



ACHRS 3rd Annual Report

The Death Penalty in the Arab World 2008

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1. INTRODUCTION

ACHRS Statement against the Death Penalty

ACHRS opposes and actively campaigns against the death penalty in all cases and wherever it is used. It considers the death penalty a violation of the right to life and the ultimate form of inhuman, cruel and degrading punishment.

In doing so, the organization in no way condones violent crime nor questions the responsibility of governments to ensure that those who commit such crimes are brought to justice. However, in carrying out this responsibility, governments must abide by relevant international law and standards, including the abolition of the death penalty and the prohibition of torture.

Moreover, ACHRS highlights that execution is permanent and that as long as the death penalty is maintained, the risk of executing the innocent can never be eliminated.

ACHRS Work on the Death Penalty

ACHRS and its partner organization the Arab Coalition Against the Death Penalty, believe that securing the abolition of the death penalty in the Arab world is a crucial part of fostering a genuine human rights culture in the Middle East.

Previous ACHRS work on the death penalty includes co-organized seminars on the death penalty in Mauritania, Yemen and Egypt in 2007, a seminar in Amman entitled 'Death Penalty: Challenges and Alternatives' in co-operation with Penal Reform International in July 2007.

Our work on this important issue continued throughout 2008, with a co-organized workshop on the death penalty with the MAAT Center for Juridical Studies in Amman in March. ACHRS also participated in a regional conference in Alexandria on 'The Establishment of a Moratorium on the Use of the Death Penalty in the Arab World', in co-operation with Penal Reform International, the Swedish Institute in Alexandria, and MAAT in May 2008. To mark the World Day Against the Death Penalty on 10th October 2008, ACHRS launched a webpage detailing our work towards abolishment of the death penalty (dp.achrs.org), held a seminar in Cairo to discuss the political use of the death penalty and issued a press statement reaffirming our commitment to the abolition of this practice in its entirety.

We are therefore pleased to demonstrate our commitment to this field by presenting our 2008 report on the Death Penalty in the Arab world. The report provides a brief overview of the death penalty in 2008, general information about capital punishment in the Arab world and detailed information about the 21 Arab countries. Also included are tables, graphics and a conclusive reflection on the state of the capital punishment in the Arab countries.

2. AN OVERVIEW ON THE DEATH PENALTY

According to the official statistics, executions across the world increased by 90 per cent in the last year. In 2007 at least 3,347 people were sentenced to death in 51 countries and at least 1,252 people were actually believed to be executed in 24 of those countries. During 2008 at least 8,864 people were sentenced to death in 52 states and at least 2,390 people were executed in 25 countries around the world. China, Iran, Saudi Arabia and the United States were the major users of the death penalty, with China alone carrying out over 70 per cent of all of the executions (at least 1,718 executions).

However, there is a general trend toward the abolition of the death penalty, since only 25 out of the 59 countries that retain the death penalty reported having practiced it in 2008. The UN resolution "moratorium on the use of the death penalty" signed in 2008 shows a general willingness to moving away from the death penalty.

The majority of the executions in 2008 were carried out in Asia (at least 1,838 executions), followed by the Middle East and North Africa (508 executions), Americas (38 executions, 37 in the USA) and Sub-Saharan Africa (only 2 reported executions). Europe is the only death penalty-free region of the world, with the exception of Belarus, where at least four people were executed in 2008.

There are 59 countries in the world that still retain the death penalty. In total, 138 countries are abolitionists, either in law or in practice. Of those, 92 countries are abolitionist for all crimes, 10 retain it for crimes committed in exceptional circumstances (such as in time of war) and 36 are abolitionist in practice (defendants are sentenced to death but not executed).

3. DEATH PENALTY IN THE ARAB WORLD IN 2008

LEGAL FRAMEWORK

International law protects the right to life. The Article 3 of the **Universal Declaration of Human Rights** (1948) states that "*Everyone has the right to life, liberty and security of person*".¹

The International Covenant on Civil and Political Rights 1966 (ICCPR) affirms that every human being has the right to life which shall be protected by law. Even if the ICCPR doesn't prohibit the death penalty, the document states that sentence of death may be imposed only for the most serious crimes and it can only be carried out pursuant to a final judgment rendered by a competent court.² The same international law forbids the application of capital punishment to people below eighteen years of age and to pregnant women.³

The ICCPR has been ratified by 14 out of 21 Arab countries.

¹ Universal Declaration of Human Rights, approved by the General Assembly of the United Nations, 10th December 1948.

² Article 6, International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966.

³ As above.

The **Second Optional Protocol of the ICCPR**⁴, recalling article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights, prohibits the use of the death penalty. It was adopted in 1989 but only one Arab country, Djibouti, has ratified it.⁵

On 18 December 2008, the UN General Assembly adopted **Resolution 63/168** (2008) “moratorium on the use of the death penalty”, reaffirming the previous **Resolution 62/149** of 18 December 2007. The adoption of a second moratorium resolution highlights the UN commitment to work towards abolition of the death penalty.

These resolutions call on *retentionist* states to respect international standards guaranteeing the rights of those facing the death penalty, to review their use of the death penalty by reducing the number of offences for which the death penalty may be imposed and by establishing a moratorium on executions with the ultimate goal being to abolish the death penalty for all crimes.

