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AMNESTY INTERNATIONAL GLOBAL REPORT

**DEATH SENTENCES**

**AND EXECUTIONS**

**2017**

**AMNESTY**  
INTERNATIONAL



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*Insert:* The abolitionist trend in Sub-Saharan Africa  
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## **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 2017. As in previous years, information is collected from a variety of sources, including: official figures; judgments; information from individuals sentenced to death and their families and representatives; reporting by other civil society organizations; and media reports. Amnesty International reports only on executions, death sentences and other aspects of the use of the death penalty, such as commutations and exonerations, where there is reasonable confirmation. In many countries governments do not publish information on their use of the death penalty. In Belarus, China and Viet Nam, data on the use of the death penalty is classified as a state secret. During 2017 little or no information was available on some countries – in particular Laos, Libya, Malaysia, North Korea (the Democratic People's Republic of Korea), Syria, Viet Nam 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, a decision that reflected concerns about how the Chinese authorities misrepresented Amnesty International's numbers. Amnesty International always made clear that the figures it was able to publish on China were significantly lower than the reality, because of the restrictions on access to information. China has yet to publish any figures on the death penalty; however, available information indicates that each year thousands of people are executed and sentenced to death. Amnesty International renews its call on the Chinese authorities to publish information on the use of the death penalty in China.

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

In tables and lists, where “+” appears after a figure next to the name of a country – for example, Indonesia (47+) – it means that Amnesty International confirmed 47 executions, death sentences or persons under sentence of death in Indonesia but believes that there were more than 47. 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 2017

**‘The death penalty does little to serve victims or deter crime.’**

António Guterres, UN Secretary-General, 10 October 2017<sup>1</sup>

## GLOBAL FIGURES

Amnesty International’s research points to a further decrease in the global use of the death penalty in 2017, down from the high peaks recorded for total executions in 2015 and death sentences in 2016. The number of countries carrying out executions and imposing death sentences remained in line with figures recorded in recent years.

Two countries abolished the death penalty for all crimes and a third country became abolitionist for ordinary crimes such as murder. Several other countries took steps to restrict the use of this punishment. At the end of 2017, 106 countries had abolished the death penalty in law for all crimes and 142 countries had abolished the death penalty in law or practice.

These figures reaffirm, once again, the global trend towards abolition of the death penalty. Only an isolated minority of countries continue to resort to executions. Just four countries were responsible for 84% of all recorded executions in 2017.

This positive trend was exemplified by the sub-Saharan Africa region, where Amnesty International recorded a drop in the number of executing countries, from five in 2016 to two in 2017, and saw a significant decrease in the number of death sentences imposed. Additionally, Guinea abolished the death penalty for all crimes and Kenya abolished the mandatory death penalty for murder. The number of abolitionist countries in the region now stands at 20, from just one in 1981 when the first country abolished this punishment.

Amnesty International recorded a noticeable decrease in the overall number of executions carried out for drug-related offences. Additionally, Iran and Malaysia – two staunch supporters of the use of the death penalty for drug-related offences – adopted legislative amendments that could reduce the use of the mandatory death penalty for these offences.

These important developments confirmed that the world has passed a tipping point and that the abolition of the ultimate cruel, inhuman and degrading punishment is within reach.

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<sup>1</sup> ‘Secretary-General’s remarks at Panel on “Transparency and the death penalty”’, United Nations Secretary-General, 10 October 2017, [www.un.org/sg/en/content/sg/statement/2017-10-10/secretary-generals-remarks-panel-%E2%80%9Ctransparency-and-death-penalty%E2%80%9D](http://www.un.org/sg/en/content/sg/statement/2017-10-10/secretary-generals-remarks-panel-%E2%80%9Ctransparency-and-death-penalty%E2%80%9D)

## EXECUTIONS

The number of executions carried out globally continued to decrease from 2016 into 2017. Amnesty International recorded 993 executions during the year, down by 4% from 2016 (1,032 executions) and 39% from 2015 (when the organization reported 1,634 executions, the highest number since 1989). With this decrease, the number of global executions returned in line with totals recorded before the 2015 peak.<sup>2</sup> These totals 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.<sup>3</sup>

More than half (51%) of all recorded executions were carried out in Iran, which together with Saudi Arabia, Iraq and Pakistan carried out 84% of the global total. Executions in Iraq increased by 42%, from 88 in 2016 to 125+ in 2017. The other three countries, however, reported a slight decrease in execution figures compared to 2016 – by 11% in Iran, 5% in Saudi Arabia and, more significantly, 31% in Pakistan.

Executions also noticeably fell in Egypt (by 20%) and Belarus (from 4+ to 2+). Executions doubled or almost doubled in Palestine (State of) from 3 in 2016 to 6 in 2017; Singapore from 4 to 8; and Somalia from 14 to 24.<sup>4</sup>

Amnesty International recorded executions in 23 countries, the same number as in 2016.

Bahrain, Jordan, Kuwait and the United Arab Emirates (UAE) resumed executions in 2017 after a hiatus.<sup>5</sup> Amnesty International did not record executions in five countries – Botswana, Indonesia, Nigeria, Sudan and Taiwan – that carried out executions in 2016. The organization was unable to confirm whether judicial executions took place in Libya and Syria.

### EXECUTIONS RECORDED GLOBALLY IN 2017<sup>6</sup>

Afghanistan (5), Bahrain (3), Bangladesh (6), Belarus (2+), China (+), Egypt (35+), Iran (507+), Iraq (125+), Japan (4), Jordan (15), Kuwait (7), Malaysia (4+), North Korea (+), Pakistan (60+), Palestine (State of) (6: Hamas authorities, Gaza), Saudi Arabia (146), Singapore (8), Somalia (24: Puntland 12, Federal Government of Somalia 12), South Sudan (4), UAE (1), USA (23), Viet Nam (+), Yemen (2+).

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

<sup>2</sup> Until 2015, Amnesty International presented two figures for executions in Iran in its annual reports on the global use of the death penalty: the figure of officially announced executions, which the organization used as its main figure in infographics and short text; and a figure for those executions that were not officially announced but which the organization was able to confirm (taking measures to avoid double counting). From 2016 onward, Amnesty International has been using an aggregated figure, which represents the sum of officially announced executions and all other non-officially announced executions that the organization could confirm.

<sup>3</sup> 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 authorities to prove their claims that they are achieving their goal of reducing the application of the death penalty by publishing the figures themselves. Little or partial information was available for several other countries (see 'Note on Amnesty International's figures on the use of the death penalty' in this report for further information).

<sup>4</sup> The authorities of Singapore made available only limited information on executions carried out. It is possible that the increase in the number of executions in 2017 is linked to the resolution of litigation arising from the implementation of legislative amendments to the mandatory death penalty, which came into effect in 2013.

<sup>5</sup> Before 2017, the last execution was carried out in Bahrain in 2010, in Jordan in 2015, in Kuwait in 2013 and in the United Arab Emirates in 2015. Although Amnesty International recorded two executions in Yemen in 2017, it is not clear if this marked a resumption in executions as the organization was unable to confirm executions in Yemen in 2016 due to the ongoing conflict in the country.

<sup>6</sup> Due to the ongoing conflict in these countries, Amnesty International could not confirm that executions were carried out in Libya and Syria in 2017

### **THE DEATH PENALTY AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS IN 2017**

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.

Three of the 55 member states of the African Union carried out executions: Egypt, Somalia and South Sudan.

Ten of the 21 member states of the League of Arab States were known to have carried out executions: Bahrain, Egypt, Iraq, Jordan, Kuwait, Palestine, Saudi Arabia, Somalia, UAE and Yemen.<sup>7</sup>

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

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

Two of the 58 member states of the Organisation internationale de la Francophonie were known to have carried out executions: Egypt and Viet Nam.

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

170 (88%) of the 193 member states of the UN were execution-free in 2017.

### **DEATH SENTENCES**

Amnesty International recorded a 17% decrease in the total number of death sentences imposed globally, down to 2,591+ in 2017 from the record-high of 3,117 recorded in 2016. However, figures remained in line with the high totals reported by the organization in recent years (for example, 2,466 in 2014).

The number of countries known to have imposed new death sentences reduced from 55 in 2016 to 53 in 2017, decreasing for the second year running (from 61 in 2015). Seven countries which imposed death sentences in 2016 were not recorded as doing so in 2017: Barbados, Ethiopia, Kazakhstan, Liberia, Malawi, Niger and Papua New Guinea. However, Amnesty International recorded five countries that imposed new death sentences in 2017 although they did not do so in 2016: Bahrain, Botswana, Brunei Darussalam, Equatorial Guinea and Gambia.<sup>8</sup>

#### **DEATH SENTENCES RECORDED GLOBALLY IN 2017**

Afghanistan (11+), Algeria (27+), Bahrain (15), Bangladesh (273+), Belarus (4+), Botswana (4), Brunei Darussalam (1), China (+), Democratic Republic of the Congo (22+), Egypt (402+), Equatorial Guinea (2), Gambia (3), Ghana (7), Guyana (3), India (109), Indonesia (47+), Iran (+), Iraq (65+), Japan (3), Jordan (10+), Kenya (21+), Kuwait (15+), Laos (1+), Lebanon (12+), Libya (3+), Malaysia (38+), Maldives (2), Mali (10), Morocco/Western Sahara (15+), Myanmar (2+), Nigeria (621), North Korea (+), Pakistan (200+), Palestine (State of) (16: Hamas authorities, Gaza), Qatar (1), Saudi Arabia (1+), Sierra Leone (21), Singapore (15), Somalia (24: Puntland 16; Federal Government of Somalia 8), South Sudan (16+), Sri Lanka (218), Sudan (17+), Taiwan (3), Tanzania (5+), Thailand (75), Trinidad and Tobago (9), Tunisia (25+), UAE (5), USA (41), Viet Nam (35+), Yemen (5+), Zambia (94), Zimbabwe (11).

Amnesty International recorded significantly higher numbers of death sentences imposed in Bangladesh, Egypt, Morocco/Western Sahara, Nigeria, Sierra Leone, Singapore, Sri Lanka and Trinidad and Tobago. Noticeable decreases were found in Algeria, the Democratic Republic of the Congo, Ghana, India, Indonesia, Iraq, Kuwait, Lebanon, Mali, Pakistan, Saudi Arabia, Somalia, Tanzania, Tunisia and the UAE.

<sup>7</sup> Syria's membership of the League of Arab States was suspended because of the violence used to suppress uprisings

<sup>8</sup> It is not clear if the imposition of death sentences in Yemen resumed in 2017, as Amnesty International was unable to confirm figures for this country in 2016 due to the ongoing conflict there



For some of these countries, such as Sri Lanka, the increase is due to the fact that the authorities provided Amnesty International with detailed information on their use of the death penalty in 2017, while they did not do so for 2016. Amnesty International's own ability to obtain credible data on some other countries may have also partly contributed to a higher overall figure.

At least 21,919 people were known to be under sentence of death globally at the end of 2017.

## COMMUTATIONS, PARDONS AND EXONERATIONS

Amnesty International recorded commutations or pardons of death sentences in 21 countries: Bangladesh, Cameroon, China, Egypt, India, Indonesia, Japan, Kuwait, Malaysia, Mauritania, Morocco/Western Sahara, Nigeria, Pakistan, Papua New Guinea, Qatar, Sri Lanka, Taiwan, Tunisia, UAE, USA and Zimbabwe.<sup>9</sup>

Amnesty International recorded 55 exonerations of prisoners under sentence of death in six countries: China (1), Maldives (1), Nigeria (28), Taiwan (1), USA (5), Zambia (19).<sup>10</sup>

## HOW THE DEATH PENALTY WAS USED IN 2017

**Public executions** were carried out in Iran (at least 31).

Amnesty International received reports indicating that at least five people in Iran were executed for crimes committed when they were **under 18 years of age**. Iran also sentenced to death other people who were younger than 18 at the time of the crime. Amnesty International believed that juvenile offenders remained on death row in Bangladesh, Iran, Maldives, Pakistan and Saudi Arabia. The imposition and execution of the 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 prisoner is in dispute because no clear proof of age exists, such as a certificate of registration at birth.<sup>11</sup>

People with **mental or intellectual disabilities** were executed or remained under sentence of death in several countries including Japan, Maldives, Pakistan, Singapore 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**. Amnesty International raised particular concerns in relation to court proceedings in Bangladesh, Belarus, China, Egypt, Iran, Iraq, Malaysia, North Korea, Pakistan, Saudi Arabia, Singapore and Viet Nam. In several countries – including Bahrain, China, Iran, Iraq 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 violating the defendant's right to be presumed innocent until proven guilty. Death sentences were imposed without the defendant being present (in absentia) in Bangladesh and Palestine (State of).

**Mandatory death sentences** continued to be imposed in Brunei Darussalam, Ghana, Iran, 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”.<sup>12</sup>

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

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

<sup>11</sup> Governments should apply a full range of appropriate criteria in cases where age is in dispute. Good practice in assessing age includes drawing on knowledge of physical, psychological and social development. Each of these criteria should be applied in a way that gives the benefit of the doubt in disputed cases so that the individual is treated as a juvenile offender, and accordingly should ensure that the death penalty is not applied. Such an approach is consistent with the principle that the best interests of the child shall be a primary consideration in all actions concerning children, as required by Article 3(1) of the UN Convention on the Rights of the Child.

<sup>12</sup> 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

**Military courts** sentenced civilians to death in Egypt and Pakistan. Special courts whose proceedings did not meet international fair trial standards imposed death sentences in Bangladesh and Pakistan.

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 crime** in 15 countries. In at least four of those countries it was imposed as the mandatory punishment for such offences. Amnesty International recorded executions for drug-related offences in only four countries – China (which classifies figures as a state secret), Iran, Saudi Arabia and Singapore – but believed it was possible that Malaysia and Viet Nam also carried out executions for these crimes.

In Iran, the proportion of such executions reduced from almost 60% of total executions in 2016 to 40% in 2017, possibly in line with legislative reforms in 2017 to anti-narcotics laws, and lead to an overall decrease in the total number of executions. All of the eight executions carried out by Singapore in 2017 were for drug-related offences, with the total number of executions increasing from four in 2016. Saudi Arabia increased drug-related executions, from 16% of total executions in 2016 to 40% in 2017.

Indonesia, where no executions were carried out in 2017, also reported a slight decrease in the number of death sentences imposed for drug-related offences (from 77% of its total in 2016 to 70% in 2017).

Although the Middle East and North Africa region recorded the highest number of drug-related executions in 2017 (264), the Asia-Pacific region recorded the highest number of countries resorting to the death penalty for this type of offences (10 out of 16). However, since it was impossible for Amnesty International to confirm executions for drug-related offences for Malaysia and Viet Nam, and put forward a figure for China, it is highly likely that the Asia-Pacific region also had the highest number of executions carried out and death sentences imposed for drug-related offences.

