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## Committee on Legal Affairs and Human Rights

# Abolition of the death penalty in Council of Europe member and observer states,<sup>1</sup> the Russian Federation, Belarus and countries whose parliaments have co-operation status<sup>2</sup> – situation report

## Revised information note

General rapporteur: Ms Gala VELDHOEN, Netherlands, Socialists, Democrats and Greens Group

### 1. Introduction

1. Having been appointed General Rapporteur on the abolition of the death penalty at the Committee meeting of 2 October 2024, I have had the honour to continue the outstanding work done by Mr Aleksandar Nikoloski (North Macedonia, EPP/CD), Mr Vladimir Vardanyan (Armenia, EPP/CD), Mr Titus Corlăteanu (Romania, SOC), Mr Yves Cruchten (Luxemburg, SOC), Ms Meritxell Mateu Pi (Andorra, ALDE), Ms Marietta Karamanli (France, SOC), Ms Marina Schuster (Germany, ALDE), and, before her, Ms Renate Wohlwend (Liechtenstein, EPP/CD).<sup>3</sup>

2. This document updates the previous information note regarding the development of the situation since November 2023, which was considered at the Committee meeting on 30 November 2023.

3. This note will, first, provide a brief overview of the international and European legal framework, and then highlight the current situation in states that have abolished the death penalty only for ordinary crimes, those that provide for the death penalty in their legislation but do not implement it and those that actually do apply it. It refers to Council of Europe member States, former member States (Russian Federation), observer states (the United States of America, Japan and Israel), states whose parliaments hold “partner for democracy” or neighbourhood co-operation status (Kazakhstan)<sup>4</sup> and Belarus. Since March 2012, the Parliamentary Assembly’s general rapporteurs have issued public statements relating to executions and death sentences in these states or have proposed that the Committee adopt statements condemning capital punishment as contrary to the prohibition of torture, inhuman and degrading treatment. It is an honour for me to continue this work. Accordingly, since I took up my mandate, I have issued several statements which, *inter alia*, condemned executions in different countries, as well as addressed developments on the abolition of the death penalty worldwide.

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<sup>1</sup> Incluant Israël, dont le parlement (le Knesset) a un statut d'observateur.

<sup>2</sup> Les deux “partenaires pour la démocratie” (les parlements de Jordanie, Maroc, Kirghizstan et le Conseil national palestinien) et le Kazakhstan (avec un statut de coopération sur la base d'un accord de coopération signé en 2004).

<sup>3</sup> Voir également son rapport sur “La peine de mort dans le Conseil de l'Europe membre et observateur états: une violation des droits de l'homme”, [Doc 12456](#), et l'Assemblée [Résolution 1807 \(2011\)](#) sur ce sujet, adoptée le 14 avril 2011.

<sup>4</sup> Le Kazakhstan est en particulier une partie à plusieurs conventions du Conseil de l'Europe et son parlement a signé un accord de coopération avec l'Assemblée en 2004. Pour plus de détails sur sa coopération avec le Conseil de l'Europe, voir l'Assemblée [Résolution 2193 \(2017\)](#) sur les relations du Conseil de l'Europe avec le Kazakhstan, adoptée par le Comité permanent le 24 novembre 2017..

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

4. In international law, Article 6 of the International Covenant on Civil and Political Rights (ICCPR) expressly states that “(e)very human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” In paragraph 2, it refers to the requirements to comply with the law of treaties and to observe the procedural guarantees for executions in non-abolitionist states, which may only impose a death sentence “for the most serious crimes”. This penalty “can only be carried out pursuant to a final judgement rendered by a competent court”. The Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty, provides for the abolition of the death penalty in all circumstances, even for the most serious crimes or in wartime.<sup>5</sup> It has been ratified by 92 States with Zambia being the most recent country to ratify the protocol on 19 December 2024. Following Armenia's ratification on 18 March 2021, all member States of the Council of Europe have ratified the protocol. However, the Russian Federation, which was a member of the Council of Europe between 1996-2022, has not yet acceded to this protocol. Kazakhstan ratified it on 24 March 2022. Moreover, Article 37(a) of the International Convention on the Rights of the Child prohibits capital punishment for persons under 18 years of age. The international community has also adopted numerous instruments that prohibit the use of the death penalty.<sup>6</sup> For example, according to some resolutions of the UN Economic and Social Council, a pregnant woman, a mother of a young child or a disabled or mentally ill person must not be executed either.<sup>7</sup> Limitations to the use of the death penalty in wartime are also included in the provisions of international humanitarian law (IHL), in particular two Geneva Conventions: relative to the Treatment of Prisoners of War (Third Geneva Convention) and relative to the Protection of Civilian Persons in Time of War, both adopted on 12 August 1949.<sup>8</sup> On 10 October 2022, on the occasion of the World Day Against the Death Penalty, the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur on extrajudicial summary or arbitrary executions, published a joint declaration addressing the relationship between the death penalty and the absolute prohibition of torture.<sup>9</sup> On 17 December 2024, the UN General Assembly adopted the 10<sup>th</sup> resolution on a moratorium on the use of the death penalty, supported by a record 130 votes (over two-thirds of the United Nations membership, with an increase of 5 positive votes compared to 2022), including all member States of the Council of Europe, as well as some observer States and States having a cooperative status such as Canada, Mexico, Israel, Jordan, Kazakhstan and Kyrgyzstan.<sup>10</sup>

5. At the regional level, the European framework provides more protection. At the Council of Europe, in addition to the right to life guaranteed by Article 2 of the European Convention on Human Rights (“the Convention”), Protocol No. 6 to the Convention, which was signed on 28 April 1983 and came into force on 1 March 1985, abolishes the death penalty in peacetime. It has been ratified by all 46 member States (the Russian Federation only signed it, while still being a member).<sup>11</sup> Protocol No. 13, which was signed on 3 May 2002 and came into force on 1 July 2003, abolishes the death penalty in all circumstances. The latter has been signed and ratified by forty-five member States, most recently by Armenia on 19 October 2023. The Russian Federation never signed it, whereas Azerbaijan has signed but not ratified it.<sup>12</sup> Even though the death penalty is not explicitly prohibited in the text of Article 2 of the Convention, developments in the case-law of the European Court of Human Rights (“the Court”), particularly with regard to Article 3 of the Convention, which prohibits torture and inhuman or degrading treatment or punishment, show that this penalty has become obsolete and contrary as such to the Convention. Accordingly, in the Court's view, the obligations of the States Parties to the Convention and its protocols also prohibit the extradition or expulsion of individuals to countries

<sup>5</sup> Adopted and proclaimed by the UN General Assembly in resolution 44/128 of 15 December 1989. However, States Parties to the Protocol have the possibility to make a reservation at the time of ratification or accession providing for the application of the death penalty in times of war.

<sup>6</sup> Universal Declaration of Human Rights of 1948 and eight resolutions of the UN General Assembly: resolution 62/149 (December 2007), resolution 63/168 (December 2008), resolution 65/206 (December 2010), resolution 67/176 (December 2012), resolution 69/186 (December 2014), resolution 71/187 (2016), resolution 73/175 (2018) and resolution 75/183 (2020).

<sup>7</sup> Resolution 1984/50: Safeguards guaranteeing the protection of the rights of those facing the death penalty, 25 May 1984 – UN Economic and Social Council. Resolution 1989/64: implementation of the safeguards guaranteeing the protection of the rights of those facing the death penalty – UN Economic and Social Council.

<sup>8</sup> As regards prisoners of war, see Articles 101, 102 and 107 of the Third Geneva Convention, and, as regards, civilians, see Articles 68 and 75 of the Fourth Geneva Convention.

<sup>9</sup> [UN experts warn of associated torture and cruel punishment](#), OHCHR, 10 October 2022.

<sup>10</sup> The US and Japan voted against, and Morocco that had abstained in previous votes, voted in favour (like Kenya and Zambia).

<sup>11</sup> As of 15 June 2025. ETS No. 114;

[Chart of signatures and ratifications of Treaty 114](#).

<sup>12</sup> As of 15 June 2025. ETS No. 187;

[Chart of signatures and ratifications of Treaty 187](#). On Azerbaijan's signature of Protocol No. 13, see the [news](#). On Armenia's ratification, see the [news](#).

where they face the death penalty. Such extradition or expulsion would then constitute a violation of Article 3. It will be recalled that in the *Soering v. the United Kingdom*<sup>13</sup> judgment of 1989, the Court found a violation in the UK authorities' intention to send the applicant to the United States where there was a risk that he would spend several years on "death row", pending his execution. In the 2005 *Öcalan v. Turkey* judgment,<sup>14</sup> the Court concluded that the application of the death penalty delivered following an unfair trial would be in breach of Article 3 of the Convention and held that the use of the death penalty in peacetime was unacceptable. In the *Al-Saadoon and Mufdhi v. the United Kingdom*<sup>15</sup> judgment of 2010, in light of the progress made regarding the abolition of the death penalty, the Court concluded for the first time that the death penalty was inhuman or degrading treatment irrespective of the circumstances in which it was delivered or applied (violation of Article 3) and that Article 2 had been amended so as to prohibit the death penalty in all circumstances. Furthermore, in *Al Nashiri v. Poland*<sup>16</sup>, concerning the transfer of an alleged terrorist to the United States despite the risk that he could be sentenced to death, the Court found that there had been a violation of Articles 2 and 3 of the Convention in conjunction with Article 1 of Protocol No. 6. In connection with the supervision of the execution of this judgment, the Committee of Ministers urged Poland to ensure that such a sentence was not imposed on him in the United States.<sup>17</sup> Afterwards, the Court delivered similar judgments in many cases such as *Al Nashiri v. Romania*<sup>18</sup>, *A.L. (X.W.) v. Russia*<sup>19</sup> and *M.A. and Others v. Bulgaria*<sup>20</sup>. More recently, the Court has adopted important interim measures, under Rule 39 of the Rules of Court, for three individuals who were sentenced to death in the context of the Russian full-scale invasion of Ukraine. In the *Saadoune v. Russia and Ukraine*<sup>21</sup> case, concerning a Moroccan national, member of the Armed Forces of Ukraine who surrendered to the Russian forces during the hostilities and was sentenced to death in the so-called "Donetsk People's Republic", the Court indicated that the Government of the Russian Federation should ensure that the death penalty imposed on the applicant would not be carried out, ensure appropriate conditions of his detention, and provide him with any necessary medical assistance and medication. The same interim measures were granted by the Court in the *Pinner v. Russia and Ukraine*<sup>22</sup> and *Aslin v. Russia and Ukraine*<sup>23</sup> cases concerning two British nationals in the same context. These individuals have since been released following diplomatic efforts.

6. The Committee of Ministers held its last thematic discussion on the abolition of the death penalty on 12 March 2025, with the participation of speakers who gave testimonies based on their personal experience. On this occasion, it adopted a new decision on the abolition of the death penalty. It notably reiterated the Council of Europe's aim to have a death penalty-free zone in Europe and beyond, and to pursue the fight against its reintroduction and in favour of its universal abolition, in line with the Reykjavik Declaration. It also welcomed the continued global trend towards the abolition of the death penalty demonstrated by the adoption by the UNGA on 17 December 2024 of the 10<sup>th</sup> Resolution for a moratorium on the use of the death penalty, while deeply deploring the reported global rise in executions.<sup>24</sup> At the 4<sup>th</sup> Council of Europe Summit held in May 2023 in Reykjavik, the Heads of State and Government declared that: "the Council of Europe has played a crucial role to ensure that Europe is a death penalty free-zone and it should pursue the fight against the reintroduction of the death penalty, and in favour of its universal abolition, in all places and in all circumstances".

7. According to the World Coalition Against the Death Penalty and Amnesty International<sup>25</sup> there are currently 113 countries that have abolished the death penalty for all crimes. These include all the Council of Europe member States, along with Assembly observers Canada and Mexico, as well as Kyrgyzstan, whose parliament has Partner for Democracy status with the Assembly, and Kazakhstan. Nine states have abolished the death penalty for ordinary crimes only, including Israel (an Assembly observer), and 23 provide for the

<sup>13</sup> Judgment of 7 July 1989, Application No. 14038/88.

<sup>14</sup> Judgment of 12 May 2005, Application No. 46221/99.

<sup>15</sup> Judgment of 2 March 2010, Application No. 61498/08.

<sup>16</sup> *Al Nashiri v. Poland*, Judgment of 24 July 2014, Application No. 28761/11.

<sup>17</sup> See the decision of the Committee of Ministers adopted at their 1475th meeting (DH) (19-21 September 2023) CM/Del/Dec(2023)1475/H46-24 and the report by our Committee colleague, Mr Constantinos Efstathiou (Cyprus, SOC), on "The implementation of judgments of the European Court of Human Rights", which discusses this question in detail, [Doc. 15123](#), Section 4.4.

<sup>18</sup> *Al Nashiri v. Romania*, judgment of 31 May 2018, Application No. 33234/12. See also the latest decision of the Committee of Ministers adopted at their 1451st meeting (DH) (6-8 December 2022) CM/Del/Dec(2022)1451/H46-26.

<sup>19</sup> *A.L. (X.W.) v. Russia*, Judgment of 29 October 2015, Application No. 44095/14.

<sup>20</sup> *M.A. and Others v. Bulgaria*, Judgment of 20 February 2020, Application No. 5115/18.

<sup>21</sup> *Saadoune v. Russia and Ukraine*, Application No. 28944/22, pending case, Interim measures indicated on 16 June 2022.

<sup>22</sup> *Pinner v. Russia and Ukraine*, Application no. 31217/22, pending case, Interim measures indicated on 29 June 2022.

<sup>23</sup> *Aslin v. Russia and Ukraine*, Application No. 31233/22, pending case, Interim measures indicated on 29 June 2022.

<sup>24</sup> [Abolition of the death penalty - thematic discussion](#).

