

THE DEATH PENALTY WORLDWIDE: DEVELOPMENTS IN 1996

Abbreviations

ICCPR:	International Covenant on Civil and Political Rights
ECHR:	European Convention for the Protection of Human Rights and Fundamental Freedoms (“European Convention on Human Rights”)
ACHR:	American Convention on Human Rights

1. ABOLITION OF THE DEATH PENALTY

BELGIUM

Belgium abolished the death penalty for all crimes in **August** 1996, following promulgation of the bill outlawing it by King Albert II and publication in the official gazette on 1 August.

The death penalty has not been used for common criminal offences in Belgium since 1863 because the sentence has always been commuted - with one exception. In March 1918 a soldier was executed for the murder of a pregnant civilian. The oldest known legislative proposal for abolition was put forward in 1832; however, this was not successful and the death penalty remained - the Penal Code of 1867 stipulating that it be provided for common crimes by public beheading and by firing squad for a military offence or a crime against the security of the state. Comparatively recently, mandatory death sentences were introduced - in 1975 for kidnapping and in 1976 for hijacking an aircraft, in both cases with aggravating circumstances.

Some 15 people were executed during the First World War for war-related crimes against the external security of the state and, following the Second World War, 242 people were executed on the same grounds, the last execution taking place in 1950.

In December 1989 the government submitted draft legislation calling for the complete abolition of capital punishment but by March 1990 agreement had only been reached on abolition during peacetime. Eventually in September 1991 the Council of Ministers approved a draft bill advocating abolition, but parliament was dissolved before the bill could be tabled. In November 1995 the Council of Ministers approved another draft bill, this time calling for abolition for all offences both in war and in peacetime. The bill also addressed the problem of the hierarchy of penalties by replacing the death penalty with life imprisonment and life imprisonment with detention for 20 to 30 years.

In June 1996 the Chamber of Representatives (one of the two houses of the federal Belgian parliament) passed the bill and, with the implicit approval of the Senate in August, Belgium became wholly abolitionist in law.

Belgium signed Protocol No.6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (“European Convention on Human Rights”, ECHR), which provides for abolition of the death penalty for peacetime offences, on 28 April 1983, and the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), aiming at the abolition of the death penalty, on 12 July 1990.

SOUTH AFRICA

In June 1995 the Constitutional Court had ruled that the death penalty for murder was contrary to South Africa’s interim constitution. On **8 May** 1996 the Constitutional Assembly adopted a final constitution which retained the wording of the interim constitution guaranteeing the right to life.

Before it could be finally promulgated the Constitutional Court had to rule whether the constitution as adopted was consistent with the “Constitutional Principles” embodied in the interim constitution and agreed by South Africa’s all-party negotiators prior to the April 1994 elections. A special session began hearing arguments in public on 1 July. The process was completed after the constitution had been referred back to the Constitutional Assembly for agreement. The Constitutional Court certified the final version which was promulgated in law by President Nelson Mandela on **10 December**.

A constitution can be seen as the legal embodiment of a country’s highest values, extending human rights guarantees to everyone in the country’s jurisdiction. By enshrining the unqualified right to life as a fundamental right in the final constitution South Africa has shown the importance it attaches to the decision taken by the Constitutional Court to outlaw the death penalty. As President Mandela stated in a news briefing on 25 September, *“We have outlawed the capital sentence....We are determined that the death sentence will never come back in this country.”*

2. REDUCTION OF SCOPE

RUSSIAN FEDERATION

In **June** a new penal code was adopted in which the number of capital crimes was reduced from 31 to five.

AZERBAIJAN

A draft law was approved in **May** reducing the number of crimes punishable by death from 33 to 12 and providing that men over the age of 65 could not be sentenced to death.

