

# HOW STATES ABOLISH THE DEATH PENALTY: A SUPPLEMENT OF CASE-STUDIES









# TABLE OF CONTENT

Glossary .....	7
Introduction .....	9
Review of selected countries .....	11
Angola .....	11
Belgium .....	12
Bosnia and Herzegovina .....	13
Burundi .....	14
Canada .....	14
Central African Republic .....	16
Chad .....	16
Congo, Republic of the .....	17
Croatia .....	18
Dominican Republic .....	19
Gabon .....	20
Kazakhstan .....	21
Norway .....	22
Papua New Guinea .....	23
Sao Tomé and Príncipe .....	24
Sierra Leone .....	24
Switzerland .....	25
United Kingdom .....	26
United States .....	27
New Hampshire .....	27
Colorado .....	28
Virginia .....	29
Lessons learnt from the experiences of states in abolishing the death penalty .....	31



# GLOSSARY

## ABBREVIATIONS

<b>ASEAN:</b>	Association of Southeast Asian Nations
<b>AU:</b>	African Union CSO Civil Society Organization
<b>ECHR:</b>	European Court of Human Rights
<b>ECOWAS:</b>	Economic Community of West African States
<b>EU:</b>	European Union
<b>HRC:</b>	Human Rights Committee
<b>ICCPR:</b>	International Covenant on Civil and Political Rights
<b>ICDP:</b>	International Commission against the Death Penalty
<b>ICTR:</b>	International Criminal Tribunal for Rwanda
<b>NGO:</b>	Non-Governmental Organization
<b>UN:</b>	United Nations
<b>UNHRC:</b>	UN Human Rights Council
<b>UNGA:</b>	United Nations General Assembly
<b>UPR:</b>	Universal Periodic Review

## TERMS

**Abolitionist for all crimes:** a state whose laws do not provide for the death penalty for any crime.

**Abolitionist for ordinary crimes:** a state whose laws provide for the death penalty only for exceptional crimes, such as crimes under military law or during war.

**Abolitionist de facto:** a state that retains the death penalty in law but has not carried out executions during the past 10 years and more.

**Retentionist:** a state that retains the death penalty in law for ordinary crimes at all times, including in times of peace.

**UNGA moratorium resolution:** UNGA Resolution A/RES/62/149 adopted on 18 December 2007 calling for a universal moratorium on executions, followed by subsequent biennial votes since 2008.

**Official moratorium on executions:** a public commitment made by the highest political authorities officially suspending the implementation of death sentences.





# INTRODUCTION

This publication is a supplement to the ICDP’s 2018 work on “How States Abolish the Death Penalty: 29 Case Studies.” This supplement briefly describes the experiences of 19 countries, including the USA. As the death penalty is largely a state issue, the supplement highlights three US States on their routes towards abolition of the death penalty. As these case-studies show, there are many different ways in which states choose to abolish the death penalty.

An increasing number of countries have recognized that state killing undermines human dignity and respect for human rights, such as the discriminatory use of the death penalty, the use of forced confession that increases the possibility of executing an innocent person, and the lack of deterrence effect of capital punishment. This move towards abolition of the death penalty is being witnessed in all regions of the world regardless of political system, religion, culture or tradition. As of today, at least 110 countries have abolished the death penalty for all crimes, while at least eight countries have abolished for ordinary crimes, while less than 20 countries have reportedly carried out executions in 2021.

There are challenges. The world’s most populated countries - China, India, United States and Indonesia - are not among those abolitionist countries. More than half of the world’s population live in States that still retain the death penalty and where their citizens and residents are not guaranteed the right to life, as prescribed in Article 3 of the Universal Declaration of Human Rights. Moreover, there have been attempts to reverse abolition of the death penalty in some States that have ended capital punishment.

This publication highlights the different ways adopted by States in achieving abolition of the death penalty, all of which were also mentioned in the 2018 publication. We have highlighted some of these routes which is summarized in the last section:

- The route of international commitment toward abolition of the death penalty
- Constitutional amendments
- The role of the National Assembly/Parliament
- The importance of activists
- Establishing a moratorium on executions
- Reducing the scope of the death penalty
- Political leadership



# REVIEW OF SELECT COUNTRIES

## ANGOLA

**Angola has been abolitionist for all crimes since 1992 through a constitutional reform and explicitly prohibited the death penalty in 2010 with its new Constitution. The last executions were carried out in 1977 by firing squad after a coup attempt.**



When Angola gained independence in 1975, there was a power vacuum in the country. Several forces sought to gain control of government, including the Popular Movement for the Liberation of Angola (MPLA), the National Front for the Liberation of Angola (FNLA), and the National Union for the Total Independence of Angola (UNITA).

The MPLA gained control of the capital, Luanda, and later declared itself as the government of independent Angola, but conflict continued for control of the country, which had an impact in the situation of the death penalty in the country. The executions of 14 people were carried out in 1975, a time when several political trials also took place against suspected UNITA militants or sympathizers accused of espionage, armed rebellion, or treason. The

people executed were from among 30 persons, who were sentenced to face the death penalty for participating in UNITA activities. Furthermore, MPLA forces captured 13 persons fighting for the FNLA in February 1976 who were charged of aiming to overthrow the government and a trial began in June in what became known as the Luanda Trial. During the trial, the defendants were sentenced to death by firing squad or given long prison terms. The authorities carried out the executions of some of those sentenced to death. The last executions were carried out in 1977 after a failed coup attempt. Three more individuals were sentenced to death for espionage, but their sentences were commuted by then President José Eduardo dos Santos.

In 1987, Felix Mateus Murgar was sentenced to death for murder by the Lobito Magistrate's Court, the first known death sentence issued by a magistrate court. His sentence was commuted to 22 years imprisonment in 1988 by the Tribunal da Relação following growing international concern towards the use of the death penalty. However, the Revolutionary People's Court continued to hand down death sentences and a total of seven people were sentenced to face the death penalty in that same year. Although there were no known executions, courts continued to sentence

people to face the death penalty over the following years.

Between 1981 and 1987, 50 people sentenced to face the death penalty were commuted in June 1989 under the policy of clemency and national harmonization.

In 1991, the MPLA moved to commute all death sentences. In August 1992, the government fully abolished the death penalty for all crimes by declaring it unconstitutional. The new 2010 Constitution explicitly outlined this prohibition under Article 59.

Angola strengthened its international commitment against the use of the death penalty by becoming State Signatory, in September 2013, to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Angola ratified the Second Optional Protocol in October 2019.

At the United Nations General Assembly, Angola has voted in favour of all resolutions calling for a moratorium on the use of the death penalty since the first resolution in 2007.

## BELGIUM

**Belgium abolished the death penalty for all crimes in 1996, having abolished it for ordinary crimes in 1990. Following the Second World War, the last execution in Belgium was carried out by firing squad on 8 August 1950.**



The oldest known proposal for the abolition of the death penalty in Belgium dates back to 1832. Since 1863, all death sentences for ordinary crimes were

commuted, except for a man who was executed for the murder of a pregnant woman. During World War I, the executions of around 15 people were carried out for crimes against the external security of the State; and at the end of World War II, the executions of 242 people were carried out for war-related crimes.

