



HANDS OFF CAIN

THE DEATH PENALTY WORLDWIDE

2019 REPORT



Edited by *Sergio D'Elia*
Introduction by *Elisabetta Zamparutti*

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reference

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Portrait of Reyhaneh Jabbari, a 26-year-old woman hanged in Gohardasht Prison, Tehran, on 25 October 2014 for killing a man who was 'trying to rape her' (Photo by FACEBOOK)

BACK COVER PHOTO

Abolfazl Chazani Sharahi, executed at Qom Central Prison (Iran) on 27 June 2018 for a murder he allegedly committed when he was 15 (Photo by Iranhr.net)

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INTRODUCTION

by Elisabetta Zamparutti

When Hassan Rouhani was elected as President of the Islamic Republic of Iran in June 2013, and then re-elected in May 2017, many observers, human rights advocates, and members of the International community welcomed what appeared to be a positive turning point for the future of Iran. However, if one focuses on the death penalty alone, it is clear that his government did not turn its back on its use. On the contrary, the number of executions has risen dramatically since the summer of 2013.

More than 3,833 prisoners have been executed since July 1st, 2013 – the first day of Rouhani's presidency. At least 310 individuals, including seven who were children at the time of the offence and five women, have been hanged in 2018. In the year that just passed there have been at least 285 executions including eight children and seventeen women.

New Year's Day was celebrated with the hanging of eight men at the Rajai-Shahr prison of Karaj, and at least two women have been executed since then. Thus bringing to 106 the number of women executed under the government of the supposedly 'moderate' Hassan Rouhani.

January 1st, 2020, was also the forty-eighth day in which Iranians have taken to the streets to protest against the regime despite the government's severe repression, which led to the killing of at least 1,500 people, including women and children, shot dead by bullets fired point blank by the Pasdaran. During the course of these protests 12,000 people have been arrested. No one knows nor seems to care about the fate of these harmless men, despite the clear threat of a noose hanging around their neck.

Then, on January 2nd, an American drone targeted the Iranian general Qassem Suleimani, one of the most ruthless and vicious member of the Ayatollah, head of Iran's elite Quds Force, the special unit of Pasdaran. This man, who was a murderer, became martyr. Although his killing might have turned the spotlight on Iran, that light has not brought solace to the Iranians, for it is not revealing the truth about the regime's blood-stained hands.

The great majority of Iranians despised Suleimani. During the revolts of 2018 and 2019, protesters from various cities teared down posters of his face and set

them on fire. Even in Iraq, his death was praised by the many – who had been asking since long that he be expelled from their country – as symbol of the end of the Mullah’s control over Iraq.

Suleimani has been depicted as a master strategist in charge of setting the agenda for the expansion of the Iranian sphere of influence in the region. Yet this narrative fails to capture the bloodthirsty nature of his army and actions. Maybe some will recall it for the role played in the seizure of Aleppo in Syria. I would rather remember it for the murder of 141 members of the People’s Mojahedin Organisation of Iran, opponents of the Iranian regime, and who were repetitively targeted between 2009 and 2016 whilst they were refugees in Iraq.

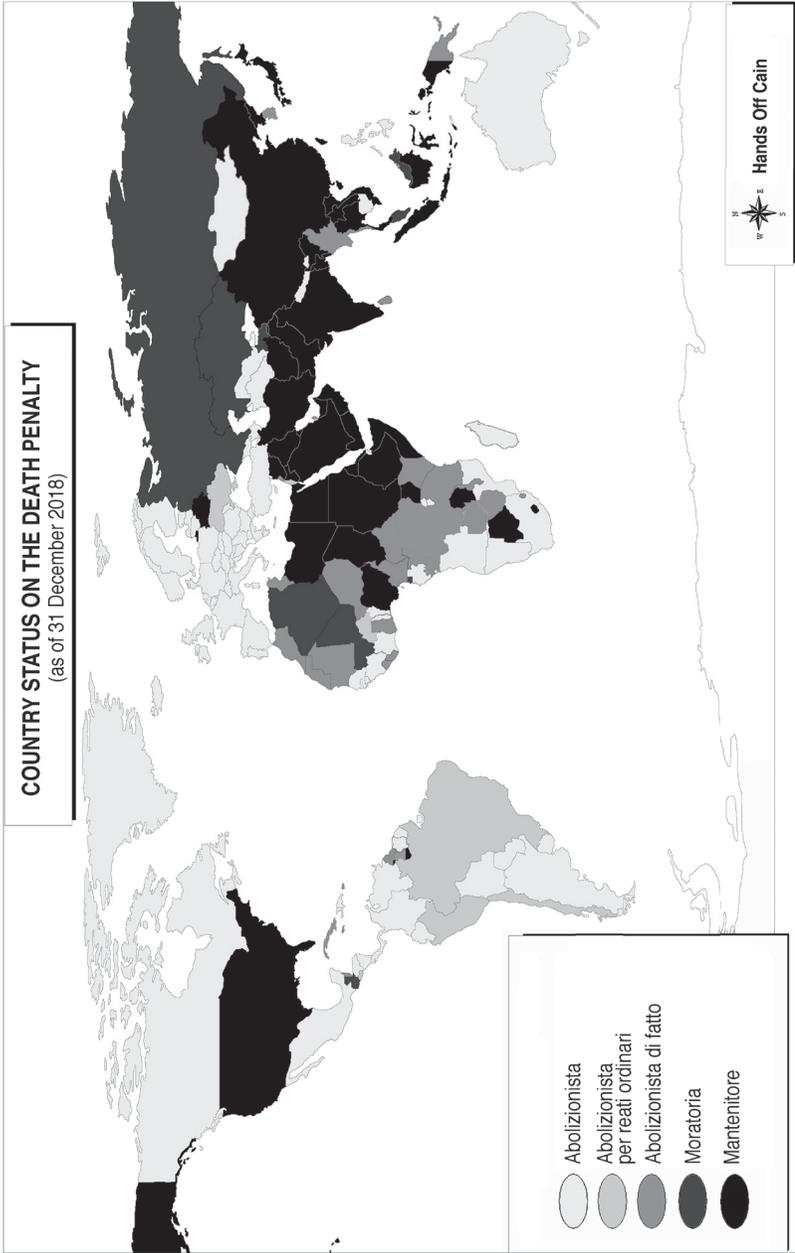
I particularly recall the Camp Ashraf massacre of September 1st, 2013, where 53 refugees were brutally killed by the militia of Suleimani in what seemed to be a Nazi-like final solution plan. The choice of words is not accidental, precisely because of the Iranian regime’s wish that Israel be deleted from the world map. The successor of Suleimani, his deputy for over twenty years, is Esmail Ghaani, a man known for his vociferous criticism of Israel and whose curriculum has nothing to envy to his predecessor. This is not surprising – we are talking about a regime governed by men such as the current Minister of Justice, Ebrahim Raisi, who used to sit in the 1988 ‘Death Commission’ – responsible for the murder of 30,000 political prisoners.

Faced with this reality, it is not enough to simply appeal to moderation, without distinguishing the differences and responsibilities of those who are perpetrators and their victims, and without placing the respect of fundamental human rights as the sole and only, universally recognised, criterion to evaluate whether a State is or not a threat to peace and security. The Italian government has argued for moderation, claiming it is necessary to ensure stability and to avoid that terrorism and violent extremism benefit from these ongoing tensions. As if it were not the very same Iranian regime what fuels violent extremism and terrorism!

Surely the solution cannot be to orchestrate further drone strikes, because their use occurs outside of the law and against international law, and because drone strikes are also a disguise for the hasty and secretive nature of capital punishment, carried out against American enemies such as Suleimani as well as American citizens suspected of treason. Both American and non-American citizens are killed through the means of drones, so as to avoid the procedural safeguards that even a retentionist country such as the United State of America must have in place.

Our motto ‘Hands Off Cain’ holds true also for Qassem Suleimani. Marco

Pannella pronounced it when Saddam Hussein was killed, not to justify his vicious crimes, but to denounce the aberration of a State which in the name of Abel becomes itself Cain.



COUNTRY STATUS ON THE DEATH PENALTY **(as of 31 December 2018)**

Abolitionist: 106

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bermuda*, Bhutan, Bolivia, Bosnia and Herzegovina, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, East Timor, Ecuador, Estonia, Fiji, Finland, France, Gabon, *Gambia*, Georgia, Germany, Greece, Guinea, Guinea Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Islands Cook*, Italy, Ivory Coast, Marshall Islands, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, North Macedonia, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, São Tomè and Príncipe, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Switzerland, Togo, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Uruguay, Uzbekistan, Vanuatu, Vatican City* and Venezuela.

Abolitionist for Ordinary Crimes: 8

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

De Facto Abolitionist (countries that have not carried out any executions for at least 10 years or countries which have binding obligations not to use the death penalty; date of last known execution in parenthesis): **45**

Antigua and Barbuda (1991), Bahamas (2000), Barbados (1984), Belize (1985), Brunei Darussalam (1957), Cameroon (1997), Central African Republic (1981), Comoros (1997), Congo (1982), Cuba (2003), Democratic Republic of the Congo (2003), Dominica (1986), Eritrea (no executions since independence in 1993), Eswatini (former Swaziland) (1982), Ethiopia (2007), Ghana (1993), Grenada (1978), Guyana (1997), Jamaica (1988), Kenya (1987), Laos (1989),

Lebanon (2004), Lesotho (1995), Liberia (2000), Malawi (1992), Maldives (1953), Mauritania (1987), Morocco (1993), Myanmar (1988), Niger (no executions or death sentences since 1976), Papua New Guinea (1957), Qatar (2003), *Saint Kitts and Nevis* (2008), Saint Vincent and the Grenadines (1995), Saint Lucia (1995), Sierra Leone (1998), South Korea (1997), Sri Lanka (1976), Tanzania (1994), Tonga (1982), Trinidad and Tobago (1999), Tunisia (1991), Uganda (2005), Zambia (1997) and Zimbabwe (2005).

Retentionist Countries Observing a Moratorium on Executions: 6

Algeria, Equatorial Guinea, *Malaysia*, Mali, Russia and Tajikistan.

Retentionist: 33

Afghanistan, Bahrain, Bangladesh, Belarus, **Botswana**, Chad, China, Egypt, **India**, Indonesia, Iran, Iraq, **Japan**, Jordan, Kuwait, Libya, Nigeria, North Korea, Oman, Pakistan, Palestine*, Saudi Arabia, Singapore, Somalia, South Sudan, Sudan, Syria, **Taiwan***, Thailand, United Arab Emirates, **United States of America**, Vietnam and Yemen.

Source: *Hands Off Cain*

Underlined: countries (2) which have binding obligations not to use the death penalty

In **bold**: liberal democracies¹ (5) that retain the death penalty

In *italics*: changes (4) with regard to 2017

* Non-UN member States

¹ *The classification “liberal democracy” is based on the rigorous analytic standards employed by Freedom House in its Freedom in the World 2019 report on the state of political rights and civil liberties around the world (www.freedomhouse.org).*

EXECUTIONS IN 2018

At least **2,759** executions were carried out in **20** Countries and territories in 2018.

China: at least 2,000

Iran: at least 310

Saudi Arabia: at least 142

Vietnam: at least 85

Egypt: at least 62

Iraq: at least 52

United States: 25

JAPAN: 15

Pakistan: at least 14

Singapore: 13

Somalia: 13 (Jubaland 10, Federal

Government of Somalia 3)

South Sudan: at least 7

Yemen: at least 5

Belarus: at least 4

North Korea: at least 3

Afghanistan: 3

Botswana: 2

Sudan: 2

Thailand: 1

Taiwan*: 1

In 2018, no executions were reported in 7 Countries – Bahrain, Bangladesh, Jordan, Kuwait, Malaysia, Palestine and United Arab Emirates – that carried out executions in 2017.

On the other hand, 4 countries, which had not carried out executions in 2017, resumed them in 2018: Botswana (2), Sudan (2), Taiwan (1) and Thailand (1).

It could not be confirmed if judicial executions took place in Syria in 2018.

Source: *Hands Off Cain*

In **bold:** liberal democracies¹ (4) that carried out executions (43) in 2018.

In *italics:* changes in 2018 (4) with regard to 2017.

* Non-UN member States

¹ The classification “liberal democracy” is based on the rigorous analytic standards employed by Freedom House in its *Freedom in the World 2019 report on the state of political rights and civil liberties around the world* (www.freedomhouse.org).

EXECUTIONS IN ISLAMIC COUNTRIES IN 2017-2018

Countries	by Hanging		by Firing Squad		by Beheading		by Stoning*	
	2017	2018	2017	2018	2017	2018	2017	2018
Afghanistan	5	3						
Bangladesh	6							
Bahrain			3					
Egypt	+31	+62						
Iran	+544	+310						
Iraq	+125	+52						
Jordan	15							
Kuwait	7							
Malaysia	+4							
Pakistan	+66	+14						
Palestine (Gaza)	5		1					
Saudi Arabia					+140	+142		
Syria			+		+			
Somalia			+24	13				
Sudan		2						
United Arab Emirates			1					
Yemen			+2	+5				
Totals	+808	+443	+31	+18	+140	+142		

Where “+” appears next to the figure it means that this is the minimum number of executions in the country. It could not be confirmed if judicial executions took place in **Syria** in 2018.

* In 2017-2018, there were no reports of judicial executions carried out by stoning. However, extra-judiciary sentences by stoning were carried out in 2018 in **Somalia** by *Al-Shabaab* Islamist militias and in 2017 in **Mali** by *Al-Qaeda*-linked Islamists.

EXECUTIONS FOR DRUG-RELATED CRIMES IN 2017-2018

Countries	2017	2018
China	+24	+15
Iran	+257	+27
Saudi Arabia	+60	+57
Singapore	8	11
Vietnam*	+	+
Totals	+344	+110

* It could not be confirmed if drug-related executions took place in **Vietnam** in 2017-2018.

Where “+” appears next to the figure it means that this is the minimum number of executions in the country.

EXECUTIONS FOR TERRORISM IN 2017-2018

Countries	2017	2018
Bahrain	+3	
Bangladesh	3	
Egypt	15	12
Iran	+25	+13
Iraq	+125	+44
Jordan	10	
Pakistan	44	
Saudi Arabia	+4	1
Somalia	+21	9
Syria*	+	+
Totale	+250	+79

* It could not be confirmed if drug-related executions took place in **Syria** in 2017-2018.

Where “+” appears next to the figure it means that this is the minimum number of executions in the country.

EXECUTIONS OF JUVENILE OFFENDERS IN 2016-2018

Countries	2016	2017	2018
Iran	+5	+6	+7
Saudi Arabia	+3		
South Sudan		2	1
Totals	+8	+8	+8

Where “+” appears next to the figure it means that this is the minimum number of executions in the country.

EXECUTIONS OF WOMEN IN 2017-2018

Countries	2017	2018
China	unknown	unknown
Egypt	1	5
Iran	+12	+5
Kuwait	3	
North Korea		1
Saudi Arabia	2	3
Totals	+18	+14

Where “+” appears next to the figure it means that this is the minimum number of executions in the country.

THE MOST IMPORTANT FACTS OF 2018

THE SITUATION TODAY

Developments on the Death Penalty Worldwide

The worldwide trend towards abolition, under-way for twenty years, was confirmed in 2018.

There are currently **165** countries and territories that, to different extents, have decided to renounce to the death penalty. Of these: **106** are totally abolitionist; **8** are abolitionist for ordinary crimes; **6** have a moratorium on executions in place and **45** are *de facto* abolitionist (i.e. countries that have not carried out any executions for at least 10 years, or countries which have binding obligations not to use the death penalty).

Countries retaining the death penalty worldwide have gradually declined over the last ten years: in 2018 there were **33** retentionist countries, compared to 36 in 2017, 38 in 2016 and 51 in 2007.

Executions

In 2018, executions were carried out in **20** countries and territories, compared to 23 in 2017.

In 2018, there were at least **2,759** executions, compared to at least 3,120 in 2017.

In 2018, there were no recorded executions in **7** countries where executions were carried out in 2017: **Bahrain, Bangladesh, Jordan, Kuwait, Malaysia, Palestine** and **United Arab Emirates**.

On the other hand, **4** countries, which had not carried out executions in 2017, resumed them in 2018: **Botswana** (2), **Sudan** (2), **Thailand** (1), **Taiwan** (1).

It could not be confirmed if judicial executions took place in **Syria** in 2018.

Regional Overview

Once again, **Asia** tops the standings as the region where the vast majority of executions are carried out. Taking the estimated number of executions in China to be at least 2,000, the total for 2018 corresponds to a minimum of **2,644** ex-

executions (95,8%), down from the 2017 number when there were at least 3,036 (97%).

In the **Americas**, the **United States** was the only country to carry out executions in 2018 (25). In the 13 **Caribbean countries**, only Guyana imposed the death penalty in 2018, while death rows of 9 countries in the area were still empty at the end of the year.

In **Africa**, in 2018, the death penalty was carried out in 5 countries (2 more than in 2017), but there were at least **86** executions, a sharp increase compared to **59** in 2017: **Egypt** (at least 62), **Somalia** (13), **South Sudan** (at least 7) and **Botswana** (2).

In **Europe**, the only blemish on an otherwise completely death penalty-free zone continues to be **Belarus**, a country that has continued to execute its citizens regularly. In 2018 at least 4 executions have been recorded, while 2 were recorded in 2017. With the exception of **Russia** where a moratorium on executions is still in effect since 1996, all other European countries have abolished the death penalty in all circumstances.

The Seventh UN Resolution for a Universal Moratorium on Executions

On 17 December 2018, the UN General Assembly adopted – with record-high support – its seventh resolution since 2007 calling for a moratorium on executions with a view to abolishing the death penalty.

The new resolution, co-sponsored by 83 UN member States, was adopted with 121 votes in favour (4 more than in 2016), 35 votes against (5 less than in 2016) and 32 abstentions (1 more than 2016), while 5 were absent at the time of vote (as in 2016).

For the first time, **Dominica**, **Libya**, **Malaysia** and **Pakistan** changed their vote to support the resolution, while **Antigua and Barbuda**, **Guyana** and **South Sudan** moved from opposition to abstention. **Equatorial Guinea**, **Gambia**, **Mauritius**, **Niger** and **Rwanda** once again voted in favour of the call for a moratorium on executions, having not done so in 2016. Five countries reversed their 2016 votes, however, with **Nauru** moving from voting in favour to voting against and **Bahrain** and **Zimbabwe** switching from abstention to opposition. **Congo** (Republic of) and **Guinea** changed from voting in favour to abstention.

The seventh UN Resolution contains some very positive and important amendments compared to the text of 2016, which increase its value. In particular,

the resolution states the need to: ensure that a death sentence is never decided in a discriminatory manner; provide mandatory legal aid for those charged with capital offences; call on governments to abolish the mandatory application of the death penalty from their national legal systems.

The information contained in this report is the result of daily monitoring of news and developments concerning the death penalty worldwide. It offers a comprehensive overview of relevant events that took place in 2018. All information contained in this report, including sources, dates of reports and more is available on Hands off Cain's online death penalty news database at www.handsoffcain.info

THE DEATH PENALTY IN ILLIBERAL COUNTRIES: CHINA, IRAN AND SAUDI ARABIA TOP EXECUTIONERS FOR 2018

Of the **33** countries worldwide that retain the death penalty, **28** are dictatorial, authoritarian or partly free States. **Sixteen** of these countries were responsible for at least **2,716** executions in 2018, **98.4%** of the world total.

China alone carried out at least **2,000** executions, about **72.5%** of the world total; **Iran** put at least **310** people to death; **Saudi Arabia 142**; **Vietnam** at least **85**; **Egypt** at least **62**; **Iraq** at least **52**; **Pakistan** at least **14**; **Somalia 13**; **Singapore 13**; **South Sudan** at least **7**; **Yemen** at least **5**; **Belarus** at least **4**; **North Korea** at least **3**; **Afghanistan 3**; **Sudan 2**; **Thailand 1**.

It could not be confirmed if judicial executions took place in **Syria** in 2018.

Many of these countries do not issue official statistics on the practice of the death penalty, therefore the number of executions may, in fact, be much higher.

This is the prevalent situation worldwide concerning the practice of the death penalty. It points to the fact that the fight against the death penalty entails, beyond stopping executions, a battle for transparency of information concerning capital punishment, for democracy, for respect of the rule of law and for political rights and civil liberties.

The terrible podium of the world's top executioners in 2018 is composed by three authoritarian States, the same as in 2017: **China, Iran** and **Saudi Arabia**.

CHINA: OFFICIALLY THE WORLD'S RECORD-HOLDER FOR EXECUTIONS (DESPITE A CONTINUED REDUCTION)

China executes more people every year than the rest of the world combined, although the exact figure is not published and considered a State secret.

In 2016, the country carried out about 2,000 death sentences, according to estimates by the *Dui Hua Foundation*, a human rights NGO based in the United States of America. It is likely that the same number of executions, about 2,000, was recorded in 2017 and 2018. This number of executions represents a drop of 30 % from 2012, when *Dui Hua* estimated that China executed 3,000 people, and a precipitous drop from 6,500 executions in 2007 and 12,000 in 2002.

A major turnabout came after the introduction of a legal reform on 1 January 2007, which required that every capital sentence handed down in China by an inferior Court is reviewed by the Supreme People's Court (SPC). The January 2007 reform is considered one of the most significant reforms concerning the death penalty in the last twenty years. It signals a turn-around from the "hit hard" approach taken on in the Eighties that brought the Supreme Court to delegate final decisions regarding capital punishment cases to the lower provincial Courts.

Since the 2007 reform, China has continued to adopt new measures to limit the number of death sentences and prevent wrongful convictions in capital cases.

In May 2008, China's Supreme Court and Ministry of Justice jointly issued regulations on the protection of defence lawyers' roles in capital cases to ensure that defendants' legal rights were upheld. Some provisions of the regulations include: legal aid institutions must designate lawyers with criminal defence experience in capital cases; lawyers shall not transfer such cases to assistants and must meet the defendant before trial; the Court must inform "interested parties", lawyers and Prosecutors of any date change for Court hearings three days ahead of time; the Court must notify lawyers if Prosecutors submit new evidence or re-evaluate the case before a re-trial.

Furthermore, since February 2010, the Supreme People's Court has recommended to use a policy of "justice tempered with mercy," suggesting to the Courts to "suspend the death sentence for two years for all cases that don't require immediate execution". In normal law practice, a sentence of death with two years' reprieve is ultimately commuted to lifetime imprisonment after two years.

In August 2015, the Standing Committee of the National People's Congress (NPC) amended the Criminal Law, eliminating the death penalty for nine crimes, including smuggling weapons, ammunition, nuclear materials or counterfeit currency; counterfeiting currency; raising funds by means of fraud; arranging for or forcing another person to engage in prostitution; obstructing a commander or a person on duty from performing his duties; and fabricating rumours to mislead others during wartime. The maximum penalty for those crimes has become life in prison. The removal of the death penalty for these nine offences does not put much of a dent in China's world-leading use of capital punishment, which largely focuses on homicide, rape, robbery, and drug offences. It does, however, show the Government continuing to make good on its pledge to work towards gradual abolition of the death penalty.

It was the second time that China reduced the number of crimes that could

be subject to the death sentence since 1979, when the current Criminal Law took effect. In February 2011, the National People's Congress passed an amendment to the Criminal Law, reducing the number of crimes punishable by death from 68 to 55. The 13 crimes were economic-related and non-violent offences.

At the moment, therefore, China has 46 crimes punishable by death in its Criminal Code.

IRAN: DECREASE IN THE NUMBER OF EXECUTIONS

The election of Hassan Rouhani as President of the Islamic Republic on 14 June 2013, and his reconfirmation in the elections of 19 May 2017, have led many observers, some human rights defenders and the international community to be optimistic. However, the new Government has not changed its approach regarding the application of the death penalty, and indeed, the rate of executions has risen sharply since the summer of 2013.

