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Capital punishmentReport of the Secretary-GeneralAddendum

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INTRODUCTION

1. Additional replies were received to the Secretary-General's third quinquennial survey on capital punishment (E/1985/43) carried out in pursuance of Economic and Social Council resolution 1745 (LIV), of 16 May 1973, from the Bahamas, Barbados, Brunei Darussalam, Canada, Chad, Chile, Egypt, India, Iraq, Ireland, Jordan, Mauritius, Poland, the Republic of Korea, Rwanda and the Sudan. Together with the replies summarized in the body of the survey, 64 replies were received, that is, about 15 per cent less than in the case of the second quinquennial (E/1980/9 and Corr.1 and 2, E/1980/9/Add.1 and Corr.1 and 2, and E/1980/9/Add.2 and 3). The general distribution of responses by geopolitical region is as follows: 7 replies from North Africa and the Middle East; 9 from Africa south of the Sahara; 9 from Asia and the Pacific; 3 from Eastern Europe; 16 from Latin America and the Caribbean; and 20 from Western Europe and North America.

2. Of the 16 replies reported on below, all countries, with the exception of Canada, which in 1976 abolished the death penalty for ordinary crimes, indicated that they had retained capital punishment. The death penalty in three of those countries, however, has not been imposed. In Brunei Darussalam, capital punishment has not been imposed since 1967 or carried out since 1959; in Ireland, the death penalty has not been enforced since 1954; and, in Mauritius, it has not been imposed or carried out since 1961. Consequently, and according to the groupings used in the third survey (E/1985/43, annex, table 2), those are de facto abolitionist countries.

THE CURRENT SITUATION

A. Legal changes and initiatives reported since 1979

3. Recent replies to the inquiry indicate that, during the reporting period from 1979 to 1983, an increase in the number of capital punishment offences was reported by Brunei Darussalam, Chile, the Republic of Korea, Rwanda and the Sudan. A reduction in the number of types of capital punishment offences was reported by Jordan, and a reduction in the frequency of its use was reported by Jordan and the Republic of Korea. Canada reported that, during the period since 1976, some members of Parliament had introduced and reintroduced so-called "Private Member Bills" seeking to restore capital punishment, but none of those bills had passed beyond the stage of introduction and first reading. The Government of Canada had made no similar initiative.

B. Capital punishment in fact

4. During the period under review, at least 330 capital sentences were reported by five countries and 213 executions were reported by four countries. In addition, one country (Chad) reported that, in 1981, a number of capital sentences and executions were carried out by emergency courts, precise records of which were lost during the war. With regard to the number of death sentences imposed, 46 were reported for 1979, 42 for 1980, 62 for 1981, 72 for 1982 and 108 for 1983. With

/...

regard to the number of executions, 49 of a total of 213 executions were reported for 1979, 37 for 1980, 35 for 1981, 53 for 1982 and 39 for 1983 (see annex below, table 1). Those figures should not be taken to imply that persons executed were necessarily sentenced during the same period.

5. Taken together with the figures presented in the body of the survey (E/1985/43, para. 29), altogether there were 1,515 capital sentences and 350 executions, that is, involving about 23 per cent of those sentenced, or a ratio of about 4:1. A regional breakdown indicates that two Middle Eastern countries reported 81 sentences and 38 executions (that is, 112 capital sentences and 66 executions for all of North Africa and the Middle East region); one country from Africa south of the Sahara reported 221 sentences, and two countries reported 157 executions. That brings the total number of executions in that region to 1,227. Further, one country from Asia reported the number of executions only, namely, 45 throughout the period from 1979 to 1983, which brings the total number of executions in the Asia and Pacific region to 53. From the Eastern European region, one country reported 29 capital sentences; in three reporting countries of that region, a total of 54 capital sentences were handed down during the period under review. Finally, one country from the Western European region reported 4 capital sentences, which brings the total number of such sentences to 28, with no executions.

C. Capital offences in law

6. The additional responses to the survey showed that a wide variety of crimes were liable to capital punishment, including crimes against the State and the person, as well as drug-oriented crimes and a number of military crimes (see annex below, table II).

