



**OSCE PARLIAMENTARY ASSEMBLY**

**RESOLUTION ON THE  
DEATH PENALTY**

**ADOPTED AT THE NINETEENTH ANNUAL  
SESSION IN OSLO**

**OSLO, 6 to 10 JULY 2010**

## **RESOLUTION ON THE DEATH PENALTY**

1. Recalling the Resolution on Abolition of the Death Penalty adopted in Paris at the Tenth Annual Session in July 2001,
2. Recalling the Resolution on The Prisoners Detained by the United States at the Guantanamo Base, adopted in Rotterdam at the Twelfth Annual Session in July 2003, which “underlining the importance of the defence of democratic rights, not least confronted with terrorism and other undemocratic methods,” urged the United States of America to “refrain from the use of the death penalty”,
3. Recalling the Resolution on Strengthening Effective Parliamentary Oversight of Security and Intelligence Agencies, adopted in Brussels at the Fifteenth Annual Session in July 2006, which expressed alarm at “certain practices which violate most fundamental human rights and freedoms and are contrary to international human rights treaties, which form the cornerstone of post-World War II human rights protection” including “extradition to countries likely to apply the death penalty or use torture or ill-treatment, and detention and harassment on the grounds of political or religious activity”,
4. Recalling the Resolution on the implementation of OSCE commitments, adopted in Kyiv at the Sixteenth Annual Session in July 2007, which “reaffirms the value of human life and calls for the abolition in the participating States of the death penalty, replacing it with more just and humane means of delivering justice”,
5. Recalling the Resolution on a moratorium on the death penalty and towards its abolition, adopted by the General Committee on Democracy, Human Rights and Humanitarian Questions of the OSCE Parliamentary Assembly in Vilnius at the Eighteenth Annual Session on 1 July 2009,
6. Noting that, on 18 December 2007, the United Nations General Assembly adopted the historic resolution 62/149 calling for a worldwide moratorium on executions with a view to abolishing the death penalty, which was adopted by an overwhelming majority, with 104 United Nations Member States in favour, 54 countries against and 29 countries abstaining,
7. Noting that resolution 63/168 on the implementation of the 2007 General Assembly resolution 62/149 was adopted by the United Nations General Assembly on 18 December 2008, with 106 votes in favour, 46 against and 34 abstentions,
8. Recalling the inclusion of the issue of capital punishment in the catalogue of OSCE human dimension commitments by the 1989 Vienna Concluding Document and the 1990 Copenhagen Document,

9. Recalling paragraph 100 of the St. Petersburg Declaration of the OSCE Parliamentary Assembly of 1999 and paragraph 119 of the Bucharest Declaration of the OSCE Parliamentary Assembly of 2000,
10. Noting that the death penalty is an inhuman and degrading punishment, an act of torture unacceptable to States respecting human rights,
11. Noting that the death penalty is a discriminatory and arbitrary punishment and that its application has no effect on trends in violent crime,
12. Noting that, in view of the fallibility of human justice, recourse to the death penalty inevitably carries a risk that innocent people may be killed,
13. Recalling the provisions of Protocol No. 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which prohibits Council of Europe Member States from applying the death penalty,
14. Recalling the provisions of the Second Optional Protocol to the International Covenant on Civil and Political Rights of 1989, and the World Conference on Capital Punishment held in Strasbourg in 2001, as well as the Additional Protocol No. 6 to the European Convention on the Protection of Human Rights and Fundamental Freedoms aiming at the universal abolition of the death penalty,
15. Noting that the 1998 Rome Statute excludes the death penalty, even though the International Criminal Court, along with the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the Special Court for Sierra Leone, the Special Panels for Serious Crimes in Dili, Timor-Leste, and the Extraordinary Chambers in the Courts of Cambodia, have jurisdiction over crimes against humanity, genocide and war crimes,
16. Noting that in October 2008 the European Union and the Council of Europe, in a joint declaration, established a “European Day against the Death Penalty”,
17. Recalling that at the OSCE Human Dimension Implementation Meetings in Warsaw, in 2006, 2007, 2008 and 2009, several civil society organisations, including Hands Off Cain, Amnesty International, Penal Reform International, the World Coalition Against the Death Penalty and the International Helsinki Federation for Human Rights, expressed their support for Resolution 222 on a global moratorium on the death penalty presented to the United Nations General Assembly,
18. Noting that the Fourth World Congress Against the Death Penalty, which met in Geneva in February 2010, appealed to the *de facto* abolitionist states to abolish the death penalty by statute, the abolitionist states to incorporate the topic of universal abolition into their international relations, and international and regional organizations to support universal abolition through the adoption of resolutions for a moratorium on executions,

