



AI Index: IOR 40/5793/2017  
28 February 2017

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ORAL STATEMENT

**ITEM 3: HIGH-LEVEL PANEL DISCUSSION ON THE QUESTION OF THE DEATH PENALTY: THE DEATH PENALTY AND THE PROHIBITION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

UN Human Rights Council  
Thirty-fourth session  
27 February-24 March 2017

Mr President,

Amnesty International opposes the death penalty absolutely, in all cases, without exception. We are of the view that the death penalty always violates the right to life, and is the ultimate cruel, inhuman and degrading punishment.

In recent years, two Special Rapporteurs on torture have analysed whether there is an evolving standard considering the death penalty itself to be a violation of the prohibition of torture and other ill-treatment, independent of special practices, conditions or methods of executions.<sup>1</sup> In 2012, Special Rapporteur Juan Méndez expressed his view in support of such an emerging standard<sup>2</sup>, a position also supported by some individual members of the Human Rights Committee.<sup>3</sup>

The practice of torture and other ill-treatment is widespread despite the clear prohibition against these practices under international law. Amnesty International has recorded cases of people who were sentenced to death after trials partly or exclusively based on forced “confessions” allegedly extracted through torture or under duress in China, Bahrain, Iran, Japan, Saudi Arabia, Sudan, Taiwan, United Arab Emirates and Yemen.

Amnesty International calls on the Human Rights Council, its members and observer states to urge all countries that retain the death penalty to establish an official moratorium on executions with a view to abolishing the death penalty, as called for by six resolutions adopted by the UN General Assembly resolutions, including most recently 71/187 of 19 December 2016. Pending abolition, they must ensure rigorous compliance in all death penalty cases with international standards for fair trials. They must also ensure that any allegations of torture or other ill-treatment are promptly, impartially and effectively investigated by an independent body.

Thank you.

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<sup>1</sup> Reports of the Special Rapporteur on torture: UN Doc. A/HRC/10/44 (2009) S34-38 ; UN Doc. A/67/279 (2012) S53, 56, 65-72.

<sup>2</sup> Interim Report of the Special Rapporteur on torture, UN Doc. A/67/279 (2012) §72

<sup>3</sup> See *Chitat Ng v Canada*, HRC, UN Doc. CCPR/C/49/D/469/1991 (1994), dissenting opinions of Fausto Pocar and Francisco José Aguilar Urbina