3. MORATORIA ON EXECUTIONS

COUNCIL OF EUROPE

In **January** the Committee of Ministers of the Council of Europe called for a moratorium on executions in member states. A statement made as part of an interim reply to proposals concerning a new abolitionist protocol (See *Developments in Intergovernmental Organizations*, below) said: “*In the meantime, the Committee of Ministers has encouraged member States which have not abolished the death penalty to operate de facto or de jure a moratorium on the execution of death sentences*”.

[For information on activities in the Parliamentary Assembly of the Council of Europe, see below.]

BULGARIA

Bulgaria introduced a moratorium on executions on 10 July 1990. In **June** 1996 the Minister of the Interior wrote to the National Assembly asking for the lifting of the moratorium, justifying this proposal by reference to the rising crime rate. Previous motions to lift the moratorium had apparently enjoyed wide popular support although similar debates in the National Assembly in the past had been suspended without a vote. The June 1996 proposal was not considered by the National Assembly.

4. MOVES TOWARDS ABOLITION

BALTIC STATES

Although no formal moratoria have been declared, there have been no executions in any of the Baltic states since January 1996. The exact situation varies from country to country:

Estonia

In **December** a proposal to abolish the death penalty was put forward in the Estonian parliament (the Riigikogu) but it was defeated by 39 votes to seven. However, at the same time an amendment to the criminal code making it possible for courts to impose a new penalty of life imprisonment as an alternative to the death penalty for particularly serious crimes was passed. The last execution in Estonia took place in September 1991.

Latvia

Despite having committed itself during the procedure for its accession to the Council of Europe on 31 January 1994 to ratify Protocol No. 6 to the ECHR “*within a period which.....should not normally exceed one year from the time of accession*”, Latvia has not yet signed the Protocol, let alone ratified it. On the contrary, Latvia carried out two executions, two years after its accession, in **January** 1996. In **June**, Latvia was reprimanded by the Parliamentary Assembly of the Council of Europe for not honouring the commitments made at the time of accession and was warned that further violations, especially the carrying out of executions, would have serious consequences (see *Developments in Intergovernmental Organizations* below).

AI was informed by the Minister of Foreign Affairs in **August** that a new criminal code which provides for abolition of the death penalty and its replacement with life imprisonment had been submitted to the Latvian parliament (the Saeima) for consideration. The Minister also said that “*no death sentences have been passed this year, one death sentence from a previous year has been commuted to life imprisonment, three appeals to the President for clemency have been accepted and at present there are no prisoners in Latvia on death row*” He affirmed that if the outcome of debates in the Saeima was the abolition of the death penalty, Latvia would immediately be able to ratify Protocol No. 6 to the ECHR.

In September President Guntis Ulmanis announced that he would grant all requests for clemency submitted to him pending a decision by the Saeima on abolition of the death penalty. Amnesty International learned that two prisoners were sentenced to death in November and December.

Lithuania

Although Lithuania has made no formal commitment to abolish the death penalty or to introduce a moratorium, no one has been executed since July 1995. A decree signed on **26 July** 1996 by President Brazauskas suspending executions until the death penalty had been debated by parliament still had not been approved by parliament by the end of the year. Legally therefore the decree had no force. However, it was reported that no executions could take place because the President, or the Clemency Commission of which he is the chair, were refusing to consider appeals for clemency submitted by those sentenced to death.

CHILE

No executions have taken place in Chile since January 1985 as since that date all death sentences have been commuted to life imprisonment. In **August** 1996 President Eduardo Frei when commuting a death sentence to life imprisonment, said that he could not “..believe that to defend life and punish the person that kills, the state should in its turn kill. The death penalty is as inhuman as the crime which motivates it”. Following the commutation a bill was put forward by Senator Sebastián Piñera proposing the abolition of the death penalty but it had not been debated by the end of the year.

5. OTHER NEW LEGISLATION AND LEGISLATIVE ATTEMPTS

CHINA

In **March** China’s legislature, the National People’s Congress, passed substantial amendments to the Criminal Procedure Law (CPL) - the basic law which has governed the criminal justice process in China for the past 16 years. The revision of this law was the most significant legal development in China since 1979 when the CPL and the Criminal Law were adopted.

