



HANDS OFF CAIN

THE DEATH PENALTY WORLDWIDE

2017 REPORT

Edited by *Elisabetta Zamparutti*
Exegesis by *Father Guido Bertagna*
Introduction by *Sergio d'Elia*

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Spes contra Spem

By Sergio D'Elia

Secretary of Hands off Cain

The motto “Spes contra Spem” is taken from the passage of the Apostle Paul of Tarsus in his Letter to the Romans on the unshakable faith of Abraham who “had faith hoping against all hope and thus became the father of many nations”.

It was the title of the Congress of Hands Off Cain held in December 2015 in the Opera Prison in Milan, the last to which Marco Pannella was able to participate. Marco Pannella, who in the last times of his life and with increasing insistence has repeated where it has been possible “to be hope”, that is to live as a subject actor of hope, to live in the way we hope things would go, being ourselves a proposal, a proof and a body of the change we want to see in others. “To be hope” rather than “to have hope”, hope as an object, simply understood as something else from us, of which we expect it to occur.

The last time I heard Pannella say this was in the Kollo prison, in Niger, on a sunny Saharan afternoon, in front of a hundred prisoners sitting on the ground that Marco hypnotized with the magic formula of having to be hope, not only for themselves but also for the people who love us and whom we love. It was a memorable event! Prison can be a place and a time where you can lose yourself forever, but it can also be the place and time in which you can meet and be saved forever, be reborn to new life.

In the days of the Opera Congress, we met and talked a lot with prisoners serving life sentences, men who, denied by law the hope with a “end of punishment: never”, decided to incarnate it, to be the source of an active process of change.

The director Ambrogio Crespi has drawn indeed an extraordinary docufilm of it. “Spes contra Spem. Freedom inside”, a work in which the protagonists, in spite of the “end of punishment: never” that marks the detainees sentenced to “ergastolo ostativo” (life sentence without the possibility of parole), an indelible mark that wants to say “you will never change”, show how it was possible for them to change.

Despite the evidence of the inside context in which they live and of the external context apparently and, in certain cases, indeed hostile, the “lifers” show that they understood the sense of the words of Ghandi: “Be yourself the change you want to see in the world”, that it is necessary to operate always prefiguring today the tomorrow that we want to realize.

Also for me it has been this way. It was in jail that I changed my way of thinking, feeling, acting, in a few words: the way of being and living.

Who knows how many lives we have lived, how many lives are flowing and will flow in our one life. In the end, none of us can claim to have lived only one, the same, identical life.

Coherent it is not he who never changes: opinions, habits, ways of being; coherent is he who uses means and methods of struggle consistent with the objectives of the struggle.

And in this coherence of means and goals, courageous is not he who dares to

challenge the powerful enemy, an absolute and overbearing power, immolating the body of others and his own, on the altar of an ethic of sacrifice and death, perhaps liberating and redemptive.

No: courageous is the one who gives his body to happiness, tolerance, dialogue, love.

“The only courage you need to have in life is to love!” is written in *Passage in Shadow*, the novel by Mariateresa Di Lascia, writer and founder of *Hands off Cain*. The courage to love has been the distinctive sign of her civil appointment, of her political passion, because Mariateresa understood love the way of the Little Prince, the book of Antoine de Saint-Exupéry where it is written that “to love someone means to be responsible and take care of one’s life”.

Abraham, ready to sacrifice his long-awaited son Isaac, “had faith hoping against all hope ... and thus became the father of many nations”. Being, embodying hope, a new possible can be generated, against the probable taken for granted, nations can be generated. Cain himself, after the killing of Abel, his brother, is not touched by anyone, is protected by the Lord, and becomes builder of cities.

These are ancient, but very actual histories and all in the name of the rebirth, of regeneration, of reparation and of active conversion. “*Spes contra Spem – Freedom Inside*”, to look well, is not a film about life imprisonment, it is a manifesto on the change that concerns our life and the way to live of each of us. It is the manifesto of a new commitment that is added to the one for the abolition of the death penalty, that is to say for the abolition of the sentence until death, that in Italy has the form of the *ergastolo ostativo*

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EXEGESIS

«Spes contra spem»: hope for the unexpected.

Thoughts on Romans 4, 18

By Father Padre Guido Bertagna

1. “The essence of this letter is: to destroy, eradicate and annihilate all wisdom and all righteousness of the flesh ... God wants to save us not by virtue of our personal justice and wisdom, but by an extraneous, who doesn’t originate from us nor grows by our merit, but comes to us from outside; that does not come from our land, but comes from heaven.

It is therefore necessary to teach a justice that comes absolutely from outside, and it is external justice. Therefore it must first be extirpated our own justice, which is very intimate in us “.

Writing between 1515 and 1516 his commentary on the Letter of St. Paul to the Romans, Luther elaborates thoughts marked by a radical turn, expressed in ways and language intentionally provocative, scratchy. His fundamental ideas: the sin that remains and marks the life of everyone and the extrinsic justice, which comes from outside, unavailable to us. We must become sinners. Not in the sense of the usual daily sequence of the failings and sins, we could say, but sinners aware of radical sin, the one that precedes all the individual disordered acts, that fundamental mark that deeply marks the existence of everyone: Luther calls it concupiscence. We, he repeats, are curved and bent on ourselves (*curvitas*) and it is precisely by recognizing this wicked inclination that we can open ourselves to the justice and salvation that come from God.

Freely:

“By virtue of his faith, which is the faith of Christ, united with his death on the cross and accepting the condemnation of his sin, he [the sinner] is intimately transformed and justified before God.”

Therefore, according to Luther, justice does not result from rightly operating, as Aristotle teaches, but precedes it, and founds it. And along the way, it makes us taste hope:

“Is the man with this perfectly right? No, but he is both sinful and just (*simul peccator et iustus*); a sinner in reality, but just, thanks to the consideration (in which he is held) and to the certain assurance of God of wanting to free him from sin until complete restoration, and so he is perfectly healthy in hope (in *spe*); in reality (in *re*), however, he is a sinner; yet he possesses as a gift the first fruits of justice, so that he always seeks ever further, always, in his conscience, to be just “.

2. In the Letter to the Romans Paul starts from Abraham. His experience and, above all, the understanding that we are allowed to have of God and the salvation that comes from God, through a better understanding of what Abraham has lived and made us understand along his path and his complex, sometimes dramatic, experience of God.

In the fourth chapter of the Letter to the Romans, the themes that emerge in

Paul's words are those, connected to each other, of "promise" and "inheritance". Particularly in the first verses, Paul insists on the exemplariness of Abraham's life and journey to reaffirm that God's inheritance and promises are independent of the Law and its observance. Decisive is the faith, the open and trusting welcome of the salvation that God offers for free. Therefore, not only sons who follow the words and precepts of the Law, who seal this observance in the so-called "covenant of the flesh", circumcision, derive from the stock of Abraham. As narrated in a famous passage from the Book of Genesis:

God said to Abraham: "On your part you must keep my covenant, you and your descendants after you, from generation to generation. This is my covenant that you must observe, covenant between me and you and your descendants after you. Let every male be circumcised among you: you will allow yourself to circumcise the flesh of your foreskin, and this will be the sign of the covenant between me and you (Gen 17, 9-11).

The descent from the Abraham stock is therefore plural, reaches many people and takes place thanks to faith. Abraham himself, first, was declared righteous by God, Paul insists, before his circumcision.

3. In the faith of Abraham, according to Paul, we are invited to recognize the kind of faith that God asks to the man: He had faith hoping against all hope and thus became a father ... it is faith, therefore, that makes life fruitful, that makes God's promises alive and available.

The hope of which Paul speaks, in the wake of the entire biblical journey, is not a generic optimism, an open and positive disposition towards life or, as they say, a "positive thinking". There is more, in fact, much more. It is a hope that makes its way and is delineated with truth and seriousness right where there is nothing left to do, where everything is lost and where - on the contrary - the disconcerting, profound doubt makes its way, and its inaggrable question: and if I had done everything wrong? Here begins the adventure of hope: other situations or other attitudes of individuals are said: optimism, resources, chance, creativity, at the limit, courage (or luck)...

Abraham had before him (and within himself) his desert of life. A life without children, in fact, without descent, is a life without a future. A life that remains deserted. Accursed. Yet he believed, without making illusions on himself. He sent back to the sender the incredulity towards which he was pushed by a lucid and dispassionate look on his situation marked by irremediable impotence. He entrusted himself entirely to God, to his creative and resurrecting power.

Abraham is not an "incurable" optimist nor an enthusiast. It is not of those who see the bottle always half full. On the contrary, he looks clearly at his "terminus", at the nothingness of his forces and at the death that reigns in Sara's atrophied womb (ede nenekromenon ... ten nekrosin tes metras Serras): the story of the Book of Genesis testifies of his bitter awareness. The bitterness of those who laugh (inside themselves) so as not to cry:

Then God said to Abraham, "As for Sarai your wife, you shall not call her name Sarai, but Sarah shall be her name. I will bless her, and indeed I will give you a son by her. Then I will bless her, and she shall be a mother of nations; kings of peoples

will come from her.” Then Abraham fell on his face and laughed, and said in his heart, “Will a child be born to a man one hundred years old? And will Sarah, who is ninety years old, bear a child?”

(Gen 17,17).

Like Abraham, his wife Sarah, faced with the Lord’s promise of motherhood, shows the same burning self-irony that is expressed in a desperate laugh of disillusionment:

...Now Abraham and Sarah were old, advanced in age; Sarah was past childbearing. Sarah laughed to herself, saying, “After I have become old, shall I have pleasure, my lord being old also?” And the Lord said to Abraham, “Why did Sarah laugh, saying, ‘Shall I indeed bear a child, when I am so old?’ ‘Is anything too difficult for the Lord? At the appointed time I will return to you, at this time next year, and Sarah will have a son.’ Sarah denied it however, saying, ‘I did not laugh’; for she was afraid. And He said, “No, but you did laugh.” (Gen 18,12).

Isaac: his name, Yishaqel, means “he [God] laughed”, or also “laughter” (from sahaq: laughing, smiling, laughing, joking). Isaac, son of Abraham and Sarah, testifies, beginning with his own name, that God has assumed their bitterness and has changed the sign of that desperate smile, turning it into a smile of life. God intervened where human hope no longer saw any road. He laughs well who laughs last, it would come to comment.

4. For Paul, the faith of Christians is like that of Abraham, founded on the Easter of Jesus of Nazareth. He expresses it at the end of chapter IV of the Letter through the quotation of an ancient profession of faith: “He who was delivered to death for our sins and was resuscitated for our justification” (Rom 4:25).

In Paul’s interpretation, the Jewish perspective had closed Abraham in the tight meshes of the doctrine of merit and retribution, making him the prototype of the observer of the divine law. An absolute and practical fidelity, his, demonstrated above all in the promptness to the sacrifice of his son Isaac (Gen 22): a life marked by obedience and by so many meritorious works.

Instead Paul wants to recover Abraham as the father of all believers, father, that is, of those who do not rely on their observance, on their meritorious (or devoted) services, but only on God and his saving initiative moved by the free love.

Moreover, he was justified before being circumcised, when he was still uncircumcised, when he still lacked that sign in the flesh that constantly testifies the covenant between God and Israel and the vocation to be holy people that belongs to his Lord.

The circumcision is not annulled by Paul but reduced: not a source of justice but only its confirmation. “He received the sign of the circumcision as a seal of justice, consequential from the faith, already obtained when he was not yet circumcised,” reads Rom 4:11.

Left to itself, the Law goes in the opposite direction to salvation: it can in fact lead those who rely on the affirmation of their self and a justice that is expressed in the ability to observe and do just works. In a word, a self-sufficiency that for Paul speaks of death, death of the relationship with others and with God, exclusive closure in themselves.

5. At this point of the reflection, complex and intense, Paul inserts the contrast

between two irreconcilable logics: the logic of gratuitousness (*kata charin*) and the logic of the due (*kata ophilema*).

By renouncing to confide in the observance of the Law, in the due service based on one's correct action (according to the Law), Paul invites the believer to enter the logic of gift, of gratuity, which alone gives meaning and founds existence.

In this way we go beyond every exclusivity and every privilege: "faced with the extraordinary initiative of God - comments G. Barbaglio - Jews and pagans are equated: both are in need of the salvation offered as gift and are under the sign of the call to believe" (The Letters of Paul, II, Rome 1980, 259).

The perspective of faith makes sure that the promised goods are preserved in their universal character (they are not valid only for Jews but also for pagans). God makes all those who rely on him righteous.

In whom did Abraham believe? Abraham believed "before God", his faith refers directly and personally to God, to God "who gives life to the dead and calls into existence the things that do not exist" (Romans 4:17), to the God who puts Himself at the service of life, as the second of the Eighteen Blessings of the Jewish Prayer also says: "Blessed be you, IHWH, who give life to the dead".

In what situation did Abraham live his faith? He had to sustain a reality in explicit and open contradiction with what promises faith. Faith produces in us, creatively, the perception of God and his presence, alive, operating, but what Abraham saw and experienced in his daily life was the opposite...

6. Paul reinterprets the story of Abraham in the light of the of the Easter of Jesus and the Easter of Jesus in the light of the history of story of Abraham who announced it, somehow prophetically anticipated it. Jesus of Nazareth crosses his passion and his death - a death as rejected, cursed - trusting only in the Father. Death, that death on the cross, appeared as the most evident and irreparable denial of his words, of his teachings that had for a while fascinated the crowds and made them know a new, possible, hope.

In light of this, the resurrection is not a generic and easy happy end but rather the seal of truth that the Father definitively puts on the Son, on his whole history and on the way in which he lived it by donating himself.

par 'elpida ed'elpidi episteusen, that is: against all hope, believed in hope (it can also be read as: it was founded on hope).

Why does this expression of Paul in the context of the dramatic story of Abraham acquire in the journey and in the commitment of "Hands off Cain" such a high importance and evocative capacity?

Why: "against" or "beyond" all hope (which appears, then, immediately a hope above all stubborn, at the limit of unreasonable)?

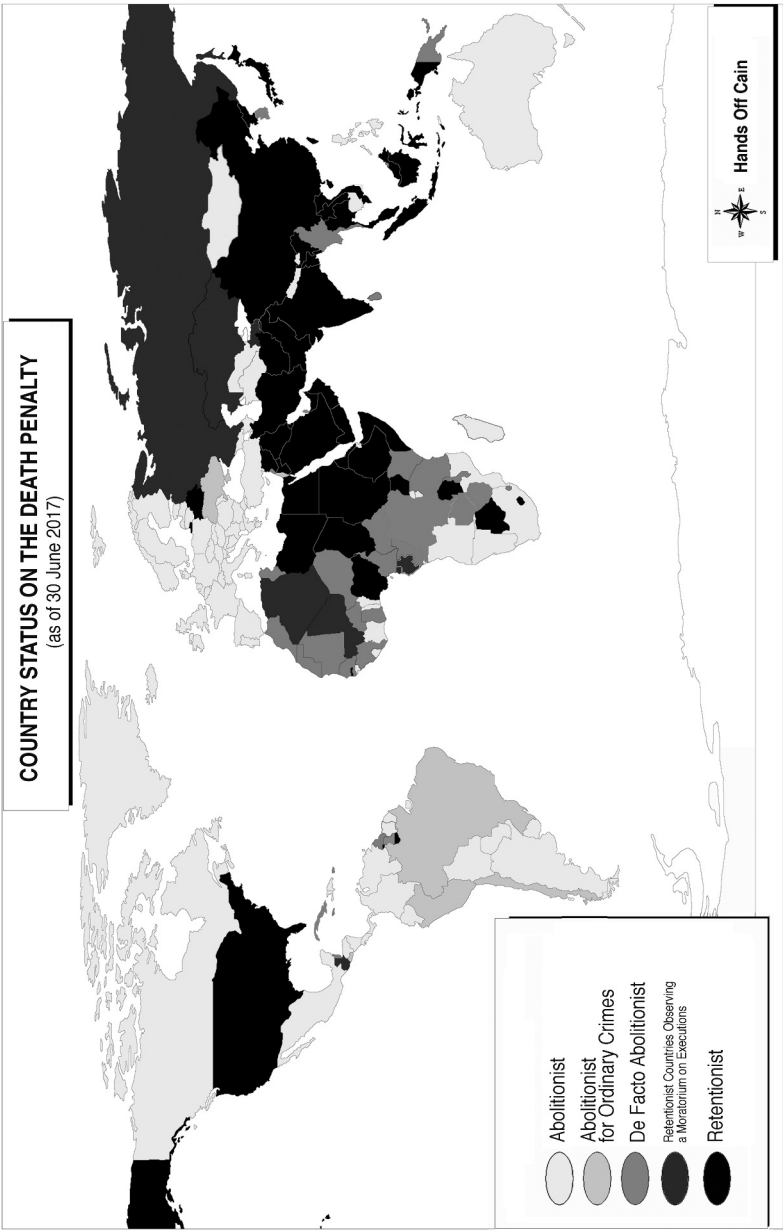
Because hope, this hope, sees what others do not see. If it does not see it yet, it hears it. It feels in advance, feels for those who are not yet, nor could they be, on the same wavelength. This hope shoots the cards with respect to what it is usually thought to be really worth, opens new perspectives of the meaning of life: the Christian experience that is based on the Easter of Jesus of Nazareth, known the theologian J. Moltmann, "is hope, it is orientation and moving forward and therefore also revolutionizing and transforming the present" (Theology of Hope, 1971, 10).

This hope contradicts the present, does not bypass it taking refuge in too easy utopias, does not propose an escape but, if anything, an exodus.

Exodus toward a land that is not yet known but already inhabits the intimate. In the light of the promise of this land, the protest for the present, for the contradictions, the sufferings and the injustices that mark it, takes shape and depth. This hope gives substance to the protest. It is hope that, in turn, needs bodies that make it present in the actuality of history and needs a thought that gives a profile and a place to its restlessness, to its questions.

In this light, Abraham - who hoped against all hope - becomes a luminous figure in Paul's reading, a reference figure for understanding how hope opens up new and unexpected paths, even unthinkable. Against all evidence. Abraham opens roads, therefore. But everyone must then take the same step, run the same risks, cross the same deserts, the same nights, towards his exodus. Nobody can do this for us: we do not learn it, if we do not do it.

In his study *The Epistle to the Romans*, Karl Barth notes: "Abraham finds where he obviously has nothing to lose - he connects where everything is manifestly lacerated - he is where he can not be. He says "Yes" where clearly "no" remains from the top and from the bottom. And this is precisely his faith: faith that "hopes without hope", the step forward, above the particularity of man and the extraneousness of God, above the visibility of the visible and invisibility of the invisible, to the above the subjective and objective possibility - where only the Word of God can sustain it. We see Abraham taking this step. We see? No, we only see that all his other steps are aimed at this step, they come from this step. We do not see him doing this step".



COUNTRY STATUS ON THE DEATH PENALTY (as of 31 December 2016)

Abolitionist: 105

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

Abolitionist for ordinary crimes: 6

Brazil, Chile, El Salvador, 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): **43**

Antigua e Barbuda (1991), Bahamas (2000), Barbados (1984), Belize (1985), Birmania (1988), Brunei Darussalam (1957), Burkina Faso (1988), Cameroon (1997), Central African Republic (1981), Comoros (1997), Congo (1982), Korea South (1997), Cuba (2003), Democratic Republic of Congo (2003), Dominica (1986), Eritrea (no death penalty since independence in 1993), Ghana (1993), Jamaica (1988), Grenada (1978), Guyana (1997), Kenya (1987), Laos (1989), Lebanon (2004), Lesotho (1995), Liberia (2000), Malawi (1992), Maldive (1953), Mauritania (1987), Morocco (1993), Niger (no death penalty nor execution since 1976), Papua New Guinea (1957), Qatar (2003), Santa Lucia (1995), Saint Vincent e Grenadine (1995), Sierra Leone (1998), Sri Lanka (1976), Swaziland (1982), Tanzania (1994), Tonga (1982), Trinidad and Tobago (1999), Tunisia (1991), Zambia (1997) and Zimbabwe (2005).

Retentionist Countries Observing a Moratorium on Executions: 6

Algeria, Equatorial Guinea, Guatemala, Mali, Russia and Tajikistan.

Retentionist: 38

Afghanistan, Bahrein, Bangladesh, Belarus, **Botswana**, Chad, China, Egypt, Ethiopia, Gambia, **India**, Indonesia, Iran, Iraq, **Japan**, Jordan, Kuwait, Libya, Malesia, Nigeria, North Korea, Oman, Pakistan, Palestine*, **Saint Kitts e Nevis**, Saudi Arabia, Singapore, Syria, Somalia, South Sudan, Sudan, **Taiwan***, Thailandia, Uganda, United Arab Emirates, **USA**, Vietnam and Yemen.

Source: *Hands Off Cain*

Underlined: countries (2) which have binding obligations not to use the death penalty
In **bold**: liberal democracies¹ (6) that retain the death penalty
In *italics*: changes (2) with regard to 2015

* 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 2016 report on the state of political rights and civil liberties around the world* ().

EXECUTIONS IN 2016 (as of 31 December 2016)

At least **3.135** executions were carried out in **23** Countries and territories in 2016.

China: at least 2000
Iran: at least 530
Saudi Arabia: at least 154
Vietnam: at least 100
Iraq: at least 92
Pakistan: 87
North Korea: at least 70
Egypt: at least 16 (44)
United States: 20
Somalia: at least 14
Bangladesh: 10
Malaysia: at least 9
Afghanistan: 6
Belarus: 4
Singapore: 4
Indonesia: 4
Japan: 3
Nigeria: 3
Palestine (Gaza Streep): 3
Sudan: 2
South Sudan: at least 2
Taiwan*: 1
Botswana: 1

In 2016 no executions were reported in **7** Countries – Chiad, Egypt, Jordan, India, Indonesia, Oman and United Arab Emirates– that carried out executions in 2015. On the other end, **3** Countries resumed executions: Botswana (1), Belarus (1) and Palestine (Gaza Streep) (3). It couldnot be condirmed if “legal” executions took place in 2016 in Syria and Yemen.

Source: *Hands off Cain*

In **bold**, liberal democracies¹ (**4**) that carried out executions (**25**) in 2016. In *italics*, changes in 2016 (**3**) with regard to 2015.

* Non-Un member States

¹The classification “liberal democracy” is based on the rigorous analytic standards employed by Freedom House in its *Freedom in the World 2016 report on the state of political rights and civil liberties around the world* ().

EXECUTIONS IN ISLAMIC COUNTRIES IN 2016*(as of 31 December 2016)*

Countries	by Hanging		by Firing Squad		by Beheading		by Stoning	
	2015	2016	2015	2016	2015	2016	2015	2016
Afghanistan	1	6						
Bangladesh	4	10						
Chad			10					
Egypt	+22	16						
Indonesia			14	4				
Iran	+970	+530						
Iraq	+30	+92						
Jordan	2							
Malaysia	+1	+9						
Nigeria		3						
Oman			2					
Pakistan	+326	+87						
Palestine (Gaza)		+1		+2				
Saudi Arabia				4	+159	+150		
Syria			+	+				
Somalia			+25	+14				
Sudan	4	2						
United Arab Emirates			1					
Yemen			+8					
Total	+1.360	+756	+60	+24	+159	+150		

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 legal executions took place in **Libya Yemen** and **Syria** in 2016.

* In 2016 no “legal” execution by stoning has been recorded but “extrajudiciary executions” by stoning have been recorded in **Yemen** by militants of *Al-Qaeda* and in **Syria** and **Iraq** by the *Islamic State* (IS).

EXECUTIONS FOR DRUG-RELATED CRIMES IN 2016 (as of 31 December 2016)

Country	2015	2016
China	unknownun	unknownun
Indonesia	14	4
Iran	+632	+309
Singapore	3	2
Saudi Arabia	+64	+23
Total	+713	+338

EXECUTIONS FOR TERRORISM IN 2016 (as of 31 December 2016)

Country	2015	2016
Afghanistan		6
Bangladesh	4	6
Chad	10	
China	+3	
Egypt	7	1
Jordan	2	
India	1	
Iran	+1	+24
Iraq	+30	+88
Pakistan	30	7
Saudi Arabia	+2	+47
Somalia	+9	+3
United Arab Emirates	1	
Total	+100	+182

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

***EXECUTIONS FOR NON-VIOLENT CRIMES
OR POLITICAL MOTIVES IN 2016***
(as of 31 December 2016)

Country	2015	2016
China	unknownun	unknownun
Iran	+15	+4
North Korea	+13	+70
Total	+28	+74

EXECUTIONS FOR JUVENILES IN 2014/2016
(as of 31 December 2016)

Country	2014	2015	2016
Iran	+17	+3	+5
Pakistan		+6	
Saudi Arabia			+3
Total	+17	+9	+8

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

THE MOST IMPORTANT FACTS OF 2016

THE SITUATION TODAY

Developments on the Death Penalty Worldwide

The worldwide trend towards abolition, underway for more than fifteen years, was again confirmed in 2016.

There are currently **160** countries and territories that, to different extents, have decided to renounce the death penalty. Of these: **105** are totally abolitionist; **6** are abolitionist for ordinary crimes; **6** have a moratorium on executions in place and **43** 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 2016 there were **38** retentionist countries, compared to 54 in 2005.

Executions

In 2016, executions were carried out in **23** countries, compared to 25 in 2015.

In 2016, there were at least **3,135** executions, compared to at least 4,040 in 2015 and at least 5,735 in 2008. The decrease in executions as compared to 2015 is explained by decreases recorded in **Chin, Iran and Pakistan**.

In 2016, there were no recorded executions in **5** countries - **Chad, Jordan, India, Oman and United Arab Emirates** - where executions were carried out in 2015.

On the other hand, **4** countries, which had not carried out executions in 2015, resumed them in 2016: **Belarus** (4), **Botswana** (1), **Nigeria** (3) and **Palestine** (Gaza Strip) (3). In 2017, **Bahrein** executed 3 people, after a suspension since 2010 and **Kuwait** 7, after a suspension since 2013.

It could not be confirmed if judicial executions took place in **Libya, Syria and Yemen** in 2016.

The death penalty in illiberal countries

Of the **38** countries worldwide that retain the death penalty, **32** are dictatorial, authoritarian or partly free States. **Nineteen** of these countries were responsible for approximately **3,110** executions, **99%** of the world total in 2016.

China alone carried out at least **2,000**, about **64%**, of the world total of executions; **Iran** put at least **530** people to death; **Saudi Arabia**, at least **154**; **Vietnam** at least **100**; **Iraq**, at least **92**; **Pakistan** **87**; **North Korea**, at least **70**; **Egypt**, at least **16**; **Somalia**, at least **14**; **Bangladesh** **10**; **Malaysia** at least **9**; **Afghanistan** **6**; **Belarus** **4**; **Singapore** **4**; **Indonesia** **4**; **Nigeria** **3**; **Palestine** (Gaza Strip), **3**; **South Sudan** at least **2**; **Sudan** **2**.

It could not be confirmed if judicial executions took place in **Libya, Syria** and **Yemen** in 2016.

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 the stopping of 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 is taken by three authoritarian States in 2016: **China, Iran** and **Saudi Arabia**.

Democracy and the Death Penalty

Of the **38** retentionist, only **6** countries 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 2016, and they accounted for **25** executions between them, **0,8%** of the world tally. These were: **United States of America** (20), **Japan** (3), **Botswana** (1), **Taiwan** (1).

In 2015 there were 4 (United States, Japan, India and Taiwan), and they carried out 38 executions.

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

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 (more or less as in 2015), the total for 2016 corresponds to a minimum of **3,073** executions (98%), down from 2015 when there were at least 3,946 executions.

In the **Americas**, the **United States of America** was the only country to carry out executions in 2016 (20). In several **Caribbean countries**, no new death sentences were imposed, and death rows were once again empty at the end of the year.

In **Africa**, in 2016, the death penalty was carried out in **6** countries (1 more than in 2015), and there were at least **38** executions compared to 66 in 2015: **Botswana** (1), **Egypt** (at least 16), **Nigeria** (3), **Somalia** (at least 14), **South Sudan** (at least 2) and **Sudan** (2).

In 2016, there were no executions in **Chad** that carried out executions in 2015 and in **Botswana** and **Nigeria** that carried out last executions in 2013.

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 2016 at least 4 execution has been recorded, while none was recorded in

2015. While in **Russia** a moratorium on executions is still in effect since a 1996, all other European countries have abolished the death penalty in all circumstances.

Abolition, De Facto Abolition and Moratoriums

In 2016, another **2** States joined the list of total abolitionist countries: **Nauru** and **Guinea** which completely abolished the death penalty, the last one repealing it also from the military code in 2017.

Four countries - **Benin, Cyprus, Dominican Republic** and **Togo** took further steps towards complete abolition.

In the **United States**, in four States –**Colorado** (since 2013, confirmed in 2015 for four years), **Oregon** (since 2011), **Pennsylvania** (since 2015) and **Washington** (since 2014, confirmed by Governor Inslee on December 29, 2016) – the Governors granted a stay of executions and essentially put executions on hold because of concerns about the death penalty system.

Towards Abolition

In 2016, significant political and legislative steps towards abolition or a *de facto* moratorium on capital punishment have been seen in **43** countries.

In **6** countries - **Chad, Equatorial Guinea, Guatemala, Myanmar, Thailand** and **Uganda** - have announced or proposed laws for the abolition of the death penalty in the Constitution or criminal codes or reduced the number of capital crimes.

During the Universal Periodic Review by the UN Human Rights Council, **3** countries – **Niger, Sierra Leone** and **Tajikistan** – accepted recommendations and/or announced steps towards abolition of the death penalty.

Fifteen other countries have confirmed their policy of *de facto* moratorium on the death penalty or executions in place for many years: **Burkina Faso, Central African Republic, Comore, Eritrea, Ethiopia, Guyana, Lebanon, Malawi, Papua Nuova Guinea, Qatar, South Korea, Swaziland, Tanzania, Tunisia** and **Zambia**.

In the Caribbean Region, in **8** countries – **Antigua and Barbuda, the Bahamas, Belize, Cuba, Dominica, Guatemala, Jamaica** and **Saint Lucia** – no new death sentences were imposed and death rows were still empty at the end of 2016. In **3** other countries of the region –**Grenada, Saint Kitts and Nevis** and **Saint Vincent and the Grenadines** – no new death sentences were issued and death row inmates were a few units.

Furthermore, collective commutations of death sentences or suspension of executions indefinitely were granted in **7** countries: **Democratic Republic of Congo, Ghana, Kenya, Morocco, Nigeria, Sri Lanka** and **Zimbabwe**.

Relevant clemency acts have been adopted also in countries where new laws have been adopted to abolish the death penalty for certain crimes such as Myanmar and Thailand. In **India**, the Supreme Court has continued to contain the use of the death penalty.

The sixth UN Resolution for a universal moratorium on executions

On 19 December 2016, 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. It was the sixth time such text was adopted since 2007. The new Resolution was adopted by a **117 votes in favour** (as in 2014) and **40 against** (+ 2 compared to 38 in 2014), with 31 abstentions (- 3 compared to 2014) and 5 absent during the vote (+ 1 compared to 2014). New votes in favour came from **Guinea, Malawi, Namibia, Solomon Island, Sri Lanka and Swaziland**. In a further positive sign, **Zimbabwe** moved from opposition to abstention.

On the contrary **Burundi** and **South Sudan** went from the vote in favour to a vote against the Resolution, meanwhile **Equatorial Guinea, Niger, Philippines** and **Seychelles** went from a vote in favour to abstention. **Maldives** moved from abstention to a vote against.

Some States were, for different reasons, absent during the vote: **Democratic Republic of Congo, Gambia and Senegal** which previously abstained, as well **Rwanda**, previously favourable.

Noteworthy is especially the vote in favour, for the first time, of **Swaziland** and the vote of **Malawi**, which were targeted by a mission of *Hands Off Cain* with the financial support of the Italian Ministry for Foreign Affairs, aimed at getting its vote in favour of the Resolution, meanwhile Zimbabwe was targeted by a mission of Hands off Cain in 2014.

Although the text contains an amendment, voted in Third Commission in November on Singapore's proposal, referring to the prerogatives of States to decide what kind of punishment be used for the most serious crimes, the positive steps recorded in the reinforcement of the text are much more significant. The Resolution has been strengthened as it calls on States to "make available relevant information about the use of the death penalty" (inter alia by disaggregating, by sex, age and race, data on the practice of the death penalty, as well as providing the number of detainees in the death row and information on enforced executions). The General Assembly recognized for the first time the role played by national human rights bodies in support of local, national and regional debates on the death penalty, as well as for the first time has highlighted the need that those who risk the death penalty are treated with humanity and respect for their dignity as it is defined by the international human rights law. Confirmation of votes in favor of a universal moratorium on executions is very important at a time when, in the face of the terrorist emergency, there is the risk of abdicating the principles of the State of Law instead of strengthening them.

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 2016. 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 2016

Of the **38** countries worldwide that retain the death penalty, **32** are dictatorial, authoritarian or partly free States. **Nineteen** of these countries were responsible for approximately **3,110** executions, **99%** of the world total in 2016.

China alone carried out at least **2,000**, about **64%**, of the world total of executions; **Iran** put at least **530** people to death; **Saudi Arabia**, at least **154**; **Iraq**, at least **92**; **Pakistan**, **87**; **North Korea**, at least **70**; **Egypt**, at least **16**; **Somalia**, at least **14**; **Bangladesh**, **10**; **Malaysia**, at least **9**; **Afghanistan**, **6**; **Belarus** **4**; **Singapore**, **4**; **Indonesia** **4**; **Nigeria** **3**; **Palestine** (Gaza Strip), **3**; **South Sudan**, at least **2**; **Sudan**, **2**.

It could not be confirmed if judicial executions took place in **Libya**, **Syria** and **Yemen** in 2016.

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.

The terrible podium of the world's top executioners is taken by three authoritarian States in 2016: **China**, **Iran** and **Saudi Arabia**.

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

Although the death penalty remains a State secret in China, some news in recent years, including declarations from official sources, suggest that the use of the death penalty may have diminished compared to preceding years.

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 US-based *Dui Hua Foundation* estimated that China executed approximately 2,000 people in 2016, less than 2,400 in 2015, 2014 and 2013. This number of executions was a fall of 30 percent 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.

According to the *Dui Hua Foundation*, the reduction was likely brought about by: greater use of sentence of death with two-year reprieve (which is nearly always commuted to life imprisonment or a fixed-term sentence), improvements in due process rights recently codified in revisions to the Criminal Procedure Law (CPL), continued review by the Supreme People's Court, and the decision to move away from using executed prisoners as the country's primary "organ donors."

In October 2013, China was reviewed under the Universal Periodic Review of the UN Human Rights Council. On 19 March 2014, in its response to the recommendations received, the Government rejected the following recommendations:

continue reform towards eventual abolition of the death penalty, including greater transparency in its use; publish or make available precise information on the identity and number of the individuals currently awaiting execution and of those who were executed; establish a moratorium on the application of the death penalty as a first step to its definitive abolition.

On 29 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 would become life in prison. The removal of the death penalty from these nine offenses would not put much of a dent in China's world-leading use of capital punishment, which largely focuses on homicide, rape, robbery, and drug offenses. It would, 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 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.

On 19 December 2016, China voted against the UNGA Resolution for a moratorium on capital executions.

Policy of "Justice Tempered with Mercy"

On 12 March 2017, in his report to the annual session of the National People's Congress, the President of the Supreme People's Court (SPC), Zhou Qiang, in keeping with the Government's customary secrecy, gave no figures for the number of death sentences or executions.

The President of the Supreme People's Court said the capital punishment had been strictly controlled and applied prudently since 2007, when, in a major judicial reform the SPC reserved the right to review all death penalty decisions handed out by lower courts to give death penalty to an "extremely small number" of criminals for serious offences. However the report did not provide any exact number on death sentences and capital executions.

In 2016, local courts at various levels concluded 1,120,000 criminal cases, involving 1,220,000 people, up 1.5 percent and down 1 percent respectively from the previous year. The criminal courts handled 226,000 cases of violent crimes, as murder, robbery, kidnapping and burglary, 118,000 cases of drug and 45,000 cases of corruption.

In 2016, Supreme People's Court accepted 22,742 lawsuits and concluded 20,151 cases, rising by 30 percent respectively from 2015.

Considering that, 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," it is realistic to conclude that the executions in 2016 were at least 2,000, as estimated by the Dui Hua Foundation.

According to a research by Shanghai University, between 2002 and 2012, between 300 cases of murder in Shanghai, the death penalty with immediate punishment was only applied in 10% of cases. Shanghai data can not be projected at national level, but the difference would not be significant.

Supreme Court's Reforms

The reform, which took effect on 1 January 2007, 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.

According to the new provision, the review of each case should be carried out by three judges of the Supreme Court, who must re-examine all evidence, the laws applied, the appropriateness of the sentence, the arguments of the preceding trial and they must hear the accused in person or by letter before reaching a final decision. If the judges find the evidence insufficient, the sentencing inappropriate or the trial arguments illegal, they present the case to the Judicial Committee of the Supreme Court. The committee examines the case along with a prosecutor from the Office of the Attorney General Supreme of the People.

After the reform of 2007, China has continued to take 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.

In 2011, the Supreme Court recommended 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. The court has also recommended to "applying the death penalty to a very small minority of criminals committing extremely serious crimes."

In March 2012, the National People's Congress, once again, amended the 1979 Criminal Procedure Law, highlighting human rights protection. The new clause requires judges from the Supreme Court to interrogate offenders sentenced to death

and listen to defendants' lawyers when a capital punishment case is under review. The amendment, for the first time, has also made clear that confessions extorted through illegal means, such as torture, and witness testimony and depositions of victims obtained illegally, such as by violence or threats, should be excluded during the trials. To institutionally prevent extortion of confession, the amendment has regulated that suspects be sent to a detention facility for custody after being detained or arrested and be interrogated there. The process of interrogation shall be audio or video-taped.

On 22 January 2015, the Supreme People's Court reiterated the criteria for capital punishment should be strictly observed so as to ensure "the penalty is only used on an extremely few convicts whose crimes are extremely serious."

Death penalty and corruption

The President Xi Jinping launched an anti-corruption campaign four years ago, however legislative reforms have been adopted to contain the use of the death penalty for these crimes. Last executions for corruption dated back to 2011, when three high officials were executed for taking-bribes.

According to the current Chinese Criminal Law with the 9th Amendment adopted in 2015, the death penalty is applicable to both embezzlement and bribe-taking, but only when "the amount involved is extremely large, which caused extreme damage to national and people's interests" (Articles 383 & 386).

The 9th Amendment in 2015, for the first time in the PRC's penal history, adopted "Life Imprisonment without Possibility of Parole" (LWOP) as an official punishment applicable to embezzlement and bribe-taking cases. The LWOP is only optional (subject to judicial discretion) after one is sentenced to the death penalty with a two-year suspension and successfully serves the two-year reprieve period. [see chapter: "Death penalty for non-violent crimes and for political motives and dissent"]

On November 2, 2015, the Supreme People's Court (SPC) adopted the "Sentencing Guidelines on Embezzlement and Bribe-taking Cases", in which the SPC raised the threshold amount that could trigger the use of capital punishment in embezzlement and bribe-taking cases to 100 million yuan. It was suggested that generally, life imprisonment should be applied for cases with less than 100 million yuan, and that the death penalty with a two-year suspension be applied for cases with an amount above 100 million yuan, while the death penalty with immediate execution should be available for extreme cases. Although this document is not an official interpretation of the Criminal Law, but an internal document, it is likely to influence lower courts.

On April 18, 2016, the SPC and the Supreme People's Procuratorate (SPP) adopted the "Interpretation on Issues with regard to How to Handle Embezzlement and Bribe-taking Cases" – this time, it was an official interpretation. In this interpretation, the SPC and the SPP lowered the threshold amount to 3 million yuan, which is seen as equivalent to the "extremely large amount" stipulated in the 9th Amendment. Moreover, the interpretation points out that the death penalty is also applicable to cases with an amount of 1.5 million yuan or more, when there are other "extremely severe circumstances".

Such legal changes regarding the use of the death penalty need to be examined from a historical perspective: In 1979, the first Chinese Criminal Law made the death penalty applicable to both embezzlement and bribe-taking, when the “circumstances are extremely severe”. In 1988, the Standing Committee of the National People’s Congress set the amount threshold to 50,000 yuan for embezzlement and 10,000 yuan for bribe-taking. In 1997, the revised Criminal Law raised the threshold to 100,000 yuan. Despite the tug of war between the SPC and the SPP, the threshold amount, as discussed above, is set much higher now (at 3 million yuan).

According to the report of the Supreme People’s Court (SPC) presented on 12 March 2017, by the President Zhou Qiang at a plenary meeting of the annual session of the National People’s Congress, China’s court system concluded 45,000 graft cases in 2016, implicating 63,000 people. Courts at all levels convicted 2,862 criminals of bribery, and concluded 15,000 cases involving corruption in poverty alleviation.

In 2016, procurators investigated 47,650 people for their suspected involvement in duty-related crimes. The defendants included 35 former officials at the provincial and ministerial level or above, and 240 at the prefectural level.

Two have been sentenced to death with a two-year reprieve and no further commutation or parole permitted if death penalty is commuted to life imprisonment after the two-year reprieve against Bai Enpei, for taking 250 millions of yuan of bribes and against Zhu Minguo, for 140 millions of yuan of bribes and one to death with immediate execution, Zhao Liping who was sentenced to death also for murder.

Transparency of Court Proceedings

Acquittals in China’s Communist-controlled court system have been extremely rare in the past, given that almost all of defendants were ever found guilty, according to official statistics. China has occasionally exonerated wrongfully convicts after others came forward to confess their crimes, or in some cases because the supposed murder victim was later found alive.

In 2016, however, Chinese courts “corrected” 1,376 verdicts, according to chief justice Zhou Qiang’s report to the 2017 session of the National People’s Congress (NPC). A total of 1,076 accused were found innocent by Chinese courts in 2016, Zhou said, compared to 1.220 million who were found guilty – a conviction rate of 99.9 percent, almost exactly the same as the previous year. The country should draw lessons from the acquittals and “improve the mechanisms which can effectively prevent and correct false and wrong cases in a timely manner,” said Zhou, who promised improvements to the legal aid system in 2017, to help those who want to appeal or review their death sentence.

In February 2016 alone, five men were acquitted of murder charges for which they had been wrongly jailed more than two decades earlier. One such case involved Chen Man, 53, who had spent 23 years in prison for murder and arson. Last month a court overturned his conviction after a 16-year appeal process.

In April 2016, a Chinese man sentenced to death for the murder of his girlfriend

18 years before was acquitted. Liu Jiqiang, 52, was found guilty of strangling and stabbing his lover on 14 February 1998, earning him the notorious nickname “Valentine’s Day killer” in the Chinese press. But after spending nearly 2 decades on death row, the Higher People’s Court of Jilin province dismissed his conviction citing insufficient evidence, the court said on its official Sina Weibo microblog. Liu initially admitted to the killing, but his lawyers said his confession was obtained as a result of torture and illegal questioning, according to Xinhua news agency. He was handed the death penalty in December 1999 with a 2-year reprieve which in China often means life in prison. He unsuccessfully appealed his guilty verdict twice, in 2002 and 2003.

On 2 December 2016, Nie Shubin has had his conviction overturned by the People’s Supreme Court, 21 years after he was executed. Nie was sentenced for rape and murder of a woman in the capital of the Hebei province in Shijiazhuang, in 1995 and executed the same year when he was 21 years old. Another man, Wang Shujin, confessed to the crime that Nie was executed for in 2005 — 10 years after Nie was executed.

On 22 December 2016, a court exonerated four men who had been originally sentenced to death for rape and murder. The high court in Jiangxi province said the four men, who had been accused of the murder of a woman in 2000, were not guilty. The four had been given death sentences in 2003, which they appealed. In 2006, the verdict was reduced to a death sentence suspended for two years, which in practice is often commuted to life in jail. The provincial high court accepted their appeal in 2015. The court, in a statement on its website, said there were inconsistencies in the forensic evidence and the suspects’ confessions, which could have been coerced.

IRAN: THE NUMBER OF EXECUTIONS DECREASES

The election of Hassan Rouhani as President of the Islamic Republic on 14 June 2013 has 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 **2,744** prisoners have been executed in Iran since the beginning of Rouhani’s presidency (between 1 July 2013 and 31 December 2016).

From 1 July 2013 to 31 December 2013, there were at least **444** executions, in 2014 there were at least **800** executions and in 2015 at least **970**. In 2016, there were at least **530** executions, down 45,4% compared to 2015 and down 34% compared to 2014.

If the number of executions is lower than previous years, the country continues to record the largest number of per capita executions in the world also in 2016.

In 2016, **194** execution cases (36%) were reported by official Iranian sources (websites of the Iranian Judiciary, national Iranian broadcasting network, and official or state-run news agencies and newspapers); **336** cases (64%) 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 much higher than the figures included in the Annual Report of *Hands Off Cain*. According the *Abdollahian Boroumand Foundation* the Islamic Republic of Iran executed **564** people in 2016.

The crimes that have motivated death sentences are divided as follows in terms of frequency: **drug-related offences**: 309 cases (58.3%), 72 of them reported by official Iranian sources; **murder**: 132 (24.9%), including 65 announced by official sources; **rape**: 36 (6.7%), of which 33 announced by official media; **political offences or “terrorism”** and **Moharebeh** (waging war against God): 25 (4.7%), including 24 officially reported; **armed robbery, extortion** with other **political** and **nonviolent crimes**: 7 (1.3%), including 4 officially reported. In at least 21 other cases (3.9%), the crimes for which the convicts were found guilty remained unspecified.

In its 9^o Annual Report on the death penalty in Iran, Iran Human Rights (IHR) focuses particularly on the role of the Revolutionary Courts as a major source of arbitrariness and violations of due process in the Iranian judicial system. The Revolutionary Courts are responsible for the vast majority of the death sentences issued and

carried out over the last 37 years in Iran. According to IHR's 2016 report, at least 64% of all executions in 2016 and more than 3,200 executions since 2010 have been based on death sentences issued by the Revolutionary Courts. The Revolutionary Courts are less transparent

than the Public Courts and Revolutionary Court judges are known for abusing their legal powers. Trials lasting less than 15 minutes, lack of access to a chosen lawyer, and sentences based on confessions extracted under torture are the hallmarks of the Revolutionary Courts.

Commenting on the relative decrease in the 2016 execution figures, Mahmood Amiry-Moghaddam, IHR's Director and spokesperson, said: “We welcome any reduction in the use of the death penalty. But, unfortunately, there are no indications that the relative decrease in the number of the executions in 2016 was due to a change in the Islamic Republic of Iran's policy. Our reports show that the Iranian authorities have executed at least 140 people in the first two months of 2017 alone.”

Hanging is the preferred method with which to apply *Sharia* law.

Public executions by hanging continued into 2016. **At least 31** people were hanged in public in 2016.

In 2016, **executions of women** have slightly decreased: there were **at least 10**, but only 3 were announced by Iranian authorities. In 2015, Iran had hanged at least 19 women.

Executions of child offenders continued into 2016, in open violation of two international treaties to which it is party, the ICCPR and the CRC, both of which outlaw the execution of people who had committed their crimes when they were under the age of 18. **At least 5** juvenile offenders were hanged in 2016, (2 for murder cases, 2 for drug and 1 for sodomy and none of which were reported by official Iranian sources).

In 2016, **at least 4** people were hanged for **clearly political offences**. But it is probable that many of the people put to death for ordinary crimes or for “terrorism,” may well be in fact political opponents, in particular members of Iran's ethnic minori-

ties, 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.

On 11 November 2016, following the first round of Iran - EU talks after the nuclear negotiations, Iranian deputy Foreign Minister Majid Takht-Ravanchi told ILNA news agency: “The Islamic Republic of Iran will not cross its red lines, especially regarding capital punishment and Qisas (retribution) in human rights talks with the European Union”.

However, **the death penalty is not the only punishment** dictated by the Iranian implementation of *Sharia*. There is also torture, amputation, flogging and other cruel, inhuman 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. Every year, thousands of youths are whipped for consuming alcohol or attending parties with the opposite sex or for outrages against public decency. Authorities consider whipping an appropriate punishment to combat immorality, and such punishments are publicly inflicted as a “lesson to those who watch.”

On 19 December 2016, with 85 votes in favour, 35 against and 63 abstentions, the UN General Assembly adopted a new resolution expressing serious concern over numerous human rights violations in Iran, including the systematic use of arbitrary detention and discrimination against women and minorities, as well as. Specifically, the UN resolution expressed “serious concern” over the “alarmingly high” frequency and application of the death penalty, which Iran uses for crimes that do not qualify as the “most serious” crimes, for juvenile offenders, and with “disregard for internationally recognized safeguards.” It urged the Islamic Republic to end the “widespread and systematic use of arbitrary detention” and to uphold “fair trial standards.” The resolution called on Iran to end the “serious restrictions, in law and practice, on the right to freedom of expression, opinion, association and peaceful assembly...[and the]...persecution of political opponents, human rights defenders, women’s and minority rights activists, labour leaders, students’ rights activists, academics, film-makers, journalists, bloggers, social media users, media workers, religious leaders, artists, lawyers and persons belonging to recognized and unrecognized religious minorities.” The resolution “strongly urged” Iran to eliminate “all forms of discrimination” against women and girls, specifically citing freedom of movement, equal protection and access to justice.

SAUDI ARABIA

In 2016, Saudi Arabia executed at least **154** people, beheading **150** and firing **4**. Among those executed, 3 were women and 151 men; 118 were Saudi Arabian citizens and others were foreigner nationals: one from Bangladesh, one from Chad, one from Eritrea, one from Iraq, one from Nigeria, one from Qatar, one from Syria,

three from Egypt, three from Ethiopia, four from Jordan, nine from Pakistan and ten from Yemen. Most of them have been executed for murder (83), then for terrorism (47), drug related crimes (22), one for rape and one for rape of a juvenile. In 2015, Saudi Arabia beheaded 159 people. At least 40 people have been sentenced to death in 2016.

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, accelerating this year under his successor King Salman, who has adopted a more assertive foreign policy. In April, the King promoted his powerful Interior Minister Mohammed bin Nayef to be crown prince and heir to the throne. Some diplomats in Riyadh have said that judicial reforms, including the appointment of more judges, have allowed a backlog of appeals cases to be heard, leading to a short-term rise in executions. Others have argued that regional instability may have led Saudi judges to impose more draconian sentences.

On 2 January 2016, Saudi Arabia executed 47 people convicted of terrorism-related offenses, including 43 suspected members of *Al-Qaeda* and 4 Shiites, including Nimr al-Nimr, a prominent cleric and government critic from the country's Shiite minority [See Chapter "The War on Terror"]. The simultaneous execution of the 47 people was the biggest mass execution for such offences in Saudi Arabia since the 1980 killing of 63 militants who seized Makkah's Grand Mosque in 1979. Analysts have speculated that the execution of the four Shiites was partly to demonstrate to Saudi Arabia's majority Sunni Muslims that the government did not differentiate between political violence committed by members of the two sects.

On 3 January 2016, the United Nations deplored the mass execution of 47 people by Saudi Arabia, calling on the Riyadh regime to commute all death sentences handed down in the kingdom. UN Secretary General Ban Ki-moon said he was "deeply dismayed" by Saudi Arabia's execution of prominent Shia cleric, Sheikh Nimr al-Nimr. "Sheikh Nimr and a number of the other prisoners executed had been convicted following trials that raised serious concerns over the nature of the charges and the fairness of the process," Ban's spokesman quoted him as saying in a statement. The UN chief had raised the case of Sheikh Nimr with Saudi leaders on several occasions, the statement read, reiterating Ban's stance against the death penalty and urging the kingdom to commute capital punishment. In October 2015, Ban had called on the Al Saud regime to revoke Sheikh Nimr's death sentence. UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein added that the well-known Shia cleric had not committed any crime viewed as "most serious" under international humanitarian law, and called on the kingdom to impose a moratorium on all executions. "Under international human rights law, the death penalty may only be imposed, in countries that still have this form of punishment, if a strict set of substantive and procedural requirements are met," Zeid said. "The category of 'most serious crimes' for which the death penalty is still permissible, has been con-

sistently interpreted by human rights mechanisms as being restricted to murder and other forms of intentional killing,” he added. “Convictions cannot be based on confessions obtained under torture and ill-treatment, or trial proceedings that fall short of international standards,” the High Commissioner said. “Now we see almost one-third of the 2015 total executed in a single day,” Zeid said. “That is a very disturbing development indeed, particularly as some of those sentenced to death were accused of non-violent crimes,” he added. He urged the government of Saudi Arabia to impose a moratorium on all executions and “to work with the UN and other partners on alternative strategies to combat terrorism.”

DEMOCRACY AND THE DEATH PENALTY

Of the **38** retentionist, only **6** countries 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 **3** liberal democracies that carried out executions in 2016, and they accounted for **25** executions between them, **0,8%** of the world tally. These were: **United States of America** (20), **Japan** (3), **Botswana** (1) and **Taiwan** (1). In 2015 there were 4 (United States, Japan, India and Taiwan), and they carried out 38 executions.

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

THE UNITED STATES OF AMERICA: EXECUTIONER STATES AND DEATH ROW INMATES CONTINUE TO DECREASE

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

To date, the death penalty no longer exists in **19** of the 50 U.S. States and the **District of Columbia**, better known as the nation's capital city Washington D.C. The most recent death penalty abolition took place in Delaware in 2016. [See chapter "Abolitions and de facto moratoriums"].

The death penalty is still in effect in **31** States and in **2** jurisdictions (Federal Government and Military Administration). Of these 33 "retentionists", **13** have not carried out an execution in at least 10 years and an additional **5** have not had an execution in at least 5. In practice, only **13** jurisdictions carried out executions in the last 5 years.

In 2016, there were **20** executions carried out in only **5** States, compare to 28 executions in 2015, carried out in 6 States.

The number of inmates on death row also decreased. As of 1 October 2016, there were **2,902** inmates under a sentence of death, a decrease of 41 from 1 January 2016.

There were **30** new death sentences in 2016, in 13 States (19 less than in 2015).

Problems with executions in Arizona, Ohio and Oklahoma, states' inability to obtain lethal injection drugs, exonerations of people who were wrongly convicted, the availability of prison terms of life without parole and the cost of capital trials and the appeals process, are main factors in the persistent decline of executions and death sentences.

Executions

Twenty executions took place in only **5** of the 31 States with the death penalty in 2016: **Georgia** (9); **Texas** (7); **Alabama** (2); **Missouri** (1); **Florida** (1).

It is the first time since Texas resumed executions in 1982 that it doesn't lead the list of executioners.

The **20** executions in 2016 represent the lowest number since 1991. Also the fact that only **5** States have carried out executions is a record, it is the lowest number since 1988.

Since death penalty was reintroduced in 1976 up to 31 December 2016, **1,442** executions have been carried out in the USA. Compared to population, the states that carry out more executions are, in order, **Oklahoma, Texas, Delaware, Virginia and Missouri.**

Since 1976, three States have executed only "volunteers", i.e. death row inmates who voluntarily asked to hasten the execution process: **Pennsylvania, Oregon and Connecticut.** As a whole, since 1976, 143 inmates have been executed as "volunteers", 10% of all executed.

All executions in 2016 were carried out by lethal injection. And all have involved men. The average age of those executed in 2015 is 48,7 years. The average time between sentencing and execution of those put to death in 2015 was 18.5 years. At the extremes of this average there is a Texas detainee who was executed after 7 years (he was not a "volunteer") and one from Georgia, killed after 36 years on death row.

As for race, 16 of those executed in 2016 were White, 2 Black, and 2 Latino. The 20 executed in 2016 had been convicted of 26 murders: the victims were 24 White and 2 Latino.

Death Sentences

Besides the executions, death sentences are also constantly decreasing. That is for the minor propensity of juries to hand down the maximum penalty and for always more widespread tendency of prosecutors to "content" themselves with minor sentences in exchange for shorter and more secure trials.

According to the *Death Penalty Information Center*, there were **30** new death sentences in 2016 (19 less than in 2015), the lowest number since the death penalty was reinstated in 1976. The maximum was in 1996, with 315 capital sentences.

For the sixth consecutive year, the number of new death sentences is under 100.

Of the 32 States and 2 jurisdictions (Federal Government and Military Administration) with the death penalty in 2016, **13** imposed a death sentence. Death sentences, like executions, were largely clustered in a few States. As usual, the State which handed down the most part of the sentences was **California** (9) which is the most populated in the USA. Two States handed down 4 death sentences each (**Texas and Ohio**). **Alabama** handed down 3 death sentences, **Florida** 2 and **Arizona, Arkansas, Kansas, North Carolina, Nevada, Oklahoma, Oregon e Pennsylvania**, 1.

Texas, that for many years has led the number of executions, in 2016 issued only 4 death sentences, the second lowest of every time. In 2015 the sentences had been 2. The maximum was 48, in 1999. As for ethnicity, in 2016 the new death sentences were issued against 17 Blacks, 6 Whites, 3 Asian and 3 Latin-American.

Death Row

The number of people on death row continued to decline. According to figures from NAACP-LDF **"Death Row USA"**, as of 31 October 2016, there were **2,902** inmates on death rows across the country, a decrease of 41 compared to 1 January 2016. This is the second time since Spring of 1995 that the number of inmates decreases under 3,000. The first time was 2015. At the time the death row population was growing after the *Furman v. Georgia* sentence of 1972 that had struck down the death penalty, and the *Gregg v. Georgia* sentence of 1976 that had brought it back.

The total population on death row has decreased every year since 2001. In 2000, 3,670 inmates were under a sentence of death.

California continued to have the largest death row population (745), followed by **Florida** (395), **Texas** (254), **Alabama** (194), and **Pennsylvania** (175). California, with 40 million people, is by far the most populous US state (Texas is second, with 28 million, Florida is third with 21 million). Its death row is so populated in part in relation to the high number of death sentences issued, but partly because it has carried out very few executions, 13 from 1976 to today. The latest execution dates back to January 2006.

The racial demographics of death row nationwide are 42.2% white, 41.8% black, 13% Latin-American, 1.8% Asian, and 0.9% Native American. Overall, 57% of inmates on death row belong to racial minorities.

Divided by gender, there are 54 women (1.8%) and 2,848 men (98.1%) on the United States' death rows.

Abolitions and "de facto" moratoriums

To date, the death penalty no longer exists in 19 of the 50 U.S. States and 1 jurisdiction (District of Columbia) [In brackets the year of abolition]: Alaska (1957), Connecticut (2012), Hawaii (1957), Illinois (2011), Iowa (1965), Maine (1887), Maryland (2013), Massachusetts (1984), Michigan (1846), Minnesota (1911), Nebraska (2015), New Jersey (2007), New Mexico (2009), New York (2007), North Dakota (1973), Rhode Island (1984), Vermont (1964), West Virginia (1965), Wisconsin (1853), and District of Columbia (1981).

In 2015, the death penalty had been abolished in **Nebraska**, but reintroduced in November 2016 after a ballot question reversing the legislature's repeal of the death penalty and restoring capital punishment in the state passed with 57% of the vote.

In four other States – **Washington, Colorado, Pennsylvania** and **Oregon** – the Governors granted a stay of executions and essentially put executions on hold because of concerns about the death penalty system.

In **Ohio**, Governor John Kasich has postponed all executions to at least 2016 as a result of the practical and procedural problems related to the supply of lethal drugs. On April 1, 2016 the Attorney General announced that the State will not carry out executions not even in 2016.

On September 14, 2016, in **Oklahoma**, State Attorney General Scott Pruitt said the executions would be suspended for at least another 2 years. In Oklahoma, exe-

cutions have been suspended since it was discovered that on January 15, 2015, to kill Charles Warner, the prison administration used potassium acetate instead of potassium chloride. A grand jury charged with investigating the case found a series of serious defaults on the part of the penitentiary administration in more than one of the executions carried out since 2014.

On September 18, 2016, in **North Carolina**, Robeson County District Attorney Johnson Britt, and several experts, agreed to predict that executions will not resume until “several years.” In the state, following a series of legal actions, the latest execution dates back to August 2006, and since January 2007, the state is considered in a condition of “informal moratorium” after a court has suspended executions.

Not a moratorium, but a massive annulment of death sentences was decided on December 22, 2016 in **Florida**. The State Supreme Court, in *Asay v. State* and *Mosley v. State*, considered the approximately 200 death sentences issued from 2002 to today unlawful, while upheld the constitutionality of the over 150 sentences issued before that date. As is well known, in January, the United States Supreme Court with the *Hurst v. Florida* had declared unconstitutional that part of the capital law that allows death sentences without the unanimity of the jury.

Of the **33** jurisdictions where the death penalty is still in effect, **13** have not carried out an execution in more than ten years (hence, we can consider that they are implementing a “*de facto* moratorium”): **California** (2006), **Colorado** (1997), **Kansas** (1965), **Montana** (2006), **Nebraska** (1997), **Nevada** (2006), **New Hampshire** (1939), **North Carolina** (2006), **Oregon** (1997), **Pennsylvania** (1999), **Wyoming** (1992), **U.S. Federal Government** (2003), and **U.S. Military** (1961). **Five** other States have not had an execution in over 5 years: **Kentucky** (2008), **Louisiana** (2010), **South Carolina** (2011), **Utah** (2010) and **Washington** (2010).

Legislation

During 2016, there were many legislative proposals concerning the death penalty, some towards abolition, others to create stricter norms regarding its application and others to facilitate its application. Many of these bills were short-lived, blocked in the preliminary phases of the legislative review process. It must be recalled that the United States Parliaments focus legislative action early in the year, and each state has a deadline by which the new laws are to go, otherwise they should be presented in the following year. These are the bills that have passed at least the early stages of discussion.

In **Delaware**, on 28 January 2016, the House rejected 23-16 a bill (SB 40) that would have abolished the death penalty.

In **Missouri**, on 28 January 2016, an abolitionist bill has passed the Senate Judiciary Committee 4-3, with the favourable vote of two Republican senators and two Democrats. On 13 May 2016, the bill was placed in the so-called “informal calendar”, which means that the measure this year will not go ahead.

In **New Hampshire**, on 3 March 2016, the Senate rejected 12-12 a bill that would have abolished the death penalty, but agreed to discuss one that would establish a moratorium in light to develop a method to prevent miscarriages of justice.

New Hampshire is the only New England state to still have the death penalty. The last execution was in 1939, and currently there is only one detainee on death row. In the Senate, a tie vote is tantamount to a defeat. Again in New Hampshire, on 10 March, the House rejected by a vote by acclamation the HB 1522 bill that would have extended the death penalty to “terrorist crimes with more than one victim and the murders committed while the victim exercises its civil rights, like voting, attending school, or else.”

In **Utah**, on 3 March 2016, the Senate Judiciary Committee rejected 2-5 bill HB 136 that would have added the aggravating circumstance of “human trafficking” to those for which the death penalty can be pursued. The bill passed the House Judiciary Committee on February 2 (6-3), and the full House on 12 February (44-28).

Also in Utah, on 1 and 2 March 2016, the Senate approved on first and second reading the abolition of the death penalty (SB189). The House’s Justice Commission approved it on March 8, but on 11 March it expired the deadline for the House to give the final vote.

On 7 March 2016, **Florida** Governor Rick Scott, Republican, has ratified the law HB 7101. The new law amends the state capital law that was declared unconstitutional on 12 January 2016 by the Supreme Court of the United States. The new law provides that juries can now issue a guilty verdict 10-2 (before, it was 7-5), and that the decision of the jury is binding on the court. In 28 of the 31 states that use the death penalty, unanimity is required to issue a death sentence. The exceptions are Florida, Alabama and Delaware.

In **Alabama**, on 7 April 2016, Senators have voted 20-6 to establish an “Innocence Inquiry Commission” to review some capital convictions. Under the narrowly tailored bill, the panel would review new evidence in death row cases that hadn’t previously been heard by a court. Republican Sen. Dick Brewbaker, the bill’s sponsor, said he supports the death penalty, but the state should make sure people are guilty “For people to regain confidence in the capital system”. At the end of the 2016 legislative session, the bill was shelved with the formula “Updated Sine Die”.

On May 3, 2016, still in Alabama, the Parliament sent HB 379, which increases the secrecy surrounding the executions, to the governor’s ratification. The law passed the House on March 23 with a 99-0 vote, and the Senate on May 3 with a 28-0 vote. The measure was not ratified by the Governor.

In **Ohio**, on 12 April 2016, the House approved 83-11 a bill (HB 57) that would expand the list of aggravated circumstances under which murders committed “purposely and with prior calculation and design” are classified as aggravated murders. The law, sent to the Senate, has not continued its path.

In **Virginia**, on 24 April 2016, HB 815 went into effect. The new law permits the Virginia Department of Corrections to specially contract with a compounding pharmacy to produce lethal injection drugs and make the identity of the pharmacy a state secret. On April 8 the Governor substituted his secrecy proposal in place of the legislature’s plan to use the electric chair to execute prisoners if lethal injection drugs were deemed unavailable. Senate concurred in Governor’s recommendation 22-16. House concurred in Governor’s recommendation 59-40.

In **Mississippi**, on 3 May 2016, the Governor has ratified SB 2237 that increases the secrecy around executions. The bill had passed the Senate 39-12 and the House 103-13.

On October 6, 2016, the **New Mexico** House approved 36-30 the reinstatement of the death penalty. HB7 bill, filed by deputy Monica Youngblood (Republican), provides for the death penalty for anyone killing a policeman, a corrections officer, or a minor. On October 6, 2016, the Senate closed the special autumn session without considering the measure.

On November 8, 2016, **California** had approved Proposition 66 which proposes to amend the procedures of death sentences in order to expedite the issuance of execution warrants, but on December 20, the California Supreme Court temporarily halted implementation, and on December 28, a state agency (the Office of Administrative Law - OAL) rejected the new law because of "Inconsistencies and ambiguities in the protocol, insufficient justification for some regulations and a need for further response to public comments".

Methods of Execution

All U.S. States and the Federal Government use lethal injection as their primary method of execution. The U.S. Military provides lethal injection as the sole method of execution.

Some States use a three-drug protocol, others use a two-drug process, and some a single-drug method for executions.

The three-drug protocol uses an anaesthetic, followed by a muscle relaxant to paralyze the inmate and potassium chloride to stop the inmate's heart. The two-drug protocol uses a sedative as the first element and a lethal dose of a painkiller as the second drug. The one-drug protocol uses a lethal dose of an anaesthetic.

The work of several key human-rights groups focusing on the pharmaceutical industry that produces drugs used for lethal injection has made the acquisition of appropriate pharmaceuticals difficult for U.S. prison authorities. This has, in recent years, brought about numerous changes in lethal injection protocols as prison authorities attempt to work around the reluctance of pharmaceutical companies to collaborate in providing drugs traditionally used in the lethal injection process.

In an effort to thwart advocacy campaigns by anti-death penalty organisations that utilize freedom of information laws and the media to convince the drug's makers to cut off the supply, some States have also passed laws to provide a cloak of secrecy around the names of suppliers.

[For further info, see chapters "Top Secret Death" and "The 'Humane' Lethal Injection"]

In some States the "old methods" are still available upon request by the condemned and generally only for crimes committed before the adoption of lethal injection.

The **electric chair** is still available in 9 States: Alabama, Arkansas, Florida,

Kentucky, Mississippi, Oklahoma (electrocution is authorized if lethal injection is held to be unconstitutional and nitrogen gas is not allowed), South Carolina, Tennessee (also if both lethal injection is found unconstitutional and lethal injection drugs are not available), and Virginia. The Supreme Courts of Georgia and Nebraska have declared the electric chair unconstitutional, but the capital laws have not been updated. The **gas chamber** is still available in 5 States: Arizona, California, Oklahoma (as of 17 April 2015, nitrogen gas chamber would be employed if either lethal injection drugs are unavailable or if lethal injection is deemed unconstitutional), Missouri and Wyoming (also if lethal injection is ever held to be unconstitutional). The **firing squad** is available in 3 States: Mississippi (reintrodotta il 3 maggio 2016 e utilizzabile nel caso l'iniezione letale diventi o troppo costosa o impossibile da attuare), Oklahoma (it could be used if none of the previously mentioned methods are allowed) and Utah (in the absence of lethal injection drugs). **Hanging** is available in 3 States: Delaware, New Hampshire (only if lethal injection cannot be given) and Washington.

Of the 1,442 executions carried out in the USA since the death penalty was reintroduced in 1977 and until 31 December 2016, 1,267 were carried out by lethal injection, 158 on the electric chair, 11 in the gas chamber, 3 by hanging and 3 by shooting.

The Supreme Court

In recent years, the Supreme Court of the United States has made “milestone” decisions, on one side, prohibiting the execution of minors (2005) and the mentally disabled (2002) and, on the other, confirming the constitutionality of lethal injection (2008).

As is known, the judges of the Supreme Court are appointed “for life”, and then, because of the very slow replacement of the judges, the guidelines of the Court change very gradually. But one sentence in 2016 has shaken the capital systems of 3 states.

On 12 January 2016, the Court declared unconstitutional the capital law of Florida, with repercussions on other two states, Alabama and Delaware, which have very similar laws. Addressing the case *Hurst v. Florida*, the Court declared the law unconstitutional to the extent that the judge has more power in the jury deciding a death sentence. By an 8-1 vote, the court overturned the death sentence of Timothy Hurst, and simultaneously declared unconstitutional the greatest power that has the judge with respect to the jury in deciding the sentence. The vote of the jury in almost all states is tantamount to a death sentence, because the judge has the duty to respect it. In three states instead, Florida, Alabama and Delaware, the court is not obliged by law to follow the vote of the jury.

According to the Supreme Court, this violates the Sixth Amendment, which guarantees the accused's right to be tried by a “jury of peers”, as if a member of the bench (in this case the judge) has a greater power than the other members, the jury is clearly not composed of “equals.”

The *Hurst v Florida* judgment, beyond the “technicality” on the role of the judge,

does not explicitly address the real crux of the matter, namely the fact that Florida, Alabama and Delaware are the only three states that allow the issuance of death sentences without a unanimous vote. Many observers believe that the Supreme Court has made a compromise choice, leaving decisions to local courts and parliaments.

After this ruling, Alabama and Florida have modified their laws, tying the judge to respect the majority vote. In Delaware instead, the Parliament has not acted, and a judge has blocked all capital proceedings.

Despite the new laws, the Supreme Court again dealt a blow to the capital system of the three states: on 2 May 2016, it overturned the death sentence of Bart Johnson (the case is *Bart W. v. Alabama*) because it was issued pursuant to a law which has since been declared unconstitutional. On 31 May, the Supreme Court reiterated its position, cancelling the sentence of Corey Wimbley (the case is *Wimbley v. Alabama*). The same was done on 6 June with *Kirksey v. Alabama*, and on 3 October with *Russell v. Alabama*. It seems clear at this point that all death sentences in recent decades in Florida, Alabama and Delaware, states that have more than 600 people on death row, must be questioned.

Exonerations and Commutations

“Exoneree” is a technical term that, in the U.S. justice system, indicates an individual convicted in the first degree but absolved on appeal. As is well noted, appeals in the United States are not one-time, unrepeatable events, but can be presented every time the defence feels that it has discovered new elements relevant to exonerating the condemned. It is not rare that certain “appeals” can be presented 20 years or more after initial sentencing. In some cases, the “exonerees” are obviously innocent (in cases where DNA evidence proves the guilt of someone else, for instance), in other cases, there is dismissal on appeal for “lack of evidence” or because, after so many years from the actual crime, the Public Prosecutor no longer has credible witnesses to testify.

The *Death Penalty Information Center* (DPIC) keeps a list of these “exonerees”, according to which, since 1973 up to 31 December 2016, there have been 156 exonerations in 26 different States. According to “The Innocence List”, the average time between sentencing and the recognition of one’s innocence is 11.3 years. In 20 cases, proof of innocence was thanks to new DNA testing.

According to the criteria set by the DPIC, in 2016 no death row inmates were exonerated.

In fact, some old capital cases have also had a positive outcome in 2016, but do not match the DPIC’s strict criteria for cataloging.

For example, on June 6, 2016 in Texas, Judge Jack Carter dismisses all the charges that in 1978 had led to the death sentence of **Kerry Max Cook**, meanwhile at the age of 60. Cook continues to pursue a declaration of “actual innocence” that would make him eligible for more than \$3 million in compensation from the state of Texas for the two decades he was wrongfully incarcerated on death row. The trial court is expected to rule on that claim later this month and the Texas Court of Criminal Appeals will then review the dismissal of charges. Because the dismissal of charges is not yet final, Cook has not yet been added to DPIC’s Exoneration List.

Another non-profit association, the National Registry of Exonerations (NRE), keeps a list of exemptions, not just for death sentences. According to a NRE study in 2016, 166 people have been exonerated after being convicted of serious crimes, 54 of them for murder. The NRE is a project launched in 2012 by the University of Michigan and Northwestern University. The NRE uses slightly different criteria from those used by the DPIC, and provides more elaborations. For example, according to NRE, assessing cases of exoneration over the last 10 years, improper behaviour by the police or public prosecution, and false testimony would be the main causes of judicial errors. The Registry reports that the improper behaviour of the police or public prosecution had a role, albeit not exclusive, in 571 of the 836 exonerations involving cases of murder (only a part was prosecuted with the death penalty) ie in 68.3% of cases. Witness errors were found in 203 cases (24.3%), fake or misleading forensics in 194 cases (23.2%), and false or “manufactured” confessions in 182 cases (21.8%). The Registry also identifies inadequate legal assistance by defenders in 218 cases (26.1%). According to the analysis of the Register, racial discrimination still has a strong role. There is evidence of improper behaviour of the police and/or the prosecutors in 76% of cases of exoneration where Blacks were charged, compared to 63% of cases of Whites. Restricting the research to only capital cases, the difference between Blacks and Whites is even greater: 87% of Blacks sentenced to death suffered improper behaviour of the police and/or the prosecutors, against 67% of Whites.

Death penalty aside, the Obama administration, since the election of the first term, has often referred to the need for reforms to mitigate the harshness of the judicial and prison systems in the nation, in particular, the system of “mandatory minimum sentences” introduced in the federal system by President Clinton, a facet of the larger “war of drugs”. The “mandatory minimum sentence” does not give the court the power to independently assess the seriousness of a crime or to contextualize it using any mitigating means, but binds it to issue, for example, a mandatory sentence of 30 years or life if a defendant is arrested for the third time for drug dealing.

Within his two mandates, President Barak Obama has issued 774 “commutations” (this is the technical term used in the US). It is more than that of the previous 7 presidents combined, and less than the approximately 14,000 granted by former President Gerald Ford. He commuted the sentences of anyone who had deserted or dodged the draft during the Vietnam War.

Almost all of Obama’s commutations involved people convicted of non-violent crimes related to drug use and drug trafficking. The commutations issued in 2016 alone are 590, the highest number in a single year in US history.

As is well known, it is customary for the US Presidents to conclude their mandates by promulgating a series of clemency measures.

On January 17, 2017, three days before Donald Trump sworn in as the new President, Obama issued 209 commutations and 64 pardons.

By “commutation” is meant to shorten a sentence, for “pardon” it is intended to have immediate release due to “presidential pardon”. The case that has mostly attracted the attention of the media is that of “soldier Manning”, sentenced to 35

years for handing to Snowden and Assange the confidential information of the Wikileaks case. But Obama also commuted to life in prison without parole 2 death sentences, that of Abelardo Arboleda Ortiz, a federal death row prisoner, and that of Dwight Loving, a military death row prisoner. It had been since 2001 that a president did not commute a death sentence.

The Cost of the Death Penalty

Besides the consideration of misplaced justice, which has been the subject of political debate in recent years, questions of the “cost of the death penalty” are coming to the fore.

As is well known, in the United States the various courts have very precise budgets, which must be accounted for to the last cent. If prosecutors wish to try cases involving the death sentence they must provide more evidence, more lab results, more testimony and the State must provide the accused with better legal counsel. This all has its costs, which increase in successive phases of the legal process, because those who risk death have a right to increased free legal assistance, lab analysis to contrast that of the Prosecution (at cost to the State), and to hire expert witnesses (also at cost to the State) and to present a series of appeals and recourses that are not available to those who risk imprisonment. This means that when prosecutors begin death penalty cases, they start a process which drains funds from the State, and that, often, because of these expenses, there are fewer funds for other activities.

In many interviews with politicians and in bills presented in numerous States, the problems related to the “cost of the death penalty” came under focus with consideration of an alternative: giving up on capital punishment, which usually involves people for which there is already ample proof for conviction, and using the money saved to solve cases where criminals have yet to be identified.

In debates pro or against the abolition, it is often raised the suspicion that capital trials are for the benefit of few prosecutors who seek visibility, often in order to facilitate political careers, while the high costs end up falling on the entire community.

In **Ohio**, on 1 April 2016, Attorney General Mike DeWine issued a report on capital punishment in his state. Only 1 person was condemned to die last year. A total of 324 death sentences have been handed down under the state's 1981 law. The report reflects a continued drop in death sentences in Ohio as prosecutors file fewer cases and juries choose the option of life without parole. It also comes at a time when Ohio doesn't have any lethal drugs. No executions are scheduled this year. The report says 53 inmates have been executed since 1999. 19 have had their sentences reduced to prison time and 27 have died before execution. Ohio has 142 active death penalty cases. Currently, if the state wanted to perform an execution, the state is not in possession of the necessary lethal drugs. In its report DeWine has not explicitly addressed the chapter of the “costs”, but the blatant disproportion between the cases prosecuted as a capital offense and executions actually carried out is inscribed in the national average.

In **Louisiana**, a study published on 28 April 2016 calculated that less than 12 %

of death sentences end up in executions. The report “Louisiana Death Sentenced Cases and Their Reversals, 1976-2015” examined each of the 241 death sentences handed down in Louisiana over the past 30 years. Just 28 of those sentenced to death – less than 12 % – have been executed. Meanwhile, 127 of the death verdicts, more than 1/2 the total, have been reversed, meaning that either a new trial was ordered or the death sentence was rescinded. That number includes 9 exonerations.

In **Utah**, on 15 June 2016, it was published a report, commissioned by Parliament and compiled by a state agency. It is estimated that each sentenced to death costs the taxpayer 1.66 million dollars more than a life sentence without parole.

In **Nebraska** on August 19, 2016, a study calculated that the death penalty cost \$ 14 million a year. Ernie Goss, an economics professor at Creighton University, completed the death penalty cost review for Retain a Just Nebraska, which was waging a campaign to keep the Nebraska Legislature’s repeal of capital punishment. Goss calculated the state spent \$533 million on “justice activities” in 2013. Without the death penalty, the cost would have been about \$519 million, he wrote. Between 1973 and 2014, Nebraska saw 1,842 homicides and 33 death sentences but only 3 executions, Goss found. The state’s last execution took place in 1997.

In **Virginia** on December 11, 2016, an Associated Press inquiry calculated that the state paid over 60 times more lethal drugs than in the previous year.

The Stance of the “Executioner”... and the Victims’ Families

The effects of the death penalty on those who carry it out were clearly described by those who have worked for years on death row.