The table below provides a breakdown of figures reported by Amnesty International on the use of the death penalty for drug-related offences in 2017 and 2016.

| COUNTRY              | 2017 RECORDED EXECUTIONS FOR DRUG-RELATED OFFENCES (2016 FIGURE IN BRACKETS) | 2017 RECORDED DEATH SENTENCES FOR DRUG-RELATED OFFENCES (2016 FIGURE IN BRACKETS) |
|----------------------|------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| BRUNEI DARUSSALAM    | 0<br>(0)                                                                     | 1 out of 1<br>(0)                                                                 |
| CHINA                | Figure unknown, public executions reported<br>(Figure unknown)               | Figure unknown<br>(Figure unknown)                                                |
| INDIA                | 0<br>(0)                                                                     | 2 out of 109, 2%<br>(1 out of 136, 1%)                                            |
| INDONESIA            | 0<br>(4 out of 4, 100%)                                                      | 33 out of 47+, 70%<br>(46 out of 60+, 77%)                                        |
| IRAN                 | 205 out of 507, 40%<br>(328 out of 567, 58%)                                 | Figure unknown<br>(Figure unknown)                                                |
| IRAQ                 | Figure unknown<br>(0 out of 88+)                                             | 4 out of 65, 6%<br>(Figure unknown)                                               |
| KUWAIT               | 0 out of 7<br>(0)                                                            | 4 out of 15+, 27%<br>(10 out of 49, 20%)                                          |
| LAOS                 | 0<br>(0)                                                                     | 1 out of 1, 100%<br>(3 out of 3, 100%)                                            |
| MALAYSIA             | Figure and breakdown by crime unknown<br>(Breakdown by crime unknown)        | 21 out of 38+, 55%<br>17 out of 36+, 47%)                                         |
| PALESTINE (STATE OF) | 0 out of 6<br>(0 out of 3)                                                   | 4 out of 16, 25%<br>(0 out of 21)                                                 |

| COUNTRY              | 2017 RECORDED EXECUTIONS FOR<br>DRUG-RELATED OFFENCES (2016<br>FIGURE IN BRACKETS) | 2017 RECORDED DEATH SENTENCES<br>FOR DRUG-RELATED OFFENCES<br>(2016 FIGURE IN BRACKETS)                                                                                                                                                   |
|----------------------|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SAUDI ARABIA         | 59 out of 146, 40%<br>(24 out of 154, 16%)                                         | Figure unknown<br>(Figure unknown)                                                                                                                                                                                                        |
| SINGAPORE            | 8 out of 8, 100%<br>(2 out of 4, 50%)                                              | 12 out of 15, 80%<br>(7 out of 7, 100%)                                                                                                                                                                                                   |
| SRI LANKA            | 0<br>(0)                                                                           | 3 out of 218, 1%<br>(1 out of 78, 1%)                                                                                                                                                                                                     |
| THAILAND             | 0<br>(0)                                                                           | Figure for new death sentences<br>unavailable; 86 out of 192<br>finalized death sentences were<br>for drug-related offences (45%)<br>(Figure unavailable; 213 out of<br>427 on death row were convicted<br>of drug-related offences, 50%) |
| UNITED ARAB EMIRATES | 0<br>(0)                                                                           | 0<br>(3 out of 26, 12%)                                                                                                                                                                                                                   |
| VIET NAM             | Figure unknown<br>(Figure unknown)                                                 | 31 out of 35+, 88%<br>(54 out of 63, 86%)                                                                                                                                                                                                 |

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 2017 included: economic crimes, such as corruption (China, Viet Nam);<sup>13</sup> digging ancient cultural sites and reselling cultural relics (China);<sup>14</sup> discharging firearms (Malaysia); witchcraft, sorcery and “adultery” (Saudi Arabia); kidnapping (Iraq), kidnapping and torture (Saudi Arabia); rape (Saudi Arabia); and “blasphemy” or “insulting the prophet of Islam” (Iran, 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 Iran, Lebanon, North Korea, Pakistan, Palestine (State of) (in Gaza), and Saudi Arabia.

The House of Representatives of the Philippines adopted draft legislation to **reintroduce the death penalty** in March, while similar bills remained pending at the Senate. The reintroduction of the death penalty set the country against its international obligations as a state party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Maldives also took steps to resume executions after more than six decades without carrying out any.

Against international standards, India, Singapore and Thailand **expanded the scope of the death penalty** by adopting new laws that would impose the death penalty for hijacking, nuclear terrorism and corruption, respectively.

## POSITIVE DEVELOPMENTS

Two more countries abolished the death penalty for all crimes in 2017. On 31 May, the National Assembly of Guinea adopted a new Code of Military Justice, which removed the death sentence as an applicable penalty; it came into force on 28 December. The new Criminal Code of Mongolia, adopted on 3 December 2015 and fully abolishing the death penalty, came into force on 1 July 2017.

On 24 October 2017, the Constitutional Court of Guatemala declared unconstitutional articles in the Penal Code and the Anti-Narcotics Law allowing for the imposition of the death penalty, enabling Amnesty International to reclassify the country as abolitionist for ordinary crimes only.

<sup>13</sup> In China, economic offences were punished with “suspended” death sentences, which are generally commuted to terms of imprisonment after two years’ imprisonment when no other crimes are committed

<sup>14</sup> Digging ancient cultural sites and reselling cultural relics was punished with a “suspended” death sentence

Two countries that had already abolished the death penalty – Madagascar and Sao Tome and Principe – acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. This commits both countries to the abolition of this punishment. In addition, Gambia, which retains the death penalty in law and practice, signed the Protocol in 2017. This commits Gambia not to carry out executions and to take all necessary measures to abolish the death penalty within its jurisdiction.

The National Court of Papua New Guinea – the only member of the Pacific Islands Forum to use the death penalty – conducted a judicial inquiry into the protection of the human rights of those facing the death penalty and ordered an indefinite stay of execution for the 12 men on death row, including allowing for the establishment of a mercy committee and review of clemency applications.

Significant steps towards restricting the use of the death penalty were also taken in several other countries. In Afghanistan, President Ashraf Ghani Ahmadzai endorsed the new Penal Code on 4 March 2017, which would reduce the number of crimes for which the death penalty could be imposed.<sup>15</sup> Different bodies of China's judiciary and executive adopted various new regulations during the year aimed at strengthening fair trial safeguards.

In November, Iran amended the Anti-Narcotics Law, increasing the amounts of drugs needed to trigger the imposition of a mandatory death sentence, with potential retroactive effect. During the same month, the House of Representatives of Malaysia adopted amendments to the Dangerous Drugs Act, 1952, introducing some sentencing discretion in cases of people convicted of transporting drugs who are also found to have co-operated with law enforcement. On 14 December the Supreme Court of Kenya ruled that the mandatory use of the death penalty for murder was unconstitutional.

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<sup>15</sup> United Nations Assistance Mission in Afghanistan, 'UNAMA welcomes Afghanistan's new Penal Code – Calls for robust framework to protect women against violence', 22 February 2018, <https://unama.unmissions.org/unama-welcomes-afghanistan%E2%80%99s-new-penal-code-calls-robust-framework-protect-women-against-violence>

# REGIONAL OVERVIEWS

## AMERICAS

### REGIONAL TRENDS

- For the 9<sup>th</sup> consecutive year, the USA remained the only country to carry out executions in the Americas region.
- The number of executions and death sentences in the USA slightly increased compared to 2016, but remained within historically low trends recorded in recent years. For the second year in a row, and the second time since 2006, the USA did not feature among the top five global executioners, with its position in the global ranking decreasing from 7<sup>th</sup> to 8<sup>th</sup>.
- Only three countries in the Americas region imposed death sentences – Guyana, Trinidad and Tobago and the USA.
- Guatemala became the 142<sup>nd</sup> country to have abolished the death penalty in law or practice.

| COUNTRY                          | 2017 RECORDED EXECUTIONS | 2017 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2017 |
|----------------------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Antigua and Barbuda              | 0                        | 0                             | 0                                                             |
| Bahamas                          | 0                        | 0                             | 0                                                             |
| Barbados                         | 0                        | 0                             | 11                                                            |
| Belize                           | 0                        | 0                             | 0                                                             |
| Cuba                             | 0                        | 0                             | 0                                                             |
| Dominica                         | 0                        | 0                             | 0                                                             |
| Grenada                          | 0                        | 0                             | 1                                                             |
| Guatemala                        | 0                        | 0                             | 0                                                             |
| Guyana                           | 0                        | 3                             | 26                                                            |
| 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                                                                                                                                        | 9                                                                                                                                                                                                                                                                                                                      | 42                                                                                                                                                                    |
| USA <sup>16</sup>   | 23 in eight states:<br>Alabama (3)<br>Arkansas (4)<br>Florida (3)<br>Georgia (1)<br>Missouri(1)<br>Ohio (2)<br>Texas (7)<br>Virginia (2) | 41 (including on three women) in 15 jurisdictions:<br>Alabama (2)<br>Arizona (4)<br>Arkansas (1)<br>California (11)<br>Florida (3) <sup>17</sup><br>Idaho (1)<br>Mississippi (1)<br>Missouri (1)<br>Nebraska (1)<br>Nevada (4)<br>Ohio (2)<br>Oklahoma (2)<br>Pennsylvania (2)<br>Texas (4)<br>Federal authorities (2) | 2,724 people (including 24 women) held in 34 jurisdictions including:<br>746 in California<br>349 in Florida<br>228 in Texas<br>182 in Alabama<br>156 in Pennsylvania |

The number of executions carried out and death sentences imposed in the USA in 2017 remained in the low trends recorded in previous years, although there was a slight increase in the country's resort to this punishment compared to 2016.<sup>18</sup> The number of executions (23) increased by 3; the number of death sentences (41) by 9. These figures constitute the second lowest totals for executions and death sentences recorded in any year since 1991 and 1973, respectively.

The number of US states carrying out executions increased from 5 in 2016 to 8, with Arkansas, Ohio and Virginia resuming executions after a hiatus of several years.<sup>19</sup> Although these 3 states resumed implementation of death sentences in 2017, none carried out as many as were scheduled, due to exercise of executive clemency, judicial stays or, in one case in Ohio a reprieve issued by the Governor following a failed execution attempt. In other states, the number of executions carried out remained substantially the same, except for a significant decrease in Georgia, where the number of executions dropped from 9 in 2016 to 1 in 2017. Texas remained the state with the highest number of executions, accounting for 30% of the national total.

Four states – Idaho, Mississippi, Missouri and Nebraska – as well as US federal courts imposed death sentences in 2017, after a hiatus.<sup>20</sup> Kansas, North Carolina and Oregon, which imposed death sentences in 2016, did not do so in 2017. This brought the number of jurisdictions that imposed death sentences in 2017 to 15, up by 2 from 2016.

<sup>16</sup> 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/](http://www.deathpenaltyinfo.org/)

<sup>17</sup> This figure does not include the new death sentences imposed in re-sentencing hearings granted pursuant to the judgment of the US Supreme Court, *Hurst v. Florida*, Certiorari to the Supreme Court of Florida, No. 14-7505, 577 U.S. (2016), decided on 12 January 2016

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

<sup>19</sup> Before 2017, Arkansas had last carried out executions in 2005; Ohio, in 2014; and Virginia, in 2015

<sup>20</sup> Before 2017, Idaho imposed its last death sentence in 2010; Mississippi in 2015; Missouri in 2013; and Nebraska in 2010. The federal authorities imposed its last death sentence in 2015.

## THE DEATH PENALTY IN THE USA

A total of 19 states have abolished the death penalty, including 6 since 2007.<sup>21</sup> Currently, the death penalty is retained in 31 states. Of these, 11 states – 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 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, developments in 2017 reflected the slow yet steady progression in recent years towards abandonment of the use of the death penalty. Guatemala became abolitionist for ordinary crimes, such as murder. Guyana and Trinidad and Tobago were the only two countries where death sentences were being imposed in 2017.

With empty death rows reported in seven countries (Antigua and Barbuda, Belize, Cuba, Dominica, Guatemala, Jamaica and Saint Lucia) and a further three (Grenada, Saint Kitts and Nevis and Saint Vincent and the Grenadines, each holding only one person under sentence of death), the use of the death penalty in Latin America and the Caribbean remained effectively confined to three countries: Barbados, Guyana and Trinidad and Tobago. All three still retain the mandatory death penalty in their laws.

Against this backdrop, the significant increase in the number of death sentences (from two in 2016 to nine in 2017), and efforts by the Attorney General to track cases as they progressed through the appeal courts with a view to facilitating the implementation of death sentences, set Trinidad and Tobago at odds with the rest of the Americas region.

## NOTABLE COUNTRY DEVELOPMENTS

On 25 July the Caribbean Court of Justice, the final appellate court, quashed the 2013 conviction of two men under sentence of death for murder in **Barbados**. The Court found that the only evidence against the men were unsigned and uncorroborated self-incriminating statements, which the prosecution said were made to investigating officers while in police custody – “confessions” that the men denied making.<sup>22</sup>

Eleven men, including a foreign national, remained under sentence of death. The death sentences of six of them was not implementable as they had been on death row for more than five years, the timeline set by the Judicial Committee of the Privy Council (JCPC) after which the implementation of a death sentence would constitute “inhuman or degrading punishment or other treatment.”<sup>23</sup> Draft legislation introduced in Parliament by the government 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 2017.<sup>24</sup>

On 24 October 2017 the Constitutional Court of **Guatemala** declared unconstitutional Articles in the Penal Code and the Anti-Narcotics Law allowing for the imposition of the death penalty. The Court found that they violated the principle of legality and the prohibition, enshrined in the American Convention on Human Rights, on the expansion of the scope of the death penalty. As a result of the decision, from 7 November the death penalty could no longer be imposed for crimes charged under ordinary laws in Guatemala. The last remaining death sentence was commuted in 2012.<sup>25</sup> Legislative proposals to

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<sup>21</sup> The states of Connecticut, Delaware, Illinois, Maryland, New Jersey, New Mexico, as well as New York where the last remaining death sentence was commuted in 2007 after the state Court of Appeal ruled in 2004 that the state capital punishment law was unconstitutional. Two men remained on death row in New Mexico.

<sup>22</sup> Caribbean Court of Justice, *Vincent Leroy Edwards and Richard Orlando Haynes v. the Queen*, [2017] CCJ 10 (AJ)

<sup>23</sup> Judicial Committee of the Privy Council, *Pratt and Morgan v. the Attorney General of Jamaica*, [1993] UKPC 37 (2 November 1993). The Judicial Committee of the Privy Council is the last appellate court of several Commonwealth countries and of Barbados until 2015, when it elected the Caribbean Court of Justice as its highest court.

<sup>24</sup> 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, was advanced to the second reading stage at the House of Assembly in 2015.

<sup>25</sup> Amnesty International, *Guatemala: Court decision ruling death penalty unconstitutional for most crimes a key step on path to full abolition* (Index: ACT 50/7412/2017)

abolish the death penalty and, at the opposite side of the spectrum, facilitate the implementation of this punishment, remained pending before Congress at the end of 2017.<sup>26</sup>

Three death sentences were imposed for murder in **Guyana** in 2017, bringing the number of people under sentence of death to 26. One man escaped from death row in July.<sup>27</sup> In response to a petition to resume hangings initiated following the murder of a teenager in September, Attorney General and Minister of Legal Affairs Basil Williams told national media that, even though the government had not taken a formal decision on the issue, a “de facto abolition” was in place and Guyana had committed to join the worldwide efforts to abolish capital punishment.<sup>28</sup>

On 15 June the JCPC allowed the appeal by the last man on death row in **Saint Vincent and the Grenadines** and referred his case to the Court of Appeal. The man was convicted of murder and sentenced to death after his second trial in 2010; the Court of Appeal had rejected his appeal against his conviction in 2012. Although he had notified the JCPC of his intention to appeal against the 2012 decision, he did not submit the petition within the set timeline. In its June 2017 decision, the JCPC asked the Court of Appeal to consider whether he should be granted an extension of time to appeal to the JCPC against his conviction and sentence.<sup>29</sup>

Nine men in **Trinidad and Tobago** were sentenced to the mandatory death penalty for murder, in five separate cases. These sentences brought the total number of people on death row to 42, the highest number Amnesty International had recorded on the country in recent years.<sup>30</sup> Figures from the Trinidad and Tobago Police Service indicated that 495 murders were committed during 2017, with only 89 classified as detected.<sup>31</sup> In response to the continuously high murder rate, the government reaffirmed on several occasions its intention to resume executions as a way to tackle crime, indicating that the Attorney General had been tracking appeals in death penalty cases with a view to implementing death sentences within five years since their first imposition, to circumvent timelines set by the JCPC.<sup>32</sup>

On 23 March the JCPC issued its judgment in the cases of two men who sought to have their murder convictions and sentences reviewed as they had an intellectual disability. While the men’s death sentences had been commuted by the Court of Appeal because of the prolonged period they had spent on death row, their appeal raised the question of the constitutionality of the mandatory death penalty for those with intellectual disabilities who did not claim, or were not found to have, diminished responsibility for the crime, and the compatibility of the death sentences imposed in these circumstances with the prohibition on cruel and unusual punishment under common law and the country’s Constitution. While reiterating that the execution of those “of unsound mind” was unconstitutional and prohibited under common law as well as international standards, the JCPC held that the prohibition on cruel and unusual punishment did not invalidate the mandatory death penalty for murder, which was part of the laws of Trinidad and Tobago when the Constitution was adopted and preserved by it.<sup>33</sup> The JCPC further stated that, in the absence of sentencing discretion in murder cases, the presidential power of mercy was a sufficient mechanism to ensure that those with mental and intellectual disabilities were not subjected to the death penalty.

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<sup>26</sup> Draft laws No. 4941 and No. 5250, to establish pardon procedures that would allow for the implementation of the death penalty; and draft laws No. 5051 and No. 5100, to abolish the death penalty.

