

# Stop the death penalty: the world decides

In January 2007, eight men were acquitted of treason in South Korea – more than 30 years after they had been hanged. Such posthumous acquittals reveal the capricious, unsafe and inhuman truth behind the death penalty.

There can be little doubt that the world is moving towards global abolition. In 1977 only 16 countries had abolished the death penalty for all crimes. Today, that figure stands at 90. In July, Rwanda became the latest country to outlaw capital punishment and many more are moving steadily towards abolition.

A world free of capital punishment and state killing is on the horizon, but blocking the view are those few nations who continue to impose and apply the death penalty. Strong international leadership is needed now to make a firm commitment to end capital punishment.

The United Nations General Assembly (UNGA) – the principal UN organ consisting of all member states – must now adopt a resolution calling for a moratorium on executions. This would provide a powerful and timely push towards ultimate and permanent abolition. The resolution will be a cross-regional initiative and will be introduced at the 62nd Session of the UNGA which begins on 18 September 2007.

Many governments have done more than just abolish capital punishment in their own legal systems; they have led and supported international initiatives to achieve worldwide abolition. Ninety-five states signed or joined a statement presented at the UNGA 61st Session on 19 December 2006 “calling upon states that still maintain the death penalty to abolish it completely and, in the meantime, to establish a moratorium on executions.”

Amnesty International urges the UNGA to adopt a resolution calling for a global moratorium on executions and requests all states to support this important initiative.

The tipping point is now. As well as the 90 countries that have abolished the death penalty for all crimes, there

are another 40 who have abolished it for ordinary crimes or in practice – those who retain the punishment in law but have not executed anyone in the past 10 years, and are believed to have a policy of not doing so. In 2006, only 25 countries carried out executions and 91% of all known executions took place in six countries: China, Iran, Iraq, Pakistan, Sudan and the USA.



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The lethal injection chamber at Holman Correctional Facility in Atmore, Alabama, USA. The state has completed work at the prison to provide for an interchangeable death chamber that can be used for lethal injection or electrocution.



## Why banish the death penalty?

- The death penalty is irreversible and claims innocent victims. They can never be brought back to life.
- The death penalty is discriminatory and is often used disproportionately against the poor, minorities and members of racial, ethnic and religious communities.
- The death penalty is often imposed after a grossly unfair trial.
- The death penalty is a cruel punishment.
- The death penalty is a violation of the right to life and the right not to be subjected to cruel, inhuman and degrading punishment.
- Numerous studies have shown that the death penalty has no deterrent effect.
- The UNGA supported the aim of abolishing the death penalty 30 years ago. The UNGA has taken important steps to protect those facing execution. It is entirely consistent for the UNGA to call now for a moratorium on executions and start realizing the aim to abolish the death penalty.

## A truly global trend

In Central Asia, Kazakstan, Kyrgyzstan, Tajikistan and Turkmenistan have all abolished the death penalty or have moratoriums on executions.

Europe is a virtually death penalty-free area, the only exception being Belarus.

In Africa, only six of the region's 53 countries are known to have carried out state killings in 2006. Fourteen countries in the continent are abolitionist in law and a further 17 in practice.

With the abolition of the death penalty in the Philippines in June 2006, the Asia Pacific region now has 25 countries that are abolitionist in law or practice.

The Americas are almost free of executions. Since 2003, only the USA continues to execute people regularly. In Central and South America only Belize, Guatemala and Guyana threaten to execute.

## A journey of violations – from detention to death

The right to life is enshrined in the Universal Declaration of Human Rights. As is the right not to be subjected to cruel, inhuman and degrading treatment or punishment. These human rights are also recognized in other international instruments and many national constitutions.

International human rights law prohibits the execution of child offenders – those that committed a crime under the age of 18. It also prohibits the execution of the mentally ill and any execution that takes place after an unfair trial.

This year in Iran, two child offenders – Mohammad Mousavi and Sa'id Qanbar Zahi – were executed. In Saudi Arabia, Dhahian Rakan al-Sibai'l was beheaded on 21 July 2007 for a murder he allegedly committed when he was just 15.

In China, many executions take place after grossly unfair trials. Xu Shuangfu, the leader of an unofficial Protestant group called "Three Grades of Servants" was executed along with 11 others in November 2006 after being convicted of murdering 20 members of another group, "Eastern Lightning". Xu Shuangfu reportedly claimed that he had confessed under torture during police interrogation and that the torture had included beatings with heavy chains and sticks, electric shocks to the toes, fingers and genitals and forced injection of hot pepper, gasoline and ginger into the nose. Neither the initial nor the appeal court allowed his lawyers to introduce these allegations in his defence.

In Iraq, since the death penalty was reinstated in mid-2004, more than 270 people have been sentenced to death and there are reports of at least 100 executions. The preceding trials did not meet internationally recognized standards of fairness.

In Saudi Arabia defendants are sentenced to death after trials where they had no legal representation. For example, three foreign nationals, Halemma Nissa Cader (Sri Lankan), Naushad (Indian) and KMS Bandaranaike



(Sri Lankan) were sentenced to death for their part in an armed robbery, during which they allegedly killed a woman. They have had no legal assistance at any time and are believed to have confessed under duress. In July 2007, their case was reportedly going to appeal, but still without any legal assistance. Appeals are heard in secret and these individuals are at risk of imminent execution if their sentences are upheld.

## Executing the innocent

When the state kills, there is always the risk that those executed did not in fact commit the crime for which he or she has paid the ultimate price. In cases across the globe, strong doubt has often been expressed but executions have gone ahead anyway. Luckier prisoners have been freed after their cases were re-examined.

