



# AMMAN CENTER FOR HUMAN RIGHTS STUDIES

*7<sup>th</sup> Annual Report*

***THE DEATH PENALTY IN THE ARAB WORLD 2012***

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# **PART I: MENA-REGION**

## ***INTRODUCTION***

2011 and 2012 were turbulent years for the countries and people of North Africa and the Middle East. The revolutions in Yemen, Tunisia and Egypt, during which the government were removed, opened a space for the people to renegotiate who should rule their country and how. These negotiating are underway and up to this point it is difficult to know how it will be played out. However, due to harsh living conditions and little improvements overnight the populations continue to rise up, which currently also occurs in Saudi Arabia, Kuwait, Bahrain and Qatar. In Syria the revolution resulted in a civil war in which various regional movements and powers are fighting at the expense of the Syrian people. 2011 and 2012's numbers of death penalties and executions in the MENA-region has to be understood against this background. The domestic and regional instability in some cases appear to lead to an increase of handed down death penalties and executions. To get a grip on the population Kuwait's government futilely tried to widen the range of crimes that can be punished with the death penalty by including blasphemy. Moreover, many of the death penalties and executions in Algeria, Iraq, Kuwait, Lebanon, Mauritania, Syria and Yemen were related to terrorist offences and other crimes against national security. A substantial amount of sentences was imposed for alleged charges of murder. To prove its authority in difficult times states can restore to capital punishment, which was the case in United Arab Emirates. In addition, internal and external conflicts, transitional governments, and/or authorial powers will further complicate the gathering of information and the accuracy of figures on the death penalty. Next to Iraq's excessive increase in executions, the numbers of death sentences imposed by Algeria, Somalia and Sudan increased alarmingly. However, in contrast to the difficulties to obtain figures, the prevailing uncertainties and increasing figures, the death penalty records of Bahrain, Mauritania and Yemen dropped.

## ***STRUCTURE***

This annual report 2012 covers the death penalty in the MENA-region by discussing each country that is a member of the Arab League. ACHRS will first highlight the legal instruments, its own stance and its efforts to abolish the death penalty. Following, to outline the context charts on numbers of death sentences and executions in 2010, 2011 and 2012 will be presented and explained. The graphics will lead the way to the core of the report, which are the major events of each country that took place in 2012. Afterwards, the challenges of the region will be highlighted in order to come to a conclusion by proposing a set of recommendations.

## **LEGAL FRAMEWORK**

International Law states that '*everyone has the right to life, liberty and security of person*'. The 1966 International Covenant on Civil and Political Rights<sup>1</sup> (ICCPR) endorses that human being's right to life should be protected by law and that the capital punishment must be restricted to the most serious crimes. Moreover, it prohibits capital punishment for pregnant women and juvenile offenders. Only 14 of the 22 Arab countries ratified ICCPR, even though it does not fully prohibit the death penalty. The Second Optional Protocol forbids the death penalty and was only endorsed by Djibouti in 1989.

In 2007 Arab civil society organizations and NGO alliances gathered to issue the 'Alexandria Declaration' which called on Arab states to ratify the UN Moratorium on the Death Penalty. The Moratorium urged Arab states to adhere to the international standards of a fair trial, secure the rights of those who are subjected to the death sentence and to update the Secretary General of the UN with information regarding the death penalty. In 2010 and 2012 the UN Moratorium was renewed. Of the 21 Arab countries only Algeria, Tunisia and Somalia voted for the UN Moratorium. It is believed that the fall of the Tunisian regime triggered its stance which moves towards abolishing the death penalty. Algeria yearly sentences people to death and Somalia continues to perform executions, even though both states sponsored the 2010 UN Moratorium. The countries that voted against the 2012 UN moratorium are Bahrain, Egypt, Iraq, Libya, Oman, Qatar, Syria and Yemen. The countries that abstained from voting were Jordan, Kuwait, Lebanon, Mauritania, Morocco, Saudi Arabia, Sudan and the United Arab Emirates, which can be interpreted as vital step towards eliminating the death penalty.

## **ACHRS' STANCE**

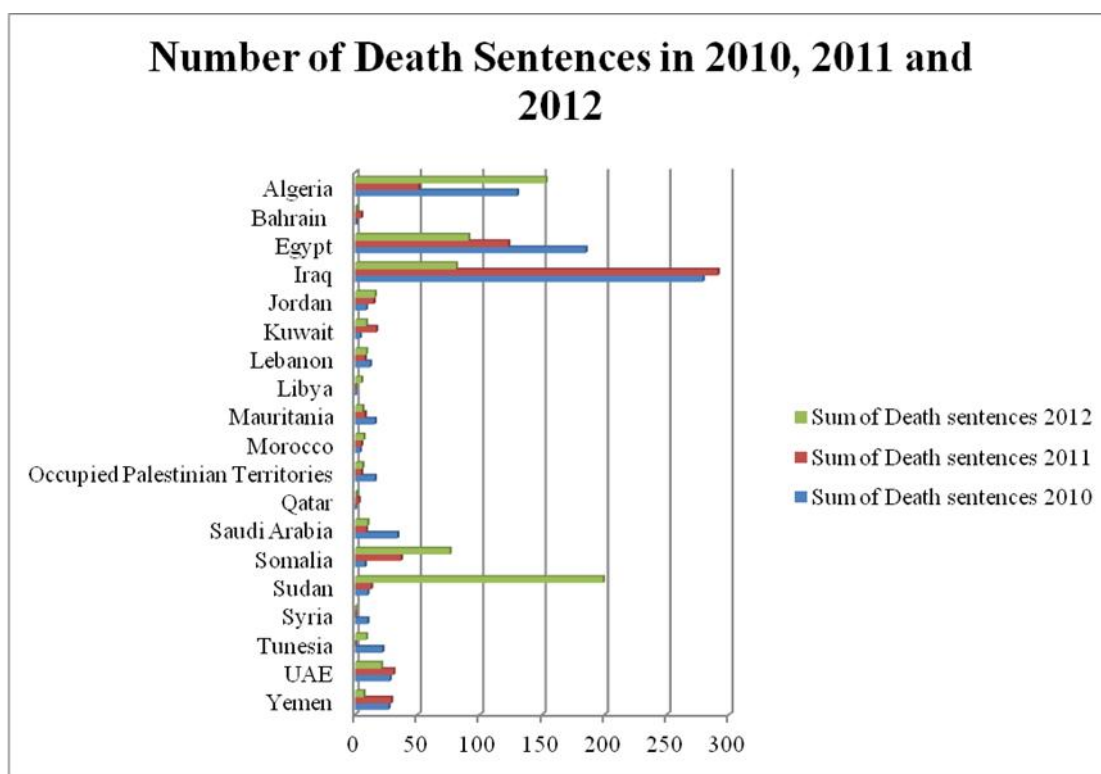
Amman Center for Human Rights Studies complies with International Law by actively opposing all forms and cases of the death penalty. The death penalty violates the rights to life; it is the most inhuman and brutal punishment; and it has no proof of being effective in preventing crime. Moreover, the death penalty at all times risks sentencing and executing innocent people. ACHRS beliefs governments bear the responsibility to bring those who committed crimes to justice by obeying to international laws, which forbid the death penalty and all kinds of torture, and urges governments to do so. In 2012 the center continued to; supervise, together with the International Organization for Penal Reform, the Arab Observatory of the Death Penalty; hold symposia on international justice and the right to life; and issue press releases and appeals. ACHRS advocates progressive restrictions on the use of the death penalty by pressing the Arab world to endorse International Law and the UN Moratorium on the Death Penalty.

