

AMNESTY INTERNATIONAL GLOBAL REPORT

**DEATH SENTENCES**

**AND EXECUTIONS**

**2021**

**AMNESTY**  
INTERNATIONAL



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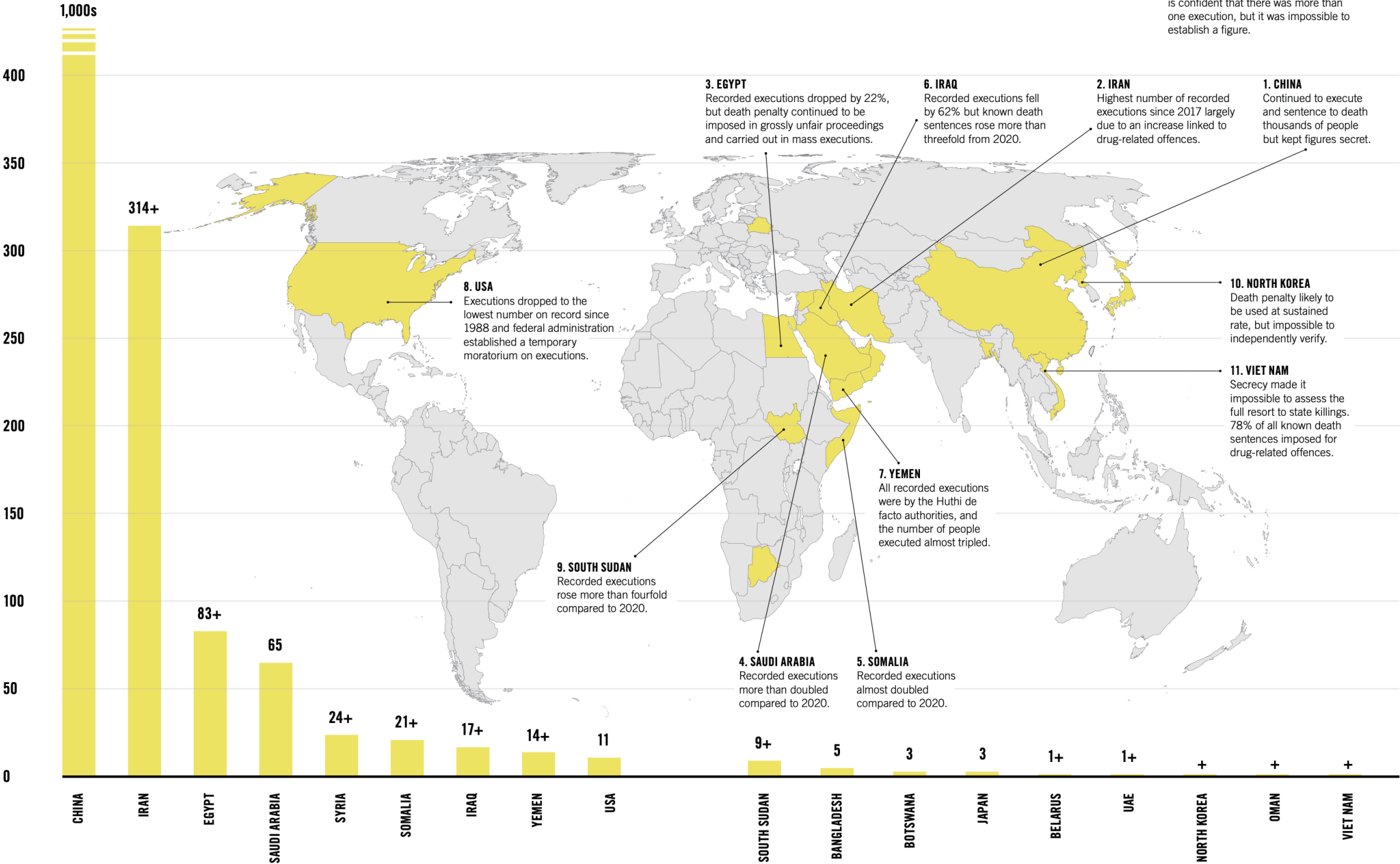
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# EXECUTING COUNTRIES IN 2021



# AMNESTY INTERNATIONAL'S FIGURES ON THE USE OF THE DEATH PENALTY

This report covers the judicial use of the death penalty for the period January to December 2021. As in previous years, information is collected from a variety of sources, including: official figures; court judgements; information from individuals sentenced to death and their families and representatives; media reports; and, for a limited number of countries, as specified, other civil society organizations. Where official information is not already public, Amnesty International writes to the relevant authorities to request information about the extent of their use of the death penalty.

Amnesty International reports only on executions, death sentences and other aspects of the use of the death penalty, such as commutations and exonerations, where there is reasonable confirmation. In many countries governments do not publish information on their use of the death penalty. In China and Viet Nam, data on the use of the death penalty is classified as a state secret. During 2021 little or no information was available on a few other countries – in particular Belarus, Laos and North Korea (Democratic People's Republic of Korea) – due to restrictive state practice.

Therefore, for many countries, Amnesty International's figures on the use of the death penalty are minimum figures. The true overall figures are often likely to be higher. Where the organization obtains official information from the authorities on a specific country in a given year, this is noted in the report.

In 2009 Amnesty International stopped publishing its estimated figures on the use of the death penalty in China, a decision that reflected concerns about how the Chinese authorities misrepresented Amnesty International's numbers. Amnesty International always made clear that the figures it was able to publish on China were significantly lower than the reality because of the restrictions on access to information. China has yet to publish any figures on the death penalty; however, available information indicates that each year thousands of people are executed and sentenced to death. Amnesty International renews its call on the Chinese authorities to publish information on the use of the death penalty in China.

Where Amnesty International receives and is able to verify new information after publication of this report, it updates its figures online at [amnesty.org/en/what-we-do/death-penalty](https://www.amnesty.org/en/what-we-do/death-penalty)

In tables and lists, where “+” appears after a figure next to the name of a country – for example, Malaysia (14+) – it means that Amnesty International confirmed 14 executions, death sentences or persons under sentence of death in Malaysia but believes that there were more than 14. Where “+” appears after a country name without a figure – for instance, Oman (+) – it means that Amnesty International has corroborated executions, death sentences or persons under sentence of death (more than one) in that country but had insufficient information to provide a credible minimum figure. When calculating global and regional totals, “+” has been counted as two, including for China.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The organization campaigns for total abolition of capital punishment.

# THE USE OF THE DEATH PENALTY IN 2021

**“The death penalty system is fundamentally flawed – it is inequitable, ineffective, and it has no place in this Commonwealth or this country. Virginia has come within days of executing innocent people, and Black defendants have been disproportionately sentenced to death. Abolishing this inhumane practice is the moral thing to do.”**

Former Governor of Virginia Ralph S. Northam, 24 March 2021<sup>1</sup>

## GLOBAL TRENDS

In 2021, the resort to the death penalty by a minority of states was on the rise. Through its monitoring, Amnesty International recorded an increase in global executions by 20% on the 2020 figure (from at least 483 to at least 579), while the number of known death sentences increased by almost 40% (from at least 1,477 in 2020 to at least 2,052 in 2021).

These figures do not include the thousands of executions and death sentences that the organization believed were carried out and imposed in China – which remained the world’s lead executioner. Secrecy in North Korea and Viet Nam, as well as restricted access to information in several other countries, also continued to impair a full assessment of global trends.

The increase in executions was primarily driven by rises in the yearly figure for Iran (from at least 246 in 2020 to at least 314 in 2021, a 28% increase), which was the highest figure on record since 2017. The spike in Iran appeared particularly for executions of people convicted of drug-related offences (132), which represented 42% of the total and constituted a more than five-fold rise from 2020 (23), despite amendments to the anti-narcotics law that came into effect in November 2017. Saudi Arabia also more than doubled its recorded 2020 total (from 27 to 65).

As restrictions put in place in response to the Covid-19 pandemic were fully or partially lifted and alternative processes were established, a significantly higher number of death sentences than in 2020 was recorded in several countries, including Bangladesh, India and Pakistan. Singapore reported no executions for the second consecutive year, as litigation and, to some extent, restrictions put in place in the response to the pandemic resulted in the scheduled hanging being stayed.

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<sup>1</sup> Former Virginia Governor Ralph S. Northam, “Governor Northam signs law repealing death penalty in Virginia”, 24 March 2021, [governor.virginia.gov/newsroom/all-releases/2021/march/headline-894006-en.html](https://governor.virginia.gov/newsroom/all-releases/2021/march/headline-894006-en.html)

As human rights crises unfolded in several countries, governments showed disregard for safeguards established under international human rights law and standards and once again resorted to the death penalty as a weapon in the armoury of state repression against protestors and minorities. An alarming increase in the resort to the death penalty under martial law was recorded in Myanmar, where the military transferred the authority to try cases of civilians to special or existing military tribunals, through summary proceedings and without the right to appeal. Close to 90 people were arbitrarily sentenced to death, several without the defendants being present, in what was widely perceived as a way to target political opponents and protestors.

In Egypt, the death penalty continued to be extensively imposed, including on the basis of statements extracted through torture, and through mass executions. In Iran, death sentences were used disproportionately against members of ethnic minorities for vague charges such as “enmity against God” and as a tool of political repression. At least 19% (61) of the recorded executions were members of the Baluchi ethnic minority, whose share of Iran’s population overall is around 5%. In Saudi Arabia, nine people were executed for terrorism-related crimes, most also involving killing, violence or conspiracy to commit them. Mustafa al-Darwish, a young Saudi Arabian man from the Shi’a minority who was convicted of charges related to his alleged participation in violent anti-government protests, was executed in June.

Despite these setbacks, positive developments throughout the year showed that the global trend remained in favour of the abolition of this cruel punishment. Although on the rise, the number of executions recorded globally – excluding the thousands of people believed to have been executed in China, and with limited or lack of information for several other countries – remained among historical-low totals, constituting the second-lowest figure that Amnesty International has recorded since at least 2010. For the second consecutive year, the number of countries known to have executed people, 18, was the lowest since the organization began keeping records – confirming once again that it is an isolated minority of countries that still chose to resort to executions.

An important milestone in 2021 was the unanimous vote, in July, by the Parliament of Sierra Leone to adopt a bill that would fully abolish the death penalty once effected into law.<sup>2</sup> The President of Kazakhstan signed into law similar legislation in December; and earlier in the year, Virginia became the 23rd state and the first southern state to abolish the death penalty in the USA. Armenia became a state party to a key international treaty on abolition of the death penalty.

Other positive initiatives were pursued elsewhere. Bills to abolish the death penalty advanced in the legislative bodies of Central African Republic and Ghana; the Government of Papua New Guinea embarked on a national consultation on the death penalty, ahead of the parliamentary session in January 2022; and at the end of the year the Government of Malaysia announced that it would table legislative reforms on the death penalty in the third quarter of 2022. The threat of the reintroduction of the death penalty in the Philippines diminished, as three of its former proponents in the Senate announced that they would oppose any such move.

The US administration established a temporary moratorium on federal executions in July. Kazakhstan, the Russian Federation, Tajikistan, Malaysia and Gambia continued to observe official moratoriums on executions.

King Maha Vajiralongkorn Badinthepp Thearawangkun of Thailand granted pardons on two separate occasions, significantly lowering the number of people under sentence of death in the country.

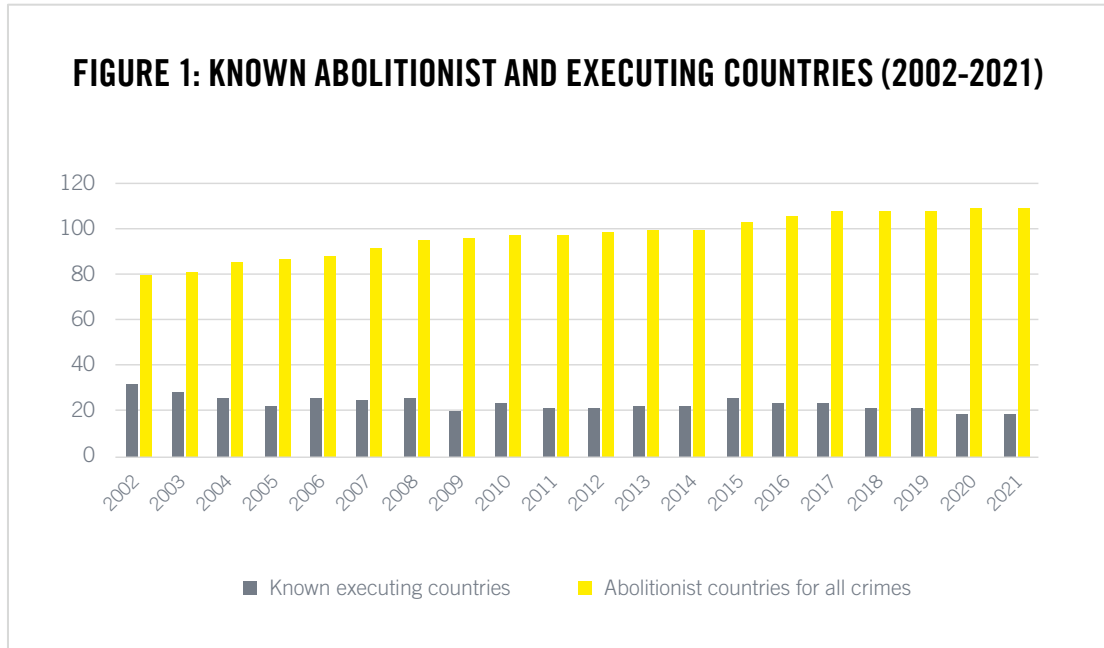
As he signed the abolition bill into law, the then Governor of Virginia Ralph Northam expressed his gratitude for the tireless efforts of those who had campaigned for generations to put an end to the death penalty in the state.<sup>3</sup>

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<sup>2</sup> Amnesty International understands the measure was yet to become effective as the year ended.

<sup>3</sup> Former Virginia Governor Ralph S. Northam, “Governor Northam Signs Law Repealing Death Penalty in Virginia”, 24 March 2021, [governor.virginia.gov/newsroom/all-releases/2021/march/headline-894006-en.html](https://governor.virginia.gov/newsroom/all-releases/2021/march/headline-894006-en.html)

Although the global trend remains unmistakably in favour of abolition, the recorded increases in 2021 should act as a warning that it is not yet time to let off pressure. We must continue to denounce the human rights violations associated with the use of this cruel punishment and its inherent unfairness until all executions and death sentences end. A world without the death penalty is within reach, but the fight for it must continue. Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution.



*Figures from the past two decades show two opposing trends: the number of countries that abolished the death penalty for all crimes have continued to grow, while the number of countries known to have carried out executions each year steadily decreased.*

## EXECUTIONS

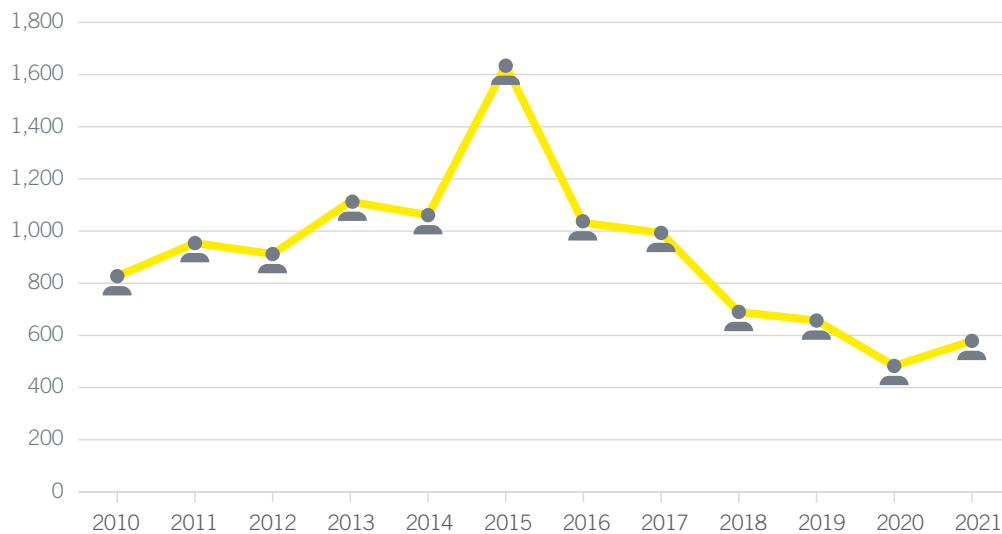
Amnesty International recorded 579 executions in 2021, an increase of 20% on the 2020 recorded total (483). Despite the rise, the 2021 figure remained among historical-low totals, constituting the second-lowest figure for global executions the organization has recorded since at least 2010 (Figure 2).<sup>4</sup>

As in previous years, the recorded global totals do not include the thousands of executions that Amnesty International believed were carried out in China, where data on the death penalty is classified as a state secret.<sup>5</sup> The figures were also affected by the extremely limited access to information that Amnesty International had for two other countries that are also believed to resort to the death penalty extensively: North Korea, for which it was impossible to independently verify reports, and Viet Nam, which also classified data as a state secret. Secretive state practices also did not allow the organization to gather full figures for several other countries, including Belarus.

<sup>4</sup> The total number of executions reported for 2020 represented one of the lowest figures that Amnesty International has recorded in any given year since it began its monitoring of the use of the death penalty in 1979. However, changes in access to information, configuration of countries and methodology over the decades make it challenging to accurately compare this figure over a longer period.

<sup>5</sup> In 2009 Amnesty International stopped publishing its estimated figures on the use of the death penalty in China. Instead, the organization has challenged the authorities to prove their claims that they are achieving their goal of reducing the application of the death penalty by publishing the figures themselves.

**FIGURE 2: RECORDED GLOBAL EXECUTIONS (2010-2021)**



*Yearly totals of executions recorded by Amnesty International for the years 2010-2021.*

Twenty-four women were among the 579 people known to have been executed in 2021 (4%), as follows: Egypt (8), Iran (14), Saudi Arabia (1) and USA (1).



#### **EXECUTIONS RECORDED GLOBALLY IN 2021<sup>6</sup>**

Bangladesh (5), Belarus (1+), Botswana (3), China (+), Egypt (83+), Iran (314+), Iraq (17+), Japan (3), North Korea (+), Oman (+), Saudi Arabia (65), Somalia (21+), South Sudan (9+), Syria (24+), United Arab Emirates (1+), USA (11), Viet Nam (+), Yemen (14+).

Amnesty International recorded executions in 18 countries, the same number as in 2020 – and the lowest figure of known executing countries since the organization began keeping records (Figure 1).

No executions were known to have been carried out in India, Qatar and Taiwan – all countries that executed people in the previous year.

After a hiatus of several years, three countries resumed executions, Belarus and Japan carrying out their first executions since 2019 and the United Arab Emirates the first since 2017. In the USA, Mississippi and Oklahoma executed people for the first time since 2012 and 2015, respectively.

Three countries – Iran (at least 314), Egypt (at least 83) and Saudi Arabia (65) – accounted for 80% of all known executions.

<sup>6</sup> Amnesty International was not able to confirm information on the judicial use of the death penalty in Afghanistan after August 2021; and it could not confirm the method of execution used in Oman and Syria.

The overall increase in the recorded global total was primarily linked to rises in execution totals in Iran (from at least 246 in 2020, a 28% increase) and Saudi Arabia, which more than doubled its recorded 2020 total (27 to 65). Other noticeable increases were documented in Somalia (from at least 11 in 2020 to at least 21 in 2021); South Sudan (from at least 2 in 2020 to at least 9 in 2021); and Yemen (from at least 5 in 2020 to at least 14 in 2021).

Amnesty International recorded a decrease of 22% in executions in Egypt (at least 83), which had tripled its execution tally in 2020 (at least 107); of 62% in Iraq (at least 45 in 2020 and at least 17 in 2021); and 35% in the USA (17 in 2020 and 11 in 2021).

## METHODS OF EXECUTIONS IN 2021<sup>7</sup>

<b>Beheading</b>	Saudi Arabia							
<b>Hanging</b>	Bangladesh	Botswana	Egypt	Iran	Iraq	Japan	South Sudan	UAE
<b>Lethal injection</b>	China	USA	Viet Nam					
<b>Shooting</b>	Belarus	China	North Korea	Somalia	Yemen			

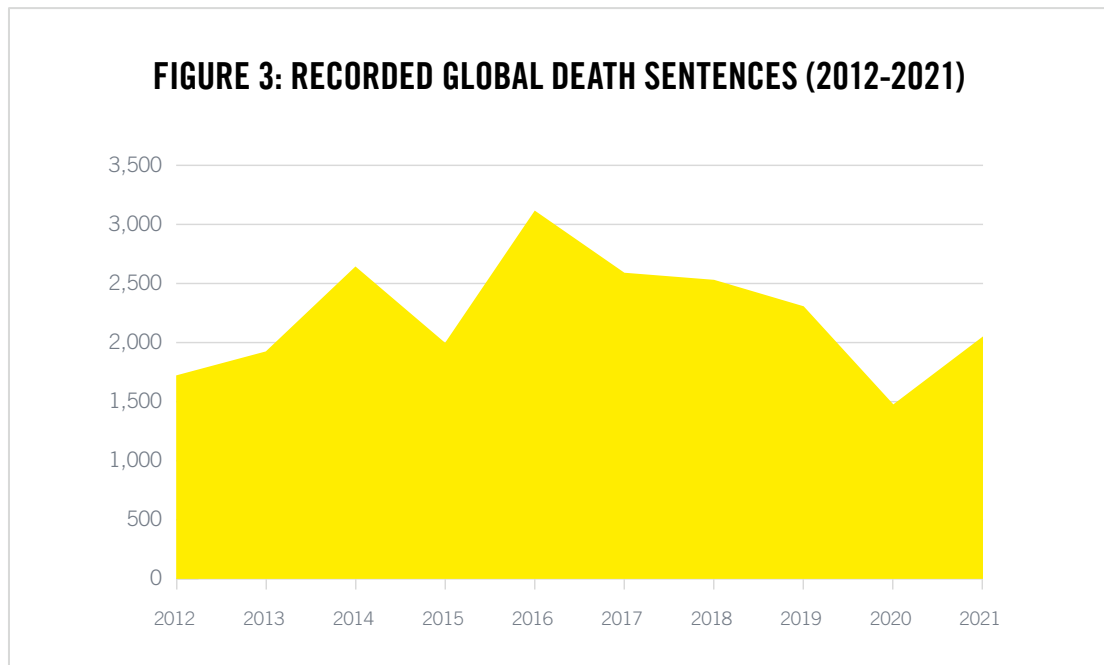
### 2021 KNOWN EXECUTING COUNTRIES BY INTERNATIONAL GOVERNMENTAL ORGANIZATIONS

- **Organization of American States:** 1 out of 35 countries carried out executions – **USA**.
- **Organization for Security and Co-operation in Europe:** 2 out of 57 countries executed people – **Belarus** and **USA**.
- **African Union:** 4 out of 55 countries carried out executions – **Botswana, Egypt, Somalia** and **South Sudan**.
- **League of Arab States:** 8 out of 22 countries executed people – **Egypt, Iraq, Oman, Saudi Arabia, Somalia, Syria, UAE** and **Yemen**.
- **Association of Southeast Asian Nations:** 1 out of 10 countries carried out executions – **Viet Nam**.
- **Commonwealth:** 2 out of 54 countries executed people – **Bangladesh** and **Botswana**.
- **Organisation Internationale de la Francophonie:** 2 out of 54 countries carried out executions – **Egypt** and **Viet Nam**.
- **United Nations:** 18 out of 193 member states (9% of UN membership) were known to have executed people.

<sup>7</sup> Similarly to previous years, Amnesty International did not receive any reports of judicial executions by stoning in 2021. The method of execution used in Oman and Syria in 2021 could not be confirmed.

# DEATH SENTENCES

The total number of death sentences recorded by Amnesty International in 2021 increased by 39% on the 2020 global figure. At least 2,052 new death sentences have been imposed, up from at least 1,477 in the previous year (Figure 3).



*Yearly totals of death sentences recorded by Amnesty International for the years 2012-2021.*

Variations in the nature and availability of information on death sentences for some countries, including Laos, continued to affect Amnesty International's assessment and ability to accurately compare trends. Amnesty International did not receive figures for death sentences imposed in 2021 from officials in Malaysia, Nigeria and Sri Lanka, countries that had reported high official numbers of death sentences in previous years, for example. Partial disclosures by the authorities of Viet Nam indicated that hundreds of people continued to be sentenced to death yearly and a 30% increase was recorded between 1 October 2020 and 31 July 2021, even if comprehensive figures were not publicly available.



## DEATH SENTENCES RECORDED GLOBALLY IN 2021<sup>8</sup>

Afghanistan (2+), Algeria (9), Bangladesh (181+), Belarus (1), Botswana (6), Cameroon (4+), China (+), Democratic Republic of the Congo (81+), Egypt (356+), Ethiopia (+), Gambia (3), Ghana (7), Guyana (4), India (144), Indonesia (114+), Iran (+), Iraq (91+), Japan (3), Jordan (11+), Kenya (14), Kuwait (5+), Lebanon (12+), Libya (+), Malawi (11+), Malaysia (14+), Maldives (1), Mali (48), Mauritania (60), Morocco/Western Sahara (1), Myanmar (86+), Nigeria (56+), North Korea (+), Oman (+), Pakistan (129+), Palestine (State of; 21+), Qatar (+), Saudi Arabia (8+), Sierra Leone (23), Singapore (10), Somalia (27+), South Sudan (10+), Sri Lanka (8+), Sudan (7+), Syria (+), Taiwan (2), Tanzania (+), Thailand (+), Trinidad and Tobago (3), Tunisia (3+), Uganda (2+), UAE (9+), USA (18), Viet Nam (119+), Yemen (298+), Zambia (9+), Zimbabwe (1).

<sup>8</sup> Amnesty International was not able to confirm information on the judicial use of the death penalty in Afghanistan after August 2021.

Ten women were among those known to have been sentenced to death in 2021 in Bangladesh (1), Democratic Republic of the Congo (1), Guyana (1), Indonesia (3), Malaysia (3) and Pakistan (1). However, Amnesty International was not able to obtain an accurate breakdown by gender for several countries, including those that are believed to extensively resort to the death penalty, such as Iran and Saudi Arabia, meaning that this figure is likely to be higher.

