

THE DEATH PENALTY WORLDWIDE: DEVELOPMENTS IN 1998

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THE DEATH PENALTY WORLDWIDE

Developments in 1998

Abbreviations

The following abbreviations are used in this paper:

<i>ACHR</i>	<i>American Convention on Human Rights</i>
<i>ECHR</i>	<i>European Convention for the Protection of Human Rights and Fundamental Freedoms (“European Convention on Human Rights”).</i>
<i>ECOSOC</i>	<i>United Nations Economic and Social Council</i>
<i>EP</i>	<i>European Parliament</i>
<i>EU</i>	<i>European Union</i>
<i>IACHR</i>	<i>Inter-American Commission on Human Rights</i>
<i>ICCPR</i>	<i>International Covenant on Civil and Political Rights</i>
<i>JCPC</i>	<i>Judicial Committee of the Privy Council</i>
<i>OAS</i>	<i>Organization of American States</i>
<i>OSCE</i>	<i>Organization for Security and Cooperation in Europe</i>
<i>UDHR</i>	<i>Universal Declaration of Human Rights</i>
<i>UN</i>	<i>United Nations</i>

Fifty years after the adoption of the Universal Declaration of Human Rights, the trend towards worldwide abolition of the death penalty is unmistakable. When the Declaration was adopted in 1948, eight countries had abolished the death penalty for all crimes; at the end of 1998 the number stood at 68. In addition to this 13 countries

had abolished it for all but exceptional crimes such as those committed in wartime and 24 countries were considered abolitionist de facto in that they had not executed anyone for ten years or more - making a total of 105 countries. The number of countries which retained and used the death penalty at the end of 1998 was 89.

In Europe the trend has been especially remarkable. In 1998 the European Union adopted guidelines embracing a far-reaching policy governing the promotion of abolition in non-member states. Within the United Nations, the Commission on Human Rights adopted a resolution for the second year running calling on states which still maintain the punishment "to establish a moratorium on executions, with a view to completely abolishing the death penalty".

Positive developments in 1998 also included the abolition of the death penalty for all crimes in Azerbaijan, Estonia, Canada, Bulgaria, Lithuania and the UK; moratoria on executions established in Turkmenistan and Kyrgyzstan and a reduction in the scope of crimes for which the death penalty can be imposed in Kazakhstan, Nebraska (USA), Tadjikistan, Uzbekistan and Ukraine.

Negative developments included the first executions by the Palestinian Authority and the withdrawal from international treaties by some countries of the English-speaking Caribbean in order to expedite executions.

At the end of the paper is statistical information, correct at 31 December 1998, concerning abolitionist/retentionist countries and countries which are signatories or parties to international treaties on the death penalty. The figures on death sentences and executions

available at the end of 1998 are included but may be subject to revision at a later stage.

COUNTRIES WHICH ABOLISHED THE DEATH PENALTY IN 1998

Azerbaijan

On 22 January President Heydar Aliyev announced that he was putting before the parliament (*Milli Mehlis*) a proposal to abolish the death penalty completely from the country's criminal code. He cited humanitarian grounds and stated that there had been a moratorium on executions in Azerbaijan since June 1993. As a consequence a bill "on introducing changes to the Criminal, Criminal-Procedural and Penal-Labour Codes of Azerbaijan in connection with abolition of the death penalty" was passed on 10 February by a vote of 100 to three and signed into law by the President.

Bulgaria

The last execution in Bulgaria took place in 1989 and a moratorium has been in place since July 1990. In February 1998 President Peter Stoyanov proposed to the Advisory Council on National Security that the death penalty be abolished. In July an amendment to the Penal Code came into force abolishing the death penalty for intentionally causing the death of one or more persons as the result of a traffic accident. In October the Legal Committee for the National Assembly recommended that it be abolished for all offences. On 27 November the first vote in the National Assembly showed that a majority of members, regardless of party, were in

favour of abolition. Finally, on 10 December (the 50th Anniversary of the UDHR) the National Assembly's final vote removed the death penalty from the penal code.

Canada

On 4 December Bill C-25 was introduced into the House of Commons by the Minister of Defence, Art Eggleton and was signed into law on 10 December. Bill C-25 amended the Canadian National Defence Act. The death penalty was still in force under military law for some offences in time of war although it had not been used since the Second World War when there was one execution. Bill C-25 has now replaced this punishment by life imprisonment. The effect of this amendment is that Canada is now abolitionist for all crimes. In a press release issued by the Defence Department on 11 December Art Eggleton said that "...Bill C-25 represents a milestone in our commitment to change".

Estonia

On 18 March the Estonian parliament voted by 39 votes to 30 to stop implementation of the death penalty and to accede to the Protocol No. 6 to the ECHR which bans capital punishment in time of peace. However, following the vote Foreign Minister Toomas Hendrik Ilves said: "Estonia has made another important step towards recognizing common European values." Justice Minister Paul Varul

said that the decision on the death penalty could lead to final decisions concerning its penal policy reform.

Lithuania

On 26 July 1997 the then President signed a decree which suspended executions until the death penalty had been debated in Parliament.

On 9 December 1998 the Constitutional Court ruled that capital punishment violated the Lithuanian Republic's constitution which ensures basic human rights. Following this ruling, on 21 December, the Lithuanian parliament voted by 76 votes to three to abolish the death penalty. It also commuted the sentences of the nine people who were under sentence of death to life imprisonment.

United Kingdom

The Crime and Disorder Act 1998, which removed the death penalty for the remaining civilian crimes of treason and piracy, was signed into law by the Queen in July, thus making the United Kingdom abolitionist for all offences except for five still remaining under the military code. On 24 July a preliminary debate took place during which it was decided that when the Armed Forces Act came up for its periodic 5-yearly renewal in the year 2001, the death penalty will be abolished under military law. However in November a new clause was inserted into the Human Rights Act 1998 which removed the death penalty for military offences in all circumstances - peacetime and wartime. The Act received the Royal Assent in November, thus making the United Kingdom abolitionist for all crimes.

REDUCTION IN SCOPE

Kazakstan

The new Criminal Code of Kazakstan came into force on 1 January 1998. Under the new code, the death penalty applies to three crimes in peacetime (premeditated and aggravated murder, genocide and sabotage) to treason in time of war and to eight military crimes.