On 8 August 1950, the execution of Philip Schmitt, who was convicted of war crimes was carried out. This would be the last execution in Belgium. However, it was not until December 1989 that the Belgian government presented a bill to the legislature for the abolition of the death penalty. In March 1990, an agreement was reached for the abolition of capital punishment in peacetime.

The Council of Ministers presented a bill to Parliament in September 1991 underlining that capital punishment was an ineffective deterrent, its inclusion in Belgian law was misleading, and that it had detrimental consequences for the international relations of the country. However, the bill did not make progress as the Parliament was dissolved before the law could be debated. It took four more years, until November 1995, when the Cabinet approved a preliminary draft law on the abolition of the death penalty for all crimes. The Parliament voted for the bill in June 1996 and King Albert II promulgated the law two months later, making Belgium a fully abolitionist State. Since 2005, article 14bis of the Belgian Constitution states: “The death penalty is abolished.”

Belgium became a signatory state to Protocol 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms on 28 April 1983, restricting the use of the death penalty to times of war. In 2003, the country ratified Protocol 13 of the same Convention, which prohibits the death penalty in all circumstances. On 12 July 1990, Belgium signed the Second Optional Protocol to the International Covenant on

Civil and Political Rights, which it ratified in December 1998.

Since 2017, Belgium has also been a member of the Alliance for Torture-Free Trade, an initiative jointly launched by Argentina, the European Union and Mongolia, that aims to end the trade in goods used to carry out the death penalty and torture.

Belgium has voted in favour of all resolutions calling for a universal moratorium on the use of the death penalty at the United Nations General Assembly since 2007 and has supported the UN resolutions on the question of the death penalty at the UN Human Rights Council.

Belgium is a Member State of the ICDP Support Group.

## BOSNIA AND HERZEGOVINA

**Capital punishment was outlawed de facto for all offences in the Federation of Bosnia and Herzegovina in November 1998, and in the Republika Srpska in June 2000. The latter removed the death penalty from its Constitution in October 2019. The last known execution was carried out in 1977.**



The last execution on the territory of today's Bosnia and Herzegovina reportedly took place in 1977, when the Socialist Republic of Bosnia and Herzegovina was still one of the constituent republics of Yugoslavia. The Sarajevo District Military Court handed down the last death sentence in Bosnia in March 1993, sentencing Borislav Herak and Sretko Damjanovic to death for genocide. However, the penalty was not carried out.

During the war in Bosnia and Herzegovina, the 1976 Criminal Code was in force throughout the country and the death penalty was applied. After the war, the General Framework Agreement for Peace in Bosnia and Herzegovina was signed in 1995, also known as the Dayton Agreement, under which parties agreed to peace and to a single sovereign state known as Bosnia and Herzegovina composed of two parts, the majority Serb-populated Republika Srpska and majority Croat-Bosniak-populated Federation of Bosnia and Herzegovina.

In the Federation of Bosnia and Herzegovina, the death penalty remained into force until 1998, when the approval of a new Criminal Code replaced capital punishment with extended prison terms. In Republika Srpska, deputies voted in 2000 to abolish the death penalty in favour of life imprisonment, in line with the Dayton Peace Agreement. Several death penalties were handed down in Republika Srpska since 1992, but no executions were carried out.

Bosnia and Herzegovina made international commitments to reflect its move towards abolition of the death penalty. In 2001, Bosnia and Herzegovina ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights without reservations. It became a signatory to the European Convention on Human Rights on 4 April 2002, which it ratified it on 12 July 2002. In 2003, the country ratified Protocol No. 13 to the European Convention on Human Rights and Fundamental Freedoms banning the death penalty in all circumstances.

At the United Nations General Assembly, Bosnia and Herzegovina has voted in favour of all resolutions calling for a moratorium on the use of the death penalty since the first resolution in 2007.

## BURUNDI

**Burundi abolished the death penalty in 2009 through revisions in its Penal Code, as it emerged from a bloody civil war from with an estimated death toll of 300,000 people. All persons facing the death penalty had their sentences commuted to life in prison. The last execution was carried out in 2004.**



In July 1997, six Burundians were convicted of taking part in ethnic massacres and executed. The executions were carried out before the opening of multiparty negotiations to which the Burundian government had committed to reach a peaceful and negotiated solution to the crisis in the country. The international community and human rights groups raised concerns regarding these developments and the judicial process.

The 1998 Transitional Constitutional Act of Burundi did not address the death penalty but Article 15 stated “Everyone has the right to life, personal security and physical integrity.” Additionally, Article 74 stated “The President of the Republic has the right to pardon.”

Despite the Constitutional provisions, courts continued to sentence persons to death and executions were carried out. In July 1999, though he had filed an appeal, the execution of an army corporal was carried out one day after being sentenced to face the death penalty by a military court in Bujumbura. Two Burundian military personnel were executed after being found guilty of multiple murders in October 2000 following a quick trial in which they were denied counsel. They were denied the opportunity to appeal their sentences. While no executions were carried out, two Burundian nationals convicted of stealing ammunitions from the army were given a death

sentence in 2002 and another 50 persons were sentenced to face the death penalty by the Court of Appeals in the same year. By the end of 2004, about 500 individuals were under sentence of death.

In April 2009, the Burundian government abolished the death penalty for all crimes by revising its Penal Code, which was voted in Parliament with 90 votes in favour, none against and 10 abstentions. Additionally, its current Constitution, amended in 2018, promulgates the right to life in Article 24, and capital punishment is absent from the text.

Burundi voted in favour of the United Nations General Assembly resolution for a moratorium on the use of the death penalty in 2008, 2010, and 2014, and was absent in 2018 and 2020. Interestingly, Burundi voted against the moratorium resolution in 2016.

Additionally, Burundi accepted recommendations for accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights and stated that it was a priority of national interest.

## CANADA

**Canada abolished the death penalty in 1976, except for military crimes. The country abolished capital punishment for all crimes in 1998. The last executions, of two persons, were carried out on 11 December 1962.**



The death penalty came into effect in the Canadian Criminal Code of 1859, during the reign of Queen Victoria. However, before its official recognition in Canadian Law, the death penalty had already

been practiced in the territory, dating back to its period as a French colony and a British colony since 1763. After Confederation (when the British North American colonies of Nova Scotia, Brunswick and the Province of Canada joined together to form the Dominion of Canada), the number of crimes punishable by death was reduced from about 250 to three: treason, rape, and murder.

The issue of abolition of the death penalty came up at a federal level in Canada in 1910. Robert Bickerdike introduced a bill to replace the death penalty with a life sentence in 1914 and 1916, stating that it was an insult to Christianity. However, his bill did not get sufficient support. In 1950, Ross Thatcher moved a bill to abolish the death penalty also arguing that it was unchristian due to the finality of the punishment and its brutality, given that the average time of death in a hanging was over 14 minutes. In 1956, the Joint Committee of the House and Senate recommended the retention of the death penalty for murder. In 1961, murder was reclassified and death penalty was retained for first degree murder, but not for second degree.

