

10 reasons to abolish the death penalty

By 2004, 118 countries had abolished the death penalty, in law or practice. An average of three countries abolish the death penalty every year. The worldwide trend towards abolition of the death penalty is reflected in the Africa region, where 24 members of the African Union had abolished the death penalty, in law or practice, by 1 October 2004.¹ Here are ten reasons for the total abolition of this degrading and inhuman punishment:

1 – the death penalty violates the right to life.

The Universal Declaration of Human Rights (UDHR) recognises each person's right to life. Article 4 of the African Charter on Human and Peoples' Rights (ACHPR) states that "*human beings are inviolable. Every human being shall be entitled to respect for his life and the physical and moral integrity of his person.*" This view is reinforced by the existence of international and regional treaties providing for the abolition of the death penalty, notably the second optional protocol of the International Covenant on Civil and Political Rights, adopted by the General Assembly of the United Nations in 1989.

2 – the death penalty is a cruel and inhuman death.

The UDHR categorically states that "*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*" All forms of execution are inhuman. No government can guarantee a dignified and painless death to condemned prisoners, who also suffer psychological pain in the period between their sentence and execution.

3 – the death penalty has no dissuasive effect.

No scientific study has proved that the death penalty has a more dissuasive effect on crime than other punishments. The most recent investigation into the links of cause and effect between capital punishment and the murder rate, was conducted by the United Nations in 1988 and updated in 2002. It came to the following conclusion: "*...it is not prudent to accept the hypothesis that capital punishment deters murder to a marginally greater extent than does the threat and application of the supposedly lesser punishment of life imprisonment.*"

4 – the death penalty is premeditated murder, demeans the state and makes society more violent.

By executing a person, the state commits a murder and shows the same readiness to use physical violence against its victim as the criminal. Moreover, studies have shown that the murder rate increases immediately after executions. Researchers have suggested that this increase is similar to that caused by other violent public events, such as massacres and assassinations.

5 – the death penalty is discriminatory in its application.

Throughout the world, the death penalty is disproportionately used against disadvantaged people. Some condemned prisoners from the most impoverished social classes would not have been sentenced to death if they were from wealthier sectors of society. In these cases, either the accused are less able to find their way through the maze of the judicial system (because of a lack of knowledge, confidence

¹ Abolitionists in law: South Africa, Angola, Cape Verde, Côte d'Ivoire, Djibouti, Guinea Bissau, Mauritius, Mozambique, Namibia and São Tome and Príncipe. The following countries have not applied the death penalty for at least ten years and have shown they have the political will to no longer use the death penalty and are therefore considered to have abolished the death penalty in practice : Algeria, Benin, Burkina Faso, Gambia, Kenya, Madagascar, Mali, Mauritania, Niger, Central African Republic, Republic of Congo, Senegal, Togo, Tunisia.

or financial means), or the system reflects the generally negative attitude of society and the powerful towards them. It has also been proved that certain criminals run a greater risk of being condemned to death if their victims come from higher social classes.

6 – the death penalty denies the capacity of people to mend their ways and become a better person.

Defenders of the death penalty consider that anyone sentenced to death is unable to mend their ways and could re-offend at any time if they are released. However, there are many examples of offenders who have been reintegrated and who have not re-offended. Amnesty International believes that the way to prevent re-offending is to review procedures for conditional release and the psychological monitoring of prisoners during detention, and under no circumstances to increase the number of executions. In addition, the death penalty removes any possibility for the condemned person to repent.

7 – the death penalty cannot provide social stability nor bring peace to the victims.

An execution cannot give the victim his or her life back nor ease the suffering felt by their family. Far from reducing the pain, the length of the trial and the appeal procedure often prolong the family's suffering.

8 – the death penalty denies the fallibility of human institutions.

The risk of executing innocent people remains indissolubly linked to the use of the death penalty. Since 1973, 116 people condemned to death in the United States have been released after proof of their innocence has been established. Some of them have only just escaped execution, after having passed years on death row. These repeated judicial errors have been especially due to irregularities committed by prosecution or police officers, recourse to doubtful evidence, material information or confessions, or the incompetence of defence lawyers. Other prisoners have been sent to their deaths when serious doubts existed about their guilt.

9 – the death penalty is a collective punishment.

This punishment affects all the family, friends and those sympathising with the condemned person. The close relatives of an executed prisoner, who generally do not have anything to do with the crime, could feel, as a result of the death penalty, the same dreadful sense of loss as the victim's parents felt at the death of their loved one.

10 – the death penalty goes against the religious and humanist values that are common to all humanity.

Human rights are universal, indivisible and interdependent. They are based on many traditions that can be found in all civilisations. All religions advocate clemency, compassion and forgiveness and it is on these values that Amnesty International bases its opposition to the death penalty.

There are other more detailed Amnesty International documents on the death penalty:

- *THE DEATH PENALTY Facts and figures*, ACT 50/008/2004, 6 April 2004.
- *THE DEATH PENALTY Questions and answers*, ACT 50/001/00, 11 April 2000.
- *WEST AFRICA It is time to abolish the death penalty*, AFR 05/003/2003, 10 October 2003.