

死刑及處決 2008

DEATH SENTENCES AND
EXECUTIONS IN 2008

AMNESTY
INTERNATIONAL
國際特赦組織



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Cover photo: Drawing depicting life on death row in Enugu prison, Nigeria, by former inmate Arthur Judah Angel.
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國際特赦組織是一個在全球超過150個國家及地區當中擁有二百二十萬名會員的全球性機構，致力於從事人權運動。我們的願景是讓每一個人均可享有載於《世界人權宣言》及其他國際人權法則的所有權利。我們研究、積極運動、倡議並進行動員，以阻止人權受到侵犯。

國際特赦組織獨立於各個政府、政治意識形態、經濟利益和宗教。我們的工作大部分均由本會會員捐獻和各界捐款資助的。

**AMNESTY
INTERNATIONAL**
國際特赦組織



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1. 綜覽

在2008年，我們又向全球廢除死刑邁進了一步。

在12月的聯合國大會(UNGA)中，「暫停死刑執行」的第二決議案以大比數獲得正式通過，以務求完全廢除死刑。這項決議案為三十年以來為完全廢除死刑的穩定進展打下更穩固的基礎。

在聯合國所取得的進展讓在全球致力於廢止死刑的社運人士深受鼓舞。而在地區的層面上，這也促成了雖然微小卻有重要意義的進展。值得注意的是，非洲人權和民族委員會再次請求仍然保留死刑的非洲國家能夠遵守「暫停死刑執行」的議案，以務求達致真正地廢除死刑。

在烏茲別克廢除了各項罪名而判處的死刑之後，**歐洲及中亞地區**現在基本上已是一個沒有死刑的地區。現在只有一個國家 - **白俄羅斯** - 仍然執行死刑的處決。

在**美洲地區**，只有一個國家 - **美利堅合眾國(美國)** - 仍一貫地進行死刑處決。然而，在2008年美國也正在遠離死刑。美國在這一年錄得了自1995年以來最低的死刑處決數字。

現在大部分國家對利用死刑均十分節制。此外，據國際特赦組織的紀錄，在2008年，59個仍然保留死刑的國家中，只有25個確實地執行了處決。這些國家的作為顯示出大部分國家對死刑不能與人權互相兼容的國際共識得到了更大的鞏固。

除了正面的進展以外，我們仍然面對一系列艱苦的挑戰。在2008年，**亞洲國家**所執行的死刑處決數字比全球其他地區的死刑數字加起來還要多。而有紀錄處決數字第二高的地區則是**中東地區**。

在2008年，已知最少2,390人在25個國家中被處決，而最少8,864人在全球52個國家中被判處死刑。

在2008年中進行處決的方式包括斬首、電刑、絞刑、毒藥注射、槍決及石刑。

繼續之前幾年的趨勢，在2008年，**中國、伊朗、沙地阿拉伯、巴基斯坦及美國**是死刑處決率最高的五個國家。他們共執行了全球百分之九十三的死刑處決。

在某些國家，死刑的個案仍然被保密。在**中國、白俄羅斯、蒙古和北韓**，死刑處決以秘密的方式，又或者以毫無透明度的方式進行。

在前數年，大批的死刑個案在不符合國際間公認的公平標準下被傳遞審訊。有些死刑的處決是通過施加違背國際法的酷刑迫使其認罪然後進行的，其個案數字讓人關注。**伊朗**的一些勢力人士繼續對一些未滿十八歲的被控罪囚犯進行死刑處決，公然違反國際法。

這一份文件總結了國際特赦組織關於死刑的全球性研究。資料由數個渠道所得，包括官方數據統計(如有)、非政府及國際組織、人權保衛者、傳媒、以及訪問人權受到侵害的生還者。

這份文件中的所有統計數字均只是最保守的估計而已。我們所用的最大數字均可以從我們的研究中可靠地推論出來。

每當在某個國家之後加上「+」的符號而之前有一個數字的話，這代表著我們知道該個國家有處決或死刑個案(最少多於一個)，但我們不知道其確實數字為何。

這份文件另外附上兩份附件，(ACT 50/001/2009 – 國際條約批准；ACT 50/002/2009 - 廢除死刑及保留死刑的國家列表)。

2. 國際特赦組織為沒有死刑的世界作最後倒數

國際特赦組織為完全廢除死刑作積極運動。國際特赦組織相信，死刑侵犯了生存的權利，而且是最為殘酷、不人道和有辱人格的懲罰¹。國際特赦組織反對所有形式的死刑，無論干犯哪一項罪行、犯人擁有哪一類特徵、抑或是任何處決囚犯的方法，我們都毫不例外地反對。

國際特赦組織相信死刑為某個國家不可逆轉的暴力行為合法化。研究顯示，死刑通常帶有歧視的性質，特別針對貧窮人士、少數派人士，以及不同種族、民族及宗教人士。死刑很多時都在經過粗疏而不公平的審訊後實施的，但即使審訊過程已經遵守國際公平原則，對無辜的人士進行處決的風險仍然未能完全消除 - 死刑將會無可避免地奪去無辜受害者的生命，正如我們之前一直以來所顯示的個案一樣。

死刑不單存有引發無可挽救的錯誤的風險，也不能證明其擁有特別有效的阻嚇作用。死刑拒絕給予罪犯改過遷善的機會，它只是過分簡單化地回應了複雜的人類問題，卻沒有尋求解決的辦法。它虛耗了可以用在打擊暴力罪行及援助該些因暴力罪行而受影響人士的資源。這是暴力文化之下的一個病徵，而不是緩解之法，是對人類尊嚴的最大侮辱。

自1977以來，國際特赦組織一直致力於廢除死刑²。這項運動將會繼續下去，直到我們最終能看見世界上再沒有這種最殘酷、最不人道、最可恥的懲罰。若要更詳盡資訊，可見於以下網址：<http://www.amnesty.org/en/death-penalty>

3. 全球概況

現時，共有**59個國家仍然保留死刑**³。世界上多於三分二的國家已經廢除死刑，無論是法律上抑或是實行上的廢除（廢除死刑國家）⁴。

法律上或實行上廢除死刑的國家

針對所有罪案廢除死刑：92

只針對普通罪案廢除死刑：10

實行上廢除死刑：36

法律上或實行上的廢除死刑國家總數：138

在2008年，已知最少2,390人在25個國家被處決，並且估計最少有8864人在52個國家被判處死刑。

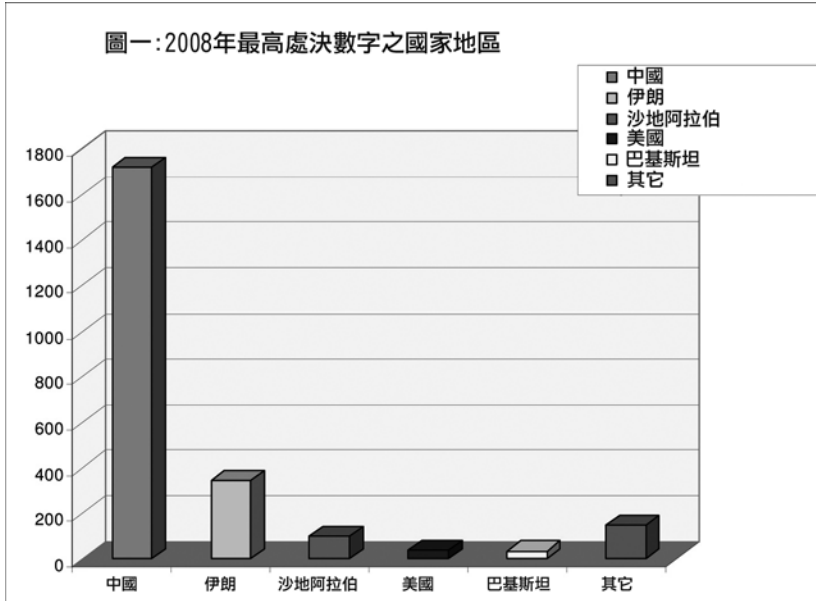
以下的國家在2008年曾執行死刑處決：中國（最少1,718人）、伊朗（最少346人）、沙地阿拉伯（最少102人）、美國（37人）、巴基斯坦（最少36人）、伊拉克（最少34人）、越南（最少19人）、阿富汗（最少17人）、北韓（最少15人）、日本（15人）、也門（最少13人）、印尼（10人）、利比亞（最少8人）、孟加拉（5人）、白俄羅斯（4人）、埃及（最少2人）、馬來西亞（最少1人）、蒙古（最少1人）、蘇丹（最少1人）、敘利亞（最少1人）、阿拉伯聯合酋長國（最少1人）、巴林（1人）、博茨瓦納（1人）、新加坡（最少1人）及聖克里斯多福尼維斯（1人）。

在2008年，曾經用作處決死囚的方式包括**斬首**（沙地阿拉伯）、**絞刑**（孟加拉、博茨瓦納、埃及、伊朗、伊拉克、日本、馬來西亞、巴基斯坦、聖克里斯多福尼維斯、新加坡、蘇丹）、**毒藥注射**（中國、美國）、**槍決**（阿富汗、白俄羅斯、中國、印尼、伊朗、蒙古、越南）、**石刑**（伊朗）及**電刑**（美國）。

國際特赦組織已知有13個國家在過去5年每一年均曾進行死刑處決：中國、孟加拉、白俄羅斯、印尼、伊朗、日本、北韓、巴基斯坦、沙地阿拉伯、新加坡、越南、也門及美國。

如數年前一樣，2008年5個死刑處決數字最高的國家是中國、伊朗、沙地阿拉伯、巴基斯坦及美國（圖一）。他們在2008年共執行了全球百分之九十三的死刑處決。這些國家均是全球廢除死刑的最大挑戰。

在2008年，那些仍然保留死刑的國家卻越見不情願實際執行死刑。59個仍然保留死刑的國家當中，只有25個國家在2008年實際進行了處決，使那些仍然選擇利用這殘酷、不人道和可恥刑罰的國家更大程度地成為少數的一群。



在2008年，保留死刑的國家數目進一步下跌。在這一年有兩個國家對所有罪案均廢除死刑(烏茲別克和阿根廷)。

在一些國家，例如布隆迪、馬里和多哥，廢除死刑的改革正在進行。在黎巴嫩，該國之司法部長已提交了一份草擬法案，提出了對死刑的廢除。在阿爾及利亞，一個反對派代表團體也提交了一份提出廢除死刑的草擬法案予議會，當時正值聯合國《世界人權宣言》六十周年。

一些國家已經開始了減少死刑適用範圍的第一步，包括越南。雖然由越南司法部長提交的就《刑事法典》中的十七項罪行免除死刑議案不被國會接納，這仍是讓人鼓舞的第一步。

有一部分國家改以囚禁來替代死刑。據報在哈薩克，所有死囚共31人均被改判為終生監禁。在古巴，該國總統宣佈基本上所有死刑將會改為囚禁判罰⁵。在喀麥隆，該國總統宣佈會對某些死刑判決進行改判，雖然我們不清楚對多少名囚犯生效。

4. 正面的趨勢：邁向全球廢除死刑

在2008年，全球均更進一步邁向完全廢除死刑的目標。

在2008年12月28日，聯合國大會正式通過決議案63/168(2008)「暫停執行死刑」。決議案63/168乃建基於2007年聯合國大會之決議案，該議案對死刑的運用表示關注，並號召該些仍然保留死刑的國家，除其他以外，尊重國際間為保證將要面對死刑者權益之保證條款、減少可能會判處死刑的罪名、並制定暫停執行死刑的法案，務求完全廢除死刑。此議案要求聯合國常務秘書長提供一份有關議案62/149及63/168的實施進度報告，以便在2010年第65次會議中進行審議；並要求會員國提交相關的資料予常務秘書長。

