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AMNESTY INTERNATIONAL GLOBAL REPORT

DEATH SENTENCES AND EXECUTIONS

2016

AMNESTY
INTERNATIONAL



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<i>Insert:</i> Secret executions in Viet Nam Executing countries in 2016 Death penalty trends 1997-2016

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 2016. As in previous years, information is collected from a variety of sources, including: official figures; 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 In many countries governments do not publish information on their use of the death penalty.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 2016 little or no information was available on some countries – in particular Laos, North Korea (the Democratic People's Republic of Korea), Syria and Yemen – 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. 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. Amnesty International's decision to stop publishing data reflected concerns about how the Chinese authorities misrepresented Amnesty International's numbers. Since 2009 the organization challenged China to publish information on the use of the death penalty. China has yet to publish any figures on the death penalty. However, available information indicates that thousands of people are executed and sentenced to death in China each year.

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/deathpenalty

In tables and lists, where “+” appears after a figure next to the name of a country – for instance, Afghanistan (4+) – it means that Amnesty International confirmed 4 executions, death sentences or persons under sentence of death in Afghanistan but believes that there were more than 4. 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 2016

**“Revenge must never be confused with justice,
and the death penalty only serves to compound
injustice”**

Zeid Ra'ad Al Hussein, UN High Commissioner for Human Rights, 9 August 2016¹

GLOBAL FIGURES

Amnesty International's global monitoring of the use of the death penalty points to an overall decrease in states' resort to this punishment in 2016.

The total number of executions decreased from the historical high figure reported in 2015. The number of countries that imposed death sentences and the number of countries that carried out executions– were also noticeably lower. However, the figure of recorded new death sentences increased compared to the previous year, exceeding the previous highest total recorded in 2014.

Two countries abolished the death penalty for all crimes and one country abolished it for ordinary crimes only. Several others took steps to restrict their use of this punishment, confirming that, despite regressive moves in some countries, the global trend remained towards the abolition of the death penalty as the ultimate cruel, inhuman and degrading punishment.

¹ “Zeid urges Maldives to retain long-standing moratorium on death penalty”, Office of the UN High Commissioner for Human Rights, 9 August 2016, available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20353&LangID=E#sthash.vC3qeUDV.dpuf

EXECUTIONS

Amnesty International recorded a 37% decrease in the number of executions carried out globally in 2016 as against the previous year. At least 1,032 people were executed – 602 fewer than in 2015 when the organization recorded the highest number of executions in a single year since 1989.² Despite the significant decrease, the overall number of executions in 2016 remained higher than the average recorded for the previous decade. These numbers do not include the thousands of executions carried out in China, where data on the use of the death penalty remained classified as a state secret.³

Iran alone accounted for 55% of all recorded executions. Together with Saudi Arabia, Iraq and Pakistan it carried out 87% of the global total. Iraq more than tripled its executions and Egypt and Bangladesh doubled theirs. New information about the number of executions carried out in Malaysia and particularly in Viet Nam provided an insight into the magnitude and true extent of their use of the death penalty.

The overall number of executions carried out in Iran, however, dropped by 42% (from at least 977 to at least 567) compared to the previous year. A significant decrease in the implementation of death sentences was also recorded in Pakistan, by 73%. Executions also noticeably fell in Indonesia, Somalia and the USA. For the first time since 2006, the USA did not feature among the world's top five executioners, due partly to litigation and challenges in sourcing chemicals used in lethal injection procedures.

Amnesty International recorded executions in 23 countries, two fewer than in 2015. Belarus and authorities within the State of Palestine resumed executions in 2016 after a year's hiatus, while Botswana and Nigeria carried out their first executions since 2013. In 2016, Amnesty International did not record executions in six countries – Chad, India, Jordan, Oman, United Arab Emirates and Yemen – that carried out executions in 2015. The organization was unable to confirm whether judicial executions took place in Libya, Syria and Yemen.

² Until 2015, Amnesty International presented in its annual reports on the global use of the death penalty two figures for executions in Iran: the figure of officially announced executions, which the organization used as its main figure in infographics and short text; and the figure relating to those executions that were not officially announced. From 2016 onward, Amnesty International has been using the sum of officially announced and non-officially announced executions as its main figure.

³ In 2009 Amnesty International stopped publishing its estimated figures on the use of the death penalty in China, where data on capital punishment is considered a state secret. Instead, the organization has challenged the Chinese authorities to prove their claims that they are achieving their goal of reducing the application of the death penalty by publishing the figures themselves. (See page 19 in this report and Amnesty International's report "China's deadly secrets" (ASA 17/5849/2017), April 2017).

EXECUTIONS RECORDED GLOBALLY IN 2016

Afghanistan (6), Bangladesh (10), Belarus (4+), Botswana (1), China (+), Egypt (44+), Indonesia (4), Iran (567+), Iraq (88+), Japan (3), Malaysia (9), Nigeria (3), North Korea (+), Pakistan (87+), Palestine (State of) (3: Hamas authorities, Gaza), Saudi Arabia (154+), Singapore (4), Somalia (14: Puntland 1, Somaliland 6, Federal Government of Somalia 7), South Sudan (+), Sudan (2), Taiwan (1), USA (20), Viet Nam (+).

The following methods of execution were used: beheading (Saudi Arabia); hanging (Afghanistan, Bangladesh, Botswana, Egypt, Iran, Iraq, Japan, Malaysia, Nigeria, Pakistan, Palestine (State of), Singapore, South Sudan, Sudan); lethal injection (China, USA, Viet Nam); and shooting (Belarus, China, Indonesia, North Korea (the Democratic People's Republic of Korea), Palestine (State of), Saudi Arabia, Somalia, Taiwan). In line with previous years, Amnesty International did not receive any reports of judicial executions by stoning.

DEATH SENTENCES

Amnesty International recorded that 3,117 people were sentenced to death in 55 countries for 2016. The overall number of death sentences constitutes a significant increase on the total for 2015 (1,998) and exceeds the record-high total that the organization reported in 2014 (2,466).

Amnesty International recorded significantly higher numbers of death sentences imposed in Bangladesh, Cameroon, Democratic Republic of the Congo, India, Indonesia, Iraq, Lebanon, Nigeria, Pakistan, Somalia, Thailand and Zambia than in the previous year; however, decreases were particularly noticeable in Egypt and the USA. For some of these countries, such as Thailand, the increase is due to the fact that the authorities provided Amnesty International with detailed information on their use of the death penalty in 2016. Amnesty International's own ability to obtain credible data on some other countries may have also partly contributed to a higher overall figure.

The number of countries imposing death sentences decreased from 61 in 2015 to 55 in 2016, the same as in 2014.

DEATH SENTENCES RECORDED GLOBALLY IN 2016

Afghanistan (4+), Algeria (50), Bangladesh (245+), Barbados (3), Belarus (4), Cameroon (160+), China (+), Democratic Republic of the Congo (93+), Egypt (237+), Ethiopia (2), Ghana (17), Guyana (1), India (136), Indonesia (60+), Iran (+), Iraq (145+), Japan (3), Jordan (13), Kazakhstan (1), Kenya (24+), Kuwait (49), Laos (3+), Lebanon (126), Liberia (5+), Libya (1+), Malawi (1), Malaysia (36+), Maldives (2), Mali (30), Morocco/Western Sahara (6), Myanmar (3+), Niger (11), Nigeria (527), North Korea (+), Pakistan (360+), Palestine (State of) (21: Hamas authorities, Gaza), Papua New Guinea (1), Qatar (4), Saudi Arabia (40+), Sierra Leone (5), Singapore (7+), Somalia (60: Puntland 45; Somaliland 8; Federal Government of Somalia 7), South Sudan (+), Sri Lanka (79+), Sudan (21+), Taiwan (2), Tanzania (19), Thailand (216), Trinidad and Tobago (2), Tunisia (44), United Arab Emirates (26), USA (32), Viet Nam (63+), Zambia (101), Zimbabwe (8).

Death sentences were imposed in Barbados, Guyana, Kazakhstan, Liberia, Papua New Guinea – countries where Amnesty International did not record any in 2015. There was no record of death sentences in 2016 in countries that imposed them in 2015 – Bahrain, Botswana, Brunei Darussalam, Burkina Faso, Chad, Gambia, Mauritania, Mongolia, Syria, Uganda and Yemen.

At least 18,848 people were known to be under sentence of death worldwide at the end of 2016.

COMMUTATIONS, PARDONS AND EXONERATIONS

Amnesty International recorded commutations or pardons of death sentences in 28 countries: Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, China, Egypt, Ghana, India, Indonesia, Kenya, Kuwait, Malaysia, Mauritania, Morocco/Western Sahara, Myanmar, Niger, Nigeria, Pakistan, Qatar, Saudi Arabia, Singapore, Sri Lanka, Sudan, Taiwan, Thailand, United Arab Emirates, Viet Nam and Zimbabwe.⁴

Amnesty International recorded 60 exonerations of prisoners under sentence of death in 9 countries: Bangladesh (4), China (5), Ghana (1), Kuwait (5), Mauritania (1), Nigeria (32), Sudan (9), Taiwan (1) and Viet Nam (2).⁵

HOW THE DEATH PENALTY WAS USED IN 2016

Public executions were carried out in Iran (at least 33) and North Korea.

Amnesty International received reports indicating that at least two people in Iran were executed for crimes committed when they were **under 18 years of age**. Iran also sentenced other juvenile offenders to death in 2016. Amnesty International believed that juvenile offenders convicted in previous years remained on death row in Bangladesh, Indonesia, Iran, Maldives, Nigeria, Pakistan and Papua New Guinea. The imposition and execution of the

⁴ 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.

⁵ 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.

death penalty against people who were aged under 18 when the crime was committed is a violation of international law. Often the actual age of the offender is in dispute because no clear proof of age, such as a certificate of registration at birth, exists.⁶

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

In the majority of countries where people were sentenced to death or executed, the death penalty was imposed after proceedings that **did not meet international fair trial standards**. In 2016 Amnesty International raised particular concerns in relation to court proceedings in Bangladesh, Belarus, China, Egypt, Indonesia, Iran, Iraq, North Korea, Pakistan, Saudi Arabia and Viet Nam. In several countries – including Bahrain, China, Iran, Iraq, North Korea and Saudi Arabia – some convictions and death sentences were based on “confessions” that may have been extracted through **torture or other ill-treatment**. In Iran and Iraq some of these “confessions” were broadcast on television before the trial took place, further breaching the defendant’s right to presumption of innocence.

Mandatory death sentences continued to be imposed in Barbados, Ghana, Iran, Jordan, Malaysia, Maldives, Myanmar, Nigeria, Pakistan, Saudi Arabia, Singapore and Trinidad and Tobago. 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”.⁷

Military courts sentenced civilians to death in Cameroon, Democratic Republic of the Congo, Egypt and Pakistan. Special courts whose proceedings did not meet international fair trial standards imposed death sentences in Bangladesh.

People continued to be sentenced to death or executed for **crimes that did not involve intentional killing**, and therefore did not meet the threshold of “most serious crimes”, as prescribed by Article 6 of the International Covenant on Civil and Political Rights. The death penalty was imposed or implemented for drug-related offences in a number of countries, including China, India, Indonesia, Iran, Kuwait, Laos, Malaysia, Saudi Arabia, Singapore, Sri Lanka, Thailand, United Arab Emirates and Viet Nam.

⁶ 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.

⁷ UN Human Rights Committee, *Pagdayawon Rolando v Philippines*, Views of the Human Rights Committee, Communication No. 1110/2002, UN doc. CCPR/C/82/D/1110/2002, 8 December 2004, para.5.2

Other capital crimes which did not meet the standard of “most serious crimes” but for which the death penalty was imposed or executions carried out in 2016 included: spying (Saudi Arabia); kidnapping (Saudi Arabia); rape (Saudi Arabia); and “blasphemy” or “insulting the prophet of Islam” (Pakistan).

Finally, 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, were punished with death sentences in China, Iran, Lebanon, North Korea, Pakistan, Palestine (State of) (in Gaza), and Saudi Arabia.

THE DEATH PENALTY AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS IN 2016

Of the 35 member states of the Organization of American States, only the USA carried out executions.

