Introduction to the Death Penalty

Early Death Penalty Laws

The first established death penalty laws date as far back as the Eighteenth Century B.C. in the Code of King Hammurabi of Babylon, which codified the death penalty for 25 different crimes. The death penalty was also part of the Fourteenth Century B.C.'s Hittite Code; in the Seventh Century B.C.'s Draconian Code of Athens, which made death the only punishment for all crimes; and in the Fifth Century B.C.'s Roman Law of the Twelve Tablets. Death sentences were carried out by such means as crucifixion, drowning, beating to death, burning alive, and impalement.

In the Tenth Century A.D., hanging became the usual method of execution in Britain. In the following century, William the Conqueror would not allow persons to be hanged or otherwise executed for any crime, except in times of war. This trend would not last, for in the Sixteenth Century, under the reign of Henry VIII, as many as 72,000 people are estimated to have been executed. Some common methods of execution at that time were boiling, burning at the stake, hanging, beheading, and drawing and quartering. Executions were carried out for such capital offenses as marrying a Jew, not confessing to a crime, and treason.

The number of capital crimes in Britain continued to rise throughout the next two centuries. By the 1700s, 222 crimes were punishable by death in Britain, including stealing, cutting down a tree, and robbing a rabbit warren. Because of the severity of the death penalty, many juries would not convict defendants if the offense was not serious. This lead to reforms of Britain's death penalty. From 1823 to 1837, the death penalty was eliminated for over 100 of the 222 crimes punishable by death. (Randa, 1997)

The Death Penalty in America

Britain influenced America's use of the death penalty more than any other country. When European settlers came to the new world, they brought the practice of capital punishment. The first recorded execution in the new colonies was that of Captain George Kendall in the Jamestown colony of Virginia in 1608. Kendall was executed for being a spy for Spain. In 1612, Virginia Governor Sir Thomas Dale enacted the Divine, Moral and Martial Laws, which provided the death penalty for even minor offenses such as stealing grapes, killing chickens, and trading with Indians.

Laws regarding the death penalty varied from colony to colony. The Massachusetts Bay Colony held its first execution in 1630, even though the Capital Laws of New England did not go into effect until years later. The New York Colony instituted the Duke's Laws of 1665. Under these laws, offenses

such as striking one's mother or father, or denying the "true God," were punishable by death. (Randa, 1997)

The Abolitionist Movement

Colonial Times

The abolitionist movement finds its roots in the writings of European theorists Montesquieu, Voltaire and Bentham, and English Quakers John Bellers and John Howard. However, it was Cesare Beccaria's 1767 essay, *On Crimes and Punishment,* that had an especially strong impact throughout the world. In the essay, Beccaria theorized that there was no justification for the state's taking of a life. The essay gave abolitionists an authoritative voice and renewed energy, one result of which was the abolition of the death penalty in Austria and Tuscany. (Schabas 1997)

American intellectuals as well were influenced by Beccaria. The first attempted reforms of the death penalty in the U.S. occurred when Thomas Jefferson introduced a bill to revise Virginia's death penalty laws. The bill proposed that capital punishment be used only for the crimes of murder and treason. It was defeated by only one vote.

Also influenced was Dr. Benjamin Rush, a signer of the Declaration of Independence and founder of the Pennsylvania Prison Society. Rush challenged the belief that the death penalty serves as a deterrent. In fact, Rush was an early believer in the "brutalization effect." He held that having a death penalty actually increased criminal conduct. Rush gained the support of Benjamin Franklin and Philadelphia Attorney General William Bradford. Bradford, who would later become the U.S. Attorney General, led Pennsylvania to become the first state to consider degrees of murder based on culpability. In 1794, Pennsylvania repealed the death penalty for all offenses except first degree murder. (Bohm, 1999; Randa, 1997; and Schabas, 1997)

Nineteenth Century

In the early to mid-Nineteenth Century, the abolitionist movement gained momentum in the northeast. In the early part of the century, many states reduced the number of their capital crimes and built state penitentiaries. In 1834, Pennsylvania became the first state to move executions away from the public eye and carrying them out in correctional facilities.