D. Extraneous reasons precluding sentencing or execution

7. A review of additional information (see annex below, table 3) showed that the legislation of the countries that replied might preclude sentencing for a variety of the above reasons and, in some cases, those reasons exceeded typical circumstances, such as youth, pregnancy or mental illness, and included old age and family conditions. Further, it was reported that in some countries, as in the case of India, no women had been executed in over 50 years.

E. Legal safeguards guaranteeing protection of offenders who could be sentenced to death

8. With regard to the right to be fully informed of charges, all the countries that replied stated that such a right existed in their legislation. That right, however, was applied at different stages of the criminal justice process. In the Bahamas, Barbados, Brunei Darussalam, Chad, Chile, India, Ireland, Jordan and Poland, that right was reported to have been applied from the preparatory stage of the proceedings. The same situation existed in Canada, which, however, as an abolitionist country for ordinary crimes, provided for that right and all other

rights only in cases of military crimes liable to capital punishment. In the Republic of Korea, the right to be fully informed of charges was fulfilled "at least prior to the date of the first public trial".

9. With reference to the right to have adequate time and facilities for the preparation of the defence (E/1985/43, para. 55), all countries that replied reported the existence of such a right. India reported that the defence counsel may request the court to allot him "sufficient" time to prepare the defence. The Republic of Korea reported that before the first trial there should be a "reasonable" interval of not less than five days after the serving of a summons. Chile reported that the accused and, wherever applicable, any parties with civil liability had a period of six days within which they may reply to the charges brought by the public prosecutor.

10. With respect to the right to obtain legal assistance, all the countries that replied reported the existence of that right, the charges for which were to be paid by either the offender or the State. Chad and Jordan reported that, whenever needed, an interpreter was officially appointed. Barbados, Ireland and Mauritius reported that the right to legal assistance was a constitutional right, while Poland reported that every accused may appoint up to three defence counsels. Egypt reported that, during the investigation, the offender may not be separated from his counsel.

11. With regard to the right to examine the witness against the capital offender, all but one country reported the existence of such a right. Poland reported that its legislation did not provide for a distinction between the witnesses against the accused and those on his behalf. The public prosecutor as well as the court have to examine the issue in a complex way; thus, they are supposed to examine all pertinent witnesses. The defendant or his counsel, however, may request that the witnesses other than those admitted by the court or public prosecutor be examined.

12. With respect to the right to seek pardon, all the countries reported the existence of such a right. Similarly, with regard to the right to appeal (review or seek cassation etc.), provided for in the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), article 14, para. 5) and Economic and Social Council resolution 1984/50 (annex, para. 6), all but one of the countries that replied (Chad) reported the existence of that right. In the majority of those countries, a request for re-examination of the case might relate to questions of fact, law or the sentencing itself. However, the legislation of four countries (the Bahamas, Barbados, Ireland and Jordan) did not provide for an appeal in the event that the penalty was too severe, and in Rwanda it did not provide for appeal about questions of fact. In all countries concerned, with the exception of the Republic of Korea, appeal suspended the execution of the capital sentence.

13. As reflected in the earlier replies to the survey (E/1985/43, para. 63), reporting retentionist States were divided on the question of a possible automatic appeal. Of 14 replies relevant to that question, 8 countries reported that there was no automatic appeal, while 6 Member States (Chile, Egypt, India, Iraq, Jordan and Rwanda) reported that there was such a provision.

14. In the case of States whose laws provided for the right of appeal, but not necessarily for an additional avenue in the form of automatic appeal, in 10 of such States the right of appeal may be applied by persons other than the capital offender and independently of his will, for example, by the family legal counsel. Canada reported that this right involved only pardon and respite, while other requests, unauthorized by the capital offender, for mitigation, commutation or remission of the conviction or sentence for a military crime, may be made to an appropriate authority, but that authority was not bound to consider it. Poland reported that, in addition to the capital offender and his defence counsel, appeal may be launched by direct relatives, adoptive parents or adopted child, brother, sister or spouse of the sentenced persons, as well as by a collective of employees or by social organizations.

