

TABLE OF CONTENTS

ABOLITION.....	1
Cyprus	1
Turkey	1
Yugoslavia	2
MORATORIA AND SUSPENSIONS OF EXECUTIONS	2
Guatemala	2
Philippines.....	3
USA (Maryland)	3
REDUCTIONS IN SCOPE OF THE DEATH PENALTY	4
Fiji	4
REMOVAL OF MANDATORY DEATH PENALTIES	4
Caribbean	4
Taiwan.....	4
COMMUTATIONS	5
Saudi Arabia.....	5
Tanzania.....	5
Turkey	5
USA (Georgia)	5
DEATH SENTENCES AND EXECUTIONS.....	6
Iran	6
Japan	6
Nigeria.....	6
Pakistan.....	7
Saudi Arabia.....	7
Sudan.....	7
Tajikistan.....	8
USE OF THE DEATH PENALTY AGAINST CHILD OFFENDERS.....	8
USA (Indiana).....	8
MOVES TO RESTRICT APPEALS	8
Barbados	8
Belize	9
USA (federal).....	9
METHODS OF EXECUTION: STONING.....	9
Iran	9
INNOCENCE AND THE DEATH PENALTY	9
USA (Arizona)	9
JUDICIAL DECISIONS	10
USA (Supreme Court).....	10
USA (lower federal courts).....	10
INTERGOVERNMENTAL ORGANIZATIONS	11
United Nations: Commission on Human Rights.....	11

United Nations: Special Rapporteur on extrajudicial, summary or arbitrary executions	11
Council of Europe: new protocol on the death penalty.....	12
Council of Europe: observer status of Japan and the USA.....	12
European Union	12
RATIFICATIONS OF INTERNATIONAL TREATIES	13
NON-GOVERNMENTAL ORGANIZATIONS.....	14
World Coalition against the Death Penalty.....	14
Cities for Life initiative.....	14
STUDIES	14
TABLE 1: RECORDED WORLDWIDE EXECUTIONS BY YEAR, 1980-2002	16
TABLE 2: ABOLITIONIST COUNTRIES AT YEAR END, 1981-2002.....	17

The death penalty worldwide: developments in 2002

ABOLITION

The death penalty was abolished for all crimes in Cyprus and Yugoslavia, and for peacetime offences in Turkey. Also, the death penalty was removed for the last remaining capital offences in the Caribbean islands of **Turks and Caicos**, the last British Dependent Territory to retain the death penalty.

At the end of 2002, 76 countries had abolished the death penalty for all crimes, while 15 had abolished it for all but exceptional crimes such as crimes under military law or crimes committed in exceptional circumstances, such as wartime crimes. A further 20 countries were abolitionist in practice: they retained the death penalty for ordinary crimes such as murder but had not executed anyone during the past 10 years and were believed to have a policy or established practice of not carrying out executions, or had made an international commitment not to use the death penalty. Eighty-four other countries and territories retained the death penalty for ordinary crimes.

(See Amnesty International's *List of abolitionist and retentionist countries*, available on the death penalty page of the Amnesty International website at www.amnesty.org)

Cyprus

The Military Criminal Code was amended on 19 April to remove the death penalty for the military offences of treason and piracy, thus making Cyprus wholly abolitionist. The death penalty had been abolished for murder in 1983. The last execution was in 1962.

Turkey

On 3 August the Turkish parliament adopted a law abolishing the death penalty except in time of "war or imminent threat of war". The new law replaced the death penalty with life imprisonment, with no possibility of release for certain prisoners. The law was approved by President Ahmet Necdet Sezer on 8 August and entered into force with its publication in the Official Gazette the next day.

A constitutional amendment, passed in October 2001, had abolished the death penalty for criminal acts but retained it in time of war and for "terrorist crimes". Death sentences continued to be passed by the courts: between January and July 2002 at least 36 people, three of whom had been convicted for criminal offences, were sentenced to death.

Since the foundation of the modern Republic of Turkey in 1923, 588 people have been executed for criminal and political offences. The last executions were in 1984.

Yugoslavia

On 19 June the Federal Republic of Yugoslavia became free from the death penalty when the Montenegrin Assembly adopted changes to the criminal code removing the penalty from the laws of Montenegro, the only part of the country where it still existed. The death penalty in Montenegro was replaced by a 40-year prison sentence for people aged 20 or over at the time of the offence.

