

AMNESTY INTERNATIONAL OP-ED

Making the Death Penalty Obsolete, by Widney Brown, Senior Director International Law and Policy

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The past decade has seen significant progress in the march towards a world in which the death penalty is no longer deemed a legitimate form of punishment - surprising given the post-September 11 assault on human rights.

Surprising but true since 2003, 17 countries have officially abolished the death penalty. This means that 140 states – from every region, associated with every major religion and from diverse legal systems are abolitionist in law or practice.

But, this battle is a long one and challenges remain.

Executions continue to be carried out by some particularly powerful states, most notably China and the US. And a handful of countries are peculiarly enthusiastic when it comes to doling out the death penalty.

China accounts for the vast majority of executions followed by Iran, Saudi Arabia, Iraq and the US.

Amnesty International is particularly known for its work on individual cases - campaigning for governments to commute death sentences or grant clemency to people on death row.

Where we have concerns about whether a person received adequate due process and fair trial protections, we may call for a new trial and, of course, where there is evidence of factual innocence, we call for the conviction to be overturned.

However, we also tackle the death penalty by encouraging governments that are continuing to execute to at least review the number of offences that are deemed capital crimes.

For example, China abolished the death penalty for 13 non-violent offences and banned executions for people over the age of 75 - though the death penalty was also extended to include some other crimes.

Amnesty International also campaigns tirelessly to get all states to abolish the death penalty for people who were convicted of committing a crime when they were children. Similarly we have challenged the use of the death penalty against people who suffer from mental or intellectual disability.

As a result of the work of the abolitionist movement, courts are increasingly ruling against mandatory death sentences. For example, the Indian Supreme Court struck down as unconstitutional the mandatory imposition of the death penalty under the Arms Act of 1959.

Another critical path to eroding support for the death penalty is to look at the lack of transparency surrounding some of the cases.

It is imperative that if a government does sentence people to death, the charges and trial be transparent, that the sentence be subject to a mandatory appeal and the government reports on all cases of the imposition of the sentence as well as its execution.

Like I said earlier, it's a long game and challenges remain. In Nigeria and Bangladesh, the list of capital crimes has expanded to include vaguely defined acts of terrorism. It is impossible to get accurate data on executions in some countries, most notably China, but also Somalia.

Discrimination has long played a role in determining who gets sentenced to death and executed. This must be constantly exposed and challenged.

One aspect of this is the number of people living outside their country of citizenship who are executed. The execution of Mexican nationals who were denied consular access in the US is well known.

What is less well documented is the number of migrant workers being executed in countries like Saudi Arabia. These are fertile areas for campaigning.

But of course, one of the most powerful arguments against the death penalty is the very real risk of executing someone who is innocent. To err is human and there isn't a criminal justice system on earth that fails to reflect our shortcomings.

Given this possibility and the irreversible nature of the death penalty, everyone should think twice about the implications of supporting a flawed system that can lead to the death of someone who is innocent. After all, imagine if it was your father or sister, your mother or your son.