It is impossible to determine how many innocent people have been – and are being – executed, as there are rarely judicial reviews or investigations into possible error after execution.

In 1981, Edmary Mpagi was arrested for robbery and murder in his family village in Uganda. Condemned to death at this trial, he spent 18 years in the Luzira Upper Prison, waiting for execution. His family reported that the man he had allegedly killed was still alive and they campaigned for his release. In July 2000, after 18 years on death row, Edmary Mpagi was released after a decision by a Presidential committee.



Seventy-one activists in Mexico protest to represent 71 children and young adults known to be in prison in Iran awaiting execution.

In Japan, Menda Sakae and three other men were sentenced to death on separate charges in separate trials, but were released during the 80s after it was established they were falsely accused and that “confessions” extracted under torture were used as evidence in the trials. Menda Sakae was acquitted in 1983, having spent 34 years on death row; during this time he had applied for retrial six times before his application was accepted.

In the USA, since 1973, 124 people on death row have been released because they were found to be innocent. Many of them had come close to execution. Many had been there for years.

## A cruel punishment

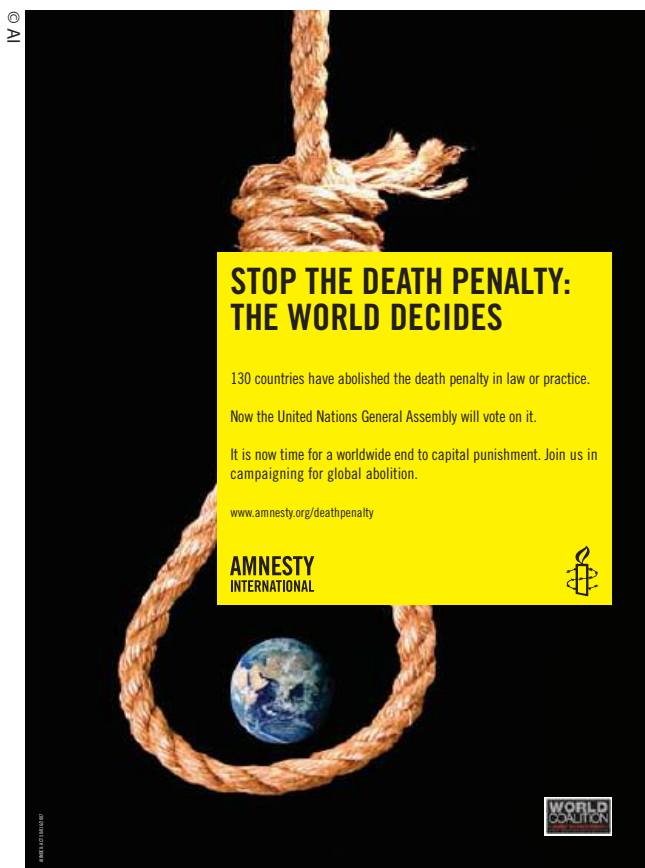
Every execution is brutal. It dehumanizes everyone involved, and devalues human life. There is no acceptable manner in which the state can kill.

And still, sometimes those executed have to suffer even more. In Kuwait, Sri Lankan national Sanjaya Rowan Kumara was executed in November 2006. Initially declared dead immediately after the hanging, Sanjaya Rowan Kumara was taken to the morgue where medical staff noticed he was still moving. According to newspaper reports, further examinations found a weak heartbeat. He was eventually pronounced dead five hours after the execution had begun.

In Iran, stoning is the punishment prescribed for adultery. Despite a reported moratorium on stoning ordered by the Head of the Judiciary in 2002, on 5 July 2007, Ja’far Kiani was stoned to death in a village near Takestan, Qazvin province, for committing adultery. A judiciary spokesperson later confirmed that the stoning had taken place. Stoning itself is calculated to cause maximum distress – the size of the stones carefully selected to cause a slow and painful death.

In the USA, Angel Diaz was executed by lethal injection in December 2007. After the first injection was administered, Diaz continued to move, and was squinting and grimacing as he tried to mouth words. A second dose was administered. It then took another 34 minutes before he was declared dead. Such is the concern around the humanity of execution by lethal injection that many US states have currently suspended executions to allow the issue to be examined.





The adoption of a resolution will not in itself prevent a state from imposing death sentences or carrying out executions. But the authority of such a resolution, coming from the body representing all UN member states, will make it much more difficult for states to carry on executing people. It will pave the way for worldwide abolition.

## Amnesty International's appeal to all UN member states

Amnesty International urges all UN member states to support the proposed UNGA resolution calling for a global moratorium on executions.

Such a resolution must include the following elements:

- Affirming the right to life and stating that abolition of the death penalty is essential for the protection of human rights;
- Calling on retentionist states to establish a moratorium on executions as a first step towards abolition of the death penalty;
- Calling on retentionist states to respect international standards that guarantee the protection of the rights of those facing the death penalty; and
- Requesting the UN Secretary-General to report on the implementation of the moratorium to the next session of the UNGA.

## A global moratorium paves the way for abolition

A resolution by the UNGA calling for a moratorium on executions will be a significant step towards a death penalty-free world.

### Stop the death penalty – the world decides

**Amnesty International** is a global movement of around 2.2 million people campaigning for human rights. We work for a world in which everyone enjoys all the human rights in the Universal Declaration of Human Rights and other international standards.

We research, campaign, advocate and mobilize to end all abuses of human rights.

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