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AMNESTY INTERNATIONAL GLOBAL REPORT

# DEATH SENTENCES AND EXECUTIONS

2018

AMNESTY  
INTERNATIONAL



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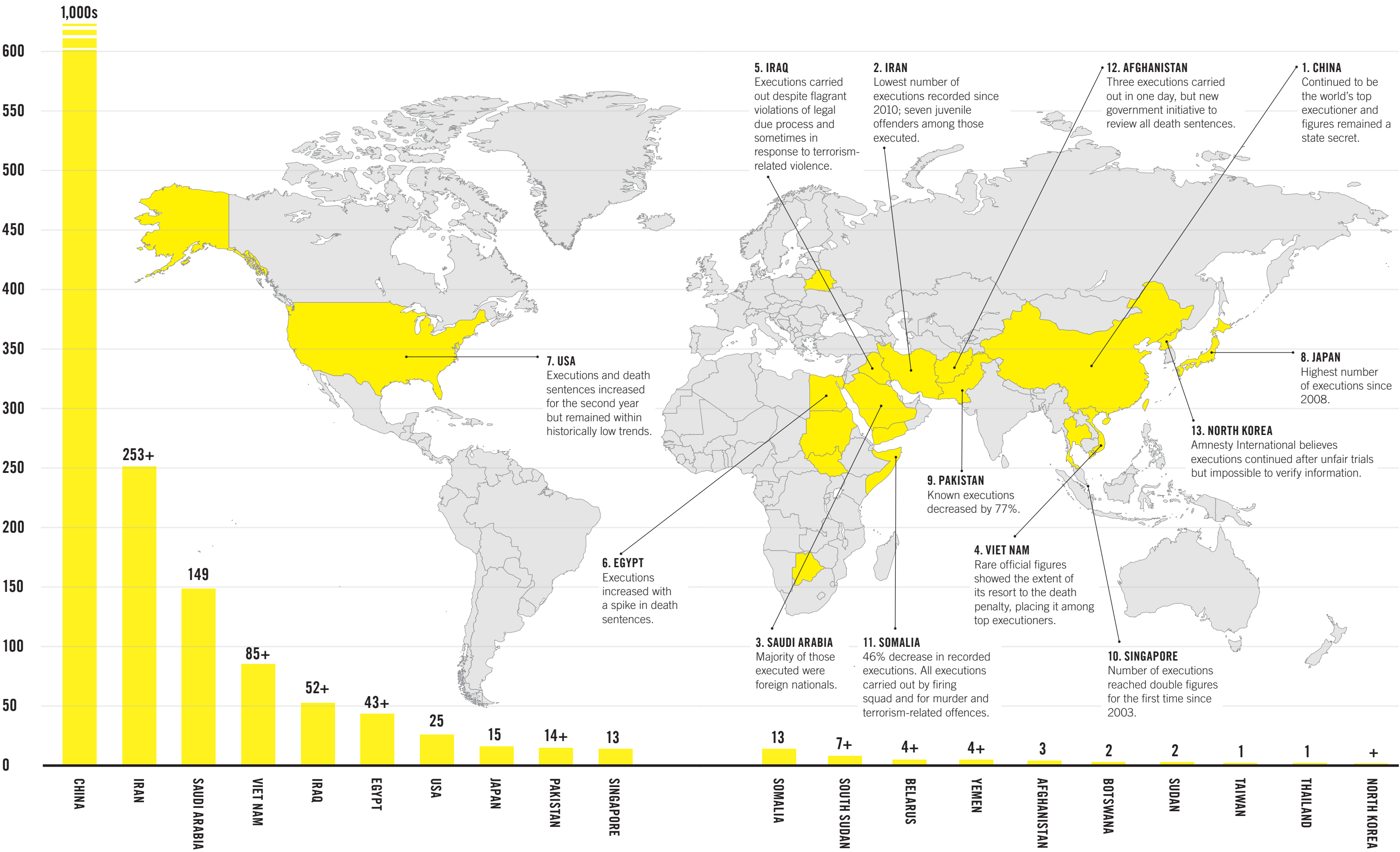
# EXECUTING COUNTRIES IN 2018

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

The 13 countries numbered on the map have persistently executed in the past five years (2014–2018).

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

Judicial executions may have taken place in Syria. However, Amnesty International was unable to confirm any figures due to the internal armed conflict.



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

This report covers the judicial use of the death penalty for the period January to December 2018. As in previous years, information is collected from a variety of sources, including: official figures; judgments; information from individuals sentenced to death and their families and representatives; reporting by other civil society organizations; and media reports. Amnesty International reports only on executions, death sentences and other aspects of the use of the death penalty, such as commutations and exonerations, where there is reasonable confirmation. In many countries governments do not publish information on their use of the death penalty. In Belarus, China and Viet Nam, data on the use of the death penalty is classified as a state secret. During 2018 little or no information was available on some countries – in particular Laos, North Korea (Democratic People's Republic of Korea) and Syria – due to restrictive state practice and/or armed conflict.

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

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

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

In tables and lists, where “+” appears after a figure next to the name of a country – for example, Indonesia (48+) – it means that Amnesty International confirmed 48 executions, death sentences or persons under sentence of death in Indonesia but believes that there were more than 48. Where “+” appears after a country name without a figure – for instance, Iran (+) – it means that Amnesty International has corroborated executions, death sentences or persons under sentence of death (more than one) in that country but had insufficient information to provide a credible minimum figure. When calculating global and regional totals, “+” has been counted as 2, including for China.

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

# THE USE OF THE DEATH PENALTY IN 2018

**“Too often the people that [are] voiceless [are] the ones that are subjected to [the death penalty]... The whole time I was there I have never met nobody or anybody that had money, I have never met a rich person sitting on death row”**

Ndume Olatushani, former death row prisoner in Tennessee, USA, released in 2012<sup>1</sup>

## GLOBAL TRENDS

Amnesty International’s overall assessment of the use of the death penalty in 2018 indicates that the global trend towards abolishing the ultimate cruel, inhuman and degrading punishment continues apace, despite regressive steps from a small number of countries.

Most strikingly, the number of known executions dropped by over 30% and reached the lowest figure Amnesty International has reported in the past decade. This reflected a significant reduction in some of the world’s lead executing countries, such as Iran, Iraq, Pakistan and Somalia. Similarly, the number of countries known to have carried out executions also reduced.

Some of the countries bucked the overall positive trend, however. Thailand carried out its first execution since 2009 and several other countries reported increases in their yearly totals, including Belarus, Japan, Singapore, South Sudan and USA. Additional concerns were further added by important rises in the number of death sentences imposed in some countries, most notably Egypt and Iraq. Rare figures made publicly available by the authorities of Viet Nam showed the extent of its resort to the death penalty, placing the country among the world’s top executioners. Secrecy continued to surround the use of the death penalty in China, which Amnesty International believed continued to sentence to death and execute thousands of people.

On the other hand, several countries advanced their journeys towards full abolition of the death penalty during the year. Burkina Faso abolished the death penalty in its Penal Code in June. In February 2018, the President of Gambia declared an official moratorium on executions and in September the country became 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 Government of Malaysia established a moratorium on executions in

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<sup>1</sup> UN Web TV, *Death penalty: Poverty and the right to legal representation*, 25 September 2018, <http://webtv.un.org/meetings-events/other-meetingsevents/watch/death-penalty-poverty-and-the-right-to-legal-representation/5840076517001>

July and announced it would reform its death penalty laws in October. During the same month, the death penalty statute in the US state of Washington was declared unconstitutional.

These positive steps were supported by further advances at international level. On 17 December, the UN General Assembly adopted – with record-high support – its seventh resolution calling on states that still retain the death penalty to establish a moratorium on executions, with a view to abolishing this punishment. Of the 193 UN member states, 121 voted in favour of the resolution while 35 voted against and 32 abstained. For the first time, Dominica, Libya, Malaysia and Pakistan changed their vote to support the resolution, while Antigua and Barbuda, Guyana and South Sudan moved from opposition to abstention. Equatorial Guinea, Gambia, Mauritius, Niger and Rwanda once again voted in favour of the call for a moratorium on executions, having not done so in 2016. Five countries reversed their 2016 votes, however, with Nauru moving from voting in favour to voting against and Bahrain and Zimbabwe switching from abstention to opposition. Congo (Republic of) and Guinea changed from voting in favour to abstention.<sup>2</sup>

The increased support for the 2018 resolution constitutes a further indication that a global consensus is building to consign the death penalty to the history books.

## EXECUTIONS

At least 690 executions were known to have taken place globally in 2018, a decrease of 31% compared to 2017 (at least 993). This figure represents the lowest number of executions that Amnesty International has recorded in the past decade.<sup>3</sup>



This significant reduction is primarily linked to lower figures for some of the countries which had accounted for the majority of the world's executions in previous years.<sup>4</sup> Following amendments to the country's anti-narcotics law, known executions in Iran dropped from at least 507 in 2017 to at least 253 in 2018 – a decrease of 50%.

<sup>2</sup> UN General Assembly resolution 73/175 of 17 December 2018. For more information on the overall voting results, see Annex IV of this report. After the vote, the government of Pakistan declared to media that it was a mistake and it intended to vote against the resolution.

<sup>3</sup> It is possible that the total reported for 2018 represents one of the lowest figures that Amnesty International has recorded in any given year since it began its monitoring in 1979. However, changes in access to information, configuration of countries and methodology over the decades make it challenging to accurately compare this figure over a longer period.

<sup>4</sup> Until 2015, Amnesty International presented two figures for executions in Iran in its annual reports on the global use of the death penalty: the figure of officially announced executions, which the organization used as its main figure in infographics and short text; and a figure for those executions that were not officially announced but which the organization was able to confirm (taking measures to avoid double counting). From 2016 onward, Amnesty International has been using an aggregated figure, which represents the sum of officially announced and all other non-officially announced executions that the organization could confirm.



Executions in Iraq and Pakistan decreased to approximately a third of their respective 2017 figures, from at least 125 to at least 52 for Iraq and from at least 60 to at least 14 for Pakistan. Somalia halved its executions, down from 24 in 2017 to 13 in 2018.

Despite these decreases, however, Iran continued to account for more than one third of all recorded executions; and 78% of all known executions were carried out in just four countries – Iran, Saudi Arabia, Viet Nam and Iraq.

As in previous years, the global totals do not include the thousands of executions that Amnesty International believed were carried out in China, where data on capital punishment is classified as a state secret.<sup>5</sup>

The authorities of Viet Nam indicated in November that 85 executions had been carried out during 2018, placing the country among the world's top five executioners and confirming long-held fears about the extensive use of the death penalty by the state. The organization was also concerned by increases in the USA, where executions figures grew slightly for the second consecutive year (from 23 in 2017 to 25 in 2018); in Japan and Singapore, which reported their highest yearly totals in over a decade; in South Sudan, where reported executions almost doubled from 4 in 2017 to 7+ in 2018; and in Belarus, where the yearly total doubled compared to the previous year (from 2+ in 2017 to 4+ in 2018).

#### EXECUTIONS RECORDED GLOBALLY IN 2018<sup>6</sup>

Afghanistan (3), Belarus (4+), Botswana (2), China (+), Egypt (43+), Iran (253+), Iraq (52+), Japan (15), North Korea (+), Pakistan (14+), Saudi Arabia (149), Singapore (13), Somalia (13: Jubaland 10, Federal Government of Somalia 3), South Sudan (7+), Sudan (2), Taiwan (1), Thailand (1), USA (25), Viet Nam (85+), Yemen (4+).

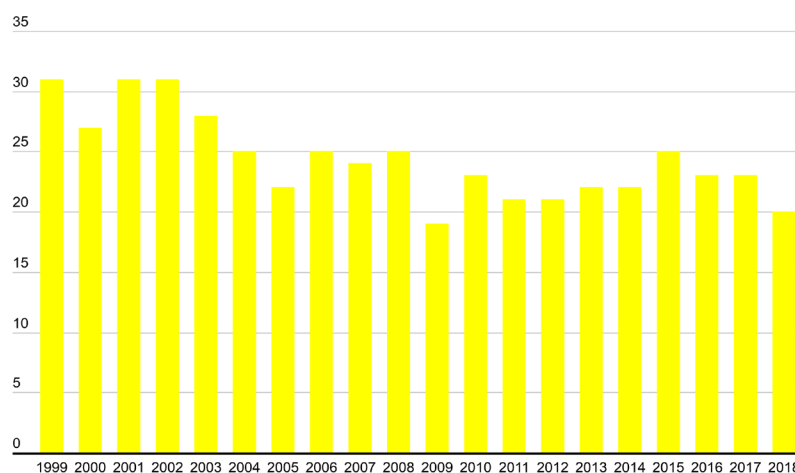


Amnesty International recorded executions in 20 countries, three fewer than in 2017 and 11 fewer than two decades earlier (31 in 1999).

In 2018 Botswana, Sudan, Taiwan and Thailand all resumed executions, but only accounted for six of the global total.<sup>7</sup>

No executions were reported in Bahrain, Bangladesh, Jordan, Kuwait, Malaysia, Palestine (State of) and United Arab Emirates (UAE), despite having done so in 2017.

#### KNOWN EXECUTING COUNTRIES 1999-2018



<sup>5</sup> In 2009 Amnesty International stopped publishing its estimated figures on the use of the death penalty in China. Instead, the organization has challenged the authorities to prove their claims that they are achieving their goal of reducing the application of the death penalty by publishing the figures themselves. Little or partial information was available for several other countries (see 'Note on Amnesty International's figures on the use of the death penalty' in this report for further information).

<sup>6</sup> Due to the ongoing conflict, Amnesty International could not confirm that executions were carried out in Syria in 2018

<sup>7</sup> Before 2018, Botswana, Sudan and Taiwan had carried out their last executions in 2016, while Thailand did so in 2009

## METHODS OF EXECUTION IN 2018

|                  |              |          |                                                     |          |       |        |          |           |             |       |
|------------------|--------------|----------|-----------------------------------------------------|----------|-------|--------|----------|-----------|-------------|-------|
| Beheading        | Saudi Arabia |          |                                                     |          |       |        |          |           |             |       |
| Electrocution    | USA          |          |                                                     |          |       |        |          |           |             |       |
| Hanging          | Afghanistan  | Botswana | Egypt                                               | Iran     | Iraq  | Japan  | Pakistan | Singapore | South Sudan | Sudan |
| Lethal injection | China        | Thailand | USA                                                 | Viet Nam |       |        |          |           |             |       |
| Shooting         | Belarus      | China    | North Korea (Democratic People's Republic of Korea) | Somalia  | Yemen | Taiwan |          |           |             |       |

In line with previous years, Amnesty International did not receive any reports of judicial executions by stoning in 2018. Two new death sentences by stoning were known to have been imposed in Iran.

### 2018 KNOWN EXECUTING COUNTRIES BY INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

- Organization of American States: 1 out of 35 countries carried out executions – USA.
- Organization for Security and Co-operation in Europe: 2 out of 57 countries executed people – Belarus and the USA.
- African Union: 5 out of 55 countries carried out executions – Botswana, Egypt, Somalia, South Sudan and Sudan.
- League of Arab States: 6 out of 22 countries executed people – Egypt, Iraq, Saudi Arabia, Somalia, Sudan and Yemen.
- Association of Southeast Asian Nations: 3 out of 10 countries reported executions – Singapore, Thailand and Viet Nam.
- Commonwealth: 3 out of 53 countries carried out executions – Botswana, Pakistan and Singapore.
- Francophonie: 2 out of 54 countries executed people – Egypt and Viet Nam.
- G8 – Group of Eight: 2 out of 8 countries reported executions – Japan and the USA.
- United Nations: 19 out of 193 member states were known to have executed people; 174 (or 90%) were executions-free.

## DEATH SENTENCES

The number of death sentences recorded globally in 2018, 2,531, reported a slight decrease from the total of 2,591 reported in 2017. However, variations in the gathering of information on death sentences for some countries make comparisons of this global total with those relating to previous years methodologically challenging.

Amnesty International did not receive information on official figures for death sentences imposed in Nigeria, Sri Lanka and Zambia, three countries that reported high numbers of death sentences in previous years. Conversely, information received through official sources for Malaysia revealed a significantly higher number of death sentences having been imposed compared to previous years, when such data was not made available. New information made available by the authorities of Viet Nam in November indicated that 122 new death sentences had been imposed during the year.

The number of countries known to have imposed new death sentences increased by one, from 53 in 2017 to 54 in 2018.

Six countries were known to have imposed death sentences in 2018 after a hiatus – Chad, Mauritania, Oman, Papua New Guinea, South Korea, Uganda. For five others – Brunei Darussalam, Equatorial Guinea, Laos, Maldives, Trinidad and Tobago – Amnesty International did not record any new death sentences despite having done so for the previous year.

#### DEATH SENTENCES RECORDED GLOBALLY IN 2018

Afghanistan (+), Algeria (1+), Bahrain (12), Bangladesh (229+), Belarus (2+), Botswana (5), Chad (4+), China (+), Democratic Republic of the Congo (41), Egypt (717+), Gambia (1), Ghana (12), Guyana (2), India (162), Indonesia (48+), Iran (+), Iraq (271+), Japan (4), Jordan (16+), Kenya (12+), Kuwait (34), Lebanon (5+), Libya (45+), Malaysia (190), Mauritania (3), Mali (18), Morocco/Western Sahara (10), Myanmar (9+), Nigeria (46+), North Korea (+), Oman (4+), Pakistan (250+), Palestine (State of: 13, Hamas authorities, Gaza), Papua New Guinea (9), Qatar (1+), Saudi Arabia (4+), Sierra Leone (4), Singapore (17), Somalia (15+: Puntland 7, Federal Government of Somalia 7, Jubaland 1), South Korea (1), South Sudan (8+), Sri Lanka (17+), Sudan (8), Taiwan (3), Tanzania (4+), Thailand (33+), Tunisia (12+), Uganda (5), UAE (10+), USA (45), Viet Nam (122+), Yemen (13+), Zambia (21+), Zimbabwe (5+).



Amnesty International recorded a significant increase in the number of new death sentences imposed in Egypt (78%), from at least 402 in 2017 to at least 717 in 2018. Iraq quadrupled its known figure, from at least 65 in 2017 to at least 271 in 2018. Ghana, Kuwait and UAE almost doubled their pronouncements of death sentences in 2018 compared to 2017, with figures for Ghana rising from 7 to 12; Kuwait from 15 to 34; and UAE from 5 to at least 10. Death sentences in Libya rose from 3 to at least 45, following the conclusion of a case involving 45 defendants.

Information gathered by Amnesty International pointed to significant decreases compared to 2017 in the imposition of new death sentences in Kenya (from at least 21 to at least 12), Sierra Leone (from 21 to 4), South Sudan (from at least 16 to at least 8) and Tunisia (from at least 25 to at least 12).

