



Conduct of capital punishment proceedings and conditions of detention for people under sentence of death: Objectives 1 and 2

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

The Taiwan Alliance to End the Death Penalty

Libérons Mumia

and

The World Coalition Against the Death Penalty

in response to the Call for input by the Special Rapporteur on summary, extrajudicial or arbitrary executions: The death penalty from the perspective of the prohibition against torture and other forms of ill-treatment and the protection of human dignity

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The Advocates for Human Rights (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. The Advocates is committed to ensuring human rights protection for women around the world. The Advocates has published more than 25 reports on violence against women as a human rights issue, provided consultation and commentary of draft laws on domestic violence, and trained lawyers, police, prosecutors, judges, and other law enforcement personnel to effectively implement new and existing laws on domestic violence. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The Taiwan Alliance to End the Death Penalty (TAEDP) is the first coalition in Taiwan dedicated to abolishing the death penalty and promoting reform of the criminal justice system. Established in 2003, it brings together abolitionist groups, NGOs, and research institutes. TAEDP works on individual capital cases, monitors trial procedures to safeguard fair trial rights, and campaigns to prevent wrongful executions. The organization also provides training and seminars for criminal defense lawyers. Beyond capital punishment, TAEDP advocates for victims' rights and stronger support systems for those affected by serious crimes. It engages the public through forums, seminars, and educational programs developed in collaboration with teachers.

The French Collective **LET'S FREE MUMIA (Libérons Mumia)** brings together around one hundred organizations and public authorities, including the capital Paris.

The World Coalition Against the Death Penalty is a membership-based global network committed to strengthening the international dimension of the fight against the death penalty.

Established in 2002, its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. This report focuses on two themes. First, in response to Objective 1, the report explains that the possibility that prosecutors will seek the death penalty can instill such terror in defendants that they will forfeit their fundamental rights to be presumed innocent until proven guilty, to due process and a fair trial, and to equal treatment before the law. Second, in response to Objective 2, the report discusses conditions of detention for people on death row.
 - 1. Before trial, the possibility of the death penalty instills terror in the same way as other severe physical or mental pain or suffering.**
2. In reflecting on the psychological effects of the death penalty, Herman Lindsey, Executive Director of Witness to Innocence and death row survivor, observed: “Where it really begins is when you hear they’re thinking about seeking the death penalty. That’s when you really start to feel the fear. You’ll do anything to get out of it.” Analysis of the psychological torture of the death penalty often starts at the time of sentencing. But Mr. Lindsey explains that psychological terror arises much earlier in the legal process. In that context, the severe mental pain or suffering precedes any imposition of “lawful sanctions” under Article 1.1 of the Torture Convention. Rather, prosecutors intentionally inflict the threat of execution not as part of a lawful sanction, but for purposes such as obtaining confessions, coercing people to forfeit their fair trial rights, and extracting plea agreements.
3. Prior to trial, interrogators sometimes inflict severe physical or mental pain or suffering to extract a confession from the person accused of a crime or from a witness. The person may be willing to do or say anything to make the pain or suffering stop, forfeiting fundamental rights, such as the right to be presumed innocent, the right to due process and a fair trial, and the right to be treated equally before the law.
4. The prospect of the death penalty serves the same function as other forms of severe physical or mental pain or suffering: it instills such terror that the person threatened with the death penalty may be willing to do or say anything to take the death penalty off the table. The person may be willing to forfeit their fundamental rights in the hopes of avoiding a possible death sentence.
5. Attorneys apprehend the terror a capital charge can instill. “[I]n using the death penalty as leverage, the prosecution both secures a plea to a higher sentence that would otherwise be obtained and avoids the administrative and financial costs of a murder trial, and especially those of a capital murder trial.”¹ In a study involving long-form interviews, two-thirds of defense attorneys and 83% of prosecutors “said defendants plead to a lesser sentence to avoid the possibility of death.”² The defense attorneys felt that “the threat of death” was “the most important factor” in a defendant’s decision to plead.³
6. The threat of the death penalty is uniquely coercive in extracting false confessions: “While there is little empirical evidence that innocent defendants plead guilty to avoid more lengthy terms of imprisonment, there is evidence that innocent defendants plead guilty to avoid death.”⁴

¹ Susan Ehrhard, *Plea Bargaining and the Death Penalty: An Exploratory Study*, The Justice System Journal, Vol. 29, No. 3 (2008), at 314, <https://www.jstor.org/stable/27977408>.

