



# The Death Penalty in the OSCE Area

**Background Paper 2026**

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# The Death Penalty in the OSCE Area

**Background Paper 2026**

*Introductory Essay by Ales Bialiatski,  
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Foundation and Chairman of HRC Viasna*



This paper was prepared by the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). Every effort has been made to ensure that the information contained in this paper is accurate and impartial.

This paper updates *The Death Penalty in the OSCE Area: Background Paper 2022*. It is intended to provide a concise update to highlight changes in the status of the death penalty in OSCE participating States since the previous publication and to promote constructive discussion of the issue. It covers the period from 1 April 2022 to 31 December 2025.

All comments or suggestions should be addressed to ODIHR's Human Rights Department at [office@odihr.pl](mailto:office@odihr.pl).

*The Death Penalty in the OSCE Area Background Paper 2026*

Published by the OSCE Office for Democratic Institutions  
and Human Rights (ODIHR)  
Miodowa 10  
00-251 Warsaw  
Poland  
[www.odihr.osce.org](http://www.odihr.osce.org)

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ISBN 978-92-9271-580-9

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All hyperlinks valid as of 27 September 2026



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# Introduction

Noting the restrictions and safeguards regarding the use of the death penalty adopted by the international community, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of capital punishment, OSCE participating States have made a number of commitments related to the death penalty.<sup>1</sup> They have committed to exchange information on the question of the abolition of the death penalty and to provide information to the public on its use.<sup>2</sup> Where the death penalty is still in use, participating States have agreed that it can be imposed only for the most serious crimes and only in line with international commitments.<sup>3</sup>

In accordance with these commitments and its mandate, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) monitors trends and new developments regarding human rights standards and practices among OSCE participating States related to the death penalty.<sup>4</sup> This report covers the situation of the death penalty in all 57 OSCE participating States during the reporting period 1 April 2022 to 31 December 2025, incorporating information from international and regional human rights bodies, non-governmental organizations and media reports.

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1 [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE](#) (Copenhagen Document), CSCE, 29 June 1990, paras. 17.2-17.4.

2 *Ibid.*, paras. 17.7 and 17.8. See also [Concluding Document of the Third Follow-up Meeting](#) (Vienna Document), CSCE, 19 January 1989; [Final Document of the Sixteenth Meeting of the Ministerial Council](#) (Helsinki Document), OSCE, Helsinki, 4 December 2008.

3 CSCE, [Vienna Document](#), para. 24.

4 The ODIHR annual background papers on the death penalty are available since 2000: [The Death Penalty in the OSCE Area: Background Papers](#), OSCE/ODIHR.

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Throughout this Background Paper:

|                                    |   |                                                                                                                            |
|------------------------------------|---|----------------------------------------------------------------------------------------------------------------------------|
| <b>Abolitionist state</b>          | → | An OSCE participating State in which there is no death penalty, in law, for any crimes.                                    |
| <b>De-facto abolitionist state</b> | → | An OSCE participating State in which the death penalty is foreseen in law but, in practice, the punishment is not imposed. |
| <b>Retentionist state</b>          | → | An OSCE participating State that continues to implement this penalty by sentencing and carrying out executions.            |

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# Part I: Introductory Essay

by Ales Bialiatski<sup>5</sup>

I still remember the sound of the iron bars in the Volodarka remand prison<sup>6</sup> — the guard's key striking metal, a dry shot echoing through the damp vaults, like a warning from another century. I remember the deep cracks in the walls of the old Pishchalauski Castle — the collapsed tower, the iron struts holding the building upright, as if the past itself refused to let go. I remember descending to the basement for what they called “walks”, passing the unremarkable door behind which, as a prison-mate once nodded to me, the death-row corridor lay hidden. A place where men waited, immured in the ground, for the state to decide the moment of their death. I remember the notice pinned to the prison wing's bulletin board in 2013 — a prisoner sentenced to death for killing another inmate — posted “for educational purposes,” as if terror could be a lesson. And I remember the officer warning me that my letters would not leave the prison if I wrote so much as a word about it.

Ten years passed. During my second prison term, in 2022, I was moved to a cell not far from what the inmates grimly called “the execution corridor” — three cells separated from the rest by a guard post. In one of them lived a prisoner known by his nickname, the ‘Doomed Man’. From time to time, he shouted to us, defying the rules, as if his voice were the last thread tying him to the living.

He had been awaiting the fulfilment of his sentence for four years already, and even he seemed astonished that he was still alive. “Don't lose heart!” we would shout back to him, although we knew how hollow encouragement sounded in that place. He

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5 Ales Bialiatski, [Nobel Peace Prize](#) laureate, President of [Ales Bialiatski Foundation](#) and Chairman of [HRC Viasna](#).

6 Minsk Detention Center No. 1 or SIZO No. 1, informally known as Volodarka, was the central historical prison of Belarus, located in Minsk. Operated by the Belarusian Ministry of Internal Affairs, it was the only facility that housed death-row inmates. Their execution occurred at the prison. The prison was also used as a pre-trial detention centre, where arrested political activists were held. In April 2024, the prison was closed.

waited for his execution every single day, never knowing when it would come, never knowing whether the sunrise was meant for him.

And then one day he was gone. We never heard his voice again. The corridor remained, patient and indifferent, ready for its next victims.

Those memories have never left me. They return whenever I hear the phrase “death penalty.” These words evoke different feelings and ideas in different people — fair punishment, the cruelty and callousness of the state, the cold steel of the headsman’s axe, civilized barbarism, pistol shots, horror and despair, revolutionary expediency, the guillotine, with its basket where severed heads roll.



Humanity has invented thousands of ways to kill its fellow humans, and its bizarre imagination in methods of execution seems boundless. Recalling the bloody twentieth century, in which we were born, I cannot help questioning the degree of civilization in modern people, about our eternal drive to kill our own kind. Once, in Paris, I even saw a peculiar document — a Decree of the National Convention, dated 1 July 1793 — that imposed the death penalty on anyone who falsified the Declaration of the Rights of Man and of the Citizen, or the Constitutional Act itself.

We believed the twenty-first century would be more merciful. But nothing is granted for sure. If a generation in Europe has grown up without knowing the death penalty, populists all around the globe threaten to bring it back any time. My home country, Belarus, remains the last country in Europe and the post-Soviet space that applies capital punishment to its citizens every year. Despite its obligations as a participating State of the OSCE to “provide information to the public regarding the use of the death penalty,” all information about death sentences and executions is classified. Worse still, Belarus has begun systematically expanding the legislative possibilities for applying the death penalty. In 2022, amendments to the Criminal Code allowed for death sentences not only for certain particularly serious crimes, but also for attempts to commit several terrorism-related offences. In 2023, a law introduced the possibility of imposing the death penalty for treason for certain categories of officials and military personnel.

For human rights defenders, this is a profoundly alarming signal. While most countries in the world continue moving towards full abolition, Belarus has expanded the scope of possible application — a movement in the opposite direction.

Another problem is secrecy surrounding executions, which inflicts additional suffering on the families of the condemned. This secrecy is not incidental; it is structural, deliberate and part of a broader pattern of violations that accompany the death penalty in Belarus. The *Death Penalty in the OSCE Area, Background Paper 2026* accurately underlines the problem, “There is no public information available on the application of the death sentence in Belarus.”<sup>7</sup>

However, the Background Paper 2026, which covers the period 2022–2025, situates Belarus and the United States, which both practise capital punishment, within the broad international context. It reminds us that there is a growing international consensus that the death penalty is a cruel, inhuman and degrading treatment that has no place in today’s society. Support for the United Nations (UN) moratorium resolution<sup>8</sup> has grown: **In 2020, there were 123 countries in favour; in 2022, 126; in 2024, 131.** The world seems to agree on the essence — the death penalty is incompatible with human dignity, neither the dignity of those who are killed, nor of those who do the killing.

And yet, the number of executions is increasing, from what we can observe, and is accompanied by a number of very problematic developments:

- Increasing secrecy laws around executions;
- Persistent violations of fair trial rights; and
- The death penalty used as a political tool in several states.

Indeed, the death penalty, wherever it exists, is inseparable from systemic violations of human rights. It threatens the right to life, undermines the right to a fair trial and is often applied in discriminatory ways. International experts have repeatedly emphasized that the death penalty cannot be reconciled with full respect for the right to life. The UN Human Rights Committee has stated unequivocally that the “abolition of the death penalty is both desirable and necessary for the enhancement of human dignity and the progressive development of human rights.”<sup>9</sup>

The irreversible nature of the punishment demands scrupulous respect for fair-trial guarantees; yet, in practice, these guarantees are routinely violated. The poor, minorities, foreigners and marginalized groups are disproportionately sentenced to death. People with intellectual or psychosocial disabilities face heightened risks due to inadequate procedural accommodations. The ‘death row phenomenon’ — prolonged

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7 See [Part III, 1.1 Belarus](#).

8 [The UNGA Moratorium Resolution](#), International Commission Against Death Penalty.

9 [General Comment No. 36, Article 6: right to life](#), UN HRC, CCPR/C/GC/36, para. 50.

isolation, uncertainty and psychological torment — has been recognized by UN experts as a form of torture.

My own memories of Volodarka make these abstract principles painfully concrete. The death-row prisoners wore special uniforms marked IMN — “exceptional punishment”. Even among the rest of the prisoners, they were still pariahs. Their movements were ritualized, isolated, hidden from other inmates. When they were taken out to meet their lawyers, the corridor was sealed off by guards with guard dogs, and all other inmate movement came to a halt. Inhumanely bent over double by the guards, they “flew like birds,” as one former defendant described it, unable even to look around. After a Supreme Court appeal, only an illusory chance remained — a pardon from the president. From that moment on, they walked only along the corridor leading to their execution. They never knew when the moment would come. Every noise, every sound made them think that it was the last one before being called out.

It is impossible for those who have never been in prison to understand what it is like. It is even more impossible to understand what it means to be sentenced to death and to wait for execution. A state is enclosed by borders, a penal colony by fences and a prison by four walls, but the cell of a death-row prisoner is the very centre of hopelessness, the essence of life and death.

This Background Paper reminds us that the majority of participating States have abolished the death penalty in law or practice. Yet some countries stand apart, not only retaining the death penalty but expanding it. This divergence is not merely political — it is moral. It is a question of what kind of societies those countries choose to be, and what kind of future they offer their citizens.

Abolitionist states in the OSCE region have continued to consolidate and defend their commitment to ending capital punishment, with Kyrgyzstan standing out as the most significant case during the reporting period. Although the country abolished the death penalty in 2007 and enshrined this prohibition in its constitution, a high-profile murder case in 2025 triggered public debate and political pressure to re-introduce capital punishment. The *Jogorku Kenesh* (parliament) considered proposals to restore the death penalty for certain offences, marking the first serious attempt at reversal in nearly two decades. The Constitutional Court decisively blocked these efforts, however, ruling on 10 December 2025 that “restoring the death penalty would be unacceptable and legally impossible”,<sup>10</sup> reaffirming that abolition is constitutionally protected and cannot be undone. This intervention preserved Kyrgyzstan’s abolitionist status, but also underscored the strength of constitutional safeguards against

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10 See [Section 3.1 New developments in the OSCE region](#).

regression. The episode illustrates how abolitionist states may still face political or societal pressures to reinstate capital punishment. Yet it also demonstrates the resilience of legal frameworks designed to prevent backsliding.

De facto abolitionist states in the OSCE region formally retain the death penalty in law but have not carried out executions for many years, and the reporting period shows how this status continues to be shaped by political, legal and security dynamics. The Russian Federation maintains a moratorium on executions that has been in place since 1996, yet this report highlights troubling developments; while the moratorium remains intact within Russia's internationally recognized territory, it does not apply in the temporarily occupied territories in eastern Ukraine, where death sentences have reportedly been imposed without adherence to international safeguards. As noted in the Background Paper, "death sentences have also been imposed in Russian-controlled areas of eastern Ukraine", raising serious concerns about fair trial guarantees and the use of capital punishment in conflict-affected regions.<sup>11</sup>

Tajikistan, which has observed a moratorium since 2004, remained de facto abolitionist throughout the reporting period, although without taking steps towards full legal abolition. The Background Paper notes that senior officials continued to defend the retention of capital punishment in law, including the prosecutor general's 2023 statement supporting its availability for the "most serious crimes".<sup>12</sup>

While some de facto abolitionist states have not yet taken the final step towards full legal abolition, their long-standing moratoriums demonstrate a strong foundation on which meaningful progress can be built. Maintaining these moratoriums reflects an important recognition of the need for caution in this regard, and might be further translated into real respect for human dignity in criminal justice systems. By transforming these established practices into formal abolition, de facto abolitionist states have an opportunity to strengthen legal certainty and align with evolving international standards. Their current status shows that they are closer to abolition than retention, and with sustained dialogue and constructive engagement, they can play a leading role in advancing the global movement towards ending capital punishment.

The death penalty is ineffective as a deterrent, unjust in its application, irreversible in its consequences and incompatible with human dignity. It is a relic of a past we should have left behind. Abolition is not an act of leniency toward criminals; it is an affirmation of the values that define a humane society. It is a commitment to justice

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11 See [Section 2.1 The Russian Federation](#).

12 See [Section 2.2 Tajikistan](#).

that does not rely on killing. It is a recognition that the state must not replicate the violence it seeks to condemn.

I write these words from the perspective of someone who has seen the system from the inside, who has walked the corridors where death-row prisoners are held, who has witnessed the secrecy, the fear, the rituals of control. It is also written in solidarity with those who continue to fight for abolition — in Belarus and beyond. The Background Paper 2026 provides the facts; personal experience provides the urgency. Together, they form a single truth — the death penalty must end. Everywhere. Without exception.

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President of Ales Bialiatski Foundation  
Chairman of HRC Viasna

*The views, opinions, conclusions and other information expressed in this introductory essay reflect the writer's own opinions, and are not given nor necessarily endorsed by the Organization for Security and Co-operation in Europe (OSCE).*

# Part II: The death penalty in international human rights law

There is a growing international trend towards abolition of the death penalty, with 62 per cent of states in the world considered as abolitionist in 2024.<sup>13</sup> This abolitionist trend is also notable in the growing support for the UN General Assembly's biennial resolution entitled "Moratorium on the use of the death penalty".<sup>14</sup>

OSCE participating States have made a number of commitments relating to the death penalty, namely to exchange information on the question of the abolition of the death penalty and to provide information on its use to the public.<sup>15</sup> Where the death penalty is still in use, participating States have agreed that it can be imposed only for the most serious crimes and only in line with international commitments.<sup>16</sup> In addition, OSCE participating States have made a number of other commitments that are relevant to the application of the death penalty, such as ensuring the right to life, the right to a fair trial and the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment,<sup>17</sup> and are bound by a number of international human rights instruments and by international customary law.

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13 [Together Against the Death Penalty \(ECPM\) Barometer](#).

14 [In 2020](#), 123 Member States voted in favour, 38 against, and 24 abstained. [In 2022](#), 126 Member States voted in favour, 37 against, and 24 abstained. [In 2024](#), 131 Member States voted in favour, 36 against, and 21 abstained.

15 CSCE, [Copenhagen Document](#), paras. 17.2-17.4, 17.7 and 17.8; see also CSCE, [Vienna Document](#); and OSCE, [Helsinki Document](#).

16 CSCE, [Vienna Document](#), para. 24.

17 *Ibid.*; CSCE, [Copenhagen Document](#); OSCE, [Helsinki Document](#); [Final Document of the Twenty-Seventh Meeting of the Ministerial Council](#), OSCE, Tirana, 3-4 December 2020.