At least 19,336 people were known to be under sentence of death globally at the end of 2018.<sup>8</sup>

## COMMUTATIONS, PARDONS AND EXONERATIONS

Amnesty International recorded commutations or pardons of death sentences in 29 countries:

Afghanistan, Bahrain, Bangladesh, Barbados, Benin, Botswana, China, Egypt, Guyana, India, Iran, Kuwait, Malawi, Malaysia, Maldives, Morocco/Western Sahara, Myanmar, Nigeria, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, South Korea, South Sudan, Sudan, Tanzania, UAE, USA, Zimbabwe.<sup>9</sup>

Amnesty International recorded at least 8 exonerations of prisoners under sentence of death in four countries:<sup>10</sup>

Egypt (1+), Kuwait (3), Malawi (2), USA (2).

<sup>8</sup> For several countries where Amnesty International believed a high number of prisoners were under sentence of death, figures were not available or it was impossible to estimate an adequate number. These included China, Egypt, Iran, North Korea and Saudi Arabia.

<sup>9</sup> Commutation is the process by which a death sentence is exchanged for a less severe sentence such as terms of imprisonment, often by the judiciary on appeal, but sometimes also by the executive. A pardon is granted when the convicted individual is completely exempted from further punishment.

<sup>10</sup> Exoneration is the process whereby, after sentencing and the conclusion of the appeals process, the convicted person is later cleared from blame or acquitted of the criminal charge, and therefore is regarded as innocent in the eyes of the law

# THE DEATH PENALTY IN 2018: IN VIOLATION OF INTERNATIONAL LAW

The death penalty continued to be used in ways that violated international law and standards in 2018. Some examples included:

At least 13 **public executions** were recorded in Iran.

Seven people were executed in Iran for crimes committed when they were **younger than 18 years of age**; Amnesty International believed that juvenile offenders remained on death row in Iran, Pakistan, Saudi Arabia and South Sudan.<sup>11</sup>

People with **mental or intellectual disabilities** were executed or under sentence of death in several countries, including: Japan, Maldives, Pakistan and USA.

Death sentences were known to have been imposed after proceedings that did not meet international **fair trial standards** in several countries including Bangladesh, Belarus, China, Egypt, Iran, Iraq, Malaysia, North Korea, Pakistan, Saudi Arabia, Singapore and Viet Nam.

**“Confessions”** that may have been extracted through **torture or other ill-treatment** were used to convict and sentence people to death: Egypt, Bahrain, China, Iran, Iraq and Saudi Arabia.

Death sentences were imposed **without the defendant being present (in absentia)** in Bangladesh, Egypt and Palestine.

**Mandatory death sentences** were imposed in Ghana, Iran, Malaysia, Myanmar, Nigeria, Pakistan, Saudi Arabia and Singapore.<sup>12</sup>

**Military courts sentenced** civilians to death in Egypt and Pakistan. **Special courts** imposed death sentences: Bangladesh, Iran and Pakistan.

The death penalty was used for **crimes that did not involve intentional killing**, and therefore did not meet the threshold of “most serious crimes” under international law:<sup>13</sup>

- **Drug-related offences:** at least 98 executions were known to have been carried out in 4 countries: China (+), Iran (25), Singapore (11), Saudi Arabia (60) – 14% of global total and down from 28% in 2017. Information for Viet Nam was unavailable.  
At least 226 death sentences were known to have been imposed in 14 countries: Bahrain (2), Bangladesh (2), China (+), Egypt (11), Indonesia (39), Iran (+), Iraq (1), Kuwait (2), Malaysia (136), Pakistan (2), Singapore (16), Sri Lanka (6), Thailand (3+), Viet Nam (+).
- **Economic crimes**, such as corruption: China, Iran and Viet Nam.
- **“Blasphemy”** or “insulting the Prophet of Islam”: Pakistan.
- **Kidnapping** (Iraq, Iran), kidnapping and torture (Saudi Arabia), **rape** (Saudi Arabia).
- Different forms of **“treason”**, “acts against national security”, “collaboration” with a foreign entity, “espionage”, “questioning the leader’s policies”, participation in “insurrectional movement and terrorism” and other “crimes against the state”, whether or not they led to a loss of life: Iran, Lebanon, North Korea, Palestine (in Gaza) and Saudi Arabia.

**Expansion of the scope** of the death penalty: Bangladesh, India, Mauritania and Nigeria (Rivers State).

<sup>11</sup> Often the actual age of the prisoner is in dispute because no clear proof of age exists, such as a certificate of registration at birth. Governments should apply a full range of appropriate criteria in cases where age is in dispute. Good practice in assessing age includes drawing on knowledge of physical, psychological and social development. Each of these criteria should be applied in a way that gives the benefit of the doubt in disputed cases so that the individual is treated as a juvenile offender, and accordingly should ensure that the death penalty is not applied. Such an approach is consistent with the principle that the best interests of the child shall be a primary consideration in all actions concerning children, as required by Article 3(1) of the UN Convention on the Rights of the Child.

<sup>12</sup> Mandatory death sentences are inconsistent with human rights protections because they do not allow “any possibility of taking into account the defendant’s personal circumstances or the circumstances of the particular offence”. UN Human Rights Committee, *Pagdayawon Rolando v. Philippines*, Views of the Human Rights Committee, Communication No. 11110/2002, UN Doc. CCPR/C/82/D/11110/2002 (2004) para. 5.2

<sup>13</sup> As prescribed by Article 6 of the International Covenant on Civil and Political Rights

# REGIONAL OVERVIEWS

## AMERICAS

### REGIONAL TRENDS

- In December the Caribbean marked 10 years without any executions, once again leaving the USA as the only executioner in the Americas region.
- Only two countries, USA and Guyana, imposed death sentences – the lowest recorded number since Amnesty International began keeping records in 1979.
- The number of executions and death sentences in the USA increased for the second year in a row, but remained within historically low trends of recent years. Three states resumed executions after decade-long hiatuses.
- The death penalty statute in the US state of Washington was declared unconstitutional in October.

| COUNTRY             | 2018 RECORDED EXECUTIONS | 2018 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2018 |
|---------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Antigua and Barbuda | 0                        | 0                             | 0                                                             |
| Bahamas             | 0                        | 0                             | 0                                                             |
| Barbados            | 0                        | 0                             | 10                                                            |
| Belize              | 0                        | 0                             | 0                                                             |
| Cuba                | 0                        | 0                             | 0                                                             |
| Dominica            | 0                        | 0                             | 0                                                             |
| Grenada             | 0                        | 0                             | 1                                                             |
| Guatemala           | 0                        | 0                             | 0                                                             |
| Guyana              | 0                        | 2                             | 26                                                            |
| Jamaica             | 0                        | 0                             | 0                                                             |

| COUNTRY                          | 2018 RECORDED EXECUTIONS                                                                                                                    | 2018 RECORDED DEATH SENTENCES                                                                                                                                                                                                                                                                                   | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2018                                                                                    |
|----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Saint Kitts and Nevis            | 0                                                                                                                                           | 0                                                                                                                                                                                                                                                                                                               | 0                                                                                                                                                |
| Saint Lucia                      | 0                                                                                                                                           | 0                                                                                                                                                                                                                                                                                                               | 0                                                                                                                                                |
| Saint Vincent and the Grenadines | 0                                                                                                                                           | 0                                                                                                                                                                                                                                                                                                               | 1                                                                                                                                                |
| Trinidad and Tobago              | 0                                                                                                                                           | 0                                                                                                                                                                                                                                                                                                               | 42                                                                                                                                               |
| USA <sup>14</sup>                | 25 in 8 states:<br>Alabama (2)<br>Florida (2)<br>Georgia (2)<br>Nebraska (1)<br>Ohio (1)<br>South Dakota (1)<br>Tennessee (3)<br>Texas (13) | 45 in 16 jurisdictions:<br>Alabama (3)<br>Arizona (2)<br>Arkansas (2)<br>California (5)<br>Florida (7) <sup>15</sup><br>Louisiana (1)<br>Mississippi (2)<br>Missouri (1)<br>Nebraska (2)<br>Nevada (1)<br>Ohio (6)<br>Oklahoma (1)<br>Pennsylvania (2)<br>Tennessee (1)<br>Texas (7)<br>Federal authorities (2) | 2,654 people held in 33 jurisdictions including:<br>739 in California<br>343 in Florida<br>223 in Texas<br>176 in Alabama<br>144 in Pennsylvania |

The number of executions carried out in the USA in 2018 (25) increased by two compared to 2017 and by five compared to 2016 – the year when the lowest number of executions was recorded since 1991. However, the overall number of executions continued to remain within historical lows, representing half of the total recorded a decade earlier (52 in 2009).

The state of Texas nearly doubled its figure compared to the previous year (from 7 to 13), accounting for just over half of the country's total, after fewer stays of executions were issued by the state Supreme Court. Nebraska carried out its first execution since 1997;<sup>16</sup> South Dakota since 2012; and Tennessee since 2009. Nevada also came close to carrying out its first execution since 2006 in July.<sup>17</sup> The increases in and the resumptions of executions were partly linked to the resolution of legal and other challenges relating to the sourcing of substances used in lethal injection protocols.<sup>18</sup>

However, Arkansas, Missouri and Virginia refrained from carrying out any executions after they did so in the previous year, resulting in the same number of US executing states in 2018 as in 2017 (8).

<sup>14</sup> Figures based on information published by Departments of Corrections, courts and media in relevant US states. More information is also available from the Death Penalty Information Center, [www.deathpenaltyinfo.org/](http://www.deathpenaltyinfo.org/)

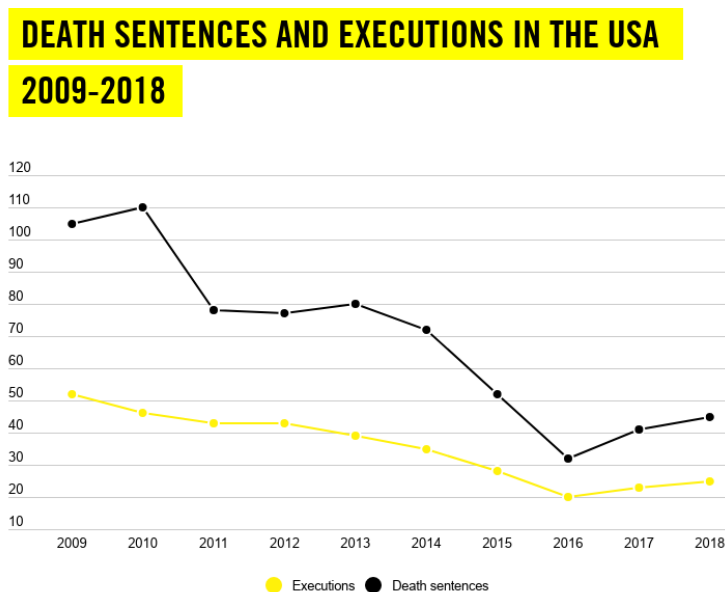
<sup>15</sup> This figure does not include the new death sentences imposed in re-sentencing hearings granted pursuant to the judgment of the US Supreme Court, *Hurst v. Florida*, Certiorari to the Supreme Court of Florida (No. 14-7505, 577 US) (2016)

<sup>16</sup> Amnesty International, *Nebraska conducts first execution since 1997 – Carey Dean Moore* (Index: AMR 51/8968/2018)

<sup>17</sup> Amnesty International, *Nevada reschedules first execution since 2006* (Index: AMR 51/8750/2018)

<sup>18</sup> Although figures for US executions had decreased in the years before 2017, this was in part linked to legal challenges that resulted in the revision of lethal injection protocols or problems faced by states in obtaining substances used in lethal injection procedures. Executions in several states, including Arizona, California, Indiana, Louisiana, Nevada, Ohio and Oklahoma, were on hold, completely or for part of the year, in 2017 because of litigation on their lethal injection procedures.

According to data published by the Death Penalty Information Center, the number of death warrants issued in 2018 (62 in 8 states) was considerably lower than in the previous year (81 in 12 states).<sup>19</sup> However, a smaller proportion of the scheduled executions were postponed or halted by commutations or reprieves granted by governors than in 2017 (60% compared to 72%).



The number of death sentences imposed also slightly increased for the second consecutive year, increasing to 45 in 2018 from 41 in 2017 and 32 in 2016 – which was the lowest number recorded since 1973. The number of states and jurisdictions imposing death sentences (16) remained similar to 2017 (15).

Death sentences halved compared to 2017 in several states, including Arizona (from 4 to 2), California (from 11 to 5) and in Nevada decreased from 4 to 1; but more than doubled in Florida (from 3 to 7) and Ohio (from 2 to 6). Louisiana and Tennessee imposed one death sentence each in 2018, their first since 2014. Idaho did not impose any new death sentences in 2018, after doing so in the previous year.

### THE DEATH PENALTY IN THE USA

A total of 20 states have abolished the death penalty, including seven since 2007.<sup>20</sup> Currently, the death penalty is retained in 30 states. Of these, 11 states – California, Colorado, Kansas, Kentucky, Montana, Nevada, New Hampshire, North Carolina, Oregon, Pennsylvania and Wyoming – have not carried out executions for at least 10 years. The governors of the states of Colorado, Oregon and Pennsylvania have established moratoriums on executions. The federal authorities have not carried out any executions since 2003 and the military authorities since 1961.

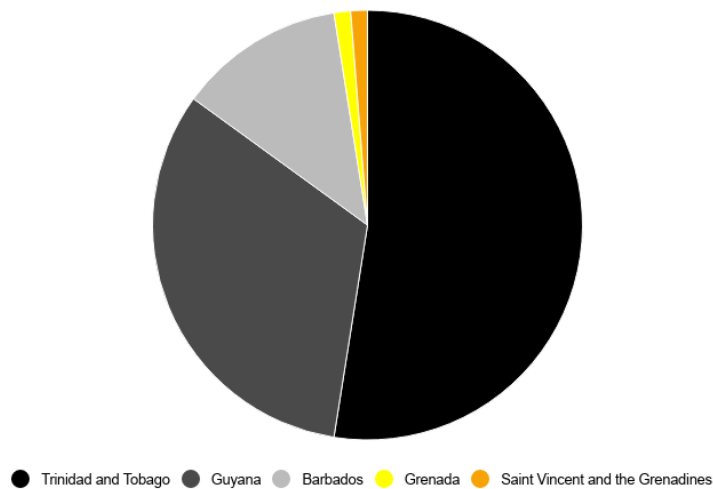
Outside the USA, the progress towards ending the use of the death penalty continued. Saint Kitts and Nevis was the latest state to report an empty death row at the end of the year, joining eight other countries (Antigua and Barbuda, Bahamas, Belize, Cuba, Dominica, Guatemala, Jamaica and Saint Lucia). A further two (Grenada and Saint Vincent and the Grenadines) held only one person under sentence of death at the year end. Death rows in Guyana and Trinidad and Tobago, which accounted for 33% and 53% of the Caribbean total, did not grow in size in 2018.

For the first time since Amnesty International began keeping records, Guyana was the only country in the Caribbean to impose death sentences.

<sup>19</sup> For more information, see Death Penalty Information Center, <https://deathpenaltyinfo.org/upcoming-executions>

<sup>20</sup> The states of Connecticut, Delaware, Illinois, Maryland, New Jersey, New Mexico, Washington. In addition to these, in New York state the last remaining death sentence was commuted in 2007 after the state Court of Appeal ruled in 2004 that the state capital punishment law was unconstitutional. Two men remained on death row in New Mexico.

## CARIBBEAN DEATH ROWS AT THE END OF 2018



### NOTABLE COUNTRY DEVELOPMENTS

In June the Caribbean Court of Justice (CCJ), the final appellate court of **Barbados**, unanimously ruled that the mandatory imposition of the death penalty under Section 2 of the Offences Against the Person Act was unconstitutional, violating fundamental rights and freedoms protected by the country's Constitution.<sup>21</sup> The CCJ recommended that all cases where a death sentence was imposed for murder be re-sentenced, including both those still on death row and those whose sentences had already been commuted to life imprisonment in previous years.

In December, the Court of Appeal quashed the conviction and death sentence of a man after it found that he had received inadequate legal counsel during his trial, resulting in a violation of his right to a fair trial.<sup>22</sup>

Amendments to the Offences Against the Person Act, first introduced in Parliament by the government in November 2014 to abolish the mandatory death penalty, were adopted by the House of Assembly in September, but were rejected by the Senate in November. As a result of this, 10 men, including a foreign national, were on death row at the end of the year, awaiting re-sentencing.

Two women were sentenced to death for murder in **Guyana** while two other death sentences were commuted.

The High Court of the Eastern Caribbean Supreme Court commuted the death sentence of the last man on death row in **Saint Kitts and Nevis** on 22 October.<sup>23</sup> The Court found that the implementation of his death sentence would be unconstitutional, as it would amount to inhuman or degrading punishment because of the prolonged period spent on death row; the denial of the possibility to make representations before the Advisory Committee on the Prerogative of Mercy, when he had come close to execution in 2007; and the retraction by the Court of Appeal of its permission to file an appeal outside the set timelines.

For the first time since Amnesty began keeping records in 1979, no new death sentences were known to have been imposed in **Trinidad and Tobago**, where the death penalty remained the mandatory punishment for murder. Twelve of the 42 men on death row had spent more than five years under sentence of death, rendering the implementation of their death sentences unconstitutional.<sup>24</sup>

<sup>21</sup> Jabari Sensimania Nervais v. The Queen and Dwayne Omar Severin v. The Queen (CCJ 19 (AJ)), Caribbean Court of Justice (2018)

<sup>22</sup> Roderick Ricardo Went v. The Queen (Criminal Appeal No. 2 of 2014), Court of Appeal of Barbados (2018)

<sup>23</sup> Evanson Mitcham v. Attorney General of Saint Christopher and Nevis (Claim No. SKBHCv2015/0129), Eastern Caribbean Supreme Court in the High Court of Justice (2018)

<sup>24</sup> In line with the standard set by Judicial Committee of the Privy Council in *Pratt and Morgan v. the Attorney General of Jamaica* (UKPC 37) (1993). The Judicial Committee of the Privy Council is the last appellate court of several Commonwealth countries, including Trinidad



Murder rates in the country continued to surge, reaching the record figure of 517 and triggering occasional public calls for the resumption of executions.<sup>25</sup> The number of murders that resulted in suspects being charged, however, remained low, with only 83 (16%) classified as detected at the end of the year.<sup>26</sup>

In March, the Judicial Committee of the Privy Council (JCPC) narrowly rejected the appeal of a man who was seeking the commutation of his death sentence on the basis of new medical evidence.<sup>27</sup> The new expert report showed that the prisoner had a personality disorder and concluded that, at the time of the 2004 murder of which he was convicted, he had likely been in a psychotic state, diminishing his mental responsibility for the crime. In its three-to-two decision, the JCPC refused the appeal, noting that his mental health concerns were not raised during the two trials which resulted in the murder conviction. The use of the death penalty on those with mental and intellectual disabilities is prohibited under international law and standards.