<sup>25</sup> [23rd World Day Against the Death Penalty – The death penalty protects no one. - WCADP](#).

death penalty in their legislation but have not conducted any execution at least for the last 10 years, including Morocco (whose parliament has Partner for Democracy status) and the Russian Federation (former member). This means that, in all, 145 countries (more than two-thirds of the world's countries) have abolished the death penalty in law or in practice. Lastly, there are 54 states whose law provides for the death penalty for ordinary crimes and still carry it out (retentionist states), including the US and Japan (both Council of Europe observer states), Jordan, Belarus and Palestine (whose legislative council has Partner for Democracy status). The 5 States that executed the most in the world in 2024 are, in order: China, Iran, Saudi Arabia, Iraq and Yemen. For the second consecutive year, executions were recorded in the lowest number of countries – 15.

8. Important positive steps are being taken across the world on the prohibition of capital punishment. Since January 2017, at least eight countries (Chad, Guinea, Sierra Leone, Kazakhstan, Papua New Guinea, the Central African Republic, Suriname and most recently Zimbabwe<sup>26</sup>) have abolished the death penalty for all crimes. Equatorial Guinea, Burkina Faso<sup>27</sup>, Zambia and Ghana have abolished it for ordinary crimes only. The US administration established a temporary moratorium on federal executions in July 2021, and Virginia became the 23<sup>rd</sup> state to abolish capital punishment on 24 March 2021. Malaysia's parliament voted to remove the mandatory death penalty<sup>28</sup>, while the Parliament of Indonesia adopted a new criminal code that, once effective in 2026, would allow for the commutation of death sentences after 10 years under certain conditions.

9. According to the Amnesty International report, “Death sentences and Executions 2024”,<sup>29</sup> published in April 2025, at least 1,518 executions were known to have taken place globally in 2024. This represents an increase by 32% from the 1,153 known executions in 2023, and marks the highest number of executions recorded by Amnesty International since 2015. The significant increase in the known global total was mainly due to a spike in executions in three countries: Iran, Iraq and Saudi Arabia. Oman carried out its first known executions since 2021. At least 44 women were known to have been executed in 2024, with 30 executions reported in Iran, 9 in Saudi Arabia, 2 in Egypt and Yemen and 1 in Iraq. It should be noted that these figures do not include the executions carried out in China, where data on the use of the death penalty remains classified as a state secret and where thousands of executions were probably carried out in 2024. Neither do they include the executions carried out in North Korea, Vietnam, and possibly in Syria. The methods of executions used in 2024 included beheading (Saudi Arabia), hanging, lethal injections, shooting and nitrogen gas asphyxiation.

10. Amnesty International recorded 2,087 new death sentences in 2024, a 14% decrease on the 2,428 known total of 2023. It recorded significant rises in the number of death sentences in the Democratic Republic of the Congo, India, Iraq, Mauritania, Niger, Tunisia and Yemen. Globally, at least 28,085 persons were under death sentence at the end of 2024. Commutations or pardons of death sentences were recorded in 18 States.

11. According to Amnesty International, the death penalty continued to be applied in ways that violated international law and standards in 2024. At least 8 public executions were recorded in Afghanistan and Iran. At least 8 people were executed for crimes that occurred when they were below 18 years of age. People with mental or intellectual disabilities were under death sentence in several countries, including Japan and the United States. Moreover, death sentences were imposed after proceedings that did not meet international fair trial standards in numerous countries, including China, Egypt, Iran, Iraq, Saudi Arabia and Singapore. The death penalty was used for crimes that did not involve intentional killing, and therefore did not meet the threshold of “most serious crimes” under Article 6 of the International Covenant on Civil and Political Rights; for instance, for drug-related offences (China, Iran, Saudi Arabia and Singapore) and different forms of treason and crimes against the state (Iran, Saudi Arabia and Yemen). In Iran, the death penalty continued to be used to punish individuals who challenged the Islamic Republic and its ideology during the Woman Life Freedom uprising of 2022, including women human rights defenders such as Sharifeh Mohammadi (sentenced to death in June 2024).

<sup>26</sup> However, the law includes a provision allowing the death penalty to be temporarily reinstated during a state of public emergency.

<sup>27</sup> However, the military authorities of Burkina Faso have announced plans to reintroduce the death penalty for ordinary crimes.

<sup>28</sup> [Malaysia and the Politics Behind the Death Penalty: A Tumultuous Relationship. - WCADP \(worldcoalition.org\)](https://www.worldcoalition.org/press-releases/malaysia-and-the-politics-behind-the-death-penalty-a-tumultuous-relationship/), 24 October 2022. This legislative change has resulted in 900 death sentences being commuted by the Federal Court.

<sup>29</sup> Amnesty International, Death sentences and executions 2024, April 2025: [Amnesty International Global Report: Death Sentences and Executions 2024 | Amnesty International USA](#).



### 3. The situation country by country

#### 3.1. Russian Federation

12. As a Council of Europe member state, the Russian Federation first signed Protocol No. 6 in April 1997. However, the Russian parliament had not yet ratified it when it was excluded from the Council of Europe on 16 March 2022. It never signed Protocol No.13. In 2008, the Russian Federation voted for the UN resolution for a global moratorium on executions. There have been no executions in the country since 1999<sup>30</sup>. The Russian Constitutional Court has played an active part in the *de facto* abolition of the death penalty in the Russian Federation. First, it prohibited death sentences until jury trials were established throughout the country. In autumn 2009, the Supreme Court asked the Constitutional Court if the introduction of a jury system by Chechnya<sup>31</sup> planned for 1 January 2010 meant the end of the moratorium and would therefore enable the resumption of death sentences.<sup>32</sup> Subsequently, on 19 November that year, the Constitutional Court decided to extend the moratorium indefinitely on the ground that it was a process that reflected “a trend in international law and was in accordance with the commitments entered into by the Russian Federation”. Following that decision, 697 death sentences were commuted to life imprisonment.<sup>33</sup> The Russian Federation voted in favour of the tenth resolution on a moratorium on the use of the death penalty at the UN General Assembly in December 2024.

13. Following the Russian Federation’s full-scale invasion of Ukraine launched on 24 February 2022, Dmitry Medvedev, the country’s Deputy chairman of the Security Council, commented on the suspension of Russia from the Council of Europe and said that this was a “good opportunity to restore a number of important institutions to prevent especially serious crimes, such as the death penalty for the most dangerous criminals.”<sup>34</sup> At the same time, the President of the Russian Federation’s stance against the return of the capital punishment has not changed.<sup>35</sup> It is known that the Russia-backed separatists in eastern Ukraine do not apply the moratorium on the death penalty.<sup>36</sup> Besides the above-mentioned death sentences against two British and a Moroccan national, two captured US volunteers also risked facing the death penalty. The Kremlin spokesperson said at the time that the US volunteers involved in the war were not covered by the Geneva Conventions<sup>37</sup>. It is alleged by legal experts that death sentences were imposed in those territories to discourage foreign volunteers from joining Ukraine’s military.<sup>38</sup> Some of these foreign volunteers were later released in prisoner exchange deals.

#### 3.2. United States of America

14. The United States ratified the International Covenant on Civil and Political Rights on 8 June 1992, making a reservation to Article 6, which enshrines the right to life, but it has not acceded to the Second Optional Protocol, aiming at the abolition of the death penalty. The United States has had Council of Europe observer status since 1996. Of the 50 US federal states, 23 (plus the District of Columbia) have abolished the death penalty<sup>39</sup> and four<sup>40</sup> have official moratoriums on executions. In October 2018, the Supreme Court of the state of Washington declared the state’s death penalty statute unconstitutional.<sup>41</sup> Virginia abolished the death penalty for all crimes on 24 March 2021.<sup>42</sup> Legislators in Ohio have debated the use of capital punishment for nearly a decade and, on 6 September 2023, a bipartisan group of Ohio state representatives reintroduced a bill to abolish the death penalty and replace it with life in prison without parole.<sup>43</sup> In September 2021, Utah

<sup>30</sup> The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic.

<sup>31</sup> The last Russian republic without a system of jury trials.

<sup>32</sup> [La Russie s'éloigne de la peine de mort](#), *Le Monde*, 19 November 2009.

<sup>33</sup> Amnesty International, *Death sentences and executions 2010*, 28 March 2011, p. 25.

<sup>34</sup> [Dmitry Medvedev vows to reintroduce death penalty](#), *The Barents Observer*, 26 February 2022.

<sup>35</sup> [Putin says stance against restoring death penalty remains unchanged](#), TASS, 7 December 2022.

<sup>36</sup> [В ДНР отменили мораторий на исполнение смертных приговоров](#) - РИА Новости, 08.07.2022

<sup>37</sup> [US volunteer fighters captured in Ukraine could face death penalty, says Russia | Ukraine | The Guardian](#), 21 Jun 2022. They were later released in a prisoner exchange in September 2022.

<sup>38</sup> [Foreign Fighters Sentenced to Death in Russia-Held Eastern Ukraine - The New York Times](#)

<sup>39</sup> See [Death Penalty Information Center](#) (as of 16 June 2025).

<sup>40</sup> California (since 2019), Oregon (2011), Pennsylvania (2015), Ohio (2020).

<sup>41</sup> See *State v. Gregory*. The Washington’s Supreme Court ruled that the system of death penalty used by the state was arbitrary and racially discriminatory.

<sup>42</sup> [Virginia governor signs historic bill abolishing death penalty into law](#), CNN, 24 March 2021. See also [statement](#) of 26 March 2021.

<sup>43</sup> [Advocates Remain Hopeful Ohio Will Abolish The Death Penalty](#), Statehouse News Bureau, 21 September 2021; [Ohio General Assembly Resumes Bipartisan Efforts to Abolish the Death Penalty](#), 12 September 2023.

began to assess a bill that would repeal the death penalty; this however failed in the State House Committee in February 2022.<sup>44</sup> By contrast, Mississippi set a new execution for November 2021, for the first time since 2012,<sup>45</sup> and, in March 2021, the Wyoming State Senate refused to adopt a bill repealing the death penalty.<sup>46</sup> Most recently, in October 2023, a death penalty repeal bill was voted successfully in a committee of the Pennsylvania House of Representatives.<sup>47</sup> In 2023, Washington and in 2024, Delaware formally repealed the death penalty from state law, following earlier state supreme court rulings—2018 in Washington and 2016 in Delaware—that had declared their capital sentencing procedures unconstitutional.<sup>48</sup>

15. At the federal level, after a 17-year hiatus, 13 executions were carried out under President Donald Trump's administration between July 2020 and January 2021.<sup>49</sup>

16. The first federal execution took place on 14 July 2020, when Daniel Lewis Lee, convicted for a family murder, was put to death by lethal injection at the federal penitentiary in Terre Haute (Indiana). The execution had been blocked due to legal challenges based on use of the single-drug technique (pentobarbital) and the complications of carrying out the death penalty during a pandemic. The Supreme Court delivered an unsigned 5-to-4 ruling hours before the execution, allowing the single-drug use and upholding former decisions by the Supreme Court and appeals courts which had allowed Mr Lee's execution to proceed, as well as those of Wesley Purkey (convicted for the rape and murder of a teenager) on 16 July 2020 and Keith Nelson (convicted for the murder of a girl) on 28 August 2020. Dustin Lee Honken, who had been convicted for the murder of two girls by the federal court in Iowa, was put to death on 17 July 2020, despite the State of Iowa having abolished the death penalty in 1965.<sup>50</sup> On 26 August 2020, native American Lezmond Mitchell was executed for murders that had occurred on Navajo tribal land (which raised sovereignty concerns related to the Navajo Nation). The Federal Death Penalty Act of 1994 allowed tribal governments to "opt in" to capital punishment, but the Attorney General authorised a capital prosecution against Mitchell even though the Navajo Nation had not only declined to "opt in" but had actively objected. Two more executions took place in September 2020 – William Lecroy, convicted for a murder, was put to death on 22 September 2020, and Christopher Vialva, convicted for the murder of a couple that he had committed at the age of 19, on 24 September. In November 2020, one execution took place (of Orlando Hall, on the 19<sup>th</sup>) and in December 2020 – two (of Brandon Bernard on the 10<sup>th</sup> and of Alfred Bourgeois on the 11<sup>th</sup>). On 13 January 2021, Lisa Montgomery, who had suffered from mental disorders and had been sexually and physically abused by her father, was executed.<sup>51</sup> The last three executions by the U.S. federal government took place on 13 January 2021 (Lisa Montgomery), 14 January 2021 (of Corey Johnson) and 16 January 2021 (Dustin Higgs).<sup>52</sup> Since 1988, sixteen people have been executed under federal jurisdiction by the United States federal government, out of which thirteen in the period between July 2020-January 2021<sup>53</sup>.

17. On 1 July 2021, Attorney General Merrick Garland imposed a moratorium on the federal death penalty in order to review the provisions that govern executions.<sup>54</sup> This step was welcomed by the European Union<sup>55</sup> as well as by my predecessor<sup>56</sup>. Nevertheless, there were still concerns that the moratorium covers only executions and does not extend to death sentences issued by courts, thereby increasing the number of people on death row. This problem is particularly acute in cases where the Department of Justice continued to seek

<sup>44</sup> [Utah legislature to consider 'repeal and replace' of death penalty](#), Fox 13, 8 September 2021; [Effort to Repeal and Replace Utah's Death Penalty Fails on 6–5 Vote in State House Committee](#), Death Penalty Information Center, 17 February 2022.

<sup>45</sup> [Mississippi preps for 1st execution since 2012](#), Death Penalty Information Center, 25 October 2021.

<sup>46</sup> [Wyoming State Senate Defeats Bill to Repeal the Death Penalty](#), Death Penalty Information Center, 19 March 2021.

<sup>47</sup> [Pennsylvania House Committee Passes Death Penalty Repeal Bill](#), 7 November 2023.

<sup>48</sup> See [Washington's Unconstitutional Death-Penalty Law Stricken from the Books](#) | [Death Penalty Information Center](#), 21 April 2023, and [Delaware Officially Removes Death Penalty from State Statutes Eight Years After State Supreme Court Finds It Unconstitutional](#) | [Death Penalty Information Center](#), 26 September 2024 (both accessed 14 May 2025).

