

TABLE OF CONTENTS

<u>ABOLITION</u>	1
Liberia	1
Mexico	1
<u>MORATORIA AND SUSPENSIONS OF EXECUTIONS</u>	2
Kyrgyzstan.....	2
<u>COMMUTATIONS</u>	2
USA – Indiana	2
USA – Virginia	2
<u>INNOCENCE</u>	2
China	2
USA	3
<u>POSTHUMOUS PARDON</u>	3
<u>CLEMENCY</u>	4
India	4
USA – Indiana	4
<u>DEFEAT OF ATTEMPTS AT REINTRODUCTION</u>	4
USA – New York.....	4
Puerto Rico	4
<u>EXPANSION OF SCOPE</u>	5
Iraq	5
<u>DEATH SENTENCES AND EXECUTIONS</u>	5
<u>RESUMPTION OF EXECUTIONS</u>	5
Iraq	5
Palestinian Authority (PA)	6
USA – Connecticut	6
<u>MOVES TO STRENGTHEN JUDICIAL REVIEW</u>	6
China	6
Zambia	7
<u>USE AGAINST CHILD OFFENDERS</u>	7
Iran	7
Pakistan	8
Sudan	8
USA	9
<u>USE AGAINST THE MENTALLY ILL</u>	9
USA – California	9
USA – Oklahoma	10
<u>INTERNATIONAL COURTS</u>	10
International Court of Justice	10
Inter-American Court	10
<u>EXTRADITION</u>	11
<u>OFFICIAL ADMISSIONS</u>	11
<u>INTERGOVERNMENTAL ORGANIZATIONS</u>	11
UN Commission on Human Rights	11

UN Quinquennial Report on Capital Punishment	12
INTERNATIONAL TREATIES	13
EVENTS	14
World Day against the Death Penalty.....	14
Cities for Life.....	14
OPINION POLLS	15
TABLE 1: ABOLITIONIST COUNTRIES AT YEAR END	16
TABLE 2: RECORDED WORLDWIDE EXECUTIONS BY YEAR	18

DEATH PENALTY DEVELOPMENTS IN 2005

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

The world continued to move closer to the universal abolition of capital punishment during 2005. By the end of the year 86 countries had abolished the death penalty for all crimes (see *Table 1*). A further 11 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-four other countries and territories retained the death penalty, but not all of them passed death sentences and most did not carry out executions during the year (see below, *Death sentences and executions*).

Regular updates on abolitionist and retentionist countries are posted on the Amnesty International website at www.amnesty.org/deathpenalty

Liberia

On 16 September, Gyude Bryant, Chairman of the National Transition Government of Liberia since former President Charles Taylor relinquished power in 2003, ratified the Second Optional Protocol to the ICCPR which provides for the total abolition of the death penalty. This followed the 18 other international human rights treaties the government had signed or ratified in September 2004.

Mexico

On 21 April the only remaining provision in Mexican criminal law permitting the death penalty was abolished. The Mexican Chamber of Deputies unanimously voted to reform the military penal code and replace the death penalty with prison terms of 30 to 60 years for serious offences. Although the last execution for ordinary crimes took place in 1937, and the last execution under the military penal code in 1961, military courts continued to pass death sentences which were then commuted by the president.

On June 23, the Mexican House of Representatives approved a constitutional reform by 412 votes in favour and 2 abstentions which explicitly prohibits the death penalty for all crimes.

MORATORIA AND SUSPENSIONS OF EXECUTIONS

Kyrgyzstan

The moratorium on executions which had been in place since 1998 was extended for another year. Draft amendments to the Constitution during the year included the permanent and full abolition of the death penalty.

COMMUTATIONS

USA – Indiana

On 29 August, just two days before Arthur Baird was due to be executed, Indiana Governor Mitch Daniels commuted his death sentence on grounds of mental illness. The Governor noted that “it is difficult to find reasons not to agree” with the findings of the courts that Arthur Baird suffered from mental illness when he murdered his parents and his pregnant wife in 1987. Previously, the Indiana Parole Board had decided against recommending clemency by a vote of three to one, and the state Supreme Court had voted against stopping the execution by three votes to two.

USA – Virginia

On 29 November, the day before Robin Lovitt was due to become the 1000th person to be executed in the USA, Virginia Governor Mark Warner commuted his execution on grounds that DNA evidence which might have cleared him had been destroyed.