Previously the death penalty could be applied for 18 peacetime offences. *It is planned to introduce life imprisonment as an alternative to the death penalty in the year 2003, but the President has stated that if international aid were made available for the construction of a suitable prison for those prisoners who receive life sentences, this date could be brought forward.*

Tajikistan

The parliament adopted a new criminal code in June which came into effect in September and reduced the number of crimes carrying a possible death sentence from 44 to 15. Under the new code a death sentence can be commuted to 25 years' imprisonment. Among the crimes for which a death sentence can still be imposed are murder, rape, terrorism, hijacking, drug trafficking and illegal cultivation of forbidden crops containing narcotic substances.

Ukraine

On 10 September Ukraine's legislature gave preliminary approval to a new criminal code. The new code would permit the imposition of the death penalty only during periods of martial law. The new code received 242 votes in the 450-seat parliament, but still has to pass two more readings before it can take effect.

USA (Nebraska)

In April Bill No. LB1266 was signed into law after a final reading and vote of 40 to two, which will prevent the execution of persons with mental retardation. According to the bill an IQ of 70 or less on a reliably administered test would be presumptive evidence of mental retardation. Nebraska is the twelfth state of the USA to adopt such a law.

Uzbekistan

During the session of the Uzbekistan parliament (*Oliy Majlis*) which took place over 28/29 August the death penalty was removed as a punishment for five crimes. This means that sentence of death can now be imposed for a remaining eight crimes: aggravated murder, rape of a female aged under 14 years, waging a war of aggression, genocide, terrorism involving death or serious injury, treason, organizing a criminal conspiracy and illegal sale of a large quantity of narcotics. The authorities described this decision as part of their policy of abolishing the death penalty by stages, citing "the international obligation which the Republic of Uzbekistan has taken upon itself in the human rights sphere".

MORATORIA

Turkmenistan

In a speech at the 7th OSCE Ministerial Council meeting which took place from 2 to 3 December in Norway, the Turkmenistan Minister of Foreign Affairs announced that he was authorised by the President

and government of Turkmenistan to inform them officially that Turkmenistan was declaring a moratorium on the application of the death penalty, and that no more death sentences would be imposed by the courts from 1 January 1999. He also said that the moratorium would extend to people sentenced to death before 1999 who were awaiting execution. He added that it was planned to revise national legislation by reducing the number of crimes which carry the death penalty. "In taking this step" he said "Turkmenistan is demonstrating in a practical way its adherence to human values and ideals of the OSCE."

Kyrgyzstan

On 5 December a Presidential Decree which instituted a 2-year moratorium on executions was announced at a meeting held to celebrate the 50th anniversary of the Universal Declaration of Human Rights. The decree came into effect on 8 December upon publication in the government gazette *Slovo Kyrgyzstana*. The moratorium will reportedly include 18 prisoners whose appeals for clemency were recently turned down.

CONVICTIONS QUASHED

United Kingdom

In February a Somali sailor, convicted of murder and executed in 1952, was cleared of the crime. Mahmood Hussein Mattan is the first person ever in the United Kingdom to have his conviction quashed

after being executed. Previously prisoners with convictions involving the death penalty have only been given a pardon, which does not clear the defendant of the crime.

Mr Mattan's case was one of the first to be referred to the Court of Appeal by the newly formed Criminal Cases Review Commission, and the first to be judged. The Commission is an independent body set up in 1997 with responsibility for investigating suspected miscarriages of criminal justice in England, Wales and Northern Ireland.

Later in the year, in July, the Court of Appeal also quashed the conviction of Derek Bentley who was executed in 1953. Derek Bentley, together with a 16-year-old friend, Christopher Craig, was accused of shooting a policeman during a robbery. Bentley did not have a gun and was already under restraint but the police claimed he was equally guilty of the crime because of something which he shouted to Craig who then shot and killed a policeman. Craig was too young to be sentenced to death but Bentley was convicted, sentenced to death and executed. Public disquiet over this case was an important factor in the decision in the 1960s to abolish the death penalty for murder.

The families of both Mahmood Hussein Mattan and Derek Bentley have been campaigning for over 40 years to clear their relatives' names but it was only after the Criminal Cases Review Commission took over the role of submitting appeal cases to the Court of Appeal that their efforts were vindicated.

DEATH SENTENCES AND EXECUTIONS

Worldwide

The records available to Amnesty International at the end of 1998 showed that during the year at least 1,625 prisoners were executed in 37 countries and 3,899 people were sentenced to death in 78 countries. These figures include only cases known to Amnesty International and may be revised when further information comes to light. The true figures are certainly higher.

Eighty per cent of all known executions took place in China, the Democratic Republic of Congo, the USA and Iran. In China, based on these incomplete figures, 1,067 people are known to have been executed; over 100 executions were carried out in the Democratic Republic of Congo; there were 68 executions in the USA and 66 were reported in Iran, although here, as in China, the true figure is believed to be higher. In addition hundreds of executions were reported in Iraq although Amnesty International was unable to obtain confirmation of most of the reports.

USA

The 50th anniversary of the adoption of the Universal Declaration of Human Rights took place on 10 December 1998. On that day in the state of Oklahoma Tuan Anh Nguyen, a mentally ill refugee from Vietnam, was executed. In the seven years that Tuan had been held in Oklahoma State Penitentiary, his mental health had deteriorated and

during recent years he was reported to have had repeated psychotic-like episodes in his cell when he would scream for extended periods. He has spoken very little over the past few years and would only leave his cell to go for a shower. However, despite attempts by his lawyers to have an adequate hearing conducted into their client's mental health, he was executed by lethal injection. At least 30 mentally ill or retarded prisoners have been executed since the USA resumed judicial killing in 1977.

Shortly after this, on 18 December, Andy Lavern Smith was executed in South Carolina. He was the 500th prisoner to be executed since 1977.

Guatemala

On 10 February 1998 Manuel Martínez Coronado became the first person to be executed by lethal injection in Guatemala. The Inter-American Commission on Human Rights had requested that the execution be suspended until it had had time to examine the proceedings in his case to determine if they met the human rights protection standards set by the American Convention on Human Rights. The Guatemalan authorities however ignored this request. The execution itself took 20 minutes as apparently the paramedics had difficulty finding a vein for the injection and there was a power failure which caused the machine injecting the poisons to malfunction.

