

**WORLD
COALITION**

AGAINST THE DEATH PENALTY

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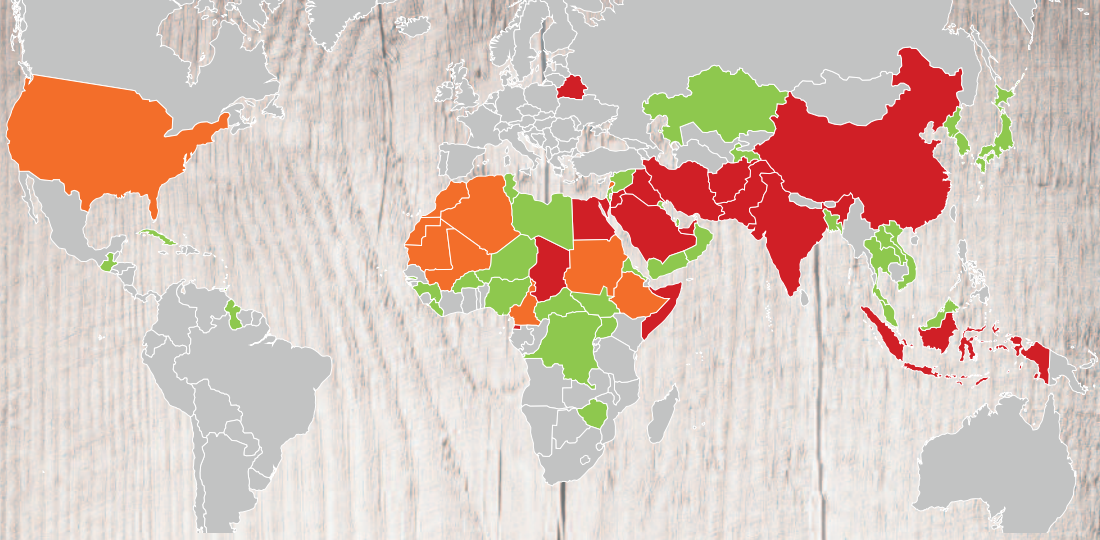
**execution is
a terrorist's tool**

STOP

the cycle of violence

10/10/2016

**World Day against
the Death Penalty**



Map of the **65 countries** that retain the death penalty for **terrorism-related offenses** in their legislation

15 In 15 countries, at least one person has been sentenced

to death and executed for terrorism-related offenses in the last 10 years (2006 – 2016).

- Afghanistan – 2016*
- Belarus – 2012*
- Chad – 2015*
- China – 2015*
- Egypt – 2015*
- Equatorial Guinea – 2010*
- India – 2015*
- Indonesia – 2008*
- Iran – 2015***
- Iraq – 2016*
- Jordan – 2015*
- Pakistan – 2016*
- Saudi Arabia – 2016*
- Somalia – 2016*
- United Arab Emirates – 2015*

9 In 9 countries, at least one person has been sentenced to death for terrorism-related offenses in the last 10 years but no execution has been recorded.

- Algeria – 2015**
- Cameroon – 2015**
- Ethiopia – 2012**
- Lebanon – 2015**
- Mali – 2011**
- Mauritania – 2012**
- Morocco – 2012**
- Sudan – 2009**
- United States of America – 2015**

41 countries retain the death penalty for terrorism-related offenses in their legislation but no death sentences nor executions have been recorded in the last 10 years:

- Bahamas, Bahrain, Bangladesh, Barbados, Brunei Darussalam, Burkina Faso, Central African Republic, Cuba, Democratic Republic of Congo, Eritrea, Gambia, Guatemala, Guinea, Guyana, Japan, Kazakhstan, Kuwait, Laos, Liberia, Libya, Malaysia, Maldives, Niger, Nigeria, North Korea, Oman, Palestine, Qatar, Saint Lucia, Singapore, South Korea, South Sudan, Syria, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Uganda, Viet Nam, Yemen, Zimbabwe

* year of last recorded execution for terrorism-related offenses

** year of last recorded death sentence for terrorism-related offenses

*** year of last recorded execution for terrorism-related offenses under “enmity against God”

(Sources: Amnesty International and Death Penalty Worldwide)

Since the 1980s, there has been a global trend towards the abolition of the death penalty, which continues to this day. 16 countries had abolished the death penalty in law for all crimes in 1977. Today two-thirds of countries (140) are now abolitionist in law or in practice.