<sup>49</sup> [US carries out last federal execution before Trump leaves](#), Deutsche Welle, 16 January 2021.

<sup>50</sup> [Federal Government Executes Corey Johnson, Who was Likely Intellectually Disabled, Without Any Judicial Review of His Eligibility for the Death Penalty](#), Death Penalty Information Center, 14 January 2021.

<sup>51</sup> [Lisa Montgomery: US executes only woman on federal death row](#), BBC, 13 January 2021. See also [statement](#) of 20 January 2021.

<sup>52</sup> [Dustin Higgs: Final execution of Trump presidency is carried out](#), BBC, 16 January 2021.

<sup>53</sup> [Executions Under the Federal Death Penalty](#) | [Death Penalty Information Center](#).

<sup>54</sup> [Moratorium on federal executions pending review of policies and procedures](#), Attorney General Merrick Garland, 1 July 2021.

<sup>55</sup> [US: Statement by the Spokesperson on halting federal executions](#), EU, 3 July 2021.

<sup>56</sup> [United States: the rapporteur on the abolition of the death penalty welcomes the announcement of the temporary halt of federal executions](#), 6 July 2021.

the death penalty despite the moratorium.<sup>57</sup> On 23 December 2024, President Biden commuted the federal death sentences of 37 men, leaving just 3 prisoners on the federal death row. These individuals – Robert Bowers, Dylann Roof, and Dzhokhar Tsarnaev – were excluded from the clemency measure due to the nature of their convictions (terrorism or hate-motivated mass murder).

18. On 20 January 2025, President Donald Trump signed an executive order calling to “restore” the federal death penalty. The Order instructs the Department of Justice’s Attorney General to “pursue the death penalty for all crimes of a severity demanding its use”, including the killing of a law enforcement officer or “a capital crime committed by an illegal alien present in this country”. President Trump also calls on the Attorney General to “take all necessary and lawful action” to ensure that states with capital punishment have sufficient access to the drugs needed for lethal injection execution.<sup>58</sup> On 7 April 2025, Attorney General Pam Bondi directed the prosecutor to seek the death penalty for Luigi Mangione, marking the first federal death sentence sought by the Trump Administration.<sup>59</sup>

19. Again, according to the Death Penalty Information Center (DPIC), as of 1 January 2025 a total of 2,095 people were under death sentence in the United States of America (most of them in California, Florida, Texas, Alabama, North Carolina, Ohio, Pennsylvania and Arizona).<sup>60</sup> As of 15 June 2025, 23 prisoners have been executed in 9 states.<sup>61</sup> This included two executions carried out by firing squad in South Carolina.<sup>62</sup> In 2024, 25 prisoners were executed in 9 states. 4 states (Georgia, Indiana, South Carolina and Utah) resumed executions in 2024, after a long period without executions in some cases, and so far 3 others in 2025 (Arizona, Louisiana, Tennessee). The number of death sentences significantly decreased in the last decade: from 83 in 2013 to 26 in 2024.<sup>63</sup> According to Amnesty International, the decreases can be partly explained by the legal challenges that resulted in the revision of lethal injection protocols or problems faced by states in obtaining substances used in lethal injection procedures, as well as delays caused by the Covid-19 pandemic. Since the 1970s, 1630 executions have been carried out in the United States (as at 15 June 2025), most executions have been concentrated in a limited number of states, mostly southern States of the country<sup>64</sup>. Texas remains the leading executing state in the country, carrying out 595 of the total number of executions since 1977. Many non-abolitionist states have not carried out an execution for at least ten years (e.g., California or Nevada).

20. According to the Death Penalty Information Center, since July 2010, almost all executions in the United States have been by lethal injection. Several states use a mixture of three drugs: an anaesthetic or sedative, a paralysing agent, and a drug to stop the heart. However, in the last few years the United States has encountered difficulties in procuring products for this purpose, especially anaesthetics, and has consequently resorted to questionable or even secret products or experimental combinations of substances, such as midazolam (a sedative the real effects or even origin of which are not known), pentobarbital or fentanyl (an opioid used as a pain medication). This difficulty can be partly put down to the fact that some European pharmaceutical groups refuse or are no longer allowed to export products for execution purposes. There are major consequences of this situation: some condemned inmates die in agony over an inordinately long period<sup>65</sup>, with many witness reports of botched executions and cases showing that prison staff are not always qualified to carry out death sentence decisions (see, for example, the cases of, Alva Campbell<sup>66</sup> or Doy Lee Ham).<sup>67</sup> In addition, after the release on 5 July 2018 of a revised protocol for lethal injections, 33 death row inmates in Tennessee brought a civil action because of the lack of clarity with regard to the new rules governing

<sup>57</sup> [Supreme Court considers Boston Marathon bomber death sentence as Biden halts executions](#), Abc News, 13 October, 2021; [Supreme Court Overturns Appeals Court Decision Reversing Death Sentence in Boston Marathon Bombing](#), Death Penalty Information Center, 7 March 2022; [EDITORIALS: The Pittsburgh Post-Gazette Calls on the Justice Department to ‘Drop the Death Penalty’ in Synagogue Shooting](#), Death Penalty Information Center, 12 April 2023. See however [Federal Government Announces Withdrawal of Intent to Seek Death in North Dakota Case](#), Death Penalty Information Center 22 March 2023.

<sup>58</sup> [Among Flurry of First-Day Executive Orders, President Trump Issues Order on the Death Penalty | Death Penalty Information Center](#).

<sup>59</sup> [U.S. Attorney General Directs Prosecutors to Seek Death Penalty for Luigi Mangione, Marking First Federal Death Sentence Sought By This Trump Administration | Death Penalty Information Center](#).

<sup>60</sup> [Death row overview](#), Death Penalty Information Center.

<sup>61</sup> [List of Defendants Executed in 2025 | Death Penalty Information Center](#).

<sup>62</sup> [Execution Method Descriptions](#), Death Penalty Information Center

<sup>63</sup> [Facts about the death penalty](#), Death Penalty Information Center.

<sup>64</sup> [Executions Overview | Death Penalty Information Center](#).

<sup>65</sup> [Botched executions](#), Death Penalty Information Center.

<sup>66</sup> See Mr Cruchten [statement](#) of 16 November 2017 on the “failed” execution of Alva Campbell.

<sup>67</sup> Tracy Connor, [Lawyer describes aborted execution attempt for Doyle Lee Hamm as ‘torture’](#), NBC News, 25 February 2018.

executions by means of the controversial use of a mixture of drugs, including midazolam.<sup>68</sup> Furthermore, some drug companies have even brought legal proceedings against states that use their products, including midazolam, in executions.<sup>69</sup> For example, in July 2018, an American drug company brought legal proceedings against the state of Nevada, and, as a result of it, in September 2018, the execution of Scott Raymond Dozier was halted.<sup>70</sup> Moreover, in July 2021, both Nebraska<sup>71</sup> and Nevada<sup>72</sup> confirmed that they do not have the drugs necessary to execute death row inmates. A six-year-old lawsuit against the lethal-injection protocol in Oklahoma was reactivated in July 2020. The prisoners' complaint was supported by new evidence that the State's intended three-drug method creates "significant risks of pain and suffering", alleged that midazolam failed to render the prisoner insensate and posed "an objectively intolerable risk of substantial harm" that was "sure or very likely to occur" and challenged the training protocols, which were "unclear and incomplete."<sup>73</sup> However, on 6 June 2022 a federal judge in Oklahoma ruled that the state's three-drug lethal injection method is constitutional<sup>74</sup>, and a federal appeal courts upheld the judgment in October 2022.<sup>75</sup> In 2021, an inmate (John Grant) vomited during an execution in Oklahoma, but the Department of Corrections refused to amend its execution protocol.<sup>76</sup> So far, courts have rejected challenges against the use of midazolam.<sup>77</sup>

21. In 2008, the US Supreme Court ruled lethal injections constitutional; this position was also reaffirmed in the *Glossip v. Gross* judgment of 2015, in which it upheld the use of midazolam.<sup>78</sup> Some states are trying to get around the shortage of the drug normally used for lethal injections by testing new substances (such as fentanyl, which was used for the first time in a four-drug combination in Nebraska in the execution of Carey Dean Moore).<sup>79</sup> Others are considering other execution methods. Since 2018, Tennessee has re-introduced electrocution as a choice of the prisoner. Similarly, in South Carolina a bill was passed in 2021 in order to change the main method of execution, making electrocution the default method of execution and adding the firing squad as a second alternative. This was challenged before the Supreme Court of the State, which decided that along with lethal injection and electrocution, the firing squad is not considered cruel and unusual punishment, as prisoners can choose the method by which they die<sup>80</sup>. In 2025, South Carolina carried out the first executions by firing squad in the US in 15 years, raising serious human rights concerns. Notably, the reportedly botched execution of Mikal Mahdi by firing squad on 11 April 2025 resulted in a visibly prolonged and distressing death.<sup>81</sup> This incident, along with the firing squad execution of Brad Sigmon a month earlier, has drawn criticism from medical professionals and human rights advocates, highlighting the persistent risks of cruel and inhuman treatment associated with certain methods of execution. Other 4 states (Idaho, Mississippi, Oklahoma and Utah) allow for the use of the firing squad.

22. Alabama asked a Tennessee company's assistance to develop a new controversial protocol with nitrogen hypoxia, which deprives the condemned of oxygen.<sup>82</sup> Alabama, Arkansas, Louisiana, Mississippi and Oklahoma have all authorised such a method of execution.<sup>83</sup> On the occasion of the 21<sup>st</sup> World Day Against the Death Penalty, my predecessor raised concerns that this method of execution, considered unacceptable

<sup>68</sup> [Tennessee: Inmate's lawyers look for holes in lethal injection rules during penalty challenge](#), 13 July 2018, Death Penalty News.

<sup>69</sup> *Drug companies don't want to be involved in executions, so they're suing to keep their drugs out*, Washington Post, 13 August 2018.

<sup>70</sup> [Nevada delays its first execution in 12 years after a drug company objects](#), 12 July 2018, Death Penalty News and [Judge stops Nevada from using drug in execution](#), Las Vegas Review-Journal, 28 September 2018.

<sup>71</sup> [Difficulty accessing lethal injection drugs as Nebraska death row adds new member](#), Death Penalty Information Center, 12 July 2021.

<sup>72</sup> [Nevada's execution drugs expiring as legal battle continues](#), Death Penalty Information Center, 4 July 2021.

<sup>73</sup> [Execution Lawsuits Settle in Arizona and California, as Prisoners Renew Lethal-Injection Protocol Challenge in Oklahoma](#), Death Penalty News, 6 August 2020.

<sup>74</sup> [Oklahoma judge rules against death row inmates in case challenging execution protocol](#), NPR, 6 June 2022.

<sup>75</sup> [Oklahoma death row inmates lose on appeal in challenge to execution protocol](#), The Oklahoman.

<sup>76</sup> [Oklahoma won't change its death penalty protocol after execution of John Grant](#), Death Penalty Information Center, 31 October 2021.

<sup>77</sup> [Arkansas Federal Court Rejects Death-Row Prisoners' Challenge to State's Use of Midazolam in Executions](#), Death Penalty News, 4 June 2020.

<sup>78</sup> [Indiana DOC doesn't have the drugs to execute death row inmates](#), Associated Press, 19 August 2019.

<sup>79</sup> [Supreme Court Narrowly Upholds Use of Lethal Injection Drug](#), Death Penalty Information Center, 29 June 2015.

<sup>80</sup> [South Carolina Supreme Court rules state death penalty including firing squad is legal | AP News](#).

<sup>81</sup> [Sam Levin: Autopsy suggests South Carolina botched firing squad execution](#), the Guardian, 8 May, 2025. [Lawyers Raise Concern as Autopsy Finds South Carolina's Second Firing Squad Execution May Have Been Botched | Death Penalty Information Center](#).

<sup>82</sup> [Sick and Shrouded in Secrecy: Alabama's Contract to Gas Humans to Death](#), Counterpunch, 5 November 2019.

<sup>83</sup> [Alabama | Use of Nitrogen Hypoxia for Executions Could Endanger Spiritual Advisors and Prison Staff in the Execution Chamber](#), 1 November 2023. [Alabama Attorney General Seeks Execution with Unprecedented, Untested Method Using Nitrogen Hypoxia | Death Penalty Information Center](#), 28 August 2023. [Louisiana Resumes Executions After 15-Year Hiatus with First Nitrogen Gas Execution | Death Penalty Information Center](#).



by veterinarians as a form of euthanasia for animals, could potentially contribute to an even greater degree of pain and suffering.<sup>84</sup> On the occasion of the 22<sup>nd</sup> World Day against the Death Penalty, I condemned the use of this method and noted that the execution of Kenneth Smith in Alabama in January 2024 (the first execution using this method) had exposed the harsh reality of this technique, as witnesses reported seeing him convulse and struggle for several minutes before losing consciousness.<sup>85</sup> The Committee of Ministers, in its Declaration of 30 January 2024, also expressed its particular concern over the use of his method of execution, despite serious concerns that it may amount to torture, cruel, inhuman or degrading treatment. The Committee on Legal Affairs and Human Rights held a hearing focussed on these worrying developments in the US at its meeting of January 2024, with the participation of Ms Robin Maher, Executive Director of the Death Penalty Information Center.

