



Promoting fair and  
effective criminal justice



## UN Secretary-General's 2014 report to the General Assembly on moratoriums on the use of the death penalty

Submission by Foundation for Human Rights Initiative (FHRI) and Penal Reform International (PRI)

30 April 2014

### Introductory remarks

PRI<sup>1</sup> and FHRI<sup>2</sup> launched a two year multi-regional project in November 2012 on the progressive abolition of the death penalty and the implementation of humane alternative sanctions after a moratorium or abolition in four regions: East Africa, Central Asia, Eastern Europe, and the Middle East and North Africa. This programme of work is supported by the European Union, under the European Instrument for Democracy and Human Rights (EIDHR).

PRI and FHRI welcome this opportunity to provide additional information regarding moratoriums on the use of the death penalty in East Africa, Central Asia, Eastern Europe, and the Middle East and North Africa since 20 December 2012.

---

<sup>1</sup> Penal Reform International (PRI) is an international non-governmental organisation working on penal and criminal justice reform worldwide. It aims to develop and promote international standards for the administration of justice, reduce the unnecessary use of imprisonment and promote the use of alternative sanctions which encourage reintegration while taking into account the interests of victims. PRI works for the abolition of the death penalty and the implementation of humane alternative sanctions.

PRI has Consultative Status with the United Nations and the Council of Europe. It has Observer Status with the African Commission on Human and Peoples' Rights and the Inter-Parliamentary Union. PRI is also a registered civil society organisation with the Organization of American States. PRI is on the Steering Committee of the World Coalition against the Death Penalty.

<sup>2</sup> The Foundation for Human Rights Initiative (FHRI) is an independent, nongovernmental, non-partisan and not-for-profit human rights advocacy organisation established in December 1991. It seeks to remove impediments to democratic development and meaningful enjoyment of the fundamental freedoms enshrined in the 1995 Uganda Constitution and other internationally recognised human rights instruments. FHRI is a member of the World Coalition Against the Death Penalty and the East African Coalition Against the Death Penalty.

## EAST AFRICA

### Republic of Kenya

There were 1,179 persons on death row since April 2013 (1,127 male and 52 female).<sup>3</sup> No executions were carried out since 20 December 2012.

### Republic of Uganda

On 7 February 2014, 301 persons were on death row (283 male and 18 female). No executions were carried out since 20 December 2012. Four persons were sentenced to death since 20 December 2012.

The *Attorney General v. Susan Kigula & 417 Ors (CONSTITUTIONAL APPEAL NO. 03 OF 2006)* case upheld the scrapping of mandatory death sentencing. Additionally, it held that respondents whose sentences arose from the mandatory sentence provisions and are still pending before an appellate Court would have their cases remitted to High Court to be heard only on mitigation of sentence. As a result, the Judiciary held a special mitigation session that ran from 18 November – 12 December 2013, where 158 inmates had their sentences reduced. 16 death sentences were upheld, 6 inmates were released, 4 were referred to Butabika Mental Hospital, 1 inmate was pending Minister's orders at time of submission, 2 inmates were not sentenced and the rest were given custodial sentences ranging from 8 to 65 years.

## EASTERN EUROPE

### Republic of Belarus

Since 20 December 2012 one person has been executed (on 18 April 2014).

Four people have been sentenced to death since 20 December 2012. On 24 April 2013, Mohileu Oblast Court passed a death sentence on Grigoriy Yuzepchuk for murder. On 14 June 2013, Homel Oblast Court sentenced Aliaksandar Hrunau to death for murder. This sentence was upheld by the Supreme Court on 8 April 2014. On 18 September 2013 the Supreme Court upheld the death sentence of Pavel Selyun, who was convicted of double murder and theft of documents; he was executed on 18 April 2014.<sup>4</sup> On 26 November 2013 Eduard Lykov was sentenced to death for five murders.<sup>5</sup>

---

<sup>3</sup> Information from the Kenyan National Commission on Human Rights.

<sup>4</sup> Information from [http://naviny.by/rubrics/politic/2014/04/19/ic\\_articles\\_259\\_185261](http://naviny.by/rubrics/politic/2014/04/19/ic_articles_259_185261) (accessed 23 April 2014).

<sup>5</sup> Information from <http://spring96.org/en/news/67916> (accessed 23 April 2014).

## Russian Federation

No executions were carried out since 20 December 2012. No persons were sentenced to death since 20 December 2012.