One of the changes brought about by this revision is the repeal of a 1983 Decision which provided for summary trials, in some cases liable to the death penalty. Since 1983 the use of this legislation has led to tens of thousands of executions after summary trials. The Decision applied to “*offenders on whom death sentences should be imposed*” for crimes such as murder, rape, robbery, causing explosions and “*other crimes which seriously endanger public security*”. It cancelled the procedures of the CPL requiring that defendants be given notice of their trial and of their right to hire a lawyer, as well as a copy of the indictment at least seven days before the trial.

With the repeal of this Decision all defendants facing the death penalty should now in principle be tried under the revised CPL and receive notice of the trial and of the right to a defence lawyer, and the right to receive a copy of the indictment at least ten days before the trial. Also, under the revised CPL defendants who have not hired a defence lawyer have the right to have one appointed for them at least ten days before the trial, by the court hearing the case.

The provisions for carrying out death sentences have been modified. One change concerns cases where a death sentence has been passed with a two-year suspension of execution. Previously at the end of the two-year period the death sentence was carried out if the prisoner was found to have “*resisted reform in an odious manner*” and it was commuted if the prisoner was deemed to have “*truly repented*” or to have performed “*meritorious service*” while imprisoned. Under the revised law execution or commutation now depends on whether or not the prisoner has “*intentionally committed*

crimes” during the two-year period. A further alteration to the provisions for carrying out death sentences has been the addition of a new method of execution (see *Methods of Execution*, below).

(Note: The revised Criminal Procedure Law came into force on 1 January 1997.)

UNITED STATES OF AMERICA

The USA introduced federal legislation to shorten the time taken by appeals for prisoners under sentence of death under the Anti-terrorism and Effective Death Penalty Act. The Act was signed into law by President Bill Clinton on **24 April** 1996.

The average time between sentencing and execution for the 56 prisoners executed in 1995 was 11 years and two months, but cases have been known to take 19 years. Previous federal law had set no time limit for the filing of habeas corpus petitions by those sentenced to death. The new Act however imposed a time limit of six months for the filing of federal habeas corpus appeals after the denial of state appeals, if the state had “opted in”. To “opt in” means that the state has provided adequate legal assistance to death row inmates to qualify. No state had qualified by the end of 1996.

Stays of execution are affected in that the filing of a petition to the federal court is no longer considered an automatic stay; only if the prisoner can make a “substantial showing of the denial of a federal right” can it be so considered. Federal courts are required to decide on habeas corpus petitions in capital cases within six months.

The Act was upheld as constitutional by the US Supreme Court in a ruling made in June.

6. ATTEMPT TO REINTRODUCE THE DEATH PENALTY

EL SALVADOR

The death penalty was abolished under the 1983 Constitution for all crimes except “for cases stipulated in military legislation during a state of international war”. However, on **10 October** 1996 the Legislative Assembly approved a motion to amend the constitution in order to reintroduce the death penalty for rape, kidnapping and aggravated homicide. As of the end of the year the constitutional reform was awaiting ratification by the next elected Assembly, which was due to take office in May 1997.

Re-establishment of the death penalty for ordinary crimes in El Salvador would have been in breach of the country’s commitment as a party to the American Convention on

Human Rights (ACHR). Article 4(3) of the ACHR states: “*The death penalty shall not be re-established in states that have abolished it*” and Article 4(2) states “... *application [the death penalty] shall not be extended to crimes to which it does not presently apply*”.

(Note: The new Assembly did not ratify the amendment.)

7. EXPANSION OF SCOPE

LIBYA

At a special session in **June** of the General People’s Congress, Libya’s highest legislative body, crimes for which the death penalty can be imposed were expanded to include the smuggling of drugs and alcohol and illegal trade in foreign currencies. The debate was broadcast live on Libyan television.