At least **3,598** prisoners have been executed in Iran since the beginning of Rouhani's presidency (between 1 July 2013 and 31 December 2018). From 1 July 2013 to 31 December 2013, there were at least **444** executions; in 2014 there were at least **800** executions; at least **970** executions in 2015; at least **530** executions in 2016; at least **544** executions in 2017 and at least **310** in 2018.

While the number of executions is lower than previous years, the country continues to record the highest number of per capita executions in the world also in 2018.

Of the **310** executions of 2018, only **85** cases (27%) were reported by official Iranian sources (websites of the Iranian Judiciary, national Iranian broadcasting network, and official or State-run news agencies and newspapers); **225** other cases (73%) included in the annual numbers were reported by unofficial sources (other human rights NGOs or sources inside Iran). The actual number of executions is probably higher than the figures included in the Annual Report of *Hands Off Cain*.

The crimes that have motivated death sentences are divided as follows in terms of frequency: **murder**: 219 (about 70%), of which 36 announced by official sources; **Moharebeh** (waging war against God), **"corruption on earth"**, **armed robbery**, and **extortion**: 34 (about 10%), including 29 officially reported; **drug-related offences**: 27 cases (about 8%), none reported by official Iranian sources; **rape**: 17 (about 5%), of which 14 announced by official media; **political offences or "terrorism"**: 13 (4%), including 6 officially reported.

Hanging is the preferred method by which Sharia is applied in Iran.

Public executions by hanging continued into 2018. **At least 13** people were hanged in public in 2018 according to official sources consulted by *Hands off Cain*, a lower number compared to 36 in 2017.

In 2018, there were at least **5 executions of women** (compared to 12 in 2017), of which 1 reported by official sources and all for murder. **Two** of them were juveniles at the moment of fact. The Iranian regime hanged at least **17** women in 2019. **Another two** women were executed in January 2020, bringing the total number of women executed under the Hassan Rouhani presidency to **106**.

Executions of child offenders continued into 2018, in open violation of the UN Convention on the Rights of the Child (CRC), to which Iran is party. **At least 7** juvenile offenders were hanged in 2018, including 2 women and at least one case was reported by official sources. All were executed for murder. The Iranian regime hanged **at least 8 juvenile offenders** in 2019.

In 2018, **at least 10** people could be considered hanged for **political offences**. But it is probable that many of the people put to death for ordinary crimes are in fact political opponents, in particular members of Iran's ethnic minorities, including: Iranian Azerbaijanis, Kurds, Baluchis, and Arabs. Accused of being *mohareb* – enemies of Allah – those arrested are often subject to rapid and severe trials that often end with a sentence of death. The punishment for *Moharebeh* is death or amputation of the right hand and left foot, according to the Iranian Penal Code.

SAUDI ARABIA

In 2018, Saudi Arabia executed at least **142** people.

Among those executed, 3 were women and 139 men; 73 were Saudi Arabian citizens and 69 were foreign nationals, including the three women (a 30% increase compared to at least 53 foreigners executed in 2017). Most of them have been executed for murder (82), followed by drug related crimes (57), terrorism (1), rape (1), and 1 for armed robbery.

In 2019, Saudi Arabia executed **184** people, a record number in the last six years, according to human rights organisation Reprieve.

Saudi Arabia had among the highest number of executions in the world in the past – the record number was established in 1995 with 191 executions –, but

in recent years the numbers had decreased considerably, due, in part, to some reforms in the penal system.

The new surge in executions began towards the end of the reign of King Abdullah, who died on 23 January 2015, and further accelerated under his successor King Salman, who has adopted a more assertive foreign policy.

On 5 April 2018, Crown Prince Mohammad bin Salman said in an interview with Time magazine that the Saudi authorities have a plan to decrease the number of executions, but that they would not limit executions to people convicted of murder. Nearly all executions in Saudi Arabia that are not for murder are for non-violent drug crimes. The Prince said the country would consider changing the penalty from death to life in prison in some cases, but not in murder cases. Despite this declaration, executions for drug, which continue to be 40% of the total, amounted to 57 in 2018, a very little decrease (0,05%) if compared to least 60 in 2017.

DEMOCRACY AND THE DEATH PENALTY

Of the **33** retentionist countries, only **5** are considered liberal democracies. This definition, as used here, takes into account the country's political system and its respect towards human rights, civil and political liberties, free market practices and the rule of law.

There were only **4** liberal democracies that carried out executions in 2018, and they accounted for **43** executions between them, **1.6%** of the world tally. These were: **United States of America** (25), **Japan** (15), **Botswana** (2) and **Taiwan** (1).

Executions in liberal democracies declined sharply in 2019. There were a total of **26** in **3** countries: **United States** (22), **Japan** (3) and **Botswana** (1).

In 2017, only the United States and Japan had carried out executions (a total of 27).

In many of these countries considered "democratic", the system of capital punishment is, in several aspects, veiled in secrecy.

UNITED STATES OF AMERICA:

EXECUTIONS, DEATH SENTENCES AND DEATH ROW INMATES CLOSE TO HISTORICAL LOWS

The United States, from an administrative point of view, are composed of 50 States and 3 Jurisdictions (District of Columbia, Federal Government and Military Administration).

As of 20 January 2020, the death penalty is still in effect in **29** of the 50 US States and in **2** jurisdictions (Federal Government and Military Administration).

The death penalty no longer exists in **21** States and in **1** jurisdiction (the **District of Columbia**, better known as the nation's capital city Washington, DC).

In 2018, **Washington** became the 20th State to abolish the death penalty.

In 2019, **New Hampshire** became the 21st State to abolish the death penalty.

Recently, another **3** States marked the ten-year point without an execution: **Kentucky** (21 November 2018); **Indiana** (11 December 2019); and **Louisiana** (7 January 2020).

In addition, there are **4** death penalty States with gubernatorial moratoria in place: **California** (2019), **Colorado** (2013), **Oregon** (2011), and **Pennsylvania** (2015).

Overall, as of 7 January 2020, the majority of states – **33** out of 50 – have either abolished the death penalty (21) or have not carried out an execution in at least 10 years (12, including **4** with a gubernatorial moratorium in place). Of the

other 3 Jurisdictions, the District of Columbia has abolished the death penalty, while the Federal Government and the Military Administration have not had an execution in at least 10 years.

Although the United States is considered a death penalty country, **executions** are rare or non-existent in most of the nation. In recent years, **death sentences** have also declined.

In 2018, **25** executions were concentrated in **8** States: **Texas** (13); **Tennessee** (3); **Alabama, Georgia** and **Florida** (2); **Nebraska, Ohio** and **South Dakota** (1). In 2017 there were 23, and they were in 8 States.

In 2019, the executions were **22** (the second fewest in 28 years) and were carried out in 7 states: **Texas** (9); **Alabama, Georgia** and **Tennessee** (3); **Florida** (2); **Ohio** and **South Dakota** (1).

In 2018, there were **43** new **death sentences**, imposed in **15** States (41), plus **2** by the Federal System. In 2017 there were 39 death sentences, imposed by 14 states (38) and the Federal System (1).

In 2019 there were **34** new death sentences, imposed by **11** states (33) and the Federal System (1).

All US States as well as the Federal Government use lethal injection as the primary method of execution. The US Military provides for lethal injection as the sole method of execution. Some States provide a second, possible, method that can be, depending on the State, the gas chamber, shooting or hanging.

Because of a resistance by drug manufacturers to provide the drugs typically used in lethal injections, some states now allow the use of alternative methods if lethal injection cannot be performed.

Controversies surrounding the method to be used have delayed executions in many states, contributing to an overall decline in the use of the death penalty.

The size of **death row** fell for the 19th consecutive year in 2019, and once again the number of prisoners who left death row for acquittal, had their sentences reduced after appeals, or passed away from natural causes, is higher than those who were executed.

As of 1 July 2019 there were **2,656** convicts awaiting execution, including 55 women, compared to **2,738** in 2018 and **2,817** in the previous census, also carried out on 1 July.

In 2018, two people were exonerated from death row, and three more were exon-

erated in 2019, bringing to 167 the number of former death-row prisoners exonerated in the U.S. since 1973.

The controversies that followed several failed («botched») executions, the many disputes over the sources of the lethal drugs, the acquittal of unjustly condemned persons, the availability of life without parole and the cost of capital punishment are the main factors that are causing the constant decline of executions, death sentences and prisoners on death row, as well as popular support for the death penalty.

The **2019 Gallup poll** found that, for the first time since Gallup began asking the question in 1985, a majority of Americans chose life imprisonment as a better approach for punishing murder than the death penalty. Sixty percent said they preferred life without possibility of release, while 36% favoured the death penalty. When asked in the abstract whether they favoured the death penalty or not, 56% of Americans said yes – the same percentage as in 2018 and only one percentage point above the 47-year low recorded in 2017. Opposition to the death penalty reached its highest level in the modern era of capital punishment, with 42% of respondents saying they opposed the practice.

On 25 July 2019, the U.S. Department of Justice (DOJ) abruptly announced its **intention to resume federal executions** after a 16-year hiatus. The announcement said that the DOJ had directed the Federal Bureau of Prisons (BOP) to adopt a new single-drug lethal-injection protocol to carry out executions using pentobarbital. On November 20, a federal district judge issued a preliminary injunction blocking the executions, saying the DOJ had “exceeded its statutory authority” in setting the new execution protocol. The DOJ appealed the order and asked the U.S. Court of Appeals for the District of Columbia Circuit to lift the injunction and let the executions proceed while its appeal of the injunction was pending. The appeals court denied the DOJ’s request, and the DOJ then asked the U.S. Supreme Court to lift the injunction. The Supreme Court declined, ensuring that the executions could not proceed as originally scheduled.

JAPAN: 39 EXECUTIONS UNDER ABE GOVERNMENT

The death penalty in Japan is provided for 13 crimes, but, in practice, is applied only to homicide cases. Death is by hanging: the detainee, hooded and tied, is placed over a trap-door which gives way without warning.

In 2018, Japan executed **15** people, matching a 2008 record since the nation started publicly announcing executions in 1998.

Another **3** executions were carried out in 2019, bringing to **39** the total number of death sentences carried out since the Liberal Democratic Party of Prime Minister Shinzo Abe regained the reins of Government in December 2012.

Thirteen of those executed in 2018 were for the attack with gas in Tokyo.

In 2017 Japan executed 4 people, and 3 in 2016, the same number as in 2015.

As of 31 December 2019, according the Minister of Justice, the number of death row inmates was **112**.

On 6 July 2018, the former leader of *Aum Shinrikyo*, the Japanese doomsday cult that carried out a sarin gas attack on the Tokyo subway in 1995, was executed alongside six other members of the cult, Japanese media reported. Chizuo Matsumoto, who went by the name Shoko Asahara, was the first of 13 scheduled to be hanged for the attacks. His family declined to immediately receive his cremated remains. One of his daughters has said his ashes should be cast out to sea to avoid a gravesite becoming a place of pilgrimage.

On 25 July 2018, Japan executed the remaining six death-row inmates involved in the episode that traumatized the nation for years.

On 27 December 2018, two men, Keizo Kawamura, 60, and Hiroya Suemori, 67, were executed after being convicted of the 1988 strangling of an investment firm chief and an employee.

On 2 August 2019, Japan hanged two death-row inmates. They were identified by the Justice Ministry as Koichi Shoji, 64, who murdered two women in Kanagawa Prefecture in 2001, and Yasunori Suzuki, 50, who killed three women in Fukuoka Prefecture between 2004 and 2005.

On 26 December 2019, Japan hanged a Chinese man for the brutal murder of a family of four, the first execution of a foreigner in 10 years. The man, Wei Wei, carried out the murders in 2003 with two accomplices. They fled to China, where one was executed in 2005 and the other sentenced to life in jail

When defending Japan's use of the death penalty, the Government always cites overwhelming public support for the policy.

In the latest poll, conducted in November 2019, 81% of respondents considered the death penalty a "permissible" sanction, and just 9 percent of them felt it should be abolished.

Those who approved of using the death penalty were asked why they think so and were allowed to give multiple answers: 57 percent said the emotions of crime victims and their families cannot be healed by other punishments; 54 percent said criminals should pay for their heinous crimes with death.

The respondents were asked whether heinous crimes would increase if the death penalty was abolished. 58 percent said “yes,” while 14 percent said “no.”

The poll also asked whether the death penalty should be retained if the country introduces life imprisonment: 52 percent said the system should be maintained, while 35 percent said it should be abolished.

The Japanese justice system continues to rely heavily on “confessions” obtained through torture or other ill-treatment. There are no clear limits on the length of interrogations, which are not fully recorded and which lawyers are not permitted to attend.

Obtaining a judicial review or a commutation on appeal is a rare event in Japan. However, it happened on 5 December 2019, when the Tokyo High Court overturned a lower court’s death sentence and gave a Peruvian man life in prison over the 2015 murder of six people in Kumagaya, Saitama Prefecture. The court ruled that Vayron Jonathan Nakada Ludena, 34, who was found guilty of robbery and the murders, could not be held completely responsible for his actions due to his schizophrenia at the time of the crime.

BOTSWANA

The death penalty has been on the books in Botswana since its independence from Great Britain in 1966. Since then, there have been at least **51** people put to death, including **2** in 2018 and **1** in 2019.

The number of executions, often carried out in secret, has always been low, one or, at most, two a year. There were no executions in 2004 and 2005. Between 2006 and 2010 there were five executions, one a year. In 2011, there were no executions. In 2012, there was at least one execution and another execution was carried out in 2013. No executions were carried out in 2014 and 2015. However, Botswana resumed executions (1) in May 2016.

On 17 February 2018, Botswana hanged a man for murdering his girlfriend and her son, the first execution in two years by the only southern African nation

not to have abolished the death penalty. Joseph Tselayarona, 28, was executed after the 2010 murder of his girlfriend and her three-year-old son, the Botswana Prison Service said.

On 25 May 2018, Botswana hanged another death row inmate. State media reported that Uyapo Poloko was executed, after being convicted of killing Indian businessman Vijeyadeyi Kandavararam in January 2010 in Francistown.

On 2 December 2019, a 44-year-old man, Mooketsi Kgosibodiba, was hanged at Gaborone Central Prison, in the first execution since President Mokgweetsi Masisi was elected to office in October. Kgosibodiba received a death sentence for the 2012 murder of his employer.

Executions cannot be carried out without a signed mandate from the President, but no President has ever granted clemency.

In January 2018, in its response to the recommendations received under the Universal Periodic Review of the UN Human Rights Council, Botswana rejected recommendations to introduce a legal moratorium on executions and abolish the death penalty. Minister of Nationality, Immigration and Gender Affairs Edwin Batshu said Botswana is of the view that the death penalty is not a human rights violation, or a form of torture, but rather a matter of criminal justice. “Like every country, we retain the sovereign right to independently decide our own criminal justice system, including the retention of the death penalty,” Batshu emphasised.

TAIWAN

In May 2011, Taiwan reduced the use of the death penalty amending the country’s law on military service violations. According to the amendment, those who carry weapons by group and obstruct a military service causing the death or serious injury to a person will be subject to a maximum life sentence rather than the death penalty. In May 2014, Parliament passed amendments to the Criminal Code scrapping capital punishment provided in cases of kidnapping for ransom, even if aggravated injury results from the offence. After these amendments to the Criminal Code, the death penalty remains applicable for 55 offences.

In recent years, the Taiwanese Government has often tried to manifest its political will towards abolishing the death penalty by giving a broader scope to and greater care towards human rights.

On 30 May 2018, in the wake of separate cases of abhorrent murders and dismemberment of the victims' bodies in Taiwan and calls from the society for more severe judicial punishment for the perpetrators to deter the prevalence of serious crimes, the country's Minister of Justice, Chiu Tai-san, said that social problems should be approached from social perspectives and justice can only give the punishment that fits the crime. He added the crime issue is a reflection of the social background and perpetrators' pressure and mental problems, and that the crime issue cannot be solved by judicial sentencing and execution. Chiu said that Taiwan has not abolished death penalty and has not hesitated to carry out death penalty either. However, he said abolishment of death penalty is a goal for the future.

On 31 August 2018, after a year's suspension, Taiwan executed a death-row inmate, the first execution carried out under President Tsai Ing-wen's government despite ongoing calls from rights groups to abolish the death penalty. Lee Hung-chi was executed at a jail in southern Kaohsiung city by firing squad, according to the justice ministry, for killing his ex-wife and five-year-old daughter in 2014.

EUROPE: DEATH PENALTY FREE BUT FOR BELARUS

Europe would be a death penalty free continent if not for Belarus, a country that has continued to execute its citizens regularly, unlike many of the former Soviet-bloc States.

Belarusian President Alexander Lukashenko has also been sharply criticized in the West for his authoritarian rule. Partly due to the country's stance on the death penalty, the Parliamentary Assembly of the Council of Europe (PACE) suspended Belarus' special guest status in January 1997. In a 1996 referendum, which was not recognised by the international community due to serious irregularities, the majority of voters (80.44%) voiced their support for the continued use of the death penalty.

In 2018, there were **4** executions and **2** more were carried out in 2019.

Two executions were recorded in 2017. In 2016 Belarus resumed executions (since 2014): at least 4 people were executed and 4 death sentences imposed. At least 3 executions were carried out in 2014. In 2013, for the first time in many years, Belarus had not practiced the death penalty. In 2012, there were at least 3 executions. In 2011, two men were executed for murder and another two murder-

ers were executed in 2010. In 2009, there were no executions, while four people were executed in 2008 and 1 in 2007.

Belarusian Courts handed down at least 2 death sentences in 2018.

At the end of the year, there were 2 people on death row: Alexander Zhilnikov and Vyacheslav Sukharko.

In mid-May 2018, two murder convicts, identified as Viktor Liotau and Alyaksey Mikhalenia, were executed in secret, the EU foreign-policy chief's spokeswoman, Maja Kocijancic, said in a statement.

On 27 November 2018, Belarus executed two convicted murderers, Syamyon Berazhny and Ihar Hershankou.

On 13 June 2019, the relatives reported the execution of Alexander Zhilnikov to the coordinator of the campaign "Human Rights Defenders against the Death Penalty in Belarus".

On 17 December 2019, Alexandre Ossipovitch, 37, a citizen for the town of Bobrouïsk, was executed for murdering two women, the newspaper Kamertsyiny Kourier stated, quoting the regional prosecutor Olga Ivanova.

ABOLITION, DE FACTO ABOLITION AND MORATORIUMS

In 2018, 4 States strengthen the list of abolitionist countries: **Burkina Faso, Gambia, Malaysia and Saint Kitts and Nevis.**

In the **United States**, another 6 States have recently moved, *de jure* or *de facto*, to the abolitionist front.

BURKINA FASO

On 31 May 2018, Burkina Faso's parliament abolished the death penalty by adopting a new penal code that strikes it as a possible sentence.

The new penal code was approved with 83 votes in favour and 42 against.

Justice Minister Rene Bagoro said the revised document paves the way for "more credible, equitable, accessible and effective justice in the application of criminal law."

The decision to abolish the death penalty comes amid a landmark trial this year over a failed 2015 coup. Two former presidential aides were among more than 80 people facing the military tribunal.

THE GAMBIA

On 18 February 2018, Gambian President Adama Barrow announced a suspension of the death penalty in his country, in a break from the former regime of dictator Yahya Jammeh, who had ruled The Gambia with an iron fist for 22 years. Barrow commuted all death sentences of death row inmates to life imprisonment.

In a speech marking the 53rd anniversary of independence from Britain, Barrow, a one-time security guard in London, elected President in December 2016, said: "I will use this opportunity to declare a moratorium on the use of the death penalty in The Gambia, as a first step towards abolition."

On 20 September 2018, The Gambia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

The death penalty was last used under Jammeh in 2012, when between 23 and 24 August, eight men and a woman were executed by firing squad, followed by great international outrage.

MALAYSIA

On 10 October 2018, Malaysia established a moratorium on executions and announced it would reform its death penalty laws.

On 13 November 2018, the government had decided that the death penalty for 33 offences under eight acts of law would be abolished, including Section 302 of the Penal Code (murder).

In March 2019, however, the government announced they had decided it will not abolish the death penalty.

The pardons board of various states reduced the sentence of 165 people who were sentenced to death from 2007 to 2017, said the Prisons Department. During the same time, 35 executions took place in Malaysia.

As of 28 June 2018, there were 1,267 prisoners on death row.

SAINT KITTS AND NEVIS

In 2018, Saint Kitts and Nevis became a de facto abolitionist State, after 10 consecutive years without executions.

Since gaining its sovereignty in 1983, Saint Kitts and Nevis has executed only three individuals, with its most recent execution being carried out in 2008, when Charles Laplace was hanged for murdering his wife.

UNITED STATES OF AMERICA

In the **United States**, another 6 States have recently moved, *de jure* or *de facto*, to the abolitionist front.

Washington became the 20th state to abolish the death penalty on 11 October 2018, when its state Supreme Court unanimously declared that capital punishment violates the state constitution because it “is imposed in an arbitrary and racially biased manner.”

New Hampshire became the 21st state to abolish the death penalty on 30 May 2019, when the legislature repealed the state’s death-penalty statute, overriding a veto by Governor Chris Sununu. With a 16-8 supermajority, the vote of the Senate equalled the two-thirds required to override a gubernatorial veto.

On 13 March 2019, **California** Governor Gavin Newsom declared a mor-

atorium on executions in the state with the nation's largest death row. Newsom implemented the moratorium through an executive order granting reprieves to the 737 prisoners currently on California's death row. He also announced that he was withdrawing the state's execution protocol and was closing down the state's execution chamber.

Another 3 states marked the ten-year point without an execution: **Kentucky** (21 November 2018); **Indiana** (11 December 2019); and **Louisiana** (7 January 2020).

TOWARDS ABOLITION

In 2018, significant political and legislative steps towards abolition or a *de facto* moratorium on capital punishment have been seen in many countries, both internally and in international fora.

In some countries laws have been proposed or adopted to abolish the death penalty or reduce the number of capital crimes.

Other countries have confirmed their policy of *de facto* moratorium on the death penalty or executions in place for many years. In many states in the Caribbean region, no new death sentences were imposed and death rows were still empty at the end of 2018.

Collective commutations of death sentences by the President or the indefinite suspension of executions were granted in many other countries.

AFGHANISTAN

On 14 February 2018, the new Penal Code, which reduced the scope of the death penalty from 54 to 14 offences, entered into force.

Executions in Afghanistan have been infrequent since the fall of the Taliban regime in 2001, partly because former President Hamid Karzai in his thirteen years in office had been reluctant to sign death warrants.

In 2010, for the second consecutive year, no executions were reported. Afghanistan resumed executions in June 2011 when two men were hanged. Executions continued in 2012 (14), 2013 (2), 2014 (6), 2015 (1), 2016 (6) and 2017 (5).

Three more executions were carried out in 2018.

According to Amnesty International, the Special Committee to Review Cases of Death Penalty established by the Attorney General reviewed 44 cases of prisoners who had their death sentences finalized. Of these, 22 were recommended for commutation. A further 50 people had their death sentences set aside through pardons granted by the families of the crime victims, leaving at least 343 under sentence of death at the end of 2018.

PALESTINE

On 6 June 2018, the Palestinian President, Mahmoud Abbas, signed the accession of the State of Palestine to 7 international conventions and treaties,

including the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty.

On 18 March 2019, the State of Palestine deposited the instrument of accession to the Second Protocol, which means that: the Protocol shall enter into force on 18 June 2019; Palestine must now amend its criminal law to remove the capital punishment; it is impossible to withdraw from the Protocol, thus making abolition of the death penalty irreversible.

Since 2007, however, the Hamas government in Gaza has continued to impose death sentences and carry out executions, without the ratification of the Palestinian President as required by Palestinian fundamental law.

