

CAMPAIGNING TOOLKIT

DEATH PENALTY

THE ULTIMATE PUNISHMENT

AMNESTY
INTERNATIONAL



THE DEATH PENALTY

THE ULTIMATE PUNISHMENT

Every day, prisoners – men, women, even children – face execution. Whatever their crime, whether they are guilty or innocent, their lives are claimed by a system of justice that values retribution over rehabilitation.

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Five men are publicly hanged in Mashhad, Iran, in August 2007.

The death penalty is the ultimate cruel, inhuman and degrading punishment. It violates the right to life. Whatever form it takes – electrocution, hanging, gassing, beheading, stoning, shooting or lethal injection – it is a violent punishment that has no place in today's criminal justice system.

Yet it persists.

In many countries, governments justify the use of the death penalty, claiming it deters crime. But there is no evidence that it is any more effective in reducing crime than other harsh punishments.

The death penalty is discriminatory. It is often used disproportionately against the poor, minorities and members of racial, ethnic and religious groups. It is imposed

and carried out arbitrarily. In some countries it is used as a tool of repression – a swift and brutal way of silencing political opposition.

The death penalty is irrevocable; coupled with a justice system that is prone to human error and prejudice, the risk of executing an innocent person is ever present. Mistakes like that cannot be unmade.

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Amnesty International opposes the death penalty in all circumstances and works for its abolition in all countries.

A VIOLATION OF HUMAN RIGHTS

The **Universal Declaration of Human Rights** – adopted by the UN General Assembly in December 1948 – recognizes each person’s right to life (Article 3) and categorically states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” (Article 5).

The UN reaffirmed and strengthened its position against the death penalty in December 2007 when the General Assembly passed a resolution calling upon member states to establish a moratorium on executions “with a view to abolishing the death penalty.”

A SYMPTOM, NOT A SOLUTION

To end the death penalty is to recognize that it is a destructive and divisive public policy that is not consistent with widely held values. It promotes simplistic responses to complex human problems and distracts from effective measures being taken against criminality. It offers a superficial answer to the suffering of the murder victim’s family and extends that suffering to the loved ones of the condemned prisoner. It diverts resources

that could be better used to work against violent crime and assist those affected by it. It is a symptom of a culture of violence, not a solution to it. It is an affront to human dignity. It should be abolished.

The world is turning its back on state judicial killing. Since 1979, over 70 countries have abolished the death penalty for all or ordinary crimes. Over 130 nations no longer have the death penalty in law or practice and only a handful of governments carry out executions each year.

Amnesty International calls for:

- A moratorium on executions throughout the world.
- Abolition of the death penalty for all crimes.
- Universal ratification of treaties providing for abolition, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
- All countries that retain the death penalty to comply with their international obligations not to use it on child offenders.

THE DEATH PENALTY IS A SYMPTOM OF A CULTURE OF VIOLENCE, NOT A SOLUTION TO IT.

FIND OUT MORE

- For the latest on Amnesty International’s campaign against the death penalty, including up-to-date global facts and figures and information on what you can do to help, go to www.amnesty.org/en/death-penalty
- For general information about the death penalty worldwide, go to www.worldcoalition.org
- Take action on 10 October, World Day against the Death Penalty. Find out how on Amnesty International’s website.



DOES THE DEATH PENALTY DETER CRIME?

GETTING THE FACTS STRAIGHT

MYTH

The death penalty deters violent crime and makes society safer.

FACT

Evidence from around the world has shown that the death penalty has no unique deterrent effect on crime. Many people have argued that abolishing the death penalty leads to higher crime rates, but studies in the USA and Canada, for instance, do not back this up. In 2004 in the USA, the average murder rate for states that used the death penalty was 5.71 per 100,000 of the population as against 4.02 per 100,000 in states that did not use it. In 2003 in Canada, 27 years after the country abolished the death penalty the murder rate had fallen by 44 per cent since 1975, when capital punishment was still enforced. Far from making society safer, the death penalty has been shown to have a brutalizing effect on society. State sanctioned killing only serves to endorse the use of force and to continue the cycle of violence.

MYTH

The death penalty reduces drug crime.

