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@THE DEATH PENALTY LIST OF ABOLITIONIST AND RETENTIONIST COUNTRIES

A record-breaking number of countries abolished the death penalty in 1990. Seven countries - Namibia, the Czech and Slovak Federative Republic (formerly Czechoslovakia), Ireland, Andorra, São Tomé and Príncipe, Mozambique and Hungary - abolished the death penalty for all offences. One country, Nepal, abolished the death penalty for ordinary offences.

Following the establishment of the South West Africa Peoples' Organization (SWAPO) as the majority party in government in Namibia, a draft constitution was drawn up for discussion by the Constituent Assembly in which the death penalty was abolished. The final draft was approved unanimously by the Constituent Assembly on 9 February. Article (Chapter 3) of the constitution states: "The right to life shall be respected and protected. No law may prescribe death as a competent sentence. No Court or Tribunal shall have the power to impose a sentence of death upon any person. No executions shall take place in Namibia."

On 3 May, the Czechoslovakian parliament adopted an amendment to the penal code abolishing the death penalty for all offences. This law took effect on 1 July.

In Ireland the parliament voted to abolish the death penalty for the three crimes for which it was still retained. Abolition came into force in July.

A spokesperson of the Nepalese Law and Justice Ministry announced in July that the death penalty had been abolished in Nepal for murder. The death penalty had previously been abolished for murder in 1946 but was reintroduced in 1985 after several people were killed in bomb explosions. Organizations in the country had called for abolition. Nepal now retains the death penalty only for exceptional crimes (espionage and violent attacks on the royal family).

Andorra's first written penal code, which makes no provision for the death penalty, came into force on 1 September.

São Tomé and Príncipe's new constitution, which had been approved by the National People's Assembly in March, was approved by a majority of voters in a referendum held on 22 August. The constitution came into force on 20 September, - Article 21 states: "1. Human life is inviolable. 2. In no case will there be the death penalty".

The death penalty was abolished in Mozambique under its new constitution which was adopted by the People's Assembly on 2 November and came into force at the end of November. Article 70.2 of the constitution states: "In the Republic of Mozambique there is no death penalty."

In Hungary the Constitutional Court abolished the death penalty, ruling that its provision under the penal code violated the country's constitution. The court found that the death penalty violates the "inherent right to life and human dignity" as provided under Article 54 of the constitution.

Amnesty International's latest information shows that 44 countries have abolished the death penalty for all offences, while 17 have done so for all but exceptional crimes such as wartime crimes. Twenty-five countries can be

considered abolitionist de facto: they retain the death penalty in law but have not carried out any executions for the past 10 years or more. Ninety-two countries retain and use the death penalty.

Attached is a list of countries, indicating whether or not their laws provide for the death penalty. For abolition countries, information is also given, where available, on the date of abolition and the date of the last execution carried out and for countries which have abolished the death penalty for all crimes, the date when it was abolished for ordinary offences if this was done before. (The date given for abolition is normally the date when the decision to abolish the death penalty was taken, but if that decision only came into effect several years later, the latter date is given.)

Also attached is a list of countries which have abolished the death penalty in law since 1976. It shows that in recent years, at least one country a year on average has abolished the death penalty in law or, having done so for ordinary offences, has gone on to abolish it for all offences.

The lists have been compiled on the basis of information available to Amnesty International as of January 1991. Changes or corrections will be issued as necessary.

1. ABOLITIONIST FOR ALL CRIMES

(Countries whose laws do not provide for the death penalty for any crime)

