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BETWEEN RELIGION AND RULE OF LAW

DEATH PENALTY PRACTICES IN FOUR MUSLIM-MAJORITY NATIONS

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INTRODUCTION

In 2024, Iran hit the highest number of executions they have seen in nine years, with over 900 individuals put to death.¹ This number raises concerns across the world with many organizations condemning Iran's countless executions and sanctioning them for human rights violations.² Among the 900-

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¹ David Gritten, *Iran Reportedly Executed at Least 901 People in 2024*, *UN says*, BBC NEWS (Jan. 7, 2025), <https://bbc.com/news/articles/ced8qw8q62jo>.

² *Amnesty International: UN Must Condemn Iran's Appalling Human Rights Violations*, IRAN INT'L (Nov. 6, 2019), <https://old.iranintl.com/en/world/amnesty-international-un-must-condemn-iran-s-appalling-human-rights-violations>.

plus executions, thirty-one of those were women, some of whom were convicted of murdering their husbands after being forced into a marriage. More notably, in one case, a woman murdered her husband after the attempted rape of their daughter.³

Muslim-majority countries vary in their use of the death penalty despite sharing similar religious influences. Iran utilizes capital punishment based on their strict interpretations of the Shi'ite Sharia law. Algeria, despite permitting capital punishment by statute, has had a moratorium in place since the early 1990s due to international and political pressures. Azerbaijan, the most secular Muslim country, completely abolished the death penalty and joined the Council of Europe. Lastly, Bangladesh utilizes capital punishment based upon their English Common Law influences and not hudud punishments. Hudud punishments are those that are strictly prescribed by the Quran. This note explores why some Muslim-majority countries enforce capital punishment, while others have moratoriums, or have abolished it entirely.

The use of the death penalty amongst Algeria, Azerbaijan, Bangladesh, and Iran is not solely based on following Islamic law. Their varied use of the death penalty can be traced back to the legal influences on the country's beginnings, international pressures, and the different criminal codes. As with Iran, religious and political suppression also influence the use of capital punishment.

This note explores Muslim-majority countries generally, beginning with the Islamic faith, as a whole, followed by an exploration of Sharia law. From there, the historical upbringing of each country is analyzed, including the factors that influence its culture. Next, each country's constitution and criminal code is discussed to see if the death penalty is permitted and which crimes it serves as punishment for. Lastly, recent trends within

³ Emma Farge, *UN Says Iran Executed over 900 People in 2024, Including Dozens of Women*, REUTERS, (Jan. 7, 2025, 12:31 PM), <https://www.reuters.com/world/middle-east/un-says-iran-executed-over-900-people-2024-including-dozens-women-2025-01-07/>.

each country are analyzed, as well as the international pressures each country faces, including whether such pressure has led to compliance or defiance.

I. BACKGROUND OF MUSLIM MAJORITY COUNTRIES

A. MUSLIM COUNTRIES GENERALLY

As of 2025, Earth is home to 1.9 billion Muslims, and Islam is the fastest-growing religion in the world.⁴ A Muslim-majority country is a country in which more than fifty percent of the population is Muslim. There are fifty-three countries that hold that title.⁵ The Muslim world is commonly referred to as the Islamic community. Predominantly Muslim countries are more likely to place greater emphasis on the umma, or community of believers.⁶ Specifically, this community places greater emphasis on the Muslim community aspect and less emphasis on the individual.⁷ The law that is typically followed by these Muslim-majority countries is known as Sharia law, which, on its face, enforces the maxim of "an eye for an eye."⁸ Furthermore, the death penalty is a legal punishment for a variety of serious crimes in many Islamic states.⁹

B. ISLAMIC RELIGION

The Islamic system, also known as Sharia law, is rooted in the teachings of the Quran. The teachings of the Quran

⁴ *Muslim Majority Countries 2025*, WORLD POPULATION REV., <https://worldpopulationreview.com/country-rankings/muslim-majority-countries> (last visited July 14, 2025).

⁵ Conrad Hackett, *Islam Was the World's Fastest-Growing Religion from 2010 to 2020*, PEW RESEARCH CTR. (Jun. 10, 2025), <https://www.pewresearch.org/short-reads/2025/06/10/islam-was-the-worlds-fastest-growing-religion-from-2010-to-2020/#:~:text=The%20countries%20with%20the%20most,in%2053%20countries%20and%20territories>.

⁶ Mathew D. Mathias, *The Sacralization of the Individual: Human Rights and the Abolition of the Death Penalty*, 118 AM. J. SOCIO. 1246 (2013).

⁷ *Id.* at 1255.

⁸ *Id.*

⁹ *Id.*

primarily come from the teachings of the Prophet Muhammad, who taught at a time when capital punishment was handed down for crimes such as murder, treason, adultery, and apostasy. However, different schools of thought have different interpretations of the death penalty and its applications. Some countries, such as Iran and Saudi Arabia, strictly interpret Sharia Law, while other countries observe a more lenient interpretation. The death penalty in Muslim-majority countries is not solely influenced by religion, but also by the legal systems and traditions of each country.¹⁰

There are two main denominations of Islamic law: Sunni and Shia. Eighty-seven to eighty-nine percent of the total Muslim population is Sunni Muslim, and the remaining ten to thirteen percent is Shia Muslim.¹¹ As society expanded, so did Muslim contact with the rest of the world, which included contact with the secular ideas of other societies.¹² Although some countries declare Islam as an official state religion, others are secular republics. In countries that declare Islam as a state religion, Sharia law governs inheritance and marriage, while secular beliefs govern the remainder of the legal code.¹³

In the Middle East and North African countries, which are predominantly Muslim, executions increased by thirty percent in 2023, with a record number of 1,073 executions taking place. Iran is responsible for up to eighty percent of the executions that took place in 2023.¹⁴ Today, most Islamic

¹⁰ *Death Penalty in Islam*, PAKISTAN LAW. (Mar. 6, 2024), <https://pakistanlawyer.com/story/death-penalty-in-islam>.