15. With regard to any other safeguards which may apply to capital cases, Egypt reported that members of the court must reach a unanimous opinion for the death sentence to be handed down, and Poland reported that, even in cases in which the prosecutor does not demand the death penalty, the court shall sit as a panel consisting of two judges and three law assessors. Appeals of sentences imposing the death penalty or appeals requesting the death penalty shall be heard by a panel of five judges. All countries that replied reported specific differentiations between legal safeguards in the context of ordinary, military or any other procedure or any practical difficulties in exercising them.

16. Four countries (Barbados, Chile, Egypt and Ireland) reported that there was a mandatory waiting period between the actual time of carrying out capital execution and the last confirmation of the capital sentence. In Barbados and Egypt, the time is 14 days, while in Chile, the time is 3 days for ordinary proceedings and 1 day for military proceedings. In Ireland there is a waiting period of between 17 and 26 days after the capital sentence. In the event of an unsuccessful appeal, the Court of Appeals fixes a date of execution between 14 and 18 days between the date of determination of the appeal and the date of execution.

17. With regard to alternative sanctions to the death sentence, a review of replies to the survey showed that 11 countries basically provided for such sanctions and 4 did not. Of the first group of countries, three (India, Poland and the Sudan) made no exceptions to that position, whereas 7 countries (the Bahamas, Barbados, Brunei Darussalam, Canada, Iraq, Jordan and the Republic of Korea) reported that alternative sanctions to capital punishment could be imposed only in certain cases. For example, in the Bahamas and Barbados, capital punishment was mandatory in the case of murder and in Barbados also in the case of high treason, and the case was to be tried either by an ordinary or military court. In the latter, however, it was not mandatory for other military crimes.

18. With reference to factors associated with the abolition of capital punishment, in the reply of Canada, which was the only formally abolitionist country of the 13 States that replied, it was pointed out that the decision to abolish the death penalty for ordinary crimes was based on empirical evidence that the homicide rate was not connected to the carrying out of the death penalty or to the political will of the Government and elected representatives.

19. Canada also mentioned two research projects on the death penalty, one of which was a draft publication entitled Questions and Answers on Capital Punishment, 1/ which explains the reasons for the abolition of capital punishment. Chile mentioned an article by Eduardo Bell, entitled "La Pena de Muerte", published in the Revista de ciencias Sociales, No. 12 of 1978. India reported that the Law Commission of India went into the question of the death penalty in its thirty-fifth report, submitted to the Government in 1967. The Commission did not make any recommendation in regard to the abolition of capital punishment or the reduction in the number of capital offences. Poland mentioned the publication of a monograph on the death penalty by A. Grzeskowiak entitled Kara smierci w Polskim Prawie Karnym 2/ (Death Penalty in Polish Criminal Law). In none of the countries, abolitionist and retentionist alike, was any governmental action taken to promote research on the subject of the death penalty. One retentionist country mentioned that there was no need for it.

Notes

1/ By the Research and Statistics Group of the Secretariat of the Solicitor-General of Canada, the Law Enforcement Programme of the Canadian Centre for Justice Statistics of Statistics Canada and the Solicitor-General's Secretariat Legal Services.

2/ Torn, Nicolas Copernicus University Press, 1979.

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TABLES

Legend

- A Abolitionist by law (which means that the country's laws do not provide for the death penalty).
- AO Abolitionist by law for ordinary crimes only (which means that the death penalty is imposed for exceptional crimes, that is, those subject to military law and/or committed in exceptional circumstances, for example, in wartime).
- ADF Abolitionist de facto at least for the past 10 years (which means that nobody has been reported executed for at least the last 10 years). Many new nations whose laws provide for capital punishment have not, in fact, executed anyone sentenced to death, but, since most of those States have been in existence for less than 25 years, it is difficult to ascertain whether this is the result of a deliberate policy.

A blank space indicates that no answer was provided; some countries did not provide information relevant to all tables.