Globally, two more countries (56) were known to have imposed death sentences in 2021, compared to 2020 (54). No new death sentences were recorded in Bahrain, Comoros, Laos and Niger – all countries that were known to have sentenced people to death in 2020. Ethiopia, Guyana, Maldives, Oman, Tanzania and Uganda all imposed death sentences in 2021 after they were not believed to have done so in 2020.

Significant increases in the number of death sentences imposed were recorded in several countries, partly because of proceedings resumed more fully after the lifting of Covid-19-related restrictions or more frequent resort to virtual hearings, including in Bangladesh, India and Pakistan; or because of the adoption of legislation facilitating greater resort to the death penalty, including in Myanmar. Yearly death sentence figures rose in Algeria (from at least 1 in 2020 to 9 in 2021); Bangladesh (from at least 113 to at least 181), Botswana (from 1 to 6), Democratic Republic of the Congo (from at least 20 to at least 81), Egypt (from at least 264 to at least 356), India (from 77 to 144), Iraq (from at least 27 to at least 91), Jordan (from at least 2 to at least 11), Lebanon (from at least 1 to at least 12), Malawi (from at least 2 to at least 11), Mauritania (from at least 1 to 60), Myanmar (from at least 1 to at least 86), Pakistan (from at least 49 to at least 129), Viet Nam (from at least 54 to at least 119) and Yemen (from at least 269 to at least 298).

In Sierra Leone, known death sentences nearly halved (from 39 in 2020 to 23 in 2021).



#### UNDER SENTENCE OF DEATH

At the end of 2021, at least 28,670 people were under sentence of death. Nine countries held 82% of the known totals:

Iraq (8,000+), Pakistan (3,800+), Nigeria (3,036+), USA (2,382), Bangladesh (1,800+), Malaysia (1,359), Viet Nam (1,200+), Algeria (1,000+), Sri Lanka (1,000+).

Amnesty International believed that a high number of people were under sentence of death in several other countries, but figures were not available or it was impossible to estimate an adequate number due to lack of transparency. These countries included China, Egypt, Iran, North Korea and Saudi Arabia.

Even for those countries where figures were available, in most cases it was not possible to obtain a breakdown by gender. Amnesty International could confirm figures on women under sentence of death (67) for Ghana (6), Guyana (3), Maldives (1), Sierra Leone (3), Taiwan (1), Tunisia (5) and USA (48).

# COMMUTATIONS, PARDONS AND EXONERATIONS

Amnesty International recorded commutations or pardons of death sentences in 19 countries:

Bangladesh, Botswana, Democratic Republic of the Congo, Guyana, India, Indonesia, Iran, Malaysia, Myanmar, Pakistan, Sierra Leone, South Sudan, Taiwan, Thailand, Trinidad and Tobago, UAE, USA, Zambia and Zimbabwe.<sup>9</sup>

Amnesty International recorded seven exonerations of people under sentence of death in four countries: Bahrain (1), Kenya (1), USA (2) and Zambia (3).<sup>10</sup>

## USE OF THE DEATH PENALTY IN VIOLATION OF INTERNATIONAL LAW



The death penalty continued to be used in ways that violated international law and standards in 2021. Some examples included:

- At least nine people were subjected to a **public execution** in Yemen.
- Four people were executed for crimes that occurred when they were **below 18 years of age** in Iran (3) and Yemen (1); Amnesty International believed that other people in this category remained on death row in Maldives (5), Myanmar (at least 2) and Iran (80).<sup>11</sup>
- People with **mental (psycho-social) or intellectual disabilities** were known to be under sentence of death in several countries, including Japan, Maldives, Singapore and USA.
- Death sentences were known to have been imposed after proceedings that did not meet **international fair trial standards** in several countries, including Algeria, Bangladesh, Cameroon, Egypt, Iran, Myanmar, Nigeria, Pakistan, Saudi Arabia, Somalia, Singapore and Yemen.
- “**Confessions**” that may have been extracted through **torture or other ill-treatment** were used to convict and sentence people to death in Egypt, Iran, Saudi Arabia and Yemen.
- Death sentences were imposed **without the defendant being present (in absentia)** in Algeria, Bangladesh, the Democratic Republic of the Congo, Egypt, Jordan, Mali, Myanmar, Palestine (State of) and Yemen.

<sup>9</sup> Commutation is the process by which a death sentence is exchanged for a less severe sentence such as terms of imprisonment, often by the judiciary on appeal, but sometimes also by the executive. A pardon is granted when the convicted individual is completely exempted from further punishment.

<sup>10</sup> Exoneration is the process whereby, after sentencing and the conclusion of the appeals process, the convicted person is later cleared from blame or acquitted of the criminal charge, and therefore is regarded as innocent in the eyes of the law.

<sup>11</sup> Often the actual age of the prisoner is in dispute because no clear proof of age exists, such as a certificate of registration at birth. Governments should apply a full range of appropriate criteria in cases where age is in dispute. Good practice in assessing age includes drawing on knowledge of physical, psychological and social development. Each of these criteria should be applied in a way that gives the benefit of the doubt in disputed cases so that the individual is treated as a person who was below 18 years of age at the time of the crime, and accordingly should ensure that the death penalty is not applied. Such an approach is consistent with the principle that the best interests of the child shall be a primary consideration in all actions concerning children, as required by Article 3(1) of the UN Convention on the Rights of the Child.

## USE OF THE DEATH PENALTY IN VIOLATION OF INTERNATIONAL LAW (CONTINUED)



- **Mandatory death sentences** were imposed in Cameroon, Ghana, Iran, Malaysia, Nigeria, Pakistan, Sierra Leone, Singapore, Trinidad and Tobago and Zambia.<sup>12</sup>
- **Military courts** sentenced civilians to death in in Cameroon, the Democratic Republic of the Congo, Myanmar and Yemen. **Special Courts** imposed death sentences in Bangladesh, Egypt, Jordan, Pakistan, Palestine (State of) and Yemen.
- The death penalty was used for **crimes that did not involve intentional killing**, and therefore did not meet the threshold of “most serious crimes” under international law.<sup>13</sup>

### – Drug-related offences:

at least 134 executions were known to have been carried out in two countries – China (+) and Iran (132 out of at least 314, 42%). This was 23% of the 2021 total, up from 30 in 2020. Information on Viet Nam, which is very likely to have carried out such executions, was unavailable;

220 new death sentences were known to have been imposed in 11 countries: Bangladesh (2 out of at least 181, 1%), Egypt (10 out of at least 356, 3%), Indonesia (94 out of at least 114, 82%), Iran (+), Malaysia (5 out of at least 14, 36%), Pakistan (2 out of at least 129, 2%), Singapore (8 out of 10, 80%), Sri Lanka (1 out of at least 8, 13%), Thailand (+), UAE (1 out of at least 9, 11%) and Viet Nam (93 out of at least 119, 78%). This was 11% of the 2021 recorded global total and represented an increase of 23% from 2020 (179).

- **Economic crimes**, such as corruption: China.
- **“Blasphemy”** or “insulting the prophet of Islam”: Pakistan.
- **Rape**: Egypt, India (rape of a child), Iran, Pakistan, Sudan and Saudi Arabia.
- Different forms of **“treason”**, **“acts against national security”**, **“collaboration”** with a foreign entity, **“espionage”**, **“questioning the leader’s policies”**, participation in **“insurrectional movement and terrorism”**, **“armed rebellion against the ruler/state”** and other **“crimes against the state”**, whether or not they led to a loss of life, and **“enmity with God”**: Iran, Saudi Arabia and Yemen.
- **Expansion of the scope of the death penalty: Nigeria (3 states).**

<sup>12</sup> Mandatory death sentences are inconsistent with human rights protections because they do not allow “any possibility of taking into account the defendant’s personal circumstances or the circumstances of the particular offence.” UN Human Rights Committee, Views: *Pagdayawon Rolando v. Philippines*, Communication No. 1110/2002, 8 December 2004, UN Doc. CCPR/C/82/D/1110/2002, para. 5.2.

<sup>13</sup> As prescribed by Article 6 of the International Covenant on Civil and Political Rights.

# REGIONAL OVERVIEWS

## AMERICAS

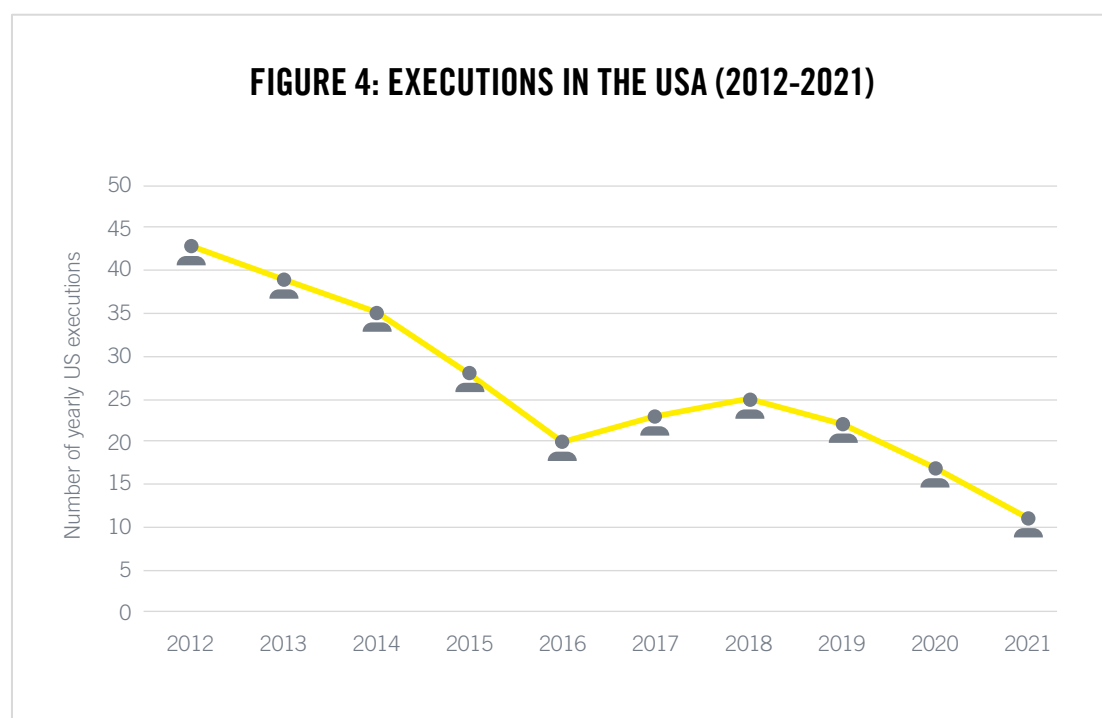
### REGIONAL TRENDS

- The new US administration established a temporary moratorium on federal executions in July, after a further three such executions were carried out during the last week of the outgoing administration.
- Virginia became the 23<sup>rd</sup> abolitionist state in the USA; Ohio rescheduled or halted all set executions, for the third consecutive year.
- The rest of the Americas region remained execution-free for the 13th consecutive year.

COUNTRY	2021 RECORDED EXECUTIONS	2021 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2021
Antigua and Barbuda	0	0	0
Bahamas	0	0	0
Barbados	0	0	6
Belize	0	0	0
Cuba	0	0	0
Dominica	0	0	0
Grenada	0	0	1
Guatemala	0	0	0
Guyana	0	4	27
Jamaica	0	0	0
Saint Kitts and Nevis	0	0	0
Saint Lucia	0	0	0
Saint Vincent and the Grenadines	0	0	1
Trinidad and Tobago	0	3	45

COUNTRY	2021 RECORDED EXECUTIONS	2021 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2021
USA <sup>14</sup>	11 in 6 jurisdictions: <sup>15</sup> Alabama (1) Mississippi (1) Missouri (1) Oklahoma (2) Texas (3) US federal (3)	18 in 7 states: Alabama (4) California (3) Florida (2) Nebraska (1) Oklahoma (4) Tennessee (1) Texas (3)	2,382 people, including 48 women, held in 29 jurisdictions. <sup>16</sup>  Eight states held more than 100 people: 694 in California 318 in Florida 198 in Texas 168 in Alabama 135 in North Carolina 131 in Ohio 112 in Arizona 109 in Pennsylvania

The overall decline in executions carried out in the USA in recent decades continued in 2021, with the total reaching the lowest number on record since 1988 (11). Executions dropped by 35% on the 2020 total (17); and by 74% compared to 10 years earlier (43 in 2012; see Figure 4).



*Executions carried out in the USA during the period 2012-2021.*

<sup>14</sup> Figures based on Amnesty International's monitoring of information published by Departments of Corrections, courts and media in relevant US states. Amnesty International recorded that during the year, 26 men died while held under sentence of death, including four after they contracted Covid-19.

<sup>15</sup> Both state and federal authorities carried out executions.

<sup>16</sup> The state of New Hampshire, where the death penalty was abolished in 2019, still held one person under sentence of death. The law abolishing the death penalty in Virginia ([House Bill 2263](#), [Virginia Acts of Assembly Chapter 344](#), signed into law on 24 March), directed for the commutation of the remaining death sentences in the state.

The 2021 execution total was once again affected by restrictions associated with the Covid-19 pandemic, as well as litigation. In 2020, executions at state level came to a halt in the first half of the year because of the pandemic, and federal executions resumed in July after 17 years without them; in a reversal of that, in January 2021 the then outgoing federal administration put to death three people – the only executions nationwide during the first four months of 2021. State executions resumed in May.<sup>17</sup>

Executions were carried out in six jurisdictions during the year, the same number as in 2020. Mississippi and Oklahoma executed people for the first time since 2012 and 2015, respectively. Georgia and Tennessee, which carried out executions in 2020, did not do so in 2021. Texas continued to account for approximately 40% of all state executions (three out of eight), with Oklahoma close behind (two). Ohio executions remained on hold, with its Governor issuing reprieves because of ongoing issues with the state lethal injection method.<sup>18</sup> Furthermore, challenges with the sourcing of substances and amended lethal injection protocols continued to cause a hiatus in executions in several other states.<sup>19</sup>

Figures compiled by the Death Penalty Information Center in Washington, DC, USA, indicated that the number of execution dates sought in 2021 (45) was significantly lower than in 2020 (62).

The number of death sentences (18) recorded by Amnesty International was the same as in 2020, remaining for the second consecutive year at the lowest figure since the US Supreme Court ruled the application of the death penalty under existing statutes unconstitutional in 1972;<sup>20</sup> and dropping by almost half compared to 2019 (35). To some extent, the yearly total was affected by delays to court proceedings and jury trials because of the response to the Covid-19 pandemic.<sup>21</sup>

As in 2020, seven states imposed death sentences. Alabama, Nebraska and Tennessee imposed death sentences after a one-year hiatus, while Arizona, Mississippi and Ohio, which all reported death sentences in 2020, did not impose any. Florida's total decreased significantly from seven in 2020 to two in 2021, while Oklahoma's increased from one in 2020 to four in 2021.

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<sup>17</sup> The Supreme Court of Tennessee postponed a February execution due to Covid-19-related concerns. Supreme Court of Tennessee, *State of Tennessee v. Oscar Franklin Smith*, No. M2016-01869-SC-R11-PD, 5 January 2021, [tncourts.gov/sites/default/files/docs/order\\_staying\\_february\\_4\\_2021\\_execution-filed.pdf](https://tncourts.gov/sites/default/files/docs/order_staying_february_4_2021_execution-filed.pdf)

<sup>18</sup> Mike DeWine Governor of Ohio, "Governor DeWine issues reprieves", 9 April 2021, [governor.ohio.gov/media/news-and-media/dewine-issues-reprieves-04092021](https://governor.ohio.gov/media/news-and-media/dewine-issues-reprieves-04092021)

<sup>19</sup> In addition to Ohio, executions in 2021 were completely or in part on hold in several jurisdictions, including in Arizona, Arkansas, Florida, Idaho, Indiana, Kentucky, Louisiana, Nebraska, Nevada and South Carolina because of litigation and other challenges relating to lethal injection procedures.

<sup>20</sup> US Supreme Court, *Furman v. Georgia*, 408 U.S. 238 (1972).

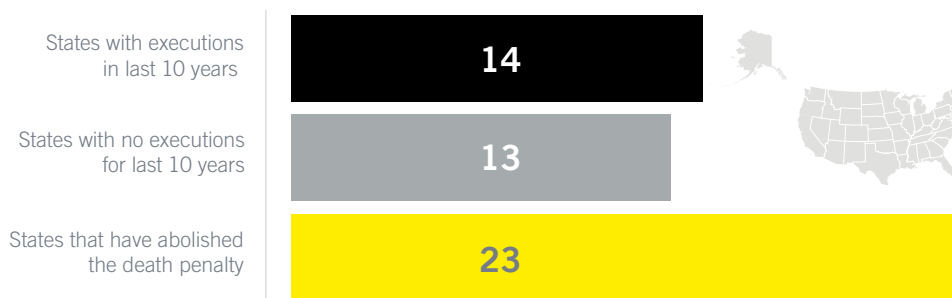
<sup>21</sup> Among other examples, United States Courts, "As Covid-19 cases fall, juries get back to work", 27 May 2021, [uscourts.gov/news/2021/05/27/covid-19-cases-fall-juries-get-back-work](https://uscourts.gov/news/2021/05/27/covid-19-cases-fall-juries-get-back-work)

## THE DEATH PENALTY IN THE USA

Following abolition of the death penalty in Virginia, 23 US states had abolished this punishment for all crimes, including 11 since the beginning of the millennium.<sup>22</sup> Of the 27 remaining states, California, Indiana, Kansas, Kentucky, Louisiana, Montana, Nevada, North Carolina, Oregon, Pennsylvania, South Carolina, Utah and Wyoming (13, or 48% of all states with the death penalty) had not carried out executions for at least 10 years, with California, Oregon and Pennsylvania observing governor-ordered moratoriums on executions. This meant that, as of the end of 2021, less than one third (28%) of the 50 US states had executed anyone in the last 10 years. (Figure 5)

At the federal level, the US military authorities had not carried out any executions since 1961, while executions of people convicted under ordinary federal capital laws resumed in July 2020 after a 17-year gap and continued until 16 January 2021.

**FIGURE 5: THE DEATH PENALTY IN US STATES**



*At the end of 2021, 23 US states had fully abolished the death penalty. Of the remaining 27, 13 had not carried out executions in the last 10 years.*

In addition to those imposed by US courts, Guyana and Trinidad and Tobago imposed the only other known seven death sentences in the Americas region. Trinidad and Tobago – the only country in the region to retain the mandatory death penalty for murder – held 56% of the 80 people known to be under sentence of death outside the USA. Nine countries – Antigua and Barbuda, Bahamas, Belize, Cuba, Dominica, Guatemala, Jamaica, Saint Kitts and Nevis and Saint Lucia – did not hold anyone under sentence of death and did not impose any new death sentences. Grenada and Saint Vincent and the Grenadines each continued to hold one person under sentence of death.

<sup>22</sup> The states of Colorado, Connecticut, Delaware, Illinois, Maryland, New Hampshire, New Jersey, New Mexico, New York, Virginia and Washington. The District of Columbia has also abolished the death penalty.

## NOTABLE COUNTRY DEVELOPMENTS

Official information provided to Amnesty International indicated that six men who had been sentenced to the mandatory death penalty for murder in **Barbados** awaited resentencing at the end of the year.<sup>23</sup> The Caribbean Court of Justice – the country’s final appellate court – had declared the mandatory death penalty unconstitutional in 2018.<sup>24</sup>

Three men and one woman were known to have been sentenced to death in **Guyana**. The Court of Appeal commuted the death sentence of a man in May. Three women were among the 27 people believed to be under sentence of death at the end of the year. In June the Court of Appeal began hearing arguments on a challenge to the constitutionality of the death penalty.<sup>25</sup>

Official information provided to Amnesty International indicated that three new mandatory death sentences were imposed in **Trinidad and Tobago** in separate cases.<sup>26</sup> Three men had their death sentences quashed, with two having their murder convictions substituted for manslaughter and the third having his case sent for retrial. Forty-five people were under sentence of death at the end of the year, with approximately one third believed to have spent more than five years on death row, which rendered the implementation of their death sentences unconstitutional.<sup>27</sup>

On 2 and 3 November the Judicial Committee of the Privy Council, the final appellate court of Trinidad and Tobago, heard an appeal challenging the constitutionality of the mandatory death penalty for murder.<sup>28</sup> Although a provision in the Constitution protects laws existing at the time of its adoption from challenges on ground of incompatibility with human rights protections, the challenge sought the repeal of the mandatory death penalty as inconsistent with unwritten principles of the Constitution guaranteeing the separation of powers and judicial independence, as well as section 1 of the Constitution that declares Trinidad and Tobago to be a sovereign democratic state governed with separation of powers, rule of law and equality before the law. On 12 November, Trinidad and Tobago had its Universal Periodic Review at the UN Human Rights Council. In response to recommendations to abolish the death penalty, its representatives announced that the government intended to embark on a national discussion on the outcome of the forthcoming constitutionality decision.<sup>29</sup>

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<sup>23</sup> Official communication to Amnesty International, received on 9 March 2022.

<sup>24</sup> Caribbean Court of Justice, *Jabari Sensimania Nervais v. The Queen* and *Dwayne Omar Severin v. The Queen* (CCJ 19 (AJ)), 2018, [ccj.org/wp-content/uploads/2021/02/2018-CCJ-19-AJ-1.pdf](https://ccj.org/wp-content/uploads/2021/02/2018-CCJ-19-AJ-1.pdf)

<sup>25</sup> Death Penalty Project, “Guyana’s Court of Appeal will today hear a landmark case that could see the death penalty abolished”, 16 June 2021, [deathpenaltyproject.org/guyanas-court-of-appeal-will-today-hear-a-landmark-case-that-could-see-the-death-penalty-abolished/](https://deathpenaltyproject.org/guyanas-court-of-appeal-will-today-hear-a-landmark-case-that-could-see-the-death-penalty-abolished/); Guyana Times, “Legal challenge to death penalty: Retention a manifestation of the will of Guyanese”, 21 October 2021, [guyanatimesgy.com/legal-challenge-to-death-penalty-retention-a-manifestation-of-the-will-of-guyanese/](https://guyanatimesgy.com/legal-challenge-to-death-penalty-retention-a-manifestation-of-the-will-of-guyanese/)

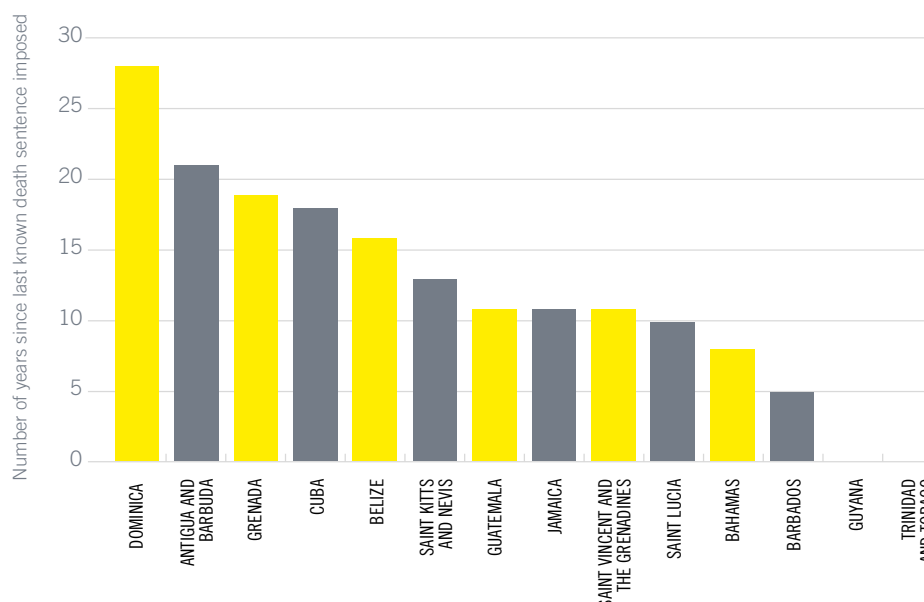
<sup>26</sup> Official communication to Amnesty International, received on 8 March 2022.

<sup>27</sup> In line with the standard set by the Judicial Committee of the Privy Council in *Pratt and Morgan v. The Attorney General of Jamaica* (UKPC 37) (1993).

<sup>28</sup> Judicial Committee of the Privy Council, *Chandler v. The State No 2* (Trinidad and Tobago), JCPD 2020/0051, [jcpd.uk/cases/jcpd-2020-0051.html](https://jcpd.uk/cases/jcpd-2020-0051.html); the decision was pending at the end of the year.

<sup>29</sup> UN Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Trinidad and Tobago*, 20 December 2021, UN Doc. A/HRC/49/16, para. 41.

**FIGURE 6: LAST KNOWN DEATH SENTENCE IN GREATER CARIBBEAN COUNTRIES WITH THE DEATH PENALTY**



*The majority of countries in the Greater Caribbean that still retain the death penalty have imposed their last known death sentences five or more years ago.*

The use of the death penalty in the **USA** in 2021 followed an opposite trajectory to 2020, with executions coming to a halt at federal level and resuming in some states, after a hiatus.

At the federal level, the year began with the Trump administration continuing its pursuit of executions and putting three people to death in four days, just before leaving office on 20 January.<sup>30</sup> Stays of execution put in place by federal judges to consider critical legal questions in the cases, including whether lung damage from recent Covid-19 infections of two of the three prisoners could render their execution by lethal injection torturous and unconstitutional, were overturned after the administration appealed.