23. The use of the death penalty in the United States also raises concerns with regard to the people executed. Although this is prohibited by international law and the Eighth Amendment to the United States Constitution, the United States has on several occasions executed death row inmates who were likely suffering from a mental disorder. According to some researchers, about one-fourth of people executed in the U.S.A. had a history of being diagnosed with a mental illness.<sup>86</sup> In particular, one of my predecessors, Mr Cruchten, was extremely shocked by the execution of Charles Morva, who had suffered from a mental disorder, in Virginia on 6 July 2017.<sup>87</sup> On 9 August 2018, Tennessee executed Billy Ray Irick, who showed signs of mental illness and, according to some witnesses, had not been sufficiently anaesthetised.<sup>88</sup> In August 2019, Tennessee executed by electric chair Stephen West, who had been receiving mental health treatment in prison.<sup>89</sup> On 5 October 2021, Ernest Johnson was executed in Missouri. His execution was carried out despite the foetal alcohol syndrome that had damaged his brain when he was a child and the fact that Pope Francis personally asked for an appeal.<sup>90</sup> In 2022, Benjamin Cole was executed in Oklahoma despite his diagnosed paranoid schizophrenia,<sup>91</sup> Clarence Dixon, who suffered from the same mental illness, was executed in Arizona on 11 May 2022.<sup>92</sup> On 17 November 2022, Richard Fairchild was executed in Oklahoma although the fact that he was mentally ill and had psychosis was well documented in his prison record.<sup>93</sup> In 2024, Joseph Corcoran was executed in Indiana, while he had long been diagnosed with paranoid schizophrenia. However, there have been some positive steps. On 26 April 2021, Tennessee lawmakers passed a bill allowing intellectually disabled death row prisoners to challenge their death sentences and the law was signed by the Governor on 11 May 2021, thereby preventing the execution of intellectually disabled Pervis Payne.<sup>94</sup> A similar law entered into force in Ohio in April 2021 and in Kentucky in 2022.<sup>95</sup> In 2024, the Governor of California signed into law a bill to exclude people with intellectual disabilities from the use of the death penalty.

24. Until the 2005 Supreme Court judgment in *Roper v. Simmons* in 2005,<sup>96</sup> there had been executions of individuals who were minors at the time of the offences.<sup>97</sup> In April 2021, Kentucky prosecutors ceased seeking the death penalty sentences for offenders aged below 21 years.<sup>98</sup> However, on 29 November 2022, Kevin Johnson was executed in Missouri despite a history of mental illness and the fact that he was 19 years

<sup>84</sup> [‘The death penalty is a relic of the past, a barbaric and inhuman practice that has no place in modern society’, says PACE General Rapporteur \(coe.int\)](#), 9 October 2023.

<sup>85</sup> [‘The death penalty does not make society safer,’ says General Rapporteur?](#)

<sup>86</sup> [Some Prisoners Executed Despite Mental Illness Diagnosis](#), MedPage Today, 28 October 2018.

<sup>87</sup> [General Rapporteur condemns execution in Virginia \(coe.int\)](#), 13 July 2017.

<sup>88</sup> [Tennessee executes Billy Ray Irick](#), *Tennessean*, 10 August 2018; “Tennessee execution: Billy Ray Irick tortured to death, expert says in new filing”, *eu.tennessean.com*, 7 September 2018.

<sup>89</sup> [Tennessee executes Stephen West by electric chair](#), *USA Today*, 15 August 2019.

<sup>90</sup> [Ernest Johnson executed despite appeals from Pope Francis and politicians](#), *CBS News*, 05 October 2021. See also the reaction of the European Union [United States: Statement by the Spokesperson on the execution of Ernest Johnson in the state of Missouri](#), Peter Stano, 07 October 2021.

<sup>91</sup> [Benjamin Cole: Oklahoma executes death row inmate for the murder of his 9-month-old daughter](#), *CNN*, 20 October 2022.

<sup>92</sup> [Clarence Dixon Executed in Arizona Despite Backlash Over His Mental Illness \(newsweek.com\)](#), 11 May 2022.

<sup>93</sup> [Oklahoma executes ex-Marine who killed toddler after treating him to final fast-food meal](#), *New York Post*, 17 November 2022.

<sup>94</sup> [Tennessee Legislature Passes Bill to Provide Death-Row Prisoners Court Review of Intellectual Disability Claims](#), *Death Penalty Information Center*, 27 April 2021.

<sup>95</sup> [Death Penalty Information Center | Second Ohio Prisoner Taken Off Death Row Under New Serious Mental Illness Law.](#)

<sup>96</sup> See <http://www.deathpenaltyinfo.org/u-s-supreme-court-roper-v-simmons-no-03-633>.

<sup>97</sup> The last person sentenced to death for a crime committed while still a minor was Scott Allen Hain, who was executed on 3 April 2003.

<sup>98</sup> [Kentucky Prosecutors Drop Death Penalty in Cases That Raised Constitutionality of Capital Punishment for Offenders Aged 18–21](#), *Death Penalty Information Center*, 3 May 2021.

old at the time of the crime.<sup>99</sup> The United States also executes people over 70 years of age<sup>100</sup> women,<sup>101</sup> and foreign nationals,<sup>102</sup> including those who have not obtained the consular assistance to which they are entitled under the Vienna Convention on Consular Relations of 24 April 1963, which means it is in breach of international law.<sup>103</sup> It will be recalled that in 2004 the International Court of Justice (ICJ), following a lawsuit filed by Mexico, ruled against the United States in the *Avena* case<sup>104</sup> for a violation of the Vienna Convention and ordered the United States to carry out a judicial review of the convictions of 52 Mexican nationals. Nevertheless, Texas executed several Mexican nationals who had been deprived of consular protection.<sup>105</sup> For example, despite the calls by the United Nations' special rapporteurs and the Inter-American Commission on Human Rights to stop the execution,<sup>106</sup> in November 2018, it executed Robert Moreno Ramos, who probably suffered from a mental disability.<sup>107</sup>

25. Furthermore, prisoners remain on death row for a very long period after being sentenced to death. In 2023, eleven inmates (out of 21) were executed after at least 20 years spent on death row, out of whom six had spent more than 30 years there.<sup>108</sup> In 2025, sixteen inmates have been executed after at least 20 years on death row. According to the death penalty review conducted by the Department of Justice Bureau of Justice Statistics in June 2021, the average time on death row is 18.7 years.<sup>109</sup> The time that US prisoners spend on death row has increased in recent years and raises concerns. The so-called "death row phenomenon", including the isolation and the uncertainty as to the time of execution, causes mental illness and a significant increase of physical disabilities of inmates.

26. The percentage of Americans who believe that the death penalty is applied fairly continues to decrease. According to Gallup polls of October 2023, for the first time more Americans believe that the death penalty is applied unfairly (50%) than fairly (47%). According to the 2024 Gallup polls, overall support for the death penalty has fallen to 53% of Americans. A generational divide also shows that more than half of young US adults – millennials and Generation Z - oppose the death penalty, while approximatively six in ten adults among older generations favour the death penalty.<sup>110</sup>

27. NGOs and lawyers are continuing to work for the complete abolition of capital punishment, especially by giving media exposure to executions and cases of wrongful convictions. However, despite some positive abolitionist tendencies, there are still serious difficulties that prevent a substantial advance towards the abolition of the death penalty in the United States. In its last decision on the death penalty (12 March 2025), the Committee of Ministers regretted that executions continue to be carried out in 2024 and 2025 in the United States and called again on the authorities to promote an open and democratic debate towards the abolition of the death penalty. It also reiterated the Council of Europe' readiness to share its experience on abolition of the death penalty with its observer States, including the United States, through initiatives in conjunction with them.

<sup>99</sup> [Kevin Johnson execution: 19-year-old asks court to let her watch father's death by injection in Missouri, CBS News](#), 22 November 2022.

<sup>100</sup> See Mr [Cruchten's statement](#) of 20 April 2018, in which he condemned the execution of Walter Leroy Bloody, aged 83, by Alabama after spending 30 years in prison. Moreover, on 26 May 2017 [Thomas Arthur](#), aged 75, was executed in Alabama. In 2015, Cecil Clayton, aged 74, was executed in Missouri and in 2016 Brandon Jones, aged 72, was executed in Georgia. In February 2019, Texas executed Billie Coble, a 70-year-old man. In November 2022, [Murray Hooper](#), aged 76, was executed in Arizona. See the [Execution Database](#).

<sup>101</sup> 18 women since 1976. The last woman to be executed was Amber McLaughlin (3 January 2023 in Missouri).

<sup>102</sup> The El Salvador national Alfredo Prieto was executed in the United States (on 10 January 2015 in Virginia), despite a request from the Inter-American Commission on Human Rights to halt his execution. Amnesty International 2015, p. 22.

<sup>103</sup> Amnesty International, 2014, p. 18.

<sup>104</sup> International Court of Justice, *Avena and Other Mexican Nationals (Mexico. v. United States of America)*, judgment of 31 March 2004, I. C. J. Reports 2004, p. 12.

<sup>105</sup> See the reactions by my predecessor Ms Karamanli: [Call on the state of Texas not to execute Ramiro Hernandez \(coe.int\)](#), 8 April 2014.

<sup>106</sup> UN, Office of the High Commissioner for Human rights (OHCHR), [UN experts urge US to halt Texas execution of Mexican Roberto Ramos Moreno](#), 13 November 2018.

<sup>107</sup> [Texas executes Robert Moreno Ramos, amid pleas for case review](#), The Texas Tribune, 14 November 2019.

<sup>108</sup> [List of Defendants Executed in 2023 | Death Penalty Information Center](#)

<sup>109</sup> [Bureau of Justice Statistics Reports Number on Death Row Down, Average Time on Death Row Approaches 19 Years](#), Death Penalty Information Center, 25 June 2021.

<sup>110</sup> See [POLL: For the First Time, More Americans Believe the Death Penalty Is Applied Unfairly in the United States | Death Penalty Information Center](#) and [The Death Penalty in 2024: Public Opinion | Death Penalty Information Center](#)

### 3.3. Japan

28. Japan has been a Council of Europe observer state since 1996. It ratified the International Covenant on Civil and Political Rights on 21 June 1979 but has not ratified the Second Optional Protocol, aiming at the abolition of the death penalty. In Japan, nineteen crimes carry the death penalty (including crimes that do not involve the death of the victim). Japan has carried out 98 executions of capital punishment since 2000. In 2018, the country more than tripled its annual figure (4 to 15) as a result of the hanging of 13 men in the high-profile case of the Aum Shinrikyo cult, responsible for the deadly sarin gas attack on the Tokyo metro in 1995.<sup>111</sup> In August 2019, two men (of 64 and 50 years of age) were executed by hanging after being convicted for murder and, on 26 December 2019, a Chinese man was executed; all of them had been convicted of murders<sup>112</sup>. Three people in 2021 and one person in 2022<sup>113</sup> were hanged for being convicted of murder in separate cases, after a pause of 24 months. The last and only execution in 2022 (26 July) was the hanging of Tomohiro Katō, the perpetrator of the Akihabara massacre in 2008. No executions were recorded in 2023-2024 and 2025 (as of 16 June). In 2021, at least three people were condemned to the death penalty, including Satoru Nomura, a 74-year-old gang leader.<sup>114</sup> Furthermore, at least two convictions have been upheld, including that of Chisako Kakehi, a 74-year-old woman convicted for the murder of three men<sup>115</sup>, and Mitsuru Nakata, a former policeman aged 43.<sup>116</sup> In 2023, the Supreme Court upheld a death sentence for Toshihiko Iwama, convicted of conspiring to hire a man in the Philippines to kill two men. It is reported that three new death sentences were handed down in 2023<sup>117</sup> and two in 2024. There are currently 106 people under the death sentence.

29. Many Japanese practices relating to the death penalty alarm human rights activists in particular. Some executions involved men whose appeal to secure a retrial was still pending before the courts. For example, nine of those who were executed in July 2018<sup>118</sup> and the Chinese man who was executed in December 2019 had made applications for a retrial that were still before the courts at the date of their execution. Prisoners are often given only a few hours' notice of their execution and their families and lawyers are informed only after it has taken place.<sup>119</sup> Amnesty International has repeatedly condemned Japan's execution procedures as being "shrouded in secrecy". In October 2021, the UN Human Rights Council adopted a resolution that calls on non-abolitionist states to end secret executions or executions with little or no prior warning, which impair the ability of the convicted individual and family members to prepare for death and can amount to cruel, inhuman or degrading treatment.<sup>120</sup>

30. Amnesty International points out that people with mental disabilities have been sentenced to death in Japan and are still on death row.<sup>121</sup> Moreover, people sentenced to death live in very questionable conditions. They are isolated from other inmates and their contacts with the outside world are limited to rare and closely supervised visits from members of their families, their lawyers and other officially authorised visitors. Some inmates, such as Iwao Hakamada (see below) and Kenji Matsumoto (whose eight requests for retrial have been rejected)<sup>122</sup> showed signs of seriously disturbed thinking and behaviour due to their detention. In 2021, the Japan Innocence and Death Penalty Information Center underlined that two of the 118 people on death row had been in prison for more than 40 years<sup>123</sup>. Under Article 475 of the Japanese Criminal Procedure Code, the death penalty shall be ordered within six months from the date when the judgment becomes final, the period of the request for retrial or pardon being exempted.<sup>124</sup> Yet, Japan is one of the countries with the longest periods spent on death row, and few people can have access to the places where condemned inmates are

<sup>111</sup> Amnesty International 2018, pp. 19 and 20, and [Mr Cruchten's statement](#) of 9 July 2018. In addition, two men were executed on 27 December 2018.

<sup>112</sup> Amnesty International, [Japan: two hanged in deplorable move](#), 2 August 2019, and [Japan: Execution a shameful stain on human rights record of Olympic hosts](#), 26 December 2019.

<sup>113</sup> [Japan executes prisoner who killed 7 in Tokyo street rampage | AP News](#)

<sup>114</sup> [Yakuza Boss First to be Sentenced to Death in Japan](#), OCCRP, 29 August 2021. The two others convicted people are Ibaraki Mito, 36, and Yoshitaka Morito, 51.

<sup>115</sup> [Japan's top court upholds death penalty for 'black widow' serial killer](#), Japan Times, 22 June 2021.

<sup>116</sup> [Ex-cop's death penalty upheld over murder of wife, children](#), Death Penalty Information Center, 16 September 2021.

<sup>117</sup> [Japan Performed No Executions in 2023, Making U.S. the Only G7 Country to Use Capital Punishment Last Year | Death Penalty Information Center](#)

<sup>118</sup> Amnesty International, [Japan: Unprecedented spate of executions continues as six more Aum cult members hanged](#), 26 July 2018, and [Japan: Executions of seven Aum cult members fails to deliver justice](#), 6 July 2018.

