

THE CAMPAIGN OF HANDS OFF CAIN FOR A UNITED NATIONS MORATORIUM ON EXECUTIONS

The numeric and political facts contained in the 2007 Report of Hands Off Cain document the constant reduction of the number of countries using the death penalty and the increasingly favourable position of countries opposing the death penalty on the world stage.

The Precedents

In **1994**, on the initiative of Hands Off Cain and the Transnational Radical Party, the Italian Government presents, for the first time in the history of the U.N., a resolution for a universal moratorium on capital executions at the General Assembly. The resolution is not approved for only 8 votes! 20 of the current E.U. member states abstain from the vote.

In **1997**, the Italian Government, in the face of fierce opposition of some European partners, presents the resolution for the moratorium to the U.N. Commission for Human Rights in Geneva that approves it with 27 votes in favour, 11 opposing votes, 14 abstentions and 1 absence. In the resolution, the Commission expresses "its conviction that abolition of the death penalty contributes to the enhancement of human dignity and to the progressive development of human rights" and, for this, calls for "a moratorium on executions, with a view to completely abolishing the death penalty."

Since then, every year and lastly in 2005, the resolution has been approved by the Commission in Geneva and it is also thanks to this that the situation regarding the death penalty has radically changed: from **97** U.N. member countries retaining the death penalty to **49** today.

In **1999**, the resolution for the moratorium is presented again at the U.N. General Assembly, this time not by the Italian Government, but by the European Union as a whole, which backs out at the last minute because "from Brussels," says Francesco Paolo Fulci, Italian U.N. Ambassador at the time, "comes the order to New York for European Ambassadors to suspend any such initiative."

In 2003, the Italian Presidency of the E.U. receives the mandate from the Italian Parliament and the support of the European Parliament to present the resolution for the moratorium to the General Assembly but, despite this, declares that the E.U. is not in favour of the initiative and does nothing.

2006-2007: the Deliberations of the Italian Parliament, of the European Parliament, and the Conduct of the German Presidency of the E.U.

On July 27th 2006, the Italian Chamber of Deputies unanimously approved a motion, presented by Sergio D'Elia and undersigned by representatives of all the political groups of the Chamber, that committed the Italian Government to "present at the next General Assembly of the United Nations [meaning that which would convene in September of the same year], in consultation with its partners of the European Union, a proposal for a resolution for a universal moratorium on capital executions in view of the complete abolition of the death penalty."

On October 19th 2006, carried by the inertia of the Government, the Commission on Foreign Affairs of the Chamber of Deputies approves, again unanimously, a resolution that calls for "a timely and full realization of the motion of the Chamber of July 27th 2006... and assure that the resolution has the co-sponsorship and support of countries representing all continents."

On June 14th, the Commission on Foreign Affairs of the Chamber of Deputies unanimously approved another resolution that invites the Government "to proceed with maximum urgency and without further delay to presenting the Resolution pro moratorium to the current General Assembly, being unacceptable that, after ten years of ostracism, it again impedes (in the form of a postponement) the United Nations, where an indisputable majority holds a pro moratorium position, to vote on and manifest it."

On February 1st 2007, the European Parliament approves by an overwhelming majority a resolution presented by all political groups, except those of the extreme right and euro-sceptics, which "firmly supports the initiative of the Chamber of Deputies and the Italian Government" and "invites the Presidency of the E.U.

to adopt with urgency an opportune action to guarantee that the resolution will soon be presented to the current General Assembly of the U.N.”

On April 26th, with no action on the part of the government in Berlin in follow up to the resolution of February 1st, the European Parliament once again invites the German Presidency of the E.U. and the governments of its member states to “immediately present, with the co-sponsorship of countries of other continents, a resolution for a universal moratorium” to the current General Assembly of the U.N. In the text, approved by a vast majority, the Assembly of Strasbourg refers to the moratorium as a “strategic step towards the abolition of the death penalty in all countries.”

The Declaration of Association against the Death Penalty and the Conduct of the German Presidency of the E.U.