<u>Country</u>	<u>Date of Abolition</u>	<u>Date of Abolition for Ordinary Crimes</u>	<u>Date of Last Execution</u>
ANDORRA	1990		1943
AUSTRALIA	1985	1984	1967
AUSTRIA	1968	1950	1950
CAMBODIA	1989		
CAPE VERDE	1981		1835
COLOMBIA	1910		1909
COSTA RICA	1877		
CZECH AND SLOVAK FEDERATIVE REPUBLIC	1990		1988
DENMARK	1978	1933	1950
DOMINICAN REPUBLIC	1966		
ECUADOR	1906		
FINLAND	1972	1949	1944
FRANCE	1981		1977
FEDERAL REPUBLIC OF GERMANY	1949/1987***		1949***
HAITI	1987		1972*
HONDURAS	1956		1940
HUNGARY	1990		1988
ICELAND	1928		1830
IRELAND	1990		1954
KIRIBATI			**
LIECHTENSTEIN	1987		1785
LUXEMBOURG	1979		1949
MARSHALL ISLANDS			**
MICRONESIA (Federated States)			**
MONACO	1962		1847
MOZAMBIQUE	1990		1986
NAMIBIA	1990		1988*
NETHERLANDS	1982	1870	1952
NEW ZEALAND	1989	1961	1957
NICARAGUA	1979		1930
NORWAY	1979	1905	1948
PANAMA			1903*
PHILIPPINES	1987		1976
PORTUGAL	1976	1867	1849*
ROMANIA	1989		1989
SAN MARINO	1865	1848	1468*
SAO TOME AND PRINCIPE	1990		**
SOLOMON ISLANDS		1966	**
SWEDEN	1972	1921	1910
TUVALU			**
URUGUAY	1907		
VANUATU			**
VATICAN CITY STATE	1969		
VENEZUELA	1863		

TOTAL: 44 countries

* Date of last known execution

** No executions since independence

*** The death penalty was abolished in the Federal Republic of Germany (FRG) in 1949 and in the German Democratic Republic (GDR) in 1987. The last execution in the FRG was in 1949; the date of the last execution in the GDR is not known. The FRG and the GDR were unified in October 1990. The name of the unified country is the Federal Republic of Germany.

2. ABOLITIONIST FOR ORDINARY CRIMES ONLY

(Countries whose laws provide for the death penalty only for exceptional crimes such as crimes under military law or crimes committed in exceptional circumstances such as wartime)

<u>Country</u>	<u>Date of Abolition</u>	<u>Date of Last Execution</u>
ARGENTINA	1984	
BRAZIL	1979	1855
CANADA	1976	1962
CYPRUS	1983	1962
EL SALVADOR	1983	1973*
FIJI	1979	1964
ISRAEL	1954	1962
ITALY	1947	1947
MALTA	1971	1943
MEXICO		1937
NEPAL	1990	1979
PAPUA NEW GUINEA	1974	1950
PERU	1979	1979
SEYCHELLES		**
SPAIN	1978	1975
SWITZERLAND	1942	1944
UNITED KINGDOM	1973	1964

TOTAL: 17 countries

* Date of last known execution

** No executions since independence

3. ABOLITIONIST DE FACTO

(Countries and territories which retain the death penalty for ordinary crimes but have not executed anyone during the 10 years or more)

<u>Country</u>	<u>Date of Last Execution</u>
ANGUILLA	1820s
BAHRAIN	1977
BELGIUM	1950
BERMUDA	1977
BHUTAN	1964*
BOLIVIA	1974
BRITISH VIRGIN ISLANDS	
BRUNEI DARUSSALAM	1957
CAYMAN ISLANDS	1928
COMOROS	**
COTE D'IVOIRE	
DJIBOUTI	**
GREECE	1972
HONG KONG	1966
MADAGASCAR	1958*
MALDIVES	1952*
MONTSERRAT	1961
NAURU	**
NIGER	1976*
PARAGUAY	1928
SAMOA, WESTERN	**
SENEGAL	1967
SRI LANKA	1976
TOGO	
TURKS AND CAICOS ISLANDS	

TOTAL: 25 countries and territories

* Date of last known execution

** No executions since independence

(In keeping with the system of classification used by the United Nations in its quinquennial reports on capital punishment all of these countries and territories can be considered abolitionist de facto in that they have not carried out execution the past 10 years or more. However, death sentences have continued to be imposed in a number of these countries and territories, and not all of them have a policy of regularly commuting sentences.)

