



# DEATH SENTENCES AND EXECUTIONS 2010

AMNESTY  
INTERNATIONAL



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

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**AMNESTY  
INTERNATIONAL**



First published in 2011 by  
Amnesty International Ltd  
Peter Benenson House  
1 Easton Street  
London WC1X 0DW  
United Kingdom

© Amnesty International 2011

Index: ACT 50/001/2011 English  
Original language: English  
Printed by Amnesty International,  
International Secretariat, United Kingdom

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*Cover and back page photo:* A video produced by Amnesty International France shows wax models slowly melting as they depict several methods of execution. Posters with stills from the video were displayed in the Paris metro to mark the World Day Against the Death Penalty in October 2010.

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## **KEY**

The figures presented in this report are the largest that can safely be drawn from our research, although we emphasise that the true figures are significantly higher. Some states intentionally conceal death penalty proceedings; others do not keep or make available figures on the numbers of death sentences and executions.

Where “+” is indicated after a country and it is preceded by a number, it means that the figure Amnesty International has calculated is a minimum figure. Where “+” is indicated after a country and is not preceded by a number, it indicates that there were executions or death sentences (at least more than one) in that country but it was not possible to obtain any figures.

# FOREWORD

Soon after its creation in 1961, Amnesty International began sending appeals to prevent the execution of prisoners of conscience. Over time, our work on the death penalty expanded. Recognising this punishment as cruel, inhuman and degrading, and an affront to the right to life, Amnesty International opposes the death penalty in all cases, without exception. We oppose it regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner.

The organization began its global campaign against the death penalty in 1977. At that time only 16 countries had abolished capital punishment. More than thirty years later, 139 countries have abolished the death penalty in law or in practice. Fifty-eight countries are now classified as retentionist and far fewer use it.

In fact the progress made towards abolition of the death penalty during the past ten years alone is enormous, with more than 30 countries becoming abolitionist in law or in practice. This positive trend continued in 2010.

We started the year by celebrating with our members in AI Mongolia when, on 14 January, President Elbegdorj announced an official suspension of the implementation of death sentences, a first step in a country where the death penalty is classified as a state secret, and details of its use there are concealed. In December, the UN General Assembly adopted its third resolution on a moratorium on the use of the death penalty, with more UN member states supporting the resolution than ever before. The resolution was adopted by 109 votes in favour, 41 against with 35 abstentions.

Bhutan, Kiribati, Maldives, Mongolia and Togo changed their vote from 2008 and supported the call for a moratorium on the use of the death penalty. Comoros, Dominica, Nigeria, Solomon Islands and Thailand moved from opposition to the moratorium in 2008 to abstention in 2010. Critically, the Russian Federation and Madagascar joined as co-sponsors. The number of votes against the resolution noticeably decreased in 2010.

Despite this progress and positive momentum, there is still much work to do before we reach our goal of total abolition. Those countries that retain the death penalty defend their position by claiming that they use it only as allowed under international law, and only for the most serious crimes and after procedures that meet international fair trial standards. However, their actions blatantly contradict these claims.

In most countries where support for the death penalty is still strong, capital punishment continues to be imposed after unfair trials and often based on confessions extracted through torture. In most countries the death penalty is used disproportionately against the poor, minorities and members of racial, ethnic and religious communities. In numerous countries death sentences are handed down for offences that are not violent and do not meet the threshold of "most serious crimes" - such as economic crimes, sorcery, apostasy and drug-related offences or sexual relations between consenting adults.

While the use of the death penalty is not explicitly prohibited in international law, retentionist states frequently ignore the fact that both human rights law and UN human rights bodies have consistently held that abolition should be the objective. For example, the International Criminal Court – charged with bringing to justice those accused of the worst crimes – war crimes, crimes against humanity and genocide – cannot impose the death penalty.

So the work continues. Amnesty International works against the death penalty through engaging AI members and activists to take actions, collaborating with partners in the global abolitionist movement, through advocacy targeting authorities around the world, by taking up the cases of individuals at risk of imminent execution, and by collecting data and publishing annual figures on the use of the death penalty.

*Death Sentences and Executions in 2010* summarizes the major developments in 2010. We gathered information from various sources including official statistics (where available), non-governmental and inter-governmental organizations, human rights defenders, the media and field research. The figures presented are those that we can confirm through our research, although we emphasize that the true figures are significantly higher.

Amnesty International publishes this report in order to provide a resource for those seeking a global picture on the use of the death penalty, but also as a means to draw attention to this affront to human dignity.

As we approach our 50th year we are renewing our commitment to work for total abolition of the death penalty by inviting members – old and new – to mark our anniversary by taking action on the death penalty, and to become part of the global movement seeking a world free of this most cruel, inhumane and degrading punishment.

Salil Shetty

Secretary General

# THE USE OF THE DEATH PENALTY IN 2010: THE GLOBAL PICTURE

## GLOBAL NUMBERS

At least 23 countries were known to have carried out judicial executions in 2010. This is four more than 2009, when Amnesty International recorded the lowest number of executing countries since the organisation began monitoring death penalty figures.<sup>1</sup>

There were no reported executions in Afghanistan, Indonesia, Mongolia, Pakistan, Saint Kitts and Nevis and United Arab Emirates, although these countries were known to have carried out executions up to 2008 or 2009. However, after a hiatus, Bahrain, Belarus, Equatorial Guinea, the Palestinian Authority<sup>2</sup>, Somalia and Taiwan all carried out at least one execution in 2010.

At least 527 executions were carried out in 2010. This figure does not include the thousands of executions that were believed to be carried out in China last year. Last year Amnesty International decided not to publish minimum figures for the use of the death penalty in China, where such statistics are considered to be state secrets. Instead Amnesty International has challenged the Chinese authorities to publish figures for the number of people sentenced to death and executed each year to confirm their claims that there has been a reduction in the use of the death penalty in the country.

### REPORTED EXECUTIONS IN 2010

Bahrain (1), Bangladesh (9+), Belarus (2), Botswana (1), China (1000s), Egypt (4), Equatorial Guinea (4), Iran (252+), Iraq (1+), Japan (2), Libya (18+), Malaysia (1+), North Korea (60+), the Palestinian Authority (5), Saudi Arabia (27+), Singapore (+), Somalia (8+), Sudan (6+), Syria (17+), Taiwan (4), United States of America (46), Viet Nam (+), Yemen (53+).

At least 2024 new death sentences were known to have been imposed in 67 countries in 2010. This is a minimum figure which is the safest that can be inferred from our research.

### REPORTED DEATH SENTENCES IN 2010

Afghanistan (100 +), Algeria (130+), Bahamas (5+), Bahrain (1), Bangladesh (32+), Barbados (1), Belarus (3), Benin (1+), Brunei Darussalam (+), Burkina Faso (1+), Cameroon (+), China (+), Central African Republic (14), Chad (1), Democratic Republic of Congo (+), Egypt (185), Equatorial Guinea (4), Ethiopia (5+), Gambia (13), Ghana (17), Guatemala (1), Guyana (1+), India (105+), Indonesia (7+), Iran (+), Iraq (279+), Jamaica (4), Japan (14), Jordan (9), Kenya (5+), Kuwait (3+), Laos (4), Liberia (11), Lebanon (12+), Libya (+), Madagascar (2+), Malaysia (114+), Malawi (2), Maldives (1), Mali (14+), Mauritania (16+), Morocco/Western Sahara (4), Myanmar (2), Nigeria (151+), North Korea (+), Palestinian Authority (11+), Pakistan (365), Saudi Arabia (34+), Sierra Leone (1), Singapore (8+), Somalia (8+), South Korea (4), Sri Lanka (+), Sudan (10+), Syria (10+), Tanzania (5+), Taiwan (9), Thailand (7+), Trinidad and Tobago (+), Tunisia (22+), Uganda (5+), United Arab Emirates (28+), United States of America (110+), Viet Nam (34+), Yemen (27+), Zimbabwe (8), Zambia (35).

At least 17,833 were under sentence of death worldwide at the end of 2010, which is a minimum from the addition of the partial figures available.

The following methods of executions were used in 2010: beheading (Saudi Arabia), electrocution (USA), hanging (Bangladesh, Botswana, Egypt, Iran, Iraq, Japan, Malaysia, North Korea, Singapore, Sudan, Syria), lethal injection (China, USA), shooting (Bahrain, Belarus, China, Equatorial Guinea, North Korea, Palestinian Authority, Somalia, Taiwan, USA, Viet Nam, Yemen).

There were no reports of judicial executions carried out by stoning, although new death sentences by stoning were reportedly imposed in Iran, the Bauchi state of Nigeria and Pakistan. At least 10 women and four men remained under sentence of death by stoning in Iran at the end of the year.

Public judicial executions were known to have been carried out in Iran, North Korea and Saudi Arabia.

Official figures on the use of the death penalty in 2010 were available only in a small number of countries. In Belarus, China and Mongolia the death penalty continued to be classified as a “state secret”. Little information was available for Malaysia, North Korea and Singapore. In Viet Nam, publishing figures on the use of the death penalty is prohibited by law. In several countries – including Belarus, Botswana, Egypt and Japan – death row inmates are not informed of their forthcoming execution, nor are their families or lawyers. In Belarus, Botswana and Viet Nam the bodies of the executed prisoners are not returned to their families for burial.

The following countries were known to have pardoned or commuted death sentences in 2010: Algeria, Bangladesh, Cameroon, Cuba, Egypt, India, Kuwait, Libya, Malaysia, Nigeria, Sudan, Saudi Arabia, Syria, Thailand, Trinidad and Tobago, USA, Viet Nam, Yemen and Zambia. One person was exonerated from death row in the USA.

## THE GLOBAL JOURNEY TOWARDS ABOLITION OF THE DEATH PENALTY

At the end of 2010 the global trend towards abolition of the death penalty could not have been clearer. While in the mid-1990s 40 countries on average were known to carry out executions each year, during the first years of this century executions were reported in 30 countries on average. Most recently, 25 countries reportedly executed prisoners in 2008 while 19 countries – the lowest number ever recorded by Amnesty International – did so in 2009. In 2010, 23 countries were known to have carried out executions. The number of countries that are abolitionist in law or practice has substantially increased over the past decade, rising from 108 in 2001 to 139 in recent years.

### Global trend towards abolition and intergovernmental organizations

- Four countries in the G20 executed in 2010: China, Japan, Saudi Arabia and the USA.
- 36 of the 53 Member States of the African Union are abolitionist in law or practice.
- Four of the 54 Member States of the Commonwealth executed in 2010: Bangladesh, Botswana, Malaysia and Singapore. More than 11,000 people remain on death row in Commonwealth countries.
- 3 of the 10 Member States of the Association of Southeast Asian Nations executed in 2010.
- 21 of the 192 Member States of the UN carried out executions in 2010.

One more country, Gabon removed the death penalty from its legislation in 2010 and at the

end of year bills abolishing the death penalty were pending in the parliaments of Lebanon, Mali, Mongolia, South Korea. The draft of the new Iranian Penal Code, which had been submitted to the Council of Guardians in 2009, was still awaiting consideration at the end of 2010. The draft reportedly did not include stoning sentences at the time of submission.

A draft law to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) was being considered by the Mongolian Parliament in late 2010. On 6 December, Kyrgyzstan acceded to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, becoming the Protocol's 73<sup>rd</sup> State Party.

Two countries that had already abolished capital punishment enshrined the rejection of capital punishment in their constitutions. The 1992 Angolan Constitution had already prohibited the death penalty and in 2010 this was reinforced in Article 59 of the new Constitution. On 14 April 2010 the Parliament of Djibouti adopted an amendment to the Constitution to abolish the death penalty.

Even in countries where the support for the death penalty remains strong, positive steps towards restricting the use of the death penalty were recorded in 2010. The mandatory imposition of the death penalty with no consideration of the defendant's personal circumstances or the circumstances of the particular offence was ruled unconstitutional in Bangladesh on 20 March. In a landmark judgement, the Court of Appeal of Kenya ruled on 30 July that the mandatory death penalty for murder was "inconsistent with the spirit and letter of the constitution". In October 2010 the Parliament of Guyana adopted a new law abolishing the mandatory imposition of the death penalty for murder. On 10 March the Human Rights Committee concluded that Zambia violated its international human rights obligations as a State Party to the International Covenant on Civil and Political Rights by mandatorily imposing a death sentence in *Munguwambuto Kabwe Peter Mwamba v. Zambia*. The Human Rights Committee has repeatedly stated that the automatic and mandatory imposition of the death penalty constitutes an arbitrary deprivation of life, in violation of article 6, paragraph 1 of the International Covenant on Civil and Political Rights, in circumstances where the death penalty is imposed without any possibility of taking into account the defendant's personal circumstances or the circumstances of the particular offence. The Human Rights Committee also found that Zambia has violated the defendant's right to a fair trial and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment for the inhuman treatment caused by the failure to meet the fair trial guarantees in *Munguwambuto Kabwe Peter Mwamba's case*.<sup>3</sup>

On 21 December 2010 the plenary session of the UN General Assembly adopted a third resolution on a moratorium on the use of the death penalty. The resolution, which was adopted by 109 votes in favour, 41 against with 35 abstentions, reaffirms previous UN General Assembly resolutions 62/149 and 63/168 and calls upon all States to: respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards 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; make available relevant information with regard to their use of the death penalty, which can contribute to possible informed and transparent national debates; progressively restrict the use of the death penalty and reduce the number of offences for which it may be imposed; and to establish a moratorium on

executions with a view to abolishing the death penalty. The resolution calls upon States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard. Finally, it requests the Secretary-General to report to the General Assembly at its sixty-seventh session in 2012 on the implementation of the calls contained in the resolution and resolved that the matter is considered again by the UN General Assembly in 2012.

More UN Member States supported the resolution in 2010 than at the vote on the 2008 resolution. Bhutan, Kiribati, Maldives, Mongolia and Togo changed their vote from 2008 and supported the call for a moratorium on the use of the death penalty. In a further sign of progress, Comoros, Dominica, Nigeria, Solomon Islands and Thailand moved from opposition to the moratorium in 2008 to abstention in 2010. For the first time, Madagascar and the Russian Federation joined as co-sponsors. The number of votes against the resolution noticeably decreased in 2010, appropriately reflecting the worldwide trend towards ending the use of capital punishment.

#### **2010 UN REPORTS ON THE DEATH PENALTY**

Further highlighting the UN's concern about the application of the death penalty globally and the trend towards abolition, three reports on the subject were presented before UN bodies in 2010: a report compiled by the UN Secretary General on the implementation of previous resolutions on moratorium on the use of the death penalty was considered and adopted at the Third Committee of the UN General Assembly in November<sup>4</sup>; the eighth quinquennial report on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty<sup>5</sup> was introduced before the UN Commission on Crime Prevention and Criminal Justice at its 19th session in May 2010; and a report was presented at the 15<sup>th</sup> session of the UN Human Rights Council in September 2010<sup>6</sup>, in line with an earlier decision taken by the Council to continue the former Human Rights Commission's work on selected human rights issues. The conclusions of these documents recognize the worldwide trend towards abolition and call upon states that still retain the death penalty to respect international prohibitions to its use and safeguards guaranteeing the rights of those facing the death penalty.

Regional governmental bodies also continued to support the world's journey towards the abolition of the death penalty. Between 12 and 15 April 2010 the African Commission on Human and Peoples' Rights organized a second regional conference on the death penalty in Northern and Western Africa and proposed the creation of an optional protocol to the African Charter on Human and Peoples' Rights on the abolition of the death penalty. In June 2010 the African body issued an interim injunction preventing the state governors of Nigeria from resuming executions in the country, pending consideration of a petition filed by the more than 800 death row inmates (see also regional overview on sub-Saharan Africa).

Resolutions against the use of the death penalty were adopted by the European Parliament on the occasion of the World Day Against the Death Penalty and by the 19<sup>th</sup> session of the Parliamentary Assembly of the Organization for Security and Co-Operation in Europe in July 2010.

On 7 October 2010 the Spanish government established the International Commission Against the Death Penalty, whose objectives include the universal abolition of the death penalty as well as promoting the establishment of a global moratorium on the use of the death penalty.

## RETENTIONIST COUNTRIES: VIOLATING INTERNATIONAL LAW AND STANDARDS

### DELAYING AND PREVENTING ABOLITION

While abolition of the death penalty continues to move forward, retentionist states continue to argue that they are acting responsibly and in step not only with public opinion in their countries but also with international law. In 2010, retentionist countries continued to justify their use of the death penalty by stating that in their countries capital punishment is applied only for the “most serious crimes” and after due process, in line with Article 6 of the International Covenant on Civil and Political Rights (ICCPR).

#### **The Universal Periodic Review (UPR)**

The Universal Periodic Review (UPR) is a mechanism of the Human Rights Council under which it reviews, each four years, the fulfilment by all 192 UN Member States of their human rights obligations and commitments. It is a cooperative mechanism, based on objective and reliable information, and equal treatment of all States. The reviews are carried out by the UPR Working Group of the Human Rights Council. It consists of an interactive dialogue between the State under review and other States. In their interventions, States can raise issues, ask questions and make recommendations for action by the State under review. All UN Member States, both members of the Human Rights Council and observer States, may participate in the inter-active dialogue; NGOs may attend the Working Group sessions, but may not take the floor. The issue of the death penalty is regularly raised during the review of retentionist states. The UPR is one of the contexts in which these states attempt to justify their use of the death penalty with reference to international law.