## 1. The death penalty and the enjoyment of human rights

According to the International Covenant on Civil and Political Rights (ICCPR), “In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.”<sup>18</sup> In 1989, a new step towards global abolition was reached with the adoption of the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty.<sup>19</sup> It is worth highlighting that it is not possible for States Parties to denounce this instrument, meaning that the commitment to abolish the death penalty is irreversible for states that have ratified it.<sup>20</sup>

States that are not party to the UN Second Optional Protocol still have an obligation to comply with the other human rights instruments they have ratified. In General Comment No. 36, the UN Human Rights Committee stated, “The death penalty cannot be reconciled with full respect for the right to life, and abolition of the death penalty is both desirable and necessary for the enhancement of human dignity and progressive development of human rights.”<sup>21</sup>

## 2. The principle of ‘most serious crimes’

Human rights experts and bodies have progressively addressed the principle of ‘most serious crimes’ enshrined in Article 6 of ICCPR and given it a restrictive interpretation. In 1984, in its Safeguards Guaranteeing Protection of the Rights of those Facing Execution, the UN Economic and Social Council states that the scope of the death penalty “should not go beyond intentional crimes with lethal or other extremely grave consequences”.<sup>22</sup> In 2007, former Special Rapporteur on extrajudicial, summary or arbitrary executions Philip Alston further narrowed the interpretation of ‘most serious

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18 [International Covenant on Civil and Political Rights](#) (ICCPR), UN General Assembly, Resolution 2200A (XXI), 16 December 1966, Article 6.2. All OSCE participating States have ratified the Covenant, except the Holy See.

19 [Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty](#), UN OHCHR, Resolution 44/128, adopted on 15 December 1989.

20 See [General Comment No. 26](#) (61) on Continuity of Obligations, UN Human Rights Committee, CCPR/C/21/Rev.1/Add.8/Rev.1, 8 December 1997, para. 2.

21 [General Comment No. 36](#) (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, UN Human Rights Committee, CCPR/C/GC/36, 30 October 2018, para. 50.

22 [Safeguards guaranteeing protection of the rights of those facing the death penalty](#), UN Economic and Social Council Resolution 1984/50, 25 May 1984.

crimes' by concluding that the death penalty could only be imposed "in cases where it can be shown that there was an intention to kill which resulted in the loss of life".<sup>23</sup>

In its report *International Law and the Abolition of the Death Penalty*, the Death Penalty Project likewise opined that this provision must be interpreted restrictively and limited to crimes that intentionally and directly result in death. Thus, it excludes crimes such as attempted murder, abduction, armed robbery, corruption and drug trafficking, as well as most cases of complicity.<sup>24</sup>

### 3. Right to a fair trial in death penalty cases

The right to a fair trial, as guaranteed in Article 14 of the ICCPR, is composed of several elements: the right to a competent, independent and impartial tribunal established by law; a public trial; the presumption of innocence; the right to prepare a defence; the right to counsel; the right to be tried without undue delay; the right to be present; the right to examine witnesses; the right to an interpreter; the right to silence; the right to appeal; the right to equality; and the right not to be subject to double jeopardy.<sup>25</sup> Considering the irreversible character of the death penalty, a scrupulous enforcement of the right to a fair trial is crucial.<sup>26</sup>

According to Article 6 of the ICCPR, the death penalty "can only be carried out pursuant to a final judgement rendered by a competent court". The safeguards guaranteeing protection of the rights of those facing the death penalty contain several provisions related to the right to a fair trial, among them the right to appeal or the right to seek pardon or a commutation of sentence.<sup>27</sup>

The UN Human Rights Council also touches upon important aspects of the rights to a fair trial of those facing the death penalty in its resolutions on the 'Question of the

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23 [Civil and Political Rights, including the Questions of Disappearances and Summary Executions](#), Report of the Special Rapporteur on extrajudicial, summary and arbitrary executions, Philip Alston, UN GA, 29 January 2007, A/HRC/40/20, para. 53.

24 [International Law and the Abolition of the Death Penalty](#), The Death Penalty Project, 1 November 2022, p. 6.

25 UN, ICCPR, Article 14.

26 On the right to a fair trial and capital punishment, see [The death penalty and scrupulous respect for the right to a fair trial](#), University of Oxford, Faculty of Law Blogs, 13 November 2023; on the role of lawyers in death penalty cases, see [The Death Penalty in the OSCE Area: Background Paper 2022](#), OSCE/ODIHR, 7 October 2022.

27 UN ESCR, [Safeguards guaranteeing protection of the rights of those facing the death penalty](#).

death penalty' adopted in 2023 and 2025,<sup>28</sup> including the need to ensure procedural guarantees and the principle of equality of arms.<sup>29</sup>

#### 4. The principle of anti-discrimination and the death penalty

The principle of non-discrimination is deeply enshrined in international human rights law and several human rights instruments, including the ICCPR. According to Article 2(1) of the ICCPR, "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 26 establishes that "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law," while Article 14 states "All persons shall be equal before the courts and tribunals."<sup>30</sup>

In its General Comment No. 36, the UN Human Rights Committee declared that "The death penalty must not be imposed in a discriminatory manner contrary to the requirements of Articles 2 (1) and 26 of the Covenant," and went on to acknowledge that "Data suggesting that members of religious, racial or ethnic minorities, indigent persons or foreign nationals are disproportionately likely to face the death penalty may indicate an unequal application of the death penalty."<sup>31</sup> At the Biennial High-Level Panel on the Death Penalty, in 2025, the UN High Commissioner for Human Rights expressed concern over the discriminatory use of the death penalty, stressing it underpins and reinforces the broader social and economic discrimination faced by marginalized communities.<sup>32</sup>

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28 [Resolution adopted by the Human Rights Council on 13 October 2023, 54/35. Question of the death penalty](#), UN HRC, A/HRC/RES/54/35; [Resolution adopted by the Human Rights Council on 7 October 2025, 60/17. Question of the death penalty](#), UN HRC, A/HRC/RES/60/17. The 2023 resolution was adopted by a recorded vote of 28 in favour to 11 against, with 7 abstentions; and the 2025 resolution with a recorded vote of 31 in favour to 7 against, with 8 abstentions. Definition of "equality of arms": Both sides in a legal case must have a fair and equal opportunity to present their arguments and evidence before the court.

29 Definition of "equality of arms": Both sides in a legal case must have a fair and equal opportunity to present their arguments and evidence before the court.

30 UN, ICCPR.

31 UN HRC, [General comment No. 36](#), para. 44.

32 [UN rights chief decries substantial rise in death penalty executions](#), UN News, 25 February 2025.

## 5. The imposition of the death penalty on individuals with intellectual disabilities and/or mental illnesses

International human rights law requires targeted safeguards to ensure that individuals with disabilities, including those with psychosocial or intellectual disabilities, can fully and equally enjoy their right to life. In General Comment No. 36, the UN Human Rights Committee urged states to “refrain from imposing the death penalty on individuals who face special barriers in defending themselves on an equal basis with others, such as persons whose serious psychosocial or intellectual disabilities impede their effective defence, and on persons who have limited moral culpability”.<sup>33</sup> The Committee further emphasized that states should “refrain from executing persons who have a diminished ability to understand the reasons for their sentence, and persons whose execution would be exceptionally cruel or would lead to exceptionally harsh results for them and their families, such as persons of advanced age, parents of very young or dependent children, and individuals who have suffered serious human rights violations in the past”.<sup>34</sup>

Article 10 of the Convention on the Rights of Persons with Disabilities reaffirms “that every human being has the inherent right to life” and that states “shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others”.<sup>35</sup> On several occasions, the UN Committee on the Rights of Persons with Disabilities has acknowledged the heightened risk of capital punishment faced by individuals with psychosocial and/or intellectual disabilities, notably due to the lack of procedural accommodations offered to them in criminal proceedings, and has called for the suspension of death sentences and the abolition of the death penalty for this category of individuals.<sup>36</sup>

In a joint statement, on 10 October 2022, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Special Rapporteur on extrajudicial, summary or arbitrary executions urged states to “scrupulously apply exceptions for persons with intellectual disabilities” from the death penalty.<sup>37</sup> In

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33 UN HRC, [General comment No. 36](#), para. 53.

34 *Ibid.*

35 [Convention on the Rights of Persons with Disability \(CPRD\)](#), UN General Assembly, Resolution A/RES/61/106, 12 December 2006, Article 10.

36 See, for example: [Concluding observations on the initial report of the Islamic Republic of Iran](#), CRDP, CRPD/C/IRN/CO/1, 10 May 2017, paras. 22-23; [Concluding observations on the initial report of Saudi Arabia](#), CRDP, CRPD/C/SAU/CO/1, 13 May 2019, paras. 17-18; [Concluding observations on the initial report of Kuwait](#), CRDP, CRPD/C/KWT/CO/1, 18 October 2019, paras. 20-21.

37 [UN experts warn of associated torture and cruel punishment](#), World Day Against the Death Penalty, OHCHR, 10 October 2022.

its 2024 resolution on a “Moratorium on the use of the death penalty”, the UN General Assembly also called upon states not to impose capital punishment on individuals with mental or intellectual disabilities.<sup>38</sup>

## **6. The nexus with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment**

The incompatibility of the death penalty with the prohibition of torture has been consistently addressed by international experts. For example, this nexus was comprehensively illustrated by Juan Méndez, former Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in a 2012 report,<sup>39</sup> which explains how practices of capital punishment such as specific methods of execution<sup>40</sup> or the ‘death row phenomenon’<sup>41</sup> conflict with the absolute prohibition of torture and other ill-treatment. In his conclusions, Méndez emphasized that “most conditions under which capital punishment is actually applied renders the punishment tantamount to torture. Under many other, less severe conditions, it still amounts to cruel, inhuman or degrading treatment.”<sup>42</sup>

In 2022, Special Rapporteur on extra-judicial, summary or arbitrary executions Morris Tidball-Binz also addressed the question of the death penalty from the angle of torture and other ill-treatment.<sup>43</sup> In addition to explaining how practices associated with the death penalty affect the human rights of death-row individuals, he stressed the harm and pain that the families of death-row prisoners experience, including after an execution.<sup>44</sup> Tidball-Binz had come to the same conclusion as Méndez a decade earlier: “the death penalty as currently practiced renders it tantamount to torture.”<sup>45</sup>

In a joint statement on the 2023 World Day against the Death Penalty, Alice Jill Edwards, the former UN Special Rapporteur on torture, and Morris Tidball-Binz stressed it was “almost impossible for States to impose the death penalty while

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38 [Resolution adopted by the General Assembly on 17 December 2024, 79/179. Moratorium on the death penalty](#), UN GA Resolution A/Res/79/179, para. 8(e).

39 [Interim report of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment](#), UN GA, A/67/279, 9 August 2012.

40 *Ibid.*, paras. 31-41.

41 *Ibid.*, paras. 42-51.

42 *Ibid.*, para. 75.

43 [Extrajudicial, summary or arbitrary executions](#), Report of the Special Rapporteur, Morris Tidball-Binz, UN GA, A/77/270, 5 August 2022.

44 *Ibid.*, paras. 81-87.

45 *Ibid.*, para. 88.

complying with human rights obligations, including the absolute and universal prohibition of torture”.<sup>46</sup> The near impossibility for states to comply with the absolute prohibition of torture and other ill-treatment when imposing the death penalty was further stressed by Edwards in her July 2025 report entitled “Trends and developments in the global struggle to end torture”.<sup>47</sup>

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<sup>46</sup> [UN experts call for universal abolition of the death penalty](#), UN OHCHR, 9 October 2023.

<sup>47</sup> [Trends and developments in the global struggle to end torture](#), General Assembly, A/80/137, 11 July 2025, para. 98.



# Part III. The death penalty in the OSCE region

## 1. Retentionist participating States

### 1.1. *Belarus*

Belarus is the only country in Europe to still retain and enforce the death penalty. Article 24 of the Constitution of Belarus states that capital punishment may be applied as an exceptional measure of punishment for some especially serious crimes until it is abolished.<sup>48</sup> According to Article 175 of the Criminal Code of the Republic of Belarus, the death penalty is “carried out by firing squad with no members of the public present. The execution of the death penalty shall be carried out separately for each convict and without other death convicts present.”<sup>49</sup> Women, people who were under 18 years of age when they committed the crime, and people who have reached the age of 65 at the time of the sentencing are exempt from the imposition of the death penalty.<sup>50</sup> The President of Belarus has exercised his power to grant clemency four times since 1994, with the last taking place in 2024, when he pardoned a German citizen convicted on terrorism charges.<sup>51</sup>

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48 [Constitution of the Republic of Belarus](#), President of the Republic of Belarus, Article 24. The [Criminal Code of the Republic of Belarus](#), as amended up to January 2016, envisages the death penalty for thirteen crimes: Art. 122 (2): “Unleashing or conducting a war of aggression”, Art. 124 (2): “Act of Terrorism directed against the representative of a foreign state or international organization”, Art. 126 (3): “Act of International Terrorism”, Art. 127: “Genocide”, Art. 128: “Crimes against humanity”, Art. 134: “Use of weapons of mass destruction”, Art. 135 (3): “Violation of laws and customs of war”, Art. 139 (2): “Murder under aggravating circumstances”, Art. 289 (3) “Act of Terrorism”, Art. 357 (3): “Conspiracy, or other actions, taken with a purpose to seize state power”, Art. 359 (2): “Act of Terrorism directed against state or public official”, Art. 360 (2): “Sabotage”, Art. 362: “Murder of an employee of internal affairs bodies”.

49 [Death Penalty in Belarus: Murder on \(Un\)lawful Grounds](#), FIDH and HRC “Viasna”, 5 October 2016, p. 64.

50 [Criminal Code of Belarus](#), Art. 59.2(2).

51 [Belarus: Rare clemencies overshadowed by latest suspected execution](#), Amnesty International, 17 June 2021; see also Shaun Walker, [German man sentenced to death in Belarus pardoned by president](#), *The Guardian*, 30 July 2024.

The position of the Belarusian authorities remains that the country's national legislation is not contrary to international law and that the use of the death penalty is only on a temporary basis.<sup>52</sup> In her 3 May 2023 report to the Human Rights Council, the former UN Special Rapporteur on the human rights situation in Belarus Anaïs Marin underlined that the possibility of a referendum on the death penalty had been raised by the President of Belarus in 2021 and that "Contrary to the Government's universal periodic review commitment to engage in a national dialogue on a moratorium or abolition of the death penalty, the authorities of Belarus failed to put up the issue for public discussion in the run-up to the latest constitutional reform."<sup>53</sup> Instead, the country moved towards a stronger stance in favour of the death penalty during the reporting period, with the adoption of legislative amendments that depart from international standards and contradict the country's obligations under the ICCPR.<sup>54</sup>

Various international observers expressed concerns about the application of the death penalty in Belarus during the reporting period. It was raised at OSCE Permanent Council meetings in 2023 and 2024 on the occasion of the World Day Against the Death Penalty, as the European Union (EU) expressed concern over recent legislative amendments expanding the scope of the death penalty.<sup>55</sup> In its 2024 statement, the EU also urged Belarus to abolish the death penalty and, as a first step, introduce a moratorium.<sup>56</sup> In October 2025, in a joint statement at the OSCE Permanent Council, several participating States deeply deplored the extension of the death penalty in Belarus and urged the Belarusian authorities "to reverse this trend and establish a moratorium on executions as a first step towards abolition".<sup>57</sup>

In his 2024 annual report on the Question of the Death Penalty, the Secretary-General of the UN referred to the recent legislative changes adopted by Belarus with regards to

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52 [The Death Penalty in the OSCE Area: Background Paper 2020](#), OSCE/ODIHR, 9 October 2020, p. 38. Nevertheless, instead of moving towards abolition, Belarus recently adopted legislation that expands the scope of application of the death penalty.

53 [Report of the Special Rapporteur on the situation of human rights in Belarus](#), Anaïs Marin, UN HRC, A/HRC/53/53, 3 May 2023, para. 94.

54 UN HRC, [General comment No. 36: Situation of human rights in Belarus](#), Note by the Secretary-General, 19 July 2024, para. 51.

55 [EU Statement on the European and World Day against the Death Penalty 2023](#), OSCE Permanent Council No. 1447, Vienna, 19 October 2023; [EU Statement on the European and World Day against the Death Penalty 2024](#), OSCE Permanent Council No. 1492, 17 October 2024.