Several violations of restrictions on the use of the death penalty established under international human rights law and standards were evident. Lisa Montgomery was executed on 13 January, the first woman in 67 years. Her lawyers highlighted that she had been represented at trial by ineffective counsel who did not present the jury with evidence of her mental disability and of the prolonged abuse and sexual violence she had been exposed to from a young age, which “exacerbated a genetic predisposition to mental illness inherited from both sides of her family”; and that she had complex post-traumatic stress disorder.<sup>31</sup> Corey Johnson, whose lawyers had shown that he had an intellectual disability that was not considered at sentencing and that his trial was tainted by racial stereotypes

<sup>30</sup> Amnesty International, *USA: Thirteen federal executions in six months* (Index: AMR 51/3552/2021), 20 January 2021, [amnesty.org/en/documents/amr51/3552/2021/en/](https://www.amnesty.org/en/documents/amr51/3552/2021/en/)

<sup>31</sup> Attorney Statement re: Execution Date Set for Lisa Montgomery, Only Woman on Federal Death Row, 16 October 2020, [drive.google.com/file/d/1zrFnD8vRapHnGc9EFzlwJbYi6cNEADv/view](https://drive.google.com/file/d/1zrFnD8vRapHnGc9EFzlwJbYi6cNEADv/view)

and disparities, was executed on 14 January.<sup>32</sup> Dustin Higgs was put to death on 15 January, as his lawyers continued to draw attention to the fact that during the proceedings, the state withdrew evidence about a key state witness that could have resulted in a lesser sentence.<sup>33</sup> In all three cases, the defence teams argued that the trial juries were not presented with key mitigating evidence of traumatic childhoods, neglect, abuse and violence, including because of ineffective legal counsel and procedural failures.

As the 117<sup>th</sup> session of Congress began on 3 January and the Biden administration prepared to take office following an electoral commitment to work for abolition of the death penalty at federal and state level, the first signs of a reversed trend in federal executions began to emerge. US Representatives Ayanna Pressley and Adriano Espaillat and US Senator Richard Durbin reintroduced their bills to abolish the federal death penalty, which they had first tabled in July 2019, on the same day the Trump administration announced it had set the first federal executions since 2003.<sup>34</sup> Later in 2021, US Attorney General Merrick Garland announced a formal, but conditional, moratorium on federal executions, pending review of the Addendum to the Federal Lethal Injection Protocol, the Manner of Federal Executions regulations, and amendments to the Justice Manual adopted by the previous administration.<sup>35</sup> However, by the end of the year, federal prosecutors were continuing to defend the death penalty in other cases, the President had not commuted existing federal death sentences, and legislation to abolish the federal death penalty was still pending in Congress. Six men continued to face capital prosecution before unfair military commissions at the US naval base at Guantánamo Bay, Cuba.

At state level, as the country began lifting restrictions put in place in response to the Covid-19 pandemic and legislators in Virginia voted to repeal the death penalty, authorities in a small number of states sought to resume executions after a hiatus.

On 14 May, the Governor of South Carolina, Henry McMaster, enacted a law that allowed for execution by electrocution, lethal injection or firing squad;<sup>36</sup> and two executions – the first in the state in 10 years – were immediately scheduled for 18 and 25 June. However, the South Carolina Supreme Court found that the state was currently unable or ready to conduct either lethal injection or firing squad executions and given the statutory right of those on death row to choose between the three methods, vacated the execution orders.<sup>37</sup> In August, the new Attorney General of Oklahoma, John O'Connor, requested the state Court of Criminal Appeals to set the executions of seven men after they did not indicate an alternative method of execution in a legal challenge on the constitutionality of the state lethal injection protocol, or had not joined the challenge.<sup>38</sup> Oklahoma's first execution since 2015 was carried out on

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<sup>32</sup> Statement from Ronald J. Tabak and Donald P. Salzman, Attorneys for Corey Johnson, 20 November 2020, [drive.google.com/file/d/1uWi7w\\_hJbrraGxWXrpl8UJAIXoYQsIKa/view](https://drive.google.com/file/d/1uWi7w_hJbrraGxWXrpl8UJAIXoYQsIKa/view)

<sup>33</sup> Statement of Shawn Nolan, Attorney for Dustin Higgs, 20 November 2020, [drive.google.com/file/d/1SBEsP-AUHiYqL9AatXz4aXoqMC90rtcW/view](https://drive.google.com/file/d/1SBEsP-AUHiYqL9AatXz4aXoqMC90rtcW/view)

<sup>34</sup> House Bill H.R.97 – Federal Death Penalty Abolition Act of 2021; House Bill H.R. 262 – Federal Death Penalty Prohibition Act; Senate Bill S.582.

<sup>35</sup> US Department of Justice, "Attorney General Merrick B. Garland imposes a moratorium on federal executions; orders review of policies and procedures", 1 July 2021, [justice.gov/opa/pr/attorney-general-merrick-b-garland-imposes-moratorium-federal-executions-orders-review](https://justice.gov/opa/pr/attorney-general-merrick-b-garland-imposes-moratorium-federal-executions-orders-review); and Office of the Attorney General, "Moratorium on federal executions pending review of policies and procedures", 1 July 2021 [justice.gov/opa/page/file/1408636/download](https://justice.gov/opa/page/file/1408636/download)

<sup>36</sup> South Carolina General Assembly, 124<sup>th</sup> Session 2021-2022, Bill A43, R56, S200 Death penalty, methods of execution, [scstatehouse.gov/sess124\\_2021-2022/bills/200.htm](https://scstatehouse.gov/sess124_2021-2022/bills/200.htm)

<sup>37</sup> Amnesty International, *USA: Court Halts Two Executions in South Carolina* (Index: AMR 51/4333/2021), 24 June 2021, [amnesty.org/en/documents/amr51/4333/2021/en/](https://amnesty.org/en/documents/amr51/4333/2021/en/)

<sup>38</sup> Oklahoman, "Oklahoma AG looks to resume executions, requests dates for Julius Jones, six other inmates", 26 August 2021, [eu.oklahoman.com/story/news/local/oklahoma-city/2021/08/26/oklahoma-seeks-execution-dates-julius-jones-james-allen-coddington-donald-grant-death-row-inmates/5605376001/](https://eu.oklahoman.com/story/news/local/oklahoma-city/2021/08/26/oklahoma-seeks-execution-dates-julius-jones-james-allen-coddington-donald-grant-death-row-inmates/5605376001/)

28 October.<sup>39</sup> In May, it transpired that the authorities of Arizona had been refurbishing the gas chamber to prepare for executions by asphyxiation with hydrogen cyanide.<sup>40</sup>

The state of Alabama also continued its pursuit of executions through multiple amended protocols, including by initially seeking that the man being executed wore a mask to prevent the spread of Covid-19;<sup>41</sup> limiting the number of witnesses to the execution;<sup>42</sup> and building facilities to execute people by nitrogen gas.<sup>43</sup> Alabama's first execution after the pandemic was delayed from February to October, as the courts considered a legal challenge to allow the spiritual advisor to be present and provide support during the execution. The process also exposed the additional discrimination and risks experienced by those with intellectual disabilities in the context of amendments to execution protocols. One man, who had a significant intellectual disability, received no explanation of the law, no description of execution by nitrogen hypoxia, and no notice that he had less than a week to make the decision when he and others on death row in Alabama were asked in writing by the prison authorities in 2018 to choose between execution by lethal injection or nitrogen gas. He chose the former; the claim that he did not understand the form was supported in the record.<sup>44</sup> He subsequently tried to change his decision, but the state opposed this. Appeals by his lawyers that his rights under the Americans with Disabilities Act had been violated when the state provided no accommodation for his disability were dismissed by state and federal courts and the man was executed on 21 October.

***The state of Alabama also continued its pursuit of executions through multiple amended protocols, including by initially seeking that the man being executed wore a mask to prevent the spread of Covid-19; limiting the number of witnesses to the execution; and building facilities to execute people by nitrogen gas.***

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<sup>39</sup> AP News, "Oklahoma executes inmate who dies vomiting and convulsing", 29 October 2021, [apnews.com/article/us-supreme-court-prisons-executions-oklahoma-oklahoma-attorney-generals-office-6e5eedd1956a38f83db96187651f145c](https://apnews.com/article/us-supreme-court-prisons-executions-oklahoma-oklahoma-attorney-generals-office-6e5eedd1956a38f83db96187651f145c); Amnesty International USA, "Oklahoma seeks to revive machinery of death despite unanswered legal questions", 25 October 2021, [amnestyusa.org/press-releases/oklahoma-seeks-to-revive-machinery-of-death-despite-unanswered-legal-questions/](https://amnestyusa.org/press-releases/oklahoma-seeks-to-revive-machinery-of-death-despite-unanswered-legal-questions/)

<sup>40</sup> Guardian, "Arizona 'refurbishes' its gas chamber to prepare for executions, documents reveal", 28 May 2021, [theguardian.com/us-news/2021/may/28/arizona-gas-chamber-executions-documents](https://theguardian.com/us-news/2021/may/28/arizona-gas-chamber-executions-documents)

<sup>41</sup> Al.com, "Alabama Supreme Court rules execution can go forward with COVID precautions", 1 February 2021, [al.com/coronavirus/2021/02/alabama-attorney-general-execution-can-go-forward-with-covid-precautions.html](https://al.com/coronavirus/2021/02/alabama-attorney-general-execution-can-go-forward-with-covid-precautions.html)

<sup>42</sup> Montgomery Advertiser, "Alabama moving ahead with first execution in COVID-19 pandemic", 9 February 2021, [eu.montgomeryadvertiser.com/story/news/crime/2021/02/09/alabama-willie-smith-execution-covid-19-pandemic/4433121001/](https://eu.montgomeryadvertiser.com/story/news/crime/2021/02/09/alabama-willie-smith-execution-covid-19-pandemic/4433121001/)

<sup>43</sup> AP News, "Alabama says it has built method for nitrogen gas execution", 7 August 2021, [apnews.com/article/alabama-executions-57c6d76d5a0f6b4a8ecb2324b7a68004](https://apnews.com/article/alabama-executions-57c6d76d5a0f6b4a8ecb2324b7a68004)


<sup>44</sup> US Court of Appeals for the Eleventh Circuit, *Smith v. Commissioner*, 21 October 2021, [media.ca11.uscourts.gov/opinions/unpub/files/202113581.pdf](https://media.ca11.uscourts.gov/opinions/unpub/files/202113581.pdf)

## ROCKY MYERS

Rocky Myers, a Black man, has been on death row in Alabama for more than 27 years and is likely once again to face an execution date as preparations for executions by nitrogen asphyxiation advance.

A nearly all-white jury convicted him of the 1991 murder of a white woman, his neighbour. The jury voted to sentence him to life without the possibility of parole, but the judge overrode this recommendation and sentenced him to death. Alabama outlawed



 Rocky Myers © Private

judicial override of jury decisions in 2017, but in violation of international human rights law it did not give those already on death row the benefit of the reform. In November 2020, the US Supreme Court declined to hear a petition brought on behalf of another of the 32 people on Alabama's death row sent there after a judge overrode the jury's vote for life.<sup>45</sup> The petition asked the question whether the execution of a person sentenced to death by judicial override violates the US Constitution.

Rocky Myers grew up in New Jersey in poverty and is literate at primary school level. At 11, he was diagnosed with an intellectual disability. His assigned lawyer for post-conviction appeals abandoned his case without notice, resulting in key deadlines for judicial appeals being missed. The courts relied primarily on IQ tests, a standard which the US Supreme Court found to be inadequate in 2014, to reject his request for a deadline extension on the grounds that he had an intellectual disability. Rocky Myers maintains his innocence. No evidence linked Rocky Myers to the murder, except for a video-recorder stolen from the victim, which he maintains he had found abandoned in the street. Key testimonies against him were tainted by inconsistencies and allegations of police pressure, with one later recanted as untrue. His execution was set in 2004 and again in 2012.

The Governor of Alabama has the power to provide some redress for the injustices in his case by granting him clemency.<sup>46</sup>

<sup>45</sup> *Calvin McMillan (Petitioner) v. Alabama*, petition 20-193 denied by the US Supreme Court on 23 November 2020.

<sup>46</sup> Amnesty International, *USA: Rocky Myers – Three Decades on Alabama's Death Row, Seeking Justice* (Index: ACT 50/4408/2021), 10 July 2021, [amnesty.org/en/documents/act50/4408/2021/en/](https://www.amnesty.org/en/documents/act50/4408/2021/en/)

Concerns on the use of the death penalty on those who have mental (psycho-social) and intellectual disabilities continued to arise in other states as well. Among other examples, in Missouri, Ernest Lee Johnson was executed on 5 October, despite evidence of his intellectual disability and a diagnosis of Fetal Alcohol Syndrome.<sup>47</sup>

Many cases of those who faced the death penalty in 2021 were also affected by concerns of racial discrimination and bias. Among other examples, Julius Jones was hours from execution in Oklahoma on 18 November, when Governor Kevin Stitt commuted his death sentence.<sup>48</sup> As the NAACP Legal Defense and Educational Fund highlighted during the trial, one of the jurors had used an explicit racist epithet with reference to Julius Jones and suggested he should be lynched.<sup>49</sup> The Inter-American Commission on Human Rights had also issued precautionary measures on Julius Jones' behalf, asking for his execution to be stayed in light of alleged violations of his right to a fair trial, due process of law, equality before the law and non discrimination.<sup>50</sup> In June, the Governor of Virginia, Ralph Northam, granted posthumous pardons to seven young Black men who were executed for the alleged rape of a white woman in 1951. They had all been sentenced to death by an all-white jury after unfair proceedings.<sup>51</sup>

Prosecutorial misconduct continued to be revealed across jurisdictions. Two men who had been previously convicted and sentenced to death had the charges against them dismissed in Mississippi, after exculpatory DNA evidence highlighted concerns of evidence fabrication.<sup>52</sup> This brought the total number of such exonerations by year end to 186.<sup>53</sup>

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<sup>47</sup> Amnesty International, *USA: Man Executed Despite Intellectual Disability – Ernest Lee Johnson* (Index: AMR 51/4861/2021), 8 October 2021, [amnesty.org/en/documents/amr51/4861/2021/en/](https://www.amnesty.org/en/documents/amr51/4861/2021/en/)

<sup>48</sup> Oklahoma Governor J. Kevin Stitt, "Governor Stitt commutes Julius Jones' sentence to life without possibility of parole", 18 November 2021, [oklahoma.gov/governor/newsroom/newsroom/2021/november/governor-stitt-commutes-julius-jones--sentence-to-life-without-p.html](https://oklahoma.gov/governor/newsroom/newsroom/2021/november/governor-stitt-commutes-julius-jones--sentence-to-life-without-p.html)

<sup>49</sup> NAACP Legal Defense and Educational Fund, "LDF submits letter to Oklahoma governor in support of granting clemency to Julius Jones", 2 November 2021, [naacpldf.org/press-release/ldf-statement-on-oklahoma-governor-stitt-granting-clemency-to-julius-jones/](https://naacpldf.org/press-release/ldf-statement-on-oklahoma-governor-stitt-granting-clemency-to-julius-jones/)

<sup>50</sup> Inter-American Commission on Human Rights, Precautionary Measure N°. 1041-21, Julius Jones regarding the United States of America, 17 November 2021, [oas.org/en/iachr/decisions/mc/2021/res\\_90-21\\_mc\\_1041-21\\_us\\_en.pdf](https://oas.org/en/iachr/decisions/mc/2021/res_90-21_mc_1041-21_us_en.pdf)

<sup>51</sup> Governor of Virginia, "Governor Northam grants posthumous pardons for 'Martinsville Seven' 70 years after unjust executions", 31 August 2021, [governor.virginia.gov/newsroom/all-releases/2021/august/headline-908808-en.html](https://governor.virginia.gov/newsroom/all-releases/2021/august/headline-908808-en.html)

<sup>52</sup> Death Penalty Information Center, "Convicted by false forensic evidence, Eddie Lee Howard, Jr. exonerated from Mississippi death row after 26 years", 12 January 2021, [deathpenaltyinfo.org/news/convicted-by-false-forensic-evidence-eddie-lee-howard-jr-exonerated-from-mississippi-death-row-after-26-years](https://deathpenaltyinfo.org/news/convicted-by-false-forensic-evidence-eddie-lee-howard-jr-exonerated-from-mississippi-death-row-after-26-years); "Sherwood Brown exonerated in Mississippi, 186th death-row exoneration since 1973", 30 September 2021, [deathpenaltyinfo.org/news/sherwood-brown-exonerated-in-mississippi-186th-death-row-exoneration-since-1973](https://deathpenaltyinfo.org/news/sherwood-brown-exonerated-in-mississippi-186th-death-row-exoneration-since-1973)

<sup>53</sup> For more information see Death Penalty Information Center, [deathpenaltyinfo.org/policy-issues/innocence-database](https://deathpenaltyinfo.org/policy-issues/innocence-database)

# ASIA-PACIFIC

## REGIONAL TRENDS

- China remained the world's lead executioner; secrecy in this country, as well as North Korea and Viet Nam, continued to impede an accurate assessment of the use of the death penalty in the region with the highest number of executions.
- Myanmar saw an alarming increase in its resort to the death penalty under martial law since February. Recorded death sentences in India and Pakistan significantly increased.
- Executions were recorded in five countries, the lowest number in more than two decades; Thailand continued to commute death sentences.

COUNTRY	2021 RECORDED EXECUTIONS	2021 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2021
Afghanistan <sup>54</sup>	0	2+	
Bangladesh	5	181+	1,800+
Brunei Darussalam	0	0	+
China	+	+	+
India <sup>55</sup>	0	144	488
Indonesia	0	114+	569+
Japan	3	3	117
Laos	0	0	+
Malaysia	0	14+	1,359
Maldives	0	1	19
Myanmar	0	86+	86+
North Korea	+	+	+
Pakistan	0	129+	3,800+ <sup>56</sup>
Papua New Guinea	0	0	19
Singapore	0	10	50+
South Korea	0	0	59
Sri Lanka	0	8+	1,000+

<sup>54</sup> Amnesty International was not able to confirm information on the judicial use of the death penalty after August 2021.

<sup>55</sup> Project 39A, "Death Penalty in India: Annual statistics report 2021", January 2022, [project39a.com/annual-statistics-page-2021/](https://project39a.com/annual-statistics-page-2021/); Amnesty International monitors daily developments on the use of the death penalty in India, but it gathered a lower number of death sentences for 2021.

<sup>56</sup> Justice Project Pakistan.

COUNTRY	2021 RECORDED EXECUTIONS	2021 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2021
Taiwan	0	2 <sup>57</sup>	45
Thailand	0	+	158
Tonga	0	0	0
Viet Nam	+	119+	1,200+

Amnesty International recorded executions in five countries in 2021 – Bangladesh, China, Japan, North Korea and Viet Nam – one fewer than in 2020. India and Taiwan did not carry out any executions in 2021, while they had done so in 2020. Japan hanged three people, after a hiatus of 24 months. Singapore reported no executions for the second consecutive year, as litigation and, to some extent, restrictions relating to Covid-19 resulted in the scheduled hanging remaining on hold; Pakistan was also executions-free for the second year. Secrecy in China, North Korea and Viet Nam made it impossible to verify reports and assess the true resort to state killings in the region, which Amnesty International believed continued to be in the thousands. Amnesty International could not confirm information relating to the judicial use of the death penalty after the Taliban took control of Afghanistan in August 2021, but gathered reports of two death sentences imposed in previous months.

The number of new death sentences recorded in 2021 (819) represented an increase of 58% compared to 2020 (517). This was largely linked to increases in Bangladesh, India, Myanmar, Pakistan and Viet Nam. The easing of restrictions relating to the Covid-19 pandemic may have had some impact on this figure, including in India and Pakistan, as well as the recent adoption of legislation in Myanmar that facilitated the imposition of this punishment in greater numbers.

The number of countries known to have sentenced people to death (16) was the same as in 2020. Maldives imposed its first death sentence since 2019; no reports of death sentences were gathered for Laos, although it had sentenced people to death in 2020.

The use of the death penalty in the Asia-Pacific region continued to violate international law and standards in many cases. The death penalty was extensively used for offences that did not meet the threshold of the “most serious crimes” to which the use of the death penalty must be restricted under international law.<sup>58</sup> These included drug-related offences; economic crimes, such as corruption; and acts that could not be considered to constitute recognizable criminal offences complying with requirements under international human rights law, such as “blasphemy”. People who were below 18 years of age at the time of the crime remained under sentence of death in Maldives; further cases involving defendants who were younger than 18 at the time of the offence were reported in Myanmar. In many cases recorded by Amnesty International, death sentences were imposed by courts established under emergency legislation or to try specific offences in parallel to ordinary courts, including through expedited proceedings.

The Government of Papua New Guinea embarked on a national consultation on the death penalty, ahead of the parliamentary session in January 2022; and Malaysia announced legislative reforms on the death penalty by October 2022. King Maha Vajiralongkorn Badinthep Thearawangkun of Thailand granted pardons on two separate occasions, significantly lowering the number of people under sentence of death at the end of the year. The imminent threat of reintroduction of the death penalty in the Philippines ended as three of its prominent proponents announced that they would oppose any such move.

<sup>57</sup> Taiwan Alliance to End the Death Penalty.

<sup>58</sup> See p. 15 in the global overview for more detailed information.

## NOTABLE COUNTRY DEVELOPMENTS

**Bangladesh** carried out five executions, a significant increase compared to 2020 (two). Four men were executed after they had been convicted of murder and another in relation to a 2005 bomb attack. Amnesty International recorded reports of 181 new death sentences, including two imposed for drug-related offences. Thirty-three of these were imposed without the defendant being present; and had been imposed by special courts.<sup>59</sup>

Figures on the use of the death penalty in **China** continued to be classified as a state secret, making independent scrutiny impossible. Based on its monitoring, Amnesty International believed that the number of death sentences imposed and executions carried out during the year remained in the thousands. In a move that further undermined the few steps undertaken in recent years towards improving transparency, in July many judgments were selectively removed from an online database run by the Supreme People's Court.<sup>60</sup> The organization renewed its calls on the Chinese authorities for full transparency on the use of the death penalty and for figures to be made publicly available.

The death penalty in the country remained applicable for 46 offences, including non-lethal offences that do not meet the threshold of the “most serious crimes” under international law and standards. Information and reports gathered by Amnesty International during the year indicated that the death penalty was mostly used for murder and, to a lesser degree, drug-related offences. Additionally, concerns of violations of the right to a fair trial and of the prohibition on the use of the death penalty on those with mental (psycho-social) and intellectual disabilities tainted some cases recorded during the year.

Reports of executions for drug-related offences appeared to increase once again in the lead-up to the UN-established and promoted International Day against Drug Abuse and Illicit Trafficking, on 26 June.<sup>61</sup> This was despite the fact that, as shown in recent UN studies, such punitive approaches violate human rights and have had a particular dire effect on the most marginalized sectors of society.<sup>62</sup> On the eve of the International Day, the Supreme People's Court issued new guidelines highlighting 10 cases concluded since 2020 “in order to fully demonstrate the People's Court's policy stance of severely punishing drug crimes in accordance with the law”.<sup>63</sup> Two out of the 10 selected cases resulted in execution, including that of a man, a farmer, convicted by courts in Sichuan province and executed on 24 May. Furthermore, in August, the Liaoning Provincial Higher People's Court rejected the appeal of Canadian national Robert Schellenberg, also convicted of drug trafficking.<sup>64</sup> First arrested in 2014, Robert Schellenberg was initially convicted and sentenced to 15 years' imprisonment in November 2018. Upon appeal, the higher court ordered a full retrial on the grounds that the original sentence was too lenient. He was convicted of having had a more serious involvement in the offence and

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<sup>59</sup> Such as courts established under the Law and Order Disruption Crimes (Speedy Trial) Act, 2002. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated that military and other special courts “are ill suited to ensuring full compliance with fair trial standards as required in capital cases” and “should not have the power to impose sentences of death”. Special Rapporteur on extrajudicial, summary or arbitrary executions, Report, 9 August 2012, UN Doc. A/67/275, para. 33.

<sup>60</sup> South China Morning Post, “Millions of court rulings removed from official Chinese database”, 26 June 2021, [scmp.com/news/china/politics/article/3138830/millions-court-rulings-removed-official-chinese-database](https://scmp.com/news/china/politics/article/3138830/millions-court-rulings-removed-official-chinese-database); Dui Hua Human Rights Journal, “China: All state security judgments purged from Supreme Court site”, 26 July 2021, [duihuajournal.org/2021/07/china-all-state-security-judgments.html](https://duihuajournal.org/2021/07/china-all-state-security-judgments.html)

<sup>61</sup> Sohu.com, 控制未成年人吸贩毒并致人死亡 罪犯王涛今日被执行死刑, 17 June 2021, [sohu.com/a/472596569\\_116237](https://sohu.com/a/472596569_116237); China Courts, 株洲中院依法对一贩毒罪犯执行死刑, [zzzy.chinacourt.gov.cn/article/detail/2021/12/id/6452782.shtml](https://zzzy.chinacourt.gov.cn/article/detail/2021/12/id/6452782.shtml)

<sup>62</sup> Office of the United Nations High Commissioner for Human Rights, Report: Study on the impact of the world drug problem on the enjoyment of human rights, 4 September 2015, UN Doc. A/HRC/30/65; Implementation of the joint commitment to effectively addressing and countering the world drug problem with regard to human rights, 14 September 2018, UN Doc. A/HRC/39/39.

<sup>63</sup> Supreme People's Court, “2021年十大毒品（涉毒）犯罪典型案例”, 25 June 2021, [court.gov.cn/zixun-xiangqing-310731.html](https://court.gov.cn/zixun-xiangqing-310731.html)

<sup>64</sup> Xinhuanet, “Chinese court upholds death sentence for Canadian drug smuggler”, 10 August 2021, [xinhuanet.com/english/2021-08/10/c\\_1310119486.htm](https://xinhuanet.com/english/2021-08/10/c_1310119486.htm)

sentenced to death after a hasty one-day retrial in 2019.<sup>65</sup> In October, a man from Hong Kong was executed in Shenzhen for drug trafficking.<sup>66</sup> His family told the media that he had been diagnosed with polysubstance abuse, hallucinations and adjustment disorder and other mental disabilities, but this evidence was not presented at trial nor as part of his appeals.