² *Id.* at 322.

³ *Ibid.*

⁴ *Id.* at 314.

According to the Death Penalty Information Center’s analysis, in 2019 U.S. courts exonerated 143 people, and in at least 19 of those cases, “[t]he use or threat of the death penalty was a factor.”⁵ Three of those exonerees had been sentenced to death, but the other 16 exonerees “either were wrongfully convicted after they or others associated with the case were threatened with the death penalty or had their wrongful incarcerations extended because witnesses had been threatened with the death penalty if they testified for the defense.”⁶ Nine cases involved false confessions, illustrating that the terror the death penalty invokes can prompt people to sacrifice not only their right to a fair trial, but their physical liberty by ensuring they will go to prison: “Six gave false confessions after law enforcement threatened them with the death penalty. One of them pled guilty to rape and murder to avoid the death penalty; the actual killer remained free and committed another rape and murder. Three falsely confessed to rape to avoid capital murder charges and then falsely implicated a fourth man (also exonerated in 2019) in the murder. A 16-year-old falsely confessed under pressure from his older brother so the brother would not face the death penalty, and then a prosecution witness who had been threatened with the death penalty falsely implicated the teen.”⁷ DPIC conducted similar analysis in 2021 and found “the pursuit or threatened use of the death penalty by police or prosecutors . . . led to the wrongful murder convictions of at least twelve innocent people.”⁸

II. People on death row experience profound cumulative suffering.

7. The Special Rapporteur has described “death row phenomenon,” as “a combination of circumstances that produce severe mental trauma and physical deterioration in [people] under sentence of death,” including “the lengthy and anxiety-ridden wait for uncertain outcomes, isolation, drastically reduced human contact and even the physical conditions in which some [people] are held.”⁹
8. The experience of receiving a death sentence is itself profoundly painful. A juvenile offender told the Abdorrahman Boroumand Center for Human Rights in Iran what he experienced at the time the court sentenced him to death: “I felt out of breath; I was terrified. I cried all night until morning.”¹⁰
9. The experiences of people on death row vary, but they share a common thread of profound cumulative suffering:
 - A study of people on death row in India found that the majority had at least one psycho-social disability that had resulted from conditions on death row.¹¹

⁵ DPIC Analysis: *Use or Threat of Death Penalty Implicated in 19 Exoneration Cases in 2019*, Death Penalty Information Center, Oct. 23, 2020, <https://deathpenaltyinfo.org/research/analysis/reports/special-reports/dpic-analysis-2019-exoneration-report-implicates-use-or-threat-of-death-penalty-in-19-wrongful-convictions>.

⁶ Ibid.

⁷ Ibid.

⁸ DPIC Analysis: *At Least a Dozen Exonerations in 2021 Involved the Wrongful Threat or Pursuit of the Death Penalty*, Death Penalty Information Center, Aug. 26, 2022, <https://deathpenaltyinfo.org/dpic-analysis-at-least-a-dozen-exonerations-in-2021-involved-the-wrongful-threat-or-pursuit-of-the-death-penalty>.

⁹ *Interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, (Aug. 9, 2012), U.N. Doc. A/67/279, ¶ 42, <https://docs.un.org/en/A/67/279>.

¹⁰ Abdorrahman Boroumand Foundation, *Kian, A Juvenile on Death Row/ Interview by Marjan Laghaee*, June 13, 2015, <https://www.iranrights.org/library/document/3041>.

¹¹ Project 39A, “Deathworthy: A Mental Health Perspective of the Death Penalty,” accessed Feb. 27, 2026, <https://www.project39a.com/deathworthy>.

