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Abolition of the death penalty in Council of Europe member and observer states,¹ Belarus and countries whose parliaments have co-operation status² – situation report

Revised information note

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1. Introduction

1. Having been appointed general rapporteur on the abolition of the death penalty at the Committee meeting of 8 December 2020, I have had the honour to continue the outstanding work done by Mr Titus Corlățean (Romania, SOC) Mr Yves Cruchten (Luxemburg, SOC), Ms Meritxell Mateu Pi (Andorra, ALDE), Ms Marietta Karamanli (France, SOC), Ms Marina Schuster (Germany, ALDE), and, before her, Ms Renate Wohlwend (Liechtenstein, EPP/CD).³

2. This document updates the previous information note with regard to the development of the situation since October 2020, which was considered at the Committee meeting (held by videoconference) 14 October 2020.

3. This note will, first of all, provide a brief overview of the international and European legal framework, and then highlight the current situation in states that have abolished the death penalty only for ordinary crimes, those that provide for the death penalty in their legislation but do not implement it and those that actually do apply it. It refers solely to Council of Europe member states (the Russian Federation), observer states (the United States of America, Japan and Israel), states whose parliaments hold “partner for democracy” status, Kazakhstan⁴ and Belarus, a country which wished to have closer links with the Council of Europe. Since March 2012, the Parliamentary Assembly’s general rapporteurs have issued public statements relating to executions and death sentences in these states or have proposed that the Committee adopt statements condemning capital punishment as inhuman and degrading. It is an honour for me to continue this work. Accordingly, since I took up my remit, I have issued several statements, which, *inter alia*, condemned executions that had taken place in the United States of America and a death sentence that had been issued in Belarus, as well as addressed issues of abolition of the death penalty that occurred in different countries during my mandate.

* Document declassified by the Committee on 7 December 2021.

¹ Including Israel, whose parliament (the Knesset) has observer status.

² Both the “partners for democracy” (the parliaments of Jordan, Morocco, Kyrgyzstan and the Palestinian National Council) and Kazakhstan (with co-operation status on the basis of a co-operation agreement signed in 2004).

³ See also her report on “The death penalty in Council of Europe member and observer states: a violation of human rights”, [Doc 12456](#), and Assembly [Resolution 1807 \(2011\)](#) on this subject, adopted on 14 April 2011.

⁴ Kazakhstan is in particular a party to several Council of Europe conventions and its parliament signed a co-operation agreement with the Assembly in 2004. For more details on its co-operation with the Council of Europe, see Assembly [Resolution 2193 \(2017\)](#) on the relations of the Council of Europe with Kazakhstan, adopted by the Standing Committee on 24 November 2017.

2. The international and European legal framework and states' practice

4. In international law, Article 6 of the International Covenant on Civil and Political Rights (ICCPR) expressly states that "(e)very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." In paragraph 2, it refers to the requirements to comply with the law of treaties and to observe the procedural guarantees for executions in non-abolitionist states, which may only impose a death sentence "for the most serious crimes". This penalty "can only be carried out pursuant to a final judgement rendered by a competent court". The Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, provides for the abolition of the death penalty in all circumstances, even for the most serious crimes or in wartime.⁵ However, one Council of Europe member state - the Russian Federation - has not adhered to this protocol, while Armenia ratified it on 18 March 2021⁶ Moreover, Article 37(a) of the International Convention on the Rights of the Child prohibits capital punishment for persons under 18 years of age. The international community has also adopted numerous instruments that prohibit the use of the death penalty.⁷ For example, according to some resolutions of the UN Economic and Social Council, a pregnant woman, a mother of a young child or a disabled or mentally ill person must not be executed either.⁸ Limitations to the use of the death penalty in wartime are also included in the provisions of international humanitarian law (IHL), in particular two Geneva Conventions: relative to the Treatment of Prisoners of War (Third Geneva Convention) and relative to the Protection of Civilian Persons in Time of War, both adopted on 12 August 1949.⁹

5. At the regional level, the European framework provides more protection. At the Council of Europe, in addition to the right to life guaranteed by Article 2 of the European Convention on Human Rights ("the Convention"), Protocol No. 6 to the Convention, which was signed on 28 April 1983 and came into force on 1 March 1985, abolishes the death penalty in peacetime. It has been ratified by 46 member States (the Russian Federation has only signed it).¹⁰ Protocol No. 13, which was signed on 3 May 2002 and came into force on 1 July 2003, abolishes the death penalty in all circumstances. The latter has been signed and ratified by forty-four member states. Azerbaijan and the Russian Federation have not yet signed it, whereas Armenia has signed but not ratified it.¹¹ Even though the death penalty is not entirely prohibited in the light of Article 2 of the Convention, developments in the case law of the European Court of Human Rights ("the Court"), particularly with regard to Article 3 of the Convention, which prohibits torture and inhuman or degrading treatment or punishment, show that the explicit recognition of this penalty has become virtually obsolete. Accordingly, in the Court's view, the obligations of the States Parties to the Convention and its protocols also prohibit the extradition or expulsion of individuals to countries where they face the death penalty. Such extradition or expulsion would then constitute a violation of Article 3. It will be recalled that in the *Soering v. the United Kingdom*¹² judgment of 1989, the Court found a violation because of the UK authorities' intention to send the applicant to the United States where there was a risk that he would spend several years on "death row", pending his execution. In the 2005 *Öcalan v. Turkey* judgment,¹³ the Court concluded that the application of the death penalty delivered following an unfair trial would be in breach of Article 3 of the Convention and held that the use of the death penalty in peacetime was unacceptable. In the *Al-Saadoon and Mufdhi v. the United Kingdom*¹⁴ judgment of 2010, in the light of the progress made regarding the abolition of the death penalty, the Court concluded for the first time that the death penalty was inhuman or degrading treatment irrespective of the circumstances in which it was delivered or applied (violation of Article 3). Furthermore, in *Al Nashiri v. Poland*¹⁵, concerning the transfer of an alleged terrorist to the United States despite the risk that he could be

⁵ Adopted and proclaimed by the UN General Assembly in resolution 44/128 of 15 December 1989.

⁶ As at 22 November 2021: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-12&chapter=4&clang=en

⁷ Universal Declaration of Human Rights of 1948 and eight resolutions of the UN General Assembly: resolution 62/149 (December 2007), resolution 63/168 (December 2008), resolution 65/206 (December 2010), resolution 67/176 (December 2012), resolution 69/186 (December 2014), resolution 71/187 (2016), resolution 73/175 (2018) and resolution 75/183 (2020).

⁸ Resolution 1984/50: Safeguards guaranteeing the protection of the rights of those facing the death penalty, 25 May 1984 – UN Economic and Social Council. Resolution 1989/64: implementation of the safeguards guaranteeing the protection of the rights of those facing the death penalty – UN Economic and Social Council.

⁹ As regards prisoners of war, see Articles 101, 102 and 107 of the Third Geneva Convention, and, as regards, civilians, see Articles 68 and 75 of the Fourth Geneva Convention.

¹⁰ As at 22 November 2021. ETS No. 114; <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=114>.

¹¹ As at 22 November 2021. ETS No. 187; <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty=187>.

¹² Judgment of 7 July 1989, Application No. 14038/88.

¹³ Judgment of 12 May 2005, Application No. 46221/99.

¹⁴ Judgment of 2 March 2010, Application No. 61498/08.

¹⁵ *Al Nashiri v. Poland*, judgment of 24 July 2014, Application No. 28761/11.

sentenced to death, the Court found in particular that there had been a violation of Articles 2 and 3 of the Convention in conjunction with Article 1 of Protocol No. 6. In connection with the supervision of the execution of this judgment, the Committee of Ministers urged Poland to ensure that such a sentence was not imposed on him in the United States.¹⁶ In May 2018, the Court delivered a similar judgment in *Al Nashiri v. Romania*.¹⁷

6. According to the World Coalition Against the Death Penalty¹⁸ there are currently 109 countries that have completely abolished the death penalty. These include virtually all the Council of Europe member States, along with Assembly observers Canada and Mexico, as well as Kyrgyzstan, whose parliament has Partner for Democracy status with the Assembly, and Kazakhstan. Eight states have abolished the death penalty for ordinary crimes only, including Israel (an Assembly observer), and twenty-eight provide for the death penalty in their legislation but do not implement it, including Morocco (whose parliament has Partner for Democracy status) and the Russian Federation (all these 36 states are abolitionist in practice). This means that, in all, 145 states, *i.e.* more than two thirds of the whole world, have abolished the penalty in law or in practice. Lastly, there are 55 states that carry it out (retentionist states), including the US and Japan (both Council of Europe observer states), Belarus and Palestine (whose legislative council has Partner for Democracy status). Since January 2017, four countries (Mongolia, Guinea, Burkina Faso and, in October 2021, Sierra Leone) have abolished the death penalty for all crimes, Guatemala has abolished it for ordinary crimes only and Chad – for terrorist crimes (thus becoming fully abolitionist), while Gambia and Malaysia have declared a moratorium on executions. In May 2021, the Court of Appeals of Malawi ruled that the death penalty was unconstitutional but it reversed the death penalty ban in a later ruling of August 2021.¹⁹

7. According to the Amnesty International report, “Death sentences and Execution 2020”,²⁰ published on 21 April 2021, at least 483 executions (out of which 16 concerned women) were known to have taken place globally in 2020 and there has been an overall decrease in States resorting to the death penalty, with a decrease of 26% in the number of executions compared with 2019 (at least 657 executions), mainly due to the pandemic of Covid-19. This figure represents for the third consecutive year the lowest number of executions that Amnesty International has recorded in the past decade.²¹ Eighteen States executed convicted persons in 2020. The largest number of executions took place, in descending order, in Iran, Egypt, Iraq and Saudi Arabia ; these four countries accounted for 88% of all known executions. It should be noted that these figures do not include all the executions carried out in China, where data on the use of the death penalty remain classified as a state secret and where thousands of executions had probably been carried out in 2020. Neither it includes the exact number of executions in North Korea and Viet Nam, who are also believed to resort to the capital sentence extensively.²² The methods of execution used include beheading, electrocution, hanging, lethal injections and shooting. According to the World Coalition Against the Death Penalty, there have been at least 2,397 executions in 2021.²³

8. The death penalty continued to be used in ways that violated international law and standards in 2020. In Iran, at least one public execution was recorded; and at least 3 people were executed for crimes committed while they were under the age of 18. Amnesty International believes that juvenile offenders remained on death row in Maldives and Iran. In Japan, Maldives, Pakistan and the United States, a number of persons with a mental or intellectual disability were under sentence of death. Moreover, death sentences were imposed without the defendant being present (*in absentia*) in Bangladesh, Palestine and Democratic Republic of the Congo.²⁴ Death sentences were imposed after proceedings that did not meet international fair trial standards (in particular in Bahrain, Bangladesh, Egypt, Iran, Iraq, Malaysia, Pakistan, Saudi Arabia, Singapore, Viet Nam and Yemen) and in some countries “confessions” may have been extracted through torture or other ill-treatment and used to convict and sentence people to death (in Bahrain, Egypt, Iran and Saudi Arabia).²⁵

¹⁶ See the latest decision of the Committee of Ministers adopted at their 1411th meeting (DH) (14-16 September 2021) CM/Del/Dec(2021)1411/H46-24 and the report by our Committee colleague, Mr Constantinou Efstathiou (Cyprus, SOC), on “The implementation of judgments of the European Court of Human Rights”, which discusses this question in detail, [Doc. 15123](#), Section 4.4.

¹⁷ *Al Nashiri v. Romania*, judgment of 31 May 2018, Application No. 33234/12. See also the latest decision of the Committee of Ministers adopted at their 1411th meeting (DH) (14-16 September 2021) CM/Del/Dec(2021)1411/H46-26.

¹⁸ As of July 2021, see <https://worldcoalition.org/resources/the-death-penalty-worldwide/>

¹⁹ V. Petkar, [Malawi Supreme Court reverses death penalty ban](#), 23 August 2021, p.73.

²⁰ Amnesty International, [Death sentences and executions 2020](#), 21 April 2021, p. 9.

²¹ *Ibid.*

²² *Ibid.*, pp. 9-10.

²³ As of 22 November 2021; <https://worldcoalition.org/>

²⁴ *Ibid.*, p. 14.