INNOCENCE

China

Several miscarriages of justice in death penalty cases published in the Chinese press in 2005 caused considerable public disquiet and increased momentum towards reform, including moves towards re-introduction of Supreme Court review of all death sentences in China.

- Nie Shubin, a young farmer from North China, was executed in 1995 for the rape and murder of a local woman. He had reportedly been tortured in police custody. In early 2005, a suspect detained in connection with another case, reportedly confessed to the

same crime, apparently describing the crime scene in detail. Judicial authorities later admitted their mistake and Nie Shubin's family is reportedly seeking compensation from the authorities.

- She Xianglin and Teng Xingshan were both convicted of the murder of their wives in two separate cases in 1994 and 1987 respectively. Both were sentenced to death despite pleas of innocence and allegations that both had confessed because they had been severely beaten during interrogations. In both cases, the alleged murder victims reappeared several years later - in April and June 2005 respectively. She Xianglin's sentence was commuted to 15 years imprisonment after a re-trial. He was released after 11 years in prison on 1 April 2005 and officially cleared of all charges later the same month. He and his family were awarded compensation of 450,000 yuan (approx. US\$55,500) in October 2005. Teng Xingshan, however, was executed in 1989.

USA

During 2005 two names were added to the list of US prisoners sentenced to death and later released on grounds of innocence, bringing to 122 the number of such cases since 1973.

- Derrick Jamison, who was sentenced to death in **Ohio** in 1985, had charges against him dismissed after serving 20 years on death row. His conviction had been overturned on appeal in 2002 and the prosecuting authorities eventually decided not to retry him.
- Harold Wilson, who was sentenced to death in 1989 in **Pennsylvania**, had his death sentence quashed in a review in 1999 when it emerged that his defense counsel at the original trial had failed to investigate and present mitigating evidence. In 2003, the court found that the prosecutor had used racially discriminatory practices in jury selection and granted Harold Wilson a retrial. New DNA evidence confirmed Harold Wilson's innocence and in November 2005 a jury acquitted him of all charges.

POSTHUMOUS PARDON

USA

Lena Baker, who was executed in Georgia in 1945 for the murder of her employer, was granted a formal pardon in August by the Georgia Board of Pardons and Paroles. The pardon cited that as she acted in self-defence, she could have been charged with the lesser offence of manslaughter which carries an average sentence of 15 years

CLEMENCY

India

The President of India, A.P.J. Abdul Kalam used his prerogative under Article 72 of the Constitution to request the government, for the second time, to pardon around 50 prisoners who have been sentenced to death. His earlier recommendation for clemency in these cases had been returned by the Home Ministry stating the cases were not fit for a Presidential pardon.

In October, President Kalam publicly called for the death penalty to be discussed in Parliament and a comprehensive policy of reform to be drawn up. The newly-appointed Chief Justice of India, Justice Y.K. Saberwal, also expressed his support for abolition of the death penalty, publicly telling reporters that as a citizen of the country, he was in favour of abolishing the death penalty and that as Chief Justice he would apply it only “in the rarest of rare cases”. The last execution in India took place in August 2004.

USA Indiana

In January, the outgoing governor of the state of Indiana granted clemency to death row inmate Michael Daniels and commuted his death sentence to life imprisonment. The governor noted that Daniels had an IQ of 77, indicating borderline mental retardation, and that evidence casting doubt on his guilt had never been presented in court.

DEFEAT OF ATTEMPTS AT REINTRODUCTION

USA - New York

In April, the Codes Committee of the New York Assembly (the state legislature) voted 11-7 against considering legislation to reinstate the death penalty in New York, effectively ending reinstatement of the death penalty in that state during the current session.

New York’s 1995 death penalty law had been declared invalid by a ruling from the state’s highest court in 2004. No executions were carried out under that law.

Puerto Rico

In May, a federal jury in Puerto Rico rejected the prosecution’s appeal for the death penalty against two defendants convicted of murder in the course of an armed robbery in 2002. Puerto Rico has not had an execution since 1927, and prohibits the death penalty in its constitution. However, the US federal death penalty applies to Puerto Rico, in the face of widespread public opposition

EXPANSION OF SCOPE

Iraq

In October the Iraq Parliament passed a law stipulating the death penalty for anyone convicted of “committing acts of terror” or “financing, planning or provoking” terrorism. The law defined terrorism as any criminal act against people, institutions or property that “aims to hurt security, stability and national unity and introduce terror, fear or horror among the people and cause chaos.” It also cited “activity threatening to spark sectarian differences or civil war including by arming citizens or encouraging or financing their arming.”

