

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# UN GENERAL ASSEMBLY: TIME FOR HUMAN RIGHTS LEADERSHIP, TIME FOR A MORATORIUM ON EXECUTIONS

On the occasion of the 2018 World Day Against the Death Penalty, Amnesty International renews its calls on all UN Member States to vote in favour of the seventh draft UN General Assembly resolution on a moratorium on the use of the death penalty and take other immediate steps to bring the world closer to ridding itself of the ultimate cruel, inhuman and degrading punishment.

Amnesty International joins today abolitionist actors and organizations from all regions in marking the World Day Against the Death Penalty, a global initiative that aims at raising awareness of human rights issues associated with the use of this punishment, as well as regenerating activism towards its abolition. This year, we are highlighting detention conditions affecting the more than 20,000 people estimated to be living under sentence of death globally. In many cases, prisoners on death row are kept in strict isolation, lack access to necessary medical treatment and live with the constant anxiety of the threat of execution. Some governments provide notification to prisoners and their relatives only days, or even moments, before the execution is due to be carried out. Amnesty International's new campaign features cases from Belarus, Ghana, Iran, Japan and Malaysia, where specific aspects of the treatment of prisoners make the use of the death penalty additionally cruel.

The World Day Against the Death Penalty also offers an opportunity to reflect on the critical contribution that the six UN General Assembly resolutions on a moratorium on the use of the death penalty, adopted since 2007, have made to the promotion and protection of human rights in several countries.

## A HUMAN RIGHTS ISSUE

Over the past seven decades, UN bodies have adopted, and many states have ratified and supported, numerous human rights treaties and other instruments recognizing their obligation to ensure that a range of domestic criminal justice matters, including the death penalty, are in line with international human rights law and standards.

In 2007, the adoption by the UN General Assembly – the main deliberative body of the UN with full membership – of resolution 62/149 was greeted as a ground-breaking development. For the first time, the resolution made a critical call on states that still retain the death penalty to establish a moratorium on executions with a view to abolishing this punishment.

Proposed and supported by a cross-regional majority of countries, this resolution created an unequivocal link between the promotion and protection of human rights, which are universal, and the suspension of executions, challenging the idea championed by some retentionist states that the death penalty is exclusively a criminal justice issue and, as such, that decisions around it pertain solely to the authorities of the relevant country. The adoption of this resolution clearly placed stopping executions within the human rights priorities of the international community and continued attempts to weaken the language of the resolution must be opposed.

Since 2007, the UN General Assembly has adopted five other resolutions on this issue, including most recently on 19 December 2016. The text of these instruments evolves around the central call for a moratorium on executions, but also makes important requests on states to strengthen the protection and promotion of human rights of those facing the death penalty, including by reducing the number of offences for which the death penalty may be imposed; and not imposing the death penalty for offences committed by persons below 18 years of age, on pregnant women or on persons with mental or intellectual disabilities, among other calls.

Although not legally binding, the powerful calls made by the UN General Assembly in favour of a moratorium on the use of the death penalty have carried considerable moral and political weight.

## A NEW GLOBAL MOMENTUM TOWARDS ABOLITION

The adoption of the 2007 resolution also generated a new momentum for global campaigning against the use the death penalty. The consideration and adoption by the UN General Assembly of such resolutions every two years has offered new

opportunities for civil society and other abolitionist actors to engage governments and promote new debates on abolition, including in contexts where these dialogues did not exist before. The call for a moratorium on executions was also echoed in pronouncements against the death penalty in recent years by international and regional organizations, such as the UN Office on Drugs and Crime or the African Commission on Human and People's Rights, or international professional bodies, such as the World Medical Association.

Momentum against the death penalty was reflected on the resolutions being adopted at the UN General Assembly with progressively increasing support, raising from 104 votes in favour in 2007 to 117 in most recent years. The increase is also mirrored in the number of states that have abolished the death penalty since December 2007, with 14 countries repealing the death penalty completely from their national legislation and a further three becoming abolitionist for ordinary crimes only. Additionally, six US states – Connecticut, Delaware, Illinois, Maryland, New Mexico and New York – have all abolished the death penalty since 2007. During the same period, 20 more countries undertook an irreversible commitment under international law to abolish the death penalty by ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

The progress that the world has achieved on the abolition of the death penalty since the Universal Declaration of Human Rights was adopted 70 years ago is truly remarkable. In 1948, only eight countries had abolished the death penalty for all crimes. In 1977, when Amnesty International began campaigning against the death penalty, only 16 countries were abolitionist for all crimes. Today that number is 106, while 142 countries – more than two-thirds of the world's countries – have abolished the death penalty in law or practice. Burkina Faso was the last country to have abolished the death penalty in its Criminal Code in June 2018.