However, despite this global trend towards abolition, many governments have in recent years resorted to use of the death penalty following terrorist attacks on their countries, in the name of protecting their countries and peoples.

In the last ten years, **Bangladesh, India, Nigeria, Tunisia and others** have adopted laws that expanded the scope of the death penalty, adding certain terrorist acts to the list of crimes punishable by death.

More recently, **Pakistan and Chad** resumed executions in the name of the fight against terrorism, putting an end to moratoriums that had lasted for years.

The death penalty in practice

- 103 countries have abolished the death penalty for all crimes;
- 6 countries have abolished the death penalty for ordinary crimes;
- 31 countries are abolitionist in practice;
- 58 countries and territories are retentionist;
- 25 countries carried out executions in 2015;
- The 5 top executioners in 2015 were **China, Iran, Saudi Arabia, Pakistan and the USA**;
- 65 countries and territories retain the death penalty for terrorism. Of these:
 - 16 countries are abolitionist in practice;
 - 1 country is abolitionist in law for ordinary crimes.

Number of countries executing for terrorism

15

Number of countries sentencing to death for terrorism

24

Number of countries that retain the death penalty for terrorism in their legislation

65

Keywords

Death penalty for terrorism

Cases where terrorism-related offences are punishable by death under a country's legislation. Offences are often defined by two components: the act itself, which covers a wide range of crimes (varying from state to state), such as causing death or injury to a person, taking hostages, using explosives, destroying infrastructure, or damaging the environment; and the "terrorist" intent, which also varies widely depending on each country's laws and is often ill-defined. It may for instance include the intent to disturb public order, endanger the safety of the community, or spread terror among the population.

Retentionist

Countries that retain the death penalty for ordinary crimes (Amnesty International).

Abolitionist in practice

Countries where the death penalty is still provided for in the legislation for ordinary crimes such as murder, but that can be considered abolitionist in practice as no execution has been carried out for at least ten years and there is an established practice not to carry out executions (Amnesty International)..

Terrorism

Since the 1960s, the United Nations has produced 19 international legal instruments in the fight against terrorism.

However, none of these instruments provide a definition.

The international community has yet to reach a consensus on a global, legal definition of terrorism, despite attempts to do so, thus leaving terrorism itself as an undefined concept in international law.

10 things you should know about the d

1 Is the death penalty for terrorism a new phenomenon?

YES AND NO. Half of the retentionist countries have terrorism laws that date back more than 10 years, such as **Afghanistan** (1976) or **Pakistan** (1999).

Pakistan

1999 Amendment of the 1997
Anti-Terrorist Law
Article 6

“Terrorism” means the use or threat of action (...) designed to coerce and intimidate or overawe the Government or the public or a section of the public or community or sect or create a sense of fear or insecurity in society; or the use or threat is made for the purpose of advancing a religious, sectarian or ethnic cause.”

Article 7: *“Whoever commits a terrorist act shall, if such act resulted in the death of any person, be punished with death.”*

However, for the other half, new anti-terrorism legislation has been passed much more recently, such as in 2015 and in 2016 in **China, Egypt, Chad and Tunisia.**

Egypt

2016 Anti-Terrorism Law
Chapter 1, article 2

“A terrorist act shall refer to any use of force, violence, threat, or intimidation domestically or abroad for the purpose of disturbing public order, or endangering the safety, interests, or security of the community; harming individuals and terrorizing them; jeopardizing their lives, freedoms, public or private rights, or security, or other freedoms and rights guaranteed by the Constitution and the law; (...)”

Chapter 2, article 12:

“Whoever establishes, founds, organizes, or manages a terrorist group or assumes command or leadership there of shall be punished by the death sentence or life imprisonment.

(...)

Whoever coerces or obliges a person to join a terrorist group or prevents his separation therefrom shall be punished by life imprisonment. The penalty shall be the death sentence if the coercion, obligation, or prevention results in this person’s death.”

2 How many people have recently been sentenced to death and executed for terrorism?

IT IS HARD TO KNOW. Although most retentionist countries have the death penalty for terrorism, and despite the proliferation of anti-terrorism legislation in recent years, a minority of countries (15 out of the 58 retentionist countries in the world) have executed for terrorism since 2006 and only four other retentionist countries have sentenced people to death for terrorism.

Five countries that are abolitionist in practice (out of 31) have also sentenced people to death for terrorism.