MORATORIA AND SUSPENSIONS OF EXECUTIONS

Several retentionist countries and jurisdictions instituted or maintained moratoria on executions or otherwise suspended executions. Also, the **Japanese** Federation of Bar Associations called for a moratorium on the death penalty in that country. In the **Democratic Republic of Congo**, the government announced in September that it would end the moratorium which had been in place for the past three years; however, no executions had taken place by the end of the year.

*UPDATE: In **Kyrgyzstan** President Askar Akaev announced at the beginning of January 2003 that the moratorium on executions which had been in place since 1998 would be extended for another year.*

Guatemala

In July, on the occasion of Pope John Paul II's third visit to Guatemala, President Alfonso Portillo announced his personal opposition to the death penalty and stated he would try to ensure that no further death sentences were carried out during his term of office. He also said he would send legislation to Congress calling for the abolition of the death penalty.

The President's comments led to the first debate in Guatemala for several years about the death penalty, which is strongly supported by both the public and parliamentarians. In 2000 Congress had rescinded the President's prerogative to commute death sentences. The current Congressional president is General Efraín Ríos Montt who, as head of state in 1983, ordered six executions to proceed on the eve of Pope John Paul's first visit to the country.

Following the overthrow of General Ríos Montt in late 1983, no executions were carried out until 1996 when two men were executed by firing squad. The executions were televised as they occurred and the subsequent widespread revulsion at the macabre scenes led Congress to approve lethal injection as the approved method of execution. The first execution by lethal injection, which was again televised, was carried out in 1998 followed by two further executions in June 2000.

Five other death sentences were revoked by the Constitutional Court in November 2000. Two further death sentences have been passed since President Portillo's pledge, bringing the total number of people under sentence of death in Guatemala to 39.

Philippines

President Gloria Macapagal-Arroyo has suspended all executions while the Philippine Congress debates a bill abolishing the death penalty. Her decision was announced by the Secretary of Foreign Affairs on 30 September following a meeting with ambassadors from European Union (EU) countries. The EU had been working to prevent the resumption of executions in the Philippines.

The President had earlier granted 90-day reprieves to three prisoners who were scheduled to be executed in August, September and October respectively. The reprieves were to allow the President more time to determine whether their death sentences should be commuted.

Executions were resumed in the Philippines in February 1999 after 23 years. Seven people were executed by lethal injection before former President Joseph Estrada declared a moratorium in 2000. In March 2001 the newly-inaugurated President Arroyo announced she would not carry out any executions but she reversed her position in October that year saying she was in favour of executing convicted kidnappers.

In March 2002, however, the President told members of the Malacañang Press Corps that she would sign a bill then before Congress to repeal the death penalty. Convicted criminals should be subject to “rehabilitation, not revenge”, she was quoted as saying.

According to the Philippine Free Legal Assistance Group (FLAG), almost half the members of the House of Representatives (the lower house of the Philippine Congress) and a majority of senators have signalled their intent to vote for the abolition of the death penalty. In May, Committees on Revision of Laws and Civil, Political and Human Rights of the House of Representatives approved bills providing for abolition. The Catholic Bishops’ Conference of the Philippines has urged the President to certify the bills as urgent.

Approximately 1,000 people were under sentence of death at year end.

USA (Maryland)

On 9 May Governor Parris Glendening announced a moratorium on executions pending the outcome of a study by the University of Maryland into the fairness of the state’s death penalty, particularly with regard to racial and geographic bias. At the same time, the governor issued a stay of execution for Wesley Baker who was due to be put to death during the week of 13 May.

Maryland was the second US state to impose a moratorium on the death penalty in recent years (Illinois did so in January 2000).

UPDATE: In March 2003 the Maryland Senate rejected by one vote a bill to impose a moratorium until 2005, despite the University of Maryland study having found racial and geographic bias in capital sentencing. Governor Robert L. Ehrlich Jr, who succeeded Governor Glendening, opposes a moratorium.

REDUCTIONS IN SCOPE OF THE DEATH PENALTY

Fiji

On 11 March the death penalty was removed from the Penal Code when President Ratu Josefa Iloilo Uluivuda assented to the passage by the Fijian Senate of the Penal Code (Amendment) Act No. 5 of 2002. The Act abolishes the death penalty for treason, instigating a foreign invasion with an armed force, and genocide involving killing - the only crimes for which it remained in the code. It had been abolished for murder in 1979.

