

AMNESTY INTERNATIONAL GLOBAL REPORT

DEATH SENTENCES

AND EXECUTIONS

2015

AMNESTY
INTERNATIONAL



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Note on Amnesty International's figures on the use of the death penalty

This report covers the judicial use of the death penalty for the period January to December 2015. As in previous years, information is collected from a variety of sources, including: official figures; information from individuals sentenced to death and their families and representatives; reporting by other civil society organizations; and media reports. Amnesty International reports only on executions, death sentences and other aspects of the use of the death penalty, such as commutations and exonerations, where there is reasonable confirmation. In many countries governments do not publish information on their use of the death penalty. In Belarus, China and Viet Nam, data on the use of the death penalty is classified as a state secret. During 2015 little or no information was available on some countries – in particular Laos, Malaysia, the Democratic Republic of Korea (North Korea), Syria and Yemen due to restrictive state practice and/or armed conflict.

Therefore, with only a few exceptions, Amnesty International's figures on the use of the death penalty are minimum figures. The true figures are likely to be higher. Where we obtain fuller information on a specific country in a given year this is noted in the report.

In 2009 Amnesty International stopped publishing its estimated figures on the use of the death penalty in China. Amnesty International always made clear that the figures it was able to publish on China were significantly lower than the reality, because of the restrictions on access to information. Amnesty International's decision to stop publishing data reflected concerns about how the Chinese authorities misrepresented Amnesty International's numbers. Since 2009 the organization challenged China to publish information on the use of the death penalty. China has yet to publish any figures on the death penalty. However, available information indicates that thousands of people are executed and sentenced to death in China each year.

Where Amnesty International receives and is able to verify new information after publication of this report, it updates its figures online at www.amnesty.org/deathpenalty

Where "+" appears after a figure next to the name of a country – for instance, Egypt (22+) – it means that Amnesty International confirmed 22 executions or death sentences in Egypt but believes there were more than 22. Where "+" appears after a country name without a figure – for instance, Iran (+) – it means that Amnesty International has corroborated executions or death sentences (more than one) in that country but had insufficient information to provide a credible minimum figure. When calculating global and regional totals, "+" has been counted as 2, including for China.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The organization campaigns for total abolition of capital punishment.

SUMMARY

“[T]he death penalty, in and of itself, now likely constitutes a legally prohibited ‘cruel and unusual punishment[t]’.”

Justice Stephen Breyer, US Supreme Court, 29 June 2015¹

Two contrasting developments characterized the use of the death penalty in 2015.

On one hand, Amnesty International recorded a dramatic 54% increase in executions globally, compared to 2014. At least 1,634 people were executed during 2015, 573 more than recorded in 2014.² As in previous years, the figures do not include executions in China, where data on the death penalty is considered a state secret. This is the highest number of executions Amnesty International has recorded in more than 25 years, excluding those in China.

On the other hand, four countries abolished the death penalty for all crimes. This is the highest number of countries to fully abolish the death penalty in one year for almost a decade.

Of all executions recorded in 2015, 89% were carried out in just three countries: Iran, Pakistan and Saudi Arabia. The number of executions recorded in Iran and Saudi Arabia

¹ Supreme Court of the United States, *Glossip et al. v. Gross et al.*, Breyer J., dissenting, 576 U. S. ____ (2015), delivered on 29 June 2015, p.2, available at www.supremecourt.gov/opinions/14pdf/14-7955_aplc.pdf (accessed 5 March 2016)

² Until 2015, Amnesty International presented two figures for executions in Iran in its annual reports on the global use of the death penalty: the number of officially announced executions, which the organization used as its main figure in infographics and short text; and a second, higher, figure which included executions that were not officially announced but which the organization was able to confirm (taking measures to avoid double counting). From 2016 onward, Amnesty International will use just one figure which combines the officially announced number and all other executions the organization could confirm. The aggregated figure of executions in Iran for 2014 was 743, which brings the number of global executions that Amnesty International recorded for 2014 to 1,061.

increased by 31% and 76% respectively, and executions in Pakistan were the highest Amnesty International has ever recorded in that country.

China remains the world's top executioner. Although Amnesty International does not publish any figures for China, the organization believes, based on ongoing monitoring of developments in the criminal justice system, that China's executions remain in the thousands annually. However there are indications that the number of executions has decreased since the Supreme People's Court began reviewing the implementation of the death penalty in 2007.

The number of death sentences imposed in 2015 decreased compared to the previous year, but this reduction was at least partly due to limitations in Amnesty International's ability to corroborate data in several countries, including Iran and Saudi Arabia.

As in previous years, the death penalty was regularly applied in contravention of international law and standards. Amnesty International received information indicating that Iran and Pakistan both executed individuals who were below 18 years of age when the crime was committed and that juvenile offenders remained under sentence of death in several other countries at the end of the year. Death sentences continued to be imposed for offences that do not meet the threshold of the "most serious crimes", to which the death penalty must be restricted under international law. Death sentences were also imposed after trials that did not comply with international fair trial standards.

Governments in almost all regions of the world continued to use the death penalty to respond to real or perceived threats to state security and public safety. The death penalty was used in at least seven countries for terrorism-related offences. Most executions in the Middle East and North Africa region were for such offences, and some countries made legal changes to expand the scope of the death penalty to terrorism-related offences.

In 2015, the total number of countries that were abolitionist for all crimes reached 102 as Congo (Republic of), Fiji, Madagascar and Suriname repealed the death penalty during the year. Other countries also reported progress: Mongolia adopted a new Criminal Code in December, abolishing the death penalty for all crimes from 2016; the Governor of the US state of Pennsylvania established a moratorium on executions in February; China and Viet Nam reduced the number of offences that can be punished by death and Malaysia announced legislative reforms to review the country's mandatory death penalty laws. Burkina Faso, Guinea, Kenya and the Republic of Korea (South Korea) all considered bills to abolish the death penalty.

Despite the shocking rise in executions in Iran, Pakistan and Saudi Arabia, the long-term global trend is towards abolition of the death penalty. When Amnesty International began campaigning for abolition in 1977, only 16 countries had fully abolished the death penalty. Today the majority of the world's countries are fully abolitionist, and dozens more have not implemented death sentences for more than a decade, or have given clear indications that they are moving towards full abolition. The starkly opposing developments that mark 2015 underscore the extent to which the countries that use the death penalty are becoming the isolated minority.

THE USE OF THE DEATH PENALTY IN 2015

“The foundation of justice is a respect for human dignity [...] Under no circumstance is capital punishment acceptable”

Tsakhagiin Elbegdorj, President of Mongolia, 16 June 2015³

GLOBAL FIGURES

The global figures on the use of the death penalty in 2015 revealed two starkly divergent developments. On one hand, four countries abolished the death penalty, reinforcing the long-term trend towards global abolition. On the other hand, the number of executions recorded by Amnesty International during the year increased by more than 50% compared to 2014 and constituted the highest total that Amnesty International has reported since 1989, excluding China.

EXECUTIONS

Amnesty International recorded a stark 54% increase in the number of executions carried out globally in 2015. At least 1,634 people were executed, 573 more than in 2014.⁴ These

³ “Mongolian President Tsakhagiin Elbegdorj visiting the European Parliament and delivering a speech (16/06/2015)”, Delegation of the European Union to Mongolia, 16 June 2015, available at http://eeas.europa.eu/delegations/mongolia/press_corner/all_news/news/2015/20150616_en.htm (accessed 5 March 2016)

⁴ Until 2015, Amnesty International presented in its annual reports on the global use of the death penalty two figures for executions in Iran: the figure of officially announced executions, which the organization used as its main figure in infographics and short text; and the figure relating to those executions that were not officially announced. From 2016 onward, Amnesty International will use the sum of officially announced and non-officially announced executions as its main figure. The aggregated figure of executions in Iran for 2014 is 743, which brings the number of global executions that Amnesty International recorded for the same year to 1,061.

numbers do not include the executions carried out in China, where data on the use of the death penalty remained classified as a state secret.⁵ Of all recorded executions, 89% were carried out in just three countries: Iran, Pakistan and Saudi Arabia. In Iran and Saudi Arabia the number of executions recorded by Amnesty International increased by 31% and 76%, respectively, compared to the previous year. More than 320 people were executed in Pakistan in 2015. This was the highest number of executions that Amnesty International ever recorded for Pakistan in one year and follows the authorities lifting of a six-year moratorium on executions on 17 December 2014.⁶ Amnesty International also registered a significant increase in executions in Egypt and Somalia, by 47% (from 15+ in 2014 to 22+ in 2015) and 79% (from 14+ in 2014 to 25+ in 2015), respectively.

Amnesty International recorded executions in 25 countries, three more than in 2014.⁷ Chad and Oman resumed executions after years without executing anyone.⁸ Bangladesh, India, Indonesia and South Sudan executed people in 2015; no executions were reported in these countries in 2014, although each executed people in 2013.⁹ Three countries that executed in 2014 – Belarus, Equatorial Guinea, Palestine (State of) – did not carry out any executions in 2015. As in previous years, Amnesty International was unable to confirm whether judicial executions took place in Syria.

EXECUTIONS RECORDED GLOBALLY IN 2015

Afghanistan (1), Bangladesh (4), Chad (10), China (+), Egypt (22+), India (1), Indonesia (14), Iran (977+), Iraq (26+), Japan (3), Jordan (2), Malaysia (+), North Korea (+), Oman (2), Pakistan (326), Saudi Arabia (158+), Singapore (4), Somalia (25+: Federal Government of Somalia 17+; Somaliland 6+; Jubaland 2+), South Sudan (5+), Sudan (3), Taiwan (6), UAE (1), USA (28), Viet Nam (+) and Yemen (8+).

The following methods of executions were used: beheading (Saudi Arabia), hanging (Afghanistan, Bangladesh, Egypt, India, Iran, Iraq, Japan, Jordan, Malaysia, Pakistan, Singapore, South Sudan, Sudan), lethal injection (China, USA, Viet Nam) and shooting

⁵ In 2009 Amnesty International stopped publishing its estimated figures on the use of the death penalty in China, where data on capital punishment is considered a state secret. Instead the organization has challenged the Chinese authorities to prove their claims that they are achieving their goal of reducing the application of the death penalty by publishing the figures themselves. (See page 28).

⁶ Amnesty International recorded seven executions in December 2014 and 326 in 2015, bringing the total number of executions since December 2014 to 333

⁷ In 2013, 2014 and 2015 Amnesty International was unable to confirm whether executions were carried out in Syria

⁸ The last executions in Chad were carried out in 2003. According to information available to Amnesty International, the last executions in Oman were carried out in 2009.

⁹ See Amnesty International, Death sentences and executions in 2013, (ACT 50/001/2014), available at www.amnesty.org/en/documents/act50/001/2014/en/

(Chad, China, Indonesia, North Korea, Saudi Arabia, Somalia, Taiwan, United Arab Emirates (UAE), Yemen).¹⁰

DEATH SENTENCES

Amnesty International found that at least 1,998 people were sentenced to death in 61 countries in 2015. The number of death sentences recorded in 2015 was significantly lower than previous years – and in particular compared to 2014, when Amnesty International reported a record-high 2,466 death sentences. However, the reduction was at least partly due to limitations in Amnesty International's ability to corroborate data in a number of countries. Amnesty International recorded significantly lower numbers of death sentences in Iran, Nigeria, Saudi Arabia, Somalia and Viet Nam, partly because access to information on the death penalty remained challenging.

DEATH SENTENCES RECORDED GLOBALLY IN 2015

Afghanistan (12+), Algeria (62+), Bahrain (8), Bangladesh (197+), Belarus (2+), Botswana (1), Brunei Darussalam (1), Burkina Faso (2), Cameroon (91+), Chad (10), China (+), DRC (28), Egypt (538+), Ethiopia (3), Gambia (3), Ghana (18), India (75+), Indonesia (46+), Iran (+), Iraq (89+), Japan (4), Jordan (3+), Kenya (30), Kuwait (14), Laos (20+), Lebanon (28), Libya (10+), Malawi (3), Malaysia (39+), Maldives (3), Mali (10), Mauritania (5), Mongolia (2+), Morocco/Western Sahara (9), Myanmar (17+), Nigeria (171), North Korea (+), Pakistan (121+), Palestine (State of) (12+: Hamas authorities in Gaza 10+; Palestinian authority in West Bank, 2+), Qatar (9), Saudi Arabia (6+), Sierra Leone (13), Singapore (5+), Somalia (5+: Federal Government of Somalia 4+; Somaliland 1+), South Korea (1), South Sudan (17+), Sri Lanka (51+), Sudan (18), Syria (20+), Taiwan (9), Tanzania (5+), Thailand (7+), Trinidad and Tobago (9), Tunisia (11), Uganda (1), UAE (8), USA (52), Viet Nam (47+), Yemen (+), Zambia (7+) and Zimbabwe (2+).

On some countries, such as Cameroon, Ghana, Indonesia, Iraq, Lebanon, Kuwait, Sierra Leone, Palestine (State of) and Tunisia, Amnesty International recorded a worrying increase in the number of death sentences imposed.

At least 20,292 people were under sentence of death worldwide at the end of 2015.

COMMUTATIONS, PARDONS AND EXONERATIONS

Amnesty International recorded commutations or pardons of death sentences in 34 countries: Afghanistan, Bahrain, Bangladesh, Belize, China, Democratic Republic of the Congo (DRC), Egypt, Ghana, India, Indonesia, Iran, Jamaica, Kuwait, Liberia, Malawi, Mali, Malaysia, Maldives, Mongolia, Nigeria, Pakistan, Qatar, Saudi Arabia, Singapore, Sri Lanka, Swaziland, Taiwan, Thailand, Trinidad and Tobago, UAE, USA, Viet Nam, Zambia and Zimbabwe.

¹⁰ Amnesty International could not confirm whether executions in Oman were carried out by hanging or shooting

Amnesty International recorded 71 exonerations of prisoners under sentence of death in six countries: China (1), Egypt (1), Nigeria (41), Pakistan (at least 21), Taiwan (1), and USA (6).¹¹

HOW THE DEATH PENALTY WAS USED IN 2015

As in previous years, Amnesty International did not receive any reports of judicial executions by stoning. Two women were sentenced to death by stoning for committing “adultery” while married, one in Maldives and one in Saudi Arabia. The woman in the Maldives had her conviction and death sentence overturned; in Saudi Arabia the case of the woman sentenced to death was reviewed and commuted in December.¹² Fifty-eight public executions were carried out in Iran.

Amnesty International received reports indicating that at least nine people – four in Iran and at least five in Pakistan – were executed for crimes committed when they were **under 18 years of age**. Bangladesh, Iran, Maldives and Pakistan sentenced juvenile offenders to death in 2015. In addition to those countries that sentenced juvenile offenders to death in 2015, Amnesty International believed that juvenile offenders convicted in previous years remained on death row in Indonesia, Iran, Nigeria, Papua New Guinea and Saudi Arabia.

The imposition and execution of the death penalty against people who were aged under 18 when the crime was committed is a violation of international law. Often the actual age of the offender is in dispute because no clear proof of age, such as a certificate of registration at birth, exists.¹³

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

¹¹ Exoneration is the process whereby, after sentencing and the conclusion of the appeals process, the convicted person is later cleared from blame or acquitted of the criminal charge, and therefore is regarded as innocent in the eyes of the law

¹² “Maldives annuls death by stoning sentence for woman”, BBC News, 19 October 2015, available at www.bbc.co.uk/news/world-asia-34569071 (accessed 5 March 2016)

Saudi court to review stoning sentence of Sri Lankan woman, *The Guardian*, 8 December 2015, available at www.theguardian.com/world/2015/dec/08/saudi-court-to-re-examine-stoning-sentence-of-sri-lankan-woman (accessed 5 March 2016)

¹³ Governments should apply a full range of appropriate criteria in cases where age is in dispute. Good practice in assessing age includes drawing on knowledge of physical, psychological and social development. Each of these criteria should be applied in a way that gives the benefit of the doubt in disputed cases so that the individual is treated as a juvenile offender, and accordingly should ensure that the death penalty is not applied. Such an approach is consistent with the principle that the best interests of the child shall be a primary consideration in all actions concerning children, as required by Article 3(1) of the UN Convention on the Rights of the Child.

In the majority of countries where people were sentenced to death or executed, the death penalty was imposed after proceedings that **did not meet international fair trial standards**. In 2015 Amnesty International raised particular concerns in relation to court proceedings in Bangladesh, Belarus, China, Egypt, Iran, Iraq, Libya, North Korea, Pakistan, Saudi Arabia and Viet Nam. In several countries – including Bahrain, China, Iran, Iraq, North Korea and Saudi Arabia – some convictions and death sentences were based on “confessions” that may have been extracted through torture or other ill-treatment. In Iraq some of these “confessions” were broadcast on television before the trial took place, further breaching the defendants’ right to presumption of innocence.

Mandatory death sentences continued to be imposed in Brunei Darussalam, Ghana, Iran, Jordan, Malaysia, Myanmar, Nigeria, Pakistan, Saudi Arabia, Singapore and Trinidad and Tobago. Mandatory death sentences are inconsistent with human rights protections because they do not allow any possibility of taking into account the defendant’s personal circumstances or the circumstances of the particular offence.¹⁴

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

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

Other capital crimes which did not meet the standard of “most serious crimes” but for which the death penalty was imposed or executions carried out in 2015 included: economic crimes such as corruption (China, North Korea and Viet Nam); armed robbery (Saudi Arabia); “adultery” (Maldives, Saudi Arabia); aggravated circumstances of rape (India), rape (Afghanistan, Jordan, Pakistan); “apostasy” (Saudi Arabia); kidnapping (Iraq); kidnapping and rape (Saudi Arabia); “insulting the prophet of Islam” (Iran).

Finally, different forms of “treason”, “acts against national security”, “collaboration” with a foreign entity, “espionage”, “questioning the leader’s policies”, participation in “insurrectional movement and terrorism” and other “crimes against the state”, whether or not they led to a loss of life, were punished with death sentences in China, Iran, Lebanon, North Korea, Pakistan, Palestine (State of) (in the West Bank and in Gaza), Qatar and Saudi Arabia.

¹⁴ UN Human Rights Committee, *Pagdayawon Rolando v Philippines*, Views of the Human Rights Committee, Communication No. 1110/2002, UN doc. CCPR/C/82/D/1110/2002, 8 December 2004, para.5.2

THE DEATH PENALTY AND INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS IN 2015

- Of the 35 member states of the Organization of American States, only the USA carried out executions.
- Of the 57 member states of the Organization for Security and Co-operation in Europe, only the USA carried out executions.
- Five of the 54 member states of the African Union carried out judicial executions: Chad, Egypt, Somalia, South Sudan and Sudan.
- Nine of the 21 member states of the League of Arab States were known to have carried out executions: Egypt, Iraq, Jordan, Oman, Saudi Arabia, Somalia, Sudan, UAE and Yemen.¹⁵
- Four of the 10 member states of the Association of Southeast Asian Nations carried out executions: Indonesia, Malaysia, Singapore and Viet Nam.
- Five of the 53 member states of the Commonwealth were known to have carried out executions: Bangladesh, India, Malaysia, Pakistan and Singapore.
- Four of the member and observer states of the Organisation internationale de la Francophonie were known to have carried out executions: Chad, Egypt, United Arab Emirates and Viet Nam.
- Japan and the USA were the only countries in the G8 to carry out executions.
- 169 (88%) of the 193 member states of the UN were execution-free in 2015.

In almost all regions of the world, the death penalty continued to be used as a tool by governments to respond to real or perceived threats to state security and public safety posed by “terrorism”, crime or political instability, despite the lack of evidence that the death penalty is any more of a deterrent to violent crime than a term of imprisonment.¹⁶

In the Americas, Guyana introduced the mandatory death penalty for acts of “terrorism” resulting into death.

In Asia-Pacific, three people from the Uighur minority were executed in the Chinese province of Yunnan after they had been convicted of murder and leading a “terrorist” organization for their alleged association with five people involved in a 2014 attack at the Kunming train station that resulted in the death of 31 people.¹⁷

Indonesia executed 14 people convicted of drug-related offences to confront “a national emergency” in drug-related deaths. Pakistan executed more than 320 people since it

¹⁵ Syria’s membership to the League of Arab States was suspended because of the violence used to suppress uprisings. Due to the ongoing conflict, Amnesty International could not confirm any information on the use of the death penalty in Syria in 2015 .

¹⁶ Amnesty International, Not making us safer: crime, public safety and the death penalty, (ACT 51/002/2013), 10 October 2013, available at www.amnesty.org/en/documents/act51/002/2013/en/

¹⁷ “China executes 3 over last year’s mass knife attack at Kunming train station”, The Globe and Mail, 24 March 2015, available at www.theglobeandmail.com/news/world/china-executes-3-over-last-years-mass-knife-attack-at-kunming-train-station/article23589510/ (accessed 5 March 2016)

lifted a six-year long moratorium on the execution of civilians in the aftermath of the Peshawar school attack.

In the Middle East and North Africa, the death penalty was used for terrorism-related offences in Algeria, Egypt, Iraq and Tunisia. In Jordan, two people were hanged in February in what appeared to be a response to the release of a video by the Islamic State depicting the brutal killing of a Jordanian fighter pilot.¹⁸ Both individuals had been convicted on terrorism-related charges.

Iraq sentenced 24 men to death by hanging under Article 4 of the 2005 Anti-Terrorism Law after convicting them of involvement in the killing of at least 1,700 military cadets from the Speicher Military Camp, near Tikrit in Salahuddin governorate, on 12 June 2014. The trial of the men, which lasted only a few hours, relied mainly on “confessions” obtained from the defendants during interrogation, and video footage of the massacre.¹⁹

In July, Tunisia a new law that provided for the use of the death penalty for terrorism-related offences was adopted.