In 1846, Michigan became the first state to abolish the death penalty for all crimes except treason. Later, Rhode Island and Wisconsin abolished the death penalty for all crimes. By the end of the century, the world would see the countries of Venezuela, Portugal, Netherlands, Costa Rica, Brazil and Ecuador follow suit. (Bohm, 1999 and Schabas, 1997).

Although some U.S. states began abolishing the death penalty, most states held onto capital punishment. Some states made more crimes capital offenses, especially for offenses committed by slaves. In 1838, in an effort to make the death penalty more palatable to the public, some states began passing laws against mandatory death sentencing instead enacting discretionary death penalty statutes. The 1838 enactment of discretionary death penalty statutes in Tennessee, and later in Alabama, were seen as a great reform. This introduction of sentencing discretion in the capital process was perceived as a victory for abolitionists because prior to the enactment of these statutes, all states mandated the death penalty for anyone convicted of a capital crime, regardless of circumstances. With the exception of a small number of rarely committed crimes in a few jurisdictions, all mandatory capital punishment laws had been abolished by 1963. (Bohm, 1999)

During the Civil War, opposition to the death penalty waned, as more attention was given to the anti-slavery movement. After the war, new developments in the means of executions emerged. The electric chair was introduced at the end of the century. New York built the first electric chair in 1888, and in 1890 executed William Kemmler. Soon, other states adopted this execution method. (Randa, 1997)

Early and Mid-Twentieth Century

Although some states abolished the death penalty in the mid-Nineteenth Century, it was actually the first half of the Twentieth Century that marked the beginning of the "Progressive Period" of reform in the United States. From 1907 to 1917, six states completely outlawed the death penalty and three limited it to the rarely committed crimes of treason and first degree murder of a law enforcement official. However, this reform was short-lived. There was a frenzied atmosphere in the U.S., as citizens began to panic about the threat of revolution in the wake of the Russian Revolution. In addition, the U.S. had just entered World War I and there were intense class conflicts as socialists mounted the first serious challenge to capitalism. As a result, five of the six abolitionist states reinstated their death penalty by 1920. (Bedau, 1997 and Bohm, 1999)

In 1924, the use of cyanide gas was introduced, as Nevada sought a more humane way of executing its inmates. Gee Jon was the first person executed by lethal gas. The state tried to pump cyanide gas into Jon's cell while he slept, but this proved impossible, and the gas chamber was constructed. (Bohm, 1999)

From the 1920s to the 1940s, there was a resurgence in the use of the death penalty. This was due, in part, to the writings of criminologists, who argued that the death penalty was a necessary social measure. In the United States, Americans were suffering through Prohibition and the Great

Depression. There were more executions in the 1930s than in any other decade in American history, an average of 167 per year. (Bohm, 1999 and Schabas, 1997)

In the 1950s, public sentiment began to turn away from capital punishment. Many allied nations either abolished or limited the death penalty, and in the U.S., the number of executions dropped dramatically. Whereas there were 1,289 executions in the 1940s, there were 715 in the 1950s, and the number fell even further, to only 191, from 1960 to 1976. In 1966, support for capital punishment reached an all-time low. A Gallup poll showed support for the death penalty at only 42%. (Bohm, 1999 and BJS, 1997)

Constitutionality of the Death Penalty in America

Challenging the Death Penalty

The 1960s brought challenges to the fundamental legality of the death penalty. Before then, the Fifth, Eighth, and Fourteenth Amendments were interpreted as permitting the death penalty. However, in the early 1960s, it was suggested that the death penalty was a "cruel and unusual" punishment, and therefore unconstitutional under the Eighth Amendment. In 1958, the Supreme Court had decided in *Trop v. Dulles* (356 U.S. 86), that the Eighth Amendment contained an "evolving standard of decency that marked the progress of a maturing society." Although *Trop* was not a death penalty case, abolitionists applied the Court's logic to executions and maintained that the United States had, in fact, progressed to a point that its "standard of decency" should no longer tolerate the death penalty. (Bohm, 1999)

