

RESEARCH REPORT

Forum: The Human Rights Council

Topic: The application of death penalty sentences with regard to human rights

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Description of the problem:

Human rights authorities and international bodies emphasize the right of every human to life, as underlined in the 1948 Universal Human Rights Declaration signed in Geneva. To start with, there are many aspects to this problem such as the moral question. Many have complained of the “inhumane” methods carried out by the exercise of the death penalty such as electrocution and the use of the slipknot which carry a tremendous amount of pain. Moreover, killing the aggressor only aids to continue the cycle of violence, as the personal vendetta moves towards the victim’s and the aggressor’s social circle.

On the other hand, anti-abolitionists claim that society is justly ordered when what is done is due to him/ her.

No judicial system is flawless, in the United States 87 people have been removed from the death row so far, also 1 in 7 persons executed is likely to be innocent. Moreover, in troubled countries of the world, many innocent suspects were tortured and made to confess crimes they did not commit and



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therefore sentenced to death. However, one has to note that there is no exclusive evidence and the data given above was made from conservative estimates.

Every trial dealing with capital punishment costs approximately \$2 million for attorneys, legal experts. Life without Parole (LWOP) trials cost about \$1.2 to \$3.6 million more than an average death sentence trial. Low-income suspects are more apt to be convicted to death sentences, even though they are innocent. This is due to the fact that they are unable to afford skilled attorneys, while wealthy suspects are less likely to be found guilty and if so, not to be sentenced to death. Their heavy influence and popularity disallows the death sentence to be carried out.

Yemen, Iran and Saudi Arabia execute suspects for crimes being carried out when they were juveniles. This decreases the reliability of the death penalty as a punishment, as persons below the 18 years of age are not mature enough to comprehend the long term damages of their actions.

Unfair trials in corrupt nations are also a cause for concern, as innocent suspects are more likely to be sentenced to death. Furthermore, violations to the right of life may be committed by agents acting outside the official remit of the government for example paramilitary troops which on occasions can be sponsored by the government.

Background information & Countries involved

Death sentences date back to 1600 B.C for a variety of crimes, for example heresy, blasphemy, treason, murder at a high degree, drug-related offenses, economic crimes and rape. The first recorded death penalty was in 1608 in the British Colony of America in Virginia for acts of treason.

The roots of the abolitionist movement take us back to 1764, where the Italian jurist, Cesare Beccaria, stressed the flaws of the death penalty and later on moved to influence European thinkers such as Voltaire.

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In 2013, there have been 778 executions recorded in 22 countries, a 15% increase from 2012.

Overall, the countries using the death penalty as a punishment decreased from 37 to 22 in 2013.

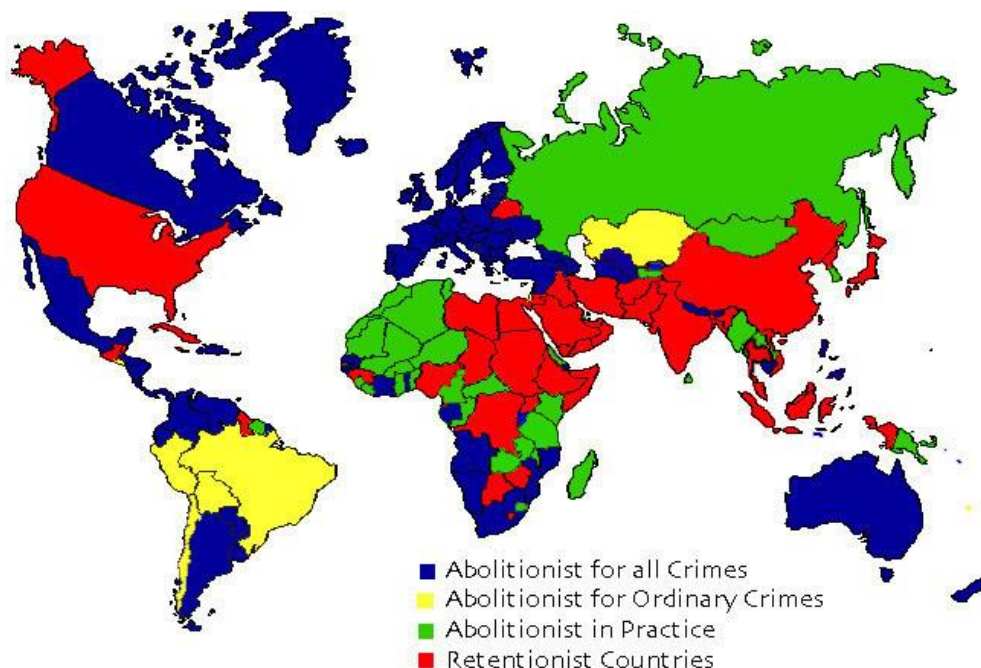
The top five countries carrying out the most death sentences are:

