

## TABLE OF CONTENTS

Abbreviations.....	1
ABOLITION .....	1
Armenia .....	1
MORATORIA AND SUSPENSIONS OF EXECUTIONS .....	1
Iran .....	1
Kazakstan .....	2
Kyrgyzstan.....	2
Philippines .....	2
REDUCTIONS IN SCOPE OF THE DEATH PENALTY .....	2
Tajikistan .....	2
COMMUTATIONS.....	2
Kenya .....	2
Mexico.....	3
Saudi Arabia .....	3
USA.....	3
DEATH SENTENCES AND EXECUTIONS.....	4
Chad .....	4
China .....	5
Democratic Republic of the Congo.....	5
Iran .....	5
Saudi Arabia .....	6
USA.....	6
Viet Nam .....	6
USE OF THE DEATH PENALTY AGAINST CHILD OFFENDERS .....	7
China .....	7
Iran .....	7
USA.....	7
USE OF THE DEATH PENALTY AGAINST THE MENTALLY ILL.....	8
USA.....	8
USE OF THE DEATH PENALTY IN CASES INVOLVING SEXUAL ORIENTATION .....	8
USA.....	8

EXPANSIONS OF SCOPE OF THE DEATH PENALTY .....	8
Morocco.....	8
METHODS OF EXECUTION: LETHAL INJECTION .....	8
China .....	8
Thailand.....	9
INVOLVEMENT OF THE MEDICAL PROFESSION .....	9
USA.....	9
INNOCENCE AND THE DEATH PENALTY.....	9
USA.....	9
EXTRADITION.....	9
Czech Republic .....	9
JUDICIAL DECISIONS.....	10
Nigeria.....	10
Trinidad and Tobago.....	10
INTERNATIONAL COURTS.....	10
International Court of Justice .....	10
INTERGOVERNMENTAL ORGANIZATIONS .....	11
UN Commission on Human Rights .....	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
EVENTS .....	14
World Day against the Death Penalty .....	14
Cities for Life.....	14
Nobel Peace Laureates .....	14
TABLE 1: ABOLITIONIST COUNTRIES AT YEAR END, 1981-2003 .....	14
TABLE 2: RECORDED WORLDWIDE EXECUTIONS BY YEAR, 1980-2003 ...	16

# The death penalty worldwide: developments in 2003

## Abbreviations

EU = European Union

European Convention on Human Rights = European Convention on Human Rights and Fundamental Freedoms

ICCPR = International Covenant on Civil and Political Rights

UN = United Nations

## ABOLITION

By the end of 2003, 77 countries had abolished the death penalty for all crimes. A further 15 countries had abolished it for all but exceptional crimes, such as wartime crimes. At least 25 countries were abolitionist in practice: they had not carried out any executions for the previous 10 years or more and were either believed to have an established practice of not carrying out executions or had made an international commitment not to do so. Seventy-eight other countries and territories retained the death penalty, although not all of them passed death sentences or carried out executions during 2003. (See Table 1)

*Regular updates on abolitionist and retentionist countries are posted on the death penalty page on the Amnesty International website at [www.amnesty.org/deathpenalty](http://www.amnesty.org/deathpenalty).*

## Armenia

On 29 September Armenia ratified Protocol No. 6 to the European Convention on Human Rights and Fundamental Freedoms (European Convention on Human Rights), thereby abolishing the death penalty in peacetime. Earlier, in July, President Robert Kocharian had commuted all outstanding death sentences to life imprisonment. In May parliament adopted a new criminal code which banned the death penalty in peacetime but contained a provision that would have allowed the use of the death penalty in a case then before the Armenian courts.

## MORATORIA AND SUSPENSIONS OF EXECUTIONS

### Iran

Stays of execution were announced in the cases of two women, Afsaneh Nourouzi and Kobra Rahmanpour, who had been sentenced to death for murder. Both said they had been acting in self-defence. The stays of execution were announced following widespread public opposition to the sentences.