In **Ohio**, on 24 February 2016, two former Ohio prison bosses who watched dozens of men executed have joined a national group which is “strongly concerned about the fairness and efficacy of the death penalty in America.” Terry Collins and Reginald Wilkinson, both former directors of the Ohio Department of Rehabilitation and Correction, are part Public Safety Officials on the Death Penalty. The Washington, D.C.-based group is a coalition of law enforcement, prosecutors and prison officials. Not all members of the coalition are opposed to capital punishment, but all share the conclusion that the system is “ineffective, expensive and makes mistakes.” Collins, who oversaw 33 executions is also a member of Ohioans Against Executions. He recently published a report in which he wrote: “The death penalty is a defective mechanism that is not worth it to adjust.”

Perhaps, the most unexpected stance on the death penalty came from the family members of victims.

In **Connecticut**, on 21 January 2016, Dawn Mancarella, whose mother, Joyce Masury, was murdered 20 years ago, called the death penalty “a waste of energy and money that doesn’t bring justice or closure.” Mancarella had already testified in Parliament against the death penalty in 2012, the year of abolition, and in January 2015 she issued a written statement in which she reiterated her position. The testimony was attached to the court documents relating to the case in which the State

Supreme Court discussed the fate of the 11 persons on death row at the time of abolition. Mancarella said that the death penalty forces victims' family members to "go through the pain of reliving their loved one's murder over and over again, year after year" through the lengthy appellate process. This, she says, "is the opposite of justice and closure — even if the convicted offender is put to death in one, ten or twenty years, the anguish of losing your loved one never goes away and a state appointed execution doesn't make you feel any better." She contrasts the energy and money expended on the death penalty with the state's treatment of programs to help victims' families heal: "it is beyond frustrating to see millions of dollars invested into a single capital case," she says, "while victims' services are perpetually underfunded." She concludes, "It is time to give back our misplaced time and energy to the survivors of homicide for their healing and truly honouring their loved one."

In **Florida**, on 19 February 2016, Darlene Farah reiterated her request that the murderess of her daughter is not sentenced to death. Mrs. Farah is the mother of Shelby Farah, 20, killed during a robbery at a store in 2013. In the trial that began in March 2016 against James Xavier Rhodes, 24, Duval County prosecutors are seeking the death penalty over the objections of Ms. Farah's family. After unsuccessful attempts to persuade prosecutor Angela Corey to non-capitally resolve the case, Darlene Farah publicly expressed her views in a recent column in *TIME*. Farah said, "I do not want my family to go through the years of trials and appeals that come with death-penalty cases." Instead, she wants her family to be able to, "celebrate Shelby's life, honour her memory and begin the lengthy healing process." Darlene Farah says her daughter would not have wanted the death penalty to be sought on her behalf, and "more killing in no way honours my daughter's memory or provides solace to my family."

In **Missouri**, on December 27, 2016, family members of a victim asked the governor to commute all death sentences. When Missouri executed Jeff Ferguson on march 26, 2014 for the rape and murder of Kelli Hall, her father said the Hall family "believed the myth that Ferguson's execution would close our emotional wounds." At that time, Jim Hall told reporters "It's over, thank God." But, he now says, it wasn't. In an op-ed in the *Columbia Daily Tribune*, Mr. Hall writes that his family has "come to deeply regret Ferguson's execution" and appeals to Governor Jay Nixon to commute the death sentences of the 25 men remaining on the state's death row. Hall says that several weeks after Ferguson was executed, his family viewed a documentary film that featured comments from Ferguson that "conveyed such genuine remorse for the pain he caused both our family and his because of his horrible actions." A few months later, the Halls also learned that Ferguson had been a leader in the prison's hospice, GED, and restorative justice programs, including one in which prisoners listened to victims share the devastating impact the crimes had on their lives. The Hall family was able to forgive Ferguson as soon as they saw the film, and Mr. Hall says "my family wishes we had known of his involvement in these programs and been invited to participate. ... I'm convinced significant healing would have occurred for us all if our family had engaged in a frank conversation with him at the prison. I wish I had had the chance — consistent with my Christian beliefs — to have told him in person that I forgave him for what he did to our innocent and precious daughter."

The relationship between crime and punishment

In November 2016 the U.S. Department of Justice released its annual FBI *Uniform Crime Report* for 2015, reporting no change in the national murder rate since 2013. The massive collection of data and statistics is maintained by the *Federal Bureau of Investigation* (FBI). “Crime in the United States 2015”, with data updated to 2015, is compiled by assembling the data of more than 18,000 bodies of local and national police, and covers about 321 million people, including 3.5 million of Puerto Rico. The report shows that the homicide rate in the US has grown slightly in the last year: 4.9 homicides per 100,000 inhabitants. It was 4.5 both in 2013 and 2014. The first survey, in 1993, gave a percentage of 9.5.

As the total number, murder (except manslaughter) in 2015 were 15,696, with an increase of 10,8% on 2014. Data on homicides, albeit rising compared to the recent past, are still considered an improvement over a sample year that was identified in 2006: in this case homicides would fall by 9.3%, and the rate of homicides every 10,000 inhabitants of 15.5%. It is also estimated that the increase in murders recorded this year is also the result of two in-depth studies conducted by the media on these data collected by FBI, according to which about 2,000 murders per year were not recorded.

To the 15,696 murders, they must be added the so-called “justifiable homicides”, i.e. those committed by police in carrying out their functions, or by individuals for what is considered self-defence. Police in 2015 killed 442 people. Private citizens have killed, respecting the law, 328 people.

The figure of the killings by police has been challenged in recent months by some online databases compiled by volunteers (including “Fatal Encounters” and “Killed by Police”). They estimate that police victims are about 1,100 per year. The FBI acknowledges the incompleteness of its data, explained by the fact that the local police have no obligation to provide any updates regarding this type of “crime.”

Breaking down the data by region and using the classic division of the United States (Northeast, Midwest, South and West), the Northeast region, which uses the death penalty the least, had the lowest murder rate of the 4 geographic regions. By contrast, the South, which carries out, on average, more executions in the United States, had the highest murder rate: 5.9. To have a comparative measure, in recent years, the number of homicides in Italy has always been limited to over 500, with a homicide rate of less than 1/100,000.

Overall, in 2015, little less than 10.8 million people were arrested and taken into custody in the United States. The largest groups are crimes against property 1.46 million, violent crimes, 0.5 million, drug crimes 1.5 million, and driving under the effect of alcohol or drug 1.1 million.

According to official data contained in the report “*Prisoners in 2015*” (NCJ 250229), as of 31 December 2015, in US federal and state prisons were held 1,526,800 people, with a decrease of 35,000 units (2%) over the previous year.

According to another official report (Correctional Populations in The United States, 2015) other 728,000 people would be held in local prisons [as is well known, the United States will use two different terms: *Prison* is the state or federal prison, *Jail*

is the local prison], 3.9 million subject to periodic inspections (probation), and more than 870,000 people on parole.

The total number of people who are called “under the supervision of adult correctional systems” is 6,741,400 (115,000 less than the previous year).

The prison population is made up to 18.6% by women. About 117,000 prisoners from 30 states and the Federal Circuit are held in privately operated prisons. The total number of prisoners is decreasing by about 1% a year from 2007 to date. From 2014 to 2015 the decrease was 1.7%.

Both these reports are prepared by the BJS (Bureau of Justice Statistics), a federal agency.

Opinion Polls

In recent years, opinion polls show a basic ambivalence: when given a simple “yes” or “no” to whether one supports the death penalty, the answer “yes” maintains favour, and its decline, year by year, is slow. Instead, when opinion polls include a question offering life imprisonment without parole, things change drastically.

A nationwide survey on September 29, 2016 reports that for the first time in 45 years, the support for the death penalty drops below 50%.

The Pew Research Center has published the results of its periodic survey of the death penalty. This is an incomplete survey, because it only includes the yes/no options, and does not include the “life without parole” alternative, which in other surveys in recent years has often gained the majority.

In the 2016 poll, 49% are in favor and 42% opposed to the death penalty. Last year they were 56% favorable and 38% opposed.

Public support for the death penalty fell by 7 percentage points in the last year.

The poll marks the first time in 45 years that support for capital punishment polled below 50%, when a Gallup poll in released in November 1971 also reported that 49% of Americans supported the death penalty. 42% of respondents told Pew that they oppose capital punishment, the most since a May 1966 Gallup poll reported 47% of Americans against the death penalty. The poll results reflect the continuation—and perhaps acceleration—of a 20-year trend of decreasing support for, and increasing opposition to, capital punishment. Support for the death penalty declined across every demographic group in the past year, with the largest decline coming among Independents (13 percentage points). Majorities of Blacks (63%), Hispanics (50%), 18-29 year-olds (51%), college graduates (51%), Democrats (58%), and people with no religious affiliation (50%) now oppose the death penalty and—while comprising less than a majority—more women, Independents, and Catholics say they oppose the death penalty than support it. While 72% of Republicans say they favor capital punishment, support for the death penalty among Republicans dropped 5 points in the past year.

White evangelical Protestants continue to back the use of the death penalty by a wide margin (69% favor, 26% oppose). White mainline Protestants also are substantially more likely to support (60%) than oppose (31%) the death penalty. Among Catholics, opinion is more divided: 43% of Catholics favor capital punishment,

while 46% oppose it. Since 2011, support for the death penalty has declined among every demographic group, with overall support falling by 13 points.

[For the extended version of the news briefly summarized here, see the site Hands Off Cain. For further information on capital punishment in the United States of America, see the Death Penalty Information Center's website.]

JAPAN: 17 EXECUTIONS UNDER ABE GOVERNMENT

In 2016, Japan executed 3 people, the same number as in 2015. Another two executions were carried out in the first six months of 2017, bringing to 17 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.

As of 31 December 2016, there were 129 inmates on death row, and 7 have been sentenced to death during the year according data provided by the Ministry of Justice.

On 25 March 2016, two multiple murderers, including a woman, were executed, bringing to four the number of inmates hanged since Justice Minister Mitsuhide Iwaki took office in October 2015. Yasutoshi Kamata, 75, was executed at the Osaka Detention House. He was convicted of murdering five people between 1985 and 1994, including a 9-year-old girl in 1987. Junko Yoshida, 56, was hanged at the Fukuoka Detention House, the fifth woman to be executed Japan since 1950. Yoshida and three other former nurses in Kurume conspired to murder the husbands of two of the women between 1998 and 1999 in an attempt to receive insurance money.

On 11 November 2016, Kenichi Tajiri, 45, was executed at Fukuoka Detention Centre in the early hours of the day. He was sentenced to death in 2012 for two cases of robbery-homicide the Prefecture of Kumamoto. This is the second execution involving an inmate who was sentenced to death in a lay judge trial. Japan's lay judge system, in which three professional and six lay judges hear a case, began in 2009. This was the first execution ordered by Justice Minister Katsutoshi Kaneda since he assumed his post in August

The seven people newly sentenced to death in 2016 include 25-year-old Yutaro Chiba, who in July became the first to be given capital punishment under the lay judge trial system introduced in 2009, for a crime committed by a teenager. Chiba has been sentenced for the murder of two women in 2010 when he was 18 years old.

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 May 2009, a lay judge system was introduced as a part of a larger judicial reform project in order to reflect "common sense" in criminal trials. Lay judges comprise the majority of the judicial panel of three professional judges and six ordinary citizens. They do not form a jury separate from the judges, like in a common law system, but participate in the trial as inquisitorial judges who actively analyse and

investigate evidences presented from defence and prosecutor, in accordance with civil law tradition. In Japan, there is no special procedure for selecting citizens to serve as lay judges in potential capital trials.

Obtaining a judicial review or a commutation on appeal is a rare event in Japan. However, after 2009, with the introduction of courts composed of laymen judges, some cases of commutation on appeal have occurred.

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.

On 7 October 2016, the Japan Federation of Bar Associations, for the first time, adopted a public statement calling for the abolishment of the death penalty by 2020, citing the possibility of wrongful convictions and international trends against capital punishment.

In March 2013, in its response to the recommendations received under the Universal Periodic Review of the UN Human Rights Council, Japan rejected the recommendation made by more than 20 States regarding the death penalty, including introducing a moratorium on executions with a view to full abolition.

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 2014, 80.3 percent of respondents considered the death penalty a “permissible” sanction, and just 9.7 percent of them felt it should be abolished.

On 19 December 2016, Japan voted against the UNGA Resolution calling for a universal moratorium on capital executions.

TAIWAN: 32 EXECUTIONS IN FIVE YEARS

In 2016, one execution was recorded in Taiwan and two others sentences to death were imposed. In 2015 there were 6 executions and 9 new death sentences.

Taiwan 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. Since 1981, 569 people have been executed, according to information from Taiwan’s Justice Ministry.

As of 10 May 2016, there were 42 inmates on death row, some of whom were sentenced to death as long as 10 years before, according to the Ministry of Justice.

On 10 May 2016, a 23-year-old college student was executed at a jail outside Taipei. He was anaesthetized then shot three times by a firing squad. Cheng was sentenced to death in 2015 for killing four people and injuring another 22, in the first fatal attack on the capital’s subway system since it launched in 1996. Cheng, who pleaded guilty to the charges, was described by prosecutors as “anti-society, narcissistic, immature and pessimistic”. Cheng’s parents had asked for him to be sentenced to death, calling their son’s actions “unforgivable”.

In 2016, the risk of executing the wrongfully convicted became the centre of public attention in two cases.

The first, the Cheng Hsing-tse's case who was realised in February 2016 when the Taiwan High Prosecutors' Office announced that it would apply for a retrial following the emergence of new forensic evidence that cast doubts over his conviction of a 2002 murder. In April Minister of Justice Luo Ying-shay also announced that a special committee was established to review finalized death penalty cases that could involve miscarriages of justice. The second, the Hsu Tzi-chiang's case, who was exonerated in October 2016 when the Supreme Court upheld a 2015 High Court decision which acquitted him of charges of kidnapping, extortion and murder in 1995.

In May 2011, Taiwan moved a step closer toward the reduced use of the death penalty as the Legislative Yuan amended 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, the Parliament passed amendments to the Criminal Code scrapping capital punishment provided in cases of kidnapping for ransom, even if aggravated injury results from the offense.

After these amendments to the Criminal Code, the death penalty remains applicable for 55 offenses.

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.

In 2008, then-Minister of Justice, Wang Ching-feng, voiced her opinion against the death penalty, stating that it is cruel and fails to demonstrate that punishments should also serve rehabilitation purposes. In March 2010, Wang Ching-feng resigned after failing to win support for her opposition to the death penalty. "I would rather step down than sign any death warrant," Wang Ching-feng said, adding she would gladly die instead of any of the 44 inmates on death row, if only they got a chance to rehabilitate themselves. In October 2014, Justice Minister Luo Ying-shay voiced her support for repealing the death penalty in Taiwan. "However this is at some divergence from the majority opinion," she told a Judiciary and Organic Laws and Statutes Committee meeting, adding: "We cannot subjugate the wishes of the majority to that of a minority... But as a Buddhist, I hope that ultimately the death penalty will be repealed in Taiwan." In May 2015, President Ma Ying-jeou said the government was unable to scrap capital punishment "at the moment," but will continue to work toward reducing its use.

On 21 June 2016, the Ministry of Justice responded to European Union's calls to abolish capital punishment by saying that Taiwan's justice system was moving toward that goal in the long term. Deputy Minister of Justice Chen Ming-tang said the ministry's ultimate goal is to abolish capital punishment in Taiwan, "but current public surveys indicate that 82 percent of the people are against abolition of the death penalty." Chen said the ministry has undertaken four measures toward this long-term objective: ending legal requirements for "mandatory capital punishment"

for certain crimes; taking steps for the judiciary to deliberate on “discretionary capital punishment”; handing out the death penalty with extreme prudence; and carrying out the death penalty with extreme prudence. “The ministry will take very careful approaches on handling this issue and carrying out the death penalty, before our nation has formally abolished it,” Chen said.

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 48 people put to death.

Capital crimes include homicide, piracy, treason, espionage, attempting to take the life of a head of State and military crimes such as mutiny and desertion in the face of the enemy.

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 in May 2016.

At the end of 2016, there was only one convict on death row.

On 25 May 2016, death row inmate Patrick Gabaakanye was hanged at Gaborone Central Prison, according to a statement made by the Botswana Police Services. Gabaakanye had been convicted of murder by the High Court of Botswana in March 2014 and his death sentence was confirmed by the Court of Appeal on 30 July 2015. He was executed before the clemency process had been fully completed. The lack of transparency of the clemency process in relation to those on death row was brought before the Court of Appeal in 2016 by local lawyer Martin Dingake, with the help of DITSHWANELO – The Botswana Centre for Human Rights. On 21 April 2016, the Court of Appeal handed down a Judgment relating to the clemency (prerogative of mercy) process in Botswana. It held that less than six weeks’ preparation time for *pro deo* counsel to prepare a clemency petition (and to be in possession of the same documents as the Committee) would not allow the accused persons to meaningfully exercise their constitutional right to clemency. However, critically the Clemency Advisory Committee failed to adhere to the 2016 ruling made by the Court of Appeal. The Committee did not provide sufficient time for the legal counsel to prepare the application. In 2013 at the second cycle of its Universal Periodic Review (UPR) process, the government of Botswana accepted the recommendation to inform the family members of the accused of the execution before it was carried out. According to lawyer Dingake, the family of Gabaakanye was not informed about the execution before it happened.

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

In January 2013, 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. As long as the greater majority of the citizens of Botswana will continue to support capital punishment the Government will continue to uphold it.

On 19 December 2016, Botswana voted against the UNGA resolution for a universal moratorium on capital executions.

EUROPE: DEATH PENALTY FREE BUT FOR BELARUS AND RUSSIA

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. The situation in **Russia** is different for its commitment to abolish the death penalty as member of the Council of Europe, and for a 1996 moratorium on executions that is still in effect. In August 2014, the self-proclaimed Donetsk People's Republic in eastern **Ukraine** introduced the death penalty for the gravest crimes. In July 2016, the **Turkey's** Prime Minister Binali Yildirim said that death penalty could be reintroduced in the country to punish those responsible of putsch.

All other European countries have abolished the death penalty in all circumstances. The **Vatican City** eliminated life imprisonment from its own penal code, though that move was largely symbolic.

BELARUS

The death penalty in Belarus is envisaged for 14 crimes, ranging from murder to terrorism, crimes against humanity and a number of military crimes. Article 24 of the Constitution reads that “the death penalty can be applied as an exceptional measure of punishment for grave crimes in accordance with the law and only under court sentences until it is abolished.”

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.

On 4 May 2015, Belarus was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government accepted recommendations to consider introducing a moratorium on the use of the death penalty with a view to its permanent abolition, and to carry out public campaigns explaining the arguments for the abolition with the aim of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.

In December 2016, Belarus abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

In 2016, Belarus resumed executions: 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 murderers were executed in 2010. In 2009, there were no executions, while four people were

executed in 2008 and 1 in 2007.

At the end of the year 2016, two men were in death row: Syarhei Vostryakau, 33, sentenced to death on 19 May 2016, having been found guilty of two separate cases of rape and murder of women in 2014 and 2015. On 4 October 2016 his sentence was confirmed by the Supreme Court. The second death row inmate is Kiryl Kazachok sentenced to death on 29 December 2016 for killing two of his children on 31 January 2016.

RUSSIA

The situation in Russia is different for its commitment to abolish the death penalty as a member of the Council of Europe since 28 February 1996. In August 1996, then-President Boris Yeltsin, in maintaining international obligations, imposed a moratorium on executions, still in effect. However, executions were reportedly carried out between 1996 and 1999 in the Chechen Republic.

In 1996, Russia signed the Protocol Number Six to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty, but it has not ratified the document yet.

The moratorium has gone on, despite the continued resistance of the Duma (the Lower House of Russian Congress) to abolish the death penalty.

In December 2006, the Russian Duma approved the extension of the moratorium on the death penalty by three years, fixing its end-date in 2010. However, in November 2009, Russia's Constitutional Court prolonged the moratorium, which was due to expire on 1 January 2010, until capital punishment is banned completely. After the Constitutional Court's decision, 697 death sentences were commuted to life imprisonment.

For his part, President Vladimir Putin has repeatedly called for its abolition, explaining that "The most efficient weapon in the struggle against crime is the inevitability of punishment, and not the cruelty of punishment."

On 25 March 2016, a certain number of politicians submitted a bill to the Duma (lower house of the parliament) to reinstate the death penalty for terrorism-related crimes. The bill was introduced by "A Just Russia" political party leader Sergei Mironov and two other deputies. "The goal of rehabilitation for such criminals ... cannot be achieved, and the punishment has to be adequate to the threat their deeds pose to society and serve as a warning [to others]," Mironov said in a statement published on the party's website. The government and the Supreme Court expressed their opposition to the bill.

In April 2013, the Russian Federation was reviewed under the Universal Periodic Review of the UN Human Rights Council. In its responses to the recommendations received, the Government rejected those to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights and take steps towards a "de jure" abolition of the death penalty.

In December 2016, Russia voted in favour, but did not co-sponsor, the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

UKRAINE

In August 2014, the self-proclaimed Donetsk People's Republic (DPR) in eastern Ukraine introduced the death penalty for the gravest crimes, the republic's press centre reported. The regulatory framework of the Russian Federation was taken as a basis of the Criminal Code of the republic, according to the press centre. "A legislative act provides for the death penalty for the gravest crimes," the DPR's statement said.

On 12 February 2016, one person was sentenced to death in the self-proclaimed Donetsk People's Republic (DPR), Lyudmila Strateichuk, DPR Supreme Court judge and acting chairman of the DPR Military Tribunal, said. "One such sentence has now been handed down. There are cases that are pending consideration, and they also envisage the death penalty. These cases involve killings and espionage," Strateichuk told reporters.

TURKEY

On 18 July 2016, the Prime Minister Binali Yıldırım said he government will consider reintroducing death penalty for military 'traitors' after uprising left 161 people dead.

President of the Republic Recep Tayyip Erdoğan said that "Those who attempt a coup must pay a price" and that Turkey may reintroduce the death penalty abolished in 2004 as requested by the European Union.

The Council of Europe warned Turkey against re-establishing the death penalty which is incompatible with membership of the Council of Europe. "No member state can exercise capital punishment," said Council of Europe Secretary General Thorbjørn Jagland, quoted by a spokesman. "This is an obligation," he added, stressing that Turkey had ratified human rights protocols which "abolish death penalty under all circumstances".

The Sixth Protocol to the European Convention on Human Rights, dating back to 1983 and ratified by Turkey in 2003, excludes the death penalty, except for the time of war or imminent threat of war. The Thirteenth Protocol to the Convention, dating back to 2002 and ratified by Turkey in 2006, eliminates the exception of war time, clearly affirming that "no one can be sentenced to such punishment or executed." Turkey joined the Council of Europe in 1949. The death penalty was abolished by the Constitution in 2004, as part of the country's attempt to enter the European Union.

On 19 December 2016, Turkey voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

VATICAN CITY

Vatican use of the death penalty persisted into the 19th century, under Pope Pius IX; although on the books, neither the death penalty nor life imprisonment had been imposed after Vatican City became an internationally recognised sovereign state in 1929.

Pope Paul VI formally banned the use of the death penalty in Vatican City State in 1969.

Pope John Paul II declared the Church's near total opposition to the death penalty. In his encyclical "*Evangelium Vitae*" (The Gospel of Life) issued in March 1995, he wrote that execution is only appropriate "in cases of absolute necessity: in other words, when it would not be possible otherwise to defend society. Today however, as a result of steady improvements in the organization of the penal system, such cases are very rare, if not practically non-existent."

The revised Vatican constitution that took effect on 22 February 2001 removed the death penalty from the text of the Fundamental Law, equivalent to a constitution, which dates back to the 1929 creation of the modern Vatican City State.

On 11 July 2013, Pope Francis approved a major updating of the criminal laws of Vatican City State. The changes include the abolition of life imprisonment. The maximum penalty under the new Vatican code is 35 years. In October 2014, Pope Francis called life sentences "a death penalty in disguise" that should be abolished along with capital punishment. In the wide-ranging address to delegates from the International Association of Penal Law, Francis added that keeping inmates isolated in maximum security prisons is "a form of torture."

On 21 February 2016, Pope Francis called for the worldwide abolition of the death penalty, saying the commandment "You shall not kill" was absolute and equally valid for the guilty as for the innocent. Using some of his strongest words ever against capital punishment, he also called on Catholic politicians worldwide to make "a courageous and exemplary gesture" by seeking a moratorium on executions during the Church's current Holy Year, which ends in November. "I appeal to the consciences of those who govern to reach an international consensus to abolish the death penalty," he told tens of thousands of people in St. Peter's Square. "The commandment 'You shall not kill,' has absolute value and applies to both the innocent and the guilty," he told the crowd. The pope added that there was now "a growing opposition to the death penalty even for the legitimate defense of society" because modern means existed to "efficiently repress crime without definitively denying the person who committed it the possibility of rehabilitating themselves." "All Christians and men of good will are called on to work not only for the abolition of the death penalty, but also to improve prison conditions so that they respect the human dignity of people who have been deprived of their freedom," he said.

On 21 June 2016, in sent a video message to the participants in the Sixth World Conference Against the Death Penalty held in Oslo, Norway, Pope Francis reiterated his total opposition to the death penalty and life imprisonment. The Holy Father said, "The question must be dealt with within the larger framework of a system of

penal justice open to the possibility of the guilty party's reinsertion in society. There is no fitting punishment without hope! Punishment for its own sake, without room for hope, is a form of torture, not of punishment."

ABOLITION, DE FACTO ABOLITION AND MORATORIUMS

In 2016, **2** States joined the list abolitionist countries: **Nauru** and **Guinea** completely abolished the death penalty, the second with the abolition also from the penal code in 2017. **4** more countries strengthened the abolitionist position: **Benin, Cyprus, Dominican Republic** and **Togo**.

In the **United States**, in four other States – **Washington, Colorado, Pennsylvania** and **Oregon** – the Governors granted a stay of executions and essentially put executions on hold because of concerns about the death penalty system.

NAURU

On 27 May 2016, the country's parliament passed a number of laws updating its criminal code to bring it more into line with modern international human rights standards. The death penalty was removed as a punishment from Nauru's statute books, as well as hard labour and solitary confinement. Slavery was criminalised, as well as child labour. Nauru's reformed laws have removed homosexuality as an offence, and state that suicide "is no longer an offence and is considered more a mental health issue rather than a criminal law issue," the Nauruan government said. In addition, the reformed legislation broadens the definition of rape to include marital rape, and introduces the offence of stalking. The new laws supersede those based on the 1899 Criminal Code of Queensland. The archaic Queensland criminal code derived its anti-homosexuality laws – "carnal knowledge against the order of nature" – from the British 1860 anti-sodomy laws, which were exported across the Commonwealth during the Victorian era.

On 3 Novembre 2015, Nauru was reviewed under the UPR of the UN Human Rights Council. Concerning the abolition of the death penalty, the delegation of Nauru stated that the provision was part of the Constitution and, owing to the reticence of the Nauruan people to revise the Constitution, the Government had decided to address the matter through the new Criminal Code, removing the death penalty for any type of crime.

No one has been put to death since independence in 1968.

On 19 December 2016, Nauru voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

GUINEA

On 31 Mai 2017, the National Assembly of Guinea adopted at the unanimity a new military criminal code abolishing the death penalty also for military crimes, after the vote in favour on 4 July 2016 of a revised criminal code which removed the death sentence from the list of applicable penalties, promulgated on 26 October 2016 by President Alpha Condé. The maximum sentence is life imprisonment,

which cannot exceed 30 years. The new criminal framework adopted on 4 July 2016 also implements the Rome Statute of the International Criminal Court (ICC), which Guinea ratified the 14 July 2003. The law also incorporates in the Penal Code acts of torture as an autonomous offense, pursuant to Article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment that Guinea ratified on 10 October 1989.

The the last executions were carried out in 2001, after a *de facto* moratorium lasting since 1984. Eight people were executed in two separate cases: five people sentenced to death for murder, were put to death on 5 February, and three people sentenced to death for armed robbery, were shot on 21 April.

At the end of 2016, there were 12 people on death row.

On 20 January 2015, Guinea was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government rejected the recommendations to immediately establish a *de jure* moratorium on executions with a view to definitely abolishing death penalty and adhering to the Second Optional Protocol to the International Covenant on Civil and Political Rights. However, Guinea reiterated its determination to observe the *de facto* moratorium, adding that it intends, in due course, to secure the abolition of the death penalty by means of a national campaign.

In December 2016, Guinea moved from abstention to a vote in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

BENIN

On 21 January 2016, the Constitutional Court of Benin established that the entry into force of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and its ratification by Benin, “renders inoperative all legal provisions [including those of the Criminal Code] stipulating the death penalty as a punishment”.

On 5 July 2012, Benin became part of the Second Optional Protocol to the ICCPR

The law of ratification was approved by the National Assembly with a great majority.

According to Amnesty International, there were 14 people still on death row at the end of 2016.

During the summer of 2014, Benin hosted a panafrican conference to lobby African governments on the vote in favour of the 2014 UNGA Resolution for a Universal Moratorium on capital executions and for the adoption of a Protocol to the African Charter on Human and Peoples’ Rights for the abolition of the death penalty.

On 19 December 2016, Benin confirmed its co-sponsorship and the vote in favour of the UNGA Resolution.

CYPRUS

On 9 September 2016, the Parliament ruled to approve an amendment to strike out a provision in the Cypriot constitution which enables the imposition of the death penalty.

The article that was removed provided for the possibility of imposing the death penalty by law in cases of premeditated murder, high treason, piracy or any offence resulting in the capital punishment under military law.

Cyprus abolished the death penalty for ordinary crimes in 1983 and for all crimes committed in peacetime in 1999.

On April 19, 2002 the Military Criminal Code was amended to remove the death penalty for crimes committed in wartime and Cyprus became totally abolitionist.

On March 12, 2003 Cyprus deposited with the Council of Europe the instrument of ratification of Protocol No 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances.

The last execution was conducted in 1962, and carried out by hanging.

On December 19, 2016, as previous years, Cyprus co-sponsored and voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

DOMINICAN REPUBLIC

On 23 September 2016, the Dominican Republic acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

The Dominican Republic has been fully abolitionist since 1966, and the death penalty was replaced with 30 years hard labour way back in 1911. The Constitution of the Dominican Republic at Art. 8 (1) refers to “the inviolability of life” and states: “Therefore, neither the death penalty, torture nor any other punishment or oppressive procedure or penalty that implies loss or diminution of the physical integrity or health of the individual may be established.”

On December 19, 2016, the Dominican Republic co-sponsored and voted again in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

Togo

On 14 September 2016, respectively, Togo and the Dominican Republic acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

The European Union welcomed the decision and said that “Togo’s accession should encourage other countries to follow this example and also marks the remarkable abolitionist trend in Africa, as part of which many countries have done away with the death penalty in law or practice.”

On 23 June 2009, Togo's Parliament voted unanimously to abolish the death penalty.

The last execution in Togo took place in 1978.

On 19 December 18, 2016 Togo voted in favor of the UNGA Resolution for a universal moratorium on executions, but did not co-sponsored it as in 2014. In 2012 and 2010 Togo voted in favour. In 2008 and 2007 abstained.

THE UNITED STATES OF AMERICA

In the United States, Governors of four states have suspended executions "till the end of their mandate" due to the obvious defects inherent in the capital system: **Colorado** (from 2013, reiterated in 2015 for 4 years), **Oregon** (from 2011) **Pennsylvania** (from 2015) and **Washington** (from 2014, reiterated by Governor Inslee on December 29, 2016).

In addition to the moratorium decided by the Governors, occasionally, executions in a given state are "suspended" for technical reasons because a judge (or court) has established a time-frame within which to examine the technical aspects or constitutionality of execution protocols. While waiting for a conclusive ruling on a given case, a blanket suspension is issued "for all executions in the State."

In **Delaware**, there was a situation similar to that of **the New York State** in 2007. Following *Hurst v. Florida*, United States Supreme Court (January 12, 2016), on August 2, 2016, the Supreme State Court declared a part of the capital law unconstitutional. On August 15, the Attorney General stated that he would not appeal, and once the declaration of unconstitutionality became final, on December 15, 2016, the Supreme Court of Delaware annulled all death sentences issued under a law pronounced in the meantime unconstitutional, and has commuted all death sentences to life without parole sentences. As we have said, a similar thing has happened in New York in 2007. These are states where the death penalty has not been formally abolished by a law, but following judgments that were somehow "accepted" by Parliament, which did not immediately take countermeasures.

On March 3, 2016, in **Alabama**, Judge Tracie Todd, in accordance with *Hurst v. Florida* on January 12, declared the state's capital law unconstitutional. On May 2, 2016, with a consistent justification, the United States Supreme Court ruled Alabama's law as unconstitutional.

On May 9, 2016, in **Florida**, Judge Milton Hirsch of Miami-Dade County, pursuant to *Hurst v. Florida* on January 12, declared the state's capital law unconstitutional. Also in Florida, Judge Samantha Ward of Hillsborough County on June 9, 2016 declared Florida's capital law unconstitutional. On October 14, 2016, with a consistent justification, the US Supreme Court declared the capital of Florida law unconstitutional.

On 31 May 2016, in **Louisiana**, Federal judge James Brady delayed for 18 months the proceedings on the constitutionality of Louisiana's death penalty procedures. It is since 2010 that a series of appeals block executions in the state. Attorney General Jeff Landry asked for the extension because the facts of the case are in a

“fluid state” and it would be “a waste of resources and time to litigate this matter at present time.” The state, at the time, is devoid of lethal drugs and it is not expected that it will be resolved shortly. Governor John Bel Edwards has said that he agrees with the Attorney General’s initiative. [See more in the chapter “Democracy and the death penalty,” United States, “Abolitions and de facto moratoriums”]

TOWARDS ABOLITION

In 2016 significant political and legislative steps towards abolition or a *de facto* moratorium on capital punishment have been seen in **43** countries, both internally and in international fora.

LEGISLATIVE STEPS TOWARDS ABOLITION

Six countries have announced or proposed laws for the abolition of the death penalty in the Constitution or criminal codes: **Chad, Guatemala, Equatorial Guinea, Myanmar, Thailand** and **Uganda**.

CHAD

On 11 December 2016, the National Assembly of Chad adopted the revised Penal Code which abolished the death penalty except for “terrorism”. 111 MPs voted for the the new penal code while one MP voted against it and four abstained. The new code that repeals the 1967 Code abrogates the death penalty except in cases of terrorism as the country faces attacks by Boko Haram around its borders. “This penal code is modern, it takes account of our customs and also our international commitments,” Minister of Justice Hamid Dahalob said.

The new penal code, however, punishes homosexuality which is no longer considered a crime but punishable by a fine or suspended prison sentence.

The 1996 Constitution makes no reference to the death penalty. However, Article 17, as amended in July 2005, states that, “the human person is sacred and inviolable. Every person has the right to life, physical integrity, safety, freedom, and the protection of his/her private life and property,” implying that the death penalty could be challenged as unconstitutional.

After the termination of the Military Court in 1991, a *de facto* moratorium was in effect in Chad until November 2003, when 9 men were executed within a period of 4 days, although they had not exhausted their appeals. Following the sharp criticism and censure generated by the 2003 executions, all death penalties were commuted to life sentences. There have been no reported executions since 2003. However, Chadian courts have continued to hand down death sentences.

On 29 August 2015, Chad resumed executions after twelve years of suspension. Ten members of Nigerian Islamist militant group *Boko Haram* were executed by firing squad, a day after they were sentenced on terrorism charges.

In March 2014, in its oral response to the recommendations received under the Universal Periodic Review of the UN Human Rights Council, the Government had accepted the following: the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights; taking appropriate measures to abolish the death penalty for all crimes from its criminal justice system; promoting

an official moratorium on executions, and commuting death sentences to imprisonment. In September 2014, the Chadian government adopted a penal code aimed at abolishing the death penalty and replacing it by life imprisonment with no possibility of conditional release in future. In December 2016, for the third time, Chad had voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

GUATEMALA

On 3 October 2016, the Congress of Guatemala considered the 5100 bill to abolish the death penalty which was introduced in July and on 3 August received joint approval by three key parliamentary committees.

On 25 March 2016, the Constitutional Court of Guatemala found that provisions in the Penal Code requiring the imposition of the death penalty for certain circumstances of aggravated murder were unconstitutional as described in article 132 of the Penal Code. The death penalty is thereby abolished in assassination cases but maintained in cases of parricide, extrajudicial execution, aggravated rape, kidnapping, torture, forced disappearance and magnicide according to the Court's spokesman Martin Guzman.

Guatemala is the only country in Latin America that retain the death penalty. The last execution in Guatemala took place in 2000 when two people, businessman Luis Amilcar Cetin and farmer Tomas Cerrate, were put to death for the kidnapping and murder of businesswoman Isabel de Botran, whose family owned the country's largest alcoholic beverage producer.

On July 27, 2002 Guatemala's then President Alfonso Portillo introduced a moratorium on executions for the duration of his mandate up to 2004. The move was made in response to a request by Pope John Paul II and was announced just prior to his visit to the country.

On 23 January 2012, the Criminal division of the Supreme Court of Justice reviewed the cases of all prisoners under sentence of death in the country and commuted to 50 years of imprisonment the death sentences of 53 prisoners.

On 24 October 2012, during its Universal Periodic Review (UPR) by the UN Human Rights Council, Guatemala stated that no one was facing the death penalty in the country, since all death sentences for the offences of kidnapping, murder and rape were commuted to life imprisonment through special applications for judicial review submitted by the Public Criminal Defence Institute. The commutations were in line with the judgments in specific death penalty cases that had been the subject of international litigation in the Inter American Court of Human Rights. During the UPR Guatemala's representatives supported recommendations to ratify the Second Optional Protocol to the ICCPR, and to consider the abolition of the death penalty in the country's domestic legislation.

On 19 December 2016, Guatemala voted again in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

EQUATORIAL GUINEA

On 1 November 2016, Portugal's foreign minister has said that Equatorial Guinea must abolish the death penalty immediately or its membership of the Community of Portuguese-Speaking Countries (CPLP) will be illegitimate.

For Portugal, there are 3 essential conditions that Equatorial Guinea has to meet to be a member of the CPLP: the ratification of the organisation's articles, the abolition of the death penalty and the generalisation of teaching Portuguese in the country. Hardly anybody speaks Portuguese in this 'Portuguese-speaking country'.

"From Portugal's point of view, [the abolition of the death penalty] has to be immediate", Augusto Santos Silva said on the sidelines of the 11th CPLP head of states' conference that ended in Brasilia on Tuesday.

In the final declaration signed at the Brasilia summit, Equatorial Guinea dragged its heels again by asking for 'technical support' to abolish the death penalty, which the other countries responded to "with satisfaction".

Between 30 and 31 January 2014, at least eight and possibly nine death row prisoners were secretly executed by firing squad in three different places of the country, announced the opposition party Convergencia para la Democracia Social (CPDS). Four men were executed in the prison of Evinayong, Central Equatorial Guinea. Another four death row prisoners were reportedly executed on the island of Bioko. It was "very likely" that one more prisoner was executed in Mbini on the western coast, bringing the possible number of executions to nine.

The previous executions had taken place on 21 August 2010, when four men – Jose Abeso Nsue, Manuel Ndong Anseme, Alipio Ndong Asumu and Jacinto Micha Obiang – were sentenced to death and executed on the same day for attempting to assassinate President Nguema.

On 13 February 2014, the President of Equatorial Guinea, Obiang Nguema Mbasogo, signed the Decree 426/2.014 which establishes a moratorium on the death penalty with immediate effect. The Decree states that there will be no death penalty and that this moratorium will follow a process that has its procedures and will lead to the abolition of the penalty in the country. The decision follows a requirement made by the Community of Portuguese Language Speaking Countries (CPLP) to introduce a moratorium on capital punishment as a condition to join as a full member the CPLP, where none of the country members applies it.

On 5 May 2014, Equatorial Guinea was reviewed under the Universal Periodic Review of the UN Human Rights Council. With regard to abolishing the death penalty or at least establishing a moratorium, the Government said it conducted studies on the matter and concluded that a moratorium was the most appropriate course of action. Legislation was therefore developed, to be discussed by the Interministerial Council and promulgated very shortly. While the death penalty is provided for in article 13 (a) of the Constitution, the Government of Equatorial Guinea adopted a decree (Decree 426/2.014) declaring a temporary moratorium on the death penalty. Therefore, the delegation accepted the recommendations to pro-

mulgate legislation on a moratorium on the death penalty with a view to abolishing the practice, and sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.

On 19 December 2016, Equatorial Guinea moved from a vote in favour to an abstention on the UNGA Resolution calling for a universal moratorium on executions.

MYANMAR

On 5 October 2016, the Parliament repealed the 1950 Emergency Provisions Act, which was widely applied by the former military government to stifle political activists by threatening harsh penalties, including a potential death sentence for leaking state secrets.

Under the repressive act anyone found guilty of committing treason – which included such activities as sabotage of railways or damaging telegraph poles – could face penalties including a lifetime in prison or a death sentence.

National League for Democracy MP's, many former political prisoners themselves, have pushed for repeal of controversial law since taking power in March. The Pyithu Hluttaw Bill Committee proposed abolishing the law at the beginning of August, citing its misuse to arbitrarily detain civilians and politicians, but a Union Solidarity and Development Party and a military MP defended the law, suggesting amendments to restrict the scope of its application instead. The proposal made its way to Myanmar's upper house on September 14.

Myanmar had been under military rule since 1988. However, no executions have taken place since then, and the authorities have continued its policy of commutation of death sentences to life imprisonment.

Following general elections held in November 2015, with the *National League for Democracy* winning a supermajority of seats in the national parliament, Aung San Suu Kyi became Minister of Foreign Affairs and State Councillor of Myanmar, de facto Prime Minister, in March and April 2016, respectively.

In 2016, there were at least 3 new death sentences issued, according to Amnesty International.

On 22 January 2016, President Thein Sein pardoned another 102 prisoners, including 52 political prisoners. As well as those released, 77 prisoners who were sentenced to the death penalty have had their sentences commuted to life in prison. President's office spokesperson Zaw Htay indicated to AFP that the amnesty was to mark the beginning of the World Buddhist Peace Conference in Sagaing Region.

The amnesty – the sixth since the new Government assumed office on 30 March 2011, following decades of repression under previous military regimes – was granted as part of the national reconciliation process. Until the end of his mandate in March 2016, Thein Sein has pushed forward reforms in areas such as media, the Internet and political participation.

In March 2016, the Government of Myanmar under the UPR of the UN Human Rights Council occurred on 6 November 2016, accepted four recommendations to consider ratifying the International Covenant on Civil and Political Rights and its Second Optional Protocol as well as abolishing *de jure* the death penalty but rejected nine recommendations calling for the introduction of a moratorium on capital executions and the abolition of the death penalty.

On 19 December 2016, for the second time, Myanmar abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

As “extrajudiciary executions” should be considered those occurred in 2016 in two autonomous regions. On 13 March 2016, two people found guilty of murder were executed, according to local sources by the United Wa State Army (UWSA) - Burma’s largest ethnic armed group - in the autonomous Wa Special Region, a zone in Shan State that is ruled by the UWSA and administers a judicial system independent of the Burmese government. Local media identified the men, one being Yan Lu, a 50-year-old ethnic Wa man who was found to have killed his two wives while under the influence of illicit narcotics and Li Jian Guo, a 33-year-old Chinese citizen, was found guilty in the slaying of his 18-month-old son, also reportedly under the influence of drugs and alcohol. These executions recall a similar case that played out in January in the Mong La Special Region, where a Chinese national was reportedly executed by officials apparently acting under instruction from the semiautonomous authority there. That man, too, was found guilty of murder, as well as arson. The Mong La Special region is administered by the National Democratic Alliance Army (NDAA), a non-state armed group like the UWSA.

THAILAND

On November 24, 2016, the National Legislative Assembly (NLA) approved the new amendments to Thailand’s Narcotics Act. The changes were unanimously voted 196 Yes and 0 No. The drug law took effect on 15 January 2017. Under the former Narcotics Act BE2522 (1979), anyone in possession of drugs was *automatically* assumed to be intending to sell them. But the new amendments lift this assumption. The key changes adopted by the country’s National Assembly concern reductions in penalties for possession, import/export and production for sale. These legislative amendments also modify how culpability is determined, replacing mandatory sentences (in cases where the amounts seized exceed a designated threshold) with a rebuttable *presumption* of the intention to sell controlled drugs. In this new framework, the role of lawyers could be significantly more important, as the legal defence is given broader latitude to put forward evidence and arguments to contest the presumed supply offence.

The new article 65 (2) is less punitive for “the sale of drugs” and instead of death penalty the new punishment is “life imprisonment and a fine of 1 million baht - 5 million baht, or death penalty”. Also for “those who produce, import or export” the

penalty is less punitive: “Imprisonment ranging from 10 years to life imprisonment and a fine of 1 million baht - 5 million baht”. The reform momentum was driven largely by serious problems with prison overcrowding and a burgeoning prison population. Thailand has the largest prison population in Southeast Asia and the 6th largest in the world, along with the world’s highest rate of female incarceration, 70% in relation to minor drug offences. The Narcotics Act institutes 5 categories of drugs as follows: Category 1: Heroin; Amphetamine; Methamphetamine; MDMA (Ecstasy); LSD; Category 2: Cocaine; Codeine; Methadone; Morphine; Category 3: Narcotics in the form of medicinal formulas containing narcotics of Category 2; Category 4: Narcotics which consist of chemicals used for producing narcotics in Category 1 or 2, such as acetic anhydride, or acetyl chloride and and Category 5: Cannabis, psychoactive mushrooms, and the kratom plant. The most serious penalties refer to the first category for more than 3 grams. There were more than 200.000 prisoners for drug in Thailand as of July 2016.

On 7 December 2016, the Constitution Drafting Committee published the first draft of the Organic Act on Elections, a reform of regulations on political parties that comes under the new junta-backed constitution. One aim of the new election regulations is to prevent persons with financial influence, such as business tycoons, from controlling the activities political parties. Seri Suwanpanon, Chair of the junta’s National Reform Steering Committee, has announced that cases where political positions are bought and sold will be severely punished under the new regulations. Punishments will range from five years in prison to the death penalty.

Thailand may abolish the death penalty under the *Third National Human Rights Plan* for the years 2014-2018. “The goal of the plan is to abolish death penalty,” said Chanchao Chaiyanukit, deputy permanent secretary of the Ministry of Justice. Bowornsak Uwanno, the head of the junta-appointed Constitutional Drafting Committee (CDC), said he planned to add a clause in the new Constitution to explicitly ban the death penalty in Thailand.

In 2016, for the seventh consecutive year, no execution has been recorded in Thailand. Although Thailand did not perform any judicial executions between 2004 and 2008, the practice resumed in August 2009, when two men convicted of drug trafficking were executed by lethal injection in the Prison of Bang Khwang in Bangkok. Thailand has executed 325 convicts, including 3 women, since 1934, when it began using firing squads instead of beheadings, according to government figures. Figures provided to Amnesty International by the authorities of Thailand state that 216 new death sentences were imposed in 2016. A total of 427 people, including 24 foreign nationals, remained under sentence of death at the end of the year. Several death sentences were commuted as part of multiple commutations granted by the King during the year. Figures released by the Ministry of Justice in September indicated that at that time 213 people were under sentence of death for drug-related offences. In 2015, the new death sentences imposed were 7 and 55 in 2014. As of 31 December 2015, there were 413 people on death row, including 50 women, according to the Department of Corrections. About 55% had been convicted of drug-related offences.

On 12 December 2016, the Thailand's King Maha Vajiralongkorn has issued a decree granting pardons to certain prisoners in commemoration of his accession to the throne. Under the royal decree, convicts who have been sentenced to death will also have their sentences commuted to life imprisonment. The decree countersigned by Prime Minister Prayuth Chan-ocha will also grant pardons to prisoners who are disabled, blind and those suffering from mental disorders, cancer, leprosy, HIV and chronic kidney failure. Prisoners above the age of 60 and have served over five years or at least one-third of their jail terms as well as those younger than 20 years of age who have served more than half their total jail term or have less than two years to serve will also be pardoned. King Maha Vajiralongkorn ascended to the throne on Dec 1, replacing his father, the late former monarch Bhumibol Adulyadej who passed away in October.

On 11 May 2016, Thailand was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government only supported limited recommendations with regard to the death penalty, that is: to take concrete steps towards abolishing the death penalty; to reconsider the abolition of the death penalty as a sentence for various crimes; and to review the imposition of the death penalty for offences related to drug trafficking. In the final remarks, the Thailand delegation led by the minister of justice orally mentioned that even though some 80 per cent of Thais are against the abolition of the death penalty, the government is committed to work towards abolition. The country's intention was reaffirmed in the Third National Human Rights Plan. The delegation said that Thailand's plan towards abolition will be carried out in three stages. In the first stage, there will be a return of discretion in sentencing to judges for offences that carry the death penalty. In the second stage, there will be the abolition of death penalty for certain offences. And lastly, the death penalty will be abolished.

On December 19, 2016, Thailand abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

UGANDA

On 6 April 2016, it was before the Parliamentary and Legal Affairs Committee the Law Revision (Penalties in Criminal Matters) Miscellaneous Amendments Bill 2015 moved by Serere District Woman MP Alice Alaso in November 2015 to propose life imprisonment for crimes like murder, rape, aggravated robbery, aggravated defilement and terrorism. If passed, the Bill will amend and repeal the provisions in the Anti-Terrorism Act 2002, The Penal Code Act chapter 120 of the laws of Uganda, the Uganda Peoples Defence Forces Act, 2005 and the Trial on Indictment Act chapter 23. All these laws provide for mandatory death penalties for convicted persons. The Alaso Bill proposes life imprisonment without parole, and states that there are 28 offences on the statute books for which the death penalty is prescribed, but these do not meet internationally accepted serious crimes criteria. The Bill intends to give effect to government's commitments to the UN following first Universal Periodic Review of Uganda's human rights record, to consistently apply

the rulings of the Supreme Court by converting all death sentences into life imprisonment where the convicts are not executed within three years.

On 26 May 2016, five people convicted of terrorism over the 2010 bomb attacks in Uganda's capital, Kampala, which killed 74 people, have been given life sentences. Handing down the sentences, Justice Alfonse Owiny-Dollo said "Grave crimes of terrorism and murder must correspondingly attract severe punishment. I however, do not believe that the death sentence would really assuage the victims and give them closure to the indelible pain that the society has suffered on account of terrorism and murderous acts". This depicted the great progress made by the campaign for the abolition of the death penalty.

In recent years, many death sentences have been commuted by the High Court of Uganda, following a January 2009 Supreme Court ruling, which declared the mandatory application of the death penalty unconstitutional. The court decided that the mandatory death sentences should be commuted to life imprisonment. In its judgment, the Supreme Court also ruled that death sentences be commuted to life imprisonment after three years in jail, in a move Rights Groups hailed as a major step towards ending capital punishment. The Court upheld the death penalty as constitutional but ruled that "a delay beyond three years after a death sentence is an inordinate delay."

On 15 March 2016, Ms Aliyo Natukunda of Uganda Prisons Service at a Capacity building Forum organized by Foundation for Human Rights Initiative (FHRI) said that since the ruling, 13 formerly condemned women have been released, while 18 are serving long-term sentences. On the part of men, 48 are serving 20 years without remission, 264 are through with mitigation, 19 are pending mitigation, 8 were released from court after the mitigation hearings, 15 were given terms of imprisonment and they served and were released, 21 were sentenced to life in prison, 119 were given determinate sentences (5 to 50 years), 20 had their death sentences confirmed, 2 were sent to mental hospital, 2 are pending Minister's Order and 2 were pardoned.

In 2016, no new death sentence was imposed whereas in 2015 only one, as in 2014, while no death sentences at all were handed down in 2012 or 2013. In 2011, there were at least 15 sentences of death handed down. According to prison records, at least 377 people, including one woman, have been legally executed by hanging since 1938. Last executions were carried out in 2005 for military offences. At the end of 2016, there were 208 prisoners on death row in Uganda (11 women and 197 men).

On 3 November 2016, Uganda underwent to its second cycle of the UPR. The Government of Uganda, did not accept but noted recommendations on the death penalty, as to introduce a legal moratorium on capital executions, abolish the death penalty, ratify the Second Optional Protocol to the ICCPR. The delegation declared that a *de facto* moratorium is in place and that the death penalty is not any more mandatory.

On 19 December 2016, Uganda, for the second time, abstained on the Resolution for a Moratorium on the Use of the Death Penalty at the UN General Assembly. It previously voted against.

COMMITMENTS AT INTERNATIONAL LEVEL

During the Universal Periodic Review by the UN Human Rights Council, **Niger**, **Sierra Leone** and **Tajikistan** accepted recommendations and/or announced steps towards abolition of the death penalty.

NIGER

On 18 January 2016, Niger was reviewed under the UPR of the UN Human Rights Council. In its response to the recommendations received, the Government accepted to complete the ratification of the Second Optional Protocol to the ICCPR as early as possible, and take all necessary legislative measures to confirm the abolition of the death penalty, including in its domestic legislation.

In October 2014, the Nigerien government approved a bill authorizing accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The bill was sent to the National Assembly for adoption.

In December 2016, Niger abstained, after a vote in favour in 2014, of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

On 22 April 2015, on proposal of Minister of Justice Marou Amadou, the President of the Republic, Mahamadou Issoufou, issued a new clemency measure, to mark the fourth anniversary of his investiture. According to the presidential decree, all convicts sentenced to death had their terms commuted to life in prison, while prisoners sentenced to life in prison had their sentences reduced to 30 years' imprisonment.

In Niger, the last executions were carried out on 21 April 1976, when seven military personnel and civilians – Bayéré Moussa, Sidi Mohamed, Armayaou Ibrah, Aboubacar Guy Tirolyen, Ahmed Mouddour, Idrissa Boubé and Issaka Dan Koussou – were executed by firing squad for their participation in the attempted coup d'état of March 1976. Two other people were sentenced to death *in absentia* by the State Security Court, but they were subsequently pardoned.

In 2016, eleven new death sentences were issued according to the Ministry of Justice. The former known death sentence was issued in 2008 (probably in absentia), but was overturned in December 2010. At least five death sentences were issued in 2005, and at least one in 2003.

SIERRA LEONE

On 27 January 2016, Sierra Leone was reviewed under the UPR of the UN

Human Rights Council. In its National Report, the Government envisaged that by the third cycle of the UPR (January 2021) Sierra Leone would have completed the procedure for the abolition of the death penalty.

The abolition of the death penalty requires a review of the Constitution. In this regard, the Constitutional Review process was formally launched in July 2013 and the Government committed itself to addressing this issue as part of the review process. The Constitutional Review Committee is scheduled to submit its final report by 2016 with a referendum to be held subsequently.

In April 2014, on the occasion of the 53rd Independence Anniversary of Sierra Leone from Great Britain, President Ernest Bai Koroma commuted the sentences of the only five death row prisoners to life imprisonment. The President, at the same time, directed Attorney General Office, as a matter of urgency, to draft legislation removing the death penalty from the Country's laws, making it a thing of the past in Sierra Leone. In April 2011, on the occasion of the 50th anniversary of independence, President Koroma had commuted all death sentences to life imprisonment and five death row prisoners, including one woman, were given a pardon. In May 2014, Attorney General and Minister of Justice Franklyn Bai Kargbo told the United Nations Committee against Torture that Sierra Leone will shortly abolish the death penalty.

In December 2016, for the second time, Sierra Leone co-sponsored the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly. In December 2012, for the first time, Sierra Leone had voted for the resolution, while in 2007, 2008 and 2010 it abstained.

Sierra Leone became a "*de facto* abolitionist" in 2008, after more than ten years without carrying out a hanging. In fact, the last capital executions in Sierra Leone took place in October 1998, when 24 of the 34 people condemned to death by court martial for treason were shot dead in public in Freetown.

In 2016, the courts imposed 5 death sentences. Eighteen people were under sentence of death at the end of the year, according to Amnesty International.

TAJIKISTAN

On 6 May 2016, Tajikistan was reviewed under the UPR of the UN Human Rights Council. In its National Report, the Government said measures are being taken with a view to the abolition of the death penalty. An interdepartmental working group is considering various options and procedures with respect to abolition, as well as conducting appropriate public information and education campaigns. Conferences have been organized and held on a regular basis, along with more than 60 awareness-raising meetings for members of the public in the Republic's towns and districts. In addition, the working group has analysed the crime situation before and after the introduction of the moratorium on the death penalty. At present, two options for the abolition of the death penalty are being considered: complete aboli-

tion by means of a constitutional amendment, and abolition without such an amendment, retaining the possibility of applying capital punishment in time of war.

On 19 December 2016, Tajikistan voted again in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

The death penalty was retained for five crimes: murder with aggravating circumstances, rape with aggravating circumstances, terrorism, biocide, and genocide.

In November 2004, the lower chamber of the bicameral Supreme Assembly adopted amendments to the Criminal Code that provide for life imprisonment for these five crimes. These amendments were endorsed by the upper chamber of Parliament in February 2005 and signed by the president in March. In May 2004 President Imomali Rakhmonov submitted a moratorium bill for the consideration of the lower house. The Majlisi Namoyandagon, in June 2004, unanimously voted for its approval and in July the Majlisi Oli, the upper house, endorsed the bill.

According to statistics released by the Supreme Court, Tajikistan put 25 people to death in 2002. Throughout 2003 at least 34 people were condemned to death. Two executions were reported in the media, but the number was certainly higher. In 2004, four people were reportedly executed shortly before the President's announcement of a moratorium on executions in April.

POLICY OF “DE FACTO” MORATORIUM

Fifteen countries have confirmed their policy of *de facto* moratorium on the death penalty or executions in place for many years: **Burkina Faso, Central African Republic, Comoros, Eritrea, Ethiopia, Guyana, Lebanon, Malawi, Papua New Guinea, Qatar, South Korea, Swaziland, Tanzania, Tunisia and Zambia.**

In the Caribbean Region, in 8 countries – **Antigua and Barbuda, Bahamas, Belize, Cuba, Dominica, Jamaica, Guatemala and Saint Lucia** – no new death sentences were imposed and death rows were still empty at the end of 2016. In 3 other countries of the region – **Grenada, Saint Kitts and Nevis and Saint Vincent and the Grenadines** – no new death sentences were issued and death row inmates were a few units.

BURKINA FASO

The death penalty was carried out for the first time in 1960, the same year Burkina Faso gained its independence from the United Kingdom. The last executions took place in 1988, when seven people were put to death for killing an army officer and his wife.

In 2016, no death sentence was recorded whereas in 2015 there were two new capital sentences. As of 10 June 2016, 13 people were on death row.

Burkina Faso's laws currently provide for the use of the death penalty in the penal code, the military code of justice and article 4 of the railways police law.

On 10 June 2015, in a closed-door meeting in Ouagadougou, the office of the

Transitional National Council (TNC) unanimously adopted seven draft laws to be submitted to the Government, including one concerning the abolition of the death penalty. “We found it necessary to settle the issue, which is controversial. The proposal does not seek to remove the death penalty, but to create alternative sanctions,” said the first deputy chairman of the TNC, Colonel Lucien Honoré Nombéré. In August, the national transition parliament started a series of discussions with organisations and interested parties before putting the bill to the vote. At the end of June 2016, the bill had not yet been adopted.

On 9 June 2016, about ten civil society groups in Burkina Faso launched a campaign aimed at pushing for the abolition of death penalty and supporting a bill proposing abolition of death penalty and introduced in 2015 in Parliament by the then head of the National Transition Council Chériff Sy. According to spokesman Urbain Yameogo on behalf of the ten civil society groups, all organizations engaged in the national coalition against the death sentence “have a firm conviction that the death penalty in our legal provisions is unconstitutional.”

In April 2013, Burkina Faso was reviewed under the Universal Periodic Review of the UN Human Rights Council. The country’s delegation noted that no consensus was reached on the abolition of the death penalty during the relevant consultations held by the Consultative Council for Political Reforms in 2011. Nevertheless, a draft bill was prepared ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. On 19 December 2016, Burkina Faso voted again in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

SOUTH KOREA

Nobody has been executed since February 1998 when President Kim Dae-jung, who had been on death row himself, was sworn in.

The last execution was carried out in December 1997. According to Yonhap, of the 61 people on death row, four, including Lim, are soldiers

In 2016 there was no new death sentence but the confirmation, on 18 February 2016, by the Supreme Court of the death sentence passed in 2015 on a man known by his surname ‘Lim’, a 24 year old conscripted Army sergeant who killed five fellow soldiers and injured seven others in a shooting rampage near the border with North Korea in 2014.

On 6 July 2015, 172 out of 298 lawmakers submitted a bipartisan bill to the National Assembly proposing to abolish the death penalty, citing a clause in the South Korean Constitution that obligates citizens to “respect human dignity.” “South Korea last carried out its last death sentence in December 1997. But the new draft bill aims to raise Korea’s status to an outright abolitionist country”, chief sponsor Rep. Yoo In-hae of the main opposition New Politics Alliance for Democracy said, citing decades of efforts by human rights workers to have the practice outlawed here. “It is time we legalize the death penalty here, in a country that has produced

a U.N. secretary-general and is a member of the U.N. Human Rights Council,” Yoo added, referring to U.N. chief Ban Ki-moon. “It’s time that we declare the death penalty something that goes against our country’s conscience.” Lawmakers proposed six draft bills from 1999 to 2010 proposing to abolish the death penalty outright. But the draft bills failed to pass Korea’s unicameral parliament. Yoo’s proposed bill comes nearly five years after the last anti-death penalty bill was chiefly sponsored by lawmaker Joo Sung-young of the Grand National Party, a precursor to the ruling Saenuri Party, in November 2010.

The draft bill must pass the Legislation and Judiciary Committee and plenary voting at the National Assembly, before receiving final approval from the Cabinet for it to become law.

However, on 2 March 2016, the National Assembly passed a controversial anti-terrorism law that provides for the death penalty for any person found guilty of forming a “terror organisation”. [see chapter “The War on Terror”].

On 19 December 2016, South Korea abstained again on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

COMOROS

The Comorian legal system incorporates Islamic law as well as French legal codes.

The first execution since the country became independent in 1975 was carried out on 18 September 1996. Another execution was reported in 1997.

As of 17 November 2014, there were six death row inmates in the prison of Moroni, according to data provided by Attorney General Mahammoud Soilihi.

The last death sentence was imposed on 30 October 2012 against Mhanadi Youssouf (Mbousouri), 30, who was convicted of murder and rape committed on 12 January 2012. In 2016 no death sentence was recorded.

On 31 January 2014, the Comoros was reviewed under the Universal Periodic Review of the UN Human Rights Council. In its responses to the recommendations received, the Government accepted those to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolishing the death penalty, as a step towards accelerating the approval of the new draft Penal Code and the draft Criminal Procedure Code that would include the abolition of the death penalty.

The Comorian delegation said the country has been strengthening its legal arsenal through the submission to Parliament of draft legislation on the reform of the Criminal Code and the Code of Criminal Procedure. The bill on the revision of the Criminal Code provided for the abolition of the death penalty.

In October 2013, the Government of Comoros had submitted to Parliament the bill on the revision of the Criminal Code, and the draft Code had been adopted by the law commission of the National Assembly in January 2014, but then the bill was rejected by the plenary.

In December 2016, Comoros abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

ERITREA

Since its independence in 1993, there are no reports of judicial executions carried out in Eritrea.

In 2016, as in 2015 no death sentences have been recorded.

The Constitution, at Article 15 on the 'Right to Life and Liberty' states that: "(1) No person shall be deprived of life without due process of law; (2) No person shall be deprived of liberty without due process of law." Article 16 (2) states: "No person shall be subject to torture or to cruel, inhuman or degrading treatment or punishment."

Murder and acts threatening state security are crimes punishable by death. However, the Eritrean legal system favours out-of-court settlements, whereby if the parties reach an agreement (usually economic), the judge can commute a death sentence to a prison term.

In December 2016, for the second time, Eritrea voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly. Previously it had always abstained on the Resolution.

ETHIOPIA

In 2016, for the ninth consecutive year, no executions were carried out in Ethiopia, but two death sentences were imposed during the year and at least ten people were on death row at the end of 2016, according to Amnesty International.

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 6 May 2014, Ethiopia was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government rejected recommendations to adopt a *de jure* moratorium on executions with a view to abolishing the death penalty, and sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

On 19 December 2016, Ethiopia voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

GUYANA

The last execution was actually a double-hanging in August 1997, when Mike Archer and Peter Adams were put to death for a fatal robbery attempt.

In 2016, one new death sentence was handed down and 23 people were on death row at the end of the year, according to the government.

On 5 July 2016, Cyon “Picture Boy” Collier was sentenced to death, almost 10 years after he gunned down two brothers at Victoria, East Coast Demerara. Collier rode up on a motorcycle and shot dead Ray “Sugar” Walcott and Carl “Alo” Andrews on September 23, 2006 while they were playing dominoes at the Victoria Four Corner. After the jury returned the guilty verdict, High Court Judge, Priya Sewnarine-Beharry told the convict that he was sentenced to death by hanging. “May the Lord have Mercy on your soul,” she said. Collier expressed dismay at the verdict while at the same time he asked the Judge for mercy and leniency. In a courtroom where the mother of the dead sons was also present, he said he was sorry to Walcott and Andrews’ relatives and asked for their forgiveness. Walcott and Andrews’ mother expressed symbolic satisfaction with the verdict by lifting her hands and closing her eyes as Picture Boy’s photograph was snapped for the last time by news photographers.

Guyana, which is a member State of the Commonwealth, since 1970 “severed its ties” with the Judicial Committee of the London-based Privy Council. In 2001, Guyana was one of eleven States to ratify an agreement to establish the Caribbean Court of Justice (CCJ) to replace the Privy Council as the final court of appeal in the region. The Caribbean Court of Justice was inaugurated in Trinidad on 16 April 2005, and Guyana is one of the States that have already decided to switch to its jurisdiction.

On 20 June 2016, President David Granger, speaking on his weekly televised programme “The Public Interest”, has made clear his position on the death penalty issue in Guyana, noting that he has no intention of executing anyone. According to the President, the death penalty remains on the statute books but government is yet to pronounce on whether it will be abolished or not. “I don’t have any intentions of executing anyone. Some people feel that the death penalty is a deterrent; some feel that it is not, but I do not have any intentions of approving the execution of anyone”. He said some people think that, “it is best on the books as a last resort. There is a difference and there is no single statement out of the government whether it will abolish the death penalty or not. In due course, we will arrive at a position, but right, no. I agree there are two points of view”.

In 2010, Guyana’s Parliament voted to partially abolish the mandatory death penalty for people convicted of murder.

However, the death penalty remains mandatory for certain categories of murder that include the killing of a law enforcement official while on duty, prison officers, members of the judiciary and legal officers, witnesses, as well as jurors, while in the execution of their duties.

On 30 December 2015, the parliament approved legislation that provides for the mandatory death penalty for acts of terrorism resulting in death.

On 28 January 2015, Guyana was reviewed under the Universal Periodic Review of the UN Human Rights Council. Regarding the abolition of the death penalty or the establishment of a moratorium raised by many delegations, the country’s dele-

gation affirmed that, whilst having not reached the point of abolishing the death penalty, discussions were continuing. Guyana accepted the recommendations to consider taking all necessary steps to introduce a *de jure* moratorium on capital executions and continue advancing towards the abolition of the death penalty.

On 19 December 2016, Guyana voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

LEBANON

The last executions were carried out on 17 January 2004, when three Lebanese men – Ahmad Mansour, Remi Zaatar and Badih Hamadeh – sentenced to death for murder were executed at dawn in Rumieh prison, northeast of Beirut.

In 2016, at least 126 people were sentenced to death, an increased number compared to 32 in 2015 according Amnesty International. At least 106 were sentenced for terrorism. [see chapter “The War on Terror”].

Lebanon reinstated the death penalty in 1994 in a bid to stem a rise in violent crime following the 1975-90 civil war. Crimes punishable by death are: murder, attempted murder, collaboration with Israel, terrorism and acts of riot and strife.

Although a large number of death sentences have been passed since Lebanon’s independence, only 51 people have been executed. Also because, on the basis of the Lebanese Constitution, it is necessary to have the signature of the President, the Prime Minister and the Minister of Justice to carry out an execution.

On 22 September 2011, the Parliament approved a bill amending law No. 463/2002 on the implementation of sentences, creating a formal status for those “sentenced to death without being executed.” This amendment is a sign that the concept of punishment in the Lebanese penal system has begun to evolve. Indeed, although the amendment did not abolish the death penalty, it has enhanced the unofficial position of the Lebanese authorities in favour of a *de facto* moratorium on executions.

On 22 June 2016, Minister of Justice Ashraf Rifi, taking part in the 6th World Congress Against the Death Penalty in Oslo, Norway, stressed that this penalty was not a deterrent to crime. “The death penalty must be deleted from the Lebanese law in accordance with modern laws and in line with the international will to cancel this sanction,” Rifi said. “The diligence of Lebanese courts shows that they are going to decrease the death penalty and replace it with that of hard labour for life,” he added.

On 2 November 2015, Lebanon was reviewed under the Universal Periodic Review of the UN Human Rights Council. In February 2016, in its response to the recommendations received, the Government did not accept recommendations to establish a *de jure* moratorium on the death penalty and commute all the death sentences with a view to its abolition, and ratify the Second Optional Protocol to the ICCPR.

In December 2016, Lebanon abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

MALAWI

In 1994, Bakili Muluzi won the first multiparty election. He was credited for improving Malawi's human rights record and had 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.

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

In 2016, a new death sentence was recorded and 28 people were on death row according to Amnesty International.

On 12 November 2015, speaking at a workshop organised by the European Union, the United Nations (UN) and the Malawi Human Rights Commission (MHRC) to solicit views on the death penalty, the Minister of Justice and Constitutional Affairs, Samuel Tembenu, assured the EU, UN and MHRC that government was working towards the abolition of the death penalty.

In November 2016, *Hands off Cain* carried out a mission to Malawi to call for a vote in favour of the uNGA Resolution for a Universal Moratorium on capital executions. The delegation met with the Minister for Foreign Affairs, Francis Lazalo Kasaila who announced a vote in favor of the Resolution and called for an awareness activity of Hands off Cain in the country with a view to the complete abolition which he personally supports. A favourable position was expressed also by the Minister of Justice, Samuel Tembenu.

On 5 May 2015, Malawi was reviewed under the Universal Periodic Review of the UN Human Rights Council. The recommendations to continue the moratorium on the death penalty were examined by Malawi and enjoyed its support, while those to abolish the death penalty and to ratify the Second Optional Protocol to the ICCPR were rejected.

In December 2016, Malawi moved from abstention to a vote in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

PAPUA NEW GUINEA

In 2016, one new death sentences were recorded in Papua New Guinea, where no execution has been carried out since 1954.

Exact figures on the number of people executed prior to 1954 are not available, although it is known that at least 67 people were executed by hanging under the Australian, British and German colonial administrations of PNG between the two world wars. Some analysts said part of the reason that the country has not executed prisoners is the tribal culture of payback. An executioner, or even lawmakers who enabled the execution, could be subjected to violent retribution from members of the executed prisoner's clan.

As of 2016, there were 12 death row inmates who had exhausted all appeal and constitutional review processes, as well as the plea for clemency.

In May 2013, Papua New Guinea expanded its use of the death penalty, reinstating it for crimes such as aggravated rape, sorcery-related killings and robbery with violence. Prior to the 28 May 2013 amendment, the Criminal Code Act provided capital punishment only for murder, treason and piracy. In April 2014, Papua New Guinea's Government gave the green light for the implementation of the death penalty through lethal injection, but this method was dropped as an option because of restrictions placed on accessing the drugs needed by the manufacturer.

On 5 February 2015, Secretary for the Department of Justice and Attorney-General Lawrence Kalinoe said the 13 people on death row in Papua would be executed in 2015. However, on 10 March 2015, Prime Minister Peter O'Neill said Papua was reviewing plans to begin executing death row prisoners after the international outrage over executions of eight people, including two Australians, in Indonesia. He called for a review of the law, saying the matter would be debated in parliament, which could result in the law being repealed. "We've had no representations from anyone. It is our own initiative because Papua New Guinea is a very religious and very Christian country, so it is based principally on those foundations," he said. "We certainly do not want to be seen as a country that is actively promoting the death penalty as a means of enforcing law and order in the country," O'Neill told *The Wall Street Journal* in an interview. O'Neill said his government believed Papua New Guinea's existing law-and-order measures had proven effective and there was now an opportunity to review the death penalty. "There has been a huge drop, almost 50 %, in major crimes and of course there has been a substantial fall in petty crimes as well," he said. "So as a result of these declines in crime in the country, I think we are able to continue on that program (without the death penalty)."

On 6 May 2016, Papua New Guinea was revised under the Universal Periodic Review of the Human Rights Council of the United Nations. The delegation noted but did not accept recommendations for a legal moratorium on executions, the abolition of the death penalty and ratify the Second Optional Protocol to the ICCPR aiming at the abolition. Papua said that the death penalty is part of the internal legislation also if the actual policy of the Government is not to apply it.

In December 2016, Papua New Guinea voted against the Resolution for a Universal Moratorium on capital executions at the UN General Assembly.

QATAR

Executions have always been rare in Qatar, although death sentences continued to be imposed.

The last executions took place on 11 March 2003, when Indian national Arun Abraham, sentenced to death by Qatar's *Sharia* court for killing a compatriot, was executed by firing squad in Doha's Central Prison. Until 2001, when three people were put to death, there had been no executions in Qatar for 10 years.

In 2016, at least six death sentences were issued and there were more than 10 prisoners on death row.

The power to commute death sentences rests with the Emir.

On 4 March 2016, a court sentenced a Qatari national to death by firing squad after he was found guilty of murdering his father.

Rashid Abdullah Rashid al-Nuaimi stabbed his father to death in 2014, reported Doha Times. The convict told the court that he was trying to break free from the grip of his father, who had grabbed his neck during an altercation. He confessed to the crime saying he had momentarily lost control. However, he argued that he should not be convicted on the grounds of his mental illness. The court heard that he suffered from schizophrenia. However, two consultants from the psychiatric ward at Hamad Medical Corporation testified last November that the man was able to determine right from wrong at the time of the incident. Al-Nuaimi will remain in jail until his youngest brother reaches the legal age of consent and can weigh in on the death penalty decision. This leaves open the possibility that al-Nuaimi's sentence may be reduced to life imprisonment if the family changes its mind.

On 15 April 2016, the Court of Appeal has ordered the execution of an Asian expatriate by firing squad in Qatar for murdering his work colleague. The first instance court had sentenced him to capital punishment but put off his execution until the victim's brother reached the legal age and approved the execution. The postponement of the execution left the door open for the victim's heirs to pardon the convict and accept the blood money, or carry on with the execution. The Court of Appeal overruled the verdict, ruling that the execution could be carried out without waiting for the underaged brother to grow up as long as the victim's father is alive.

On 21 July 2016, a Doha appeals court has upheld the death sentence given to two Indian men by the trial court for the murder of an elderly Qatari woman at her home in 2012. The third defendant, also an Indian, has been given a life sentence. The verdict in the murder case was delivered on May 30 by the Court of Appeal but the issue came to light only when Suresh Kumar, a lawyer from India, who was deputed by the South Asian Fishermen Fraternity (SAFF) arrived in Doha a couple of days before to follow up the case. Kumar had also met Indian embassy officials in this regard.

The trio, who were found guilty of the murder, were identified as Alagappa Subramaniam, Chinnadurai Perumal and Sivakumar Arasan, all reported to be in their early 40s and natives of Villupuram, Virudhunagar and Salem, respectively, in the southern Indian state of Tamil Nadu. At least one of the three was working at the home where the murder took place, a source told this newspaper.

The crime was committed towards the end of 2012 and two of the accused were awarded capital punishment by a local court on December 31, 2014. The trial court had sentenced the third accused to life in prison. In May this year, the Court of Appeals upheld the verdict.

On 30 December 2016, a Doha Criminal Court has convicted five expatriate men for engaging in illicit drugs smuggling and sentenced their leader to death by hanging. Local Arabic daily Arrayah reported that four defendants were convicted of smuggling 120kg of hashish and opium in collusion with other unidentified Asians, who had hidden the drugs in three barrels in the Gulf waters. The case started when the Drug Prevention Department of the Ministry of Interior received information

about the operation and kept everything under control until the defendants were arrested while trying to get the drugs from the sea.

Along with the Civil and Penal Codes, *Sharia* law is in force in Qatar, although only applicable to Muslims. The offence of *Zina* makes any sexual act by a married person outside of marriage punishable by death, while sexual acts by non-married persons are punishable by flogging.

Non-Muslims may not proselytize, and the Government officially prohibits public worship by non-Muslims. However, it does permit and protect private services. Converting from Islam is considered apostasy, and is technically a capital offence; however, there is no record of an execution for such a crime since 1971.

On 7 May 2014, the State of Qatar was reviewed under the Universal Periodic Review (UPR) of the UN Human Rights Council. The country's delegation noted the death penalty had not been imposed since 2003 and accepted recommendations on continuing efforts of promoting Human Rights. However, it rejected recommendations to establish a *de jure* moratorium on executions, with a view to abolishing the death penalty.

On 19 December 2016, Qatar voted against the Resolution for a Moratorium on the Use of the Death Penalty at the UN General Assembly.

CENTRAL AFRICAN REPUBLIC

The last execution took place in January 1981, when six high ranking government officials were executed by firing squad.

Currently, there are no prisoners on death row. At least during recent years, the CAR had not sentenced any individuals to death.

In December 2012, the CAR was plunged into an uprising by *Seleka* rebel forces that condemned the Bozizé Government for not honouring peace agreements. In March 2013, President François Bozizé fled to Cameroon after the rebel forces attacked the capital city of Bangui and took control of the presidential palace.

In June 2015, the transitional government promulgated a law passed in April to establish a Special Criminal Court inside the national judicial system, consisting of national and international staff, to investigate and prosecute the gravest crimes committed in the country since 2003, including war crimes and crimes against humanity. The maximum sentence of life imprisonment under the law would help bring about international support for the Special Criminal Court and be a logical step for the Central African Republic away from the death penalty.

In October 2013, the Central African Republic (CAR) was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government accepted all recommendations regarding capital punishment, including those to speed up the legal process toward the abolition of the death penalty and to accede to the Second Optional Protocol to the ICCPR aimed at the abolition of the death penalty.

In December 2016, for the third time, Central African Republic voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly. In 2007, 2008 and 2010 it abstained on the Resolution.

SWAZILAND

Swaziland has executed 34 convicted murderers since independence from Britain in 1968. The last person was put to death in 1982, when a prominent business-woman, Phillipa Mdluli, was hanged for the ritual murder of her domestic worker's daughter.

In 2016, no death sentences were imposed in Swaziland, where only one person, a Swazi national, was under death sentence at the end of the year.

Capital punishment is mandatory for murder without extenuating circumstances, while treason carries a discretionary death sentence.

All death sentences are automatically referred to the Court of Appeal. If the sentence is confirmed on appeal, the convicted person has the right to appeal to the King for mercy. The King is advised by the Committee on the Prerogative of Mercy (Justice Minister plus two other ministers and the Attorney General).