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<sup>1</sup><http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

## GRAPHICS

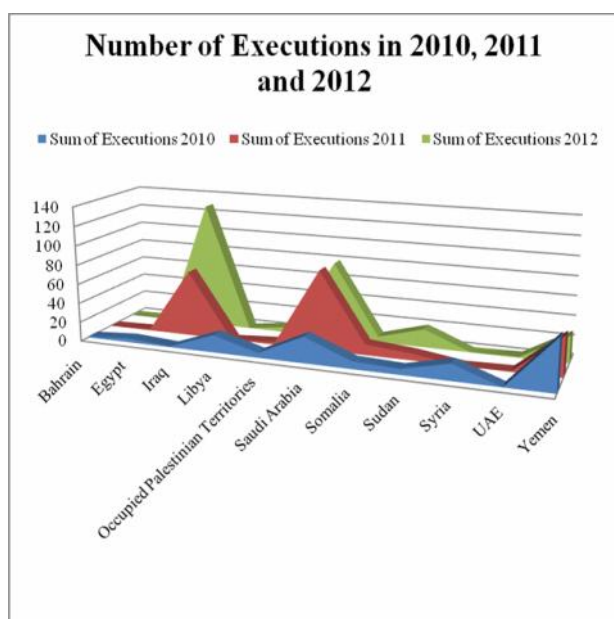
*Below the figures of 2010, 2011 and 2012 concerning the number of death sentences in the MENA-region.*



**CHART 1: Death Sentences**

The sum of death penalties in the MENA-region amounted to 795 in 2010. This number dropped in 2011 to 653 and increased to 707 death sentences in 2012. Algeria stands out by 2011's reduction in death sentences and by the major increase to 153 death sentences in 2012, bypassing 130 death sentences in 2010. Iraq's number of death sentences dropped from 279 in 2010 to 81 in 2012, although the amount of executions rose excessively. Likewise Saudi Arabia imposed 34 death sentences in 2010 and only 10 in 2012, in contrast to a significant increase in executions. Jordan shows an increase in the number of death penalties with 9 penalties in 2010 and 16 penalties in 2012. The death sentences by Mauritania and the Palestinian Occupied Territories appear to reduce steadily with 16 in 2010 to 6 in 2012. Somalia's death penalties increased by almost ten times, with 8 death penalties in 2010 and 76 sentences in 2012. In contrast, Yemen's death sentences decreased with almost two-third, from 27 penalties in 2010 to 7 penalties in 2012. ACHRS is concerned about the numbers of death penalties that increased and the fluctuating numbers of sentences in Lebanon, Morocco, and United Arab Emirates, which undermines concurrent efforts towards abolishing the death penalty.

*Below the figures of 2010, 2011 and 2012 concerning the number of executions in the MENA-region.*



**CHART 2: Executions**

Of the 21 Arab countries, 10 governments continue to carry out executions. While the number of death penalties reduced with 88 over three years, the number of executions almost doubled. In 2010 the states of the MENA-region performed 140 executions. The following year 214 executions were reported and in 2012 at least 268 people got executed. Despite this alarming number, 10 countries performed executions in 2010 in contrast to only 7 executing countries in 2012. In 2012 no executions were reported in Bahrain, Egypt, Libya and Syria, which is related to the conflicting state of affairs domestically, which hampers the gathering of information regarding the death sentence. United Arab Emirates is the only state that resumed to executions in the course of 2011. As mentioned, Iraq and Saudi Arabia's number of executions highly increased. Saudi Arabia reportedly performed 27 executions in 2010 and at least 79 executions in 2012. Even more so, Iraq shows a shocking increase with only 1 execution in 2010 and 129 executions in 2012. Both increases are expected to be related to the uprisings of both peaceful and violent grassroots movements. In addition, the chart indicates that Sudan's executions tripped, with 19 executions in 2012. The amount of executions in Somalia fluctuated; 8 executions were carried out in 2010, compared to 11 executions in 2011 and 6 executions in 2012. Yemen's number of executions dropped from 53 in 2010 to 28 in 2012. ACHRS remains very concerned about the lack of reports in Bahrain, Egypt, Libya and Syria; about the prevailing numbers of executions in Yemen, Somalia and the Occupied Palestinian Territories; and about the severe increase in executions in Saudi Arabia, Sudan and Iraq. The center urges all governments to put the judiciary under severe scrutiny; start applying the death penalty for only the most serious crimes; and adhere to international laws and policies. Moreover, ACHRS urges all 10 states to immediately halt its practice of executing people.



## PART II: COUNTRIES



### ALGERIA

#### ABOLITIONIST DE FACTO

*Government: Republic*  
*Constitution: 1963, in effect since 1976, last revision in 2008*  
*Execution method: Shooting*  
*Last date of execution: 1993*  
*Individuals under sentence of death: 677*

*2011 death sentences: 51*  
*2012 death sentences: 153*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: For*  
*Mandatory death penalty: No*  
*Official moratorium on execution: Yes*

In 2011 Algeria commuted the death sentence of an unknown number of prisoners, however more than 51 death sentences were imposed. In contrast 153 prisoners were condemned to the death sentence in 2012. In a year the number of death sentences tripled which is very alarming.

In 2012 the following news events were reported. In January a fugitive leader of Al Qaeda in Maghreb (AQIM) and three of its members got the death verdict for attacks against the military. The other seven suspects received prison sentences ranging between 2 and 20 years. In March another AQIM leader and eight complicit defendants were sentenced to death. The day after, seven death sentences passed that were related to the bombings of 2007. In July another eight men got the death sentence for murdering a business man and for confessing on having ties to Al Qaeda. Most of these defendants were tried without being present. In October the Algerian court sentenced eight out of fourteen defendants to death for being members of Al-Qaeda. Additionally, the men were charged with kidnapping, arms trafficking, money laundering, conspiracy and murder. Of the eight prisoners seven were present, while one escaped. The other defendants got sentences up to twenty years in prison.

#### *Future trends and recommendations*

Death sentences for charges on terrorism and links with Al Qaeda are likely to continue in 2013. Although the number of death sentenced has decreased, ACHRS urges Algeria to monitor the verdicts of death sentences. The links with AQIM have to be proven and the way confessions are brought about has to be investigated, to be certain that the Algerian government does not illegitimately accuse the defendants of AQIM links to extinguish the opposition.



## **BAHRAIN**

### **RETENTIONIST**

*Government: Constitutional monarchy*  
*Constitution: 2002*  
*Execution method: firing squad*  
*Last date of execution: 2010*  
*Individuals under sentence of death: 3*

*2011 death sentences: 5*  
*2012 death sentences: 1*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Against*  
*Mandatory death penalty: No*  
*Official moratorium on execution: No*

In 2011 five people were sentenced to death for charges of murder during the protests which started in February. These five were the first nationals to be sentenced to death in over ten years. After two closed sittings, four of the five protesters were convicted by the military court. Two of the five death sentences were commuted to life imprisonment. The retrials of the other two convicted were postponed to 2012. Regarding the protest, Amnesty International reported that around 2,500 protesters were arrested and tried before the military court. Many of the trails reported to be unfair.

In January the Court of Cassation discarded the death sentences of the protesters, who were convicted for killing two police men. In March 2012 a Bahraini citizen received the death sentence for killing his wife, which was the only imposed death sentence this year. In May 2012 the UN Universal Review recommended an official moratorium on executions and eventually on the death penalty. Bahrain rejected the advice, because a moratorium would be inconsistent with its constitution. 2012 is nevertheless the second year that no executions were carried out by the government of Bahrain.

#### *Future trends and recommendations*

That no executions have been performed in Bahrain is an important step towards moving away from the death penalty. Moreover death sentences are more often commuted, although unfair trails continue to occur in Bahrain. ACHRS urges the government of Bahrain to investigate unfair trials and revise its judiciary procedures in order to rule out the convictions of innocent persons as soon as possible.



## ***DJIBOUTI***

### **ABOLITIONIST**

*Government: Republic*

*Constitution: 1992*

*Date of abolition: 1995*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*

*Part to second protocol of ICCPR: Yes*

*UN moratorium 2012 solution vote: Abstained*

*Mandatory death penalty: No*

*Official moratorium on execution: Unclear*

In 1995 Djibouti reformed the Penal Code of Penal Procedure which abolished the death penalty for all crimes. Just one person has received the death penalty which was commuted to the sentence of life imprisonment in 1993. Since its independence from France in 1997, no executions have been reported in Djibouti.

The republic abstained from voting for the Resolution on the UN Moratorium on the Use of the Death Penalty in 2012.

#### *Future trends and recommendations*

It is most likely that Djibouti will remain an abolitionist state. In order to guarantee Djibouti's stance ACHRS however encourages its government to vote in favour of a Moratorium on the Death Penalty at the next UN Assembly.



## EGYPT

### RETENTIONIST

*Government: Republic*  
*Constitution: 1971, 2011 provisional*  
*Execution method: Shooting, hanging*  
*Last date of execution: 2011, 1*  
*Individuals under sentence of death: 500*

*2011 death sentences: 123*  
*2012 death sentences: 91*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Against*  
*Mandatory death penalty: No*  
*Official moratorium on execution: No*

In February 2011 President Mubarak was forced to resign after an uprising of eighteen days. The Supreme Council for Armed Forces (SCAF) came into power and maintained the state of emergency which has been lasting for three decades. As a result civilians continued to be trialed in the military court, frequently without access to legal counsel or appeal of verdicts. In March SCAF amended two articles to the 1937 Penal Code on 'Hooliganism, Terrorizing and Thuggery' for which the death penalty must be applied if the crime is 'preceded, accompanied or associated with or followed by murder'. In April the military chose to authorize the execution of convicted rapists. In June President Morsi came into power with 51,7 percent of the votes. Thereafter Mubarak was sentenced to life imprisonment, even though the prosecutor asked for the death penalty for not using his power to stop the bloodshed of 850 people during the uprising. Of the 123 death sentences that were handed down in 2011 at least seventeen were imposed by the military court.