19. Noting that 138 States in the world have abolished the death penalty *de jure* or *de facto*; of which 92 States abolished it for any offence, 10 keep it only for exceptional crimes such as those committed in wartime, and 36 have not carried out executions for at least 10 years or are committed to implementing a moratorium;
20. Noting that in some OSCE participating States the death penalty is retained in law, but that there is a moratorium on executions in Kazakhstan, the Russian Federation and Tajikistan, while executions may be carried out during wartime in Latvia,
21. Noting that on 23 March 2010 the President of the State Duma of the Russian Federation, Boris Gryzlov, at a meeting in Moscow with members of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, said that Russia had failed to ratify the Sixth Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms, concerning the abolition of the death penalty, in view of terrorist threats in the country,
22. Noting that on 11 February 2010 the Parliament of Kyrgyzstan adopted the Second Optional Protocol to the International Covenant on Civil and Political Rights, concerning the abolition of the death penalty, and on 21 May 2010 the final draft of the Constitution, which prohibits, *inter alia*, the death penalty and which has now been adopted, was made public by the interim Government of Kyrgyzstan,
23. Noting that within the OSCE only two of the 56 participating States nevertheless continue to apply the death penalty,
24. Deeply concerned about the fact that people are still being sentenced to death and executions carried out in Belarus and in the United States of America,
25. Noting that, according to the report published by Amnesty International in March 2009, “Ending executions in Europe – Towards abolition of the death penalty in Belarus”, in Belarus “there is credible evidence that torture and ill-treatment are used to extract ‘confessions’; condemned prisoners may not have access to effective appeal mechanisms; and the inherently cruel, inhuman and degrading nature of the death penalty is compounded, for death row prisoners and their relatives, by the secrecy surrounding the death penalty. Neither prisoners nor their families are told the execution date in advance and prisoners must live with the fear that every time their cell door opens they may be taken for execution”,
26. Noting that both the Parliamentary Assembly of the Council of Europe and the European Union have repeatedly urged Belarus to abolish the death penalty,
27. Noting in particular that the European Parliament, in its Resolution of 17 December 2009 on Belarus, “calls on the Government of Belarus immediately to establish a moratorium on all death sentences and executions with a view to abolishing the death penalty” and “to commute without delay the sentences of all prisoners currently on death row to terms of imprisonment”,

28. Noting that details about the death penalty in Belarus are secret and that, according to the Criminal Executive Code, the death penalty is carried out in private by means of shooting, the administration of the detention facility informs the judge about the executions and the judge informs the relatives; the body of an executed person is not given for burial to his or her relatives and the place of burial is not communicated,
29. Noting that in Belarus capital punishment, under the Constitution, is an exceptional and provisional measure to be taken only in extreme cases, and that Belarus has taken substantial steps to limit the handing down of death sentences by halving the number of articles in the Criminal Code that provide for imposition of the death penalty,
30. Noting that, on 22 February 2010, Nikolai Samoseiko, Chairman of the Legislation and Judicial Affairs Committee of Belarus' House of Representatives and head of the ad hoc Parliamentary Group on the death penalty, stated that his country is now mature to discuss whether or not it really needs the death penalty, that the number of death sentences issued in the country has decreased significantly (from 47 in 1998 to 2 in 2008 and 2 in 2009) and that the decision to abolish the death penalty, according to a ruling of the Constitutional Court, may only be taken by the President or Parliament,
31. Condemning the fact that on 22 March 2010 two Belarusian citizens, Andrei Zhuk and Vasily Yuzepchuk, were executed for murder in Belarus, and that President Alexander Lukashenko's decision to reject their amnesty request was communicated to them a few minutes before their execution,
32. Noting that on 23 March 2010, according to Radio Free Europe, four Belarusian activists (Ales Byalyatsky, Valyantsin Stefanovic, Iryna Toustsik and journalist Syarhey Sys) were arrested in Minsk, near President Lukashenko's offices, because they were protesting against the recent executions,
33. Noting that, on the same day, the Council of Europe expressed strong condemnation for the executions, with a joint statement by the Secretary General, Thorbjørn Jagland, the Chair of the Committee of Ministers, Micheline Calmy-Rey, and the President of the Parliamentary Assembly, Mevlut Cavusoglu, calling on the country to "choose between the current system and the value of democracy and human rights",
34. Noting that on 14 May 2010 two men were sentenced to death in Belarus for three murders committed last year during an armed robbery,
35. Noting with concern that Belarus has failed to publish comprehensive statistics about the number of death sentences passed and executions carried out, in contravention of its commitment as a participating State of the OSCE to "make available the public information regarding the use of the death penalty", as stated in the Document approved at the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, on 29 June 1990,

