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THE DEATH PENALTY WORLDWIDE DEVELOPMENTS IN 2007

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**SUMMARY
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This report summarizes a 27 pages document (8688 words), *The Death Penalty Worldwide Developments in 2007* (AI Index: ACT 50/002/2008) issued by Amnesty International in April 2008.

In 2007 the world continued to move closer to the universal abolition of the capital punishment. Historical landmark towards the worldwide abolition of death penalty is the resolution on moratorium on executions endorsed by the United Nations 62nd General Assembly on 18 December 2007. 104 UN member states voted in favour of the ground-breaking resolution. 54 countries voted against, while 29 abstained. The resolution was supported by 87 governments from all regions of the world, as well as by NGOs including the World Coalition against the Death Penalty, the Community of Sant'Egidio, Hands Off Cain and Amnesty International.

More than two thirds of the countries in the world have now abolished the death penalty in law or practice. By the end of the 2007, 91 countries have abolished the death penalty for all crimes. During the year, three countries (**Albania, Cook Islands** and **Rwanda**) abolished the death penalty for all crimes and one country (**Kyrgyzstan**) abolished the death penalty for ordinary crimes. One state of the USA (New Jersey) joined the global trend towards ending the capital punishment. New Jersey was the first US state to abolish the capital punishment by law since the death penalty was reintroduced in the US in 1972.

In 2007 at least 33 countries were abolitionist in practice: they had not carried out any executions for the previous 10 years or more and were either believed to have an established practice of not carrying out executions or had made an international commitment not to do so. AI reclassified four retentionist countries to abolitionist in practice (Eritrea, Gabon, Laos and South Korea) in 2007. The death penalty has now been abolished in law or practice by 135 countries as Uzbekistan abolished the death penalty in January 2008.

63 other countries and territories retained the death penalty, but only 24 countries carried out executions and 51 passed death sentences in 2007.

During 2007, at least 1252 people were executed and at least 3347 people were sentenced to death in 51 countries. These were only minimum figures; the true figures were certainly higher.

For further information, please visit our webpages at:<http://www.amnesty.org/en/death-penalty>

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THE DEATH PENALTY WORLDWIDE DEVELOPMENTS IN 2007

1. ABOLITION

In 2007 the world continued to move closer to the universal abolition of the capital punishment. Historical landmark towards the worldwide abolition of death penalty is the resolution on moratorium on executions endorsed by the United Nations 62nd General Assembly on 18 December 2007. 104 UN member states voted in favour of the ground-breaking resolution. 54 countries voted against, while 29 abstained. The resolution was supported by 87 governments from all regions of the world, as well as by NGOs including the World Coalition against the Death Penalty, the Community of Sant'Egidio, Hands Off Cain and Amnesty International. (For more information, see page 15).

More than two thirds of the countries in the world have now abolished the death penalty in law or practice. By the end of the 2007, 91 countries have abolished the death penalty for all crimes. During the year, three countries (**Albania, Cook Islands** and **Rwanda**) abolished the death penalty for all crimes and one country (**Kyrgyzstan**) abolished the death penalty for ordinary crimes. One state of the USA (**New Jersey**) joined the global trend towards ending the capital punishment. New Jersey was the first US state to abolish the capital punishment by law since the death penalty was reintroduced in the US in 1972.

In 2007 at least 33 countries were abolitionist in practice: they had not carried out any executions for the previous 10 years or more and were either believed to have an established practice of not carrying out executions or had made an international commitment not to do so. AI reclassified four retentionist countries to abolitionist in practice (**Eritrea, Gabon, Laos** and **South Korea**) in 2007. The death penalty has now been abolished in law or practice by 135 countries as Uzbekistan abolished the death penalty in January 2008. (See also *Appendix 1* at the end of the document).

63 other countries and territories retained the death penalty, but only 24 countries carried out executions and 51 passed death sentences in 2007.

Regular updates on abolitionist and retentionist countries are posted on the Amnesty International website at <http://www.amnesty.org/en/death-penalty/abolitionist-and-retentionist-countries>

1.1 Albania

On 6 February 2007 Albania ratified Protocol No. 13 to the European Convention on Human Rights, abolishing the death penalty in all circumstances. In 2000 it had ratified Protocol No. 6 to the European Convention on Human Rights, abolishing the death penalty for peacetime offences.

1.2 Cook Islands

On 8 November 2007 the Cook Islands Crimes Amendment Bill was passed in the Parliament of the Cook Islands. In the Bill the word “death” was amended to “life imprisonment”, making the Cook Islands the 92nd country to abolish the death penalty for all crimes.

1.3 Kyrgyzstan

On 27 June 2007 President Kurmanbek Bakiy signed into law changes to the Criminal Codes abolishing capital punishment and replacing it with life imprisonment with possibility of release after 30 years. A new Constitution had been adopted in 2006 which did not provide for the death penalty. The 174 prisoners under sentence of death in Kyrgyzstan are to have their sentences reviewed by the Supreme Court within six months.

1.4 USA- New Jersey

The state's governor, Jon Corzine, signed a bill to abolish the death penalty on 17 December 2007. The state's assembly voted to replace execution with life imprisonment without parole on 14 December. Forty-four voted in favour of the bill, 36 against.

In 2006, the New Jersey legislature imposed a moratorium in that state, and established a commission to study all aspects of the death penalty in New Jersey. In its final report in January 2007, the commission recommended abolition of the death penalty, citing "increasing evidence that the death penalty is inconsistent with evolving standards of decency".

1.5 USA – Montana

In February 2007 the Montana Senate voted to abolish the death penalty.

1.6 Rwanda

On 25 July 2007 Rwanda abolished the death penalty for all crimes by promulgating legislation excluding the death penalty for any offence. It is the first country in the Great Lakes region of Africa to abolish the death penalty and becomes the 14th country in Africa to do so.