<sup>119</sup> Amnesty International, [Japan: Two hanged as reprehensible executions continue](#), 13 July 2017.

<sup>120</sup> [Death-Row Prisoners in Japan Sue Over Same-Day Notice of Executions | Death Penalty Information Center](#)

<sup>121</sup> Amnesty International 2020, p. 29.

<sup>122</sup> *Ibidem*.

<sup>123</sup> [In Japan, the death penalty hits a wall of indifference \(lemonde.fr\)](#), 30 July 2022.

<sup>124</sup> Japan Hanging on to Death Penalty. *South Asia Human Rights Documentation Centre*. 28 May 2006.

executed or even meet them.<sup>125</sup> The release of death row inmates found to be innocent or their release pending a retrial has sparked heated debate in Japan concerning the death penalty. The best-known case is that of 87 year-old Iwao Hakamada, who spent more than 45 years on death row,<sup>126</sup> and was known as the longest serving death row prisoner in the world. Owing to new doubts about his guilt (on the grounds that his “confessions” were forced out of him by the police during a twenty-day interrogation), the Japanese courts decided to release him in March 2014. However, in June 2018 the Tokyo High Court refused to grant him a retrial. Mr Hakamada appealed; at the end of December 2020, the Supreme Court returned his case to the Tokyo High Court for retrial.<sup>127</sup> In 2023, Tokyo High Court finally granted a retrial.<sup>128</sup> On 26 September 2024, the Shizuoka District Court acquitted him. His case has sparked renewed debate about the reliability of Japan’s death penalty system and highlighted concerns about wrongful convictions.<sup>129</sup>

31. On 20 August 2014, the United Nations Human Rights Committee voiced its concerns about the situation of the death penalty in Japan in its concluding observations on the sixth periodic report of Japan. Firstly, it was concerned that some of the 19 crimes that carried the death penalty did not comply with the Covenant’s requirement of limiting capital punishment to the “most serious crimes”. Secondly, apart from the above-mentioned faults in the system, the Committee also pointed out that the confidentiality of meetings between lawyers and death row inmates was not guaranteed; thirdly, the examinations to decide whether a prisoner was sane were not independent. Fourthly, it emphasised that an application for a retrial or a pardon did not have the effect of staying the execution and was ineffective. Lastly, the Committee also reported that the death penalty had been handed down on various occasions as a result of forced confessions.<sup>130</sup> In response to the recommendations and remarks in the 2014 report, NGOs emphasised that the problems identified had not been resolved.<sup>131</sup> The number of crimes subject to the death penalty (19) is still the same, an independent system for considering the mental health of inmates has still not been put in place and applications for a review of procedures have no suspensive effect. There is a ray of hope in the Supreme Court’s ruling of 10 December 2013 that meetings between persons sentenced to death and their lawyers should be confidential, save in exceptional circumstances. However, discussions between the members of the Aum Shinrikyo cult and their lawyers were held in the presence of prison staff. On 28 October 2022, the UN Human Rights Committee reiterated many of its previous concerns and notably condemned the fact that death row inmates continue to be kept in prolonged solitary confinement, including for up to 40 years before execution, are subjected to 24-hour video surveillance, and continue to be denied prior notice of the day of execution.<sup>132</sup> In November 2024, UN special rapporteurs issued a report to the Japanese government highlighting similar concerns.<sup>133</sup>

32. On 7 October 2016, for the first time, the Japanese Federation of Bar Associations issued a declaration stating its opposition to the death penalty and calling on the authorities to abolish it by 2020.<sup>134</sup> In 2023 it asked the government to enact legislation to abolish the death penalty, and to establish a moratorium on all executions in the meantime. However, capital punishment still has the broad support of Japanese society. According to a survey conducted in 2014, more than 80% of the population consider the death penalty as an ‘unavoidable punishment’ for those who have committed heinous crimes.<sup>135</sup> Another poll conducted by the Cabinet Office, in November 2019, showed that over 80% of the respondents accepted the death penalty as “inevitable”. This number increased in a 2025 survey conducted by Japan’s Cabinet Office, which found that 83.1% of respondents were in favour of the continued use of the death penalty.<sup>136</sup> However, according to researchers from the Death Penalty Project, Japanese people form their views on the death penalty with limited

<sup>125</sup> FIDH, [The Death Penalty In Japan, A Practice Unworthy of a Democracy](#), Report of the International investigation mission, no. 359, March 2003, p. 19, and Philippe Pons, [Au Japon, il ne faut pas ‘troubler l’âme’ des condamnés à mort](#), *Le Monde*, 25 March 2005.

<sup>126</sup> [This Japanese man spent almost five decades on death row. He could go back | CNN](#).

<sup>127</sup> Amnesty International 2020, p. 29.

<sup>128</sup> [Longest Serving Death Row Prisoner in the World Has Case Reversed | Death Penalty Information Center](#), 20 March 2023.

<sup>129</sup> <sup>129</sup> [Death penalty under renewed scrutiny in Japan - The Japan Times](#).

<sup>130</sup> Human Rights Committee, Concluding observations on the sixth periodic report of Japan, [CCPR/C/JPN/CO/6](#), 20 August 2014, para. 13.

<sup>131</sup> See the reports of the International Federation for Human Rights (FIDH) and the Center for Prisoners’ Rights (CPR), Joint submission for the adoption of the List of Issues, Japan, United Nations Human Rights Committee (CCPR) – 121st session, 27 July 2018, and Human Rights Now, Information for LOIPR, Report on Japan, 24 July 2017.

<sup>132</sup> HRC, Concluding observations on the seventh periodic report of Japan, 30 November 2022, [CCPR/C/JPN/CO/7](#).

<sup>133</sup> [U.N. rapporteurs call on Japan to suspend capital punishment](#)

<sup>134</sup> Amnesty International 2016, p. 22.

<sup>135</sup> [Japan’s new Justice Minister Katsuyuki Kawai pledges reform with a focus on immigration](#), Japan Times, 30 September 2019.

<sup>136</sup> Francis Tang, [Over 80% of Japanese say death penalty system is “unavoidable.”](#) The Japan Times, 22 February 2025.



information.<sup>137</sup> The authorities are not considering abolishing the capital sentence or introducing a new moratorium on executions (a moratorium was instituted between November 1989 and March 1993), despite recommendations made by a large number of states in connection with the last Universal Periodic Review (UPR) by the United Nations, as well as by the UN Human Rights Committee.<sup>138</sup> In August 2019, a group of 300 people, including journalists, lawyers, religious figures and former politicians, met in Tokyo in order to establish a Citizen's Committee to Abolish Capital Punishment in Japan,<sup>139</sup> which was further welcomed by the United Nations.<sup>140</sup> Despite this, Japan voted against the UN General Assembly resolution on the moratorium on the use of the death penalty in December 2022 and 2024. In its last decision on the death penalty (12 March 2025), the Committee of Ministers called on Japan to promote an open and democratic debate towards the abolition of the death penalty, noting the outcome of the Hakamada case. It also reiterated the Council of Europe's readiness to share its experience on abolition of the death penalty with its observer States, through initiatives in conjunction with them. In this context, and in my capacity as PACE General Rapporteur, I will seek to engage with groups or parliamentarians in Japan supporting abolition.

### 3.4. Israel

33. Israel abolished the death penalty for ordinary crimes under a law passed in 1954. This law maintains the legality of the death penalty for certain crimes, such as genocide, crimes against humanity, mass crimes, treason and crimes against the Jewish people. Since the creation of the State of Israel, the death penalty has been carried out only once. In 1961, Adolph Eichmann was convicted on 15 counts of crimes against humanity, war crimes, crimes against the Jewish people, and membership in a criminal organisation, and was hanged in 1962.<sup>141</sup>

34. However, it is important to point out that this law does not prevent the use of the death penalty, especially as the terms "treason" or "crimes against the Jewish people" are subject to interpretation. In the climate of conflict experienced by the country, there have been more and more calls for the restoration of the death penalty. In 2014, several Israeli ministers called for its reintroduction, such as, Yisrael Katz, the Minister of Transport, who demanded its reinstatement in May that year as a deterrent for certain Palestinian prisoners. The Housing Minister, Uri Ariel, also called for its reintroduction for terrorists after the kidnapping and murder of three Jewish teenagers.<sup>142</sup> In July 2015, the Knesset rejected a bill that would have made it easier for courts to sentence to death those convicted of terrorism-related offences, but in March 2016 the issue was once again raised in the Israeli parliament.<sup>143</sup> On 3 January 2018, the Knesset gave its preliminary agreement to this draft law – a worrying development to which Mr Cruchten responded with a statement reiterating that observer status with the Assembly encourages commitment to the abolition of the death penalty.<sup>144</sup> The adoption of this draft law had been postponed on several occasions and the Defence Minister, Avigdor Liberman, called for it to be passed to make it easier to sentence terrorists (*i.e.* Palestinians) to death, by requiring only majority, as opposed to the unanimous agreement of the three judges. However, the Attorney General, Avichai Mandelblit, came out against such a law.<sup>145</sup> In November 2018, the then Minister of Defence, Avigdor Liberman, accused his coalition partners of sabotaging the draft law.<sup>146</sup> In February 2019, some ministers called for the use of the death penalty after the savage murder in Jerusalem of a teenage girl by a Palestinian man.<sup>147</sup> In December 2020, 2022 and 2024, Israel voted in favour of the UN General Assembly resolutions on the moratorium on the use of the death penalty. Nevertheless, Israel is still not a Party to the Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty.

35. The discussion on whether the *de facto* ban on the death penalty should be lifted resurfaced after a wave of terrorist attacks that cost at least 18 lives in the spring of 2022. Furthermore, following a massacre perpetrated outside a synagogue in Jerusalem last January in which seven people were killed, the Minister of National Security, Itamar Ben-Gvir promoted a bill that would establish the mandatory death penalty for those

<sup>137</sup> [Lawyer: Popular support a flawed reason for death penalty in Japan](#), the Asahi Shimbun, 31 March 2021. A recent study had been conducted by a London-based lawyer Saul Lehrfreund.

<sup>138</sup> UN Human Rights Council, Report of the Working Group on the Universal Periodic Review, Japan, June-July 2023: [Abolition of the death penalty at the United Nations Human Rights Council 53rd session - WCADP](#)

<sup>139</sup> [Civil group for a death penalty-free inaugurated](#), Japan Press Weekly, 28 August 2019.

<sup>140</sup> [Video message on the occasion of the establishment of the Citizen's Committee to Abolish Capital Punishment, Japan](#), 9 March 2019.

<sup>141</sup> [Attorney General v. Adolf Eichmann](#)

<sup>142</sup> Amnesty International 2014, p. 49.

<sup>143</sup> Amnesty International, [Israel: Human Rights Situation Remains Dire](#), p. 15.

<sup>144</sup> See his statement of 4 January 2018.

<sup>145</sup> Toi Staff, [Defense minister urges colleagues to endorse death penalty for terrorists](#), *The Times of Israel*, 25 July 2018.

<sup>146</sup> *Peine de mort: Liberman accuse la coalition d'avoir sabordé son projet de loi*, *Times of Israel*, 21 November 2018.

<sup>147</sup> [Death Penalty for Palestinian Who Savagely Murdered Jewish Teen?](#), *Israel Today*, 10 February 2019.

who have committed a nationalistically motivated murder (motivated by racism or hate to a certain public... and with the purpose of harming the State of Israel and the rebirth of the Jewish people in its homeland) of an Israeli citizen. Although the bill was found unconstitutional by the Chief Justice and the Attorney General, the Knesset gave its preliminary approval on 1<sup>st</sup> March 2023.<sup>148</sup> My predecessor had the occasion to comment on this worrying development in his statement published the day after, where he called on MPs in Israel to reconsider their preliminary decision concerning this bill, which would represent, if passed, a most regrettable step backwards.<sup>149</sup> It appears that the bill was later put on hold. Following the attack by Hamas in October 2023, a Likud MP submitted another bill to the Knesset that would allow courts to impose the death penalty on Palestinian terrorists who participated in Hamas' terrorist attacks.<sup>150</sup>

### 3.5. *Kazakhstan*

36. Since 1998, the number of crimes that carry the death penalty in peacetime had been significantly reduced. A 2014 reform of the Criminal Code, which came into force on 1 January 2018, raised the number of offences subject to the death penalty from 18 to 19.<sup>151</sup> Article 47(2) of the Kazakhstan Criminal Code of 2014<sup>152</sup> prohibited the death penalty for individuals under 18 years of age, women and people over 65.

37. On 18 December 2003, President Nursultan Nazarbayev issued a moratorium on executions and since 12 May 2003 (the date of the last execution), no execution was carried out in the country. Following a judgment in November 2016, Ruslan Kulekbayev was sentenced to death for terrorism-related acts<sup>153</sup> having killed 10 people in Almaty in July that year and remained the only person on death row in Kazakhstan<sup>154</sup>. This was the sixth death sentence handed down since the 2003 moratorium on executions. Since then, all death sentences had been commuted to life imprisonment<sup>155</sup> and no execution or death sentence had been recorded.

38. In December 2012, 2014, 2016, 2018, 2020, 2022 and 2024, Kazakhstan voted in favour of the UN General Assembly resolutions calling for a moratorium on the use of the death penalty. By signing the Second Protocol to the ICCPR on 23 September 2020 following a speech by President Kassym-Jomart Tokayev during the 75<sup>th</sup> UN General Assembly session, Kazakhstan decided to fully abolish the death penalty and committed itself to reform its Criminal Code.<sup>156</sup> On 2 January 2021, President Kassym-Jomart Tokayev signed the law ratifying the Second Optional Protocol to the ICCPR.<sup>157</sup> On 23 September 2021, 23 members of the Parliamentary Assembly, issued a declaration supporting the abolition of the death penalty in Kazakhstan.<sup>158</sup> On 29 December 2021, the President of Kazakhstan, Kassym-Jomart Tokayev approved and signed a bill abolishing the death penalty for all crimes in the country's Criminal Code<sup>159</sup>, replacing capital sentence by life imprisonment.<sup>160</sup> Kazakhstan finally ratified the Second Optional Protocol to the ICCPR on 24 March 2022.