FACT

In March 2008, the Executive Director of the UN Office on Drugs and Crime called for an end to the use of the death penalty for drugs offences: "Although drugs kill, I don't believe we need to kill because of drugs."

The use of the death penalty for drug offences is a violation of international law. Article 6(2) of the International Covenant on Civil and Political Rights states: "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes." In April 2007, the UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, acting as an expert witness in a challenge to Indonesia's Constitution, told the Constitutional Court that "[d]eath is not an appropriate response to the crime of drug trafficking." Apart from Indonesia, China, Iran, Malaysia, Saudi Arabia and Singapore are some of the countries which execute people for drug offences. However, there is no clear evidence that the use of the death penalty for such crimes acts as a stronger deterrent than long terms of imprisonment.

MYTH

Individuals are less likely to commit violent crimes, including murder, if they know they will face punishment by execution.

FACT

This argument supposes that criminals study and anticipate the consequences of getting caught, and decide that a long term of imprisonment is acceptable, whereas execution is not. Many crimes are committed on the spur-of-the-moment, leaving little opportunity for potential punishments to influence whether the crime is committed in the first place as criminals do not believe they will be caught and held to account. The death penalty may even cause further violence. Execution is the ultimate sanction a state can inflict upon a person. Once criminals have knowingly committed a capital offence, they no longer have any interest in lessening their potential punishment by not committing further murders or other offences. For example, if armed robbery carries the death penalty, the robber loses nothing by committing murders while attempting to flee.



MYTH

The threat of execution is an effective strategy in preventing terrorism.

FACT

Those people willing to commit large-scale acts of violence aimed at inflicting terror upon a society do so knowing that they could come to serious physical harm and therefore show little or no regard for their own safety. Executions of such people often provide welcome publicity for the groups they belong to and create martyrs around which further support may be rallied for their cause. Yet many countries have attempted to control terrorism by using the death penalty. In November 2005, Iraq passed the Iraqi Anti Terrorism Law. This law provides only a vague definition of terrorism and lists a number of terrorist acts all of which – even those where there has been no loss of life – carry the death penalty. Scores of executions have been carried out in Iraq under this and other laws.

MYTH

The death penalty is fine as long as the majority of the public support it.

FACT

Amnesty International recognizes the right of nations to create laws. However, such laws must be formulated within the boundaries of respect for human rights. History is littered with human rights violations that were supported by the majority but in modern times are looked upon with horror. Slavery, racial segregation and lynching all had widespread support in the societies where they occurred but constituted gross violations of the victims' human rights.

It is understandable that populations look to their leaders to take decisive action against violence, and express anger at those guilty of brutal crimes. Amnesty International believes politicians should lead the way in standing up for human rights by opposing the death penalty and explaining to their constituents why such actions cannot be undertaken by the state.

After more than 30 years of research on the death penalty, Amnesty International believes that public support for capital punishment is overwhelmingly based on a desire to be free from crime. This is illustrated by polls in the USA and other countries which show significant drops in support for the death penalty when life imprisonment without the possibility of parole is offered as an alternative. In the USA, a May 2006 poll by the Gallup company found support for the death penalty dropped from 65 per cent to 48 per cent when life imprisonment without parole was offered as an option.

MYTH

Executions provide the most cost-effective solution to violent crime.

FACT

A society cannot condone violence and sacrifice human rights as a cost-cutting measure. The decision to take a human life should not rest on financial motives. Using the death penalty to reduce prison populations is futile. For example, the USA has a prison population of approximately 2.2 million but only around 3,000 prisoners are condemned to death. If the entire population of death row were executed, it would make no discernible difference to the prison population.



POLITICAL SLEIGHT OF HAND

THE DEATH PENALTY NOT AN ANSWER TO CRIME

All too often politicians avoid discussing the real issues behind criminality. Instead they advocate the use of the death penalty as a catch-all solution to making the public safer.

The causes and solutions to the violent crime that blights so many societies are complex. Crime may be reduced through having better trained and equipped police officers, eradicating poverty and improving education, among other things. But politicians often refuse to address the genuine issues that lie behind crime, preferring instead the sound-bite “solution” of advocating executions. Executions give the appearance of strong action being taken and the illusion of order being brought to a chaotic situation. In reality, taking the life of a person already incarcerated and therefore no longer a threat to society is a futile and grotesque gesture in the fight against criminality.