The continued existence of the death penalty in Rwanda constituted one of the main obstacles preventing the transfer of detainees held by the International Criminal Tribunal for Rwanda, or indicted genocide suspects living abroad, to its national jurisdiction. Other obstacles have been the capability of the Rwandan justice system to provide fair trials as well as additional concerns regarding its independence, impartiality and transparency. Abolition of the death penalty took place in this context.

The last executions in Rwanda took place in 1998 when 22 people were executed for genocide-related crimes. The last death sentences were handed down in 2003. All death sentences were commuted with the enactment of the legislation abolishing the death penalty.

2. MORATORIA AND SUSPENSIONS OF EXECUTIONS

2.1 USA

In the US, 42 people were executed in 10 states in 2007. Since September, when the US Supreme Court announced that it would consider a legal challenge to the use of lethal injections, there has been – in practice – a moratorium (suspension) on executions. As a result of concerns about the inhumanity of lethal injection, at least temporary suspensions of executions have occurred in a number of states including Arkansas, California, Delaware, Florida, Maryland, Missouri, New Jersey, Ohio, Tennessee and South Dakota.

Although jurors in the USA who are opposed to the death penalty are excluded from jury service in capital cases, the growing reluctance of even pro-death penalty jurors to hand down death sentences appears to reflect a downturn in the public's support for the death penalty. Factors contributing to this downturn appear to include an erosion of the public's confidence in the deterrence value of the death penalty, an increased awareness about the frequency of wrongful convictions in capital cases, and a greater belief that public safety can be guaranteed by life prison terms rather than death sentences.

3.COMMUTATIONS

3.1 Uzbekistan

A new law adopted by the Uzbekistani Senate on 29 June 2007 amended the Criminal Codes by replacing the death penalty with life or long-term imprisonment with the possibility of parole after 15 years. The law entered into force on 1 January 2008.

3.2 Libya

On 24 July 2007, five Bulgarian nurses and a Palestinian doctor, who had been convicted of knowingly infecting hundreds of children with HIV in al-Fateh Children's Hospital in the Libyan city of Benghazi, were released under a prisoner exchange agreement between Libya and Bulgaria. They had been in detention since 1999 and had twice been sentenced to death: first in May 2004 and, when that sentence was overturned on appeal by the Supreme Court, again in December 2006 (see **DP News** December 2006). The release followed a decision by the Supreme Council of Judicial Bodies to commute the death sentences.

Negotiations, involving the Gaddafi Development Foundation and the European Union, resulted in an agreement that the families of the infected children should benefit financially from an international fund in return for the death sentences against the medical workers being commuted.

3.3 Ghana

According to media reports, the Minister of the Interior, Albert Kan Dapaah, announced in March 2007 the commutation of 36 death sentences to life imprisonment.

3.4 Guatemala

On 17 October a Guatemalan court commuted a death sentence handed down in 1999 to 40 years in prison, in compliance with a 2005 ruling issued by the Inter-American Court of Human Rights.

In May 1999, Ronald Ernesto Raxcacó Reyes was sentenced to death for the kidnapping of an eight-year-old boy under article 201 of the Guatemala Penal Code. That article had been modified in 1996 resulting in an expansion of the scope of the death penalty, in breach of the American Convention on Human Rights which prohibits the extension of the death penalty to crimes to which it did not apply at the time of ratification, which in the case of Guatemala was in 1978.

The Court also ordered the reform of article 201 of the current Penal Code and ordered Guatemala not to execute any person condemned to death for the crime of kidnapping under the current legislation.

There are 19 people under sentence of death in Guatemala. The last execution took place in 2000.

3.5 Zambia

The death sentences of 97 prisoners were commuted to life imprisonment in August 2007 by President Levy Mwanawasa.

4. INNOCENCE

4.1 South Korea

In January eight pro-democracy activists in South Korea were posthumously acquitted of treason charges, more than 30 years after they were hanged in April 1975. The Seoul Central District Court found they were not guilty of forming an underground pro-Communist party aiming to overthrow the authoritarian government of then President Park Chung-hee.

The eight had been executed less than a day after they were found guilty by the Supreme Court for trying to rebuild a pro-Communist party. Relatives of the victims had been demanding a retrial for years, claiming that the case was fabricated by the state intelligence agency to crack down on pro-democracy activity.

4.2 USA

Curtis Edward McCarty, who spent 21 years on Oklahoma's death row, was released on 11 May after a federal judge ordered that the charges against him be dismissed. The judge ruled that the case against Edward McCarty was tainted

by the questionable testimony of a former police chemist. He became the 124th prisoner to be released from death row in the USA since 1973 on the grounds of innocence.

5. CLEMENCY

5.1 Morocco

At least 11 people under sentence of death in Morocco were granted clemency by King Mohamed VI on 28 February 2007 on the occasion of the birth of his daughter. They were in a group of 33,054 prisoners benefiting from the King's clemency, some of whom were reportedly freed while the majority of others had their prison sentences reduced.

5.2 Nigeria

In February 2007, the Presidential Commission on the Reform of the Administration of Justice recommended the release of several categories of prisoners including those who had spent more than 10 years on death row. In May, the authorities announced that they had granted amnesty to all prisoners over 70 years old and to those over 60 years old who had spent 10 years or more under sentence of death. None had yet been released by the end of July.

5.3 Saudi Arabia

A number of prisoners facing the death penalty have been pardoned by relatives of the murder victims and saved from execution. They include a woman who had been sentenced to death for murder in 1999, who was pardoned in April following intervention by King Abdullah bin 'Abdul 'Aziz and Crown Prince Sultan Bin 'Abdul 'Aziz.