Of the 57 member states of the Organization for Security and Co-operation in Europe, only Belarus and the USA carried out executions.

Six of the 54 member states of the African Union carried out executions: Botswana, Egypt, Nigeria, Somalia, South Sudan and Sudan.

Six of the 21 member states of the League of Arab States were known to have carried out executions: Egypt, Iraq, Palestine, Saudi Arabia, Somalia and Sudan.⁸

Four of the 10 member states of the Association of Southeast Asian Nations carried out executions: Indonesia, Malaysia, Singapore and Viet Nam.

Six of the 53 member states of the Commonwealth were known to have carried out executions: Bangladesh, Botswana, Malaysia, Nigeria, Pakistan and Singapore.

Three of the member and observer states of the Organisation internationale de la Francophonie were known to have carried out executions: Chad, Egypt and Viet Nam.

Japan and the USA were the only countries in the G8 to carry out executions.

172 (89%) of the 193 member states of the UN were execution-free in 2016.

Calls for the resumption of executions as a crime control measure were recorded in all regions of the world, despite the lack of convincing evidence that the death penalty has a unique deterrent effect. In particular, the governments of the Philippines and Turkey pledged to reintroduce the death penalty as a measure to tackle crime and threats to national security,

⁸ Syria’s membership to the League of Arab States was suspended because of the violence used to suppress uprisings. Due to the ongoing conflict, Amnesty International could not confirm any information it received on the use of the death penalty in Syria in 2016.

with the House of Representatives of the Philippines beginning its consideration of a bill to that effect in November. The move would set both countries against their obligations as states parties to treaties on the abolition of the death penalty. Maldives also took steps to resume executions after more than six decades without carrying out any.

Against international standards, Bangladesh expanded the scope of the death penalty to make some offences relating to mutiny punishable by death; India amended its laws to introduce the death penalty for hijacking when it results into death; South Korea (the Republic of Korea) made the death penalty a possible punishment for some terrorism-related offences.

POSITIVE DEVELOPMENTS

Two more countries abolished the death penalty for all crimes in 2016. The Constitutional Court of Benin declared the death penalty unconstitutional on 21 January. A revised Criminal Code which does not include the death penalty among permissible punishments came into force in Nauru on 12 May. Furthermore, on 26 October the President of Guinea promulgated the revised Criminal Code which abolished the death penalty for ordinary crimes only.

Significant steps towards abolition were also taken in Chad and Guatemala. In December the National Assembly of Chad adopted the revised Penal Code which abolished the death penalty except for “terrorism”. The Constitutional Court of Guatemala found on 22 March that provisions in the Penal Code requiring the imposition of the death penalty for certain circumstances of aggravated murder were unconstitutional. Similarly, in the USA the Delaware Supreme Court ruled that capital sentencing statute in the state was unconstitutional, abolishing the death penalty.

On 14 and 21 September, respectively, Togo and the Dominican Republic acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

The Congress of Guatemala considered a bill to abolish the death penalty. Myanmar abolished the death penalty under the 1950 Emergency Provisions Act and Thailand abolished the mandatory death penalty for selling drugs.

Two countries in the Americas region – Antigua and Barbuda and Bahamas – commuted the death sentences of the last remaining people on death row.

On 19 December the UN General Assembly adopted its sixth resolution on a moratorium on the use of the death penalty, with strong cross-regional support.⁹ The resolution, which was proposed by 89 UN member states led by Argentina and Mongolia, carries considerable political weight and unequivocally frames the death penalty as a global human rights

⁹ UN General Assembly, <https://www.un.org/press/en/2016/ga11879.doc.htm>, Moratorium on the use of the death penalty, Resolution adopted by the General Assembly on 19 December 2016, UN doc. A/RES/71/187. More information appears in Annex IV in this report. The text of the resolution is available from this link: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/187

concern. In addition to its central call on the establishment of a moratorium on executions with a view to abolishing the death penalty, the instrument also makes other strong calls on countries that still use the death penalty, for example to reduce the number of offences for which this punishment can be imposed and to increase the transparency in its use, including by making publicly available information on any scheduled executions and by following fair and transparent clemency procedures.

A total of 117 of the 193 UN member states voted in favour of the proposal, while only 40 voted against it and 31 abstained. Positive changes in the voting came from Guinea, Malawi, Namibia, Solomon Islands, Sri Lanka and Swaziland, which all voted in favour of the resolution. As a further positive sign, Zimbabwe moved from opposition to abstention. Regrettably, Equatorial Guinea, Niger, Philippines and Seychelles went from a vote in favour to abstention, while Burundi and South Sudan moved from vote in favour to vote against. Maldives moved from abstention to vote against.

REGIONAL OVERVIEWS

AMERICAS

REGIONAL TRENDS

- The USA remained the only country to carry out executions in the Americas region, for the 8th consecutive year.
- No new death sentence was imposed and no one was under sentence of death in eight out of 15 countries that still retain the death penalty in the region in 2016.
- The number of executions and death sentences in the USA continued to decrease. For the first time since 2006, it did not feature among the top five global executioners.
- The US state of Delaware abolished the death penalty in August; the electorate of the state of Nebraska voted to keep it in November.

COUNTRY	2016 RECORDED EXECUTIONS	2016 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2016
Antigua and Barbuda	0	0	0
Bahamas	0	0	0
Barbados	0	3	13
Belize	0	0	0
Cuba	0	0	0
Dominica	0	0	0
Grenada	0	0	1
Guatemala	0	0	0
Guyana	0	1	23
Jamaica	0	0	0
Saint Kitts and Nevis	0	0	1
Saint Lucia	0	0	0

Saint Vincent and the Grenadines	0	0	1
Trinidad and Tobago	0	2	33
USA ¹⁰	20 in five states: Alabama (2) Florida (1) Georgia (9) Missouri(1) Texas (7)	32 in 13 states: Alabama (3) Arizona (1) Arkansas (1) California (9) Florida (4) Kansas (1) Nevada (1) North Carolina (1) Ohio (4) Oklahoma (1) Oregon (1) Pennsylvania (1) Texas (4)	2,832, including 748 in California 383 in Florida 242 in Texas 183 in Alabama 174 in Pennsylvania

The number of executions (20) and death sentences (32) recorded in the USA in 2016 continued to decline, reaching the lowest number recorded in any year since 1991 and 1973, respectively.

Executions declined by 8 (29%) compared to 2015. The number of states implementing death sentences in 2016 also decreased by one compared to the previous year. The decrease in both figures was in part linked to legal challenges that resulted in the revision of lethal injection protocols or problems faced by states in obtaining lethal injection chemicals.¹¹

The number of executions carried out in Georgia almost doubled compared to 2015 (from 5 to 9), while the figure was almost halved in Texas (from 13 to 7). Together these two states were responsible for the 80% of all executions in the USA during the year.

The number of death sentences imposed during the year in the USA drastically fell from 52 in 2015 to 32 in 2016 (38% decrease).

¹⁰ Figures based on information published by Departments of Corrections, courts and media in different US states. More information is also available from the Death Penalty Information Center at www.deathpenaltyinfo.org/

¹¹ Executions in Oklahoma and Ohio remained on hold throughout 2016 pending litigation on the state's lethal injection protocol.

THE DEATH PENALTY IN THE USA

A total of 19 states have abolished the death penalty, including six states that have abolished it since 2007. Currently, the death penalty is retained in 31 states. Of these, 12 states – Arkansas, California, Colorado, Kansas, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Oregon, Pennsylvania and Wyoming – have not carried out executions for at least 10 years. The governors of Colorado, Oregon, Pennsylvania and Washington states have established official moratoriums on executions. The federal authorities have not carried out any executions since 2003 and the military authorities since 1961.

Elsewhere in the Americas region, there was significant progress. The death penalty for aggravated murder was found unconstitutional in Guatemala, while a draft law to fully abolish this punishment advanced at Congress. Two more countries in the Caribbean – Antigua and Barbuda and Bahamas – were not holding anyone on death row at the end of the year for the first time.

Only three countries imposed death sentences during the year, all for murder: Barbados, Guyana and Trinidad and Tobago. A total of 72 people remained under sentence of death in six countries, almost half of them in Trinidad and Tobago.

In a judgment with implications for several of those under sentence to death in the Caribbean, the UK Supreme Court held jointly with the Judicial Committee of the Privy Council in February that, in order for a secondary participant to be guilty of murder in so-called “joint enterprise” cases, it must be proved that they *intended* the killing or grievous harm to happen in the course of an offence and not simply that they foresaw this possibility.¹²

NOTABLE COUNTRY DEVELOPMENTS

The Eastern Caribbean Court reviewed the cases of all prisoners under sentence of death in **Antigua and Barbuda** in November, resentencing the prisoners to terms of imprisonment.

The last remaining death sentence in the **Bahamas** was quashed and the case sent for retrial in October, after the Supreme Court found that the defendant’s right to a fair trial could have been undermined by adverse pre-trial publicity and misconduct in the jury and by his defence lawyer.

¹² Supreme Court and Judicial Committee of the Privy Council, *R v Jogee and Ruddock v The Queen* (Jamaica), [2016] UKSC 8 and [2016] UKPC 7, delivered on 18 February 2016

The courts of **Barbados** imposed three new mandatory death sentences for murder. Draft legislation, which the government had introduced in Parliament in November 2014 to abolish the mandatory death penalty and require psychiatric evaluations for all those charged with murder, remained pending at the end of the year.¹³

On 22 March the Constitutional Court of **Guatemala** declared that provisions in Article 132 of the Penal Code, which provides for the mandatory death penalty for certain circumstances of aggravated murder, were unconstitutional.¹⁴

Meanwhile, two draft laws relating to the death penalty were introduced in the Guatemalan Congress during the year. Draft law 5038, introduced in April, aimed at facilitating the resumption of execution, while draft law 5100 was introduced in July to abolish the death penalty and received joint approval by three key parliamentary committees. Both draft laws were pending before Congress at the end of the year.

One new death sentence was imposed in **Guyana**; 23 people remained on death row at the end of the year. The issue of the abolition of the death penalty was repeatedly debated during the year; President David Granger told the media that he had “no intention of executing anyone”.¹⁵

Two new mandatory death sentences were imposed for murder in **Trinidad and Tobago**, where 33 people remained on death row at the end of 2016. Faced with continuously high murder rates, the government continued to support calls for the resumption of executions. It suggested that it was tracking appeals in capital cases to implement the death sentences once finalized.¹⁶

A number of very notable court decisions helped to shape the use of the death penalty in the **USA** in 2016. On 12 January, in *Hurst v. Florida*, the US Supreme Court found that Florida’s capital sentencing statute was unconstitutional because it gave juries only an advisory say in which defendants should be sentenced to death.¹⁷ The *Hurst* decision put a halt to executions, as well as to many capital trials, in Florida while its scope and effect were litigated. In December, the state Supreme Court issued a decision that indicated that the

¹³ Criminal Procedure (Amendment) Bill, 2014; Offences Against the Person (Amendment) Bill, 2014; and Constitution (Amendment) Bill, 2014. Of these Bills, only the Offences Against the Person (Amendment) Bill, 2014, advanced to the second reading stage at the House of Assembly on 27 January 2015.

¹⁴ Constitutional Court of Guatemala, judgment 1097-2015, delivered on 22 March 2016

¹⁵ Guyana Times, “‘I have no intention of executing anyone’ – President Granger”, 20 June 2016, available at <http://guyanatimesgy.com/i-have-no-intention-of-executing-anyone-president-granger/>

¹⁶ *Trinidad Express*, “32 on death row, but none can hang”, 13 December 2016, available at www.trinidadexpress.com/20161213/news/32-on-death-row-but-no-one-can-hang

¹⁷ *Hurst v. Florida*, Certiorari to the Supreme Court of Florida, No. 14–7505, 577 U.S. (2016), decided on 12 January 2016

Hurst ruling would apply retroactively to more than 200 death row prisoners.