One execution for economic offences was carried out, the first one to be recorded since 2015. In a high-profile case, on 5 January a former executive of a state-owned financial firm was convicted of receiving bribes and sentenced to death by the Tianjin Municipal No 2 Intermediate People's Court. The Tianjin Municipal People's High Court rejected his appeal on 21 January and, after the Supreme People's Court reviewed his case, he was swiftly executed on 29 January – 24 days after his conviction.<sup>67</sup> The fast pace of the proceedings against him followed legislative amendments to the Criminal Law Code in late 2020 and underscored once again how the Chinese authorities continued to rely on the death penalty to send a public message, particularly through cases involving former state officials and where public reactions to the crime have been strong.<sup>68</sup>

Similar attempts by the authorities to highlight the use of the death penalty in specific high-profile cases were seen once again in the context of measures put in place to respond to the continuing Covid-19 pandemic.<sup>69</sup> The Harbin City Intermediate People's Court sentenced a man to death in July, after it found him guilty of the murder earlier in the year of a volunteer who was supporting the implementation of Covid-19 regulations restricting people's movement.<sup>70</sup>

The Chinese authorities also resorted to the death penalty as a political tool in the Xinjiang Uyghur Autonomous Region (XUAR). This punishment was known to have been secretly used, after grossly unfair proceedings, in previous years as part of so-called "People's War" and "strike hard" campaigns, impacting predominantly Muslim ethnic minorities within the region. Two "suspended" death sentences were imposed in April on former local government officials convicted of "separatism" and other non-violent offences.

On 20 August the National People's Congress adopted a new law to improve access to legal aid across the country, including by making legal assistance mandatory in criminal cases involving life imprisonment and the death penalty if a lawyer has not been privately engaged.<sup>71</sup>

No executions were recorded in **India**, compared to four in 2020 following a four-year hiatus. Figures by Project 39A at the National Law University, Delhi, showed that the number of death sentences imposed in 2021 (144) almost doubled compared to the 2020 total (77). Cases involving sexual

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<sup>65</sup> Amnesty International, *China: Canadian Sentenced to Death in a One-Day Retrial – Robert Schellenberg* (Index: ASA 17/9729/2019), 23 January 2019, [amnesty.org/en/documents/asa17/9729/2019/en/](https://www.amnesty.org/en/documents/asa17/9729/2019/en/)

<sup>66</sup> Hong Kong Free Press, "China executes Hongkonger with history of mental illness over drug trafficking", 29 October 2021, [hongkongfp.com/2021/10/29/china-executes-hongkonger-with-history-of-mental-illness-over-drug-trafficking/](https://hongkongfp.com/2021/10/29/china-executes-hongkonger-with-history-of-mental-illness-over-drug-trafficking/)

<sup>67</sup> Xinhuanet, "Update: China executes former Huarong chairman over graft", 29 January 2021, [xinhuanet.com/english/2021-01/29/c\\_139707900.htm](https://www.xinhuanet.com/english/2021-01/29/c_139707900.htm)

<sup>68</sup> For example, Xinhuanet reported that in its review of the case, the Supreme People's Court had found the crimes to be "extremely serious in that the amount of Lai's bribes was particularly huge, the circumstance was particularly severe, noting that the crimes have had extremely adverse social influence, and caused a great loss to the interests of the state and the people. Considering the serious circumstances of his case, Lai does not deserve a lenient sentence despite that he offered some leads regarding other crimes".

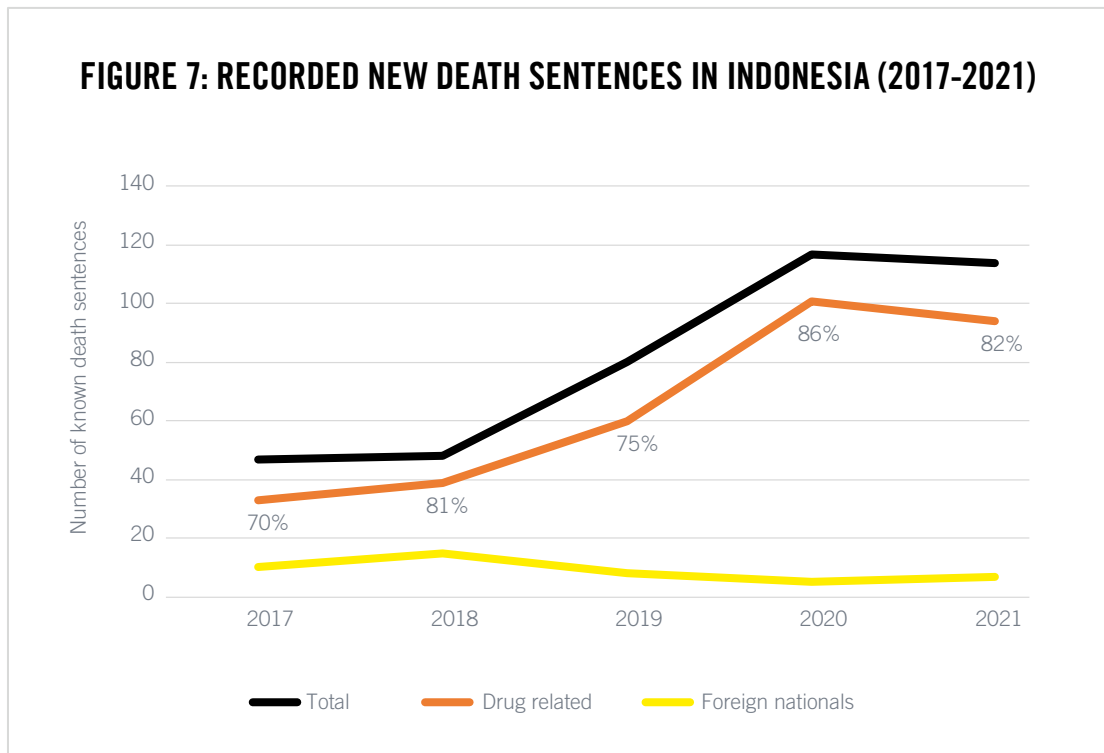
<sup>69</sup> On 7 February 2020, the National Health Commission, the Supreme People's Court, the Supreme People's Procuratorate and the Ministry of Public Security issued joint guidance to "severely crack-down on medical-related illegal and criminal acts during the epidemic prevention and control period", directing that investigations and prosecutions of crimes against medical staff and linked to the disruption of medical activities be fast-tracked and severely punished, including through the death penalty. State Council, "关于做好新型冠状病毒肺炎疫情防控期间保障医务人员安全维护良好医疗秩序的通知", 8 February 2020, [nhc.gov.cn/yzygj/s7658/202002/4bb1763555f7443fa7d1b974bd417f4a.shtml](http://nhc.gov.cn/yzygj/s7658/202002/4bb1763555f7443fa7d1b974bd417f4a.shtml)

<sup>70</sup> Global Times, "Man who killed COVID-19 control volunteer in NE China sentenced to death", 15 July 2021, [globaltimes.cn/page/202107/1228737.shtml](https://www.globaltimes.cn/page/202107/1228737.shtml)

<sup>71</sup> National People's Congress, "New legislation improves China's public legal services", 23 August 2021, [npc.gov.cn/englishnpc/c23934/202108/13e1bd32372c4c38bce8c20e6028a52c.shtml](http://npc.gov.cn/englishnpc/c23934/202108/13e1bd32372c4c38bce8c20e6028a52c.shtml); China Laws Portal, "Legal Aid Law of China (2021) 法律援助法", [chinajusticeobserver.com/law/x/legal-aid-law-of-china-20210820](http://chinajusticeobserver.com/law/x/legal-aid-law-of-china-20210820); the law became effective on 1 January 2022.

offences constituted a majority of the total; and the number of people under sentence of death (488) was the highest since 2004.<sup>72</sup> Several states adopted legislative amendments to allow for the imposition of the death penalty for deaths caused by spurious liquor;<sup>73</sup> and rape.<sup>74</sup>

The high number of new death sentences recorded by Amnesty International in **Indonesia** in 2020 continued into and throughout 2021, leaving the yearly total substantially unchanged (at least 117 in 2020 and at least 114 in 2021). This was all the more concerning in light of ongoing restrictions to in-person judicial hearings, which had been put in place intermittently since 2020 in response to the Covid-19 pandemic.<sup>75</sup> For the second year, 94 or more than 80% of all recorded death sentence were imposed for drug-related offences; 14 for murder and six for terrorism-related offences. Seven foreign nationals, including one woman, were among those sentenced to death.



*Recorded death sentences in Indonesia for the period 2017-2021, showing the percentage of those imposed for drug-related offences; and on foreign nationals (for any offence).*

<sup>72</sup> Project 39A, "Death penalty in India: Annual statistics report 2021", January 2022, [project39a.com/annual-statistics-page-2021](https://project39a.com/annual-statistics-page-2021), p.60.

<sup>73</sup> Times of India, "Madhya Pradesh assembly passes death penalty in spurious liquor cases", 11 August 2021, [timesofindia.indiatimes.com/articleshow/85229497.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://timesofindia.indiatimes.com/articleshow/85229497.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>74</sup> The Shakti Criminal Laws (Maharashtra Amendment) Bill, 2020. Times of India, "Maharashtra assembly unanimously OKs Shakti bill seeking death for rape", 24 December 2021, [timesofindia.indiatimes.com/articleshow/88463298.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://timesofindia.indiatimes.com/articleshow/88463298.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

<sup>75</sup> Between March 2020 and December 2021, Amnesty International recorded 135 death sentences being imposed following trials carried out online.

The government of **Japan** resumed executions after a hiatus of 24 months. Three men were executed on 21 December, after they were convicted of murder in separate cases.<sup>76</sup> The executions were carried out even though two men had petitions for retrial pending, in violation of international safeguards protecting the rights of those facing the death penalty.<sup>77</sup>

District courts imposed three new death sentences. Official figures provided to Amnesty International indicated that four more people had their death sentences finalized by the Supreme Court – those included one woman.<sup>78</sup> As of 31 December, 117 people in total were believed to be under sentence of death. According to official figures, 107 people, including six foreign nationals, had their death sentences confirmed.

New legal challenges drew the spotlight to Japan's harsh conditions of detention and the impact of the practice of providing notification of execution only hours in advance.<sup>79</sup> Those on death row continued to be held in solitary confinement; and in the absence of effective safeguards or regular psychiatric evaluations, persons with mental (psycho-social) and intellectual disabilities continued to be subjected to the death penalty, in violation of international law and standards.<sup>80</sup>

## MATSUMOTO KENJI

Matsumoto Kenji, who developed a delusional disorder while detained in solitary confinement on death row in Japan, remained at risk of execution. His application for retrial was pending at the end of the year. He was sentenced to death for murder in 1993 and had his conviction and sentence upheld by the appellate courts in 1996 and 2000. He has a long-standing mental (psycho-social) disability that originated from mercury poisoning (Minamata disease) and predates his conviction, as well as an intellectual disability. According to his lawyer, these played a significant part while the police interrogated him and resulted in a coerced “confession”. The courts repeatedly ruled that he is competent enough to be sentenced to death and that his “confession” was reliable. His lawyer says that he is now paranoid and incoherent, and that he is not competent to understand and participate in the legal proceedings in his case. He is also unable to understand the nature and purpose of the death sentence imposed on him.



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<sup>76</sup> Amnesty International, “Japan: Abhorrent executions crush hopes of progress under new prime minister”, 21 December 2021, [amnesty.org/en/latest/news/2021/12/japan-abhorrent-executions-crush-hopes-of-progress-under-new-prime-minister/](https://www.amnesty.org/en/latest/news/2021/12/japan-abhorrent-executions-crush-hopes-of-progress-under-new-prime-minister/)

<sup>77</sup> Economic and Social Council, Resolution 1984/50: Safeguard No. 8 of the UN Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted on 25 May 1984.

<sup>78</sup> CNN, “Japan’s ‘Black Widow’ serial killer loses death sentence appeal”, 30 June 2021, [edition.cnn.com/2021/06/30/asia/japan-black-widow-serial-killer-intl-hnk/index.html](https://edition.cnn.com/2021/06/30/asia/japan-black-widow-serial-killer-intl-hnk/index.html)

<sup>79</sup> Reuters, “Japan death row inmates sue over ‘inhuman’; same-day notification”, 5 November 2021, [reuters.com/world/asia-pacific/japan-death-row-inmates-sue-over-inhumane-same-day-notification-media-2021-11-05/](https://www.reuters.com/world/asia-pacific/japan-death-row-inmates-sue-over-inhumane-same-day-notification-media-2021-11-05/); Japan News, “Death row inmate sues Japan govt to allow him to use colored pencils” (originally published by Yomiuri Shimbun), 8 October 2021, last accessed on 12 April 2022.

<sup>80</sup> Human Rights Committee, General Comment 36 (2018) on Article 6 of the International Covenant on Civil and Political Rights, on the right to life, 3 September 2019, UN Doc. CCPR/C/GC/36, para. 49.

At the end of the year Hakamada Iwao awaited for retrial before the Tokyo High Court to begin, after the Supreme Court cleared all legal impediments in December 2020. He was sentenced to death in 1968 after being convicted in an unfair trial and developed a severe mental (psycho-social) disability while on death row. He was released pending retrial in 2014.

The Department of Corrections of **Malaysia** indicated that as of 12 October 1,359 people were under sentence of death, including 850 with their death sentences being final and appealing for pardon; and 925 convicted of drug-related offences.<sup>81</sup> Of the 850 with appeals finalized, 526 (62%) were foreign nationals. Of these 526 foreign nationals, 431 were convicted of drug-related offences, representing a striking 82% of all foreign nationals sentenced to death with appeals concluded (526) and 51% of all people with their death sentences being final (850). A further 84 of the 526 foreign nationals had been convicted of murder; eight of waging war against the Sultan or Rulers of Malaysia; two of kidnapping; and one of firearms-related offences.

Figures from a month earlier indicated that of the then total (1,366), 529 (or 39%) were foreign nationals from 41 countries; while of the Malaysian nationals, 406 were of Malay ethnicity, 209 of Indian ethnicity, 181 of Chinese ethnicity and 43 from other ethnic groups.<sup>82</sup> Furthermore, the Department of Corrections stated that as of September 2021 two out of the 73 concluded drug-related cases in which judges had some sentencing discretion resulted in the imposition of the alternative cruel sentence of life imprisonment and caning.<sup>83</sup> It further noted that 85 people were granted pardons between 2016 and 1 September 2021, including 47 convicted of drug-related offences, 22 of murder and two of firearms-related offences.

Based on the totals shared by the Department of Corrections in response to parliamentary questions, it is likely that between November 2020 and October 2021 at least 35 new death sentences were imposed. This figure, however, does not take into account judicial commutations and pardons that were granted during the year and as such it is likely to be higher; it appears consistent with figures published by the newspaper The Star in November based on official information, indicating that 76 new death sentences were imposed during the year.<sup>84</sup> Amnesty International recorded media reports of new death sentences being imposed on 14 people, including three women and five convicted of drug trafficking.

On 29 December Datuk Seri Dr Wan Junaidi Tuanku Jaafar, Minister in the Prime Minister's Department (Parliament and Law), announced that the findings of a special committee established in 2019 to consider alternatives to the death penalty would be presented to the Cabinet; and that draft legislation to amend the country's death penalty laws was expected to be tabled in parliament by the third quarter of 2022.<sup>85</sup> The official moratorium on executions established in July 2018 continued to be observed.

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<sup>81</sup> Parliament of Malaysia, Second Meeting, Fourth Term of the 14th Parliament, Written response to question no. 218.

<sup>82</sup> Parliament of Malaysia, First Meeting, Fourth Term of the 14th Parliament, Written response to question no. 143.

<sup>83</sup> Following amendments to the mandatory death penalty under Section 39B of the Dangerous Drugs Act 1952, effective since 15 March 2018. Parliament of Malaysia, First Meeting, Fourth Term of the 14th Parliament, Written response to question no. 219.

<sup>84</sup> Star, "Death sentences on a decline in Malaysia", 20 November 2021, [thestar.com.my/news/focus/2021/11/28/death-sentences-on-a-decline-in-malaysia](https://www.thestar.com.my/news/focus/2021/11/28/death-sentences-on-a-decline-in-malaysia)

<sup>85</sup> Star, "Decision on abolishment of death penalty only after special committee submits findings, says law minister", 29 December 2021, [thestar.com.my/news/nation/2021/12/29/decision-on-abolishment-of-death-penalty-only-after-special-committee-submits-findings-says-law-minister](https://www.thestar.com.my/news/nation/2021/12/29/decision-on-abolishment-of-death-penalty-only-after-special-committee-submits-findings-says-law-minister)

Official information provided to Amnesty International confirmed that 19 people, including one woman, were under sentence of death in **Maldives**, following the imposition of a new death sentence for murder on 12 October.<sup>86</sup> Three had exhausted their legal avenues. Although the Child Rights Protection Act of November 2019, effective since February 2020, prohibits the death penalty for those below 18 years of age and mandates for the commutation of the death sentence, five people in this category remained under sentence of death at the end of the year.

An alarming increase in the number of known death sentences was recorded in **Myanmar**, where the death penalty became a tool for the military in the ongoing and widespread persecution, intimidation and harassment of and violence on protesters and journalists. Before February 2021 the known death sentences were sporadically imposed for murder and usually commuted through mass pardons. However, the yearly total of 2021 (at least 86) represented an astonishing increase on the yearly average for the years 2017-2020, which had remained lower than 10 (Figure 8).<sup>87</sup> The last execution in Myanmar was known to have taken place in 1988.

Shortly after taking power in a coup on 1 February, the military imposed a state of emergency under the authority of the Chairman of the State Administration Council, Senior General Min Aung Hlaing, and on 16 March issued Martial Law Order 3/2021.<sup>88</sup> Among other concerns, Order 3/2021 transferred the authority to try cases of civilians to special or existing military tribunals, for a wide range of offences including those involving the death penalty, through summary proceedings and without right to appeal. Those sentenced to death could seek a reversal of the decision by the Chairman of the State Administration Council.<sup>89</sup>

Amnesty International gathered media reports and other limited information relating to at least 86 death sentences being imposed since February, mostly announced through military-controlled media. The death sentences were imposed by military tribunals or, in one case, a juvenile court on referral from a military tribunal. The reports indicated that at least 26 defendants were tried and convicted while not being present; at least two were teenagers at the time of the alleged offence; and one man was reported as having a severe mental (psycho-social) disability.<sup>90</sup> Available information indicates that the proceedings were summary, with the defendants unable to access legal representation.<sup>91</sup>

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<sup>86</sup> Correspondence from the Attorney-General's Office to Amnesty International, 20 February 2022. The Attorney-General's Office further corrected previous records, clarifying that the number of people under sentence of death at the end of 2019 and 2020 was 18 and not 19 as previously reported.

<sup>87</sup> Amnesty International, *Death Sentences and Executions in 2020* (Index: ACT 50/3760/2021), April 2021, [amnesty.org/en/documents/act50/3760/2021/en/](https://www.amnesty.org/en/documents/act50/3760/2021/en/)

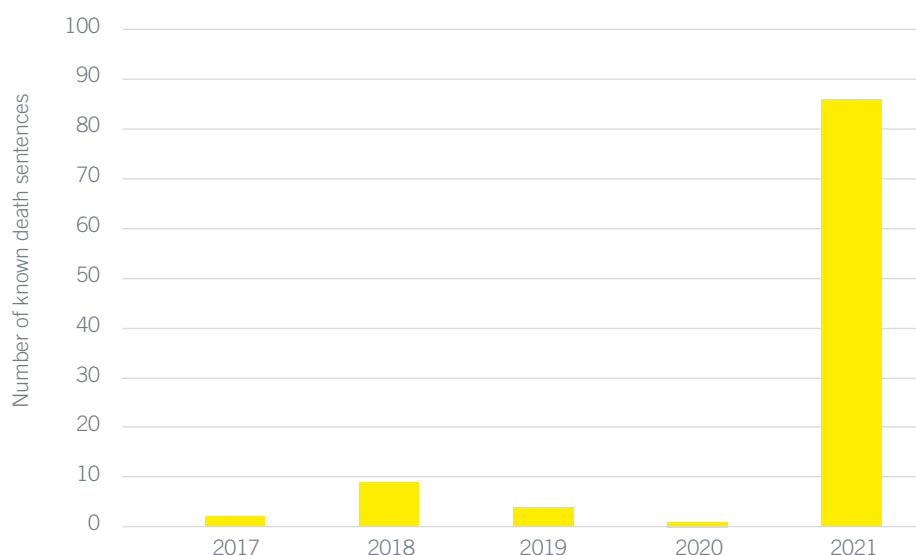
<sup>88</sup> Martial Law Order 3/2021, 16 March 2021, [gnlm.com.mm/martial-law-order-3-2021/#article-title](https://gnlm.com.mm/martial-law-order-3-2021/#article-title). In a 2018 report, Amnesty International named Senior General Min Aung Hlaing among those who should be investigated for responsibility for crimes against humanity perpetrated as part of a widespread and systematic attack against the Rohingya population in northern Rakhine State. Amnesty International, "We Will Destroy Everything": *Military Responsibility for Crimes against Humanity in Rakhine State, Myanmar* (Index: ASA 16/8630/2018), 27 June 2018, [amnesty.org/en/documents/asa16/8630/2018/en/](https://www.amnesty.org/en/documents/asa16/8630/2018/en/)

<sup>89</sup> For a more comprehensive analysis, see International Commission of Jurists, "Myanmar: Martial law is another dangerous escalation of repression", 17 March 2021, [icj.org/myanmar-martial-law-is-another-dangerous-escalation-of-repression/](https://www.icj.org/myanmar-martial-law-is-another-dangerous-escalation-of-repression/); "Myanmar: A year after military takeover, no rule of law or judicial independence", 10 February 2022, [icj.org/myanmar-a-year-after-military-takeover-no-rule-of-law-or-judicial-independence/](https://www.icj.org/myanmar-a-year-after-military-takeover-no-rule-of-law-or-judicial-independence/)

<sup>90</sup> Irrawaddy, "Myanmar regime hands mentally ill man death sentence", 14 April 2021, [irrawaddy.com/news/burma/myanmar-regime-hands-mentally-ill-man-death-sentence.html](https://www.irrawaddy.com/news/burma/myanmar-regime-hands-mentally-ill-man-death-sentence.html)

<sup>91</sup> For example, Irrawaddy, "Myanmar junta using prison courts to try political prisoners", 9 April 2021, [irrawaddy.com/news/burma/myanmar-junta-using-prison-courts-try-political-prisoners.html](https://www.irrawaddy.com/news/burma/myanmar-junta-using-prison-courts-try-political-prisoners.html)

**FIGURE 8: KNOWN DEATH SENTENCES IN MYANMAR (2017-2021)**



*Yearly total of death sentences known to have been imposed during the period 2017-2021.*

Lack of access to **North Korea** and independent media sources continued to make it impossible for Amnesty International to verify reports and information it received on the use of the death penalty in the country. Amnesty International considered it very likely that executions were carried out and death sentences imposed at a sustained rate, including after summary trials and for a range of acts that either did not meet the threshold of the “most serious crimes” to which the use of the death penalty must be restricted under international law, or which could not be considered to constitute recognizable criminal offences complying with international human rights law requirements.

For the second consecutive year, no executions were recorded in **Pakistan**. Amnesty International gathered reports relating to 129 new death sentences being imposed during the year, a significant increase on the total it recorded for 2020 (49). However, the real number was likely to be higher. The increase was partly linked to the resumption of court proceedings, which had slowed down in 2020 due to the Covid-19 pandemic. Of the total, 102 were imposed for murder; 18 for rape; seven for “blasphemy”, including on a woman; and two for drug-related offences. Anti-terrorism courts imposed 25 of the recorded sentences, and other special courts, including Model Criminal Trial Courts, special courts established in 2019 to deal with the backlog of criminal cases, 27.

On 10 February the Supreme Court commuted the death sentences of three people who had been diagnosed with severe mental (psycho-social) disabilities and prohibited the use of the death penalty on people who no longer have “the higher mental functions to appreciate the rationale and reasons behind the sentence of death awarded”.<sup>92</sup> In March, the Supreme Court further commuted the death sentence

<sup>92</sup> Supreme Court of Pakistan, Civil Review Petition 420\_2016, 10 February 2021, [supremecourt.gov.pk/downloads\\_judgements/c.r.p.\\_420\\_2016.pdf](https://supremecourt.gov.pk/downloads_judgements/c.r.p._420_2016.pdf), para. 66.

imposed in 1998 on a man who was 17 years old when the offence was committed.<sup>93</sup> On 3 June, the Lahore High Court acquitted and ordered the release of Shafqat Emmanuel and Shagufta Kausar. The man and woman faced execution after they were accused and convicted in April 2014 of sending “blasphemous” texts to a mosque cleric, from a phone containing a SIM card registered in Shagufta’s name. The couple consistently denied all allegations. Their appeal was due to be heard in April 2020, six years after they were sentenced, but it was postponed due to a Covid-19 outbreak. The judges had further deferred the hearing twice in early 2021, citing court hours having concluded for the day.<sup>94</sup>

On 30 July, the Supreme Court of **Papua New Guinea** quashed a 2017 order by the National Court that had established a temporary stay of executions on the ground that there was no functioning mechanism for the exercise of the right to apply for pardons as guaranteed under the Constitution and international law.<sup>95</sup> Reviewing the decision, the Supreme Court found that the lower court had mistakenly reached its conclusion after conducting an inquiry – and not a judicial proceeding – under Order 23 Rule 8 of the National Court; and that the human rights of those on death row had not been violated, as steps had already been taken by 2017 towards making the Advisory Committee on the Power of Mercy functional after delays “due to administrative and political reasons”.<sup>96</sup> With the lifting of the order, 14 men held on death row with their sentence final were left with the possibility of applying for clemency before execution.<sup>97</sup> Four others, under sentence of death, had escaped from detention. Earlier in the year, the government announced that it would embark on a national consultation ahead of reviewing the death penalty at the 11<sup>th</sup> session of parliament in 2022.<sup>98</sup>

In November, three Senators and national elections candidates of **the Philippines** who had previously proposed or supported the reintroduction of the death penalty announced that they had changed their position to oppose the move.<sup>99</sup> It was further reported that in a letter dated 8 November to the Senate Secretary, Senator Panfilo Lacson, withdrew his authorship of Senate Bill No. 27, or “An Act Reinstating the Death Penalty in the Philippines”, and asked that the bill no longer be considered for deliberations by the Committees on Justice and Human Rights, and on Constitutional Amendments and Revision of Codes.<sup>100</sup>

For the second year, no executions were carried out in **Singapore**, due to pending litigation and restrictions related to the Covid-19 pandemic.<sup>101</sup> Malaysian national Nagaenthran K. Dharmalingam had his execution scheduled for 10 November. The execution was halted a day earlier as he tested positive for Covid-19;<sup>102</sup> it remained suspended as the year ended because of pending appeals filed on

<sup>93</sup> Express Tribune, “SC commutes sentence of convict on death row for 23 years”, 29 March 2021, [tribune.com.pk/story/2292034/sc-commutes-sentence-of-convict-on-death-row-for-23-years](https://tribune.com.pk/story/2292034/sc-commutes-sentence-of-convict-on-death-row-for-23-years)

<sup>94</sup> Amnesty International, *Pakistan: Christian Couple Acquitted, Taken Off Death Row – Shafqat Emmanuel and Shagufta Kausar* (Index: ASA 33/4401/2021), 6 July 2021, [amnesty.org/en/documents/asa33/4401/2021/en/](https://amnesty.org/en/documents/asa33/4401/2021/en/)

<sup>95</sup> National Court of Papua New Guinea, *Enforcement of Basic Rights under Section 57 of the Independent State of Papua New Guinea*, PGNC 266; N6939, 12 October 2017.