GUATEMALA

The Guatemalan Penal Code (1973) provides for the death penalty but it had not been used since 1983, when 11 executions were carried out under emergency Decree 46-82 imposed when General Elfraín Ríos Montt seized power in 1982.

In **November** 1996 a court passed death sentences on three men convicted of kidnapping, although the legal status of the decree under which the crime of kidnapping is subject to the death penalty is unclear. In March 1995 the Guatemalan Congress had approved Decree 14-95 extending the application of the death penalty to kidnapping and other crimes. However, the decree had been neither ratified nor vetoed by the President of the Republic within the legally specified period.

Although the Appeals Court commuted the death sentences on the grounds that the application of the death penalty in this case would constitute a violation of the ACHR, to which Guatemala is a party, the Public Ministry appealed the decision. The appeal is still pending.

Two prisoners were executed on **13 September** 1996.

8. RESUMPTIONS OF EXECUTIONS AFTER LONG PERIODS

Five countries resumed executions in 1996 after nine years or more without them.

Country	Date of Last Execution
The Bahamas	1984
Thailand	1987
Guatemala	1983
Bahrain	1977
Comoros	Before independence in 1975

9. DEVELOPMENTS IN INTERGOVERNMENTAL ORGANIZATIONS

COUNCIL OF EUROPE

Proposed new abolitionist protocol

In an interim reply in **January** to proposals made by the Parliamentary Assembly of the Council of Europe in 1994 for an additional Protocol to the ECHR providing for the abolition of the death penalty in all circumstances and a control mechanism over the use of the death penalty, the Committee of Ministers stated that the proposals were being examined within the framework of the Committee's Rapporteur Group on Human Rights.

Following this, on **28 June** the Parliamentary Assembly adopted recommendation 1302 (1996), urging that the Committee follow up the 1994 proposals without delay.

Moratorium on executions as a prerequisite for membership

Also on **28 June** the Parliamentary Assembly adopted resolution 1097 (1966) reaffirming its opposition to the death penalty and declaring that any state joining the Council of Europe must introduce an immediate moratorium on executions and indicate its willingness to ratify Protocol No. 6 to the ECHR, thereby agreeing in effect that it would abolish the death penalty in peacetime. The resolution stated: *".....the Assembly reminds applicant states to the Council of Europe that the willingness to sign and ratify Protocol No. 6 of the European Convention on Human Rights and to introduce a moratorium upon accession has become a prerequisite for membership of the Council of Europe on the part of the Assembly..."*.

The resolution also called upon those member states who retained the death penalty on their statute books without having recourse to it (Albania, Bulgaria, Cyprus, Estonia, Malta, Poland, Turkey and the United Kingdom) to abolish it in law as soon as possible. In addition it urged all those member states which had not signed and ratified Protocol No. 6 to do so.

Condemnation of continuing executions in member states

In the same resolution, the Parliamentary Assembly condemned the reported continuation of executions in Latvia, Ukraine and Russia and called for their immediate cessation. Ukraine joined the Council of Europe on 9 November 1995 and Russia on 28 February 1996. Both countries pledged to put into place a moratorium on executions from the day of accession. Since then AI had received information indicating that executions were continuing in both countries and had written to the Council conveying this information and calling for action.

Resolution 1097 (1995) was adopted following an emergency debate on the basis of a report prepared by Renate Wohlwend for the Parliamentary Assembly's Committee on Legal Affairs and Human Rights. In the resolution the Assembly condemned "...*Ukraine for apparently violating its commitments to introduce a moratorium on executions of the death penalty upon its accession to the Council of Europe*" and demanded that "*Russia honour its commitments to carry out no executions.*" It further warned the two countries that further violation of their commitments, especially the carrying-out of executions, would have consequences in terms of their continuing membership in the Council of Europe. Also included in this warning was Latvia, where at least two executions were known to have been carried out since the accession of that country to the Council.