36. Noting that, out of the 50 states which make up the United States of America, 38 have the death penalty, although four of them have not held executions since 1976, and federal law provides for 42 offences which may be punished by death,
37. Noting that in 2009, for the seventh consecutive year, the number of death sentences in the United States of America decreased, to 106 (the lowest number since the USA reintroduced the death penalty, in 1976), although executions increased (52 against 37 in 2008) following the termination of a *de facto* moratorium in force from September 2007 to May 2008, pending a Supreme Court ruling on the constitutionality of the lethal injection protocol,
38. Noting that in the United States of America in 2009, executions took place in 11 states, including those in which the death penalty is in force,
39. Noting that in September 2009, there were 3,263 inmates of death rows in the United States,
40. Noting that in 2009, 11 states of the United States of America debated abolitionist bills,
41. Noting that on 17 November 2009 death-sentenced Larry Bill Elliott of Virginia, was executed, at his request, by electric chair,
42. Noting with concern that on 15 September 2009 Romell Broom was sentenced to be executed in Ohio, but the execution failed since the personnel in charge of the execution had tried for two hours to insert needles into his veins, which were difficult to find; his execution was postponed and then, according to his lawyers, after the anguish and stress of the failed attempt, a new attempt would constitute “cruel and unusual punishment”,
43. Welcoming the fact that some states, including Montana, New Jersey, New York, North Carolina and Kentucky have moved against the death penalty through measures including a moratorium on executions or its abolition,
44. Noting that on 5 October 2009, the United States Government decided not to seek the death sentence for a Tanzanian citizen detained in Guantanamo since 2006 in relation to two deadly terrorist attacks against United States embassies, which occurred in Tanzania and Kenya in 1998,

The OSCE Parliamentary Assembly:

45. Condemns all executions wherever they take place;
46. Calls upon participating States applying the death penalty to declare an immediate moratorium on executions;

47. Encourages the participating States that have not abolished the death penalty to respect safeguards protecting the rights of those facing the death penalty, as laid down in the United Nations Economic and Social Council Safeguards;
48. Condemns in particular the resumption of executions in Belarus, despite the political initiatives of the European Union towards the Government, made also with a view to encouraging reforms in the field of human rights;
49. Calls on Belarus to take immediate steps towards abolition of the death penalty by promptly establishing a moratorium on all death sentences and executions with a view to abolishing the death penalty, as provided by United Nations General Assembly resolution 62/149, adopted on 18 December 2007, and resolution 63/168, adopted on 18 December 2008;
50. Calls upon the Government of the United States of America to adopt a moratorium on executions leading to the complete abolition of the death penalty in federal legislation and to withdraw its reservation to Article 6(5) of the International Covenant on Civil and Political Rights;
51. Calls upon Latvia to amend its Criminal Code in order to abolish the death penalty for murder with aggravating circumstances, if committed during wartime;
52. Calls upon the retentionist participating States to encourage the Office for Democratic Institutions and Human Rights and OSCE Missions, in co-operation with the Council of Europe, to conduct awareness-raising activities against recourse to the death penalty, particularly with the media, law enforcement officials, policy-makers and the general public;
53. Further encourages the activities of non-governmental organizations working for the abolition of the death penalty;
54. Commits to monitoring the issue of the death penalty and to considering possible initiatives and ad hoc missions in retentionist countries, so as to urge government authorities to adopt a moratorium on executions with a view to completely abolishing them.