

Pro Patria Mori

Death Penalty Workshop
AITO Regional Conference 2006
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Purpose

1. *Re-familiarise Amnesty members with the cause of abolition,*
2. *Identify fellow organisations and sources of information,*
3. *Understand the patterns and current issues in abolition and the death penalty.*

Overview

- History of Abolition & the Death Penalty
- History of Amnesty & the Death Penalty

- International Legal Instruments & Mechanisms
- Status in 2004
- Current State (2006) & Regional Profiles
- Africa & The Middle East
- China (+ Video)
- Discussion (open forum)
- Actions & further information

Abolition and the Death Penalty

- Definitions
- Early History of Abolition
- “Fixing the unfixable” –

US Moratorium 1967-77 (Furman v. Georgia – Gregg v. Georgia)

- Canadian Experience

(Last Execution 1962; Abolished OC 1976, All 1998)

- UK Experience

(Last Execution 1964; Abolished OC 1969, All 1998)

Amnesty and the Death Penalty

- Amnesty's opening words
- Statute of Amnesty International (6th Intl. Assembly, 1968)
- Declaration of Stockholm, 1977
- Declaration on Participation of Doctors in the Death Penalty (1981)
- 1989 Focussed Campaign and publications

How Does Amnesty Deal with the Death Penalty?

- Amongst the work Amnesty does:
 - Urgent Actions
 - Appeals Campaigns
 - Statement on Doctor's Participation in Execution Process

International Legal Instruments

- UDHR
- ICCPR
- ECOSOC Safeguards
- Geneva Conventions
- American Convention on HR
- Inter-American Commission on HR
- European Convention on HR

Universal Declaration of Human Rights

- Article 3
 - Everyone has the right to life, liberty and security of person.
- Article 5
 - No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Second Optional Protocol to the International Covenant on Civil and Political Rights

The *Second Optional Protocol to the International Covenant on Civil and Political Rights*, aiming at the abolition of the death penalty, adopted by the UN General Assembly in 1989, is of worldwide scope. It provides for the total abolition of the death penalty but allows states parties to retain the death penalty in time of war if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state which is a party to the International Covenant on Civil and Political Rights can become a party to the Protocol.

Protocol to the American Convention on Human Rights

The *Protocol to the American Convention on Human Rights to Abolish the Death Penalty*, adopted by the General Assembly of the Organization of American States in 1990, provides for the total abolition of the death penalty but allows states parties to retain the death penalty in wartime if they make a reservation to that effect at the time of ratifying or acceding to the Protocol. Any state party to the American Convention on Human Rights can become a party to the Protocol.

Protocol No. 6 to the European Convention on Human Rights

Protocol No. 6 to the European Convention for the Protection of Human Rights and Fundamental Freedoms ["European Convention on Human Rights"] concerning the abolition of the death penalty, adopted by the Council of Europe in 1982, provides for the abolition of the death penalty in peacetime; states parties may retain the death penalty for crimes "in time of war or of imminent threat of war". Any state party to the European Convention on Human Rights can become a party to the Protocol.

Protocol No. 13 to the European Convention on Human Rights

Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms [European Convention on Human Rights] concerning the abolition of the death penalty in all circumstances, adopted by the Council of Europe in 2002, **provides for the abolition of the death penalty in all circumstances, including time of war or of imminent threat of war.** Any state party to the European Convention on Human Rights can become a party to the Protocol.

International Mechanisms

- UNHCR
- Special Rapporteur on Summary or Arbitrary Executions
- Inter-American Commission on HR

Other Organisations

- In 1980, at the Sixth UN Congress on the Prevention of Crime and the Treatment of Offenders, 42 International NGOs signed a Joint Statement against the Death Penalty
- Currently many NGOs oppose the Death Penalty. Many in the United States.
- Internationally many NGOs are members of the [World Coalition Against the Death Penalty](#) (World Day Against the Death Penalty is Oct 10th each year)

NGO Signatories to Joint Statement of 1980 *6th UN Congress on Prevention of Crime & Treatment of Offenders*