而第二次的「暫停執行死刑」決議案獲得全體聯合國成員國的通過，則有力並適時地再次確立了聯合國承諾致力廢除死刑的工作。

89個國家共同提出2008之議案，得到106票支持、46票反對及34票棄權⁶。從投票數字可以看到在聯合國大會「暫停執行死刑」議案62/149(2007)取得顯著的進展⁷。還有值得注意的是，阿拉伯國家聯盟有八名成員投下棄權票。阿爾及利亞則共同提案並投票贊成該議案，而索馬里也對這項議案投下贊成票⁸。所有為削弱該議案的修改提議均遭到否決。而聯合國大會將會為一項新的議案及2010年10月的常務秘書長報告進行辯論。

這兩項聯合國大會決議案是非常重要的工具，因為可以用作鼓勵保留死刑國家重新檢討死刑的使用，最終達至所有罪名均廢除死刑。

為迎合聯合國大會第三次會議中對死刑的辯論，國際特赦組織安排了一次專題討論會，並邀請了日本、約旦及美國法官和施刑者參加。與會者告訴聯合國會議代表為何即使是最成熟的司法制度仍未能避免死刑案件中的致命錯誤，以及為何他們反對死刑。

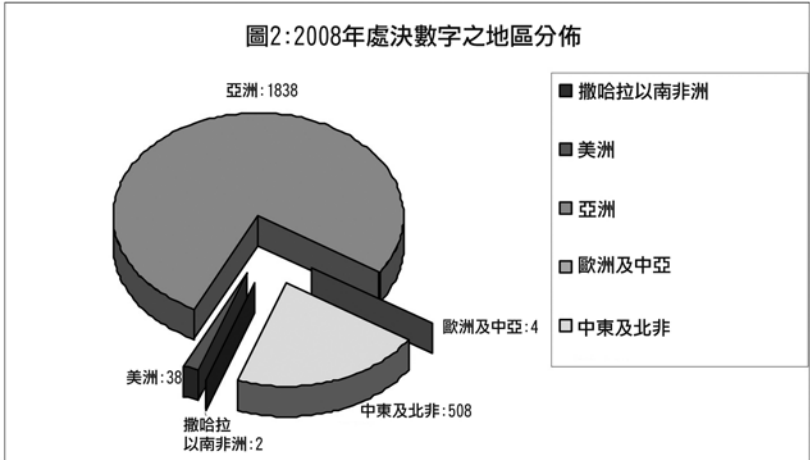
在2008年11月，非洲人權和民族委員會通過了一項議案，號召屬《非洲民權憲章》一方的國家遵守「暫停死刑執行」的議案，務求達致真正地廢除死刑。該項議案對某些非洲國家未能對聯合國兩項決議案及非洲人權和民族委員會於1999年通過的決議案中要求「暫停執行死刑」付諸實行表示關注。而該項決議案也對死刑的施行並未在尊重公平審訊及其他權利的情況下進行表示關注。藉著通過此項決議案，非洲人權和民族委員會已和完全廢除死刑這個全球趨勢接上軌道了。

阿拉伯民間組織、阿拉伯國家聯盟、聯合國人權委員會以及國際間的非政府團體(包括國際特赦組織)的代表在2008年5月於埃及討論聯合國大會決議案62/149(2007)之實施問題。在會議的接近尾聲時，出席人士頒佈了一項聯合聲

明，「促請阿拉伯國家切實執行聯合國大會決議案62/149中關於制定暫停執行死刑法案」(亞歷山卓宣言)。該宣言要求阿拉伯政府採取具體的行動以求循序漸進地廢除死刑，並考慮修改《阿拉伯民權憲章》中第7條，以確保死刑不會施行於少於18歲的人士身上。

5. 地區趨勢

圖二展示了2008年各個地區進行處決的已知最保守估計數字。



5.1. 亞洲地區

亞洲地區在2008年的處決人數比起世界上其他地區處決人數的總和還要多。亞洲國家進行了最少1,838宗處決，佔全球有報告之死刑個案百分之七十六。

以下11個國家在2008年已知進行了總共最少1,838宗的處決個案：**中國**(最少1718宗)、**巴基斯坦**(最少36宗)、**越南**(最少19宗)、**阿富汗**(最少17宗)、**北韓**(最少15宗)、**日本**(15宗)、**印尼**(10宗)、**孟加拉**(5宗)、**蒙古**(最少1宗)、**馬來西亞**(最少1宗)及**新加坡**(最少1宗)。

以下16個國家則已知判處了最少7,767人死刑：**中國**(最少7,003人)、**巴基斯坦**(最少236人)、**孟加拉**(最少185人)、**阿富汗**(131人)、**印度**(最少70人)、**越南**(最少59人)、**日本**(27人)、**馬來西亞**(最少22人)、**印尼**(最少10人)、**台灣**(最少8人)、**新加坡**(5人)、**泰國**(最少3人)、**北韓**(+)、**南韓**(最少2人)、**斯里蘭卡**(2人)及**老撾**(2人)。

在2008年，**中國**最少有1,718人被處決，和最少7,003人已知被判處死刑。這些數字所展示的只是最保守的估計 - 真實的數字毫無疑問將會更高。然而，中國權力機關仍然繼續拒絕公開發佈使用死刑的資訊，意味著在中國死刑是秘密進行的。

在中國，該些面對死刑的人士未有得到公平的審訊，包括沒有即時接觸律師的機會、缺乏無罪推定原則的概念、對司法制度的政治干預及未能拒絕接納通過酷刑而獲得的證據。在2008年5月21日，司法部及最高人民法院(Supreme People's Court/SPC) 聯合頒布了司法解釋，概述了辯護律師在死刑案例的角色。該項司法解釋賦予各級司法局及由政府操控的律師聯會權力，通過提供指引以介入死刑案例。然而，這未能解決已修訂並於2008年6月1日生效的律師法和有關牽涉國家機密案例中與律師接觸的刑事訴訟法條款之間的衝突；實際上，中國當局繼續剝奪嫌疑犯人在牽涉國家機密案件中尋求法律意見的權利。在最高人民法院在2007年1月1日重新取回權力以檢視所有死刑案例以後，當局已經報道判處死刑的數字有所下降；根據最高人民法院的一名高級官員所述，最高人民法院在2008年上半年度推翻了大約百份之十五由高級法院作出的死刑判決⁹。然而，死刑判決及處決的統計數字仍然是國家的機密資料，這根本不可能讓外界的觀察員證實他們所聲稱的事實。

在巴基斯坦，最少36人被處決，並且有最少236人被判處死刑。這令到在巴基斯坦的死囚牢房裡的人數達到最少7,000人。雖然數字仍然高企，但相比起2007年死刑判決已有顯著的減少¹⁰。在6月，國家總理宣佈死刑將會改判為終生監禁。然而在11月，當局頒布一份總統法令，將死刑的刑罰延伸至網路犯罪，而且處決仍然繼續進行。

在越南，即使已經企圖收窄運用死刑的範圍，當地仍然最少有19宗處決和最少59宗死刑判決。

在阿富汗，最少17人被處決和最少131人被判處死刑。阿富汗最高法院維持大約31宗下級法院所作的死刑判決，現在正等待總統卡爾紮伊的批准。大多數的審訊都在違反國際公平標準之下進行的，包括不提供足夠時間讓被告準備抗辯、缺乏合法代表權、依賴薄弱的證據及不讓辯護者傳召及盤問證人。

日本在2008年總共進行了15宗的死刑處決(自1975以來已知的最高數字)。估計大約有100人仍在死囚牢房裡。監獄當局據報以絞刑處決囚犯，通常是秘密進行的。在6月，日本處決了三名囚犯，包括宮崎勤。據其律師所說，他罹患了精神病，並已在拘留所接受精神藥物治療超過10年。死囚牢房內的囚犯日以繼夜地被單獨囚禁，做運動和與人交往的機會均相當有限。他們一般都在行刑當日的早上才被告之他們將被處決，而他們的家人只在進行處決過後才被知會。

在孟加拉，5個人遭到處決，並且最少有185人被判處死刑，令死囚人數達到估計最少1,085人。

在蒙古和北韓，處決仍在繼續進行，而且處決過程隱秘，缺乏透明度。死刑的保密狀態意味著國際特赦組織根本不可能得到有關這兩個國家運用死刑的可靠的數據和資料。

在2008年，第一個針對印度有關死刑法律裁決的主要研究反映了印度死囚的命運難以預料，而其司法系統則充滿了十分嚴重的缺陷¹¹。這項研究突出了法

律及其程序被濫用，以及在死刑案例的調查、審訊、判刑和上訴過程中的專橫武斷及前後矛盾。印度當局雖然聲稱，除了「少數案例中的最罕有情況」以外，他們不會施行死刑；然而，有大量的證據顯示死刑在當地一直都是獨斷、不嚴謹以及被濫用的情況下對付抗辯者的。死刑亦不合比例地特別針對少數民族、貧窮人士及其他弱勢社群。在2008年據報沒有任何的處決案例；然而，卻有最少70人被判處死刑。

在2008年10月，世界反死刑聯盟、國際特赦組織及其伙伴亞太反死刑網絡 (Anti-Death Penalty Asia-Pacific Network/ ADPAN) 為了紀念「第六屆全球反死刑日」，主要在六個亞洲國家進行反死刑運動。有三個國家因為其在廢除死刑獲得進展而獲選，包括**印度**、**南韓**及**台灣**。另外三個 - **日本**、**巴基斯坦**和**越南**，則是因為對其死刑的施用範圍和使用情況表示關注而獲選。

5.2 中東及北非地區¹²

2008年死刑處決數字第二高的地區(佔全球百分之二十一)是中東及北非地區。

以下的九個國家已知進行了總共最少508宗的處決：**伊朗**(最少346宗)、**沙地阿拉伯**(最少102宗)、**伊拉克**(最少34宗)、**也門**(最少13宗)、**利比亞**(最少8宗)、**埃及**(最少2宗)，**巴林**(1宗)、**敘利亞**(最少1宗)及**阿拉伯聯合酋長國**(最少1宗)。

以下10個國家已知判處了最少609人死刑：**伊拉克**(最少285人)、**阿爾及尼亞**(最少200人)、**埃及**(最少87人)**約旦**(最少14人)、**敘利亞**(最少7)、**科威特**(最少6人)、**利比亞**(+)、**摩洛哥/西撒哈拉**(最少4人)、**伊朗**(+)、**沙地阿拉伯**(+)。

在**阿爾及尼亞**、**摩洛哥/西撒哈拉**及**巴勒斯坦自治政府**，數年來均沒有進行死刑處決。

國際特赦組織繼續關注**伊朗**使用死刑的問題。在2008年，他們用一些殘酷和不人道的方​​式處決了最少346人，包括使用石刑和絞刑¹³。不過，公開進行絞刑的數字，在2008年該國首席法官頒布了一項禁令之後，則有所下降。

國際特赦組織亦關注**伊朗**的權力機關提出擴大原本已經相當闊的死刑適用範圍。在2008年，當地通過了一項新法例，容許死刑使用於那些被判干犯非法視聽活動(色情)的囚犯，並草擬了一項法例，規定干犯叛教、邪教、巫術以及一些「宣傳貪污和叛教」的網上犯罪均需判處死刑。

