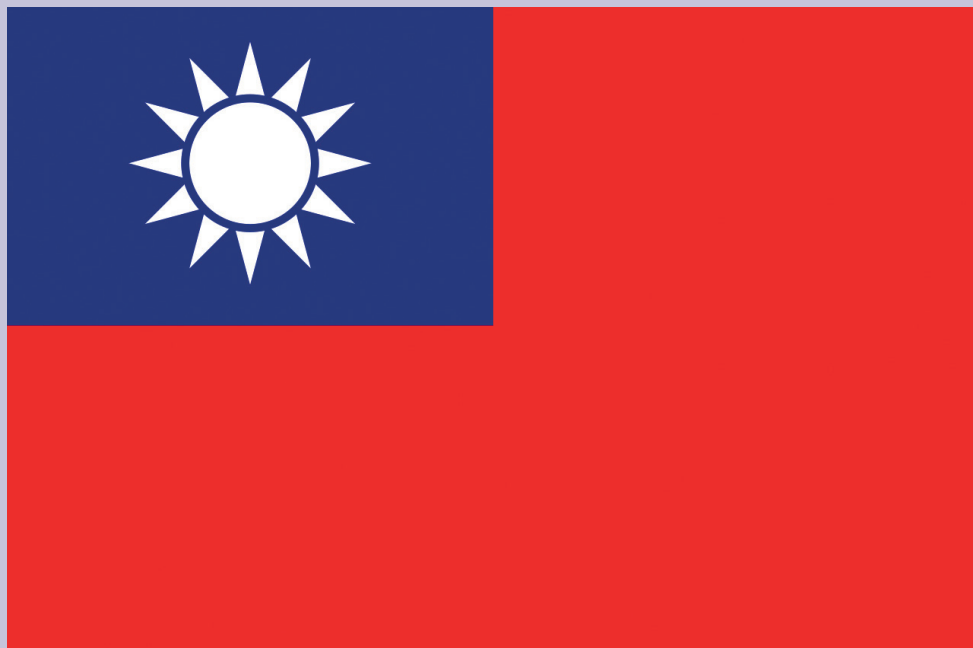


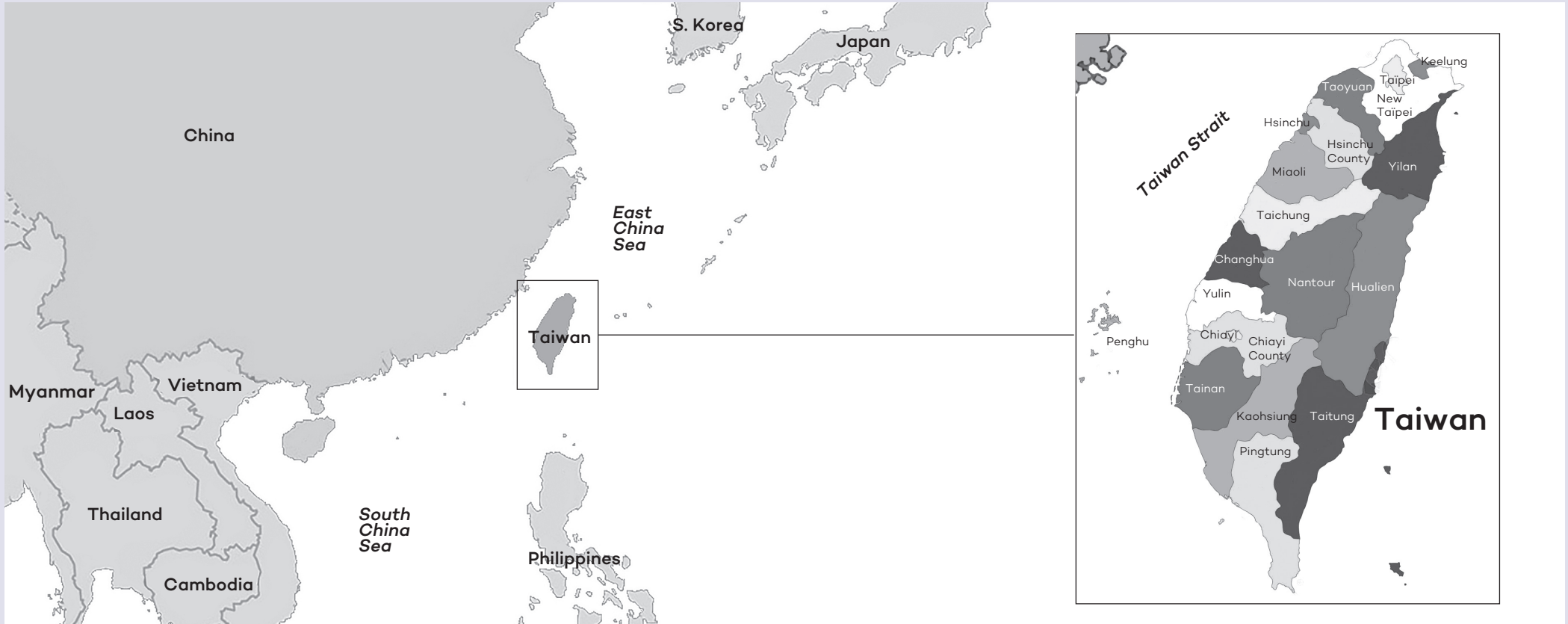
THE DEATH PENALTY IN LAW AND IN PRACTICE

TAIWAN



**EC
PM** TOGETHER
AGAINST
THE DEATH
PENALTY





TAIWAN

AREA

36 193 km²

CAPITAL

Taipei

POPULATION

23,301,968 (Jan. 2023, State statistics)

OFFICIAL LANGUAGE

Mandarin

N.B: the sovereignty of the Republic of China is not recognized by the United Nations

HEAD OF STATE

Since 20 May 2016, President **Tsai Ing-wen** is the head of state of the Republic of China (ROC), also referred to as the president of Taiwan.