SOUTH KOREA

In 2017 there was no new death sentence in South Korea. The only death sentence imposed in 2018 on a man convicted of murder was later commuted to life imprisonment by the Seoul High Court on appeal.

On 19 June 2018, the presidential office said it would review a moratorium on the nation's death penalty system if the state human rights watchdog – the *National Human Rights Commission* – officially made a request. The presidential office said the matter had not been discussed yet and would be reviewed if officially requested.

On 10 October 2018, the state-run human rights body announced that the majority of South Koreans agree that the death penalty should be abolished and replaced with alternative forms of punishment. According to data from the *National Human Rights Commission of Korea*, 7 out of 10 Koreans are against retaining capital punishment on the condition that serious punitive measures are put in place to deter crime.

The last execution was carried out in December 1997. As of 31 December 2018, there were 61 people on death row, with 57 people in ordinary correctional facilities and 4 in military prisons.

ETHIOPIA

In 2018, for the second consecutive year, no death sentence was recorded in Ethiopia.

In 2017, Ethiopia became a *de facto* abolitionist State, after 10 consecutive years without executions.

The last execution took place on 6 August 2007, when Tsehaye Woldeselassie, an army major, was executed for murdering Kinfe Gebremedhin, the head of the intelligence and security services in 2001. Before that, the last known execution was carried out in 1998.

On 2 April 2018, Abiy Ahmed, chairman of the coalition EPRDF (Ethiopian People's Revolutionary Democratic Front), was confirmed and sworn in by the parliament as prime minister of Ethiopia. His first few months in office saw many positive human rights reforms following decades of repressive authoritarian rule by the EPRDF. Thousands of political prisoners have been released from Ethiopian jails, and a peace agreement has been signed with neighbouring Eritrea.

In May 2018 alone, the Oromo region pardoned over 7,600 prisoners.

On 29 May, Ginbot 7 leader Andargachew Tsege, facing the death penalty on terrorism charges, was released after being pardoned by President Mulatu Teshome, along with 575 other detainees.

On 30 May 2018, it was announced the ruling party would amend the country's "draconian" anti-terrorism law, widely perceived as a tool of political repression.

On 15 June 2018, the government released more than 304 prisoners, including 289 convicted on "terrorism" charges. Those pardoned include nine death row inmates.

GHANA

The death penalty has been in Ghana's Statute books since the inception of English common law in the country in 1874.

The last time the State executed death row convicts was in 1993 when former President John Rawlings ordered the execution of 12 convicted armed robbers and murderers in and around Accra.

In 2018, there were 12 new death sentences, compared to 7 in 2017, according to Amnesty International. At the end of the year, 172 people were under sentence of death, including seven foreign nationals.

However, they will not be executed, as Director of Administration at the Prison Service Stephen Coffie disclosed in July 2017 the hangman whose duty it was to professionally execute the death sentence has long left the system.

What is more, there is a long-standing policy of clemency in the country by all the Presidents who succeeded John Kufuor. Between June 2003 and 7 January 2009 – his last day in office as President of Ghana –, President Kufuor granted clemency to 327 prisoners, who saw their death sentences commuted to life imprisonment.

On 24 August 2018, one of President Akufo-Addo's nominees to the Supreme Court, Mrs. Agnes Mercy Abla Dordzie, advocated the expunging of the death penalty from the statute books of Ghana. Justice Dordzie made her views known during her vetting in Parliament when she appeared before the Appointments Committee of Parliament. "I think it should be scraped off our statute books because Ghana has been signatory to some other international conventions that abhor the death penalty," she stated. She therefore urged the Members of Parliament to consider taking it off the law books of the country to reflect the new aspirations of the people in conformity with international best known practices embedded in the international protocols Ghana is signatory to.

MALAWI

In 2018, as in 2017, no new death sentences were recorded and at the end of the year there were 15 death row inmates.

The last execution was carried out on 26 September 1992, in the Zomba prison by a hangman coming from South Africa.

In 1994, Bakili Muluzi won the first multi-party elections. He was credited for improving Malawi's human rights record and pledged to never sign a death warrant throughout his tenure, which lasted until May 2004. His successors, until now, have not changed attitude on the death penalty.

On 18 April 2018, the *Cornell Center on the Death Penalty Worldwide* and Malawi's *Paralegal Advisory Services Institute* (PASI) released their report on "Malawian Traditional Leaders' Perspectives on Capital Punishment" before a group of public officials and stakeholders in Lilongwe. The report analyses data from surveys of 102 traditional leaders in villages across Malawi.

Clifford Msiska, the National Director of PASI, informed an audience in Lilongwe that over ninety percent of traditional leaders surveyed did not support the use of the death penalty to punish individuals convicted of murder. Only six traditional leaders stated that death was the appropriate penalty for murder. The rest preferred a term of years, life imprisonment with opportunity for early release, or (least frequently of all) life imprisonment with no opportunity for release.

The Cornell team that analysed the survey responses found that traditional leaders opposed the death penalty for a variety of reasons. The most common explanation was rooted in the belief that people can change, and that rehabilitation is impossible if a prisoner is executed. As one traditional leader noted, “There is no reform in death.” Many traditional leaders also expressed concerns that innocent people could be hanged.

MALDIVES

The Maldives did not sentence anyone to death in 2018 despite having done so for the previous year. According to Amnesty International, 15 people, including one woman, remained under sentence of death at the end of the year. Three men had exhausted their legal avenues.

The last person to be executed in the Maldives after receiving a death sentence was in 1953 during the first Republic of President Mohamed Ameen. Hakim Didi was charged with attempting to assassinate President Ameen using black magic.

The over six-decade moratorium on capital punishment was lifted by former president Abdulla Yameen in April 2014, when detailed regulations on the implementation of the death sentence came into force in the Maldives. Under new rules adopted by the Government, death sentences could be handed down for murder even if the defendant was aged fewer than 18. However, despite religious campaign rhetoric and offering various dates, his previous administration did not resume executions.

On 27 November 2018, during the review of the Maldives before the UN Committee Against Torture, the newly inaugurated administration of President Ibrahim Mohamed Solih committed to maintain the 65-year moratorium on the death penalty. The government also announced that the Maldives would vote in favour of the United Nations General Assembly resolution for the “Moratorium on the use of the death penalty”.

MOROCCO

Since 1973, only two people were put to death. The last execution took place in 1993 when Mohammed Tabet, Chief of Police and Chief of Intelligence of the country, was executed for abuse of power and the rape of hundreds of women and girls.

In 2018, the courts imposed 10 death sentences. Amnesty International recorded 93 people as being under sentence of death at the end of the year.

King Mohammed VI has not signed an execution Decree since he took the throne on 23 July 1999. Since then, many people on death row had their sentences commuted to life imprisonment, a further sign towards the abolition of capital punishment in the country, a process which came to a halt after the attacks in Casablanca. The terrorist attacks in Casablanca, first in May 2003 and then in early 2007, led to resistance on the part of State authorities to continue the process of abolition of the death penalty under-way in the country.

Royal pardon is customary in Morocco to mark national and religious holidays. In 2018, King Mohammed VI granted five pardons for people sentenced to death.

ZAMBIA

Zambia has not executed anyone since 1997, thanks to a Presidential moratorium on executions that has been upheld by three consecutive Heads of State: Levy Mwanawasa, Rupiah Banda, and Michael Sata, who each personally opposed the death penalty.

President Mwanawasa, a Christian Baptist of abolitionist leanings, refused to sign orders of execution from his election in 2001 until his death in August 2008, commuting hundreds of death sentences. *“People can’t be sent to the butcher like they were chickens, and as long as I am President, I will not sign any orders of execution. I don’t want to be the executioner’s boss,”* Mwanawasa said.

On 24 May 2018, on the eve of Africa Freedom Day, President Edgar Lungu pardoned 464 prisoners from various correctional facilities across the country, Minister of Home Affairs Stephen Kampyongo said. President Lungu pardoned 413 inmates as well as commuted sentences of 51 others who were on death row. Minister of Home Affairs commended the Zambian leader for pardoning the in-

mates, saying it will go a long way in decongesting the country's correction facilities which currently holds over 21,000 inmates against a holding capacity of about 8,000. The pardoned inmates, he said, have shown that they have reformed during their time in prison and were ready to be reintegrated into society. He called on society to embrace the inmates and not to discriminate against them so that they could fully integrate and contribute to the country's development.

According to Amnesty International, at least 21 new death sentences were issued in 2018 and at the end of the year there were 252 death row inmates.

ZIMBABWE

The latest execution in Zimbabwe dates back to July 2005.

Since gaining independence from Britain in 1980, according to official figures, 79 people were executed in Zimbabwe. The last person to be executed was Mandlenkosi "Never" Masina Mandha, who was hanged on 22 July 2005, after being convicted of murder.

In 2018, at least 5 new death sentences were imposed in Zimbabwe. At the end of the year, there were at least 81 prisoners on death row.

At the end of 2017, President Robert Mugabe was deposed after 37 years of ruinous rule, and replaced by Emmerson Mnangagwa, who promised "a new democracy".

The change of power is also significant for Zimbabwe's death penalty policy. President Mugabe, around the time of his departure from office, had announced plans to resume executions. Advertisements were placed to recruit a hangman – a position that had been vacant since 2005.

Emmerson Mnangagwa, on the other hand, has been vocal in his opposition to the death penalty. Significantly, he himself had faced the prospect of being hanged under the Government of Ian Smith, which he fought during the liberation war.

On 21 March 2018, President Mnangagwa effectively commuted death row inmates' sentences to life, as part of a presidential pardon to 3,000 inmates in overcrowded Zimbabwean prisons. Commutation of the death sentence to life imprisonment were granted to all prisoners who have been on death row for ten years and above. At least 16 inmates sentenced to death have thus escaped the hangman's noose.

On 10 October, on the World Day against the Death Penalty, President Emerson Mnangagwa reiterated his opposition to the death penalty, stressing that it was an affront to human dignity.

According to a survey conducted in June 2018 by international criminologist, Dr Mai Sato, in collaboration with the Mass Public Opinion Institute, most Zimbabweans would be happy to see the abolition of capital punishment.

CARIBBEAN REGION

In 2018, other significant steps towards restricting the use of the death penalty were taken in the Caribbean Region.

In **9** countries – **Antigua and Barbuda, Bahamas, Belize, Cuba, Dominica, Guatemala, Jamaica, Saint Kitts and Nevis** and **Saint Lucia** – no new death sentences were imposed and death rows were still empty at the end of 2018.

Saint Kitts and Nevis was the latest country in the region to join the list of states without people sentenced to death, when 22 October 2018 the High Court of the Eastern Caribbean Supreme Court (ECSC) commuted the death sentence of Evanson Mitcham, the last man on death row. The Court found that his execution would be unconstitutional, as it would amount to inhuman or degrading punishment because of the prolonged period spent on death row; the Constitution was infringed when he was not allowed to make representations to the Advisory Committee on the Prerogative of Mercy when it considered his case on 24 April 2004; the Constitution was infringed when the permission previously granted to him by the Court of Appeal to appeal against his sentence out of time was subsequently retracted.

In **2** other countries of the Region – **Grenada** and **Saint Vincent and the Grenadines** – no new death sentences were issued in 2018 and there was only one death row inmate at the end of the year.

Death row inmates in **Guyana** (26) and **Trinidad and Tobago** (42), who accounted for 86% of the Caribbean total, did not increase in 2018 compared to 2017.

For the first time, according to Amnesty International, in 2018 **Guyana** was the only Caribbean country to impose death sentences (against two women accused of murder); on the other hand, two more death sentences were commuted.

In 2018, for the first time, no new death sentences were imposed in **Trinidad and Tobago**, where the mandatory death penalty for murder still applies, even though 12 of the 42 death row inmates had spent more than five years under sentence of death, which makes the execution of their sentences unconstitutional.

On 27 June 2018, the Caribbean Court of Justice (CCJ), the final appellate court of **Barbados**, unanimously struck down the mandatory death penalty on the grounds that it is unconstitutional, violating fundamental rights and freedoms protected by the country's Constitution. The CCJ ordered that the appellants be expeditiously taken before the local Supreme Court for resentencing. As a result of this, 10 men, including a foreign national, were on death row at the end of the year, awaiting re-sentencing.

BAHRAIN

On 26 April 2018, King Hamad bin Isa Al Khalifa commuted four death sentences handed down by a military tribunal to life imprisonment. The state-run Bahrain News Agency reported King's decision, which included three civilians and one soldier, just as the men stood poised to be executed after losing their last appeal. The men, identified as Sayed Alawi Hussain al-Alawi, Fadhel Sayed Abbas Hasan Radhi, Mohammed Abdulhassan Ahmed al-Mitghawi and Mubarak Adel Mubarak Mhanna, had been convicted of forming a terrorist cell, attempting, plotting to assassinate the Commander in Chief of the Bahrain Defence Force (BDF) and committing other terrorist crimes.

In December one more person, Sayed Redha Khalil Jaafar Ebrahim, had his death sentence commuted to life imprisonment by a court of appeal.

In May 2017, Bahrain was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government rejected recommendations to establish an official moratorium on executions with a view to abolishing the death penalty but accepted those of restricting the use of the death penalty to crimes that meet the threshold of "most serious crimes" under international law and ratify, among others, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

The Head of the delegation of Bahrain stated the death penalty was applied only in a limited number of serious cases and that there are adequate safeguards

in Bahraini law for the imposition and application of the death penalty. The Penal Code provides for the possibility of commuting a death sentence to a life sentence or imprisonment for a lesser period if the crime was committed under circumstances that justified commuting the death penalty.

BENIN

On 21 February 2018, the Government of Benin commuted the death sentence of all 14 men on death row to life imprisonment. This came after the 2016 Constitutional Court's decision to abolish the death penalty for all crimes after the entry into force in July 2012 of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The abolition was announced in a communiqué issued at the end of the Council of ministers' meeting. Therefore, announced the minister of Justice, "no person sentenced to death is found in the prisons of Benin."

The 14 men – 10 from Benin, 2 from Nigeria, 1 from Togo and 1 from Côte d'Ivoire – had been languishing on death row for between 18 to 20 years.

On 4 June 2018, the National Assembly adopted a new Penal Code which did not provide for the death penalty. The Code was promulgated on 28 December.

KUWAIT

In 2018, no executions were recorded in Kuwait, where executions were carried out in 2017, when seven people, including three women and a member of the ruling al-Sabah family, were hanged in the first executions since 2013.

In 2018, at least 34 death sentences were imposed, 14 commutations were granted, two pardons were issued and three people were exonerated, according to Government data provided to Amnesty International. The sentences concerned cases of drugs, murder and kidnapping.

MYANMAR

On 18 April 2018, President Win Myint granted a general amnesty for 8,541 prisoners including 36 prisoners of conscience and 51 foreign ones to mark Myanmar New Year day which falls on 17 April.

The presidential pardon led to the release of three men from death row, in-

cluding Than Chaung, a member of the Restoration Council of Shan State/Shan State Arm- South (RCSS-SSA-S), who got four death sentences and life sentence, and former Major Win Naing Kyaw [from the Myanmar Army], who got a death sentence and jail term for 28 years.

NIGERIA

In 2018, no executions were carried out in Nigeria.

At the end of the year, the number of detainees awaiting execution had exceeded 2,200, including at least 46 sentenced to death in 2018.

Using powers under Section 212 of the 1999 Nigeria Constitution (as amended), state governors commuted 35 death sentences to life imprisonment and pardoned 16 inmates on death row.

On 28 March 2018, the Delta State Governor, Ifeanyi Okowa, using his powers of prerogative of mercy “in the spirit of the Easter celebration”, commuted 30 death sentences to life imprisonment.

On 18 October 2018, Governor Ifeanyi Okowa called for the abolition of death sentence in Nigeria. Governor Okowa made the call in Asaba when he received members of the Presidential Advisory Committee on Prerogative of Mercy. Nigeria is a major player in the International community, “we need to ask ourselves if death sentence is still relevant in our society? In many states, many Governors are not ready to sign the death warrant, why are they not signing the death warrant? The world is moving away from death sentence”, he said.

On 29 November 2018, the immediate past governor of Osun State, Rauf Aregbesola, pardoned four inmates on death row and commuted the sentences of two others on death row to 10 years, in one of his last duties in office.

On 31 December 2018, Ondo State Governor Rotimi Akeredolu commuted the death sentence of three prison inmates to life imprisonment, while he granted pardon to 12 others as part of activities to mark the New Year celebration.

INDIA

In India, trial courts delivered 102 death sentences in 2019, over 60% fewer than the 162 death sentences passed in 2018, according to “The Death Penalty in India: Annual Statistics”, published by Project 39A at the National Law University

(NLU), Delhi.

The courts were, however, especially unforgiving of murders that involved sexual violence – the proportion of death sentences imposed for murders involving sexual offences was at a four-year high in 2019 at 52.94% (54 out of 102 sentences).

According to statistics, death sentences are often overturned or commuted to life imprisonment by higher Courts. 2019 also saw the highest number of confirmations by High Courts in four years; 17 out of the 26 confirmations (65.38%) were in offences of murder involving sexual violence.

Death sentences must be confirmed by the Supreme Court, which in the landmark judgement *Bachan Singh v State of Punjab* on 9 May 1980, ruled that the death sentence as a punishment should only be imposed in the “rarest of rare” cases.

According to a report by the National Law University, Delhi, trial courts pronounced 162 death sentences in 2018, the highest in a calendar year since 2000.

In 2018, eight states – Arunachal Pradesh, Goa, Jammu and Kashmir, Meghalaya, Mizoram, Nagaland, Sikkim, and Tripura – did not pronounce any death sentences. Though the trial courts have pronounced more death sentences, the Supreme Court may overturn a majority of them.

In 2018, the Supreme Court commuted death sentences to life imprisonment in 11 of the 12 cases it heard. The only case where the death penalty was upheld was in the 2012 Delhi gang rape case.

REINTRODUCTION OF THE DEATH PENALTY AND RESUMPTION OF EXECUTIONS

In 2018, 4 countries resumed executions after not carrying any out in 2017: **Botswana** (2), **Sudan** (2), **Taiwan** (1), **Thailand** (1).

A setback to the ongoing de facto moratorium on executions has been recorded in **Sri Lanka**.

BOTSWANA

In 2018, two executions were carried out in Botswana, after a year of suspension. Another execution was carried out in 2019.

On 17 February 2018, Joseph Tselayarona, 28, was executed after the 2010 murder of his girlfriend and her three-year-old son, the Botswana Prison Service said.

On 25 May 2018, Botswana hanged Uyapo Poloko, who was convicted of killing Indian businessman Vijeyadeyi Kandavararam in January 2010 in Francistown.

On 2 December 2019, Mooketsi Kgosibodiba was hanged at Gaborone Central Prison, in the first execution since President Mokgweetsi Masisi was elected to office in October.

SUDAN

In 2018, in Sudan, there were two executions, the first since 2016. Two unidentified men were hanged for murder, one in May and the other in November.

Fewer death sentences (8) were imposed compared to 2017 (at least 17), said Amnesty International.

At the end of 2018, there were at least 109 prisoners on death row.

In 2017, Sudan did not carry out any executions. In 2016 executions were at least 2, in 2015 at least 4 and 23 in 2014. Sudan hanged at least 21 people in 2013.

On 11 April 2019, President Omar al-Bashir was removed by the military after months of demonstrations against his 30-year rule. He is also wanted by the International Criminal Court in The Hague for war crimes over the conflict in Sudan's Darfur region.

TAIWAN

The executions resumed in 2018. At least three new death sentences were issued and 42 people were on death row at the end of the year.

On 31 August 2018, after a year's suspension, Taiwan executed a death-row inmate, the first execution carried out under President Tsai Ing-wen's government despite ongoing calls from rights groups to abolish the death penalty. Lee Hung-chi was executed at a jail in southern Kaohsiung city by firing squad, according to the justice ministry, for killing his ex-wife and five-year-old daughter in 2014.

Taiwan had resumed executions in 2010 after a five-year hiatus, putting four people to death. There were five other executions in 2011, six in 2012 and in 2013 respectively, and five in 2014, six in 2015 and one in 2016. In 2017, no execution was recorded after several years.

THAILAND

On 18 June 2018, Thailand executed its first prisoner since 2009, the Department of Corrections said. Theerasak Longji, 26, was executed by lethal injection at Bang Kwang Central Prison north of Bangkok. He was found guilty of murdering a 17-year-old boy in 2012, the department said. He had always maintained his innocence, and never confessed. There are serious concerns that Teerasak Longji may have been wrongly executed.

Before Theerasak's execution, the last people executed were two Thai drug dealers in 2009, put to death after another suspension of executions between 2004 and 2008.

Prime Minister Prayuth Chan-ocha told reporters that surveys showed most Thais were in favour of capital punishment. "We have many dangerous crimes ... it is a necessity and the will of the people," Prayuth said.

A large majority of Thai people support the death penalty, according to the result of an opinion survey by Super Poll. The poll was conducted on 1,123 people in various fields of occupations between June 19-22 to compile their opinions on their knowledge of the constitution and democracy, and the death penalty. On the death penalty on people who commit murders with cruelty, a huge majority, 93.4%, said they agree with the death penalty while 6.6% disagree.

Thailand has executed 326 convicts, including 3 women, since 1934, when it began using firing squads instead of beheadings, according to Government figures.

SRI LANKA

Sri Lanka is a de facto abolitionist country and although Courts impose the death penalty in serious crimes such as murder, rape and drug trafficking, no executions have been carried out since 1976, when Jayasinghe Chandradasa a 27 years old farmer was executed for murder.

A setback to the ongoing de facto moratorium on executions has been recorded in Sri Lanka on 10 July 2018, when the Cabinet unanimously approved a move to bring back capital punishment for drug-related crimes and President Maithripala Sirisena declared to be ready to sign warrants of executions for 19 drug traffickers.

In January 2019, after his visit to the Philippines, Sirisena said he wanted to “replicate the success” of Rodrigo Duterte’s ruthless approach to tackling illegal drug use, which he called “an example to the world.”

What is more, in February 2019, the government began advertising in local newspapers for a hangman, seeking male candidates between ages 18 and 45 with “excellent moral character” and “a very good mind and mental strength.”

According to data released on 9 January 2019, by the Ministry of Justice and Prisons Reforms, a total of 1, 299 death row inmates, have been detained in Sri Lankan prisons as of 31 December 2018. It said 1,215 male inmates and 84 female inmates were among them. According to *Harm Reduction*, 60 people, of which 6 women, have been sentenced to death for drug since 2008 to the end of 2018.

THE DEATH PENALTY IN ISLAMIC COUNTRIES

Of the 47 Muslim-majority States or territories worldwide, 26 can be considered abolitionist in various forms, while 21 retain the death penalty, of which 17 look explicitly to *Sharia* law as the basis of their legal system. In some cases, these legal systems also stem from entrenched and overlapping sources, historical and modern, religious and secular. In other cases, the Islamic *Sharia* law remains the only source for legislation in the country.

Sharia law (or Islamic law) has four levels of sources. The highest source is the Quran (the divine revelation to Prophet Mohammed). The second is the *Hadith*, the collection of the Prophet's actions. The third source is the *Qiyas*, the process of analogical reasoning based on the Quran and the *Hadith*. Finally, there is the *Ijma*, the consensus of opinion among the scholars.

Strictly speaking, *Sharia* law does not have a distinct corpus of "criminal law". Islamic criminal law is criminal law in accordance with *Sharia* law.

As opposed to other legal systems, in which crimes are generally considered violations of the rights of the State, *Sharia* divides crimes into four different categories depending on the nature of the right violated.

Hudud, meaning "limits", is the most serious category and includes crimes specified in the Quran (they are defined as "claims of Allah"): drinking alcohol, theft, adultery, apostasy (including blasphemy), armed robbery and rebellion. Except for drinking alcohol, punishments for all *Hudud* crimes are specified in the Quran or Hadith: stoning, amputation and flogging.