¹¹ Kali Robinson, *Understanding Sharia: The Intersection of Islam and the Law*, COUNCIL ON FOREIGN RELATIONS (Dec. 17, 2021), <https://www.cfr.org/background/understanding-sharia-intersection-islam-and-law>.

¹² *93 Years Pass Since Establishment of First Democratic Republic in the East - Azerbaijan Democratic Republic*, AZERI-PRESS AGENCY (MAY 28, 2011), <https://web.archive.org/web/20111121170317/http://en.apa.az/news.php?id=148210>.

¹³ Robinson, *supra* note 11.

¹⁴ *Facts and Figures 2024*, WORLD COAL. AGAINST THE DEATH PENALTY (Oct. 10, 2024), https://worldcoalition.org/wp-content/uploads/2024/07/FactsFigures2024_EN_Final.pdf.

countries do not administer physical punishments, although most are authorized to do so by their state laws.¹⁵

C. DEATH PENALTY CLASSIFICATIONS

There are three main types of classifications that countries can be given regarding their death penalty status. Each type depends on the number of executions that occur during a period of ten years. The classifications are de facto abolitionist, abolitionist, and retentionist. In 1985, all but five Muslim countries actively utilized the death penalty; however, over the past two decades, a retentionist movement has spread throughout. Today, less than half of the countries in the world retain the death penalty and only thirty percent inflict it.¹⁶

The first classification is de facto abolitionist or "abolitionist in practice." If a country has been given this classification, it still retains the death penalty on the books but has not executed anyone within the last ten years, and it has been deemed to have a policy or an established practice not to carry out executions.¹⁷ As of October 10, 2024, there are twenty-three countries that are de facto abolitionists.¹⁸ The second classification is an abolitionist country. A country can be classified as an abolitionist if they do not have any laws that authorize use of the death penalty.¹⁹ There are 112 countries that have abolished the death penalty for all crimes.²⁰ The final classification is retentionist. A retentionist country still retains

¹⁵ Robinson, *supra* note 11.

¹⁶ *Facts and Figures 2024*, *supra* note 15.

¹⁷ *Abolitionist and Retentionist Countries*, DEATH PENALTY INFO. CTR., <https://deathpenaltyinfo.org/policy-issues/policy/international/abolitionist-and-retentionist-countries> (last visited July 14, 2025).

¹⁸ *Facts and Figures 2024*, *supra* note 15.

¹⁹ Carsten Anckar & Thomas Denk, *Introducing Comparative Death Penalty Database*, 24 EUR. POL. SCI. 261 (2024), <https://link.springer.com/article/10.1057/s41304-024-00491-8#:~:text=Most%20studies%20in%20the%20field,execute%20death%20sentences%20are%20disregarded.>

²⁰ *Facts and Figures 2024*, *supra* note 15.

the death penalty for ordinary crimes.²¹ As of late, there are still fifty-five countries that uphold and use the death penalty. Although there are fifty-five countries that are retentionists, a vast number of those executions can be attributed to certain countries, namely China, Iran, Saudi Arabia, Somalia, and the United States.²²

With these legal foundations in mind, the remainder of this note examines how Iran, Algeria, Azerbaijan, and Bangladesh use and interpret capital punishment within their legal and political frameworks, as well as how their religious interpretations come into play.

II. THESIS

A. IRAN

1. IRANIAN HISTORY

The Muslim conquest of Persia was a turning point in Iranian history.²³ It led to the Islamization of Iran and the Safavid Dynasty, which lasted from 1502 to 1736.²⁴ Iran remained a monarchy until the Iranian revolution in 1979 when it officially became the Islamic Republic. The state lines created during the Safavid Dynasty are the same lines that remain today.²⁵

Other Muslim-majority countries of ancient civilization were Islamized and Arabized in a short time. During that time, their old religions and languages nearly disappeared.²⁶ One thing that makes Iran unique is that it was Islamized, but not

²¹ Anckar & Denk, *supra* note 20.

²² *Facts and Figures 2024*, *supra* note 15.

²³ *Iran: Islamic Republic*, BRITANNICA STUDENT ENCYCLOPEDIA (2007), <https://web.archive.org/web/20060316040030/https://www.britannica.com/ebi/article-202892>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ BERNARD LEWIS, FROM BABEL TO DRAGOMANS: INTERPRETING THE MIDDLE EAST 43 (2004).

Arabized, eventually adding a new element to Islam in its entirety.²⁷

The Islamic religion plays a major role not only in the way people believe but also in how they must behave. Iran is a part of the Shia and more specifically the Shi'ite school.²⁸ The law meticulously follows the Shi'ite doctrine.²⁹ Furthermore, the Constitution of the Islamic Republic of Iran designates Twelver Ja'afai Shia Islam as the official state religion.³⁰

2. THE CONSTITUTION OF THE ISLAMIC REPUBLIC OF IRAN

Iran's constitution was written in 1906 and was amended four times between 1907-1956.³¹ During the Iranian Revolution, a new constitution was promulgated and amended once to its current version, which was finalized in 1989. Iran's constitution states that all laws and regulations must be based on the official interpretation of Sharia and Islamic criteria.³² Additionally, all citizens enjoy the human, political, economic, and other rights that conform to Islamic criteria.³³ The constitution authorizes a penal code, which is governed by the phrase: "all laws and regulations must be based on sharia and Islamic law."³⁴ The constitution prohibits Muslims from converting or renouncing any of their religious beliefs, and as interpreted by Sharia, is a crime punishable by death.³⁵

The Islamic political system is structured with the Guardianship of the Jurist and the Supreme Leader, who are

²⁷ *Id.*

²⁸ Donna E. Arzt, *The Application of International Human Rights Law in Islamic States*, 12 HUM. RTS. Q. 202, 204 (1990).