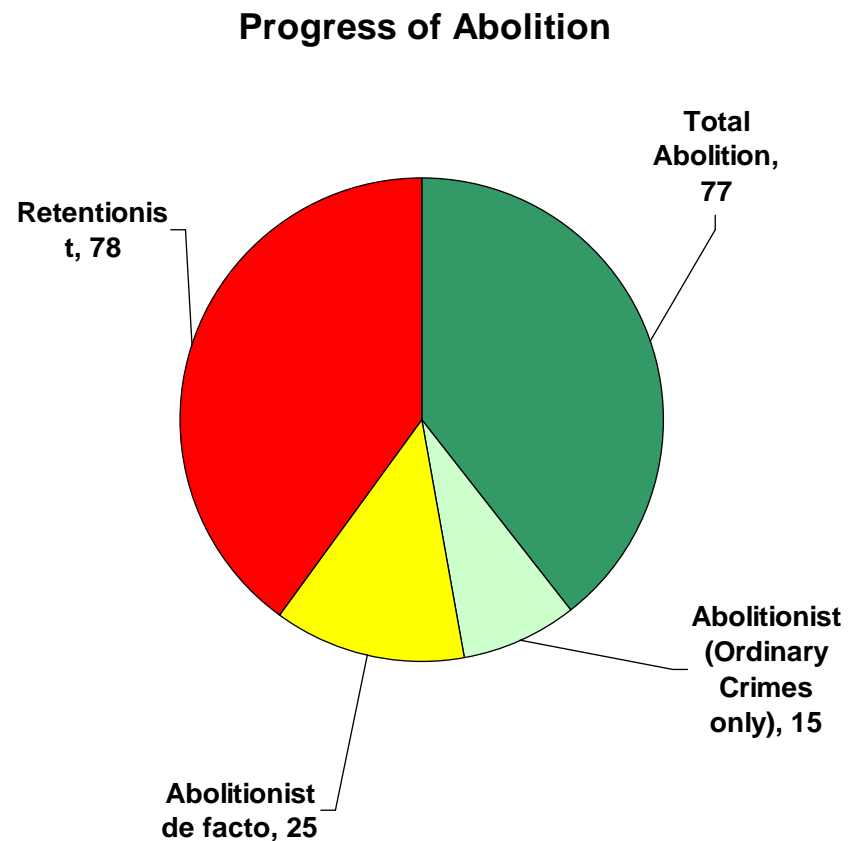
- Amnesty International
- Anti-Slavery Society
- **Arab Lawyers Union**
- Caritas Internationalis
- Commission of the Churches on Int'l Affairs of the World Council of Churches
- Friends World Committee for Consultation (Quakers)
- Int'l Alliance of Women
- Int'l Assoc. for Religious Freedom
- Int'l Assoc. of Democratic Lawyers
- Intl Confederation of Free Trade Unions
- Int'l Council of Jewish Women
- Int'l Council of Women
- Int'l Fed'n of Free Journalists
- Int'l Fed'n of Human Rights
- Int'l Fed'n of Women Lawyers
- Int'l League for Human Rights
- Int'l Movement for Fraternal Union among Races and Peoples
- Int'l Org. – Justice and Development
- Int'l Peace Bureau
- Int'l Social Service
- Int'l Union for Child Welfare
- Int'l Union of Judges
- Int'l Young Christian Workers
- Int'l Youth and Student Movement for the United Nations
- Minority Rights Group
- Pax Christi
- Pax Romana
- Socialist Int'l Women
- Societe Int'l de Propylaxie Ciminelle
- **Union of Arab Jurists**
- War Resisters' Int'l
- Women's Int'l League for Peace and Freedom
- Women's Int'l Zionist Org.
- World Alliance of Young Men's Christian Assoc's
- World Assembly of Youth
- World Confederation of Labour
- World Federation of United Nations Associations
- World Jewish Congress
- **World Muslim Congress**
- World Student Christian Federation
- World Union of Catholic Women's Org's
- World Young Women's Christian Assoc.