Washington became the 20<sup>th</sup> abolitionist state in the **USA** after the state's Supreme Court declared – for the fourth time – its death penalty laws to be unconstitutional.<sup>28</sup> The Court found that the death penalty is imposed in an arbitrary and racially biased manner; that it is “unequally applied – sometimes by where the crime took place, or the county of residence, or the available budgetary resources at any given point in time, or the race of the defendant” and that, given this, it “fails to serve any legitimate penological goals.” This judgment served as yet another reminder of all the flaws that have characterized the use of the death penalty in the country, including in 2018.

People with mental and intellectual disabilities continued to be subjected to the death penalty, in violation of international law and standards. Vernon Madison came within 30 minutes of being executed in Alabama on 25 January 2018, when the US Supreme Court issued a stay of execution.<sup>29</sup> Madison had been sentenced to death for murder in 1994, after a judge overrode the jury of his third trial who had recommended a life sentence, in light of undisputed evidence that he had a mental disability since he was a teenager. In March 2017 the US Court of Appeals for the Eleventh Circuit concluded that Vernon Madison was incompetent to be executed because he lacked a rational understanding of the link between his crime and his execution. The US Supreme Court heard oral arguments on Vernon Madison's case in October 2018.<sup>30</sup>

In this and several other cases, Amnesty International remained concerned that procedural obstacles prevented those facing the death penalty to have their cases fully reviewed against their execution. Carlton Gary was executed in Georgia on 15 March for murder. Earlier on the same day, the Georgia Supreme Court dismissed a motion for a stay of execution seeking to prove his innocence in light of new DNA evidence. The Court stated that he should have brought an application for a discretionary appeal to the Court rather than the original motion for appeal he had filed.<sup>31</sup>

The authorities of Texas executed a Mexican national on 14 November, in violation of the country's international obligations under the UN Vienna Convention on Consular Relations, the American Convention on Human Rights and under the Charter of the Organization of American States. Roberto Moreno Ramos had not been advised by the Texas authorities of this right as a Mexican national to contact his consulate for assistance “without delay” after his arrest in 1992. In 2004 the International Court of Justice ordered the USA to provide judicial review of the convictions and sentence of Roberto Moreno Ramos and 51 others.<sup>32</sup> In 2005, the Inter-American Commission on Human Rights had found the USA responsible for violating Roberto Moreno Ramos' rights to equality before the law, due process and to a fair trial; and had recommended to the US authorities to provide him with an effective remedy, including a new sentencing hearing.<sup>33</sup>

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and Tobago. “42 on Death Row... but why no hangings?”, *Trinidad Express*, 29 January 2018, [www.trinidadexpress.com/news/local/on-death-row-but-why-no-hangings/article\\_b80258de-5172-5d9a-afd6-07fa45462622.html](http://www.trinidadexpress.com/news/local/on-death-row-but-why-no-hangings/article_b80258de-5172-5d9a-afd6-07fa45462622.html)

<sup>25</sup> See, for example, “Bring on the death penalty”, *Daily Express*, 30 December 2018, [www.trinidadexpress.com/opinion/letters/bring-on-the-death-penalty/article\\_250ab1a8-0c93-11e9-acb5-bb3280e5df09.html](http://www.trinidadexpress.com/opinion/letters/bring-on-the-death-penalty/article_250ab1a8-0c93-11e9-acb5-bb3280e5df09.html)

<sup>26</sup> A crime is classified as detected when a suspect had been identified and charged in relation to the murder. The figures were available from [www.ttps.gov.tt/Statistics/Crime-Totals-By-Month](http://www.ttps.gov.tt/Statistics/Crime-Totals-By-Month)

<sup>27</sup> *Chandler v. The State* (Trinidad and Tobago) (UKPC 5), Judicial Committee of the Privy Council (2018)

<sup>28</sup> *State of Washington v. Allen Eugene Gregory* (No. 88086-7), Washington Supreme Court (2018)

<sup>29</sup> Amnesty International, *USA: Execution set for crime man cannot remember – Vernon Madison* (Index: AMR 51/7752/2018)

<sup>30</sup> On 27 February 2019 the US Supreme Court ruled in favour of Vernon Madison and remanded his case to the state court for its consideration of his mental competency claim

<sup>31</sup> Amnesty International, *USA: Executed after 32 years on death row – Carlton Gary* (Index: AMR 51/8088/2018)

<sup>32</sup> *Avena and Other Mexican Nationals (Mexico v. United States of America)*, International Court of Justice (2004), ICJ Reports, p. 17

<sup>33</sup> Inter-American Commission on Human Rights, Report No. 1/05, Case 12.430 – Merits, Roberto Moreno Ramos, United States, 28 January 2005

On 1 October the Inter-American Commission on Human Rights requested the US authorities to adopt measures to protect the life and personal integrity of Ramiro Ibarra Rubí, another Mexican national on death row in Texas, pending the consideration of his case.<sup>34</sup> Ramiro Ibarra Rubí petitioned the Commission to intervene on the grounds that he had not been informed of his right to be notified and assisted by Mexican consular authorities, and that he did not receive effective legal representation at trial which resulted in his conviction and the imposition of the death penalty.

The trial of 'Abd al-Rahim al-Nashiri, charged with masterminding an attack on the US warship *USS Cole* in 2000, at the US naval base at Guantánamo Bay, Cuba, was halted in February. The military commission judge overseeing proceedings against him retired from military service and subsequently began working as a civilian judge in Virginia, leading to litigation to ascertain whether conflict of interest had affected the trial proceedings to that point. Pre-trial proceedings against the five men charged with plotting the attacks of 11 September 2001 continued during 2018, after a new judge was assigned to preside over the case. All six detainees could face the death penalty if found guilty by the military commissions, whose proceedings do not meet international fair trial standards. The use of this punishment in these cases, after proceedings that do not meet international standards for a fair trial, would constitute arbitrary deprivation of life.

Two men were exonerated from death rows in California and Florida on the grounds of innocence in 2018, bringing the total number of such exonerations since 1973 to 164.<sup>35</sup>

Another indication of the arbitrariness that surrounds the application of the death penalty came in March from the decision by the then Attorney General Sessions to issue a memo encouraging US prosecutors to use existing statutes allowing the death penalty as a sentencing option in aggravated circumstances of drug trafficking.<sup>36</sup>

Attempts to abolish the death penalty in New Hampshire were frustrated by state Governor Christopher Sununu, who vetoed Senate Bill 593 on 21 June. The state Senate passed the bill on 15 March and the House of Representatives on 26 April. The Senate vote to override the veto fell two votes short on 13 September.<sup>37</sup> Electoral changes in the composition of the state legislature in November set the stage for renewed efforts towards full abolition of the death penalty in 2019.

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<sup>34</sup> Inter-American Commission on Human Rights, Resolution 77/2018, Precautionary measure No. 82-18, Ramiro Ibarra Rubí regarding the United States of America, 1 October 2018, [www.oas.org/en/iachr/decisions/pdf/2018/77-18MC82-18-US-english.pdf](http://www.oas.org/en/iachr/decisions/pdf/2018/77-18MC82-18-US-english.pdf)

<sup>35</sup> For more information see Death Penalty Information Center, <https://deathpenaltyinfo.org/innocence-list-those-freed-death-row>

<sup>36</sup> Department of Justice, *Attorney General Sessions issues memo to U.S. Attorneys on the use of capital punishment in drug-related prosecutions*, 21 March 2018, [www.justice.gov/opa/pr/attorney-general-sessions-issues-memo-us-attorneys-use-capital-punishment-drug-related](http://www.justice.gov/opa/pr/attorney-general-sessions-issues-memo-us-attorneys-use-capital-punishment-drug-related)

<sup>37</sup> "N.H. Senate fails to override Sununu's death penalty repeal veto", New Hampshire Public Radio, 13 September 2018, [www.nhpr.org/post/nh-senate-fails-override-sununus-death-penalty-repeal-veto#stream/0](http://www.nhpr.org/post/nh-senate-fails-override-sununus-death-penalty-repeal-veto#stream/0)

# ASIA-PACIFIC

## REGIONAL TRENDS

- Malaysia's government announced a moratorium on executions and plans to review its death penalty laws.
- Thailand resumed executions for the first time since 2009.
- Japan and Singapore reported their highest number of executions recorded in over a decade; executions in Pakistan decreased.
- Rare figures on executions in Viet Nam placed it among the world's top executioners.

| COUNTRY             | 2018 RECORDED EXECUTIONS | 2018 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2018 |
|---------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Afghanistan         | 3                        | +                             | 343+                                                          |
| Bangladesh          | 0                        | 229+                          | 1,500+                                                        |
| Brunei Darussalam   | 0                        | 0                             | +                                                             |
| China               | +                        | +                             | +                                                             |
| India <sup>38</sup> | 0                        | 162                           | 371                                                           |
| Indonesia           | 0                        | 48+                           | 308+                                                          |
| Japan               | 15                       | 4                             | 116                                                           |
| Laos                | 0                        | 0                             | 315                                                           |
| Malaysia            | 0                        | 190                           | 1,275                                                         |
| Maldives            | 0                        | 0                             | 15                                                            |
| Myanmar             | 0                        | 9+                            | +                                                             |
| North Korea         | +                        | +                             | +                                                             |
| Pakistan            | 14+                      | 250+                          | 4,864+                                                        |
| Papua New Guinea    | 0                        | 9                             | 20                                                            |
| Singapore           | 13                       | 17                            | 40+                                                           |
| South Korea         | 0                        | 1                             | 61                                                            |
| Sri Lanka           | 0                        | 17+                           | 1,299                                                         |
| Taiwan              | 1                        | 3                             | 42                                                            |
| Thailand            | 1                        | 33+                           | 551                                                           |
| Tonga               | 0                        | 0                             | 0                                                             |
| Viet Nam            | 85+                      | 122+                          | 600+                                                          |

<sup>38</sup> Project 39A, Death penalty in India: Annual statistics report 2018, January 2019, [www.project39a.com/annual-statistics](http://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 2018

Amnesty International reported a slight increase in the number of known executions carried out in the Asia-Pacific region in 2018 (at least 136), which was mostly due to the rare disclosure of a figure from the authorities of Viet Nam. The regional total, which as in previous years does not include the thousands of executions that were believed to have been carried out in China, continues to be affected by variations in figures linked to challenges in accessing information. It remained, however, within ranges recorded in previous years (93 in 2017 and 130 in 2016).

While executions continued to decrease in Pakistan, which reported a further 77% drop compared to 2017 (60), Japan more than tripled its annual figure (from 4 to 15) as a result of the hanging of 13 men in a high-profile case. Secrecy continued to impede an accurate assessment of trends within China and North Korea and, to some extent, Viet Nam.

Nine countries in the Asia-Pacific region carried out executions, the same number as in 2017. This was because Bangladesh and Malaysia did not implement any death sentences, while Taiwan and Thailand resumed executions after hiatuses. Indonesia observed a hiatus on executions for the second year running.

At least 1,100 new death sentences were known to have been imposed, a slight increase from the total of 1,037 recorded in the previous year. The change in the number of known death sentences is largely attributable to variation in figures obtained particularly in relation to Malaysia and Sri Lanka. In Malaysia, official data was made available to Amnesty International for the first time, showing a significant increase on figures recorded for previous years through monitoring of courts and media. In Sri Lanka, the authorities did not provide information and the figure gathered by Amnesty International is likely to be significantly lower than the real one. Indian courts imposed 50% more death sentences than in the previous year (162 from 108).<sup>39</sup>

Seventeen countries were known to have imposed death sentences, with Maldives not sentencing anyone to death in 2018 while it did so in 2017.

The use of the death penalty in the Asia-Pacific region often contravened international law and standards. 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. These included economic crimes, such as corruption, acts that are not even considered crimes under international law, such as “blasphemy”, and drug-related offences.

Executions for drug-related offences were reported in China and Singapore, but Amnesty International was not able to confirm if Viet Nam also carried out executions for drug-related offences last year. Nine countries were known to have imposed death sentences to punish drug-related offences, making Asia-Pacific once again the region with the highest proportion of countries resorting to the death penalty for this type of crime.

## NOTABLE COUNTRY DEVELOPMENTS

Three men were executed in **Afghanistan** on 28 January for the kidnapping and murder of a child.<sup>40</sup> In a communication to Amnesty International, the authorities referred to one execution only and further indicated that the Special Committee to Review Cases of Death Penalty established by the Attorney General had reviewed 44 cases of prisoners who had their death sentences finalized. Of these, 22 were recommended for commutation. A further 50 people had their death sentences set aside through pardons granted by the families of the crime victims, leaving at least 343 under sentence of death at the end of the year. The new Penal Code, which reduced the scope of the death penalty from 54 to 14 offences, came into force in February 2018.<sup>41</sup>

No executions were reported in **Bangladesh** for the first time since 2014. Of the 229 new recorded death sentences, 24 were imposed on men sentenced in their absence and 35 by special courts.<sup>42</sup> An additional 14 were 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 others received the ultimate punishment for drug trafficking in June. Against international law and

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<sup>39</sup> The figure of death sentences imposed in India in 2017 was revised by Project 39A from 109 to 108. See also footnote no.38.

<sup>40</sup> “Kidnappers and killers of the 12-year-old Abasin hanged in Kabul”, Khaama Press News Agency, 28 January 2018, [www.khaama.com/kidnappers-and-killers-of-the-12-year-old-abasin-hanged-in-kabul-04369/](http://www.khaama.com/kidnappers-and-killers-of-the-12-year-old-abasin-hanged-in-kabul-04369/)

<sup>41</sup> Presidential Decree No. 256, Official Gazette No. 1260 of 15 May 2017

<sup>42</sup> 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

standards, the scope of the death penalty was expanded to make the death penalty a discretionary punishment for the offences of producing, trafficking, distributing or using over 5g of the controlled substances methamphetamines and amphetamines. The amendments came into force on 27 December.<sup>43</sup>

Amnesty International believed that **China** continued to execute and sentence 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 claims by state officials of a possible reduction in executions.<sup>44</sup> 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 offences 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 received during the year, as well as of judicial verdicts uploaded on the online database maintained by the Supreme People's Court (SPC),<sup>45</sup> Amnesty International recorded that the majority of cases involved murder and drug-related offences.

On 23 June, authorities in Lufeng, Guangdong province, carried out a public "mass sentencing rally" for 10 people found guilty of drug-related offences. All of them, whose sentences had been approved by the SPC, were executed immediately afterwards.<sup>46</sup>

At least two death sentences were imposed for corruption. One of these was a "suspended death sentence", which included the possibility of commutation after two years' imprisonment when no other crimes are committed. The second was in a high-profile case of a former deputy mayor and provided no such possibility of commutation, turning it into a cautionary tale for society at large.<sup>47</sup>

Amnesty International remained concerned about the secretive use of the death penalty in the Xinjiang Uighur Autonomous Region (XUAR). Media published limited information on new death sentences in the XUAR, with only the case of well-known Uighur businessman Abdughapar Abdurusul being reported. His family expressed concern that he did not receive the assistance of legal counsel and was convicted in a trial involving several defendants.<sup>48</sup> The authorities in the XUAR 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 safeguards and the likelihood of "wrongful executions".<sup>49</sup>

Research by Project 39A at the National Law University, Delhi, indicated that the courts of **India** imposed 162 new death sentences, including 45 for murder and 58 for murder involving sexual offences. The total number, 54 more than in 2017, is also higher by 26 compared to the figure recorded in 2016 (136), constituting the highest total recorded in over two decades.

The Criminal Law Amendment Act, 2018, was signed into law by the President on 11 August. It introduced the death penalty as a discretionary punishment for the rape of girls younger than 12 years of age.

For the second consecutive year, **Indonesia** observed a hiatus in executions. Of the 48 recorded new death sentences, 39 (81%) were imposed for drug-related offences; 8 (17%) for murder; and 1 (2%) for a

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<sup>43</sup> "Revised narcotics control law gets tough with drug traders", *Dhaka Tribune*, 21 December 2018, [www.dhakatribune.com/bangladesh/2018/12/21/revised-narcotics-control-law-gets-tough-with-drug-traders](http://www.dhakatribune.com/bangladesh/2018/12/21/revised-narcotics-control-law-gets-tough-with-drug-traders)

<sup>44</sup> In December, Li Xiao, a judge of China's Supreme People's Court, referred in an interview to efforts to reduce executions, adding: "If we released the figure, then ordinary folk would say too few were killed." "Chinese judges make rare defense of death penalty amid Western criticism", Reuters, 21 December 2018, [www.reuters.com/article/us-china-law/chinese-judges-make-rare-defense-of-death-penalty-amid-western-criticism-idUSKCN10K0E3](http://www.reuters.com/article/us-china-law/chinese-judges-make-rare-defense-of-death-penalty-amid-western-criticism-idUSKCN10K0E3)

<sup>45</sup> Supreme People's Court Monitor, China Judgments Online. For more information see Amnesty International, *China's deadly secrets* (Index: ASA 17/5849/2017)

<sup>46</sup> "Ten sentenced to death for drug manufacturing, distribution in Guangdong", *Global Times*, 24 June 2018, [www.globaltimes.cn/content/1108199.shtml](http://www.globaltimes.cn/content/1108199.shtml)

<sup>47</sup> Media reported that at sentencing, the court described Zhang Zhongsheng as "contemptuous of rules and laws" and "extremely greedy" and that he deserved the death penalty for "the big losses he caused to the nation and the people". "Death penalty for 'godfather' of Chinese coal mining town over US\$160 million in bribes", *South China Morning Post*, 28 March 2018, [www.scmp.com/news/china/policies-politics/article/2139335/death-penalty-godfather-chinese-coal-mining-town-over](http://www.scmp.com/news/china/policies-politics/article/2139335/death-penalty-godfather-chinese-coal-mining-town-over)

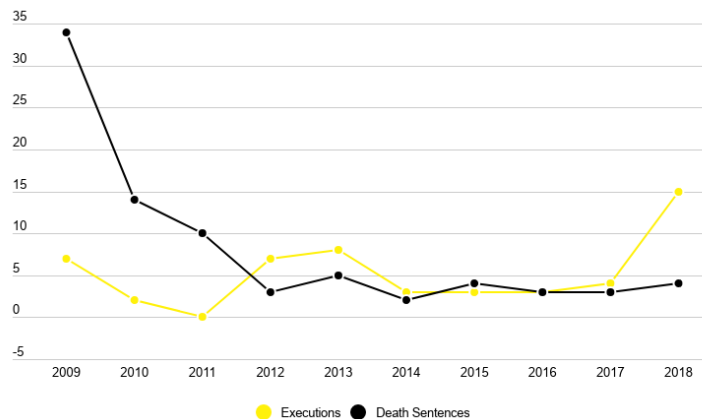
<sup>48</sup> "Xinjiang Authorities sentence Uyghur philanthropist to death for unsanctioned hajj", Radio Free Asia, 21 November 2018, [www.rfa.org/english/news/uyghur/philanthropist-11212018131511.html](http://www.rfa.org/english/news/uyghur/philanthropist-11212018131511.html)

<sup>49</sup> 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](http://www.economist.com/news/china/21582557-most-worlds-sharp-decline-executions-can-be-credited-china-strike-less-hard)

terrorism-related crime. Fifteen (31%) were imposed on foreign nationals, all for drug-related offences. The review of the cases of 10 people who received a last-minute stay of execution in 2016 continued.