In Jamaica, where the last hanging took place in 1988, both major political parties have promised to resume executions in response to the island’s appalling homicide rate. Jamaica has one of the highest per capita homicide rates in the world, with 1,574 murders committed in 2007 in a population of approximately 2.6 million. However, political leaders have been distracted from addressing reasons for, and solutions to, the crime rate by simply arguing about who would hang more. As one commentator wrote in the *Jamaican Observer* newspaper in 2006: “Instead of using their time and energy to find new and creative ways to address the problems of violence against children, our parliamentarians prefer to rest their laurels and run the same tired argument about capital punishment.”

High-ranking police officers have pointed out the futility of attempting to address the Jamaican crime problem through the resumption of executions. Deputy Police Commissioner Mark Shields stated: “In my experience working in Jamaica, it would be a complete and utter waste

of time to say to these young men of violence that, if they kill, the likelihood is that they will be killed by the state, because they don’t expect to live that long. They expect to die at the hand of a police officer or at another criminal’s firearm.” This view is supported by other



© AP Photo

A death row inmate looks out of his cell in the North Condemned Unit at Pontiac Correctional Institution in Illinois, USA. In January 2003 Governor George Ryan commuted all death sentences in Illinois to life imprisonment, calling the state’s death penalty system “arbitrary and capricious”.

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surveys of high ranking police officers. A 1995 study in the USA found that a mere 1 per cent of police chiefs there put greater use of the death penalty as a priority in reducing violent crime, compared with a combined 51 per cent for reducing drug use or reducing unemployment.

In South Africa, a spokesman for the Freedom Front Plus party stated in 2006: "There are 18,000 murders a year in South Africa. That means 18,000 killers walking around with too few police looking for them... The only solution is to bring back the death penalty. All other solutions have failed." This line of argument appears confused and ignores the argument that an increase in the number of police officers has not been tried and might be a more productive approach to reducing crime.

Previous calls for the reintroduction of the death penalty have been resisted by political leaders. In 1996, responding to public demands for the reintroduction

of capital punishment in South Africa as a way of checking rising crime, the then South African President, Nelson Mandela, said, "It is not because the death sentence has been scrapped that crime has reached such unacceptable levels. Even if the death sentence is brought back, crime itself will remain as it is. What is required here is that the security forces must do their work and we are busy to ensure that the security forces have the capacity to deliver services, safety to the community. That is the issue, not the death sentence."

Politicians have a responsibility to act within the boundaries of human rights. On the issue of the death penalty and the deterrence of crime, political leaders need to present effective means of addressing the situation that do not endorse further violence, continue the cycle of violence or create more misery through violence. When the public request solutions to violent crime, the answer must never be further killing.

“[THE DEATH PENALTY] IS A VERY CONVENIENT POLITICAL ALTERNATIVE TO REAL EFFECTIVE AND DIFFICULT PUBLIC PROTECTION AND CRIME PREVENTION PROGRAMMES. IT IS A CHEAP WAY FOR POLITICALLY INCLINED PEOPLE TO PRETEND TO THEIR FEARFUL CONSTITUENCIES THAT SOMETHING IS BEING DONE TO COMBAT CRIME.”

J. van Rooyen, "The criminal judge and the death sentence: Some observations on the views of Mr Justice Curlewis" (South Africa, 1991)

FIND OUT MORE

For the latest studies on the death penalty in countries worldwide, see www.amnesty.org/en/death-penalty



SECRET EXECUTIONS

By keeping executions secret, many governments are making sure that the public have no way of debating the real issues around the death penalty.



Taken from a videotape, this photo allegedly shows prisoners being prepared for public execution in Fukien province, China, in 1992.

Many governments actively promote the death penalty as vital for crime control. They claim that the threat of execution deters criminals from committing violent crime. For the death penalty to prevent such crimes, potential offenders must be fully aware in advance of the risk of being executed. Yet these same governments, while endorsing the death penalty with one hand, cover up its use with the other.