Until now, King Mswati III has developed a reputation for leniency, using official holidays and royal celebrations to commute death sentences to life terms and life terms to 15 or 20 years.

In November 2016, *Hands off Cain* carried out a mission to Swaziland calling for a vote in favor of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly. The delegation met with the Minister for Foreign Affairs Chief Mgwawa Gamedze, princes Hlangusemphi Dlamini, Minister for Economy and Development and Guduza Dlamini, former Chairperson of the Parliamentary Assembly (both of them are brothers of the King Mswati III), Minister of Justice and Sen. Edgar Hillary and the Hon. Jan Sithole, President of the Swazi Democratic Party. The authorities explained the constitutional and judicial system of the Country where, after recent commutations by the King of capital sentences only one man is currently on death row. They considered important a vote in favor of the Resolution and said that the point will be submitted to the Prime Minister who, with the Minister for Foreign Affairs has the power to decide during the period in which the King is in "seclusion".

On 10 May 2016, Swaziland was reviewed under the Universal Periodic Review of the UN Human Rights Council. The delegation noted but did not accept recommendations for a legal moratorium on executions, the abolition of the death penalty and ratify the Second Optional Protocol to the ICCPR aiming at the abolition. Swaziland said that there is a de facto moratorium on the death penalty in the country.

In December 2016, for the first time, Swaziland voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

TANZANIA

A de facto moratorium is exercised under the President's prerogative. Since 1994, hundreds of death sentences were commuted to life imprisonment by the President.

Records collected by the *Legal and Human Rights Center* (LHRC) show that since independence in 1961, 238 people (232 men and 6 women) were executed after being convicted of murder. The last executions were carried out in 1994, when 21 men were hanged.

In 2016, there were 19 new death sentences issued, 14 more than in 2015. Recent statistics show an increase in the number of death row inmates: 410 in 2014 and 472 in 2015 (452 men and 20 women) according to information obtained from Tanzania Prison Services by the LHRC, which were not provided in 2016 but according Amnesty International they are 491.

On 13 September 2016, during a two-day seminar for women with albinism and mothers with children who were born with the genetic disorder, Beatrice Mpenbo, the State Attorney from the Office of Director of Public Prosecutions, revealed that over 21 people have been convicted of killing people with albinism in Tanzania and sentenced to death.

At least 75 people with albinism have been killed in Tanzania since 2006 while more than 100 people have been attacked and mutilated. Such attacks are due in large part to widespread superstition in East Africa that body parts of people with albinism carry magical powers or other beliefs that views albinos as cursed or causing bad luck.

On 27 October 2016, the High Court in Bukoba Region sentenced to death two men, Lameck Bazil and Pankras Minago. They were charged with killing a person with albinism, Magdalena Andea in September 2008.

On 20 May 2016, with the publication on the Gazette of the United Republic of Tanzania No.21. Vol.97, entered into effect the Prevention of Terrorism Act (CAP 19) as amended through the Written Laws (Miscellaneous Amendment) Act, No. 2 of 2016. Death penalty was added as a penalty for terrorism where the act causes death, referring to section 197 of the Penal Code, CAP 16, which provides for death penalty.

Tanzania still retains the death penalty as one of the punishments under the Penal Code and the National Defence Act. There are three offences punishable by the death sentence: murder, treason and misconduct of commanders or any military service man in the presence of an enemy. The provision of death penalty for conviction of murder is a mandatory sentence.

The death penalty is only passed by the High Court. Free legal aid service is provided to accused persons facing charges that attract death penalty to ensure that in the process of trial the accused is legally represented. A person sentenced to death by the High Court has an automatic right of appeal to the Court of Appeal which is the highest Court in Tanzania. Once a death sentence is passed and confirmed by the Court of Appeal there is an Advisory Committee on the prerogative of mercy

which advises the President with regard to the execution of the sentence. In advising the President, the Committee considers the views of the relatives of both the victim and the convict, including the convict's own petition for mercy to the Committee. In addition to the Committee, also the sentencing Court is requested to submit a written report on the case to the President. These mechanisms mostly provide a safeguard against arbitrary execution of the death penalty.

In Tanzania there is an ongoing Constitutional Review process. According to the final draft for the proposed new constitution, approved by the Constituent Assembly (CA) in October 2014, "Every one has the right to life and to the protection of his life by the State and the society in accordance with the law." Nevertheless, the death penalty remains as a constitutional provision. In September 2013, then Minister of Justice and Constitution Affairs Mathias Chikawe proposed that the death penalty be removed in the new Constitution. He said life imprisonment should be an alternative to enable criminals to change their behaviour. Though the government was scheduled to conduct a nationwide referendum on the proposed constitution in April 2015, the National Election Commission (NEC) that month announced an indefinite delay of the poll, citing an inability to register citizens using a new biometric system in time for the vote.

On 9 May 2016, Tanzania was reviewed under the Universal Periodic Review (UPR) at the UN Human Rights Council. It did not support recommendations to establish an official moratorium on executions, abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty. The delegation said the death penalty was a lawful sanction. It added that measures, including mandatory representation and fair trial guarantees, were in place to protect the rights of suspects charged with capital offences. No position could be offered on the issue of a moratorium on the death penalty, as that was a policy issue.

On 19 December 2016, Tanzania abstained from the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly such as in 2007, 2008, 2010, 2012 and 2014.

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.

After the one-year long parenthesis without imposing death sentences, in 2011, Tunisian courts have begun condemning people to death again. At least 3 new death sentences were imposed in 2014, all for murder. Thirteen more convicts, including six jihadists, were sentenced to death in 2015. In 2016, in the name of the war on terrorism, 36 death sentences were issued on the 44 of the year. [see Chapter "The War on Terror"].

On 26 January 2014, Tunisia adopted a new Constitution, which maintains capital punishment. The three parties forming the National Constituent Assembly's rul-

ing majority – *Ennahda, Congrès pour la République* and *Ettakatol* – have consistently advocated that Tunisian society is not ready to abolish the death penalty. They relied on a literal and restrictive reading of the Koran. Yet the Constitution states in article 21: “The right to life is sacred.” The Constitution allows exceptions to the right to life in the second part of article 21: “No one can violate it, except in extreme cases set by law.” The introduction of such exceptions means the death penalty can still be used in Tunisia. On 6 January, the National Constituent Assembly passed Article 21 with 135 votes out of a total of 174. During the discussion of article 21, a proposal of an amendment to abolish the death penalty was rejected by 102 votes.

On 8 April 2014, on the occasion of the 76th National Day of the Martyrs of 9 April, the President of the Republic announced a pardon for 467 prisoners, including two condemned men, whose death sentences were commuted into life imprisonment. Prisoners in cases of terrorism or smuggling of arms and ammunition were excluded from the measure of clemency, said the President of the Republic.

In December 2016, for the third time, Tunisia voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

ZAMBIA

Zambia has not executed anyone since 1997, owing 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, from his election in 2001 until his death in August 2008, refused to sign orders of execution, commuting hundreds of death sentences. “People can’t be sent to the butcher like they were chickens, and as long as I’m President, I will not sign any orders of execution. I don’t want to be the executioner’s boss,” Mwanawasa said.

His successor, Rupiah Bwezani Banda, also said that he would not sign a death warrant for any condemned inmate despite the death sentence still being enshrined in the Constitution. Banda, who was Deputy President of Zambia under President Mwanawasa from 2006 until the latter’s death in 2008, said he would follow the footsteps of his predecessor. In fact, President Banda commuted death sentences of more than a hundred prisoners during his tenure, which ended in September 2011, when opposition leader Michael Sata defeated him in the presidential elections of 20 September 2011.

Also President Michael Sata followed the policy of his predecessors. In May 2013, he pardoned 113 death row inmates who had their death sentences commuted to life imprisonment. On 25 December 2013, President Sata, in a Christmas gesture, spared 10 other prisoners from the hangman’s noose by commuting their death sentences to life. Following the death of President Michael Sata in October 2014, Edgar Lungu was sworn in as new President in January 2015.

On 25 May 2015, President Lungu pardoned and released 177 prisoners in commemoration of the Africa Freedom Day. The President also commuted sentences

of 54 prisoners who were serving death sentences to life imprisonment while 41 inmates initially sentenced to life imprisonment had their sentences reduced to 25 years. This was the first time in the history of Zambia to have some inmates from Mukobeko Maximum Prison considered for release during the commemoration of Africa Freedom Day.

On 16 July 2015, all prisoners awaiting death by hanging were removed from death row at Mukobeko Maximum Security Prison. President Lungu commuted all the death sentences of 332 prisoners to life imprisonment to ease maximum security prison congestion. During a visit to Mukobeko prison, Lungu said it was unacceptable for a prison with a capacity of 51 inmates to house hundreds. "It goes without saying that this is an affront to basic human dignity apart from the health and sanitation challenges that it has created," Lungu said. The Zambian leader further said his administration was committed to improving the situation in the country's prisons, which were built before Zambia attained independence in 1964, with a capacity to accommodate only 8,200 inmates nationally. Currently, there are about 19,000 inmates in the country's prisons, a situation that has caused congestion.

Since 1964, when Zambia gained its independence, 53 people have been executed by hanging. The last execution occurred in January of 1997, when ex-President Frederick Chiluba authorized the hanging of 8 detainees on the same day. According to national authorities, the High Court issued 101 new death sentences in 2016 and at the end of the year there were 157 death row inmates. On 27 April 2017, Zambia Correctional Services Commissioner General Percy Chato said it has 170 inmates on death row. The 170 comprises 168 males at Mukobeko Maximum Security Facility in Kabwe. The two women are confined to the female section. The number had accumulated since July 16, 2015 when President of the Republic Edgar Chagwa Lungu gave clemency to 332 inmates.

On 18 April 2013, the National Constitution Convention voted to retain the death sentence, which is in clause (3) of Article 28 of the First Draft Constitution. When the clause was first put to a vote on 16 April, delegates reached a deadlock and pushed it to a secret ballot, where 177 delegates voted for its retention while 138 rejected it. On 13 April, the Bill of Rights thematic group at the National Constitution Convention had rejected Article 28 on the controversial death penalty provision in the draft Constitution. Article 28 (3) of the First Draft Constitution states that, "A person may be deprived of life if that person has been convicted of a capital offence and sentenced to death."

In January 2016, the Parliamentary Committee on Legal Affairs held a series of hearings to receive views on whether the death penalty should be abolished or not. On 13 January, Senior Assistant Commissioner Chrispin Kaonga of the Zambia Prisons Services argued that since death was the end to one's life there was no lesson to the one that was punished with a death sentence; furthermore, on the administrative aspect with moratorium in place, to continue maintaining it is very unproductive and costly. On 14 January, Florence Chibweshwa, Director of the Human Rights Commission of Zambia said that Zambia must abolish the death penalty as it was

against the enhancement of human dignity and progressive development of human rights. She added that Zambia should ratify the Second Optional Protocol to the ICCPR aimed at abolishing death penalty, while a human rights based approach should be used in addressing offences punishable by death which were mere manifestations of deep-rooted causes such as social, economic, political and cultural or any other challenges. On 19 January, a lecturer in the School of Law at the University of Zambia, Landilani Banda, said death sentence is “state-sanctioned murder” and must thus be abolished because there is no legal, political or religious justification for maintaining the death penalty in the laws of the country. On 21 January, Police chief Kakoma Kanganja said death penalty provisions were appropriate and should be applied as provided for by the Constitution and the Penal Code. On 21 January, the Council of Churches in Zambia (CCZ) executive director, Rev Susan Matala, said the death penalty could not find any support in scriptures both in the New and Old testaments. “Human life is sacred and cannot be taken by anyone else even the State. The one that takes life has also committed murder. The State is not exempted from crime of committing murder,” she said. She expressed a different position from Pukuta Mwanza, executive director of the Evangelical Fellowship of Zambia (EFZ) who, the day before, called the Parliament Committee on Legal Affairs not to abolish the death penalty because it is biblical. Rev Mwanza said the sixth commandment of the Bible of ‘you shall not kill’ does not refer to death penalty but to murder which was deliberate termination of another’s life.

In December 2016, Zambia abstained from the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

CARIBBEAN REGION

In many countries of Caribbean Region, there are at least two external constraints that prevent the execution of death sentences.

A first important limitation on the imposition of the death penalty was placed in 1993 by the Judicial Committee of the Privy Council (JCPC) in the *Pratt and Morgan v. Jamaica* case, where it held that executions carried out over five years after sentencing constitute inhuman or degrading punishment. The Privy Council which remains the final court of appeal for eight Independent Commonwealth countries in the region: Bahamas, Antigua and Barbuda, Grenada, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines and Trinidad and Tobago. However, other countries of the Caribbean Community have decided to switch to the jurisdiction of the Caribbean Court of Justice (CCJ), replacing the Privy Council as the region’s final court of appeal. Caribbean countries view the CCJ as the means to throw off the last vestiges of colonialism, but human rights groups have warned that the Court may be a hanging court. The Caribbean Court of Justice was inaugurated in Trinidad on 16 April 2005 and, as of 5 March 2015, only four countries – Barbados, Belize, Dominica and Guyana – had passed under its jurisdiction.

The second limitation on the imposition of the death penalty lies in the landmark April 2001 decision by the Eastern Caribbean Supreme Court (ECSJ) that struck

down the mandatory death penalty as unconstitutional. The ECSC's decision also stated that the death penalty may be "imposed in only the most exceptional and appropriate circumstances." In March 2002, the Judicial Committee of the Privy Council confirmed the April 2001 decision by the Eastern Caribbean Supreme Court, which serves as High Court of Justice and Court of Appeals for the Organisation of Eastern Caribbean States (OECS), including six independent States: Antigua and Barbuda, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, and Saint Vincent and the Grenadines.

On 16 July 2015, for the first time in 22 years, the Judicial Committee of the Privy Council (JCPC), by a majority ruling, refused to commute the death sentences imposed on two Trinidadian men who were convicted by a jury and sentenced to hang in 2008 by a High Court judge in Port of Spain. Lord Toulson, who wrote the 30-page judgment, said the basis for their dismissal of the appeal against the sentences was that the convicts, Timothy Hunte and Shazad Khan, upon their appeal at the local Court of Appeal which was also dismissed, did not raise the argument of the constitutionality of their sentence and, as such, it could not be raised as a fresh issue at the JCPC. But even though the Board ruled otherwise in previous appeals where the issue was not raised at the local Court of Appeal, Lord Toulson said these rulings were wrong and that the Board must now depart from those wrongful judgments.

In the Caribbean Region, in 8 countries – **Antigua and Barbuda, Bahamas, Belize, Cuba, Dominica, Guatemala, Jamaica and Saint Lucia** – no new death sentences were imposed and death rows were still empty at the end of 2016.

Antigua and Barbuda commuted the death sentences of the last remaining people on death row, after the High Court decided on 23 November 2016 on Michael Lorrison Cornwall and Michael Mason detained since 1994 the first and since 1996 the second. The revision of the case was based on the Privy Council decision in 2002 on the unconstitutionality of the mandatory death penalty. Both of them, were sentenced for murder. The last execution was carried out on 2 February 1991 and no new death sentence was issued since 2000. In 2013, the Parliament abolished the death penalty mandatory for murder. On 9 May 2016, Antigua and Barbuda was reviewed under the UPR of the UN Human Rights Council. The Government rejected recommendations to establish a formal moratorium on the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to abolishing capital punishment both in practice and in law. On 19 December 2016, Antigua and Barbuda voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

On 1 September 2016, the Court of Appeal of the **Bahamas** has quashed the conviction and death sentence of the last death row inmate, Kofhe Goodman. A retrial has been ordered for as soon as possible. Goodman was sentenced to death in October 2013 for the murder of 11-year-old Marco Archer, of Brougham Street. The last hanging in The Bahamas took place in January 2000 when convicted murder

David Mitchell was executed. On March 8, 2006, the mandatory death penalty in the Bahamas was abolished by the five British law lords of the Privy Council when they held it to be a breach of international human rights. In 2012, further judicial restrictions were imposed by the Privy Council ruling that the death penalty should only be imposed where the offence was deemed to be the “worst of the worst” or the “rarest of the rare”. On 19 December 2016, the Bahamas voted again against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

The last man held on death row in **Belize** was reprieved on 13 July 2015, when the Supreme Court confirmed that Glenford Baptist would never be executed. His death sentence has been quashed as it was found to be unconstitutional. The last execution in Belize was carried out in June 1985, when Kent Bowers was hanged. On 19 December 2016, Belize voted again against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

In April 2013, after ten consecutive years without carrying out executions, **Cuba** became a “*de facto* abolitionist” country. Since the decision to commute all death sentences in April 2008 and the last three inmates on death row saw their sentences commuted in December 2010, no death sentences have been handed down by the courts and no new executions have been carried out in Cuba. On 19 December 2016, the Cuba abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

In **Dominica**, the death penalty has not been carried out since 1986. On 1 May 2014, Dominica was reviewed under the Universal Periodic Review of the UN Human Rights Council. The head of the delegation highlighted that there had been a self-imposed moratorium on the use of the death penalty since 1986. However, the popular sentiment in the country is for the reintroduction of executions for cases of murder. Therefore, the Government has taken the position that the death penalty will remain within the jurisdiction of the judiciary and will continue to be guided by the existing law. On 3 July 2014, Dominica’s Parliament approved a bill to make the Caribbean Court of Justice (CCJ) the country’s final court of appeal, replacing the Judicial Committee of the Privy Council in London. Dominica completed the move with the accession to the Appellate Jurisdiction of the CCJ on 6 March 2015. Dominica’s decision made it the first country within the Organization of Eastern Caribbean States to accede to the CCJ. On 19 December 2016, Dominica voted again against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

Jamaica’s death row was empty at the end of 2016, after a former Jamaica Defence Force soldier, Leslie Moodie, had his death sentence commuted to life imprisonment by the Appeal Court on 31 July 2015. On 13 May 2015, Jamaica was reviewed under the Universal Periodic Review of the UN Human Rights Council. The recommendations to introduce a *de jure* moratorium on capital executions with a view to fully abolish the death penalty and to ratify the Second Optional Protocol to the ICCPR did not enjoy the support of Jamaica.

On 19 December 2016, Jamaica voted again against the UNGA Resolution for a universal moratorium on capital executions.

The last execution in **Guatemala** took place on 20 June 2000, when two people, Luis Amilcar Cetin and Tomas Cerrate, were put to death for the kidnapping and murder of businesswoman Isabel de Botran. On 27 July 2002, Guatemala's then President Alfonso Portillo introduced a moratorium on executions for the duration of his mandate up to 2004. The move was made in response to a request by Pope John Paul II and was announced just prior to his visit to the country. In January 2012, the Criminal division of the Supreme Court of Justice reviewed the cases of all prisoners under sentence of death in the country and commuted to 50 years of imprisonment the death sentences of 53 prisoners. On 19 December 2016, Guatemala abstained on the UNGA Resolution for a universal moratorium on capital executions.

Saint Lucia can be considered a *de facto* abolitionist country since its last execution took place on 17 October 1995, when Joseph Solomon was hanged after being sentenced to death for murder in 1994. On 5 November 2015, Saint Lucia was reviewed under the UPR of the UN Human Rights Council. In its response to the recommendations received, the Government did not support recommendations to ratify the Second Optional Protocol to the ICCPR, establish an official moratorium on executions and abolish the death penalty. However, Saint Lucia stressed the fact that there has been a *de facto* moratorium in place since 1995. On 19 December 2016, Saint Lucia voted against the UNGA Resolution for a universal moratorium on capital executions.

In 3 other countries of the region – **Grenada, Saint Kitts and Nevis** and **Saint Vincent and the Grenadines** – no new death sentences were issued and death row inmates were a few units.

Grenada has not carried out an execution since 1978, when three men were hanged for rape and murder. No death sentence has been recorded in 2016 and a man, Kyron McFarlane, was the only man on death row at the end of the year. On 26 January 2015, Grenada was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government did not support recommendations to establish an official moratorium on executions, abolish the death penalty and ratify the Second Optional Protocol to the ICCPR. However, the Government said there currently exists a *de facto* moratorium on executions and the application of the death penalty in place since 1978. On 19 December 2016, Grenada voted against the UNGA Resolution for a universal moratorium on capital executions.

The last execution in **Saint Kitts and Nevis** took place on 19 December 2008, when Charles Elroy Laplace was hanged after 10 years of suspension of executions in the country. At the end of 2015, only one person remained under sentence of death. Everson Mitcham was sentenced to death in June 2001, but he was still on death row, in violation of the Pratt and Morgan judgment of the Privy Council, according to which the stay of more than five years under sentence constitutes inhuman or degrading punishment. On 11 November 2015, Saint Kitts and Nevis was reviewed under the UPR of the UN Human Rights Council. The Government did not support recommendations to establish an official moratorium on executions, abolish the death penalty and ratify the Second Optional Protocol to the ICCPR. On

19 December 2016, Saint Kitts and Nevis voted against the UNGA Resolution for a universal moratorium on capital executions.

Saint Vincent and the Grenadines can be considered a *de facto* abolitionist country since its last execution took place on 13 February 1995, when three people were put to death after having their death warrants issued only four days earlier. The three executions were the first on the island since 1991. At the end of 2015, Patrick Lovelace remained the country's lone death row inmate. In March 2014, the Eastern Caribbean Court of Appeal refused an application by his lawyers for extension of time to file an appeal against his sentence. However, on 26 February 2015, Patrick Lovelace was granted leave to appeal his sentence to the Judicial Committee of the Privy Council. On 19 December 2016, Saint Vincent and the Grenadines voted against the UNGA Resolution for a universal moratorium on capital executions.

COMMUTATION OF DEATH SENTENCES OR SUSPENSION OF EXECUTIONS

Furthermore, collective commutations of death sentences or suspension of executions indefinitely were granted in 7 countries: **Ghana, Kenya, Morocco, Nigeria, Repubblica Democratica del Congo, Sri Lanka** and **Zimbabwe**. Relevant clemency acts have been adopted also in countries where laws abolishing the death penalty for certain crimes were adopted as in Myanmar and in Thailand. In **India**, the Supreme Court continued to contain the use of the death.

GHANA

On 4 July 2016, President John Dramani Mahama granted amnesty to another 896 prisoners to commemorate the 56th Republic Anniversary and three prisoners sentenced to death had the penalty commuted to life imprisonment. Another was exonerated. In 2015, he granted an amnesty for 900 prisoners. Mahama was the Vice President of Ghana from 2009 to 2012, and he took office as President on 24 July 2012 following the death of his predecessor, President John Atta Mills. He was elected to serve his first term as president in December 2012 election. President Mahama's clemency measures were part of a long series of amnesties granted by his predecessors, especially by President John Kufuor, devoted Catholic and known as "the good giant of Africa." From June 2003 to 7 January 2009, his last day in office as President of Ghana, President Kufuor has granted clemency to 327 prisoners, who had their death sentences commuted to life imprisonment.

In March 2014, the *Constitution Review and Implementation Committee* (CRIC) submitted a draft bill for the amendment of entrenched provisions in the 1992 Constitution to the Attorney-General and Minister of Justice. The draft bill calls for the abolition of the death penalty and asks for it to be substituted with life imprisonment. Government's plans to submit to a referendum the draft amendments to the Constitution had not yet been implemented in 2015 and the first six months of 2016.

In March 2013, in its response to the recommendations received under the Universal Periodic Review of the UN Human Rights Council, the Government rejected those concerning the abolition of the death penalty.

In December 2016, Ghana abstained on the Resolution for a Moratorium on the Use of the Death Penalty at the UN General Assembly.

The death penalty has been in Ghana's statute books since the inception of English common law in the country in 1874. There have been no executions since July 1993, when 12 prisoners, convicted of robbery and murder, were executed by firing squad.

While no death row prisoner has been executed since 1993, death sentences continue to be imposed.

In 2014, the death sentences were 9 and 14 in 2013. In 2015, according to the Ghana Prisons Service, 18 people were sentenced to death for murder. In 2016, according to information of the Ghana Prisons Service, 17 new death sentences were imposed. At the end of the year, 148 people were under sentence of death. Some of them have been on death row for as long as 10 years.

KENYA

On 24 October 2016, President Uhuru Kenyatta has signed commutation documents commuting all death sentences into life jail terms. Following the signing of the documents some 2,747 death row convicts will now serve life imprisonment. This includes 2,655 male convicts and 92 female convicts who will be removed from the death row to serve life sentences. The last commutation of death sentences to life imprisonment was done in 2009 by the then President Mwai Kibaki. Invoking the Power of Mercy provided for under Article 133 of the Constitution, President Kenyatta on October 24 also signed a pardon warrant and released 102 long-term serving convicts. The reprieve for the 102 convicts came after a thorough vetting by the Power of Mercy Advisory Committee.

In a landmark judgement delivered on 15 September 2016, the High Court ruled that the mandatory death sentence in relation to capital offence is unconstitutional. A petition was filed by APP law student, Wilson Kinjua, and 11 other death row prisoners serving their sentences at Kamiti Maximum Security Prison, challenging conflicting sentences given to similar offences resulting in a breach of their right to be treated equally. It was ruled that sections of the law do not meet the constitutional threshold of setting out precise and distinct differentiating degrees of aggravation of the offence of robbery and attempted robbery to adequately answer to charges and to prepare a defence. The petitioners, led by Wilson, argued that for the death sentence to apply one should first have the opportunity to defend oneself following the case hearing through the process of mitigation. The favourable ruling means that mitigating factors and other pre-sentencing requirements have to be received and considered by the courts in order for a fair trial to take place – abolishing the mandatory death sentence currently prescribed for a capital offence. The court,

however, did not rule in favour of the abolition of the death sentence across the board stating that “the death sentence is not a cruel, inhuman and degrading punishment. However, it just cannot be meted to any person convicted of a capital offence.” This was clearly a disappointing outcome for Wilson et al, however, extraordinary steps have been made to change the law in such a way that the positive impact will be felt throughout the prison community. The judgement has also been suspended for 18 months in order for the law to be reviewed for the inconsistencies found and amended accordingly, a ruling that the petitioners wish to challenge, calling for an immediate resolution to their cases.

In November 2016, *Hands off Cain* carried out a mission to Kenya to call for a vote in favour of the UNGA Resolution for a Universal Moratorium on capital executions. The delegation met the Attorney General Githu Muigai who was personally against the death penalty and in favour of its abolition he wanted to speed up. He said he had advised the Ministry for Foreign Affairs to vote in favour of the UNGA Resolution for the universal moratorium on capital executions. The delegation met also two parliamentarians, Hon. Agostinho Neto and Hon. John Muriithi Waiganjo (one of the ruling party and the other from the opposition but both in favor of the UNGA Resolution) as well the Executive Director for Kenya of the International Commission of Jurists.

The last hanging in Kenya took place in 1987, when August 1982 coup plotters Hezekiah Ochuka and Pancras Oteyo Okumu were executed following a court-martial ruling.

In 2016, at least 24 people were sentenced to death according Amnesty International and there were two death row inmates.

On 22 January 2015, Kenya was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government accepted the recommendation to establish a moratorium on executions with a view to abolishing the death penalty for all crimes. However, the recommendation to abolish capital punishment and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights did not enjoy the support of Kenya that requested for support towards human rights awareness campaigns, including the abolition of the death penalty.

On 19 December 2016, Kenya abstained again on the Resolution for a Moratorium on the Use of the Death Penalty at the UN General Assembly.

MOROCCO

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.

On 30 July 2016 the Throne Day, King Mohammed VI granted pardon to 1,272 persons who were convicted by different courts across the Kingdom, the Ministry of Justice said in a statement.

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 abuses of power and the rape of hundreds of woman and girls.

According to Amnesty International, in 2016 Morocco imposed 6 death sentences and at least 92 people are on death row.

On 4 May 2016, two Moroccans were sentenced to death by a court in El Jadida for having kidnapped, raped and killed a 7-year-old girl in late 2015.

On 1 July 2011, the constitutional reforms called for by Mohammed VI were approved by a public referendum with a landslide 98% vote. Reforms included: freedom for political parties, the separation of the government's executive from its judicial branch, women's rights and minority rights. For the first time, the Constitution affirms life as a fundamental right.

The terrorist attacks in Casablanca, first in May 2003 and then in early 2007, led to resistance on the part of state authorities in the process of abolition of the death penalty under way in the country.

In May 2012, in its response to the recommendations received under the Universal Periodic Review of the UN Human Rights Council, Morocco rejected those to introduce a *de jure* moratorium on the executions as rapidly as possible, to commute all death sentences to prison sentences and abolish, once and for all, the death penalty. However, it accepted recommendations to continue the implementation of a *de facto* moratorium on executions and make efforts to achieve the total abolishment of capital punishment.

At the end of December 2013, there were four bills on capital punishment deposited at the lower house of Parliament: three for the abolition of the death penalty, and the fourth for a ten-year moratorium on executions.

In June 2014, addressing the two Houses of Parliament, the Chairman of the National Human Rights Council (CNDH), Driss El Yazami, stressed the need to implement the main institutional recommendations of the Equity and Reconciliation Commission, including the ratification of the Rome Statute of the International Criminal Court and the abolition of the death penalty.

In December 2016, Morocco abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

NIGERIA

In 2016, a total of 105 death sentences were commuted, 33 pardons were granted, and 32 death row prisoners were exonerated, according to information received by Amnesty International from the Nigerian Prisons Service.

On 9 June 2016, seventeen prisoners serving various jail terms in Ogun State were granted pardon by the state governor, Ibikunle Amosun, who also commuted the death sentences verdict on four other prisoners to life imprisonment. The condemned prisoners granted relief are Akeem Fatai, Nnamdi Osuagu, Sunday Oloyede

and Idowu Okanlawon. The gesture was part of activities marking this year's Democracy Day and 12 June remembrance anniversaries in Ogun State.

On 1 October 2016, Governor David Umahi of Ebonyi ordered that death sentences on 14 prisoners in various prisons be commuted to life imprisonment. The Governor gave the order during activities to mark the 56th Independence Day and 20th year of Ebonyi creation. According to the governor, 32 inmates from the state have also been granted unconditional pardon for offenses which they were jailed. He said those whose death sentences were annulled included Igantius Ochioso, Paul Ominyi, Nnachi Asula, Sunday Ukpai, Onyebuchi Eze and Ikechukwu Nwafor.

On 11 November 2016, outgoing governor of Edo State, Adams Oshiomhole, commuted the sentence of four death row inmates to life imprisonment. The governor's action followed a call by the Catholic Archbishop of Benin, Augustine Akubeze, to forgive those who had offended him. Oshiomhole said, "Four those cases of people who had been condemned to death on account of their crime, having spent almost 25 years in prison, I believe that they have suffered and they have learnt. For those ones, I would like to commute them to life imprisonment, so that they will not die. But they need to remain in prison so that people understand that murder is not fun. None of us should attempt to take the life of another."

On 2 December 2016, Governor Ifeanyi Ugwuanyi of Enugu State commuted death sentence of five inmates to life imprisonment. This is the first time a governor of Enugu State exercised such constitutional powers since Nigeria's return to democracy in 1999.

In Nigeria, the federal legal system is based on English common law. However, since 1999, twelve predominantly Muslim Northern States have introduced Islamic *Sharia* law in criminal justice. The Nigerian Authorities have insisted numerous times that the Federal Constitution does not allow for stoning and other punishments called for by the *Sharia*.

In March 2014, in its oral response to the recommendations received on 22 October 2013, when Nigeria was reviewed under the Universal Periodic Review of the UN Human Rights Council, the Government rejected all the recommendations dealing with the abolition of the death penalty, including: recommendation to commute all death penalties, progressively reduce the number of crimes that can be punished with the death penalty and eventually adopt measures for the complete abolition of the death penalty including accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights. However, the Government assured the Human Rights Council that Nigeria "shall respect" the ECOWAS Court of Justice order restraining the Nigerian Government from carrying out executions of condemned persons, "even as we continue with a national dialogue on the abolition of the death penalty."

In 2016, other Nigerian States have advocated the death penalty in response to the increase in kidnapping cases in the country. On 8 April 2016, Oyo State Governor Abiola Ajimobi signed into law a kidnapping prohibition bill, which makes kidnapping a capital offence in the state. On 14 July 2016, the Niger State House of Assembly passed into law the criminalization of kidnapping and cattle rustling. The law states that

armed cattle rustlers face death sentence while kidnappers will be opened to life imprisonment. On 23 November 2016, Kano State Governor Abdullahi Umar Ganduje signed into law the UN General Assembly.

DEMOCRATIC REPUBLIC OF CONGO

Death sentences are usually commuted to life imprisonment.

On 22 July 2016, Democratic Republic of Congo's President Joseph Kabila commuted the sentences of all death row inmates to life, and existing life sentences to 20-year terms. The amnesty was granted only to people convicted by decision became final as of 30 June 2016. The President also ordered the release of all female prisoners, disabled, aged 65 or over, 30 or younger, or who were sentenced to less than three years, with the exception of fugitives and people convicted of serious crimes such as rape, murder, corruption, treason and genocide. The presidential act of clemency was the fulfillment of one of the announcements made by the Government of the DRC in Oslo, Norway, on the occasion of the 6th World Congress against the Death Penalty on 21-23 June 2016 through Deputy Minister of Justice. In fact, the Congolese Government had pledged to commute all death sentences to life imprisonment, to vote in favour of the UNGA Resolution for a universal moratorium on executions in December 2016, and to examine the preliminary draft of the new Congolese penal code that does not provide for capital punishment. "These decisions are aimed at creating a political climate of trust and national cohesion, in particular in the context of national and inclusive political dialogue," said the Coalition Contre la Peine de Mort en République Démocratique du Congo (CCPM-RD).

The last executions took place on 7 January 2003, when fifteen people, charged with crimes such as subversion of the State, treason, armed robbery and participation in organised crime, were executed in secret at a military camp close to Kinshasa's Ndjili airport. These were the first executions known to have taken place since the lifting, on September 23, 2002, of a moratorium on executions announced by then-Human Rights Minister Leonard She Okitundu on 10 December 1999. The executions of the 15 were ordered by the *Court d'ordre militaire* (COM) a special itinerant tribunal that, since its creation in 1997, had been responsible for the execution of some 200 individuals. The COM was abolished on 24 April 2003.

The current Constitution, in place since early 2006, recognises the "right to life" and the "inviolable nature of human beings." A proposition for an article explicitly abolishing the death penalty was rejected by the national Parliament during the text's elaboration in 2005. A bill to abolish the death penalty was rejected by the Congolese National Assembly on 25 November 2010.

On 29 April 2014, the Democratic Republic of the Congo was reviewed under the Universal Periodic Review of the UN Human Rights Council. The country's delegation rejected recommendations to abolish the death penalty in law and ratify the Second Optional Protocol to the International Covenant on Civil and Political

Rights (ICCPR). In this regard, the government noted that, although the death penalty remains enshrined in domestic positive law, the DRC observes a *de facto* moratorium and the death penalty has not been implemented for 11 years.

On 19 December 2016, the Democratic Republic of the Congo was abstent during the vote on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly, as in previous years.

In 2016, at least 93 death sentences were issued in the Democratic Republic of the Congo, according to Amnesty International.

On 7 January 2016, it was confirmed the death sentence on the military commander Jean Emmanuel Biriko (known as Manoti) condemned on 18 May 2015 by a military court in the town of Rutshuru after being convicted of belonging to a criminal gang and kidnapping, among other crimes. The death sentence was upheld on appeal on 7 January 2016.

On 22 February 2016, the High Court in the town of Boende sentenced a man to death for murdering a journalist who worked for a community radio station. Eoma Pendeli Musa was found guilty of the murder of Soleil Balanga on 15 April 2015. Musa slit Balanga's throat, accusing the journalist of broadcasting news that his father Jean-Pierre Soma Pendeli Domaro was to be replaced in his hospital supervisor's post.

On 16 June 2016, the Goma military court, sitting as mobile court in Kiwanja, sentenced thirty-one people to death for several offences, including kidnapping, extortion, killings and illegal possession of weapons and ammunition. The Goma military court also imposed the death penalty on a police officer accused of killing his superior in the Tongo area.

SRI LANKA

President Maithripala Sirisena has commuted 187 death sentences to life imprisonment since he assumed office in January 2015. President Sirisena gave such concession to 34 death row inmates in December 2015. Another batch of 83 such prisoners got their sentence commuted to life on 22 April 2016, and 70 more prisoners had their sentences commuted on 27 May 2016. The death sentences were commuted on recommendations made by an expert committee established by the previous government in October 2013 and headed by retired Supreme Court judge Nimal E. Dissanayake. The committee included Secretary to the Justice Ministry, additional Solicitor General and Prisons Commissioner. The committee had inquired into cases of nearly 400 convicts out of nearly 1,200 on death row and recommended the commutation of their death sentence. Some prisoners on death row have served between 20 to 30 years inside their cells.

Many attempts have been made by various governments to resume executions, but with no result due to large-scale protests that occurred in the country.

On 4 January 2016, the Human Rights Commission of Sri Lanka (HRCSL) in a letter to the President recommended the abolition of the death penalty in Sri Lanka. The Commission, set up by the Government in 1996 to promote and protect human

rights in the country, in the letter states that death penalty should be abolished in keeping with Sri Lanka's commitment to a more humane society consonant with human rights, principles and values.

On 22 June 2016, delivering his address at Sixth World Congress Against the Death Penalty in Oslo, Sri Lanka's Foreign Affairs Minister Mangala Samaraweera said the vast majority of his colleagues in Parliament find the death penalty morally repugnant and are aware of its ineffectiveness but they fear the knee-jerk reaction of uninformed public opinion. "Therefore, the common challenge facing us today is persuading our respective people and perhaps even more importantly having the collective courage to lead by acting," Minister Samaraweera said. Minister Samaraweera confirmed that Sri Lanka's Minister of Justice had informed Parliament that Sri Lanka would return to its traditional position of voting in favour of the UN Resolution on a Death Penalty Moratorium as it did in 2007, 2008 and 2010 and, more importantly, continuing the four decades long *de facto* moratorium. He said that abolishing the death penalty requires persuasion and resolve but above all it requires leadership – the collective leadership of legislators, activists, editors, academics and judges. "As momentum towards critical mass develops, I am confident that the coming years will see the death of the death penalty in our region," the Minister concluded.

The island's history of executions goes back to when Sri Lanka was the British colony known as Ceylon. The first hanging was held on 11 February 1884, at Welikada Prison. During that time, a total of 1,868 men and women were executed.

The last execution was carried out on, 23 June 1976 – nearly 20 years after Sri Lanka achieved independence – when Jayasinghe Chandradasa, a 27-year-old farmer convicted of murder, was hanged to death.

In 2016, according to Amnesty International, at least 79 people were sentenced to death.

According to the Prisons Act, condemned prisoners are not allowed to mingle with the convicted prisoners, and have to be kept in isolation. They have a tiny cell and a small corridor leading to their cells away from their fellow prisoners, and they do not even see or hear each other. The only privilege they have is to walk along the corridors of their cells.

After searching for an executioner for three years, in October 2015, Sri Lanka's Prison Department Sri Lanka said it had hired two new executioners to replace the previous hangman. It had appointed the latest hangman in March 2014. However, the hangman selected for the job got distressed on seeing the gallows for the first time and resigned from the post. Two other hangmen hired in 2013 failed to show up for work.

As of April 2016, there were 1,004 death row prisoners, 28 women, according to the Commissioner General of Prisons, Thushara Upuldeniya on a total of 16,000 prisoners.

In November 2012, in its response to the recommendations received under the Universal Periodic Review of the UN Human Rights Council, Sri Lanka rejected those to take immediate steps towards the abolition of the death penalty in law.

On 19 December 2016, Sri Lanka voted in favor of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

ZIMBABWE

In October 2016, President Robert Mugabe commuted the sentences of 10 death row inmates to life imprisonment, Vice President Emmerson Mnangagwa said on 2 November, during Zimbabwe's presentation of its human rights national report under the Universal Periodic Review of the UN Human Rights Council in Geneva. Mnangagwa, who is in charge of the Ministry of Justice, Legal and Parliamentary Affairs, was responding to several calls from various countries who implored Zimbabwe to completely abolish the death penalty. But VP Mnangagwa said the majority of Zimbabweans who participated during the Constitution-making process said they wanted it retained. He said Government was, however, undertaking nationwide public awareness campaigns to conscientise Zimbabweans on the effects of the death penalty. "We then decided that I, as Vice President responsible for the administration of justice, should put a paper on the question of the abolition of the death penalty, which we have to debate," said VP Mnangagwa.

After the October 2016 commutations, 90 prisoners remained on death row.

Since July 2015, Zimbabwe can be considered *de facto* abolitionist country, after ten consecutive years without carrying out executions.

Since 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 2016, at least 6 new death sentences were imposed in Zimbabwe.

Harare Central Prison is the only prison designed for death row inmates but some of the prisoners sentenced to death were now being kept at Chikurubi Maximum Prison because of shortage of space, a situation that has left a number of the condemned prisoners subjected to psychological torture as a result of the delays in carrying out the executions. Fourteen inmates in Harare are challenging the constitutionality of their continued incarceration and are seeking an order by the Constitutional Court to have their cases remitted for resentencing so that their sentences can be commuted to life sentences. In January 2016, the lawyer for the inmates, Tendai Biti, told the court that his clients had been on the death row for periods ranging from three to 21 years and had suffered enough punishment that there was no need for them to be executed. He said their continued incarceration was in violation of sections 51 and 53 of the Constitution and infringed on their rights to life and human dignity, which were the most important in the Bill of Rights.

Zimbabwe's new Constitution, which was approved by 94.5% of voters in a con-

stitutional referendum held in March 2013, abolished the death sentence for women and those under the age of 21 and above 70 years. "Every person has the right to life," is written in Section 48 the new Charter. However, "A law may permit the death penalty to be imposed only on a person convicted of murder committed in aggravating circumstances," it adds. "The law must permit the court a discretion whether or not to impose the penalty," the Constitution states.

On 1 July 2016, the Criminal Law (Codification and Reform) Act of 2004 was amended through the General Laws Amendment Act of 2016 to bring it into alignment with the Constitution adopted in 2013. The new law sets out aggravating circumstances determining an appropriate sentence to be imposed on a person convicted of murder. Capital punishment may be imposed on someone who kills while raping, kidnapping, committing a robbery or while illegally detaining a victim and escaping from lawful custody. It also applies to those who commit murder while carrying out an act of insurgency, banditry, sabotage or terrorism, hijacking or piracy. Killing during unlawful entry or malicious damage to property when the damage was effected through the use of explosives or fire or in the event that the murder was preceded or accompanied by physical torture or mutilation are the other factors that can result in the death penalty being imposed. If the murder is premeditated or the murdered person was a minor, a police or prison officer, was pregnant, over the age of 70 years or was physically disabled, capital punishment may be imposed. In October 2014, the High Court had ruled that the death penalty could not be imposed on murderers until the legislature would not enact a law spelling out the circumstances under which one can be hanged.

On 19 January 2016, traditional leaders urged Government to do away with the death penalty. The chiefs said capital punishment was not cultural, but a relic of the colonial era. The traditional leaders made the call at a workshop organised by the Zimbabwe Association for Crime Prevention and Rehabilitation of the Offender (ZACRO) in Harare. "We as chiefs have concluded that killing is not an acceptable form of punishment. When you kill, you only kill the person leaving the spirit which caused him to kill behind. In our tradition we used to order compensation. The murderer was made to pay several cattle," said president of the Chiefs Council of Zimbabwe, Chief Fortune Charumbira. Chief Bepura said before the white settlers came into the country the chiefs never sentenced anyone to death. "That is why people compensated the victims' with cattle and a wife to appease the grieving family. The murderer would not be allowed to go back to his village or to the society but will remain at the chief's compound where he worked as a slave. This was done to deter would-be offenders," he said. Chief Nechombo said: "You can kill a murderer but you cannot kill murder." Chief Chivese said the reason why Zimbabwe has not hanged anyone for the past 10 years shows that the leaders do not believe in capital punishment. "We have not hanged anyone and we are even failing to find a hangman because we do not agree with capital punishment," he said.

On 22 February 2016, Zimbabwe's acting President and Justice, Legal and Parliamentary Affairs Minister Emmerson Mnangagwa, reiterated he wanted the death penalty "totally" abolished by the Constitution. Addressing delegates attend-

ing the 9th International Meeting of the Ministers of Justice, VP Mnangagwa said he was positive that Zimbabwe would soon abolish capital punishment. President Mnangagwa survived the gallows during the colonial rule in the 1960s for sabotage on grounds that he was below 21 years. “The legislative history of Zimbabwe in so far as the death penalty is concerned demonstrates that the country is making significant strides towards the elimination of capital punishment,” said VP Mnangagwa. “Surely, we will not hesitate to expunge capital punishment from our laws,” he said. VP Mnangagwa said the Ministry of Justice, Legal and Parliamentary Affairs had launched campaigns to educate people about the new Constitution and emphasis was on the abolition of the death penalty. He said Zimbabwe was very aware of, and committed to its obligations under the various international human rights instruments she has ratified and acceded to, adding that steps have been taken to ensure the national law was in conformity with international human rights norms. “The country also accepted the recommendations to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights and to take measures to abolish the death penalty,” said Mnangagwa referring to the UPR of the UN Human Rights Council in October 2011. VP Mnangagwa said the objective of the criminal justice system was now increasingly being viewed from a rehabilitative point of view than from an incarceration and retributive perspective. “Having survived the death penalty myself, I know the tribulations faced by those on death row,” he said. “The moment a sentence is pronounced that you are going to die by hanging, the whole world collapses on you. The death penalty is, in fact, a flagrant violation of the right to life and dignity.”

On 2 November 2016, Zimbabwe was reviewed under the Universal Periodic Review (UPR) of the UN Human Rights Council. The country’s delegation accepted recommendations to abolish the death penalty and consider ratifying the Second Optional Protocol to the ICCPR as well the CAT and to “take measures” to abolish the death penalty.

On 19 December 2016, Zimbabwe, for the first time, abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly. It previously voted against.

INDIA

According to statistics, the death sentences are often overturned or commuted to life imprisonment by higher courts.

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

In the years following, the Supreme Court of India in its judgment has continued to make its contribution to minimize the use of the death penalty: in February 2010, the Court held that long incarceration and socio-economic factors leading to crime are relevant and mitigating considerations for commuting a death sentence to life

imprisonment; in November 2013, the Court ruled that courts should record “special reasons” while awarding death penalty and “must” take into account the crime and the character of the criminal which should reflect “extreme depravity” to deserve such a punishment; in January 2014, in a landmark and significant judgement, the Court commuted the death penalty of 13 convicts to life on the ground of inordinate delay on part of President to decide their mercy pleas, while two others were given life sentence after they became mentally ill after several years on death row; in February 2014, the Court commuted the death sentence of four persons to life imprisonment on the ground of their young age and deprived socio-economic background, as well as their behaviour in prison which was very good and they were not beyond reformation; in July 2014, the Court commuted the death sentence of a 26-year-old youth to life term saying that the convict is an educated person so there are chances of his reform.

On 16 September 2016, the Supreme Court has further moved away from capital punishment by deciding to opt for a “judicial innovation” – the Special Category of Punishment – instead of the death penalty, in the case of Tattu Lodhi, a youth convicted of raping and killing a seven-year-old girl. The apex court awarded the convict 25 year jail term considering it appropriate punishment between death sentence and life imprisonment in heinous crimes. This judicial innovation helps “get rid of death penalty” and addresses the genuine concerns of the society to see justice done, a three-judge Bench led by Justice J. Chelameswar observed in its judgment. Special Category of Punishment is judicial innovation that will be veering away from capital punishment. It will be limited to a “very few cases”. In this case capital punishment will be shifted to life imprisonment without the benefit of release on remission for prolonged periods ranging from 25 to 30 years, if not more. This special category of Punishment for the first time was mentioned in the *Swami Shradhdananda versus State of Karnataka* judgment of the Supreme Court in 2008. But it was formalised by a Constitution Bench of the Supreme Court in the Rajiv Gandhi killers’ case (*Union of India versus Sriharan alias Murugan*) in December 2015, when the apex Court had given itself the authority to tweak the sentencing laws and evolve a special category of sentence. The judicial innovation of the special category of punishment bridges the gap between capital punishment on the extreme and only 14 years of actual life imprisonment on the other. It may be considered as endeavour of the Supreme Court to make no party (convict or the society) a loser. Thus, it can be said that with judicial innovation of special category sentence the apex court may have found alternative to capital punishment.

In 2016 the Supreme Court did not confirm any of the seven appeals to death sentences (it confirmed one death sentence on revision request). In 2015 the Supreme Court confirmed eight of the nine appeals. There are seventyone appeals pending before the SC. The High Courts confirmed 15 death sentences in 2016 (issued by courts in the former years), commuted 44 sentences and acquitted 14 people.

According to the “Death Penalty India Report”, published in February 2016 by the National Law University, Delhi, during the period 2000-2015 (January), of the 1,486 death sentences imposed by the trial courts for which the outcome across the appellate stages could be traced, only 4.9% (73 prisoners) remained on death row after the

appeal in the Supreme Court was decided. Of the total death sentences, 65.3% (970 prisoners) were commuted (851 at the High Court and 114 at the Supreme Court, which enhanced to death penalty 5 High Court commutations), and another 29.8% (443 prisoners) of the prisoners sentenced to death at the trial court stage were acquitted by the end of the judicial ladder (428 by the High Court and 16 by the Supreme Court, which enhanced to death penalty 1 High Court acquittal). "The extremely low number of death sentences confirmed by the Supreme Court makes it imperative that the death penalty problem in India must be framed in terms of the high number of years that prisoners unjustifiably spend under the sentence of death along with the trauma and suffering that accompanies it," the Report says. "The sheer number of months these prisoners spent on death row before being declared innocent makes their tortured existence under the sentence of death unimaginable."

Article 72 of the Constitution empowers the President to pardon, grant reprieve or suspend, remit, commute sentence of a person convicted for any offence. The President is guided and advised by the Home Minister and the Council of Ministers in his decision.

As of 4 February 2016, 437 mercy petitions have been filed with successive Presidents of India since Independence in 1950. Of these 306 cases were commuted to life, according to Ministry of Home Affairs' data.

President Pratibha Devisingh Patil, who ended his term in June 2012, was the most merciful of all presidents during the last three decades as she commuted death sentences of 34 petitioners to life imprisonment during her tenure. During her tenure, Patil has rejected the petitions of only five persons.

On 22 July 2012, Pranab Mukherjee, a veteran from the ruling Congress Party, was elected as the 13th President of India. Mukherjee's decisions on mercy pleas appeared in sharp contrast to those of his predecessor Pratibha Patil. As of 19 August 2016, President Mukherjee had rejected 28 mercy petitions involving 37 death-row convicts. Only six people were granted mercy: Atbir Singh in November 2012; Man Bahadur Dewan alias Tote Dewan in March of 2015; and, in January 2017, Krishna Mochi, Nanhe Lal Mochi, Bir Kuer Paswan and Dharmendra Sing, alias Dharu Sing, all accused in connection with February 1992 Bara massacre, where 32 Bhumihar Brahmins were killed by the Maoist Communist Centre (MCC), a banned outfit.

In 2016, for the first time, President Pranab Mukherjee accepted a mercy petition, despite the contrary advice of the Ministry for Home Affairs in the of Jeetendra Gehlot case. However he rejected the mercy petitions of Mofil Khan, Mobarak Khan, Shabnam, Jasvir Singh and Vikram Singh. Similarly, on 1 January 2017, the President accepted four mercy petitions despite the contrary advice of the Government.

On 1 December 2016, Mahatma Gandhi's grandson, Gopalkrishna Gandhi, said capital punishment should be removed from the country's statutes. "The world is moving towards abolition of the death penalty... but the countries that have retained this penalty are those which have the largest populations. So, the majority of the world is still under the death penalty," Mahatma Gandhi's grandson, a former Bengal Governor, told IANS in an interview ahead of the formal release of his book,

“Abolishing the Death Penalty: Why India Should Say No to Capital Punishment” (Aleph). “It is curious that the countries that have retained death penalty are those which have a certain punishment mentality like USA, China, Saudi Arabia, Iran, North Korea and Pakistan. So we are in the company of China, Saudi Arabia, Iran, North Korea and Pakistan. What are our compulsions? Why are we retaining it?” “Some argue that terrorism is the reason. Death penalty does not deter murder. Does death penalty deter terror? We cannot say. But terror has continued. The bizarre thing about terrorism is that the terrorists are prepared to die in the act of terror itself. They are in a *fitoor* (craze), in which *maut* (death) is regarded as a *shahadat* (martyrdom). So will it deter them?” asked Gandhi, who has served as Secretary to President K.R. Narayanan and as High Commissioner to South Africa and Sri Lanka. Gandhi’s book asks fundamental questions about the ultimate legal punishment awarded to those accused of major crimes. “My emphasis is not just on the death penalty but on the entire mentality of punishment, which includes the criminal investigation system where violence is a known fact. Many of those under trial may or may not be innocent, but most of them are subjected to violence. So my book is about the Indian attitude to punishment.” “Human evolution is towards the abolition of death penalty. But the states which have given up on death penalty are also the states which are somewhat reforming their criminal investigation system. In India there has been a lot of reforms – our jails today are not what they were 50 years ago, certainly not what they were in medieval times, when anybody who was taken in prison was bound to be beaten to pulp if not to death – we are not in medieval times, we live in a modern and civilised world,” he added.” “Our jails are now called correctional homes and there have been a lot of improvement in our criminal investigation system. But we are still keeping the death penalty because the state does not want to lose its power over life. The state thinks of itself as a kind of demigod, which it is not,” he said. “Even if the society is in favour of severe punishment and is shutting its eyes to torture, does it mean that the state should also do that? Or, should the state be one step ahead of the society? Should the state only reflect what the society wants or should it lead? I think the state should lead. Our constitution is not a mirror; it is a benchmark that inspires all kinds of development, particularly moral development,” Gandhi contended. “Today a majority of Indians, in my opinion, are not against death penalty. It does not mean that we are a blood-thirsty society, no we are not. We are a very peace-loving society.” “There has not been much of a discourse on death penalty at the public level, which is why I think people should talk about and deliberate on the issue. This is not going to happen very fast but we are moving towards abolition,” Gandhi hoped.

India has executed only 5 people in the last 21 years: “Auto” Shankar in 1995, Dhananjay Chatterjee in 2004, Ajmal Kasab in 2012, Afzal Guru in 2013 and Yakub Memon Abdul Razak in 2015 [See chapter “The War on Terror”].

At least 136 new death sentences were imposed in 2016, the double compared with those (70) in 2015, the majority of which for murder.

According to statistics released by the Center on the Death Penalty of the National Law University in Delhi, Indian courts issued 1,790 death sentences between 2000 and 2015.

As many as 325 death row convicts are lodged in different jails across the country till 2016, the Lok Sabha was informed. Minister of State for Home, Gangaram Ahir said in April 2017, the highest (68) number of death row convicts are lodged in Uttar Pradesh till December 2016. There are 41 convicts with capital punishment in Maharashtra, 38 in Madhya Pradesh, 30 in Bihar, 22 in Karnataka, 16 in Kerala, 15 in Chhattisgarh besides others, he said in a reply to a written question.

On 19 December 2016, India voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

REINTRODUCTION OF THE DEATH PENALTY AND RESUMPTION OF EXECUTIONS

In 2016, there were **4** countries which resumed executions when did not carried out executions in 2015: **Belarus** (4), **Nigeria** (3), **Botswana** (1) and **Palestine** (Gaza Strip) (3).

In the first six months of 2017, **Bahrein** resumed executions (3) after seven years of suspension and **Kuwait** (7) after a suspension since 2013.

It could not be confirmed if judicial executions took place in **Syria** in 2016, as well as in **Libya** and **Yemen**.

Turkey and the **Philippines** announced the reintroduction of the death penalty.

On the other hand, there were no recorded executions in **5** countries where executions were carried out in 2015: **Chad**, **India**, **Jordan**, **Oman** and **United Arab Emirates**.

BELARUS

In 2016, Belarus resumed executions after 2014: at least 4 people were executed and 4 death sentences issued.

On 18 April 2016, a 22-year-old prisoner, Siarhei Ivanou, was executed, reported on 6 May another death convict, Siarhei Khmialeuski, who shared a cell with Ivanou on death row in jail No. 1 in Minsk.

In November 2016, three men on death row in the capital Minsk – Siarhei Khmialeuski, Ivan Kulesh and Hyanadz Yakavitski – were executed with a gunshot to the back of the head, according to the Belarusian NGO Viasna. Khmialeuski was sentenced to death on 16 February by a court in Minsk which had found him guilty of five crimes including three murders, and on 6 May the Supreme Court upheld his death sentence. Kulesh was convicted of murder and robbery and had his death sentence upheld on 29 March. Yakavitski was sentenced to death on 5 January for the murder of his partner, and on 8 April the Supreme Court of Belarus confirmed his sentence.

As of 30 November 2016, only one person remained on death row: 33-year-old Syarhey Vostrykau, who was sentenced to death on 19 May by the regional court in the city of Homel, after being found guilty of kidnapping, raping, and murdering two women. On 4 October, the Supreme Court upheld his death verdict.

PALESTINE

Since the Palestinian Authority (PNA) was instituted in 1994, as of 30 June 2016, 35 Palestinians have been ‘legally’ executed, including 10 people executed on charges of collaboration with Israel. Two of these executions were carried out in the West Bank, the last of which was in 2002, and 30 in the Gaza Strip. Since 2006, the *Hamas*-led Government in Gaza has implemented 19 death sentences including 10 sentences for collaboration with foreign bodies and 9 for murder.

The Palestinian Authority carried out its first execution on 30 August 1998, when two brothers, Raed and Muhammad Abu Sultan, members of the Palestinian military intelligence, were executed by firing squad in Gaza City after receiving a summary and unfair trial before a special military court, only three days after they were charged with committing two killings.

In 2005, the PNA resumed executions after three years. Five men, all convicted of murder, were executed in Gaza City. Concerning the preceding years, in 2002, three people were shot to death, all for murder, while in 2003 and 2004 no executions were recorded in Palestine.

In 2010, the *Hamas* Government in Gaza resumed executions after a *de facto* moratorium that had lasted five years: on 15 April, two Palestinians were executed by firing squad, after being convicted by a military court of collaborating with Israel; another three men convicted of murder were hanged on 18 May. It was the first time that *Hamas* carried out formal executions since the Islamist group seized control of the Gaza Strip in 2007. In 2011, Gaza's *Hamas* rulers executed three Palestinians convicted of collaboration with Israel. In 2012, there were at least six "legal" executions, including one for collaboration with Israel, while in 2013 there were at least three, including two for collaboration. In 2014, two Palestinians were executed in the Gaza Strip, after being convicted of spying on behalf of Israel.

No execution was carried out in Palestine in 2015, but executions in Gaza resumed in 2016 and were 3, including 1 carried out by hanging.

On 31 May 2016, Security forces from the Islamist group *Hamas* executed three Palestinians found guilty of murder in separate cases. Two of them – identified as M. E. (28) from Rafah and Y. Sh. (38) – were executed by firing squad and the third, policeman A. Sh. (43) from Khan Yunis, was hanged, security sources said. "To achieve public deterrence and block crime, the relevant authorities implemented at dawn execution rulings against three convicted of horrifying murders," the general prosecutor's office in Gaza said in a statement. Under Palestinian law, Palestinian President Mahmoud Abbas has to agree to the use of the death penalty. Because of splits between *Hamas* and Abbas's Fatah party, the Islamists did not receive approval from the president for the sentence. The policeman put to death was employed by the Palestinian Authority, the Fatah-led administration based in the West Bank, which has ever diminishing influence in Gaza. In a statement, the Palestinian Authority said the executions were illegal. "Carrying out the executions represents a flagrant violation of the Palestinian basic law," Ahmed Brak, the attorney general based in Ramallah, told Reuters. He said those who participated in the executions were complicit in murder and would be subject to law at the "local and international level."

As of 31 December 2015, the total number of death sentences handed down since the establishment of the Palestinian Authority in 1994 was 167, including 138 death sentences issued in the Gaza Strip and 29 in the West Bank, according to the Palestinian Center for Human Rights (PCHR).

In 2016, there were 12 death sentences issued by military courts and nine by civilian courts. At least 21 people were under sentence of death at the end of the year.

In Palestinian areas, three types of penal legislation are currently applied. In the West Bank the Jordanian Penal Code No. 16 (1960) is enforced, which provides for the death penalty in cases of high treason and murder. The Gaza Strip is under Egyptian Law No. 74 (1936) that imposes the death penalty for the disturbance of internal order. There is also the Palestinian Authority (PA) law that is fairly flexible concerning capital punishment. Those guilty of treason are also condemned on the basis of Article 131/A of the Palestinian Revolutionary Penal Code of 1979, and according to Military Penal Code no. 4 (2008).

In a coup in June 2007, *Hamas* took over the Gaza Strip, ousting its rival party *Fatah*. Since then, *Hamas* has created an independent legal system, with the Gaza High Court of Justice no longer under the authority of the Palestinian National Authority. As a result, the legal requirement that the President of the Palestinian Authority sign all death sentences is not applied in the Gaza Strip.

The influence of radical Islam on the daily lives of the population in the Gaza Strip has continually increased. Regardless of any legal basis, Islamic codes of behaviour are imposed on the population by the iron-fisted control of *Hamas* through its strategic control of schools, mosques, social welfare structures and the media, which have all had a decisive impact on current life in the Gaza Strip. The imposition of such codes in daily life is enforced by the internal security forces of *Hamas*, which operate like a sort of “moral police” similar to those found in Iran, Saudi Arabia and in Afghanistan at the time of the Taliban, making sure, for example, that women on the streets or at the beach are dressed appropriately.

NIGERIA

On 23 December 2016, three death row inmates were hanged in Benin City Prison in southern Edo state, in the first hangings in Nigeria since 2013. Ogbomoro Omoregie, Apostle Igene and Mark Omosowhota had been convicted of armed robbery by military tribunals in the 1990s, when Nigeria was under military dictatorship, security forces and prison officials regularly tortured confessions from suspects and there was no right of appeal. Armed robbery carried a mandatory death sentence. The hangings went ahead despite outstanding appeals, making them “unlawful killings,” Chino Obiagwu of the Legal Defense and Assistance Project told the Associated Press. Human rights lawyers were alerted when Nigeria’s sole remaining executioner was summoned from northern Sokoto city to Benin, Obiagwu said. Contacts in the prison told them the executioner was oiling the gallows, and two of the three men were transferred from northern prisons. Edo state executed four convicted criminals in 2013, breaching the country’s 2009 moratorium, until a public outcry stopped more hangings. An inmate on death row told the AP that the men in the latest executions had been boasting to other prisoners that they believed they were about to be freed after lengthy incarcerations – Ogbomoro Omoregie for 25 years, Apostle Igene for 21 years and Mark Omosowhota for 19 years. But then the inmate saw them being taken from their cells on 22 December. The inmate spoke on condition of anonymity because he is not supposed to have contact with the out-

side world. The executions did not take place until dawn on 23 December because there was no electricity to power the gallows, Obiagwu said. He said he waited to publish the news until he had confirmed the deaths with a medical team that removed the bodies.

BOTSWANA

In 2016 Botswana carried out one execution, the first since 2013.

On 25 May 2016, death row inmate Patrick Gabaakanye was hanged at Gaborone Central Prison, according to a statement made by the Botswana Police Services. Gabaakanye had been convicted of murder by the High Court of Botswana in March 2014 and his death sentence was confirmed by the Court of Appeal on 30 July 2015. He was executed before the clemency process had been fully completed. The lack of transparency of the clemency process in relation to those on death row was brought before the Court of Appeal in 2016 by local lawyer Martin Dingake, with the help of DITSHWANELO – The Botswana Centre for Human Rights. On 21 April 2016, the Court of Appeal handed down a Judgment relating to the clemency (prerogative of mercy) process in Botswana. It held that less than six weeks' preparation time for *pro deo* counsel to prepare a clemency petition (and to be in possession of the same documents as the Committee) would not allow the accused persons to meaningfully exercise their constitutional right to clemency. However, critically the Clemency Advisory Committee failed to adhere to the 2016 ruling made by the Court of Appeal. The Committee did not provide sufficient time for the legal counsel to prepare the application. In 2013 at the second cycle of its Universal Periodic Review (UPR) process, the government of Botswana accepted the recommendation to inform the family members of the accused of the execution before it was carried out. According to lawyer Dingake, the family of Gabaakanye was not informed about the execution before it happened.

BAHREIN

On 15 January 2017, three men were executed in the first executions in Bahrain since 2010. They were sentenced for mured of a police officer from the Emirates and two from Bahrein in a bomb attack in 2014. [see chapter "War on Terror"].

The first execution in 20 years took place on March 29, 1996. The last execution was in July 2010, when a Bangladeshi national, Jassim Abdulmanan, was executed for murdering another Bangladeshi man.

In March 1999 Sheikh Hamad Bin `Issa Al Khalifa succeeded his late father Sheikh Salman bin `Issa al-Khalifa as emir. The change of government brought about some democratic reforms. Bahrain became a constitutional monarchy in 2002 and Sheik Hamad's title was changed to king.

On October 31, 2002, Bahrain held parliamentary elections for the first time in nearly 30 years, to elect the 40-member Council of Deputies. Women participated for the first time, voting and standing as candidates, though failing to win a seat.

On 19 December 2016, Bahrain abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly, as in 2014, 2010 and 2008. Bahrain, in 2012 and 2007, voted against.

KUWAIT

On 25 January 2017, seven people were executed in the first executions in Kuwait since 2013. Three women from Kuwait, The Philippines and Ethiopia are among the hanged. [See chapter “Hanging”]

Kuwait has executed a total of 78 men and six foreign women since it introduced the death penalty in 1964. Most of those condemned have been convicted murderers or drug traffickers.

In 2016, at least 49 death sentences were imposed, according to Amnesty International while 14 in 2015.

As of 14 August 2016, there were thirty-six prisoners, including six women, under sentence of death, reported Al-Shahed daily.

The death penalty is provided for by laws based on the *Sharia*. Capital crimes include murder, rape and crimes against the security of State. Since 1995 the death penalty has been a mandatory punishment for certain drug-related offences.

Death sentences, which are normally carried out by hanging, can be appealed twice and must receive the final approval of the Emir of the State of Kuwait.

On 15 November 2016, Bader Al Ghadhoori, Head of juvenile protection at the Interior Ministry said that the Juvenile age in Kuwait has been lowered to 16 from 18 years. Kuwaiti teenagers have been warned that they could face the death penalty or heavy imprisonment for certain crimes. Beginning 2017 year, anyone aged 16 or more, arrested in a crime, will be tried by a regular court and not a juvenile court, which implies death penalty for certain crimes.

On 28 January 2015, Kuwait was reviewed under the Universal Periodic Review of the UN Human Rights Council. The delegation rejected the recommendation to establish a moratorium on executions with a view to abolishing the death penalty. In its National Report, the Government said that although the death penalty is permitted under the Islamic *Sharia*, it is restricted to cases involving capital crimes and is subject to numerous checks and controls, including the approval by the country's Amir.

On 19 December 2016, Kuwait voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

PHILIPPINES

On 16 May 2016, Philippines' President-elect Rodrigo Duterte has vowed to reintroduce capital punishment, give security forces the power to “shoot-to-kill” criminals and offer cabinet posts to communists, after he takes office on June 30.

The death penalty was abolished in 2006 by the President Gloria Macapagal-Arroyo, with the great support of the Catholic Church, the religion of 80 percent of Filipinos.

Duterte said he would ask Congress to reintroduce capital punishment for drug trafficking, rape, murder, robbery and kidnapping-for-ransom, among other offences. The Duterte's plan faces strong opposition, including from the dominant Roman Catholic Church.

The plan itself is opposed by the Commission on Human Rights, an independent government body which Duterte cannot abolish and whose current officials he cannot replace. It reviews proposed legislation affecting civil liberties. "We will do our best to lobby against the reimposition of the death penalty," said Banuar Falcon, chief of the commission's international division. Leni Robredo, who is leading the nearly completed electoral count for vice president, also said on 17 May she opposes capital punishment.

After the Duterte's election victory members of the majority party introduced at the House of Representatives seven bills seeking to reinstate the death penalty for a wide range of crimes and a consolidated version of the bills was sent to the plenary session of the House of Representatives for its consideration in 2017.

On 19 December 2016, the Philippines, for the first time, moved from the co-sponsorship and vote in favour to an abstention on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

TURKEY

On 18 July 2006, Prime Minister Binali Yildirim said that his government could not remain indifferent to demands for reinstating the death penalty to punish coup plotters, who caused 160 deaths and injured 1100 people but stressed that the issue must be debated in Parliament. In the same sense, the Turkish President Recep Tayyip Erdogan who has told a vast rally in Istanbul that he would approve the return of the death penalty, which was abolished in 2004, if it was backed by Parliament and the public.

JORDAN

In 2016, Jordan did not carry out executions which resumed, after eight years of de facto moratorium, on 21 December 2014, eleven murder convicts were executed by hanging in the Swaqa corrections and rehabilitation centre. Earlier 2014, several Jordanian lawmakers called for unfreezing the implementation of capital punishment in order to curb the recent rise in crime rates. Capital punishment had not been carried out since 2006 only due to His Majesty King Abdullah's will and not out of an official stance.

According to official data, 52 people were executed in the country since the beginning of 2000, all of whom were convicted for murder, terrorism or sexual assault charges.

On 4 February 2015, Jordan executed two *Al-Qaeda* prisoners by hanging in retaliation for the killing of a Jordanian pilot by the *Islamic State* (IS) group.

In 2016, 14 new death sentences were imposed according *Hands off Cain* and at the end of 2015, there were 114 people on death row.

The legal system in Jordan is based on Islamic law for both civil and criminal matters, except for non-Muslim communities' members.

Thirty-eight crimes are punishable by death in Jordan, as stipulated in five laws: Military Penal Code, Penal Code, Guns and Ammunitions Law, State Secrets Law and Narcotics Law. However, in August 2006, Jordan abolished the death penalty for crimes related to drugs, weapons and explosives. In 2010, amendments to the Jordanian Penal Code removed the death penalty for crimes of armed rebellion against the constitutional authorities and arson resulting in death, replacing it with a maximum of 30-year-jail sentence.

Article 93 of the Constitution reads that “no death sentence may be carried out unless ratified by the King. Every such sentence shall be submitted to him by the Council of Ministers along with the council's view on it.”

In October 2013, Jordan was reviewed under the Universal Periodic Review of the UN Human Rights Council. The recommendations to establish an official moratorium on executions with a view to abolishing the death penalty and acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights did not enjoy the support of Jordan.

In December 2016, Jordan abstained on the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

OMAN

In 2016, no new executions and death sentences were recorded.

The death penalty is provided for under the penal laws of the Sultanate of Oman, which make reference to *Sharia* law. The criminal court in Oman cannot issue a sentence of capital punishment without the consent of all judges presiding the court and the implementation of a death sentence cannot be carried out before ratification by the Sultan.

On 5 October 2015, Sultan Qaboos Bin Saeed approved amendments to the Combating Narcotics and Psychotropic Drugs law, introducing stiffer penalties, including the death penalty and life sentence, for drug peddlers and smugglers.

Under the amended law, the death penalty or life in prison can be imposed on the following people: drug traffickers; repeat offenders of drug crimes; public servants responsible for combating drug crimes found guilty of drug dealing; persons who use juveniles or orphans to commit drug crimes; persons involved with international drug trafficking gangs, and persons who abuse their power and immunity to commit or facilitate drug crimes.

On 5 April 2016, a new draft Omani penal code, which has been prepared to compliment the modern era, has been discussed and approved by members of the Shura Council.

The new penal code will extend the purview of the current law, which was issued in 1974. The project includes changing the tariff for a life sentence from all of a prisoner's remaining years to 25 years, in line with similar punishments in countries

around the world and introduce lethal injection as method of execution instead firing squad.

After the approval by the Shura Council, the text went to the State Council which agrees on the release on parole but not with the proposal that the maximum jail sentence should be no more than 25 years. In case of bloody money for capital crimes, the death penalty may be commuted to life imprisonment according to the State Council. On 21 June 2016, after the State Council deliberates on the draft of this new Omani penal code, it was transmitted to the Sultan Qaboos bin Said with the advices of both the Councils.

On 19 December 2016, Oman voted against the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

UNITED ARAB EMIRATES

The death penalty is rarely applied in the UAE, also because the law requires that a panel of three judges agree on the decision of a sentence to death, which can be commuted if the family of the victim forgives the murder, accepting financial compensation for the crime.

The execution is carried in an undisclosed location by a firing squad that consists of nine men. At least one is given a rifle loaded with a blank cartridge, so none of them knows who fired the fatal shot.

According to execution procedures, the families of convicts on death row can visit them both during their imprisonment and on the day of execution, but are not allowed to witness the execution itself. However, the victim's families may be allowed to witness the execution. Representatives from the prosecution, Dubai Police, the director of the correctional facility and a physician must be present when the sentence is carried out. The death warrant must be read aloud by the director of the correctional establishment or one of his nominees. A prosecution representative will document any last words said by the convict, and the time of death.

In October 2016, the president of the United Arab Emirates (UAE) passed a Federal Law Decree 7/2016 amending the Emirates' penal code. The new law illustrates the UAE's blatant lack of respect and commitment for international human rights standards and continued obstruction of its citizens' basic rights and freedoms.

Indeed, the new law expands the application of the death penalty for a number of crimes, which are defined in very broad and unclear terms and can be used to punish just about anything. One particularly concerning article states that anyone found guilty of establishing any kind of organisation that aims at "overthrowing the government" or "fighting against the constitutional principles on which the system of government was built" shall be put to death or spend his life in prison.

In practice, this means that any political opposition group or any group calling for constitutional reforms can be targeted and have all of its members or supporters prosecuted and sentenced to death. The same sentence is replicated in another article outlawing groups that endanger "state security" or the "interests of the state." What is concerning is that these provisions make no mention of violent acts or inci-

tation to violence and as such, can be used to silence any peaceful association – a right guaranteed by the universal declaration of human rights – under the pretext that it is harming the interests of the state.

In 2016, no execution was recorded but 26 new death sentences were issued according to Amnesty International.

In December 2016, UAE abstained on the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

THE DEATH PENALTY IN ISLAMIC COUNTRIES

Of the 47 Muslim-majority States or territories worldwide, 24 can be considered abolitionist in various forms, while 23 retain the death penalty, of which 18 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 Koran (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 Koran 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 Koran (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 Koran 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 Koran. 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 laid 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*, or blood money. In 2016 cases involving “blood money” ended in pardon or death in **Iran, Kuwait,**

Pakistan, Saudi Arabia, Sudan and United Arab Emirates [see chapter “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 Mohamed, other prophets or the Holy Scriptures. In **Iran, Mauritania, Nigeria, Pakistan, Saudi Arabia and Sudan**, there are people on death row accused of witchcraft, apostasy and blasphemy.

However, the problem is not the Koran itself as illustrated by the fact that not all countries that observe its teachings predominantly 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 2016 at least **930** executions, compared to 1,579 in 2014, were carried out in **13** Muslim-majority countries (they were 16 in 2015), 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 in 2016 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 2016, at least **756** hangings, compared to 1360 in 2015, were carried out in **10** Muslim-majority countries: **Afghanistan** (6), **Bangladesh** (10), **Egypt** (at least 16), **Iran** (at least 530), **Iraq** (at least 92), **Malaysia** (at least 9), **Nigeria** (3), **Pakistan** (at least 87), **Palestine** (at least 1, in Gaza Strip) and **Sudan** (2).

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 zones controlled by the Taliban.

In **Afghanistan**, in August 2016, six men, including five security personnel were hanged by Taliban in the Farah province. They were sentenced to death for collaborationism with the Government.

In 2016, another **8** executions by hanging were carried out in **3** non-Muslim countries: **Botswana** (1), **Japan** (3) and **Singapore** (4).

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.

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 in Afghanistan. Several people were executed in 2008, fifteen people were executed by firing squad at a prison in Kabul in 2007, and one execution took place in 2004.

Afghanistan resumed executions in June 2011 when two men were hanged. Executions continued in 2012 (14), 2013 (2), 2014 (6) and 1 in 2015.

Six more executions were carried out in 2016, for terrorism [see chapter "War on Terror"]. At least 4 new death sentences were imposed in 2016 and at least 600 individuals result sentenced to death by the end of the year. According Afghanistan Analysis Network (AAN) the majority of these individuals have been sentenced for 'ordinary' crimes, such as murder, while a notable number—estimated to be around 100 individuals—were sentenced for mass murder through acts of terrorism.

With regard definitive death sentences, figure does not appear to have changed since October 2014, when President Ghani came to power. At the time, there were 400 cases still waiting to be reviewed or signed off for execution by the president. Around 100 of these cases had been approved by the Supreme Court at the time and were awaiting the president's signature. The remaining 300 had yet to be approved by the Supreme Court.

The execution of the six convicts comes in the wake of President Ghani's hard-hitting speech at the joint session of both houses of Parliament and a deadly attack in Kabul on 19 April 2016, which killed 68 and injured 347 people, and for which the Taleban claimed responsibility. In his address, which signalled the government's hardening position on the war, on peace talks and on the Taleban), the president avowed his resolve to implement tough justice, including through capital punishment: *"The time for those who enjoyed unjustified amnesty is over. The government of the Islamic Republic of Afghanistan is committed to resolutely implementing decisions of the courts and judicial entities, including the rulings of execution"*.

At the same time, Ghani assured MPs (and a wider audience, including the international community) that his commitment to punishing those who commit terrorists acts would be accompanied by respect for human rights, the rule of law and the Afghan constitution.

Indeed, a couple of days before his speech in parliament, the president established a committee to review all death sentences handed out so far, prior to their carrying out. While the exact composition of the review committee is unclear, AAN was told that it is chaired by the Attorney General and includes the deputy Attorney General, a member of the Supreme Court and unidentified “independent experts.” The president’s office reportedly also asked the Afghanistan Independent Human Rights Commission (AIHRC) to join the committee, but they were said to have refused. With at least two or three members of the committee affiliated to the country’s judiciary organs, which prosecuted and tried those sentenced to death, they are essentially put in charge of reviewing their own institutions’ work. This raises possible questions about the impartiality of death sentence reviews.

In January 2014, Afghanistan was reviewed under the Universal Periodic Review of the UN Human Rights Council. In its responses to the recommendations received, the Government rejected those to establish a moratorium on executions with a view to removing the death penalty from criminal statutes and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights.

On 19 December 2016, Afghanistan voted against the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

BANGLADESH

An extremely broad range of crimes currently warrant the death penalty in Bangladesh, including non-lethal crimes such as counterfeiting and smuggling.

On 5 May 2015, the Appellate Division of the Bangladesh Supreme Court declared the mandatory death penalty provisions of the Women and Children Repression Act of 1995 and the Prevention of Oppression Against Women and Children Act of 2000 unconstitutional, “because they prescribe a mandatory death penalty for the offence of causing death after rape.” The crimes included under the above sections are: murder of a woman or child using explosives, corrosive substances, or poison; dowry murder, in which a woman is killed by her husband or his family after suffering harassment or torture to extort a higher dowry; and murder following rape. The apex court came up with this landmark decision after allowing an appeal filed by the Bangladesh Legal Aid and Services Trust in April 2010 challenging the High Court’s March 2010 verdict, which had upheld a 1995 mandatory death sentence for Sukur Ali, a then 14-year-old boy who was convicted of the rape and murder of a 7-year-old girl. On 3 August 2015, the Supreme Court commuted his death sentence to jail until death.