Furthermore, the Assembly, in its resolution 63/168, requested the Secretary-General to submit a report to the Assembly on the implementation of resolutions 62/149 and 63/168 at its sixty-fifth session. The UN GA will next debate a new resolution and the Secretary-General’s report for the next time in October 2010.

The 62nd UN General Assembly adopted Resolution 62/149 in 2007 by a recorded vote of 104 in favour, 54 against and 29 abstentions. Among the Arab countries, only Algeria voted in favour, while Morocco, Djibouti, Lebanon and United Arab Emirates abstained.

The moratorium Resolution 63/168 (2008) shows a significant improvement: 106 States votes in favour, 46 against, with 34 abstentions. Eight members of the League of Arab States abstained; Algeria cosponsored and voted for the resolution, and also Somalia in favour.

In May 2008, the representatives of the Arab civil society and the Arab coalitions challenging the death penalty met in Egypt to discuss the implementation of UN GA resolution 62/149 (2007). The meeting was organized by the Swedish Institute in Alexandria, in partnership with Penal Reform International [PRI], in corporation with Amman Centre for Human Rights Studies [ACHRS] and MAAT Centre for Lawyers and Constitutional Studies, with the participation of representatives from the Cairo EC delegation, the UN High Commissioner for Human Rights, the Arab League and Amnesty International.

The “**Alexandria Declaration**”, issued at the end of the meeting, called upon Arab States to comply with the General Assembly resolution 62/149 (2007) by respecting international standards that provide safeguards guaranteeing the protection of the rights of those facing the death penalty, by providing the Secretary-General with information relating to the use of capital punishment, by progressively restricting the use of the death penalty and by establishing a moratorium on executions with a view to abolishing the death penalty.

⁴ Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted and proclaimed by General Assembly resolution 44/128 of 15 December 1989.

⁵ <http://www.unhchr.ch/pdf/report.pdf>

The declaration also highlighted the necessity for member states of the Arab League to consider amending article 7 of the **Arab Charter on Human Rights** in order to eliminate any possibility of applying the death penalty to persons under 18 of age.⁶ Countries often use the Sharia'a as a justification to implement the death penalty in relation to a wide range of offences. It should be recalled that the Alexandria Declaration underlines that death penalty is being used in Arab positive laws extensively going far more than what the Sharia'a sought to impose. According to the tolerant Islamic Sharia'a, the death penalty is a deterrent measure, whose application should be restricted to a very limited number of cases and by imposing strict conditions related to the infallibility of the witnesses, the absolute fairness of the judges and even then left room for possible forgiveness and reconciliation.⁷

SENTENCES AND EXECUTIONS IN THE ARAB WORLD IN 2008

In 2008 at least 671 people were sentenced to the death penalty in the Arab world and more than 164 people were executed, creating a 7.5% correspondence rate of the total number of executions carried out worldwide.

77% of Arab countries retain capital punishment, compared to a world average of 30%. Amnesty International also reports Iraq, Saudi Arabia, Sudan and Yemen among countries that handed down death sentences after unfair trials.⁸

Only Djibouti is abolitionist for all crimes, while four other States are abolitionists in practice. No executions have been carried out for some years in Algeria, Morocco/Western Sahara, and by the Palestinian Authority.

Furthermore, it should be recalled that 6 out of 16 retentionist States didn't carry out executions in 2008.

This signals that among retentionist countries there is a trend towards the abolition of capital punishment in practice. 43% of Arab states carried out executions in the last year.

4. COUNTRY PROFILES ON THE DEATH PENALTY

ALGERIA

Death Penalty: abolitionist in practice

Government: republic

Method of execution: shooting

Date of last execution: 1993

Algeria's laws prescribe the application of the death penalty for serious offences including: treason and espionage, attempts to change the regime or actions aimed at incitement, destruction of territory, sabotage to public and economic utilities, massacres and slaughters, participation in armed bands or in insurrectionary movements, counterfeiting, murder, acts of torture or cruelty, kidnapping and aggravated theft. In 1992 the scope of the death penalty was extended to include terrorist offences.

⁶ Alexandria Declaration Calling upon the Arab Countries to Implement the United Nations General Assembly Resolution 62/149 on the Establishment of a Moratorium on Executions, 14th May 2008.

⁷ As above.

⁸ Amnesty International "Death Sentences and Executions in 2008", March 2008.

Despite the high number of sentences to death (at least 200 in 2008), no executions have been carried out since 1993. Algeria is therefore an abolitionist country in practice

Algeria is a party to the ICCPR, but it has not signed the Second Optional Protocol yet.

In 2007 it voted in favour of the UN Resolution 62/149 and in 2008 co-sponsored and voted in favour of the UN Resolution 63/168 and we commend its decision to do so. ACHRS encourage Algeria to abolish the death penalty in law in order to prevent the giving of sentences of the death penalty altogether.

BAHRAIN

Death Penalty: retentionist

Government: Constitutional Monarchy

Method of execution: firing squad

Date of last execution: 2008 (1 execution)

The capital punishment is prescribed in case of premeditated murder, plotting to topple the regime, collaborating with a foreign hostile country, threatening the life of the Emir, defiance of military orders in time of war or martial law, and drug trafficking.

In January a proposed amendment to the 1976 Penal Code to repeal the death penalty for drug trafficking was defeated in the Shura Council.⁹

The first execution in 20 years took place in 1996. One execution is reported to have been carried out in 2008. Execution is carried out by firing squad: the inmate is strapped to a chair with their eyes covered and a sponge placed on their chest so stop the blood from spreading.¹⁰

Bahrain abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly, on the 18th December 2008. In 2007 Bahrain voted against the previous UN Resolution.