The ICCPR, adopted by the General Assembly in 1966, outlines restrictions on the use of the death penalty and sets out safeguards to be observed in capital cases. Article 6, paragraph 1, recognizes the “inherent right to life” while paragraph 2 states that “In countries that have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes...”

While the use of the death penalty is not explicitly prohibited in the ICCPR, its Article 6, paragraph 6 clearly states that “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.” The UN Human Rights Committee has observed in a General Comment that Article 6 “refers generally to abolition in terms which strongly suggest that abolition is desirable”, and that “all measures of abolition should be considered as progress in the enjoyment of the right to life”.<sup>7</sup> By making reference to Article 6 of this treaty to justify the use of the death penalty, retentionist countries not only ignore paragraph 6 but undermine the object and purpose of the Article.

#### **THE DEATH PENALTY ONLY FOR THE ‘MOST SERIOUS CRIMES’**

Many retentionist states continue to impose the death penalty and execute people for crimes that do not meet the threshold of “most serious” according to international law. The restriction on the use of the death penalty to the “most serious crimes” as stated in Article 6, paragraph 2 of the ICCPR has been interpreted to refer to lethal crimes or crimes with extremely grave consequences. The UN Human Rights Committee has stated: “[T]he expression ‘most serious crimes’ must be read restrictively to mean that the death penalty should be a quite exceptional measure.”<sup>8</sup>

The definition of “most serious crimes” has been further narrowed over time. The Safeguards

Guaranteeing Protection of the Rights of those Facing the Death Penalty (the Safeguards), adopted by the UN Economic and Social Council and endorsed by the General Assembly by consensus in 1984, state that “capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences”.

The Commission on Human Rights has detailed the types of crimes that should not carry death sentences, including non-violent financial crimes or non-violent religious practice or expression of conscience,<sup>9</sup> “sexual relations between consenting adults”<sup>10</sup> and in 2005, urged that the death penalty not be imposed as a mandatory sentence.<sup>11</sup>

The UN Human Rights Committee has stated that the following offences cannot be characterized as the “most serious crimes”: economic offences,<sup>12</sup> including embezzlement by officials,<sup>13</sup> drug-related offences<sup>14</sup>, political offences,<sup>15</sup> robbery,<sup>16</sup> abduction not resulting in death,<sup>17</sup> and “apostasy, committing a third homosexual act, illicit sex [...] and theft by force”<sup>18</sup>. The Committee has also raised concerns about death sentencing for a range of crimes vaguely or subjectively defined relating to internal and external security and political offences.<sup>19</sup>

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has stated that the death penalty should be eliminated for economic crimes and drug-related offences and that the restrictions to its use “exclude the possibility of death sentences for so-called victimless offences – including acts of treason, espionage and other vaguely defined acts usually described as ‘crimes against the State’ or ‘disloyalty’” and “actions primarily related to prevailing moral values, such as adultery and prostitution, as well as matters of sexual orientation.”<sup>20</sup>

In many countries however, drug offences continue to carry the death penalty, with this sentence being mandatory in some cases. A significant proportion of the executions or death sentences recorded in 2010 in China, Egypt, Indonesia, Iran, Laos, Libya, Thailand, United Arab Emirates and Yemen were for drug-related offences.

- In December 2010 the amended Anti-Narcotics law came into force in **Iran**, extending the scope of the death penalty to include additional categories of illegal drugs (for example, crystal meth), possession of which became punishable by death.
- In October 2010 the National Assembly of **Gambia** voted to extend the scope of the death penalty making the possession of more than 250g of heroin or cocaine an offence punishable by death.
- At the 15<sup>th</sup> session of the Human Rights Council in December, **Laos** rejected recommendations made by other countries during the Universal Periodic Review (UPR) process to abolish the death penalty, stating that Laos is “not ready to abolish this capital punishment as it is an effective deterrent to most serious offences especially drug trafficking”.<sup>21</sup>
- In 2010, more than half of the 114 death sentences handed down in **Malaysia** were mandatorily imposed for drug-related offences.

- Death sentences continued to be mandatory in **Singapore** for drug-related offences and were mostly imposed against foreign nationals.
- Of the 708 persons under sentence of death in **Thailand** at the end of 2010, nearly half of them had been convicted of drug-related offences.

Despite calls for their exclusion from the category of “most serious” crimes, some states continue to impose death sentences for **sexual relations between consenting adults**.

- In **Iran**, stoning remained the mandatory punishment for “adultery while married” for both men and women. At least 10 women and four men were believed to be at risk of death by stoning at the end of the year, although several cases were still under review and alternative sentences could be imposed. At least one other woman, Maryam Ghorbanzadeh, originally sentenced to stoning, was facing execution by hanging for “adultery while married” at the end of the year.
- An Anti-Homosexuality Bill that would, if enacted into law, introduce the death penalty for “aggravated” homosexuality, was awaiting consideration by the Parliament of **Uganda** at the end of 2010.

And in 2010 the death penalty continued to be used by some governments as a political tool to silence dissent.

- At the end of 2010, at least 17 members of Iran’s Kurdish minority, including one woman were on death row in **Iran** after their conviction on political offences. All were convicted after unfair trials for *moharebeh* (enmity against God) for membership in banned Kurdish opposition groups, mainly the Party for a Free Life in Kurdistan (known by its Kurdish acronym PJAK), an armed group, and Komala, a Marxist organization. Some were reportedly tortured in detention and to have been denied access to a lawyer. It is feared that one of them, Hossein Khezri was executed on 15 January 2011.
- During the country’s Universal Periodic Review, the representatives of **Libya** stated that the death penalty was applied in aggravating crimes and agreed to examine and provide a response to a recommendation to review provision to reduce the number of offences that carry the death penalty - particularly those offences relating to the establishment of groups, organizations or associations.

Several states allow for the death penalty for crimes of blasphemy and other crimes for non-violent expression and association. In **Pakistan**, Aasia Bibi, a Christian mother of five, was charged with blasphemy and sentenced to death after an unfair trial on 8 November. An appeal filed against the judgement in the Lahore High Court remains pending.

#### EXPANSION IN THE NUMBER OF CRIMES PUNISHABLE BY DEATH

Regional and UN bodies have also stated that once abolished the death penalty should not be re-introduced and that the trend toward abolition should not be undermined by states expanding the number of crimes for which the death penalty may be imposed. They have observed that either act is incompatible with article 6 of the ICCPR and contrary to the goal of abolition.<sup>22</sup>

Yet in 2010 the scope of the death penalty was expanded in the **Gambia**. Three bills were adopted by the National Assembly to make human trafficking, rape, violent robbery and possession of more than 250g of heroin or cocaine capital offences.

In November 2010, the Supreme Court in **India** in an attempt to address the problem of dowry deaths (unnatural death of women after demands on them to pay dowry during or after marriage) directed all trial courts to ensure that a charge of murder was also included in all such cases. One effect may be to increase the number of death sentences.

Draft legislation expanding the scope of the death penalty was proposed in several countries including Bangladesh, India, Pakistan, Uganda and USA. Several countries also threatened to resume executions: these include the Gambia, Guatemala, Nigeria, and Trinidad and Tobago. A public initiative calling for a referendum to bring the death penalty back in Switzerland was called off shortly after its launch.

#### UNFAIR TRIALS

Safeguard 5 of the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, states: "Capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights (ICCPR), including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings."

Yet despite these clear rights, Amnesty International continues to record death sentences imposed after unfair trials and sentences based on confessions allegedly extracted through torture, clearly prohibited in both the ICCPR and the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In 2010, the death penalty was used after trials that did not meet international standards of fairness in several countries including: China, Democratic Republic of Congo, Equatorial Guinea, the Gambia, Libya, Nigeria, Pakistan, Iran, Iraq, Qatar, Saudi Arabia, Somalia, Sudan and Yemen.

- In **Equatorial Guinea**, four men were executed on 21 August 2010 within an hour of being sentenced to death by a military court. The men were not present in court when their sentences were delivered. In prison they had been held incommunicado and reports indicate they had been tortured to make them confess to an alleged attack on the presidential palace in February 2009. Their trial did not meet international standards of fairness and the speed of their execution deprived them of their right to appeal to a higher court, as well as their right to seek clemency, in accordance with international law and the country's own law.
- In **Iran**, Amnesty International recorded death sentences imposed on political opponents and members of ethnic minorities after unfair trials; in some cases individuals sentenced to death were reported to have been tortured in detention and to have been denied access to a lawyer.
- In **Saudi Arabia** death sentences were mostly handed down after court proceedings that failed to satisfy international standards of fair trial. Foreign nationals, particularly migrant workers from developing countries in Africa and Asia, were sentenced to death and remained particularly vulnerable to the secretive and summary nature of the criminal justice process.

- Seventeen Indian migrant workers were sentenced to death on 29 March 2010 by a lower court in the **United Arab Emirates** for the murder of a Pakistani national. The men were provided with an Emirati lawyer, who could not speak their native language, Punjabi, and in court did not refer to the alleged torture they suffered while in detention. Trial proceedings were translated from Arabic into Hindi, which the 17 men do not understand. An appeal hearing had yet to be convened at the time of writing.

#### DEATH PENALTY AGAINST JUVENILES

One of the clearest prohibitions in international law on the use of the death penalty is in relation to juvenile offenders. Article 6(5) of the ICCPR states: "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." The UN Human Rights Committee has referred to the prohibition of executing children as a rule of customary international law, which may not be the subject of a reservation made by a state which becomes a party to the ICCPR. Article 37(a) of the UN Convention on the Rights of the Child states: "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age".

Yet despite the clear prohibition, Mohammad A., was executed on 10 July 2010 in Marvdasht, Iran for a crime committed when he was below 18 years of age. In 2010, Iran, Pakistan, Saudi Arabia, Sudan, United Arab Emirates and Yemen imposed death sentences on individuals that were below 18 years of age when the crimes were committed.

In Nigeria, the use of the death penalty against juvenile offenders is among the most serious concerns regarding Nigeria's use of capital punishment. Although Nigeria's Child Rights Act prohibits the death penalty, more than 20 prisoners currently on death row were sentenced for offences committed when they were below the age of 18. On 11 June 2010, in its Concluding Observations on Nigeria, the Committee on the Rights of the Child reiterated the strong concern expressed by the African Committee on the Rights and Welfare of the Child concerning the mandatory death penalty for offences in Shari'a Penal Codes (including *hadd* punishments – mandatory punishments as prescribed by Islamic texts). Given the absence of a definition of the child as a person under the age of 18 in Shari'a Penal Codes and that in certain states children are defined by puberty, the death penalty could be imposed on children under Shari'a jurisdiction. The Committee on the Rights of the Child recommended that Nigeria takes the opportunity of its ongoing Constitutional review to expressly prohibit the application of the death penalty to persons under 18 years of age. It also urged the country to review the files of all prisoners on death row for crimes committed before the age of 18; prohibit the death penalty for all persons under the age of 18 in domestic legislation, including through the appropriate adaptations in the interpretation of Shari'a Penal Codes and in conformity with the Convention on the Rights of the Child; and include comprehensive information in its next periodic report on all measures taken to guarantee to children their right to life, survival and development.<sup>23</sup>

# REGIONAL OVERVIEWS

## AMERICAS

The United States of America (USA) continued to be the only executioner in the Americas in 2010 and executed 46 prisoners. But the number of executions carried out in the **USA** in 2010 decreased compared to 2009, when 52 people were executed. The use of the death penalty in the country continues to decline, compared to the peaks achieved during the 1990s. Although at least 110 death sentences were imposed during 2010, this represents only about a third of the number handed down in the mid-1990s. At the end of the year, there were more than 3200 people under sentence of death in the USA.

While the Caribbean sub-region remained execution-free, there were worrying attempts in several retentionist states to resume executions but other positive steps were taken in the region where, for instance, Guyana's Parliament voted to abolish the mandatory death penalty for murder.

Executions were recorded in the USA in 2010 as follows: Texas (17), Ohio (8), Alabama (5), Mississippi (3), Oklahoma (3), Virginia (3), Georgia (2), Arizona (1), Florida (1), Louisiana (1), Utah (1) and Washington (1). Once again, the majority of executions in the USA were carried out in a handful of states. Utah and Washington carried out their first executions since 1999 and 2001 respectively.

At least 124 death sentences were known to have been imposed in five countries in the Americas last year: Bahamas (at least 5), Barbados (1), Guatemala (1), Guyana (at least 1), Jamaica (4), Trinidad and Tobago (+) and USA (at least 110).

In July 2010 the London-based Privy Council commuted the sentence of Earlin White, who had been sentenced to death for murder in **Belize** in 2003. In its judgement, the Privy Council indicated one reason for the commutation was the lack of assessment of the social welfare and psychiatric condition of the defendant at the time of sentencing. In June 2010 however, the Caribbean Court of Justice Act came into effect in Belize, renouncing the Privy Council and establishing the Caribbean Court of Justice as the final Court of Appeal for all civil and criminal cases in the country. Transitional provisions allow for pending appeals to be considered by the Privy Council.

In December 2010 **Cuba** commuted the death sentences of the remaining three death row inmates in the country, leaving its death row empty for the first time in recent years. Most death sentences had been commuted by President Raul Castro in 2008, but the three, who had been convicted of terrorism, remained under sentence of death. The last execution in Cuba was carried out in 2003.

In November President Alvaro Colom vetoed a draft law in order to prevent the resumption of executions, which have not been carried out in **Guatemala** since 2000. The law, approved by the Congress in October, created a presidential pardon procedure to comply with a 2005

Inter-American Court ruling stating that Guatemala could not implement the death penalty because its death row inmates do not have the possibility of applying for pardon or commutation of their sentence. One new death sentence was imposed last year and 13 people remained on death row as of 31 December.

On 10 May 2010 **Grenada** was reviewed under the Universal Periodic Review of the Human Rights Council. With regard to capital punishment, Grenada stated that while the death penalty remained in national legislation it had not been applied for decades, and that its mandatory imposition had been removed following a 2006 decision of the Privy Council. At the end of the review Grenada did not accept recommendations to establish a moratorium on executions and to abolish the death penalty.

In October 2010 the Parliament of **Guyana** voted to adopt a bill abolishing the mandatory imposition of the death penalty against people convicted of murder. The death penalty remains applicable for certain categories of murder. Forty death row inmates were reported to have appealed to commute their sentences after the change in the legislation. Guyana was reviewed under the Universal Periodic Review on 11 May 2010. Guyana voluntarily committed to continue to consider and consult on the abolition of the death penalty and to report to the Human Rights Council on the matter in two years.<sup>24</sup>

Death sentences continued to be imposed in **Jamaica** in 2010, but no executions were carried out for the 22nd consecutive year. Jamaica was reviewed under the Universal Periodic Review on 8 November 2010. With regard to the death penalty, the government representative stated that Jamaica continued to retain the death penalty and that “in so doing, it honoured the sentencing principle of proportionality, reserving that penalty for the most egregious types of murder; moreover, it was discretionarily imposed after a sentencing hearing. It stressed that the retention of the death penalty was not contrary to international law or inconsistent with the right to life.”<sup>25</sup> Jamaica also agreed that there had been a de facto moratorium on the use of the death penalty since 1988, but clarified that there was no demand for its abolition, but rather for retention. The Representative also stated that it was therefore highly unlikely that Jamaica would change its stance and vote in favour of the forthcoming General Assembly resolution on a moratorium on the use of the death penalty, which was the end result as Jamaica voted against the resolution on 21 December 2010. Recommendations to abolish the death penalty did not enjoy the support of Jamaica.

Former death row prisoner Anthony Graves was exonerated in the **USA** during 2010. He had been sentenced to death in 1994 for a crime involving six murders. In 2006 a federal appeals court ordered that he be retried or released on the grounds that the state had suppressed statements made by its key witness, Robert Carter (who was also sentenced to death for the crime), that Anthony Graves was not involved. After re-investigating the case, the prosecution concluded that there was no evidence linking Anthony Graves to the murders and that he was innocent. The charges against him were dismissed and he was released on 27 October 2010. Anthony Graves became the 138<sup>th</sup> death row prisoner to be exonerated in the USA since 1973, clearly demonstrating the fallibility of the system.

Former US Supreme Court Justice John Paul Stevens is among those who have changed their mind about the death penalty. Since retiring from the Supreme Court in June 2010, the former Justice said publicly that there was one vote during his nearly 35 years on the Court

that he regretted – his vote with the majority in *Gregg v. Georgia* in 1976 that allowed executions to resume in the USA after nearly a decade without them: “I think there is one vote that I would change and that [...] one [...] was upholding the capital punishment statute. I think that we did not foresee how it would be interpreted. I think that was an incorrect decision”.<sup>26</sup>

This statement adds to his opinion released in the 2008 judgment in *Baze v. Rees*, when he revealed that he had concluded, after more than three decades on the country’s highest court, that the death penalty was a cruel waste of time. “I have relied on my own experience”, wrote Justice Stevens, “in reaching the conclusion that the imposition of the death penalty represents the pointless and needless extinction of life with only marginal contributions to any discernible social or public purposes”. A punishment with “such negligible returns to the State is patently excessive and cruel”, he added.

