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High Commissioner and the Secretary-General**

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Question of the death penalty

Report of the Secretary-General*

Summary

The present report contains information on the question of the death penalty covering the period from June 2009 to July 2010, and draws attention to a number of phenomena, including the continuing trend towards abolition and the ongoing difficulties experienced in gaining access to reliable information on executions.

* Late submission.

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I. Introduction

1. Prior to 2006, the Secretary-General would submit an annual report on the question of the death penalty to the Commission on Human Rights. Those reports were interim supplements to the quinquennial reports of the Secretary-General submitted to the Economic and Social Council on capital punishment and implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty. In accordance with Commission resolution 2005/59, a report was submitted to the Commission at its sixty-second session (E/CN.4/2006/83). The Human Rights Council, in its decision 2/102, requested the Secretary-General to continue with the fulfilment of his activities, in accordance with all previous decisions adopted by the Commission, and to update relevant reports and studies. The present report is submitted in this context, to update previous reports on the question of the death penalty, including the most recent quinquennial report of the Secretary-General (E/2010/10) and previous reports submitted to the Commission and the Council (A/HRC/4/78, A/HRC/8/11 and A/HRC/12/45). The present report covers developments with regard to the question of the death penalty from 30 June 2009 to 1 July 2010. Attention is also drawn to the report of the Secretary-General submitted to the General Assembly (A/63/293 and Corr.1) and the forthcoming report of the Secretary-General to the Assembly on moratoriums on the use of the death penalty.

II. Changes and practices

2. Changes in law may include new legislation abolishing or reinstating the death penalty, or restricting or expanding its scope, as well as ratifications of international instruments that provide for the abolition of the death penalty. Changes in practice may comprise non-legislative measures with a significant new approach regarding the use of the death penalty; for example, countries may, while retaining the death penalty, announce a moratorium on its application.

A. Countries that have abolished the death penalty for all crimes

3. In January 2010, the Parliament of Angola approved a new Constitution, including a provision that explicitly prohibits the death penalty. The Constitution, promulgated on 5 February 2010, also prohibits the extradition of foreign citizens for charges punishable by the death penalty under the laws of the applicant country.

B. Countries that have abolished the death penalty for ordinary crimes

4. No countries abolished the death penalty for ordinary crimes during the reporting period.

C. Countries that have restricted the scope of the death penalty or are limiting its use

5. No countries restricted the scope of the death penalty or limited its use during the reporting period.

D. Countries that have ratified international instruments providing for the abolition of the death penalty

6. There are one international and three regional instruments in force committing States parties to abolishing the death penalty: the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty; Protocols No. 6 and No. 13 to the European Convention on Human Rights; and the Protocol to the American Convention on Human Rights to Abolish the Death Penalty. Protocol No. 6 to the European Convention on Human Rights concerns the abolition of the death penalty in peacetime. The Second Optional Protocol to the International Covenant on Civil and Political Rights and the Protocol to the American Convention on Human Rights provide for the total abolition of the death penalty, but allow States wishing to do so to retain the death penalty in wartime if they make a reservation to that effect upon ratification. Protocol No. 13 concerns the abolition of the death penalty in all circumstances, including for acts committed in times of war and of imminent threat of war.

7. On 15 December 2009, the United Nations High Commissioner for Human Rights marked the twentieth anniversary of the Second Optional Protocol to the International Covenant on Civil and Political Rights by calling for the universal abolition of capital punishment and urging all States to ratify the Protocol.¹ The High Commissioner recalled the reasons for her opposition to the death penalty in all circumstances, including the fundamental nature of the right to life, the unacceptable risk of executing innocent people by mistake, the absence of proof that the death penalty serves as a deterrent, and the inappropriately vengeful character of the sentence. The High Commissioner noted that 140 States no longer carried out the penalty, and that the 72 States parties to the Second Optional Protocol were duty-bound not to execute anybody, to take all necessary steps to abolish the death penalty definitively, and not to extradite individuals to a country where they would face the death penalty. She urged those States still using the death penalty to place a formal moratorium on its use, with the aim of ultimately ratifying the Optional Protocol and abolishing the death penalty altogether.

8. During the reporting period, Brazil acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights on 25 September 2009, with a reservation to article 2. In February 2010, the Parliament of Kyrgyzstan approved a law on accession to the Second Optional Protocol, however formal accession to the Protocol did not take place during the reporting period.

9. There were no new ratifications or accessions to the American Convention on Human Rights to Abolish the Death Penalty during the reporting period.

