



**Amman Center for Human Rights Studies
6th Annual Report**

The Death Penalty in the Arab World 2011

By Alejandro Tagarro Cervantes

<p><i>Amman Center for Human Rights Studies</i></p> <p>In Special consultative status with U. N. ECOSOC</p>		<p>مركز عمان لدراسات حقوق الإنسان</p> <p>حاصل على وضع استشاري خاص لدى المجلس الاقتصادي والاجتماعي بالأمم المتحدة</p>
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مركز عمان لدراسات حقوق الإنسان

Amman Center for Human Rights Studies

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INTRODUCTION

More than one year has passed since the launch of the so called Arab Spring, and its aftermaths on the region are still unclear. This feature might be clearly appreciated when considering the situation of human rights in the Arab World at the end of 2011 and, in particular, regarding the situation of the death penalty in these countries.

Arab revolts have brought a wider respect for human basic rights and democracy to an important number of Arabic countries; meanwhile in others these same aspirations are still being claimed by large groups of the civil society. Nevertheless, latest researches confirm that figures of people who are condemned to death penalty and therefore executed are still remarkable within the Arab World. Indeed, some of the Arabic countries whose governments were removed during 2011, such as Egypt, Tunisia or Yemen, have been applying the death penalty as a response to the perpetration of certain crimes, even though not in every countries the sentences are finally executed.

In the Middle East, executions were up almost 50 percent over last year for Iran, Iraq, Saudi Arabia and Yemen, which accounted for 99 percent of all recorded regional executions. These records, however, do not include those executions carried out as a result of the internal conflicts which are taken place in countries such as Libya, Syria, Egypt, Yemen or Bahrain, where it is particularly difficult to gather adequate information on the actual use of the death penalty.

The Amman Center for Human Rights Studies (ACHRS) is concerned of the situation in some Arabic countries where internal conflicts are taken place and calls for a wider and deeper respect on human rights and, in particular, to respect the right to life, as it states the article 3 of the Universal Declaration of Human Rights of 1948: *"Everyone has the right to life, liberty and security of person."*

This annual report drafted by ACHRS aims to proportionate an analytical studio of the situation of the death penalty and capital punishment in the Arab World in 2011, and includes detailed information about the 21 countries which constitute the Arab World. It also contains tables and a conclusive reflection on the current state of capital punishment.

ACHRS STATEMENT AGAINST THE DEATH PENALTY

ACHRS opposes and actively campaigns against the death penalty in every cases and forms, no matter where 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.

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.

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ACHRS 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.

In its standpoint against the death penalty, ACHRS in no way condones violent crime nor questions the responsibility of governments to ensure that those who commit such crimes are brought to justice. In carrying out this responsibility, however, governments must abide by relevant international law and standards, including the abolition of the death penalty and the prohibition of all kinds of torture.

ACHRS states capital punishment has not been an effective instrument to prevent the perpetration of violent crimes. Moreover, it also emphasizes as long as the death penalty is in practice, the risk of executing innocent people will be never eliminated.

ACHRS WORK ON THE DEATH PENALTY IN 2011

ACHRS, as well as its partner organization, the Arab Coalition against the Death Penalty (ACADP), believes that abolishing the death penalty in the Arab World is essential to enhance and establish a real human rights culture in both the Middle East and North Africa.

Previously, in 2010, ACHRS along with ACADP co-organized three seminars on capital punishment in Mauritania, Yemen, and Egypt. In cooperation with Penal Reform International the two organizations also arranged a seminar in Amman entitled "*Death Penalty: Challenges and Alternatives*" in July of the same year.

Keeping in tune with our commitment to abolition across the Arab World, in 2011 ACHRS continued to coordinate and participate in activities to achieve that goal. ACHRS and the Association of Development held a session of dialogue to oppose the death penalty in March 2012. Several members of the Association, including intellectuals and human rights activists participated in the dialogue.

We are therefore pleased to demonstrate our commitment to this field by presenting our 6th Annual Report on the Death Penalty in the Arab World. The report provides a brief overview of the death penalty in 2012, general information about capital punishment in the Arab World and detailed information about the 21 Arab countries.

