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## **Recent developments on the abolition of the death penalty and the establishment of moratoriums: Amnesty International oral statement to the 25<sup>th</sup> Session of the UN Human Rights Council (3 – 28 March 2014)**

5 March 2014

High-Level Panel Discussion on the Question of the Death Penalty

Mr. President,

Amnesty International would like to draw the Human Rights Council's attention to recent developments in national processes on abolition of the death penalty and the establishment of moratoriums.

In Benin, Comoros, Ghana and Sierra Leone constitutional and legislative changes are presently considered with a view to abolition. An opportunity was missed in 2013 when the new Constitution in Zimbabwe retained capital punishment.

In May 2013, Maryland became the 18<sup>th</sup> abolitionist US state.<sup>1</sup> In addition, the governors of Oregon (November 2011), Colorado (May 2013), and most recently Washington State (February 2014) have announced that no further executions would take place in their states while they are in office. The governors cited as reasons for their decisions, among other things, the absence of credible evidence that the death penalty deters murder and the national and international trends towards abolition.

A moratorium on executions gives authorities the opportunity to: review death penalty legislation; make certain that domestic law complies with international human rights law, especially the duty to ensure fair trials; review claims of wrongful convictions; engage in an informed debate with experts and the public; and discover

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<sup>1</sup> New Mexico abolished the death penalty in 2009; Illinois in 2011; and Connecticut in 2012. Also, in 2007 New Jersey abolished the death penalty and the last death sentence in New York State was commuted, following a 2004 court ruling that its capital law violated the state's constitution.

that the death penalty is not a special deterrent to crime, a point on which there is international scientific consensus.

In Kyrgyzstan, a series of presidential moratoriums on executions since 1998 was followed by abolition in 2007. In Kazakhstan, Tajikistan and Mongolia official moratoriums were established in 2003, 2004 and 2010, respectively. None of these countries has since indicated a desire to resume executions. Kazakhstan is presently reviewing national legislation with a view to reducing the number of capital crimes, and a National Action Plan in Tajikistan provides for the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).<sup>2</sup>

In Singapore, executions have been suspended since July 2012, in order to consider and implement legal changes to the country's mandatory death penalty laws. This process led to the review and commutation of death sentences by courts in 2013.

The establishment of a moratorium on executions can only be a first step. It must be accompanied by reliable guarantees that the state will not resume executions, and will act to abolish the death penalty in law. In 2011 the government of Nigeria had confirmed that there was a moratorium on executions in place; but in 2012 this was described as "voluntary", and in 2013 executions were carried out, for the first time since 2006. Pakistan resumed executions in 2012, but suspended them again in 2013.

We urge the Human Rights Council to call on all states:

- To support the calls by the General Assembly for a moratorium on executions with a view to abolition, most recently in resolution 67/176 of 20 December 2012;
- In those states that have a so-called "de facto moratorium", to establish a formal moratorium, binding on all relevant public authorities, pending full abolition;
- To ratify, without reservations, the Second Optional Protocol to the ICCPR, aiming at abolishing the death penalty.

Thank you Mr. President.

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<sup>2</sup> ODIHR, The Death Penalty in the OSCE Area: Background Paper 2013, <http://www.osce.org/odihr/106321> (accessed 3 March 2014).