Table 1. Number of sentences imposed and executions carried out and type of capital offence involved, 1979-1983

Responding States (by region)	Number of persons sentenced				Number of persons executed				Type of capital offence Number of sentences executions
	Total number involved	Sex		Age Under 18	Total number involved	Sex		Age Under 18	
		Male	Female			Male	Female		
NORTH AFRICA AND THE MIDDLE EAST									
Egypt	71	71		71					71P
Iraq									
Jordan	5	5		5	19	0	0	19	5S 18P/19
AFRICA SOUTH OF THE SAHARA									
Chad a/									
Rwanda	221	221	10	1	220	74	1	73	221P
Sudan b/						83	0	83	74P, 83
ASIA AND THE PACIFIC									
India					45	45	0	45	45P
Korea, Republic of									
EASTERN EUROPE									
Poland	29	29	0	0	29				29P
LATIN AMERICA AND THE CARIBBEAN									
Bahamas									
Barbados									
Chile									
WESTERN EUROPE									
Ireland (ADF)	4			4	0	0	0	0	4P

Note: A blank space indicates that no answer was provided, although it was reported generally that capital sentences were passed and/or executions actually took place.

P Offences against a person.

S Offences against the State.

a/ An unknown number of capital sentences and executions imposed by emergency court in 1981.

b/ No data available for 1983.

Table 2. Capital offences in responding countries

A. North Africa and the Middle East

Egypt

Intentional homicide with premeditation or lying-in-wait, various forms of murder, perjury against a person resulting in the execution of the latter under a death sentence, kidnapping and raping of female persons.

Arson resulting in the killing of one or more persons.

Various crimes against the State, including encroaching upon the independence, unity or territorial integrity of the country, joining the armed forces of a State engaged in war against Egypt, interfering on behalf of the enemy by means of measures aimed at subverting the loyalty of the armed forces, inciting soldiers in time of war to enter the service of a foreign State or to recruit soldiers, collect funds or produce equipment for the waging of war on behalf of a State engaged in war against Egypt, instigating the conclusion of an agreement or manipulating its process, if it is designed to prejudice the independence or territorial integrity of the country.

The leading of an armed gang that has attempted to overthrow the Government by force; the forming or leading of a gang which has assaulted people, commanding of any division or section without authorization of the Government or without lawful reaction; the leading of an armed gang with a view to inspiring State territories, use of explosives with the intention of attempting to overthrow the Government or undertaking of political assassinations or sabotage operations.

Iraq

Aggravated homicide, rape of a person in a degree of consanguinity that precludes marriage.

High treason.

Attempt to overthrow the Government by violence or the use of explosives.

Illegal drug trafficking.

Jordan

Premeditated murder, arson resulting in death.

Interruption of transport, communication and roads during insurrection or armed mutiny if it results in death.

Roving of public highways and rural areas by an armed gang resulting in murder.

Taking arms within every rank against the State, attempt on the life or the liberty of His Majesty the King; illegal change of the Constitution, instigating and carrying out armed mutiny; conspiring with the intention to commit terrorist acts if it results in death or even the partial destruction of an edifice.

Deadly assault on an official in charge of the enforcement of the law on dangerous drugs.

Deserting or surrendering any fortification, position or guard post, or obliging the commander to do so; giving the password or any other agreed sign to unauthorized persons; mutiny in the army or in any of the armed forces of an allied State.

B. Africa south of the Sahara

Chad

Parricide, assassination, poisoning, torture or barbarous acts, or murder preceded, accompanied or followed by another crime.

Theft in various forms if followed by homicide; arson resulting in death; destruction of an inhabited place by explosives resulting in death; planting of an explosive device.

Treason, espionage, incitement to treason or espionage; attempt or plot with the use of firearms or with the purpose of disturbing the peace; attempt on the life of a Chief of State, a member of the Government or of the National Assembly; organization of an insurrectional movement.

Various military crimes, including desertion to the enemy, desertion together with plotting in the face of the enemy and refusal to obey in the face of the enemy; voluntary mutilation for the purpose of rendering oneself unfit; unauthorized capitulation to the enemy, treason, espionage or incitement to desertion.