The death penalty is retained in the Military Act. The last execution in Fiji was in 1964.

REMOVAL OF MANDATORY DEATH PENALTIES

Caribbean

The Judicial Committee of the Privy Council (JCPC) in England, the highest court of appeal for most English-speaking Caribbean countries, ruled on 22 February in three separate cases that the imposition of a mandatory death sentence, where the defendant has no opportunity to advance personal or offence-based mitigation, was unconstitutional. While the rulings do not forbid the death penalty, they allow for mitigating evidence to be given and taken into account prior to sentencing.

The JCPC rulings in the cases of *Hughes v. The Queen* (Saint Lucia), *Reyes v. The Queen* (Belize) and *Fox v. The Queen* (Saint Kitts and Nevis) upheld an earlier ruling of the Eastern Caribbean Court of Appeal following an appeal against the decision of that court initiated by the government of Saint Lucia.

The rulings will affect the imposition of the death penalty in **Antigua, Barbados, Belize, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia** and **Saint Vincent and the Grenadines**. Existing death sentences will be reviewed and an entirely new sentencing procedure will be required in future.

The Prime Minister of **Jamaica**, P.J. Patterson, led other political leaders of the region in criticising the ruling, stating that it was the latest example of the JCPC's determination to "unilaterally abolish capital punishment in the Caribbean and a further demonstration of their insensitivity to the nature of the problems faced in regional jurisdictions".

Taiwan

On 8 January the Legislative Yuan, the Taiwanese legislature, abolished the Act for the Control and Punishment of Banditry, which provided for the death penalty, and passed corresponding amendments to the Criminal Code limiting the scope and application of the death penalty. The amendments removed the mandatory death penalty for certain crimes but retained the death penalty as an optional punishment.

COMMUTATIONS

Saudi Arabia

The Saudi Arabian Minister of the Interior, Prince Naif bin 'Abdul 'Aziz, announced on 4 December that King Fahd bin 'Abdul 'Aziz had commuted the death sentences of 17 men from the Ismaili community to 10 years' imprisonment. The men were among hundreds of people reportedly arrested in April 2000 during protests following the closure of their mosque by Saudi Arabian security forces.

Tanzania

In April, President Benjamin Mkapa commuted to life imprisonment the death sentences of 100 people convicted of murder. Home Affairs Minister Mohammed Seif Khatib, who announced the commutations, said it was a way for the President to "show his concern for human rights, especially the right to life".

Turkey

Following the abolition of the death penalty for peacetime offences (see above, ABOLITION), the State Security Court in Ankara on 3 October commuted the death sentence of Abdullah Öcalan, leader of the Kurdistan Workers' Party, to life imprisonment. He had been sentenced to death in 1999 for "treason and separatism".

USA (Georgia)

On 25 February the Georgia Board of Pardons and Paroles commuted the death sentence of Alexander Williams to life imprisonment without parole. The first death row inmate in Georgia to be granted clemency by the Board since 1994, Alexander Williams, who suffered from serious mental illness for which he has been forcibly medicated on death row, was facing execution for the 1986 murder of 16-year-old Aleta Carol Bunch committed when Williams himself was only 17.

In a statement issued on 25 February, the Chairman of the Board of Pardons and Paroles said: "By making sure that Williams will remain in an 8-foot by 10-foot [2.4 by 3 metre] prison cell for the rest of his life with absolutely no hope for parole, we hope that the certainty of our decision will give Mrs. Bunch [the mother of the victim] the closure she so deserves."

The case had generated international pressure for clemency. Among those who called for the execution to be halted was the United Nations (UN) High Commissioner for Human Rights, the Inter-American Commission on Human Rights, the EU and the Council of Europe. Inside the USA, appeals were made by the American Bar Association, the Children's Defense Fund and the National Alliance for the Mentally Ill.

In November Alexander Williams was found dead in his cell. He had apparently hanged himself.

DEATH SENTENCES AND EXECUTIONS

During 2002, at least 1,526 people were executed in 31 countries. At least 3,248 people were sentenced to death in 67 countries. These figures include only cases known to Amnesty International; the true figures were certainly higher.