HEAD OF GOVERNMENT

On 31 January 2023, **Chen Chien-jen** was appointed Premier of the Republic of China, officially President of the Executive Yuan.

MINISTER OF FOREIGN AFFAIRS

M. Jaushieh Joseph Wu

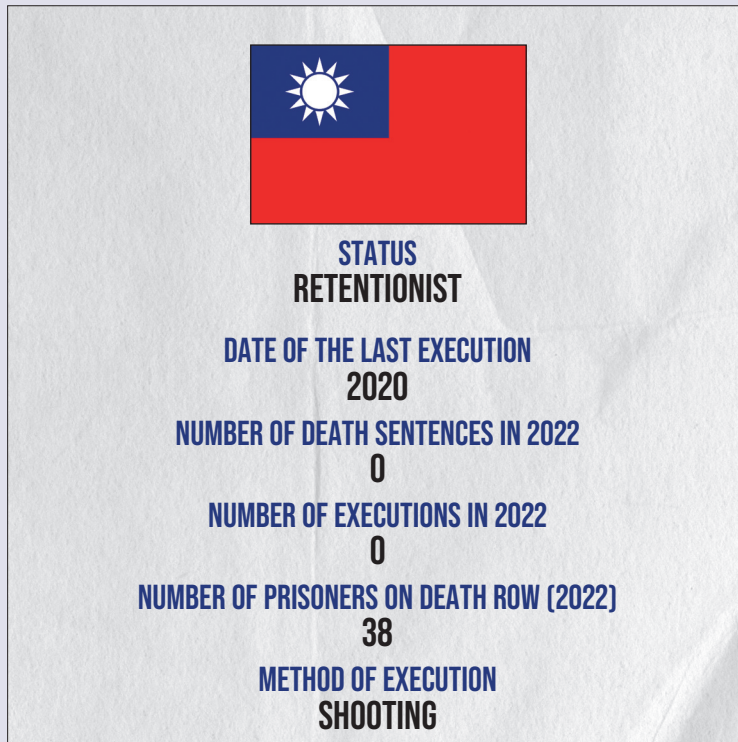
MINISTER OF JUSTICE

M. Tsai Ching-hsiang

MINISTRY IN CHARGE OF THE PENITENTIARY ADMINISTRATION

Ministry of Justice

DEATH PENALTY APPLICATION AND CONDITIONS OF DETENTION OF DEATH ROW PRISONERS



The application of the death penalty in Taiwan raises human rights concern, as it is not restricted to the most serious crimes, in spite of international norms and treaties incorporated in the Taiwanese law: the death penalty can be imposed for over 30 different crimes. According to the Taiwan Alliance to End the Death Penalty (TAEDP), there are no safeguards preventing the execution of mentally disabled people either. In their 2019 study, *For or against the death penalty: Evidence from Taiwan*, The Death Penalty Project (DPP) uncovered occurrences of ill-treatment and torture in the process of obtaining confessions from the accused confirming that the procedure preceding convictions, as well as executions, violates international human rights norms.

There is no rule regulating the time a prisoner spends on death row before being executed, and “no information available on the criteria for selecting prisoners for executions”.¹ In addition, there is no warning before the carrying of the executions, and the family and lawyers are not legally required to be informed prior to the execution of the sentence. Guarantees of fair trial and access to an effective defence are questionable, as at least one sixth of the convictions that resulted in a death penalty between 2006 and 2015 were “unsafe” (included high risk of errors in expert evidence, testimonies, and preservation of the evidence...)² According to Taiwan’s Code of Criminal Procedure, defendants in capital punishment cases have the right to compulsory defense. However, since the judges at the Supreme Court proceed to *De Jure* trials only, where they examine whether judgments violate the law and cannot determine anything with regards to the facts, defendants and attorneys are not required to attend hearings at the Supreme Court. This resulted in a lack of legal representation for the defendants. In 2012, the practice changed and the Supreme Court now inquires whether the defendant wishes to appear in court.

CONDITIONS ON DEATH ROW

The conditions on death row do not appear to meet international standards, as prisoners share a 4.5 metre square room for two, and are allowed less than 30 minutes of outdoor exercise time per day.