## **Kazakhstan**

In his annual address to the nation in April, President Nursultan Nazarbayev urged the government to create the necessary conditions for introducing a moratorium on the death penalty. However, officials in Kazakhstan were unable to confirm whether a *de facto* moratorium on executions was in place after a press release issued in July on behalf of President Nazarbayev by an international consultancy group in France claimed that no executions would be carried out in Kazakhstan until January 2004 when a moratorium would enter into force. In November Amnesty International learned that five men had been executed. In December, President Nazarbayev signed into law a moratorium on executions.

## **Kyrgyzstan**

President Askar Akaev announced in January that the moratorium on executions which had been in place since 1998 would be extended until the end of the year.

## **Philippines**

President Gloria Arroyo announced the lifting of a moratorium on executions in December for prisoners convicted of kidnapping or drug offences. At year end no one had been executed. A *de facto* moratorium had been in place since 2000 when former President Joseph Estrada announced a suspension of executions to mark the Christian Jubilee year.

# **REDUCTIONS IN SCOPE OF THE DEATH PENALTY**

## **Tajikistan**

In July the parliament approved a draft law, proposed by President Imomali Rahmanov, amending the criminal code. Among the amendments were the abolition of the death penalty for all women and for men aged under 18, and a reduction from 15 to five in the number of articles in the criminal code carrying a possible death sentence. The amendments became law in August.

Unofficial sources reported that the President had instructed the Clemency Commission to recommend more prisoners on death row for clemency. At least two death sentences were overturned on appeal.

# **COMMUTATIONS**

## **Kenya**

The Minister for Home Affairs and National Heritage announced on 25 February that 28 prisoners who had each spent between 15 and 20 years under sentence of death had been released by order of the newly elected President Mwai Kibaki. The sentences of 195 others were commuted to life imprisonment.

The announcement came soon after the Minister for Home Affairs and National Heritage, Moody Awori, had visited various prisons and made public his concern at the conditions in which prisoners were housed. In Kamiti Maximum Security Prison, where those waiting to

be hanged following the rejection of their court appeals were incarcerated, the prisoners had been kept in perpetual darkness in grossly overcrowded cells.

Moody Awori said the freed prisoners had all shown “reformist behaviour” and were released “in the spirit of reforms”. Mr Awori also stated that he wanted the death penalty in Kenya abolished and that he planned to introduce a bill in Parliament to that effect.

The Commissioner of Prisons, Abraham Kamakil, praised this “historic event”, saying that the death penalty should be abolished because it claims innocent lives. He was quoted in *The Daily Nation* newspaper on 26 February saying: “We are longing for the day Parliament will remove the death penalty from our Constitution.”

Convictions for murder and armed robbery carry a mandatory death sentence in Kenya. The last executions were in the mid-1980s.

## **Mexico**

President Vicente Fox commuted the death sentence of Sergeant Angel Velázquez Pérez, who was sentenced to death by a military court in 1997 for the murder of a superior officer. President Fox also committed himself to commuting the death sentence of Lieutenant Herón Varela Flores, who was convicted and sentenced to death by a military court in November for the murder of a superior officer.

The death penalty has been abolished in Mexico for ordinary crimes but is retained under military law. The presidential commutation of death sentences imposed under military law has been a long-standing practice. However, the government has now committed itself to seeking to abolish the death penalty for all crimes and enshrining abolition in the constitution.

## **Saudi Arabia**

Alexander Mitchell, a UK national, and William Sampson, a Canadian national, who had both been sentenced to death on charges of lethal bombings in Saudi Arabia in 2000, were granted clemency and released in August.

## **USA**

On 11 January George Ryan, the outgoing Governor of the state of **Illinois**, commuted the death sentences of 167 prisoners and pardoned four others - Aaron Patterson, Madison Hobley, Leroy Orange and Stanley Howard - who he believed had been tortured into confessing to crimes they did not commit.

In January 2000 Governor Ryan had announced that he was suspending executions pending an investigation into the state’s system of capital punishment, stating: “Until I can be sure. . . that no innocent man or woman is facing a lethal injection, no one will meet that fate.” At that time, 13 cases of wrongful conviction in capital cases had emerged since Illinois reinstated the death penalty in 1977. After suspending all executions, Governor Ryan appointed a Commission on Capital Punishment, which in April 2002 recommended over 80 specific reforms to the system. Its report, however, acknowledged that the Commission’s 14 members were unanimous “in the belief that no system, given human nature and frailties, could ever be

devised or constructed that would work perfectly and guarantee absolutely that no innocent person is ever again sentenced to death".