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THE DEATH PENALTY IN THE ARAB WORLD IN 2011

Legal Framework

International Law protects the right to life. Indeed, article 3 of the Universal Declaration of Human Rights of 1948 provides that "*Everyone has the right to life, liberty and security of person.*"¹

Moreover, the International Covenant on Civil and Political Rights (ICCPR) of 1966 affirms that every human being has the right to life, which shall be protected by law. Although the ICCPR does not specifically prohibit the death penalty, the document states that capital punishment may be imposed only for the most serious of crimes and it can only be carried out pursuant to a judgment by 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

Despite the fact that the ICCPR did not fully prohibit the death penalty, it has only been ratified by 14 of the 21 Arabic speaking countries.

The Second Optional Protocol of the ICCPR, 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.⁴ It was adopted in 1989 but only one Arab country, Djibouti, has already ratified it.⁵

On 21 December 2010, the UN General Assembly adopted Resolution 65/206 (2010) establishing a "*moratorium on the use of the death penalty*," reaffirming the previous Resolution 63/168 (2008) of 18 December 2008 and Resolution 62/149 of 18 December 2007. The adoption of a third moratorium resolution within three years time highlights UN commitment to the abolition of the death penalty. These referred resolutions call upon retentionist states to respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council Resolution 1984/50 of 25 May 1984, as well as to provide the Secretary General with information in this regard; to make available relevant information with regard to their use of the death penalty, which can contribute to possible informed and transparent national debates; to progressively restrict the use of the death penalty and to reduce the number of offences for which it may be imposed; and, finally, to establish a moratorium on executions with a view to abolishing the death penalty.

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

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

³ Ibid

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, December 15, 1989

⁵ United Nations Human Rights Council, <http://www.unhchr.ch/pdf/report.pdf>

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Resolution 65/206's votes of approval (109) rose from the previous polling (105) displaying a significant shift in attitude towards the death penalty. However, nine members of the Arab League voted against the resolution (Saudi Arabia, Egypt, Iraq, Kuwait, Libya, Qatar, Sudan, Syria and Yemen) and nine countries abstained (Bahrain, Comoros, Djibouti, EAU, Jordan, Lebanon, Morocco, Mauritania and Oman). Algeria and Somalia were the only members of the Arab League that voted in favor of the resolution.

In May 2007, representatives of Arab civil society organizations and Arab NGO coalitions met in Alexandria to discuss the implementation of UN Resolution 62/149 (2007) by the member states of the Arab League. The "Alexandria Declaration," issued at the end of the meeting, called upon Arab States to comply with UN Resolution 62/149 (2007), by respecting international standards and to guarantee the rights of individuals facing the death penalty. The resolution also called on Arab States to provide the Secretary General with information relating to the use of capital punishment. Lastly, the Alexandria Declaration called upon members of the Arab League to progressively restrict the use of the death penalty by establishing a moratorium on executions with a view to abolishing the death penalty entirely—for all crimes.

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 years of age.⁶ Many Arab governments, while strictly secular in nature, attempt to justify the use of the death penalty through Islamic Shari'a Law.

According to tolerant interpretations of Islamic Shari'a, the death penalty is used as a deterrent measure, whose application should be restricted to a very limited number of cases determined by the infallibility of witnesses and the absolute fairness of judges. Even then Shari'a permits forgiveness and reconciliation.⁷ Since, it has been proven that the death penalty is not an effective crime deterrent the method of punishment should be sacked entirely.

As part of the steering committee for the World Coalition against the Death Penalty, ACADP (currently headed by ACHRS), has been working to increase public awareness on capital punishment. Moreover, the Coalition has been working to further develop its international network in order to gain more leverage in its activities toward abolition at home.

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 Ibid

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Sentences and executions in the Arab World in 2011

2011 was not a remarkable year with regard to recorded executions within the Arab countries. Unfortunately, there has been an increase of these executions up almost 50% on the year. In addition of this, the continuing violence in countries such as Libya, Syria and Yemen made it particularly difficult to gather adequate information on the use of the death penalty in the whole region in 2011. For instance, no information was available about judicial executions in Libya, and no death sentences are known to have been imposed. Extrajudicial executions, torture and arbitrary detention were often resorted to instead.