<sup>96</sup> Supreme Court of Papua New Guinea, *Independent State of Papua New Guinea v. Tamate*, PGSC 54; SC2132, 30 July 2021, para.99.

<sup>97</sup> Post-Courier, “14 Death row prisoners to be executed: Pokanis”, 12 August 2021, [postcourier.com.pg/14-death-row-prisoners-to-be-executed-pokanis/](https://postcourier.com.pg/14-death-row-prisoners-to-be-executed-pokanis/)

<sup>98</sup> National, “No rush for death penalty: Papua New Guinea PM”, 19 July 2021, [thenational.com.pg/no-rush-for-death-penalty-pm/](https://thenational.com.pg/no-rush-for-death-penalty-pm/). The parliament considered and adopted legislation to abolish the death penalty for all crimes on 22 January 2022.

<sup>99</sup> PhilStar, “Lacson, Sotto reverse long-standing support for death penalty”, 4 November 2021, [philstar.com/headlines/2021/11/04/2139033/lacson-sotto-reverse-long-standing-support-death-penalty](https://philstar.com/headlines/2021/11/04/2139033/lacson-sotto-reverse-long-standing-support-death-penalty); Inquirer, “Pacquiao blinks on death penalty but firm on stand vs same-sex marriage”, 9 November 2021, [newsinfo.inquirer.net/1512347/pacquiao-changes-tone-on-death-penalty-but-firm-on-stand-vs-same-sex-marriage](https://newsinfo.inquirer.net/1512347/pacquiao-changes-tone-on-death-penalty-but-firm-on-stand-vs-same-sex-marriage)

<sup>100</sup> Senate of the Philippines, “De Lima welcomes Lacson’s withdrawal of death penalty bill, pushes anew for qualified reclusion perpetua”, 15 November 2021, [legacy.senate.gov.ph/press\\_release/2021/1115\\_delima2.asp](https://legacy.senate.gov.ph/press_release/2021/1115_delima2.asp)

<sup>101</sup> Singapore Prison Service, *Singapore Prison Service Annual Statistics 2021*, 9 February 2022, [sps.gov.sg/news-about-us/in-the-news/sps-annual-statistics-release-for-2021](https://sps.gov.sg/news-about-us/in-the-news/sps-annual-statistics-release-for-2021)

<sup>102</sup> Today, “M’sian drug trafficker gets last-minute stay of death penalty after testing positive for Covid-19”, 10 November 2021, [todayonline.com/singapore/msian-drug-trafficker-gets-last-minute-stay-death-penalty-after-testing-positive-covid-19](https://todayonline.com/singapore/msian-drug-trafficker-gets-last-minute-stay-death-penalty-after-testing-positive-covid-19)

his behalf. He was convicted and sentenced to the mandatory death penalty in 2010 for importing into Singapore 42.72 grams of diamorphine (heroin) in 2009. Medical experts who assessed Nagaenthran K Dharmalingam in 2013, 2016 and 2017 found that he had borderline functioning intelligence and concurrent cognitive deficits.<sup>103</sup>

The High Court of Singapore rejected appeals brought forward by several men under sentence of death, including on possible infringements by the prison authorities of privileged communication between attorney and client;<sup>104</sup> and on claims of arbitrary and discriminatory treatment of Malay offenders during the investigation and prosecution of capital drug offences.<sup>105</sup>

Ten new death sentences were imposed, all as mandatory punishment. Eight men were sentenced to death for drug trafficking, including two convicted of transporting drugs and recognized as “couriers”, but who did not receive a certificate of substantive assistance from the prosecution. Following amendments to the Misuse of Drugs Act effective from 2013, judges in Singapore have some sentencing discretion in cases where the role of the defendant was limited to transporting drugs (“courier”) if the public prosecutor issues a certificate of substantive assistance in effectively disrupting further criminal activities; or for those with mental (psychosocial) or intellectual disabilities that substantially impaired their mental responsibility for their acts and omissions in relation to the offence. This violated the presumption of innocence and other international standards for a fair trial. One foreign national, a Malaysian, was among those sentenced to death for drug-related offences.

Official figures provided to Amnesty International indicated that 59 men, including two Chinese nationals, were under sentence of death in **South Korea** at the end of the year. All were convicted of murder, including four under military law. On 26 February, the National Assembly adopted legislative amendments toughening the punishment for perpetrators of child abuse. The amendment newly codifies the crime of child abuse homicide, which is punishable by death, imprisonment with labour for life, or a limited term of at least seven years.<sup>106</sup> On 7 October 30 Members of the National Assembly co-sponsored and introduced the Special Bill on the Abolition of Death Penalty, which remained pending before the Legislation and Judiciary Committee in Congress as the year ended.

Amnesty International gathered reports relating to eight new death sentences imposed in **Sri Lanka** during the year, including one for drug-related offences, but the true figure is likely to be significantly higher. The Supreme Court extended until July 2022 the stay order that it had put in place to halt the resumption of executions authorized by then President Maithripala Sirisena in June 2019.<sup>107</sup> The order was pronounced to allow for the consideration of petitions stating that the arbitrary selection of four prisoners and the secrecy surrounding the execution order and preparations violated the rights of those facing the death penalty. In October, the parliament adopted a legislative amendment to the Penal Code to exclude those below the age of 18 when the crime is committed from the imposition of the death penalty.<sup>108</sup>

Two new death sentences were imposed in **Taiwan** for murder, down from five in 2020.<sup>109</sup> Out of 45 people under sentence of death, 38 including one woman had their death sentences being final. Six people had their death sentences commuted during the year. On 11 November, the Taiwan High Court

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<sup>103</sup> Amnesty International, *Singapore: Unlawful Execution Set for Malaysian National: Nagaenthran K. Dharmalingam* (Index: ASA 36/4946/2021), 3 November 2021, [amnesty.org/en/documents/asa36/4946/2021/en/](https://www.amnesty.org/en/documents/asa36/4946/2021/en/)

<sup>104</sup> High Court of Singapore, *Syed Suhail Bin Syed Zin and Others v. Attorney-General and Another*, [2021] SGHC 59, 16 March 2021, [eligitigation.sg/gd/s/2021\\_SGHC\\_59](https://eligitigation.sg/gd/s/2021_SGHC_59)

<sup>105</sup> High Court of Singapore, *Syed Suhail Bin Syed Zin and Others v. Attorney-General*, [2021] SGHC 274, 2 December 2021, [eligitigation.sg/gd/s/2021\\_SGHC\\_274](https://eligitigation.sg/gd/s/2021_SGHC_274)

<sup>106</sup> Yonhap News Agency, “New legislation toughens punishment for perpetrators of fatal child abuse”, 28 February 2021, [en.yna.co.kr/view/AEN20210226011300315](https://en.yna.co.kr/view/AEN20210226011300315)

<sup>107</sup> Colombo Gazette, “Stay order on death penalty extended”, 11 February 2021, [colombogazette.com/2021/02/11/stay-order-on-death-penalty-extended/](https://colombogazette.com/2021/02/11/stay-order-on-death-penalty-extended/)

<sup>108</sup> Penal Code (Amendment) Act, No.25 of 2021, published on 29 October 2021, [http://documents.gov.lk/files/act/2021/10/25-2021\\_E.pdf](http://documents.gov.lk/files/act/2021/10/25-2021_E.pdf)

<sup>109</sup> For more information, see Taiwan Alliance to End the Death Penalty, <https://www.taedp.org.tw/>

commuted the death sentence imposed on a woman a year earlier, after it took into consideration her diagnosis of severe depression that affected her when the offence was committed.<sup>110</sup> The Transitional Justice Commission posthumously exonerated five men who were summarily tried under emergency martial law and executed in 1970.<sup>111</sup>

The number of people under sentence of death in **Thailand** continued to decrease significantly for the third consecutive year, after King Maha Vajiralongkorn Badinthe Thearawangkun granted pardons on two separate occasions. Official figures received by Amnesty International indicated that, following the promulgation of Royal Decree of Royal Pardon of 27 July 2021, 37 men, including 15 convicted of drug trafficking, and four women, all convicted of drug trafficking, had their death sentences commuted.<sup>112</sup> A further 23 people had their death sentences commuted after the issuing of the Royal Decree of Royal Pardon to mark the birthday of H.M. King Bhumibol Adulyadej The Great, the National Day and the Father's Day in December 2021.

Figures by the Department of Corrections indicated that 158 people were on death row at the end of the year, one-third fewer than at the end of 2020 (235).

The Legislative Assembly of **Tonga** considered on 26 August the Illicit Drugs Control (Amendment) Bill, 2021. Provisions to punish certain offences by the mandatory death penalty were removed before the adoption of the bill.<sup>113</sup>

**Viet Nam** continued to classify data on the use of the death penalty as a state secret. In a report to the Judiciary Committee of the National Assembly covering 1 October 2020 to 31 July 2021, the government highlighted that number of people sentenced to death increased rapidly, by nearly 30%; and that 11 lethal injection execution facilities had been put to use, with people from other locations being transferred there for their death sentences to be implemented.<sup>114</sup> According to the report, one person sentenced to death died due to Covid-19.

Although the report offers some insights into an otherwise secretive death penalty system, the published information cannot be independently verified and does not allow for an accurate assessment of the number of death sentences, executions and people under sentence of death in 2021 or in previous years.

Amnesty International continued to monitor reports on the use of the death penalty during the year, but was only able to gather information on 119 new death sentences, in what appears to be an increase on 2020. Ninety-three of these were imposed for drug-related offences.

On 15 February, resolution 03/2020 of the Judicial Council of the Supreme People's Court, adopted on 30 December 2020, came into effect.<sup>115</sup> Through this instrument, the Court provided guidance as to the circumstances in which judges can impose a more lenient sentence than the death penalty when punishing economic crimes. This is when the defendant has actively returned at least three-quarters of the embezzled assets and actively cooperated with the authorities in the detection and investigation of the offence.

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<sup>110</sup> Focus Taiwan, "High court commutes mother's death sentence for murdering children to life in prison", 11 November 2021, [focustaiwan.tw/society/202111110014](https://focustaiwan.tw/society/202111110014)

<sup>111</sup> Focus Taiwan, "Taiwan exonerates 5 executed White Terror-era political prisoners", 10 March 2021, [focustaiwan.tw/politics/20210030006](https://focustaiwan.tw/politics/20210030006)

<sup>112</sup> Official communication from the Department of Corrections to Amnesty International, received on 21 January 2022.

<sup>113</sup> Parliament of Tonga, "Parliament passes the Illicit Drugs Control Bill 2021 but did not endorse the death penalty", 1 September 2021, [parliament.gov.to/media-centre/latest-news/latest-news-in-english/842-parliament-passes-the-illicit-drugs-control-bill-2021-but-did-not-endorse-the-death-penalty](https://parliament.gov.to/media-centre/latest-news/latest-news-in-english/842-parliament-passes-the-illicit-drugs-control-bill-2021-but-did-not-endorse-the-death-penalty)

<sup>114</sup> Committee for HIV/AIDS Prevention and Control and the Prevention and Control of Drugs and Prostitution, "Nhiều khó khăn trong thi hành án tử hình", 11 September 2021, [tiengchuong.chinhphu.vn/nhieu-kho-khan-trong-thi-hanh-an-tu-hinh-11335972.htm](https://tiengchuong.chinhphu.vn/nhieu-kho-khan-trong-thi-hanh-an-tu-hinh-11335972.htm)

<sup>115</sup> Council of Judges of the Supreme People's Court, Resolution 03/2020/NQ-HDTP, 30 December 2020, [thuvienphapluat.vn/van-ban/Trach-nhiem-hinh-su/Nghi-quyet-03-2020-NQ-HDTP-ap-dung-quy-dinh-cua-Bo-luat-Hinh-su-ve-toi-pham-tham-nhung-449286.aspx](https://thuvienphapluat.vn/van-ban/Trach-nhiem-hinh-su/Nghi-quyet-03-2020-NQ-HDTP-ap-dung-quy-dinh-cua-Bo-luat-Hinh-su-ve-toi-pham-tham-nhung-449286.aspx)

# EUROPE AND CENTRAL ASIA

## REGIONAL TRENDS

- The President of Kazakhstan signed into law a bill abolishing the death penalty for all crimes.
- Armenia ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- Belarus remains the only country in the region carrying out executions.<sup>116</sup>
- The Russian Federation and Tajikistan continued to observe moratoriums on executions.

COUNTRY	2021 RECORDED EXECUTIONS	2021 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2021
Belarus	1+	1	1
Kazakhstan	0	0	1
Russian Federation	0	0	0
Tajikistan	0	0	0

## NOTABLE COUNTRY DEVELOPMENTS

Amnesty International has received a report confirming that authorities in **Belarus** executed Viktor Paulau in May. Vitebsk Regional Court confirmed, in August, the execution to Paulau's family, by providing a death certificate.<sup>117</sup> The UN Human Rights Committee had requested Belarus not to execute Viktor Paulau while it was examining the case; in similar cases, the Committee has found this to be a violation of Belarus' obligations as a state party to the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).<sup>118</sup> In July 2019, the Vitebsk Regional Court convicted and sentenced Viktor Paulau to death for murder. The Supreme Court then upheld his conviction and death sentence in November 2019.<sup>119</sup>

In September, the government-controlled broadcaster STV reported that Viktor Skrundzik had been executed.<sup>120</sup> The same month, his sister confirmed that the last time she received correspondence from Viktor was on 19 August and she feared he had been executed. By the end of 2021, the authorities had not confirmed the execution to the family. The Minsk Regional Court convicted and re-sentenced Viktor to death at a retrial in January for the murders of two older people.<sup>121</sup>

<sup>116</sup> The last time another country in the region, Uzbekistan, carried out executions was in 2005.

<sup>117</sup> Human Rights Center Viasna, Facebook post, 17 March 2022, [facebook.com/niepakaranniu/posts/847695779959663](https://facebook.com/niepakaranniu/posts/847695779959663): "Death sentence to Victor Pavlov was executed" (translation from Belarussian by Facebook).

<sup>118</sup> Office of the UN High Commissioner for Human Rights, "Belarus: UN Human Rights Committee condemns execution", 11 March 2022, [ohchr.org/en/press-releases/2022/03/belarus-un-human-rights-committee-condemns-execution](https://ohchr.org/en/press-releases/2022/03/belarus-un-human-rights-committee-condemns-execution), para. 8.

<sup>119</sup> Amnesty International, *Viktor Paulau May Have Been Executed* (Index: EUR 49/4288/2021), 17 June 2021, [amnesty.org/en/documents/eur49/4288/2021/en/](https://amnesty.org/en/documents/eur49/4288/2021/en/)

<sup>120</sup> Human Rights Center Viasna, "Death convict Viktor Skrundzik executed, state-owned TV reports", 6 September 2021, [spring96.org/en/news/104882](https://spring96.org/en/news/104882)

<sup>121</sup> Human Rights Center Viasna, "Man re-sentenced to death after retrial in Slutsk", 15 January 2021, [dp.spring96.org/en/news/101329](https://dp.spring96.org/en/news/101329)

In April, President Alyaksandr Lukashenka granted clemency to brothers Illia Kostseu, 22 years old, and Stanislau Kostseu, 20.<sup>122</sup> The two brothers had been under sentence of death since January 2020 after the Mahilyou Regional Court convicted them of murder. The family confirmed the two men had been transferred to a regular prison in Žodzina and in August they made their first visit.<sup>123</sup> The Human Rights Center Viasna confirmed the death sentences were commuted to life sentences but no other information has been disclosed.<sup>124</sup> Since Alyaksandr Lukashenka came to power in 1994 there has only been one other known case of clemency granted to a person facing execution.

Viktar Serhil was the only person known to be on death row at the end of 2021. However, he was at imminent risk of execution after his conviction and death sentence were upheld by the Supreme Court in January 2020.<sup>125</sup>

In her report in May, among other observations, the UN Special Rapporteur on the situation of human rights in Belarus continued to raise concerns about the secrecy in which executions were carried out in Belarus. She highlighted that authorities in Belarus continued to execute people sentenced to death without giving prior notice to prisoners or their families. Additionally, the authorities did not disclose to the families the place of burial after the executions took place.<sup>126</sup>

In July, the UN Human Rights Committee adopted its views in the case of Aleksei Mikhalev, concluding that Belarus violated Mikhalev's right to life, the right to individual liberty and the right to a fair trial guaranteed under articles 6, 9(3), 14(2) and (3)(e) of the ICCPR.<sup>127</sup> Despite the fact that in February 2018 the Committee asked Belarus not to execute Aleksei Mikhalev while his complaint was being considered, the prisoner was executed in Minsk in the same year; authorities in Belarus have not disclosed the exact date. The Committee concluded that by not respecting its request for interim measures, Belarus violated its obligations as a state party to the First Optional Protocol to the Covenant.<sup>128</sup>

On 29 December, the President of **Kazakhstan**, Kassym-Jomart Tokayev, signed into law a bill removing the death penalty from the list of applicable penalties for offences in the Criminal Code and all other relevant legislative acts, effectively abolishing the death penalty for all crimes.<sup>129</sup> The bill provided for the commutation of the last remaining death sentence.

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<sup>122</sup> Amnesty International, *Stanislau and Illia Kostseu Granted Clemency* (Index: EUR 49/4338/2021), 24 June 2021, [amnesty.org/en/wp-content/uploads/2021/07/EUR4943382021ENGLISH.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/07/EUR4943382021ENGLISH.pdf)

<sup>123</sup> Human Rights Center Viasna, "'No more fear they can be taken out for execution'. The Kostseu brothers meet with family for first time after pardon", 18 August 2021, [dp.spring96.org/en/news/104711](https://dp.spring96.org/en/news/104711)

<sup>124</sup> Human Rights Center Viasna, "'No more fear they can be taken out for execution'. The Kostseu brothers meet with family for first time after pardon", 18 August 2021, [dp.spring96.org/en/news/104711](https://dp.spring96.org/en/news/104711)

<sup>125</sup> Amnesty International, *Belarus Must Not Execute Viktar Serhil* (Index: EUR 49/1845/2020), 19 February 2020, [amnesty.org/en/wp-content/uploads/2021/05/EUR4918452020ENGLISH.pdf](https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR4918452020ENGLISH.pdf)

<sup>126</sup> Report of the Special Rapporteur on the situation of human rights in Belarus, 4 May 2021, UN Doc. A/HRC/47/49, para. 32.

<sup>127</sup> UN Human Rights Committee (HRC), Views adopted by the Committee under Article 5(4) of the Optional Protocol, concerning communication No. 3105/2018, 21 September 2021, UN Doc. CCPR/C/132/D/3105/2018, paras 8.1-9.

<sup>128</sup> HRC, Views adopted by the Committee under Article 5(4) of the Optional Protocol, concerning communication No. 3105/2018, 21 September 2021, UN Doc. CCPR/C/132/D/3105/2018, para. 9.

<sup>129</sup> The Deputy Prime Minister of Kazakhstan confirmed in a letter to Amnesty International that the new death penalty abolition law was published in the official newspaper, Egemen Kazakhstan, on 30 December 2021.

# MIDDLE EAST AND NORTH AFRICA

## REGIONAL TRENDS

- Recorded executions in the region rose by 19% compared to 2020, with Iran accounting for 60% of the executions recorded in the region.
- Recorded executions rose sharply in Iran, Saudi Arabia and Yemen, while they dropped in Iraq and significantly reduced in Egypt.
- Recorded death sentences rose by 32%, with sharp increases in Egypt, Iraq and Lebanon.

COUNTRY	2021 RECORDED EXECUTIONS	2021 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2021
Algeria	0	9	1,000+
Bahrain	0	0	26+
Egypt	83+	356+	+
Iran	314+	+	+
Iraq	17+	91+	8,000+
Israel <sup>130</sup>	0	0	0
Jordan	0	11+	122+
Kuwait	0	5+	+
Lebanon	0	12+	+
Libya	0	+	+
Morocco/Western Sahara <sup>131</sup>	0	1	82
Oman	+	+	+
Palestine (State of)	0	21+ <sup>132</sup>	215+
Qatar	0	+	+
Saudi Arabia	65	8+	32+
Syria	24+	+	+
Tunisia	0	3+	89+
United Arab Emirates	1+	9+	+
Yemen	14+	298+	+

<sup>130</sup> Amnesty International classifies Israel as abolitionist for ordinary crimes because its laws provide for the death penalty only for exceptional crimes such as crimes under military law or crimes committed in exceptional circumstances. The last execution took place in 1962.

<sup>131</sup> Amnesty International classifies Morocco/Western Sahara as abolitionist for ordinary crimes because its laws provide for the death penalty only for exceptional crimes such as crimes under military law or crimes committed in exceptional circumstances. The last execution took place in 1993.

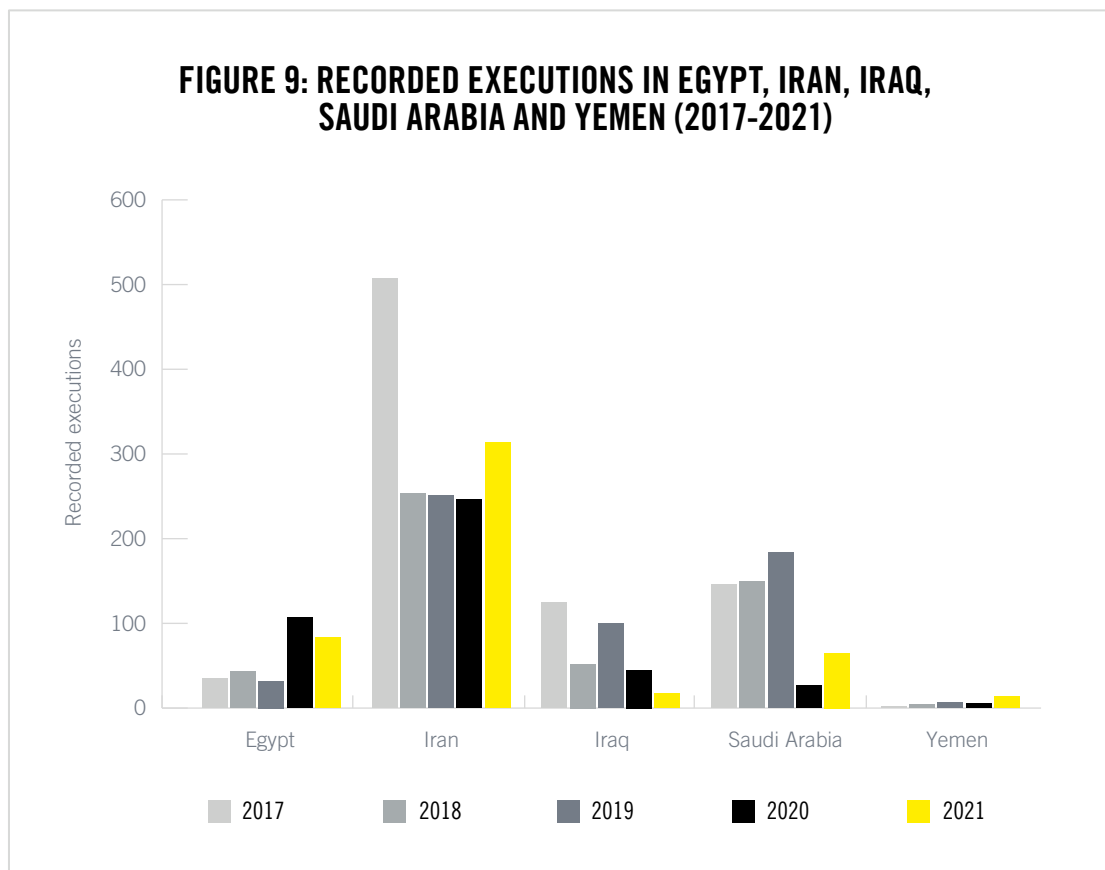
<sup>132</sup> These death sentences were imposed by courts run by the Hamas de facto administration in the Gaza Strip.

The use of the death penalty in the Middle East and North Africa region increased in 2021. Recorded executions went up by 19%, from 437 in 2020 to 520 in 2021; and recorded death sentences rose by 32% from 632 in 2020 to 834 in 2021.

Amnesty International recorded executions in seven countries in the region – Egypt, Iran, Iraq, Saudi Arabia, Syria, United Arab Emirates and Yemen. The overall rise in executions recorded in 2021 reflected a sharp increase in Iran, with a rise of 28%, from 246 in 2020 to 314 in 2021, and Saudi Arabia, where recorded executions more than doubled, from 27 to 65. Recorded executions by the Huthi de facto authorities in Yemen almost tripled, from five in 2020 to 14 in 2021. Also, a mass execution of 24 people was recorded in Syria, where lack of available information prevented the organization from recording a specific figure in 2021. In contrast to those countries, recorded executions decreased by 22% in Egypt, from 107 in 2020 to 83 in 2021; and went down sharply in Iraq, from 45 to 17, a decrease of 62%. Iran accounted for 60% of recorded executions in the region.

The United Arab Emirates executed at least one person, after no executions were recorded in 2020; whereas in Qatar, where one execution was recorded in 2020, none were in 2021.

Amnesty International recorded the imposition of death sentences in the whole region except in Israel – which is abolitionist for ordinary crimes only<sup>133</sup> – and Bahrain. Compared to the previous year, recorded death sentences increased in almost all countries that continued to impose them – including sharply in Egypt (from 264 to 356), Iraq (from 27 to 91), Lebanon (from 1 to 12) and slightly in Yemen (from 269 to 298), while they decreased in Tunisia (from 8 to 3).