Draft legislative amendments to the Criminal Code remained pending before Parliament at the end of the year. The proposals aimed at introducing the possibility of commuting death sentences 10 years after they are finalized, if certain conditions are met.

## DEATH SENTENCES AND EXECUTIONS RECORDED IN JAPAN 2009-2018



Japan carried out its highest number of executions (15) in any given year since 2008. In an unprecedented move, two sets of executions were carried out within a month, with seven men hanged at different locations on 6 July and a further six on 26 July.<sup>50</sup> All 13 men were members of the Aum Shinrikyo cult and had been convicted and sentenced to death in separate trials between 2006 and 2011 for their respective roles in orchestrating and carrying out a sarin gas attack in the Tokyo subway in 1995, and other illegal activities. The 13 executions followed the completion of the trials of two other men connected to this case. A further two men convicted of murder were hanged on 27 December.<sup>51</sup>

For the second consecutive year, executions were carried out while appeals were pending, in violation of international safeguards protecting the rights of those facing the death penalty.<sup>52</sup> This affected nine out of 13 men executed in July.

Four new death sentences were imposed, a figure similar to those recorded in previous years and 88% lower than the annual total a decade earlier.

On 11 June the Tokyo High Court overruled a decision by a lower court and denied a retrial to 82-year-old Iwao Hakamada. He had spent more than four decades on death row prior to his temporary release in March 2014, when the retrial was first ordered. Iwao Hakamada was convicted in an unfair trial of murder after he “confessed” following 20 days of interrogation by police. He retracted the “confession” during the trial and told the court that police had beaten and threatened him. DNA evidence cast serious doubt on the reliability of his conviction. The outcome of his appeal on this latest ruling remained pending.

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

<sup>50</sup> Amnesty International, *Japan: Unprecedented spate of executions continues as six more Aum cult members hanged* (News story, 26 July 2018) [www.amnesty.org/en/latest/news/2018/07/japan-unprecedented-spate-of-executions-aum-cult/](https://www.amnesty.org/en/latest/news/2018/07/japan-unprecedented-spate-of-executions-aum-cult/)

<sup>51</sup> “Two Japanese death row inmates executed over 1988 robbery-murders of Cosmo Research president and employee”, *Japan Times*, 27 December 2018, [www.japantimes.co.jp/news/2018/12/27/national/crime-legal/japan-executes-two-death-row-inmates-thursday-morning-sources/#.XFwKVVz7Q2w](https://www.japantimes.co.jp/news/2018/12/27/national/crime-legal/japan-executes-two-death-row-inmates-thursday-morning-sources/#.XFwKVVz7Q2w)

<sup>52</sup> Among other references, Safeguard No. 8 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the Economic and Social Council in resolution 1984/50 of 25 May 1984

At the end of the year, 109 out of the 116 people on death row had their death sentences finalized and were at risk of execution.<sup>53</sup>

The UN Human Rights Committee reviewed **Laos'** compliance with the International Covenant on Civil and Political Rights in June. During the review, the country's authorities noted that the scope of the death penalty had been reduced from 18 crimes to 12; and that out of 315 people on death row, 311 had been convicted of drug-related offences (99%); and 4 of murder.<sup>54</sup> The death sentences imposed in five other cases had been commuted to lesser punishments.<sup>55</sup>

The newly elected Government of **Malaysia** announced on 2 July that it had put the implementation of death sentences on hold, pending review of the country's death penalty laws.<sup>56</sup> On 10 October the de facto Minister in charge of Law in the Prime Minister's Office, Datuk Liew Vui Keong, announced that the Cabinet had decided to abolish the death penalty for all 32 offences for which it is the punishment under national law.<sup>57</sup> Legislative amendments to this aim were yet to be introduced in Parliament by the end of the year.

Amendments to the Dangerous Drugs Act, 1952, adopted by Parliament at the end of 2017, came into effect in March. The amended law retained the mandatory death penalty for all circumstances of drug trafficking but for those convicted of transporting, sending or delivering a prohibited substance who were also found to have co-operated with law enforcement in disrupting drug trafficking activities – an extremely narrow range of circumstances. In such cases, the only available alternative sentence was life imprisonment and no fewer than 15 strokes of the whip – a cruel punishment prohibited under international law. Contrary to international law and standards on reform, the revised law did not apply to individuals who had previously been convicted.<sup>58</sup>

Figures made available through official sources indicated that 190 people were sentenced to death during the year, including 136 (72%) for drug-related offences, 48 (25%) for murder, 3 (2%) for firearms offences and 3 (2%) for kidnapping and murder. Foreign nationals were involved in 60 (32%) of these cases, including 51 (38%) of the drug-related cases and 9 (19%) of the murder cases.

As of December 2018, 1,275 people were on death row. Reports published earlier in the year indicated that 142 (11%) women and 568 (45%) foreign nationals were among those under sentence of death; and that 932 people (73%) had been convicted of drug-related offences and 317 (25%) of murder. Other offences for which the death penalty was imposed included illegal possession of guns (13), crimes involving declarations of war on the head of state (9), kidnapping (5), robbery resulting in death (2) and an offence under the Internal Security Act (1), which had been since repealed.<sup>59</sup>

During the review of **Maldives** before the Committee against Torture, the newly inaugurated government committed to maintain the policy of not carrying out executions that the country had observed for over six decades.<sup>60</sup> Figures received from the Attorney General's Office indicated that 15 people, including one woman, remained under sentence of death at the end of the year. Three men had exhausted their legal avenues.

Four of the at least nine new death sentences imposed in **Myanmar** had been imposed on Rohingya men convicted in relation to their involvement in an attack on border police posts in Rakhine State in October 2016. Nine policemen were killed in the attacks, which sparked a grossly disproportionate military response amounting to crimes against humanity. The remaining death sentences were imposed for murder; and the rape and murder of a child in a high-profile case that triggered calls for the expansion of the scope of the

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<sup>53</sup> The death row figure included Iwao Hakamada, who was no longer in detention but remained under sentence of death

<sup>54</sup> Human Rights Committee, "Summary record of the 3505<sup>th</sup> meeting", UN Doc. CCPR/C/SR.3505 (2018), para. 65

<sup>55</sup> Human Rights Committee, UN Doc. CCPR/C/SR.3505 (2018), para.5

<sup>56</sup> Amnesty International, *Malaysia: Full abolition of death penalty must swiftly follow suspension of executions* (Press release, 3 July 2018) [www.amnesty.org/en/malaysia-full-abolition-of-death-penalty-must-swiftly-follow-welcome-suspension-of-executions/](http://www.amnesty.org/en/malaysia-full-abolition-of-death-penalty-must-swiftly-follow-welcome-suspension-of-executions/)

<sup>57</sup> "Death penalty to be abolished", *New Straits Times*, 10 October 2018, [www.nst.com.my/news/nation/2018/10/419931/death-penalty-be-abolished](http://www.nst.com.my/news/nation/2018/10/419931/death-penalty-be-abolished)

<sup>58</sup> This is contrary to, among other examples, Safeguard No. 2 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the UN Economic and Social Council in resolution 1984/50 of 25 May 1984; Article 15(1) of the International Covenant on Civil and Political Rights; Rome Statute of the International Criminal Court, Article 24(2); *Case of Scoppola v. Italy* (No. 2) (10249/03), European Court Grand Chamber (2009) para. 108

<sup>59</sup> See, among other reports, "Rethinking the death penalty", *Malaysian Insight*, 23 October 2018, [www.themalaysianinsight.com/s/105908](http://www.themalaysianinsight.com/s/105908)

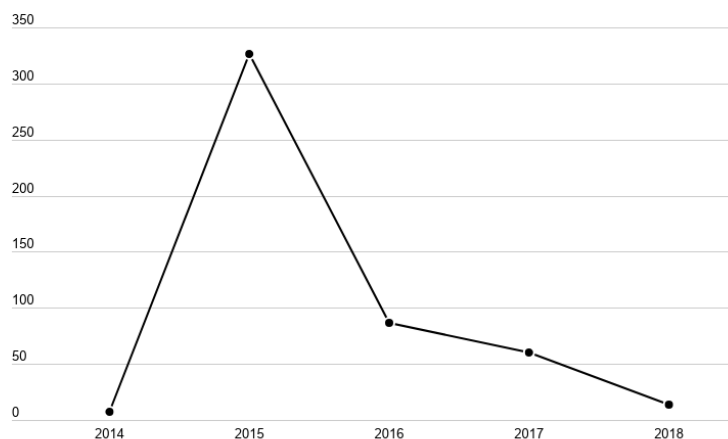
<sup>60</sup> Committee against Torture, "Consideration of the Maldives' initial report submitted under Article 19 of the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment – Opening statement of Head of Delegation Ahmed Naseem, Minister at the President's Office", 27 November 2018, [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MDV/INT\\_CAT\\_STA\\_MDV\\_33106\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/MDV/INT_CAT_STA_MDV_33106_E.pdf)

death penalty. A presidential pardon in April led to the release of two men from death row, Than Chaung and former Major Win Naing Kyaw.<sup>61</sup>

As in previous years, Amnesty International was unable to confirm information on the use of death penalty in North Korea. Reports of executions and death sentences suggested that this punishment continued to be used against disgraced high-ranking officials;<sup>62</sup> sometimes in public;<sup>63</sup> 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 were not considered crimes under international law.<sup>64</sup> While Amnesty International believed that death sentences continued to be imposed and implemented, often after grossly unfair trials and without the possibility of appeal, the organization was unable to independently verify reports of such sentences, or of executions.

A further decrease in executions was recorded in **Pakistan** in 2018. At least 14 men were executed, including one who had been convicted by an Anti-Terrorism Court.<sup>65</sup> This figure represents a decrease by 77% and 84% compared to 2017 and 2016, respectively. Following the attack on the army-run school in Peshawar on 16 December 2014, the authorities had partially lifted the six-year moratorium on executions, allowing the death penalty to be used in terrorism-related cases. On 11 March 2015 the Pakistan government announced that it was unconditionally lifting the moratorium for all capital crimes.

### EXECUTIONS RECORDED IN PAKISTAN 2014-2018



At least 105 new death sentences were imposed by ordinary or special courts, mostly for murder, but also for drug-related offences (2) and for “blasphemy” (3) – in violation of international law and standards. Of the 105, 28 (27%) were imposed by Anti-Terrorism Courts.

A further 145 death sentences were confirmed by Chief of Army Staff General Qamar Javed Bajwa after they were imposed, in secretive proceedings, by military courts established in January 2015 and whose mandate was extended in March 2017 to try civilians suspected of terrorism-related offences. Proceedings under these military courts did not meet international fair trial standards. Among other concerns, they were run by military officers subordinate to the military chain of command – and who had no formal legal training – in

<sup>61</sup> “8,500 released in presidential pardon, including 36 political prisoners”, The Irrawaddy, 18 April 2018, [www.irrawaddy.com/news/burma/8500-released-presidential-pardon-including-36-political-prisoners.html](http://www.irrawaddy.com/news/burma/8500-released-presidential-pardon-including-36-political-prisoners.html)

<sup>62</sup> “North Korea ‘executes officer who jumped gun on peace on peninsula’”, *Telegraph*, 28 June 2018, [www.telegraph.co.uk/news/2018/06/28/north-korea-executes-officer-jumped-gun-peace-peninsula/](http://www.telegraph.co.uk/news/2018/06/28/north-korea-executes-officer-jumped-gun-peace-peninsula/)

<sup>63</sup> “Serial rapist publicly executed in North Korea”, Daily NK, 10 October 2018, [www.dailynk.com/english/serial-rapist-publicly-executed-in-north-korea/](http://www.dailynk.com/english/serial-rapist-publicly-executed-in-north-korea/)

<sup>64</sup> “Fortune teller executed by firing squad in North Korea”, Daily NK, 19 December 2018, [www.dailynk.com/english/fortune-teller-executed-by-firing-squad/](http://www.dailynk.com/english/fortune-teller-executed-by-firing-squad/)

<sup>65</sup> 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

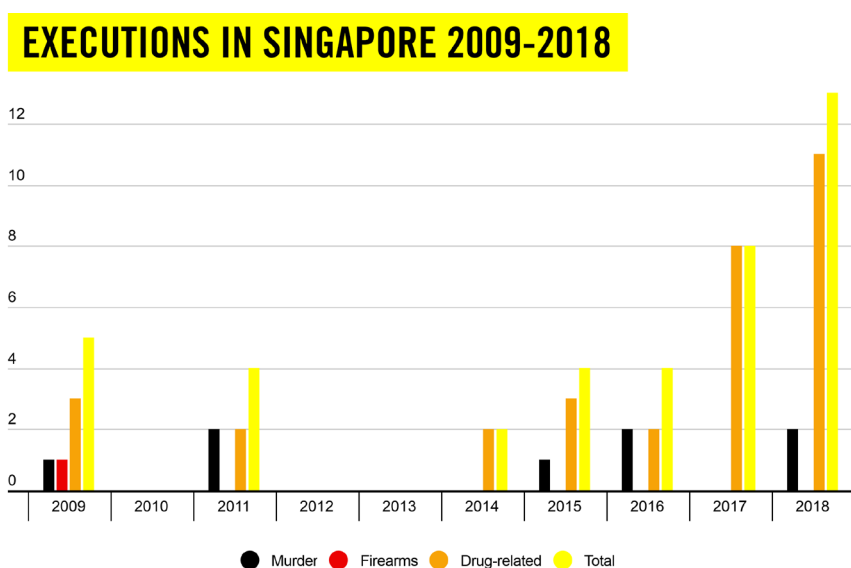


breach of the UN Basic Principles on the Independence of the Judiciary.<sup>66</sup> The charges against the defendants were not made public and those convicted did not have the right to appeal to civilian courts.

Figures provided by the authorities to NGO Justice Project Pakistan indicated that at least 4,864 people remained on death row, including 50 in Balochistan province and 3,890 in Punjab province.

In July the National Court of **Papua New Guinea** convicted and sentenced to death eight men for murder in a trial that involved 97 defendants. The case related to a 2014 sorcery-related violent attack in Sakiko, Madang province. The attack resulted in the death of six people.<sup>67</sup> A further death sentence was imposed in a separate murder case in November.<sup>68</sup> A man who had been sentenced to death in 2007 had his death sentence commuted in September.<sup>69</sup> The suspension of executions established by the National Court in 2017 remained in place at the end of the year.<sup>70</sup>

Figures on the use of the death penalty in **Singapore** continued to point to a steady upward trend as recorded in previous years, driven by the use of the death penalty for drug-related offences. For the first time since 2003, executions reached double figures. Seven of the 13 executions were known to have been carried out in October. Eleven of those executed had been convicted of drug trafficking and two for murder.



Seventeen new mandatory death sentences were imposed, including one for murder and 16 for drug trafficking. Two of these were imposed by the Court of Appeal.

On 17 September, amendments to the Criminal Procedure Code came into force. Among other measures introduced were video-recordings during police interrogations and the limiting of the grounds on which people can appeal to the courts after their conviction and sentence are finalized.<sup>71</sup>

The death sentence imposed in February in **South Korea** on a man convicted of murder was commuted to life imprisonment by the Seoul High Court on appeal in September.<sup>72</sup>

The President of **Sri Lanka** vowed to resume the implementation of death sentences for drug-related offences, following reports that some death row prisoners and prison officials had been involved in illegal

<sup>66</sup> For more information, see Amnesty International, *Pakistan: Widespread human rights violations continue* (Index: ASA 33/6513/2017)

<sup>67</sup> National Court of Papua New Guinea: *State v. Kakiwi* (PGNC 3) (2018); (N7067) (2018); and *State v. Kakiwi* (PGNC 273) (2018); (N7385) (2018)

<sup>68</sup> National Court of Papua New Guinea, *State v. Yanduo (No. 2)* (PGNC 496) (2018); (N7596) (2018)

<sup>69</sup> "Deathrow man beats the noose", *Post-Courier*, 21 September 2018, <https://postcourier.com.pg/deathrow-man-beats-noose/>

<sup>70</sup> National Court of Papua New Guinea, "Enforcement of Basic Rights under Section 57 of the Independent State of Papua New Guinea", (2017) (PGNC 266); (2017) (N6939)

<sup>71</sup> Criminal Justice Reform Act 2018 (No. 19 of 2018)

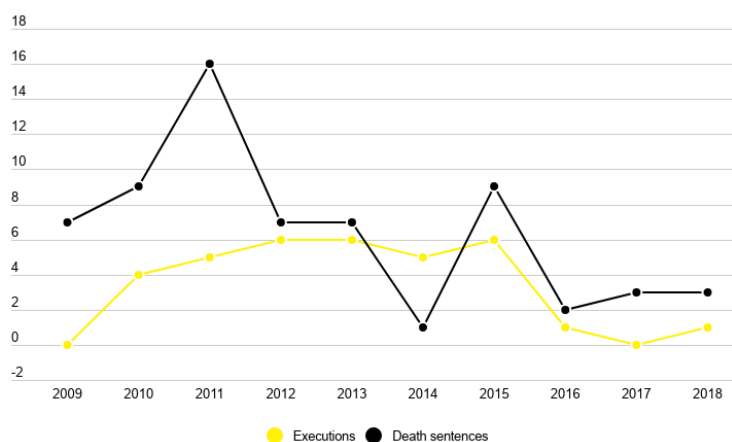
<sup>72</sup> "Father on death row receives life sentence", *Korea JoongAng Daily*, 7 September 2018, <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=3052884>

activities.<sup>73</sup> One woman and 19 men were selected for execution.<sup>74</sup> The last death sentence was implemented in 1976.

At least 6 (35%) out of 17 recorded death sentences were imposed for drug-related offences. Figures attributed to the Prisons Department indicated that of the 1,299 people under sentence of death at the end of the year, 1,215 were male and 84 female; 426 men and 50 women had their death sentences finalized.<sup>75</sup>

**Taiwan** carried out its first execution since 2016 on 31 August, the first implementation of a death sentence authorized by the government of President Tsai Ing-wen. The execution was ordered just one month after Minister Tsai Ching-hsiang was appointed as Minister of Justice; and less than 24 hours after a former death row prisoner was awarded over NT\$17 million (US\$550,000) by the High Court as compensation for the miscarriage of justice in his case.<sup>76</sup> He had been first sentenced to death in 2006 and acquitted of all charges in 2017.

