



Ninth survey on capital punishment and on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty, covering the period 2009-2013

The questionnaire should be completed and returned, in electronic and/or paper form, by 30 September 2014, to the address below.

Electronic versions of the questionnaire and background documents are available at <http://www.unodc.org>.

For further information or assistance concerning the completion of the questionnaire, please contact:

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Country name: _____

Name and contact details of the official responsible for completing the questionnaire:

Mr.: _____

Title and position: _____

Agency/office: _____

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Introduction

Since adopting its resolution 2857 (XXVI) of 20 December 1971, the General Assembly has consistently reiterated that the main objective with regard to capital punishment is to progressively restrict the number of offences for which capital punishment might be imposed with a view to its abolition. Further to its resolution 1997/12, the Commission on Human Rights has reiterated the same objectives in its annual resolutions. A number of international and regional instruments also contain a commitment to abolish capital punishment.

In its resolution 1745 (LIV) of 16 May 1973, the Economic and Social Council invited the Secretary-General to submit periodic updated and analytical reports at five-year intervals, starting from 1975, on the situation of capital punishment worldwide. Pursuant to Council resolution 1989/64 of 24 May 1989, those surveys have also contained information on the implementation of the safeguards guaranteeing protection of the rights of those facing the death penalty (Council resolutions 1984/50, annex, and 1996/15). In its resolution 1990/51 of 24 July 1990, the Council requested the Secretary-General, in preparing his reports, to draw on all available data, including current criminological research, and to invite the comments of specialized agencies, intergovernmental organizations and non-governmental organizations in consultative status with the Council on the question.

In completing the current survey, which covers the period 2009-2013, Member States are requested to inform the Secretary-General of their current status with regard to capital punishment, possible plans for abolition and restriction or extension of the use of capital punishment and the implementation of the above-mentioned safeguards. As in the past, the Secretariat will also draw on other available sources of information to complete the information provided by Member States.

In accordance with Economic and Social Council resolutions 1745 (LIV) and 1990/51 of 24 July 1990, 1995/57 of 28 July 1995 and 1996/15 of 23 July 1996, the report on the present survey will be submitted to the Council at its substantive session in July 2015 and to the Commission on Crime Prevention and Criminal Justice at its nineteenth session in May 2015.

Attached herewith is a copy of the safeguards guaranteeing protection of the rights of those facing the death penalty and the recommendations related to their implementation.

This survey covers the period from 1 January 2009 to 31 December 2013.

The questionnaire consists of four sections:

- **Section 1** is to be completed by States that completely abolished capital punishment for all crimes under all circumstances before 31 December 2013. If your State abolished capital punishment during the survey period, that is, between 1 January 2009 and 31 December 2013, you should also complete the relevant questions in sections 2, 3 and 4
- **Section 2** is to be completed by States that had abolished capital punishment for all ordinary offences under criminal law before 1 January 2009, but that still retained it on 1 January 2009 for certain special offences against the State or certain offences under military law, even if the State subsequently abolished the death penalty for all offences during the survey period.
- **Section 3** is to be completed by all States in which capital punishment could have been imposed for ordinary offences under criminal law, such as murder, on 1 January 2009, even if the State subsequently abolished the death penalty for ordinary offences or for all offences during the survey period.
- **Section 4**, which is concerned with the safeguards guaranteeing the rights of those facing the death penalty, should be completed by any State that had not abolished the death penalty completely by the end of the survey period, 31 December 2013.

Please use additional sheets of paper if the space on the questionnaire is insufficient for a full answer.

Section 1. States that completely abolished capital punishment by 31 December 2013

This section is to be completed by States that had completely abolished capital punishment for all crimes in all circumstances, both in peacetime and wartime, by 31 December 2013.

1. When was capital punishment abolished in your country for all crimes?

Date: _____

2. If your State is not a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), are there any official initiatives to become a party to it?

Yes []

No []

If yes, please give details: _____

3. Has your country undertaken any initiatives to promote, at the bilateral or multilateral level, the abolition of capital punishment or to reduce its scope and incidence of application?

Yes []

No []

If yes, please give details: _____

4. Were there any attempts to reintroduce capital punishment in your country during the survey period?

Yes []

No []

If yes, what was the outcome?

5. What is the maximum punishment that was substituted for those crimes previously sanctioned by capital punishment?

6. Is that punishment mandatory or discretionary?

(a) Mandatory []

(b) Discretionary []

7. Is there any possibility of early release from the term of imprisonment?

Yes []

No []

If yes, is there any minimum length of imprisonment that must be served before conditional release is granted?

