

# AMNESTY INTERNATIONAL

## External Document

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### **Death Penalty: Speech by Irene Khan, Secretary General of Amnesty International, Second World Congress against the Death Penalty 6 October, Montreal, Canada**

#### **"From goal to reality: Strategies to create a world without the death penalty"**

Amnesty International is proud to be here at this Conference as a member of the World Coalition against the Death Penalty.

This Second World Congress against the Death Penalty offers a great opportunity for all of us to reflect on our work, to exchange ideas and to forge common strategies and working relationships.

As you know, abolition of the death penalty has been a hallmark of Amnesty International's concerns from the time the organisation was created in 1961. In opposing it, Amnesty International members spoke out against what was permissible under international law. For us, it was and is a matter of human values, going beyond law.

We are proud to join organisations and people from around the world, of different nationalities, faith, age and gender, in a common struggle to end the death penalty globally. Just look at the diversity in this room. The death penalty is the ultimate, irreversible denial of human rights, because it contravenes the essence of human values. It is often applied in a discriminatory manner, follows unfair trials, or is applied for political reasons. It is not a unique deterrent against crime, and is an irreversible error when there is miscarriage of justice.

In 1977, Amnesty International organised its first International Conference on the Death Penalty in Stockholm bringing together 200 participants from five continents. That was the start of our public campaign to abolish the death penalty. It was followed by a global survey of capital punishment and a public campaign which culminated in 1980, with an appeal to the UN which was signed by Nobel Laureates, prominent personalities and ordinary people from over 100 countries.

Things have changed considerably since then. In 1977, when Amnesty International organised its first International Conference on the Death Penalty in Stockholm, only 16 countries had abolished the death penalty for all crimes. Today, we face a very different situation -- five times that figure, 80 countries, have now abolished the death penalty for all crimes, 15 countries have abolished it for all but exceptional crimes,

and another 23 have the death penalty on their books but have not carried out executions for the past ten years or have made an international commitment not to use the death penalty. Turkey is the most recent to join the ranks of abolitionists.

As you know, there are now four abolitionist treaties, the Second Optional Protocol to the ICCPR, the two European Protocols and the Protocol to the American Convention on Human Rights to abolish the death penalty.

Abolition is winning but there is still a long way to get there. During 2003, at least 1146 persons were executed in 28 countries. At least 2756 persons were sentenced to death in 63 countries. These numbers reflect only cases known to Amnesty International. The true figures are certainly higher.

In 2003, 84 per cent of all known executions took place in China, Iran, USA and Viet Nam.

A heightened concern for security and crime control continue to be drivers for the death penalty in many countries of the world.

Earlier this year Afghanistan carried out its first execution since the interim government in December 2001. Abdullah Shah, a military commander, was executed in Kabul in on 19 April 2004. He had been convicted in October 2002 on 20 counts of murder in special court proceedings which fell far short of international fair trial standards. He had no defence lawyer at his trial, the hearing was held in a closed court and the chief judge in the initial trial was found to have accepted bribes.

Last year, I visited Kabul and in my meeting with President Karzai, I urged him to maintain the moratorium. Earlier this year, his office had assured us that the President would not approve any judicial executions until the criminal justice system was reformed. After we issued a public statement protesting against Abdullah Shah's execution, the government publicly stated that all judicial executions would be suspended for the time being.

In Iraq, one of the first acts of the interim government was to reinstate the death penalty for murder, national security and drug trafficking. I hope this does not bode ill for the future human rights record of the country.

In Thailand, the government is using capital punishment as its principal tool to fight what it calls the "drugs war". Human rights abuses committed in the context of this crime control campaign, including the use of the death penalty, are of great concern of Amnesty International and I took it up with senior ministers of the Government during my visit to Thailand in July this year.

The number of people on death row has reportedly tripled over the past two years to nearly 1000 men and women, the majority of them sentenced for drug offences. At the end of 2003, more than 60 men and women condemned to death had exhausted all appeals and may be in imminent danger of execution. The government has repeatedly made public announcements that it will speed up executions of drug offenders as a "deterrent" against drugs production and trafficking. Ironically, both are on the rise, possibly proving what we have known elsewhere -- that the death penalty has never been shown to deter crime more effectively than other punishment.