In sub-Saharan Africa, Cameroon sentenced 89 suspected members of the armed group Boko Haram to death. Chad executed 10 suspected Boko Haram members and introduced a new anti-terrorism law that provided for the death penalty.

POSITIVE DEVELOPMENTS

Four countries abolished the death penalty for all crimes in 2015, the highest annual number recorded since 2007. Madagascar promulgated a law that abolished the death penalty for all crimes in January; Fiji became fully abolitionist on 13 February; in Suriname amendments to the Penal Code repealing the death penalty became effective on 30 March; and in Congo (Republic of) a new Constitution enshrining abolition of the death penalty was adopted on 6 November. At the end of the year, 102 countries – more than half of the world’s countries – were abolitionist for all crimes. More than two thirds were abolitionist in law or practice.

Several other countries also took steps towards abolition of the death penalty. On 4 December the Mongolian Parliament adopted a new Criminal Code which abolishes the death penalty for all crimes, effective from September 2016. The Governor of the US state of Pennsylvania established a moratorium on executions on 13 February. In the US state of

¹⁸ Amnesty International, Killing of Jordanian pilot ‘abhorrent’ but ‘revenge executions’ not the answer, 4 February 2015, available at www.amnesty.org/en/latest/news/2015/02/killing-jordanian-pilot-abhorrent-revenge-executions-not-answer/

¹⁹ Isis massacre: Islamist terror group release sickening video of 'wholesale slaughter' in Speicher, International Business Times, 12 July, 2015, www.ibtimes.co.uk/isis-islamist-terror-group-release-sickening-video-wholesale-slaughter-speicher-massacre-1510503 (accessed 5 March 2016)

Nebraska, the legislature voted to abolish the death penalty and on 27 May overrode the Governor's veto of the bill.²⁰

Legislative bodies considered bills to abolish the death penalty in Burkina Faso, Guinea, India, Kenya and South Korea.

The National People's Congress in China removed nine crimes from the list of offences punishable by death in August. In November the National Assembly of Viet Nam removed seven crimes from the list of offences that can be punished by death and during the same month the government of Malaysia announced legislative reforms to review the country's mandatory death penalty. Two countries in the Americas region – Belize and Jamaica – commuted the death sentences of the last remaining people on death row.

At its 56 session between 21 April and 7 May 2015, the African Commission on Human and Peoples' Rights adopted the draft text of the Additional Protocol to the African Charter on Human and Peoples' Rights on the abolition of the death penalty. The draft Protocol was sent to the African Union for formal adoption. However, in November, the African Union Specialized Technical Committee on Legal Affairs declined to consider the draft, citing lack of a legal basis to do so.

²⁰ However, the abolition of the death penalty remained on hold following a public petition which requested that the new law be put to a referendum in November 2016

REGIONAL OVERVIEWS

AMERICAS

REGIONAL TRENDS

- For the seventh consecutive year, the USA remained the only country to carry out executions in the Americas region.
- Only two countries in the region imposed death sentences and the number of death sentences imposed continued to decline.
- Suriname abolished the death penalty for all crimes in March.
- The Governor of the US state of Pennsylvania established a moratorium on executions on 13 February.²¹ In Nebraska, the legislature voted to abolish the death penalty and on 27 May overrode the Governor's veto against the bill.²²

THE DEATH PENALTY IN THE USA IN 2015²³

28 executions in six states: Texas (13), Missouri (6), Georgia (5), Florida (2), Oklahoma (1), Virginia (1).

52 death sentences in 15 jurisdictions (14 states and 1 Federal court): California (15), Florida (10), Alabama (6), Arizona (3), Pennsylvania (3), Oklahoma (3), Arkansas (2), Nevada (2), Texas (2), Delaware (1), Kansas (1), Louisiana (1), Missouri (1), Ohio (1) and Federal (1).

2,851 people were under sentence of death, including 746 in California, 389 in Florida, 250 in Texas, 185 in Alabama and 181 in Pennsylvania.

²¹ "Governor Tom Wolf Announces a Moratorium on the Death Penalty in Pennsylvania", Gov.Pa, 13 February 2015, available at www.governor.pa.gov/moratorium-on-the-death-penalty-in-pennsylvania/ (accessed 5 March 2016)

²² However, the abolition of the death penalty remained on hold following a public petition which requested that the new law be put to a referendum in November 2016

²³ Figures based on information published by Department of Corrections in relevant US states

Eighteen states have abolished the death penalty, including five states that have abolished it since 2007.²⁴ Thirty-two states retain it. Of these, Arkansas, California, Colorado, Kansas, Nebraska, New Hampshire, Oregon, Pennsylvania and Wyoming have not carried out executions for at least 10 years. The governors of Oregon, Pennsylvania and Washington states established official moratoriums on executions. The federal authorities have not carried out any executions since 2003 and the military authorities since 1961.

Executions in the USA declined by seven compared to 2014, when 35 executions were carried out. While the 2015 figure was the lowest number of executions recorded in a single year since 1991, the decrease was in part linked to legal challenges that resulted in the revision of lethal injection protocols or problems faced by states in obtaining lethal injection chemicals.²⁵

Almost all executions in the USA were carried out by lethal injection under one-single-drug (pentobarbital) protocols. Three executions – in Florida, Oklahoma and Virginia – involved three-drug protocols.²⁶

²⁴ Connecticut (2012), Illinois (2011), Maryland (2013), New Jersey (2007), New Mexico (2009). The state of New York commuted its last death sentence in 2007, following a 2004 court ruling that its capital law violated the state's constitution. The District of Columbia has also abolished the death penalty.

²⁵ On 29 June the US Supreme Court held in *Glossip v. Gross* (576 US [2015]) that the use of midazolam, the sedative used in Oklahoma's lethal injection protocol, does not violate the prohibition on cruel and unusual punishment under the US Constitution. On 30 September the Governor of Oklahoma issued a 37-day stay of execution for Richard Glossip minutes before he was due to be killed, after the prison department revealed it did not have one of the drugs required for the lethal injection. See Amnesty International, USA: Further information – indefinite execution stays in Oklahoma cases: Richard Glossip, (AMR 51/2616/2015), 6 October 2015, available at www.amnesty.org/en/documents/amr51/2616/2015/en/

²⁶ Death Penalty Information Centre, "Execution list in 2015", available at www.deathpenaltyinfo.org/execution-list-2015 (accessed 5 March 2016). In recent years several US states have amended their legislation to either introduce alternative lethal injection protocols or to allow the use of substances produced by compounding pharmacies, which are not certified by the U.S. Food and Drug Administration. This is due to the limited availability of substances for use in execution in the US market.

The state of Virginia carried out its first execution since 2013, while two states – Arizona and Ohio – had to put executions on hold because of issues concerning lethal injection.²⁷ Texas carried out almost half of all executions.

The number of death sentences imposed in the USA decreased from at least 72 in 2014 to 52 in 2015, the lowest number recorded since executions resumed in 1977. In 2015, 15 US states sentenced people to death, compared to 20 in 2014.

In the Americas region, the number of death sentences dropped from at least 77 new death sentences in four countries in 2014 to 61 in two countries – Trinidad and Tobago and the USA – in 2015.

Excluding the USA, at least 77 people remained under sentence of death in eight countries. Almost half of these had been sentenced to death in Trinidad and Tobago.

The death rows of Belize and Jamaica were empty for the first time in 2015, after the courts commuted the last remaining death sentences. Once again, in Cuba, Dominica, Guatemala and Saint Lucia no one was known to be under sentence of death during the year under review.

The Bahamas recorded 149 murders in 2015; Guyana 108 in the first 8 months of the year; while the Police Service of Trinidad and Tobago reported 420 murders for 2015, only 57 of which were classified as detected.²⁸ These high murder figures continued to prompt calls for the resumption of executions, despite the lack of evidence that the death penalty has a

²⁷ “Arizona’s New Lethal-Injection Drugs Don’t Guard Against Botched Executions, Critics Declare”, *Phoenix New Times*, 29 October 2015, available at www.phoenixnewtimes.com/news/arizonas-new-lethal-injection-drugs-dont-guard-against-botched-executions-critics-declare-7780896 (accessed 5 March 2016)

“Execution dates revised”, Ohio Department of Rehabilitation and Correction, 19 October 2015, available at www.drc.ohio.gov/public/press/press439.htm (accessed 5 March 2016)

²⁸ A crime is considered as detected when a suspect has been identified and charged in relation to it. “Death penalty for a massacre”, *Tribune 242*, 14 January 2016, available at www.tribune242.com/news/2016/jan/14/death-penalty-only-massacre/; “Murders up 6% in Guyana”, *Jamaica Observer*, 12 September 2015, available at www.jamaicaobserver.com/news/Murders-up-6--in-Guyana; and Trinidad and Tobago Police service, statistics available from <http://ttps.gov.tt/Statistics/Crime-Totals-By-Month> (all accessed 5 March 2016)

deterrent effect. Calls for abolition of the death penalty and against its use continued to come from several voices.²⁹

The Inter-American Commission on Human Rights (IACHR) held its first thematic hearing on the death penalty in the Greater Caribbean during its March session. The hearing followed a request from the abolitionist NGO Greater Caribbean for Life. At the end of the hearing, the IACHR reiterated “the need to move forward with legislative reforms in the countries of the Greater Caribbean, so as to abolish capital punishment throughout this region or, failing that, to impose a moratorium on its application.”³⁰

COUNTRY DEVELOPMENTS

Seven people, including two foreign nationals, remained under sentence of death in **Antigua and Barbuda** at the end of 2015. No new death sentences were imposed during the year.

Amnesty International did not record any new death sentences in the **Bahamas**, where one man, Edwardo Ferguson (also known as Kofhe Goodman), remained under sentence of death. The Court of Appeal reserved judgment in his case on 23 October.³¹

Eleven people, including one foreign national, were on death row in **Barbados** at the end of 2015. No new death sentences were imposed. Draft legislation, which the government had introduced in Parliament in November 2014 to abolish the mandatory death penalty and require psychiatric evaluations for all those charged with murder, was pending at the end of the year.³² These legislative amendments are necessary for Barbados to comply with judgments of the Inter-American Court on Human Rights, which has held that the mandatory

²⁹ See, for example, “Common sense tells me that by itself, the death penalty is not the solution. Apart from the dubiousness of its value as a deterrent, do we really believe, assuming that a significant fraction of those persons are found guilty, that we will be able to hang several hundred people or that, if we tried, we could stomach it?” in Address of the Honourable the Chief Justice Mr. Justice Ivor Archie, Opening of the 2015/2016 Law Term, available at www.ttlawcourts.org/images/lawlibrary_openingspeeches/Ceremonial%20Opening%202015_16.pdf (accessed 5 March 2016)

³⁰ Inter-American Commission on Human Rights, Report on the 154th Session of the IACHR, 19 June 2015, pp.6-7, available at www.oas.org/es/cidh/prensa/docs/Report-154.pdf (accessed 5 March 2016)

³¹ Commonwealth of the Bahamas in the Court of Appeal, *Edwardo Ferguson aka Kofhe Goodman vs. Regina*, SCCrApp & CAIS No. 306 of 2013, delivered on 23 October 2015

³² Criminal Procedure (Amendment) Bill, 2014; Offences Against the Person (Amendment) Bill, 2014; and Constitution (Amendment) Bill, 2014. Of these Bills, only the Offences Against the Person (Amendment) Bill, 2014, advanced to the second reading stage at the House of Assembly on 27 January 2015. Parliament of Barbados, Bills and resolutions, available at www.barbadosparliament.com/bills/search (accessed 5 March 2016)

death penalty violates Articles 4, 5 and 8 of the American Convention on Human Rights.³³ On 3 September the Court held a hearing with the authorities of Barbados, at which it criticized ongoing delays in the adoption of the proposed legislative amendments and Barbados' failure to comply with the Court's judgments.³⁴

The Supreme Court of **Belize** quashed the death sentence of the last person on death row, Glenford Baptist, on 14 July, finding his prolonged stay on death row – 13 years – unconstitutional.³⁵ No new death sentences were imposed.

On 6 March **Dominica** acceded to the Caribbean Court of Justice, renouncing the Judicial Committee of the Privy Council in the UK as its final appellate court.³⁶ No new death sentences were imposed and no one was on death row at the end of the year.

Grenada, where no new death sentences were imposed and one man, Kyron McFarlane, remained on death row, was reviewed under the Universal Periodic Review (UPR) at the UN Human Rights Council on 26 January. Grenada noted, but did not support, recommendations to establish an official moratorium on executions, abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty.³⁷

³³ Inter-American Court of Human Rights, *Case of Boyce et al. v. Barbados*, delivered on 20 November 2007; and *Case of DaCosta Cadogan V. Barbados*, delivered on 24 September 2009

³⁴ "Court order-Mandatory death penalty questioned", *Barbados Today*, 7 September 2015, available at www.babadostoday.bb/2015/09/07/court-order/ (accessed 5 March 2016)

³⁵ "15 inmates escape death row – 9 freed from prison", *Amandala*, available at <http://amandala.com.bz/news/15-inmates-escape-death-row-9-freed-prison/> (accessed 5 March 2016). Glenford Baptist was resentenced to 25 years' imprisonment in December

³⁶ "Watch ceremony of Dominica's accession to the CCJ live", *Dominica News Online*, available at <http://dominicanewsonline.com/news/homepage/news/watch-ceremony-of-dominicas-accession-to-ccj-live/> (accessed 5 March 2016). Antigua and Barbuda, the Bahamas, Grenada, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines and Trinidad and Tobago still recognize the Judicial Committee of the Privy Council as their final court of appeal.

³⁷ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Grenada, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, UN doc. A/HRC/29/14/Add.1, 5 June 2015

Amnesty International did not record any new death sentences in **Guyana** in 2015, where 23 men were on death row at the end of the year. Guyana was reviewed under the UPR on 28 January and accepted recommendations to carry out a national consultation on the death penalty and consider taking steps to abolish the death penalty. It did not support, however, recommendations to establish an official moratorium on executions, abolish the death penalty and ratify the Second Optional Protocol to the ICCPR.³⁸

Following general elections which resulted in the opposition party, Alliance For Change, taking office on 16 May, the Parliament of Guyana adopted, on 30 December, the Anti-Terrorism and Terrorist-Related Activities Act 2015. The Attorney General and Minister of Legal Affairs, Basil Williams, had introduced the Bill in Parliament only three weeks earlier. The new law, which was to come into force on 6 January 2016, provided for the mandatory death penalty for acts of terrorism resulting in death.³⁹ International human rights bodies have repeatedly found that the mandatory death penalty violates international law.⁴⁰

Amnesty International did not record any new death sentences in **Jamaica** in 2015. Leslie Moodie, the last known person to be on death row, had his death sentence commuted on 31 July.⁴¹ Jamaica's death row was empty at the end of the year, for the first time since Amnesty International began recording death penalty data.⁴² Jamaica was reviewed under the UPR on 13 May. Jamaica did not support recommendations to establish an official moratorium on executions, abolish the death penalty and ratify the Second Optional Protocol to the ICCPR.⁴³

³⁸ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Guyana Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, UN doc. A/HRC/29/16/Add.1, 2 July 2015

³⁹ Article 3.1(a) of the Anti-Terrorism and Terrorist-Related Activities Act 2015, available at: http://officialgazette.gov.gy/images/gazettes-files/Extraordinary-gazette_6jan165.pdf (accessed 5 March 2016)

⁴⁰ See, for example, UN Human Rights Committee, *Pagdayawon Rolando v Philippines*, Views of the Human Rights Committee, Communication No. 1110/2002, UN doc. CCPR/C/82/D/1110/2002, 8 December 2004, para.5.2

⁴¹ Court of Appeal of Jamaica, *Moodie v. R*, [2015] JMCA Crim 16, delivered on 31 July 2015. In its 2015 report "Death sentences and executions in 2014" (ACT 50/001/2015), Amnesty International reported that Leslie Moodie's death sentence had been commuted in 2014 and that Separue Lee was the last remaining prisoner on death row. In fact, it was Separue Lee's death sentence that had been commuted in 2014.

⁴² On 16 March 2016 the Department of Correctional Services of Jamaica informed Amnesty International that one man remained on death row. However, according to Amnesty International's records the prisoner had his death sentence set aside and case remitted to the trial court for resentencing in December 2012.

⁴³ Human Rights Council, Report of the Working Group on the Universal Periodic Review, Jamaica, UN doc. A/HRC/30/15, 20 July 2015

The House of Representatives adopted three Bills that would modify the Constitution to renounce the authority of the UK-based Judicial Committee of the Privy Council, and recognize the Caribbean Court of Justice as the final appellate court of Jamaica.⁴⁴ The draft legislation remained pending before the Senate at the end of the year, where at least one vote in support from the opposition is needed for these amendments to pass.⁴⁵

No new death sentences were imposed in **Saint Kitts and Nevis**, where one man, Everson Mitcham, remained on death row at the end of the year. On 11 November Saint Kitts and Nevis was reviewed under the UPR. Saint Kitts and Nevis did not support recommendations to establish an official moratorium on executions, abolish the death penalty and ratify the Second Optional Protocol to the ICCPR.⁴⁶

No new death sentences were imposed and no one was under sentence of death in **Saint Lucia** at the end of the year. Saint Lucia was reviewed under the UPR on 5 November. Saint Lucia agreed to consider and provide responses ahead of the 31st session of the Human Rights Council in March 2016 on recommendations to ratify the Second Optional Protocol to the ICCPR; establish an official moratorium on executions; and abolish the death penalty.⁴⁷

One man, Patrick Lovelace, remained under sentence of death in **Saint Vincent and the Grenadines**, where no new death sentences were imposed.

On 3 March the National Assembly of **Suriname** adopted a Bill amending the Penal Code to abolish the death penalty for all crimes. The new law became effective on 30 March.⁴⁸

Nine men were sentenced to the mandatory death penalty for murder in **Trinidad and Tobago** in 2015, an increase of 22% compared to 2014. Six of these death sentences were imposed in the same case.⁴⁹ Thirty-two men remained under sentence of death at the end of the year.

⁴⁴ The Caribbean Court of Justice Bill, 2015; the Constitution (Amendment) (Caribbean Court of Justice) Bill, 2015; and the Judicature (Appellate Jurisdiction) (Amendment) Bill, 2015. For more information, visit www.japarliament.gov.jm/index.php/publications/bills/public-bills (accessed 5 March 2016)

⁴⁵ "Govt seeks damage control, as loss in CCJ bills vote looms", *Jamaica Observer*, 20 November 2015, available at www.jamaicaobserver.com/news/Govt-seeks-damage-control--as-loss-in-CCJ-bills-vote-looms (accessed 5 March 2016)

⁴⁶ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Saint Kitts and Nevis, UN doc. A/HRC/31/16, 15 December 2015

⁴⁷ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Saint Lucia, UN doc. A/HRC/31/10, 15 December 2015

⁴⁸ See website of the National Assembly of Suriname, [www.dna.sr/wetgeving/surinaamse-wetten/wijzigingen-na-2005/wet-wijz-wetboek-van-strafrecht-\(4\)/](http://www.dna.sr/wetgeving/surinaamse-wetten/wijzigingen-na-2005/wet-wijz-wetboek-van-strafrecht-(4)/) (accessed 5 March 2016)

⁴⁹ "Death penalty for 6 in sisters' deaths", *Guardian (Trinidad and Tobago)*, 27 July 2015, available at www.guardian.co.tt/news/2015-06-27/death-penalty-6-sisters%E2%80%99-deaths (accessed 5 March 2016)

The Judicial Committee of the Privy Council, Trinidad and Tobago's final court of appeal, substituted the murder conviction of Stephen Robinson with one of manslaughter and quashed his mandatory death sentence on the grounds that his schizophrenia had affected his mental responsibility at the time of the crime.⁵⁰ On 2 July the Court of Appeal granted a retrial to two brothers – Glenroy and Elroy Campbell – who had been sentenced to death in 2013.⁵¹

Amnesty International documented calls for the resumption of executions in Trinidad and Tobago throughout the year. In January then Attorney General Anand Ramlogan advanced a proposal to amend the Constitution to curtail the number of appeals available to death row prisoners.⁵² Faris Al-Rawi, who was appointed Attorney General for the People's National Movement government following its victory at the September general elections, repeatedly stated his intention to resume executions by fast-tracking death penalty cases with a view to finalizing them within five years – the timeline established by jurisprudence of the Judicial Committee of the Privy Council after which a death sentence has to be commuted.⁵³

The **USA** continued to use the death penalty in ways that contravene international law and standards, including on people with mental and intellectual disabilities. Warren Hill was executed by the state of Georgia on 27 January.⁵⁴ He was put to death despite the fact that all the experts who had assessed him, including those retained by the state, agreed that he had an intellectual disability.