## DEATH SENTENCES AND EXECUTIONS RECORDED IN TAIWAN 2009-2018



A man was sentenced to death in February for homicide and two others in July, after they were convicted in separate cases of arson and homicide. A month later, the Supreme Court quashed the arson conviction and death sentence of another man and ordered a retrial in October.<sup>77</sup> At the end of the year, 42 people were on death row, with their death sentences finalized.<sup>78</sup>

**Thailand** resumed executions by putting a man to death by lethal injection in secret. Theerasak Longji was executed at Bang Kwang Central Prison on 18 June and the Director General of the Department of Corrections of Thailand announced the execution after it had been carried out. His family told a national media outlet that they had not been notified in advance of the scheduled execution and were not given the chance of a last visit with their relative. Theerasak Longji was only allowed one phone call with his wife shortly before the execution was carried out. He was convicted of and sentenced to death for murder.<sup>79</sup>

In a departure from policy followed since 2009, no applications for royal pardon were granted during the year, suggesting that several other prisoners who had their clemency appeal rejected remained at risk of

<sup>73</sup> "Death penalty for drug traffickers, regardless of GSP Plus", Daily News (Sri Lanka), 26 July 2018, [www.dailynews.lk/2018/07/26/local/158020/death-penalty-drug-traffickers-regardless-gsp-plus](http://www.dailynews.lk/2018/07/26/local/158020/death-penalty-drug-traffickers-regardless-gsp-plus)

<sup>74</sup> "List of inmates with death penalty sent to the President", News 1st, 17 December 2018, [www.newsfirst.lk/2018/12/17/list-of-inmates-with-death-penalty-sent-to-the-president/](http://www.newsfirst.lk/2018/12/17/list-of-inmates-with-death-penalty-sent-to-the-president/)

<sup>75</sup> "1,299 on death-row in SL prisons", Daily Mirror (Sri Lanka), 10 January 2019, [www.dailymirror.lk/article/-on-death-row-in-SL-prisons-160894.html](http://www.dailymirror.lk/article/-on-death-row-in-SL-prisons-160894.html)

<sup>76</sup> "Former Taiwanese death row inmate granted NT\$17 million in compensation", Taiwan News, 30 August 2018, [www.taiwannews.com.tw/en/news/3518664](http://www.taiwannews.com.tw/en/news/3518664)

<sup>77</sup> "Court orders retrial for death row arsonist", Taipei Times, 5 October 2018, [www.taipeitimes.com/News/taiwan/archives/2018/10/05/2003701773](http://www.taipeitimes.com/News/taiwan/archives/2018/10/05/2003701773)

<sup>78</sup> For more information, see Taiwan Alliance to End the Death Penalty at [www.taedp.org.tw/en](http://www.taedp.org.tw/en)

<sup>79</sup> Amnesty International, Thailand: More at risk as Thailand resumes executions (Index: ASA 39/8635/2018)

execution. The Ministry of Justice indicated that 551 people were on death row at the end of the year, including 245 (44%) who had their death sentences finalized and 114 (20%) who had been convicted of drug-related offences. At least 33 new death sentences were believed to have been imposed.

The Fourth National Human Rights Plan adopted in December for implementation between 2019 and 2023 did not include the abolition of the death penalty, which had been featured in previous human rights programmes prepared by the Ministry of Justice.

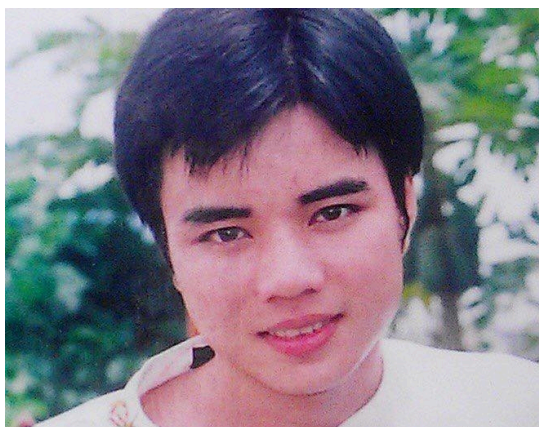
In a rare move, on 13 November 2018 Lê Thành Long, Minister of Justice of **Viet Nam**, stated before the National Assembly that there had been a sharp increase in the resort to this punishment recorded in the country compared to the previous year. According to the Minister, 85 executions were carried out and 122 new death sentences imposed as of early November.<sup>80</sup>

Despite this rare statement, figures on the use of the death penalty continued to be classified as a state secret. The numbers on executions and death sentences disclosed by the authorities in 2017 and in 2018 provided confirmation of concerns that Amnesty International and others had raised for many years, but only offered a limited insight into the reality of the death penalty in the country.<sup>81</sup>

As in previous years, Amnesty International continued to monitor reporting of executions and death sentences in the country and it was able to gather information on a limited number of cases. These reports showed that the death penalty continued to be used extensively for drug-related offences and murder. Several people continued to face this punishment for economic crimes such as embezzlement.

In its review of Viet Nam, the Committee against Torture expressed concern that confessions obtained through torture had reportedly resulted in the imposition of death sentences. The Committee further highlighted the particularly harsh conditions of detention which may amount to torture or ill-treatment, including solitary confinement in unventilated cells; inadequate food and drink; being shackled 24 hours a day; and physical abuse.<sup>82</sup> The Committee recommended the establishment of an effective system for collecting statistical data at the national level, including on the use of the death penalty.<sup>83</sup>

## HỒ DUY HẢI: AT RISK OF EXECUTION AFTER UNFAIR TRIAL



Hồ Duy Hải © Amnesty International

Hồ Duy Hải was among the over 600 people under sentence of death in Viet Nam and remained at imminent risk of execution during 2018. He came close to being executed twice in the past decade. The first time, the then President of Viet Nam, Trương Tấn Sang, stayed his execution one day before it was due to be carried out on 5 December 2014. Three years later, on 7 December 2017, the Chief of Long An's Procuracy pushed for his execution to be scheduled once again in a televised address, stating that

<sup>80</sup> A summary of the intervention is available in Vietnamese at this link: <https://baomoi.com/chinh-phu-bao-cao-ve-cong-tac-thi-hanh-an-nam-2018/c/28567685.epi>

<sup>81</sup> According to a report of the Ministry of Public Security published in February 2017, 429 prisoners were executed between 8 August 2013 and 30 June 2016, at an average rate of 147 executions per year. Report of the Ministry of Public Security No. 05/BC-BCA-C81, 4 January 2017

<sup>82</sup> Committee against Torture, Concluding observations on the initial report of Viet Nam, UN Doc. CAT/C/VNM/CO/1 (2018) paras 28 and 32

<sup>83</sup> Committee against Torture, UN Doc. CAT/C/VNM/CO/1 (2018) para. 42

any further delay in the implementation of his death sentence “affected local security”. His execution can now be carried out as soon as the authorities at state level give their approval.

Hồ Duy Hải said that he was forced to “confess” to the crime through torture, while interrogated by the police, a “confession” that he later retracted. His case has been marred by further procedural irregularities and disregard of key exculpatory evidence, to the point that on 10 February 2015, the Committee on Judicial Affairs of the National Assembly which investigates claims of miscarriages of justice concluded that both the courts of first instance and appeal had committed serious violations of criminal procedural law when handling Hồ Duy Hải’s case. It urged for his case to be reviewed in line with Article 273 of the Criminal Procedure Code.

Arrested in March 2008 at the age of 23, Hồ Duy Hải was convicted nine months later, on 1 December, by the People’s Court of Long An in Viet Nam of property theft and murder and sentenced to death. He has not had access to his lawyers since his conviction and death sentence were upheld by the Court of Appeal of the Supreme People’s Court in Ho Chi Minh City in April 2009. Despite concerns of a serious deterioration of his health, Hồ Duy Hải has not been treated by a doctor since his detention at the Long An Temporary Detention Centre in Long An province, in the South of Viet Nam, began in 2008.<sup>84</sup> His mother and sister have continued to campaign on his behalf for the past decade.

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<sup>84</sup> For more information see Amnesty International, *Viet Nam: 10 year death row case pushed for execution* (Index: ASA 41/8004/2018)

# EUROPE AND CENTRAL ASIA

## REGIONAL TRENDS

- The number of executions recorded in Belarus doubled compared with 2017. The last time another country in the region carried out executions was in 2005.
- Kazakhstan, the Russian Federation and Tajikistan continued to observe moratoriums on executions.

| COUNTRY            | 2018 RECORDED EXECUTIONS | 2018 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2018 |
|--------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Belarus            | 4+                       | 2+                            | 2+                                                            |
| Kazakhstan         | 0                        | 0                             | 1                                                             |
| Russian Federation | 0                        | 0                             | 0                                                             |
| Tajikistan         | 0                        | 0                             | 0                                                             |

On 31 May the European Court of Human Rights held unanimously in *Al Nashiri v. Romania* that Romania had violated its international obligations through its assistance in the 2004 transfer of Abd al-Rahim al-Nashiri under the US CIA's rendition and secret detention programme.<sup>85</sup> Among other violations, the European Court found that Romania had breached his rights to life and to a fair trial within a reasonable time, as well as his right not to be subjected to torture or other inhuman or degrading treatment or punishment. This was because Romania, a state party to Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the Abolition of the Death Penalty, failed to seek assurances to remove the real risk that al-Nashiri could face a flagrant denial of justice and the death penalty. At the end of 2018 the trial of Abd al-Rahim al-Nashiri was ongoing in unfair proceedings by the military commission at the US naval base at Guantánamo Bay, Cuba.

## NOTABLE COUNTRY DEVELOPMENTS

Two death row prisoners are believed to have been executed in **Belarus** in May. During his Supreme Court hearing in May, death row prisoner Viachaslau Sukharko declared that on the night of 15-16 May, Aliaksei Mikhalenya and Viktor Liotau had been taken away from their cells and never returned.<sup>86</sup> By the end of 2018, the Belarusian authorities had not confirmed the executions of the two men. They had been sentenced to death in separate cases in 2017 after being found guilty of murder.

In November, Ihar Hershankou and Siamion Berazhnoy were executed, without prior notification, after having been convicted and sentenced to death in July 2017 for murder, kidnapping, embezzlement, drug possession and falsification of documents. The executions followed a decision in July 2018 by the Supreme Court of Belarus to uphold their death sentences, after the same Court had – in an unprecedented move one month earlier – agreed to review their cases following an appeal claiming that there had been procedural

<sup>85</sup> *Al Nashiri v. Romania* (33234/12), European Court of Human Rights (2018) paras 721-722, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%5B%22001-183685%22%5D%7D>

<sup>86</sup> Amnesty International, *Belarus: Amnesty International condemns execution of two more prisoners* (Index: EUR 49/9521/2018)

violations in their case.<sup>87</sup> The Court ruled that such violations had not taken place. The prisoners' families confirmed the executions.

In December, the UN Special Rapporteur on the situation of human rights in Belarus, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions and the UN Human Rights Committee, condemned Belarus' continued use of the death penalty. They also condemned Belarus' failure to respect the requests from the UN Human Rights Committee not to carry out the executions of Aliaksei Mikhalevich, Ihar Hershankou and Siamion Berazhnoy while the Committee was examining their cases.<sup>88</sup>

In their reviews of the compliance of Belarus with two international treaties it ratified, the UN Human Rights Committee and the Committee against Torture recommended, among other observations, that Belarus should consider establishing a moratorium on executions, with a view to abolishing the death penalty and commuting death sentences. The UN Human Rights Committee also expressed concern that individuals facing the death penalty are being denied a fair trial, they and their families are not notified about the date of execution, the bodies of individuals who are executed are not returned to their relatives and the burial sites are not disclosed.<sup>89</sup> Furthermore, the Committee against Torture expressed deep concern at findings by the UN Human Rights Committee that confessions of guilt had been obtained under duress or torture and at reports that persons on death row were detained in solitary confinement.<sup>90</sup>

In January, Minsk City Court sentenced Viachaslau Sukharko and Aliaksandr Zhylnikau to death for murder after it reviewed their cases and a retrial quashed their sentences of life imprisonment. The Supreme Court upheld their death sentences in May, putting them at imminent risk of execution. They were the only two people known to be on death row at the end of 2018.<sup>91</sup>

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<sup>87</sup> Amnesty International, *Belarus: Unprecedented Supreme Court decision to suspend death sentences* (News Story, 15 June 2018), [www.amnesty.org/en/latest/news/2018/06/belarus-unprecedented-supreme-court-decision-to-suspend-death-sentences/](http://www.amnesty.org/en/latest/news/2018/06/belarus-unprecedented-supreme-court-decision-to-suspend-death-sentences/)

<sup>88</sup> Office of the High Commissioner for Human Rights, *UN human rights experts condemn Belarus executions*, 12 December 2018, [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24009&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24009&LangID=E)

<sup>89</sup> Concluding observations of UN Human Rights Committee: Belarus, UN Doc. CCPR/C/BLR/CO/5 (2018) para. 27

<sup>90</sup> Concluding observations of Committee against Torture: Belarus, UN Doc. CAT/C/BLR/CO/5 (2018) paras 54-55

<sup>91</sup> Amnesty International, *Belarus: Further information: Two prisoners at risk of imminent execution – Aliaksandr Zhylnikau and Viachaslau Sukharko* (Index: EUR 49/9586/2018)

# MIDDLE EAST AND NORTH AFRICA

## REGIONAL TRENDS

- Executions reduced by 41% compared to 2017, driven by large drops in Iran and Iraq.
- Five countries are known to have carried out executions, a 50% drop compared to 2017.
- Recorded death sentences increased by 89% compared to 2017, with Egypt accounting for 61% of all sentences.
- Iran, Saudi Arabia and Iraq remained the top executing countries in the region.

| COUNTRY                | 2018 RECORDED EXECUTIONS | 2018 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2018 |
|------------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Algeria                | 0                        | 1+                            | +                                                             |
| Bahrain                | 0                        | 12                            | 20+                                                           |
| Egypt                  | 43+                      | 717+                          | +                                                             |
| Iran                   | 253+                     | +                             | +                                                             |
| Iraq                   | 52+                      | 271+                          | 285+                                                          |
| Israel                 | 0                        | 0                             | 0                                                             |
| Jordan                 | 0                        | 16+                           | 16+                                                           |
| Kuwait                 | 0                        | 34                            | +                                                             |
| Lebanon                | 0                        | 5+                            | +                                                             |
| Libya                  | 0                        | 45+                           | 45+                                                           |
| Morocco/Western Sahara | 0                        | 10                            | 93                                                            |
| Oman                   | 0                        | 4+                            | +                                                             |
| Palestine (State of)   | 0                        | 13                            | +                                                             |
| Qatar                  | 0                        | 1+                            | +                                                             |
| Saudi Arabia           | 149                      | 4+                            | 46+                                                           |
| Syria <sup>92</sup>    | Unconfirmed              | Unconfirmed                   | Unconfirmed                                                   |
| Tunisia                | 0                        | 12+                           | 89+                                                           |
| United Arab Emirates   | 0                        | 10+                           | +                                                             |
| Yemen <sup>93</sup>    | 4+                       | 13+                           | 18+                                                           |

<sup>92</sup> Due to the internal armed conflict involving government forces and non-state armed groups, it was not possible to confirm whether any judicial executions were carried out or any death sentences imposed in Syria in 2018. This does not include reports of extrajudicial executions and other unlawful killings by both government forces and non-state armed groups during the armed conflict, or deaths in custody following torture or other ill-treatment.

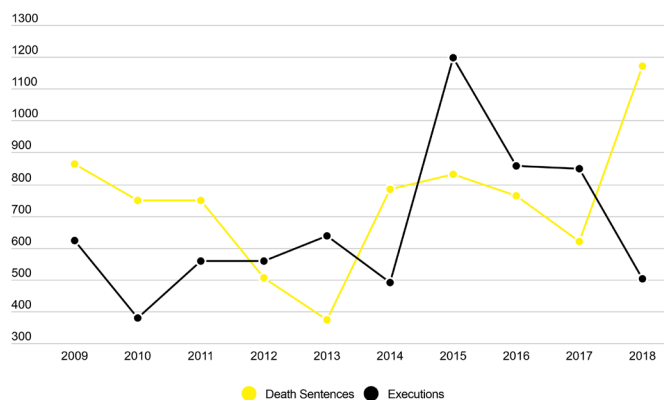
<sup>93</sup> Due to the armed conflict that began in March 2015, it has been difficult obtaining information on the use of the death penalty in Yemen. More death sentences may have been imposed and more executions carried out. The numbers recorded by Amnesty International do not

The number of executions recorded by Amnesty International in the Middle East and North Africa region dropped by 41%, from 847 in 2017 to 501 in 2018, the lowest number of executions recorded in the region since 2010.<sup>94</sup> The reduction was driven in particular by a halving of executions in Iran following changes in the country's anti-narcotics law, and Iraq. Five countries – Egypt, Iran, Iraq, Saudi Arabia and Yemen – were known to have carried out executions, a 50% drop in executing countries. No executions were recorded in 2018 in Bahrain, Jordan, Kuwait, Palestine (State of) and United Arab Emirates, all countries where executions were confirmed in 2017.

The Middle East and North Africa still contained some of the world's leading executioners; Iran, Iraq and Saudi Arabia carried out at least 454 recorded executions between them, 91% of the total number in the whole of the region.

In contrast to the reduction in executions, there was a spike in death sentences. The 1,170 recorded death sentences marked an 89% increase compared to 2017, when 619 were recorded. Just like in 2017, Egypt imposed the highest number of confirmed death sentences in the region – 61% – with at least 717 people sentenced to death compared to at least 402 in 2017. Amnesty International believed that hundreds of death sentences were imposed in Iran but was unable to confirm any credible figures.

### DEATH SENTENCES AND EXECUTIONS RECORDED IN THE MIDDLE EAST AND NORTH AFRICA 2009-2018



## NOTABLE COUNTRY DEVELOPMENTS

In **Bahrain**, King Hamad bin Isa Al Khalifa commuted the death sentences of Sayed Alawi Hussain al-Alawi, Fadhel Sayed Abbas Hasan Radhi, Mohammed Abdulhassan Ahmed al-Mitghawi and Mubarak Adel Mubarak Mhanna to life imprisonment. The four men had been sentenced to death for “forming a terrorist cell, attempting to assassinate the Commander in Chief of the Bahrain Defence Force (BDF) and committing other terrorist crimes.”<sup>95</sup> Their death sentences had been upheld by the Military Court of Cassation some days before the King granted the commutations in April. In December one more person, Sayed Redha Khalil Jaafar Ebrahim, had his death sentence commuted to life imprisonment by a court of appeal.