<sup>27</sup> The man escaped from Camp Street Penitentiary in the capital Georgetown after a fire broke out in July. Reuters, ‘Guyana hunts inmates after riot destroys prison, kills warden’, 10 July 2017, [www.reuters.com/article/us-guyana-prison/guyana-hunts-inmates-after-riot-destroys-prison-kills-warden-idUSKBN19V1YQ](http://www.reuters.com/article/us-guyana-prison/guyana-hunts-inmates-after-riot-destroys-prison-kills-warden-idUSKBN19V1YQ)

<sup>28</sup> *Guyana Chronicles*, ‘Ban on death penalty remains’, 29 September 2017, <http://guyanachronicle.com/2017/09/29/ban-on-death-penalty-remains>

<sup>29</sup> Judicial Committee of the Privy Council, *Lovelace v. The Queen*, [2017] UKPC 18 (15 June 2017)

<sup>30</sup> Figures released by the Attorney General in January 2018 indicated that 12 men had been on death row for more than five years, making their death sentences not implementable in line with the Judicial committee of the Privy Council standard set in *Pratt and Morgan v. the Attorney General of Jamaica*. *Trinidad Express*, ‘42 on Death Row...but why no hangings?’, 29 January 2018, [www.trinidadexpress.com/20180129/news/42-on-death-rowbut-why-no-hangings](http://www.trinidadexpress.com/20180129/news/42-on-death-rowbut-why-no-hangings)

<sup>31</sup> A crime is classified as detected when a suspect had been identified and charged in relation to the murder. The figures were available from [www.ttps.gov.tt/Statistics/Crime-Totals-By-Month](http://www.ttps.gov.tt/Statistics/Crime-Totals-By-Month)

<sup>32</sup> *Trinidad Guardian*, ‘AG admits hands are tied by court system’, 29 January 2017, [www.guardian.co.tt/news/2017-01-29/ag-admits-hands-are-tied-court-system](http://www.guardian.co.tt/news/2017-01-29/ag-admits-hands-are-tied-court-system)

<sup>33</sup> Judicial Committee of the Privy Council, *Lester Pitman V. the State* (Trinidad and Tobago), *Neil Hernandez v. the State* (Trinidad and Tobago), [2017] UKPC6 (23 March 2017)



The decision – which upholds the use of the mandatory death penalty, contrary to international law and standards – had concerning implications for the protection of the rights of those with mental and intellectual disabilities subjected to the death penalty. This is not only because they could remain on death row for prolonged periods before their claims could be raised and assessed; it is also, as the decision was to be implemented in a system where medical assessments were not mandatory nor were regularly carried out, that those with less advantaged socio-economic backgrounds – and unable to independently arrange for the assessments – would be left exposed to a greater risk of facing execution.

The resumption of executions in Arkansas was one of the defining moments in the use of the death penalty in the **USA** in 2017, reaching a new level of contempt for life in the setting of execution dates. On 27 February the state of Arkansas scheduled eight executions within a 10-day period in April, less than a year after the state Supreme Court upheld the legality of its three-drug lethal injection protocol. The reason behind the tight timeline was that one of the three substances used in the executions was due to expire at the end of that month.<sup>34</sup> Amnesty International campaigned against the move, raising concerns on the cases of those selected for execution, including serious mental disability, racial discrimination, young age at time of offence, arbitrariness, inadequate legal representation, and the procedural obstacles in US law faced by those seeking to raise issues on appeal.<sup>35</sup> The Arkansas cases represented a microcosm of the inconsistencies and inequities of US justice in capital cases. Four of the eight executions went ahead; the courts stopped three; and the Governor granted clemency in one case.<sup>36</sup>

Arkansas was the first of several states to resume executions during the year, a development which, while not substantially affecting the long-term national trend of reducing executions and death sentences, was in stark contrast to abolitionist legislation and moratoriums in various states in recent years. In August 2017 Florida, where executions had been on hold since January 2016 when the US Supreme Court ruled its capital sentencing statute unconstitutional, resumed executions of those who did not benefit from that ruling. California and Nevada, where executions in both states had been suspended since 2006, also moved closer to possible restarting them as litigation on their lethal injection protocols progressed.<sup>37</sup>

Once again in 2017, the death penalty in the USA continued to be used in ways that contravened international law and standards, including on people with serious mental disabilities and foreign nationals denied their right to consular assistance after arrest. Among other cases, on 8 November the authorities in Texas executed Rubén Cárdenas Ramírez, in violation of the international obligations of the USA under the UN Vienna Convention on Consular Relations. Rubén Cárdenas Ramírez had not been advised by the Texas authorities of this right as a Mexican national to contact his consulate for assistance “without delay” after his arrest. He was one of the 52 Mexican nationals for whom, in 2004, the International Court of Justice ordered the USA to provide judicial review of their convictions and sentences.<sup>38</sup>

Amnesty International was further concerned about aspects of the trials or sentencing processes of several men who were scheduled to be executed or executed during 2017. All too frequently, the merits of such concerns are not addressed by the appeal courts, because of procedural obstacles. Ronald Phillips was executed in Ohio on 26 July, the first execution in the state since January 2014. In 2010, a federal judge concluded that the defence lawyer had failed to provide the trial jury with compelling mitigating details of Ronald Phillips’ severely violent and abusive childhood, relevant at sentencing.<sup>39</sup> He argued that the case was one of inadequate legal representation, and it deserved further consideration despite the limits placed on federal courts for their review of state court decisions.

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<sup>34</sup> Reuters, ‘Arkansas governor backs record executions, saying families need closure’, 13 April 2017, [www.reuters.com/article/us-arkansas-execution/arkansas-governor-backs-record-executions-saying-families-need-closure-idUSKBN17F2JE](http://www.reuters.com/article/us-arkansas-execution/arkansas-governor-backs-record-executions-saying-families-need-closure-idUSKBN17F2JE)

<sup>35</sup> Amnesty International, *USA: Death in Arkansas, again* (Index: AMR 51/6065/2017)

<sup>36</sup> Amnesty International, *USA: Arkansas Governor to commute death sentence – Jason McGehee* (Index: AMR 51/7006/2017)

<sup>37</sup> A judge stayed Nevada’s first execution in over 11 years, scheduled for 14 November, due to concerns about the lethal injection protocol. Nevada had asked for the stay to allow it to appeal against the judge’s order to remove one of the drugs from the protocol. For more information, see [www.amnesty.org/en/documents/amr51/7452/2017/en/](http://www.amnesty.org/en/documents/amr51/7452/2017/en/)

<sup>38</sup> International Court of Justice, *Avena and Other Mexican Nationals (Mexico v. United States of America)*, delivered on 31 March 2004, I.C.J. Reports 2004, p. 17

<sup>39</sup> Amnesty International, *USA: First Ohio execution in three and a half years: Ronald Phillips* (Index: AMR 51/6827/2017)

The Governor of Missouri stayed the execution of African-American Marcellus Williams on 22 August, hours before it was due to be carried out, and appointed a Board of Inquiry to consider all evidence in the case. Marcellus Williams was tried before a jury composed of 10 white people and one African American person. His murder conviction was founded on circumstantial evidence, including the testimony of a jailhouse informant. Marcellus Williams' appeal lawyers challenged the credibility of the informant witnesses and highlighted how DNA testing carried out before and after the trial did not link Marcellus Williams to the evidence. In 2010, a federal judge ordered that Marcellus Williams receive a new sentencing hearing, having found that his trial lawyer had failed to present any mitigating evidence of the sexual and violent physical abuse, crime, guns, drugs and alcohol he had been exposed to from a young age. In 2012, the US Court of Appeals for the Eighth Circuit reversed the ruling by two votes to one, in line with the 1996 Antiterrorism and Effective Death Penalty Act which limits federal judicial review of state court decisions.<sup>40</sup>

The issue of courts not considering compelling evidence on its merits during the appeal process because of procedural issues was also relevant to concerns about racial discrimination. On 26 September the US Supreme Court halted the execution of Keith Tharpe in Georgia three hours before it was due to be carried out. This was to allow the Court time to decide whether to hear the case and consider the claim that racism by a juror affected his 1991 trial, evidence of which emerged only after the trial had concluded. Keith Tharpe's appeal lawyers had interviewed a white former juror who had stated that "there are two kinds of black people in the world – 'regular black folks' and 'n\*ggers'." The lawyers also recalled the man reflecting on whether "n\*ggers even have souls", and that he "felt that because a black person doesn't have a soul, giving one the death penalty was no big deal". The state court had ruled that written statements outlining this evidence were inadmissible under Georgia law and that procedurally the claim was defaulted as it should have been raised earlier. The federal District Court found that this procedural default could not be overcome; the Court of Appeals for the 11<sup>th</sup> Circuit upheld this ruling.<sup>41</sup>

Against the backdrop of this procedural obstacle, the exoneration of five former death row prisoners acquired an even greater significance. Two people were acquitted of the crimes and three others had their charges dismissed during 2017, bringing the number of people exonerated from death row on the grounds of innocence since 1973 to 161.<sup>42</sup>

Pre-trial proceedings at the US naval base at Guantánamo Bay, Cuba, against the five men charged with plotting the attacks of 11 September 2001, and Abd al-Rahim al-Nashiri who was charged with masterminding an attack on US warship *USS Cole* in 2000, continued throughout 2017. All six detainees, who could face the death penalty if convicted, had their hearings held before military commissions, whose proceedings do not meet international fair trial standards. Among other concerns, the withdrawal in October of the three civilian lawyers with experience of death penalty defence left Abd al-Nashiri represented by only one military lawyer who had never represented anyone charged with murder or facing the death penalty.<sup>43</sup> The use of this punishment in these cases, after proceedings that do not meet international standards for a fair trial, would constitute arbitrary deprivation of life.

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<sup>40</sup> Amnesty International, *USA: multiple concerns as Missouri execution set* (Index: AMR 51/6791/2017)

<sup>41</sup> Amnesty International, *USA: Juror racism claim as execution draws near – Keith Tharpe* (Index: AMR 51/7117/2017). The US Supreme Court eventually decided to take the case, and in a ruling issued on 8 January 2018 remanded the case to the US Court of Appeals for the 11<sup>th</sup> Circuit to reconsider whether the discrimination claim raised by the "remarkable" affidavit overcame the procedural default obstacle and thereby could be reviewed by the federal courts.

<sup>42</sup> For more information see Death Penalty Information Center, <https://deathpenaltyinfo.org/innocence-list-those-freed-death-row>

<sup>43</sup> For more information, Amnesty International, *USA: Capital injustices – more damage to rule of law principles, more shambles at Guantánamo, more executions* (Index: AMR 51/7413/2017). In February 2018, the military judge indefinitely suspended proceedings in the case because of the defence counsel's withdrawal.

## ASIA-PACIFIC

### REGIONAL TRENDS

- Although China continued to conceal the extent of its use of the death penalty, it remained the world's lead executioner.
- Mongolia became the 105th country to abolish the death penalty for all crimes in July.
- Papua New Guinea was the only country in the Pacific to use the death penalty.
- Pakistan reported a further decrease in the number of executions.
- Mandatory death sentences and the use of the death penalty for drug-related offences remained an issue of high concern in South-East Asia.

| COUNTRY             | 2017 RECORDED EXECUTIONS | 2017 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2017 |
|---------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Afghanistan         | 5                        | 11+                           | 600+                                                          |
| Bangladesh          | 6                        | 273+                          | 1,465                                                         |
| Brunei Darussalam   | 0                        | 1                             | +                                                             |
| China               | +                        | +                             | +                                                             |
| India <sup>44</sup> | 0                        | 109                           | 371                                                           |
| Indonesia           | 0                        | 47+                           | 262+                                                          |
| Japan               | 4                        | 3                             | 134                                                           |
| Laos                | 0                        | 1+                            | +                                                             |
| Malaysia            | 4+                       | 38+                           | 800+                                                          |
| Maldives            | 0                        | 2                             | 18                                                            |
| Mongolia            | 0                        | 0                             | 0                                                             |
| Myanmar             | 0                        | 2+                            | +                                                             |
| North Korea         | +                        | +                             | +                                                             |
| Pakistan            | 60+                      | 200+                          | 7,000+                                                        |
| Papua New Guinea    | 0                        | 0                             | 12                                                            |
| Singapore           | 8                        | 15                            | 40+                                                           |
| South Korea         | 0                        | 0                             | 61                                                            |
| Sri Lanka           | 0                        | 218                           | 2,717                                                         |
| Taiwan              | 0                        | 3                             | 43                                                            |
| Thailand            | 0                        | 75                            | 502                                                           |
| Tonga               | 0                        | 0                             | 0                                                             |
| Viet Nam            | +                        | 35+                           | 600+                                                          |

<sup>44</sup> Centre on the Death Penalty, National Law University, 'Death penalty in India – Annual statistics report 2017', January 2018. Amnesty International monitors daily developments on the use of the death penalty in India, but it gathered a lower number of death sentences for 2017 than the Centre on the Death Penalty.

Amnesty International recorded 93 executions throughout the Asia-Pacific region, a 28% reduction on the 130 figure reported in 2016. These figures recorded in 2017 do not include the thousands of executions that were believed to have been carried out in China, nor those that took place in North Korea (Democratic People's Republic of Korea) and Viet Nam, because of the secrecy that surrounded the publication of death penalty figures in these countries and limited access to information. The decrease in the number of recorded executions in 2017 was linked to a decline in Pakistan, where executions reduced by 31%. Singapore doubled its number of executions compared to 2016.

Nine countries in the Asia-Pacific region carried out executions, down from 11 in 2016. Indonesia and Taiwan did not implement any death sentences, and India observed a hiatus on executions for the second year running.

At least 1,037 new death sentences were imposed, a slight decrease (15%) from the total of 1,224 recorded in 2016. The change in the number of death sentences is largely attributable to variation in figures for Sri Lanka because of information provided to Amnesty International by the authorities; however, noticeable increases compared to 2016 were recorded for Bangladesh (from 245+ to 273+) and Singapore (from 7+ to 15). Figures for death sentences in India and Indonesia were slightly lower compared to 2016.

Eighteen countries were known to have imposed death sentences, the same number as in 2016. Brunei Darussalam imposed a new death sentence after it did not impose any in 2016; Papua New Guinea did not impose any death sentences in 2017, after it did so in the previous year.

The use of the death penalty in the Asia-Pacific region often contravened international law and standards. Amnesty International received credible information indicating that Bangladesh, Maldives and Pakistan 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. These included economic crimes, such as corruption, and drug-related offences – 10 countries imposed death sentences and carried out executions to punish drug-related offences, making Asia-Pacific the region with the highest proportion of countries resorting to the death penalty for this type of offences.

The use of the mandatory death penalty and violations of the right to a fair trial remained of high concern in cases across the Asia-Pacific region. India, Singapore and Thailand expanded the scope of the death penalty by adopting new laws against hijacking, nuclear terrorism and corruption.

## NOTABLE COUNTRY DEVELOPMENTS

Five men were hanged in **Afghanistan** on 29 November for kidnapping and murder. At least 11 new death sentences were imposed, including five for murder and six for corruption. According to figures quoted by the delegation of Afghanistan during the country's review before the UN Committee against Torture, 600 people were on death row as of April.<sup>45</sup> During the review, the delegation stated that "[the government] was committed to keeping the capital punishment at the lowest possible levels, and, with the improvements in the security situation, it would be able to put an end to it." On 4 March 2017, President Ashraf Ghani Ahmadzai endorsed the new Penal Code, due to come into force on 14 February 2018.<sup>46</sup> According to the authorities and UN observers, the new Penal Code consolidated 33 laws and significantly reduced the number of crimes for which the death penalty could be imposed.<sup>47</sup>

Six men were hanged for murder in **Bangladesh**, three in April and three in November. At least 273 people, including four women, were sentenced to death, although Bangladeshi NGO Odhikar reported that a further 30 death sentences were imposed.<sup>48</sup> Most death sentences recorded by Amnesty International were imposed for murder; eight were imposed on men convicted by the International

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<sup>45</sup> UN Committee against Torture, 'Committee against Torture considers report of Afghanistan', 26 April 2017, [www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21537&LangID=E](http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21537&LangID=E)

<sup>46</sup> Presidential Decree No. 256, Official Gazette No. 1260 of 15 May 2017

<sup>47</sup> UN Assistance Mission in Afghanistan, 'UNAMA welcomes Afghanistan's new Penal Code – Calls for robust framework to protect women against violence', 22 February 2018, <https://unama.unmissions.org/unama-welcomes-afghanistan%E2%80%99s-new-penal-code-calls-robust-framework-protect-women-against-violence>

<sup>48</sup> Odhikar, 'Statistics of death penalty', [http://odhikar.org/wp-content/uploads/2018/01/Statistics\\_Death-Penalty\\_2010-2017.pdf](http://odhikar.org/wp-content/uploads/2018/01/Statistics_Death-Penalty_2010-2017.pdf)

Crimes Tribunal, a Bangladeshi court established to investigate mass scale human rights violations committed during Bangladesh's 1971 War of Independence; 61 resulted from proceedings in special courts;<sup>49</sup> and 54 were imposed without the defendant being present (in absentia). One man who was sentenced to death in 2017 for a 2009 murder was reported to be 20 years old at the time of conviction and sentence; he would have been below 18 at the time of the crime.<sup>50</sup> Figures by the Prisons Department quoted in national media in June indicated that 1,456 people were under sentence of death, including 37 women.<sup>51</sup>

A Malaysian national was sentenced to the mandatory death penalty in **Brunei Darussalam** for drug trafficking on 13 February. The Court of Appeal upheld his conviction and sentence in November.