The last executions were carried out on 11 December 1962, at the Don Jail in Toronto when two men, Ronald Turpin and Arthur Lucas, were hanged for the murder of police officers. These executions marked a turning point in the history of corrections in Canada, after which all death sentences, pending and future, would be commuted to prison terms.

In 1966, the motion to abolish the death penalty was put forward but this was defeated by a vote of 143 to 112. On 30 November 1967, Bill C-168 was voted for and brought into force a five-year moratorium on the death penalty for all crimes except the murder of police officers or correction officers. After the moratorium ended in 1973, the Solicitor General of Canada continued the partial ban with the ultimate goal of aboli-

tion. On 14 July 1976, by a free vote of 130 to 124 on Bill C-34, capital punishment was abolished in Canada. It would receive Royal Assent on 16 July and come into force on 26 July. At the time, around 75% of Canadians favoured retaining capital punishment, even though no executions had been carried out since 1962, and 11 persons were under sentence of death.

The last person to be sentenced to death in Canada was Mario Gauthier on 14 May 1976, whose capital sentence was revoked after the passage of Bill C-34. However, the debate on abolition of the death penalty continued and a bill to reinstate the death penalty was introduced in 1987. After 40 hours of debate, the bill to reinstate the death penalty in Canada was defeated in the House of Commons. However, military crimes such as cowardice, desertion, unlawful surrender and spying for the enemy remained punishable by death for the members of the Armed Forces under the Canadian National Defence Act.

In 1998, Canada abolished the death penalty for members of the Armed Forces and war crimes, thus becoming a completely abolitionist country. In 2001, the Supreme Court ruled that defendants could not be extradited unless the Canadian government obtained assurances that the death penalty would not be imposed, or if imposed, not carried out.

In 2005, the Canadian Government signed and ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights. Canada has voted in favour of all resolutions calling for a universal moratorium on the use of the death penalty at the United Nations General Assembly since 2007.

On the 2021 World Day against the Death Penalty, the Canadian Minister of Foreign Affairs declared that: "The death penalty is cruel and inhumane. It is an affront to human rights as well as an ineffective deterrent to crime. Ca-

nada is strongly opposed to its use in all cases, everywhere.”

Canada is a Member State of the ICDP Support Group.

## CENTRAL AFRICAN REPUBLIC

**Central African Republic abolished the death penalty in May 2022 following a vote, in the National Assembly, of an abolition bill which was promulgated the following month, thereby finalizing the abolition of capital punishment in the country. The last execution was carried out in 1981.**



The Central African Republic (CAR) has undergone significant internal conflict and political instability since gaining independence. Despite peace treaties in 2007 and in 2011 following the Central African Republic Bush War, civil war resumed and has been ongoing since 2012. Presidential and legislative elections were held in December 2020 in tumultuous conditions. There was an unsuccessful attempt to overthrow the government in January 2021.

Despite this context of political instability, the National Assembly signalled its commitment to the right to life by abolishing the death penalty in May 2022. The bill was promulgated by President Touadéra on 27 June 2022. The abolition has been interpreted as a positive sign that could enable CAR to end the cycle of violence and take steps towards a long-lasting peaceful settlement.

The last executions were carried out in 1981, when six people were executed on charges of murder. The next known death sentence in

the country was imposed in 1987 on the deposed emperor Jean-Bedel Bokassa, who had been found guilty of murdering 20 political opponents and diverting funds from the state treasury.

Then-President Andre Kolingba commuted this death sentence to life imprisonment in solitary confinement. In 1991, President Kolingba commuted ten people who had been sentenced to face the death penalty. However, in 2002, former President Kolingba was sentenced to death in absentia along with his three sons and 21 associates as they were found guilty on charges of leading an unsuccessful attempt to overthrow the government. Then-President François Bozizé Yangouvonda commuted these death sentences the following year.

The Central African Republic ratified the Convention on the Rights of the Child in 1992, the International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol in 1981. The country has also voted in favour of the United Nations General Assembly resolution for a moratorium on the use of the death penalty since 2012, having previously abstained.

## CHAD

**Chad’s National Assembly voted to abolish the death penalty in April 2020 following the promulgation of its 2018 Constitution. The country last carried out an execution in 2015 for terrorism-related charges, following a 12-year moratorium since 2003.**



The recent history of Chad has been influenced by its continuous fight against terrorism, political instability, and internal conflict. Many insurgent groups,



especially around the Lake Chad, have been challenging the Government's rule for the last decades. Most recently, Boko Haram has continued to be active in launching deadly attacks against civilians. The efforts to regain control and the support and influence of foreign nations have strongly shaped the policies of Chad, particularly regarding law enforcement, criminal justice, and terrorism.

In Chad, the death penalty was regulated by the Criminal Code of 1967, with capital punishment being applicable as a punishment for approximately 40 crimes including treason, espionage, and murder. However, since the beginning of the 21st century, Chad's authorities started to signal their intent in the international arena to move towards abolition.

In June 1995, Chad ratified the International Covenant on Civil and Political Rights. In 2013, during the country's Universal Periodic Review, recommendations in favour of the abolition of the death penalty were accepted. In the report submitted by Chad to the UN Human Rights Committee, it was stated that "the Government of Chad considers that the abolition of the death penalty contributes to the promotion of human dignity and to the advancement of human rights. For that reason, it has reaffirmed that its goal is to abolish the death penalty in Chad."

In 2014, the drafting of a new Criminal Code started, which did not mention capital punishment. However, when the new Criminal Code was finally approved in 2016, the law, finalised in 2015, retained the death penalty for terrorism-related offences. In 2015, there was a resumption of executions, by shooting, of people found guilty of being members of Boko Haram. Prior to this, the last executions were carried out in 2003.

In 2018, a new Constitution was promulgated, in which Article 17 protects the right to life: "The human person is sacred and inviolable.

Everyone has a right to life." This provision led to a strong debate on whether the death penalty was constitutional. Two years later, in 2020, the National Assembly voted to abolish capital punishment in all circumstances, including for terrorist-related crimes.

Chad voted for the first time in favour of the United Nations General Assembly moratorium resolution in 2012 and has continued to support the biennial resolution ever since. In prior voting, the country had been absent two times and had voted against the resolution before.

## CONGO, Republic of the

**The Republic of the Congo abolished the death penalty with the enactment of its new Constitution in November 2015. The last execution was carried out in 1982, but death sentences continued to be handed down followed by Presidential commutations until abolition.**



In the Republic of the Congo (ROC), political leadership maintaining a moratorium on executions for over 30 years, the amendments to its laws, and the referendum that brought into effect the new Constitution in 2015, along with international commitments at the UN level, and the work of civil society were key as the country moved to abolish the death penalty in November 2015.

The Republic of Congo (ROC) observed a de facto moratorium on the use of the death penalty since carrying out its last execution in 1982. In 1991, amendments to its laws abolished the death penalty for political crimes. The leadership of President Denis Sassou Nguesso, who

has held the Presidency of the ROC since 1997 after serving a previous term from 1979 to 1992, was key in commuting death sentences and moving the country towards abolition.