### 3.6. *Morocco*

39. Morocco is not a Party to the Second Optional Protocol to the ICCPR. However, as an Assembly partner for democracy, the Moroccan Parliament has undertaken to continue its efforts "to raise the awareness of the public authorities and the main players in politics and civil society of the need to make progress in the discussion of [...] the death penalty" and to continue "to encourage the authorities concerned to maintain the de facto moratorium that has been established on executions of the death penalty since 1993".<sup>161</sup> The 2011

<sup>148</sup> Toi Stadd, *Bill on death penalty for Palestinian terrorists passes preliminary Knesset vote*, *The Times of Israel*, 1 March 2023; [Israel: UN experts alarmed by potential reinstatement of death penalty for "terrorism offences" | OHCHR](#), 24 February 2023.

<sup>149</sup> [PACE rapporteur urges Israeli MPs to reconsider preliminary decision to allow death penalty for terrorists \(coe.int\)](#).

<sup>150</sup> [After Hamas rampage, Israeli lawmaker submits death-penalty bill](#), 16 October 2023.

<sup>151</sup> International Commission against the Death Penalty, [How States abolish the death penalty. 29 Case-Studies, Second edition](#), May 2018, p. 32.

<sup>152</sup> See article 47 (2) at [Kazakhstan's Criminal Code](#)

<sup>153</sup> Amnesty International 2017, p. 33.

<sup>154</sup> Amnesty International, [Kazakhstan takes important step towards abolishing the death penalty](#), 23 September 2020.

<sup>155</sup> Amnesty International, [Kazakhstan 2017/2018](#).

<sup>156</sup> [Kazakhstan officially abolishes death penalty](#), 24 September 2020.

<sup>157</sup> [Kazakhstan Abolishes the Death Penalty](#), Death Penalty Information Center, 02 January 2021. According to Amnesty International, the law on the ratification contains a reservation that provides for the application of the death penalty in time of war; Amnesty International 2020, p. 35.

<sup>158</sup> [Political reform in Kazakhstan responsive to the needs and ambitions of its citizens](#), Written declaration 30 September 2021.

<sup>159</sup> [IBAHRI welcomes the abolition of the death penalty in Kazakhstan](#), 23 June 2022.

<sup>160</sup> Қазақстан Республикасының кейбір заңнамалық актілеріне өлім жазасын жою мәселесі бойынша өзгерістер мен толықтыру енгізу туралы, 29 December 2021.

<sup>161</sup> "Moroccan Parliament obtains 'Partner for Democracy' status with PACE", Press release – AP032(2011), 21 June 2011.

Constitution expressly enshrines the “right to life” but without abolishing the death penalty. Despite the unofficial moratorium, death sentences continue to be handed down: between 2010 and 2020, 103 death sentences were recorded by the authorities.<sup>162</sup> 10 death sentences were recorded in 2021, 3 in 2022, 2 in 2023 and 2 in 2024.<sup>163</sup> As of February 2025, there were 86 people, including one woman, on death row in Morocco.<sup>164</sup>

40. The Moroccan Coalition against the Death Penalty, which groups together seven NGOs, is the leading organisation in Morocco’s abolition movement.<sup>165</sup> It is accompanied in this fight by the Network of Parliamentarians against the Death Penalty in Morocco, the National Human Rights Council and lawyers from six different bar associations. They come together to fight against capital punishment.<sup>166</sup> In its most recent resolution on evaluation of the partnership for democracy in respect of the parliament of Morocco, of May 2019, the Assembly expressed regret that little progress had been achieved with regard to the death penalty and once again called on the Moroccan Parliament to abolish the death penalty in law, and, pending abolition, to declare a *de jure* moratorium on executions.<sup>167</sup> This question was also considered in the report of the Committee on Political Affairs and Democracy on the “Evaluation of the partnership for democracy in respect of the Parliament of Morocco”<sup>168</sup>. In January 2019, the Moroccan Organisation of Human Rights urged Morocco to join an international agreement ending capital punishment. The president of the National Council of Human Rights, Ms Amina Bouayach, has been advocating for the abolition of the death penalty. In 2020, the brutal murder of 11-year old Adnane Bouchouf prompted the question of whether death penalty should be applied again and a petition launched on Facebook in this respect collected over 100,000 signatures.<sup>169</sup> In April 2021, the Tangier Court of Appeal upheld the death penalty for a 24-year-old man convicted for killing and raping Adnane Bouchouf in September 2020.<sup>170</sup> On 5 January 2022, the Court of Cassation in Rabat confirmed the death penalty sentence for the 24-year-old man.<sup>171</sup> In the context of the last Universal Periodic Review by the UN Human Rights Council (2023), Morocco stated that it continued its efforts to promote public debate on the question of the abolition of the death penalty. Several States recommended however that Morocco abolished formally the death penalty and ratified the Second Optional Protocol to the ICCPR.<sup>172</sup> Some states also recommended that Morocco reduced the number of offences punishable by death in the Criminal Code.

41. In 2024, in a landmark shift, Morocco voted for the first time in favour of the United Nations General Assembly’s resolution calling for a global moratorium on the use of the death penalty, after previously abstaining on similar resolutions. In its last decision on the death penalty (12 March 2025), the Committee of Ministers welcomed this positive step and stated that the Council of Europe stands ready to continue the exchanges on this theme with those States covered by the policy of the Council of Europe towards neighbouring regions, in particular with Morocco. During my mandate, I seek to engage with groups and parliamentarians in Morocco supporting abolition.

### 3.7. Palestinian Authority

42. By becoming a partner for democracy on 4 October 2011,<sup>173</sup> the Palestinian National Council (PNC) undertook to promote discussions in support of the abolition of the death penalty in the Criminal Code and to continue the *de facto* moratorium in force in the West Bank since 2005. In the territories administered by the Palestinian Authority, the West Bank continues to pass death sentences, but no execution has been recorded since 2005. However, death sentences are still handed down and carried out in the Gaza Strip, which has been under Hamas control since 2007. The methods used are hanging or firing squad. According to Palestinian law, death sentences must be carried out with the agreement of the Palestinian President; however, since

<sup>162</sup> « Trente ans de moratoire, une attente interminable », Rapport de mission d’enquête au Maroc, ECPM, p.29.

<sup>163</sup> Ibid. for 2023 and 2024 : Annual reports by Amnesty International.

<sup>164</sup> [Morocco moves toward abolishing the death penalty, says Justice Ministry Official](#), 25 February 2025.

<sup>165</sup> Téo Cazenaves, [Peine de mort: le Maroc, ‘pays abolitionniste en pratique’](#), *Le Desk*, 12 April 2017.

<sup>166</sup> Fouâd Harit, [Abolition de la peine de mort au Maroc: les avocats rejoignent le mouvement](#), 9 October 2014.

<sup>167</sup> [Resolution 2282 \(2019\)](#) adopted by the Assembly’s Standing Committee on 24 May 2019, paragraph 5.1.

<sup>168</sup> [Doc. 14659](#), adopted on 21 October 2018, rapporteur: Mr Bogdan Klich (Poland, EPP/CD), Section 3.1. See also [Doc. 14853](#), this committee’s opinion, rapporteur Mr André Vallini (France, Socialists, Democrats and Greens Group), 1 April 2019.

<sup>169</sup> Morocco World News, [Moroccans Launch Online Petition to Execute Adnane Bouchouf’s Killer](#), 13 September 2020.

<sup>170</sup> [Morocco Upholds Death Penalty For Rapist, Killer of 11-Year-Old Adnane Bouchouf](#), Morocco World News, 05 July 2021.

<sup>171</sup> [Cassation Court Confirms Death Penalty for Rapist, Killer of 11-year Old Adnane](#), 6 January 2022.

<sup>172</sup> [Universal Periodic Review - Morocco | OHCHR](#)

<sup>173</sup> [Resolution 1830 \(2011\)](#) on the Request for partner for democracy status with the Parliamentary Assembly submitted by the Palestinian National Council, 4 October 2011.

2010, this requirement has never been complied with.<sup>174</sup> In [Resolution 2105 \(2016\)](#)<sup>175</sup> on evaluation of the partnership for democracy in respect of the Palestinian National Council, the Assembly noted that while a *de facto* moratorium on executions had been in place since 2005 in the West Bank, courts in Gaza continued to hand down death penalty sentences and Hamas authorities continued to carry out illegal executions. The Assembly roundly condemned these executions and urged the PNC to intervene with Hamas to stop executions in Gaza and to abolish the death penalty in the Palestinian Criminal Code. Despite this call, further executions have been carried out in the Gaza Strip.

43. In 2023, the number of persons sentenced to death rose to 12, out of which 9 by military courts. All the death sentences were handed down in the Gaza Strip. On 30 January 2023, the Higher Crime Committee in Gaza issued a death sentence by hanging regarding charges of drug dealing and possession along with recidivism.<sup>176</sup> In July 2023, the Military Appeal Court in Gaza issued 7 death sentences by hanging for collaboration with Israel. As of 2023, the total number of death sentences issued in the Palestinian territory since 1994 had reached 292; 30 in the West Bank and 262 in the Gaza Strip.<sup>177</sup> As of 2023, 46 death sentences had been executed since 1994: 44 in the Gaza Strip, and two in the West Bank. Of those executed in the Gaza Strip, 33 had been conducted since the 2007 division without the ratification of the Palestinian President in violation of Palestinian law. The first execution since 2017 was recorded on 4 September 2022. Hamas authorities executed five Palestinians, two of them on charges of espionage for Israel in 2015 and 2019, by hanging or firing squad.<sup>178</sup> Amnesty International is unable to confirm current figures, due to the ongoing conflicts and wars.

44. Some NGOs, including Amnesty International and the PCHR (Palestinian Centre for Human Rights), also condemn procedures preceding a death sentence that do not meet international fair-trial standards, with convictions based on confessions probably extracted through torture or ill-treatment. Most of the cases related to death penalty were handed down by military courts, including on civilians and for crimes not involving military or security issues.<sup>179</sup> Death sentences have also been passed in absentia.

45. On 6 June 2018, the Palestinian Authority signed the Second Optional Protocol to the ICCPR, and acceded to this treaty on 18 March 2019.<sup>180</sup> After the signing, the establishment of a moratorium on executions in the Gaza Strip is all the more necessary.<sup>181</sup> However, neither the Palestinian authorities in the West Bank nor the Hamas *de facto* administration in Gaza took any steps to translate the Palestinian Authority's commitments under the Second Optional Protocol to the ICCPR into domestic law.<sup>182</sup>

### 3.8. Jordan

46. Jordan is not a Party to the Second Optional Protocol to the ICCPR. In [Resolution 2086 \(2016\)](#) of 26 January 2016, in which the Assembly conferred "partner for democracy" status on the Jordanian parliament, it also called for the abolition of the death penalty in that country. In December 2020, December 2022, and December 2024, Jordan voted for the UN General Assembly Resolutions on the moratorium on the use of the death penalty.

47. No executions have been reported since March 2017. Nonetheless, the death penalty continues to be provided for in the Criminal Code. In 2021, at least 11 death sentences were issued.<sup>183</sup> On 12 January 2021, Jordan's State security court sentenced a citizen to death for the 2019 stabbing of eight people, four of them foreign tourists, at Jerash, one of the kingdom's ancient sites.<sup>184</sup> In April 2021, the same court sentenced six men to the death penalty for a brutal assault on a 16-year-old boy.<sup>185</sup> Moreover, in July 2021, the Court of

<sup>174</sup> Amnesty International, [Palestine: Hamas must urgently halt executions of three men sentenced after unfair trial](#), 24 May 2017.

<sup>175</sup> Adopted on 19 April 2016, paragraph 7.3.

<sup>176</sup> Death Sentence against a Drug Dealer in Gaza: PCHR Calls Upon the Authorities to End This Inhuman Penalty, 31 January 2023.

<sup>177</sup> [Gaza Military Court Issues 5 New Death Sentences | Palestinian Centre for Human Rights](#).

<sup>178</sup> [Hamas authorities in Gaza execute five Palestinians | Palestinian territories | The Guardian](#), 4 September 2022; [In violation of Palestine's International Obligations, 5 Death Sentences Executed in Gaza Strip | Palestinian Centre for Human Rights](#)

<sup>179</sup> Amnesty International 2021, p. 48.

<sup>180</sup> Deuxième Protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques, visant à abolir la peine de mort at [UNTC](#)

<sup>181</sup> See Mr Cruchten statement of 14 June 2018.

<sup>182</sup> Amnesty International, [Palestine \(State of\) 2020](#).

<sup>183</sup> Amnesty International 2020, p. 36.

<sup>184</sup> [Jordanian sentenced to death for 2019 knife attack on tourists, Al Jazeera](#), 12 January 2021.

<sup>185</sup> [Jordan sentences six men to death for blinding teen, chopping his arms off](#), Alarabiya news, 17 March 2021.



Cassation upheld a death sentence for a man who had burned his wife<sup>186</sup> and, in September 2021, a man was convicted to death for murdering his mother.<sup>187</sup> In 2023, three new death sentences were recorded, followed by at least seven additional death sentences in 2024. As of the end of 2024, the total number of individuals under death sentence in Jordan had risen to over 223.<sup>188</sup> It is worth noting that a regional congress on the death penalty was organised in Amman to explore specific issues linked to the abolition of the death penalty in the Middle East.<sup>189</sup>

48. In [Resolution 2183 \(2017\)](#) of October 2017,<sup>190</sup> the Assembly regretted the fact that while a de facto moratorium on executions was purportedly introduced in 2006, the courts continue to hand down death sentences. It called on the Jordanian Parliament to intervene with the authorities to stop executions and reinstate the moratorium pending the abolition of the death penalty in the Criminal Code, in keeping with the commitment to act to abolish capital punishment, which is one of the criteria for granting partner for democracy status (Rule 64.2 of the Assembly's Rules of Procedure). The Assembly decided to continue to follow the implementation of the reforms in Jordan very closely and to offer the Jordanian Parliament its full assistance and to make a new assessment of this partnership within two years from October 2017. In Resolution 2469 (2022) on the "Evaluation of the partnership for democracy in respect of the Parliament of Jordan", the Assembly regretted again the fact that courts continue to hand down death sentences. It called on the Jordanian Parliament to intervene to introduce a *de jure* moratorium pending the abolition of the death penalty, in line with the expectations indicated by the Assembly upon granting partner for democracy status.