Rwanda

Murder, parricide, infanticide, poisoning, murder committed with torture or barbaric acts, murder preceded, accompanied or followed by a crime, death resulting from assault and battery, wounds or deprivations inflicted with the intention of causing death; death caused by recourse to occult forces or by the exploitation of people's belief; death caused by rape; death caused by torture inflicted upon someone kidnapped or arrested.

Theft committed under certain circumstances.

Treason in time of war; offences against the external or internal security of the State in times of war; crimes and acts committed against the authorities and against the public powers, for example, the police.

Treason and spying, various crimes against military duties, desertion, insubordination and mutiny.

Sudan

Intentional homicide, assault, rape or joint robbery, if they result in death.

Incitement, attempted instigation of acts of war against the State.

Various military crimes, including mutiny, desertion from military service on the battlefield; incitement to negligence of duty.

C. Asia and the Pacific

Brunei Darussalam

Murder.

Waging or attempting to wage war against His Majesty the Sultan and Yang Di-Perutan.

Unauthorized traffic in specified controlled drugs in a quantity of over 15 grams or possession of over 30 grams of such drug; unauthorized manufacture, import or export of such drugs; possession of firearms without lawful authority.

India

Murder; attempted murder by a convict imprisoned for life, dacoity with murder, giving or fabricating false evidence with the intention of obtaining conviction for a capital offence, if an innocent person is convicted and executed; abetment of suicide by a child or insane person, murder while in prison.

Waging or attempting to wage war against the Government of India; abetment of mutiny by any soldier etc., if mutiny is committed.

Mauritius (ADF)

Murder, killing of a person by an explosive, inciting to high treason, plotting or publishing a plot or stirring up war against the Sovereign, doubting succession to the Crown, being an accomplice in high treason, plotting with a foreign Power, inciting citizens to rise up in arms.

Setting fire to or destroying crown property; conspiracy of public officers to flout the law where it affects the internal security of the State.

Inciting an officer to mutiny, taking command of the armed forces, various forms of traitorous activities involving specified military and security matters.

Republic of Korea

Murder, killing a relative; murder upon request through fraudulent means, robbery with murder; death resulting from robbery, piracy or use of explosives; setting fire to a dwelling structure that causes the death or injury of another, inundation of dwelling structures, which causes death or injury to another; obstruction of traffic, which causes death or injury to another; obstruction of the use or provision of water, which causes death or injury of another.

An act leading to the death or injury of a person who protects a designated cultural property, ring leadership in organizing a group with the intention to commit violent crimes, habitual robbery, kidnapping of a minor with the intent to kill; fleeing the scene of an accident by the driver and subsequent death of the victim.

Habitual larceny, ring leadership in organizing armed group with the intention to commit larceny; bribery of officials in banking facilities, bribery if the bribe is 20 million won or more, causing a loss to the national treasury of over 200 million won, violation of the Customs Act if the price of goods involved is more than 5 million won, violation of the Forestry Act if the price of forest products is more than 5 million won, counterfeiting currency, flight of domestic properties.

Insurrection, homicide for the purpose of insurrection; inducement of foreign aggression, siding with the enemy, benefiting the enemy by levying soldiers, delivering equipment or destroying goods, spying.

Habitual import and manufacture of narcotics, violation of certain other provisions of the Narcotics Act, evasion of the law for aliens.

Various military crimes, including the formation of an anti-State organization, escape and infiltration, insurrection, plunder of military matériel for the purpose of insurrection, aiding the enemy; espionage.

Launching and construction of unlawful hostilities, unlawful advance or retreat, surrender or desertion by a commanding officer, desertion from military service or a guard post, flight or sailing risk caused by a deceptive scheme, false order, message or report; supply of harmful foodstuffs; insubordination, assault or threat with a dangerous weapon against a superior.

D. Eastern Europe

Poland

Homicide, robbery when committed with the use of firearms. Economic crime by usurping property of great value.

High treason.

Coup d'état

Refusal of a soldier to obey an order in a combat situation.