More Organisations

- [AMICUS](#)
- [Reprieve](#)
- [World Coalition Against the Death Penalty](#)
- [Death Penalty Information Center \(USA\)](#)

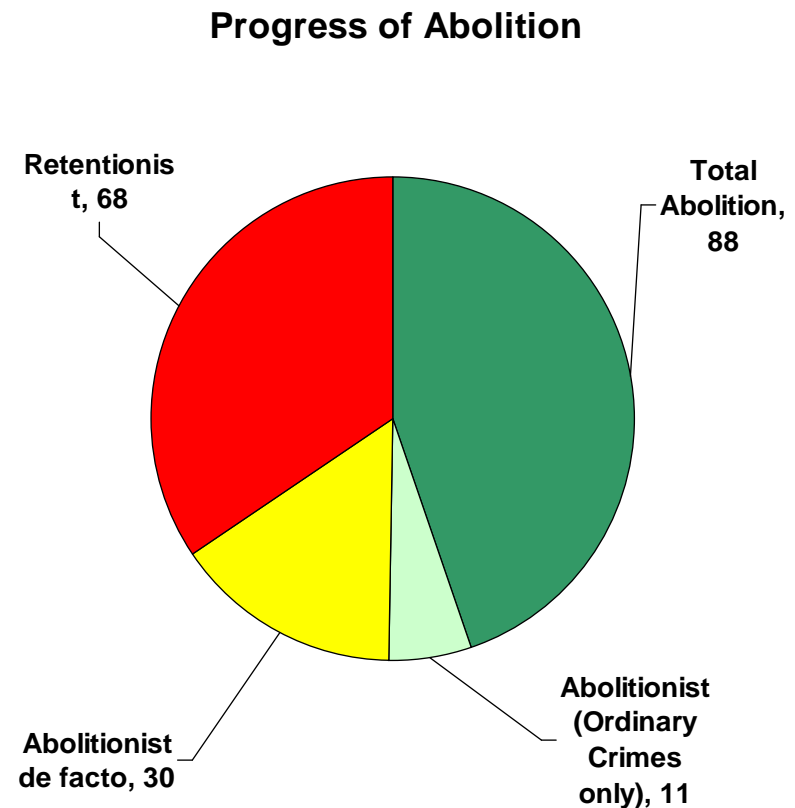
World in 2004 (last conference)

- **77** Countries Abolitionist (Complete)
- **15** Countries Abolitionist (OC Only)
- **25** Countries Abolitionist de facto
- **78** Countries Retentionist