This country ratified the ICCPR in 2006 but not the Second Optional Protocol.

COMOROS

Death Penalty: retentionist

Government: Federal republic

Method of execution: firing squad

Date of last execution: 1997

Comoros remains a retentionist country, even if there have not been reports of an execution in Comoros since 1997.

Comoros has not ratified the ICCPR yet and it voted against the last UN Resolution on the Moratorium on the Death Penalty, confirming its position from 2007.

⁹ <http://www.amnestyusa.org/annualreport.php?id=ar&yr=2008&c=BHR>

¹⁰ www.handsoffcain.info

DJIBOUTI

Death Penalty: abolitionist
Government: Semi-Presidential Republic
Date of last execution: none since independence

Djibouti abolished the death penalty in 1995. It is the only Arab state that abolished the capital punishment and ACHRS praises Djibouti for this achievement.
No executions have been reported since the State obtained independence from France.

Djibouti is party to the ICCPR and it is the only Arab state to ratify the Second Optional Protocol. However, this state abstained to sign the UN Resolutions on moratorium, both in 2007 and 2008.

EGYPT

Death Penalty: retentionist
Government: Semi-presidential Republic
Method of execution: hanging, firing squad
Date of last execution: 2008 (at least 2 executions)

Egyptian law mandates the death penalty for the following offences: rape (if accompanied by kidnapping of the victim), murder, treason and organized drug trafficking.

Moreover, the legislator did not define clearly and precisely the criminal behavior for some crimes punishable by death, but only as a general terms. For example, Article 77 of the Penal Code, states: *“it shall be sentenced to death whoever deliberately committed an act threatening the independence of unity of the country or the territorial integrity.”*¹¹

At least 2 executions and more than 87 sentences to death were reported in 2008.

Egypt ratified the ICCPR in 1982 but it is not party to the Second Optional Protocol and it voted against the UN Resolutions on moratorium in 2007 and in 2008.

Egypt is urged to take steps forward the full implementation of the ICCPR and to ratify the international agreements on the death penalty.

IRAQ

Death Penalty: retentionist
Government: Parliamentary Republic
Method of execution: firing squad, hanging
Date of last execution: 2008 (at least 34 executions)

¹¹ Arab Penal Reform Organization APRO "Death Penalty in the Arab World A Study on Death Penalty in 11 Arab Countries"

Iraq continues being a retentionist country, recording the highest number of executions in the Arab world. Iraq occupies the world's second place for number of sentences to death (more than 285) and the sixth place for number of executions in 2008.

The death penalty was suspended in April 2003 after the invasion and it was reinstated in August 2004, marking a retrograde development that runs counter to the worldwide trend away from the use of the capital punishment. Since 2004, 141 executions have been reported.

In 2008, the majority of the sentences were pronounced by the Central Criminal Court of Iraq or by the Supreme Iraqi Criminal Tribunal, established to try former senior officials of the previous government headed by Saddam Hussain.¹² International and humanitarian organizations expressed their concern about the fairness of trials, considering the above mentioned courts failed to meet international fair trial standards.

At least nine people were sentenced to death and at least three executions were carried out in Iraq's Kurdistan Region.

The "war on terror" has been used as a pretext to carry on and broaden the application of the capital punishment. Iraqi laws prescribe the application of the death penalty for murder, endangering national security, distributing drugs, rape, attacks on transport convoys, financing and execution of terrorism.

In June 2008, the Kurdish parliament extended for a further two years the application of the 2006 anti-terrorism law, which increased the number of capital offences. Two men were executed in April after being convicted in connection with a car bomb explosion in May 2005 in Erbil.¹³

The Iraqi law fails to provide essential human rights safeguards for people facing a possible death sentence, as it doesn't preview the right to pardon or the commutation of the sentence.¹⁴

Iraq joined the ICCPR in 1971, but it does not fully implement the international standards included in the ICCPR.

Iraq has not ratified the Second Optional protocol and voted again against the UN moratorium in December 2008.

Iraq is urged to reduce its number of sentences and executions. ACHRS calls for fair trials and encourages Iraq to ratify the Second Optional Protocol to ICCPR, moving towards the abolition of the death penalty in the country.

JORDAN

Death Penalty: retentionist

Government: Constitutional Monarchy

Method of execution: firing squad, hanging

Date of last execution: 2005

Jordan is a retentionist country that sentenced at least 14 people to death in 2008.

¹² Amnesty International "Death Sentences and Executions in 2008", March 2008.

¹³ As above.

¹⁴ Amnesty International "Iraq: Unjust and Unfair: the Death Penalty in Iraq".

However, no executions have been reported in last three years. ACHRS hopes this is the start of a policy toward abolition in practice.

A law published in 2006 reduced the crimes that carry to the death penalty, but the capital punishment is still previewed for murder, rape, terrorism, drug trafficking, treason and espionage. ACHRS and other civil society organizations recall that the Terrorism Prevention Act, enacted in 2006, defines terror and terrorism in vague terms, implicitly increasing the scope of the death penalty.¹⁵

Jordan has been party to the ICCPR since 1975, but not to the Second Optional Protocol.

2008 saw positive developments: Jordan abstained to vote the UN Resolution 63/168, while in 2007 Jordan voted against the UN Resolution 62/149.