²⁵ *Ibidem.*

9. In 2020, Amnesty International recorded globally at least 1,477 death sentences (out of which at least 19 concerned women) in 54 countries, a decrease compared with 2019 (2,307 death sentences in 56 countries) and 2018 (2,531 death sentences in 54 countries).²⁶ Four countries were known to have imposed death sentences in 2020 after a hiatus,²⁷ while in six other countries Amnesty International did not record any new capital sentence.²⁸ In total, at the end of 2020, at least 28,567 people were under sentence of death.²⁹ Commutations or pardons of death sentences were recorded in 33 countries (among others, in Morocco, Japan and in the USA) and at least 18 exonerations of prisoners under sentence of death in six countries (including six in the USA).³⁰ According to the World Coalition Against the Death Penalty, 32,994 people are now on death row.³¹

3. The situation country by country

3.1. Russian Federation

10. As a new Council of Europe member state, the Russian Federation first signed Protocol No. 6 in April 1997. However, the Russian parliament has not yet ratified it. In 2008, the Russian Federation voted for the UN resolution for a global moratorium on executions. There have been no executions in the country since 1999³². The Russian Constitutional Court has played an active part in the *de facto* abolition of the death penalty in the Russian Federation. First of all, it prohibited death sentences until jury trials were established throughout the country. In autumn 2009, the Supreme Court asked the Constitutional Court if the introduction of a jury system by Chechnya³³ planned for 1 January 2010 meant the end of the moratorium and would therefore enable the resumption of death sentences.³⁴ Subsequently, on 19 November that year, the Constitutional Court decided to extend the moratorium indefinitely on the ground that it was a process that reflected “a trend in international law and was in accordance with the commitments entered into by the Russian Federation”. Following that decision, 697 death sentences were commuted to life imprisonment.³⁵

11. A moratorium is a means of encouraging the permanent abolition of the death penalty. It provides a platform for *de jure* abolition but it may be dangerous to prolong it indefinitely since executions may be resumed. For example, in 2009 Thailand restarted executions after a six-year moratorium, as did Taiwan, which began executing people again after a five-year moratorium.³⁶ As in many other countries the debate on restoring the death penalty occasionally flares up in the Russian Federation. After the March 2010 attacks on the Moscow metro, the Federation Council’s Judicial and Legal Affairs Committee began working on a draft law to reintroduce the death penalty for organisers of terrorist attacks that result in multiple loss of life.³⁷ In March 2016 and June 2017, the question of applying the death penalty, particularly for terrorists, was once again raised by certain members of parliament³⁸ and a bill to reintroduce the death penalty was tabled by some members of the Duma. In November 2017, Ramzan Kadyrov, the President of the Republic of Chechnya, also called for the restoration of the death penalty for terrorist offences.³⁹ In March 2018, a Russian MP proposed restoring it in cases of meddling in election campaigns.⁴⁰ However, a spokesman for the president and the Russian ombudsman stated that the government did not envisage suspending the moratorium on capital punishment.⁴¹ In October 2019, after the dead body of a missing 9-year-old girl, Lisa Kiselyova, had been found, a large number of people called for restoration of the death penalty for perpetrators of paedophilia and infanticide. On 11 October 2019, Mr Yevgeny Primakov, a deputy of the State Duma, asked for the

²⁶ *Ibid.*, p. 12. Amnesty International did not have official figures for death sentences in Malaysia, Nigeria and Sri Lanka.

²⁷ Cameroon, Comoros, Laos and Libya.

²⁸ Guyana, Maldives, Oman, South Korea, Tanzania and Uganda.

²⁹ Amnesty International 2020, *op. cit.*, p. 13.

³⁰ *Ibid.*, p. 14.

³¹ As of 22 November 2021.

³² The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic. *Ibid.*, p. 49.

³³ The last Russian republic without a system of jury trials.

³⁴ [La Russie s'éloigne de la peine de mort](#), *Le Monde*, 19 November 2009.

³⁵ Amnesty International, *Death sentences and executions 2010*, 28 March 2011, p. 25.

³⁶ [Death Penalty Information Pack](#), Penal Reform International, p. 15.

³⁷ Kester Kenn Klomegah, [Death Penalty Lingers in Former Soviet Republics](#), IPS News, 5 April 2010.

³⁸ [Stay of execution? Russian MP proposes 'delayed death penalty' for convicted terrorists](#), article in ‘Rossiyskaya gazeta’, 13 June 2017.

³⁹ RT, [Kadyrov proposes death penalty for terrorist recruiters](#), 16 November 2017, www.rt.com/politics/410062-kadyrov-backs-tougher-punishment-for/.

⁴⁰ Moscow Times, [Russian Deputy Proposes Death Penalty for Foreigners Guilty of Election Meddling](#), 5 March 2018.

⁴¹ Tass, [Kremlin does not discuss cancellation of freeze on capital punishment](#), 15 June 2017, www.tass.com/politics/951633; RT/Russia, [Death penalty moratorium will never be lifted – Russian ombudsman](#), 1 December 2017.

reintroduction of the death penalty.⁴² Similar public statements regarding the death penalty restoration were made by a Russian MP after the Kazan school shooting in May 2021⁴³ and by the head of Roscosmos (Russian Space Agency) regarding corruption in Russia's military-industrial complex in August 2021.⁴⁴ Nevertheless, Andrey Klishas, a member of the Federation Council, has stressed that the decision of the Constitutional Court of 2009 remains in force and, thus, there is no possibility that the death penalty might be reintroduced.⁴⁵ In addition, the Russian Federation voted in favour of the eighth resolution on a moratorium on the use of the death penalty at the UN General Assembly in December 2020.⁴⁶

12. According to the independent Levada Center's⁴⁷ survey, as of May 2021, around 41% of Russians favoured the idea to reintroduce the death penalty 'as it was in the early 1990s', thereby demonstrating a 10% growth in the number of supporters from 2015.⁴⁸ However, the Russian Orthodox Church strongly opposes the reinstatement of the death penalty. I wish to reiterate that it is very important for the Russian Federation to abolish the death penalty *de jure*, in particular by ratifying Protocol No. 6 to the Convention and/or signing and ratifying Protocol No. 13.

3.2. United States of America

13. The United States ratified the International Covenant on Civil and Political Rights on 8 June 1992, making a reservation to Article 6, which enshrines the right to life, but it has not acceded to the Second Optional Protocol, aiming at the abolition of the death penalty. The United States has had Council of Europe observer status since 1996. Of the 50 US federal states, 23 (plus the District of Columbia) have abolished the death penalty⁴⁹ and three⁵⁰ have declared moratoriums on executions. In October 2018, the Supreme Court of the state of Washington declared the state's death penalty statute unconstitutional.⁵¹ Virginia abolished the death penalty for all crimes on 24 March 2021.⁵² Currently, the Ohio legislature is considering two bills that might impose a ban on the death penalty.⁵³ In September 2021, Utah began to assess a bill that would repeal the death penalty; it will be debated at the 2022 legislative session.⁵⁴ By contrast, Mississippi has set a new execution for November, for the first time since 2012,⁵⁵ and, in March 2021, the Wyoming State Senate refused to adopt a bill repealing the death penalty.⁵⁶

14. At the federal level, after a 17-year hiatus, 13 executions had been carried out under President Donald Trump's administration between July 2020 and January 2021.⁵⁷

15. The first federal execution took place on 14 July 2020, when Daniel Lewis Lee, convicted for a family murder, was put to death by lethal injection at the federal penitentiary in Terre Haute (Indiana). The execution had been blocked due to legal challenges based on use of the single-drug technique (pentobarbital) and the complications of carrying out the death penalty during a pandemic. The Supreme Court delivered an unsigned 5-to-4 ruling hours before the execution, allowing the single-drug use and upholding former decisions by the Supreme Court and appeals courts which had allowed Mr Lee's execution to proceed, as well as those of Wesley Purkey (convicted for a rape and a murder of a teenager) on 16 July 2020 and Keith Nelson (convicted

⁴² Deputy says Russia must re-introduce death penalty after Liza Kiseleva murder, article in 'Crime Russia', 11 October 2019.

⁴³ [Russian MP called for the Return of the Death Penalty for the Murder of Children](#), oreanda.ru, 11 May 2021.

⁴⁴ [Bring back firing squads? Corruption in Russia's military-industrial complex should be punishable by DEATH, says space agency head](#), RT, 18 August 2021.

⁴⁵ The Federation Council announced the impossibility of lifting the moratorium on the death penalty, article in 'Forbes Russia', 14 May 2021.

⁴⁶ Amnesty International 2020, p. 61.

⁴⁷ Levada Analytical Center (Levada-Center) conducted the survey among 1,616 respondents across 50 Russian regions on 24-30 October 2019. Levada-Center is a Russian non-governmental research organisation. For further information: <https://www.levada.ru/en/about-us/>

⁴⁸ [Death penalty and crime](#), Levada-Center, 13 July 2021

⁴⁹ See <https://deathpenaltyinfo.org/states-and-without-death-penalty> (as at 22 November 2021).

⁵⁰ California (since 2019), Oregon and Pennsylvania.

⁵¹ See *State v. Gregory*. The Washington's Supreme Court ruled that the system of death penalty used by the state was arbitrary and racially discriminatory.

⁵² [Virginia governor signs historic bill abolishing death penalty into law](#), CNN, 24 March 2021. See also my statement of [26 March 2021](#).

⁵³ [Advocates Remain Hopeful Ohio Will Abolish The Death Penalty](#), Statehouse News Bureau, 21 September 2021.

⁵⁴ [Utah legislature to consider 'repeal and replace' of death penalty](#), Fox 13, 08 September 2021.

⁵⁵ [Mississippi preps for 1st execution since 2012](#), Death Penalty Information Center, 25 October 2021.

⁵⁶ [Wyoming State Senate Defeats Bill to Repeal the Death Penalty](#), Death Penalty Information Center, 19 March 2021.

⁵⁷ [US carries out last federal execution before Trump leaves](#), Deutsche Welle, 16 January 2021.

for a murder of a girl) on 28 August 2020. Dustin Lee Honken, who had been convicted for a murder of two girls by the federal court in Iowa, was put to death on 17 July 2020; he despite the State of Iowa having abolished the death penalty in 1965.⁵⁸ On 26 August 2020, native American Lezmond Mitchell was executed for murders that had occurred on Navajo tribal land (which raised sovereignty concerns related to the Navajo Nation). The Federal Death Penalty Act of 1994 allowed tribal governments to “opt in” to capital punishment, but the Attorney General authorised a capital prosecution against Mitchell even though the Navajo Nation had not only declined to “opt in” but had actively objected. Two more executions took place in September 2020 – William Lecroy, convicted for a murder, was put to death on 22 September, and Christopher Vialva, convicted for a murder of a couple that he had committed at the age of 19, on 24 September. In November 2020, one execution took place (of Orlando Hall, on 19th) and in December 2020 – two (of Brandon Bernard on 10th and of Alfred Bourgeois on 11th). On 13 January 2021, Lisa Montgomery, who had suffered from mental disorders and had been sexually and physically abused by her father, was executed.⁵⁹ The last two executions took place on 14 (of Corey Johnson) and 16 January 2021 (of Disting Higgins).⁶⁰ As of 1 April 2021, 46 inmates were on the federal death row.⁶¹ In the previous 57 years, the Federal Government had executed only three persons.

16. On 1 July 2021, Attorney General Merrick Garland imposed a moratorium on the federal death penalty in order to review the provisions that govern executions.⁶² This step was welcomed by the European Union⁶³ as well as by myself⁶⁴. Nevertheless, there are still concerns that the moratorium covers only executions and does not extend to death sentences issued by courts, thereby increasing the number of people on death row. This problem is particularly acute in the case of the Boston Marathon bomber, Dzhokhar Tsarnaev, where the Department of Justice continues seeking the death penalty despite the moratorium.⁶⁵

17. Again, according to Amnesty International, at the end of 2020 a total of 2,485 people, including 48 women, were under sentence of death in the United States of America (most of them in California, Florida, Texas, Alabama and North Carolina).⁶⁶ According to the Death Penalty Information Center, as of 1 April 2021, there were 2,508 people on death row. 2020 was the twelfth consecutive year in which the United States was the only country on the American continent to have executed people. All the same, the number of executions and death sentences recorded there in 2020 decreased compared with 2019, and, thus, the country remained within the historically low trends of recent years. In 2014, 35 people were executed,⁶⁷ in 2015 – 28,⁶⁸ in 2016 20, in 2017 – 23,⁶⁹ in 2018 – 25,⁷⁰ in 2019 – 22⁷¹ and in 2020 – 17 (including 10 at federal level, three in Texas, one in Alabama, one in Georgia, one in Missouri and one in Tennessee).⁷² In 2021, ten executions have already been carried out, including three in Texas, one in Alabama, one in Missouri, one in Mississippi, one in Oklahoma and three on federal level.⁷³ The number of death sentences significantly decreased compared with 2019: in 2014, at least 72 were handed down, followed by 52 in 2015, 32 in 2016, 41 in 2017, 45 in 2018, 35 in 2019 and 18 in 2020.⁷⁴ According to Amnesty International, the decreases can be partly explained by the legal challenges that resulted in the revision of lethal injection protocols or problems faced by states in obtaining substances used in lethal injection procedures as well as delays caused by the Covid-19 pandemic. Executions are mainly carried out in a limited number of states, especially in the south of the country. In 2019, of the 29 non-abolitionist states, 11 have not carried out an execution for at least ten years.⁷⁵ In 2020, Texas

⁵⁸ [Federal Government Executes Corey Johnson, Who was Likely Intellectually Disabled, Without Any Judicial Review of His Eligibility for the Death Penalty](#), Death Penalty Information Center, 14 January 2021.