On 29 February 2016, the Parliament has passed a bill that allows death sentence for coast guards for mutiny in the force. The existing Coast Guard Act-1994 will get consolidated when the new bill becomes a law.

In 2016, Bangladesh hanged at least 10 people, six of them for terrorism or political violence and in two cases for crimes against humanity and war crimes [See

Chapter “The War on Terror”]. It is at least twice than in 2015 when executions were 4.

In 2014, no executions were recorded in Bangladesh, which had hanged two people in 2013 and one in 2012.

Also the number of deaths sentences has increased in 2016 with 245 issued through the year, according to Amnesty International 13 of which by International Criminal Courts.

At least 1,645 people were on death row at the end of the year, some of them being juveniles at the moment of the crime.

Executions are carried out in jail by hanging. According to the NGO *Odbikar* (a Bengali word that means ‘rights’), sometimes other prisoners are forced into carrying out the executions of their peers without any legal basis in domestic legislation.

On 12 July 2016, three men were executed in two different prisons. Md Shahidul and Saiful Islam walked the gallows a minute after midnight, jailor Mahubul Islam confirmed to bdnews24.com. The court had found them guilty in the 2004 murder of the autodriver. On the night of May 19 that year, Shahidul and Saiful, along with another accomplice Mir Hussain, hired Rejaul Karim Aziz’s autorickshaw to drive them from Mirsarai to Fatikchharhi. But they murdered Aziz at a rubber garden in Fatikchharhi and stole the autorickshaw.

Acting on a complaint by the brother of the slain driver, police arrested the trio. The court found them guilty and ordered their hanging. An appeal at a higher court and a plea for presidential clemency were rejected, paving their way to the gallows. Another death-row convict Maku Rabi Das was executed inside Sylhet Central Jail by hangman Raju who was taken there from Kashimpur Jail in Gazipur.

In April 2013, Bangladesh was reviewed under the Universal Periodic Review of the UN Human Rights Council. The recommendations to establish a moratorium on the death penalty, as a first step towards complete abolition of this practice and accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, did not enjoy the support of Bangladesh.

On 19 December 2016, Bangladesh voted against the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

EGYPT

In February 2011, following an 18-day popular uprising, then President Hosni Mubarak was forced to resign.

As a consequence of the “revolution” of 2011, the Supreme Council of the Armed Forces (SCAF) took the power to “temporarily administer the affairs of the country.” The SCAF relinquished power on 30 June 2012, immediately after the election of Mohamed Morsi, a leading figure in the Muslim Brotherhood, as the new President of Egypt. However, President Mohamed Morsi spent one year in office

ending in July 2013, when the army deposed him after mass protests against his rule. On 27 May 2014, the former head of the Army, Abdel-Fattah al-Sisi, was elected the new President of Egypt.

A new Constitution came into force in 2014 and the 2016 reform agenda included a whole series of provisions also concerning the administration of justice. Article 93 of the Constitution reaffirms the country's commitment to comply with all international treaties and conventions concerning human rights that Egypt has ratified.

Capital offences number over 40. Under the nation's legal system, death sentences are referred from criminal court judges to the Grand Mufti of Al-Azhar, the country's top religious leader, for a non-binding review. First instance death sentences are subject to appeal in the Court of Cassation, which may decide to confirm criminal courts' rulings, making them final, or revoke them, in which case the trial would be repeated in another criminal court that belongs to a different circuit. If the second criminal court issues a second ruling, it could be appealed at the Court of Cassation, which may accept the appeal, repeat the trial and issue a final sentence, or it may reject the appeal, in which case a criminal court's second ruling is considered final.

The final decision goes to the President of the Republic who, by law, has the power to grant a pardon or commute a sentence. Executions cannot take place on public holidays or religious holidays in accordance with the religion of the accused.

In November 2014, Egypt was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government rejected those to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights and establish an official moratorium on executions with a view to abolishing the death penalty.

In 2016, Egypt carried out at least 16 executions, including a woman according to the Arab Organization for Human Rights (AOHR) but were 44 according to Amnesty International. After a *de facto* moratorium dating back to 2011, in 2014 Egypt carried out at least 15 executions, as in 2015.

Regarding the death sentences, from July 2013 to February 3, 2016 a huge number of preliminary death sentences was pronounced, as many as 1,700 were sent for the opinion of the Grand Mufti who, in over 1,000 cases, did not confirm and penalties have been reduced or not issued.

As of 15 February 2016, there were about 539 people under final death sentence, according to the Arab Organization for Human Rights (AOHR). In the further passage to the judgment of the Court of Cassation only a death sentence was confirmed. As for 2016, there have been at least 237 new death sentences according to Amnesty International, thus down compared to previous years.

On 15 December 2016, Egypt executed prominent Islamist fighter Adel Habara, for killing 25 army conscripts in Northern Sinai in August 2013. Habara had been taken from his cell at the maximum security Aqrab, or Scorpion, jail in Cairo to the Court of Cassation, where he was hanged in the presence of judicial officials.

IRAN

In accordance with Article 4 of the Iranian Constitution, Islamic law is “the essential source for all the branches of legislation,” including civil and penal legislation.

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 July 2011, the Japanese crane company *Tadano* announced that it had ended contracts with the Iranian Government, after *United Against Nuclear Iran* launched a Cranes Campaign, publishing on its website a list of eight international companies that send crane resources to Iran, with photos of the cranes being used as execution devices. In August 2011, another Japanese crane manufacturer, *UNIC*, announced the end of its business in Iran, joining *Tadano* and *Terex* in pulling out of Iran following UANI’s Cranes Campaign.

In 2016 the Islamic Republic carried out at least **530** hangings: **194** executions were announced by official Iranian sources, and **336** cases were reported by unofficial sources.

Executions in public

In January 2008, then-judicial chief Ayatollah Mahmoud Hashemi Shahroudi decided that **public executions**, in the future, would be carried out, “only with his approval and based on social necessities.” In fact, public executions decreased in 2008, when there were no less than 30 public hangings, of which 16 took place after Shahroudi’s decree, while no less than 12 people were hanged in public places in 2009, compared to at least 110 people who were publicly executed in 2007.

However, since the 2009 post-election protests in Iran, the number of executions, particularly public executions, has risen dramatically. In 2010, at least 19 people were hanged publicly. In 2011, public executions have more than tripled, with at least 65 people being executed in public. In 2012 there were at least 60 public executions. In 2013, at least 59 public executions were held, in 2014 at least 64 and in 2015 at least 57.

At least 31 people were hanged in public in 2016, 28 announced by official sources.

On 4 January 2016, a murder convict, identified as Abbas Bazari Jamkhaneh, was hanged in public in the town of Sourak Miandoroud, reported the official site *Jam-e-Jam*.

On 7 January 2016, two prisoners were hanged in public in two different cities.

A 25-year-old murder convict was hanged in public at a city square in Shabestar, reported *Tabnak* news website. Unofficial reports identified the prisoner as Reza Jalili Alishahi. Another young man identified as V. R. was hanged in public in Khoy for murder, reported unofficial *Azarnegab*.

On 2 May 2016, another prisoner, identified only by his first name Avaz, was hanged in a public square in the city of Nour for murder, reported *Iran Newspaper*.

On 8 May 2016, one prisoner identified as Fardin R. was hanged publicly in the Azadi (Liberty) Square of Kermanshah, reported the state-run news agency *Fars*. He was convicted of Moharebeh for his participation in an armed robbery, in which a few people were injured but no one was killed.

On 17 May 2016, a 32-year-old man identified as Hamed H. was hanged in Mofatteh square in Mashhad for murder, reported the Judiciary in the province of Khorasan Razavi.

On 23 May 2016, one prisoner identified only as H. S. was hanged in public in the central square of Ramsar, reported city's Department of Justice.

On 26 May 2016, a man identified as Hamid B. was hanged in public in the city of Shiraz, said the Judiciary in Fars Province. The prisoner was found guilty of kidnapping and rape. When he was arrested in 2006, he was caught with 46 kilograms of hashish.

On 29 May 2015, a prisoner, identified as Rouhollah Zahrabi, was hanged in public in the city of Kavar on rape charges, reported *Iran Human Rights*.

On 30 May 2016, a 40-year-old unidentified prisoner was hanged in public in the city of Nur reportedly on murder charges, reported state-run news agency Young Journalists Club.

On 5 June 2016, two Iranian men were publicly hanged in the city of Shiraz. The first convict was identified as Amin Dehqani, a 21-year-old man who was found guilty of the rapes of dozens of women in the city, reported the judiciary, Shiraz prosecutor Ali Salehi told the Mizan Online website. Besides Amin D., another man, identified as Mojtaba Goudarzi, who had been convicted of raping and murdering a woman, was hanged in Shiraz.

On 17 July 2016, two men, identified as Ghorban Jafari and Morteza Raeesi, were hanged in a public square in the Mehrshahr District of Karaj for rape, the state-run *Tasnim News* agency reported.

On 25 July 2016, Alireza Ahmadi was hanged in public in Sonqor County, Kermanshah province, in front of a crowd of people. According to state run media outlet, *Mehr News*, the man was on death row for murdering a child.

On 11 August 2016, two prisoners were hanged in public in two different Iranian cities. An unidentified man was executed in the city of Ravansar for the murder of Salim Ghanbari, former prosecutor of Ravansar, reported the official site Jam-e-Jam. Another prisoner, identified as Abbas Tahmasebi, was executed in the city of Kazeroon, state-run news agency *Mehr* reported. He had previous murder convictions, but he was arrested and sentenced to death for "purchasing and selling of 100 grams of heroin, purchasing and selling 39 grams of crystal meth, and trafficking and possessing 40 grams of heroin."

On 17 August 2016, two prisoners, identified as M. P., 28, and A. A., 25, were

hanged in public at Saheli Boulevard, in the city of Bandar Abbas, state-run news agency *ISNA* reported. They were sentenced to death for rape, kidnapping, and theft.

On 21 August 2016, a 24-year-old man was hanged in public in the city of Jahrom, *Mizan* news agency reported. Reportedly, the young man's acts caused fear and panic among women and girls in the city.

On 22 September 2016, a prisoner identified as Saeed T. was hanged in public at a sports stadium in the city of Neyriz for rape and murder, reported state run news agency *Mehr*, quoting the press department of the Judiciary in Fars. Iranian official sources said the prisoner was sentenced to public execution for rape, sentenced to death for murder, sentenced to 15 years in prison for kidnapping, sentenced to 10 years in prison and 74 lashes for robbery.

On 30 September 2016, a 37-year-old man, identified as Mehdi N., was hanged in public in the city of Neyshabur on murder and rape charges, reported state-run news agency *Mehr*. He was arrested about two weeks before the execution, which was carried out in front of a crowd of people.

On 9 November 2016, a prisoner charged with raping a person was hanged publicly on Payam Square of Shiraz, Iranian State Broadcasting (IRIB) reported. He was identified as Mostafa K., also known as Saeed.

On 10 November 2016, a 22-year-old man, who was charged with sexual assault and murder of an 8-year-old girl, was hanged in front of the people in the village of Chelmeh near the city of Mashhad, reported news website *Rokna.ir*.

On 23 November 2016, four unidentified men were publicly hanged in the Persian Gulf Island of Qeshm, according to the local *qeshmeazad* news website. The four prisoners were convicted of raping a girl in 2014. Hundreds of people watched the public hanging in a beach area.

On 22 December 2016, a prisoner was hanged in public in the city of Ilam. The public execution was carried out in the city centre in the presence of chief Justice, the public prosecutor, criminal justice and police chief, the state run *Mehr* news agency reported.

On 23 December 2016, two young men sentenced to death for raping a student were hanged in public in Mehrshahr, an area located south-west of Karaj city, reported *jamnews.ir*.

Executions in prison for violent crimes

Executions carried out in public must be added to those more numerous executions, often shrouded in secrecy, carried out in prisons.

Most of them were carried out for drug-related offenses [see chapter "War on Drugs"]. Below, are published only the official news of executions for violent crimes carried out in 2016. For those reported by unofficial sources see the chapter "Top Secret Death".

On 6 January 2016, at least five prisoners sentenced to death on murder charges were hanged at Karaj's Rajai Shahr Prison, reported *Iran* newspaper. They were iden-

tified as Maghsoud Mehdizadeh, Sadeq Heidari, Hamid Khodabandebou, Mehdi Sadeghi, and Mohammad Nadirnejad.

On 11 January 2016, a prisoner, identified as H. S., was hanged at Zanjan's central prison for *Moharebeh* charge, reported the Zanjan Prosecutor, Hassan Mozaffari. He was arrested in July 2014 after he allegedly committed rape, piracy, extortion, armed robbery, and torture and physical assault.

On 16 January 2016, a prisoner identified as H. R., 27 years old, sentenced to death for rape, was hanged at Lakan, Rasht's central prison, Gilan Judiciary's press department reported.

On 24 January 2016, an unidentified prisoner was hanged for murder at Yasuj's central prison, reported state run news agency *Khabar Online*.

On 10 March 2016, a 30-year-old prisoner, identified as M. H., was executed in Qazvin for murder, reported the Judiciary in Qazvin Province.

On 9 April 2016, two prisoners were hanged at Rasht's Lakan Prison on murder charges, announced the judiciary in the province of Gilan. They were identified only as A. N., 35, and A. R., 43.

On 16 April 2016, two prisoners, identified as D. A., 51, and F. V., 31, were hanged at Lakan Prison in Rasht for murder, reported the Judiciary in Gilan.

On 17 April 2016, two unidentified prisoners were hanged at the Central Prison in Mashhad for murder, reported the state-run daily *Khorasan*.

On 20 April 2016, a 31-year-old prisoner, identified only by the initials H. M., was hanged at Bandar Abbas's central prison on murder charges, reported the judiciary in Hormozgan Province.

Between 24 and 26 April 2016, three prisoners were executed in two different cities. Two 27-year-old prisoners were hanged in Sari prison for murder, reported the judiciary in Mazandaran Province. They were identified only as H. H., hanged on 24 April, and Z. Ch., executed on 26 April. On 26 April, an unidentified prisoner was hanged in Qazvin prison for murder, reported the judiciary in the province of Qazvin.

On 27 April 2016, six prisoners were hanged at the prison of Rajai Shahr in Karaj for murder, announced the official website Jam-e-Jam. Four of them were identified by HRANA as Seyed Kazem Salimi, Mohammad Nazari, Jamshid Nouripour and Milad *Mostakhdemi*.

On 1 May 2016, three people were hanged in two different cities. Two of them were executed at Mashhad Central Prison, reported the semiofficial *Khorasan Newspaper*: an unidentified 25-year-old prisoner had been convicted of rape, while a 28-year-old man, identified by his initial A., was hanged for murder. On the same day, a murder convict, identified only by the initials M. R., was executed in Nahavand's central prison, reported the judiciary in Hamedan Province.

On 8 May 2016, a 19-year-old murder convict, identified as Morteza, was hanged at Mashhad Central Prison (Vakilabad), reported the semiofficial *Khorasan Newspaper*. Although the report did not mention the date of arrest, there is a possibility that the prisoner was arrested when he was under the age of 18.

On 14 May 2016, a 31-year-old prisoner, identified as H. P., was hanged in Rasht Central Prison for rape, reported the judiciary in Gilan Province.

On 17 May 2016, three prisoners were hanged in the prison of Yazd, reported the provincial prosecutor. Two of them, identified as A. S. and A. B. were accused of rape, while Ch. R. was convicted of murder.

On 18 May 2016, a 31-year-old prisoner identified as S. R., was executed at Sari Prison on murder charges, reported the press department of the Judiciary in Mazandaran province.

On 19 May 2016, three prisoners were hanged in two different cities. One of them, identified as Sepahdar, was executed for murder at the Choubindar prison of Qazvin, reported the judiciary. Another two unidentified people, aged 26 and 34, were put to death in Yasuj for rape, reported the official site *Jam-e-Jam*.

On 24 May 2016, a 48-year-old prisoner identified only as A., was hanged at Mashhad Central (Vakilabad) Prison on murder charges, reported the state-run *Khorasan News*.

On 25 May 2016, two prisoners, identified as Asghar Azizi and Naser, were executed for murder at Rajaeeshahr prison in Karaj, reported respectively semi-official *Javan Online* and *Hamshabri Online*.

On 1 June 2016, a murder convict identified only as Amir Q. was hanged in a prison in Qazvin, the official state broadcaster IRIB said in its website for Qazvin Province.

On 5 June 2016, two unidentified Afghan prisoners were hanged in a prison in Tehran for several cases of rape and robbery, reported the state run news agency *Fars*. On the request of one of the offended, a lawyer of one of the convicts conducted the executions.

On 15 June 2016, one murder convict was hanged in the prison of Yasuj, *ISNA* news agency reported.

On 7 June 2016, two murder convicts were hanged in the prison of Bojnord, semiofficial *Khorasan Newspaper* reported.

On 15 June 2016, one murder convict was hanged in the prison of Yasuj, *ISNA* news agency reported.

On 16 June 2016, an unidentified man was hanged for murder in an unspecified Iranian prison, the *Khorasan Newspaper* reported.

On 13 July 2016, six prisoners were executed at Karaj's Rajai Shahr Prison for murder, reported the semi-official *Shabrvand Newspaper*. They were identified as Hassan Mehdilou, Saeed Hosseinkhani, Saeed Akbari, Hassan Javadi, Saeed Ahmadi and Kazem Khadem Rezaeian.

On 23 July 2016, one prisoner was hanged in the Central Prison of Rasht for murder, reported state run agency *ILNA*. He was identified only by his initials and age: H. D., 31.

On 27 July 2016, Reza Sabzevari, 32, was executed in the city of Mashhad for rape, reported the daily newspaper *Khorasan*. He had two children aged two and 10 and had been locked up in Mashhad Prison for some 18 months.

On 16 August 2016, a prisoner identified only as N. was hanged at Mashhad Central Prison on murder charges, reported state-run news agency *Rokna*.

On 3 September 2016, an unidentified 22-year-old prisoner, who was charged with the murder of a physician, was executed at Ardabil Central Prison, reported

state-run news agency *Mizan*, quoting Nasser Atabati, Ardabil's public prosecutor.

On 13 September 2016, three prisoners were executed at Shiraz's Adel Abad Prison, reported the Judiciary in Shiraz. They were identified as: Sajjad A. and Goudarz A., both convicted of two counts of fatal armed robbery, and Khosrow H., convicted of rape and murder.

On 24 October 2016, five prisoners were hanged in two different prisons. Two brothers, identified as Hassan and Mohsen were hanged at Sepidar Ahwaz Prison for murder, reported state-run news site *Rokna*. Another three prisoners, identified as Reza N., Mohammad A. and Hashem P., were hanged in Shiraz on kidnapping and rape charges, reported the Judiciary in the Fars province.

On 5 November 2016, a 27-year-old murder convict, identified as A. A., was executed at Lakan Prison in Rasht, reported State-run news agency *Diyarmirza*. The *Human Rights Activists News Agency* (HRANA) identified the prisoner as Aref Alinasb.

On 7 November 2016, a 24-year-old prisoner, identified as Hassan Kh., was hanged in the prison of Qazvin for murdering two people in two separate cases, reported *Mehr News Agency*.

On 13 November 2016, an unidentified prisoner was hanged at Rasht's Lakan Prison for murder, reported state-run news agency *FARS*. He was 36 years old.

On 4 December 2016, a 29-year-old prisoner was hanged at Mashhad's Vakilabad Prison on murder charges, reported the state-run news site *Rokna*.

Not only death penalty

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, inhuman 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.

On 8 November 2016, a blinding punishment sentence was carried out in one of the prisons near Tehran, reported official Iranian media, including ISNA. Iranian authorities blinded both of the eyes of a man from Qorveh, identified as Mohammad Reza, for allegedly throwing lime into the face of his four-year-old niece in the Sanandaj region and blinding her. Mohammad Shahriari, the head of the prosecutor's office at Tehran's criminal court, said this was the second blinding punishment sentence carried out in Iran since the passing of an article in Iran's acid attack punishment law which was adopted in 1958. In 1958, the acid attack law did not include the eye for an eye punishment, which was introduced after the inception of the Islamic Republic. The other blinding punishment sentence was carried out last year in March 2015.

On 25 December 2016, amputation verdicts of two brothers were carried out in the prison of Orumieh. The two prisoners, identified as Faramarz and Majid Bigham, were sentenced to prison and amputation of four fingers of the right hand because of a robbery they allegedly committed in 2011. The amputations were carried out in the yard of the prison. Other prisoners were encouraged to watch the amputations.

IRAQ

In Iraq, Islamic law is the chief source of legislation according to the 2005 Constitution.

After the fall of Saddam Hussein on 9 April 2003, the death penalty was suspended by the Provisional Authority of the Coalition. It was reintroduced after the transfer of power to Iraqi authorities on 28 June 2004. Currently, the death penalty can be imposed for around 48 crimes, including a number of non-fatal crimes such as – under certain circumstances – damage to public property.

Executions began in August 2005. Since then, as of 31 December 2016, at least 828 executions were carried out, most of them related to acts of terrorism [See Chapter “The War on Terror”].

In 2016, Iraq executed at least 92 people compared to 30 in 2015. At least 88 for terrorism and 3 for rape. No execution has been recorded in Kurdistan.

In 2014, Iraq had executed at least 67 people. In 2013, Iraq had executed at least 177 people (including 3 women), the country’s highest figure since the 2003 US-led invasion. In 2012, Iraq had executed at least 129 people, a significant and worrying increase compared to the previous year when at least 68 people were executed, already four times as many as the 17 executed in 2010.

In 2016, at least 145 death sentences were imposed, according to Amnesty International.

In November 2015, there were 1,700 convicts who had been sentenced to death and were awaiting execution, most of them convicted of terror related offences, according to the High Commission for Human Rights in Iraq.

On 30 December 2016, the Justice Ministry disclosed that there are about 300 death-convicts are in Iraqi prisons, but the execution verdicts were not implemented till now.

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.

Most prisoners awaiting execution are kept in a special wing within the Al Adalah prison complex. 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.

Ratifying the death sentence is one of the prerogatives of Iraq's head of State, as stipulated in article 73 of the Constitution. The ex-president, Jalal Talabani, did not use to sign execution orders and hence the Prime Minister was assigned to do that. But the new orders now are signed by the new President, Fuad Masum.

On 9 June 2015, Presidency spokesperson Khalid Shwani told BasNews that 667 execution orders were waiting to be carried out. "Most of them are pending from the previous government," Shwani said. President Fuad Masum has established a committee to investigate the orders for convicts sentenced during former Prime Minister Nouri al-Maliki's government in order to apply justice and avoid sectarian or personal al-Maliki's decisions.

On 3 November 2014, Iraq was reviewed under the Universal Periodic Review of the UN Human Rights Council. In its National Report, the Government said, "abolition of the death penalty would currently constitute a flaw in the criminal justice system, since Iraq is confronted with organized and unorganized heinous and abhorrent terrorist crimes... Under these circumstances, Iraq must retain the death penalty." However, Iraq wished to review the application of death penalty by establishing a department in the Ministry of Human Rights to look into the issue in the future, in the hope that the penalty could be restricted to the gravest of crimes.

On 19 December 2016, Iraq voted against the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

MALAYSIA

The legal system in Malaysia is based on English Common Law. Islamic law is applied to Muslims in matters of family law and religion.

The death sentence is mandatory for murder (section 302 of the Penal Code), for trafficking narcotics in various amounts according to the drug concerned (section 39B of the Dangerous Drugs Act 1952), and for discharging a firearm with intent to cause death or hurt while committing various crimes, even where no one is hurt (section 3 of the Firearms (Increased Penalties) Act 1971).

On 13 November 2015, Attorney-General Tan Sri Apandi Ali said he would propose to the Cabinet that the mandatory death penalty be scrapped. He said mandatory death sentences were a "paradox" as it robbed judges of their discretion to impose sentences on convicted criminals. On 17 November, Minister in the Prime Minister's Department Nancy Shukri said they were looking to table a motion during the Parliament seating in March 2016 to abolish the mandatory death sentence for drug-related offences. Such proposed reforms had already been announced in October of 2012 but at the end of 2016 were not presented yet.

In October 2016, the Home Ministry had informed, for the first time with disaggregated data per year, the Parliament that Malaysia had executed 6 people in 2014, 1 in 2015 and 9 in 2016.

Furthermore, statistics from the Prisons Department showed that between 2010 and February 2016, the courts sentenced 829 prisoners to death for various crimes,

including murder, drug trafficking, firearms trafficking and kidnapping, and 95 were pardoned or given reprieves, said Ahmad Zahid, who is also the Home Minister.

As of 30 April 2016, the government had stated that 1,042 people - comprising of 629 Malaysians and 413 foreign nationals were sentenced to death due to murder, drug trafficking, firearms trafficking or kidnapping. 649 of those sentenced to death have a case pending before courts and 393 are waiting for pardon.

Malaysia imposed at least 36 death sentences, including 17 for drug-related offences of which 7 on foreign nationals according to Amnesty International.

On 25 March 2016, Malaysian authorities secretly hanged three inmates convicted for murders: Gunasegar Pitchaymuthu, Ramesh Jayakumar, and his brother Sasivarnam Jayakumar [see Chapter "Top Secret Death"].

On 23 September 2016, another man, 40 years old, was hanged at the Kajang prison for rape and murder of a 29 years old girl.

In March 2014, in its written response to the recommendations received under the Universal Periodic Review of the UN Human Rights Council, the Government said that Malaysia was not in the position to commit to put in place an alternative to the death penalty and to establish a moratorium on its application.

On 19 December 2016, Malaysia voted against the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

NIGERIA

On 23 December 2016, three men were hanged in the prison of the city of Benin in the State of Edo, in the first hangings in Nigeria since 2013. [See chapter: "Reintroduction of the death penalty and resumption of executions"]

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 3 March 2015, the federal government formally lifted the moratorium on death penalty of all the condemned prisoners.

In 2015, at least **326** people, including **30** convicted terrorists, were executed across the country.

In 2016, executions have been **87**, 73% less than the previous year, including **7** convicted terrorists.

According the Human Rights Commission of Pakistan, in 2016 at least 360 people were sentenced to death, at least 133 issued by military courts created in January 2015 to judge civilians suspected of terrorism, 31 by the special anti-terrorism courts created in 1997 and 193 by ordinary courts.

Pakistan has one of the largest populations of condemned prisoners and inmates on death row in the world. In October 2015, there were 6,016 people on death row,

many of them waiting for decades, according to statistics compiled by the Interior Ministry. Other estimates have put the figure at about 8,000.

During the period 2011-2015, the Pakistani President rejected as many as 513 mercy petitions of condemned prisoners, an Interior Ministry document revealed. The Interior Ministry, in a written response to a question raised by *Jamaat-e-Islami* Senator Sirajul Haq, said that all mercy petitions sent to the president during the time period were rejected. As of 15 April 2016, only 38 mercy petitions of condemned prisoners who were awarded a death sentence were pending with the Interior Ministry, of which 13 cases were under submission to the President Secretariat for decision, the document said. "Appeals of these condemned prisoners have already been rejected by higher courts," the Interior Ministry said.

It is a tradition that nobody is executed in the (Islamic) fasting month of Ramadan and an official in the federal interior ministry confirmed that a notification had been issued to halt executions during Ramadan, which in 2016 started on 6 June and continued until 5 July.

On 12 January 2016, two murder convicts were hanged in two different jails. Muhammad Sardar was hanged in the District Jail of Toba tek Singh for killing a man named Amanullah in 1993, while Rasheed Ahmad was executed in the New Central Jail of Bahawalpur for murdering a man named Muhammad Shafi in 2004.

On 14 January 2016, a murder convict identified as Sajid Hameed was hanged in the District jail of Sialkot for killing a person in Gujranwala in 2003.

On 19 January 2016, three prisoners were hanged in the jails of Attock, Mianwali and Jhang. A murder convict identified as Sultan was executed in the District Jail of Attock for killing his wife in 2007 over a family dispute. Ghulam Gilani was hanged in the District Jail of Mianwali for killing two of his nephews over a family dispute in 2004. Another prisoner, Allah Ditta, was hanged in the District Jail of Jhang for murdering his friend over a small dispute in 1999.

On 20 January 2016, two death row inmates were hanged in two different jails. Anwar Khan was executed in the Central Jail of Sahiwal. He had killed two people in 1993 over a land dispute. Another murder convict, identified as Hakim, was hanged in the District Jail of Jehlum for killing his wife in 2004 over a family dispute.

On 21 January 2016, Muhammad Akram, a resident of Arifwala, was hanged in the Sahiwal Central Jail for killing a man named Tufail over a land dispute in 1999.

On 28 January 2016, a prisoner identified as Mumrez was hanged in Mianwali Central Jail. He had killed Fateh Khan and his son Amir in 2005 over a marriage feud.

On 4 February 2016, Muhammad Jora alias Mittho was sent to the gallows at the Central Jail in Multan for killing a man named Nazir in 1996 over an old enmity.

On 9 February 2016, two prisoners were executed in two different cities. Ghafoor Masih was hanged at the Central Jail in Faisalabad. He had hacked to death his wife Nasreen and aunt Shabnam in December 2007 over a domestic feud. Another prisoner, Haider Shehzad, was sent to the gallows at the New Central Jail in Bahawalpur for killing a man named Muhammad Amin over a dispute in 2000.

On 10 February 2016, one prisoner, identified as Altaf Ahmed, was executed in the Central Jail Multan. He had killed two persons in 1995 to take revenge of killing of his brother.

On 23 February 2016, three prisoners were hanged in two different cities. Two murder convicts, identified as Faiz and Ramzan, were sent to the gallows in the Central Jail Sahiwal. Faiz had killed a man named Barkat in 1992, while Ramzan was hanged for murdering three women in 2004. Mumtaz Ahmad of Bhakkar was hanged at Toba Tek Singh district jail for killing Noor Muhammad Khaira some 24 years before.

On 24 February 2016, Naimat Gul was executed in the Central Jail of Mianwali for killing a man over a marriage dispute in 1993.

On 25 February 2016, three death row inmates were hanged in three different prisons. Imran Sabir was executed in the Central Jail of Sahiwal for killing three persons in 2003. Another prisoner, identified as Arshad, was hanged in the Central Jail of Gujranwala. He had molested a 12-year-old girl after abduction. A prisoner identified as Idrees was sent to the gallows at the Kot Lakhpat Jail in Lahore for killing the father of three kids during an armed robbery bid in Faisalabad.

On 1 March 2016, Muhammad Ali, a resident of Bhuwana, was sent to the gallows in the District Jail of Jhang. He had wanted to marry a married woman and for the purpose had gunned down her husband in 1998.

On 9 March 2016, Muhammad Tariq was executed in the District Jail of Toba Tek Singh for murdering a man in 1999.

On 15 March 2016, Gohar Ali Afridi was hanged in the Central Jail of Sahiwal for killing a man during a robbery attempt in 1998.

Between 29 and 30 March 2016, two prisoners were hanged for murder in two different cities. On 29 March, Ghazanfer Ali was sent on the gallows in the District Jail of Sargodha. He had murdered his sister and her husband in the name of honour in October 1999. On 30 March, Ghulam Abbas was hanged in the District Jail of Sialkot for killing a man during a robbery attempt in 1997.

On 3 April 2016, a death row prisoner, identified as Aslam was hanged in the Kot Lakhpat Jail of Lahore for killing a man in 2003 over an old enmity.

On 6 April 2016, three death row convicts were executed at the Kot Lakhpat Jail in Lahore. Two brothers, Mohammad Imran and Mohammad Luqman, had killed a man named Ali in 1996 in Islamabad, while Raheel Ahmad had killed a man in 1994 in Sargodha.

On 9 April 2016, real brothers Nasir Mehmood and Tahir Mehmood were executed in the District Jail of Sialkot for murdering six persons in Narowal in 2002.

On 12 April 2016, two murder convicts were executed in two different prisons. Adeel Shahzad was hanged in the District Jail of Faisalabad for killing a woman and her three children on petty matter in Pir Mahal in 2001. Muhammad Ashraf alias Achoo was hanged in the District Jail of Sahiwal for killing Waris Ali in 2000.

On 13 April 2016, at least four people were hanged in four different prisons. Waris Mir was executed in the Central Jail of Larkana for abducting 10 employees for ransom in 1995. Muhammad Irfan was hanged in the District Jail of Jhang for killing a woman during a robbery attempt in 2006. Anwar-ul-Haq was put to death in the Central Jail of Multan for killing a man in 2000. Farooq was hanged in the District Jail of Sialkot for murdering a man in 1999.

On 14 April 2016, Imtiaz Ahmad was put to death in Haripur's central jail for killing a youth during an armed robbery 12 years before.

On 26 April 2016, two death row convicts were sent to gallows in the Central Jail Faisalabad. Imran alias Hayat Ali, son of Nawaz, and Tahir, son of Rafiq, had killed four persons in Jaranwala in 2005.

On 28 April 2016, two murder convicts were hanged in the Central Jail Haripur. Ali Raza was hanged for killing a man in 2004 while Farhad was executed for murdering a man in 1997.

Between 3 and 4 May 2016, six murder convicts were executed in three different jails. On 3 May, four people, identified as Nadim Aslam, Mohammad Ishfaq, Mohammad Arif and Shahzad, were hanged in the Kot Lakhpat jail for murdering five persons in separate incidents. On the same day, Asghar Ali was hanged at the district jail in Sargodha for murdering six persons in 2009. He had murdered his brother, brother's wife, nephews and niece on dispute of property. On 4 May, a triple murder convict, identified as Muhammad Zahoor, was executed at the central jail in Mianwali. He had killed three persons including two women back in 2008 over marriage proposal.

On 10 May 2016, Pakistan put to death three prisoners convicted of murder. Two of them were hanged at Adiala Jail in Rawalpindi. Retired Capt Zafar Iqbal had murdered 11 persons in 1994 in Arya Mohallah and Sangori Village of Mandra over longstanding enmity while Mirza Sarfraz had slain a local in Gujar Khan area in 1993. On the same day, Muhammad Mansha breathed his last in the central jail Sahiwal. He had gunned down a man named Saleem in a resistance during a robbery in 2001.

On 12 January 2016, Rizwan Kiyani was hanged at the Adiala Jail in Rawalpindi for killing a man in 1995, reported the Human Rights Commission of Pakistan.

On 3 February 2016, Zulfiqar Ali was hanged at the Kot Lakhpat Central Jail in Lahore, reported the Human Rights Commission of Pakistan.

On 9 February 2016, Abdul Majeed, son of Gulam Hussain, was hanged at the Central Jail of Dera Ghazi Khan for killing two people in 2002, reported the Human Rights Commission of Pakistan.

On 10 February 2016, Muhammad Tariq was hanged at the Kot Lakhpat Central Jail in Lahore for killing a man in 2005.

On 8 March 2016, two people were hanged in two different prisons, reported the Human Rights Commission of Pakistan. Shahid Nadeem was hanged at the district jail of Sialkot for killing two people in 2001, while Khalid Iqbal was hanged at the Adiala Jail in Rawalpindi for killing a man in 1989.

On 2 April 2016, Khalid Parvez Bhatti was hanged at the district jail of Vehari for killing a lawyer in 1999, reported the Human Rights Commission of Pakistan.

On 14 April 2016, two people were hanged in two different prisons, reported the Human Rights Commission of Pakistan. Muhammad Amjad alias Muhammad Javed was executed at the Adiala Jail in Rawalpindi for killing a man in 2010, while Allah Ditta was hanged at the Central Jail of Multan for murder.

On 27 April 2016, murder convict Ghulam Hussain was executed at the new central jail of Bahawalpur. In May 2008, he had murdered a woman who had rejected his marriage proposal.

On 11 May 2016, Ghazanfar Abbas was hanged at the Central Jail of Multan for

a triple murder committed in 1993, reported the Human Rights Commission of Pakistan.

On 26 May 2016, two people were hanged in two different prisons. Said Jehan was executed at the District Jail of Timergara for the murder of his parents-in-laws. Ejaz Ahmed alias Ejaz Hussain was executed at the Kot Lakhpat Central Jail in Lahore for killing two people in 2001, reported the Human Rights Commission of Pakistan.

On 31 May 2016, a prisoner identified as Basheer was hanged at the district jail in Attock for killing his cousin named Zakia in 2001.

On 1 June 2016, Hamed Ullah Akhtar was hanged in the Sahiwal Central Jail for killing a man named Nisar in 1995.

On 6 June 2016, Muhammad Bashir was executed in the Central Jail of Multan for killing three persons over a property. According to details, he had killed his deceased brother's wife, Mukhtar Bibi, son Nasir Shah and daughter Masooma in 2004 to seize their property.

On 18 July 2016, Tahir Hussain and Chan Zaib were executed in the Adiala Jail of Rawalpindi for killing two people during a robbery bid in 2003.

On 26 July 2016, Muhammad Shafique was hanged at Sialkot District Jail for the murder of two sisters during a robbery bid in Narowal in 2004.

On 27 July 2016, two prisoners were hanged for murder in two different cities. Ghulam Mustafa Rana was executed at Central jail in Sahiwal for murdering a mother and two children during a robbery bid in Lahore in 1992. Muhammad Sibtain Shah was hanged in the central jail of Sargodha for killing his brother-in law over a domestic dispute in Bhira in 1998.

On 28 July 2018, Ali Gul was hanged at the Central Prison of Machh for killing a man named Zulfiqar in Usta Muhammad in April 2015.

On 30 July 2016, two murder convicts were put to gallows at the Central Jail in Mirpur. Ghazenfer Ali had killed his real uncle Raja Ilyas over some dispute in 2005, while Muhammad Yaqoob had killed a prayer cleric, Muhammad Javed, in 2006.

On 16 August 2016, a murder convict identified as Salman was sent to the gallows in Attock Jail for killing a jeweler named Fazal during a robbery bid in Rawalpindi in 2001.

On 24 November 2016, Ehsan Ullah alias Ehsana was hanged to death in the Sialkot district jail. He had shot dead three persons of a family including local landlord Manzur Hussain, his wife Hameeda Bibi and their son Talat Hussain over old enmity in 1992.

On 19 December 2016, Pakistan voted against the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

PALESTINE

Executions are usually carried out by hanging of civilians and by firing squad of members of security forces or army.

No execution was carried out in Palestine in 2015, but executions in Gaza resumed in 2016 and were 3, including 1 carried out by hanging.

On 31 May 2016, security forces from the Islamist group Hamas executed three Palestinians found guilty of murder in separate cases. Two of them – identified as M. E. (28) from Rafah and Y. Sh. (38) – were executed by firing squad and the third, policeman A. Sh. (43) from Khan Yunis, was hanged, security sources said. “To achieve public deterrence and block crime, the relevant authorities implemented at dawn execution rulings against three convicted of horrifying murders,” the general prosecutor’s office in Gaza said in a statement. Under Palestinian law, Palestinian President Mahmoud Abbas has to agree to the use of the death penalty. Because of splits between Hamas and Abbas’s Fatah party, the Islamists did not receive approval from the president for the sentence. The policeman put to death was employed by the Palestinian Authority, the Fatah-led administration based in the West Bank, which has ever diminishing influence in Gaza. In a statement, the Palestinian Authority said the executions were illegal. “Carrying out the executions represents a flagrant violation of the Palestinian basic law,” Ahmed Brak, the attorney general based in Ramallah, told Reuters. He said those who participated in the executions were complicit in murder and would be subject to law at the “local and international level.”

SUDAN

The 1991 Penal Code based on *Sharia* law prescribes both the death penalty and corporal punishment.

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, defamation regarding chastity, armed robbery and theft of capital.

In January 2014, Sudan’s parliament endorsed a human trafficking act that allows to sentence human traffickers with the death penalty.

Article 36 of 2005 Constitution of Sudan, establishes that the death penalty can be applied to minors under the age of 18 in cases of retribution or *Hudud*.

In October 2016, President Omar Al Bashir has issued a decision to drop the remaining sentences against the members of the Sudan People’s Liberation Movement-North (SPLM-N) who were convicted for their part in clashes with government forces in Ed Damazin in 2011.

A member the defence counsel, El Tijani Hassan, told Radio Dabanga that the decision includes 64 of the convicts, 17 of them sentenced to death in absentia, including by the head of the SPLM-N, Malik Aggar, and the Secretary General Yasser Arman. They also include Munnllah Hussein Huda, who was sentenced to death and jailed in Port Sudan. El Tijani Hassan pointed that those who will be released are currently being held at El Huda prison in Omdurman, as well as Medani and Port Sudan prisons.

He attributed the decision to pardon the sentenced to the considerable efforts made by the native administration in the Blue Nile and government’s goodwill towards armed movements after the outcomes of the national dialogue.

It has not been announced when those still in custody will be released.

In 2016, Sudan carried out 2 executions and imposed at least 43 new death sentences. In 2015 executions were at least 4 and 23 in 2014. Sudan hanged at least 21 people in 2013.

The last data on people on death row refers to the end of 2014, when there were at least 215 people on death row.

In April 2016, an anti-terrorism court in Khartoum sentenced 22 South Sudanese nationals to death for terrorism.

On 27 June 2016, the judge of the special Court of Darfur Crimes in Nyala, South Darfur state Ismail Idriss, issued death penalty sentence against three citizens, who were convicted of committing crimes under articles 130 Murder, 167 Armed robbery (Hiraba) terrorism and possession of weapons and ammunition, after the relevant of the deceased refused the blood money (Dia) and reconciliation.

The three convicted were accused last July 2015 of committing the crime of murder and robbery against three residents from Alsalam neighborhood in Nyala.

On 29 June 2016, the judge of the Special Court of Darfur Crimes in El Fasher, capital of North Darfur state Adil Bashari Osman, sentenced to death, members of the Sudan Liberation Movement led by Minni Arko Minawi, under charges related to committing crimes under articles 21 Joint acts in execution of criminal conspiracy, 24 Criminal conspiracy, 26 Assisting and 50 undermining the Constitutional system of the Criminal Law of 1991 and article 5 Terrorist Crimes of the Terrorism Law of 2001 and articles “26/44” of the Weapons and Ammunition Law of 1986.

On 25 September 2016, the Khartoum North Criminal Court sentenced 18 people to death for their part in a 2014 tribal clash. The court convicted 18 members of El Bzaa tribe, of the intentional killing of seven members of El Shanabla tribe and causing serious harm. The judge sentenced them to death by hanging and then crucifixion. Those convicted include the Omda of El Bzaa tribe and the deputy head of a rural court. In 2014 a group of El Shanabla tribesmen were out on search for a missing herder in White Nile state, when a militant group from El Bzaa tribe group ambushed them. Seven were killed and three others injured.

On 5 October 2016, the Criminal Court of Buram in South Darfur sentenced three men to death for armed robbery, murder, and grievous bodily harm. The offenses were committed in July last year, when five men attacked a commercial lorry on its way from Buram to El Radoom in South Darfur. The vehicle owner Fadul Abdallah Yasin was killed, and one of the passengers, Bashar Bashir Sakin, was seriously injured in the attack. After convicting the men, the Judge saw no alternative but to hand-down the ultimate sentence. He stipulated that the men should hang.

On 6 December 2016, the South Darfur Special Crimes Court sentenced an army officer to death. After the accused was found guilty of raping a girl in the South Darfur capital of Nyala, judge Mohamed El Motazz sentenced him to death.

On 4 May 2016, Sudan was reviewed under the Universal Periodic Review (UPR) at the UN Human Rights Council. It noted, but did not support, recommendations to establish an official moratorium on executions, abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty.

On 19 December 2016, Sudan voted against the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

KUWAIT

In 2016 there were no executions in Kuwait where the previous executions were carried out in 2013, when 5 people were put to death (four for murder and one for abduction and rape). However, executions have been resumed in 2017, when seven people have been hanged, among them a woman from Philippines.

FIRING SQUAD

Not considered an Islamic punishment, the firing squad has been used in 2016.

In 2016, at least **24** executions by firing squad were carried out in **4** Muslim-majority countries: **Indonesia** (4), **Palestine** (at least 2), **Somalia** (at least 14) and **Saudi Arabia** (at least 4).

In 2017, **Barhein** executed 3 people by firing squad after a suspension since 2010.

It could not be confirmed if judicial executions by firing squad took place in **Lybia**, **Syria** and **Yemen** in 2016, due to the internal armed conflicts that have intensified over the past two years and the lack of official information provided by authorities.

However, extra-judiciary executions by shooting were carried out in **Somalia** by the Islamic rebels *Al-Shabaab* and in **Yemen** by *Al-Qaeda* linked Islamists. Executions by shooting decided by self-proclaimed *Sharia* courts were carried out by the *Islamic State* in **Syria**, **Iraq** and **Libya**.

In 2016, at least **77** more executions by firing squad were carried out in **5** non-Muslim countries: **Belarus** (4); **China** (number unknown); **North Korea** (at least 70); **South Sudan** (2) and **Taiwan** (1).

INDONESIA

The legal system in Indonesia is based on Roman-Dutch law, modified by traditional elements and by new criminal procedure law.

In the Aceh region of Indonesia, death by stoning is sanctioned regionally but banned nationally.

In 2016, 4 people have been executed by firing squad, all for drug related crimes [see chapter “The War on Drugs”].

Since its independence in 1945, Indonesia has executed 82 people (as of 31 December 2016). Executions in Indonesia were somewhat rare until 2004, when, as part of a national anti-drug crusade launched by President Megawati Sukarnoputri in view of October elections, three foreign nationals were executed by firing squad

for trafficking heroin. His successor, President Susilo Bambang Yudhoyono has overseen a steep increase in the Country's use of the death penalty. Twenty-one people have been executed since Yudhoyono took over in 2004.

After a *de facto* moratorium dating back to 2008, Indonesia resumed executions in 2013 when five people were put to death, including two convicted of drug trafficking.

No executions were carried out in 2014. However, in 2015 Indonesia put another 14 drug convicts to death [see chapter "The War on Drugs"], in the first executions taking place under President Joko Widodo, who took office in October 2014.

At least 60 people were sentenced to death in 2016, according to Amnesty International. As of the end of 2016, there were 215 death row inmates, most of them for drug related crimes.

A ruling by the Constitutional Court in 2008, establishes that capital punishment should be used sparingly and those on death row should be given the chance to be rehabilitated. While six of the nine members of the court found the death penalty was legal under the constitution, it was instructive that three thought it was not. Moreover, the majority ruling advocated tight limits on when the death penalty can be used, saying it should be handed out only as a "special and alternative punishment."

Court requests for clemency are automatic under Indonesian law if those convicted are sentenced to death and do not submit a request themselves. President Susilo Bambang Yudhoyono has commuted a total of 19 death sentences out of 126 pleas for clemency during his two terms.

In early December 2014, the new President Joko Widodo ruled out granting clemency to convicted drug traffickers sentenced to death, because Indonesia was in "a state of emergency on drugs" with people dying daily. However, in February 2015, President Widodo commuted to life imprisonment three death sentences for premeditated murder.

On May 25, 2016, Presidente Widodo approved a law prescribing the death penalty as the maximum sentence for child rapists, after several brutal gang rapes sparked public outrage. Widodo said those responsible for sexual abuse of children, as well as repeat sex offenders, could also face chemical castration and be tagged with an electronic chip to track their movements, citing the law he signed.

Generally, death sentences are carried out by firing squad early in the morning. The condemned are informed of their execution only 72 hours in advance. With their head covered by a hood and wearing a white shirt with a red mark at heart-level, the condemned faces a platoon whose members – a dozen – are lined up at a short distance. Some of the rifles are loaded with blanks to prevent anyone from knowing who exactly fired the fatal shot. After the shooting, a doctor controls the body for remaining signs of life. If the condemned is still alive, the commander of the platoon fires a final shot into the head of the prisoner.

On 19 December 2016, Indonesia abstained on the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

PALESTINE

Normally, executions are carried out by hanging in cases of civilians condemned to death and by firing squad for police and military personnel receiving a death sentence. However, this general rule is not always respected.

On 31 May 2016, Security forces from the Islamist group Hamas executed three Palestinians found guilty of murder in separate cases. Two of them – identified as M. E. (28) from Rafah and Y. Sh. (38) – were executed by firing squad and the third, policeman A. Sh. (43) from Khan Yunis, was hanged, security sources said.

On 7 February 2016, the armed wing of Palestinian militant group Hamas summarily executed one of the group's leading commanders after allegations surfaced of gay sex and theft. Members of the Izz al-Din al-Qassam Brigades shot Mahmoud Ishtiwi, 34, three times in the chest after they had detained him for a year. Hamas announced that the man in charge of a number of the group's tunnels used for smuggling and surprise attacks had been executed for moral turpitude, a Hamas term for homosexuality. Ishtiwi's family, Hamas loyalists, broke rank to condemn his execution, saying that "what happened was part of an internal settling of scores." They said that he was set up by the militant group and was tortured into making false confessions. A Hamas investigation alleged that Ishtiwi had hidden money designated for his unit's weapons, before an unnamed man claimed to have had sex with him, providing details about their meetings. The investigation concluded that the money Ishtiwi had stolen had been used to pay the man for sexual relations or to bribe him to keep Ishtiwi's secret.

SAUDI ARABIA

In March 2013, Saudi Arabia authorised regional governors to approve executions by firing squad as an alternative to public beheading, the customary method of capital punishment in the kingdom. The reason for the change was a shortage of qualified swordsmen. According to a circular by the Government's bureau of investigation and prosecution, the use of firing squads was being considered because some swordsmen had to travel long distances sometimes to get to the place of executions, making them sometimes late. The circular stated that death by firing squad was not a breach of *Sharia* law. A firing squad had been used to carry out a death sentence a few years ago. Sheikh Ali Al-Hakami, member of the Senior Board of Ulema, gave his seal of approval for execution by firing squad, as long as it is as quick or faster than the traditional method of beheading. He added that death by firing squad could be permissible according to *Sharia*, as long as the process is painless. "That's why beheading by sword is the best way to achieve the purpose of punishment in Islam because it does not cause any torture," Al-Hakami said. Al-Hakami added that religious scholars should also investigate the possibility of using other methods, such as electric chair, hanging and lethal injections, to find out if they also comply with *Sharia*.

On 2 January 2016, Saudi Arabia executed 47 people convicted of terrorism-related offenses, including 43 suspected members of *Al-Qaeda* and 4 Shiites, including Nimr al-Nimr, a prominent cleric and government critic from the country's Shiite minority [See Chapter "War on Terror"]. The executions were carried out in the capital Riyadh and 11 other cities – Makkah, Madinah, Eastern Region, Qassim, Hail, Northern Border Region, Asir, Jouf, Najran, Baha, and Tabuk. Four executions involved firing squads, and the rest were beheadings, said Maj. Gen. Mansour Turki, a spokesman for the Saudi Interior Ministry. While most executions in Saudi Arabia are held in public squares, the ones on 2 January were done inside prisons, General Turki said.

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.

A new Provisional Constitution was passed in August 2012, which designates Somalia as a federation. Following the end of the interim mandate of the Transitional Federal Government (TFG) the same month, the Federal Government of Somalia, the first permanent central Government in the country since the start of the civil war, was also formed.

The Federal Republic of Somalia is officially divided into eighteen administrative regions. On a *de facto* basis, northern Somalia is divided up among the autonomous regions of Puntland (which considers itself an autonomous state) and Somaliland (a self-declared but unrecognized sovereign state). In central Somalia, Galmudug is an autonomous region that considers itself an autonomous state within the larger Federal Republic of Somalia, as well as Jubaland in the far south. In 2014, a new South West State was likewise established. In April 2015, a formation conference was also launched for a new Central Regions State.

In August 2009, the TFG had established a military court to try soldiers accused of criminal offences, and a 2011 presidential decree granted the military courts extensive temporary powers – notably jurisdiction over all abuses committed in areas declared under a state of emergency. There have been some improvements since 2011, including an attempt to ensure basic legal counsel, and the re-establishment of a Supreme Court to hear appeals in late 2012. Yet, concerns remain over the right to be tried by an independent and competent tribunal, the right to prepare a defence, and especially the use of military courts to trial civilians. Under international and regional standards, the jurisdiction of military courts should be limited to offenses of a strictly military nature committed by military personnel. However, the military courts continue to exercise very broad jurisdiction over individuals and criminal offenses. The court has not only tried soldiers charged with military offenses but also soldiers, civilian police and *Al-Shabaab* fighters accused of crimes against civil-

ians. 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. Also the United Nations Human Rights Office voiced its concern at the “hasty” judicial process that led to some executions. “Under international law, the death penalty should only be applied after the most rigorous judicial process,” said Rupert Colville, spokesperson for the Office of the High Commissioner for Human Rights (OHCHR).

On 22 January 2016, Somalia was reviewed under the UPR of the UN Human Rights Council. Regarding the death penalty, the Attorney General stated that eliminating this penalty was something that required a long process, since the Somali Provisional Constitution prescribes that the Sharia Law is the paramount law, and the Sharia prescribes the death penalty for a limited number of crimes. He added that Somalia was committed to engage in community dialogue on how to address it and was reviewing penal procedure codes to reduce the number of crimes for which the death penalty was applied, and was looking into alternative penalties, such as life sentencing, for the other capital crimes.

On 14 August 2016, President Hassan Sheikh Mohamud signed into law the Human Rights Commission bill, which effectively opens the avenue for the creation of the Human Rights Commission in Somalia. While signing the bill at Villa Somalia, Mogadishu, President Mohamud said the move was an indication of the importance of the bill and the need to uphold the rights of any person living in Somalia. “The commission will be the highest organ in the Federal Government of Somalia, which protects the rights of citizens. Everyone will be accountable to the law in accordance with the constitution of Somalia,” said the President in a press release.

In 2016, as in 2012 and 2014, Somalia voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

Nonetheless executions in Somalia have continued at full pace.

At least 14 executions were carried out in 2016, including 3 for acts of terrorism [See Chapter “War on Terror”]. In 2015, executions were 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 2016, at least 75 people were sentenced to death, according to *Hands off Cain* data, most of them for terrorism (22 by the Federal Government, 8 in Somaliland and 45 in Puntland).

Of at least 14 executions carried out in 2016, 4 occurred under the authority of the Federal Government (3 for terrorism), 9 in Somaliland and 1 in Puntland. At the end of the year there were at least 100 people under death sentence.

On 3 January 2016, a 29-year-old soldier serving Somalia’s National Security and

Intelligence Agency (NISA) was executed by a firing squad in the capital of Mogadishu for killing a civilian. Blindfolded and tied to a pole at General Kahiye police academy, Mustaf Mahiye Diyow was shot dead in front of a curious crowd. According to military court judge, who spoke to reporters at the execution site, the NISA official was convicted of killing Mohamed Qasim Borow, a civilian on 10 February 2015 in Mogadishu's Deynile district.

On 11 January 2016, six prisoners, including four soldiers, were executed by firing squad in different regions of Somaliland after being convicted of murder. The executions took place in Daraweyene, Mandheera and Borama. According to Hassan Aden, the prosecutor general of the court case, Abdirizak Mohamed Kheyre was found guilty of killing his commanding officer Aden Guled. In a separate incident, Abdiaziz Saeed Warsame, was convicted of killing of another senior military commander. Also executed publicly was Abdullahi Abdul Elmi, who was convicted of killing a civilian in the capital of Hargeisa, while the fourth soldier Osman Hirad was also found guilty of killing a senior military general in Somaliland. The execution orders were signed by President Siilaanyo in order to mitigate the situation after murder-related cases had increased in the region. The calls to reintroduce state executions come after several gruesome murders.

On 17 January 2016, three people, including a woman and her son, were executed by firing squad in Somaliland after being convicted of murdering a woman. A court in Hargeisa found the boy and his mother guilty of murdering Ruqiya Saeed Ayanle by burying her alive inside their house. The police said Ayanle had been killed due to an argument over a debt she owed. According to witnesses the three were tied to poles outside a notorious Mandera military prison before masked soldiers randomly shot them to death.

On 9 April 2016, two members of *Al-Shabaab* jihadist group were executed by firing squad in Mogadishu for the murder of a journalist in December 2015. Abdirisak Mohamed Barow and Hassan Nur Ali, who admitted being *Al-Shabaab* members during their trial, were found guilty of murdering journalist Hindiyo Haji Mohamed whose car was blown with explosive device when she returned home from a university class in Mogadishu. The military court had rejected an appeal by the men – and indeed increased their sentence from life imprisonment to execution.

On 11 April 2016, a former journalist who joined the Islamic extremist group *Al-Shabaab* was executed by firing squad at a police academy in Mogadishu for the killings of five Somali journalists. Hassan Hanafi Haji, who was extradited from Kenya in 2015, was known to threaten journalists and radio stations for any reporting not in favour of the Islamic extremist rebels, forcing many media outlets to practice self-censorship for security reasons.

On 14 August 2016, a military court in the semi-autonomous region of Puntland State executed an army officer through a firing squad in Garowe city. Aydarus Dahir was convicted of killing Abdiwali Farah Ismail, another army officer in May.

In 2016, the *Al-Shabaab* Islamist militias that control part of south-central Somalia carried out dozens of extra-judiciary executions by shooting, mainly against

alleged spies for the Somali Government, the African Union military force, the U.S. and British intelligence agencies. 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.

BAHREIN

The offences for which capital punishment either can or must be applied are: aggravated murder, murder, other offenses resulting in death, terrorism, rape of child, arson of a public or Government building, even if it does not result in death; drug trafficking; treason, espionage, other military offenses.

Execution is carried out by firing squad. The inmate is strapped to a chair with their eyes covered and a sponge placed on their chest so stop the blood from spreading.

On 15 January 2017, three men were executed in the first executions in Bahrain since 2010. They were sentenced for murder of a police officer from the Emirates and two from Bahrain in a bomb attack in 2014. [see chapter “War on Terror”].

LIBYA

Since the country’s liberation from Muammar Gaddafi’s regime in 2011, no information was available about 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 12 April 2016, Saif al-Islam, second son of Libya’s former ruler Muammar Gaddafi, was released after he was captured in 2011 and sentenced to death by the Libyan government in Tripoli in 2015 for war crimes, his lawyer at the International Criminal Court (ICC), Karim Khan, told *France 24* on 7 July. “Saif al-Islam was released under an amnesty and in accordance with (Libyan) law,” his lawyer added. The ICC had issued a warrant to try him in The Hague for crimes against humanity, but the Libyan government held on to him till their sentencing drawing widespread condemnation specifically directed at the credibility of the divided country’s legal system. Karim Khan said he would file an application to make the ICC case inadmissible, arguing that his client has already been tried by his home country. “It is prohibited to try an individual twice for the same offense,” he said. Saif al-Islam, who was regarded as Gaddafi’s possible successor, has been kept in detention since 2011 by a militia in Zintan, north western Libya, that captured him.

On 13 May 2015, Libya was reviewed under the Universal Periodic Review of the UN Human Rights Council. In its national report, the Government said the Libyan

legislature was striving to restrict the use of the death penalty and legal measures had been introduced to minimize its use, the most significant of which were the payment of blood money. The Government added that there was an ongoing debate between those who call for the abolition of the death penalty and those who argue that is necessary to maintain it because of the *Sharia* and in order to deter those who do not hold dear human life. In November 2015, in its response to the recommendations received, the Government did not support recommendations to establish a moratorium on the death penalty with a view to its abolition.

On 19 December 2016, Libya voted against the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

Extra-judiciary executions by shooting were carried out in Libya in 2016, by the *Islamic State* (IS).

From mid-February 2015 to mid-February 2016, ISIS killed at least 49 people in the city of Sirte and outlying areas controlled by terrorists after largely secret proceedings that negate the most basic international fair-trial standards, Human Rights Watch (HRW) reported, adding that four of the executed were fighters from groups opposing IS, while 45 victims were accused of spying, sorcery and blasphemy.

IRAQ

As “extra-judiciary executions” should be considered those by the *jihadist* group, *Islamic State* (IS) in Iraq. On 11 February 2016, Wathiq Abdulwahab, a reporter of the local Hadbaa newspaper, was publicly executed by firing squad in Mosul at the hands by the IS militants. The journalist was arrested earlier on February 8 by the IS-led Islamic Police in Sukkar neighborhood of Mosul after taking pictures for an IS detention center, a local media activist told ARA News, speaking on condition of anonymity. One day after his arrest, the Sharia Court of Mosul ordered the militants to execute the 32-year-old journalist in public for violating the strict security measures imposed by IS. “Abdulwahab was shot dead in front of dozens of people in the Zuhur square in eastern Mosul,” the source said.

Over the past two years, dozens of media activists and journalists have been exposed to arrest, torture and execution at the hands of IS militants across Syria and Iraq.

On 17 December 2016, the IS has executed an Iraqi teenager in southern Kirkuk, after accusing him of spying for the Kurdish Peshmerga forces. The 15-year-old boy was arrested by IS earlier on December 13. “The terrorist group claimed that after interrogations the teenager confessed that he has been spying for the Kurdish Peshmergas,” a local sources said. Also, the pro-ISIS Amaq News Agency released a video tape showing the execution of the blindfolded young man, claiming he was “a spy for the pro-Crusaders Kurdish troops”. This comes amid intensifying clashes between the Kurdish forces and ISIS terrorists in the southern suburb of Kirkuk Governorate, where the terrorist group still holds several villages.

SYRIA

In Syria, the legal system is based on a combination of French and Ottoman civil law. The Islamic law is used in the family court system.

It is not possible to give the exact number of “legal” executions carried out in Syria in 2016, due to the ongoing civil war and the lack of official information provided by Syrian authorities.

However, extra-judiciary executions by shooting were carried out in Syria by the predominantly Sunni jihadist group called *Islamic State* (IS), which aims to create a Pan-Islamic state under *Sharia* and reinstate the Caliphate, committed the most serious crimes. In 2016, IS forces have been waging a campaign to instil fear, including public executions, amputations, lashings and mock crucifixions in public squares as residents, including children, are forced to watch. Executions in public spaces have become a common spectacle on Fridays in [IS power-base] Raqqa and in IS-controlled areas of Aleppo governorate.

On 6 January 2016, a 21-year-old member of the Islamic State, Ali Saqr, killed his mother, identified as Lena al-Qasem, reportedly 47, in front of several hundred people near a post office building where the woman worked. She would have urged her son to leave the Islamic State and flee Raqqa. After Saqr reported her comments to ISIS leaders, they they arrested his mother declaring she was guilty of apostasy.

On 24 March 2016, the Islamic State executed five people on drug trafficking charges. The men were shot dead in front of dozens of residents after being convicted by a Sharia court in the town of Manbij in Aleppo province. The victims were identified as Musa al-Musa, Faisal Mohamed Saghir, Ali Aboud al-Omar, Thamer al-Aboud and Ibrahim Isa al-Fadl.

On 5 May 2016, the Islamic State executed a seven-year-old little boy for swearing while he was playing soccer with friends in Raqqa. The boy, identified as Muaz Hassan, was killed by firing squad at a central square in Raqqa in front of hundreds of people, including his parents.

YEMEN

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

The death penalty is provided for a wide range of offences that contravene Islamic *Sharia* law including murder, drug trafficking, terrorism, rape, sexual offences, adultery, and speech or action against Islam. There are approximately 315 capital punishment cases, which are justified by just four separate Yemeni laws: 120 of those execution cases are contained in the Penal Law of 1994, as many as 166 cases in the Military Penal Law, 33 cases in the Anti-Drug Law, and 90 cases in the Anti-Kidnapping and Highway Robbery Law. Article 128 of the Penal Law prescribes capital punishment for any individual working for a foreign State. The law doesn’t specify what type, form, or kind of work for a foreign State this would

include. Article 125 of the Code prescribes capital punishment for “anyone who committed an act with the intention of infringing upon the independence of the Republic or its unity or territorial integrity.”

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’s body is wrapped in the blanket and given to his/her family.

On 29 January 2014, Yemen was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government accepted the recommendation to put an end by law to death by stoning and reduce the number of crimes that are punishable by the death penalty, excluding the death penalty for crimes related to drugs.

On 19 December 2016, Yemen voted against the Resolution on a Moratorium on the use of the Death Penalty at the UN General Assembly.

In 2016, no “legal” execution has been recorded. Several extra-judiciary sentences by firing squad were carried out by some tribes operating outside the control of the state and, in particular, by *Al-Qaeda*-linked Islamists against alleged spies for the United States and Yemeni Government.

On 9 April 2016, *Al-Qaeda* militants in southern Yemen seized and executed 15 soldiers loyal to President Abd-Rabbu Mansour Hadi, local officials and residents said. They said the militants detained the soldiers while traveling from the southern port of Aden to al-Mahra province. The militants took them to a remote area and killed them by firing squad.

BEHEADING

Beheading as a “legal” means of carrying out executions provided by *Sharia* law is exclusive to **Saudi Arabia**, which beheaded at least **150** people in 2016 (another 4 people were executed by firing squad).

However, in 2016, extra-judiciary executions by beheading were carried out in **Somalia** by the Islamic rebels *Al-Shabaab*, in **Egypt** by Sinai-based militant group *Ansar Beit al-Maqdis*, and in **Syria** and **Iraq** by the predominantly Sunni jihadist group called *Islamic State* (IS).

In part of south-central **Somalia**, *Al-Shabaab* members have continued to decapitate several people on charges of being Christians or apostates of Islam or spies for the Federal Government and African Union Mission to Somalia (AMISOM) forces in the area. After the victims are executed, they usually bury them in sites called “the infidels’ cemeteries.” On 1 January 2016, *Al-Shabaab* executed five young men, who were aged between 19 and 22 years, for allegedly spying for the United States and the Federal Government of Somalia. They were caught and detained by members of the militant group in Saakow, a town in Middle Jubba Region controlled by the group. The young men were all executed at a public place, where residents had been ordered to gather and witness the execution. “It was very terrible sight. I witnessed that chilling moment when the *Al-Shabaab* men caught one of the men and chopped off his head like a goat,” said a resident in Saakow who spoke to *Somali Update* but declined to be named for security reasons. According to a pro-*Al Shabaab* website, the five men were tried in Saakow by an *Al-Shabaab* judge. The website published the names of the five men and their ages. There were neither defence lawyers nor relatives present for the victims. On 19 January 2016, militant group *Al-Shabaab* publicly beheaded an unnamed 60-year-old man in Southern Somalia after accusing him of practicing witchcraft. The execution took place in the town of Kuntawarey of Lower Shabelle region, in the evening while a large crowd watched, including women and children. On 14 May 2016, *Al-Shabaab* members executed four men for allegedly spying for Somali government forces and African Union peacekeepers. The execution was carried out in the town of Aden Yabal of Middle Shebelle province, shortly after abandoning the town which fell to the control of the allied forces. The four men were elders prominent in the village. On 17 May 2016, *Al-Shabaab* militants beheaded a civilian, whom they have accused of spying for Somali and Ethiopian troops based in Bulu-Burde town in Hiiraan region.

On 5 July 2016, *Al-Shabaab* beheaded two staff of leading Somali telecommunication company Hormud in Galcad in Galgaduud region. They were accused by the militants for cooperating with Somali National Army and Ethiopian AMISOM troops by selling mobile phones to the soldiers. On 13 July 2016, *Al-Shabaab* fighters beheaded a prominent traditional elder, identified as Ali Santur, at a small rural village near Beledweyne, the regional capital of Hiiraan region. On 25 July 2016, *Al-Shabaab* fighters beheaded Aden Abdullah, a highly respected traditional elder, for allegedly collaborating with Somali Federal Government. The elder was brutally killed near Qansah-Dheere town in the Bay region. On 26 September 2016, another two unidentified traditional elders were beheaded by *Al-Shabaab* in the outskirts of Bardale district in the Bay region for allegedly collaborating with the Somali Federal Government. On 12 October 2016, *Al-Shabaab* beheaded five people, including four clan elders in El-Ali town in Hiraan region after they were accused of supporting the Somali army and Ethiopian troops. On 1 November 2016, member of Somali parliament Mohamed Hussein Isack known as Afarale said *Al-Shabaab* fighters had

beheaded five men in Tiye glow for allegedly collaborating with Somali and AU allied forces.

Extra-judiciary executions by beheading were also carried out in **Egypt** by Sinai-based militant group *Ansar Beit al-Maqdis*. Initially, the group was known for launching attacks on Israeli targets and interests, but after the ouster of Islamist President Mohammed Morsi in July 2013 and the clampdown that followed against his supporters, it has started directing its violence against the Egyptian army and police.

Dozens of beheadings were carried out in **Syria** by the *Islamic State* (IS), well known for its savagery and draconian interpretation of Islamic law, against people accused of “dealing with apostates” or blasphemy for “insulting Allah” or calling Islam “a false religion,” as well as for invoking magic, “sorcery” and embezzling funds and theft. The *Islamic State* has also practiced punishments such as cutting off the hands of thieves and has made it compulsory for everyone in the city of Raqqa to pray all five times a day, prohibiting smoking and banning women from entering cafes or walking on the street without the veil. On 1 February 2016, a 14-year-old boy, accused of apostasy after allegedly missing the Friday prayers, was beheaded in his home town of Jarablus. ISIS fighters even forced his parents to watch as he was gruesomely slaughtered.

Beheadings decided by self-proclaimed *Sharia* courts were carried out by the *Islamic State* also in **Iraq**. On 16 February 2016, a 15-year-old boy, Ayham Hussein, was beheaded in Mosul for simply listening to Western music. He was captured by the jihadis while listening to pop music at the grocery store of his father in the Nabi Younis marketplace. He was dragged before a Islamist kangaroo court which sentenced him death in a public execution. On 5 July 2016, the *Islamic State* beheaded an Iraqi man the terror group said was convicted of engaging in witchcraft and fortune telling. The man was dragged to an open plaza at the town of Zab, in Iraq’s Dijleh region, where his verdict was read in front of a live audience, followed by his execution.

SAUDI ARABIA

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

Saudi Arabia is the Islamic country that most strictly interprets *Sharia* law. It prescribes the death penalty for homicide, rape, armed robbery, drug-trafficking, witchcraft, adultery, sodomy, homosexuality, highway robbery, sabotage, and apostasy (renouncing Islam).

Beheading as a means of carrying out executions is exclusive to Saudi Arabia.

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.

Often, the accused is denied the assistance of a lawyer before the trial and in the courtroom. Executions are public domain only once they are carried out, while family members, lawyers and the condemned themselves are kept in the dark.

In 2016, Saudi Arabia beheaded at least **154** people, **150** by beheading and **4** by firing squad. Three were women and 151 men; 118 were Saudi, the other foreigners. A majority of those who were executed were convicted of murder (83), followed by terrorism (47), drug-related offences (22), rape (1) and rape of juvenile (1).

In 2015, the kingdom had beheaded at least 159 people. At least 40 people were sentenced to death in 2016.

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, accelerating this year under his successor King Salman, who has adopted a more assertive foreign policy. In April, the King promoted his powerful Interior Minister Mohammed bin Nayef to be crown prince and heir to the throne. Some diplomats in Riyadh have said that judicial reforms, including the appointment of more judges, have allowed a backlog of appeals cases to be heard, leading to a short-term rise in executions. Others have argued that regional instability may have led Saudi judges to impose more draconian sentences.

On 18 May 2015, Saudi Arabia has advertised for eight executioners. The eight positions, as advertised on the website of the Ministry of Civil Service in the religious jobs section, require no specific skills or educational background for “carrying out the death sentence according to Islamic Shariah after it is ordered by a legal ruling.” The ministry said successful candidates would also be expected to carry out amputations ordered by the kingdom’s *Sharia* courts.

On 2 January 2016, Saudi Arabia executed 47 people convicted of terrorism-related offenses, including 43 suspected members of *Al-Qaeda* and 4 Shiites, including Nimr al-Nimr, a prominent cleric and government critic from the country’s Shiite minority [See Chapter “War on Terror”]. The simultaneous execution of the 47 people was the biggest mass execution for such offences in Saudi Arabia since the 1980 killing of 63 militants who seized Makkah’s Grand Mosque in 1979. Analysts have speculated that the execution of the four Shiites was partly to demonstrate to Saudi Arabia’s majority Sunni Muslims that the government did not differentiate between political violence committed by members of the two sects.

On 3 January 2016, the United Nations deplored the mass execution of 47 people

by Saudi Arabia, calling on the Riyadh regime to commute all death sentences handed down in the kingdom. UN Secretary General Ban Ki-moon said he was “deeply dismayed” by Saudi Arabia’s execution of prominent Shia cleric, Sheikh Nimr al-Nimr. “Sheikh Nimr and a number of the other prisoners executed had been convicted following trials that raised serious concerns over the nature of the charges and the fairness of the process,” Ban’s spokesman quoted him as saying in a statement. The UN chief had raised the case of Sheikh Nimr with Saudi leaders on several occasions, the statement read, reiterating Ban’s stance against the death penalty and urging the kingdom to commute capital punishment. In October 2015, Ban had called on the Al Saud regime to revoke Sheikh Nimr’s death sentence. UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein added that the well-known Shia cleric had not committed any crime viewed as “most serious” under international humanitarian law, and called on the kingdom to impose a moratorium on all executions. “Under international human rights law, the death penalty may only be imposed, in countries that still have this form of punishment, if a strict set of substantive and procedural requirements are met,” Zeid said. “The category of ‘most serious crimes’ for which the death penalty is still permissible, has been consistently interpreted by human rights mechanisms as being restricted to murder and other forms of intentional killing,” he added. “Convictions cannot be based on confessions obtained under torture and ill-treatment, or trial proceedings that fall short of international standards,” the High Commissioner said. “Now we see almost one-third of the 2015 total executed in a single day,” Zeid said. “That is a very disturbing development indeed, particularly as some of those sentenced to death were accused of non-violent crimes,” he added. He urged the government of Saudi Arabia to impose a moratorium on all executions and “to work with the UN and other partners on alternative strategies to combat terrorism.”

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

On 4 January 2016, Ahmed bin Obaid bin Abdullah Al-Amri Al-Harbi, Saudi national, was executed in the Qassim province, after being found guilty of shooting a man dead following a dispute.

On 6 January 2015, Saudi national Saud bin Mohammed al-Shalwi was executed in the western city of Taif, after being convicted of shooting dead Mohammed bin Safar al-Harithi following a dispute.

On 12 January 2016, Mishari bin Mohammed bin Hanif Al-Anzi was executed in the city of Riyadh after being convicted of shooting dead another Saudi during a dispute.

On 25 January 2016, Mohammed bin Awadh bin Ahmed Al-Zahrani, a Saudi national, was beheaded in Jeddah governorate for stabbing by a knife Riyadh bin Saeed bin Taher Al-Zahrani, a Saudi citizen, several times to death.

On 28 January 2016, Saudi national Owaidhah al-Saadi was executed in the region of Aseer after being found guilty of shooting dead another Saudi following a dispute.

On 1 February 2016, a Saudi murder convict, Ahmed al-Harbi, was executed in the city of Tabuk for stabbing and shooting Fahed al-Balawi during a quarrel.

On 2 February 2016, Saudi national Mosaïd al-Shahrani was executed in the city of Abha for the fatal shooting of Saudi fellow Hamad al-Shahrani with an automatic weapon after an argument.

On 23 February 2016, Saudi national Mufrih bin Ahmed Khamis was put to death in the city of Abha for kidnapping and trying to rape his employer. He worked as the victim's driver, and a court found that he consumed alcohol before abducting her and her baby.

On 1 March 2016, Saudi national Kassadi Atoudi was put to death in the region of Jazan following his conviction for murder.

On 6 March 2016, Saudi national Alaa al-Zahrani was put to death in the city of Jeddah for killing fellow Saudi Abdullah al-Sumairi with a rock to the head.

On 13 March 2016, Saudi national Hadian al-Qahtani was executed after being found guilty of shooting dead Abdullah al-Qaoud following a dispute.

On 16 March 2016, Omar al-Rabie was executed after being found guilty of shooting to death his fellow Saudi citizen Ghanem Salem in a dispute.

On 17 March 2016, Saudi national Ahmed al-Zahri Aseeri was executed in the region of Asir for stabbing a compatriot to death following a dispute.

On 23 March 2016, Abdullah al-Harbi was executed in Buraidah after being convicted of murdering a Saudi compatriot in the province of Al Qassim.

On 24 March 2016, a Saudi citizen, Turki bin Minahi bin Thafer Al-Saad Al-Qahtani, was executed in Dammam after being found guilty of killing Saudi national Ghanim bin Mohammed bin Ghanim Al-Qahtani by shooting him during a fight.

On 30 March 2016, Saudi Arabia executed two citizens convicted of murder in Najran. Dhafer and Hussein al-Mutliq were found guilty of killing fellow Saudis Azeb and Mahdi al-Moamer in a dispute between the two families.

On 31 March 2016, Saudi national Mohammed al-Khaweir al-Qahtani was beheaded in the city of Abha for shooting dead a compatriot, Hussein al-Shayeb al-Qahtani, following a dispute.

On 4 April 2016, Saudi Arabia executed two citizens for murder in al-Kharj, near the capital Riyadh. Baddah al-Dusari was found guilty of killing Saudi national Abdullah al-Qahtani by repeatedly running him over. Mansur al-Azuri was convicted of stabbing to death fellow citizen Saad al-Subaiee following a dispute.

On 20 April 2016, Saudi national Suleiman bin Ali bin Hassan Al-Muqaadi was executed in the Mecca region for fatally stabbing a fellow Saudi, Ali bin Kedhr bin Kedhr Al-Zaili, following an argument.

On 1 May 2016, Saudi national Saad al-Zahrani was executed in Jeddah for shooting dead a fellow Saudi in a dispute.

On 4 May 2016, Saudi national Mufreh Al Harissi was beheaded out in the Jazan province for stabbing to death a fellow Saudi during a dispute.

On 10 May 2016, Saudi national Mohsen al-Dosari was executed for stabbing to death another Saudi man following a dispute.

On 24 May 2016, Saudi national Imad al-Assimi was put to death in Riyadh for shooting dead a compatriot in a dispute.

On 17 July 2016, Fahd al-Hasni, a Saudi, was put to death in the holy city of Mecca, after being convicted of stabbing dead a fellow citizen.

On 19 July 2016, Saudi citizen Ali bin Mohammed bin Ali Al-Jaber Asisi, who was found guilty of stabbing a fellow tribesman to death, was executed in the region of Asir.

On 20 July 2016, Hassan bin Mubarak al-Amri was executed in the city of Qunfudah for stabbing to death fellow Saudi Jahran al-Issa following a dispute.

On 21 July 2016, Ayed al-Shaibani was executed in Riyadh after being found guilty of killing fellow Saudi following a dispute.

On 23 July 2016, Saudi national Fahad Abdulhadi al-Dusari was executed in Riyadh province after being found guilty of shooting dead fellow Saudi Mubarak bin Mohammed al-Dusari following a dispute.

On 24 July 2016, four Saudi citizens – Abdullah al-Quathami, Mataab, Mohammed al-Quathami and Nayef al-Quathami – were executed for killing six members of their tribe, following a land dispute. The four, including three brothers, were executed in the city of Taif.