Taking part in the killing of members of the civilian population, military persons or prisoners of war; acting as informant on persons wanted or persecuted by authorities for political, national, religious or racial reasons, as provided under the Statutory Decree of 31 August 1944 on the Imposition of Penalties on Fascist, Hitlerite Criminals Guilty of Homicide and Tormenting of Civilian Population and Prisoners of War and Traitors of the Polish Nation.

E. Latin America and the Caribbean

Bahamas Murder.

Treason.

Mutiny treason and mutiny.

Barbados Murder.

High treason.

Various forms of aiding the enemy.

Various forms of mutiny and failing to support or prevent it.

Chile Abduction of a child of less than 10 years of age if the child is killed to obtain ransom or raped or injured in a specific way, or if the act is committed to impose demands or extort decisions, or if, during the abduction, other illicit acts are committed against the child; abduction of a person between 10 and 18 years of age if followed by homicide, rape or injury in a specific way; causing someone's death by a wilful abandonment of duty by a train driver, conductor or brakeman for the purpose of harming any of the persons travelling on a train; rape followed by death of the victims, infanticide and parricide, which includes killing of ascendants and descendants of the spouse.

Theft accompanied by violence or intimidation if resulting in homicide, rape or injuries inflicted in a specific way; arson followed by death.

Conspiracy against country's external security resulting in ensuring that foreign Power will enter into war against Chile; serving in a military capacity against his country; abuse of authority by a public official, agent or commissioned representative of the Government in cases of some offences against external security and sovereignty of the State; plotting against the life or physical integrity of others for the purpose of disturbing the constitutional order or public security or of intimidating the population; deprivation of liberty for a similar purpose if followed by homicide, rape or injury in a specific way; sabotage and diversion in time of war if followed by the serious injury of a person.

Organization, incitement or encouragement in time of war to create and seek private militants or permit groups armed with specific devices; the manufacture, import, export and other acts involving firearms; the parts, explosives and building, the repair, use or possession of the facilities designed for the manufacture, assembly or storage of the items mentioned above.

Bearing of firearms without the proper permit if the weapons in question were intended for use in disturbing police order or security, owning or bearing specific arms or weapons; terrorist activities followed by death.

Various military crimes including the production of weapons for use against Chile, threatening the independence or integrity of its territory, treason, espionage and other crimes against the sovereignty and external security of the State, selling free prisoners of war for the purpose of enabling them to return to the ranks of the enemy, infiltration of a stronghold military camp or troop contingent conducting a military campaign; carrying communications, messages or leaflets for the enemy or being forced to do so, aiding a spy, agent or member of the military, refusing to obey orders to march against the enemy, fleeing during combat, disobedience or revolt for the purpose of compelling the commander of forces attacked by the enemy to withdraw or surrender.

Failing to hold a position despite a categorical order, surrender or turn over to the enemy a stronghold without having first exhausted all prescribed means of defence, abandoning of a post by a secretary in the face of the enemy or failing to carry out his orders, abandoning of a command by a commander or of a post by a member of the military, abandonment of assignment or residence in the face of the enemy, desertion in time of war, various crimes involving unauthorized naval operations; causing violence to a member of the police force.

F. Western Europe and North America

Canada (AO)

Various military crimes involving cowardly misconduct on the part of commanding officers in the presence of an army; various military crimes involving misconduct other than traitors' misconduct on the part of any persons in the presence of the enemy, spying for the enemy, mutiny with violence, failure on the part of an army officer serving in one of Her Majesty's Canadian ships involved in a convoy.

Ireland (ADF)

Murder of a member of the Garde Siochana acting in the course of his duty, murder of a prison officer acting in the course of his duty, murder of a foreign Head of State or murder of a government official or diplomatic official of a foreign State, certain other forms of murder in the course or furtherance of a crime under the State Treason Act.

