

# Amnesty International and the Death Penalty

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This explanation of Amnesty International's position on the question of the death penalty is issued by the organization's International Secretariat. It outlines the principal reasons behind Amnesty International's opposition to the death penalty in all cases.

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Amnesty International

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**PEOPLE'S REPUBLIC OF CHINA, February 1978.** A political prisoner, accused of writing and distributing a "counter-revolutionary" leaflet is sentenced to death by a provincial High People's Court. A public notice announces that the former teacher had "obstinately refused to admit his crime" and that because "the wrath of the people was very great" he is to be executed immediately.

**IRAQ, May 1978.** Twenty-one Iraqis are officially reported to have been executed on charges of forming secret communist cells within the armed forces. All had been tried and sentenced to death by a revolutionary court between 1974 and 1977.

**RHODESIA [ZIMBABWE], February 1979.** The execution of two men convicted of political offences confirms that the transitional government is continuing to use the death penalty. At least 11 other political prisoners under sentence of death are known to be held at Chikurubi Prison near Salisbury.

**UNION OF SOVIET SOCIALIST REPUBLICS, January 1979.** Three Armenians, accused of setting off a bomb in the Moscow metro, are executed. The trial of the three men was held in secret. No charges or details of their defence have been made public.

**IRAN, April 1979.** The execution of scores of military officers, ministers and members of the administration of the Shah are announced in the country after trials by revolutionary courts, many meetings in secret.

**UNITED STATES OF AMERICA, May 1979.** Florida State prisoner John Spink is sent to the electric chair, becoming the first man executed involuntarily in the United States of America since 1967. More than 480 convicted prisoners are awaiting execution on "death row" in state prisons throughout the country.

**NICARAGUA, January 1979.** Nicaraguan refugees in Honduras say they are afraid to return to their country for fear of reprisals. Two brothers who had returned home to collect social security payments were asked by soldiers to identify themselves and then shot to death.

**NIGERIA, March 1979.** Five Nigerian civilians are executed in public on Bar Beach, Lagos, by a military firing-squad, after being sentenced to death by Lagos State Armed Robbery Tribunal. Although numerous executions take place in Nigeria annually, these are the first executions in public in Nigeria for over six months.

**PAKISTAN, February 1979.** Law Minister A.K. Brohi states that "about 800 people are hanged in Pakistan" each year. President Zia-ul-Haq later indicates that he has dismissed all clemency appeals in death penalty cases since he has been in office.

**ITALY, April 1978.** Italy's Red Brigades announce that their interrogation of kidnapped former Prime Minister Aldo Moro has finished and that he has been found guilty before a "people's tribunal" and condemned to death. His murdered body is later discovered on 9 May.

**EL SALVADOR, March 1979.** Salvadorean industrialist Ernesto Liebes, the Honorary Consul of Israel, is executed by the guerrilla organization FARN in El Salvador.

**GUATEMALA, April 1979.** The bodies of a Guatemalan trade unionist and four other victims of assassination are found in Guatemala City. All the corpses bear marks of torture and knife wounds.

AMNESTY INTERNATIONAL opposes the death penalty in all cases and without reservation. This is part of the total work of the organization whose Statute begins with this statement of objectives:

Considering that every person has the right freely to hold and to express his or her convictions and the obligation to extend a like freedom to others, the objects of *Amnesty International* shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights by:

- a) irrespective of political considerations working towards the release of and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained, restricted or otherwise subjected to physical coercion or restriction by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence (hereinafter referred to as "Prisoners of Conscience");
- b) opposing by all appropriate means the detention of any Prisoners of Conscience or any political prisoners without trial within a reasonable time or any trial procedures relating to such prisoners that do not conform to recognized norms to ensure a fair trial;
- c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners or other detained or restricted persons whether or not they have used or advocated violence.

#### *A violation of humane standards*

All international human rights declarations, conventions and covenants stipulate that everyone has the "right to life, liberty and security of person".

The official position of the United Nations General Assembly is that in the case of executions imposed by law it is desirable to abolish the death penalty in all countries and that the crimes to which it applies should be progressively reduced.

The international human rights standards that have been adopted by the United Nations and by regional organizations since 1948 prohibit all forms of "cruel, inhuman or degrading treatment or punishment".

Amnesty International seeks the abolition of the death penalty on the grounds that it is a punishment that is incompatible with these humanitarian standards. Amnesty International opposes executions under all circumstances whether they are to be carried out in political or criminal cases, whether they result from judicial proceedings or whether they take the form of extra-judicial killings, unexplained disappearances or political murders.

#### *The death penalty in practice*

Amnesty International most frequently encounters the death penalty in three instances:

- the execution by law of political dissenters or of people convicted of political offences;

- the execution of political figures or ordinary citizens taking place entirely outside the framework of the rule of law. The killings may be the work of state security forces or of opposition or pro-government death squads;
- the execution of criminals convicted for violent crimes (in some countries economic and sexual offences also carry this penalty).

As a method of attempting to eliminate political dissent the use of the death penalty is abhorrent. As a method of protecting society from crime, it has nowhere been shown to have a special deterrent effect.