In Japan, executions are typically held in secret with prisoners being informed just hours before they are killed and family members given no prior notice. In China and Vietnam, information about the death penalty, such as the annual number of executions, is classified as a state secret. Calls from the UN to divulge this information have been met with steadfast refusal. This leaves the public in those countries without information and stifles debate around this important human rights issue. Logic would also dictate that such secrecy would lessen any alleged deterrent effect that executions have.

In Singapore, too, the situation is much the same. Singapore endorses the death penalty but keeps silent about how much it is used in the country. Controls imposed by the government on press and civil society organizations curb freedom of expression and are an obstacle to the independent monitoring of human rights, including the death penalty. Consequently, there is virtually no public debate about the death penalty in Singapore and the government has consistently maintained that capital punishment is not a human rights issue.

The Singaporean authorities appear to be sending contradictory messages. If the death penalty plays a vital role in the fight against crime because of its deterrent effect, it should therefore follow that the authorities would wish

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A police officer stands outside the prison in Tokyo, Japan. Executions are typically held in secret, and prisoners are not warned of their execution until the day of their death.

© AP Photo/Chikari Tsukumo



to maximize publicity around the issue to maximize the deterrent effect. In fact, it is doing just the opposite.

The states above are not alone in carrying out secretive executions. They are joined by Mongolia and North Korea.

In 2006, the UN Special Rapporteur on extrajudicial, summary and arbitrary executions called for an end to official secrecy around the use of the death penalty, saying that meaningful public debate could only take place if governments disclosed full details of:

“(a) the number of persons sentenced to death;

(b) the number of executions carried out... Notwithstanding the critical role

of this information in any informed decision-making process, many States choose secrecy over transparency, but still claim that capital punishment is retained in part because it attracts public support.”

The taking of a human life by the state is one of the most powerful acts a government can commit. As many countries have illustrated, the journey to abolition of the death penalty is fuelled by debate. When the authorities in states that kill suppress this debate and starve the public of information, they deny the population the right to informed debate. But the severity of executions demands that they be subject to public focus and discussion – not choked by a conspiracy of silence.

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A LACK OF TRANSPARENCY
UNDERMINES PUBLIC
DISCOURSE ON DEATH PENALTY
POLICY, AND SOMETIMES THIS
MAY BE ITS PURPOSE.”

UN Special Rapporteur on extrajudicial, summary and arbitrary executions, 2006



A LIFE FOR A LIFE: AN UNACCEPTABLE PROPOSITION

Do executions really provide justice to victims of violent crime and their families?

Many of those who advocate the death penalty do so in the name of “victims’ rights”. They argue that the victims of violent crime and their loved ones have a right to see the life of the perpetrator taken by the state. However, the understandable anger that victims of violent crime and their families feel towards the perpetrators of such acts cannot be used to justify the violation of the human rights of those convicted of these crimes. The finality and cruelty inherent in the death penalty make it incompatible with norms of modern-day, civilized behaviour. It is an inappropriate and unacceptable response to violent crime.

Death penalty advocates who claim to be acting on behalf of victims imply that all those affected by violent crime support the death penalty universally. This is far from true. Many relatives of murder victims object to the death penalty being carried out in the name of their loved ones. In the USA, the campaign group Murder Victims’ Families for Human Rights has become a powerful voice against executions:

“We believe that survivors of homicide victims have a recognized stake in the debate over how societies respond to murder and have the moral authority to call for a consistent human rights ethic as part of that response. Murder Victims’ Families for Human Rights is the answer to that call.”

Marie Deans, whose mother-in-law was murdered in 1972, states:

“After a murder, victims’ families face two things: a death and a crime. At these times, families need help to cope with their grief and loss, and support to heal their hearts and rebuild their lives. From experience, we know that revenge is not the answer. The answer lies in reducing violence, not causing more death. The answer lies in supporting those who grieve for their lost loved ones, not creating more grieving families [by executing their relative]. It is time we break the cycle of violence.”

The same people who justify the death penalty by citing victims’ rights rarely address the suffering caused to others by executions. The trauma to prison officials and guards involved in executions, the emotional pain suffered by the family and loved ones of the individual executed, the defense lawyers who may feel that they have somehow failed their executed client and the numerous other people brutalized by executions are simply ignored by political leaders espousing the “advantages” of executions to the electorate.