In the late 1960s, the Supreme Court began "fine tuning" the way the death penalty was administered. To this effect, the Court heard two cases in 1968 dealing with the discretion given to the prosecutor and the jury in capital cases. The first case was *U.S. v. Jackson* (390 U.S. 570), where the Supreme Court heard arguments regarding a provision of the federal kidnapping statute requiring that the death penalty be imposed only upon recommendation of a jury. The Court held that this practice was unconstitutional because it encouraged defendants to waive their right to a jury trial to ensure they would not receive a death sentence.

The other 1968 case was *Witherspoon v. Illinois* (391 U.S. 510). In this case, the Supreme Court held that a potential juror's mere reservations about the death penalty were insufficient grounds to prevent that person from serving on the jury in a death penalty case. Jurors could be disqualified

only if prosecutors could show that the juror's attitude toward capital punishment would prevent him or her from making an impartial decision about the punishment.

In 1971, the Supreme Court again addressed the problems associated with the role of jurors and their discretion in capital cases. The Court decided *Crampton v. Ohio* and *McGautha v. California* (consolidated under 402 U.S. 183). The defendants argued it was a violation of their Fourteenth Amendment right to due process for jurors to have unrestricted discretion in deciding whether the defendants should live or die, and such discretion resulted in arbitrary and capricious sentencing. Crampton also argued that it was unconstitutional to have his guilt and sentence determined in one set of deliberations, as the jurors in his case were instructed that a first-degree murder conviction would result in a death sentence. The Court, however, rejected these claims, thereby approving of unfettered jury discretion and a single proceeding to determine guilt and sentence. The Court stated that guiding capital sentencing discretion was "beyond present human ability."

Suspending the Death Penalty

The issue of arbitrariness of the death penalty was again be brought before the Supreme Court in 1972 in *Furman v. Georgia*, *Jackson v. Georgia*, and *Branch v. Texas* (known collectively as the landmark case *Furman v. Georgia* (408 U.S. 238)). Furman, like McGautha, argued that capital cases resulted in arbitrary and capricious sentencing. Furman, however, was a challenge brought under the Eighth Amendment, unlike McGautha, which was a Fourteenth Amendment due process claim. With the *Furman* decision the Supreme Court set the standard that a punishment would be "cruel and unusual" if it was too severe for the crime, if it was arbitrary, if it offended society's sense of justice, or it if was not more effective than a less severe penalty.

In 9 separate opinions, and by a vote of 5 to 4, the Court held that Georgia's death penalty statute, which gave the jury complete sentencing discretion, could result in arbitrary sentencing. The Court held that the scheme of punishment under the statute was therefore "cruel and unusual" and violated the Eighth Amendment. Thus, on June 29, 1972, the Supreme Court effectively voided 40 death penalty statutes, thereby commuting the sentences of 629 death row inmates around the country and suspending the death penalty because existing statutes were no longer valid.

Reinstating the Death Penalty

Although the separate opinions by Justices Brennan and Marshall stated that the death penalty itself was unconstitutional, the overall holding in *Furman* was that the specific death penalty statutes were unconstitutional. With that holding, the Court essentially opened the door to states to rewrite their death penalty statutes to eliminate the problems cited in *Furman*. Advocates of capital punishment

began proposing new statutes that they believed would end arbitrariness in capital sentencing. The states were led by Florida, which rewrote its death penalty statute only five months after *Furman*. Shortly after, 34 other states proceeded to enact new death penalty statutes. To address the unconstitutionality of unguided jury discretion, some states removed all of that discretion by mandating capital punishment for those convicted of capital crimes. However, this practice was held unconstitutional by the Supreme Court in *Woodson v. North Carolina*(428 U.S. 280 (1976)).