The cruelty of the death penalty was demonstrated in the week leading up to the execution of Brandon Rhode in Georgia on 27 September 2010. His execution had initially been scheduled for 21 September, but that morning, despite supposedly being under constant observation by two guards, Brandon Rhode attempted suicide by making deep cuts in both arms and his neck with a razor blade. He was rushed to hospital where he was assessed as being in immediate danger of losing his life, having lost half his blood. He was revived, stitched up, and brought back to prison. His lawyer saw him there on the afternoon of 21 September, held in a restraint chair, in which Brandon Rhode was “in severe pain and discomfort”, his face “haggard, pallid and jaundiced”. The execution was delayed a number of times during the six days between his attempted suicide and 27 September, but in the end the courts refused to stop it.

In 2010, Amnesty International was also concerned by the execution in the USA of people with significant mental impairments or after trials during which the juries did not hear available mitigating evidence at the sentencing phase.

**Holly Wood**, a 50-year-old African American man with significant mental impairments, was executed by lethal injection in Alabama on the evening of 9 September. He had spent 16 years on death row. The presentation of mitigating evidence at the sentencing was minimal. In particular, there was no evidence at all presented about Holly Wood’s mental ability despite the lawyers being in possession of an expert report indicating that Wood operated, “at most, in the borderline range of intellectual functioning”. Four federal judges on three courts concluded that he was denied adequate legal representation at the sentencing stage of his 1994 trial.

**Jeffrey Landrigan**, a 50-year-old Native American man, was executed in Arizona, on 26 October. He had been sentenced to death for the 1989 murder of Chester Dyer. At his trial in 1990, his lawyer did not present any mitigating evidence on his background of abuse and deprivation or its effects on him. In 2007, the retired trial judge said that she would not have passed a death sentence if she had heard such mitigating evidence, especially the sort of expert mental health evidence that had been presented during the appeals process. The former judge was among witnesses who appeared at a clemency hearing in front of the Arizona Board of Executive Clemency on 22 October 2010. She told the board that in her view Jeffrey Landrigan should have received a life sentence.

On 9 November 2010 the USA was reviewed under the Universal Periodic Review of the Human Rights Council. In response to recommendations by a number of countries regarding

capital punishment, the US delegation responded that “while we respect those who make these recommendations, we note that they reflect continuing policy differences, not a genuine difference about what international human rights law requires.”<sup>27</sup> This response did not address the fact that while international law recognizes that some countries retain the death penalty and restricts its use to certain circumstances, this acknowledgment of present reality should not be invoked by countries “to delay or to prevent the abolition of capital punishment”, in the words of Article 6.6 of the International Covenant on Civil and Political Rights.<sup>28</sup>

A nationwide shortage of sodium thiopental, one of the three drugs used to execute prisoners by lethal injection led to the suspension of some executions at the end of the year. By the end of 2010, the pharmaceutical company Hospira, the sole manufacturer or supplier of this drug in the USA, had begun discussions with the Italian authorities about Hospira’s intention to resume production of the drug at its plant in Italy.<sup>29</sup> On 25 October, a day before Jeffrey Landrigan’s execution, the Arizona Attorney General revealed that the state had obtained sodium thiopental from an unidentified source in the United Kingdom (UK). Following campaigning by abolitionist groups, on 6 January 2011, the UK Secretary of State for Business Innovation and Skills made a statement to the High Court of Justice indicating that the UK Department for Business Innovation and Skills would issue an order under s. 6 of the Export Control Act 2002 (ECA) controlling the export of sodium thiopental to the USA.

## ASIA-PACIFIC

The January 2010 announcement by the President of Mongolia of an official moratorium on executions was an important milestone in the journey towards abolition of the death penalty in the Asia-Pacific region. While the region still accounts for the highest number of executions in the world, the Pacific Islands continued to be a death penalty-free zone – recording no executions or death sentences in 2010 – and there were encouraging developments in several other countries. However, the continued use of the death penalty for drug-related offences, often against foreign nationals, as well as the lack of adequate legal representation and due process guarantees remained a matter of concern for Amnesty International throughout the region.

In 2010 Amnesty International was not able to confirm comprehensive figures on the use of the death penalty for China, Malaysia, North Korea, Singapore and Viet Nam although executions were known to have been carried out in all these countries. Available information confirmed at least 82 executions were carried out in five other countries in the region: Bangladesh (at least 9), Japan (2), North Korea (at least 60), Malaysia (at least 1), and Taiwan (4). These are minimum estimates as few official figures on the use of the death penalty are released by governments. The number of people executed in China is believed to be in the thousands.

At least 805 death sentences were known to have been imposed in 19 countries: Afghanistan (at least 100) Bangladesh (at least 32), Brunei Darussalam (+), China (+), India (at least 105), Indonesia (at least 7), Japan (14), Laos (4), Malaysia (at least 114), Maldives (1),

Myanmar (2), North Korea (+), Pakistan (365), Singapore (at least 8), South Korea (4), Sri Lanka (+), Taiwan (9), Thailand (at least 7), Viet Nam (at least 34).

The number of countries that imposed death sentences in the region in 2010 increased compared with 2009, when 16 countries were known to have sentenced people to death. Eleven countries imposed death sentences but continued not to carry out executions in 2010: Afghanistan, Brunei Darussalam, India, Indonesia, Laos, Maldives, Myanmar, Pakistan, South Korea, Sri Lanka and Thailand.

For the second year, no executions were reported in **Afghanistan**. At least 100 people were sentenced to death, had their sentences confirmed by the Supreme Court and at the end of 2010 were awaiting consideration of their clemency appeals by the President.

The government of **American Samoa** was reported in August 2010 to have sought capital punishment against a man charged with the murder of a police officer. The last execution in the country was carried out in 1939.

**Bangladesh** carried out at least nine executions and sentenced at least 32 people to death in 2010. Five men were executed on 28 January 2010, only thirteen hours after their sentence was confirmed by the Supreme Court on 27 January. Syed Farooq-ur Rahman, Sultan Shahriar Rashid Khan, Mohiuddin Ahmed and AKM Mohiuddin Ahmed and Bazlul Huda were found guilty, together with six other men who were sentenced in absentia and are currently in exile, of the murder of the country's founding leader (and father of the current prime minister), Sheikh Mujibur Rahman. Four of them had filed an appeal for clemency with President Zillur Rahman, who generally considers clemency appeals only after the final sentence is proclaimed. However, three of the appeals in this case were rejected before the Supreme Court issued its judgment.

On 12 July, 824 people were charged with murder, conspiracy, aiding and abetting murder, looting military weapons and arson in relation to a mutiny that took place at the headquarters of the Bangladesh Rifles, a border security force in Dhaka in February 2010, during which 74 people were killed. If convicted of murder, the 824 men could face the death penalty. In September 2010 the Minister of Home Affairs, Shahara Khatun, introduced a bill in the Parliament expanding the scope of the death penalty to include staging mutiny.

During the same month, the President pardoned 20 death row inmates who appear to be members or supporters of the governing Awami League. The pardoned prisoners, convicted for the murder of the then-ruling Bangladesh Nationalist Party activist Sabbir Ahmed Gama, were sentenced to death in 2006 by a Speedy Trial Tribunal set up to fast-track high profile criminal cases. Amnesty International urged the President to extend the pardon to the more than 1,000 death row prisoners in the country.

On 2 March 2010 the High Court Division of the Supreme Court ruled as unconstitutional the mandatory imposition of the death penalty for murder after rape in Bangladesh. The court delivered the judgement after considering a writ petition challenging the death sentence imposed against a juvenile offender, Shukur Ali, according to section 6(2) of Suppression of Women and Children Repression Prevention Act. The court also instructed the legislators to remove all provisions in law allowing for the mandatory imposition of the death penalty.

In 2010 **China** continued to use the death penalty extensively against thousands of people for a wide range of crimes that include non-violent offences and after proceedings that did not meet international fair trial standards. No official statistics on the application of the death penalty were made available to the public. Officials of the Supreme People's Court (SPC) of China stated in November 2010 that the SPC, which reclaimed the power to review all death penalty cases in the country in 2007, had overturned an average ten percent of the cases it had reviewed, which may mean that there has been a slight decrease in the number of executions carried out in China since 2007.

In February 2010 the SPC issued new guidelines for courts in the country clarifying that the death penalty should be “resolutely” handed down to those who have committed “extremely serious” crimes, but that the punishment should be reserved for the tiny minority of criminals against whom there is valid and ample evidence. The guidelines further interpret the “justice tempered with mercy” policy, which was first stated in a document approved by the Sixth Plenary Session of the 16th Central Committee of the Communist Party of China in 2006. The policy requires that courts should treat repeat offenders with severity while they treat minors and the elderly with leniency; and that commutations should be limited in the cases of those convicted of violent crimes such as murder, robbery and rape.

On 1 July 2010, new regulations jointly issued by the SPC, Supreme People's Procuratorate, Ministry of Public Security, Ministry of State Security, and Ministry of Justice became effective. These regulations strengthened the prohibition against the use of illegal evidence in criminal cases, including coerced confessions and other evidence obtained through torture and other ill-treatment, by enhancing legal procedures regarding the collection, examination, verification and determination of legality of evidence in death penalty cases.

In August the official Chinese government news agency Xinhua reported that proposed amendments to China's criminal code could see the death penalty removed from 13 out of 68 crimes that currently carry the punishment. On 20 December the draft code was submitted to the Standing Committee of the National People's Congress, China's legislature, for its second reading. If passed, the draft would remove the death penalty as a punishment for crimes such as tax fraud, and for smuggling valuables and cultural relics.<sup>30</sup> It may also remove the death penalty as a punishment for those over 75 years of age. This new amendment is a step by China to limit the use of the death penalty, although it would remove crimes which have seldom been punished with capital punishment in recent years.

**Gan Jinhua's** death sentence was reviewed by the SPC in January 2010. He had originally been sentenced to death in 2005 for robbery which resulted in the death of two nuns. His lawyer reports that the police forced Gan Jinhua to confess, resulting in inconsistencies between his testimony and the evidence put forward in court. Important exhibits, including the alleged murder weapon, were not presented during the trial proceedings. Forensic experts and relatives of Gan Jinhua, who say he was with them at the time of the crime, were not allowed to testify.

In February 2010 **Wang Yang's** case was sent for final consideration by the SPC. His case had been heard a total of nine times by different courts since he was first sentenced in 2003 for “fraudulently raising funds,” “loan fraud” and “escape from detention”. The SPC was reviewing the case again at the end of the year. Wang Yang's family has pointed out that despite all the retrials and hearings, there has never been further investigation into the alleged crime – instead the same evidence has been submitted each time, raising questions about why the courts have reached different verdicts when considering the same case.

The Chongqing Municipal No.1 Intermediate People's Court tried **Fan Qihang** in January 2010 and found him guilty of various crimes including "forming, leading or taking active part in organizations in the nature of criminal syndicate", and "intentional homicide". None of the 187 witnesses lined up for the trial showed up on the day. On 10 February, he was sentenced to death. The Chongqing Municipal Higher People's Court upheld his death sentence on 31 May. Fan Qihang said that he was repeatedly tortured in an unofficial place of detention and forced to confess to crimes he did not commit. Originally detained in June 2009, the lawyer hired by his family was not allowed to meet with Fan Qihang until November 2009, when he was transferred to a detention centre. The lawyer secretly videoed interviews with Fan Qihang, in which he details his torture, shows the wounds inflicted on his wrists, and says he had attempted suicide. The video, and testimony of torture submitted by other defendants, were part of final appeal submissions by Fan Qihang's lawyer to the SPC and were publicised after eliciting no response from the court. The prosecution was part of a Strike Hard campaign against organized crime in Chongqing that was repeatedly criticised for widespread use of torture and wrongful convictions. In August 2010 over 50 lawyers from Beijing appealed to the SPC to investigate allegations of torture in Chongqing. Fan Qihang was executed on 26 September 2010 after the SPC approved his sentence.

On 11 February 2010 **Fiji**, responding to the UN Human Rights Council, committed to abolishing the death penalty for crimes in the Military Code, where it is still applicable for treason and mutiny. Fiji had previously abolished the death penalty for ordinary crimes only.

Last year at least 105 people were reportedly sentenced to death in **India**, where executions have not been carried out since 2004. Thirteen death sentences were commuted by the President during the year. In a landmark decision in February 2010, the Supreme Court ruled that the socio-economic factors leading to a crime are relevant and mitigating factors that should be taken into account when considering the commutation of a death sentence. On 19 August the government of India introduced a bill to the Parliament to amend the 1982 Anti-Hijacking Act to make hijacking punishable by death. In the case *Rajbir @ Raju & Anr Versus State Of Haryana*, which was heard on 22 November 2010, the Supreme Court in India, in an attempt to address the problem of dowry deaths (unnatural death of women after demands on them to pay dowry during or after marriage) directed all trial courts in India to ensure that a charge of murder was also included in all such cases. One effect may be to increase the number of death sentences.

For the second year, no executions were recorded in **Indonesia** in 2010. Information received from the Government of Indonesia indicates that two people were sentenced to death and seven people had their sentences commuted in 2010. However, Amnesty International recorded that at least seven new death sentences were imposed during the year, including three against foreign nationals for drug-related offences, and that at least 120 people were on death row at the end of the year. According to official figures, 102 people were under sentences of death as of 31 December 2010.

Two people were unexpectedly executed in **Japan** on 28 July 2010. The execution warrants were signed by the then Minister of Justice Keiko Chiba, formerly a member of the abolitionist group in the Japanese Parliament. Following the executions which she witnessed personally, Minister Chiba announced plans to set up a commission within the Ministry of Justice to study the death penalty as a form of punishment. On 27 August 2010, the Minister of Justice opened the execution chamber of the Tokyo Detention Centre to the

media. This is the first time this has been done in Japan. During the House of Councillors (Upper House) elections in July 2010 Keiko Chiba lost her seat as Councillor but retained her role as Minister of Justice until September 2010. On 17 September Minoru Yanagida was sworn-in as the new Minister of Justice. Shortly after his appointment, he announced at a press conference that he would carry out executions during his term of office. However, on 22 November Minoru Yanagida resigned from his position as Minister of Justice and, pending appointment of a new Minister of Justice, Chief Cabinet Secretary Yoshito Sengoku indicated that he would perform the duties of the Minister of Justice. On 30 December Acting Minister of Justice Sengoku was reported by national broadcasting organization, NHK, to have said that the committee set up by former Minister of Justice Chiba would resume its discussions on the death penalty in 2011. Amnesty International remains concerned that 14 new death sentences were imposed during the year and that 111 individuals were under sentence of death as of 31 December 2010.

On 4 May 2010 **Laos** was reviewed under the Universal Periodic Review at the Human Rights Council. With regard to the death penalty, the government representatives stated that the sentence of death “was intended to deter the most extreme and serious crimes, particularly drug trafficking and that, although the death penalty was still in existence legally, no execution had ever taken place. Laos had upheld a moratorium for many years and would consider revising the Penal Law in the coming years, including with a view to limiting the scope of crimes to which the death penalty would apply.”<sup>31</sup> However, at the 15<sup>th</sup> session of the Human Rights Council in December, Laos communicated its rejection of recommendations made by other states during the May Universal Periodic Review to abolish the death penalty. Laos stated that the country is “not ready to abolish this capital punishment as it is an effective deterrent to most serious offences especially drug trafficking” and that the country is “a party to the ICCPR and will review the scope of the offences in its present criminal law to be in line with Article 6 of the ICCPR.”<sup>32</sup>

During the Universal Periodic Review on 3 November 2010, the **Maldives** agreed to examine and provide a responses no later than the 16th session of the Human Rights Council in March 2011 on recommendations to establish a moratorium on executions, abolish the death penalty and to accede to the Second Optional Protocol to the ICCPR.

Amnesty International was able to confirm that at least one execution was carried out and that at least 114 new death sentences were imposed in **Malaysia** in 2010. More than half of these were imposed for drug-related offences, while nearly all the rest were handed down for murder. In both offences the death sentence is mandatorily imposed.

On 14 January 2010 President of **Mongolia** Tsakhia Elbegdorj announced the establishment of a moratorium on executions with a view to its abolition. In his speech “The Path of Democratic Mongolia Must Be Clean and Bloodless”, the President declared that since he took office in May 2009 no execution had been carried out in the country. In his announcement President Elbegdorj also stated that he had commuted the death sentences of all death row inmates who have appealed for clemency since he became President in June 2009. At the end of 2010, the death penalty in Mongolia remained classified as a State Secret under the Law on State Secrets and the Law on the List of State Secrets. There are no official statistics on death sentences or executions. In the past, families of those on death row were not notified in advance of the imminent execution and the bodies of those executed

were not returned to the family. According to information available to Amnesty International, at least nine people were on death row in Mongolia in June 2009, and at least three of them had their sentences commuted by October 2009.