The second category is the *Qisas* crimes, which involve people. This category includes the crimes of murder and injury, which are treated as a private dispute and responsibility for prosecution rests on the victim or his/her relatives. Punishment for these crimes is either exact retribution (*Qisas*, the principle of an eye for an eye) or compensation (*Diya*) as "blood money".

Thirdly, the category of *Tazir* includes any crime that does not fit into *Hudud* or *Qisas* and which therefore has no punishment specified in the Quran. These types of crimes range from homosexuality to perjury to treason, and may be punished according to the discretion of the Judge.

Finally, the category of *Siyasah* covers offences that are mainly against the State and public order. The ruler or the State may determine the offences and lay down the provisions related to *Siyasah*, but such provisions shall conform to the principles of *Sharia*.

Within *Sharia's* system, the death penalty is mandatory only for a number of *Hudud* crimes.

According to Islamic law, the relatives of the victim of a crime have three options: to allow the execution to take place, to spare the murderer's life to receive blessings from God, or to grant clemency in exchange for *Diya*, blood money.

In some of the 47 Muslim-majority countries in the world, conversion from Islam or renouncing Islam is considered apostasy and is technically a capital crime. The death penalty has also been expanded on the basis of *Sharia* law to cases of blasphemy. That is, the death penalty can be imposed in cases of those who offend the Prophet Mohammed, other prophets or the Holy Scriptures.

However, the problem is not the Quran itself as illustrated by the fact that not all countries observing its teachings practice the death penalty, or make the text the basis of their Penal or Civil Codes, or their fundamental law. It lies rather in the literal translation of a centuries-old text into penal norms, punishments and rules applied to our times, a transposition performed by fundamentalist, dictatorial or authoritarian regimes and used by them to impede any democratic progress.

In 2018, at least **603** executions, compared to at least 979 in 2017, were carried out in **9** Muslim-majority countries (they were 15 in 2017), many of which were ordered by religious Tribunals applying a strict interpretation of *Sharia* law.

Hanging, firing squad and **beheading** are the methods which were used to enforce the death penalty, while there were no reports of judicial executions carried out by **stoning**, which is the most terrible of all Islamic punishments.

HANGING – BUT NOT ONLY..

Of the methods employed to carry out death sentences in the Muslim-majority countries, the most common is hanging, preferred for men but used for women as well.

In 2018, at least **443** hangings – compared to at least 808 in 2017, to at least 756 in 2016 and to at least 1,360 in 2015 – were carried out in **6** Muslim-majority countries: **Iran** (at least 310), **Egypt** (at least 62), **Iraq** (at least 52), **Pakistan** (at least 14), **Afghanistan** (3) and **Sudan** (2).

It could not be confirmed if executions by hanging took place in **Syria** in 2018.

Hanging is often carried out in public and combined with supplementary punishments such as flogging and the amputation of limbs before the actual execution.

Extra-judiciary executions by hanging were carried out in **Afghanistan** in the areas controlled by the Taliban.

In 2018, another **37** executions by hanging were carried out in **4** non-Muslim countries: **Japan** (15), **Singapore** (13), **South Sudan** (at least 7) and **Botswana** (2).

IRAN

Hanging is often carried out by crane or low platforms to draw out the pain of death. The noose is made from heavy rope or steel wire and is placed around the neck in such a fashion as to crush the larynx, causing extreme pain and prolonging the death of the condemned. Hanging is often carried out in public and combined with supplementary punishments such as flogging and the amputation of limbs before the actual execution.

In 2018 the Islamic Republic carried out at least **310** hangings: **85** executions were announced by official Iranian sources, and **225** cases were reported by unofficial sources.

In 2018, *Hands off Cain* noticed **13** public hangings a decrease if compared to 36 in 2017.

Executions carried out in public must be added to the numerous ones, often shrouded in secrecy, carried out in prisons.

Most of them were carried out for murder, while in the previous years they were most for drug-related offences.

However, the death penalty is not the only punishment dictated by the Iranian implementation of *Sharia* or Islamic law. There is also torture, amputation, flogging and other cruel, inhumane and degrading punishments. These are not isolated incidents and they occur in flagrant violation of the International Covenant on Civil and Political Rights that Iran signed and which expressly prohibits such practices.

Hundreds are routinely flogged in Iran each year, sometimes in public.

Under Iranian law, more than 100 “offences” are punishable by flogging. These cover a wide array of acts, ranging from theft, assault, vandalism, defamation and fraud to acts that should not be criminalized at all such as adultery, intimate relationships between unmarried men and women, “breach of public morals” and consensual same-sex sexual relations.

Many of those flogged in Iran are young people under the age of 35 who have been arrested for peaceful activities such as publicly eating during Ramadan, having relationships outside of marriage and attending mixed-gender parties.

According to information published in the 2018 Report of The *International Observatory of Human Rights*, in Iran in 2018 over 110 people were sentenced to flogging, and 11 of these sentences were carried out. Furthermore, at least one case of amputation has been reported.

EGYPT

Executions cannot take place on public holidays or religious holidays in accordance with the religion of the accused.

In 2018, Egypt carried out at least **62** executions according to the *Arab Organization for Human Rights* (AOHR). Of these, 47 have been decided by civic courts and 15 by military courts (12 for terrorism and 3 for a rape crime in a military hospital).

Regarding the death sentences, in 2018, 60 persons have been condemned by the Cassation Court in 14 cases (12 cases in civic cassation court and 2 cases in military cassation court).

During the year, at least 581 defendants were issued death sentences in 174 civilian cases and 9 military cases, according to a report issued on 22 December 2018 by the *Egyptian Initiative for Personal Rights* (EIPR).

A wave of executions at the beginning of the 2018 draw attention by international community.

On 2 January 2018, the Office of the UN High Commissioner for Human Rights, stated its shock at the 20 executions carried out between the end of 2017 and the beginning of 2018, and said that, despite the security challenges facing Egypt - in particular in Sinai - executions should not be used as a means to combat terrorism. It expressed serious concern that in all these cases, due process and fair

trial guarantees did not appear to have been followed as Military Courts typically deny defendants' rights accorded by civilian Courts.

IRAQ

The hangings are carried out regularly from a wooden gallows in a small, cramped cell of Al-Adalah prison complex in the North Baghdad Shia area of Kadhimiyah, although some executions are also carried out in Nassiriya Prison (Al Hut) in Thi Qar governorate.

On the day the sentence is to be implemented, the convict is placed in a special holding cell in the Al-Adalah Prison where she or he remains until led to the gallows for execution. There is a shower room in the prison where the convict can take ablutions before the execution if she or he so wishes. The convict is also weighed and measured so that the appropriate length of rope can be determined for the hanging. The sentence and decree ordering execution are read before the sentence is implemented. Witnesses gather inside a viewing room with a one-way glass window to observe the execution. After the execution, the body is handed over to relatives, upon their request; if not, the person will be buried by the authorities without a funeral ceremony.

Former Iraqi President Saddam Hussein was hanged for crimes against humanity on 30 December 2006, at Al-Adalah Prison, where the same end befell other exponents of the deposed regime between 2007 and 2012.

In 2018, Iraq executed at least **52** people, all for terrorism. The number is significantly lower if compared to 125 executions in 2017, and to 92 in 2016.

According to Amnesty International, death sentences more than quadrupled, from at least 52 in 2017 to at least **271** in 2018, mainly due to the conclusion of the conflict between the Iraqi state and the Islamic State (IS), following which the authorities arrested many individuals accused of affiliation with the group and put them on trial. The sentences were for offences that included mostly terrorism-related acts, in addition to murder, kidnapping and drug-related offences.

PAKISTAN

The executions are usually carried out before sunrise. The condemned has a final meal, bathes and then has time to pray before being led to the gallows. Ex-

executioners cover their face with a black hood and tie their hands and legs before hanging them.

It is tradition that nobody is executed in the (Islamic) fasting month of Ramadan.

According to figures gathered by the organization *Justice Project Pakistan*, there were at least **14** executions in 2018. It is a significant decrease if compared to 66 hangings in 2017, to 87 in 2016 and to a record number of 326 in 2015 carried out after 17 December 2014, when Pakistan lifted the six-year moratorium on the death penalty in terrorism-related cases, a day after the Taliban-perpetrated massacre at a military-run school in Peshawar in which 150 people, including 134 children, were killed.

The at least **14** executions carried out in 2018 were for murder, also if in three cases death sentences were issued by Anti-Terrorism Court (ATC).

According to the *Human Rights Commission of Pakistan*, in 2018 Courts awarded the death sentence to **346** people, including **3** women.

According to the *Justice Project Pakistan*, **4,688** prisoners are on death row, which is one of the highest figures in the world; at least 42 are women. These prisoners are kept in death row cells of 8x8 meters where six or more prisoners are kept in a cell built for one or two people and are confined for 23 hours a day in these cells.

AFGHANISTAN

The new Constitution, adopted in 2004, makes no explicit reference to *Sharia* law. However, the Constitution declares Afghanistan to be an 'Islamic republic' and states that '*no law shall be contrary to the beliefs and provisions of the sacred religion of Islam,*' and the Islamic provisions do foresee capital punishment, namely for crimes against Islam (armed robbery, adultery, and apostasy or blasphemy), and for crimes against the person (murder).

The President of the Republic has the final say over whether executions ordered by Afghan Courts will be carried out. After the fall of the Taliban regime in 2001, former President Hamid Karzai in his thirteen years in office had been reluctant to sign death warrants.

Three executions were carried out in 2018.

On 28 January 2018, the authorities in Kabul hanged three kidnappers and killers of a 12-year-old boy who was murdered in the city in a kidnap for ransom case in 2016.

In 2018, extra-judiciary executions by hanging were carried out in the areas controlled by the Taliban.

On 3 March 2018, Taliban militants executed three people allegedly involved in kidnapping cases in Khak-I-Safid district of western Farah province, officials said.

SUDAN

Under Article 3 of the 1991 Sudanese Penal Code preamble, all law in the country is based on “*Islamic Sharia as the main source for the law*”. Retributive crimes (homicide and crimes against any person’s physical integrity) allow for the family of the victim to choose between retribution and blood money. Those considered *Hudud* (crimes against God) are adultery, use of alcohol, apostasy, blasphemy, defamation regarding chastity, armed robbery and theft of capital.

Under *Sharia* law as practised in Sudan, a Muslim woman is not permitted to marry a non-Muslim man, and any such marriage is considered adultery. The penalty for adultery under Article 146 of the Penal Code is 100 lashes where the offender is not married.

On 15 May 2018, a woman was lashed 75 times after a court found her guilty of marrying a man without her father’s consent, her lawyer and rights activists said. The woman, a native of the war-torn Darfur region of Sudan, was flogged at a police station in Omdurman, the twin city of Khartoum, after having served a six-month prison sentence. Her husband was sentenced to two years in prison. A women’s rights activist said she witnessed the flogging. “I was holding her baby in my hands as the ordeal unfolded in front of me,” said Tahani Abbas, a member of Don’t Oppress Women, a Sudanese NGO.

In 2018, there were two hangings, the first since 2016.

Two unidentified men were hanged for murder, one in May and the other in November.

Fewer death sentences (8) were imposed compared to 2017 (at least 17), said Amnesty International.

At the end of 2018, there were at least 109 prisoners on death row.

FIRING SQUAD

Not considered an Islamic punishment, the firing squad has been used in 2018 in at least **18** executions in **2** Muslim-majority countries: **Somalia** (13) and **Yemen** (at least 5).

It could not be confirmed if judicial executions by firing squad took place in **Libya** and **Syria** in 2018, due to the internal armed conflicts and the lack of official information provided by authorities.

Extra-judiciary executions by shooting were carried out in **Somalia** by the Islamic rebels *Al-Shabaab*.

In 2018, at least **15** more executions by firing squad were carried out in **5** non-Muslim countries: **China** (number unknown); **South Sudan** (at least 7); **Belarus** (4); **North Korea** (at least 3); **Taiwan** (1).

SOMALIA

The Penal Code of Somalia represents an amalgam of various legal systems and traditions, including civil law, Islamic law, and customary law, known as *Xeer*. In April 2009, in an attempt at national reconciliation, the Somali Parliament unanimously approved a Government proposal to officially introduce *Sharia* law in the country.

In 2018, executions decreased to **13**, from the at least 24 of 2017.

All were inflicted by military courts, mainly on *Al-Shabaab* militants (9) for acts of and on soldiers (4) for ordinary murder.

The 9 *Al-Shabaab* militants by the Federal Government of Somalia terrorism [See Chapter: “*War on Terror*”].

The 4 soldiers were executed in two different cases by the Jubaland for ordinary crimes: on 22 June 2018, three government soldiers who were found guilty of killing civilians; and on 19 November 2018, a former member of the Jubaland armed forces for the killing of a prominent elder.

In 2017 there were at least 24 executions, including 21 for terrorism. In 2016, executions were at least 14, of which 3 for terrorism; in 2015, at least 25, including 9 for terrorism. At least 20 executions were carried out in 2014, including 13 for acts of terrorism. In 2013, there were at least 27 executions. In 2012 there were at least 7 executions, in 2011 at least 11 and in 2010 at least 8. Only in 2009 there were no executions.

In 2018, there were **24** death sentences, as in 2017 and in sharp decrease if compared to the 75 of 2016. All were issued by military courts, most of them on *Al-Shabaab* militants for terrorism (15) and the rest on soldier (9) for murder. These death sentences were issued: 14 by the Federal Government, 7 in Puntland, 2 in Jubaland 1 in Bai and 1 in Hiran.

In 2018, *Al-Shabaab* Islamist militias that control part of South-central Somalia carried out dozens of extra-judiciary executions. *Al-Shabaab* has executed a total of at least 21 people this year, according to *Hands off Cain*, twelve based on spying allegations for the Somali Government, the African Union military force, the US and British intelligence agencies. When executions have been carried out by shooting, the scene of the incident was always the same: a self-proclaimed judge gave the death penalty order, while hundreds of residents were forced to watch the executions of the victims, who were tied to a pole in the centre of the town.

YEMEN

Under Yemen's Constitution the Islamic *Sharia* law remains the only source for legislation in the country.

Executions, which must be approved by the President, are generally carried out in public.

The inmate is led to the courtyard of the city's main prison, passing by the family and friends of the people he is accused of killing. The condemned briefly bids farewell to his own family, who are also present, and performs the last prayer of his/her life before his/her impending execution. A doctor draws a red circle on the inmate's back to mark the location of his/her heart. Then he/she is ordered to lie on his/her stomach on a blanket so that he/she can be wrapped up after the deed is done. The condemned is not blindfolded. The executioner approaches the eldest from the victims' families, giving them the opportunity to accept an offering of blood money instead of the State-sanctioned execution. If refused,

the executioner moves ahead. He asks the condemned to repeat the *Shahada*, the Islamic profession of faith. “*There is no God but God and Mohammed is his messenger,*” the condemned recites. The executioner shoots twice into the air with a rifle and then aims at the condemned’s heart, lodging several bullets into his/her body. The executed body is wrapped in the blanket and given to his/her family.

Yemen’s legal system, like the rest of the country, is wrecked: whichever armed group – be they backed by militia, the government or rebels – runs a city or region usually runs its state institutions such as the judiciary. The Specialised Criminal Court of First Instance in Sanaa, which deals with crimes including terrorism, is operated by the Houthi rebels.

In 2018, 5 executions were carried out and 36 death sentences were handed down, all by Courts operating under Houthi control. Most of the death sentences were against alleged spies for the Saudi intelligence, the United States and Yemeni Government.

Two murder convicts were shot in two different cases, *capitalpunishmentuk.org* reported: Abdel Karim Maguor on 30 June and Hafeez Mohammed Ahmed Al-Nakhai on 5 August 5.

On 8 August 2018, three “paedophiles” – identified as Abdul Jalil al-Ashhab, Mohammed al-’Uqri and Ghaleb al-Rashdi – were publicly shot dead and hanged from cranes, after being convicted of raping and killing ten-year-old Mosad al-Mothana. Disturbing pictures showed the “rapists” in blue overalls paraded in front of crowds in the centre of Sana’a, the country’s largest city. They were handcuffed, ordered to lie face down and shot five times in the heart. Their corpses were then winched high into the air by a crane where they were left hanging as a grim warning to other potential offenders while onlookers took pictures on mobile phones.

LIBYA

Since the country’s liberation from Muammar Gaddafi’s regime in 2011, no information is available on judicial executions in Libya.

The last known executions in Libya took place on 30 May 2010, when eighteen people, including nationals of Nigeria, Chad and Egypt, were executed for premeditated murder.

However, Military and Civil Criminal Courts in Misrata, Zawiyah, Benghazi,

and Tripoli have issued dozens of death sentences. These include cases related to the 2011 conflict, as well as common criminal cases – mostly for murder.

On 15 August 2018, a Libyan criminal court sentenced 45 militiamen to death by firing squad for killing demonstrators in Tripoli in 2011. They are accused of opening fire on dozens as rebel forces closed in on the capital during the uprising against former leader Colonel Muammar Gaddafi. It is thought to be the highest number of death sentences handed out since the overthrow of the regime.

BEHEADING

Beheading as a “legal” means of carrying out executions provided by *Sharia* law is exclusive to **Saudi Arabia**, which beheaded **142** people in 2018.

SAUDI ARABIA

Saudi Arabia’s legislation is based on both *Sharia* principles and customary law; meanwhile the Quran and the Sunna form the Kingdom’s Constitution.

Saudi Arabia is the Islamic country that most strictly interprets *Sharia* law.

Typically, executions are held in the city where the crime was committed in a public place near the largest mosque. The condemned is brought to the site with their hands tied and forced to kneel before the executioner, who draws a long sword, while the crowd shouts “Allahu Akbar” (God is great). Sometimes, beheading is followed by the public display of the bodies of the executed. The typical procedure of beheading provides for the executioner to re-fix the beheaded head onto the body of the executed, so that it may be hanged, generally, for about two hours, from the window or balcony of a mosque or upon a pole, during midday prayers. The pole is sometimes shaped in the form of a cross, hence the use of the term “crucifixion”. The bodies of the executed are displayed only on specific orders from the Tribunal, when the crime committed is considered particularly heinous.

In 2018, Saudi Arabia executed at least **142** people. Among those executed, 3 were women and 139 men; 73 were Saudi Arabian citizens and 69 were foreign nationals, including the three women. Most of them have been executed for murder (82), followed by drug related crimes (57), terrorism (1), rape (1), and 1 for armed robbery. In 2017, Saudi Arabia executed at least 140 people.

In 2019, Saudi Arabia executed **184** people, a record number in the last six years, according to human rights organisation *Reprieve*.

Saudi Arabia had among the highest number of executions in the world in the past – the record number was established in 1995 with 191 executions –, but in recent years the numbers had decreased considerably, thanks, in part, to some reforms in the penal system.

The new surge in executions began towards the end of the reign of King Abdullah, who died on 23 January 2015, and further accelerated under his successor King Salman, who has adopted a more assertive foreign policy.

The executions are generally announced by the Minister of the Interior and, usually, reported by the official Saudi news agency *SPA*.

STONING

Of all Islamic punishments, stoning is the most terrible. It is meant to cause a slow torturous death. The condemned person is wrapped head to foot in white shrouds and buried in a pit. A woman is buried up to her armpits, while a man is buried up to his waist. A truckload of rocks is brought to the site and Court-appointed officials, or in some cases ordinary citizens approved by the authorities, carry out the stoning. The stones used must be neither too large as those might cause instant death, nor too small so they may be fatal. If the condemned person somehow manages to survive the stoning, he or she will be imprisoned for as long as 15 years but will not be executed.

There are **17** countries in which stoning is either practised *de facto* or authorised by law.

Stoning is a legal punishment for adultery in **11** countries: Brunei Darussalam, Iran, Mauritania, Nigeria (in one-third of the country's 36 States), Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, the United Arab Emirates, and Yemen. In some countries, such as Brunei Darussalam, Mauritania and Qatar, stoning has never been used although it remains legal.

In four of the remaining countries – Afghanistan, Iraq, Mali and Syria – stoning is not legal but tribal leaders, militants and others carry it out extra-judicially.

In the Aceh region of Indonesia and Malaysia, stoning is sanctioned regionally but banned nationally.

In 2018, no “legal” stoning has been recorded.

However, in 2018, an extra-judicial sentence by stoning was carried out in **Somalia** by *Al-Shabaab* on 9 May 2018, when a woman accused of marrying 11 men was stoned to death.

IRAN

In April 2013, the Guardian Council, an unelected body of 12 religious jurists empowered to vet all legislation to ensure its compatibility with Iran’s Constitution and *Sharia*, reinserted the stoning provision into a previous version of the new Penal Code, which had omitted stoning to death as the explicit penalty for adultery.

The draft Penal Code, as amended by the Guardian Council, explicitly identifies stoning as a form of punishment for people convicted of adultery or sex outside of marriage, if the authorities proved the crime on the basis of the eye-witness testimony or the defendant’s confession.

The revised Code also provides that Courts that convict defendants of adultery based on the “knowledge of the Judge”, a notoriously vague and subjective doctrine allowing conviction in the absence of any hard evidence, may impose corporal punishment sentences of 100 lashes rather than execution by stoning.

The penalty for people convicted of fornication, or sex outside of marriage that involves an unmarried person, is 100 lashes.

Iran had the world’s highest rate of execution by stoning, but no one knows with certainty how many people have been stoned in Iran. According to a list compiled by the Human Rights Commission of the *National Council of the Iranian Resistance*, at least 150 people have been stoned in Iran since 1980. The reported numbers are probably lower than the actual numbers, because most of the condemnations to stoning issued by the Iranian authorities are handed down secretly, as well as for the fact that so little information is actually available from many prisons in Iran. Shadi Sadr, who has represented five people sentenced to stoning, said Iran carried out stoning in secret in prisons, in the desert or very early in the morning in cemeteries.

From 2006 to 2009, stoning was carried out at least once a year for a total of at least seven executions; the last known case was carried out on March 5, 2009, on a man condemned of adultery.

No news of execution or sentence to stoning was recorded in 2018.

BLOOD MONEY

According to Islamic law, the relatives of the victim of a crime have three options: to allow the execution to take place, to spare the murderer's life to receive blessings from God, or to grant clemency in exchange for *Diya*, or blood money.

In 2018, in **Iran, Pakistan, Saudi Arabia** and **United Arab Emirates**, hundreds of murder convicts were spared after they were pardoned by the victims' family members who accepted the blood money.

IRAN

Iranian law provides that the "blood money" (*Diya*) for a woman is half that of a man. Furthermore, if a man kills a woman, a man cannot be executed, even if condemned to death, without the family of the woman first paying to the family of the murderer half the price of his blood money.

Iranian authorities claimed that "We can't deny a victim's family of the legal right to ask for Islamic *Qisas*, or eye for eye retribution." *Qisas* is probably the only "right" of the Iranian people that the regime insists on protecting.

However, the Iranian Penal Code exempts, among others, the following people from *Qisas*: Muslims, followers of recognized religions, and "protected persons" who kill followers of unrecognised religions or "non-protected persons" (Article 310). This concerns, in particular, members of the *Bahai* faith, which is not recognized as a religion, according to Iranian law. If a *Bahai* follower is murdered, the family does not receive blood money, and the offender is exempted from *Qisas*.

In recent years, a significant increase in the "forgiveness" trend has been recorded. Judicial officials and activists against the death penalty have tried to convince the families of the victims to forgive as a means of last resort. In return, families often ask for blood money. Many of the accused's families cannot afford blood money's amount, and charity workers and activists often join forces with celebrities such as actors and soccer players to raise the funds.

In 2018, at least 272 people on death row for murder were forgiven by the families of the victims, compared to 221 cases in 2017 and 232 in 2016, according to *Iran Human Rights*.