10. There were no new ratifications or accessions to Protocol No. 6 to the European Convention on Human Rights during the reporting period. Spain ratified Protocol No. 13 to the Covenant, which came into force on 1 April 2010, with a declaration related to Gibraltar.

E. Countries observing a moratorium on executions

11. A number of new moratoriums on the application of the death penalty in countries that retain the punishment were declared in the reporting period, while existing moratoriums were maintained in a number of others. Full details on this issue will be

¹ “UN human rights chief calls for universal abolition of the death penalty”, UN News Centre, 15 December 2009.

included in the upcoming report of the Secretary-General, to be submitted to the General Assembly at its sixty-fifth session.

12. In January 2010, the President of Mongolia reportedly announced the introduction of a moratorium on the death penalty and stated that he would commute the death sentences of those awaiting execution to sentences of 30 years of imprisonment. In November 2009, the Constitutional Court of the Russian Federation decided to extend indefinitely a long-standing moratorium on executions in a move towards described as “an irreversible process to abolish the death penalty” that reflected “a trend in international law”. In March 2009, Burkina Faso declared its commitment to abolish the death penalty; in May 2009, it committed to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. During its universal periodic review in February 2010, Madagascar highlighted its long-standing moratorium and pointed out that the death penalty was systematically commuted to life imprisonment. One recommendation made at that session was for Madagascar to sign and ratify the Second Optional Protocol with a view formally to abolishing the death penalty (A/HRC/14/13).

13. According to reports, in Algeria, more than 100 people were sentenced to death in 2009; the long-standing de facto moratorium on executions was, however, maintained.² In Benin, at least five people were sentenced to death in their absence by the Parakou court of appeal, while a de facto moratorium continued. Although a de facto moratorium also continued in the Democratic Republic of the Congo, a number of death sentences were handed down by military courts during the reporting period, including for two nationals of Norway sentenced to death for murder in June 2010. In Ghana, 7 people were sentenced to death in 2009, while 14 death sentences were commuted to life imprisonment; there were no executions during the reporting period. In Lebanon, although a de facto moratorium remains in place, in October 2009, 7 people were sentenced to death for attacks against the Lebanese army, 4 were sentenced to death by a military court for the crime of collaboration with Israel in November 2009, and 16 people (3 in absentia) were sentenced to death on terrorism-related charges between January and April 2010.

14. In Kenya, the President commuted the death sentences of at least 4,000 prisoners in August 2009 to life imprisonment, and ordered a Government study on the impact of the death penalty on crime levels. In Morocco, in July 2009, the death sentences of 32 prisoners were commuted to life imprisonment on the occasion of the tenth anniversary of the King’s accession to the throne.³

F. Countries that have reintroduced the use of the death penalty, extended its scope or resumed executions

15. In the Gambia, the President announced in September 2009 that executions would resume; in October, the Director of Public Prosecutions reportedly stated that all prisoners sentenced to death would be executed by hanging as soon as possible. According to reports, 1 person was sentenced to death and at least 12 people were believed to be on death row at the end of the year.⁴

² Amnesty International, *The death penalty in 2009; Hands off Cain, 2009 Report on the Death Penalty Worldwide*; World Coalition against the Death Penalty, *Towards a Universal Moratorium on the Use of the Death Penalty*, February 2010.

³ World Coalition against the Death Penalty, “Towards a universal moratorium on the use of the death penalty”, February 2010.

⁴ Amnesty International, *The death penalty in 2009*.

16. In Jamaica, the Prime Minister announced, in July 2009, that the Government would implement the decision made by Parliament in 2008 to retain the death penalty by resuming executions as soon as the appeal avenues available to death row prisoners had been exhausted.

17. In the United Arab Emirates, in October 2009, the President issued a decree relating to national security, including a provision that introduced the death penalty for offences related to the disclosure of information that “harmed the State”. Although there were no reported cases of executions during the reporting period, according to the World Coalition against the Death Penalty, in recent months, the number of death sentences has increased.

III. Enforcement of the death penalty

18. As noted by the Secretary-General in previous reports, up-to-date and accurate global figures on the application of the death penalty are difficult to obtain. This difficulty arises from a lack of transparency on the part of many Governments in relation to the number and characteristics of individuals executed. In some countries, this information is treated as a State secret. According to non-governmental organizations the number of executions carried out around the world in 2009 is 714, although they state that the real figure is very likely to be significantly higher.⁵ The exact number of executions carried out in a number of countries, including China, the Democratic People’s Republic of Korea, Egypt, Iran (Islamic Republic of), Mongolia and Viet Nam, was not available.