As in previous years, the vast majority of executions worldwide were carried out in a tiny handful of countries. In 2002, 81 per cent of all known executions took place in China, Iran and the USA. In **China**, limited and incomplete records available to Amnesty International at year end indicated that at least 1,060 people were executed, but the true figure was believed to be much higher. At least 113 executions were carried out in **Iran**. Seventy-one people were executed in the **USA**.

(See Amnesty International, *Death sentences and executions in 2002*, AI Index: ACT 51/001/2003. For yearly worldwide totals of recorded executions, see Table 1 below.)

Iran

Five men who were sentenced to death in connection with allegations of rape, abduction and robbery were publicly hanged in two separate locations on 29 September in the capital, Tehran. One of those hanged, Amir Karbala'i, reportedly said just prior to his execution: "It was not the judge who sentenced us to death but public opinion." Some Iranian newspapers noted that the executions reflected the wish of judicial officials to show that they took seriously the public's anxiety over security.

Japan

Hamada Yoshiteru and Haruta Tatsuya, both convicted of murder, were executed on 18 September. Their families had not been advised of the execution date.

It appears that the date of the two executions was chosen to coincide with Prime Minister Koizumi Junichiro's historic visit to the Democratic People's Republic of Korea. Media attention in Japan had been focused on this meeting, helping to avoid public criticism of the executions. The Japanese Diet (parliament) was in recess at the time; this is when executions are often carried out.

Nigeria

A divorced woman, 30-year-old Amina Lawal Kurami, was sentenced on 22 March by a so-called *Sharia* court in Katsina State to death by stoning for having a baby out of wedlock. The man whom Amina Lawal Kurami named as the father of her child denied involvement and the charges against him were dropped. An appeal against the sentence was pending at year end.

On 25 March, Safiya Yakubu Hussaini, a divorced mother of five children, was acquitted by the State *Sharia* Court of Appeal in Sokoto State of the charge of adultery. She had been sentenced to death by stoning in October 2001. The case caused an international furore because of the gender-discriminatory character of the sentence, leaving the male partner of the

alleged adultery to go free. There was also concern that the laws and sentencing procedures of the so-called *Sharia* courts, which have been established for Muslims only in several northern states in the country, are different from those in the rest of Nigeria.

The Nigerian Minister of Justice, Kanu Agabi, wrote in a letter on 21 March addressed to the governors of the Muslim Nigerian states which introduced the new *Sharia*-based penal codes that they must not allow their courts to “undermine the fundamental law of the nation which is the constitution”. “A Muslim should not be subjected to a punishment more severe than would be imposed on other Nigerians for the same offence” he added, and any court which imposed discriminatory punishment was “deliberately flouting the constitution”.

Appeals against Safiya Yukubu Hussaini’s sentence came from around the world. Members of the World Women Parliamentarians organization from 130 countries meeting in Rabat, Morocco in March adopted a motion calling for an amnesty for Safiya Yukubu Hussaini and condemned the death penalty against her. The Secretary General of the Council of Europe also called on Nigerian President Olusegun Obasanjo to reprieve Safiya Yukubu Hussaini.

Pakistan

On 1 September six men were sentenced to death by hanging for participating in the gang rape of Mukhtaran Bibi in the Punjab village of Meerawali in the Muzaffargarh district in June. Eight other men were acquitted of the charges.

The rape had allegedly been ordered by 10 village elders, from a tribe considered “higher” in the caste system, in retaliation for an alleged relationship between the victim’s young brother and a woman from their tribe.

The rape, which was described by the Supreme Court of Pakistan as “the most heinous crime in 21st century Pakistan”, has highlighted Pakistan’s illegal tribal council system.

Appeals by the six convicted men were pending at year end. No action had been taken by government authorities with regard to the tribal justice system itself.

Saudi Arabia

Three men convicted by a criminal court of homosexual acts were publicly beheaded in Abha, Asir province, on 1 January. As is customary in Saudi Arabia, the trial proceedings were shrouded in secrecy.

It seems likely that ‘Ali bin Hittan bin Sa’id, Muhammad bin Suleyman bin Muhammad and Muhammad bin Khalil bin ‘Abdullah, all Saudi Arabian nationals, were executed primarily because of their sexual orientation. A statement issued by the official Saudi Press Agency claimed the men “committed acts of sodomy, married each other, seduced young men and attacked those who rebuked them”.

Sudan

Eighty-eight people, including two 14-year-old children, were sentenced to death by a “special” court in the city of Nyala on 17 July. They were convicted of participating in

clashes between two ethnic groups, the Rizeigat and the Maalyia, in southern Darfur during which at least 10 people were killed.

