014-17). Two Japanese men were executed on 2 August and a Chinese national was executed on 26 December.⁶⁸ All men had been convicted of murder. According to his lawyer, the Chinese man had

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

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

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

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

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

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

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

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

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

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

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

MATSUMOTO KENJI

Matsumoto Kenji, who has developed a delusional disorder while detained in solitary confinement on death row in Japan, remained at risk of execution in 2019.⁷⁰ His latest application for retrial was pending at the end of the year. He was sentenced to death for murder in 1993 and had his conviction and sentence upheld by the appellate courts in 1996 and 2000.

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

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

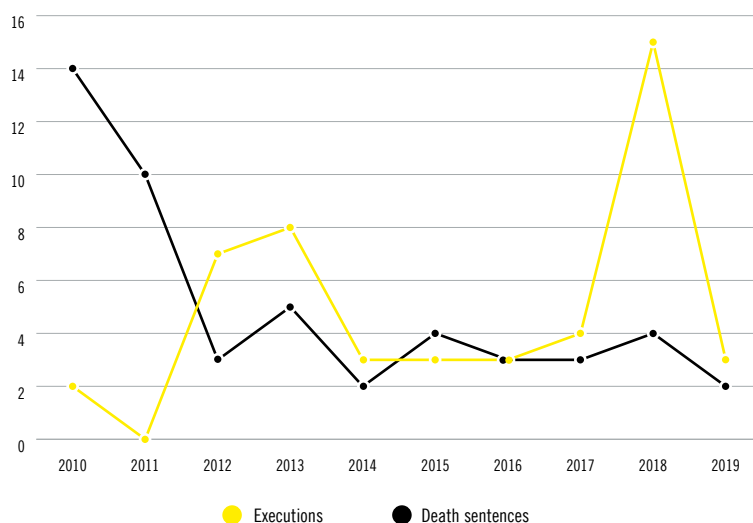


Matsumoto Kenji © Private

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

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

DEATH SENTENCES AND EXECUTIONS RECORDED IN JAPAN 2010-2019



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

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

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

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

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

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

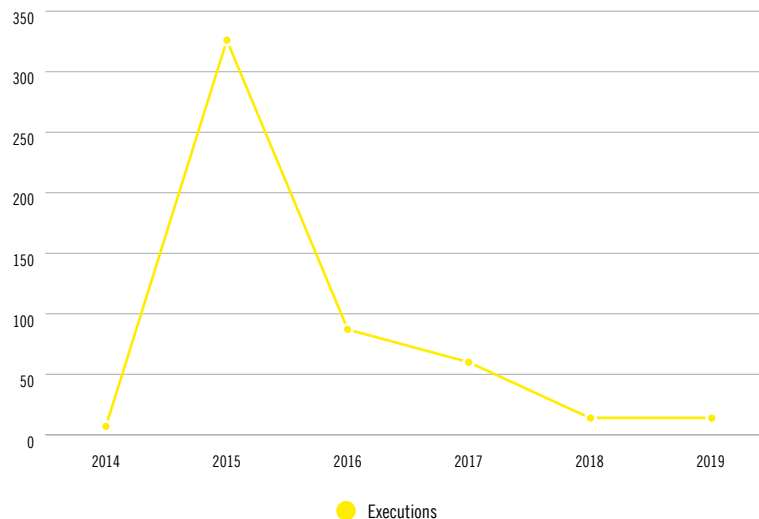
Official figures received by Amnesty International for **Maldives** confirmed that out of the 19 people under sentence of death at the end of the year, three had exhausted their legal remedies and five were below 18 years of age at the time of the crime.

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

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

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

EXECUTIONS RECORDED IN PAKISTAN 2014-2019



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

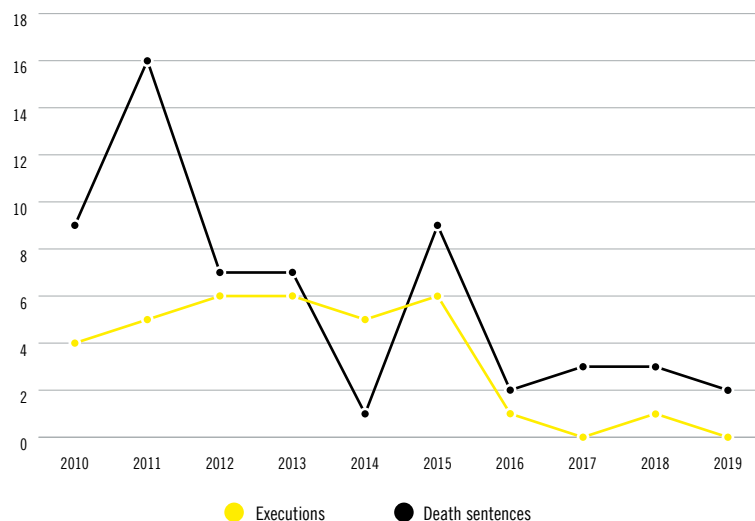
81 Among others, Safeguard no. 3 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty

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

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

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

DEATH SENTENCES AND EXECUTIONS RECORDED IN TAIWAN 2010-2019



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

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

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

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

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

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

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

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

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

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

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

88 Criminal Code Amendment Act (No. 27) 2019

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