This could represent a further step forward the progressive abolition of the death penalty in the country.

However, Jordan is still urged to adopt the Second Optional Protocol and to move towards abolition in law.

ACHRS is part of a national coalition against the death penalty, created in 2007.

KUWAIT

Death Penalty: retentionist

Government: Constitutional Hereditary Emirate

Method of execution: hanging, firing squad

Date of last execution: 2007

Kuwait is a retentionist country that has executed 72 people since its independence from Great Britain.¹⁶

According to the existent laws based on the Sharia, the death penalty is prescribed for murder, rape, crimes against the security of State and since 1995 the death penalty has been a mandatory punishment for certain drug-related offences.

In 2008 at least 6 people were sentenced to death but no executions were reported.

ACHRS hopes that this is the start of abolition in practice regard to the capital punishment.

Kuwait has been party to the ICCPR since 1996, but it did not ratify the Second Optional Protocol and it voted against the UN Resolution 63/168, maintaining the same position it did in 2007.

ACHRS encourages Kuwait to abolish the death penalty in practice and to move towards abolition in law, by ratifying the international legal instruments.

LEBANON

Death Penalty: retentionist

¹⁵ World Coalition Against the Death Penalty "Fighting against the Death Penalty in the Arab World", June 2008.

¹⁶ <http://www.capitalpunishmentuk.org/kuwait.html>

Government: Parliamentary Republic
Method of execution: firing squad, hanging
Date of last execution: 2004

The last execution in Lebanon is reported to have been in 2004, but at least 25 other prisoners remained on death row. However, there were no executions.

Lebanon has been a member of the ICCPR since 1972, even if it has not ratified the Second Optional Protocol yet.

In October 2008, Justice Minister Ibrahim Najjar submitted to Cabinet a draft law abolishing the death penalty and replacing it with a maximum conviction of life imprisonment with hard labor.¹⁷

Lebanon abstained from voting in the UN Resolution on the moratorium of the death penalty, suggesting a positive trend toward the abolition of the capital punishment in practice.

ACHRS praises Lebanon for its positive developments and hopes the Parliament will soon pass the draft abolition law.

LIBYA

Death Penalty: retentionist
Government: Jamahiriya (a state of the masses)
Method of execution: firing squad, hanging
Date of last execution: 2008 (at least 8 executions)

Libya remains a retentionist country that uses the death penalty with high frequency. In 2008 at least 8 people were executed and an unknown number of people were sentenced to death.

The law mandates the capital punishment for any person associated with a group opposed to the principles of the 1969 revolution, for high treason, for attempting to forcibly change the form of government and for premeditated murder.

Article 206 of the penal code imposes the death penalty on those who call "*for the establishment of any grouping, organization or association proscribed by law,*" and on those who belong to or support such an organization.¹⁸

Libya ratified the ICCPR, but not the Second Optional Protocol. It voted against the UN Resolutions on the moratorium of death penalty.

ACHRS expresses concern about the human rights situation in Libya, where summary and unfair trials continue to take place and a wide range of offences lead to the death penalty. For these reasons, ACHRS encourages Libya to implement international standards and to move towards abolition of the death penalty in practice.

MAURITANIA

¹⁷ <http://nodeathpenalty.santegidio.org/news.aspx?ln=en&id=14&n=13312>

¹⁸ <http://www.handsoffcain.info/bancadati/schedastato.php?idcontinente=25&nome=libya>

Death Penalty: abolitionist in practice
Government: military junta
Method of execution: firing squad
Date of last execution: 1987

Mauritania is abolitionist in practice and it has not carried out an execution since 1987.

Despite this positive fact, capital punishment remains in law for premeditated murder, torture, as well as for apostasy, homosexuality and rape (the introduction of Islamic law in 1980 widened the scope of the death penalty to these offences).

Eight people were sentenced to death in 2008.¹⁹

The existent legislation is a matter of concern, as it implies an evident violation of fundamental rights.

Mauritania is a member of the ICCPR, but it has not yet joined the Second Optional Protocol.

On December 18, 2008 Mauritania abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly, marking a step ahead in comparison with 2007, when it voted against the UN Resolution on the same issue.

ACHRS congratulates Mauritania for having been abolitionist in practice for 21 years now but calls for the ratification of the Second Optional Protocol and for the de jure abolition of the death penalty.

MOROCCO

Death Penalty: abolitionist in practice
Government: Constitutional Monarchy
Method of execution: firing squad
Date of last execution: 1993

Morocco is abolitionist in practice, since the last execution was carried out in 1993. However, the Moroccan penal law mandates the death penalty for ordinary crimes and military crimes: aggravated murder, torture, armed robbery, arson, treason, desertion and attempt on the King's life. In 2008, at last 4 people were sentenced to death.

In 2003, following bombings in Casablanca in which 43 people lost their lives, the government enacted a new anti-terrorist law that broadened the range of capital crimes to terrorist crimes. This measure is seen as a part of the "war on terrorism". The death penalty is subject to pardon, which remains the constitutional prerogative of the Sovereign.²⁰

In recent years a debate on the abolition of the death penalty has taken place in Morocco. In 2003 the National coalition for the abolition of capital punishment in Morocco (Coalition Nationale pour l'Abolition de la Peine de Mort au Maroc) was created to call for the abolition of the death penalty.