In October 2002 Governor Ryan ordered the Illinois Prisoner Review Board to hold clemency hearings for death row inmates and hear the views of relatives and friends of murder victims as well as prosecutors. In the end, Governor Ryan decided that the system under which the prisoners had been sentenced was so flawed that a blanket commutation was the fairest option.

At a re-sentencing in November in **Oklahoma**, Mexican national Gerardo Valdez was sentenced to life imprisonment without the possibility of parole. The Pardon and Parole Board had recommended clemency for him when he had faced execution in 2001. The Governor had rejected the recommendation, but a state court had stepped in to stop the execution and subsequently overturned his death sentence.

On 26 June, Governor Bob Taft of **Ohio** commuted the death sentence of Jerome Campbell on the eve of his execution. Governor Taft said: "In this case, two important pieces of information have come to light that were not available to the jury at the time the death penalty was imposed. First, Mr Campbell presented significant new DNA evidence that was not available to the jury at the time of trial. Although this new evidence does not exonerate Mr Campbell, it does contradict an impression that was left in the minds of some jurors during the trial. Second, attorneys for Mr Campbell have presented evidence bearing on the credibility of two important prosecution witnesses. It is now apparent that two informants who were incarcerated at the time of their testimony were, in fact, interested in seeking more lenient treatment from prosecutors as a result of their testimony. This information was not presented at trial even though it would have enabled the jurors to more fully assess the veracity of the witnesses' testimony." The Governor said that he agreed with the Ohio Parole Board's conclusion that the jurors could have reached a different sentencing decision if they had not relied on evidence and testimony the credibility of which was now in doubt. He said: "When such a possibility exists, and in view of the finality of the death penalty, I believe the most responsible course of action is to commute the death sentence in this case to one of life imprisonment without the possibility of parole."

## DEATH SENTENCES AND EXECUTIONS

During 2003, at least 1,146 people were executed in 28 countries. At least 2,756 people were sentenced to death in 63 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 2003, 84 per cent of all known executions took place in China, Iran, the USA and Viet Nam. (See Table 2)

### **Chad**

Nine people were executed in November, the first known executions in the country since 1991. Seven men were executed in the capital, N'Djamena, and another man in the eastern town of Abeche, by firing squad. Another man who had escaped execution in N'Djamena on

6 November when fellow prisoners prevented attempts to take him from the prison, was executed there on 9 November.

Four of those executed in N'Djamena had been sentenced to death on 25 October for the murder of a Sudanese member of parliament and the Director of the Chad Petroleum Company. Serious flaws in their trial included the use as evidence of incriminating statements allegedly made after torture.

## **China**

Limited and incomplete records available to Amnesty International at the end of the year indicated that at least 726 people were executed. The Chinese government keeps national statistics on death sentences and executions secret; the true figures are believed to be much higher.

In January Lobsang Dhondup, a Tibetan from Sichuan province, was executed after being convicted in an unfair trial of “causing explosions” and other offences. The authorities stated that his trial was held in secret because it involved “state secrets”, without providing further clarification. He was executed hours after his sentence was passed, without his case being referred to the Supreme Court as required under Chinese law, and despite official assurances to the USA and the European Union (EU) that his case would receive a “lengthy” review.

In October Shaheer Ali, an ethnic Uighur from the Xinjiang Uighur Autonomous Region (XUAR) in northwest China, was reportedly executed after being forcibly returned in January 2002 to China from Nepal, where he had sought asylum. He was sentenced to death at a secret trial in March 2003 after being convicted of offences including “separatism and organizing and leading a terrorist organization.”

Shaheer Ali was among several Uighurs recognized as refugees by the UN High Commissioner for Refugees. In radio interviews while in Nepal, he claimed to belong to a non-militant organization called the East Turkestan Islamic Reform Party and to have been tortured while imprisoned in Guma (Pishan) in the XUAR in 1994.