The *Hurst* ruling then impacted Delaware, where on 2 August the state Supreme Court ruled that the state sentencing law was unconstitutional, as laid out in the *Hurst* judgment.¹⁸ In December, the Court ruled that its decision applied retroactively, and indicated that the 13 prisoners on death row should be resentenced to life imprisonment.¹⁹

On 12 December 2016, the Supreme Court of California issued a stay in the implementation of Proposition 66, which aims at lessening the time between death sentencing and execution in the state and which was adopted in a November referendum by a narrow margin. On 28 December the state's Office of Administrative Law put on hold the Department of Corrections and Rehabilitation's new one-drug lethal injection protocol, which could have allowed for the resumption of executions in the state. The last execution in California was carried out in 2006; 748 people remained on death row.

Other ballot initiatives were also decided in favour of the death penalty at the November US election. By a margin of 61 to 39%, Nebraska voters opted in favour of Proposal 426 to retain the death penalty.²⁰ Meanwhile, a referendum measure adopted in Oklahoma amended the state Constitution to authorize any execution method not prohibited under the US Constitution and to prevent state courts from ruling the death penalty "cruel or unusual" punishment.²¹

On 3 May the Governor of Mississippi signed into law a Bill which conceals the identity of those involved in executions as well as the supplier of chemicals used in lethal injection procedures.²²

Concerns over mental and intellectual disabilities and racial discrimination continued to mark the use of the death penalty in 2016. Among other cases, Kenneth Fults, an African American man, was executed in Georgia for the 1996 murder of a white woman. One of the jurors from the sentencing had signed a sworn statement saying: "I don't know if he ever killed anybody, but that nigger got just what should have happened." A state court rejected the claim that Kenneth Fults had an intellectual disability that would render his execution unconstitutional. Georgia uses the "beyond a reasonable doubt" standard for determining intellectual disability in this context.

¹⁸ *Benjamin Rauf v. State of Delaware*, No.39, 2016, issued on 2 August 2016

¹⁹ *Derrick Powell v. State of Delaware*, No.310, 2016, issued on 15 December 2016

²⁰ In 2015, the state legislature voted to abolish the death penalty, overriding Governor Pete Ricketts' veto. However, repeal was put on hold following a successful effort to have the issue put to the popular vote.

²¹ State Question 776

²² State Bill 2237

John Wayne Conner was executed in Georgia on 15 July after 34 years on death row. Represented at trial by an inexperienced attorney, his jury heard nothing about childhood abuse or his possible intellectual disability.

Pre-trial proceedings against six detainees at the US naval base at Guantánamo Bay, Cuba, continued in 2016. Five men were charged with plotting the attacks of 11 September 2001, while Abd al-Rahim al-Nashiri was charged with masterminding an attack on US warship *USS Cole* in 2000. The US government has stated that they intend to seek the death penalty for all six men if they are convicted. Proceedings before the military commission do not meet international fair trial standards, and accordingly the imposition of the death penalty in their cases would constitute arbitrary deprivation of life.

Ammar al Baluchi faces the death penalty in connection with his trial before a military commission at Guantánamo. He was charged with wiring money to men later involved in the hijackings of the planes on 11 September 2001. Ammar al Baluchi was held in secret CIA custody from 2003 to 2006 and was subjected to enforced disappearance and to torture and other ill-treatment. The locations where he was held during his three and a half years in CIA custody and the full range of his treatment during that time remains classified top secret.

Ammar al Baluchi and his co-defendants were first charged on 5 June 2008 under the Military Commissions Act of 2006 for trial by a military commission. In 2012 the Convening Authority for military commissions, which heads the work of the military commissions, authorized the prosecution to seek the death penalty against all five defendants. The trial has yet to begin.

According to his lawyers, Ammar al Baluchi displays symptoms of post-traumatic stress disorder and traumatic brain injury as a result of torture and other ill-treatment to which he was subjected in CIA custody. Following multiple formal requests, in October the military judge and Convening Authority granted Ammar al-Baluchi a full medical assessment with a view to treatment. The assessment had yet to be carried out at the end of the year. His lawyers maintain that owing to his physical and psychological injuries and related apparent mental disability, his capacity to assist them in preparing his defence and to meaningfully participate in pre-trial hearings is substantially impaired.

ASIA PACIFIC

REGIONAL TRENDS

- China was once again the world's leading executioner; however, figures remained classified as state secret.
- The number of known executions decreased in the Asia Pacific region; this is mainly due to a significant reduction in Pakistan. The number of recorded death sentences rose in the region.
- Partial information released by the authorities of China, Malaysia and Viet Nam painted an alarming picture of the use of the death penalty in these countries.
- The Philippines and Maldives took regressive steps to reintroduce and apply the death penalty, respectively.

COUNTRY	2016 RECORDED EXECUTIONS	2016 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2016
Afghanistan	6	4+	600+
Bangladesh	10	245+	1,645+
Brunei Darussalam	0	0	+
China	+	+	+
India	0	136	400+
Indonesia	4	60+	215+
Japan	3	3	141
Laos	0	3+	+
Malaysia	9 (as of 30 September)	36+	1,042 (as of 30 April)
Maldives	0	2	18
Mongolia	0	0	0
Myanmar	0	3+	+
North Korea	+	+	+
Pakistan	87+	360+	6,000+
Papua New Guinea	0	1	14
Singapore	4	7+	38+

South Korea	0	0	61 with sentences finalized
Sri Lanka	0	79+	1,004 (as of April)
Taiwan	1	2	42
Thailand	0	216	427
Viet Nam	+	63+	681+

At least 130 executions were known to have been carried out in 11 countries of the region. The number of executions does not include the thousands that Amnesty International believed were carried out in China, making it once again this year the world's leading executioner.

While the overall number of recorded executions in 2016 fell significantly compared to 2015 when 367 executions were reported, this reduction was mainly due to Pakistan, where executions decreased by 239 in 2016. Recorded executions also fell in Indonesia, from 14 in 2015 to 4 in 2016. An alarming increase took place in Bangladesh where the number of executions, from 4 to 10, more than doubled compared to 2015. India did not carry out any executions in 2016, while it did so in 2015.

Across the region, at least 1,224 death sentences were imposed in 18 countries in 2016, a significant rise from at least 661 in 2015. This rise is explained by considerable increases in Bangladesh, India, Indonesia, Pakistan and in particular Thailand, as the authorities provided Amnesty International with a full figure of 216 death sentences in 2016 for the first time in recent years. No new death sentences were recorded in Brunei Darussalam and Mongolia in 2016, while some were reported in 2015.

The lack of transparency on the use of the death penalty continued to be a concern throughout the region. Figures on the use of the death penalty in China and Viet Nam remained classified as state secrets and only limited information was available for Laos, Malaysia, North Korea and Singapore. Where new information about the use of the death penalty was made available – for example in Malaysia and particularly in Viet Nam – it provided an insight into the magnitude and true extent of the use of the death penalty.

The death penalty was repeatedly used in contravention of international law and standards across the region. Amnesty International received credible information indicating that Bangladesh, Indonesia, Maldives, Pakistan and Papua New Guinea held people on death row who were below 18 years of age at the time of the crime for which they were convicted. 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. Violations of the right to a fair trial remained ongoing concerns involving cases from across the region.

Maldives took regressive steps towards resuming executions after more than six decades, while the Philippines made moves to reintroduce the death penalty.

Several cases of exonerations and acquittals triggered new debates on the ever present risk of executing the innocent in China, Taiwan and Viet Nam.

NOTABLE COUNTRY DEVELOPMENTS

Six men convicted of terrorism-related offences were all executed on 8 May in **Afghanistan**. At least four new death sentences were imposed, including one for murder and two for kidnapping. At least 600 people were under sentence of death at the end of the year.

There were 10 executions in **Bangladesh** during the year. Eight of those executed had been convicted of murder, and two – Motiur Rahman Nizami and Mir Quasem Ali – had been convicted and sentenced to death by the International Crimes Tribunal (Bangladesh) set up to investigate mass scale human rights violations committed during Bangladesh's 1971 War of Independence. The proceedings of the Tribunal violated international fair trial standards.

At least 245 death sentences were imposed in Bangladesh during the year, including 13 by the Tribunal. Four people were exonerated from death row and at least 1,645 people were under sentence of death at the end of the year, including some who were below 18 years of age when the crime was committed.

On 29 February the Parliament adopted the Bangladesh Coast Guard Act, which allows for the imposition of the death penalty on those found guilty of inciting, taking part, or remaining silent in a mutiny.²³

Figures on the use of the death penalty in **China** remained classified as state secrets. Amnesty International continued its monitoring of executions carried out and death sentences imposed in the country throughout the year. The organization believes that – once again – these figures continued to be in the thousands and that China remained the world's top executioner, executing more people than the rest of the world combined.

It was likely that the number of executions carried out in China in recent years decreased following the review of all death penalty cases by the Supreme People's Court and other ongoing reforms. In late 2016, Chen Guangzhong, a professor emeritus at China University of Political Science and Law, said, "from what I understand, in the last 10 years, the overall number of death sentences (with immediate execution) has gone from a figure above 10,000 to a four-digit number".²⁴ It remains impossible to verify or quantify this reduction. Amnesty

²³ bnews24.com "Parliament passes coast guard bill with death sentence for mutiny", 29 February 2016, available at <http://bdnews24.com/bangladesh/2016/02/29/parliament-passes-coast-guard-bill-with-death-sentence-for-mutiny>

²⁴ Shan Yuxiao, Wang Yiyin, Li Rongde. Caixin, "Problems Remain in China's Death-Penalty System Even

International therefore reiterates its challenge to the Chinese authorities to be transparent and make such information publicly available.²⁵

With 46 offences still punishable by death, the Chinese authorities continued to use the death penalty for a wide range of offences, including some non-violent offences that do not meet the threshold of the “most serious crimes” under international law, such as drug-related crimes.

The Chinese authorities also continued to resort to the death penalty as a tool to send political messages. The government launched a social media campaign highlighting the use of the death penalty in cases where people had killed hospital employees.²⁶ Meanwhile, the government used heavy censorship to quell a social media campaign that attempted to spare the life of Jia Jinglong – a man sentenced to death and eventually executed in November for the murder of a village official. His case drew national and international attention to the implementation of the authorities’ self-imposed policy of “killing fewer, killing cautiously”. Critics of the authorities’ treatment of Jia Jinglong’s case argued that mitigating factors – such as the demolition of his home and his alleged attempt to surrender – could have been taken into consideration by the courts when sentencing him, which might have spared his life.²⁷

Amnesty International believes that China has been significantly reducing its use of the death penalty for economic crimes. Chinese state media ran several articles stating that since 2013 none of the 50 or more high-ranking officials taken down in the anti-corruption drive had been sentenced to death, apart from Zhao Liping, an official who was found guilty of intentional homicide as well as bribery.²⁸ Amnesty International did not document any executions or death sentences for economic crimes during the year apart from the case of Zhao Liping. More cases of exonerations were recorded during the year, triggering new debates on the administration of the death penalty in the country and the ever present risk of executing the innocent. Nie Shubin, who was executed in 1995, had his conviction overturned by the Supreme People’s Court on 2 December 2016. A further four men, who received death sentences with the possibility of commutation after two years, were also acquitted and released in 2016.

After Reforms”, 3 January 2017

²⁵ See also Amnesty International, “China’s deadly secrets” (ASA 17/5849/2017), April 2017.

²⁶ Sina (The Communist Youth League’s Central Committee’s Publication: There will be zero tolerance for violence against hospital staff), 7 October 2016, available at: <http://news.sina.com.cn/c/nd/2016-10-07/doc-ixwrhpm2495664.shtml>

²⁷ *Asia Times*, William Nee, “How censorship aids China’s execution machine”, 15 December 2016, available at: www.atimes.com/censorship-aids-chinas-execution-machine/

²⁸ Hua Xuan (Southern Weekend), “New Year’s Special Publication: How much room is there to reduce the use of the death penalty?”, 3 January 2017, available at <http://www.infzm.com/content/121884>

Two international conferences on organ transplants in Hong Kong and in the capital Beijing threw the spotlight on concerns about the sourcing of organs from executed prisoners. Despite the 2013 announcement by the then Vice-Minister of Health that organs would only be sourced from voluntary donation schemes as of mid-2014, the *New York Times* reported that the website of the China Organ Transplantation Development Foundation indicated that prisoners were still allowed to donate organs.²⁹ Amnesty International urges the authorities to immediately end this practice which is not compatible with international standards requiring the free and informed consent of the donor.