A draft bill to ratify the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty was introduced at the Spring Session of the State Great Khural (Mongolian Parliament). During the review of Mongolia under the Universal Periodic Review on 2 November 2010, the government representatives stated that the relevant standing committee of the Parliament had been discussing whether the Parliament should ratify the bill and that "if Parliament responded positively, draft amendments to all legislation regulating the death penalty, including the Law on the State Secret, would be formulated."<sup>33</sup> At the end of 2010 the bill was still awaiting a final vote by the Parliament.

Amnesty International received reports that at least 60 people were executed in **North Korea** in 2010. The death penalty is often imposed even though the alleged crime is not subject to a death sentence under domestic law. Executions are usually carried out in secret, but an increased number of reports were received compared to last year of executions being held in public to serve as an example to others.

No executions were reported in **Pakistan** in 2010, for the second consecutive year. Despite Prime Minister Gilani's announcement on 21 June 2008 to the National Assembly that all death sentences in Pakistan should be commuted to life imprisonment, some 8,000 prisoners remained on death row in 2010. President Asif Ali Zardari declared in August 2010 that all executions would be stayed until 31 December 2010, with the exception of those imposed for terrorism or anti-state activities.

At least 356 new death sentences were imposed, the vast majority were imposed on men, seven on women and one on a person who was under 18 at the time the crime was committed. Aasia Bibi, a Christian mother of five, was charged with blasphemy and sentenced to death after an unfair trial on 8 November. She claimed that she had not had access to a lawyer during her detention and on the final day of her trial. Aasia Bibi denied the allegations and her husband, Ashiq Masih, claimed her conviction was based on "false accusations" of blasphemy. However, the trial judge "totally ruled out" the possibility of false charges and said that there were "no mitigating circumstances". She has been detained in prison and held in virtual isolation since June 2009. An appeal filed against the judgement in the Lahore High Court remains pending.

Death sentences continued to be mandatorily imposed in **Singapore**, mostly for drug-related offences and mainly against foreign nationals. At least eight death sentences were handed down last year.

On 14 May 2010 the Court of Appeal dismissed an appeal by Malaysian national Yong Vui Kong against the mandatory death sentence which had been imposed against him in January 2009. He had been found guilty of trafficking 47 grams of diamorphine (heroin) when he was 19 years old.<sup>34</sup>

On 16 November 2010 Alan Shadrake, a British journalist and author of *Once a Jolly Hangman: Singapore's Justice in the Dock*, was sentenced to six weeks' imprisonment and

fined S\$20,000 for criticising Singapore's death penalty laws and the manner in which they are applied.

Four death sentences were imposed in **South Korea** in 2010. On 25 February the Constitutional Court resolved - in a five to four ruling - that capital punishment did not violate "human dignity and worth" as protected by the Constitution. In March 2010 the Minister of Justice Lee Kwi-nam reportedly ordered an investigation into the feasibility of building a new execution chamber within Cheongsong Prison in North Gyeongsang Province. Reports indicated that the plan was temporarily put on hold in October 2010.

The resignation of Wang Ching-feng as Minister of Justice of **Taiwan** in March 2010 sparked international attention over the issue of the death penalty in the country. During her tenure in office, Wang Ching-feng had refused to sign execution orders because of her opposition to the death penalty. Following the appointment of Tseng Yung-fu as Minister of Justice in March, Chang Chun-hung, Hung Chen-yao, Ko Shih-ming and Chang Wen-wei were executed on 30 April. The executions came just two weeks after Tseng Yung-fu reportedly stated that his ultimate goal was the abolition of the death penalty.

On 28 May 2010 Taiwan's Constitutional Court refused to consider a petition filed on behalf of 44 death row inmates who had exhausted all their appeals, four of whom had already been executed. The petition demanded a constitutional interpretation of the legality of the death penalty in Taiwan. On 15 October a task force set up by the Ministry of Justice considered the possibility of abolishing the death penalty. Although it was reported that the task force reached a conclusion that "it would be probably be acceptable to most Taiwanese to replace capital punishment with a sentence of life without parole in Taiwan"<sup>35</sup>, the Ministry of Justice later issued a press release, stating that the Ministry of Justice had not come to any conclusion regarding the replacement of capital punishment with life sentences without parole. The Ministry further stated that it would not consider abolishing the death penalty unless there is a "public consensus, together with a reasonable and appropriate substitute punishment."

No executions were recorded in **Thailand** in 2010, but at least seven new death sentences were imposed. According to figures released by the Corrections Department, as of August 2010, 708 people were under sentence of death, 65 of whom had their sentence confirmed by the Supreme Court. Nearly half of the 708 had been convicted of drug-related offences, while the remaining 369 people had been found guilty of murder and other crimes.

Information on the use of the death penalty remained classified as a state secret in **Viet Nam** and Amnesty International was not able to confirm a figure for executions. At least 34 death sentences were reported in Viet Nam in 2010. In June 2010 the National Assembly adopted a law replacing firing squad with lethal injection as the method of execution. The measure will be effective from July 2011.

On 23 February, an informal meeting of the **Anti-Death Penalty Asia Network** (ADPAN) took place at the Fourth World Congress Against the Death Penalty. Over 25 ADPAN members attended. ADPAN members from India, Taiwan and Indonesia spoke at a roundtable discussion on "Asia: the Legal Road to Moratorium and Abolition" organized at the congress by Amnesty International.

In 2010 ADPAN statements and actions were issued on Japan, Mongolia, Singapore, South Korea and Taiwan. These included a high-profile campaign in Singapore in support of Malaysian national Yong Vui Kong, led by his defence lawyer, and a speakers' tour organized by ADPAN member organization Murder Victims Families for Human Rights. Five new members joined ADPAN in 2010, bringing the number of members to over 50 in 23 countries from across the region.

## EUROPE AND CENTRAL ASIA

After a year hiatus in 2009 when for the first time no executions were recorded in Europe and the former Soviet Union, in March 2010 the Belarusian authorities carried out two executions. Vasily Yuzepchuk and Andrei Zhuk were executed by a shot to the back of the head.

On 19 March 2010, when **Andrei Zhuk's** mother tried to deliver a food parcel to the prison in Minsk where both men were held, the parcel was returned to her by the prison authorities and she was told that the two men "had been moved". She was told not to come looking for her son any more, but to wait for official notification from the court. On the morning of 22 March, Andrei Zhuk's mother was informed by staff at the prison that her son and Vasily Yuzepchuk had been shot and her son's body was not returned. In October 2010 she filed a legal case against the Belarusian authorities for violating her right to manifest and practice her religion by refusing to release her son's body or to tell her where he had been buried.

Three new death sentences were imposed in Belarus in 2010. Two men were sentenced to death by shooting on 14 May 2010 for crimes committed during an armed robbery of a flat in the city of Grodno in October 2009. Both men were found guilty of premeditated murder, armed assault, arson, kidnapping of a minor, theft and robbery. Their sentences were upheld by the Belarusian Supreme Court on 20 September 2010 and the two men appealed for clemency from President Lukashenka. The appeals were pending at the end of 2010. A third man was sentenced to death in September 2010.

Belarus was reviewed under the Universal Periodic Review on 12 May 2010. With regard to the death penalty, the delegation noted that the death penalty was applied extremely rarely and that a parliamentary working group had been established with a view to finding ways to abolish the death penalty. Belarus accepted recommendations to respect minimum standards restricting the use of the death penalty. They also agreed to examine and provide a response at the 15th session of the Human Rights Council in September on recommendations to release complete information on the execution of Mr. Andrei Zhuk and Mr. Vasily and establish a moratorium on executions with a view to abolishing the death penalty. Later in the year Belarus communicated to the Human Rights Council its rejection of these recommendations stating that the decision to abolish, or introduce a moratorium on, the death penalty could not be taken in light of the results of a 1996 national referendum on the issue; that information on the execution of the two men in March had been disseminated to the media; and that, in accordance with the law, the institution where the death penalty is carried out is required to notify the court that handed down the sentence that the sentence has been enforced, and the court is required to inform the next of kin. The law does not

provide that other organizations or individuals should be informed of the enforcement of the death penalty.<sup>36</sup>

**Kazakhstan**, where the death penalty is retained for terrorist offences involving fatalities and serious offences committed in wartime, was reviewed under the Universal Periodic Review on 12 February 2010. With regard to the death penalty, the country's delegation stated that a policy of gradual abolition was being pursued. The moratorium on executions established on 19 December 2003 continued to be observed in 2010.

On 6 December 2010 **Kyrgyzstan**, which abolished the death penalty for all crimes in 2007, acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. As of 1 January 2010, the death sentences of 172 prisoners had been commuted to life imprisonment.

Following terrorist attacks in March 2010, the Speaker of the State Duma (Russian Parliament) Boris Gryzlov was reported to have announced that the **Russian Federation** will not ratify as yet Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition of the death penalty. At the end of 2009, after the extension of the moratorium on executions established by the Constitutional Court in 1999, 697 death sentences were commuted to life imprisonment.

The 2004 moratorium on death sentences and executions continued to be observed in **Tajikistan** during 2010. In April 2010 President Emomali Rahmon established the Working Group on the Study of Social-Legal Aspects of the Abolition of the Death Penalty in the Republic of Tajikistan, consisting of key officials from the executive and the judiciary, as well as the Ombudsman. On 5 October at the 2010 Review Conference of the Organization for Security and Co-operation in Europe which discussed the death penalty, Jumahon Davlatov, head of the Working Group and Presidential Advisor on Legal Policy, stated that "we shall in the very near future arrive at its total abolition".

## MIDDLE EAST AND NORTH AFRICA

Fewer death sentences and executions were recorded in the Middle East and North Africa in 2010 than in 2009. However, where the death penalty was imposed it was frequently used after unfair trials and for offences, such as drug-trafficking or adultery, which are not recognized as the "most serious crimes" and therefore in violation of international law.

At least 378 executions were carried out in nine countries: Bahrain (1), Egypt (4), Iran (at least 252), Iraq (at least 1), Libya (at least 18), the Palestinian Authority (5), Saudi Arabia (at least 27), Syria (at least 17) and Yemen (at least 53).

At least 748 death sentences were imposed in 16 countries: Algeria (at least 130), Bahrain (1), Egypt (185), Iran (+), Iraq (at least 279), Jordan (9), Kuwait (at least 3), Lebanon (at least 12), Libya (+), Morocco/Western Sahara (4), the Palestinian Authority (at least 11), Saudi Arabia (at least 34), Syria (at least 10), Tunisia (at least 22), United Arab Emirates (at

least 28), Yemen (at least 27).

The authorities of Algeria, Jordan, Kuwait, Lebanon, Morocco/Western Sahara, Tunisia and United Arab Emirates imposed death sentences but continued to refrain from carrying out executions.

**Bahrain** resumed its use of the death penalty in 2010, when Jassim Abdulmanan, a Bangladeshi national sentenced to death in 2007 for murder, was executed by firing squad on 8 July 2010. At the end of 2010 another Bangladeshi national, Russel Mezan, had his death sentence confirmed by the Supreme Court of Bahrain and was appealing to the Court of Cassation.

In 2010 **Egypt** continued to hand down and execute death sentences. Death row inmates, family members and lawyers were not notified of the imminent executions. Amnesty International was able to confirm that during 2010 four executions were carried out and 185 death sentences were imposed. Most of the death sentences were imposed for murder, but some were also recorded for drug-related offences.

Atef Rohyum Abd El Al Rohyum was hanged on 11 March 2010 despite evidence suggesting that he was not guilty. His family was not made aware that his appeal, which had been filed with the Public Prosecutor in May 2009, had been rejected despite a formal enquiry on its status submitted two days before the execution.

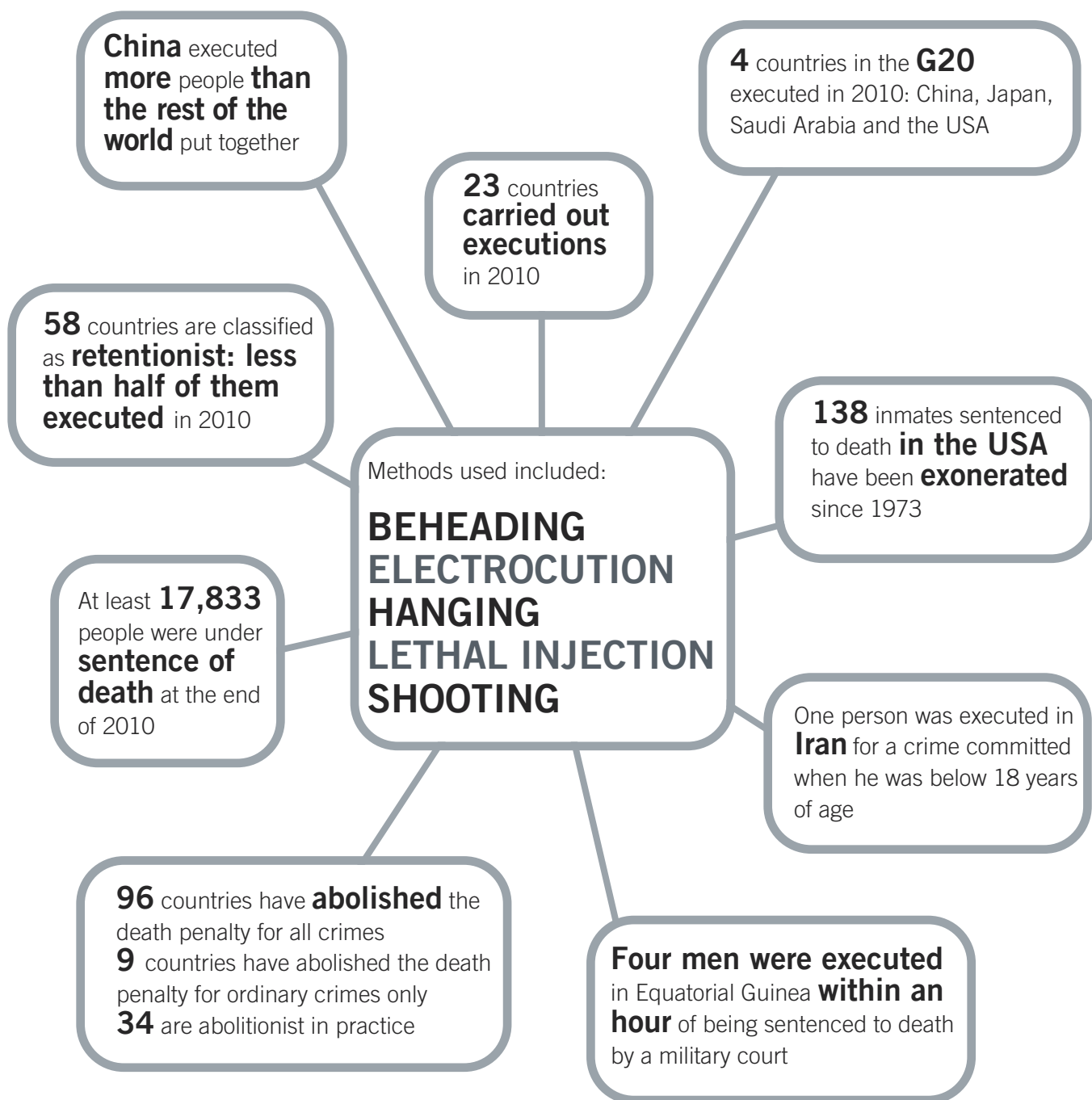
Egypt was reviewed under the Universal Periodic Review of the Human Rights Council on 17 February 2010. The country's delegation stated that capital punishment was only applied for very serious crimes and that there had been a reduction of cases where capital punishment had been issued and applied. At the end of the review, Egypt accepted a recommendation to respect minimum standards relating to the use of the death penalty but rejected recommendations to establish a moratorium on executions with a view to abolishing the death penalty.<sup>37</sup>

The **Iranian** authorities acknowledged the execution of 252 people, including five women and one juvenile offender in 2010. Amnesty International received credible reports of more than 300 other executions which were not officially acknowledged, mostly in Vakilabad Prison, Mashhad. Most were of people convicted of alleged drugs offences. Fourteen people were publicly executed. Death sentences continued to be imposed in large numbers.