6. REDUCTION IN SCOPE

6.1 China

On 8 June 2007, the official *China Daily* newspaper reported there had been a reduction in the number of people sentenced to death and executed over the first five months of the year, compared to previous years. Citing death penalty statistics from Beijing No.1 and No.2 Intermediate People's Courts, Ni Shouming, a spokesman for the Supreme People's Court (SPC) suggested that the number of death sentences had dropped 10% year on year.

In apparent recognition of the need for greater transparency at lower levels, the SPC issued a legal notice on 14 June stressing that first-instance death penalty cases must be held in open court and that courts should move towards ensuring public trials for appeal hearings in criminal cases more generally.

Death sentences and executions continue to be imposed for non-violent crimes in China, including economic and drug-related offences. A recent case which received widespread publicity was the execution on 10 July 2007 of

Zheng Xiaoyu, the former director of the State Food and Drug Administration, after he was convicted of accepting bribes.

Soon after, Ni Shouming and SPC vice-president Zhang Jun announced that the SPC would be introducing 'unified guidelines' to tackle 'judicial injustice' resulting from the different criteria being used across the country for sentencing people to death, particularly for economic and drug-related offences.

6.2 Kazakhstan

In May 2007 the scope of the death penalty permitted by the Constitution was reduced from 10 "exceptionally grave" civil crimes and eight military crimes committed in time of war. President Nursultan Nazarbayev announced in his address to the joint session of the two chambers of Parliament in the capital, Astana, on 16 May that "the death penalty may be applied only for terrorism, leading to loss of life, and for crimes committed in wartime".

7. DEATH SENTENCES AND EXECUTIONS

During 2007, at least 1252 people were executed in 24 countries. At least 3347 people were sentenced to death in 51 countries. These were only minimum figures; the true figures were certainly higher.

As in previous years, the vast majority of executions worldwide were carried out in a small handful of countries. In 2007, 88% per cent of all known executions took place in five countries: China, Iran, Pakistan, Saudi Arabia and USA. Saudi Arabia had the highest number of executions per capita of population, followed by Iran.

The worldwide figure for those currently condemned to death and awaiting execution is difficult to assess. The estimated number at the end of 2007 was between 18,311 and 27,562 based on information from human rights groups, media reports and the limited official figures available¹.

7.1 Belarus

Alyaksandr Syarheychyk, who was sentenced to death on 22 May 2007, has reportedly been executed. Belarus is the only country in Europe to retain the death penalty. Executions are carried out in secret and are not officially recorded. Relatives are not advised of the date of execution or where the body is buried.

7.2 Iran

On 10 July 2007, judiciary spokesman Alireza Jamshidi confirmed to reporters that Ja'far Kiani had been stoned to death on 5 July in Aghche Kand near Takestan, in Qazvin province, in contravention of a directive issued in 2002 from the head of the country's judiciary, Ayatollah Shahrudi, suspending the practice. The punishment, which involves the prisoner, buried waist-deep in the ground, being pelted with stones of a particular size so as to inflict drawn-out

¹ For further information visit: <http://www3.sympatico.ca/aiwarren/global.htm>

suffering, was carried out despite a written order from Ayatollah Shahrudi requiring the court in Takestan to stay the execution temporarily. According to reports, the stoning was conducted mostly by local governmental and judiciary officials, and only a few members of the public participated.

Ja'far Kiani and Mokarrameh Ebrahimi were sentenced in 1996 to death by stoning after conviction of adultery. The couple had been imprisoned for the past 11 years in Choubin prison where their two children are believed to have lived with their mother.

The executions, initially scheduled for 17 June, were delayed after activists involved in the 'Stop Stoning Forever' campaign in Iran broke news of the couple's plight and the Iranian government was exposed to widespread domestic and international demands to prevent the stonings. Mokarrameh Ebrahimi continues to be held in Qazvin prison with one of her children.

7.3 Japan

Three men, Nata Kosaku, Oda Yoshikatsu and Tanaka Masahiro, were hanged on 27 April 2007 in detention centres in Osaka, Fukuoka and Tokyo respectively. The triple execution occurred on the same day that the Japanese Diet (parliament) voted for Japan's accession to the International Criminal Court (ICC) and during Prime Minister Abe Shinzo's first state visit to the USA.

Three men were executed again on 19 December 2007, one of whom was aged 75 years. For the first time, the authorities released the names of the hanged men, on the orders of the new Justice Minister, Kunio Hatoyama. However, the policy of secrecy remains, as in the practice of not informing prisoners in advance of the date of their execution continues. Nor are the families advised of the execution until after it has taken place.

After his appointment in August 2007, the Minister of Justice told reporters that he wanted Japan to implement a little-enforced law that requires the execution of inmates within 6 months of their final sentences.

Currently, the Justice Minister signs off on every execution.

'I think we might want to consider a system in which it takes place automatically and objectively without the Justice Minister's involvement,' that prisoners should be "automatically" executed six months after the failure of their last appeal.

While a small number of opponents of the death penalty continue to raise questions about its use, the general population in Japan is overwhelmingly in favour.

7.4 Nigeria

Evidence has emerged that at least seven secret executions have taken place in Nigerian prisons in the last two years, despite assurances by the government that Nigeria has not executed "in years".

The executed men were convicted in a Kano state court and then relocated to other prisons around the country for execution. The death warrants were all signed by the current governor of Kano state, Malam Ibrahim Shekarau.

However, as of 15 November 2007, a Nigerian government representative at the United Nations stated that in Nigeria "Punishment only comes after

exhaustive legal and judicial processes, including recourse to the supreme court of the land. ...It is thus on record that we have not carried out any capital punishment in recent years in Nigeria.”. According to the most recent statistics, 784 prisoners are under sentence of death in Nigeria. The last recorded execution took place in 2002.

7.5 Saudi Arabia

In 2007 at least 117 people have been beheaded for crimes ranging from drug smuggling to armed robbery and murder.