At least 558 executions could be confirmed in nine countries. According with Amnesty International, these figures due to four countries: **Iraq** (at least 68 executions), **Iran** (at least 360), **Saudi Arabia** (at least 82) and **Yemen** (at least 41), which accounted for 99% of all recorded executions in the Arab World (including Iran). Other verifiable judicial executions were known to have been carried out as follows: **Dubai** (at least 1), **Egypt** (at least 1), **Palestinian Authority** (at least 3), **Somalia** (at least 10) and **Sudan** (at least 7).

Although the authorities in several states carried out high numbers of executions, in several others - such as **Algeria, Lebanon, Jordan, Kuwait, Morocco/Western Sahara, Qatar** 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.

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. However, there is at least one report of a judicial execution of a juvenile in 2011, in Iran, although the authorities there claim he was 18 according to their calendar. Moreover, a further unconfirmed execution of juvenile offenders was reported in Saudi Arabia.

At least 650 death sentences were known to have been imposed in 16 countries in Middle East and North Africa in 2011 as follows: **Algeria** (at least 51), **Bahrain** (at least 5), **Egypt** (at least 123), **Iraq** (at least 291), **Jordan** (at least 15), **Kuwait** (at least 17), **Lebanon** (at least 8), **Mauritania** (at least 8), **Morocco/Western Sahara** (at least 5), **Palestinian Authority** (at least 5), **Qatar** (at least 3), **Saudi Arabia** (at least 9), **Somalia** (at least 37), **Sudan** (at least 13), **United Arab Emirates** (at least 31), and **Yemen** (at least 29).

In **Saudi Arabia**, according with Amnesty International, executions more than tripled in 2011. At least 82 people – compared to 27 in 2010 – were executed. At least one of those put to death was officially described as an under 18 years old. Saudi Arabia was one of the few countries to show a sharp increase in the use of capital punishment, after four years of steady decline. Many of those executed over the past years were foreign nationals, mostly migrant workers from developing countries in Africa and Asia. They are disproportionately affected by the secretive and summary nature of the criminal justice process

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In **Iraq**, most of the at least 68 people executed in 2011 were convicted of belonging to armed groups or involvement in attacks by these groups, which included murder, kidnapping, rape or other violent crimes. The accused were often condemned to death after trials lasting just a few minutes.

Although it is not an Arabic country, Amnesty International recorded 360 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 three were teenagers at the time of the alleged crime.

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COUNTRY PROFILES ON THE DEATH PENALTY



ALGERIA

Moratorium on executions

Government: Semi-presidential 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 in 2011: 51

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 18 December 2008 and 21 December 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.

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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

Death sentences in 2011: 5

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

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COMOROS

Abolitionist de facto

Government: Federal republic

State of civil and political rights: Partially 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 18 December 2008, the Comoros voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly. However, on 21 December 2010 Comoros abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

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DJIBOUTI

Abolitionist

Government: Semi-presidential 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 94%, Christian 6%

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 27 June 1977.

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

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EGYPT

Retentionist

Government: Military junta

State of civil and political rights: Not free

Constitution: 30 March 2011 (provisional)

Legal System: Based on English, Islamic and Napoleonic codes

Legislative System: after the President of Egypt Hosni Mubarak stepped down following several days of mass protests, legislative power is vested in both the government and the People's Assembly (Majlis al-Sha'b)

Judicial System: Supreme Constitutional Court

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

Method of execution: Shooting and hanging

Death sentences in 2011: 123

Recorded Executions in 2011: 1

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 Provisional Egyptian Constitution makes no reference to the death penalty. But, in accordance with Article 2 of the 2011 Provisional Egyptian Constitution: *"Islam is the State religion and the Arabic language is its official language. Principles of the Islamic law (Shari'a) are the principal source of legislation."*

The death penalty in Egypt is currently reserved for crimes under anti-terrorism legislation, as well as "premeditated murder, rape and drug related offences." There are currently two methods of execution in Egypt. The first and more commonly used is hanging (the gallows), which is used on civilian criminals. The second is the firing squad, which is specifically used for soldiers and military personnel who commit capital crimes. In addition, capital punishment can also be meted out for high treason.