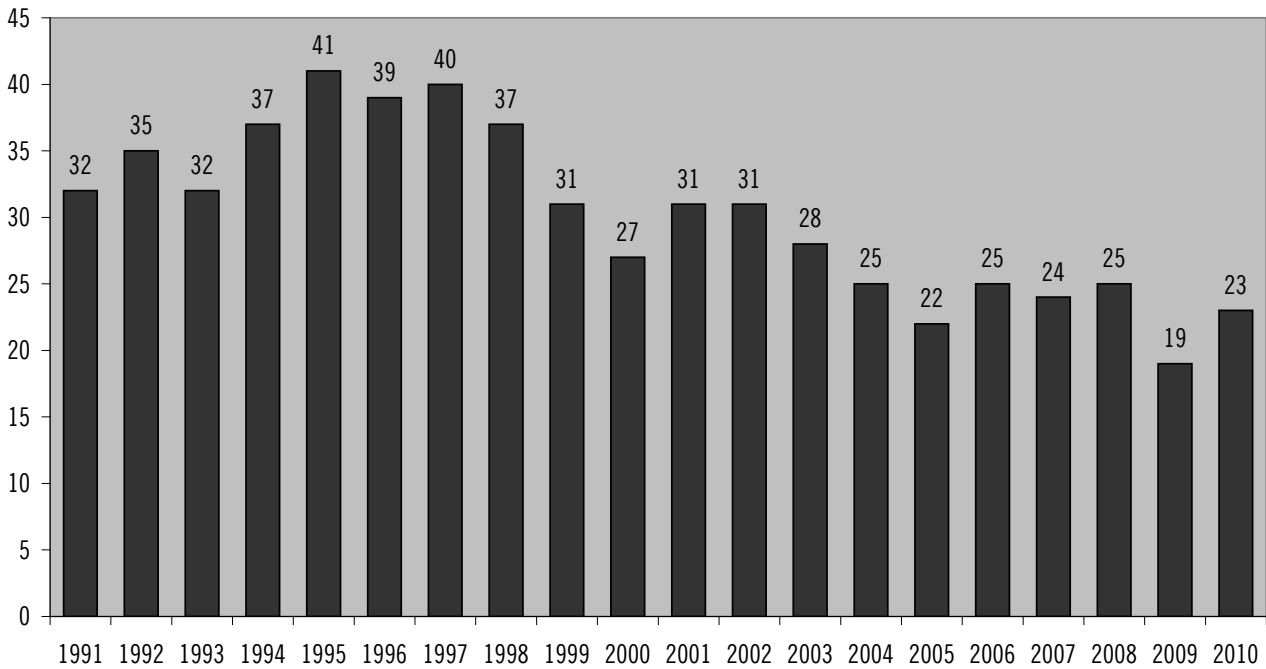
Detainees in Iran are often held for lengthy periods of time prior to trial, where they are at grave risk of being subjected to torture and other ill-treatment; political prisoners are often held incommunicado. Trials are generally unfair and detainees are systematically denied – by law – access to a lawyer until investigations have been completed, which can take many months. Proceedings, particularly those held outside the capital Tehran are often summary, lasting only a few minutes.

In Iran, the death penalty continued to be imposed for acts that do not qualify as the most serious crimes, in violation of international law, such as those relating to drug trafficking or vaguely worded charges relating to national security. "Enmity against God", or *moharebeh*, a vaguely worded charge that lacks a precise and explicit definition but is usually applied to

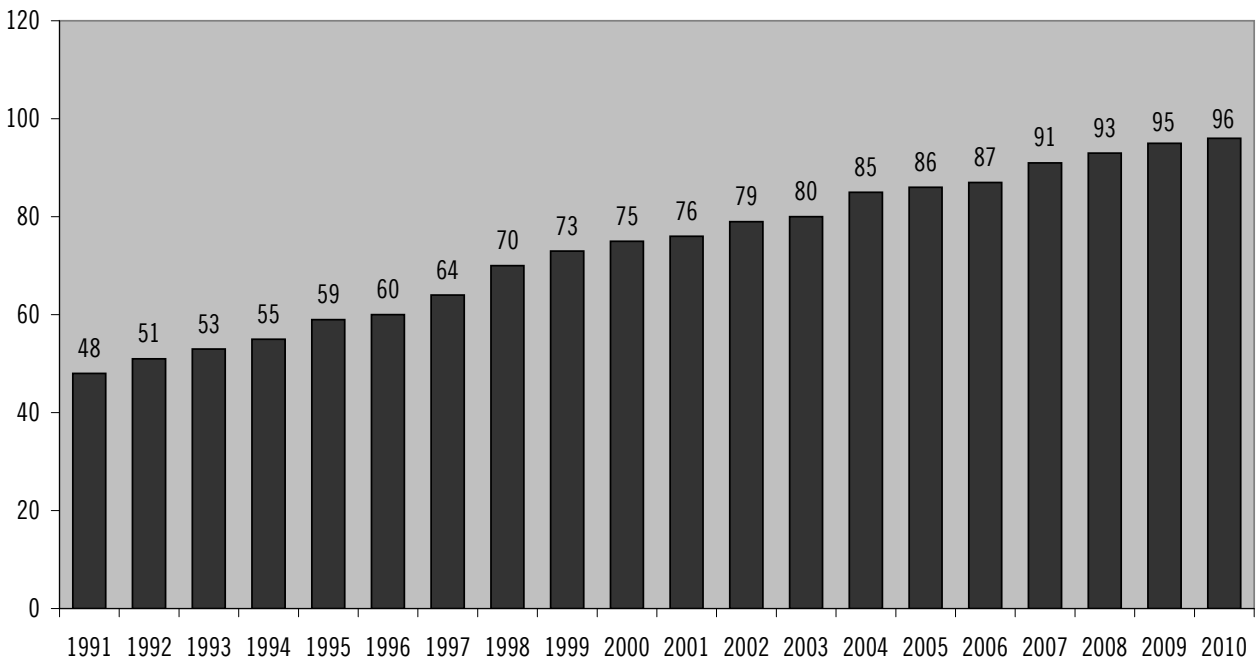
# DEATH SENTENCES AND EXECUTIONS IN 2010 FACTS AND FIGURES



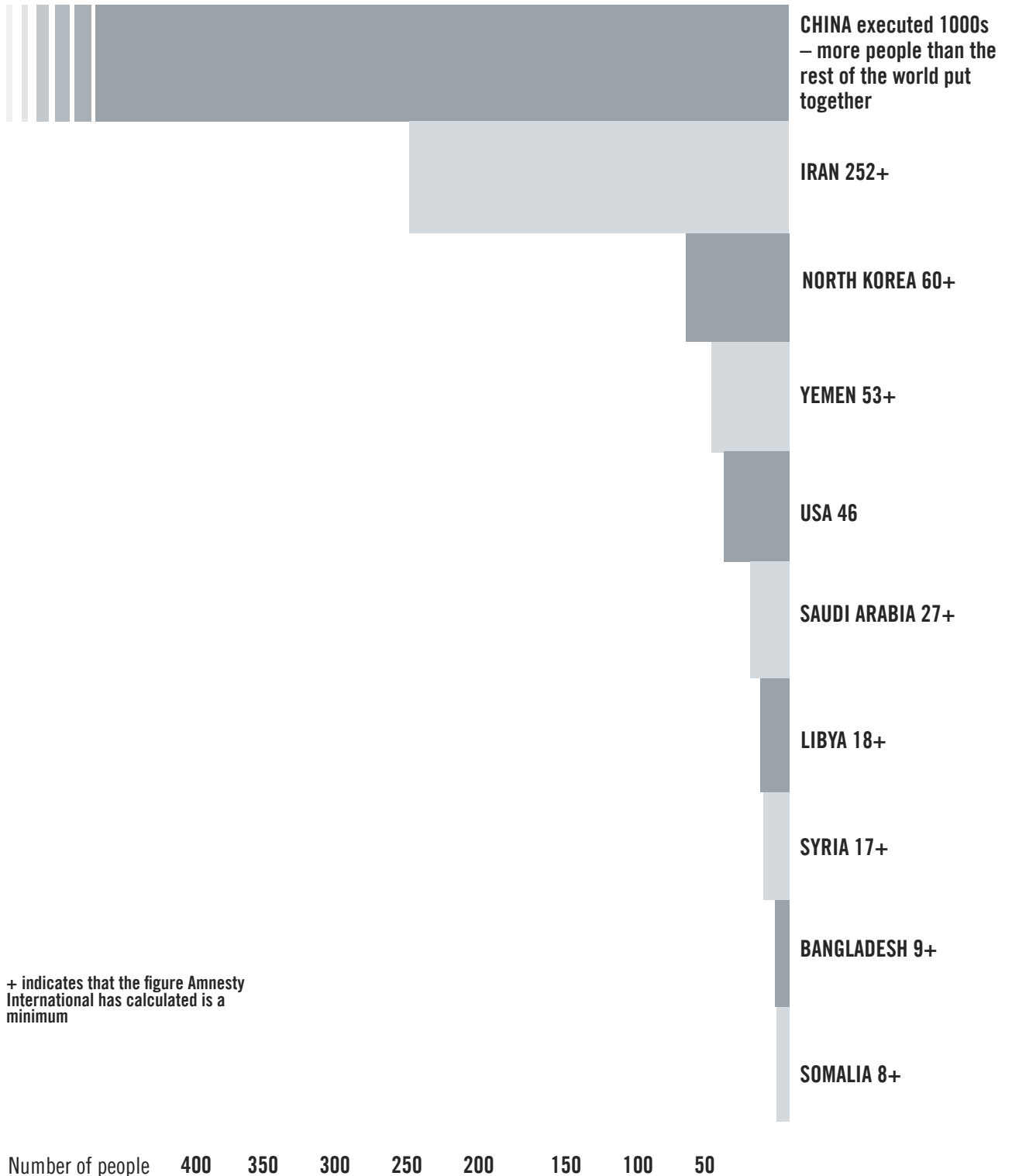
## THE NUMBER OF COUNTRIES CARRYING OUT EXECUTIONS 1991-2010



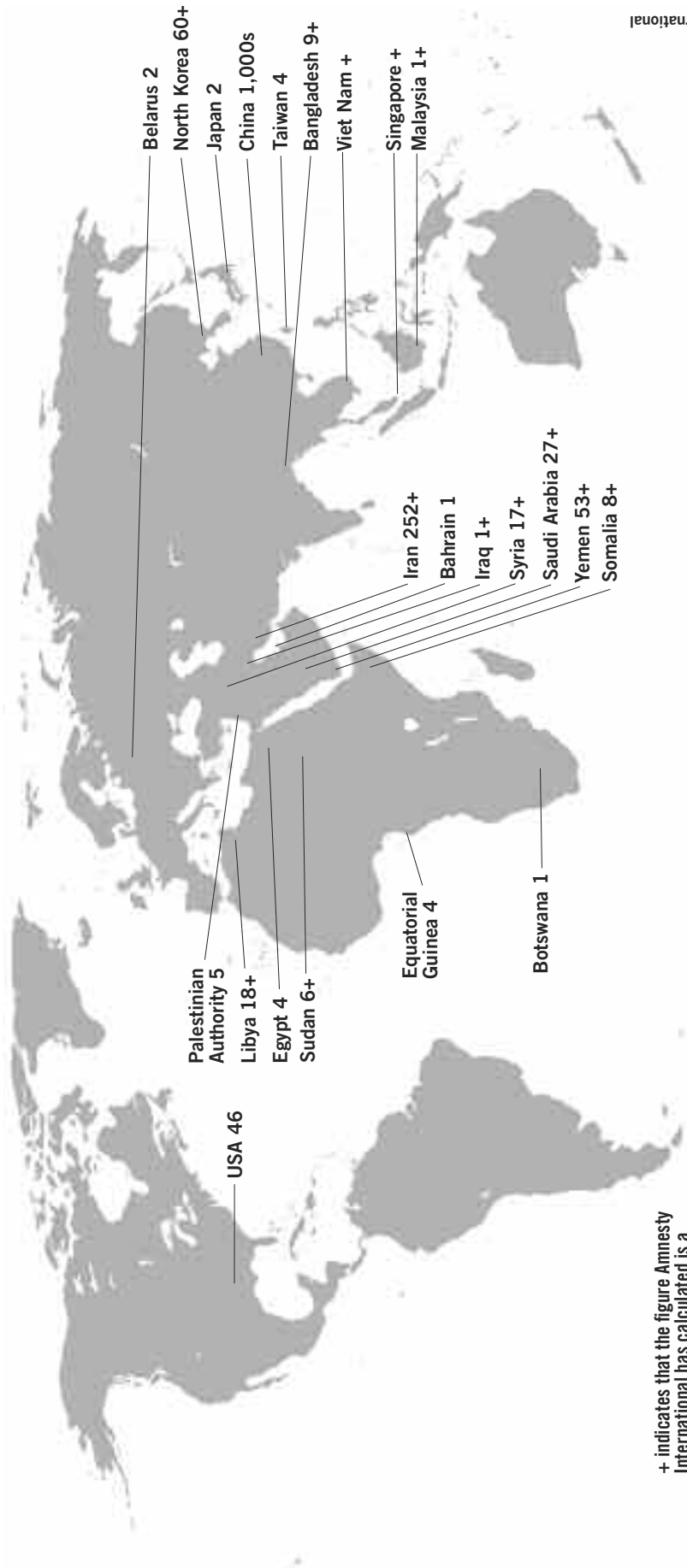
## THE NUMBER OF COUNTRIES ABOLITIONIST FOR ALL CRIMES 1991-2010



# COUNTRIES WITH THE HIGHEST NUMBER OF EXECUTIONS IN 2010



# EXECUTIONS IN 2010



+ indicates that the figure Amnesty International has calculated is a minimum. Where + is not preceded by a number, it indicates that there were executions (at least more than one) but that it was not possible to specify a figure.

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those who take up arms against the state, may, depending on the case, be punishable by execution.

In October, a man was sentenced to death for “apostasy”. At the end of the year he was awaiting the outcome of his appeal. In December another man was sentenced to death for creating “pornographic” internet sites and “insulting the sanctity of Islam”.

In 2010 Amnesty International noted an increased use of the death penalty against alleged drugs offenders. In October, the Interior Minister stated that the campaign against drug trafficking was being intensified, and the Prosecutor General stated in the same month that new measures had been taken to speed up the judicial processing of drug-trafficking cases, including by referring all such cases to his office, thereby denying them a right to appeal to a higher tribunal, as is required under international law.

In December 2010 the amended Anti-Narcotics Law came into force apparently making it easier to sentence to death those convicted of trafficking. It extended the scope of the death penalty to include additional categories of illegal drugs (for example, crystal meth), possession of which became punishable by death. Under the Anti-Narcotics Law, some defendants are not granted a right to appeal, as their convictions and sentences are confirmed by the state Prosecutor-General.

In 2010 Amnesty International received a series of credible reports that hundreds of alleged drug traffickers were being executed in secret in Vakilabad Prison, Mashhad. Those executed appeared to be amongst the most vulnerable sectors of society. In April, mass protests in Afghanistan took place after reports surfaced that dozens of Afghans had been executed in secret in Iran at that time. Although the Iranian authorities denied this, they acknowledged that over 4,000 Afghans were detained in Iran, the majority for drug trafficking.

In August a Nigerian was reportedly executed in secret in Vakilabad Prison, along with more than 60 others while in October a Ghanaian and at least nine others were reportedly executed. In neither case, had their Embassies been informed of their impending execution.

During 2010 those whose political beliefs were at odds with those of the government were executed. In January, two men were hanged following unfair trials in which they were convicted of “enmity against God” and of being members of a banned group which advocates the restoration of an Iranian monarchy. Theirs were the first executions known to be related to the post-election violence that erupted across Iran in June 2009. Lawyers for the two men's lawyers were not informed of their clients' executions, in contravention of Iranian law.

In December 2010 another man, who was sentenced to death a year earlier, was also executed without warning. He had also been sentenced for his alleged membership in a banned opposition group, the People's Mojahedin Organization of Iran (PMOI). He was hanged at the same time as Ali Akbar Siadat, convicted of espionage for Israel.

A further six men and one woman were sentenced to death in Iran for alleged links to the PMOI. In some cases, their alleged links with the PMOI may amount to no more than having had contact with family members who are members of the PMOI.<sup>38</sup>

The death penalty continued to be imposed and carried out against members of ethnic minorities in Iran.

At the end of 2010, at least 17 members of Iran's Kurdish minority, including one woman – Zeynab Jalalian - were on death row following their conviction for alleged political offences. All were convicted after unfair trials for *moharebeh* for membership in banned Kurdish opposition groups.

Some were reported to have been tortured in detention and to have been denied access to a lawyer. One of them, Hossein Khezri, was feared to have been executed on 15 January 2011, while the execution of another, Habibollah Latifi, scheduled for 26 December 2010, was postponed after international and domestic appeals.

Four Kurds – **Farzad Kamangar, Ali Heydarian, Farhad Vakili and Shirin Alam-Holi** – along with Mehdi Eslamian, were hanged on 9 May at Evin prison in Tehran. The five were accused of “enmity against God” for carrying out “terrorist acts” in three separate cases. “Enmity against God” is a vaguely worded charge which can carry the death penalty and is usually applied to those who take up arms against the state. The fifth person executed, Mehdi Eslamian, was accused of providing financial assistance to his brother who had previously been executed for “enmity against God” for his alleged participation in carrying out a bombing in a mosque in Shiraz in April 2008. Some, if not all five, were tortured or otherwise ill treated.

**Eleven men**, believed to be members of Iran's Baluch minority, were executed at Zahedan Prison on 20 December. According to Iran's Fars News Agency, the 11 men were connected with the People's Resistance Movement of Iran (PRMI), or Jondallah, which claimed responsibility for a 15 December suicide bomb attack in Chabahar in Sistan-Baluchistan province, south-east Iran, in which up to 39 people were killed. The men had all been convicted of “enmity against God” and “corruption on earth”, for a variety of acts including ambushing and killing police forces and Revolutionary Guardsmen, bomb attacks on Shi'a mosques, abductions and armed robbery, although a local judicial official denied that any had participated in the 15 December attack.