4. RETENTIONIST

(Countries and territories which retain and use the death penalty for ordinary crimes)*

Country

AFGHANISTAN	INDIA	SAINT LUCIA
ALBANIA	INDONESIA	SAINT VINCENT AND THE
ALGERIA	IRAN	GRENADINES
ANGOLA	IRAQ	SAUDI ARABIA
ANTIGUA AND BARBUDA	JAMAICA	SIERRA LEONE
BAHAMAS	JAPAN	SINGAPORE
BANGLADESH	JORDAN	SOMALIA
BARBADOS	KENYA	SOUTH AFRICA
BELIZE	KOREA (Democratic	SUDAN
BENIN	People's Republic)	SURINAME
BOTSWANA	[North Korea]	SWAZILAND
BULGARIA	KOREA (Republic)	SYRIA
BURKINA FASO	[South Korea]	TAIWAN (Republic of
BURUNDI	KUWAIT	China)
CAMEROON	LAOS	TANZANIA
CENTRAL AFRICAN	LEBANON	THAILAND
REPUBLIC	LESOTHO	TONGA
CHAD	LIBERIA	TRINIDAD AND TOBAGO
CHILE	LIBYA	TUNISIA
CHINA (People's	MALAWI	TURKEY
Republic)	MALAYSIA	UGANDA
CONGO	MALI	UNION OF SOVIET
CUBA	MAURITANIA	SOCIALIST REPUBLICS
DOMINICA	MAURITIUS	UNITED ARAB EMIRATES
EGYPT	MONGOLIA	UNITED STATES OF
EQUATORIAL GUINEA	MOROCCO	AMERICA
ETHIOPIA	MYANMAR	VIET NAM
GABON	NIGERIA	YEMEN
GAMBIA	OMAN	YUGOSLAVIA
GHANA	PAKISTAN	ZAIRE
GRENADA	POLAND	ZAMBIA
GUATEMALA	QATAR	ZIMBABWE
GUINEA	RWANDA	
GUINEA-BISSAU	SAINT CHRISTOPHER AND	
GUYANA	NEVIS	

TOTAL: 92 countries and territories

* Most of these countries and territories are known to have carried out executions during the past 10 years. On some countries Amnesty International has no record of executions but is unable to ascertain whether or not executions have fact been carried out.

LIST OF COUNTRIES WHICH HAVE ABOLISHED THE DEATH PENALTY SINCE 1976

- 1976: PORTUGAL abolished the death penalty for all offences.
 CANADA abolished the death penalty for ordinary offences.
- 1978: DENMARK abolished the death penalty for all offences.
 SPAIN abolished the death penalty for ordinary offences.
- 1979: LUXEMBOURG, NICARAGUA and NORWAY abolished the death penalty for all offences.
 BRAZIL, FIJI and PERU abolished the death penalty for ordinary offences. (1)
- 1981: FRANCE abolished the death penalty for all offences.
- 1982: The NETHERLANDS abolished the death penalty for all offences.
- 1983: CYPRUS and EL SALVADOR abolished the death penalty for ordinary offences.
- 1984: ARGENTINA and AUSTRALIA abolished the death penalty for ordinary offences. (2) (3)
- 1985: AUSTRALIA abolished the death penalty for all offences. (3)
- 1987: The PHILIPPINES, HAITI, LIECHTENSTEIN and the GERMAN DEMOCRATIC
 REPUBLIC abolished the death penalty for all offences.
- 1989: CAMBODIA, NEW ZEALAND and ROMANIA abolished the death penalty for all offences.
- 1990: ANDORRA, the CZECH AND SLOVAK FEDERATIVE REPUBLIC, HUNGARY, IRELAND, MOZAMBIQUE,
NAMIBIA and SÃO TOMÉ AND PRÍNCIPE abolished the death penalty for all offences.
 NEPAL abolished the death penalty for ordinary offences. (4)

Notes:

1. Brazil had abolished the death penalty in 1882 but reintroduced it in 1969 while under military rule.
2. Argentina had abolished the death penalty for all offences in 1921 and again in 1972 but reintroduced it in 1976 following a military coup.
3. In 1984 the death penalty was abolished in Western Australia, the last Australian state to retain the death penalty for ordinary offences. In 1985 it was abolished entirely in Australia when the state of New South Wales abolished it for piracy, treason and arson at military and naval establishments - the only remaining capital offences.
4. Nepal had abolished the death penalty for murder in 1946 but reintroduced it in 1985 after bomb explosions in which several people were killed.