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COMMISSION ON HUMAN RIGHTS  
Sub-Commission on the Promotion and  
Protection of Human Rights  
Fifty-first session  
Agenda item 2

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS,  
INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL  
COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT  
COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER  
COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Benqoa, Mr. Bossuyt, Mr. Diaz-Uribe, Mr. Eide, Mr. Fix-Zamudio,  
Mr. Goonesekere, Mr. Guissé, Ms. Hampson, Mr. Joinet, Ms. Motoc,  
Mr. Oloka-Onyangor, Mr. Pinheiro and Mr. Sik Yuen: draft resolution

1999/... The death penalty, particularly in relation to juvenile offenders

The Sub-Commission on the Promotion and Protection of Human Rights,  
Reaffirming the development towards the abolition of the death penalty  
generally, as reflected in article 6, paragraph 2, of the International  
Covenant on Civil and Political Rights and in the Second Optional Protocol  
thereto, aiming at the abolition of the death penalty, Protocol No. 6 to the  
European Convention for the Protection of Human Rights and Fundamental  
Freedoms, article 4, paragraphs 2 and 3 of the American Convention on Human  
Rights and the Protocol to the American Convention to Abolish the Death  
Penalty,

Recalling Commission on Human Rights resolutions 1998/8 and 1999/61, in which the Commission expressed the conviction that abolition of the death penalty contributed to the enhancement of human dignity and to the progressive development of human rights,

Noting that the death penalty is often imposed after trials which do not conform to international standards of fairness and that members of racial, national or ethnic minorities appear to be disproportionately subject to the death penalty,

Recalling the view of the Commission on Human Rights that the death penalty should not be imposed on or carried out against a person suffering from any form of mental disorder,

Welcoming the tendency in retentionist States to restrict the number of crimes carrying a possible death sentence,

Welcoming also the fact that many countries, whilst retaining the death penalty in their penal legislation, are applying a moratorium on executions,

Reaffirming the prohibition of the imposition of the death penalty on those aged under 18 at the time of the commission of the offence, as enshrined in article 6, paragraph 5, of the International Covenant on Civil and Political Rights, article 37 (a) of the Convention on the Rights of the Child, article 5, paragraph 3, of the African Charter on the Rights and Welfare of the Child, article 77, paragraph 5, of Protocol I and article 6, paragraph 4, of Additional Protocol II to the Geneva Conventions of 12 August 1949,

Noting documented information, contained in the Annex to the present resolution, according to which, since 1990, 19 executions of juvenile offenders have taken place worldwide in six countries: the Islamic Republic of Iran, Nigeria, Pakistan, Saudi Arabia, the United States of America and Yemen, of which 10 occurred in the United States, and that, in 1998, only the United States of America is known to have executed juvenile offenders,

1. Condemns unequivocally the imposition and execution of the death penalty on those aged under 18 at the time of the commission of the offence;

2. Calls upon all States that retain the death penalty for juvenile offenders to commit themselves to abolishing the death penalty for those aged under 18 at the time of the commission of the offence;

3. Calls upon all States that retain the death penalty for refusal to undertake military service or for desertion not to apply the death penalty where the refusal to undertake military service or the desertion is the result of conscientious objection to such service;

4. Calls upon all States which retain the death penalty and do not apply a moratorium on executions, in order to mark the millennium, to commute the sentences of those under sentence of death on 31 December 1999 at least to sentences of life imprisonment and to commit themselves to a moratorium on the imposition of the death penalty throughout the year 2000;

5. Requests the Commission on Human Rights to reaffirm its resolution 1999/61 at its fifty-sixth session;

6. Requests the Secretary-General to report to the Sub-Commission at its fifty-second session on the number of executions of juveniles carried out between the adoption of the present resolution and the start of the next session of the Sub-Commission and on the number of executions generally carried out in the same period;

7. Decides to continue consideration of the matter at its fifty-second session under the same agenda item.

Annex

INFORMATION ON THE IMPOSITION AND CARRYING OUT OF THE DEATH PENALTY SINCE  
1 JANUARY 1990 ON THOSE AGED UNDER 18 AT THE TIME OF THE OFFENCE

Iran (Islamic Republic of)

Executions:	Kazem Sharafkan Three young males	March 1990 29 September 1992
Ratified Convention on the Rights of the Child:	13 July 1994	
Domestic law:	No information on any discussion of legislative proposals to abolish the death penalty for juveniles.	

Nigeria

Execution:	Chiebore Onuoha	31 July 1997
Ratified Convention on the Rights of the Child:	19 April 1991	
Domestic law:	No information on any discussion of legislative proposals to abolish the death penalty for juveniles.	

Pakistan

Executions:	One juvenile Shamun Masih	15 November 1992 30 September 1997
[Death sentence imposed by a military court but defendant acquitted after intervention of the Human Rights Commission of Pakistan:	Mohammed Saleem	December 1998]
Ratified Convention on the Rights of the Child:	12 November 1990	
Domestic law:	The Juvenile Offenders Bill 1995 has been drawn up and, if passed by Parliament, the law would ban the death penalty for any child under the age of 16 (not 18). The bill has remained pending since 1995.	

Saudi Arabia

Execution: Sadeq Mal-Allah 3 September 1992  
[Source: Special Rapporteur on  
extrajudicial, summary or arbitrary  
executions in his report to the  
Commission on Human Rights in 1993]

Ratified Convention on the  
Rights of the Child: 26 January 1996

In its Report on the Measures adopted  
for the Implementation of the  
Convention, Saudi Arabia said: "It is  
noteworthy that the Islamic Law  
applicable in the Kingdom of  
Saudi Arabia never sentences persons  
below the age of puberty to capital  
punishment."

Domestic law: No information on any discussion of  
legislative proposals to abolish the  
death penalty for juveniles.

United States of America

Executions:

Dalton Prejean	18 May 1990
Johnny Garrett	11 February 1992
Curtis Harris	1 July 1993
Frederick Lashley	28 July 1993
Christopher Burger	7 December 1993
Ruben Cantu	24 August 1993
Joseph John Cannon	22 April 1998
Robert Anthony Carter	18 May 1998
Dwayne Allen Wright	14 October 1998
Sean Richard Sellers	4 February 1999

Has not ratified the Convention  
on the Rights of the Child

Domestic law: No information on any discussion of  
legislative proposals to abolish the  
death penalty for juveniles at the  
national level.

Yemen

Execution: Nasser Munir Nasser al'Kirbi  
21 July 1993

[Reported execution of another  
juvenile offender in 1997, but  
the report not confirmed]

Ratified Convention on the  
Rights of the Child:

1 May 1991

Domestic law:

In October 1994 Yemen adopted a new  
Penal Code which excludes the death  
penalty for those aged under 18 at the  
time of the crime.

Source of information: except as indicated, Amnesty International, the  
British Broadcasting Corporation and Liberation.

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