On 25 July 2016, Saudi Arabia executed two convicted murderers in two different cities. Fahd al-Ishan was executed in the Jawf region for stabbing to death another Saudi citizen. Another Saudi citizen, Mohammed al-Shahrani, was beheaded in the region of Assir after he was convicted of shooting dead another Saudi national.

On 18 August 2016, Saudi Hamad bin Mohammed Al-Qahtani was executed in the city of Abha for shooting to death a compatriot, Mesfar bin Ayedh Al-Qahtani, in a fit of rage, reported local Arabic daily *Al-Riyadh*.

On 24 August 2015, Abdulla bin Mohammed Al-Dosari was executed in the Governorate of Al-Ahsa'a for murdering a compatriot, Mushea bin Hassan Al-Dosari, following a heated argument, reported local Arabic daily *Al-Riyadh*.

On 25 August 2016, Saudi national Waqyan bin Shaaf bin Haza'a Al-Dosari was executed in Riyadh for murdering a compatriot, Mohammed bin Mubarak bin Fahd Al-Qarini, following a heated argument.

On 29 August 2016, Saudi national Abdulrahman bin Qabih Bin Maidh Al-Malki Al-Bajali was executed in Mecca for stabbing to death compatriot Bandar bin Mohammed bin Jubair Al-Malki Al-Bajali in a fit of rage.

On 30 August 2016, Saudi Sultan bin Dhaifallah bin Sakhri Al-Enzi was executed in the Governorate of Al-Ahsa'a for murdering his compatriot, Majid bin Ashawi Al-Shammari, due to a heated argument.

On 1 September 2016, Saudi national Ibrahim bin Mohammed bin Ibrahim Asiri was executed in the Governorate of Mahayel Asir for stabbing to death compatriot Khalid bin Ahmed bin Yahya Asiri.

On 21 September 2016, Saudi national Hassan bin Jabran bin Ibrahim Faloq was executed in Riyadh after he was convicted of murdering his wife Qanaa bint Mohammed bin Abdulla Al-Sahli, stabbing her once in the back with a knife.

On 28 September 2016, Saudi national Saqr bin Shawi bin Meklhaf Al-Saadi Al-Sulbi was executed in the Governorate of Rafha for stabbing to death his compatriot Talal bin Saad bin Farhan Al-Saadi following a heated argument.

On 3 October 2016, Saudi national Menahi bin Mohammed bin Menahi al-Saadi was executed for murder, reported capitalpunishmentuk.org website.

On 4 October 2016, Saudi national Mohammed bin Salman bin Suleiman al-Rahili was executed for murder, reported capitalpunishmentuk.org website.

On 9 October 2016, Saudi Mohammed bin Hadi Al-Atef was beheaded for killing a compatriot in the province of Najran. He was convicted of stabbing Abdulla bin Hassan Al-Dashel to death during a violent brawl.

On 12 October 2016, Saudi national Ayed bin Sahman bin Muzawem Al-Hablani Al-Enzi was executed in the eastern province for stabbing Nawaf bin Sayer bin Akeel Al-Enzi to death and dumping his body in an abandoned well.

On 18 October 2016, Saudi national Saad bin Ahmed bin Saad Al-Shemrani was executed for abducting and raping a girl in the Governorate of Al-Qatif.

On 18 October 2016, Saudi Arabia executed a member of the royal family for murder. Prince Turki bin Saud al-Kabir was put to death in the capital Riyadh for shooting dead Adel Al-Mahemid, a Saudi, in an exchange of gunfire following a dispute at a camp on the edge of Riyadh in December 2012.

On 26 October 2016, Saudi national Mohammed bin Ali bin Ahmed bin Musa Asiri was executed for murder, reported capitalpunishmentuk.org website.

On 27 October 2016, Saudi national Nawaf bin Hamad bin Salim Al-Hammali was executed for murdering his compatriot, Sultan bin Saad bin Fuhaid Al-Khanfari Al-Qahtani, during a heated argument in Dherma.

On 10 November 2016, two Saudi nationals, Ornan bin Fahghush bin Ornan al-Jaligham al-Qahtani and Talal Abdullah Mohammed al-Handi, were executed for murder, reported capitalpunishmentuk.org website.

On 16 November 2016, Farhan bin Salem bin Salem Al-Nikhaifi Al-Malki, Saudi national, was executed in the city of Jazan in retaliation of killing his close relative Ahmed bin Salem bin Yahya Al-Nikhaifi Al-Malki, by shooting him several times to death.

On 17 November 2016, Saudi national Mohammed bin Manembin Hussein al-Mahri al-Yami was executed for murder, reported capitalpunishmentuk.org website.

On 18 November 2016, Saudi national Munira bint Zuweid Al-Hadhli was executed in the city of Mecca for killing her husband. The woman was charged and convicted of setting fire to her sleeping husband. She confessed to locking the door of the room to prevent her husband from escaping the flames.

On 23 November 2016, Saudi national Nawaf bin Ayed bin Awadhal-Baqami was executed for murder, reported capitalpunishmentuk.org website.

On 30 November 2016, two Saudi nationals, Abdullah bin Jawdallah bin Abdullah al-Hanitti and Ahmed bin Osaf bin Salimal-Attawi, were executed for murder, reported capitalpunishmentuk.org website.

On 8 December 2016, Saudi national Al-Fadea bin Shafi bin Muslam Al-Dosary was executed in the province of Najran for murdering two compatriots. The Criminal Court convicted him of fatally shooting Abdulla bin Ali Al-Ghammdi and Mehanna bin Faisal bin Nasser Al-Otaibi due to a dispute.

On 11 December 2016, Saudi national Hassan bin Ali bin Ibrahim al-Qasemi was executed for murder, according to capitalpunishmentuk.org.

On 13 December 2016, Saudi national Awadh bin Maayedh bin Saad al-Ghawari was executed for murder, according to capitalpunishmentuk.org.

Il 19 dicembre 2016, il cittadino saudita Majid bin Abdulla bin Humood Al-Otaibi è stato giustiziato a Riad per aver ucciso a coltellate a seguito di un

December 2016, Saudi national Majid bin Abdulla bin Humood Al-Otaib was executed in Riad for murder of Badr bin Humood bin Nuwaishi Al-Otaibi, according to capitalpunishmentuk.org.

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, or they may cause instant death, nor too small to 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.

Stoning still happens today. There are 17 countries in which stoning is either practiced *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 September 2016, article 126 of the penal code of **Sudan** has amended and stoning for adultery has changed with hanging.

In 2016, no “legal” stoning has been recorded.

However, extra-judiciary sentences by stoning were carried out in in **Syria** and **Iraq** by the predominantly Sunni jihadist group called *Islamic State* (IS), and in **Yemen** by *Al-Qaeda*-linked Islamists.

Extra-judiciary executions by stoning were carried out in **Syria** and **Iraq** by the *Islamic State*. As part of its continued campaign of terror, the group publicly executed hundreds of men accused of homosexuality, by stoning and throwing them off buildings. On 23 February 2016, two teenage girls, identified as Hasna, 17, and Madiha, 16, were stoned to death by ISIS after being accused of committing adultery, while the two men they were with escaped with just a beating. The execution took place in the Hamidiya district of Deir ez-Zor, **Syria**, where hundreds of people gathered to witness the stoning. The ISIS-led Sharia Court released a statement claiming the girls were seized in a house “with two strangers”, identified as Abu Zubair al-Idlbi and Maher Hameed, who were publicly flogged with 50 lashes and

then set free. On 23 May 2016, a 15-year-old boy, identified as Jamal Nassir al-Oujan, was stoned to death by Islamic extremists in Jaradiq square in the Mayadin city, Syria, for the ‘crime’ of being gay. The boy, was arrested by the ISIS-led Islamic police and, after a short trial, the Sharia Court found him ‘guilty’ of sodomy and ruled he should be killed by stoning. Some civilians were forced to participate in stoning the victim. In Iraq, In January 2016, a man was thrown to his death in the Iraqi city of Rawa, after being accused of homosexuality. He was led to the top of a tall building while a crowd gathered below. On 11 February 2016, four women were stoned to death by ISIS militants in front of a crowd in the city of Mosul, in Iraq, for having “committed adultery.” On 23 February 2016, two teenage girls, identified as Hasna, 17, and Madiha, 16, were stoned to death by ISIS after being accused of committing adultery, while the two men they were with escaped with just a beating. The execution took place in the Hamidiya district of Deir ez-Zor, Syria, where hundreds of people gathered to witness the stoning. On 23 May 2016, a 15-year-old boy, identified as Jamal Nassir al-Oujan, was stoned to death by Islamic extremists in Jaradiq square in the Mayadin city, Syria, for the ‘crime’ of being gay. On 9 June 2016, the Islamic State stoned an Iraqi woman to death in al-Tahrir district in the city of Mosul, after the Sharia Court convicted her of committing adultery. On 16 June 2016, four married men were stoned to death after being accused of adultery. The images of the execution show blindfolded prisoners praying on the floor next to a pile of rocks before they are executed somewhere near the Tigris river in Iraq. On 23 July 2016, in the Kirkuk stronghold, Iraq, ISIS militants publicly executed an Iraqi man accused of being gay by throwing him from a rooftop. He was thrown off a roof in front of dozens of people, who threw stones at the man’s body after he hit the ground. On 7 September 2016, in the city of al-Bukamal in Syria’s Deir ez-Zor province, militants of the Islamic State stoned 22-year-old man Ali al-Alian al-Shiwesh to death after accusing him of committing adultery. Dozens of people gathered in al-Bukamal’s central square, where ISIS militants also forced a number of civilians to participate in stoning the young man. On 8 October 2016, the Islamic State executed a 32-year-old woman in Mosul city after accusing her of “committing adultery.” Dozens of people participated in stoning the woman. Informed sources in Mosul told ARA News that the woman was sentenced to death for refusing to marry an ISIS jihadi.

On 4 January 2016, a woman was stoned to death in **Yemen** after being accused of adultery and prostitution by an *Al-Qaeda* Sharia court. The married woman was reportedly killed in a public execution in Al Mukalla, a city under the control of *Al-Qaeda in the Arabian Peninsula* (AQAP) since April 2015. *Al-Qaeda* militants placed the woman in a hole in the middle of the courtyard of a military building and stoned her to death in the presence of dozens of residents, according to an eyewitness report. A copy of the purported verdict issued by a local Sharia court set up by the militants in December, said the married woman had confessed in front of the judges to committing adultery. The verdict said the woman also admitted that she practised prostitution. She also confessed to smoking hashish, it added. The verdict said the woman was sentenced to be stoned to death for committing adultery as a married woman and eighty lashes for consuming hashish.

SAUDI ARABIA

Saudi Arabia's laws include stoning to death but the penalty has not been executed for many years.

On 13 June 2016, Mohammed Al Zahrani, ex-director of the Saudi prisons department, said many people had been sentenced to death by stoning in the past years for committing major crimes in line with the law but none of them has been stoned. He said many sites had been prepared for stoning at cemeteries in Riyadh and other cities in the past years but none of them has so far been used. "The reason is that they retract their confessions before the execution of the sentence," he told the Saudi Islamic TV channel Al-Resala. "This is because Islam gives a chance to these convicts before they are stoned. They are informed that they can avoid being stoned if they change their statements and all of them have done so just before they were stoned."

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. Under Article 132, paragraph 3, a man or a woman can be stoned to death for multiple extramarital affairs. In addition, under article 225, if a court and the head of the judiciary rule that it is "not possible" in a particular case to carry out the stoning, the person may be executed by another method if the authorities proved the crime on the basis of the eyewitness 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 car-

ried 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 was carried out on 5 March 2009 on a man condemned of adultery.

Since 2015, at least two women convicted of adultery have been sentenced to stoning, according to the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, Ahmed Shaheed, submitted to the UN General Assembly on 30 September 2016. On 7 July 2016, the Government asserted that the judiciary had converted these sentences to other punishments and that no stoning sentences had been carried out in the country in recent years. However, the Government noted that criminalization of adultery is consistent with its interpretation of Islamic law and that stoning is an effective deterrent.

AFGHANISTAN

On January 4, 2004, after three weeks of ferocious debate, the 502 members of the Loya Jirga – or grand council - adopted a new constitution. The 160 articles make no explicit reference to Sharia law, but 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). However, another constitutional provision, article 27, requires the existence of an approved law for the qualification and punishment of a crime, and it may be argued that the Islamic provisions on death penalty are not approved laws.

Afghanistan’s Penal Code dates back 1976 and at art 1 includes death penalty for adultery and sex relations between people of the same sex. . The Government is drawing up a new one to unify fragmented rules and cover crimes missed out when the last version was written. As part of the process, in November 2013, a committee tasked with looking at Sharia law came up with a new draft of the country’s Penal Code concerning “moral crimes”. The Justice Ministry’s working group recommended that if a couple is found by a court to have engaged in sexual intercourse outside a legal marriage, both the man and woman shall be sentenced to “[s]toning to death if the adulterer or adulteress is married.” If the “adulterer or adulteress is unmarried,” the sentence shall be “whipping 100 lashes,” according to the draft. The provisions stated that the “implementation of stoning shall take place in public in a predetermined location.” But after several days of silence in the face of growing international outcry, the Justice Ministry said in a statement that although stoning had been proposed it would not appear in the new legislation because there was “no need to regulate the issue.” The country’s Penal Code already encompasses Sharia law, but some controversial aspects of traditional punishments such as stoning have never been put on the books in Afghanistan. On 28 November 2013, President Hamid Karzai said in an interview that the grim penalty, which became a symbol of

Taliban brutality when the group was in power, would not be coming back. “It is not correct. The Minister of Justice has rejected it,” he told Radio Free Europe, days after the UK Minister Justine Greening urged him to prevent the penalty becoming law. In fact, since the end of the Taliban regime, in Afghanistan no judicial death sentences have been issued for crimes, such as adultery and apostasy, which are foreseen by Islamic principles and have no correspondence in positive laws. Despite the ousting of the Taliban, the influence of religious conservatives over the judicial system is still very strong. The infamous “Ministry for the Promotion of Virtue and Prevention of Vice”, the Taliban’s ruthless religious enforcement agency, has not been abolished, although it has lost its ministerial status and it is now known as the Department of Islamic Instruction.

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 2016, in **Iran, Kuwait, 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.

On 27 December 2003, after a favourable verdict issued by supreme leader Ayatollah Ali Khomeini, a law went into effect launched by Parliament in January that guaranteed non-Muslim minorities the right to the same “blood money” as Muslims, which currently corresponds to 442 million riyals (about 36,000 USD). The blood money for the life of a woman continues, however, to be one half of that of a man.

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 unrecognized 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. According to the Iranian judiciary, the number of “forgiveness” cases in the Iranian year 1392 (20 March 2013- 20 March 2014) and 1393 (20 March 2014 to 20

March 2015) were 375 and 395 respectively. The same source announced the number of forgiveness cases in the first six months of the new year (20 March 2015 to 20 September 2015) to be 251. As for the execution numbers, not all the forgiveness cases are announced by the Iranian media. In 2015, at least 262 people on death row for murder were forgiven in Iran compared to 207 convicts executed for such crimes, according to *Iran Human Rights*.

Celebrities in Iran have joined a campaign to save the lives of convicts on death row, encouraging families of victims to choose forgiveness over retribution. In June 2016, on the fourth night of Muslim holy month of Ramadan, a major charity event held at Tehran's Koroush cinema, which was aimed at raising money for the families who are trying to secure a pardon, attracted several athletes and artists, including Shahab Hosseini who won the best actor award at 2016 Cannes film festival, as well as actor Mahtab Keramanti and the country's Vice-President for Women Affairs, Shahindokht Mowlaverdi.

On 14 September 2016, juvenile offender Rauf Hasani, on death row in Saqqez Central Prison for murder, was saved from execution after victim's family agreed to forgive him "on the condition that he moves out of Saqqez and that he can only return in the event of a funeral for one of his immediate family members," a source close to Rauf told *Iran Human Rights*. The Hasani family agreed to the condition and the presiding judge confirmed it.

KUWAIT

Although the death penalty is permitted under the Islamic *Sharia*, it is restricted to cases involving capital crimes and is subject to numerous checks and controls, including the consent by the victim's family and final approval by the country's Amir.

As of 14 August 2016, there were thirty-six prisoners, including six women, who were sentenced to death, reported *Al-Shabed* daily. These people were convicted of various charges like premeditated murder, drug trafficking, kidnapping and rape. It has been reported that their relatives tried to settle with the families of the victims but their efforts were in vain.

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.

Pakistan lifted a moratorium on capital punishment in terrorism cases following the 16 December Taliban-perpetrated massacre at a military-run school in Peshawar in which 150 people, including 134 children, were killed.

In 2016, at least **87** people, including **7** convicted terrorists, were executed across the country and 360 new death sentences were issued..

However, dozens of death row inmates were spared after they were pardoned by the victims' families.

On 8 February 2016, the hanging of Muhammad Salman was stayed in the District Jail of Attock, after the victim's relatives pardoned him. The convict had shot dead jeweller Fazal Mehmood during a robbery attempt in 2001.

On 11 February 2016, the hanging of Muhammad Azad was stayed at Kot Lakhpat Jail in Lahore after the complainant had forgiven him. He was sentenced to death in 2001 for killing a minor girl.

On 23 February 2016, the execution of Ghulam Murtaza in the Central Jail of Sahiwal was postponed after the two rival parties reached a settlement.

On 15 March 2016, the execution of a convict was postponed after the rival parties reached an agreement. Hameed Akhtar had killed a man named Nisar over an old enmity.

On 5 April 2016, the execution of Farrukh Shahzad at the Kot Lakhpat prison in Lahore was postponed after the rival parties reached an agreement.

On 14 April 2016, the execution of a prisoner named Humayun was stopped in Haripur central jail after the two sides struck a compromise. Humayun had killed his father in year 2006. The executions of two more convicts were also deferred in Gujrat and Faisalabad prisons jail. In Gujrat death row prisoner Arshad reached to a compromise deal with the family of the victim. In Faisalabad Central Jail, death row prisoner Nadeem alias Deema and the aggrieved family were agreed over a compromise. The convict had killed a man over a dispute 11 years before.

On 3 May 2016, the execution of Haq Nawaz was halted in Jhang's prison after reconciliation with the victim's family. He had murdered his mother in law back in 2001 over a family dispute.

On 26 December 2016, Ghulam Abbas Suhani had to be hanged on December 27 but the execution was stopped today, just one day ahead of the due date, as the elders of the area brought both the parties to the table and helped them settle to a reconciliation, reported Daily Dunya. According to details, Saleem Suhani had murdered Ghulam Abbas Suhani's elder brother Mohammad Ramzan. Saleem was jailed for this murder but when his brother Fauji Muhammad Esa went to DG Khan, Ramzan's younger brother Ghulam Abbas murdered him inside the court. He also presented himself for arrest. The court sentenced him to death and the sentence was to be carried out on December 27 but the family members and elders of the community helped them reconcile. Ghulam Abbas's family paid Saleem's family with Rs 16.5 million, which is equal to the price of 100 camels, according to Sharia. Local MPA Javed Akhtar Lund, Chairman Rehan Khan Lund, Maulana Umar Mujahid and Mumtaz Sukhani played a critical role in the reconciliation.

SAUDI ARABIA

In Saudi Arabia, numerous cases involving “blood money” were resolved positively thanks to the Saudi Reconciliation Committee (SRC), a nation-wide organization 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 *Djya*. Since its establishment in 2008 and as of March 2015, the committee dealt with more than a thousand cases involving convicted murderers who were sentenced to death and was able to secure pardons in 309 of them, said Nasser Bin Mesfir Al-Zahrani, the committee’s chairman.

In September 2011, Saudi Arabia decided to triple *Djya*, 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 *Djya* 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 *Djya* 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.

On 10 March 2016, a Saudi man convicted of killing another citizen was saved from execution in the last minute after the victim’s relatives accepted blood money and pardoned him. Mohammed Al Sayari had just been taken for beheading in a public place when a new court order arrived, the Arabic language daily Ajel said. It said the execution was delayed for two weeks after the victim’s family agreed that the killer’s relatives pay 36 million rials (about 9,600,000 USD) for pardon.

On 16 May 2016, the relatives of an Asian man who was killed by a Saudi during a fight agreed to pardon the murderer at the request of a royal figure after they turned down previous mediations for five years. The family of Manzoor Mohammed Nazeer, who was killed in 2011 by Mashaal Al Qirhsi, said they agreed to pardon the killer at the request of Prince Khalid Al Faisal bin Abdul Aziz, the Emir of Makkah, after rejecting all previous medication bids.

On 27 July 2016, two Saudi millionaires donated 225,000 Saudi riyals (59,980 USD) to pay the blood money for a Filipino driver convicted of killing an Indian man. The Filipino was driving a van on the road in the central Al Rass town when he hit the pedestrian, killing him instantly.

On 31 October 2016, after 15 years on the death row, a Chadian prisoner was released due to the efforts of the National Human Rights Society. Bashir Al-Ghali was sentenced to death for murdering a Sudanese man, a shepherd, during a fight. The family of the prisoner reached out to the National Human Rights Society imploring them to seek the forgiveness of the victim’s family. The Society was able to contact the father of the victim who was in Sudan. He used to work in Jeddah, also as a shepherd, but had left for his country after the death of his son. The National Human Rights Society brought the father of the victim to Kingdom and were able to complete the necessary

procedures to release the prisoner. The President of the National Human Rights Society offered to pay for all of the expenses and told the father that a donor was willing to give him a check of SR300,000 for the release of the prisoner. The victim's mother had already told the father to not to accept any money as blood money for her son. The father said he had to contemplate a lot about forgiving the prisoner after 15 years of being on death row. He prayed for an answer from Allah and eventually decided to forgive the prisoner without accepting any blood money. Bashir Al-Ghali spent a third of his life in the prisons of Jeddah where he was able to memorize the Holy Qur'an and the Prophetic sayings during his incarceration.

On 28 December 2016, Limbadri, an Indian worker, never had it in his wildest dreams that he would escape death sentence especially after he had spent eight years behind bars waiting for execution. He thought his head would be separated from his body in an implantation of a court rule which sentenced him to capital punishment after killing a Saudi during a fight. With the date of execution coming closer, Awad bin Guraiah Al-Yami, a Saudi businessman, intervened with the family of the victim to pardon the killer offering them SR1.3 million as diyah (blood money). Yami's good offices were fruitful when the family accepted the blood money and pardoned the murderer. The court endorsed the pardon and the Indian worker is now waiting to be released from prison. The Indian was working in a farm in Najran.

UNITED ARAB EMIRATES

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 *dirham* (about 54,450 USD).

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.

On 19 May 2016, Dubai based Indian businessman SP Singh Oberoi claimed to have got released 11 Indian Punjabi youths and four Pakistanis from Abu Dhabi jail. Oberoi said all these youths, who were arrested on charges of attacking and killing a Pakistani youth, were facing capital punishment and were released after his international charitable trust named "Sarbat Da Bhala", which means "May everyone be blessed", paid the 'blood money' of 33.36 Lakh Indian rupees (about 50,000 USD) to the family of deceased. Oberoi said the trust managed to get released 74 youths facing capital punishment in various jails of the Middle East. Of these 74 youths include 51 Punjabi, 11

Pakistanis, five Bangladeshi and one girl. He said the parents of these youth had contributed some money and the rest of the funds were provided by the trust.

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 Mohamed, other prophets or the Holy Scriptures.

According to the report *Freedom of Thought 2016*, 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 offense), Maldives, Mauritania, Nigeria (only in twelve predominantly Muslim northern States), Qatar, Saudi Arabia, Sudan, United Arab Emirates, and Yemen.

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 June 2012, Kuwait’s Emir refused to sign a bill passed by Parliament stipulating the death penalty for blasphemy.

In another five 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 *Islamic State of Iraq and the Levant* (ISIL), now known as *Islamic State* (IS), in Libya, Syria and Iraq.

In 2016, death sentences for apostasy, blasphemy and witchcraft were imposed in **Mauritania**, **Nigeria**, **Pakistan** and **Saudi Arabia**. In 2016 no death sentence was issued in **Iran** for these “crimes” but again in 2017.

Sudan increased penalties for blasphemy and continued to prosecute those accused of apostasy.

MAURITANIA

High treason, premeditated murder, torture and acts of terrorism are capital crimes in Mauritania, although the last executions took place in 1987, when three armed forces officers sentenced to death by the State Security Chamber for plotting to overthrow the regime were put to death.

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 2016, no execution neither death sentence has been recorded. Seventyseven

people, including 11 foreign nationals, were under sentence of death at the end of the year, according to Amnesty International.

On 21 April 2016, an appeal court upheld the death sentence of a blogger accused of blasphemy. Cheikh Ould Mohamed Ould Mkheitir was initially handed the death sentence in 2014 on charges of “apostasy”. However, the appeal court downgraded the charge from apostasy to the lesser charge of being an “infidel” after the blogger repented. He was arrested in 2014 after uploading an article onto the internet that authorities considered blasphemous.

On 3 November 2015, in its response to the recommendations received under the Universal Periodic Review of the UN Human Rights Council, Mauritania rejected those to establish a moratorium on the use of the death penalty, abolish the death penalty and ratify the Second Optional Protocol to the ICCPR.

On 19 December 2016, Mauritania abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

NIGERIA

Twelve states in the mainly Muslim northern Nigeria have Sharia courts, which run parallel to state and federal justice system. Sharia courts have handed down death sentences for various “crimes”, including blasphemy, adultery, murder and homosexuality since they were set up in the early 2000s. But to date, no executions have been carried out.

On 5 January 2016, a very popular preacher, Abdulaziz Dauda, was sentenced to death by hanging after a Kano upper Sharia court found him guilty of blasphemy against Prophet Mohammed. The verdict ended nine months of secret trial of the cleric who is popularly known as Abdul Inyass. Inyass and 13 others were arrested in May 2015 during a religious function in Kano. An Upper Sharia court in Rijiyi Lemu had in June 2015 sentenced eight Inyass’ accomplices, including a woman, to death, but cleric’s sentence was delayed. Abdul Inyas, Hajiya Mairo Ibrahim and 10 others were accused of making blasphemous statements against the Prophet of Islam at a religious gathering in honour of Sheik Ibrahim Inyass at Dala area in Kano. The controversial Sheik Abdul Inyass is of Haqika (Realist) group, a mystical branch of Tijjaniyya movement with its headquarters in Senegal.

PAKISTAN

The death penalty is imposed in Pakistan for several crimes, including capital offences under *Sharia* Law, such as blasphemy and sexual relations between partners not married to each other.

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. Under section 295-C of the Penal Code: “Whoever by words, either spoken or written, or by visible rep-

resentation or by any imputation, innuendo, or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (peace be upon him), shall be punished with death or imprisonment for life, and shall also be liable to fine.”

Since Zia’s rule, many hundreds of people have been prosecuted under the blasphemy law. No one has been put to death for a blasphemy conviction and most death sentences for blasphemy are overturned on appeal by higher courts. But 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. At least 48 people accused of blasphemy have been extra-judicially killed, including seven in prison or outside court, according to Pakistan-based human rights group *Life for All*.

Not only Christians, but also the nation’s Shiite Muslim minority has been victimised by extremist Sunni Muslim groups for years. Members of the smaller *Ahmadi* sect, viewed by most Pakistanis as traitors to Islam because they revere another prophet in addition to Muhammad, have been frequent victims of suicide bombings, kidnappings and other attacks.

Besides being used as a tool to bully Christians, Ahmadis or other minorities, the law against blasphemy is often used by some Pakistanis embroiled in property disputes. Usually, evidence in blasphemy cases is scant, apart from the accounts given by the accusers.

On 27 June 2016, an Anti-Terrorism Court in Gujranwala sentenced Christians Anjam Naz and Javed Naz, and Muslim Jafar Ali to death for blasphemy. Mohammad Tanveer, a police official, said that initially Anjam Naz, complaining that Javed Naz and Jafar Ali had already blackmailed Rs. 20,000 from him and were now seeking an additional Rs. 50,000, had lodged the case. “When police arrested Javed and Jafar on 15 May, they recovered an audio recording of Anjam committing blasphemy,” he added. “We also recovered the recorded audio from Jafar’s possession and found that he and Javed were blackmailing Anjam by threatening to release the audio to the public if he did not pay them.” Tanveer said that police then also took Anjam into custody and lodged a blasphemy case against all three accused.

IRAN

In Iran, apostasy and blasphemy are both outlawed and punishable by death. It is illegal for Muslims to convert to Christianity, although Christians are allowed to convert to Islam.

The approval of the new Islamic Penal Code (IPC) in 2013 might lead to more death penalties for apostasy. Apostasy is not explicitly mentioned in the new IPC. However, the new law makes it easier for judges to issue the death penalty for apostasy because Article 220 of the new Code states: “*If the present law is silent about any of the Hudud cases, the judge is referred to article 167 of the Constitution.*” Article 167 of Iran’s Constitution explains: “The Judge is bound to attempt to rule on each case,

on the basis of the codified law. In case of the absence of any such law, he has to deliver his judgment on the basis of official Islamic sources and authentic *fatwa*. He, on the pretext of the silence of or deficiency of the law in the matter, or its brevity or contradictory nature, cannot refrain from admitting and examining cases and delivering his judgment.” The reference to article 167 was previously made in the Civil Code but now it is also included in the Penal Law.

On 24 March 2017, Iran’s supreme court upheld a death sentence for a young man in Arak, central Iran, after he was found guilty of “insulting the Prophet Muhammad” on the Internet. Sina Dehghan was under interrogation and put on trial without access to legal representation. The public lawyer failed to present a proper defense, according to an informed source. Under article 262 of the Islamic penal code, those who insult Muhammad or Allah are to be executed. However the next article clearly stipulates that the court should commute the death sentence to 74 lashes in a case that the defendant admits his/her insulting the Prophet was a reaction of anger. Dehghan, 21, was arrested in October of 2015 by Iran’s Revolutionary Guards (IRGC) after writing critical articles against Islam and the Quran. He was then transferred to Arak Prison in which he has been imprisoned alongside violent offenders. He was severely beaten by these inmates, leaving him severe facial injuries. Sina has repeatedly repented and regretted the “crime” he committed at age 19, and says everyone can make a mistake but do not deserve to be executed, the source added.

Two other defendants in this case are identified as Sahar Eliasi from Tehran and Mohammad Nouri from Arak, both sentenced to 16 months behind bars for “insulting the Supreme Leader.” However, Nouri was subsequently sentenced to death for “insulting the prophet” and Mrs. Eliasi was sentenced to seven years in prison for “insulting sanctities.”

SAUDI ARABIA

Dozens of people are arrested each year on charges like witchcraft, recourse to supernatural beings, black magic and fortune telling. These practices are considered polytheistic and severely punished according to *Sharia* law.

In March 2012, Saudi Arabia decided to bolster its religious police unit specialized in arresting magicians within its war on sorcery. The crime of “sorcery” is not defined in Saudi Arabian law but there have been reports of cases involving all forms of black magic, including: dowsing, exorcism, money cloning, fortune tellers, healers, bone-setters, makers of potions, herbalists, palmists, animal callers, alchemists, psychics, and empathy.

In November 2014, the Saudi Arabian government decided to impose the death sentence on anyone who attempts to import “all publications that have a prejudice to any other religious beliefs other than Islam.” In other words, anyone who attempts to bring Bibles or Gospel literature into the country will have all materials confiscated and be imprisoned and sentenced to death.

Several persons accused of witchcraft have been executed in Saudi Arabia in the past few years.

On 2 February 2016, a Saudi court in the city of Abha overturned a death sentence against Ashraf Fayadh, a Palestinian poet convicted of apostasy, giving him eight years in prison instead. Fayadh was also sentenced to 800 lashes, in sessions of 50 lashes. The poet must repent through an announcement in official media. A lower court in November 2015 issued the rare death sentence for apostasy, apparently after an appeal. That decision overturned another court ruling in 2014 sentencing Fayadh to four years' prison and 800 lashes. The complaint against Fayadh stemmed from a cultural discussion group at a cafe in Abha. His conviction was based on evidence from a prosecution witness who claimed to have heard him cursing God, Islam's Prophet Mohammad and Saudi Arabia, and the contents of a poetry book he had written. One man claimed he heard Fayadh say things against God, while a religious scholar accused Fayadh of blasphemy in a volume of poetry he had written a decade previously.

On 30 November 2016, a Saudi man has been sentenced to the death penalty for publishing pictures on social media of a snowman whose resemblance to the prophet Mohammed caught the attention of Saudi authorities, reports the Gulf News this morning. Amir bin Said, a 24-year-old engineer student, posted his pictures of a bearded snowman on Instagram after Saudi Arabia was hit by freezing temperatures yesterday covering the desert with a powdery snow cover. Authorities have accused the young man of blasphemy and idol worshipping, crimes punishable by death according to Sharia law. *"The accused has committed an act of blasphemy and idol worship. He has insulted God, the prophet and our religion and will pay with his life accordingly to the Law"* said Malik El Shabiz, a Sharia court judge. A prominent religious scholar in Saudi Arabia had issued a fatwa last year against building snowmen in the kingdom, stating the practice is not acceptable to Islam. Mohammad Saleh Al Minjed said people must not build any snowmen or snow models of animals, according to Gulf News. Making snow models of soulless objects, such as women, ships, fruit and buildings, was apparently acceptable in Islam, the scholar 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."

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. Article 126 provides for the death penalty for any person found guilty of apostasy, a crime that is committed by any Muslim who advocates for the renunciation of the creed of Islam or publicly renounces his or her faith. The same article provides for the death penalty to be withdrawn if the defendant "repents" and "recants apostasy" before execution.

In February 2015, the National Assembly increased penalties for blasphemy under article 125 of the Criminal Code. Per the amended article, blasphemy is extended to include public criticism of the Prophet Mohamed, his household, his friends or Abu Bakr, Omer, Osman or Ali in particular, and his wife Aisha.

In September 2016 the penal code of Sudan was amended and stonig for apostaty has been changed with hanging.

The last known execution of a death penalty for apostasy in Sudan was performed in 1985 against the late Mahmoud Mohamed Taha, leader of the Republican Party of Sudan, who was convicted of apostasy owing to his political and religious beliefs, including his opposition to the application of Sharia law in Sudan.

DEATH PENALTY FOR JUVENILE OFFENDERS

The execution of people for crimes committed before 18 years of age is a breach of the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child (CRC). The CRC, which is the single most widely-ratified international human rights convention, in Art 37 (a) states: “Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age.”

In 2016, at least **8** juvenile offenders were executed: **5** in **Iran** and **3** in **Saudi Arabia**.

In the first six months of 2017, **Iran** executed **3** juveniles at the moment of crime.

In 2015, there were at least 9 executions of people under the age of 18 at the time of their crime, and they were carried out in Iran (3) and Pakistan (6). In 2014, at least 17, all only in one country, Iran. In 2013, at least 13 juvenile offenders had been executed in 3 countries: at least 9 in Iran; at least 3 in Saudi Arabia; and 1 in Yemen.

In addition, in 2016, juvenile offenders were sentenced to death in the **Maldives** and **Somalia** or were still on death row at the end of the year in **Bangladesh**, **Indonesia**, **Papua Nuova Guinea**, **Nigeria** and **Pakistan**.

Kuwait, has lowered the juvenile age from 18 to 16 starting from January 2017.

IRAN

Executions of child offenders continued into 2016, in open violation of two international treaties to which it is party, the ICCPR and the CRC, both of which outlaw the execution of people who had committed their crimes when they were under the age of 18. At least **5** possible minor offenders were executed 2016, two for murder, two for drug related crimes and one for rape (all cases reported by unofficial sources). In the first six months of 2017 another 3 juveniles have been hanged.

At least 17 juvenile offenders were hanged in 2014 and 3 in 2015.

The Abdorrahman Boroumand Foundation has documented at least 122 executions of juvenile offenders in Iran since the beginning of 2000 till 15 January 2017 when another juvenile, Arman Bahr Asemani, was hanged in Kerman Prison.

At least 90 people on death row in Iran are under the age of 18, said on 1 May 2017 a group of UN experts who are calling for authorities in the Middle Eastern nation to immediately put an end to the execution of those aged who were under 18 at the time of sentencing.

Three UN experts - Asma Jahangir, special rapporteur on the situation of human rights in the Islamic Republic of Iran; Agnes Callamard, special rapporteur on extra-judicial, summary or arbitrary executions; and, Benyam Dawit Mezmur, chairperson of the Committee on the Rights of the Child – said: “We are dismayed by the

unprecedented rise in the number of cases of execution of juvenile offenders in Iran,” the experts said in a statement. “The psychological suffering inflicted on adolescents kept languishing for years in prison under a death sentence is appalling, and amounts to torture and ill treatment.” The experts said six is the number of juvenile offenders scheduled for execution in Iran since January 2017, including the cases of two whose sentences have been carried out. They added that while the Iranian Government had assured the UN Committee on the Rights of the Child in 2016 that a 2013 amendment to the country’s penal code opening the possibility for juveniles sentenced to death to be allowed retrials would be systematically applies to all juveniles then on death row, “these promises have not been fulfilled”. “Any assumption that a girl over nine years old or a boy older than 15 can be considered mature enough to be sentenced to death, infringes on the very basic principles of juvenile justice and violates both treaties,” they said. “Furthermore, any death sentence undertaken in contravention of a government’s international obligations, notably its duty to establish a juvenile justice system in line with international human rights standards, is unlawful and tantamount to an arbitrary execution.”

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 in *Ta’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 offenses 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.

On 14 April 2016, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein expressed serious concerns about the large number of juvenile offenders reported to be on death row in Iran. He urged the authorities to ensure that no one is executed for offences committed under the age of 18, stressing that there is a strict prohibition against the execution of juvenile offenders in international human rights law, including in the International Covenant on Civil and Political Rights, which Iran ratified in 1975 and the Convention on the Rights of the Child, which it ratified in 1994.

On 13 January 2016, a prisoner, identified as Houshang Zareh, was hanged at Shiraz's Adelabad Prison on murder charges, reported the *Human Rights Activists News Agency* (HRANA). A close source who asked to be anonymous told Iran Human Rights that Zareh was under the age of 18 when he allegedly committed the murder for which Iranian courts sentenced him to death.

On 25 January 2016, two alleged juvenile offenders, identified as Khaled Kordi and Moslem Abarian, were hanged at Yazd's prison for drug trafficking, reported the *Baloch Activists Campaign*. A relative of Khaled Kordi confirms to Iran Human Rights that both prisoners were under the age of 18 at the time of their arrests.

On 1 April 2016, the Human Rights Activists News Agency (HRANA) reported that a juvenile offender, identified only as K. N., imprisoned at Sanandaj Prison, had been sentenced to death for a murder committed when he was 17 years and 9 months old. One of K. N.'s relatives told HRANA's reporter that he had killed a person he didn't know at all during a group brawl. A public lawyer was assigned for him and, in October 2015, he was sentenced to Qisas; however, this sentence was disclosed to him only long afterwards.

On 25 May 2016, a juvenile offender, identified as Mehdi Rajabi, was executed for murder at Rajaeeshahr prison in Karaj, reported the HRANA.

On 18 July 2016, Hassan Afshar, 19, was hanged in Arak's Prison in Markazi Province on 18 July, after being convicted of "lavat-e be onf" (forced male-to-male anal intercourse), Amnesty International has revealed on 2 August. Hassan Afshar was arrested in December 2014 after the authorities received a complaint accusing him and two other youths of forcing a teenage boy to have sexual intercourse with them. Afshar maintained that the sexual acts were consensual and that the complainant's son had willingly engaged in same-sex sexual activities before.

On 27 November 2016, *Iran Human Rights* obtained information about an 18-year-old juvenile offender detained in Sanandaj Prison who was sentenced to death by an Iranian court. Ayoub Shahbazi, who was born on 30 August 1998, was arrested by Iranian authorities in 2014 and charged with murder at the age of 16. "When Ayoub was a young child, he lost his father. Due to financial poverty, Ayoub was

unable to attend school and therefore is illiterate. From a young age, he was working with his mother cleaning people's homes. Four years ago, because he had no one to guide him, Ayoub became a drug addict. He ended up killing one of his own family members for money," a confirmed source told *Iran Human Rights*. In August 2016, *Iran Human Rights* published a report identifying seven juvenile offenders on death row.

On 15 January 2017, Arman Bahr Asemani was hanged in Kerman Prison along with a 23-year-old co-defendant, Shams Allah R. Born on 10 February 1997, Asemani was a legal minor at the time of the 2012 homicide for which he and Allah R. were arrested and charged. The Iranian press focused its coverage of the case on Allah R., the legal adult, with scarce reference to Asemani, reported the HRANA.

On 18 January 2017, Hassan Hassanzadeh, convicted of murder at age 15, was executed at Tabriz Prison, according to HRANA. He was reportedly jailed for about two and a half years before he was executed at the age of 18.

On 24 May 2017, a juvenile offender was hanged in the Central Prison of Karaj in the morning. The prisoner who is identified by a state run website as Asghar, was charged with a murder 30 years ago. At that time Asghar was 16 years old. According to the Iranian news website Namnak, Asghar had managed to escape 1,5 years after his arrest in late 1980's, but was again arrested one year ago. Iran Human Rights (IHR) calls for international condemnation of Iranian authorities' execution of juvenile offenders. Mahmood Amiry-Moghaddam, the spokesperson of IHR said: "Asghar is the third juvenile offender being executed in 2017. This is a clear violation of Iran's international obligations and must be condemned by the international community. We especially call on the European Union to resume their pressure on the Iranian authorities in order to stop juvenile executions".

SAUDI ARABIA

Saudi Arabia does not have a penal code and judges pass verdicts based on their own interpretation of *Sharia* law.

Saudi Arabia ratified the U.N. Convention on the Rights of the Child in 1996, which prohibits the death penalty and life imprisonment without parole as punishments for those under the age of 18 at the time of their crime. However, the Saudi authorities do not seem to take their assumed responsibilities on human rights through adherence to international treaties very seriously, because there is a huge divergence between the commitments made by Saudi Arabia for human rights and its daily reality.

Furthermore, the *Sharia* law of the Kingdom never imposes the death penalty on persons that have not reached the age of adulthood, and on the basis of the Regulations of Detention and the Regulations of Juvenile Detention Centres of A.H. 1395 (1975), that is defined as anyone under the age of 18. However, a judge could issue a death penalty against the accused if they felt that the offender had reached maturity, regardless of their actual age at the time of the crime.

In 2013, Saudi Arabia executed three people who were 17 at the time of their alleged crimes. In 2014 and 2015, no executions of juvenile offenders were recorded in the Kingdom.

In 2016, Saudi Arabia executed another three juvenile offenders.

On 2 January 2016, Saudi Arabia executed 47 people convicted of terrorism-related offenses, including 43 suspected members of *Al-Qaeda* and 4 Shiites, including Nimr al-Nimr, a prominent cleric and government critic from the country's Shiite minority [See Chapter "War on Terror"]. Human rights activists accused Saudi Arabia of executing minors among the 47 put to death: two men suspected of being part of *Al-Qaeda* and one Shia protester. *Reprieve*, the campaign group against torture and capital punishment, said that Ali al-Ribh, one of the four Shia executed, was only 17 during the time of the protests of which he was accused of taking part, between February and October 2011, though he had turned 18 when he was arrested at school on 12 February 2012. In addition, the website *Middle East Eye*, citing other activists, claimed that two of the *Al-Qaeda* suspects were arrested when juveniles. It said one, the lone Chadian national among them, was just 13 when he was captured in a round-up of what the authorities said was an *Al-Qaeda* training camp in 2003. Mustafa Abkar had lied to his parents and run away to what he thought was a Koran school in Mecca, according to a documentary aired on *Al-Arabiya* television channel, a Saudi-owned station. The other was a Saudi national, Mishaal al-Farraj, who was said to have been 17 when he was arrested in 2004, having joined *Al-Qaeda* after his father was killed in a police raid, the website said.

MALDIVES

Maldives is a State Party to two UN treaties, the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child, which forbid capital punishment for crimes committed by persons below 18 years of age.

In April 2014, detailed regulations on the implementation of the death sentence came into force in the Maldives. Under new rules adopted by the Government, death sentences can now be handed down for murder even if the defendant is aged fewer than 18. According to the new regulation, minors convicted of intentional murder shall be executed once they turn 18.

The age of criminal responsibility in the Maldives is 10. While the new penal code does include the "immaturity excuse" – removing criminal responsibility from those under 15, Article 15c still allows for children as young as seven to be held accountable for so-called "hadd" offences under Islamic law. They include: theft, fornication, adultery, consumption of alcohol or other intoxicants and apostasy, for which punishment – including death – is prescribed in the Holy Koran itself.

As of May 2016, the juvenile court had sentenced a total of six young men to death for murders committed when they were minors.

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.

As of June 2016, there were around 17 people on death row, but none of whom had exhausted the appeal process.

Since the current administration lifted a six-decade moratorium on capital punishment in 2014, the Supreme Court upheld four death sentence, all in 2016. On 24 June, it upheld the death sentence of Hussain Humam Ahmed, a 22-year-old man convicted of killing Afrasheem Ali, a MP for the ruling Progressive Party of the Maldives, and also a moderate religious scholar, who was stabbed to death outside his home on the night of 1 October 2012. On 5 July, the Supreme Court upheld a death sentence handed to Ahmed Murrath, a 32-year-old man convicted of killing a prominent lawyer, Ahmed Najeed, in July 2012. On 25 July, the apex court upheld the conviction of Mohamed Nabeel on the murder of an 18-year-old man in March 2009. On 29 November, the High Court upheld a death sentence by the Juvenile Court on two minors convicted of the murder of Abdul ‘Bobby’ Muheeth in February 2012. The State had charged 3 minors with 1st degree murder which had been denied by the accused. The 3rd minor was acquitted of the charges over a lack of evidence. The three suspects were identified at the time as Ali Mushahfau, Muhujath Ahmed Naasih and Mohamed Maimoon.

On 5 July 2016, Foreign Minister Dhunya Maumoon stepped down over what she described as a profound differences of opinion with the government’s bid to enforce the death penalty. In a statement shared with the media, Dunya said the resignation was “one of the most difficult decisions” she has taken. “Yet, the decision became inevitable because of the profound differences of opinion on the government’s policy in implementing the death penalty at a time when serious questions are being asked, and concerns being expressed, about the delivery of justice in the Maldives,” she said. “I remain convinced that the Government’s policy on death penalty, decided on a hasty fashion, would be detrimental to the image and reputation of the Maldives and would be a significant obstacle in achieving the President [Abdulla] Yameen’s foreign policy goals, and building a resilient Maldives,” she added.

On 12 July 2016, the United Nations ordered Maldives to delay implementing death sentence on Hussain Humaam. The temporary order issued by UN states that Maldives should not implement the death penalty until the case filed by Humaam’s family at UN is resolved. Previously the U.N HR office also issued a statement saying that the trial of Humaam as unfair. UN’s statement said that Humaam confessed because he was forced to do so.

On 9 August 2016, UN High Commissioner for Human Rights Zeid Ra’ad Al Hussein urged the Maldives to stick to a decades-long moratorium on imposing the death penalty. Zeid added that it is “deeply regrettable that a series of steps have been taken to resume executions in the country.”

On 5 May 2015, the Maldives were reviewed under the Universal Periodic Review

of the UN Human Rights Council. In its national report, the Government underlined that “the Maldives, since 1952, maintained one of the world’s longest standing de-facto moratoriums on death penalty,” but it noted that “Islam constitutes the basis of all laws made in the Maldives; hence it is unconstitutional to remove Hadd punishments such as the death penalty and flogging from the Penal Code.” The recommendations to maintain the moratorium on the death penalty in all circumstances, in particular for juvenile offenders, and work towards the de jure abolition of capital punishment were not accepted by the Maldives.

On 19 December 2016, Maldives voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

SOMALIA

Under the 1962 Penal Code – still applicable in some regions of Somalia, including Somaliland –, individuals who commit crimes while under the age of 18 receive reduced sentences.

Furthermore, Somalia is a State Party to the International Covenant on Civil and Political Rights, which forbids capital punishment for crimes committed by persons below 18 years of age, and is constitutionally binding in Somalia and Somaliland.

However, on 11 February 2015, in Somaliland, a 17-year-old boy was sentenced to death by firing squad for the murder of his mother-in-law. Said Abdi Jama beheaded Khadra Hashi Hassan using a crude weapon on 4 January 2015. Justice Aden Jama Saleban, the chief magistrate of Sanaag regional court, read the guilty verdict in front of a packed court, reciting verse of the Holy Quran Suratul Baqarah: Verses 178 – 179 and section 434 of cap 24 of the capital punishment law.

NIGERIA

The federal Children’s Rights Act 2003 defines a child as fewer than 18 and explicitly prohibits capital punishment and corporal punishment, but only where these provisions are confirmed in the state legislation derived from the Act.

However, the federal Child Act 2003 is in force only in the Federal Capital Territory of Abuja and in states which have explicitly enacted it, a process in which it may also be modified.

In the South, States which have yet to enact the Children’s Rights Act may sentence child offenders from the age of 17 to capital punishment.

In the North, 13 states have yet to enact the Children’s Rights Act 2003. In the 11 *Sharia* states, Muslims may be sentenced to death for *hadd* (for which the prescribed punishment is mandatory) and *Qisas* (punished by retaliation) punishments from the age of puberty, according to the *Sharia* laws. Non-Muslims in the northern states which have not enacted the Children’s Rights Act may be sentenced to death from the age of 17 at the time of the offence under the Penal Code 1960 and the Criminal Procedure Code 1960.

Nigeria is not known to have executed a juvenile offender since 1997, although many juvenile offenders are still on death row in Nigeria in violation of international and national law. Their ages at the time of their alleged crimes ranged from 13 to 17 years old. In the absence of a commutation of their sentence, these persons are in effect serving sentences of life imprisonment without possibility of release.

In June 2014, in a landmark verdict, the Court of Justice of the Economic Community of West African States (ECOWAS Court) opposed death sentences imposed on two juvenile offenders in Nigeria, underscoring its duty to respect and enforce fundamental human rights as stipulated in the African Charter on Human and People's Rights. In its final judgement, the presiding judge, Justice Hansine Donli, declared that pronouncing the death sentence on them for an offence they committed as minors was a breach of Article 6 of the International Covenant on Civil and Political Rights (ICCPR). The judge then ordered the Nigerian Government to refrain from any attempt to execute them.

KUWAIT

Kuwait ratified the Convention on the Rights of the Child in 1991.

On 15 November 2016, Bader Al Ghadhoori, Head of juvenile protection at the Interior Ministry said that the Juvenile age in Kuwait has been lowered to 16 from 18 years. Kuwaiti teenagers have been warned that they could face the death penalty or heavy imprisonment for certain crimes. Beginning 2017, anyone aged 16 or more, arrested in a crime, will be tried by a regular court and not a juvenile court, which implies death penalty for certain crimes,.

In December 2015, Kuwait Parliament approved a new law for delinquent juveniles which lowered age of minors from 18 to 16 years with 37 votes in favour and 7 against. However, several activists said that the new juvenile age would be a violation of teenagers' rights, and that young people should not be treated like adults, and a better option would be to slightly toughen their sentences.

THE DEATH PENALTY ON WOMEN

In 2016, at least **17** women have been executed in **7** States: **Egypt** (1), **Indonesia** (1), **Iran** (10), **Japan** (1) **Saudi Arabia** (3) and **Somalia** (1). Women executed represent **0,6%** of worldwide total, their executions are carried out mainly by those States who strictly apply *Sharia* and are sent to the gallows mainly for drug related crimes.

In retentionist countries for which information are available, is indeed rare for a woman to be given the death sentence and fewer women than men are executed. In the United States of America for example, only 2,1% of death sentences issued between 1973 and 2011 refers to women and 2,9% of executions carried out since 1608 were of female offenders. Some argued that there is a gender discrimination on the use of the death penalty, other said that being the death penalty mainly for violent crimes, these kind of crimes are more frequently committed by men.

According to a research made by the *Death Penalty Worldwide* in 2012, while information on the gender of death row inmates is difficult to obtain, women are under sentence of death in less than half of the countries that retain the death penalty China, Egypt, India, Japan, Kenya, Malaysia, Singapore, Taiwan, Tanzania, the United States and Vietnam. In three of these countries (Bahrain, Kuwait, and Saudi Arabia), at least one women under sentence of death is a foreign national and a domestic worker.

According to *Hands off Cain* data, **Thailand**, is the top country for women detained: at least 50 out of a total of 427 prisoners on death row, mainly for drug related crimes. According to official data, since 1934, when firing squad was changed with hanging, Thailand executed 3 women out of a total of 325 people. In the **United States**, there are 2,848 men (98,14%) and 54 women (1,86%) on death row. As of 1° ottobre 2016 there were 61 male and 1 female on the federal death row. Since 1977, 16 women (4 black and 12 white) have been executed out of a total of 1,442 people, as of 31 December 2016. In **Pakistan**, according to the Interior Ministry, there are 44 women on death row out of a total of more than 6,000 people sentenced to death. Pakistan executed 9 women and the last execution occurred in 1985. In **Sri Lanka**, at the end of April 2016, there were 28 women on death row out of a total of 1,004 people sentenced to death, according to Thushara Upuldeniya, Commissionair for prisons and port parole of the Prison Department. In **Tanzania** there would be 20 women on death row out of a total of 491. Since the independence, 6 women have been sent to the gallows out of a total of 238 executed for murder. In **Uganda**, in 2016 there were 11 women on death row out of a total of 208 prisoners. Since 1938 a woman has been executed out of a total of 377 people sent to the gallows. In **Ghana**, as of 10 October 2016, there were 3 female out of a total of 137 prisoners on death row, according to the Prison Service. In **Kuwait**, as of 14 August 2016, there were 36 prisoners, including 6 women, sentenced to death for different crime sas murder, drug trafficking, kidnappin or rape, informed the daily Al-Shahed. Three women have been executed in January 2017. They were sentenced to death in March 2016

In **Zambia**, where clemency acts are adopted to address the overcrowding, there are 170 people on death row, including 2 female, according to the General Commissioner for prisons, Percy Chato on 27 April 2017.

In **five** countries the death penalty is excluded by law for women: **Belarus, Guatemala, Russia, Tagikistan** and **Zimbabwe**. The international law excludes the death penalty for expectant mothers and mothers of small children to protect the life of the baby. According to the article 6 (5) of the International Covenant on Civil and Political Rights “*the death penalty shall not be carried out on pregnant women*” and ECOSOC Safeguard 3 of 1984 states that a death sentence shall not be *carried out* on ‘new mothers’ (without further explanation of that term). Similar rules are in Additional Protocols to the Geneva Conventions and in regional Charters (Article 30(e) of the 1990 African Charter on the Rights and Welfare of the Child requires states to prohibit the *passing* of a death sentence on ‘mothers of infants and young children’ (without specifying an age); Article 4(2)(j) of the 2003 Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa forbids the *execution* of ‘nursing women’ (without further explanation); and Article 7(2) of the 2004 Arab Charter on Human Rights bars *execution* of ‘a nursing mother within two years from the date of her delivery’. The EU Guidelines on the Death Penalty state that ‘Capital punishment may not be imposed on: [...] new mothers’,¹ with ‘new mothers’ being considered ones who are still breastfeeding).

In almost every country in the world, it is illegal to execute a pregnant woman. In 8 countries this is because the ratification of the International Covenant on Civil and Political Right: Afghanistan, Gambia, Grenada, Guyana, Liberia, Saint Vincent and the Grenadines, and Tanzania. In Afghanistan, women who are more than 6 months pregnant at the time of sentencing will not be imprisoned until 4 months later – in effect, after delivery. In Papua New Guinea, a pregnant woman will be spared execution upon request. The only country in the world where a pregnant woman may legally be executed is Saint Kitts and Nevis.

States that prohibit the execution of pregnant women fall into two main categories: those which delay execution until after the woman has given birth, and those which commute the death sentence into a term of imprisonment for life or less. In some countries, the law specifies the grace period which can be as short as 40 days in Morocco, 2 months in Egypt or 3 months in Bahrain, and as long as 3 years in Thailand and the Central African Republic. In other countries, such as Burkina Faso, Chad, Iran, Japan, Lebanon and South Korea, execution is delayed for an undefined period of time after childbirth. Several countries with unspecified grace periods have ratified the African Charter on the Rights and Welfare of the Child, which prohibits state parties from imposing the death penalty on “mothers of infants and young children” (the Democratic Republic of Congo, Mauritania, Niger, and Tunisia).

Countries which commute the death sentence into a term of imprisonment for life or less include: the Bahamas, Botswana, Ghana, India, Kenya, Kuwait, Laos, Malawi, Malaysia, Singapore, Sri Lanka, Uganda and Zambia. In almost all of these countries, the pregnant woman is sentenced to life imprisonment. In Belize, she is sentenced to a life term with hard labor. In Malaysia, she is sentenced to a maximum of 20 years’ imprisonment.

There are also 6 countries (Bangladesh, Eritrea, Ethiopia, Iraq, Myanmar, and Pakistan) which have adopted an intermediate position where courts are empowered to exercise discretion in deciding whether to commute a pregnant woman's death sentence to life imprisonment after her delivery.

A number of countries prohibit the execution of women with small children, for periods varying from 40 days (Morocco) to 3 years (Thailand). Malian law provides that a mother will not be executed until her children are weaned. Taiwanese law mandates that mothers of small children be spared execution for "some time." In Vietnam, a death sentence pronounced on a woman with a child under the age of 3 will be commuted to a life sentence. In Iran, the law provides that a woman cannot be executed while she is nursing if it would endanger the life of the child. In practice, however, there have been reports of women with young children being executed in Iran.

Two international human rights treaties prohibit the execution of women with small children: the African Charter on the Rights and Welfare of the Child, and the Arab Charter on Human Rights. Article 30(e) of the African Charter on the Rights and Welfare of the Child prohibits state parties from imposing the death penalty on expectant mothers and "mothers of infants and young children." Of the 22 countries that have enacted such prohibitions at the national level, 8 are state parties to the African Charter on the Rights and Welfare of the Child (Algeria, Egypt, Guinea, Iran, Iraq, Libya, Mali and Sudan). A further 23 retentionist countries (including Botswana, Cameroon, DRC, Egypt, Ethiopia, Gambia, Ghana, Lesotho, Malawi, Mauritania, Nigeria, Tanzania, Uganda, Zambia, and Zimbabwe) have ratified the African Charter on the Rights and Welfare of the Child, but have not passed domestic legislation implementing the provision.

With regards the African treaties which prohibit the execution of women with small children (the African Charter on the Rights and Welfare of the Child, and the Arab Charter on Human Rights) there are **8** state parties to the African Charter on the Rights and Welfare of the Child (Algeria, Egypt, Guinea, Iran, Iraq, Libya, Mali and Sudan) which have enacted such prohibitions at the national level and further **22** retentionist countries (including Botswana, Cameroon, DRC, Egypt, Ethiopia, Gambia, Ghana, Lesotho, Malawi, Mauritania, Nigeria, Tanzania, Uganda, Zambia, and Zimbabwe) which have ratified the African Charter on the Rights and Welfare of the Child, but have not passed domestic legislation implementing the provision.

With regards to the Arab Charter on Human Rights which, at art 12 states that the death penalty shall not be imposed on a pregnant woman before delivery or on "a nursing mother within two years from the date on which she gave birth", there are **4** state parties with domestic laws which prohibit the execution of women with small children: Saudi Arabia, the United Arab Emirates, Yemen, and the Palestinian Authority. Four additional countries have ratified the Arab Charter but have not enacted the prohibition in their domestic legislation: Kuwait, Qatar, Syria, and Tunisia.

Adding together the countries that have enacted legislation prohibiting the execution of women with small children and those that have undertaken to respect the

prohibition at the international level, there are 50 countries in which it is illegal to execute women with small children. Additionally, three countries grant their courts discretion to exclude women with young children from the death penalty: Bangladesh, Eritrea, and Ethiopia. This corresponds to more than half the number of countries practicing the death penalty worldwide.

Gender and sexual orientation discrimination

In some States, the death penalty can be imposed for adultery and extramarital sexual relations. Studies repeatedly show that women face a higher likelihood of being sentenced to death on the basis of such provisions, due to deeply entrenched discriminatory societal attitudes, and to judicial and law enforcement negative biases towards women suspected of adultery or of engaging in extra-marital relationships. Several academic studies also reveal the role of gender bias and gender disparity in death penalty cases, and reveal discrimination against women.

The United Nations called to Governments to repeal laws criminalizing adultery noting that the enforcement of such laws leads to discrimination and violence against women in law and in practice. “Adultery laws have usually been drafted and almost always implemented in a manner prejudicial to women. Provisions in penal codes often do not treat women and men equally and establish harsher rules and sanctions for women”, has written Frances Raday, former Vice President of the UN Working Group (WG) on discrimination against women.

These practices violate the basic principle for which the “death sentences may only be imposed for the most serious crimes, a stipulation which clearly excludes matters of sexual orientation.”

The UN Human Rights Committee has interpreted ‘most serious crimes’ as not including apostasy so the death penalty in these circumstances violates article 6 of ICCPR (CCPR/C/79/Add.85, para. 8) and the UN Commission on Human Rights, replaced by the Human Rights Council in 2006, has interpreted ‘most serious crimes’ as not including non-violent acts such as religious practice, expression of conscience or sexual relations between consenting adults (E/CN.4/RES/2005/59).

The UN Human Rights Council in September 2017 passed a resolution on the death penalty which calls on any states who have “not yet abolished the death penalty to ensure that it is not imposed as a sanction for specific forms of conduct such as apostasy, blasphemy, adultery and consensual same-sex relations”. The Special Rapporteur on extrajudicial executions has noted that the “death sentences may only be imposed for the most serious crimes, a stipulation which clearly excludes matters of sexual orientation.”

Adultery is legally punished with the death penalty, in some cases by stoning [see chapter “Stoning”] in **12 States** (fourteen if parts of Syria and Iraq occupied by Isis are included): **Afghanistan, Brunei Darussalam, Iran, Mauritania, Nigeria** (a third of Nigeria’s 36 States), **Pakistan, Qatar, Saudi Arabia, Somalia, Sudan, United Arab Emirates and Yemen**. In these countries also homosexuality is a capital crime but in the **UAE**, lawyers and other experts disagree on whether federal law prescribes the death penalty for consensual homosexual sex or only for rape.

In **Iraq**, the death penalty is not provided by the law in such cases but judges and militia apply it all over the country. Then, in 12 Northern States of **Nigeria** and in some autonomous regions of **Somalia** it is officially applied. In **Brunei Darussalam**, where a new Sharia penal code was adopted in 2014, the death penalty would enter into force for extramarital sexual relations and between people of the same sex in 2018 but eventually is not applied as has never been applied in **Afghanistan, Mauritania, Pakistan** and **Qatar**, where is the interpretation of Sharia law which technically permits the death penalty.

As “extrajudiciary executions” should be considered the dozen executions decided by the *Sharia* courts and implemented by the *Islamic State* (IS) in **Sirya** and **Iraq** and by *Al-Qaeda* in **Yemen**.

The country by country situation

AFGHANISTAN

Adultery and consensual sexual relations between adults of same sex are “Zina offenses” which carry capital punishment as “hudud penalties” by Article 1 of the Penal Code of 1976. A married person who commits adultery is eligible for the death penalty while the unmarried person is eligible for severe lashing. However, stringent evidentiary requirements must be met, with the result that scholars report that no convictions for sexual offenses have ever been made without the confession of the accused (for purposes of the hadd penalty).

The treatment of homosexual sodomy varies between the schools and the Hanafi’s opinion is that a tazir penalty (not a hadd penalty) should apply.

Hands off Cain did not record executions in these cases, since the end of Taliban rule in 2001 by official courts. However the Taliban-controlled courts and other tribal systems of justice have continued to apply it.

In 2016 two women were executed by Taliban, according the New York Times. On 7 May 2016, the American daily revealed that one of them, a pregnant 22-year-old woman named Rabia, a mother of two young children, was accused by her husband of adultery, tried and convicted by the Taliban on the spot, and then publicly shot three times. The second Jowzjan execution is believed to have taken place four months before. In a video the victim is seen in a blue burqa, sitting on the ground. A Taliban court convicted her of killing her husband, whose family crowded around the execution site and loudly voted to execute her in the Khanaqa district. The executioner’s face is covered, but he was believed to be the district’s Taliban commander.

Pregnat women are excluded from execution by the ratification of the International Covenant on Civil and Political Rights. Then, women who are more than 6 months pregnant at the time of sentencing will not be imprisoned until 4 months later – in effect, after delivery.

BRUNEI DARUSSALAM

On 22 October 2013 a new Sharia Penal Code was enacted and the first phase of enforcement started on 1 May 2014. It is expected to enter into force in 2018.

This new penal code introduces stoning to death as the specific method of execution for crimes of a sexual nature, flogging for crimes which could rise from abortion to abuse of alcohol and amputation for thefts.

For Muslim and non-Muslim, robbery (art 63), rape (art 76), adultery and sodomy (art 82) and for Muslims, extramarital sexual relations (art 69), insulting any verses of the Quran and Hadith, blasphemy, declaring oneself a prophet or non-Muslim, and murder are the other offences for which the death penalty could be applied under the revised code.

The revised code introduces stoning to death as the specific method of execution for rape, adultery, sodomy and extramarital sexual relations.

The United Nations voiced deep concern about the revised penal code in Brunei Darussalam. "Application of the death penalty for such a broad range of offences contravenes international law," said Rupert Colville, spokesperson for the Office of the UN High Commissioner for Human Rights who said: "We urge the Government to delay the entry into force of the revised penal code and to conduct a comprehensive review ensuring its compliance with international human rights standards," and urged the Government to establish a formal moratorium and to work towards abolishing the practice altogether "Under international law, stoning people to death constitutes torture or other cruel, inhuman or degrading treatment or punishment and is thus clearly prohibited," stated Mr. Colville. He added that a number of UN studies have also revealed that women are more likely to be sentenced to death by stoning, due to deeply entrenched discrimination and stereotyping against them, including among law enforcement and judicial officers.

The criminalization and application of the death penalty for consensual relations between adults in private also violates a whole host of rights, including the rights to privacy, to equality before the law, the right to health and freedom from arbitrary arrest and detention, Mr. Colville noted. "The provisions of the revised penal code may encourage further violence and discrimination against women and also against people on the basis of sexual orientation," he warned.

Brunei decided that the implementation of the new Penal Code would be done in 3 phases, whereby the phases were determined based on the type of penalty: phase 1 (fines and/or jail), phase 2 (severing of limbs, flogging,...) and phase 3 (death).

His Majesty added that before the second phase can be implemented, the country has to wait for another 12 months after the CPC can be gazetted. In February 2016, he added: "Now two years have gone by, but the CPC is not gazetted yet and the vetting process has not even started. This means that after it is gazetted in 2016, we have to wait another year, until 2017 before the second phase can be implemented." He said it will be 2018 by the time the third phase of the Syariah law can be enforced.

Under the Brunei Criminal Procedure Code (art. 246) pregnant women face a maximum sentence of life imprisonment, and a lighter sentence may be passed when possible.

The last execution was in 1957.

IRAN

In Iran the gender discrimination is widespread with parosistic forms: in legal proceedings, a woman's testimony is worth half of that of a man and the Iranian version of the "blood money" for the life of a woman is one half of that of a man. Moreover, if a man kills a woman, he can not be executed, even if sentenced to death, without the woman's family having first paid the half of her "blood money" "to the murderer. The minimum age for criminal liability is just six years for women, just 15 for men. Marital rape and domestic violence are not considered criminal offenses. No wonder the equality of women's rights is systematically denied when it comes to marriage, divorce, child custody, inheritance, travel and even clothing. In fact, in Iran women and even girls over the age of nine who do not cover their hair with a veil and do not follow the mandatory codes of clothing can be punished with a fine and even with prison. Iran ranks 139/144 in the Global Gender Gap Index.

Under Article 6 of the Iranian Penal Code, a woman cannot be executed while pregnant.

In 2016, executions of women decreased: at least **10**, were hanged out of a total of at least 530 executions, including 3 from official sources (1 for murder and 2 for drug) and 7 from non-official sources (1 for murder and 6 for drug).

In 2015, women hanged were at least 19 out of a total of at least 970 executions. In 2014, at least 26 women were hanged.

On 6 January 2016, a woman, Zahra Nemati with another four people, identified as Tofigh Mohammad Far, Hossein Zadegan, Amirali Zadegan, was executed after being convicted of drug related crimes.

On 14 April 2016, eight people, including three women, were hanged in two different cities for drug-related offenses. Seven prisoners, including two unidentified women, were hanged in Birjand for drug-related crimes, reported the HRANA. Two of them were identified as Mohammad Niazi and Moheeb Rahmati. A 43-year-old woman, Ameneh Rezaeyan, was hanged in Kashmar prison, reported the *Kurdistan Human Rights Network*.

On 17 April 2016, a woman with three men were hanged at the Dastgerd Prison in Isfahan for drug-related crimes, reported the *National Council of Resistance of Iran* (NCRI). Three of them were identified as Mojtaba Kazemi, Hamid Shahsavand and Hamid Mahdavi.

On 3 June 2016, a woman was hanged with a man in the Qazvin prison, in the north ouest of Teheran. The woman has not been identified, but the prosecutor office said that she was in prison since 2014.

On 17 July 2016, twelve prisoners were hanged in two different prisons for drug trafficking, reported the HRANA. Nine of them, including Saeed Saberi, Moslem

Bahrami, Saed Haghani, Reza Rad and Salman Bahrampour, were executed in the prison of Ghezel Hesar in Karaj. Three other detainees, identified as Mansour Zafarani, Yousef Barahouei and Ghasem Delshad, were hanged on the same day in the prison of Birjand. Those executed in the prison of Ghezel Hesar also included a woman from Shahre Rey Prison in the province of Tehran.

On 25 August 2016, seven prisoners were executed in the Central Prison of Yazd, state-run *Rokna* news agency reported. Among the prisoners was a woman and four men who were hanged on drug related charges. The other two prisoners were hanged on murder charges.

On 29 September 2016, eight prisoners were executed at Orumieh's central prison for drug related offences, reported the HRANA. They were identified as: Behnam Pirkozaadegan, Ismael Ayoubi, Karam Kolshi, Ghader Mahmoudi, Effendi Omri, Karim (Reza) Abdollahzadeh, Farhad Maleki, and Malouk Nouri (woman).

On 4 October 2016, a woman was hanged with another seven in the central prison of Urmia, for drug related crimes.

On 2 February 2017, the Criminal Court of the Western Lorestan province in Iran, condemned a man and a woman accused of so called unethical relation to capital punishment of death by stoning. According to the verdict of the Criminal Court Branch 1, in Lorestan Province, the sentence of death by stoning has been issued, for Mr. KH. A and Mrs. S-M.Th. The state run website called Kashkan reported on February 2, 2017. The source said: "At the moment the sentence is issued by the lower court and the track is communicated to the attorneys of the defendants and added, in this case the role of the city administration chief, the Public Prosecutor Bureau, feta police intelligence and police has been outstanding in gathering evidence, arresting suspects and transferring the case to legal authorities. The source also stated that the two accused are already in custody, awaiting final approval of the sentence by the court.

Women are discriminated also in case of homosexuality. Until 2013 the term "homo-sexual" had criminal relevance only with regard to relations between women and not for relations between men. With the reform of the Islamic Penal Code approved in its latest version by the Guardian Council in April 2013, the term "homosexual" also applies to relations between men. According to article 233 of the new code, the person who play an active role (in sodomy) will receive lashes if the sexual relationship was consensual and was unmarried and the death penalty if married but the one who played a passive role will be sentenced to death regardless of his marital status. If the active party is a non-Muslim and the passive part is a Muslim, both will be sentenced to death. According to articles 236-237, homosexual acts (except for sodomia) will be punished with 31-99 lashes (for both men and women). According to article 238, the homosexual relationship between women in which there is contact between their sexual organs will be punished with 100 lashes and, in the case of a fourth recidivism, with the death penalty.

On 18 July 2016, Hassan Afshar, 19, was hanged in Arak's Prison in Markazi Province on 18 July, after being convicted of "lavat-e be onf" (forced male-to-male anal intercourse), Amnesty International has revealed on 2 August. Hassan Afshar was arrested in December 2014 after the authorities received a complaint accusing

him and two other youths of forcing a teenage boy to have sexual intercourse with them. Afshar maintained that the sexual acts were consensual and that the complainant's son had willingly engaged in same-sex sexual activities before.

IRAQ

The penal code punishes adultery with prison and does not explicitly prohibit homosexual acts, but people have been killed by militias or sentenced to death by judges on the basis of Sharia. A report published by the United Nations in 2014 shows that many women in detention said they had been sentenced in place of one of their male relatives.

MAURITANIA

In the '80 the Islamic law was introduced and the death penalty is for apostasy, homosexuality and rape, but it was rarely applied.

Under the Penal Code of Mauritania, of 1983, stoning is the method of execution provided for adultery (arts 2, 307) and homosexual relations only (art. 308). Adultery is defined under Islamic law as voluntary sexual relations without the substance of a legal right, whether or not the adulterer is married. A Muslim person who commits adultery is punished by death if he or she is married or divorced. Stringent rules of evidence apply: adultery must be proved by 4 witnesses, a confession, or, for women with no legal partner, pregnancy.

Under domestic law (penal code arts 17 and 307), pregnant women may not be executed before they have given birth to their child in conformity with Mauritania's international human rights obligations under the ICCPR, which prohibits the execution of pregnant women. Mauritania has also ratified the Protocol on the Rights of Women to the African Charter on Human and People's Rights and the African Charter on the Rights and Welfare of the Child, which respectively exclude nursing mothers from execution and prohibit the imposition of a death sentence on mothers of infants and young children.

NIGERIA

Since 1999, twelve States of the Federation introduced Sharia in their penal codes and the Safiya Hussaini and Amina Lawal cases were at the center of an international outcry despite Federal Government gave assurances that no stoning or punishment according to Sharia may be carried out according the Federal Constitution. However, since 2000 a lot of cases of people sentenced to death for sexual acts (adultery, homosexuality, etc) have been recorded but no execution was carried out.

On January 7, 2014, Nigeria's former president, Goodluck Jonathan, signed the *Same-Sex Marriage (Prohibition) Bill* (SSMPA) into law. The notional purpose of the SSMPA is to prohibit marriage between persons of the same sex. In reality, its scope

is much wider. The law forbids any cohabitation between same-sex sexual partners and bans any “public show of same sex amorous relationship.” The SSMPA imposes a 10-year prison sentence on anyone who “registers, operates or participates in gay clubs, societies and organization” or “supports” the activities of such organizations. Punishments are severe, ranging from 10 to 14 years in prison. Such provisions build on existing legislation in Nigeria, but go much further: while the colonial-era criminal and penal codes outlawed sexual acts between members of the same sex, the SSMPA effectively criminalizes lesbian, gay, bisexual, and transgender (LGBT) persons based on sexual orientation and gender identity.

According to article 368(2) of the Criminal Procedure Act, applicable in federal courts throughout Nigeria, pregnant women cannot be sentenced to death and their sentences should be commuted to life imprisonment instead. Section 300(3) of the Criminal Procedure Code, applicable in state courts in the northern states and the Federal Capital Territory, also includes a similar provision. Reportedly, Shariah penal laws in some states in Nigeria authorize the imposition of death penalties on pregnant women. The practices in these states seems to be out of line with observations of Shariah law outside of Nigeria, which generally does not condone the execution of pregnant women.

As a party to the ICCPR, and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, Nigeria is under an international obligation to exclude pregnant women from capital punishment.

PAKISTAN

In Pakistan, the penal code do not provides the death penalty for adultery or homosexuality.

Adultery is a crime under the controversial Islamic Hudud [Koranic punishment] Ordinances - passed in 1979 as part of Zia ul-Haq’s Islamisation programme. Men and women found guilty of adultery face stoning or 100 lashes. However, only corporal punishment and prison have been applied.

One of the most controversial provisions states that a woman must have four male witnesses to prove rape or face a charge of adultery herself.

On December 1, 2006, Pakistan President Pervez Musharraf signed into law a bill amending the country’s Islamic rape legislation. The bill places rape laws under Pakistan’s British-influenced penal code and scraps the harsh conditions placed on rape victims. The amended law would drop the death penalty for people found to have had sex outside of marriage, though they still would be subject to a five-year prison term or \$165 fine. However, thousands of women still languish in prison for adultery.

Abduction to submit another to unnatural lust, which may include homosexual sex, is punishable by death, according sec. 354 of the amended code.

Judges also will be able to choose whether to try a rape case in a criminal court or Islamic court. Despite the 2006 law, in remote areas of the Country where tribal and feudal systems still dominate, the tribal jury (jirga) continues to operate as the

people's recourse to the law – instead of the police – for resolving inter-tribal disputes and questions of “honour.” Under tribal codes, women are seen as men's property and an allegation of unfaithfulness is punished by death. A woman suspected of having extramarital relations is declared a *kari* (sinful) and tribal honour requires a family member to kill her.

By the Criminal Laws Amendment Act of 2006, honor killings are to be treated as aggravated killings but in practice, honor killings may be treated more leniently than murder.

The government-appointed National Commission on the Status of Women said the law was a weak one as it did not cover the crime fully, but nevertheless a step in the right direction. The law was changed after a prolonged protest by women's and human rights groups. According to the non-governmental Human Rights Commission of Pakistan (HRCP), hundreds of women are killed every year in Pakistan in the name of ‘honour.’

Pregnant women subject to the death penalty have their executions postponed, and the High Court may commute their sentences to life imprisonment.

In Pakistan there are 44 women on death row and 9 women have been executed, the last occurred in 1985.

QATAR

The penal code of 2004 does not provide the death penalty for adultery or consensual acts of homosexuality. However, the interpretation of Sharia law technically permits the death penalty, but it is thought to not be invoked. The crime of *Zina* punishes with death any sexual act committed by married people and with lashes if committed by non married. Executions are rarely in Qatar but capital punishment is issued frequently.

Under Qatar's 2004 Criminal Procedure Code, women sentenced to death as *qisas* (a kin's right of retaliation such as for murder) or *hadd* (a Quran-prescribed punishment) will be executed after delivery; however, women sentenced to death as *tazir* (a merely statutory penalty) are not executed until two years after delivery, and their sentences may be commuted. In 2009, Qatar ratified the Arab Charter on Human Rights, which prohibits the execution of pregnant women and of nursing mothers, so the exception for nursing mothers may now be complete regardless of the nature of a woman's crime.

The last execution was on 11 March 2003.

SAUDI ARABIA

According to the Saudi Arabia Law of Criminal Procedure (art. 10) public stoning can be used to execute individuals who have been convicted of acts such as adultery but the penalty has not been executed for many years.

Saudi Arabia strictly applies Sharia and ranks 141/144 for gender equality in the 2016 Global Gender Gap Index. In September 2011, Saudi Arabia tripled “*diya*” but

the “blood money” paid for the killing of or injury to a woman is always half that of a man.

The death penalty is prescribed for adultery, a sexual relation between a woman and a man out of marriage (Zina). If the person is married, the penalty is stoning, if not married, 100 lashes.

Homosexuality is punished by beheading.

Although the crime of adultery is difficult to prove, as four eyewitnesses of the penetration act serve, the law is applied more to women.