7.6 USA – South Dakota

Elijah Page was executed in South Dakota on 11 July, in the state’s first execution in 60 years. He had been sentenced to death in 2001 for murder. Elijah Page, who was 18 at the time of the crime and emerging from a childhood of deprivation and abuse, had given up his appeals.

7.7 USA – Tennessee

On 9 May 2007, Philip Workman was executed in Tennessee, after 25 years on death row, despite evidence that a key state witness lied at his trial. On 4 May, a three-judge panel of the US Court of Appeals for the Sixth Circuit rejected his appeal for a stay of execution to pursue his claim of innocence. Two of the judges ruled that Philip Workman had "not met his burden of showing a likelihood of success" on the merits of his appeal.

The third judge dissented from the refusal to stay the execution, pointing out that another three-judge panel of the Sixth Circuit had recently granted a stay of execution to a death row prisoner in similar circumstances. He said: "I simply cannot conclude that this inconsistency in the administration of the death penalty is permissible."

7.8 USA – Texas

James Clark was executed in Texas on 11 April 2007 for a murder committed in 1993. His lawyers had sought clemency on the grounds that his execution would violate the 2002 US Supreme Court ruling, *Atkins v Virginia*, outlawing the execution of people with retardation. However, the Supreme Court had left it up to individual states to develop "appropriate ways" to comply with the ruling. This opened the door to further inconsistency in the application of the death penalty in the USA.

8. ATTEMPTS TO WIDEN THE SCOPE

8.1 Peru

A draft bill to put into effect the death penalty for terrorist offences was voted down by Congress by a majority of 49 to 26 on 10 January 2007. It was the fourth such bill submitted to Congress since President Alan Garcia came to office in July 2006.

Three other bills, two of which were introduced by the government, that would widen the scope of the death penalty to sexual offences are still before Congress (see **DP News** September 2006).

8.2 USA

On 12 December 2007, a Louisiana jury sentenced Richard Davis to death for the rape of a five-year-old child. Louisiana law provides for the death penalty for the aggravated rape of children under the age of 13. In May 2007, the Louisiana Supreme Court upheld the death sentence of Patrick Kennedy for the rape of an eight-year-old girl in March 1998. Until Richard Davis was sentenced, he was the only prisoner on death row in the USA for a crime not involving murder.

In 2008, the US Supreme Court will consider Kennedy case and rule on the constitutionality of such use of the death penalty, 31 years after the Court ruled that the death penalty for rape was unconstitutional (*Coker v. Georgia*, 1977). The *Coker* ruling involved a man sentenced to death for the rape of a 16-year-old girl. Georgia law and the US Supreme Court characterized the victim as an adult, thereby leaving the door open to those states which have passed laws making sex crimes against children capital crimes. The last execution for rape in the USA was in Missouri in 1964. There were six other executions that year for non-homicidal offences – five for rape (Arkansas, Missouri and Texas) and one for robbery (Alabama).

9. USE AGAINST CHILD OFFENDERS

9.1 Iran

Sa'id Qanbar Zahi, aged 17, was executed on 27 May 2007 in Zahedan prison. According to reports on Iranian state television, he had been tried on 11 March 2006, along with four other prisoners, allegedly for attacks on buses and carjacking in Sistan-Baluchistan in connection with an armed opposition group known as the Iranian Peoples' Resistance Movement. Iran's tiny Baluchi minority, comprising mainly Sunni Muslims, lives mainly in the southeast of the country, and has for many years complained of discrimination by the Iranian authorities.

Mohammad Mousawi, aged 19, was reportedly hanged on 22 April 2007 in Shiraz for a murder committed when he was 16 years old. His family are said not to have been notified of his execution.

Child offender Makwan Moloudzadeh was hanged on 4 December in Kermanshah Central Prison. He had been sentenced to death in July 2007 for *lavat-e iqabi* (anal sex) in connection with the alleged rape of three boys around 1999, when Makwan Moloudzadeh was aged 13.

His trial, held in the western cities of Kermanshah and Paveh, was grossly flawed. The alleged victims withdrew their accusations in the course of the trial, and reportedly said they had either lied or had been forced to "confess". In sentencing Makwan Moloudzadeh to death, the judge relied on his "knowledge" of the case, as is allowed by Iranian law, deciding that Makwan Moloudzadeh

could be tried as an adult, and that the alleged offence, otherwise unproven, had taken place.

The sentence was confirmed by the Supreme Court about a month later. His lawyer sought a judicial review of the case, and in November, the Head of the Judiciary, Ayatollah Shahroudi, granted a temporary stay of execution pending a further review of the case. In December this review appeared to have found no fault with the verdict and sentence. Makwan Moloudzadeh's lawyer was not given advance notice of his client's execution, although this is required by Iranian law.

9.2 Saudia Arabia

Dhahian Rakan al-Sibai'l was beheaded in Taif on 21 July 2007 for a murder committed when he was 15 or 16 years old. He was held in a juvenile detention facility until he was 18 years old, when he was moved to Taif Prison. In May, he appealed to the family of the victim to pardon him but without success.

Another child offender, Sultan Kohail, who is still only 16 years old, may also be at risk of execution.

In January 1996, Saudi Arabia ratified the Convention on the Rights of the Child (CRC), undertaking not to execute anyone for offences committed when they were under 18 years of age. However, child offenders continue to be sentenced to death, and due to the strict secrecy of the criminal justice system, it is not possible to ascertain how many children, like Dhahian, have been put to death since Saudi Arabia ratified the CRC.

9.3 Yemen

Hafez Ibrahim was sentenced to death in 2003 for a murder he is alleged to have committed in the town of Ta'z in 2000 when he was under 18 years of age. The Supreme Court upheld the sentence in July. Following worldwide appeals, Hafez was initially granted a three day stay of execution. It was then reported that the family of the murder victim had agreed to extend the stay until after the end of Ramadan in mid-October and that President 'Ali 'Abdullah Saleh had ordered a Committee to ascertain Hafez's age at the time of the crime.