An appeal against the convictions was rejected on 11 August by the Chief Justice of Darfur. Defence lawyers then requested a re-examination of the trial proceedings (from which the “special” courts are normally exempt) by the Chief Justice in the capital, Khartoum. On 25 August it was reported that the Minister of Justice, Ali Mohamed Osman Yassin, had stated that the government would not overturn the sentences.

The “special” courts fall far short of international standards for fair trial and are not obliged to try cases according to Sudan’s own Criminal Procedures Act of 1993.

Tajikistan

Two brothers, Sherali and Dovud Nazriev, were secretly executed on 21 June despite widespread doubts about their guilt and about the fairness of their trial. They had been convicted in May 2001 for attempting to assassinate Makhmadsaid Ubaydullayev, the mayor of the capital, Dushanabe.

USE OF THE DEATH PENALTY AGAINST CHILD OFFENDERS

Amnesty International recorded three executions of child offenders (people convicted of crimes committed before the age of 18) worldwide in 2002. All three executions were in the state of Texas in the USA. (See Amnesty International, *Children and the Death Penalty: executions worldwide since 1990*, AI Index: ACT 50/007/2002.)

USA (Indiana)

On 26 March Governor Frank O’Bannon signed into law a bill which prohibits imposing the death penalty on defendants who were under 18 at the time of the crime. Indiana is the 16th US state to prohibit the execution of child offenders.

MOVES TO RESTRICT APPEALS

Barbados

The Constitutional (Amendment) Act 2002 was passed in August by the two houses of parliament. The constitutional amendment prevents condemned prisoners from challenging their executions on the grounds of the length of time they have spent under sentence of death, or of the conditions under which they are held, and would place limits on the time allowed for intergovernmental bodies to examine complaints from prisoners. Adoption of the amendment means that previous rulings of the Judicial Committee of the Privy Council (JCPC) binding on Barbados will not apply to future cases.

Belize

On 6 September Prime Minister Said Musa presented to the House of Representatives the Belize Constitution Amendment Bill 2002. The proposed constitutional amendment would remove the right of appeal to the Judicial Committee of the Privy Council (JCPC) in England - currently the final court of appeal for Belize - in the case of Class A murder. This would make the Belize Court of Appeal the final appellate court in such cases. Appeals to the JCPC in other criminal and civil cases would be retained.

Class A murder, comprising the most serious forms of murder, carries a mandatory death sentence in Belize. In March, the JCPC had ruled that the imposition of a mandatory death sentence, where the defendant has no opportunity to advance personal or offence-based mitigation, was unconstitutional (see REMOVAL OF MANDATORY DEATH PENALTIES, above). The proposed constitutional amendment, which has considerable political and public support, would enable Belize to evade the impact of this ruling in future cases.

USA (federal)

US Secretary of Defense Donald Rumsfeld released the operating procedures for trials by military commissions of people accused of “international terrorism”. The proposed commissions were provided for in a Military Order signed by President George W. Bush on 13 November 2001. They will have the power to impose death sentences. The operating procedures, announced on 21 March 2002, state that death sentences can only be handed down by a unanimous decision of seven commission members, who will be military officers appointed by the Secretary of Defense or his designee. There will be no right of appeal.

METHODS OF EXECUTION: STONING

Iran

There were credible reports that a man and a woman were executed by stoning in Naghdeh, western Iran, in October. At year end four women were reportedly under sentence of execution by stoning; the exact charges were not known to Amnesty International.

INNOCENCE AND THE DEATH PENALTY

USA (Arizona)

In April, Ray Krone became the 100th person in the USA since 1973 to be found innocent after having been sentenced to death. He was released from prison after DNA testing proved he was innocent of the murder for which he was sentenced to death in 1992. He had received a new trial in 1995 and had then been sentenced to life imprisonment.

(An updated list of prisoners released from death rows in the USA after evidence of their innocence emerged is available at www.deathpenaltyinfo.org/innoc.html) (See also STUDIES, below)

JUDICIAL DECISIONS

USA (Supreme Court)

On 20 June, in the case of *Atkins v. Virginia*, the US Supreme Court ruled that the execution of people with mental retardation violated the prohibition under the Eighth Amendment of the US Constitution of “cruel and unusual” punishments. The decision overturned the ruling of 13 years earlier in *Penry v. Lynaugh* which had allowed such executions to continue. In *Atkins v. Virginia* the Court found that in the intervening years, “standards of decency” in the USA had evolved to the extent that there was now a “national consensus” against the use of the death penalty against people with mental retardation.