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

The latest news of a woman’s conviction for adultery dates back to 20 November 2015, when a Sri Lanka woman, married and mother of two children, who was in the country for work, was sentenced to stoning after confessing to having committed adultery with another Sri Lankan worker, who was instead sentenced to 100 lashes because he was not married. The sentence of the woman was subsequently reduced to three years on appeal.

In 2016, Saudi Arabia executed at least 154 people, including 3 were women, two of whom were Ethiopians. In 2015, out of 159 people executed, 3 were women. As of August 14, 2016, there were 36 prisoners, including 6 women, sentenced to death for various crimes.

On 10 January 2016, an Ethiopian woman, Jinat Damti Farid, was executed in the city of Taif after being found guilty of killing a Saudi female, Ghalia Eida al-Harithi, by striking her repeatedly with an axe as the victim knelt to perform Muslim prayers. After killing Harithi, Farid stole two gold rings and an unspecified amount of money.

On 26 September 2016, an Ethiopian woman, Zamzam Abdullah Boric, was put to death in Riyadh after being convicted of killing a Saudi child, the interior ministry said. Boric cut the girl’s throat “and left her in the bathroom until she died,” the ministry said, without giving a motive for the crime or stating the Ethiopian’s occupation.

On 18 November 2016, Saudi national Munira bint Zuweid Al-Hadhli was executed in the city of Mecca for killing her husband. The woman was charged and convicted of setting fire to her sleeping husband. She confessed to locking the door of the room to prevent her husband from escaping the flames.

SOMALIA

The penal code stipulates prison for adultery and homosexuality, but in some southern regions, Islamic courts have imposed sharia law and the death penalty.

As “extrajudicial executions” should be considered those carried out by the Islamic extremists of Al-Shabaab.

The execution of nonpecuniary punishments is suspended for pregnant women and for women with newly born infants under the 1962 Penal Code.

On 17 January 2016, three people, including a woman and her son, were executed by firing squad in Somaliland after being convicted of murdering a woman. A court in Hargeisa found the boy and his mother guilty of murdering Ruqiya Saeed Ayanle by burying her alive inside their house. The police said Ayanle had been killed due to an argument over a debt she owed. According to witnesses the three were tied to poles outside a notorious Mendera military prison before masked soldiers randomly shot them to death.

SUDAN

In the country, the law is based on the “Islamic Sharia as the main source of the law”. According to this, a Muslim woman is not allowed to marry a non-Muslim man and such a marriage is considered adultery. The penalty for adultery under Article 146 of the Criminal Code is 100 lashes if the offender is not married, stoning if he is married and the male non-spoiled can be subject not only to flogging but also to exile for a year. The 1991 penal code also criminalizes homosexuality. Three-time offenders under the sodomy law can be put to death; first and second convictions result in flogging and imprisonment. Usually, men are executed in the third case, while the woman can be executed in the first case.

The National Constitution at art 25 prohibits the execution of pregnant women and of nursing women for 2 years after giving birth.

UNITED ARAB EMIRATES

In the UAE, adultery is punished by stoning according to the Sharia law, but it is thought to not be invoked. Lawyers in the country and other experts disagree on whether federal law prescribes the death penalty for consensual homosexual sex or only for rape.

In the past, courts issued death sentences by stoning but no recent execution by stoning in the country has been recorded. According to Sharia stringent evidentiary requirements must be met to impose a death sentence: the testimony of four eyewitnesses or the confession of the accused and also pregnancy is admissible as circumstantial evidence, but only for unmarried women, who would as unmarried persons not face the death penalty as hadd.

The last news of stoning refers to 12 May 2014, when an Asian housemaid was stoned to death after she was found guilty of committing adultery while married.

The maid had been rushed to hospital following abdominal pains and tests showed she was pregnant after sleeping with another man.

Newspapers said the maid confessed in court that she committed adultery and the judge handed down the sentence on the basis of her confession in line with Islamic law.

The last execution of a woman was on 3 July 2015 when Ala’a Badr Abdullah al-Hashemi, 31, was executed by firing squad for stabbing, in 2014, Romanian-born Ibolya Ryan, a mother of 11-year-old twins, in the toilet of an Abu Dhabi shopping

centre and attempting to bomb an American-Egyptian doctor. Police said last year Hashemi had become radicalised over the internet and had not been targeting a US citizen in particular, but was looking for a foreigner to kill at random.

Pregnant women and those with children under the age of two are exempted from the death penalty. This is in respect of the rights of the child set forth in the Quran and Sunna. Additionally, the UAE have ratified the Revised Arab Charter on Human Rights, which prohibits execution of pregnant women as contrary to the interests of the infant and of nursing women as contrary to the interests of the infant for at least two years after giving birth.

YEMEN

The legal system of Yemen is based on Sharia and customary law.

The death penalty is provided by the penal code for different crimes, including of sexual nature. According to the 1994 penal code adultery out of marriage is punished with 100 lashes and if married with stoning, married men can be sentenced to death by stoning for homosexual intercourse. Unmarried men face whipping or one year in prison. Women face up to seven years in prison.

Pregnant women and nursing mother cannot be executed until two years after giving birth, unless someone else is found to care for the child. Yemen is also a party to the International Covenant on Civil and Political Rights and the Arab Charter on Human Rights, which prohibit the execution of pregnant women and of nursing mothers.

On 4 January 2016, a woman was stoned to death in **Yemen** after being accused of adultery and prostitution by an *Al-Qaeda* Sharia court. The married woman was reportedly killed in a public execution in Al Mukalla, a city under the control of *Al-Qaeda in the Arabian Peninsula* (AQAP) since April 2015. *Al-Qaeda* militants placed the woman in a hole in the middle of the courtyard of a military building and stoned her to death in the presence of dozens of residents, according to an eyewitness report. A copy of the purported verdict issued by a local Sharia court set up by the militants in December, said the married woman had confessed in front of the judges to committing adultery. The verdict said the woman also admitted that she practised prostitution. She also confessed to smoking hashish, it added. The verdict said the woman was sentenced to be stoned to death for committing adultery as a married woman and eighty lashes for consuming hashish.

The war against women and gay by the Islamic State

As “extrajudiciary executions” should be considered those for adultery or homosexuality decided by the Sharia tribunals and carried out by the Islamic State (IS) in **Siria** and **Iraq**. In **Iraq**, on 11 February 2016, four women were stoned to death by ISIS militants in front of a crowd in the city of Mosul, in Iraq, for having “committed adultery.” On 9 June 2016, the Islamic State stoned an Iraqi woman to death in al-Tahrir district in the city of Mosul, after the Sharia Court convicted her of commit-

ting adultery. On 8 October 2016, the Islamic State executed a 32-year-old woman in Mosul city after accusing her of “committing adultery.” Dozens of people participated in stoning the woman. Informed sources in Mosul told ARA News that the woman was sentenced to death for refusing to marry an ISIS jihadi. In **Syria**, the IS forces continued their campaign to strike terror, through public executions, amputations, lashes and crucifixions on the public square with residents, including children, forced to watch. Executions in public spaces have become a common spectacle on Fridays in Raqqa and in the areas controlled by IS in the Aleppo governorate. In early 2016, militants of the Islamic State threw a 15-year-old boy accused of being gay from the roof of a building in the Syrian city of Deir ez-Sor. The boy had been discovered in the house of an ISIS leader, who was spared the brutal punishment inflicted on adolescents. On 6 January 2016, a 21-year-old member of the Islamic State, Ali Saqr, killed his mother, identified as Lena al-Qasem, reportedly 47, in front of several hundred people near a post office building where the woman worked. She would have urged her son to leave the Islamic State and flee Raqqa. After Saqr reported her comments to ISIS leaders, they arrested his mother declaring she was guilty of apostasy.

THE “WAR ON DRUGS”

Article 6(2) of the International Covenant on Civil and Political Rights (ICCPR) grants an exception to the right to life guaranteed in Article 6(1) 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’ it is intended only those ‘with lethal or other extremely grave consequences’. Therefore, executions for drug offences violate international human rights law.

In 2011, through an internal human rights guidance note, the United Nations Office on Drugs and Crime (UNODC) has required the organization to stop funding for a country if it is feared that such support may lead to people being executed. Despite this guideline, the leadership of UNODC has continued to allocate funds to governments, particularly that of Iran, who use them to capture, sentence to death, and often execute alleged drug traffickers.

On 23 June 2016, UNODC unveiled its 2016 World Drug Report and warned that the number of drug users has risen worldwide. However, the 174-page document included no reference to the increased number of death sentences and executions in countries like Iran, Saudi Arabia and Pakistan, where the UN agency funds counter-narcotics police.

A number of European states, including the United Kingdom, Denmark and Ireland, have already withdrawn funding from similar UNODC programmes in Iran, with the Danish Government accepting they are “leading to executions”. But France and Germany have declined to make similar commitments, and have not ruled out contributing to the new UN funding settlement for Iran’s Anti-Narcotics Police (ANP). A *Reprieve’s* research shows that France has provided more than EUR 1 million to Iran’s ANP in recent years; while Germany contributed to a EUR 5 million UNODC project which provided the ANP with training and equipment. The UK decided to halt its financing to anti-drug fund destined to Iran, but not to that for Pakistan. While the UK government’s Strategy for the Abolition of the Death Penalty lists Pakistan as a ‘priority country’, the UK has given more than £12 million to support anti-drug operations in Pakistan.

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), 33 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 in most of these countries executions are extremely rare. Fourteen,

including America and Cuba, have the death penalty on the books for drug traffickers but do not apply it in practice. Only in seven countries – China, Indonesia, Iran, Malaysia, Saudi Arabia, Singapore and Vietnam – are drug offenders known to be routinely executed. In Iraq, Libya, North Korea, Sudan, South Sudan and Syria the data are murky.

However, the prohibitionist ideology concerning drugs once again made its contribution to the practice of the death penalty in 2016.

In the name of the war on drugs, in 2016, there were at least **334** executions (they were 713 in 2015) carried out in **5** countries: **China** (number unknown); **Indonesia** (4); **Iran** (at least 309); **Saudi Arabia** (at least 23); **Singapore** (2).

In 2016, hundreds of death sentences for drug offences were handed down though not carried out in **10** more countries: **India, Kuwait, Laos, Malaysia, Pakistan, Qatar, Sri Lanka, Thailand, United Arab Emirates** and **Vietnam**.

CHINA

According to China's Criminal Law, a drug 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.

On 7 April 2016, the Supreme People's Court (SPC) released a new judicial interpretation on rules for drug-related convictions and sentencing, stepping up punishments. The document adopted stricter rules for ketamine by lowering the threshold for criminalization of the drug by half. The new document also added 12 new types of illegal drugs to be subject to criminal penalties and lowered the threshold for conviction of illegal use for 33 precursor chemicals.

The March 2016 Supreme Court's report to the annual session of the National People's Congress shows that (illegal) drugs are an increasing problem in China. The courts at all levels concluded 139,024 drug-related cases in 2015, an increase of over 30 percent compared to 2014. A total of 137,198 drug defendants were sentenced and almost 20 percent of them received heavy penalties – five years of imprisonment or above, including capital punishment.

The actual number of executions for drug-related crimes is unknown, although it has decreased in 2015-2016 compared to previous years. It is probable 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 increased markedly around National holidays and dates of symbolic international importance such as the *International Day against Drug Abuse and Illicit Trafficking* on 26 June.

On 28 January 2016, Tajik national Hasan Yusuf, 51, was executed early in the morning. He was arrested in Urumqi, the capital of China's north-western region of Xinjiang, in 2011 and was charged with drug trafficking. All attempts by the Tajik Embassy to overturn the death sentence were fruitless.

In 2016, before the International Day against Drug Abuse and Illicit Trafficking a number of death sentences were issued.

On June 23, 2016, a Court in Zhuhai City in south China's Guangdong Province sentenced four drug dealers to death, ahead of the International Day against Drug Abuse and Illicit Trafficking on June 25. Two were sentenced to death with a two-year reprieve, Zhuhai City's Intermediate People's Court announced. Thirteen others from the same drug gang, which had sold about 5 kilograms of drugs including methamphetamine, were given life sentences or varying prison terms.

Judge Hou Jingjing said more types of drugs were available on the black market, and more people were getting involved in drugs.

On the same day in Beijing, a 22-year-old man was sentenced to death with a two-year probation for transporting 2kg of methamphetamine.

The young man was caught at a Beijing railway station in November 2015 after alighting from a train from Guangzhou in Guangdong Province.

In Xuzhou City in east China's Jiangsu Province, three out of the eight members of a drug gang were sentenced to death.

It was the biggest drug case ever seen in Xuzhou, involving more than 29kg of methamphetamine and ketamine, the city's intermediate people's court said.

INDONESIA

The 1997 Narcotics Law carries the death penalty for convicted drug dealers but the maximum sentence is rarely imposed.

Executions were relatively rare in Indonesia until 2004, when under the scope of a national campaign against drug abuse and drug dealing launched by then-President Megawati Sukarnoputri in view of elections, three foreigners were shot for trafficking heroin.

The new President of Indonesia, Joko Widodo, who took office in October 2014, has taken a particularly hard line towards people on death row for narcotics offences, insisting they will not receive a presidential pardon as Indonesia is facing an "emergency" due to high levels of drug use.

After a *de facto* moratorium dating back to 2008, Indonesia resumed executions in 2013 when five people were put to death, including two convicted of drug trafficking.

No executions were carried out in 2014. However, in 2015 Indonesia put another 14 drug convicts to death and 4 in 2016.

As of 5 January 2016, there were 55 drug convicts under death sentence, 14 of whom were awaiting their execution, according to the National Narcotics Agency (BNN).

Of the 60 new death sentences issued in 2016, according to Amnesty International, 46 are for drug related crimes and 215 are those under death sentence in the prisons.

On 18 April 2016, President Joko Widodo defended the use of the death penalty for drug offenses, arguing that drug abuse constitutes an emergency. He said 30-50 people a day die in Indonesia because of drugs. He spoke after meeting German Chancellor Angela Merkel, who underlined Germany's opposition to capital punishment and its wish for Indonesia "not to implement it if possible."

On 29 July 2016, Indonesia carried out its first executions in more than a year despite a string of legal appeals, diplomatic pressure and international condemnation. Four prisoners, all sentenced to death for drug offences, were escorted to a clearing on the penal island of Nusa Kambangan and shot dead by a firing squad. They were identified as Freddy Budiman, an Indonesian citizen; Humphrey Jefferson Ejike Eleweke and Michael Titus Igweh, from Nigeria; and Seck Osmane, from Senegal.

IRAN

Iranian law provides for the death penalty in cases of possession of more than 30 grams of heroin or 5 kilos of opium.

In December 2010, a new anti-drug law came into effect extending the death penalty to possession of other types of illegal substances such as methamphetamine.

In Iran drug-related offences are tried in Revolutionary Courts, which routinely fall far short of international fair trial standards. Revolutionary Court trials are frequently held behind closed doors and judges have the discretion to restrict lawyers' access to the defendant during pre-trial investigations in limited cases. Amendments to the Criminal Procedure Code that became effective in June 2015 now require that all death sentences be reviewed by the Supreme Court. These changes annul article 32 of the Anti-Narcotics Law, which authorized the country's Prosecutor General to fast-track and confirm death sentences for drug-related offences adjudicated by revolutionary courts. On 7 December 2015, the Supreme Court issued a ruling requiring all revolutionary courts to refer drug-related death sentences to it for review. However, violations of due process rights, including the right to appeal death sentences, remain problematic in drug-related cases. In April 2016, for example, prison authorities in the northern city of Rasht executed Rashid Kouhi, who was convicted of a non-violent drug-trafficking offence in the absence of review by the Supreme Court, as required by law.

Since the vast majority of those executed for drug-related charges are not identified by last (family) name, it is not possible to confirm the charges. Human rights observers believe that many of those executed for common crimes such as drugs are actually political dissidents.

At the start of 2016, the UN signed a new \$20 million programme for anti-drug

operations in Iran, despite the country's high execution rate of drug offenders. The UN's new funding deal will more than double UN funding for Iranian counter-narcotics efforts, and will be administered by the United Nations' Office on Drugs and Crime (UNODC). The money is expected to support a range of law enforcement operations, including the establishment of border posts designed to catch drug mules crossing the country's border with Afghanistan. In October 2015 the UN's special rapporteur on Iran, Ahmed Shaheed, warned that the country's Government was using UN support to justify its aggressive use of capital punishment, noting that Iranian officials "pointed to statements about its efforts issued by the United Nations Office on Drugs and Crime to demonstrate international support for its approach."

On 14 April 2016, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein appealed to Iran to halt executions for drug offences until Parliament debates a new law that would remove the mandatory death penalty for drug crimes. In December 2015, 70 Members of Parliament presented a bill to amend the existing mandatory death penalty for drug offences. The bill, which was introduced in Parliament in January 2016, provides for life imprisonment in such cases. "Given the broadening recognition in Iran that the death penalty does not deter drug crime and that anti-narcotics laws need to be reformed, I call on Iran to take the important first step of instituting a moratorium on the use of the death penalty," High Commissioner Zeid said. It remains to be seen whether it will be taken forward in the new Parliament.

As in previous years, drug trafficking was the most frequently used charge against those who were executed in Iran.

Of the at least **530** executions tallied by *Hands Off Cain* in 2016, at least **309** were for drug-related offenses, including **72** announced by official Iranian sources.

Below, are published only the official news of executions for drug-related crimes carried out in 2016. For those reported by unofficial sources see the chapter "Top Secret Death".

On 6 January 2016, at least three prisoners were hanged in Nazarabad for drugs-related charges, reported the Arborz Province Judiciary.

On 7 January 2016, three unidentified prisoners with drug charges were hanged in Ardebil's central prison for drug related crimes, reported the Press Department of Ardebil's Judiciary.

On 9 January 2016, two prisoners, identified as V. A. and A. T., were hanged in Rasht's central prison for drug trafficking, reported the Gilan Province Judiciary.

Between 10 and 11 January 2016, six prisoners were hanged in two different prisons for drug trafficking. Three of them were executed at Larestan Prison on 10 January, state run *Javan* reported. A local state run website, *Sobbat*, identified the prisoners as B. G., M. H., and A. B., between the ages of 35 and 40. On 11 January, three unidentified prisoners were hanged at Sari's central prison, reported the Mazandaran Judiciary's press department.

On 16 January 2016, three prisoners – identified as S. Gh., 50 years old, M. F.,

35, and A. A., 24 – were hanged at Lakan, Rasht's central prison, Gilan Judiciary's press department reported. They were sentenced to death on drug charges.

On 9 April 2016, three prisoners were hanged at Rasht's Lakan Prison on drug charges, announced the judiciary in the province of Gilan. They were identified as Rashid Kouhi, Seyed Javad Mirzadeh and Hossein Farhadi. According to the HRANA, 36-year-old Rashid Kouhi was arrested in September 2011 and sentenced to death by the revolutionary court in Rudbar for possession and trafficking 800 grams of methamphetamine.

On 16 April 2016, a 29-year-old prisoner, identified as A. M., was hanged at Lakan Prison in Rasht on drug charges, reported the Judiciary in Gilan.

On 3 May 2016, two prisoners were hanged in the central prison of Ardebil for drug trafficking, reported the provincial judiciary. One of them was charged with possession of 70 grams of heroin and crystal meth while the other was charged with trafficking one kilogram and 700 grams of heroin.

On 8 May 2016, a 27-year-old prisoner, identified as Mohsen Bahaoddini, was hanged in a prison in Minab for drug trafficking, reported the judiciary in Hormozgan Province.

On 14 May 2016, two prisoners, identified as A. A., 22, and E. Sh., 26, were hanged in Rasht Central Prison for drug trafficking, reported the judiciary in Gilan Province.

On 17 May 2016, eight unidentified prisoners were hanged in the prison of Yazd for drug trafficking, reported the provincial prosecutor.

On 1 June 2016, a woman who was not named was hanged in a prison in Qazvin for drug trafficking, said the prosecutor-general in Qazvin Province.

On 16 June 2016, three prisoners, identified only as A. Z., Gh. A. and B. A., were executed for drug trafficking in the prison of Bandar Abbas, reported the semi-official agency *Borna News*.

On 16 July 2016, two prisoners with drug related charges were hanged at Lakan, Rasht's central prison, reported official news agency *Mizan*. They were identified as F. D. and M. B., both charged with purchasing 675 grams of crystal meth.

On 20 July 2016, four prisoners were hanged at the central prison in Karaj for drug trafficking, reported the semi-official *Iran Newspaper*.

On 23 July 2016, two prisoners were hanged in the Central Prison of Rasht for drug trafficking, reported state run agency *ILNA*. They were identified only by their initials and ages: F. B., 40, charged with trafficking 659 grams of crystal meth; and A. M., 32, charged with possession of 965 grams of heroin.

On 11 August 2016, another prisoner, identified as Abbas Tahmasebi, was executed in the city of Kazeroon, state-run news agency *Mehr* reported. He was sentenced to death for "purchasing and selling of 100 grams of heroin, purchasing and selling 39 grams of crystal meth, and trafficking and possessing 40 grams of heroin."

On 16 August 2016, a prisoner, identified as H. R., 45, was executed at Lakan, Rasht's central prison, on drug related charges, *ISNA* reported. The prisoner was reportedly charged with buying and selling two kilograms of crystal meth.

On 25 August 2016, seven prisoners were executed in the Central Prison of Yazd, state-run *Rokna* news agency reported. Among the prisoners was a woman

and four men who were hanged on drug related charges. The other two prisoners were hanged on murder charges.

On 10 September 2016, seven prisoners were executed at Bandar Abbas Central Prison, reported state-run media *Tabnak*. According to the *Human Rights Activists News Agency* (HRANA), the prisoners were sailors who were sentenced to death on drug related charges. They were identified as: Qasem Daryanavard, Amin Bibak, Khosrow Bapa, Satar Hovat, Mohammad Hanif Bopp, Haroon Haikalnezhad and Tarogh Taraj.

On 5 November 2016, two prisoners with drug-related charges were executed at Lakan Prison in Rasht. State-run news agency *Diyarmirza* identified them as: A. Y., charged with trafficking and possessing five kilograms of heroin and 350 grams of crystal meth; K. Y., charged with trafficking five kilograms of heroin.

On 13 November 2016, two unidentified prisoners were hanged at Rasht's Lakan Prison for drug-related crimes, reported state-run news agency *FARS*. One of them was 56 years old and charged with trafficking 500 grams of heroin, while the other was 33 years old and charged with possession of 997 grams of crack and one kilogram of opium.

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).

In February 2015, the legal charity *Reprieve* accused the UN Office on Drugs and Crime (UNODC) of contributing to Saudi Arabia's unprecedented rate of state executions by helping the kingdom arrest offenders. The charity, which represents the interests of people on death row all over the world, said documents from September 2013 showed the UNODC had "agreed to cooperation with the [Saudi] General Directorate of Narcotics Control on drug control- related matters, including support to law enforcement efforts to combat illicit drug trafficking". Responding to *Reprieve*, the UNODC's deputy executive director Aldo Lale-Demoz denied that the agency had "a programme of assistance on counter-narcotics law enforcement" with the Saudi government. "Cooperation with Saudi Arabia is focused on technical assistance and capacity building in the many different thematic areas that fall under UNODC's mandate," Lale-Demoz said.

Of the 154 executions in Saudi Arabia in 2016, at least 22 were carried out for drug-related crimes.

On 8 February 2016, an Egyptian man was executed in the city of Tabuk for drug trafficking. Ibrahim Mohammed Salman was caught trying to smuggle opium which was hidden in his car, the ministry said.

On 17 February 2016, Saudi Arabia beheaded one of its citizens and two Yemeni nationals on charges of drug trafficking. Saudi national Daifallah al-Omrani was executed in the region of Tabuk for smuggling amphetamines. Yemeni nationals Ahmed Mubarak and Abdul Salam al-Jamali were beheaded in the city of Jizan for attempting to smuggle *hashish* into the kingdom.

On 1 March 2016, Saudi Arabia beheaded three people for trafficking amphetamines. Saudi nationals Sliman and Ahmed Messoudi were put to death in the Tabuk region, while Jordanian Abdallah Tayaha was executed in the Jawf region.

On 8 March 2016, Saudi Arabia executed one of its nationals convicted of trafficking amphetamines. Abdullhah Rouwaili was put to death in the Tabuk region.

On 21 April 2016, Pakistani national Shah Zaman Khan Sayyed was executed in the Riyadh region for smuggling drugs. He had been found guilty of attempting to smuggle heroin and amphetamines into the kingdom, the interior ministry said.

On 5 May 2016, Jordanian national Maher Al-Ghurabli was put to death in the region of Tabuk for drug trafficking. He had been found guilty of smuggling amphetamine pills into the kingdom.

On 17 May 2016, a Pakistani citizen, Mohammed Ishaq Thawab Gul, was executed for drug trafficking. According to the Interior Ministry, he was found guilty of trafficking heroin into the kingdom.

On 19 July 2016, Pakistani Muhammed Mukhtar was executed in the city of Dammam for drug trafficking.

On 27 July 2016, Yemeni national Mohammed Ahmed Abdulsalam Al-Shamiri was executed in Najran Region for drug smuggling.

On 28 July 2016, three Saudi nationals were executed in Tabuk region for smuggling a quantity of drugs. Mohammad bin Suleiman Musa'ad Al-Ataawi, Mohammad bin Abdullah Farhan Al-Atwaai and Mohammad bin Rashid bin Mohammad Al-Muri were arrested while trying to smuggle a quantity of banned amphetamine pills.

On 21 September 2016, two Pakistani nationals, Basharat Ali Farzand and Abdulaziz Al-Rahman Zaroir Khan, were executed in Qatif for smuggling large amounts of heroin inside their bodies.

On 29 September 2016 two Pakistanis were executed for drug trafficking. Amjad Hussein Ashraf Shah was beheaded in Jeddah governorate for smuggling a quantity of heroin, while Ayub Khan Manqal Khan was put to death in the Eastern Region for heroin trafficking.

On 25 October 2016, Saudi national Mohammed bin Aqla bi Mahilan Al-Sharari was executed in Al-Joof for smuggling a large quantity of amphetamine pills.

On 15 December 2016, Nazel bin Hizam bin Nasser al-Mutairi, a Saudi, was beheaded in Ahsa'a for smuggling a large quantity of amphetamine pills.

SINGAPORE

Singapore has some of the toughest anti-drugs laws in the world, and its customs forms warn arriving travellers of “death for drug traffickers” in no uncertain terms.

The *Misuse of Drugs Act* provides for the death penalty if the amount of diamorphine (or pure heroin) trafficked is 15 grams or more.

In 2016, Singapore hanged four people, two for murder and two for drug trafficking, according to the Singapore Prison Service (SPS) annual report. At least seven new death sentences were imposed.

On 14 November 2012, following the periodic general review started in July 2011, Singapore's Parliament changed the mandatory death penalty for drug-related crimes, allowing Judges discretion to impose life imprisonment in certain specific instances of drug trafficking, in which two specific, tightly-defined conditions must both be met. First, the person must have only played the role of a courier, and not have been involved in any other activity related to drug supply or distribution. Second, the trafficker must also have co-operated with anti-narcotics authorities in a substantive way, or has a mental disability that substantially impairs his appreciation of the gravity of the act. However, the mandatory death penalty will continue to apply in most cases, particularly for those who manufacture or traffic in drugs and those who fund, organize or abet drug trafficking.

All existing cases, if eligible, would be considered for re-sentencing under the new law. From 1 January 2013 until 31 December 2016, eighteen drug offenders have had their death sentences commuted to life imprisonment under the new regime.

On 27 January 2016, Singapore was reviewed under the UPR of the UN Human Rights Council. In response to questions on the death penalty, the Government said no civilised society glorifies in the taking of lives. Singapore applies capital punishment to deter the most serious crimes such as murder and drug trafficking.

On 6 October 2016, Government feedback agency *Reach* released a survey, which found that 80 per cent of Singapore residents felt the death penalty should be retained. A total of 1,160 residents were randomly selected for the survey, which was carried out through the phone. Only 10 per cent said the death penalty should be abolished and the remaining 10 per cent did not give a definitive answer or refused to answer. According to the survey, there is widespread general support for the death penalty system, with 57 per cent outrightly supporting death penalty and 80 per cent of residents generally supporting the notion. In addition, 23 per cent said "it depends" and 13 per cent opposed it. Those with higher education qualifications were more in support for the death penalty. Among those with a university and postgraduate qualification, 68 per cent supported the death penalty, while the number of polytechnic and Institute of Technical Education (ITE) graduates who support the death penalty is 62 per cent and 50 per cent respectively. Among those with primary school qualifications and below, 54 per cent support the death penalty. A majority, or 82 per cent of those polled, agreed that the death penalty is an important deterrent that has helped to keep Singapore safe from serious crimes. The survey also found that 81 per cent of those who generally supported the death penalty voted for the death penalty to be used as a punishment for murder; this was 78 per cent for using a firearm to commit a serious offence; 74 per cent for arms trafficking and 67 per cent for drug trafficking.

On 19 December 2016, Singapore voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

LAOS

On 9 April 2001 the National Assembly passed an amendment to the country's 1990 Criminal Code that introduced the death penalty for drug trafficking. The amended law included capital punishment for producers, distributors, smugglers and anyone found in possession of heroin, as well as traffickers of amphetamines and methamphetamines. A death sentence would be assured to those found in possession of more than 500 grams of heroin, or more than three kilograms of methamphetamines. Before the amendments prison terms for drug offenders ranged from life to ten years, depending on the amount found in possession.

Laos is the world's third-largest producer of opium and has been used as a production base for methamphetamines. The government has vowed to turn the country into a "drug-free zone" by the year 2015

No executions have taken place since 1989 according to government officials. However, 3 death sentences were imposed in 2016, all for drug.

On 1 August 2016, the Vientiane People's Court recently sentenced three people to death after they were arrested in connection with a drug deal involving 132,000 amphetamine pills, the Khuamsangob newspaper reported. The three were named as Ms Maychualee, 26, of Taothan village in Phonhong district, Vientiane province; Mr. Touveu, 35, of Xiengda village, Xaysettha district; and Mr. Yerveu, 21, of Thongkang village, Sisattanak district. Mr. Touveu said he bought the pills from a Thai national and sold them to Ms Maychualee. He told Mr. Yerveu to pick her up and go to a hotel to collect the money and wait for him there. However, when Mr. Touveu arrived at the hotel he was arrested with the pills in his possession. Police then raided his house and found more drugs there.

On 20 January 2015, Laos was reviewed under the Universal Periodic Review of the UN Human Rights Council. In its National Report, the Government informed that, in the process of creating a new Penal Code, the list of offenses subject to capital punishment under the current Penal Law will be revised in full compliance with Article 6 of the International Covenant on Civil and Political Rights. However, the Government said the country still needs to retain the death penalty as an exceptional measure with the objective of deterring and preventing the most serious criminal offences. Although the Criminal Law carries death penalty Laos has practiced a moratorium on its use for many years, and every year the President of the Republic grants amnesties, sentence reductions or pardons to a large number of inmates, said the Government.

In December 2016, Laos abstained on the Resolution for a Moratorium on the Use of the Death Penalty at the UN General Assembly.

VIETNAM

Vietnam has enacted some of the strictest drug laws in Asia.

A 1997 law made possession or smuggling 100 grams or more of heroin, or 5

kilograms or more of opium, punishable by death. In July 2001, the People's Supreme Court issued guidelines envisaging a 20-year jail term for defendants guilty of trafficking from 100 grams to 300 grams of heroin, life in jail for trafficking 300 grams to 600 grams, and capital punishment for 600 grams and upwards. The guidelines are not strictly implemented. In 2009, the Parliament removed the illegal use of drugs from the list of crimes punishable by death.

In November 2015, Vietnam revised the Penal Code abolishing the death penalty for seven crimes, including illegally storing narcotics (Article 249) and illegally appropriating narcotics (Article 193), but capital punishment remains for drug trafficking. However, after a thorough study of the text, VCHR has found that in some cases, crimes were simply re-worded to mask their appearance and deceive international opinion. For example, whereas the death penalty was abolished on former articles 193 and 194 on producing, trading in or possessing narcotics, the amended Code contains three articles (248, 250 and 251) condemning ostensibly similar crimes.

Media reports have indicated that around half of all executions are for drug-related crimes. There are nearly 700 people on the death row in Vietnam, many of them for drugs.

In 2016, at least 63 new death sentences were imposed, including 54 for drug-related offences, according to Amnesty International.

At the second cycle of the Universal Periodic Review in 2014, Vietnam accepted recommendations to "fulfill the Government aim of limiting the use of capital punishment promptly by reducing the scope of crimes subject to the death penalty" and "reduce the number of offences punishable by the death penalty". As a result, on 27 November 2015, the National Assembly adopted an amended Criminal Code which abolished the death penalty for an additional seven crimes. It also waived capital punishment for people aged 75 and more, and commuted death sentences to life imprisonment for official corruption if the officials paid back at least 75% of their illegal gains. The amended Criminal Code takes effect on 1st July 2016.

In December 2016, Vietnam abstained on the Resolution for a Moratorium on the Use of the Death Penalty at the UN General Assembly.

INDIA

On 9 April 2016, for the first time a court in Bengal awarded death sentence under the Narcotic Drugs and Psychotropic Substances Act, 1985, commonly referred to as the NDPS Act.

Almost 14 years after he was arrested, a Barasat court ordered Karaya resident Anwar Rehman - who was found guilty of supplying heroin in Kolkata and was arrested with over 53.5 kg of it - to be hanged till death.

Rehman was arrested by the Narcotics Control Bureau (NCB) of India. NCB officials explained that a death penalty is usually awarded in rarest of circumstances - generally when the quantity recovered is huge and the accused is a repeat offender.

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 that the United Nations Security Council unanimously adopted in 2004 and that the UN special rapporteur on counterterrorism and human rights subsequently endorsed 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 born out of the 11 September 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.

In 2016, at least **182** people were executed for acts of “terrorism” in **8** countries: **Afghanistan** (6), **Bangladesh** (6), **Egypt** (1), **Iran** (at least 24), **Iraq** (at least 88), **Pakistan** (7), **Saudi Arabia** (at least 47) and **Somalia** (at least 3).

In 2015, at least **100** executions related to acts of terrorism or crimes of political nature were carried out in **12** countries.

In 2017, **Barhein** resumed executions for terrorism (3).

It could not be confirmed if judicial executions for terrorism took place in **Libya**, **Syria** and **Yemen** in 2016.

In 2016, hundreds of death sentences for “terror acts” were handed down though not carried out in **11** more countries: **Algeria**, **Cameroon**, **Democratic Republic of Congo**, **India**, **Jordan**, **Kazakistan**, **Kuwait**, **Lebanon**, **Sudan**, **Tunisia** and **United Arab Emirates**. New anti-terrorism laws that provide for the death penalty were approved in **South Korea** and **Tanzania**.

At the end of 2016, at the **United States’** Navy base in Cuba hosting also the infamous Guantanamo detention camp, there were dozens still in custody for terrorism.

AFGHANISTAN

The 1976 Penal Code, still in force nowadays, identifies the crimes subject to capital punishment in numerous articles, which refer to two main categories: crimes against the security of the State and crimes against individuals, namely certain types of aggravated murder. Crimes punishable by death are also listed in the Law on

Crimes against Internal and External Security of 1987, and in the Military Law of 1989, both of soviet inspiration and still in force. Such crimes are mostly related to the security of the State, especially in time of war. The crimes identified by these laws are processed respectively by the National Security Court and by the Military Court.

On 8 May 2016, six Afghan terrorist who had been awarded capital punishment on charge of involvement in subversive activities were executed in Pul-e-Charkhi prison of Kabul, a Presidential Palace's statement said. The statement added that President Mohammad Ashraf Ghani signed the execution orders, following repeated demands by the families of the victims of terrorist attacks. The execution of militants follows over a week after President Ghani received a list of militants sentenced to death. The list was asked by President Ghani following a deadly attack on VIP protection unit in capital Kabul in April leaving at least 64 dead and 347 others wounded. The Taliban group claimed responsibility behind the attack. The terrorists executed included a member of the Haqqani network, an Al-Qaeda terrorist network affiliate, and four Taliban militants. One of the suspect was identified as Khan Agha who was also well known as Abdul Rahman. He was an Al-Qaeda affiliated and was involved in attack on deputy intelligence chief Abdullah Laghmani and another senior intelligence chief official who were assassinated in Laghman province. The second was identified as Hamidullah who was a Taliban group member and was involved in plotting an attack on former president and high peace council chief Burhanuddin Rabbani. The third was identified as Mohammad Ismail who was a member of the Haqqani network and was involved in an attack on Finest Super Market that led to the killing of a human rights commissioner along with several other civilians. The fourth, identified only as Hujatullah, was a Taliban group member and was involved in an attack on a bus in Paghman district of Kabul which left at least 9 civilians dead. The fifth was identified as Mohammad Osman and was a Taliban involved in an explosion that left 7 policemen dead. The sixth, identified only as Ikmal, was a Taliban group member and was involved in an attack on Sardar Mohammad Daoud Khan hospital in Kabul which left 4 security personnel dead and 22 others wounded.

On 29 August 2016, a local Afghanistan court has sentenced guerilla commander Anas Haqqani to death. Anas is Sirajuddin Haqqani's brother. A section of media quoted Baseer Aziz, spokesperson for the office of attorney general, saying that a primary court awarded death sentence to Anas, who was captured by United States security officials after he visited Qatar in October, 2014, along with another leader Hafiz Rashid. Baseer refused to comment on when and where the verdict was handed down. The Taliban had earlier confirmed Anas and Rashid's detention, adding that the two had travelled to Qatar to meet Taliban leaders released from Guantanamo. The US later handed over Anas and another senior Taliban commander to Afghan authorities. The Afghan government claimed Anas had been arrested in eastern Afghanistan.

According to Afghan legal experts, local court convicts have the right to appeal in high court, as well as the supreme court. Afghan officials earlier claimed

that Anas was taking care of fundraising for the Haqqani network; however, the Taliban, while denying the claim said Anas was a student, who held no position in the organisation. The Taliban had also accused US of violating an understanding reached during the exchange of prisoners, which allowed relatives to visit freed Guantanamo inmates. The verdict came a few months after the Afghan government hanged six Taliban prisoners in Kabul. The Taliban later launched a series of target attacks on judges, killing some judges and court officials.

BANGLADESH

The Anti-Terrorism Act 2009 provides the death sentence or life imprisonment or maximum 20 years and a minimum of 3 years rigorous imprisonment. In February 2012, Bangladesh's Parliament amended the Anti-Terrorism Act, keeping a provision for capital punishment for getting involved in, supporting or financing militancy and terrorist activities in the country. Any Bangladeshi or foreign national using Bangladeshi land for terrorist activities in other countries or supporting such activities would be brought to trial under this act. In June 2013, Bangladesh Parliament passed a law with provisions allowing the death penalty for adults (mis)using children in violent activities such as murder, terrorism and intimidation, in line with the Anti-Terrorism Act 2009.

In 2010, the International Crimes Tribunal (ICT) was set up by the Government led by Sheikh Mujib's daughter, Sheikh Hasina Wajed. The tribunal was established to try Bangladeshis accused of collusion with Pakistani forces and committing crimes against humanity and war crimes during the war for independence from Pakistan in 1971. In February 2013, Bangladesh's Parliament amended the International Crimes Tribunal (ICT) law, allowing the death penalty for those allegedly involved in crimes against humanity in the 1971 independence war. The new law means the Government and others can now appeal against ICT verdicts. Further, the amendment will give the tribunal powers to prosecute any political parties or organizations reputedly involved in war crimes, and ban such parties from politics.

Six people were hanged in 2016, for acts of political violence and terrorism and four other people in 2015, including three for crimes against humanity and war crimes.

On 7 January 2016, Anwar Hossain, Rashedul Islam Jhantu and Safayet Hossain Habib were hanged at Jessore Central Jail for killing five members of Jatiya Samajtantrik Dal party in 1999. The five people, including Kazi Aref Ahmed, the party leader and one of the Liberation War organisers, were shot to death at a rally in Kushtia in February 1999. In August 2004, a Kushtia court sentenced 10 people to death and 11 others to life imprisonment in the case. Later, the High Court upheld the death sentence of nine condemned convicts and acquitted 11 others.

On 10 May 2016, Bangladesh Jamaat-e-Islami chief Matiur Rahman Nizami was hanged inside the Dhaka Central Jail after he was found guilty of genocide by

International Crimes Tribunal. Nizami, 73, was convicted of crimes including the killing of over 450 people alone in his own village at Santhia in Pabna during the War of Liberation in 1971. He had refused to seek clemency from President Md Abdul Hamid after rejection of his review petition against his death sentence by the Appellate Division of the Supreme Court. Nizami was the most senior figure in Bangladesh Jamaat-e-Islami. A former minister in ex-premier Khaleda Zia's BNP-led four-party coalition government, Nizami had been in jail since 2010, when he was arrested to be tried 1971 war crimes. He was given capital punishment in October 2014 by the tribunal after being convicted of "superior responsibility" as the chief of the Al-Badr militia forces in 1971.

On 3 September 2016, a leader and financial backer of the biggest Islamist party in Bangladesh was hanged at a high-security prison outside Dhaka for war crimes committed during the war of independence from Pakistan in 1971. Media tycoon Mir Quasem Ali, 63, of the *Jamaat-e-Islami* party, was arrested in 2010 and sentenced to death in 2014. He had been convicted of offences including murder and torture. He declined to seek a presidential pardon, which would have required an admission of guilt. At his trial, Ali had been accused of involvement in a "reign of terror" in the city of Chittagong.

On 16 October 2016, Asadul Islam Arif, a member of *Jama'atul Mujabideen Bangladesh* (JMB), was hanged in Khulna district jail for the murder of two Jhalakathi judges, Jagannath Pare and Sohel Ahmed, who were killed in a suicide bomb attack in November 2005 as part of the JMB's all-out attacks on the courts and law enforcers across the country. Arif and six other JMB leaders including its founder Shayakh Abdur Rahman and second-in-command Siddiqui Islam alias Bangla Bhai were sentenced to death in May 2006. The six were executed in March 2007. Arif, who was absconding during the trial, was arrested in July 2007. He is the first death-row convict executed at the Khulna jail after a decade.

EGYPT

The ouster of Islamist President Mohamed Morsi in July 2013 has triggered a wave of attacks on the security forces in North 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. The Muslim Brotherhood itself was dissolved by the supreme administrative court in September 2013 and was designated a terrorist group in December 2013. Therefore, all its activities were banned. In August 2014, the supreme administrative court also dissolved the Freedom and Justice Party (FJP), the political wing of the banned Muslim Brotherhood.

On 17 January 2016, the 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.

Since Morsi's ouster in July 2013, Egypt's military-backed government has waged a relentless crackdown on political dissent – largely targeting Morsi supporters – which has seen hundreds killed and thousands detained, and an unprecedented number of death penalties that have been meted out.

Under the nation's legal system, death sentences are referred from criminal court judges to the Grand Mufti of Al-Azhar, the country's top religious leader, for a non-binding review. From July 2013 to 3 February 2016, out of a total of about 1,700 preliminary death sentences for violence-related charges referred to the Grand Mufti, more than 1,000 did not see a confirmation and the defendants were instead given sentences other than the death penalty or acquitted. Out of the 687 people initially sentenced to death, more than 500 have been re-tried after their verdicts were examined and rejected by the Court of Cassation. The others remained under examination, and only one was finally sentenced, as of 3 February 2016.

On 16 November 2016, the Egyptian Court of Cassation annulled the death sentence of former Islamist President Mohamed Morsi and ordered a new trial before a criminal court. The Court of Cassation also quashed the convictions of five of Morsi's co-defendants, including the former Supreme Leader of the Muslim Brotherhood Mohamed Badie. In the same trial, nearly one hundred other people were sentenced to death in absentia.

Morsi was sentenced to death in June 2015 for his role in massive prison escapes and attacks against the police during the revolt that expelled Hosni Mubarak from power in 2011.

Mohamed Morsi has already been sentenced in four trials since his dismissal. In 2015, he was sentenced to life in prison in a trial for espionage, this time in favour of Iran, the Palestinian Islamist movement Hamas and the Lebanese Shiite movement Hezbollah.

The United Nations and several international human rights organizations expressed concern and questioned the fairness of proceedings against so many defendants lasting just few hours. Human Rights Watch described the trials as a "blatant and fundamental violation of the right to a fair trial guaranteed by the Egyptian constitution and international law."

In 2016, 1 man was executed for terrorism or political violent acts. Of the 237 new death sentences issued, according to Amnesty International, 44 were for terrorism related crimes.

On 15 December 2016, Egypt executed prominent Islamist fighter Adel Habara, 40, who was sentenced to death in 2014 for killing 25 army conscripts in Northern Sinai in August 2013. Habara had been taken from his cell at the maximum security Aqrab, or Scorpion, jail in Cairo to the Court of Cassation, where he was hanged in the presence of judicial officials. Habara's appeal was rejected by the Court of Cassation on 10 December.

IRAN

In 2016, Iran executed **at least 25** people on charges such as *Moharebeh* (enmity against God), "corruption on earth" or terrorism. Accused of being *Mohareb* – enemies of Allah –, those arrested are often subject to rapid and severe trials by the Revolution Courts behind closed doors 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.

However, among those condemned to death or executed for *Moharebeh* and/or "corruption on earth", several people were not directly involved in acts of violence. Some of them were political dissidents, members of banned groups or members of Iran's ethnic and religious minorities, including Iranian Azerbaijanis, Kurds, Baluchis, and Arabs. [See also chapter "Death Penalty for Non-violent Crimes, and for Political Motives and Dissent"]

On 2 August 2016, at least 20 Sunni prisoners were executed at Karaj's Rajai Shahr Prison, Mohammad Jafar Montazeri, the Attorney General of Iran, said in an exclusive interview with Iranian state run media IRIB on 4 August. A statement released by the public prosecutor in Kurdistan province on 3 August said the executed Sunnis were part of "a takfiri terrorist group", *Tawhid and Jihad*, that killed 21 people and injured another 40. According to the *Human Rights Activists News Agency* (HRANA), at least 36 Kurdish Sunni prisoners had been hanged at dawn in Rajai Shahr Prison on 2 August. HRANA said that "the cases of at least seven of these prisoners are still in the primary stage, and their sentences cannot be executed before the end of trial procedures." On 3 August, confessions from some of the prisoners were aired on Iran's state-run television. On the same day, families of some of the prisoners confirmed that they had received the corpses of their loved ones. Below is a list of the 29 Sunni prisoners whose verdicts had been sent to the executive branch: Kave Veisi, Behrouz Shahnazari, Taleb Maleki, Shahram Ahmadi, Kave Sharifi, Arash Sharifi, Varya Ghaderifard, Keyvan Momenifard, Barzan Nasrollahzade, Alem Barmashti, Pourya Mohammadi, Ahmad Nasiri, Edris Nemati, Farzad Honarju, Seyed Shahu Ebrahimi, Mohammad Yavar Rahimi, Bahman Rahimi, Mokhtar Rahimi, Mohammad Gharibi, Farshid Naseri, Mohammad Keyvan Karimi, Amjad Salehi, Omid Peyvand, Ali Mojahedi, Hekmat Sharifi, Omar Abdollahi, Omid Mahmudi, Abdolrahman Sangani and Seyed Jamal Seyed Musavi. The other 7 prisoners whose cases are still in the primary stage are Ghasem Abeste, Davud Abdollahi, Kamran Sheykhe, Khosro Besharat, Ayub Karimi, Anvar Khezri and Farhad Salimi.

On 17 August 2016, three young Ahwazi Arab men from the province of

Khuzestan were executed in the city of Hamidiyeh, reported state-run news agency *Young Journalists Club*, quoting the public relations department of the Khuzestan Judiciary. They were identified as Ghais Obidawi, Ahmad Obidawi and Sajjad Balawi. Iranian authorities did not announce the location of their executions, but Farhad Afsharian, the head of the Khuzestan Judiciary, had previously told official Iranian media that the executions would likely be carried out in public in the city of Hamidiyeh. "These three people carried out several operations in spring 2015 that resulted in the martyrdom of three police force personnel. Also, they created fear and terror by destroying the seismological centre in the Hamidiyeh region, attacking pilgrims, and engaging in terrorist acts," said Amanat Behbahani, an official in the Khuzestan Judiciary. According to unofficial local sources, neither the families or the lawyers were informed about the scheduled executions.

On 4 November 2016, Nemat Rahman Garmi, a man jailed for 15 years in prisons in the Republic of Azerbaijan, was executed at Ardabil Central Prison, reported the *Human Rights News Agency* (HRANA). According to some reports his charges were security related, such as transporting and storing illegal weapons. He was returned to Iran in August 2016, at the same time that Iranian President Hassan Rouhani had made a visit to the Republic of Azerbaijan. The Iranian and Azerbaijani authorities had reportedly signed an extradition agreement.

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: "Every criminal act committed by an individual or an organized group that targeted an individual or a group of individuals or groups or official or unofficial institutions and caused damage to public or private properties, with the aim to disturb the peace, stability, and national unity or to bring about horror and fear among people and to create chaos to achieve terrorist goals."

Furthermore, the terrorism law offered amnesty and anonymity to *al-mukhabbir al-sirri*, secret informers who report alleged terrorist activities. Those reports contributed to the detention of thousands of Iraqis, who were sentenced to death shortly after being arrested. According the 2016 Report of the Arab Organisation for Human Rights, at least 70% of indicted have been condemned and in the 60% of cases to the death penalty.

Iraq's Government has also received criticism for televising many confessions of those who committed acts of terrorism. It's difficult to find out under what conditions those confessions were given. The fact is that detainees are sometimes tortured and forced to confess crimes or terrorist acts during pre-trial interrogations, confes-

sions they later denounce in court. However, such confessions are highly publicized and regularly broadcast on the State-funded TV channel, a practice which strongly undermines the rule of law and the right to a fair trial.

On 9 March 2006, the first condemnations were carried out under the new anti-terrorism law

On 5 November 2015, the U.N. Human Rights Committee, which monitors state-parties' implementation of the International Covenant on Civil and Political Rights, accused Iraq of violating the human rights of its citizens in the name of combating acts of terrorism. The committee of 18 independent experts acknowledged Iraq's need to adopt measures to combat acts of terrorism. This, especially in light of the grave crimes being committed by the so-called Islamic State (IS), including killings, abductions, enslavement, rape, and torture. But, it said these horrific acts do not justify the human rights violations reportedly being committed against civilians by Iraqi security forces and allied armed groups in their efforts to defeat IS. The experts are concerned by allegations that police often use torture to extract confessions from people suspected of terrorism and other crimes.

Iraq executed at least 92 people in 2016, including 88 for terrorism according to the Minister of Justice on 30 December but the number could be more because they are 94 according the *Hands off Cain* monitoring.

In 2015, Iraq executed at least 30 other people almost all for terrorism.

In 2014, at least 67 executions were carried out, most of them related to acts of terrorism.

As of 20 June 2016, there were about 9,000 detainees on terrorism charges in the Iraqi prisons, including 200 Arab and foreign citizens, according to the Director General of the Department of Reform in the Ministry of Justice, Khaled Hussein al-Askari.

On 31 January 2016, Iraqi President Fouad Masum signed execution orders for offenders convicted of terrorist offenses, announced his spokesman Khalid Shwani, who explained that this was the third batch of executions that Masum had signed for terrorist offenses, but did not disclose how many were endorsed.

On 7 February 2016, a 35-year-old Saudi prisoner, Abdullah Azam Al-Qahtani, was executed in Baghdad on charges described by his family as fabricated. He had spent almost 13 years in the Iraqi prisons. His family frequently criticized the sentences issued against their son. He was accused of bombing and robbing a commercial facility on a date when he was already detained by the Iraqi security forces in Anbar province.

On 6 March 2016, twenty prisoners were executed for different charges, including terrorism, Iraqi Justice Minister Haidar al-Zamili disclosed on 13 March. He added that the ministry had 65-70 other execution verdicts awaiting implementation after the final approvals of the judicial authorities. Minister Zamili added that some of the convicted terrorists were from Tunisia, Algeria, Egypt, Jordan, Saudi and Iraqis. Among the executed prisoners there was Saudi Abdullah Mahmoud Sydat,

who was being held in Al-Nasiriyah Prison. Sydat left the Kingdom for Iraq in 2007 and was arrested on charges of terrorism during his time there. He was sentenced to 15 years in prison, which was later upgraded to the death sentence. According to Al-Riyadh newspaper, the Iraqi ministry notified the Saudi Embassy in Baghdad of the conviction and actual execution of Sydat only after it took place. The family of the prisoner said they were notified about his execution on 10 March by the Iraqi Ministry of Justice, but were not given any further details.

On 23 May 2016, the justice minister announced that Iraq over the past month had executed 22 people who were convicted of terrorism and other crimes. The ministry "carried out death sentences against 22 convicts condemned for crimes and terrorist acts," Justice Minister Haidar al-Zamili said in a statement.

On 20 June 2016, during a press conference in Baghdad, Justice Minister Haidar al-Zamili announced that another 12 people, who were convicted of terrorism offences, had been executed in the previous 30 days.

On 4 July 2016, Iraq executed five ISIS members, the justice ministry said, linking the timing of the executions to the Baghdad suicide bombing the previous day that killed more than 200 people. The five included Saudis and terrorists from other Arab nationalities.

On 5 July 2016, Iraqi Justice Ministry announced executing two convicted terrorists. In a statement, the ministry added that 45 executions were implemented this year in the country.

On 17 August 2016, Iraqi Nassiriya Prison's sources reported the execution of four Iraqi nationals who were convicted of terrorism.

On 21 August 2016, Iraq hanged 36 men in Nasiriyah prison, said a spokesman for the governor's office in Dhiqar, the province of which Nasiriyah is the capital. An official with the Justice Ministry confirmed the executions, speaking on condition of anonymity. The 36 men were convicted of complicity in an "Islamic State" (IS) massacre of hundreds of soldiers in 2014. The Sunni extremist group captured an estimated 1,700 Shiite army recruits from Camp Speicher, a former US base outside the city of Tikrit. The militants then posted graphic images of the recruits being shot to death. Several mass graves were later found around Tikrit.

On 31 August 2016, Iraq hanged seven terrorists from Egypt, Tunisia, Libya, Sudan, Palestine, Syria and Jordan in Nasiriyah prison. They were convicted of belonging to the *Al-Qaeda* network, said Dakhel Radhi, a member of the provincial council of Dhiqar, the southern Iraqi province of which Nasiriyah is the capital, officials said. An official in the Nasiriyah prison administration speaking on condition of anonymity said the seven had all been jailed for more than four years.

On 8 September 2016, Iraqi authorities executed a Palestinian youth after accusing him of collaborating with armed groups in Iraq, the Palestinian *Safa* news agency reported. Ahmad Husni Shwahneh, who also held Jordanian nationality and lived in the Hashemite Kingdom with his family, was arrested by Iraqi authorities in 2015, and his execution was carried out before his family were informed.

On 7 October 2016, a Saudi national was executed in Al-Nasiriya prison in Southern Baghdad. Badr Oufan Al-Shammari was arrested in 2003 and convicted in several terror-related cases.

PAKISTAN

Pakistan sanctions the death penalty for 27 offences, including: blasphemy, stripping a woman in public, terrorist acts, sabotage of sensitive institutions, sabotage of railways, attacks on law enforcement personnel, spreading hate against the armed forces, sedition and cybercrimes.

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. The terror attack saw nine *Tehreek-e-Taliban* insurgents storm the school while around 500 children and teachers were believed to be inside. The Afghan Taliban issued a statement condemning the attack in Peshawar.

On 6 January 2015, Pakistan's Parliament passed a constitutional amendment that allows a parallel system of military courts to try Islamist militants, significantly enlarging the army's power. The new law, which was passed by a two-thirds majority in both houses of Parliament, is the central plank of the government response to the attack on the Peshawar school on 16 December 2014. The military has pushed for the new courts, arguing that a weak civilian judicial system has failed to bring Taliban and other Islamist militants to justice. The law that authorizes the courts is to remain in effect until February 2017. The government has promised to use that time to reform the broken civilian justice system. The military courts will be empowered to try militants from any group that "raises arms or wages war against Pakistan, or attacks the armed forces of Pakistan and law enforcement agencies," according to the text of the new law. Military courts have heard at least 100 militants' cases and passed judgment in at least 27, the law ministry said in June. The military published the names of six men sentenced to death in one case. There is no public information about the identity of other suspects or convicts, about the charges or evidence against them, or about their sentences or appeals. Several lawyers challenged the constitutionality of the military courts in the Supreme Court. But on 5 August 2015, Nasir ul Mulk, the chief justice, announced that all "petitions have been dismissed." The Supreme Court has ruled that secret military courts are legal and can pass death sentences on civilians, a judgment that critics say further strengthens the military's grip on power at the expense of civilian authorities.

In 2016, at least **87** people were executed across the country, and other **7** were hanged for terrorism. According the Human Rights Commission of Pakistan, in 2016 at least 360 people were sentenced to death, at least 133 issued by military courts created in January 2015 to judge civilians suspected of terrorism, 31 by the special anti-terrorism courts created in 1997 and 193 by ordinary courts.

On 4 February 2016, Bilal Ahmed alias Abu Abdullah was executed in Kohat Central Jail for terrorism. He was arrested in 2014 and sentenced to death by the military court in Kohat after he was found guilty of being a facilitator of *Tehreek-e-*

Taliban Pakistan group and involved in terrorist activities against Pak Army across the country.

On 26 February 2016, a prisoner involved in killing of Pakistani Army personnel was hanged at Adiala Jail in Rawalpindi. Saeed Khan was charged on the terror attack at the Sialkot Army base, in which six army personnel were killed.

On 29 February 2016, Pakistan executed a man who killed the Governor of Punjab Province over his call to reform the country's strict blasphemy laws that carry a death sentence for insulting Islam. Mumtaz Qadri, a bodyguard of Governor Salman Taseer, shot him dead in the capital, Islamabad, in 2011. The execution took place at the Adiala jail in Rawalpindi. Late in 2011, an anti-terrorism court handed down a double death sentence to Qadri for murder and terrorism. The sentence was appealed and upheld by the Supreme Court late 2015. Protests broke out within hours by supporters of the killer, who consider him a hero who defended the faith.

On 24 March 2016, two convicts, identified as Abdullah Baloch and Sohail Ahmed, tried and sentenced by military courts for their involvement in "terrorist attacks", were hanged at a high-security prison in Sahiwal, an Inter-Services Public Relations (ISPR) statement said. Military courts awarded the death sentence to Abdullah on 7 April 2015, and Sohail on 15 August 2015, the ISPR statement added. Abdullah was an active member of *Harkatul Jihad-i-Islami* involved in attacking armed forces personnel in Khyber Pakhtunkhwa (KP), which resulted in the death of two soldiers and injuries to 18 others, possession of a suicide jacket, fire arms, explosives and fabricating a huge quantity of explosives. Sohail was an active member of the *Tebreek-i-Taliban Pakistan* (TTP). He was found involved in an attack on armed forces personnel in KP which resulted in injuries to soldiers. He was also involved in abetting an attack on Bannu jail, owing to which a large number of terrorists managed to escape and resulted in injuries to two police constables and a soldier of the Frontier Constabulary (FC).

On 30 March 2016, two 'terrorists' convicted by military courts for involvement in attacks on security officials and civilians were executed at a jail in Kohat, a military sourced confirmed. Rab Nawaz and Mehmood were involved in several terrorist activities, jail authorities said. Both belonged to banned Tehreek-e-Taliban Pakistan.

SAUDI ARABIA

In Saudi Arabia, acts of terrorism – such as hijacking planes, terrorising innocent people and shedding blood – amount to "corruption on earth", a charge that can carry the death penalty even when the offences do not result in lethal consequences.

The authorities set up specialised courts in 2011 to try Saudis and foreigners accused of belonging to *Al-Qaeda* or involvement in a spate of deadly attacks in the kingdom from 2003-2006.

Saudi Arabia carried out at least 47 executions for acts of "terrorism" in 2016.

But those sentenced to death and executed for terrorism also included people convicted of involvement in anti-government mass protests that erupted in

February 2011 in the Qatif district, which is home to many of the Sunni-ruled country's Shiite minority. The protesters attacked security forces, as well as public and private property, said the official *SPA* news agency.

On 2 January 2016, Saudi Arabia executed 47 people convicted of terrorism-related offenses, including 43 suspected members of *Al-Qaeda* and 4 Shiites, including Nimr al-Nimr, a prominent cleric and government critic from the country's Shiite minority. The executions were carried out in the capital Riyadh and 11 other cities. Two were citizens of Egypt and Chad, and the rest were Saudi nationals. The following are the names of those executed: Ameen Mohammed Abdullah Al Aqala; Anwar Abdulrahman Khalil Al-Najjar; Badr bin Mohammed bin Abdullah Al-Badr; Bandar Mohammed bin Abdulrahman Al-Ghaith; Hassan Hadi bin Shuja'a Al-Masareer; Hamad bin Abdullah bin Ibrahim Al-Humaidi; Khalid Mohammed Ibrahim Al-Jarallah; Ridha Abdulrahman Khalil Al-Najjar; Saad Salamah Hameer; Salah bin Saeed bin Abdulraheem Al-Najjar; Salah bin Abdulrahman bin Mohammed Al Hussain; Saleh bin Abdulrahman bin Ibrahim Al-Shamsan; Saleh bin Ali bin Saleh Al-Juma'ah; Adel bin Saad bin Jaza' Al-Dhubaiti; Adel Mohammed Salem Abdullah Yamani; Abduljabbar bin Homood bin Abdulaziz Al-Tuwaijri; Abdulrahman Dhakheel Faleh Al-Faleh; Abdullah Sayer Moawadh Massad Al-Mohammadi; Abdullah bin Saad bin Mozher Shareef; Abdullah Saleh Abdulaziz Al-Ansari; Abdullah Abdulaziz Ahmed Al-Muqrin; Abdullah Musalem Hameed Al-Raheef; Abdullah bin Mua'ala bin Ali; Abdulaziz Rasheed bin Hamdan Al-Toaili'e; Abdilmohsen Hamad bin Abdullah Al-Yahya; Isam Khalaf Mohammed Al-Mothri'e; Ali Saeed Abdullah Al Ribeh; Ghazi Mohaisen Rashed; Faris Ahmed Jama'an Al Showail; Fikri Ali bin Yahya Faqih; Fahd bin Ahmed bin Hanash Al Zame; Fahd Abdulrahman Ahmed Al-Buraiddi; Fahd Ali Ayedh Al Jubran; Majed Ibrahim Ali Al-Mughainem; Majed Moeedh Rashed; Mishaal bin Homood bin Juwair Al-Farraj; Mohammed Abdulaziz Mohammed Al-Muharib; Mohammed Ali Abdulkarim Suwaymil; Mohammed Fathi Abula'ti Al-Sayed, Egyptian nationality; Mohammed bin Faisal bin Mohammed Al-Shioukh; Mostafa Mohammed Altaher Abkar, Chadian nationality; Moaidh Mufreh Ali Al Shokr; Nasser Ali Ayedh Al Jubran; Naif Saad Abdullah Al-Buraiddi; Najeed bin Abdulaziz bin Abdullah Al-Bohaiji; Nimr Baqer Ameen Al-Nimr; Nimr Sehaj Zeid Al-Kraizi. The 43 Sunni jihadists executed included those convicted of involvement in *Al-Qaeda* attacks that killed Saudis and foreigners in 2003 and 2004. Some of them had been convicted of taking part in May 2003 attacks on expatriate compounds in Riyadh that killed 35 people, nine of them Americans, the ministry said. Others were involved in attacks the following year on a housing complex in the eastern city of Khobar, in which 22 people were killed, most of them foreigners, and other assaults. Among them was Fares al-Shuwail, described by Saudi media as *Al-Qaeda's* top religious leader in the kingdom. According to the Saudi Interior Ministry, the four Shiites were convicted of involvement in shootings and petrol bomb attacks that killed several police during anti-government protests from 2011-13, in which over 20 members of the minority sect were also shot dead by the authorities. Family members of the executed Shiites have vigorously denied they were involved in attacks and said they were only peaceful protesters against sectarian discrimination in the Sunni-ruled kingdom.

Prominent Shia cleric Nimr al-Nimr, 56, had harshly criticized the Sunni monarchy of neighboring Bahrain for its violent suppression of protests by its own Shiite population after the start of the so-called Arab Spring in 2011. Nimr was arrested by Saudi security forces in 2012, after being shot in the legs during a car chase in the mostly Shiite eastern province of Qatif, where the protests had been concentrated. He was sentenced to death in October 2014 after being charged with "instigating unrest and undermining the kingdom's security," as well as delivering speeches against the government and defending political prisoners. The three other executed Shiites were Ali al-Rubh, Mohammed al-Shayoukh and Mohammed Suwaymil. They were all arrested in 2012 following their involvement in anti-Government protests, and subsequently sentenced to death. Ali was 18 when he was arrested, and sentenced to death for organizing and participating in demonstrations; vandalism; helping to organize demonstrations through the use of his BlackBerry; attending an address of Sheikh Nimr al-Nimr. Mohammed al-Shayoukh, 19 at the time of his arrest, was sentenced to death for a number of offences, including writing anti-Government graffiti and filming demonstrations for the purpose of documenting and publishing their content. Both were tortured while in custody.

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 courts 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. Also the United Nations Human Rights Office voiced its concern at the "hasty" judicial process that led to some executions. "Under international law, the death penalty should only be applied after the most rigorous judicial process," said Rupert Colville, spokesperson for the Office of the High Commissioner for Human Rights (OHCHR).

On 2 April 2015, Somalia's cabinet approved new legislation aimed at curbing the menace of terrorism in the country and giving special powers to security forces. The bill submitted by the Ministry of national security was unanimously passed in a high-level ministerial meeting chaired by Prime Minister Omar Abdirashid in Mogadishu. According to a press statement from the Prime minister's office, the new bill is aimed to empower 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. Anti-terror law was first introduced by the former cabinet in 2014 but it failed to proceed to the country's parliament for approval. If passed by the Parliament, the law is expected to target groups such as the Al-Qaeda-linked militant *Al-Shabaab*.

At least 14 executions were carried out in 2016, including 3 for acts of terrorism. In 2015, executions for terrorism were 25, including 9 for terrorism.

On 9 April 2016, two members of *Al-Shabaab* jihadist group were executed by firing squad in Mogadishu for the murder of a journalist in December 2015. Abdirisak Mohamed Barow and Hassan Nur Ali, who admitted being *Al-Shabaab* members during their trial, were found guilty of murdering journalist Hindiyo Haji Mohamed whose car was blown with explosive device when she returned home from a university class in Mogadishu. The military court had rejected an appeal by the men – and indeed increased their sentence from life imprisonment to execution.

On 11 April 2016, a former journalist who joined the Islamic extremist group *Al-Shabaab* was executed by firing squad at a police academy in Mogadishu for the killings of five Somali journalists. Hassan Hanafi Haji, who was extradited from Kenya in 2015, was known to threaten journalists and radio stations for any reporting not in favor of the Islamic extremist rebels, forcing many media outlets to practice self-censorship for security reasons.

BAHRAIN

In August 2013, Bahrain's King Hamad decreed stiffer penalties for "terror acts" in the country rocked by a Shiite-led uprising since 2011. Under a new law, suspects convicted for bomb attacks will be sentenced to life imprisonment or to death in cases of casualties. The minimum penalty for an attempted bombing is 10 years behind bars. The crimes previously carried unspecified jail terms. Suspects found guilty of "raising money for a terrorist organisation" will be handed jail terms ranging 10 years to life.

On 15 January 2017, Bahraini authorities executed three Shi'ite Muslim men convicted of killing an Emirati police officer and two Bahraini policemen in a 2014 bomb attack. The executions came less than a week after the country's highest court confirmed the punishment against Abbas al-Samea, Sami Mushaima and Ali al-Singace, the first death sentences to be carried out since 2010. Activists condemned the executions and warned the move would undermine security. "This is a black day in Bahrain's history. It is the most heinous crime committed by the government of Bahrain and a shame upon its rulers ... This act is a security threat to Bahrain and the entire region," said Sayed Ahmed Alwadaei of the Bahrain Institute for Rights and Democracy. On 4 December 2016, a Bahraini Appeal Court had upheld three death sentences and seven life terms against a group convicted of planting a bomb in March 2014 in Al-Daih, a Shiite village west of Manama. In October, the court of cassation had ordered a retrial in the case of the 10 defendants, including Sami Mushaima, Abbas Al-Samea and Ali Al-Singace, who had been sentenced to death by the Fourth High Criminal Court on 26 February 2015.

ALGERIA

In 2016, at least 50 death sentences were issued, most for terrorism, murder or rape, according to Amnesty International.

The political events of 1991/92 which culminated in the annulment of the vote following the election of the Islamic Front, and subsequent acts of terrorism, led to the declaration of a state of emergency and the introduction of special laws in September 1992 (anti-terrorism decree) extending the application of the death penalty to terrorist offences. This special decree was almost entirely included in the ordinary law of 1995 that is currently applicable.

Former President Liamine Zeroual declared a moratorium on executions in December 1993 and no executions have been carried out since. The last executions took place in August 1993, when seven armed Islamists were executed for a 1992 attack on Algiers airport by special courts, which have since been dissolved. Furthermore, several death sentences were commuted to prison terms by presidential pardon.

In recent years, some political activists, associations and lawyers pleaded for restoring the death penalty in Algeria, especially following the surge in crimes against children, which led to the introduction in December 2013 of new provisions in the Algerian Penal Code concerning the death penalty for child abductors in case the victim dies.

On 13 November 2014, Justice Minister Tayeb Louh said the restoration of the suspended death penalty in the country required an open and objective debate. Louh made the remarks as he answered a question asked by parliament members at the lower house on the reasons for non-application of the death penalty in Algeria. He said this issue should include all classes of society because of its political, social and moral characters. "Judicial sanction, in its modern sense, is not of a vindictive nature, but rather aims to protect the society by identifying personal and social causes leading to crime," Louh said.

In December 2016, for the sixth time, Algeria co-sponsored and voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

At least 38 death sentences were imposed in 2015, mostly against people tried *in absentia* for terrorism-related offences.

On 17 February 2015, a court in Algeria issued death sentences against 26 people convicted of terror-related offences, among them Abou Musab Abdel Wudud, a man thought to be the leader of *Al-Qaeda in the Islamic Maghreb* (AQIM). Wudud and 25 others were sentenced in absentia while one defendant, al-Adawi Walid, appeared in court and, during the trial, he gave up the names of his co-defendants before being found guilty of various raids and kidnappings after his group officially joined forces with *Al-Qaeda* in 2007.

On 27 May 2015, the Algiers Criminal Court handed down death sentences *in absentia* to 12 members of the *Katibat el-Arkam* network, a splinter group of AQIM, over their involvement in various attacks, including a bomb explosion that claimed the lives of a Frenchman – Engineer Pierre Nowacki – and his driver back in June 2008.

CAMEROON

In December 2014, President Paul Biya promulgated the new anti-terrorism law, which provides for the death penalty for the perpetrators of terrorism acts. The law specifies that terrorist crimes are the taking of action likely to cause death; to endanger or damage the physical integrity of another; or to do damage to the nation's natural resources, environment, or cultural heritage. Even those who finance terrorism, engage in money laundering, recruit in the name of terrorism or acclaim terrorist activities will face the death penalty. The new anti-terrorism law was criticised by the opposition, civil society groupings and human rights organisations as severely curtailing basic freedoms.

In 2016, military courts in the northern city of Maroua issued 160 death sentences according to Amnesty International. Some have been commuted in appeal.

On 16 March 2016, a military court sentenced 89 members of the Nigerian Islamist militant group Boko Haram to death on terror charges. They were convicted for their roles in several attacks in Cameroon's northern region which borders Nigeria – the area has often been targeted by the insurgents. These people are part of the 850 in detention over alleged involvement in Boko Haram insurgency in the country. This is the first time that people have been sentenced to death since a new anti-terror law was passed in 2014.

Of about 800 persons held in Cameroon on suspicion of links to Boko Haram, 109 have been sentenced to death and awaiting execution. This was disclosed by Cameroonian investigative journalist, Chief Bisong Etahoben via Twitter on 25 August 2016.

DEMOCRATIC REPUBLIC OF CONGO

In 2016, at least 93 death sentences were issued, according to Amnesty International for crimes including terrorism as those by the military courts on North Kivu.

On 5 October 2016, a tweet by Communications Minister Lambert Mende Omalanga learned that ten terrorists from the ADF group were sentenced to death by the Beni Military Court for crimes against humanity.

On 17 October 2016, four of the six alleged perpetrators of the massacre of civilians in Beni were sentenced to death by a military court in North Kivu. The sentence was pronounced in front of numerous inhabitants. Of the four, there are two imams: Amza Baguma Kasereka and Jibril Muhingo Mukanda, pursued for involvement in insurgency movements. In particular, they would recruit Ugandan rebels from ADF, authors of a massacre against civilians in Beni. The names of the other two sentenced to death are not known. Isaka Muhindo, the fifth accused of crimes against humanity for murder and terrorism, was sentenced to life imprisonment. The sixth, Nuhu Sekungu, was released for lack of evidence. The trial began on August 20 on the July 5, 2016 attack on the city of Oicha, 30 kilometers from Beni, during which nine people died.

INDIA

Special courts applying the Terrorist Affected Areas Special Courts Act, 1984, and the Prevention of Terrorism Act (POTA), 2002, were empowered to impose the death sentence for terrorism. The latter law, which has broadened the scope of the death penalty, when the Hindu nationalist BJP was in government and after an attack on the Indian Parliament in December 2001, was considered as contrary to human and political rights by the government, dominated by the Party of Congress of Sonia Gandhi, after achieving victory in the elections of May 2004. This law was repealed by the Parliament on 9 December 2004. Under the same considerations of national security, the POTA was replaced by the Unlawful Activities (Prevention) Bill, which amended the Unlawful Activities (Prevention) Act, 1967 to cover terrorism. The Bill provides that people convicted of terrorism will be punishable by the death penalty or life imprisonment and a fine for any act which results in loss of life. Under the Bill, anyone threatening unity, integrity, security or sovereignty or striking terror in the people in India or in any foreign Country by using bombs, dynamite or other explosive or inflammable substances or firearms or other lethal weapons causing or likely to cause death is liable for punishment.

On 21 December 2011, in an effort to secure the strategically important oil pipelines from acts of terrorism like sabotage, Parliament gave assent to death penalty for such crimes by amending the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Amendment, Bill 2011.

On 30 July 2015, a little over 22 years after the Mumbai bombings that killed 257 people in 1993, the lone convict on death row in the case – Yakub Abdul Razak Memon – was hanged at the Central Prison in the city of Nagpur. Of all those who have been convicted of crimes related to the bombings, including the men who planted the bombs, Memon is the only defendant to be executed. Yakub Memon was only the fifth person executed in India since 1995. The last death row inmate to be executed in India was Afzal Guru in 2013.

On 19 December 2016, a special National Investigation Agency court sentenced to death banned terror outfit Indian Mujahideen founder Yasin Bhatkal and four others for orchestrating twin blasts in Hyderabad three years ago that killed 19 people and injured 130.

The five operatives – Yasin Bhatkal alias Mohammad Ahmed Siddibappa, Asadullah Akthar alias Haddi, Pakistani national Zia Ur Rehman, Mohammad Tahseen Akhtar alias Monu and Ajaz Shaikh – were held guilty by the NIA court on 13 December. This is the first conviction of any operative belonging to the home-grown terror outfit that is accused in a string of explosions, including the 2008 Delhi bombings, the 2010 Varanasi blasts and the 2010 Pune bombings.

JORDAN

On 22 April 2014, the House of Representatives endorsed the draft anti-terrorism law, maintaining the death penalty for certain crimes tagged as terror acts. In a

rare case concerning such an important law, the lawmakers debated the bill and okayed it in one day, through morning and evening meetings. Those who commit terrorist crimes that result in the death of innocent people, partial or total damage of facilities and buildings, and entail the use of explosives, poisons, chemical, bio-chemical or radioactive materials, face the death sentence, according to the draft bill.

Any attempt on the life of the King, the Queen or Crown Prince, or any act that entails armed insurgency against legitimate authorities is listed as a terrorist crime.

Minister of Interior Hussein Majali said the draft bill considers only hostile actions against legitimate authorities as terrorist crime, “but not those against illegitimate authorities.” His remarks came in response to several MPs’ remarks on excluding actions of resistance against Israeli authorities from this bill. “The [Israeli] occupation is not a legitimate authority,” hence resisting it is not considered an act of terrorism, Majali explained.

In 2016, no execution has been recorded despite a Commission selected – of the 80 cases submitted – those to be executed. The last executions are those of 4 February 2015, when two members of *Al-Qaeda* were hanged for the killing of a Jordanian pilot by the *Islamic State (IS)* group.

On 4 August 2016, the State Security Court sentenced a Jordanian national to death for killing five intelligence agents in their office in a Palestinian Arab refugee camp in June 2016. Mahmud Masharfeh Masharfeh was arrested hours after the attack in the Baqaa camp north of Amman. But no group claimed responsibility for the Baqaa shooting, which authorities said was “an individual and isolated act.”

On 20 December 2016, the State Security Court sentenced the killer of writer Nahed Hattar to death by hanging. Riad Ismail Abdullah, the primary suspect in Hattar’s murder, was convicted on charges of carrying out acts of terrorism, murder, and carrying and possession of a firearm without a license. Hattar was gunned down on 25 September on the steps of the supreme court, and Abdullah was arrested immediately after committing the crime.

On 28 December 2016, the State Security Court sentenced five members of an ISIL cell to death by hanging for acts of terrorism. They were found guilty of deadly “acts of terrorism”, the manufacture of explosives and “possession of weapons and ammunition for use in terrorist acts” and recruiting people for “terrorist organisations”. The group were members of an ISIL cell that was broken up in March during a large-scale security operation in the northern town of Irbid, near the border with Syria. Seven suspected militants and a member of the Jordanian security forces were killed during the operation.

KAZAKHSTAN

The new Penal Code – that came into force on 1 January 1998 – reduced death-qualifiable offences in peacetime from 18 to 3: premeditated murder, genocide and sabotage. The death penalty was retained also for treason in wartime and for 7 other military crimes. In May 2007, Kazakhstan amended its Constitution abolishing the

death penalty for all crimes except terrorist acts that cause loss of human life and exceptionally grave crimes committed during wartime.

In December 2003, President Nursultan Nazarbayev introduced a moratorium on executions that is to stay in place until the question of the eventual abolition of the death penalty can be resolved. A further step towards abolition was the introduction of life imprisonment as an alternative to the death penalty as from 1 January 2004.

In October 2014, Kazakhstan was reviewed under the Universal Periodic Review by the UN Human Rights Council. Regarding the death penalty, the country's delegation said Kazakhstan had been firmly moving towards gradual abolition.

On 18 December 2016, Kazakhstan again voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

On 28 October 2016, a court in Kazakhstan sentenced a man to death for killing 10 people in an Islamic extremist attack. The court in Almaty found that 27-year-old Ruslan Kulekbayev was driven by "religious conviction" in the July shooting attack on a local police station that killed eight police officers and two civilians. Kulekbayev, who pleaded guilty to a terrorist attack and multiple homicides, said he was avenging his "Muslim brothers." Five other people who supplied Kulekbayev with arms received prison sentences from three to 10 years.