PAKISTAN

Pakistani law has a maximum punishment of the death penalty, or life in prison for a murder. Theoretically, the religiously stipulated retributive punishment corresponds in kind and degree to the crime. In practice, hanging rather than harm in kind is the punishment for murder in Pakistan.

However, under Islamic laws, victim families can strike an out-of-Court deal with the murderers, usually for a payment of *Diya*. In that case, the victim's families generally appear in Court to testify that they have pardoned the murderer in the name of God. The Court must decide whether to accept the pardon, but Judges generally follow the decision of the family.

In 2018, at least **14** people were executed across the country and 346, including 3 women, new death sentences were issued. Dozens of death row inmates were spared after they were pardoned by the victims' families.

SAUDI ARABIA

In September 2011, Saudi Arabia decided to triple *Diya*, the money paid by a killer to the victim's relatives under Islamic law, but kept the sum for female victims at half that for male victims. The Kingdom's Supreme Judicial Authority raised *Diya* to 300,000 Riyals (80,000 USD) from 100,000 Riyals (26,666 USD) in accidental death and 400,000 Riyals (106,666 USD) in premeditated murder. Blood money values have been static for the last 29 years. The Supreme Council of Scholars had called for reviewing *Diya* in light of the increasing prices of camels, which were used as blood money in the old Islamic age. According to *Sharia* rules, the heirs of a murdered person should be compensated with 100 camels.

In Saudi Arabia, numerous cases involving "blood money" were resolved positively thanks to the *Saudi Reconciliation Committee* (SRC), a nation-wide organization established in 2008 that secures pardons for death row prisoners and helps settle lengthy inter-family and tribal disputes through mediation. Its mission is to prevent haggling by the families of the murder victims over blood money *Diya*. Since its establishment in 2008, the Committee dealt with thousand cases involving convicted murderers who were sentenced to death and was able to secure pardons in hundreds of them.

UNITED ARAB EMIRATES

Under the *Maliki* School of Islamic legal thought, officially adopted in UAE Courts, a Muslim who murders a non-Muslim cannot face execution. But the Court of Cassation, in precedent-setting decision, on 29 December 2010, ordered to treat the murder of a non-Muslim the same as that of a Muslim, under an alternative Islamic school of legal thought, *Hanafi*, which is the only Sunni school of jurisprudence that calls for the death penalty if a Muslim kills a non-Muslim. *Hanafi* scholars note that an Islamic text that prohibits the killing of a Muslim for taking a non-Muslim life was meant to be applied only in times of war.

The death penalty is rarely applied in the UAE, partially because victims' families pardon the guilty in return for compensation. When a family accepts blood money, a Court can jail a murderer to a minimum of three years and a maximum of seven years. In the UAE, the standard blood money for causing someone's death is 200,000 dirhams (about 54,450 USD).

In June 2018, Dubai-based hotelier Dr SP Singh Oberoi saved 15 Indians, including 14 Punjabis, from the gallows in UAE. Till date, Dr. Oberoi has saved 93 Indians, mostly Punjabis, from the death sentence by paying blood money and by fighting their cases in the courts free of cost.

DEATH PENALTY FOR BLASPHEMY AND APOSTASY

In some of the 47 Muslim-majority countries in the world, conversion from Islam or renouncing Islam is considered apostasy and is technically a capital crime. The death penalty has also been expanded on the basis of *Sharia* law to cases of blasphemy. That is, the death penalty can be imposed in cases of those who offend the Prophet Mohammed, other prophets or the Holy Scriptures.

According to the report *Freedom of Thought 2019*, published by the *International Humanist and Ethical Union* (IHEU), the "crime" of apostasy was found to be punishable by death in 12 of the most fundamentalist Muslim countries: Afghanistan, Iran, Iraq, Malaysia (despite contradicting Federal law, the State Governments of Kelantan and Terengganu passed laws in 1993 and 2002, respectively, making apostasy a capital offence), Maldives, Mauritania, Nigeria (only in twelve predominantly Muslim Northern States), Qatar, Saudi Arabia, Sudan, United Arab Emirates, and Yemen.

Pakistan does not have a death sentence for apostasy but it does for “blasphemy”, and the threshold for blasphemy can very low. So, in effect you can be put to death for expressing atheism in 13 countries.

Out of 47 Muslim-majority countries in the world, at most 6 permit capital punishment for blasphemy. They are Iran, Iraq, Pakistan, Saudi Arabia, the United Arab Emirates, and possibly Afghanistan (the new Afghan Constitution incorporates human rights norms that could affect statutes treating blasphemy as a capital crime).

In another four States, militant Islamists acting as religious authorities in some areas are also dealing out *Sharia* punishment including death for “offences” to religion: namely *Al-Shabaab* in Somalia; *Boko Haram* and other Islamists in Nigeria; the *Taliban* in Afghanistan; and the Sunni jihadist group, known as *Islamic State* (IS), in Libya.

MAURITANIA

With the introduction of Islamic law in 1980, the scope of the death penalty has been widened to include apostasy, homosexuality and rape. However, the enforcement of strict punishments – such as floggings – has been rare since the 1980s.

In 2018, Mauritania enacted a law which makes the death sentence for apostasy compulsory, as well as upgrading blasphemy to a capital offence and making that compulsory as well.

An amendment to penal code Article 306 will see the death penalty applied to “every Muslim, man or woman, who ridicules or insults Allah”, his messenger, his teachings, or any of his prophets, “even if [the accused] repents”.

In 2018, there were no executions, however three death sentences were imposed, according to Amnesty International.

A blogger, Mohamed Mkhaitir, who was sentenced to death in December 2014 for a “blasphemous” post he made on Facebook, remained in custody in an unknown location. This was despite an appeal court ruling that commuted his death sentence on 9 November 2017 to a prison term equal to the amount of time he had already served.

PAKISTAN

The law against blasphemy was introduced under the dictatorship of General Zia ul-Haq in 1985. The law prescribes the death penalty for anyone insulting the Prophet Mohammed, other prophets or the sacred scriptures.

About 1,500 people – both non-Muslims and secular Muslims – have been charged under Pakistan’s controversial blasphemy laws since 1985. No one has been put to death for a blasphemy conviction and most death sentences for blasphemy are overturned on appeal by higher. However, around 40 people are awaiting the death sentence or serving life sentences, according the *United States Commission on International Religious Freedom* and press.

Furthermore, dozens of people awaiting trial or acquitted of blasphemy charges have been slain by religious fanatics, and lawyers in defending those accused of blasphemy cases have frequently been attacked. Judges have been attacked for dismissing cases and many of the accused face years in jail as their trials drag on.

In 2018, cases of acquittal were recorded but also death sentences for blasphemy.

On 14 September 2018, additional District and Sessions Court Judge Raja Safder Iqbal sentenced Arshad Sardar to death in a blasphemy case, which had been registered at the request of a village faith healer in 2015.

On 31 October 2018, Pakistan’s Supreme Court acquitted Asia Bibi, a mother of five from Punjab province, who was convicted of blasphemy in 2010 and sentenced to hang after she was accused of defiling the name of the Prophet Muhammed during an argument the year before with Muslim colleagues. The workers had refused to drink from a bucket of water Asia Bibi had touched because she was not Muslim. On 7 November she was released from the Mulan prison and has been moved from her jail cell to an undisclosed location in another part of the country, intelligence sources in Pakistan told CNN. Despite calls by protestors to place Bibi on the country’s exit control list, she is legally free to leave the country.

On 18 December 2018, two Christian brothers have been sentenced to death for blasphemy in Pakistan. Qaiser and Amoon Ayub were sentenced to hang by a district judge after being convicted of insulting the Prophet Mohammed in articles and portraits posted on their website.

DEATH PENALTY FOR JUVENILE OFFENDERS

The execution of people for crimes committed before 18 years of age is in breach of the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC).

In 2018, at least **8** juvenile offenders were executed in **Iran** (at least 7) and in **South Sudan** (1).

In 2017, there were at least 8 executions of people under the age of 18 at the time of their crime, and they were carried out in Iran (6) and South Sudan (2).

In addition, in 2018, juvenile offenders were sentenced to death or were still on death row at the end of the year in **Iran, Pakistan, Saudi Arabia** and **South Sudan**.

IRAN

Under Iranian law, girls above nine years of age and boys over 15 are considered adults, and therefore can be condemned to death. Authorities generally wait for young convicts to reach their eighteenth birthday before ordering their execution.

Following requests – ignored for years – to stay death sentences handed down for all convicts accused of committing crimes as minors, the Mullah’s regime announced a partial and, in reality, insignificant revision of the Iranian norm, once again, out of step with the international community.

The regime claims that the new Penal Code – which was approved in its latest version by the Guardian Council in April 2013 – abolishes the execution of children under eighteen. However, under Articles 145 and 146 of the new Penal Code, the age of criminal responsibility is still “puberty”, meaning nine lunar years for girls and fifteen lunar years for boys. Thus, the age of criminal responsibility has not changed at all in the new Penal Code.

Under Article 87 of the new Penal Code, the death sentence has been removed for juveniles only with regard to *Tā’zir* crimes whose punishment can be administered at the discretion of the Judge (such as drug offences). Under the same law, however, a death sentence may still be applied for a juvenile if he or she has committed offences whose punishments have been specified in *Sharia: Hudud* crimes, that are defined as “claims of God” and therefore have mandatory sentences (such as sodomy, rape, fornication, apostasy, consumption of alcohol for

the fourth time, *Moharebeh* (enmity against God), and “spreading corruption on earth”); *Qisas* crimes, that are defined as “claims of [His] servants,” and responsibility for prosecution rests on the victim, such as murder, which is treated as a private dispute between the murderer and the victim’s heirs, who are given the right to demand execution of the murderer (*Qisas*), or forgive him or demand compensation (*Diya*).

In fact, Article 90 of the new Penal Code stipulates that legally “mature” individuals under eighteen (i.e., boys between the ages of fifteen and eighteen and girls between the ages of nine and eighteen) who are convicted of *Hudud* and *Qisas* crimes may be exempt from adult sentences – including the death penalty – only if it is established that they were not mentally mature and developed at the time of committing the crime, and could not recognize and appreciate the nature and consequences of their actions. Therefore, this article gives Judges the discretion to decide whether a child has understood the nature of the crime and therefore whether he or she can be sentenced to death.

At least 7 juvenile offenders were hanged in 2018, including 2 females, with 1 case reported by official sources (for murder) and 6 by non-official sources (for murder).

The Iranian regime hanged **at least 8 juvenile offenders** in 2019.

At least 17 juvenile offenders were hanged in 2014, 3 in 2015, 5 in 2016 and 6 in 2017.

The *Abdorrahman Boroumand Foundation* has documented at least 128 executions of juvenile offenders in Iran between the beginning of 2000 and 31 December 2018. According to *Iran Human Rights* at least 100 people on death row in Iran were under the age of 18 when they committed their crimes.

On 4 January 2018, Iran hanged Amirhossein Pourjafar, 18 years old, convicted of raping and killing a six-year-old Afghan girl. Setayesh Ghoreyshi was kidnapped in April 2016 in the town of Varamin, and murdered by Amirhossein P., who was 16 years old at the time. “The family of the victim insisted on applying the penalty which took place this morning,” said Gholamhossein Esmaili, judiciary chief for Tehran province.

On 30 January 2018, Mahboubeh Mofidi, a woman aged 21, was executed in the prison of Noshahr for the alleged murder of her husband in 2014, when she was 17. She was married when she was 13.

On 30 January 2018, 22-year-old Ali Kazemi, who was only 15 years old at the time of his alleged crime, was hanged in prison in Busher province. His execution was scheduled and carried out without any notice being given to Mr Kazemi's lawyer, a requirement under Iranian law. Kazemi's family was notified when the execution had just been carried out.

On 27 June 2018, Abolfazl Chazani Sharahi, a juvenile offender charged with murder at the age of 15, was executed at Qom Central Prison.

On 2 September 2018, a juvenile offender identified as Abolfazl Naderi, who was arrested at the age of 16 for an alleged murder, was executed at Arak's Central Prison at the age of 23. He had on several occasions denied any involvement in the crime and emphasized that his confessions were extracted under torture. Amnesty International had previously reported that Abolfazl Naderi was arrested in June 2012 after he went to the police to report his friend's suicide. The police rejected the suicide claim and insisted that the deceased had been murdered. Abolfazl Naderi was subsequently charged with murder as well as consuming alcohol and sodomy (lavat). Abolfazl emphasised that "police officers hanged him from the ceiling, flogged him on the soles of his feet, beat him with a wooden rod, and denied him drinking water." During 14 days of interrogation, when the alleged tortures happened, he was held in solitary confinement without access to his family and lawyer.

On 2 October 2018, Zeynab Sekanvand, a juvenile offender who was 17 years old when arrested for the murder of her husband, was executed at Orumieh prison along with two other prisoners, Kuridsh as she was. Zeinab was reportedly married to a man when she was 15 years old and, according to sources close to her, she was abused by her husband.

On 14 November 2018, Omid Rostami was executed on murder charges at the prison of Rajaei Shahr of Karaj with seven others. Omid Rostami was sentenced to death for a crime he allegedly committed as a child.

SOUTH SUDAN

The execution of people under the age of 18 at the time of their crime constitutes a clear violation of South Sudan's obligations under South Sudanese law and international human rights law and standards. The use of the death penalty against such people is strictly prohibited by South Sudan's 2011 Transitional Constitution and the UN Convention on the Rights of the Child, to which South Sudan is a party.

However, in 2018, at least seven people, including an individual known to have been under the age of 18 at the time of the crime, were hanged, according to evidence provided to Amnesty International by legal professionals and government officials. Four people, including the child, are known to have been executed in Wau Central Prison between May and October 2018, and at least three people were hanged in Juba between July and October 2018. The person below the age of 18 at the time of the crime was executed in Wau the day after he was transferred to the prison.

Two of the four people executed in 2017 were children at the time of their conviction.

According to Amnesty International, at the end of 2018, at least 345 people were under sentence of death, including a secondary school pupil on death row at Juba Central Prison, who was sentenced to death when he was 15.

THE DEATH PENALTY ON WOMEN

While information on the gender of death row inmates is difficult to obtain, women are under sentence of death in at least **27** of the countries that retain the death penalty. Countries where women are under death sentence are: Bahrain, Bangladesh, China, Egypt, Ghana, Guyana, India, Iran, Iraq, Japan, Jordan, Kuwait, Malaysia, Maldives, Pakistan, Saudi Arabia, Sierra Leone, Singapore, South Sudan, Sri Lanka, Taiwan, Thailand, Tanzania, Uganda, United States, Vietnam and Zambia.

In 2018, at least **14** women were executed in **4** States: **Egypt** (5), **Iran** (at least 5), **Saudi Arabia** (3) and **North Korea** (1). Women executed represent **0.47%** of the total worldwide, their executions are carried out mainly by those States who strictly apply *Sharia* law and are sent to the gallows mainly for murder.

To at least 14 women executed in 2018 in Egypt, Iran, Saudi Arabia and North Korea, must be added those put to death in **China**, where the death penalty is considered a State secret and reports of executions carried by local media or independent sources in fact represent only a minimal part of the phenomenon. For example, the execution of a woman was reported by Xiangtan Online, according to which Yang Kelian was executed on 12 March 2018 in Xiangtan, Hunan province, for drug trafficking.

EGYPT

In 2018, Egypt carried out at least 62 executions according to the *Arab Organization for Human Rights* (AOHR). Among them were **5** women.

On 26 February 2018, two women identified as Al-Atef and Asma Hamada Abdel Ghaffar, aged 40 and 19 respectively, were executed in Tanta prison in the Nile Delta along with three members of their family – Hamada Abdel Ghaffar Qandil, Hamada Abdel Ghaffar and Ayman Abdel Moneim Shalaby – for the kidnapping and murder of a four-year-old girl in 2013.

On 2 September 2018, two women, Nadia Gemayel and Mona Mahomed Mahmoud, were executed for murder in Cairo along with 4 other people, identified as Abdul Rahman Jalal, Magdy Mohamed Mahmoud, Abdel Hafeez Abdel Hamid Hassan and Amir Fathi.

On 4 December 2018, Umaimah Imam Mohammed Ali was hanged for murder in the Minya prison along with 4 men, identified as Omar Abdullah Ali Yousef, Essam shehab El-Din Mohamed El-Amir, Ashraf Kamel Mohammed Abdel Aziz and Omar Rajab Sayed.

IRAN

In Iran, gender discrimination is widespread with paroxysmal forms: in legal proceedings, a woman's testimony is worth half that of a man's and the Iranian version of "blood money" for the life of a woman is half that of a man.

Moreover, if a man kills a woman, he cannot be executed, even if sentenced to death, without the woman's family first paying half of her "blood money" to the murderer.

The minimum age for criminal liability is just 6 years for women, compared to 15 for men. Marital rape and domestic violence are not considered criminal offences.

In 2018, there were at least 5 executions of women (compared to 12 in 2017), of which 1 reported by official sources and all for murder. Two of them were juveniles at the moment of fact.

On 30 January 2018, Mahboubeh Mofidi, a woman aged 21, was executed in the northern city of Noshahr for the alleged murder of her husband in 2014, when she was 17. She was married when she was 13.

On 4 July 2018, an unidentified woman was hanged in the Central Prison of Orumieh along with two other male prisoners.

On 2 October 2018, Zeynab Sekanvand, a juvenile offender who was 17 years old when arrested for the murder of her husband, was executed at Orumieh prison along with two other prisoners. Zeinab was reportedly married to a man when she was 15 years old and, according to sources close to her, she was abused by her husband.

On 13 November 2018, a Kurdish woman, Sharareh Elyasi, was executed on a murder charge at Sanandaj prison. She was found guilty of the murder of her husband and arrested in 2013.

On 26 December 2018, the state-run news website *Young Journalists Club* reported that a 25-year-old woman, identified as Noushin, was executed on the charge of murdering a man, Soheil, who had promised to marry her, but took advantage of her, and subsequently brutalized, blackmailed and forced her into having sexual relations with his friends.

The Iranian regime hanged at least **17** women in 2019, six during the first three weeks of December alone, which is not surprising given the increasing repression following the November uprising.

Another **two** women were executed in January 2020, bringing the total number of women executed during the reign of supposed moderate Hassan Rouhani to at least **106**.

SAUDI ARABIA

Many of those executed are foreign nationals, the vast majority being from the poorer countries of the Middle East, Africa and Asia.

The migrant workers are highly vulnerable to abuse from their employers and the authorities. They are often not aware that they have been sentenced to death. In many cases, they have not even realised that their trial has ended. The condemned only begin to realise the gravity of their situation, when a handful of police erupt into their cells, call the condemned by name and drag them out to their execution. Humanitarian organisations have denounced the absence of due process in Saudi Arabia. Often, the accused is denied the assistance of a lawyer before the trial and in the courtroom.

Pregnant women and those with children under the age of three are exempted from the death penalty.

In 2018, Saudi Arabia executed **142** people, including **3** foreign women for murder. In 2017, Saudi Arabia had executed 2 women and another 3 in 2016.

On 19 July 2018, Easheeto Mohammad, an Ethiopian woman, was beheaded in Geddah for murder.

On 29 October 2018, an Indonesian maid, Tuti Tursilawati, was beheaded in the city of Ta'if for killing her boss – while he was trying to rape her.

On 18 December 2018, another Ethiopian woman, Milyun Abisa Nadu, was beheaded in Dammam for murder.

NORTH KOREA

In 2018, at least 3 executions were recorded in North Korea, including that of a woman.

On 17 November 2018, a female fortune teller in her early 20s was executed

by firing squad in Chongjin and similar punishments were carried out in other parts of the country, the Daily NK reported on 19 December. The North Korean authorities have recently focused on cracking down on “acts of superstition” leading to the execution of the fortune teller in Chongjin and the arrest of other fortune tellers in Onsong and Hoeryong who are awaiting trial.

THE "WAR ON DRUGS"

The International Covenant on Civil and Political Rights (ICCPR) grants an exception to the right to life to countries that have not yet abolished the death penalty, but only in relation to the "most serious crimes."

The jurisprudence has developed to the point where UN human rights bodies have declared that drug offences are not among the "most serious crimes."

The "most serious crimes" threshold for the lawful application of capital punishment is also supported by UN political bodies, which clarified that by "most serious crimes" are intended only those "with lethal or other extremely grave consequences." Therefore, executions for drug offences violate international human rights law.

Another concern is the presence in many States of legislation prescribing mandatory death sentences for certain categories of drug offences. Mandatory death sentences that do not consider the individual merits of a particular case have been widely criticized by human rights authorities.

According to *Harm Reduction International* (HRI), **35** jurisdictions in all still maintain laws that prescribe the death penalty for drug-related crimes, including **10** countries that allow for mandatory capital punishment for certain drug offences: Brunei Darussalam, Iran, Kuwait, Laos, Malaysia, Myanmar, Singapore, Sudan, Syria, and Yemen. But three of these countries (Brunei Darussalam, Laos and Myanmar) are *de facto* abolitionist.

In the past decade, progressive reforms restricting the application of capital punishment for drug offences have been adopted in at least 5 out of the 35 countries that retain the death penalty for drug offences.

In 2013, **Singapore** removed the death penalty from its Misuse of Drugs Act as a mandatory punishment for drug trafficking, importing and exporting.

In 2015, **Vietnam** adopted an amended criminal code where the death penalty is abolished for eight offences, including drug possession.

In January 2017, **Thailand** adopted legislative amendments to its Narcotics Law introducing reductions in penalties for possession, import/export and production for the sale of drugs, and abolished the mandatory death penalty for the offence of selling drugs.

In October 2017, in **Iran**, an amendment to the Anti-Narcotics Law raised the minimum quantity of drugs required to incur capital punishment, with the change applied retroactively to prisoners on death row.

In November 2017, **Malaysia** removed the mandatory death sentence for drug offences in an extremely narrow range of circumstances. The *Dangerous Drugs Amendment Act 2017*, entered into force in March 2018, retained the mandatory death penalty for all circumstances of drug trafficking but for those convicted of transporting, sending or delivering a prohibited substance who were also found to have co-operated with law enforcement in disrupting drug trafficking activities. Furthermore, the revised law did not apply to individuals who had previously been convicted.

Other events in 2018 show that for every progressive step, there is a regressive counter-narrative.

In **Bangladesh** and **Sri Lanka**, populist rhetoric against the ‘threat’ of the ‘drugs menace’ has seen leaders push for expansion or re-implementation of the death penalty, while governments in the **Philippines** and **United States** (among others) pointed to capital punishment as an essential tool to confront drug trafficking or public health emergencies.

Overall, the prohibitionist ideology concerning drugs once again had a heavy impact on the practice of the death penalty in 2018.

In the name of the war on drugs, in 2018, there were at least **110** executions (compared to 344 in 2017, 338 in 2016 and 713 in 2015) carried out in **4** countries: **Saudi Arabia** (57); **China** (at least 15, but the real number is unknown); **Iran** (at least 27); **Singapore** (11). It is likely that Vietnam carried out drug-related executions, but because of state secrecy it is not possible to confirm this.

In 2018, at least **247** death sentences for drug offences were handed down though not carried out in **11** more countries: **Bahrain** (2), **Bangladesh** (2), **Egypt** (23), **Indonesia** (39), **Iraq** (1), **Kuwait** (2), **Malaysia** (136), **Pakistan** (2), **Sri Lanka** (6), **Thailand** (at least 3) and **Vietnam** (at least 31). A significant proportion of those sentenced are foreign nationals.

Over **7,000** people are currently on death row for drug offences globally, according to *Harm Reduction International* (HRI).

SAUDI ARABIA

In 2005, Saudi Arabia redefined the law on drug-trafficking, giving discretionary powers to Judges in deciding between imprisonment and the death penalty.

The 1987 law calls for the mandatory sentence of death for those who traffic

or manufacture illicit drugs while the death penalty is discretionary for those who use illegal drugs. Now Judges can decide, at their own discretion, to reduce the sentence to a maximum of fifteen years, 50 lashes or a minimum fine of 100,000 Saudi riyals (over 31,600 USD).