## **Democratic Republic of the Congo**

On 7 January, 15 people were executed in secret in the capital, Kinshasa, the first executions known to have taken place since December 2000 and the first following the government’s suspension in September 2002 of a moratorium on the death penalty. The 15 detainees were reportedly executed at a military camp close to Kinshasa’s international airport, and the bodies were buried in a common grave nearby.

The Military Court, which had conducted unfair trials and sentenced to death large numbers of people, including civilians, was abolished by presidential decree in April. Other courts continued to sentence prisoners to death.

## **Iran**

At least 108 people were executed in 2003, many in public. The death penalty was carried out on long-term political prisoners, apparently to intimidate political or ethnic groups such as Kurds and Arabs.

In February, long-term political prisoner Sasan Al-e Ken'an, a supporter of the banned *Komala* party, was executed. At the time of his execution his mother was in the capital, Tehran, seeking a meeting with members of the UN Working Group on Arbitrary Detention who were visiting Iran. On her return home to the town of Sanandaj, she went to visit her son in prison. She was informed that he had been hanged and was told not to make a "fuss" but to bury him quickly.

In November, four men in northeastern Iran were sentenced to death by stoning on allegations of rape and adultery. EU officials had been informed in March that the Head of the Judiciary had called on judges not to pass sentences of stoning and to find alternative punishments. On 13 December, however, revised regulations appeared to provide instructions on the implementation of the death penalty, including stoning and crucifixion. Amnesty International is studying the regulations.

### **Saudi Arabia**

At least 50 people were executed in 2003. Nineteen of them were Saudi Arabian nationals; the rest were foreign nationals, including 19 Pakistani and six Afghan nationals. Twenty-six were convicted of drug-related offences and 24 were found guilty of murder.

The number of those who remained under sentence of death was not known, but they included two female domestic workers, Sara Jane Dematera, a Philippine national, and Sit Zainab, an Indonesian national. They had been accused of murdering their employers and were sentenced to death after secret and summary trials in 1993 and 1999 respectively.

### **USA**

Sixty-five people were executed in 2003, bringing to 885 the total number of prisoners put to death since the US Supreme Court lifted a moratorium on executions in 1976. The US government carried out its third federal execution since 1963. All three were carried out under the current administration of President George W. Bush. The state of **Texas** carried out its 300<sup>th</sup> execution since 1976 and accounted for 24 of the USA's executions in 2003.

### **Viet Nam**

In 2003 there was a dramatic rise in the reported imposition of the death penalty, particularly for drug-related offences and economic crimes.

According to information collated from official sources, 103 people were sentenced to death in 2003; 63 were convicted on drug-related charges and four women were convicted of fraud. There were reports that 64 people were executed, many in public. The true figures are believed to be much higher.

Four men and one woman were executed on 5 November in front of nearly one thousand onlookers at Thu Duc execution ground on the outskirts of Ho Chi Minh City. Nguyen Ngu Dung, Nguyen Thi Loan and Nguyen Anh Tuan had been sentenced to death in July 2001 for trafficking 13.5kg of heroin. Duong Ho Vu and Luu Kim Hien had been sentenced to death in 2002 for murder.



## USE OF THE DEATH PENALTY AGAINST CHILD OFFENDERS

### China

In March, the Hebei Legal Daily reported that Zhao Lin, aged 18, had been executed in January for a murder committed in Jiangsu Province in May 2000 when he was 16 years old.

In October 1997, Article 44 of the Chinese Criminal Law had been revised to eliminate the practice of imposing death sentences on prisoners convicted of crimes when they were under 18 years old. However, reports have indicated that people under 18 at the time of the offence have continued to be executed because the courts do not take sufficient care to determine their age.

### Iran

In December the parliament approved a bill raising to 18 the minimum age for imposition of the death penalty. At year end the bill was awaiting approval by the Guardian Council, the country's highest legislative body.

### USA

On 3 April, Scott Hain was executed in the state of **Oklahoma** for a crime committed when he was 17 years old.