*Yearly total of death sentences known to have been imposed during the period 2017-2021.*

<sup>133</sup> Countries whose laws provide for the death penalty only for exceptional crimes such as crimes under military law or crimes committed in exceptional circumstances.

## NOTABLE COUNTRY DEVELOPMENTS

In February, the Dar El Beida Criminal Court in Algiers, **Algeria**, sentenced to death eight men, seven of them in their absence, after convicting them of kidnapping, torturing and beheading a French mountaineering guide in 2014. The trial lasted one day only,<sup>134</sup> raising serious concerns of unfair proceedings.

While the country is classified by Amnesty International as abolitionist in practice, it continued to hold at least 1,000 people under sentence of death.

The Court of Cassation in **Bahrain** overturned the conviction of a man who in 2019 was sentenced by a criminal court to death for murdering his brother-in-law a year earlier. The Court of Cassation made its ruling having been convinced by expert testimony that the man had a bipolar disorder. The Court ordered that he be confined to a psychiatric ward.<sup>135</sup>

While the number of recorded executions in **Egypt** dropped by 22% in 2021 (from 107 in 2020 to 83 in 2021), the country remained one of the world's main executioners. At least eight of those executed were women. Some were executed in secret, with family members and loved ones deliberately kept uninformed and denied final visits, in contravention also of Egyptian law.

Moreover, at least 356 people were sentenced to death by Egyptian courts in 2021, a rise of 34% over the figure that Amnesty International reported in 2020 (at least 264) and representing the highest number of death sentences that Amnesty International was able to record worldwide in 2021.

On 25 October, President Abdel Fattah al-Sisi announced that he would not extend the state of emergency in the country, which he had declared in 2017. This move will eventually end trials in Emergency State Security Courts (ESSCs), created under emergency laws, which among other things have imposed death sentences in grossly unfair trials. But while the end of the state of emergency meant that the authorities were not able to refer new cases to the emergency courts, existing trials were set to continue to be heard before them.<sup>136</sup> At the time the state of emergency was lifted, at least 36 men were under risk of execution, having been convicted and sentenced to death by ESSCs following unfair trials and with no possibility of appeal, while others remained on trial by ESSCs for offences punishable by death.<sup>137</sup> In July, an ESSC in Rashed relied on torture-tainted "confessions" to convict 16 men of involvement in the murder of policemen and other violence, and sentenced them to death.

On 4 July, Moataz Hassan, a 27-year-old engineering student from Alexandria, was executed at the Cairo Appeals Prison, having been convicted of the murder of two policemen and attempted murder of other officials, and sentenced to death by an ESSC in June 2020. He was arrested in April 2018, a month after the murder. He was forcibly disappeared for two months and appeared in a videotaped "confession", which was broadcast on Egyptian state media in June 2018.<sup>138</sup>

On 9 May, authorities secretly executed another victim of torture as a means of obtaining "confessions": Wael Tawadros, known as Father Isaiah, a monk who in April 2019 had been convicted by the Damanhour Criminal Court of killing Bishop Anba Epiphanius and sentenced to death.<sup>139</sup> The Court

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<sup>134</sup> See, for example, Al Jazeera, "Algeria trial opens over kidnapping and murder of French tourist", 18 February 2021, [aljazeera.com/news/2021/2/18/algeria-trial-opens-in-is-affiliate-beheading-of-french-tourist](https://www.aljazeera.com/news/2021/2/18/algeria-trial-opens-in-is-affiliate-beheading-of-french-tourist); Elmasaa, "الإعدام للمتهم الرئيسي مالك حمزاوي", 20 February 2021, [el-masaa.com/dz/الأخيرة/الإعدام-للمتهم-الرئيسي-مالك-حمزاوي](https://el-masaa.com/dz/الأخيرة/الإعدام-للمتهم-الرئيسي-مالك-حمزاوي)

<sup>135</sup> Al-Ayam, "سابقة قضائية ببراءة متهم محكوم بـ «الإعدام» بسبب إصابته باضطراب ثنائي القطب", 24 February 2021, [al-ayam.com/online/local/895306/News.html](https://al-ayam.com/online/local/895306/News.html)

<sup>136</sup> Amnesty International, "Egypt: Stop trials by emergency courts", 31 October 2021, [amnesty.org/en/latest/news/2021/10/egypt-stop-trials-by-emergency-courts/](https://www.amnesty.org/en/latest/news/2021/10/egypt-stop-trials-by-emergency-courts/)

<sup>137</sup> Amnesty International, "Egypt: Retry 36 men facing execution following unfair trials by emergency courts", 8 November 2021, [amnesty.org/en/latest/news/2021/11/egypt-retry-36-men-facing-execution/](https://www.amnesty.org/en/latest/news/2021/11/egypt-retry-36-men-facing-execution/)

<sup>138</sup> Amnesty International interviews with informed sources (detailed withheld for security reasons), October 2021.

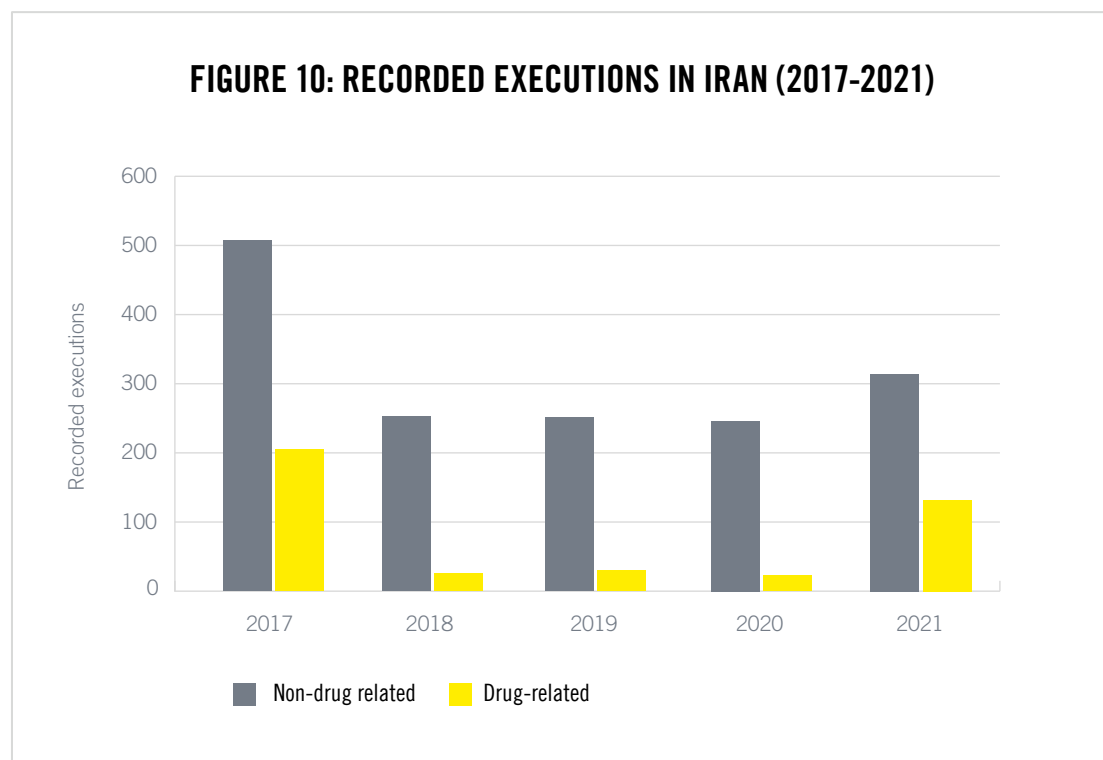
<sup>139</sup> Mada Masr, "Former monk executed, lawyer says family only informed after execution", 9 May 2021, [madamasr.com/en/2021/05/09/news/u/former-monk-executed-lawyer-says-family-only-informed-after-execution/](https://www.madamasr.com/en/2021/05/09/news/u/former-monk-executed-lawyer-says-family-only-informed-after-execution/)



to 14 in 2021. In addition, three youths, Sajad Sanjari, Arman Abdolali and Ali Akbar Mohammadi, who were children at the time of the crimes for which they had been convicted, were executed.<sup>145</sup>

Of the recorded executions, 159, or 51%, were for murder. Under Iran's laws, the death penalty for murder is applied under the principle of *qesas* (retribution-in-kind). Once a person is convicted, the law grants to the family of the murder victim the power to either demand and carry out the execution, or grant pardon in exchange for *diyah* ("blood money").<sup>146</sup>

The number of executions recorded for drug-related offences, 132, comprised 42% of the overall number, more than a five-fold rise from 2020 (23), despite amendments to the anti-narcotics law that came into effect in November 2017. The law still provides for a mandatory death penalty once courts convict a person of being in possession of specific amounts of drugs; the amount varies according to the type of drug.<sup>147</sup>



Iranian authorities executed members of the Ahwazi Arab, Baluchi and Kurdish ethnic minorities as part of the long-term, entrenched discrimination and repression of these minorities.<sup>148</sup>

<sup>145</sup> Amnesty International, "Iran: Secret execution of young man arrested at 15 a cruel assault on child rights", 4 August 2021, [amnesty.org/en/latest/news/2021/08/iran-secret-execution-of-young-man-arrested-at-15-a-cruel-assault-on-child-rights/](https://www.amnesty.org/en/latest/news/2021/08/iran-secret-execution-of-young-man-arrested-at-15-a-cruel-assault-on-child-rights/); Amnesty International, *Execution of Tortured Youth Highlights Cruelty of Iran's Qesas System* (Index: MDE 13/5049/2021), 26 November 2021, [amnesty.org/en/documents/mde13/5049/2021/en/](https://www.amnesty.org/en/documents/mde13/5049/2021/en/). Amnesty International research has established that Ali Akbar Mohammadi was also a child at the time the crime for which he was executed was committed.

<sup>146</sup> For more information on how *qesas* is applied in Iran, see Amnesty International, *Execution of Tortured Youth Highlights Cruelty of Iran's Qesas System* (Index: MDE 13/5049/2021), 26 November 2021, [amnesty.org/en/documents/mde13/5049/2021/en/](https://www.amnesty.org/en/documents/mde13/5049/2021/en/).

<sup>147</sup> Amnesty International, "Iran must not squander opportunity to end executions for drug-related offences", 28 July 2017, [amnesty.org/en/latest/news/2017/07/iran-must-not-squander-opportunity-to-end-executions-for-drug-related-offences/](https://www.amnesty.org/en/latest/news/2017/07/iran-must-not-squander-opportunity-to-end-executions-for-drug-related-offences/).

<sup>148</sup> See, for example, Amnesty International, "Iran: Eight Baluchi and Ahwazi Arab prisoners at risk amid alarming rise in executions", 4 February 2021, [amnesty.org/en/latest/news/2021/02/iran-eight-baluchi-and-ahwazi-arab-prisoners-at-risk-amid-alarming-rise-in-executions/](https://www.amnesty.org/en/latest/news/2021/02/iran-eight-baluchi-and-ahwazi-arab-prisoners-at-risk-amid-alarming-rise-in-executions/).

## MEHRAN NARU'I

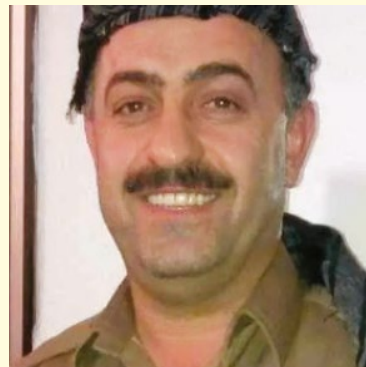
Mehran Naru'i, a member of the Baluchi ethnic minority, was executed on 17 May at Dastgerd prison in Esfahan Province after being sentenced to death several years earlier for drug-related offences. Following his arrest, Mehran Naru'i was subjected to torture, including enforced disappearance, to extract "confessions" of his alleged crimes. Despite the fact that Mehran Naru'i later retracted these "confessions" and told the court that they had been obtained by torture, the "confessions" were admitted as evidence by the judge and used to convict him. Mehran Naru'i was denied access to a lawyer at the investigation stage of his case, as well as at trial. The Supreme Court upheld his conviction and sentence.<sup>149</sup>



© ↑ Mehran Naru'i © Private

## HEIDAR GHORBANI

The Iranian authorities executed Heidar Ghorbani, a member of Iran's Kurdish minority, in secret without prior notice to his family or lawyer on 19 December in Sanandaj prison, Kurdistan Province, and then buried him in secret. On 21 January 2020, following a grossly unfair trial, a Revolutionary Court in Sanandaj had convicted Heidar Ghorbani of *baghi* ("armed insurrection against the state") and sentenced him to death in connection with the killing of three men reportedly affiliated with the Basij paramilitary forces in September and October 2016 by individuals affiliated with the Kurdish Democratic Party of Iran. In its verdict, the court acknowledged that Heidar Ghorbani had never been armed and instead relied on his "confessions", which he has said were obtained under torture, and in which he "admitted" to providing support to the perpetrators of the killings, including by driving them to and from the locations of the killings. In August 2020, Branch 27 of the Supreme Court upheld his death sentence without addressing the numerous fair trial violations, both procedural and evidential, in addition to violating the international legal rule that the death penalty may only be imposed against the "most serious crimes", that is, only to crimes of extreme gravity, involving intentional killing.<sup>150</sup>



© ↑ Heidar Ghorbani © Private

<sup>149</sup> Amnesty International, *Iran: Two Baluchi Prisoners at Risk of Execution: Hamed Rigi and Mehran Naru'i* (Index: MDE 13/3711/2021), 18 February 2021, [amnesty.org/en/documents/mde13/3711/2021/en/](https://www.amnesty.org/en/documents/mde13/3711/2021/en/)

<sup>150</sup> Amnesty International, *Iran: Further Information: Iranian Kurdish Man at Risk of Execution: Heidar Ghorbani* (Index: MDE 13/4697/2021), 10 September 2021, [amnesty.org/en/documents/mde13/4697/2021/en/](https://www.amnesty.org/en/documents/mde13/4697/2021/en/). For the international rule see, for example, *Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty*, Approved by Economic and Social Council Resolution 1984/50 of 25 May 1984; Human Rights Committee, General Comment 36 (2018), *Article 6 of the International Covenant on Civil and Political Rights, on the Right to Life*, 30 October 2018, UN Doc. CCPR/C/GC/36, para. 35.

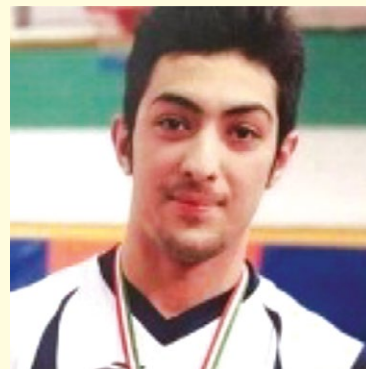
In several cases, the agony of both those executed and their families was compounded by the executions being carried out in secret, without prior notice to the person's lawyer or family, and without an opportunity for the family to say their last goodbyes. Following several secret executions, particularly of members of ethnic minority groups, the bodies of those executed were then buried in secret by prison authorities. Families were denied indefinitely the opportunity to bury their loved ones or even access to, or information about, their burial places, leaving family members as ongoing victims of their loved ones' enforced disappearances.<sup>151</sup> Among those executed in secret during the year was Sajad Sanjari, who had been arrested in 2010 as a 15-year-old, and hanged in Dizelabad prison in Kermanshah Province on 2 August, having been convicted of murdering a man he claimed was trying to rape him at the time.<sup>152</sup>

Iran continued to execute people who were under the age of 18 at the time of the crime, in clear violation of its obligations under international law. Under Iranian legislation, in cases of murder and certain other capital crimes, boys aged above 15 lunar years and girls aged above nine lunar years are treated as adults and can be sentenced to death. While international law prohibits the use of the death penalty against any persons who were under 18 at the time of the crime of which they have been convicted, Article 91 of Iran's Islamic Penal Code only grants judges the discretion to replace the death penalty in such cases with an alternative sentence if they believe there are doubts about the individual's "maturity" at the time of the crime.

## ARMAN ABDOLALI

Arman Abdolali, a 25-year-old man sentenced to death for a crime that took place when he was a child, was executed on 24 November. Arman Abdolali, who was arrested at the age of 17, told the judge at Branch 4 of Criminal Court One of Tehran Province that he had been tortured, including by being held in prolonged solitary confinement and beaten into "confessing" to murdering his girlfriend. The Court, rather than ordering an independent, effective investigation into these claims, admitted the torture-tainted "confession" as evidence and relied on it in convicting Arman Abdolali of murder, describing the "confession" as "unequivocal".

The Iranian authorities repeatedly subjected Arman Abdolali and his family to multiple instances of torturous rescheduling of his execution, five of which took place in a period of less than six weeks between 13 October and 21 November, and each involving Arman Abdolali being transferred to solitary confinement ahead of his scheduled execution and then returned to the general ward. Amnesty International understands that on a number of these occasions, he had a "final" visit with his relatives. When Arman Abdolali was executed, in Raja'i Shahr prison in Karaj near Tehran, this was carried out without advance notice to his family and lawyer and without allowing the family an actual final visit.<sup>153</sup>



© ↑ Arman Abdolali © Private

<sup>151</sup> See, for example, Amnesty International, *Iran: Four Ahwazi Arab Men Secretly Executed* (Index: MDE 13/3864/2021), 18 March 2021, [amnesty.org/en/documents/mde13/3864/2021/en/](https://www.amnesty.org/en/documents/mde13/3864/2021/en/); Amnesty International, *Iranian Kurdish Man at Risk of Execution: Heidar Ghorbani* (Index: MDE 13/4697/2021), 10 September 2021, [amnesty.org/en/documents/mde13/4697/2021/en/](https://www.amnesty.org/en/documents/mde13/4697/2021/en/)

<sup>152</sup> Amnesty International, "Iran: Secret execution of young man arrested at 15 a cruel assault on child rights", 4 August 2021, [amnesty.org/en/latest/news/2021/08/iran-secret-execution-of-young-man-arrested-at-15-a-cruel-assault-on-child-rights/](https://www.amnesty.org/en/latest/news/2021/08/iran-secret-execution-of-young-man-arrested-at-15-a-cruel-assault-on-child-rights/)

<sup>153</sup> Amnesty International, *Execution of Tortured Youth Highlights Cruelty of Iran's Qesas System* (Index: MDE 13/5049/2021), 26 November 2021, [amnesty.org/en/documents/mde13/5049/2021/en/](https://www.amnesty.org/en/documents/mde13/5049/2021/en/)

The number of executions recorded in **Iraq** fell from 45 in 2020 to 17 in 2021. However, there have been no public statements of change in policy or law, and the decrease may have been the result of the political turmoil that the state was in for much of the year, which may in turn have slowed down executive approvals of death sentences. Under Iraq's Constitution, the president must provide confirmation before an execution can be carried out.<sup>154</sup>

In contrast, the number of people sentenced to death rose to at least 91, more than threefold that of 2020 (at least 27), possibly a result of the courts returning to full activity after a lull caused by the Covid-19 pandemic.

Iraq continued to hold by far the highest number of persons under death sentence recorded by Amnesty International, which reached at least 8,000, based on official government statements. The number may be even higher: a report published in August by the United Nations Assistance Mission for Iraq cited a letter from the country's Ministry of Justice according to which in November 2020, it held in facilities under its authority "11,595 convicts who had been sentenced to death."<sup>155</sup>

The Kurdistan Regional Government informed Amnesty International that no executions were carried out in the region during 2021. Thirty-seven people were sentenced to death, while the death sentences of six others were commuted to life imprisonment by the Kurdistan Appellate Court.<sup>156</sup>

While there were no recorded executions in **Jordan**, the number of recorded death sentences rose sharply, from two in 2020 to 11 in 2021. The rise is largely due to a single case where, on 17 March, six men were sentenced to death, one of them in his absence.<sup>157</sup>

**Lebanon** has not carried out any executions since 2004, but the number of death sentences rose significantly in 2021 to at least 12, after dropping to at least two in 2020. On 5 October, the country's Permanent Military Court sentenced four men to death for taking part in an attack by the Syria-based Jabhat al-Nusra armed group on Lebanese and Syrian soldiers in Aarsal, Lebanon, in 2014, resulting in the death of several soldiers from both armies.<sup>158</sup>

On 27 May, according to media reports, the Supreme Court in **Libya** quashed the conviction and death sentence against Saif al-Islam al-Gaddafi and eight others, citing fair trial concerns, and ordered a retrial.<sup>159</sup>

On 14 January the Court of Appeals in Casablanca, **Morocco**, commuted a death sentence to 25 years' imprisonment. The death sentence was issued in October 2020 after a conviction for attempted murder and terrorism-related offences and was reduced upon appeal.<sup>160</sup>

In June, at the end of its Universal Periodic Review in the UN Human Rights Council, the government of **Oman** noted, but did not accept, recommendations from other states to commute all death sentences and abolish the death penalty.<sup>161</sup>

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<sup>154</sup> Iraq Constitution, 2005, Article 73(8).

<sup>155</sup> United Nations Assistance Mission for Iraq, *Human Rights in the Administration of Justice in Iraq: Legal Conditions and Procedural Safeguards to Prevent Torture and Ill-treatment*, August 2021, [iraq.un.org/en/138504-human-rights-administration-justice-iraq-legal-conditions-and-procedural-safeguards-prevent](https://iraq.un.org/en/138504-human-rights-administration-justice-iraq-legal-conditions-and-procedural-safeguards-prevent), p. 6.

<sup>156</sup> Email from Kurdistan Regional Government Coordinator of International Advocacy to Amnesty International's Middle East and North Africa Regional Office, 25 January 2022.

<sup>157</sup> Jordan Times, "Six get death sentence in Zarqa revenge attack case", 13 March 2021, [jordantimes.com/news/local/six-get-death-sentence-zarqa-revenge-attack-case](https://jordantimes.com/news/local/six-get-death-sentence-zarqa-revenge-attack-case). The State Security Court is established under Law No. 17 of 1959, to hear security-related cases.

<sup>158</sup> Al-Monitor, "Lebanese court sentences Syrian fighters to death", 5 October 2021, [al-monitor.com/originals/2021/10/lebanese-court-sentences-syrian-fighters-death#ixzz7J20ft300](https://al-monitor.com/originals/2021/10/lebanese-court-sentences-syrian-fighters-death#ixzz7J20ft300).

<sup>159</sup> Al-Sharq al-Awsat, "محكمة ليبية تعيد النظر في حكم بإعدام سيف القذافي", 28 May 2021, [aawsat.com/home/article/2995716/-محكمة-البيبة-تعيد-النظر-في-حكم-بإعدام-سيف-القذافي](https://aawsat.com/home/article/2995716/-محكمة-البيبة-تعيد-النظر-في-حكم-بإعدام-سيف-القذافي).

<sup>160</sup> L'Orient-Le Jour, "Peine réduite pour un condamné à mort extradé du Danemark", 14 January 2021, [lorientlejour.com/article/1248209/peine-reduite-pour-un-condamne-a-mort-extrade-du-danemark.html](https://lorientlejour.com/article/1248209/peine-reduite-pour-un-condamne-a-mort-extrade-du-danemark.html).

<sup>161</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review: Oman, Addendum, 23 June 2021, UN Doc. A/HRC/47/11/Add.1, paras 11, 73.

In **Palestine (State of)** no executions took place, but a fragmented judicial policy towards the death penalty continued whereby, while the Palestinian courts in the West Bank issued no death sentences, courts run by the Hamas de facto administration in the Gaza Strip handed down at least 21 such sentences, a rise of at least four from 2020. The vast majority of the death sentences were issued by military courts, including on civilians and for crimes not involving military or security issues, under the Revolutionary Penal Code.<sup>162</sup>

Between 17 October and 1 November, the Hamas-run Permanent Military Court in Gaza reportedly issued death sentences for three civilians. Two were sentenced following conviction of “communicating with hostile entities” under the 1979 Revolutionary Criminal Code. A third was sentenced to death after being convicted of trafficking in prohibited substances under the Drugs and Mind-altering Substances Act of 2013.<sup>163</sup>

In **Qatar**, Amnesty International recorded no executions, after one man was executed in 2020.

Recorded executions in **Saudi Arabia** rose sharply, from 27 to 65, a rise of 140%. The vast majority of these executions, 52, were for murder, at times in combination with other crimes. Forty-five of these murder cases were executed under *qisas* (retribution-in-kind) laws. Nine other people were executed for terrorism-related crimes, most also involving killing, violence or conspiracy to commit these crimes. Eighteen of those executed were foreigners, one a woman.

On 18 January, Saudi Arabia’s Human Rights Commission said in an official statement that a moratorium on executions for drug-related crimes had been put in place in 2020.<sup>164</sup> By the year’s end, the authorities took no formal steps to either amend the Saudi Drugs and Narcotics Control Law or clarify how the moratorium was to take effect. However, no drug-related executions were recorded in 2021.

In February, the Specialised Criminal Court commuted the death sentences of Ali al-Nimr, Abdullah al-Zaher and Dawood al-Marhoun, three young men arrested as children, to 10-year prison terms inclusive of time served.<sup>165</sup> The re-sentencing followed an order by the public prosecutor in August 2020 to review the death sentences of the three men. Ali al-Nimr and Abdullah al-Zaher were released in October and November, respectively, after completing their prison terms.

In response to Amnesty International’s request, the country’s Human Rights Commission informed the organization that 60 people were executed during the year.<sup>166</sup> However, 65 executions were reported by the country’s official Saudi Press Agency quoting in full the relevant Ministry’s statement, which provides the name of each person being executed, the crime for which they had been convicted and the judicial proceedings leading to sentence and execution.<sup>167</sup>

In its statement to Amnesty International, the Saudi Arabia Human Rights Commission also said that the country no longer executes “for crimes committed by minors” and has commuted all such outstanding sentences. The Commission spoke of “efforts to limit the application of the death penalty to the most serious crimes during the past few years”, adding that each death sentence “is subject to a mandatory appeal at the Appellate Court, and then reviewed by the Supreme Court.” The vast

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<sup>162</sup> The Revolutionary Penal Code, 1979.