According to the National Law University, Delhi, the courts of **India** imposed 136 new death sentences, the majority of which involving murder.³⁰ Six of these were imposed by special courts. More than 400 people were believed to be under sentence of death at the end of the year. In May, the National Law University, Delhi, published an extensive study showing that most prisoners on death row were from economically vulnerable and socially disadvantaged groups.³¹ Five prisoners had their executions scheduled during the year, only to have them stayed by the courts, in some cases only days earlier. Sachin K. Singhara received a stay of execution in March; Javed Khan in June; B.A. Umesh, Vikram Singh and Jasvir Singh (also known as Jassa), received their stays in October. The Supreme Court agreed to hear the petition of Sonu Sardar. President Pranab Mukherjee rejected the mercy petitions of Mofil Khan, Mobarak Khan, Shabnam, Jasvir Singh and Vikram Singh, and accepted the mercy petition of Jeetendra Gehlot.

On 29 July **Indonesia** executed three Nigerian men and one Indonesian man, all convicted of drug-related offences. Two of them had their clemency application pending when the executions were carried out. The authorities had selected a further 10 people for execution on 29 July, but granted them a stay of execution at the last minute to allow for a review of their cases to ensure that there was “no judicial and non-judicial error”.³² However, no independent and impartial body was mandated to review existing death sentences at the end of the year.

At least 60 new death sentences were imposed in 2016, including 46 for drug-related

²⁹ *New York Times*, Debate Flares on China’s Use of Prisoners’ Organs as Experts Meet in Hong Kong, 17 August 2016, available at https://www.nytimes.com/2016/08/18/world/asia/debate-flares-on-chinas-use-of-prisoners-organs-as-experts-meet-in-hong-kong.html?_r=0

³⁰ National Law University, Death penalty in India, Annual Statistics 2016, March 2017, available at <http://www.deathpenaltyindia.com/wp-content/uploads/2016/12/Annual-Statistics-Report-2016.pdf>

³¹ National Law University, Death Penalty India Report, May 2016, available at www.deathpenaltyindia.com/wp-content/uploads/2016/05/Death-Penalty-India-Report-Volume-1.pdf and <http://www.deathpenaltyindia.com/wp-content/uploads/2016/05/Death-Penalty-India-Report-Volume-2.pdf>

³² Wio News, “Relief for Indian national as Indonesia suspends execution of 10 convicts”, 29 July 2016, available at www.wionews.com/world/relief-for-indiannational-as-indonesia-suspends-execution-of-10-convicts-3532

offences and 14 for murder. At least 215 people were under sentence of death. Proposed amendments to the Indonesian Criminal Code, which include some proposals to move away from the death penalty, and to the Law on Counter-Terrorism (No. 15/2003), which would expand the scope of the death penalty, remained pending before Parliament. President Joko Widodo stated on 5 November that Indonesia wants to move towards abolition.³³

Three people were executed in **Japan** in 2016: a man and a woman in March and a man in November. Three new death sentences were imposed and 141 people remained under sentence of death at the end of the year. Of these, 129 had their death sentence finalized.

On 7 September the High Court of Tokyo, the capital, upheld the conviction and sentence of the last defendant charged in relation to the 1995 deadly sarin gas attack in Tokyo, putting 13 Aum Shinrikyo cult members at imminent risk of execution. They were convicted and sentenced to death in separate trials between 2006 and 2011 for their respective roles in orchestrating and carrying out the gas attack. For the first time, on 7 October the Japanese Federation of Bar Associations issued a declaration stating its opposition to the death penalty and calling on the authorities to abolish this punishment by 2020.³⁴

The secrecy around the use of the death penalty in **Malaysia** was very slightly lifted in 2016, when the authorities had to respond to Parliament. The government told Parliament that, since 2010, 12 people had been executed and 829 sentenced to death and that 95 others had received either a pardon or had their death sentences commuted. The government also stated that, as of 30 April 2016, 1,042 people – 629 Malaysian and 413 foreign nationals – were under sentence of death for murder, drug trafficking, firearms trafficking or kidnapping. Of these, 649 prisoners had legal appeals pending, while 393 were seeking a pardon.³⁵

In October the government provided Parliament, for the first time, with figures for executions disaggregated by year, stating that six executions were carried out in 2014, one in 2015, and nine in 2016 up until the end of September. The number of executions carried out in 2016 appears to represent a considerable increase compared to previous years. At least 36 new mandatory death sentences were imposed, including 17 for drug trafficking. Of these death sentences, seven involved foreign nationals.

Draft legislation to reform Malaysia's death penalty law, announced in November 2015, had yet to be introduced in Parliament by the end of 2016.

³³ SBS, Indonesia moving towards abolishing death penalty: Widodo, 5 November 2016, available at www.sbs.com.au/news/article/2016/11/05/indonesia-movingtowards-abolishing-death-penalty-widodo

³⁴ Japan Federation of Bar Associations, "Declaration Calling for Reform of the Penal System Including Abolition of the Death Penalty", 7 October 2016, available at www.nichibenren.or.jp/en/document/statements/year/2016/161007.html

³⁵ Written parliamentary replies to Puchong MP Gobind Singh Deo, 30 March 2016; Ramkarpal Singh, 17 May 2016; and Kashturi Patto, 20 May 2016

Following campaigning by Amnesty International, the death sentences of two prisoners in Malaysia were commuted in 2016.

In August King Abdul Halim Mu'adzam Shah commuted the death sentence of Nigerian national **Osariakhi Ernest Obayangbon**, whose execution had been scheduled for the early hours of 14 March 2014. He was sentenced to the mandatory death penalty for murder in 2000. He was diagnosed with schizophrenia before his appeal in 2007 and received treatment since then.

First-time offender **Shahrul Izani Bin Suparman** had his death sentence commuted in December. He was found in possession of 622g of cannabis and arrested in 2003. The charges were confirmed in December 2004. Six years later, on 28 December 2009, the Shah Alam High Court sentenced Shahrul Izani Bin Suparman to the mandatory death penalty. The Court of Appeal heard and dismissed his appeal on 12 October 2011, and on 26 June 2012 the Federal Court similarly heard and dismissed his appeal in one day. In 2014, Shahrul Izani Bin Suparman appealed for clemency before the Pardon Board of Selangor state. The appeal was awaiting consideration at 2016.

After more than 60 years without any executions, **Maldives** took steps towards resuming the implementation of the death penalty. The authorities changed the method of execution back to hanging, to overcome challenges in the sourcing of chemicals needed in lethal injection procedures; government officials pledged that executions should happen within 30 days of confirmation of guilty verdicts by the Supreme Court. Three men, convicted in separate cases and whose death sentences for murder were confirmed by the Supreme Court in June and July, were at imminent risk of execution. Pardon mediations with the families of the victims of crimes, which are required under recent regulations, were yet to begin at the end of the year.

Two new death sentences were imposed for murder; 18 people were under sentence of death at the end of the year. These included five people who were sentenced to death for crimes committed when they were below 18 years of age at the time of the commission of the crime.

The coming into force of the revised Criminal Code in **Mongolia**, abolishing the death penalty for all crimes, was postponed to July 2017. No one was on death row at the end of 2016.

In January the authorities of **Myanmar** commuted 77 death sentences to life imprisonment.³⁶ At least three other death sentences were imposed during the year. In October, Parliament repealed the 1950 Emergency Provisions Act which allowed for the death penalty. The death penalty remained under other laws.

During 2016 Amnesty International was not able to access nor verify sufficient information on **North Korea** (the Democratic People's Republic of Korea) to make an accurate assessment

³⁶ *Myanmar Times*, "52 political prisoners released in amnesty", 22 January 2016, available at www.mmmtimes.com/index.php/national-news/18625-52-political-prisoners-released-in-surprise-amnesty.html

of the use of the death penalty in the country. Reports received during the year suggested that executions continued to be routinely carried out, including in public, for a wide range of crimes or acts including some that should have not even been classified as crimes, or that were not codified under national legislation. News reports circulating throughout the year suggested that the death penalty continued to be used against high-level officials as well as those who supported others to leave the country.³⁷ Reports also indicated that the highest authorities issued instructions in December to halt public executions and public trials.³⁸

The pace of executions carried out in **Pakistan** decreased significantly from 2015, when 326 executions were reported. With at least 87 executions carried out in 2016, however, Pakistan remained among the world's top executioners. At least four of those executed included prisoners convicted by the military courts established in January 2015 to try civilians suspected of terrorism-related offences for a period of two years.³⁹ At least 133 people were sentenced to death by these courts during the year. Proceedings under these military courts did not meet international fair trial standards.

Figures from the NGO Human Rights Commission of Pakistan indicated that a further 277 death sentences were imposed by civilian courts during the year, including 193 by ordinary courts and 31 by Anti-Terrorism Courts – 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. At least 360 people were sentenced to death during 2016; at least 6,000 people remained on death row.

The death penalty was used in contravention of international law and standards, including on people with mental disabilities, for crimes that did not meet the threshold of the “most serious crimes” to which the use of the death penalty must be restricted, such as “blasphemy”; and in violation of the defendants’ right to a fair trial.

One new death sentence was imposed for murder in **Papua New Guinea**, the only country in the Pacific that continues to use the death penalty. Fourteen people, including two who escaped in 2015 and 2016, remained under sentence of death. A man who was 12 or 13 years old when the crime was committed remained on death row at the end of the year.

In **the Philippines**, under the government of newly elected President Rodrigo Duterte, in June and July members of the majority party introduced at the House of Representatives seven bills seeking to reinstate the death penalty for a wide range of crimes. On 29 November the Sub-Committee on Judicial Reforms took an unexpected vote on the bills, confirming fears

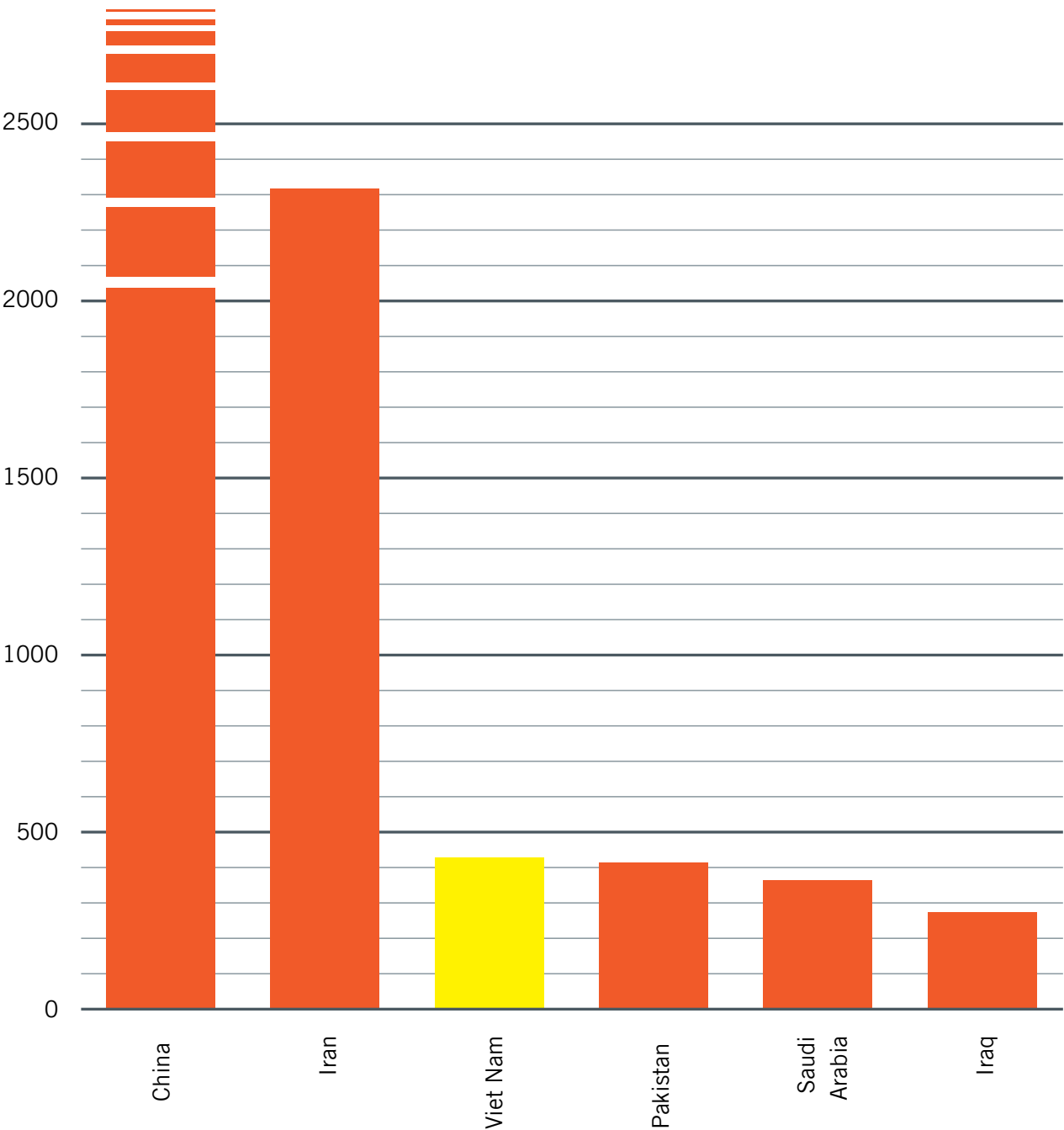
³⁷ Inquisitr, “North Korea publicly executes six officials blamed for allowing 13 workers to defect to South Korea”, 29 July 2016, available at www.inquisitr.com/3361159/north-korea-publicly-executes-six-officials-blamed-for-allowing-13-workers-to-defect-to-south-korea/