Yes []

No []

If yes, please give details: _____

8. Has your country adopted a policy that extradition on a capital charge must be refused if the requesting State does not give an assurance that the person concerned will not be sentenced to death or executed?

Yes []

No []

If no, what is your policy with regard to extradition to countries that retain the death penalty?

9. Have there been any such cases during the reporting period?

Yes []

No []

If yes, please give details: _____

If your State abolished capital punishment during the survey period, that is, between 1 January 2009 and 31 December 2013, you should also complete the relevant questions in sections 2, 3 and 4.

If your State was completely abolitionist throughout the survey period, you need not answer any more questions. Thank you for your assistance.

Section 2. States that were abolitionist for ordinary offences as at 1 January 2009 but that still retained it for certain special offences

This section is to be completed only if your State abolished capital punishment for all ordinary offences under criminal law before 1 January 2009, but still retained it for certain special offences against the State and/or certain offences under military law, even if your State abolished capital punishment for such special offences during the survey period.

1. Was capital punishment abolished for any special offences or offences under military law during the survey period?

No

]

Yes, for all such offences (i.e. became completely abolitionist)]

Yes, for some of these offences

]

If yes, please list the offences and the date of abolition: _____

2. If your State is not a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), are there any official initiatives or plans to become a party to it?

Yes]

No]

If yes, please give details: _____

3. On 31 December 2013, for which offences could capital punishment be imposed?

Please specify under the following categories:

- The name of the specific offence under special or military laws
- Whether the penalty is mandatory or discretionary (tick (✓) appropriate column)

- (a) Offences against the State (e.g. treason, sedition, attempt to overthrow the Government or armed rebellion)

<i>Specific offence</i>	<i>Mandatory</i>	<i>Discretionary</i>

- (b) Offences against the State under special emergency laws and/or counter-terrorism laws

<i>Specific offence</i>	<i>Mandatory</i>	<i>Discretionary</i>

- (c) Offences against military law

<i>Specific offence</i>	<i>Mandatory</i>	<i>Discretionary</i>

4. Were there any official initiatives to abolish capital punishment for any of the offences listed above?

Yes []

No []

If yes, please give details: _____

5. Were there any attempts to reintroduce capital punishment for ordinary crimes in your country during the survey period?

Yes []

No []

If yes, what was the outcome?

6. Were any persons sentenced to death for any of the special offences above during the reporting period?

Yes []

No []

If yes, please give the numbers in the tables following question 7 below.

7. Were any persons executed for any of the special offences above during the survey period?

Yes []

No []

If yes, please give the numbers in the tables below.

(a) Offences against the State

<i>Year</i>	<i>Number of persons sentenced by a court of first instance</i>	<i>Number of persons finally sentenced to death after appeal/clemency process</i>	<i>Number of persons executed</i>
2009			
2010			
2011			
2012			
2013			

(b) Offences under emergency laws, and/or counter-terrorism laws

<i>Year</i>	<i>Number of persons sentenced by a court of first instance</i>	<i>Number of persons finally sentenced to death after appeal/clemency process</i>	<i>Number of persons executed</i>
2009			
2010			
2011			
2012			
2013			

(c) Offences under military law

<i>Year</i>	<i>Number of persons sentenced by a court of first instance</i>	<i>Number of persons finally sentenced to death after appeal/clemency process</i>	<i>Number of persons executed</i>
2009			
2010			
2011			
2012			
2013			

8. Has your State adopted a policy that extradition on a capital charge must be refused if the requesting State does not give an assurance that the person concerned will not be sentenced to death or executed?

Yes []

No []

If no, what is the policy in your country with regard to extradition to States that retain the death penalty?

9. When your State requests extradition of a person charged with a capital offence in your country, is it possible to provide assurances to the requested State that capital punishment will not be carried out, if so requested?

Yes []

No []

10. Have there been any such cases during the survey period?

Yes []

No []

If yes, please give details: _____

11. If no persons were executed during the reporting period for any special offences or offences under military law, when was the last execution?

12. If the last execution for special offences or offences under military law took place before 2005, is there a settled policy never to execute persons sentenced to death for such offences?

Yes []

No (i.e. executions may still take place) []

If there is no settled policy, why have no executions taken place?

If your State completely abolished capital punishment during the survey period, you need not answer any more questions. Otherwise, please complete section 4 with respect to the safeguards pertaining to the imposition of capital punishment.