<sup>163</sup> Human Rights and Democracy’s Media Center “SHAMS”, “Three death sentences in one day: two charged with espionage, and one charged with drug dealing”, 10 November 2021, [shams-pal.org/eng/?p=3419](https://shams-pal.org/eng/?p=3419); Al-Watan, “غزة: القضاء العسكري يُصدر أحكاماً بحق مُتخربين مع”, 9 November 2021, [alwatanvoice.com/arabic/news/2021/11/09/1442724.html#ixzz7LFh6l4vA](https://alwatanvoice.com/arabic/news/2021/11/09/1442724.html#ixzz7LFh6l4vA)

<sup>164</sup> HRC International (Official Twitter account of the Saudi Human Rights Commission), Twitter post, 18 January 2021, [twitter.com/HRCSaudi\\_EN/status/1351087958565281793](https://twitter.com/HRCSaudi_EN/status/1351087958565281793): “#Saudi Arabia drastically decreases application of death penalty in 2020.”

<sup>165</sup> Amnesty International, “Saudi Arabia: Withdrawal of death sentences for three Shi’a activists arrested as teenagers a welcome move”, 8 February 2021, [amnesty.org/en/latest/news/2021/02/saudi-arabia-withdrawal-of-death-sentences-for-three-shia-activists-arrested-as-teenagers-a-welcome-move/](https://amnesty.org/en/latest/news/2021/02/saudi-arabia-withdrawal-of-death-sentences-for-three-shia-activists-arrested-as-teenagers-a-welcome-move/)

<sup>166</sup> Saudi Human Rights Commission, “Capital Punishment in KSA: 2021 Overview”, sent to Amnesty International on 31 January 2022.

<sup>167</sup> See, for example, Saudi Press Agency, “تنفيذ حكم القتل حداً في جانبين بمكة المكرمة”, 21 January 2021, [spa.gov.sa/viewstory.php?lang=ar&newsid=2179327](https://spa.gov.sa/viewstory.php?lang=ar&newsid=2179327); “تنفيذ حكم القتل تعزيراً بأحد الجناة في الدمام”, 15 June 2021, [spa.gov.sa/viewstory.php?lang=ar&newsid=2240929](https://spa.gov.sa/viewstory.php?lang=ar&newsid=2240929)

majority of the press statements quoted by the Saudi Press Agency indeed describe such a procedure. However, a statement by the Saudi Press Agency concerning the execution, on 10 April at the “Southern Area Headquarters”, of three low-ranking soldiers for “treason” and supporting an unnamed “enemy”, describes the case being heard only by a “specialised court”, and no mention is made of any higher judicial instances being involved. This raises concern that Saudi military or militarized courts impose the death penalty without the right to appeal or other safeguards described by the Human Rights Commission.<sup>168</sup>

In addition, Amnesty International has documented grossly unfair trials leading to death sentences and executions, including subjecting defendants to torture in order to extract “confessions”, holding them in prolonged solitary confinement and denying them legal representation. On 15 June, the authorities executed Mustafa al-Darwish, a young Saudi Arabian man from the Shi’a minority who was convicted of charges related to his alleged participation in violent anti-government protests.<sup>169</sup>

On 10 November, the Supreme Court overturned the conviction of Abdullah al-Huwaiti, a young man sentenced to death by the Criminal Court in Tabuk in October 2019, alongside five others, for murdering a policeman during an armed robbery committed in 2017, when he was only 14.<sup>170</sup> All defendants stated that they had been tortured to extract “confessions”. According to court documents, he was detained in solitary confinement for four months throughout the time of his interrogation, which was conducted without the presence of his parents or lawyer. He was detained in the Criminal Investigations Unit of Tabuk during this time, rather than in Dar al-Mulahaza (juvenile detention centre). According to Human Rights Watch, Abdullah al-Huwaiti stated that police interrogators “made him stand for hours at a time, beat him and slapped him on the face, flogged him with an electric cable on the soles of his feet and various parts of his body until he lost consciousness, forced him to hold his brother’s legs while he was being beaten, and lied that his mother and sisters were also in detention and would only be released once he confessed.”<sup>171</sup> He now faces a retrial, which may result in another death sentence. A Royal Order issued in 2020 announced an end to the use of the death penalty against people below the age of 18 at the time of the crime. However, the Royal Order does not extend to cases involving Saudi Arabia’s main counterterrorism law, the Penal Law for Crimes of Terrorism and its Financing (2017), and more generally *hadd* crimes (those with fixed and severe punishments under sharia) or crimes punishable by *qisas* (retribution-in-kind).<sup>172</sup>

**Syria** remains almost hermetically shut to monitoring by human rights or other independent observers, including when it comes to its use of the death penalty, and the media is tightly controlled by the government. Amnesty International is deeply concerned that the death penalty is still used extensively by the authorities following unfair trials. A mass execution was carried out on 21 October of 24 unnamed people who according to the Ministry of Justice had been convicted of starting wildfires in 2020, which the Ministry described as “terrorist attacks”.<sup>173</sup>

In October, 28 **Tunisian** organizations, including the Tunisian Coalition Against the Death Penalty (CTCPM), drew attention to the disproportionate impact of the death penalty on women in the country. They condemned the fact that women make up 6% of those sentenced to death in Tunisia, while their crimes are more often acts of self-defence from domestic abuse and sexual violence than men’s, and

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<sup>168</sup> Saudi Press Agency, “وزارة الدفاع: تنفيذ حكم القتل بحق ثلاثة جنود من منسوبي وزارة الدفاع لارتكابهم جريمة الخيانة العظمى”, 10 April 2021, [spa.gov.sa/viewstory.php?lang=ar&newsid=2213213](https://spa.gov.sa/viewstory.php?lang=ar&newsid=2213213)

<sup>169</sup> Amnesty International, “Saudi Arabia: Halt imminent execution of young man”, 15 June 2021, [amnesty.org/en/latest/news/2021/06/saudi-arabia-halt-imminent-execution-of-young-man/](https://amnesty.org/en/latest/news/2021/06/saudi-arabia-halt-imminent-execution-of-young-man/)

<sup>170</sup> Reuters, “Saudi court overturns death sentence for man convicted as minor; retrial to follow”, 11 November 2021, [reuters.com/world/middle-east/saudi-court-overturns-death-sentence-man-convicted-minor-retrial-follow-2021-11-11/](https://reuters.com/world/middle-east/saudi-court-overturns-death-sentence-man-convicted-minor-retrial-follow-2021-11-11/)

<sup>171</sup> Human Rights Watch, “Saudi Arabia: Alleged child offender on death row”, 31 March 2021, [Saudi Arabia: Alleged Child Offender on Death Row | Human Rights Watch \(hrw.org\)](https://www.hrw.org/news/2021/03/31/saudi-arabia-alleged-child-offender-on-death-row)

<sup>172</sup> Amnesty International, “Saudi Arabia: Death penalty reform for minors falls short, and total abolition must now follow”, 27 April 2020, [amnesty.org/en/latest/news/2020/04/saudi-arabia-abolition-of-juvenile-death-penalty/](https://amnesty.org/en/latest/news/2020/04/saudi-arabia-abolition-of-juvenile-death-penalty/)

<sup>173</sup> Amnesty International, “Syria: Chilling execution spree with 24 people put to death over last year’s wildfires”, 22 October 2021, [amnesty.org/en/latest/news/2021/10/syria-chilling-execution-sprees-with-24-people-put-to-death-over-last-years-wildfires/](https://amnesty.org/en/latest/news/2021/10/syria-chilling-execution-sprees-with-24-people-put-to-death-over-last-years-wildfires/)



# SUB-SAHARAN AFRICA

## REGIONAL TRENDS

- The overall number of recorded executions more than doubled as a result of rising numbers in two countries – Somalia and South Sudan.
- Executions were recorded in the same three countries as in 2020 – Botswana, Somalia and South Sudan – whereas the overwhelming majority of the region's countries that have not yet abolished the death penalty for all crimes have not carried out any executions
- Recorded death sentences were up by 22%, with a sharp rise in the Democratic Republic of the Congo and Mauritania, and despite a significant drop in Zambia.
- There was progress towards the abolition of the death penalty in several countries, including Sierra Leone, Ghana and the Central African Republic.

COUNTRY	2021 RECORDED EXECUTIONS	2021 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2021
Botswana	3	6	6
Burkina Faso <sup>182</sup>	0	0	0
Cameroon	0	4+	250+
Central African Republic	0	0	0
Comoros	0	0	
Democratic Republic of the Congo	0	81+	+
Equatorial Guinea	0	0	
Eritrea	0	0	
Eswatini	0	0	1
Ethiopia	0	+	1+
Gambia	0	3	3
Ghana	0	7	165
Kenya	0	14	601
Lesotho	0	0	0
Liberia	0	0	16+
Malawi	0	11+	37+

<sup>182</sup> Burkina Faso is abolitionist for ordinary crimes only. In 2018, the country removed the death penalty from its Penal Code; however, the death penalty remained in the Military Code of Justice. It has not carried out executions since 1998.

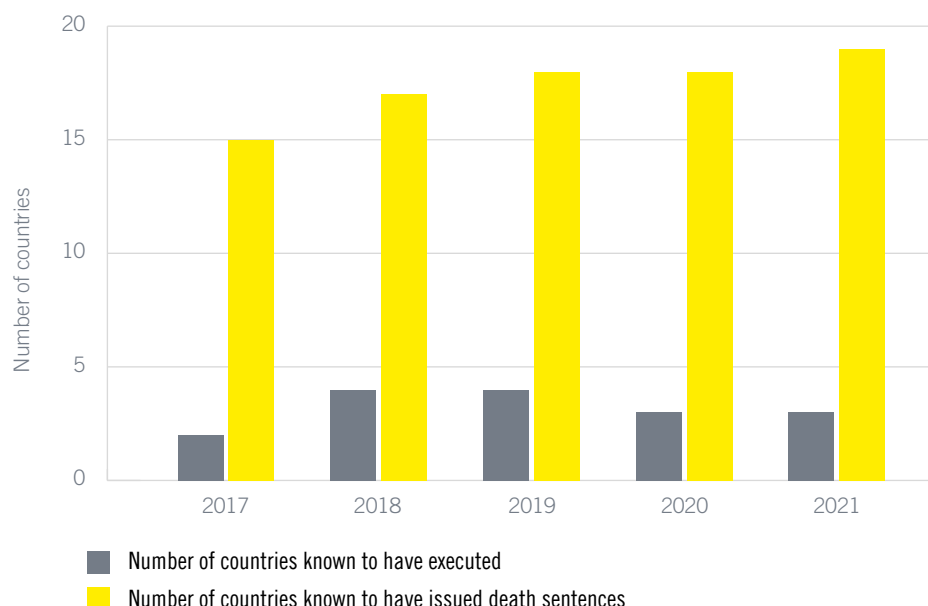
COUNTRY	2021 RECORDED EXECUTIONS	2021 RECORDED DEATH SENTENCES	PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2021
Mali	0	48	48+
Mauritania	0	60	183
Niger	0	0	4
Nigeria	0	56+	3,036+
Sierra Leone	0	23	117
Somalia	21+	27+	6+
South Sudan	9+	10+	334+
Sudan	0	7+	95+
Tanzania	0	+	480+
Uganda	0	2+	135+
Zambia	0	9+	257
Zimbabwe	0	1	66

A sharp rise in recorded executions in two of the three countries that continued to carry out executions in the region has meant that the overall number of recorded executions in sub-Saharan Africa more than doubled, from 16 in 2020 to 33 in 2021. Recorded executions in Somalia rose from 11 to 21, and in South Sudan from two to nine; with information from these countries being difficult to obtain, actual figures may have been higher. In Botswana, Amnesty International recorded the executions of three people, the same number as in 2020.

The overall number of recorded death sentences in 2021, 373, is also considerably higher than in 2020 where it stood at 305, up by 22%. There was a notable rise in recorded death sentences in the Democratic Republic of the Congo where they more than quadrupled, from 20 in 2020 to 81 in 2021. Recorded death sentences decreased in Sierra Leone by 41%, from 39 in 2020 to 23 in 2021. In Somalia, 21 of at least 27 people sentenced to death in 2021 were executed during the same year.

Commutations, pardons and exonerations were recorded in several countries, notably in the Democratic Republic of the Congo, where at least 26 people sentenced to death were pardoned, and at the end of the year all death sentences for which all appeals had been rejected were commuted. In Zambia, the sentences of all persons who had been on death row for over eight years, numbering 23, were commuted. In Nigeria, 17 people originally sentenced to death were acquitted upon appeal and 83 death sentences were commuted.

**FIGURE 11: NUMBER OF COUNTRIES IN SUB-SAHARAN AFRICA KNOWN TO HAVE EXECUTED OR ISSUED DEATH SENTENCES (2017-2021)**



*Yearly total of death sentences known to have been imposed during the period 2017-2021.*

At least 5,843 people were held under a sentence of death, with Nigeria holding 52% of them (at least 3,036).

Positive steps towards the abolition of the death penalty were taken in several countries. In Sierra Leone, parliament unanimously passed an Act that abolishes the death penalty for all crimes. At the end of the year, it was being finalized for official presidential signature. In Ghana, a Bill proposing the abolition of the death penalty from the Criminal and Other Offences Act, and potentially from the Armed Forces Act, was being processed in parliament. In the Central African Republic, a parliamentary committee<sup>183</sup> concluded its examination of a Bill for the total abolition of the death penalty.

<sup>183</sup> République centrafricaine, Rapport de la commission institutions, démocratie, judiciaire et affaires administratives sur la proposition de loi portant abolition de la peine de mort et modifiant certaines dispositions de la loi portant code pénal centrafricain, 21 April 2021, on file with Amnesty International.

## NOTABLE COUNTRY DEVELOPMENTS

**Botswana's** Ministry of Defence, Justice and Security informed Amnesty International that three executions were carried out in the country in 2021, six people were sentenced to death and one person's death sentence was commuted. At the end of 2021, six people were under sentence of death. All of the above are men, and all convicted of murder. The person whose sentence was commuted is Zimbabwean; all the rest are Batswana.<sup>184</sup> The number of persons executed in 2021 was identical to the number of those executed in 2020.

On 7 September 2021, the Buea Military Court in **Cameroon** sentenced to death four men for a series of crimes, including secession, terrorism, murder, possession of illegal arms and insurrection. The four had been found guilty of attacking a school, killing at least eight children.<sup>185</sup> The lawyer for the four, Barrister Atoh Walter M. Tchemi, told Amnesty International that the trial had been marred with procedural irregularities. Not only was the case heard by a military court, the 12 defendants were all heard on the same day, in a "marathon" session, preventing adequate consideration of individual cases. In addition, the prosecution failed to bring any witnesses to the hearing, presenting instead written statements, without third-party corroboration or the opportunity to question the witnesses, making the trial based on hearsay evidence alone. Language was also an issue: the trial was conducted in French and translated into English. However, most defendants only fully understand pidgin English.<sup>186</sup> An appeal was filed,<sup>187</sup> which had the effect of suspending the execution of the sentence. As of the end of 2021, a date for the hearing of the appeal was yet to be set.

Amnesty International recorded no executions, death sentences or persons under a death sentence in the **Central African Republic**, which has kept the death penalty on its law books but has not executed anyone since 1981.

In April, the Parliamentary Committee on institutions, democracy and judicial and administrative affairs<sup>188</sup> concluded its examination of a Bill for the total abolition of the death penalty, first proposed in 2018.<sup>189</sup> The Committee heard from experts and human rights NGOs and, in its report, recommended that the Bill be adopted by parliament.<sup>190</sup> As of the end of the year, Amnesty International was not aware of the Bill being debated further.

Amnesty International recorded no executions in the **Democratic Republic of the Congo**, which has seen no executions since 2003. At least 81 people,<sup>191</sup> one of them a woman, were sentenced to death, more than quadruple the number of recorded death sentences in 2020.<sup>192</sup>

On 8 January, President Felix Tshisekedi pardoned all 26 people sentenced to death in 2003 for the assassination of then president Laurent-Désiré Kabila in 2001.<sup>193</sup> On 31 December, the president

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<sup>184</sup> Letter to Amnesty International from the Ministry of Defence, Justice and Security, 25 January 2022.

<sup>185</sup> Journal du Cameroun, "Cameroon: Four get death sentence over Kumba school massacre", 8 September 2021, [journalducameroun.com/en/cameroon-four-get-death-sentence-over-kumba-school-massacre/](https://journalducameroun.com/en/cameroon-four-get-death-sentence-over-kumba-school-massacre/)

<sup>186</sup> Amnesty International, phone interview with Barrister Atoh Walter M. Tchemi, 18 January 2022.

<sup>187</sup> Direction de la justice militaire, *Tribunal militaire de Buea, Procès verbal de notification d'une ordonnance portant fixation de la consignation d'appel*, 21 June 2021, on file with Amnesty International.

<sup>188</sup> République centrafricaine, Rapport de la commission institutions, démocratie, judiciaire et affaires administratives sur la proposition de loi portant abolition de la peine de mort et modifiant certaines dispositions de la loi portant code pénal centrafricain, 21 April 2021, on file with Amnesty International.

<sup>189</sup> République centrafricaine, Assemblée Nationale, "Loi portant abolition de la peine de mort en République centrafricaine" (no date), on file with Amnesty International.

<sup>190</sup> Committee report, Conclusions.

<sup>191</sup> United Nations Joint Human Rights Office in the Democratic Republic of the Congo (UNJHRO), MONUSCO – OHCHR, Analysis of the human rights situation in 2021, January 2022 (no date), para. 58.

<sup>192</sup> Barron's, "From APF news: DR Congo sentences 16 to death for 2019 killing of Ebola medic", 9 March 2021, [barrons.com/news/dr-congo-sentences-16-to-death-for-2019-killing-of-ebola-medic-01615313405](https://barrons.com/news/dr-congo-sentences-16-to-death-for-2019-killing-of-ebola-medic-01615313405)

<sup>193</sup> Africanews, "DR Congo frees 26 prisoners for ex-leader Kabila's assassination", 8 January 2021, [africanews.com/2021/01/08/drc-prez-pardons-26-prisoners-for-murder-of-ex-prez-laurent-kabila/](https://africanews.com/2021/01/08/drc-prez-pardons-26-prisoners-for-murder-of-ex-prez-laurent-kabila/)

signed a decree that, among other things, commuted all death sentences in force at the time, and for which all appeals have been rejected, to life imprisonment.<sup>194</sup> Amnesty International has not been able to establish the number of people impacted by the decree.

The government of **Eswatini** informed Amnesty International that there were no new developments in the use of the death penalty during the year, indicating that no executions were carried out and no death sentences imposed during 2021.<sup>195</sup> One man remained under a sentence of death.

While Amnesty International recorded no executions in **Ethiopia**, the media reported, without detail, that on 6 August the Western Command First Instance Military Court convicted an undisclosed number of members of the Ethiopian National Defence Force (ENDF) of treason for conspiring with the Tigrayan People's Liberation Front (TPLF) to launch an attack on the military in the context of the armed conflict in Tigray. Those convicted were sentenced to death or to life imprisonment.<sup>196</sup>

In addition, on 4 April a court in Oromia Regional state sentenced a man to death after convicting him of murder.<sup>197</sup>

Death sentences continued to be handed down in **Gambia**. In July, the High Court of Banjul sentenced a senior official under ex-President Yahya Jammeh to death by hanging for the assassination of former minister Ousman Koro Ceesay.<sup>198</sup>

A Private Member's Bill, proposed to **Ghana's** parliament in June by Francis-Xavier Sosu, the Member of Parliament for Madina, provides for the abolition of the death penalty, as a first step, from the country's Criminal and Other Offences Act.<sup>199</sup> At the end of the year the proposed Bill was being prepared for a first reading, with discussions ongoing on expanding it to cover provisions in the Armed Forces Act<sup>200</sup> that impose the death penalty.

The Director of Ghana's Prisons informed Amnesty International that no executions took place in the country, seven people were sentenced to death and 165 were under sentence of death at the end of the year, six of them women and six foreigners. There were no commutations or pardons.<sup>201</sup> Amnesty International understands that all 165 were convicted of murder, which remains punishable by a mandatory death penalty in Ghana, barring judges from considering specific circumstances that may have mitigatory effect in each case.

On 6 July, the Supreme Court of **Kenya** issued a ruling<sup>202</sup> providing directions on how its 2017 ruling in *Muruatetu & Another v. Republic* declaring the mandatory death penalty for murder unconstitutional<sup>203</sup> was to be implemented. In its 2017 ruling, the Court had instructed a wide array of institutions, including parliament and the Attorney-General, to make amendments to laws and policies to ensure such implementation, but in its July 2021 ruling the Court expressed dissatisfaction with the way these instructions were followed, stating that there was confusion, including among lower

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<sup>194</sup> Actualite.cd, "DRC: Felix Tshisekedi signs a decree on a collective measure of pardon", 31 December 2021, [actualite.cd/2021/12/31/rdc-felix-tshisekedi-signe-lordonnance-portant-mesure-collective-de-grace](https://actualite.cd/2021/12/31/rdc-felix-tshisekedi-signe-lordonnance-portant-mesure-collective-de-grace)

<sup>195</sup> Letter to Amnesty International from the Ministry of Justice and Constitutional Affairs, 28 December 2021.

<sup>196</sup> Addis Standard, "News: Southern Command Military Court sentences army members accused of 'direct links' with T.P.L.F. from eight to eighteen years in prison", 26 August 2021, [addisstandard.com/news-southern-command-military-court-sentences-army-members-accused-of-direct-links-with-t-p-l-f-from-eight-to-eighteen-years-in-prison](https://addisstandard.com/news-southern-command-military-court-sentences-army-members-accused-of-direct-links-with-t-p-l-f-from-eight-to-eighteen-years-in-prison) A report on the sentencing first appeared in a post on the Ethiopian Ministry of Defence's official Facebook page but was later removed.

<sup>197</sup> Ethiopian Monitor, "Man gets death penalty after killing three people", 4 April 2021, [ethiopianmonitor.com/2021/04/04/man-gets-death-penalty-after-killing-three-people/](https://ethiopianmonitor.com/2021/04/04/man-gets-death-penalty-after-killing-three-people/)

<sup>198</sup> FOROYAA (Serrekunda), "Gambia: Court sentences Yankuba Touray to death by hanging", 14 July 2021, [allafrica.com/stories/202107150194.html](https://allafrica.com/stories/202107150194.html)

<sup>199</sup> Criminal and Other Offences Act 1960 Act 29.

<sup>200</sup> The Armed Forces Act 1962 Act 105.

<sup>201</sup> Letter to Amnesty International Ghana from the Prisons/Technical and Service, 31 January 2022.

<sup>202</sup> *Francis Karioko Muruatetu & another v Republic; Katiba Institute & 5 Others (Amicus Curiae)* [2021] eKLR, judgment of 6 July 2021.

<sup>203</sup> *Francis Karioko Muruatetu & another v Republic* [2017] eKLR, judgment of 14 December 2017.

courts, regarding the fate of hundreds of persons previously sentenced to death under mandatory provisions, leading to what the Court described as “an avalanche of applications for re-sentencing”. In its July 2021 ruling the Court also clarified, among other things, that the 2017 ruling did not apply to other provisions for a mandatory death sentence such as treason, robbery with violence and attempted robbery with violence, but that these can be challenged through the courts with a likely “similar outcome”. As for murder, the Court ruled that as long as it is not abolished, the death penalty must be restricted to “the rarest of rare cases involving intentional and aggravated acts of killing”. The Court ruled that all of those sentenced to death for murder as a mandatory punishment were entitled to a re-sentencing hearing.

No executions and no new death sentences were recorded in **Liberia**, but at least 16 remained under a sentence of death.

In December, the House of Representatives passed a Bill to amend the Penal Law criminalizing “acts of human sacrifice”. The amendment, which alongside the act of human sacrifice itself criminalizes a wide array of related acts such as financing, attempt, complicity and possessing tools for such acts, imposes the death penalty on an array of offences, including financing human sacrifice and possessing instruments for carrying it out. The Bill was sent to the Senate for approval.<sup>204</sup>

In April, the Supreme Court of **Malawi**, deciding a case involving a prisoner sentenced to death under laws providing for a mandatory death penalty for murder, which had been declared unconstitutional by the High Court in 2007,<sup>205</sup> initially ruled that the death penalty itself was unconstitutional. However, the ruling was later revised, with Justices vacating the initial decision.<sup>206</sup> The revision was on procedural grounds only and did not address the question of whether or not the death penalty accorded with Malawi’s constitution; nor did it address the reasons provided in the original decision for determining that it did not.

The Ministry of Justice and Human Rights in **Mali** informed Amnesty International that the country’s three appeal courts, of Bamako, Kayes and Mopti, sentenced 48 people to death during their Assize (serious crimes) sessions, at least one of them for terrorism-related offences.<sup>207</sup> On 30 June the Court of Appeal of Mopti, during its Assize session, sentenced to death 12 persons found guilty of taking part in an attack on Koulogon Peulh, Bankass cercle, in 2019, killing dozens, burning buildings and looting. All 12 were tried in their absence.<sup>208</sup>

In January, **Mauritania**’s human rights record was considered within the UN Human Rights Council’s Universal Periodic Review. Mauritania’s report did not mention the death penalty.<sup>209</sup> During the discussion, the country’s representatives stated that no execution had been carried out since 1987, and that Mauritania would continue to observe a de facto moratorium on executions.<sup>210</sup> However, while Mauritania “noted” some of the recommendations calling on it to abolish the death penalty, ratify the

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<sup>204</sup> Daily Observer, “Ritual killers, accomplices get death penalty”, 13 December 2021, [liberianobserver.com/ritual-killers-accomplices-get-death-penalty](https://liberianobserver.com/ritual-killers-accomplices-get-death-penalty)

<sup>205</sup> *Kafantayeni and Others v Attorney General*, Constitutional Case No. 12 of 2005 [2007] [High Court sitting as Constitutional Court, later confirmed by Supreme Court of Appeals].

<sup>206</sup> *Khoviwa v Republic* (MSCA Miscellaneous Criminal Appeal Number 12 of 2017) [2021] MWSC 3 (28 April 2021).