The brutal suppression of minority groups or social or political movements frequently contributes to political instability, with both government and opposition resorting to violence in order to achieve their objectives or assert their control. In this context both judicial executions and arbitrary killings often precipitate reprisals and add to a legacy of resentment, intolerance and social conflict.

In the case of societies faced with the need to combat violent crime, including acts of terrorism, Amnesty International is not aware of any convincing evidence that the use of the death penalty has a special deterrent effect.

Comparisons of crime rates in different countries that have retained or abolished the death penalty do not indicate that the threat of execution has been effective in preventing capital crimes.

Studies on the death penalty indicate that changes in crime rates depend on many factors apart from the existence or use of the death penalty. The fear of death, in itself, does not appear to prevent individuals from committing capital crimes anymore than does acquaintance with the victim. European and North American studies, for example, indicate that the majority of murders take place among members of the same family, friends or acquaintances; most take place in the heat of passion. On examination it can be seen that no thought was given to the consequences of violent acts, much less to possible penalties.

In seeking the abolition of the death penalty Amnesty International does not thereby imply that society should not be protected from violent crime. The death penalty is not necessary for such protection. Studies by social scientists and criminologists suggest that retention of the death penalty may actually impede protection of the public from violent crime because the use of this extreme punishment offers a false solution to problems caused by a variety of factors.

It is frequently asked if it is not against the interest of society to release convicted murderers after they have served prison terms and if the imprisonment of convicted murderers does not increase the risk to prison staff.

Available information on the behaviour of released convicts consistently indicates that murder and other violent offences are associated with the lowest rates of recidivism and that if convicted murderers do commit offences after release they do not tend to kill again. Studies into prisoner behaviour also point to the fact that the commuting of death sentences to life imprisonment has not increased the risk to life either for penitentiary staff or for the rest of the prison population.

### *Unequal, unjust and irreversible*

Historically the death penalty as a judicial punishment has been seen to bear unequally and unjustly on the poor, on minorities and on oppressed groups within the population.

The vulnerability of all criminal justice systems to discrimination and error must be taken into account. Human factors such as expediency, the exercise of discretion and the influence of public opinion can affect each stage of legal proceedings from indictment through trial, sentencing, punishment and the possible granting of clemency.

The access of the defendant—and the court—to impartial and professional psychiatric and medical services in cases where a full psychiatric or medical report is essential may vary from individual to individual, depending on the ability to secure such services, and from country to country depending on the existence and quality of such services under different economic conditions.

When the ability to obtain good legal representation becomes one of the most important factors in determining the outcome of a trial, questions of race, class and poverty can have a considerable effect upon the administration of justice. The wealthy, the politically well-connected and members of dominant racial and religious groups are far less likely to be sentenced to death and even less likely to be executed for offences of comparable severity than are the poor, supporters of the political opposition and members of unpopular racial or religious groups.

The possibility of judicial error, for whatever reason, assumes even greater importance in cases involving capital crimes because the death penalty is *the* irreversible punishment.

Because it is irreversible the death penalty has always been recognized as qualitatively different from all other forms of punishment. Once carried out it can never be corrected. The imposition of the death penalty negates modern concepts of penology which are based on the theory that rehabilitation of the individual criminal is possible.

The full meaning of the irreversibility of the punishment is underlined in countries that make a practice of condemning political dissenters to death. Imposition of the death penalty in such cases can amount to the carrying out of government policy by courts which are unlikely to have judicial independence. The political crimes for which the death penalty may be imposed under such circumstances can be defined in such a way that virtually any political activity inconsistent with government policy becomes a capital offence.

### *A "special case"*

A "special case" is sometimes made for the retention of the death penalty as a justifiable punishment for and possible deterrent to acts of terrorism or political violence.

Amnesty International is aware of no evidence that the use of the death penalty has deterred would-be terrorists. Psychiatrists who have conducted studies on the question of hijacking recommend strongly that the death penalty not be exacted in such cases precisely because it makes the crime

appear more spectacular and draws greater attention to the perpetrators.

Amnesty International deplors kidnapping, torture and murder for political motives whether such acts are committed by government or opposition groups. Similarly, Amnesty International defends the right of all individuals to stand trial according to internationally-recognized norms and to be protected from torture and execution. These human rights standards apply to all people, including those accused or convicted of politically-motivated crimes.

The conflicts which have led to the eruption of political violence, now and in the past, have not been and cannot be resolved by the execution of individual prisoners. Nor, as a matter of principle, should the horror of the crimes committed be used to justify a resort to ill-treatment and extreme punishment.

#### *A question of principle*

Amnesty International believes that humane standards for the treatment of prisoners must be respected by all governments, political movements and citizens throughout the world. Violations of those standards undermine the common values upon which the full and free development of human society is based in all cultures.

Nowhere in the principles which govern the conduct of nations is there justification for arbitrary arrest, detention, torture and murder. The historical record is clear: the value of human life is progressively lessened once a state, even in attempting to defend itself and its citizens, resorts to cruel, inhuman or degrading methods.