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

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

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IRAQ

Retentionist

Government: Federal 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 and other 3%

Method of execution: hanging and shooting

Death sentences in 2011: 291

Recorded executions in 2011: 68

International Treaties on the Death Penalty and Human Rights:

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

On 4 October 2005, Iraqi lawmakers approved the death penalty for anyone financing or “provoking” terrorism. The 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 were executed. However, estimations under Saddam's dictatorship 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

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in secret places. The execution of political opponents and military ‘conspirators’ was kept up until the regime’s fall on 9 April 2003.

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.

The number of executions has varied in the last years. In 2008 at least 34 executions were carried out in 2008; 120 executions in 2009; 1 in 2010 and 68 in 2011. On 18 December 2008 and 21 December 2010, Iraq voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

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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

Death sentences in 2011: 15

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. During the period 2007-2010 at 67 people were sentenced to the death penalty.

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

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KUWAIT

Retentionist

Government: Hereditary constitutional monarchy

State of civil and political rights: Partially 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 in 2011: 17

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 by law based on the Islamic law (Shari'a). 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, 3 in 2009 and 3 in 2010, but no executions were reported.

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

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LEBANON

Retentionist

Government: Parliamentary republic

State of civil and political rights: Partially 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 in 2011: 8

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. In August 2009, the Justice Ministry in Lebanon launched a nationwide campaign to rally public support for the abolition of the death penalty. However, in 2010, 12 people were sentenced to death penalty and 8 in 2011.

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

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LIBYA

Retentionist

Government: National transitional council

State of civil and political rights: Partially free

Constitution: the national transitional council has stated its intention to oversee the first phase of a transition to constitutional democracy, after which it claims it will dissolve in favor of a representative legislature. The transitional period is governed by the Constitutional Declaration issued on 3 August 2011

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

The politics of Libya are currently in a phase of transition. As a result of the collapse of the Gaddafi government in August 2011 due to the 2011 Libyan civil war, Libya is under de facto administration of the National Transitional Council (NTC). The NTC has pledged to organize democratic elections by April 2012, and expects Libya to develop into a constitutional democracy by 2013.

According with the article 1 of the Libyan Interim Constitutional Declaration of August 2011, the Islamic Shari'a is its principal source of legislation.

At least 12 detainees had died since September 2011 after torture, Amnesty said. "Their bodies were covered in bruises, wounds and cuts and some had had nails pulled off," the group said. The report is a fresh blow to Libya's new government, the National Transitional Council, which helped lead the anti-Gadhafi uprising that broke out one year ago this week and spiraled into a brutal, eight-month civil war.

Since the war's end with the capture and killing of Gadhafi last October, the NTC has struggled to extend its control over the vast desert nation. It has largely failed to rein in the hundreds of brigades that fought in the war, many of which now run their own detention centers for those accused of links to Gadhafi's regime.

Amnesty said it visited 11 detention camps in central and western Libya in January and February, and found evidence of torture and abuse at all but one. Some 2,400

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detainees remain held in centers controlled by the new Libyan government, but the militias are holding uncounted thousands more prisoners. Most are in and around Tripoli and Misrata, the coastal city that saw some of the war's most brutal fighting.

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.

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MAURITANIA

Abolitionist de facto

Government: Islamic republic

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 in 2011: 8

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

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MOROCCO

Abolitionist de facto

Government: Constitutional monarchy

State of civil and political rights: Partially free

Constitution: 29 July 2011

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

Death sentences in 2011: 5

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 provide 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

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

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OMAN

Retentionist

Government: Sultanate

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 Shari'a 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 6 March 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 18 December 2008 and 21 December 2010, Oman abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly

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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 as of 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

Death sentences in 2011: 3

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

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SAUDI ARABIA

Retentionist

Government: Traditional monarchy

State of civil and political rights: Not free

Constitution: governed according to Shari'a (Islamic law); the Basic Law that articulates the government's rights and responsibilities was introduced in 1992