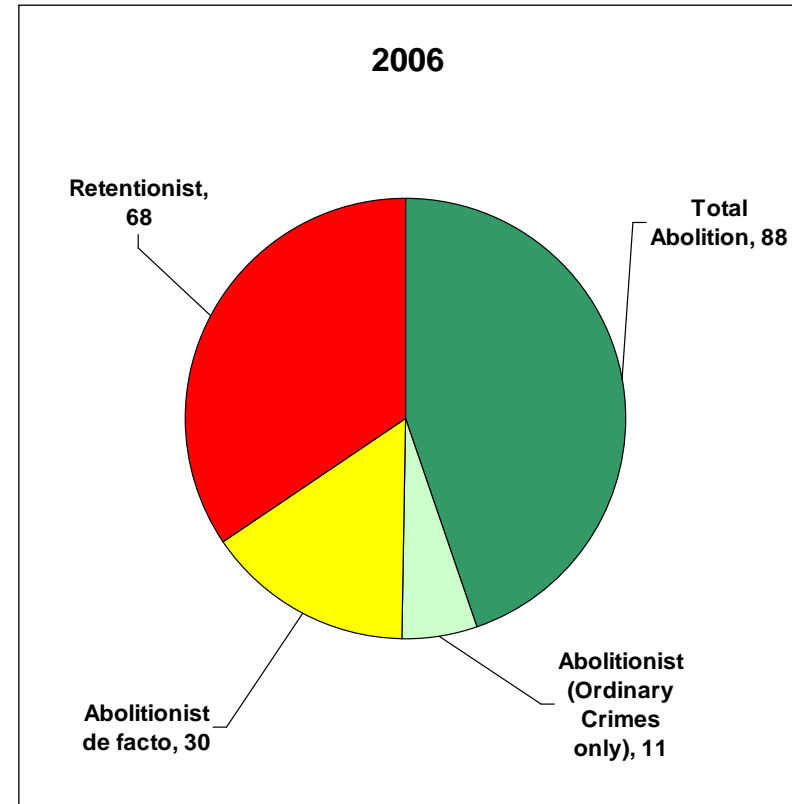
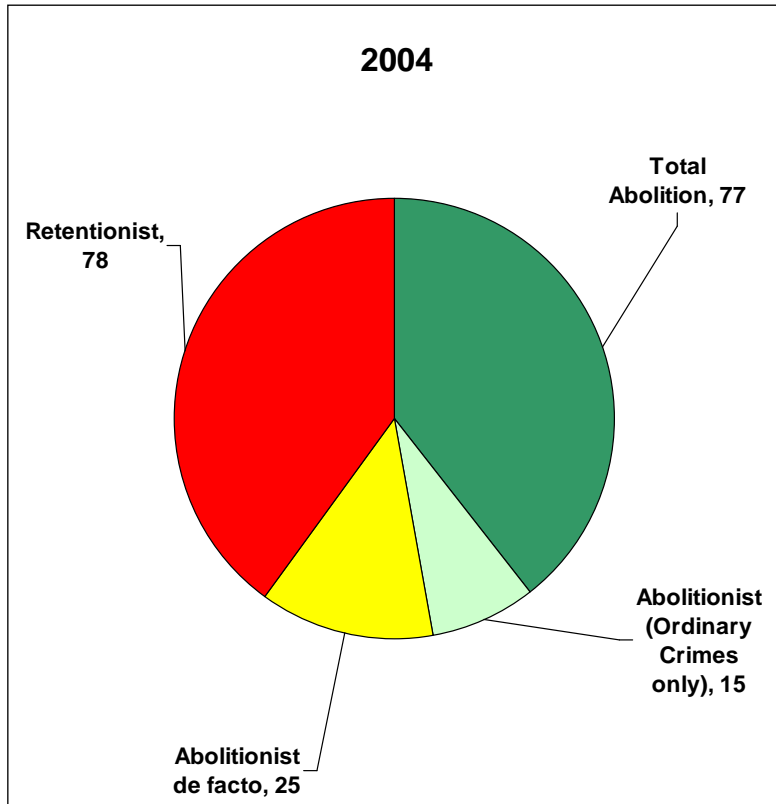


Current State of the World (2006)

- **88** Countries Abolitionist (Complete)
- **11** Countries Abolitionist (OC Only)
- **30** Countries Abolitionist de facto
- **68** Countries Retentionist