Other states sought to limit that discretion by providing sentencing guidelines for the judge and jury when deciding whether to impose death. The guidelines allowed for the introduction of aggravating and mitigating factors in determining sentencing. These guided discretion statutes were approved in 1976 by the Supreme Court in *Gregg v. Georgia* (428 U.S. 153), *Jurek v. Texas* (428 U.S. 262), and *Proffitt v. Florida* (428 U.S. 242), collectively referred to as the *Gregg* decision. This landmark decision held that the new death penalty statutes in Florida, Georgia, and Texas were constitutional, thus reinstating the death penalty in those states. The Court also held that the death penalty itself was constitutional under the Eighth Amendment.

In addition to sentencing guidelines, three other procedural reforms were approved by the Court in *Gregg*. The first was bifurcated trials, in which there are separate deliberations for the guilt and penalty phases of the trial. Only after the jury has determined that the defendant is guilty of capital murder does it decide in a second trial whether the defendant should be sentenced to death or given a lesser sentence of prison time. Another reform was the practice of automatic appellate review of convictions and sentence. The final procedural reform from *Gregg* was proportionality review, a practice that helps the state to identify and eliminate sentencing disparities. Through this process, the state appellate court can compare the sentence in the case being reviewed with other cases within the state, to see if it is disproportionate.

Because these reforms were accepted by the Supreme Court, some states wishing to reinstate the death penalty included them in their new death penalty statutes. The Court, however, did not require that each of the reforms be present in the new statutes. Therefore, some of the resulting new statutes include variations on the procedural reforms found in *Gregg*.

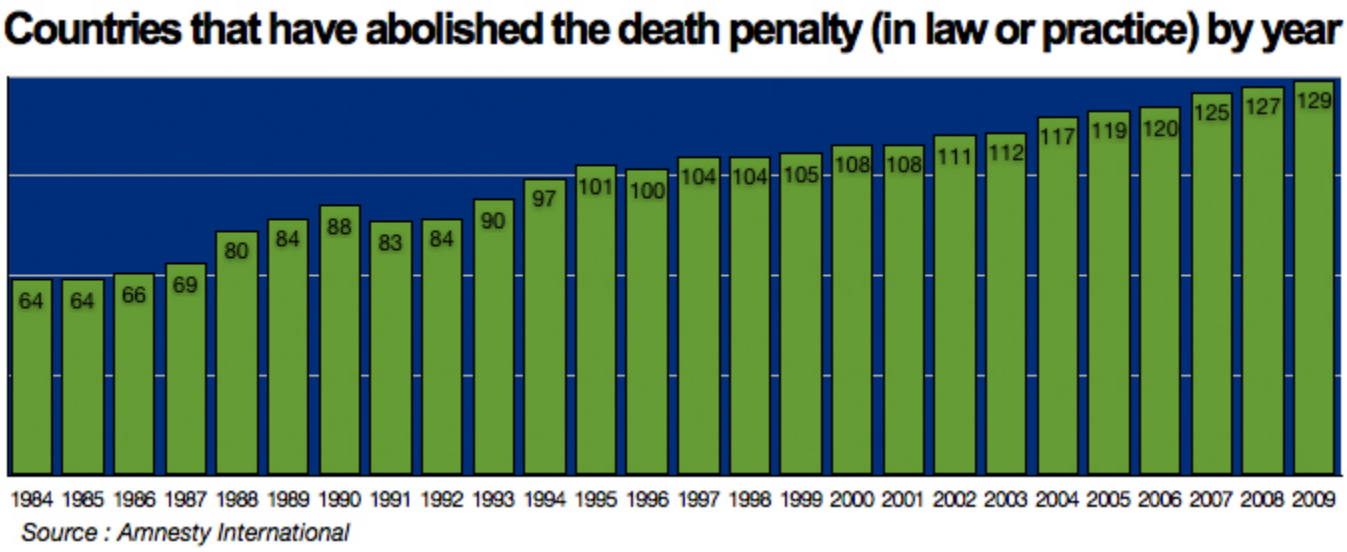
The ten-year moratorium on executions that had begun with the *Jackson* and *Witherspoon* decisions ended on January 17, 1977, with the execution of Gary Gilmore by firing squad in Utah. Gilmore did not challenge his death sentence. That same year, Oklahoma became the first state to adopt lethal injection as a means of execution, though it would be five more years until Charles Brooks became the first person executed by lethal injection in Texas on December 7, 1982.