According to official figures, Ukraine carried out 167 executions in 1996. Amnesty International learned of 140 executions in Russia in 1996; the true total may be much higher.

Seminars on the death penalty

The Council of Europe held two seminars in **November** dealing with human rights and the death penalty. In Taormina, Italy, officials and members of parliament from different parts of Europe met with experts in the fields of criminology, penal policy, media communications and human rights to discuss "Serious Crime and the Requirement of Respect for Human Rights in European Democracies". The proceedings of the seminar have since been published by the Council of Europe.¹

¹ *Serious Crime and the Requirement of Respect for Human Rights in European Democracies*. Proceedings of the seminar organised by the Secretariat General of the Council of Europe in cooperation with Intercenter of Messina (Italy), Taormina, Italy, 14-16 November 1996. Council of Europe Publishing, 67075 Strasbourg, Cedex, France, 1997.

The second seminar, held in Kyiv, Ukraine, was on the death penalty and brought together ministers of justice, other officials and members of parliament from European countries and experts in the field of capital punishment.

UN ECONOMIC AND SOCIAL COUNCIL (ECOSOC)

Further progress in the tightening of UN safeguards on the death penalty was achieved in **July** when ECOSOC adopted a resolution on “Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty” (resolution 1996/15, adopted on 23 July without a vote). This resolution, originally proposed by Austria, had been adopted by the UN Commission on Crime Prevention and Criminal Justice on 31 May and forwarded to ECOSOC for its consideration. ECOSOC adopted it without amendment.

The resolution encourages UN member states to ensure that defendants have adequate interpretation or translation facilities if they do not sufficiently understand the language of the court; to allow adequate time for the completion of appeal procedures and petitions for clemency; to ensure that officials involved in decisions concerning executions are fully informed of the status of any such appeals and petitions; and to apply the UN Standard Minimum Rules for the Treatment of Prisoners effectively in order to keep to a minimum the suffering of prisoners under sentence of death and to avoid any exacerbation of such suffering.

These provisions are designed, among other things, to prevent situations where a prisoner is executed even though an appeal is pending, ostensibly because the prison officials carrying out the execution were not aware of the appeal, and to make it clear that prisoners under sentence of death should benefit from the provisions of the UN Standard Minimum Rules for the Treatment of Prisoners, such as its provisions for adequate food and exercise and for correspondence and visits with family members and friends.

ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE (OSCE)

Within the OSCE the Office for Democratic Institutions and Human Rights took the first steps towards developing a clearing house for information on the abolition of the death penalty in the OSCE area by publishing a report during a review conference in **October**. Such action will help to fulfil the pledge made by states participating in the 1990 Copenhagen Meeting of the Conference on the Human Dimension of the Conference on Security and Cooperation in Europe (now the OSCE) to “*exchange information within the framework of the Conference on the Human Dimension on the question of the abolition of the death penalty and keep that question under consideration*”.

AFRICAN, CARIBBEAN AND PACIFIC STATES - EUROPEAN UNION (ACP-EU) JOINT ASSEMBLY

The ACP-EU Joint Assembly, a forum of members of the European Parliament (the parliamentary body of the European Union) and representatives of the African, Caribbean and Pacific states which are parties to the Lomé Convention, adopted a resolution on the abolition of the death penalty at their meeting in Luxembourg from **23 to 26 September**. Among other things, the resolution requested member states in which the death penalty is still in force to introduce a three-year moratorium on executions as the first step towards abolition and invited members to support a proposal to be adopted by the UN for a universal moratorium on capital punishment.

10. MOVES TO LIMIT OR ABOLISH APPEALS TO THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL (JCPC)

The Judicial Committee of the Privy Council in England is the final court of appeal for many Commonwealth countries including those in the Caribbean. It will consider only cases involving constitutional matters or points of law of “great public importance”.