3 Has any country really resumed executions because of terrorism?

YES, two of them since 2014:

- **Chad,** which resumed executions less than a month after passing a new anti-terrorism law in 2015. Prior to this, the last execution in Chad took place in 2003;
- **Pakistan,** which resumed executions in December 2014 in the name of the fight against terrorism, but where most executions are actually

Death penalty for terrorism

for murder. Prior to this, the last execution in Pakistan took place in 2008.

However, it should be noted that even if these countries had long period of moratoriums on executions, there were still considered as retentionist by Amnesty International.

4 Was it necessary for retentionist countries to add the death penalty for terrorism to their legislations?

NO. The death penalty is never necessary. In addition, as all retentionist countries already had the death penalty for murder, there was no need to add new laws dealing with murder through terrorism. The international prohibition on the death penalty for all but the 'most serious offences' (intentional killing) means that any terrorism offences apart from murder would automatically not be death-eligible under international law. Countries which have recently added the death penalty for terrorism in their legislations did so for political reasons, not legal ones.

5 Is the death penalty for terrorism often used for political purposes?

YES. In response to growing terrorist threats, many countries have passed or amended anti-terrorism laws. This appears to have a strong symbolic value: they provide politicians an easy and expeditious response to terrorism and demonstrate their apparent effectiveness in countering terrorism. However, it is encouraging that few countries have actually carried out executions. Moreover, the political use of the death penalty for terrorism by governments is not only ineffective against terrorism, but can also be exploited by terrorists themselves.

Their position is reinforced by the countries' violent response as they see themselves as martyrs, and even use it to justify future reprisals. The death penalty for terrorism can therefore risk contributing to extremism and violence.

Jordan

In 2014, Jordan introduced a new anti-terrorism law which toughens penalties and requires the death penalty for any act that causes a death, destroys or damages a building if someone is inside, uses poisonous or dangerous materials, or constitutes a life-threatening attack against the king, queen, or crown prince.

On 3 February 2015, Daesh released a video depicting the brutal killing of Muadh al-Kasasbeh, a Jordanian fighter pilot. The Jordanian government vowed "punishment and revenge" and a day later, on 4 February 2015, Jordan executed two people for alleged acts of terrorism in retaliation.

Sajida al-Rishawi, an Iraqi female militant, had been sentenced to death for her role in a 2005 suicide bomb attack that killed 60 people. Her release had been specifically demanded by Daesh before they killed pilot Muadh al-Kasasbeh. Ziyad Karboli, a suspected Iraqi al-Qaida operative had been convicted in 2008 for killing a Jordanian.

6 Is anti-terrorism legislation in line with international human rights law and standards?

RARELY. The definition of what constitutes a terrorist act varies widely from one country to another, while the use of the death penalty to punish such acts is highly arbitrary.

Indeed, the lack of definition of terrorism in international law leads countries to define this category of offenses sometimes very broadly, vaguely and inclusive of nonviolent acts or those that do not constitute the "most serious crimes" (i.e. intentional killing).

In some countries, speaking out or engaging in nonviolent actions can be characterized as terrorist acts punishable by death.

Iraq

Iraq's 2005 anti-terrorism law "remains a serious concern" to the United Nations because it "envisages the death penalty for a wide range of terrorism-related offenses, not all of which meet the threshold of 'most serious crimes.'"

Specifically, the law defined as "terrorist" acts involving "targeting infrastructure, the population or state security," as well as crimes "related to insurgency, including non-violent support for or facilities groups or individuals accused of 'terrorist' acts."

Of particular concern is also the fact that crimes most frequently leading to death sentences under the Anti-Terrorism Law of 2005 are explicitly excluded by article 73.1 of the Iraqi Constitution from being granted special pardon by the President of the Republic, thus contravening international standards.

7 Does the imposition of death penalty for terrorism happen in proceedings that meet fair trial standards?

RARELY. Death sentences for terrorism are often handed down after unfair and speedy trials by military or special courts, where confessions are obtained under duress and where the right to appeal is not respected.

Chad

Ten people suspected of belonging to Boko Haram were executed on 29 August 2015, three days after their trial and less than a month after the adoption of the Anti-Terrorism Act of 31 July 2015.

No reliable information as to their right to appeal and to file a mercy petition was available, as the hearings had been moved to a secret location on the last day. They were convicted of carrying out twin attacks that killed 38 people in N'Djamena in June 2015.

8 Is the death penalty a deterrent for terrorism?

NO. It has never been conclusively shown that the death penalty deters crimes more effectively

than other punishments. The correlation between crime rates and the death penalty seems to be even less relevant in the case of terrorism, where the act is politically motivated, with often no cost-benefit calculation. People committing terrorist acts are dedicated to their cause, which counteracts and neutralizes whatever legal threat is meant to deter them.