In March 2012 the Military Court sentenced two civilians to death for killing a military officer in 2011. In September a number of fourteen Islamist militants were sentenced to death for attacking the police and army, and killing seven people in Sinai a year before. In November seven Egyptians living abroad received the death sentence for being connected to an anti-Islam film. The same month a soccer riot took place in Port Said, leaving 74 people dead for which 21 people were sentenced to death in the beginning of 2013. December's draft constitution contained no reference to the death penalty, leaving the legislation unaffected. In total 91 offenders received the death penalty in 2012.

#### *Future trends and recommendations*

Next to the fact that the Egyptian constitution acclaims Shari'a as the fundament of legislation, authorizing capital punishment, the public opinion is strongly in favour of the death penalty. Together with the many religious factions that are increasing in popularity and vocally supporting to abolition of the death penalty it seems unlikely that the death penalty will be abolished. ACHRS urges the government of Egypt to report the official figures on the use of the death penalty and to revise its legislation in order to prevent civilians from being tried in military courts.



## IRAQ

### RETENTIONIST

*Government: Parliamentary democracy*  
*Constitution: 2005*  
*Execution method: Hanging, shooting*  
*Individuals under sentence of death: 835*

*2011 executions: 68+*  
*2012 executions: 129+*

*2011 death sentences: 291+*  
*2012 death sentences: 81+*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Against*  
*Mandatory death penalty: No*  
*Official moratorium on execution: No*

In 2011 the number of executions and death sentences increased alarmingly. Iraq does not disclose information about the number of executions and the names of executed persons. The exact numbers of executions and death penalties are therefore expected to be higher. In November sixteen people were executed for terrorist related offences. Among them a Tunisian man who was already arrested by the US forces for alleged acts of terrorism. His trial did not meet the international standards of a fair trial. Iraq is infamous for its unfair trials including confessions based on torture, of which some have been shown on television. Other defendants protested against the ill-treatment during pre-trial interrogations and being barred from legal representatives. In December the deputy PM under Saddam Hussein was sentenced to death. The same month an announcement was made that a new law was being considered that would require ratification of the death sentences within the fifteen days after being imposed. Reportedly, the 68 people who got executed include three women and two foreigners. Between January 2009 and September 2011 hundreds of people were sentenced to death; 735 were referred to the government, of which 81 got ratified. The majority were ratified in 2011. Most of the people convicted who received the death sentences were involved in armed groups and found guilty of murder, kidnapping and rape.

In 2012 Iraq set itself apart again by the high number of executions. Despite a significant drop in the imposed death penalties, Iraq's executions almost doubled. In January the UN High Commissioner of Human Rights expressed deep concern about the 34 people that got executed within a day and urged the democracy to set up a moratorium. The High Commissioner also asked

*'to review the cases currently on death row'*. Despite the outcry of the international community, February started with seventeen executions. A week after, another fourteen persons were executed. In the middle of August the Iraqi government performed 26 executions. In September the total number of executions already reached one hundred. The government justifies the amount by saying that most of the executed are convicted for terrorist charges. The same month fugitive Sunni vice-president was in absence sentenced to death. As of 2013, the United States has spend \$10 billion in order to rebuild Iraq's juridical system. In spite of this, unfair trials continue<sup>2</sup>. Reportedly, throughout 2011 and 2012 no death penalties got commuted, despite unfair trials convicted prisoners are subjected to, some of which lasting only a few minutes.

#### *Future trends and recommendations*

Despite international outcry, Iraq persists in sentencing prisoners to death and performing executions without adhering to international standards of a fair trial. As long as the Iraqi government fears opposition, the numbers of death sentences and executions for alleged terrorist offences, are expected to remain high. ACHRS thus presses the government of Iraq to start meeting the international standards of a fair trial without any delay.

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<sup>2</sup><http://www.handsoffcain.info/news/index.php?iddocumento=16310311>



## JORDAN

### RETENTIONIST

*Government: Constitutional monarchy*

*Constitution: 1952*

*Execution method: Hanging*

*Last date of execution: 2006*

*Individuals under sentence of death: 74*

*2011 death sentences: 15+*

*2012 death sentences: 16+*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*

*Part to second protocol of ICCPR: No*

*UN moratorium 2012 solution vote: Abstained*

*Mandatory death penalty: Yes*

*Official moratorium on execution: No*

In 2011 fifteen death sentences were imposed, most of them for murder. Although murder is a capital offence, it is regularly commuted. In some cases because the family agrees to clemency. In January the death sentence of a man who stabbed his cousin was dropped. Moreover, in February the death sentence of a police officer allegedly killing his colleague was overturned. In April an international law expert concluded at a workshop on capital punishment that Jordan is moving towards a moratorium on the death penalty. In October a father was sentenced to death for raping, impregnating and killing his daughter by letting her bleed to death. The same month another man was sentenced to death for raping a nine-year-old girl.

In 2012 at least sixteen persons were sentenced to death. In April two brothers received the death verdict for killing a teacher in the south of Jordan. Later that month a nineteen-year-old got the death sentence for raping and killing his teenage girlfriend, because her family refused to let him marry her. Although honour killings are occasionally commuted, no reports stated leniency. In May a thirty-year-old man received the death sentences for raping and killing a woman. The same month a man was sentenced to death for robbing and killing a Syrian man. In September a father was punished with the death penalty for molesting and raping his seventeen-year-old daughter since she was twelve. The same month a 26 year old woman was sentenced to death for killing her stepmother by shooting her in the back. These cases are usually reviewed by the Cassation Court within thirty days. Although Amnesty reported commutations in Jordan, no details on the cases were available.

Mid June 2012 the World Coalition Against the Death Penalty organized the 10<sup>th</sup> General Assembly which discussed the developments concerning the death penalty in Jordan and wider Arab Region. Although Jordan continues to impose the death sentence, it abstained from voting at the Assembly of the UN Moratorium Against the Death Penalty. This act is viewed as a move towards abolishing capital punishment<sup>3</sup>.

<sup>3</sup><http://blog.law.northwestern.edu/cihr/2012/07/developments-on-the-death-penalty-in-jordan.html>

### *Future trends and recommendations*

Further efforts and amendments are needed to eliminate the death penalty in Jordan. Except Hands Off Cain, few NGOs reported the people who received the death sentence in Jordan. ACHRS urges the government of Jordan to draw more attention to the death penalty in order to pressure the judiciary system to abolish the country's mandatory death penalty.





## KUWAIT

### RETENTIONIST

*Government: Hereditary constitutional monarchy*

*Constitution: 1962*

*Execution method: Shooting, hanging*

*Last date of execution: 2007*

*Individuals under sentence of death: 20*

*2011 death sentences: 17+*

*2012 death sentences: 9+*

*State of civil and political rights: Partly free*

*Party to ICCPR: Yes*

*Part to second protocol of ICCPR: No*

*UN moratorium 2012 solution vote: Abstained*

*Mandatory death penalty: Yes*

*Official moratorium on execution: Unclear*

In 2011 death sentences were imposed for charges of murder and drug trafficking. Kuwait's criminal code is partly based on Shari'a laws. The offences often involved foreigners, either as victims or as perpetrators. In the first month an Egyptian got sentenced for killing his Filipina wife. In March one Kuwaiti and two Iranians received the death sentences for being alleged spies of Iran. In June three Bangladeshi men were sentenced for killing a taxi driver. The death penalty charges of a Kuwaiti woman who set fire to a wedding, which killed 57 guests, were upheld. This was the first Kuwaiti woman who received the death penalty. In November the UN Human Rights Committee urged Kuwait to establish a formal moratorium of the death penalty and to remove vague offences, related to 'internal and external security', which are punishable with the death penalty. Kuwait did not take these recommendations into consider.