Section 3. States that retained capital punishment for ordinary offences as at 1 January 2009

This section is to be completed if in your State capital punishment could have been imposed for ordinary offences under criminal law at the beginning of the survey period (1 January 2009), even if your State abolished it during that period.

1. Was capital punishment abolished for all offences between 1 January 2009 and 31 December 2013?

Yes []

No []

2. If no, was it restricted in its scope (abolished for some offences or for some types of offender, e.g. juveniles, the aged, women or persons with mental and intellectual disabilities)?

Yes []

No []

If yes, please provide details of the restriction in the scope.

<i>Name offence or type of offender</i>	<i>Date abolished or nature or restrictive measure</i>
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3. What were the main reasons why capital punishment was abolished completely or restricted in its scope? Please specify and rank the importance of the reasons, if possible.

4. By what means was capital punishment abolished completely or restricted in its scope?

(a) By legislative enactment []

(b) By a new constitution []

(c) By constitutional amendment []

(d) By presidential or royal decree []

(e) By a decision of the courts []

Please give details: _____

5. Was capital punishment:

(a) Reintroduced during the survey period for any offences for which it had previously been abolished?

Yes []

No []

(b) Extended during the survey period to new offences not previously subject to it?

Yes []

No []

If yes to either/both (a) or/and (b), please give details with dates and specify the reasons or factors leading to reintroduction and/or extension in the table below.

<i>Reintroduced for (name offence)</i>	<i>Date</i>
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<i>Extended to (name offence)</i>	<i>Date</i>
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6. On 31 December 2013, for which offences could capital punishment still be imposed?

Please specify under the following categories:

- The name of the specific offence
- Whether the penalty is mandatory or discretionary (tick (✓) appropriate column)

(a) Offences under ordinary criminal law

(i) Offences against the person (e.g. murder, rape or robbery)

<i>Specific offence</i>	<i>Mandatory</i>	<i>Discretionary</i>

(ii) Offences against public or private property (e.g. aggravated theft, burglary, embezzlement of public funds or corrupt receipt of pecuniary advantage)

<i>Specific offence</i>	<i>Mandatory</i>	<i>Discretionary</i>

(iii) Offences against drug laws (please list all relevant offences, and specify, if applicable, quantities and types of drug involved)

<i>Specific offence</i>	<i>Mandatory</i>	<i>Discretionary</i>

(iv) Offences against morals or religion (e.g. adultery, homosexuality or apostasy)

<i>Specific offence</i>	<i>Mandatory</i>	<i>Discretionary</i>

(b) Offences against the State (e.g. treason, attempt to overthrow the Government or sedition)

<i>Specific offence</i>	<i>Mandatory</i>	<i>Discretionary</i>

(c) Offences under special emergency laws, and/or counter-terrorism laws

<i>Specific offence</i>	<i>Mandatory</i>	<i>Discretionary</i>

(d) Offences against military law

<i>Specific offence</i>	<i>Mandatory</i>	<i>Discretionary</i>

7. Does legislation in your country provide for any limitations or restrictions on applying the sentence of death that are related to the age of the offender?

Yes []

No []

If yes, please provide details and indicate the ages of prisoners sentenced to death:

8. Were there any official initiatives to abolish capital punishment for any of the offences listed above?

Yes []

No []

If yes, please give details: _____

9. Number of persons sentenced to death during the period 2009-2013:

(a) Originally sentenced to death by a court of first instance

<i>Total number</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
<i>Type of offence</i>			
Against the person			
Against public or private property			
Against drug laws			
Against morals/religion			
Against the State			
Under special emergency laws and/ or terrorism law			
Under military law			
Other (please specify):			

(b) Finally sentenced to death after the appeal/clemency process had been completed

<i>Total number</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
<i>Type of offence</i>			
Against the person			
Against public or private property			
Against drug laws			
Against morals/religion			
Against the State			
Under special emergency laws, and/or counter-terrorism laws			
Under military law			
Other (please specify):			

(c) Sentenced to death in the first instance during the survey period, by type of court

<i>Total number</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
<i>Type of court</i>			
Ordinary criminal courts			
Military courts			
Other courts or tribunals (please specify):			

10. Number of persons executed during the period 2004-2008:

<i>Total number</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
<i>Type of offence</i>			
Against persons			
Against property/ economic crime			
Against drug laws (please specify the offence)			
Against morals			
Against the State			
Under military law			
Other (please specify):			

^a "Below 18 years" refers to age at the time the offence was committed, not at the time of execution.