A state judge agreed that Warren Hill had an intellectual disability by a “preponderance of the evidence” standard, but did not meet Georgia’s “beyond a reasonable doubt” standard. The latter is not used anywhere else in the USA in such cases – most states use the preponderance of the evidence standard. Accordingly, Warren Hill was denied constitutional protection against execution because of his geographical location.⁵⁵ Amnesty International considered that his execution amounted to the arbitrary deprivation of life in violation of

⁵⁰ Judicial Committee of the Privy Council, *Stephen Robinson v. The State*, Appeal No.30 of 2013, [2015] UKPC 34, delivered on 20 July 2015

⁵¹ Court of Appeal of Trinidad and Tobago, *Glenroy Campbell and Elroy Campbell v. The State*, Cr. App. Nos. 28 & 29 of 2013, delivered on 2 July 2015

⁵² “PNM to consider Govt’s hanging bill”, *News Day*, 11 January 2015, available at www.newsday.co.tt/news/0,205376.html (accessed 5 March 2016)

⁵³ “AG: we will apply the hanging law”, *News Day*, 13 October 2015, available at www.newsday.co.tt/news/0,218368.html (accessed 5 March 2016). Jurisprudence established by Judicial Committee of the Privy Council, *Pratt and Morgan v. The Attorney General of Jamaica*, (1993) 43 WIR 340: (1994) A.C. 1. delivered on 2 November 1993

⁵⁴ Amnesty International, USA: Further information – Georgia executes intellectually disabled man: Warren Hill, (AMR 51/0005/2015), 28 January 2015, available at www.amnesty.org/en/documents/amr51/0005/2015/en/

⁵⁵ US Supreme Court, *Atkins v. Virginia*, delivered on 20 June 2002, 536 U.S. 304 (2002)

Article 6 of the ICCPR, to which the USA is a state party.

Cecil Clayton, a 74-year-old man diagnosed with dementia and a psychotic disorder stemming from a serious brain injury, was executed in Missouri on 17 March. Two days earlier, the Missouri Supreme Court, by a four-to-three vote, refused to stop Cecil Clayton's execution. The three dissenting judges argued that Cecil Clayton's lawyers had presented "reasonable grounds to believe his overall mental condition has deteriorated and he is intellectually disabled"; and that there were reasonable grounds to believe that he did not have a rational understanding of the reason for and reality of his punishment. Both were grounds which would have rendered his execution unconstitutional.⁵⁶

Andre Cole was executed in Missouri on 14 April. Among other legal challenges, Andre Cole's lawyers had claimed that he was mentally incompetent for execution under US constitutional law as his mental condition had deteriorated. A US District Court judge issued a stay of execution on 13 April, concluding that the Missouri Supreme Court had "denied Cole the process he is due for an adequate and fair determination of his competency" for execution. However, the stay was lifted the following day by the US Court of Appeals for the Eighth Circuit, by two votes to one.⁵⁷

Alfredo Rolando Prieto, a national of El Salvador, was executed in Virginia on 1 October. The execution went ahead despite evidence that he had an intellectual disability and that on 29 September the IACHR had requested the USA to adopt precautionary measures to halt his execution.⁵⁸

Pre-trial proceedings against six detainees at the US naval base at Guantánamo, Cuba, continued in 2015. Khalid Shaikh Mohammad, Walid Muhammad Salih Mubarak Bin 'Attash, Ramzi Binalshibh, Ali Abdul Aziz Ali and Mustafa Ahmed Adam al Hawsawi were charged with plotting the attacks of 11 September 2001, while Abd al-Rahim al-Nashiri' was charged with masterminding an attack on US warship USS Cole in 2000. The US government intend to seek the death penalty for all six men if they were convicted. Proceedings before the military commission do not meet international fair trial standards and the imposition of the death penalty in their cases would constitute arbitrary deprivation of life.

In July the authorities of Ohio moved to set the execution of José Trinidad Loza Ventura, a Mexican national who claimed that the US authorities never advised him of his right to consular assistance and coerced him into "confessing" to the crime. José Trinidad Loza

⁵⁶ Amnesty International, USA: Further information – Missouri executes 74-year-old man: Cecil Clayton, (AMR 51/1245/2015), 18 March 2015, available at www.amnesty.org/en/documents/amr51/1245/2015/en/

⁵⁷ Amnesty International, USA: Clemency denied, Missouri execution goes ahead, (AMR 51/1460/2015), 14 April, 2015, available at www.amnesty.org/en/documents/amr51/1460/2015/en/

⁵⁸ Inter-American Commission on Human Rights, Resolution 32/2015,-Precautionary measure 489-15, 29 September 2015, available at www.oas.org/en/iachr/decisions/pdf/2015/PM489-15-EN.pdf (accessed 5 March 2016)

Ventura was one of the 52 Mexican nationals for whom, in 2004, the International Court of Justice (ICJ) ordered the USA to provide judicial review of their convictions and sentences.⁵⁹ On 11 August, the IACHR requested the USA to adopt precautionary measures against José Trinidad Loza Ventura's execution.⁶⁰ The IACHR also called for a stay of execution in the case of Nicaraguan national Bernardo Abán Tercero, who was due to be executed in Texas on 26 August. The regional body stated that Bernardo Abán Tercero's consular and fair trial rights had been violated.⁶¹

EXECUTING THE INNOCENT – SIX MORE EXONERATIONS IN 2015

In 2015 six more people, in six states, were exonerated of the crime for which they had been sentenced to death, bringing the total number of such exonerations since 1973 to 156.⁶²

On 17 March the Supreme Court of Arizona denied an appeal by the prosecution to retry Debra Milke. A week later a lower court dismissed all charges against her. She had been released from prison on bail in 2013, after the Court of Appeal for the Ninth Circuit overturned her conviction because the prosecution had withheld evidence that seriously undermined the credibility of the police testimony against her. She had spent 22 years on death row.⁶³

Anthony Hinton was released from death row in Alabama on 3 April. The US Supreme Court had remitted his case to the state courts in 2014 after it found that Anthony Hinton had not been provided with adequate legal representation. In March 2015 the prosecution decided not to retry him as it found that evidence previously used against him showed that his weapon was not linked to the bullets used in a murder. He had spent nearly 30 years on death row.⁶⁴

On 12 February the Mississippi Supreme Court granted a retrial to Willie Manning, after it ruled that the

⁵⁹ International Court of Justice, *Avena and Other Mexican Nationals (Mexico v. United States of America)*, judgment delivered on 31 March 2004, I.C.J. Reports 2004, p.17

⁶⁰ Inter-American Commission on Human Rights, Resolution 27/2015-Precautionary measure 304-15, Matter José Trinidad Loza Ventura related to United States, 11 August 2015, available at www.oas.org/en/iachr/decisions/pdf/2015/PM304-15-EN.pdf (accessed 5 March 2016)

⁶¹ Amnesty International, USA: Further information – Inter-American body calls for execution stay: Bernardo Abán Tercero, (AMR 51/2326/2015), available at www.amnesty.org/en/documents/amr51/2326/2015/en

⁶² Exonerations occurred in Alabama, Arizona, Florida, Georgia, Mississippi and Texas. See Death Penalty Information Centre, "Innocence and the Death Penalty", available at www.deathpenaltyinfo.org/innocence-and-death-penalty (accessed 5 March 2016)

⁶³ "Debra Milke, who spent 22 years on Arizona death row, has murder case tossed", CNN, 24 March 2015, available at <http://edition.cnn.com/2015/03/24/justice/arizona-debra-milke-death-sentence/> (last accessed 5 March 2016)

⁶⁴ Equal Justice Initiative, "Equal Justice Initiative wins release of Anthony Ray Hinton", available at www.eji.org/deathpenalty/innocence/hinton (accessed 5 March 2016)

prosecution did not disclose key evidence that could have invalidated a witness' testimony and proved his innocence. The prosecution dropped charges against him on 21 April.⁶⁵ Willie Manning came close to execution in 2013 in relation to another murder conviction, for which he remained on death row at the end of 2015. The 2013 stay of execution was granted after the US Department of Justice reviewed forensic evidence against him and found it flawed.⁶⁶

On 8 June the prosecution dismissed charges against Alfred Brown, who had been sentenced to death in Texas in 2005. In 2014 the Texas Court of Criminal Appeals overturned his conviction after it found that prosecutors had not disclosed phone records that would have supported Alfred Brown's evidence that he was not at the crime scene at the time of the murder.⁶⁷ He was later released from death row.

On 8 June the District Attorney of Georgia dismissed charges against Lawrence Lee, on the basis that there was not enough evidence to prosecute him. The state Supreme Court had granted him a retrial in 2008 on the basis of prosecutorial misconduct.⁶⁸

On 18 June the Supreme Court of Florida remitted the case of Derral Hodgkins to the lower courts for acquittal of murder on the basis that there was not enough evidence to sustain the conviction. He was released in October after the Court refused to reconsider its decision.⁶⁹

Claims of innocence and evidence of unsafe convictions continued to characterize the use of the death penalty in several other cases throughout the USA in 2015.⁷⁰

On 1 May, the Governor of Georgia signed into law a bill requiring the Board of Pardons and Parole to improve transparency and provide explanation of its decisions when these result in the commutation of death sentences. This requirement does not extend to cases in

⁶⁵ Equal Justice Initiative, "Willie Manning becomes 153rd death row exoneree", 5 May 2015, available at www.eji.org/node/1081 (accessed 5 March 2016)

⁶⁶ Amnesty International, USA: Further information – Mississippi execution blocked by state court: Willie Manning (AMR 51/027/2013), 9 May 2013, available at www.amnesty.org/en/documents/amr51/027/2013/en/

⁶⁷ "Man sent to death row in officer's killing is freed, *Houston Chronicle*", 8 June 2015, available at www.chron.com/news/houston-texas/article/DA-6314119.php (accessed 5 March 2016)

⁶⁸ "Convicted killer in Wayne County slayings could go free", *The Florida Times Union*, 22 June 2015, available at <http://jacksonville.com/news/crime/2015-06-22/story/convicted-killer-wayne-county-slayings-could-go-free> (accessed 5 March 2016)

⁶⁹ "Freed by Supreme Court, Pasco man walks off death row", *Tampa Bay News*, 12 October 2015, available at www.tampabay.com/news/courts/criminal/freed-by-supreme-court-pasco-man-walks-off-death-row/2249441, (accessed 5 March 2016)

⁷⁰ See, for example, Amnesty International, USA: Further information – Texas court issues stay of execution: Rodney Reed, (AMR 51/1064/2015), 24 February 2015, available at www.amnesty.org/en/documents/AMR51/1064/2015/en/

which the pardon request is rejected.⁷¹ In August the Governor of North Carolina signed into law House Bill 774 aimed at the resumption of executions in the state.⁷² The law allows for the participation of medical professionals other than a physician in executions, against ethical codes relevant to the profession. It also allows the authorities to keep confidential any identifying information of any person or entity involved in the manufacture, preparation or supply of drugs used for lethal injection, in an effort to curtail litigation on this matter. Legislators in Texas also voted in favour of a law to allow for secrecy on the chemical providers.⁷³

On 9 April and 23 March, respectively, Oklahoma and Utah amended legislation to allow for the use of nitrogen gas and firing squad to carry out executions should lethal injection procedures not be implementable.⁷⁴ In December the California Department of Corrections and Rehabilitation launched a public consultation on its proposed new lethal injection protocol. If adopted, executions in the state could resume.⁷⁵

The USA was reviewed under the UPR on 11 May. The USA did not accept recommendations to establish a national moratorium on executions with a view to abolishing the death penalty. It partially supported recommendations not to impose the death penalty on people with mental or intellectual disabilities, committing to this restriction under international law only to the extent that it meets standards established by the US Supreme Court.⁷⁶

⁷¹ Law HB 71 on pardons and paroles, signed on 1 May 2015

⁷² NC Governor, "Governor McCrory Signs 26 Bills into Law", 6 August 2015, available at <http://governor.nc.gov/press-release/governor-mccrory-signs-26-bills-law> (accessed 5 March 2016)

⁷³ "Texas Solidifies Execution Drug Secrecy Protections Into Law", CBS, 29 May 2015, available at <http://dfw.cbslocal.com/2015/05/29/texas-solidifies-execution-drug-secrecy-protections-into-law/> (accessed 5 March 2016)

⁷⁴ "Oklahoma Gov. Mary Fallin signs bill adding nitrogen gas as state execution method", *Tulsa World*, 18 April 2015, available at www.tulsaworld.com/news/capitol_report/oklahoma-gov-mary-fallin-signs-bill-adding-nitrogen-gas-as/article_6368deaf-7905-5285-8393-8b5c5497ccb2.html; Utah governor signs 55 bills into law, brings back firing squad, *Salt Lake Tribune*, 9 July 2015, available at www.sltrib.com/home/2324630-155/utah-governor-signs-legislation-to-bring (both accessed 5 March 2016)

⁷⁵ Amnesty International, USA: executions could resume if regulation adopted (AMR 51/3065/2015), 14 December 2015, available at www.amnesty.org/en/documents/amr51/3065/2015/en/

⁷⁶ See Office of the High Commissioner for Human Rights, Appendix to the Addendum to the Report on the Second Universal Periodic Review of the United States of America, available at http://lib.ohchr.org/HRBodies/UPR/Documents/Session22/US/AdditionalInfo_US_22session.pdf

ASIA-PACIFIC

REGIONAL TRENDS

- Pakistan carried out 326 executions, the third highest number recorded globally.
- Indonesia carried out 14 executions for drug-related offences, the first executions under President Joko Widodo.
- Fiji abolished the death penalty for all crimes in February.
- The Parliament of Mongolia adopted a new Criminal Code that abolished the death penalty for all crimes; it will come into effect in September 2016.
- In the Republic of Korea (South Korea) more than half (172 out of 298) of MPs introduced a bill in July that would abolish the death penalty.

EXECUTIONS AND DEATH SENTENCES IN ASIA-PACIFIC

At least 367 executions in 12 countries: Afghanistan (1), Bangladesh (4), China (+), India (1), Indonesia (14), Japan (3), Malaysia (+), North Korea (+), Pakistan (326), Singapore (4), Taiwan (6), Viet Nam (+). The 367 figure does not include the number of executions believed to have taken place in China.

At least 661 death sentences were imposed in 20 countries: Afghanistan (12+), Bangladesh (197+), Brunei Darussalam (1), China (+), India (75+), Indonesia (46+), Japan (4), Laos (20+), Malaysia (39+), Maldives (3), Mongolia (2+), Myanmar (17+), North Korea (+), Pakistan (121+), Singapore (5+), South Korea (1), Sri Lanka (51+), Taiwan (9), Thailand (7+), Viet Nam (47+).

Amnesty International reported a sharp increase in the number of recorded executions in the Asia-Pacific region, with Pakistan accounting for 89% of the total (excluding China). Bangladesh, India and Indonesia resumed implementation of the death penalty in 2015, raising the number of executing countries from 9 in 2014 to 12 in 2015. Amnesty International's monitoring found that death sentences were imposed in 20 countries in 2015, three more (Brunei Darussalam, Laos and Mongolia) than in 2014.

China and Viet Nam continued to classify figures on the use of the death penalty as a state secret. Amnesty International continued to face challenges in accessing death penalty information on Laos, Malaysia and Singapore.

The death penalty was repeatedly used in contravention of international law and standards across the region. Amnesty International received credible information indicating that Pakistan executed at least five men who were under 18 years of age at the time of the crime. Bangladesh, Maldives and Pakistan sentenced juvenile offenders to death in 2015 and juvenile offenders were on death row in Indonesia and Papua New Guinea at the end of 2015.

People with mental or intellectual disabilities were executed or under sentence of death in several countries including Indonesia, Japan and Pakistan. In 2015 Amnesty International raised particular concerns in relation to court proceedings that did not meet international fair trial standards in Bangladesh, China, the Democratic Republic of Korea (North Korea), Pakistan and Viet Nam. Brunei Darussalam, Malaysia, Myanmar, Pakistan and Singapore continued to impose mandatory death sentences. Military courts sentenced civilians to death in Pakistan. Special courts were used to sentence people to death in Bangladesh, India and Pakistan.

The death penalty was imposed or executions carried out for drug-related offences in countries including China, Indonesia, Laos, Malaysia, Singapore, Sri Lanka and Viet Nam. Other capital crimes which did not meet the standard of “most serious crimes” included economic crimes such as corruption (China, North Korea and Viet Nam), and committing “adultery” (Maldives).

COUNTRY DEVELOPMENTS

Afghanistan carried out one execution on 28 February, when Rais Khudaidad (also known as Rais Saiudullah) was hanged after being convicted of murder, kidnapping and armed robbery one month earlier.⁷⁷ At least 12 new death sentences were imposed for murder and rape in 2015.

Bangladesh carried out four executions. Three of those executed – Muhammed Kamaruzzaman, Ali Ahsan Mohammad Mujaheed and Salauddin Quader Chowdhury – had been convicted by the International Crimes Tribunal in Bangladesh (ICT), a special court established to try people accused of crimes committed during Bangladesh’s 1971 war of independence. The proceedings of the Tribunal violated international fair trial standards, including by denying the defence the possibility to challenge the credibility of prosecution witnesses.⁷⁸

Ordinary and special courts sentenced at least 197 people to death, including four sentenced under the ICT trials. At least 1,425 prisoners were under sentence of death at the end of the year.⁷⁹

⁷⁷ “Rais Khudaidad hanged in Kabul”, Khaama Press, 28 February 2015, available at www.khaama.com/46361-29119 (accessed 5 March 2016)

⁷⁸ Amnesty International, Bangladesh: Two opposition leaders face imminent execution after serious flaws in their trials and appeals, 27 October 2015, available at www.amnesty.org/en/latest/news/2015/10/bangladesh-imminent-executions/

⁷⁹ Oishee pleads innocence in her parents' murder case, Dhaka Tribune, 14 October 2015, available at www.dhakatribune.com/crime/2015/oct/14/oishee-pleads-innocence-her-parents-murder-case; and Oishee Rahman given death sentence for murder of parents, Bdnews24.com, 12 November 2015, available at <http://bdnews24.com/bangladesh/2015/11/12/oishee-rahman-given-death-sentence-for-murder-of-parents> (both accessed on 5 March 2016)

At least one new death sentence was imposed in **Brunei Darussalam**, where the last known execution was carried out in 1957. The death sentence was imposed on a Filipino national for murder.⁸⁰

China remained the world's top executioner. Although it was not possible to establish specific figures for executions in China, Amnesty International believed that executions in the country were still in the thousands in 2015; and that the number of people sentenced to death during the year was also in the thousands. It was likely that the number of executions carried out in China diminished following the introduction of a review of death penalty cases by the Supreme People's Court in 2007 and as a result of other ongoing reforms. However, it was not possible to quantify this reduction given the classification of death penalty figures as state secrets.

China continued to impose death sentences and carry out executions for a wide range of offences that did not meet the threshold of the "most serious crimes" to which the death penalty must be restricted under international law.⁸¹ These offences included drug-related crimes, economic crimes such as embezzlement and taking bribes, rape and, to a lesser extent, arson. Foreign nationals, mostly from other Asian countries but also from South America, continued to be sentenced to death and executed in cases related to drug trafficking.

Amnesty International believed that the death penalty continued to be used against members of the Uighur minority as part of China's "Strike Hard" campaign, targeting "violent terrorism and religious extremism". The organization did not receive reports of executions and death sentences in the Xinjiang Uighur Autonomous Region during 2015. However, three people from the Uighur minority were executed in Yunnan province on 24 March. They had been convicted of murder and leading a "terrorist" organization for their alleged association with five people involved in a 2014 attack at the Kunming train station that resulted in the death of 31 people.⁸²

Cases where individuals convicted of crimes were subsequently exonerated attracted national attention in China. On 21 July an intermediate court acquitted Zang Aiyun of murder after 11 years and nine months in prison, during which time he had been sentenced to death and

⁸⁰ "Court orders death sentence for murder", *Brunei Times*, 2 July 2015, available at www.bt.com.bn/bookmarks-breaking/2015/07/02/court-orders-death-sentence-murder (accessed 5 March 2016)

⁸¹ Article 6(2) of the International Covenant on Civil and Political Rights

⁸² "China executes 3 over last year's mass knife attack at Kunming train station", *The Globe and Mail*, 24 March 2015, available at www.theglobeandmail.com/news/world/china-executes-3-over-last-years-mass-knife-attack-at-kunming-train-station/article23589510/ (accessed 5 March 2016)

granted a retrial three separate times.⁸³ In December, Zang Aiyun was granted compensation, as was Nian Bin,⁸⁴ who was exonerated in 2014 after it was revealed that police had forged key evidence against him.⁸⁵ Earlier in the year, compensation was also granted to the family of Hugjiltu (also known as Qoysiletu) after his posthumous acquittal of rape and murder the previous year.⁸⁶

During the year, the authorities took several steps to strengthen safeguards guaranteeing protection of the rights of those facing the death penalty and prevent miscarriages of justice. In January, the Supreme People's Court issued new guidelines aimed at facilitating the participation of defence lawyers during the final review of death sentences.⁸⁷ On 15 September the Court, the Supreme People's Procuratorate, the Ministry of Public Security, the Ministry of State Security and the Ministry of Justice jointly issued another set of guidelines that guarantee the rights of lawyers to have full access to their clients, as well as greater participation by defence lawyers during police investigations. This enhanced safeguard, however, did not extend to cases involving state security, "terrorism" or corruption.⁸⁸

On 15 September Chinese media reported that a source from the Ministry of Justice had indicated that the Ministry was drafting new legislation to establish free legal representation

⁸³ Innocent man who spent 11 years on death row gets compensation, *China Daily*, 30 December 2015, available at www.chinadaily.com.cn/china/2015-12/30/content_22862326.htm (accessed 5 March 2016)

⁸⁴ "Chinese man compensated for 8 years wrongful custody", *China Daily*, 17 February 2015, available at www.chinadaily.com.cn/china/2015-02/17/content_19614912.htm (accessed 5 March 2016)

⁸⁵ "In China, a rare criminal case in which evidence made a difference", *The Washington Post*, 29 December 2014, available at www.washingtonpost.com/world/asia_pacific/in-china-a-rare-criminal-case-in-which-evidence-made-a-difference/2014/12/29/23f86b80-796b-11e4-9721-80b3d95a28a9_story.html (accessed 5 March 2016)

⁸⁶ See Amnesty International, *Death sentences and executions in 2014*, (ACT 50/001/2015), pp.26-27

⁸⁷ Supreme People's Court's "Measures of the Supreme People's Court for Listening to Opinions of Defense Lawyers in the Handling of Death Penalty Review Cases", 29 December 2014, available at <http://en.pkulaw.cn/display.aspx?cgid=242315&lib=law>

⁸⁸ "Provisions of the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security the Ministry of State Security and the Ministry of Justice on Legally Protecting Lawyers' Practicing Rights", 22 September 2015, available at www.mps.gov.cn/n16/n1996048/n4492052/4705019.html and www.lawinfochina.com/display.aspx?id=20242&lib=law (accessed 5 March 2016)

for those defendants unable to afford a lawyer during the Supreme People's Court review of their cases.⁸⁹

On 24 April a court in the southwestern province of Sichuan imposed a “suspended” death sentence on **Li Yan**.⁹⁰ Li Yan was originally sentenced to death in August 2011 for killing her husband, Tan Yong, in late 2010. The court imposed the death penalty despite evidence of sustained domestic violence, as well as of her attempts to seek protection from the police. Li Yan's case sparked an outcry within China and abroad, drawing attention to the government's failure to seriously address domestic violence and, in 2014, the Supreme People's Court granted her a retrial, which resulted in a “suspended” sentence.