²⁹ Rudolph Peters, *The Islamization of Criminal Law: A Comparative Analysis*, 34 DIE WELT DES ISLAMIS 246, 261 (1994).

³⁰ U.S. DEP'T OF STATE, OFF. OF INT'L RELIGIOUS FREEDOM, *2021 Report on International Religious Freedom: Iran* (2021), <https://state.gov/reports/2021-report-on-international-religious-freedom/iran/>.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

vetted by the clergy's dominate key power structure.³⁶ The Supreme Leader of Iran oversees all aspects of the government, including the judicial system, and has authority and control over death penalty cases.³⁷ Furthermore, the courts are headed by Shia Islamic scholars, who operate outside of the judicial system.³⁸

3. IRAN'S PENAL CODE AND STRICT SHARIA ENFORCEMENT

The Iranian Penal Code was introduced in 1991 by the Islamic Consultancy Parliament.³⁹ The penal code provides for hudud punishments, which are those mandated by the Sharia.⁴⁰ The current Iranian Penal Code became effective in 2014, specifically section two, which discusses the types of punishments available and which offenses they apply to. Three of the types of punishments that apply to the death penalty are hudud, qisas, and ta'zir.⁴¹

Hudud violations have fixed punishments based upon Sharia law, which dictates the measure, degree, and method of punishment imposed.⁴² These punishments can be broken into three subcategories which consist of sexual offenses; offenses against the State and religion; and repeat offenses on the fourth occasion.⁴³ In the first two months of 2023, the Iranian authority executed at least ninety-four people based upon same-sex relations.⁴⁴ In March of 2005, the Iranian government sentenced two men to death for engaging in homosexual behaviors and, later that same year, publicly hung the men for their

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Legislative Framework of Death Penalty in Iran*, IRAN HUMAN RIGHTS (Mar. 7, 2025, 11:06 A.M.), <https://iranhr.net/en/articles/7406/>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Stop the Execution Spree in Iran*, AMNESTY INT'L, <https://www.amnesty.org/en/petition/stop-the-execution-spree-in-iran/> (last visited Apr. 29, 2025).

homosexual conduct.⁴⁵ Furthermore, authorities executed twelve men for protesting, deeming it an offense against the State and religion.⁴⁶ Along those same lines, there were numerous incarcerations of prisoners based upon religious violations, with a majority of them being Christian or Sunni Muslim.⁴⁷

Qisas violations are those that are retribution in kind for intentional murder.⁴⁸ In one of these violations, there was a video broadcast of an execution for the entire public to see. Furthermore, a young woman was executed for killing a man who forced her to marry when she was a 15-year-old child.⁴⁹

Ta'zir, which are drug-related executions, have been on the rise in Iran over the last few years.⁵⁰ This rise is due in part to the fact that between the 1997 and 2010 amendments to the penal code, there were an additional eighteen drug-related offenses requiring the punishment of execution.⁵¹ In the first five months of 2023, executions for drug-related offenses rose thirty percent when compared to the same five-month period the year prior.⁵² Furthermore, sixty-four percent of all executions were carried out as punishment for crimes where, under international law, the death penalty was not warranted, such as drug-related offenses, for a total of 481 executions for drugs alone.⁵³

A London-based human rights organization looked at the 2021 amendments to the Iranian Penal Code and found that the new amendments disproportionately impact ethnic and

⁴⁵ *Iran: Two More Executions for Homosexual Conduct*, HUMAN RIGHTS WATCH (Nov. 21, 2005, 7:00 P.M.), <https://www.hrw.org/news/2005/11/21/iran-two-more-executions-homosexual-conduct>.

⁴⁶ *Stop the Execution Spree in Iran*, *supra* note 45.

⁴⁷ U.S. DEP'T OF STATE, *supra* note 31.

⁴⁸ *Amnesty International: Executions Spike in Iran*, THE IRAN PRIMER (June 3, 2024), <https://iranprimer.usip.org/blog/2024/jun/03/amnesty-international-executions-spike-iran>.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Stop the Execution Spree in Iran*, *supra* note 45.

⁵³ *Amnesty International: Executions Spike in Iran*, *supra* note 49.

religious minorities, which ultimately subjects them to incitement to hatred and discrimination.⁵⁴

4. PRESSURES ON IRAN TO HALT EXECUTIONS

There has recently been a lot of pressure on Iran to stop its human rights violations and end its senseless executions. The European Union has repeatedly condemned human rights violations in Iran, one of which was a protest in 2022, where many peaceful protestors lost their lives due to the violent repression of Iranian officials.⁵⁵ In 2011, the EU issued sanctions on Iran due to numerous violations, which were extended until April 13, 2025.⁵⁶ The sanctions imposed included bans on traveling, selling, providing technical assistance, and freezing assets.⁵⁷ To date, 227 individuals have been sanctioned, including members of parliament and Iranian security forces. A total of forty-two entities were sanctioned, including multiple Supreme Councils and Iran's Mortality Police.⁵⁸

Furthermore, Amnesty International is calling upon the UN's Human Rights Council to condemn Iran for its deterioration of human rights.⁵⁹ When Philip Luther from Amnesty International was asked about his thoughts on Iran's human rights violations, he stated, "from horrific executions to the relentless persecution of human right defenders ... and ongoing crimes against humanity,

⁵⁴ U.S. DEP'T OF STATE, *supra* note 31.