Of the 142 executions in Saudi Arabia in 2018, 57 were carried out for drug-related crimes, while in 2017 were 60, three times higher than in 2016.

Executions for drug continue to amount to 40% of the total and in the 78.9% refer to foreigners.

CHINA

Four types of drug crimes – manufacturing, trafficking, sale, and smuggling – are eligible for the death penalty in China.

According to China's Criminal Law, a drugs dealer can be sentenced to death for producing, transporting or trafficking more than 50 grams of heroin or one kilogram of opium. Traffickers caught with 150 kilograms of marijuana can also face the death penalty. The most lenient sentence for such a crime is 15 years of imprisonment.

The actual number of executions for drug-related crimes is unknown, although it appears to have decreased in 2016-2017 compared to previous years. It is likely that this change is a reflection of the reform passed on 1 January 2007, that passed judicial review of death penalty cases back to China's Supreme People's Court, as well as the directive of the same Court holding that the death penalty should be imposed on an *"extremely reduced number of hardened criminals"*.

Regardless, as has long been the case in China, death sentences and executions increase markedly around National holidays and dates of symbolic international importance such as the International Day against Drug Abuse and Illicit Trafficking on June 26.

In 2018, at least 15 executions for drug-related crimes were made public, but the actual number could be much higher.

On 12 March 2018, Yang Kelian, a middle-aged woman with an elementary school education, was executed in Xiangtan, Hunan Province, for drug trafficking, the Xiangtan Online reported on 19 March.

On 23 June 2018, ten drug traffickers were executed in Lufeng, Guangdong province, before the UN's International Day Against Drug Abuse and Illicit Trafficking on 26 June. They were convicted of producing, owning, trafficking and selling large amounts of illicit drugs.

On 26 June 2018, a Chinese court sentenced two drug dealers to death in front of hundreds of people. The two offenders received the verdict on a sports ground in Haikou, Hainan Province, before being put to execution immediately. The first convict, 39-year-old Cai Liqun, was found guilty of selling methamphetamine and *magu* (a mixture of methamphetamine and caffeine, a relatively new type of drug in China). The other convict, 36-year-old Huang Zhengye, was found guilty of transporting and selling methamphetamine.

On 26 October 2018, two drug makers, identified as Xie and Tian, were executed in south China's Hainan Province for manufacturing ketamine.

IRAN

On 18 October 2017, the Guardian Council approved the bill for the amendment to the drug law, which was approved by Iran's Parliament on 13 August and which entered into force on 14 November 2017.

Under the amended Bill, those charged with smuggling less than 50 kilograms of opium, less than 3 kilograms of methamphetamine and less than 2 kilograms of heroin will not be executed. Under the previous law, possessing 5kg of opium or 30g of heroin was a capital offence.

The new law is a potentially significant step towards decreasing the number of drug-related executions in Iran, because the new limits are set to be retroactively applied to those death-row prisoners that had been charged before the new legislation.

On 3 July 2018, Abbas Jafari-Dolatabadi, the Tehran prosecutor general, announced that 1,700 sentences of narcotic-related cases have been commuted from capital punishment and life sentence to less severe forms of punishment.

Following amendments to the country's antinarcotics law, known executions in Iran dropped from at least **544** in 2017 to at least **310** in 2018 – a decrease of 43%.

Of the at least **310** executions tallied by *Hands Off Cain* in 2018, at least **27** were for drug-related offences, all unofficial.

In 2017, of the at least **544** executions at least **257** were for drug-related offences.

SINGAPORE

Singapore has some of the toughest anti-drugs laws in the world.

The *Misuse of Drugs Act* provides for the death penalty for anyone convicted of carrying more than 15 grams (0.5 ounce) of heroin, or 30 grams (1.1 ounces) of cocaine, 500 grams (17.6 ounces) of cannabis or 250 grams (8.8 ounces) of methamphetamines.

A turning point in the application of the death penalty was the reform presented by the Government to Parliament in 2012, which entered into force on 1 January 2013.

The 2013 death penalty reform gives Judges some leeway in sentencing, to either the death penalty or life imprisonment and 15 strokes of the cane, if defendants meet two conditions: 1) they were merely couriers or drug mules and 2) the Prosecutor certifies that they have greatly cooperated with law enforcement officers by tipping them about other drug traffickers.

In 2018, Singapore hanged **13** people, eleven for drug trafficking and two for murder, according to the *Singapore Prison Service* (SPS) annual report. In 2017, executions were 8, all for drug trafficking.

In 2018, **17** new mandatory death sentences, including one for murder and 16 for drug trafficking, including on one woman, were imposed, according to *Amnesty International*, when in 2017 fifteen were reported.

At the end of 2018, there were at least 40 inmates on Singapore's death row.

THE "WAR ON TERROR"

Under international law, even countries that maintain the death penalty have to restrict its application to the most serious crimes.

A definition of terrorism unanimously adopted by the United Nations Security Council in 2004 and subsequently endorsed by the UN special rapporteur on counter-terrorism and human rights, says that terrorism is "*an act committed with the intent to kill, cause serious bodily injury, or take hostages with the aim of intimidating or terrorizing a population or compelling a government or international organization*". New anti-terror laws adopted in many countries far exceed such a framework, and also run counter to a basic principle in international human rights law that requires laws to be precisely drafted and understandable as a safeguard against their arbitrary use and so that people know what actions constitute a crime.

In the name of the war on terrorism and "legitimised" by the participation of the Great Coalition borne out of the September 11 Attacks in the United States, authoritarian and illiberal countries continue in their violation of human rights within their own countries and, in some cases, have executed and persecuted people that, in reality, are only involved in passive opposition or activities that displease the given regime.

The number of executions for terrorism decreased dramatically in 2018 compared to 2017.

In 2018, at least **79** people were executed for acts of "terrorism" or violent crimes of political nature in **5** countries: **Egypt** (12), **Iran** (at least 13), **Iraq** (at least 44), **Saudi Arabia** (1) and **Somalia** (9).

The executions had been at least 250 in 2017 in 9 countries, at least 182 in 2016 in 8 countries and 100 in 2015 in 12 countries.

It could not be confirmed if judicial executions for terrorism took place in **Syria** in 2018.

A new anti-terrorism law expanding the scope of the death penalty was approved in **Indonesia** in 2018.

In **Tunisia**, the number of people tried and detained for terrorism had reached 1,500 units in May 2018.

Since their establishment in January 2015, **Pakistan's** military courts have sentenced 345 terrorists to death, 56 of whom have been executed.

At the end of 2018, at the **United States'** Navy base in Cuba that also hosts

the infamous Guantanamo detention camp, there were 41 men still in custody for terrorism.

According to the International Covenant on Civil and Political Rights, “*in countries which have not abolished the death penalty, the sentence of death may be imposed only for the most serious crimes*”. The ‘most serious crimes’ threshold for the lawful application of capital punishment is also supported by UN political bodies, which clarified that by ‘most serious crimes’ it intends only those ‘with lethal or other extremely grave consequences’.

Regardless, in 2018, death sentences and executions for non-violent crimes and essentially political motives were confirmed in **China** (number of executions unknown), **Iran** (at least 17 executions) and **North Korea** (at least 3) and **Vietnam** (unknown).

EGYPT

The ouster of Islamist President Mohamed Morsi in July 2013 has triggered a wave of attacks on the security forces in Northern Sinai and further West in the towns and cities of the Nile Valley and Delta. The army-ruled Government has blamed Morsi’s Muslim Brotherhood and their Islamist allies for orchestrating the violence and plotting against the country.

In January 2016, Parliament overwhelmingly endorsed a controversial anti-terrorism law that sets up special Courts and increases authorities’ power to impose heavy sentences, including the death penalty, for crimes under a definition of terrorism that is so broadly worded it could encompass civil disobedience, potentially criminalizing even private expressions of opposition to the Government. The law will affect any person or group designated under Egypt’s *Terrorist Entities Law*, issued in February 2015, which created a procedure for Courts to approve Prosecutors’ nominations of individuals or groups as officially designated terrorists. The new law shields the military and the police from legal penalties for what it considers “proportionate use of force” and gives Prosecutors greater power to detain suspects without judicial review and order wide-ranging and potentially indefinite surveillance of terrorist suspects without a Court order. It also makes anyone judged to have facilitated, incited, or agreed to a vaguely defined terrorist crime liable for the same penalty that they would receive if they had committed that crime, even if the crime did not occur.

In 2018, of the 62 executions, **12** were for terrorism or political violent acts. All were disposed by military courts. In 2017, 15 executions were carried out in one day for the same facts.

On 2 January 2018, Egypt executed four men – Lotfy Khalil, Sameh Abdalla, Ahmed Abdelhadi and Ahmed Salama – who had been sentenced to death by a military tribunal in 2015 for the North Cairo stadium bombing that killed three military cadets. They were also accused of having ties to the Muslim Brotherhood movement of former president Mohamed Morsi.

On 9 January 2018, three other defendants, Mohammed Gamal al-Sayyed Ateyya, Mohammed Misbah Abd al-Haqq al-Sayyed and Mohammed Ibrahim al-Baz, were executed, after being convicted in a trial before the military tribunal of Ismailiya, which did not respect the standards of the right process. According to the information provided by the families of the defendants, the case originates in March 2011 and covers accusations of violence and murder.

On 23 January 2018, Sari Abu Ahmed Muhammad, aged 20, was executed in the Cairo prison for crimes considered military in Ismailiya in 2013.

On 30 January 2018, Tayseer 'Odeh Suleiman, of 25 years, was executed in the prison of Wadi al-Natroun for terrorism relating to the facts of Ismailia of 2014 and partly for the case relating to crimes also military of 2014 in North Sinai.

On 22 March 2018, Suleiman Eid Garabia and Rabhi Gomaa Hussein Hassan were executed after being sentenced to death by the military tribunal of Ismailiya relating to the facts of 2013.

On 24 June 2018, Abdul Rahman Ibrahim Mahmoud was executed in the eastern part of Egypt in relation to case No. 119 decided in 2016 by the military Court of Suez and then confirmed on 11 December 2017.

IRAN

In 2018, Iran executed **at least 24** people on charges such as *Moharebeh* (enmity against God), "corruption on earth" or terrorism. **At least 17** other people were hanged for non-violent facts or for political crimes. Three of them were accused of *Moharebeh*.

Accused of being *Mohareb* – enemies of Allah –, those arrested are often subject to rapid and severe trials behind closed doors by the Revolution Courts that often end in a sentence of death. In such cases, executions are often carried out in secret, without lawyers or family members being informed.

On 7 July 2018, Iran executed eight people convicted in the 2017 Islamic State group attack on parliament and the shrine of Ayatollah Ruhollah Khomeini in Tehran in June 2017. The news agencies named those executed as the Kurdish: Soleiman Mozafari, Esmail Sufi, Rahman Behrouz, Majed Mortezaei, Sirous Azizi, Ayoub Esmaili, Khosro Ramezani and Mousa Ghanzanfar Abadj. The Islamic State attack killed at least 18 people and wounded more than 50.

On 21 November 2018, three prisoners were hanged in public at Payam square in the of Shiraz. According to *Iranian Students' News Agency* (ISNA), Siamak Eslamina, Kourosh Gholizadeh and Foad Ghanemi were sentenced to death on *Moharebeh* charge for armed robbery. The first defendant was also accused of killing a policeman.

Human rights observers believe that many of the people put to death in Iran for ordinary crimes – particularly drug crimes – or for “terrorism,” may well be in fact political opponents, in particular members of Iran’s ethnic minorities, including Iranian Azerbaijanis, Kurds, Baluchis, and Arabs.

Contrary to Tehran’s propaganda, most Arab movements in al-Ahwaz are not violent separatists. They primarily want an end to discrimination, and affirm cultural rights, social justice and regional self-government – not independence.

On 15 February 2018, the Ahwaz Intelligence Department announced the execution of two young Arab men, identified as Seyed Habib Rahmani and Mehdi Hardani. It is not clear why he was arrested and executed.

Also in Iranian Kurdistan, death sentences and executions have been the response to political dissenters accused of “actions against national security” and “contact with subversive organisations” such as the *Party of Free Life of Kurdistan* (PJAK), the *Kurdistan Democratic Party of Iran* (KDPI) and *Komalah* party, which claim more economic, democratic and cultural rights for Kurds in Iran.

According to *Hengaw*, over the year 2018, at least 67 Kurdish citizens were executed in Iran’s prisons. Among them juveniles and three women.

On 18 June 2018, Iran has executed a Kurdish member of a Sufi order who rammed a bus into police as they tried to disperse a rally, killing three of them. The official website of the judiciary said Mohammad Salas was hanged at Rajaie Shahr Prison of Karaj. Salas had testified in March that he was trying to get away from the clashes and had not intended to harm anyone. The clashes broke out

in February when supporters of Sufi leader Nourali Tabandeh rallied outside his home, fearing his possible arrest. Iran's clerically overseen government frowns on Sufism, the mystical strain of Islam. Many conservatives view it as a deviation from the faith.

On 8 September 2018, according to Fars news agency, three Iranian Kurdish political prisoners, Ramin Hossein Panahi, Loghman Moradi and Zanyar Moradi, were executed at Rajai Shahr prison in Karaj. Loghman and Zanyar Moradi were sentenced to death on charges of murdering the son of Marivan's Friday prayer Imam. They had denied the charges and said that the initial confessions were extracted under torture. Ramin Hossein Panahi was sentenced to death on the charge of "rebellion against the regime, acting against the national security, and being a member of Komala Party of Iranian Kurdistan."

On 9 September 2018, Iran executed two Peshmerga fighters shortly after wounding them in battle. The two men were executed at the central prison in Orumieh. They were identified as Ahmad Shabab and Nasser Azizi and were members of the Democratic Party of Iranian Kurdistan (PDKI).

On 10 September 2018, a Kurdish prisoner, Kamal Ahmadnejad, was precipitously executed in Miandoab Prison. Prison authorities carried out the execution without informing his family or granting them a final visit. Ahmadnejad, arrested along with five others in December of 2015, he was the only defendant in the case to be sentenced to death. The six were charged with killing Hashem Zeinali, former member of the Islamic Revolutionary Guard Corps (IRGC), as well as "membership in a Kurdish opposition party." Ahmadnejad's family has alleged that he was forced to confess under the duress of torture.

The Province of Sistan-Balochistan has also been the centre of heated repression towards Balochi dissidents, adherents of Sunni Islam.

On 3 September 2018, according to the Baloch Activists Campaign, three political prisoners, identified as Dur Mohammad Shahbakhsh, 21, Ismail Shahbakhsh, 23 and Hayatullah Noteizahi also known as Akbar, 24, were executed in Zahedan prison. They were sentenced to death on the charge of "Moharebeh" for cooperating with the opposition groups and participation in an armed conflict against the law enforcement force and murder of an official of border security forces. However, all three of them denied the murder and other charges against them.

On 12 November 2018, Milad Nouri was hanged at Zahedan Central Pris-

on for terrorism. However, according to the Baluchi Activists' Campaign, Milad Nouri was arrested around a year before by security forces and executed on rebellion charges. A night before the execution, authorities called his family to go to the prison for the last meeting.

IRAQ

Iraqi law imposes the death penalty for 48 crimes, but most executions for which the criminal charge has been revealed have been under Article 4 of the October 2005 Anti-Terrorism Law.

The Anti-Terrorism Law provides for the death penalty for *“whoever commits... terrorist acts, as well as for “anyone who instigates, prepares, finances and fosters the conditions for terrorists to commit this type of crime”*. The law contains a broad definition of terrorism that is susceptible to wide interpretation.

The rising number of those detained and imprisoned reflects the more than four-year fight against the Islamic State group, which first formed in 2013 and conquered nearly a third of Iraq and neighbouring Syria the next year. Iraqi and Kurdish forces, backed by a US-led coalition, eventually rolled the group back on both sides of the border, regaining nearly all of the territory by the end of 2017.

According to judicial spokesman Abdel Sattar Bayraqdar, 616 men and women accused of belonging to the Islamic State group have been put on trial in 2018 and sentenced under Iraq's anti-terrorism law. They comprised 466 women, 42 men and 108 minors, he said, without specifying the punishments. However, in April, judicial sources said that more than 300 suspects linked to IS had received death sentences and more than 300 others were sentenced to life, which in Iraq is equivalent to 20 years. Up to 6,000 more are on death row, and their nationalities have not been disclosed, according to the United Nations.

Iraq executed at least **52** people in 2018, all for terrorism. In 2017, Iraq carried out at least 125 executions, most of them related to acts of terrorism.

On 16 April 2018, Iraq executed 13 people including 11 convicted on charges relating to “terrorism”, the justice ministry said. They included individuals responsible for car bombings, “killings of security forces personnel” and kidnappings.

On 28 June 2018, Iraq executed 13 death row jihadists on the order of Prime Minister Haider al-Abadi, his office said, in retaliation for the Islamic State group's

murder of eight captives. For the first time, the authorities released photographs of the hangings. A photograph released by the justice ministry showed a group of blindfolded and handcuffed men sitting on the floor waiting to be executed. Another showed several convicts being hanged at the prison in Nassiriya.

On 15 August 2018, six "criminals" were executed by hanging, according to the Minister of Justice, without specifying if they were militants. The Ministry, in a statement, said they were put to death for having "shed the blood of Iraqis". A ministry spokesman questioned by AFP said only that the six were "terrorists" – a term used by Iraqi authorities to mean anyone sentenced to death.

On 10 September 2018, the Iraqi Justice Ministry announced carrying out death sentences against seven convicts over involvement in terrorism. The convicts, according to Haidar al-Zamli, the minister, "belonged to Islamic State."

On 17 October 2018, the Iraqi Ministry of Justice announced the execution of six people "sentenced under anti-terrorism law."

SAUDI ARABIA

In Saudi Arabia, acts of terrorism amount to "corruption on earth", a charge that can carry the death penalty even when the offences do not result in lethal consequences.

In 2017, Saudi Arabia introduced a new counter-terrorism law, which replaces a widely criticized counter-terrorism law promulgated in 2014, adding definitions of specific acts of terrorism and their corresponding sentencing guidelines. The new law, however, does not restrict the definition of terrorism to violent acts. Other conduct it defines as terrorism includes "*disturbing public order,*" "*shaking the security of the community and the stability of the State,*" "*exposing its national unity to danger,*" and "*suspending the basic laws of governance,*" all of which are vague and have been used by Saudi authorities to punish peaceful dissidents and activists.

Saudi Arabia carried out at least 1 execution for acts of "terrorism" in 2018 and the Specialized Criminal Court in Riyadh issued at least 7 death sentences. In 2017 there were at least 4 executions for acts of "terrorism" and in 2016 at least 47.

On 13 November 2018, Majed Saad bin Radhi al-Anzi, a Saudi national and ISIS member, was beheaded following a trial which found him guilty of committing terrorist acts, including luring his own cousin to a desert area and killing him in the region of Hail. The crime shook the kingdom as it was videotaped, and

the man's cousin is seen begging for him not to kill him, repeatedly screaming "enough Saad". He had also committed two other crimes; the first was killing two citizens at the Amair bin Sanaa police station, and the second was shooting a sergeant, Abdulelah al-Rashidi in the al-Shamli province traffic department.

SOMALIA

According to the laws of the States and Regions of the Federal Republic of Somalia, all terrorism cases are held at Military Courts.

Somalia's Military Court proceedings fall short of international fair trial standards. A central concern is the speed at which death sentences have been carried out, preventing defendants from filing an appeal and the President to review the case for a possible pardon or commutation.

In April 2015, Somalia's Cabinet approved new legislation aimed at curbing the menace of terrorism in the country and giving special powers to law enforcement agencies in the country to effectively handle terror-related cases immediately. The move comes one week after *Al-Shabaab* militants launched a deadly attack on a Mogadishu hotel, leaving at least 20 people – including a top diplomat – dead.

In 2018, executions decreased to **13**, from the at least 24 of 2017. All were inflicted by military courts, mainly on *Al-Shabaab* militants (**9**) for acts of terrorism under the authority of the Federal Government of Somalia.

Of the 24 death sentences recorded in 2018, **15** were on *Al-Shabaab* militants for terrorism. All were issued by military courts, 8 by the Federal Government and 7 in Puntland.

On 14 October 2018, Somalia executed by firing squad a man linked to one of the country's deadliest ever attacks, one year after the tragedy which left over 500 dead, a court statement and police sources said. Hundreds of Somalis gathered at a ceremony to mark the anniversary of the attack in which a truck packed with explosives blew up at a busy intersection. To coincide with the anniversary, a military court announced that Hassan Adan Isak, a member of Islamist group *Al-Shabaab* involved in the attack, had been executed. He was sentenced to death for "driving one of the vehicles used in the blast," read a statement from the court.

On 24 December 2018, the mastermind of militant car bombs that killed 26 people and injured nearly 40 others in Mogadishu in 2017 was executed, the prosecutor of the military court said. Abdulle Bule said al Shabaab member Abdikadir

Abukar was convicted of being behind a hotel bombing that killed 10, one near the ministry of sport that killed nine, and a car bomb near an Italian restaurant in the capital that killed seven.

On 29 December 2018, Somali military court executed *Al-Shabaab* member who assassinated a famous cleric in Baidoa last year. Mohamed Adan Ali Barrow was killed via firing squad in Baidoa, the interim administrative capital of South-west state of Somalia. He was found guilty by the martial court for killing Sheikh Mader Madgab Aliyow inside Baidoa mosque on 16 June 2017.

On 31 December 2018, six members of the *Al-Shabaab* militia group were executed publicly in Bardere town on the orders of Somali National Army (SNA) commander, General Indha Qarshe.

INDONESIA

For the second consecutive year, Indonesia observed a hiatus in executions. Of the 48 recorded new death sentences, 39 were imposed for drug-related offences, 8 for murder, and 1 for a terrorism-related crime.

No executions were carried out in 2014. However, in 2015, Indonesia put 14 drug convicts to death, in the first executions taking place under President Joko Widodo, and another 4 in 2016.

On 23 July 2018, weeks after a radicalized Muslim family committed suicide attacks on churches in the city of Surabaya, Indonesia passed an anti-terror law meant to prevent more attacks and foster the Majority-Muslim country's tolerant culture.

The anti-terror law expands the power of Indonesia's military and police to take further actions against potential terrorists and those spreading radical ideology. Under the law, the Indonesian National Police can conduct pre-emptive arrests and detain people for being members of a group declared a terrorist organization.

The law makes it an official offense to join a militant group overseas, such as the so-called Islamic State.

It also expands the role of the Indonesian armed forces into domestic security.

The anti-terror bill was introduced in Parliament more than two years before, after an attack in a Jakarta shopping area, but it stalled for various reasons, including concerns by human rights watchers that the bill could be used to suppress peaceful activists. Some human rights groups do not support the new law.

TUNISIA

Tunisia has observed a de facto moratorium on executions since 1991 but carried out 135 death sentences since its independence from France in 1956.

The “war on terror” has led to an exponential increase in death sentences, after Tunisia’s Parliament passed a controversial anti-terrorism law over the course of a few days in July 2015 to beef up powers to confront the jihadist threat, following the March and June deadly attacks in the country claimed by ISIS, which caused the death of dozens of foreign tourists.

Lawmakers voted heavily in favour of three articles imposing the death penalty: to anyone who “*knowingly murders someone enjoying international protection*,” a reference to such people as diplomats and international civil servants; to cases in which people die in hostage-taking or kidnapping situations; and to people who commit rape during the course of a terrorism-related crime.

Thirteen people, including six jihadists, were sentenced to death in 2015. At least 36 new death sentences for terrorism were issued, out of a total of 44 new death sentences handed down in 2016. Of the 25 new death sentences issued in 2017, 22 were on accounts of terrorism. In 2018, there were at least 12 death sentences, but none related to terrorism.