19. In Egypt, at least five people were executed in 2009; in March 2010, two people were executed. In the Islamic Republic of Iran, at least 388 people were executed in 2009, including 1 man who was stoned to death and at least 5 juvenile offenders sentenced for crimes committed when they were under 18 years of age. In Iraq, at least 366 people were sentenced to death in 2009, bringing the total under sentence of death to at least 1,100. At least 120 executions were carried out in 2009. In the Libyan Arab Jamahiriya, in September 2009, the Government introduced an amnesty marking the fortieth anniversary of the Fateh revolution, and commuted all death sentences of those convicted in criminal cases before 1 September to life imprisonment; however, at least 4 men were reported to have been executed in 2009, and reportedly 18 people, many of them foreign nationals, were executed by firing squad in June 2010.⁶ In Saudi Arabia, the use of the death penalty continued to be widespread, with at least 69 people executed in 2009, including 2 women, 2 juveniles and 19 foreign nationals.⁵ In the Syrian Arab Republic, at least seven men were sentenced to death after being convicted of murder and at least eight prisoners were executed in 2009. The same year, in Yemen, at least 53 people were sentenced to death and at least 30 prisoners were executed.

20. In Bangladesh, at least 64 people were sentenced to death in 2009 and 3 executed.⁵ The death sentences for five men found guilty of killing former President Sheikh Mujibar Rahman in 1975 were upheld by the Supreme Court in November 2009, and all five men were executed by hanging on 28 January 2010. In China, executions continued in large numbers, although exact figures are unknown as they are considered to be a State secret. In Japan, 7 men were executed in 2009 and another 106 prisoners were at risk of execution, including several mentally ill prisoners. In the Democratic People’s Republic of Korea, the Government continued to carry out executions by hanging or firing squad, including at least

⁵ Amnesty International, *The death penalty in 2009*; World Coalition against the Death Penalty, *Facts and figures about the death penalty 2010*, *Hands off Cain*, 2009 Report on the Death Penalty Worldwide.

⁶ Amnesty International.

seven cases reported by foreign media. In Thailand, two people sentenced to death for drug trafficking were executed in August 2009, the first executions to take place in the country since 2003. In Taiwan Province of China, four men on death row were executed in April 2010, the first executions to be carried out since 2005; in May 2010, the Constitutional Court rejected a petition aimed at halting plans to execute the remaining 40 death row inmates. In Viet Nam, 59 people were sentenced to death in 2009 and 9 were executed. In 2009, in Singapore, at least six death sentences were passed and one execution was carried out.

21. In the United States of America, 52 people were executed in 2009, while 9 men who had been sentenced to death were found innocent and released.⁷ A total of 29 people were executed between 1 January and 18 June 2010, including one man executed on 18 June by firing squad in the State of Utah.

22. Although the House of Representatives in Belarus set up a parliamentary working group to draft proposals for the establishment of a moratorium in June 2009, death sentences continued to be imposed in the country during the reporting period. According to reports, in March 2010, two prisoners sentenced to death for murder were executed, the only executions to take place in Europe during the reporting period.

23. One person was reportedly executed in Botswana in December 2009. In the Sudan, in January 2010, six people were executed for their role in violent clashes between police and people living in internal displacement camps. In March 2010, two men were executed for murder and looting.

IV. International developments

24. On 18 December 2008, the General Assembly adopted resolution 63/168 entitled “Moratorium on the use of the death penalty”. In the resolution, the Assembly welcomed the decisions taken by an increasing number of States to apply a moratorium on executions and follow the global trend towards the abolition of the death penalty. It also welcomed the report of the Secretary-General and the conclusions and recommendations contained therein. The Assembly requested the Secretary-General to report to the Assembly at its sixty-fifth session on the implementation of the resolution. In a note verbale addressed to the Secretary-General dated 12 February 2009 (A/63/716), 53 States Members of the United Nations expressed, *inter alia*, their “persistent objection to any attempt to impose a moratorium on the use of the death penalty or its abolition in contravention to existing stipulations under international law”.