“People don’t understand that the death penalty has an impact on families that is so far reaching,” says Jonnie Waner. Her brother, Larry Griffin, was put to death by the state of Missouri, USA, in 1995. “My mother has never gotten over it [the execution of her son]. She has changed so much since it happened. All of the kids have a hard time understanding it. The death penalty creates so many more victims.”

“
TO THOSE WHO SAY SOCIETY
MUST TAKE A LIFE FOR A LIFE,
WE SAY “NOT IN OUR NAME.”

Marie Deans, relative of murder victim, USA



LIVES HELD TO RANSOM

Some countries, most notably Iran, Pakistan, Saudi Arabia and Yemen, employ a system that allows relatives of the murder victim's family to waive the death penalty for free, or in return for financial compensation – otherwise known as *diyya* or “blood money” – or set any condition they see fit. The blood money is paid in compensation for the killing, thereby foregoing the execution. Such systems make the administration of the death penalty arbitrary and discriminatory in the extreme. It is arbitrary because those accused of similar crimes can be treated differently from each other. The person guilty of murdering the relative of a merciful family is not executed, while someone whose victim's family is less forgiving is executed, despite all other elements of the crime being similar. It is discriminatory because those with money are more likely to be able to tempt the families of the victims into accepting a large payment.

The relatives of those murdered have every right to expect to see those guilty of inflicting such harm held to account by a fair judicial process. But allowing them to influence the judicial process risks the removal of one of the central tenets of modern jurisprudence: that everyone stands equal before the law.



An opponent of the death penalty protests against the execution in California, USA, of Clarence Ray Allen, aged 76, a blind wheelchair user. Clarence Ray Allen was executed by lethal injection on 17 January 2006 after spending 23 years on death row.



IS THERE A HUMANE WAY TO EXECUTE?

Of all the many and varied types of execution – electrocution, hanging, shooting, gassing, stoning – lethal injection has emerged as the new method of choice for some because of its allegedly humane qualities. However, recent cases have led to a re-think on using lethal injection and whether there really is a humane way for the state to kill.

The death penalty requires the state to carry out the very act most strongly condemned by international law. In virtually every legal system, the severest sanctions are deployed for the premeditated or cold-blooded killing of a human being. But no killing is more premeditated or cold-blooded than an execution. An execution, like physical forms of torture, involves a deliberate assault on a prisoner. Simply put, there is no humane way to put someone to death. It is not possible to find a way to execute a person which is not cruel, inhuman or degrading.

Over the past two centuries, approaches to execution have changed, from methods designed to maximize the suffering of prisoners, to the modern, functional approach taken by the majority of governments which still use capital punishment today. This functional attitude emphasizes the death of the prisoner rather than exaggerating the suffering caused by execution.

But every method of execution has been shown to be problematic and capable of causing prolonged suffering. Shooting, hanging and beheading have all failed on occasions to produce instant death and further violence was needed to kill the prisoner. Faced with these

grisly scenes, some governments have turned to lethal injection as the modern day method of killing.

On 10 February 1998, Guatemala used lethal injection for the first time to execute a prisoner. The condemned man was Manuel Martínez Coronado. But those charged with carrying out the procedure against him were apparently so nervous (reportedly due in part to the distressing sounds of the prisoner's wife and children weeping) that it took them a long time to attach the line that was to deliver the drugs needed to kill him. A power cut during the execution stopped the flow of the lethal drugs and it took the prisoner 18 minutes to die. The entire ordeal was broadcast live on state television.

In the USA, a number of lethal injection executions have been botched. Angel Diaz, a native of Puerto Rico who was sentenced to death for a murder committed in 1979, took 34 minutes to die by lethal injection on 13 December 2006. According to reports he was moving, grimacing and attempted to speak for over 20 minutes of that time. A second dose was required before a doctor, wearing a hood over his face to conceal his identity, signaled that Angel Diaz was dead.