⁵⁹ [Lisa Montgomery: US executes only woman on federal death row](#), BBC, 13 January 2021. See also my statement of 20 January 2021.

⁶⁰ [Dustin Higgs: Final execution of Trump presidency is carried out](#), BBC, 16 January 2021.

⁶¹ [Prisoners on Death Row as of April 1, 2021 \(per Death Row USA\)](#), Death Penalty Info Center, 1 April 2021.

⁶² [Moratorium on federal executions pending review of policies and procedures](#), Attorney General Merrick Garland, 01 July 2021.

⁶³ [US: Statement by the Spokesperson on halting federal executions](#), Peter Stano, 03 July 2021.

⁶⁴ [United States: the rapporteur on the abolition of the death penalty welcomes the announcement of the temporary halt of federal executions](#), 6 July 2021.

⁶⁵ [Supreme Court considers Boston Marathon bomber death sentence as Biden halts executions](#), Abc News, 13 October, 2021.

⁶⁶ Amnesty International 2020, p. 17.

⁶⁷ Amnesty International, [Death sentences and executions in 2014](#), p. 4.

⁶⁸ Amnesty International, [Death sentences and executions in 2015](#), p. 12.

⁶⁹ Amnesty International, [Death sentences and executions in 2017](#), p. 13.

⁷⁰ Amnesty International [Death sentences and executions in 2018](#), p. 9.

⁷¹ Amnesty International 2019, p. 15.

⁷² Amnesty International 2020, p. 17.

⁷³ As of 25 October 2021. See <https://deathpenaltyinfo.org/executions/2021>

⁷⁴ Amnesty International 2020, p. 17.

⁷⁵ California, North Carolina, Colorado, Kansas, Kentucky, Montana, Nevada, New Hampshire, Oregon, Pennsylvania and Wyoming. Amnesty International 2019, p. 16.

remained the leading executing state in the country, carrying out 18% of all recorded executions. Moreover, in 2020, five fewer states (7 in total) issued death sentences in comparison to 2019.⁷⁶

18. According to the Death Penalty Information Center, since July 2010 almost all executions in the United States have been by lethal injection (with the exception of a small number of executions by electrocution). Several states use a mixture of three drugs: an anaesthetic or sedative, a paralysing agent and a drug to stop the heart. However, in the last few years the United States has encountered difficulties in procuring products for this purpose, especially anaesthetics, and has consequently resorted to questionable or even secret products or experimental combinations of substances, such as midazolam (a sedative the real effects or even origin of which are not known), pentobarbital or fentanyl (an opioid used as a pain medication). This difficulty can be partly put down to the fact that some European pharmaceutical groups refuse or no longer are allowed to export products for execution purposes. There are major consequences of this situation: some condemned inmates die in agony over an inordinately long period⁷⁷, with many witness reports of botched executions and cases showing that prison staff are not always qualified to carry out death sentence decisions (see, for example, the cases of, Alva Campbell⁷⁸ or Doy Lee Ham).⁷⁹ In addition, after the release on 5 July 2018 of a revised protocol for lethal injections, 33 death row inmates in Tennessee brought a civil action because of the lack of clarity with regard to the new rules governing executions by means of the controversial use of a mixture of drugs, including midazolam.⁸⁰ Furthermore, some drug companies have even brought legal proceedings against states that use their products, including midazolam, in executions.⁸¹ For example, in July 2018, an American drug company brought legal proceedings against the state of Nevada, and, as a result of it, in September 2018, the execution of Scott Raymond Dozier was halted.⁸² Moreover, in July 2021, both Nebraska⁸³ and Nevada⁸⁴ confirmed that they do not have the drugs necessary to execute death row inmates. A six-year-old lawsuit against the lethal-injection protocol in Oklahoma was reactivated in July 2020 and has recently proceeded to the trial stage,⁸⁵ although the court has not suspended already scheduled executions⁸⁶ The prisoners' complaint was supported by new evidence that the State's intended three-drug method creates "significant risks of pain and suffering", alleged that midazolam failed to render the prisoner insensate and posed "an objectively intolerable risk of substantial harm" that was "sure or very likely to occur" and challenged the training protocols, which were "unclear and incomplete."⁸⁷ Recently, an inmate (John Grant) vomited during an execution in Oklahoma, but the Department of Corrections refused to amend its execution protocol. ⁸⁸ So far, courts have rejected challenges against the use of midazolam.⁸⁹

19. In 2008, the US Supreme Court ruled lethal injections constitutional; this position was also reaffirmed in the *Glossip v. Gross* judgment of 2015, in which it upheld the use of midazolam.⁹⁰ Some states are trying to get around the shortage of the drug normally used for lethal injections by testing new substances (such as fentanyl, which was used for the first time in a four-drug combination in Nebraska in the execution of Carey Dean Moore).⁹¹ Others are considering other execution methods. Since 2018, Tennessee has re-introduced electrocution as a choice of the prisoner. Similarly, in South Carolina a bill was proposed in order to change

⁷⁶ Alabama, Georgia, North Carolina, Pennsylvania and South Carolina did not report any death sentences during 2020.

⁷⁷ <http://www.deathpenaltyinfo.org/some-examples-post-furman-botched-executions?scid=8&did=478>.

⁷⁸ See Mr Cruchten [statement](#) of 16 November 2017 on the "failed" execution of Alva Campbell.

⁷⁹ Tracy Connor, [Lawyer describes aborted execution attempt for Doyle Lee Hamm as 'torture'](#), NBC News, 25 February 2018.

⁸⁰ [Tennessee: Inmate's lawyers look for holes in lethal injection rules during penalty challenge](#), 13 July 2018, Death Penalty News.

⁸¹ *Drug companies don't want to be involved in executions, so they're suing to keep their drugs out*, *Washington Post*, 13 August 2018.

⁸² [Nevada delays its first execution in 12 years after a drug company objects](#), 12 July 2018, Death Penalty News and [Judge stops Nevada from using drug in execution](#), Las Vegas Review-Journal, 28 September 2018.

⁸³ [Difficulty accessing lethal injection drugs as Nebraska death row adds new member](#), Death Penalty Information Center, 12 July 2021.

⁸⁴ [Nevada's execution drugs expiring as legal battle continues](#), Death Penalty Information Center, 4 July 2021.

⁸⁵ [Oklahoma Federal Court Rules that Death-Row Prisoners' Challenge to State's Lethal Injection Protocol May Proceed to Trial](#), Death Penalty Information Center, 13 August 2021.

⁸⁶ *Oklahoma does not need to delay planned executions, judge rules*, Death Penalty Information Center, 10 October 2021.

⁸⁷ [Execution Lawsuits Settle in Arizona and California, as Prisoners Renew Lethal-Injection Protocol Challenge in Oklahoma](#), Death Penalty News, 6 August 2020.

⁸⁸ [Oklahoma won't change its death penalty protocol after execution of John Grant](#), Death Penalty Information Center, 31 October 2021.

⁸⁹ [Arkansas Federal Court Rejects Death-Row Prisoners' Challenge to State's Use of Midazolam in Executions](#), Death Penalty News, 4 June 2020.

⁹⁰ [Indiana DOC doesn't have the drugs to execute death row inmates](#), Associated Press, 19 August 2019.

⁹¹ <https://deathpenaltyinfo.org/node/6180>

the main method of execution.⁹² Louisiana considered the reintroduction of hanging, firing squads or electrocution⁹³, after a federal court order of December 2018 imposed a moratorium on executions.⁹⁴ Alabama has asked a Tennessee company's assistance to develop a new (controversial) protocol with nitrogen hypoxia, which deprives the condemned of oxygen.⁹⁵ Mississippi and Oklahoma have already authorised such a method of executions⁹⁶ and, in Alabama, some inmates asked to be executed using it.⁹⁷ In August 2021, Alabama and Mississippi revealed new execution protocols that would use this substance.⁹⁸ In June 2021, Arizona revealed its intention to use its gas chamber for executions.⁹⁹ Lastly, some states also permit hanging.

20. The use of the death penalty in the United States also raises concerns with regard to the people executed. Although this is prohibited by international law and the Eighth Amendment to the United States Constitution, the United States has on several occasions executed death row inmates who were in all likelihood suffering from a mental disorder. According to some researchers, about one-fourth of people executed in the U.S.A. had a history of being diagnosed with a mental illness.¹⁰⁰ In particular, my predecessor, Mr Cruchten, was extremely shocked by the execution of Charles Morva, who had suffered from a mental disorder, in Virginia on 6 July 2017.¹⁰¹ On 9 August 2018, Tennessee executed Billy Ray Irick, who showed signs of mental illness and, according to some witnesses, had not been sufficiently anaesthetised.¹⁰² In August 2019, Tennessee executed, by electric chair, Stephen West, who had been receiving mental health treatment in prison.¹⁰³ Wesley Ira Purke, who was executed in July 2020 (see above), suffered from schizophrenia and dementia.¹⁰⁴ On 5 October 2021, Ernest Johnson was executed in Missouri. His execution was carried out despite the foetal alcohol syndrome that had damaged his brain when he was a child and the fact that Pope Francis personally asked for an appeal.¹⁰⁵ On 21 October 2021, Alabama executed Willie B. Smith II, a man who suffered from significant cognitive deficiencies.¹⁰⁶ However, there have been some positive steps. On 26 April 2021, Tennessee lawmakers passed a bill allowing intellectually disabled death row prisoners to challenge their death sentences and the law was signed by the Governor on 11 May 2021, thereby preventing the execution of intellectually disabled Pervis Payne.¹⁰⁷ A similar law entered into force in Ohio in April 2021.¹⁰⁸

21. Until the 2005 Supreme Court judgment in *Roper v. Simmons* in 2005,¹⁰⁹ there had been executions of individuals who were minors at the time of the offences.¹¹⁰ Nevertheless, in April 2021, Kentucky prosecutors ceased seeking the death penalty sentences for offenders aged below 21 years¹¹¹ the United States also

⁹² [Proposed SC bill would make electrocution main method of execution for death penalty inmates](#), WMBF News, 17 January 2019.

⁹³ [Electrocution, firing squads should be options for death penalty in Louisiana, AG Jeff Landry tells Gov. Edwards](#), KALB news, July 25, 2018.

⁹⁴ [Death sentences drastically decline: report says there was 'a sea change in public opinion'](#), The Advocate, 30 December 2018.

⁹⁵ [Sick and Shrouded in Secrecy: Alabama's Contract to Gas Humans to Death](#), Counterpunch, 5 November 2019.

⁹⁶ Washington Post, [Drug companies don't want to be involved in executions, so they're suing to keep their drugs out](#), 13 August 2018.

⁹⁷ [Alabama: 8 death row inmates request execution by nitrogen gas](#), The Associated Press, 11 July 2018.

⁹⁸ [Alabama, Mississippi Take Preparatory Steps to Resume Executions, Death Penalty Information Center](#), 11 August 2021.

⁹⁹ [Arizona botched purchase of gas chamber chemical in effort to resume executions: lawyers](#), Death Penalty Information Center, 5 June 2021.

¹⁰⁰ [Some Prisoners Executed Despite Mental Illness Diagnosis](#), MedPage Today, 28 October 2018.

¹⁰¹ See Mr Cruchten statement of [13 July 2017](#).

¹⁰² [Tennessee executes Billy Ray Irick](#), *Tennessean*, 10 August 2018; "Tennessee execution: Billy Ray Irick tortured to death, expert says in new filing", eu.tennessean.com, 7 September 2018.