At the time of *Penry v. Lynaugh* in 1989, only one US state had legislated against such executions; by the time of the *Atkins v. Virginia* decision the figure had reached 18. The majority of Supreme Court Justices in the *Atkins* decision acknowledged that “within the world community, the imposition of the death penalty for crimes committed by mentally retarded offenders is overwhelmingly disapproved”.

On 24 June, in the case of *Ring v. Arizona*, the Supreme Court ruled that a death sentence imposed in a procedure where the critical sentencing decisions are determined by a judge rather than a jury violates a defendant’s constitutional right to trial by jury. At the time, Arizona and eight other states used some form of judge sentencing.

The ruling called into question around 800 death sentences. At year end it was not yet clear what the outcome in such cases would be, not least because the *Ring* decision was silent on the retroactivity of its ruling.

In October four of the nine US Supreme Court Justices dissented from a denial of an appeal brought on behalf of Kevin Stanford from Kentucky, who was sentenced to death for a crime committed when he was aged 17. The four Justices stated that the execution of people for crimes committed below the age of 18 “is a relic of the past and is inconsistent with evolving standards of decency in a civilized society. We should put an end to this shameful practice”.

USA (lower federal courts)

On 1 July in New York, US District Judge Jed Rakoff concluded in the case of *USA v. Quinones* that the risk of executing the innocent in the USA was so great that he would not allow the death penalty to be an option at the forthcoming trial of two defendants charged under federal law. He ruled that the federal death penalty contravened the US Constitution, stating that “the unacceptably high rate at which innocent persons are convicted of capital crimes. . . is tantamount to foreseeable, state-sponsored murder of innocent human beings”. However, the ruling was overturned on 10 December by the Federal Court of Appeals for the 2nd Circuit in New York. In a unanimous opinion written by Judge Jose Cabranes, the three-judge panel stated: “Binding precedents of the Supreme Court prevent us from finding capital punishment unconstitutional based solely on a statistical or theoretical possibility that a defendant might be innocent.”

On 24 September in Vermont, US District Judge William Sessions ruled in the case of *USA v. Fell* that the Federal Death Penalty Act of 1994 was unconstitutional. The basis for his decision was that the law allowed a “relaxed evidentiary standard” to determine eligibility for a death sentence. He stated: “If the death penalty is to be part of our system of justice. . . the kinds of evidence juries may consider must be rigorous. . . To relax those standards invites abuse, and significantly undermines the reliability of decisions to impose the death penalty”.

INTERGOVERNMENTAL ORGANIZATIONS

United Nations: Commission on Human Rights

In resolution 2002/77, adopted on 25 April at its annual session in Geneva, the UN Commission on Human Rights urged all states that still maintain capital punishment “to ensure. . . that the death penalty is not imposed for non-violent acts such as. . . sexual relations between consenting adults”.

The adoption of the resolution came in the wake of international concern about the threatened execution of a divorced mother of five convicted of adultery in **Nigeria** (see DEATH SENTENCES AND EXECUTIONS, above).

The resolution noted that “persons belonging to national or ethnic, religious and linguistic minorities appear to be disproportionately subject to the death penalty”. As in previous resolutions on the subject, the Commission urged all retentionist states “to establish a moratorium on executions, with a view to completely abolishing the death penalty” and to respect international safeguards, including those barring the use of the death penalty against child offenders.

This was the sixth resolution on the question of the death penalty which the Commission has adopted annually since 1997. It was co-sponsored by 68 states, one more than in 2001. It was adopted by a vote of 25 in favour and 20 against, with eight abstentions. Following its adoption, Saudi Arabia introduced a statement on behalf of 62 states disassociating themselves from the resolution.

(The text of resolution 2002/77 is available on the UN human rights website at www.unhchr.ch)

United Nations: Special Rapporteur on extrajudicial, summary or arbitrary executions

In her annual report to the UN Commission on Human Rights, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions recommended among other things that “[i]n order to scrutinize whether safeguards relating to capital punishment are being observed, it is urged that every court decision awarding capital punishment must record the safeguards to be observed and that the decision be made public”.