Table 3. Reasons for exemption from sentencing or execution in capital cases, 1979-1983

Responding States (by region)	Age limit	Alternative sanctions	Pregnancy		Mental illness		Other circumstances		Exemption	
			Whether exempt	Alternative sanctions	Whether exempt	Alternative sanctions	Type	sanctions	Temporary	Permanent
NORTH AFRICA AND THE MIDDLE EAST										
Egypt	18		Yes	Postponement until after delivery (2 months)	Yes	Postponement until after recovery			Yes a/	
Iraq	20		Yes	Postponement until after delivery (6 months)	Yes					Yes b/
Jordan	Yes c/	Imprisonment from 6 to 12 months	Yes d/	Hard labour for life	Yes		Intoxication and inebriety, e/ other circumstances f/			Yes
AFRICA SOUTH OF THE SAHARA										
Chad g/			Yes	Postponement until after delivery						
Rwanda			Yes	Postponement until after delivery					Yes	
Sudan	18/70		Yes	Postponement until after delivery (2 years)	Yes	Life imprisonment fine h/	Family conditions i/			Yes j/
ASIA AND THE PACIFIC										
Brunei Darussalam (ADF)	18		Yes	Life imprisonment	Yes	Asylum				Yes
India	16 k/		Yes	Life imprisonment l/	Yes					Yes m/
Table 3 (continued)										
Responding			Pregnancy		Mental illness		Other circumstances			

Table 3 (continued)

Table 3 (continued)

Responding States (by region)	Age limit	Alternative sanctions	Pregnancy		Whether Alternative sanctions exempt	Mental illness		Other circumstances		Exemption	
			Whether Alternative sanctions exempt	Alternative sanctions		Whether Alternative sanctions exempt	Alternative sanctions	Type	sanctions	Temporary	Permanent
ASIA AND THE PACIFIC (cont'd)											
Korea, Republic of			Yes	Postponement until after delivery	Yes	Yes				Yes	
Mauritius (ADF) <u>n/</u>	Yes		Yes		Yes	Yes				Yes	
EASTERN EUROPE											
Poland	18		Yes	25 years of deprivation of liberty	Yes	Yes				Yes <u>o/</u>	
LATIN AMERICA AND THE CARIBBEAN											
Bahamas	18	Penal servitude at Her Majesty's pleasure	Yes	Life imprisonment						Yes	
Barbados	16	Detention	Yes	Life imprisonment	Yes	Yes				Yes	
Chile	16-18	Penalty lower than a minimum penalty indicated by law prescribing a capital offence	Yes	Postponement until after delivery (40 days)	Yes					Yes <u>p/</u>	
WESTERN EUROPE AND NORTH AMERICA											
Canada (AO)	18		Yes			Yes				Yes <u>g/</u>	
Ireland (ADF)	17		Yes <u>r/</u>		Yes	Custody				Yes <u>s/</u>	

(Footnotes on following page)

(Footnotes to table 3)

a/ Excluding age.

b/ Excluding pregnancy.

c/ Unspecified.

d/ Capital punishment is also replaced by imprisonment if the pregnant woman was unaware of causing the death of her infant.

e/ Only when unconsciousness was the result of administering the drug without the offender's consent or knowledge.

f/ Unspecified.

g/ In cases other than pregnancy, involving youth or old age, mental or physical health or family consideration, the decision to exempt the person from the death sentence is at the discretion of the President of the Republic.

h/ Facultative sanction when mental illness occurred after the imposition of the death sentence.

i/ For example, one of two brothers under trial for intentional homicide may be exempted from the death sentence pending the decision of the Supreme Court or mercy of the President of the Republic.

j/ Excluding pregnancy.

k/ In some States of India; in others, discretionary decision of the Supreme Court of India. The same with respect to old age and "other circumstances", including delay in execution of the capital offender.

l/ Discretionary decision of the Supreme Court of India.

m/ See footnotes k/ and l/ above.

n/ For example, all the specific reasons plus all relevant information derived "from the record of the case or elsewhere".

o/ Excluding mental illness.

p/ Excluding pregnancy.

q/ Person found mentally unfit to stand or continue his trial shall be kept in custody by the provincial authorities until such time as he is found fit to stand trial.

r/ No specific provision, but sex of the convicted party would be a relevant factor in considering the question of commutation of a death sentence.

s/ No specific provision, but a policy decision.