Palestinian Authority

Two brothers, Muhammad and Ra'ed Abu Sultan, both members of the Palestinian security forces, were executed on 30 August by firing

squad in Gaza, following their conviction for murder by a military court a few days earlier. The death sentences were the first ever to be approved by the President of the Palestinian Authority government, Yasser Arafat, who at the same time commuted the death sentence on their brother Faris. The European Parliament, the parliamentary body of the European Union, passed a resolution on 17 September expressing regret over the executions and calling on the Palestinian Authority and Palestinian Legislative Council to abolish the death penalty.

Public Executions

Amnesty International received reports of executions carried out in public in

Afghanistan, China, Lebanon, Rwanda and Sierra Leone.

In addition to the actual executions being public in **Afghanistan** the methods of execution employed have been particularly horrific – five men were crushed by having walls toppled on to them, a man was hanged and his body paraded through the city hanging from a crane's hook, others had their throats slit and one person convicted of murder was executed by the victim's brother who shot him twice.

According to reports received by Amnesty International, in January in the village of Jelilyuzi in **China** eleven people were executed in public. The eleven were all Uighurs who had been arrested during an incident in the village when rioting had broken out and several people had been killed or injured.

In May two men after being convicted for murder carried out during a robbery, were hanged in public in **Lebanon**. Their bodies reportedly remained on display for an hour. Some 1,500 people are believed to have attended the executions including dozens of

human rights activists and anti-death penalty campaigners, some of them dressed in black, who protested against the death penalty.

In April in **Rwanda** 22 people, including one woman, were executed in front of large crowds by firing squad. The executions were carried out despite an appeal from the UN High Commissioner for Human Rights, Mary Robinson who said in statement issued in a UN press release on 23 April that she was:

“...deeply disturbed and even shocked to learn that the Government of Rwanda intends to execute , by firing squad and in public, more than 20 persons found guilty of participation in the 1994 genocide. While condemning the genocide in the strongest terms, I appeal to the Government to reconsider this decision which, I believe, will have a negative impact on the process of reconciliation in the country.

....I am concerned that the proposed executions will have a brutalizing effect on a population already traumatised by the genocide of 1994.....such public killings could promote feelings of revenge rather than contribute to the process of national reconciliation.”

On 12 October in **Sierra Leone** 34 people were convicted of treason, murder and collaborating with the enemy and sentenced to death by the court martial. Complaints of violations of the International Convention on Civil and Political Rights (ICCPR) were submitted to the UN Human Rights Committee on behalf of 18 of those sentenced to death. Despite these submissions and appeals for stays of execution and clemency by the international community, including the UN Secretary-General and UN High Commissioner for Human Rights, 24 of those sentenced to death were executed on 19 October 1998. The executions were carried out by a firing squad using automatic weapons and took place in public on the outskirts of Freetown. The executions were reported to have been observed by a large number of people, although not specifically invited, who included the news media. Photographs of the executions were subsequently published.

USE OF THE DEATH PENALTY AGAINST CHILD OFFENDERS

Between 1990 and 1998 Amnesty International documented 16 executions of offenders who were under the age of 18 years when they committed the crime for which they were condemned to death. The executions were carried out in six countries: **Iran, Nigeria, Pakistan, Saudi Arabia, the USA and Yemen.** Nine were in the USA.

During 1998 the only recorded executions of child offenders were in the **USA**, two of them in **Texas** and one in **Virginia**.

In **Singapore** a 19-year-old youth, Mathava Kannan Kalimuthu, who was awaiting execution after conviction of a crime committed when he was aged 17, received a pardon and had his sentence commuted to life imprisonment by the President. This is a rare occurrence, during the last 35 years only 5 other prisoners under sentence of death have been pardoned.

In the **Democratic Republic of Congo** Mulume Mudhera, a 15-year-old boy soldier convicted of murder in March, had his sentence commuted by the President.

**TABLE 1. EXECUTIONS OF CHILD OFFENDERS
(JANUARY 1990 - DECEMBER 1998)***

Country	Name of prisoner	Age	Date of execution
Iran	Kazem Shirafkan Three young males	17 at time of execution One aged 16, two aged 17 at time of execution	1990 29 September 1992
Nigeria	Chiebore Onuoha	15 at time of offence, 17 when executed	31 July 1997
Pakistan	One juvenile Shamun Masih	17 when executed 14 at time of offence, 23 when executed	15 November 1992 30 September 1997
Saudi Arabia	Sadeq Mal-Allah	17 when sentenced to death	3 September 1992
USA	Dalton Prejean Johnny Garrett Curtis Harris Frederick Lashley Christopher Burger Ruben Cantu Joseph John Cannon Robert Anthony Carter Dwayne Allen Wright	17 at time of offence 17 at time of offence 17 at time of offence 17 at time of offence 17 at time of offence	18 May 1990 11 February 1992 1 July 1993 28 July 1993 7 December 1993 24 August 1993 22 April 1998 18 May 1998 14 October 1998
Yemen	Nasser Munir Nasser al'Kirbi	13 at time of execution	21 July 1993

*Source: Juveniles and the Death Penalty, Executions worldwide since 1990;
AI Index: ACT 50/11/98

RESUMPTION OF EXECUTIONS AFTER PERIODS WITH NONE

Ethiopia

On 2 June Jamil Yasin Mohamed, a prominent businessman of Eritrean origin, was executed – the first person to be executed in Ethiopia for seven years. He had been convicted of killing Major General Hayelom Araya in April 1996.

St Christopher and Nevis (St Kitts)

On 20 July 1998 David Wilson, convicted of murder in 1996, was hanged. This was the first execution to be carried out in the country for 13 years.

EXPANSION OF SCOPE

Yemen

In August President ‘Ali ‘Abdullah Saleh issued a decree extending the scope of the death penalty to include kidnapping and looting public or private property.

DEVELOPMENTS IN THE CARIBBEAN

Caribbean Court of Appeal

The Caribbean Community and Common Market (CARICOM) was established in 1973 and included Barbados, Jamaica, Guyana and

Trinidad and Tobago. Subsequently these four states were joined by Antigua and Barbuda, the Bahamas (as a member of the Community but not the Common Market), Belize, Dominica, Grenada, Haiti, Montserrat, St Kitts and Nevis, Saint Lucia, St Vincent and the Grenadines and Suriname. The British Virgin Islands and the Turks and Caicos Islands are associate members.