56 *Ibid.* The European Union also reaffirmed its unequivocal opposition to the death penalty and its call for Belarus to introduce a moratorium on the death penalty in a statement released after the sentencing of Aliaksandr Taratuta on 19 October 2023: [Belarus: Statement by the Spokesperson on new death sentence verdict](#), European Union External Action, 19 October 2023.

57 [OSCE Permanent Council – Joint Statement by CH on the World Day against the Death Penalty](#), 16 October 2025.

the death penalty and the execution of an inmate as regressive changes.<sup>58</sup> In her 2022 and 2023 reports to the Human Rights Council, the former UN Special Rapporteur on the human rights situation in Belarus reiterated her recommendations that Belarus take steps towards abolishing the death penalty and introduce a moratorium on its use.<sup>59</sup> In his May 2023 report, the Sole Rapporteur appointed by the OSCE participating States invoking the Moscow Mechanism also recommended the implementation of a moratorium on the death penalty until a comprehensive reform is achieved.<sup>60</sup>

The Belarusian democratic movements in exile have spoken out strongly against the death penalty and affirmed their commitment to abolishing it in all cases and under all circumstances by adopting, on 17 June 2025, a Memorandum on the Abolition of the Death Penalty in Belarus.<sup>61</sup>

### **Death sentences between 1 April 2022 and 31 December 2025**

There is no public information available on the application of the death sentence in Belarus. Based on information provided by civil society, at least two people were serving death sentences in Belarus at the end of the reporting period.

On 19 October 2023, the Minsk Regional Court sentenced Aliaksandr Taratuta to death for the murder of his three-year-old son. His spouse, Anastasiya Taratuta, was sentenced to 25 years in a high-security penal colony and compulsory treatment for alcoholism. Both parents had been convicted for beating their young son to death in the presence of their other children and while intoxicated.<sup>62</sup> The death sentence was upheld by the Judicial Panel on Criminal Cases of the Supreme Court in January 2024.<sup>63</sup>

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58 [Question of the Death Penalty, Report of the Secretary-General](#), UN GA, A/HRC/57/26, 16 July 2024, para. 27.

59 [Situation of human rights in Belarus](#), Report of the Special Rapporteur on the situation of human rights in Belarus, Anaïs Marin, UN HRD, A/HRC/50/58, 4 May 2022, para. 126(k); UN HRC, [Report of the Special Rapporteur 2023](#), para. 111(b);

60 Professor Hervé Ascensio, Sole Rapporteur, [Moscow Mechanism: “Report on the serious threat to the OSCE human dimension in Belarus since 5 November 2020”](#), OSCE fact-finding mission on Belarus (2023), 4 May 2023, para. 12.

61 [Belarusian democratic forces adopt a memorandum to abolish the death penalty in Belarus](#), Council of Europe, 19 June 2025.

62 [У Слуцку вынесены смяротны прысуд](#) (A death sentence has been handed down), Viasna, 19 October 2023 (in Russian).

63 [ВС оставил без изменения приговор родителям трехлетнего Семена Таратуты: смертная казнь и 25 лет колонии](#), (The Supreme Court upheld the sentence to the parents of three-year-old Semyon Taratuta: death penalty and 25 years in prison), Belta, 9 January 2024 (in Russian); [“Between life and getting shot” the history of the death penalty in Belarus over the past five years](#), Viasna, 10 October 2025.

The fate of Viktor Serhel remains unknown.<sup>64</sup> Serhel had been sentenced to death by the Brest Regional Court on 25 October 2019 for murdering an eight-month-old girl, with the verdict confirmed by the Supreme Court on 31 January 2020.<sup>65</sup>

On 24 June 2024, German citizen Rico Krieger, a former employee of the German Red Cross, was sentenced to death in the Minsk Regional Court for an “act of terrorism”.<sup>66</sup> He was later pardoned by the president after filing a clemency petition and was returned to Germany in August 2024 as part of a prisoner exchange.<sup>67</sup>

### **Executions between 1 April 2022 and 31 December 2025**

In September 2021, a state television channel announced that Viktor Skrundzik, who had been sentenced to death in 2020 and, again, in 2021 for murder and attempted murder, had been executed.<sup>68</sup> The Belarusian authorities did not, however, confirm this information at that time. Documents reviewed by human rights defenders reveal that Viktor Skrundzik was, in fact, executed on 16 July 2022.<sup>69</sup> No other executions were confirmed in 2023, 2024 or 2025.<sup>70</sup>

### **Areas of concern**

The following section examines the changes made to Belarus’ legislation expanding the use of the death penalty. Other systemic issues, such as the conditions in which prisoners on death row are held, are not covered by this report, due to its mandate.

### **Legislative developments**

In 2022 and 2023, Belarus introduced amendments to its Criminal Code that expand the application of the death penalty. On 13 May 2022, amendments to Article 67(2)

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64 [Death Sentences and Executions 2024](#), Amnesty International, 8 April 2025, p. 28; [Condemned prisoner’s death date revealed more than a year after the execution](#), Viasna, 17 February 2023.

65 OSCE/ODIHR, [Background Paper 2020](#), p. 43.

66 [Супрацоўніку “Нямецкага Чырвонага крыжа” прызначылі ў Беларусі смяротнае пакаранне](#) (The German Red Cross has been sentenced to death in Belarus), Viasna, 19 July 2024, (in Belarussian).

67 Walker, [German man sentenced to death in Belarus pardoned by president](#).

68 OSCE/ODIHR, [Background Paper 2022](#), p. 41.

69 Viasna, [Condemned prisoner’s death date revealed more than a year after the execution](#); The Special Rapporteur on the Human Rights Situation on Belarus reported being informed about his execution in February 2023 : Special Rapporteur, [Situation of human rights in Belarus](#), para. 92.

70 For 2023 and 2024, see [Todesstrafe in Belarus](#) (Death penalty in Belarus), Amnesty International, 24 May 2025 (in German).

of the criminal code were adopted.<sup>71</sup> These amendments extend the death penalty to the attempted commission of four terrorism-related crimes. The law was pushed through parliament and approved by the Council of the Republic only five days afterwards, prompting worries not only about the provisions themselves, but also about the absence of public consultations and the lack of transparency of the process.<sup>72</sup>

As highlighted in the 2023 OSCE Moscow Mechanism report on Belarus, “This provision is a departure from international standards that requires not to expand death penalty where it has not been abolished, and to reserve it only for the most serious crimes.”<sup>73</sup> The Moscow Mechanism Rapporteur also expressed concern over the fact that “the notion of a terrorist act in Article 289 of the Criminal Code is vaguely and ambiguously worded and could potentially cover activities such as expressing dissent and the defence of human rights”.<sup>74</sup> In parallel, in a statement following the legislative changes, the International Bar Association’s Human Rights Institute (IBAHRI), reiterated that “International human rights law does not permit the use of the death penalty for non-lethal or vaguely defined crimes.”<sup>75</sup> Moreover, these developments contradict the spirit of the Belarusian Constitution, which only allows capital punishment as an exceptional measure of punishment for some especially serious crimes.

A former UN Special Rapporteur on the human rights situation in Belarus also highlighted that the vague and open-ended definition of terrorism provided by the Belarusian legislation was “contrary to the international human rights principle of legality, which requires that criminal legislation be sufficiently precise”, and that this principle embodied “the recognition that ambiguous and/or overly broad laws are open to arbitrary application and abuse”.<sup>76</sup>

On 25 March 2023, additional amendments to Article 36 (2) of the Criminal Code of Belarus entered into force, introducing the death penalty for state officials and military personnel convicted of “treason to the State”.<sup>77</sup> Emphasizing the chilling effect

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71 [Belarus: Death penalty for ‘attempted terrorism’](#), *Deutsche Welle*, 18 May 2022. See the amended law at [Law No. 165-Z](#) “On Amending the Criminal Code of the Republic of Belarus”.

72 Special Rapporteur, [Situation of human rights in Belarus](#), para. 95.

73 Sole Rapporteur, [Moscow Mechanism: “Report on the serious threat to the OSCE human dimension in Belarus since 5 November 2020”](#), para. 44; see also [Belarus: IBAHRI condemns extended application of death penalty](#), International Bar Association, 17 June 2022.

74 Sole Rapporteur, [Moscow Mechanism: “Report on the serious threat to the OSCE human dimension in Belarus since 5 November 2020”](#), para. 44.

75 International Bar Association, [Belarus: IBAHRI condemns extended application of death penalty](#).

76 Special Rapporteur, [Situation of human rights in Belarus](#), para. 97.

77 [Belarus: IBAHRI condemns expansion of death penalty](#), International Bar Association, 17 March 2023.

that such amendments could have on freedom of opinion, expression, association, peaceful assembly and political participation, a former UN Special Rapporteur on the human rights situation in Belarus reminded the Government of Belarus “that, among other crimes, victimless crimes, activities of a political nature and certain offences, including treason, espionage or other vaguely defined acts classified as crimes against the State, do not meet the required threshold for the most serious crimes”.<sup>78</sup> The Moscow Mechanism’s Rapporteur opined that capital punishment should not be imposed for crimes that are vaguely defined, such as “high treason”.<sup>79</sup> IBAHRI also condemned these legislative changes, reminding the Belarusian authorities that “international human rights law does not permit the use of the death penalty for non-lethal or vaguely defined crimes” and that, according to the ICCPR, “the death penalty can only be imposed for ‘the most serious crimes’”.<sup>80</sup>

### **Lack of transparency**

The lack of transparency surrounding the application of the death penalty in Belarus has been repeatedly emphasized by ODIHR in its Background Papers.<sup>81</sup> In the UN annual reports on the Question of the Death Penalty, the Secretary-General has called on States Parties to ensure transparency on the imposition and application of the death penalty and to systematically make full, accurate and disaggregated data on death sentences available to the public.<sup>82</sup>

The secrecy surrounding executions is evidenced by the authorities’ failure to inform death-row prisoners and their families of the date and time of execution, the non-return of prisoners’ remains and the non-disclosure of burial sites.<sup>83</sup> Such secrecy persists beyond the execution, with the actual date often withheld for a considerable period. The cases of Viktor Skrundzik and Viktor Serhel cited above are stark illustrations of this absence of transparency.

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78 Special Rapporteur, [Situation of human rights in Belarus](#), para. 98.

79 Sole Rapporteur, [Moscow Mechanism: “Report on the serious threat to the OSCE human dimension in Belarus since 5 November 2020”](#), para. 47.

80 International Bar Association, [Belarus: IBAHRI condemns expansion of death penalty](#).

81 See OSCE/ODIHR, [The Death Penalty in the OSCE Area: Background Paper 2020](#), p.47; [The Death Penalty in the OSCE Area: Background Paper 2021](#), OSCE/ODIHR, 7 October 2021, p.42; and OSCE/ODIHR, [Background Paper 2022](#), pp. 42-44.

82 [Question of the Death Penalty](#), Report of the Secretary-General, 25 July 2022, para. 23; UN GA, [Question of the Death Penalty](#), Report of the Secretary-General, 2024, para. 85; [Question of the Death Penalty](#), Report of the Secretary-General, A/HRC/60/47, 13 August 2025, para. 17.

83 Note by the Secretary-General, [Situation of human rights in Belarus 2024](#), p. 15.

In her May 2022 report to the Human Rights Council, the former UN Special Rapporteur on the human rights situation in Belarus expressed her concerns regarding the issue of secrecy, reiterating her concern that “information on the death penalty remains classified as ‘confidential’ by the State” and that “As a result, neither the convicted person nor their relatives receive information about the execution date and the burial site.”<sup>84</sup>

The lack of transparency and fair trials in relation to executions was also condemned by a range of actors, including the UN and the EU, which released a 2024 statement to mark the World Day against the Death Penalty.<sup>85</sup>

### **Right to life and right to a fair trial**

Violations of the right to life and of the right to a fair trial by Belarus remain important areas of concern in relation to the practice of retaining capital punishment.<sup>86</sup> In the words of a former UN Special Rapporteur on the human rights situation in Belarus, “of grave concern is the systematic practice of imposing capital punishment without fair trial guarantees, as established in numerous views of the UN Human Rights Committee.”<sup>87</sup>

During the reporting period, the UN Human Rights Committee adopted a number of Views in relation to violations of the international Covenant on Civil and Political Rights in 2023 and 2024.

- On 12 October 2023, the UN Human Rights Committee adopted its Views concerning the case of Sergey Khmelevsky, who had been executed in 2016. The Committee found a violation of the right to life and of the right to a fair trial (Articles 16 and 14 of the International Covenant on Civil and Political Rights) by the State of Belarus.<sup>88</sup>

On 21 March 2024, the UN Human Rights Committee adopted its Views concerning the cases of Natalya Berezhnaya and Lyudmila Gershankova, who had claimed that the State of Belarus had violated their rights and the rights of their sons, who were executed in 2018. The Committee concluded there had been a violation of Articles 9(3)

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84 Report of the Special Rapporteur, [Situation of human rights in Belarus 2022](#), para. 65.

85 OSCE Permanent Council No. 1492, [EU Statement on the European and World Day against the Death Penalty 2024](#).

86 See OSCE/ODIHR, [Background Paper 2022](#), pp. 44-45.

87 Note by the Secretary-General, [Situation of human rights in Belarus 2024](#), para. 51.

88 [Views adopted by the Committee under Article 5 \(4\) of the Optional Protocol, concerning communication No. 2792/2016](#), UN Human Rights Committee, CCPR/C/139/D/2792/2016, 25 January 2024, paras. 8.2-8.5.

(the right to be brought promptly before a judge), 14(2) (the presumption of innocence) and 6 (the right to life). In its considerations of the merits, the Committee recalled that “Violation of the fair trial guarantees provided for in Article 14 of the Covenant in proceedings resulting in the imposition of the death penalty renders the sentence arbitrary in nature, and in violation of Article 6 of the Covenant.”<sup>89</sup>

In both cases, the Committee concluded that, by not respecting its requests for interim measures, Belarus had violated its obligations under Article 1 of the Optional Protocol. In her May 2023 report, the former UN Special Rapporteur on the situation of human rights Belarus noted a systematic violation by Belarus of the UN Human Rights Committee’s requests for interim measures in relation to the enforcement of capital punishment, contrary to its obligation to preserve the right to life.<sup>90</sup>

## **1.2. United States of America**

At the end of the reporting period, 27 American states, the federal government and the military still retained the death penalty by law, while 23 states had abolished the death penalty.<sup>91</sup>

Although Idaho, Kansas, Kentucky, Montana, Nevada and North Carolina still legally allow the death penalty, none of these states has carried out an execution in ten years or more. In Ohio, executions have been suspended since 2019, when the state governor halted them until a new protocol for lethal injections can be put in place.<sup>92</sup> In California, Oregon and Pennsylvania, governors have formally imposed moratoriums on executions. Military authorities have not conducted an execution since 1961.

After a steady decline since 1999,<sup>93</sup> the number of executions rose again during the reporting period, with a notably sharp increase in 2025. Indiana, Louisiana, South Carolina, Utah and Wyoming resumed executions during the reporting period after a long pause. Georgia carried out its first execution since 2020, and executions in Alabama were up year on year in 2024.

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89 Views adopted by the Committee under Article 5 (4) of the Optional Protocol, concerning communication No. 3196/2018 and No. 3209/2018, UN Human Rights Committee, CCPR/C/140/D/3196/2018 and CCPR/C/140/D/3209/2018, 8 May 2024, para. 8.4.

90 Special Rapporteur, *Situation of human rights in Belarus*, para. 93.

91 *State by State*, Death Penalty Information Center.

92 *State & Federal – Ohio*, Death Penalty Information Center; Julie Carr Smyth, *Ohio governor postpones 3 more executions scheduled in 2023*, *AP News*, 15 April 2023.

