

**Amman Center for Human Rights Studies
5th Annual Report**

The Death Penalty in the Arab World 2010

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مركز عمان لدراسات حقوق الإنسان

Amman Center for Human Rights Studies

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1. Introduction

1. ACHRS and the Arab Coalition against the Death Penalty

ACHRS considers the death penalty the ultimate denial of human rights. It is the premeditated and cold-blooded killing of a human being by the state. This cruel, inhuman and degrading punishment is done in the name of justice.

It violates the right to life as proclaimed in the Universal Declaration of Human Rights.

Amman Center for Human Rights Studies opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner.

2. Overview on the Death Penalty

1. COUNTRY STATUS ON THE DEATH PENALTY

1.1 Abolitionist for all crimes: 97

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

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Bermuda, Bhutan, Bolivia, Bosnia-Herzegovina, Bulgaria, Burundi, Cambodia, Canada, Cape Verde, Czech Republic, Colombia, Cook Islands*, Costa Rica, Croatia, Cyprus, Denmark, Djibouti, Dominican Republic, East Timor, Ecuador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Guinea Bissau, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Ivory Coast, Kiribati, Kyrgyzstan, Liechtenstein, Lithuania, Luxembourg, Macedonia (The former Yugoslav Republic of), Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Nicaragua, Norway, Netherlands, New Zealand, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, Spain, South Africa, Sweden, Switzerland, Togo, Turkey, Turkmenistan, Tuvalu, Ukraine, United Kingdom, Uruguay, Uzbekistan, Vanuatu, Vatican City* and Venezuela.*

1.2 Abolitionist for ordinary crimes only: 8

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

Brazil, Chile, El Salvador, Fiji, Israel, Kazakhstan, Latvia and Peru

1.3 De Facto Abolitionist: 43

Countries that have not carried out any executions for at least 10 years or countries which have binding obligations not to use the death penalty; date of last known execution in parenthesis.

Antigua and Barbuda (1991), Bahamas (2000), Barbados (1984), Belize (1985), Benin (1993), Brunei Darussalam (1957), Burkina Faso (1988), Cameroon (1988), Central African Republic (1981), Comoros (1997), Congo (1982), Dominica (1986), Eritrea (no death penalty since independence in 1993), Gambia (1981), Ghana (1993), Grenada (1978), Guyana (1997), Jamaica (1988), Kenya (1987), Laos (1989), Lesotho (1995), Liberia (2000), Madagascar (1958), Malawi (1992), Maldives (1952), Mauritania (1987), Morocco (1993), Myanmar (1988), Nauru (no executions since independence, 1968), Niger (no executions or death sentences since 1976), Papua New Guinea (1957), Saint Lucia (1995), Saint Vincent and the Grenadines (1995), Sierra Leone (1998), South Korea (1997), Sri Lanka (1976), Suriname (1982), Swaziland (1982), Tanzania (1994), Tonga (1982), Trinidad and Tobago (1999), Tunisia (1991) and Zambia (1997).

1.4 Retentionist Countries Observing a Moratorium on Executions: 6

Algeria, Guatemala, Mali, Mongolia, Russia and Tajikistan.

1.5 Retentionist:43

Countries and territories that retain the death penalty for ordinary crimes.

*Afghanistan, Bahrain, Bangladesh, Belarus, **Botswana**, Chad, China, Cuba, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Ethiopia, Guinea, **India**, **Indonesia**, Iran, Iraq, **Japan**, Jordan, Kuwait, Lebanon, Libya, Malaysia, Nigeria, North Korea, Oman, Pakistan, Palestinian National Authority*, Qatar, **Saint Kitts and Nevis**, Saudi Arabia, Singapore, Somalia, Sudan, Syria, **Taiwan***, Thailand, Uganda, United Arab Emirates, **United States of America**, Vietnam, Yemen and Zimbabwe.*

Underlined: countries (2) which have binding obligations not to use the death penalty

In **bold**: liberal democracies¹ (7) that retain the death penalty

In *italics*: changes (5) with regard to 2008

* Non-UN member States

2. IN ASIA: CHINA STILL LEADING THE PACK

This year, as in previous years, countries on the Asian continent executed and sentenced to death more individuals than other countries around the world.

In China official national statistics on the use of capital punishment remain a State secret. It is therefore very difficult to have real and reliable information on the situation of the death penalty in the country.

Mongolia, Indonesia and Pakistan did not carry out executions in 2009, although over the last few years the three countries had executed prisoners every year. In January 2010 Mongolia declared an official moratorium on executions.

3. IRAN, IRAQ AND SAUDI ARABIA

According to the information that we have, Iran executed at least 388 individuals in 2009, including 112 during the period between the presidential elections and the inauguration of the current President, Mahoud Ahmadinejad. These figures put Iran in the second place in terms of executions around the world. In Iraq in 2009 the number of individuals executed in the country rose to 120 according to Amnesty International. Saudi Arabia executed fewer prisoners compared to 2008 but the number of executions remains very high: at least 69 individuals have been executed.

4. THE UNITED STATES

In the United States in 2009 11 states carried out executions, ending the life of 52 individuals- the highest number for the last three years. Texas, with 24 executions, is the state which executes the most, followed by Alabama (6 executions).

Although the figure remains very high, the country is showing increasing signs of opposition to capital punishment. The state of New Mexico abolished the death penalty on 1 march 2009, becoming the 15th abolitionist state in the United States.

3. International Instruments supporting Abolition

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*".

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. The same international law forbids the application of capital punishment to people below eighteen years of age and to pregnant women.

One important aspect of the progress which has been made recently is the adoption of international treaties through which States pledge not to use capital punishment. Currently, there are four such treaties:

- **Second Optional Protocol to the International Covenant on Civil and Political Rights**, aiming at the abolition of the death penalty and has been ratified by 72 states. Three other countries have signed the Protocol, thereby signalling their intention to become party to this instrument at a later date.
- **Protocol to the American Convention on Human Rights** on the abolition of the death penalty, which has been ratified by eleven states on the American continent.
- **Protocol N. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms** (European Human Rights convention) on the abolition of the death penalty which has been ratified by 46 European states and signed by one other.
- **Protocol 13 to the European Human Rights Convention**, concerning the abolition of the death penalty in all circumstances, which has been ratified by 42 European states and signed by 3 others.

In addition to these treaties, several resolutions adopted over the last 10 years at the General Assembly of the United Nations refer to the issue of the death penalty.

Among the most recent ones, the Resolution 62/149 on a moratorium the use of the death penalty adopted on 18 December 2007 calls upon all States that still maintain the death penalty to progressively restrict the use of the death penalty, to reduce the number of offences for which it may be imposed and to establish a moratorium on executions with a view to abolishing the death penalty.