According to the Shariah law rule of 'qisas' (retribution), family members of the murder victim may seek execution of the person responsible or they may pardon them, freely or in exchange for 'diya' (compensation). The family of the victim have previously refused to pardon Hafez, however, and he remains at grave risk of execution.

10. CONSTITUTIONAL CHANGES

10.1 France

On 19 February 2007 a joint session of both houses of the French Parliament voted by an overwhelming majority (826 to 26) to introduce a ban on the death penalty into the French constitution. As a result, Article 66-1 of Title VIII of the constitution now reads: "No one shall be sentenced to death".

This amendment followed a decision by the Constitutional Council on 13 October 2005 (see **DP News** September 2006) advising the government that such an amendment was essential if France was to be able to ratify the protocols concerning the abolition of the death penalty: the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) and Protocol No. 13 to the European Convention on Human Rights.

The death penalty had been removed from the French penal code and code of military justice on 9 October 1981. Since that date, 28 bills aiming to reinstate capital punishment have been tabled, and rejected, in Parliament.

10.2 Malawi

In April 2007 the High Court declared the mandatory death penalty unconstitutional.

11. JUDICIAL REVIEWS

11.1 USA – Texas

On 11 June 2007 the Texas Court of Criminal Appeals issued an indefinite stay of execution for Cathy Henderson two days before she was due to be put to death. It remanded the case to the trial court for consideration of newly available evidence that she is innocent of capital murder.

In a 5-4 decision issued on 28 June, the United States Supreme Court blocked the execution of Scott Panetti, a Texas death row inmate who suffers from severe delusions as a result of his serious mental illness. The central question asked of the Supreme Court by the Scott Panetti case was, in effect, to clarify a ruling it made 21 years earlier. In *Ford v. Wainwright* in 1986, the Supreme Court had affirmed that the execution of the insane violates the US Constitution's Eighth Amendment ban on "cruel and unusual punishments". However, the *Ford* ruling neither defined competence for execution, nor did a majority mandate specific procedures that must be followed by the individual states to determine whether an inmate is legally insane.

The result over the ensuing two decades has been the adoption of different standards in different states, judicial uncertainty, and minimal protection for seriously mentally ill inmates. The *Panetti* ruling has the potential, at last, to provide additional protection.

11.2 USA - Stay of Execution in Georgia

On 16 July 2007, less than 24 hours before Troy Davis was scheduled to be executed in Georgia, the state Board of Pardons and Paroles issued a stay of execution, to be not longer than 90 days, "for the purpose of evaluating and analyzing" the information submitted to it during the clemency hearing earlier in the day.

Troy Davis has been on death row for more than 15 years for the murder of a police officer which he maintains he did not commit. Many of the witnesses presented by the prosecution at the trial have since recanted or contradicted

their testimony. Among the thousands of people who appealed for clemency were Archbishop Desmond Tutu and former FBI Director William Sessions.

In its order staying the execution, the parole board ordered that the execution be suspended until midnight on 14 October 2007 or earlier if the board issues another order lifting the stay.

12. EXTRADITION

12.1 France

On 20 March 2007 France became the third European country, after Spain and Portugal, to sign an extradition agreement with China. Before it can come into force, the agreement will need to be ratified by the French parliament.

At the signing ceremony attended by the Chinese Vice-Minister of Foreign Affairs, the French Minister of Justice, Pascal Clément, made clear that "extradition could not be granted by France while the death penalty remains in force in your country unless your government gives guarantees considered to be sufficient by France, that capital punishment will neither be pronounced nor carried out".

13. INTERGOVERNMENTAL ORGANIZATIONS

13.1 UN General Assembly Resolution on Moratorium on Death Penalty

In an historic vote at the UN General Assembly (UNGA) plenary session on 18 December, 104 countries adopted a resolution calling for "a moratorium on executions with a view to abolishing the death penalty". 54 countries voted against the resolution and 29 countries abstained.

The landmark decision, which is non-binding on states, had cross-regional support and followed a vote taken at the UN Third Committee's 62nd session, on 15 November, on resolution L29 calling for a global moratorium on executions. The voting at the Third Committee was 99 countries in favour, 52 against and 33 abstentions. The resolution was co-sponsored by 87 states from around the world

The following countries voted for the final resolution: Albania, Algeria, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bolivia, Bosnia-Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Congo (Rep), Costa Rica, Cote D'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Macedonia, Madagascar, Mali, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Rwanda,

Samoa, San Marino, Sao Tome Principe, Serbia, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tajikistan, Timor-Leste, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Uruguay, Uzbekistan, Vanuatu, Venezuela.

The following countries voted against it: Afghanistan, Antigua-Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Botswana, Brunei Dar-Salam, Chad, China, Comoros, Korea (Dem Rep), Dominica, Egypt, Ethiopia, Grenada, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Libya, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, St Kitts-Nevis, St Lucia, St Vincent-Grenadines, Saudi Arabia, Singapore, Solomon Islands, Somalia, Sudan, Suriname, Syria, Thailand, Tonga, Trinidad-Tobago, Uganda, USA, Yemen, Zimbabwe.

The following countries abstained:

Belarus, Bhutan, Cameroon, Central African Republic, Congo (Dem Rep), Cuba, Djibouti, Equatorial Guinea, Eritrea, Fiji, Gambia, Ghana, Guinea, Kenya, Korea (Rep), Laos, Lebanon, Lesotho, Liberia, Malawi, Morocco, Niger, Sierra Leone, Swaziland, Togo, United Arab Emirates, Tanzania, Viet Nam, Zambia.

The following countries were **not present for the vote:** Guinea-Bissau, Peru, Senegal, Seychelles and Tunisia.