On 15 August 2007, during the celebrations of ROC's Independence Day, 17 persons under sentence of death had their sentences commuted by Presidential Decree. In July 2011, the High Military Court of Kinshasa overturned the judgment of the Council of War of Thysville, which had handed down a death sentence to influential religious leader Simon Kimbangu, the founder of Kimbanguism, in October 2021. The new ROC Constitution was approved by referendum on 25 October 2015 and was promulgated on 6 November 2015. The text includes included a provision abolishing the death penalty in Article 8: "The human person is sacred and has the right to life. (...) The penalty of death is abolished." One year later, the President granted several presidential pardons, which included commutations for those people sentenced to death, on the occasion of the 56th anniversary of the independence of the country.

The ROC indicated its move away from the death penalty when the country was assessed under the Universal Periodic Reviews in 2009 and in 2013, when on both occasions, the country supported the recommendations to abolish the death penalty. The Government showed that it was in favour of abolition even though further steps were pending. In this context, civil society organizations liaised with authorities and government officials to move the country towards the abolition, with the Observatoire Congolais des Droits de l'Homme (Congolese Observatory for Human Rights) and the Action des Chrétiens pour l'Abolition de la Torture (Action by Christians against Torture) playing a leading role.

Except for an abstention in 2018, the Republic of the Congo has always supported the biennial resolution on a moratorium on the use of the

death penalty at the United Nations General Assembly since 2007.

## CROATIA

**Croatia abolished the death penalty for all crimes in the Constitution of the Republic of Croatia of 1990 and is party to all international and regional human rights instruments in this area. The last execution was carried out in January 1987 under the Socialist Federal Republic of Croatia.**



In December 1990, the Croatian Parliament adopted the Constitution of the Republic of Croatia, also known as the "Christmas Constitution." Article 21 of the Constitution states that "each human being has the right to life. There shall be no capital punishment in the Republic of Croatia." Likewise, Article 17, subsection 3, prescribes that "even in cases of clear and present danger to the existence of the state, no restrictions may be imposed upon the provisions of the Constitution stipulating the right to life, prohibition of torture, cruel or unusual treatment or punishment, and concerning the legal definitions of criminal offences and punishment, and the freedom of thought, conscience, and religion." Croatia quickly moved towards making international commitments for the protection of human rights as well. The country made an international commitment to its opposition to the death penalty when, on 12 October 1995, Croatia became State Party to the Second Optional Protocol to the International Covenant on Civil and Political Rights. Croatia is also party to Protocols 6 and 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms concerning the abolition

of the death penalty in all circumstances (the latter ratified on 3 July 2002, which came into force on 1 July 2003), the Second Optional Protocol to the International Covenant on Civil and Political Rights and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

On the global level, Croatia is consistently advocating for a moratorium on the death penalty and its ultimate abolition worldwide. In particular, it advocates for the universal ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Where the death penalty is retained, Croatia calls for its progressive restriction and continues to insist that international minimum standards are met when it is carried out.

Croatia was one of the ten countries in the core group that presented the first, historic resolution on the moratorium on the death penalty in 2007 at the United Nations General Assembly. Since then, Croatia has voted in favour of all resolutions calling for a universal moratorium on the use of the death penalty at the United Nations General Assembly. In addition, Croatia supports the United Nations Human Rights Council Resolution on Capital Punishment.

As a member of the Alliance for Torture-Free Trade, Croatia condemns the use, as well as the production, trade, export and import of goods that have no practical use other than for the purpose of capital punishment, torture and other forms of ill-treatment. As such, Croatia strongly and unequivocally opposes the death penalty in all times and in all circumstances and strives to its universal abolition

Since 2020, Croatia is a Member of the ICDP Support Group.

## DOMINICAN REPUBLIC

**The Dominican Republic abolished the death penalty with its new Constitution in 1966, protecting the right to life with a constitutional prohibition of capital punishment. The last execution was carried out in the same year.**



According to the Constitution of 1844, the President of the Dominican Republic was granted broad powers for the defence and security of the nation. The death penalty was applied through Military Commissions and the Supreme Court with regard to this principle.

The constitutional reform of 1908 abolished the death penalty for political crimes. In the following reform of 1924, the principle of the inviolability of life was introduced, limiting the application of the death penalty. In 1966, a new Constitution was enacted, which included a comprehensive list of fundamental rights and a strengthened legislature, while giving the executive a wide range of authority, combining features from previous liberal and conservative constitutional attempts.

The Constitution of 1966 proclaimed the principle of the inviolability of life, providing in Article 8.1 “The inviolability of life. Consequently, the death penalty may not be established, pronounced or applied in any case.” As a result, the Dominican Republic became one of the first countries to abolish the death penalty in all circumstances.

The current Constitution came into force in 2015 and further strengthened the respect for life and abolitionist stance of the Dominican Republic, stating in Article 37 that “The right to life is inviolable from the conception to

the death. In no case the death penalty will be established, pronounced or applied.”

On 27 January 2012, the Dominican Republic demonstrated its will to advance towards universal abolition of the death penalty by ratifying the Protocol to the American Convention on Human Rights on the abolition of the death penalty. The purpose of this Protocol is the abolition of capital punishment in all cases and circumstances, both in times of war and in times of peace.

The Dominican Republic acceded to the International Covenant on Civil and Political Rights in 1978, and on 21 September 2016, it acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

The Dominican Republic has voted in favour of all resolutions on a moratorium on the use of the death penalty at the United Nations General Assembly since 2007.

The Dominican Republic is a Member State of the ICDP Support Group.

## GABON

**Gabon abolished the death penalty in 2010, having maintained a moratorium since 1985. The democratic Constitution of 1991 and the establishment of a multiparty regime led to a series of developments in the country that resulted in the abolition of the death penalty in 2010.**



Gabon was a French protectorate since 1839; however, it was not until 1910 that it became one of the four territories of French Equatorial Africa. The death

penalty was practiced in French Africa, especially around the 1890s, which corresponded with the end of the military conquests in the region and France’s early efforts to consolidate its rule through the establishment of a political and legal administration.

Even though Gabon gained its independence on 17 August 1960, it remained under French influence until 1990. That same year, social discontent caused demonstrations and strikes to break out all over the country. This led to the establishment of a multiparty regime and the drafting of a democratic Constitution that came into force in March 1991.

On 13 September 2007, Gabon’s Council of Ministers voted to ban the death penalty in the country, where there had been a moratorium on executions since early 1985. Gabon finally enshrined in law the abolition of the death penalty for all crimes in 2010, under the presidency of Ali Bongo Ondimba, the son of the long-serving late President Omar Bongo Ondimba.

The amendments made to the Penal Code stipulated the death penalty was to be replaced by life imprisonment and that those people convicted would have to spend a minimum of 30 years in prison before being eligible for release or parole. Amendments to the Military Code were also made, among which the replacement of forced labour as a punishment with imprisonment was stipulated.

The country acceded to the International Covenant on Civil and Political Rights in January 1983, as well as the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty on 2 April 2014.

At the United Nations General Assembly, Gabon has supported for the resolution on a moratorium on the use of the death penalty since 2007, although it was absent during the 2020 vote.