At a summit meeting of the CARICOM states in July 1998, a majority of the leaders attending supported the prompt establishment of a Caribbean Court of Appeal to replace the Judicial Committee of the Privy Council (JCPC) as the final court of appeal for criminal cases in the Caribbean. By general agreement Port of Spain, in Trinidad and Tobago, was chosen as the probable location and it was expected that Jamaica, Barbados, Trinidad and Tobago and Guyana would be the first countries to sign up as states subject to the Court's jurisdiction. At that time it was expected that a legal framework for the Court would be drawn up in time for submission at the Heads of Government Inter-Sessional meeting in February 1999. The death penalty remains on the statute books of all CARICOM countries except Haiti and the associate members of CARICOM which are British Overseas Territories - Montserrat, the British Virgin Islands and the Turks and Caicos Islands - where the death penalty for murder was abolished in 1991.

Withdrawal From International Instruments

Jamaica

On 22 January 1998 Jamaica's withdrawal from the (first) Optional Protocol to the International Convention on Civil and Political Rights (ICCPR) came into effect, making Jamaica the first state ever to take this course of action. Under the Optional Protocol, people who believe that their rights under the ICCPR have been violated by a state which is party to the Protocol and who have exhausted all domestic remedies, can file complaints to the UN Human Rights Committee – the UN-based body which monitors states' compliance with the ICCPR.

Rights protected by the ICCPR include the right not to be tortured, the right to life and the right to a fair trial, the right to freedom of expression and association and freedom from discrimination. Most complaints by individuals from Jamaica under the Optional Protocol have been filed on behalf of prisoners under sentence of death.

The European Union (EU) has made diplomatic representations to the governments of Jamaica and Trinidad and Tobago in respect of individual death penalty cases, and the European Parliament (the legislative body of the EU) passed Resolution B4-0340/98 on 12 March 1998 strongly urging the Jamaican government to reverse its decision on withdrawal from the Optional Protocol, saying that withdrawal set a bad precedent and undermined the international human rights protection system. In the same resolution it also appealed to Trinidad and Tobago and Barbados not to follow suit.

In August 1997 Jamaica unilaterally issued instructions setting strict time limits for the Human Rights Committee and the Inter-American Commission on Human Rights (IAHCR) to consider

petitions brought by people under sentence of death. The validity of these time limits has been challenged in a petition currently before the IACHR, but the findings from its hearing in August 1998 on the petition have not yet been made public. In November 1998 five Jamaican prisoners were scheduled to hang despite the fact that they all had petitions pending before the IACHR. All five, together with another man who was sentenced to be hanged in August, received stays of execution after filing constitutional motions claiming it would be unconstitutional to execute them while their IACHR petitions were pending.

Jamaica is a member of the Organization of American States (OAS) and a state party to the American Convention on Human Rights (ACHR) and is therefore under obligation to cooperate with the IACHR, the functions of which include safeguarding the human rights of individuals and considering complaints that an OAS member state has violated an individual's human rights.

Trinidad and Tobago

In October 1997 Trinidad and Tobago issued identical instructions to those issued by Jamaica in August setting strict time limits to the Human Rights Committee and the IACHR to consider petitions made on behalf of people under sentence of death. In May 1998 Trinidad and Tobago notified the Secretary General of the OAS of its intention to withdraw as a state party to the ACHR, which unless rescinded, will come into effect on 26 May 1999. This unprecedented step will remove the obligation of the government to guarantee the rights enshrined in that treaty to people within its jurisdiction.

In August Trinidad and Tobago's withdrawal from the Optional Protocol to the ICCPR became effective. In another unprecedented step Trinidad and Tobago immediately re-acceded as a party to the Optional Protocol with a reservation precluding the Human Rights Committee from considering any communications by a person under sentence of death relating to the capital proceedings against them. The Human Rights Committee will consider the validity of this reservation either in the context of examining an individual case or when it examines Trinidad and Tobago's periodic report on its implementation of the ICCPR, which is currently overdue.

The government had scheduled the executions of 20 men, ten of them despite the fact that the IACHR had not completed consideration of their petitions which claimed that their rights under the ACHR had been violated. Execution dates for five of the ten men were set even though the IACHR had ordered the government to preserve their lives while their cases were pending in the Inter-American system. In August the IACHR noted that executing people while their petitions were pending would "create an irremediable situation incompatible with the object and purpose of the American Convention [on Human Rights] and would amount to a disavowal of the authority of the Inter-American Commission and would adversely affect the very essence of the Inter-American system." In fact no executions took place as all 20 men received stays of execution, almost all pending determination of constitutional challenges in the national courts.

Guyana

On 16 December Guyana informed the UN Secretary-General of its withdrawal as a party to the Optional Protocol to the ICCPR and, like Trinidad and Tobago, immediately re-acceded with a reservation purporting to preclude the Human Rights Committee from considering petitions brought by people under sentence of death relating to the capital proceedings against them. This course of action was instigated following the decision earlier in the year by the Human Rights Committee on a petition brought by two men under sentence of death. The Human Rights Committee concluded that both men were deprived of a fair trial and thus, if executed, they would be arbitrarily deprived of their lives and recommended that not only should their death sentences be commuted but that they should be released. The Guyanan government said that it would not follow the recommendations. The Foreign Minister, Clement Rohee, claimed that the withdrawal from the Optional Protocol was aimed at allowing the government to uphold the constitution and to carry out its first duty to provide protection and security for all citizens.

The Bahamas

Trevor Fisher and Richard Woods were hanged on 15 October 1998, notwithstanding that they each had petitions pending to the IACHR claiming that their rights enshrined under the American Declaration on the Rights and Duties of Man had been violated. These were the first executions in the Bahamas for three years and were carried out despite a démarche from the EU on both cases and a request from the IACHR that the government preserve their lives pending its decision on the petitions submitted by the two men on 7 June 1996 and 28 August 1996 respectively.

Bermuda

Bermuda remains an overseas territory of the United Kingdom. However, unlike the other overseas territories in the Caribbean where the death penalty was abolished by the British government in 1991, in Bermuda the death penalty can still be imposed. The last execution took place in 1977.

The Premier, Pamela Gordon, stated in February that the British government was putting pressure on Bermuda to abolish capital punishment. She said that any attempt to abolish the death penalty would probably be unpopular in Bermuda and would have to be put to a referendum.