This resolution was opposed by several retentionist states in a statement of dissociation initiated by Singapore. Its opponents insist on the fact that the death penalty is not a matter of international law, but of the national law.

In December 2008, a new resolution reaffirming Resolution reaffirming Resolution 62/149 on the moratorium on the use of the death penalty was adopted by the general Assembly of the United Nations.

The Resolutions of the General Assembly are not legally binding but they have a very great symbolic significance. They represent the legitimate expression of the majority of member states of the United Nations and have considerable moral force.

They attest to a global trend towards abolition. The next United Nations General Assembly vote on the Resolution will take place during the 65th session of the General Assembly of the United Nations at the end of 2010.

4. Death Penalty in the Arab World

Although the authorities in several states carried out high numbers of executions, in several others - such as **Algeria, Lebanon, Morocco/Western Sahara, and Tunisia** - governments maintained longstanding moratoriums on executions even though the death penalty remained in force for a range of crimes and death sentences continue to be imposed.

At least 624 executions were known to have been carried out in seven countries in Middle East and North Africa in 2009 as follows: **Egypt** (at least 5), **Iran** (at least 388), **Iraq** (at least 120), **Libya** (at least 4), **Saudi Arabia** (at least 69), **Syria** (at least 8) and **Yemen** (at least 30).

Iran and Saudi Arabia both executed juvenile offenders, although the use of the death penalty against people convicted of crimes committed when they were under the age of 18 is unequivocally banned in international law. At least seven juvenile offenders were executed in 2009, two in Saudi Arabia and five in Iran.

At least 863 death sentences were known to have been imposed in 15 countries in Middle East and North Africa in 2009 as follows: **Algeria** (at least 100), **Egypt** (at least 269), **Iran** (+), **Iraq** (at least 366), **Jordan** (at least 12), **Kuwait** (at least 3), **Libya** (+), **Morocco/Western Sahara** (13), **Palestinian Authority** (17), **Qatar** at least (3), **Saudi Arabia** (at least 11), **Syria** (at least 7), **Tunisia** (at least 2), **United Arab Emirates** (at least 3) and **Yemen** (at least 53).

Amnesty International recorded 388 executions in **Iran**. The authorities of the country do not release official statistics on executions, and the true figure is likely to be higher. At least 14 executions took place in public. In one eight-week period between the presidential election on 12 June and the inauguration of Mahmoud Ahmadinejad for a second term as President on 5 August, Amnesty International recorded 112 executions. By contrast, in the five and a half months between 1 January and 12 June, at least 196 executions had taken place.

In **Iraq**, the authorities carried out at least 120 executions in 2009, overwhelmingly for alleged 'terrorist' offences. Iraqi Prime Minister Nouri al-Maliki publicly called for the execution of all members of the previous Ba'ath administration of Saddam Hussain, and other Iraqi government ministers also defended the use of the death penalty.

More than 900 people, including 17 women, were thought to be at risk of imminent execution in Iraq at the end of 2009. They had reportedly exhausted all forms of appeal and their death sentences were said to have been ratified by the Presidential Council.

In **Saudi Arabia**, at least 69 people were publicly beheaded during 2009. At the end of 2009, Amnesty International knew of at least 141 people on death row in Saudi Arabia, including at least 104 foreign nationals, mostly from developing countries in Africa, Asia and the Middle East.

In **Yemen**, the authorities executed at least 30 prisoners. Hundreds of others were believed to be on death row, including more than 70 people held at Ta'iz Central Prison alone. In Egypt, the authorities carried out at least five executions. In Libya, at least four were carried out.

1. Use of the Death Penalty against Juvenile Offenders

International human rights treaties forbid the use of capital punishment for all those under 18 at the time of the crime of which they are accused. This ban is inscribed in the International Covenant on Civil and Political Rights, the American Convention on Human Rights and the Convention on the Rights of the Child. The 93 countries which still uphold capital punishment for some crimes expressly forbid the execution of juvenile offenders in their legislation.

Until 1990, several countries applied the death penalty to juvenile offenders: the Democratic Republic of Congo, Iran, Saudi Arabia, Nigeria, Pakistan, Yemen, Sudan and the United States.

Since then, progress has been made and the world is leaning towards abolition. However, a small number of countries continue to execute juvenile delinquents. According to Human Rights Watch, between January 2005 and August 2008, in 5 countries (Iran, Saudi Arabia, Pakistan, Yemen and Sudan) 32 juvenile offenders were executed. According to Amnesty International, at least seven juvenile offenders were executed in 2009: two in Saudi Arabia and five in Iran.

2. The Death Penalty against Juvenile Offenders and the Arab Charter

The Council of the League of the Arab States adopted, on 14 September, 1994, the Arab Charter on Human Rights. It is a regional charter on human rights that came into force in March 2008. It is the most recent instrument and the only one which restricts the death penalty in the region.

However, in its 7th article, the Charter leaves to the States' international legislations the possibility of applying capital punishment to the persons under 18 years of age:

"Sentence of death shall not be imposed on persons under 18 years of age, unless otherwise stipulated in the laws in force at the time of commission of the crime".

In the case of retentionist countries that use Sharia law as the basis of their legal system, adulthood is reached at the age of puberty. Puberty will thus be defined by physical criteria. Consequently, juvenile offenders at the time of the crime of which they are accused can be executed.

The countries in which Sharia law exists are: Saudi Arabia, Kuwait, Bahrain, United Arab Emirates, Qatar, Oman, Yemen, Iran, Pakistan, Afghanistan, Libya. Furthermore, Sharia law was introduced in the legislation of some countries during the 20th century: Sudan, Egypt, some states of the North of Nigeria, and Somalia.

Among the countries mentioned above, four still execute juveniles at the time of the crime of which they are accused.

3. The Four targeted Countries

ACHRS called for an end to the execution of juveniles through a petition addressed to the governments of four countries:

- **Iran**
- **Sudan**
- **Yemen**
- **Saudi Arabia**

These are the four countries which continue to execute and sentence juvenile offenders to death, despite having signed the Convention on the Right of the Child.

3.1 IRAN

The Iranian legal system is based on Islamic principles. Iran provides for the death penalty for armed theft, apostasy, homicide, blasphemy, conspiring against the government, adultery, prostitution, homosexuality, drugs-related offences.

According to the same authorities, who do not provide official statistics, many executions in Iran are related to drugs offences but human rights observers estimate that many individuals executed for common crimes and particularly drugs offences are actually political opponents.

Iran voted against the UN Resolution of 18 December 2008 calling for a moratorium on the application of the death penalty.

Iran is a signatory to the verbal note sent to the UN Secretary General in January 2008. That note reaffirmed those States' refusal to institute a moratorium on executions with a view to abolition of the death penalty.