¹⁰³ [Tennessee executes Stephen West by electric chair](#), USA Today, 15 August 2019.

¹⁰⁴ [Wesley Ira Purkey executed in Terre Haute, 2nd man put to death this week](#), Indianapolis Star, July 16, 2020.

¹⁰⁵ [Ernest Johnson executed despite appeals from Pope Francis and politicians](#), CBS News, 05 October 2021. See also the reaction of the European Union [United States: Statement by the Spokesperson on the execution of Ernest Johnson in the state of Missouri](#), Peter Stano, 07 October 2021.

¹⁰⁶ [Alabama death row inmate is executed nearly 30 years after murder conviction](#), CNN, 22 October 2021.

¹⁰⁷ [Tennessee Legislature Passes Bill to Provide Death-Row Prisoners Court Review of Intellectual Disability Claims](#), Death Penalty Information Center, 27 April 2021.

¹⁰⁸ [Death Penalty Information Center | Second Ohio Prisoner Taken Off Death Row Under New Serious Mental Illness Law](#).

¹⁰⁹ See <http://www.deathpenaltyinfo.org/u-s-supreme-court-roper-v-simmons-no-03-633>.

¹¹⁰ The last person sentenced to death for a crime committed while still a minor was Scott Allen Hain, who was executed on 3 April 2003.

¹¹¹ [Kentucky Prosecutors Drop Death Penalty in Cases That Raised Constitutionality of Capital Punishment for Offenders Aged 18–21](#), Death Penalty Information Center, 03 May 2021.

executes people over 70 years of age¹¹² women.¹¹³ and foreign nationals,¹¹⁴ including those who have not obtained the consular assistance to which they are entitled under the Vienna Convention on Consular Relations of 24 April 1963, which means it is in breach of international law.¹¹⁵ It will be recalled that in 2004 the International Court of Justice (ICJ), following a lawsuit filed by Mexico, ruled against the United States in the *Avena* case¹¹⁶ for a violation of the Vienna Convention and ordered the United States to carry out a judicial review of the convictions of 52 Mexican nationals. Nevertheless, Texas executed several Mexican nationals who had been deprived of consular protection.¹¹⁷ For example, despite the calls by the United Nations' special rapporteurs and the Inter-American Commission on Human Rights to stop the execution¹¹⁸, in November 2018, it executed Robert Moreno Ramos, who probably suffered from a mental disability.¹¹⁹

22. Furthermore, prisoners remain on death row for a very long period after being sentenced to death. For example, in 2018 six people (out of 25) were executed after they had spent more than 30 years on death row and four people had been awaiting execution for 20-30 years. In 2019, twelve inmates (out of 22) were executed after at least 20 years spent on death row, out of whom three had spent more than 30 years there.¹²⁰ According to the death penalty review conducted by the Department of Justice Bureau of Justice Statistics in June 2021, the average time on death row is 18.7 years.¹²¹

23. The percentage of Americans who believe that the death penalty is applied fairly continues to decrease. According to Gallup polls of October 2020, 55% of Americans support the death penalty for convicted murderers, which is the lowest number since 1972.¹²² However, a Pew Research Center survey conducted online in April 2021 shows that 60% of Americans are in favour of the death penalty for people convicted of murder.¹²³

24. NGOs (such as Sister Helen Prejean's Ministry Against the Death Penalty) and lawyers are continuing to work for the complete abolition of capital punishment, especially by giving media exposure to executions and cases of wrongful convictions. However, despite some positive abolitionist tendencies in the United States of America, there are still serious difficulties that prevent a substantial advance towards the abolition of the death penalty.

3.3. Japan

25. Japan has been a Council of Europe observer state since 1996. It ratified the International Covenant on Civil and Political Rights on 21 June 1979 but has not ratified the Second Optional Protocol, aiming at the abolition of the death penalty. In Japan, nineteen crimes carry the death penalty (including crimes that do not involve the death of the victim). Amnesty International recorded three executions in 2015 (the same number as in 2014), three in 2016 (including one man aged 75 and one woman), four in 2017, four in 2018¹²⁴ and three in 2019¹²⁵, all by hanging. Fortunately, for the first time since 2011, no executions were carried out in 2020,¹²⁶ and none in 2021 (as of 22 November). Amnesty International also reports new death sentences being handed

¹¹² See Mr Cruchten's statement of 20 April 2018, in which he condemned the execution of Walter Leroy Bloody, aged 83, by Alabama after spending 30 years in prison. Moreover, on 26 May 2017 Thomas Arthur, aged 75, was executed in Alabama – <https://www.amnesty.org/en/documents/amr51/6373/2017/en/>. In 2015, Cecil Clayton, aged 74, was executed in Missouri and in 2016 Brandon Jones, aged 72, was executed in Georgia. In February 2019, Texas executed Billie Coble, a 70-year-old man. See the database at <https://deathpenaltyinfo.org/views-executions>.

¹¹³ The last woman to be executed was Kelly Gisserdamer (30 September 2015 in the state of Georgia).

¹¹⁴ The El Salvador national Alfredo Prieto was executed in the United States (on 10 January 2015 in Virginia), despite a request from the Inter-American Commission on Human Rights to halt his execution Amnesty International [2015](#), p. 22.

¹¹⁵ Amnesty International, [2014](#), p. 18.

¹¹⁶ International Court of Justice, *Avena and Other Mexican Nationals (Mexico. v. United States of America)*, judgment of 31 March 2004, I. C. J. Reports 2004, p. 12..

¹¹⁷ See the reactions by my predecessor Ms Karamanli: <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=4969&lang=2&cat=and> and <http://assembly.coe.int/nw/xml/News/News-View-EN.asp?newsid=4806&lang=2&cat=>.

¹¹⁸ UN, Office of the High Commissioner for Human rights (OHCHR), [UN experts urge US to halt Texas execution of Mexican Roberto Ramos Moreno](#), 13 November 2018.

¹¹⁹ [Texas executes Robert Moreno Ramos, amid pleas for case review](#), The Texas Tribune, 14 November 2019.

¹²⁰ As of 5 September 2020, <https://deathpenaltyinfo.org/executions/2019>.

¹²¹ [Bureau of Justice Statistics Reports Number on Death Row Down, Average Time on Death Row Approaches 19 Years](#), Death Penalty Information Center, 25 June 2021.

¹²² [U.S. Support for Death Penalty Holds Above Majority Level](#), Gallup, 19 November 2020.

¹²³ [Death penalty draws more Americans' support online than in telephone surveys](#), Pew Research Center, 2 June 2021.

¹²⁴ Amnesty International 2017, p. 19.

¹²⁵ Amnesty International 2019, p. 21 and p. 27.

¹²⁶ Amnesty International 2020, p. 29.

down: four in 2015, three in 2016, three in 2017, four in 2018, two in 2019 and three in 2020. In 2018, the country more than tripled its annual figure (4 to 15) as a result of the hanging of 13 men in the high-profile case of the Aum Shinrikyo cult responsible for the deadly sarin gas attack on the Tokyo metro in 1995.¹²⁷ In August 2019, two men (of 64 and 50 years of age) were executed by hanging after being convicted for murder and, on 26 December 2019, a Chinese man was executed; all of them had been convicted of murders¹²⁸. At the end of 2016, 141 prisoners remained under sentence of death,¹²⁹ but this figure was down to 116 at the end of 2018.¹³⁰ At the end of 2020, 120 people were under the sentence of death, including six foreign nationals and 110 people whose death sentence was final.¹³¹

26. In 2021, at least four people have been convicted to the death penalty, including Kuboki Ayumi, a 34-year old nurse exhibiting autism traits at the time of the crimes and suffering from depression,¹³² and Satoru Nomura, a 74-year-old head of a gang¹³³. Furthermore, at least two convictions have been upheld, including that of Chisako Kalehi, a 74-year-old woman convicted for the murder of three men¹³⁴, and Mitsuru Nakata, a former policeman aged 43.¹³⁵

27. Many Japanese practices relating to the death penalty alarm human rights activists in particular. Some executions involved men whose appeal to secure a retrial was still pending before the courts. For example, nine of those who were executed in July 2018¹³⁶ and the Chinese man who was executed in December 2019 had made applications for a retrial that were still before the courts at the date of their execution. Another disturbing fact was that Teruhiko Seki was executed in December 2017 even though he was only 19 years of age at the time of the crime of which he was convicted.¹³⁷ Under Japanese law, capital punishment may not be imposed on a person who was under 18 when the crime was committed or on an “insane person”. Prisoners are often given only a few hours’ notice of their execution and their families and lawyers are informed only after it has taken place.¹³⁸

28. Amnesty International points out that people with mental disabilities have been sentenced to death in Japan and are still on death row.¹³⁹ Moreover, people sentenced to death live in very questionable conditions. They are isolated from other inmates and their contacts with the outside world are limited to rare and closely supervised visits from members of their families, their lawyers and other officially authorised visitors. Some inmates, such as Iwao Hakamada (see below) and Kenji Matsumoto (whose eight requests for retrial have been rejected)¹⁴⁰ showed signs of seriously disturbed thinking and behaviour due to their detention. Finally, Japan is one of the countries with the longest periods spent on death row, sometimes over thirty years, and few people can have access to the places where condemned inmates are executed or even meet them.¹⁴¹ The release of death row inmates found to be innocent or their release pending a retrial has sparked heated debate in Japan concerning the death penalty. The best-known case is that of 83-year-old Iwao Hakamada, who has spent more than 40 years on death row. Owing to new doubts about his guilt (it is likely that his “confessions” were forced out of him by the police during a twenty-day interrogation), the Japanese courts decided to release him in March 2014. However, in June 2018 the Tokyo High Court refused to grant him a retrial. Mr Hakamada

¹²⁷ Amnesty International 2018, pp. 19 and 20, and Mr Cruchten’s [statement of 9 July 2018](#). In addition, two men were executed on 27 December 2018.

¹²⁸ Amnesty International, [Japan: two hanged in deplorable move](#), 2 August 2019, and [Japan: Execution a shameful stain on human rights record of Olympic hosts](#), 26 December 2019.

¹²⁹ Amnesty International 2016, p. 22, and Amnesty International [2015](#), pp. 33-34.

¹³⁰ *Ibid.*, p. 23.

¹³¹ Amnesty International 2020, p. 28. According to the World Coalition Against the Death Penalty, this figure is now at 114.

¹³² <https://www.straitstimes.com/asia/east-asia/japan-nurse-gets-life-in-prison-for-angel-of-death-murders-at-yokohama-hospital>

¹³³ [Yakuza Boss First to be Sentenced to Death in Japan](#), OCCRP, 29 August 2021. The two others convicted people are Ibaraki Mito, 36, and Yoshitaka Morito, 51.

¹³⁴ [Japan's top court upholds death penalty for 'black widow' serial killer](#), Japan Times, 22 June 2021.

¹³⁵ [Ex-cop's death penalty upheld over murder of wife, children](#), Death Penalty Information Center, 16 September 2021.

¹³⁶ Amnesty International, [Japan: Unprecedented spate of executions continues as six more Aum cult members hanged](#), 26 July 2018, and [Japan: Executions of seven Aum cult members fails to deliver justice](#), 6 July 2018.

¹³⁷ [Japan hangs two death row inmates, including man who killed Chiba family as a minor](#), *The Japan Times*; 19 December 2017.

¹³⁸ Amnesty International, [Japan: Two hanged as reprehensible executions continue](#), 13 July 2017.

¹³⁹ Amnesty International 2020, p. 29.

¹⁴⁰ *Ibidem*.

¹⁴¹ FIDH, [The Death Penalty In Japan. A Practice Unworthy of a Democracy](#), Report of the International investigation mission, no. 359, March 2003, p. 19, and Philippe Pons, [Au Japon, il ne faut pas 'troubler l'âme' des condamnés à mort](#), *Le Monde*, 25 March 2005.

appealed; at the end of December 2020, the Supreme Court returned his case to the Tokyo High Court for retrial.¹⁴²

29. On 20 August 2014, the United Nations Human Rights Committee voiced its concerns about the situation of the death penalty in Japan in its concluding observations on the sixth periodic report of Japan. Firstly, it was concerned that some of the 19 crimes that carried the death penalty did not comply with the Covenant's requirement of limiting capital punishment to the "most serious crimes". Secondly, apart from the above-mentioned faults in the system, the Committee also pointed out that the confidentiality of meetings between lawyers and death row inmates was not guaranteed; thirdly, the examinations to decide whether a prisoner was sane were not independent. Fourthly, it emphasised that an application for a retrial or a pardon did not have the effect of staying the execution and was ineffective. Lastly, the Committee also reported that the death penalty had been handed down on various occasions as a result of forced confessions.¹⁴³ The situation in Japan was again discussed by the UN Human Rights Committee on 11 December 2017 and a list of issues was drawn up prior to the seventh periodic report of Japan.¹⁴⁴ In response to the recommendations and remarks in the 2014 report, NGOs emphasised that the problems identified had not been resolved.¹⁴⁵ The number of crimes subject to the death penalty (19) is still the same, an independent system for considering the mental health of inmates has still not been put in place and applications for a review of procedures have no suspensive effect. There is a ray of hope in the Supreme Court's ruling of 10 December 2013 that meetings between persons sentenced to death and their lawyers should be confidential, save in exceptional circumstances. However, discussions between the members of the Aum Shinrikyo cult and their lawyers were held in the presence of prison staff.