At least two people were sentenced to death during the year for crimes committed when they were under 18. Tonatihu Aguilar was sentenced to death in **Arizona** in June for a crime committed when he was 16 years old, and Nathan Ramirez was re-sentenced to death in **Florida** in December. He was aged 17 at the time of the 1995 crime. He was originally sentenced to death in 1996, but this was overturned on appeal.

In August the **Missouri** Supreme Court overturned the death sentence of a child offender in the case of *Roper v. Simmons*, saying that it was unconstitutional to execute people who were under 18 at the time of the crime. Christopher Simmons is on death row in Missouri for a crime committed when he was 17 years old. The state of Missouri then appealed the decision to the US Supreme Court.

*(Update: On 26 January 2004 the US Supreme Court agreed to hear the appeal by revisiting the decision it made in 1989 (Stanford v. Kentucky) allowing the execution of people for crimes committed when they were 16 or 17 years old.)*

On 8 December the outgoing Governor of the state of **Kentucky**, Paul Patton, commuted the death sentence of Kevin Stanford, who was on death row for a crime committed in 1981 when he was 17 years old. Governor Patton had described the death sentence as an "injustice" because of Stanford's age at the time of the crime. Governor Patton commuted the death sentence to life imprisonment without the possibility of parole, contravening the UN Convention on the Rights of the Child, Article 37(a) of which precludes sentences of life imprisonment without possibility of release for people who were under 18 at the time of the crime.

## **USE OF THE DEATH PENALTY AGAINST THE MENTALLY ILL**

### **USA**

James Colburn was executed in **Texas** on 26 March and James Willie Brown was put to death in the state of **Georgia** on 4 November. Both men had long histories of mental illness, including diagnoses of schizophrenia. The Georgia state parole board denied James Willie Brown clemency despite a renowned schizophrenia expert's testimony that Brown was mentally ill. A former inmate stated that she had lied at the trial when she told the jury that James Willie Brown had told her that he was faking his mental illness.

In October the US Supreme Court refused to hear **Arkansas** death row prisoner Charles Singleton's appeal against a lower federal court ruling that the state could forcibly medicate him for his mental illness even if that rendered him competent for execution.

*(Update: Charles Singleton was executed on 6 January 2004.)*

## **USE OF THE DEATH PENALTY IN CASES INVOLVING SEXUAL ORIENTATION**

### **USA**

Edward Hartman was executed in the state of **North Carolina** on 3 October. The state governor refused to stop the execution despite evidence that the prosecution had used Edward Hartman's homosexuality against him at the trial as part of its successful bid to obtain a death sentence.

## **EXPANSIONS OF SCOPE OF THE DEATH PENALTY**

### **Morocco**

On 28 May the authorities passed a new "anti-terrorist" law that widens the scope of crimes subject to the death penalty and contains a broad and unspecified definition of "terrorism". By the end of the year, at least 16 death sentences had been handed down since the new legislation came into force. No executions have taken place in Morocco since 1993.

## **METHODS OF EXECUTION: LETHAL INJECTION**

### **China**

In early 2003 it was reported that to improve "efficiency" and "cost-effectiveness", Chinese Provincial authorities were introducing "mobile execution vans". Officials in Yunnan Province explained that only four people are required to carry out executions in the mobile vans: the executioner, a member of the court, an official from the procuratorate and a forensic doctor.

According to reports, 18 converted 24-seater buses were being distributed to all intermediate courts and one high court in Yunnan Province. The windowless execution chamber at the

back contains a metal bed on which the prisoner is strapped down. Once the needle is attached by the doctor, an act which breaches international medical ethics, a police officer presses a button and an automatic syringe inserts the lethal drug into the prisoner's vein. The execution can be watched on a video monitor next to the driver's seat and can be recorded if required.

The newspaper *Beijing Today* reported that use of the vans was approved by the legal authorities in Yunnan Province on 6 March. Later that same day two farmers, Liu Huaifu, aged 21, and Zhou Chaojie, aged 25, who had been convicted of drug trafficking, were executed by lethal injection in a mobile execution van. Zhao Shijie, president of the Yunnan Provincial High Court, was quoted as praising the new system: "The use of lethal injection shows that China's death penalty system is becoming more civilized and humane." Execution by lethal injection was introduced as an alternative to shooting in the revised Criminal Procedure Law in 1996 after being used experimentally in Yunnan Province earlier that year.