The death sentences in 2012 were all imposed for charges of murder. One of the sentences was handed down to a woman. Two employers got sentences for killing the domestic worker they employed. In June Kuwait's Amir, Sheikh Sabah al-Ahmed Al Sabah, rejected the drafted law that revised blasphemy as a capital offence. The drafted law was related to an arrested Shi'a protester who was accused of insulting Islam.

Both in 2011 and 2012 no executions have taken place, in addition a small number of the death sentences were commuted.

#### *Future trends and recommendations*

Kuwait shows little signs of working towards abolishing the death penalty. Even though no executions have been carried out since 2007, ACHRS fears that the current domestic instability may lead to resuming executions and therefore urges the Kuwaiti government to take the recommendations of the UN Human Rights Committee into consideration.



## LEBANON

### RETENTIONIST

*Government: Parliamentary republic*  
*Constitution: 1926, 1990*  
*Execution method: Hanging, shooting*  
*Last date of execution: 2004*  
*Individuals under sentence of death: 55*

*2011 death sentences: 8*  
*2012 death sentences: 9*

*State of civil and political rights: Partly free*

*Party to ICCPR: Yes*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Abstained*  
*Mandatory death penalty: No*  
*Official moratorium on execution: No*

In 2011 Lebanon's number of death penalties decreased. However, the number of death penalties issued by the military court increased. The imposed death sentences were related to treason, acts against national security and other crimes against state security. Of the eight people who received the death sentence, five were tried in absence. Three prisoners were punished with the death sentence for charges of collaborating with Israel. In September the parliament endorsed a draft on creating a formal status for people sentenced to death who will not be executed. The amendment is an important step in favour of a moratorium on executions. On the World Day Against the Death Penalty various Lebanese NGOs called for abolishing the death penalty. They said that the judiciary lacks independence. A survey stated that 54 percent does not trust Lebanon's court system.

In 2012 at least nine people were sentenced to death by both military and civilian courts. Seven of the convicted people faced charges for collaboration and passing down information to Israel. The remaining two were sentenced for murder. More than half of the people who were subjected to the death sentence were tried in absence. In April the military court issued 26 death penalties for alleged involvement in abducting Estonian cyclists. The Gallup poll stated, after conducting a survey on the death penalty, that some 63 percent of the respondents are in favor of the death penalty when committed murder. In December the National Human Rights Watch Action Plan proposed to commute death penalties to life imprisonment in the Lebanese legislation. The recommendation has not yet been approved by the parliament.

#### *Future trends and recommendations*

The formalization of a status for those who face the death sentence but no execution shows the change of Lebanon's legislation. ACHRS urges, together with grass roots NGOs, the Lebanese government to continue its efforts to move away from the death penalties. ACHRS biggest concern is that Lebanon may get more entangled with overflows of the Syrian war, which risks an increase in the number of death sentences.



## **LIBYA**

### **RETENTIONIST**

*Government: Transitional government*  
*Constitution: Declaration, 2011*  
*Execution method: Shooting*  
*Last date of execution: 2010, 18*  
*Individuals under sentence of death: 508*

*2011 death sentences: Unknown*  
*2012 death sentences: 5*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Against*  
*Mandatory death penalty: Yes*  
*Official moratorium on execution: No*

In October 2011 eight months of civil war ended with the murder of dictator Gaddafi. Mahmoud Jibril, Libya's de facto Prime Minister said Gaddafi should have been tried for his crimes against humanity. Chairman of the National Transitional Council (NTC) said the killer of the Gaddafi should be given a fair trial. Human Right Watch (HRW) reported that 53 Gaddafi supporters have been executed in Sirte, in the third week of October. Libya's transitional leader Mustafa Abdul-Jalil announced that Libya as an Islamic state adopted the Shari'a as the basis of legislation. He also emphasized that Libyans are moderate Muslims and that Libya will not adopt any extremist ideology. Amnesty International published a report in February 2012 about the 2011 war crimes and other serious abuses by militias. The offences increased the insecurity and obstructed the formation of effective and democratic state institutions. No figures were available on the death sentences and judicial executions in 2011, many reports however state that all parties carried out extrajudicial executions in the conflict<sup>4</sup>.

Little is known about the number of death sentences in 2012, however In November the military court in Benghazi reportedly ordered the death penalty against individuals for crimes committed during the revolution. The convicted persons were tried in absence.

#### *Future trends and recommendations*

Without complete numbers and sources it is still unclear where Libya is heading regarding the death penalty. As far as the information goes Libya's transitional government continues issuing death penalties to hold the militias of 2011 civil war accountable. The 2012 elections which were assessed as fair and transparent show a step in the right direction<sup>5</sup>. However, due to the lack of a not yet fully functioning judicial system changes concerning the death penalty are on hold. ACHRS advises Libya's NGOs and democratic state institutions to monitor the courts and press the need for fair trials.

<sup>4</sup>[http://www.diplomatie.gouv.fr/en/IMG/pdf/Abolition\\_of\\_death\\_penalty\\_2012.pdf](http://www.diplomatie.gouv.fr/en/IMG/pdf/Abolition_of_death_penalty_2012.pdf)

<sup>5</sup><http://www.hrdreport.fco.gov.uk/human-rights-in-countries-of-concern/libya>



## **MAURITANIA**

### **ABOLITIONIST DE FACTO**

*Government: Military Junta*  
*Constitution: 1991*  
*Execution method: Shooting*  
*Last date of execution: 1987*  
*Individuals under sentence of death: 52*

*2011 death sentences: 8*  
*2012 death sentences: 6*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Abstained*  
*Mandatory death penalty: Yes*  
*Official moratorium on execution: No*

In November 2011 a number of seven death sentences were commuted. However another eight people were subjected to the death penalty, of which three were under-aged when committing the crimes. After appeal the capital punishment was commuted into a fine and between twelve and eighteen years of imprisonment.

In 2012 a minimum of six death sentences were handed down, of which three were related to terrorism. In April three people received the death sentence for charges of attempting to commit an act of terrorism and being a member of AQIM. In May the Mauritanian court held up the death penalty of an alleged AQIM member. In July three Malians were sentenced to death, for ritually killing a 75-year-old man.

Mauritania discarded in March 2011 the recommendation of the Universal Periodic Review on abolishing the death penalty. In 2012 Mauritania declined to vote on the UN Resolution on a Moratorium on the Use of the Death Penalty.

#### *Future trends and recommendations*

With AQIM gaining more ground in domestically and regionally, ACHRS expects Mauritania to continue imposing death sentences on its members. Because Mauritania receives little attention from the international community, ACHRS urges local and in particular international NGOs to monitor the trials and press the Mauritanian government in order to move towards abolishing the death penalty.



## MOROCCO

### ABOLITIONIST DE FACTO

*Government: Constitutional monarchy*  
*Constitution: 1972, 1996, in 2011 a referendum approved a new constitution*  
*Execution method: Shooting*  
*Last date of execution: 1993*  
*Individuals under sentence of death: 104*

*2011 death sentences: 5*  
*2012 death sentences: 7*

*State of civil and political rights: Partly free*

*Party to ICCPR: Yes*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: abstained*  
*Mandatory death penalty: No*  
*Official moratorium on execution: Not clear*

In July 2011 King Mohammed VI's promised constitutional reforms were approved by a public referendum, including freedom for political parties, separating executive from juridical powers, women and minorities rights. Moreover, life was for the first time affirmed as a fundamental right. Later that month Mohamed Abdennabaoui, the director of Penal Affairs, said that Morocco was heading toward the abolition of the death penalty. At this time the International Coalition against the Death Penalty was held in Rabat, which is a first in the Arab world. A year later in 2012 the Abderrahim El Jamai, President of the 'Moroccan Coalition against the Death Penalty' asked the government to support the UN Moratorium. El Jamai advised to establish a vanguard that supports the abolition. After constitutionally acknowledging the right to life, challenges were expected in legislation.

In 2011 five death sentences imposed, and despite the above process, the number increased to seven death sentences in 2012, which were Morocco handed down in occupied territories of the Western Sahara. When Morocco was reviewed by the Universal Periodic Review of the UN Human Rights Council, the kingdom rejected the recommendation on establishing a moratorium as rapidly as possible, to commute all death sentences and abolish the death penalty completely. Morocco however committed to continue with the implementation of a de facto moratorium on capital punishment and to direct efforts towards total abolishment of the death penalty.

Morocco abstained both in 2010 and 2012 from the UN Resolution on a Moratorium on the Death Penalty.

#### *Future trends and recommendations*

The government seems to be moving towards the abolishment of the death penalty. Nonetheless, the question remains when the state will sign the UN Resolution on the use of the Death Penalty and refrain from enforcing the death penalty in the occupied territories of the Western Sahara. In relation to the death penalty ACHRS urges the Moroccan government to treat the people of Morocco and Western Sahara equally.