Legal System: based on Shari'a law; several secular codes have been introduced

Legislative System: a consultative council (90 members and a chairman appointed by the monarch for four-year terms)

Judicial System: Supreme Council of Justice

Religion: Muslim 100%

Method of execution: beheading and stoning

Executions in 2011: 82 (at least, according to Amnesty International)

Death sentences in 2011: 9

Saudi Arabia remains a retentionist country 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 2010, 102 executions were reported. The number of executions that took place in 2011 remains unclear.⁸ The death sentences are usually the result of secret and unfair trials. The accused are denied the right to defend themselves and are often unable to follow the court proceedings in Arabic.⁹

Although Saudi Arabia has ratified the UN Convention on the Rights of the Child (CRC, 1996), Saudi Arabia remains one of the few states which has executed women and minors in recent years. 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. Saudi Arabia is not member of the ICCPR and it voted against the UNGA Moratorium in 2007, 2008 and 2010.

ACHRS is very concerned about capital punishment in Saudi Arabia and the state of human rights in general. Saudi Arabia is urged to undertake adequate measure to reduce human rights violations and eventually move towards the abolition of the death penalty.

⁸ Amnesty International "Death Sentences and Executions in 2011", March 2012

⁹ Amnesty International "Death Sentences and Executions in 2011", March 2012

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SOMALIA

Retentionist

Government: No permanent national 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 in 2011: 10

Death sentences in 2011: 37

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

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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 8 executions were carried out in 2010 and 10 executions in 2011.

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

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SUDAN

Retentionist

Government: Federal presidential republic

State of civil and political rights: Not free

Constitution: 23 September 1979

Legal System: a mixture of English common law and Islamic Shari'a

Legislative System: Legislative power is vested in both the government and in the two chambers, the National Assembly (lower) and the Council of States (upper), of the bicameral National Legislature

Judicial System: the judiciary is independent and obtained by the Constitutional Court. However, following a deadly civil war and the ongoing genocide in Darfur, Sudan is widely recognized as an authoritarian state where all effective political power is obtained by President Omar al-Bashir and the ruling National Congress Party

Religion: Sunni Muslim 97%; others 3%

Method of execution: hanging, stoning, crucifixion, firing squad

Date of last execution: 2011 (at least 7)

Death sentences in 2011: 13

Sudan is a retentionist country that regularly executes: at least 4 executions were carried out in 2005; 65 in 2006; 7 in 2007; 1 in 2008; and at least 5 in 2009.

At least 7 people were sentenced to death in 2011. It must be noted that these numbers are not precise; this is simply Amnesty International estimations. The figures could be in fact much higher, as the government refuses to provide any information regarding capital punishment. The majority of the 7 people sentenced to death in 2011 are Darfuri men.

In Sudan, the death penalty is issued for sodomy, waging war against the state, apostasy, prostitution, treason, acts that may endanger the independence or unity of the state, murder, armed robbery, weapons possession, and smuggling. Extra-judicial killings and executions 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 18 December 2008 Sudan voted against the UNGA Moratorium Resolution. Sudan is therefore urged to fully implement the already ratified ICCPR and to stop the executions of minors in view of an eventual legal abolition of the death penalty

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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. Due to the internal uprising against the current Syrian government, official figures in 2011 are not available, but according to Amnesty International at least seven executions took place in Syria in 2008, seven in 2009 and seventeen in 2010.

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.

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TUNISIA

Abolitionist de facto

Government: Presidential republic

State of civil and political rights: Partially free

Constitution: 1 June 1959; amended 1988 and 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

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 14 January 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 legalized and that all political prisoners would be freed. The last execution was carried out in 1991.