Limiting the Death Penalty

Creation of International Human Rights Doctrines

In the aftermath of World War II, the United Nations General Assembly adopted the Universal Declaration of Human Rights. This 1948 doctrine proclaimed a "right to life" in an absolute fashion, any limitations being only implicit. Knowing that international abolition of the death penalty was not yet a realistic goal in the years following the Universal Declaration, the United Nations shifted its focus to limiting the scope of the death penalty to protect juveniles, pregnant women, and the elderly.

During the 1950s and 1960s subsequent international human rights treaties were drafted, including the International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the American Convention on Human Rights. These documents also provided for the right to life, but included the death penalty as an exception that must be accompanied by strict procedural safeguards. Despite this exception, many nations throughout Western Europe stopped using capital punishment, even if they did not, technically, abolish it. As a result, this de facto abolition became the norm in Western Europe by the 1980s. (Schabas, 1997)



Limitations within the United States

Despite growing European abolition, the U.S. retained the death penalty, but established limitations on capital punishment.

In 1977, the United States Supreme Court held in *Coker v. Georgia* (433 U.S. 584) that the death penalty is an unconstitutional punishment for the rape of an adult woman when the victim was not killed. Other limits to the death penalty followed in the next decade.

- Mental Illness and Intellectual Disability
  In 1986, the Supreme Court banned the execution of insane persons and required an adversarial process for determining mental competency in *Ford v. Wainwright* (477 U.S. 399). In *Penry v. Lynaugh* (492 U.S. 584 (1989)), the Court held that executing persons with "mental retardation" was not a violation of the Eighth Amendment. However, in 2002 in *Atkins v. Virginia*, (536 U.S. 304), the Court held that a national consensus had evolved against the execution of the "mentally retarded" and concluded that such a punishment violates the Eighth Amendment's ban on cruel and unusual punishment.

- Race
  Race became the focus of the criminal justice debate when the Supreme Court held in *Batson v. Kentucky* (476 U.S. 79 (1986)) that a prosecutor who strikes a disproportionate number of citizens of the same race in selecting a jury is required to rebut the inference of discrimination by showing neutral reasons for the strikes.

  Race was again in the forefront when the Supreme Court decided the 1987 case, *McCleskey v. Kemp* (481 U.S. 279). McCleskey argued that there was racial discrimination in the application of Georgia's death penalty, by presenting a statistical analysis showing a pattern of racial disparities in death sentences, based on the race of the victim. The Supreme Court held, however, that racial disparities would not be recognized as a constitutional violation of "equal protection of the law" unless intentional racial discrimination against the defendant could be shown.

- Juveniles
  In the late 1980s, the Supreme Court decided three cases regarding the constitutionality of executing juvenile offenders. In 1988, in *Thompson v. Oklahoma* (487 U.S. 815), four Justices held that the execution of offenders aged fifteen and younger at the time of their crimes was unconstitutional. The fifth vote was Justice O'Connor's concurrence, which restricted *Thompson* only to states without a specific minimum age limit in their death penalty statute. The combined effect of the opinions by the four Justices and Justice O'Connor in *Thompson* is that no state without a minimum age in its death penalty statute can execute someone who was under sixteen at the time of the crime.