在2008年7月，國際特赦組織以及其他九個人權組織頒布了一項公開聯合聲明，呼籲**伊朗**停止對青少年罪犯施行死刑¹⁴。很多在**伊朗**的人權保衛人士繼續積極進行運動，激烈反對此類的處決，並要求終止以石刑進行處決。但即使他們努力不懈，**伊朗**的權力機關在2008年在公然違反國際法的情況下，仍對8個

青少年罪犯進行處決¹⁵。在2008年，伊朗是已知全球唯一對青少年罪犯進行死刑處決的國家。

死刑及青少年罪犯

根據《公民權利和政治權利國際公約》第6(5)條，及《兒童權利公約》第37條(a)，任何在犯案時未滿18歲的人士均被禁止判處死刑。在歐洲、美洲以及非洲的主要地區條約裡均有類似的規定。

超過100個保留死刑的國家均已將處決青少年罪犯定為非法。然而，有小部分國家，在公然違反國際法的情況下繼續對兒童罪犯進行處決¹⁶。

國際特赦組織也對在2008年3月24日正式生效的《阿拉伯人權憲章》(ACHR)顯然未能禁止對18歲以下青少年實施處決表示關注。該憲章的第七條(a)中列明，除了在國家立法批准的情況下，禁止對18歲以下青少年實施處決。十分明顯，在沒有和《阿拉伯人權憲章》的條約產生衝突的情況下，為某些國家對青少年罪犯實施處決留下了餘地，而這是公然違反《公民權利和政治權利國際公約》和《兒童權利公約》等國際法的¹⁷。

自2007年沙地阿拉伯處決數字開始有驚人的升幅，而2008年也不例外。去年共有102宗的處決數字，平均每周便有兩宗處決¹⁸。幾乎半數的被處決囚犯是其他貧窮和發展中國家的國民，和當地人口相比，這個數字高得不成比例。在沙地阿拉伯，囚犯大都在秘密和不公平的審判中被處刑，而被告，特別是從非洲和亞洲的貧窮國家移居過來的工人，通常都沒有辯護律師，而且不能跟循正常的阿拉伯訴訟程序。他們和很多其他被處決的沙地阿拉伯公民一樣，都只有很少甚至沒有渠道接觸有影響力的人物，如政府權力機關、或是可以為他們求情的部族首領；也沒有機會得到金錢的援助。以上兩者均是確保寬厚裁決不可或缺的要素¹⁹。

沙地阿拉伯是世界上少數的國家近年來繼續對女性進行死刑處決，而且當中有青少年的罪犯，雖然在2008年據報當局並沒有對青少年罪犯進行處決。他們通常以斬首的方式處決囚犯，而且通常都是公開進行的。其中有一些個案，囚犯被處決後更被釘上十字架。在2008年，國際特赦組織收到了一段秘密拍攝的影片，顯示了一名沙地阿拉伯的男子遭到斬首處決的過程²⁰。

在伊拉克，最少34人被處決，還有最少285人被判死刑。這些判決大部分都是由伊拉克中央刑事法庭或是伊拉克最高刑事法庭下達的，而這兩個法庭是為了審訊之前由薩達姆·侯賽因領導的前政府高級官員而設立的。兩院所進行的審訊，包括最後判處死刑並被處決的案例，均未能符合國際公平審訊的標準。

在伊拉克的庫爾德斯坦地區，庫爾德地區政府判處了最少9人死刑，並且進行了最少3宗處決。在2008年中，庫爾德地區共有最少84名待處決的死囚，包括33名在埃爾比勒和47個在蘇萊曼尼亞。在6月，庫爾德議會把2006年增加了獲判死刑罪行的反恐法例，延長了兩年的適用期限。另外，兩名被指與2005年5

月埃爾比勒的汽車炸彈爆炸事件有關的男子，已於4月遭到處決。

在也門，最少有13人在2008年被處決，並且有數百名死囚正在等待被處決。死囚犯人當中包括了一些罹患精神病或其他缺陷的人士、以及未成年人士。另外，有些聽力受損的被告，在要求進行聽覺判讀被拒之後，被判處死刑。

在埃及，最少2人被處決，並且有87人被判處死刑。在當地，使用死刑帶來的爭辯已經越來越多²¹。

5.3 美洲地區

在2008年，美洲地區已知有38宗的處決個案，其中37宗在美國進行，另外1宗則是在雙島國家 — 聖克里斯多福尼維斯進行。

另外，在6個國家共計有最少125人被判處死刑：美國(最少111人)、千里達(10人)、巴哈馬(最少1人)、聖克里斯多福尼維斯(最少1人)、聖文森特和格林納丁斯(最少1人)、及牙買加(1人)。

美利堅合眾國(美國)是美洲地區唯一一個國家繼續定期地進行處決。

在美國，其中九個州份已進行了37宗的處決，包括：德薩斯州(18宗)、維珍尼亞州(4宗)、喬治亞州(3宗)、南卡羅萊納州(3宗)、科羅拉多州(2宗)、俄亥俄州(2宗)、奧克拉荷馬州(2宗)、密西西比州(2宗)及肯塔基州(1宗)。

現在已有更多的證據顯示美國現正慢慢地遠離死刑。自1990年代中的高峰開始，死刑的判決數字持續下跌。2008年所錄得的37宗處決數字是自2005年以來最低的。雖然沒有一項廢除死刑議案在去年獲得通過，然而仍已經在數個州份提出過。再者，有一部分的死刑已改判為終生監禁，其中包括囚犯有長期的精神病紀錄的情況²²。

繼續有報告顯示美國的最高刑罰審判素以武斷、歧視以及失誤見稱。在2008年，四名男子因為無罪的理由，從死囚牢房中獲得釋放，而自1975年以來已有超過120宗的類似案例。這四名男子均已被囚在死刑囚房中超過十年。然而，即使有這一類的錯失被揭發出來，美國仍然繼續處決那些被宣判有罪卻有存疑的囚犯。

德薩斯州繼續成為美國處決囚犯數字最高的州份。其中一個備受關注的個案是在2008年8月5日對一墨西哥國民進行處決的案例。該名墨西哥國民José Medellín因為謀殺兩名女孩，於1994年被判死刑。德州州政府忽視國際間的強烈抗議，包括聯合國常任秘書長要求停止處決的呼籲。即使國際法院在2004年作出了裁決，呼籲當局就針對約瑟·密德林及另外50名墨西哥國民的定罪和判刑作出司法覆核，德州當局仍對其進行處決，並拒絕其接受領事服務，違反國際法²³。

在2008年年末，在古巴關塔那摩灣的美國海軍基地，六名被指是「敵方戰鬥人員」男子正面臨特別軍事法庭的審訊，而在審訊中即將離任的美國政府尋求判處其死刑。全部六人在轉移至關塔那摩灣之前，均已被中央情報局(CIA)秘密單獨囚禁兩至三年。他們都是強迫失蹤的受害者，並且最少有兩人曾被施以稱作「坐水凳」(模擬溺水)的酷刑。而在他們被秘密拘留期間拘留所的環境條件、或是曾遭受了哪些訊問手段的對待，仍然保持機密²⁴。

那些被美國因反恐之名而被拘禁的人士，其無罪推定的權益因為官方假定其有罪之評論而被有組織地逐漸損害。他們遭到強迫失蹤、秘密拘禁、以及酷刑或其他殘酷、不人道和卑劣的對待。這些劣行更加顯示出在法庭進行的審訊必須獨立於那些容忍甚或授權對人權造成侵害的行政及立法機關，並提升對使用死刑的關注。

自2003年開始，**聖克里斯多福尼維斯**成為了美洲地區除美國以外第一個進行處決的國家。在2008年12月19日，即使對於是否用盡了所有的上訴途徑存有懷疑，查里斯·拉普拉斯(Charles Laplace)最終仍被問吊處死。

在**加勒比海地區**，因著罪案率的增加而出現恢復死刑的呼聲讓人感到憂慮。在**牙買加**，立法兩院均投票支持保留死刑。在**巴哈馬**，國家元首及其他政客支持使用絞刑。**安提瓜及巴爾布達**政府提出新的法例，容許對牽涉到使用槍械的罪行實施死刑，即使受害者未有被殺。**圭亞那**國會立法容許對侵犯版權的罪行實施死刑。**千里達、聖文森特和格林納丁斯**及**聖露西亞**的政府發言人均表示會恢復絞刑。而12個說英語的加勒比海國家則是連續第二年全數投票反對聯合國大會「暫停執行死刑」之決議案。

5.4 撒哈拉以南非洲

在撒哈拉以南非洲，只有兩宗已知的處決個案，分別在**博茨瓦納**(1宗)和**蘇丹**(最少1宗)。唯一一個在2008年恢復死刑的國家是**利比亞**。

而在19個非洲國家中已知最少362人被判處死刑，包括：**烏干達**(114人)、**蘇丹**(60人)、**剛果民主共和國**(最少50人)、**尼日利亞**(最少40人)、**埃塞俄比亞**(39人)、**馬里**(最少15人)、**乍得**(最少12人)、**毛里塔尼亞**(8人)、**博茨瓦納**(4)、**加納**(3人)、**幾內亞**(3人)、**塞拉里昂**(3人)、**岡比亞**(2人)、**布基納法索**(1人)、**布隆迪**(1人)、**尼日爾**(1人)、**肯亞**(+)、**馬達加斯加**(+)及**坦桑尼亞**(+)。

利比亞對於干犯搶劫、恐怖主義及劫機的罪犯恢復死刑的判決，這是一個尤其倒退的舉動²⁵。即使利比亞加入了公民權利和政治權利國際公約第二任擇議定書的一方，卻仍然重新引入死刑。

在**蘇丹**，據報只有一宗處決案例，以及有60人被判處死刑。新設立的蘇丹反恐法庭判處了50名宣稱是公義平等運動(Justice and Equality Movement/ JEM)的組織成員死刑，他們被裁定參與在五月時對首都進行武裝攻擊罪名成立。國際特赦組織及其他組織對審訊是否公平表示關注。

在烏干達，民事法庭繼續實施死刑的判罰，但去年並無進行處決。軍事法庭繼續容許死刑，並對烏干達武裝力量的士兵進行處決。然而我們並不清楚去年有無進行處決。

在尼日利亞，最少有40人被判處死刑。這讓死囚人數估計高達735人，包括11名婦女。當中數百人均沒有得到公平的審訊。大約140已被囚在死刑牢房超過10年；有一些則超過20年。大約有80名囚犯被剝奪上訴的權利，因為他們是在1999年之前被搶劫及槍械審裁處判處死刑。大約40名囚犯犯案年齡少於18歲，他們是不應被判處死刑的。聯邦政府不理會死刑國家研究組(2004)和總統改革司法行政委員會(2007)的建議，拒絕通過暫停執行死刑的法令。2008年7月，一項對搶劫或槍械法以終身監禁對取代強制執行死刑的法案，遭到眾議院的否決。聯邦新聞部長在2007年5月宣佈即將獲得釋放的大部分死囚，在2008年末仍然被監禁在死囚牢房。另外，有5名獲判死刑的男子得到奧貢州長官的輕判。在11月，總統特赦一名被囚在死刑牢房22年的男子。在2008年，尼日利亞沒有進行確認的處決。

在剛果民主共和國，去年軍事法庭判處了最少50人死刑，包括平民。

馬里雖然曾經承諾在總統任期屆滿之前廢除死刑，然而去年法庭判處了最少15人死刑。位於塞古的巴馬科巡迴法庭在2008年7月通過了最少2宗死刑判決。Broulaye Bagayogo因為意圖謀殺被判處死刑。Najim Lakhali Aly則因為串謀犯罪、綁架、搶劫及非法藏有武器，被判處死刑。

