

# AMNESTY INTERNATIONAL

## Public Statement

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### **2005 UN Commission on Human Rights: Oral statement on item 17: Promotion and protection of human rights**

**Delivered by Patrizia Scannella**

Mr. Chair,

In this statement, Amnesty International will address the death penalty and counter-terrorism.

Five countries having abolished the death penalty in 2004; the steady progress towards universal abolition is undeniable.

Yet executions persist. Amnesty International found that in 2004 at least 3,797 people were executed in 25 countries and at least 7,395 were sentenced to death in 64 countries. The true totals were certainly higher. Most of the persons executed did not receive fair trials.

With capital punishment's evident cruelty, its arbitrariness, and the inherent risk of executing the innocent, the application of the death penalty should be suspended immediately pending its abolition in law. Amnesty International calls on the Commission on Human Rights to renew its call for a universal moratorium on executions and on countries that retain the death penalty to heed the call.

Governments have a special duty to protect the most vulnerable members of society. Despite the now universal acceptance that the death penalty shall not be imposed on offenders under age 18, child offenders were reportedly executed last year in China and Iran, and remain under sentence of death in several other countries. The Commission should insist that retentionist states take all necessary measures to ensure that child offenders are not executed. Amnesty International urges this Commission to confirm that the use of the death penalty against child offenders is contrary to customary international law.

A valuable step to secure the abolition of the death penalty is to enshrine abolition in the constitution. In a study released last week, Amnesty International reported that 42 countries have now adopted constitutional provisions prohibiting the death penalty. The Commission should encourage other countries to do so.

Abolition of the death penalty contributes to the enhancement of human dignity and the progressive development of human rights. Most of the existing constitutional prohibitions of the death penalty are based on human rights considerations. Amnesty International calls on the Commission to clearly condemn the death penalty as a violation of fundamental human rights - the right to life and the right not to be subjected to torture or cruel, inhuman or degrading punishment.

Mr. Chairman,

Amnesty International welcomes the report of the Independent Expert mandated to study ways and means of strengthening the promotion and protection of human rights and fundamental freedoms while countering terrorism. However, as the Independent Expert notes in the introduction, there are many issues that the report does not address, notably the effect of counter-terrorism measures on economic, social and cultural rights.

Over the past year, Amnesty International has continued to observe the negative impact on human rights of legislation and measures introduced by states to counter terrorism in a range of countries. Amnesty International strongly supports the recommendations by the Independent Expert to create a new special procedure with a multi-dimensional mandate, and urges the Commission to give effect to those recommendations. We also look forward to the appointment of a Special Rapporteur with the demonstrated ability to fulfil the mandate.

Thank you, Mr. Chair.