On December 19th 2006, the European Union informed the U.N. in New York that **85** member countries of the U.N. had undersigned a “Declaration of Association” against the death penalty which called upon “the General Assembly to be seized of this matter in the future.” In the following months, the Declaration of Association would be undersigned by **10** countries (for a total of **95**) thanks to Aldo Ajello, already sent by the E.U. for the Great Lakes Crisis, to whom the Italian Government, at the suggestion of the Transnational Radical Party, entrusted a mission in Africa with the goal of gathering support for the moratorium in South Africa, Mozambique, Rwanda, Gabon, Mali and Liberia. This goal was successfully achieved.

Unlike a resolution voted on at the General Assembly, the Declaration of intent has no formal value or scope and only concedes time to European countries contrary to pro-moratorium initiative to impede the Italian Government from moving in a timely fashion as called for by the Italian and European Parliaments.

The German Presidency of the E.U. continues to postpone a decision on the presentation of the resolution to the U.N., proposing, for example, a survey/questionnaire to be given to the sponsors of the Declaration asking, among other questions, “if the presentation of a resolution is possible,” and if the Resolution should propose “the abolition of the death penalty” or “the *imposition* of a moratorium,” and “if such a proposal should be presented in 2007 or successively,” questions which constitute an attempt, willingly or not, to hamper every chance of presenting the resolution during the current General Assembly, in evident contradiction with the resolution of the European Parliament indicating a precise strategy on how to proceed on the issue.

December 2006-June 2007: The Non-Violent Initiatives from “Hands Off Saddam” to the Universal Moratorium

The hunger and thirst strike of Marco Pannella

On December 26, 2006, following the confirmation of the death sentence against former Iraqi dictator Saddam Hussein, Marco Pannella – president of Hands Off Cain, leader of the Nonviolent Radical Party and member of the European Parliament – began a hunger and thirst strike in support of the initiative “Hands Off Saddam” directed at stopping the execution. An appeal to that end had already been launched by Hands Off Cain in June of 2006 and gathered the support of more than 200 members of Italian Parliament, 3 Nobel Prize winners and numerous international celebrities. On December 30th, after the execution of Saddam Hussein, Marco Pannella continued his hunger and thirst strike to focus attention on the more general goal of a resolution on a universal moratorium on capital punishment. With his non-violent initiative, Pannella calls upon the Italian Government, to formalize its commitment in presenting a resolution for a universal moratorium on executions to the current U.N. General Assembly.

On January 2nd 2007, in response to the initiative of Pannella and in fulfillment of the unanimous mandate of the Italian Parliament, the Council of Ministers publicly declares that “the President of the Council of Ministers and the Government are committed to formally proceeding, involving, firstly, the undersigned countries of the Declaration of December, to place on the formal agenda of the General Assembly of the United Nations the question of a universal moratorium on the death penalty.” On June 3rd, after 8 days without water, Pannella interrupts his thirst strike, but continues his hunger strike until January 15th.

On March 21st, Marco Pannella begins another hunger strike that lasts until April 14th to keep pressure on the commitments made by the various Parliaments and Governments, above all those of Italy, in putting forth the presentation of a resolution on a universal moratorium on the death penalty at the current U.N. General Assembly.

The Easter March for the Universal Moratorium

On April 8th 2007, several thousand people took part in an Easter March from Campidoglio to Saint Peter's in Rome for a U.N. moratorium on capital punishment, promoted by Hands Off Cain, the Transnational Radical Party (TRP), the Community of Saint Egidio, the Italian Radicals and with the support of 16 ministers of the Prodi Government.

All-out Hunger Strike

On April 16th 2007, after a two-day suspension of his hunger-strike, the non-violent initiative of Marco Pannella, underway since March 21st, becomes an "all-out" hunger-strike "because it is unacceptable, after thirteen years, to postpone until next year the goal of a universal moratorium on the death penalty." In this new, intensified phase of the struggle, Pannella is joined by six other members of the Radical Party: Sergio D'Elia, Valter Vecellio, Guido Biancardi, Claudia Sterzi, Lucio Bertè and Michele Rana. The strike goes forward with only two brief interruptions until June 18th 2007, the day on which the European Union makes the decision to present the pro-moratorium resolution at the General Assembly of the U.N. starting next September.