30. On 7 October 2016, for the first time, the Japanese Federation of Bar Associations issued a declaration stating its opposition to the death penalty and calling on the authorities to abolish it by 2020.¹⁴⁶ However, capital punishment still has the broad support of Japanese society. According to a survey conducted in 2014, more than 80% of the population consider the death penalty as an 'unavoidable punishment' for those who have committed heinous crimes.¹⁴⁷ Another poll conducted by the Cabinet Office, in November 2019, showed that over 80% of the respondents accepted the death penalty as "inevitable". However, according to researchers from the Death Penalty Project, Japanese people form their views on the death penalty with limited information.¹⁴⁸ The authorities are not considering abolishing the capital sentence or introducing a new moratorium on executions (a moratorium was instituted between November 1989 and March 1993),¹⁴⁹ despite recommendations made by a large number of states in connection with the last Universal Periodic Review (UPR) by the United Nations.¹⁵⁰ In August 2019, a group of 300 people, including journalists, lawyers, religious figures and former politicians, met in Tokyo in order to establish a Citizen's Committee to Abolish Capital Punishment in Japan,¹⁵¹ which was further welcomed by the United Nations.¹⁵² Despite this, Japan voted against the UN General Assembly resolution on the moratorium on the use of the death penalty in December 2020.¹⁵³

3.4. Israel

31. First of all, under a law passed in 1954, Israel has abolished the death penalty for ordinary crimes. This law maintains the legality of the death penalty for certain crimes, such as genocide, crimes against humanity, mass crimes, treason and crimes against the Jewish people. Since the creation of the State of Israel, the death

¹⁴² Amnesty International 2020, p. 29.

¹⁴³ Human Rights Committee, Concluding observations on the sixth periodic report of Japan, [CCPR/C/JPN/CO/6](#), 20 August 2014, para. 13.

¹⁴⁴ [CCPR/C/JPN/QPR/7](#), 11 December 2017.

¹⁴⁵ See the reports of the International Federation for Human Rights (FIDH) and the Center for Prisoners' Rights (CPR), Joint submission for the adoption of the List of Issues, Japan, United Nations Human Rights Committee (CCPR) – 121st session, 27 July 2018, and Human Rights Now, Information for LOIPR, Report on Japan, 24 July 2017.

¹⁴⁶ Amnesty International 2016, p. 22.

¹⁴⁷ [Japan's new Justice Minister Katsuyuki Kawai pledges reform with a focus on immigration](#), Japan Times, 30 September 2019.

¹⁴⁸ [Lawyer: Popular support a flawed reason for death penalty in Japan](#), the Asahi Shimbun, 31 March 2021. A recent study had been conducted by a London-based lawyer Saul Lehrfreund.

¹⁴⁹ [Japan has no immediate plans to review death penalty, says minister](#), *The Mainichi*, 27 July 2018.

¹⁵⁰ UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Japan, A/HRC/37/15, 4 January 2018.

¹⁵¹ [Civil group for a death penalty-free inaugurated](#), Japan Press Weekly, 28 August 2019.

¹⁵² [Video message on the occasion of the establishment of the Citizen's Committee to Abolish Capital Punishment, Japan](#), 9 March 2019.

¹⁵³ Amnesty International 2020, p. 62

penalty has been carried out only once. In 1961, Adolph Eichmann was convicted on 15 counts of crimes against humanity, war crimes, crimes against the Jewish people, and membership in a criminal organisation, and was hanged in 1962.¹⁵⁴

32. However, it is important to point out that this law does not prevent the use of the death penalty, especially as the terms “treason” or “crimes against the Jewish people” are subject to interpretation. In the ongoing climate of conflict experienced by the country, there are more and more calls for the restoration of the death penalty. In 2014, a number of Israeli ministers called for its reintroduction, for example, Yisrael Katz, the Minister of Transport, who demanded its reinstatement in May that year as a deterrent for certain Palestinian prisoners. The Housing Minister, Uri Ariel, also called for its reintroduction for terrorists after the kidnapping and murder of three Jewish teenagers.¹⁵⁵ In July 2015, the Knesset rejected a bill that would have made it easier for courts to sentence to death those convicted of terrorism-related offences, but in March 2016 the issue was once again raised in the Israeli parliament.¹⁵⁶ On 3 January 2018, the Knesset gave its preliminary agreement to this draft law – a worrying development to which Mr Cruchten responded with a statement reiterating that observer status with the Assembly encourages commitment to the abolition of the death penalty.¹⁵⁷ The adoption of this draft law had been postponed on several occasions since last January and the Defence Minister, Avigdor Liberman, has called for it to be passed to make it easier to sentence terrorists (*i.e.* Palestinians) to death, by requiring only majority, as opposed to the unanimous agreement of the three judges. However, the Attorney General, Avichai Mandelblit, has come out against such a law.¹⁵⁸ In November 2018, the then Minister of Defence, Avigdor Liberman, accused his coalition partners of sabotaging the draft law.¹⁵⁹ In February 2019, some ministers called for the use of the death penalty after the savage murder in Jerusalem of a teenage girl by a Palestinian man.¹⁶⁰ In December 2020, Israel acted as a co-sponsor of the UN General Assembly resolution 75/183 on the moratorium on the use of the death penalty.¹⁶¹ It also voted in favour of this resolution. Nevertheless, Israel is not a Party to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

3.5. Kazakhstan

33. Although since 1998, the number of crimes that carry the death penalty in peacetime has been significantly reduced and capital punishment has been abolished for ordinary crimes, it still applies to offences that constitute either terrorist acts leading to loss of life or to certain serious crimes committed in wartime, a fact criticised by the UN Human Rights Committee in August 2016.¹⁶² A 2014 reform of the Criminal Code, which came into force on 1 January 2018, even raised the number of offences subject to the death penalty from 18 to 19.¹⁶³ Article 47(2) of the Kazakhstan Criminal Code of 2014¹⁶⁴ prohibits the death penalty for individuals under 18 years of age, women and people over 65.

34. On 18 December 2003, President Nursultan Nazarbayev issued a moratorium on executions and since 12 May 2003 (the date of the last execution), no execution has been carried out in the country. Following a judgment in November 2016, Ruslan Kulekbayev was sentenced to death for terrorism-related acts¹⁶⁵ having killed 10 people in Almaty in July that year and remains the only person on death row in Kazakhstan¹⁶⁶. This was the sixth death sentence handed down since the 2003 moratorium on executions. Since then, all death sentences have been commuted to life imprisonment¹⁶⁷ and no execution or death sentence has been recorded.

35. In December 2012, 2014, 2016, 2018 and 2020,¹⁶⁸ Kazakhstan voted in favour of the UN General Assembly resolutions calling for a moratorium on the use of the death penalty. By signing the Second Protocol to the ICCPR on 23 September 2020 following a speech by President Kassym-Jomart Tokayev during the 75th

¹⁵⁴ <https://www.internationalcrimesdatabase.org/Case/192>

¹⁵⁵ Amnesty International [2014](#), p. 49.

¹⁵⁶ Amnesty International, [Israel: Human Rights Situation Remains Dire](#), p. 15.

¹⁵⁷ See his statement of 4 January 2018.

¹⁵⁸ Toi Staff, [Defense minister urges colleagues to endorse death penalty for terrorists](#), *The Times of Israel*, 25 July 2018.

¹⁵⁹ *Peine de mort: Liberman accuse la coalition d'avoir sabordé son projet de loi*, *Times of Israel*, 21 November 2018.

¹⁶⁰ [Death Penalty for Palestinian Who Savagely Murdered Jewish Teen?](#), *Israel Today*, 10 February 2019.

¹⁶¹ Amnesty International 2020, p. 61.

¹⁶² Concluding observations on the second periodic report of Kazakhstan, CCPR/C/KAZ/CO/2, paragraph 17.

¹⁶³ International Commission against the Death Penalty, [How States abolish the death penalty. 29 Case-Studies, Second edition](#), May 2018, p. 32.

¹⁶⁴ <http://www.legislationline.org/documents/section/criminal-codes/country/21>.

¹⁶⁵ Amnesty International [2017](#), p. 33.

¹⁶⁶ Amnesty International, [Kazakhstan takes important step towards abolishing the death penalty](#), 23 September 2020.

¹⁶⁷ Amnesty International, [Kazakhstan 2017/2018](#).

¹⁶⁸ [Official records of the 75th session of the UN General Assembly](#), 16 December 2020.

UN General Assembly session, Kazakhstan has decided to fully abolish the death penalty and has committed itself to reform its Criminal Code.¹⁶⁹ On 2 January 2021, President Kassym-Jomart Tokayev signed the law ratifying the Second Optional Protocol to the ICCPR.¹⁷⁰ On 23 September 2021, 23 members of the Assembly, including myself issued a declaration supporting the abolition of the death penalty in Kazakhstan.¹⁷¹

3.6. *Kyrgyzstan*

36. Kyrgyzstan abolished the death penalty in 2007. On 11 February 2010, it ratified the Second Optional Protocol to the ICCPR, making any reinstatement of capital punishment impossible,¹⁷² a fact welcomed by the Assembly in [Resolution 1984 \(2014\)](#), Request for Partner for Democracy status with the Parliamentary Assembly submitted by the Parliament of the Kyrgyz Republic.¹⁷³

3.7. *Morocco*

37. Morocco is not a Party to the Second Optional Protocol to the ICCPR. As an Assembly partner for democracy, the Moroccan Parliament has undertaken to continue its efforts “to raise the awareness of the public authorities and the main players in politics and civil society of the need to make progress in the discussion of [...] the death penalty” and to continue “to encourage the authorities concerned to maintain the de facto moratorium that has been established on executions of the death penalty since 1993”.¹⁷⁴ Morocco has not carried out the death penalty since 1993, although 93 people remain under a death sentence.¹⁷⁵ However, such sentences are still handed down. In 2015, as reported by Amnesty International, nine people were sentenced to death.¹⁷⁶ In 2016, six people were given this sentence (as in 2015, this figure also includes the Western Sahara), while some people given the death penalty had their sentences commuted or were pardoned.¹⁷⁷ In 2017, at least 15 people were given death sentences and the authorities commuted four sentences.¹⁷⁸ In 2018, ten people were sentenced to death and, in 2019, at least 7 people¹⁷⁹. In 2020, only one new death sentence was recorded.¹⁸⁰ The 2011 Constitution expressly enshrines the “right to life” but without abolishing the death penalty. In 2019, King Mohammed VI pardoned a total of 34 people, commuting their death sentences to life imprisonment and, on 29 July 2020 – two people.¹⁸¹ However, on 18 July 2019, the anti-terrorist court in Sale issued death sentences against three men accused of the savage murder of two Scandinavian tourists in the Atlas mountains in December 2018 and of belonging to a group associated with Daesh. My predecessor, Mr Corlatean, reacted to this decision in his statement of 24 July 2019, in which he stressed that neither the fight against terrorism nor the most serious crimes could justify the death penalty, calling on the Moroccan authorities not to apply this penalty. On 31 October 2019, however, the Rabat Court of Appeal upheld these sentences.¹⁸² Recently, the family of one of the victims asked Morocco’s judiciary to execute the death penalty sentences.¹⁸³

38. The Moroccan Coalition against the Death Penalty, which groups together seven NGOs, is the leading organisation in Morocco’s abolition movement.¹⁸⁴ It is accompanied in this fight by the Network of Parliamentarians against the Death Penalty in Morocco, the National Human Rights Council and lawyers from six different bar associations. They come together to fight against capital punishment.¹⁸⁵ However, Moroccan

¹⁶⁹ [Kazakhstan officially abolishes death penalty](#), 24 September 2020.