St. Christopher and Nevis (see under resumption of executions)

INTERNATIONAL LEGISLATION

Statute for a permanent International Criminal Court

On 17 July, after four years of preparation, the Statute for a permanent International Criminal Court was adopted by government delegates at a UN diplomatic conference held in Rome. Although the Court has been established to try people accused of what are generally considered to be the most serious international crimes such as genocide, under Article 77 of the Statute the maximum penalty which the Court can impose is life imprisonment.

At the insistence of those states which were concerned that the Statute should not be seen as a general endorsement for the abolition of the death penalty, an article referring to national laws was added to it. Article 80 states that "Nothing in this part of the Statute affects the application by States of penalties prescribed by their national law, nor the law of States which do not provide for penalties prescribed in this part." The International Criminal Court will be set up once 60 states have ratified the Statute.

Draft International Convention on the Protection of All Persons from Forced Disappearance

The death penalty has been excluded from the current text of an international draft Convention on the Protection of All Persons from Forced Disappearance. Article 5 of the draft requires that forced disappearances be punished with penalties commensurate with their extreme gravity but states that the death penalty "shall not be imposed in any circumstances". The current text was adopted by the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities in August and forwarded to the UN Commission on Human Rights for consideration at its next session.

Breaches of the Vienna Convention

The Vienna Convention on Consular Relations which came into effect in April 1963 provides under Article 36 that foreign nationals facing serious charges including crimes which could attract the death penalty are entitled to contact their consulate for assistance. Two cases where such assistance was not forthcoming have recently received international attention. Both prisoners were convicted in the USA,

both men were sentenced to death and one has been executed. The USA is a party to the Vienna Convention.

Angel Francisco Breard, Paraguayan national

Angel Francisco Breard was sentenced to death in 1993 for attempted rape and murder. The arresting authorities in Virginia failed to inform Breard of his rights under the Vienna Convention to seek assistance from the Paraguayan authorities. Paraguay appealed to the International Court of Justice that Breard's sentence of death should not be carried out because of the violation of his Vienna Convention rights. The Court ruled that the execution should not go ahead to allow time for their further examination of the impact of this violation. The US government told the US Supreme Court that no stay of execution should be granted because the assistance of consular officials would not have changed the outcome of the criminal proceedings. Notwithstanding this instruction the US Secretary of State, Madeleine Albright, wrote to the governor of Virginia, the state where Breard was held, asking him to grant a temporary reprieve to Breard in order to protect the safety and consular rights of US citizens detained abroad. Despite this, and in defiance of the instruction from the International Court of Justice, the execution went ahead and Angel Francisco Breard died on 14 April.

On 3 November the USA issued a formal apology to Paraguay for its failure to notify a Paraguayan national of his treaty-based right to seek consular assistance following his arrest on capital murder charges.

Following this Paraguay withdrew its suit against the United States which it had brought before the International Court of Justice.

Joseph Stanley Faulder, Canadian national

Joseph Stanley Faulder, aged 61, was convicted of murder in Texas in 1977 and was scheduled to be executed in December 1998, despite the fact that he was involved in on-going legal proceedings which involved a challenge to the constitutionality of the clemency process of the state of Texas. The State of Texas have acknowledged that his rights under the Vienna Convention were abrogated - the fact that Mr Faulder was a Canadian was known to the Texas authorities in 1976, however he was not made aware of his right to consular assistance at the time of his trial and conviction.

US Secretary of State Madeleine Albright wrote to the Texas Board of Pardons expressing her concern saying:

".....We are particularly troubled by the facts that Mr Faulder's legal counsel has been found by the courts to have been deficient in his handling of the sentencing phase of trial, that no mitigation evidence was presented to the jury in the sentencing phase, and that Mr Faulder's family was not aware of his situation. These are all areas in which Canadian consular officials might well have taken some action.....we believe that this is a case in which consular notification issues may provide sufficient grounds for according discretionary clemency relief."

On 10 December, 20 minutes before he was to be put to death, a stay of execution was granted to Joseph Stanley Faulder by the US Supreme Court on grounds which were not entirely clear. A new

date of 17 June 1999 has now been set. Meanwhile the challenge to the constitutionality of the Texas clemency process is continuing.

As there are over 70 foreign nationals under sentence of death in the USA, many of whom have not been made aware of their rights under the Vienna Convention, it is expected that more cases of this kind will be brought before the International Court of Justice.

REFOULEMENT

Greece/Syria

Mohamed Doguz, a Syrian national was forcibly returned from Greece to Syria on 8 December. He alleged he had been sentenced to death for treason and had claimed asylum in Greece. In 1989 he was recognized as a refugee by the UN High Commissioner for Refugees. Over four years ago he was convicted in Greece of drug use and sentenced to three years in jail. However in December he was still in custody 17 months after the end of his sentence awaiting expulsion, although this was not a condition of his sentence. His expulsion only succeeded on the third attempt, the first time, on 1 December, international protests broke out and the Greek authorities were forced to return him to custody. The second time, on 5 December, the pilot of the plane due to take him back refused to do so. The forcible return to Syria was in violation of Greece's obligations as a party to the 1951 Convention relating to the Status of Refugees. There has been no information on Mohamed Doguz's whereabouts since his expulsion and return to Syria.

INTERGOVERNMENTAL ORGANIZATIONS

United Nations

Commission on Human Rights

At its annual session in April 1998 in Geneva the UN Commission on Human Rights adopted Resolution 1998/8, calling upon all states that still maintain the death penalty to establish a moratorium on executions, with a view to completely abolishing the death penalty. The language of the resolution was stronger than that of Resolution 1997/12, adopted 1997 by the same Commission. The 1998 resolution attracted significantly more co-sponsors - 65 states as against 44 in 1997. The vote was slightly lower, 26 states being in favour, 13 against with 12 abstentions (figures in 1997 were 27, 11 and 14 respectively).

Resolution 1998/8 also welcomed the yearly supplement to the UN Secretary-General's quinquennial report (UN Document E/CN.4/1998/82) on capital punishment describing changes in law and practice worldwide, prepared in accordance with the Commission's previous year's request. The supplement concluded among other things that the trend towards abolition was continuing.

Following the passing of Resolution 1998/8, in July 51 countries issued a joint statement to ECOSOC placing on record their disassociation from it and giving their reasons as follows:

“(a) There is no international consensus that capital punishment should be abolished. Article 6, paragraph 2 of the ICCPR states that “sentences of death may be imposed only for the most serious crimes”.....