25. The eighth quinquennial report of the Secretary-General on capital punishment and the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (E/2010/10) was submitted to the Economic and Social Council at its substantive session of 2010 in accordance with Council resolutions 1745 (LIV) and 1990/51, and decision 2005/247. The report was also submitted to the Commission on Crime Prevention and Criminal Justice at its nineteenth session, and to the Human Rights Council, in accordance with its decision 2/102. The report reviews in detail the use of and trends in capital punishment, including the implementation of the safeguards, during the period 2004–2008, and confirms a very marked trend towards the abolition and restriction of the use of capital punishment in most countries. The report refers to recent authority for the view that capital punishment violates the right to life (para. 137), and draws attention to

⁷ World Coalition against the Death Penalty, “Towards a universal moratorium on the use of the death penalty”, February 2010; Amnesty International, *The death penalty in 2009*.

a number of serious problems, in places where capital punishment remains in force, with regard to the respect of international norms and standards, notably in the limitation of the death penalty to the most serious crimes, the exclusion of juvenile offenders from its scope, and guarantees of a fair trial.

26. The question of the death penalty was also addressed by the Human Rights Council at its universal periodic review. With regard to the death penalty in Nigeria, concerns were expressed by Member States during the consideration of that State's report in February 2009. In its response, the Government pointed out that while the death penalty was a "valid part of Nigerian law", it had decided to constitute a national committee to review the law. At the review, Member States recommended that Nigeria should establish a formal moratorium on executions with a view to abolish the death penalty (A/HRC/11/26). Recommendations to establish a moratorium and/or formally abolish the death penalty were also issued in relation to Armenia, Egypt, El Salvador, Kazakhstan and Madagascar.

27. The United Nations human rights treaty bodies continued to address the question of the death penalty, in concluding observations following examination of State party reports and when considering individual communications. In two recent cases,⁸ the Human Rights Committee recalled that the imposition of a death sentence after a trial that did not meet the requirements for a fair trial amounted also to a violation of article 6 of the International Covenant on Civil and Political Rights. In one case involving the imposition of a mandatory death sentence for murder and attempted murder,⁹ the Committee referred to its jurisprudence that the automatic and mandatory imposition of the death penalty constituted an arbitrary deprivation of life, in violation of article 6, paragraph 1, of the Covenant, in circumstances where the death penalty is imposed without any possibility of taking into account the defendant's personal circumstances or the circumstances of the particular offence.¹⁰ The Committee found that the imposition of the death penalty itself, in the circumstances, violated the author's right under article 6, paragraph 1, of the Covenant.

28. In another case, the Human Rights Committee considered a case of a deportation with a risk that the person concerned would be subjected to the death penalty,¹¹ and recalled its jurisprudence that a State party, which has itself abolished the death penalty, would violate an individual's right to life under article 6, paragraph 1, if it were to remove a person to a country where they were under a sentence of death.¹² It recognized that, while neither the Committee nor the State party were in a position to assess the guilt or otherwise of the person or to assess the likelihood of the imposition of a non-mandatory sentence in the event that the person was convicted in their country of return, the Committee noted that the risk to the author's life would only be definitively established when it was too late for the State party to protect the person's right to life under article 6 of the Covenant. It did not accept the State party's apparent assumption that a person would have to be sentenced to death to prove that there was a "real risk" of a violation of the right to life. The Committee also noted the anxiety and distress that would be caused to the person by being exposed to a risk of the death penalty. In conclusion, it considered that an enforced return of the person to their country of origin, would, without adequate assurances, constitute violations by the

⁸ Communication No. 1280/2004, *Tolipkhuzhaev v. Uzbekistan*, Views adopted on 22 July 2009; and communication No. 1520/2006; *Mwamba v. Zambia*, Views adopted on 10 March 2010.

⁹ Communication No. 1520/2006, *op. cit.*

¹⁰ See for example communication No. 806/1998, *Thompson v. St. Vincent and the Grenadines*, Views adopted on 18 October 2000; communication No. 845/1998, *Kennedy v. Trinidad and Tobago*, Views adopted on 26 March 2002; and communication No. 1077/2002, *Carpo v. The Philippines*, Views adopted on 28 March 2003.

¹¹ Communication No. 1442/2005, *Kwok v. Australia*, Views adopted on 23 October 2009.

¹² Communication No. 829/1998, *Judge v. Canada*, Views adopted on 5 August 2003.

State party, which itself had abolished the death penalty, of the person's rights under articles 6 (right to life) and 7 (freedom from torture, cruel, inhuman or degrading treatment or punishment) of the Covenant.