93 OSCE/ODIHR, *Background Paper 2022*, p. 46.

According to a Gallup poll, public support in favour of the death penalty continues its downward trend, with the October 2025 data showing 52 per cent of respondents in favour of the death penalty, 44 per cent not in favour, and 4 per cent with no opinion on the matter.<sup>94</sup>

During the reporting period, at the OSCE Permanent Council, the United States continued to hold the position that neither international law nor OSCE commitments prohibit capital punishment, while acknowledging that the “use of capital punishment remains the subject of serious discussion and close examination in the United States”.<sup>95</sup>

Under the administration of former President Joe Biden, the United States pursued efforts to end the use of the death penalty at the federal level, including through a memorandum on federal executions signed by the Attorney General in 2021.<sup>96</sup> On 23 December 2024, President Biden commuted the sentences of 37 people on federal death row to life without the possibility of parole,<sup>97</sup> reducing the number of federal death-row inmates to just three individuals.<sup>98</sup>

The administration of President Donald Trump marked a clear shift in the United States’ approach towards the death penalty. President Trump signed an executive order on 20 January 2025, aimed at restoring the application of the death penalty at the federal level. The order opens with the statement, “Capital punishment is an essential tool for deterring and punishing those who would commit the most heinous crimes and acts of lethal violence against American citizens.”<sup>99</sup> On 5 February 2025, the new attorney general, signed a memorandum lifting the moratorium on federal executions imposed by her predecessor with immediate effect and encouraging federal prosecutors to seek the death penalty for the most serious and grave offences.<sup>100</sup>

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94 [Death Penalty](#), Gallup poll. The same poll shows, for example, that 61 per cent were in favour of, and 37 per cent against the death penalty in 2015.

95 [Right of Reply on the World Day against the Death Penalty](#), U.S. Mission to the OSCE, 17 October 2024.

96 OSCE/ODIHR, [Background Paper 2022](#), p. 47.

97 [FACT SHEET: President Biden Commutes the Sentences of 37 Individuals on Death Row](#), The White House, 23 December 2024.

98 Dzhokhar Tsarnaev, convicted in 2015 for offences committed in the Boston Marathon bombing and sentenced to death for two of the victims killed; Dylan Roof, convicted and sentenced to death in 2017 for the fatal shooting of nine parishioners in a church in South Carolina; Robert Bowers, convicted and sentenced to death in 2023 for the mass shooting at the Tree of Life Synagogue. See, Ruth Comerford, [Biden commutes most federal sentences](#), *BBC*, 24 December 2024.

99 [Restoring the death penalty and protecting public safety](#), The White House, 20 January 2025.

100 [Memorandum for all department employees: Reviving the federal death penalty and lifting the moratorium on federal executions](#), Office of the Attorney General, 5 February 2025.

## Newly imposed death sentences and executions

As of 1 October 2025, there were 2,024 inmates on death row in the United States;<sup>101</sup> 412 fewer than the 2,436 reported on 31 December 2021. The state with the largest death-row population remained California, with 580 inmates, followed by Florida, with 265 inmates; Texas, with 169 inmates; and Alabama, with 159 inmates.<sup>102</sup>

During the reporting period, a slight increase in the number of new death sentences can be observed. Eighteen death sentences were issued in 2021, 21 were issued in both of 2022 and 2023, and 26 death sentences were issued in 2024.<sup>103</sup>

The number of executions has progressively increased during the reporting period, with a much sharper increase in 2025. Based on data provided by the Death Penalty Information Center, there were 18 executions in 2022 (of which 15 took place during the reporting period), 24 in 2023, 25 in 2024, and 47 in 2025.<sup>104</sup> Executions took place in 12 states, namely Alabama, Arizona, Florida, Georgia, Indiana, Mississippi, Missouri, Oklahoma, South Carolina, Tennessee, Texas and Utah.<sup>105</sup>

| Date of execution | Name                   | Ethnic group                     | Age | Sex  | State    | Method           |
|-------------------|------------------------|----------------------------------|-----|------|----------|------------------|
| 3 May 2022        | Carman L. Deck         | White                            | 56  | Male | Missouri | Lethal injection |
| 11 May 2022       | Clarence Dixon         | American Indian or Alaska Native | 66  | Male | Arizona  | Lethal injection |
| 8 June 2022       | Frank Jarvis Atwood    | White                            | 65  | Male | Arizona  | Lethal injection |
| 28 July 2022      | Joe Nathan James Jr.   | African American                 | 50  | Male | Alabama  | Lethal injection |
| 17 August 2022    | Kosoul Chanthakoummane | Asian                            | 42  | Male | Texas    | Lethal injection |
| 25 August 2022    | James Allen Coddington | White                            | 50  | Male | Oklahoma | Lethal injection |
| 5 October 2022    | John Henry Ramirez     | Latino                           | 38  | Male | Texas    | Lethal injection |
| 20 October 2022   | Benjamin R. Cole       | White                            | 57  | Male | Oklahoma | Lethal injection |
| 9 November 2022   | Tracy Lane Beatty      | White                            | 61  | Male | Texas    | Lethal injection |

101 [Death Row Overview](#), Death Penalty Information Center. Data as of 1 October 2025.

102 [Death Row Overview](#), Death Penalty Information Center.

103 [2025 Death Sentences by Name, Race, and County](#), Death Penalty Information Center. The states with the highest number of death sentences for the years 2022-2025 are Florida (17 sentences), Texas (11 sentences) and Alabama (14).

104 [Execution Database](#), Death Penalty Information Center.

105 During the reporting period 1 April 2021 to 31 March 2022, 11 executions took place in five states only. See OSCE/ODIHR, [Background Paper 2022](#), p. 49.

| Date of execution | Name                     | Ethnic group                     | Age | Sex    | State       | Method           |
|-------------------|--------------------------|----------------------------------|-----|--------|-------------|------------------|
| 16 November 2022  | Murray Hooper            | African American                 | 76  | Male   | Arizona     | Lethal injection |
| 16 November 2022  | Stephen Barbee           | White                            | 55  | Male   | Texas       | Lethal injection |
| 17 November 2022  | Richard Fairchild        | White                            | 63  | Male   | Oklahoma    | Lethal injection |
| 29 November 2022  | Kevin Johnson            | African American                 | 37  | Male   | Missouri    | Lethal injection |
| 14 December 2022  | Thomas Edwin Loden Jr.   | White                            | 58  | Male   | Mississippi | Lethal injection |
| 3 January 2023    | Amber McLaughlin         | White                            | 49  | Female | Missouri    | Lethal injection |
| 10 January 2023   | Robert Alan Fratta       | White                            | 65  | Male   | Texas       | Lethal injection |
| 12 January 2023   | Scott J. Eizember        | White                            | 62  | Male   | Oklahoma    | Lethal injection |
| 1 February 2023   | Wesley Lynn Ruiz         | Latino                           | 43  | Male   | Texas       | Lethal injection |
| 7 February 2023   | Leonard S. Taylor        | African American                 | 58  | Male   | Missouri    | Lethal injection |
| 8 February 2023   | John L. Balentine        | African American                 | 54  | Male   | Texas       | Lethal injection |
| 23 February 2023  | Donald Dillbeck          | White                            | 59  | Male   | Florida     | Lethal injection |
| 7 March 2023      | Gary Green               | African American                 | 51  | Male   | Texas       | Lethal injection |
| 9 March 2023      | Arthur Brown Jr.         | African American                 | 52  | Male   | Texas       | Lethal injection |
| 12 April 2023     | Louis Gaskin             | African American                 | 56  | Male   | Florida     | Lethal injection |
| 3 May 2023        | Darryl Brian Barwick     | White                            | 56  | Male   | Florida     | Lethal injection |
| 6 June 2023       | Michael Andrew Tisius    | White                            | 42  | Male   | Missouri    | Lethal injection |
| 15 June 2023      | Duane Owen               | White                            | 62  | Male   | Florida     | Lethal injection |
| 20 July 2023      | Jemaine Monteil Cannon   | African American                 | 51  | Male   | Oklahoma    | Lethal injection |
| 21 July 2023      | James Edward Barber      | White                            | 64  | Male   | Alabama     | Lethal injection |
| 1 August 2023     | Johnny A. Johnson        | White                            | 45  | Male   | Missouri    | Lethal injection |
| 3 August 2023     | James Barnes             | White                            | 61  | Male   | Florida     | Lethal injection |
| 21 September 2023 | Anthony Castillo Sanchez | Latino                           | 44  | Male   | Oklahoma    | Lethal injection |
| 3 October 2023    | Michael Zack             | White                            | 54  | Male   | Florida     | Lethal injection |
| 10 October 2023   | Jedidiah I. Murphy       | White                            | 48  | Male   | Texas       | Lethal injection |
| 9 November 2023   | Brent Ray Brewer         | White                            | 53  | Male   | Texas       | Lethal injection |
| 16 November 2023  | David Santiago Renteria  | American Indian or Alaska Native | 53  | Male   | Texas       | Lethal injection |
| 16 November 2023  | Casey A. McWhorter       | White                            | 49  | Male   | Alabama     | Lethal injection |

| Date of execution | Name                       | Ethnic group                     | Age | Sex  | State          | Method           |
|-------------------|----------------------------|----------------------------------|-----|------|----------------|------------------|
| 30 November 2023  | Phillip D. Handcock        | White                            | 59  | Male | Oklahoma       | Lethal injection |
| 25 January 2024   | Kenneth Eugene Smith       | White                            | 58  | Male | Alabama        | Gas              |
| 28 February 2024  | Ivan Abner Cantu           | Latino                           | 50  | Male | Texas          | Lethal injection |
| 20 March 2024     | Willie James Pye           | African American                 | 59  | Male | Georgia        | Lethal injection |
| 4 April 2024      | Michael Dewayne Smith      | African American                 | 41  | Male | Oklahoma       | Lethal injection |
| 9 April 2024      | Brian Joseph Dorsey        | White                            | 52  | Male | Missouri       | Lethal injection |
| 30 May 2024       | Jamie Ray Mills            | White                            | 50  | Male | Alabama        | Lethal injection |
| 11 June 2024      | David H. Hosier            | White                            | 69  | Male | Missouri       | Lethal injection |
| 26 June 2024      | Ramiro Felix Gonzalez      | Latino                           | 41  | Male | Texas          | Lethal injection |
| 27 June 2024      | Richard Norman Rojem Jr.   | White                            | 66  | Male | Oklahoma       | Lethal injection |
| 18 July 2024      | Keith Edmund Gavin         | African American                 | 64  | Male | Alabama        | Lethal injection |
| 7 August 2024     | Arthur Lee Burton          | African American                 | 54  | Male | Texas          | Lethal injection |
| 8 August 2024     | Taberon Dave Honie         | American Indian or Alaska Native | 48  | Male | Utah           | Lethal injection |
| 29 August 2024    | Loran Kentley Cole         | White                            | 57  | Male | Florida        | Lethal injection |
| 20 September 2024 | Freddie Eugene Owens       | African American                 | 46  | Male | South Carolina | Lethal injection |
| 24 September 2024 | Marcellus E. Williams      | African American                 | 55  | Male | Missouri       | Lethal injection |
| 24 September 2024 | Travis Mullis              | White                            | 38  | Male | Texas          | Lethal injection |
| 26 September 2024 | Emmanuel A. Littlejohn     | African American                 | 52  | Male | Oklahoma       | Lethal injection |
| 26 September 2024 | Alan Eugene Miller         | White                            | 59  | Male | Alabama        | Gas              |
| 1 October 2024    | Garcia Glenn White         | African American                 | 61  | Male | Texas          | Lethal injection |
| 17 October 2024   | Derrick Dearman            | White                            | 36  | Male | Alabama        | Lethal injection |
| 1 November 2024   | Richard Bernard Moore      | African American                 | 59  | Male | South Carolina | Lethal injection |
| 22 November 2024  | Carey Dale Grayson         | White                            | 50  | Male | Alabama        | Gas              |
| 3 December 2024   | Christopher Leroy Collings | White                            | 49  | Male | Missouri       | Lethal injection |
| 18 December 2024  | Joseph Edward Corcoran     | White                            | 49  | Male | Indiana        | Lethal injection |
| 19 December 2024  | Kevin Ray Underwood        | White                            | 45  | Male | Oklahoma       | Lethal injection |
| 31 January 2025   | Marion Bowman              | African American                 | 44  | Male | South Carolina | Lethal injection |

| Date of execution | Name                       | Ethnic group     | Age | Sex  | State          | Method           |
|-------------------|----------------------------|------------------|-----|------|----------------|------------------|
| 5 February 2025   | Steven Nelson              | African American | 37  | Male | Texas          | Lethal injection |
| 6 February 2025   | Demetrius Terrence Frazier | African American | 52  | Male | Alabama        | Gas              |
| 13 February 2025  | James Dennis Ford          | White            | 64  | Male | Florida        | Lethal injection |
| 13 February 2025  | Richard Lee Tabler         | White            | 46  | Male | Texas          | Lethal injection |
| 7 March 2025      | Brad Keith Sigmon          | White            | 67  | Male | South Carolina | Firing Squad     |
| 18 March 2025     | Jessie Dean Hoffman Jr.    | African American | 46  | Male | Louisiana      | Gas              |
| 19 March 2025     | Aaron Brian Gunches        | White            | 53  | Male | Arizona        | Lethal injection |
| 20 March 2025     | Wendell Arden Grissom      | White            | 56  | Male | Oklahoma       | Lethal injection |
| 20 March 2025     | Edward Thomas James        | White            | 63  | Male | Florida        | Lethal injection |
| 8 April 2025      | Michael Anthony Tanzi      | White            | 48  | Male | Florida        | Lethal injection |
| 11 April 2025     | Mikal Deen Mahdi           | African American | 42  | Male | South Carolina | Firing Squad     |
| 23 April 2025     | Moises Sandoval Mendoza    | Latino           | 41  | Male | Texas          | Lethal injection |
| 24 April 2025     | James Osgood               | White            | 55  | Male | Alabama        | Lethal injection |
| 1 May 2025        | Jeffrey Hutchinson         | White            | 62  | Male | Florida        | Lethal injection |
| 15 May 2025       | Glen Edward Rogers         | White            | 62  | Male | Florida        | Lethal injection |
| 20 May 2025       | Benjamin Donnie Ritchie    | White            | 45  | Male | Indiana        | Lethal injection |
| 20 May 2025       | Matthew Lee Johnson        | African American | 49  | Male | Texas          | Lethal injection |
| 22 May 2025       | Oscar Franklin Smith       | White            | 75  | Male | Tennessee      | Lethal injection |
| 10 June 2025      | Anthony Wainwright         | White            | 54  | Male | Florida        | Lethal injection |
| 11 June 2025      | Gregory Hunt               | White            | 65  | Male | Alabama        | Gas              |
| 12 June 2025      | John G. Fitzgerald Hanson  | African American | 61  | Male | Oklahoma       | Lethal injection |
| 14 June 2025      | Stephen Christopher Stanko | White            | 57  | Male | South Carolina | Lethal injection |
| 24 June 2025      | Thomas Lee Gudinas         | White            | 51  | Male | Florida        | Lethal injection |
| 25 June 2025      | Richard Gerald Jordan      | White            | 79  | Male | Mississippi    | Lethal injection |
| 15 July 2025      | Michael Bernard Bell       | African American | 54  | Male | Florida        | Lethal injection |
| 31 July 2025      | Edward J. Zakrzewski II    | White            | 60  | Male | Florida        | Lethal injection |
| 5 August 2025     | Byron Lewis Black          | African American | 69  | Male | Tennessee      | Lethal injection |
| 19 August 2025    | Kayle Barrington Bates     | African American | 67  | Male | Florida        | Lethal injection |

| Date of execution | Name                     | Ethnic group     | Age | Sex  | State          | Method           |
|-------------------|--------------------------|------------------|-----|------|----------------|------------------|
| 28 August 2025    | Curtis Windom            | African American | 59  | Male | Florida        | Lethal injection |
| 17 September 2025 | David Pittman            | White            | 63  | Male | Florida        | Lethal injection |
| 25 September 2025 | Geoffrey Todd West       | White            | 50  | Male | Alabama        | Gas              |
| 25 September 2025 | Blaine Keith Milam       | White            | 35  | Male | Texas          | Lethal injection |
| 30 September 2025 | Victor Tony Jones        | African American | 64  | Male | Florida        | Lethal injection |
| 10 October 2025   | Roy Lee Ward             | White            | 53  | Male | Indiana        | Lethal injection |
| 14 October 2025   | Samuel Lee Smithers      | White            | 72  | Male | Florida        | Lethal injection |
| 14 October 2025   | Lance C. Shockley        | White            | 48  | Male | Missouri       | Lethal injection |
| 15 October 2025   | Charles Ray Crawford     | White            | 59  | Male | Mississippi    | Lethal injection |
| 17 October 2025   | Richard Kenneth Djerf    | White            | 55  | Male | Arizona        | Lethal injection |
| 23 October 2025   | Anthony Boyd             | African American | 54  | Male | Alabama        | Gas              |
| 28 October 2025   | Norman Mearle Grim Jr.   | White            | 65  | Male | Florida        | Lethal injection |
| 13 November 2025  | Bryan Frederick Jennings | White            | 66  | Male | Florida        | Lethal injection |
| 14 November 2025  | Stephen Cory Bryant      | White            | 44  | Male | South Carolina | Firing squad     |
| 20 November 2025  | Malik Abdul-Sajjad       | African American | 63  | Male | Florida        | Lethal injection |
| 9 December 2025   | Mark Gerald              | White            | 58  | Male | Florida        | Lethal injection |
| 11 December 2025  | Harold Wayne Nichols     | White            | 64  | Male | Tennessee      | Lethal injection |
| 18 December 2025  | Frank Athen Walls        | White            | 64  | Male | Florida        | Lethal injection |

## Developments

### *Exonerations and clemencies*

On 31 December 2024, the Governor of North Carolina commuted the sentences of 15 people on death row in North Carolina to life without the possibility of parole.<sup>106</sup>

During the reporting period, 12 people were exonerated.<sup>107</sup>

<sup>106</sup> [Governor Cooper Takes Capital Clemency Action](#), Office of Governor Josh Stein, 31 December 2024.