(b) Capital punishment has often been characterised as a human rights issue in the context of the right of the convicted prisoner to life. However, this must be weighed against the rights of the victims and the right of the community to live in peace and security.

(c) The question of whether to retain or abolish the death penalty should be carefully studied by each State, taking fully into account the sentiments of the people and the state of crime and criminal policy. It is inappropriate to make a universal decision on this question or to propose such action in the forum of an international organisation.”

Special Rapporteur on extrajudicial, summary or arbitrary executions

In his annual report to the Commission on Human Rights, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that governments which continue to use the death penalty against minors and the mentally ill

“...are particularly called upon to bring their domestic legislation into conformity with international legal standards. States should consider the adoption of special

laws to protect the mentally retarded, incorporating existing international standards.” (UN document E/CM.4/1998/68, paragraph 117).

Council of Europe

Meeting in January 1998 in Strasbourg, France, the Parliamentary Assembly of the Council of Europe adopted a resolution strongly condemning the continuation of executions in Ukraine but falling short of suspending its delegates. A proposal by the Assembly’s Committee on Legal Affairs and Human Rights to suspend the delegates failed in a close vote.

This followed on from a series of events including the Assembly’s formal condemnation of Ukraine at its session in January 1997 for the continuation of executions and the fact that, notwithstanding this condemnation, at least 13 executions had been reported between January and March 1997, the last recorded having taken place on 11 March 1997. People continue to be sentenced to death. According to the Chairman of the Ukrainian Supreme Court, 146 people were sentenced to death in 1998.

On 9 November 1998 Ukraine’s deadline for ratification of the Protocol No. 6 to the ECHR passed. Consequently on 26 November the Parliamentary Assembly’s Committee on the Honouring of Obligations and Commitments by Member States (CHOCMS) adopted a draft resolution stating that should Ukraine not ratify the Protocol No. 6 by the opening of the June 1999 part session of the

Parliamentary Assembly the annulment of the credentials of the Ukrainian delegation would proceed.

Following statements made by several high-ranking politicians and officials in both Russia and Ukraine suggesting that capital punishment could be inflicted again in the two countries, the Parliamentary Assembly's Committee on Legal Affairs and Human Rights issued a statement on 7 December reminding Ukraine that in 1996, together with the Russian Federation, it had entered into solemn commitments to apply moratoria on executions until the full abolition of the death penalty which was meant to take place within three years of undertaking those commitments and that failure to comply with them could entail sanctions decided upon by the Parliamentary Assembly.

By the end of 1998 thirty of the Council of Europe's forty member states had ratified Protocol No. 6 to the ECHR and five others had signed it. Two others, although abolitionist, had not signed it and three, Albania, Cyprus and Turkey had not abolished the death penalty or signed Protocol No. 6.

European Union(EU)

On 29 June, the General Affairs Council of the EU formally adopted a policy towards third countries on the death penalty giving as its aim the promotion of the abolition of the death penalty in non-member states and issued detailed guidelines for the policy's implementation. The Council said that the EU had decided as an integral part of its human rights policy to strengthen its international activities in

opposition to the death penalty, to work towards universal abolition and, where the death penalty still existed, to insist that it be carried out according to minimum standards, and to call for its use to be progressively restricted.

In pursuit of these aims the EU stated that it would raise the issue of the death penalty in its dialogue with third countries. Particular consideration would be given to making *démarches* on the use of the death penalty at times at which a country's policy

concerning the death penalty was in a state of change, for example where an official or *de facto* moratorium on the death penalty was to be ended, or where the death penalty was to be reintroduced through legislation. It would also consider making specific *démarches* in individual death penalty cases which violated minimum standards as set forth in the policy. Heads of diplomatic representations would, as a matter of course, include an analysis of the use of the death penalty in their human rights reports as well as including periodic evaluation of the effect and impact of EU approaches.

The minimum standards set down in the policy closely corresponded to established UN standards, including the Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty, adopted by ECOSOC in 1984. Additionally they precluded the death penalty being imposed as an act of political revenge in contravention of the minimum standards, eg against coup plotters, or being carried out in public or in any other degrading manner and added that the

length of time spent after having been sentenced to death might also be a factor.

The EU also stated that it would encourage states to ratify and comply with international human rights instruments relating to the death penalty, it would offer bilateral and multilateral cooperation with the aim of establishing a fair and impartial judicial process in criminal cases and work towards moratoria on the of the death penalty and, in due course, abolition.

Since adopting this policy, during 1998 various organs of the EU have made declarations or passed resolutions on death sentences on coup plotters in Sierra Leone; the first executions carried out by the Palestinian Authority; the execution of Baha'is in Iran (see under **RELIGIOUS PERSPECTIVES** below); the impending first execution in the Philippines since 1976 and an impending execution in the USA.

European Parliament

During the year the European Parliament (the legislative body of the European Union) passed various resolutions concerning the death penalty. Topics covered included the abolition of the death penalty in the USA; the execution of 23 people in South Korea; in Iran the institution of a moratorium, the release of a German national, the release of the editor-in-chief of a newspaper and the lifting of the "fatwa" (a death threat issued by the Iranian authorities) on author Salman Rushdie; the case of Abu Jamal in the USA; the sale of organs from executed prisoners in China; death sentences passed on

political prisoners in Myanmar and Jamaica's withdrawal from the Optional Protocol to the ICCPR.

On 18 June the European Parliament passed a resolution calling for the question of the death penalty to be put on the agenda of the next UN General Assembly and for the tabling of a resolution there calling for a universal moratorium on executions.

The European Parliament adopted a resolution on 17 September calling on the authorities of El Salvador not to extend the scope of the death penalty to the crimes of rape and violent killings. This was in response to a request by the Salvadorean President Armando Calderón Sol to the Legislative Assembly to ratify a motion approved by the previous assembly in October 1996 which could lead to a change in the constitution extending the scope of the death penalty to these crimes. The European Parliament pointed out that this would be in breach of the ACHR, which El Salvador ratified on 23 June 1978.