Amnesty International rejects the view that the cruel treatment of prisoners, of which the death penalty is an extreme case, can be justified as a fitting response to violent and repugnant crimes. Even less is there justification for the argument that there are special circumstances under which prisoners may be subjected to cruel treatment, including the taking of life, because of their beliefs or their participation in political movements.

In the view of Amnesty International, it is not only contradictory, but a threat to humane values, for any society to proclaim that the taking of life is the most intolerable of crimes and, at the same time, to countenance any form of execution carried out as an act of retribution in the name of society itself.

#### *An international debate*

Differences of culture and tradition do not preclude a universal movement for the abolition of the death penalty. In December 1977 Amnesty International convened an international Conference on the Death Penalty in Stockholm. Participants came from Africa, Asia, Europe, the Middle East, North and South America and the Caribbean region. They included lawyers, judges, politicians, political scientists, psychologists, police officials, penologists, theologians and journalists from more than 50 countries.

Preliminary seminars on the question of the death penalty were held in France, the Federal Republic of Germany, Nigeria, Sri Lanka, Trinidad and Tobago, and the United States of America.

The Conference adopted the Declaration of Stockholm (see page 8). The Conference declared its total and unconditional opposition to the death penalty. It condemned executions, in whatever form, committed or condoned by governments. It affirmed that executions for the purposes of political coercion, whether by government agencies or others, are equally unacceptable.

The Stockholm Declaration was adopted by Amnesty International in March 1978 as a statement of principle on the abolition of the death penalty.

Further information about Amnesty International's program for the abolition of the death penalty may be obtained from the national sections of Amnesty International or from the International Secretariat.

Amnesty International  
Conference on the Abolition of the Death Penalty  
Declaration of Stockholm

11 December 1977

The Stockholm Conference on the Abolition of the Death Penalty, composed of more than 200 delegates and participants from Africa, Asia, Europe, the Middle East, North and South America and the Caribbean region,

**RECALLS THAT:**

- The death penalty is the ultimate cruel, inhuman and degrading punishment and violates the right to life.

**CONSIDERS THAT:**

- The death penalty is frequently used as an instrument of repression against opposition, racial, ethnic, religious and underprivileged groups,
- Execution is an act of violence, and violence tends to provoke violence,
- The imposition and infliction of the death penalty is brutalizing to all who are involved in the process,
- The death penalty has never been shown to have a special deterrent effect,
- The death penalty is increasingly taking the form of unexplained disappearances, extra-judicial executions and political murders,
- Execution is irrevocable and can be inflicted on the innocent.

**AFFIRMS THAT:**

- It is the duty of the state to protect the life of all persons within its jurisdiction without exception,
- Executions for the purposes of political coercion, whether by government agencies or others, are equally unacceptable,
- Abolition of the death penalty is imperative for the achievement of declared international standards.

**DECLARES:**

- Its total and unconditional opposition to the death penalty,
- Its condemnation of all executions, in whatever form, committed or condoned by governments,
- Its commitment to work for the universal abolition of the death penalty.

**CALLS UPON:**

- Non-governmental organizations, both national and international, to work collectively and individually to provide public information materials directed towards the abolition of the death penalty,
- All governments to bring about the immediate and total abolition of the death penalty,
- The United Nations unambiguously to declare that the death penalty is contrary to international law.

AMNESTY INTERNATIONAL is a worldwide movement which is independent of any government, political grouping, ideology, economic interest or religious creed. It plays a specific role within the overall spectrum of human rights work. The activities of the organization focus strictly on prisoners:

- It seeks the *release* of men and women detained anywhere for their beliefs, colour, sex, ethnic origin, language or religion, provided they have not used or advocated violence. These are termed '*prisoners of conscience*'.
- It advocates *fair and early trials* for all *political prisoners* and works on behalf of such persons detained without charge or without trial.
- It opposes the *death penalty* and *torture* or other cruel, inhuman or degrading treatment or punishment of *all prisoners* without reservation.

AMNESTY INTERNATIONAL acts on the basis of the United Nations Universal Declaration of Human Rights and other international instruments. Through practical work for prisoners within its mandate, Amnesty International participates in the wider promotion and protection of human rights in the civil, political, economic, social and cultural spheres.

AMNESTY INTERNATIONAL has over 2,000 adoption groups and national sections in 39 countries in Africa, Asia, Europe, the Americas and the Middle East, and individual members, subscribers and supporters in a further 86 countries. Each adoption group works on behalf of at least two prisoners of conscience in countries other than its own. These countries are balanced geographically and politically to ensure impartiality. Information about prisoners and human rights violations emanates from Amnesty International's Research Department in London.

AMNESTY INTERNATIONAL has consultative status with the United Nations (ECOSOC), UNESCO and the Council of Europe, has cooperative relations with the Inter-American Commission on Human Rights of the Organization of American States and is a member of the Coordinating Committee of the Bureau for the Placement and Education of African Refugees of the Organization of African Unity.

AMNESTY INTERNATIONAL is financed by subscriptions and donations of its worldwide membership. To safeguard the independence of the organization, all contributions are strictly controlled by guidelines laid down by AI's International Council and income and expenditure are made public in an annual financial report.