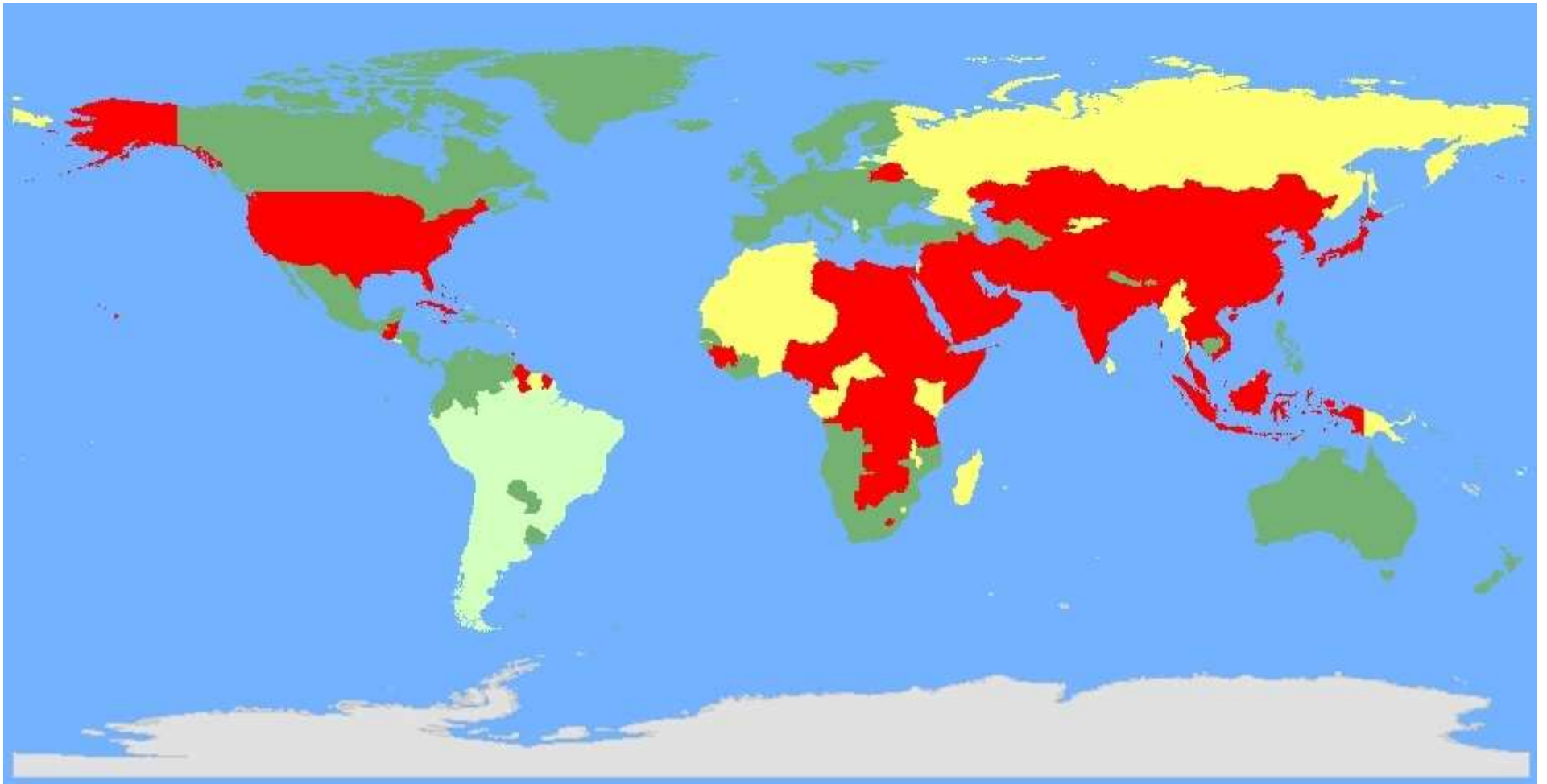


Comparison

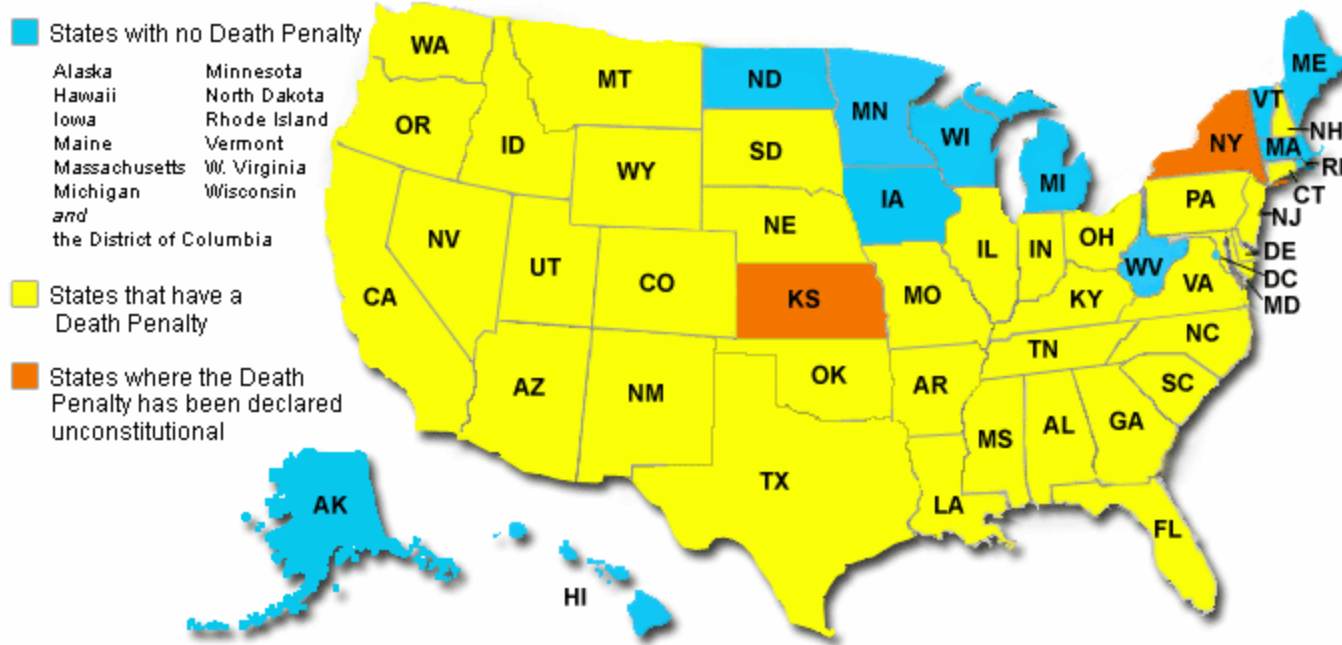


	2004	2006	Difference
Total	77	88	11
OC	15	11	-4
de facto	25	30	5
Retain	78	68	-10

Global Picture, 2006



“United” States



Source: Amnesty USA Website,
<http://www.amnestyusa.org/abolish/states/index.html>

Regional Profiles

- Central & South America
 - Mostly Abolitionist for Ordinary Crimes
 - First Region in the world to begin abolishing the Death Penalty
 - Mexico now fully abolitionist
- Caribbean
 - Moratoriums in these regions mainly due to creative work of defence teams
 - Jamaican election issue
 - Pressure for abolition mostly from old colonial powers

Regional Profiles

- Europe
 - Almost completely abolitionist or de facto (Belarus excepted)
 - Abolition Condition of membership (influencing nearby interested states)
 - Strong force for Abolitionist cause
- Oceania
 - Australia completely abolished 1984 (some Aus. states were abolitionist in 1960's)

Africa & The Middle East

- Islamic Law in the Middle East
- Rwanda voting on Abolition (Oct 2006)
- Mixed messages (e.g., Libya)
- Usual argument is that the public does not favour it yet. Often arg used in countries that are dictatorships anyway.
- Problem with many on-going conflicts
- Extra-Judicial and Summary Executions (e.g., Iraq and authorised Religious “gangs”)

East Asia (except China)

- Cambodia Abolished DP in Constitution