- People under sentence of death in China often experience physical abuse and food and sleep deprivation, and prison authorities keep them in chains from their arrest until their execution.¹²
- In 2025, the Taiwan Alliance to End the Death Penalty interviewed nearly every person on Taiwan’s death row and documented that “[a]ll of them live under constant anxiety about execution, with no clear timeline.”¹³ They spent an average of 13 years on death row, with the longest exceeding 22 years at the time of the interviews—now 25 years.¹⁴
- The Abdorrahman Boroumand Center recently published a report outlining the prolonged isolation and torture that four men faced before trial, with authorities using both psychological torture and physical torture to coerce confessions.¹⁵ Authorities also held the men in prolonged isolation after sentencing.
- The Center interviewed a juvenile offender sentenced to death who was eventually pardoned. While on death row he described his depression and suicidal ideation: “I’m innocent. I’ve spent five years of my life in this prison . . . [my] life has been in shambles, I don’t even know what’s going on . . . I’m nothing now, I’m ruined, my spirit is broken . . . Every day the thought [of hurting myself] comes into my head . . . How much longer can a person wait?”¹⁶
- The Center also notes the cruelty of Iran’s *qisas* system, which privatizes the death penalty in murder cases. *Qisas* often leaves the person sentenced to death in a state of limbo between execution and the victim’s family’s decision whether to accept *diya* (blood money) or to grant forgiveness instead of demanding execution.
- The European Saudi Organization for Human Rights (ESOHR) has documented cases of prolonged detention on death row, including an Egyptian national who spent 19 years under sentence of death.
- A member of the World Coalition Against the Death Penalty based in Tanzania reports that because the country has not carried out any executions for a long time and because there is no procedure for review of death sentences, people sentenced to death “are held for prolonged and indefinite periods on death row[,] . . . causing severe psychological distress, anxiety, and emotional suffering.” People on death row “often experience prolonged uncertainty, social isolation, limited family contact, and lack of access [to] mental health and specialized medical care.”

¹² Olga Hempel, “Death Row Phenomenon. A Fate Worse Than Death.” *Torture on death row from a psychological and legal perspective* (2016), [European Master’s Degree in Human Rights and Democratisation, University of Vienna], <https://repository.gchumanrights.org/server/api/core/bitstreams/46fb25ee-fe55-477f-b871-0aac092b8daa/content>.

¹³ Taiwan Alliance to End the Death Penalty, *Interview Project: The Experience of Prisoners Serving Death and Life Sentences* (2025), 6, <https://www.taedp.org.tw/topic/11471>.

¹⁴ *Ibid.*

¹⁵ Abdorrahman Boroumand Center for Human Rights in Iran, *One More Excuse to Kill: Espionage Weaponized in Iran’s Unrelenting Assault on the Right to Life*, Sep. 24, 2025, <https://www.iranrights.org/library/document/5218>.

¹⁶ Abdorrahman Boroumand Center, “Saleh Shariati Speaks from Iran’s Death Row.” Online video clip. *YouTube*. YouTube, Oct. 2, 2018. Accessed Feb. 27, 2026. <https://www.youtube.com/watch?v=G6xumR4ifGc>.

- The mental pain associated with being sentenced to death often leads to suicidal ideation and lasting mental health effects. According to the U.S. Bureau of Justice Statistics' most recent report, published in 2017, 21 people on death row died due to various causes including illness, suicide, or violence. A Florida study found that 42% of people on death row had seriously considered suicide and 35% attempted it.¹⁷ People in segregation to cut their flesh, swallow razors and other harmful objects, repeatedly smash their heads against walls, and attempt to hang themselves.¹⁸
- Mumia Abu-Jamal, who spent 29 years on death row in the United States, recalls the isolation and dehumanization of death row, and that men on death row died by suicide due to chronic health issues or depression about the status of their case.¹⁹ He recalls one man who “volunteered” for execution because he had nothing left to live for.²⁰ As Mr. Abu-Jamal explains, “what was killed, was hope. And that is what [death row] was designed to do.”²¹
- A study by the Human Rights Commission of Sri Lanka similarly found that many people on death row experienced anxiety and depression, and some people reported they had self-harmed and/or attempted suicide due to the psychological impact of death row. Serious medical illnesses worsened on death row due to the lack of activities and harsh detention conditions in dark wards and confined spaces.²²
- Centre d’Observation des Droits de l’Homme et d’Assistance Sociale (CODHAS) reports that in the Democratic Republic of Congo, people under sentence of death “live in chronic fear of an indefinite death sentence and may develop specific physical and psychological pathologies. Medical and psychological care is not provided in prisons.”
- As a result of detention conditions, survivors of death row typically struggle with post-traumatic stress disorder, anger, paranoia, anxiety, and acute drug and alcohol dependence after release. One exoneree reported that their trauma from incarceration had developed into agoraphobia. Another exoneree reported still having nightmares related to incarceration 28 years after release. A review of anonymous submissions by exonerees to the United Nations revealed that all reporting individuals who were asked about physical and psychological effects from their time on death row reported PTSD and/or other mental or physical