¹⁹ Amnesty International "Death Sentences and Executions in 2008", March 2008.

²⁰ <http://www.handsoffcain.info/bancadati/schedastato.php?idcontinente=25&nome=morocco>

On 11 and 12 October 2008 a seminar to discuss the death penalty, organized by Ensemble Contre la Peine de Mort (ECPM) and the Conseil Consultatif des Droits de l'Homme, took place in Rabat.

However, there is still no consensus on its abolition: the Ministry of Justice declared that terrorism is still an obstacle to "de jure" abolition²¹ and death sentences are still being handed down, especially against terrorists.

Morocco is party to the ICCPR but not to the Second Optional Protocol. The country abstained from the vote on the resolution for a moratorium on executions at the United Nations' General Assembly in 2008.

OMAN

Death Penalty: retentionist

Government: Constitutional Monarchy

Method of execution: n./a.

Date of last execution: 2004

Oman remains a retentionist country even if the last execution was carried out in 2004.

There are neither reports of death sentences nor of execution in 2008.

The last sentence to death was pronounced in 2006.

Oman abstained from vote during the UN General Assembly on the moratorium of death penalty in December 2008.

Despite these documented improvements, Oman is urged to join the ICCPR as a first stage towards the implementation of international standards for protecting the right to life.

QATAR

Death Penalty: retentionist

Government: Emirate

Method of execution: hanging, firing squad

Date of last execution: 2003

Qatar has not carried out executions for the last five years and no sentences to death were reported in 2008.

According to the national law, murder, offences against the State, drug offences and terrorism are capital crimes. Also converting from Islam is a capital offence (as it is considered apostasy) but there is no record of an execution for such a crime since 1971.²²

As in 2007, Qatar voted against the UN Resolution on the moratorium in December 2008.

²¹ http://www.maroc-hebdo.press.ma/MHinternet/Archives_574/html_574/abolir.html

²² <http://www.handsoffcain.info/bancadati/schedastato.php?idstato=12000126&idcontinente=23>

ACHRS praises Qatar for the conduct maintained over the past years, but urges this country to ratify the ICCPR and its Second Optional Protocol, in order to take concrete steps towards the formal abolition of the death penalty.

SAUDI ARABIA

Death Penalty: retentionist

Government: Traditional monarchy

Method of execution: beheading, stoning

Date of last execution: 2008 (at least 102 executions)

Saudi Arabia remains a retentionist state with one of the highest records of executions in the world, especially in relation to its population.

Saudi Arabia follows a strict interpretation of Islamic law that prescribes the death sentence for murder, apostasy, rape, drug trafficking, highway robbery, sabotage and armed robbery.

In 2008, 102 executions were reported, at an average of two executions per week. The majority of them were foreign nationals from poor and developing countries in Asia and Africa, mainly sentenced through secret and unfair trials, denied of the right to defense and often unable to follow court proceedings in Arabic.²³

Action by Christians for the Abolition of Torture (ACAT-France) and Together Against the Death Penalty (ECPM), members of the World Coalition Against the Death Penalty, have launched a campaign against the death penalty in Saudi Arabia ("Saudi Arabia: why are foreigners losing their heads?") to condemn the increasing number of executions in the country, in particular focusing on the fact that almost half of all executions involve foreigners.²⁴

Saudi Arabia is one of the few states in which women and minors have been executed in the past years, although Saudi Arabia ratified the UN Convention on the Rights of the Child (CRC) in 1996. The CRC prohibits capital punishment and sentences of life imprisonment without possibility of release for persons under the age of 18 at the time of the crime.²⁵

No executions of juvenile offenders were reported in 2008; however, during the universal periodic review (UPR)²⁶, the UN's Committee on the Rights of the Child "*urged Saudi Arabia to critically review its legislation with a view to abolishing the imposition of capital and corporal punishment on persons having committed crimes when under 18 years of age*".²⁷

²³ Amnesty International "Death Sentences and Executions in 2008", March 2008.

²⁴ <http://www.worldcoalition.org/modules/smartsection/item.php?itemid=266>

http://www.acatfrance.fr/petition_detail.php?id=6

²⁵ Convention on the Rights of the Child, adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989.

²⁶ The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfill their human rights obligations. Saudi Arabia was reviewed on the 6th February 2009.

²⁷ <http://www.worldcoalition.org/modules/smartsection/item.php?itemid=326>

Saudi Arabia is not member of the ICCPR and it voted against the UN moratorium, both in 2007 and in 2008.

ACHRS is very concerned about the human rights situation in Saudi Arabia and especially about the rising number of executions under the death penalty. Therefore ACHRS urges this country to undertake adequate measures to reduce human rights' violation and eventually to move towards the abolition of the death penalty.

SOMALIA

Death Penalty: retentionist
Government: Coalition Government
Method of execution: firing squad
Date of last execution: 2008 (1)²⁸

Somalia has been without central government since 1991, and after the breakdown of *de jure* government, most regions reverted to Islamic law. There is an amalgamation of various legal systems and traditions and capital punishment is retained in all existing court systems: Islamic, secular and traditional clan courts.²⁹

It is alarming that extra-judicial executions are still carried out in Somalia. The most recent case was reported in January 2009: an Islamist militia in Somalia executed a Somali politician, Abdirahman Ahmed, accused of betraying his religion by working with non-Muslim Ethiopian forces.³⁰

However, 2008 saw a positive development: Somalia voted in favour of the UN Resolution 63/168 and ACHRS congratulates its decision to do so. Somalia is member of the ICCPR, but it has not ratified yet the Second Optional Protocol. ACHRS encourages Somalia to ratify this international protocol and to move towards abolition of the death penalty in law.