### **Thailand**

Four people were executed by lethal injection, which replaced the firing squad as a method of execution following an amendment to Article 19 of the Criminal Code in October. The Director-General of the Corrections Department, Siva Saengmanee, has said that relatives of the condemned prisoners, justice officials, police, prosecutors and reporters may be invited to witness executions by lethal injection.

## **INVOLVEMENT OF THE MEDICAL PROFESSION**

### **USA**

**Illinois** State Governor Rod Blagojevich on 24 July signed into law a bill barring doctors and nurses from participating in executions. The law states that "the Department of Corrections shall not request, require, or allow a health care practitioner licensed in Illinois, including but not limited to physicians and nurses. . . to participate in an execution".

## **INNOCENCE AND THE DEATH PENALTY**

### **USA**

In July, Joseph Amrine was released after more than 16 years on **Missouri's** death row for the murder of a fellow prisoner. He had been convicted on the basis of testimony from other inmates which was later retracted. Joseph Amrine became the 111<sup>th</sup> person to be released from death row in the USA since 1973 on the grounds of innocence. The 112<sup>th</sup> such case occurred in December when a **Pennsylvania** prosecutor announced that he would not retry Nicholas Yarris, who had been on the state's death row for two decades. A federal judge had ordered a new trial after DNA testing supported Yarris' claims of innocence.

## **EXTRADITION**

### **Czech Republic**

A regional court in Brno decided in March that it would not extradite Wen-min Zhang, a Chinese citizen, because it did not consider sufficient the guarantees given by China that he would not be executed.

Wen-min Zhang was accused of committing a robbery in China, but the extradition request was inconsistent about the location of the alleged crime. Seven alleged accomplices of Wen-min Zhang have already been executed.

## **JUDICIAL DECISIONS**

### **Nigeria**

On 25 September the Upper *Sharia* Court of Appeal of Katsina State in northern Nigeria overturned the sentence of death by stoning passed on Amina Lawal at Bakori in March 2002. The appeal court ruled that neither her conviction nor her confession was legally valid, and that no offence had been established. She had been convicted of *zina*, defined as sexual intercourse with any person “over whom [the perpetrator] has no legal rights” and in circumstances “in which no doubt exists as to the illegality of the act”, after bearing a child outside marriage. Her death sentence had been upheld by a lower *Sharia* court of appeal.

### **Trinidad and Tobago**

The Judicial Committee of the Privy Council (JCPC) in England, which serves as the highest court of appeal for Trinidad and Tobago and other countries in the English-speaking Caribbean, ruled on 20 November that the mandatory death penalty for murder in Trinidad and Tobago was unconstitutional and that sentencing discretion should be left to judges. The JCPC concluded by a three-to-two majority that the country’s laws intend that a death sentence be regarded as the maximum sentence possible and not a mandatory one because homicide cases are too complex to impose a single mandatory sentence in all such cases and because of the possibility of executing someone who may have been wrongly convicted.

The ruling was handed down in appeals, brought by Balkisson Roodal and Haroon Khan, who had both been sentenced to death for murder.

In light of this ruling the cases of at least 80 men and four women currently under sentence of death in Trinidad and Tobago will have to be reviewed. The ruling will also have implications for at least 200 prisoners sentenced to death in the Bahamas, Barbados and Jamaica, where the constitutionality of the mandatory death penalty will also have to be decided.

## **INTERNATIONAL COURTS**

### **International Court of Justice**

In January, Mexico brought a case in the International Court of Justice (ICJ) on behalf of more than 50 of its nationals on death row in the USA. The case concerned alleged violations of the Vienna Convention on Consular Relations, which requires states to inform foreign nationals upon arrest of their right to seek consular assistance. There were more than 100

foreign nationals on death row in the USA in 2003, the majority of whom were denied this right. The ICJ is expected to reach a decision in 2004.