The "war on terror" and the revenge of callous criminal acts by terrorists create the risk of a backlash, examples are the new law in Morocco, or the military Commission at Guantanamo Bay.

This is not a time for complacency. Despite important gains for the past four decades, there is still a long way to go to free the world from the death penalty. And, as we speak among the "converted" here, the key question is: how do we get there?

The global picture on the abolition of the death penalty is a mottled one, showing great progress in

many parts but also problems in others, and within those, a range of different situations from total abolition to frequent executions. To address this differentiated situation, we too must adopt a differentiated campaigning strategy, varying according to regions and countries.

At the regional level, Europe has become a force for world-wide abolition. Promoting worldwide abolition of the death penalty is an official policy of the European Union. In Europe and Central Asia, Belarus and Uzbekistan are the only countries still carrying out executions. We must make Europe a death penalty free zone.

Like Europe, Latin America also has a long abolitionist tradition and should become a vigorous promoter of abolition elsewhere, particularly in the Caribbean right on its doorstep.

In Africa, we should persuade the remaining retentionist countries to draw from the experience of their abolitionist neighbours. The African Union should be persuaded to take up the issue in the same way as the European Union.

At the level of countries, if a country has abolished the death penalty for ordinary crimes, then the task is to seek total abolition. If it is abolitionist in practice, then the task is to abolish it in law. If a country is still executing, the task is to stop executions and move on to abolition in law.

For countries that have abolished the death penalty it is important that they remain abolitionist. One way to ensure that is for them to ratify the international treaties on abolition. Such action not only solidifies their own position, it is also an act of international solidarity which encourages others. I hope very much that the country where we hold this conference today, Canada, which removed the death penalty from its books years ago, will also soon ratify the Second Optional Protocol to the ICCPR.

For countries that retain the death penalty, it is important to recognise their different practices, and to target them accordingly. Of the 78 countries that retain the death penalty, some 17 countries regularly carry out executions and they appear year after year in Amnesty International's worldwide list of executions. Another 44 countries and territories execute only sporadically. Twelve countries have not carried out executions for 10 years but do not have a policy suspending executions, and five countries are currently observing moratoria on executions.

We should work to diminish the number of executions in all these countries. We must campaign for the introduction of a moratorium on executions where there is none and persuade those that have introduced moratoria to move on to abolition in law. We can also seek to reduce executions, for instance, by cutting down the types of crimes for which people can be executed. One particular area for immediate action must be the global abolition of the death penalty for juveniles, and as in so many areas, the U.S. will be key here.

Experience has shown that the real force for change is from within a country. This makes national abolitionist movements a critical factor. They must be supported and encouraged to grow. As we heard from Michel Taube this morning, the World Coalition against the Death Penalty offers great potential for bringing together organizations operating at the national level with those working internationally. The Coalition must be strengthened so that it can fulfil this important task.

As an organisation with 74 national chapters, I know I speak on behalf of Amnesty International members worldwide of our own commitment to work both nationally and internationally to abolish the death penalty. Amnesty experts from 21 countries working on the death penalty around the world held a meeting yesterday -- and I know they are excited by the opportunities and determined to confront the challenges that lie ahead in our common struggle to abolish the death penalty.

The global abolition of the death penalty will not be an easy task -- no one ever said it would. As recently as April 2004, 64 countries explicitly dissociated themselves from a resolution favouring abolition in

the UN Human Rights Commission. Public opinion in many parts of the world still feels that the death penalty is needed to deter crime or "terrorism". Some believe that justice is served by execution, for others it is required by religious laws. Some governments themselves are convinced along those lines, others hide behind the excuse of lack of public support.

We must build greater public support for abolition. But we must also ask governments to show leadership on this issue.

These are tough times for human rights and we must be determined in our response to hold up the values in which we believe.

Human rights are for the best of us and the worst of us. Human rights are for the guilty as much as the innocent. That is why the death penalty must be abolished world-wide and we must use this Conference to set out clearly the path to that goal.

#### Public Document

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