## KAZAKHSTAN

**Kazakhstan abolished the death penalty for all crimes in 2021. The last executions were carried out in 2003. Marking a turning point in the country, an official moratorium was established, and life imprisonment was introduced as an alternative punishment in 2004.**



During the era of the Kazakh Soviet Socialist Republic, the Criminal Code of 1959 contained 25 categories of capital crimes, including crimes against the State, homicide, and other crimes mostly applicable in wartime. Article 22 of the Criminal Code defined the death penalty as an extraordinary punishment and envisioned its abolition in future.

In the 1990s and early 2000s, the number of crimes for which capital punishment was applicable was gradually reduced. The new Criminal Code of January 1998 reduced the scope of capital punishment from 18 to three crimes during peacetime. However, the amended Code added treason and eight other military crimes during times of war. The revised Criminal Code prohibited the death penalty for women and children, as well as persons above 65 years of age at the time of handing down the punishment. In 1999, the Supreme Court issued a resolution decreeing that the death penalty could not be mandatory. Moreover, there was an increase in the number of alternative punishments in cases of capital crimes and in January 2004, life imprisonment was introduced as an alternative.

The last executions in Kazakhstan were carried out between the months of May and September 2003, when 12 executions were ca-

ried out. Shortly thereafter, the President of Kazakhstan declared an official moratorium. In 2007, Kazakhstan amended its Constitution restricting the application of capital punishment to the most serious crimes: the death penalty was abolished for all crimes except for terrorist acts that cause loss of human life and exceptionally grave crimes committed during wartime. In July 2009, the number of crimes for which the death penalty was applicable was further reduced. However, the Criminal Code reforms that entered into force on 2 January 2018 increased the number of crimes punishable by death from 18 to 19.

On 20 December 2019, President Kassym-Jomart Tokayev announced a proposal for Kazakhstan's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aims at the abolition of the death penalty. Subsequently, the country became a signatory State to the Second Optional Protocol on 23 September 2020 while maintaining the reservation to retain the death penalty during wartime. On 2 January 2021, President Tokayev signed the law to ratify the Second Optional Protocol to the ICCPR affirming the 29 December 2020 vote in Parliament, but ratification was delayed until the domestic legislation was amended to abolish the death penalty. During deliberations on this subject at the National Council of Public Trust, President Tokayev stressed, in November 2021, that the abolition of the death penalty should be adopted without any reservations. Following the passage of a law by Parliament in December 2021, President Tokayev signed the law abolishing capital punishment for all crimes on 29 December 2021.

On 24 March 2022, Kazakhstan deposited with the Secretary-General of the United Nations the instrument of ratification, acceding to the Second Optional Protocol unconditionally. In June 2022, Kazakhstan reflected its abolition of the death penalty in its Constitution.

Prior to abolition, Kazakhstan clearly outlined its commitment to a moratorium leading up to abolition by supporting all resolutions on a moratorium on the use of the death penalty at the United Nations General Assembly since 2012.

Kazakhstan is a Member State of the ICDP Support Group.

## NORWAY

**The death penalty was completely abolished in Norway in 1979. The last execution was carried out in 1948 for treason in the context of convictions of collaborationists following the German occupation of Norway during World War II.**



The Norwegian Law of the Danish–Norwegian King Christian V of 15 April 1687 made a reference to capital crimes including murder, treason, and witchcraft. The Norwegian Penal Code of 1842, which replaced the Penal Chapter of the 1687 Law, provided the death penalty for treason, deliberate murder, and some other serious forms of murder. Initially, the death penalty was prescribed as the only punishment for these crimes, but life imprisonment was later introduced as an alternative sentence.

After 1876, no one was executed under the Penal Code of 1842 as every death sentence was commuted to life imprisonment. The Penal Code of 22 May 1902, which entered into force in 1905, abolished the death penalty. However, the new Military Penal Code, drafted simultaneously, maintained the death penalty as a punishment for the most serious military crimes. Capital punishment could consequently only be applied in times of war.

Individuals under the age of 18 could not be executed.

During the Second World War the German occupiers reintroduced the death penalty as such. The Norwegian Government in exile expanded the death penalty against domestic and foreign war criminals. Following the Second World War, 25 Norwegians and, from the occupying power, 11 Germans and one Dane were executed. The last execution was carried out on 28 August 1948 in the Akershus Fortress, when the Minister for Education and Church of the Norwegian puppet Nazi-regime, Ragnar Skancke, was executed for the crime of treason.

The Norwegian Parliament formally abolished the death penalty in peacetime on 15 December 1950. Capital punishment was removed from the Military Code on 8 July 1979. In 2005, the Parliament ratified Protocol 13 to the European Convention on Human Rights and Fundamental Freedoms, which prohibits the death penalty in all circumstances. Protocol 13 has status as national legislation.

In 2014, an amendment to the Norwegian Constitution states in Article 93 that “every human being has the right to life. No one can be condemned to death.” This constitutional prohibition is based on the principle of the inviolability of life. According to the fourth paragraph of the same section, the State furthermore has a duty to protect the right to life.

On 5 September 1991, Norway confirmed its opposition towards the death penalty by becoming a State Party to the Second Optional Protocol to the ICCPR. Norway has voted in favour of all resolutions calling for a moratorium on the use of the death penalty at the United Nations General Assembly.

Norway is a Member State of the ICDP Support Group.

## PAPUA NEW GUINEA

**After a period of abolition from 1970 to 1991, the death penalty was restored until 2022, when it was completely removed from legislation. The last known execution in Papua New Guinea was carried out in 1954, while still under Australian administration.**



The history of the death penalty in Papua New Guinea goes back to its colonial past with the last execution being

carried out in 1954, when it was under Australian administration. In 1970, five years before Papua New Guinea became independent, the death penalty was removed from the legislation, and the country was abolitionist for more than 20 years.

In 1991, capital punishment was reintroduced to the Criminal Code. One of the main supporters of this amendment was Prime Minister Rabbie Namaliu, who argued that it was a necessary measure in order to deal with growing insecurity. On the other hand, then Minister for Justice Bernard Narokobi, stated that he was horrified by the proposal of reintroducing the death penalty. Finally, the law passed thanks to public opinion and calls for law and order.

During this period, the death penalty was applicable for the felony of wilful murder, and it was imposed at the discretion of the judge, who would ask the victim's relatives for their opinion. Nevertheless, a moratorium was the norm in practice and executions and death sentences continued getting postponed and commuted over the years.

In 2008, Papua New Guinea acceded to the International Covenant on Civil and Political Rights. The country's accession to the ICCPR

was positively welcomed by the international community, interpreting it as a sign of progress towards a definitive abolition. However, in 2013, several women suspected of black magic were publicly lynched, and two foreign nationals were sexually assaulted. In addition to wilful murder, the crimes of treason, piracy, attempted piracy, aggravated rape and robbery also became punishable by death. Despite the toughening of the legislation, capital punishment remained unenforced for years. The country had not developed the necessary administrative mechanisms and infrastructure to carry out the execution of those people who were sentenced to death. As a result, a de facto moratorium became the norm.