Thousands of people were executed and sentenced to death in **China**, where figures on the use of the death penalty continued to be classified as a state secret. Amnesty International monitored the use of the death penalty throughout the year, as well as judicial verdicts uploaded on the online database maintained by the Supreme People's Court (SPC).<sup>52</sup> Amnesty International believed that once again China was the world's top executioner, implementing more death sentences than the rest of the world combined. The organization renewed its challenge to the Chinese authorities to be transparent and make such information publicly available.

Amnesty International was particularly concerned about the lack of transparency and potential under-reporting of death penalty cases in the Xinjiang Uighur Autonomous Region (XUAR). The organization was unable to find any information on new death sentences or executions from the XUAR in the media and only one new death sentence was uploaded to the SPC database. This is despite XUAR region authorities having massively increased security measures throughout the year, and continuing to declare a "People's War" and "strike hard" campaign, impacting largely Muslim, ethnic minorities within the region. Such campaigns in China have typically been associated with the increased use of the death penalty, and scholars have criticized the proceedings used in these campaigns for their lack of fair trial safeguards and the likelihood of "wrongful executions".<sup>53</sup>

The death penalty remained applicable for 46 offences, including some non-violent offences. The majority of death sentences and executions recorded by Amnesty International involved murder and drug trafficking. In July and December, authorities in Lufeng, Guangdong province, carried out "mass sentencing rallies" in front of thousands of people and in violation of numerous Chinese regulations, during which a total of 23 people were paraded in trucks and read their death sentences for drug-related offences.<sup>54</sup> Immediately afterwards, 18 people whose sentences had been approved by the SPC were executed.<sup>55</sup>

Amnesty International believed that China had significantly reduced its use of the death penalty for economic crimes. Chinese state media ran several articles stating that since the 18th Party Congress in 2013, none of the 67 or more high-ranking corrupt officials caught in the anti-corruption drive had

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<sup>49</sup> Such as courts established under the Law and Order Disruption Crimes (Speedy Trial) Act, 2002. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that military and other special courts "are ill suited to ensuring full compliance with fair trial standards as required in capital cases" and "should not have the power to impose sentences of death." Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, UN Doc. A/67/275, 9 August 2012, para. 33.

<sup>50</sup> Dhaka Tribune, '3 muggers to die for killing shoe factory worker', 28 July 2017, [www.dhakatribune.com/bangladesh/court/2017/07/28/3-muggers-die-killing-shoe-factory-worker/](http://www.dhakatribune.com/bangladesh/court/2017/07/28/3-muggers-die-killing-shoe-factory-worker/)

<sup>51</sup> Dhaka Tribune, 'No female prisoner executed in Bangladesh', 10 June 2017, [www.dhakatribune.com/bangladesh/2017/06/10/no-female-prisoner-executed-since-independence/](http://www.dhakatribune.com/bangladesh/2017/06/10/no-female-prisoner-executed-since-independence/)

<sup>52</sup> Supreme People's Court Monitor, 'China Judgments Online'. For more information see Amnesty International, *China's deadly secrets* (Index: ASA 17/5849/2017)

<sup>53</sup> Amnesty International, *People's Republic of China: The death penalty in China – breaking records, breaking rules* (Index: ASA 17/38/97); *The Economist*, 'Strike less hard', 3 August 2013, [www.economist.com/news/china/21582557-most-worlds-sharp-decline-executions-can-be-credited-china-strike-less-hard](http://www.economist.com/news/china/21582557-most-worlds-sharp-decline-executions-can-be-credited-china-strike-less-hard); He Weifang, *Shidai Zhoubao*, 'Strike hard' campaigns can result in even more crimes', 1 July 2010, [http://blog.caijing.com.cn/expert\\_article-151302-8109.shtml](http://blog.caijing.com.cn/expert_article-151302-8109.shtml)

<sup>54</sup> The Beijing News, 'The drama of publicly announcing death sentences should not continue', 18 December 2017, [http://epaper.bjnews.com.cn/html/2017-12/18/content\\_705883.htm?div=-1](http://epaper.bjnews.com.cn/html/2017-12/18/content_705883.htm?div=-1)

<sup>55</sup> *South China Morning Post*, '13 Chinese sentenced to death for drugs offences as thousands look on in public trial', 27 June 2017, [www.scmp.com/news/china/society/article/2100147/13-chinese-sentenced-death-drugs-offences-thousands-look-public](http://www.scmp.com/news/china/society/article/2100147/13-chinese-sentenced-death-drugs-offences-thousands-look-public); '10 people sentenced to death for drug crimes in southern China', 17 December 2017, [www.scmp.com/news/china/society/article/2124673/10-people-sentenced-death-drug-crimes-southern-china](http://www.scmp.com/news/china/society/article/2124673/10-people-sentenced-death-drug-crimes-southern-china)

been sentenced to death. One man was sentenced to death for intentional homicide as well as bribery and several others received death sentences for economic crimes with “a two-year reprieve”.<sup>56</sup>

Following the 2016 posthumous acquittal of Nie Shubin who was executed in 1995, and other cases of innocence that shook the public conscience, different bodies of China’s judiciary and executive issued several circulars aimed at strengthening fair trial safeguards. Among other regulations, on 27 June the SPC, Supreme People’s Procuratorate and Ministry of Public Security issued the “Provisions on Several Issues Concerning the Strict Exclusion of Illegally obtained Evidence in Handling Criminal Cases”, which aimed at clarifying criteria for exclusion of illegally obtained evidence, such as coerced statements, at all stages of criminal proceedings and attempts to grant defence lawyers more space to challenge the legality of the evidence.<sup>57</sup> Other guidelines aimed at strengthening scrutiny and accountability over actions by law enforcement, judges and prosecutors as well as improving forensic assessments and the capacity of defence lawyers to practice without undue interference.<sup>58</sup>

Research by the Centre on the Death Penalty, National Law University, indicated that the courts of **India** imposed 109 new death sentences, including 51 for murder and 43 for murder involving sexual offences. This represented a decrease in the total number of death sentences imposed (136 in 2016), as well as in those imposed for murder not involving other offences (87 in 2016). Two new death sentences were imposed for drug-related offences. The Anti-Hijacking Act, 2016, which provided for the death penalty for hijacking resulting into death, came into force on 5 July.<sup>59</sup>

Authorities in **Indonesia** did not carry out any executions in 2017, as the review of the cases of 10 people who received a last-minute stay of execution in 2016 continued. Attorney General Muhammad Prasetyo repeatedly declared that the government had not decided to suspend the implementation of death sentences and that it was waiting for the “right time”.<sup>60</sup>

At least 47 new death sentences were imposed in Indonesia, a slight decrease compared to the figure of at least 60 recorded in 2016. Of those, 33 were imposed for drug-related offences and 14 for murder. Ten were imposed on foreign nationals. At least 262 people were under sentence of death at the end of 2017.

On 28 July 2017 the Indonesian Ombudsman concluded that the Attorney General had conducted the execution of Nigerian national Humphrey “Jeff” Jefferson Ejike in 2016 in violation of Indonesia’s legal procedure, because his clemency request was still pending.<sup>61</sup> Humphrey “Jeff” Jefferson Ejike was convicted of offences relating drug trafficking and was sentenced to death in 2004. He did not have access to a lawyer for five months, from the time of his arrest, during interrogation and his detention, in breach of international law as well as Indonesia’s Criminal Procedure Code. He claimed that he was repeatedly beaten during interrogation and threatened with being shot if he refused to sign papers in which he “confessed” to possessing heroin or if he refused to implicate others.

On 31 January 2017 the Supreme Court of Indonesia commuted the death sentence of **Yusman Telaumbanua** for murder. During the police interrogation, Yusman Telaumbanua did not have a legal counsel assisting him. He was unable to read or write and could not speak Bahasa Indonesia, the language used during the interrogation. He did not have any documents to indicate his age. Yusman Telaumbanua told his most recent lawyer that while in custody he and his co-defendant were beaten and kicked on a daily basis by police officers, or by detainees ordered by the police. Although the Prosecutor sought life imprisonment for the two men, and both men asked the judges for lenient sentences, their original lawyers asked for death sentences. Based on the lawyers’ request, the Court sentenced them to

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<sup>56</sup> People’s Daily, ‘Since the 18<sup>th</sup> Party Congress, 67 “tigers” have been sentenced, 12 to life in prison’, 21 April 2017, 12, [http://news.ifeng.com/a/20170421/50978355\\_0.shtml](http://news.ifeng.com/a/20170421/50978355_0.shtml) These “suspended death sentences” are almost always commuted to terms of imprisonment after two years’ imprisonment when no other crimes are committed.

<sup>57</sup> Xinhua, ‘Five departments: provisions on several issues concerning the strict exclusion of illegally obtained evidence in handling criminal cases’, 27 June 2017, [www.xinhuanet.com/legal/2017-06/27/c\\_1121217500.htm](http://www.xinhuanet.com/legal/2017-06/27/c_1121217500.htm)

<sup>58</sup> Xinhua, ‘Full text: New Progress in the Legal Protection of Human Rights in China’, 15 December 2017, <http://en.people.cn/n3/2017/1215/c90000-9305147.html>

<sup>59</sup> *Indian Express*, ‘India’s tough anti-hijacking law comes into force’, 6 July 2017, <http://indianexpress.com/article/india/indias-tough-anti-hijacking-law-comes-into-force-4739270/>

<sup>60</sup> *Jakarta Post*, ‘Indonesia maintains death penalty amid criticism’, 30 March 2017, [www.thejakartapost.com/news/2017/03/30/indonesia-maintains-death-penalty-amid-criticism.html](http://www.thejakartapost.com/news/2017/03/30/indonesia-maintains-death-penalty-amid-criticism.html)

<sup>61</sup> Amnesty International, *Indonesia: Government should immediately establish moratorium after maladministration surrounding execution* (Index: ASA 21/6861/2017)

death. Neither of the men submitted an appeal to a higher court, as they did not know they had the right to do so and the lawyers representing them at the time did not inform them of this right.

Police records indicated that Yusman Telaumbanua was 19 years old when the murder was committed, but his new lawyer gathered information suggesting that he was only 16 at the time. On 17 November 2015, at the request of the Ministry of Law and Human Rights, a group of forensic radiology experts established that Yusman Telaumbanua was then aged between 18 and 4 months and 18 years and 5 months. This triggered the review of his death sentence and eventual release from prison on 17 August 2017. After his release, he thanked all Amnesty International members and supporters who had sent him encouraging letters and post cards.

Authorities in **Japan** carried out four executions in secrecy, without providing any prior notification to the prisoners, their families and legal representatives. Masakatsu Nishikawa and Koichi Sumida, who had been convicted of murder, were executed on 13 July at the Osaka and Hiroshima detention centres, respectively.<sup>62</sup> Teruhiko Seki, who had been convicted of murder and robbery, and Kiyoshi Matsui, convicted of murder, were executed at the Tokyo Detention House on 19 December.<sup>63</sup>

Although these executions represented only a small increase on the execution figures recorded for each of the years 2014-2016, Amnesty International was concerned that in 2017 the yearly number of executions rose for the first time since 2013. For the first time since 1999, three of the four executions involved men who had their appeals for retrial pending before the courts.<sup>64</sup> Teruhiko Seki was executed in December even though he qualified under Japanese law as a minor at the time of the crime. The last execution of a person who was 19 years old at the time of the crime was carried out in 1997. These actions represent a breach of protections recognized under Japanese and international law and signal a departure from the practice observed for 20 years.

Three new death sentences were imposed; 134 people were under sentence of death at the end of 2017. Of these, 123 had their death sentences finalized by the courts; six were foreign nationals.<sup>65</sup>

Amnesty International was informed that at least four executions were carried out in **Malaysia**; the authorities did not publish figures nor make information on the implementation of death sentences publicly available. The organization believed that the total figure was likely to be higher. Three of the known executions were for murder and one for discharging a firearm, offences that carried the mandatory death penalty under the law. The relatives of three of the men told Amnesty International that prison officials invited them to visit their relatives on death row two days before the executions were carried out; they were only informed of the exact date on their last visit, 24 hours before the executions. The execution of a Filipino national was scheduled for 18 August in Sabah state, but was subsequently stayed.<sup>66</sup>

At least 38 new mandatory death sentences were imposed: 21 for drug trafficking; 16 for murder; and one for discharge of a firearm. Four of those sentenced to death were women; 12 were foreign nationals, including 10 convicted of drug trafficking. Figures compiled by the Prison Department and reported in

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<sup>62</sup> Amnesty International, *Japan: Two men hanged as reprehensible executions continue*, 13 July 2017, [www.amnesty.org/en/latest/news/2017/07/japan-two-men-hanged-as-reprehensible-executions-continue/](http://www.amnesty.org/en/latest/news/2017/07/japan-two-men-hanged-as-reprehensible-executions-continue/)

<sup>63</sup> Amnesty International, *Japan: Two hanged as secretive executions continue*, 19 December 2017, [www.amnesty.org/en/latest/news/2017/12/japan-two-hanged-as-secretive-executions-continue/](http://www.amnesty.org/en/latest/news/2017/12/japan-two-hanged-as-secretive-executions-continue/)

<sup>64</sup> Article 475 of Japan's Code of Criminal Procedure; and Safeguard 8 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, approved by Economic and Social Council resolution 1984/50 of 25 May 1984. The three men who had their retrial appeals pending were Masakatsu Nishikawa, Teruhiko Seki and Kiyoshi Matsui.

<sup>65</sup> The death row figure included Iwao Hakamada, who was no longer in detention but remained under sentence of death. This is because the prosecution appealed against the 2014 decision by a district court to grant him a retrial, and it was still pending at the end of 2017.

<sup>66</sup> CNN Philippines, 'DFA: Malaysia postpones execution of Filipino on death row', 19 August 2017, <http://cnnphilippines.com/news/2017/08/19/DFA-Malaysia-postpones-execution-of-Filipino-on-death-row.html>

national media indicated that 1,122 people were under sentence of death as of February, approximately 800 as of August.<sup>67</sup> On 12 October the Ruler of Perak state commuted the death sentences of two men convicted of drug trafficking.<sup>68</sup>

On 30 November 2017 the Lower House of the Parliament adopted Bill D.R.45/2017, amending the Dangerous Drugs Act, 1952, only a week after the government introduced it in Parliament. The Senate followed suit on 14 December, while the King gave his assent on 27 December. The amended law, which had not come into effect by the end of the year, retained the mandatory death penalty for all but those convicted of transporting, sending or delivering a prohibited substance who were also found to have co-operated with law enforcement in disrupting drug trafficking activities – an extremely narrow range of circumstances. In such cases, the only available alternative sentence was life imprisonment and no less than 15 strokes of the whip – a cruel punishment prohibited under international law. Contrary to international law and standards on reform, the revised law would apply to individuals who had not yet been convicted when the amendment would come into force. Those already under sentence of death for drug trafficking would therefore remain on death row.<sup>69</sup>

**Hoo Yew Wah**, a Malaysian national of Chinese ethnicity, remained on death row at Bentong prison, Pahang State, central Malaysia. In March 2005, at the age of 20, he was found in possession of 188.35 grams of methamphetamine, automatically presumed to be trafficking drugs and later convicted of trafficking under section 39(B) of the Dangerous Drugs Act, 1952. He was sentenced to the mandatory death penalty on 12 May 2011. The courts rejected his appeals in September 2012 and July 2013. His April 2014 petition for a pardon to the Sultan of Johor State, where the offence took place, remained pending. He turned 32 years old in 2017 and said he repented his offence.

Hoo Yew Wah was convicted on the basis of a statement he made at the time of arrest in Mandarin language, his mother tongue, without a lawyer present, and the content of which he contested at trial and on appeal. He also said that on the day after his arrest, and during his detention at the District Police Headquarter in Johore, the police broke his finger and threatened to beat his girlfriend to make him sign this statement. While these concerns were raised before the courts, the judges dismissed them and upheld his conviction and sentence. International law absolutely prohibits the use of torture and other ill-treatment, as well as the use of coerced, self-incriminating statements as evidence to convict. Additionally, the UN Safeguards guaranteeing protection of the rights of those facing the death penalty clearly state that “Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.”<sup>70</sup>

Two new death sentences were imposed in **Maldives** for murder. One man, aged under 18 at the time of the crime, was acquitted by the High Court in August. Figures provided by the Correctional Service indicated that 18 people remained on death row at the end of the year. Amnesty International believed that at least four, including a woman, were below 18 years of age when the crimes were committed.