29. In its concluding observations on the report of the United Republic of Tanzania (CCPR/C/TZA/CO/4), the Committee reiterated its concern that courts continue to impose death sentences despite the de facto moratorium on the death penalty (applied since 1994) and at the high number of persons remaining on death row. It also regretted the lack of sufficient information on the length of time that convicted persons spend on death row, their treatment in detention and the lack of procedures in place for the commutation of death sentences in the light of the moratorium. It recommended that the State party should seriously consider abolishing the death penalty and becoming a party to the Second Optional Protocol to the Covenant, as well as the early commutation of death sentences of all persons currently sentenced to death.

30. In its concluding observations on the report of Chad (CCPR/C/TCD/CO/1), while noting with interest that the State party intended to take measures leading to the abolition of the death penalty, the Committee expressed its concern about reports of extrajudicial executions. It regretted that the State party had ended the de facto moratorium on the death penalty, and noted with concern reports that a number of people were executed in November 2003 after a summary trial and before the court had ruled on their appeal in cassation. The Committee recommended that the State party should consider abolishing the death penalty or at least reinstating the moratorium on the death penalty. It also recommended that it should ensure that the death penalty was applied, if at all, for only the most serious crimes and that, whenever it was imposed, the requirements of articles 6 (right to life) and 14 (fair trial) were fully met. It also recommended that the State party should consider commuting all death sentences and ratifying the Second Optional Protocol to the Covenant aiming at the abolition of the death penalty.

31. In its consideration of the report of the Russian Federation (CCPR/C/RUS/CO/6), the Committee noted with concern that the death penalty had yet to be abolished de jure despite the welcome moratorium on the execution of death sentences in force since 1996. With regard to the report of the Republic of Moldova (CCPR/C/MDA/CO/2), the Committee welcomed the removal from the Supreme Law of the provision allowing for the application of the death penalty "for acts committed upon war or threat of war" (Law No. 185-XVI of June 2006).

32. The Committee against Torture has also addressed the question of the death penalty under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in its concluding observations following examination of State party reports. With regard to the report of Yemen (CAT/C/YEM/CO/2/Rev.1), the Committee expressed its concern at reported cases of imposition of the death penalty on children between 15 and 18 years of age, and at the lack of information in the State report on the number of persons executed in the reporting period and for which offences, as well as the number of persons currently on death row, disaggregated by sex, age, ethnicity and offence. The Committee recommended that the State party should consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty. In the meantime, it recommended that the State party should also review its policy with regard to the imposition of the death penalty, and in particular take the measures necessary to ensure that the death penalty was not imposed on children, and that it ensure that its legislation provided for the possibility of the commutation of death sentences, especially where there had been delays in their implementation.

33. In its concluding observations on the report of El Salvador (CAT/C/SLV/CO/2), although the Committee noted with satisfaction that the State party had eliminated the death penalty for certain crimes, it recommended that the State party should also eliminate it for

military offences stipulated in legislation applicable during a state of armed conflict. In relation to the Republic of Moldova (CAT/C/MDA/CO/2), it also expressed its satisfaction with regard to ratification by the State party of the Second Optional Protocol to the International Covenant on Civil and Political Rights, in 2006. In relation to Colombia (CAT/C/COL/CO/4), the Committee expressed its satisfaction at the absence of the death penalty.

34. United Nations human rights special procedures also have addressed issues related to the death penalty in the context of their mandates. In a report submitted to the Human Rights Council (A/HRC/10/44 and Corr.1), the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment analysed the question of the death penalty in the light of the prohibition of cruel, inhuman and degrading punishment, and called for a further study on the subject. In his study on the phenomena of torture, cruel, inhuman or degrading treatment or punishment in the world, which included an assessment of conditions of detention (A/HRC/13/39/Add.5) the Special Rapporteur noted the widespread use of evidence obtained under torture, including in cases for which suspects had been convicted to death; in Pasir Putih Maximum Security Prison in Indonesia, for example, the vast majority of detainees on death row had reported with compelling detail how they had been tortured, including by death threats, being hit with hammers, and severe beatings for prolonged periods of time, until they had signed a confession that was later presented in court. In Mongolia, the Special Rapporteur was consistently denied access to prisoners on death row, whose treatment (handcuffed and shackled in dark cells without adequate food and with the right to be visited only by one family member before execution), according to reliable sources, amounted to torture. The Special Rapporteur also noted the severe undermining of the effectiveness of complaints bodies by the de facto lack of access to and of prompt, independent and effective examinations of the allegations by detainees. Other issues relating to the death penalty are addressed in the reports of the Special Rapporteur on the follow-up to recommendations made in the context of his various country visits (A/HRC/13/39/Add.6) and on individual communications (A/HRC/13/39/Add.1).