BELIZE

In September 1995 Chief Justice Sir George Brown held that the JCPC had no jurisdiction to grant leave to appeal to it once a prisoner’s petition for clemency was rejected. This finding was overruled by the JCPC in a judgment in another case delivered on **21 February** 1996. The JCPC held that if, for good reason, no appeal against conviction had been brought prior to the refusal to exercise clemency and it was shown that there might have been a wrongful conviction, it had to be possible to set such conviction aside on legal grounds, whether or not the prerogative of mercy had been or would be exercised.

The government of Belize has said it intends to introduce legislation in parliament to abolish the right of appeal to the JCPC.

JAMAICA

It was reported that on **29 October** 1996 the Minister of National Security and Justice, Mr K D Knight, told the Jamaican parliament that a limit of nine months would be placed on appeals in capital cases to be made to the JCPC. The present position is that an automatic stay of execution comes into force for the period between sentencing and giving notice of appeal and also until the final determination of appeals.

TRINIDAD AND TOBAGO

In **September** the government proposed a bill amending the Constitution which, if enacted, would remove some of the rights currently available to people sentenced to death. Trinidad and Tobago's Constitution forbids cruel or unusual punishment. The proposed Constitutional (Amendment) Bill 1996 seeks to nullify the 1993 ruling of the JCPC in the case of *Pratt and Morgan v. Jamaica*. The JCPC ruling stated that where there is an impending execution of a prisoner who has been under sentence of death for more than five years, there are strong grounds for believing that the delay constitutes "inhuman or degrading punishment or other treatment" which is prohibited under Section 17(1) of the Jamaican constitution. It recommended commutation to life imprisonment of the death sentences of all prisoners under sentence of death for five years or more.

The precedent set by the 1993 ruling has led to over 50 prisoners having their death sentences commuted to life imprisonment in Trinidad and Tobago, as well as prisoners in several other Caribbean countries. However, since the ruling the government of Trinidad and Tobago has issued warrants of execution to prisoners who have been under sentence of death for more than five years. All later had their sentences commuted.

The bill needs a two-thirds majority in the country's parliament in order to pass into law. At the end of 1996 it was still under consideration.

11. METHODS OF EXECUTION

GUATEMALA

In **October** 1996 the Guatemalan Congress approved legislation changing the method of execution from shooting by firing squad to lethal injection.

PHILIPPINES

The last person executed in the Philippines was put to death by electrocution in 1976. In 1987 the death penalty was abolished, but it was reintroduced in December 1993 for a series of crimes. The original method of execution specified at the time of reintroduction was by gas as the country's electric chair, which had been donated to a museum, had been destroyed in a fire. However, the government was unable to provide sufficient funds for the construction of a gas chamber. Subsequent discussions of a suitable method of execution culminated on **20 March** 1996 in the signing into law by

President Fidel Ramos of Republic Act No. 8177 which provides for execution by lethal injection.

CHINA

In **March** 1996 the National People's Congress passed substantial amendments to the Criminal Procedure Law (see *New Legislation* above), one of which was the addition of a new method of execution - that of lethal injection. Until this amendment, execution was carried out by shooting, usually at an outdoor execution ground.

12. JUVENILES UNDER SENTENCE OF DEATH

UNITED STATES OF AMERICA

At the end of 1996 at least 47 juvenile offenders were under sentence of death in 15 US states. All of them had been convicted of murders committed when they were 16 or 17 years old. No juvenile offenders were executed during 1996.

PAKISTAN

In **May** 1996 Mumtaz Ali, a boy whose age at the time of the murder of which he was convicted was reported as being less than 15 years, was sentenced to death. His case was taken to appeal before the Peshawar High Court on the grounds that imposing a death sentence on a minor was against the constitution of the country, which guarantees the dignity of man. Following submission of this appeal the division bench referred the appellant to a medical board in an attempt to ascertain his actual age. AI does not know the result of the appeal.