Three men remained at imminent risk of execution, as the government repeatedly announced that it would resume executions for the first time since 1953.<sup>71</sup> In July, the UN Human Rights Committee requested that the authorities stay all the executions to allow it to consider petitions filed on their behalf.

The new Criminal Code abolishing the death penalty for all crimes came into effect in **Mongolia** on 1 July, following its adoption by the Parliament on 3 December 2015. Newly elected President Khaltmaagiin Battulga repeatedly invoked the death penalty in response to public outrage around

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<sup>67</sup> The Star, ‘Gallows await 1,122’, 28 March 2017, [www.thestar.com.my/news/nation/2017/03/28/gallows-await-1122-16-prisoners-executed-between-2014-and-feb-21/](http://www.thestar.com.my/news/nation/2017/03/28/gallows-await-1122-16-prisoners-executed-between-2014-and-feb-21/); and New Straits Times, ‘An end to mandatory death penalty?’, 17 August 2017, [www.nst.com.my/opinion/columnists/2017/08/268727/end-mandatory-death-penalty](http://www.nst.com.my/opinion/columnists/2017/08/268727/end-mandatory-death-penalty)

<sup>68</sup> Malay Mail online, ‘Perak Sultan pardons two drug offenders on death row’, 1 November 2017, [www.themalaymailonline.com/malaysia/article/perak-sultan-pardons-two-drug-offenders-on-death-row#kQsDMG5FklWbKRB4.99](http://www.themalaymailonline.com/malaysia/article/perak-sultan-pardons-two-drug-offenders-on-death-row#kQsDMG5FklWbKRB4.99)

<sup>69</sup> This is contrary to, among other examples, Safeguard no. 2 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted by the UN Economic and Social Council in resolution 1984/50 of 25 May 1984; Article 15(1) of the International Covenant on Civil and Political Rights; Rome Statute of the International Criminal Court, Article 24(2); European Court of Human Rights, *Case of Scoppola v. Italy* No. 2 (Application no. 10249/03), Grand Chamber judgment of 17 September 2009, para. 108.

<sup>70</sup> UN Economic and Social Council resolution 1984/50 of 25 May 1984

<sup>71</sup> Amnesty International, *Maldives: Maldives to resume executions by September* (Index: ASA 29/7007/2017)



offenders who committed crimes against children, including murder and rape.<sup>72</sup> On 27 November President Battulga submitted a proposal to the Ministry of Justice to reintroduce the death penalty in the country.<sup>73</sup> A committee established within the Ministry was considering the proposal at the end of the year.

At least two new death sentences were imposed in 2017 in **Myanmar** for murder. One of these was imposed in February on a Rohingya man who was found guilty of involvement in an attack on border police posts in Rakhine State in October 2016. Nine policemen were killed in the attacks, which sparked a grossly disproportionate military response amounting to crimes against humanity.

Amnesty International was unable to confirm information on the use of death penalty in **North Korea** in 2017. As in previous years, the organization received reports of executions and death sentences but could not independently verify the information. These reports indicated that the death penalty continued to be used for a range of acts that either did not meet the threshold of the “most serious crimes” to which the use of the death penalty must be restricted under international law or were not considered crimes under international law; and that several high-ranking officials were executed as a result of periodic attempts by North Korea authorities to eliminate political dissent.<sup>74</sup> Death sentences were believed to continue to be imposed and carried out extensively, often after grossly unfair trials and without the possibility of appeal.

At least 60 executions were carried out in **Pakistan** in 2017, down from 326 and 87+ in 2015 and 2016 respectively. Forty-three of the executions involved prisoners convicted by military courts established in January 2015 to try civilians suspected of terrorism-related offences. The Parliament extended the original two-year tenure of these courts on 22 March, when it approved a new constitutional amendment.<sup>75</sup> Proceedings under these military courts did not meet international fair trial standards. Among other concerns, they were run by military officers subordinate to the military chain of command – and who had no formal legal training – in breach of the UN Basic Principles on the Independence of the Judiciary.<sup>76</sup> The charges against the defendants were not made public and those convicted did not have the right to appeal to civilian courts.

The death penalty was used in contravention of international law and standards, including on people with mental disabilities; on people who were below 18 years of age at the time of the crime; for acts 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; for acts which are not considered crimes under international law, such as “blasphemy” (five death sentences recorded); and in violation of the defendants’ right to a fair trial.

Figures from the NGO Human Rights Commission of Pakistan indicated that more than 200 new death sentences were imposed in 2017, including 34 by Anti-Terrorism Courts.<sup>77</sup> At least 7,000 people remained on death row, 4,993 in the Punjab province alone.<sup>78</sup>

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<sup>72</sup> President of Mongolia official website, ‘President Battulga submitted a proposal to the Ts.Nyamdorj, Minister of Justice and Home Affairs to reintroduce the death penalty for the offenders who committed the inhumane crimes against children including murder and rape’), [www.president.mn/content/12741](http://www.president.mn/content/12741)

<sup>73</sup> The UB Post, ‘President pushes for reinstating the death penalty in proposal to Ministry of Justice’, 29 November 2017, [www.pressreader.com/mongolia/the-ub-post/20171129/281496456600711](http://www.pressreader.com/mongolia/the-ub-post/20171129/281496456600711)

<sup>74</sup> Information circulating during the year indicated that a new law punishing viewing and importing of illegal video materials by death possibly came into force in mid-May. Amnesty International was unable to confirm this report and had received news of death sentences and executions for these acts also in previous years. United Press International, ‘Report: North Korea enacts death penalty for distributing foreign media’, 31 May 2017, [www.upi.com/Top\\_News/World-News/2017/05/31/Report-North-Korea-enacts-death-penalty-for-distributing-foreign-media/7011496256144/](http://www.upi.com/Top_News/World-News/2017/05/31/Report-North-Korea-enacts-death-penalty-for-distributing-foreign-media/7011496256144/)

<sup>75</sup> The courts were established by the 21st Constitutional Amendment Bill of 2015 and the Pakistan Army (Amendment) Act 1952; the 28th Constitutional Amendment Act, 2017 and the Pakistan Army (Amendment) Act, 2017, extended their mandate.

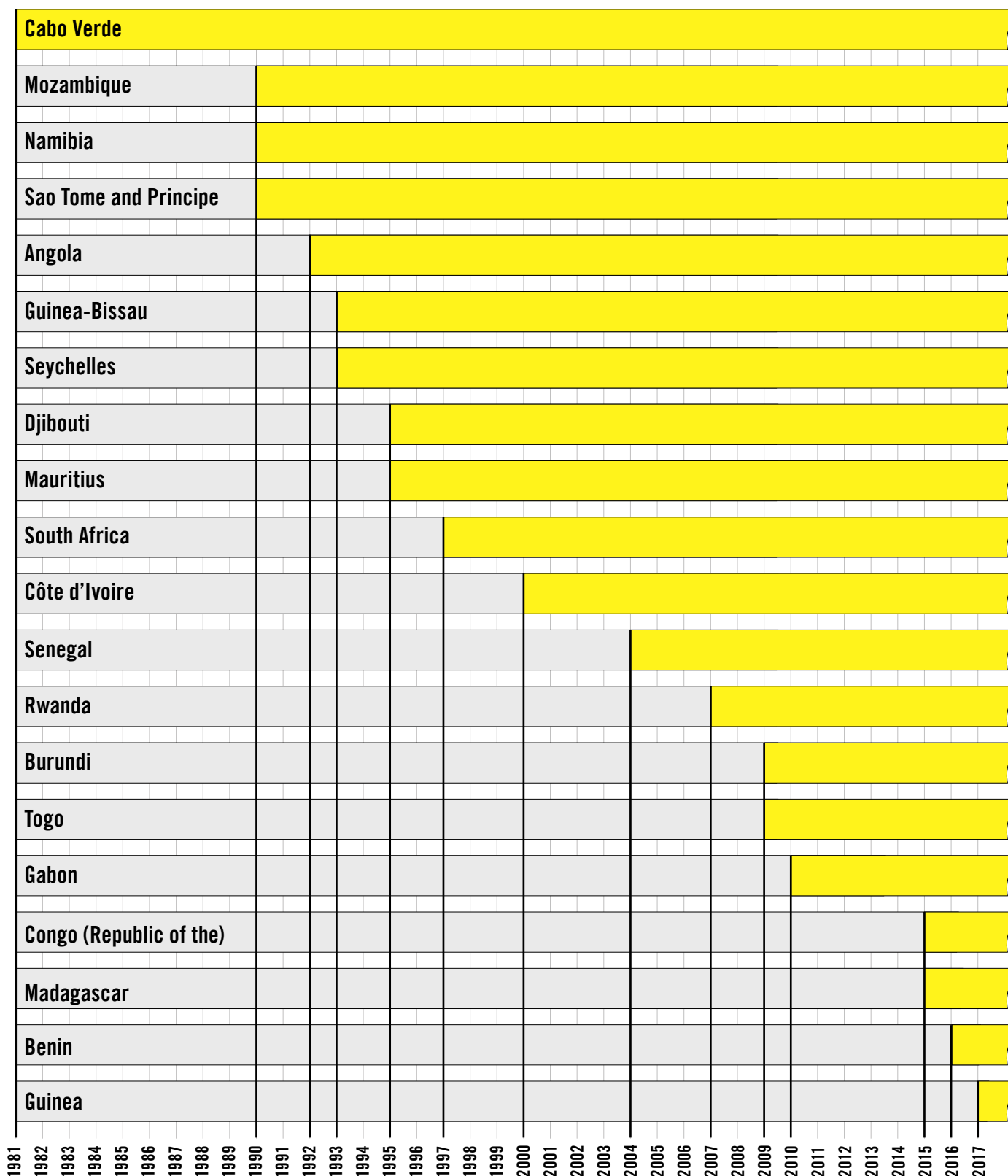
<sup>76</sup> For more information, see Amnesty International, *Pakistan: Widespread human rights violations continue* (Index: ASA 33/6513/2017)

<sup>77</sup> Anti-Terrorism Courts are special courts established under the Anti-Terrorism Act of 1997 – which the authorities have used to try defendants charged with offences under the Penal Code

<sup>78</sup> Pakistan Today, ‘Punjab takes top slot with most overcrowded prisons in country’, 28 December 2017, <https://www.pakistantoday.com.pk/2017/12/28/punjab-takes-top-slot-with-most-overcrowded-prisons-in-country/>

# THE ABOLITIONIST TREND IN SUB-SAHARAN AFRICA

The timeline below shows the trend towards abolition in the Sub-Saharan Africa region since 1981 when Cabo Verde first abolished the death penalty for all crimes. At the end of 2017, there were 20 abolitionist countries in the region.



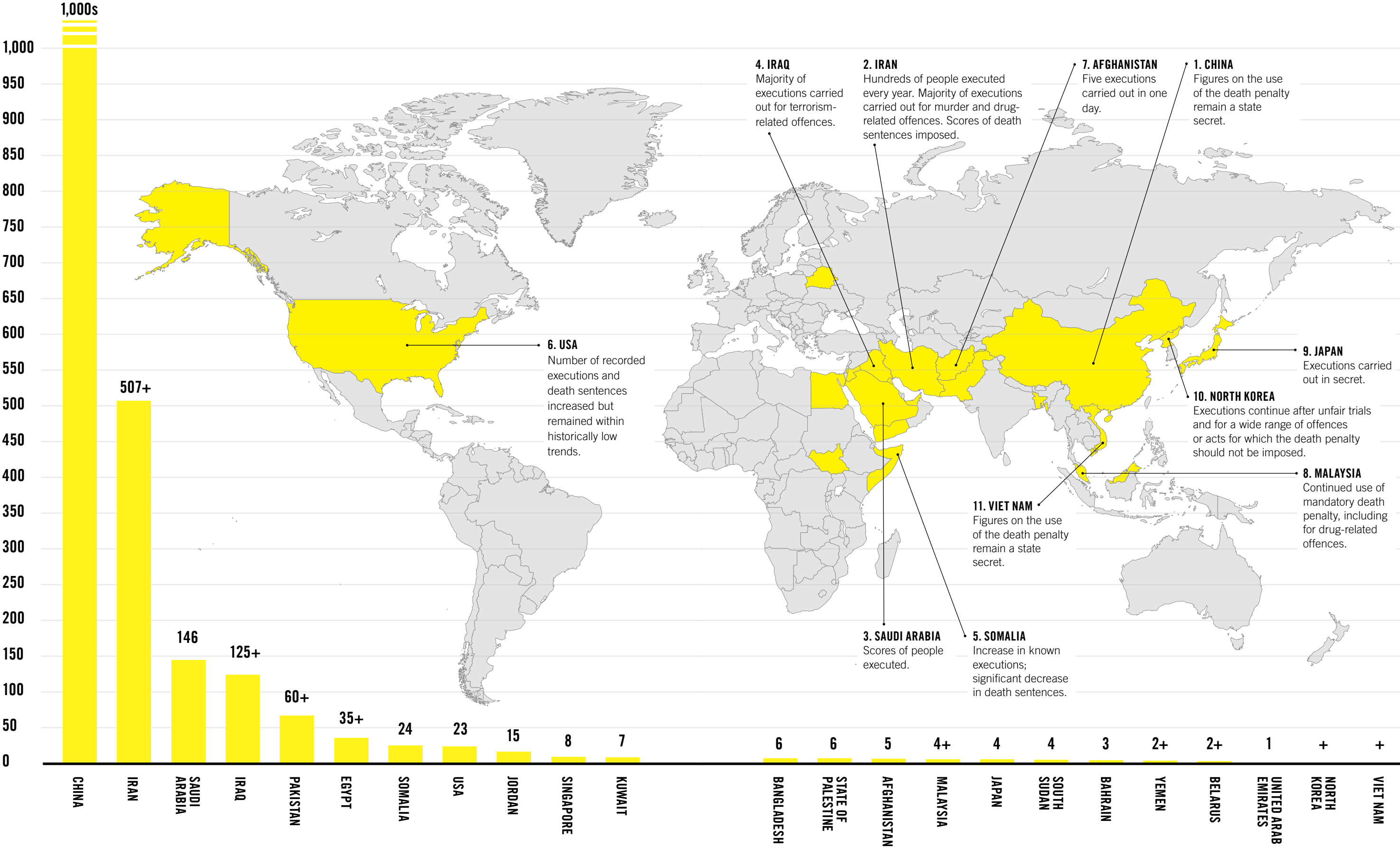
# EXECUTING COUNTRIES IN 2017

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

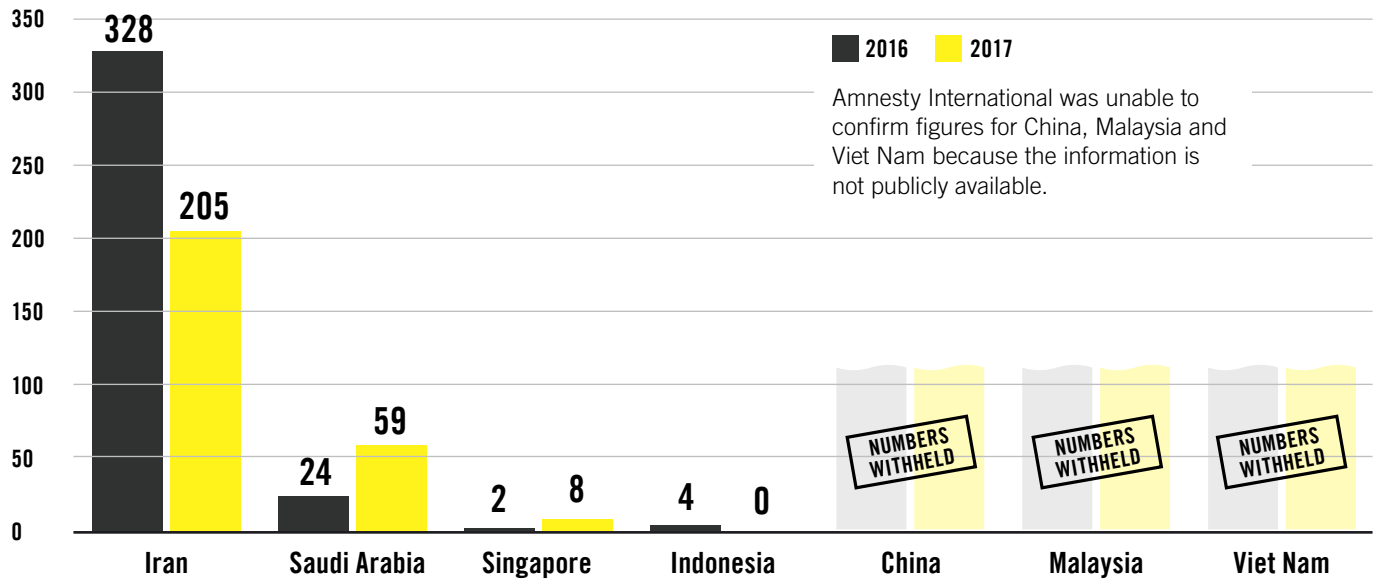
The 11 countries numbered on the map have persistently executed in the past five years (2013–2017).