11. Number of persons sentenced and executed each year during the survey period:

<i>Year</i>	<i>Total number of persons sentenced to death</i>	<i>Total number of persons executed</i>
2009		
2010		
2011		
2012		
2013		

12. How many persons were under sentence of death at the beginning of the survey period and at the end?

<i>Date</i>	<i>Total number of persons under sentence of death</i>
1 January 2009	
31 December 2013	

13. What is the average length of time between imposition of a death sentence and execution?

14. What is the longest period of time since sentence of death was imposed of a person who has not yet been executed ?

15. Are prisoners under sentence of death segregated from the rest of the prison population? If yes, please provide details on the regime that applies to them (i.e. visits, exercise, etc.).

16. If no persons were executed during the survey period, when was the last execution?

17. If the last execution took place before 2005, is there a settled policy never to execute persons sentenced to death?

Yes

No (i.e. executions may still take place)

If yes, since when has the policy existed?

18. Has there been an official moratorium on executions?

Yes

No

If yes, when was it established and in what way? If no, why have no executions taken place for such a long period of time?

19. How many people had their death sentences overturned by decision of an appeal court or by presidential or royal commutation of the death sentence to a sentence of imprisonment or by pardon, per year?

Year	Number of appeals	Number of death sentences overturned upon appeal		Number of persons petitioning for reprieve or pardon	Reprieve (commutation) of death sentence granted	Pardon granted
		Conviction quashed	Death sentence changed to imprisonment			
2009						
2010						
2011						
2012						
2013						

29. If applicable, what are the main reasons why capital punishment has not been abolished for ordinary crimes in your country?

21. Are there any sectors of civil society that are engaged in a discussion of:

- (a) Restriction of the scope of capital punishment? []
- (b) Restriction of the number of executions carried out? []
- (c) Total abolition of capital punishment? []

]

If yes, please give details:

No discussion of the issue []

]

22. When your State requests extradition of a person charged with a capital offence in your country, is it possible to provide assurances to the requested State that capital punishment will not be carried out if so requested?

Yes []

No []

23. Have there been any such cases during the survey period?

Yes []

No []

If yes, please give details:

24. Has any research on the subject of capital punishment recently been carried out in your country?

Yes []

No []

Don't know []

If yes, please give details:

If no, is any government action being taken to promote research in this field?

Yes []

No []

If yes, please give details:

If your State completely abolished capital punishment during the survey period, you need not answer any more questions. Thank you for your assistance.

If your State had not completely abolished capital punishment at the end of the survey period, you should complete section 4.

Section 4. Safeguards guaranteeing the protection of the rights of those facing the death penalty

The safeguards guaranteeing the protection of the rights of those facing the death penalty were adopted by the Economic and Social Council in its resolution 1984/50 and implemented by it in its resolutions 1989/64 and 1996/15. This section should only be completed if in your State capital punishment had not been abolished completely at the end of the survey period, 31 December 2013.

1. Does the law in your country provide that capital punishment may not be imposed retroactively to offences for which it was not provided for at the time of the offence?

Yes []

No []

If no, under what circumstances? _____

2. Have any such sentences been imposed in the period 2009-2013?

Yes []

No []

If yes, please give details: _____

3. Does the law provide that a lighter sentence may be substituted for capital punishment if legislation abolishing capital punishment, or making capital punishment discretionary rather than mandatory, is passed after the person has been sentenced to death?

Yes []

No []

4. Does the law provide that a person who committed an offence when under the age of 18 may not be sentenced to death?

Yes []

No []

If no, what is the minimum age? _____

If no, are there any plans to change the law? _____

5. Does the law stipulate a maximum age beyond which:

(a) A person may not be sentenced to death

Yes []

No []

If yes, what is the age? _____

(b) A person may not be executed

Yes []

No []

If yes, what is the age? _____

6. Does the law provide that pregnant women may not be executed?

Yes []

No []

7. Does the law provide that mothers of young children may not be executed?

Yes []

No []

If yes, what is the age of the children?

8. Does the law provide that a person who became mentally or intellectually disabled after the commission of the offence and is still insane at the time of his or her trial may not be sentenced to death?

Yes []

No []

9. Does the law provide that a person who has been sentenced to death and who subsequently became mentally or intellectually disabled may not be executed?

Yes []

No []

If no, is it the practice to postpone execution until the person is recovered from mental or intellectual disabilities ?