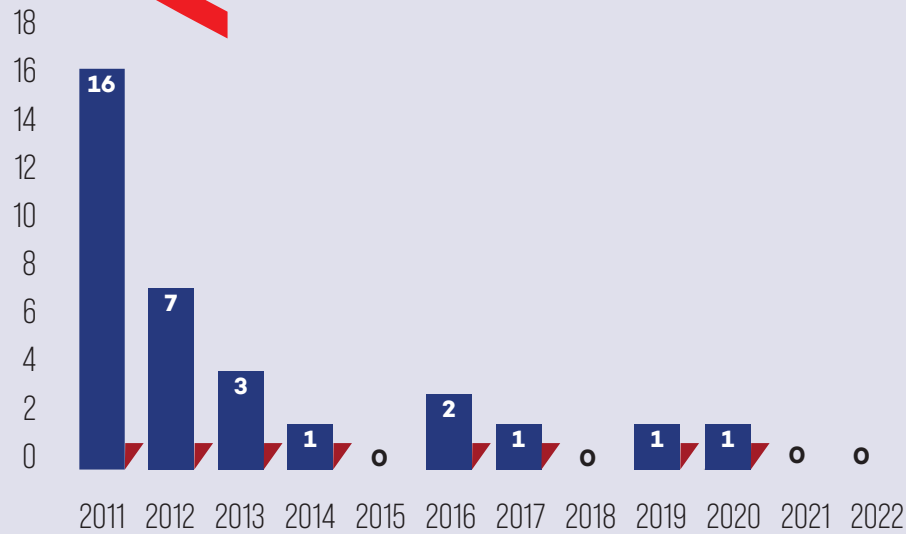
PARDON

As provided by article 40 of the Constitution, “the President shall, in accordance with law, exercise the power of granting amnesties, pardons, remission of sentences and restitution of civil rights”. In practice, the death row prisoners’ right to pardon is not effectively exercised, as reported by Amnesty International (2021): many of the prisoners executed during the last years had sent requests for pardon but received no reply.

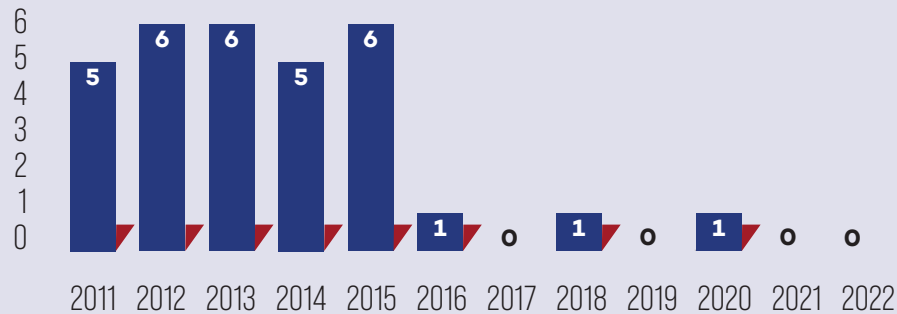
¹ The Death Penalty Project & Taiwan Alliance to End the Death Penalty (2019). “For or against the death penalty: Evidence from Taiwan”, Ed. DPP, London.

² *Ibid.*

NUMBER OF DEATH SENTENCES OVER THE LAST 10 YEARS¹



NUMBER OF EXECUTIONS OVER THE LAST 10 YEARS²



¹ Figures provided by TAEDP.
² *Ibid.*

THE NATIONAL LEGAL FRAMEWORK

CRIMINAL CODE OF THE REPUBLIC OF CHINA

Part 1 - General Provisions / Chapter 5 - Punishment:

Article 33 Principal punishments are of the following kinds:

1. Death (penalty)
2. Life imprisonment
3. Imprisonment of more than two months and less than fifteen years. If punishment is reduced or increased, such period may be reduced to less than two months or increased to twenty years.
4. Shortterm imprisonment of more than one day but less than 60 days. If the punishment is increased, the period may be increased to one hundred and twenty days.
5. Fine of more than one thousand NTD counted by the hundred yuan.

Chapter 8 - Sentencing

Article 63 A death penalty or life imprisonment shall not be imposed on an offender who is under the age of eighteen or over the age of eighty. If the punishment prescribed for the offense is death or imprisonment for like, the punishment shall be reduced.

Article 64 A death penalty shall not be increased.
If a death penalty is reduced, the punishment shall be life imprisonment.

Part 2 - Specific Offenses / Chapter 1 - Civil Disturbance

Article 101 Any person with force committing an offense specified in paragraph 1 of the preceding article shall be sentenced to life imprisonment or imprisonment not less than seven years; a ringleader shall be sentenced to death or life imprisonment. Any person preparing or conspiring to commit an offense specified in the preceding paragraph shall be sentenced to imprisonment of not less than one year but not more than seven years.

Chapter 2 - Treason

Article 103 Any person colluding with a foreign state or its agent with intent that such state or other state start war against the Republic of China shall be sentenced to death or life imprisonment.
An attempt to commit an offense specified in the preceding paragraph is punishable.
Any person preparing or conspiring to commit an offense specified in paragraph 1 shall be sentenced to imprisonment not less than three years but not more than ten years.

Article 104 Any person colluding with a foreign state or its agent with intent to subject territory of the Republic of China to such state or other state shall be sentenced to death or life imprisonment.

An attempt to commit an offense specified in the preceding paragraph is punishable. Any person preparing or conspiring to commit an offense specified in paragraph 1 shall be sentenced to imprisonment not less than three years but not more than ten years.