By May 2018, the number of people tried and detained for terrorism had reached 1,500 units, according to the spokesman for the counter-terrorism judicial division Sofien Sliti.

The death sentences for terrorism resumed en masse in 2019.

On 8 January 2019, a Tunisian court sentenced five jihadists – one of whom, Borhen Boulaabi, was in custody – to death over the 2015 murder of a teenage shepherd. The murder was claimed by the Tunisian branch of the Islamic State group, Jund al-Khilafa.

On 11 January 2019, a court in the capital Tunis sentenced 41 jihadists to death over an attack that killed 15 soldiers on the border with Algeria in 2014. All of the those found guilty – two of whom were in custody – were linked to the Islamic State group.

On 7 March 2019, Tunisia’s Criminal Court on terrorism cases sentenced 31 people to death over the 2014 terrorist attack on the house of former Interior

Minister Lotfi Ben Jeddou. The 31 suspects, who include Algerians as well as Tunisians, were sentenced in absentia.

According the 2017 Report, presented in April 2018 by the *Organisation Against Torture in Tunisia* (OATT), 77 people were on death row at the end of the year and according a survey conducted by the Institute "3CStudies" quoted in the OATT Report, 70% of Tunisian are in favour of the death penalty.

PAKISTAN

On 17 December 2014, Pakistan lifted the six-year moratorium on the death penalty in terrorism-related cases, a day after the Taliban-perpetrated massacre at a military-run school in Peshawar in which 150 people, including 134 children, were killed.

On 6 January 2015, Pakistan's Parliament passed the 21st Constitutional Amendment that allows a parallel system of Military Courts to try Islamist militants, significantly enlarging the army's power.

As of 31 December 2018, Pakistan's military courts awarded the death penalty to 345 terrorists since their establishment in January 2015. Cases of 717 accused terrorists were sent to them by the federal government and 646 of them have been finalized. Out of the 646 finalized cases, 345 terrorists were given death penalty and 296 rigorous imprisonment of varied durations, ranging from life imprisonment to a minimum duration of five years. Five accused were also acquitted. Out of 345 sentenced to death, 56 terrorists have been executed after completion of legal process beyond military court decisions, which included their appeal in superior civil courts and rejection of their mercy petition both by Chief of Army Staff (COAS) and the President of Pakistan.

CHINA

Authorities continued to implement repressive policies in the Xinjiang Uyghur Autonomous Region (XUAR) and targeted the region's ethnic Uyghur population. Officials in the XUAR continued to implement a pledge to crack down on the Government-designated "three forces" of "religious extremism", "splittism," and "terrorism". Possession of publications or audio-visual materials discussing independence, autonomy, or other sensitive subjects was not permitted.

In September 2018, Authorities in Xinjiang Uyghur Autonomous Region handed down a two-year suspended death sentence to a prominent Uyghur intellectual for exhibiting “separatist tendencies,” according to an official source. Halmurat Ghopur, president of the Xinjiang Food and Drug Administration’s Department of Inspection and Supervision in the regional capital Urumqi, given a suspended death sentence for plotting to “create a Muslim Caliphate” in the region by 2030, sources said.

In November 2018, a prominent Uyghur businessman and philanthropist, Abdughapar Abdurusul, 42, was sentenced to death in the Xinjiang Uyghur Autonomous Region for taking an unsanctioned Muslim holy pilgrimage to Mecca in Saudi Arabia, according to his brother, RFA reported on 21 November 2018.

TOP SECRET DEATH

On 17 December 2018, the General Assembly of the United Nations advanced again its call to end the use of the death penalty with the passage of a new Resolution calling on States to establish a moratorium on executions, with a view to abolishing the practice.

By its terms, the Assembly called on States “to make available relevant information, disaggregated by sex, age, nationality and race, as applicable, and other applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the number of executions carried out, the number of death sentences reversed or commuted on appeal and information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty.”

Several countries, mainly authoritarian ones, do not issue official statistics on capital punishment; therefore, the number of executions may in fact be much higher.

In some countries, such as **China** and **Vietnam**, the death penalty is considered a State secret and reports of executions carried by local media or independent sources – upon which the execution totals are mainly based – in fact represent only a fraction of the total of executions carried out nationwide every year.

The same is applicable for **Belarus**, where news of executions filters mainly through relatives or international organisations long after the fact.

In **Iran**, which carries out executions regularly without classifying the death penalty as a State secret, the main sources of information on executions are reports selected by the regime and carried by State media. These reports do not carry news of all executions, as evidenced by information occasionally divulged by individual citizens or by political opposition groups.

Absolute secrecy governs executions in some countries, such as **Egypt**, **North Korea**, **South Sudan** and **Syria**, where news of executions rarely filters through to the local media.

Other States, like **Indonesia**, **Iraq**, **Saudi Arabia** and **Singapore**, divulge news of executions after they have taken place, while relatives, lawyers and the condemned people themselves are being kept in the dark before the actual executions take place.

This is the prevalent situation worldwide concerning the secrecy of the death penalty. It points to the fact that the fight against capital punishment entails, beyond the stopping of executions, a battle for transparency of information concerning capital punishment, for democracy, for the respect of the rule of law and for political rights and civil liberties.

However, there are also countries considered “democratic”, such as **India, Japan, Taiwan** and the **United States** itself, where the system of capital punishment is in many aspects covered by a veil of secrecy.

CHINA

Information related to the death penalty, including the number of executions carried out each year, continue to be treated as a closely guarded “State secret”. This despite the fact that there are many indications that China has significantly reduced its use of capital punishment over the past decade.

The US-based *Dui Hua Foundation* estimated that China executed approximately 2,000 people each year since 2016, less than in 2015 when the estimate was 2,400, roughly the same number in 2014 and 2013.

It based its 2013 estimate on data points published in the influential *Southern Weekly* newspaper, based in Guangzhou, whose data are consistent with information provided to *Dui Hua* Executive Director John Kamm in early 2014 by a judicial official with access to the number of executions carried out each year in China.

The *Dui Hua Foundation* has tried to use online platforms like the Supreme People’s Court’s national database of Court judgements founding it seriously lacking when it comes to information about cases involving the death penalty and other “sensitive” subjects.

On 20 December 2018, Li Xiao, a top judge from Supreme People’s Court, told reporters that despite efforts to reduce executions, China could not abolish the system and risk angering a public that she said overwhelmingly supports its use. “For thousands of years, the idea of ‘a life for a life’ has been deeply ingrained among ordinary folk,” she said during a promotional visit to the Supreme Court. “If we released the figure, then ordinary folk would say too few were killed.”

VIETNAM

Executions take place at 4:00 AM. As prisoners are not informed in advance of their execution date, they stay awake in fear of being called, only going to sleep at 6:00 AM, when they know their turn has not come. Prisoners' families are not informed of the execution until after it has taken place. Relatives are not informed beforehand, but are asked to collect the belongings of the executed two to three days after their death.

After a 2003 decision by the Vietnamese Government to classify death penalty data as a State secret, in January 2004 the Government even made it an offence to report information on the death penalty.

In recent years, however, there has been a lukewarm effort of transparency and, when the authorities have provided information on their use of the death penalty, the reality that has emerged is more serious than previously thought.

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.

On 13 November 2018, the Government stated before the National Assembly that there had been a sharp increase in the use of the death penalty in 2018 compared to the previous year, with 85 executions carried out and 122 new death sentences imposed as of early November.

BELARUS

Information about the death penalty is classified as a State secret.

Prisoners on death row are told they will be executed only moments before the sentence is carried out. They are shot in the back of the head. The convict's relatives are not informed of the date or place of execution even after the event, the body is not returned to the family and the place of burial is not disclosed.

Sometimes, executions are reported months after the fact.

On 7 March 2018, a Minsk-based human rights group said that more than four months before Belarusian authorities had executed a man who had been convicted of killing his own children. The *Vyasna* (Spring) human rights centre quoted the mother of the convicted man, Kiryl Kazachok, as saying that she was only informed in previous days that he was executed in October.

On 13 June 2019, the relatives reported the execution of Alexander Zhilnikov to the coordinator of the campaign “Human Rights Defenders against the Death Penalty in Belarus”. He was executed for the murder of three people. On 30 May, the lawyer met with Alexander Zhilnikov to make a complaint to the General Prosecutor’s Office to consider the case due to newly discovered circumstances. On 13 June, the lawyer went to the remand centre to continue the work on the complaint, where she was told about Zhilnikov’s fate. Alexander Zilnikov’s individual appeal was under consideration at the UN Human Rights Committee.

IRAN

In Iran, which regularly carries out executions without classifying the death penalty as a State secret, authorities do not release statistics on the implementation of death sentences, the names of the hundreds of convicts executed each year, or the crimes for which they were found guilty.

The main sources of information on executions are reports selected by the regime and carried by State media. These reports do not carry news of all executions, and additional information that occasionally arrives from scattered reports by Iranian journalists or individual citizens or by political opposition groups, evidently, cannot cover all the executions throughout the nation.

In 2018, the Islamic Republic carried out at least **310** executions: **85** execution cases (27%) were reported by official Iranian sources (websites of the Iranian Judiciary, national Iranian broadcasting network, and official or State-run news agencies and newspapers), while **225** cases (73%) were reported by unofficial sources (other human rights NGOs or sources inside Iran).

Only a small part of those who were reported executed by official Iranian media were identified by full name and an even smaller portion by age and charge. Many of those arrested are often subject to trials behind closed doors by the Revolution Courts.

EGYPT

There is very little official data available on death sentences and executions in Egypt, where news of executions rarely filters through to local media.

Condemned prisoners are not informed of the date and time of their execution,

and in practice their families are not made aware of the execution until they are called to collect the body – despite claims by the Egyptian authorities that relatives are permitted to visit the condemned person on the day appointed for execution.

On 12 July 2018, six inmates were executed in a Cairo prison on charges of kidnapping and murder. The names of those executed are unknown.

On 26 November 2018, five death row inmates were hanged in two separate cases of murder in Qalyubiya province and Cairo province. The names of those executed are unknown.

NORTH KOREA

There are no official records available on the death penalty from the Government or reports in the newspapers. Some reports have been secreted out of the country.

On 25 April 2018, it emerged that at the end of 2017, six North Koreans were executed by firing squad after trying to smuggle out the nation's phone book. North Korea's phone book is considered a secret document. It contains the phone numbers of factories and companies, managers, party Chairmen and other high-ranking officials and office numbers.

SYRIA

It is not possible to give the exact number of executions carried out in Syria since 2012, due to the ongoing civil war and the lack of official information provided by Syrian authorities.

In 2018, dozens of Syrians released from the Sednaya military prison in Damascus described a government campaign to clear the decks of political detainees.

The former inmates said prisoners had been transferred from jails across Syria to join death-row detainees in Sednaya's basement and then be executed in pre-dawn hangings.

Some of the former prisoners had themselves been sentenced to hang, escaping that fate only after relatives paid tens of thousands of dollars to secure their freedom.

Satellite imagery of the Sednaya prison grounds – taken in March 2018 and obtained by the Washington Post – shows an accumulation of dozens of dark objects that experts said were consistent with human bodies.

Other satellite imagery of military land near Damascus, previously identified by Amnesty International as a location of mass graves, appears to show an increase in the number of burial pits and headstones in at least one cemetery there since the start of the year.

Defectors who worked in the military prison system said this area, located south of the capital, is the likely location for the mass burial of Sednaya prisoners.

SOUTH SUDAN

Information on the death penalty in South Sudan is difficult to come by.

In 2018, South Sudan imposed at least 8 death sentences and executed at least 7 people, the highest number recorded by Amnesty International, in any year, since the country gained independence in 2011.

The Government, however, does not publicly disclose information about death sentences or judicial executions. The actual number of individuals executed is likely higher.

According to Amnesty International, at the end of 2018, at least 345 people were under sentence of death – including at least one child and a mother with a small child – which was more than double the number recorded in 2011.

In December 2018, the Presidential Press Secretary, Ateny Wek Ateny, denied the Amnesty International report.

IRAQ

In 2018, Iraq executed at least 44 people compared to at least 125 in 2017.

However, these numbers could be much higher, because there are no official statistics available and news published by national papers do not report all the facts.

Since 2015, the Ministry of Justice instructed its staff not to communicate information to the United Nations Assistance Mission for Iraq (UNAMI) in relation to death sentences implemented in Iraq.

The Ministry of Justice rarely provides information about executions in ad-

vance. No information is given about the identities of those executed, places of residence, exact crimes, trials, date of sentencing, or the appeals processes which Iraqi officials say they have exhausted.

SAUDI ARABIA

Many of those executed are foreign nationals, the vast majority being from the poorer countries of the Middle East, Africa and Asia.

The migrant workers are highly vulnerable to abuse from their employers and the authorities. They are often not aware that they have been sentenced to death. In many cases, they have not even realised that their trial has ended. The condemned only begin to realise the gravity of their situation, when a handful of police erupt into their cells, call the condemned by name and drag them out to their execution.

Humanitarian organisations have denounced the absence of due process in Saudi Arabia. Often, the accused is denied the assistance of a lawyer before the trial and in the courtroom.

Executions become public domain only once they are carried out, while family members, lawyers and the condemned themselves are kept in the dark. The executions are announced by the Minister of the Interior generally and, usually, reported by the official Saudi news agency *SPA*.

However, according to Hands off Cain monitoring, some executions that take place were not officially announced, as in the case of the Indonesian woman executed in October 2018.

In 2018, Saudi Arabia beheaded at least **142** people, including **69** foreigners (among them 3 women), an increase of **30%** if compared to the 53 foreigners executed in 2017.

In 2019, Saudi Arabia executed **184** people, a record number in the last six years, according to human rights organisation *Reprieve*. Of the executions announced by the *Saudi Press Agency* last year, 88 were Saudi nationals, **90** were foreign nationals and six people were of unknown nationality.

SINGAPORE

Since 2011, the Government has increased transparency because the *Singapore Prison Service* (SPS) does systematically provide the number of executions each

year in its annual report, but other important information, such as the number of individuals on death row, and their names and background (i.e. gender, nationality and socio/economic background) are not publicly disclosed.

As executions are not announced publicly, activists and lawyers face a hard time trying to find out the execution dates of inmates. The short time between when the families are notified and when the executions take place also make it hard to arrange for family members, especially those who live overseas and may not be able to afford to travel to Singapore, to spend some time with the inmate during his/her final days and hours.

INDIA

The Government of India treats information on death penalty as a State secret.

Statistics on executions in India since 1947 are not available. As per the 35th Report of the *Law Commission of India* relating to “Capital Punishment”, a total of 1,410 death row convicts were executed in various states during 1953-1963 alone. There is also no information concerning executions from 1964 to 1994 in addition to those prior to 1953.

The *National Crime Records Bureau* (NCRB) started collecting information on death penalty only from 1995 and as per the NCRB, a total of 5 condemned prisoners have been executed since then.

Secret executions of death row prisoners are increasingly becoming the order of the day in India, after the executions of Pakistan national Mohammad Ajmal Kasab in November 2012 and of Muhammad Afzal, also known as Afzal Guru, in February 2013, which were shrouded in secrecy and ended a *de facto* moratorium dating back to 2004.

Each of the two cases has been characterised by three kinds of secrecy. First, where the prisoner sentenced to death was not informed in advance about the circumstances surrounding his execution. Second, where the prisoner’s family was not given prior notice of the execution. Third, where the date of execution of a prisoner was kept away from the media and the public at large until after the execution took place.

The use of these covert tactics is intended to keep a lid, at least until the execution takes place, on expected repercussions and protests, and – most significantly – foreclose the opportunity of moving a Court seeking a stay order for the execution.

JAPAN

The Government maintained maximum secrecy concerning executions until December of 2007. The Government limited itself to reporting only the number of executions without revealing the names of the executed.

In December 2007, with the first execution of the Fukuda Government, the then Justice Minister broke with the tradition of not publicizing them and announced the names and crimes of the three convicts being executed.

However, the use of the death penalty in Japan continued to be shrouded in secrecy. Typically, the accused is not informed of the date of their execution until the actual day of their hanging. Because prisoners are apprised of their execution only one hour beforehand, prisoners are unable to see family members or make final appeals. Family members and lawyers are generally notified after the execution, at which even lawyers are not allowed to be present.

The prison warden formally announces the execution in the ante-room to where the hanging takes place; it is here that prisoners are also allowed a final chance to speak with the chaplain.

TAIWAN

In Taiwan, executions by firing squad usually take place close to dawn and are carried out by prison guards.

After the Supreme Court issues a final death sentence, the case is transferred to the Ministry of Justice, waiting for the Minister of Justice to issue a final secret execution date.

Nobody is informed beforehand, including the condemned and their family members, who only find out when they are invited to collect the body from the mortuary.

UNITED STATES OF AMERICA

In the United States, over the past few years, as pharmaceutical companies have taken action to prevent states from using their medicines to execute prisoners, states have responded by procuring whatever drugs seem available and obtaining them secretly through questionable means.

Many States of the Federation, increasingly reluctant to disclose information

about drugs used in the death rooms, have passed laws on secrecy (Secrecy Laws) that allow penitential officials to not respond to journalists, lawyers or human rights groups when they request the names of suppliers, and generally bar any public oversight by those who oppose the death penalty.

Since January 2011, according to the *Death Penalty Information Center*, legislatures in 13 states have enacted new secrecy statutes that conceal vital information about the execution process. Of the 17 states that have carried out 246 lethal-injection executions between 1 January 2011 and 31 August 2018, all withheld at least some information about the about the execution process. All but one withheld information about the source of their execution drugs. Fourteen states prevented witnesses from seeing at least some part of the execution. Fifteen prevented witnesses from hearing what was happening inside the execution chamber. None of the 17 allowed witnesses to know when each of the drugs was administered.

Furthermore, there is a kind of “death penalty” that the United States is using more and more often, a more expeditious and secret type. We are talking about the extra-judicial executions entrusted to the drones, and to their *Hellfire* missiles.

These missions, launched in 2002 under the Bush administration, are carried out in 4 countries: Afghanistan (since 2015), Yemen (since 2002), Somalia (since 2007), Pakistan (since 2004). According to data collected by the London *Bureau of Investigative Journalism*, as of 15 January 2020, at least 6,786 attacks were carried out in these 4 countries, which would have caused between 8,459 and 12,105 victims, including 769-1,725 civilians and 253-397 children.

While some of the data, as we have seen, are public, much information remains covered by the political-military secret. Also thanks to technological improvements, the strikes would have intensified especially during the Obama Presidency. These murders have extended to American citizens abroad (although of Arab origin) suspected of un-American activities, citizens that at home would have had the guarantees of a fair trial, even under the jurisdiction of a system antiquated enough to still include the death penalty among its laws.

THE "HUMANE" LETHAL INJECTION

Countries that decided to abandon the electric chair, hanging or the firing squad for lethal injection as the preferred method of execution, presented this "reform" as a conquest of civility and a humane and painless way to execute the condemned. The reality is very different.

"Methods of execution cannot be discounted as being completely painless," UN Special Rapporteur on Torture Juan Mendez told the UN General Assembly's human rights committee on 23 October 2012. "Following a number of executions in the United States, it has recently become apparent that the (lethal injection) regimen, as currently administered, does not work as efficiently as intended," Mendez's report said. "Some prisoners take many minutes to die and others become very distressed," he said. "New studies conclude that even if lethal injection is administered without technical error, those executed may experience suffocation, and therefore the conventional view of lethal injection as a peaceful and painless death is questionable."

Today, there are **five** countries that use or provide for lethal injection as a method of execution: **United States, China, Taiwan, Thailand, and Vietnam.**

Executions by lethal injection were carried out also in **Guatemala** and **Philippines**, but they have not been used, since these two countries, respectively, established an official moratorium on executions and abolished the death penalty.

In 1982, the **United States** was the first country to use lethal injection as a legal means of carrying out the death penalty. However, the United States is not alone in its use of lethal injection, and it is not in good company.

In 1997, **China** became the second country to use lethal injection to carry out an execution, but the exact number of lethal-injection executions is still unknown. However, China's main form of execution remains shooting.

In 1992, **Taiwan** was the first country outside of the United States to legislate lethal injection as a form of execution. However, Taiwan has yet to execute anyone by this method, and executions continue to be carried out by shooting.

In October of 2003, **Thailand** officially changed its method of execution from firing squads to lethal injection, and in December it carried out its first executions by lethal injection, putting to death three people.

Since death by firing squad was replaced by lethal injections in July 2011, **Vietnam** carried out its first execution by lethal injection in August 2013, ending

a two-year pause in capital punishment caused by difficulties in obtaining the needed chemicals.

In 2014, the **Maldives** and **Papua New Guinea** gave the green light for the implementation of the death penalty through lethal injection, but then this option was dropped.

Guatemala carried out its first execution by lethal injection in February 1998. It has not been used since 2000, when two people were executed on live television. They were the second and third persons to die by lethal injection in Guatemala, and remain to this date the last. Both executions were botched and the prisoners suffered prolonged suffering. The macabre spectacle was replayed on Guatemalan TV throughout the day. In July 2002, Guatemala's then President introduced a moratorium on executions.

In 1996, the **Philippines** passed legislation allowing for executions by lethal injection, and in February 1999 it performed its first lethal-injection execution. The last execution took place in January 2000. After seven executions by lethal injection, a moratorium was established in December 2000, and Philippine legislators passed a law definitely abolishing the death penalty in June 2006.

In 2018, executions by lethal injection were carried out in 4 Countries: **China** (number unknown), **Vietnam** (at least 85), **United States** (23) and **Thailand** (1).

CHINA

In China, executions are mostly carried out with a shot to the back of the head or the heart from close range.

In 1996, China authorized executions by lethal injection, using the same three-drug cocktail pioneered by the United States. "*Lethal injection is considered more humane, because it reduces the fear and suffering,*" Chinese authorities said. "*It is more acceptable for convicts and their family members.*"

China has also introduced mobile execution units. The units consist of specially-modified vans manned by execution teams and equipped with facilities to put people to death with lethal injections close to the venue of the trials. This removes the need to transfer prisoners to execution grounds, a procedure that requires considerable security measures. Convicts are strapped to gurneys a few minutes after their death sentences become final, the needle is inserted into their

arm, a member of the execution team presses a button, and the fatal chemicals are injected into their veins. Executions in death vans are recorded on video and audio that is played live to local law enforcement authorities – a measure intended to ensure they are carried out legally.

Human rights observers believe that the transition from firing squads to injections in death vans would facilitate an illegal trade in prisoners' organs. Injections leave the whole body intact and require participation of doctors. Organs can be extracted in a speedier and more effective way than if the prisoner is shot.

Kunming, the provincial capital of Yunnan, was the country's first city to adopt lethal injection on 28 March 1997.

It is impossible to know how many people have died by this method so far, as execution figures are a State secret in China. However, it seems that execution by lethal injection instead of shooting is a "privilege" reserved for foreign citizens.

VIETNAM

In June 2010, the National Assembly approved the Law on Execution of Criminal Sentences, according to which death sentences in Vietnam should be executed by lethal injection, instead of shooting. According to a paper issued by a key group of deputies, injection of poison was "*a more humanitarian method*" of execution than firing squads, because "*it causes less pain to people being executed, costs less, and reduces psychological pressure on the executors*". Furthermore, lethal injection is said to be more advantageous than shooting because families of death-sentence criminals can take the bodies.

The condemned offenders will be injected lethal drugs by an automatic machine. The execution chamber would be equipped with a hospital gurney, or bed, with straps, IV (intravenous cannulae) lines, and heart rate monitors. The execution chamber is also equipped with a remote observation system to assure that the execution will be strictly supervised by the executive committee. According to the process of execution, the condemned prisoners will be brought to the execution chamber and then strapped to the bed. Their veins will be linked to the drug lines, which operate automatically. After that prison officials will check whether or not the prisoner is dead. If the first injection does not work, the condemned prisoners

will be injected two or three more times with the standby lethal drugs to make sure that they really die.