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

Judicial executions may have taken place in Libya and Syria, although Amnesty International was unable to confirm any figures.

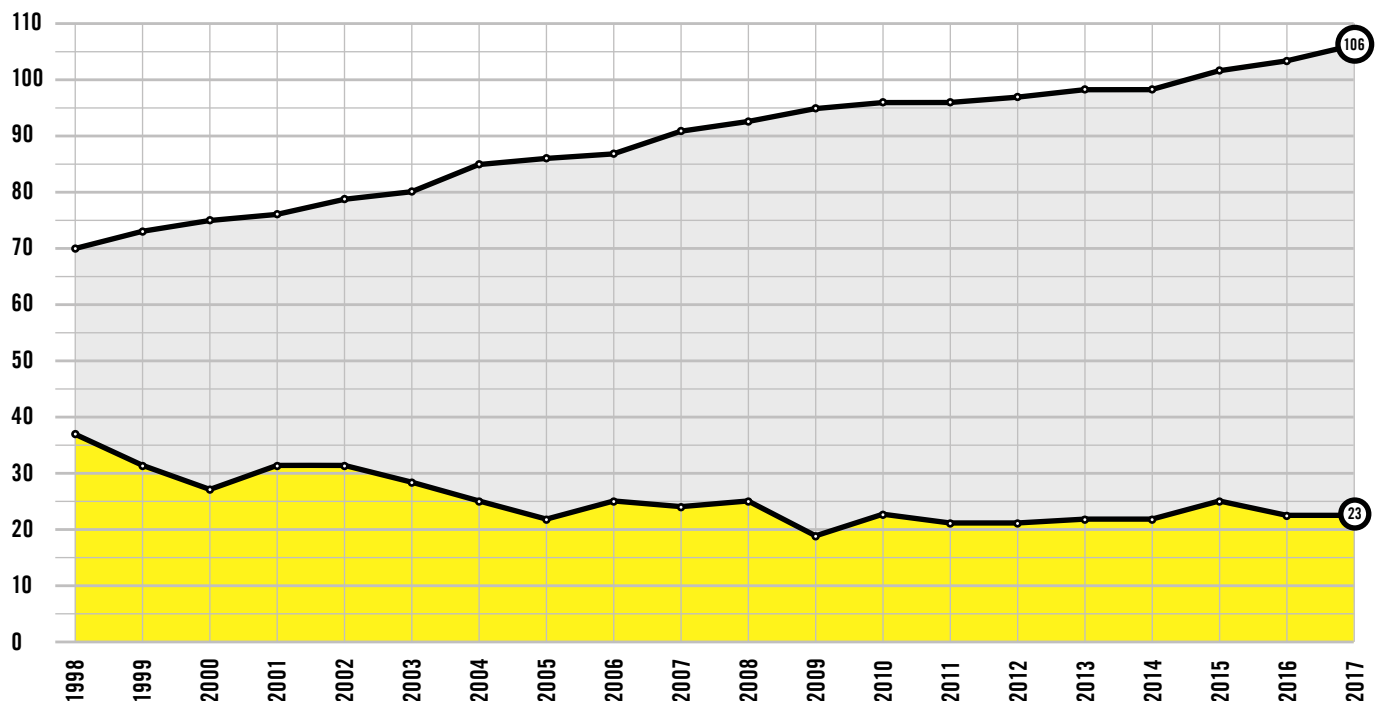


# RECORDED EXECUTIONS FOR DRUG-RELATED OFFENCES IN 2016 AND 2017



## DEATH PENALTY TRENDS 1998–2017

More countries abolished the death penalty and fewer countries carried out executions



At the end of 2017, 106 countries had abolished the death penalty in law for all crimes (70 countries in 1998). As of 31 December 2017, 142 countries had abolished the death penalty in law or practice.

At the end of 2017, Amnesty International recorded executions in 23 countries. 20 years ago, in 1998, it had recorded executions in 37 countries. This reflects the continued overall decline in the use of the death penalty.

The number of people under sentence of death in **Papua New Guinea** decreased from 14 to 12, after two men were acquitted by the Supreme Court in December. No new death sentences were imposed. The judicial appeals of five prisoners on death row concluded: two of them had escaped from detention; two had their death sentences imposed by the Supreme Court and therefore had no avenue of appeal; and one did not have legal counsel to assist him with his final application. The National Court of Papua New Guinea conducted a judicial inquiry into the protection of human rights of prisoners under sentence of death, assisted by the Principal Legal Adviser and Attorney-General and other authorities representing the judiciary, prosecution and the Correctional Service. The Court identified various concerns including: no mechanism for prisoners to exercise their right to apply for pardons as guaranteed under the Constitution and international law; and the prolonged periods of time spent by many prisoners on death row – which could make the implementation of the death sentence amount to cruel or inhuman punishment. Concluding that all prisoners sentenced to death had been denied the full protection of the law, the Court ordered on 12 October that all executions be stayed indefinitely to allow for the establishment of a mercy committee and the review of individual clemency applications.<sup>79</sup> Papua New Guinea and Tonga were the only countries in the Pacific to still retain the death penalty in their legislation, and Papua New Guinea was the only country to use it.

The House of Representatives of the **Philippines** adopted House Bill 4727 on 7 March 2017, which if enforced would reintroduce the death penalty for some drug-related offences.<sup>80</sup> Discussions at the Senate on separate proposals to reintroduce the death penalty for several other offences were halted on 14 February, when 14 out of 24 Senators adopted a resolution highlighting concerns over the possible violation by the Philippines of its obligations as a state party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.<sup>81</sup> The proposals remained pending before the Senate at the end of the year.

Figures on the use of the death penalty in **Singapore** doubled compared to the previous year. According to official figures, executions rose from four in 2016 to eight in 2017. All executions were carried out for drug trafficking, but details of all the executions were not publicly available. Fifteen new mandatory death sentences, including on one woman, were imposed – a sharp increase from the previous year, when seven were reported. Of those, three were imposed for murder and 12 for drug-related offences; six involved foreign nationals. Three men who were sentenced to death before legislative amendments to the mandatory death penalty came into force in 2013 had their death sentences confirmed.<sup>82</sup>

Nigerian national **Ilechukwu Uchechukwu Chukwudi** was on death row in Singapore. According to his testimony to the court, he arrived in Singapore on 13 November 2011 to buy cheap second-hand electronic goods, for resale at his shop in Nigeria. At a friend's request, he carried with him a bag, which he checked to ensure that it did not contain drugs, to deliver to a contact. Ilechukwu Uchechukwu Chukwudi was arrested on the night of his arrival – after delivering the bag to the contact – and charged with trafficking of 1,963.3 grams of methamphetamine, under section 5(1)(a) of the Misuse of Drugs Act. He was initially acquitted on 5 November 2014, but convicted and sentenced to death on 29 June 2015 after the prosecution appealed. The Court of Appeal ruled that the trial judge did not properly consider the impact of certain lies and omissions in his statement to the Central Narcotics Bureau after his arrest, which suggested that he knew that the bag contained drugs.

At the request of the prosecution, a medical expert examined Ilechukwu Uchechukwu Chukwudi. The expert diagnosed him as suffering from Post-Traumatic Stress Disorder (PTSD), as a result of childhood trauma. According to the evaluation report, Ilechukwu Uchechukwu Chukwudi witnessed an attack during which people were “attacked with choppers and cutlass (a short sword with a slightly curved blade) and maimed and killed”.<sup>83</sup> The expert held that the PTSD symptoms were triggered by the Central

<sup>79</sup> National Court of Papua New Guinea, *Enforcement of Basic Rights under Section 57 of the Independent State of Papua New Guinea*, [2017] PGNC 266; N6939 (12 October 2017)

<sup>80</sup> Amnesty International, *Philippines: Philippines Senate must oppose death penalty* (Index: ASA35/6165/2017), [www.amnesty.org/en/documents/asa35/6165/2017/en/](http://www.amnesty.org/en/documents/asa35/6165/2017/en/)

<sup>81</sup> Resolution No. 289, ‘Resolution expressing the sense of the Senate that termination of, or withdrawal from, treaties and international agreements concurred in by the Senate shall be valid and effective only upon concurrence by the Senate’, 14 February 2017, [www.senate.gov.ph/lis/bill\\_res.aspx?congress=17&q=SRN-289](http://www.senate.gov.ph/lis/bill_res.aspx?congress=17&q=SRN-289)

<sup>82</sup> For more information on the legislative reforms, see Amnesty International, *Singapore: Cooperate or Die – Singapore’s flawed reforms to the mandatory death penalty* (Index: ACT 50/7158/2017)

<sup>83</sup> Court of Appeal of Singapore, *Ilechukwu Uchechukwu Chukwudi v Public Prosecutor* [2017] SGCA 44

Narcotics Bureau officers when they told him that he faced the death penalty. He concluded that his PTSD was likely to have led to “an overestimation of [the] threat to his life which could have prompted him to utter unsophisticated and blatant falsehoods in order to save his life”. On the basis of this medical report, on 2 August the Court of Appeal allowed his case to be reopened and his conviction to be reconsidered.

On 1 September the Terrorism (Suppression of Misuse of Radioactive Material) Act came into force, following its adoption by Parliament on 8 May.<sup>84</sup> Expanding the scope of the death penalty, the Act provided for the mandatory imposition of this punishment for anyone who used radioactive material or nuclear facilities, with the intent to cause death or serious harm to people, property and the environment, or to compel other people or organizations to undertake specific actions. On 24 July the Ministry of Law opened a public consultation on proposed legislative amendments to the Criminal Procedure Code (“CPC”) and Evidence Act. Among other measures, the proposed amendments would limit the grounds on which people can appeal to the courts after their conviction and sentence are finalized; and would give courts power to dismiss the appeal expeditiously and to consider all matters in one hearing.<sup>85</sup> Only one post-conviction appeal would be allowed in each case and strict timelines imposed.<sup>86</sup> The strict limitations posed on these appeals resulted in fewer applications for review of death penalty cases being submitted.

On 30 December **South Korea** (Republic of Korea) marked 20 years since the last execution was carried out. For the second consecutive year, no death sentences were imposed and 61 men remained under sentence of death at the end of the year, all with their death sentences finalized.

According to information by the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs, **Sri Lanka** imposed 218 new death sentences in 2017 (including three for drugs possession, according to Amnesty International figures) and 2,717 people were under sentence of death at the end of the year (including 68 for drug-related offences). Five were foreign nationals. On the anniversary of Sri Lanka independence in February, President Maithripala Sirisena commuted 60 death sentences.<sup>87</sup>

For the first year in almost a decade, **Taiwan** did not carry out any executions. Three new death sentences were imposed: for murder and arson in February and for arson in March and December. In total, 43 people were under sentence of death at the end of the year, with their sentences finalized.

Cheng Hsing-tse became the fifth person since 2012 to be exonerated in Taiwan.<sup>88</sup> He had his name cleared in October 2017 following seven trials and eight retrials, after spending 14 years in detention, including 10 on death row. In March 2016 the Taiwan High Prosecutors Office announced that it would apply for a retrial after new forensic evidence cast doubts over his 2002 conviction; he was released on bail in May 2016.

Figures provided by the Ministry of Justice indicated that the courts of **Thailand** imposed 75 new death sentences and 192 people, including 19 women, had their death sentences finalized in 2017. At the end of the year, 502 people were under sentence of death. The Narcotic Act (Vol. 6) 2016, which abolished the mandatory death penalty for selling drugs, came into force on 16 January. Despite of this, the country's resort to the death penalty for drug-related offences remained high, with 86 out of the 192 (45%) finalized death sentences being imposed for drug-related offences.

On 9 July the Anti-Corruption Law became effective, making most serious offences under the law punishable by death and extending its scope to foreign nationals working for foreign governments and international organizations. The law stated that the authorities sought the change to comply with the

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<sup>84</sup> Singapore Government Gazette, Terrorism (Suppression of Misuse of Radioactive Material) Act (No. 27 of 2017), 16 June 2017

<sup>85</sup> Ministry of Law, 'Annex C-Fact Sheet on Key Proposed Legislative Changes to the Criminal Procedure Code (“CPC”) and the Evidence Act', 24 July 2017, <https://www.mlaw.gov.sg/content/minlaw/en/news/public-consultations/public-consultation-on-proposed-amendments-to-the-criminal-proce.html>

<sup>86</sup> The amendments were introduced in Parliament on 28 February 2018

<sup>87</sup> [adaderana.lk](http://adaderana.lk), 'President commutes death sentence of 60 prisoners to life imprisonment', 4 February 2017, [www.adaderana.lk/news/38959/president-commutes-death-sentence-of-60-prisoners-to-life-imprisonment](http://www.adaderana.lk/news/38959/president-commutes-death-sentence-of-60-prisoners-to-life-imprisonment)

<sup>88</sup> *Taipei Times*, 'High Court acquits death row convict', 27 October 2017, [www.taipetimes.com/News/front/archives/2017/10/27/2003681122](http://www.taipetimes.com/News/front/archives/2017/10/27/2003681122)

UN Convention against Corruption (2003), which Thailand ratified in 2011 – even though economic offences such as corruption do not qualify as the most serious crimes to which the use of the death penalty must be restricted under international law. The abolition of the death penalty remained part of the Third National Human Rights Action plan, due to be implemented by 2018.

The authorities of **Viet Nam** did not publish any figures on their use of the death penalty in 2017, with numbers remaining classified as state secrets. Due to this lack of transparency and access to information, Amnesty International gathered information on only two executions during 2017 for the crime of murder, but believed the total figure of death penalty cases to be significantly higher.<sup>89</sup> At least 35 new death sentences were imposed according to Amnesty International's research, including one for murder, 3 for embezzlement and 31 for drug trafficking. More than 600 people were believed to be under sentence of death at the end of the year.

In a move that could improve transparency in the use of the death penalty, on 17 February the Supreme People's Court adopted a resolution announcing the publication on its online portal of its judgments and decisions within 30 days of their pronouncement. The publication of the judgments would be subjected to restrictions under laws on national security, state secrets and other laws protecting the identity of the defendants or entities. The decision came into effect on 1 July.<sup>90</sup>

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<sup>89</sup> According to a report of the Ministry of Public Security published in February 2017, 429 prisoners were executed between 8 August 2013 and 30 June 2016, at an average rate of 147 executions per year. Report of the Ministry of Public Security No. 05/BC-BCA-C81, 4 January 2017.

<sup>90</sup> Supreme People's Court, Resolution on the announcement of the judgment and decision on the Court's Electronic Portal, Resolution no.03/2017/ NQ-HDTP, 16 March 2017

## EUROPE AND CENTRAL ASIA

### REGIONAL TRENDS

- Belarus carried out at least two executions in 2017; at least four new death sentences were imposed.
- One man remained under sentence of death in Kazakhstan.
- Kazakhstan, the Russian Federation and Tajikistan continued to observe moratoriums on executions.

| COUNTRY            | 2017 RECORDED EXECUTIONS | 2017 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2017 |
|--------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Belarus            | 2+                       | 4+                            | 4+                                                            |
| Kazakhstan         | 0                        | 0                             | 1                                                             |
| Russian Federation | 0                        | 0                             | 0                                                             |
| Tajikistan         | 0                        | 0                             | 0                                                             |

### NOTABLE COUNTRY DEVELOPMENTS

Siarhei Vostrykau was executed in **Belarus** in April. Homel Regional Court convicted and sentenced him to death in May 2016 for the rape and murder of two women in two separate incidents in 2014 and 2015. Kiryl Kazachok was executed in October. He was convicted in January 2016 by Homel Regional Court and sentenced to death in December 2016 for the murder of his two children.

Both executions were carried out in secret. Siarhei Vostrykau's mother learned that the execution took place several days after it occurred; Kiryl Kazachok's mother also learned about the execution after the event.