DEATH SENTENCES AND EXECUTIONS

At least 2,148 people were executed in 22 countries in 2005, and at least 5,186 people were sentenced to death in 53 countries, according 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 2005, 94 per cent of all known executions took place in China, Iran, the Saudi Arabia and the USA.

Based on public reports available, Amnesty International estimated that at least 1,770 people were executed in China in 2005, but the true figures were believed to be much higher. A Chinese legal expert was recently quoted as stating the figure for executions is approximately 8,000 based on information from local officials and judges, but official national statistics on the application of the death penalty remained classified as a state secret.

Iran executed at least 94 people, and Saudi Arabia at least 86. There were 60 executions in the USA. (See Amnesty International, *Death sentences and executions in 2005*, April 2006, AI Index: ACT 50/002/2006. See below, *Table 2*, for historical comparisons.)

RESUMPTION OF EXECUTIONS

Iraq

Following reinstatement of the death penalty in 2004, criminal courts handed down more than 50 death sentences during 2005. There were three executions.

According to Iraqi government spokesman Leith Kubba, Ahmad al-Jaf, ‘Uday Dawud al-Dulaimi and Jasim ‘Abbas, were hanged on 1 September 2005.

All three were said to be members of the Ansar al-Sunna armed group and to have been tried and convicted by a criminal court in al-Kut, southeast of Baghdad. They were sentenced to death on 22 May 2005 on charges of kidnapping, killing police officers and raping women.

Palestinian Authority (PA)

On June 12, PA President Mahmoud Abbas authorised the execution of four prisoners. These were the first executions to be carried out by the PA since August 2002. According to PA officials, the President ordered the resumption of executions in response to increased crime and lawlessness in areas of the Occupied Territories which fall under PA jurisdiction

Wa'el Sha'ban al-Shoubaki, Salah Khalil Musallam, and 'Oda Muhammad Abu 'Azab, had been sentenced to death in 1995 and 1996 for murder. A fourth man, Muhammad Daoud al-Khawaja, had been sentenced to death for murder in 2000 by the notoriously unfair State Security Court, which has since been abolished. On 22 June, President Mahmoud Abbas reportedly ordered a retrial for all those who had been sentenced to death by the State Security Court.

USA - Connecticut

On 13 May, the state of Connecticut carried out its first execution since 17 May 1960. Michael Ross had been sentenced to death for the murder of four female teenagers in 1983 and 1984. He was executed after dropping his appeals against his death sentence.

MOVES TO STRENGTHEN JUDICIAL REVIEW

China

On 27 September the Deputy Director of the Supreme People's Court (SPC), Wan E'xiang, announced that the SPC would establish three new courts that would reclaim the SPC's prerogative to review all death sentences. In apparent acknowledgement of political interference in the trial process in lower courts, Wan E'xiang claimed this reform "will ensure the death penalty process is fully neutral from administrative departments and prevent the intervention of other powers".

The UN High Commissioner for Human Rights, Louise Arbour, visited China in late August and met with the Justice Minister and the president of the SPC. She noted that despite China's ratification of several major human rights treaties, the death penalty continues to be applied extensively, and to offences that do not meet the international standard of "most serious crimes". She deplored the lack of reliable statistics on the death penalty, stating that "transparency is critical for informed public debate on the issue".

The death penalty applies to around 68 crimes in China, including non-violent offences such as tax fraud, embezzlement of state property and accepting a bribe.

Zambia

The Constitution Review Commission (CRC) has recommended that the death penalty should be retained in the next Constitution following submissions made by petitioners across Zambia. Some of the submissions made to the CRC on fundamental human rights called for the Bill of Rights to be made superior to other provisions of the Constitution. The CRC also recommended that all offences should be eligible for bail and the question of whether bail should be granted or not should be left to the discretion of the courts. It recommended that the Constitution should guarantee the right to judicial review.

USE AGAINST CHILD OFFENDERS

The use of the death penalty against child offenders – people under 18 years old at the time of the crime – is forbidden under international treaties including the Convention on the Rights of the Child (CRC) and the ICCPR.