On 20 January 2022, the Parliament of Papua New Guinea voted for a bill to abolish the death penalty. The vote followed the announcement by Prime Minister James Marape who reportedly stated that he was commuting all the persons under sentence of death in his country with the aim of abolishing capital punishment. According to Minister of Justice Bryan Kramer, the cabinet had made the decision to repeal the death penalty and replace it with life imprisonment without parole. 14 people facing the death penalty had their sentences commuted to life imprisonment. The political leadership that led Papua New Guinea to abolish the death penalty was combined with the support of the international community.

Papua New Guinea has voted against the United Nations General Assembly resolution on a moratorium on the use of the death penalty in 2007, 2010, 2014, 2016, 2018 and 2020 while abstaining in 2008 and 2012.

## SAO TOMÉ AND PRINCIPE

**The Democratic Republic of Sao Tomé and Príncipe abolished the death penalty for all crimes in 1990. After becoming an independent country in 1975, the death penalty was limited to mercenaryism and military crimes, although no death sentences were imposed.**



The death penalty was implemented in Sao Tomé and Príncipe when it was under colonial rule. In 1975, after cycles of social unrest and economic instability, the country gained its independence peacefully and has since remained a stable and democratic country. That same year, the Constitution of the Democratic Republic of Sao Tomé and Príncipe came into force. Although amendments have been made, the same Constitution remains in force to this day.

Following independence, Sao Tomé and Príncipe retained the death penalty for mercenaryism and military crimes, but no death sentences were imposed. In 1990, a new amendment was included in the Constitution wherein the death penalty was finally abolished for all crimes. Article 22 promulgates the right to life and states that “human life is inviolable [and that] in no case, shall capital punishment exist.”

Sao Tomé and Príncipe can be regarded as an exception as the death penalty was not carried out since its independence.

The country became a signatory party to the International Covenant on Civil and Political Rights in 1995 and to the Second Optional Protocol to the ICCPR in 2000. The Country ratified both treaties on 10 January 2017, de-

monstrating its commitment to the abolitionist movement.

Sao Tomé and Príncipe supported all resolutions calling for a moratorium on the use of the death penalty at the United Nations General Assembly since 2007 except 2012, when it was absent during the vote.

## SIERRA LEONE

**Sierra Leone abolished the death penalty in July 2021 following a decision by its Parliament. The last executions were carried out in 1998 at the height of the civil war, followed by a moratorium that lasted more than 20 years.**



The British founded Freetown in 1792, the birth of what would later become the Republic of Sierra Leone. The intention at that time was to start a colony to send liberated slaves who, having gained their freedom, only found poverty and exclusion. When founded, Freetown was governed by the “Manuscript Orders and Regulations,” which prohibited the death penalty even for cases of murder. However, this abolitionist period was short-lived. In 1798, a revolt broke out against the Sierra Leone Company, the ruling institution at the time. The uprising failed to take over the city and the two rebel leaders, Isaac Anderson and Francis Patrick, were hanged.

During the next centuries, despite the many changes of legislation and the form of the state institutions, capital punishment remained in the legal statutes. Sierra Leone’s 1991 Constitution provided for the death penalty for aggravated robbery, murder, treason, and mutiny.



In 1991, the Revolutionary United Front, supported by forces associated to the National Patriotic Front of Liberia, took control over the south-east territory, which triggered a civil war. During the following eleven years, the war resulted in many fatalities, including what estimates suggest were a minimum of 50,000 deaths. The last executions were carried out in 1998, when the executions of 24 army officers were carried out after an attempted coup. Since then, death sentences were usually commuted to life imprisonment, and though the war lasted until 2002, no more executions were carried out.

It has to be noted that the UN-recognized Government of Sierra Leone accessed the International Covenant on Civil and Political Rights and signed its Second Optional Protocol in August 1996. Three different Governments stated their intentions to end capital punishment in Sierra Leone, but no advancements were made on the issue. In February 2021, President Julius Maada Bio officially gave directives for the death penalty to be abolished from Sierra Leone's laws. On 12 May 2021, during Sierra Leone's Universal Periodic Review, Deputy Justice Minister Umaru Napoleon Koroma confirmed President Bio's cabinet's commitment to fully abolish the death penalty in the country. On 23 July, the Parliament voted in favour of a Bill abolishing the death penalty. In October 2021, President Julius Maada Bio signed the Death Penalty Bill into law.

In 2020, 38 people had been sentenced to face the death penalty, which meant that at least 94 people were under sentence of death. However, with the new law, all the people under sentence of death were commuted to life imprisonment or a minimum of thirty years.

President Julius Maada Bio and Minister of Justice Umaru Napoleon Koroma had a crucial role in the abolition process, which had been recommended by human rights organizations and political elites for decades. During the

approval of the new legislation, both politicians claimed the inhumanity of the death penalty and their willingness to leave the horrors of the past behind.

Sierra Leone supported resolutions on a moratorium on the use of the death penalty at the United Nations General Assembly in 2012, 2014, 2016 and 2020. It was absent in 2018 and abstained in 2007, 2008 and 2010.

## SWITZERLAND

**Switzerland repealed capital punishment for ordinary crimes in 1942, with full abolition taking place 50 years later. The last execution was carried out in 1944. Currently, the Swiss Federal Constitution includes a constitutional prohibition on capital punishment.**



In 1848, when the Swiss State was founded, all cantons applied the death penalty. Each canton had its own Penal Code; however, the Federal Constitution only prohibited the application of the death penalty for political crimes. Between 1848 and 1874, 95 death sentences were imposed, 38 of which were carried out.

A constitutional revision took place in 1874, which resulted in the temporary abolition of capital punishment. Seven cantons (Freiburg, Neuchatel, Zurich, Ticino and Geneva, City of Basel, Basel-Land and Solothurn), which had already removed the death penalty from their legislation, campaigned for the abolition of the death penalty for civil crimes, and in 1874, the prohibition of the death penalty was applied across the country. However, on 18 May 1879, capital punishment was reintroduced via referendum.

On 18 October 1940, the last execution of a civilian, that of Hans Vollenweider, was carried out by guillotine at Sarnen, Obwalden. Two years later, with the entry into force of the new Swiss Penal Code, the death penalty was abolished for ordinary crimes.

During World War II, in 1944, 33 soldiers were convicted for treason against the country, and the executions of 17 of these soldiers were carried out by firing squad, in accordance with the Military Criminal Law that was still in force. In 1992, the death penalty was abolished for military crimes.

The Federal Constitution of Switzerland of 1999 included the prohibition of the death penalty in all circumstances guaranteeing the right to life. Article 10 paragraph 1 states: "Every person has the right to live. The death penalty is prohibited."

Earlier on 16 June 1994, Switzerland ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty. In 2002, the country ratified Protocol 13 of the European Convention on Human Rights and Fundamental Freedoms, which prohibits the death penalty in all circumstances.

Switzerland has voted in favour of all resolutions on a moratorium on the use of the death penalty at the United Nations General Assembly since 2007.

Switzerland is a Member State of the ICDP Support Group.