In October 2018, the Bahraini Court of Cassation overturned the death sentences imposed on Mohamed Ramadhan 'Issa 'Ali Hussain and Hussain 'Ali Moosa Hussain Mohamed based on new evidence indicating

include reports of extrajudicial executions and other unlawful killings by non-state armed groups during the armed conflict, or deaths in custody following torture or other ill-treatment.

<sup>94</sup> In 2010 Amnesty International recorded 378 executions in the Middle East and North Africa region

<sup>95</sup> Amnesty International, *Bahrain: King commutes four death sentences to life imprisonment but trials remain nonetheless unfair* (Index: MDE 11/8333/2018)

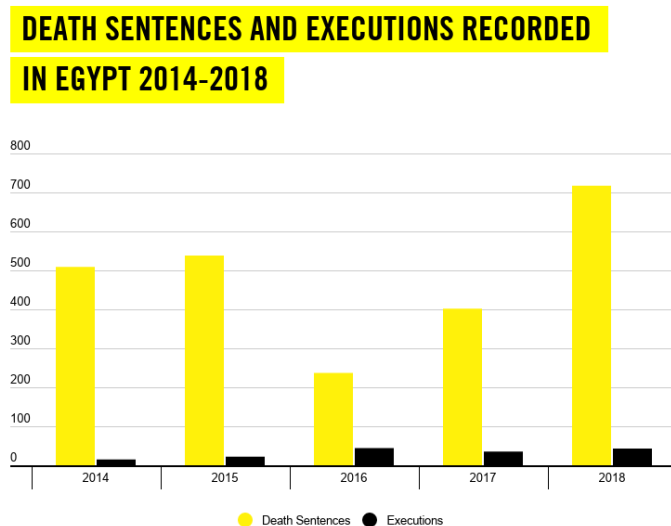


that the two men were tortured, and ordered the High Criminal Court of Appeal to retry the cases under a new panel of judges.<sup>96</sup>

Recorded executions in **Egypt** increased from 35 in 2017 to 43 in 2018, while the recorded number of death sentences imposed increased to a staggering 717, the highest ever recorded by Amnesty International in the country.

Hundreds of people were on death row at the end of the year but Amnesty International had insufficient information to provide a credible minimum figure. At least 289 commutations were granted, while one person was exonerated by a court.

Since 2014, under the administration of President Abdel Fattah al-Sisi, Egyptian ordinary and military courts have handed down at least 2,000 death sentences, mostly related to incidents of political violence, after unfair trials often based on “confessions” obtained under torture and flawed police investigations. Imposition of death sentences on civilians by the military courts is very common in Egypt. Military trials of civilians in Egypt are inherently unfair as all officials in military courts, including judges and prosecutors, are serving members of the military. These officials report to the Minister of Defence and do not have the necessary training on rule of law or fair trial standards. Amnesty International has found that in some cases – notably those in relation to crimes such as terrorism, incitement of violence and “political violence” – those convicted could not have committed the offence they were accused of as they were in police custody when the crimes were perpetrated.<sup>97</sup>



On 24 September 2018, Egypt’s Court of Cassation, which issues final rulings that cannot be appealed, upheld the death sentences of 20 Egyptians, including Ahmed Halim Gabreel, an 80-year-old Qur’an tutor.<sup>98</sup> They were convicted of killing 13 policemen during what is commonly known as “the Kersada Massacre”, when a group of protesters stormed the Kersada police station in Giza governorate in August 2013. During the trial, the court accepted as evidence two affidavits incriminating Abdel Halim Gabreel even though the two prosecution witnesses to whom they were ascribed denied making the statements.

In October, 17 people accused of carrying out three deadly church bombings in 2017, as well as attacks against security forces, were sentenced to death by a military court in Alexandria following a mass trial.<sup>99</sup> In September, a Cairo criminal court handed down 75 death sentences in a mass trial that prosecuted 739 people in relation to participation in the al-Rabaa sit-in that was dispersed with lethal force on 14 August

<sup>96</sup> Amnesty International, *Bahrain: Further information: Death sentences quashed, retrial ordered: Mohamed Ramadhan ‘Issa ‘Ali Hussain, Hussain ‘Ali Moosa Hussain Mohamed* (Index: MDE 11/9347/2018)

<sup>97</sup> Amnesty International, *Egypt: Two defendants at imminent risk of execution after military trial and torture* (News story, 27 March 2018), [www.amnesty.org/en/latest/news/2018/03/egypt-two-defendants-at-imminent-risk-of-execution-after-military-trial-and-torture/](http://www.amnesty.org/en/latest/news/2018/03/egypt-two-defendants-at-imminent-risk-of-execution-after-military-trial-and-torture/)

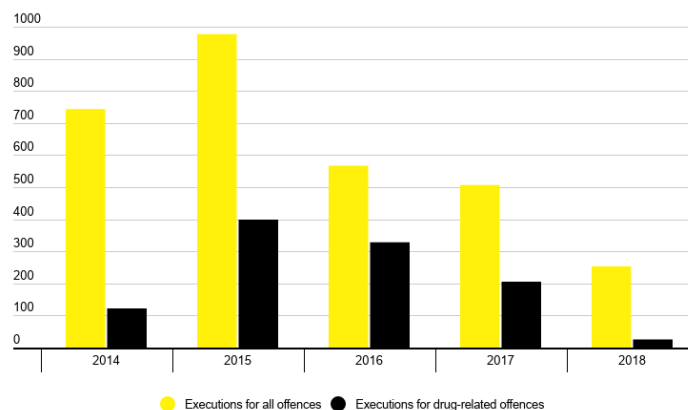
<sup>98</sup> Amnesty International, *80-year-old Egyptian’s death sentence upheld* (Index: MDE 12/9383/2018)

<sup>99</sup> Amnesty International, *Egypt: Mass death sentences will not deliver justice for victims of church bombings* (News story, 11 October 2018), [www.amnesty.org/en/latest/news/2018/10/egypt-mass-death-sentence-will-not-deliver-justice-for-victims-of-church-bombings/](http://www.amnesty.org/en/latest/news/2018/10/egypt-mass-death-sentence-will-not-deliver-justice-for-victims-of-church-bombings/)

2013. The group of 739 protesters was collectively prosecuted for the killing of 17 men, including seven members of the police, as well as other “offences” such as “illegal gathering”, “incitement to break the law” and involvement in violence.

The 253 executions recorded by Amnesty International in **Iran** was the lowest total it had recorded in the country since 2010, and less than half of the number it recorded in 2017 (507). This was largely due to the implementation of amendments to the anti-narcotics law and a temporary halt in executions for drug-related offences. The law, which had been amended in November 2017, increased the threshold of the quantity of drugs involved in the offence required for courts to impose a mandatory death sentence, with potential retroactive effect, and permitted people sentenced to death for drug-related offences to request a review of their death sentences with a view to commutation.

### EXECUTIONS RECORDED IN IRAN 2014-2018



Of the 253 individuals whose executions were recorded by Amnesty International, 160 were convicted of murder, five women and 155 men; 22 were men convicted of raping women; three were convicted of rape and murder; one was convicted of kidnapping and murder; three were convicted of kidnapping and rape; one was convicted of *baqi* (taking up arms against the state); 25 were convicted of drug trafficking; one was convicted of robbery; 18 were convicted of *moharebeh* (enmity against God), 12 of them in relation to robberies and six in relation to political activities; 14 were convicted of “spreading corruption on earth”; and five were convicted of offences that could not be confirmed. Executions were carried out after unfair trials, with at least 13 taking place in public. The Islamic Penal Code continued to provide for stoning as a method of execution, but this was not recorded as being used in 2018. Hanging was the only recorded method of execution used during the year. The death penalty was maintained for some consensual same-sex sexual conduct, as well as for vaguely worded offences such as “insulting the Prophet”, “enmity against God” and “spreading corruption on earth”.

One of those executed for murder was Mohammad Salas, from the Gonabadi Dervish minority, who was executed in June after he was found guilty in a grossly unfair trial for the murder of three police officers during a protest in February. The sole evidence was a “confession” he said he was forced to make under torture. This “confession”, taken from his hospital bed, was broadcast on state television weeks before his trial. He was also not allowed access to an independent lawyer of his own choosing at any point before or during his trial.

Two of those executed for *moharebeh* were Iranian ethnic minority Kurdish prisoners Zaniar Moradi and Loghman Moradi; Ramin Hossein Panahi was the individual executed for *baqi*. All three men were executed in Raja’i Shahr prison in the city of Karaj in September after grossly unfair trials. They were denied access to their lawyers after arrest and said they were tortured into making “confessions”.

Iranian law continued to provide for the death penalty for adultery. Two women, Zahra Derakhshani and Golestan Jankanlou, were sentenced to death by stoning for this “offence”.

Special courts dealing with crimes involving financial corruption that were established in August sentenced to death, lengthy prison terms and flogging a number of individuals whom the authorities had described as

“financially corrupt” and “saboteurs of the economy”. At least three of them were executed in 2018: Vahid Mazloumin and Mohammad Esmail Ghasemi, who had been accused of manipulating Iran’s gold and currency markets, in November, and Hamid Reza Bagheri Darmani in December. They were among the 14 individuals recorded as being executed for “spreading corruption on earth”. The defendants in the trial were denied access to lawyers of their own choosing, had no right to appeal against prison sentences and were given only 10 days within which to appeal their death sentences.

Iran increased its use of the death penalty against people below the age of 18 at the time of the crime, executing seven such individuals: two women, Zeinab Sekaanvand and Mahboubeh Mofidi, and five men, Ali Kazemi, Amirhossein Pourjafar, Abolfazl Chezani Sharahi, Omid Rostami and Abolfazl Naderi. At least 85 others remained on death row at the end of the year. Amnesty International has noted an alarming pattern of the Iranian authorities scheduling executions of juvenile offenders at short notice to minimize the chances of public or private interventions to save people’s lives.

Ali Kazemi, aged 22, was hanged in cruel circumstances on 30 January in a prison in Bushehr province.<sup>100</sup> His execution was scheduled and carried out without any notice given to his lawyer despite the requirement to do so under Iranian law. The authorities gave Ali Kazemi’s family misleading information about the date of his execution and, on the morning of 30 January, prison authorities called to reassure the family that the execution had not taken place. However, later the same day they were suddenly told the execution had been carried out. Ali Kazemi was convicted of murder in connection with the fatal stabbing of a man during a fight that took place in March 2011 when he was only 15 years old.

Under Iran’s Islamic Penal Code, boys aged above 15 lunar years and girls aged above nine lunar years who are convicted of murder and certain other capital crimes may be sentenced to death in the same way as adults. However, the law grants judges discretion to replace the death penalty with an alternative sentence if they find that there are doubts about the individual’s full “maturity” at the time of the crime. In February, the UN High Commissioner for Human Rights deplored the fact that Iran violates “far more often than any other state” the absolute prohibition, under international law, of the use of the death penalty against people who were below the age of 18 at the time of the crime of which they were convicted.

The case of Abolfazl Chezani Sharahi illustrates further Iran’s violation of the absolute prohibition of the use of the death penalty against children under international law.<sup>101</sup> Abolfazl Chezani Sharahi, aged 19, was executed at dawn on 27 June in Qom prison in Qom province, central Iran. He had been sentenced to death in September 2014 after Branch 1 of the criminal court in Qom province convicted him of murder for the fatal stabbing of a young man during a fight that took place on 26 December 2013, when he was just 14 years old. In its verdict, the court cited an expert medical opinion from the Legal Medicine Organization of Iran (the state forensic institute) which stated without further explanation that Abolfazl Chezani Sharahi had gained full “mental maturity” at the age of 14. This ruling was upheld by Branch 24 of Iran’s Supreme Court in November 2014.

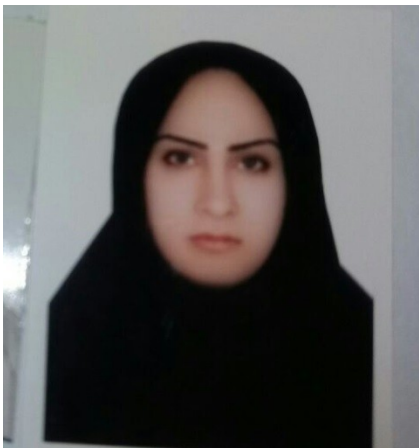
According to the verdict of the Supreme Court, which Amnesty International has reviewed, the death sentence was upheld even though the representative of the prosecutor’s office at the Supreme Court had submitted a legal opinion in favour of quashing the death sentence and raising concerns that the medical commission which had examined Abolfazl Chezani Sharahi’s maturity had not included a child psychology expert and had conducted the examination a year after the date of the crime. Abolfazl Chezani Sharahi subsequently submitted a request for judicial review, which was rejected by Branch 33 of the Supreme Court in October 2015. The court’s written judgment was less than three lines long and did not address any of the serious concerns raised by Abolfazl Chezani Sharahi’s lawyer and the prosecutor’s office about his young age and the flawed nature of the maturity assessments conducted.

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<sup>100</sup> Amnesty International, *Iran: Authorities execute man in exceptionally cruel circumstances* (News story, 30 January 2018), [www.amnesty.org/en/latest/news/2018/01/iran-authorities-execute-man-in-exceptionally-cruel-circumstances/](https://www.amnesty.org/en/latest/news/2018/01/iran-authorities-execute-man-in-exceptionally-cruel-circumstances/)

<sup>101</sup> Amnesty International, *Iran: Teenager’s execution exposes complicity of courts, parliament and doctors in assault on children’s rights* (Index: MDE 13/8696/2018)

## ZEINAB SEKAANVAND: A CHILD AT THE TIME OF CRIME; EXECUTED AFTER UNFAIR TRIAL



*Zeinab Sekaanvand Lokran © Private*

Zeinab Sekaanvand, who reported being a victim of domestic and sexual violence, was executed in October. She had been sentenced to death under *qesas* (retribution in kind) in October 2014 after a grossly unfair trial before a criminal court in West Azerbaijan province, which convicted her of the murder of her husband.

Zeinab Sekaanvand was arrested in February 2012 at the age of 17 and was held in a police station for the next 20 days where she said she was tortured by male police officers through beatings all over her body. She “confessed” that she stabbed her husband after he had subjected her to months of physical and verbal abuse and had refused her requests for divorce. She was only provided with a state-appointed lawyer at her final trial session, at which point she retracted her “confession”, telling the judge that her husband’s brother, whom she said had raped her several times, had committed the murder. She said that he told her that, if she accepted responsibility, he would pardon her (under Islamic law, murder victims’ relatives have the power to pardon the offender and accept financial compensation instead).

The court failed to investigate Zeinab Sekaanvand’s statements and, instead, relied on “confessions” she had made without a lawyer present to impose a death sentence. Although she was under 18 years old at the time of the crime, the court did not even apply the juvenile sentencing provisions of Iran’s own 2013 Islamic Penal Code, which gives judges the discretion to replace the death penalty with an alternative punishment if they determine that the juvenile offender did not understand the nature of the crime or its consequences, or that there were doubts about his or her “mental growth and maturity” at the time of the crime.

Zeinab Sekaanvand came from a poor and conservative family and ran away from home when she was 15 years old to marry Hossein Sarmadi, who was four years older than her. She said that she saw her marriage to Hossein Sarmadi as the only opportunity she had for a better life. However, not long after the couple were married, she said her husband started abusing her verbally and physically, beating her regularly. She requested a divorce from him several times, but he refused. She registered many complaints with the police about the abuse, but the police consistently failed to conduct any investigation into her complaints. She also tried to return to her family but was disowned by them after she ran away.

There was a 58% reduction in executions in **Iraq**, with at least 52 recorded in 2018 compared to at least 125 in 2017. All executions were carried out by the Iraqi central authorities; none was carried out in the Kurdistan Region of Iraq. The media office of then President Fuad Masum announced on several occasions that he had ratified “batches” of death sentences that had been upheld by courts.

The executions, sometimes of more than 10 individuals at a time, were carried out despite flagrant violations of due process. Executions were sometimes retaliatory and in response to public outrage after terrorism-related violence, often claimed by the armed group calling itself the Islamic State (IS). For example, following extrajudicial executions of members of Iraqi security forces abducted by IS fighters, on 28 June then Prime Minister Haider al-Abadi called for the swift execution of convicted “terrorists” whose death sentences had been ratified. The Ministry of Justice subsequently announced that 13 people had been executed.

Death sentences more than quadrupled, from at least 52 in 2017 to at least 271 in 2018, mainly due to the conclusion of the conflict between the Iraqi state and IS, following which the authorities arrested many individuals accused of affiliation with the group and put them on trial. The sentences were for offences that included mostly terrorism-related acts, in addition to murder, kidnapping and drug-related offences. Some women, particularly foreign nationals, were sentenced to death after being convicted of belonging to IS; a male relative, often their husband, was suspected of belonging to IS.

**Kuwait** had a hiatus in executions in 2018 following a resumption of executions the previous year. The government informed Amnesty International that during the year, 34 death sentences were imposed, 14 commutations were granted, two pardons were issued and three people were exonerated. Amnesty International recorded death sentences for murder, kidnapping and drug-related offences.

In **Libya**, no executions were recorded but in August an appeal court sentenced 45 supporters of former leader Muammar al-Gaddafi to death by firing squad for killings committed in the capital, Tripoli, during the 2011 uprising against his rule. The UN Support Mission in Libya (UNSMIL) expressed concerns about the mass death sentences, emphasizing its total opposition to the death penalty while acknowledging the endeavours of the Libyan judiciary to hold people to account for crimes committed during the 2011 uprising.<sup>102</sup>

No executions have been carried out in **Morocco/Western Sahara** since 1993, although the courts imposed 10 death sentences. Amnesty International recorded 93 people as being under sentence of death at the end of 2018. The authorities granted five pardons.

**Oman** imposed at least four death sentences, the first recorded use of the death penalty since 2015; no executions were carried out. A new Penal Code was issued on 14 January which retained the death penalty for a range of crimes.<sup>103</sup>

The government of **Qatar** informed Amnesty International that no executions were carried out and no death sentences were imposed in 2018. However, a Tunisian news agency reported that a Tunisian man, Fakhri Landolsi, was sentenced to death in Qatar in March.<sup>104</sup>

Amnesty International did not record any executions in the **State of Palestine** for the first time since 2015. Thirteen death sentences were imposed by courts run by the Hamas de facto administration in the Gaza Strip, including for three people who were tried in their absence. In December, courts in the Gaza Strip sentenced six people – five Palestinians and an Israeli resident – to death (five by hanging and one by firing squad) for “collaborating with Israel”.