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

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UNITED ARAB EMIRATES

Retentionist

Government: Constitutional federation of absolute monarchies

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%), others (includes Christian, Hindu) 4%

Method of execution: firing squad and stoning

Executions in 2011: 1

Death sentences in 2011: 31

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 2011, there was one execution, before that, the last one was carried out in 2006. On 18 December 2008 and 21 December 2010, UAE abstained on the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

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YEMEN

Retentionist

Government: Unitary parliamentary republic

State of civil and political rights: Not free

Constitution: 16 May 1961, amended in February 2001

Legal System: Yemen current constitution stipulates that Islamic law (Shari'a) is the base of all legislation

Legislative System: Yemen is a republic with a bicameral legislature. Under the constitution, an elected president, an elected 301-seat House of Representatives, and an appointed 111-member Shura Council share power. The president is head of state, and the prime minister is head of government. The constitution provides that the president be elected by popular vote from at least two candidates endorsed by Parliament; the prime minister is appointed by the president

Judicial System: Supreme Judiciary Court

Religion: Muslim 98% (Shi'a 53% - Shiite 45%), others (includes Christian, Hindi) 2%

Method of execution: firing squad

Date of last execution: 2011 (at least 41)

Death sentences in 2011: 29

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)

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 territorial integrity.

According to Amnesty International, 15 people were executed in 2007, 53 in 2009 and at least 27 in 2010. Hundreds of people remain on death row.

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

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penalty. Yemen is party to the ICCPR but is yet to sign the Second Optional Protocol. This country voted against the UNGA Moratorium resolution in both 2007 and 2008.

Yemen is strongly urged to reduce the application of the death penalty and to move towards abolition of capital punishment. On 18 December 2008 and 21 December 2010, Yemen voted against the Resolution on a Moratorium on the Use of the Death Penalty at the UN General Assembly.

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PALESTINIAN AUTHORITY

Retentionist

Government: authority over disconnected enclaves of the West Bank, under Israeli military occupation.

State of civil and political rights: not free

Religion: Muslim 90%; others (includes Christian, Druses) 10%

Method of execution: codes allow for civilians to be hanged and for members of the police or armed forces to be executed by firing squad

Death sentences in 2011: 5

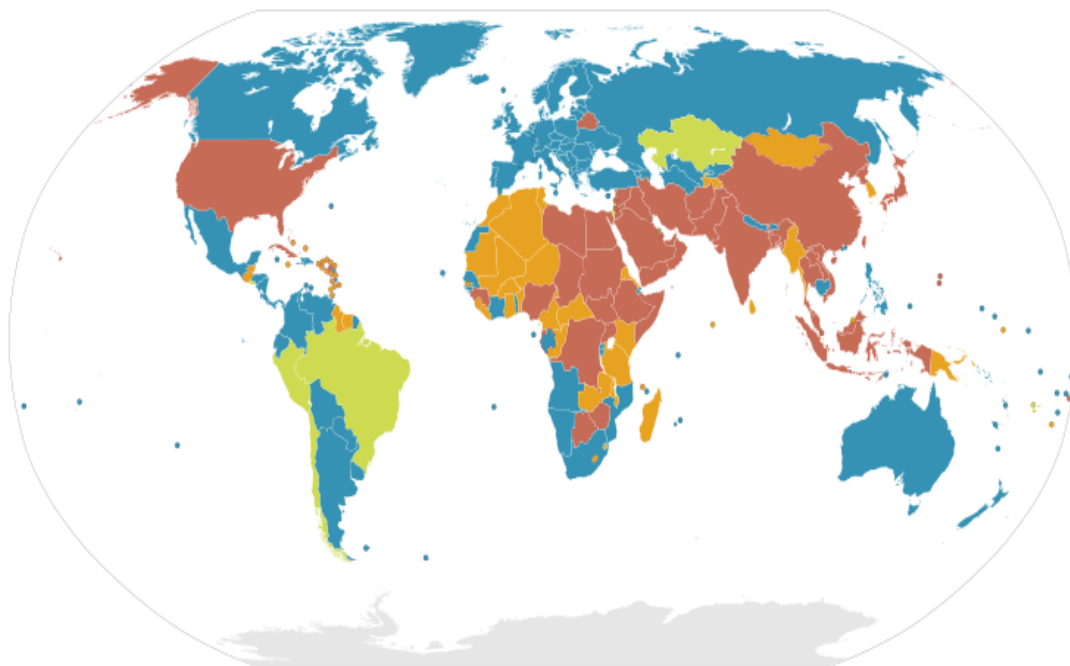
Executions in 2011: 3

The Revolutionary Penal Code of the Palestine Liberation Organization drafted in 1979 is the legal system that the Palestinian Authority uses to rule the Palestinian Territories. The legislature has not approved such laws; therefore it is unconstitutional to continue to work in that legal framework. Palestinian human rights organizations have long called for a new legal system to be introduced in the West Bank and the Gaza Strip. The system currently in place opposes the fundamentals of international law relating to guarantees of a fair trial, especially because the justice system does not include a fair and independent mechanism to appeal against sentences to death.