## OCCUPIED PALESTINIAN TERRITORIES

### RETENTIONIST

*Government: Military and NPA-administered*

*Constitution: 2003, draft*

*Execution method: Hanging, firing squad*

*Individuals under sentence of death: 87*

*2011 executions: 3*

*2012 executions: 6*

*2011 death sentences: 5*

*2012 death sentences: 6*

*State of civil and political rights: Not free*

*Party to ICCPR: Not applicable*

*Part to second protocol of ICCPR: Not applicable*

*UN moratorium 2012 solution vote: Not applicable*

*Mandatory death penalty: Yes*

*Official moratorium on execution: Unclear*

In 2011 four people were sentenced to death and three people were executed in Gaza under the Hamas administration. In May and June three men were executed for alleged charges of collaborating with Israel. The executions were not approved by Abbas, President of the Palestinian Authority (PA), even though it is stipulated in the Palestinian law. According to Palestinian Law capital crimes include collaboration with Israel, murder and drug trafficking. In the West Bank one death sentence was imposed, Abbas however did not ratify any execution. West Bank's draft Penal Code defies the death penalty. Hamas and the PA use different legal texts in administering the judiciary system, however both employ the 1979 Revolutionary Code of the Palestinian Liberation Organization (PLO) in the military courts.

The same year Israeli politicians called for the death sentence of two Palestinians who allegedly killed a Israeli settlers family. However, the convicted received multiple life sentences.

In 2012 six people faced the death sentence, of which five in Gaza and one in the West Bank. The military court was responsible for some of these sentences, which were sometimes imposed on civilians. Similar to 2011, all executions, six in total, were performed in Gaza. In April 2012 the PA sentenced a former intelligence agent to death who sold property to the Jewish settlers in Hebron. The Palestinian law forbids to sell land to the Israeli occupier. The man confessed under torture. The same month three convicted prisoners were hanged. In May Gaza's Supreme Court dropped the death sentence for a man who allegedly killed a family member. In July Hamas executed three men for intentional murder. The families of the victims were offered the possibility of blood money, but they demanded the execution to be carried out. In September the Gaza courts sentenced an adolescent to death for killing another man, while being below 18 years old when committing the murder. During the interrogations the offender also confessed to having raped and killed a male child relative.

*Future trends and recommendations*

The instability which is fueled by the power struggle between Hamas and Jihad movements may cause an increase in the number of executions and death sentences in Gaza's future. The fewer death penalties in the West Bank are however a more positive sign. ACHRS wants to encourage the unification of the Hamas and PA governments in order to strengthen efforts to move away from the death penalty in the Occupied Palestinian Territories.



## OMAN

### RETENTIONIST

*Government: Monarchy*  
*Constitution: Non-existent*  
*Execution method: firing squad*  
*Last date of execution: 2009, 4*  
*Individuals under sentence of death: Unknown*

*2011 death sentences: Unknown*  
*2012 death sentences: Unknown*

*State of civil and political rights: Not free*

*Party to ICCPR: No*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Against*  
*Mandatory death penalty: No*  
*Official moratorium on execution: Unclear*

No new information was available on the death penalty in Oman in the years 2011 and 2012. Numbers on the last executions differ. According to the World Coalition the last execution was performed in 2001, while Hands Off Cain and Amnesty International reported that four executions were carried out in 2009. Additionally, the Guardian wrote that seven death sentences have been issued between 2007 and 2012.

In 2000 Amnesty reported that blood money can be paid to determine if the death sentence is given, which is in line with Oman's Shari'a legislation. Fourteen executions took place in 2001. In 2010 attorneys successfully defended defendants against serious charges, such as life imprisonment and perhaps the death penalty.

Oman abstained from voting on the UN Resolution on the use of the Death Penalty in 2008 and 2010. In 2012 Oman voted against the resolution.

#### *Future trends and recommendations*

Due to limited recourses no future trends can be predicted. ACHRS urges the government of Oman to start publishing the annual number of death sentences.



## QATAR



### RETENTIONIST

*Government: Emirate*  
*Constitution: 2005*  
*Execution method: Hanging, shooting*  
*Last date of execution: 2003*  
*Individuals under sentence of death: 20*

*2011 death sentences: 3+*  
*2012 death sentences: 1+*

*State of civil and political rights: Not free*

*Party to ICCPR: No*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Against*  
*Mandatory death penalty: Yes*  
*Official moratorium on execution: No*

At the end of 2011 nineteen people were on death row according to Amnesty International. Although no executions have taken place since 2003, three people were sentenced to death this year. According to Amnesty International death penalties are most often handed down for espionage and other security threats.

As of 2012 flogging, as a form of capital punishment is still conducted. Amnesty reported that '*at least six men and women, all foreign nationals, were sentenced to floggings of either 40 or 100 lashes for offences related to alcohol consumption or 'illicit sexual relations'*'. On December 31<sup>st</sup> a young Sri Lankan expatriate was given the death penalty for killing an Indian colleague. At first the expatriate was convicted to life imprisonment, but after a second appeal the case was tried under Shari'a law. The families however had already agreed on paying 63,857\$ in blood money<sup>6</sup>.

#### *Future trends and recommendations*

The above mentioned case is still being settled. Even if the blood money is collected it is unclear how the case will proceed and if the Sri Lankan man will be released. Furthermore, there are no signs that Qatar is removing capital punishments from the penal code. ACHRS urges the Qatari government to look for alternatives to capital punishment such as flogging in order to eventually abandon the death penalty from its Penal Code.

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<sup>6</sup><http://dohanews.co/post/40412685703/report-sri-lankan-ypat-gets-death-penalty-in-qatar>



## SAUDI ARABIA

### RETENTIONIST

*Government: Traditional monarchy*  
*Constitution: 1992*  
*Execution method: Beheading, stoning*  
*Individuals currently on death row: 147*

*2011 executions: 82*  
*2012 executions: 79*

*2011 death sentences: 9*  
*2012 death sentences: 10*

*State of civil and political rights: Not free*

*Party to ICCPR: No*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Abstained*  
*Mandatory death penalty: Yes*  
*Official moratorium on execution: No*

In 2011 the Middle East faced a substantially higher number of executions than in 2010, partly due to the increased number of executions that took place in Saudi Arabia. As before, the majority was executed for convictions of drug trafficking and murder. Besides these crimes, rape, apostasy and armed robbery are being punished with the death penalty. Reuters reported that two Saudi brothers were sentenced to death in April, with risks of being executed at any time. The siblings had no access to an attorney during the pre-trial, during which the murder was confessed to, as the authorities arrested the father to pressurize the accused brothers. The month of May only saw the executions of fifteen people<sup>7</sup>. After the month of Ramadan executions were carried out at an alarming rate. In October eight Bangladeshi workers were publicly executed. The laborers had a conflict with a group of thieves, in which an Egyptian man was killed<sup>8</sup>. In 2011 over hundred convicted people sat on death row, of which many were national foreigners.

In 2012 the number of executions remained high. Throughout the year executions were performed. According to Amnesty International 79 people were executed. Hands Off Cain announced that 84 people were beheaded, out of which 43 were Saudis and 41 were foreigners. Many of the prisoners on death row are domestic workers. According to Human Rights Watch 22 Indonesian domestic workers were pardoned because of limited access to legal advice and translators. Over thirty domestic workers are convicted for sexual offences and witchcraft. Among them, a Filipino domestic worker who was underage when the baby she cared for died. The kingdom continues to sentence adolescents and to carry out public executions.

<sup>7</sup><http://www.reuters.com/article/2011/06/10/us-saudi-executions-idUSTRE7596B020110610>

<sup>8</sup><http://deathpenaltynews.blogspot.com/2011/10/saudi-arabia-executes-8-bangladeshi.html>

*Future trends and recommendations*

The high number of executions in Saudi Arabia is very alarming. The increase in executions since 2011 is thought to be related to the demonstrations and domestic instability which were preceded by the surrounding Arab springs. ACHRS fears that as long as the reform measures do not satisfy the population and protest continue, the number of executions will remain high. ACHRS urges the Saudi government to investigate the court procedures and take adequate measures to prohibit unfair trials, including torture and being tried in absence.