¹⁷⁰ [Kazakhstan Abolishes the Death Penalty](#), Death Penalty Information Center, 02 January 2021. According to Amnesty International, the law on the ratification contains a reservation that provides for the application of the death penalty in time of war; Amnesty International 2020, p. 35.

¹⁷¹ [Political reform in Kazakhstan responsive to the needs and ambitions of its citizens](#), Written declaration 30 September 2021.

¹⁷² See [Kyrgyzstan definitively outlaws death penalty](#).

¹⁷³ [Resolution 1984 \(2014\)](#), paragraph 6.

¹⁷⁴ “Moroccan Parliament obtains ‘Partner for Democracy’ status with PACE”, Press release – AP032(2011), 21 June 2011.

¹⁷⁵ As of 30 August 2021, see <http://www.worldcoalition.org/Morocco>.

¹⁷⁶ Amnesty International 2015, p. 65.

¹⁷⁷ Amnesty International 2016, pp. 5-6.

¹⁷⁸ Amnesty International 2017, pp. 30 and 32.

¹⁷⁹ Amnesty International 2019, p. 53.

¹⁸⁰ Amnesty international 2020, p. 43.

¹⁸¹ <https://www.peinedemort.org/document/actualites?zonegeo=MAR>. Amnesty International reports only one royal pardon in 2019; Amnesty International 2019, p. 39.

¹⁸² [Morocco backpacker murders: Court confirms death penalty for killers](#), Deutsche Welle, 31 October 2019.

¹⁸³ [Imilil Murder: Family of Danish Victim Calls for Execution of Death Penalty](#), Morocco World News, 05 July 2021

¹⁸⁴ Téo Cazenaves, [Peine de mort: le Maroc, ‘pays abolitionniste en pratique’](#), Le Desk, 12 April 2017.

¹⁸⁵ Fouâd Harit, [Abolition de la peine de mort au Maroc: les avocats rejoignent le mouvement](#), 9 October 2014.

society is still split regarding its abolition.¹⁸⁶ In its most recent resolution on evaluation of the partnership for democracy in respect of the parliament of Morocco, of May 2019, the Assembly expressed regret that little progress had been achieved with regard to the death penalty and once again called on the Moroccan Parliament to abolish the death penalty in law, and, pending abolition, to declare a *de jure* moratorium on executions.¹⁸⁷ This question was also considered in the report of the Committee on Political Affairs and Democracy on the “Evaluation of the partnership for democracy in respect of the Parliament of Morocco”¹⁸⁸. In December 2020, the Moroccan delegation abstained in the vote on the eighth UN General Assembly Resolution on a moratorium on the use of the death penalty¹⁸⁹; it had abstained on the previous seven votes on similar resolutions.¹⁹⁰ In December 2016, the Human Rights Committee had also expressed concern about proposed changes to the Criminal Code which would extend the scope of the death penalty to three new categories of offences (despite a reduction in the number of offences that carry capital punishment). These concerns were also voiced by Amnesty International in September 2017.¹⁹¹ After undergoing the Universal Periodic Review by the United Nations, Morocco rejected in May 2018¹⁹² the recommendation that it bring about the immediate and total abolition of the death penalty.¹⁹³ In January 2019, the Moroccan Organisation of Human Rights urged Morocco to join an international agreement ending capital punishment and the new president of the National Council of Human Rights, Ms Amina Bouayach, strongly criticised the ‘indecisiveness’ of the government towards the complete abolition of this sentence.¹⁹⁴ The brutal murder of 11-year old Adnane Bouchouf has prompted the question of whether death penalty should be applied again and a petition launched on Facebook in this respect has so far collected over 100,000 signatures.¹⁹⁵ In April 2021, the Tangier Court of Appeal upheld the death penalty for a 24-year-old man convicted for killing and raping Adnane Bouchouf in September 2020.¹⁹⁶

3.8. *Palestinian Authority*

39. By becoming a partner for democracy on 4 October 2011,¹⁹⁷ the Palestinian National Council (PNC) undertook to promote discussions in support of the abolition of the death penalty in the Criminal Code and to continue the *de facto* moratorium in force in the West Bank since 2005. In the territories administered by the Palestinian Authority, the West Bank continues to pass death sentences, but no execution has been recorded since 2005. However, death sentences are still handed down and carried out in the Gaza Strip, which has been under Hamas control since 2007. The methods used are hanging or firing squad. According to Palestinian law, death sentences must be carried out with the agreement of the Palestinian President; however, since 2010, this requirement has never been complied with.¹⁹⁸ In Resolution 2105 (2016)¹⁹⁹ on evaluation of the partnership for democracy in respect of the Palestinian National Council, the Assembly noted that while a *de facto* moratorium on executions had been in place since 2005 in the West Bank, courts in Gaza continued to hand down death penalty sentences and Hamas authorities continued to carry out illegal executions. The Assembly roundly condemned these executions and urged the PNC to intervene with Hamas to stop executions in Gaza and to abolish the death penalty in the Palestinian Criminal Code. Despite this call, further executions have been carried out in the Gaza Strip.

¹⁸⁶ Yassine Benargane, [Au Maroc, la journée mondiale de l'abolition de la peine de mort est passée presque inaperçue](#), Yabiladi, yabiladi.com, 11 October 2016.

¹⁸⁷ [Resolution 2282 \(2019\)](#) adopted by the Assembly's Standing Committee on 24 May 2019 paragraph 5.1.

¹⁸⁸ [Doc. 14659](#), adopted on 21 October 2018, rapporteur: Mr Bogdan Klich (Poland, EPP/CD), Section 3.1. See also [Doc. 14853](#), this committee's opinion, rapporteur Mr André Vallini (France, Socialists, Democrats and Greens Group), 1 April 2019.

¹⁸⁹ Amnesty International 2020, p. 62.

¹⁹⁰ <https://ledesk.ma/2017/04/12/peine-de-mort-le-maroc-pays-abolitionniste-en-pratique/>.

¹⁹¹ Human Rights Committee, CCPR/C/MAR/CO/6 of 1 December 2016, paragraph 19, and Amnesty International, [public statement](#) of 21 September 2017.

¹⁹² Amnesty International, [Death sentences and executions in 2017](#), p. 32.

¹⁹³ The Kingdom of Morocco's position on the Recommendations issued after review of its National Report under the third cycle of the Universal Periodic Review, August 2017, Addendum 1 of the outcome of the review, <http://www.ohchr.org/EN/HRBodies/UPR/Pages/MAIndex.aspx>.

¹⁹⁴ [Justice Minister: Morocco is Taking Steps Toward Ending Death Penalty](#), Morocco World News, 19 January 2019.

¹⁹⁵ Morocco World News, [Moroccans Launch Online Petition to Execute Adnane Bouchouf's Killer](#), 13 September 2020.

¹⁹⁶ [Morocco Upholds Death Penalty For Rapist, Killer of 11-Year-Old Adnane Bouchouf](#), Morocco World News, 05 July 2021

¹⁹⁷ [Resolution 1830 \(2011\)](#) on the Request for partner for democracy status with the Parliamentary Assembly submitted by the Palestinian National Council, 4 October 2011.

¹⁹⁸ Amnesty International, [Palestine: Hamas must urgently halt executions of three men sentenced after unfair trial](#), 24 May 2017.

¹⁹⁹ Adopted on 19 April 2016, paragraph 7.3.

40. No executions were recorded in 2015 although twelve death sentences were handed down (10 in Gaza and two in the West Bank).²⁰⁰ In 2016, three executions were carried out and 21 death sentences issued in the Hamas-run Gaza Strip.²⁰¹ In 2017, six executions were carried out in the Gaza Strip and 16 death sentences were handed down (including one in absentia).²⁰² No execution was recorded in 2018, but thirteen death sentences were issued by courts in the Gaza Strip (including three in absentia).²⁰³ According to Amnesty International, four death sentences were issued in Palestinian Authority controlled areas (in the Gaza Strip, administered by Hamas) in 2019.²⁰⁴ In 2020, at least 17 death sentences were recorded and at least 125 people were on death row at the end of the year.²⁰⁵ The situation in 2021 is even more disappointing. As of 24 October 2021, according to the Palestinian Centre for Human Rights, 19 death sentences had been issued by the Gaza courts, (15 by first-instance courts and four by appeal courts).²⁰⁶ In addition, on 28 October 2021, six Palestinians were convicted to capital sentence and on 9 November 2021 – another three.²⁰⁷ Many of them were sentenced to death for “collaboration” with Israel.

41. Some NGOs, including Amnesty International and the PCHR, also condemn procedures preceding a death sentence that do not meet international fair-trial standards, with convictions based on confessions probably extracted through torture or ill-treatment. Death sentences have also been passed in absentia.

42. On 6 June 2018, the Palestinian Authority signed the Second Optional Protocol to the ICCPR, and acceded to this treaty on 18 March 2019.²⁰⁸ After the signing, the establishment of a moratorium on executions in the Gaza Strip is all the more necessary.²⁰⁹ However, neither the Palestinian authorities in the West Bank nor the Hamas de facto administration in Gaza took any steps to translate the Palestinian Authority’s commitments under the Second Optional Protocol to the ICCPR into domestic law.²¹⁰

3.9. Jordan

43. Jordan is not a Party to the Second Optional Protocol to the ICCPR. In Resolution 2086 (2016) of 26 January 2016, in which the Assembly conferred “partner for democracy” status on the Jordanian parliament, it also called for the abolition of the death penalty in that country. In December 2020, Jordan voted for the General Assembly Resolution on the moratorium on the use of the death penalty.²¹¹

44. In Jordan, a moratorium on executions was imposed in 2006. Nonetheless, the death penalty continues to be provided for in the Criminal Code. Amnesty International reported that there had been two executions (one of an Iraqi female and one of an Iraqi male, by hanging) and three death sentences passed in Jordan in 2015.²¹² There were no executions in 2016 but thirteen death sentences were handed down.²¹³ In March 2017, fifteen persons were executed (one convicted of murder and fourteen others of terrorism-related offences) within a day, which was strongly condemned by the then President of the Assembly.²¹⁴ In all, there were fifteen executions in 2017 and at least ten death sentences were recorded.²¹⁵ In 2018, no execution took place, but at least 16 people were condemned to the death sentence.²¹⁶ In 2019, no execution took place, but at least 8 people were sentenced to death²¹⁷ (one of them was overturned by the Court of Cassation in February 2021²¹⁸). On 10 February 2019, the Jordan State Security Court issued its second and final ruling concerning a terrorist attack that had taken place in southern Jordan in December 2016: two brothers were sentenced to

²⁰⁰ Amnesty International 2015, p. 65.

²⁰¹ Amnesty International 2016, p. 38.

²⁰² Amnesty International 2017, p. 32.

²⁰³ Amnesty International 2018, p. 37.

²⁰⁴ Amnesty International 2019, p. 34.

²⁰⁵ Amnesty International 2020, pp. 36-37 and 56.

²⁰⁶ [Gaza Issues 8 New Death Sentences in October](#), Palestinian Centre for Human Rights, 24 October 2021.

²⁰⁷ [Hamas sentences six Palestinians to Death for Collaborating with Israel](#), republicworld.com, 28 October 2021 and [Hamas sentences 2 people to death in Gaza for collaborating with Israel, another for drug trade](#), Agence France Presse, 9 November 2021.

²⁰⁸ https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtmsg_no=IV-12&chapter=4&clang=fr

²⁰⁹ See Mr Cruchten statement of 14 June 2018.

²¹⁰ Amnesty International, [Palestine \(State of\) 2020](#).

²¹¹ Amnesty International 2020, p. 61.

²¹² Amnesty International 2015, p. 52.

²¹³ Amnesty International 2017, p. 30.

²¹⁴ See his statement of 4 March 2017.

²¹⁵ Amnesty International [2017](#), pp. 38 and 39.

²¹⁶ Amnesty International 2018, p. 31.

²¹⁷ Amnesty International 2019, p. 53.