On 29 August the National People's Congress adopted amendments to the Criminal Law that, after they came into force on 1 November, removed nine crimes from the list of offences punishable by death. The crimes, which included smuggling weapons, ammunition, nuclear materials or counterfeit currency; counterfeiting currency; fraudulent fundraising; organizing or forced prostitution; obstruction of military duties; and fabrication of rumours, had seldom been punished by death.⁹¹ Despite these changes, forty-six offences, including non-lethal offences, remain on the list of capital crimes. Earlier in the year, the Supreme People's Court issued a circular emphasizing that the death penalty would continue to be used to punish drug-related offences, even though these crimes do not qualify as being punishable by death under international law.⁹²

On 17 and 18 November 2015 the UN Committee against Torture considered the periodic report of China. The Committee expressed concern about “the lack of specific data on the application of the death penalty, which prevented it from verifying whether this new legislation is actually being applied in practice”, and about reports of people on death row being held in shackles for 24 hours a day. The Committee encouraged the authorities “to establish a moratorium on executions and commute all existing death sentences, and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.”

The Committee further called on China to “ensure that the death row regime does not amount to cruel, inhuman or degrading treatment or punishment” by ending the use of restraints on death row prisoners and by ensuring that the removal of organs from executed prisoners “only takes place on the basis of informed consent and that compensation is provided to the relatives of convicted persons whose organs were removed without their consent”. The

⁸⁹ “Prisoners on death row to get free legal aid”, *China Daily*, 15 September 2015, available at www.chinadaily.com.cn/china/2015-09/15/content_21852962.htm (accessed 5 March 2016)

⁹⁰ “Suspended” death sentences are generally commuted to a prison term after two years, as long as the prisoner does not commit additional criminal offences.

⁹¹ “China Focus: China adopts amendments to Criminal Law”, Xinhuanet, 29 August 2015, available at http://news.xinhuanet.com/english/2015-08/29/c_134568394.htm (accessed 5 March 2016)

⁹² “China's top court stresses death penalty for drug crimes”, *China Daily*, 28 May 2015, available at www.chinadaily.com.cn/china/2015-05/28/content_20840798.htm (accessed 5 March 2016)

Committee also requested that Chinese authorities “commission an independent investigation to look into claims that some Falun Gong practitioners may have been subjected to this practice”.⁹³

India carried out one execution, on 30 July, when Yakub Abdul Razak Memon was hanged at the Nagpur Central jail. He had been convicted under the Terrorist and Disruptive Activities Act 1987, a law that contains provisions incompatible with international fair trial standards, for his involvement in a series of bomb blasts in Mumbai in March 1993 which killed 257 people.⁹⁴

At least 75 new death sentences were imposed during the year, almost all for murder. At least four people were sentenced to death for aggravated circumstances of rape following amendments to the Criminal Code in 2013. At least 320 people remained under sentence of death at the end of 2015.

The courts and authorities in India commuted a number of death sentences during the year. Three prisoners whose mercy petitions the President of India had rejected in 2014 had their death sentences commuted to life imprisonment by the courts. On 28 January the Allahabad High Court commuted the death sentence of Surinder Koli.⁹⁵ On 21 April the Punjab and Haryana High Court commuted the death sentence of M. Dharampal.⁹⁶ The Gauhati High Court has commuted the death sentence of Holiram Bordoloi on 24 December.⁹⁷ In addition the President commuted one death sentence, that of Tote Dewan (also known as Man Bahadur Dewan), in March. The President rejected the mercy petitions of four other people: Yakub Abdul Razak Memon, M.A. Anthony (also known as Antappan), Shiwaji Shankar Alhat and Mohan Anna Chavan.⁹⁸

⁹³ Committee against Torture, Concluding observations on the fifth periodic report of China, UN doc. CAT/C/CHN/CO/5, 3 February 2016, paras.49-50

⁹⁴ Amnesty International, India: Execution of Yakub Memon cruel and inhuman, 30 July 2015, available at www.amnesty.org/en/latest/news/2015/07/india-execution-of-yakub-memon-cruel-and-inhuman/

⁹⁵ “‘Lapses’ that led Allahabad HC to commute Nithari killer's death”, *The Indian Express*, 5 February 2015, available at <http://indianexpress.com/article/india/india-others/lapses-that-led-allahabad-hc-to-commute-nithari-killers-death/> (accessed 5 March 2016)

⁹⁶ “High Court commutes murder convict Dharampal's death sentence into life imprisonment”, *Hindustan Times*, 21 April 2015, available at www.hindustantimes.com/chandigarh/high-court-commutes-murder-convict-dharampal-s-death-sentence-into-life-imprisonment/story-MjASLZATVrMry9y91vyyXL.html (accessed on 5 March 2016)

⁹⁷ “Guwahati HC Commutes Death Sentence to Life Imprisonment”, *The Indian Express*, 25 December 2015, available at www.newindianexpress.com/nation/Guwahati-HC-Commutes-Death-Sentence-to-Life-Imprisonment/2015/12/25/article3194425.ece (accessed 5 March 2016)

⁹⁸ The President rejected the first mercy petition of Yakub Abdul Razak Memon in April 2014. The second one was filed following legal developments in his case in 2015

In August, the Law Commission of India published its second report on the death penalty. After reviewing the status of the death penalty, nationally and internationally, the Commission concluded that the “death penalty does not serve the penological goal of deterrence any more than life imprisonment” and that the reliance on the death penalty diverted attention from problems in the criminal justice system, including poor crime investigations and prevention programmes, as well as the rights of the victims of crime to compensation.⁹⁹ While hoping that its report would contribute to a debate on the prompt abolition of the death penalty for all crimes, the Commission fell short of recommending that the death penalty be abolished for all crimes and instead suggested that this punishment be retained for terrorism-related offences and waging war.¹⁰⁰

Fourteen people were executed in **Indonesia**. All the executions were carried out for drug trafficking, an offence that does not meet the threshold of “most serious crimes”. Six of the 14 were executed on 18 January: Indonesian national Rani Andriani (also known as Melisa Aprilia) and foreign nationals Daniel Enemu (Nigerian), Ang Kim Soei (Dutch), Tran Thi Bich Hanh (Vietnamese), Namaona Denis (Nigerian) and Marco Archer Cardoso Moreira (Brazilian). On 29 April another eight individuals were executed. They were Andrew Chan and Myuran Sukumaran (both Australian nationals), Raheem Agbaje Salami (Nigerian, also known as Jamiu Owolabi Abashin), Zainal Abidin (Indonesian), Martin Anderson (Ghanaian, also known as Belo), Rodrigo Gularte (Brazilian), Sylvester Obiekwe Nwolise (Nigerian) and Okwudili Oyatanze (Nigerian).

Amnesty International documented specific human rights violations in the cases of the 14 individuals executed in 2015, including: violations of the right to a fair trial; executions carried out while legal appeals were still pending; the summary consideration and rejection of clemency petitions; and the execution of at least one person with a severe mental disability.¹⁰¹

In November 2015 the Coordinating Minister for Political, Law and Security Affairs, Luhut Panjaitan, indicated that the government would suspend executions for the near future.¹⁰² However, the Attorney General continued to announce that further executions would be

⁹⁹ Law Commission of India, Report No.262, The Death Penalty, August 2015, paras.7.1.1 and 7.1.3, available at <http://lawcommissionofindia.nic.in/reports/Report262.pdf> (accessed on 5 March 2016)

¹⁰⁰ Law Commission of India, Report No.262, The Death Penalty, August 2015, para.7.2.4.

¹⁰¹ See also Amnesty International, Indonesia: Flawed Justice – Unfair trials and the Death Penalty in Indonesia, (ASA 21/2434/2015), 15 October 2015, available at www.amnesty.org/en/documents/asa21/2434/2015/en/

¹⁰² “Indonesia announces temporary halt to executions”, BBC News, 19 November 2015, available at www.bbc.co.uk/news/world-asia-34867235 (accessed 5 March 2016)

carried out in 2016 and that he had allocated resources in the 2016 government budget for new executions.¹⁰³

The courts imposed at least 46 new death sentences, a sharp increase compared to 2014, when only six new death sentences were recorded. This rise in the imposition of death sentences was particularly disturbing in the context of the resumption of executions. Of the new death sentences imposed in 2015, 29 were for drug-related offences and 17 for murder. At least 165 people were under sentence of death at the end of the year.

The authorities continued to proactively support Indonesian nationals under sentence of death abroad. Minister of Foreign Affairs Retno Marsudi indicated in February 2016 that 229 Indonesian nationals were facing the death penalty abroad. According to the information the Minister shared with national media, several cases related to drug trafficking, particularly in Malaysia, and women migrant workers accused of murdering their employers, in cases where they appear to have acted in self-defence while being raped. The majority of Indonesians under sentence of death abroad were held in Saudi Arabia.¹⁰⁴

Three executions were carried out in **Japan**, the same number as in 2014. The authorities continued to implement death sentences in secret, announcing executions only after they had occurred. Tsukasa Kanda was hanged at the Nagoya detention centre on 25 June.¹⁰⁵ Sumitoshi Tsuda, the first person to be sentenced to death in a trial under the lay judges system, and Kazuyuki Wakabayashi were executed at the Tokyo and Sendai detention centres, respectively, on 18 December.¹⁰⁶

¹⁰³ "More drug convicts to be executed next year", *Jakarta Post*, 23 December 2015, available at www.thejakartapost.com/news/2015/12/23/more-drug-convicts-be-executed-next-year.html#sthash.roUDe3yX.dpuf (accessed on 5 March 2016)

¹⁰⁴ "Govt to help 229 RI citizens on death row overseas", *Jakarta Post*, 10 February 2015, available at www.thejakartapost.com/news/2015/02/10/govt-help-229-ri-citizens-death-row-overseas.html (accessed 5 March 2016)

¹⁰⁵ Amnesty International, Japan: Authorities deceiving the public by resuming executions, 25 June 2015, available at www.amnesty.org/en/latest/news/2015/06/japan-authorities-deceiving-the-public-by-resuming-executions/

¹⁰⁶ The lay judges system was introduced at district courts level in 2009. Under this system, for each case six lay judges and three professional judges decide together on evidence, conviction and sentencing. For more information, see Supreme Court of Japan, Outline of Criminal Procedure in Japan, available at www.courts.go.jp/english/judicial_sys/criminal_contents/criminal_text/index.html (accessed 5 March 2016)

Amnesty International, Japan: Two men hanged as disgraceful executions continue, 18 December 2015, available at www.amnesty.org/en/latest/news/2015/12/japan-two-men-hanged-as-disgraceful-executions-continue/

The courts imposed four new death sentences. At the end of the year 143 people were on death row. They included 126 people whose death sentences had been finalized, which means they could be executed at any time.

While no longer in detention, Iwao Hakamada remained under sentence of death in 2015, following the prosecution's appeal against the 2014 decision by a district court to grant him a retrial. The 2014 ruling came after new evidence showed no match between Iwao Hakamada's DNA and samples taken from clothing that the prosecution alleged was worn by the murderer. While his health improved following his release from death row, the mental disability he developed while on death row for 45 years continued to seriously impair his communication and ability to participate and support his defence lawyers in the legal proceedings against him.¹⁰⁷

Okunishi Masaru died on 4 October, at the age of 89, after a long illness. He had spent 46 years on death row, fighting to clear his name of the murder of five women. His conviction, similarly to Iwao Hakamada's, relied on a forced "confession" he had made while in police detention, which he later retracted. He had appealed for retrial nine times.¹⁰⁸

Amnesty International received credible reports indicating that at least 20 new death sentences were imposed in **Laos**. However, information on the country's use of the death penalty was not publicly available and it was not possible to independently verify the information. Laos was reviewed under the UN Universal Periodic Review (UPR) on 20 January. During the review, Laos said that it was developing a new Penal Code, as part of which process it intended to reduce the list of offences punishable by death to reflect restrictions set out in Article 6 of the International Covenant on Civil and Political Rights (ICCPR). Laos further explained that the President had been commuting death sentences, including those imposed on foreign nationals, to life imprisonment for good behaviour. Laos noted but did not accept recommendations to ratify the Second Optional Protocol to the ICCPR, establish an official moratorium on executions and abolish the death penalty.¹⁰⁹

Amnesty International was not able to independently verify information it received indicating that **Malaysia** carried out at least one execution for murder, on 20 November. The authorities rarely make public announcements before or after executions are carried out, nor do they make information on the use of the death penalty available on a regular basis. In October,

¹⁰⁷ Amnesty International, One year since Hakamada's release, how much has really changed for Japan's death row inmates?, 26 March 2015, available at

www.amnesty.org/en/latest/campaigns/2015/03/one-year-since-hakamadas-release/

¹⁰⁸ Amnesty International, Justice denied: Japanese prisoner dies after 46 years on death row, 4 October 2015, available at www.amnesty.org/en/latest/news/2015/10/japan-prisoner-dies-after-46-years-on-death-row/

¹⁰⁹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Lao People's Democratic Republic, Addendum, UN doc. A/HRC/29/7/Add.1, 23 June 2015

the Prisons Department indicated that between 1998 and 2015 Malaysia had carried out 33 executions.¹¹⁰ Amnesty International recorded only 22 executions for the same period.

Amnesty International recorded 39 new death sentences imposed in 2015, including 24 for drug-related offences. On 20 May Nancy Shukri, a Minister in the Prime Minister's Department (and de facto Law Minister), informed the Parliament that, at the end of April, 1,042 prisoners were under sentence of death for drug trafficking, murder, possession of firearms and kidnapping. According to the information she presented, 40% of all prisoners under sentence of death were foreign nationals; 649 were still awaiting legal appeals against their conviction and sentences; and 393 had appealed to the State Pardons Boards for clemency.¹¹¹

Shahrul Izani Bin Suparman remained at risk of execution at the end of the year. He was found in possession of 622 grams of cannabis and arrested on 25 September 2003. The charges were confirmed a year later, on 9 December 2004. Six years later, on 28 December 2009, the Shah Alam High Court sentenced Shahrul Izani to the mandatory death penalty under Section 39B(1)(a) of the Dangerous Drugs Act 1952. The Court of Appeal heard and dismissed his appeal on 12 October 2011. Similarly, on 26 June 2012 the Federal Court heard and dismissed his appeal in one day. In 2014, Shahrul Izani appealed for clemency before the Pardon Board of Selangor state. The appeal was awaiting consideration at the end of the year. The mandatory death penalty and the use of the death penalty for drug-related offences violate international law.

Attorney General Tan Sri Apandi Ali and Nancy Shukri, a Minister in the Prime Minister's Department, announced on 13 and 17 November, respectively, that legislative reforms to review the mandatory death penalty would be introduced in Parliament in March 2016. The proposed reforms were first announced in October 2012.¹¹²

Three new death sentences were imposed in **Maldives**, where the last execution was carried out in 1954. National media reported in December 2015 that the government had been taking steps to build a lethal injection chamber and move to implement the death penalty in 2016.¹¹³

Ten people remained under sentence of death at the end of the year. Maldives contravened its international obligations in sentencing to death juvenile offenders. Two young men were sentenced to death on 11 May for a murder committed when they were 16 years old. Another young man, also below 18 years of age at the time of the crime, was sentenced to death on

¹¹⁰ Bill to abolish death penalty for drug offences on the cards, says law minister, Malaysian Insider, 17 November 2015, available at www.themalaysianinsider.com/malaysia/article/bill-to-abolish-death-penalty-for-drug-offences-on-the-cards-says-law-minis (accessed 5 March 2016)

¹¹¹ Information on file with Amnesty International

¹¹² Amnesty International, Malaysia: Swift action must follow announcement of death penalty reforms, 23 November 2015, available at www.amnesty.org/en/documents/asa28/2927/2015/en/

¹¹³ "Maldives re-introducing death penalty 'biggest mistake', says UN rapporteur", *Haveeru*, 13 December 2015, available at www.haveeru.com.mv/news/64766 (accessed March 2016)


DEATH PENALTY IN 2015



1,634+
PEOPLE
EXECUTED IN 25 COUNTRIES

THAT'S
54%
MORE THAN IN 2014

4 COUNTRIES
ABOLISHED
THE DEATH PENALTY
FOR ALL CRIMES



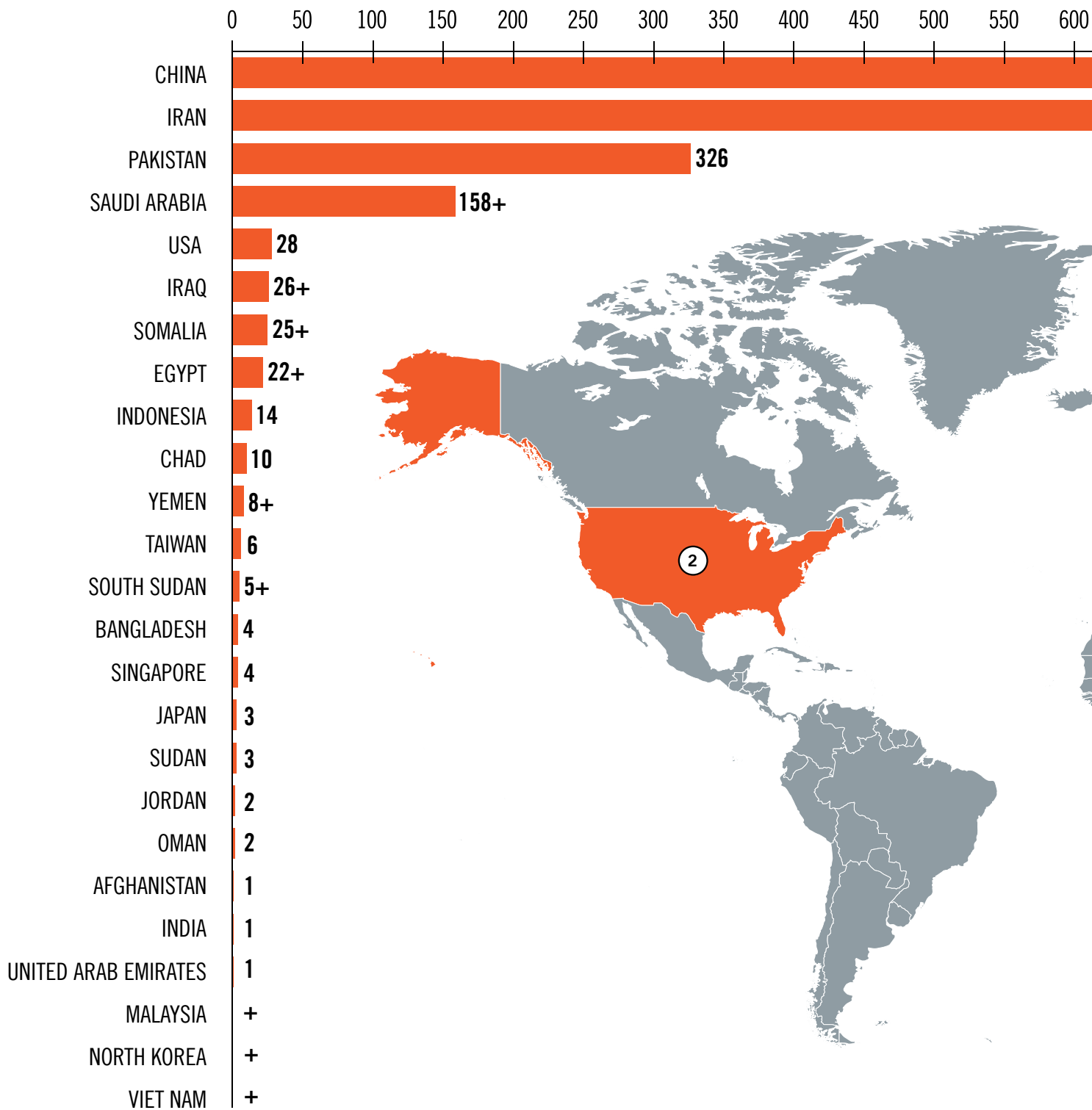
SURINAME
FIJI
REPUBLIC OF CONGO
MADAGASCAR

102 COUNTRIES
HAVE TOTALLY
ABOLISHED
THE DEATH PENALTY



THAT'S
MORE THAN
HALF THE WORLD

EXECUTING COUNTRIES IN 2015



11 PERSISTENT EXECUTIONERS 2011-2015

①

CHINA

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

②

USA

Fewer executions; lowest number of death sentences ever recorded.