## **INTERGOVERNMENTAL ORGANIZATIONS**

### **UN Commission on Human Rights**

The UN Commission on Human Rights in April urged states that still maintain the death penalty “not to extend its application to crimes to which it does not at present apply”. The call came in the Commission on Human Rights’ resolution on “the question of the death penalty”, the seventh such resolution adopted since 1997. Resolution 2003/67 was adopted at the Commission’s annual session in Geneva on 24 April by a vote of 24 in favour and 18 against, with 10 abstentions. Seventy-five countries co-sponsored the resolution, seven more than in 2002. However, the strong disagreement of many states was shown by the fact that 63 countries signed a statement dissociating themselves from the resolution, one more than in 2002.

Resolution 2003/67 had other new features:

- It called on states not to carry out executions “in public or in any other degrading manner”, and “to ensure that any application of particularly cruel or inhuman means of execution, such as stoning, be stopped immediately”.
- It called on states to exclude mothers with dependent infants from capital punishment.
- In an attempt to do away with executions being carried out in secret, it called on states “to make available to the public information with regard to any scheduled execution”.

The resolution also called on all states that still maintain the death penalty not to impose it for crimes committed by persons below 18 years of age. The previous year’s resolution had a similar provision but placed it in the context of states complying with their obligations under the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Rights of the Child, both of which exclude the use of the death penalty against offenders aged under 18. Resolution 2003/67 is stronger than the previous year’s because it applies to all states regardless of their obligations under the above treaties. Similarly, in resolution 2003/67 language urging states to impose the death penalty only for the “most serious crimes” and to uphold fair trial safeguards in capital cases is no longer linked to states’ obligations under the ICCPR and the Convention on the Rights of the Child, as in previous resolutions.

The resolution also welcomed the annual report on capital punishment which had been prepared for the Commission on Human Rights by the UN Secretariat (UN document E/CN.4/2003/106). That report stated that “the trend towards abolition continues” and noted “an increase in the number of countries which have ratified international treaties providing for the abolition of the death penalty”. The report and the resolution are available on the website of the UN High Commissioner for Human Rights, [www.unhchr.ch](http://www.unhchr.ch).

### **Council of Europe: New protocol on the death penalty**

On 1 July, Protocol No. 13 to the European Convention on Human Rights entered into force. It had been ratified by 15 countries.

Protocol No. 13 is the first international treaty to ban the death penalty in all circumstances with no exceptions permitted.

### **Council of Europe: Observer status of Japan and the USA**

In a resolution and a recommendation adopted in October, the Parliamentary Assembly of the Council of Europe warned Japan and the USA that they are violating their obligations as observer states by continuing to use the death penalty.

The Parliamentary Assembly comprises members of parliament from the 45 countries that make up the Council of Europe. Japan and the USA were granted observer status in 1996. In June 2001 the Parliamentary Assembly had called for an immediate moratorium on executions in both countries and resolved to establish a dialogue on the issue with their parliamentary counterparts in the two countries.

In resolution 1349 (2003), adopted on 1 October 2003, the Parliamentary Assembly noted that it had succeeded in initiating a dialogue with Japanese members of parliament but had “largely failed in its efforts to promote transatlantic parliamentary dialogue”. It resolved “to intensify its dialogue” with Japanese members of parliament and to continue its efforts to enter into a dialogue with US state legislators and members of the US Congress.

In recommendation 1627 (2003), also adopted on 1 October, the Parliamentary Assembly asked the Council of Europe’s Committee of Ministers to make it a “minimum requirement” for retentionist states wishing to have their observer rights extended to “show their willingness to engage in a fruitful dialogue at parliamentary and governmental level” with the Council of Europe on the death penalty.

In a report published in September, the Parliamentary Assembly’s Committee on Legal Affairs and Human Rights had noted that on the part of the USA “there is little willingness to engage in parliamentary dialogue with us on this important issue”. It stated that the Committee was “certainly not made to feel welcome” at a meeting on the death penalty in a US Senate building in April when not a single member of Congress attended the event.