The USA introduced execution by lethal injection almost 30 years ago, applying it for the first time in 1982 as the most "humane" way of putting someone to death. Since then, nearly 900 prisoners have been killed by this method in the USA, and it has all but replaced the alternative methods – electric chair, hanging, gassing and shooting. Nearly 20 years after its introduction into US law, lethal injection was adopted by China, Guatemala, the Philippines (although the Philippines subsequently abolished the death penalty in June 2006), Taiwan and Thailand.

The injection consists of lethal doses of three chemicals: sodium pentothal to induce general anaesthesia; pancuronium bromide to cause muscle paralysis; and potassium chloride to stop the heart. If inadequate levels of sodium pentothal are administered, the anaesthetic effect can wear off rapidly and the prisoner will experience excruciating pain as he or she goes into cardiac arrest. Moreover, their paralysis means that they will be unable to communicate their agony to anyone.

In some parts of the USA, it is against the law to use these chemicals to "humanely" put an animal to death. The use of pancuronium bromide for



Health professionals assist at the execution of Manuel Martínez Coronado, the first by lethal injection in Guatemala, February 1998.

© Jorge Uzun



pet euthanasia is not acceptable under American Veterinary Medical Association guidelines, and its use has been banned in several states. In September 2003, for example, a new law came into force in Texas banning its use in the euthanasia of cats and dogs. Yet Texas is the state which uses lethal injection the most frequently for humans, having executed nearly 400 people by this method since 1982.

Lethal injection avoids many of the unpleasant effects of other forms of execution: bodily mutilation and bleeding due to decapitation, smell of burning flesh in electrocution, disturbing sights or sounds in lethal gassing and

hanging, the problem of involuntary defecation and urination. For these reasons, lethal injections may be less unpleasant for those involved in carrying out the execution. However, lethal injection increases the risk that medical personnel will be involved in killing for the state, in breach of long-standing principles of medical ethics.

The search for a “humane” way of killing people should be seen for what it is – a search to make executions more palatable to those carrying out the killing, to the governments that wish to appear humane, and to the public in whose name the killing is supposedly carried out.

“IT REALLY SOUNDS LIKE HE WAS TORTURED TO DEATH.”

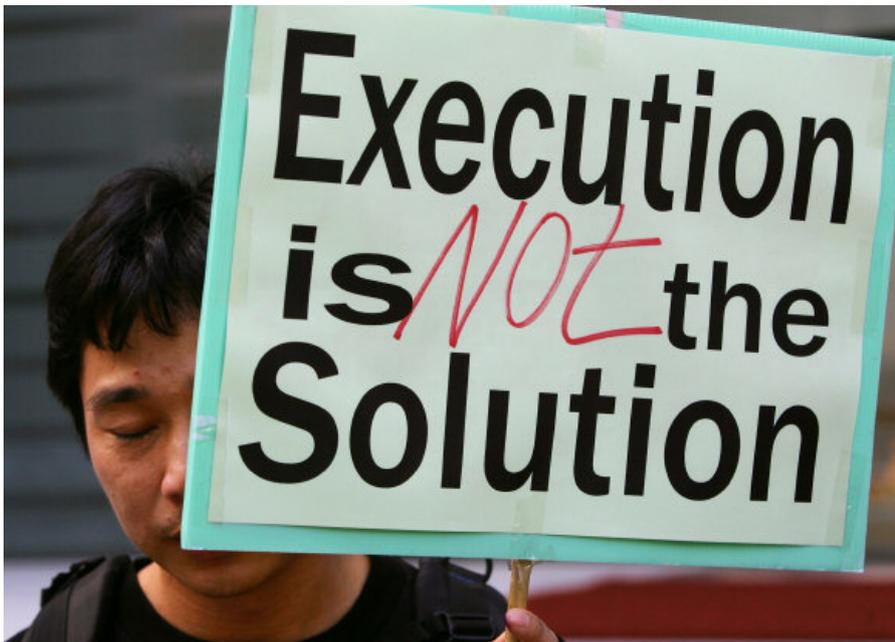
Jonathan Groner MD, Ohio State Medical School, on the death of Angel Diaz by lethal injection in 2006



TOWARDS ABOLITION

People are no longer willing to stand by while their governments execute in the name of justice.