The Gaza Strip uses Penal Code Number 74 that was established in 1936. The Jordanian Penal Code Number 16 established in 1960 is currently in force in the West Bank.

In 2008 Palestinian courts have issued 12 death sentences. In 2010, 5 people were executed and 3 in 2011. ACHRS is concerned of the increasing in the number of executions, especially because the previous execution was carried out in 2006, three months after Mahmud Abbas took control.

APPENDIX 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

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APPENDIX 2: DEATH SENTENCES AND EXECUTIONS IN THE ARAB WORLD IN 2010 AND 2011

Country	Death sentences 2010	Executions 2010	Death sentences 2011	Executions 2011
Algeria	130	0	51	0
Bahrain	1	1	5	0
Egypt	185	4	123	1
Iraq	279	1	291	68
Jordan	9	0	15	0
Kuwait	4	0	17	0
Lebanon	12	0	8	0
Libya	0	18	0	0
Mauritania	16	0	8	0
Morocco	4	0	5	0
Qatar	0	0	3	0
Saudi Arabia	34	27	9	82
Somalia	8	8	37	10
Sudan	10	6	13	7
Syria	10	17	0	0
Tunisia	22	0	0	0
United Arab Emirates	28	0	31	1
Yemen	27	53	29	41
Palestinian Authority	11	5	5	3
TOTAL	790	140	650	213

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CONCLUSIONS

The reported data of executions in the Arab World in 2011 disclose an important grow in comparison with 2010, although the number of death sentences is significantly lower than in 2010. Unfortunately, these data are not completed.

It is a common practice in the Arab World that some countries do not report as many executions as they indeed carry out, especially in those whose governments have been removed as a result of the Arab Spring. For instance, no information was available about judicial executions in **Libya** or **Syria** in 2011, and no death sentences are known to have been imposed. Extrajudicial executions, torture and arbitrary detention were often resorted to instead.

In addition to this, these records do not include those executions carried out by the State as a result of the internal conflicts which are taken place in countries such as **Egypt**, **Sudan**, **Yemen** or **Bahrain**, where it is particularly difficult to gather adequate information on the actual use of the death penalty. ACHRS calls for openness about the number of sentences and executions carried out by states, following the principles of accountability and transparency.

Attending to the data provided by the Arab governments, the escalation of the number of executions in 2011 in comparison with 2010 is concentrate in few countries, such as **Saudi Arabia**, **Egypt**, **Somalia** and **Iraq**. Additionally, there was a rise of the number of death sentences and executions in countries that had not been imposed this punishment for the previous years. For instance, **Palestinian Authority** carried out 16 death sentences and 8 executions in the last two years. ACHRS is concerned about this situation and calls for a real respect of the right to life in these countries.

Moreover, there are still matters of concern regarding juvenile executions, unfair trials and extra-judicial executions and the increasing of executions in countries such as **Saudi Arabia** or **Yemen**. **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.

ACHRS calls 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.

Nevertheless, 2011 saw also positive aspects on the death penalty in the Arab World. **Comoros**, **Jordan**, **Kuwait**, **Lebanon**, and **Oman** didn't carry out executions in 2011. ACHRS cheers these countries and encourages them to continue moving towards full abolition of the death penalty. 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

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force for a range of crimes and death sentences continue to be imposed. **Djibouti** continues being the only abolitionist country in the Arab world.

ACHRS congratulate to underline that the anti-death penalty movement has 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 for Human Rights Studies 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 prohibits 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 within the Arab countries and worldwide.

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