¹⁷ Hempel, *supra* note 12.

¹⁸ Witness to Innocence, “Shujaa Graham talks about wrongful conviction and what he does now with Harvard Political Review,” accessed Feb. 27, 2026, <https://www.witness-to-innocence.org/single-post/2020/07/23/shujaa-graham-talks-about-wrongful-conviction-and-what-he-does-now-with-harvard-political-1>.

¹⁹ Submission by Mr. Mumia ABU-JAMAL to the United Nations, Libérons Mumia, February 2025, 1.

²⁰ *Ibid.*

²¹ *Id.* at 2.

²² Human Rights Commission of Sri Lanka, *Prison study by the Human Rights Commission of Sri Lanka* (Nov. 25, 2020), https://www.hrcsl.lk/wp-content/uploads/2020/01/Prison-Study-by-HRCSL_Concise-Version.pdf.

trauma.²³ The effects are permanent and impact not only people sentenced to death, but also their loved ones. It is a “graveyard behind high walls far from the eye of the public.”²⁴

- The death row phenomenon has harrowing effects on people sentenced to death who are later exonerated, such as Kirk Bloodsworth, who said: “I could only try to distinguish what was meant to announce physical pain, despair, loneliness, hopelessness, frustration or a myriad of other inflections.”²⁵
- Randall Padgett was sentenced to death for allegedly killing his wife, only to have his conviction overturned years later.²⁶ “It is like you are underwater and you cannot breathe; you are waiting to die.” When he received his verdict, he recalled the terrifying feeling that people would think he had committed the crime. He spent years in an 8-foot by 5-foot cell with cockroaches and mice, and no hope of anybody believing him.²⁷
- A court sentenced Sabrina Butler to death for the death of her son. When her execution date arrived, she experienced an overwhelming feeling of fear. For three years following her release, her family was targeted and she was branded a baby killer. She describes it as being impossible to reintegrate into society.²⁸

10. Detention conditions on death row are often more restrictive than for the general prison population:

- CODHAS reports that detention conditions on death row “are extremely inhumane, including the almost systematic lack of medical care, the absence or unsanitary nature of hygiene facilities, and the lack of bedding and space to lie down fully.” People under sentence of death “develop serious and fatal chronic diseases such as wounds, tuberculosis, and cancerous tumors linked to the harsh conditions of detention.”
- Wilbert Rideau, who spent more than a decade on death row in Louisiana in the 1960s, reflected that “the most significant way in which the Death Row experience has not changed is in the social isolation it forced upon the condemned.”²⁹ Dr. Craig

²³ The Advocates for Human Rights, Witness to Innocence, and the World Coalition Against the Death Penalty, *The United States of America Stakeholder Report for the United Nations Universal Periodic Review: The Rights of People Exonerated from Death Row* (Apr. 7, 2025), ¶ 15,

<https://www.theadvocatesforhumanrights.org/Res/USA%20UPR%20DP%20WTI%20TAHR%20WCADP.pdf>.

²⁴ Reprieve, “Death Row Phenomenon: The psychological impact of living in the shadow of execution,” Oct. 11, 2016, <https://reprieve.org/uk/2016/10/11/death-row-phenomenon-psychological-impact-shadow-execution/#:~:text=Update-,Death%20Row%20Phenomenon:%20The%20psychological%20impact%20of%20living%20in%20the,Jamaica%20et%20al.%5B3%5D>.