The Occupation of RAI Television

On June 1st 2007, eight members of Parliament and TRP leaders occupy the administrative offices of RAI state television "to affirm the right of Italian citizens to be informed, in particular, of the boycott against the proposal for a moratorium on capital executions, and to allow public opinion to be involved and instrumental in a historical endeavor of civility and human rights." After five days and five nights, the "occupants" decide to end their action, despite the fact that RAI has offered an all but useless plan of communication to inform the public about the struggles of the pro-moratorium resolution.

The Appeal by Nobel Prize Winners

On June 7th 2007, the Radical Party and Hands Off Cain launch an appeal to President of the Council of Ministers Romano Prodi asking that Italy deposit "at the current U.N. General Assembly the project for a resolution for a universal moratorium on the death penalty."

Within days, the appeal includes 55 Nobel Laureates, including the Dalai Lama, Michail Gorbachev, Desmond Tutu and Lech Walesa; former heads of State like Inder Kumar Gujral, Moustapha Niasse, Michel Rocard, Majco Pandeli and Mark Eyskens; more than 500 parliamentarians from around the world including all the party leaders from the Italian Parliament (except Roberto Castelli of Lega Nord), all the Italian Life-time Senators and all the party leaders of the European Parliament, including representatives from the extreme rightwing. Among the international celebrities are Israeli writer David Grossman, Spanish writer Fernando Savater, and Director Bernardo Bertolucci. "After years of postponements and searching to build a unanimous European consensus, requests are no longer necessary, the time for action at the U.N. in New York has arrived," states the appeal to Prodi with 1,848 signatures of important figures from 101 countries or territories.

The success of June 18th in Luxembourg: No postponement until forever

On June 18th, the General Affairs and External Relations Council of the E.U., meeting in Luxembourg, unanimously assumes a formal commitment to present a resolution for a moratorium at the opening of the 62nd U.N. General Assembly in September. "The Council decided that the EU will introduce, in the framework of a cross-regional alliance, a resolution against the death penalty at the 62nd United Nations General Assembly," states the Council's official press release.

The decision of the E.U. is the result of a compromise, facilitated by the French Foreign Minister Bernard Kouchner, between the Italian Government wanting to respect the parameters set by the Italian and European Parliaments and the remaining 26 member-states of the E.U. that prefer to postpone the presentation until the following months.

"The postponement until forever of the presentation of the pro-moratorium resolution to the U.N. General Assembly was refused," declared Marco Pannella and the six Radical Party leaders on an all-out hunger-strike since April 16th. "It's a date that the E.U., unlike in past times, is forced to respect," affirmed the representatives of the TRP, who decide to "suspend" the hunger strike and start "the organization and reinforcement of the international mobilization, so the success of the day will become a victory at the General Assembly opening in September."

Heading to the 62nd General Assembly: Moratorium or Abolition, European Union or Worldwide Coalition

Hands Off Cain's Line

Immediately after the decision taken by the Minister of Foreign of the E.U. to present a moratorium on the death penalty to the U.N. General Assembly in September, Marco Pannella and all the leaders of the TRP communicated to the German Presidency of the E.U. and all its Foreign Ministers, the necessity of a strategy, coherent with that presented by Italian Parliament months before, as well as by the European Parliament to avoid errors and delays precipitated by the E.U. in 1999 and 2003. In particular, Hands Off Cain and the Radical Party express two main concerns: one relative to the text of the resolution itself and the other to the list of primary presenters of the resolution. As far as the goal of the resolution, as its first objective, the abolition of the death penalty (with a moratorium towards that end), it is considered a possible point of alienation for those countries that would be willing to vote more directly for a moratorium at the U.N., with an eye towards abolition, but not with abolition as the resolution's primary goal.

The TRP suggests that a resolution primarily of the E.U. with token representatives of other continents has negative undertones that give a connotation of "euro-centricity" and even a vague flavour of colonialism to a document that should have the maximum air of worldwide agreement.

The European Union's Line

The European Union, on the other hand, seems to have chosen a strategy that could risk the possibility of success of the resolution, besides being contradictory to deliberations by the European Parliament and the E.U. that expressly concluded in indicating the "moratorium" as a primary goal and an inter-regional alliance as the means to achieve it.