© Private



A protester carrying a placard calling for the abolition of the death penalty demonstrates outside a Chinese liaison office in Hong Kong, July 2005.

More and more people across the world are condemning the death penalty for what it is – a brutal punishment that has no place in a just society. Their calls have not gone unheard. Today, at the beginning of the 21st century, two thirds of all countries have abolished the death penalty in law or in practice. By contrast, at the turn of the last century, only three countries had permanently abolished the death penalty. The trend is clear: the world is standing up and saying “no” to executions. And that principle has been reinforced at the highest international level.

In December 2007, the UN General Assembly – the UN’s highest political body – voted 104 to 54 for a resolution on a moratorium on executions “with a view” to total abolition of the death penalty. This landmark decision carries considerable moral and political weight, although it is not legally binding on states. Establishing a moratorium on executions is an important tool for convincing states still using the death penalty to engage in a nation-wide debate and to review their laws on capital punishment. While death penalty laws are under review, all executions are postponed.

The resolution is the international initiative that emerged from regional developments that have embraced the campaign to end capital punishment. Europe has emerged as a virtually death penalty-free area and a leader in campaigning for abolition. The continent of Africa is largely execution free with only seven of the region’s 53 countries known to have carried out state killings in 2007.

The USA, a country other nations cite when justifying their own use of capital punishment, is moving steadily away from the death penalty. The number of executions carried out and death sentences imposed has dropped dramatically in recent years. In New Jersey, the death penalty was abolished in December 2007 and several other states have legislation pending to end capital punishment.

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Hundreds of protesters hold a vigil outside Alipore Central Jail, Calcutta, India, where Dhananjay Chatterjee was hanged on 14 August 2004.

© AP Photo/Bikas Das



Since 1979, over 70 countries have abolished the death penalty. Once abolished, the death penalty is seldom reintroduced.

Campaigners for abolition across the world are joining forces, creating a truly global movement against capital punishment. Key events include the annual World Congress against the Death Penalty, spearheaded by the World Coalition against the Death Penalty. National coalitions have emerged in several countries, including the Anti-Death Penalty Action Network (ADPAN) in Asia. Uniting them is the growing awareness that there are alternative punishments to the death penalty which are effective and which do not involve the premeditated and

cold-blooded killing of a human being by the state in the name of justice.

Amnesty International campaigns for the total abolition of the death penalty. We call on all nations to work for a world free from executions and to make the 2007 UN resolution a reality.

There are alternative punishments to the death penalty which do not involve the premeditated and cold-blooded killing of a human being by the state in the name of justice.

FIND OUT MORE

- For an up-to-date list of abolitionist and retentionist countries, see www.amnesty.org/en/death-penalty
- For general information about the worldwide campaign to abolish the death penalty, see www.worldcoalition.org
- Take action on 10 October, World Day against the Death Penalty. Find out how on Amnesty International's website.

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KILLED BY THE STATE

Individuals condemned after unfair trials, political opponents executed, children sentenced to death – the following is just a selection of cases of people who have had their lives “legally” taken by a state.

CHINA

Ismail Semed was executed on 8 February 2006 in Urumqi, Xinjiang Uighur Autonomous Region (XUAR). Charged with “attempting to split the motherland” after being deported from Pakistan in 2003, he was sentenced to death on 31 October 2005 by the Urumqi Intermediate People’s Court.

He appealed against the conviction but, according to the US-based Uyghur Human Rights Project (UHRP), his appeal may have been heard in a closed session – which, while legal under certain circumstances, does make it difficult to determine whether the proceedings were fair. The UHRP also maintains that Ismail Semed confessed to the charges during interrogations but denied them during the trial, suggesting that his initial confession was extracted through torture.

Ismail Semed’s wife and two young children were allowed just 10 minutes alone with him the day before his execution. He was killed by a single shot to the heart.

INDONESIA

Fabianus Tibo, aged 61, Dominggus da Silva, aged 43, and Marinus Riwu, aged 49, were executed by firing squad on 21 September 2006 at 1.45am. They had been sentenced to death in April 2001 for premeditated murder and inciting riots, following ethnic and religious violence in the district of Poso, Central Sulawesi, in May 2000. Although the location of the execution was not officially disclosed by the authorities, a member of the police forces said it took place near Palu airport, Central Sulawesi.