### 3.9. Belarus

49. Belarus entered into international commitments by ratifying the International Covenant on Civil and Political Rights on 12 November 1973 but is not a Party to the Second Optional Protocol. It is the only state on the continent of Europe that still carries out executions in its territory. The method of execution employed is the firing squad. In April 2016, Belarus resumed executions after a 17-month hiatus; at least four executions were carried out in that year<sup>191</sup> (including that of Ivan Kulesh, who apparently suffered from a personality disorder). In 2017, there were at least two executions and at least four new death sentences.<sup>192</sup> In 2018, at least four executions were carried out – doubling the yearly total persons compared to 2017 – and at least two death sentences handed down.<sup>193</sup> In 2019, at least two executions took place and at least three people were sentenced to death<sup>194</sup>. It should be borne in mind that since figures on the application of the death penalty are classified as a state secret, these are minimum numbers and the actual figures may be higher. Indeed, the exact number of persons sentenced to death and/or executed in Belarus is unknown; the Belarusian Minister of Justice estimated that 245 death sentences had been pronounced between 1994 and 2014, while human rights NGOs affirmed that at least 400 persons had been executed since 1991 (when the country gained its independence).<sup>195</sup> As regards 2020, no new execution was reported, but at least three death sentences were issued. In 2021, one person was executed and one person was sentenced to death penalty. In January 2021, the Minsk Regional Court upheld the death penalty for Viktor Skrundzik after a retrial ordered by the Supreme Court.<sup>196</sup> In my predecessor's statement from 20 January 2021, Mr Vardanyan expressed his strong disappointment about this decision.<sup>197</sup> In 2021, Belarusian authorities executed Viktor Paulau whose execution had been carried out at the same time as the case was pending before the UN Human Rights Committee, despite the interim measures granted with a view to suspending his execution.<sup>198</sup> In 2022, Viktor Skrundzik was executed.<sup>199</sup> In 2023, no new executions were reported but at least one man was sentenced to death.

<sup>186</sup> [Man gets death penalty for burning wife to death](#), Death Penalty Information Center, 29 September 2021.

<sup>187</sup> [Man sentenced to death by hanging for murdering mother](#), Death Penalty Information Center, 29 September 2021.

<sup>188</sup> Amnesty International Death sentences and executions in 2024, p. 29; Also Amnesty International Death sentences and executions in 2023, p. 29.

<sup>189</sup> [Abolition congresses - ECPM](#).

<sup>190</sup> Evaluation of the partnership for democracy in respect of the Parliament of Jordan, [Resolution 2183 \(2017\)](#), adopted by the Assembly on 10 October 2017, paragraphs 6.8 and 13. See also the report of the Committee on Political Affairs and Democracy, rapporteur: Ms Josette Durrieux (France, SOC), [Doc. 14399](#) and addendum, and the opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Andrea Rigoni (Italy, ALDE), [Doc. 14412](#).

<sup>191</sup> European Union, Directorate General for External Policies of the Union, "Human rights in Belarus: The EU's role since 2016", PE 603.870, June 2018, p. 38, and Amnesty International 2016, pp. 28-29.

<sup>192</sup> Amnesty International 2017, p. 28, and European Union, Directorate General for External Policies, [Human rights in Belarus: The EU's role since 2016](#), PE 603.870, June 2018, p. 38 (Fn 152).

<sup>193</sup> Amnesty International 2018, pp. 29-30.

<sup>194</sup> Amnesty International 2019, p. 53.

<sup>195</sup> [Yet again: EU calls on Belarus to abolish death penalty](#), Belsat, 10 October 2019.

<sup>196</sup> [Belarus Issues First Death Sentence This Year](#), BW Business world, 15 January 2021.

<sup>197</sup> See Mr Vardanyan's statement of [20 January 2021](#).

<sup>198</sup> [Belarus: UN Human Rights Committee condemns execution | OHCHR](#), 11 March 2022

<sup>199</sup> [Condemned prisoner's death date revealed more than a year after the execution](#), 17 February 2023.

On 19 October 2023, the Minsk Regional Court sentenced Aleksandr Taratuta to death, a fact that my predecessor Mr Nikoloski condemned in his statement of 20 October 2023, in which he called on the Belarusian authorities not to carry out this sentence. In 2024, there were no reports of executions. On 24 June 2024, a German national was sentenced to death by the Minsk Regional Court in Belarus following closed-door proceedings on charges of terrorism and related offences under multiple articles of the Belarusian Criminal Code. The lack of transparency in the trial raised serious fair trial concerns. However, on 30 July 2024, President Alexander Lukashenko issued a presidential pardon. The individual was subsequently released to German authorities as part of a broader prisoner exchange.<sup>200</sup> According to Amnesty International, the number of persons under death sentence at the end of 2024 was at least one.

50. The executions in Belarus raise several concerns in the light of two practices contrary to international law. Firstly, in the last few years, it has been revealed that several sentences have been carried out in secret. The Belarusian authorities execute people sentenced to death without giving them prior notice or informing their families or their lawyers. Furthermore, families are unable to recover the body of the executed family member or even to find out where they are buried. Thus, on 8 May 2014, the Mahilioŭ Regional Court announced that Rygor Yuzepchuk<sup>201</sup> had been executed in Belarus without stating the date of his execution nor where the body had been taken. Another example is that of the Siarhei Vostrykau, executed in April 2017: the Homel Regional Court did not inform his mother of his death until the beginning of May 2017. Article 175 of the Criminal Executive Code allows the government not to return the bodies of those executed to relatives and not to disclose the place of burial.<sup>202</sup> In June 2019, Aliaksandr ZylNIKau's lawyer was not informed about his client's execution.<sup>203</sup> In 2021, Belarus executed Viktor Paulau, constituting the first officially recorded execution since 2019.<sup>204</sup> Family members of Viktor Paulau and institutions such as the UN Human Rights Committee repeatedly requested information about Paulau's whereabouts since June 2021. However, Belarusian authorities did not respond to any inquiries and only notified the family in August 2021 that Paulau had been executed by providing a death certificate.<sup>205</sup> Paulau was executed while his petition to the UN Human Rights Committee was still being examined. This was strongly condemned by the Committee. However, information on the death penalty is classified as a state secret in Belarus, therefore the recorded death sentences and executions are only minimum estimates and the actual figures may be higher. In May 2021, President Lukashenko granted clemency to two brothers, Ilya and Stanislau Kostseu, who were sentenced to death in 2020.<sup>206</sup> In July 2022, Viktor Skrundzik was executed, but the date of the execution was only revealed more than a year after.

51. Moreover, many death sentences are passed at the end of unfair trials during which proof of guilt is provided by "confessions" drawn up after the use of torture or in the absence of any defence counsel.<sup>207</sup> The Belarusian authorities do not hesitate to carry out secret executions of death row inmates whose cases are being considered by the Human Rights Committee. In 2010 and 2011, Andrei Zhuk and Vasily Yuzepchuk, as well as Oleg Grishkovtsov and Andrei Burdyko, whose cases were being considered by the UN Human Rights Committee, were executed despite complaining that they had been tortured and not been given a fair trial. In April 2014, Belarus executed 23-year-old Pavel Selyun, who had been sentenced to death in June 2013. At that time, the Human Rights Committee was considering the case of Pavel Selyun and had asked the Belarusian authorities to stay the execution pending its conclusions,<sup>208</sup> a measure that Belarus deliberately failed to comply with. In November 2014, 25-year-old Alyaksandr Haryunou was executed even though he had appealed to the UN Human Rights Committee alleging that he had not been given a fair trial. The Committee then called on the Belarusian authorities to stay his execution until it had finished considering his case.<sup>209</sup> In 2016, Syarhei Ivanou, Hyanadz Yakavitski and Syarhei Khmialeuski were executed in spite of the Human Rights Committee having asked the authorities not to carry out the execution while it considered the case.<sup>210</sup> Aliaksei Mikhaleunya, sentenced to death in 2017, was executed in May 2018 and Alyaksandr Zhylnikay in June

<sup>200</sup> Amnesty International, *Death sentences and executions in 2024* p. 28.

<sup>201</sup> Alternative spelling: Ryhor Yuzepchyk.

<sup>202</sup> Amnesty International, [Death sentences and executions in 2013](#), p. 28.

<sup>203</sup> [Belarus: Amnesty International condemns another death sentence execution - Amnesty International](#)

<sup>204</sup> Amnesty International 2021, p. 10, 38.

<sup>205</sup> Amnesty International 2021, p. 38; according to other sources, Paulau's family was only informed about the execution in 2022, see [UN Rights Committee Condemns Belarus's Execution Of Man While Case Still Pending](#), RFE/RL, 10 March 2022.

<sup>206</sup> [Lukashenko pardons 2 brothers sentenced to death](#), Handsoffcain Info, 30 April 2021.

<sup>207</sup> Amnesty International [2013](#), p. 29. See also the very controversial case of the executions on 18 March 2012 of Dimitri Konovalov and Vadislav Kovalev, who had been sentenced and executed after a bungled investigation, compounded by the apparent lack of a motive on the part of the individuals convicted and the total lack of material evidence. [Vives critiques après l'exécution de deux condamnés en Biélorussie](#), *Le Monde*, 19 March 2012.

<sup>208</sup> Amnesty International, [Death sentences and executions in 2014](#), p. 42.

<sup>209</sup> *Ibid.*, p. 42.

<sup>210</sup> Amnesty International, [Death sentences and executions in 2016](#), p. 28.

2019 despite the UN's requests for an interim measure.<sup>211</sup> In his report published in April 2017, the then UN Special Rapporteur on the situation of human rights in Belarus, Mr Miklós Haraszti, emphasised that the death sentences handed down in the country were disputable owing to the failure to comply with the guarantees of a fair trial and the lack of judicial independence, adding that "the secrecy surrounding executions and the fact that no details on executions or places of burial are given to the families also amount to torture".<sup>212</sup> The former UN special rapporteur on the human rights situation in Belarus also considered the practice of not informing relatives about the circumstances of death of their close ones as inhuman treatment, violating Article 7 of the ICCPR.<sup>213</sup>

52. The Assembly has had occasion to express its grave concern about the increase in executions and death sentences in Belarus and the way they are carried out, as in [Resolution 1857 \(2012\)](#) and [Resolution 2172 \(2017\)](#).<sup>214</sup> In the latter, it called on the authorities to introduce a de jure moratorium on the death penalty and executions, with a view to their abolition. Given the fact that no such moratorium had been introduced and no other progress had been made, it concluded that it was not in a position to re-establish the special guest status for the parliament of Belarus.<sup>215</sup> In its Resolution 2372 (2021) on "Human rights violations in Belarus require an international investigation" of April 2021, the Assembly called once again on the Belarussian authorities to abolish the death penalty as soon as possible, starting with a moratorium.<sup>216</sup> In October 2017,<sup>217</sup> the Council of Europe Committee of Ministers reiterated its request to the Belarusian authorities to introduce an official moratorium on executions without delay and commute all death sentences handed down. In November 2017, in its response to Assembly [Recommendation 2107 \(2017\)](#) on the situation in Belarus, it once again deplored the fact that the country's authorities are continuing to carry out death sentences.<sup>218</sup> In July 2019, the Committee of Ministers adopted a Council of Europe Action Plan 2019-2021, a strategic programme providing several approaches aiming to bring Belarus's legislations, institutions and practices into line with European standards. In this Action Plan, the Council of Europe and the authorities of Belarus agreed to jointly foster dialogue on the death penalty through co-operation programmes.<sup>219</sup> The situation in Belarus is also being closely monitored by the European Union, which regularly condemns new executions and death sentences. As far as the UN is concerned, the Special Rapporteurs on the situation of human rights in Belarus have contributed to monitoring the development of the situation and makes recommendations, and submit annual reports to the Human Rights Council and the UN General Assembly. Unfortunately, Belarus abstained from voting on the last UN resolution on a moratorium on the use of the death penalty in 2024.

53. In May 2017, a working group on the death penalty (now known formally as the Working Group on Studying the Issue of the Abolition of the Death Penalty) was set up in the Belarus parliament.<sup>220</sup> It was co-operating with several international experts, including from the United Kingdom, on the question of abolition and organised round tables on legal aspects of the abolition of the death penalty in cooperation with the Council of Europe.<sup>221</sup> On 27 August 2019, one of my predecessors, Mr Corlatean, took part in a conference organised in Minsk by the Belarussian National Assembly, in co-operation with the Council of Europe Directorate General on Human Rights and the Rule of Law (DG 1). Moreover, at its meeting on 1 October 2019, our committee held a discussion with Mr Maxim Misko, Deputy Chairman of the Standing Committee on Law of the House of Representatives of Belarus, who stressed that the authorities were studying new initiatives on how to influence public opinion on the abolition of the death penalty issue before organising a new referendum. The authorities' official line, that the death penalty should be maintained until most of the population supports its abolition,

<sup>211</sup> Directorate General for External Policies of the Union, Human rights in Belarus: The EU's role since 2016, PE 603.870, June 2018, p. 38, and Amnesty International 2019, p. 32.

<sup>212</sup> UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights in Belarus, A/HRC/35/40, 21 April 2017, para. 103.

<sup>213</sup> UN, A/HRC/41/52, *op. cit.*, para. 22.

<sup>214</sup> [Resolution 1857 \(2012\)](#), The situation in Belarus, 25 January 2012, and [Resolution 2172 \(2017\)](#) on the same subject, adopted on 27 June 2017.