³⁸ Daily NK, “North Korea orders ban on public trials and executions”, 16 December 2016, available at www.dailynk.com/english/read.php?num=14251&catald=nk01500

³⁹ Courts established by the 21st Constitutional Amendment Bill of 2015 and the Pakistan Army (Amendment) Act 1952

SECRET EXECUTIONS IN VIET NAM

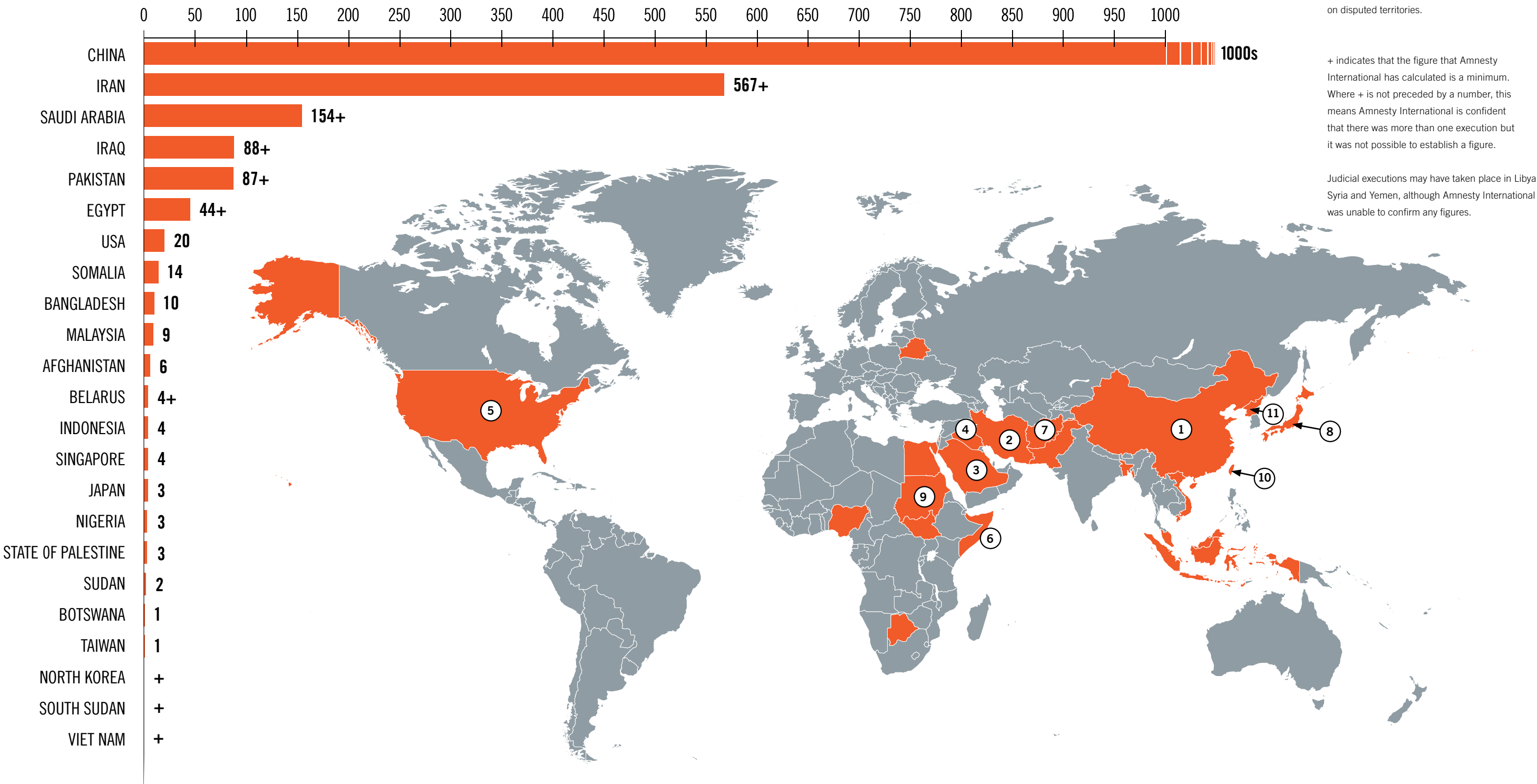
Viet Nam joins the top 5 recorded executing countries
1 August 2013 – 30 June 2016



Amnesty International believes Viet Nam to be among the top recorded executing countries. A report by Viet Nam’s Ministry of Public Security sheds new light on the application of this punishment in the country, revealing that executions have been carried out at a higher rate than previously understood.

For detailed information, see the Viet Nam section in the Asia-Pacific Regional Overview.

EXECUTING COUNTRIES IN 2016



- 11 PERSISTENT EXECUTIONERS 2012-2016**

① CHINA
Figures on the use of the death penalty remain a state secret.

② IRAN
Hundreds executed every year. Majority of executions carried out for drug-related offences. Scores of death sentences were imposed.

③ SAUDI ARABIA
Scores of people executed.

④ IRAQ
Significant increase in executions recorded.

⑤ USA
Lowest number of executions and death sentences recorded since 1991 and 1973 respectively.

⑥ SOMALIA
Decrease in known executions; significant increase in death sentences.

⑦ AFGHANISTAN
Six executions carried out in one day.

⑧ JAPAN
Executions carried out in secret.

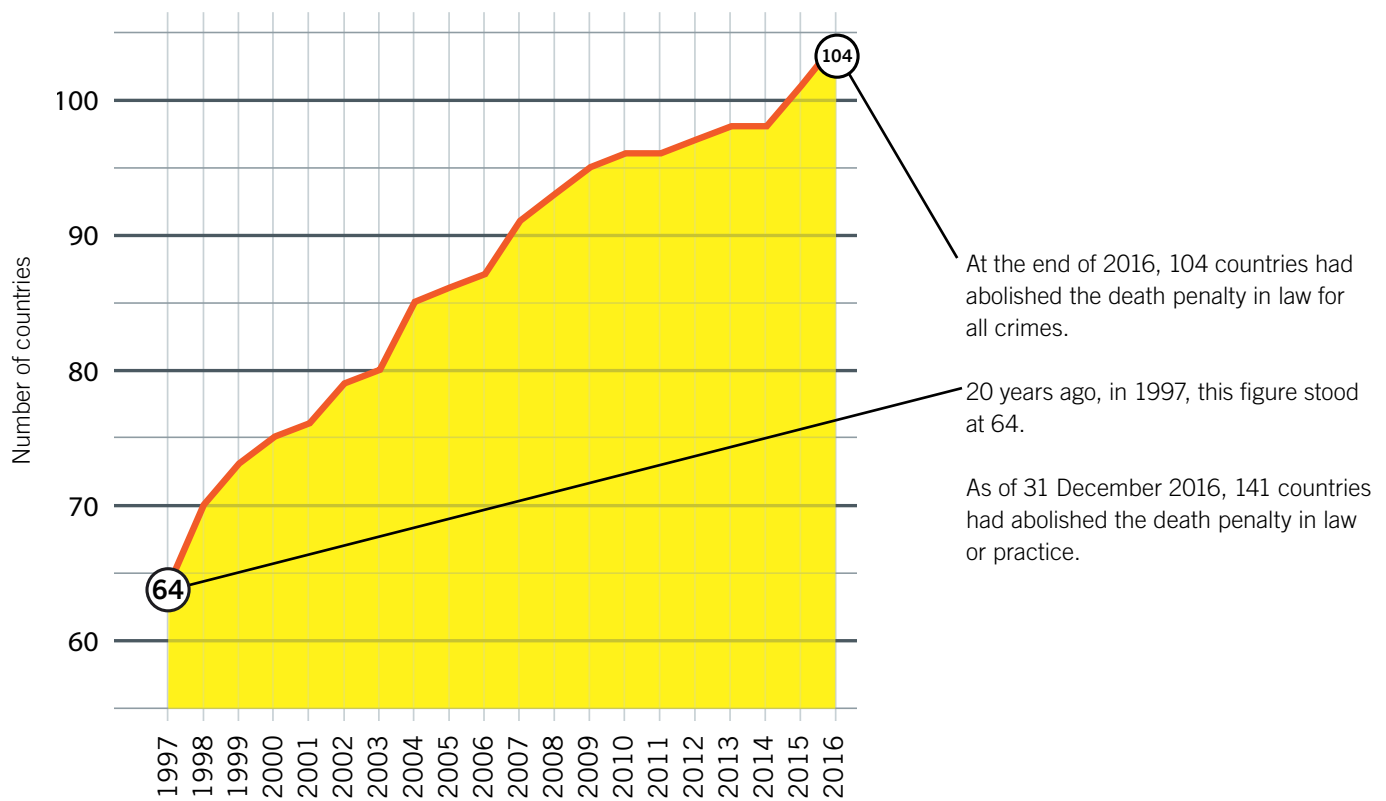
⑨ SUDAN
Criminal Law amended to provide death by hanging for apostasy.

⑩ TAIWAN
One man was executed less than three weeks after his death sentence was finalized by the court.