<sup>107</sup> In this report, the term 'exonerated' is used to denote the common outcome of release from the death penalty, while the specific legal or factual grounds underlying each individual case varied and are not specified in this report herein.

- In April 2022, Samuel Randolph was fully exonerated after spending nearly two decades on Pennsylvania's death row for a double murder. His conviction was overturned because his Sixth Amendment right to counsel of choice was violated. His family-retained lawyer was blocked from representing him, forcing him to trial with an unprepared court-appointed attorney.<sup>108</sup>
- In August 2022, Marilyn Mulero, a death-row inmate in Illinois, was exonerated in Illinois two years after she was granted clemency. Mulero was wrongfully convicted and sentenced to death for a double murder based on a coerced confession obtained during nine hours of police questioning without any legal representation, using false evidence from unreliable witnesses and her attorney's failure to adequately defend her. She was granted clemency in April 2020.<sup>109</sup>
- On 13 January 2023, John Huffington was fully exonerated and pardoned after spending over 40 years on Maryland's death row for crimes he did not commit. His conviction was based on flawed forensic evidence, and exculpatory evidence was withheld by prosecutor Joseph Cassilly, disbarred in 2021 for his actions in this and other cases.<sup>110</sup>
- On 15 June 2023, Barry Jones was released from death row in Arizona after spending 29 years in prison for a crime that the Arizona Attorney General agreed he did not commit. Jones was sentenced to death in 1995 for the 1994 murder of his girlfriend's four-year-old daughter. Medical evidence showed, however, that the child's fatal injuries did not occur while she was in Jones's care. After reviewing the case, the Arizona Attorney General agreed that Jones was innocent of the murder and arranged for him to plead guilty to second-degree murder for failing to seek medical care for the child. This led to his release from prison.<sup>111</sup>
- On 5 September 2023, death-row prisoner Jesse Johnson was exonerated in Oregon. Convicted in 2004 for murder, Johnson had consistently maintained his innocence, and his case was overturned in 2021 by the Oregon Court of Appeals due to inadequate legal representation that failed to interview a key witness. Investigations revealed that police ignored evidence indicating another prime suspect, and no DNA

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108 [Samuel Randolph Exonerated from Pennsylvania Death Row as Prosecutors Withdraw Charges at Retrial](#), Death Penalty Information Center, posted 12 April 2022, updated 14 March 2025.

109 [Marilyn Mulero](#), The Innocence Center (no date).

110 [Former Maryland Death Row Prisoner Exonerated After 40 Years](#), Death Penalty Information Center, posted 22 February 2023, updated 14 March 2025.

111 [Barry Jones Freed from Arizona's Death Row after 29 years](#), Death Penalty Information Center, posted 16 June 2023, updated 14 March 2025.

directly linked Johnson to the crime.<sup>112</sup> In 2025, Johnson sued the city of Salem, police detectives and police officers, notably invoking racial bias.<sup>113</sup>

- After 48 years of wrongful conviction — the longest such period known in the United States — Glynn Simons was released from death row in July 2023 and declared innocent in December 2023. His sentence was vacated after a district court found that prosecutors failed to disclose evidence pointing to other suspects.<sup>114</sup>
- On 18 December 2023, Noel Montalvo was fully exonerated after spending 20 years on Pennsylvania's death row for murders he did not commit. His conviction relied on a single coerced witness and no physical evidence, while DNA and eyewitness accounts excluded him from the crime.<sup>115</sup>
- In December 2023, in Illinois, Robert Melock was released from death row and was formally declared innocent on 21 April 2025. Arrested for the 1989 murder and sexual assault of his grandmother in Waukegan, Illinois, Melock's conviction relied on a coerced false confession obtained through deceptive polygraph techniques and testimony from a jailhouse informant who was not present at the time.<sup>116</sup>
- David Gwynn was exonerated on 27 February 2024, when a Pennsylvania judge dismissed all murder, arson and aggravated assault charges that had led to his death-row sentence nearly 30 years earlier. Convicted in 1994, his case rested on a coerced false confession and mistaken eyewitness testimony, with key physical evidence contradicting his statements and prosecutors failing to disclose evidence pointing to another suspect.
- Kerry Max Cook was formally exonerated by Texas's highest criminal court in June 2024 after he wrongfully spent 20 years on death row. In a sweeping opinion, the court detailed decades of severe prosecutorial misconduct, including suppressed exculpatory evidence, fabricated and perjured testimony, secret plea deals with jailhouse informants, and misleading forensic evidence. Cook was tried three

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112 [Former Oregon Death Row Prisoner Freed 2 Years After Reversed Conviction, 194th Death Row Exoneration](#), Death Penalty Information Center, posted 8 September 2023, updated 14 March 2025.

113 Vasili Varlamos, [Exonerated man files lawsuit against Salem police after 25 years of wrongful imprisonment](#), *NBC 16*, 5 September 2025.

114 Madeline Halpert, [Glynn Simmons: Freedom 'exhilarating' for man exonerated after 48 years](#), *BBC*, 6 January 2024.

115 [Noel Montalvo Exonerated Twenty Years After Pennsylvania Sent Him to Death Row](#), Death Penalty Information Center, posted 19 December 2023, updated 14 March 2025.

116 [Former Illinois Death-Sentenced Prisoner Robert Melock's Charges Dismissed, Court Acknowledged Innocence](#), Death Penalty Information Center, 19 August 2025.

times, with convictions repeatedly overturned due to misconduct, and ultimately released in 1999 after accepting a plea that left his conviction intact despite later DNA evidence excluding him.<sup>117</sup>

- On 1 July 2025, Larry Roberts became the 200th exoneree. He was wrongfully convicted in 1983 for the murder of a fellow prisoner and of a prison guard. The prosecution's case rested heavily on incentivized prison informants whose accounts were inconsistent, later recanted or shown to be false, and whose credibility problems were withheld from the defence. After years of state and federal appeals, a federal judge in 2022 found that prosecutors had failed to disclose critical exculpatory evidence and allowed false testimony to go uncorrected, rendering the trial fundamentally unfair. In 2024, the state conceded that a retrial was not feasible due to unavailable witnesses, leading to the vacating of Roberts' conviction.<sup>118</sup>
- On 12 December 2025, Elwood Jones was fully exonerated, ending nearly 30 years of wrongful prosecution that included 27 years on Ohio's death row. A comprehensive review found no physical evidence linking Jones to the crime, inadequate investigation of alternative suspects, modern scientific testing excluding him and the prosecution's failure to disclose critical exculpatory evidence. In 2022, a judge had granted Jones a new trial. However, with key evidence excluded and witnesses unavailable, prosecutors concluded a retrial would be pointless.<sup>119</sup>

### ***Significant rulings***

On 23 June 2022, in *Nance v. Georgia*,<sup>120</sup> the United States Supreme Court ruled that death-row inmates can use federal civil rights lawsuits to challenge execution methods, even when proposing alternatives not authorized under state law. Death-row prisoner Michael Nance argued that lethal injection would be torturous due to his health issues, and proposed execution by firing squad as an alternative. The Court rejected Georgia's argument that such claims must go through habeas corpus, a legal procedure that allows a court to review whether a person is being lawfully detained and, if not, order their release. The procedure emphasized inmates' access to seeking relief.

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117 [Texas Court Formally Exonerates Kerry Max Cook, Who Spent 20 Years on Death Row](#), Equal Justice Initiative, 28 June 2024.

118 [Larry Roberts](#), The National Registry of Exonerations.

119 [Ohio Prosecutors Dismiss Case Against Elwood Jones Nearly 30 Years After Wrongful Conviction](#), Death Penalty Information Center, 17 December 2025.

120 *Nance v. Ward*, 597 U.S. \_\_\_\_ (2022), Justia U.S. Supreme Court, Docket No. 21-439, Decision of 23 June 2022.

This may require, however, state law changes without undermining the state's control over executions.<sup>121</sup>

On 19 April 2023, the United States Supreme Court ruled that Texas death-row inmate Rodney Reed could continue pursuing DNA testing blocked by a lower court, holding that his federal civil rights claim was timely filed once his state-court appeals ended. Reed, an African American man who maintains his innocence in the 1998 rape and murder of a White woman, sought DNA testing of the murder weapon and other evidence to identify the true perpetrator, but state courts had denied his requests.<sup>122</sup>

On 22 January 2025, the United States Supreme Court summarily reversed a lower court ruling in the case of death-row prisoner Brenda Andrew in Oklahoma, holding that she properly relied on clearly established federal law in arguing that her trial was rendered fundamentally unfair by highly prejudicial evidence about her sexual behaviour and clothing. At Andrew's 2004 trial for the murder of her husband, prosecutors repeatedly portrayed her as morally deviant, an approach critics said invited the jury to sentence her to death based on gender stereotypes rather than facts. The Tenth Circuit had refused to consider the merits of her due process claim, but the Supreme Court rejected that view.<sup>123</sup>

In a 6-3 decision issued on 26 June 2025, the United States Supreme Court ruled that Texas death-row prisoner Ruben Gutierrez may proceed with a federal lawsuit challenging the constitutionality of Texas's restrictive, post-conviction, DNA-testing law, finding that he has standing to bring his due process claim. Sentenced to death in 1999 for robbery and murder, Gutierrez admitted involvement in the robbery but maintained he neither killed nor intended for the victim to be killed. For more than a decade, he has sought DNA testing of untested crime-scene evidence that could support this claim, but Texas courts denied access under a statute that allows testing only if it could overturn the conviction.<sup>124</sup>

On 15 December 2025, the United States Supreme Court announced that it would hear the appeal of Mississippi death-row prisoner, Terry Pitchford, who argued that his

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121 [Supreme Court Preserves Death-Row's Prisoners Ability to Challenge Executions Methods in Federal Civil Rights Lawsuit](#), Death Penalty Information Center posted 27 June 2022, updated 14 March 2025.

122 [Supreme Court \(6-3\) Allows Death Row Prisoner's Bid for DNA Testing to Proceed](#), Death Penalty Information Center, posted 20 April 2023, updated 14 March 2025.

123 [Supreme Court Rules in Favor of Only Woman on Oklahoma Death Row, Confirming Admission of Prejudicial, Gendered Evidence Cam Violate Due Process Rights](#), Death Penalty Information Center, posted 22 January 2025, updated 14 March 2025.

124 [U.S. Supreme Court Rules in Favor of Texas Death Row Prisoner Seeking DNA Testing](#), Death Penalty Information Center, 27 June 2025.

constitutional rights were violated by racial discrimination during jury selection at his 2006 trial, where Prosecutor Doug Evans used peremptory strikes to remove four African American jurors. Although the trial judge and the Mississippi Supreme Court rejected Pitchford's claim, a federal district court later granted Pitchford relief, finding the trial court failed to properly assess racial bias. That decision was reversed by the Fifth Circuit Court of Appeals.<sup>125</sup>

### ***Legislative developments***

- During the reporting period, several states introduced bills aiming at limiting the application of the death penalty or prohibiting it altogether.<sup>126</sup> In November 2023, Washington formally abolished the death penalty, five years after the state's Supreme Court struck it down.<sup>127</sup>

Arizona, Arkansas, California and Texas introduced bills to exclude people with serious mental illness from the death penalty. Texas also introduced a bill to change the procedure for determining intellectual disability in capital cases and align the state's definition of intellectual disability with clinical standards. In Alabama, a bill requiring a unanimous vote by jurors to impose a death sentence was introduced. In Delaware, a state that abolished capital punishment in 2016, a law removing the death penalty from the legislation was adopted.<sup>128</sup>

In 2022, the Governor of California introduced a series of amendments to the California Racial Justice Act (CRJ), notably by making the Act retroactive.<sup>129</sup> In 2025, the governor further reinforced the CRJ with amendments barring criminal convictions and sentencing decisions rooted in race, ethnicity or national origin.<sup>130</sup>

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<sup>125</sup> [U.S. Supreme Court Agrees to Hear Mississippi Death Penalty Case Alleging Race Based Jury Discrimination](#), Death Penalty Information Center, 19 December 2025.

<sup>126</sup> [Legislation by Year](#), Death Penalty Information Center.

<sup>127</sup> Komo news staff and Lisa Baumann, [Washington state officially abolished death penalty](#), *Komonews*, 20 April 2023.

<sup>128</sup> [House Bill 70](#), Delaware General Assembly.

<sup>129</sup> [RJA 4 All](#), Ella Baker Center for Human Rights.

<sup>130</sup> [Governor Newsom Signs Major Amendments to California's Racial Justice Act into Law](#), Death Penalty Information Center, posted 16 October 2025, updated 20 October 2025.

## **The discriminatory application of the death penalty**

### ***The execution of people with intellectual disabilities and/or mental illnesses***

As mentioned above, the UN Human Rights Committee has called on states to refrain from imposing the death penalty on individuals who face special barriers in defending themselves on an equal basis with others, such as individuals with serious psychosocial or intellectual disabilities.<sup>131</sup>

In 2002, in *Atkins v. Virginia*, the United States Supreme Court ruled against the execution of “mentally retarded” individuals, stating that executing individuals with intellectual disabilities constitutes cruel and unusual punishment in violation of the Constitution.<sup>132</sup> However, it granted states discretion in determining the process to establish intellectual disability.<sup>133</sup> In 2014, in *Hall v. Florida*, the Supreme Court established that IQ test results could not be the only method used for determining intellectual disability,<sup>134</sup> while in *Moore v. Texas*, the Supreme Court invalidated Texas’s method for assessing intellectual disability in death penalty cases, describing the approach as an “outlier” that, in its design and application, poses an unacceptable risk that people with intellectual disabilities could be executed.<sup>135</sup>

In spite of these developments, capital punishment continues to be imposed on people with intellectual disabilities and/or mental illnesses. The Death Penalty Information Center estimates that 79 per cent of the inmates executed in 2023 had at least one of the following impairments: serious mental illness; brain injury, developmental brain damage or an IQ in the intellectually disabled range; and/or chronic serious childhood trauma, neglect, and/or abuse. Thirty-three per cent had all three.<sup>136</sup> For 2024, the organization estimates that 96 per cent of all those executed had at least one of these vulnerabilities.<sup>137</sup> They estimate that at least 39 prisoners executed in 2025, i.e., 83 per cent, had one or more such vulnerabilities.<sup>138</sup>

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131 UN HRC, [General comment No. 36](#), para. 53.