The UNGA has previously taken important steps towards abolition and to limit the death penalty over many years. In 1977 the UNGA reaffirmed, in resolution 32/61, that the “main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishment this punishment”. The UNGA has adopted standards to limit the application of the death penalty and safeguards to protect the rights of those facing capital punishment, including by adopting the Second Optional Protocol to the International Covenant on Civil and Political Rights and endorsing the Safeguards Guaranteeing Protection on the Rights of Those facing the Death Penalty.

There were two previous attempts to pass similar resolutions in 1994 and 1999, but since then the number of abolitionist states has increased. At the UNGA in 2006, Finland, as the President of the European Union, delivered a statement supported by 85 states which expressed “deep concern at the continuing use of the death penalty around the world”. The statement went on to call on states that still maintain the death penalty to abolish it completely and, in the meantime, to establish a moratorium on executions. Other states have subsequently endorsed that statement. Therefore, the adoption of the resolution calling for a moratorium on executions at the 62nd session of the UNGA, the UN’s highest political body, is a clear recognition by states of the growing international trend towards abolition of the death penalty.

13.2 UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions

The UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, presented a report on Iran to the UN Human Rights Council and issued a statement on 28 March 2007 saying: "The execution of

juveniles in Iran is completely unacceptable. The Iranian government cannot continue to ignore its obligations under international law. In particular, in 1994 Iran ratified the Convention on the Rights of the Child and made a clear and unambiguous legal commitment not to impose the death penalty for offences committed by persons less than 18 years old."

The Special Rapporteur called on the government of Iran to "immediately commute all death sentences imposed for crimes individuals committed before the age of 18."

14. INTERNATIONAL TREATIES

The community of nations has adopted four international treaties providing for the abolition of the death penalty. One is of worldwide scope; the other three are regional. (See also *Appendix 2* at the end of the document).

The *Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty* and the *Protocol to the American Convention on Human Rights to Abolish the Death Penalty* provide for the total abolition of the death penalty but allow states parties to retain it in wartime if they make a reservation to that effect at the time of ratifying or acceding to these protocols.

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 provides for the abolition of the death penalty in peacetime.

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 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 ICCPR, the American Convention on Human Rights or the European Convention on Human Rights can become a party to the respective protocols.

In 2007 **Albania, France, Mexico** and **Ukraine** acceded to the *Second Optional Protocol to the ICCPR*, bringing the total number of state parties to 64.

Eight other countries have signed the protocol, without ratifying it. There have been no new countries that signed the *Second Optional Protocol to the ICCPR* during 2007.

Mexico ratified the *Protocol to the American Convention on Human Rights to Abolish the Death Penalty* during 2007. At year end nine countries had ratified the Protocol and two others had signed it.

There were no new signatures or ratifications of *Protocol No. 6 to the European Convention on Human Rights* in 2007. At year end 46 countries had ratified the Protocol and one other had signed it.

Albania and France ratified *Protocol No. 13 to the European Convention on Human Rights* in 2007, bringing the total number of ratifications to 40. Five other countries have signed the protocol.

Up-to-date lists of states parties and other signatories of international treaties on the death penalty are available on the Amnesty International

websiteat:<http://www.amnesty.org/en/death-penalty/ratification-of-international-treaties>.

15. INTERNATIONAL EVENTS

15. 1 World Congress Against the Death Penalty

Abolitionists from around the world met in Paris from 1 to 3 February at the Third World Congress against the Death Penalty.

The Congress was organised by *Ensemble contre la peine de mort* (Together against the Death Penalty) with the support of the World Coalition against the Death Penalty. It followed the Second World Congress against the Death Penalty in Montreal in 2004.

The Congress, which brought together more than 500 abolitionists and decision-makers from all over the world, heard eloquent testimonies from relatives of murder victims and former death row prisoners. There were statements by UN officials, members of various professions and celebrities. Representatives of governments of Germany, France, Morocco, and Benin expressed commitment towards abolition of death penal in their countries.

Major debates were held on ways to abolish the death penalty in North Africa and the Middle East and the role of Islam in this process. Another debate was held on China particularly in view of the Olympics to be held in Beijing in 2008. Among the speakers were two Chinese lawyers, the first known to Amnesty International, to attend an international meeting on the death penalty.

On the final day, a march through the streets of Paris led by Sakae Menda, an innocent man who was on death row in Japan for 34 years, attracted crowds of onlookers. For more information about the Third World Congress and its Final Declaration please visit the World Coalition Against the Death Penalty's website www.worldcoalition.org/bcoalintro.html.

Extracts from the *Recommendations in the Final Declaration of the World Congress against the Death Penalty*, Paris, France, February 2007:

"We call on all countries to abolish the death penalty and to ratify international and regional abolitionist treaties, especially the Second Optional Protocol to the UN International Covenant on Civil and Political Rights.

Following on from the statement at the UN General Assembly in December 2006, that was supported by an unprecedented number of countries from around the world, we solemnly appeal to all states of the world to stop all executions immediately.

Recognizing the great value that a successful resolution adopted by the UN General Assembly would have for the abolition of the death penalty worldwide, we invite the member states of the United Nations to take all necessary steps to ensure the adoption by the General Assembly of a resolution

- calling for an immediate and universal moratorium on death sentences and executions and the commutation of existing death sentences, with a view to the universal abolition of the death penalty;

- recalling that the death penalty violates human rights and fundamental freedoms; and

- encouraging the UN, its member states, and other relevant international, regional and sub-regional organisations to support the implementation of this moratorium, including through mobilizing resources and expertise.

We welcome the presence in Paris of many abolitionists from North Africa and the Middle East and their efforts to create national, sub-regional and regional coalitions. We hail the initiatives taken in Morocco, Lebanon and Jordan towards abolition and call on the countries of the region to abolish the death penalty.