Methods of execution in Iran

Executions are usually carried out by hanging but also sometimes stoning. In this case, the prisoner is covered from head to foot in white clothing and buried. A load of stones is delivered to the execution location and the civil servants in charge carry out the execution.

Stoning is mainly used for the women and is criticized within the country itself. According to the National Council for Iranian Resistance, 25 individuals, including 17 women, were sentenced to stoning when Mohamad Khatami took over the presidency in 1997.

Between 2000 and 2008: approximately 2000 executions

In 2009: 388 executions

Between 1999 and 2009: 42 juveniles executed.

Iran ratified the Convention on the Rights of the Child in 1994, a convention which stipulates in Article 37 a) that "neither capital punishment nor life imprisonment without possibility to release shall be imposed for offences committed by persons below eighteen years of age". The country therefore leaves those who were juveniles at the time of the crime in prison until they turn 18.

According to the Islamic law, the parents of the victim of a crime can demand compensation in the form of money "blood money", pardon the author of the crime or support the execution of the sentence. Iranian law sets out that blood money from a woman is worth half that from a man. According to Iranian law, the parents or children of a victim must request the death penalty for the prisoner to be executed.

In 2007 eight juveniles were executed in Iran and also in 2008 were executed again 8 juveniles and 5 in 2009, in direct violation of international standards and particularly Article 6(5) of the International Covenant on Civil and Political Rights.

3.2 SUDAN

On the basis of the law on the state of emergency of 1998, the government has introduced in the west of the country special courts composed of two military judges and one civilian judge to handle cases of banditry. The accused, who do not have adequate legal defence, have a week to appeal to the district court. However, cases of individuals executed following sentencing have been reported.

The interim Sudanese constitution adopted in July 2005, provides for the death penalty for qisas, damage to morals, hadd and "extremely serious" crimes which allow its application to juvenile under 18. The text stipulates that a juvenile at the time of the crime of which he is accused must not be sentenced to death, except for cases of hadd. These crimes are punished with sentences fixed according to the Koran. In 2005 at least two juveniles were executed at Khartoum prison.

As in 2007, Sudan voted against the UN Resolution of 18 December 2008 calling for a moratorium on application of the death penalty.

Sudan ratified the Convention on the Rights of the Child in 1990.

Methods of executions in Sudan

Executions are most carried out by hanging in public.

In 2007: 7 executions and at least 3 juveniles were sentenced to death.

In 2008: at least 1 execution and 60 death sentences, including 2 juveniles.

In 2009: 4 juveniles were undergoing sentencing.

Sudan ratified the Convention on the Rights of Child in 1990. This Convention stipulates in Article 37 a) that *"neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age"*.

The 2004 Law on Children provides that the courts must never apply the death penalty and set a maximum of 10 years imprisonment in a detention centre for young people aged from 15 to 18.

However, the law sets out that *"a child is an individual aged under 18, unless a law particularly specifies that the child has reached adulthood"*. This leaves the possibility that a person under 18 can be sentenced to death. Article 9 of the Penal Code of 1991 connected penal responsibility to puberty and Article 3 defines an adult as *"person who has reached the age of 15 and puberty (...) or who has reached the age of 18 without reaching puberty"*.

The 2005 interim constitution allows application of the death penalty for children under 18 in so-called qisas and hadd cases.

3.3 YEMEN

In Yemen the death penalty is mentioned in 43 articles which concern 315 different crimes relating to murder, acts terrorism, rape, sexual crimes, acts *"contrary"* to Islam and the independence of the country.

In 3 August 1998 a presidential decree extended the death penalty to members of groups which carry out theft and robbery as well as pillaging of public or private property. The death penalty may also be applied to kidnappers.

As in 2007, Yemen voted against the UN Resolution of 18 December 2008 calling for a moratorium on application of the death penalty.

Yemen is a signatory to the verbal note sent to the UN Secretary General in January 2008. That note reaffirmed those States' refusal to institute a moratorium on executions with a view to abolition of the death penalty. Yemen ratified the Convention on the Rights of the Child in 1991.

Methods of executions

Executions are generally carried out by hanging in public.

Adultery by married individuals is punished by stoning. All executions orders must be ratified by the president and the execution is carried out in public.

Between 2001 and 2005: 362 executions

In 2006: at least 30 individuals were executed and several hundred prisoners remain under threat of capital punishment.

In January 2007: nine juveniles sentenced to death were enclosed in Yemeni prisons.

In 2009: at least 30 executions and a hundred prisoners sentenced on the death are still on death row.

In Yemen 109 children are accused of having committed murders and juveniles from 16 to 18 are enclosed with adult detainees. In 2007 a juvenile was executed.

However, the country ratified the Convention on the Rights of the Child in 1991. This Convention stipulates in Article 37 a) that *"neither capital punishment nor life*

imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age".

The new Penal Code raised the minimum age at which an individual may be sentenced to death to 18. Yemen was one of the rare countries to execute juveniles in the 1990s (including a 13-year-old boy in 1993).

3.4 SAUDI ARABIA

Saudi Arabia's interpretation of Islamic Law is rigid and it prescribes the death penalty for homicide, rape, armed robbery, witchcraft, drug trafficking, adultery, sodomy, homosexuality, sabotage and apostasy (renouncing Islam).

As in 2007, Saudi Arabia voted against the UN Resolution of 18 December 2008 calling for a moratorium on application of the death penalty.

Saudi Arabia is a signatory to the verbal note sent to the Un Secretary General in January 2008. That note reaffirmed those States' refusal to institute a moratorium on executions with a view to abolition of the death penalty.

Saudi Arabia ratified the Convention on the Rights of the Child in 1996.

Methods of executions

Executions are usually carried out by decapitation, occasionally in public.

According to Islamic law, married individuals sentenced for adultery must be stoned.

The law sets out the stones must not be too large so that suffering is greater and death occurs more slowly. The bodies of stoned individuals, exclusively women, are sometimes then crucified.

Between 1980 and 2008: approximately 2000 executions, with a "record" of 191 executions in 1995.

In 2009: more than 69 executions.

2 juveniles at the time of the crime were executed in 2007 and 2 more in the first quarter of 2009.

Saudi Arabia does not have a law differentiating punishments for juveniles and those for adults in criminal matters.

In theory, juveniles can be treated as adults in cases where they face the death penalty. Judges have thus broad discretion in determining what acts are crimes and in determining sentences. In addition, no law requires them to assess a child on his or her characteristics at the time of the offence committed and not at the time of the judgment or his/her execution.

In practice, judges most often determine the age of penal responsibility with regard to physical characteristics.