## SOMALIA

### RETENTIONIST

*Government: Transitional, parliamentary federation*

*Constitution: 1979*

*Execution method: Shooting, stoning*

*Individuals under sentence of death: 10*

*2011 executions: 11*

*2012 executions: 6*

*2011 death sentences: 37*

*2012 death sentences: 76*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*

*Part to second protocol of ICCPR: No*

*UN moratorium 2012 solution vote: For*

*Mandatory death penalty: Unclear*

*Official moratorium on execution: No*

In August 2011 Sheikh Sharif Sheikh Ahmed announced a state of emergency without the approval of the parliament in the Mogadishu areas which are ruled by Al-Shabaab. As a result the military court received the jurisdiction over all abuses in these areas, including crimes committed by civilians, which violates Article 57 of Somalia's transitional federal charter.

At the beginning of 2012 fifty people were sentenced to death by the military courts, including Transitional Federal Government (TFG) soldiers and Al-Shabaab rebels who seek to overthrow the government. The military court has carried out executions ever since its establishment. Somaliland, still part of Somalia and yet awaiting international recognition, maintains the death penalty despite calls for its abolition. However in recent years, many penalties have been commuted due to the payment of 'blood money' according to Shari'a law. By rule of Xeer, as the customary law in the semi-autonomous State of Puntland, clans must first come to an agreement that a perpetrator should be killed after which the president of the court finalizes the decision under police monitoring. Then a relative of the victim carries out the execution. This long process reportedly decreases the number of executions.

In 2011 Puntland carried out three executions and the TFG of Somalia performed eleven executions. During 2012 one execution was performed by Puntland and six executions were carried out by the TFG<sup>9</sup>. Although the TFG's executions decreased from eleven to six, the imposed death sentences increased excessively from eleven in 2011 to 76 in 2012. The increase in handed down death sentences by the TFG is believed to be a reaction against the increasing rigid rule by Al-Shabaab whose beheadings in Central South Somalia are classified as 'extra-judicial executions'. In 2011 and 2012 the 'youth' movement imposed sentences by stoning.

In September 2011 TGF reacted to the recommendations of the UN Universal Periodic Review by saying it '*does not want to practice the death penalty and undertakes work towards declaring a*

<sup>9</sup><http://news.howzit.msn.com/news-in-pics/executions-in-2012-2?>

*moratorium'*. This statement resulted in Somalia's cosponsoring of the UN Resolution on the Moratorium in 2012.

*Future trends and recommendations*

In the beginning of 2013 the power of Al-Shabaab seems to decline which may impede the power struggle, leading to an increase of handed down death sentences on both Al-Shabaab's and TFG's side. However, if the power of Al-Shabaab continues to decline it may turn fatalistic by increasing the performance of 'extra juridical executions'. Then the question remains if, despite voting in favour of a UN Moratorium, the TFG will continue to punish the Al-Shabaab rebels with the death penalty. Either way, executions and death penalty from both sides are expected to persist in 2013. ACHRS urges Somalia to depart from the state of emergency in order stop the military court from prosecuting civilians.



## SUDAN

### RETENTIONIST

*Government: Power sharing government*  
*Constitution: 1989, 2005*  
*Execution method: Hanging, stoning, other*  
*Individuals under sentence of death: 300/ 199*

*2011 executions: 7*  
*2012 executions: 19*

*2011 death sentences: 13*  
*2012 death sentences: 199*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Abstained*  
*Mandatory death penalty: Yes*  
*Official moratorium on execution: Unclear*

In 2011 the government of Sudan<sup>10</sup> accepted the recommendation of the Universal Periodic Review that year, which stated that *'the Constitution and the Child Act of 2010 prohibit the application of the death penalty on the under-aged'*. It however did not accept the advice to have death penalty confined to the most serious crimes in Sudanese legislation and that the relative of the deceased can pardon the perpetrator. One death sentences was commuted this year. Among other events, two women were hanged for stoning a child to death. Next to thirteen death sentences seven people were executed.

In March 2012 Sudan sentenced six Darfur rebels to death for terrorism charges. In May a woman was sentenced to be executed for being charged with the 'crime of fornication' under the Shari'a law. The man whom she acclaimed to have had a sexual relationship with denied the charge and was acquitted by the judge. In July another woman was sentenced to stoning for adultery. The African Centre for Justice and Peace Studies (ACJPS) urged Sudan to withdraw the death sentence. In the same month the death penalty charges of a female activist were dismissed due to lack of evidence. Sudan is one of the seven countries that has not yet signed the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Most of the stoning sentences are imposed on women for charges of adultery. Regarding violent crimes, three men were sentenced to death for shooting, stealing and killing. In November the government of South Cordovan arrested and executed sixteen civilians because they were expected to be supporters of Sudan People Liberation Movement North (SPLM-N). At least 199 death sentences were issued and nineteen executions took place.

<sup>10</sup> [\*South Sudan is not included because of its gained independence since 2011. However, reportedly 180 persons are held under the death sentence in South Sudan.\*](#)

### *Future trends and recommendations*

The 2012 numbers of executions and death sentences are significantly higher than the figures of 2011<sup>11</sup>. There are no indications that the number of death sentences and executions will decrease in the near future. Despite the increase ACHRS welcomes Sudan's endorsement of prohibiting the death sentence on under-aged persons. Moreover, ACHRS urges the Sudanese government to reconsider the other recommendations on confining the death penalty to the most serious crimes and providing the possibility of pardoning a perpetrator.

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<sup>11</sup><http://www.sudantribune.com/spip.php?article46157>



## SYRIA

### RETENTIONIST

*Government: Republic, in part by the military*

*Constitution: 1973*

*Execution method: Hanging, shooting*

*Individuals under sentence of death: 1*

*2011 execution: Unknown*

*2012 executions: Unknown*

*2011 death sentences: Unknown*

*2012 death sentences: Unknown*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*

*Part to second protocol of ICCPR: No*

*UN moratorium 2012 solution vote: Against*

*Mandatory death penalty: Yes*

*Official moratorium on execution: No*

In 2011 a civil war evolved in Syria, which complicated the gathering information of the number of death sentences and executions. The Syrian authorities is however known for not disclosing any details about its practices of capital punishment. In December President al-Assad ratified a law that allows the death sentence for anyone who is complicit in providing arms in order to conduct acts of terrorism. The law targets all opposition, including anti-government protesters who are alleged as armed terrorists.

In 2012 the Syrian conflict accelerated. The fighting between government supporters and opposition fighters, the flights of IDP's and refugees and number of death increased alarmingly. Resembling 2011, no numbers concerning the death penalty were reported. Hands Off Cain nonetheless reported the execution of an army defector in January, after he had openly denounced the government and urged fellow soldiers to revolt. In May an activist received the death penalty after being convicted for treason. This is the first reported death sentence since the beginning of the uprising. According to Syrian human rights groups the activist was tortured ever since he was arrested. The Syrian president issued counter-terrorist laws in July, stating that if terrorist acts result in the disability or death of victims the death penalty may be imposed. Members of the parliament said such laws are needed '*given the negative impact of terrorism on the security of the country and its citizens*'. In October al-Assad granted general amnesty for crimes committed before October 23 2012. The death sentences are replaced with life sentences of hard labour or long imprisonment. The Syrian Observatory for Human Rights responded by saying '*this is not real amnesty as al-Assad releases hundred prisoners, he detains another five hundred*'.



*Future trends and recommendations*

As long as al-Assad is in charge these symbolic politics will continue. Whenever the regime will be toppled it, the question will be if and how the state structures of the opposition will implement a mandatory death penalty. ACHRS therefore presses the currently formed state institutions by the opposition to refrain from the death sentences in order to bring about a new Syria that eventually endorses the UN Moratorium on the use of the death penalty.



## TUNISIA

### RETENTIONIST

*Government: Traditional monarchy*  
*Constitution: 1992*  
*Execution method: Beheading, stoning*  
*Individuals under sentence of death: 147*

*2011 executions: 82*  
*2012 executions: 79*

*2011 death sentences: 9*  
*2012 death sentences: 10*

*State of civil and political rights: Not free*

*Party to ICCPR: No*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Abstained*  
*Mandatory death penalty: Yes*  
*Official moratorium on execution: No*

In 2011 the Middle East faced a substantially higher number of executions than in 2010, partly due to the increased number of executions that took place in Saudi Arabia. As before, the majority was executed for convictions of drug trafficking and murder. Besides these crimes, rape, apostasy and armed robbery are being punished with the death penalty. Reuters reported that two Saudi brothers were sentenced to death in April, with risks of being executed at any time. The siblings had no access to an attorney during the pre-trial, during which the murder was confessed to, as the authorities arrested the father to pressurize the accused brothers. The month of May only saw the executions of fifteen people<sup>12</sup>. After the month of Ramadan executions were carried out at an alarming rate. In October eight Bangladeshi workers were publicly executed. The laborers had a conflict with a group of thieves, in which an Egyptian man was killed<sup>13</sup>. In 2011 over hundred convicted people sat on death row, of which many were national foreigners.