Amnesty International recorded 149 executions – of two women and 147 men – in **Saudi Arabia**. There were 71 Saudi Arabian nationals. The others were foreign nationals: one (Burma); one (Djibouti); one (Somalia); one (Sudan); one (India); two (Indonesia); two (Lebanon) three (Chad); three (Jordan); four (Ethiopia); five (Nigeria); five (Yemen); six (Syria); seven (Egypt); 33 (Pakistan); and three people whose nationality was not known. Eighty-five of the executions were for murder, 60 for drug-related offences, one for armed robbery, one for kidnapping and torture, one for terrorism-related acts and one for rape. The authorities generally failed to abide by international standards of fair trial and safeguards for defendants in capital cases. Such cases were often held in secret and their proceedings were summary with no legal assistance or

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<sup>102</sup> “UN ‘concerned’ by death sentences passed on 45 pro Qaddafi killers of 2011 revolution supporting protestors”, Libya Herald, 16 August 2018, [www.libyaherald.com/2018/08/17/un-concerned-by-death-sentences-passed-on-45-pro-qaddafi-killers-of-2011-revolution-supporting-protestors/](http://www.libyaherald.com/2018/08/17/un-concerned-by-death-sentences-passed-on-45-pro-qaddafi-killers-of-2011-revolution-supporting-protestors/)

<sup>103</sup> “Oman’s penal code updated with new punishments for offences”, *Times of Oman*, 14 January 2018, <https://timesofoman.com/article/125975>

<sup>104</sup> “Kairouan: Fakhri Landolsi sentenced to death in Qatar... his family calls on Tunisian authorities to intervene urgently”, Tunisia News Gazette, 6 April 2018, <https://tunisianewsgazette.com/kairouan-fakhri-landolsi-sentenced-to-death-in-qatar-his-family-calls-on-tunisian-authorities-to-intervene-urgently/>

representation, as well as no translation services for foreign nationals through the various stages of detention and trial. Death sentences were regularly based on “confessions” which defendants said were extracted under torture.<sup>105</sup>

The authorities routinely failed to inform families of their relatives’ imminent execution or failed to inform them immediately after executions had been carried out. In October, the authorities executed Tuti Tursilawati, an Indonesian domestic migrant worker, without informing her family or the Indonesian authorities prior to her execution.<sup>106</sup>

The authorities used the death penalty as a tool to crush dissent, as manifested in the public prosecution’s recurring calls for the execution of several Shi’a activists and religious clerics on charges related to the peaceful exercise of their rights to freedom of expression, association and assembly.<sup>107</sup> Prominent religious cleric Salman al-Awda, who was arbitrarily detained in September 2017, was at risk of the death penalty after the public prosecution called for his execution on charges related to his affiliation to the Muslim Brotherhood and his calls for government reforms and regime change in the Arab region. Five Shi’a activists, including Israa al-Ghomgham, also faced the death penalty for charges related to their participation in protests for greater rights and reforms in the Shi’a-majority Eastern Province.

In August, King Salman bin Abdulaziz Al Saud issued the Law on Juveniles. This stipulates a maximum prison sentence of 10 years for juveniles (people below the age of 18 years) in cases where judges could otherwise apply *ta’ziri* (discretionary) death sentences for the offences concerned under Shari’a (Islamic law). It does not, however, exclude the imposition of death sentences on juveniles who are convicted of *hadd* crimes (those with fixed and severe punishments under Shari’a) or crimes punishable by *qisas* (retaliation), a category of crimes under Shari’a in which murder and bodily harm are punishable by the same harm, such as the death penalty for murder and infliction of the same injury for bodily harm. In this way, the law falls short of international human rights law, which strictly prohibits the use of the death penalty against people under the age of 18 at the time of the crime. At least four people in this category were on death row at the end of the year.

At the end of the year, 12 Saudi Arabian men were at imminent risk of execution. In February, the Supreme Court ratified the death sentences of Salem al-Amri, Muhammad Attieh, Abbas al-Hassan, Muhammad al-Aashur, Taleb al-Harbi, Hussein al-Hamidi, Hussain al-Abbud, Taher al-Harbi, Ali al-Aashur, Yussuf al-Harbi, Ali al-Mahna and Abbas al-Abbad.<sup>108</sup> The men had been convicted of spying for Iran and sentenced to death after a grossly unfair mass trial. In November, Amnesty International received information that the men’s cases were transferred from the Specialized Criminal Court to the Presidency of State Security, a body that holds prosecutorial powers and reports directly to the King. The 12 men could be executed as soon as the King ratifies the sentences, a secretive process which could happen at any time.

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<sup>105</sup> Amnesty International, *Saudi Arabia: 12 Saudi men at risk of imminent execution* (Index: MDE 23/9381/2018); Amnesty International, *Saudi Arabia: Saudi activists face the death penalty* (Index: MDE 23/9439/2018)

<sup>106</sup> “Indonesia protests Saudi Arabia’s execution of maid”, *The New York Times*, 1 November 2018, [www.nytimes.com/2018/11/01/world/asia/indonesia-maid-executed-saudi-arabia.html](http://www.nytimes.com/2018/11/01/world/asia/indonesia-maid-executed-saudi-arabia.html)

<sup>107</sup> Amnesty International, *Saudi Arabia: Recurring prosecution demands for execution of activists and religious clerics* (Index: MDE 23/9141/2018)

<sup>108</sup> Amnesty International, *Saudi Arabia: 12 Saudi men at risk of imminent execution* (Index: MDE 23/9381/2018)

# SUB-SAHARAN AFRICA

## REGIONAL TRENDS

- Four countries – Botswana, Somalia, South Sudan and Sudan – carried out executions, with Botswana and Sudan resuming after not doing so in 2017.
- A drop in recorded executions in Somalia drove an overall decrease in the region, from 28 in 2017 to 24 in 2018, despite an alarming increase in executions in South Sudan.
- The scope of the death penalty was expanded in Mauritania and Nigeria.
- Burkina Faso abolished the death penalty for ordinary crimes only and Gambia moved closer to abolishing the death penalty.

| COUNTRY                          | 2018 RECORDED EXECUTIONS | 2018 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2018 |
|----------------------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Benin                            | 0                        | 0                             | 0                                                             |
| Botswana                         | 2                        | 5                             | 5                                                             |
| Burkina Faso                     | 0                        | 0                             | +                                                             |
| Cameroon                         | 0                        | 0                             | +                                                             |
| Central African Republic         | 0                        | 0                             |                                                               |
| Chad                             | 0                        | 4+                            | 4+                                                            |
| Comoros                          | 0                        | 0                             |                                                               |
| Democratic Republic of the Congo | 0                        | 41                            | 41+                                                           |
| Equatorial Guinea                | 0                        | 0                             |                                                               |
| Eritrea                          | 0                        | 0                             | 0                                                             |
| Eswatini (former Swaziland)      | 0                        | 0                             | 1                                                             |
| Ethiopia                         | 0                        | 0                             |                                                               |
| Gambia                           | 0                        | 1                             | 22                                                            |
| Ghana                            | 0                        | 12                            | 172                                                           |
| Guinea                           | 0                        | 0                             | 8+                                                            |
| Kenya                            | 0                        | 12+                           | 158+ <sup>109</sup>                                           |
| Lesotho                          | 0                        | 0                             | 2                                                             |
| Liberia                          | 0                        | 0                             |                                                               |
| Malawi                           | 0                        | 0                             | 15                                                            |

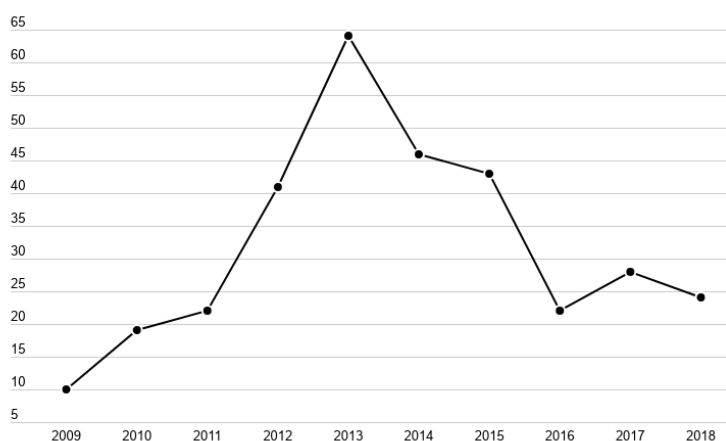
<sup>109</sup> This is the number Amnesty International confirmed were under the sentence of death at the Kamiti Maximum Security Prison only in November 2018. The actual number is likely to be higher.

| COUNTRY      | 2018 RECORDED EXECUTIONS | 2018 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2018 |
|--------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Mali         | 0                        | 18                            | 81                                                            |
| Mauritania   | 0                        | 3                             | 115                                                           |
| Niger        | 0                        | 0                             |                                                               |
| Nigeria      | 0                        | 46+                           | 2,000+                                                        |
| Sierra Leone | 0                        | 4                             | 42                                                            |
| Somalia      | 13                       | 15+                           | 139+                                                          |
| South Sudan  | 7+                       | 8+                            | 345+                                                          |
| Sudan        | 2                        | 8                             | 109+                                                          |
| Tanzania     | 0                        | 4+                            | 500+                                                          |
| Uganda       | 0                        | 5                             | 145                                                           |
| Zambia       | 0                        | 21+                           | 252+                                                          |
| Zimbabwe     | 0                        | 5+                            | 81+                                                           |

Progress against the use of the death penalty in the sub-Saharan Africa region was relatively positive in 2018.

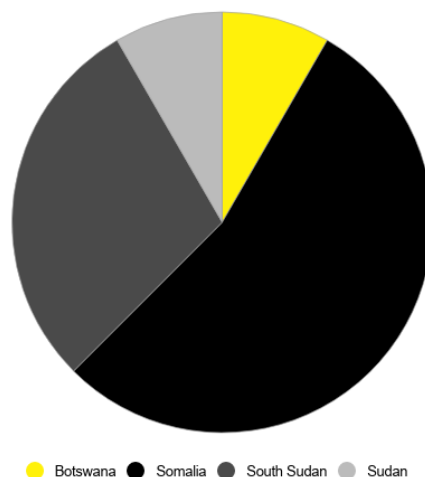
There was a decrease in recorded executions from 28 in 2017 to 24 in 2018. This was because of a drop in recorded executions in Somalia, despite a shocking increase in executions in South Sudan. However, two countries that did not carry out executions in 2017 – Botswana and Sudan – resumed them in 2018, joining Somalia and South Sudan as the region's only four executing countries in the year.

### EXECUTIONS RECORDED IN SUB-SAHARAN AFRICA 2009-2018





## EXECUTING COUNTRIES IN SUB-SAHARAN AFRICA 2018



Recorded death sentences reduced from at least 878 in 2017 to at least 212 in 2018 even though the number of countries that imposed death sentences increased to 17 from 15 recorded the previous year. The decrease in death sentences was mainly due to a reduction in the number of confirmed death sentences in Nigeria.<sup>110</sup> At the end of the year, Nigeria imposed the highest number of death sentences and recorded the highest number of people known to be under the sentence of death in sub-Saharan Africa.

Two countries made significant progress towards full abolition of the death penalty. Burkina Faso abolished the death penalty for ordinary crimes only while Gambia moved closer to fully abolishing the death penalty by entrenching its commitment to abolition.

## NOTABLE COUNTRY DEVELOPMENTS

On 21 February the government of **Benin** commuted the death sentence of 14 men – 10 from Benin, two from Nigeria, one from Togo and one from Côte d'Ivoire – to life imprisonment. The men were the last remaining people on death row in Benin, and had been languishing there, under grim conditions, for between 18 to 20 years. The commutations followed a judgment of the Constitutional Court in 2016 that effectively abolished the death penalty for all crimes. In June, the National Assembly adopted a new Penal Code which did not provide for the death penalty.<sup>111</sup> The Code was promulgated on 28 December.

**Botswana** executed two people for murder, Joseph Tselayarona in February and Uyapo Poloko in May. Following its review under the UN Universal Periodic Review in January, Botswana did not accept recommendations to establish an official moratorium on executions and abolish the death penalty.<sup>112</sup> However, the country accepted the recommendations to take active steps to ensure that public consultations on the abolition of the death penalty are held and renew the work to hold national discussion on the death penalty. In July, the African Commission on Human and Peoples' Rights called on Botswana to consider reforming its laws with a view to ending the death penalty. The Commission emphasized that Botswana should consider establishing a moratorium on the death penalty and lead dialogue on abolition of the punishment.

<sup>110</sup> Amnesty International was only able to confirm 46 death sentences in Nigeria; however, the real figure is likely to be higher

<sup>111</sup> National Assembly of the Republic of Benin, Penal Code, Loi n° 2018-16, 4 June 2018, [www.legibenin.net/pdfs/le%20nouveau%20code%20penal%202018.pdf](http://www.legibenin.net/pdfs/le%20nouveau%20code%20penal%202018.pdf)

<sup>112</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review, Botswana*, UN Doc. A/HRC/38/8, <https://undocs.org/en/A/HRC/38/8>

In **Burkina Faso**, on 31 May 2018, the National Assembly of Burkina Faso adopted a new Penal Code which excludes the death penalty as a punishment for crimes; this was promulgated by the President on 22 June 2018. However, the Code of Military Justice still provides for the death penalty for military crimes, so Amnesty International classified the country as abolitionist for ordinary crimes only. Despite the enactment of the Code, some prisoners remained under the sentence of death at the end of the year but Amnesty International was unable to confirm a credible minimum figure. During the year, the authorities announced that a referendum on a new constitution, which includes a provision to abolish the death penalty for all crimes, will be held in 2019.<sup>113</sup>

In February, the President of **Gambia**, Adama Barrow, announced the establishment of an official moratorium on executions. In September, Gambia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty thus becoming the 86<sup>th</sup> State Party to the treaty. The Gambian authorities confirmed that no executions had been carried out and one new death sentence had been imposed. At the end of the year, 22 people were under the sentence of death, of whom the majority were convicted of murder and four were foreign nationals.

The **Ghana** Prisons Service informed Amnesty International that 12 people had been sentenced to death in 2018, and no executions were carried out. At the end of the year, 172 people were under sentence of death, including seven foreign nationals from Benin (1), Burkina Faso (2), Nigeria (3) and Britain (1).

Although **Guinea** abolished the death penalty for all crimes in 2017, Amnesty International received credible information that at least eight people remained under the sentence of death at the end of 2018.

In March, the then Attorney-General of **Kenya**, Githu Muigai, appointed a 13-member task force to review the legislative framework on the death penalty and other matters and set up a framework to deal with rehearing of sentencing of persons on death row. This was in implementation of the December 2017 order of the Supreme Court in *Francis Karioko Muruatetu v. Republic*, which declared mandatory imposition of the death sentence in murder cases to be unconstitutional.

Despite the abolition of the mandatory death penalty for murder in Kenya, the courts exercised discretion to impose the death sentence in at least 12 cases. In July, Ruth Kamande was convicted and sentenced to death for killing her boyfriend, Farid Mohammed. In November, the High Court of Kenya sentenced police constables Benjamin Kahindi Changawa and Stanley Okoti to death for the unlawful killing of Administration Police Constable Joseph Obongo and his two relatives, Geoffrey Mogoi and Amos Okenye, in Kangemi, Nairobi.

During the year, pronouncements were made in favour of introducing the death penalty for corruption and poaching. Kevin Macharia, a lawyer, drafted a bill proposing the death penalty for corruption, economic crimes and sabotage,<sup>114</sup> while Honourable Ngunjiri Wambugu, an MP for the ruling Jubilee party, declared his intention to introduce a bill in Parliament proposing the death penalty for corruption.<sup>115</sup> Further, Minister for Tourism and Wildlife, Najib Balala, declared that laws prescribing the death penalty for poaching would be fast-tracked.<sup>116</sup>

While no executions were recorded in **Mauritania**, three death sentences were imposed. A blogger, Mohamed Mkhaitir, who was sentenced to death in December 2014 for a “blasphemous” post he made on Facebook, remained in custody in an unknown location. This was despite an appeal court ruling that commuted his death sentence on 9 November 2017 to a prison term equal to the amount of time he had already served. In April, the National Assembly passed a law that replaced Article 306 of the Criminal Code and made the death penalty mandatory for anyone convicted of “blasphemous speech” and acts deemed “sacrilegious”. The new law removes the possibility under Article 306 of substituting death sentences with prison terms for certain apostasy-related crimes if the offender promptly repents. The law also extends the scope of application of the death penalty to “renegade acts”.

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<sup>113</sup> The referendum was planned for March 2019 but, at the time of going to print, appears to have been delayed

<sup>114</sup> “New Bill proposes death sentence, no bail for graft suspects”, Standard Digital, 25 September 2018, [www.standardmedia.co.ke/article/2001296746/new-bill-proposes-death-sentence-no-bail-for-graft-suspects](http://www.standardmedia.co.ke/article/2001296746/new-bill-proposes-death-sentence-no-bail-for-graft-suspects)

<sup>115</sup> “Graft must carry a death sentence”, *The Star*, 6 June 2018, [www.the-star.co.ke/news/2018/06/06/graft-must-carry-a-death-sentence\\_c1768019](http://www.the-star.co.ke/news/2018/06/06/graft-must-carry-a-death-sentence_c1768019)

<sup>116</sup> “Kenya to fast-track laws to make wildlife killing capital offense”, Xinhua, 5 November 2018, [www.xinhuanet.com/english/2018-05/11/c\\_137172427.htm](http://www.xinhuanet.com/english/2018-05/11/c_137172427.htm)

With more than 2,000 people on death row – including at least 46<sup>117</sup> sentenced to death in 2018 – **Nigeria** had the highest death row population in sub-Saharan Africa at the end of the year. No executions were carried out and at least 32 commutations and 16 pardons were granted.

Using powers under Section 212 of the 1999 Nigeria Constitution (as amended), state governors granted clemency to death row prisoners. In March, the Delta State Governor, Ifeanyi Okowa, commuted 30 death sentences to life imprisonment. Later in the year he called on Nigeria to abolish the death penalty, arguing that the world is moving away from this punishment. In November, shortly before leaving office, then Governor of Osun State, Rauf Aregbesola, pardoned four death row prisoners and commuted the sentences of two others to 10 years' imprisonment. On 31 December, Ondo State Governor Rotimi Akeredolu commuted the death sentences of three death row prisoners to life imprisonment and pardoned 12 others.

In a unanimous decision, a five-person panel of the Supreme Court affirmed the death sentence imposed by the Abia State High Court in 2006 on three men who were members of the Bakassi Boys vigilante group.<sup>118</sup> The men – Emmanuel Eze, Adiele Ndubuisi and Stanley Azuogu – who had been convicted of murder by the trial court had their appeal dismissed by the Court of Appeal in May 2010. Having exhausted their right of appeal Amnesty International is concerned that the three men are now at risk of execution.

Legislative steps were taken to expand the scope of the death penalty. In March, Rivers State amended its laws to prescribe the death penalty for kidnapping and cultism by adopting the Rivers State Secret Cult and Similar Activities (Prohibition) (Amendment) Law No.6 of 2018 and the Rivers State Kidnap (Prohibition) (Amendment) No.2 Law No.7 of 2018.<sup>119</sup> Following the enactment of the laws, the Governor of Rivers State, Nyesom Wike, declared that he would sign the execution warrant of anyone convicted of kidnapping whose conviction is affirmed by the Supreme Court. In addition, the Senate considered a bill prescribing death by hanging for any person found guilty of any form of hate speech that results in the death of another person;<sup>120</sup> the bill had not become law by the end of the year.