13. EXTRADITION IN CAPITAL CASES

CANADA

In **July** two Canadian citizens were extradited to the USA to face charges of capital murder in the state of Washington, where the law provides for the death penalty. Canada, which abolished the death penalty for ordinary crimes in 1976, had failed to seek or obtain assurances from the US authorities that the death penalty would not be imposed despite an agreement between the two countries that Canada can do so. Minister of Justice and Attorney General Allan Rock approved the extradition order saying that "*the crimes...were committed on foreign soil and are subject to the foreign judicial system*".

The two prisoners have appealed against the decision and the appeal is still pending.

In **October**, in contrast, when the Filipino authorities applied to Canada to allow the extradition of a Filipino citizen wanted for murder in the Philippines, the Canadian Minister of Justice and Attorney General sought and received assurances that the prisoner would not receive a death sentence if convicted, before granting the application for extradition.

ITALY

In **June** the Constitutional Court of Italy refused to extradite Pietro Venezia, wanted on charges of murder in Florida, to the USA because of Florida's provisions for the death penalty. The Court ruled that the provisions in Italy's Code of Penal Procedure which permit extradition for offences punishable by death in the country requesting extradition were unconstitutional. Earlier in the year the Minister of Justice had agreed to the extradition after receiving assurances from the US authorities that Venezia would not face the death penalty.

The Constitutional Court written ruling states that

"...the participation of the Italian State in the execution of penalties which in no case and for no type of crime could be imposed in Italy in peacetime is in itself in violation of the Constitution."

The Court stated that the "satisfactory assurances" mechanism, as provided for in Article 698 of the Code of Penal Procedure, is incompatible with Article 27 of the Italian Constitution which states:

"Participation of the Italian state in the infliction or execution of a capital sentence is not admissible under any circumstances and for any type of crime."

14. REFERENDUM

BELARUS

In **November** President Alyaksandr Lukashenka organized a referendum on constitutional reforms which included a question on abolishing the death penalty. The referendum was opposed by the country's Constitutional Court and parliament and was criticized as illegal by the president of the country's Central Commission on Elections and Referenda. There were reports that sample ballots were available in polling stations

already marked in favour of the continuing use of the death penalty, the option favoured by President Lukashenka. The referendum produced a majority vote against abolition.

15. PUBLIC OPINION POLLS

ITALY

An opinion poll carried out in **February** based on personal interviews with 2,005 adults showed that for the first time the number of people in favour of the death penalty and the number of those against were almost the same. The results were 45.6 per cent in favour of the death penalty and 45.7 per cent against, with nearly 9 per cent undecided.

DOXA, the organization which conducted the poll, said that in similar polls taken in the past the number in favour of the death penalty had outweighed, sometimes by a significant amount, the number against. In contrast to these results, in a poll carried out among high school students (aged 14-19 years) during the early part of 1996 by an Italian Amnesty International group, only 33.6 per cent thought that capital punishment was morally wrong whereas 42.6 per cent did not, with 19.2 per cent undecided.

SOUTH AFRICA

According to the Human Sciences Research Council a survey taken in **July** showed that more than 71 per cent of South Africans favoured the reinstatement of the death penalty.

Later in the year an informal survey taken by *The Star*, a national daily newspaper, showed that more than 93 per cent of South Africans favoured a referendum on the reinstatement of the death penalty. Only seven per cent of those consulted opposed the return of state hangings.

16. NEW PARTIES TO INTERNATIONAL TREATIES ON THE DEATH PENALTY

PROTOCOL NO. 6 TO THE ECHR CONCERNING THE ABOLITION OF THE DEATH PENALTY

On **22 January** Andorra ratified Protocol No. 6 to the ECHR.

In December 1995 the parliament of Moldova voted unanimously to remove the death penalty from the country's criminal code and in **February** 1996 death sentences on 19 prisoners awaiting execution were commuted to life imprisonment by presidential decree. On **2 May** Moldova signed Protocol No. 6 to the ECHR.

On **14 June** the Protocol was signed by the former Yugoslavian Republic of Macedonia .

PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS (ACHR)
TO ABOLISH THE DEATH PENALTY

Brazil ratified the Protocol to the ACHR on **13 August**, bringing the number of states parties to four.

17. DEATH SENTENCES AND EXECUTIONS

During 1996, at least 4,272 prisoners are known to have been executed in 39 countries and 7,107 people were sentenced to death in 76 countries. These figures include only cases known to Amnesty International; the true figures are certainly higher.

As in previous years, a small number of countries accounted for the vast majority of executions recorded. Amnesty International received reports of 3,500 executions in China, 167 executions in Ukraine, 140 executions in the Russian Federation and at least 110 executions in Iran. These four countries alone accounted for 92 per cent of all executions recorded by Amnesty International worldwide in 1996. Amnesty International also received unconfirmed reports of at least 123 executions in Turkmenistan. Amnesty International received reports of numerous executions in Iraq but was unable to confirm most of the reports or to give an exact figure.

TABLE 1: STATES PARTIES AND SIGNATORIES TO TREATIES CONCERNING THE DEATH PENALTY AS AT 31 DECEMBER 1996

INTERNATIONAL TREATY	STATES WHICH HAVE SIGNED BUT NOT YET RATIFIED	STATES PARTIES
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty	Belgium, Costa Rica, Honduras, Nicaragua (Total: 4)	Australia, Austria, Croatia, Denmark, Ecuador, Finland, Germany, Hungary, Iceland, Ireland, Italy, Luxembourg, Macedonia, Malta, Mozambique, Namibia, Netherlands, New Zealand, Norway, Panama, Portugal, Romania, Seychelles, Slovenia, Spain, Sweden, Switzerland, Uruguay, Venezuela (Total: 29)
Protocol No. 6 to the European Convention on Human Rights concerning the abolition of the death penalty	Belgium, Croatia, Estonia, Greece, Macedonia, Moldova (Total: 6)	Andorra, Austria, Czech Republic, Denmark, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Portugal, Romania, San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland (Total: 24)
Protocol to the American Convention on Human Rights to Abolish the Death Penalty	Costa Rica, Ecuador, Nicaragua (Total: 3)	Brazil, Panama, Venezuela, Uruguay (Total: 4)

**TABLE 2: RECORDED WORLDWIDE EXECUTIONS BY YEAR,
1980 - 1996**

Year	No. countries carrying out executions	No. executions recorded	No. countries with over 100 executions (1984-1996)	% of all recorded executions carried out in countries with over 100 executions (1984-1996)
1980	29	1229		
1981	34	3278		
1982	42	1609		
1983	39	1399		
1984	40	1513	4	78%
1985	44	1125	3	66%
1986	39	743	3	56%
1987	39	769	3	59%
1988	35	1903	3	83%
1989	34	2229	3	85%
1990	26	2029	4	84%
1991	32	2086	2	89%
1992	35	1708	2	82%
1993	32	1831	1	77%
1994	37	2331	3	87%
1995	41	3276*	3	85%
1996	39	4272	4	92%

*The figure for 1995 has been revised to take account of new reports on executions in China. Amnesty International originally reported that it knew of 2190 executions in China during 1995. Later reports brought the total to 2535. The total number of executions recorded worldwide has accordingly been changed from 2931 (as reported in "Abolition of the Death Penalty Worldwide: Developments in 1995" and the *Amnesty International Report 1996*) to 3276.

**TABLE 3: NUMBER OF ABOLITIONIST COUNTRIES AT YEAR END,
1980 - 1996**

Year	No. countries abolitionist for all crimes	No. countries abolitionist in law or practice
1981	27	63
1982	28	63
1983	28	64
1984	28	64
1985	29	64
1986	31	66
1987	35	69
1988	35	80
1989	39	84
1990	46	88
1991	46	83
1992	49	84
1993	53	90
1994	55	97
1995	56	101
1996	58	100