Article 105 Any citizen of the Republic of China serving in the armed forces of an enemy or joining the enemy's fight with arms against the Republic of China or against an ally of the Republic of China shall be sentenced to death or life imprisonment. An attempt to commit an offense specified in the preceding paragraph is punishable. Any person preparing or conspiring to commit an offense specified in paragraph 1 shall be sentenced to imprisonment not less than three years but not more than ten years.

Article 107 Any person committing an offense specified in paragraph 1 of the preceding article under one of the following circumstances shall be sentenced to death or life imprisonment:

1. Surrendering armed forces to an enemy or surrendering, destroying, damaging, or otherwise rendering useless the following: strategic point, naval base, military post, military vessel or aircraft, or another military place or structure; arms, ammunition, money, provisions or other war materials for the use of the military of the Republic of China; bridge, railway, vehicle, electric wire, electric machine, telegraph station, or another thing used for transportation.
2. Recruiting for an enemy or inducing a person in the armed services to surrender to the enemy.
3. Inciting a person in the armed services to neglect his duty, desert, mutiny, or commit a breach of discipline.
4. Disclosing or delivering to the enemy a document, plan, information, or another thing of secret nature concerning a strategic point, naval base, military post, military vessel or aircraft, or military, naval, or aerial movement.
5. Committing an act of espionage for an enemy or rendering aid to an enemy spy.

An attempt to commit an offense specified in the preceding paragraph is punishable. Any person preparing or conspiring to commit an offense specified in paragraph 1 shall be sentenced to imprisonment not less than three years but not more than ten years.

Chapter 4 - Offenses of Malfeasance in Office

Article 120 A public official who by neglecting his duties abandons the territory in his charge shall be sentenced to death, life imprisonment or imprisonment for not less than ten years.

Chapter 11 - Offenses Against Public Safety

Article 185-1 A person who hijacks, through the employment of violence, threats or other illegal means, an aircraft in use or controls its flight shall be sentenced to death, life imprisonment, or imprisonment for not less than seven years. If the offense is light, he shall be sentenced to imprisonment for not more than seven years. If an offense results in death, the offender shall be sentenced to death or life imprisonment. If an offense results in serious physical injury, the offender shall be sentenced to death, life imprisonment, or imprisonment for not less than ten years. [...]

Article 185-2 A person who endangers, through the employment of violence, threats or other illegal means, the safety of flight or air traffic facilities or equipment shall be sentenced to imprisonment for not more than seven years, short-term imprisonment, or a fine of not more than nine hundred thousand dollars. If the offense causes the damage of aircraft or other facilities or equipment, the offender shall be sentenced to imprisonment for not less than three years but not more than ten years. If an offense results in death, the offender shall be sentenced to death, life imprisonment or imprisonment for not less than ten years; if an offense results in serious physical injury, the offender shall be sentenced to imprisonment for not less than five years but not more than twelve years. An attempt to commit an offense specified in paragraph 1 is punishable.

Chapter 16 - Sexual Offenses

Article 226-1 A person who commits the offense specified in Article 221, 222, 224, 24-1 or 225 and intentionally kills the victim, shall be sentenced to death or life imprisonment; if the offender causes aggravated injury to the victim, he shall be sentenced to life imprisonment, or imprisonment for not less than ten years.

Article 261 A public official who uses his authority to compel another person to commit an offense specified in the preceding article shall be sentenced to death or life imprisonment.

Chapter 22 - Offenses of Homicide

Article 271 A person who takes the life of another shall be sentenced to death or life imprisonment or imprisonment for not less than ten years. An attempt to commit an offense specified in the preceding paragraph is punishable. A person who prepares to commit an offense specified in paragraph 1 shall be sentenced to imprisonment for not more than two years.

Chapter 30 - Offense of Abrupt Taking, Robbery and Piracy

Article 332 A person who commits robbery and intentionally kills another shall be sentenced to death or life imprisonment. A person who commits robbery and takes the opportunity to commit one of the following conducts shall be sentenced to death, life imprisonment, or imprisonment for not less than ten years:

1. Arson
2. Forcing the victim to commit sexual intercourse
3. Kidnapping for ransom
4. Causing aggravated injury to another

Article 333 A person who without the permission of a belligerent state or who does not belong to the naval force of such a state navigates a vessel for purpose to use violence or employ threats against another vessel or against a person or thing on board that vessel commits the offense of piracy and shall be sentenced to death or life imprisonment or imprisonment for not less than seven years.

A member of the crew or a passenger on board a vessel who has purpose to plunder or rob property, and who uses violence or employs threats against another member of the crew or a passenger, and who operates or takes command of the vessel commits the offense of piracy.

If death results from the commission of piracy, the offender shall be sentenced to death, life imprisonment, or imprisonment for not less than twelve years; if aggravated injury results, the offender shall be sentenced to death, life imprisonment, or imprisonment for not less than ten years.

