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– Check Against Delivery –

ORAL STATEMENT

Biennial High-Level Panel Discussion on the Question of the Death Penalty

Contribution of the judiciary to the advancement of human rights  
and the question of the death penalty

24 February 2025 to 4 April 2025

Mr. President,

Judiciaries play a critical role in ensuring the protection of human rights in the context of the death penalty. In many countries, they have provided scrutiny and prevented the arbitrary deprivation of life, as most recently seen in the case of Hakamada Iwao in Japan, acquitted after five decades fighting for justice. Constitutional Courts around the world have also engaged on questions regarding the compatibility of the death penalty with human rights enshrined in national constitutions and several have resolved to fully abolish this cruel punishment.<sup>1</sup>

Judiciaries play a key role in increasing transparency in the use of the death penalty, a critical safeguard for due process.<sup>2</sup> We welcome the cooperation of several court registrars that shared information with Amnesty International for our annual global reports – for example, in India and Malaysia. The initiative taken by several judiciaries to make figures and decisions publicly available has been invaluable for public scrutiny in individual cases and essential for examining systemic flaws that may impact the use of this punishment – including lack of access to counsel, the unfairness of proceedings, the politicization of prosecutions, and the disproportionate impact on ethnic minorities, those living in poverty or people with mental disabilities.

We call on judiciaries in countries that still retain the death penalty to regularly publish judgments and figures; ensure that all proceedings respect safeguards and restrictions set out under international law and standards; initiate judicial reviews on the use of the death penalty and to regularly engage in dialogue with executive and legislative bodies, with a view to the full abolition of this cruel punishment.

Thank you.

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<sup>1</sup> Among other examples, Constitutional Court of South Africa, *The State v. Makwanyane and Mchunu*, Case No. CCT/3/94; Benin Constitutional Court Decision DCC 12-153; Washington Supreme Court, *State of Washington v. Allen Eugene Gregory* (No. 88086-7), (2018).

<sup>2</sup> Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, UN Doc. A/67/275, 9 August 2012.