The Saudi Government does not publish an official interpretation of Islamic Law, the Penal Code or precise interpretation legal texts specifying the definition of acts constituting criminal offences.

Judges therefore have a greater margin to determine which acts are crimes and the verdict and applicable sentences. Courts often impose the death penalty for murder and homicide but they can also impose it discriminatorily for any other crime.

Saudi justice is particularly intransigent with regard to overseas workers and particularly those from poor countries in the Middle East, Africa and Asia. Nearly two third of those executed are foreigners, even though they only represent a quarter of the Saudi population.

5. Country profiles on the Death Penalty

ALGERIA

Moratorium on executions

Government: republic

State of civil and political rights: Not free

Constitution: 8 September 1963; effective 22 November 1976; revised several times the last on November 12, 2008

Legal System: socialist, based on French and Islamic law

Legislative System: bicameral Parliament consists of the National People's Assembly (Al-Majlis Ech-Chaabi Al-Watani) and the Council of Nations

Judicial System: Supreme Court

Religion: Sunni Muslim (state religion) 99%, Christian and Jewish 1%

Method of execution: shooting

Date of last execution: 1993

Death sentences: 22

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- 1st Optional Protocol to the Covenant
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- African Charter on Human and Peoples' Rights
- Statute of the International Criminal Court (which excludes the death penalty) (only signed)

Algeria's laws prescribe the death penalty for a range of crimes including ordinary crimes. In 1992 the scope of the death penalty was extended to terrorist offences. The Penal Code provides for 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.

On December 18, 2008 and December 21st, 2010, Algeria co-sponsored and voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

BAHRAIN

Retentionist

Government: Constitutional monarchy

State of civil and political rights: Not free

Constitution: 14 February 2002

Legal System: based on Islamic law and English common law

Legislative System: bicameral legislature consists of the Consultative Council and the Council of Representatives or Chamber of Deputies

Judicial System: High Civil Appeals Court

Religion: 82% Muslim; 9% Christian; 9% other minorities

Method of execution: firing squad

Prisoners on death row: 3

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Statute of the International Criminal Court (which excludes the death penalty) (only signed)

The offences for which capital punishment either can or must be applied are: premeditated murder, plotting to topple the regime, collaborating with a foreign hostile country, threatening the life of the Emir, and defiance of military orders in time of war or martial state.

On December 18, 2008 and December 21st, 2010, Bahrain abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

COMOROS

Abolitionist de facto

Government: republic

State of civil and political rights: Partly free

Constitution: 23 December 2001

Legal System: new code incorporates French and Islamic law

Legislative System: unicameral Assembly of the Union

Judicial System: Supreme Court, two members are appointed by the president, two members are elected by the Federal Assembly, one by the Council of each island, and former presidents of the republic

Religion: Sunni Muslim 98%, Roman Catholic 2%

Method of execution: shooting

Date of last execution: 1997

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights (signed only)
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (signed only)
- African Charter on Human and Peoples' Rights

- Statute of the International Criminal Court (which excludes the death penalty)

Aggravated murder, treason and spying are capital crimes. The legal system incorporates Islamic law as well as French legal codes.

On December 18, 2008 the Comoros voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly. On December 21st, 2010 *Comoros* abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

DJIBOUTI

Abolitionist

Government: republic

State of civil and political rights: Not free

Constitution: multiparty Constitution approved by referendum on 4 September 1992

Legal System: based on French codes, traditional practices and Islamic law

Legislative System: unicameral Chamber of Deputies (Chambre des Députés)

Judicial System: Supreme Court

Religion: Muslim majority

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- 1st Optional Protocol to the Covenant
- Second Optional Protocol to the International Covenant on Civil and Political Rights (aiming to the abolition of the death penalty)
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- African Charter on Human and Peoples' Rights
- Statute of the International Criminal Court (which excludes the death penalty)

Djibouti abolished the death penalty for all crimes in 1995, when the reformed Penal Code and Code of Penal Procedure came into force on January 1.

Only one person had previously been sentenced to death, for a terrorist offence, and his sentence had been commuted to life imprisonment in 1993.

No executions have been reported in Djibouti since it gained independence from France on June 27, 1977.

On December 18, 2008 and December 21st, 2010, Djibouti abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

EGYPT

Retentionist

Government: republic

State of civil and political rights: Not free

Constitution: dissolved by the military caretaker government on 13 February 2011

Legal System: Based on English, Islamic and Napoleonic codes

Legislative System: bicameral system consists of the People's Assembly (Majlis al-Sha'b) and the Advisory Council (Majlis al-Shura) which functions only in a consultative role

Judicial System: Supreme Constitutional Court

Religion: Muslim (mostly Sunni) 90%, Coptic 9%, other Christian 1%

Method of execution: Shooting and hanging

Death sentences: 2

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Statute of the International Criminal Court (which excludes the death penalty) (only signed)

The Egyptian Constitution makes no reference to the death penalty. But, in accordance with Article 2 of the Egyptian Constitution, as amended in 1980: *"Islam is the State religion and Arabic is its official language. The Sharia is the principal source of legislation."* Capital crimes are: aggravated murder, arson, abduction and rape of a female, perjury leading to the sentencing and execution of a person, hijacking, espionage, drug trafficking, political and military offences.

All capital executions must first be approved by the Mufti, the country's highest religious authority. The final decision goes to the President of the Republic who, by law, has the power to grant a pardon or commute a sentence. Executions cannot take place on public holidays or religious holidays in accordance with the religion of the accused.

On December 18, 2008 and December 21st, 2010, Egypt voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

IRAQ

Retentionist

Government: parliamentary democracy

State of civil and political rights: Not free

Constitution: ratified on 15 October 2005 (subject to review by the Constitutional Review Committee and a possible public referendum)

Legal System: based on European civil and Islamic law under the framework outlined in the Iraqi Constitution;

Legislative System: Council of Representatives

Judicial System: the Iraq Constitution calls for the federal judicial power to be comprised of the Higher Juridical Council, Federal Supreme Court, Federal Court of Cassation, Public Prosecution Department, Judiciary Oversight Commission and other federal courts that are regulated in accordance with the law

Religion: Muslim 97% (Shi'a 60%-65%, Sunni 32%-37%), Christian or other 3%

Method of execution: hanging and shooting

Death sentences: 6

Prisoners on death row: 835 (Source: Afp, 13/12/2010)

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child

On October 4, 2005, Iraqi lawmakers approved the death penalty for anyone financing or “provoking” terrorism. The tough new anti-terrorism law set capital punishment for those who “commit ... terror acts” as well as those who “provoke, plan, finance and all those who enable terrorists to commit these crimes”.