Article 334 A person who commits piracy and intentionally kills another shall be sentenced to death or life imprisonment.
A person who commits piracy and takes the opportunity to commit one of the following acts shall be sentenced to death, life imprisonment, or imprisonment for not less than twelve years:

1. Arson
2. Forcing the victim to commit sexual intercourse
3. Kidnapping for ransom
4. Causing aggravated injury to another

Chapter 33 - Offenses of Extortion and Kidnapping for Ransom

Article 347 A person who kidnaps another for purpose to extort ransom shall be sentenced to life imprisonment or imprisonment for not less than seven years.
If death results from the commission of the offense, the offender shall be sentenced to death or life imprisonment or imprisonment for not less than twelve years; if aggravated injury results from the offense, the offender shall be sentenced to life imprisonment, or imprisonment for not less than ten years.
An attempt to commit an offense specified in paragraph 1 is punishable.
A person who prepares to commit an offense specified in paragraph 1 shall be sentenced to imprisonment for not more than two years.
A person who commits an offense specified in paragraph 1 and who releases the victim before payment of ransom have his punishment reduced; who releases the victim after payment of ransom may have his punishment reduced.

Article 348 A person who commits an offense specified in paragraph 1 of the preceding article and intentionally kills his victim shall be sentenced to death or life imprisonment.
A person who commits an offense specified in paragraph 1 of the preceding article and who has one of the following circumstances shall be sentenced to death or life imprisonment or imprisonment for not less than twelve years:

1. Forcing the victim to commit sexual intercourse
2. Resulting in aggravated injury

(CHINESE) CODE OF CRIMINAL PROCEDURE

Part III - Appeals / Chapter 1 - General Provisions

Article 344 A party who disagrees with the judgment of a lower court may appeal to the appellate court.

Where a private prosecutor loses his legal capacity or is deceased prior to the conclusion of the argument, an appeal may be filed by a person who may file a private prosecution in accordance with Paragraph 1 of Article 319.

Where a complainant or a victim disagrees with the judgment of a lower court, he/she may state the reasons and request the public prosecutor to file an appeal. A prosecutor may file an appeal for the interests of the defendant.

In a case where the death penalty is imposed, the original trial court shall sua sponte transfer the case to the appellate court, no matter whether an appeal is filed or not. The parties shall be informed of the transfer of the case.

Under the circumstance specified in the preceding paragraph, it is deemed that a defendant has filed an appeal.

Part VIII - Execution

Article 460 (Execution of Capital Punishment (I) - Review)
After a pronouncement of capital punishment is final, the prosecutor shall promptly send the case file to the highest judicial authority.

Article 461 (Execution of Capital Punishment (II) - Time and Double Review)
Capital punishment shall be approved by the Minister of justice and be executed within 3 days after receiving such approval; provided that the executive prosecutor may contact the highest judicial authority for a review in 3 days if causes for a retrial or extraordinary appeal exist.

Article 462 (Execution of Capital Punishment (III) - place)
Capital punishment shall be executed in prisons.

Article 463 (Execution of Capital Punishment (IV) - Presence)
The prosecutor observes and shall order a clerk to attend for the execution of capital punishment.
Except for persons approved by the prosecutor or prison officials, no one may enter the execution place for capital punishment.

Article 464 (Execution of Capital Punishment (V) - Records)
The clerk on spot of the capital punishment execution shall make a record. Such record shall be signed by the prosecutor and prison official.

Article 465 (Suspension and Resume of Capital Punishment)
The highest judicial authority may order to suspend the execution if it is found the one whom death penalty is pronounced is insane.
The highest judicial authority may order to suspend the execution of a sentence of capital punishment on a pregnant woman before she delivers.
Unless ordered by the highest judicial authority, suspension on capital punishment pursuant to the preceding 2 paragraphs may not be resumed after the subject recovers or delivers.

Article 469 The prosecutor shall, upon execution, summon a person announced a sentence of capital punishment other than a fine but not yet detained; if such a person fails to appear in court, he/she shall be arrested with a warrant. However, if there is a probable cause to believe that the person who is announced a death

sentence, life imprisonment or imprisonment of more than two years is likely to abscond, he/she may be arrested with a warrant.

The prosecutor may arrest the sentenced person as described in the first part of the preceding paragraph pursuant to Subparagraph 1 and Subparagraph 2 of Article 76 with a warrant without notice and put him/her on a wanted list pursuant to Article 84.

CRIMINAL CODE OF THE ARMED FORCES:

Part Two - Special Provisions /

Chapter 1 - Offences against the allegiance to the nation

Article 14 A person who commits an overt act with intent to destroy the organization of the State, seize State territory, change the Constitution, or overthrow the Government by strongarm means or threatening with force shall be punished with imprisonment for not less than ten years; an ringleader shall be punished with imprisonment for not less than ten years, death or imprisonment for life. A person who prepares to commit an offence specified in the preceding paragraph shall be sentenced to imprisonment for not less than one year and not more than seven years.

Article 15 A person who conspire to commit with violence an offence specified in the preceding paragraph shall be sentenced to imprisonment for not less than seven years or for life; a ringleader shall be sentenced to death or imprisonment for life. A person who prepares or conspires to commit an offence specified in the preceding paragraph shall be sentenced to imprisonment for not less than three years and not more than ten years.