### **European Union**

The EU’s *Annual Report on Human Rights – 2003* disclosed that demarches (diplomatic approaches) had been made to 20 countries and territories between July 2002 and June 2003, under the organization’s *EU Guidelines on the Death Penalty*, adopted in 1998. The countries and territories that were the object of demarches included Barbados, Belize, Burma, China, Democratic Republic of the Congo, India, Indonesia, Iran, Japan, Laos, Nigeria, Palestinian Authority, the Philippines, Qatar, Sri Lanka, Sudan, Tajikistan, Uganda 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, 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.

**Paraguay** and **Timor-Leste** ratified the **Second Optional Protocol to the ICCPR** in 2003. **San Marino** signed the protocol, indicating the government's intention to ratify it at a later date. At year end 51 countries were parties to the Protocol and eight 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 2003. At year end eight countries had ratified the Protocol and one other had signed it.

**Armenia** and **Turkey** ratified **Protocol No. 6 to the European Convention on Human Rights** in 2003. **Serbia and Montenegro** signed the Protocol. At year end 43 countries had ratified the Protocol and two others had signed it.

**Protocol No. 13 to the European Convention on Human Rights** entered into force in July 2003 (see above, INTERGOVERNMENTAL ORGANIZATIONS). In 2003, 15 countries – **Andorra, Belgium, Bosnia-Herzegovina, Bulgaria, Croatia, Cyprus, Georgia, Hungary, Portugal, Romania, San Marino, Slovenia, Sweden, Ukraine** and the **United Kingdom** - ratified the Protocol, raising the total number of ratifications to 20 at year end. Twenty-one other countries had signed the Protocol by the end of 2003.

(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/deathpenalty](http://www.amnesty.org/deathpenalty). For a printed list, see Amnesty International, *Ratifications of*



*international treaties to abolish the death penalty (1 January 2004), AI Index: ACT 50/004/2004.)*

## **EVENTS**

### **World Day against the Death Penalty**

The World Day against the Death Penalty was commemorated on 10 October with local events in over 60 countries and an Internet appeal calling on the highest authorities of all countries that retain the death penalty “to ensure that executions cease immediately, and to abolish the death penalty for all crimes”.

The World Day was organized by the World Coalition against the Death Penalty (WCADP), a coalition established in 2002 that unites national and international human rights organizations, including Amnesty International, bar associations, trade unions and local and regional governments. Official statements welcoming the initiative were made by the EU, the Council of Europe, the Belgian government and the foreign ministries of Canada, France and Mexico. A world organization of parliamentarians against the death penalty was created in Belgium on the occasion of World Day.

### **Cities for Life**

On 30 November public buildings in over 100 cities around the world were illuminated as part of the “Cities for Life – Cities against the Death Penalty” initiative. The event was organized by the Italian organization Sant’ Egidio with the collaboration of other organizations including Amnesty International sections.

### **Nobel Peace Laureates**

The 4<sup>th</sup> Global Summit of Nobel Peace Laureates, meeting in Rome on 30 November, stated: “After a special session, the Nobel Peace Prize Winners have agreed that the death penalty is a particularly cruel and unusual punishment that should be abolished. It is especially unconscionable when imposed on children.”

**TABLE 1: ABOLITIONIST COUNTRIES AT YEAR END,  
1981-2003**

<b>Year</b>	<b>No. countries abolitionist for all crimes</b>	<b>No. countries abolitionist in law or practice</b>
1981	27	63



<b>Year</b>	<b>No. countries abolitionist for all crimes</b>	<b>No. countries abolitionist in law or practice</b>
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	53	90
1994	54	96
1995	58	101
1996	59	100
1997	63	102
1998	69	105
1999	72	108
2000	74	108
2001	75	111
2002	77	111
2003	77	117

**TABLE 2: RECORDED WORLDWIDE EXECUTIONS BY YEAR, 1980-2003**

(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%

<b>Year</b>	<b>No. countries carrying out executions</b>	<b>No. executions recorded</b>	<b>No. countries with over 100 executions</b>	<b>% of all recorded executions in countries with over 100 executions</b>
1999	31	1813	4	80%
2000	28	1457	2	77%
2001	31	3048	2	86%
2002	31	1526	2	77%
2003	28	1146	2	73%