

Catherine Ashton

High Representative of the Union
for Foreign Affairs and Security Policy
Vice President of the European Commission

Brussels, 29 March, 2010
Our Ref: B948

Subject: Report on Death Sentences and Executions 2009

Dear Baroness Ashton,

Amnesty International would like to draw your attention to the attached report *Death Sentences and Executions 2009*, which is published on 30 March 2010. The report documents the annual statistics of death sentences and executions carried out around the globe, concluding that in 2009 the world has witnessed further progress towards ending judicial killings by states, with more than two-thirds of the countries of the world having abolished the death penalty in law or in practice.

Despite this continuing worldwide trend towards abolition, 58 countries retain the death penalty, eighteen of which were known to have carried out executions in 2009. Amnesty International has documented the execution of at least 714 people globally, however this figure does not include China, where the majority of the world's executions take place. Current sources indicate that the total number executed in China remains in the thousands, but due to the indefensible secrecy that surrounds the death penalty in China, this year we have taken the decision not to include an estimate which would inevitably grossly under-represent the actual number of executions and death sentences.

For the first year since Amnesty International began keeping records, no one was executed in Europe in 2009. Unfortunately, this important milestone has been sadly overshadowed by two executions which took place in Belarus around 18 March 2010. The two prisoners were sentenced to death in 2009 for separate unrelated crimes. The fairness of their trials has been questioned by their lawyers and both men had appealed for clemency to President Lukashenka. In October 2009, the UN Human Rights Committee registered communications regarding these two cases and called on Belarus not to execute the two men pending its consideration. However, the two death sentences have now been carried out anyway, in great secrecy. Family members and their lawyers were not notified of the executions and only found out when they tried to deliver a food parcel to one of prisoners. It is a matter of great disappointment that, to date, there has been no statement of condemnation of the executions from the EU, despite it being a clear case under the EU Guidelines on the Death Penalty.

In the rest of the world, the increasingly politicized use of the death penalty is one of the most worrying findings of the report. Countries such as China, Iran and Sudan made extensive use of the capital punishment in 2009 against political opponents or to influence the public and reinforce their leadership. The Chinese authorities, for instance, continued to use executions to demonstrate that activities deemed to be harmful to social stability, including people involved in regional unrest in Tibet or the Xinjiang Uighur Autonomous Region (XUAR), corruption and drug trafficking, will be treated harshly. In Iran the death penalty continued to be applied in political cases, in which individuals are commonly accused of "enmity against God". A sharp increase in the rate of executions was registered in the period after the presidential election and until Mahmoud Ahmadinejad came to power for a second term as President, in many cases after flawed legal proceedings, including some televised "confessions". Similarly, in Sudan the application of the death penalty continued to be marked by judicial flaws and arbitrariness, often based on unfair trials and evidence extracted through torture and as a means to control political opposition in the country.

Juvenile offenders (those under 18 years of age at the time of the crime) have continued to be condemned to death and executed, despite this being unequivocally banned by international law. During 2009, Iran and Saudi Arabia carried out executions and juvenile offenders were also

condemned or remained on death row in several other countries around the world, including Sudan, Nigeria, Uganda and Yemen.

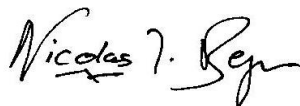
All EU member states have abolished the death penalty, and the EU is an important global force against its practice - most notably through the implementation of the EU Guidelines on the Death Penalty, bilaterally with third countries, and multilaterally within the framework of the United Nations. As a leader in the worldwide abolitionist movement, Spain made a strong commitment to place the death penalty as a top priority during its Presidency of the EU. However a mid-term appraisal of the Spanish Presidency reveals that these words have not been matched with action by the EU, be it in terms of public statements or private demarches. The external policy of the EU is currently suffering from a considerable degree of institutional uncertainty and instability as a direct consequence of the Lisbon Treaty. It is therefore imperative that this current transition period is not used as an excuse for inaction and the EU is able to keep up strong pressure on third countries to ensure that the global trend towards abolition continues.

With this in mind, Amnesty International urges you to:

- construct a European External Action Service (EEAS) which considers global abolition of the death penalty as one of its top priorities, promotes the full implementation of the EU Guidelines on the Death Penalty, and in particular guarantees that the EU has the ability to act decisively in all cases of imminent execution worldwide;
- strongly and publicly condemn the executions carried out by Belarus and increase pressure to promote an immediate moratorium with a view to abolishing the death penalty and committing Belarus to adhering to the Second Optional Protocol to the ICCPR;
- strongly condemn the increasingly politicized use of the death penalty and the execution of juvenile offenders, raising this issue in bilateral meetings with the involved countries;
- immediately relaunch the strategic work with target countries, discontinued since the end of the Swedish Presidency, focussing on those countries that could either abolish the death penalty or establish a moratorium in the short medium term; including Japan, South Korea and countries of the African Union;
- promote greater transparency around the application of the death penalty in retentionist countries, particularly stressing the need for China to publish full national statistics on death sentences and executions;
- use all opportunities with third countries to push for ratification of the Second Optional Protocol to the ICCPR;
- ensure that the EU institutions and Member States now start full preparations for the next UN General Assembly resolution on the death penalty, in order to ensure effective outreach and burden-sharing with cross regional partners and cooperation with non-governmental organisations, which will help build towards an effective outcome.

Amnesty International remains at your disposal to discuss these issues in greater depth and we look forward to receiving your response to these recommendations.

Yours sincerely,



Nicolas Beger
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