Despite the recommendation by the Legal and Judicial Affairs Committee of Iran's parliament in June 2009 to remove a clause permitting stoning from a new draft revision of the Penal Code which is still being considered by the Parliament, stoning remained the mandatory punishment for “adultery while married” for both men and women. At least 10 women and four men were believed to be at risk of death by stoning at the end of the year, although several cases were still under review and alternative sentences could be imposed. At least one other woman, Maryam Ghorbanzadeh, originally sentenced to stoning, was facing execution by hanging for “adultery while married” at the end of the year.

**Sakineh Mohammadi Ashtiani**, whose 2006 stoning sentence was under review at the end of the year, is from Iran's Azerbaijani minority and her situation attracted widespread international attention from July 2010 onwards. She speaks Azerbaijani Turkic and has limited knowledge of Persian, the language used by the courts. She was found guilty by three of the five judges who heard her case. Although she told the court that her “confession” had been forced out of her and was not true, the three judges convicted her on the basis of “the knowledge of the judge”, a provision in Iranian law that allows judges to decide on subjective grounds whether or not a defendant is guilty even if there is no clear or conclusive evidence. In May 2007 the Supreme Court confirmed the stoning sentence. The Amnesty and Clemency Commission subsequently rejected her requests for clemency. Following international condemnation of the sentence of death by stoning, around 7 July judicial officials in the north-western city of Tabriz wrote to the Head of Iran's Judiciary in Tehran seeking

permission to change the method of execution from stoning to hanging. Since then, various Iranian officials have made various obfuscatory statements regarding her legal situation. She remains held in Tabriz Central Prison and has been denied visits by her children and lawyer since August 2010. Her son, lawyer, and two German journalists who were interviewing them about Sakineh Mohammadi Ashtiani's case were arrested in October. Her son was said to have been released on bail in December, but the other three remained held at the end of the year. Sakineh Mohammadi Ashtiani, her son, and her lawyer have all appeared at various times on state-run television, in circumstances which appear to suggest they may have been coerced into "confessing" against themselves, in violation of their rights under international law.

"Mohammad A", a juvenile offender was executed in July 2010 for the rape of two boys, a crime committed when he was under 18 years of age. Amnesty International has compiled a list of more than 140 people sentenced to death in recent years for crimes allegedly committed when they were under the age of 18, although it has proved difficult to monitor their subsequent fate in all cases.

On 4 July 2010, the family of **Mohammad Reza Haddadi** were informed by judicial officials that they should visit their son for the last time. His execution which was scheduled to take place on 7 July in Adelabad prison, Shiraz, in southern Iran, was postponed. Mohammad Reza Haddadi was sentenced to death in 2004 for a murder he allegedly committed when he was 15. He is now approximately 22 years old. His death sentence was confirmed by the Supreme Court in July 2005. He was first scheduled for execution in October 2008, but it was stayed on the order of the Head of the Judiciary. His execution was then scheduled again on 27 May 2009 and 16 July 2009. There were further unconfirmed reports that he would be executed on 9 December 2009. There is no further news of **Naser Qasemi**, who was also sentenced to death for a crime allegedly committed when he was under 18.

Several lawyers who spoke out against death sentences or the executions of their clients faced reprisals including imprisonment. Mohammad Olyaeifard was detained on 1 May on charges of "propaganda against the system". He was given a one-year jail term. Before his arrest, Mohammad Olyaeifard said that he had been convicted because of an interview he gave to Voice of America's Persian Service in 2009 shortly after his client, juvenile offender Behnoud Shojaee was hanged for a murder he committed when he was 17 years old.

Prominent human rights lawyer Mohammad Mostafaei was forced to flee the country in fear for his safety in early August 2010, mainly in relation to the role he played in drawing international attention to the case of Sakineh Mohammadi Ashtiani, who had been sentenced to death by stoning for adultery. Another lawyer for the woman, Javid Houtan Kian, was arrested in October along with her son and the two German journalists. He remained in detention at the end of the year.

Khalil Bahramian, who has represented numerous political prisoners in Iran, was arrested briefly in May after he spoke out against the execution of two of his clients, Farzad Kamangar and Shirin Alam-Holi. He was tried in December, and in early February 2011 was sentenced to 18 months' imprisonment following his conviction for "propaganda against the system", "insulting the head of the judiciary" and "acting against state security". He remained free at the time of writing pending his appeal.

Family members of executed persons also faced persecution in some cases and were often

not given the bodies of their relatives for burial. Others said that they had to pay officials in order to receive their relatives' bodies, as payment for the rope used to hang them.

Following the executions of four Kurds in May, the authorities refused to give the bodies of the four executed Kurds back to their families, who went to Tehran to protest. **Shirin Alam-Holi's** mother, sister, uncle, nephew and grandfather were all briefly arrested and then released on bail, and the authorities banned mourners from their house in Maku. One of the four executed men's family in Kamyaran were warned not to talk to the media, and their phone line was cut.

Following the postponement of the execution of **Habibollah Latifi** in December, who had been sentenced to death in 2008 for "enmity against God", family members and activists gathered at the Latifi household. Up to 50 members of the security forces raided the house and arrested seven members of the Latifi family, along with around 17 others. By 30 December 2010, the family members had been released on bail equivalent to approximately 21,000 US dollars each.<sup>39</sup>

Iran was reviewed under the Universal Periodic Review on 15 February 2010. A recommendation to respect at least minimum standards and the provisions of the ICCPR and CRC concerning the death penalty enjoyed the support of Iran. The UN Secretary General's Report to the General Assembly in September criticized the continuing high level of executions, particularly for political offences, as well as public executions, the continuing execution of juvenile offenders and the use of stoning as a method of executions.<sup>40</sup> In December, the General Assembly passed a resolution on the situation of human rights in the Islamic Republic of Iran, which expressed concern at the continuing high incidence and dramatic increase in executions, including public executions, the absence of internationally recognized safeguards, continued executions of juvenile offenders, the imposition of the death penalty for crimes that lack a precise and explicit definition, including *moharebeh* (enmity against God), or for crimes that do not qualify as the most serious crimes, in violation of international law; and the use of stoning and suspension strangulation as a methods of execution. Iran voted against the UN General Assembly Resolution in December which called for a moratorium on the use of the death penalty.

Amnesty International was able to confirm that one execution was carried out in **Iraq** in 2010, but the real figure is believed to be much higher. 'Ali Hassan al-Majeed, also known as Chemical Ali, was executed on 25 January 2010 after receiving a fourth death sentence on 17 January for ordering a poison gas attack on the town of Halabja in 1988, which killed more than 5,600 members of Iraq's Kurdish minority. Sa'doun Shakir, former Interior Minister of Iraq in the 1980's, Mizban Khuder Hadi and 'Aziz Salih al-Noaman, all of whom are former senior officials under Saddam Hussain and were convicted of participating in the killings and displacement of Faili Kurds (Shi'a Kurds) during the Iran-Iraq war between 1980 and 1988, were sentenced to death on 29 November 2010.

On 3 December the Iraqi Minister of Interior, Jawad al-Bolani, was reported to have publicly stated that 39 untried detainees could have faced execution by the end of 2010 for their alleged affiliation with al-Qa'ida-linked groups. The men were still waiting to be tried at the end of 2010. Thirty-seven people who had exhausted all their appeals were at imminent risk of execution at the end of the year and more than 1300 people were believed to be under sentence of death.

In May 2010 the Head of the Supreme Court Medhat al-Mahmud was reported to have stated that in 2009, 77 death sentences were enforced in cases related to terrorism. Amnesty International had reported that at least 120 executions were carried out in Iraq in 2009.

Iraq was reviewed under the Universal Periodic Review on 16 February 2010. With regard to the death penalty, the delegation noted that the number of cases in which the death sentence was pronounced had been reduced, and its application was limited to the most serious crimes, including genocide, crimes against humanity and crimes of terrorism. It also stated that all legal guarantees were provided to the accused at all stages of prosecution and until the sentence was carried out, and that efforts were being made to reduce the number of executions to a minimum. Iraq accepted a recommendation to undertake to abolish the death penalty or, in the absence of abolition, respect international standards restricting the scope of its application, but rejected recommendations to establish a moratorium on executions and to abolish the death penalty.

The government of **Jordan** confirmed that 46 people, including four women, were under sentence of death at the end of 2010 and that at least six new death sentences were imposed last year. However, according to Amnesty International's sources nine people were sentenced to death in 2010. According to the government, the number of crimes for which the death penalty is applicable was restricted in 2010, when the Penal Code was amended to remove the death penalty as punishment for crimes under articles 137/1 (inciting armed riots against the existing authorities) and 372 (arson resulting into death).

In 2010 at least three new death sentences were imposed in **Kuwait**. The death sentence against Jakatia Pawa, a Filipina female domestic worker, was submitted for ratification by Kuwait's head of state, the Amir, in January 2010. She had been sentenced to death for the murder, on 14 May 2007, of her employer's 22-year-old daughter. Throughout the judicial process Jakatia Pawa maintained her innocence and her lawyer stated that there was no evidence in the case file proving that his client had committed the murder. During a court hearing in January 2009, Jakatia Pawa stated that one of the victim's family members might have committed the murder because the victim was having an affair with a neighbour.

Kuwait was reviewed under the Universal Periodic Review on 12 May 2010. With regard to the death penalty, the delegation stated that it was applied in the most restrained and restricted manner and only for the most heinous and dangerous crimes as it was considered a deterrent on crime. The government representatives added that respect for all the guarantees and safeguards of due process of law and fair trial had been ensured at all levels. A recommendation to respect, as long as it maintains the death penalty, at least minimum standards related to the death penalty, particularly in ensuring that the death penalty is only imposed for the most serious offences, enjoyed the support of Kuwait. However, the government rejected eight separate recommendations to establish a moratorium on executions and to abolish the death penalty.<sup>41</sup>

At least 12 new death sentences were imposed in **Lebanon** in 2010 and at least 50 people, including one woman, were under sentence of death at the end of the year. On 18 February 2010 a Lebanese man, Mahmoud Rafeh, was sentenced to death by a military court following the high profile trial for "collaboration and espionage on behalf of the enemy" and for his involvement in a car bomb assassination of an official belonging to the Palestinian

Islamic Jihad group and his brother in the southern city of Sidon in 2006. There are allegations that he was tortured and otherwise ill-treated while being detained by Military Intelligence officials before his trial. A second man, a Palestinian, was tried and sentenced to death in absentia in relation to the same case.

In June, President Michel Suleiman said he would be prepared to sign execution warrants for those sentenced to death for acting as agents for Israel. Lebanon was reviewed under the Universal Periodic Review on 10 November 2010, when it rejected recommendations to introduce a moratorium on executions and to abolish the death penalty.

Courts continued to hand down death sentences in **Libya** in 2010, mostly for murder and drug-related offences. Executions continued to be carried out by firing-squad. Eighteen people, including nationals of Chad, Egypt and Nigeria, were executed at the end of June after being convicted of premeditated murder. Libya was reviewed under the Universal Periodic Review on 9 November 2010. With regard to the death penalty, the government representatives stated that it was applied in aggravating crimes and that since 1990, the death penalty had been applied in only 201 cases.

A recommendation to consider issuing a moratorium on the execution of death penalty was accepted by Libya, while it agreed to examine and provide responses no later than the 16th session of the Human Rights Council in March 2011 to recommendations to: review provisions to reduce the number of offences that carry the death penalty, particularly those relating to the establishment of groups, organizations or associations; to establish a moratorium on executions with a view to abolishing the death penalty; impose a moratorium on capital punishment and commute existing death sentences to terms of imprisonment, with a view to abolishing capital punishment entirely; conform to the provisions of article 6 of the International Covenant on Civil and Political Rights, and move towards a moratorium on executions with a view to considering the definite abolition of the death penalty.

Five **Palestinian** men were executed by the Hamas *de facto* administration in Gaza during 2010, in the first executions to be carried out in either part of the Palestinian Authority since 2005. Two men, convicted in 2009 by military courts of “collaboration” with the Israeli military and involvement with murder, were executed in Gaza City on 15 April 2010. Three others, convicted of murder in separate cases prior to 2010, were executed in Gaza City on 18 May 2010. At least 11 new death sentences were imposed by military and criminal courts in Gaza in 2010. No executions were carried out and no new death sentences were imposed by the Palestinian Authority in the West Bank in 2010.

At least 17 people remained under sentence of death in **Qatar** in 2010. No executions and no new death sentences were reported. Qatar was reviewed under the Universal Periodic Review on 8 February 2010. With regard to the death penalty, Qatar accepted a recommendation to continue to work to ensure fair trials, particularly in cases of the death penalty. However, it rejected recommendations to commute all death sentences and to consider establishing an official moratorium on the use of death penalty with a view to abolishing it.

Amnesty International was able to confirm that at least 27 people were executed and at least 34 sentenced to death in **Saudi Arabia** in 2010, although the real figures are believed to be

much higher. Death sentences were mostly handed down after court proceedings that failed to satisfy international standards of fair trial. Foreign nationals, particularly migrant workers from developing countries in Africa and Asia, remained particularly vulnerable to the secretive and summary nature of the criminal justice process. Usually alone in a foreign land with no relatives to turn to for help, they often lack the language skills and knowledge to even understand the trial process, and are much less likely to receive a pardon than Saudi Arabian nationals with influence.

**Rizana Nafeek**, a 22-year-old Sri Lankan domestic worker, had her death sentence upheld by the Supreme Court in Saudi Arabia on 25 October 2010 for a murder committed while she was under the age of 18. Her case was pending before the King for the ratification of her sentence. Rizana Nafeek had no access to lawyers either during her pre-trial interrogation or at her first trial. She initially “confessed” to the murder during interrogation but has since retracted her confession, which she says she was forced to make under duress following a physical assault. The man who translated Rizana’s statement was not an officially recognized translator and it appears that he may not have been able adequately to translate between Tamil and Arabic. He has since left Saudi Arabia.

Two men, one a Sudanese national and one a Lebanese national, were at risk of imminent execution in Saudi Arabia in 2010 for the crime of “sorcery”. Sudanese national **Abdul Hamid bin Hussain bin Moustafa al-Fakki** had been sentenced to death by a Madina court on 27 March 2007, after he was accused of producing a spell that would lead to the reconciliation of his client’s divorced parents. Very little is known about his trial proceedings as they were held in secret. In 2010, three years after he had been sentenced to death, the details of his case were not known, but he was likely to be at risk of imminent execution. Lebanese national **‘Ali Hussain Sibat** was a presenter on a TV show aired in Saudi Arabia via the Lebanese satellite TV station Sheherazade, where he gave advice and predictions about the future. He was arrested by the Mutawa’een (religious police) in May 2008 while he was in Saudi Arabia to perform a form of Muslim pilgrimage, the *umra*. He was convicted of “sorcery”, among other related offences, and sentenced to death by a court in Madina on 9 November 2009 after secret court hearings where he had no legal representation or assistance. Amnesty International concluded that he was sentenced solely for the peaceful exercise of his right to freedom of expression and that he was therefore a prisoner of conscience.

Death sentences continued to be imposed in **Syria**, where at least 17 people were executed. Eliaza al-Saleh, Ahmed al-‘Abbas and Mazen Bassouni were executed on 4 November. They are believed to have been hanged, the method of execution normally used for those sentenced to death for criminal offences. All three had been convicted of murdering Eliaza al-Saleh’s husband. Evidence that she had suffered years of physical and sexual abuse by her husband was apparently ignored at her trial and appeal. Her family learned of her execution three days after it was carried out.

At least 28 death sentences were imposed in the **United Arab Emirates (UAE)** in 2010, mostly for drug trafficking, murder and rape. A woman, identified only as Khawla; and two other nationals of the UAE, her alleged lover Fahd, his friend Mukhtar and a Bangladeshi man, Abdullah Hussein were reported to have been at risk of imminent execution in Sharjah, one of the UAE’s seven emirates, for premeditated murder. Khawla confessed to the police on the day of the crime, and the other three were arrested the next day. The four have been held at Sharjah Central Jail since 2003.

Seventeen Indian migrant workers were sentenced to death on 29 March 2010 by a lower court in the emirate of Sharjah for the murder of a Pakistani national, during a fight over the trade in alcohol among migrant workers, in which three other Pakistani nationals were injured. On 20 April, following a visit to the UAE, lawyers from the Indian NGO Lawyers for Human Rights International (LFHRI) said in a press release that police had tortured the 17 in custody over nine days, beating them with clubs, subjecting them to electric shocks, depriving them of sleep and forcing them to stand on one leg “for prolonged periods” as guards sought to force them to “confess”. Under international standards, the 17 should have had access to legal counsel of their choice: they were provided with an Emirati lawyer, who could not speak their native language, Punjabi, and did not refer to the torture in court. Trial proceedings were translated from Arabic into Hindi, which the 17 do not understand. According to the LFHRI, they were held for months before the Indian government was told they had been arrested. On 29 March the lower court in Sharjah sentenced them to death but the verdict was not made known to them until 14 April. According to the LFHRI, officials in Sharjah Jail forcibly removed religious symbolic bracelets and necklaces worn by the men, all but one of whom are Sikhs, and made the prisoners stamp on them, saying “Who is your God? Call him. We would like to meet him.” The case is currently being heard by the Court of Appeal, which in November adjourned the hearing to 17 February 2011 after a representative of the victim's family presented their request of *diya* (compensation) payment.