Iran

In 2005, at least eight executions of child offenders have been recorded. These include:

- Iman Faroki was executed on 19 January for a crime he allegedly committed when he was 17 years old
- 18-year-old Ayaz M, and a child, Mahmoud A, were publicly hanged in Mashhad on 19 July. According to reports, they were convicted of sexual assault on a 13-year-old boy.
- An unnamed 17-year-old was among four men executed on 23 August in Bandar Abbas. They were convicted of kidnapping, rape, and theft.
- On 13 July, Ali Safarpour Rajabi was hanged for killing a police officer in Poldokhtar. He had been sentenced to death in February 2002 when he was 17 years old for a crime committed when he may have been only 16 years old.
- Farshid Farighi, aged 21, was hanged in prison in the city of Bandar Abbas. He was convicted of five murders, reportedly carried out between the ages of 14 and 16.
- On 12 September, a 22-year-old convicted of rape was publicly hanged in the southern province of Fars. He had reportedly been sentenced to death in 2000, suggesting that he was under the age of 18 when the crime was committed.
- On 10 December Rostam Tajik was publicly executed in a park in the city of Esfahan, central Iran. He had reportedly been sentenced to *qisas* (retribution specified by the victim's family) by the General Court of Esfahan for a murder committed in May 2001 when he was 16 years old.

For the past four years, the Iranian authorities have been considering legislation that would prohibit the use of the death penalty for offences committed by persons under the age of 18. Under Article 1210(1) of Iran's Civil Code, the ages of 15 lunar years for boys and nine lunar years for girls are set out as the age of criminal responsibility.

In January 2005, following its consideration of Iran's second periodic report on its implementation of the provisions of the CRC, the United Nations Committee on the Rights of the Child (the Committee), the body of independent experts established under this Convention to monitor states parties' compliance with the treaty, urged Iran:

"to take the necessary steps to immediately suspend the execution of all death penalties imposed on persons for having committed a crime before the age of 18, to take the appropriate legal measures to convert them to penalties in conformity with the provisions of the Convention and to abolish the death penalty as a sentence imposed on persons for having committed crimes before the age of 18, as required by article 37 of the Convention."

Pakistan

A decision by the High Court in Lahore in 2004 that the Juvenile Justice System Ordinance (JJSO), promulgated in 2000, should be revoked meant that child offenders could once again be sentenced to death in Pakistan. The decision to revoke the JJSO, which the Lahore High Court reportedly found to be "unreasonable, unconstitutional and impracticable", would do away with juvenile courts, and children would again be tried under the same procedure as adults. Convictions of juveniles during the time the JJSO was in force between 2000 and December 2004 would not be affected by this judgment, but cases pending in juvenile courts will be transferred to the regular courts.

The federal government and a non-governmental organization working on child rights filed appeals against the Lahore High Court judgment and on 11 February 2005 the Supreme Court stayed the Lahore High Court judgment until a decision was made.

The Supreme Court did not hear the appeals during 2005 and pending its decision, the JJSO has been temporarily reinstated by the Supreme Court

Sudan

The new Interim Constitution for Sudan, ratified on 9 July 2005, failed to abolish the death penalty in Sudan, particularly as it applies to those under the age of 18.

Article 36 (2) of the Interim Constitution states that: "The death penalty shall not be imposed on a person under the age of eighteen or a person who has attained the age of seventy *except in cases of retribution or hudud*. This last exception makes the first safeguard almost worthless; for instance *hudud* crimes include murder and burglary over a certain amount,

according to the 1991 Sudanese Penal Code. Article 36 (2) is incompatible with Sudan's international obligations that prohibit child executions.

There is no official record of those on death row or of executions in Sudan. However, Amnesty International receives cases every year of persons convicted to death in Sudan for crimes committed when under 18 years-old.

USA

The US Supreme Court ruled by five votes to four that the use of the death penalty against people under the age of 18 at the time of the offence contravenes the US Constitutional ban on "cruel and unusual punishments".

The decision, delivered on 1 March in the case of *Roper v. Simmons*, meant that the lives of over 70 child offenders currently on US death rows would be spared and no others would be sentenced to death.