Welcoming the presence in Paris of Chinese abolitionists, we call on the Chinese government, in the prospect of the Beijing Olympic Games in 2008 and the Shanghai Universal Exposition in 2010, to establish an immediate moratorium on executions with the objective of progressively abolishing the death penalty, and in particular to remove non-violent offences, including economic and drug offences, from the scope of capital punishment.”

15.2 World Day Against the Death Penalty and Cities for Life

The theme for the fifth **World Day against the Death Penalty** on 10 October 2007 was “Stop the death penalty: The World decides”. The main WCADP objective of this year was to gather support for the resolution on a global moratorium on executions that was tabled at this 62nd session of the UN General Assembly (UNGA) which began 18 September.

At least three hundred and fifty events were staged in 59 countries around the world in support of the resolution on a moratorium on executions at the UN General Assembly, and an online petition calling on support for a global moratorium remains open for signature on [http:// www.worldcoalition.org](http://www.worldcoalition.org). On the 2 of November the hand over of the 5 million signatures collected by the petition was presented on the name of the WCADP to the UN President of the General Assembly.

The sixth **Cities for Life** event, initiated by the lay religious community of Sant’Egidio based in Rome, was commemorated on 30 November in more than 752 cities around the world. To show opposition to the death penalty, monuments have been illuminated in 33 capitals and 719 cities in 56 countries including Rome, Madrid, Ottawa, Mexico City, Barcelona, Buenos Aires, Austin, Dallas, Bogota’, Balanga City, Nakuru, Seoul.

APPENDIX 1- LIST OF ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 1 JANUARY 2008

As of 31 December 2007, more than two thirds in the world abolished the death penalty in law or practice.

The numbers are as follows:

Abolitionist for all crimes: 91

Abolitionist for ordinary crimes only: 10

Abolitionist in practice: 33

Total abolitionist in law or practice: 134

Retentionist: 63

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

At the end is a list of countries which have abolished the death penalty since 1976. It shows that in the past decade, an average of over three countries a year have abolished the death penalty in law or, having done so for ordinary offences, have gone on to abolish it for all offences.

1. Abolitionist for all crimes

Countries whose laws do not provide for the death penalty for any crime)
Albania, Andorra, Angola, Armenia, Australia, Austria, Azerbaijan, Belgium, Bhutan, Bosnia-Herzegovina, Bulgaria, Cambodia, Canada, Cape Verde, Colombia, Cook Islands, Costa Rica, Cote D'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Kiribati, Liberia, Liechtenstein, Lithuania, Luxembourg, Macedonia (Former Yugoslav Republic), Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States), 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, Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Uruguay, Vanuatu, Vatican City State, 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:

Argentina, Bolivia, Brazil, Chile, El Salvador, Fiji, Israel, Kyrgyzstan, Latvia, Peru

3. Abolitionist in practice

Countries which retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the past 10 years and are believed to have a policy or established practice of not carrying out executions. The list also includes countries which have made an international commitment not to use the death penalty.

Algeria, Benin, Brunei Darussalam, Burkina Faso, Central African Republic, Congo (Republic), Eritrea, Gabon, Gambia, Ghana, Grenada, Kenya, Korea (South), Laos, Madagascar, Malawi, Maldives, Mali, Mauritania, Morocco, Myanmar, Nauru, Niger, Papua New Guinea, Russian Federation, Sri Lanka, Suriname, Swaziland, Tanzania, Togo, Tonga, Tunisia, Zambia

4. Retentionist

Countries and territories that retain the death penalty for ordinary crimes

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

5. Countries that have abolished the death penalty since 1976

1976: **Portugal** abolished the death penalty for all crimes.

1978: **Denmark** abolished the death penalty for all crimes.

1979: **Luxembourg, Nicaragua** and **Norway** abolished the death penalty for all crimes. **Brazil, Fiji** and **Peru** abolished the death penalty for ordinary crimes.

1981: **France** and **Cape Verde** abolished the death penalty for all crimes.

1982: The **Netherlands** abolished the death penalty for all crimes.

1983: **Cyprus** and **El Salvador** abolished the death penalty for ordinary crimes.

1984: **Argentina** abolished the death penalty for ordinary crimes.

1985: **Australia** abolished the death penalty for all crimes.

1987: **Haiti, Liechtenstein** and the **German Democratic Republic**² abolished the death penalty for all crimes.

1989: **Cambodia, New Zealand, Romania** and **Slovenia**³ abolished the death penalty for all crimes.

1990: **Andorra, Croatia, the Czech and Slovak Federal Republic,**⁴ **Hungary, Ireland, Mozambique, Namibia** and **Sao Tomé and Príncipe** abolished the death penalty for all crimes.

1992: **Angola, Paraguay** and **Switzerland** abolished the death penalty for all crimes.

1993: **Guinea-Bissau, Hong Kong**⁵ and **Seychelles** abolished the death penalty for all crimes.

1994: **Italy** abolished the death penalty for all crimes.

1995: **Djibouti, Mauritius, Moldova** and **Spain** abolished the death penalty for all crimes.

1996: **Belgium** abolished the death penalty for all crimes.

1997: **Georgia, Nepal, Poland** and **South Africa** abolished the death penalty for all crimes. **Bolivia** abolished the death penalty for ordinary crimes.

1998: **Azerbaijan, Bulgaria, Canada, Estonia, Lithuania** and the **United Kingdom** abolished the death penalty for all crimes.

1999: **East Timor, Turkmenistan** and **Ukraine** abolished the death penalty for all crimes. **Latvia**⁶ abolished the death penalty for ordinary crimes.

2000 : **Cote D'Ivoire** and **Malta** abolished the death penalty for all crimes. **Albania**⁷ abolished the death penalty for ordinary crimes.

² In 1990 the German Democratic Republic became unified with the Federal Republic of Germany, where the death penalty had been abolished in 1949.

³ Slovenia and Croatia abolished the death penalty while they were still republics of the Socialist Federal Republic of Yugoslavia. The two republics became independent in 1991.