The **Yemeni** authorities executed at least 53 people and sentenced at least 27 to death in 2010. The death penalty was used extensively for a wide range of offences in Yemen, including for offences not involving lethal violence. Amnesty International has long-standing concerns regarding the use of the death penalty in the country, particularly as death sentences are often imposed after proceedings which fall short of international standards of fairness. Two alleged juvenile offenders whose death sentences had been ratified by the President were at risk of execution in 2010. Fuad Ahmed Ali Abdullah, one of the two, had his execution halted on 18 December, a day before his death sentence was due to be carried out and the case will now be re-examined by the courts.

## SUB-SAHARAN AFRICA

In 2010 one more African country abolished the death penalty, bringing the number of abolitionist countries among African Union members to 16. In 2009 Amnesty International recorded executions in only two countries in sub-Saharan Africa, Botswana and Sudan. However, in 2010 executions were known to have been carried out in four countries: Botswana (1), Equatorial Guinea (4), Somalia (at least 8) and Sudan (at least 6).

At least 333 death sentences were known to have been imposed in 24 countries: Benin (at least 1), Burkina Faso (at least 1), Cameroon (+), Central African Republic (14), Chad (1), Democratic Republic of Congo (+), Equatorial Guinea (4), Ethiopia (at least 5), Gambia (13), Ghana (17), Kenya (at least 5), Liberia (11), Madagascar (at least 2), Malawi (2), Mali (at least 14), Mauritania (at least 16), Nigeria (at least 151), Sierra Leone (1), Somalia (at least 8), Sudan (at least 10), Tanzania (at least 5), Uganda (at least 5), Zambia (35), Zimbabwe (8).

The number of death sentences imposed in the region last year increased compared to 2009, particularly in West Africa, where the total number of recorded death sentences rose by 137.

One new death sentence was imposed in **Benin** in 2010, although no executions were carried out for the 23rd consecutive year. In April 2010 the government of Benin hosted a conference on the death penalty in Northern and Western Africa, organized by the African Commission on Human and Peoples' Rights. On that occasion the country's authorities reiterated that the draft Constitution introduced at the National Assembly contained a provision to abolish the death penalty.

One death sentence was imposed in **Burkina Faso** in 2010. During the 5th international conference "No Justice Without Life", organized by Rome-based Community of Sant'Egidio, the country's Minister of Justice reportedly committed to accelerate the legislative process to abolish the death penalty.

The use of the death penalty continued to be surrounded by secrecy in **Botswana**. The public relations officer of the Botswana Prisons Service, Superintendent Ramolefhe, was reported to have confirmed the execution of South African national Modise Fly Mokwadi on 24 March 2010. Allegations that Modise Fly Mokwadi was ill-treated spread the day before his death sentence was implemented. Modise Fly Mokwadi had been convicted of murder in 2008.

Benson Keganne and South African nationals Kgotso Brandon Sampson and Michael Molefe remained on death row in Botswana at the end of 2010. Prior to their extradition from South Africa where they were arrested in 2001, the government of South Africa had received assurances by authorities in Botswana counterparts that the three men would not be executed.

For the second year, on 20 May 2010 the President of **Cameroon** Paul Biya signed a decree commuting the confirmed sentences of prisoners across the country. Even though the commutation of death sentences was also foreseen in the decree, the number of death row inmates who could actually benefit from the commutation remains unclear, as article 4 of the decree excluded from the commutation people who had been sentenced for capital murder, aggravated theft and recidivist offenders, among others.

Last year the vast majority of death sentences in the **Democratic Republic of Congo** continued to be imposed against civilians by military courts. In March 2010 a military court in Kinshasa sentenced human rights activist, Firmin Yangambi to death for illegal possession of weapons and attempted organization of a rebel movement in Kisangani, in the North East of the country. In November 2010 the National Assembly did not admit for its consideration a bill to abolish the death penalty that had been proposed by two Members of Parliament.

In **Equatorial Guinea**, former military officers José Abeso Nsue, Manuel Ndong Anseme, border guard Jacinto Michá Obiang and Alipio Ndong Asumu, a civilian, were executed on 21 August 2010 within an hour of being sentenced to death by a military court. They had been convicted of an attack against the Head of State and Government, treason and terrorism, in relation to an alleged attack on the presidential palace in February 2009. The men were not present in court when their sentences were delivered. In prison they had been held incommunicado and reports indicate they had been tortured to make them confess to the

alleged attack. Their trial did not meet international standards of fairness and the speed of their execution deprived them of their right to appeal to a higher court and of their right to seek clemency, in accordance with international law and the country's own law.

**José Abeso Nsue** is reported to have requested to see his family before being executed. However, when the family members arrived at Black Beach prison in Malabo, where the men had been held, they were informed that it was no longer possible to see him and that they were too late. Their bodies were not given to the families for burial and were instead buried in Malabo cemetery at around midnight on the day of the execution.

On 15 February 2010 the President of **Gabon** Paul Biyoghe Mba signed into a law a bill that abolished the death penalty in the country.

The human rights record of the **Gambia** was reviewed under the Universal Periodic Review of the Human Rights Council on 10 February 2010. With regard to the death penalty, the country's authorities stated that, despite the fact that capital punishment was retained for murder or treason, the country was exercising a self-imposed moratorium and that no execution had been carried out during the existing administration. Thirteen death sentences were imposed in 2010, eight against men accused of procuring arms, equipment and mercenaries to stage a coup against President Yahya Jammeh's government. The men were found guilty of treason and were sentenced to death in a trial that violated international standards of fairness.

Amendments to the Trafficking in Persons Act of 2007 and to sections 122 and 273 of the Criminal Code of the Gambia were adopted by the National Assembly in October 2010. These provide for the death penalty for human trafficking, rape and violent robbery. During the same month the National Assembly of Gambia voted to extend the scope of the death penalty making the possession of more than 250g of heroin or cocaine an offence punishable by death. At the end of the year the three bills were pending before the President, who has the power to sign them into law.

Seventeen new death sentences were imposed in **Ghana** in 2010. On 11 January 2010, John Evans Atta Mills, President of Ghana, inaugurated a Commission to review the 1992 Constitution. The abolition of the death penalty was one of the issues under consideration by the Commission.

A new Constitution was adopted by Presidential decree in **Guinea** on 7 May 2010. The new Constitution does not include any provisions abolishing the death penalty. Guinea was reviewed under the Universal Periodic Review of the Human Rights Council on 4 May 2010. Guinea rejected recommendations to establish an official moratorium on executions and to consider abolition of the death penalty. The country's representative stated at the 15<sup>th</sup> session of the Human Rights Council in September that it was decided that it was premature to include the question of the abolition of the death penalty in the national debate and that the solution would be to have a *de facto* moratorium.<sup>42</sup>

At least five people were sentenced to death in **Kenya** in 2010. On 30 July 2010 the Court of Appeal of Kenya, ruled that Section 204 of the Penal Code, providing for a mandatory death sentence in murder cases, was "antithetical to the Constitutional provisions on the protection against inhuman or degrading punishment or treatment and fair trial", as it did not grant

individuals concerned with an opportunity to mitigate their death sentences. In its judgement, the Court expressly stated that the reasoning behind its rejection of the mandatory death penalty for murder might also apply to other capital crimes contemplated in the Penal Code, such as treason, robbery with violence and attempted robbery with violence. A new Constitution, which was adopted by referendum on 4 August 2010, guarantees the right to life but fails to prohibit the use of the death penalty in Article 26.

Kenya was reviewed under the Universal Periodic Review on 6 May 2010. The national report submitted to the UN Human Rights Council ahead of the review states that a presidential directive was sent to “all relevant Government Ministries and Departments to conduct empirical studies and engage all stakeholders urgently, to determine whether the continued existence of the death penalty in the laws of the land has any value or impact in the fight against crime. This is in recognition of the fact that ‘extended stay on death row causes undue mental anguish and suffering, psychological trauma, anxiety and constitutes inhuman treatment’.”<sup>43</sup> At the end of the review, Kenya accepted recommendations to continue to review its legislation concerning the death penalty, but did not accept recommendations to amend national legislation to abolish the death penalty, nor to establish a moratorium on capital punishment with a view to abolishing the death penalty nor to strictly ensure that the death penalty is not imposed for children.

**Lesotho** was reviewed under the Universal Periodic Review on 5 May 2010. In response to advance questions on its use of the death penalty, Lesotho stated that, although it maintained the death penalty under statutory law as a form of deterrence, executions had not been carried out for the past 15 years.<sup>44</sup>

In 2010 the courts of **Liberia** continued to impose death sentences following its reintroduction of the death penalty in 2008, in violation of Liberia’s obligations as a state party to the Second Optional Protocol to the International Covenant on Civil and Political Rights. During the country’s review under the Universal Periodic Review, which was held on 1 November 2010, the country’s delegation affirmed that, despite concerns regarding the reintroduction of the death penalty, Liberia “remained committed to honouring its regional and international human rights obligations and that Liberia needed to determine the full extent of its human rights obligations and to inform legislative staff, when drafting bills, about the observance of human rights and relevant international conventions and protocols.” The delegation agreed to examine and provide a response at the 16<sup>th</sup> session of the Human Rights Council on recommendations to repeal the 2008 law making armed robbery, terrorism and hijacking capital offences if these result into death and bring its legislation in line with its international obligations.<sup>45</sup>

The human rights record of **Madagascar** was reviewed under the Universal Periodic Review on 15 February 2010. In response to recommendations to abolish the death penalty, the country’s delegation replied that the conditions for the immediate abolition of capital punishment do not yet exist. The delegation stated that the government intends to organize a preliminary debate on the issue of the death penalty, which will be open to participation of the executive, legislative and judicial authorities as well as civil society.<sup>46</sup> Death sentences continued to be imposed by the courts in 2010.

In 2010 **Malawi** sentenced six Mozambican nationals to death, in violation of its obligations

under the Vienna Convention on Consular Relations. The Mozambican authorities were not informed of the arrest of its own nationals and therefore could not provide them with adequate legal assistance. Malawi was reviewed under the Universal Periodic Review on 1 November 2010. Recommendations to establish an official moratorium on executions and to abolish the death penalty did not enjoy the support of Malawi.

The increase in the number of death sentences imposed in **Mauritania** in 2010 has been a matter of concern for Amnesty International. Sixteen people, including six foreign nationals, were sentenced to death for murder last year.

Three Mauritanian men, **Sidi Ould Sidna, Maarouf Ould Haiba and Mohamed Ould Chabarnou**, were sentenced to death on 25 May 2010 based on statements that had allegedly been extracted under torture.

During the country's review under the Universal Periodic Review on 10 November 2010, Mauritania did not support any of the recommendations made on the death penalty by the working group. The country only agreed to examine and provide a response at the 16th session of the Human Rights Council on recommendations to ratify the Second Optional Protocol to the ICCPR and to remove from the Penal Code provisions allowing for the imposition of the death penalty for same-sex relations.

On 17 December 2010 the National Consultative Council of **Niger** voted against a draft presidential order to abolish the death penalty.

In April 2010 the 36 state governors of **Nigeria** reportedly decided at a meeting of the National Council of State to execute death row inmates to ease prison congestion. The same decision was confirmed at a meeting of the National Economic Council on 16 June 2010, when the state governors of Nigeria resolved to review all cases of condemned convicts to protect innocent persons from being hanged. Benue State Governor Gabriel Suswam, who reportedly spoke on behalf of the governors, said at the end of the meeting that the decision was aimed at decongesting prisons in the country. Following a communication brought by the Socio-Economic Rights and Accountability Project to the African Commission on Human and Peoples' Rights (ACHPR), the African body issued an order of interim injunction preventing the state governors of Nigeria from resuming executions in the country, pending consideration of a petition filed by more than 800 death row inmates.

Two applications filed by the Legal Resource Consortium (LRC) and Legal Defence and Assistance Project (LEDAP) before Federal High Courts on behalf of all death row inmates in Nigeria also resulted in the Federal government issuing orders of interim injunction, which compelled the 36 Nigerian states to refrain from carrying out executions. The interim injunction was obtained pending the hearing and determination of the Communication and application. At least 151 new death sentences were estimated to have been imposed in Nigeria in 2010.

At least eight executions were carried out and eight people were sentenced to death in **Somalia** last year.<sup>47</sup> At least seven people were executed and six sentenced to death in the autonomous region of Puntland, while two people were reportedly sentenced to death in Somaliland. Nur Ahmed Shire was executed by the Transitional Federal Government (TFG) in December 2010, the first execution to be ordered by the TFG authorities since 2007. In

December 2010 Somalia again voted in favour of the third UN General Assembly resolution on a moratorium on execution; Somalia had voted in favour of a similar UN General Assembly resolution in 2008.

At least six men were executed in **Sudan** in 2010. They had been convicted for the murder of 13 policemen in 2005 and were allegedly forced to “confess” to the crime under duress. Following an agreement between the armed opposition group, the Justice and Equality Movement, and the government, in February 50 of the 106 men sentenced to death by special counter-terrorism courts between July 2008 and January 2010 were unconditionally released. The defendants had been convicted following unfair trials relating to their alleged participation in the 2008 attack on Khartoum, based on “confessions” allegedly extracted under torture. Fifty-five remained in prison at the end of the year, awaiting the result of their appeals, including eight alleged juveniles. Ahmed Suleiman Sulman, one of the 106 defendants, had died of tuberculosis while in detention in October 2009.

On 21 October, a special court in Darfur sentenced ten men to death for the alleged involvement in an attack on a government-escorted convoy in South Darfur, after a trial that did not meet international standards of fairness. Four of them were reportedly under the age of 18 at the time of the crime, but only two of the alleged juveniles were medically examined to determine their age. One of them was confirmed as a child and had his sentence commuted. Information received during 2010 revealed that Abdulrahman Zakaria Mohammed in El Fasher was executed in 2009 for a crime committed when he was under 18 years of age.

While no executions were reported in **Tanzania** death sentences continued to be imposed and the government did not take any formal steps to abolish the death penalty. A court petition filed by three local organizations in 2008, challenging the constitutionality of the death penalty, remained pending in the High Court.

An Anti-Homosexuality Bill, which if enacted into law would introduce the death penalty for “aggravated” homosexuality, was awaiting consideration by the Parliament of **Uganda** at the end of 2010. Death sentences continued to be imposed.

According to official figures, at the end of 2010, 267 people remained under sentence of death in **Zambia**, where 35 new death sentences were imposed during the year. Thirty-six people had their death sentences commuted and three pardons were granted in 2010. The Zambian National Constitutional Conference decided on 3 February 2010 to retain capital punishment in a draft Constitution to be presented to the public for consultation. The decision ignored the request by the majority of the petitioners to the Mng’omba Constitutional Review Commission to remove capital punishment from the draft Constitution. On 10 March the Human Rights Committee concluded that Zambia violated its international human rights obligations as State Party to the International Covenant on Civil and Political Rights in the case of Munguwambuto Kabwe Peter Mwamba by mandatorily imposing a death sentence. The Human Rights Committee also found that Zambia has violated the defendant’s right to a fair trial and the right not to be subjected to torture or to cruel, inhuman or degrading treatment or punishment for the inhuman treatment caused by the failure to meet the fair trial guarantees in Munguwambuto Kabwe Peter Mwamba’s case.<sup>48</sup>

Eight new death sentences were imposed in **Zimbabwe** in 2010. Figures communicated by the Harare Central Prison officer-in-charge Chief Superintendent Norbert Chomurenga to the Senate Parliamentary Committee on Human Rights revealed that 49 prisoners were under sentence of death in the country as of March 2010.

At the end of 2010 Constitutional reforms were ongoing in Benin, Ghana, Sierra Leone and Zimbabwe. National coalitions against the death penalty were created by civil society in Mauritania and Burkina Faso in 2010. At the end of 2010 a bill to abolish the death penalty, introduced in 2007, was still awaiting consideration of the Parliament of Mali.

# ANNEX I: REPORTED DEATH SENTENCES AND EXECUTIONS IN 2010

The figures presented are the largest that can safely be drawn from our research, although we emphasise that the true figures are significantly higher. Some states intentionally conceal death penalty proceedings, others do not keep or make available statistics on the numbers of death sentences and executions.

Where “+” is indicated after a country and it is preceded by a number, it means that the figure Amnesty International has calculated is a minimum figure. Where “+” is indicated after a country and is not preceded by a number, it indicates that there were executions or death sentences (at least more than one) in that country but it was not possible to obtain any figures.