In 1989 the Supreme Court had ruled that the use of the death penalty against offenders aged 16 or 17 was not unconstitutional. One of the grounds for the decision was that there was insufficient evidence in the form of state legislation to indicate a "national consensus" against the use of the death penalty for offenders under 18.

In the new decision, the Court noted that five states since 1989 had outlawed the use of the death penalty against offenders under 18 and none had reinstated it. Moreover, of the six states that had executed child offenders since 1989, only three had done so during the past 10 years. In its opinion, written for the majority by Justice Kennedy, the Court concluded that "today our society views juveniles. . . as 'categorically less culpable than the average criminal'".

However, there are believed to be at least three and possibly as many as six detainees held as "enemy combatants" at the US Naval Base in Guantánamo Bay in Cuba who were under 18 years old when they were taken into custody. The US administration maintains that constitutional protections do not apply to the Guantánamo detainees and intends to try some of them before military commissions, executive bodies with the power to impose death sentences. Concerns remain that the detainees could be sentenced to death and executed despite the *Roper v. Simmons* ruling.

USE AGAINST THE MENTALLY ILL

USA California

Donald Beardslee was executed in California in January despite suffering from severe brain damage. He was sentenced to death in 1984 for a murder committed in 1981. The jury was

not presented with evidence of his brain damage, allowing the prosecutor to argue that the defendant was “not suffering from any mental disorder”.

USA – Oklahoma

In May, a county judge stopped the execution of Garry Allen in order that his mental competency for execution could be assessed. He had been sentenced to death for murder in 1986. A recent evaluation had suggested that Garry Allen may be legally insane in that he does not understand the reason for, or reality of, his impending execution. The question of his competency will now be decided by a jury. The execution of the insane is prohibited under US constitutional law. At year’s end, Garry Allen had not been executed.

INTERNATIONAL COURTS

International Court of Justice

In a memorandum to the US Attorney General dated 28 February 2005, President George W. Bush affirmed that the USA would comply with the International Court of Justice’s 2004 decision by having state courts review and reconsider the effect of violations of the Vienna Convention in the cases of 51 Mexican nationals on US death rows who were the subject of the ruling. However, in March, the USA subsequently announced its withdrawal from the Vienna Convention's Optional Protocol Concerning the Compulsory Settlement of Disputes, the international legal instrument which empowers the ICJ to interpret and apply the terms of the treaty.

Inter-American Court

The Inter-American Court of Human Rights has issued two judgements in relation to the application of the death penalty in **Guatemala**. On 20 June, in the case of *Fermin Ramírez v. Guatemala*, the Court ordered Guatemala to correct grave judicial errors and reform article 132 of the Penal Code that regulates the crime of murder, stating it violates the principle of legality and the right to a fair trial, and ordered Guatemala to grant a new trial to Fermin Ramírez.

On 15 September, the Court issued its judgement in the case of *Ronald Ernesto Raxcacot Reyes v. Guatemala*. Ronald Ernesto Raxcaco Reyes was sentenced to death for kidnapping, in line with legislation that was modified to expand the scope of the death penalty after Guatemala had already ratified the American Convention on Human Rights which prohibits expansion of the application of the death penalty. The Court ordered Guatemala to suspend Ronald Ernesto Raxcaco Reyes' death sentence and to impose another sentence proportional to the nature and gravity of the crime.

The Court also ordered Guatemala not to execute any person condemned to death for the crime of kidnapping under the current legislation.

On 3 May a draft law was presented to Congress for the abolition of the death penalty. The Congressional Commission on Legislation and Constitutional Issues was given 45 working days to deliver their judgement on the draft law. Seven months later, and despite international pressure, there still had been no judgement.

EXTRADITION

In October, the Court of Appeals of Puerto Rico issued a decision regarding the case of Puerto Rican Juan Martínez Cruz and his possible extradition to the State of Pennsylvania in the USA. The Court ruled that the government of Puerto Rico is prohibited by its Constitution to grant the extradition of Juan Martínez Cruz to a state that may impose the death penalty if he were to be found guilty. In December, the Attorney General appealed this decision to the Supreme Court of the Commonwealth of Puerto Rico

OFFICIAL ADMISSIONS

China

After years of official denial that such a practice existed, Vice Health Minister Huang Jiefu admitted in December that the sale of organs from executed prisoners was widespread.

