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Amnesty International
International Secretariat
1 Easton Street
London WC1X 8DJ
United Kingdom

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@EUROPEAN BODY CALLS FOR ANTI-DEATH PENALTY TREATY

The parliamentary body of the 32-member Council of Europe has called for the creation of a treaty to abolish the death penalty for all crimes.

The request came in the form of a **recommendation** adopted by the Council of Europe's Parliamentary Assembly on 4 October 1994. The recommendation now goes to the Council of Europe's Committee of Ministers for action.

The proposed treaty would be in the form of an optional protocol to the European Convention on Human Rights. At present, the Sixth Protocol to the Convention provides for the abolition of the death penalty in peacetime. Twenty-five states have either ratified or signed the Sixth Protocol.

If adopted, the treaty would be the first in the world to provide for the abolition of the death penalty with no exception allowing its retention in wartime. The treaty would also oblige states parties not to reintroduce the death penalty under any circumstances.

In its recommendation (number 1246 (1994)), the Parliamentary Assembly also asks the Committee of Ministers to set up a control mechanism whereby states which retain the death penalty would be obliged to inform the Secretary-General of the Council of Europe without delay of any death sentences passed, and binds any country that schedules an execution to halt it for a period of six months, during which time the Secretary-General could send a delegation to the country to conduct an investigation and make a recommendation to the country concerned. States retaining the death penalty would be obliged to set up national commissions with a view to abolishing the penalty.

These provisions would apply to all member states of the Council of Europe which retain the death penalty, as well as to states whose legislative assemblies enjoy special guest status with the Parliamentary Assembly. Countries which currently have special guest status are Bosnia-Herzegovina, Croatia, Latvia, Macedonia, Russia and Ukraine. (Two of these countries, Croatia and Macedonia, have abolished the death penalty.)

The Parliamentary Assembly also recommended that the Committee of Ministers not allow the extradition of any person to a country where he or she risks being punished by death; that the Committee "consider the attitude of applicant states towards the death penalty when deciding on their admission as full members to the Council of Europe"; and that the Committee organize a conference on the death penalty in 1995 with the participant of member states and states holding special guest status.

The Parliamentary Assembly also adopted a **resolution** (number 1044 (1994)) on the abolition of capital punishment on 4 October. In the resolution, the Assembly "calls upon all the parliaments in the world which have not yet abolished the death penalty to do so promptly, following the example of the majority of Council of Europe member states." It "urges all heads of state and all parliaments in whose countries death sentences are passed to grant clemency to the convicted." It invites member states of the Council of Europe

which have not yet done so to sign and ratify the Sixth Protocol to the European Convention on Human Rights, and states that willingness to ratify the proposed new protocol should "be made a prerequisite for membership of the Council of Europe."

The recommendation and resolution had been proposed in a report prepared by Hans Göran Franck, a Swedish member of the Parliamentary Assembly. Amnesty International spoke in favour of the proposals when the report was discussed by the Assembly's Committee on Legal Affairs and Human Rights on 12 September. Amnesty International had long urged the Parliamentary Assembly to take action on the death penalty.