132 *Atkins v. Virginia*, U.S. Supreme Court, 536 U.S. 304 (2002), decided 20 June 2002.

133 [Intellectual Disability Supreme Court Cases](#), The Death Penalty Information Center.

134 *Hall v. Florida*, U.S. Supreme Court, 572 U.S. 701 (2014), decided 27 May 2014.

135 *Moore v. Texas*, U.S. Supreme Court, 586 U.S. \_\_ (2019), decided 19 February 2019.

136 [The Death Penalty in 2023: End Year Report](#), The Death Penalty Information Center, 1 December 2023, p. 17.

137 [The Death Penalty in 2024](#), The Death Penalty Information Center, 19 December 2024, p. 46.

138 [The Death Penalty in 2025](#), The Death Penalty Information Center, 15 December 2025, p. 10.

Below are a few illustrative examples of inmates with intellectual disabilities and/or mental illnesses who were executed during the reporting period.<sup>139</sup>

- On 11 May 2022, Arizona executed Clarence Dixon, a visually impaired man with severe mental illness.
- On 17 November 2022, Oklahoma executed Richard Fairchild despite traumatic brain injuries suffered in his childhood. According to a neuropsychological assessment, Fairchild was found to be “floridly psychotic, disconnected from reality, and suffering from delusions and hallucinations.”<sup>140</sup>
- On 1 August 2023, Johnny Johnson, who had long been diagnosed with severe mental disabilities, was executed in Missouri, despite a neuropsychiatrist’s opinion that he had no rational understanding of the reason for his punishment.<sup>141</sup>
- On 3 October 2023, Florida executed Michael Zack. Based on the testimony of experts, Zack had Post-Traumatic Stress Disorder (PTSD), Fetal Alcohol Syndrome (FAS), chronic depression, possible brain damage and the mental and emotional age of a 10- or 11-year-old child. Even though the appeal filed on 28 August 2023 referred to a new scientific consensus that individuals with FAS meet the functional criteria of intellectual disability, the Florida Supreme Court refused to stay the execution.<sup>142</sup>
- On 10 October 2023, Jedidiah I. Murphy was executed in Texas. Murphy, who had an abusive childhood, had long been suffering from severe mental illness, including

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139 Other individuals with intellectual disabilities and/or mental illness who were executed in the reporting period include Malik Abdul-Sajjad, James Barnes, Kayle Bates, Darryl Barwick, Byron Black, Arthur Brown, Stephen Bryant, Arthur Burton, Ivan Cantu, Joseph Corcoran, Derrick Dearman, Donald Dillbeck, James Ford, Demetrius Frazier, Carey Grayson, Gary Green, Wendell Grissom, Thomas Gudinas, Jessie Hoffman, Jeffrey Hutchinson, Edward James, Victor Jones, Mikal Mahdi, Moises Mendoza, Blaine Milam, Travis Mullis, James Osgood, Willie Pye, Benjamin Ritchie, Michael Smith, Samuel Smithers, Stephen Stanko, Richard Tabler, Michael Tanzi, Kevin Underwood and Roy Ward. See *The Death Penalty Information Center, The Death Penalty in 2023: End Year Report, The Death Penalty in 2024 and The Death Penalty in 2025*.

140 [Oklahoma Denies Clemency to Death-Row Prisoner Richard Fairchild Who Suffers from Brain Damage, Hallucinations, and Delusions](#), Death Penalty Information Centre, posted 17 October 2022, updated 14 March 2025.

141 [United States of America: Missouri executes man despite mental disability](#), Amnesty International, 3 August 2023.

142 [USA: Florida carries out sixth execution of 2023](#), Amnesty International, 5 October 2023.

hallucinations and dissociative blackouts.<sup>143</sup> He was diagnosed with depression, bipolar and dissociative identity disorder.<sup>144</sup>

- On 18 December 2024, Joseph Corcoran was executed in Indiana. His lawyers had argued that Corcoran's execution would violate the Constitution, because he was suffering from paranoid schizophrenia that caused hallucinations and delusions and lacked a rational understanding of the situation. Corcoran waived the appeals and accepted his execution.<sup>145</sup>
- On 17 September 2025, David Pittman was executed in Florida. His lawyers' claims that he suffered from intellectual disabilities were rejected by the state, arguing it was too late to claim mental impairments retroactively.<sup>146</sup>
- The last example in the reporting period is the execution of Frank Athen Walls, on 18 December 2025 in Florida. Walls had suffered from a mental deficit and brain damage since early childhood.<sup>147</sup> In an appeal, his lawyers argued that his intellectual disability and additional medical conditions should make him ineligible for execution, but the Florida Supreme Court rejected those claims, while further appeals were still awaiting review by the United States Supreme Court.<sup>148</sup>

### **Racial bias**

Racial bias in the application of the death penalty in the United States has been consistently documented.<sup>149</sup> This bias increases the likelihood of capital punishment both in cases where the victim is White and in cases where the defendant is African American.<sup>150</sup> According to the Death Penalty Information Center, 75 per cent of executed prisoners since 1976 have been White, and 34 per cent of the individuals executed since 1976 have been African American, compared to approximately 12 per

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143 Keri Blakinger, [Jedidiah Murphy and the evolving debate on mental illness and capital punishment](#), *Los Angeles Times*, 10 October 2023.

144 [TCADP Execution Alert: Support Clemency for Jedidiah Murphy](#), Texas Coalition to Abolish the Death Penalty (no date).

145 Dakin Andone, John Fritze and Hanna Park, [Indiana carries out first execution in 15 years, putting inmate with paranoid schizophrenia to death for quadruple murder](#), *CNN*, 18 December 2024.

146 [Florida puts man to death in state record 12th execution this year](#), *The Guardian*, 18 September 2025.

147 [Statement on the Execution of Frank Athen Walls](#), Floridians for Alternatives to the Death Penalty, 18 December 2025.

148 The Associated Press, [Florida man set to be executed for killing 2 during a home invasion](#), *NBC News*, 18 December 2025.

149 OSCE/ODIHR, [Background Paper 2022](#), pp. 58-59; OSCE/ODIHR, [Background Paper 2020](#), pp. 21-23.

150 [Biases & Vulnerabilities, Race](#), Death Penalty Information Center.

cent of the United States population identifying as African American, between 1975 and 2025.<sup>151</sup>

In a 2025 report, the American Civil Liberties Union (ACLU) explains how “death qualification” — i.e., the exclusion of people who are unwilling to impose the death penalty from capital juries — disproportionately excludes African American people, and in particular African American women, from such juries.<sup>152</sup> ACLU describes a vicious circle: African American people are often more likely to distrust the death penalty because of their experiences of discrimination in the criminal legal system, leading to their disproportionate exclusion from juries, which, in turn, increases discrimination in the form of biased juries that are no longer representative of the community.<sup>153</sup> The exclusion of African American jurors is further exacerbated by the possibility for attorneys on both sides to use peremptory strikes; i.e., excluding jurors without justification.<sup>154</sup> Research indicates that White-dominated juries review evidence less thoroughly and are inclined to give harsher sentences, including death sentences, when considering African American defendants.<sup>155</sup>

- On 8 February 2023, John L. Balentine, a 54-year-old African American man, was executed in Texas for the killing of three White teenagers in 1998. There were serious concerns of racial bias during his trial, including the fact that he was convicted by an all-White jury and the demonstrated bias of the jury foreman. It also appeared that Balentine’s defence team failed to adequately defend him.<sup>156</sup>
- In April 2024 in California, a federal judge ordered the District Attorney of Alameda County to review 35 death penalty convictions after several prosecutors were found

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151 According to [Data USA](#), African-American people (non-Hispanic) amounted to 12 per cent of the U.S. population in 2023.

152 [Fatal Flaws: Revealing the Racial and Religious Gerrymandering of the Capital Jury](#), ACLU, 24 June 2025.

153 *Ibid.*, p. 7.

154 *Ibid.*, pp. 5, 6 and 17.

155 *Ibid.*, p. 12; [Systemic racism against Africans and people of African descent in the criminal justice system](#), Report of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, A/HRC/60/75, 9 September 2025, para. 35.

156 It was also reported that one of Balentine’s defence lawyers passed a note to his colleague saying, “Can you spell LYNCHING”, to which the other one responded with an inserted word: “Can you spell justifiable LYNCHING”. See [In a Last-Minute Reversal, Texas Executes John Balentine Despite Concerns of Racial Bias at Trial](#), American Bar Association, 20 February 2023; and Ed Pilkington, ‘[Can you spell lynching?](#)’: lawyer’s shocking note in Texas execution case, *The Guardian*, 5 February 2023.

to have intentionally excluded African American and Jewish jurors in cases going back to 1977.<sup>157</sup>

- Richard Bernard Moore, a 59-year-old African American man convicted for the murder of a White convenience store clerk in 1999, was executed on 1 November 2024 in South Carolina. He was unarmed when he entered the shop and, to defend himself, used the guns that the clerk was pointing at him. Moore was sentenced by an all-White jury after the prosecutor had struck “all the eligible African Americans from the jury”.<sup>158</sup>
- Marcellus Williams, a 55-year-old African American man executed in Missouri on 24 September 2024 for the murder of a White woman, maintained his innocence until his death. He was sentenced to death in spite of serious concerns about his legal representation, the absence of DNA evidence connecting him to the crime, and the fact that the two eyewitnesses who testified at his trial had been compensated for their statements. The current St. Louis County Prosecuting Attorney acknowledged mistakes made by the prosecutors at the trial, including the dismissal of six out of the seven potential African American jurors.<sup>159</sup>
- Marion Bowman, a 44-year-old African American man, was executed in South Carolina on 31 January 2025. Convicted for murdering his childhood friend, a young White woman, when he was 20-years-old, he had always maintained his innocence, including in his last words. According to his attorneys, the evidence used against him was unreliable. It also appeared that the lawyer who represented him at the trial demonstrated racial bias and pressured him to plead guilty, because he was African American and his victim was White.<sup>160</sup>
- On 19 August 2025, Kayle Barrington Bates (also known as Maud Dib Al Sharif) was executed in Florida. He had been convicted and sentenced to death in 1983 by an all-White jury, based on a confession obtained during a five-hour interrogation during which he was verbally abused and threatened<sup>161</sup> without the presence

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157 Salvador Hernandez, [Federal judge orders Alameda County to review death penalty cases](#), *Los Angeles Times*, 23 April 2024.

158 Richard Moore, Justice 360 (no date); Amnesty International, [Death sentences and executions in 2024](#), p. 18.

159 Marcellus Williams, Innocence Project (no date); Amnesty International, [Death sentences and executions in 2024](#), p. 18.

160 Sam Levin, [South Carolina executes Marion Bowman as he proclaimed his innocence](#), *The Guardian*, 1 February 2025.

161 Mary Kate Delucco, [Florida executes Kayle Bates \(Maud Dib Al Sharif Qu'un\); the state's 10th execution this year](#), *Death Penalty Focus*, 20 August 2025.

of a legal counsel. His death sentence was reaffirmed in 1995 by a non-unanimous jury vote.<sup>162</sup>

Individuals of African descent are more likely to be wrongfully convicted, and official misconduct is significantly higher in relation to exonerations of African American individuals sentenced to death.<sup>163</sup> More than half of the 11 death-row inmates exonerated during the reporting period are African American — all for reasons that included official misconduct.<sup>164</sup>

### **Time on death row and ageing death-row population**

The length of time individuals spend on death row in the United States has been steadily increasing. According to statistics, the average time between sentencing and execution amounted to 233 months in 2021, against 95 in 1990, with a peak of 264 in 2019.<sup>165</sup> Living on death row amounts to living in prolonged solitary confinement,<sup>166</sup> a condition that causes severe mental pain and suffering that can amount to torture or cruel, inhuman or degrading treatment or punishment, according to the Special Rapporteur to the Human Rights Council in 2011.<sup>167</sup>

Independent experts have stressed that this extreme isolation, coupled with the anxiety and trauma caused by the threat of death, can be defined by the term ‘death row phenomenon’ and may amount to ill-treatment or even torture.<sup>168</sup> Former Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Juan E. Méndez referred to the death row phenomenon as “a combination of

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162 [Florida Death Row Prisoners Challenge Governor DeSantis’ Secretive Execution Decisions](#), Death Penalty Information Center, 13 August 2025.

163 UN GA, [Systemic racism against Africans and people of African descent in the criminal justice system](#), para. 38.

164 [Innocence Database](#), Death Penalty Information Center. Six exonerees are African American, three are White and two are Latino.

165 [Average time between sentencing and execution for inmates on death row in the United States from 1990 to 2021](#), Statista, last updated 20 August 2024.

166 According to the Nelson Mandela Rules, prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days and shall be prohibited. [The United Nations Standard Minimum Rules for the Treatment of Prisoners \(The Nelson Mandela Rules\)](#), UN GA Resolution 70/175, annex, adopted on 17 December 2015, Rules 43 and 44.

167 See [Torture and other cruel, inhuman or degrading treatment or punishment](#), Interim report of the Special Rapporteur of the Human Rights Council, A/66/268, 5 August 2011, paras. 70-78; [Solitary confinement should be banned in most cases, UN expert says](#), UN News, 18 October 2011.

168 UN GA, [Interim report of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment](#), paras. 42-51; UN GA, [Extrajudicial, summary or arbitrary executions](#), paras.76-78. See also OHCHR, [Death Penalty and the Victims](#), pp. 216-217 on the “death row phenomenon”.

circumstances that produce severe mental trauma and physical deterioration in prisoners under sentence of death”, including “the lengthy and anxiety-ridden wait for uncertain outcomes, isolation, drastically reduced human contact and even the physical conditions in which some inmates are held.”<sup>169</sup>

The ageing of death-row inmates, a reflection of the global ageing of the prison population, also represents a growing concern in the United States.<sup>170</sup> In 2024, the average age of the people executed was 52.3. Of those executed during the reporting period, 33 were 60 or older (30.5 per cent), 16 were 65 or older (14.8 per cent) and 5 were over 70 (4.6 per cent) at the time of their execution.

Older prisoners in the United States often struggle to receive adequate health care, particularly in relation to end-of-life care.<sup>171</sup> Moreover, older people on death row are typically excluded from such healthcare programmes and are often segregated, in single cells within special facilities. Besides the specific concerns raised by solitary confinement, it is unlikely that older prisoners on death row will benefit from the same standard of health care as people of the same age in the community.<sup>172</sup>

### **Execution procedure and methods of execution**

Lethal injection remains the most commonly used method of execution in most retaining states.<sup>173</sup> During the reporting period, of 110 people 99 were executed by lethal injection, eight by nitrogen hypoxia<sup>174</sup> and three by firing squad.<sup>175</sup>

In July 2023, Alabama resumed executions using lethal injection, ending a brief moratorium that the governor had put in place in November 2022. The moratorium followed failed attempts to execute Alan Eugene Miller and Kenneth Eugene

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169 UN GA, [Interim report of the Special Rapporteur on torture and other cruel, inhuman and degrading treatment or punishment](#), para. 42.

170 [Time on Death Row](#), Death Penalty Information Center. The ageing death-row population in the U.S. is part of a global trend of ageing prison populations. For more information on older people in detention, see [Older persons in detention – A framework for preventive monitoring](#), Penal Reform International, June 2021.

171 [Global prison trends 2025](#), Penal Reform International, May 2025, p. 24.

172 See UN GA, [The Nelson Mandela Rules](#), Rule 24.

173 [Methods of Execution](#), Death Penalty Information Center.

174 Nitrogen hypoxia is a process where pure nitrogen gas, or nitrogen gas at concentrations high enough to be lethal, is inhaled to the point of causing asphyxiation. See Emily Mae Czachor, [What is nitrogen hypoxia? Alabama's Kenneth Smith execution proceeds with unprecedented, controversial method](#), CBS News, 20 August 2024.