²⁵ Witness to Innocence, “World Day Against the Death Penalty,” accessed Feb. 27, 2026,

<https://www.witnesstoinnocence.org/single-post/2018/10/10/world-day-against-the-death-penalty>.

²⁶ Witness to Innocence, “Randal Padgett,” accessed Feb. 27, 2026, <https://www.witnesstoinnocence.org/single-post/randal-padgett>.

²⁷ Witness to Innocence, “It Could Happen To You,” accessed Feb. 27, 2026,

<https://www.witnesstoinnocence.org/it-could-happen-to-you>.

²⁸ Ibid.

²⁹ World Coalition Against the Death Penalty, *Dignity for All: 10.10.2018 World day against the death penalty*, at 3, https://worldcoalition.org/wp-content/uploads/2020/09/WD2018_Leaflet_EN-1.pdf.

Haney, one of the leading correctional psychologists in the United States, stated that “there are few, if any, forms of imprisonment that appear to produce so much psychological trauma and in which so many symptoms of psycho-pathology are manifested” as in solitary confinement.³⁰

- Mr. Abu-Jamal recalls the reality of people being “locked down in their cells for 23 hours a day. Which began as 24 hours a day on the weekends and after years and years, became 22 hours a day.”³¹ He explains that physical isolation dehumanizes people on death row.³²
- Prolonged solitary confinement can cause psychosocial disorders, including severe anxiety, depression, and hallucinations. “Death row syndrome” includes a spectrum from extreme anxiety to disassociation and full-blown psychosis.³³

11. Suffering can intensify as people perceive their execution is imminent:

- The Abdorrahman Boroumand Center describes a juvenile offender’s anguish: he “explained the agony he endured when his execution day finally arrived [when he was 22 years old] – ‘a day I felt pain and death every second. I was watching myself die.’” After authorities called off the execution, he could not eat and authorities gave him saline solution and “tranquilizers for a long time.” While still under sentence of death at age 25, he told the Center: “Honestly in these years I’ve been severely punished. I’ve awaited death every day since the age of 17.”³⁴
- The Center described another juvenile offender who had been “informed of his own imminent execution five times before being put to death in 2009: on three of these occasions he went to the gallows, where he witnessed 14 hangings. In a final interview at age 21, he said: ‘ . . . I swear to God, the punishment I have suffered is enough to last a lifetime. I pray to God that even [my] worst enemy doesn’t end up in a place like this.’”³⁵
- Japanese law requires a high degree of secrecy surrounding executions. Prison officials monitor people on death row with 24-hour surveillance and keep them in solitary confinement. They give people only a few hours’ notice before they are executed, meaning they cannot say goodbye to family. Two people on death row filed a lawsuit against the Japanese government, claiming damages for mental distress on the basis that last-minute notification is inhuman.
- ESOHR describes the “ongoing psychological torture” of Saudi Arabia’s practice of not informing people in advance of the date of their execution. ESOHR recounts that this practice amounts to torture “not only for the person facing execution but also for others held in the same cell, who live under constant fear, uncertainty, and

³⁰ Hempel, *supra* note 12.

³¹ Submission by Mr. Mumia ABU-JAMAL to the United Nations, Libérons Mumia, February 2025, 1.

³² *Ibid.*

³³ The Advocates for Human Rights et al, *supra* note 23, ¶ 13.

³⁴ Abdorrahman Boroumand Foundation, *Kian, A Juvenile on Death Row/ Interview by Marjan Laghaee*, June 13, 2015, <https://www.iranrights.org/library/document/3041>.

³⁵ Abdorrahman Boroumand Center for Human Rights in Iran, “Behnud Shoja’I,” accessed Feb. 27, 2026, <https://www.iranrights.org/memorial/story/-7591/behnud-shojai>.

anticipation . . . under the continuous threat that any one of them may be taken at any moment for execution.”³⁶

³⁶ See also NDTV World, *Saudi’s “Chop Chop” Square, Where Blood Once Ran, Now Filled With Cafes*, Dec. 17, 2025, <https://www.ndtv.com/world-news/saudis-chop-chop-square-where-blood-once-ran-now-filled-with-cafes-9828214>.