This trend is set to continue. Since the adoption of the last UNGA moratorium resolution in 2016, indefinite stays of execution were put in place in Gambia, Malaysia and Papua New Guinea and several other countries have taken important steps to move in this direction.

## **MORATORIUM ON EXECUTIONS: A HUMAN RIGHTS IMPERATIVE**

Amnesty International's report on the global use of the death penalty in 2017 shows that the weight of this punishment is carried by an isolated group of countries. Executions were reported in 23 countries worldwide, 12% of the world total. Of these executing countries, only 11, or 6%, were "persistent" executioners, meaning that they carried out executions every year in the previous five years. While China, where figures on the death penalty remained classified as a state secret, remained the lead executioner and was believed to have carried out thousands of executions, it is significant that 84% of all recorded executions were reported in only four countries: Iran, Iraq, Pakistan and Saudi Arabia. Iran alone accounted for more than half of the recorded total. The number of countries imposing death sentences also decreased last year, down from 55 in 2016 to 53 in 2017.

In still too many cases, however, the death penalty continues to be applied in violation of international law and standards. Amnesty International has been repeatedly denouncing how people have been deprived of their lives after the death penalty was imposed as a result of grossly unfair trials, often based on forced "confessions" extracted through torture or other ill-treatment; or how persons who were below 18 years old at the time of the commission of the crime or who have a mental or intellectual disability have been executed or are living under sentences of death; or how those from disadvantaged socio-economic backgrounds are disproportionately affected by the death penalty, among other concerns.

The cases and issues we are highlighting for this year's World Day Against the Death Penalty illustrate the inherent cruelty of the death penalty and why a moratorium on executions with a view to abolishing this punishment is an urgent human rights imperative:

- Solitary confinement, with or without the use of restraining devices, is a common practice on death row in many countries. Matsumoto Kenji has been held on death row in Japan since 1993. He has a longstanding intellectual disability and is fighting for retrial as he maintains was pressured to "confess" to the crime during police interrogation. His prolonged detention in solitary confinement has likely been the trigger of a delusional disorder that has reportedly made him paranoid and incoherent.
- Mohammad Reza Haddadi faces execution in Iran after being convicted in a grossly unfair trial. Against international law, he was sentenced to death at the age of 15 – one of at least 84 others facing the death penalty in Iran for crimes committed when they were younger than 18 years old. He has also been forced to endure the mental torture of having his execution scheduled and cancelled six times over the past 14 years, including most recently on 31 May 2016.
- The lack of transparency on the use of the death penalty in Malaysia means that death row prisoners like Hoo Yew Wah are kept in the dark about the outcome of their clemency applications and are notified of their

execution only days or hours before it is carried out. Although the authorities have suspended the implementation of executions, Hoo Yew Wah is yet to find out if his 2014 clemency appeal has been successful. He was sentenced to the mandatory death penalty in May 2011, after he was forced to sign a self-incriminating statement. In his early 20s when arrested, Hoo Yew Wah is asking for a second chance to prove that he has changed.

- Executions in Belarus are strictly concealed from the public and carried out without giving any notice to the prisoners, their families or legal representatives. In accordance with Belarusian law, authorities refuse to return the bodies of those executed to their relatives or disclose the burial site. Four people are currently facing execution in Belarus.
- When Amnesty International visited Nsawam Prison in Ghana in 2016, death row prisoners said they had difficulties accessing medication to treat illnesses and long-term conditions because sometimes medicines were not available or were unaffordable for the prisoners. One death row prisoner spoke of his fears when he became unwell: “When you feel sick at night in the cell and the officer does not come to assist you, you can even die.”

It is high time to consign the ultimate cruel, inhuman and degrading punishment to the history books. Another strong pronouncement by the main deliberative body of the UN in favour of a moratorium on the use of the death penalty would not only send a strong, supportive signal to those states that are already considering abolishing this punishment; but also reaffirm that human rights violations associated with the death penalty are not condoned.

Amnesty International opposes the death penalty unconditionally, in any cases and under any circumstances. On the occasion of the 2018 World Day Against the Death Penalty, Amnesty International renews its calls on all UN member states to vote in favour of the 2018 draft resolution on this topic, both at the Third Committee and when considered for final endorsement by the plenary session of the UNGA in December.