There was a significant decrease in the number of executions recorded in **Somalia**, compared to 2017 when 24 executions were confirmed. Of the 13 executions recorded in 2018, three were under the authority of the Federal Government of Somalia and 10 under the authority of Jubaland regional administration.<sup>121</sup> All the executions were carried out by firing squad. Of the at least 15 death sentences imposed, seven were by the Federal Government of Somalia, seven in Puntland and one in Jubaland. All the executions and death sentences were carried out and imposed for murder and terrorism-related offences.

According to multiple independent and credible sources, **South Sudan** imposed at least eight death sentences and executed at least seven people, the highest number recorded by Amnesty International, in any year, since the country gained independence in 2011. At least one was a child at the time of the crime. Four of the executions, including the individual known to have been under the age of 18 at the time of the crime, were carried out in Wau Central Prison between May and October 2018, and at least three people are known to have been executed in Juba between July and October 2018. The person below the age of 18 at the time of the crime was executed in Wau the day after he was transferred to the prison.

At the end of the year, at least 345 people were under sentence of death. The alarming rise in executions raises concerns that others amongst the at least 345 people under sentence of death may be at heightened risk of execution. On 26 April 2018, the Director-General of the National Prison Service of South Sudan issued a letter (Circular number 3/2018) directing the transfer of all death row prisoners from county and state prisons in Bahr el Ghazal region in the north-western part of the country to Wau Central Prison and those in the Equatoria region in the southern part of the country to Juba Central Prison. Wau Central Prison and Juba Central Prison are the prisons where executions are carried out. No official reason was given; however, the Director-General "observed with great concern" that death row prisoners were being held in state and county prisons. Following the directive, in May 2018 alone, a total of 98 death row prisoners were transferred from Kuajok, Tonj, Rumbek and Aweil state prisons to Wau Central Prison. According to information received by Amnesty International, a further 34 death row prisoners were also transferred from Torit State Prison to Juba Central Prison in September 2018 and another three, one of whom is possibly a child, from Kapoeta State Prison to Juba Central Prison in November 2018. The three death row prisoners

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<sup>117</sup> This figure is Amnesty International's minimum credible estimate, the real figure is likely to be much higher

<sup>118</sup> "Supreme Court affirms three Bakassi Boys' death penalty", *Punch*, 6 July 2018, <https://punchng.com/supreme-court-affirms-three-bakassi-boys-death-penalty/>

<sup>119</sup> "I'll sign death warrant of convicted cultists without looking back – Wike", *PM News*, 15 March 2018, [www.pmnnewsigeria.com/2018/03/15/ill-sign-death-warrant-of-convicted-cultists-without-looking-back-wike/](http://www.pmnnewsigeria.com/2018/03/15/ill-sign-death-warrant-of-convicted-cultists-without-looking-back-wike/)

<sup>120</sup> "New Senate Bill proposes death sentence for hate speech", *Premium Times*, 2 March 2018, [www.premiumtimesng.com/news/top-news/260466-new-senate-bill-proposes-death-sentence-hate-speech.html](http://www.premiumtimesng.com/news/top-news/260466-new-senate-bill-proposes-death-sentence-hate-speech.html)

<sup>121</sup> These figures do not include reports of public unlawful killings by Somali armed opposition groups such as al-Shabaab

transferred from Kapoeta State Prison to Juba Central Prison were sentenced to death in August and September 2018. The death row prisoners who were moved to Juba Central Prison from Torit State Prison include one child and two women, including a lactating mother.

The execution of at least one person who was a child at the time of the commission of the crime constitutes a clear violation of South Sudan's obligations under South Sudanese law and international human rights law and standards, as does the presence of at least one other child on death row. The use of the death penalty against such people is strictly prohibited by South Sudan's 2011 Transitional Constitution and the Convention on the Rights of the Child, to which South Sudan is a party.<sup>122</sup> The execution of a mother caring for a young child would also contravene South Sudanese law and international human rights law and standards.

### **"PHILIP DENG" (NOT HIS REAL NAME): A CHILD ON DEATH ROW**



*"Philip Deng", 17-year-old prisoner on death row in South Sudan.  
© Amnesty International*

"Philip Deng" (not his real name), a student in secondary school, was sentenced to death by hanging on 14 November 2017 after being convicted of murder, which he claims was an accident. He was 15 years of age at the time of the incident and conviction. Philip did not have legal representation during the trial. He finally gained access to a lawyer who appealed the court's decision on 27 December 2017. He was transferred from Torit State Prison to Juba Central Prison on 9 September 2018 where he still languishes waiting for his appeal to be heard. Philip turned 17 in December 2018.

**"I told the judge that I was 15 years old."**

**"The feeling is not good at all because no one like[s] to die. To be informed that you are going to die, I am not happy for that."**

**Sudan** resumed the implementation of death sentences during the year, with the execution of two people, the first executions since 2016. Fewer death sentences (8) were imposed compared to 2017 (17+). President Omer al-Bashir granted pardons to five death row prisoners – Ibrahim Abdel-Rahman Saffi al-Nur, Yahia Abbaker Musa al-Nur, Ibrahim Ali al-Rashid Abdel-Gadir, Mohamed Ibrahim al-Doma and Azrag Daldoom Adam Haroun – who are members of the rebel Justice and Equality Movement.<sup>123</sup> The Court of Appeal commuted the death sentence of one person, Noura Hussein.

<sup>122</sup> South Sudan became a party to the Convention on the Rights of the Child in 2015. For further reading on South Sudan's use of the death penalty, see Amnesty International, *'I told the judge I was 15': The use of the death penalty in South Sudan* (Index: AFR 65/9496/2018)

<sup>123</sup> "Sudan's al-Bashir pardons 5 death-sentenced rebels", Sudan Tribune, 11 May 2018, [www.sudantribune.com/spip.php?article65380](http://www.sudantribune.com/spip.php?article65380)

## NOURA HUSSEIN: COMMUTATION OF DEATH SENTENCE



Noura Hussein © Amnesty International

Noura Hussein was married against her will to Abdulrahman Mohamed Hammad at the age of 16. Sudanese law allows children over the age of 10 to marry. The first marriage ceremony involved the signing of a marriage contract between her father and Abdulrahman. The second part of the marriage ceremony took place in April 2017, when she was forced to move into Abdulrahman's home upon completing high school. According to Noura's testimony, when she refused to consummate the marriage, Abdulrahman invited two of his brothers and a male cousin to hold her down as he raped her. The next day he tried to rape her again, but she defended herself. In the ensuing struggle, Abdulrahman sustained a fatal knife injury and died. Noura was put on trial. In May, she was convicted and sentenced to death for murder despite evidence that she had acted in self-defence, and a medical examination report which showed that she had sustained several injuries, including a bite and scratches, in the struggle against her husband. In June, the Court of Appeal quashed Noura's death sentence and replaced it with five years' imprisonment and financial compensation, customarily known as *Diya* or "blood money" of 337,500 Sudanese pounds (around US\$8,400). In August, the state prosecutors filed an appeal to the Supreme Court for the death sentence to be reinstated. At the end of the year the matter was pending before the Supreme Court while Noura remain detained in Omdurman women's prison.

In **Uganda**, President Yoweri Museveni stated in January that he was going to resume the signing of execution warrants as a deterrent to what he said was a rising crime rate. However, there is no credible evidence that the death penalty has a greater deterrent effect on crime than prison terms. The last executions under the civil justice system (non-military) were carried out in 1999 when 28 people were executed. The last executions under the military justice system were carried out in 2005. Of the 145 people known to be under the sentence of death at the end of the year, 139 were men and six were women. Amnesty International was concerned that not all death row prisoners have been granted hearings in mitigation of their death sentence more than a decade since the Supreme Court abolished the mandatory imposition of death sentences in *Susan Kigula & 416 Ors v. Attorney General*. The organization has received credible information of at least 1 death row prisoner who has been denied mitigation.

In March, President Emmerson Mnangagwa of **Zimbabwe** commuted the death sentences of prisoners who had been on death row for more than 10 years;<sup>124</sup> at least 16 people were beneficiaries of the commutations.<sup>125</sup> On 10 October, on the World Day against the Death Penalty, the President reiterated his opposition to the death penalty.<sup>126</sup>

<sup>124</sup> Amnesty International, *Zimbabwe: Commuting death sentences a commendable first step* (News story, 22 March 2018), [www.amnesty.org/en/latest/news/2018/03/zimbabwe-commuting-death-sentences-a-commendable-first-step/](http://www.amnesty.org/en/latest/news/2018/03/zimbabwe-commuting-death-sentences-a-commendable-first-step/)

<sup>125</sup> "Mnangagwa commutes death sentences for 16 prisoners", News24, 28 March 2018, [www.news24.com/Africa/Zimbabwe/mnangagwa-commutes-death-sentences-for-16-prisoners-20180328](http://www.news24.com/Africa/Zimbabwe/mnangagwa-commutes-death-sentences-for-16-prisoners-20180328)

<sup>126</sup> "Zimbabwe president 'wholeheartedly' against death penalty", Africanews, 11 October 2018, [www.africanews.com/2018/10/11/zimbabwe-president-wholeheartedly-against-death-penalty/](http://www.africanews.com/2018/10/11/zimbabwe-president-wholeheartedly-against-death-penalty/)

# ANNEX I: EXECUTIONS AND DEATH SENTENCES IN 2018

This report only covers the judicial use of the death penalty and does not include figures for extrajudicial executions. Amnesty International only reports figures for which it can find reasonable confirmation, although the true figures for some countries are significantly higher. Some states intentionally conceal death penalty proceedings; others do not keep or make available data on the numbers of death sentences and executions.

Where “+” appears after a figure next to the name of a country – for example, Indonesia (48+) – it means that Amnesty International confirmed 48 executions or death sentences in Indonesia but believes there were more than 48. Where “+” appears after a country name without a figure – for instance, Iran (+) – it means that Amnesty International has corroborated executions or death sentences (more than one) in that country but had insufficient information to provide a credible minimum figure. When calculating global and regional totals, “+” has been counted as 2, including for China.

## RECORDED EXECUTIONS IN 2018

|                  |                                                           |
|------------------|-----------------------------------------------------------|
| China 1,000s     | Somalia 13 (Jubaland 10, Federal Government of Somalia 3) |
| Iran 253+        | South Sudan 7+                                            |
| Saudi Arabia 149 | Belarus 4+                                                |
| Viet Nam 85+     | Yemen 4+                                                  |
| Iraq 52+         | Afghanistan 3                                             |
| Egypt 43+        | Botswana 2                                                |
| USA 25           | Sudan 2                                                   |
| Japan 15         | Taiwan 1                                                  |
| Pakistan 14+     | Thailand 1                                                |
| Singapore 13     | North Korea +                                             |

## RECORDED DEATH SENTENCES IN 2018

|                                                                       |                           |
|-----------------------------------------------------------------------|---------------------------|
| China 1,000s                                                          | UAE 10+                   |
| Egypt 717+                                                            | Morocco/Western Sahara 10 |
| Iraq 271+                                                             | Myanmar 9+                |
| Pakistan 250+                                                         | Papua New Guinea 9        |
| Bangladesh 229+                                                       | South Sudan 8+            |
| Malaysia 190                                                          | Sudan 8                   |
| India 162                                                             | Lebanon 5+                |
| Viet Nam 122+                                                         | Zimbabwe 5+               |
| Indonesia 48+                                                         | Botswana 5                |
| Nigeria 46+                                                           | Uganda 5                  |
| Libya 45+                                                             | Chad 4+                   |
| USA 45                                                                | Oman 4+                   |
| Democratic Republic of the Congo 41                                   | Saudi Arabia 4+           |
| Kuwait 34                                                             | Tanzania 4+               |
| Thailand 33+                                                          | Japan 4                   |
| Zambia 21+                                                            | Sierra Leone 4            |
| Mali 18                                                               | Mauritania 3              |
| Sri Lanka 17+                                                         | Taiwan 3                  |
| Singapore 17                                                          | Belarus 2+                |
| Jordan 16+                                                            | Guyana 2                  |
| Somalia 15+ (Puntland 7, Federal Government of Somalia 7, Jubaland 1) | Algeria 1+                |
| Yemen 13+                                                             | Qatar 1+                  |
| Palestine (State of: 13, Hamas authorities, Gaza)                     | Gambia 1                  |
| Kenya 12+                                                             | South Korea 1             |
| Tunisia 12+                                                           | Afghanistan +             |
| Bahrain 12                                                            | Iran +                    |
| Ghana 12                                                              | North Korea +             |

# ANNEX II: ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 31 DECEMBER 2018

More than two thirds of the countries in the world have now abolished the death penalty in law or practice. As of 31 December 2018 the numbers were as follows:

Abolitionist for all crimes: 106

Abolitionist for ordinary crimes only: 8

Abolitionist in practice: 28

Total abolitionist in law or practice: 142

Retentionist: 56

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

## 1. ABOLITIONIST FOR ALL CRIMES

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

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

## 2. ABOLITIONIST FOR ORDINARY CRIMES ONLY

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

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



### 3. ABOLITIONIST IN PRACTICE

Countries that retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the last 10 years and are believed to have a policy or established practice of not carrying out executions:

Algeria, Brunei Darussalam, Cameroon, Central African Republic, Eritrea, Eswatini (former Swaziland), Ghana, Grenada, Kenya, Laos, Liberia, Malawi, Maldives, Mali, Mauritania, Morocco/Western Sahara, Myanmar, Niger, Papua New Guinea, Russian Federation,<sup>127</sup> Sierra Leone, South Korea (Republic of Korea), Sri Lanka, Tajikistan, Tanzania, Tonga, Tunisia, Zambia.

### 4. RETENTIONIST

Countries that retain the death penalty for ordinary crimes:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Chad, China, Comoros, Cuba, Democratic Republic of the Congo, Dominica, Egypt, Equatorial Guinea, Ethiopia, Gambia, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Nigeria, North Korea (Democratic People's Republic of Korea), Oman, Pakistan, Palestine (State of), Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, South Sudan, Sudan, Syria, Taiwan, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, USA, Viet Nam, Yemen, Zimbabwe.

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<sup>127</sup> The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic.

# ANNEX III: RATIFICATION OF INTERNATIONAL TREATIES AS OF 31 DECEMBER 2018

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

Below are short descriptions of the four treaties, a list of states parties to the treaties and lists of countries which have signed but not ratified the treaties, as of 31 December 2018. (States may become states parties to international treaties either by acceding to them or by ratifying them. Signature indicates an intention to become a party at a later date through ratification. States are bound under international law to respect the provisions of treaties to which they are a party, and to do nothing to defeat the object and purpose of treaties which they have signed.)

## **SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY**

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

States parties: Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Madagascar, Malta, Mexico, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia (including Kosovo), Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, UK, Ukraine, Uruguay, Uzbekistan, Venezuela (total: 86)

Signed but not ratified: Angola (total: 1)

## **PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS TO ABOLISH THE DEATH PENALTY**

The Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted by the General Assembly of the Organization of American States in 1990, provides for the total abolition of the death penalty but allows states parties to retain the death penalty in wartime if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state party to the American Convention on Human Rights can become a party to the Protocol.

States parties: Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay, Venezuela (total: 13)

## **PROTOCOL NO. 6 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS, CONCERNING THE ABOLITION OF THE DEATH PENALTY**

Protocol No. 6 to the (European) Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), concerning the abolition of the death penalty, adopted by the Council of Europe in 1983, provides for the abolition of the death penalty in peacetime; states parties may retain the death penalty for crimes “in time of war or of imminent threat of war”. Any state party to the European Convention on Human Rights can become a party to the Protocol.

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

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

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

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

States parties: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia (including Kosovo), Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, UK, Ukraine (total: 44)

Signed but not ratified: Armenia (total: 1)

# ANNEX IV: VOTING RESULTS OF UN GENERAL ASSEMBLY RESOLUTION 73/175, ADOPTED ON 17 DECEMBER 2018

The UN General Assembly adopted its seventh resolution on a moratorium on the use of the death penalty. The resolution was adopted by an overwhelming majority of UN member states.

## **Co-sponsors of UN General Assembly resolution 73/175, adopted on 17 December 2018**

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cabo Verde, Canada, Central African Republic, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Madagascar, Malta, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Romania, Samoa, San Marino, Sao Tome and Principe, Serbia (including Kosovo), Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Togo, Tuvalu, UK, Ukraine, Uruguay, Venezuela (total: 83)

**Votes in favour** – Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cabo Verde, Cambodia, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Eritrea, Estonia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Libya, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Madagascar, Malawi, Malaysia, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Palau, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia (including Kosovo), Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Suriname, Sweden, Switzerland, Tajikistan, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Tuvalu, UK, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela (total: 121)

**Votes against** – Afghanistan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Egypt, Ethiopia, Grenada, India, Iran, Iraq, Jamaica, Japan, Kuwait, Maldives, Nauru, North Korea (Democratic People's Republic of Korea), Oman, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, Syria, Trinidad and Tobago, USA, Yemen, Zimbabwe (total: 35)

**Abstentions** – Antigua and Barbuda, Belarus, Cameroon, Comoros, Congo (Republic of), Cuba, Democratic Republic of the Congo, Djibouti, Ghana, Guinea, Guyana, Indonesia, Jordan, Kenya, Laos, Lebanon, Lesotho, Liberia, Mauritania, Morocco/Western Sahara, Myanmar, Nigeria, Philippines, South Korea (Republic of Korea), South Sudan, Tanzania, Thailand, Tonga, Uganda, United Arab Emirates, Viet Nam, Zambia (total: 32)

**Not present** – Burundi, Eswatini (former Swaziland), Senegal, Seychelles, Sierra Leone (total: 5)



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# DEATH SENTENCES AND EXECUTIONS

## 2018

Amnesty International's research on the use of the death penalty in 2018 confirmed that its imposition and implementation is confined to a minority of countries. The number of known executions dropped by over 30% compared to 2017, representing the lowest figure that the organization has recorded in the past decade. This drop reflected significant reductions in some of the world's top executing countries, such as Iran, Iraq, Pakistan and Somalia. However, this progress was marred by resumptions or increases in executions in some countries including Belarus, Japan, Singapore, South Sudan, Thailand and the USA. Rare official figures on Viet Nam placed it among the lead executioners.

On the positive side, Burkina Faso abolished the death penalty for ordinary crimes while Gambia established an official moratorium on executions and became 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 Government of Malaysia also announced a moratorium on executions and reforms of its death penalty laws.

This report analyses some of the key elements in the worldwide use of the death penalty in 2018.

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

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