The death penalty has been in force in the Iraqi legal system since 1921, following the foundation of the Iraqi State in 1920. Its field of application had been increasingly extended since the taking of power by the Baath party in 1968 and since 1979, the year marking the beginning of Saddam Hussein's presidency. The death penalty was applicable to a vast range of crimes, including: attempting to murder the president.

From 1998 to 2001, 4,000 people had been executed. Estimates for executions under Saddam's dictatorship however seem to have fallen far short of the real number of victims - by tens of thousands. The CPA said that at least 300,000 people had been buried in mass graves. Officials from human rights organisations talked of 500,000 and some Iraqi political parties estimated that more than 1 million people were executed and buried in secret places. The execution of political opponents and military ‘conspirators’ was kept up until the regime's fall on April 9, 2003.

Conditions in Iraqi prisons under Saddam were unbearable. Torture and mistreatment were very common. Methods of torture used in Iraqi jails included using electric drills to maim hands, pulling out fingernails, sexual attacks and "official rape".

No official statistics exist on the number of prisoners sentenced to death or executed in Iraq. It is estimated that from August 2004, when the death penalty was reinstated, until 2009, one thousand people have been sentenced to death and even more have been executed. All death sentences must be confirmed by the Cassation Court, after which they are referred to the Presidential Council, composed of the President and the two Vice-Presidents, for ratification and implementation.

At least 65 executions were carried out in 2006. On December 30, 2006, Saddam Hussein was executed following his conviction by an Iraqi court for crimes against humanity. Hands Off Cain counted 33 executions in 2007 and at least 34 in 2008. On December 18, 2008 and December 21st, 2010, Iraq voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

JORDAN

Retentionist

Government: constitutional monarchy

State of civil and political rights: Not free

Constitution: 1 January 1952, amended many times

Legal System: based on Islamic law and French codes; judicial review of legislative acts in a specially provided High Tribunal

Legislative System: bicameral National Assembly (Majlis al-'Umma) consist of Senate and House of Representatives

Judicial System: Court of Cassation, Supreme Court

Religion: Muslim majority; Christian minority

Method of execution: hanging

Prisoners on death row: 45 (thenational.ae, 21/04/2009)

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Statute of the International Criminal Court (which excludes the death penalty)

The Jordan criminal code carries the death penalty for different crimes, including murder, rape, terrorism, drug trafficking, treason and espionage. Under Jordanian law, people convicted in absentia have the right for retrial once captured.

On 9 August 2006, the Jordanian government announced a measure to reduce the number of crimes liable to punishment by death from 16 to 10. According to official data, 41 persons were executed in the country since the beginning of 2000, all of whom were convicted for murder, terrorism or sexual assault charges. At least seven executions were carried out in 2003, and fourteen people were known to have been put to death in 2002. At least one execution took place in 2004. At least 15 people were put to death in 2005, according to a Jordanian police source. In 2008 Jordan sentenced at least 14 people to death penalty.

On December 18, 2008 and December 21st, 2010, Jordan abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

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

KUWAIT

Retentionist

Government: constitutional emirate

State of civil and political rights: Partly free

Constitution: 11 November 1962

Legal System: civil law system, incorporates elements of Islamic law concerning rights of the person

Legislative System: Unicameral National Assembly (Majlis al-umma)

Judicial System: High Court of Appeal

Religion: 85% Muslim; 15% Christian

Method of execution: hanging and shooting

Death sentences: 3

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Statute of the International Criminal Court (which excludes the death penalty) (only signed)

The death penalty is provided for by laws based on the Sharia. Capital crimes include murder, rape and crimes against the security of State. Sexual molesters are also liable to capital punishment. At least seven people were put to death in 2005. Two people had been executed in 2001, including a woman, five in 2002, and nine in 2004. No executions were reported in the country in 2003.

Kuwait introduced the death penalty in 1964. According to AFP, by November 2006 Kuwait had executed a total of 70 people including three women. At least 11 executions took place in 2006 and one was recorded in 2007. In 2008 at least 6 people were sentenced to death penalty but no executions were reported.

On December 18, 2008 and December 21st, 2010, Kuwait voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

LEBANON

Retentionist

Government: republic

State of civil and political rights: Partly free

Constitution: 23 May 1926, amended several times, most recently in 1990

Legal System: contains elements of Ottoman, Canon, Napoleonic and civil law

Legislative System: Unicameral National Assembly (Majlis Alnuwab)

Judicial System: four Courts of Cassation; Constitutional Council (rules on constitutionality of laws); Supreme Council (hears charges against the president and prime minister as needed)

Religion: Muslim 59.7% (Shi'a, Sunni, Druze, Isma'ilite, Alawite or Nusayri), Christian 39%; other 1.3%

Method of execution: hanging and shooting

Date of last execution: 1-2004

Death sentences: 1

Prisoners on death row: 44 (up to May 2008, according to Amnesty International)

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Lebanon reinstated the death penalty in 1994 in a bid to stem a rise in violent crime following the 1975-90 civil war. Crimes punishable by death are: murder, attempted murder, collaboration with Israel, terrorism and acts of riot and strife. Article 302 of the Penal Code had prescribed a mandatory death sentence for all premeditated murders and stripped judges of discretion to consider mitigating factors. In July 2001, the Lebanese Parliament voted unanimously to repeal this law and leave the application of the death penalty to the discretion of judges. Execution decrees must be signed by the president and the prime minister. Although a large number of death sentences have been passed since Lebanon's independence, only 51 people have been executed. This figure does not include sentences issued during the Civil War when the judicial system collapsed and militias passed "sentences" without trials. On December 18, 2008 and December 21st, 2010, Lebanon abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

LIBYA

Retentionist

Government: Jamahiriya (a state of the masses) in theory, governed by the populace through local councils; in practice, an authoritarian state

State of civil and political rights: Not free

Constitution: none; note - following the September 1969 military overthrow of the Libyan government, the Revolutionary Command Council replaced the existing constitution with the Constitutional Proclamation in December 1969; in March 1977, Libya adopted the Declaration of the Establishment of the People's Authority

Legal System: based on Italian and French civil law systems and Islamic law; separate religious courts

Legislative System: unicameral General Peoples' Congress

Judicial System: Supreme Court

Religion: Sunni Muslim 97%, other 3%

Method of execution: hanging and shooting

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- 1st Optional Protocol to the Covenant
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

A large number of offences, including political offences and economic "crimes" are punishable by death.

The law mandates the death penalty for any person associated with a group opposed to the principles of the 1969 revolution, as well as for other acts such as treason and attempting to change the form of government by violence.

The "Green Book" of 1988 states that "the goal of the Libyan society is to abolish capital punishment;" however, the Government has not acted to abolish the death penalty, and its scope has increased.