⁵⁵ *EU Sanctions Against Iran: Human Rights*, EUR. COUNCIL OF THE EUR. UNION, <https://www.consilium.europa.eu/en/policies/sanctions-against-iran/#human-rights> (last visited Mar. 3, 2025).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Amnesty International: UN Must Condemn Iran's Appalling Human Rights Violations*, AMNESTY INT'L (NOV. 6, 2019, 9:57 P.M.), <https://old.iranintl.com/en/world/amnesty-international-un-must-condemn-iran-s-appalling-human-rights-violations>.

catalogue of appalling violations recorded in Iran reveals sharp deterioration in its human rights record."⁶⁰ Mr. Luther's opinion is based upon the 2,500 executions, some of which were juveniles, that blatantly violated international law.⁶¹

In 2023, The UN's Human Rights Council appointed a panel of independent experts to review responses to the most recent protests going on in Iran.⁶² The experts were deeply alarmed at the continuing execution of protestors. They further condemned the execution of three younger men and directed the Iranian government to stop this appalling wave of executions.⁶³

5. RECENT EXECUTION TRENDS IN IRAN

Iran is a retentionist country and conducts hundreds of executions each year. There are over 7,000 people on death row in Iran currently, and in 2018, 5,300 individuals were on death row for drug-related offenses alone, of which at least eighty were juveniles.⁶⁴ The death penalty has been on the rise in Iran over the past few years.⁶⁵ There were 251 total executions in Iran in 2019; 246 in 2020; 314 in 2021; 576 in 2022; and more than 853 in 2023.⁶⁶ In 2023, Iran was found to have numerous international law violations, namely eight public executions, five deaths of adults who committed crimes as minors, death

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *UN Rights Experts 'Deeply Alarmed' at Continuing Executions of Iran Protesters*, UN NEWS (May 19, 2023) <https://news.un.org/en/story/2023/05/1136852>.

⁶³ *Id.*

⁶⁴ *Executions Around the World*, DEATH PENALTY INFO. CTR., <https://deathpenaltyinfo.org/policy-issues/policy/international/executions-around-the-world> (last visited July 14, 2025).

⁶⁵ *Id.*

⁶⁶ *Id.*

sentences that did not meet the international fair trial standards, and military courts sentencing civilians to death.⁶⁷

6. MINI-CONCLUSION: IRAN'S DEATH PENALTY USAGE

Iran stands as the most extreme example of a Muslim-majority country that uses the death penalty not only for criminal offenses, but for political and religious repression as well. Their strict adherence to Sharia law, specifically the hudud punishments and their disregard for internal norms, help explain their high execution rate. Iran's death penalty usage contrasts drastically with more secular Islamic countries and countries with European influences.

B. ALGERIA

1. ALGERIAN HISTORY

Algeria was invaded by the French in 1830, which brought in mass European settlement.⁶⁸ From there, Algeria became a French colony. After World War Two, the Algerian Revolution began the end of French colonization.⁶⁹ Algeria gained its independence in 1962 after over a decade of French rule. Algeria was the prime destination for many European immigrants, which laid the groundwork for a French-based legal system.⁷⁰ After being under French rule for over 100 years, Algeria began to lose touch with its Muslim heritage.⁷¹ Many Arabic teachers were brought in from other countries to spread traditional Islamic thoughts and to sow the seed of a traditional

⁶⁷ *Amnesty International Global Report: Death Sentences and Executions 2023*, AMNESTY INT'L (May 2024), <https://www.amnestyusa.org/wp-content/uploads/2024/05/Amnesty-International-Global-Report-Death-Sentences-and-Executions-2023.pdf>.

⁶⁸ *Algeria*, ENCYCLOPEDIA BRITANNICA, <https://www.britannica.com/place/Algeria> (last visited Mar. 5, 2025).

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

Ortho Islamic Nation, with the intent of reversing the effects of French Colonization.⁷²

2. SUNNI ENFORCEMENT

Algeria is an Islamic-dominated country. Post-independence; it is estimated that ninety-nine percent of its population adheres to the Sunni Islamic belief system.⁷³ Countries such as Algeria adopted the French-based codes, and they follow the Sharia only on law dealing with the civil status of a person.⁷⁴ Furthermore, in Sunni jurisprudence, for qisas offences, if there is more than one next of kin and one of them chooses to pardon the acts, then not even the state can enforce the death penalty.⁷⁵ Under those circumstances, there must be an alternative punishment besides the death penalty. The next of kin must also agree to the application of the death penalty. Regarding same-sex marriage views under the Sunni school of thought, they believe that hudud laws can only be instituted and applied when derived from and supported by incontrovertible textual evidence. Furthermore, within the Sunni school of thought, regarding interpretation of Sharia law, it must be undeniably clear when to take a life under hudud punishments.⁷⁶

3. ALGERIAN CONSTITUTION AND PENAL CODE

The Constitution of the People's Democratic Republic of Algeria was adopted in March of 1996 and revised in 2016.⁷⁷

⁷² JEAN-PHILIPPE PLATTEAU, *ISLAM INSTRUMENTALIZED: RELIGION AND POLITICS IN HISTORICAL PERSPECTIVE* 224 (2017).

⁷³ *Algeria's History*, EMBASSY OF ALEGRIA, <https://www.algerianembassy.co.in/news/algeriahistory/> (last visited Mar. 3, 2025).

⁷⁴ PLATTEAU, *supra* note 73.

⁷⁵ *Sharia Law and the Death Penalty*, PENAL REFORM INT'L (July 2015), <https://cdn.penalreform.org/wp-content/uploads/2015/07/Sharia-law-and-the-death-penalty.pdf>.

⁷⁶ *Id.*

⁷⁷ *Summary Report for the Universal Periodic Review of Algeria*, ECPM, <https://www.ecpm.org/app/uploads/2023/03/Synthe%CC%80se-epu-alge%CC%81rie-GB-230822.pdf> (last visited Mar. 3, 2025).