## REPORTED EXECUTIONS IN 2010

China 1000s	Egypt 4
Iran 252+	Equatorial Guinea 4
North Korea 60+	Taiwan 4
Yemen 53+	Belarus 2
United States of America 46	Japan 2
Saudi Arabia 27+	Iraq 1+
Libya 18+	Malaysia 1+
Syria 17+	Bahrain 1
Bangladesh 9+	Botswana 1
Somalia 8+	Singapore +
Sudan 6+	Viet Nam +
Palestinian Authority 5	

**REPORTED DEATH SENTENCES IN 2010**

China +	Japan 14
Pakistan 365	Gambia 13
Iraq 279+	Lebanon 12+
Egypt 185	Palestinian Authority 11+
Nigeria 151+	Liberia 11
Algeria 130+	Sudan 10+
Malaysia 114+	Syria 10+
United States of America 110+	Jordan 9
India 105+	Taiwan 9
Afghanistan 100+	Singapore 8+
Zambia 35	Somalia 8+
Saudi Arabia 34+	Zimbabwe 8
Viet Nam 34+	Indonesia 7+
Bangladesh 32+	Thailand 7+
United Arab Emirates 28+	Ethiopia 5+
Yemen 27+	Kenya 5+
Tunisia 22+	Tanzania 5+
Ghana 17	Uganda 5+
Mauritania 16+	Bahamas 5+
Mali 14+	Equatorial Guinea 4
Central African Republic 14	Jamaica 4
	Laos 4

Morocco/Western Sahara 4	Chad 1
South Korea 4	Guatemala 1
Kuwait 3+	Maldives 1
Belarus 3	Sierra Leone 1
Madagascar 2+	Brunei Darussalam +
Malawi 2	Cameroon +
Myanmar 2	Democratic Republic of Congo +
Benin 1+	Iran +
Burkina Faso 1+	Libya +
Guyana 1+	North Korea +
Bahrain 1	Sri Lanka +
Barbados 1	Trinidad and Tobago +

# ANNEX II: ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 31 DECEMBER 2010

More than two-thirds of the countries in the world have now abolished the death penalty in law or practice. The numbers are as follows:

Abolitionist for all crimes: 96

Abolitionist for ordinary crimes only: 9

Abolitionist in practice: 34

Total abolitionist in law or practice: 139

Retentionist: 58

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

## 1. ABOLITIONIST FOR ALL CRIMES

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

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

## 2. ABOLITIONIST FOR ORDINARY CRIMES ONLY

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

Bolivia, Brazil, Chile, El Salvador, Fiji, Israel, Kazakhstan, Latvia, Peru

### **3. ABOLITIONIST IN PRACTICE**

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

Algeria, Benin, Brunei, Burkina Faso, Cameroon, Central African Republic, Congo (Republic of), Eritrea, Gambia, Ghana, Grenada, Kenya, Laos, Liberia, Madagascar, Malawi, Maldives, Mali, Mauritania, Morocco, Myanmar, Nauru, Niger, Papua New Guinea, Russian Federation<sup>49</sup>, South Korea, Sri Lanka, Suriname, Swaziland, Tajikistan, Tanzania, Tonga, Tunisia, Zambia

### **4. RETENTIONIST**

Countries that retain the death penalty for ordinary crimes

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Chad, China, Comoros, Democratic Republic of Congo, Cuba, Dominica, Egypt, Equatorial Guinea, Ethiopia, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Mongolia, Nigeria, North Korea, Oman, Pakistan, Palestinian Authority, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Syria, Taiwan, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, United States of America, Viet Nam, Yemen, Zimbabwe.

# ANNEX III: RATIFICATION OF INTERNATIONAL TREATIES AS OF 31 DECEMBER 2010

The community of nations has adopted four international treaties providing for the abolition of the death penalty. One is of worldwide scope; the other three are regional. Following are short descriptions of the four treaties and current lists of states parties and countries which have signed but not ratified the treaties. (States may become parties to international treaties either by acceding to them or by ratifying them. Signature indicates an intention to become a party at a later date through ratification. States are bound under international law to respect the provisions of treaties to which they are parties, and to do nothing to defeat the object and purpose of treaties which they have signed.)

## **SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted by the UN General Assembly in 1989, is of worldwide scope. It provides for the total abolition of the death penalty but allows states parties to retain the death penalty in time of war if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state which is a party to the International Covenant on Civil and Political Rights can become a party to the Protocol.

States parties: Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Mexico, Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Portugal, Romania, Rwanda, San Marino, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Turkey, Turkmenistan, Ukraine, United Kingdom, Uruguay, Uzbekistan, Venezuela (total: 73)

Signed but not ratified: Guinea-Bissau, Poland, Sao Tomé and Príncipe (total: 3)

## **PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS**

The Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted by the General Assembly of the Organization of American States in 1990, provides for the total abolition of the death penalty but allows states parties to retain the death penalty in wartime if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state party to the American Convention on Human Rights can become a party to the Protocol.

States parties: Argentina, Brazil, Chile, Costa Rica, Ecuador, Mexico, Nicaragua, Panama, Paraguay, Uruguay, Venezuela (total: 11)

**PROTOCOL NO. 6 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms [“European Convention on Human Rights”] concerning the abolition of the death penalty, adopted by the Council of Europe in 1982, provides for the abolition of the death penalty in peacetime; states parties may retain the death penalty for crimes “in time of war or of imminent threat of war”. Any state party to the European Convention on Human Rights can become a party to the Protocol.

States parties: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom (total: 46)

Signed but not ratified: Russian Federation (total: 1)

**PROTOCOL NO. 13 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS**

Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms [European Convention on Human Rights] concerning the abolition of the death penalty in all circumstances, adopted by the Council of Europe in 2002, provides for the abolition of the death penalty in all circumstances, including time of war or of imminent threat of war. Any state party to the European Convention on Human Rights can become a party to the Protocol.

States parties: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, United Kingdom (total: 42)

Signed but not ratified: Armenia, Latvia, Poland (total: 3)

# ANNEX IV: VOTING RESULTS OF UN GENERAL ASSEMBLY RESOLUTION 65/206, ADOPTED ON 21 DECEMBER 2010

## CO-SPONSORS OF UN GENERAL ASSEMBLY RESOLUTION 65/206, ADOPTED ON 21 DECEMBER 2010

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burundi, Cambodia, Cape Verde, Chile, Colombia, Congo, 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, Mali, Malta, Marshall Islands, Mexico, Micronesia, Monaco, Montenegro, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Rwanda, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (total: 90)

## VOTES IN FAVOUR

Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bhutan, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Congo (Republic of), Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Gambia<sup>50</sup>, Georgia, Germany, Greece, Guatemala, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Maldives, Mali, Malta, Marshall Islands, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda, Samoa, San Marino, Sao Tome and Principe, Serbia, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Timor-Leste, Togo, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Uruguay, Uzbekistan, Vanuatu, Venezuela (total: 109)

## VOTES AGAINST

Afghanistan, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Belize, Botswana,

Brunei Darussalam, China, Egypt, Ethiopia, Grenada, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Kuwait, Libya, Malaysia, Myanmar, North Korea, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and Grenadines, Saudi Arabia, Singapore, Sudan, Swaziland, Syria, Tonga, Trinidad and Tobago, Uganda, United States of America, Yemen, Zimbabwe (total: 41)

**ABSTENTIONS**

Bahrain, Belarus, Cameroon, Central African Republic, Comoros, Cuba, Democratic Republic of Congo, Djibouti, Dominica, Eritrea, Fiji, Ghana, Guinea, Jordan, Kenya, Laos, Lebanon, Lesotho, Liberia, Malawi, Mauritania, Morocco/Western Sahara, Niger, Nigeria, Oman, Senegal, Sierra Leone, Solomon Islands, South Korea, Suriname, Tanzania, Thailand, Viet Nam, United Arab Emirates, Zambia (total: 35)

**NOT PRESENT**

Benin<sup>51</sup>, Chad, Cote d'Ivoire, Equatorial Guinea, Mauritius, Seychelles, Tunisia (total: 7)

## ENDNOTES

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<sup>1</sup> Amnesty International received information in the course of 2010 that Oman had executed 4 people in 2009. The information was not known to Amnesty International at the time of publication of “Death sentences and executions in 2009” (AI Index: ACT 50/001/2010) in March 2010.

<sup>2</sup> By the Hamas *de facto* administration in Gaza.

<sup>3</sup> See UN document CCPR/C/98/D/1520/2006.

<sup>4</sup> See UN document A/65/280.

<sup>5</sup> See UN document E/2010/10.

<sup>6</sup> See UN document A/HRC/15/19.

<sup>7</sup> General Comment 6 on Article 6 of the International Covenant on Civil and Political Rights, adopted on 27 July 1982, para6.

<sup>8</sup> General Comment 6 on Article 6 of the International Covenant on Civil and Political Rights, adopted on 27 July 1982, para7.

<sup>9</sup> Resolutions 1999/61 and 2004/67.

<sup>10</sup> Resolution 2002/77.

<sup>11</sup> Resolution 2005/59.

<sup>12</sup> Concluding observations of the Human Rights Committee: Libyan Arab Jamahiriya, UN document CCPR/C/79/Add.101, 6 November 1998, para8. The Committee has also expressed concern about the availability of the death penalty for drug-related crimes.

<sup>13</sup> Concluding observations of the Human Rights Committee: Sudan, UN document CCPR/C/79/Add.85, 19 November 1997, para8.

<sup>14</sup> Concluding observations of the Human Rights Committee: Kuwait, UN document CCPR/CO/69/KWT, 27 July 2000, para13

<sup>15</sup> Concluding observations of the Human Rights Committee: Libyan Arab Jamahiriya, UN document CCPR/C/79/Add.101, 6 November 1998, para8.

<sup>16</sup> Concluding observations of the Human Rights Committee: Kenya, UN document CCPR/CO/83/KEN, 29 April 2005, para13

<sup>17</sup> Concluding observations of the Human Rights Committee: Guatemala, UN document CCPR/CO/72/GTM, 27 August 2001, para17.

<sup>18</sup> Concluding observations of the Human Rights Committee: Sudan, UN document CCPR/C/79/Add.85, 19 November 1997, para8.

<sup>19</sup> Concluding observations of the Human Rights Committee: Kuwait, UN document CCPR/CO/69/KWT, 27 July 2000, para13; Concluding observations of the Human Rights Committee: Viet Nam, UN document CCPR/CO/75/VNM, 26 July 2002, para7; Concluding observations of the Human Rights Committee: Democratic People's Republic of Korea, UN document CCPR/CO/72/PRK, 27 August 2001,

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para13.

<sup>20</sup> Extrajudicial, summary or arbitrary executions: Report of the Special Rapporteur..., UN document E/CN.4/1999/39, 6 January 1999, para63.

<sup>21</sup> See UN document A/HRC/15/5/Add.1.

<sup>22</sup> Concluding observations of the Human Rights Committee: Peru, UN document CCPR/C/79/Add.67; UN Commission on Human Rights resolution 2005/59; and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions 1993 report E/CN.4/1994/7. Article 4(2) of the American Convention on Human Rights states that the application of the death penalty "shall not be extended to crimes to which it does not presently apply". Article 4(3) states: "The death penalty shall not be reestablished in states that have abolished it."

<sup>23</sup> See United Nations document CRC/C/NGA/CO/3-4.

<sup>24</sup> See UN document A/HRC/15/L.10.

<sup>25</sup> See UN document A/HRC/WG.6/9/L.12.

<sup>26</sup> See "Justice Stevens: An open mind on a changed court", NPR, 4 October 2010, <http://www.npr.org/templates/story/story.php?storyId=130198344>.

<sup>27</sup> Response of the United States of America to Recommendations of the United Nations Human Rights Council, 9 November 2010, <http://www.state.gov/s/l/releases/remarks/150677.htm>

<sup>28</sup> See UN document A/HRC/WG.6/9/L.9.

<sup>29</sup> Hospira has since announced its decision to exit the sodium thiopental market.

<sup>30</sup> The code was adopted in February 2011.

<sup>31</sup> See UN document A/HRC/15/5.

<sup>32</sup> See UN document A/HRC/15/5/Add.1.

<sup>33</sup> See UN document A/HRC/WG.6/9/L.3.

<sup>34</sup> In January 2011, the Court of Appeal reserved judgment on the case.

<sup>35</sup> Taipei Times, Oct 17, 2010, p2

<sup>36</sup> See UN document A/HRC/15/16/Add.1.

<sup>37</sup> See UN document A/HRC/14/17.

<sup>38</sup> One of the sentences was later commuted but on 24 January 2011 two were executed. Their hangings were part of a wave of executions which saw the Iranian authorities execute at least 86 prisoners in January 2011.

<sup>39</sup> On 6 January 2011, an NGO activist and a journalist were also released, but 10 of those arrested at the Latifi household remained in detention for at least several days and possibly up to a week following their arrest.

<sup>40</sup> See UN document A/65/370.

<sup>41</sup> See UN document A/HRC/15/15.

<sup>42</sup>See UN document A/HRC/15/L.10.

<sup>43</sup> See UN document A/HRC/WG.6/8/KEN/1.

<sup>44</sup> See UN document A/HRC/15/7.

<sup>45</sup> See UN document A/HRC/WG.6/9/L.1.

<sup>46</sup> See UN document A/HRC/14/13/Add.1.

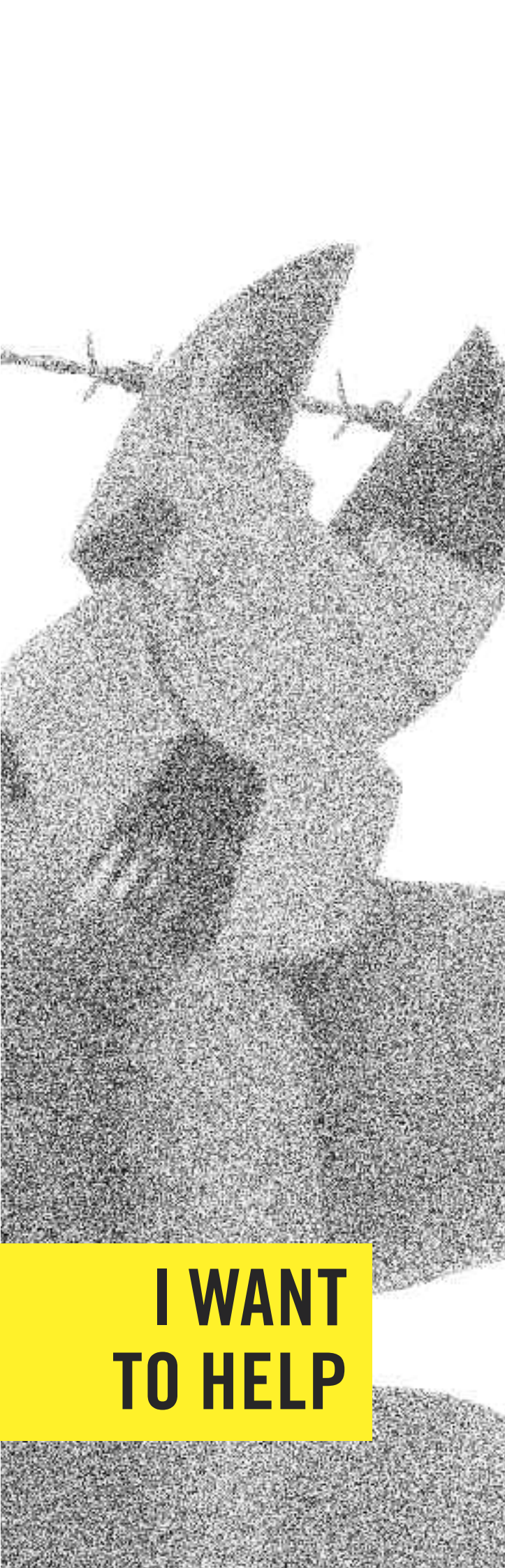
<sup>47</sup> These figures do not include reports of public unlawful killings by armed opposition groups such as al-Shabab, of persons they accuse of spying or not conforming to their own interpretation of Islamic law.

<sup>48</sup> See UN document CCPR/C/98/D/1520/2006.

<sup>49</sup> The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic.

<sup>50</sup> In a statement after the vote, the representative of the Gambia stated that it intended to abstain.

<sup>51</sup>While the draft resolution was considered at the Third Committee of the UN General Assembly on 11 November 2010, in an explanation of vote prior to the vote on the amendment to the text proposed in UN document A/C.3/65/L.63, the representative of Benin said that he was suspending his delegation from the group of co-sponsors pending instructions from his Government on the amendment.



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## DEATH SENTENCES AND EXECUTIONS 2010

In the last decade, more than 30 countries have abolished the death penalty in law or practice. Fifty-eight countries worldwide now retain the death penalty for ordinary crimes, and less than half of these carried out executions in 2010. Across all regions of the world, the last 10 years have seen important progress made on the global journey towards abolition.

In 2010, the global trend towards abolition was again confirmed. The President of Mongolia announced an official moratorium on executions in January, and a bill that would abolish the death penalty has been put before the Mongolian Parliament. Gabon abolished the death penalty in February. More states than ever before voted at the UN in favour of a worldwide moratorium on executions. Even in states where support for the death penalty remains strong, positive steps towards restricting its use were recorded. But in the face of this clear progress, many of the states that carried out executions in 2010 did so in clear violation of international law and standards, despite their claims to the contrary in front of international human rights bodies.

This report analyzes some of the key developments in the worldwide application of the death penalty in 2010, citing figures gathered by Amnesty International on the number of death sentences handed down and executions carried out during the year.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to carry out the execution.

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