- Retentionist countries of many religions
- Pakistan and India both regions of concern
- Singapore has highest per capita rate of execution (1996-2000 estimate)
- Philippines Abolished DP, reintroduced DP and abolished DP again

China

- China executes more prisoners than all other countries combined, even in “known” figures
- Actual figures impossible to obtain – deemed a “State Secret” (est 2,000 – 10,000 per annum)
- Kills for example
- Public Execution
- Organ Sales
- Olympics – An Opportunity for Change that is Dangerous to Ignore

BBC NEWS 27 Sept 2006

- Video Clip – China and Organ “donation” from the condemned.

online:

<http://www.youtube.com/watch?v=la04u0u8J8s>

Discussion

- (Open Question & Answer Session, time permitting)

Actions

- China
 - Petition to President for moratorium
- Middle East
 - Petition to Iran
- Africa
 - Letters to Ghana

Further Information

- www.amnesty.org or www.amnesty.ca
- **Hood, Roger, The Death Penalty: A Worldwide Perspective, 3rd Ed.**
- www.worldcoalition.org
- www.aubreyharris.com (death penalty links page)

Other Sources

- Beccaria, Cesare, [On Crimes and Punishments](#) (1764)
- Duff, Charles, [A Handbook on Hanging](#) (orig. 1928, 1961)
- Turow, Scott, [Ultimate Punishment](#) (2003)
- [Debating the Death Penalty](#), ed. Hugo Bedau (2004)
- Power, Jonathan, [Like Water on Stone](#) (2002)

- [*The Guardian Weekly*](#)
- [*Washington Post*](#)
- [*BBC*](#)
- [*Reuters*](#)