

12 September 2018

ENGLISH

Statement on behalf of the Paris Bar Association and the World Coalition Against the Death Penalty

Human Dimension Implementation Meeting 2018,
Warsaw, 10-21 September 2018

In Support of Working Session 5, Rule of law II: "Exchange of views on abolition of capital punishment" OSCE – 12 September 2018 in Warsaw, Poland

On behalf of the Paris Bar Association and World Coalition Against the Death Penalty we commend the OSCE's Report entitled "The Death Penalty in the OSCE Area: Background Paper 2018". The Report demonstrates that the worldwide trend towards the full abolition of the death penalty continued during the reporting period 2017 and 2018.

We view this report as an essential tool to increase transparency on the death penalty in the area and to promote reasoned and factually correct dialogues both among participating states and with non-governmental organizations.

In 2018, the World Day against the Death Penalty is dedicated to the living conditions of people on death row around the world, with a particular focus on Belarus and the United States of America.

Although people on death row are entitled to the same basic rights and treatment conditions as other categories of prisoners, as set out in the Nelson Mandela rules, many testimonies have reported document the inhumane living conditions that the people sentenced to death endure.

Although conditions of detention for the people sentenced to death vary from one country to another, they always affect not only the person sentenced to death, but also their families, relatives, lawyers, and others.

In Belarus, the daughter of Henadz, sentenced to death in 2014 said:

"Since the death sentence entered into effect - it's been three months now - we systematically categorically do not receive any letters from him. So, I am in a permanent state of uncertainty about his state and wondering whether he's still alive at all. Because from what I know, officials never communicate the date of the execution is never communicated, they don't allow relatives to know if a convict has been shot or not. And when it's over, corpses are not returned to families, nor personal belongings."

In the State of Louisiana, United States, Wilbert who was sentenced to death in 1961 and released in 2005 said:

"I spent more than a decade on Louisiana's Death Row. It was a cruel and brutal place. In my 6' x 8' cell, there was room to pace four steps in one direction and four steps back, like the zoo animals, back and forth, day after day. We lived with vermin in our cells – roaches,

mostly – and used the bare hanging bulb that lighted our cage to inspect our food trays for hair and insect parts. The temperatures on Death Row (where the windows are sealed shut) had often exceeded 100 degrees Fahrenheit (37.8 degrees Celsius). The inmates would lie on the concrete floor in the nude trying to stay cool. One court ordered the prison to provide air conditioning to lower the temperature to 80°F (26.7° C). This decision got reversed by a higher court, which saw nothing inhumane in making the men on Death Row suffer to the point of heat exhaustion.”

The Paris Bar Association and the World Coalition Against the Death Penalty:

- join the call of the OSCE Parliamentary Assembly’s Resolution regarding Belarus and the USA, “to establish a moratorium on all death sentences and executions with a view to abolishing the death penalty”;
- call on the two countries where a moratorium is in place, namely Russia and Tajikistan, to become full abolitionists in law;
- calls on participating states which are not party to the Second Optional Protocol to the ICCPR and to the Protocols 6 and 13 of the European Convention on the Protection of Human Rights and Fundamental Freedoms to ratify those treaties and to provide information about the ratification process.

Thank you.