35. In his latest report submitted to the Human Rights Council (A/HRC/14/24), the Special Rapporteur on extrajudicial, summary or arbitrary executions referred to his previous reports on the issue of the death penalty, noting, in particular, that although international law does not prohibit the death penalty, given the fundamental nature of the right to life, the circumstances in which the death penalty may be lawfully applied are strictly circumscribed, and executions carried out in violation of those limits are unlawful killings. In relation to the legal limits on the application of the death penalty, the Special Rapporteur recalled that (a) the death penalty is only lawful if imposed after a trial conducted in accordance with fair trial guarantees; when a State's judicial system cannot ensure respect for fair trials, the Government should impose a moratorium on executions; (b) States that impose the death penalty must provide transparency in relation to the specifics of the processes and procedures under which it is imposed; States retaining the death penalty should undertake periodic reviews to determine whether international standards have been complied with, and report to the Council on their findings; (c) international law prohibits the application of the death penalty to juveniles, as well as the mandatory imposition of the death penalty; (d) international law only permits the death penalty for "the most serious crimes"; and (e) a person sentenced to death has the right to seek pardon or commutation of the sentence. The Special Rapporteur also referred to his previous reports in which he considered the relationship between international legal obligations and sharia law or Islamic criminal law as applied in some countries. He noted the use of the death penalty by non-State armed actors as an area for future research.

36. In his report on individual communications (A/HRC/14/24/Add.1), the Special Rapporteur expressed his concern at the use of the death penalty in relation to non-serious crimes, transparency in executions and the death penalty for juveniles.

37. Other international developments during the reporting period include the Fourth World Congress against the Death Penalty, held in Geneva from 24 to 26 February 2010. The World Congress resulted in the adoption of a declaration that, inter alia, acknowledged positive developments such as the greater number of ratifications of the Second Optional Protocol to the International Covenant on Civil and Political Rights.¹³ It also called on (a) de facto abolitionist States to enact legislation abolishing the death penalty in law; (b) abolitionist States to integrate the issue of universal abolition in their international relations by making it a major focus of their international policy of promoting human rights; (c) international and regional organizations to support the universal abolition of the death penalty, including the adoption of resolutions calling for a moratorium on executions, by supporting educational activities, and increased cooperation with abolitionist non-governmental organizations that act locally; and (d) abolitionist organizations and actors from retentionist States to unite their strength and determination in creating and developing national and regional coalitions, with the aim to promote, locally, the universal abolition of capital punishment.

38. Other conferences relating to the death penalty include the fifth international congress entitled “No Justice without Life”, held in Rome on 17 May 2010, with the participation of justice officials, judges and civil society representatives from 30 countries. At the regional level, the African Commission on Human and Peoples’ Rights organized a conference in Kigali in September 2009, to discuss the abolition of the death penalty in central, eastern and southern Africa. Representatives of the Commission renewed their commitment to the abolition of the death penalty and proposed the creation of a protocol to the African Charter aiming at the abolition of the death penalty in Africa. A second regional conference was held in Cotonou from 12 to 15 April 2010, focusing on North- and West-African countries and aimed to help design political and legal strategies for the abolition of the death penalty, including possibilities for an additional protocol on the death penalty to the African Charter on Human and Peoples’ Rights. At the conference of the World Coalition against the Death Penalty on Capital Punishment in the Middle-East and North Africa region, held in Madrid in July 2009, representatives of civil society and national experts of Arab countries discussed initiatives aiming at the establishment of a moratorium on executions in participating countries. The Madrid statement¹⁴ encourages Governments of Arab countries to comply with General Assembly resolutions and introduce a moratorium on executions.

V. Conclusions

39. Developments on the question of the death penalty suggest that the trend towards abolition is continuing. A number of States are engaging in national and regional debates on whether to lift existing moratoriums or to abolish the death penalty altogether, while others have gradually restricted its use. However, serious problems remain with regard to respect for international law in countries where the death penalty is still imposed, particularly in its limitation to the most serious crimes, the exclusion of juvenile offenders from its scope, and due process guarantees. Finally,

¹³ See the Final Declaration at the address www.worldcoalition.org/modules/wfdownloads/singlefile.php?cid=28&lid=306.

¹⁴ See www.fidh.org/Final-statement-of-the-conference-of-the-World.

any analysis of the application of the death penalty remains difficult in the light of a lack of transparency by some States in providing information on individuals sentenced to death and executed.