在8月，乍得的一名法官對流亡的前總統侯賽因·哈布雷及11名武裝反對派領袖定罪並判處死刑，而11名武裝反對派領袖當中包括「改革力量同盟」的首領Timane Erdimi和「全國聯盟」的領袖Mahamat Nouri。法庭裁定他們所犯的罪行破壞了乍得的「憲法秩序、領土完整和安全」。

在塞拉里昂，民間社會努力地推動廢除死刑作為檢討憲章的一部分。現時草擬的憲章讓死刑可因叛國、謀殺或暴力持械行劫的罪行而實施。民間社會和人權捍衛人士正進行遊說工作，確保全面實踐由塞拉里昂真相與和解委員會推薦廢除死刑的報告。與此同時，塞拉里昂的法庭卻繼續通過死刑的判決。

在5月，聯合國人權理事會所作的普遍定期審查(Universal Period Review/ UPR)對加納進行審核。在審查進行期間，數個國家提出了死刑的問題，並建議加納廢除死刑。該國的司法部長對此作出回應：「死刑是在加納憲法3b條款的規定中，這是一項明文確立的條款，需要進行公投和六個月的處理時間以進行修改(...)在2008年大選之後，政府打算對憲法進行修訂，並重新提出這項議題²⁶。」

5.5 歐洲及中亞地區

歐洲是全球唯一一個基本上沒有死刑的地區，唯一的例外是白俄羅斯。在2008年，最少有4人在白俄羅斯遭到處決，而且最少多1人被判處死刑。

在歐洲，邁向廢除死刑的趨勢是連續而且長期的。**俄羅斯聯邦**已經暫停執行死刑超過10年，然而在法律上仍需要對死刑予以完全的廢除。

在中亞地區，廢除死刑的方向十分明確。**哈薩克、吉爾吉斯、塔吉克、土庫曼和烏茲別克**在1991年獨立時仍保留死刑；然而，在2008年9月，**哈薩克、吉爾吉斯、土庫曼**以及**烏茲別克**已在法律上廢除了死刑²⁷。而**塔吉克**則已經暫停判處和執行死刑。

白俄羅斯是歐洲及前蘇聯最後一個仍然執行死刑處決的國家。在白俄羅斯，有關死刑的所有資訊均保持機密。我們沒有該國進行處決的統計數據，但國際特赦組織則估計自1991年以來白俄羅斯獨立以來，有高達400人已被處決。組織已知在2008年最少有4人被處決，而且有多1人被判處死刑。

白俄羅斯的處決方式是朝犯人後腦開槍射擊。親屬並不會得到官方告知處決的日期、或屍體的埋葬地地點。

在**白俄羅斯**，死刑在違反國際法和有關死刑標準下的情況執行，充滿缺陷的司法系統令情況更為惡化。有可靠的證據顯示他們利用酷刑或各種虐待的方法以進行逼供；被判有罪的囚犯可能沒有機會進行有效的上訴；而死刑本身殘酷、不人道和卑劣的本質，因著其秘密進行的性質而更形惡劣。無論是囚犯抑或是其家屬均不會被預先告知處決日期，因此每當囚室的門打開，囚犯都深怕可能會被處決，長期活於驚恐的狀態中。

而囚犯被拘禁的環境條件讓等待處決的體驗更加殘酷、不人道和卑劣。在**白俄羅斯**被判死刑的囚犯據報是囚禁在首都明斯克SIZO第一監獄的地下囚室內，當地官員不願向國際特赦組織證實是否真有其事。

除了作為刑事法的一種制裁手段，死刑更被用來對政治活動進行打壓。2006年3月，在總統選舉之後，國家安全部門(KGB)的首長對潛在的示威者以死刑作威脅：「人們來到廣場(示威)的舉動將被視為干犯恐怖主義的罪行，根據若干法例，罪名成立可被判最少八年監禁，以至最高刑罰死刑²⁸。」

自從脫離蘇聯獨立以後，**白俄羅斯**在終止使用死刑取得了重要的成果。該國已減少使用死刑的範疇，而在2004年，憲法法院裁定死刑是與憲法互相衝突的，可由總統或議會予以廢除。然而，無論行動多麼積極、國際團體如何施壓，**白俄羅斯**的權力機關卻仍未表現出任何政治意願推動有關死刑的公開辯論、或採取任何的立法改革。

在2008年1月1日，**烏茲別克**廢除了死刑。然而，在2008年12月尾，當局仍未就去年的死刑案例開發佈統計數字。包括判處死刑、進行處決及輕判的數字。而被囚在死囚牢房裡因為廢除死刑而自動獲改判為終生監禁的囚犯總人數，亦仍未公佈。

最高法院開始進行重審，並且在2008年4月中或之前改判了17宗死刑為20年或25年的長期監禁，但沒有終生監禁。

直到2008年12月尾，在容許親屬取得被處決囚犯埋葬地點的資訊方面，仍未取得任何進展。另外，對重新調查被告或其家屬宣稱遭到嚴刑逼供的舊案例，有關資料仍然未有發放。而且，即使是聯合國人權委員會裁定對申訴人有利或發現有侵犯人權情況的個案，但當局似乎仍然沒有採取任何作出賠償的行動。

2008年已報告的處決個案

以下的表格總結了2008年已報告的處決和死刑個案數字。這些統計數字只表示了國際特赦組織已知的數據。其他國家可能曾經判處囚犯死刑，但資料卻並未彙報。

這些數字所代表的只是最小的估計數值。

圖例

如果「+」在一個數字之後，這表示該數值為最低數值，真實的數字最少也如下表中所顯示的數值。例如，「47+」意指該國在2008年最少有47宗的死刑處決。

如果「+」之前沒有數字，意思是我們知道該國在2008年有進行處決或判處死刑的案例（最少多於1宗），但我們不知道有多少宗。

國家	處決人數
中國	1718+
伊朗	346+
沙地阿拉伯	102+
美國	37
巴基斯坦	36+
伊拉克	34+
越南	19+
阿富汗	17+
北韓	15+
日本	15
也門	13+
印尼	10
利比亞	8+
孟加拉	5
白俄羅斯	4
埃及	2+

馬來西亞	1+
蒙古	1+
新加坡	1+
蘇丹	1+
敘利亞	1+
亞聯酋	1+
巴林	1
博茨瓦納	1
聖基茨和尼維斯	1

2008年已報告的死刑個案

國家	死刑
中國	7003+
伊拉克	285+
巴基斯坦	236+
阿爾及利亞	200+
孟加拉	185+
阿富汗	131
烏干達	114
美國	111+
埃及	87+
印度	70+
蘇丹	60
越南	59+
剛果民主共和國	50+
尼日利亞	40+
埃塞俄比亞	39
日本	27
馬來西亞	22+
馬里	15+
約旦	14+
乍德	12+
印尼	10+
千里達及托巴哥	10
台灣	8+
毛里塔尼亞	8
敘利亞	7+
科威特	6+
新加坡	5
摩洛哥/西撒哈拉	4+

博茨瓦納	4
泰國	3+
加納	3
幾內亞	3
塞拉利昂	3
南韓	2+
贊比亞	2
老撾	2
斯里蘭卡	2
巴哈馬	1+
聖基茨和尼維斯	1+
聖文森及格瑞那丁	1+
白俄羅斯	1
布基納法索	1
布隆迪	1
牙買加	1
尼日	1
伊朗	+
肯雅	+
利比亞	+
馬達加斯加	+
北韓	+
沙地阿拉伯	+
坦桑尼亞	+

注釋

¹ 生存權和禁止殘酷、不人道和侮辱人格的刑罰，均已在《聯合國世界人權宣言》、《公民權利和政治權利國際公約》、《非洲人權憲章》、《美洲人權公約》、《歐洲人權公約》及其他重要的人權條約中列明。以上的權利也已在多個國家的憲法和其他法律之下得到保障。

² 國際特赦組織是世界反死刑聯盟的創辦成員，該聯盟由超過70個人權組織、律師公會、工會以及地方和地區的權力機構組成。國際特赦組織也協調亞洲反死刑網絡，此網絡則是由來自很多亞洲國家的律師、國會議員、和活躍份子組成的。

³ 包括阿富汗、安地卡及巴布達、巴哈馬、巴林、孟加拉、巴巴多斯、白俄羅斯、伯利茲、博茨瓦納、布隆迪、乍得、中國、科摩羅、古巴、剛果民主共和國、多米尼加、埃及、赤道幾內亞、埃塞俄比亞、危地馬拉、幾內亞、圭亞那、印度、印度尼西亞、伊朗、伊拉克、牙買加、日本、約旦、科威特、黎巴嫩、萊索托、利比亞、馬來西亞、蒙古、尼日利亞、北韓、阿曼、巴基斯坦、巴勒斯坦民族權力機構、卡塔爾、聖基茨和尼維斯、聖盧西亞、聖文森特和格林納丁斯、沙特阿拉伯、塞拉利昂、新加坡、索馬里、蘇丹、敘利亞、台灣、泰國、特立尼達和多巴哥、烏干達、阿拉伯聯合酋長國、美利堅合眾國、越南、也門、津巴布韋

⁴ 國際特赦組織，廢除死刑和保留死刑的國家名單(2008年12月31日)，ACT50/002/2009，2009年3月24日。

⁵ 古巴沒有提供有關死刑的公開數據。然而，人權組織已經作出報告，幾乎所有在死囚牢房的罪犯均已獲得改判。

⁶ 埃塞俄比亞本已投下贊成票，但隨後卻說他們本想投票反對，但出了錯誤。

⁷ 2007年決議案(由87個國家共同提案)的表決結果是：104票贊成、54票反對及29票棄權。

⁸ 阿拉伯國家聯盟成員國在2008年投下棄權票的包括：巴林，吉布提，約旦，黎巴嫩，毛里塔尼亞，摩洛哥，阿曼和阿拉伯聯合酋長國。

⁹ Xie Chuanjiao, 《最高法院於前半年推翻了15%死刑案例》中國日報，2008年6月27日。

¹⁰ 在2007年，135被處決，還有307人遭判處死刑。

¹¹ 這份報告時由國際特赦組織印度分部和公民自由人民聯盟(泰米爾納德邦及本地治里)共同準備的。印度：The Death Penalty in India: A lethal lottery: A study of Supreme Court judgements in death penalty cases 1950-2006 (ASA 20/006/2008).