In 1999 a moratorium on the death penalty (sentences and executions) was imposed by the Constitutional Court of Russia. One of its provisions was that all constituent components of the Russian Federation should establish courts with juries. Following the fulfillment of this requirement, on 19 November 2009 the Constitutional Court of Russia ruled that even after the expiry of the moratorium, the death penalty cannot be used in Russia. This was because of international legal norms prohibiting or recommending prohibition of the application of the death penalty. The ruling stated that even though courts with jurors would be functioning throughout Russia, and there is a legal possibility of jurors pronouncing the death penalty, the existing moratorium must be extended until Russia's ratification of Protocol 6 to the European Convention on Human Rights, which abolishes the death penalty. The Court's position was that Russia's 'legal system and the clear expression by the Russian authorities of [Russia's] intention to accept obligations provided in Protocol 6 formed guarantees for the right of an individual not to be sentenced to death.'<sup>6</sup>

## CENTRAL ASIA

### Republic of Kazakhstan

No executions were carried out since 20 December 2012. No persons were sentenced to death since 20 December 2012.

The Kazakhstan Criminal Code, Criminal Executive Code and Criminal Procedural Code are currently being reviewed in Parliament, with revised Codes aiming to be signed by June 2014 and entered in force in January 2015. At present, discussions are ongoing about which offences linked to 'acts of terrorism resulting in death' and 'grave crimes committed during times of war' will retain the death penalty in the new Codes.<sup>7</sup> As of 23 April 2014, 17 offences in the new Codes carry a potential death sentence. In relation to this, in October 2013 PRI released the report *Counter-terrorism in Kazakhstan: Why the death penalty is no solution*.<sup>8</sup>

There is currently no intention to extend the moratorium on executions to also cover sentencing.

---

<sup>6</sup> Press Release, Constitutional Court of the Russian Federation, 19 November 2009 *RF Constitutional Court Declared It Impossible to Impose Death Penalty in Russia After January 1, 2010*. Further details available at [http://www.loc.gov/lawweb/servlet/lloc\\_news?disp3\\_l205401702\\_text](http://www.loc.gov/lawweb/servlet/lloc_news?disp3_l205401702_text) (accessed 23 April 2014).

<sup>7</sup> For more information, see PRI's report *Counter-terrorism in Kazakhstan: Why the death penalty is no solution*, available at <http://www.penalreform.org/resource/counter-terrorism-kazakhstan-death-penalty-solution/>.

<sup>8</sup> Available in English and Russian at <http://www.penalreform.org/resource/counter-terrorism-kazakhstan-death-penalty-solution/> (accessed 30 April 2014).

## Republic of Tajikistan

No executions were carried out since 20 December 2012. No persons were sentenced to death since 20 December 2012.

In the President's message to citizens in 2013, he stated that it was right time for the issue of the death penalty to be reviewed by relevant authorities and concerned parties, taking into account public opinion, and based on its results to submit proposals in order to determine the position of the state with regard to the death penalty.<sup>9</sup> A survey in 2013 found that 67% of respondents are in favour of abolishing the death penalty in Tajikistan.

## MIDDLE EAST AND NORTH AFRICA

### Hashemite Kingdom of Jordan

No executions were carried out since 20 December 2012. However, courts continue to sentence people to death. There are 109 people on death row (100 men and 9 women).

### Kingdom of Morocco

No executions were carried out since 20 December 2012. 117 people are currently on death row.

A national symposium on the moratorium will be organised by Penal Reform International and the Parliamentary Coalition Against the Death Penalty in June 2014 to ask for a positive vote by Morocco on the upcoming UN General Assembly resolution.

### Republic of Tunisia

No executions were carried out since 20 December 2012. Despite voting for the UN General Assembly moratorium resolution in 2012, death sentences continued to be passed in Tunisia in 2013-14.

The new Constitution (approved by the Constituent Assembly 26 January 2014) includes provision for the death penalty.

### **For more information, please contact:**

Oliver Robertson, Death Penalty and Alternatives Project Manager  
Penal Reform International, 60-62 Commercial Street, London E1 6LT, UK  
[orobertson@penalreform.org](mailto:orobertson@penalreform.org) / +44(0) 20 7247 6515 / [www.penalreform.org](http://www.penalreform.org)

---

<sup>9</sup> Information from <http://www.president.tj/ru/node/4325> (accessed 23 April 2014).