③

NORTH KOREA

Executions after unfair trials and for non-lethal crimes such as helping others leave the country.

④

TAIWAN

Six executions carried out in one day.

⑤

IRAN

Hundreds executed following unfair trials. Majority of executions for drug-related offences. Scores of juvenile offenders on death row.

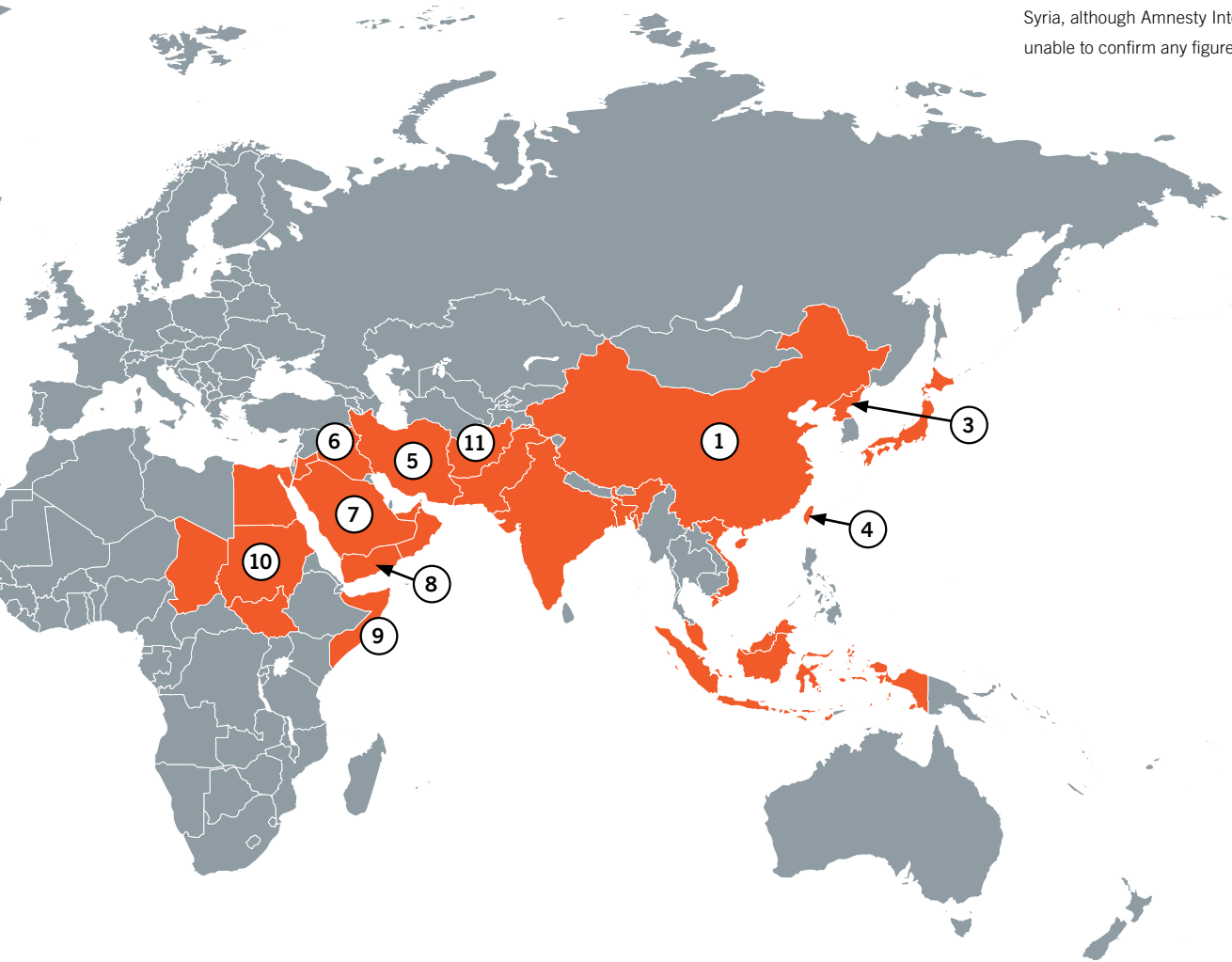
650 700 750 800 850 900 950 1000

977+

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

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

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



6

IRAQ
Kurdistan region resumed executions; the first since 2008.

7

SAUDI ARABIA
Highest number of recorded executions since 1995.

8

YEMEN
Due to the internal armed conflict it was not possible to confirm if judicial executions took place between the end of March and December 2015.

9

SOMALIA
Increase in known executions.

10

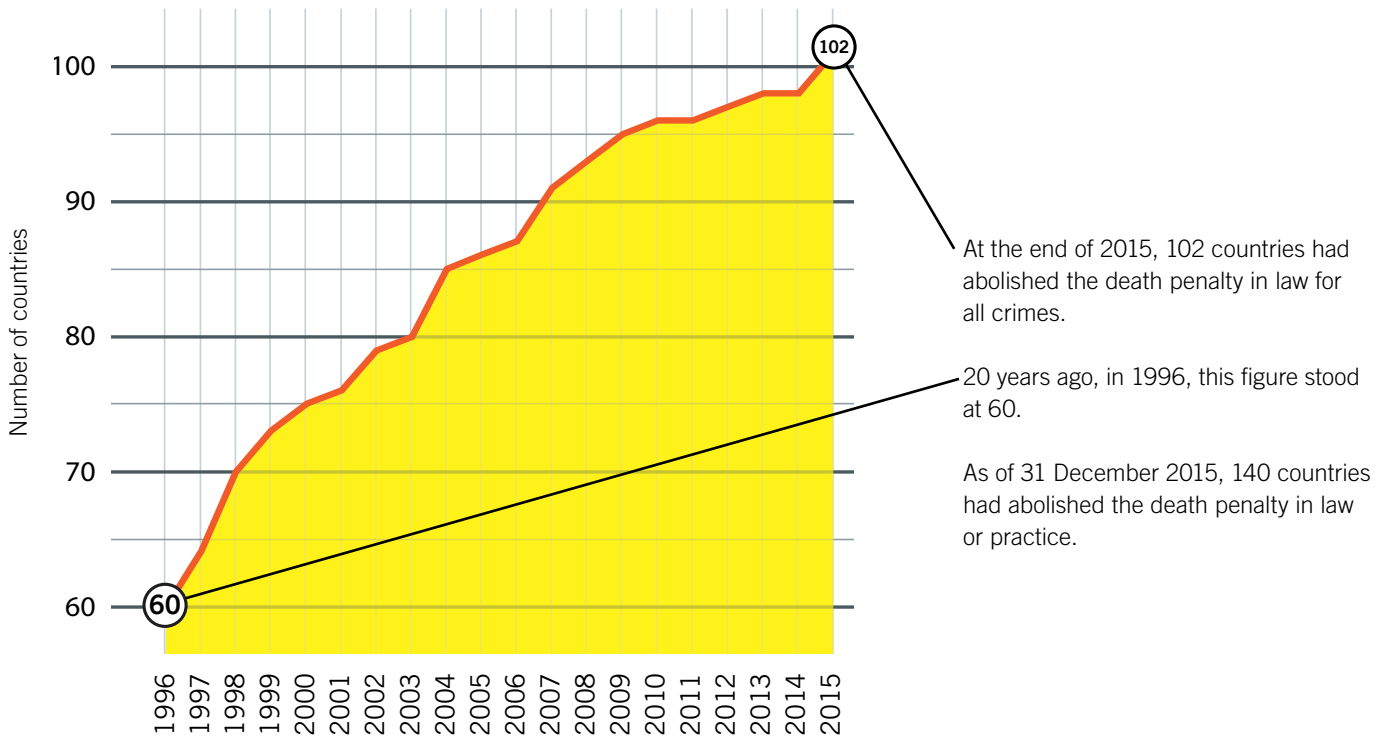
SUDAN
Death penalty used against opposition groups.

11

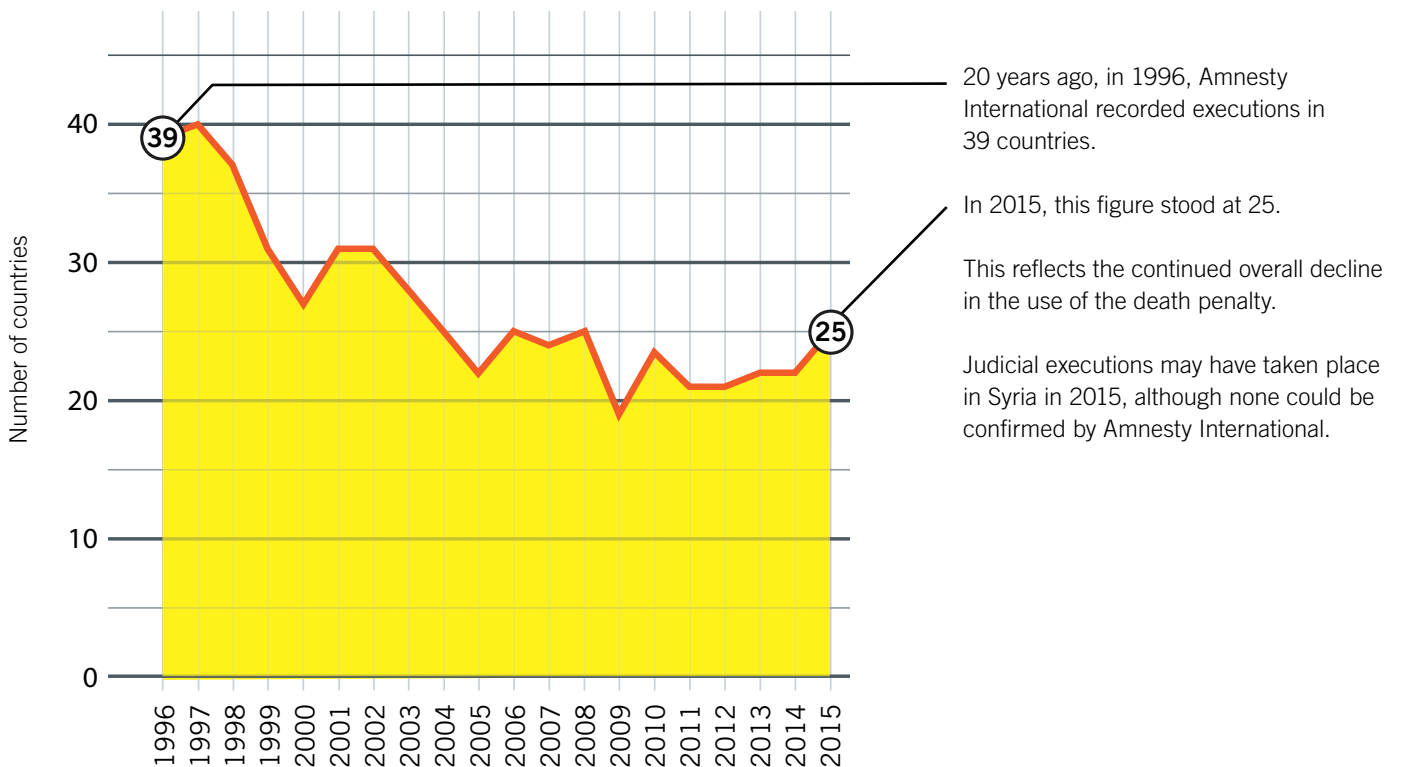
AFGHANISTAN
Death penalty used after unfair trials.

DEATH PENALTY TRENDS 1996-2015

Increase in countries abolishing the death penalty



Decrease in countries carrying out executions



2 November. A total of six juvenile offenders remained on death row at the end of the year. On 18 October a magistrate court sentenced a woman to death by stoning for “adultery”, the first case reported since the Penal Code based on the Shari’a (Islamic law) was introduced in 2014.¹¹⁴ The death sentence was immediately quashed by the Supreme Court due to procedural irregularities.

On 30 November the High Court annulled a clause in Law 2/2010 (Clemency Act), removing the power to commute death sentences from the President in murder cases.¹¹⁵

Maldives was reviewed under the UPR on 5 May. It did not accept recommendations to place an absolute ban on death sentences against persons below the age of 18 at the time of the offence; extend suspension of executions with a view to abolition of the death penalty; and consider ratifying the Second Optional Protocol to the ICCPR.¹¹⁶

At least two new death sentences were imposed in **Mongolia**, where the President established an official moratorium on executions in January 2010. One death sentence was commuted later in the year, while a court in the capital Ulaanbaatar quashed the second one and granted the defendant a retrial.

Mongolia was reviewed under the UPR on 5 May. It accepted recommendations to abolish the death penalty in national legislation.¹¹⁷ On 3 December the Parliament adopted a new Criminal Code which abolishes the death penalty for all crimes.¹¹⁸

At least 17 new death sentences were imposed in **Myanmar**, where the last execution was carried out in 1988 and the authorities have regularly commuted death sentences. Amnesty International believed that the actual number of death sentences imposed in 2015 was significantly higher, since all death sentences had been commuted to life imprisonment in

¹¹⁴ “Maldives court sentences woman to death by stoning”, Maldives Independent, 18 October 2015, available at <http://maldivesindependent.com/crime-2/maldives-court-sentences-woman-to-death-by-stoning-118541> (accessed 5 March 2016)

¹¹⁵ “Maldives strips pres of death penalty clemency”, Haveeru, 30 November 2015, available at www.haveeru.com.mv/news/64422 (accessed 5 March 2016)

¹¹⁶ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Maldives, UN doc. A/HRC/30/8, 13 July 2015

¹¹⁷ UN Human Rights Council, Report of the Working Group on the Universal Period Review, Mongolia, UN doc. A/HRC/30/6/Add.1, 16 September 2015

¹¹⁸ The new Criminal Code will take effect from September 2016. Amnesty International, Mongolia: Historic vote abolishes death penalty, 4 December 2015, available at www.amnesty.org/en/latest/news/2015/12/mongolia-historic-vote-abolishes-death-penalty/

January 2014.¹¹⁹ However, in January 2016 the President's Office announced the commutation of 77 death sentences.¹²⁰ Myanmar was reviewed under the UPR on 6 November. It accepted recommendations to consider ratifying the ICCPR and its Optional Protocols as well as abolishing the death penalty in law. It agreed to examine and respond to recommendations to abolish the death penalty and transform Myanmar's "de facto" moratorium on executions into an official moratorium at the 31st session of the UN Human Rights Council in March 2016.¹²¹

In 2015 Amnesty International continued to face serious challenges in assessing the use of the death penalty in **North Korea**. The organization continued to receive reports, which it could not independently verify, indicating that executions were carried out and death sentences imposed for a wide range of alleged offences. These included acts, such as questioning the leader's policies, that should have not even been classified as crimes or that were not codified under national legislation.

The Yonhap News agency, based in South Korea, reported that 15 high-ranking officials were executed in North Korea prior to April.¹²² The same agency reported in August that Vice Premier Choe Yong-gon and Defence Minister Hyon Yong-chol had been executed in May by shooting.¹²³ The Daily NK, an online newspaper also based in South Korea, reported that five people were executed in September in the Yanggang province for assisting others to leave the country.¹²⁴

¹¹⁹ President Office Order No. (1/2014), 2 January 2014, available at www.president-office.gov.mm/en/?q=briefing-room/orders/2014/01/03/id-3138 (accessed 5 March 2016)

¹²⁰ "52 political prisoners released in amnesty", *Myanmar Times*, 22 January 2016, available at www.mmtimes.com/index.php/national-news/18625-52-political-prisoners-released-in-surprise-amnesty.html (accessed 5 March 2016)

¹²¹ UN Human Rights Council, Report of the Working Group on the Universal Period Review, Myanmar, UN doc. A/HRC/31/13, 20 November 2015

¹²² "North Korea's Kim ordered execution of 15 officials this year: South's spy agency", Reuters, 30 April 2015, available at www.reuters.com/article/us-northkorea-execution-idUSKBN0NK0VS20150430 (accessed 5 March 2016)

¹²³ "NK leader had vice premier executed with gun: sources", Yonhap News Agency, 12 August 2015 <http://english.yonhapnews.co.kr/news/2015/08/12/0200000000AEN20150812014000315.html>; (2nd LD) N. Korea's defense chief executed: S. Korea intel, Yonhap News, 13 May 2015, available at <http://english.yonhapnews.co.kr/northkorea/2015/05/13/64/0401000000AEN20150513002852315F.html> (both accessed 5 March 2016)

¹²⁴ "5 executed for aiding and abetting escapes", Daily NK, 28 December 2015, available at www.dailynk.com/english/read.php?catId=nk01500&num=13659 (accessed 5 March 2016)

Pakistan carried out executions at an alarming rate during the year, joining the leading executioners China and Iran. Amnesty International recorded 326 executions, including 305 for murder. Pakistan had initially lifted a moratorium on executions on 17 December 2014 to allow for executions for terrorism-related offences. In February 2015, the authorities began executing prisoners convicted of other crimes.¹²⁵ Many of those executed had in fact been convicted by Anti-Terrorism Courts, special courts established under the Anti-Terrorism Act of 1997, which the authorities have used to try defendants charged with offences under the Penal Code.

Amnesty International received reliable information indicating that five men who were executed in 2015 had been below 18 years old at the time of the crime. One of them, Aftab Bahadur, was executed on 10 June for the murder of three people committed in 1992, when he was 15 years old. The only prosecution witness who testified to seeing Aftab Bahadur and his co-defendant committing the murder later said that his original statement was false and he had been pressured by the police to say that he witnessed the incident. His co-defendant also maintained that the police had tortured him into “confessing” to the crime. The use of the death penalty on juvenile offenders is prohibited under international law and Pakistan’s Constitution.¹²⁶

At least 121 new death sentences were imposed during the year, including 64 for murder and 49 for acts of “terrorism”. Two people who were below 18 years old when the murders were committed were also among those sentenced to death in 2015. At least 7,000 people were under sentence of death in Pakistan at the end of the year.

¹²⁵ Amnesty International, Pakistan: Two executions for non-terrorism offences a ‘disturbing and dangerous’ escalation, 13 February 2015, available at www.amnesty.org/en/latest/news/2015/02/pakistan-two-executions-for-non-terrorism-offences-a-disturbing-and-dangerous-escalation/

¹²⁶ Amnesty International, Pakistan: Execution of minor highlights endemic problems in justice system, 10 June 2015, available at www.amnesty.org/en/press-releases/2015/06/pakistan-execution-of-minor-highlights-endemic-problems-in-justice-system-1/

PAKISTAN'S NEW MILITARY COURTS – VIOLATING THE RIGHT TO A FAIR TRIAL

On 7 January 2015, President Mamnoon Hussain signed the 21st Constitutional Amendment Bill of 2015 and the Pakistan Army (Amendment) Act 1952, allowing newly established military courts to try civilians suspected of terrorism-related offences for a period of two years.¹²⁷ Proceedings under these military courts did not meet international fair trial standards. The authorities did not reveal details of the process through which they transferred cases to military courts, and military officers presiding over these courts were not required to have any legal training.¹²⁸

On 2 December 2015, four men were executed at Kohat prison after they were convicted by a military court of involvement in the 2014 Peshawar school attack. A press release from the military listed the men as Maulvi Abdus Salam, Hazrat Ali, Mujeeb ur Rehman, and Sabeel alias Yaya. The authorities did not disclose information on the exact charges against the four men. The secrecy that surrounded the proceedings raised questions about the reported self-incriminating “confessions” made by the four men. Past research by Amnesty International revealed a wide pattern of torture and other ill-treatment of suspects by military personnel.¹²⁹ Eight other prisoners convicted by these courts were also executed in December, and 34 others were sentenced to death during the year.

No new death sentences were recorded in **Papua New Guinea** in 2015. Correctional Services Minister Jim Simatab was reported to have said that 13 people remained under sentence of death in the whole country in February, following the death of the youngest prisoner, who was 16 years old, the previous month. Another man had escaped from Baisu Prison in Western Highlands.¹³⁰

Out of the 12 prisoners remaining under sentence of death: six prisoners were detained at Kerevat Prison in East New Britain, convicted of “wilful murder” and sea piracy and sentenced in July 2011; two prisoners, also detained at Kerevat Prison, were convicted of “wilful murder”; four prisoners were detained in Bomana Prison for “wilful murder”,

¹²⁷ “Setting up of military courts: President Mamnoon signs bills into law”, Dawn, 7 January 2015, available at www.dawn.com/news/1155486/setting-up-of-military-courts-president-mamnoon-signs-bills-into-law (accessed 5 March 2016)

¹²⁸ See also International Commission of Jurists, Pakistan: The trial of civilians by military courts, Briefing Paper, January 2016, available at <http://icj.wpengine.netdna-cdn.com/wp-content/uploads/2016/01/Pakistan-military-courts-brief-Advocacy-Analysis-brief-2016-ENG.pdf> (accessed 5 March 2016)

¹²⁹ Amnesty International, Pakistan: Hanging of four men tried in military court is not justice, 4 December 2015, (ASA 33/3008/2015), available at www.amnesty.org/en/documents/asa33/3008/2015/en/

¹³⁰ “Indonesia, Thailand ready to help PNG on death penalty”, Pacific Islands News Association, 8 February 2015, www.pina.com.fj/?p=pacnews&m=read&o=160424389254d831a7af6f7aa0b4ce (accessed 5 March 2016). A new death sentence was imposed in February 2016, bringing the total number of known persons under sentence of death to 14, 13 of whom are in detention.

including 21 years old Sedoki Lota who was convicted in 2007 when he would have been 13 years old. The 12 prisoners had exhausted all appeal and constitutional review processes, as well as the plea for clemency.¹³¹

In March 2015 the UN Special Rapporteur on extrajudicial, summary or arbitrary executions published the findings of his 2014 mission to Papua New Guinea.¹³² In relation to the death penalty, he stated that information he had received indicated that at least one of the 13 people on death row had been sentenced to death before the Supreme Court, leaving the person with no possibility of appealing for a review of his sentence by a higher court. The Special Rapporteur also expressed concern that the laws of Papua New Guinea provide for the death penalty for offences that do not constitute “most serious crimes” and do not prohibit the imposition of the death penalty on offenders who were below 18 years of age at the time of the offence, new mothers and persons with mental (psychosocial) disabilities, against international law and standards.