⁴ In 1993 the Czech and Slovak Federal Republic divided into two states, the Czech Republic and Slovakia.

⁵ In 1997 Hong Kong was returned to Chinese rule as a special administrative region of China. Since then Hong Kong has remained abolitionist.

⁶ In 1999 the Latvian parliament voted to ratify Protocol No. 6 to the European Convention on Human Rights, abolishing the death penalty for peacetime offences.

⁷ In 2007 Albania ratified Protocol No. 13 to the European Convention on Human Rights, abolishing the death penalty in all circumstances. In 2000 it had ratified Protocol No. 6 to the European Convention on Human Rights, abolishing the death penalty for peacetime offences.

2001: **Bosnia-Herzegovina**⁸ abolished the death penalty for all crimes. **Chile** abolished the death penalty for ordinary crimes.

2002: **Cyprus** and **Yugoslavia** (now two states **Serbia** and **Montenegro**)⁹ abolished the death penalty for all crimes.

2003: **Armenia** abolished the death penalty for all crimes.

2004: **Bhutan**, **Greece**, **Samoa**, **Senegal** and **Turkey** abolished the death penalty for all crimes.

2005: **Liberia**¹⁰ and **Mexico** abolished the death penalty for all crimes.

2006: **Philippines** abolished the death penalty for all crimes.

2007: **Albania**, **Cook Islands** and **Rwanda** abolished the death penalty for all crimes. **Kyrgyzstan** abolished the death penalty for ordinary crimes.

⁸ In 2001 Bosnia-Herzegovina ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, abolishing the death penalty for all crimes.

⁹ Montenegro had already abolished the death penalty in 2002 when it was part of a state union with Serbia. It became an independent member state of the United Nations on 28 June 2006. Its ratification of Protocol No. 13 to the European Convention on Human Rights, abolishing the death penalty in all circumstances, came into effect on 6 June 2006.

¹⁰ In 2005 Liberia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, abolishing the death penalty for all crimes.

APPENDIX 2- RATIFICATION OF INTERNATIONAL TREATIES AS OF 1 JANUARY 2008

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

Following are short descriptions of the four treaties and current lists of **states parties** and countries which have **signed but not ratified** the treaties. (States may become parties to international treaties either by *acceding* to them or by *ratifying* them. *Signature* indicates an intention to become a party at a later date through ratification. States are bound under international law to respect the provisions of treaties to which they are parties, and to do nothing to defeat the object and purpose of treaties which they have signed.

Second Optional Protocol to the International Covenant on Civil and Political Rights

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

States parties: ALBANIA, ANDORRA, AUSTRALIA, AUSTRIA, AZERBAIJAN, BELGIUM, BOSNIA-HERZEGOVINA, BULGARIA, CANADA, CAPE VERDE, COLOMBIA, COSTA RICA, CROATIA, CYPRUS, CZECH REPUBLIC, DENMARK, DJIBOUTI, ECUADOR, ESTONIA, FINLAND, FRANCE, GEORGIA, GERMANY, GREECE, HUNGARY, ICELAND, IRELAND, ITALY, LIBERIA, LIECHTENSTEIN, LITHUANIA, LUXEMBOURG, MACEDONIA, MALTA, MEXICO, MOLDOVA, MONACO, MONTENEGRO, MOZAMBIQUE, NAMIBIA, NEPAL, NETHERLANDS, NEW ZEALAND, NORWAY, PANAMA, PARAGUAY, PORTUGAL, ROMANIA, SAN MARINO, SERBIA, SEYCHELLES, SLOVAK REPUBLIC, SLOVENIA, SOUTH AFRICA, SPAIN, SWEDEN, SWITZERLAND, TIMOR-LESTE, TURKEY, TURKMENISTAN, UKRAINE, UNITED KINGDOM, URUGUAY, VENEZUELA
(total: 64)

Signed but not ratified: ARGENTINA, CHILE, GUINEA-BISSAU, HONDURAS, NICARAGUA, PHILIPPINES, POLAND, SAO TOMÉ AND PRÍNCIPE
(total: 8)

Protocol to the American Convention on Human Rights

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

States parties: BRAZIL, COSTA RICA, ECUADOR, MEXICO, NICARAGUA, PANAMA, PARAGUAY, URUGUAY, VENEZUELA
(total: 9)

Signed but not ratified: ARGENTINA, CHILE
(total: 2)

Protocol No. 6 to the European Convention on Human Rights

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

States parties: ALBANIA, ANDORRA, ARMENIA, AUSTRIA, AZERBAIJAN, BELGIUM, BOSNIA-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, SLOVAK REPUBLIC, SLOVENIA, SPAIN, SWEDEN, SWITZERLAND, TURKEY, UKRAINE, UNITED KINGDOM
(total: 46)

Signed but not ratified: RUSSIAN FEDERATION
(total: 1)

Protocol No. 13 to the European Convention on Human Rights

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

States parties: ALBANIA, ANDORRA, AUSTRIA, BELGIUM, BOSNIA-

HERZEGOVINA, BULGARIA, CROATIA, CYPRUS, CZECH REPUBLIC,
DENMARK, ESTONIA, FINLAND, FRANCE, GEORGIA, GERMANY, GREECE,
HUNGARY, ICELAND, IRELAND, LIECHTENSTEIN, LITHUANIA,
LUXEMBOURG, MACEDONIA, MALTA, MOLDOVA, MONACO, MONTENEGRO,
NETHERLANDS, NORWAY, PORTUGAL, ROMANIA, SAN MARINO, SERBIA,
SLOVAKIA, SLOVENIA, SWEDEN, SWITZERLAND, TURKEY, UKRAINE,
UNITED KINGDOM
(total: 40)

Signed but not ratified: ARMENIA, ITALY, LATVIA, POLAND, SPAIN,
(total: 5)