²¹⁸ [Death sentence overturned for man who killed 5-year-old nephew](#), Death Penalty Information Center, 17 February 2021.

death by hanging.²¹⁹ In 2020, no executions were carried out in Jordan but two new death sentences were issued.²²⁰ As for 2021, no executions have been carried out so far. However, on 12 January 2021, Jordan's State security court sentenced a citizen to death for the 2019 stabbing of eight people, four of them foreign tourists, at Jerash, one of the kingdom's ancient sites.²²¹ In April 2021, the same court sentenced six men to the death penalty for a brutal assault on a 16-year-old boy.²²² Moreover, in July, the Court of Cassation upheld a death sentence for a man who had burned his wife²²³ and, in September, a man was convicted to death for murdering his mother.²²⁴ To the knowledge of the World Coalition Against the Death Penalty, there are currently 120 people under a death sentence.²²⁵

45. In Resolution 2183 (2017) of October 2017,²²⁶ the Assembly regretted the fact that while a de facto moratorium on executions was purportedly introduced in 2006, the courts continue to hand down death sentences. It called on the Jordanian Parliament to intervene with the authorities to stop executions and reinstate the moratorium pending the abolition of the death penalty in the Criminal Code, in keeping with the commitment to act to abolish capital punishment, which is one of the criteria for granting partner for democracy status (Rule 64.2 of the Assembly's Rules of Procedure). The Assembly has decided to continue to follow the implementation of the reforms in Jordan very closely and to offer the Jordanian Parliament its full assistance and to make a new assessment of this partnership within two years from October 2017. At its meeting held in Budapest on 3 November 2021, the Committee on Political Affairs and Democracy discussed the issue of abolition of the death penalty in the context of the preparation of another report on the "evaluation of the partnership for democracy in respect of the Parliament of Jordan" (Rapporteur: Mr George Loucaides, Cyprus, UEL) and it was stressed that Jordan was the only country in the region which had made progress in this area.

3.10. Belarus

46. Belarus entered into international commitments by ratifying the International Covenant on Civil and Political Rights on 12 November 1973 but is not a Party to the Second Optional Protocol. It is the only state on the continent of Europe that still carries out executions in its territory. The method of execution employed is the firing squad. In 2015, Amnesty International reported that there had been no executions but at least two death sentences were recorded.²²⁷ In April 2016, Belarus resumed executions after a 17-month hiatus; at least four executions were carried out in that year²²⁸ (including that of Ivan Kulesh, who apparently suffered from a personality disorder). In 2017, there were at least two executions and at least four new death sentences.²²⁹ In 2018, at least four executions (of Aliaksei Mikhalenya, Viktor Liotau in May and of Ihar Hershankou and Syamyon Berazhny in November) were carried out – doubling the yearly total persons compared to 2017 – and at least two death sentences handed down (Viachaslau Sucharka and Aliaksandr ZylNIKau).²³⁰ In 2019, at least two executions took place (of Aliaksandr ZylNIKau²³¹ and Alyaksandr Asipovich) and at least three people were sentenced to death (Aliaksandr Asipovich, Viktor Paulau and Viktor Serhil;)²³². It should be borne in mind that since figures on the application of the death penalty are classified as a state secret, these are minimum estimates and the actual figures may be higher. Indeed, the exact number of persons sentenced to death and/or executed in Belarus is unknown; the Belarusian Minister of Justice estimated that 245 death sentences had been pronounced between 1994 and 2014, while human rights NGOs affirmed that at least 400 persons had been executed since 1991 (when the country gained its independence).²³³ As regards 2020, no new

²¹⁹ See the statement of my predecessor made on 21 February 2019.

²²⁰ Amnesty International 2020, p. 36.

²²¹ [Jordanian sentenced to death for 2019 knife attack on tourists, Al Jazeera](#), 12 January 2021.

²²² [Jordan sentences six men to death for blinding teen, chopping his arms off](#), Alarabiya news, 17 March 2021.

²²³ [Man gets death penalty for burning wife to death](#), Death Penalty Information Center, 29 September 2021.

²²⁴ [Man sentenced to death by hanging for murdering mother](#), Death Penalty Information Center, 29 September 2021.

²²⁵ As at 30 August 2021, see: <http://www.worldcoalition.org/Jordan>. The same number was reported (at least) in Amnesty International Report 2020, p.36.

²²⁶ Evaluation of the partnership for democracy in respect of the Parliament of Jordan, [Resolution 2183 \(2017\)](#), adopted by the Assembly on 10 October 2017, paragraphs 6.8 and 13. See also the report of the Committee on Political Affairs and Democracy, rapporteur: Ms Josette Durrieu (France, SOC), [Doc. 14399](#) and addendum, and the opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Andrea Rigoni (Italy, ALDE), [Doc. 14412](#).

²²⁷ Amnesty International 2015, p. 44.

²²⁸ European Union, Directorate General for External Policies of the Union, "Human rights in Belarus: The EU's role since 2016", PE 603.870, June 2018, p. 38, and Amnesty International 2016, pp. 28-29.

²²⁹ Amnesty International 2017, p. 28, and European Union, Directorate General for External Policies, [Human rights in Belarus: The EU's role since 2016](#), PE 603.870, June 2018, p. 38 (Fn 152).

²³⁰ Amnesty International 2018, pp. 29-30.

²³¹ See the statement of my predecessor as of 17 June 2019. According to Amnesty International, Viachaslau Sucharko is believed to have also been executed at the same time; Amnesty International 2019, p. 32.

²³² Amnesty International 2019, p. 53.

²³³ [Yet again: EU calls on Belarus to abolish death penalty](#), Belsat, 10 October 2019.

execution has been reported, but at least three death sentences have been issued (in January of brothers Stanislav and Ilya Kostev, aged 19 and 21, and in March of Viktor Skrundzik²³⁴). According to the World Coalition against the Death Penalty, the number of persons under sentence of death currently stands at four.²³⁵ In January 2021, the Minsk Regional Court upheld the death penalty for Viktor Skrundzik after a retrial ordered by the Supreme Court.²³⁶ In my statement from 20 January 2021, I expressed my strong disappointment about this decision.²³⁷ There has, however, been a positive development with the granting of a pardon to Ilya and Stanislav Kostev in May 2021,²³⁸ for the second time in 30 years.²³⁹

47. The executions in Belarus raise a number of concerns in the light of two practices contrary to international law. Firstly, in the last few years, it has been revealed that several sentences have been carried out in secret. The Belarusian authorities execute people sentenced to death without giving them prior notice or informing their families or their lawyers. Furthermore, families are unable to recover the body of the executed family member or even to find out where he or she is buried. For example, on 8 May 2014, the Mahilioŭ Regional Court announced that Rygor Yuzepchuk²⁴⁰ had been executed in Belarus without stating the date of his execution or where the body had been taken. Another example is that of the aforementioned Siarhei Vostrykau, executed in April 2017: the Homel Regional Court did not inform his mother of his death until the beginning of May 2017. Article 175 of the Criminal Executive Code allows the government not to return the bodies of those executed to relatives and not to disclose the place of burial.²⁴¹ In June 2019, Aliaksandr ZylNIKau's lawyer was not informed about his client's execution.²⁴² Another example is that of Viktor Pavlov, who ceased sending letters to his sister since May 2021. When she tried to visit him in the pre-detention center, she was told that he was not there.²⁴³ Although there has been no official confirmation, there is a strong suspicion that Mr. Pavlov was secretly executed. It is also probable that Viktor Skrundzik suffered a similar fate: on 5 September 2021, a state-owned TV channel broadcast a video saying 'Today he is 30. Could be 30. First death sentence in 2021'.²⁴⁴

48. Secondly, many death sentences are passed at the end of unfair trials during which proof of guilt is provided by "confessions" drawn up after the use of torture or in the absence of any defence counsel.²⁴⁵ The Belarusian authorities do not hesitate to carry out secret executions of death row inmates whose cases are being considered by the Human Rights Committee. In 2010 and 2011, Andrei Zhuk and Vasily Yuzepchuk, as well as Oleg Grishkovtsov and Andrei Burdyko, whose cases were being considered by the UN Human Rights Committee, were executed despite complaining that they had been tortured and not been given a fair trial. In April 2014, Belarus executed 23-year-old Pavel Selyun, who had been sentenced to death in June 2013. At that time, the Human Rights Committee was considering the case of Pavel Selyun and had asked the Belarusian authorities to stay the execution pending its conclusions,²⁴⁶ a measure that Belarus deliberately failed to comply with. In November 2014, 25-year-old Alyaksandr Haryunou was executed even though he had appealed to the UN Human Rights Committee alleging that he had not been given a fair trial. The Committee then called on the Belarusian authorities to stay his execution until it had finished considering his case.²⁴⁷ In 2016, Syarhei Ivanou, Hyanadz Yakavitski and Syarhei Khmialeuski were executed in spite of the Human Rights Committee having asked the authorities not to carry out the execution while it considered the case.²⁴⁸ Aliaksei Mikhalenya, sentenced to death in 2017, was executed in May 2018 and Alyaksandr Zhylnikay – in June 2019 despite the UN's requests for an interim measure.²⁴⁹ In his report published in April 2017, the then UN Special Rapporteur, Mr Miklós Haraszti, on the situation of human rights in Belarus emphasised that the

²³⁴ Amnesty International 2020, p. 34.

²³⁵ As of 22 November 2021.

²³⁶ [Belarus Issues First Death Sentence This Year](#), BW Business world, 15 January 2021.

²³⁷ See my statement of [20 January 2021](#).

²³⁸ [Lukashenko pardons 2 brothers sentenced to death](#), HandsOffCain Info, 30 April 2021.

²³⁹ See my statement of [04 May 2021](#).

²⁴⁰ Alternative spelling: Ryhor Yuzepchyk.

²⁴¹ Amnesty International, [Death sentences and executions in 2013](#), p. 28.

²⁴² <https://www.amnesty.org/download/Documents/EUR4905352019ENGLISH.pdf>

²⁴³ [A secret execution could have been carried out in Belarus](#), World Today news, 17 June 2021.

²⁴⁴ [Abolition of the death penalty in Belarus: is it fake?](#), Deutsche Welle, 14 September 2021.

²⁴⁵ Amnesty International [2013](#), p. 29. See also the very controversial case of the executions on 18 March 2012 of Dimitri Konovalov and Vadislav Kovalev, who had been sentenced and executed after a bungled investigation, compounded by the apparent lack of a motive on the part of the individuals convicted and the total lack of material evidence. [Vives critiques après l'exécution de deux condamnés en Biélorussie](#), *Le Monde*, 19 March 2012.

²⁴⁶ Amnesty International, [Death sentences and executions in 2014](#), p. 42.

²⁴⁷ *Ibid*, p. 42.

²⁴⁸ Amnesty International, [Death sentences and executions in 2016](#), p. 28.

²⁴⁹ Directorate General for External Policies of the Union, Human rights in Belarus: The EU's role since 2016, PE 603.870, June 2018, p. 38, and Amnesty International 2019, p. 32.

death sentences handed down in the country were disputable owing to the failure to comply with the guarantees of a fair trial and the lack of judicial independence, adding that “the secrecy surrounding executions and the fact that no details on executions or places of burial are given to the families also amount to torture”.²⁵⁰ The current UN special rapporteur on the human rights situation in Belarus, Ms Anaïs Marin, has also considered the practice of not informing relatives about the circumstances of death of their close ones as inhuman treatment, violating Article 7 of the ICCPR.²⁵¹

49. The Assembly has had occasion to express its grave concern about the increase in executions and death sentences in Belarus and the way they are carried out, as in [Resolution 1857 \(2012\)](#) and [Resolution 2172 \(2017\)](#).²⁵² In the latter, it called on the authorities to introduce a *de jure* moratorium on the death penalty and executions, with a view to their abolition. Given the fact that no such moratorium had been introduced and no other progress had been made, it concluded that it was not in a position to re-establish the special guest status for the parliament of Belarus.²⁵³ Recently, in its Resolution 2372 (2021) on “Human rights violations in Belarus require an international investigation” of April 2021, the Assembly called once again on the Belarussian authorities to abolish the death penalty as soon as possible, starting with a moratorium.²⁵⁴ In October 2017,²⁵⁵ the Council of Europe Committee of Ministers reiterated its request to the Belarussian authorities to introduce an official moratorium on executions without delay and commute all death sentences handed down. In November 2017, in its response to Assembly [Recommendation 2107 \(2017\)](#) on the situation in Belarus, it once again deplored the fact that the country’s authorities are continuing to carry out death sentences.²⁵⁶ In July 2019, the Committee of Ministers adopted a Council of Europe Action Plan 2019-2021, a strategic programme providing several approaches aiming to bring Belarus’s legislations, institutions and practices into line with European standards. In this Action Plan, the Council of Europe and the authorities of Belarus agreed to jointly foster dialogue on the death penalty through co-operation programmes.²⁵⁷ The situation in Belarus is also being closely monitored by the European Union, which regularly condemns new executions and death sentences. As far as the UN is concerned, the Special Rapporteurs on the situation of human rights in Belarus have contributed to monitoring the development of the situation and makes recommendations, assists the Belarussian government in fulfilling its international human rights obligations and submits annual reports to the Human Rights Council and the UN General Assembly. In connection with the UN Human Rights Council’s Universal Periodic Review, the authorities undertook to implement a number of recommendations, including to carry out public campaigns explaining the arguments for the abolition of the death penalty and to consider introducing a moratorium on executions.²⁵⁸ Unfortunately, like Morocco, Belarus abstained from voting on the last UN resolution on a moratorium on the use of the death penalty in 2020.²⁵⁹

50. In May 2017, a working group on the death penalty (now known formally as the Working Group on Studying the Issue of the Abolition of the Death Penalty) was set up in the Belarus parliament.²⁶⁰ It is co-operating with several international experts, including from the United Kingdom, on the question of abolition and has organised round tables on legal Aspects of the Abolition of the Death Penalty in cooperation with the Council of Europe.²⁶¹ On 27 August 2019, my predecessor, Mr Corlatean, took part in a conference organised in Minsk by the Belarussian National Assembly, in co-operation with the Council of Europe Directorate General on Human Rights and the Rule of Law (DG 1). Moreover, at its meeting on 1 October 2019, the committee held a discussion with Mr Maxim Misko, Deputy Chairman of the Standing Committee on Law of the House of Representatives of Belarus, who stressed that the authorities were studying new initiatives on how to influence public opinion on the abolition of the death penalty issue before organising a new referendum. The authorities’ official line, that the death penalty should be maintained until a majority of the population supports its abolition,

²⁵⁰ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Belarus, A/HRC/35/40, 21 April 2017, para. 103.