Article 17 A person who commits an offence specified in one of the following circumstances shall be punished with death or imprisonment for life:

1. Giving the military facilities or the materials for military use to an enemy in paragraph of Article 58 or paragraph of Article 59;
2. Committing an act of espionage for an enemy or rendering aid to an enemy's spy;
3. Semaphoring or, sending or transmitting telecommunication to an enemy;
4. Rendering aids to an enemy to invade a military post, an airport, a naval base, or any other military places or structures; or to guide an enemy or to indicate the geographical features for an enemy;
5. Committing an act with violence, threats, or intimidation to a commander or a senior officer to surrender to an enemy;
6. Seizing or letting go the captured vessels, aircrafts, or captives for an enemy.

An attempt to commit an offence specified in the preceding paragraph is punishable. A person who prepares or conspires to commit an offence specified in paragraph I shall be punished with imprisonment for not less than one year and not more than seven years; if the offence committed in the three preceding paragraphs was slight, the punishment may be reduced.

Article 18 A person who profited an enemy intentionally, and committed an offence specified in one of the following circumstances shall be punished with death or imprisonment for life:

1. Destroying, or damaging the military facilities and materials for military use in paragraph I of Article 58 or paragraph I of Article 59;
2. Obstructing the way in the land and water, or destroying, damaging the bridge, beacon, signs or other things to interfere the military traffic;
3. The commander leads the troupes not to go to the assigned defensive place or causes the troupes to have unauthorized departure from the arranged deployment;
4. Dispersing the troupes or tempting the troupes to disorder so that interference the communication and gathering;
5. An act of causing the lack of arms, ammunition, food, coverlets and clothes and other important materials for military use;
6. Committing an offence specified in paragraph I or paragraph IV of Article 16.

An attempt to commit an offence specified in the preceding paragraph is punishable. A person who prepares or conspires to commit an offence specified in paragraph I shall be sentenced to imprisonment for not less than six months and not more than five years; if the offence committed specified in the three preceding paragraphs was slight, the punishment may be reduced.

Article 19 A person who renders military aids to an enemy or causes injury to the military interests of the Republic of China or an ally of the Republic of China with means excluding the two preceding articles shall be sentenced to imprisonment for ten years, death or imprisonment for life. An attempt to commit an offence specified in the preceding paragraph is punishable. A person who prepares or conspires to commit an offence specified in paragraph I shall be sentenced to imprisonment for not less than six months and not more than five years; if the offence committed specified in the three preceding paragraphs was slight, the punishment may be reduced.

Article 20 A person who discloses or delivers a document, plan, information, electromagnetic record, or other things of a secret nature concerning the defence of the Republic of China shall be punished with imprisonment for not less than three years and not more than ten years. That if he committed the offence in wartime shall be punished with imprisonment for not less than seven years or imprisonment for life. A person who discloses or delivers to an enemy the military secrets in the preceding paragraph shall be punished with death or imprisonment for life. An attempt to commit an offence specified in one of the two preceding paragraphs is punishable. A person who commits the offence unpremeditatedly in the preceding paragraph shall be punished with imprisonment for not less than three years, detention, or a fine of not more than 300,000 yuan. That if he committed the offence in wartime shall be punished with imprisonment for not less than one year and not more than ten years. An attempt to commit an offence specified in paragraph I or II shall be punished with imprisonment for not less than five years.

Article 24 A person who surrenders to an enemy will be sentenced to death, imprisonment for life or imprisonment for not less than ten years. A person who derelicts duty and surrenders to an enemy will be punished with imprisonment for not less than one year and not more than seven years.

An attempt to commit an offence specified in the two preceding paragraphs is punishable.

A person who commits the offence premeditatedly in the preceding paragraph shall be punished with imprisonment for not less than six months and not more than five years.

Chapter II - Offences against the military duty or service

Article 26 A commander that starts wars without cause will be punished with death, imprisonment for life or imprisonment for not less than ten years.

Article 27 Any person who disobeys any operations order before or in the presence of the enemy shall be punished by death or imprisonment for life.
An attempt to commit the offense specified in the preceding paragraph is punishable.

Article 31 A person who discards a document, plan, information, electromagnetic record, or other things shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 300,000 yuan. A person who discards the materials in the preceding paragraph to an enemy shall be punished with imprisonment for not more than seven years.
A person who commits the offences in the two preceding paragraphs unpremeditatedly and causes injury to the military interests shall be punished with imprisonment for not more than two years, detention, or a fine of not more than 200,000 yuan.
A person who commits the offence in the two preceding paragraphs in wartime shall be punished with imprisonment for life or imprisonment for not less than seven years; if the offence caused injury to military interest shall be punished with death, imprisonment for life or imprisonment for not less than ten years; a person who commits the offence in the third paragraph shall be punished with imprisonment for not less than one year and not more than seven years.

Article 41 A person who takes out military armaments, ammunition or other materials and leaves the position in service without reasons or does not assume service shall be punished with imprisonment for not less than seven years. If the person who commits the offences in the preceding paragraph in wartime shall be sentenced to death, imprisonment for life or imprisonment for not less than ten years.
A person who commits the offences in the preceding paragraph confesses the crime and surrenders the arms may have his /her punishment reduced or remitted; if such person confessed during investigation or trial and surrenders the arms may have the reduced punishment.
An attempt to commit an offence specified in the first paragraph is punishable.

