

1. The Dui Hua Foundation makes this submission to the 4th Universal Periodic Review (UPR) of the human rights record of the United States. The submission focuses on the U.S. President's executive order in January 2025 to reinstate capital punishment for federal crimes.

BACKGROUND

2. Directed by President Biden, then-Attorney General Merrick Garland imposed a moratorium in July 2021 on federal executions.¹ In the memorandum², AG Garland instructed the Department of Justice (DOJ) to review its policies and procedures on use of the death penalty. The policy, in effect, suspended federal executions which had been resumed in July 2020 during President Trump's first term.
3. On 23 December 2024, President Biden exercised his authority to grant clemency to commute the sentence of 37 of the 40 individuals on federal death row to life without parole.³ (Three men on death row who had been convicted of terrorism or hate-fueled mass murder did not receive commutations.⁴)
4. Since the last U.S. UPR in 2019, three more states – New Hampshire, Colorado, and Virginia – have abolished the death penalty for all crimes. A total of 23 states, plus the District of Columbia and Puerto Rico, a U.S. territory, have abolished the death penalty for all crimes.⁵
5. Since the last U.S. UPR in 2019, four states – Ohio, Oregon, Pennsylvania, and California – have placed holds on executions under gubernatorial orders.⁶

AREAS OF CONCERN

6. Amongst the first executive orders signed by President Trump on 20 January 2025, capital punishment was reinstated for federal crimes. The order also instructs the U.S. Attorney General to “preserve capital punishment in the states” by ensuring “sufficient supply of drugs needed to carry out lethal injection.”⁷
7. Attorney General Pam Bondi issued the memorandum, “Reviving the Federal Death Penalty and Lifting the Moratorium on Federal Executions,” on 5 February 2025.⁸ In addition to lifting the 2021 moratorium on federal executions, the 2025 Memorandum also reinstated DOJ's 2018 Memorandum, which set the policy of applying capital punishment to drug-related cases. In addition, the 2025 Memorandum also applies the policy to “cases involving non-drug capital crimes by cartels, transnational criminal organization, and aliens who traverse [the United States] border and remain in the United States without legal status.” The 2025 Memorandum also “strongly” encourages federal prosecutors to “use applicable statutes, when appropriate.”
8. On 1 April 2025, Attorney General Pam Bondi announced that the DOJ will seek the death penalty against Luigi Mangione in the murder case of UnitedHealthcare CEO. The announcement raised concerns as the DOJ categorized the federal case as “an act of political violence” in the accompanying news release.⁹
9. Due to the unavailability of certain drugs used in carrying out lethal injections, Idaho passed a law in March 2025 to allow firing squads to be used as the primary execution method¹⁰ and became the only state to permit doing so. The law will be in effect on 1 July 2026. Four other states – Mississippi, Oklahoma, Utah, and South Carolina –

allow firing squads to be used as a back-up execution method when the primary execution method – electrocution or lethal injection – is unavailable.¹¹ On 7 March 2025, a man in South Carolina convicted of murder chose to be executed by a firing squad and is the first prisoner in the U.S. to die by this method in 15 years.¹²

RECOMMENDATIONS

10. a) The Office of the President should rescind the executive order to reinstate capital punishment for federal crimes;
- b) The Department of Justice should rescind its order to resume federal executions and reinstate the moratorium on federal executions;
- c) The Department of Justice should retract the policy set forth in the 5 February 2025 Memorandum encouraging death penalty in drug-related federal cases;
- d) The Department of Justice should retract the policy set forth in the 5 February 2025 Memorandum encouraging federal prosecutors seeking death penalty in federal cases.

The Dui Hua Foundation

31 March 2025

¹ “Attorney General Merrick B. Garland Imposes a Moratorium on Federal Executions; Orders Review of Policies and Procedures.” U.S. Department of Justice, 1 July 2021. <https://www.justice.gov/archives/opa/pr/attorney-general-merrick-b-garland-imposes-moratorium-federal-executions-orders-review>

² “Moratorium on Federal Executions Pending Review of Policies and Procedures.” Office of the Attorney General, 1 July 2021. <https://www.justice.gov/archives/media/1149381/dl?inline>

³ “Commutations Granted by President Joseph Biden (2021-2025).” U.S. Department of Justice, 23 December 2024. <https://www.justice.gov/pardon/commutations-granted-president-joseph-biden-2021-present#23-12-2024-commutation>

⁴ “Biden commutes sentences of 37 federal death row prisoners.” NPR, 24 December 2024. <https://www.npr.org/2024/12/23/g-s1-38794/biden-death-row-commutations>

⁵ “Capital punishment in the United States.” Wikipedia. Retrieved 17 March 2025. https://en.wikipedia.org/wiki/Capital_punishment_in_the_United_States

⁶ “Death Penalty States with a Gubernatorial Hold on Executions.” Death Penalty Information Center. Retrieved 17 March 2025. <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state>

⁷ “Restoring The Death Penalty and Protecting Public Safety.” The White House, 20 January 2025. <https://www.whitehouse.gov/presidential-actions/2025/01/restoring-the-death-penalty-and-protecting-public-safety/>

⁸ “Reviving the Federal Death Penalty and Lifting the Moratorium On Federal Executions.” Office of the Attorney General, 5 February 2025. <https://www.justice.gov/ag/media/1388561/dl>

⁹ “Attorney General Pam Bondi seeks death penalty against Luigi Mangione in CEO murder case.” USA Today, 1 April 2025. <https://www.usatoday.com/story/news/politics/2025/04/01/luigi-mangione-death-penalty-case-pam-bondi/82756591007/>

¹⁰ House Bill No. 37, “Relating to Methods of Execution.” Legislature of the State of Idaho, 11 March 2025. <https://legislature.idaho.gov/sessioninfo/2025/legislation/H0037/>

¹¹ “Methods of Execution.” Death Penalty Information Center. Retrieved 17 March 2025. <https://deathpenaltyinfo.org/executions/methods-of-execution>

¹² “A South Carolina man executed by firing squad is the first US prisoner killed this way in 15 years.” Associated Press, 7 March 2025. <https://apnews.com/article/firing-squad-execution-south-carolina-sigmond-c998f11ecd3fcbf117d55b682ce3604a>