  The following year, the Supreme Court held that the Eighth Amendment does not prohibit the death penalty for crimes committed at age sixteen or seventeen. (*Stanford v. Kentucky*, and *Wilkins v. Missouri* (collectively, 492 U.S. 361)). At present, 19 states with the death penalty bar the execution of anyone under 18 at the time of his or her crime.

  In 1992, the United States ratified the *International Covenant on Civil and Political Rights*. Article 6(5) of this international human rights doctrine requires that the death penalty not be used on those who committed their crimes when they were below the age of 18. However, in doing so but the U.S. reserved the right to execute juvenile offenders. The United States is the only country with an outstanding reservation to this Article. International reaction has been highly critical of this reservation, and ten countries have filed formal objections to the U.S. reservation.

In March 2005, *Roper v. Simmons*, the United States Supreme Court declared the practice of executing defendants whose crimes were committed as juveniles unconstitutional in Roper v. Simmons.

Additional Death Penalty Issues

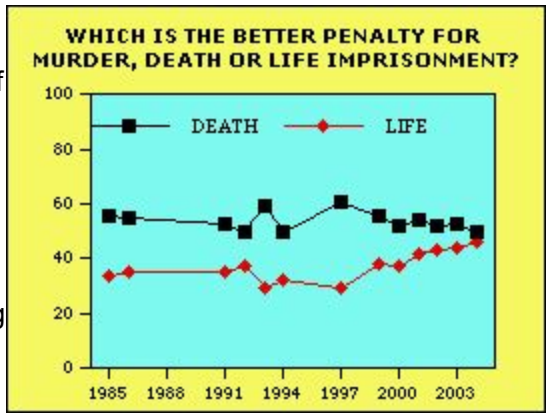
Innocence

The Supreme Court addressed the constitutionality of executing someone who claimed actual innocence in *Herrera v. Collins* (506 U.S. 390 (1993)). Although the Court left open the possibility that the Constitution bars the execution of someone who conclusively demonstrates that he or she is actually innocent, the Court noted that such cases would be very rare. The Court held that, in the absence of other constitutional violations, new evidence of innocence is no reason for federal courts to order a new trial. The Court also held that an innocent inmate could seek to prevent his execution through the clemency process, which, historically, has been "the 'fail safe' in our justice system." Herrera was not granted clemency, and was executed in 1993.

Since *Herrera*, concern regarding the possibility of executing the innocent has grown. Currently, over 115 people in 25 states have been released from death row because of innocence since 1973. In November, 1998 Northwestern University held the first-ever National Conference on Wrongful Convictions and the Death Penalty, in Chicago, Illinois. The Conference, which drew nationwide attention, brought together 30 of these wrongfully convicted inmates who were exonerated and released from death row. Many of these cases were discovered not as the result of the justice system, but instead as the result of new scientific techniques, investigations by journalism students, and the work of volunteer attorneys. These resources are not available to the typical death row inmate.

In January 2000, after Illinois had released 13 innocent inmates from death row in the same time that it had executed 12 people, Illinois Governor George Ryan declared a moratorium on executions and appointed a blue-ribbon Commission on Capital Punishment to study the issue.

Public Support



Support for the death penalty has fluctuated throughout the century. According to Gallup surveys, in 1936 61% of Americans favored the death penalty for persons convicted of murder. Support reached an all-time low of 42% in 1966. Throughout the 70s and 80s, the percentage of Americans in favor of the death penalty increased steadily, culminating in an 80% approval rating in 1994. A May 2004 Gallup Poll found that a growing number of Americans support a sentence of life without parole rather than the death penalty for those convicted of murder. Gallup found that 46% of respondents favor life imprisonment over the death penalty, up from 44% in May 2003. During that same time frame, support for capital punishment as an alternative fell from 53% to 50%. The poll also revealed a growing skepticism that the death penalty deters crime, with 62% of those polled saying that it is not a deterrent. These percentages are a dramatic shift from the responses given to this same question in 1991, when 51% of Americans believed the death penalty deterred crime and only 41% believed it did not. Only 55% of those polled responded that they believed the death penalty is implemented fairly, down from 60% in 2003. When not offered an alternative sentence, 71% supported the death penalty and 26% opposed. The overall support is about the same as that reported in 2002, but down from the 80% support in 1994. (Gallup Poll News Service, June 2, 2004). (See also, DPIC's report, *Sentencing for Life: American's Embrace Alternatives to the Death Penatly*)