(The Special Rapporteur’s report, UN document No. E/CN.4/2002/74, is available on the UN human rights website. The passage quoted is from paragraph 149.)

Council of Europe: new protocol on the death penalty

On 21 February the Committee of Ministers of the 44-member Council of Europe adopted *Protocol No. 13 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty in all circumstances*. Protocol No. 13 is the first legally-binding international treaty to abolish the death penalty in all circumstances with no exceptions.

Thirty-six states signed Protocol No. 13 on 3 May, the day it opened for signature and three of the 36 states also ratified the Protocol. The signing took place at a meeting of the Committee of Ministers of the Council of Europe in Vilnius, Lithuania. Protocol No. 13 will enter into force three months after 10 states have ratified it. (See RATIFICATIONS OF INTERNATIONAL TREATIES, below.)

(The text of Protocol No. 13 and of the Explanatory Report is available on the Council of Europe website at www.coe.fr)

Council of Europe: observer status of Japan and the USA

A seminar on the abolition of the death penalty was held in the members' office building of the Japanese Diet (parliament) in Tokyo on 27-28 May. The seminar was organized by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe in cooperation with the Diet members' League for the Abolition of the Death Penalty. Speakers included League Chairperson Shizuka Kamei and Sakae Menda, a former Japanese prisoner who spent over 33 years under sentence of death before being released after a retrial in 1983.

In June 2001 the Parliamentary Assembly had called for a moratorium on executions in Japan and the USA and the improvement of death row conditions in the two countries and resolved to call into question the two countries' continuing observer status with the Council of Europe if no significant progress towards the implementation of its demands is made by January 2003 (see Amnesty International, *The death penalty worldwide: developments in 2001*, AI Index: ACT 50/001/2002, pp. 11-12). The seminar was organized in connection with this initiative.

European Union

The EU's *Annual Report on Human Rights – 2002* disclosed that demarches (diplomatic approaches) had been made to more than 20 countries and territories between July 2001 and June 2002 under the organization's *EU Guidelines on the Death Penalty*, adopted in 1998. The countries and territories that were the object of demarches included **Bangladesh, Botswana, Burkina Faso, China, the Democratic Republic of Congo, Guinea, India, Indonesia, Iran, Japan, Lebanon, Malaysia, Niger, Nigeria, Pakistan, the Palestinian Authority, Saudi Arabia, Senegal, Sri Lanka, Swaziland** and the USA. The demarches were made in individual cases which did not meet the "minimum standards" set out in the Guidelines, and in situations where a country's death penalty policy was in flux – for example, where a moratorium on executions was under threat.

RATIFICATIONS OF 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.

The *Second Optional Protocol to the International Covenant on Civil and Political Rights [ICCPR]*, 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.

Djibouti, Lithuania and South Africa ratified the **Second Optional Protocol to the ICCPR** in 2002. **Andorra** signed the protocol, indicating the government's intention to ratify it at a later date. At year end 49 countries were parties to the protocol and seven others had signed it.

There were no new signatures or ratifications of the **Protocol to the American Convention on Human Rights to Abolish the Death Penalty** during 2002. At year end eight countries had ratified the protocol and one other had signed it.

Azerbaijan and Bosnia-Herzegovina ratified **Protocol No. 6 to the European Convention on Human Rights** in 2002. **Turkey** signed the protocol. At year end 41 countries had ratified the protocol and three others had signed it.

Protocol No. 13 to the European Convention on Human Rights was adopted in February 2002 and opened for signature on 3 May (see above, INTERGOVERNMENTAL ORGANIZATIONS). At year end five countries – **Denmark, Ireland, Liechtenstein, Malta and Switzerland** - had ratified the protocol and 34 others had signed it.

(Up-to-date lists of states parties and other signatories of international treaties on the death penalty are available on the death penalty page of the AI website at www.amnesty.org. For a printed list, see Amnesty International, *Ratifications of international treaties to abolish the death penalty (1 January 2003)*, AI Index: ACT 50/001/2003.)

NON-GOVERNMENTAL ORGANIZATIONS

World Coalition against the Death Penalty

A coalition has been formed to work for the universal abolition of capital punishment. The World Coalition against the Death Penalty was formally constituted at a meeting in Rome on 13 May. Its members include Amnesty International, the Community of Sant'Egidio, the International Federation of Human Rights and the International Federation of Christians against Torture as well as the National Coalition against the Death Penalty (USA), Journey of Hope (USA), the Japanese organization Forum 90, Mothers against the Death Penalty (Uzbekistan) and national organizations from other countries.