¹² 以下國家組成了中東及北非地區：阿爾及利亞，巴林，伊朗，伊拉克，以色列，約旦，科威特，黎巴嫩，阿曼，巴勒斯坦民族權力機構，卡塔爾，沙特阿拉伯，敘利亞，埃及，利比亞，摩洛哥/西撒哈拉，突尼斯，阿拉伯聯合酋長國和也門。

¹³ 國際特赦組織收到消息，指在2008年12月26日前後有兩名男子在伊朗的東北遭到石刑的處決。

¹⁴ 公開聯合聲明：伊朗：停止對青少年罪犯進行處決(ASA 13/103/2008)，2008年7月29日

¹⁵ 他們分別是Javad Shojaee (16), Mohammad Hassanzadeh (16 or 17), Hasan Mozafari (under 18), Rahman Shahidi (18以下) Reza Hejazi (15), Behnam Zare (15), Gholamreza H. (17)和Ahmad Zare (17)。括號內為該少年罪犯犯下罪行時的年齡。

¹⁶ 自1990年已知有九個國家曾對在18歲以下時犯下罪行的囚犯進行死刑處決，包括中國、剛果(民

主共和國)、伊朗、尼日利亞、巴基斯坦、沙地阿拉伯、蘇丹、美國和也門。

¹⁷ 條文7(c)列明，不應對「在18歲或以前干犯罪行的人士」施行死刑，「除非當時已生效的法例上有另外列明」。這違反了《兒童權利公約》條文37(a)，以及《公民權利和政治權利國際公約》條文6(5)。各個國家均不能以援引國家法律為由，履行國際條約規定的義務。

¹⁸ 在2006年只錄得39宗的死刑處決。

¹⁹ 國際特赦組織，沙地阿拉伯：Affront to Justice: Death Penalty in Saudi Arabia (MDE 23/027/2008)，2008年10月14日。

²⁰ 國際特赦組織，沙地阿拉伯：Secret video shows horror of Saudi beheading, 2008年4月28日

²¹ 例如，埃及的法律學者出席了一個由瑪阿特法學及憲法研究中心於三月舉行的研討會，同意建議限制死刑只針對四類罪行施行：預謀殺人罪、重大叛國罪、於戰時從事間諜活動、綁架及強姦婦女。

²² 罹患精神病的Levar Walton，獲維珍尼亞州州長由死刑改判為終生監禁。6月27日，北卡羅來納州的一名法官裁定Guy Tobias LeGrande因其嚴重的精神病而無法履行死刑。

²³ 國際特赦組織，死刑/法律關注(德克薩斯州) UA 204/08 (AMR 51/081/2008)，2008年7月17日。

²⁴ 國際特赦組織，美國：The show trial begins: Five former secret detainees arraigned at Guantánamo, 2008年6月6日；美國：Way of life, way of death: Capital charges referred against five former secret detainees, 2008年5月20日；美國：Another CIA detainee facing death penalty trial by military commission, 2008年4月2日。

²⁵ 國際特赦組織，利比利亞：President must veto death penalty bill, 2008年7月18日；利比利亞：Amnesty International calls for repeal of death penalty law signed by Liberian President, 2008年7月25日。

²⁶ 工作小組對《普遍定期審查》的報告：加納 UN. Doc. A/HRC/8/36 (2008年5月29日)。

²⁷ 在哈薩克，施行死刑的範圍由10項「特別嚴重」的罪行減至1項（從事恐怖活動引致他人死亡）。至於戰爭罪行，死刑則仍然有效。在吉爾吉斯，全部174名死刑囚犯的案例，將會由最高法院於6個月內重新審理。審理則仍然進行中。

²⁸ 引錄自“Violations of Human Rights in Belarus in 2006. Analytical Review”，維阿斯納人權組織<http://spring96.org/en/edition>

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1. Overview

In 2008 the world moved even closer towards abolition of the death penalty.

In December, the United Nations General Assembly (UN GA) adopted by a large majority a second resolution calling for a moratorium with a view to abolish the death penalty. This resolution consolidates three decades of steady progress towards complete abolition of the death penalty.

Developments at the UN provided a welcome boost to campaigners working across the globe to prohibit the death penalty. It also prompted some small but significant steps at the regional level. Notably, the African Commission on Human and Peoples' Rights again called on African states that still retain the death penalty to observe a moratorium on executions in the region with a view to abolish the death penalty.

Europe and Central Asia is now virtually a death penalty free zone following the abolition of the death penalty in **Uzbekistan** for all crimes. There is just one country left – **Belarus** – that still carries out executions.

In the **Americas**, only one state – the **United States of America (USA)** - consistently executes. However, even the USA moved away from the death penalty in 2008. This year, the smallest number of executions since 1995 was reported in the USA.

The majority of countries now refrain from using the death penalty. Furthermore, in 2008 Amnesty International recorded only 25 out of 59 countries that retain the death penalty actually carried out executions. The practice of states indicates that there is increasing consolidation of majority international consensus that the death penalty cannot be reconciled with respect for human rights.

Despite positive developments a number of tough challenges remain. Countries in **Asia** carried out more executions in 2008 than the rest of the world put together. The region with the second highest number of reported executions was the **Middle East**.

In 2008, at least 2,390 people were known to have been executed in 25 countries and at least 8864 people were sentenced to death in 52 countries around the world.

Some of the methods used to execute people in 2008 included beheading, electrocution, hanging, lethal injection, shooting and stoning.

Continuing the trend from previous years, in 2008 **China, Iran, Saudi Arabia, Pakistan** and the **United States of America** were the five states with the highest rate of executions. Together they carried out (93%) of all executions worldwide.

In some states the use of the death penalty remained shrouded in secrecy. In **China, Belarus, Mongolia** and **North Korea** executions were carried out in a secretive manner or without transparency.

As in previous years a large number of death sentences were handed down in trials that failed to meet internationally recognised standards of fairness. A concerning number of executions were carried out after proceedings that relied upon confessions solicited through torture in violation of international law. The authorities of **Iran** continued to execute prisoners who were under 18 at the time of the alleged offence in flagrant violation of international law.

This document summarises Amnesty International's global research on the death penalty. Information was gathered from various sources including official statistics (where available), non-governmental and inter-governmental organisations, human rights defenders, the media and interviews with survivors of human rights violations.

All of the figures in this document are minimum estimates only and we use the largest figure that can safely be inferred from our research.

Where "+" is indicated after a country and it is preceded by a number, it means that we know that there were executions or death sentences (at least more than one) in that country but we do not know how many.

This document is accompanied by two others (ACT 50/001/2009 - Ratifications of International Treaties. ACT 50/002/2009 - List of abolitionist and retentionist countries).

2. Amnesty International's countdown to a death penalty free world

Amnesty International campaigns for the total abolition of the death penalty. Amnesty International believes that the death penalty violates the right to life and is the ultimate cruel, inhuman and degrading punishment.¹ Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner.

Amnesty International believes that the death penalty legitimizes an irreversible act of violence by the state. Research demonstrates that the death penalty is often applied in a discriminatory manner being used disproportionately against the poor, minorities and members of racial, ethnic and religious communities. The death penalty is often imposed after a grossly unfair trial. But even when trials respect international standards of fairness, the risk of executing the innocent can never be fully eliminated - the death penalty will inevitably claim innocent victims, as has been persistently demonstrated.

The death penalty not only runs the risk of irrevocable error, it has not been proven to have a special deterrent effect. It denies the possibility of rehabilitation. It promotes simplistic responses to complex human problems, rather than pursuing solutions. It consumes resources that could be better used to work against violent crime and assist those affected by it. It is a symptom of a culture of violence, not a solution to it. It is an affront to human dignity.

Since 1977 Amnesty International has campaigned to abolish the death penalty.² The campaign will continue until we finally see a world free of this most cruel, inhumane and degrading punishment. For more information see: <http://www.amnesty.org/en/death-penalty>

3. The global picture

In total **59 countries retain the death penalty**.³ More than two-thirds of the countries in the world have now abolished the death penalty either in law or in practice (abolitionist states).⁴

Abolitionist states in law and practice

Abolitionist for all crimes: 92

Abolitionist for ordinary crimes only: 10

Abolitionist in practice: 36

Total abolitionist in law or practice: 138

In 2008, at least 2,390 people were known to have been executed in 25 countries and is estimated that at least 8864 people were sentenced to death in 52 countries around the world.

The following countries carried out executions in 2008: **China** (at least 1,718), **Iran** (at least 346), **Saudi Arabia** (at least 102), **USA** (37), **Pakistan** (at least 36), **Iraq** (at least 34), **Viet Nam** (at least 19), **Afghanistan** (at least 17), **North Korea** (at least 15), **Japan** (15), **Yemen** (at least 13), **Indonesia** (10), **Libya** (at least 8), **Bangladesh** (5), **Belarus** (4), **Egypt** (at least 2), **Malaysia** (at least 1), **Mongolia** (at least 1), **Sudan** (at least 1), **Syria** (at least 1), **United Arab Emirates** (at least 1), **Bahrain** (1), **Botswana** (1), **Singapore** (at least 1) and **St Kitts and Nevis** (1).

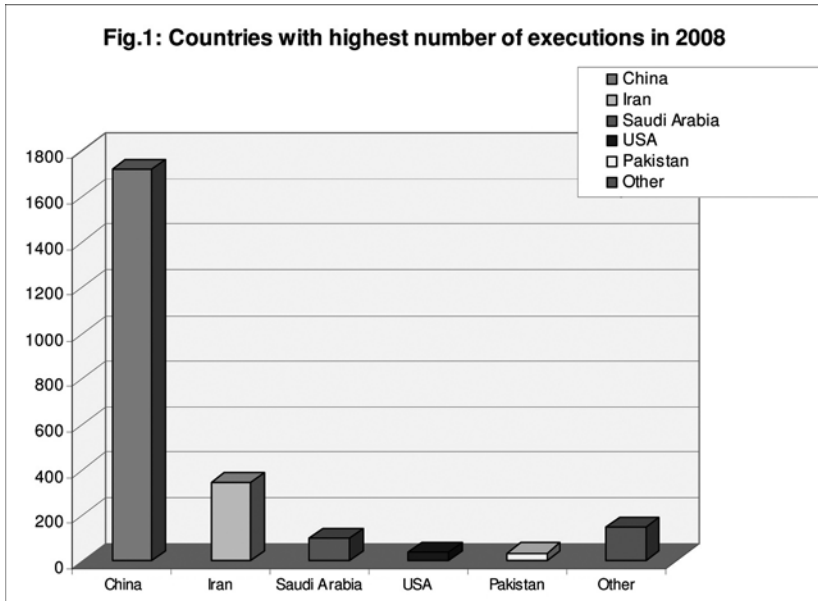
Some of the methods used to carry out executions in 2008 included **beheading** (Saudi Arabia), **hanging** (Bangladesh, Botswana, Egypt, Iran, Iraq, Japan, Malaysia, Pakistan, St. Kitts & Nevis, Singapore, Sudan) **lethal injection** (China, USA), **shooting** (Afghanistan, Belarus, China, Indonesia, Iran, Mongolia, Viet Nam), **stoning** (Iran) and **electrocution** (USA).

Amnesty International knows of 13 countries that have carried out executions every year for the last 5 years: **China, Bangladesh, Belarus, Indonesia, Iran, Japan, North Korea, Pakistan, Saudi Arabia, Singapore, Viet Nam, Yemen and the USA.**

As in previous years, the five countries with the highest number of executions in 2008

were **China, Iran, Saudi Arabia, Pakistan** and the **United States of America** (Fig. 1). Together these five countries carried out 93% of all executions carried out in 2008. These countries provide the greatest challenge towards global abolition of the death penalty.

In 2008, there was a growing reluctance among those countries that do retain the death penalty to use it in practice. In 2008, only 25 out of 59 countries that retain the death penalty carried out executions. Those countries that choose to use this cruel, inhuman and degrading punishment are increasingly in the minority



In 2008 there was yet again a reduction in the number of countries that retain the death penalty. Two states abolished the death penalty for all crimes in 2008 (**Uzbekistan** and **Argentina**).

Reforms towards abolition are also underway in countries such as **Burundi, Mali** and **Togo**. In **Lebanon**, the Minister of Justice submitted a draft law proposing abolition of the death penalty. In **Algeria**, a group of opposition deputies submitted a draft law proposing abolition of the death penalty to parliament at the occasion of the 60th anniversary of the Universal Declaration of Human Rights.

A number of countries also took the first steps towards reducing the scope of the death

penalty, including **Viet Nam**. Although the proposal submitted by the Minister of Justice in **Viet Nam** to remove the death penalty from the Penal Code for seventeen offences was not agreed by the National Assembly it was an encouraging first step.