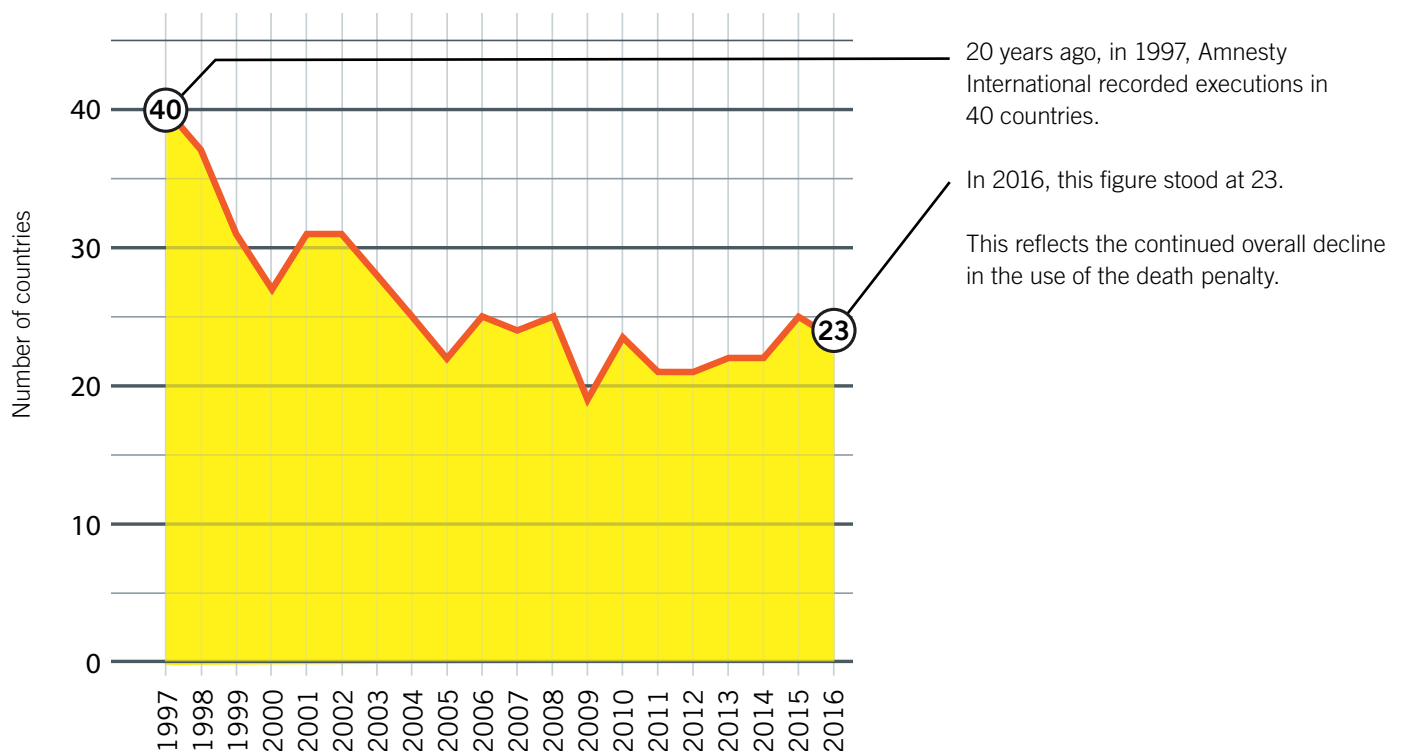
⑪ NORTH KOREA
Executions after unfair trials and for a wide range of offences or acts for which the death penalty should not be imposed.

DEATH PENALTY TRENDS 1997-2016

Increase in countries abolishing the death penalty



Decrease in countries carrying out executions



that the authorities were trying to expedite the adoption of the measures. A consolidated version of the bills was sent to the plenary session of the House of Representatives for its consideration in 2017.

Four executions were carried out in **Singapore** in 2016 – two for murder and two for drug trafficking. Two Malaysian nationals and one Nigerian national were among those executed. At least seven new mandatory death sentences were imposed for drug trafficking. Two men convicted of drug trafficking had their mandatory death sentence commuted. At least 38 people were on death row at the end of the year.

While upholding the death sentence of one of the men executed in 2016, on 5 April 2016 the Supreme Court held that disagreement among the judges is not a ground to review a decision and that a simple majority is sufficient, including in death penalty cases. It also issued new restrictive guidance on application for judicial review in criminal cases after the conclusion of ordinary appeals, which would make it more difficult for a defendant to challenge the implementation of a death sentence. The Court also suggested that Parliament consider amending the country's statutes to reflect the new guidance.⁴⁰

The overall number of people whose death sentences were final in **South Korea** (the Republic of Korea) rose to 61 in 2016, after the Supreme Court upheld the 2015 sentence of a soldier. On 2 March the National Assembly adopted the government-backed Act on the Prevention of Terrorism for Protection of the People and Public Safety, which makes the death penalty the maximum punishment for those found guilty of organizing or joining “terrorist organizations” and identified as “ringleaders”.⁴¹

At least 79 death sentences were imposed in **Sri Lanka**, almost all for murder. One death sentence was imposed on a foreign national for attempting to sell heroin. The Commissioner of Prisons said that 1,004 people including 28 women were under sentence of death at the end of April.⁴² President Maithripala Sirisena commuted at least 153 death sentences in April and May, following a recommendation made by an expert committee appointed by the Minister of Justice.⁴³

⁴⁰ Court of Appeal of Singapore, *Kho Jabing v Public Prosecutor* [2016] SGCA 21, delivered on 5 April 2016

⁴¹ Act No. 14071, 3 March 2016, available at https://elaw.klri.re.kr/eng_service/lawView.do?lang=ENG&hseq=38450

⁴² Global Press Journal, 40 Years Without an Execution, Sri Lanka Still Heatedly Debates the Death Penalty, 13 July 2016, available at https://globalpressjournal.com/asia/sri_lanka/40-years-without-execution-sri-lanka-still-heatedly-debates-death-penalty/

⁴³ *The Island*, “Nearly 190 death sentences commuted under present govt. moving to abolish death penalty”, 28 May 2016, available at www.island.lk/index.php?page_cat=article-details&page=article-details&code_title=145964

Taiwan executed a man in May, less than three weeks after his death sentence was finalized by the Supreme Court. Two new death sentences were imposed and 42 people, whose sentences were finalized, were under sentence of death at the end of 2016.

The risk of executing the innocent became the centre of public attention in 2016. On 29 February the Taiwan High Prosecutors' Office announced that it would apply for a retrial in the case of Cheng Hsing-tse, following the emergence of new forensic evidence that cast doubts over his conviction of a 2002 murder.⁴⁴ In April Minister of Justice Luo Ying-shay also announced that a special committee was established to review finalized death penalty cases that could involve miscarriages of justice.⁴⁵ In October the Supreme Court upheld a 2015 High Court decision which acquitted Hsu Tzi-chiang of charges of kidnapping, extortion and murder in 1995. The acquittal came during his 9th retrial.⁴⁶

Figures provided to Amnesty International by the authorities of **Thailand** state that 216 new death sentences were imposed in 2016. A total of 427 people, including 24 foreign nationals, remained under sentence of death at the end of the year. Several death sentences were commuted as part of multiple commutations granted by the King during the year. Figures released by the Ministry of Justice in September indicated that at that time 213 people were under sentence of death for drug-related offences.

The abolition of the death penalty remained part of the Third National Human Rights Action plan, due to be implemented by 2018. In November the Legislative Assembly adopted the Narcotic Act (Vol. 6) 2016, which abolished the mandatory death penalty for the offence of selling drugs. On 20 December, the Constitution Drafting Committee announced that it had decided to include the death penalty in the draft Anti-Corruption Law, making most serious offences punishable by death. During the review of Thailand under the UN Universal Periodic Review in May, Thailand accepted recommendations to review the imposition of the death penalty for offences related to drug trafficking, commute the death sentences with a view to abolishing the death penalty and take steps towards abolishing the death penalty.⁴⁷

Viet Nam continued to classify figures on the death penalty as state secrets. Information received by Amnesty International in early 2017, however, sheds new light on the application of this punishment in the country, revealing that executions have been carried out at a higher rate than previously understood.

⁴⁴ *Taipei Times*, "Prosecutors seek retrial of man in 2002 police killing", 23 March 2016, available at www.taipeitimes.com/News/taiwan/archives/2016/03/23/2003642245

⁴⁵ *Taipei Times*, Committee to review execution cases, 3 April 2016, available at www.taipeitimes.com/News/taiwan/archives/2016/04/03/2003643078

⁴⁶ Taiwan Focus, Supreme Court acquits man in controversial death penalty case, 13 October 2016, available at <http://focustaiwan.tw/news/asoc/201610130019.aspx>

⁴⁷ Human Rights Council, Report of the Working Group on the Universal Periodic Review, Thailand, Addendum, UN doc. A/HRC/33/16/Add.1, 7 September 2016

ONE OF THE WORLD'S TOP EXECUTIONERS

According to a report of Viet Nam's Ministry of Public Security, which was first published by a national media outlet in February 2017, 429 prisoners were executed between 8 August 2013 and 30 June 2016, at an average rate of 147 executions per year.⁴⁸

While the new information does not include figures by year and as such makes it impossible to determine an accurate figure for the number of death sentences implemented in Viet Nam in 2016 only, a closer look at the aggregated executions figures for other countries for the same period depicts a truly alarming picture. That would place it among the world's top executioners over that period, with significantly higher numbers than Iraq and the USA and with numbers comparable to Saudi Arabia and Pakistan.

The information previously available did not suggest such a high execution rate in Vietnam. It is imperative that the Vietnamese authorities make publicly available a full breakdown of information on their use of this punishment in the country and immediately establish a moratorium on all executions with a view to abolishing the death penalty.

Information gathered by Amnesty International during 2016 indicated that the courts imposed 63 new death sentences, although the real number is believed to be considerably higher. Of these, at least 54 were imposed for drug-related offences and four involved foreign nationals. According to official figures, 681 people were under sentence of death as of 1 July 2016.

Two men were exonerated from death row in 2016. On 9 August, 80 year-old Tran Van Them was found innocent of murder after 43 years on death row.⁴⁹ On 20 December, 57-year-old Han Duc Long was cleared of rape and murder and released after spending 11 years on death row.⁵⁰

⁴⁸ Report of the Ministry of Public Security No. 05/BC-BCA-C81, 4 January 2017. See also *Dtinews*, "Vietnam to build five more lethal injection venues", 9 February 2017, available at www.dtinews.vn/en/news/017/49419/vietnam-to-build-five-more-lethal-injection-venues.html

⁴⁹ *Than Nien News*, "Man cleared of wrongful murder charge after over 43 years", 17 August 2016, available at www.thanhniennnews.com/society/man-cleared-of-wrongful-murder-charge-after-over-43-years-65111.html

⁵⁰ Vietnamese media outlet Dan News, <http://dannews.info/2016/12/21/ong-han-duc-long-neu-khong-nhan-toi-chac-chan-toi-da-nam-duoi-mo/>

EUROPE AND CENTRAL ASIA

REGIONAL TRENDS

- Belarus resumed executions in April 2016 after a 17-month hiatus. Two people remain on death row in Belarus.
- Kazakhstan imposed one death sentence.

COUNTRY	2016 RECORDED EXECUTIONS	2016 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2016
Belarus	4+	4	2
Kazakhstan	0	1	1
Russia	0	0	0
Tajikistan	0	0	0

NOTABLE COUNTRY DEVELOPMENTS

Courts in **Belarus** imposed four death sentences. At least four people were executed during the year.

Syarhei Ivanou was executed in April, the first person known to have been executed in Belarus since November 2014. He was sentenced to death in 2015 for murder, theft and robbery committed in 2013. His brother had petitioned the UN Human Rights Committee, arguing that Syarhei Ivanou's trial was unfair. The Committee had requested the Belarusian authorities not to carry out the execution while the case was under consideration.⁵¹

Syarhei Ivanou's execution was followed by those of Hyanadz Yakavitski, Syarhei Khmialeuski and Ivan Kulesh in November.

In January, the Minsk Regional Court found Hyanadz Yakavitski guilty of a murder committed in 2015. Hyanadz Yakavitski denied the charges against him and lodged an appeal against his conviction and death sentence with the Supreme Court and an appeal for clemency to the

⁵¹ Such requests are binding on states parties to the First Optional Protocol to the International Covenant on Civil and Political Rights, which Belarus acceded to in 1992.

President. His defence lawyers maintained that vital evidence was omitted at his trial.

Syarhei Khmialeuski was sentenced to death in February for theft and murder. The UN Human Rights Committee had requested the Belarusian authorities not to carry out the execution pending the examination of his case.

Ivan Kulesh was sentenced to death in 2015 for murder, theft and robbery. His sentence was upheld in March 2016.

Syarhei Vostryakau and Kiryl Kazachok are the last people known to be on death row in Belarus. Syarhei Vostryakau was sentenced to death in May, having been found guilty of two separate cases of rape and murder. Kiryl Kazachok was sentenced to death in December for killing two of his children in January.

Kazakhstan continued to observe the official moratorium on executions in place since 2003. A court in November 2016 sentenced to death Ruslan Kulekbayev, charged with terrorism-related offences after the killing of 10 people in July.

In **Russia**, throughout the year, some politicians expressed support for the death penalty; in March they submitted a bill to the Duma (lower house of the parliament) to reinstate the death penalty for terrorism-related crimes. The government and the Supreme Court expressed their opposition to the bill in the same month.