Delegation for Relations with the USA

Alan Donnelly, Chair of the European Parliament's Delegations for Relations with the US Congress, personally delivered a letter to the office of Texas Governor George Bush Jr on the occasion of a meeting between Euro-MPs and American legislators in Houston, Texas in June. In it he noted that although the primary purpose of the visit to Houston was to take part in the 49th European Parliament -US Congress interparliamentary exchange they were also using the occasion to hold discussions on a variety of issues including the death

penalty. He noted and was sorry that Mr Bush would not be available for such a discussion.

Mr Donnelly recalled the numerous resolutions adopted by the European Parliament condemning the death penalty and said that the Council of the European Union, like the European Parliament, had frequently expressed its concern at the continued widespread use of the death penalty in the world. He said they had been heartened by the decisions in most of the new democracies in central and Eastern Europe and elsewhere to abolish the practice. But he expressed his sorrow that the "world's greatest democracy and proponent of human rights" should continue to apply it. Noting the particularly high number of death sentences carried out in Texas, he said that European companies, under pressure from shareholders and public opinion to apply ethical business practices, were beginning to consider the possibility of restricting investment in the USA to states that did not apply the death penalty. Texas executed 20 prisoners in 1998, more than any other state in the USA.

RELIGIOUS PERSPECTIVES

Statements against the Death Penalty

Roman Catholic Church

In the Catechism of the Catholic Church, issued in 1992, the Catholic Church seemed to give limited support to the exercise of the death penalty saying that

“For the sake of the common good, aggressors might have to be placed in a position where they cannot cause further harm. Public authorities have the right and obligation to issue proportionate punishment including the death penalty”

Following this, in an Encyclical entitled *Evangelium Vitae* (the Gospel of Life) given out in March 1995, the Pope took a much stronger line, saying that cases were very rare if not non-existent. The definitive Latin edition of the new Catechism, published in September 1997, reaffirmed the position taken in the 1995 Encyclical.

Every year, on Christmas Day the Pope, the spiritual leader of the Roman Catholic Church, gives his *Urbi et Orbi* (to the City and the world) speech from his balcony in St. Peter's Square in Rome in front of a crowd of thousands and

transmitted by television to millions more. On Christmas Day 1998 the crowd was augmented by a march of people carrying banners against capital punishment. For the first time Pope John Paul made an unqualified statement of opposition to the death penalty saying that he hoped Christmas would

“...help to strengthen and renew throughout the world the consensus concerning the need for urgent and adequate measures to halt the production of arms, to defend human life, to ban the death penalty...”

Later, in unprepared remarks to the marchers and banner-holders the Pope repeated his appeal to defend human life and ban the death penalty.

Russian Orthodox Church

In May, in an interview given to the newspaper *Ochnaya stavka* published by the Russian Prosecutor-General's Office, the Interior Ministry and the Federal Security Service, the Patriarch of Moscow and All Russia, Aleksii II, said that capital punishment was tantamount to premeditated murder and violated the Biblical commandment not to kill.

Iran- Executions of Baha'is

In July Ruhu'llah Rowhani was hanged in Iran, charged with converting a Muslim to the Baha'i faith. Two other Baha'is had their death sentences confirmed after a retrial early in October. Following this, on 8 October, the European Parliament passed a resolution deploring the fact that death sentences against Baha'is are again being carried out and expressing its concern over the high numbers of executions in the country.

Members of the Baha'i faith form a religious minority in Iran. The religion is not recognized by the state and followers of this faith have suffered systematic harassment and persecution. Since the Islamic Revolution of 1979 over 200 people have been executed, mostly during the early 1980s.

Eighth General Assembly, World Council of Churches

The Eighth General Assembly of the World Council of Churches was held in December in Harare, Zimbabwe. In a message to the Assembly the President of Malawi, Dr Bakili Muluzi, reiterated his commitment to opposition to the death penalty as follows:

"I have promised Amnesty International that I will never sign the death sentence for a fellow human being. I would like to reaffirm this commitment. Life is sacred, I believe a person can reform. I believe that forgiveness makes all of us better persons. In the cause of truth and justice, I invite all heads of state in Africa, our common

home, to abolish the death sentence to work for the removal of violence among our peoples and so to prepare a better future for our children.”

Amnesty International and Penal Reform International cooperated in running workshops on the death penalty at the “Padare” – the meeting place outside the plenary assembly.

In the Final Statement on Human Rights issued at the end of the Assembly was the following paragraph:

“Elimination of the Death Penalty

The WCC has long stood against the use of the death penalty, but recourse to this ultimate form of punishment is often sought by victims in societies ridden by crime and violence. The application of the death penalty against young people is especially to be condemned. The churches have a responsibility to promote strict adherence to the international rule of law and international human rights standards related to the treatment of offenders.”

OPINION POLLS

USA

Texas

A poll released by the Dallas Morning News on 22 January revealed that the majority of Texans were uncertain about executing Karla Faye Tucker, a woman who had been convicted of the murder of two

people with a pickaxe while under the influence of drugs but who had later become very religious. Thirty-three per cent said they did not know whether she should be executed or serve life in prison, 22 per cent said her sentence should be commuted. Only 45 per cent supported the death penalty for her, far fewer than the 75 per cent who said they supported the death penalty in theory. Karla Faye Tucker was executed on 3 February.

Canada

A poll carried out in December showed that opposition to the death penalty in Canada had increased. The survey was conducted by Pollara, a company based in Toronto, for Southam News, the largest newspaper chain in Canada. The survey showed a significantly different result from others taken over the last ten years which have consistently indicated that three-quarters of Canadians favoured the death penalty for the most serious crimes. The results from this poll, based on 1,000 telephone interviews taken over the period of 18-21 December, showed that 48 per cent support the death penalty, 47 per cent are opposed and six per cent don't know. Michael Marzolini, Chairman of Pollara, thought that the significant shift in Canadian opinion could have been due to two reasons - the fact that previous polls had asked people their opinion on capital punishment while this survey used the harsher-sounding term "death penalty" and this could mean that people this time fully realized what they were being asked; and the fact that there was an imminent execution scheduled in the USA of a Canadian citizen, Joseph Steven Faulder. Fifty-three per cent of those polled supported the intervention of the Canadian Foreign Affairs Minister on Faulder's behalf, 37 per cent opposed it

and 11 per cent didn't know. The poll also showed that the death penalty was not the preferred punishment for the most severe crimes.

Fifty-three per cent said they favoured a sentence of life imprisonment, 42 per cent said the death penalty was their preferred choice and 5 per cent said they didn't know.