SUDAN

Death Penalty: retentionist
Government: Republic
Method of execution: hanging, stoning, crucifixion, firing squad
Date of last execution: 2008 (at least 1)

Sudan is a retentionist country that regularly executes: at least 4 executions were carried out in 2005, at least 65 in 2006, and at least 7 in 2007.

At least 60 people were sentenced to death in 2008. There are not precise data about executions carried out in the last year: Amnesty International reported that at least 1 execution was carried out, while 5 executions were reported by "Capital Punishment UK", and 7 by "Hans off Cain".

The death penalty is previewed for sodomy, waging war against the state, apostasy,

²⁸ <http://www.capitalpunishmentuk.org/overview.html>

²⁹ <http://www.handsoffcain.info/bancadati/schedastato.php?idcontinente=25&nome=somalia>

³⁰ Source: Agencia AngolaPress, 17/01/2009

prostitution, treason, acts that may endanger the independence or unity of the state, murder, armed robbery, weapons possession and smuggling.

Extra-judicial killings and executions³¹ of minors are still matters of concern, even though Sudan ratified the Convention on the Rights of the Child that prohibits the application of the capital punishment to persons under the age of 18.

On December 18, 2008 Sudan voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

Sudan is therefore urged to fully implement the already ratified ICCPR and to stop the executions of minors, in view of an eventual abolition of the death penalty in law.

SYRIA

Death Penalty: retentionist

Government: Presidential Republic

Method of execution: hanging, firing squad

Date of last execution: 2008 (at least 1)

Syria remains a retentionist country that regularly carries out executions. At least 7 people were sentenced to death in 2008.

Official figures are not available; therefore the number of executions and sentences could be higher than reported.

Capital crimes include: treason, murder, violent robberies, rape, verbal opposition to the government, and membership in the Muslim brotherhood.

Syria also applies the death penalty for drug trafficking and for several political acts such as bearing arms against Syria in the ranks of the enemy, desertion of the armed forces and acts of incitement in wartime.

Syria is party to the ICCPR, but it has not ratified the Second Optional protocol yet.

Syria voted against the UN Resolution on a Moratorium on the Use of the Death Penalty in 2008, as it did in 2007.

ACHRS strongly invites Syria to publish reliable data on the use of the death penalty in the country and to move step towards abolition of the capital punishment.

TUNISIA

Death Penalty: abolitionist in practice

Government: Republic

Method of execution: hanging, firing squad

Date of last execution: 1991

Tunisia is abolitionist in practice, having carried out the last execution in 1991.

However, the capital punishment legally still exists for the following offences: murder, violence and aggression, attacks against the internal security of the state,

³¹ <http://www.extrajudicialexecutions.org/communications/sudan.html>

attacks against the external security of the state. Death sentences are generally commuted to life in prison.

In February 2008, the Tunis Appeal Court upheld the death sentence against one of 30 men convicted of terrorism³² and in March 2009 the Tunisian court of Cassation confirmed the death penalty of a man found guilty of raping and murdering two children.³³

International and national organizations, such as the Tunisian Coalition Against the Death Penalty Amnesty International, denounced serious breaches of their rights to a fair trial.

Tunisia ratified the ICCPR but not the Second Optional Protocol.

In 2007 and in 2008, Tunisia was absent from the General Assembly Moratorium on the Death Penalty vote.

In 2008, the Tunisian Coalition Against the Death Penalty launched a campaign combining support for an abolition bill and reaction to the sentencing of a man sentenced for terrorism.³⁴

ACHRS congratulates these efforts to move towards abolition of the death penalty in law.

UNITED ARAB EMIRATES

Death Penalty: retentionist

Government: Islamic Federal Constitutional Monarchy

Method of execution: firing squad, stoning, beheading

Date of last execution: 2008 (at least 1)

The United Arab Emirates remains a retentionist country in 2008.

Capital crimes under the law are: murder, rape, treason, aggravated robbery, adultery, apostasy, drug-trafficking, environmental pollution and terrorism were later added as capital offences.

Setting up, participating in or managing any group with the intention of committing terrorist acts has become a capital crime since 2004, when the UAE enacted its first counter-terrorism law.³⁵

In 2008, there was one execution, before that, the last ones were carried out in 2006 and in 2002.

The UAE remains one of the few Arab countries that are not party to the ICCPR and abstained from voting in the General Assembly moratorium on the death penalty, both in 2007 and 2008.

ACHRS is concerned about the reuse of the death penalty after a decrease in its application and urges the UAE to ratify the international instruments.

³² <http://www.amnesty.org.au/news/comments/9486>

³³ <http://www.handsoffcain.info/news/index.php?iddocumento=12304273>

³⁴ <http://www.worldcoalition.org/modules/smartsection/item.php?itemid=269>

³⁵ www.privacyinternational.org

YEMEN

Death Penalty: retentionist

Government: Republic

Method of execution: firing squad

Date of last execution: 2008 (at least 13)

Yemen is a retentionist country in which executions are regularly carried out for a wide range of offences including murder, drug trafficking, rape, sexual offences, speech or action against Islam, acts with the intention of infringing upon the independence of the Republic or its unity or territorial integrity.