On 6 August 2013, Vietnam executed its first prisoner by lethal injection, ending a two-year pause in capital punishment caused by difficulties in obtaining the needed chemicals. Nguyen Anh Tuan, a 27-year-old man from Hanoi convicted of murder and robbery, was executed with the new method in the morning at the Hanoi Police Prison.

A report by the Ministry of Public Security revealed official figures in February 2017 that show 429 executions carried out over the period from August 2013 to June 2016 in five venues in Hanoi, Ho Chi Minh City, Nghe An, Son La, and Dak Lak.

In 2018, at least **85** executions were carried out in Vietnam by lethal injection.

UNITED STATES OF AMERICA

Lethal injection was used for the first time in the United States (and the world) on 7 December 1982, in Texas, with the execution of Charlie Brooks, 40 years old, African American.

After years of debate and appeals, doubts on the method of lethal injections made their way into the hands of the United States Supreme Court, which, on 16 April 2008, in the case *Baze v. Rees*, ruled that the cocktail of lethal substances used does not represent a “*cruel and unusual*” punishment and is, therefore, not unconstitutional. The Supreme Court recognised the risk of accidents and malfunctions, but argued that such problems always exist in any system. The Court stated that the Constitution protects citizens from “willingly” cruel and painful practices, but this does not mean that every practice of the State must be free of pain and risk. The amount of pain and/or risk involved in lethal injection, while being unpleasant and worthy of elimination, does not represent a violation of the Constitution, but is, rather, “inevitable.”

On 22 February 2018, in **Alabama**, Doyle Lee Hamm was subjected to the lethal injection procedure. Despite several warnings from defence counsel that it would be impossible to find a vein in which to insert the catheter (Hamm suffered from advanced lymphatic cancer and carcinoma), the State went forward with the execution. For 2.5 hours, the executioners tried to find a vein, leaving Hamm with a ten-twelve

puncture marks, including six in his groin and others that punctured his bladder and penetrated his femoral artery. Finally, approaching a midnight deadline that prohibited further attempts, the execution was called off.

THAILAND

In October of 2003, **Thailand** officially changed its method of execution from firing squads to lethal injection, and in December it carried out its first executions by lethal injection, putting to death three people.

On 18 June 2018, a 26-year-old man, Theerasak Longji, was put to death by lethal injection in Bang Kwang Central Prison, north of Bangkok. Theerasak is the seventh person to have been executed with lethal injection since Thailand introduced this method in 2003. Before Theerasak's execution, the last people executed were two Thai drug dealers in 2009.

EXTRADITION AND THE DEATH PENALTY

All Member States of the European Union along with many other abolitionist countries are committed, on the basis of their own laws and/or through international Treaties they have signed, to not extradite persons suspected of capital crimes to countries where they risk being condemned to death or executed. Some abolitionist countries have not considered this commitment as obligatory.

On 17 January 2012, the *European Court of Human Rights* (ECHR) dismissed the appeals against the extradition to the US by two murder suspects, Phillip Harkins, a British national, and Joshua Edwards, an American, who were accused of murder and other offences in separate incidents. Lawyers for the two men also told the Strasbourg Court they might receive life sentences of imprisonment without parole that would amount to a breach of their rights under Article 3 of the European Convention on Human Rights that prohibits inhumane and degrading treatment. The Court said *“the diplomatic assurances, provided by the US to the British Government – that the death penalty would not be sought in respect of Mr Harkins or Mr Edwards – were clear and sufficient to remove any risk that either of the applicants could be sentenced to death if extradited, particularly as the US had a long history of respect for democracy, human rights and the rule of law.”* On the question of life imprisonment without parole, the Court said it would not be disproportionate if Harkins or Edwards were given life sentences.

However, in July 2013, in the case of *Vinter and Others vs. the United Kingdom*, the European Court of Human Rights held that “whole life” sentences with no possibility of review and no prospect of release were inhumane and degrading treatment in breach of Article 3 of the European Convention on Human Rights. Under UK law, the applicants were each given a “whole life tariff,” meaning that they could only be freed at the discretion of the Justice Secretary on compassionate grounds if they became terminally ill or seriously incapacitated. After this ruling, the Strasbourg Court continued and has explicitly targeted the Life Without Parole regime. Between 2014 and 2016, the ECHR delivered six more judgements on Life Without Parole in which it held to be a violation of Article 3 of the Convention: *Ocalan vs Turkey* 2, March 2014; *László Magyar vs Hungary*, May 2014; *Harakchiev and Tolumov vs Bulgaria*, July 2014; *Kaytan vs Turkey*, September 2015; *Murray vs. Netherlands*, April 2016; *Viola vs Italy*, October 2019. For completeness, we have to mention also *Trabelsi vs Belgium*, September 2014

(extradition to the United States with the risk of being sentenced to Life Without Parole).

ITALY – USA

On 16 February 2018, US District Judge Brian M. Cogan in New York City sentenced *Al-Qaeda* operative Ibrahim Suleiman Adnan Adam Harun, 47, to life in prison. He was convicted in the United States District Court for the Eastern District of New York in March 2017 for participating in lethal attacks against US and coalition troops in Afghanistan and for attempting to bomb the US Embassy in Nigeria. In June 2011, Harun was taken into custody by Italian authorities on a ship carrying 1,200 North African refugees from an island on the Mediterranean Sea to the Italian mainland. In September 2012, Italian authorities handed Harun over to US authorities after the US government agreed not to seek the death penalty.

MEXICO – USA

On 21 February 2018, a man accused of a killing two men in 2015, was extradited from Mexico to the United States. Brandon Flores, 23, of Dayton, was facing two counts of capital murder for the murders of Alejandro Chavez, 18, and Jarvis Morgan, 17, both of of Baytown. Although Mexican authorities took him into custody two years ago, they refused to extradite him to the United States until prosecutors guaranteed he would not face the death penalty.

SPAIN – CHINA

On 18 May 2018, several UN human rights experts expressed concern about Spain's decision to deport Taiwanese fraud suspects to China, saying that they could face torture and other ill treatment there. The Office of the UN High Commissioner for Human Rights published an article in which the experts urged Spain to halt deportations after two Taiwanese were deported to China on 17 May.

The two were part of a group of 269 suspects, including 219 Taiwanese, who were arrested by Spanish authorities in December 2016 over their alleged involvement in telecom fraud. "We are dismayed by the decision by the Spanish courts to extradite these individuals. The ruling clearly contravenes Spain's international

commitment to refrain from expelling, returning or extraditing people to any state where there are well-founded reasons to believe that they might be in danger of being subjected to torture,” the experts said.

The suspects could face severe sanctions in China for the crimes they are accused of, including forced labour or even capital punishment, they said.

Spain is not the first nation to deport Taiwanese facing fraud charges to China due to pressure from Beijing. Since the first such incident occurred in April 2016, several nations have chosen to abide by Beijing’s “one China” principle and deport Taiwanese fraud suspects to China, including Kenya, Armenia, Malaysia, Indonesia, Cambodia and Vietnam.

CROATIA - TUNISIA

On 28 May 2018, the Supreme Court of Croatia rejected the extradition to Tunisia of Alen Camdzic, a Bosnian suspected of killing Tunisian engineer Mohamed Zouari in 2016. Almost 20 days after the go-ahead of a Croatian court to extradition, the Supreme Court accepted the appeal of the suspect and rejected the extradition request. The man was arrested in Croatia on 13 March with an international search warrant.

TURKEY - IRAQ

On 19 September 2018, an Iraqi court in Baghdad sentenced one of the most prominent leaders of IS to death on terrorism charges, judicial spokesman Abdel Sattar Bayraqdar said. Ismail Alwan Salman al-Ithawi, described as a deputy of IS leader Abu Bakr al-Baghdadi, was extradited from Turkey earlier 2018 having fled Syria as the group’s self-proclaimed “caliphate” crumbled. He was tracked and detained through cooperation between Turkish, Iraqi and US intelligence agencies.

GERMANY - TUNISIA

On 27 September 2018, the European Court of Human Rights ruled that the deportation of a Tunisian terror suspect from Germany did not violate the European code on human rights. The Tunisian, identified only as Haikel S., had appealed against his deportation from Germany. He argued that he faced death penalty in his native country. But the European Court of Human Rights (ECHR)

rejected his plea, saying Tunisia had not actually carried out any death sentences since 1991. The judges in Strasbourg also noted that Tunisia had provided diplomatic assurances that the suspect would not be executed if he was given capital punishment.

The court essentially endorsed the arguments of Germany's administrative court, which in September 2017 had approved the deportation. The 37-year-old Tunisian, who was suspected of planning to carry out an attack in Germany on behalf of the "Islamic State," was finally deported in May 2018 after Germany's Constitutional Court turned down his final plea. Haikal S. was arrested in February 2017 during a raid against Islamists in the German state of Hesse. Tunisia later requested his deportation in connection with a 2015 attack on a museum in Tunis that killed 21 foreign tourists.

On 17 August 2018, the German government had admitted to illegally deporting five migrants in 2018 who may face persecution in their home countries. Responding to a parliamentary question from the opposition Green party, the Interior Ministry admitted that in all five cases "the necessary administrative actions had not yet been able to be enforced" before the people in question were forcefully expelled from Germany. The ministry also said that there were two further illegal deportations in 2017, while there were none in 2015 or 2016. The unjustly deported migrants came from Nigeria, Afghanistan, Kosovo, Morocco, Zimbabwe, China and, in the most recent case, Tunisia.

The deported Chinese national is believed to be a member of the Muslim Uighur minority, which human rights organizations warn are subject to severe persecution by Beijing. The man was deported from Bavaria in April 2018 and German officials have reportedly lost trace of him since.

BULGARIA – CHINA

A former Chinese official accused of taking bribes has been extradited from Bulgaria to China in the first such move by a European Union member state, Beijing's top graft buster said on 30 November 2018. Yao Jinqi, 62, was sent back to China after it was established he would not face the death penalty, according to Sofia authorities. "It is the first time that we have successfully extradited a bureaucrat suspected of work-related crimes from an EU member state," China's National Supervision Commission said in a statement.

APPENDIX

THE RESOLUTION ON A MORATORIUM ON EXECUTIONS APPROVED BY THE U.N. GENERAL ASSEMBLY

Seventy-third session

Promotion and protection of human rights

Resolution 73/175

Adopted in New York on 17 December 2018 by 120 votes in favour, 36 against and 32 abstentions (5 not present)

Moratorium on the use of the death penalty

The General Assembly,

Guided by the purposes and principles contained in the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child,

Recalling the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and in this regard welcoming the increasing number of accessions to and ratifications of the Second Optional Protocol,

Recalling also its resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010, 67/176 of 20 December 2012, 69/186 of 18 December 2014 and 71/187 of 19 December 2016 on the question of a moratorium on the use of the death penalty, in which the General Assembly called upon States that still maintain the death penalty to establish a moratorium on executions with a view to abolishing it,

Recalling further all relevant decisions and resolutions of the Human Rights Council, the most recent of which was resolution 36/17 of 29 September 2017,

Mindful that any miscarriage or failure of justice in the implementation of the death penalty is irreversible and irreparable,

Convinced that a moratorium on the use of the death penalty contributes to respect for human dignity and to the enhancement and progressive development of human rights, and considering that there is no conclusive evidence of the deterrent value of the death penalty,

Noting ongoing local and national debates and regional initiatives on the death penalty, as well as the readiness of an increasing number of Member States to make available to the public information on the use of the death penalty, and also, in this regard, the decision by the Human Rights Council in its resolution 26/2 of 26 June 2014⁶ to convene biennial high-level panel discussions in order to further exchange views on the question of the death penalty,

Recognizing the role of national human rights institutions in contributing to ongoing local and national debates and regional initiatives on the death penalty,

Welcoming the considerable movement towards the abolition of the death penalty globally and the fact that many States are applying a moratorium, including long-standing moratoriums, either in law or in practice, on the use of the death penalty,

Emphasizing the need to ensure that persons facing the death penalty have access to justice without discrimination, including access to legal counsel, and that they are treated with humanity and with respect for their inherent dignity and in compliance with their rights under international human rights law,

Noting with deep concern that, as shown in recent reports of the Secretary General, frequently, poor and economically vulnerable persons, foreign nationals, persons exercising their human rights and persons belonging to religious or ethnic minorities are disproportionately represented among those sentenced to the death penalty,

Noting the technical cooperation among Member States, as well as the role of relevant United Nations entities and human rights mechanisms, in supporting State efforts to establish moratoriums on the death penalty,

Bearing in mind the work of special procedure mandate holders who have addressed human rights issues related to the death penalty within the framework of their respective mandates,

1. Reaffirms the sovereign right of all countries to develop their own legal systems, including determining appropriate legal penalties, in accordance with their international law obligations;
2. Expresses its deep concern about the continued application of the death penalty;
3. Welcomes the report of the Secretary-General on the implementation of resolution 71/187 and the recommendations contained therein;
4. Also welcomes the steps taken by some States to reduce the number of offences for which the death penalty may be imposed, as well as steps taken to limit its application;
5. Further welcomes initiatives and political leadership encouraging national discussions and debates on the possibility of moving away from capital punishment through domestic decision-making;
6. Welcomes the decisions made by an increasing number of States from all regions, at all levels of government, to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;
7. Calls upon all States:
 - (a) To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, as well as to provide the Secretary-General with information in this regard;
 - (b) To comply with their obligations under article 36 of the 1963 Vienna Convention on Consular Relations,⁹ particularly the right to receive information on consular assistance;
 - (c) To make available relevant information, disaggregated by sex, age, nation-

ality and race, as applicable, and other applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sentenced to death, the number of persons on death row and the number of executions carried out, the number of death sentences reversed or commuted on appeal and information on any scheduled execution, which can contribute to possible informed and transparent national and international debates, including on the obligations of States pertaining to the use of the death penalty;

- (d) To progressively restrict the use of the death penalty and not to impose capital punishment for offences committed by persons below 18 years of age, on pregnant women or on persons with mental or intellectual disabilities;
 - (e) To reduce the number of offences for which the death penalty may be imposed, including by considering removing the mandatory application of the death penalty;
 - (f) To ensure that those facing the death penalty can exercise their right to apply for pardon or commutation of their death sentence by ensuring that clemency procedures are fair and transparent and that prompt information is provided at all stages of the process;
 - (g) To ensure that the death penalty is not applied on the basis of discriminatory laws or as a result of discriminatory or arbitrary application of the law;
 - (h) To establish a moratorium on executions with a view to abolishing the death penalty;
8. Calls upon States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;
9. Encourages States which have a moratorium to maintain it and to share their experience in this regard;
10. Calls upon States that have not yet done so to consider acceding to or ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
11. Requests the Secretary-General to report to the General Assembly at its seventy-fifth session on the implementation of the present resolution;

12. Decides to continue consideration of the matter at its seventy-fifth session under the item entitled “Promotion and protection of human rights”.

Co-sponsors (83):

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

Votes in favour (121):

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

Votes against (35):

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

Abstentions (32):

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

Not present (5):

Burundi, Eswatini (former Swaziland), Senegal, Seychelles, Sierra Leone

GENERAL MOTION OF THE VIII CONGRESS OF HANDS OFF CAIN

Unanimously approved

The VIII Congress of Hands Off Cain, held at the Opera Correctional Facility (Milan) on the 20th and 21st of December,

Aware that, in the name of the intangibility of human dignity, Hands Off Cain successfully carried out the campaign for the moratorium on capital punishment at the General Assembly of the United Nations, assigning a principal role to the Italian State, also considers it increasingly urgent and necessary to expand its mission, starting in Italy, not only to the elimination of the death penalty but also of life imprisonment and all forms of degrading punishment, equivalent or worse, substantially, to death itself as punishment.

Affectionately recalling and recognising the grand efforts of Marco Pannella, in particular, his *Spes Contra Spem* which was launched right in the Opera Correctional Facility during the congress four years ago which inspired, guided and nourished the campaign against the “endless punishment”; thanking - on behalf of all - the inmates condemned to life imprisonment who were the stars of the documentary film by Ambrogio Crespi *Spes Contra Spem - Liberi Dentro* who, against all hope, were hope itself, influencing, with their own transformations, the orientations of the highest-standing judges in Italy and Europe.

Honouring, with great satisfaction, the sentence of the European Court of Human Rights, coming into effect definitively on 8 October 2019, in the case of *Marcello Viola Vs Italy*, championed by legal counsellor Antonella Mascia and sustained, among the other third party interventions, by the academics and experts coordinated by Prof. Davide Galliani of the Università degli Studi of Milan and by Prof. Andrea Pugiotto of the University of Ferrara. The decision of the Court of Strasbourg is a milestone on the road to abolishing the *endless punishment*, with which Italy affirms, along with Europe, that the right to hope is a fundamental human right, up to now denied by life imprisonment without the chance of parole, considered by the Court a “structural” problem, being that approximately 1200 inmates out of the 1700 Italian inmates serving life sentences are subject to this brand of endless punishment.

Furthermore, honouring, with great satisfaction, Sentence N. 253 of 23 October 2019 of the Constitutional Court of Italy which further breached the sys-

tem of *endless punishment* and the entire reasoning behind sentences without the chance of reprieve, deeming such attitudes as unconstitutional, at the moment in specific circumstances - though such changes are bound to be determinant as regards others within the penitentiary system according to progressive logic applied to sentencing - the absolute presumption of social malevolence regarding the treatment of inmates under Article 4 Bis of the correctional system. The decision of the Constitutional Court is a first step towards the codification, also in Italy, of the right to hope as affirmed numerous times by the jurisprudence of the EDU Court and infringes on the totem of collaboration with justice as the only criteria for reform, breaking with the criminal logic of the past and embraces changes by inmates serving time for organised crime. With this sentence, hope prevailed over fear, the Rule of Law was victorious over the Rule of the State which, for too many years, for the sake of urgency, undermined constitutional principles.

Calls upon directional organs to follow through in the battle against the death penalty in the world and intensify actions of promotion and pressure, starting with Africa, aimed at garnering further supporters for a new pro-moratorium Resolution in view of the General Assembly of 2020.

Calls upon directional organs to conduct monitoring of the execution of the sentence *Viola Versus Italy*, communicating the results to the Committee of Ministers of the European Council and to continue supporting the collective action of the 252 prisoners serving life sentences without the chance of parole who, thanks to legal counsellor Andrea Saccucci, were received in Geneva by the United Nations Committee on Human Rights, evaluating the possibility of appealing to other seats of justice on both the national and international level.

Calls upon directional organs to continue in the fight against life imprisonment, especially that without the chance of parole, examining questions regarding the flimsy constitutionality of the *ratio decidendi* of Sentence N. 253/19.

Calls upon directional organs to undertake initiatives of sensitisation of public opinion, as well as appealing to high national and international courts, seeking to move beyond the emergency-based reasoning behind special norms and institutions, such as those governing informational transparency and anti-mafia laws in particular, as well as the procedures of disbanding communities under the grips of the mafia without destroying people's lives; combatting the mafia without undermining the principals of the Rule of Law and fundamental human rights.

Calls upon directional organs to undertake all initiatives aimed at abolishing "personal security measures" for guilty subjects, such as was called for by the

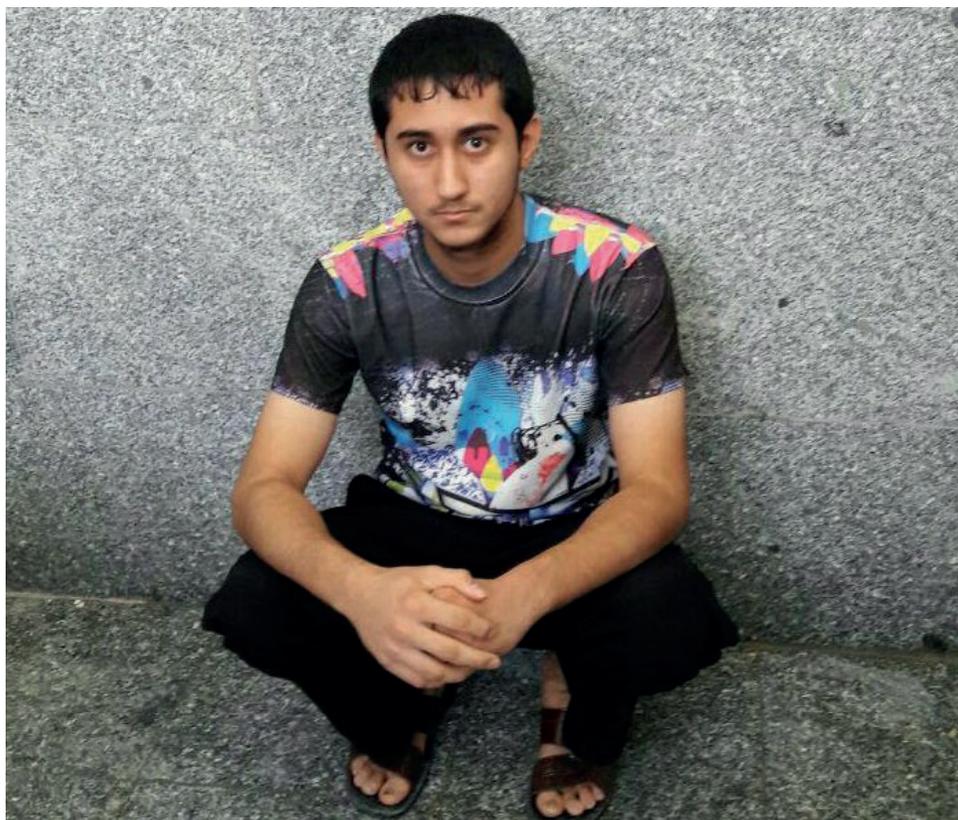
Penal Code Reform created by the Grosso, Nordio and Pisapia Commission. This commitment should be particularly directed at “personal detention security measures” in the so-called “work houses” and “agricultural colonies”, which, according to appeals to the Constitutional Court and the EDU Court, were deemed violations of principals regarding the safeguard of Human Rights and Fundamental Liberties. The seven detention centres with personal security measures under 41-Bis are emblematic of the violation of the right protecting against “double jeopardy”, being tried or punished twice for the same offence.

Calls upon directional organs to undertake all initiatives aimed at abolishing solitary confinement, starting with 41-Bis and daily solitary confinement, considering the available literature, especially regarding long-term exposure to such treatment, which places such actions in direct contrast to laws outlawing torture and cruel and unusual punishment. The General Assembly itself, in the Mandela Rules of 2015, ruled that solitary confinement, for an undetermined time or at length, such as any period beyond 15 days, should be prohibited. It also clearly defined, for the first time, solitary confinement as “the reclusion of an inmate for 22 or more hours a day without significant human contact”, reaffirming the principal that “solitary confinement must not be imposed in sentencing”. As established by the CPT in its 21st Annual Report of 2011, solitary confinement “must not be part of the canon of penal sanctions.”

Calls upon the directional organs to undertake initiatives aimed at, after the death penalty and life imprisonment without parole, cruel punishments conceived on the basis of the absurd conviction that punishment must, necessarily, correspond to the cruelty and violence of the acts perpetrated to warrant punishment, those inflicted by justice and the punishments of criminal law and its harshest tool, prison, a structure founded on torture and hardship, of affliction and inhuman and degrading treatment, and, rather, seeking the alternative, as Aldo Moro said, “Not so much a better penal code, but something better from the penal code”, not alternative punishments, but alternatives to punishment itself, such as - some are already occurring, and are worthy of reinforcing - practices of reconciliation and reparation, volunteer works for the public good, as well as every form of inclusion and reintegration into society.

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Abolfazl Chazani Sharahi, executed at Qom Central Prison (Iran) on 27 June 2018 for a murder he allegedly committed when he was 15 (Photo by Iranhr.net)

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