The text of the operative paragraph of the resolution, to which the E.U. gave its consensus, states, "to work towards the abolition of the death penalty and immediately establish a moratorium on executions." This puts the focus of the resolution on abolishing the death penalty instead of on the moratorium, completely changing the political sense of the initiative, which sees the instrument of the moratorium as the most efficient means for moving against the death penalty on a global scale. Further, the choice to have as the presenters of the resolution all 27 member-countries of the E.U. side by side with a spattering of 2 or 3 representatives of other regions has already received criticism from other partners in the initiative outside the E.U. Not having pointed out the participation of two countries like South Africa and Russia as primary sponsors, for instance, who tend towards a pro-moratorium and not an abolitionist resolution, underscores the presence of "fundamentalist" abolitionists in the E.U., who are primarily responsible for the failures of 1994 and 1999, besides the postponements until forever of the resolution presentation at the U.N. General Assembly in New York.

Why the Resolution on a Universal Moratorium will win at the U.N. in New York

According to forecasts on the vote by Hands Off Cain, verified and confirmed by the Italian Ministry for foreign affairs and by its partners in Europe, a resolution for "a moratorium on executions, with a view to completely abolishing the death penalty," would take a majority in the General Assembly: with approximately **106-108** votes in favour, an absolute majority of the **192** member-states of the U.N., a

majority that can't be touched by those countries opposed (between **61-68**), and considering the considerable number of abstentions (between **16** and **18**) and a handful of undecided countries (**7**).

This certainty is founded, not on opinion, but on three indisputable sources of information: the preceding votes on a Resolution pro-moratorium from 1997 through 2005 at the U.N. Commission on Human Rights; the signatures on the Declaration of Association Against the Death Penalty of December 19th 2006; the legal and political evolution of various countries as related to the death penalty over the last thirteen years which is confirmed in the 2007 Report by Hands Off Cain.

U.N. Commission on Human Rights

From 1997 to 2005, for nine consecutive years, the pro-moratorium resolution has been approved by the Commission of Geneva by an overwhelming majority. During these years, **92** countries have co-sponsored the resolution with another **4** countries voting in favour despite not co-sponsoring the proposal. In the course of nine years of pro-moratorium votes, the Commission on Human Rights, now called the Council on Human Rights, has registered a total growth in participation arriving at **101** countries out **192** U.N. member-states. The voting results though always favourable are dependent upon the annual make-up of member-states in participation.

Of these 101 countries, considering the last vote, **51** voted in favour of the moratorium, **28** voted against the moratorium, **19** abstained and **3** were absent. In the last two years, **7** countries that didn't vote in favour of the resolution in Geneva have joined the pro-moratorium ranks, such as Rwanda which abolished the death penalty and signed the Declaration of Association announcing its support for the resolution at the General Assembly in New York.

Declaration of Association

Furthermore, **95** countries have signed the Declaration of Association against the death penalty of December 19th 2006, among which are **9** countries that, in Geneva, didn't sponsor or vote in favour of the resolution, while South Africa, Azerbaijan and Liberia have expressed their support of the resolution.

The situation of the death penalty

The legal evolution of the death penalty must be taken into account. Today, **91** member-states of the U.N. are totally abolitionist; **8** are abolitionist for ordinary crimes; **5** are observing a moratorium; **39** are de facto abolitionist (they have not executed anyone in more than ten years); while there are only **49** that maintain the death penalty.

In 1994, when the resolution was outvoted at the General Assembly by 8 votes, there were **97** countries that still maintained the death penalty (**48** more than today); in 1999, when the E.U. presented and withdrew the resolution, there were **76**; in 2003, there were **66**; today, **49**.

It is clear, that in the worst possible situation, the moratorium would pass with at least 100 votes today, an absolute majority in the United Nations, while the remaining countries would divide themselves in opposition and abstention. Thanks to a U.N. moratorium – awaiting worldwide abolition – thousands of people condemned to death could be saved: not just those that know of and worry about, those on death row in the U.S., but also those nameless and forgotten of the death penalty, the inmates on death row in China, Iran, Pakistan, Sudan, Iraq, Saudi Arabia, Vietnam and all the other authoritarian regimes that die, killed by silence and general indifference.