<sup>215</sup> Paragraphs 5.4.2. and 8 of [Resolution 2172 \(2017\)](#).

<sup>216</sup> Adopted by the Assembly on 21 April 2021, paragraph 11.1.10. See report by this Committee, rapporteur: Ms Alexandra Louis (France, ALDE), Doc. 15256.

<sup>217</sup> Committee of Ministers, Decision on the abolition of the death penalty, adopted at the 1298th meeting, CM/Del/Dec(2017)1298/4.1, 25 October 2017, para. 8.

<sup>218</sup> [Doc. 14446](#), Reply to Assembly [Recommendation 2107 \(2017\)](#), adopted at the 1301st meeting of the Ministers' Deputies, 29 November 2017.

<sup>219</sup> Council of Europe Action Plan for Belarus 2019-2021, p. 2.

<sup>220</sup> DD(2019)1222, 30 October 2019 and *Nine members of National Assembly join new-look working group on issue of death penalty*, Belapan, 31 January 2020.

<sup>221</sup> For example, see the news item at [Abolition of death penalty discussed in Minsk - Implementation of Human Rights, Justice and Legal Co-Operation Standards](#)

should be reconsidered. In June 2021, Aleksandr Lukashenko signed amendments to the Criminal Code, which did not bring any changes as to the death penalty.<sup>222</sup> In 2021, after the head of Constitutional Committee had stated that more social studies were required before organising a referendum on the abolition of the death penalty,<sup>223</sup> he stated that the question of the death penalty might be considered in the future, following a separate referendum on this issue.<sup>224</sup> Even though the necessity of the death penalty is questioned in the Belarusian society, President Lukashenko widened the scope of the death penalty to planning an attack or an act of sabotage, dubbed "attempting an act of terrorism" in May 2022.<sup>225</sup> Human rights groups denounced the new law adding new charges in death penalty regulations, and they alleged that the expansion of the death penalty target many opponents and anti-war activists, including its exiled leader.<sup>226</sup> Former U.S. Secretary of State Antony J. Blinken described the actions as "those of an authoritarian leader desperate to cling to power through fear and intimidation."<sup>227</sup> In March 2023, Lukashenko signed a law extending capital punishment to civil servants and military personnel for the crime of "High treason against the State".<sup>228</sup> Both amendments to the Criminal Code (2022 and 2023) seem contrary to international law standards on the use of the death penalty, which limit it to the most serious crimes, involving intentional killing,<sup>229</sup> and have been denounced by the Committee of Ministers.<sup>230</sup>

54. The Parliamentary Assembly and the Committee of Ministers have been advocating for the abolition of the death penalty in Belarus for many years through several resolutions and co-operation programmes.<sup>231</sup> On 17 March 2022, the Committee of Ministers decided to suspend relations between the Council of Europe and Belarus due to the active participation of Belarus in the aggression of the Russian Federation against Ukraine.<sup>232</sup> On 8 September 2022, the Committee of Ministers decided to invite the Secretary General to establish a contact group on co-operation with Belarusian democratic forces and civil society (hereafter Council of Europe Contact Group on Belarus).<sup>233</sup> In its last decision on the death penalty (12 March 2025), the Committee of Ministers reiterated its strong call on the authorities of Belarus to stop executions pending abolition of the death penalty and to apply the alternative punishment provided for in the Belarusian criminal legislation; encouraged the implementation of the activities on the death penalty within the framework of the Contact Group between the Council of Europe and the Belarusian democratic forces and civil society; and welcomed the position taken by the leader of the Belarusian democratic forces in favour of abolition. In the framework of the aforementioned Council of Europe Contact Group on Belarus, two workshops were recently organised. The first in Vilnius in May 2024 gathered young activists to train them on the abolition of the death penalty and to identify projects and activities to promote the abolition. The second workshop held in Warsaw in March 2025 gathered representatives of the fractions of the Belarusian democratic forces and members of relevant civil society organisations to examine political, social and legal challenges linked to the abolition of the death penalty, and to discuss potential next steps to prepare the ground for the abolition of the death penalty in Belarus. As a follow-up to this workshop, on 17 June 2025, the Coordination Council passed a Memorandum on the abolition of the death penalty in Belarus, which was also supported by the United Transitional Cabinet and the Office of Sviatlana Tsikhanouskay, thereby representing a unified position of the Belarusian democratic forces in favour of the abolition of the death penalty. The Memorandum inter alia affirms that the death penalty constitutes an inhuman and degrading treatment, incompatible with human dignity. It also states that the capital punishment does not deter crime, countering the widespread narrative of those supporting the death penalty in Belarus. It also highlights how the capital punishment in Belarus has become a tool of political repression, particularly following recent amendments to criminal legislation that broadened its application to include charges that are often used to target political activists. The Secretary General of the Council of Europe welcomed this Memorandum which is a strong step forward in the fight for human rights, democracy, and dignity.<sup>234</sup>

<sup>222</sup> [Belarus's Lukashenko Endorses 'Anti-Extremist' Amendments To Criminal Code \(rferl.org\)](https://rferl.org/2021/06/08/belarus-lukashenko-endorses-anti-extremist-amendments-to-criminal-code/), 8 June 2021.

<sup>223</sup> [It is suggested to hold a separate referendum on the death penalty in Belarus](https://belta.by/en/news/it-is-suggested-to-hold-a-separate-referendum-on-the-death-penalty-in-belarus_127722192.html), Belta, 28 September 2021.

<sup>224</sup> [Lukashenko has agreed to consider the abolition of the death penalty on referendum](https://meduza.org/ukashenko-has-agreed-to-consider-the-abolition-of-the-death-penalty-on-referendum_2021-09-28), Meduza, 28 September 2021.

<sup>225</sup> [Belarus president changes death penalty law to target opposition | Euronews](https://www.euronews.com/en/belarus/2022/05/19/belarus-president-changes-death-penalty-law-to-target-opposition), 19 May 2022.

<sup>226</sup> [Western Democracies, Human Rights Groups Denounce Belarus' Use of Death Penalty to Target Political Opponents and Anti-War Activists | Death Penalty Information Center](https://www.deathpenaltyinformationcenter.org/press-releases/western-democracies-human-rights-groups-denounce-belarus-use-of-death-penalty-to-target-political-opponents-and-anti-war-activists), 23 May 2022.

<sup>227</sup> [Belarus introduces death penalty for 'attempted' terrorism \(france24.com\)](https://france24.com/en/belarus/20220518-belarus-introduces-death-penalty-for-attempted-terrorism), 18 May 2022.

<sup>228</sup> Sergei Kuznetsov, [Belarus wants to bring in death penalty for 'high treason' – POLITICO](https://www.politico.eu/article/belarus-wants-to-bring-in-death-penalty-for-high-treason/), 7 December 2022.

<sup>229</sup> [Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin \(A/78/327\) \[EN/AR/RU/ZH\] - Belarus](https://www.unhcr.org/refugees/journal/2023/8/25/august-2023-report-of-the-special-rapporteur-on-the-situation-of-human-rights-in-belarus), 25 August 2023, referring to the position of the UN Human Rights Committee on Article 6 of the ICCPR.

<sup>230</sup> [Decision of 5 April 2023](https://www.coe.int/en/press/docs/2023/230505_cmdec221429_2_5).

<sup>231</sup> see [Resolution 1857 \(2012\)](https://www.coe.int/en/press/docs/2012/120125_cmdec121857), The situation in Belarus, 25 January 2012; [Resolution 2172 \(2017\)](https://www.coe.int/en/press/docs/2017/170127_cmdec172172), The situation in Belarus, 27 June 2017; [Resolution 2372 \(2021\)](https://www.coe.int/en/press/docs/2021/210421_cmdec21372), Human rights violations in Belarus require an international investigation, 21 April 2021; [Council of Europe Action Plan for Belarus 2019-2021](https://www.coe.int/en/press/docs/2021/210421_cmdec21372).

<sup>232</sup> [Decision CM/Del/Dec\(2022\)1429/2.5](https://www.coe.int/en/press/docs/2022/220317_cmdec221429_2_5), 17 March 2022.

<sup>233</sup> For more details on the Contact Group and the co-operation activities, see CM/Inf(2024)15, 29 August 2024.

<sup>234</sup> [Council of Europe Secretary General welcomes the memorandum adopted by Belarusian democratic forces to abolish the death penalty in Belarus - Portal](https://www.coe.int/en/press/docs/2025/250617_cmdec251429_2_5).



55. On 21 April 2022, the Bureau of the Parliamentary Assembly also decided to suspend all relations between the Assembly and the Belarusian authorities, as a result of the latter's participation in the aggression against Ukraine. In its Resolution 2530 (2024) "A democratic future for Belarus", the Assembly called on Belarus to "establish without delay a moratorium on the death penalty leading to its full abolition, and ensure that any remaining death sentences are commuted" and "on the General Rapporteur for a Democratic Belarus, the General Rapporteur for political prisoners, the General Rapporteur on the situation of human rights defenders, and the General Rapporteur on the abolition of the death penalty to work closely together on Belarus and to establish a structured dialogue with the Office of Sviatlana Tsikhanouskaya, the United Transitional Cabinet, the Co-ordination Council and their respective structures". In this context, I will seek to engage with Belarusian democratic forces and co-ordinate with the other relevant General Rapporteurs.

#### 4. Conclusion

56. The global trend continues towards the universal abolition of the death penalty. In Europe in particular, the movement for abolition is very pronounced and, as a result, capital punishment has been almost entirely abolished on the continent. The Council of Europe has been one of the principal actors in setting standards and norms in the fight for the abolition of the death penalty. The rejection of capital punishment constitutes one of the main principles and values of the Organisation. The Parliamentary Assembly has contributed to the abolition of the death penalty in nearly all European countries by making a moratorium on executions and a commitment to abolition a prerequisite for accession to the Organisation. However, we should not take this for granted. As the Committee of Ministers has stated in its latest decision on the death penalty, "the abolitionist cause might be undermined by the instrumentalisation of a growing feeling of insecurity among the population" and "political proposals and debates arise on the possibility of reintroducing the death penalty".

57. In several statements, the Committee on Legal Affairs and Human Rights<sup>235</sup> and its general rapporteurs have reiterated that the rejection of capital punishment is a basic principle of our Organisation. The Assembly, which has helped turn Europe into a death penalty free continent, by making a moratorium on executions and a commitment to abolition a condition for accession to the Council of Europe, will not accept any backsliding on this question. Reintroducing the death penalty would purely and simply be incompatible with a state's continuing membership of the Council of Europe. It should also be noted that in January 2018, in Recommendation 2123 (2018) on "Strengthening international regulations against trade in goods used for torture and the death penalty",<sup>236</sup> the Assembly called for a ban on the trade in goods that have no practical use other than for the purposes of the death penalty or torture and called on Council of Europe member states to apply the approach adopted by the European Union (see Council Regulations 1236/2005 and 2016/2134).<sup>237</sup> According to the Assembly, on the basis of their existing legal obligations "Council of Europe member states are required to take effective measures to prevent activity within their jurisdictions that might contribute to or facilitate capital punishment, torture and inhuman or degrading treatment or punishment in other countries, including by effectively regulating the trade in goods that may be used for such purposes".<sup>238</sup> In its reply to this recommendation, the Committee of Ministers reiterated its commitment to the abolition of capital punishment and expressed its support for international regulations against the trade in goods used for torture and the death penalty.<sup>239</sup> Following the work undertaken by the Steering Committee on Human Rights (CDDH) in cooperation with civil society, on 31 March 2021, the Committee of Ministers adopted its Recommendation CM/Rec(2021)2 to member States on measures against the trade in goods used for the death penalty, torture and cruel, inhuman or degrading treatment or punishment. A report on the implementation of this recommendation has been prepared for the CDDH.<sup>240</sup> I participated in a seminar on this topic held by the CDDH in November 2024, where I reiterated that PACE stands ready to promote the implementation of the CM Recommendation.<sup>241</sup>

58. At the Reykjavik Summit of May 2023, the Council of Europe Heads of State and Government gave a new impetus to the Organisation's long-standing fight against the death penalty in Europe and beyond. They expressed their commitment to pursue the fight against its reintroduction in Europe and in favour of its global

<sup>235</sup> See, for example, the committee's statement of 10 October 2019.

<sup>236</sup> Recommendation 2123 (2018), adopted by the Assembly on 26 January 2018.

<sup>237</sup> See our Committee's report, rapporteur: Mr Vusal Huseynov (Azerbaijan, EPP/CD), Doc. 14454.

<sup>238</sup> Paragraph 3 of Recommendation 2123 (2018).

<sup>239</sup> Doc. 14614 of 14 September 2018.

<sup>240</sup> Draft report on the implementation of recommendation CM/REC(2021/2) on measures against the trade in goods used for death penalty, torture and other cruel, inhuman or degrading treatment or punishment.

<sup>241</sup> Strengthening multilateral efforts to curb the trade in torture and death penalty goods.

abolition. This has been confirmed by the last Committee of Ministers decisions on the abolition of the death penalty. Council of Europe activities include initiatives concerning young people to fight against pro-death penalty narratives in Europe and contribute to global abolition, such as the workshop “Death is not Justice” which aims to build a network of young ambassadors against the death penalty. Similar workshops were also organised for young people from Belarus, and also from Africa in the framework of the North-South Centre.

59. In conclusion, the Council of Europe is endeavouring to protect individuals against the death penalty in both its member and observer states and in neighbouring countries with co-operation status, such as “partner for democracy” status. The Assembly has always played a key role in this fight and must continue to do so in order to protect the values that it is the Council of Europe’s duty to uphold. It has to remain vigilant about the developments in certain member States, bearing in mind certain political statements promoting the reintroduction of the death penalty. It must also contribute to its universal abolition beyond Europe, by sharing its expertise and practice on abolition with other parts of the world, thus contributing also to the implementation of the Reykjavik Declaration. In this context, the Assembly could organise a high-level event in 2026 ahead of the next World Congress against the death penalty (to be held in Paris in June 2026), 25 years after the first World Congress which took place in Strasbourg in 2001.