KUWAIT

On 30 May 2016, Kuwait's Supreme Court upheld the death sentence handed down to Abdulrahman Sabah Saud, the main convict who drove the Saudi suicide bomber to the mosque. The court also upheld jail terms of between two and 15 years for eight people, including four women, and acquitted 15 others including three women. The court did not hear the appeals of five others — four Saudis and a stateless man — who had been sentenced to death in absentia by the lower court. Under Kuwaiti law, sentences issued in absentia are not reviewed by higher courts until those convicted appear in person.

On 21 July 2016, an appeals court upheld the death sentence for a Shiite citizen on charges of communicating with Iran and the Lebanese militant Shiite group Hezbollah to commit "hostile actions" against the country. The case initially involved 26 defendants, including Hassan Abdul Hadi Hajiya, who was sentenced to death in January along with an Iranian citizen charged in absentia. The so-called "Abdali cell" was uncovered when security forces raided a farmhouse in Abdali outside Kuwait City in the summer of 2015 and found a vast cache of guns and explosives. While three defendants were acquitted, the court upheld one life sentence. Others received reduced sentences of four to two years in prison on charges of possessing illegal weapons.

LEBANON

Lebanon reinstated the death penalty in 1994 in a bid to stem a rise in violent crime following the 1975-90 civil war. Crimes punishable by death are: murder, attempted murder, collaboration with Israel, terrorism and acts of riot and strife.

In 2016, at least 126 people were sentenced to death, included at least 107 for terrorism.

On 18 May 2016, a Lebanese military judge sentenced 106 men to death over the 2014 clashes between the army and terrorists in the country's northeast near the border with Syria. A judicial source said Judge Najat Abou Chakra convicted 73 Syrians, 32 Lebanese and one Palestinian of belonging to terrorist groups and attacking the town of Aarsal in August 2014, taking about 30 Lebanese army and police forces hostage, some of whom were executed. Among those convicted, 77 are in custody but the remaining 29 are at large. The suspects include Jamal Hussain Zainieh, also known as Abu Malek al-Talli, who is the al-Nusra Front terrorist group's leader in Syria's Qalamoun region.

On 26 September 2016, the military court, headed by General Khalil Ibrahim, sentenced to death in absentia Shadi Mawlawi and Jalal Mansour for forming armed gangs and targeting Lebanese army outposts with explosives in an attempt to kill a soldier.

SUDAN

In June 2008, under Sudan's 2001 Anti-Terrorism Law, the Government established special courts in Omdurman and Khartoum to try Darfur "rebels" accused of participating in the *Justice and Equality Movement* (JEM) 10 May attacks on the capital's twin city of Omdurman that killed more than 222 people. More than 100 JEM rebels received the death penalty for the attacks. However, President Omar al-Bashir later remitted many of the sentences.

In November 2011, JEM joined the rebel *Sudan Revolutionary Front* (SRF), an alliance between Sudanese factions opposed to the government led by President Omar al-Bashir. Besides the JEM, the alliance brings together the two other major rebel groups in Darfur, the *Sudan Liberation Movement/Army*, with the rebels of the *Sudan People's Liberation Movement-North* (SPLM-N) in Southern Kordofan.

In 2013, the JEM, led by Bakhit Abdul Karim (Dabjo), signed a peace agreement with the Khartoum government. Shortly after the agreement, the group handed in its weapons to the government and in return the Sudanese President, Omar Hassan al-Bashir, pardoned members of the group. However, the presidential pardon did not include South Sudanese nationals. The government considered them foreign fighters and brought them to trial for bearing arms against Sudan.

On 27 October 2016, Sudan's President Omar Al Bashir has issued a decision to drop the remaining sentences against the members of the Sudan People's Liberation Movement-North (SPLM-N) who were convicted for their part in clashes with government forces in Ed Damazin in 2011.

A member the defence counsel, El Tijani Hassan, told Radio Dabanga that the decision includes 64 of the convicts, 17 of them sentenced to death in absentia, including by the head of the SPLM-N, Malik Aggar, and the Secretary General Yasser Arman. They also include Munllah Hussein Huda, who was sentenced to death and jailed in Port Sudan.

El Tijani Hassan pointed that those who will be released are currently being held at El Huda prison in Omdurman, as well as Medani and Port Sudan prisons.

He attributed the decision to pardon the sentenced to the considerable efforts made by the native administration in the Blue Nile and government's goodwill towards armed movements after the outcomes of the national dialogue.

On 6 April 2016, an anti-terrorism court in Khartoum sentenced 22 South Sudanese nationals to death and three others to life in prison for belonging to the Justice and Equality Movement. They were charged of terrorism, fighting the state, bearing arms against the state and undermining the constitutional order.

On 27 June 2016, the judge of the special Court of Darfur Crimes in Nyala, South Darfur state Ismail Idriss, issued death penalty sentence against three citizens, who were convicted of committing crimes under articles 130 Murder, 167 Armed robbery (Hiraba) terrorism and possession of weapons and ammunition, after the relevant of the deceased refused the blood money (Dia) and reconciliation. The three convicted were accused last July 2015 of committing the crime of murder and robbery against three residents from Alsalam neighborhood in Nyala.

TUNISIA

On 23 July 2015, Tunisia's parliament passed a controversial anti-terrorism law that provides for the death penalty, despite a *de facto* quarter-century moratorium on executions.

The law was approved in a few days 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. Article 26 applies to anyone who "knowingly murders someone enjoying international protection," a reference to such people as diplomats and international civil servants. The following article applies to cases in which people die in hostage-taking or kidnapping situations, while Article 28 refers to people who commit rape during the course of a terrorism-related crime.

Critics say the new law would erode defence guarantees and due process standards and would undermine the exercise of civil and political rights. Among other things, it would make it easier for investigators to use phone-tapping against suspects and make public expressions of support for terrorism a jail able offense. The law would allow the authorities to detain suspects for 15 days without access to a lawyer or being brought before a judge, as well as put harsh restrictions on journalists.

Sana Mersni, an MP with the Islamist Ennahda party, noted ironically that the death penalty would not deter "terrorists seeking death in order to go to paradise." Ammar Amroussia, of the leftist Popular Front, said "we fear the fight against terrorism could be turned into a fight against social and popular movements." Labiadh Salem, an independent, was even more scathing. "This law will not limit the phenomenon of terrorism; this law will fuel terrorism" as it "does not distinguish between social movements and protesters and terrorist act."

On 16 June 2016, the leader of a group of Takfiri Salafists was sentenced to death for his part in the killing of a guard at a Sufi shrine. The unnamed victim had been on duty at the Sufi shrine at Menzel Bouzelfa in February 2015 when the group of 13 hooded men approached and stabbed him to death. Sufism is sometimes regarded as the mystical dimension of Islam, cantering upon the internal spirituality of the individual. Given its strong focus upon the internal, as well as the building of shrines to prominent Sufists, conservative and radical preachers tend to claim the sect is heretical and opposed to the fundamental teachings of the Qu'ran.

On 3 October 2016, a Tunisian court handed 31 people death sentences over a 2014 attack on the home of then interior minister Lotfi Ben Jeddou. The 31, who included Algerians as well as Tunisians, were sentenced in absentia and some are reported to be already dead. *Al-Qaeda in the Islamic Maghreb* (AQIM) claimed the attack on the minister's family home in the western border region of Kasserine, which left four police officers dead. Those convicted were found guilty of "wilful homicide and membership of a terrorist group" and were also sentenced to 36 years in prison. Among the 31 sentenced to death were Seifallah Ben Hassine, founder of the jihadist group *Ansar al-Sharia*. The New York Times has reported that Ben Hassine, also known by the nom de guerre Abou Iyadh, was killed in an air strike in Libya in mid-June 2015. The list also included Lokmane Abu Sakhr, an Algerian jihadist killed by Tunisian security forces at the end of March 2015, also in Kasserine.

On 12 October 2016, a Tunisian court handed jail and death sentences to 76 people for killing eight soldiers in the mountainous area of Chaambi near the Algerian border in July 2013. Only seven accused, all Tunisian, appeared in court during the trial that started in late 2014. Mohammed El-Omari received a 16-year prison sentence and the death penalty, another was handed a 13-year term and four more received seven years in jail, while the seventh was cleared of all charges. The remaining 69 accused, all on the run and mostly Algerian, were given sentences ranging from 40 years to the death penalty, prosecution spokesman Sofiene Sliti said, but did not give a total number of death sentences.

UNITED ARAB EMIRATES

On 20 August 2014, the President of the United Arab Emirates, Shaikh Khalifa bin Zayed Al Nahyan, gave the nod to the country's toughest anti-terror law that stipulates from life imprisonment to capital punishment. The law stipulates that those found guilty of attacking or threatening the President, the Vice-President or any of the Rulers of the Emirates and their family members, and those conspiring against the state and government will face capital punishment. The law also includes a wide range of related criminal issues, including human trafficking and money laundering, financing of terrorist and other crimes. Those involved in carrying out, planning or assisting to carry out terrorist activities in the country, or planning such activities outside but conceiving them in the country, will face these penalties. The terrorist acts under the law include all kinds of intentions that are threat to the society and the state, including hijacking, holding innocent people hostage and having links with terrorist organisations outside the country.

On 14 February 2016, four Emirati men were sentenced in absentia to death for joining Daesh and fighting with the terrorist group in Syria, the Federal Supreme Court ruled. Abdul Aziz Saud Bin Abdul Aziz Al Najjar, Moaz Abul Rahman Ebrahim Al Harithi, Saud Abdul Aziz Awad Al Minhali, and Ahmad Ali Saif Al Naqbi were found guilty of joining *Daesh* and fighting alongside members of the terrorist group in Syria.

SOUTH KOREA

On 2 March 2016, despite a nine-day filibuster by 38 liberal members, the National Assembly passed a controversial anti-terror law that provides for the death penalty for any person found guilty of forming a "terror organisation". Following the end of the marathon filibuster, 156 members of the ruling Saenuri Party voted approval, while 1 opposed out of 157 present. Liberal parties such as Minjoo Party of Korea, Justice Party and People Party all left the house beforehand.

The anti-terror law was first proposed back in 2001 following the September 11 terror attacks. It had been put in motion multiple times since, but always failed to reach a vote due to strong opposition from NGOs and opposition parties.

The law defines terror as an "act that can put national security and citizens' safety at risk which includes the disturbance of the nation, regional government, and foreign government exercising its authority," which critics say is ambiguous and open to abuse.

The anti-terror law, once in effect, will give power to the National Intelligence Service (NIS) to collect data on terror suspects' private information, location, and IT use.

The Bill added new clauses for criminal prosecution: those who form a "terror organisation" can face capital punishment, life imprisonment, or over 10 years incarceration; those who plan an act of terror faces life imprisonment or over 7 years incarceration; and those who join a foreign terrorist group face over 5 years imprisonment.

TANZANIA

On 20 May 2016 entered into force, with the publication in the Official Gazette (n.21. Vol.97) a new law to prevent terrorism (CAP 19). The internal regulation has been modified with the law n. 2/ 2016 wich addresses different issues, including section 197 of the penal code CAP 16 adding the crime of terrorism wich cause death, as a capital crime.

THE UNITED STATES OF AMERICA

In the last 13 years, the federal system has not carried out executions. The federal death sentence was reinstated by a law of 1988. Since then 75 death sentences have been issued, only three of which have come to execution, the last in 2003. After the

natural death of some prisoners and some commutations, today (as of 31 December 2016) on Federal death row sit 61 men and one woman.

The first trials against *Al-Qaeda* members began in spring 2012 at a war court in Guantanamo, a US Navy base in Cuba hosting also the infamous Guantanamo Bay detention camp, the centre of much controversy.

Since President George W. Bush in November 2001 authorized the opening of the “detention camp”, 779 people were taken to Guantanamo, all male.

President Obama since the election campaign of his first term had announced plans to close Guantanamo. The Congress, however, has always opposed the idea of bringing the detainees in prisons and courts within the United States.

On 23 February 2016, Obama has reaffirmed its intention to close the camp, but did not indicate precise deadlines. As of 23 February 2016, still 91 people were held at Guantanamo. In April 2016, according to *Human Rights Watch*, Guantanamo detainees were still 80 men, including 6 on trial.

On August 15, 2016, President Obama signed the order of release and transfer to the United Arab Emirates for 15 people, bringing the number of people still detained to 61, with another 20 people for whom release was decided, albeit date and modality are kept private.

At 19 January 2017, the detention center was still active, with 41 inmates. The gradual depletion of Guantanamo ordered by President Obama in the last year of his term is likely to undergo a total crash under the Trump administration, which began in November 2016.

Since 2012, the two major trials against *Al-Qaeda* are proceeding very slowly.

The first is against **Abd al-Rahim al-Nashiri**, a Saudi who is alleged to be the mastermind of the October 2000 bombing of the USS *Cole* while it was harboured and refuelled in the Yemen port of Aden. Seventeen American sailors were killed, and 39 were injured.

For the same reason it was also postponed the second trial, the one against the five *al-Qaeda* members accused of the September 11 attacks. The trial in the US is nicknamed “**Gitmo 5**”, i.e. “the Guantanamo 5”. The defendants are Khalid Sheik Mohammed, Walid bin Attash, Ammar al Baluchi, Ramzi bin al Shibh and Mustafa al Hawsawi.

In addition to the trials for major jihadist terrorist acts, other trials for minor acts of terrorism have taken place recently.

On 10 May 2016, the United States Department of Justice has announced that it will not seek the death penalty against **Ahmed Abu Khattala**, 54, Libyan, who led the 2012 attacks in Benghazi, Libya, in which four Americans were killed. Traditionally, decisions of this importance are agreed with the head of government, which the United States is the President.

On 24 May 2016, federal prosecutors announced they will pursue the death penalty for **Dylann Roof**, 22, White, charged with a mass shooting at a church that killed nine Black people. The incident took place on 17 May 2015 in the city of Charleston, **South Carolina**. Roof claimed his action by saying he wanted to return to the years when white and black communities lived separately.

It was not however a federal trial the one against **James Holmes**. On 7 August

2015, in **Colorado**, the jury did not reach a unanimous sentencing verdict. As a result, Holmes, 27, White was sentenced to 12 life sentences, one for each victim, and to 3,318 years in prison for the other 141 counts. The shooting occurred during a midnight showing of a Batman movie, "The Dark Knight Rises," when Holmes burst into the theatre through a rear door and opened fire. Holmes' attorneys argued that their client is mentally ill and suffered a psychotic episode when he coloured his hair orange-red like the villain The Joker. Holmes admitted to his crimes and had pleaded not guilty by reason of insanity. On 26 August 2015, Judge Carlos Samour formalized the sentence.

DEATH PENALTY FOR NON-VIOLENT CRIMES, AND FOR POLITICAL MOTIVES AND DISSENT

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 2015, death sentences and executions for non-violent crimes and essentially political motives were confirmed in **China** (number of executions unknown), **Iran** (at least 4 executions) and **North Korea** (at least 70 executions).

In **Vietnam**, there were no reports of death sentences and executions carried out for non-violent crimes in 2016. However, death sentences were imposed in 2017 for financial crimes. Also in Egypt, Lebanon, Pakistan, Palestine and Saudi Arabia death sentences were issued in 2016 for nonviolent crimes.

CHINA

The restitution in 2007 to the Supreme People’s Court of China of exclusive power in approving death sentences has caused the country’s courts to handle capital cases with greater prudence, in particular, those relative to non-violent crimes. In February 2010, China’s highest court has also issued new guidelines on the death penalty that instruct lower courts to limit its use to a small number of “extremely serious” cases.

Under the current law, 46 crimes are subject to the death penalty, among which one-third are economic crimes such as corruption and bribery.

On 29 August 2015, the Standing Committee of the National People’s Congress (NPC) amended the Criminal Law, eliminating the death penalty for nine crimes, including non violent crimes, such as counterfeiting currency, raising funds by means of fraud, and arranging for or forcing another person to engage in prostitution. The maximum penalty for those crimes would become life in prison. Just before passing the amendment, the Standing Committee inserted a last-minute provision altering Article 383, which covers the offenses of corruption and taking bribes. The provision authorizes courts, in certain cases, to add a condition at the time of sentencing to require an individual to spend life in prison without possibility of sentence reduction or parole. The condition may only be applied in corruption cases where the defendant received a suspended death sentence and had that sentence commuted to life imprisonment after the two-year period of reprieve. Individuals given suspended death sentences can potentially leave prison after serving terms not much longer than the maximum sentence of fixed-term imprisonment, or about 18 years.

On 18 April 2016, China’s Supreme People’s Court and the Supreme People’s Prosecutor’s Office, the country’s highest judicial authorities, ruled the death penalty

will be applicable to corrupt leaders who embezzle funds or accept bribes of over \$463,000. The measure aims to clarify the last revision of the Penal Code in November 2015, which did not stipulate the exact quantities for which the death penalty could be applied and left the final decision on the discretion of the judges. The 2015 amendment eliminated references to exact figures and spoke instead of the death penalty for “very large sums of money,” a subjective criterion, which the two authorities have decided to revise in order to avoid confusion. The two bodies say in case the accused cooperates in the investigation and confesses to the crime or returns the embezzled amount, the death penalty could be suspended for two years, which for all practical purposes, amounts to a commutation of the sentence to life imprisonment, which is the most common punishment in graft cases in China. The new regulation also warns that senior officials can be tried for complicity if they do not report corrupt practices of their close colleagues, including family members.

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 audiovisual materials discussing independence, autonomy, or other sensitive subjects was not permitted.

In a report of *Dui Hua* Foundation on the China’s average of the length of time spent on death row depends on individuals or crimes. For example, all 16 Uyghurs in the sample had their executions for terrorist activity carried out between five and nine days after the SPC approved their sentences, when the general average is of 50 days. This means that warrants for execution had to have been issued more or less simultaneously with the court’s decision to approve capital punishment. In fact, the timing of executions may be tied to the social and political value of their publicity. Most of the Uyghurs were executed after region-wide mass rallies were covered widely in the national press in 2014 in an apparent attempt to show government resolve to combat violent terrorism.

On November 14th the Supreme People’s Court (SPC) published China’s most recent interpretation of the Criminal Law’s articles on sentence reduction and parole. The regulations, which take effect on January 1, 2017, will tighten rules for granting reduced sentences and parole to prisoners serving time for endangering state security (ESS) and other serious crimes including corruption. They reflect a 2014 guiding opinion from the Communist Party’s Political and Legal Commission that mandated tougher rules for “three types” of crimes including bribery, financial fraud and organized crime—and they are considerably more detailed than the Court’s previous interpretation on sentence reduction and parole, issued in 2012.

For decades, the SPC has issued regulations calling for “strict handling” of clemency for prisoners serving sentences for counterrevolution and (after 1997) ESS, a category of crimes that includes subversion, inciting subversion, splittism, and inciting splittism. However, until these latest regulations were issued, the court hadn’t defined “strict handling”, leaving it up to the provinces to decide what measures to apply to ESS prisoners in each jurisdiction. Under the new regulations,

“ordinary prisoners” sentenced to life in prison must wait two years before the sentence is commuted to a fixed term sentence of no less than 19 years. By contrast, the new regulations mandate that ESS prisoners and other prisoners serving life sentences for serious crimes must wait a minimum of three years, rather than two, before the sentence is commuted to a term of no less than 20 years.

In 2016, the President of the Supreme People’s Court, Zhou Qiang did not provide numbers of people indicted for capital crimes or sentenced to death for ESS. He just mentioned the Zhou Shifeng’s case, a prominent human rights lawyer sentenced to 7 years of prisons, as a great success of the fight against subversion and said that China applies the death penalty for a limited number of criminals and for very serious crimes.

NORTH KOREA

North Korea denies holding any political prisoners. Its official media say there are no human rights issues in the communist State where everybody leads “the most dignified and happy life.”

Conspiracy against the State power, high treason, terrorism, anti-national treachery and international murder, are capital offences in North Korea. However, people were reportedly condemned to death for such “crimes” as “ideological divergence,” “opposing socialism,” and “counterrevolutionary crimes.” Political prisoners, peaceful opponents, deserters or repatriated defectors, those who listened to foreign radio broadcasts and those found in possession of so-called “reactionary” material have been shot. In 2014, the North Korean authorities added five extra clauses to Article 60 of the country’s criminal code, which pertains to attempts to overthrow the state. The additional clauses codify harsh punishments for acts, including: illegal phone contact with foreigners, including South Koreans; viewing South Korean dramas or DVDs and listening to [foreign] radio broadcasts; using or dealing in drugs; transnational human and sex trafficking; aiding and abetting defectors and leaking state secrets.

In North Korea five Stalinist-style labour camps (kwan-li-so) areas still operating, holding between 80,000-120,000 inmates. North Korea’s political prison camps are divided into “Revolutionary Zone,” where prisoner families and accomplices are imprisoned and can be released after a period of confinement, and “Completely Controlled Zone,” where ‘criminals’ are imprisoned for life. Inmates at the gulags are reportedly forced to work more than 10 hours a day and denied access to medical care, receiving only 100 to 200 grams of food rations, while the North Korean food ration for children up to age four is set at 234 grams. The inmates include not only political opponents or those who lost out in political struggles, but also ordinary people who were penalised for making disrespectful remarks about the North Korean leaders.

In 2016, North Korea carried out at least 70 executions for non-violent crimes and essentially political motives. They were at least 13 in 2015.

In July 2016, North Korea executed one of its top cabinet officials for disrespecting leader Kim Jong-un, South Korea's Unification Ministry said on 31 August. Vice Premier Kim Yong Jin was executed for not keeping his posture upright during a meeting of the parliament on 29 June, when Kim Jong-un was named chairman of a new national defence department. The execution, by firing squad, took place in July, South Korea's *Yonhap News Agency* said. South Korea's Unification Ministry spokesman Jeong Joon-hee said the government had confirmed the execution of Kim Yong Jin "through various channels" but declined to provide details. Kim Yong Jin was promoted to vice premier in 2012 after serving as education minister, according to a South Korean government database on key officials of the North.

IRAN

There have been some changes made in the new Islamic Penal Code which was approved in its latest version by the Guardian Council in April 2013. The term "homosexual" is presented as a charge in the new law for men who engage in same-sex relations. Previously it was only used for women. In any case, sexual relations between two individuals of the same sex continue to be considered *Hudud* crimes, and subject to punishments from one hundred lashes to execution.

According to Article 233 of the new code, the person who played an active role (in sodomy) will be flogged 100 times if the intercourse was consensual and he was not married, but one that has played a passive role will be sentenced to death regardless his marital status. If the active part is a non-Muslim and the passive part a Muslim, both will be sentenced to death. In accordance with Articles 236-237, homosexual acts (except for sodomy) are punished with 31-99 lashes (both for men and women). According to Article 238, homosexual relationship between women where whom there is contact between their sexual organs will be punished with 100 lashes.

In 2016 Iran has continued to apply the death penalty for clearly non-violent crimes, and for political motives and dissent. In 2016, **at least 4** people were hanged for clearly political offences and 15 more were executed in 2015.

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. Accused of "enmity against God" (*Moharebeh*) and "corruption on earth" (*ifsad fil-arz*), 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.

According to *Iran Human Rights* also in 2016, around 90% of executions carried out in the provinces of Azerbaijan, Kurdistan and Baluchistan, were secret or without notice.

The Province of Khuzestan, where ethnic Arabs adhering to Sunni Islam make up the majority of the population, was theatre to harsh repression in 2007. Bombing attacks were even reported in the city of Ahwaz in the Province of Khuzestan in 2005, apparently in response to rumours of a Government plan to reduce the number of ethnic Ahwazi Arabs in the Province. Contrary to Tehran's propaganda, most Arab movements in al-Ahwaz are not violent separatists. They primarily want an end to discrimination, cultural rights, social justice and regional self-government – not independence. The Province of Sistan-Balochistan has also been the centre of heated repression towards Balochi dissidents, adherents of Sunni Islam.

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 *Komalab* party, which claim more economic, democratic and cultural rights for Kurds in Iran. On 8 August 2016, political prisoner Mohammad Abdollahi was executed at Darya, Orumieh's central prison, reported the *Kurdistan Human Rights Network*. He was sentenced to death for Moharebeh (enmity against God). However, Mohammad Abdollahi, 35, was not involved in any armed or violent acts and was charged with Moharebeh solely based on accusation that he was a “supporter of a Kurdish opposition group”. Abdollahi, a resident of Boukan in Iran's Kurdistan Province, was arrested in March 2011 by the Revolutionary Guards in Mahabad, near his hometown, and interrogated for 91 days. He was sentenced to death for “waging war against the state,” “corruption on earth” and “membership in Komala,” which is based in Iran and Iraq, in September 2013. The sentence was upheld by the Appeals Court in March 2014. The Supreme Court asked the initial court to review the verdict, which was again upheld.

On 21 January 2016, political prisoner Fardin Hosseini was executed in Kermanshah's prison, reported the semi-official ISNA. He was accused of killing Mullah Sabaei, the former Friday prayer imam of Savejbolaq, in mid-June 2007 but he repeatedly denied the allegations. Fardin Hosseini wrote In a letter to Amnesty International and the Special Rapporteur on the situation of human rights in Iran in June 2015: “I was numerously pressured by my torturers that if I accept the charges brought against me during my interrogation and if I confess and accept the fictitious charges in the courts, they would pay a large sum of money to me and my children and they can relocate me to any place in the world that I want and that I will be protected... all this calamity was solely for my beliefs.”

On 6 August 2016, Iran executed a nuclear scientist convicted of “providing the enemy with vital information of the country,” a judicial spokesman said. “Shahram Amiri was hanged for revealing the country's top secrets to the enemy [the United States],” the spokesman, Gholamhossein Mohseni Ejeie, was quoted as saying by the Mizan Online news agency on 7 August. A day earlier, Amiri's mother told the BBC that “the body had been handed over with rope marks around his neck”. Amiri disappeared in Saudi Arabia in 2009 and resurfaced a year later in the US, where he claimed to have been abducted and interrogated by the CIA. He subsequently retur-

ned to Iran and it was soon clear that Iranian authorities had not accepted his version of events.

VIETNAM

In November 2015, Vietnam abolished the death penalty for seven crimes, including five non-violent offenses: disobeying orders in the military (Article 394); surrendering to the enemy, which is applicable in the army (Article 399); producing and trading in fake goods being food, foodstuffs or food additives (Article 193); illegally storing narcotics (Article 249); and illegally appropriating narcotics (Article 193). The revised law also requires the commutation of the death penalty for corruption, if corrupt officials pay back at least 75 percent of the illegal money they made.

However, capital punishment may be applied for economic crimes such as embezzlement or accepting, offering bribes, and several political acts perceived as “threats against national security.”

In fact, the amended Penal Code keeps applying the death sentence to vague political crimes listed in the former penal code, now being part of Chapter VIII, including high treason (Article 108), activities aimed at overthrowing the people’s administration (Art. 109), espionage (Art.110), rebellion (Art.112), anti-government terrorism (Art.113), and sabotage of the Socialist Republic of Vietnam’s material-technical foundations.

The vagueness about crimes in Chapter VIII allows the government to interpret nonviolent political remarks or activities as “carrying out activities aimed at overthrowing the people’s administration,” which makes no distinction between violent acts such as terrorism, and the peaceful exercise of freedom of expression.

In 2016, there were no reports of executions and death sentences for crimes listed in Chapter VIII of the amended Penal Code. However, the fact that 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, reveals an average of 100 executions per year.

PERSECUTION OF ADHERENTS TO RELIGIOUS AND SPIRITUAL MOVEMENTS

In 2016, repression of members of minority religious groups and religious and spiritual movements not recognised by authorities continued in **China, Iran, North Korea and Vietnam.**

CHINA

The Chinese authorities recognise, in concept, freedom of religion as a fundamental human right in the country's Constitution and as established by principle international treaties. Regardless, religious freedom is sharply curtailed.

In 2016, religious and ethnic minorities remained a key target of repression, in particular religious or spiritual movements not authorised by the State: Protestants and Catholics, Uyghur Muslims and Tibetan Buddhists. The Government has also continued its persecution of so-called "cult" movements, in particular, the *Falun Gong*.

On 1 January 2007, a new law went into effect "to regulate these religions." Approved in September 2006 by the Permanent Government Commission for Tibet, rather than guaranteeing religious freedom, the law actually reinforces the power of Chinese officials in restriction, control and repression of religious beliefs.

The level of liberty of worship depends on the region. For instance, in Xinjiang, there is a rigid control exercised over Muslims, whereas, in the rest of the country they enjoy relative freedom. The same is for Buddhists of Inner Mongolia and Tibet as compared to other regions. In Henan, Protestants undergo heavy prosecution, while in Hebei it is the Catholics linked to the Vatican.

According to norms governing religious activity, places of worship must be authorised by the State and it is not uncommon for the police to raid private homes where the faithful have gathered to disrupt the meeting with the excuse that the neighbours were disturbed or that the gathering was otherwise socially disruptive, sometimes arresting participants and forbidding them to meet in the same place again. Saying Mass was once met with harsh punishment such as detention or actual arrest followed by re-education or prison.

In the Xinjiang Uyghur Autonomous Region, an increased security presence that followed ethnic clashes in 2009 remained in place, and authorities intensified curbs on Islam in the region.

In June 2016, Chinese officials announced that Xinjiang residents are required to submit DNA samples, in addition to their biodata and voice records in order to obtain passports or even travel outside of the country. The authorities have forbidden observation of Ramadan as hunger strike and obliged restaurants to be open during that period. In August, authorities in Xinjiang introduced a new regulation for the implementation of the anti-terrorism law entered into force in January 2016. In June, 10 Uyghur students have been arrested for terrorism and very few information have been provided.

In Tibet, the Chinese authorities have strengthened the campaign against separatism

and for maintaining stability despite no threats occurred and have forbidden most residents to travel abroad. Among this, there is the program of demolitions and evictions from the monastery complex of Larung Gar in Serta in Sichuan, according to which the largest Tibetan Buddhist community in the world will be reduced from the current 10,000 inhabitants to no more than 5,000 in September 2017. The Tibetan writers Shokjang and Lomik were sentenced to three and seven and a half years of prison respectively, while Lu Konchok Gyatso and Tashi Wangchuk remain under arrest. At least four Tibetans are believed to have died in custody, including the nun Yeshe Lhakdron, who has not been seen since her arrest in 2008.

Beijing permits the practice only within the framework of the Movement of the Three Autonomies (MTA), born in 1950 after Mao came to power and expelled both foreign and Chinese church leaders from the country. Official records indicate that there are 10 million official Protestants in China, all united by the MTA.

In the past 30 years, however, Protestant house churches have become a major phenomenon, with more than 50 million members who meet in homes or otherwise private places to pray, carry out ceremonies and hold assemblies. Their love for free worship has led them to reject official Protestant Churches, guilty in their eyes of “worshipping the party” rather than God. During the same period, Chinese authorities tried to suppress this uncontrolled movement by jailing pastors, torturing believers and destroying homes and places of worship. In 2012, China has launched an all-out campaign against house churches, ministers and believers that should be completed in ten years with the complete annihilation of house churches, the *China Aid Association* said based on Communist Party sources and documents.

The Government continued its repression of so-called “cults,” in particular, of practitioners of the *Falun Gong*. Members of the *Falun Gong* continue to be arrested, detained and there is evidence that points to some dying from torture and other abuses. Members that refuse to abjure their beliefs often suffer cruel punishments in prison or in re-education work camps and extra-judiciary detention centres.

The documentation on abuses is difficult to confirm within the country, particularly for a group that has no public profile. Practitioners living abroad confirm the situation that is the result of State-run persecution that began in 1999. Hundreds of thousands – if not millions – remain unlawfully imprisoned in Chinese labour camps and prisons, the largest single population of prisoners of conscience in the country. Tens of thousands have suffered torture at the hands of police and security agents.

In total, as of 5 June 2016, the official *Falun Gong* website, en.minghui.org, has recorded 3,906 confirmed deaths of practitioners as a result of various forms of persecution since 1999. Given the difficulty of obtaining information from China, the actual death toll is likely significantly higher.

IRAN

The Constitution states that Ja’afari (Twelver) Shia Islam is the official State reli-

gion. It provides that “other Islamic denominations are to be accorded full respect” and officially recognises only three non-Islamic religious groups, Zoroastrians, Christians, and Jews, as religious minorities.

Although the Constitution protects the rights of members of these three religions to practice freely, the Government imposed legal restrictions on proselytising. Seeking to convert Muslims to Christianity or other religions is considered a crime. Converts to Christianity from Islam are often harassed and persecuted and forced to gather in home churches, while Christian missionaries are routinely expelled and sometimes jailed for distributing Bibles and other religious material.

Repression of nearly all non-Shia religious groups – most notably of Baha’is, as well as of Sufi Muslims, evangelical Christians, Jews, and Shia groups not sharing the Government’s official religious views – increased significantly in the past few years. Bahai and Christian groups reported arbitrary arrests, prolonged detentions, and confiscation of property.

The Government considers Baha’is to be apostates and defines the Bahai Faith as a “political sect.” The Government prohibits Baha’is from teaching and practicing their faith and subjects them to many forms of discrimination not faced by members of other religious groups. Since the 1979 Islamic Revolution, the Government has executed more than 200 Baha’is, although there were no reports of Bahai executions during 2016.

NORTH KOREA

The Constitution and other laws and policies provide for religious freedom. The Constitution also stipulates, however, that religion “should not be used for purposes of dragging in foreign powers or endangering public security.”

The regime severely restricts religious observance, authorising four State churches: one Catholic, two Protestant and one Russian Orthodox. However, they cater to foreigners only, and ordinary North Koreans cannot attend the services. Other public and private religious activity is prohibited and anyone discovered engaging in clandestine religious practice faces official discrimination, arrest, imprisonment, and possibly execution.

Still, more than 30,000 North Koreans are believed to practice Christianity in hiding, and an estimated 6,000 Christians are jailed in “Prison No. 15” in the north of the country, with religious prisoners facing worse treatment than other inmates.

The trend in the Government’s respect for religious freedom did not change significantly during 2016. The Government continued to repress the activities of unauthorised religious groups.

VIETNAM

The Constitution and other laws and policies provide for religious freedom. The Constitution, legal code, and a 2003 Communist Party Central Committee resolution on religion provide for freedom of belief and worship, as well as for non-belief; however, restrictions exist in policy.

The 2004 Ordinance on Religion and Belief and the 2005 Implementation Decree (Decree 22) serve as the primary documents governing religious practice. Both the ordinance and the 2005 decree reiterate citizens' rights to freedom of belief and religion, but warn that the "abuse" of freedom of belief or religion "to undermine the country's peace, independence, and unity" is illegal, and religious activities must be suspended if they "negatively affect the cultural traditions of the nation." In November 2012, the Government issued Decree 92/2012 to replace Decree 22/2005 on 1 January 2013. The Committee on Religious Affairs (CRA) describes Decree 92 as a vehicle for adding administrative improvements to the original 2004 Ordinance on Religion and Belief and Decree 22. However, critics of the new decree are concerned that the decree constitutes a further bureaucratic restriction of religious practice.

The Government officially recognises Buddhism, Catholicism, Protestantism, *Hoa Hao*, *Cao Dai*, and Muslim religious organisations. Individual congregations within each of these religious groups must be registered as well. Some leaders and believers of alternative Buddhism, Protestantism, *Hoa Hao*, and *Cao Dai* organisations of these religions do not participate in the Government-approved religious associations. The *Unified Buddhist Church of Vietnam* (UBCV), the *Hoa Hao* Buddhists, and the *Cao Dai* groups continue to face unwarranted abuses because of their attempts to organise independently of the Vietnamese Government, including the detention and imprisonment of individual members of these religious communities.

On 18 November 2016, the Vietnam's National Assembly approved the Law on Belief and Religion which replaces the current Ordinance on Belief and Religion. The Vietnamese government said the law, the first of its kind in the socialist republic, would optimise the administration of religious affairs. The new law regulates the State's responsibility for ensuring the right to freedom of belief and religion and creating conditions for registering religious practices, recognizing such organizations, establishing religious training institutions, joining foreign religious organizations and protecting the right to freedom of belief and religion of foreigners who legally reside in Vietnam. According to the new law, it will take 5 years instead of 23 years for being recognized as a religious organization.

Opponents to the law acknowledged that some improvements to the previous drafts were made during the revision process. However, these improvements, and the inclusion of basic guarantees of the right to freedom of religion or belief, were undermined by onerous registration requirements and excessive State interference in the internal affairs of religious organisations. The *Vietnam Committee on Human Rights* (VCHR) described the new law as still "deeply flawed", and a move to restrict religious freedoms rather than protect them. "Vietnam is once again using the law to increase state control, criminalize independent religious activities and give the authorities a cloak of legality to continue harassing, arresting and convicting its citizens at will," said VCHR President Võ Văn Ái.

Under the new law, which will come into effect in January 2018, registration remains mandatory, although the process is now accelerated, and makes no provisions for religious groups who cannot, or choose not to register with the state.

Mandatory registration is a violation of Article 18 of the International Covenant on Civil and Political Rights (ICCPR), as UN Special Rapporteur on Freedom of Religion or Belief, Heiner Bielefeldt, stressed after his visit to Vietnam in 2014. “Registration should be an offer by the State but not a compulsory legal requirement,” he said.

Opponents to the law also criticised the law for “vague” wording which, if interpreted flexibly, could potentially be used to ensnare religious groups or individuals. *Human Rights Watch* highlighted particular examples of elusive phrasing, found in clauses prohibiting the use of religion to undermine “national security”, “national unity” and “public order”. In fact, the law bans religious activities that infringe on national defence, security, sovereignty, and social order and safety; harm social ethics, personal lives and assets; offend other persons’ honour and human dignity; prevent the performance of civil rights and obligations; and disunite the nation, religions and among belief and religion followers and non-followers.

According to *Human Rights Watch*, in the first eight months of 2016, Gia Lai’s People’s Court sentenced at least nine Montagnard Gyun, Thin, Dinh Ku, A Tik, A Jen, Siu Doang, Ksor Pup, Siu Dik, and Ksor Phit, as members of the independent religious group not authorized by the government on charges of “undermining national unity” under Article 87 and sentenced to sentences ranging from five to eleven years in prison. Another form of persecution of religious movements is to force them to renounce their faith. In April, state media reported that more than 500 Dega Protestants “voluntarily gave up” their faith in the Chu Puh district of the Gia Lai province.

TOP SECRET DEATH

In December 2016, 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, 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**, **Malaysia**, **North Korea**, and **Syria**, where news of executions rarely filtered through to the local media.

Other States, like **Indonesia**, **Iraq**, **Saudi Arabia**, **Singapore**, and **South Sudan**, divulge news of executions after they have taken place with relatives, lawyers and the condemned people themselves 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 **Japan**, **India**, **Taiwan** and the **United States** itself, where the system of capital punishment is for many aspects covered by a veil of secrecy.

CHINA

The number of death sentences passed and the number of executions carried out are classed as State secrets in China.

Previously, information filtered through diplomatic channels and to western reporters, but starting in 2002, some information is coming directly from internal sources of the regime.

In *Disidai (The Fourth Generation)*, a Communist Party member writing under the pseudonym Zong Hairen said 15,000 people had been sent to their death in China between 1998 and 2001. *Disidai* was published in 2002 in article form in the *Wall Street Journal*. The book was based on confidential reports compiled by the Communist Party's highly trusted organisation department in order to assist the Politburo in considering candidates for the highest offices, that is, to become the fourth generation of Chinese Communist leadership. The total number of executions mentioned was more than four times higher than the highest estimates ventured by western analysts. Andrew J. Nathan and Bruce Gilley, confirm the staggering total in their book "China's New Rulers" based on *Disidai*.

In March 2004, Chen Zhonglin, a member of the People's National Congress in Beijing, said that China carries out 10,000 executions every year. His declaration was published on the *China Youth Daily* on 15 March 2004. This was the first time that a similar declaration was published by a State-controlled newspaper.

In February 2006, Liu Renwen, law professor and director of Criminal Law Department of the Institute of Law under the Chinese Academy of Social Sciences, reaffirmed that 8,000 people were executed each year in China, according to estimates circulated in academic circles.

According to William A. Schabas, Professor of international law at Middlesex University in London, in 2012 "China has probably executed about 3,000 people," an estimate shared by some of the most senior academics in the country in the field of criminal justice, judges from courts around the country and other professionals from the criminal justice system. Also according to the US-based *Dui Hua Foundation's* estimate, the number of executions in 2012 amounted to "about 3,000 executions." The *Dui Hua Foundation* estimated that China had carried out "about" 4,000 executions in 2011, while there were "about" 5,000 in 2010, as in 2009, still a slight decrease as compared to 2008, when the number of executions "exceeded 5,000 and may have been as high as 7,000." According to the Foundation, about 6,000 people were executed in 2007, a 25 to 30 percent drop from 2006, in which estimates reported at least 7,500 executions.

The *Dui Hua Foundation* estimated that China executed approximately 2,000 people in 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.

In April 2016, *Dui Hua* reviewed decisions concerned 525 individuals which were handed down by the SPC between April 2011 and November 2015. The SPC rejected the death sentences given to only 11 individuals, leaving 514 facing execution. Then, *Dui Hua* drew upon public execution reports and was able to confirm the executions of 102 of the 514 individuals whose death sentences were approved by the SPC. In other words, no public record of any execution could be found for 80 percent of those whose sentences received final approval. An even smaller fraction of those whose executions were logged by *Dui Hua* have had their court decisions made public on the SPC website.

What is more, based on *Dui Hua* analysis of the SPC decisions, China's average "death row" prisoner can expect to wait roughly two months from the time the court approves their death sentence to the time of execution. But this period can vary considerably, with a small handful of people waiting more than 200 days and others waiting less than a week. Based on our sample, the median length of time on "death row" was 50 days. The speed with which execution is carried out may be associated with certain individuals or crimes. For example, all 16 Uyghurs in the sample had their executions for terrorist activity carried out between five and nine days after the SPC approved their sentences. Timeliness can also mean longer periods in custody. People who commit drug offenses sometimes wait for weeks or even months after their sentences have been approved, apparently in order for their execution to herald the "International Day against Drug Abuse and Illicit Trafficking" commemorated on June 26.

These cases are relatively easy to single out precisely because reporting on the death penalty in China is very selective and incomplete. Most cases receive no publicity at all, while others are used to send messages to the public.

VIETNAM

After a 2003 decision by the Vietnamese Government to classify death penalty data as a State secret, on 5 January 2004, the Government even made it an offence to report information on the death penalty. Before this decision, the head of the People's Supreme Court showed the number of death sentences handed down by courts nationwide in an annual report to the National Assembly, which was broadcast live on national television.

Until 2004, Vietnam was known as one of the countries that liberally fall back on the death penalty in confronting crime: executions numbered typically between 80 and 100 per year, most of them involving drug-related crimes. In the years that followed, these numbers have apparently decreased.

In December 2014, Tran Van Do, deputy chief justice of the Supreme People's Court, said at a conference that courts around Vietnam sentence some 200 people to death every year.

At least 1 execution was carried out in 2016 according national media but executions would be around 100.

According to figures released by the Ministry of Public Security, Vietnam executed 429 people between 6 August 2013 and 30 June 2016 in five facilities of Hanoi, Ho Chi Minh City, Nghe An, Son La, and Dak Lak. These data, despite not disaggregated per year, shows that Vietnam is one of the top executioner country with an average of 143 executions per year. As of 1 July 2016, 681 people remained on death row. In 80% of cases, the capital sentence is under revision while 36 people died in death row in five years. From 1 July 2011 and 30 June 2016, 1,134 people have been sentenced to death.

In 2016, 63 new death sentences have been imposed, including 54 for drug related crimes according to Amnesty International. Two men were exonerated from death row in 2016. On 9 August, 80 year-old Tran Van Them was found innocent of murder after 43 years on death row. On 20 December, 57-year-old Han Duc Long was found innocent of rape and murder and released after spending 11 years on death row.

Conditions on death row are particularly inhumane. Three to four prisoners are detained in each cell. The cells are extremely unhygienic, with one latrine bucket and no ventilation. Prisoners are not allowed to leave their cells except to receive visits, which are extremely rare. Their legs are chained to a long pole, and they are generally lined up in order of execution – the first to be executed being nearest the door. Occasionally, for “humanitarian reasons,” prisoners are allowed to change places in the line.

Executions take place at 4.00 a.m. As prisoners are not informed in advance of their execution date, they stay awake in fear of being called, only sleeping at 6.00 a.m. 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. In the past, bodies of executed criminals were held for three years before being released to families for funerals, but in 2006, the Ministry of Public Security proposed allowing families access to bodies immediately as long as they dispose of them hygienically.

BELARUS

Information about the death penalty is classed 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. 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.

In 2016, there were 4 executions carried out in Belarus, resumed since November 2014.

On 18 April 2016, a 22-year-old prisoner, Siarhei Ivanou, was executed, according to another death convict, Siarhei Khmialeuski, who reportedly shared a cell with

Ivanou on death row in jail No. 1 in Minsk. Khmialeuski reported Ivanou's execution on 6 May during hearing of his appeal to the Supreme Court. According to Andrei Paluda, coordinator of the campaign "Human Rights Defenders against the Death Penalty in Belarus", Siarhei Ivanou's relatives confirmed his death, as they were notified about the execution in early May. Ivanou was sentenced to death in March 2015 by the Rechytza District Court on charges of murdering and raping a 19-year-old girl in August 2013. In a statement issued on 7 May, the European Union said the execution of Siarhei Ivanou was "particularly disturbing" given the fact that his complaint was pending with the UN Human Rights Committee.

In November 2016, three men on death row in the capital Minsk – Siarhei Khmialeuski, Ivan Kulesh and Hyanadz Yakavitski – were executed with a gunshot to the back of the head, according to the Belarusian NGO Viasna. Khmialeuski was sentenced to death on 16 February by a court in Minsk which had found him guilty of five crimes including three murders, and on 6 May the Supreme Court upheld his death sentence. Kulesh was convicted of murder and robbery and had his death sentence upheld on 29 March. Yakavitski was sentenced to death on 5 January for the murder of his partner, and on 8 April the Supreme Court of Belarus confirmed his sentence.

IRAN

In Iran, that carries out executions regularly 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.

The Iranian system and its treatment of information regarding the death penalty became even more opaque when, on 14 September 2008, the Mullahs' Ministry of Culture and Islamic Guidance (MCIG) warned newspaper editors to censor reports about escalating numbers of executions, in particular those of minors in the country.

In 2016 the Islamic Republic carried out at least **530** executions: **194** execution cases (36%) 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 **336** cases (64%) were reported by unofficial sources (other human rights NGOs or sources inside Iran).

The actual number of executions is probably much higher than the figures included in the Annual Report of *Hands Off Cain*.

According to *Abdorrabman Boroumand Foundation*, in 2016 the Islamic Republic carried out at least **564** executions: only **373** execution cases (39%) were reported by

official Iranian sources. *Iran Human Rights* emphasises that the actual number of executions is probably much higher than the figures included in its report.

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.

Below, are published only the news of secret and unannounced executions carried out in many Iranian prisons in 2016 (313).

On 2 January 2016, Mehdi Ranjesh was hanged at Khorramabad's Parsilon Prison on drug charges, reported the *Human Rights Activists News Agency* (HRANA). Ranjesh's execution is the first reported for 2016.

On 4 January 2016, an unnamed 50-year-old murder convict was hanged in the city of Noshahr, reported the unofficial site *Noshahr Online*.

Between 5 and 6 January 2016, nine prisoners were executed in three different cities. On 5 January, three prisoners sentenced to death on drug charges were executed at Orumieh's central prison, reported the HRANA. They were identified as Farhang Horouyan, Haji Divaribadri, and Hamid Ghanbari. On 6 January, another prisoner, identified as Mohammad Jamali Fashi, was hanged at Hamedan's central prison on drug charges, reported the HRANA. Between 5 and 6 January, five prisoners, including a woman, were executed in Tabriz central prison, reported the *Kurdistan Human Rights Network*. On 5 January, Mehdi Nosratian was hanged on murder charges. On 6 January, another four people, identified as Tofiq Mohammad Far, Hossein Zadegan, Amirali Zadegan, and Zahra Nemati (woman), were executed after being convicted of drug related crimes.

On 10 January 2016, Qodrat Gravand was hanged in Khorramabad prison on charge of murder, reported the HRANA.

On 12 January 2016, four prisoners were hanged at Karaj's central prison on drug charges, the HRANA reported. They were identified as Seyed Hamid Hajian, Hossein Toutiannoush, Mostafa Jamshidi, and Mohsen Nasiri.

On 13 January 2016, six prisoners were executed for murder at Orumieh prison, the HRANA reported. They were identified as Aref Shahin Diji, Hossein Ezat Talab, Rahman Ranjbar, Ali Reza Akbari, Arsalan Badyaneh and Abdulwahab Hatami.

On 14 January 2016, one prisoner identified as A. B., a Wahhabi, was executed at Yazd's central prison for murder, *Ashkezar News* reported.

Between 17 and 18 January 2016, two people were executed in Tabriz, reported the *Kurdistan Human Rights Network*. Hassan Asadi was hanged on 17 January for drug trafficking and Jafar Ghofrani on 18 January for murder.

On 21 February 2016, a 52-year-old prisoner, identified as Moradali Rajabloo, was executed in Gorgan for drug trafficking, reported the *Human Rights Activists News Agency* (HRANA).

On 6 March 2016, a 38-year-old prisoner, identified as Hojat Saadatyar, was executed in Gorgan for murder, reported the *Human Rights Activists News Agency* (HRANA).

On 11 April 2016, Ghader Mazaheri was executed in Tabriz central prison for rape, reported the *Kurdistan Human Rights Network*.

On 12 April 2016, at least seven prisoners were hanged at the Rajai Shahr Prison

in Karaj, reported the Human Rights Activists News Agency in Iran (HRANA). They were identified as Ayad Mohammadi, Mohammad Zarei, Mehdi Haghsheenas, Javad Sadeghi, Mostafa Ejlali, Mohammad Javad Mozaffari and Hussein Moeinfar (Moeini). Iranian authorities had transferred these prisoners along with at least two others to solitary confinement on 11 April in preparation for their executions. One of these prisoners, Mehdi Kaheh, was reportedly taken out of solitary confinement and returned to his cell after receiving a reprieve from the plaintiff on his case file, while it is not known what happened to the other prisoner, Hamzeh Dolatabadi, who had been transferred to solitary confinement.

On 14 April 2016, eight people, including three women, were hanged in two different cities for drug-related offenses. Seven prisoners, including two unidentified women, were hanged in Birjand for drug-related crimes, reported the HRANA. Two of them were identified as Mohammad Niazi and Moheb Rahmati. A 43-year-old woman, Ameneh Rezaeyan, was hanged in Kashmar prison, reported the *Kurdistan Human Rights Network*.

On 17 April 2016, four prisoners were hanged at the Dastgerd Prison in Isfahan for drug-related crimes, reported the *National Council of Resistance of Iran* (NCRI). Three of them were identified as Mojtaba Kazemi, Hamid Shahsavand and Hamid Mahdavi.

On 19 April 2016, four prisoners accused of drugs-related charges were hanged in Orumieh's Prison, reported the *Kurdistan Human Rights Network*. They were identified as Majid Moradi, Ahmad Mohi, Alireza Sarian, and Mansour Raziani.

On 23 April 2016, five prisoners were hanged in the central prison of Zahedan for drug trafficking, reported the HRANA. Only one of them was identified by Human Rights Activists for Democracy in Iran as Javad Sanji, 25 years old.

On 26 April 2016, three prisoners were hanged in the central prison of Zahedan for murder, reported the HRANA, who identified them as Dehvari Jamshid, 30, Sadegh Rigi, 35, and Mohammad Sanchouli, 22.

On 28 April 2016, two prisoners, identified as Mehdi Bagherzadeh and Esmaeil Tanabi, were hanged in the Central Prison of Karaj, reported Iran Human Rights.

On 3 May 2016, four people were hanged at the Qezelhesar Prison in Karaj for drug trafficking, reported the *Human Rights Activists News Agency* (HRANA) which identified them as Ahmad al-Tafi, Abdolhamid Baqeri, Majid Imani, and Reza Hosseini.

On 4 May 2016, two prisoners were hanged at Dastgerd Prison in Isfahan, *Iran News Agency* reported. One of them, identified as Ezatollah Kiani, was convicted of murder. The other was an Afghan citizen convicted of drug trafficking.

On 8 May 2016, four prisoners, including a woman, were hanged at Dastgerd Prison in Isfahan for drug trafficking, *Iran News Agency* reported. Two of them were identified as Bahman Arab and Behnam Karimi.

On 9 May 2016, two murder convicts, identified as Nasser Saeedi and Mehdi Nabashi, were hanged at Darya, Orumieh's central prison, reported the HRANA.

On 11 May 2016, two murder convicts were hanged at Karaj's Rajai Shahr Prison, reported the HRANA. One of them was identified as Reza Cheshmenour.

On 12 May 2016, Behnam Mohammadi, 35, was hanged in Maragheh Prison for drug-related crimes, reported the *National Council of Resistance of Iran* (NCRI).

On 16 May 2016, a 35-year-old prisoner, identified as Malek Salehi, was hanged at Dastgerd Prison in the city of Isfahan, reported the *National Council of Resistance of Iran* (NCRI).

On 17 May 2016, nine prisoners were hanged in two different cities. Six of them were executed in Orumieh Central Prison for drug trafficking, reported the HRANA, which identified them as Naji Keywan, Nader Mohammadi, Ali Shamugardian, Aziz Nouri-Azar, Fereydoon Rashidi and Heidar Amin. The three others, identified as Rahim Khodayari, Ramin Imani and Sohrab Sharbatiyeh, were hanged on murder charges at Tabriz Central Prison, reported the *Kurdistan Human Rights Network*.

On 18 May 2016, four prisoners were hanged in two different cities, reported the *Kurdistan Human Rights Network*. Two of them, identified as Dariush Farajzadeh and Ghafour Ghaderzadeh, were hanged for murder in Orumieh Central Prison, while Yaghouh Jahed and Seyed Jalal Abedi were hanged on drug related charges at Tabriz Central Prison.

On 23 May 2016, a prisoner, identified as Khadarkhani, was hanged at Qezelhesar prison of Karaj for drug trafficking, reported the *Kurdistan Human Rights Network*.

On 24 May 2016, eight prisoners were executed for drug trafficking in two different cities, reported the HRANA and *Iran Human Rights*. Six of them were hanged at Qezelhesar prison of Karaj. One of them was identified as Ruhollah Roshangar, a married father of two children. Two more prisoners, identified as Hadi Shekasteh and Moslem Mahmoud Zahikhash, were executed at Adelabad prison in Shiraz.

On 25 May 2016, eight prisoners were hanged at Rajaeshahr prison in Karaj, reported the HRANA. Six of them – identified as Javad Khorsand, Iman Fatemipour, Hossein Mohammadi, Masoud Raghedi, Mohsen Aghamohammadi and Farhad Bakhshayesh – had been convicted of murder. Another accused of murder was not identified, while Khosrow Robat-Dasti had been convicted of rape.

On 30 May 2016, two prisoners, identified as Ehsan Lashki and Nasrollah Farrokhnia, were hanged at Noshahr Prison on rape charges, reported the HRANA.

On 6 June 2016, three unidentified men, aged 30, 35 and 40, were hanged in the central prison of Mashhad (Vakilabad) for drug related offences, state-run *Rokna* website wrote.

On 6 July 2016, 34-year-old Kamran Maleki was executed at Saqqez Prison on drug related charges, reported *Iran Human Rights*. Kamran was a taxi driver, and when he was arrested about a kilogram and 250 grams of crystal meth were found in his car, but he told his interrogators he was not aware that the drugs were in his car.

On 11 July 2016, six prisoners were hanged in two different prisons for drug trafficking. Five of them – identified as Massoud Taghipour, Hassan Farajpour, Mehdi Bagheri, Bagher Jalili, and Hamid Haghvin – were executed at Arak Central Prison, reported the *Human Rights Activists News Agency* (HRANA). Another prisoner, identified as Hadi Pashaei, was hanged in the prison of Maragheh, Oyan News reported.

On 17 July 2016, twelve prisoners were hanged in two different prisons for drug trafficking, reported the HRANA. Nine of them, including Saeed Saberi, Moslem

Bahrami, Saed Haghani, Reza Rad and Salman Bahrampour, were executed in the prison of Ghezel Hesar in Karaj. Three other detainees, identified as Mansour Zafarani, Yousef Barahouei and Ghasem Delshad, were hanged on the same day in the prison of Birjand. Those executed in the prison of Ghezel Hesar also included a woman from Shahre Rey Prison in the province of Tehran.

On 20 July 2016, six prisoners were hanged at the Rajai Shahr prison in Karaj for murder, reported the HRANA. Five of them were identified as Mohsen Khanmohammadi, Mehdi Keshavarz, Alireza Rezaei, Saeed Teimouri and Jalil Ramezani.

On 27 July 2016, seven prisoners were hanged in two different prisons for drug trafficking. Six of them – identified as Rahman Fouladi, Abdolmajid Herkuli, Abdollah Qaderi, Changiz Shiri, Mojtaba Shirkhani and Ali Talati – were executed in the central prison of Orumieh, reported the HRANA. A seventh man, identified as Nasrollah Rigi, was hanged in the prison of Yadz, reported *Human Rights Activists for Democracy in Iran*.

On 27 July 2016, three prisoners, identified as Ahmad Rastegar, Shahpour Hashtian and Davoud Mohammadi, were hanged in prisons in the province of Western Azerbaijan, reported the *National Council of Resistance of Iran* (NCRI).

On 3 August 2016, six prisoners were hanged in three different cities. Three of them were executed at Saqqez Central Prison, reported *Iran Human Rights*. Mostafa Salimzadeh, 23, was hanged for murder, while Loghman Rashidi, 27, and Kaveh Sohrabi, 31, were executed on drug charges. Two unidentified prisoners were hanged on unknown charges at Choubindar, Qazvin's central prison, reported the *Human Rights Activists News Agency* (HRANA). Another prisoner, identified as Majid Nazari, was hanged in a jail in the city of Taybad on drug related charges, HRANA reported.

On 8 August 2016, at least five prisoners were hanged in two different prisons on drug charges. Four of them were executed at Darya, Orumieh's central prison. The *Kurdistan Human Rights Network* identified the four as Seyed Jahangir Razavizadeh, Jebreal Kanani, Kamran Pouraft, and Amir Azizi. Another prisoner, identified as Younes Teymouri, 31, was hanged at Miandoab Prison, reported *Iran Human Rights*.

On 10 August 2016, two prisoners, identified as Fariborz Jalali and Gholamreza Arabderazi, were executed at Karaj's Rajai Shahr Prison on murder charges, *Iran Human Rights* reported.

On 14 August 2016, a 43-year-old prisoner, identified as Hamidreza Roostasefat, was executed at the central prison of Gorgan on charge of "transportation and storage of drugs," HRANA reported.

On 16 August 2016, an unidentified prisoner was hanged at Tabas Central Prison on drug related charges, reported the *Human Rights Defenders Association of Kurdistan*.

On 18 August 2016, a prisoner identified as Aydin Teymoorpoor was hanged in Salmas prison for drug related offences, HRANA reported.

On 25 August 2016, eleven prisoners were hanged in the Central Prison of Zahedan. One of them was identified as Hamzeh Rigi, reported the *National Council of Resistance of Iran* (NCRI).

On 27 August 2016, twelve prisoners sentenced to death for drug related offences were executed in Karaj's Central Prison, HRANA reported. Nine of them were identified as: Alireza Madadpour, Bahman Rezaei, Arman Bahrani, Alireza Asadi, Mohsen Eslami, Hossein Bahrani, Mehdi Rostami, Amir Sarkhah and Alireza Sarkhah.

On 3 September 2016, two prisoners were hanged in the central prison in Rasht for drug-related charges, reported the *Association des Femmes Iraniennes en France*. They were identified by their initials as A. B., 52, and J. P., 32.

On 9 September 2016, a prisoner from Marand, identified as Eynollah Mohammad Zadeh, was hanged at Vakil Abad prison in Mashhad on charge of drug trafficking, reported the *Human Rights Activists News Agency* (HRANA).

On 11 September 2016, seventeen prisoners sentenced to death on drug related charges were hanged at Mashhad's Vakil Abad Prison, reported Iran Human Rights. "There are currently about 400 prisoners in Vakil Abad Prison who are on death row for drug related offenses, and their execution sentences have been confirmed," a close source told Iran Human Rights. Iranian official sources, including the Judiciary and the media, had been silent about these 17 executions.

On 14 September 2016, one prisoner was hanged in the central prison in Rasht for murder, reported the *Association des Femmes Iraniennes en France*.

On 22 September 2016, two prisoners, identified as Hossein Arabahmadi and Rahmatoli Saadatiar, were hanged at Shahrud's Prison for drug related offenses, reported the HRANA.

Between 24 and 26 September 2016, seven prisoners were hanged in four different prisons for drug-related crimes and murder. Four of them were executed for drug-related crimes at Tabriz Central Prison on 24 September. The *Kurdistan Human Rights Network* identified them as Abdolkarim Bapiri, Mehdi Molaie, Salah Ghaderian, and Ali Mohtabipour. Another prisoner was hanged at Taybad Prison on 25 September for drug related offenses. The HRANA identified the prisoner as Hadi Oskouie. On the same day, a prisoner, identified as Javad Sanjehvali, 33, was hanged at Gorgan Prison for drug related offenses, reported the HRANA. On 26 September, a prisoner identified as Amir Behrouz was hanged at Darya, Orumieh's central prison, for murder.

On 27 September 2016, seven prisoners sentenced to death for drug related offenses were hanged at Minab's Central Prison, reported *Iran Human Rights*. They were identified as: Khodabakhsh Balouch, Ali Balouch, Chaker Balouch, Mohammad Mohammad Zehi, Majid Nariman, Mehdi Moradi, Mohammad Ghourchizadeh.

On 28 September 2016, eight prisoners sentenced to death for murder and *Moharebeh* charges were hanged at Karaj's Rajai Shahr prison, reported *Iran Human Rights*. Seven of them – Ali Rabizadeh, Majid Gonjehali, Adnan Anwar, Hossein Karimi, Mohammad Jafari, Farajollah Hatami, and Mehdi Alizadeh – were executed for murder, while Karim Hatamzadeh was hanged on *Moharebeh* charges related to armed robbery.

On 29 September 2016, eight prisoners were executed at Orumieh's central prison for drug related offences, reported the HRANA. They were identified as:

Behnam Pirkozaadegan, Ismael Ayoubi, Karam Kolshi, Ghader Mahmoudi, Effendi Omri, Karim (Reza) Abdollahzadeh, Farhad Maleki, and Malouk Nouri (woman).

On 4 October 2016, two prisoners were hanged in the Parsilon Prison of Khorramabad for drug-related crimes, reported the *Human Rights News Agency* (HRANA). One of them was identified as Shirodeh Tahmasebi, convicted of possession and trafficking of 5 kilograms of crack.

On 18 October 2016, fifteen prisoners were hanged in two different prisons for drug-related crimes, reported *Iran Human Rights*. Fourteen of them were executed at Ghezel Hesar Prison in Karaj. They were identified as: Abbas Karami, charged with 40 kilograms of narcotics, Hamid Saber, Hamid Babaie, Hamid (Amir) Nazari, charged with 25 kilograms of heroin, Peyman Sabalani, Ganjali Chekezadeh, charged with two kilograms of crack, Reza Sabzi, Khodamali Pirzadeh, Khashiar Ahani, Mehdi Geravand, Saeed Zakaria, Morteza Amini, Shahin Akbari and Ali Akbari Reigi. On the same day, another prisoner identified as Fardin Soleimanpanah was hanged at Miandoab Prison. He was arrested in May 2015 for allegedly trafficking and possessing 600 grams of crystal meth and 150 grams of crack.

On 24 October 2016, two prisoners, identified as Bakhtiar Khaledi and Shoreshe Mizrapour, were hanged at Salmas Prison for alleged drug related offenses, reported the *Kurdistan Human Rights Network*.

On 25 October 2016, five prisoners were hanged at Karaj's Ghezel Hesar Prison for alleged drug related offenses. *Iran Human Rights* identified three of the as Saeed Hassanpour, Mehrshad Kalhori, and Milad Beigdeli.

Between 31 October and 1 November 2016, two prisoners were executed at Salmas Prison on drug related charges. One of them, identified as Sami Mamadi, was hanged on 31 October, reported the *Human Rights Activists News Agency* (HRANA), while the *Kurdistan Human Rights Network* said the other prisoner, identified as Iraj Hamedi, was hanged on 1 November.

On 2 November 2016, three prisoners, identified as Farhad Mansouri, Shoaib Hatami and Darvish Monzemi, were executed at Darya, Orumieh's central prison, on drug related charges, reported the HRANA.

On 5 November 2016, two prisoners with drug-related charges were executed at Parsilon Prison in Khorramabad. *Iran Human Rights* identified them as Alireza Dervishi and Hojat, both charged with trafficking and possessing 10 kilograms of narcotics.

On 6 November 2016, at least three drug offenders, identified as Ahmad Adampour, Aref Pour Rahmati and Vali Mohammad Barzegar, were executed at Vakilabad prison in Mashhad, reported the HRANA.

On 8 November 2016, two prisoners were hanged in the prison of Qorveh, reported *Iran Human Rights*. They were identified as Mohammad Rasoul Heydari, charged with murder, and Babak Hassan Zadeh, charged with possession and trafficking of 350 grams of the narcotic drug Crystal.

On 10 November 2016, five prisoners charged with drug offences were hanged in the prison of Kerman, reported the *Human Rights News Agency* (HRANA). Three of them were identified as Gomshadzehi, Ranjbar and Faramarzpour.

On 13 November 2016, six prisoners were hanged at Darya, Orumieh's central

prison, for drug-related crimes, reported the HRANA. They were identified as: Karam Gholizadeh (charged with possessing and trafficking four kilograms of heroin), Mahkoom Ayjak (details of case file unknown), Aref Esmaeili (charged with possessing and trafficking 800 grams of narcotics), Nasser Hosseini (details of case file unknown), Farrokh Abdini (charged with possessing and trafficking one kilogram of heroin), and Javad Asghari (details of case file unknown).

On 22 November 2016, a 36-year-old prisoner, identified as Mehdi Shamsinejad, was hanged in Adelabad, Shiraz's central prison, for with drug-related crimes, reported *Iran Human Rights*. He was arrested in 2014 for allegedly trafficking 600 grams of crystal meth and crack.

On 23 November 2016, a murder convict, identified as Gholamhossein Beigi, was hanged in Khomeyn Prison, reported the HRANA. He was detained in prison for 18 years before his execution.

On 24 November 2016, five prisoners were hanged on drug related charges in two different cities. Four of them were executed at Karaj Central Prison, reported the HRANA. They were identified as Mohsen Jamali, Yasser Kavyani, Davoud Totalzei and Asef Mohammad Saeedpour. Totalzei and Saeedpour were Baluch citizens. Another prisoner, identified as Jamshid Tahami, was hanged at Mahabad Prison, reported the *Kurdistan Human Rights Network*.

On 26 November 2016, another murder convict, identified as Shabaan Ranjbar, was hanged in Lakan, Rasht's central prison, reported *Iran Human Rights*. He was detained in prison for 20 years before his execution.

In early December, two prisoners charged with drug offences were hanged in Mashhad Central Prison, *humanrightsiniran.org* reported. They were identified as Khalil Din Mohammadi and Mohammad Sarani.

On 6 December 2016, a prisoner identified as Ali Akbar Karami was hanged at Dizel Abad Prison in Kermanshah on murder charges, reported the *Human Rights Activists News Agency* (HRANA).

On 7 December 2016, Ali Chartagh was hanged at Dizel Abad Prison for drug related offences, reported the HRANA. He was convicted of participating in the storage of 750 grams of crystal meth.

On 11 December 2016, ten prisoners were hanged at Rajai Shahr Prison on murder charges, reported *Iran Human Rights*. Two of them were identified as Abdullah Ghaffari, Hasan Sheikh, Mansoor Mozaffari, Akbar Aslani, Arash Azarmi, Sayed Aivaz Hosseini, Hossein Karami, Mostafa Sharifi, Reza Hatami, and Ali Jafari.

On 12 December 2016, a 33-year-old Iranian Kurd was executed at Maragheh Prison on drug related charges, reported *Iran Human Rights*. Soleiman Kake-Allahnejad was reportedly convicted of possessing one kilogram and 50 grams of crack.

On 14 December 2016, four people were hanged in two different cities. One prisoner identified as Mohammad Hossein Beheshti was executed in Ghezel Hesar Prison of Karaj, reported the HRANA. He was charged with possession of drugs. Three Balouchi prisoners were executed in the city of Bandar Abbas, according to a Balouchi activists' report. They were identified as Masoud Karamzi, Nahtani, 65 years old, and Gomshadzei. The crimes for which the convicts were found guilty remained unspecified.

On 15 December 2016, six prisoners were executed in two different cities for drug offenses, reported *Iran Human Rights*. Five of them were hanged in the Central Prison of Karaj. They were identified as Behzad Lazemi, Mostafa Gholami, Fardin Sabzi, Mehdi Kaeni and Saeed Faramarzi. On the same day, a 39-year-old prisoner was executed at Bandar Abbas Central Prison. He was identified as Behzad Salimkord and was sentenced to death for possessing and trafficking 2 kilograms of crystal meth and 250 grams of opium.

On 19 December 2016, three Baloch prisoners were executed at Birjand Central Prison on drug related charges, reported the HRANA. Two of them were identified as Allahnoor Daroonpoor and Nasser Barahuee.

On 23 December 2016, a prisoner was hanged at the Shirbanou prison in Shiraz, reported *Zandaniran* weblog. His identity and other details were not specified.

On 25 December 2016, at least two prisoners, identified as Valliollah Reshno and Qodrat Ibrahimi, were executed at Arak Central Prison for drug offenses, reported the HRANA. Rashnov was sentenced to death for possession and trafficking an unknown amount of narcotics while Ebrahimi was convicted of possession and trafficking three kilograms of heroin.

On 27 December 2016, a prisoner was executed at Bandar Abbas Central Prison, reported *Iran Human Rights*. Khaled Jowhari was convicted of possession and trafficking one kilogram and 850 grams of crystal meth and approximately half a kilogram of *crack*.

On 28 December 2016, a drug convict was executed at Tabriz Central Prison, reported the HRANA. Rashid Javadi was reportedly sentenced to death for possession and trafficking 106 grams of heroin.

EGYPT

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

Condemned prisoners are not told 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.

The authorities never disclose how many people are awaiting execution.

After a *de facto* moratorium dating back to 2011, in 2014 Egypt carried out at least 15 executions, of which only 8 were reported by local newspapers.

Another 22 people were hanged in 2015.

In 2016, according to the Arab Organization for Human Rights, there were 16 executions but Amnesty International said 44, including 8 women. The new death sentences were 237. At least 44 men were sentenced to death by ordinary court for terrorism and violent political acts and 15 by military courts. At least 11 women have been sentenced to death by ordinary courts for murder or aggravated robbery. At least 167 men were sentenced to death for ordinary crimes. Three had the death sentence commuted by the Court of Cassation.

On 16 Novebre 2016, the Court of Cassation annulled the death sentence of former President Mohamed Morsi as well of religious leader Mohamed Badie with four others.

MALAYSIA

Authorities do not make any public announcement about the imminent executions nor is there any posthumous information about the executed individuals, while families are often informed at the last minute that their loved ones will be executed.

Because the Government does not release annual data on its use of the death penalty, it is difficult to confirm the real number of executions that are carried out in the country. The last confirmed execution to take place in Malaysia was in 2010 for murder.

On 29 March 2016, in a written reply to Puchong MP Gobind Singh, Deputy Prime Minister Datuk Seri Ahmad Zahid Hamidi said that there had been 12 executions from year 2010 till February 2016, while *Hands off Cain* recorded only 7 executions for the same period.

In Octoober 2016, the Interior Minister delivered disaggregated data for year referring to the parliament that 6 executions were in 2014, 1 in 2015 and 9 as of September 2016.

On 25 March 2016, Malaysian authorities secretly hanged three inmates convicted for murders: Gunasegar Pitchaymuthu, 35, Ramesh Jayakumar, 34, and his brother Sasivarnam Jayakumar, 37. According to their attorney, Palaya Rengaiah, the three inmates were told on 24 March that they would be executed the next day, while their families were only informed two days before their execution. The families were notified via letter, informing them to make their final visit as well as to prepare for funerals. The three inmates were sentenced to be hanged to death by the Malaysian Supreme court for killing a 25-year-old man in a playground back in 2005. Despite that they were found guilty, the three insisted their innocence, claiming they were defending themselves from the attack of the group, which included the victim.

As of 30 April 2016, according the Prison Department, 1,042 people - comprising of 629 Malaysians and 413 foreign nationals were sentenced to death due to murder, drug trafficking, firearms trafficking or kidnapping. Of them, 649 have a pending appeal and 393 a mercy petition.

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.

After a decline starting in 2000 amid international criticism, North Korea resumed frequent public executions, targeting officials accused of drug-trafficking, embezzlement and other non-violent crimes, and North Koreans who attempted to

cross into China or South Korea in search of food and to avoid political oppression.

North Korea executed 1,382 people between 2000 and 2014 for a broad array of crimes that ranged from anti-state activities to viewing South Korean pornographic material. The statistics were included in an annual research report from the Korea Institute for National Unification that compiled accounts from 221 North Korean defectors who arrived in South Korea in 2014, South Korean news outlet Newsis reported.

Executions in North Korea would be increased in an attempt to strengthen the regime during the period of transition to power of Kim Jong-un, designated to succeed his father Kim Jong-il, which occurred on 18 December 2011, the day after his father's death.

North Korea has executed or purged a total of 340 high-ranking officials and residents since leader Kim Jong-un took control of the communist country in 2011, according to a white paper released on 29 December 2016 by the *Institute for National Security Strategy* (INSS), a South-Korean think tank. "The number of executions and purges of executives increased rapidly from 3 people in 2012 to 30 in 2013, 40 in 2014, and 60 in 2015," the paper states. Kim Jong Un temporarily halted purges since the execution of former defence chief Hyon Yong Chol in 2015, but resumed by executing three high-ranking officials in 2016, the report reads. The young leader has reportedly executed approximately 140 high-ranking officials to date. Executives have faced various charges from improper behaviour and corruption, to suggesting a differing opinion, and "anti-Party activities." According to the INSS white paper, the number of people executed publicly in 2016 was about 60 as of August. The number of people publicly executed by the regime reportedly reached 64 by September, according to South Korea's *National Intelligence Service* (NIS).

On 5 May 2016, North Korea publicly executed six officials, including intelligence officials, in charge of supervision of its workers overseas following the defection of 13 workers at a North Korean-run restaurant in China a month earlier, a local Pyongyang watcher said on 29 July. Eighty public officials and 100 people who have their family members working overseas were forced to watch the execution, Choi Seong-yong, chairman of the Abductees' Family Union, claimed, citing people familiar with the matter. In early April, a group of 12 women and one man fled from a North Korean-run restaurant in China's eastern port city of Ningbo and defected to South Korea. In the following month, three female workers at a North Korean restaurant in the midwest city of Shanxi reportedly defected to the South. "North Korea locked the families of the defectors up and forced them to take ideological education at a training facility in Myohyang Mountain, in the northern part of the communist country," Choi said. The North Korean authorities have argued the workers didn't defect to the South but were kidnapped by the South Korean government.

On 12 August 2016, a source on North Korea who spoke to South Korea's *Yonhap News Agency* on the condition of anonymity said Pyongyang authorities had publicly executed about 60 ordinary people in 2016. A South Korean government official separately confirmed to *News 1* that 60 in total have been publicly executed

in 2016. The figure is two times higher than the annual average of 30 people executed per year since country's leader Kim Jong-un took office in 2011. The source added that North Korea had increased public executions of North Korean defectors' families and brokers who enabled money transfers from defectors to their kin in the North. North Korean authorities arrested dozens of such families and their brokers in February on charges of "espionage," and in April in the border city of Hyesan about 10 brokers were executed, the source said. In northern Yanggang Province, North Koreans who were allegedly viewing South Korean films and television shows were executed by gun. About 10 people in two different cities were executed for drug use.

On 13 December 2016, a source in South Pyongan Province told *Daily NK* that Kim Jong-un had issued instructions to government bodies including the Ministry of People's Security to ban further public executions. The instruction containing the orders forbids both public trials and executions. "The instruction is not aimed at reducing or abolishing executions. It just means that capital punishment will be conducted privately in future." Some suspect that Kim Jong-un's decision to revert to private executions has been influenced by recent momentum built up by the UN and NGOs highlighting North Korea's human rights violations, even suggesting that the North Korean authorities may be put on trial at the ICC (International Criminal Court). "(The authorities) have been continuously conducting public executions in order to instil fear among the population, but it seems to have realized the drawbacks of the measure. The regime is presumably becoming sensitive about scenes of public executions escaping to the outside world," a source in North Pyongan Province explained. Private executions in North Korea are usually carried out in a prison cell, interrogation room, or in the mountains. The executioners immobilize the prisoners on a chair and execute them by repeatedly striking their vital points with blunt weapons such as rubber or wooden clubs and hammers. Testimonies also state that electrocution and lethal injections are used during private executions. "Private executions are generally more feared by prisoners and their families. Without even a public trial, it becomes even easier for the regime to execute anyone without consequences," added a source in Ryanggang Province. "A Provincial Ministry of People's Security official who gave me this information also said that special units within regional security bodies nationwide will be formed, consisting of executioners."

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 2011, news of death sentences and executions were reported by humanitarian organisations, although not confirmed by sources of the Syrian regime. In 2010, the authorities carried out at least 17 executions. At least 8 executions were carried out

in 2009 and at least 1 took place in 2008. No executions were recorded in 2005 while 2 were recorded in 2006 and at least 7 in 2007.

INDONESIA

Generally, death sentences are carried out by firing squad early in the morning, and the authorities divulge news of executions after they have taken place, with relatives, lawyers and the condemned people themselves being kept in the dark before the actual executions take place.

The condemned are informed of their execution only 72 hours in advance.

The practice of the death penalty in a shroud of secrecy highlights is not only devastating for the individuals and their families; it can also prevent last minute appeals for a stay of execution.

No executions were carried out in 2014. However, in 2015 Indonesia put fourteen drug convicts to death [see Chapter “The War on Drugs”], in the first executions to take place under new President Joko “Jokowi” Widodo, who took office in October 2014.

At the end of April 2016, there were about 180 inmates facing the death penalty, most of them for drug trafficking.