The law also applies the death penalty to those who speculate in foreign currency, food, clothing, or housing during a state of war or a blockade, and for crimes related to drugs and alcohol (since 1996).

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.

Article 166 of the penal code imposes the death penalty on anyone who talks to or conspires with a foreign official to provoke or contribute to an attack against Libya. In recent years various UN bodies have expressed concern about the human rights situation in Libya where extrajudicial and summary executions continue to take place, the death penalty is imposed for economic and political crimes, arbitrary arrests are frequent, torture is used and the judiciary is not independent. Information concerning death sentences and executions does not filter through. Libya was known to have put six foreign nationals to death in July 2005. It was the first time in eight years that news of executions filtered through. According to Amnesty International at least nine executions took place in 2007 and 8 in 2008.

On December 18, 2008 and December 21st, 2010, Libya voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

MAURITANIA

Abolitionist de facto

Government: military junta

State of civil and political rights: Not free

Constitution: 12 July 1991

Legal System: a combination of Islamic law and French civil law

Legislative System: bicameral legislature consists of the Senate (Majlis al-Shuyukh) and National Assembly (Majlis al-Watani)

Judicial System: three-tier system: lower, appeals, and Supreme Court

Religion: Muslim 100%

Method of execution: shooting

Date of last execution: 1987

Death sentences: 5

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
- African Charter on Human and Peoples' Rights

High treason, premeditated murder and torture are capital crimes. With the introduction of Islamic law in 1980, the scope of the death penalty has been widened to include apostasy, homosexuality and rape.

Condemned prisoners can appeal to the Court of Cassation and can also ask for a review of their sentence. The condemned cannot be executed until a pardon has been refused.

The last executions took place in 1987.

On December 18, 2008 and December 21st, 2010, Mauritania abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

MOROCCO

Abolitionist de facto

Government: constitutional monarchy

State of civil and political rights: Partly free

Constitution: 10 March 1972, revised 4 September 1992 and amended in September 1996

Legal System: based on French, Spanish and Islamic law

Legislative System: bicameral Parliament consists of an upper house (Chamber of Counselors) and a lower house (Chamber of Representatives)

Judicial System: Supreme Court whose judges are appointed on the recommendation of the Supreme Council of the Judiciary, presided over by the monarch

Religion: Muslim majority

Method of execution: shooting

Date of last execution: 1993

Prisoners on death row: almost 150 according International Justice (up to August 2008)

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Statute of the International Criminal Court (which excludes the death penalty) (only signed)

Morocco retains the death penalty for ordinary crimes and military crimes. Art. 16 of the Moroccan penal code provides the death penalty for aggravated murder, torture, armed robbery, arson, treason, desertion and attempt on the King's life. Following the May 16, 2003, bombings in Casablanca in which 43 people lost their lives, the government has started a real and proper war on terrorism. A new anti-terrorist law passed by parliament in May 2003 broadened the range of capital crimes by making ordinary crimes punishable by life imprisonment under the Criminal Code eligible for the death penalty if designated as terrorist crimes. Up to August 17, 2005, over two thousand people had been accused of various crimes linked to terrorism: 903 of these

are currently serving prison sentences whilst 17 of them have been sentenced to death. The death penalty is subject to pardon, which remains the constitutional prerogative of the Sovereign. By October 2003, the number of death row inmates in Morocco had reached 156, according to local human rights groups. The last execution in Morocco was carried out in 1993. On November 18, 2005 King Mohammed of Morocco pardoned or reduced the prison sentences of 10,000 people to mark the 50th anniversary of independence. It was the largest ever number of prisoners involved in a royal pardon, which was customary in the North African kingdom to mark national and religious holidays. Local media said the widely expected move was also aimed at relieving the country's overcrowded prisons. A total of 5000 prisoners would be released immediately and a further 5000 would have their sentences reduced. They included 336 foreigners and 25 detainees who had their death sentences commuted to life imprisonment. A senior ministry official said there were no Islamic militants jailed on terrorism charges among those pardoned. He had no details on the nationalities of foreigners affected.

On December 18, 2008 and December 21st, 2010, Morocco abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

OMAN

Retentionist

Government: monarchy

State of civil and political rights: Not free

Constitution: non-existent

Legal System: based on english common law and Islamic law; Sultan has power to grant clemency

Legislative System: bicameral Majlis Oman consists of an upper chamber (Majlis ad-Dawla) and a lower chamber (Majlis ash-Shura)

Judicial System: Supreme Court

Religion: Ibadhi Muslim 75%, Sunni Muslim, Shi'a Muslim, Hindu

Method of execution: firing squad

Date of last execution: 2001

International Treaties on the Death Penalty and Human Rights:

- Convention on the Rights of the Child
- Statute of the International Criminal Court (which excludes the death penalty) (only signed)

The death penalty is provided for under the penal laws of the Sultanate of Oman, which make reference to Sharia law.

The criminal court in Oman cannot issue a sentence of capital punishment without the consent of all judges presiding the court and the implementation of a death sentence cannot be carried out before ratification by the Sultan. Execution of pregnant women

is delayed till birth. If the child is alive, the execution is delayed for two years for breast-feeding, but if the same child dies, execution is implemented 40 days after the date of death. Executions cannot take place on public holidays and Eid-ul-Fitr, the festival that marks the end of Ramadan, the Islamic month of fasting.

On March 6, 1999, through a royal decree, Oman introduced the death penalty for drug traffickers and users in a move mainly aimed at halting the use of the Sultanate as a trans-shipment point for drug smugglers. One person was executed in 1999. In 2001, there were at least 14 executions. No other executions are known to have taken place.

On December 18, 2008 and December 21st, 2010, Oman abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly

QATAR

Retentionist

Government: emirate

State of civil and political rights: Not free

Constitution: ratified by public referendum on 29 April 2003, endorsed by the Amir on 8 June 2004, effective on 9 June 2005

Legal System: based on Islamic and civil law codes; discretionary system of law controlled by the Amir, although civil codes are being implemented; Islamic law dominates family and personal matters;

Legislative System: unicameral Advisory Council (Majlis al-Shura)

Judicial System: Courts of First Instance, Appeal, and Cassation; an Administrative Court and a Constitutional Court were established in 2007

Religion: Muslim 77.5%, Christian 8.5%, other 14%

Method of execution: hanging and shooting

Date of last execution: 2003

Prisoners on death row: at least 22 (up to 28/05/2008 according to Amnesty International)

International Treaties on the Death Penalty and Human Rights:

- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Murder, offences against the State, drug offences and terrorism are capital crimes. Under Article 283, Section 11, of the Criminal Code, sexual abuse of a man carries a maximum penalty of 15 years in jail. However, if the victim is a relative the crime falls under Article 279 punishable by death.