Amnesty International believes that the trial was unfair. In particular, witness testimony provided as evidence by the defence may have been ignored by the Court when giving its verdict. There were reports of demonstrators armed with stones outside the courthouse, demanding that the three men be sentenced to death. It is feared that such intimidation affected the outcome of the trial. The men’s defence lawyers were also subjected to intimidation, including death threats and a bomb planted at the house of one legal adviser.

IRAN

Atefeh Rajabi Sahaaleh, aged 16, was hanged for repeated “crimes against chastity” on 15 August 2004. She was executed in public, in the centre of the town of Neka, Mazandaran province, northern Iran. The execution was carried out despite reports that Atefeh Rajabi was not believed to be mentally competent and that she did not have access to effective legal defence at any stage.

During the trial, Atefeh Rajabi is said to have lost her temper, shouted at the judge that she had been the victim of acts carried out by an older man, and thrown off her headscarf in protest. The judge reportedly reprimanded her and later said that she had “undressed in public”. It is alleged that Atefeh Rajabi was mentally ill both at the time of the acts which the government claim constituted her “crimes” and during her trial. Although her national identity card stated that she was 16 years old, the Mazandaran Judiciary apparently announced at her execution that she was 22. International law prohibits the execution of juvenile offenders – those aged under 18 at the time the crime was committed. Judicial authorities have not acted to investigate a complaint filed against the judge. According to the Iranian newspaper *Peyk-e-Iran*, the lower court judge who issued the original sentence placed the noose around Atefeh Rajabi’s head as she went to the gallows.



SINGAPORE

Nigerian citizen Iwuchukwu Amara Tochi, aged 21, and Okele Nelson Malachy, aged 35, from South Africa, were hanged in the early hours of 26 January 2007 at Singapore's Changi Prison.

The two were executed despite appeals from the Nigerian government and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, calling on the Singaporean government not to proceed with Iwuchukwu Amara Tochi's execution. The UN Special Rapporteur stated that his fundamental human right to presumption of innocence had not been guaranteed at the trial.

Iwuchukwu Amara Tochi was arrested at Changi Airport on 27 November 2004, and charged under the Misuse of Drugs Act with transporting 727.02 grams of heroin into Singapore. A death sentence is mandatory for anyone convicted of trafficking in more than 15 grams of heroin into the country. The judge who convicted him appears to have accepted that he might not have realized the substance he was carrying was heroin. In his verdict, he said, "There was no direct evidence that he knew the capsules contained diamorphine [heroin]. There was nothing to suggest that [Mr] Smith [who gave him the pills to transport] had told him they contained diamorphine, or that [he] had found that out of [sic] his own."

USA

Philip Workman, aged 53, was executed by lethal injection in Tennessee on 9 May 2007 despite evidence that a key state witness lied at his trial and that Lieutenant Ronald Oliver, the police officer that Philip Workman was convicted of killing during a 1981 robbery, may have been accidentally shot by a fellow officer. Philip Workman had been on death row for 25 years.

On 4 May 2007, the US Court of Appeals rejected Philip Workman's appeal for a stay of execution to pursue his claim of innocence. Two of the judges ruled that Philip Workman had "not met his burden of showing a likelihood of success" on the merits of his appeal. They continued: "Nearly 25 years after Workman's capital sentence and five stays of execution later, both the state and the public have an interest in finality..." However, the third judge, Judge Cole, dissented. He argued that Philip Workman had "made the necessary showing" that he was likely to succeed, at least in his bid to obtain an evidentiary hearing on his claims, and that that was enough to warrant a stay. Judge Cole also pointed out that another three-judge panel of the US Court of appeals had recently granted a stay of execution to a death row prisoner in similar circumstances. He said: "I simply cannot conclude that this inconsistency in the administration of the death penalty is permissible..." Since 1973, over 120 individuals have been released from death rows in the USA after being exonerated.



For more information please contact your Amnesty International section or structure. Details at www.amnesty.org

Image: Majid Kavousifar and Hossein Kavousifar, his nephew, hang from cables of a crane in Tehran, Iran, 2 August 2007.
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