On 29 July 2016, four prisoners, all sentenced to death for drug offences, were shot dead by a firing squad on the penal island of Nusa Kambangan. They were identified as Freddy Budiman, an Indonesian citizen; Humphrey Jefferson Ejike Eleweke and Michael Titus Igweh, from Nigeria; and Seck Osmane, from Senegal. Indonesia had largely withheld details of this round of executions from the public, declining even to publicly confirm the list of those slated to be executed in the hours leading up to their deaths. Two people whose cases had raised high-profile international concern among rights groups were not executed. The first was Pakistani Zulfiqar Ali, who has alleged he was beaten into confessing to the crime of heroin possession. The other was Indonesian woman Merri Utami, who was caught with heroin in her bag as she came through Jakarta airport and claims she was duped into becoming a drug mule. Ricky Gunawan, the director of the Community Legal Aid Institute, said the lack of transparency around the latest round of executions has been a convenient cover. “Indonesia is perhaps aware that there are so many laws they are violating so that’s why they keep it secret,” he said. Under Indonesian law death row prisoners cannot be executed unless all legal avenues – including clemency appeals – are fully exhausted.

IRAQ

After the fall of Saddam Hussein’s regime on 9 April 2003, the death penalty was suspended by the Provisional Authority of the Coalition. It was reintroduced on 8 August 2004, after the transfer of power to Iraqi authorities on 28 June 2004.

Executions began in August 2005. Since then, as of 31 December 2016, at least 828 executions were carried out, most of them related to acts of terrorism [See Chapter “The War on Terror”].

In 2016, Iraq executed at least 92 people compared to 30 in 2015.

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.

All prisoners whose death sentences have been ratified by the Presidential Council are transferred to the 5th section (*al Shuba al Khamisa*) of Al-Adalah prison complex in Baghdad before they are executed. This section of the prison is under the control of the Ministry of the Interior, while the other sections are under the control of the Ministry of Justice.

The Ministry of Justice rarely provides information about executions in advance, the identities of those executed, the charges against them, or the evidence presented against them at trial. The Ministry says merely that they were “terrorist members of Al-Qaeda” convicted under article 4 of the Anti-Terrorism Law, No. 13 of 2005, who had participated in assassinations, explosions, and other terrorist attacks. A Justice Ministry employee told Human Rights Watch that execution orders for people on death row are handed down directly from the Prime Minister’s Office to prison facilities.

On 30 December 2016, Minister of Justice released that 88 people have been executed for terrorism during the year.

SAUDI ARABIA

Executions are 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, filmed by the official Saudi news agency *SPA*.

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.

In 2016, Saudi Arabia beheaded at least **154** people, including 36 foreigners (among them 32 women), according to a *Hands Off Cain* tally based on media reports.

On 2 January 2016, Saudi Arabia executed 47 people convicted of terrorism-related offenses, including 43 suspected members of *Al-Qaeda* and 4 Shiites, including Nimr al-Nimr, a prominent cleric and government critic from the country’s Shiite minority [See Chapter “War on Terror”]. Two were citizens of Egypt and Chad, who were identified by the Interior Ministry, respectively, as Mohammed Fathi Abula’ti Al-Sayed e Mostafa Mohammed Altaher Abkar.

On 10 January 2016, an Ethiopian woman, Jinat Damti Farid, was executed in the city of Taif after being found guilty of killing a Saudi female, Ghalia Eida al-Harithi, by striking her repeatedly with an axe as the victim knelt to perform Muslim prayers. After killing Harithi, Farid stole two gold rings and an unspecified amount of money.

On 14 January 2016, Yasser Mahmoud Ahmed Ali Quaiza, a Yemeni national, was executed in Khamis Mushait province for intentionally killing and stealing a Saudi woman, Felwah Misfr bin Misfr Al Jarad, after breaking into her house.

On 27 January 2016, an Egyptian man, identified as Mahmud Jumaa Morsi, was beheaded in the capital Riyadh, after being found guilty of fatally strangling and robbing a Saudi citizen.

On 2 February 2016, Saudi Arabia executed Ethiopian Khatar Doli Koji, who had been found guilty of beating another Ethiopian to death with a metal rod, and stealing money and a phone from him.

On 8 February 2016, an Egyptian man, Ibrahim Mohammed Salman, was executed in the city of Tabuk for drug trafficking.

On 11 February 2016, an Iraqi national, Wesam Abdulredha Hassan Al-Mahsanawi, was put to death in Hafr Al-Baten for shooting Emirati national Mohammed bin Mubarak bin Saeed Al-Ameri dead with a machine gun and stealing his car.

On 17 February 2016, Yemeni nationals Ahmed Mubarak and Abdul Salam al-Jamali were beheaded in the city of Jizan for drug trafficking.

On 1 March 2016, two foreign nationals were executed in two different cities. Qatari national Mohammed Jarboui was beheaded in the region of Al-Ahsa after being convicted of murdering a Saudi, while Jordanian Abdallah Tayaha was executed in the Jawf region for trafficking amphetamines.

On 17 March 2016, a Yemeni, Marwan Abdo Mohammed, was executed in the region of Asir for beating a fellow Yemeni to death with a metal rod.

On 24 March 2016, a Jordanian expatriate, Ammar bin Alyan bin Ibrahim Al-Saqr, was executed in Dammam for stabbing to death Osama bin Mohammad bin Ali Al-Bekheitan, a Saudi national, during a fight.

On 27 March 2016, a Pakistani convicted of killing a Bangladeshi woman was executed in the city of Jeddah. Elias Ismail was found guilty of fatally stabbing Hajar Hussein during a robbery.

On 21 April 2016, Pakistani national Shah Zaman Khan Sayyed was executed in the Riyadh region for smuggling drugs.

On 26 April 2016, a Syrian murder convict, Ahmed al-Ramadan, was executed in the Qassim region. He was found guilty of stabbing and strangling to death a Saudi as the victim was leaving his home for dawn prayers.

On 5 May 2016, Jordanian national Maher Al-Ghurabli: was put to death in the region of Tabuk for drug trafficking.

On 17 May 2016, a Pakistani citizen, Mohammed Ishaq Thawab Gul, was executed for drug trafficking.

On 29 May 2016, a Nigerian man, Fahd Houssawi, was executed in the city of Taif after being found guilty of strangling a policeman and beating him to death.

On 19 July 2016, Pakistani Muhammed Mukhtar was executed in the city of Dammam for drug trafficking.

On 26 July 2016, a foreign national, identified as Yahya Ali Majhali, was executed in Saudi Arabia for murder.

On 27 July 2016, Yemeni national Mohammed Ahmed Abdulsalam Al-Shamiri was executed in Najran Region for drug smuggling.

On 31 July 2016, a Bangladeshi expatriate, Riyadh Al-Haq Abdul Haq, was executed in the Governorate of Jeddah for stabbing to death a compatriot, Mohammed Shah Yassine, during a heated argument.

On 8 August 2016, Yemeni national Hussein bin Mohammed Ahmed Hassan was executed in Riyadh for murdering his compatriot Mohammed bin Mohammed bin Abdulla bin Mohammed Al-Dayani after a heated argument, reported local Arabic daily *Okaz*.

On 21 September 2016, two Pakistani nationals, Basharat Ali Farzand and Abdulaziz Al-Rahman Zaroir Khan, were executed in Qatif for drug smuggling.

On 26 September 2016, an Ethiopian woman, Zamzam Abdullah Boric, was put to death in Riyadh after being convicted of killing a Saudi child, the interior ministry said. Boric cut the girl's throat "and left her in the bathroom until she died," the ministry said, without giving a motive for the crime or stating the Ethiopian's occupation.

On 29 September 2016, two Pakistanis – Amjad Hussein Ashraf Shah e Ayub Khan Manqal Khan – were executed respectively in Jeddah and the Eastern Region for trafficking heroin.

On 7 October 2016, Pakistani Moujahid Sayyed Fadhl Rahim was executed for killing a compatriot during a heated argument. He was found guilty of assaulting Riyadh Fayeze Khan and stabbing him fatally several times.

On 9 November 2016, foreign national Akram Ali Hussein al-Aaqel was executed for murder, reported capitalpunishmentuk.org website.

On 14 November 2016, foreign national Abdulhafiz Hamed was executed for murder, reported capitalpunishmentuk.org website.

On 29 November 2016, two Yemeni expatriates, Abadel Mohammed Maqbul Khuri and Ahmed Ali Yahya Al-Wasabi, were executed for murdering Mohammed bin Mohammed bin Ali Osaimi Hakmi in the province of Jazan. They were convicted of killing the man to steal his car and money. The men attacked the Saudi national on his farm, tied up his hands and legs with an electrical wire and strangled him to death.

SINGAPORE

The SPS does 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.

In 2016, Singapore hanged four people, two for murder and two for drug traf-

ficking [See Chapter “The War on Drugs”], according to the Singapore Prison Service (SPS) annual report.

On 20 May 2016, 32-year-old Malaysian national Kho Jabing was executed at Changi Prison Complex for murder, after the Singapore Court of Appeal turned down his last minute application earlier in the morning. He was found guilty of killing a Chinese construction worker in 2008 during a robbery attempt. Jabing had converted from Christianity to Islam in prison and chose Muhammad as his Muslim name.

Singapore executed at least 437 people between 1991 and 2016 most of them for drug-related crimes.

As of 31 December 2016, 38 people were on death row in the city-state, according to Amnesty International.

SOUTH SUDAN

The Republic of South Sudan gained independence from Sudan on 9 July 2011. Formed from the 10 southern-most States of Sudan, South Sudan is highly diverse ethnically and linguistically. Unlike the predominantly Muslim population of Sudan, the South Sudanese follow traditional religions, while a minority are Christians.

Under the Penal Code Act, 2008 (pre-independence), the death penalty in South Sudan is provided for a wide range of offenses. The death penalty is also provided by the Transitional Constitution adopted in July 2011. Executions are carried out by hanging.

Anyone convicted of murder may be sentenced to death or life imprisonment, but there is a third alternative. He or she may be fined, and imprisoned for a shorter time, if the nearest relative of the deceased opts for the traditional “blood money”.

According to the Office of the UN High Commissioner for Human Rights (OHCHR), the overwhelming majority of individuals in prison in South Sudan do not have legal representation or the right to free legal aid in serious criminal, civil, land and family matters. An estimated 95 percent of prisoners in the country, according to South Sudan’s Justice Ministry, go through the criminal justice system without legal aid.

In 2016, *Hands off Cain* recorded at least 4 executions and 2 Amnesty International. They were at least five executions and at least 17 death sentences in 2015.

It could not be confirmed if judicial executions took place in South Sudan in 2014, while in 2013, there were at least 4 executions and at least 19 death sentences. In 2012, South Sudan hanged at least 5 people.

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

By the end of 2015, at least 305 people were being held on three death rows, located at Juba Prison (Central Equatoria State), Wau Prison (Western Bahr el Ghazal State) and Malakal Prison (Upper Nile State).

On 18 April 2016, two murder suspects, Marop Manguen and Majong Makom, were allegedly executed by firing squad on the orders of the Gok State top authority, Governor Madhang Majok. On 28 April, Marop Manguen's father, Mangot Manguen Mamer, told *The Nation Mirror* newspaper that his son was executed at the outskirts of Cueibet after more than one month in police custody. Marop surrendered himself to the police after he 'mistakenly' killed a son and son-in-law of Commissioner Gop Achien of the newly created Duony County. "When I learnt that my son had done a mistake I handed him over to the police and he was in police until he was taken out with another man and executed," Mangot said in an exclusive interview. He said as a family they had agreed to pay 51 cattle as blood compensation to the relatives of the deceased through traditional justice, but were surprised by the action of the governor. Mangot said the day before the execution, the governor had promised to visit Duony County and had asked the chiefs of the area to receive him the following day; only for the chiefs to find out that two people were executed. Gok State Information Minister, John Madol Panther, vehemently denied that there was an execution in the State and faulted *The Nation Mirror* for publishing what he termed as "false reports".

On 22 July 2016, South Sudan army's (SPLA) 5th division in Western Bahr el Ghazal state executed two soldiers charged with murder and various crimes. The duo was arrested on 17 July and kept at Wau central prison after for allegedly murdering a couple at a residential area situated within Wau town. They faced firing squad in front of a military parade at the army division headquarters. Hundreds of Wau residents also witnessed it. Wau town mayor, Akol Akol Ajith, said the two soldiers were sentenced to death after the military high court found them guilty.

In January 2012, President Salva Kiir established a constitutional review commission with the mandate to develop a permanent Constitution. The death penalty has surfaced as a contentious issue in this process, as it did during the drafting of the 2005 Interim Constitution and the 2011 Transitional Constitution. The President is said to be extremely uncomfortable signing death warrants. Meanwhile, voices against the death penalty are already emerging in South Sudan. Many South Sudanese are Christian and oppose the death penalty on religious grounds. Others contend that the death penalty, introduced under British colonial rule, is incompatible with the customs and traditions of the people of South Sudan. Under the customary laws of most communities, people found guilty of murder must pay compensation to the family of the deceased, a remedy designed to restore relationships rather than to exact retribution by taking away the wrongdoer's life.

On 7 November 2016, South Sudan was reviewed under the Universal Periodic Review of the UN Human Rights Council. The Government said the abolition of the death penalty seemed to be some way off, because of tribal custom and customary law, and progress towards that goal had to be gradual for that reason. In March

2017, it accepted recommendations by Italy to introduce a moratorium on executions with a view to abolition.

In December 2016, voted against the UN General Assembly Resolution on a Moratorium on the Use of the Death Penalty. It voted in favor in 2012 and 2014.

INDIA

Statistics on executions in India since 1947 are not available. The Government of India treated information on death penalty as a State secret. 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. The 35th Report of the Law Commission of India however did not cover States such as Assam, Jammu and Kashmir, Rajasthan and Delhi and the figures are therefore not accurate. There is also no information concerning executions from 1964 to 1994 in addition to those prior to 1953. The National Crime Records Bureau started collecting information on death penalty only from 1995 and as per the NCRB, a total of 21 condemned prisoners have been executed since 1995.

Secret executions of death row prisoners are increasingly becoming the order of the day in India, after the executions of 2012 and 2013, which were shrouded in secrecy and ended a *de facto* moratorium dating back to 2004. In November 2012, Pakistan national Mohammad Ajmal Kasab was hanged in secrecy at 7:30 a.m. at Yerwada Jail in Pune, just after Indian President Pranab Mukherjee rejected his plea for mercy. In February 2013, Muhammad Afzal, also known as Afzal Guru, a 43-year-old militant with the group *Jaish-e-Muhammad*, was hanged in the Tihar Jail complex near New Delhi, a few days after President Mukherjee had rejected a plea for mercy filed by Afzal's wife.

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.

General guidelines by the Supreme Court on the treatment of persons on death row include: a notice of at least 14 days must be given prior to execution; a final meeting between the prisoner and their family and friends should be facilitated.

Despite the Supreme Court in 2015 making it clear that death warrants - an order by a court that has issued a death sentence specifying the time and date that the execution is to be carried out - are not to be issued in haste, secrecy or before the accused has exhausted all his or her legal options, the report published in March

2017 by the National Law University, as quoted by huffingtonpost.in, found that Sessions courts issued 5 death warrants in 2016 before the accused had exhausted their legal options. These were later cancelled by higher courts.

High Courts confirmed 15 death sentences in 2016 (handed down by sessions courts in earlier years), commuted the sentences of 44 convicts and acquitted 14 people.

The most significant change came at the level of the Supreme Court - of the 7 criminal appeals on the death penalty that came before it in 2016, the SC confirmed none (it did however confirm one death sentence at the review petition stage). This was a notable departure from the previous year, when the SC 8 of 9 appeals that came before it. Seventy-one criminal appeals on the death penalty are still pending before the SC.

Over half of the 136 death sentences in 2016 (70 in 2015) were for murders simpliciter, in which the accused was convicted for murder only. In all, sessions courts have handed down 1,790 death sentences between 2000 and 2015.

President Pranab Mukherjee disposed of 6 mercy petitions in 2016, rejecting 5 and commuting to life one in a case that was confirmed by the SC in 2000, leaving the convict, Jeetendra Singh Gehlot, with no idea of his fate for 16 years.

Despite being the harshest possible punishment, the administration of the death-penalty in India remains shrouded in mystery. "It is almost impossible to state with any kind of certainty the number of death sentences handed out in any given year or even know the exact number of prisoners under the sentence of death at any given point," the researchers noted. "Additionally, the fact that there exists no reliable data even on the number of executions carried out in independent India speaks to the opacity that surrounds the death penalty," they wrote. The researchers used RTI applications, official data from some courts, court judgement data and news reports to compile the report. There were 397 people in all on death row at the end of 2016, 11 of them sentenced under the Army Act and little was known of their status.

On April 11, 2017, as many as 325 death row convicts are lodged in different jails across the country till 2016, the Lok Sabha was informed.

Minister of State for Home, Gangaram Ahir said the highest (68) number of death row convicts are lodged in Uttar Pradesh till December 2016. There are 41 convicts with capital punishment in Maharashtra, 38 in Madhya Pradesh, 30 in Bihar, 22 in Karnataka, 16 in Kerala, 15 in Chhattisgarh besides others, he said in a reply to a written question.

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. Executions were usually held during the summer or at the end of the year, when the Diet, the Japanese Parliament, is not in session, thus avoiding the possibility of debate. With the new Minister of Justice, Kunio Hatoyama, an outspoken supporter of the death penalty

who took office in August 2007, the principles and taboos that Japan maintained with regard to capital punishment were systematically broken down. In December 2007, with the first execution of the Fukuda Government, then Justice Minister broke with the tradition of not publicizing them and announced the names and crimes of the three convicts being executed. The tradition of not carrying out executions while the Diet, Japan's legislature, is in session in an attempt to avoid unnecessary controversies was also broken. On 27 August 2010, the Tokyo Detention House opened its execution chamber to the media, giving the public its first peek at the place where death-row inmates are hanged.

However, the use of the death penalty in Japan continued to be shrouded in secrecy.

From seven in the morning until seven at night death row inmates have to sit still in a small space. If they move, fall over or lie down, the guards immediately force them to sit up again. They only exercise twice a week, for 30 minutes. Cameras watch them 24 hours a day, while they eat, use the *toilet*, do anything. In December 2011, the Justice Ministry said nearly half of death row inmates are on full-time medication for mental stress. Inmates on death row have complained of psychological symptoms such as insomnia and hallucinations and have been continuously treated with drugs, *The Yomiuri Shinbun* reported. Such symptoms can occur because of confinement in closed spaces for a long period of time, and since some inmates have been detained for more than 30 years.

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 anti-room to where the hanging takes place; it is here that prisoners are also allowed a final chance to speak with the chaplain. Inmates are then blindfolded, handcuffed in front and escorted to the execution chamber. A curtain is the only thing that separates the front and execution chambers, but it is usually closed, and inmates are unable to see the execution chamber and the rope dangling from the ceiling pulley and hooked to the floor. There was no rope visible in the execution chamber because "it is installed only when an execution is carried out," officials said. In the execution chamber, the inmate's legs are tied, the noose is tightened and the condemned stands on a trap door. The 30-minute tour showed the red square on the floor where a convict stands with a noose around their neck before the trapdoor opens beneath them. Then three officials enter a side room where there are three buttons. They push them at the same time so they don't know which one actually springs the trapdoor. In the attendant chamber, officials view the execution chamber and the room below. In five minutes after a doctor confirms death, the corpse is lowered and put in a coffin.

In May 2013, when Japan was reviewed by the UN Committee Against Torture, the Committee expressed deep concern about many issues, including the conditions of

detention of prisoners on death row, in particular with respect to the unnecessary secrecy and uncertainty surrounding the execution of prisoners; the use of solitary confinement for prisoners sentenced to death, some exceeding 30 years; and the lack of a mandatory appeal system for capital cases given that an increasing number of defendants were convicted and sentenced to death without exercising their right of appeal. The Committee further urged the Government of Japan to ensure that death row inmates can afford all the legal safeguards and protections they are entitled to, including by giving them and their family reasonable advance notice of the scheduled date and time of the execution and revising the rule of solitary confinement for death row inmates. The Committee urged the authorities to provide data on death row inmates, disaggregated by sex, age, ethnicity and offence and to consider the possibility of abolishing the death penalty.

TAIWAN

In Taiwan, executions usually take place close to dawn and are carried out by prison guards who position the prisoner on the ground, face down, and shoot him directly in the heart. An exception may be made, however, if the inmate is an organ donor, in which case the guards won't shoot for the heart. Three or more armed guards usually carry out an execution. All prisoners receive anaesthesia and are unconscious before they are shot.

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.

Death row inmates are kept under harsher conditions than general prisoners. They are imprisoned 2 persons per cell, handcuffed and fettered all day long, only allowed to leave the cell half an hour a day for exercise.

Executions are performed in secret: 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.

On 10 May 2016, a former student of 23 years, Cheng Chieh, was executed in jail out of Taipei. A firing squad fired three times to him.

THE UNITED STATES OF AMERICA

The secrecy of the lethal injection process has increasingly become an issue on the agenda in the United States, after a series of botched executions carried out mainly in 2014, but also in 2015 ((Brian Keith Terrell in Georgia) and in 2016 (Brandon Jones in Georgia and Ronald Bert Smith in Alabama), and the unlawful one of Charles Warner on April 13, 2016 in Oklahoma.

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 penitentiary 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.

The increased secrecy around lethal-injection protocols is only the latest tactic of pro-death-penalty legislators and corrections officials around the country.

State secret on executions

Over the past three years many states have introduced laws to shield access to data on executions. In other states these laws were rejected because they prevailed the liberal principle, also supported by several Conservative MPs, that the powers that the state can exercise towards the citizens must be well clear and limited, and always amenable to control by the public opinion.

Of the 31 states that still use lethal injection, at least 25 provide for – de jure or de facto – a State secret that prevent the public or inmates from knowing the source and efficacy of execution drugs: **Alabama** (de facto), **Arizona** (de jure), **Arkansas** (de jure), **Colorado** (de facto), **Florida** (de jure), **Georgia** (de jure), **Idaho** (de jure), **Indiana** (de jure), **Kansas** (de jure), **Kentucky** (de jure), **Louisiana** (de jure), **Mississippi** (de facto), **Missouri** (de jure), **Montana** (de jure), **Nebraska** (de jure), **North Carolina** (de jure), **Ohio** (de jure), **Oklahoma** (de jure), **Oregon** (de jure), **Pennsylvania** (de jure), **South Carolina** (de jure), **South Dakota** (de jure), **Tennessee** (de jure), **Texas** (de jure) and **Virginia** (de jure).

Only **California** has explicitly rejected a secrecy law, believing that the transparency of all administrative acts has priority over the economic worries of suppliers fearing negative advertising.

Colorado does not have a law on this matter, but no one has suggested considering that, by governor's decision, executions will remain blocked at least until the end of 2019. **Utah** does not have a secrecy law, but according to media, the Administration resist their attempts to access documents.

The remaining states with the death penalty, **Nevada**, **New Hampshire**, **Washington** and **Wyoming** do not have laws that explicitly protect the lethal injection drug vendors.

In May 2016, two articles in the press year summed up the “state of the art” of the death penalty in the United States, with particular reference to the “secrecy laws”.

In fact, it has always been relatively easy for the media to get information about the prison staff participating in executions, but the media and defence counsel, with a kind of moral self-control code, have never speculated on that aspect of the executions. One that in recent years the states want to keep hidden is instead the procedure of purchase of lethal drugs. Some laboratories are willing to sell them to the Administrations (according to some articles of investigative journalists in price multiplied by 10) but put the condition is prevented their identification in order not to suffer the economic effects of the negative publicity. Of course, in the laws it is not explicitly mentioned this aspect, but it is assumed that any activists against the death penalty, or relatives of the condemned or criminal associations could engage in violent actions against laboratories.

In fact, Linc Caplan speculates in an article in *The New Yorker* on 21 May, the real

bone of contention is the primary source of the drugs. Now states are turning to compounding pharmacies, but these laboratories, it is inevitable, must somewhere purchase the active substance. It is obvious that, at the end, they buy it from those same corporations that say they do not want to be involved in the deadly trade. But until the pharmacies remain secret, you cannot establish a direct link between them and the multinationals. It is a slender thread, whose thinness justifies the vehemence with which many prison authorities even refuse to comply with orders of the judiciary, and on the other side of the insistence with which Media groups and death row prisoners initiate collective action to unhinge what might be termed “the ultimate secret.”

The New Yorker article points out that States have begun to provide information more and more false and / or incomplete, and have travelled roads often irregular when not illegal to acquire drugs. For example, an Ohio report says the solicitation for officials in charge of purchase to qualify as “officers of the Department of Mental Health” and not to make any reference either to the Penitentiary Administration, nor to the real use of the drugs. Similarly, Louisiana has obtained lethal drugs from a local hospital providing misleading information intentionally. The grand jury called to investigate the use of potassium acetate instead of potassium chloride to execute Warner, has argued that in Oklahoma the set of rules on secrecy has created a climate of paranoia that has clouded the ability of judgment of the officials, to the point that they publicly violated their own regulations, being more worried to ensure the secrecy of the procedure, than its correctness and effectiveness. “

The New Yorker article thus summarizes the current state of art: “In the five years between Hospira’s decision to stop making sodium thiopental and Pfizer’s decision to stop supplying drugs for executions, the unsuccessful effort, by one state after another, to carry out lethal injections in a manner that meets standards of fairness and reliability has made it increasingly clear that states cannot constitutionally perform these types of executions.”

According to an article by *BuzzFeed News* on 20 May, the same observations could be moved to Missouri, Georgia and Ohio, states that have recently botched several executions. Arizona and Missouri, for example, have paid cash all staff members, including the pharmacists who have procured the lethal drugs. Missouri paid executioners \$250,000 in cash, possibly violating tax law. The state pays its small team of executioners in cash to limit the paper trail. The state isn’t sending proper paperwork to the IRS – experts told *BuzzFeed News* that it could be contributing to tax evasion. Missouri also has purchased the lethal drugs from a laboratory in Oklahoma (Apothecary Shoppe) that had no license to sell outside the state, and which is under investigation for a long series of violations.

Between 2013 and 2014, the pharmacy prepared execution drugs for at least three Missouri executions, receiving cash payments from the Department of Corrections. Other states, such as Texas and Arizona, have used secrecy laws to buy drugs illegally.

On August 29, 2016, *BuzzFeed News* published a journalist’s inquiry into alleged threats to, current or potential lethal drugs sellers.

Several states, to justify the request for secrecy, cited as an exemplary case the “series of threats investigated by FBI about a serious bomb threat in preparation.” FBI records show that state claims that execution drug suppliers have been the subject of threats by anti-death penalty activists are largely unsubstantiated and exaggerated. BuzzFeed found that “the states’ marquee example is contradicted by internal FBI documents.” Instead, BuzzFeed found, “the real danger to drug suppliers appears to be legal and economic risk, not risk of violence.” Texas and Ohio have claimed secrecy was necessary to protect the safety of potential drug suppliers, citing an alleged threat against a disgraced and now defunct Tulsa, Oklahoma pharmacy, The Apothecary Shoppe, that had been supplying execution drugs to Missouri. That “threat” appears to have consisted of an email sent by a retired college professor who used his own name and included his own phone number, and which the professor has characterized as a warning to the pharmacy to be cautious. An expert witness for the two states—a former Secret Service officer named Lawrence Cunningham who is now employed by a private security company—testified in litigation over their secrecy policies that the email constituted a “serious threat,” as evidenced by the fact that it was investigated by the FBI. However, FBI and Tulsa Police Department records show that neither agency was aware of any threats against the pharmacy until a reporter called the FBI months later to ask about alleged threats. The pharmacy had not filed any complaint about the email. Cunningham also testified in the Ohio case that the Texas Department of Public Safety had investigated the email, including interviewing the professor—a claim that is contradicted by Cunningham’s own sworn testimony in the Texas case and, BuzzFeed says, by Texas DPS documents, sworn statements of the DPS department head, and FBI internal documents. Indeed, Colonel Steven McCraw of Texas DPS testified in a deposition, “I did not do any investigations. We didn’t look at any people. We didn’t do anything.” Officials in Mississippi, Ohio, and Missouri also exaggerated threats by stating suppliers were “harmed” or “threatened” by facing lawsuits or disparaging comments in the media.

In some states, with a solution that we could call compromise, the judges have ordered the Penitentiary Administration to provide adequate information to the lawyers of death row inmates, but the same judges bind the lawyers to the prohibition of public disclosure, a crime that in the US is considered serious, and would lead to the loss of a professional license for the attorney who did not comply.

A more expeditious and secret “death penalty”

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 extrajudicial executions entrusted to the drones, and to their Hellfire missiles. According to estimates by the *New America Foundation* in Washington and the *Bureau of Investigative Journalism* in London to date to 31 December 2016, the drones should have killed between 5, 977 and 8,591 people in four countries where it is known they are used: Afghanistan, Yemen, Somalia, Pakistan. The estimate of victims includes a high number (up to 1/5) of civilians and even children as “collateral damage”. The total number of actions carried out in the 4 countries is 1,935. Wounded estimates range from 2,158 to 2,473.

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.

“No American, no matter your political affiliation or ideology, should accept the idea that the president of the United States has the power to order American citizens killed, not on a battlefield or anywhere else that is in a war zone, but simply on the suspicion that they intend to engage in future criminal behaviour. To describe that power is to describe the most extremist and out-of-control government you can get,” said Glenn Greenwald, the former columnist for *The Guardian* who first broke the story about Edward Snowden, now writing for *The Intercept*, a digital magazine.

At least six US citizens were killed since the Obama administration started using drones in counterterrorism operations in 2009.

THE “HUMANE” LETHAL INJECTION

Countries around the world are increasingly viewing capital punishment as a form of torture because it inflicts severe mental and physical pain on those sentenced to death, U.N. Special Rapporteur on torture Juan Mendez told the U.N. General Assembly’s human rights committee on 23 October 2012. “Methods of execution cannot be discounted as being completely painless,” he told reporters after addressing the General Assembly’s Third Committee. In his report to the General Assembly, Mendez said that several U.N. expert panels have urged the United States to review its execution methods, including lethal injection, to prevent extreme pain and suffering. “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 lethal-injection executions is still unknown. However, China’s main form of execution remains 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. But no one has been executed since 2009.

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 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 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, and in December 2012 Guatemala voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

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 2016, executions by lethal injection were carried out in **3 Countries: United States** (20), **China** (number unknown) and **Vietnam** (about 100).

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 far different.

THE UNITED STATES OF AMERICA

Almost insurmountable difficulties in obtaining the lethal drugs

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, black.

Its protocol had long remained unchanged until 2010, and is based on the succession of three drugs. The first, Sodium Thiopental, a fast acting barbiturate, acts as an anaesthetic to put the inmate to sleep. Its brand name is Pentothal. The second, Pancuronium bromide, then paralyzes the muscle system to the point of stopping the breathing. Its brand name is Pavulon, and it's a derivate of Curare. The 3rd drug, potassium chloride, stops the heart. It is a chemical element especially used in the fertilizer industry, but also used in medicine to reintegrate potassium into plasma. An excessive amount of potassium in the blood causes what is called hypercalemia. It causes a sharp alteration of the heart rhythm to fibrillation and heart arrest. This last chemical product is so much diffused that does not have a single brand name.

From 1982 to December 2009, all US lethal injections were carried out following the standard protocol.

In 2009, the prisons run into the first difficulties in buying new doses of lethal drugs. This prompted a number of states to change protocols. On 8 December 2009, Ohio introduced a protocol with only one drug, sodium thiopental.

On 16 December 2010, Oklahoma made the first execution using Pentobarbital instead of sodium thiopental in a 3-drugs protocol.

On 10 March 2011, Ohio, failing to find new Pentothal, changed again its protocol, and used an overdose of Pentobarbital.

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."

From Pentothal to Pentobarbital

After the Supreme Court decision in 2008, it seemed that all would go smoothly for prison officials and that they could resume executions at full pace after the "stop and go" rhythms of the previous years. Fortunately, this sense of killing-ease did not last long. An unforeseen event impacted dramatically on the practice of the death penalty in the United States: first, the shortage and then, the absolute end of the production of Sodium Thiopental, also known as Pentothal.

In March 2009, Hospira Inc., which was the only pharmaceutical producer authorised to produce and distribute Pentothal in the United States, declared its decision to shut down the Sodium Thiopental filling line at the Rocky Mount Plant in North Carolina and transfer this stage of the manufacture to the newer Hospira plant in Liscate (Italy). This would have assured a first deliver no sooner than January-March of 2011. However, after a campaign conducted, in particular, by *Hands off Cain* and *Reprieve*, to impede Pentothal made in Italy from reaching American prisons, on 21 January 2011, the drug company decided to halt production of Pentothal worldwide.

After the decision of Hospira, also multinationals *Novartis* and its *Sandoz* unit, and Indian drug company *Kayem Pharmaceutical* communicated that they had taken steps to try to stop Sodium Thiopental from ending up in the United States. In December 2011, the **European Union** published a new uniform set of authorised export regulations, banning the sale to the United States of active substances needed for lethal injections.

The last execution with Pentothal was carried out in Alabama on 31 March 2011.

Thinned out first, and then disappeared Pentothal from the market, the states started looking for alternatives.

Oklahoma was the first State to use Pentobarbital as first drug in a three-drug

protocol on 16 December 2010, while Ohio was the first to use Pentobarbital in one-drug protocol on 10 March 2011. Pentobarbital is a barbiturate very similar to Pentothal, but much more widely available, making it more economical and easier to find. Besides its use as an anaesthetic and sedative, it is also used to treat Huntington's disease, epilepsy and a series of diseases that strike the central nervous system. It is also used by veterinarians to kill lame horses and terminally ill animals.

A study in **Texas** showed a notable lengthening of the death process following the switch to Pentobarbital. On 16 April 2014, **Jose Villegas** took 11 minutes to die. As Pentobarbital began taking effect, he seemed to react in pain. "It does kind of burn. Goodbye," Villegas said. On 12 May 2015, **Derrick Dewayne Charles** was pronounced dead 25 minutes after being given the execution drug. On 3 June 2015, **Lester Leroy Bower** was pronounced dead 18 minutes after being given Pentobarbital. First he closed his eyes and could be heard taking deep breaths. After several minutes, he made some grunting, snore-like sounds. His mouth opened, and he lay still.

In July 2011, the Danish pharmaceutical company **Lundbeck Inc.**, which is not the sole producer worldwide of Pentobarbital but the only one with an American affiliate licensed to produce the drug in the USA, said it would restrict the distribution of its Nembutal (the trade name for its Pentobarbital) to prevent its use in lethal injections in U.S. prisons.

In fact, Pentobarbital has continued to be used, but at present it has become quite more difficult to understand where it comes from.

As of 31 December 2016, fourteen States have used Pentobarbital in 177 executions. 6 Other states have included it in the protocol, but in the meantime they have not carried out executions.

Midazolam and Hydromorphone, the Drugs of Botched Executions

Midazolam, a sedative known in the USA under the trade name Versed, in hospital practice is used for anaesthesia. Four States administered Midazolam to inmates as a sedative before the official execution protocol began. They have used it as the first drug in a 2- or 3-drug protocol. Five other states have planned to use midazolam, but have not carried out executions.

Midazolam was used for the first time on 15 October 2013 in **Florida**, but came under fire after three botched executions that took place in 2014. On 16 January, Midazolam was used for the first time in **Ohio**, as the first element in a two drug protocol (the second was Hydromorphone), to execute Dennis McGuire, who took 15 minutes to die. On 29 April, in **Oklahoma**, **Clayton Lockett** died after spending 43 minutes writhing in agony after an injection of Midazolam, vecuronium bromide, and potassium chloride.

On 23 July, Midazolam was used for the first time in **Arizona** (together with Hydromorphone) to execute **Joseph Wood**, who took almost two hours to die.

After these botched executions, three more executions were carried out with midazolam in Florida and Oklahoma; however, on 23 January 2015, the U.S. Supreme Court, in the case *Glossip v. Gross*, agreed to hear a challenge to

Oklahoma's lethal injection procedures. Three inmates on Oklahoma's death row had challenged the state's use of midazolam. On 29 June 2015, the Supreme Court confirmed the constitutionality of Oklahoma's lethal injection and, in particular, the use of Midazolam.

More recently, some States have decided to use a painkiller, **Hydromorphone**, as the second lethal drug in a two-drug protocol. It is a derivative of morphine, used as a painkiller and analgesic, and considered more potent than heroin. Unlike other lethal drugs it is of common use and more available.

Two States – **Arizona** and **Ohio** – have actually injected Hydromorphone after Midazolam. Three other States – Kentucky, Louisiana and Oklahoma – have included it in the protocols, but have not carried out executions with Hydromorphone.

It was used as a lethal drug for the first time on 16 January 2014 against **Dennis McGuire** in Ohio.

On 19 February 2015, *Akorn Pharmaceuticals* announced that it will not sell any of its products to prisons, including Midazolam and Hydromorphone.

Progressively, at least 20 pharmaceutical companies have put in place distribution controls in an attempt to stop such drugs from reaching death rows.

On 13 May 2016, *Pfizer*, the second pharmaceutical multinational in the world, has been added, with the importance of his name to the list of companies that have committed themselves to ensure that their products do not end up in the U.S. death rooms. The decision of the multinational, whose registered office is in New York, is important from a symbolic point of view, but will have few immediate consequences, since trade in lethal drugs is blocked for some time already. For pharmaceutical companies this is an extremely small segment of the market, a few thousand dollars a year. Pfizer is involved in the lethal drugs market since last year it acquired Hospira, which resulted in the portfolio of Pfizer 7 lethal drugs: Propofol, Midazolam, Hydromorphone, Pancuronium Bromide 2 and its variants, and potassium chloride.

From multi-national pharmaceutical makers to compounding pharmacies

Given the almost insurmountable difficulty in acquiring lethal drugs normally on the national and international market, prison officials began turning to artisan labs known in the USA as "Compounding Pharmacies". These are small labs, generally inside normal pharmacies, that produce pharmaceutical and herbal remedies for individual patients.

Professional associations have taken a stand.

On 24 March 2015, the *International Academy of Compounding Pharmacists* (IACP), which represents about 3,700 compound pharmacists, announced that had adopted a policy position urging its members to stop working with drugs that are used to carry out executions against American prisoners by way of lethal injection. Most medical groups – including the *American Medical Association*, the *American Public Health Association*, the *American Board of Anaesthesiology*, and the *American Nurses Association* – already prohibit their members from assisting in executions.

On 30 March 2015, the American Pharmacists Association (APhA), which rep-

resents 62,000 members, adopted a resolution discouraging pharmacist participation in executions. On 9 June 2015, also the *American Society of Health-System Pharmacists* (ASHP), one of the large professional associations of pharmacists which represents 40,000 members, spoke out against lethal injections.

As of 31 December 2016, 10 states have either used or intend to use compounding pharmacies to obtain their drugs for lethal injection: Colorado, Georgia, Louisiana, Mississippi, Missouri, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, Virginia.

The first state to use compounded pentobarbital was **South Dakota** in the 15 October 2012 execution of Eric Robert. **Texas** first used Pentobarbital from compounders in the execution of Michael Yowell on 9 October 2013. **Missouri** in the 20 November 2013 execution of Joseph Franklin. **Georgia** in the 17 June 2014 execution of Marcus Wellons. On 1 October 2015, **Virginia** has used Pentobarbital produced by a pharmacy, but bought it from the Texas Department of Criminal Justice, that sold part of its stocks.

Another six States – **Colorado, Ohio, Louisiana, Mississippi, Pennsylvania** and **Oklahoma** – sent out inquiries to compounding pharmacies for lethal injection drugs, but it is unclear whether the drugs were then obtained, and if so, ever used.

This period has been troubled by an unusually high number of botched executions. The states have often improvised protocol changes, with new drugs, new combinations, and new dosages.

Several executions have created controversy because they lasted much longer than normal, and what seemed the obvious pain of the prisoner.

On 16 January 2014, **Dennis McGuire**, in **Ohio**, gasped during the 26 minutes it took him to die.

On 29 April 2014, in **Oklahoma**, **Clayton Lockett** gasped and convulsed for 43 minutes before he died.

On 23 July 2014, in **Arizona**, **Joseph Wood** took almost two hours to die.

On 9 December 2015, in **Georgia**, the execution of **Brian Keith Terrell** seems to have lasted about an hour.

On 3 February 2016, still in Georgia, the lethal injection personnel have again demonstrated poor preparation. During the execution of **Brandon Jones**, the person in charge of inserting the needle has tried unsuccessfully for 24 minutes to place the cannula in the left arm, then switched to the right arm where, after other minutes, gave up, and went back to look for a vein in the left arm. The team then asked for medical attention, which in theory would only have the task of certifying the death of the prisoner. The doctor (do not know if it was a man or a woman), after another 13 minutes of trying, inserted the needle in the groin. 6 minutes later, Jones' eyes widened suddenly.

On December 8, 2016, in **Alabama**, the execution of **Ronald Bert Smith** lasted a lot longer than expected, 34 minutes, and gave a level of reaction media witnesses who have covered several executions say they have never seen. During 13 minutes of the execution Smith appeared to be struggling for breath and heaved and coughed and clenched his left fist after apparently being administered Midazolam, the first drug in the three-drug combination. At times his left eye also appeared to be

slightly open. A Department of Corrections captain performed two consciousness checks before they proceeded with administering the next two drugs to stop his breathing and heart. The consciousness tests consist of the corrections officer calling out Smith's name, brushing his eyebrows back, and pinching him under his left arm. Smith continued to heave, gasp and cough after the first test was performed. After the second one, Smith's right arm and hand moved. Paradoxically, Smith had presented a whole set of appeals over the last few months against the execution method, which he and his attorneys did not warrant for a sufficient level of sedation. The execution took place some hours late than expected time to wait for the outcome of the last US Supreme Court appeal, which however voted 4-4, thus refusing to stop the execution.

But the most serious accident of all is surely that of 15 January 2015 in **Oklahoma**, when the Prison Administration, to kill **Charles Warner**, has consciously used a different drug than expected: the potassium acetate instead of potassium chloride.

On 13 April 2016, *BuzzFeed News* revealed the incredible crime. A pharmacy, unidentified, having exhausted the supply of potassium chloride, would send to death row doses of potassium acetate. The execution, carried out with a drug not covered by any legal protocol, took place on 15 January 2015 to Charles Warner damage. The fact was revealed on 1 October 2015, when the administration tried to have Richard Glossip executed with the same system, but the doctor who supervised the execution stopped the procedure. Since then, first Governor Fallin, then the Attorney General and the Court of Appeals suspended all scheduled executions waiting to verify the cause of the serious violation of the protocol. From the records of the investigation it was learned that already during the autopsy of Warner the coroner reported the use of the wrong drug. It is therefore clear that, assuming that the first performance was "inadvertently on the wrong medication" when groped to execute Glossip the administration knew perfectly well that it is not in good standing. Judging from the dates of some e-mail attached to the inquiry, it would appear that the General Prosecutor's Office was to some extent aware of ongoing violations, given that it had asked for clarification on the execution of Warner before ordering, last minute, the suspension of that of Glossip. Attorney General Scott Pruitt after the aborted execution of Glossip launched an inquiry. Since then, two senior officials of the prison administration and the Governor's adviser resigned from office.

They are really a lot of irregularities committed by states in recent years just to be able to kill the inmates. It is trying to keep everything covered up using the *Secrecy Laws* [see above in "Death Penalty top secret"], but according to the more detached observers, this system cannot last long.

CHINA

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

An amendment to China's Criminal Procedure Law in 1996 allowed for 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." Hu Yunteng, head of the Supreme People's Court's Research Bureau, said that lethal injection was considered cleaner, safer and more convenient than gunshot executions.

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.

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.

In the past, human rights' organisations have denounced the link between the high number of executions in China and the growing demand for organ transplants, accusing the Chinese authorities of forcing those condemned to death to sign authorisations to remove their organs for transplant. The regime admitted in 2005 that it had been harvesting the organs of prisoners on death row, a practice that started in the mid-1980s, and in July 2006 China passed a law banning the sale of organs without the consent of the donor. However, illegal organ harvesting seems to have not decreased. A revision to China's Criminal Law, which the top legislature adopted in February 2011, marked the first time for authorities to single out criminal activity related to transactions involving human organs. Criminals convicted of "forced organ removal, forced organ donation or organ removal from juveniles" could face homicide charges as a result of the revision. However, in March 2012, then Vice-Health Minister Huang Jiefu confirmed that executed prisoners were still the main source of organs used in transplant operations in China due to the lack of voluntary donations. In December 2014, Huang Jiefu, now head of the Health Ministry's organ transplant office, said that by 1 January 2015, only voluntarily donated organs from civilians can be used in transplants.

However, organs from prisoners, including those on death row, can still be used for transplants in China, with the full backing of policy makers, according to

Chinese news reports. In January 2015, People's Daily reported that voluntary donations from citizens had become the sole source of organs for transplant. It quoted Dr. Huang Jiefu as explaining: "Death-row prisoners are also citizens, and the law does not deprive them of their right to donate their organs. If death-row prisoners are willing to donate their organs to atone for their crimes, then they should be encouraged." In March, Dr. Huang told The Beijing Times, "Once the organs from death-row prisoners who have voluntarily donated are included in our national distribution system, they are counted as voluntary citizen donations." Dr. Huang's comments, reported in the official Chinese news media in January and March, were cited in The New York Times on 15 November, drawing outrage from medical ethicists and human rights advocates, who have long criticized China's practice of harvesting organs from death row inmates. They said the comments showed that China never really abandoned the policy, as Mr. Huang had promised it would last December, but instead had simply reclassified prisoners as citizens and continued to take their organs. But Dr. Huang denied that the country's new organ transplant system allows organs to be harvested from executed prisoners, saying that earlier comments he made suggesting that a loophole allowed the practice to continue had been misconstrued. "I never said that," Dr. Huang said in an interview. "It is a lie. It distorts my words. The context, the words are from a philosophical level." "As a doctor, we cannot reject the kindness and the conscience of the prisoners," he added. "However, on a practical level, we cannot do that, to put them into the civilian donation."

On 20 June 2016, a new report claimed that thousands of people are being executed in China in secret and their organs harvested for use in transplant operations. The report – by former Canadian lawmaker David Kilgour, human rights lawyer David Matas, and journalist Ethan Gutmann – estimates that 60,000 to 100,000 organs are transplanted each year in Chinese hospitals. The report's findings stand in stark contrast to official figures which put the number of transplant operations at around 10,000 a year. Official figures show that 2,766 volunteers donated organs in 2015, with 7,785 large organs acquired. According to the report, that gap is made up of executed prisoners, many of them prisoners of conscience locked up for their religious or political beliefs, and members of religious and ethnic minorities, including Uyghurs, Tibetans, underground Christians, and practitioners of the banned *Falun Gong* spiritual movement. According to official statistics, there are more than 100 hospitals in China approved to carry out organ transplant operations. But the report states the authors have "verified and confirmed 712 hospitals which carry out liver and kidney transplants," and claims the number of actual transplants could be hundreds of thousands larger than China reports.

VIETNAM

On 17 June 2010, the 12th 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.

In spite of the state’s recent building in 2014 of 5 national facilities to administer lethal injections, the transfer of death prisoners from provinces to the execution sites was so costly the government decided to resort to mobile execution chambers.

A recent 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, reveals an average of 100 executions per year.

Executions with the new method were to begin as of 1 July 2011, when the Law on Execution of Criminal Sentences came into force, but they were delayed several times, initially due to a lack of necessary facilities and trained personnel, then because of a shortage of the drug used in lethal injections.

In May 2013, the Government issued a new law allowing domestically produced chemicals to be used to execute prisoners. The poison would be provided by the Ministry of Health, and includes the sensory paralysing drug, the drug that paralyses the musculoskeletal system and the drug to stop the heart’s activity.

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.

MALDIVES

In April 2014, detailed regulations on the implementation of the death sentence by lethal injection came into force, and in November 2015 the government included funds in the proposed state budget for 2016 to build a lethal injection chamber at the country’s main prison.

On 17 June 2016, Home Minister Umar Naseer announced that the Maldives will implement the death penalty by hanging.

Since the current administration lifted a six-decade moratorium on capital punishment in 2014, the Supreme Court upheld four death sentence, all in 2016. On 24 June, it upheld the death sentence of Hussain Humam Ahmed, a 22-year-old man convicted of killing Afrasheem Ali, an MP for the ruling Progressive Party of the Maldives, and also a moderate religious scholar, who was stabbed to death outside his home on the night of 1 October 2012. On 5 July, the Supreme Court upheld a death sentence handed to Ahmed Murrath, a 32-year-old man convicted of killing a prominent lawyer, Ahmed Najeeb, in July 2012. On 25 July, the apex court upheld the conviction of Mohamed Nabeel on the murder of an 18-year-old man in March 2009. On 29 November, the High Court upheld a death sentence by the Juvenile Court on two minors convicted of the murder of Abdul 'Bobby' Muheeth in February 2012. The State had charged 3 minors with 1st degree murder which had been denied by the accused. The 3rd minor was acquitted of the charges over a lack of evidence. The three suspects were identified at the time as Ali Mushahfau, Muhujath Ahmed Naasih and Mohamed Maimoon.

On 5 July 2016, Foreign Minister Dhunya Maumoon stepped down over what she described as a profound differences of opinion with the government's bid to enforce the death penalty. In a statement shared with the media, Dunya said the resignation was "one of the most difficult decisions" she has taken. "Yet, the decision became inevitable because of the profound differences of opinion on the government's policy in implementing the death penalty at a time when serious questions are being asked, and concerns being expressed, about the delivery of justice in the Maldives," she said. "I remain convinced that the Government's policy on death penalty, decided on a hasty fashion, would be detrimental to the image and reputation of the Maldives and would be a significant obstacle in achieving the President [Abdulla] Yameen's foreign policy goals, and building a resilient Maldives," she added.

On 12 July 2016, the United Nations ordered Maldives to delay implementing death sentence on Hussain Humaam. The temporary order issued by UN states that Maldives should not implement the death penalty until the case filed by Humaam's family at UN is resolved. Previously the UN HR office also issued a statement saying that the trial of Humaam as unfair. UN's statement said that Humaam confessed because he was forced to do so.

On 9 August 2016, UN High Commissioner for Human Rights Zeid Ra'ad Al Hussein urged the Maldives to stick to a decades-long moratorium on imposing the death penalty. Zeid added that it is "deeply regrettable that a series of steps have been taken to resume executions in the country."

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.

As of June 2016, there were around 17 people on death row, but none of whom had exhausted the appeal process.

PAPUA NEW GUINEA

In May 2013, Papua New Guinea's Parliament amended section 597 of the Criminal Code Act, allowing for a number of modes of execution: hanging, lethal injection, "medical death by deprivation of oxygen", firing squad and electrocution. Previously, members of the Constitutional Law Reform Commission had travelled abroad including to the United States, Thailand, Singapore, Malaysia and Indonesia to try and decide which one of those options was the best.

On 7 March 2014, the Constitutional Law Reform Commission had recommended that lethal injections be the method of executing prisoners sentenced to death, and on 9 April the National Executive Council gave the green light for work to proceed in establishing necessary policies to enable the implementation of the death penalty through lethal injection.

On 11 October 2014, however, PNG's government ruled out lethal injection as an option because of restrictions placed on accessing the drugs needed by the manufacturer. The Secretary of the Department of Justice, Lawrence Kalinoe, told a gathering in Southern Highlands that a comprehensive report had been submitted to cabinet for it to choose from the remaining options: hanging, electrocution, deprivation of oxygen or firing squad.

In 2016 a death sentence was issued.

EXTRADITION AND THE DEATH PENALTY

All the member countries of the European Union along with many other abolitionist countries are committed, on the basis of their own laws and/or through international treaties that they have undersigned, to not extradite persons suspected of capital crimes in 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. Both suspects have resisted extradition to the US following orders made against them by UK home secretary. Despite assurances from the US authorities that they would not be given the death penalty, Harkins and Edwards argued that if sent back they could be executed. 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 inhuman and degrading treatment. But their claims were dismissed by the ECHR. In a summary of the decision, 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 inhuman 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. Between 2014 and 2016, the ECHR delivered six more judgments on the 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; *Harakechiev and Tolumov vs Bulgaria*, July 2014; *Kaytan vs Turkey*, September 2015; *Murray vs. Netherlands*, April 2016. 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).

CHINA (HONG KONG) – USA

On 15 April 2016, Deyun Shi, a 44-year-old man charged with killing his two teenage nephews in January, returned to Los Angeles after being extradited from Hong

Kong. Detectives found evidence that Shi had left the country and rushed to obtain an arrest warrant before the plane landed. Hong Kong police took Shi into custody. Shi did not fight the extradition, but the proceedings took almost three months. To ensure Shi's return, prosecutors assured Hong Kong authorities that they would not seek the death penalty, a spokesman for the Los Angeles County district attorney's office said. Hong Kong does not have capital punishment and might have stopped Shi's extradition if execution had been a possibility, officials said.

SOUTH AFRICA – BOTSWANA

On 15 June 2016, the government of South Africa decided to amend the Treaty on Extradition Act facilitating extradition requests from Botswana in cases where the death penalty is a possible sentence.

This comes after years of tension between the two neighbouring countries in relation to matters of extradition in murder cases.

According to the minutes from the government portal, "The aim is for more effective cooperation between South Africa and Botswana so as to facilitate the extradition requests received from Botswana where the death penalty is a possible sentence."

Previously it had been reported that some suspected murder accused persons cross the border to South Africa to avoid prosecution. South Africa abolished capital punishment 21 years ago.

"This underscores that South Africa will not be a safe haven for criminals by providing for the extradition of fugitives and to facilitate the effectiveness of law-enforcement authorities in the prevention, investigation and prosecution of crimes," South Africa believes.

Before the recent proposal to amend the act, the South African Extradition Law on the Death Penalty prohibited the extradition of accused persons to countries that impose the death sentence.

The South African Constitutional Court abolished the death penalty in 1995. In Botswana however capital punishment is legal. Just in May 2016 Patrick Gabaakanye became the 49th person to be hanged since Botswana gained its independence.

The earliest and perhaps most profiled case that led to division between Botswana and South Africa was the hanging of South African Mariette Bosch in 2001. Despite petitions by her husband and South Africa, Botswana under the then President, Festus Mogae, went ahead and executed Bosch.

Another example is that of Edwin Samotse, a wanted murder-accused who was deported back to his home country, Botswana, where he could face the death penalty. In September 2014, the Pretoria High Court ruled that the August 2014 extradition of Samotse to Botswana was illegal.

SWEDEN - IRAN

On March 26, 2016, the Grand Chamber judgment in the case *F.G. v. Sweden* (application no. 43611/11), the European Court of Human Rights held, unanimously

sly: that there would be “no violation of Article 2 (right to life) and Article 3 (prohibition of torture and of inhuman or degrading treatment) of the European Convention on Human Rights, on account of F.G.’s political past in Iran, if he were deported to his country of origin” The Court ruled also that “there would be a violation of Articles 2 and 3 of the Convention if F.G. were to be returned to Iran without a fresh and up-to-date assessment being made by the Swedish authorities of the consequences of his religious conversion.”

The complaint concerned the refusal of asylum to an Iranian national converted to Christianity in Sweden. The applicant, F.G., notably alleged that, if expelled to Iran, he would be at a real risk of being persecuted and punished or sentenced to death owing to his political past in the country and his conversion from Islam to Christianity.

The court considered that there was no evidence to support the allegation that the national authorities, in their decisions refusing asylum, had been wrong to come to the conclusion that F.G. had been a low-profile activist or political opponent and was not therefore in need of protection in Sweden. Indeed, they had taken into account F.G.’s political activities against the Iranian regime, as well as the fact that he had been arrested on a number of occasions and summoned before the Iranian courts. Nor could the Court conclude that the asylum proceedings had in any way been inadequate as concerned its assessment of F.G.’s political activities.

However, as concerned F.G.’s conversion to Christianity, the Swedish authorities had so far never made an assessment of the risks that F.G. could encounter upon returning to Iran. Regardless of F.G.’s conduct (namely, the fact that he declined to invoke his conversion as an asylum ground in the original proceedings), the Court considered that the Swedish authorities would now be under an obligation – given the absolute nature of Articles 2 and 3 of the Convention – to make a fresh assessment, of their own motion, of all the information brought to their attention before taking a decision on his removal.

¹ EU, *EU Guidelines on the Death Penalty: revised and updated version*, 16 June 2008.

APPENDIX

International Covenant on Civil and Political Rights (Excerpts)

Adopted on 16 December 1966 (entry into force on 23 March 1976)

Article 6

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.
3. When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
4. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty

Adopted on 15 December 1989 (entry into force on 11 July 1991)

The States Parties to the present Protocol,

Believing that abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights,

Recalling article 3 of the Universal Declaration of Human Rights, adopted on 10 December 1948, and article 6 of the International Covenant on Civil and Political Rights, adopted on 16 December 1966, Noting that article 6 of the International Covenant on Civil and Political Rights refers to abolition of the death penalty in terms that strongly suggest that abolition is desirable,

Convinced that all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life,

Desirous to undertake hereby an international commitment to abolish the death penalty,

Have agreed as follows:

Article 1

1. No one within the jurisdiction of a State Party to the present Protocol shall be executed.
2. Each State Party shall take all necessary measures to abolish the death penalty within its jurisdiction.

Article 2

1. No reservation is admissible to the present Protocol, except for a reservation made at the time of ratification or accession that provides for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.
2. The State Party making such a reservation shall at the time of ratification or accession communicate to the Secretary-General of the United Nations the relevant provisions of its national legislation applicable during wartime.

3. The State Party having made such a reservation shall notify the Secretary-General of the United Nations of any beginning or ending of a state of war applicable to its territory.

Article 3

The States Parties to the present Protocol shall include in the reports they submit to the Human Rights Committee, in accordance with article 40 of the Covenant, information on the measures that they have adopted to give effect to the present Protocol.

Article 4

With respect to the States Parties to the Covenant that have made a declaration under article 41, the competence of the Human Rights Committee to receive and consider communications when a State Party claims that another State Party is not fulfilling its obligations shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

Article 5

With respect to the States Parties to the first Optional Protocol to the International Covenant on Civil and Political Rights adopted on 16 December 1966, the competence of the Human Rights Committee to receive and consider communications from individuals subject to its jurisdiction shall extend to the provisions of the present Protocol, unless the State Party concerned has made a statement to the contrary at the moment of ratification or accession.

Article 6

1. The provisions of the present Protocol shall apply as additional provisions to the Covenant.
2. Without prejudice to the possibility of a reservation under article 2 of the present Protocol, the right guaranteed in article 1, paragraph 1, of the present Protocol shall not be subject to any derogation under article 4 of the Covenant.

Article 7

1. The present Protocol is open for signature by any State that has signed the Covenant.
2. The present Protocol is subject to ratification by any State that has ratified the Covenant or acceded to it. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.
3. The present Protocol shall be open to accession by any State that has ratified the Covenant or acceded to it.
4. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.
5. The Secretary-General of the United Nations shall inform all States that have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 8

1. The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.
2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

Article 9

The provisions of the present Protocol shall extend to all parts of federal States without any limitations or exceptions.

Article 10

The Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph

1, of the Covenant of the following particulars:

- (a) Reservations, communications and notifications under article 2 of the present Protocol;
- (b) Statements made under articles 4 or 5 of the present Protocol;
- (c) Signatures, ratifications and accessions under article 7 of the present Protocol;
- (d) The date of the entry into force of the present Protocol under article 8 thereof.

Article 11

The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.

American Convention on Human Rights (Excerpts)

Approved in San José (Costa Rica) on 22 November 1969 (entry into force on 18 July 1978)

- 1. Every person has the right to have his life respected. This right shall be protected by law and, in general, from the moment of conception. No one shall be arbitrarily deprived of his life.
- 2. In countries that have not abolished the death penalty, it may be imposed only for the most serious crimes and pursuant to a final judgment rendered by a competent court and in accordance with a law establishing such punishment, enacted prior to the commission of the crime. The application of such punishment shall not be extended to crimes to which it does not presently apply.
- 3. The death penalty shall not be re-established in states that have abolished it.
- 4. In no case shall capital punishment be inflicted for political offenses or related common crimes.
- 5. Capital punishment shall not be imposed upon persons who, at the time the crime was committed, were under 18 years of age or over 70 years of age; nor shall it be applied to pregnant women.
- 6. Every person condemned to death shall have the right to apply for amnesty, pardon, or commutation of sentence, which may be granted in all cases. Capital punishment shall not be imposed while such a petition is pending decision by the competent authority.

Protocol to the American Convention on Human Rights to Abolish the Death Penalty (Excerpts)

Approved in Asuncion (Paraguay) on 8 June 1990 (entry into force on 6 October 1993)

Article 1

The States Parties to this Protocol shall not apply the death penalty in their territory to any person subject to their jurisdiction.

Article 2

- 1. No reservations may be made to this Protocol. However, at the time of ratification or accession, the State Parties to the instrument may declare that they reserve the right to apply the death penalty in wartime in accordance with international law, for extremely serious crimes of a military nature.
- 2. The State Party making this reservation shall, upon ratification or accession, inform the Secretary General of the Organization of American States of the pertinent provisions of its national legislation applicable in wartime, as referred to in the preceding paragraph.
- 3. Said State Party shall notify the Secretary General of the Organization of American States of the beginning or the end of any state of war in its territory.

Article 3

This Protocol shall be open for signature and ratification or accession by any State Party to the American Convention on Human Rights.

Ratification of this Protocol or accession thereto shall be made through the deposit of an instrument of ratification or accession with the General Secretariat of the Organization of American States.

Article 4

This Protocol shall enter into force among the States that ratify or accede to it when they deposit their respective instruments of ratification or accession with the General Secretariat of the Organization of American States.

African Charter on Human and Peoples' Rights (Excerpt)

Approved in June 1981

Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

European Convention for the Protection of Human Rights and Fundamental Freedoms (Excerpts)

Adopted in Rome on 4 November 1950 (entry into force on 3 September 1953)

Article 2

1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.
2. Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:
 - a) in defence of any person from unlawful violence;
 - b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
 - c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms Concerning the Abolition of the Death Penalty (Excerpts)

Adopted in Strasbourg on 28 April 1983 (entry into force on 1 March 1985)

Article 1

The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

Article 2

A State may make provision in its law for the death penalty in respect of acts committed in time of war or of imminent threat of war; such penalty shall be applied only in the instances laid down in the law and in accordance with its provisions. The State shall communicate to the Secretary General of the Council of Europe the relevant provisions of that law.

Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms Concerning the Abolition of the Death Penalty in All Circumstances (Excerpts)

Adopted in Vilnius on 3 May 2002 (entry into force on 1 July 2003)

The member States of the Council of Europe signatory hereto,

Convinced that everyone's right to life is a basic value in a democratic society and that the abolition of the death penalty is essential for the protection of this right and for the full recognition of the inherent dignity of all human beings;

Wishing to strengthen the protection of the right to life guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms signed at Rome on 4 November 1950 (hereinafter referred to as "the Convention");

Noting that Protocol No. 6 to the Convention, concerning the Abolition of the Death Penalty, signed

at Strasbourg on 28 April 1983, does not exclude the death penalty in respect of acts committed in time of war or of imminent threat of war;

Being resolved to take the final step in order to abolish the death penalty in all circumstances,
Have agreed as follows:

Article 1 – Abolition of the Death Penalty

The death penalty shall be abolished. No one shall be condemned to such penalty or executed.

Article 2 – Prohibition of Derogations

No derogation from the provisions of this Protocol shall be made under Article 15 of the Convention.

Article 3 – Prohibition of Reservations

No reservation may be made under Article 57 of the Convention in respect of the provisions of this Protocol.[...]

Article 6 – Signature and Ratification

This Protocol shall be open for signature by member States of the Council of Europe which have signed the Convention. It is subject to ratification, acceptance or approval. A member State of the Council of Europe may not ratify, accept or approve this Protocol without previously or simultaneously ratifying the Convention. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 7 – Entry into Force

1. This Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date on which ten member States of the Council of Europe have expressed their consent to be bound by the Protocol in accordance with the provisions of Article 6.

2. In respect of any member State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval. [...]

Convention on the Rights of the Child (Excerpts)

Adopted on 20 November 1989 (entry into force 2 September 1990)

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent or impartial authority, and to prompt decision on any such action.

Statute of the International Criminal Court

Approved in Rome on 17 July 1998

Article 77**Applicable Penalties**

1. Subject to article 110, the Court may impose one of the following penalties on a person convicted of a crime under article 5 of this Statute:
 - (a) Imprisonment for a specified number of years, which may not exceed a maximum of 30 years; or
 - (b) A term of life imprisonment when justified by the extreme gravity of the crime and the individual circumstances of the convicted person.
2. In addition to imprisonment, the Court may order:
 - (a) A fine under the criteria provided for in the Rules of Procedure and Evidence;
 - (b) A forfeiture of proceeds, property and assets derived directly or indirectly from that crime, without prejudice to the rights of bona fide third parties.

The Resolution on a Moratorium on Executions Approved by the U.N.**General Assembly****Sixty-ninth session****Promotion and protection of human rights****Resolution 69/186**

Adopted in New York on 18 December 2014, by 117 votes in favour, 38 against and 34 abstentions

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,

Reaffirming its resolutions 62/149 of 18 December 2007, 63/168 of 18 December 2008, 65/206 of 21 December 2010 and 67/176 of 20 December 2012 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,

Welcoming all relevant Human Rights Council decisions and resolutions,

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 2014 to convene biennial high-level panel discussions in order to further exchange views on the question of the death penalty,

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,

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,

1. *Expresses its deep concern* about the continued application of the death penalty;
2. *Welcomes* the report of the Secretary-General on the implementation of resolution 67/176 and the recommendations contained therein;
3. *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;
4. *Further welcomes* the decisions made by an increasing number of States, at all levels of government, to apply a moratorium on executions, followed in many cases by the abolition of the death penalty;
5. *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, particularly the right to receive information on consular assistance within the context of a legal procedure;
 - (c) To make available relevant information, disaggregated by applicable criteria, with regard to their use of the death penalty, inter alia, the number of persons sen-

tenced to death, the number of persons on death row and the number of executions carried out, 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 and on persons with mental or intellectual disabilities;

(e) To reduce the number of offences for which the death penalty may be imposed;

(f) To establish a moratorium on executions with a view to abolishing the death penalty;

6. *Calls upon* States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;

7. *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;⁵

8. *Requests* the Secretary-General to report to the General Assembly at its seventy-first session on the implementation of the present resolution;

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

Co-sponsors: 95

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Cape Verde, Chile, Colombia, Congo (Republic of), Costa Rica, Côte d’Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, *El Salvador*, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Malta, Marshall Islands, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, *Seychelles*, *Sierra Leone*, Slovakia, Slovenia, Somalia, Spain, Sweden, Switzerland, Timor-Leste, *Togo*, Turkey, *Turkmenistan*, Tuvalu, Ukraine, United Kingdom, Uruguay, Vanuatu, and Venezuela.

Votes in favour: 117

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Central African

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

Votes against: 38

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, China, Dominica, Egypt, Ethiopia, Grenada, Guyana, India, Iran, Iraq, Jamaica, Japan, Kuwait, Libya, Malaysia, North Korea, Oman, Pakistan, *Papua New Guinea*, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadines, Saudi Arabia, Singapore, Sudan, Syria, Trinidad and Tobago, USA, Yemen, and Zimbabwe.

Abstentions: 34

Bahrain, Belarus, Cameroon, Comoros, Cuba, Democratic Republic of the Congo, Djibouti, Gambia, Ghana, Guinea, Indonesia, Jordan, Kenya, Laos, Lebanon, Liberia, Malawi, Maldives, Mauritania, Morocco/Western Sahara, *Myanmar*, Namibia, Nigeria, Senegal, Solomon Islands, South Korea, Sri Lanka, Tanzania, Thailand, *Tonga*, *Uganda*, United Arab Emirates, Viet Nam, and Zambia.

Not present: 4

Lesotho, Mauritius, *Nauru*, and *Swaziland*.

In italics, changes with regard to 2012 Resolution.

RESOLUTION ON MORATORIUM ON THE USE OF THE DEATH PENALTY ADOPTED BY THE GENERAL ASSEMBLY UNITED NATIONS

Seventy first session

Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Resolution 71/187

Adopted in New York on 19 December 2016 with 117 votes in favor, 40 against and 31 abstentions (5 absent)

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,

Reaffirming 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 and 69/186 of 18 December 2014 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,

Welcoming all relevant decisions and resolutions of the Human Rights Council,

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 2014 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 are treated with humanity and with respect for their inherent dignity and in compliance with their rights under international human rights law,

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 procedures 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 69/186 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, particularly the right to receive information on consular assistance;

(c) To make available relevant information, disaggregated by sex, age, 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;

(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 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;⁴

11. *Requests* the Secretary-General to report to the General Assembly at its seventy-third session on the implementation of the present resolution;

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

Votes in favour (117):

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

Votes against (40):

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Botswana, Brunei Darussalam, Burundi, China, Democratic People's Republic of Korea, Dominica, Egypt, Ethiopia, Grenada, Guyana, India, Iran, Iraq, Jamaica, Japan, Kuwait, Libya, Malaysia, Maldives, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Sudan, South Sudan, Syria, Trinidad and Tobago, United States, Yemen.

Abstentions (31):

Bahrain, Belarus, Cameroon, Comoros, Cuba, Djibouti, Equatorial Guinea, Ghana, Indonesia, Jordan, Kenya, Lao People's Democratic Republic, Lebanon, Liberia, Lesotho, Mauritania, Morocco, Myanmar, Niger, Nigeria, Philippines, Republic of Korea, Seychelles, Thailand, Tonga, Uganda, United Arab Emirates, United Republic of Tanzania, Viet Nam, Zambia, Zimbabwe.

Absent (5):

Democratic Republic of the Congo, Gambia, Mauritius, Rwanda, Senegal.

In italics, changes with regard to 2014 Resolution.

Guinea, Malawi, Namibia, Solomon Islands, Sri Lanka moved from abstention to vote in favour. Nauru and Swaziland moved from not present to vote in favour. Zimbabwe moved from vote against to abstention. Lesotho moved from not present to abstention.

Equatorial Guinea, Niger, Philippines, Seychelles moved from vote in favour to abstention. Maldives from abstention to vote against; Burundi and South Sudan from vote in favour to vote against.

DRC, Gambia, Senegal went from abstention to not present and Rwanda from vote in favour to not present.

RESOLUTION ON THE” SITUATION OF HUMAN RIGHTS IN THE ISLAMIC REPUBLIC OF IRAN” RESOLUTION 71/204

Adopted by the General Assembly on 19 December 2016 with 85 votes for, 35 against and 63 abstentions

The *General Assembly*,

Guided by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,¹ the International Covenants on Human Rights² and other international human rights instruments,

Recalling its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 70/173 of 17 December 2015,

1. *Takes note* of the report of the Secretary-General of 6 September 2016,³ submitted pursuant to resolution 70/173, and the report of the Special Rapporteur of the Human Rights Council on the situation of human rights in the Islamic Republic of Iran of 30 September 2016,⁴ submitted pursuant to Council resolution 31/19 of 23 March 2016;
2. *Continues to welcome* the pledges made by the President of the Islamic Republic of Iran with regard to some important human rights issues, particularly on eliminating discrimination against women and members of ethnic minorities and on greater space for freedom of expression and opinion;
3. *Acknowledges* legislative and administrative changes in the Islamic Republic of Iran, which, if properly implemented, would address some human rights concerns, including portions of the new Code of Criminal Procedure;
4. *Welcomes* the engagement of the Islamic Republic of Iran with human rights treaty bodies, including through the submission of periodic reports, and notes in particular the engagement of the Government of the Islamic Republic of Iran with the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities and its participation in the universal periodic review;
5. *Also welcomes* the efforts of the Islamic Republic of Iran to host large numbers of Afghan refugees, granting them access to basic services, in particular access to health care and education for children;
6. *Further welcomes* the decision of the Government of the Islamic Republic of Iran to postpone the annual civil service entry exam because of concerns that it discriminates against women;
7. *Welcomes* the increasing contact with and dialogue between the Islamic Republic of Iran and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the invitations extended to other special procedures mandate holders;
8. *Also welcomes* the recently expressed readiness of the Iranian High Council for Human Rights and other Iranian officials to engage in bilateral dialogues on human rights;
9. *Expresses* serious concern at the alarmingly high frequency of the imposition and carrying-out

of the death penalty by the Islamic Republic of Iran, in violation of its international obligations, including executions undertaken for crimes that do not qualify as the most serious crimes, on the basis of forced confessions or against minors and persons who at the time of their offence were under the age of 18, in violation of both the Convention on the Rights of the Child 6 and the International Covenant on Civil and Political Rights, 2 expresses concern at the continuing disregard for internationally recognized safeguards, including executions undertaken without notification to the prisoner's family members or legal counsel, and calls upon the Government of the Islamic Republic of Iran to abolish, in law and in practice, public executions, which are contrary to the 2008 directive seeking to end this practice issued by the former head of the judiciary;

10. *Calls upon* the Islamic Republic of Iran to ensure, in law and in practice, that no one is subjected to torture or other cruel, inhuman or degrading treatment or punishment, which may include sexual violence, and punishments that are grossly disproportionate to the nature of the offence, in conformity with amendments to the Penal Code, the constitutional guarantees of the Islamic Republic of Iran and international obligations;

11. *Urges* the Islamic Republic of Iran to cease enforced disappearances and the widespread and systematic use of arbitrary detention, and to uphold, in law and in practice, procedural guarantees to ensure fair trial standards, including timely access to legal representation of one's choice from the time of arrest through all stages of trial and all appeals, the right not to be subjected to torture, cruel and inhuman or degrading treatment or punishment and consideration of bail and other reasonable terms for release from custody pending trial;

12. *Calls upon* the Islamic Republic of Iran to address the poor conditions of prisons, to eliminate the denial of access to adequate medical treatment and the consequent risk of death faced by prisoners and to put an end to the continued and sustained house arrest of leading opposition figures from the 2009 presidential elections despite serious concerns about their health, as well as the pressure exerted upon their relatives and dependants, including through arrest;

13. *Also calls upon* the Islamic Republic of Iran, including the judicial and security branches, to create and maintain, in law and in practice, a safe and enabling environment in which an independent, diverse and pluralistic civil society can operate free from hindrance and insecurity, urges the Islamic Republic of Iran to end widespread and serious restrictions, in law and in practice, on the right to freedom of expression, opinion, association and peaceful assembly, both online and offline, including by ending the harassment, intimidation and persecution of political opponents, human rights defenders, women's and minority rights activists, labour leaders, students' rights activists, academics, film-makers, journalists, bloggers, social media users, media workers, religious leaders, artists, lawyers and persons belonging to recognized and unrecognized religious minorities and their families, and further calls upon the Islamic Republic of Iran to release persons arbitrarily detained for the legitimate exercise of these rights, to consider rescinding unduly harsh sentences, including the death penalty and long-term internal exile, for exercising such fundamental freedoms and to end reprisals against individuals, including for cooperating with the United Nations human rights mechanisms;

14. *Strongly urges* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls, including with respect to the right to freedom of movement, the right to enjoyment of the highest attainable standard of physical and mental health and the right to work, to take measures to ensure protection for women and girls against violence and their equal protection and access to justice, to address the concerning incidence of child, early and forced marriage, as recommended by the Committee on the Rights of the Child, to promote, support and enable women's participation in leadership and decision-making processes and, while recognizing the high enrolment of women in all levels of education in the Islamic Republic of Iran, to lift restrictions on women's equal access to all aspects of

education and women's equal participation in the labour market and in all aspects of economic, cultural, social and political life;

15. *Calls upon* the Islamic Republic of Iran to eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, including but not limited to Arabs, Azeris, Balochis and Kurds, and their defenders;

16. *Expresses* serious concern about ongoing severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, restrictions on the establishment of places of worship, attacks against places of worship and burial and other human rights violations, including but not limited to harassment, persecution, arbitrary arrests and detention, denial of access to education and incitement to hatred that leads to violence against persons belonging to recognized and unrecognized religious minorities, including Christians, Jews, Sufi Muslims, Sunni Muslims, Yarsanis, Zoroastrians and members of the Baha'i faith and their defenders in the Islamic Republic of Iran, and calls upon the Government of the Islamic Republic of Iran to release all religious practitioners imprisoned for their membership in or activities on behalf of a recognized or unrecognized minority religious group, including the seven Baha'i leaders declared by the Working Group on Arbitrary Detention of the Human Rights Council to have been arbitrarily detained since 2008, and to eliminate, in law and in practice, all forms of discrimination, including economic restrictions, such as the closure or confiscation of businesses and properties, the cancellation of licences and denial of employment in certain public and private sectors, including government or military positions and elected office, and other human rights violations against persons belonging to recognized and unrecognized religious minorities;

17. *Calls upon* the Islamic Republic of Iran to launch a comprehensive accountability process in response to all cases of serious human rights violations, including those involving the Iranian judiciary and security agencies, and calls upon the Government of the Islamic Republic of Iran to end impunity for such violations;

18. *Also calls upon* the Islamic Republic of Iran to ensure credible, transparent and inclusive presidential elections in 2017 and to allow all candidates to stand in a manner consistent with the Universal Declaration of Human Rights 1 and the International Covenant on Civil and Political Rights in order to guarantee the free expression of the will of the Iranian people, and to that end calls upon the Government of the Islamic Republic of Iran to allow independent national and international observation;

19. *Further calls upon* the Islamic Republic of Iran to implement its obligations under those human rights treaties to which it is already a party, to withdraw any reservations that are imprecise or could be considered incompatible with the object and purpose of the treaty, to consider acting upon the concluding observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party and to consider ratifying or acceding to the international human rights treaties to which it is not already a party;

20. *Calls upon* the Islamic Republic of Iran to deepen its engagement with international human rights mechanisms by:

(a) Cooperating fully with the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, including by accepting the repeated requests made by the Special Rapporteur to visit the country in order to carry out the mandate;

(b) Increasing cooperation with other special mechanisms, including by facilitating long-standing requests for access to the country from thematic special procedures mandate holders, whose

access to its territory has been restricted or denied, despite the standing invitation issued by the Islamic Republic of Iran, without imposing undue conditions upon those visits;

(c) Implementing all accepted universal periodic review recommendations from its first cycle, in 2010, and its second cycle, in 2014, with the full and genuine participation of independent civil society and other stakeholders in the implementation process;

(d) Building upon the engagement of the Islamic Republic of Iran with the universal periodic review process by continuing to explore cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

(e) Following through on its commitment to establish an independent national human rights institution, made in the context of both its first and its second universal periodic reviews by the Human Rights Council, with due regard for the recommendation of the Committee on Economic, Social and Cultural Rights;

21. *Also calls upon* the Islamic Republic of Iran to continue to translate the pledges made by the President of the Islamic Republic of Iran with respect to human rights concerns into concrete action that results in demonstrable improvements as soon as possible and to ensure that its national laws are consistent with its obligations under international human rights law and that they are implemented in accordance with its international obligations; Situation of human rights in the Islamic Republic of Iran. Further calls upon the Islamic Republic of Iran to address the substantive concerns highlighted in the reports of the Secretary-General and the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran, as well as the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations in law and in practice;

23. *Strongly encourages* the relevant thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the human rights situation in the Islamic Republic of Iran;

24. *Requests* the Secretary-General to report to the General Assembly at its seventy-second session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its thirty-fourth session;

25. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its seventy-second session under the item entitled “Promotion and protection of human rights”.

65th plenary meeting 19 December 2016

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