Lawyer Ahmad Al-Wadei, presenting a paper on "Death Sentence in Yemeni Legislation" at a symposium in Sana'a in 2008, argued that Yemeni legislators leave the "death sentence part" in the Penal Law unlimited by using ambiguous and unspecific statements.³⁶

According to Amnesty International, 24 people were executed in 2005, 30 in 2006, at least 15 in 2007, and at least 13 in 2008. Despite the decrease in the number of executions, hundreds of people remain on death row.

Yemen ratified the Convention on the Rights of the Child and the amended Penal Code states that people under the age of 18 cannot be condemned to the death penalty.

Yemen is party to the ICCPR but not to the Second Optional Protocol. This country voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly in 2007 and in 2008.

Yemen is urged to reduce the application of the death penalty and to move towards abolition of the capital punishment.

³⁶ Source: Yemen Times, 22/02/2009.

5. TABLES AND GRAPHS

Graph 1: Death Penalty in the World in 2008

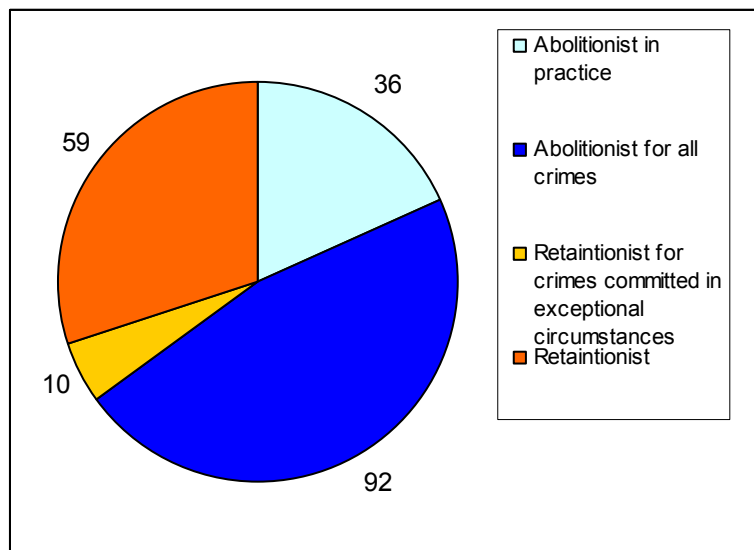


Table 1: International legal instruments by Arab Country

COUNTRY	ICCPR	2 nd protocol ICCPR	UN GA Resolution 62/149 (2007)	UN GA Resolution 63/168 (2008)
Algeria	ratified	-	In favour	In favour
Bahrain	ratified	-	Against	Abstain
Comoros	-	-	Against	Against
Djibouti	ratified	ratified	Abstain	Abstain
Egypt	ratified	-	Against	Against
Iraq	ratified	-	Against	Against
Jordan	ratified	-	Against	Abstain
Kuwait	ratified	-	Against	Against
Lebanon	ratified	-	Abstain	Abstain
Libya	ratified	-	Against	Against
Mauritania	ratified	-	Against	Abstain
Morocco	ratified	-	Abstain	Abstain
Oman	-	-	Against	Abstain
Qatar	-	-	Against	Against
Saudi Arabia	-	-	Against	Against
Somalia	ratified	-	Against	In favour
Sudan	ratified	-	Against	Against
Syria	ratified	-	Against	Against
Tunisia	ratified	-	Absent	Absent
UAE	-	-	Abstain	Abstain
Yemen	ratified	-	Against	Against

Table 2: Arab countries' progresses in the UN Resolutions on moratorium on the death penalty

COUNTRY	UN GA Resolution 62/149 (2007)	UN GA Resolution 63/168 (2008)
Algeria	In favour	In favour
Bahrain	Against	Abstain
Jordan	Against	Abstain
Mauritania	Against	Abstain
Oman	Against	Abstain
Somalia	Against	In favour

Graph 2: Arab countries' votes in the UN Resolutions "moratorium on the death penalty"

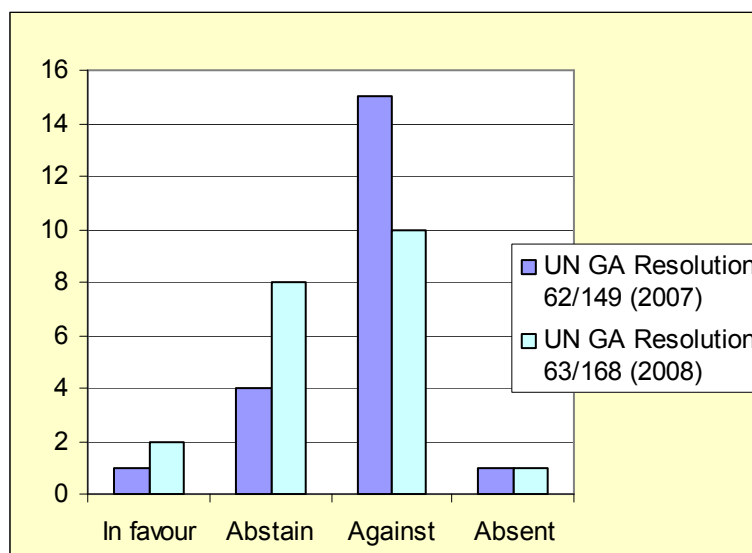


Table 3: Death Penalty by Arab Country in 2008

COUNTRY	DEATH PENALTY	EXECUTIONS IN 2008
Algeria	Abolitionist in practice	0
Bahrain	Retentionist	1
Comoros	Retentionist	0
Djibouti	Abolitionist for all crimes	0
Egypt	Retentionist	2+
Iraq	Retentionist	34+
Jordan	Retentionist	0
Kuwait	Retentionist	0
Lebanon	Retentionist	0
Libya	Retentionist	8+
Mauritania	Abolitionist in practice	0
Morocco	Abolitionist in practice	0

