

**Death Penalty statement on behalf of Amnesty International, International Helsinki Federation for Human Rights, Penal Reform International and the World Coalition Against the Death Penalty.**

A resolution calling for a global moratorium on executions will be introduced at the United Nations General Assembly (UNGA) 62nd session which began on 18 September 2007.

Endorsement by the UNGA of a global moratorium on executions would be a significant milestone towards achieving the goal of a death penalty-free world.

The death penalty is the ultimate cruel, inhuman and degrading punishment. It violates the right to life. It is irrevocable and can be inflicted on the innocent. It has never been shown to deter crime more effectively than other punishments. It legitimizes an irreversible act of violence by the state. 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. But even when trials respect international standards of fairness, the risk of executing the innocent can never be fully eliminated: the death penalty will inevitably claim innocent victims, as has been persistently demonstrated.

Many governments have recognized that the death penalty cannot be reconciled with respect for human rights. As a result, an increasing number of countries across the world have abolished the death penalty in their national legislations. Furthermore, many governments have done more than abolish capital punishment in their own legal systems by leading and supporting international initiatives to achieve worldwide abolition of the death penalty. Ninety-five states including the 27 members of the EU plus Albania, Andorra, Armenia, Bosnia-Herzegovina, Canada, Croatia, Georgia, Iceland, Kazakhstan, Kyrgyzstan, Liechtenstein, former Yugoslav Republic of Macedonia, Moldova, Montenegro, Russian Federation, San Marino, Serbia, Switzerland, Tajikistan, Turkey, Turkmenistan and Ukraine, 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.”

There is a momentum towards abolition of the death penalty. One-hundred-thirty-three UN member states, from all regions in the world, have abolished the death penalty in law or in practice and only 25 countries carried out executions in 2006. Ninety-one per cent of all known executions took place in six countries: China, Iran, Iraq, Pakistan, Sudan and the USA.

This trend can be seen in all regions in the world including the five regions covered by the OSCE which accounts for 56 countries in the world.

Belarus is the last executioner among the OSCE states of Europe and Central Asia. Belarus still maintains the death penalty for “premeditated, aggravated murder” and 12 other peacetime offences. In July 2005, the deputy head of the presidential administration

said that abolition of the death penalty could be considered "once social and economic preconditions were in place".

On 15 November 2006, the State Duma (lower house of parliament) of the Russian Federation voted to postpone until 2010 the introduction of jury trials in Chechnya, the only remaining Russian Federation region without a jury system. This decision has the effect of extending the current moratorium on the death penalty, introduced in 1999 by the Federation Constitutional Court when it banned regular court judges from sentencing people to death until the jury system was introduced everywhere in the Russian Federation.

On 27 December 2006 in Georgia President Mikheil Saakashvili signed a constitutional amendment regarding the complete abolition of the death penalty. Georgia had already abolished the death penalty in 1997 but the Constitution still stated that "until its complete abolition the death penalty can be envisaged by organic law for especially serious crimes against life. Only the Supreme Court has the right to impose this punishment". This reservation has now been deleted and replaced with the wording "The death sentence has been abolished".

In Central Asia, there is a clear move towards abolition. Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan retained the death penalty when they gained independence in 1991. Turkmenistan abolished the death penalty for all crimes in 1999. Kyrgyzstan abolished it for ordinary crimes in June 2007; the cases of all 174 prisoners currently sentenced to death were to be reviewed by the Supreme Court by the end of 2007. Kazakhstan has had a moratorium on executions since 2003 and Tajikistan has had moratoria on executions and death sentences since 2004. Uzbekistan is also taking steps towards abolition. On 1 August 2005 President Islam Karimov signed a decree stipulating the abolition of the death penalty in Uzbekistan from 1 January 2008. In June 2007 the Uzbekistani Senate passed amendments to the criminal and criminal procedure codes that are believed to replace the death penalty with life imprisonment from January 2008.

Moldova had abolished the death penalty for all crimes in 1995 and, in this regard in July 2006, Moldova's parliament voted to remove the clause in the country's constitution which provided for the imposition of the death penalty in extraordinary circumstances. In September 2006 the government ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) and in October 2006 Protocol No 13 to the European Convention on Human Rights and Fundamental Freedoms (ECHR).

On 12 January 2007 the Parliament of the internationally unrecognized region of Abkhazia adopted the law entitled "Moratorium on the Death Penalty", establishing a moratorium on executions during peacetime. Since 1993 there had been a *de facto* moratorium on executions in place in Abkhazia. According to the governmental news agency *Apsnypress*, death sentences can still be handed down for "particularly grave crimes against life, the foundations of the constitutional order, against the security of the state, and crimes against military service." Reportedly, there are currently two male

prisoners on death row in Abkhazia. The unrecognized region of South Ossetia continues to have a moratorium on death sentences and executions in place.

The United States of America is slowly turning against the death penalty. The 53 executions carried out in 2006 represented the lowest annual total for a decade, and death sentencing continues to drop from its peak in the mid-1990s. The number of people sentenced to death in 2006 was under half of what it was in 1996 and the lowest since 1977. This seems to reflect a broader downturn in public support for the death penalty. For example, in February 2007, the Montana Senate voted to abolish the death penalty. There is strong public support for a moratorium on executions in the state of North Carolina where almost 40 local governments and more than 40,000 people have signed a moratorium petition. In New York, the state's highest court in 2004 found the state's death penalty statute unconstitutional. In New Jersey in 2006, the legislature imposed a moratorium on executions and established a commission to study all aspects of the death penalty in that state. In its final report in January 2007, the commission recommended abolition of the death penalty. An erosion in the public's belief in the deterrence value of the death penalty, an increased awareness of the frequency of wrongful convictions in capital cases, and a greater confidence that public safety can be guaranteed by life prison terms rather than death sentences, have all contributed to a waning in public enthusiasm for capital punishment.

The above figures and examples demonstrate that there is a real momentum to end capital punishment in all regions in the world including the countries belonging to the OSCE area. This trend is further supported by the increased ratification of international and regional treaties providing for the abolition of the death penalty. During 2006 and until August 2007 Andorra, Moldova, Turkey and Ukraine have ratified the Second Optional Protocol to the ICCPR and Albania, Luxembourg, the Netherlands and Turkey have ratified Protocol 13 to the ECHR.

Amnesty International, International Helsinki Federation on Human Rights, Penal Reform International and the World Coalition against the Death Penalty call on all the OSCE states taking part in this Human Dimension Implementation meeting in Warsaw (Poland) to support this important cross-regional initiative by urging the UNGA to adopt a resolution calling for a global moratorium on executions. By adopting a resolution on a moratorium on executions, the UNGA will take a further, major step towards the worldwide abolition of the death penalty.