Courts imposed at least four new death sentences in 2017. In March, Homel Regional Court sentenced Aliaksei Mikhalevich to death, after finding him guilty of two murders in 2016. The Supreme Court upheld his sentence in June 2017; he was at risk of imminent execution at the end of the year.

In July, Mahiliou Regional Court convicted and sentenced Ihar Hershankou and Siamion Berazhnoy to death. The two men were found guilty of murder, kidnapping, embezzlement, drug possession and falsification of documents. In December, the Supreme Court upheld their sentences, leaving them at imminent risk of execution.

In September, Vitsebsk Regional Court convicted and sentenced Viktor Liotau to death for murder. At least four people were known to be on death row in Belarus at the end of 2017.

In his report in April, the UN Special Rapporteur on the situation of human rights in Belarus highlighted that death sentences in Belarus were highly disputable because of the lack of fair trials and of an independent judiciary.<sup>91</sup> In addition, he noted: "The fact that no details on executions or places of burial are given to the families also amount to torture."<sup>92</sup>

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<sup>91</sup> UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Belarus, UN Doc. A/HRC/35/40, 21 April 2017, para. 102

<sup>92</sup> UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Belarus, UN Doc. A/HRC/35/40, 21 April 2017, para. 103



In its decision in October, the Council of Europe Committee of Ministers reiterated its call on the Belarusian authorities to establish a moratorium on executions as a matter of urgency and to commute all death sentences.<sup>93</sup> In addition, in May the rapporteur on the situation in Belarus of the Parliamentary Assembly of the Council of Europe stated: “The right to life must be protected at all costs, and the President or the Parliament can at any time declare a moratorium. Europe is still waiting.”<sup>94</sup>

Amnesty International has repeatedly expressed concern that in Belarus death sentences were implemented in secrecy and without giving adequate notice to prisoners, their families or their legal representatives. Condemned prisoners are typically given no warning that they are about to be executed; instead they are taken out of their cells, told that their appeal for clemency had been rejected, and then forced to their knees and shot in the back of the head.<sup>95</sup>

One man remained under sentence of death in **Kazakhstan** after a court convicted and sentenced him to death in 2016 for terrorism-related offences.

In the **Russian Federation**, Vasily Piskaryov, head of the Committee for Security of the State Duma (the lower house of parliament), and Ramzan Kadyrov, head of the Chechen Republic, publicly called in June and November for the reintroduction of the death penalty for terrorism-related offences.<sup>96</sup> However, in June Russian Presidential Spokesman Dmitry Peskov confirmed that there were no discussions within the government to suspend the moratorium on the use of the death penalty.<sup>97</sup>

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<sup>93</sup> Council of Europe Committee of Ministers, Decision on abolition of the death penalty, 1298th meeting, CM/Del/Dec(2017)1298/4.1, 25 October 2017, para.8

<sup>94</sup> Parliamentary Assembly of the Council of Europe, ‘Rapporteurs condemn execution of Siarhei Vostrykau in Belarus’, 5 May 2017, [www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6637&lang=2%20](http://www.assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=6637&lang=2%20)

<sup>95</sup> See for example: Amnesty International, *Belarus: first execution of 2017 ignores continuing pressure for abolition* (Index: EUR 49/6304/2017)

<sup>96</sup> RT, ‘Stay of execution? Russian MP proposes “delayed death penalty” for convicted terrorists’, 9 June 2017, [www.rt.com/politics/391587-russian-mp-proposes-delayed-death/](http://www.rt.com/politics/391587-russian-mp-proposes-delayed-death/); and RT, ‘Kadyrov proposes death penalty for terrorist recruiters’, 16 November 2017, [www.rt.com/politics/410062-kadyrov-backs-tougher-punishment-for/](http://www.rt.com/politics/410062-kadyrov-backs-tougher-punishment-for/)

<sup>97</sup> Tass, ‘Kremlin does not discuss cancellation of freeze on capital punishment’, 15 June 2017, [www.tass.com/politics/951633](http://www.tass.com/politics/951633)

## MIDDLE EAST AND NORTH AFRICA

### REGIONAL TRENDS

- Iran, Saudi Arabia and Iraq remained the top three executing countries in the Middle East and North Africa region.
- Bahrain, Jordan, Kuwait and United Arab Emirates resumed executions.
- At least 264 executions were carried out for drug-related offences.
- Egypt imposed the majority of death sentences that could be confirmed.
- There was a reduction in the use of the death penalty recorded by Amnesty International in the region compared to 2016.

| COUNTRY                | 2017 RECORDED EXECUTIONS | 2017 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2017 |
|------------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Algeria                | 0                        | 27+                           | +                                                             |
| Bahrain                | 3                        | 15                            | +                                                             |
| Egypt                  | 35+                      | 402+                          | +                                                             |
| Iran                   | 507+                     | +                             | +                                                             |
| Iraq                   | 125+                     | 65+                           | +                                                             |
| Israel                 | 0                        | 0                             | 0                                                             |
| Jordan                 | 15                       | 10+                           | 10+                                                           |
| Kuwait                 | 7                        | 15+                           | +                                                             |
| Lebanon                | 0                        | 12+                           | +                                                             |
| Libya                  | Unconfirmed              | 3+                            | Unconfirmed                                                   |
| Morocco/Western Sahara | 0                        | 15+                           | 95+                                                           |
| Oman                   | 0                        | 0                             |                                                               |
| Palestine (State of)   | 6                        | 16                            | 33                                                            |
| Qatar                  | 0                        | 1                             | +                                                             |
| Saudi Arabia           | 146                      | 1+                            | 45+                                                           |
| Syria                  | Unconfirmed              | Unconfirmed                   | Unconfirmed                                                   |
| Tunisia                | 0                        | 25+                           | 77+                                                           |
| United Arab Emirates   | 1                        | 5                             | +                                                             |
| Yemen                  | 2+                       | 5+                            | 4+                                                            |

There was an overall reduction in the use of the death penalty in the region in 2017 compared to 2016. The number of executions recorded by Amnesty International fell from 856 in 2016 to 847 in 2017, a decrease of about 1%. Iran, Saudi Arabia and Iraq remained the top three executing countries in the region. Iran executed at least 507 people, accounting for 60% of all confirmed executions in the region. Saudi Arabia executed 146 people, which represented 17% of all confirmed executions in the region. Iraq executed at least 125 people, making up 15% of all confirmed executions in the region. The three countries were responsible for 92% of all the executions recorded in the region in 2017.

Amnesty International confirmed that 619 death sentences were imposed in the region in 2017, a reduction on the 764 death sentences recorded in 2016. The majority of confirmed death sentences were imposed in Egypt, with 402 people sentenced to death compared to at least 237 in 2016. Amnesty International believed that hundreds of death sentences were imposed in Iran but was unable to confirm any credible figures.

Amnesty International confirmed that the authorities in Algeria, Kuwait, Lebanon, Morocco/Western Sahara, Qatar and Tunisia imposed death sentences; no executions were carried out in these countries. Bahrain, Jordan, Kuwait and United Arab Emirates resumed executions during the year, the first executions since 2010, 2015, 2013 and 2015 respectively. Jordan carried out 15 executions, the highest among the four countries. Amnesty International was concerned that across the region the death penalty was often used for crimes that did not meet the threshold of ‘most serious crimes’ under international human rights law and that many trials in capital cases did not meet international fair trial standards.<sup>98</sup>

## NOTABLE COUNTRY DEVELOPMENTS

**Bahrain** carried out three executions, the first since 2010; the courts imposed 15 death sentences for murder, robbery and terrorism-related acts. On 15 January Bahrain executed Ali Abdulshaheed al-Sankis, Sami Mirza Mshaima and Abbas Jamil Taher Mhammad al-Samea by firing squad for terrorism-related acts. Their death sentences were upheld on 9 January by the Court of Cassation and were swiftly ratified by the King. The men’s trial failed to meet international fair trial standards. Their lawyers did not have access to all the evidence available against them, which prevented them from adequately defending their clients. Nor were they allowed to cross-examine prosecution witnesses. The court also found Abbas al-Samea and Sami Mshaima guilty following coerced “confessions”, which were admitted as evidence in violation of the right under the International Covenant on Civil and Political Rights not to be compelled to confess guilt or incriminate oneself.

**Egypt** carried out at least 35 executions – 34 men and one woman. At least 402 death sentences were imposed – on 394 men and eight women – by the courts. At least 88 men were sentenced to death in relation to political violence, 24 of them following a grossly unfair trial before a military court. The remaining 314 individuals, eight women and 306 men, were sentenced to death by civilian courts for crimes that included murder and rape. The courts exonerated two men and commuted the death sentences of 162 people – one woman and 161 men.

**Iran** carried out at least 507 executions – 501 men and six women. At least five juvenile offenders were executed and 31 executions were carried out publicly. The executions were carried out for murder (240); drug trafficking (205); murder and rape (4); *moharebeh* (robbery) (11); “spreading corruption on earth” (2); rape (male on female rape) (16); kidnapping and murder (1); kidnapping and rape (2); robbery (5); *moharebeh* (politically motivated) (2); and 19 were for offences that could not be confirmed. For the first time in many years Amnesty International recorded more executions for murder than for drug-related offences. The organization believed that hundreds of death sentences were imposed during the year; however, it was unable to confirm any credible figure.

The widespread use of the death penalty remains a grave concern; Iran continued to use the death penalty for conduct that did not amount to a recognizably criminal offence such as “enmity against god” (*moharebeh*), “spreading corruption on earth” (*efsad-e fel arz*), and “insulting the Prophet”. Amnesty International’s research showed that basic fair trial guarantees were absent in death penalty cases and that courts often relied on “confessions” extracted under torture to impose death sentences. The use of torture is absolutely prohibited under the UN Convention against Torture.

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<sup>98</sup> ‘Most serious crimes’ are the only category of crimes for which international law permits the death penalty. International bodies have interpreted this as being limited to crimes involving intentional killing.

In November, the amended Anti-Narcotics Law increased the threshold of drugs for the imposition of a mandatory death sentence, with potential retroactive effect. Government officials indicated that up to 15,000 people on death row would have their death sentences for drug-related offences reviewed with a view to commutation under the amended law.

At least 125 executions were carried out in **Iraq**. All executions were carried out by the Iraqi central authorities; none was carried out in the Kurdistan Region of Iraq. At least 65 death sentences were imposed – 62 by the Iraqi central authorities and three by the authorities of the Kurdistan Region of Iraq – for offences that included mostly terrorism-related acts, in addition to others related to murder, kidnapping and drugs. Those sentenced to death included mostly Iraqi nationals but also some foreign nationals. The death penalty continued to be used as a tool of retribution in response to public outrage after attacks claimed by the armed group calling itself the Islamic State (IS). During the year mass executions were carried out. Dozens of men were executed for terrorism offences on 25 September, 11 days after an IS suicide attack in Nasiriya on 14 September that killed at least 84 people. On 14 December, 38 people were hanged for terrorism offences.

Fifteen people were executed in **Jordan**; 14 had been convicted of terrorism-related acts and one of murder. The executions were the first since 2015. At least 10 people were sentenced to death – nine for murder and one for terrorism-related acts.

**Kuwait** carried out seven executions, the first since 2013. The seven people were executed on 25 January for murder, theft, rape and kidnapping. Two were Kuwaiti nationals: Nasra Youssef Mohammad al-Anzi and Faysal Abdullah Jaber Al Sabah. Five were foreign nationals: Mohammad Shahed Mohammad Sanwar Hussain (Bangladesh); Jakatia Midon Pawa (Philippines); Amakeel OoKo Mikunin (Ethiopia); Sayed Radhi Jumaa and Sameer Taha Abdulmajed Abduljaleel (Egypt). The courts imposed at least 15 death sentences, granted at least 17 commutations and exonerated two people.

No executions were carried out in **Morocco/Western Sahara**. The courts imposed at least 15 death sentences. The authorities granted four commutations. At least 95 people were under sentence of death at the end of 2017. Following its review under the UN Universal Periodic Review (UPR) in May, Morocco rejected the recommendation to immediately and completely abolish the death penalty.<sup>99</sup>

Executions were carried out on six men by authorities of the **State of Palestine**, specifically the Hamas de facto administration in the Gaza Strip. Three of the men were executed on 6 April 2017 for “collaboration with Israeli authorities”; their names were kept secret. The other three – Ashraf Abu Leila, Hisham al-Aloul and Abdallah al-Nashar – were executed on 25 May 2017 for the assassination of Hamas leader Mazen Fuqaha. The six 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 the death sentences of 16 individuals, all imposed by courts in the Gaza Strip; 15 stood trial and one was tried in absentia. At least 33 people were under sentence of death at the end of 2017.

**Saudi Arabia** executed 146 people – two women and 144 men. There were 89 Saudi Arabian nationals. The other were foreign nationals: one (Kenya); one (Mali); one (Nigeria); one (Palestine); two (India); four (Syria); three (Ethiopia); six (Jordan); 17 (Pakistan); 20 (Yemen); and one person whose nationality was not known. Seventy-eight of the executions were for murder, four for terrorism-related acts, 59 for drug-related offences, two for kidnapping and torture, two for rape, and one for witchcraft, sorcery and adultery. Amnesty International was only able to confirm the imposition of one death sentence; however, more death sentences were likely to have been imposed.

Many defendants were sentenced to death after unfair trials by courts that convicted them without adequately investigating allegations of coerced “confessions”, including confessions obtained under torture. The authorities routinely failed to inform families of their relatives’ imminent execution, or failed to inform them immediately after the execution. On 11 July, father-of-two Yussuf Ali al-Mushaikhass was executed along with three other men for terrorism-related offences in connection with anti-government protests in the Eastern Province in 2011 and 2012. His family only found out about the execution after it happened, when they saw a government announcement on television. The court appeared to have based the conviction largely on “confessions”, which Yussuf al-Mushaikhass told the court had been obtained under torture and other ill-treatment. Said al-Sai’ari was executed on 13 September. International human rights law prohibits any form of coercion, whether direct or indirect, physical

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<sup>99</sup> The Kingdom of Morocco’s position on the Recommendations issued after review of its National Report under the third cycle of the Universal Periodic Review, August 2017, Addendum 1 of the Outcome of the Review, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MAIndex.aspx>

or psychological. Such coercion includes, but is not limited to, torture and other cruel, inhuman or degrading treatment. Under international human rights standards, relatives of people sentenced to death have the right to be officially informed in advance of an execution so as to allow for a last visit or communication with the condemned person, and to be informed of the execution.

Due to the internal armed conflict involving government forces and non-state armed groups it was not possible to confirm whether any judicial executions were carried out or any death sentences imposed in Syria in 2017.<sup>100</sup>

The **United Arab Emirates** carried out one execution, the first since 2015, for kidnapping, rape and murder. Five death sentences were imposed, 16 commutations were granted and one person was exonerated.

In **Yemen**, at least two executions were carried out for rape and murder; and at least five death sentences were imposed by the courts. One pardon was granted and at least four people were under sentence of death at the end of the year.<sup>101</sup>

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<sup>100</sup> This does not include reports of extrajudicial executions and other unlawful killings by both government forces and non-state armed groups during the armed conflict, or deaths in custody following torture or other ill-treatment

<sup>101</sup> Due to the armed conflict that began in March 2015, it has been difficult obtaining information on the use of the death penalty in Yemen. More death sentences may have been imposed and more executions carried out. The numbers recorded by Amnesty International do not include reports of extrajudicial executions and other unlawful killings by non-state armed groups during the armed conflict, or deaths in custody following torture or other ill-treatment.

