61st Session of the United Nations Commission on Human Rights, 2005

Question of the death penalty

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Joint Oral Statement

Item 17 of draft agenda, promotion and protection of human rights.

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With reference to the Final Declaration of the Second World Congress against the Death Penalty, adopted in Montreal on 8 October 2004, the NGOs undersigned, members of the Steering Committee of the World Coalition against the Death Penalty, wish to express their concerns at the United Nations before its Commission on Human Rights.

The signatory organisations congratulate Greece, Bhutan, Samoa, Senegal and Turkey for having abolished the death penalty in 2004. However, they wish to protest strongly against the resumption of executions in Chad, India, Indonesia, Lebanon and the restoration of capital punishment in Afghanistan and Iraq. They condemn the retention and continued use of the death penalty in 76 countries, notably China, Iran, Japan, Saudi Arabia, Singapore, Viet Nam and the United States.

It is a matter of concern that the "war against terrorism" is becoming increasingly reliant on the death penalty at a time when international criminal courts are prosecuting the most serious crimes without resorting to capital punishment. The signatories deeply regret the recent death sentences in Indonesia and Morocco, along with demands for the death penalty in the United States in cases against alleged terrorists.

The unique deterrent effect of the death penalty has never been proven. Moreover, executions fail to heal the victims of crime’s suffering. It is therefore noteworthy that more and more families of victims are speaking out against capital punishment.

The signatory NGOs also wish to denounce the racial, sexual, economic and social discrimination that influences the manner in which death sentences are imposed and carried out.

States have an obligation to protect the right to life of individuals within their jurisdiction, without exception: this is notably enshrined in article 3 of the Universal Declaration of Human Rights, which affirms that every person has the right to life, and article 6 of the International Covenant on Civil and Political Rights.

The second Optional Protocol to the International Covenant on Civil and Political Rights, aims at the abolition of the death penalty.

The statutes of the International Criminal Tribunals for the former Yugoslavia and Rwanda, as well as the Rome Statute of the International Criminal Court, all exclude recourse to the death penalty at the international level, in spite of the fact that they deal with the most serious international crimes - war crimes, genocide and crimes against humanity.

The notion of "death row phenomenon" indicates the conditions of detention of a person condemned to capital punishment while awaiting the execution of the sentence. Those conditions of detention - which can include such factors as the very long duration of detention, total or near-total isolation in individual cells, the uncertainty of the moment of the execution, and deprivation of contacts with the outside world, including family members and legal
counsel - often amount to cruel, inhuman or degrading treatment.

The signatory NGOs consequently strongly urge the UN Commission on Human Rights, in its sixty-first session:

to adopt unanimously a resolution calling for the universal abolition of the death penalty in all circumstances and for the ratification of the second Optional Protocol to the ICCPR

to remind member States of the United Nations that sentencing minors under eighteen years of age at the time of the offence to death constitutes a violation of customary international law,

to call upon States that maintain the death penalty to immediately halt the imposition of the death penalty upon persons who suffer from or develop a mental illness or disability,

to call upon States that still maintain the death penalty not to extend its application to other crimes,

to call upon these States to suspend all executions, and to commute death sentences, with a view to completely abolishing the death penalty,

to retain this question on the agenda at its sixty-second session in 2006.