A number of countries also commuted death sentences to terms of imprisonment. It was reported that all 31 prisoners on death row in **Kazakstan** had their sentences commuted to life imprisonment. In **Cuba**, the President announced that virtually all death sentences would be commuted to prison terms.⁵ In **Cameroon**, the President announced the commutation of some death sentences, although it is not clear how many prisoners this will affect.

4. Positive trends: moving towards global abolition of the death penalty

In 2008 the world moved yet closer towards total abolition of the death penalty.

On 18 December 2008, the UN GA adopted **resolution 63/168 (2008) “moratorium on the use of the death penalty”**. Resolution 63/168 builds upon the 2007 UN GA resolution which expressed concern at the application of the death penalty and called on states that still retain it to, inter alia, respect international safeguards guaranteeing the rights of those facing the death penalty, to reduce the number of offences for which the death penalty may be imposed and to establish a moratorium on executions with the view to abolishing the death penalty. The resolution requests the UN Secretary-General to provide a report on progress made in the implementation of resolutions 62/149 and 63/168 for consideration during its sixty-fifth session in 2010, and calls upon Member States to provide the Secretary-General with information in this regard.

The adoption of a second moratorium resolution by the body composed of all UN member states is a powerful and timely reassertion of UN commitment to work towards abolition of the death penalty.

89 States cosponsored the 2008 resolution and there were 106 votes in favour, 46 against and 34 abstentions.⁶ This represents a significant improvement on the vote on the UN GA moratorium resolution 62/149 (2007).⁷ It is also significant that eight members of the League of Arab States abstained. Algeria cosponsored and voted for the resolution. Somalia also voted for the resolution.⁸ All proposed amendments to weaken the resolution were defeated. The UN GA will next debate a new resolution and the Secretary-General’s report in October 2010.

These two UN GA resolutions are important tools that can be used to encourage retentionist countries to review their use of capital punishment and ultimately abolish the death penalty for all crimes.

To coincide with the death penalty debate at the Third Committee of the UN GA, Amnesty International organised a panel discussion with judges and prosecutors from Japan, Jordan, and the USA. Panellists told UN delegates why judicial systems, even the most developed ones, fail to prevent fatal mistakes in death penalty cases and why they now

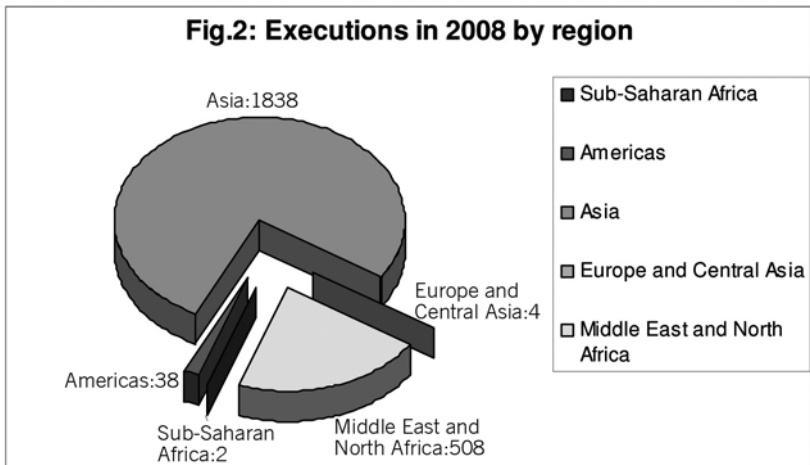
oppose the death penalty.

In November 2008 the **African Commission on Human and Peoples' Rights** adopted a resolution calling upon state parties to the African Charter on Human and Peoples' Rights to observe a moratorium with a view to abolish the death penalty. The resolution expresses concern at the failure of some African states to give effect to UN resolutions and the African Commission's own resolution (1999) calling for a moratorium. The resolution also expresses concern at the application of the death penalty in conditions not respectful of the right to a fair trial and other human rights. By adopting the resolution the African Commission has aligned itself with the global trend towards abolishing the death penalty.

Representatives of Arab civil society, the League of Arab States, the UN Office of the High Commissioner for Human Rights, as well as international non-governmental organisations (including Amnesty International) met in Egypt in May 2008 to discuss the implementation of UN GA resolution 62/149 (2007). At the conclusion of the meeting those present issued a joint declaration "calling upon Arab countries to implement UN GA resolution 62/149 on the establishment of a moratorium on the death penalty" (**the Alexandria Declaration**). The Declaration calls upon Arab governments to take concrete steps to progressively abolish the death penalty and to consider amending article 7 of the Arab Charter on Human Rights in order to ensure that the death penalty is not applied to those under the age of 18.

5. Regional trends

Fig. 2 illustrates the minimum estimated number of reported executions carried out by region in 2008.



5.1. Asia

More people were executed in Asia in 2008 than in the rest of the world put together. At least 1,838 (76%) of all total reported executions were carried out by Asian states.

The following 11 countries are known to have carried out a total of at least 1,838 executions in 2008: **China** (at least 1718), **Pakistan** (at least 36), **Viet Nam** (at least 19), **Afghanistan** (at least 17), **North Korea** (at least 15), **Japan** (15), **Indonesia** (10), **Bangladesh** (5), **Mongolia** (at least 1), **Malaysia** (at least 1), and **Singapore** (at least 1).

The following 16 countries are known to have sentenced a total of at least 7767 people to death: **China** (at least 7003), **Pakistan** (at least 236), **Bangladesh** (at least 185), **Afghanistan** (131), **India** (at least 70), **Viet Nam** (at least 59), **Japan** (27), **Malaysia** (at least 22), **Indonesia** (at least 10), **Taiwan** (at least 8), **Singapore** (5), **Thailand** (at least 3), **North Korea** (+), **South Korea** (at least 2), **Sri Lanka** (2) and **Laos** (2).

In **China**, at least 1,718 people were executed and at least 7,003 people were known to

have been sentenced to death in 2008. These figures represent minimum estimates - real figures are undoubtedly higher. However, the continued refusal by the Chinese authorities to release public information on the use of the death penalty means that in China the death penalty remains shrouded in secrecy.

In **China** those facing capital charges do not receive fair trials. Failings include the lack of prompt access to lawyers, a lack of presumption of innocence, political interference in the judiciary and failure to exclude evidence extracted through torture. On 21 May 2008 the Ministry of Justice and the Supreme People's Court (SPC) jointly issued a judicial interpretation outlining in one document the defence lawyers' role in capital cases. The judicial interpretation authorizes justice bureaus and government-controlled lawyers associations to intervene in death penalty case by providing guidance. It fails however to address the conflicts between the revised Lawyers' Law, effective since 1 June 2008, and the Criminal Procedure Law regarding provisions on access to lawyers in cases involving state secrets. In practice, the Chinese authorities continue to deprive criminal suspects' access to legal advice on state secret grounds. After the SPC took back the power to review all death sentences on 1 January 2007, authorities have been reporting a drop in the number of death sentences. According to a senior SPC official, the SPC overturned about 15 per cent of the death sentences handed down by high courts in the first half of 2008.⁹ However, statistics on death sentences and executions remain state secrets and it is impossible for external observers to verify this claim.

At least 36 people were executed and at least 236 sentenced to death in **Pakistan**. This brings the estimated number of people on death row in Pakistan to at least 7,000. Although the statistics are high there was a marked reduction in sentences as compared with 2007.¹⁰ In June the Prime Minister announced that death sentences would be commuted to life imprisonment. Despite this a Presidential Ordinance was issued in November that extended the death penalty to cyber crimes and executions continued.

In **Viet Nam** despite an encouraging attempt to reduce the scope of the death penalty, there were at least 19 executions and at least 59 death sentences.

In **Afghanistan** at least 17 people were executed and at least 131 others sentenced to death. The Supreme Court of Afghanistan upheld around 31 death sentences issued by lower courts and which now await President Karzai's approval. The trial proceedings in most cases violated international standards of fairness, including providing inadequate time for the accused to prepare their defence, lack of legal representation, reliance on weak evidence and the denial of the defendants' right to call and examine witnesses.

Japan carried out a total of 15 executions in 2008 (the highest known number since

1975). There are estimated to be approximately 100 people on death row. The prison authorities reportedly carry out executions by hanging, usually in secret. In June, Japan executed three men, including Miyazaki Tsutomu. According to his lawyer, he was mentally ill and had been receiving psychiatric medical treatment in the detention centre for more than a decade. Death row inmates continued to be confined to single cells, day and night, with limited opportunity to exercise or socialise. They were typically notified of their execution only on the morning of their execution, and their families were informed only after the execution had taken place.

In **Bangladesh** five people were executed and at least 185 people were sentenced to death, bringing the estimated number of prisoners on death row to at least 1,085.

In both **Mongolia** and **North Korea** executions were carried out and proceedings were marked by secrecy and a lack of transparency. The secrecy surrounding the death penalty in these two countries means that it is impossible for Amnesty International to gain reliable statistics and information about the use of the death penalty in these two countries.

In 2008, the first major study of **India's** legal rulings on death penalty revealed that the fate of prisoners on death row is a lottery and that the system is riddled with fatal flaws.¹¹ The study highlights the abuse of law and procedure and arbitrariness and inconsistency in the investigation, trial, sentencing and appeal stages in death penalty cases. The death penalty in India has not been used only in the "rarest of rare cases" - as claimed. On the contrary, there is ample evidence to show that the death penalty has been an arbitrary, imprecise and abusive means of dealing with defendants. The death penalty is also used disproportionately against ethnic minorities, the poor or other disadvantaged groups. There were no reported executions in India in 2008. However, at least 70 people were sentenced to death.

On 10 October 2008 the World Coalition Against the Death Penalty, Amnesty International and its partner the Anti-Death Penalty Asia Pacific Network (ADPAN) commemorated the Sixth World Day against the Death Penalty by focused campaigning on six Asian countries. Three countries were chosen because of progress towards abolition of the death penalty - **India, South Korea** and **Taiwan**. The others - **Japan, Pakistan** and **Viet Nam** - were chosen because of concerns about the scope and application of the death penalty.

5.2 Middle East and North Africa¹²

The region with the second highest number (21%) of executions in 2008 was the Middle East and North Africa.

The following nine countries were known to have carried out a total of at least 508 execu-

tions: **Iran** (at least 346), **Saudi Arabia** (at least 102), **Iraq** (at least 34), **Yemen** (at least 13), **Libya** (at least 8), **Egypt** (at least 2), **Bahrain** (1), **Syria** (at least 1) and the **United Arab Emirates** (at least 1).

The following 10 countries are known to have sentenced a total of at least 609 people to death: **Iraq** (at least 285), **Algeria** (at least 200), **Egypt** (at least 87), **Jordan** (at least 14), **Syria** (at least 7), **Kuwait** (at least 6), **Libya** (+), **Morocco/Western Sahara** (at least 4), **Iran** (+), **Saudi Arabia** (+).

No executions have been carried out for some years in **Algeria**, **Morocco/Western Sahara** and by the **Palestinian Authority**.

Amnesty International remained concerned about the application of the death penalty in **Iran**. Some of the cruel and inhumane methods used to execute at least 346 people in 2008 included stoning and hanging.¹³ The number of public hangings in Iran decreased in 2008 after the Chief Justice issued a decree banning them.

Amnesty International was also concerned about proposals by the authorities in **Iran** to widen further the already wide scope of application of the death penalty. In 2008 a new law was passed that allows the application of the death penalty against people convicted of illegal audiovisual activities (pornography) and a proposed law prescribing the death penalty for apostasy, heresy and witchcraft and for certain internet-related crimes that “promote corruption and apostasy” was being drafted.