In 2012 the number of executions remained high. Throughout the year executions were performed. According to Amnesty International 79 people were executed. Hands Off Cain announced that 84 people were beheaded, out of which 43 were Saudis and 41 were foreigners. Many of the prisoners on death row are domestic workers. According to Human Rights Watch 22 Indonesian domestic workers were pardoned because of limited access to legal advice and translators. Over thirty domestic workers are convicted for sexual offences and witchcraft. Among them, a Filipino domestic worker who was underage when the baby she cared for died. The kingdom continues to sentence adolescents and to carry out public executions.

<sup>12</sup><http://www.reuters.com/article/2011/06/10/us-saudi-executions-idUSTRE7596B020110610>

<sup>13</sup><http://deathpenaltynews.blogspot.com/2011/10/saudi-arabia-executes-8-bangladeshi.html>

*Future trends and recommendations*

The high number of executions in Saudi Arabia is very alarming. The increase in executions since 2011 is thought to be related to the demonstrations and domestic instability which were preceded by the surrounding Arab springs. ACHRS fears that as long as the reform measures do not satisfy the population and protest continue, the number of executions will remain high. ACHRS urges the Saudi government to investigate the court procedures and take adequate measures to prohibit unfair trials, including torture and being tried in absence.



## UNITED ARAB EMIRATES

### RETENTIONIST

*Government: Federation, specified power delegated to UAE federal government*

*Constitution: 1971, 1996*

*Execution method: Shooting, stoning*

*Last date of execution: 2012, 1*

*Individuals under sentence of death: 59*

*2011 executions: 1*

*2012 executions: 1*

*2011 death sentences: 31+*

*2012 death sentences: 21+*

*State of civil and political rights: Not free*

*Party to ICCPR: No*

*Part to second protocol of ICCPR: No*

*UN moratorium 2012 solution vote: Abstained*

*Mandatory death penalty: Yes*

*Official moratorium on execution: No*

In 2011 the United Arab Emirates recommenced carrying out executions after three years suspension. The convicted faced charged of raping and killing a four-year-old and was beheaded by firing squad. Of the 31 imposed death sentences twelve were handed out for drugs smuggling. Migrant workers from Africa and Asia are more often condemned to the death penalty. These workers are according to Amnesty International subjected to the disadvantages of insufficient legal assistance, for not being informed about the court proceedings, the final sentence and the possibility of offering financial compensation. The death sentences of seventeen Indian laborers for killing a Pakistani worker were commuted into two year prison sentences and the payment of one million US\$. A judge of the Supreme Court pled that capital offences have to be tried under Shari'a law, which puts the family of the victim in charge to demand or reject the death sentence. Concerning juvenile offenders he argued that maturity depends on physical appearance of puberty. Although UAE signed the Convention for the Rights of Children, it continues to hand down death sentences to minors.

In 2012 the number of imposed death penalties decreased with thirty percent. In January the sentence of a drug smuggler was commuted to life imprisonment. In March the Top Court annulled eight death sentences related to drug smuggling, because some of the accused were tried in absence and due to lack of proof that the verdicts were based on the court's consensus. In September the Top Court rejected twice the death sentence of an Asian worker who was found guilty for killing another Asian man. About fifteen death sentences were commuted this year according to Hands Off Cain. However, in December a Pakistani man was condemned to the death for killing an Uzbekistani prostitute, who stole the remittances he wanted to send to his wife. In the same month a Sri Lankan man was executed for killing an Emirati engineer in 2002. The parents of victim refused blood

money. At least one third of the imposed death sentences were convicted for drugs related offences. Some of the other crimes that were punished with the death sentence were related to murdered females, some of which were spouses, employers and prostitutes.

*Future trends and recommendations*

Despite the persistence of executions, there is a visible trend that the United Arab Emirates is reducing the number of death sentences. Top Court's decision to reject the death sentences on grounds of an unfair trial is a step towards abolishing the death penalty. Nevertheless, unfair trials continue to take place as well as imposed death sentences on convicted juveniles. For this reason ACHRS presses the Emirati government to immediately stop sentencing juveniles to death and adhere to the international standards of a fair trial.



## YEMEN

### RETENTIONIST

*Government: Republic*  
*Constitution: 1991, 2001*  
*Execution method: Lethal injection, shooting*  
*Individuals under sentence of death: 1000*

*2011 executions: 41*  
*2012 executions: 28*

*2011 death sentences: 29+*  
*2012 death sentences: 7+*

*State of civil and political rights: Not free*

*Party to ICCPR: Yes*  
*Part to second protocol of ICCPR: No*  
*UN moratorium 2012 solution vote: Against*  
*Mandatory death penalty: Yes*  
*Official moratorium on execution: Unclear*

Yemen went through months of protests in 2011, a year in which juvenile offenders continued to be executed and death sentences were passed in unfair trials according to Amnesty International. In June a chief editor was subjected to an unfair trial which led to the death sentence for charges of murder. In July a convicted man was executed for raping and murdering a girl. The same month another man received the death sentence for charges of murder, even though previous medical reports declared him 'mentally abnormal'.

At the beginning of 2012 Ali Abdullah Saleh, who had been president for 33 years, was forced to resign. In February 65 percent voted for Abdu Rabu Mansour as the head of state during the two-year interim period. However by that time Yemen's governments became weakened by the prolonging civil and political turmoil, which created a power vacuum in the southern provinces that was filled by Al-Qaeda in the Arabian Peninsula (AQAP) militias. An open confrontation followed between the AQAP rebels and the Yemeni army, leading probably to a high amount of assassinations by AQAP and executions by the army.

In 2011 over 29 people received the death sentence and a minimum of 41 condemned were executed. Yemen witnessed at least 28 death sentences and seven executions in 2012. Despite the lesser amount of death sentences and executions in 2012 the government continues to be engaged in unfair trials and the execution of under-aged offenders, even though it signed the Convention on the Rights of the Child.

#### *Future trends and recommendations*

Prospects indicate that death sentences will still be imposed and given the continuing instability the possibility exists that the number of executions will increase in the year of 2013. Nevertheless, ACHRS urges the Yemeni government to immediately stop prosecuting people in absence and sentencing minors to death.

## PART III: OVERVIEW

### CONCLUSIONS

Despite important efforts by the civil societies in the MENA-region, some reform and statements by government officials, the number of death penalties and executions increased alarmingly in the MENA-region. In 2012 the number of death sentences increased with 8 percent, while the number of executions increased from 214 to 268, which is a worrisome 25 percent. If 2010 is taken into account, the increase in executions raised with 91 percent. However compared to the average of executions between 2007 and 2012, which is 197 capital punishments a year, this still amounts to a 36 percent increase. The average number of death sentences between 2007 and 2012 is 725 is slightly higher than the 707 handed down death sentences in 2012, which thus shows a minor reduction. To note, the above percentages represent a very rough picture of the regional status regarding the death penalty, which leaves the larger timeframe and countering domestic developments aside.

To understand the death penalty in its specific context, which includes the complexities of the political arena, the demographics and its public debate, detailed analyses are pivotal. However, for a general understanding of the status of the death penalty in the MENA-region, similar challenges which are found throughout the Arab speaking world can be pointed out. These challenges continue to impede further moves towards abolishing the death penalty and include a Shari'a informed legislation, authoritarian regimes, the threat of terrorism and the current power vacuum which may be filled by Islamists who are in favor of the death penalty.

Firstly, Shari'a law, as part of Islam, functions as the source of legislation in the majority of the Arab speaking countries which according to their governments excuses the death penalty. It is however important to note that Shari'a law allows the death penalties for only the most serious crimes. Contradictory, Morocco considers 365 crimes to be punishable with the death penalty. In Yemen 98 percent of the crimes for which the death penalty can be applied do not correspond with Shari'a law. Besides, according to Shari'a the death penalty suppose to be restricted by a fair trial and the possibility of forgiveness. Awareness needs to be raised on these insights in order to sway the more conservative segments of society. Secondly, the history and prevalence of authoritarian regimes supposedly normalizes the use of death penalty, as one of the many means to keep the population in check. Politicians and numerous civil servants of government departments have to be urged to participate in the debate and activities on abolishing the death penalty in order to change the regime's stance inside out. Thirdly, the threat of terrorism appears to functions as a tool of governments to remove opponents. When the media are controlled by the government and when a fair trail is not assured, it is ever more likely to sentence innocent criticizers under the pretense of terrorism charges. For this reason the courts and the media must be monitored in order to hold governments accountable when someone is wrongly accused and found guilty of an act of terrorism.