Since the late 1990s when the method of execution was changed from shooting to lethal injection, there have been reports from medical personnel of being present at executions in “mobile execution vans” in which they would harvest organs as quickly after death as possible. Speaking to *Caijing* magazine, Huang Jiefu said new regulations were now being drafted to end the lucrative trade in organ transplants.

INTERGOVERNMENTAL ORGANIZATIONS

UN Commission on Human Rights

A resolution calling for a worldwide moratorium on executions was co-sponsored by 81 countries, five more than in 2004 and the highest number ever.

Resolution 2005/59 on "The question of the death penalty" was adopted by the UN Commission on Human Rights on 20 April at the Commission's annual session in Geneva. It was the ninth such resolution adopted by the Commission on Human Rights since 1997.

As in previous years, the resolution calls upon all states that still maintain the death penalty "to abolish the death penalty completely and, in the meantime, to establish a moratorium on executions". It urges states that still maintain the death penalty to observe agreed UN safeguards and restrictions on the death penalty and "not to impose the death penalty on a person suffering from any mental or intellectual disabilities or to execute any such person".

The resolution also contains new elements. It affirms the right of everyone to life and states - for the first time - that abolition of the death penalty is essential for the protection of this right. This statement represents the closest the UN has yet come to condemning the death penalty as a violation of human rights.

The resolution also condemns the application of the death penalty on the basis of any discriminatory legislation, policies or practices and the disproportionate use of the death penalty against persons belonging to national or ethnic, religious and linguistic minorities and calls on states not to impose mandatory death sentences. It calls on states that have recently lifted or announced the lifting *de facto* or *de jure* of moratoriums on executions once again to commit themselves to suspend such executions.

Resolution 2005/59, backed by the European Union (EU), was co-sponsored by all EU countries and attracted many co-sponsors from other parts of the world. The resolution was adopted by a vote of 26 countries in favour and 17 against, with 10 abstentions - a slightly narrower margin than in 2004, when there were 29 countries in favour, 19 against and five abstentions. Nigeria, which had voted against the resolution in previous years, abstained this year; its representative explained that the death penalty was currently under review in the country. But the Republic of Congo and Gabon, both of which had voted yes in 2004, abstained this year, and Guinea, which had previously abstained, voted no.

As in previous years, a group of countries submitted a statement dissociating themselves from the resolution. This year's statement of dissociation was signed by 66 countries, two more than in 2004 and the highest number yet. Chad and Guinea signed the statement for the first time.

UN Quinquennial Report on Capital Punishment

Every five years the UN Secretary-General is mandated to produce a report on capital punishment. These reports are a unique source of information because they are based on information supplied by governments, as well as non-governmental organizations and other experts.

The Secretary-General's latest quinquennial report, the seventh in the series, was issued in March 2005. Fifty-two governments responded to the Secretary-General's request for information, down from the 53 which supplied information for the previous report in 2000. Only eight countries that retained and enforced the death penalty replied to the survey.

The report notes that the number of abolitionist countries continued to increase in the period covered by the survey (1999-2003). While the pace of change to full abolition was slower, there has been a very substantial reduction in the number of countries that regularly execute their citizens. Furthermore, the rate of executions has fallen.

As far as could be ascertained from the data available, 16 of the 43 countries that remained retentionist throughout 1999-2003 executed fewer than 10 people during the period, and 11 of the countries executed fewer than five people. Only 19 countries were known to have carried out 20 or more judicial executions during this time. In only one country, Viet Nam, did the estimated number of executions appear to have increased substantially and regularly during the period.

The report includes calculations of the per capita rate of executions in countries reported to have carried out 20 or more executions between 1999 and 2003. As in the previous period, Singapore was found to have the highest per capital rate of executions (6.9 executions per one million population); it was followed by Saudi Arabia (3.66) and Jordan (2.08).

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.

The **Second Optional Protocol to the ICCPR** was ratified by **Liberia** and **Mexico** in 2005 bringing the total number of ratifications to 56. Another eight others have signed the protocol.

There were no new signatures or ratifications of the **Protocol to the American Convention on Human Rights to Abolish the Death Penalty** during 2005. At year end eight countries had ratified the Protocol and one other had signed it.

Protocol No. 6 to the European Convention on Human Rights was ratified by Monaco on 30 November 2005 bringing the total number of ratifications to 45. One other country has signed the protocol.