However, the 2016 revisions do not address the death penalty or the right to life.⁷⁸ The constitution does state that there should not be any form of physical violence to a person, but there is no direct reference to the death penalty itself. The constitution was again revised in 2020, which protected the right to life by law and added that the State guarantees the inviolability of the human person.⁷⁹ Under Article 32, fundamental liberties and human rights are guaranteed.⁸⁰

The Algerian Penal Code was enacted in 1966, and it remains in force today.⁸¹ This Penal Code models the French legal system, incorporating secular, civil law principles rather than Sharia-based criminal punishments.⁸² Although Algeria's legal system contains elements of Islamic law, it is largely inspired by French jurisprudence and law.⁸³ In 2001,⁸⁴ This trend began when the country repealed over ten offenses from being death penalty eligible.⁸⁵ However, Algeria still has crimes punishable by death in its criminal code, such as treason, terrorism, conspiracy against the State, and premeditate offenses.⁸⁶

4. ALGERIA'S COMPLIANCE WITH INTERNATIONAL PRESSURES

Although Algeria still has crimes punishable by the death penalty in its penal codes, there has been a trend towards abolishing the death penalty in its entirety. In 2007, the United

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Algeria*, HUMAN DIGNITY TR. (Dec. 17, 2024), <https://www.humandignitytrust.org/country-profile/algeria/>.

⁸² *Civic Freedom Monitor: Algeria*, INT'L CTR. FOR NOT-FOR-PROFIT L. (July 3, 2025), <https://www.icnl.org/resources/civic-freedom-monitor/algeria>.

⁸³ *Id.*

⁸⁴ *Consideration of Reports Submitted by States Parties Under Article 40 Of the Covenant: Concluding Observations of the Human Rights Committee: Algeria*, U.N. ICCPR Human Rights Committee, 91st Sess. U.N. DOC. CCPR/C/DZA/CO/3.

⁸⁵ *Civic Freedom Monitor: Algeria*, *supra* note 83.

⁸⁶ *Id.*

Nations Committee noted, with satisfaction, that Algeria made significant progress in their abolition of the death penalty by reducing the number of crimes punishable by death and commuting the sentences of some prisoners.⁸⁷ Furthermore, since 2007, Algeria has voted in favor of and co-sponsored the UN General Resolution, which calls for a universal moratorium on the death penalty.⁸⁸ Algeria has ratified many international treaties, taken steps towards the abolition of the death penalty, and worked to ensure that its people have human rights. The international treaties that Algeria signed and ratified are The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the African Charter on Human and Peoples' Rights (ACHPR)⁸⁹

5. RECENT TRENDS IN ALGERIA

The last known execution in Algeria was in 1993 when its moratorium was put in place. In 2006, the country pardoned 200 prisoners who were sentenced to death, but there has not been a pardon of the death penalty since that year.⁹⁰ Furthermore, Algerian authorities sentenced at least fifty-four people to death in 2022, which was more than double the last four years combined.⁹¹ Amnesty International reports that there are currently more than 1,000 people facing a death sentence in Algeria.⁹² Today, while Algeria continues to have a moratorium, there are no mechanisms that prohibit torture in Algeria, which can result in death. Despite still maintaining the death penalty in its penal code, Algeria has not carried out an execution since their moratorium was put into place in 1993,

⁸⁷ ¶6, ¶ 16, U.N. Doc. CCPR/C/DZA/CO/3.

Consideration of Reports Submitted by States Parties Under Article 40 Of the Covenant, *supra* note 82 at 6, 16.

⁸⁸ *Summary Report for the Universal Periodic Review of Algeria*, *supra* note 78.

⁸⁹ *Id.*

⁹⁰ *Algeria*, ECPM, <https://www.ecpm.org/en/countries/algeria/> (last visited Mar. 3, 2025).

⁹¹ *Id.*

⁹² *Id.*

which is likely due to its French-based legal code as well as political pressures.⁹³

6. MINI-CONCLUSION: ALGERIA'S DEATH PENALTY USAGE

Although Algeria retains capital punishment in its penal code, its French-based legal structure and its adherence to international pressures have resulted in over thirty years of its de-facto abolitionist classification. Algeria has shown that prioritizing diplomatic relations, as well as cultural upbringing, can shape a country's use of the death penalty, even when ninety-nine percent of its population is Sunni Muslim.

C. AZERBAIJAN

1. HISTORY

The territory of what is now known as Azerbaijan was first ruled by Caucasian Albania, and until the 19th century, remained part of Qajar Iran.⁹⁴ By the late 19th century, an Azerbaijani national identity emerged and was solidified when the Azerbaijan Democratic Republic proclaimed its independence in 1918 following the collapse of the Romanian Empire.⁹⁵ Azerbaijan then became the first secular, democratic Muslim-majority state.⁹⁶ However, just two years later, the country was conquered by and incorporated into the Soviet Union.⁹⁷ Seventy years later, Azerbaijan declared

⁹³ *Id.*

⁹⁴ PIROUZ MOJTAHED-ZADEH, BOUNDARY POLITICS AND INTERNATIONAL BOUNDARIES OF IRAN: A STUDY OF THE ORIGIN, EVOLUTION, AND IMPLICATIONS OF THE BOUNDARIES OF MODERN IRAN WITH ITS 15 NEIGHBORS IN THE MIDDLE EAST, THE PERSIAN GULF, THE CAUCASUS, THE CASPIAN SEA, CENTRAL ASIA, AND WEST ASIA BY A NUMBER OF RENOWNED EXPERTS IN THE FIELD, 372 (2007).

⁹⁵ TADEUSZ SWIETOCZOWSKI, RUSSIA AND AZERBAIJAN: A BORDERLAND IN TRANSITION 69, 133 (1995).