Non-Muslims may not proselytize, and the Government officially prohibits public worship by non-Muslims. However, it does permit and protect private services. Converting from Islam is considered apostasy, and is technically a capital offence; however, there is no record of an execution for such a crime since 1971. Until 2001, when three people were put to death, there had been no executions in Qatar for 10 years. At least 20 people are thought to be currently sentenced to death.

At least one execution took place in 2003. No executions have been recorded since then.

On December 18, 2008 and December 21st, 2010, Qatar voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

SOMALIA

Retentionist

Government: no permanent national government; transitional, parliamentary federal government

State of civil and political rights: Not free

Constitution: 23 September 1979

Legal System: no national system; a mixture of English common law, Italian law, Islamic Shari'a, and Somali customary law

Legislative System: unicameral National Assembly

Judicial System: following the breakdown of the central government, most regions have reverted to local forms of conflict resolution, either secular, traditional Somali customary law, or Shari'a (Islamic) law with a provision for appeal of all sentences

Religion: Sunni Muslim

Method of execution: shooting

Executions: 4

Death sentences: 4

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- 1st Optional Protocol to the Covenant
- Convention on the Rights of the Child (signed only)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Somalia has been without central government since 1991 when clans ousted dictator Siad Barre and the east African country sank into inter-clan fighting in which tens of thousands died.

The jurisdiction of Shari'a courts has been extended to include criminal matters, and decisions by these courts are not open to appeal. There is an amalgamation of various legal systems and traditions. Capital punishment is retained in all existing court systems: Islamic, secular and traditional clan courts.

The self-declared Somaliland Republic is the only part of the collapsed state of Somalia to have established peace, government and a multi-party democratic system. Parliamentary elections were held in September 2005. Somaliland is still pressing for international recognition. Somaliland, whose legal system is based on the penal code of the former Somalia, retains the death penalty, although local human rights defenders are campaigning for its abolition. In recent years several people condemned to death have been executed, while others have had their death sentences commuted to payment of blood money (diya) through the application of Shari'a law.

At least 10 executions, including a minor, were carried out in 1999 and at least one in 2001. There is no official or other information, but according to Amnesty

International executions have been carried out in Somalia also in 2002. Four executions were reportedly carried out in 2004.

There are no official figures, but according to Amnesty International at least one execution took place in Somalia in 2004 and one in 2005; at least seven executions were recorded in 2006 and five in 2007.

On December 18, 2008 and December 21st, 2010, Somalia voted in favour of the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

SYRIA

Retentionist

Government: republic under an authoritarian military-dominated regime

State of civil and political rights: Not free

Constitution: 13 March 1973

Legal System: based on a combination of French and Ottoman civil law; Islamic law is used in the family court system;

Legislative System: Unicameral People's Council (Majlis al-Shaab)

Judicial System: Supreme Constitutional Court (justices are appointed for four-year terms by the president); High Judiciary Council; Court of Cassation; State Security Court

Religion: 74% Sunni Muslim; 16% Alawite, Druse and other Muslim sects; 10% Christian; Jewish minority

Method of execution: hanging and shooting

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Statute of the International Criminal Court (which excludes the death penalty) (only signed)

Capital crimes are: treason; murder; political acts such as bearing arms against Syria in the ranks of the enemy, desertion of the armed forces to the enemy and acts of incitement under martial law or in wartime; violent robberies; rape; verbal opposition to the government; and membership in the Muslim brotherhood.

Syria also applies the death penalty for drug trafficking whilst the punishment for possession of drugs is life imprisonment. The minimum age for the imposition of the death penalty in Syria is 18 years. The maximum age was not defined in Syrian law, but there had never been a case of somebody condemned to death older than 60 years. Official figures are not available, but according to Amnesty International at least two executions took place in Syria in 2004. No execution was recorded in 2005 while 2 were recorded in 2006 and at least 7 in 2007 and 7 in 2008.

On December 18, 2008 and December 21st, 2010, Syria voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

TUNISIA

Abolitionist de facto

Government: republic

State of civil and political rights: Not free

Constitution: 1 June 1959; amended 1988, 2002

Legal System: based on French system and Islamic law, some judicial review of legislative acts in the Supreme Court in joint session

Legislative System: bicameral system consists of the Chamber of Deputies or Majlis al-Nuwaab and the Chamber of Advisors

Judicial System: Court of Cassation

Religion: Muslim 98%, Christian 1%, Jewish and other 1%

Method of execution: shooting and hanging

Date of last execution: 1991

Prisoners on death row: more than 100 according to Amnesty International (up to 2007)

International Treaties on the Death Penalty and Human Rights:

- International Covenant on Civil and Political Rights
- Convention on the Rights of the Child
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Murder, violence and aggression, attacks against the internal security of the State and attacks against the external security of the State are all capital offences. On January 14, 2011, a series of street demonstrations and riots, started in December 2010, led to the ousting of President Zine El Abidine Ben Ali ending 23 years in power. Following Ben Ali's departure, Prime Minister Mohammed Ghannouchi announces an interim national unity government. On 20 January 2011, the new government announced in its first sitting that all banned parties would be legalised and that all political prisoners would be freed. The last execution was carried out in 1991.

On December 18, 2008 and December 21st, 2010, Tunisia was absent during the vote on a the Resolution on Moratorium on the Use of the Death Penalty at the UN General Assembly.

UNITED ARAB EMIRATES

Retentionist

Government: federation with specified powers delegated to the UAE federal government and other powers reserved to member emirates

State of civil and political rights: Not free

Constitution: 2 December 1971; made permanent in 1996

Legal System: based on a dual system of Shari'a and civil courts

Legislative System: unicameral Federal National Council (Majlis al-Ittihad al-Watani)

Judicial System: Union Supreme Court whose judges are appointed by the Head of State

Religion: Muslim 96% (Shi'a 16%), other (includes Christian, Hindu) 4%

Method of execution: firing squad and stoning

Executions: 1

Death sentences: 16

International Treaties on the Death Penalty and Human Rights:

