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Item 3: Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Panel discussion on the effects of terrorism on the enjoyment by all persons of human rights and fundamental freedoms

Friends World Committee for Consultation (Quakers) and Amnesty International take this opportunity to raise with some of the Panellists concerns regarding their organisations' potential complicity in the use of the death penalty for actions defined as terrorism.

As mentioned by the Deputy High Commissioner today, in some States the definition of terrorist offences is **so broad** as to include acts that do not meet the threshold of "most serious crimes"¹ and in some cases acts that should not be classed as crimes at all. Any execution for such an offence fails to meet the international safeguards for the use of the death penalty.²

In other States the definition of acts of terrorism is **so vague** that, in the words of the previous High Commissioner for Human Rights:

Such laws fail to comply with the principle of legality as they do not provide for reasonable notice of what actions they cover.³

It is not only States that **are using** the death penalty in such cases who are violating international standards, but also States and intergovernmental organisations that **provide assistance** leading to prosecution and execution. As the Special Rapporteur on extrajudicial, summary or arbitrary executions has noted:

Where the death penalty is imposed in violation of international standards, this assistance may amount to complicity and should lead to indirect legal or other responsibility on the part of the assisting party.⁴

¹ Safeguards guaranteeing protection of the rights of those facing the death penalty, Approved by Economic and Social Council resolution 1984/50 of 25 May 1984, Safeguard 1

² Question of the death penalty, Report of the Secretary-General, A/HRC/27/23 of 30 June 2014, paras. 37-39

³ Report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism, A/HRC/22/26 of 17 December 2012, para. 21. Question of the death penalty, Report of the Secretary-General, A/HRC/27/23 of 30 June 2014, paras. 37-39

⁴ Extrajudicial, summary or arbitrary executions, A/67/275 of 9 August 2012, para.68

The potential complicity of intergovernmental organisations was recognised by the United Nations Office on Drugs and Crime when it issued guidance in 2012 in relation to cooperation in counter-narcotics projects which sets out that:

If, following requests for guarantees and high-level political intervention, executions for drug-related offences continue, UNODC may have no choice but to employ a temporary freeze or withdrawal of support.⁵

Our question for the panellists from the United Nations Counter-Terrorism Centre and UNODC is:

- What steps have been taken to ensure that the support and assistance you provide, including that described today, does not render your organisations complicit in executions?

Friends World Committee for Consultation (Quakers) and Amnesty International oppose the use of the death penalty in all circumstances.

⁵ UNODC and the Promotion and Protection of Human Rights: Position Paper (2012), p.10. Extrajudicial, summary or arbitrary executions, A/67/275 of 9 August 2012, para. 90