## SUB-SAHARAN AFRICA

### REGIONAL TRENDS

- There was a reduction in the number of executing countries in the Sub-Saharan Africa region. Amnesty International recorded executions in only two countries – Somalia and South Sudan – compared to five recorded in 2016.
- Twenty-eight executions were carried out, 24 in Somalia and four in South Sudan, a slight increase compared to at least 22 recorded in 2016.
- The number of death sentences decreased, from at least 1,086 in 2016 to at least 878 in 2017.
- Nigeria imposed the highest number of death sentences and had the highest number of people under death sentence in the region at the end of the year.
- Guinea abolished the death penalty for all crimes, having abolished the death penalty for ordinary crimes in 2016.
- Burkina Faso, Chad, Gambia and Kenya made important strides towards abolition of the death penalty.

| COUNTRY                          | 2017 RECORDED EXECUTIONS | 2017 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2017 |
|----------------------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Benin                            | 0                        | 0                             | 14                                                            |
| Botswana                         | 0                        | 4                             | 5                                                             |
| Burkina Faso                     | 0                        | 0                             | 12                                                            |
| Cameroon                         | 0                        | 0                             | 235                                                           |
| Central African Republic         | 0                        | 0                             |                                                               |
| Chad                             | 0                        | 0                             |                                                               |
| Comoros                          | 0                        | 0                             | 7                                                             |
| Democratic Republic of the Congo | 0                        | 22+                           | +                                                             |
| Equatorial Guinea                | 0                        | 2                             | 2                                                             |
| Eritrea                          | 0                        | 0                             |                                                               |
| Ethiopia                         | 0                        | 0                             | 10+                                                           |
| Gambia                           | 0                        | 3                             | 23+                                                           |
| Ghana                            | 0                        | 7                             | 160                                                           |
| Guinea                           | 0                        | 0                             | 12                                                            |
| Kenya                            | 0                        | 21+                           | 23+                                                           |
| Lesotho                          | 0                        | 0                             | 0                                                             |
| Liberia                          | 0                        | 0                             |                                                               |
| Malawi                           | 0                        | 0                             | 15                                                            |
| Mali                             | 0                        | 10                            | 63                                                            |

|                     |    |     |       |
|---------------------|----|-----|-------|
| <b>Mauritania</b>   | 0  | 0   | 90    |
| <b>Niger</b>        | 0  | 0   | 11+   |
| <b>Nigeria</b>      | 0  | 621 | 2,285 |
| <b>Sierra Leone</b> | 0  | 21  | 39    |
| <b>Somalia</b>      | 24 | 24+ | 124+  |
| <b>South Sudan</b>  | 4  | 16+ | +     |
| <b>Sudan</b>        | 0  | 17+ | +     |
| <b>Swaziland</b>    | 0  | 0   | 0     |
| <b>Tanzania</b>     | 0  | 5+  | 496+  |
| <b>Uganda</b>       | 0  | 0   | 250+  |
| <b>Zambia</b>       | 0  | 94  | 210   |
| <b>Zimbabwe</b>     | 0  | 11  | 99    |

The Sub-Saharan Africa region made significant progress against the use of the death penalty in 2017.

The year saw a reduction in the number of executing countries, as only two – Somalia and South Sudan – were recorded by Amnesty International to have carried out executions. There was also a slight reduction in the number of countries where death sentences were imposed, 15 in 2017 compared to 17 in 2016. In addition, the number of recorded death sentences imposed in the region decreased by 19%, to at least 878 in 2017 compared to at least 1,086 in 2016. According to information received by Amnesty International, three countries – Botswana, Sudan and Nigeria – that carried out executions in 2016 did not do so in 2017.

During the year, Guinea effectively abolished the death penalty for all crimes and the Supreme Court of Kenya abolished the mandatory death penalty for murder. Two countries that had already abolished the death penalty – Madagascar and Sao Tome and Principe – acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Gambia signed the Protocol. Burkina Faso and Chad also took steps towards abolition of the death penalty under new or proposed laws.

In May, at its 60<sup>th</sup> Ordinary Session in Niamey, Niger, the African Commission on Human and Peoples' Rights adopted a resolution on the Right to Life in Africa.<sup>102</sup> The resolution urged states parties to the African Charter on Human and Peoples' Rights that have established a moratorium on executions to take steps towards the abolition of the death penalty, and those states parties that have not abolished the death penalty to immediately establish a moratorium on executions.

However, despite only two countries carrying out executions, Amnesty International recorded more executions in the region in 2017, 28 compared to at least 22 in 2016. In addition, Nigeria alone accounted for 71% of all confirmed death sentences imposed in the region in 2017; at the end of the year Nigeria had the largest recorded death row population. Also, Sierra Leone moved further away from the abolition of the death penalty.

## NOTABLE COUNTRY DEVELOPMENTS

Although the Constitutional Court of **Benin** effectively abolished the death penalty for all crimes in a 2016 judgment, the National Assembly was yet to adopt laws removing the death penalty from national legislation at the end of 2017. Fourteen men – 10 from Benin, two from Nigeria, one from Togo and one from Côte d'Ivoire – were under sentence of death at the end of the year.<sup>103</sup>

<sup>102</sup> The African Commission on Human and Peoples' Rights, 'Resolution on the Right to Life in Africa', ACHPR/Res. 375 (LX) 2017, 22 May 2017, <http://www.achpr.org/sessions/60th/resolutions/375/>

<sup>103</sup> On 21 February 2018, the government of Benin commuted the death sentence of all the 14 men to life imprisonment

The **Botswana** government informed Amnesty International that no execution was carried out in 2017. Four death sentences were imposed for murder. Five men were under sentence of death at the end of the year.

In **Burkina Faso**, no executions were carried out and no death sentences imposed. At the end of the year, 12 people were under sentence of death. During the year the Constitutional Commission completed its work on a draft Constitution. The draft Constitution contained a provision abolishing the death penalty.

In **Chad**, the revised Penal Code entered into force. Adopted by the National Assembly in 2016, the new Code abolished the death penalty except for “terrorism”. The courts did not impose death sentences and no executions were carried out.

The courts in the **Democratic Republic of the Congo** sentenced at least 22 people to death. No executions were carried out.

Information received from **Gambia** showed that three death sentences were imposed and no executions were carried out. At the end of the year, 23 people were under sentence of death, six of whom were foreign nationals – one (Senegal), one (Cameroon), one (Ghana), one (Guinea), and two (Nigeria). In September, Gambia signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

The **Ghana** Prisons Service informed Amnesty International that seven death sentences were imposed; no executions were carried out. At the end of the year, 160 people were under sentence of death, six of whom were foreign nationals – one (Benin), two (Burkina Faso) and three (Nigeria). Amnesty International’s research found that many death row prisoners were unable to appeal against their convictions and death sentences.<sup>104</sup> Most death row prisoners interviewed by Amnesty International said that they did not fully understand their right to appeal or the appeal process, and believed that they needed to pay high fees for a private lawyer in order to appeal. Appeals are not mandatory for people sentenced to death and judicial authorities do not automatically pass cases to higher courts for review. Prisoners must file appeals in order to exercise their right to appeal. However, interviews with some death row prisoners suggested that government lawyers do not advise their clients about their right to appeal and do not automatically file appeals on their behalf, where there are grounds to do so. Under the International Covenant on Civil and Political Rights, to which Ghana is a state party, everyone convicted of an offence carrying the death penalty has the right to their conviction and sentence being reviewed by a higher independent, impartial and competent tribunal.

In **Guinea**, a revised Code of Military Justice, which removed the death sentence from the list of applicable penalties for offences under that Code, came into force in December. Prior to this Guinea was abolitionist for ordinary crimes only, the previous Code providing for the death penalty for exceptional crimes. The removal of the death penalty from the revised Code effectively abolished the death penalty for all crimes as Guinea’s laws no longer provide for the use of the punishment. However, 12 people remained under sentence of death at the end of the year.

In **Kenya**, at least 21 death sentences were imposed. No executions were carried out.<sup>105</sup> In December the Supreme Court declared the mandatory imposition of death sentences in murder cases to be unconstitutional. The judgment meant that judges would have discretion; they would not have to automatically sentence to death a defendant convicted of murder.

There were no executions or death sentences in **Mauritania**. The authorities informed Amnesty International that 90 people were under sentence of death at the end of the year. One commutation was granted. In November, Mohamed Mkhaitir, sentenced to death in December 2014 for a “blasphemous” post he made on Facebook, had his death sentence quashed by the Court of Appeal and was sentenced to two years’ imprisonment and a fine of €145. At the end of the year he remained in detention without access to his lawyers and relatives.

**Niger** imposed no death sentence; no executions were carried out. In December, during a meeting with Amnesty International, the Ministry of Justice stated that a plan to abolish the death penalty had been submitted to the government.

No executions were carried out in **Nigeria**. The Nigerian Prisons Service informed Amnesty International that 621 people were sentenced to death in 2017. It also reported that 17 pardons were granted,

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<sup>104</sup> Amnesty International, *Locked up and forgotten: The need to abolish the death penalty in Ghana* (Index: ACT 50/6268/2017), 12 July 2017, <https://www.amnesty.org/en/documents/act50/6268/2017/en/>

<sup>105</sup> Kenya had not carried out an execution since 1987



28 people under sentence of death were exonerated and that 2,285 people were on death row, including four foreign nationals. During the year a total of 68 death sentences were commuted. In July, at the National Economic Council, state governors agreed to either sign execution warrants or commute death sentences as a way of addressing prison overcrowding. Anyone sentenced to death has the right to seek pardon or commutation.<sup>106</sup> Respect for the right to seek pardon or commutation requires a fair and adequate procedure that accords the opportunity to present all favourable evidence relevant to the granting of clemency. In August, the Ogun state government announced that it would no longer maintain an informal commitment to refrain from authorizing executions. Benue, Bauchi and Lagos states enacted laws providing for the death penalty for kidnapping.

**Sierra Leone** imposed 21 death sentences. No executions were carried out. Thirty-nine people were under sentence of death at the end of the year; two of them were women – Yatta Bakar and Tenneh Ngabay Steven who were sentenced to death on 2 October and 15 November respectively. On 6 September, six police officers were sentenced to death by firing squad for conspiracy and robbery with aggravation. On 14 November, two men were sentenced to death by firing squad for robbery with aggravation. In November, a government white paper rejected the Constitutional Review Commission's recommendation to abolish the death penalty.<sup>107</sup>

In **Somalia**, 24 executions were carried out: 12 executions under the authority of the Federal Government of Somalia, and 12 in Puntland.<sup>108</sup> At least 24 death sentences were imposed: eight by the Federal Government of Somalia, and 16 in Puntland. At the end of the year, at least 124 people were under sentence of death in the country.

**South Sudan** imposed at least 16 death sentences and executed four people, two of whom were juveniles at the time of the commission of the crime.

Amnesty International did not record any executions in **Sudan**. At least 17 death sentences were imposed and 66 pardons granted.

The government of **Zambia** informed Amnesty International that no executions were carried out. A total of 94 people were sentenced to death; no commutations or pardons were granted. At the end of the year, 210 people were under sentence of death and 19 people were exonerated by the courts. Foreign nationals Moshi Bogoma (Tanzania), Miki Phiri (Malawi) and Jose Anthonio Gouadi (Mozambique) were under sentence of death. The government stated that there had been a moratorium on executions since 1997.

The government of **Zimbabwe** informed Amnesty International that no executions were carried out; 11 death sentences were imposed. There were 99 people under sentence of death at the end of the year; two people had their death sentences commuted to life imprisonment.

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<sup>106</sup> Article 6(4) of the International Covenant on Civil and Political Rights; Section N(10)(d) of the Principles on Fair Trial in Africa

<sup>107</sup> Amnesty International, *Amnesty International Report 2017/18* (Index: POL 10/6700/2018), February 2018

<sup>108</sup> 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 2017

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

Where “+” appears after a figure next to the name of a country – for example, Indonesia (47+) – it means that Amnesty International confirmed 47 executions or death sentences in Indonesia but believes there were more than 47. 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 2017

|                                                               |                                                 |
|---------------------------------------------------------------|-------------------------------------------------|
| China 1,000s                                                  | Palestine (State of) 6, Hamas authorities, Gaza |
| Iran 507+                                                     | Afghanistan 5                                   |
| Saudi Arabia 146                                              | Malaysia 4+                                     |
| Iraq 125+                                                     | Japan 4                                         |
| Pakistan 60+                                                  | South Sudan 4                                   |
| Egypt 35+                                                     | Bahrain 3                                       |
| Somalia 24 (Puntland 12;<br>Federal Government of Somalia 12) | Belarus 2+                                      |
| USA 23                                                        | Yemen 2+                                        |
| Jordan 15                                                     | United Arab Emirates 1                          |
| Singapore 8                                                   | North Korea +                                   |
| Kuwait 7                                                      | Viet Nam +                                      |
| Bangladesh 6                                                  |                                                 |

## RECORDED DEATH SENTENCES IN 2017

|                                                            |                        |
|------------------------------------------------------------|------------------------|
| China 1,000s                                               | Singapore 15           |
| Nigeria 621                                                | Lebanon 12+            |
| Egypt 402+                                                 | Afghanistan 11+        |
| Bangladesh 273+                                            | Zimbabwe 11            |
| Sri Lanka 218                                              | Jordan 10+             |
| Pakistan 200+                                              | Mali 10                |
| India 109                                                  | Trinidad and Tobago 9  |
| Zambia 94                                                  | Ghana 7                |
| Thailand 75                                                | Tanzania 5+            |
| Iraq 65+                                                   | Yemen 5+               |
| Indonesia 47+                                              | United Arab Emirates 5 |
| USA 41                                                     | Belarus 4+             |
| Malaysia 38+                                               | Botswana 4             |
| Viet Nam 35+                                               | Libya 3+               |
| Algeria 27+                                                | Gambia 3               |
| Tunisia 25+                                                | Guyana 3               |
| Somalia 24+ (Puntland 16; Federal Government of Somalia 8) | Japan 3                |
| Democratic Republic of the Congo 22+                       | Taiwan 3               |
| Kenya 21+                                                  | Myanmar 2+             |
| Sierra Leone 21                                            | Equatorial Guinea 2    |
| Sudan 17+                                                  | Maldives 2             |
| South Sudan 16+                                            | Laos 1+                |
| Palestine (State of) 16, Hamas authorities, Gaza           | Saudi Arabia 1+        |
| Morocco/Western Sahara 15+                                 | Brunei Darussalam 1    |
| Kuwait 15+                                                 | Qatar 1                |
| Bahrain 15                                                 | Iran +                 |
|                                                            | North Korea +          |

# ANNEX II: ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 31 DECEMBER 2017

More than two thirds of the countries in the world have now abolished the death penalty in law or practice. As of 31 December 2017 the numbers were as follows:

Abolitionist for all crimes: 106

Abolitionist for ordinary crimes only: 7

Abolitionist in practice: 29

Total abolitionist in law or practice: 142

Retentionist: 56

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

## 1. ABOLITIONIST FOR ALL CRIMES

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

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

## **2. ABOLITIONIST FOR ORDINARY CRIMES ONLY**

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

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

## **3. ABOLITIONIST IN PRACTICE**

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

Algeria, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Eritrea, Ghana, Grenada, Kenya, Laos, Liberia, Malawi, Maldives, Mali, Mauritania, Morocco/Western Sahara, Myanmar, Niger, Papua New Guinea, Russian Federation,<sup>109</sup> Sierra Leone, South Korea (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, Cuba, Democratic Republic of the Congo, Dominica, Egypt, Equatorial Guinea, Ethiopia, Gambia, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Nigeria, North Korea (Democratic People's Republic of Korea), Oman, Pakistan, Palestine (State of), Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, South Sudan, Sudan, Syria, Taiwan, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, USA, Viet Nam, Yemen, Zimbabwe.

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<sup>109</sup> The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic.

# ANNEX III: RATIFICATION OF INTERNATIONAL TREATIES AS OF 31 DECEMBER 2017

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 2017. (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, Madagascar, Malta, Mexico, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia (including Kosovo), Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, UK, Ukraine, Uruguay, Uzbekistan, Venezuela (total: 85)

Signed but not ratified: Angola, Gambia (total: 2)

## **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)



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# DEATH SENTENCES AND EXECUTIONS

## 2017

Amnesty International recorded a reduction in the number of executions and death sentences imposed around the world in 2017, with fewer than 1,000 executions and fewer than 2,600 new death sentences – a decline of 4% and 17% respectively compared to 2016. This was mainly due to decreases in three of the countries that reported the highest numbers of executions in 2016: Iran, Saudi Arabia and Pakistan. China was once again the world's lead executioner, but figures remained classified as a state secret.

Two countries – Guinea and Mongolia – abolished the death penalty for all crimes, while Guatemala became abolitionist for ordinary crimes, such as murder.

In the Middle East and North Africa region, Iran, Saudi Arabia and Iraq remained among the world's top executioners. Bahrain, Jordan, Kuwait and the United Arab Emirates resumed executions.

Progress was made in the Sub-Saharan Africa region. Executions were recorded in Somalia and South Sudan – three fewer countries than in 2016 – and death sentences were imposed in 15 countries, compared to 17 in 2016.

In many countries in the Asia-Pacific region, the use of the death penalty continued to violate international law, with death sentences often imposed as mandatory punishment and for non-lethal offences such as drug trafficking.

The USA remained the only country to carry out executions in the Americas region, for the 9<sup>th</sup> consecutive year. Only three countries – Guyana, Trinidad and Tobago and the USA – imposed death sentences.

In the Europe and Central Asia region, Belarus was the only country to impose death sentences and carry out executions.

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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