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Amnesty International urges UN Member States to support latest resolution on a moratorium on the use of the death penalty

The 65th session of the UN General Assembly is currently considering draft resolution A/C.3/65/L.23 on a moratorium on the use of the death penalty. This is the third resolution on the issue since 2007.

Amnesty International welcomes the decision of - so far – 78 states from all regions of the world to co-sponsor this resolution, and encourages more states to become co-sponsors. The organization also urges states to resist any amendments that would alter the resolution's focus on securing a moratorium on executions, with a view to abolishing the death penalty.

When the UN was founded in 1945 only eight states had abolished the death penalty for all crimes. Today no less than 136 out of the 192 UN member states have abolished the death penalty in law or practice. This includes Argentina and Uzbekistan which became abolitionist for all crimes in 2008, followed by Burundi and Togo in 2009.

Within the African Union, 49 of the 53 states did not carry out executions during 2008 and 2009. In Asia, there were no executions in Afghanistan, Indonesia, Mongolia and Pakistan in 2009, their first execution-free year in recent times. Europe and Central Asia is now virtually a death penalty free zone: Belarus is the only country still carrying out executions. In the Americas, only the United States of America consistently carries out executions, but the annual number has dropped by about half from the total a decade ago. In the Middle East and North Africa region, no executions were reported in Algeria, Lebanon, Morocco and Tunisia in recent years.

Resolutions aimed at restricting the use of capital punishment with a view to abolition have been adopted by the General Assembly since 1959. These include General Assembly resolutions 235-XXVI (1971) and 32/61 (1977) on capital punishment, which affirmed the desire to abolish the death penalty in all countries. In 2007, General Assembly resolution 62/149 called on all states to establish a moratorium on executions with a view to abolishing the death penalty; this call was reaffirmed by General Assembly resolution 63/168, adopted in 2008.

This year's draft resolution, which reiterates the call for a moratorium on executions, is a significant and timely step towards realizing the General Assembly's vision of a death penalty-free world.

Additional information

Death penalty, human rights and criminal justice

When resolutions 62/149 and 63/168 on moratorium on executions were discussed at the Third Committee of the UN General Assembly in 2007 and 2008 respectively, some states argued that the death penalty is a criminal justice matter and not a human rights issue. It is untenable to assert that criminal justice matters are distinct from human rights. The Universal

Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR) clearly articulate a number of protections for individuals subjected to criminal justice systems, including in respect of arrest, detention, trial and punishment. While the use of the death penalty is not explicitly prohibited by the ICCPR, Article 6(6) clearly states that “Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.”

Moreover, the UN has clearly recognized the death penalty as a human rights issue. For example, General Assembly resolution 32/61 (1977), adopted by consensus, confirmed the “continuing interest of the United Nations in the study of the question of capital punishment with a view to promoting full respect for everyone’s right to life”.

Death penalty and domestic jurisdiction

Some states argue that resolutions calling for a moratorium on executions constitute undue interference in their internal affairs and are an imposition of the views of some states on others.

Article 1 of the UN Charter, however, says that one of the purposes of the UN is the achievement of “international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms”. The 1993 Vienna World Conference on Human Rights notes in article 5 of its final declaration that it is the duty of states to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems.

Death penalty and deterrence

Scientific studies have consistently failed to find convincing evidence that the death penalty deters crime more effectively than other punishments. The most comprehensive study carried out by the UN (E/AC.57/1988/CRP.7) on the relation between the death penalty and homicide rates concluded: “...research has failed to provide scientific proof that executions have a greater deterrent effect than life imprisonment. Such proof is unlikely to be forthcoming. The evidence as a whole still gives no positive support to the deterrent hypothesis”.

The fact that no clear evidence exists to show that the death penalty has a unique deterrent effect points to the futility and danger of relying on the deterrence hypothesis as a basis for public policy on the death penalty.

Death penalty and miscarriage of justice

Unlike imprisonment, the death penalty entails the risk of judicial errors which can never be corrected. There will always be a risk that some prisoners who are innocent will be executed.

Some states argue that their legal systems include sufficient safeguards to prevent any miscarriage of justice. However, no justice system is infallible and there have been too many cases where serious doubts about the guilt of someone who was judicially executed arose after their death. The death penalty carries the inherent risk of executing innocent men and women. Innocent victims can never be brought back to life.

Transparency on the use of the death penalty

In countries that retain the death penalty, it is crucial that states make information regarding its use publicly available. Transparency on the use of the death penalty helps to ensure proper application of safeguards guaranteeing due process and prevents arbitrary deprivation of life. It keeps defendants, as well as those facing execution, their families, and the public fully informed at all stages of the process and helps policy-makers to make informed decisions regarding its abolition from legislation.