Government statements reported in media portrayed a contrasting picture in relation to moves to resume executions. While at the beginning of the year the authorities were quoted as being in favour of the death penalty, later in the year media reports indicated that the government was reconsidering its decision to move ahead and was even considering its abolition.¹³³

A military court sentenced a soldier to death in **South Korea**, where the last execution was carried out in 1997. Sixty people remained on death row with their death sentence finalized at the end of the year. On 7 July, 172 out of 298 MPs supported the introduction of a Bill to abolish the death penalty. The draft legislation remained pending before the Legislation and Judiciary Committee at the end of the year. The UN Human Rights Committee reviewed South Korea’s compliance with the ICCPR in October. The Committee urged the country’s authorities to give due consideration to abolition of the death penalty in law and to commute all death sentences. It also urged them to ratify the Second Optional Protocol to the ICCPR.¹³⁴

¹³¹ “Indonesia, Thailand ready to help PNG on death penalty”, Pacific Islands News Association, 8 February 2015

¹³² Human Rights Council, Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Addendum-Mission to Papua New Guinea (3 to 14 March 2014), UN doc. A/HRC/29/37/Add.1, 30 March 2015

¹³³ “PNG government defends death penalty as new guidelines approved”, ABC News, 18 February 2016, available at www.abc.net.au/news/2015-02-18/png-government-defends-death-penalty-following-new-guidelines/6143738

“PNG ‘seriously reconsidering’ death penalty”, Radio New Zealand, 18 May 2015, available at www.radionz.co.nz/international/pacific-news/273951/png-'seriously-reconsidering'-death-penalty (both accessed on 5 March 2016)

¹³⁴ Human Rights Committee, Concluding observations on the fourth periodic report of the Republic of Korea, UN doc. CCPR/C/KOR/CO/4, 3 December 2015, para.23

Four people were executed in **Singapore**. The authorities announced the execution of Muhammad bin Kadar, who was convicted of intentional murder and sentenced to the mandatory death penalty, on 17 April.¹³⁵ The authorities, however, did not publish any details about the three other executions, which were carried out for drug-related offences.¹³⁶ At least five new mandatory death sentences were imposed: four for drug trafficking and one for murder. The High Court commuted the death sentence of Tony Anak Imba, after he applied for resentencing following the 2012 reforms to mandatory death penalty laws.¹³⁷ At least 23 people remained on death row at the end of the year.

At least 51 new death sentences were imposed in **Sri Lanka**, the majority for murder and at least three for drug-related offences. In September national media reported a statement by the Commissioner General of Prisons, Rohana Pushpakumara, that there were 1,115 prisoners on death row, 600 of whom were still appealing against their sentence.¹³⁸ The Sri Lankan Ministry of Foreign Affairs intervened on behalf of the 10 Sri Lankan nationals under sentence of death abroad. These included one person in Lebanon, seven in the United Arab Emirates and two in Saudi Arabia.¹³⁹

Taiwan carried out six executions on 5 June, a week after the murder of an eight-year-old girl sparked public outrage and calls for implementation of the death penalty.¹⁴⁰ Nine new death sentences were imposed during the year, all for murder; 42 people were under sentence of death at the end of 2015.

On 2 December 2015, the Supreme Court of Taiwan ordered the High Court to reconsider a retrial request by Chiou Ho-shun. Chiou Ho-shun had been sentenced to death for robbery, kidnapping and murder in 1989. His conviction was primarily based on a confession that

¹³⁵ Singapore Police Force, "Execution of convicted murderer", 17 April 2015, available at www.police.gov.sg/mic/2015/04/20150417_others_execution_convicted_murderer.html (accessed 5 March 2016)

¹³⁶ Singapore Prison Service, "Singapore Prison Service Annual Statistics 2015", available at www.sps.gov.sg/sites/default/files/publication-documents/Press%20Release_Singapore%20Prison%20Service%20Statistics%20Release%202015.pdf (accessed 5 March 2016)

¹³⁷ Singapore High Court, *Public Prosecutor v. Michael Anak Garing and another*, [2015] SGHC 107, 20 April 2015

¹³⁸ "Prison Dept. ready to carry out death sentence", *Daily Mirror* (Sri Lanka), 19 September 2015, available at www.dailymirror.lk/88035/prison-dept-ready-to-carry-out-death-sentence (accessed 5 March 2016)

¹³⁹ "Family in dark as mother faces barbaric death by stoning", *Sunday Times*, 22 November 2015, available at www.sundaytimes.lk/151122/news/family-in-dark-as-mother-faces-barbaric-death-by-stoning-172457.html (accessed 5 March 2016)

¹⁴⁰ Amnesty International, Taiwan: Six executed in politically motivated decision, 5 June 2015, available at www.amnesty.org/en/latest/news/2015/06/taiwan-six-executed/

Chiou allegedly made under torture during police interrogation in 1988. He claimed that he retracted the “confession” immediately afterwards.¹⁴¹ No decision on the retrial was known at the end of the year.

On 1 September the High Court quashed the conviction and death sentence of Hsu Tzu-chiang, who had undergone seven retrials for the same offence since 2000. Hsu had been convicted on the basis of the testimony of his two co-defendants.¹⁴² In February, the Supreme Court overturned the death sentence imposed on Hsieh Yi-han and remanded her case to the High Court for review.¹⁴³

At least seven new death sentences were imposed in **Thailand**. The Department of Corrections reported that at the end of the year 413 people were on death row, of whom 55% had been convicted of drug-related offences. This percentage is considerably higher among the women death row population, where 80% of the 50 women under sentence of death had drug-related convictions.¹⁴⁴

On 26 March the National Legislative Assembly voted in favour of amendments to the Anti-Human Trafficking Act B.E. 2551 (2008), allowing for the imposition of the death penalty in trafficking cases that result in death. The Amendments came into effect on 19 December.¹⁴⁵

Figures on the use of the death penalty in **Viet Nam** remained classified as a state secret. Amnesty International believed that executions continued to be carried out in 2015, but could not verify the limited reports it received. At least 47 new death sentences were imposed, including 27 for drug-related offences and two for economic crimes. This figure was likely an underrepresentation of the real extent of the use of the death penalty by the courts, particularly when compared with the approximate total of 200 death sentences per year,

¹⁴¹ Amnesty International, Taiwan: Grant retrial to death row inmate tortured to confess, 9 June 2015, available at www.amnesty.org/en/latest/news/2015/06/taiwan-grant-retrial-to-death-row-inmate-tortured-to-confess/

¹⁴² “Court acquits man after controversial death penalty case”, *The China Post*, 2 September 2015, available at www.chinapost.com.tw/taiwan/national/national-news/2015/09/02/444836/Court-acquits.htm (accessed 5 March 2016)

¹⁴³ “Mama Mouth Cafe convict’s death sentence overturned”, *Taipei Times*, 13 February 2015, available at www.taipeitimes.com/News/taiwan/archives/2015/02/13/2003611484, (accessed 5 March 2016)

¹⁴⁴ Information on file with Amnesty International

¹⁴⁵ Notice from the Ministry of Foreign Affairs, available at www.thaiembassy.se/minmapp/News%20and%20Announcement/DOC000.pdf (accessed 5 March 2016)

which then Vice Chief of the Supreme People's Court Tran Van Do made reference to at the end of 2014.¹⁴⁶ An estimated 700 people were under sentence of death at the end of 2015.

On 27 November, the National Assembly voted in favour of removing seven crimes from the list of offences that can be punished by death, bringing the total number of capital offences from 22 to 15. The offences that will no longer be punishable by death as of 1 July 2016 are: plundering property; destroying important national security works and/or facilities; disobeying orders in the military; surrendering to the enemy, which is applicable in the army; undermining peace, provoking aggressive wars; crimes against mankind; and war crimes. The amendments also require the commutation of the death penalty for pregnant women; women with children under the age of 36 months; people aged 75 and over; and people sentenced to death for embezzlement of assets or taking bribes who return at least three fourths of the embezzled asset.¹⁴⁷ The reduction in the number of capital crimes and provisions for commutations represented a positive development; however, other offences not involving intentional killing such as drug trafficking remained punishable by death.

A provincial court halted the execution of **Lê Văn Mạnh** on 26 October, the day it was scheduled to be carried out. Lê Văn Mạnh had been convicted in October 2005 of rape and murder. He was convicted and sentenced to death, twice, only for his convictions to be later overturned. In 2008, a third trial found Lê Văn Mạnh guilty and resulted in a death sentence for the third time. His conviction and sentence were upheld. Lê Văn Mạnh maintained his innocence throughout the criminal proceedings against him. He alleged that the "confession" on which his convictions were based had been obtained under torture.¹⁴⁸ He did not receive adequate legal representation on appeal.

¹⁴⁶ "Vietnam should get softer on crime, experts say", Thanh Nien News, 16 December 2014, available at www.thanhniennews.com/politics/vietnam-should-get-softer-on-crime-experts-say-35441.html (accessed 5 March 2016)

¹⁴⁷ "The National Assembly passed Penal Code (amended)", Ministry of Justice of the Socialist Republic of Viet Nam, 30 November 2015, available at http://moj.gov.vn/en/ct/Lists/Ministry%20of%20Justices%20Activities/View_Detail.aspx?ItemID=357 (accessed 5 March)

¹⁴⁸ Amnesty International, Viet Nam: halt imminent execution of Lê Văn Mạnh and order investigation into allegations of torture, (ASA 41/2737/2015), 24 October 2015, available at www.amnesty.org/en/documents/asa41/2737/2015/en/

EUROPE AND CENTRAL ASIA

REGIONAL TRENDS

- Belarus remains the only country in the region to use the death penalty. No executions were recorded in 2015; at least two new death sentences were imposed.
- Kazakhstan, Russia and Tajikistan continued to observe their official moratoriums on the use of the death penalty.

In October the European Court of Human Rights heard the case *A.L. (X.W.) v. Russia* relating to the attempts by the Russian authorities to forcibly return a Chinese national to China, despite the risk that he could be subjected to the death penalty there, in connection with a murder charge brought against him.¹⁴⁹ The Court found that its previous rulings that the death penalty “has become an unacceptable form of punishment that is no longer permissible under Article 2 [of the European Convention on Human Rights (ECHR)]” and that “it amounts to ‘inhuman or degrading treatment or punishment’ under Article 3 [of the ECHR]” fully apply to Russia as a member state of the Council of Europe, even if Russia is yet to ratify Protocols Nos 6 and 13 to the ECHR.¹⁵⁰ The Court concluded that there was a substantial and foreseeable risk that – if deported to China – A.L. might be sentenced to death.

COUNTRY DEVELOPMENTS

In **Belarus** courts imposed at least two new death sentences. At least three people were on death row at the end of 2015. On 18 March Siarhei Ivanou was sentenced to death by the Homel Regional Court for a murder committed in August 2013.¹⁵¹ He was represented by a state-appointed lawyer.

The general rapporteur on the abolition of the death penalty of the Parliamentary Assembly of the Council of Europe, Marietta Karamanli, condemned the death sentence issued against Siarhei Ivanou at the end of a trial which had been held behind closed doors.¹⁵² In April,

¹⁴⁹ European Court of Human Rights, *Case of A.L. (X.W.) v. Russia*, (Application no. 44095/14), final 29 January 2016, available at <http://hudoc.echr.coe.int/eng?i=001-158148> (accessed 5 March 2016)

¹⁵⁰ European Court of Human Rights, *Case of A.L. (X.W.) v. Russia*, (Application no. 44095/14), final 29 January 2016, para.64

¹⁵¹ “Gomel regional court said the verdict in the case of firing in Rechytza – excluding Articles of rape”, *spring96*, 19 March 2015, available at <http://dp.spring96.org/en/news/76285> (accessed 5 March 2016)

¹⁵² “Death penalty: concern at the latest events in Belarus and Russia”, *PACE: News*, 20 March 2015, available at http://assembly.coe.int/nw/xml/News/News-View-en.asp?newsid=5491&lang=2&sm_au=iVVbjkP776qHj7L5 (accessed 5 March 2016)

the UN Special Rapporteur on the situation of human rights in Belarus also expressed similar concerns on the lack of transparency in the proceedings.¹⁵³

Belarus sentenced another man to death, Ivan Kulesh, on 20 November for “committing murder with particular cruelty”, theft and robbery. According to the forensic medical examination Ivan Kulesh was diagnosed with an antisocial personality disorder. However, he was found “sane” by the Hrodna court.¹⁵⁴

On 28 January amendments to the Criminal Code came into force, introducing the possibility of substituting a death sentence with life imprisonment at the pre-trial stage by agreement with the prosecution.¹⁵⁵

The UN Special Rapporteur on the situation of human rights in Belarus expressed his ongoing concern that individuals facing the death penalty in Belarus are being denied a fair trial, the date and time of executions are not reported, the bodies of individuals who are executed are not returned to their relatives and the location of the burial site is not disclosed.¹⁵⁶

Belarus was reviewed under the UN Universal Periodic Review on 4 May.¹⁵⁷ Belarus accepted recommendations to carry out public campaigns on the arguments for abolition of the death penalty with the aim of ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty; and consider establishing a moratorium on executions and abolishing the death penalty. It took note of, but did not accept, recommendations to take concrete steps towards abolishing the death penalty including by imposing a moratorium on executions; ratify the Second Optional Protocol to the ICCPR; and allow family members of death row prisoners to visit prisoners before executions are carried out and to bury their bodies after execution.¹⁵⁸

¹⁵³ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Belarus, Miklós Haraszti, UN doc. A/HRC/29/43, 29 April 2015, para.69

¹⁵⁴ “Another execution in Belarus: Man murders three saleswomen”, *Belsat*, 20 November 2015, available at <http://belsat.eu/en/news/smyarotny-prysud-u-goradni/> (accessed 5 March 2016)

¹⁵⁵ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Belarus, UN doc. A/HRC/30/3, 13 July 2015, para.11

¹⁵⁶ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Belarus, UN Doc. A/HRC/29/43, 29 April 2015, para.74

¹⁵⁷ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Belarus, UN doc. A/HRC/30/3, 13 July 2015

¹⁵⁸ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Belarus, Addendum, Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review, UN doc. A/HRC/30/3/Add.1, 30 July 2015

Kazakhstan continued to observe an official moratorium on the death penalty. In February the UN Human Rights Committee encouraged Kazakhstan to “abolish the death penalty and to accede to the Second Optional Protocol to the ICCPR.”¹⁵⁹

In **Russia**, throughout the year, individual members of Parliament (lower house and upper house) called for the reintroduction of the death penalty. According to MPs, including the State Duma (the lower house of parliament) Deputy, Alexei Didenko, Russia’s possible withdrawal from the Council of Europe would lead to the reintroduction of the death penalty.¹⁶⁰ In March and May respectively, a member of the Liberal Democratic Party proposed a bill introducing the death penalty for terrorism and drug-related offences but neither bill passed the first reading.¹⁶¹ In November another member of the same party introduced a bill in Parliament proposing the expansion of the scope of the death penalty for terrorism.¹⁶²

Presidential spokesperson Dmitry Peskov was asked in December whether the stance of Russian President Vladimir Putin’s opposition to the death penalty has changed; he stated that the President had “not come up with any alternative points of view”.¹⁶³

¹⁵⁹ UN Human Rights Committee, Consideration of reports submitted by States parties under article 40 of the Covenant, Kazakhstan, UN doc. CCPR/C/KAZ/2, 12 February 2015, para.74

¹⁶⁰ “Russian MP: Millions of perverts may be executed after Russia quits Council of Europe”, *Belsat*, 2 February 2015, available at <http://stara.belsat.eu/en/articles/russian-mp-millions-perverts-may-be-executed-after-russia-quits-council-europe/>, (accessed 5 March 2016) and “Russian will not overturn death penalty ban – Chairman of Human Rights Council”, *Rapsi news*, 30 January 2015, available at http://rapsinews.com/legislation_news/20150130/273068258.html?sm_au=iVVbjkP776qHj7L5 (accessed 5 March 2016)

¹⁶¹ “The State Duma rejected the bill on the death penalty for terrorism”, *Interfax*, 24 March 2015, available at www.interfax.ru/russia/431945?sm_au=iVVVFqStt3t43B2M (accessed 5 March 2016) and “The deputies refused to return the death penalty in Russia”, *Russian Gazette*, 5 December 2015, available at www.rg.ru/2015/05/12/kazn-site.html (accessed 5 March 2016)

¹⁶² “Russian lawmakers submit bill on death penalty for terrorism”, *Tass*, 1 December 2015, available at http://tass.ru/en/politics/840542?sm_au=iVVbjkP776qHj7L5, (accessed 5 March 2016)

¹⁶³ “Russian lawmakers submit bill on death penalty for terrorism”, *Tass*, 1 December 2015, available at <http://tass.ru/en/politics/840542>, (accessed 5 March 2016)

MIDDLE EAST AND NORTH AFRICA

REGIONAL TRENDS

- Amnesty International recorded executions in eight countries in the Middle East and North Africa region, the same number as in 2014.
- The total number of executions recorded increased by 26% compared to 2014.
- The total number of death sentences recorded imposed increased by 6% in comparison to 2014, but it was not possible to confirm any figures for Iran and Yemen.
- All countries in the region, except Oman and Israel, imposed death sentences in 2015.

EXECUTIONS AND DEATH SENTENCES RECORDED IN THE MIDDLE EAST AND NORTH AFRICA

At least 1,196 executions in eight countries (out of 19 in the region): Egypt (22+), Iran (977+), Iraq (26+), Jordan (2), Oman (2), Saudi Arabia (158+), UAE (1) and Yemen (8+). Amnesty International could not confirm if judicial executions took place in Syria.

At least 831 death sentences in 17 countries: Algeria (62+), Bahrain (8), Egypt (538+), Iran (+), Iraq (89+), Jordan (3+), Kuwait (14), Lebanon (28), Libya (10+), Morocco/Western Sahara (9), Palestine (State of) (12+, Hamas authorities in Gaza, 10+; Palestinian authority in West Bank, 2+), Qatar (9), Saudi Arabia (6+), Syria (20+), Tunisia (11), UAE (8) and Yemen (+).

The use of the death penalty in the Middle East and North Africa region increased in 2015. The number of executions recorded by Amnesty International rose from 945 in 2014 to 1,196 in 2015, an increase of 26%.¹⁶⁴ For the second year running, Iran and Saudi Arabia were the two countries that carried out the highest number of executions in the region. Iran

¹⁶⁴ The number of executions stated for 2014 for the purpose of this comparison includes at least 454 executions reported by reliable sources in addition to those officially announced by the Iranian authorities.

executed at least 977 people, representing 82% of all confirmed executions in the region.¹⁶⁵ Saudi Arabia executed at least 158 people, accounting for 13% of all confirmed executions in the region. The number of executions recorded in Saudi Arabia was the highest recorded in the country since 1995 and was an increase of 76% compared to 2014.

Amnesty International confirmed 831 death sentences were imposed in the region in 2015, an increase on the 785 death sentences recorded in 2014. The majority were recorded in Egypt, where at least 538 people were sentenced to death (compared to at least 509 in 2014). The number of death sentences recorded in Algeria and Iraq increased significantly compared to the previous year. At least 62 death sentences were imposed in Algeria in 2015 compared to at least 16 in 2014; at least 89 people were sentenced to death in Iraq in 2015 compared to at least 38 in 2014. Death sentences were imposed in Iran and Yemen during the year but Amnesty International was unable to confirm any credible figures on these countries.

Algeria, Bahrain, Kuwait, Lebanon, Libya, Morocco/Western Sahara, Palestine (State of), Qatar and Tunisia imposed death sentences but did not carry out executions. Oman and Israel were the only countries that did not impose death sentences in the region in 2015.

COUNTRY DEVELOPMENTS

Algeria did not execute anyone during the year. The last known execution was carried out in 1993. However, the courts imposed at least 62 death sentences. Most of the sentences were imposed for terrorism-related offences and in absentia.

Bahrain did not carry out any executions. Eight men were sentenced to death for murder. Five of the men were Bahraini nationals, two were Bangladeshi nationals and one was a Sri Lankan national. Two commutations were granted during the year.

Egypt executed at least 22 people in 2015. Five executions, of three men and two women, were carried out for murder on 1 March 2015 in Asyut Prison. On 7 March, one man was executed, in Borg Al Arab Prison in Alexandria, for murder linked to political violence in July 2013. Five executions were carried out on 26 April 2015 in Asyut Prison for murder, theft and possession of weapons. On 17 May, six men were executed for “terrorism” following a trial before a military court that did not comply with international fair trial standards. Five

¹⁶⁵ Every year Amnesty International reports both the number of officially announced executions in Iran and the number of executions the organization has been able to confirm took place, but which were not officially announced by the authorities. When calculating the annual total number of executions globally and for the Middle East and North Africa region Amnesty International has previously only counted executions officially announced by the Iranian authorities. In July 2015 Amnesty International reviewed this approach because it fails to fully reflect the scale of executions in Iran, about which the authorities must be transparent. Since July 2015 Amnesty International began using the combined figure of officially announced executions and those executions not officially announced but which the organization has confirmed, from credible sources, took place. See www.amnesty.org/en/latest/news/2015/07/irans-staggering-execution-spree/

executions, of one woman and four men, were carried out on 13 December 2015 in Damanhour Prison for killing and theft.

