



Statement to Working Session 4: Death Penalty

Joint statement by Amnesty International (AI) and Penal Reform International (PRI)

On 18 December 2007 a resolution on a moratorium on the use of the death penalty (Resolution 62/149) was adopted by the UN General Assembly (UNGA). Resolution 62/149 was adopted with strong cross-regional support: 104 votes in favour, 54 against and 29 abstentions. AI and PRI welcome the support shown for the resolution by OSCE member states. Resolution 62/149 was the result of a cross-regional initiative led by 10 countries: Albania, Angola, Brazil, Croatia, Gabon, Mexico, New Zealand, the Philippines, Portugal (for the EU) and Timor Leste.

The resolution reaffirms in unequivocal terms the commitment of the UN towards abolition. Resolution 62/149 expresses deep concern about the application of the death penalty and calls upon states that still maintain it to, *inter alia*, respect international safeguards guaranteeing the rights of those facing the death penalty, to reduce the number of offences for which the death penalty may be imposed and "to establish a moratorium on executions with the view to abolishing the death penalty".

AI and PRI believe that the resolution is an important human rights and political development towards the worldwide abolition of capital punishment.

The resolution is a reminder of member states' commitment to work towards abolition of the death penalty. It is also an important tool to encourage retentionist countries to review their use of the death penalty. This is in line with the OSCE work on the death penalty. In its work on monitoring the use of the death penalty, the ODIHR aims to increase transparency as well as compliance with international safeguards, while also facilitating exchange of information about the abolition of the death penalty.

The strong, cross-regional support reflects the solid and long-standing trend towards abolition of the death penalty in all regions of the world including the OSCE region. This trend is also reflected in the steady increase in the number of states parties to international and regional treaties providing for the abolition of the death penalty. AI

and PRI welcome the fact that in October 2007 **Albania** and France ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty and on 10 October 2007 **France** ratified Protocol 13 of the European Convention on Human Rights, concerning the abolition of the death penalty in all circumstances.

Out of the 56 participating States of the OSCE, only Belarus and the USA continue to carry out executions.

There have been more than 20 executions in the **USA** since early May 2008 following a six-month moratorium while the US Supreme Court considered the constitutionality of lethal injection as an execution method.

Studies and individual cases continue to provide evidence that capital justice in the **USA** is marked by arbitrariness, discrimination and error. During 2008, three more men were released from death rows on grounds of innocence, bringing to more than 120 the number of such cases since 1975. The three men had all spent more than a decade on death row. Despite such revelations about mistakes in capital cases, states continue to pursue executions where there are doubts about the condemned prisoners' guilt.

Europe is a virtually death penalty-free area, the only exception being **Belarus**. Regrettably, even though **Belarus** abstained during the vote at the UN General Assembly, in February 2008 three prisoners on death row - Syarhey Marozaw, Ihar Danchanka and Valery Harbaty (Valerii Gorbatii) - were executed. There are no figures available to date for the number of executions carried out in 2007. Execution is by a gunshot to the back of the head, and relatives are not officially told of the date of the execution or where the body is buried.

Russia has held a moratorium on executions and death sentences for more than 10 years but still needs to abolish the death penalty in law. 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. However, by September 2008 Kazakhstan, Kyrgyzstan, Turkmenistan and Uzbekistan had abolished the death penalty in law. Tajikistan has moratoria on executions and death sentences.

Steady progress has been made, but the implementation in practice of these reforms will remain at the forefront of both organizations' concern until the OSCE region becomes death penalty free.

Recommendations

Amnesty International and Penal Reform International call on all the OSCE states taking part in this Human Dimension Implementation meeting in Warsaw (Poland) to

continue to support this important cross-regional initiative by urging the United Nations General Assembly (UNGA) to adopt a second resolution on a moratorium on the use of the death penalty that will be introduced at its 63rd session starting in September. 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. This will be in line with the ODIHR's aims of ensuring compliance with international standards and exchange of information on the abolition of the death penalty.