Some terrorists assume that they will die while engaging in acts of terrorism, therefore the threat of an execution does not serve as a deterrent for such acts. Moreover, many terrorism-related cases are never solved and terrorists who have not killed themselves in the act are rarely apprehended.

9 Do all the victims of terrorism or their families call for the death penalty?

NO. Contrary to what is often claimed, not all victims of terrorism and their relatives call for the death penalty to compensate for the pain caused by a terrorist act.

Some believe that the killing of a terrorist will not bring any form of just or fair retribution or closure and that the cycle of violence needs to be broken rather than perpetuated

10 Is it possible to respect human rights in countering terrorism?

YES. No one denies the necessity to counter terrorism: Ben Emmerson, the current UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, stresses the duty of States to protect people from such threats.

However, such measures must be anchored in respect for human rights. Protecting human rights and ensuring respect for the rule of law contribute to countering terrorism, in particular by helping to ensure a climate of trust between the State and those under its jurisdiction. To this end, the United Nations Global Counter-Terrorism Strategy is an effort to ensure respect for human rights and the rule of law in the fight against terrorism, in order to break the cycle of violence.

10 reasons to end the use of the death penalty

- 1 No state should have the power to takes a person's life.**
- 2 It is irrevocable.** No justice system is safe from judicial error and innocent people are likely to be sentenced to death.
- 3 It does not keep society safe.** It has never been conclusively shown that the death penalty deters crimes more effectively than other punishments.
- 4 It is unfair.** The death penalty is discriminatory and is often used disproportionately against people who are poor, people with intellectual or psychosocial disabilities, and from racial and ethnic minorities. In some places, the imposition of the death penalty is used to target special groups on the basis of their sexual orientation or religion.
- 5 Not all murder victims' families want the death penalty.** A large and growing number of victims' families worldwide reject the death penalty and are speaking out against it, saying it does not bring back or honor their murdered family member, does not heal the pain of the murder, and violates their ethical and religious beliefs.
- 6 It creates more pain.** The death penalty inflicts pain on the families of people on death row and causes great pain to the family members of people who have been executed.
- 7 It is inhuman, cruel and degrading.** The conditions on death row inflict extreme psychological suffering, and execution is a physical and mental assault.
- 8 It is applied overwhelmingly in violation of international standards.** It breaches the principles of the 1948 Universal Declaration of Human Rights, which states that everyone has the right to life and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. On five occasions, the United Nations General Assembly has called for the establishment of a moratorium on the use of the death penalty (resolutions 62/149, 63/168, 65/206, 67/176 and 69/186, adopted in December 2007, 2008, 2010, 2012 and 2014).
- 9 It is inefficient.** Time and money are diverted from other more efficient law enforcement measures.
- 10 It denies any possibility of rehabilitation to the criminal.**

10 things you can do to end the death penalty

- 1 Organize a public debate and a movie screening with exonerees, murder victims' families, and experts, to raise awareness on the reality of the death penalty.
- 2 Organize an art exhibition (photographs, drawings, posters) or a theatre performance.
- 3 Organize a demonstration, a sit-in, a 'die-in,' or a flash mob.
- 4 Join events prepared for the abolition of the death penalty worldwide.
- 5 Sign petitions against the death penalty and encourage others to sign.
- 6 Write to a prisoner on death row.
- 7 Donate to the World Coalition Against the Death Penalty or another group working to end the death penalty.
- 8 Follow the social media campaign on Facebook and Twitter: #nodeathpenalty
- 9 Mobilize the media to raise awareness on the issue of the death penalty.
- 10 Participate in "Cities Against the Death Penalty/Cities for Life" on November 30, 2016.



TO FIND OUT MORE

Find out everything about World Day Against the Death Penalty at www.worldcoalition.org/worldday, including:

- The 2016 World Day poster
- The mobilisation kit
- Detailed factsheets on the death penalty around the world
- The 2015 World Day Report
- A resource for Parliamentarians

The World Coalition Against the Death Penalty is an alliance of more than 140 NGOs, bar associations, local authorities and unions. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. The World Coalition gives a global dimension to the sometimes isolated action taken by its members on the ground. It complements their initiatives, while constantly respecting their independence.

The World Coalition Against the Death Penalty created the World Day against the Death Penalty in 2003 to help activists worldwide rally to oppose the death penalty and unite behind the struggle for universal abolition.



www.worldcoalition.org

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