

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 ¹⁴	25 in 8 states: Alabama (2) Florida (2) Georgia (2) Nebraska (1) Ohio (1) South Dakota (1) Tennessee (3) Texas (13)	45 in 16 jurisdictions: Alabama (3) Arizona (2) Arkansas (2) California (5) Florida (7) ¹⁵ Louisiana (1) Mississippi (2) Missouri (1) Nebraska (2) Nevada (1) Ohio (6) Oklahoma (1) Pennsylvania (2) Tennessee (1) Texas (7) Federal authorities (2)	2,654 people held in 33 jurisdictions including: 739 in California 343 in Florida 223 in Texas 176 in Alabama 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;¹⁶ South Dakota since 2012; and Tennessee since 2009. Nevada also came close to carrying out its first execution since 2006 in July.¹⁷ 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.¹⁸

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).

¹⁴ 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/

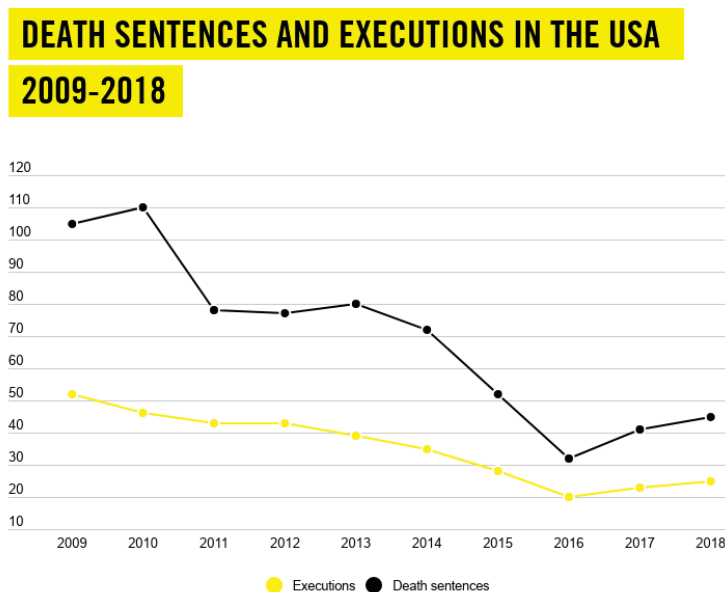
¹⁵ This figure does not include the new death sentences imposed in re-sentencing hearings granted pursuant to the judgment of the US Supreme Court, *Hurst v. Florida*, Certiorari to the Supreme Court of Florida (No. 14-7505, 577 US) (2016)

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

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

¹⁸ 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).¹⁹ 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 2007.²⁰ 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.

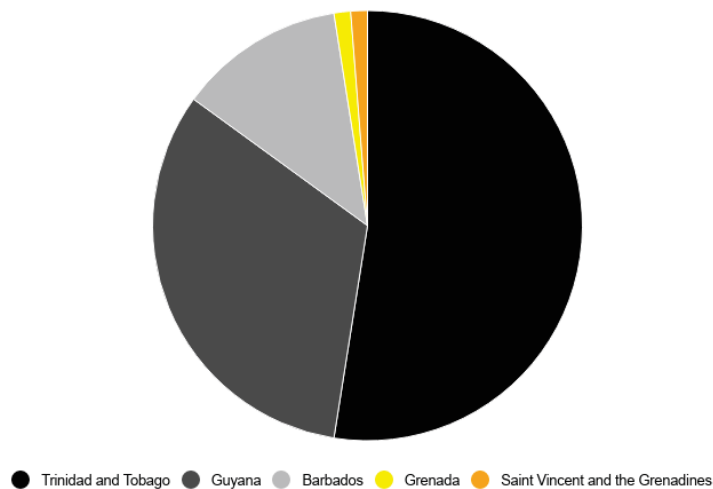
Outside the USA, the progress towards ending the use of the death penalty continued. Saint Kitts and Nevis was the latest state to report an empty death row at the end of the year, joining eight other countries (Antigua and Barbuda, Bahamas, Belize, Cuba, Dominica, Guatemala, Jamaica and Saint Lucia). 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.

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

²⁰ 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.²¹ 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.²²

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.²³ 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.²⁴

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

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

²³ 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)

²⁴ 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.²⁵ 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.²⁶

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.²⁷ 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 20th abolitionist state in the **USA** after the state's Supreme Court declared – for the fourth time – its death penalty laws to be unconstitutional.²⁸ 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.²⁹ 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 2018.³⁰

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.³¹

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.³² 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.³³

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

²⁵ 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

²⁶ 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

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

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

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

³⁰ 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

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

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

³³ 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.³⁴ 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 164.³⁵

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.³⁶

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.³⁷ 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.

³⁴ 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

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

³⁶ 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

³⁷ "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

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 ³⁸	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+

³⁸ Project 39A, Death penalty in India: Annual statistics report 2018, January 2019, 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