MIDDLE EAST AND NORTH AFRICA

REGIONAL TRENDS

- There was an overall reduction in the use of the death penalty in the Middle East and North Africa region in 2016 compared to 2015.
- There were confirmed executions in five countries – three fewer than in 2015. However, it was not possible to confirm if judicial executions took place in Libya, Syria or Yemen.
- The total number of recorded executions decreased by 28% compared to 2015.
- Death sentences were imposed in 14 countries. However, it was not possible to confirm any figures for Iran, Syria or Yemen.

COUNTRY	2016 RECORDED EXECUTIONS	2016 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2016
Algeria	0	50	+
Bahrain ⁵²	0	0	+
Egypt	44+	237+	+
Iran	567+	+	+
Iraq	88+	145+	+
Israel	0	0	0
Jordan	0	13	+
Kuwait ⁵³	0	49	+
Lebanon	0	126	+
Libya	Unconfirmed	1+	Unconfirmed
Morocco/Western Sahara	0	6	92+
Oman	0	0	

⁵² On 15 January 2017, three men were executed – the first executions in Bahrain since 2010.

⁵³ On 25 January 2017, seven people were executed – the first executions in Kuwait since 2013.

Palestine (State of)	3	21	21+
Qatar	0	4	+
Saudi Arabia	154+	40+	44+
Syria	Unconfirmed	Unconfirmed	Unconfirmed
Tunisia	0	44	+
United Arab Emirates	0	26	+
Yemen	Unconfirmed	Unconfirmed	Unconfirmed

The use of the death penalty in the region decreased in 2016. The number of executions recorded by Amnesty International fell by 28%, from 1,196 in 2015 to 856 in 2016. Iran, Saudi Arabia and Iraq were the top three executing countries in the region. Iran executed at least 567 people – 66% of all confirmed executions in the region. Saudi Arabia executed at least 154 people and Iraq executed at least 88 people. The three countries were responsible for 95% of all the executions recorded in the region in 2016.

Amnesty International confirmed that 764 death sentences were imposed in the region in 2016, a decrease on the 831 recorded in 2015. The majority were recorded in Egypt, where at least 237 people were sentenced to death. There was a decrease in the number of countries that imposed death sentences (14 in 2016 compared to 17 in 2015). Amnesty International believes that scores of death sentences were imposed in Iran but the lack of transparency in the criminal justice system prevented the organization from confirming any credible figures for the country.

Algeria, Jordan, Kuwait, Lebanon, Morocco/Western Sahara, Qatar, Tunisia and the United Arab Emirates imposed death sentences; they did not carry out executions.

NOTABLE COUNTRY DEVELOPMENTS

Amnesty International did not record any executions in **Algeria** in 2016. The last known execution was carried out in 1993. However, the courts imposed 50 death sentences. The sentences were imposed for terrorism-related offences, murder and rape.

Egypt carried out at least 44 executions in 2016. Adel Habara was executed in December 2016; his conviction was related to the 2013 attack and killings of security forces in North Sinai Governorate. Eight women were executed in relation to offences that included murder. Another 35 people were executed; the men had been convicted of offences that included rape, robbery linked to murder, and murder.

Egypt also imposed at least 237 death sentences in 2016. At least 44 men were sentenced to death by ordinary courts in relation to “terrorism” and political violence while at least 15 men were sentenced to death by military courts after grossly unfair trials and in connection to offences related to political violence and “terrorism” that did not lead to loss of life, in contravention of international human rights law. At least 11 women were sentenced to death by ordinary courts for murder or robbery linked to murder. At least 167 men were sentenced to death by ordinary courts for common law offences including rape and murder.

At least three commutations were granted by the Court of Cassation in April 2016; the men had been sentenced to death for offences that included murder linked to robbery.

Iran carried out at least 567 executions in 2016, including of at least eight of women. The authorities announced 242 executions through official and semi-official sources. However, credible sources confirmed that at least 325 more executions took place, in addition to those officially announced. At least 33 executions were carried out in public.

The majority of executions – at least 328 – were carried out for drug-related offences; 96 of these executions were announced by the authorities while 232 others were confirmed by credible sources. Other executions were for murder, rape or vague offences such as “enmity against God”. Consensual same-sex sexual conducts remained punishable by death.

At least two juvenile offenders were executed. Amnesty International received reports that five other juvenile offenders were among those executed, but was unable to obtain documentary evidence to verify the age of those individuals at the time of the crime.

Amnesty International believes that scores of death sentences were imposed during the year. However, given the lack of transparency in the criminal justice system, it was not possible to confirm any credible figure for death sentences.

On 2 August 2016, 25 Sunni Muslim men – 22 from Iran's Kurdish minority and three of Iraqi nationality – were executed in Raja'i Shahr prison in Karaj, northwest of the capital Tehran. The men had been convicted of the vaguely worded crime, under Iranian law, of “enmity against God” (*moharebeh*), in connection with a number of armed activities, which occurred mainly in Kurdistan Province between 2009 and 2011. The mass executions were carried out without advance notice of the men's executions being given to families and lawyers. Following the mass executions, the authorities issued statements attributing to the men a range of criminal activities; some of these activities had occurred months after some of the men's arrest and after they aired “confession” videos, seemingly intended to dehumanize them. The justice system blatantly violated the defendants' right to a fair trial.

At least 78 juvenile offenders remained on death row. Scores of people who were below 18 years of age when the crime was committed were granted retrials, based on the juvenile sentencing provisions in the 2013 Islamic Penal Code, but were sentenced to death again after the courts concluded that they had attained sufficient “mental maturity” at the time of the crime. Among these people were Himan Uraminejad, Salar Shadizadi,

Hamid Ahmadi, Sajad Sanjari, Alireza Tajiki and Amanj Veisee. The scheduled execution of several juvenile offenders was halted at the last minute following intense international pressure.

The 2013 Islamic Penal Code continued to provide for stoning as a method of execution for adultery; at least one woman, Fariba Khaleghi, remained under sentence of death by stoning for adultery.

At least 88 executions were carried out in **Iraq**. All the executions were carried out by the authorities of the Central Iraqi Government. There were no executions in the Kurdistan Region. At least 145 death sentences – seven in the Kurdistan Region – were imposed for offences that included terrorism. Those sentenced to death were mostly Iraqi nationals.

There were 40 people convicted over the Speicher massacre in February 2016. On 31 July the verdict was upheld for 36 of the defendants; President Fuad Masum ratified the executions on 14 August. During the year the authorities came under increased political and public pressure to speed up executions, particularly following the deadly attack on 2 July on Karrada, a shopping district in the capital Baghdad, which claimed over 300 lives. In the wake of the attack, the Ministry of Justice announced that seven executions were carried out on 4 and 5 July. It stated that there were up to 3,000 individuals on death row.

On 12 July amendments were introduced to the Criminal Code, making it more difficult for defendants sentenced to death to seek a retrial.

In **Lebanon**, 126 Lebanese and Syrian nationals were sentenced to death. The sentences were imposed for “terrorism”, murder and attacking the army. There were no executions during the year.

Three executions were carried out in **Palestine (State of)**. Mohammed Fathi Mohammed Othman, Yousef Mohammed Abu Shamleh and Ahmad Helmi Abdel Qader Sharab were executed on 31 May 2016 by the Hamas de facto administration in the Gaza Strip; the executions were carried out without the ratification of the death sentences by the Palestinian President, contrary to the Palestinian Basic Law of 2003 and the 2001 Penal Procedure Law. Amnesty International recorded 21 death sentences, all in the Gaza Strip. There were 12 death sentences issued by military courts and nine by civilian courts. At least 21 people were under sentence of death at the end of 2016.

Saudi Arabia executed at least 154 people: three women and 151 men. Among those executed were 118 Saudi Arabians. Others were foreign nationals: one (Bangladesh), one (Chad), one (Eritrea), one (Iraq), one (Nigeria), one (Qatar), one (Syria), three (Egypt), three (Ethiopia), four (Jordan), nine (Pakistan), 10 (Yemen). The executions were: 81 for murder, 47 for “terrorism”, 24 for drug-related offences, one for kidnapping and torture, and one for rape.

Amnesty International recorded the imposition of at least 39 death sentences on Saudi Arabian men and at least one death sentence on a woman of unspecified nationality. At least

44 people were under sentence of death at the end of the year. At least five people received commutations of their death sentences.

Sheikh Nimr Baqir al-Nimr, the imam of al-Awamiyya mosque in al-Qatif, Eastern Province, and a vocal critic of discrimination against the country's Shi'a population, was executed on 2 January, together with 46 other prisoners. The trial proceedings contravened international fair trial standards. The authorities did not inform his family before he was executed. They refused to return his body for burial, despite the family's numerous requests, thereby compounding their suffering.

Due to the lack of transparency surrounding the use of the death penalty in **Syria** and the degree to which Syria has prevented independent organizations from accessing detention centres and judicial processes, it was not possible to confirm whether any executions were carried out or whether death sentences were imposed after judicial processes in Syria in 2016.⁵⁴

The **United Arab Emirates** did not carry out executions; 26 death sentences were imposed; three commutations were granted. During the year a new law (7/2016) relating to data protection and expression, expanded the scope of the death penalty.

⁵⁴ 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. In February 2017 Amnesty International published the report of its investigation into extrajudicial executions and the imposition of death sentences without judicial processes between 2011 and 2015 in Saydnaya prison. See: Syria: *Human slaughterhouse – mass hangings and extermination at Saydnaya prison, Syria* (MDE 24/5415/2017).

SUB-SAHARAN AFRICA

REGIONAL TRENDS

- Executions took place in five countries in the Sub-Saharan Africa region, one more than was recorded in 2015.
- At least 22 judicial executions were carried out, 14 of these in Somalia.
- The number of death sentences recorded rose sharply, from 443 in 2015 to at least 1,086 in 2016. This was largely due to a significant rise in Nigeria.
- The death penalty was abolished in Benin, while Guinea abolished the death penalty for ordinary crimes.

COUNTRY	2016 RECORDED EXECUTIONS	2016 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2016
Benin	0	0	14
Botswana	1	0	1
Burkina Faso	0	0	12
Cameroon	0	160+	+
Central African Republic	0	0	
Chad	0	0	
Comoros	0	0	7
Democratic Republic of the Congo	0	93+	+
Equatorial Guinea	0	0	
Eritrea	0	0	
Ethiopia	0	2	10
Gambia	0	0	+
Ghana	0	17	148
Guinea	0	0	12

Kenya	0	24+	2+
Lesotho	0	0	
Liberia	0	5+	+
Malawi	0	1	28
Mali	0	30	53
Mauritania	0	0	77
Niger	0	11	+
Nigeria	3	527	1,979
Sierra Leone	0	5	18
Somalia	14	60	100+
South Sudan	+	+	+
Sudan	2	21	+
Swaziland	0	0	
Tanzania	0	19	491
Uganda	0	0	208
Zambia	0	101	157
Zimbabwe	0	8	97

2016 saw mixed developments on the use of the death penalty in Sub-Saharan Africa.

A Constitutional Court decision in Benin effectively abolished the death penalty for all crimes while Guinea abolished the death penalty for ordinary crimes. Amnesty International recorded fewer executions in the region than in 2015 – 22 compared to 43.

However, the resumption of executions in Botswana and Nigeria, two countries that had not carried out executions since 2013, cast a shadow over positive developments in other countries.

Amnesty International recorded a 145% increase in the number of death sentences imposed across the region, although the number of countries where such punishment was handed down by the courts fell from 21 in 2015 to 17 in 2016. The sharp increase in the number of death sentences recorded was largely due to a significant rise in Nigeria.

NOTABLE COUNTRY DEVELOPMENTS

On 21 January the Constitutional Court of **Benin** determined that the entry into force of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and its ratification by Benin, “now renders inoperative all legal provisions [including those of the Criminal Code] stipulating the death penalty as a punishment”.⁵⁵ The Constitutional Court found that “no legal provision contained in the internal legal order can any longer mention the death penalty; that, likewise, no criminal prosecution undertaken by any jurisdiction can have as its legal basis a provision stipulating capital punishment as the punishment for the offence committed, such that no one can now be sentenced to capital punishment in Benin.”⁵⁶ This ruling effectively abolished the death penalty for all crimes in Benin.