In July 2008 Amnesty International and nine other human rights organisations issued a joint public statement calling for an end to the execution of juvenile offenders in Iran.¹⁴ Many human rights defenders in Iran continue to campaign vigorously against such executions and for an end to executions by stoning. Despite these efforts the authorities in **Iran** executed eight juvenile offenders in 2008 in flagrant violation of international law.¹⁵ Iran was the only country in the world in which juvenile offenders were known to have been executed in 2008.

THE DEATH PENALTY AND JUVENILE OFFENDERS

Article 6(5), ICCPR and Article 37(a) of the CRC prohibit anyone under 18 years old at the time the crime was committed from being sentenced to death. The major regional treaties in Europe, the Americas and Africa also have similar provisions.

More than 100 countries that retain the death penalty for some crimes have outlawed the execution of juvenile offenders. A small number of countries, however, continued to execute child offenders in flagrant violation of international law.¹⁶

Amnesty International is concerned that the **Arab Charter on Human Rights (ACHR)**, which entered into force in 24 March 2008, clearly fails to prohibit the imposition of the death penalty on those under the age of 18. Article 7(a) of the Charter prohibits the imposition of the death penalty against persons under 18 years of age except where it is permitted under national legislation. This, clearly, leaves room for states to execute juvenile offenders in flagrant violation of international law, in particular the ICCPR and the CRC, but without necessarily breaching the terms of the ACHR.¹⁷

The sharp increase in executions in **Saudi Arabia** that commenced in 2007 continued into 2008. There were at least 102 executions – at an average rate of two executions every week.¹⁸ Almost half of those executed were foreign nationals from poor and developing countries. This is a disproportionately high number in relation to the local population. In Saudi Arabia, prisoners are sentenced in largely secret and unfair trials and defendants, particularly poor migrant workers from countries in Africa and Asia, often have no defence lawyer and are unable to follow court proceedings in Arabic. They, and many of the Saudi Arabians who are executed, also have little or no access to influential figures such as government authorities or heads of tribes who can intercede in their behalf, or to money – both crucial factors in securing clemency.¹⁹

Saudi Arabia is one of the few states in the world in which the authorities continue to execute women and in which juvenile offenders have been executed in recent years, although no executions of juvenile offenders were reported in 2008. Execution is usually by beheading, generally in public. In some cases, crucifixion follows execution. Secretly filmed footage of a man being beheaded in Saudi Arabia was received by Amnesty International in 2008.²⁰

In **Iraq** at least 34 people were executed and at least 285 were sentenced to death, mostly by the Central Criminal Court of Iraq or by the Supreme Iraqi Criminal Tribunal, established to try former senior officials of the previous government headed by Saddam Hussain. Trials before both courts failed to meet international fair trial standards, including in cases which resulted in executions.

In Iraq's **Kurdistan Region**, at least nine people were sentenced to death and at least three executions were carried out by the Kurdish Regional Government (KRG) authorities. In mid-2008, at least 84 people were on death row in the Kurdish Region, including 33 in Erbil and 47 in Sulaimaniya. In June, the Kurdish parliament extended the application of the 2006 Anti-terrorism law, which increased the number of capital offences, for a further two years. Two men were executed in April after being convicted in connection with a car bomb explosion in May 2005 in Erbil.

In **Yemen**, at least 13 people were executed in 2008 and hundreds were on death row. Death row prisoners included individuals suffering from mental or other disabilities and minors. Defendants with impaired hearing were sentenced after being denied interpretation facilities.

In **Egypt**, at least two people were executed and 87 people sentenced to death. There was increasing debate on the use of the death penalty within the country.²¹

5.3 The Americas

During 2008, 38 executions were known to have been carried out in the Americas – 37 in the USA and one in the twin island state of **St Kitts and Nevis**.

At least 125 people were sentenced to death in six countries: **USA** (at least 111), **Trinidad and Tobago** (10), **Bahamas** (at least 1), **Saint Kitts and Nevis** (at least 1), **Saint Vincent and Grenadines** (at least 1), and **Jamaica** (1).

The **United States of America** (USA) remains the only country in the Americas that regularly executes.

In **USA**, 37 executions were carried out by the authorities in nine states: Texas (18), Virginia (4), Georgia (3), South Carolina (3), Florida (2), Ohio (2), Oklahoma (2), Mississippi (2), Kentucky (1).

There is increasing evidence that the USA itself is slowly turning away from the death penalty. Sentences have continued to drop since the peak in the mid-1990s. The 37 executions carried out in 2008 represented the lowest number since 2005. Abolitionist bills were introduced in a number of states, although none was passed during the year. Furthermore, a number of death sentences were commuted to life imprisonment, including in the case of a prisoner with a long history of mental illness.²²

Reports continue to demonstrate that capital justice in the **USA** is marked by arbitrariness, discrimination and error. During 2008, four more men were released from death rows on grounds of innocence, bringing to more than 120 the number of such cases since 1975. The four men had all spent more than a decade on death row. Despite such revelations about mistakes, states continue to execute even where there are doubts about the condemned prisoners' guilt.

Texas continues to execute more people than any other state in the USA. One case of particular concern was the execution on 5 August 2008 of Mexican national José Medellín who was sentenced to death in 1994 for his part in the murder of two girls. The state of

Texas ignored international outcry, including appeals from the UN Secretary-General for the execution to be stopped. The authorities carried out the execution despite a 2004 judgement by the International Court of Justice which called for judicial review and reconsideration of convictions and sentencing of José Medellín and 50 other Mexican national also denied the right to consular services in violation of international law.²³

At the end of the year, six men held as “enemy combatants” in the US Naval Base in Guantánamo Bay, Cuba, were facing military commission trials at which the outgoing US administration was intending to seek the death penalty. All six had been held in secret incommunicado detention by the Central Intelligence Agency (CIA) for between two and three years before being transferred to Guantánamo Bay. They were victims of enforced disappearance and at least two of them had been subjected to a form of water torture known as “waterboarding” (simulated drowning). What other interrogation techniques and conditions of detention they had endured in secret custody remained classified.²⁴

Detainees held by the **USA** in the name of counter-terrorism have had their right to the presumption of innocence systematically undermined by a pattern of official commentary on their presumed guilt. They have been subjected to enforced disappearance, secret detention and torture or other cruel, inhuman or degrading treatment. Such abuses heighten the need for any trials to take place before courts independent of the executive and legislative branches which have authorized or condoned these human rights violations and it raises concern about the application of the death penalty.

St Kitts and Nevis became the first country in the Americas outside of the USA to carry out an execution since 2003. On 19 December 2008 Charles Laplace was hanged despite remaining doubts as to whether all avenues of appeal had been exhausted.

In the **Caribbean** there were worrying calls for the resumption of executions as a response to increasing rates of crime. In **Jamaica**, both houses of the legislature voted to retain capital punishment. In the **Bahamas** the Prime Minister and other politicians committed themselves to carrying out hangings. The government of **Antigua and Barbuda** proposed laws to allow for the imposition of the death penalty for crimes involving guns even if the victim is not killed. The Parliament of **Guyana** approved legislation to impose the death penalty for piracy. Government spokespersons in **Trinidad and Tobago**, **St Vincent and the Grenadines** and **St Lucia** all undertook to resume hangings. For the second year running all 12 English-speaking Caribbean nations voted against the UN GA on the moratorium.

5.4 Sub-Saharan Africa

In sub-Saharan Africa, there were only two known executions carried out in **Botswana** (1) and **Sudan** (at least one). The only country to reintroduce the death penalty in 2008 was

the state of **Liberia**.

At least 362 people were known to have been sentenced to death in 19 African countries: **Uganda** (114), **Sudan** (60), **Democratic Republic of Congo** (at least 50), **Nigeria** (at least 40), **Ethiopia** (39), **Mali** (at least 15), **Chad** (at least 12), **Mauritania** (8), **Botswana** (4), **Ghana** (3), **Guinea** (3), **Sierra Leone** (3), **Gambia** (2), **Burkina Faso** (1), **Burundi** (1), **Niger** (1), **Kenya** (+), **Madagascar** (+), and **Tanzania** (+).

In a particularly regressive move **Liberia** reintroduced the death penalty for the crimes of robbery, terrorism and hijacking.²⁵ Liberia reintroduced the death penalty despite being a party to Second Optional Protocol to the International Covenant on Civil and Political Rights.

In **Sudan** there was only one reported execution but 60 people were sentenced to death. The newly set-up Sudanese counter-terrorism courts sentenced to death 50 alleged members of the Justice and Equality Movement (JEM), found guilty of participating in an armed attack on the capital in May. Amnesty International and other organizations expressed concern over the fairness of the trials.

In **Uganda** civilian courts continued to impose the death penalty but there were no executions. Military courts continued to hand down death sentences and order executions of soldiers in Uganda's armed forces. It was not clear whether there were any executions.

In **Nigeria** at least 40 death sentences were handed down. This brings the total estimated number on death row to 735, including 11 women. Hundreds did not have a fair trial. Approximately 140 people have been on death row for longer than 10 years; some for over 20 years. Around 80 were denied the right to an appeal as they were sentenced before 1999 by the Robbery and Firearms Tribunal. Approximately 40 were under the age of 18 at the time of the offence and should not have been sentenced to death. The Federal Government ignored the recommendations by the National Study Group on the Death Penalty (2004) and the Presidential Commission on Reform of the Administration of Justice (2007) to adopt a moratorium. In July 2008, a bill to abolish the mandatory death penalty under the Robbery and Firearms Act and replace it with life imprisonment was defeated in the House of Representatives. By the end of 2008, most prisoners whose forthcoming release was announced by the Federal Minister of Information in May 2007 were still on death row. Five men had their sentences commuted by the Ogun State governor. In November, the President pardoned a man who had spent 22 years on death row. No confirmed executions were carried out in 2008.

In the **Democratic Republic of Congo** military courts sentenced at least 50 people to death

during the year, including civilians.

Despite promises by **Mali** to abolish the death penalty before the end of the President's term, the courts sentenced at least 15 people to death in 2008. At least two death sentences were passed by the Assize court of Bamako seating in Ségou in July 2008. Broulaye Bagayogo was sentenced to death for attempted murder. Najim Lakhal Aly was sentenced to death for conspiracy, kidnapping, robbery and illegal possession of weapons.

In August, a judge in **Chad** convicted and sentenced to death exiled former President Hissène Habré and 11 armed opposition leaders, including Timane Erdimi, leader of the Rally of Forces for Change, and Mahamat Nouri, leader of the National Alliance. The court convicted them in their absence for crimes against Chad's "constitutional order, territorial integrity and security."

In Sierra Leone civil society pushed hard for the death penalty to be abolished as part of the review of the Constitution. The current draft Constitution provides for the death penalty in cases of treason, murder and armed robbery with violence. Civil society and human rights defenders are lobbying to ensure full implementation of the report by the Sierra Leone Truth and Reconciliation Commission which recommends the abolition of the death penalty. In the meantime courts in Sierra Leone continue to pass sentence of death.

In May, **Ghana** was examined as a part of the Universal Period Review (UPR) carried out by the UN Human Rights Council. During the UPR review several countries raised the issue of the death penalty and recommended that Ghana abolish it. In its response, the Minister of Justice stated that: "The death penalty is enshrined in Ghana's Constitution in article 3b, which is an entrenched clause requiring amendment by referendum and a six-month process. (...) After the elections in 2008, the Government intends to review the Constitution and the issue will be raised again".²⁶

5.5 Europe and Central Asia

Europe is the only virtually death penalty-free region of the world, the only exception being Belarus where at least four people were known to be executed and at least one more sentenced to death in 2008.