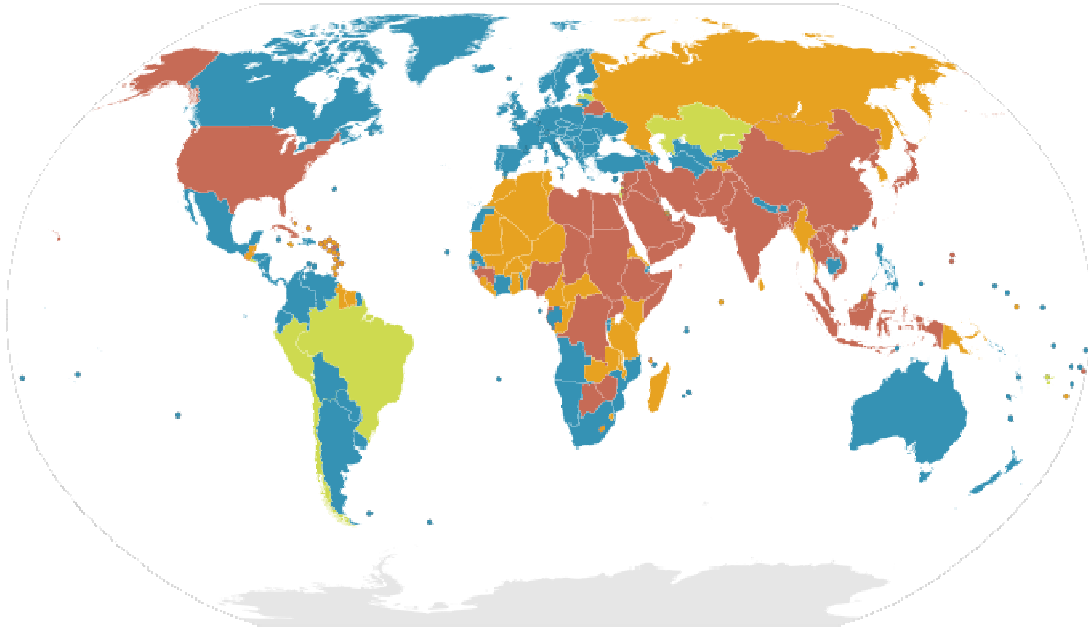
- Convention on the Rights of the Child
- Statute of the International Criminal Court (which excludes the death penalty) (only signed)

Capital crimes under the constitution are: murder, rape, treason, aggravated robbery, adultery and apostasy. Drug-trafficking, environmental pollution and terrorism were later added as capital offences. Under a 1995 law, drug traffickers in the UAE face the death penalty, although no executions are known to have taken place.

In 2006, there was one execution, before that, the last one was carried out in 2002. On December 18, 2008 and December 21st, 2010, United Arab Emirates abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

5. TABLES AND GRAPHS

Graph 1: Overview on the death penalty in the World



Legend

- Abolished for all crimes
- Abolished for crimes not committed in exceptional circumstances (such as crimes committed in time of war)
- Abolished in practice
- Legal form of punishment

Graph 1: Countries with the highest number of executions in 2009

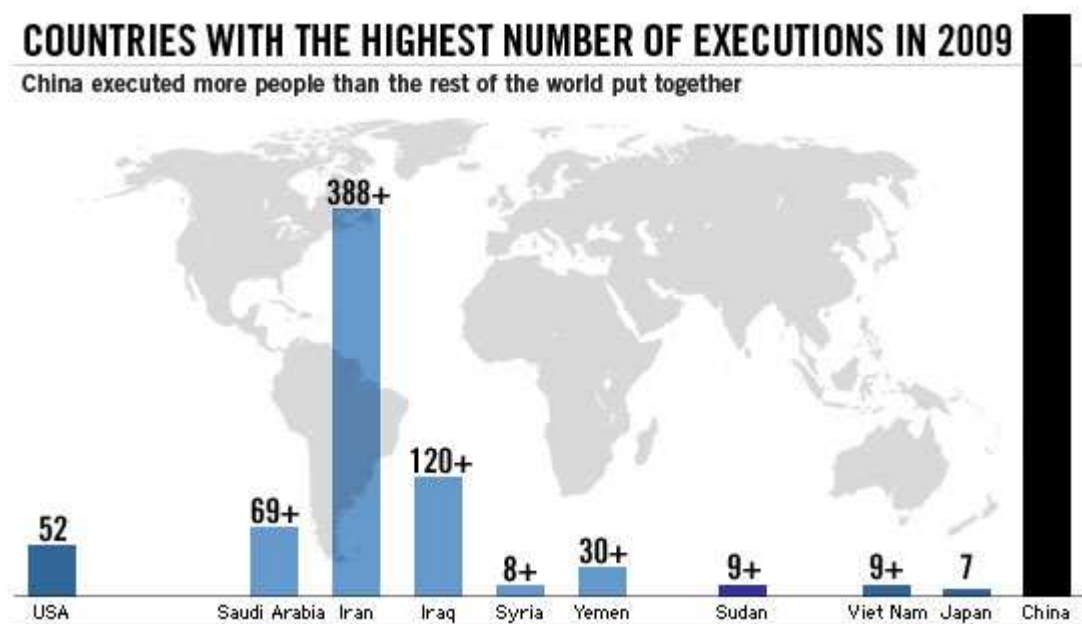


Table 3: ACHRS activities on death penalty in 2010

February 2010	In the presence of 25 representatives of Jordanian organizations and institutions, the Jordanian Alliance discussed the Death Penalty
October 2010	<ul style="list-style-type: none"> • The Arab Coalitions against Death Penalty expresses regret as foreign organizations continue to avoid Coalition efforts (08-10-2010); • Arab Coalitions Against the Death Penalty show Reservations at Ignoring Their Efforts by Foreign Organizations (08-10-2010); • Arab Coalitions Against the Death Penalty Call on the Arab countries to respect the Right of Life and to minimize the Use of the Death Penalty as a Step Toward revoking It (10-10-2010);

	<ul style="list-style-type: none"> • Jordanian Coalition against the Death Penalty determining its action plan for next 2 years and pays tribute to Jordan's reluctance to carry out the death penalty (11-10-2010);
November 2010	Meeting of the Arab Coalition against the Death Penalty in the Amman Center for Human Rights Studies (10-11-2010)

6. CONCLUSIONS

2010 saw both positive and negative developments concerning the death penalty in the Arab world.

In several others governments- such as **Algeria, Lebanon, Morocco/Western Sahara, and Tunisia** -maintained longstanding moratoriums on executions even though the death penalty remained in force for a range of crimes and death sentences continue to be imposed.

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.

Comoros, Jordan, Kuwait, Lebanon, Oman and Qatar didn't carry out executions in 2010. 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.

ACHRS called for an end to the execution of juveniles through a petition addressed to the governments of four countries: **Iran, Sudan, Yemen and Saudi Arabia**

These are the four countries which continue to execute and sentence juvenile offenders to death, despite having signed the Convention on the Right of the Child.

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.

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 penalty emerged in many countries of the world and in the Arab World. The Amman Center works to ensure that more countries ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming to abolish the death penalty. The Second Optional Protocol is the only international treaty of worldwide scope on prohibit executions and provides a key tool for irrevocable abolition of the death penalty worldwide.

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.

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