⁹⁶ *Id.*

⁹⁷ *Id.*

independence from the Soviet Union, and this independence was formally recognized on December 26, 1991.⁹⁸

2. MOST SECULAR MUSLIM COUNTRY

Although Azerbaijan is secular according to its constitution, Islam is an integral part of its cultural and social identity.⁹⁹ Some statistics say that Shia Muslims represent eighty-five percent of the Muslim population while Sunni Muslims represent fifteen percent. However, officials running religious affairs in the country disagree, and, according to them, the percentage of Sunni Muslims is thirty-five percent.¹⁰⁰ In Azerbaijan, one often hears phrases such as "this is the most secular Muslim country in the world."¹⁰¹ This phrase seems to be correct to an extent, particularly when observing habits such as strict observance to daily prayers and the absence of many features that are found in Islamic societies.¹⁰²

3. CONSTITUTION OF AZERBAIJAN

The Azerbaijani legal system is based on the civil law system.¹⁰³ The Constitution of the Azerbaijan Republic is the highest legal authority in the territory of Azerbaijan.¹⁰⁴ The constitution was adopted in 1995, and it originally retained the death penalty as an exceptional measurement of punishment

⁹⁸ DAVID C. KING, AZERBAIJAN 27 (2006).

⁹⁹ Fatima Alsmadi, *Azerbaijan: Religious Pluralism and Challenges of Cultivating Identity*, AL JAZEERA CTR. FOR STUD. (Oct. 15, 2015), <https://studies.aljazeera.net/en/reports/2015/10/20151015112738701335.html#:~:text=About%20us-,Azerbaijan%3A%20Religious%20Pluralism%20and%20Challenges%20of%20Cultivating%20Identity,of%20religious%20diversity%20at%20once.>

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Azerbaijan: Time to Abolish the Death Penalty*, AMNESTY INT'L (June 2021), <https://www.amnesty.org/en/wp-content/uploads/2021/06/eur550021997en.pdf>.

¹⁰⁴ *Id.*

until later amendments completely abolished it.¹⁰⁵ However, in 1998, Azerbaijan introduced life imprisonment as a new punishment in the criminal code to replace the death penalty, and all death sentences were commuted to long-term imprisonment.¹⁰⁶

4. DIPLOMATIC RELATIONS

Azerbaijan has diplomatic relations with 158 countries and holds memberships in thirty-eight international organizations.¹⁰⁷ Only eight years after its independence, Azerbaijan began taking steps to abolish the death penalty. The first step occurred with the signing of the Second Optional Protocol to the International Covenant on Civil and Political Rights, which aimed at abolishing the death penalty.¹⁰⁸

Azerbaijan joined the Council of Europe in 2001.¹⁰⁹ The Council of Europe has created a death penalty-free zone in its forty-six member states. In 1983, the Council of Europe adopted Protocol Number 6, which banned the death penalty during peacetime.¹¹⁰ Furthermore, in 2002, the Council of Europe banned the death penalty in all other circumstances, including times of war or imminent threat of war.¹¹¹ In 2007, Azerbaijan voted in favor of the UN's General Assembly resolution on a

¹⁰⁵ Ramil Iskandarli, *A Guide to the Republic of Azerbaijan Law Research*, NYU L.: GLOBALEX (Sept./Oct. 2022), <https://www.nyulawglobal.org/globalex/azerbaijan1.html>.

¹⁰⁶ *Azerbaijan: Time to Abolish the Death Penalty*, *supra* note 104.

¹⁰⁷ *Azerbaijan: Membership of International Groupings/Organizations*, BRITISH FOREIGN & COMMONWEALTH OFF. (June 9, 2008).

¹⁰⁸ See generally G.A. Res. 39/46 (Dec. 10, 1984), available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

¹⁰⁹ *Azerbaijan*, COUNCIL OF EUR., <https://www.coe.int/en/web/portal/azerbaijan> (last visited Mar. 8, 2025).

¹¹⁰ *Id.*

¹¹¹ *Id.*

moratorium on the death penalty, and Azerbaijan has repeated its positive voting power each year.¹¹²

5. RECENT TRENDS

In Azerbaijan, there have been no executions since 1993, which is when President Heidar Aliyev came into office.¹¹³ Since Azerbaijan's independence, they have excluded men over sixty-five and all women from death penalty eligibility.¹¹⁴ Furthermore, in 1996, with the President's approval, the number of crimes eligible for the death penalty was reduced from thirty-three to twelve.¹¹⁵ The death penalty was completely abolished in Azerbaijan in 1998, just before the adoption of their criminal code in 1999.¹¹⁶

Most recently, on March 8, 2023, Azerbaijan signed Protocol Number 13 to the European Convention on Human Rights (ECHR), which concerns the abolition of the death penalty in all circumstances (ETS No. 187).¹¹⁷ The text now requires ratification to become legally binding for Azerbaijan.¹¹⁸

6. MINI-CONCLUSION: AZERBAIJAN'S DEATH PENALTY USAGE

Azerbaijan's complete abolition of the death penalty was driven by its want to be a part of the European Council, which coincides with its desire to align with international norms. Azerbaijan is known throughout the Muslim community as the most secular Muslim country due to its

¹¹² *The Abolition of the Death Penalty and its Alternative Sanction in South Caucasus: Armenia, Azerbaijan and Georgia*, PENAL REFORM INT'L 22 (May 2013), <https://cdn.penalreform.org/wp-content/uploads/2013/05/South-Caucasus-Research-Report-Death-Penalty-and-Alternatives-ENGLISH.pdf>.

¹¹³ *Azerbaijan: Time to Abolish the Death Penalty*, *supra* note 104.

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Amnesty International Global Report: Death Sentences and Executions 2023*, *supra* note 68 at 28.

¹¹⁷ *Azerbaijan*, *supra* note 108.