1. China
2. Iran
3. Iraq
4. Saudi Arabia
5. USA

The United States is the only country in the Americas to carry out death sentences in the last 10 years, while 41% of them are in Texas.

It has to be noted that China has the official figures classified as a state secret, undermining the real-life situation.

Iran, Japan, Indonesia, South Sudan, India and Malaysia attempt to hide the death penalty figures by carrying them out in secrecy. In total, 100 countries have abolished the death penalty, 7 retain it for exceptional circumstances, 48 allow it but have not used it for the last 10 years and 40 maintain the death penalty in both law and practice.



What has the UN done so far?

Under the Rome Statute of the International Criminal Court, anyone sentenced to death, has the right to seek pardon. The UN General Assembly adopted a non-binding resolution to abolish the death sentence and since 2007 adopted four resolutions calling for a moratorium to capital punishment.

The UN Secretary-General, Ban Ki-moon, has also called for the abolition of the death penalty for all countries, and if they insist to keep it, at least to allow more transparency to allow serious debate.

In 1982, the UN set up the position of the Special Rapporteur for death penalty, whereby he will examine situations where such executions take place and issue an urgent appeal to prevent imminent violations. He is in direct contact with the government concerned, although on a number of occasions the authorities have ignored the rapporteur's requests.

The second optional protocol International Covenant on Civil and Political Rights confines the death penalty to "very serious crimes" and prohibits it for criminals who are 18 years old as well as calling for the abolition of the death penalty. The protocol has been adopted by the General Assembly in 1989.



Timeline of events

- 1608 First recorded death penalty in Virginia by British colonialists.
- 1764 Cesare Beccaria's *Crimes and Punishments* become the foundation for the abolitionist movement across Europe.
- 1948 The Universal Declaration of Human Rights is signed in Geneva stating the right to life to every human being.
- 1966 the International Covenant on Civil and Political Rights (ICCPR) urges for the abolition of the death penalty as well as setting limits on the carrying out the sentence.
- 1982 The United Nations create the position of Special Rapporteur for the death penalty.
- 1985, the Council of Europe adopts a protocol to the European Convention on Human Rights on the abolition of the death penalty.
- 1989 the Second optional protocol to the ICCPR is adopted by the United Nations General Assembly calling for the abolition of the death penalty.
- 2000 the protocol to the American Convention on Human Rights on the abolition of the death penalty is adopted by the Organization of American states.
- 2002 The International Criminal Court adopts the Rome Statute whereby the death penalty is excluded from punishments the court is permitted to impose despite the fact it has jurisdiction over various crimes.
- 2007, the UN GA passes a resolution calling for a moratorium on the death penalty.
- 2013 Up to 100 countries have abolished the death sentence for all crimes.

Key terms:

Capital punishment: Punishment of death prescribed by law or crime.

Arbitrary or extra-judicial executions: Killings which are not authorized by law as punishment for crimes but carried out in an ad-hoc manner by state or non-state actors usually for political purposes.

Relevant resolutions:

UN GA 63/168

UN GA 62/149

UN GA 25/206

Helpful links:

<http://www.theguardian.com/news/datablog/2011/mar/29/death-penalty-countries-world>

<http://www.nytimes.com/2007/11/18/us/18deter.html?pagewanted=all&r=0>

http://www.hrea.org/index.php?base_id=159

<http://www.manskligarattigheter.se/en/human-rights/what-rights-are-there/right-to-life-the-death-penalty>

<http://www.progressive.org/mpmeeropol101010.html>

Sources

<http://www.amnesty.org/en/death-penalty>

<http://deathpenalty.procon.org/view.resource.php?resourceID=002000>

<http://deathpenalty.procon.org/view.timeline.php?timelineID=00025>

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<http://www.icomdp.org/arguments-against-the-death-penalty/>

<http://www.oas.org/juridico/english/treaties/a-53.html>