Oman	Retentionist	0
Qatar	Retentionist	0
Saudi Arabia	Retentionist	102+
Somalia	Retentionist	1
Sudan	Retentionist	1+
Syria	Retentionist	1+
Tunisia	Abolitionist in practice	0
UAE	Retentionist	1+
Yemen	Retentionist	13+
Total		164+

Tab. 4: Estimated executions in 2006, 2007 and 2008 per Arab state³⁷

Country	2006	2007	2008
Algeria	0	0	0
Bahrain	3	0	1
Comoros	0	0	0
Djibouti	0	0	0
Egypt	4	0	2
Iraq	65	29	34
Jordan	4	0	0
Kuwait	10	1	0
Lebanon	0	0	0
Libya	0	0	8
Mauritania	0	0	0
Morocco	0	0	0
Oman	0	0	0
Qatar	0	0	0
Saudi Arabia	39	147	102
Somalia	7	3	1
Sudan	65	2	1
Syria	2	5	1
Tunisia	0	0	0
UAE	0	0	1
Yemen	30	8	13
Total	229	195	164

³⁷ ACHRS 2nd Annual Report "The Death Penalty in the Arab World 2007"

Table 3: ACHRS activities on death penalty in 2008

March 2008	workshop on the death penalty co-organized with the MAAT Center for Juridical Studies in Amman
May 2008	participation in a regional conference in Alexandria on 'The Establishment of a Moratorium on the Use of the Death Penalty in the Arab World', in co-operation with Penal Reform International, the Swedish Institute in Alexandria, and MAAT.
May 2008	ACHRS releases its 2 nd Report on Death Penalty in the Arab World in 2007
October 2008	ACHRS launched a webpage detailing our work towards abolishment of the death penalty (dp.achrs.org).
October 2008	ACHRS took the initiative to launch a press statement reaffirming our commitment to the abolition of this practice in its entirety
October 2008	seminar in Cairo to discuss the political use of the death penalty

6. CONCLUSIONS

2008 saw both positive and negative developments concerning the death penalty in the Arab world.

First of all, there was a constant decrease in the number of executions in the Arab world in previous years, with some exceptions: Bahrain, Egypt, Libya and the UAE did not carry out executions in 2007 but resorted to the use of the death penalty in 2008; in Iraq and Yemen the number of executions in 2008 was higher than the year before.

Another positive development concerns the Arab countries' votes at the UN General Assembly on moratorium on the death penalty: Bahrain, Jordan, Mauritania and Oman voted against the Resolution in 2007 and abstained in 2008; Somalia voted against in 2007 and in favour in 2008.

ACHRS praises these countries for the progresses they made and hopes this is the first step towards abolition in law.

Djibouti continues being the only abolitionist country in the Arab world. The only matter of concern is its abstention from the vote on the UN General Assembly Moratorium on the Death Penalty, both in 2007 and 2008.

Morocco, Algeria, Tunisia and Mauritania continue being abolitionist in practice and we urge them to become abolitionist in law.

Comoros, Jordan, Kuwait, Lebanon, Oman and Qatar didn't carry out executions in 2008. ACHRS congratulates these countries and encourages them to continue moving towards full abolition of the death penalty.

Despite these mentioned progresses, there are still matters of concern regarding juvenile executions, unfair trials and extra-judicial executions.³⁸

Saudi Arabia retains the juvenile death penalty and criminal justice system fails to provide children with fundamental protections against unfair trials. In Sudan and Yemen, the laws prohibiting the death penalty for crimes committed by persons under age 18 are not always implemented.³⁹

Comoros, Oman, Qatar, Saudi Arabia and the UAE are urged to ratify the ICCPR, to assure that no one is arbitrarily deprived of life and that the sentence of death is imposed only for the most serious crimes in accordance with the law in force.

As for the previous annual reports, we highlight the lack of reliable and transparent information about the death penalty application in the Arab countries. We call for openness about the number of sentences and executions carried out by states, following the principles of accountability and transparency.

However, we underline that the anti-death penalty movement had greatly developed in the last years. Movements and organizations calling for the abolition of the death

³⁸ For detailed information visit the website <http://www.extrajudicialexecutions.org>.

³⁹ Human Rights Watch "The Last Holdouts Ending the Juvenile Death Penalty in Iran, Saudi Arabia, Sudan, Pakistan, and Yemen", September 2008.

penalty emerged in many countries of the world and in the Arab world (as in Lebanon, Jordan, Egypt, Tunisia and Morocco).⁴⁰

ACHRS hopes that civil society can significantly contribute to the promotion of a culture of human rights and to move towards abolition of the death penalty in the Arab countries and worldwide.

⁴⁰ Arab Penal Reform Organization APRO, "Death Penalty in the Arab World, a Study on Death Penalty in 11 Arab Countries".

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