Chapter III - offences against the military duty of officer

Article 42 A commander who leaves the subordinate, leaves the assigned defensive place or move the post without authorization shall be punished with imprisonment for not less than one year and not more than seven years.
If the above-mentioned offence committed in wartime shall be punished with imprisonment for life or imprisonment for not less than seven years.
If the offence caused the injury to the military shall be punished with death or imprisonment for life.

Article 43 A commander who deserts the injured subordinate without reasons shall be punished with imprisonment for not less without reasons than one year and not more than seven years.
If the death of a soldier results from the commitment of the offence, the commander shall be punished with imprisonment for life or imprisonment for not less than seven years; if the soldier is seriously harmed, the commander shall be punished with imprisonment for not less than three years and not more than ten years.

Chapter IV : Offences against the military duty of subordinate

Article 47 A person who disobeys the military orders of which transmitted or announced from higher authorities or within the commander's powers shall be punished imprisonment for not more than five years.
A person who commits the offences in wartime shall be punished with death or the imprisonment for life.
A person who commits the offence unpremeditatedly and causes the injury to the military interest shall be punished with imprisonment for not less than five years and not more than twelve years.
If the offender voluntarily and timely executes the duty that needn't be executed immediately when the offence of the first paragraph was committed may have the punishment reduced or remitted.

Article 48 A person who participates in an open assembly with offence of the first paragraph shall be punished with imprisonment for not less than one year and not more than seven years; the ringleader shall be punished with imprisonment for not less than three years and not more than ten years.
If the offence in the preceding paragraph committed in wartime shall be punished with death, imprisonment for life or imprisonment for not less than ten years; the ringleader shall be punished with death or imprisonment for life.

Article 49 A person who uses violence, threat to a commander or puts the commander in fear shall be punished with imprisonment for not less than one year and not more than seven years.
A person who commits the offence of the preceding paragraph in wartime shall be punished with death, imprisonment for life or imprisonment for not less than ten years.
A person who commits the offence in the first paragraph to the senior officer shall be punished with imprisonment for not more than three year, detention, or a fine of not more than 300,000 yuan. If the offence committed in wartime shall be punished with imprisonment for life or imprisonment for not less than seven years.
An attempt to commit an offence specified in the three preceding paragraphs is punishable.

Article 50 A person who participates in an open assembly and commits the offence of the preceding paragraph shall be punished with imprisonment for not less than one year and not more than seven years; the ringleader shall be punished with imprisonment for not less than seven years; a person who actually commits shall be punished with imprisonment for not less than five years.

A person who is involved and commits the offence of the preceding paragraph in wartime shall be punished with death, imprisonment for life; the ringleader shall be punished with death, imprisonment for not less than seven years; a person who actually commits shall be punished with death, imprisonment for life or imprisonment for not less than ten years.
An attempt to commit an offence specified in the two preceding paragraphs is punishable.

Chapter V: Other military offences

Article 53 A person who by violence, treats or other ways kidnaps military vessel, aircraft or controls its navigation shall be punished with death, imprisonment for life or imprisonment for not less than ten years.
An attempt to commit an offence specified in the preceding paragraphs is punishable.
A person who prepares to commit an offence specified in paragraph I shall be punished with imprisonment for not less than six months and not more than five years.

Article 58 A person who destroys military airport, harbor, tunnel, blockhouse, strategic point, military vessel, aircraft, vehicle, arms, ammunition, radar, signal communication, information facilities and equipments, or other important military facilities and materials for war, or otherwise making the military facilities useless and material for military use shall be punished with imprisonment for life or imprisonment for not less than seven years.
A person who commits the offence negligently shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 300,000 yuan.
A person who commits an offence specified in paragraph I in wartime shall be punished with death or imprisonment for life; a person who commits paragraph II may have the punishment increased up to one half.
An attempt to commit an offence specified in the paragraph I and III is punishable.
A person who prepares to commit an offence specified in paragraph I shall be punished with imprisonment for not more than three years, detention, or a fine of not more than 300,000 yuan.
If the offence of the four paragraphs is committed the punishment may be reduced.

Article 65 A person who manufactures, sales or transports military arms or ammunition without authorization shall be punished with death, imprisonment for life or imprisonment for not less than ten years.
A person who commits the offence of the preceding paragraph with intent to facilitate himself or others to commit a crime shall be punished with death or imprisonment for life.
A person who manufactures, sales or transports the main components of military arms or ammunition without authorization shall be punished with imprisonment for life or imprisonment for not less than seven years.
An attempt to commit an offence specified in the three preceding paragraph is punishable.