175 OSCE/ODIHR, [The Death Penalty in the OSCE Area: Background Papers document collection](#).

Smith via intravenous injections and was intended to allow a review of lethal injection protocols.<sup>176</sup>

On 25 January 2014, Alabama carried out the execution of Kenneth Eugene Smith using nitrogen hypoxia, for the first time anywhere in the world.<sup>177</sup> Smith's attorneys unsuccessfully attempted to halt the execution, stating that the use of use of nitrogen hypoxia forces Smith to be a "test subject for this novel and experimental method."<sup>178</sup> UN independent experts also called for a stay in execution, raising serious concerns that this untested method of execution may subject him to cruel, inhuman or degrading treatment, or even torture.<sup>179</sup> It was reported that Smith took over 20 minutes to die, during which he convulsed, breathed heavily and shook violently.<sup>180</sup> According to his spiritual adviser, Rev. Jeff Hood, "What we saw was minutes of someone struggling for his life."<sup>181</sup> UN independent experts unequivocally condemned the execution, reiterating their earlier call to halt the execution and calling for a ban on this method of execution.<sup>182</sup>

Alabama executed six more people by nitrogen hypoxia during the reporting period: Alan Eugene Miller, Carey Dale Grayson, Demetrius Terrence Frazier, Gregory Hunt, Geoffrey Todd West and Anthony Boyd (denied a request to stay his execution). According to media witnesses, it took Boyd 40 minutes to die, making it the longest execution by nitrogen hypoxia so far.<sup>183</sup> His request to be executed by a firing squad instead, claiming that the use of nitrogen gas violates the Eighth Amendment, had been denied by the United States Supreme Court.<sup>184</sup>

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176 Ivana Hrynkiw, [Executions back on in Alabama after brief moratorium](#), *AL.com*, 24 February 2023.

177 [Nitrogen Suffocation](#), Equal Justice Initiative (no date). Alabama authorized this method of execution in 2018, *State & Federal, Alabama*, Death Penalty Information Center.

178 [Alabama Schedules A Second Execution for Kenneth Smith, Using Nitrogen Gas for the First Time in U.S. History](#), Death Penalty Information Center, posted 13 November 2023, updated 14 March 2025.

179 [United States: UN experts alarmed at prospect of first-ever untested execution by nitrogen hypoxia in Alabama](#), OHCHR Media Center, 3 January 2024.

180 [United States: UN experts horrified by Kenneth Smith's execution by nitrogen in Alabama](#), OHCHR Media Center, 30 January 2024; Death Penalty Information Center, 2025 *Death Sentences by Name, Race, and County*.

181 Ralph Chapoco, [Kenneth Eugene Smith executed by nitrogen gas for 1988 murder-for-hire scheme](#), Alabama Reflector, 25 January 2024.

182 OHCHR Media Center, [United States: UN experts horrified by Kenneth Smith's execution by nitrogen in Alabama](#).

183 [Alabama Executions Witnesses Report "Violent Thrashing" of Prisoner and More Than 225 "Agonized Breaths" in Nitrogen Gas Execution](#), Death Penalty Information Center, 27 October 2025.

184 [Alabama Executes Anthony Boyd](#), Equal Justice Initiative, updated on 23 October 2025.

After a 15-year hiatus in executions, Louisiana also conducted its first nitrogen gas execution on 18 March 2025, that of Jessie Hoffman.<sup>185</sup> In his case too, a request to stay the execution had been denied by the Supreme Court. Eyewitnesses reported a prolonged death and Hoffman showing signs of convulsions.<sup>186</sup>

For the first time since the state authorized this method of execution in 2021, South Carolina executed three people by firing squad during the reporting period.<sup>187</sup> Brad Keith Sigmon, Mikal Deen Mahdi and Stephen Cory Bryant all chose this method of execution, notably based on concerns surrounding lethal injections.<sup>188</sup> After Mahdi's execution, his lawyers expressed concerns that the bullets did not immediately hit his heart, hence prolonging his suffering. After examining the autopsy report, a pathologist declared that "Mahdi did experience excruciating conscious pain and suffering for about 30 to 60 seconds after he was shot."<sup>189</sup>

Executions by lethal injection continue to raise serious concerns due to the risk of severe pain, with several botched executions identified during the reporting period.<sup>190</sup> It includes the cases of Clarence Dixon, Frank Atwood and Murray Hooper in Arizona, Joe Nathan James Jr., Alan Eugene Miller and Kenneth Eugene Smith (both executed at a later date by nitrogen hypoxia, see above) in Alabama, Stephen Barbee in Texas, and Thomas Creech in Idaho, who remains on death row after a failed attempt to execute him.<sup>191</sup>

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185 [Louisiana Resumes Executions After 15-Year Hiatus with First Nitrogen Gas Execution](#), Death Penalty Information Center, posted 19 March 2025, updated 3 April 2025.

186 Ed Pilkington, [Louisiana uses nitrogen gas for first time in death row execution](#), *The Guardian*, 19 March 2025.

187 [State & Federal, South Carolina](#), Death Penalty Information Center.

188 Max Matza, [Double murderer is first US inmate executed by firing squad in 15 years](#), *BBC*, 8 March 2025; Dakin Andone, [Why death by firing squad may be making a comeback](#), *CNN*, 10 April 2025; [South Carolina executes killer who left bloody message, marking third firing-squad execution this year](#), *CBS News*, 14 November 2025.

189 [Lawyers Raise Concern as Autopsy Finds South Carolina's Second Firing Squad Execution May Have Been Botched](#), Death Penalty Information Center, posted 13 May 2025, updated 15 May 2025; Chiara Eisner, [A firing squad tried to shoot a prisoner in the heart. They missed, autopsy indicates](#), *NCPR*, 8 May 2025.

190 In his 5 August 2022 report, the Special Rapporteur on extrajudicial, summary or arbitrary executions highlighted that lethal injection has led to the highest number of botched executions. See UN GA, [Extrajudicial, summary or arbitrary executions](#), para. 80.

191 [Executions, Botched Executions](#), Death Penalty Information Center.

## Expansion of methods of execution and of the scope of the death penalty

During the reporting period, several states sought to expand their methods of execution.<sup>192</sup> Idaho and Tennessee introduced bills that would permit execution by firing squads. In Montana, the state assembly reviewed legislation that would broaden the type of drugs used in lethal injection protocols. In Idaho, an attempt to move forward with an execution by lethal injection was stayed by a judge because of problems sourcing the necessary drugs. In March 2024, Louisiana passed a bill authorizing executions by nitrogen hypoxia.<sup>193</sup> Three states, namely Louisiana, South Carolina and Utah, adopted laws prohibiting the disclosure of information and records related to an execution.<sup>194</sup> In its statement at the OSCE Permanent Council to mark the World Day against the Death Penalty in 2024, the European Union delivered a statement on behalf of EU and certain non-EU countries to express concern over the fact that more American states were passing secrecy laws aimed at keeping execution-related information from the public.<sup>195</sup>

In Florida, the governor signed a bill facilitating the imposition of the death penalty by lowering to eight the minimum number of juror votes in favour of a death sentence.<sup>196</sup> This is the lowest jury-vote threshold for issuing such sentences in the United States. He also expanded the application of the death penalty to those convicted of sex crimes against children,<sup>197</sup> while the governor of Tennessee expanded the scope of the death penalty beyond crimes involving intentional killing by authorizing its imposition for the aggravated rape of a child.<sup>198</sup>

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192 [Death sentences and executions in 2023](#), Amnesty International Global Report, 29 May 2024, p. 18.

193 [After a 15-Year Pause, Louisiana Governor Intends to Restart Executions Using New Nitrogen Gas Protocol; Courts Set Execution Dates for Two Prisoners](#), Death Penalty Information Center, posted 18 February 2025, updated 14 March 2025.

194 [ACLU of South Carolina challenges death penalty secrecy law](#), ACLU South Carolina, 29 January 2025 (see law [here](#)); Piper Hutchinson, [Criminal penalties removed from Louisiana's death penalty secrecy bill](#), *Louisiana Illuminator*, 26 February 2024 (see law [here](#)); [Utah Prisoners' Request for Information Thwarted by New Legislation Increasing Secrecy in Executions Procedures](#), Death Penalty Information Center, 18 March 2024 (see law [here](#)).

195 OSCE Permanent Council No. 1492, [EU Statement on the European and World Day against the Death Penalty 2024](#). Albania, Andorra, Bosnia and Herzegovina, Georgia, Moldova, Monaco, Montenegro, North Macedonia, San Marino, Serbia and Ukraine aligned themselves with this statement.

196 [Governor DeSantis Signs Bill to Ensure Justice in Capital Cases](#), Florida Governor's press release, 20 April 2023.

197 [Florida Prosecutors Seek First Death Sentence Under New Child Sex Abuse Law](#), Death Penalty Information Center, posted 18 December 2023, updated 14 March 2025.

198 [Tennessee Authorizes Death Penalty for Child Sexual Assault in Direct Challenge to Supreme Court Precedent](#), Death Penalty Information Center, posted 17 March 2024, updated 15 March 2025.

## 2. De facto abolitionist participating States

### 2.1. The Russian Federation

In the Russian Federation, capital crimes include aggravated murder, an assassination attempt against a state or public figure, an attempt on the life of a person administering justice or preliminary investigations, attempts on the life of a law enforcement official, and genocide.<sup>199</sup> The law prohibits capital punishment for women and for offenders under the age of 18 or over 65 at the time of sentencing.<sup>200</sup> As of the end of the reporting period, however, a death penalty moratorium imposed by the Constitutional Court in 1996, and upheld twice thereafter, remains in effect.<sup>201</sup>

There have been recurring debates about a resumption of the death penalty in the Russian Federation in the past few years, particularly since the country exited the Council of Europe in 2022.<sup>202</sup> Back then, the position of the head of the Constitutional Court was that reintroducing the death penalty would require the adoption of a new Constitution.<sup>203</sup> A terror attack at a concert hall near Moscow in March 2024 reignited calls for a resumption of executions. The possibility of lifting the death penalty moratorium was discussed at the first Duma session following the attack, and State Duma Speaker Vyacheslav Volodin stated that the Constitutional Court had the ability to do so.<sup>204</sup> In June 2024, the head of the Investigative Committee, Alexander Batrykin, said he was in favour of the death penalty in such cases and that he believed the moratorium could simply be lifted by presidential decree.<sup>205</sup> In February 2025, the results of a survey conducted by the All-Russian Public Opinion Research Center (VTsIOM) revealed that 49 per cent of the respondents supported a return of the death penalty.<sup>206</sup>

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199 [Criminal Code of the Russian Federation](#) (as amended on 25 March 2022), Articles 105.2, 277, 295, 317 and 357 (in Russian).

200 *Ibid.*, Article 59, para. 2.

201 Denis Pinchuk, [Russian court extends moratorium on death penalty](#), *Reuters*, 19 November 2009. See also Valery Pankrashin, [Russia to decide on death penalty moratorium](#), *BBC*, 10 November 2009.

202 See OSCE/ODIHR, [Background Paper 2022](#), pp. 68-69.

203 Valeriya Safronova, [Russia Has No Formal Death Penalty. Some Want To Change That](#), *The New York Times*, 27 March 2024.

204 *Ibid.*; В Госдуме заговорили о пересмотре моратория на смертную казнь. Что об этом говорил Конституционный суд и что думают юристы (The State Duma started talking about revising the moratorium on the death penalty. What did the Constitutional Court say about this and what do lawyers think), *BBC News Russian Service*, 26 March 2024 (in Russian).

205 [As debate over death penalty grows in Russia, official argues reinstatement wouldn't require constitutional amendment](#), *ConstitutionNet*, 3 July 2024.

206 Vafa Guliyeva, [Public push for death penalty in Russia grows: Will Constitution block it?](#), *Caliber*, 26 February 2025.

Death sentences have also been imposed in Russian-controlled areas of eastern Ukraine, outside the territory in which the Russian Federation's moratorium was applied. In May 2022, the Head of the Federation Council Committee on Constitutional Legislation and State Building said that the moratorium on the death penalty in Russia did not apply "to the territory of foreign states — the DPR and LPR" (Donetsk People's Republic and the Luhansk People's Republic).<sup>207</sup> The death penalty was introduced in the purported criminal code of the self-proclaimed "DPR" back in August 2014.<sup>208</sup>

On 9 June 2022, two British citizens and a Moroccan citizen captured during the siege of the Azovstal steelworks in Mariupol were sentenced to death in the so-called DPR.<sup>209</sup> ODIHR condemned their prosecution and sentencing in a public statement, noting that these "have taken place in violation of international humanitarian law".<sup>210</sup> The European Court of Human Rights reacted by granting interim measures for the three prisoners of war, requesting that the Russian Federation ensured that the death sentences imposed on the applicants would not be carried out.<sup>211</sup> The three men were released in September 2022 as part of a prisoner exchange.<sup>212</sup>

In August 2022, three more foreigners — one British, one Croatian and one Swedish citizen — were charged with being mercenaries and risked the death penalty.<sup>213</sup> They were also reportedly released in the September 2022 prisoner exchange.<sup>214</sup> They were sentenced to prison terms in absentia by the Russian Federation in June 2024, alongside two other British nationals.<sup>215</sup>

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207 В СФ напомнили, что введённый в России мораторий на смертную казнь не действует в ДНР и ЛНР (The Federation Council recalled that the moratorium on the death penalty introduced in Russia does not apply in the DPR and LPR), Senat Inform, 18 May 2022 (in Russian).

208 Volodymyr Makarchuk et al., *Death penalty in so-called Donetsk and Luhansk People's Republics: arbitrary excesses of pro-Russian rebels or "back to the sources"?* Access to Justice in Eastern Europe, 15 December 2022.

209 Andrew Roth and Emine Sinmaz, *Britons sentenced to death after 'show trial' in Russian-occupied Ukraine*, *The Guardian*, 9 June 2022; Ukraine : *Ukraine: Why the 'show trial' of British POWs violates Geneva Conventions*, JusticeInfo.Net, 14 June 2022.

210 OSCE human rights Office condemns death sentences against captured soldiers, OSCE, 16 June 2022.

211 European Court grants urgent measures in case of prisoner of war sentenced to death in the so-called "Donetsk People's Republic", European Court of Human Rights (ECtHR) press release, 16 June 2022; *Urgent measures in cases lodged by two British prisoners of war sentenced to death in the so-called Donetsk People's Republic*, European Court of Human Rights (ECtHR) press release, ECHR 222 (2022), 30 June 2022.

212 Dan Sabbagh, *Aiden Aslin among 10 international 'prisoners of war' released by Russian authorities*, *The Guardian*, 22 September 2022.

213 *Donetsk court charges Britons, Swede and Croat as mercenaries, 3 face death penalty*, *Reuters*, 16 August 2022.

214 Sabbagh, *Aiden Aslin among 10 international 'prisoners of war' released by Russian authorities*.

215 *5 Foreigners Sentenced In Absentia In Russia For Joining Ukrainian Military*, *RFERL*, 26 June 2024.

## 2.2. *Tajikistan*

In Tajikistan, a moratorium on the death penalty has been in place since 2004, making it a de facto abolitionist state.<sup>216</sup> The Constitution still allows capital punishment, stipulating that “[n]o person may be deprived of life except by the verdict of a court for a very serious crime,”<sup>217</sup> defined by criminal law as aggravated murder, terrorism-related offences resulting in death and not resulting in death, rape not resulting in death, war crimes, crimes against humanity and genocide.<sup>218</sup> The law excludes women, people with intellectual disabilities, the mentally ill and the elderly from capital punishment.<sup>219</sup> At a press conference in August 2023, the prosecutor general of Tajikistan reiterated the opinion that the death penalty should be applied for certain serious crimes.<sup>220</sup> There have, however, been no discussions in the parliament about abolishing the moratorium.<sup>221</sup> Legal experts have expressed their opposition to a resumption of the death penalty in Tajikistan, citing the risk of miscarriages of justice in a country in which they consider that the right to a fair trial cannot be fully guaranteed.<sup>222</sup>

## 3. Abolitionist participating States

### 3.1. *New developments in the OSCE region*

Kyrgyzstan formally abolished the death penalty in 2007, after having a moratorium in place since 1998. In 2010, the country ratified the Second Optional Protocol to the ICCPR. The prohibition of capital punishment is also enshrined in its new Constitution, adopted in May 2021.<sup>223</sup> In spite of these developments, the kidnapping, rape and murder of a 17-year-old girl in September 2025 ignited talks about the reinstatement of the death penalty in the country. In reaction to public outrage and

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216 [Tajik Lower House Passes Moratorium On Death Penalty](#), *RFERL*, 2 June 2004.