THE DEATH PENALTY AGAINST WOMEN

Mary Robinson, UN High Commissioner for Human Rights, issued a statement in February saying she was saddened by the execution of Karla Faye Tucker, the first execution of a woman in the state of Texas, USA, since 1863 and the first in the USA since 1984. She ended her message by saying:

“My own views on the death penalty are reflected in the opening declaration of the Second Protocol to the International Covenant: “abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights”. I have full sympathy for the families of the victims of murder and other crimes but I do not accept that one death justifies another.”

In September the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Asma Jahangir, appealed to Trinidad and Tobago not to execute Indravani Pamela Ramjattan, a woman sentenced to death in May 1995 for involvement in the 1991 killing of her abusive common-law husband. The Special Rapporteur

expressed concern at the fact that the abuse and extreme violence suffered by Indravani Pamela Ramjattan, which included beatings, threats to shoot her and repeated rapes, were not considered by the investigating authorities or the courts to constitute mitigating circumstances. She also expressed concern that this evidence was not raised by the counsel that the country's legal-aid board provided to the accused. The lawyer reportedly did not obtain psychiatric evidence relating to domestic violence, nor did he appear to consider this experience as relevant to her defence. The Special Rapporteur said that she "considered that domestic violence of the nature seen in this case must now necessarily be accepted by all jurisprudence as legitimate mitigating circumstances in any crime committed under such pressures. The death penalty is too harsh a punishment for a crime committed in such situations". Ms. Jahangir called on the government to refrain from executing Indravani Pamela Ramjattan and to respect the *de facto* moratorium on the execution of women which existed in Trinidad and Tobago.

NEWS IN BRIEF

United Kingdom - Foreign and Commonwealth Office Initiative

The Human Rights Policy Department of the Foreign and Commonwealth Office has set up an informal panel of advisers to assist the British Government in targeting its representations in favour of abolition/reduction of the death penalty in other countries. This is in line with the policy guidelines on the death penalty towards third countries issued by the EU in June which stated that EU

member states have moved beyond the commitment to permanent abolition of the death penalty and would now espouse abolition for other countries also. As a contribution to this policy the UK government has taken this step in order to be more proactive in its approach and to explore initiatives with a view to undertaking discussions with other governments, if necessary combined with technical assistance. Panel members also share information on complementary approaches by non-governmental, academic and legal organizations.

Commutations

Following the sudden death on 8 June of **Nigerian** head of state General Sani Abacha, more than 140 political prisoners were released under the new military government headed by General Abdulsalam Abubakar, some of whom were under sentence of death. Although charges against some political prisoners and exiles have been withdrawn and death sentences imposed for political offences have been commuted, at least three political prisoners are believed to remain in prison.

Death penalty for non-life threatening crimes

In **China** in December, although the police recovered all the stolen money, a court in Jiangsu province sentenced to death two brothers who were convicted of breaking into the computer system of a branch of the Zhengjing Industrial and Commercial Bank and transferring money into their own accounts. This is believed to be the first case involving theft by the "hacking" into a bank computer system which has received a death sentence anywhere in the world. In Xinjiang

province Amnesty International recorded 64 death sentences, 62 of those sentenced, including three women, were executed. At least 25 of those executed were Uighir political prisoners accused of subversive or terrorist activities.

Vacancy for post of hangman

When the Swaziland Minister of Justice, Maweni Simelane, announced in February that the government was looking for a new hangman, the ministry was reportedly flooded with applications from aspiring executioners. However the idea of appointing a permanent hangman was abandoned on the grounds of cost and the Minister of Justice announced that a hangman would be employed on a temporary basis when an execution was due to be carried out. There are at least eight people under sentence of death in Swaziland. The last execution was carried out in 1983.

INTERNATIONAL TREATIES

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

Signature indicates an intention to become a party to a treaty at a later date. Some states sign and then ratify, some move immediately to accession without taking the preliminary step of signing. A state becomes a party to a treaty upon accession or ratification and is bound under international law to respect its provisions.

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, 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.

During 1998 one more state signed the Second Optional Protocol: Slovakia in September; a further four states acceded to or ratified it: Nepal in March, Costa Rica in June, Belgium in December and Liechtenstein in December.

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".

Latvia signed the protocol in June; Estonia and Greece ratified it in April and September respectively.

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.

Two more states ratified the protocol in 1998, Ecuador in April and Costa Rica in May.

TABLE 2 :STATES PARTIES AND SIGNATORIES TO INTERNATIONAL TREATIES PROVIDING FOR THE ABOLITION OF THE DEATH PENALTY
(as of 31 December 1998)

INTERNATIONAL TREATY	STATES WHICH HAVE SIGNED BUT NOT YET RATIFIED	STATES PARTIES
<p><i>Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty</i></p>	<p><i>Honduras, Nicaragua, Slovak Republic</i> (Total: 3)</p>	<p><i>Australia, Austria, Belgium, Colombia, Costa Rica, Croatia, Denmark, Ecuador, Finland, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Macedonia, Malta, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Norway, Panama, Portugal, Romania, Seychelles, Slovenia, Spain, Sweden, Switzerland,</i></p>

		Uruguay, Venezuela (Total: 35)
<i>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</i>	<i>Belgium, Greece, Latvia, Russia, Ukraine (Total: 5)</i>	<i>Andorra, Austria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Macedonia, Malta, Moldova, Netherlands, Norway, Portugal, Romania, San Marino, Slovak Republic, Slovenia, Spain, Sweden, Switzerland (Total: 28)</i>
<i>Protocol to the American Convention on Human Rights to Abolish the Death Penalty</i>	<i>Nicaragua (Total: 1)</i>	<i>Brazil, Costa Rica, Ecuador, Panama, Uruguay, Venezuela (Total: 6)</i>

**TABLE 3: RECORDED WORLDWIDE EXECUTIONS BY YEAR
1980 - 1998**

Year	No. countries carrying out executions	No. executions recorded	No. countries with over 100 executions	% of all recorded executions carried out in countries with over 100 executions
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%
1997	40	2607	3	82%
1998	37	1625*	2	72%

*The total for 1998 may be subject to alteration if further information becomes available.

**TABLE 4: NUMBER OF ABOLITIONIST COUNTRIES AT YEAR END
1980 - 1998**

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	50	84
1993	54	90
1994	55	96
1995	58	101
1996	59	100
1997	62	102
1998	68	105