Nonetheless, 14 people – 10 Beninese, two Nigerians, one Togolese and one Ivorian – remained under sentence of death in Benin at the end of the year. A bill seeking to revise the Criminal Code and expressly remove death penalty provisions completely was pending at the National Assembly at the end of the year.

According to information that the **Botswana** government provided to Amnesty International, one execution was carried out in 2016, the first since 2013. No death sentence was imposed. A 35-year-old man was under sentence of death at the end of the year.

Amnesty International has received credible information from legal sources in **Cameroon** that at least 160 death sentences were imposed by military courts in the northern city of Maroua during 2016.⁵⁷ Some of those who had been sentenced to death were acquitted on appeal.

In December the National Assembly of **Chad** adopted a revised Penal Code which abolished the death penalty except for “terrorism”.⁵⁸ The Penal Code had not entered into force at the end of the year.

The courts in the **Democratic Republic of the Congo** sentenced at least 93 people to death for offences including kidnapping, extortion and participation in a criminal gang, murder, participation in an insurrectional movement, terrorism and crimes against humanity. No executions were carried out.

According to information that the **Ghana** Prisons Service provided to Amnesty International, no executions were carried out, while 17 death sentences were imposed. At the end of the year, 148 people were under sentence of death, seven of whom were foreign nationals – five

⁵⁵ Benin Constitutional Court Decision DCC 16-020, unofficial translation

⁵⁶ Benin Constitutional Court Decision DCC 16-020

⁵⁷ The death sentences were imposed for terrorism-related offences.

⁵⁸ “Tchad: l'Assemblée nationale abroge la peine de mort et interdit les mariages précoces”, BBC Afrique, 12 Décembre 2016, available at www.bbc.com/afrique/38297969

from Togo, one from Burkina Faso and one from Nigeria. Four commutations were granted and one person was exonerated.

In 2016 **Guinea** abolished the death penalty for ordinary crimes. On 4 July the National Assembly voted in favour of a revised Criminal Code which removed the death sentence from the list of applicable penalties. On 26 October President Alpha Condé promulgated the revised Criminal Code, bringing it into force. The Military Code of Justice still provided for the death penalty for exceptional crimes including treason; desertion in presence of the enemy; capitulation; destruction of ships/planes and revolt at times of war or state of emergency. An amendment of the Military Code to remove all death penalty provisions was pending in the National Assembly at the end of the year.

In **Kenya** at least 24 death sentences were imposed. No executions were carried out; Kenya has not carried out an execution since 1987. On 24 October President Uhuru Kenyatta commuted the death sentences of 2,747 people to life imprisonment.⁵⁹

There were no executions or death sentences in **Mauritania**. A total of 77 people, including 11 foreign nationals, were under sentence of death at the end of the year. Fifteen commutations were granted and one person was exonerated.

Niger imposed 11 death sentences; no executions were carried out. During the review of Niger under the UN Human Rights Council Universal Periodic Review (UPR), Niger accepted recommendations to abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁶⁰

Three people were executed in **Nigeria** in 2016, the first executions since 2013. The executions were carried out in Benin Prison in Edo State. According to information provided by the Nigerian Prisons Service to Amnesty International, 527 people were sentenced to death in 2016. The Nigerian Prisons Service also reported that 33 pardons were granted, 32 death row prisoners were exonerated and 1,979 people were on death row, including five foreign nationals. During the year a total of 105 death sentences were commuted.

The courts in **Sierra Leone** imposed five death sentences. No executions were carried out. Eighteen people were under sentence of death at the end of the year. In September the Minister of Internal Affairs stated that the government would resume executions to deal with the increase in gang-related killings in the country. In October, the Minister supervised

⁵⁹ The 2,747 prisoners had all been under sentence of death at the time of the commutation of sentences.

⁶⁰ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Niger, UN doc. A/HRC/32/5, 12 April 2016, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/075/23/PDF/G1607523.pdf?OpenElement>

testing of the gallows in Pademba Road Prison. Following the review of Sierra Leone under the UPR in January, Sierra Leone had accepted recommendations to abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁶¹

In **Somalia**, 14 people were executed: seven of these executions were carried out under the authority of the Federal Government of Somalia; six executions were carried out in Somaliland; and one execution was carried out in Puntland.⁶² There were 60 death sentences imposed – seven under the authority of the Federal Government of Somalia, eight in Somaliland and 45 in Puntland. At the end of the year, at least 100 people were under sentence of death in the country.

Sudan carried out two executions and imposed 21 death sentences. One commutation and 17 pardons were granted, while nine people were exonerated. In September, Article 126 of the 1991 Sudan Criminal Law, which provided for death by stoning for apostasy, was amended to provide for death by hanging.

According to information provided by the government of **Swaziland** to Amnesty International there is a moratorium on the use of the death penalty in the country and no executions have been carried out since 1983.

Zambia informed Amnesty International that there has been a moratorium on executions in the country since 1997, no executions were carried out in 2016; however, the High Court imposed 101 death sentences. At the end of the year 157 people – including two foreign nationals from Senegal and Tanzania – were under sentence of death.

According to information provided by the government of **Zimbabwe** to Amnesty International, no executions were carried out; eight death sentences were imposed. There were 97 people under sentence of death at the end of the year; two people had their death sentences commuted.

⁶¹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Sierra Leone, UN doc. A/HRC/32/16/Add.1, 22 June 2016, available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/127/92/PDF/G1612792.pdf?OpenElement>

⁶² These figures do not include reports of public unlawful killings by Somali armed opposition groups such as al-Shabab.

ANNEX I: EXECUTIONS AND DEATH SENTENCES IN 2016

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 instance, Afghanistan (4+) – it means that Amnesty International confirmed 4 executions or death sentences in Afghanistan but believes there were more than 4. 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 2016

China 1,000s ⁶³	Belarus 4+
Iran 567+	Singapore 4
Saudi Arabia 154+	Indonesia 4
Iraq 88+	Japan 3
Pakistan 87+	Nigeria 3
Egypt 44+	Palestine (State of) 3, Hamas authorities, Gaza
USA 20	Sudan 2
Somalia 14 (Puntland 1; Somaliland 6; Federal Government of Somalia 7)	Botswana 1
Bangladesh 10	Taiwan 1
Malaysia 9	North Korea +
Afghanistan 6	Viet Nam +
	South Sudan +

⁶³ The use of “s” means several thousands.

RECORDED DEATH SENTENCES IN 2016

China 1,000s ⁶⁴	Kuwait 49	Afghanistan 4+
Nigeria 527	Tunisia 44	Belarus 4
Pakistan 360+	Saudi Arabia 40+	Qatar 4
Bangladesh 245+	Malaysia 36+	Barbados 3
Egypt 237+	USA 32	Laos 3+
Thailand 216	Mali 30	Myanmar 3+
Cameroon 160+	United Arab Emirates 26	Japan 3
Iraq 145+	Kenya 24+	Ethiopia 2
India 136	Palestine (State of) 21, Hamis authorities, Gaza	Maldives 2
Lebanon 126	Sudan 21+	Taiwan 2
Zambia 101	Tanzania 19	Trinidad and Tobago 2
Democratic Republic of the Congo 93+	Ghana 17	Libya 1+
Sri Lanka 79+	Jordan 13	Guyana 1
Viet Nam 63+	Niger 11	Kazakhstan 1
Indonesia 60+	Zimbabwe 8	Malawi 1
Somalia 60 (Puntland 45; Somaliland 8; and Federal Government of Somalia 7)	Singapore 7+	Papua New Guinea 1
Algeria 50	Morocco/Western Sahara 6	Iran +
	Liberia 5+	North Korea +
	Sierra Leone 5	South Sudan +

⁶⁴ See note 63.

ANNEX II: ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 31 DECEMBER 2016

More than two thirds of the countries in the world have now abolished the death penalty in law or practice. As of 31 December 2016 the numbers were as follows:

Abolitionist for all crimes: 104

Abolitionist for ordinary crimes only: 7

Abolitionist in practice: 30

Total abolitionist in law or practice: 141

Retentionist: 57

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, Cambodia, Cabo Verde, Canada, Colombia, Cook Islands, Congo (Republic of), Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Finland, Fiji, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, Ireland, Italy, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, 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, Chile, El Salvador, Guinea, 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, Burkina Faso, Cameroon, Central African Republic, Eritrea, Ghana, Grenada, Kenya, Laos, Liberia, Malawi, Maldives, Mali, Mauritania, Mongolia, Morocco/Western Sahara, Myanmar, Niger, Papua New Guinea, Russian Federation,⁶⁵ Sierra Leone, South Korea (the Republic of Korea), Sri Lanka, Swaziland, 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, Democratic Republic of the Congo, Cuba, Dominica, Egypt, Equatorial Guinea, Ethiopia, Gambia, Guatemala, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Nigeria, North Korea (the 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.

⁶⁵ 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 2016

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 2016. (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, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Mexico, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, San Marino, Serbia (including Kosovo), Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, UK, Ukraine, Uruguay, Uzbekistan, Venezuela (total: 83)

Signed but not ratified: Angola, Madagascar, Sao Tome and Principe (total: 3)

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, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, 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 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, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, 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 71/187, ADOPTED ON 19 DECEMBER 2016

The UN General Assembly adopted its sixth 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 71/187, adopted on 19 December 2016

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Congo (Republic of), Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malta, Marshall Islands, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Serbia (including Kosovo), Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Togo, UK, Ukraine, Uruguay, Vanuatu, Venezuela (total: 89)

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, Congo (Republic of), Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Eritrea, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malawi, Mali, Malta, Marshall Islands, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Romania, Russian Federation, Samoa, San Marino, Sao Tome and Principe, Serbia (including Kosovo), Sierra Leone, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Tajikistan, Timor-Leste, Togo, Tunisia, Turkey, Turkmenistan, Tuvalu, UK, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela (total: 117)

Votes against – Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Burundi, China, Dominica, Egypt, Ethiopia, Grenada, Guyana, India, Iran, Iraq, Jamaica, Japan, Kuwait, Libya, Malaysia, Maldives, North Korea (the Democratic People's Republic of Korea), Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis,

Saint Lucia, Saint Vincent and Grenadines, Saudi Arabia, Singapore, South Sudan, Sudan, Syria, Trinidad and Tobago, USA, Yemen (total: 40)

Abstentions – Bahrain, Belarus, Cameroon, Comoros, Cuba, Djibouti, Equatorial Guinea, Ghana, Indonesia, Jordan, Kenya, Laos, Lebanon, Lesotho, Liberia, Mauritania, Morocco/Western Sahara, Myanmar, Niger, Nigeria, Philippines, Seychelles, South Korea (the Republic of Korea), Tanzania, Thailand, Tonga, Uganda, United Arab Emirates, Viet Nam, Zambia, Zimbabwe (total: 31)

Not present – Democratic Republic of the Congo, Gambia, Mauritius, Rwanda, Senegal (total: 5)



**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

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DEATH SENTENCES AND EXECUTIONS

2016

Amnesty International recorded more than 1,000 executions around the world in 2016. While this figure represented a reduction from 2015 – a year in which the organization logged a historical spike – more than 3,000 death sentences were imposed in 2016, an increase on the figure recorded for the previous year.

Two countries – Benin and Nauru – abolished the death penalty for all crimes, while Guinea abolished it for ordinary crimes.

In the Middle East and North Africa, the number of executions recorded decreased by 28%, but Iran and Saudi Arabia remained among the world's top executioners.

In Asia-Pacific, the number of known executions decreased, mostly due to a significant reduction in Pakistan. China was once again the world's lead executioner but figures remained classified as a state secret. The number of recorded death sentences in the Asia-Pacific region rose significantly, while new information which came to light in China, Malaysia and Viet Nam painted an alarming picture of the extensive resort to the death penalty in these countries.

In Sub-Saharan Africa, there were fewer executions recorded; however the number of death sentences logged rose by 145%, largely due to a steep rise in Nigeria.

The USA remained the only country to carry out executions in the Americas region, for the 8th consecutive year. However, the number of executions and death sentences continued to decrease. Two Caribbean countries – Antigua and Barbuda and Bahamas – commuted their last remaining death sentences.

In Europe and Central Asia, Belarus resumed executions after a 17-month hiatus. Belarus and Kazakhstan were the only two countries in the region to use the death penalty.

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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