Religion

In the 1970s, the National Association of Evangelicals (NAE), representing more then 10 million conservative Christians and 47 denominations, and the Moral Majority, were among the Christian groups supporting the death penalty. NAE's successor, the Christian Coalition, also supports the death penalty. Today, Fundamentalist and Pentecostal churches support the death penalty, typically on biblical grounds, specifically citing the Old Testament. (Bedau, 1997). The Church of Jesus Christ of Latter-day Saints regards the question as a matter to be decided solely by the process of civil law, and thus neither promotes nor opposes capital punishment.

Although traditionally also a supporter of capital punishment, the Roman Catholic Church now oppose the death penalty. In addition, most Protestant denominations, including Baptists, Episcopalians, Lutherans, Methodists, Presbyterians, and the United Church of Christ, oppose the death penalty. During the 1960s, religious activists worked to abolish the death penalty, and continue to do so today.

In recent years, and in the wake of a recent appeal by Pope John Paul II to end the death penalty, religious organizations around the nation have issued statements opposing the death penalty. Complete texts of many of these statements can be found at www.deathpenaltyreligious.org.

Women

Women have, historically, not been subject to the death penalty at the same rates as men. From the first woman executed in the U.S., Jane Champion, who was hanged in James City, Virginia in 1632, to the present, women have constituted only about 3% of U.S. executions. In fact, only ten women have been executed in the post-Gregg era. (Shea, 2004, with updates by DPIC).

Karla Faye Tucker and Sister Helen Prejean

Recent Developments in Capital Punishment

The Federal Death Penalty

In addition to the death penalty laws in many states, the federal government has also employed capital punishment for certain federal offenses, such as murder of a government official, kidnapping resulting in death, running a large-scale drug enterprise, and treason. When the Supreme Court struck down state death penalty statutes in Furman, the federal death penalty statutes suffered from the same conitutional infirmities that the state statutes did. As a result, death sentences under the old federal death penalty statutes have not been upheld.

In 1988, a new federal death penalty statute was enacted for murder in the course of a drug-kingpin conspiracy. The statute was modeled on the post-*Gregg* statutes that the Supreme Court has approved. Since its enactment, 6 people have been sentenced to death for violating this law, though none has been executed.

In 1994, President Clinton signed the Violent Crime Control and Law Enforcement Act that expanded the federal death penalty to some 60 crimes, 3 of which do not involve murder. The exceptions are espionage, treason, and drug trafficking in large amounts.