Greece, Monaco, Norway and **Slovakia**, ratified **Protocol No. 13 to the European Convention on Human Rights** in 2005 bringing the total number of ratifications to 33. Ten other countries have signed the protocol.

(Up-to-date lists of states parties and other signatories of international treaties on the death penalty are available on the Amnesty International website at www.amnesty.org/deathpenalty. For a printed list, see Amnesty International, *Ratifications of international treaties to abolish the death penalty (1 January 2006)*, January 2006, AI Index: ACT 50/003/2006.)

EVENTS

World Day against the Death Penalty

The third annual World Day against the Death Penalty took place on 10 October. The theme this year was “abolition in Africa” with events in over 40 countries including Benin, Congo, Mali, Sierra Leone, Hong Kong, France, Germany, India, Japan and Puerto Rico. Events included demonstrations, petitions, concerts and radio and televised and radio debates. The World Day is organized by the World Coalition against the Death Penalty, a group of around 40 human rights organizations including Amnesty International, bar associations, trade unions and local and regional authorities which work together towards the abolition of capital punishment.

Cities for Life

Cities for Life, Cities against the Death Penalty, organized by the Italian organization, the Community of Sant' Egidio, was celebrated on 30 November with the illumination of public buildings in 391 cities and towns in 44 countries. Abidjan in Côte d'Ivoire, Lomé in Togo, Montevideo in Uruguay and Reykjavík in Iceland were among the cities that took part in the event for the first time in 2005.

OPINION POLLS

The annual Gallup poll of America's "Moral Values and Beliefs", which has been carried out every year since 1936, was conducted from 2 to 5 May. According to the poll results, support for the death penalty for a murder conviction is currently at 74%, up from last year, while 23% of Americans are against it. The highest figure in support of the death penalty occurred in 1994 with 80%; the lowest was in 1966 when it was at 42%.

According to the poll, a significant number of Americans, 61%, believe that the death penalty is applied fairly in the USA, despite the fact that 122 prisoners have been released in the USA since 1973 after evidence emerged of their innocence of the crimes for which they were sentenced to death and strong evidence of racial bias in the use of capital punishment.

**TABLE 1: ABOLITIONIST COUNTRIES AT YEAR END,
1981-2005**

Year	No. countries abolitionist for all crimes	No. countries abolitionist in law or practice
1981	27	63
1982	28	63
1983	28	64
1984	28	64
1985	29	64
1986	31	66
1987	35	69
1988	35	80
1989	39	84
1990	46	88
1991	46	83
1992	50	84
1993	53	90
1994	54	96
1995	59	102
1996	60	101
1997	64	103
1998	70	106
1999	73	109

Year	No. countries abolitionist for all crimes	No. countries abolitionist in law or practice
2000	75	109
2001	76	112
2002	78	112
2003	79	118
2004	84	120
2005	86	122

TABLE 2: RECORDED WORLDWIDE EXECUTIONS BY YEAR, 1980-2005

(NA = figures not available)

Year	No. countries carrying out executions	No. executions recorded	No. countries with over 100 executions	% of all recorded executions in countries with over 100 executions
1980	29	1229	NA	NA
1981	34	3278	NA	NA
1982	42	1609	NA	NA
1983	39	1399	NA	NA
1984	40	1513	4	78%
1985	44	1125	3	66%
1986	39	743	3	56%
1987	39	769	3	59%
1988	35	1903	3	83%
1989	34	2229	3	85%
1990	26	2029	4	84%
1991	32	2086	2	89%
1992	35	1708	2	82%
1993	32	1831	1	77%
1994	37	2331	3	87%
1995	41	3276	3	85%
1996	39	4272	4	92%
1997	40	2607	3	82%
1998	37	2258	2	72%

Year	No. countries carrying out executions	No. executions recorded	No. countries with over 100 executions	% of all recorded executions in countries with over 100 executions
1999	31	1813	4	80%
2000	28	1457	2	77%
2001	31	3048	2	86%
2002	31	1526	2	77%
2003	28	1146	2	73%
2004	25	3797	2	94%
2005	22	2148*	1	82%

*Amnesty International believes that the estimated figure for China still represents only the tip of an iceberg. In March 2005, Liu Renwen, a well-known legal expert, said that "as many as 8,000" people are executed per year in China.