Fourthly, in countries such as Tunisia, Libya and Egypt where the Islamists have filled the power vacuum after the revolutions a dialogue must be fostered between the freshly appointed rulers and the civil society that opposes the death penalty in order for the new regime to move away from the death penalty. In fact wherever death sentences are imposed and executions are carried out, dialogues between civil society and governments are essential in abolishing the death penalty. Despite deeply engrained challenges, the civil societies of the MENA-countries can benefit of the regional turmoil. Bridges should be built by interconnecting civil society to both the authorities and the people in the street.

Finally, Amman Center for Human Rights Studies is especially concerned about the excessive amount of executions in Iraq and Saudi Arabia and the high number of death sentences in Somalia and Sudan. Although Yemen's number of executions reduces, it remained in 2012 the number three country that performed the highest amount of executions in the region. Gaza Strip as part of the Occupied Territories of Palestine also continues to annually execute a handful of people. Beside executions, numerous death sentences are still handed down by the governments of Egypt, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco and Tunisia. Therefore, the center urges all Arab speaking countries to refrain from trying civilians in military courts, accused persons in absence and juvenile offenders. If the death penalty is still applied it should be confined to the most serious crimes. Moreover, ACHRS presses the governments to abide by International Law and provide up-to-date information regarding the death penalty. All in all, these turbulent times in the MENA-region ask for a strong civil society which ceaselessly urges the governments and the public to move away from the death penalty in order to eventually abolish the death penalty completely.



## RECOMMENDATIONS

Amman Center for Human Rights Studies agrees with International Penal Reform (IPR) that the governments of the MENA-region must take further action to guarantee a legislation that complies with international standards, which requires the implementation of effective reform and active encouragement of public debates. Judiciary policies have to be put in place to ensure fair trials in accordance to International Law; to provide alternative sanctions to the death penalty; and to make sure that vulnerable prisoners such as minors and pregnant women receive proper care and treatment. For the governments of the MENA-region to refrain from imposing the death sentence and executing, ACHRS proposes a set of recommendations. These recommendations aim to influence state departments and the public opinion in order for the governments and their population to move towards complete abolishment of the death penalty.

- 1. Continue to support the creations of Coalitions Against the Death Penalty in every country of the MENA-region.*
- 2. Strengthen the existing Arab Observatory Against the Death Penalty by choosing representatives of each country who all together and continuously pressure the governments of country in the MENA-region to adhere to International Law and to look for alternative sanctions.*
- 3. Urge every Coalition Against the Death Penalty to stir a public debate regarding the death penalty by organizing annual campaigns, including symposia, roundtables and workshops.*
- 4. Assist the National Coalitions in creating a virtual platform which discusses the problems, weaknesses and consequences of the death penalty in order to engage the populations and in particular the younger generation in the debate on the need of abolishing the death penalty.*
- 5. Approach public figures such as politicians, businessmen and journalists, and persuade them to join the National Coalitions Against the Death Penalty in order to enlarge the reach of the public debate.*
- 6. Create committees within the National Coalitions Against the Death Penalty which monitor the judiciary system by conducting visits to the prisons where people are on death row and by pressuring the civil servants who are part of the judiciary to be transparent by providing the National Coalitions with the up-to-date information on the death penalty and the related cases.*
- 7. Urge the National Coalitions against the Death Penalty to write an annual report on the events regarding the death penalty which will be spread via the conventional and social media and to announce press releases and write appeals every time someone is sentenced to death or executed in the MENA-region.*

## APPENDIX

<i>Arab Speaking Countries</i>	<i>Death Sentences 2010</i>	<i>Executions 2010</i>	<i>Death Sentences 2011</i>	<i>Executions 2011</i>	<i>Death Sentences 2012</i>	<i>Executions 2012</i>
<i>Algeria</i>	130	0	51	0	153	0
<i>Bahrain</i>	1	1	5	0	1	0
<i>Djibouti</i>	-	-	-	-	-	-
<i>Egypt</i>	185	4	123	1	91	0
<i>Iraq</i>	279	1	291	68	81	129
<i>Jordan</i>	9	0	15	0	16	0
<i>Kuwait</i>	4	0	17	0	9	0
<i>Lebanon</i>	12	0	8	0	9	0
<i>Libya</i>	0	18	0	0	5	0
<i>Mauritania</i>	16	0	8	0	6	0
<i>Morocco</i>	4	0	5	0	7	0
<i>Occupied Palestinian Territories</i>	16	5	5	3	6	6
<i>Oman</i>	Unknown	Unknown	Unknown	Unknown	Unknown	Unknown
<i>Qatar</i>	0	0	3	0	1	0
<i>Saudi Arabia</i>	34	27	9	82	10	79
<i>Somalia</i>	8	8	37	11	76	6
<i>Sudan</i>	10	6	13	7	199	19
<i>Syria</i>	10	17	0	0	0	0
<i>Tunisia</i>	22	0	0	0	9	0
<i>United Arab Emirates</i>	28	0	31	1	21	1
<i>Yemen</i>	27	53	29	41	7	28
<b>Total</b>	<b>795</b>	<b>140</b>	<b>653</b>	<b>214</b>	<b>707</b>	<b>268</b>

## REFERENCES

### INTERNATIONAL LAW

- *International Covenant on Civil and Political Rights, adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966.*
- *Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, adopted and proclaimed by General Assembly resolution 44/128 of 15 December 1989.*

### RERORTS

1. Amnesty International 'Death Penalty in 2012'
2. Amnesty International 'Death Penalty in 2011'
3. Amnesty International 'Death Penalty in 2010'
4. ACHRS 6<sup>th</sup> Annual Report 'The Death Penalty in the Arab World 2011'
5. ACHRS 5<sup>th</sup> Annual Report 'The Death Penalty in the Arab World 2010'
6. Human Rights Watch 'World Report 2013 – Events 2012'

### WEBSITES

<http://www.achrs.org/dp>

<http://www.achrs.org/english>

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[http://www.diplomatie.gouv.fr/en/IMG/pdf/Abolition\\_of\\_death\\_penalty\\_2012.pdf](http://www.diplomatie.gouv.fr/en/IMG/pdf/Abolition_of_death_penalty_2012.pdf)

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## **BACKGROUND**

### *ACHRS' HISTORY IN A NUTSHELL*

In 1999 the Amman Center was established in order to strengthen and spread the human rights culture in Jordan and in the MENA region by facilitating a platform that promotes dialogue, integration and coordination of governmental and non-governmental efforts. ACHRS accomplishes its objectives through education, cultural and intellectual activities, such as conferences, workshops and research on the human rights situations throughout the Middle East and North Africa. All of which serve to raise awareness to promote and protect the sanctity human rights.

*50% of the work of ACHRS is done on a voluntary basis  
The focus of ACHRS is 50% on Jordan and 50% on the MENA region*

### *ACHRS IS*

- Consultative status with ECOSOC
- Member of the International Federation for Human Rights (FIDH)
- Member of the Euro-Mediterranean Human Rights Network (EMHRN)
- Member of the International Federation of Workers' Education Associations (IFWEA)

### *INITIATOR OF THE ESTABLISHMENT OF THE FOLLOWING NETWORKS*

- Elections Network in the Arab Region(ENAR)(2006)
- Jordanian Human Rights Trainers Network(2006)
- Arab Human Rights Trainers Network(2007)
- Jordanian Coalition Against Death Penalty(2007)
- Arab Coalition Against Death Penalty(2007)
- Arab Society on Academic Freedom (2008)
- Jordanian Network for Civil Society Organizations(2008)

### *FOR MORE INFORMATION*

[www.achrs.org/english](http://www.achrs.org/english), general website of Amman Center for Human Rights Studies

[www.arabew.org](http://www.arabew.org), focuses on elections issues in the Arab World.

[www.afwinfo.org](http://www.afwinfo.org), focuses on academic freedom in the Arab World.

[www.hartwaw.org](http://www.hartwaw.org), focuses on the Human rights trainers in the Arab world.

[www.achrs.org/dp](http://www.achrs.org/dp), focuses on the Death Penalty in Arab word.