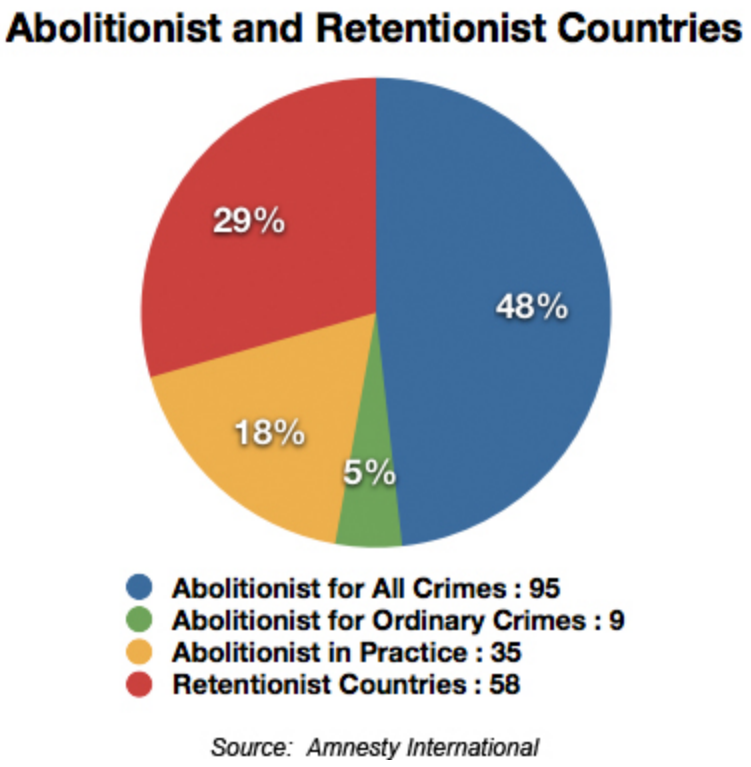
Two years later, in response to the Oklahoma City Bombing, President Clinton signed the Anti-Terrorism and Effective Death Penalty Act of 1996. The Act, which affects both state and federal

prisoners, restricts review in federal courts by establishing tighter filing deadlines, limiting the opportunity for evidentiary hearings, and ordinarily allowing only a single habeas corpus filing in federal court. Proponents of the death penalty argue that this streamlining will speed up the death penalty process and significantly reduce its cost, although others fear that quicker, more limited federal review may increase the risk of executing innocent defendants. (Bohm, 1999 and Schabas, 1997)

International Abolition

In the 1980s the international abolition movement gained momentum and treaties proclaiming abolition were drafted and ratified. Protocol No. 6 to the European Convention on Human Rights and its successors, the Inter-American Additional Protocol to the American Convention on Human Rights to Abolish the Death Penalty, and the United Nation's Second Optional Protocol to the International Covenant on Civil and Political Rights Aiming at the Abolition of the Death Penalty, were created with the goal of making abolition of the death penalty an international norm.

Today, the Council of Europe requires new members to undertake and ratify Protocol No. 6. This has, in effect, led to the abolition of the death penalty in Eastern Europe, where only Belarus retains the death penalty. For example, the Ukraine, formerly one of the world's leaders in executions, has now halted the death penalty and has been admitted to the Council. South Africa's parliament voted to formally abolish the death penalty, which had earlier been declared unconstitutional by the Constitutional Court. In addition, Russian President Boris Yeltsin signed a decree commuting the death sentences of all of the convicts on Russia's death row in June 1999. (Amnesty International and Schabas, 1997). Between 2000 and 2004, seven additional countries abolished the death penalty for all crimes, and four more abolished the death penalty for ordinary crimes.



The Death Penalty Today

In April 1999, the United Nations Human Rights Commission passed the Resolution Supporting Worldwide Moratorium On Executions. The resolution calls on countries which have not abolished the death penalty to restrict its use of the death penalty, including not imposing it on juvenile offenders and limiting the number of offenses for which it can be imposed. Ten countries, including the United States, China, Pakistan, Rwanda and Sudan voted against the resolution. (New York Times, 4/29/99). Each year since 1997, the United Nations Commission on Human Rights has passed a resolution calling on countries that have not abolished the death penalty to establish a moratorium on executions. In April 2004, the resolution was co-sponsored by 76 UN member states. (Amnesty International, 2004).

In the United States numbers of death sentences are steadily declining from 300 in 1998 to 106 in 2009.

Presently, more than half of the countries in the international community have abolished the death penalty completely, de facto, or for ordinary crimes. However, 58 countries retain the death penalty, including China, Iran, the United States, and Vietnam all of which rank among the highest for international executions in 2003. (Amnesty International, 2010)

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