217 [Constitution of the Republic of Tajikistan, Article 18](#), Ministry of Foreign Affairs of the Republic of Tajikistan, 14 September 2020.

218 See [Tajikistan](#), Cornell Center on Death Penalty Worldwide, Death Penalty Database.

219 *Ibid.*

220 [Смертная казнь в Таджикистане: Правоохранители «за», эксперты «против»](#) [Death penalty in Tajikistan: Law enforcement officers are in favor, experts are against], *asiaplus news*, 13 December 2023 (in Russian).

221 [Tajik experts oppose the abolition of the death penalty](#), CABAR, 11 December 2023.

222 *Ibid.*

223 OSCE/ODIHR, [Background Paper 2022](#), p. 64.

demands for tougher penalties for femicides and gender-based violence, President Sadyr Japarov proposed amending the Constitution to reintroduce the death penalty for the rape of children and for the rape and murder of women.<sup>224</sup>

These attempts to reinstate capital punishment in Kyrgyzstan prompted strong reactions from civil society, international organizations and states. On 14 October 2025, seven civil society organizations issued a statement to express their concerns over the possible reinstatement of the death penalty in the country. While reminding Kyrgyzstan that such a move would violate its Constitution and international obligations, the statement underlined that the death penalty does not actually deter crimes and called on the state to rather strengthen protection against gender-based violence.<sup>225</sup> On 20 October 2025, the UN High Commissioner for Human Rights, Volker Türk, called on Kyrgyzstan to promptly halt its efforts to reintroduce the death penalty and emphasized that such action would constitute a serious breach of international law.<sup>226</sup>

On 10 December 2025, the Constitutional Court ruled that restoring the death penalty would be unacceptable and legally impossible. In its ruling, the Court emphasized the prohibition of the death penalty and the right to life were key principles of the Kyrgyz legal system; it further stressed that the UN Second Optional Protocol, to which Kyrgyzstan is a party, requires full and permanent abolition and cannot be renounced, that international obligations are part of the domestic legal system and concluded that reinstating the death penalty would be unconstitutional.<sup>227</sup> In a statement, the International Commission against the Death Penalty welcomed a decision that “further consolidates the position of the Kyrgyz Republic as a leading supporter of the regional initiative of an extended Central Asia region + Mongolia as a region free of the death penalty”.<sup>228</sup>

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224 [Kyrgyzstan: Proposal to reinstate the death penalty violates human rights obligations and fails to protect women](#), Civil Rights Defenders, 14 October 2024; [Президент КР поручил ввести смертную казнь за преступления против детей и женщин](#), (The President of the Kyrgyz Republic instructed to introduce the death penalty for crimes against children and women), 24KG, 1 October 2025 (in Russian).

225 Civil Rights Defenders, [Kyrgyzstan: Proposal to reinstate the death penalty violates human rights obligations and fails to protect women](#).

226 [Kyrgyzstan: Reintroduction of death penalty would violate international, Türk warns](#), United Nations Kyrgyz Republic, 20 October 2025.

227 [Kyrgyz Republic: ICJ welcomes Constitutional Court ruling blocking reintroduction of the death penalty](#), International Commission of Jurists, 17 December 2025.

228 [Statement by the International Commission against the Death Penalty: Ruling of the Constitutional Court of the Kyrgyz Republic](#), International Commission against the Death Penalty, 22 December 2025.



# Part IV. Ensuring the irreversibility of progress towards the abolition of the death penalty in adverse times for human rights

## 1. The instrumentalization and politicization of the death penalty

In the reporting period, several participating States continued to reaffirm their unequivocal opposition to the death penalty at the OSCE Permanent Council, notably on the annual World Day Against the Death Penalty. They emphasized that the trend towards abolition should not be taken for granted, recalling that the global number of recorded executions had risen in recent years.<sup>229</sup> In its statements, the EU referred to the death penalty as a cruel, inhuman and degrading punishment that is contrary to the inalienable right to life and represents a denial of human dignity.<sup>230</sup> It also highlighted the irreversible character of capital punishment in the case of a miscarriage of justice, its discriminatory application, and how it can be used as a repressive tool.<sup>231</sup>

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229 [Joint Statement on World Day against the Death Penalty](#), The Permanent Delegation of Norway to the OSCE, 17 October 2024; [OSCE Permanent Council – Joint Statement by CH on the World Day against the Death Penalty](#), 16 October 2025. Indeed, while the global number of retentionist states continues to decrease, the number of executions carried out in 2023 was the highest in almost a decade. See [Death sentences and executions in 2023](#), and Amnesty International Global Report, and [Death sentences and executions in 2025](#), Amnesty International Global Report, 17 May 2026.

230 OSCE Permanent Council No. 1447, [EU Statement on the European and World Day against the Death Penalty 2023](#), and OSCE Permanent Council No. 1492, [EU Statement on the European and World Day against the Death Penalty 2024](#); [EU Statement on the European and World Day against the Death Penalty 2025](#), OSCE Permanent Council No. 1538, 16 October 2025.

231 OSCE Permanent Council No. 1492, [EU Statement on the European and World Day against the Death Penalty 2024](#).

Despite the global trend toward abolition, public support for the death penalty persists, including in abolitionist states. In several instances, high profile crimes that sway public opinion are invoked as justifications for the application of the death penalty. In times where human rights and the rule of law are increasingly under attack and where civic spaces are continuing to shrink, public declarations in favour of the death penalty may have a normalizing effect on the general population.

In the United States, the current presidential administration ended the moratorium on federal executions. In August 2025, the U.S. President announced that his administration would request capital punishment in every murder case in Washington, DC.<sup>232</sup> After the killing of political activist and media personality Charlie Kirk in September 2025, the president openly called for capital punishment for the offender.<sup>233</sup>

In the Russian Federation, where moratoriums have been in place since 1996 and reaffirmed in 2004, discussions about a possible re-establishment of the death penalty have been going on for several years, notably after the country was expelled from the Council of Europe in 2022. As discussed above, a terror attack near Moscow in 2024 triggered further debate around the death penalty, with former President Dmitry Medvedev stating, on the Telegram social media channel, that those involved in the attack deserved to be killed.<sup>234</sup>

In abolitionist states, some prominent political figures have also openly spoken in favour of the death penalty. Back in 2015, following a homicide, former Hungarian Prime Minister Viktor Orbán said he was in favour of keeping the issue of the death penalty on the agenda.<sup>235</sup> While the death penalty is forbidden by EU law,<sup>236</sup> observers saw this rhetoric as a way for the prime minister to gain public support, as polls indicated that a majority of Hungarians were in favour of capital punishment.<sup>237</sup> In the United Kingdom, in 2023, in an interview days before his appointment, the Deputy Chairman of the Conservative Party, Lee Anderson, said he would support the return

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232 Donald Trump promises death penalty for murder case in Washington, DC, *Aljazeera*, 26 August 2025.

233 Trump calls for death penalty for Charlie Kirk's killer, *as.tv*, YouTube video.

234 Dmitry Medvedev, Telegram post, 25 March 2024.

235 Viktor Orbán's views on the death penalty could push Hungary further to the margins of EU politics, LSE European Politics blog, 3 June 2015; Hungary wants to bring back the death penalty, *Euronews*, YouTube, 9 May 2015.

236 European Union, *EU guidelines on the death penalty*.

237 LSE, Viktor Orbán's views on the death penalty could push Hungary further to the margins of EU politics, *Euronews*, Hungary wants to bring back the death penalty.

of the death penalty.<sup>238</sup> While specifying that capital punishment was not part of his political programme, French politician Eric Zemmour said in an interview that he was “philosophically not against the death penalty”.<sup>239</sup> These examples illustrate that support for capital punishment can persist in political discourse even in countries where the death penalty is legally abolished.

## **2. How to consolidate gains in favour of abolition**

Maintaining progress towards the abolition of the death penalty in the OSCE region, and ensuring it remains irreversible, requires sustained political, legal and societal strategies that address the structural conditions that enable its persistence and resurgence.

### **2.1. Transparency and public awareness about the death penalty**

Societies where transparency, access to information and civic spaces are supported provide fertile ground for debates surrounding the death penalty and its incompatibility with human dignity. While the lack of transparency surrounding the death penalty might distort public opinion, this opinion should be more likely to change when full, accurate and disaggregated data about capital punishment is available.<sup>240</sup> The importance of balanced and accurate public information to ensure transparent and informed debates on the death penalty was emphasized by the UN Human Rights Council in a recent resolution.<sup>241</sup>

Transparent communication about the death penalty sheds light on systemic issues such as racial bias, inadequate legal defence or prosecutorial misconduct that should fuel public debate on the fairness and morality of capital punishment.

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238 Becky Morton, [Lee Anderson: New Tory deputy chairman would support return of death penalty](#), *BBC*, 9 February 2023.

239 [The death penalty : Eric Zemmour is not against it!](#) *BFM TV*, YouTube, 20 October 2022 (in French). The interview was given following the murder of a 12-year-old girl.

240 [Pathways to moratoriums on the use of the death penalty: effective and good practices from member States](#), keynote speech by Acting UN High Commissioner for Human Rights, 23 September 2022.

241 UN HRC, [Resolution adopted by the Human Rights Council on 7 October 2025, 60/17. Question of the death penalty](#), para. 10.

Studies have shown that when the public is informed — particularly about wrongful convictions — support for the death penalty declines.<sup>242</sup> As such, the result of polls conducted to assess public support for capital punishment should be analysed with caution, both because respondents may lack the necessary information to have an informed opinion and because the questions asked seldom leave space for nuance and complex views.<sup>243</sup>

## **2.2. Debunking the myth of capital punishment as a deterrent**

Public support for the death penalty often stems from a misperception that it deters crimes and makes communities safer. The deterrence effect of capital punishment has, however, been debunked by several studies and analysis.<sup>244</sup>

“The death penalty protects no one” was the theme of World Day Against the Death Penalty 2024 and continued throughout 2025.<sup>245</sup> As the World Coalition Against the Death Penalty stated, “It is undeniable that the death penalty does not protect individuals and societies, because it threatens human dignity and reinforces social and economic disparities by disproportionately affecting marginalized groups. Such justifications are misguided, overlook the root causes of insecurity, such as poverty, inequality, and discrimination, and can perpetuate cycles of violence.”<sup>246</sup> In a statement issued on 10 October 2025, the IBAHRI Co-Chair remarked that “Authorities often justify the death penalty as a means to ensure public safety and security and to deter specific crimes. Yet there is no convincing evidence that capital punishment has a unique deterrent effect on crime.”<sup>247</sup>

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242 Eiichiro Watamura and Tomohiro Ioku, [Wrongful Conviction Rates and Death Penalty Support: Acceptability Hypothesis in Japan](#), *Sage Open*, 29 August 2023.

243 See Mai Sato, [Public opinion: barrier to death penalty abolition?](#), Penal Reform International, 2 August 2022.

244 See [Does the death penalty deter crime? Getting the facts straight](#), Amnesty International factsheet, (no date); [Facts About the Death Penalty – Does the Death Penalty Make Communities Safer?](#), Death Penalty Information Center, posted 2 July 2025, updated 28 July 2025; [The death penalty does not keep us safe](#), NCCADP (no date); [Evidence Does Not Support the Use of the Death Penalty](#), *Scientific American*, 19 March 2024; [Death penalty does not lead to justice](#), OHCHR, 10 October 2024. See also: [The Death Penalty in the OSCE Area: Background Paper 2019](#), OSCE/ODIHR, pp. 18-20.

245 [23rd World Day Against the Death Penalty – The death penalty protects no one](#), World Coalition Against the Death Penalty, 12 June 2024.

246 *Ibid.*

247 [World Day against the Death Penalty 2025: IBAHRI calls for universal abolition](#), International Bar Association, 10 October 2025.

Further, the lack of deterrent effect that capital punishment has on crime has been stressed by the EU in its statements to the OSCE Permanent Council.<sup>248</sup> In a joint statement, the High Representative/Vice-President of the European Union and the Secretary General of the Council of Europe have also stated that “Proponents of the death penalty often base their argument on deterrence. However, studies consistently show that states with capital punishment do not have lower crime rates than those without. The death penalty also makes miscarriages of justice irreversible and any reformation and social rehabilitation impossible.”<sup>249</sup> In a 2025 joint statement delivered at the OSCE Permanent Council, Andorra, Canada, Iceland, Liechtenstein, Norway, Switzerland and the United Kingdom emphasized that “The death penalty neither makes communities safer nor serves as a deterrent to crime. Instead, it exacerbates cycles of violence and is often used as a tool of repression.”<sup>250</sup>

### **2.3. International human rights law and concluding remarks**

International human rights law does not establish a universal prohibition on the death penalty for states that are not parties to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). Nevertheless, as has been referenced in this Background Paper, the continued application of capital punishment is increasingly difficult to reconcile with a range of fundamental human rights obligations, including the right to life, the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment.

In addition, organizations such as the Council of Europe or the European Union have strictly forbidden capital punishment, making it impossible for its members to carry out executions.<sup>251</sup> At the UN level, the Second Optional Protocol to the ICCPR represents a strong abolitionist tool, as it creates a binding commitment for States Parties to abolish the death penalty.<sup>252</sup> As mentioned above, it is not possible for signatories

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248 OSCE Permanent Council No. 1492, [EU Statement on the European and World Day against the Death Penalty 2024](#).

249 OSCE Permanent Council No. 1538, [EU Statement on the European and World Day against the Death Penalty 2025](#).

250 OSCE Permanent Council – Joint Statement by CH on the World Day against the Death Penalty, 16 October 2025.

251 [Abolition of the death penalty in Europe](#), Council of Europe webpage. All the Member States of the Council of Europe and of the European Union are OSCE participating States.

252 UN OHCHR, [Second Optional Protocol to the ICCPR](#).

to ignore this instrument.<sup>253</sup> Fifty-two of the 57 OSCE participating States have ratified the UN Second Optional Protocol.<sup>254</sup>

The recent example of Kyrgyzstan highlights the relevance of the UN Second Optional Protocol, as emphasized by the country's Constitutional Court in its ruling. It is a useful illustration of how the ratification of this instrument, combined with functioning judicial institutions and constitutional guarantees, help to consolidate the prohibition of the death penalty and the irreversible character of its abolition.

More broadly, once abolition is firmly anchored in a country's constitutional, legal and institutional framework, the risk of reinstatement tends to be significantly lower. This is particularly important during periods of political instability, heightened security concerns or public pressure following serious crimes, when calls for the return of capital punishment often re-emerge. Strong democratic institutions, judicial independence and adherence to the rule of law serve as essential safeguards against such regression and help to ensure continued compliance with international human rights obligations and OSCE commitments.

Ultimately, the global trend towards abolition reflects a growing recognition that the death penalty is incompatible with the principles of human dignity, justice and respect for fundamental rights. As the number of abolitionist states continues to grow, the international community is moving closer to establishing a universal norm against capital punishment. In this context, strengthening legal safeguards, promoting transparency and informed public debate, and encouraging wider ratification of the UN Second Optional Protocol remain critical steps towards the complete and irreversible abolition of the death penalty worldwide.

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<sup>253</sup> UN HRC, *General Comment No. 26*.

<sup>254</sup> All OSCE participating States except Belarus, the Holy See, the Russian Federation, Tajikistan and the United States.