Courts in Egypt sentenced at least 538 people to death. Many of the death sentences followed trials that were unfair. On 2 February 2015 the Giza criminal court issued the final verdict sentencing 183 people to death following receipt of the opinion of the Grand Mufti. The court had commenced the mass trial of 188 people the previous year. Egyptian criminal courts must refer a case to the Grand Mufti for review, before handing down a death sentence; however, the opinion of the Grand Mufti is only advisory and not binding on the courts.

In November President Abdel Fattah al-Sisi commuted the death sentences of three Seychellois nationals to life imprisonment. Prior to the commutation, the three people had been sentenced to death for drug trafficking and Egypt's highest court had upheld their death sentences. At least one exoneration was recorded during the year. On 29 September, a court acquitted Mohammed Maghawri of charges of involvement in "terrorism". He had previously been tried and sentenced to death in the case in absentia.

Iran carried out at least 977 executions in 2015. The Iranian authorities announced 400 executions through official and semi-official sources. However, credible sources confirmed that at least 577 more executions took place, in addition to those officially announced. At least 16 women and at least four juvenile offenders were executed. At least 58 executions known to Amnesty International were carried out publicly. Scores of death sentences were imposed in Iran during the year. However, Amnesty International was unable to confirm any credible figures.

The majority of executions carried out in 2015 were for drug-related offences. Iran's Anti-Narcotics Law stipulates mandatory death sentences for a range of drug-related offences, including trafficking more than 5kg of narcotics derived from opium or more than 30g of heroin, morphine, cocaine or their chemical derivatives.

In June, a new Code of Criminal Procedure came into force. The new Code repealed Article 32 of the Anti-Narcotics Law. This Article provided no right of appeal against death sentences imposed for drug-related crimes, in flagrant violation of international law. Under the repealed Article, all death sentences were subject to confirmation either by the Head of the Supreme Court or the Prosecutor General, who were entitled to revise or quash the sentence if they found it had contravened Islamic law or that the judge was not competent.

In December, several members of Parliament proposed a bill to replace the death penalty with life imprisonment for drug-related offences that do not involve armed activities.

Many death sentences in Iran were imposed after trials that fell short of international fair trial standards. Defendants often had no access to lawyers during pre-trial investigations, and courts generally dismissed allegations of torture and admitted as evidence "confessions" obtained under torture. As in previous years Iranian courts continued to sentence people to death for crimes that are vaguely worded and overly broad; not recognizably criminal offences

under international human rights law; and do not meet the threshold of the “most serious crimes”.¹⁶⁶

In July, a court sentenced Mohammad Ali Taheri to death for “spreading corruption on earth” by establishing a spiritual group called Erfan-e Halgheh and promoting beliefs and practices which the authorities said were “perverse” and would advance a “soft overthrow” of the government by weakening people’s religious convictions.¹⁶⁷ The Supreme Court quashed the death sentence in December, after concluding that Mohammad Ali Taheri’s activities before he was arrested in 2011 had not amounted to “spreading corruption on earth” as defined in the old Islamic Penal Code (which was in force until 2013 when a new Islamic Penal Code was adopted). He remained under investigation for various allegations, including “apostasy” (*ertedad*) and “insulting the Prophet” (*sabbo al-nabi*) which could carry the death penalty.

Behrouz Alkhani, a 30-year-old man from Iran’s Kurdish minority, was executed on 26 August despite the fact that he was awaiting the outcome of a Supreme Court appeal. He had been sentenced to death by a Revolutionary Court for “effective collaboration with PJAK” (Party of Free Life of Kurdistan) and “enmity against God” (*moharebeh*). His “confessions”, which he said were obtained through torture and other ill-treatment, were used against him.

On 4 March, six men from Iran’s Sunni minority, Hamed Ahmadi, Jahangir Dehghani, Jamshid Dehghani, Kamal Molaee, Hadi Hosseini and Sediq Mohammadi, were executed for the vaguely worded offence of “enmity against God” (*moharebeh*). The executions were carried out despite serious concerns about the fairness of the legal proceedings that led to the men’s convictions. The men had been held in solitary confinement during their pre-trial detention for several months without access to a lawyer or their families. They said they met their court-appointed lawyers for the first time, a few minutes before the start of their trials. The court proceedings were held behind closed doors and apparently lasted only 10 to 30 minutes.

Iran continued to impose death sentences on and execute juvenile offenders, in breach of its international obligations under the UN Convention on the Rights of the Child and the International Covenant on Civil and Political Rights (ICCPR).¹⁶⁸ The Convention on the Rights of the Child and the ICCPR prohibit the use of the death penalty against juvenile offenders.

¹⁶⁶ “Most serious crimes” are the only category of crimes for which death sentences may be imposed under the International Covenant on Civil and Political Rights, to which Iran is a state party. International standards interpret “most serious crimes” as being limited to crimes involving intentional killing.

¹⁶⁷ Mohammad Ali Taheri, a prisoner of conscience, was held solely for the peaceful exercise of his rights to freedom of belief, expression and association.

¹⁶⁸ Iran became a state party to the International Covenant on Civil and Political Rights in 1975 and the UN Convention on the Rights of the Child in 1994. For further reading on Iran’s use of the death penalty against juvenile offenders, see Amnesty International, *Growing up on death row: The death penalty and juvenile offenders in Iran*, January 2016, available at www.amnesty.org/en/documents/mde13/3112/2016/en/

At least 160 juvenile offenders were on death row at the end of 2015. Some of them had been in prison for more than a decade. At least 73 juvenile offenders were executed between 2005 and 2015. Four of them were executed in 2015: Javed Saberi, Vazir Amroddin, Samad Zahabi and Fatemeh Salbehi. During the year, a number of juvenile offenders had retrials based on the provisions of the 2013 new Islamic Penal Code; the courts found that they had sufficient “mental growth and maturity” at the time of the crime and they were sentenced to death again.

Samad Zahabi was hanged in secret in Dizel Abad Prison in Kermanshah Province in October 2015 for shooting a fellow shepherd during a row over who should graze their sheep. He was 17 years old at the time of the commission of the crime and was sentenced to death by the Provincial Criminal Court of Kermanshah Province in March 2013. His family said that they only learned of his fate after his mother visited the prison. Samad Zahabi and his family were not informed of his right to request a retrial from the Supreme Court. Branch 6 of the Supreme Court had upheld the death sentence in February 2014, despite a written submission from the Office of the Prosecution that had asked for it to be quashed in light of the provisions of the 2013 new Islamic Penal Code.

At least 26 executions were carried out in **Iraq**, three of which took place in the Kurdistan Region of Iraq. These were the first executions carried out in the Kurdistan Region of Iraq since 2008. On 12 August, Farhad Jaafar Mahmood, Berivan Haider Karim and Khuncha Hassan Ismaeil, were hanged following their conviction for the abduction and murder of two schoolgirls in 2011 and 2012. Their sentences were ratified by Massoud Barzani, President of the Kurdistan Regional Government, after being upheld by the Court of Cassation. President Barzani had previously refrained from ratifying death sentences during the seven-year hiatus on executions.

At least 89 death sentences were imposed for offences that included terrorism, murder and kidnapping. Those sentenced to death were mostly Iraqi nationals; they also included some foreign nationals.

On 8 July the Central Criminal Court of Iraq in Baghdad sentenced 24 men to death by hanging under Article 4 of the 2005 Anti-Terrorism Law after convicting them of involvement in the killing of at least 1,700 military cadets from the Speicher Military Camp, near Tikrit in Salahuddin governorate, on 12 June 2014. The trial of the men, which lasted only a few hours, relied mainly on “confessions” obtained from the defendants during interrogation, and video footage of the massacre. According to reports from the courtroom the defendants denied involvement in the killings and said that their “confessions” were extracted from them under torture. Some defendants denied being in the Tikrit area at the time of the massacre.

On 16 June the Iraqi Cabinet sought to expedite the implementation of death sentences by approving a proposed amendment to the Code of Criminal Procedures. The amendment would grant the Minister of Justice the power to ratify executions if the President did not ratify, pardon, issue clemency, or commute final death sentences within 30 days.¹⁶⁹ Former President Jalal Talabani had refused to ratify any death sentences while in office. During the

¹⁶⁹ “Cabinet vote on the draft law amending the Code of Criminal Procedure”, *Iraq’s Ministry of Justice*, 16 June 2015, www.moj.gov.iq/view.1601/ (accessed 17 February 2016)

year, President Fuad Masum came under significant pressure from Iraqi MPs and the public to ratify death sentences, particularly following the Speicher massacre.

On 15 July a spokesperson of the presidency stated that President Fuad Masum had begun ratifying a backlog of 662 death sentences awaiting ratification by the President since 2006. The Iraqi Code of Criminal Procedures provides that once a death sentence is confirmed by the Court of Cassation, it must be sent to the President to decide whether to ratify it, commute it to a lesser sentence, or grant a pardon. Amnesty International was seriously concerned that many of the death sentences that President Masum might have ratified in 2015 were of individuals convicted on the basis of “confessions” obtained under torture, televised “confessions” admitted as evidence against other defendants, or information obtained through secret informants in total disregard for international fair trial guarantees. The majority of those sentenced to death have been people convicted under the 2005 Anti-Terrorism Law.

In **Israel** the death penalty had been abolished for ordinary crimes only. In July, the Israeli Knesset rejected a bill that would have made it easier for military and district courts to sentence to death those convicted of “terrorism”.¹⁷⁰ The bill proposed that convicted “terrorists” be sentenced to death with a simple majority of judges, rather than the unanimous decision required under current law. The death penalty has only been used once in Israel, against Adolf Eichmann in 1962 for his role in the Holocaust.

One man and one woman, were executed in **Jordan**. Sajida al-Rishawi, aged around 45, was an Iraqi national sentenced to death for involvement in the November 2005 suicide bombings which killed 60 people in Amman. She was hanged on 4 February in Swaqa prison. Ziad al-Karbouli, aged 41, also an Iraqi national, was hanged on 4 February in Swaqa prison. He had been sentenced to death on charges which included possessing explosives leading to death of a person and murder. At least three men, all Jordanian nationals, were sentenced to death during the year. One of them, aged 56, was sentenced to death for the rape of a minor while the others, aged 49 and 23, were sentenced to death for murder.

No executions were carried out in **Kuwait**. However, the country imposed 14 death sentences. At least 11 people were under sentence of death at the end of the year. The authorities granted three commutations. During the review of Kuwait under the UN Universal Periodic Review (UPR) in January, Kuwait did not accept the recommendations to abolish the death penalty, and to establish a moratorium on executions with a view to abolishing the death penalty.¹⁷¹ The country stated that it rejected the recommendation to abolish the death

¹⁷⁰ “Knesset rejects bill on death penalty for terrorists”, *The Times of Israel*, 15 July 2014, www.timesofisrael.com/knesset-rejects-bill-on-death-penalty-for-terrorists/ (accessed 17 February 2016)

¹⁷¹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Kuwait, Addendum, UN doc. A/HRC/29/17/Add.1, 4 June 2015

penalty because article 2 of the Constitution of the State of Kuwait stipulates that the Islamic Sharia is a principal source of legislation and the religion of the state is Islam.¹⁷²

According to information received from the government of **Lebanon**, no executions were carried out and five death sentences were imposed by the courts. However, Lebanese media reported the imposition of 23 more death sentences in February.¹⁷³ Lebanon was reviewed under the UPR in November. The UPR made a number of recommendations on the death penalty including: to commute death sentences, abolish the death penalty, and ratify the Second Optional Protocol to the ICCPR.¹⁷⁴ Lebanon was required to examine the recommendations and provide a response by March 2016.

Amnesty International did not record any executions in **Libya**. The courts imposed at least 10 death sentences. On 28 July nine men were sentenced to death for war crimes and other offences that occurred during the 2011 armed conflict. Amnesty International believed that the trial of the men did not meet international fair trial standards. Colonel Mu'ammara al-Gaddafi's son, Saif al-Islam al-Gaddafi, and the former Head of Military Intelligence, Abdallah al-Senussi were among the nine men sentenced to death. Following a review under the UPR in November, Libya did not accept a recommendation to adopt a moratorium on executions and to abolish the death penalty.¹⁷⁵

According to information received from the government, no executions were carried out in **Morocco/Western Sahara**. The last execution was carried out in 1993. Nine death sentences were imposed; no commutations or pardons were granted.

Oman carried out two executions; no death sentences were imposed. Oman was reviewed under the UPR in November; the recommendations made to Oman included: to adopt a moratorium on the death penalty and adopt all necessary measures to abolish the death penalty.¹⁷⁶ Oman was required to examine the recommendations and provide responses by March 2016. On 11 October 2015, a revised law on combating drugs and narcotics, which

¹⁷² Ibid

¹⁷³ "23 sentenced to death over 2007 Fatah al-Islam battle", *The Daily Star*, 6 February 2015, available at www.dailystar.com.lb/News/Lebanon-News/2015/Feb-06/286695-23-sentenced-to-death-over-2007-fatah-al-islam-battle.ashx (accessed 29 February 2016)

"Lebanon's Judicial Council Sentences 23 Terrorists to Death", *Almanar News*, 7 February 2015, available at www.almanar.com.lb/english/adetails.php?eid=194511&cid=23&fromval=1&sm_au=iVVJ4p0jWqZLS78P (accessed 29 February 2016)

¹⁷⁴ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Lebanon, UN doc. A/HRC/31/2, 22 December 2015

¹⁷⁵ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Libya, Addendum, UN doc. A/HRC/30/16/Add.1, 15 September 2015

¹⁷⁶ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Oman, UN doc. A/HRC/31/11, 6 January 2016

prescribes the death penalty for a range of drug-related offences, came into force. Under the revised law the following people can be sentenced to death: drug traffickers; repeat offenders of drug crimes; public servants responsible for combating drug crimes found guilty of drug dealing; persons who use juveniles or orphans to commit drug crimes; persons involved with international drug trafficking gangs, and persons who abuse their power and immunity to commit or facilitate drug crimes.

No execution was carried out in **Palestine (State of)**. Amnesty International recorded 12 death sentences, 10 of which were imposed by the de facto Hamas administration in Gaza and two imposed by the Palestinian authorities in the West Bank.

Qatar did not carry out any executions. The courts imposed nine death sentences. At least seven people were under sentence of death at the end of the year and at least two commutations were granted.

Saudi Arabia executed at least 158 people (four women and 154 men), the highest number of executions recorded in the country since 1995. The women comprised two Indonesian nationals, one Myanmar national and one Syrian national. The men comprised one Myanmar national, one Iraqi, one Egyptian, one Sudanese, one Eritrean, two Indians, two Indonesians, two Ethiopians, two Filipinos, three Iranians, three Chadians, three Sri Lankans, four Jordanians, 11 Yemenis, 13 Syrians, 23 Pakistanis and 85 Saudi Arabians. Eighty-four of the executions were for murder, 64 for drug-related offences, six for kidnapping, torture and/or rape, and four for armed robbery.

Amnesty International recorded the imposition of at least six death sentences in Saudi Arabia, and believed that the real number was far higher. Unlike executions, new death sentences were not generally reported widely in the media. At the end of the year, scores of people remained under sentence of death but the exact number could not be confirmed.

Saudi Arabia continued to carry out executions, mostly by beheading but some also by a firing squad, in public and, in some cases, to display executed bodies after death in public. The authorities often failed to inform those under sentence of death and their families of their imminent execution or to return the bodies of those executed to their families. The situation was compounded by the flawed nature of Saudi Arabian legal and judicial safeguards. In terms of the legal provisions, the lack of specificity in the definitions of most crimes rendered them open to wide interpretation by the judicial authorities. The authorities also frequently failed to apply both national laws and international human rights law standards during trials. Notably, they commonly denied detainees the right to a lawyer and to a meaningful appeal. One of the most significant concerns remained the fact that “confessions” extracted under torture, duress or coercion were often the sole evidence in death penalty cases.

Saudi Arabia continued to use the death penalty disproportionately on foreign nationals, the majority of whom were migrant workers with no knowledge of Arabic – the language in which they were questioned while in detention and in which trial proceedings were carried out. Foreign nationals were often denied adequate interpretation assistance. Their country’s embassies and consulates were not promptly informed of their arrest, or even of

their executions. In 2015, 73 out of the 158, or 46%, of executions recorded by Amnesty International in Saudi Arabia were of foreign nationals.

Siti Zainab Binti Duhri Rupa was executed on 14 April in the city of Medina for killing her employer in 1999. She was an Indonesian domestic worker. According to media sources in 1999, Siti Zainab made a “confession” during police interrogation, and was subsequently sentenced to death. She had no legal representation throughout her detention and trial, and did not have access to a consular representative during the police interrogation. The police had suspected that she suffered from mental illness at the time of the interrogation.

Neither her family nor the Indonesian government were notified in advance of her execution. The Saudi Arabian authorities had waited more than 15 years until the youngest of the victim’s children had reached adulthood, to allow the family to either pardon her or demand her execution under *qisas* (retribution).

Due to the internal armed conflict involving government forces and non-state armed groups it was not possible to confirm whether any judicial executions were carried out in **Syria** in 2015.¹⁷⁷ At least 20 death sentences were imposed in Syria.¹⁷⁸

In **Tunisia**, the courts imposed 11 death sentences. No executions were carried out. In July, a new law that provided for the use of the death penalty for terrorism-related offences was adopted.

The United Arab Emirates (UAE) carried out one execution and imposed eight death sentences. Twelve commutations were granted, 10 of which were through *diya* (payment of financial compensation to victim’s family under Shari’a law); and one pardon was granted.

In **Yemen**, the authorities carried out at least eight executions between January and March. Due to the internal armed conflict between the Yemeni government, supported by a Saudi Arabia-led military coalition, and the Huthi armed group, it was not possible to confirm whether any judicial executions were carried out in Yemen between the end of March and December 2015.¹⁷⁹ Amnesty International believed death sentences were imposed in Yemen but there was insufficient information to provide a credible number.

¹⁷⁷ This does not include reports of extrajudicial executions and other unlawful killings by both government forces and non-state armed groups during the armed conflict, or deaths in custody following torture or other ill-treatment.

¹⁷⁸ Report of the Secretary-General on the implementation of Security Council resolutions 2139 (2014), 2165 (2014) and 2191 (2014), 23 July 2015, UN doc. S/2015/561, para.22, available at www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2015_561.pdf?sm_au=iVVHJHs2QRHH0JQj (accessed 4 March 2016)

¹⁷⁹ The minimum number of executions Amnesty International was able to confirm between January and March 2015 do not include reports of extrajudicial executions and other unlawful killings by non-state armed groups during the armed conflict, or deaths in custody following torture or other ill-treatment

SUB-SAHARAN AFRICA

REGIONAL TRENDS

- Amnesty International recorded executions in four countries in the Sub-Saharan Africa region, one more than in 2014.
- Chad, which had not executed anyone for more than a decade, resumed executions.
- The number of death sentences recorded fell sharply, from 909 in 2014 to 443 in 2015. This was due to a significant drop in the number of people sentenced to death in Nigeria.
- Madagascar and Congo (Republic of) abolished the death penalty.

EXECUTIONS AND DEATH SENTENCES RECORDED IN SUB-SAHARAN AFRICA

At least 43 judicial executions in four countries: Chad (10), Somalia (25+; Federal Government of Somalia 17+, Somaliland 6+, Jubaland 2+), South Sudan (5+) and Sudan (3).

At least 443 death sentences in 21 countries: Botswana (1), Burkina Faso (2), Cameroon (91+), Chad (10), Democratic Republic of the Congo (28), Ethiopia (3), Gambia (3), Ghana (18), Kenya (30), Malawi (3), Mali (10), Mauritania (5), Nigeria (171), Sierra Leone (13), Somalia (5+; Federal Government of Somalia 4+, Somaliland 1+), South Sudan (17+), Sudan (18), Tanzania (5+), Uganda (1), Zambia (7+) and Zimbabwe (2+).

Sub-Saharan Africa saw some positive developments on the death penalty in 2015.

During the year Madagascar and Congo (Republic of) abolished the death penalty, increasing the number of abolitionist countries in the region to 18. Amnesty International recorded slightly fewer executions in the region – 43 compared to 46 in 2014. In three countries – Burkina Faso, Guinea and Kenya – bills abolishing the death penalty were proposed, although none was passed by the end of 2015.

Despite this progress, the resumption of executions by Chad, after 12 years of not carrying out executions, was a setback in the region.

Amnesty International recorded a 51% drop in the number of death sentences imposed, although the number of countries where such punishment was handed down by the courts increased from 18 in 2014 to 21 in 2015. The sharp decrease in the number of death sentences recorded was due to a significant drop in the number of people sentenced to death in Nigeria.

Six countries – Liberia, Guinea, Malawi, Mauritania, Lesotho and Kenya – were reviewed under the UN Universal Periodic Review (UPR). The six countries did not accept recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death; and abolish the death penalty.

During the year, progressive steps on the death penalty were taken by the African Commission on Human and Peoples' Rights. At its 56th Ordinary Session in Banjul, Gambia, held from 21 April to 7 May, the African Commission considered and adopted the draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa.¹⁸⁰ The draft Protocol was sent to the African Union for formal adoption. However, in November, the African Union Specialized Technical Committee on Legal Affairs declined to consider the draft citing lack of a legal basis to do so. In November, the African Commission adopted General Comment No.3 on the African Charter on Human and Peoples' Rights on the right to life (Article 4) which had been drafted by its Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa. The General Comment stated that the African Charter does not include any provision recognizing the death penalty, even in limited circumstances.

