

EXTERNAL (for general distribution)

AI Index: AMR 51/12/95  
Distr: UA/SC

EXTRA 06/95

Death Penalty

19 January 1995

USA (New York)

Possible reinstatement of the death penalty

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A bill proposing to reinstate the death penalty in New York is likely to be debated in the New York legislature either during the week beginning 23 or 30 January 1995. There have been no executions in New York since 1963.

Eighteen previous attempts by the legislature to reinstate the death penalty in recent years have been unsuccessful - every bill was vetoed by the previous two governors, Mario Cuomo and Hugh L. Carey, although in June 1989 the legislature came within one vote of the two thirds majority needed to overturn the governor's veto.

However, Governor Pataki, who took office on 1 January 1995, expressed his adamant support for the death penalty during his campaign for office, and his intention to reintroduce the punishment in New York as soon as possible, should he win the race for governor.

International human rights standards and treaties encourage governments to restrict the use of the death penalty, with a view to its ultimate abolition.

The International Covenant on Civil and Political Rights (ICCPR), ratified by the USA in June 1992, states in Article 6 inter alia that "*Every human being has the inherent right to life*". In a general comment on Article 6 the Human Rights Committee, which supervises the implementation of the ICCPR, notes "*...all measures of abolition should be considered as progress in the enjoyment of the right to life...*". It goes on to say "*... The right to life...is the supreme right from which no derogation is permitted even in time of public emergency...It is a right which should not be interpreted narrowly.*" Article 4(3) of the American Convention on Human Rights states: "*The death penalty shall not be reestablished in the states that have abolished it.*"

Amnesty International opposes the death penalty as a violation of the right to life and the right not to be subjected to cruel, inhuman or degrading treatment or punishment as proclaimed in Article 5 of the Universal Declaration of Human Rights.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters in English if possible:**

- expressing deep concern that New York is considering the reinstatement of the death penalty and urging the authorities to seek more effective methods of punishment which are more in keeping with the standards and values of a civilized society;
- citing arguments against the death penalty, for example - that in the USA there is now ample evidence that the death penalty is imposed disproportionately on the poor, on the mentally retarded, on minorities and on those without adequate legal counsel; that execution is irrevocable, and despite the most stringent judicial safeguards, can be inflicted on the innocent; that the death penalty has never been shown to deter crime more effectively than any other punishment; that the cost of executing a prisoner in both monetary terms and in the impact on the criminal justice system is exorbitant; (it costs on average three times as much to execute a prisoner as it would to keep that individual in prison for 40 years); that it is brutalizing to all those involved in the process;
- noting that the US is out of step with the rest of the world on this issue.

The worldwide trend is clearly towards abolition of this punishment. Fifty four countries have abolished the death penalty for all crimes; 15 others have abolished it for all but exceptional crimes, such as those committed during wartime; an additional 22 countries are abolitionist *de facto* (they retain the death penalty in law but have not carried out any executions for the past 10 years or more;  
 - citing relevant international standards.

#### **APPEALS TO**

The Honorable George Pataki  
 Governor of New York State  
 The Capitol  
 Executive Chamber  
 Albany  
 New York 12224, USA  
**Telegrams: Governor Pataki, New York, USA**  
**Faxes: +1 518 474 1513**  
**Salutation: Dear Governor**

State Senator Joseph Bruno  
 Senate Majority Leader  
 New York State Senate  
 Albany  
 New York 12247, USA  
**Telegrams: Senator Bruno, New York Senate, USA**  
**Faxes: +1 518 455 2448**  
**Salutation: Dear Senator Bruno**

State Senator Martin Connor  
 Senate Minority Leader  
 New York State Senate  
 Albany  
 New York 12247, USA  
**Telegrams: Senator Connor, New York Senate, USA**  
**Faxes: +1 518 455 2816**  
**Salutation: Dear Senator Connor**

Assemblyman Sheldon Silver  
 Speaker of the Assembly  
 Albany  
 New York 12248, USA  
**Faxes: +1 518 455 5459**  
**Telegrams: Assemblyman Silver, New York Assembly, USA**  
**Salutation: Dear Assemblyman Silver**

#### **COPIES OF YOUR APPEALS TO:**

Dennis C. Vacco  
 Attorney General  
 State of New York  
 State Capitol  
 Albany, NY 12247  
**Faxes: +1 518 474 8995**

Letters Editor

*New York Times*  
229 West 43rd Street  
New York, NY 10036  
**Faxes: +1 212 556 3690**

Letters Editor  
*The Albany Times Union*  
News Plaza, Albany, NY 12212  
USA

and to diplomatic representatives of the USA accredited to your country

**PLEASE SEND APPEALS IMMEDIATELY.**