¹¹⁸ *Id.*

cultural upbringing, which resulted in the abolishment of the death penalty.

D. BANGLADESH

1. HISTORY OF BANGLADESH

Bangladesh, formerly known as Bengal, was taken under the control of the Mughal Empire in the 16th century, an area first reached by groups of Portuguese traders and missionaries.¹¹⁹ By the end of the 17th century, British presence in the Indian subcontinent was rapidly growing, and British influence continued to spread throughout the 18th and 19th centuries.¹²⁰ In the late 1800s, the British Crown was established in India, and it was not until 1947 when British India was partitioned, when the independent India and Pakistan were created. Bengal was divided among the religious lines of those two countries. Tensions rose between East Pakistan and West Pakistan due to political issues, economic issues, and what the national language of Bengal was to be.¹²¹ These tensions ultimately led to the Bangladesh Liberation War of 1971, where the Indians sided with the Bengalis and the Pakistani army surrendered. As a result of the war, modern-day Bangladesh was created. Bangladesh gained its independence in 1972 and established a parliamentary democracy under a new constitution.¹²²

2. RELIGIOUS ENFORCEMENT

Islam is the state religion of Bangladesh; however, the constitution upholds equal rights for all religions.¹²³

¹¹⁹ *Background Notes: Bangladesh*, U.S. DEP'T OF STATE (Mar. 2000), https://1997-2001.state.gov/background_notes/bangladesh_0003_bgn.html.

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ U.S. DEP'T OF STATE, OFF. OF INT'L RELIGIOUS FREEDOM, 2022 REPORT ON INTERNATIONAL RELIGIOUS FREEDOM: BANGLADESH (2022), <https://www.state.gov/reports/2022-report-on-international-religious-freedom/bangladesh/>.

Specifically, its constitution states that "the state religion of the Republic is Islam, but the State shall ensure equal status and equal rights in the practice of Hindi, Buddhism, and Christianity."¹²⁴ The constitution prohibits religious discrimination and provides for equality for all religions. Islam, specifically Sunni Muslims, make up the largest portion of the country's population at ninety-one percent.¹²⁵ Furthermore, countries like Iran have laws in place that have capital punishment for blasphemy, which is the act of disrespecting God. However, the Bengali constitution has no specific blasphemy laws, which is a possible explanation for why its executions are not as high as Iran's.¹²⁶

3. CONSTITUTION AND PENAL CODE

The Constitution of the People's Republic of Bangladesh was adopted in November of 1972 and remains in effect today.¹²⁷ Article 32 of the constitution provides that "no person shall be deprived of life ... in accordance with the law, which implies the constitutionality of the death penalty."¹²⁸ Bangladesh follows English common law, where its laws take statutory form, are enacted by the legislature, and then interpreted by the Supreme Court.¹²⁹ Furthermore, a majority of

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.*

¹²⁷ Rumana Islam, *Bangabandhu and Our Four Founding Principles*, THE DAILY STAR (Aug. 18, 2023, 10:44 A.M.), <https://www.thedailystar.net/law-our-rights/news/bangabandhu-and-our-four-founding-principles-3397041>.

¹²⁸ *People's Republic of Bangladesh*, CORNELL CTR. ON THE DEATH PENALTY WORLDWIDE (APR. 21, 2020), <https://dpw.lawschool.cornell.edu/database/#/results/country?id=6>.

¹²⁹ Dr. Mohammad Ershadul Karim, *The Legal System of the Peoples' Republic of Bangladesh*, GLOBALEX (Nov. 2023), <https://www.nyulawglobal.org/globalex/bangladesh1.html#background>.

its substantive laws, which created the rights and obligations during the British period, are still in operation today.¹³⁰

Bangladesh retains the death penalty in law as well as in practice.¹³¹ Furthermore, it is an active death penalty country.¹³² Twelve out of the sixty-four offenses that are subject to the death penalty can be traced back to British governance, and twelve other offenses can be traced back to when Bangladesh was under Pakistani rule.¹³³ Since then, forty offenses have been added as crimes punishable by the death penalty, with a majority of those added since 2000.¹³⁴ The Bangladesh criminal code was studied, and its findings confirmed that there are twenty-five offenses that are a breach of the International Covenant on Civil and Political Rights, and thirty-three of the offenses have been added since 2000.¹³⁵ Lastly, two offenses provide for a mandatory death sentence.¹³⁶ Despite being Muslim-majority, Bangladesh did not implement

¹³⁰ *Legal System*, BANGLAPEDIA, https://en.banglapedia.org/index.php/Legal_System#:~:text=The%20legal%20system%20of%20Bangladesh,fundamental%20rights%20of%20the%20citizens (last visited July 14, 2025).

¹³¹ Dr. Muhammad Mahbubur Rahman, *Living Under Sentence of Death: A Study on the Profiles, Experiences, and Perspectives of Death Row Prisoners in Bangladesh*, DEP'T. OF L., UNIV. OF DHAKA (Dec. 2020), <https://www.deathpenaltyproject.org/wp-content/uploads/2021/06/DPP-Bangladesh-Report-Web-single.pdf>.

¹³² Arzt, *supra* note 29 at 1.

¹³³ Mohammad Saiful Islam, *An Overview of Death Penalty Policy in Bangladesh: A Call for Reform in the Context of International Proscriptions*, RUSSIAN L. J. (Feb. 2024), https://www.researchgate.net/profile/Mohammad-Islam-174/publication/378363761_AN_OVERVIEW_OF_DEATH_PENALTY_POLICY_IN_BANGLADESH_A_CALL_FOR_REFORM_IN_THE_CONTEXT_OF_INTERNATIONAL_PROSCRIPTIONS/links/65db4370e7670d36abdcaa33/An-Overview-of-Death-Penalty-Policy-in-Bangladesh-A-Call-for-Reform-in-the-Context-of-International-Proscriptions.pdf.