COUNTRY DEVELOPMENTS

Benin did not impose death sentences or carry out executions. The last known execution was carried out in 1987. Fourteen people – 10 Beninese, two Nigerians, one Togolese and one Ivorian – were under sentence of death at the end of the year.

According to information received from the government, no executions were carried out in **Botswana** during the year. One death sentence was imposed on 27 July. No death sentence was commuted and no pardons were granted. Four men – aged 34, 35, 54 and 35 – were under sentence of death at the end of the year.

Burkina Faso did not carry out executions; it imposed two death sentences. During the year the Conseil national de la transition (National Transition Council) proposed a bill to abolish the death penalty but did not vote on adopting it before parliamentary elections were held in November. The bill was not adopted by the end of the year.

Amnesty International did not record any executions in **Cameroon**; at least 91 death sentences were imposed. The military court sentenced 91 people to death, among them one woman and 89 suspected Boko Haram members.

Amnesty International did not record any executions or the imposition of death sentences in **Central African Republic**.

Chad executed 10 people. On 29 August, 10 suspected Boko Haram members were executed by firing squad after being sentenced to death in a trial held behind closed doors the previous day. They were convicted of carrying out the twin attacks that killed 38 people in N'Djamena in June. The executions were the first in Chad since 2003. In 2014 Chad had announced that it would abolish the death penalty, but in July 2015 the country introduced

¹⁸⁰ Final Communiqué of the 56th Ordinary Session of the African Commission on Human and Peoples' Rights, 21 April – 7 May 2015, 7 May 2015, www.achpr.org/files/sessions/56th/info/communiqued56/56thos_final_communique_en.pdf (accessed 2 March 2016)

a new anti-terrorism law that provided for the death penalty. Chad sentenced 10 people to death in 2015.

Congo (Republic of) abolished the death penalty in 2015. On 6 November a new Constitution, which included a provision abolishing the death penalty, was promulgated. This followed a referendum on changes to the Constitution that was held on 25 October. Congo did not impose death sentences and did not carry out executions during 2015.

Amnesty International was unable to confirm figures on the use of the death penalty in **Comoros**.

No executions were carried out in **Democratic Republic of the Congo**. The courts sentenced 28 people to death. The Supreme Military Court granted one commutation.¹⁸¹ The court reduced Daniel Mukalay's death sentence to 15 years in prison. Daniel Mukalay, who was the deputy chief of police special services, was convicted and sentenced to death for the murder of prominent rights activist, Floribert Chebeya, and his driver in 2011.

Amnesty International did not record any executions or the imposition of death sentences in **Equatorial Guinea**.

Amnesty International did not record any death sentences or executions in **Eritrea**.

At least five people were under sentence of death at the end of the year in **Ethiopia**. No executions were carried out; three death sentences were imposed for aggravated homicide. In July, the government presented a bill against human trafficking to parliament. The bill provided for a range of punishments that included the death penalty in cases where the victims suffered severe injury or death.¹⁸²

Gambia imposed three death sentences; it did not carry out executions. On 30 March, a military court at the Fajara barracks in Bakau handed down death sentences to three soldiers for their involvement in the 2014 attempted coup.¹⁸³ No media or independent observers were allowed into the court. In June the government announced plans to amend the Constitution to enable parliament extend the scope of the death penalty to any crime it

¹⁸¹ "DR Congo court commutes officer's death sentence for activist murder", Yahoo News, 17 September 2015, available at <http://news.yahoo.com/dr-congo-court-commutes-officers-death-sentence-activist-174202273.html> (accessed 23 February 2016)

¹⁸² "Ethiopia mulls tough trafficking law, including death penalty", Reuters, 30 June 2015, available at www.reuters.com/article/us-ethiopia-migrants-idUSKCN0PA2A820150630 (accessed 23 February 2016)

¹⁸³ Amnesty International, Gambia: Soldiers sentenced to death in secret trial must not be executed, 1 April 2015, available at www.amnesty.org/en/latest/news/2015/04/gambia-soldiers-sentenced-to-death-in-secret-trial-must-not-be-executed/

deemed sufficiently serious.¹⁸⁴ In July, President Yahya Jammeh stated that death row inmates should expect to have their sentences implemented, sparking concerns that the conditional moratorium on executions, established in 2012, may end and executions resume.

President Jammeh, on the occasion of the 21st anniversary of his coming to power, pardoned several prisoners including prisoners sentenced to death between 1994 and 2013.¹⁸⁵ Amnesty International was unable to confirm the exact number of prisoners under sentence of death who were pardoned.

According to information received from the Ghana Prisons Service no executions were carried out in **Ghana**; 18 death sentences were imposed. The number of those under sentence of death at the end of the year was 137, seven of whom were foreign nationals. In June, President John Mahama commuted 14 death sentences to life imprisonment. Ghana took no action during the year in response to the recommendations made in 2014 by the UN Human Rights Committee and the Committee's condemnation of the use of automatic and mandatory death sentences in Ghana. Proposals made by the Constitutional Review Implementation Committee to abolish the death penalty stalled as a result of delays in the constitutional review process.

No executions or death sentences were recorded in **Guinea**. Eleven people were under sentence of death at the end of the year. Following a review under the UPR in January, Guinea did not accept recommendations to ratify the Second Optional Protocol to the ICCPR and abolish the death penalty.¹⁸⁶ In May, a proposed amendment to the Penal Code, which included a provision to abolish the death penalty, was adopted by the government. At the end of the year the proposed amendment was yet to be considered for adoption by Guinea's National Assembly.

No executions were carried out in **Kenya**; 30 death sentences were imposed. Fifty-six people were under sentence of death at the end of the year. Kenya has not carried out an execution since 1987. A bill abolishing the death penalty was proposed in Parliament but was not passed at the end of the year. During the review of Kenya under the UPR in January, Kenya did not accept recommendations to abolish the death penalty and to ratify the Second Optional Protocol to the ICCPR.¹⁸⁷

¹⁸⁴ "Gambia's Jammeh Wants To Expand Death Penalty", Jollof News, 23 June 2015, available at www.jollofnews.com/index.php/national-news/jollonews/830-auto-generate-from-title (accessed 26 February 2016)

¹⁸⁵ "President Yahya Jammeh pardons over 250 prisoners", Ministry of Foreign Affairs, 29 July 2015, available at www.mofa.gov.gm/President-Jammeh-pardons-prisoners (accessed 23 February 2016)

¹⁸⁶ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Guinea, Addendum, UN doc. A/HRC/29/6/Add.1, 17 June 2015

¹⁸⁷ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Kenya, UN doc. A/HRC/29/10, 26 March 2015

Amnesty International was unable to confirm figures on the use of the death penalty in **Lesotho**. In January Lesotho was reviewed under the UPR. Lesotho did not accept the following recommendations: to abolish the death penalty; ratify the Second Optional Protocol to the ICCPR; and establish an official moratorium on executions with a view to abolishing the death penalty.¹⁸⁸

Amnesty International did not record any executions or death sentences in **Liberia**. Following a review under the UPR in May, Liberia did not accept recommendations to abolish the death penalty.¹⁸⁹

Madagascar promulgated a law that abolished the death penalty in January. Amnesty International did not record any death sentences or executions. In December 2014, Madagascar's National Assembly had voted in favour of a bill, replacing the death penalty with life imprisonment with hard labour.

According to information received from the government of **Malawi**, three men – Dickson Elia, Misheck Chigona and Paul Bisiwick Maulana – were sentenced to death for murder in 2015. No executions were carried out. Following a 2007 High Court ruling declaring mandatory death sentencing unconstitutional, a mitigation and resentencing process called Kafantayeni Sentence Rehearing Project was initiated. Under the Project at least five death sentences were commuted to terms of imprisonment and at least 46 people were released in 2015.¹⁹⁰ Paul Bisiwick Maulana, a Mozambican national, was the only foreign national under sentence of death at the end of the year. During the review of Malawi under the UPR in May, Malawi did not accept recommendations to abolish the death penalty and to ratify the Second Optional Protocol to the ICCPR.¹⁹¹

No executions were carried out in **Mali**. The courts imposed 10 death sentences. Twenty-three people were under sentence of death at the end of the year. Sixteen death sentences were commuted.

Five death sentences were imposed by courts in **Mauritania**, three in Nouakchott and two in Nouadhibou. No executions were carried out. Ninety-five people, including 13 foreign nationals, were under sentence of death at the end of the year. Mauritania was reviewed under the UPR in November. Mauritania rejected the following recommendations: to

¹⁸⁸ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Lesotho, UN doc. A/HRC/29/9, 20 January 2015

¹⁸⁹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Liberia, Addendum, UN doc. A/HRC/30/4/Add.1, 25 September 2015

¹⁹⁰ An Amnesty International delegate attended the Expert Meeting on “moratorium on the death penalty with a view to its future abolition in Malawi”, held on 12 November 2015

¹⁹¹ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Malawi, UN doc. A/HRC/30/5, 20 July 2015

establish a moratorium on the application of the death penalty; abolish the death penalty; and ratify the Second Optional Protocol to the ICCPR.¹⁹²

Niger did not sentence anyone to death during the year and no executions were carried out. Six people were under sentence of death at the end of the year.

Nigeria did not carry out executions in 2015. The last executions took place in 2013. According to information received from the Nigerian Prisons Service, 171 people were sentenced to death in 2015. This was a 74% drop on the 659 death sentences recorded in 2014. The Nigerian Prisons Service also reported that 26 pardons were granted; 41 death row prisoners were exonerated; and 1,673 people were on death row, including five foreign nationals. During the year a total of 121 death sentences were commuted.

DEATH SENTENCES OF 66 SOLDIERS COMMUTED

On 19 December the Nigerian Army announced that the death sentences by firing squad imposed on 66 soldier by General Court Martial had been commuted to 10 years imprisonment each. The soldier were court-martialled for offences that included: criminal conspiracy; conspiracy to commit mutiny; mutiny; attempt to commit murder; disobedience to particular orders; insubordinate behaviour and false accusation. Following a series of petitions, the Chief of Army Staff, Lieutenant General Tukur Yusufu Buratai, ordered a legal review of the case and, based on recommendations made to him, commuted the death sentences of the soldiers.

On 18 February, the Lagos State Attorney-General and Commissioner for Justice announced the decision of the government to retain the death penalty in the criminal laws of Lagos state, after considering the outcome of a survey which indicated that the majority of the respondents surveyed supported the use of the death penalty. The survey questioned 2,000 randomly chosen members of the public and 100 people with close contact with the criminal justice process and systems.

In June, the Upper Sharia Court in Kano sentenced Islamic scholar Abdulaziz Dauda (also known as Abdul Inyass) and eight of his followers, including one woman, to death for blasphemy. The Court ruled that the comments that were made, at a religious ceremony, about the Prophet Mohammed was blasphemous. The trial was held in secret to avoid violence, after crowds set fire to a part of the Sharia court when the defendants appeared in court for the first time on 22 May.

Also in June, a Kano State High Court ordered the release of Wasila Tasi'u from detention. Wasila, a juvenile, was forced to marry at the age of 13; she was charged with the murder of her husband and three others. The High Court ordered her release after the prosecution dropped the case against her. Wasila was at risk of the death penalty if she had been tried and convicted.

A number of states in Nigeria have turned to the death penalty in response to the increase in the incidents of kidnappings in the country. In September, Cross River state passed into law

¹⁹² UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Mauritania, UN doc. A/HRC/31/6, 23 December 2015

a bill prescribing the death penalty for kidnapping. In October, the Ebonyi State Governor, David Umahi, announced that he was prepared to sign the death warrant of any kidnapper convicted in the state. In November, a bill prescribing the death penalty for kidnapping in Ekiti state progressed through the Ekiti State House of Assembly.

During the year, a number of prominent people and organizations – including the Nigeria Labour Congress, a bishop and the Comptroller-General of Nigeria Custom Service – advocated for the use of the death penalty to deal with corruption. However, no legislative steps were taken during the year to extend the scope of the death penalty to corruption.

MOSES AKATUGBA PARDONED

Moses Akatugba was 16 years old when he was arrested in 2005 for armed robbery, an offence he said he did not commit. He told Amnesty International that police officers beat him repeatedly with machetes and batons, tied him and hung him up from the ceiling for several hours, and then used pliers to pull out his toenails and fingernails. He was then forced to sign two pre-written “confessions”. After eight years of being remanded in prison, on 12 November 2013 he was sentenced to death by hanging. On 28 May 2015, the eve of his departure from office, Emmanuel Uduaghan, then Governor of Delta state, granted total pardon to Moses. He also commuted the death sentence of three people to prison terms.

No executions were carried out in **Sierra Leone**; the courts imposed 13 death sentences. Twenty-one people were under sentence of death at the end of the year. The death penalty was not abolished during the year despite the international commitment Sierra Leone made before the UN Committee against Torture in 2014 that it would abolish the death penalty in a matter of weeks.

In **Somalia** at least 25 people were executed: 17 of these executions were carried out under the authority of the Federal Government of Somalia; six executions were carried out in Somaliland; and two executions were carried out in Jubaland.¹⁹³ At least five death sentences – four under the authority of the Federal Government of Somalia and one in Somaliland – were imposed. At the end of the year at least 50 people were under sentence of death in the country.

Amnesty International recorded at least five executions in **South Sudan** and at least 17 death sentences. At least 305 people were under sentence of death at the end of the year.

Sudan carried out three executions and imposed 18 death sentences for crimes that included: child abuse, rape of a child, and engagement with armed groups. President Omar al-Bashir pardoned five people under sentence of death.

According to government information, no death sentences were imposed and no executions were carried out in **Swaziland** during the year. Only one person, a Swazi national, was under sentence of death at the end of the year. Two death sentences were commuted to life

¹⁹³ These figures do not include reports of public unlawful killings by Somali armed opposition groups such as al-Shabab

imprisonment by the King.

No executions were carried out in **Tanzania**. Courts imposed at least five death sentences.

One death sentence was imposed in **Uganda**; no execution was carried out. At the end of the year, 215 people were under sentence of death. In February, President Yoweri Museveni asked judges to sentence murderers to death, stating that they were unnecessarily lenient with murderers and eroding public confidence in the judiciary.¹⁹⁴

In **Zambia**, at least seven people were sentenced to death; no executions were carried out. On 16 July, President Edgar Lungu commuted the death sentences of 332 people to life imprisonment.

According to information received from the government of **Zimbabwe**, no executions were carried out and no death sentences were imposed. However, Zimbabwean media reported the imposition of two death sentences in February and June respectively.¹⁹⁵ Amnesty International recorded the two death sentences, but the real number might be higher. At least 92 people were under sentence of death at the end of the year and seven people had their death sentences commuted.

¹⁹⁴ "Museveni wants death penalty for murderers", *New Vision*, 24 February 2015, available at www.newvision.co.ug/new_vision/news/1321330/museveni-death-penalty-murderers (accessed 24 February 2016)

¹⁹⁵ "Child killer sentenced to death", *The Herald*, 5 February 2015, available at www.herald.co.zw/child-killer-sentenced-to-death/ (accessed 26 February 2016)

"Man who ripped an 83 yr old' stomach and robbed him sentenced to death", *New Zimbabwe*, 19 June 2015, available at www.newzimbabwe.com/news-23263-Man+rips+83+yr-old%E2%80%99s+stomach,+robs+him/news.aspx (accessed 26 February 2016)

ANNEX I: EXECUTIONS AND DEATH SENTENCES IN 2015

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

Where “+” appears after a figure next to the name of a country – for instance, Egypt (22+) – it means that Amnesty International confirmed 22 executions or death sentences in Egypt but believes there were more than 22. Where “+” appears after a country name without a figure – for instance, Iran (+) – it means that Amnesty International has corroborated executions or death sentences (more than one) in that country but had insufficient information to provide a credible minimum figure. When calculating global and regional totals, “+” has been counted as 2, including for China.

REPORTED EXECUTIONS IN 2015

China 1,000+	Bangladesh 4
Iran 977+	Singapore 4
Pakistan 326	Japan 3
Saudi Arabia 158+	Sudan 3
USA 28	Jordan 2
Iraq 26+	Oman 2
Somalia 25+ (Federal Government of Somalia 17+; Somaliland 6+; Jubaland 2+)	Afghanistan 1
Egypt 22+	India 1
Indonesia 14	UAE 1
Chad 10	Malaysia +
Yemen 8+	North Korea +
Taiwan 6	Viet Nam +
South Sudan 5+	

REPORTED DEATH SENTENCES IN 2015

China +	Myanmar 17+	Singapore 5+
Egypt 538+	South Sudan 17+	Tanzania 5+
Bangladesh 197+	Kuwait 14	Mauritania 5
Nigeria 171	Sierra Leone 13	Japan 4
Pakistan 121+	Afghanistan 12+	Jordan 3+
Cameroon 91+	Palestine (State of) 12+	Ethiopia 3
Iraq 89+	Tunisia 11	Gambia 3
India 75+	Libya 10+	Malawi 3
Algeria 62+	Chad 10	Maldives 3
USA 52	Mali 10	Belarus 2+
Sri Lanka 51+	Morocco/Western Sahara 9	Mongolia 2+
Viet Nam 47+	Qatar 9	Zimbabwe 2+
Indonesia 46+	Taiwan 9	Burkina Faso 2
Malaysia 39+	Trinidad and Tobago 9	Uganda 1
Kenya 30	Bahrain 8	Botswana 1
DRC 28	UAE 8	Brunei Darussalam 1
Lebanon 28	Thailand 7+	South Korea 1
Laos 20+	Zambia 7+	North Korea +
Syria 20+	Saudi Arabia 6+	Iran +
Ghana 18	Somalia 5+ (Federal Government of Somalia 4+; Somaliland 1+)	Yemen +
Sudan 18		

ANNEX II: ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 31 DECEMBER 2015

More than two thirds of the countries in the world have now abolished the death penalty in law or practice. As of 31 December 2015 the numbers were as follows:

Abolitionist for all crimes: 102

Abolitionist for ordinary crimes only: 6

Abolitionist in practice: 32

Total abolitionist in law or practice: 140

Retentionist: 58

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

1. ABOLITIONIST FOR ALL CRIMES

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

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

2. ABOLITIONIST FOR ORDINARY CRIMES ONLY

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

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

3. ABOLITIONIST IN PRACTICE

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

Algeria, Benin, Brunei Darussalam, Burkina Faso, Cameroon, Central African Republic, Eritrea, Ghana, Grenada, Kenya, Laos, Liberia, Malawi, Maldives, Mali, Mauritania, Mongolia, Morocco, Myanmar, Nauru, Niger, Papua New Guinea, Russian Federation,¹⁹⁶ Sierra Leone, South Korea, Sri Lanka, Swaziland, Tajikistan, Tanzania, Tonga, Tunisia, Zambia.

4. RETENTIONIST

Countries that retain the death penalty for ordinary crimes:

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

¹⁹⁶ The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic.

ANNEX III: RATIFICATION OF INTERNATIONAL TREATIES AS OF 31 DECEMBER 2015

The community of nations has adopted four international treaties providing for the abolition of the death penalty. One is of worldwide scope; three are regional.

Below are short descriptions of the four treaties, a list of states parties to the treaties and lists of countries which have signed but not ratified the treaties, as of 31 December 2015. (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, AIMING AT THE ABOLITION OF THE DEATH PENALTY

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

States parties: Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Mexico, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, San Marino, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Turkey, Turkmenistan, Ukraine, UK, Uruguay, Uzbekistan, Venezuela (total: 81)

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

PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS TO ABOLISH THE DEATH PENALTY

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

States parties: Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay, Venezuela (total: 13)

PROTOCOL NO. 6 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS, CONCERNING THE ABOLITION OF THE DEATH PENALTY

Protocol No. 6 to the (European) Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), concerning the abolition of the death penalty, adopted by the Council of Europe in 1983, provides for the abolition of the death penalty in peacetime; states parties may retain the death penalty for crimes "in time of war or of imminent threat of war". Any state party to the European Convention on Human Rights can become a party to the Protocol.

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

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

PROTOCOL NO. 13 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS, CONCERNING THE ABOLITION OF THE DEATH PENALTY IN ALL CIRCUMSTANCES

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


States parties: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Malta, Moldova, Monaco, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, Ukraine, UK (total: 44)


Signed but not ratified: Armenia (total: 1)



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DEATH SENTENCES AND EXECUTIONS

2015

2015 was marked by two opposing trends in relation to the death penalty. On the one hand, four countries abolished the death penalty, moving the world ever closer to complete abolition. On the other hand, the number of executions recorded by Amnesty International increased significantly compared to 2014. The organization logged at least 1,634 executions, the majority of which took place in just three countries: Iran, Pakistan and Saudi Arabia.

As in previous years, this review does not include figures for China, where data on the use of the death penalty is classified as a state secret.

The number of executions recorded in the Middle East and North Africa rose from at least 945 in 2014 to at least 1,196 in 2015, an increase of 26%.

While no executions were recorded in Europe and Central Asia, Belarus imposed at least two new death sentences.

Although the USA remained the only country in the Americas to carry out executions, numbers continued to decline. Six US states carried out executions, one less than in 2014. Pennsylvania imposed an official moratorium on executions in February.

In Asia-Pacific, Indonesia resumed executions. More than 300 people were executed in Pakistan. The Parliament of Mongolia adopted a new Criminal Code removing the death penalty from national legislation.

The trend towards abolition of the death penalty in sub-Saharan Africa continued: the Republic of Congo and Madagascar abolished the death penalty, and fewer death sentences and executions were recorded in the region compared to 2014.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or the circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.

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