<sup>207</sup> Letter to Amnesty International from Ministry of Justice and Human Rights, 25 January 2022. See also Malijet, “Mali: Clôture de la 1ère session de la cour d’assises de Bamako: 13 condamnations à la peine de mort prononcées par les juges”, 14 April 2021, [malijet.co/societe/faits-divers/cloture-de-la-1ere-session-de-la-cour-dassises-de-bamako-13-condamnations-a-la-peine-de-mort-prononcees-par-les-juges](https://malijet.co/societe/faits-divers/cloture-de-la-1ere-session-de-la-cour-dassises-de-bamako-13-condamnations-a-la-peine-de-mort-prononcees-par-les-juges); Nouvel Horizon, “Clôture de la 2ème session ordinaire de la cour d’Assises de Bamako”, 4 October 2021, [nouvelhorizonmali.com/2021/10/cloture-de-la-2eme-session-ordinaire-de-la-cour-dassises-de-bamako/](https://nouvelhorizonmali.com/2021/10/cloture-de-la-2eme-session-ordinaire-de-la-cour-dassises-de-bamako/); Indépendant [Mali], “Fin de la 1ère session de la cour d’Assises de Kayes: Sur les 40 affaires inscrites au rôle 7 ont été renvoyées à la prochaine session”, 13 October 2021, [lindependant-mali.net/2021/10/13/fin-de-la-1ere-session-de-la-cour-dassises-de-kayes-sur-les-40-affaires-inscrites-au-role-7-ont-ete-renvoyees-a-la-prochaine-session/](https://lindependant-mali.net/2021/10/13/fin-de-la-1ere-session-de-la-cour-dassises-de-kayes-sur-les-40-affaires-inscrites-au-role-7-ont-ete-renvoyees-a-la-prochaine-session/)

<sup>208</sup> UN Security Council, Situation in Mali: Report of the Secretary-General, 1 October 2021, UN Doc. S/2021/844, para. 35.

<sup>209</sup> UN Human Rights Council, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Mauritania*, 9 November 2020, UN Doc. A/HRC/WG.6/37/MRT/1.

<sup>210</sup> Working Group on the Universal Periodic Review, Report: *Mauritania*, 9 April 2021, UN Doc. A/HRC/47/6, para. 52.

Second Optional Protocol to the International Covenant on Civil and Political Rights, establish a de jure moratorium and reduce the number of offences punishable by death, it did not accept any of them.<sup>211</sup>

On 25 November, a criminal court in Northern Nouakchott sentenced to death three men for stabbing to death a university lecturer near to his home in June 2021.<sup>212</sup>

Mauritania's Ministry of Justice informed Amnesty International that no executions were carried out in the country during 2021, 60 people were sentenced to death and 183 were under sentence of death at the end of the year, including 18 foreigners; the sentence of 91 persons was final and of 92 under appeal.<sup>213</sup>

Amnesty International recorded no executions in **Nigeria** in 2021, despite the Minister of Interior, Rauf Aregbesola, on 23 July urging state governors to sign the death warrants for persons held under death sentences throughout Nigeria, where appeals have been exhausted and no compassionate or other grounds for commutation or pardon exist, as part of measures to tackle overcrowding in the country's prisons.<sup>214</sup> However, Nigerian courts sentenced to death at least 56 people during the year. The number of persons held under death sentences, at least 3,036, is by far the highest recorded in sub-Saharan Africa, and one of the highest recorded worldwide. Nigerian governors and courts commuted the death sentences of at least 83 persons, and appeals courts acquitted at least 17 others who had been sentenced to death.

Three states – Jigawa, Taraba and Niger – adopted new laws that impose the death penalty for various crimes that do not involve intentional killing. In February, Jigawa State passed legislation imposing the death penalty on persons convicted of rape and found to have infected their victims with HIV,<sup>215</sup> and the Taraba State House of Assembly passed a law imposing the death penalty on anyone who has “carnal knowledge of a minor”, unless the convicted person is younger than 14 years old.<sup>216</sup> In July, Niger State passed a law imposing the death penalty on any person providing information in support of, instigating or aiding and abetting of kidnapping and cattle rustling.<sup>217</sup> Acts of kidnapping and cattle rustling themselves are already punishable by death in Niger State and several other Nigerian states.

On 21 January an Appeal Panel, presided over by the Chief Judge of Kano State, ordered the retrial of Yahaya Sharif-Aminu. The singer, musician and composer, in his early 20s, had on 10 August 2020 been convicted by an Upper Sharia Court in Kano State and sentenced to death by hanging for blasphemy against Prophet Muhammad in a song that he had circulated on WhatsApp earlier that year.<sup>218</sup> The Panel ordered that the case be returned to the same Upper Sharia Court that had convicted and sentenced him, but be heard by a different judge. The decision was based on the defendant having not been represented by a legal representative throughout his original trial.<sup>219</sup> A hearing at the Kano State High Court was scheduled for February 2022.

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<sup>211</sup> Working Group on the Universal Periodic Review, Report: *Mauritania*, Addendum, 19 April 2021, UN Doc. A/HRC/47/6/Add.1, recommendations 130.4-130.25.

<sup>212</sup> Kiffa online, “موريتانيا / الحكم بالإعدام على قتلة ‘ولد ألما’”, 25 November 2021, [kiffaonline.com/2021/11/25/](https://kiffaonline.com/2021/11/25/)

<sup>213</sup> Letter to Amnesty International from the Ministry of Justice, 28 February 2022.

<sup>214</sup> Punch.com, “Sign death warrants to decongest prisons, Aregbesola urges govts,” 24 July 2021, [punchng.com/sign-death-warrants-to-decongest-prisons-aregbesola-urges-govts/](https://punchng.com/sign-death-warrants-to-decongest-prisons-aregbesola-urges-govts/)

<sup>215</sup> Premium Times, “Nigerian governor signs law approving death sentence for rapists”, 24 February 2021, [premiumtimesng.com/news/headlines/445090-nigerian-governor-signs-law-approving-death-sentence-for-rapists.html](https://premiumtimesng.com/news/headlines/445090-nigerian-governor-signs-law-approving-death-sentence-for-rapists.html)

<sup>216</sup> Business Day, “Taraba Assembly embraces death penalty for rapists”, 25 February 2021, [businessday.ng/politics/article/taraba-assembly-embraces-death-penalty-for-rapists/](https://businessday.ng/politics/article/taraba-assembly-embraces-death-penalty-for-rapists/)

<sup>217</sup> Cable, “Niger state to hang convicted kidnappers, informants”, 16 July 2021, [thecable.ng/niger-state-to-hang-convicted-kidnappers-informants](https://thecable.ng/niger-state-to-hang-convicted-kidnappers-informants)

<sup>218</sup> Amnesty International, *Death Sentences and Executions 2020* (Index: ACT 50/3760/2021), April 2021, [amnesty.org/en/documents/act50/3760/2021/en/](https://amnesty.org/en/documents/act50/3760/2021/en/), p. 53.

<sup>219</sup> Amnesty International, “Nigeria: Authorities must quash the conviction and death sentence imposed on Kano-based singer”, 13 August 2020, [amnesty.org/en/latest/news/2020/08/nigeria-authorities-must-quash-the-conviction-and-death-sentence-imposed-on-kano-based-singer/](https://amnesty.org/en/latest/news/2020/08/nigeria-authorities-must-quash-the-conviction-and-death-sentence-imposed-on-kano-based-singer/); Amnesty International, “Retrial ordered for singer on death row”, 29 January 2021, [amnesty.org.uk/files/2021-01/F113720\\_1.pdf?VersionId=w4Qkyqsl8YLMgw4h57REqb6uQmaldFL](https://amnesty.org.uk/files/2021-01/F113720_1.pdf?VersionId=w4Qkyqsl8YLMgw4h57REqb6uQmaldFL)

The parliament in **Sierra Leone** unanimously passed the Abolition of the Death Penalty Act 2021 on 23 July. The Act abolishes the death penalty for all crimes, removing it as punishment from each of the provisions in the Criminal Code and other legislation, including military law. The death penalty for these crimes was replaced by a maximum sentence of life imprisonment with a minimum 30-year imprisonment, while allowing for judicial discretion in sentencing.<sup>220</sup>

At the end of the year, the Act was in the process of finalization, official signing by the President and gazetting.

While Article 16(1) of Sierra Leone's Constitution still allows for the death penalty to be imposed, a government report from December on its plans to seek amendments to the Constitution includes amending this Article so as to remove the death penalty.<sup>221</sup>

The Sierra Leone Correctional Service informed Amnesty International that during 2021, no executions took place in the country. Twenty-three people, all men, were sentenced to death. One hundred and seventeen people were held under sentences of death, three of them women. The death sentences of four people were commuted.<sup>222</sup>

In **Somalia**, 21 people were executed on 27 June by firing squads in Puntland. According to an official cited by the media, the men had been convicted of Al-Shabaab membership and acts of terrorism, including killings, in separate trials in the towns of Galkayo, Garowe and Qardho earlier in the year. Eighteen were executed in Galkayo, while three others were executed separately in Qardho and Garowe. The executions reportedly came just two hours after Al-Shabaab members attacked the town of Wisil, an attack in which dozens, including civilians, were killed.<sup>223</sup>

In addition to the 21 sentenced and executed in 2021, at least six others were sentenced to death. On 21 April, the Court of First Instance of the Armed Forces of Mudug and Ayn regions in Puntland sentenced five men to death. They were convicted of killing both soldiers and civilians in the service of the Al-Shabaab armed group.<sup>224</sup>

On 13 March, a military court in Somaliland sentenced to death a soldier for killing a civilian schoolteacher in Gabiley Town, Somaliland.<sup>225</sup>

The number of recorded executions in **South Sudan** rose sharply, from two in 2020 to nine in 2021. The number of death sentences also rose, from at least six to at least 10. At least 334 people were held under sentence of death at the end of the year.

South Sudanese NGOs continued efforts to support people sentenced to death in unfair trials. On 10 June, a man was released after being held on death row for 13 years, with the help of the Justice and Human Rights Observatory Organization. According to his lawyer, the man had been convicted in 2009 of murdering another man. He had consistently maintained his innocence. An appeal to the Court of Appeal subsequently failed, but the Supreme Court overturned the conviction upon further appeal, on grounds of insufficient evidence.<sup>226</sup>

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<sup>220</sup> Amnesty International, "Sierra Leone: Abolition of death penalty a major victory", 25 July 2021, [amnesty.org/en/latest/news/2021/07/sierra-leone-abolition-of-death-penalty-a-major-victory/](https://www.amnesty.org/en/latest/news/2021/07/sierra-leone-abolition-of-death-penalty-a-major-victory/)

<sup>221</sup> Report on the Review of the 2017 Government White Paper on the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991), December 2021, p. 7.

<sup>222</sup> Letter to Amnesty International Sierra Leone from Sierra Leone Correctional Service, 3 February 2022.

<sup>223</sup> Voice of America, "Somalia executes militants amid deadly attack," 27 June 2021, [voanews.com/a/africa\\_somalia-executes-militants-amid-deadly-attack/6207538.html](https://www.voanews.com/a/africa_somalia-executes-militants-amid-deadly-attack/6207538.html); Garowe Online, "Al-Shabaab executes 6 alleged to be 'US spies' in Somalia", 28 June 2021, [garoweonline.com/en/news/somalia/al-shabaab-executes-us-spies-in-somalia-after-21-militants-shot-dead](https://garoweonline.com/en/news/somalia/al-shabaab-executes-us-spies-in-somalia-after-21-militants-shot-dead)

<sup>224</sup> Horn Observer, "Somalia: Puntland Military court hands down death sentence to five Shabab members", 21 April 2021, [hornobserver.com/articles/830/Somalia-Puntland-Military-court-hands-down-death-sentence-to-five-Shabab-members](https://www.hornobserver.com/articles/830/Somalia-Puntland-Military-court-hands-down-death-sentence-to-five-Shabab-members)

<sup>225</sup> Somalia24, "Somaliland's military court sentences soldier to death", 13 March 2021, [handsoffcain.info/archivio\\_news/202103.php?iddocumento=60325368&mover=0](https://handsoffcain.info/archivio_news/202103.php?iddocumento=60325368&mover=0)

<sup>226</sup> See also Sudans Post, "Juba prisoner found not guilty after 13 years in jail", 10 June 2021, [sudanspost.com/juba-prisoner-found-not-guilty-after-13-years-in-jail/](https://www.sudanspost.com/juba-prisoner-found-not-guilty-after-13-years-in-jail/)

On 5 August, a court in al-Obeid, the capital of the North Kordofan Region, **Sudan**, sentenced to death six members of the paramilitary force Rapid Support Forces (RSF) for killing demonstrators protesting against gasoline and bread shortages in July 2019 in the city. The RSF had been established in 2013 by then President Omar al-Bashir.<sup>227</sup>

While no executions have been carried out in **Tanzania** since 1994, courts in the country continued to hand down death sentences. At least 480 people remained under death sentences at the year's end.

In November, a specially convened **Ugandan** Court Martial sitting in Mogadishu, Somalia, sentenced two soldiers serving with the African Union Mission in Somalia (AMISOM) in the country to death for unlawfully killing Somali civilians during a military operation against the armed opposition Al-Shabaab group in August. The two were transferred back to Uganda for the continuation of judicial proceedings.<sup>228</sup>

On 27 January, **Zambia's** Minister of Home Affairs Stephen Kampyongo announced that President Edgar Lungu had commuted the death sentences of 246 convicted persons to life imprisonment. Stephen Kampyongo explained that the main reason for the commutations of 225 men was fear for the health of those whose appeals against their death sentences had been exhausted, and who had been incarcerated in the Mukobeko maximum correctional facility, a colonial-era facility designed to hold up to 40 inmates for up to a few months but which had been holding over 400 men. Health considerations included but were not limited to Covid-19-related risks. The death sentences of 21 women, incarcerated in the Kabwe female correctional facility, were similarly commuted. Stephen Kampyongo also stated that his country had not abolished the death penalty because that would require a referendum.<sup>229</sup>

However, Zambia's courts continued to sentence people to death, including for aggravated robbery, which is punishable by a mandatory death sentence,<sup>230</sup> and while the Court of Appeal and Supreme Court in some cases acquitted people convicted of murder, the majority of them ended up being held under death sentences.<sup>231</sup>

On 13 April, **Zimbabwe's** President Emmerson Mnangagwa ordered, among other things, the commutation to life imprisonment of the death sentences of all prisoners who had been on death row for at least eight years.<sup>232</sup>

Zimbabwe's Prison and Correctional Service informed Amnesty International that one man was sentenced to death for murder, and 66 persons were held under death sentences at the end of the year, all men, all for crimes involving murder. One presidential pardon was granted to a person under a sentence of death, and the death sentences of 23 men were commuted.<sup>233</sup> Since according to the Prison and Correctional Service all of these commutations were of sentences issued in 2013 or earlier, Amnesty International believes that they were the result of the presidential commutation in April.

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<sup>227</sup> Africanews, "Sudan: Death sentences for six paramilitaries for the killing of protesters in 2019", 6 August 2021, [africanews.com/2021/08/06/sudan-death-sentences-for-six-paramilitaries-for-the-killing-of-protesters-in-2019/](https://africanews.com/2021/08/06/sudan-death-sentences-for-six-paramilitaries-for-the-killing-of-protesters-in-2019/)

<sup>228</sup> AMISOM, "Press release: Court Martial finds AMISOM soldiers guilty of killing civilians in Goloweyn," PR/24/2021, Mogadishu, 13 November 2021, [facebook.com/amisom.somalia/photos/a.405210486184589/4714623708576557/?type=3](https://facebook.com/amisom.somalia/photos/a.405210486184589/4714623708576557/?type=3); BBC, "Two Ugandan soldiers sentenced to death in Somalia," 14 November 2021, [bbc.co.uk/news/world-africa-59280210](https://bbc.co.uk/news/world-africa-59280210)

<sup>229</sup> Human Rights Commission [of Zambia], "HRC commends president Edgar Lungu for commuting sentences of 246 death row inmates to control the spread COVID-19 in correctional facilities", 1 February 2021, [hrc.org.zm/index.php/multi-media/news/372-hrc-commends-president-edgar-lungu-for-commuting-sentences-of-246-death-row-inmates-to-control-the-spread-covid-19-in-correctional-facilities](https://hrc.org.zm/index.php/multi-media/news/372-hrc-commends-president-edgar-lungu-for-commuting-sentences-of-246-death-row-inmates-to-control-the-spread-covid-19-in-correctional-facilities); News Diggers!, "Lungu commutes 246 inmates' sentences from death row to life imprisonment", 28 January 2021, [diggers.news/local/2021/01/28/lungu-commutes-246-inmates-sentences-from-death-row-to-life-imprisonment/](https://diggers.news/local/2021/01/28/lungu-commutes-246-inmates-sentences-from-death-row-to-life-imprisonment/)

<sup>230</sup> Republic of Zambia, the Penal Code Act (1953), sec. 294(2).

<sup>231</sup> Africanlii.org, "Time to end mandatory death penalty in Zambia?", 24 June 2021, [africanlii.org/article/20210624/time-end-mandatory-death-penalty-zambia](https://africanlii.org/article/20210624/time-end-mandatory-death-penalty-zambia)

<sup>232</sup> President Emmerson Mnangagwa, *Clemency Order No. 1 of 2021*, Zimbabwean Government Gazette Extraordinary, 13 April 2021, [gazettes.africa/archive/zw/2021/zw-government-gazette-dated-2021-04-13-no-47.pdf](https://gazettes.africa/archive/zw/2021/zw-government-gazette-dated-2021-04-13-no-47.pdf), para. 9.

<sup>233</sup> Letter to Amnesty International from the Zimbabwe Prison and Correctional Service, 18 February 2022.

# ANNEX I: RECORDED EXECUTIONS AND DEATH SENTENCES IN 2021

This report only covers the judicial use of the death penalty and does not include figures for extrajudicial executions. Amnesty International only reports figures for which it can find reasonable confirmation, although the true figures for some countries are significantly higher. Some states intentionally conceal death penalty proceedings; others do not keep or make available data on the numbers of death sentences and executions.

Where “+” appears after a figure next to the name of a country – for example, Malaysia (14+) – it means that Amnesty International confirmed 14 executions or death sentences in Malaysia but believes there were more than 14. Where “+” appears after a country name without a figure – for instance, Oman (+) – it means that Amnesty International has corroborated executions or death sentences (more than one) in that country but had insufficient information to provide a credible minimum figure. When calculating global and regional totals, “+” has been counted as two, including for China.

## RECORDED EXECUTIONS IN 2021

China 1,000s	Iraq 17+	Japan 3
Iran 314+	Yemen 14+	Belarus 1+
Egypt 83+	USA 11	UAE 1+
Saudi Arabia 65	South Sudan 9+	North Korea +
Syria 24+	Bangladesh 5	Oman +
Somalia 21+	Botswana 3	Viet Nam +

## RECORDED DEATH SENTENCES IN 2021

China 1,000s	Malaysia 14+	Gambia 3
Egypt 356+	Kenya 14	Japan 3
Yemen 298+	Lebanon 12+	Trinidad and Tobago 3
Bangladesh 181+	Malawi 11+	Afghanistan 2+
India 144	Jordan 11+	Uganda 2+
Pakistan 129+	South Sudan 10+	Taiwan 2
Viet Nam 119+	Singapore 10	Belarus 1
Indonesia 114+	UAE 9+	Maldives 1
Iraq 91+	Zambia 9+	Morocco/Western Sahara 1
Myanmar 86+	Algeria 9	Zimbabwe 1
Democratic Republic of the Congo 81+	Saudi Arabia 8+	Ethiopia +
Mauritania 60	Sri Lanka 8+	Iran +
Nigeria 56+	Sudan 7+	Libya+
Mali 48	Ghana 7	North Korea +
Somalia 27+	Botswana 6	Oman +
Sierra Leone 23	Kuwait 5+	Qatar +
Palestine (State of) 21+	Cameroon 4+	Syria +
USA 18	Guyana 4	Tanzania +
	Tunisia 3+	Thailand +

# ANNEX II: ABOLITIONIST AND RETENTIONIST COUNTRIES

AS OF 31 DECEMBER 2021

More than two thirds of the countries in the world have now abolished the death penalty in law or practice. As of 31 December 2021 the numbers were as follows:

**Abolitionist for all crimes:** 108

**Abolitionist for ordinary crimes only:** 8

**Abolitionist in practice:** 28

**Total abolitionist in law or practice:** 144

**Retentionist:** 55

The following are lists of countries in the four categories: abolitionist for all crimes, abolitionist for ordinary crimes only, abolitionist in practice and retentionist.

## 1. ABOLITIONIST FOR ALL CRIMES

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

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Bulgaria, Burundi, Cabo Verde, Cambodia, Canada, Chad, Colombia, Congo (Republic of the), Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Kiribati, Kosovo\*,<sup>234</sup> Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niue, North Macedonia, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, Tuvalu, UK, Ukraine, Uruguay, Uzbekistan, Vanuatu, Vatican City, Venezuela.

<sup>234</sup> This designation (\*) is without prejudice to positions on status, and is in line with UN Security Council Resolution 1244 and the International Court of Justice Opinion on the Kosovo declaration of independence.

## 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:<sup>235</sup>

Brazil, Burkina Faso, Chile, El Salvador, Guatemala, Israel, Kazakhstan, Peru.

## 3. ABOLITIONIST IN PRACTICE

Countries that retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the last 10 years or more and are believed to have a policy or established practice of not carrying out executions:

Algeria, Brunei Darussalam, Cameroon, Central African Republic, Eritrea, Eswatini (former Swaziland), Ghana, Grenada, Kenya, Laos, Liberia, Malawi, Maldives, Mali, Mauritania, Morocco/Western Sahara, Myanmar, Niger, Papua New Guinea, Russian Federation,<sup>236</sup> Sierra Leone, South Korea (Republic of Korea), Sri Lanka, Tajikistan, Tanzania, Tonga, Tunisia, Zambia.

## 4. RETENTIONIST

Countries that retain the death penalty for ordinary crimes:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, China, Comoros, Cuba, Democratic Republic of the Congo, Dominica, Egypt, Equatorial Guinea, Ethiopia, Gambia, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Nigeria, North Korea (Democratic People's Republic of Korea), Oman, Pakistan, Palestine (State of), Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, South Sudan, Sudan, Syria, Taiwan, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, USA, Viet Nam, Yemen, Zimbabwe.

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<sup>235</sup> No executions were recorded in these countries in more than 10 years.

<sup>236</sup> The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic.

# ANNEX III: RATIFICATION OF INTERNATIONAL TREATIES

**AS OF 31 DECEMBER 2021**

The community of nations has adopted four international treaties providing for the abolition of the death penalty. One is of worldwide scope; three are regional.

Below are short descriptions of the four treaties, a list of states parties to the treaties and lists of countries which have signed but not ratified the treaties, as of 31 December 2021. States may become states parties to international treaties either by acceding to them or by ratifying them. Signature indicates an intention to become a party at a later date through ratification. States are bound under international law to respect the provisions of treaties to which they are a party, and to do nothing to defeat the object and purpose of treaties which they have signed.

## **SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY**

The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted by the UN General Assembly in 1989, is of worldwide scope. It provides for the total abolition of the death penalty but allows states parties to retain the death penalty in time of war if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state which is a party to the International Covenant on Civil and Political Rights can become a party to the Protocol.

States parties: Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cabo Verde, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Greece, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malta, Mexico, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, North Macedonia, Norway, Palestine (State of), Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, San Marino, Sao Tome and Principe, Serbia, Seychelles, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, UK, Ukraine, Uruguay, Uzbekistan, Venezuela (total: 89).

Signed but not ratified: Kazakhstan (total: 1).

## **PROTOCOL TO THE AMERICAN CONVENTION ON HUMAN RIGHTS TO ABOLISH THE DEATH PENALTY**

The Protocol to the American Convention on Human Rights to Abolish the Death Penalty, adopted by the General Assembly of the Organization of American States in 1990, provides for the total abolition of the death penalty but allows states parties to retain the death penalty in wartime if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state party to the American Convention on Human Rights can become a party to the Protocol.

States parties: Argentina, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Uruguay, Venezuela (total: 13).

## **PROTOCOL NO. 6 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS, CONCERNING THE ABOLITION OF THE DEATH PENALTY**

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, adopted by the Council of Europe in 1983, provides for the abolition of the death penalty in peacetime; states parties may retain the death penalty for crimes “in time of war or of imminent threat of war”. Any state party to the European Convention on Human Rights can become a party to the Protocol.

States parties: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, UK, Ukraine (total: 46).

Signed but not ratified: Russian Federation (total: 1).

## **PROTOCOL NO. 13 TO THE EUROPEAN CONVENTION ON HUMAN RIGHTS, CONCERNING THE ABOLITION OF THE DEATH PENALTY IN ALL CIRCUMSTANCES**

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, adopted by the Council of Europe in 2002, provides for the abolition of the death penalty in all circumstances, including in time of war or of imminent threat of war. Any state party to the European Convention on Human Rights can become a party to the Protocol.


States parties: Albania, Andorra, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Moldova, Monaco, Montenegro, Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, UK, Ukraine (total: 44).


Signed but not ratified: Armenia (total: 1)



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# DEATH SENTENCES AND EXECUTIONS

## 2021

Amnesty International's monitoring of the global use of the death penalty in 2021 revealed an increase by 20% in recorded executions and 39% in known death sentences compared to 2020. Eighteen countries executed a total of at least 579 people, and 56 countries sentenced a total of at least 2,052 people to death.

A spike in executions for drug-related offences in Iran contributed to the global rise, but significant increases were also recorded in Saudi Arabia, Somalia, South Sudan and Yemen. China, where executions were believed to be in the thousands, North Korea and Viet Nam continued hiding the full extent of their resort to this punishment. The easing of Covid-19 restrictions further contributed to an increase in death sentences, including in Bangladesh, India and Pakistan, while some US states resumed implementation of executions.

Many states showed disregard for safeguards established under international human rights law and standards. Once again, several states used the death penalty as a tool of repression against protesters and minorities. In Myanmar, death sentences were passed under martial law at an alarming rate; in Egypt, mass executions often followed unfair proceedings before special courts; in Iran, a disproportionate number of those executed belonged to the Baluchi minority.

However, the 2021 global executions figure was the second-lowest recorded by Amnesty International since at least 2010, in line with the historical trend towards global abolition. Sierra Leone, Kazakhstan and the US state of Virginia adopted legislation to abolish the death penalty. A temporary moratorium on federal executions was established in the USA.

Amnesty International opposes the death penalty in all cases without exception.

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