## UNITED KINGDOM

---

**In the United Kingdom, the death penalty for murder was suspended in 1965 and**

**abolished in 1969. In Northern Ireland, capital punishment was repealed for murder in 1973. The last executions in the United Kingdom were carried out in 1964. The death penalty remained a legally defined punishment for certain crimes such as treason until complete abolition in 1998.**



The death penalty had been applied in the United Kingdom since ancient times. During the 18th and 19th centuries, the "Bloody Code" foresaw the application of the death penalty for over 200 crimes, some of which were minor crimes. The death penalty remained mandatory until 1823 when the Judgment of Death Act gave judges the power to commute death penalties, except for treason and murder. During the second half of the 19th century, the scope of application of capital punishment was progressively reduced until, by 1861, only four ordinary crimes remained punishable by death. In 1868, public executions ended.

In 1908, the death penalty was abolished for children under the age of 16 years of age, which was raised to 18 years of age in 1933. The abolition of death penalty was considered in 1938 but was suspended with the onset of World War II. Hundreds of executions were carried out in the first half of the 20th century. The Homicide Act of 1957 provided a distinction between capital and non-capital murder, thereby restricting the scope of the death penalty. In same year, the Naval Discipline Act reduced the scope of capital espionage.

In 1965, Sydney Silverman's Private Member's Bill to suspend the death penalty for murder passed both Houses of Parliament. The Murder (Abolition of Death Penalty) Act suspended the death penalty for murder for a period of five years, and substituted it life imprison-

ment in the UK, but not in Northern Ireland. In 1969, then Home Secretary James Callaghan proposed a motion to make the Act permanent, which was successful. In 1973, the Northern Ireland (Emergency Provisions) Act 1973 abolished the death penalty for murder in Northern Ireland.

The Criminal Damage Act 1971 abolished the offence of arson in royal dockyards, and 10 years later the Armed Forces Act 1981 repealed capital punishment for espionage, further reducing the scope of the death penalty.

Following the abolition of the death penalty for murder, each subsequent parliament held a vote until 1997 on motions to restore the death penalty that were always defeated. No executions were carried out during this time for any of the offences that the death penalty remained applicable for.

On 30 September 1998, a House of Lords amendment to the Crime and Disorder Act abolished the death penalty for treason and piracy with violence. These were the last civilian offences punishable by death.

On 20 May 1998, the UK Parliament ratified the 6th Protocol of the European Convention on Human Rights, prohibiting capital punishment with a wartime exception. The last provisions for the death penalty during wartime were removed when section 21(5) of the Human Rights Act came into force on 9 November 1998. The UK acceded to the 13th Protocol effective from 1 February 2004, which prohibits the death penalty in all circumstances.

On 10 December 1999, the country acceded to the Second Optional Protocol to the ICCPR and has voted in favour of all resolutions on a moratorium on the use of the death penalty at the United Nations General Assembly since 2007.

Moreover, according to Article 94 of the Extradition Act of 2003, the United Kingdom made

the extradition of an individual illegal unless the government obtained assurances that the death penalty would not be carried out.

The United Kingdom is a Member State of the ICDP Support Group.

## UNITED STATES NEW HAMPSHIRE

**New Hampshire abolished the death penalty for all crimes on 30 May 2019, becoming the 21st state to do so in the US. The role of advocates in the legislature and victim-advocates was key in the path towards abolition. The last execution in New Hampshire was carried out in 1939.**



The death penalty existed in New Hampshire since at least the 1640s and was listed in the “Body of Liberties” adopted by the Massachusetts General Court. The death penalty was used occasionally as the legislation evolved from 1739 until 1939. During this time, the executions of 22 people were carried out by hanging. Howard Long, who was charged with the sexual assault and murder of a 10-year-old child, was the last person whose execution was carried out in New Hampshire in 1939.

In 1977, the legislature introduced amendments to stop the mandatory sentencing of people to death penalty for capital crimes. After decades without executions, a bill to abolish the death penalty was passed by the legislature in 2000, but Governor Jeanne Shaheen used her veto powers to stop the bill. A bill prohibiting the execution of persons convicted of murder while under the age of 18 passed the House and Senate in 2004 as part of a nationwide effort to abolish the death

penalty for juvenile offenders, but Governor Craig Benson vetoed the bill. The next year, however, Governor John Lynch signed the bill.

A commission was established to assess the question of abolishing the death penalty in the state, convening for a year until December 2010. The commission released a report opposed to expanding the death penalty, but not against retaining the death penalty. The New Hampshire legislature again moved to abolish the death penalty in April 2018, but the bill was vetoed by Governor Chris Sununu two months later, and he did so again on multiple occasions in 2019.

On 30 May 2019, the 24-member Senate, by a 16-8 bipartisan vote, followed the 400-member House of Representatives, which voted on 23 May by a 247-123 vote, to end capital punishment in New Hampshire. Both the Senate and House of Representatives votes narrowly constituted the two-thirds majority needed to override the 3 May veto by Governor Chris Sununu. The Governor had vetoed the overwhelming votes by House of Representatives and the Senate, on 7 March and on 11 April 2019 respectively, to abolish the capital punishment in the state.

The death penalty abolition bill's sponsors included Rep. Renny Cushing, whose father had been murdered in 1988. In a prescient interview with ICDP last year, Rep Cushing said, "Well, I believe that the death penalty is on its way out. I know in New Hampshire for a generation, for 20 years, I have been pressing legislation to repeal the death penalty. Our legislators just voted this year (2018) to repeal the death penalty, our Governor vetoed it, and we were a couple of votes short of overriding the veto. We will bring the legislation next year, and I believe next year we will be the year that New Hampshire will become the 21st state to put an end to capital punishment."

As a result, those convicted of capital crimes are now punished with a life imprisonment. However, one man, Michael Addison, remains under sentence of death after being convicted of the 2006 killing of Manchester police officer Michael Briggs. Reports suggest that the new law would not retroactively apply to Mr Addison, though his fate is unclear.

## COLORADO

**On 23 March 2020, Colorado became the 22nd state in the US to repeal capital punishment. The death sentences of the last three people facing the death penalty were commuted after abolition. The last execution in Colorado was carried out in 1997.**



A bill to abolish the death penalty in Colorado was approved by the state House of Representatives in 2009 by a vote of 33 to 32, but the state Senate rejected the measure by a vote of 17 to 18. Officials also calculated that the state would have saved \$1 million a year if capital punishment had been abolished.

Colorado had been divided over the death penalty for more than 150 years. Paul Weissmann, a former state representative and the treasurer for Boulder County, remarked that it was challenging to vote on any issue that gave the impression that you were not tough on crime. Despite the failure of political efforts, prison managers continued to show support for the abolitionist cause by refusing to take part in executions and speaking out against the death penalty.

Furthermore, even in well known cases like the 2012 Aurora theatre shooting, in which James

Holmes killed 12 people and injured 70 others, Colorado jurors showed hesitation to impose the death penalty.

In 2018, a change in the state government led abolitionists to think that progress would finally be made towards repealing the death penalty. Nonetheless, this was delayed largely because of a lawmaker's tragic experience: state Senator Rhonda Fields' son Javad Fields and his fiancée Vivian Wolfe were murdered by a man, who was sentenced to face the death penalty at the time. Subsequently, Fields accused repeal advocates of trying to rush the bill through, arguing that repealing the death penalty would be unfair to criminals and untimely, considering recent terrible incidents. In the end, her objections over process undermined the support for the bill and the measure was stopped.