²⁵¹ UN, A/HRC/41/52, *op. cit.*, para. 22.

²⁵² [Resolution 1857 \(2012\)](#), The situation in Belarus, 25 January 2012, and [Resolution 2172 \(2017\)](#) on the same subject, adopted on 27 June 2017.

²⁵³ Paragraphs 5.4.2. and 8 of [Resolution 2172 \(2017\)](#).

²⁵⁴ Adopted by the Assembly on 21 April 2021, paragraph 11.1.10. See report by this Committee, rapporteur: Ms Alexandra Louis (France, ALDE), Doc. 15256.

²⁵⁵ Committee of Ministers, Decision on the abolition of the death penalty, adopted at the 1298th meeting, CM/Del/Dec(2017)1298/4.1, 25 October 2017, para. 8.

²⁵⁶ [Doc. 14446](#), Reply to Assembly [Recommendation 2107 \(2017\)](#), adopted at the 1301st meeting of the Ministers’ Deputies, 29 November 2017.

²⁵⁷ Council of Europe Action Plan for Belarus 2019-2021, p. 2.

²⁵⁸ A/HRC/30/3 of 13 July 2015, paragraph 11, and A/HRC/30/3/Add.1 of 30 July 2015.

²⁵⁹ Amnesty International 2020, p. 62.

²⁶⁰ DD(2019)1222, 30 October 2019 and *Nine members of National Assembly join new-look working group on issue of death penalty*, Belapan, 31 January 2020.

²⁶¹ For example, see the news item at <https://www.coe.int/en/web/national-implementation/-/abolition-of-death-penalty-discussed-in-minsk>.

should be reconsidered. In June 2021, Aleksandr Lukashenko signed amendments to the Criminal Code, which did not bring any changes as to the death penalty.²⁶² Recently, after the head of Constitutional Committee had stated that more social studies were required before organising a referendum on the abolition of the death penalty,²⁶³ he stated that the question of the death penalty might be considered in the future, following a separate referendum on this issue.²⁶⁴

51. In my statements concerning Belarus, I expressed condemnation and reiterated the need to abolish the death penalty and to establish a moratorium on its use as soon as possible. Concrete steps are needed, as the continuous application of the death penalty is the reason for which Belarus is not a State Party of the Council of Europe and a moratorium on this sentence would improve relations between Belarus and the Council of Europe. This issue must remain a priority in the current work of the Assembly. I would like to express the hope that the issue of the abolition of the death penalty in this country will be considered in the context of the ongoing constitutional discussions.

4. Conclusion

52. By and large, the global trend is towards less and less use of the death penalty. This abolitionist trend is even more pronounced in Europe, where it is driven by the Council of Europe, and in neighbouring countries, but there is still work to be done. However, despite the abolitions and moratoriums, within Council of Europe member states, there are still some calls for the restoration of capital punishment. This happens, for example, in Russia (see above), but not only. In France several private member's bills have been tabled to reinstate it, the last dating from 2004.²⁶⁵ After the January 2015 attacks, the President of the National Front, Marine Le Pen, publicly stated that she was in favour of "a referendum on the death penalty in France".²⁶⁶ Recently, a candidate in the forthcoming presidential election, journalist Eric Zemmour, stated that "it had not been a good thing to the abolish of the death penalty".²⁶⁷ According to a 2020 opinion poll, 55 % of French people are in favour of reinstating the death penalty.²⁶⁸ Nevertheless, on 6 October 2021, the National Assembly held a high-level conference to celebrate the 20th anniversary of the abolition of the death penalty in France. On that occasion, President Emmanuel Macron announced that he would give priority to this issue during the forthcoming French presidency in the European Union.²⁶⁹ In Hungary, in 2015, Prime Minister Viktor Orbán commented publicly on its reintroduction²⁷⁰ and some politicians still try to launch a debate on it²⁷¹. The situation in Turkey, following the attempted coup d'état of 15 July 2016, and President Erdoğan's statements on organising a referendum on reintroducing the death penalty were also worrying.²⁷² The discovery in Turkey in 2017 of children who had disappeared and were found dead reignited the debate on the death penalty. President Erdoğan voiced his support for its restoration for terrorist offences. In July 2018, he agreed with Devlet Bahçeli, the leader of the Nationalist Movement Party (MHP), supporting the ruling Justice and Development Party (AKP), on the idea of amending the criminal law to introduce the possibility of handing down the death penalty for perpetrators of terrorist offences and serious crimes against children and women.²⁷³ In September 2020, the parliamentary speaker, Mustafa Şentop, expressed his support for the reintroduction of the death penalty "to a very limited extent, for certain crimes". He noted, however, that this would require constitutional reform and an evaluation of the compatibility of the potential reform with Turkey's international Human Rights obligations.²⁷⁴

²⁶² [Belarus's Lukashenko Endorses 'Anti-Extremist' Amendments To Criminal Code \(rferl.org\)](#), 8 June 2021.

²⁶³ [It is suggested to hold a separate referendum on the death penalty in Belarus](#), Belta, 28 September 2021.

²⁶⁴ [Lukashenko has agreed to consider the abolition of the death penalty on referendum](#), Meduza, 28 September 2021.

²⁶⁵ <http://www.assemblee-nationale.fr/histoire/peinedemort/retablissement.asp>, retrieved on 2 August 2018.

²⁶⁶ ['Charlie Hebdo': Marine Le Pen pour un référendum sur la peine de mort](#), *Le Point*, 8 January 2015.

²⁶⁷ [Présidentielle 2022 : Eric Zemmour «philosophiquement» pour la peine de mort](#), *Le Parisien*, 15 September 2021.

²⁶⁸ A. Feertchak, *Est-il juridiquement possible de rétablir la peine de mort?*, *Le Figaro*, 16 September 2020.

²⁶⁹ [As France Prepares to Assume Presidency of European Union, Emmanuel Macron Announces Initiative for Worldwide Abolition of Death Penalty](#), Death penalty Information Center, 11 October 2021.

²⁷⁰ See, for example, http://www.lemonde.fr/les-decodeurs/article/2015/05/21/viktor-orban-peut-il-retablir-la-peine-de-mort-en-hongrie_4637096_4355770.html and

<http://www.theguardian.com/world/2015/apr/30/eu-jean-claude-juncker-viktor-orban-hungary-death-penalty-return>.

²⁷¹ In February 2020, Laszlo Toroczkai, leader of the far-right Mi Hazánk (Our Homeland) party called for a debate on the possibility of reinstating the death penalty; *Hungary. Leader of Far-Right Party Calls for Public Debate on Possibility of Reinstating Death Penalty*, hungarytoday.hu, 3 February 2020.

²⁷² AFP, [Turquie: la France s'inquiète d'un référendum sur la peine de mort](#), *Le Point*, 17 April 2017.

²⁷³ Mehmet Cetingulec, [Child tragedies reignite death penalty calls in Turkey](#), *Al-Monitor*, 17 July 2018; [Turkish leader in death penalty vow after bomb kills mother and baby](#), middleasteye.net, 2 August 2018, and [Turkish leaders agree to bring back death penalty](#), middleasteye.net, 29 August 2018.

²⁷⁴ BIA News Desk, Istanbul, 4 September 2020, <http://bianet.org/english/politics/230302-parliamentary-speaker-announces-support-for-reintroduction-of-death-penalty>.

53. In several statements, the Committee on Legal Affairs and Human Rights²⁷⁵ and its general rapporteurs have reiterated that the rejection of capital punishment is a basic principle of our Organisation. The Assembly, which has helped turn Europe into death penalty free continent, by making a moratorium on executions and a commitment to abolition a condition for accession to the Council of Europe, will not accept any backsliding on this question. Reintroducing the death penalty would purely and simply be incompatible with a state's continuing membership of the Council of Europe. It should also be noted that in January 2018, in Recommendation 2123 (2018) on "Strengthening international regulations against trade in goods used for torture and the death penalty",²⁷⁶ the Assembly called for a ban on the trade in goods that have no practical use other than for the purposes of the death penalty or torture and called on Council of Europe member states to apply the approach adopted by the European Union (see Council Regulations 1236/2005 and 2016/2134).²⁷⁷ According to the Assembly, on the basis of their existing legal obligations "Council of Europe member states are required to take effective measures to prevent activity within their jurisdictions that might contribute to or facilitate capital punishment, torture and inhuman or degrading treatment or punishment in other countries, including by effectively regulating the trade in goods that may be used for such purposes".²⁷⁸ In its reply to this recommendation, the Committee of Ministers reiterated its commitment to the abolition of capital punishment and expressed its support for international regulations against the trade in goods used for torture and the death penalty.²⁷⁹ Following the work undertaken by the Steering Committee on Human Rights (CDDH) in cooperation with civil society, on 31 March 2021, the Committee of Ministers adopted its Recommendation CM/Rec(2021)2 to member States on measures against the trade in goods used for the death penalty, torture and cruel, inhuman or degrading treatment or punishment.

54. Reference should also be made to an important step forward by the Catholic Church (the Holy See has observer status with the Council of Europe): on 2 August 2018, Pope Francis inserted into the Catechism a reference to the Catholic Church's categorical opposition to the death penalty, which is considered "inadmissible". He now wants the Church to work "with determination" for its abolition worldwide.²⁸⁰ This approach has been confirmed in his newest encyclical "Fratelli Tutti" issued on 3 October 2020.²⁸¹ Ecumenical Patriarch Bartholomew of Constantinople, the head of the Eastern Orthodox Church, has joined with the Roman Catholic Church in declaring the death penalty fundamentally incompatible with Christian teachings.²⁸²

55. In conclusion, the Council of Europe is endeavouring to protect individuals against the death penalty in both its member and observer states and in neighbouring countries with co-operation status, such as "partner for democracy" status. The Assembly has always played a key role in this fight and must continue to do so in order to protect the values that it is the Council of Europe's duty to uphold. It has to remain vigilant about the developments in certain member States, bearing in mind certain political statements promoting the reintroduction of the death penalty.

²⁷⁵ See, for example, the committee's statement of 10 October 2019.

²⁷⁶ Recommendation 2123 (2018), adopted by the Assembly on 26 January 2018.

²⁷⁷ See our Committee's report, rapporteur: Mr Vusal Huseynov (Azerbaijan, EPP/CD), Doc. 14454.

²⁷⁸ Paragraph 3 of Recommendation 2123 (2018).

²⁷⁹ Doc. 14614 of 14 September 2018.

²⁸⁰ Le pape inscrit dans le catéchisme une opposition catégorique à la peine de mort, *Le Monde*, 2 August 2018.

²⁸¹ *Vatican City | Pope Francis closes the door on the death penalty in 'Fratelli Tutti'*, americamagazine.org, Staff, 4 October 2020.

²⁸² Orthodox Church Patriarch Calls Death Penalty Incompatible with Christian Beliefs, *Death Penalty Information Center*, 26 October 2020.