Yes []

No []

10. Does the law provide that a person with any mental or intellectual disabilities may not be sentenced to death?

Yes []

No []

If yes, how is mental or intellectual disabilities defined? _____

11. Were any death sentences overturned or commuted during the survey period because of doubts about the safeness of the conviction (i.e. in the belief that the person convicted was in fact possibly or probably innocent)?

Yes []

No []

If yes, please give details: _____

12. Does an offender charged with a capital offence have a right in all circumstances laid down in substantive law, in the law of criminal procedure or guaranteed by the Constitution:

(a) To a public hearing

Yes []

No []

If no, in what circumstances would there not be a public hearing? _____

(b) To be presumed innocent until proven guilty according to law?

Yes []

No []

(c) To counsel of his or her own choosing, at public expense if he or she does not have the resources to pay for it, at all stages of the proceedings, from the moment that he or she is arrested?

Yes []

No []

If no, If no, what provision if any is made for counsel funded _____

at public expense. Please indicate the stages of the proceedings, if any, where counsel funded at public expense is provided?

.....

(d) To the free assistance of an interpreter from the moment that he or she is arrested, if he or she does not understand or speak the language used by the police or in court?

Yes []

No []

If no, what are the procedures in your country in such cases?

.....

.....

13. Are all foreign nationals informed of their right to seek the assistance of their consular authorities, at the time of their arrest and/or committal to prison or custody awaiting trial?

Yes []

No []

If no, what is the procedure to ensure that this obligation under article 36 of the Vienna Convention on Consular Relations¹ is met?

.....

.....

14. What procedures are in place to ensure a fair trial for persons facing capital punishment if convicted?

.....

.....

15. Are there specific safeguards for defendants facing a charge for which capital punishment might be imposed over and above the general safeguards available to all defendants?

Yes []

No []

If yes, what are these safeguards?

¹ United Nations, *Treaty Series*, vol. 596, No. 8638.

16. Is there a right to appeal to a court of higher jurisdiction in all cases?

Yes []

No []

If no:

(a) What are the current procedures in your country?

(b) Are there any plans to introduce in domestic legislation a right of appeal in all cases?

Yes []

No []

17. How much time is allowed to launch an appeal for a person who has been sentenced to capital punishment?

18. Are all death sentences automatically reviewed by a court of appeal?

Yes []

No []

If no:

(a) What are the procedures for review of death sentences in your country?

(b) Are there any plans to make such a review automatic?

Yes []

No []

19. Is there a right for a person sentenced to death to seek commutation of the sentence or a pardon from the State authorities (e.g. the President, the sovereign or a pardons board)?

Yes []

No []

If no:

(a) What are the procedures in your country?

(b) Are there any plans to make such a possibility of seeking commutation or pardon automatic?

Yes []

No []

20. How much time is allowed for a person who has been sentenced to death and exhausted all avenues of appeal in the courts to prepare a petition for commutation or pardon?

21. Is execution invariably suspended until all domestic avenues of appeal through the courts and proceedings relating to commutation or pardon have been exhausted and the outcome has been communicated to the defendant or his or her legal advisers?

Yes []

No []

If no, what are the procedures in your country?

22. Is execution invariably suspended until all avenues of appeal through international bodies have been exhausted and the outcome has been communicated to the defendant or his or her legal advisers?

Yes []

No []

If no, what are the procedures in your country?

23. What methods of execution are provided for by law?

Where more than one method is provided:

(a) For what types of offence/offender is each provided?

(b) Is the defendant given a choice of method of execution?

Yes []

No []

24. Are any procedures employed to minimize the suffering of the person to be executed?

Yes []

No []

If yes, what are these procedures?

25. Does the law permit executions to take place in public?

Yes []

No []

If yes:

(a) Does this apply to all offences/offenders?

Yes []

No []

If it applies only to certain offences/offenders, please specify:

(b) Have any persons been executed in public during the survey period?

Yes []

No []

If yes, how many? _____

26. How are the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 (XXIV), annex) applied in your country in order to keep to a minimum the suffering of prisoners under sentence of death?

27. Are any procedures in place to ensure that persons responsible for carrying out executions are fully informed until the moment of execution of the status of appeals for clemency for the prisoner in question?

Yes []

No []

If no, what are procedures in your country?

28. Are any procedures in place to ensure that family members are informed of the date and time of execution?

Yes []

No []

If yes, please provide details?

29. Are there any provisions of assistance and support that are implemented and/or provided by authorities of your country to children of parents sentenced to death or executed, with a particular focus on the ways and means to ensure the full enjoyment of their rights?

Yes []

No []

If yes, please give details:

Thank you for your assistance.