Membership is open to national and international abolitionist organizations as well as bar associations, trade unions, and local and regional authorities such as city councils. The French organization *Ensemble contre la peine de mort*, Together against the Death Penalty, was chosen to serve as secretariat for the World Coalition.

In a statement released on 13 May, the then UN High Commissioner for Human Rights, Mary Robinson, commended the organizers of the World Coalition for their "timely initiative" which "confirms that the trend towards banning capital punishment under international law is gaining strength and momentum". She said that the launch of the Coalition "gives me new hope" that the goal of universal abolition of the death penalty "is now within reach".

Cities for Life initiative

Cities across the world illuminated public buildings on 30 November in an event organized by two abolitionist organizations - the Rome-based Community of Sant'Egidio and the French organization *Ensemble contre la peine de mort*. In an initiative entitled "Cities for Life - Cities against the Death Penalty", abolitionist groups from France to Chile arranged for the illumination of historic or modern monuments like the Coliseum in Rome, the Atomium in Brussels and the Barcelona cathedral.

Participating groups circulated petitions calling for a worldwide moratorium on the death penalty. The public were also asked to contribute to an international fund for the legal defence of those condemned to death. Signatories to the Appeal for a Universal Moratorium, which was first instigated in anticipation of the new millennium and presented to UN Secretary-General Kofi Annan in December 2000, now stand at more than four million. Events such as public colloquia and film shows were also organized.

STUDIES

The Death Penalty - A Worldwide Perspective by Roger Hood, Oxford University Press, third edition, Oxford, UK, 2002, ISBN 0 19 925128 2 (pbk). In this third edition of a study first prepared for the UN Committee on Crime Prevention and Control in 1988, Professor Hood has built upon earlier editions with new contributions from the criminal sciences. The book documents changes in attitude towards the death penalty in many countries since the

publication of the second edition in 1996. There are chapters on the scope and practice of capital punishment, protecting the vulnerable, protecting the innocent, and questions of equality and fairness.

As in previous editions, Professor Hood points to the lack of a proven unique deterrent effect of the death penalty, stating on the basis of the latest studies that “it is not prudent to accept the hypothesis that capital punishment deters murder to a marginally greater extent than does the threat and application of the supposedly lesser punishment of life imprisonment” (p. 230).

The Abolition of the Death Penalty in International Law by William A. Schabas, Cambridge University Press, third edition, Cambridge, UK, 2002, ISBN 0 521 89344 5 (pbk). This third edition of Professor Schabas’s book has been extensively revised to take account of developments since the publication of the second edition in 1997. It includes new chapters on capital punishment in African human rights law and in international criminal law.

US study of errors in capital cases - The second part of *A Broken System: Error Rates in Capital Cases 1973-1995*, a comprehensive study of the death penalty by legal experts at Columbia University in New York, was published in February. The study was commissioned in 1991 by the US Senate Committee on the Judiciary; the first part of the study was published in the spring of 2000. The study found that the death penalty in the USA is “collapsing” under the weight of errors in the capital punishment system which the authors described as “broken”.

TABLE 1: RECORDED WORLDWIDE EXECUTIONS BY YEAR, 1980-2002*(NA = figures not available)*

Year	No. countries carrying out executions	No. executions recorded	No. countries with over 100 executions	% of all recorded executions in countries with over 100 executions
1980	29	1229	NA	NA
1981	34	3278	NA	NA
1982	42	1609	NA	NA
1983	39	1399	NA	NA
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%
1997	40	2607	3	82%
1998	37	2258	2	72%

Year	No. countries carrying out executions	No. executions recorded	No. countries with over 100 executions	% of all recorded executions in countries with over 100 executions
1999	31	1813	4	80%
2000	28	1457	2	77%
2001	31	3048	2	86%
2002	31	1526	2	77%

TABLE 2: ABOLITIONIST COUNTRIES AT YEAR END, 1981-2002

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

Year	No. countries abolitionist for all crimes	No. countries abolitionist in law or practice
1992	50	84
1993	53	90
1994	54	96
1995	58	101
1996	59	100
1997	63	102
1998	69	105
1999	72	108
2000	74	108
2001	74	111
2002	76	111