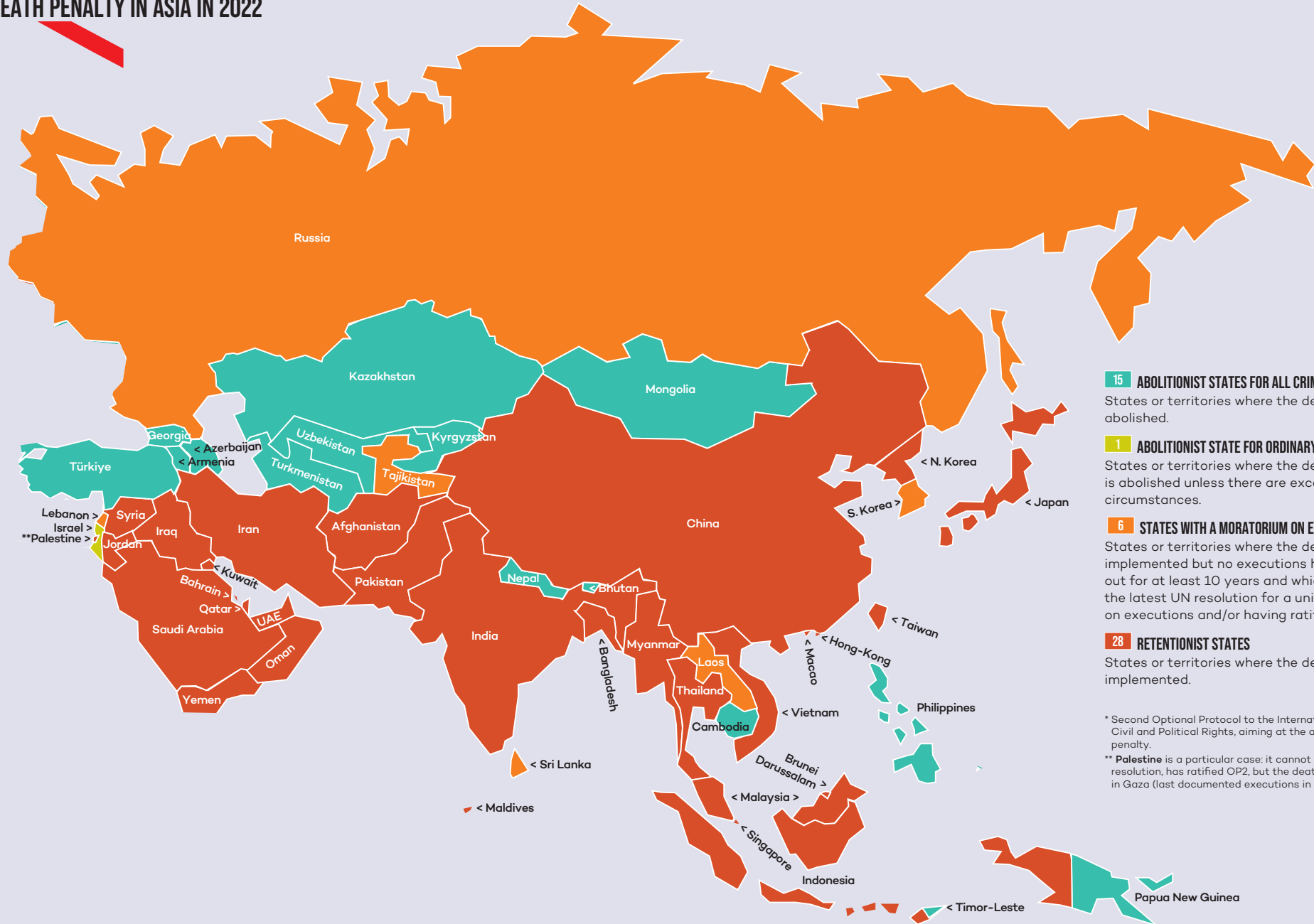
Article 66 Any person who makes any false military order, document, or other statement knowing it to be false shall be punished by imprisonment for not more than 5 years; if the commission of preceding crimes causes the injury to military interest, the offender shall be punished by imprisonment for life or for not less than seven years.
Any person who, during wartime, commits an offense specified in the forepart of preceding paragraph shall be punished by death, imprisonment for life, or for not less than ten years; if the commission of preceding crimes causes the injury to military interest, the offender shall be punished by death or imprisonment for life.
Any person who negligently commits an offense specified in the forepart of preceding paragraph shall be punished by imprisonment for not less than three and not more than ten years.
Any person who unfaithfully or fails to transmit or report any military order, document, or other statement shall be punished in accordance with the provisions of preceding paragraphs.

THE INTERNATIONAL LEGAL FRAMEWORK

THE MAIN INTERNATIONAL INSTRUMENTS AIMING AT ABOLISHING THE DEATH PENALTY

TREATY	RATIFICATION OR ACCESSION DATE
International Covenant on Civil and Political Rights, 1966	N/A Incorporated into national law on 31 March 2009
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty, 1989	N/A
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 1984	N/A
Optional Protocol of the Convention against Torture, 2002	N/A
Convention on the Rights of the Child, 1989	N/A Incorporated into national law on 20 November 2014

THE DEATH PENALTY IN ASIA IN 2022



15 ABOLITIONIST STATES FOR ALL CRIMES

States or territories where the death penalty is abolished.

1 ABOLITIONIST STATE FOR ORDINARY CRIMES

States or territories where the death penalty is abolished unless there are exceptional circumstances.

6 STATES WITH A MORATORIUM ON EXECUTIONS

States or territories where the death penalty is implemented but no executions have been carried out for at least 10 years and which did not oppose the latest UN resolution for a universal moratorium on executions and/or having ratified OP2*.


28 RETENTIONIST STATES


States or territories where the death penalty is implemented.

* Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.


** Palestine is a particular case: it cannot vote the moratorium resolution, has ratified OP2, but the death penalty is still applied in Gaza (last documented executions in 2022).

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**ABOLITION
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May 2023