
amnesty international

UNITED STATES OF AMERICA Wrong 800 times

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In his speech to the United Nations General Assembly on 12 September 2002, President George Bush said that the UN had been “born in the hope of a world moving towards justice, escaping old patterns of conflict and fear”. By founding the UN, the President stated, “we dedicated ourselves to standards of human dignity shared by all.”

On 24 September, if all goes according to schedule, a human being will be taken from his cell, strapped down and killed by government employees in President Bush’s home state of Texas. It will be the 800th time since the USA resumed judicial killing in 1977 that this macabre ritual will have been carried out, and the 283rd time in Texas. This is surely a government activity -- an “old pattern” of state behaviour -- that is incompatible with human dignity. As the UN Commission on Human Rights has stated in repeated resolutions in recent years, “abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights”.

Defending their country’s resort to judicial killing in international fora, US politicians have frequently asserted that capital punishment *per se* is not a violation of international law. Their implied deference to international law has to be treated with a degree of scepticism, given that the USA has frequently violated international law in its resort to the death penalty. For example, 21 of those executed were put to death for crimes committed when they were children, an internationally illegal human rights violation of which the USA is almost the world’s sole remaining perpetrator.

In any event, aspirations for global human rights progress -- in his speech President Bush challenged the General Assembly to choose “a world of progress” -- surely demand an end to judicial killing even if international law does not yet expressly do so. As the UN Special Rapporteur on extrajudicial, summary or arbitrary executions wrote in his report on his 1997 mission to the USA: “Although the death penalty is not yet prohibited under international law, the desirability of its abolition has been strongly reaffirmed on different occasions by United Nations organs and bodies in the field of human rights, *inter alia* by the Security Council, the Human Rights Committee, the General Assembly and the Economic and Social Council”.

President Bush pointed out that the USA “helped found the United Nations”. It also played a fundamental role in the drafting of the Universal Declaration of Human Rights, adopted in 1948. Eleanor Roosevelt, who chaired the Commission on Human Rights as it drafted the text, pointed out that there were moves underway in some countries to abolish the death penalty. Any reference to the death penalty was removed from the Declaration, and 54 years later the vision of worldwide abolition is gradually being realised. Today, 111 countries are abolitionist in law or practice, and the international community has ruled out the death penalty as a sentencing option in international courts for even the worst crimes – genocide, war crimes and crimes against humanity. The 800th US execution will stand in stark contrast to this human rights progress.

“We want the United Nations to be effective, and respected, and successful”, President Bush said in his speech to the General Assembly on 12 September. Yet his country’s continued resort to the death penalty flies in the face of resolutions passed by the UN Commission on Human Rights every year since 1997 calling on retentionist states to impose a moratorium on executions with a view to abolition. In those same six years, 21 countries have legislated to abolish the death penalty, in a period which has seen about 450 men and women put to death in the United States.

Recent years have seen a rising tide of concern inside the United States about the reliability of its death penalty system. For every eight people executed there since 1977, another has been released after evidence of their innocence emerged. Some had come close to execution after many years on death row before being exonerated. Such cases do not inspire confidence that an innocent person has not been put to death, particularly as several have gone to their deaths despite serious doubts about their guilt. Lending his personal support to a worldwide moratorium on executions, UN Secretary General Kofi Annan said in 2000: “The forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process. And I believe that future generations, throughout the world, will come to agree. It is tragic that, while the nations debate this problem, people continue to be executed. When the change comes, it will be too late for them... Let the States that still use the death penalty stay their hand, lest in time to come they look back with remorse, knowing it is too late to redeem their grievous mistake.”

Actual innocence is not the only issue of concern. For example, discrimination remains a defining characteristic of the US capital justice system. Although blacks and whites are the victims of murder in approximately equal numbers in the USA, 80 per cent of the executions there since 1977 were of people convicted of crimes involving white victims. At least one in 16 of the executed were African Americans convicted by all-white juries. In 2000, the UN Special Rapporteur on Contemporary Forms of Racism wrote of his concern about “the discriminatory manner in which the death penalty is applied in the United States of America and hopes that the advent of a new millennium will also offer an opportunity for that great country to envisage penal sanctions more in line with international human rights standards and with the prevailing tendency, which is towards the abolition of capital punishment.” It is time for the USA to respond positively to such calls.

“We value every life”, President Bush said in his Address to the Nation on 11 September 2002. If so, he and all other politicians in the USA should lead the USA into joining the clear majority of countries that have turned their backs on judicial killing.

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