In 2020, Colorado abolished the death penalty. This was the sixth time that state lawmakers had tried to repeal the death penalty in recent years. The bill passed the Senate by a 19 to 13 vote on 30 January and the House by a 38 to 27 on 26 February.

"It's important that we end that I think it has been a very discriminatory practice, not just towards people of colour, but people within geographic areas within the state," said Representative Adrienne Benavidez of Adams County, one of the main sponsors of the bill. Governor Jared Polis signed the bill into law on 23 March 2020 and commuted the sentences of the three prisoners under sentence of death.

## VIRGINIA

**On 24 March 2021, Virginia's Governor Ralph Northam signed into law a legislation abolishing the death penalty. The state had carried out the second-highest number**

**of executions in the US; the last execution in Virginia was carried out in 2017.**



Virginia executed 113 people since the Supreme Court reinstated capital punishment in 1976, more than any other state in the union in terms of the proportion of people facing the death penalty, and second only to Texas in terms of total executions. Defendants were denied any judicial review of legal claims that their lawyers failed to raise at the appropriate time or in the appropriate manner, even when a lawyer missed a filing deadline due to no fault of the defendant. As such, this high percentage was the result of poor defence representation and contentious procedural rules.

In addition, racial discrimination went hand in hand with the death penalty in Virginia. Between 1890 and 1977, Virginia carried out the executions of 73 African-American defendants found guilty for crimes of rape, attempted rape or armed robbery that did not result in death.

The state instructed juries in the late 1990s that defendants sentenced to life imprisonment would never be eligible for parole. In 2002-2003, Virginia created the Regional Capital Defender Offices to represent most capital defendants at trial, whereby death sentences in the state significantly declined. After this decline, no death sentences were imposed by Virginia juries since 2011.

Starting 2019, the vote on the death penalty in the state Senate was divided along partisan lines. However, on 5 February, the bill to abolish the death penalty passed the House 57 to 41 with the support of three Republicans. According to Delegate Michael Mullin, who sponsored the House bill, without the assistance of Governor Northam, abolition may not have

been possible. “There have been people who have put abolition forward for the better part of four decades,” Mullin said, “we’ve never had a governor who went out forcefully and with a full-throated approach to abolish the death penalty.”

On 24 March 2021, Governor Ralph Northam officially signed HB2263 into law, abolishing the death penalty in Virginia. The state became the 23rd state to eliminate capital punishment entirely. Two persons, Anthony Juniper and Thomas A. Porter, were under the death penalty in Virginia at the time, and their sentences were commuted after abolition.

# LESSONS LEARNT FROM THE EXPERIENCES OF STATES IN ABOLISHING THE DEATH PENALTY

This supplement has described the experiences of the experiences of 19 countries, including the USA, as they moved towards abolishing the death penalty. In the US, the death penalty is a state issue and so there is a focus on three US states that have recently abolished capital punishment. The following are some of the routes and the lessons learned from their experiences.

## 1. The route of international commitment toward abolition of the death penalty

**Kazakhstan** signed the Second Optional Protocol to the ICCPR before final abolition but ratified it after finalizing the abolitionist process domestically.

**Bosnia and Herzegovina** made international commitments to reflect its move towards abolition of the death penalty. While part of the country, Republika Srpska abolished the death penalty in 2019, **Bosnia and Herzegovina** ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights without reservations in 2001. It became a signatory to the European Convention on Human Rights on 4 April 2002, which it ratified it on 12 July 2002. In 2003, the country ratified Protocol No. 13 to the European Convention on Human Rights and Fundamental Freedoms banning the death penalty in all circumstances.

In the case of **Sierra Leone**, the country made a commitment to abolish the death penalty during its Universal Periodic Review, which followed a decision by its political leadership to move to end capital punishment.

## 2. Constitutional amendments

Countries such as **Angola** abolished the death penalty by amending their Constitutions, before removing it from their laws. In the **Dominican Republic**, its Constitution led in abolishing the death penalty as it did in **Sao Tomé and Príncipe** and **Switzerland**, where the important Constitutional change came after a long moratorium.

### 3. The role of the National Assembly/Parliament

In **Belgium, Central African Republic, Papua New Guinea, Canada**, the US state of **Colorado**, their Parliaments voted in favour of abolition of the death penalty after a long moratorium. In **Bosnia and Herzegovina**, a new Criminal Code with extended imprisonment played an important role in the country's move to abolition, while deputies of Republika Srpska voted to abolish the death penalty. In **Burundi**, abolition came with a change in the penal code by a vote in its parliament, while in **Norway** and the **United Kingdom**, its Parliament voted for abolition gradually by initially ending capital punishment for peacetime and then, decades later, abolishing the death penalty during wartime. In **Chad**, its Parliament voted for an abolitionist bill two years after the enactment of a new Constitution as was the case in **Croatia**, where its Parliament adopted the "Christmas Constitution". In the US state of **New Hampshire**, the Senate and the House of Representatives voted to abolish the capital punishment with the requisite two-thirds' majority to override the Governor's veto. In **Virginia**, its legislature voted to abolish the death penalty with a bipartisan vote.

### 4. The importance of activists

In the US state of **New Hampshire**, the bipartisan abolitionist vote in its legislature was brought about a coalition led by a parliamentarian activist who supported abolition though he had been a victim with the death of his father by shooting.

### 5. Establishing a moratorium on executions

Countries like **Sao Tomé and Príncipe** and **Switzerland** did not carry out executions for a long period of time before making Constitutional amendments to abolish the death penalty. In **Belgium, Central African Republic, Papua New Guinea, Canada**, the US state of **Colorado**, their legislature voted to abolish the death penalty after long period of observing moratorium on executions.

### 6. Reducing the scope of the death penalty

The scope of the use of the death penalty has been reduced in different ways, and has been chosen by some countries in their move towards the eventual abolition of capital punishment. In the **United Kingdom** and **Norway**, their parliaments gradually abolished capital punishment.

### 7. Political leadership

Underlying all these initiatives and experiences is the important role of political leadership. In some cases it is shaped by personal belief and commitment of the leaders: for instance, in the US state of **Virginia**, its Governor led the abolition of capital punishment in his state.

In other cases, political leadership ensures the implementation of the abolition by moving away from an authoritative past, beyond conflict, or in consolidating democratic institutions like national assemblies and the rule of law. In countries like the **Central African Republic**, its Presidents commuted the sentences of those persons facing the death penalty, which played a role in the abolition of the countries. In **Papua New Guinea**, its Minister of Justice and Prime Minister made



commitments to abolish the death penalty, which was followed up by its Parliament that passed a law to abolish capital punishment. The President of **Sierra Leone** played an important role in moving his country towards abolition along with the Deputy Minister of Justice, which was supported by the Cabinet of Ministers.

Leadership is key in the abolition of capital punishment as it increases respect and protection of the fundamental right to life. It thereby constitutes principled leadership by heads of State, and often includes important contributions by heads of Government, Ministers, as it has been in the case of **Gabon**, heads of the Parliament, heads of the Constitutional Court, Governors and Attorney Generals.