In Europe there is a solid and long-standing trend towards abolition of the death penalty. The **Russian Federation** has held a moratorium on executions and death sentences for more than ten years but still needs to abolish the death penalty in law.

In **Central Asia**, there is a clear move towards abolition. **Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan** and **Uzbekistan** retained the death penalty when they gained

independence in 1991. However, by September 2008 **Kazakstan, Kyrgyzstan, Turkmenistan** and **Uzbekistan** had abolished the death penalty in law.²⁷ **Tajikistan** has moratoria on executions and death sentences.

Belarus is the last country in Europe and in the former Soviet Union that is still carrying out executions. All information on the death penalty in Belarus is kept secret. There are no available statistics for the number of executions, but Amnesty International estimates that as many as 400 people may have been executed since Belarus gained its independence in 1991. The organisation knows that at least four people were executed in 2008 and one more sentenced to death.

Execution in Belarus is by a gunshot to the back of the head, and relatives are not officially told of the date of the execution or where the body is buried.

In **Belarus** the use of the death penalty is compounded by a flawed criminal justice system that administers capital punishment in a manner that violates international laws and standards pertaining to the death penalty. There is credible evidence that torture and other ill-treatment are used to extract “confessions”; condemned prisoners may not have access to effective appeal mechanisms; and the inherently cruel, inhuman and degrading nature of the death penalty is compounded for death row prisoners and their relatives by the secrecy surrounding the death penalty. Neither prisoners nor their families are told the execution date in advance and prisoners must live with the fear that every time their cell door opens they may be taken for execution.

The conditions in which the prisoners are kept exacerbate the inherently cruel, inhuman and degrading experience of waiting for the death penalty to be carried out. Prisoners condemned to death in Belarus are reportedly held in basement cells in SIZO No. 1 in Minsk. Officials would not confirm to Amnesty International whether this was the case.

In addition to its use as a sanction under criminal law, the threat of execution has also been used to suppress political activity. In March 2006, following the presidential elections, the head of the state security services (KGB) threatened potential demonstrators with the death penalty: “The actions of people who come to the square [to demonstrate] will be assessed as terrorism, which is punished according to various articles with eight years’ imprisonment to the death penalty”.²⁸

Since gaining its independence from the USSR Belarus has taken some significant steps towards ending the use of the death penalty. It has reduced the scope of the death penalty, and a Constitutional Court decision in 2004 found that the death penalty was in conflict with the Constitution and that it could be abolished by the President and Parliament.

However, despite these positive moves and pressure from international organizations the Belarusian authorities have not yet demonstrated any political will to initiate public debate on the topic or to make the necessary legislative changes.

On the 1 January 2008, **Uzbekistan** abolished the death penalty. However, by the end of December 2008 authorities had still not published statistics on the death penalty for previous years, including the number of sentences, executions and commutations. The total number of people on death row who had their sentences automatically commuted to life imprisonment upon abolition was also not published.

The Supreme Court started reviewing death sentences and by mid-April 2008 had commuted at least 17 death sentences to long prison terms, either 20 or 25 years, but not life imprisonment.

By the end of December 2008 there was no progress on allowing relatives access to information on burial sites of executed prisoners. Also, there had been no information released regarding the reinvestigation old cases where the accused or his relatives had alleged the use of torture in order to force a confession. In addition, no moves appeared to have been made towards possible compensation, even in those cases where the UN Human Rights Committee had decided in favour of the applicant and found violations of human rights.

Reported Executions 2008

The following charts summarise reported executions carried out and death sentences passed in 2008. These figures represent those death sentences known to Amnesty International. Other countries may have condemned prisoners to death but the information has gone unreported.

These numbers represent minimum estimates.

Key

“+” after a number indicates that the figure is a minimum one. The true figure is at least the figure shown. For example, “47+” means that there were at least 47 executions in the given country in 2008.

If “+” is not preceded by a number, it means that we know that there were executions or death sentences (at least more than one) in the given country in 2008 but we do not know how many.

Country	Executions
CHINA	1718+
IRAN	346+
SAUDI ARABIA	102+
USA	37
PAKISTAN	36+
IRAQ	34+
VIET NAM	19+
AFGHANISTAN	17+
NORTH KOREA	15+
JAPAN	15
YEMEN	13+
INDONESIA	10

LIBYA	8+
BANGLADESH	5
BELARUS	4
EGYPT	2+
MALAYSIA	1+
MONGOLIA	1+
SINGAPORE	1+
SUDAN	1+
SYRIA	1+
UNITED ARAB EMIRATES	1+
BAHRAIN	1
BOTSWANA	1
SAINT KITTS AND NEVIS	1

Reported death sentences 2008

Country	Executions
CHINA	7003+
IRAQ	285+
PAKISTAN	236+
ALGERIA	200+
BANGLADESH	185+
AFGHANISTAN	131
UGANDA	114
USA	111+
EGYPT	87+
INDIA	70+
SUDAN	60
VIET NAM	59+
DEMOCRATIC REPUBLIC OF CONGO	50+
NIGERIA	40+
ETHIOPIA	39
JAPAN	27
MALAYSIA	22+
MALI	15+
JORDAN	14+
CHAD	12+
INDONESIA	10+
TRINIDAD AND TOBAGO	10
TAIWAN	8+
MAURITANIA	8
SYRIA	7+
KUWAIT	6+
SINGAPORE	5

MOROCCO/WESTERN SAHARA	4+
BOTSWANA	4
THAILAND	3+
GHANA	3
GUINEA	3
SIERRA LEONE	3
SOUTH KOREA	2+
GAMBIA	2
LAOS	2
SRI LANKA	2
BAHAMAS	1+
SAINT KITTS AND NEVIS	1+
SAINT VINCENT AND GRENADINES	1+
BELARUS	1
BURKINA FASO	1
BURUNDI	1
JAMAICA	1
NIGER	1
IRAN	+
KENYA	+
LIBYA	+
MADAGASCAR	+
NORTH KOREA	+
SAUDI ARABIA	+
TANZANIA	+

ENDNOTES

¹ The right to life and the prohibition of cruel, inhuman or degrading punishment are set out in the Universal Declaration of Human Rights, the UN International Covenant on Civil and Political Rights, the African Charter on Human and People's Rights, the American Convention on Human Rights, the European Convention on Human Rights and other important human rights treaties. These rights are also guaranteed by many national constitutions and other laws.

² Amnesty International is a founding member of the World Coalition against the Death Penalty (a coalition of more than 70 human rights organizations, bar associations, trade unions and local and regional authorities). Amnesty International also coordinates the Anti-Death Penalty Asia Network (made up of lawyers, parliamentarians and activists from numerous Asian countries).

³ Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Burundi, Chad, China, Comoros, Cuba, Democratic Republic of Congo, Dominica, Egypt, Equatorial Guinea, Ethiopia, Guatemala, Guinea, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Mongolia, Nigeria, North Korea, Oman, Pakistan, Palestinian Authority, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Somalia, Sudan, Syria, Taiwan, Thailand, Trinidad And Tobago, Uganda, United Arab Emirates, United States Of America, Viet Nam, Yemen, Zimbabwe

⁴ Amnesty International, List of Abolitionist and Retentionist Countries (31 December 2008), ACT 50/002/2009, 24 March 2009.

⁵ Cuba does not provide public statistics on the death penalty, however, human rights organizations have reported that nearly all prisoners on death row have now had their sentences commuted.

⁶ Ethiopia voted in favour but stated after voting they had made a mistake and intended to vote against.

⁷ The breakdown of voting for the 2007 resolution (cosponsored by 87 states) was: 104 in favour, 54 against and 29 abstentions.

⁸ The members of the League of Arab States that abstained in 2008 are: Bahrain, Djibouti, Jordan, Lebanon, Mauritania, Morocco, Oman and the United Arab Emirates.

⁹ Xie Chuanjiao, "Top court overturns 15% of death sentences in 1st half year," China Daily, June 27, 2008.

¹⁰ In 2007 135 people were executed and 307 death sentences handed down.

¹¹ This report was prepared jointly by Amnesty International India and the People's Union for Civil Liberties (Tamil Nadu & Puducherry). India: The Death Penalty in India: A lethal lottery: A study of Supreme Court judgements in death penalty cases 1950-2006 (ASA 20/006/2008).

¹² The following countries make up the Middle East and North Africa region: Algeria, Bahrain, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Oman, Palestinian Authority, Qatar, Saudi Arabia, Syria, Egypt, Libya, Morocco/Western Sahara, Tunisia, United Arab Emirates and Yemen.

¹³ Amnesty International received information that on or around the 26 December 2008 two men were stoned to death in north-east Iran.

¹⁴ Public joint statement: Iran: End Execution of Juvenile Offenders (ASA 13/103/2008), 29 July 2008

¹⁵ They were Javad Shojaee (16), Mohammad Hassanzadeh (16 or 17), Hasan Mozafari (under 18), Rahman Shahidi (under 18) Reza Hejazi (15), Behnam Zare (15), Gholamreza H. (17) and Ahmad Zare (17). Ages are those of the juveniles at the time the offence was committed.

¹⁶ Nine countries since 1990 are known to have executed prisoners who were under 18 years old at the time of the crime – China, Congo (Democratic Republic), Iran, Nigeria, Pakistan, Saudi Arabia, Sudan, USA and Yemen.

¹⁷ Article 7(c) states that the death penalty shall not be imposed for ‘persons under 18 years of age, unless otherwise stipulated in the laws in force at the time of commission of the crime’ [emphasis added]. This violates Articles 37(a) of the CRC and 6(5) of the ICCPR. States are not able to invoke national law as a reason for fulfilling obligations under international treaties.

¹⁸ Only 39 executions were reported in 2006.

¹⁹ Amnesty International, Saudi Arabia: Affront to Justice: Death Penalty in Saudi Arabia (MDE 23/027/2008), 14 October 2008.

²⁰ Amnesty International, Saudi Arabia: Secret video shows horror of Saudi beheading, 28 April 2008.

²¹ For example, Egyptian jurists and others attending a workshop organized by the Maat Center for Jurist and Constitutional Studies in March agreed to recommend that the death penalty should be restricted to only four crimes: premeditated murder, high treason, spying in wartime, kidnapping and rape of a female.

²² Levar Walton, who suffers from serious mental illness had the death sentence commuted to life imprisonment by the Governor of Virginia. On 27 June, a judge in North Carolina found Guy Tobias LeGrande incompetent for execution due to his serious mental illness.

²³ Amnesty International, Death Penalty/Legal concern (Texas) (UA 204/08 (AMR 51/081/2008), 17 July 2008.

²⁴ Amnesty International, USA: The show trial begins: Five former secret detainees arraigned at Guantánamo, 6 June 2008; USA: Way of life, way of death: Capital charges referred against five former secret detainees, 20 May 2008; USA: Another CIA detainee facing death penalty trial by military commission, 2 April 2008.

²⁵ Amnesty International, Liberia: President must veto death penalty bill, 18 July 2008; Liberia: Amnesty International calls for repeal of death penalty law signed by Liberian President, 25 July 2008.

²⁶ Report of the working group on the Universal Periodic Review: Ghana, UN. Doc. A/HRC/8/36 (29 May 2008).

²⁷ In Kazakstan the scope of the application of the death penalty was reduced from 10 “exceptionally grave” crimes to one (terrorism leading to loss of life). The death penalty also remains on the books for war crimes. In Kyrgyzstan the cases of all 174 prisoners sentenced to death were to be reviewed by the Supreme Court within six months. The reviews are still pending.

²⁸ Quoted from, “Violations of Human Rights in Belarus in 2006. Analytical Review”, Viasna Human Rights Group, <http://spring96.org/en/edition>

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