¹³⁴ *Id.*

¹³⁵ *Id.*

¹³⁶ Rahman, *supra* note 132.

hudud punishments into their penal code due to their British influences.¹³⁷

4. WORLD PRESSURES

After an execution in 2006 and four politicians being sentenced to death for crimes against humanity, the Bangladesh government has been criticized for not adhering to fair trial standards.¹³⁸ This also led Chiara Sangiorgio, an Amnesty International death penalty expert, to state that "the recent executions and the persistent use of the death penalty in Bangladesh shows the government's continued callous disregard for human life."¹³⁹ In November of 2014, after two confirmed death sentences in two days, Amnesty International said that "Bangladesh must immediately impose a moratorium on executions as the first step towards abolition of the death penalty."¹⁴⁰ Furthermore, Abbas Faiz from Amnesty International stated that "the relentless push to impose death sentences in Bangladesh is deeply worrying."¹⁴¹ After recent convictions for drug-related offenses resulted in executions in Bangladesh in 2022, seven organizations have joined together, urging the Bangladesh government to work towards abolishing the death penalty.¹⁴²

¹³⁷ *Id.*

¹³⁸ Nina Motazed, *Worldwide Wednesday's International Roundup: Bangladesh, China, Ghana, Iran, Kuwait, Malaysia, Mauritania, Pakistan, Saudi Arabia, and Singapore*, DEATH PENALTY INFO. CTR. (Mar. 14, 2025), <https://deathpenaltyinfo.org/worldwide-wednesdays-international-roundup-bangladesh-china-ghana-iran-kuwait-malaysia-mauritania-pakistan-saudi-arabia-and-singapore>.

¹³⁹ *Id.*

¹⁴⁰ *Bangladesh: Fresh Death Sentences Show Urgent Need to End Executions* AMNESTY INT'L, (Nov. 3, 2014), <https://www.amnesty.org/en/latest/news/2014/11/bangladesh-fresh-death-sentences-show-urgent-need-end-executions/>.

¹⁴¹ *Id.*

¹⁴² *Bangladesh: Government Must Work Towards Abolishing the Death Penalty*, AMNESTY INT'L, (June 5, 2024), <https://www.amnesty.org/en/documents/asa13/8105/2024/en/>.

Most notably, in 2024 during the World Day Against the Death Penalty, Bangladesh was given special attention.¹⁴³ This was due to a Human Rights Organization report that stated in 2023, there were 390 people sentenced to death and five confirmed executions carried out just by the lower courts.¹⁴⁴ Furthermore, a 2022 study by the University of Dhaka noted that out of the thirty-nine people studied on death row, 87% had not completed schooling past age 14, 53% of those worked low-paying jobs or had no job, and 74% of those thirty-nine people had no prior convictions.¹⁴⁵ The authors conclude their study by discussing that declaring a moratorium is the way for Bangladesh to stop further executions from happening and to ensure that the right to life continues.¹⁴⁶

5. RECENT TRENDS

Bangladesh's executions have been consistent over the last few years, with there being over 100 executions each year.¹⁴⁷ In 2019, there were 220 executions and around 113 executions in 2020.¹⁴⁸ In 2021, there were at least 181 executions, and from 2022 to 2023, the number of executions rose over 100, to a total of 248 executions.¹⁴⁹ At the end of 2020, there were around 1,800 people remaining on death row.¹⁵⁰ In May of 2015, The Supreme Court of Bangladesh ruled that the mandatory death penalty is unconstitutional, specifically mentioning that there cannot be a provision in the constitution that gives the court the discretion

¹⁴³ Saira Rahman, et. al, *Is It Time to Declare a Moratorium on the Death Penalty in Bangladesh?* ELEOS JUST. BLOG, MONASH UNIV., (Sept. 15, 2024), <https://www.monash.edu/law/research/eleos/blog/eleos-justice-blog-posts/is-it-time-to-declare-a-moratorium-on-the-death-penalty-in-bangladesh>.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

¹⁴⁷ *Executions Around the World*, *supra* note 65.

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *People's Republic of Bangladesh*, *supra* note 129.

in a manner of life and death, without looking at all circumstances surrounding the offense.¹⁵¹

6. MINI-CONCLUSION: BANGLADESH'S DEATH PENALTY USAGE

Though a retentionist country, Bangladesh applies the death penalty with a British common law framework, which avoids the Sharia-based hudud punishments. While Islam is the state religion in Bangladesh, its constitution grants freedom of religion.

CONCLUSION

The application of the death penalty across Muslim-majority countries cannot be explained by religion alone. Although Islamic law, specifically Sharia law, provides a foundation for capital punishment, international pressure, cultural influence, and the historical nature of each country ultimately shape the extent to which the death penalty is used.

In Iran, the death penalty is not just on the books but has become the normalcy for political and religious suppression. Iran's death penalty executions can also be attributed to its strict enforcement and adherence to Sharia law, which follows hudud punishments. Algeria on the other hand, despite being a majority Sunni nation, has a de facto moratorium, which can be traced to its penal code, which was influenced by the French. Furthermore, Algeria is deeply influenced by the European Union and the United Nations. Along those lines, Azerbaijan is an example of a Muslim-majority country that has completely abolished the death penalty. The abolishment can be linked to its diplomatic relations, specifically with the Council of Europe. Lastly, Bangladesh shows that Islamic traditions can coincide with British traditions and lead to a secular country all around. Bangladesh is a prime example of a country that can follow Islamic religious doctrines while not taking them to extreme levels.

All in all, Islam is not the determinative factor in a country's approach to the death penalty. As debates on capital

¹⁵¹ *Id.*

punishment seem to be on the rise over the last few years, understanding the influences shaping Muslim-majority countries is essential.