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CAPITAL PUNISHMENT

Report of the Third Committee

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I. INTRODUCTION

1. At its 1564th plenary meeting, on 23 September 1967, the General Assembly allocated to the Third Committee agenda item 62 entitled "Capital punishment: report of the Secretary-General". The Committee discussed this item at its 1552nd and 1553rd meetings, held on 15 December 1967.
2. The Committee had before it the following documentation: a note by the Secretary-General (A/6690/Rev.1) outlining the action taken in respect of this item since the fourteenth session of the General Assembly; a publication entitled "Capital Punishment, Developments 1961 to 1965" (ST/SOA/SD/10), issued by the Secretariat in response to General Assembly resolution 1918 (XVIII) and supplementing an earlier study issued by the Secretariat on that question;^{1/} the report of the Economic and Social Council to the current session of the General Assembly,^{2/} chapter XII, section XI, of which dealt with this item; and resolution 1243 (XLII) of the Economic and Social Council, adopted on 6 June 1967. By this resolution the Council forwarded to the General Assembly, for consideration at its twenty-second session, a draft resolution submitted to the Council at its forty-second session by Sweden and Venezuela.

^{1/} Capital Punishment (United Nations publication, Sales No.: 62.IV.2). This study was prepared in response to General Assembly resolution 1396 (XIV).

^{2/} Official Records of the General Assembly, Twenty-second Session, Supplement No. 3 (A/6703 and Corr.1).

II. PROPOSALS

3. Economic and Social Council resolution 1243 (XLII) read as follows:

"Capital Punishment

"The Economic and Social Council,

"Having considered the revised draft resolution on the question of capital punishment submitted by the delegations of Sweden and Venezuela,

"Regretting that the time at the Council's disposal at its forty-second session has not permitted it to study sufficiently that draft resolution,

"Transmits the revised draft resolution, the text of which is annexed to the present resolution, to the General Assembly, for a decision as to what further steps should be taken in the matter.

"ANNEX

"Draft resolution submitted by Sweden and Venezuela^{3/}

"The Economic and Social Council,

"Recalling General Assembly resolution 1918 (XVIII) of 10 December 1963, in which the Economic and Social Council was requested to invite the Commission on Human Rights to study the report entitled Capital Punishment^{4/} and the comments thereon of the Ad Hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders, 5/ and to make such recommendations on the matter as it deemed appropriate,

"Regretting that the Commission on Human Rights and the Economic and Social Council have not been able, owing to lack of time, to conduct the said studies or to propose any recommendations on the subject of capital punishment, which has been on the Commission's agenda since 1964,

"Recalling its resolution 934 (XXXV) of 9 April 1963, in paragraph 2 of which Governments of States Members of the United Nations were urged, inter alia, to ensure the most careful legal procedures and the greatest possible safeguards for the accused in capital cases in countries where the death penalty obtained and to keep under review, and to conduct research wherever necessary, with United Nations assistance, into the efficacy of capital punishment as a deterrent to crime in their countries, particularly where Governments were contemplating a change in their laws or practices,

^{3/} E/AC.7/L.514/Rev.1, as orally amended.

^{4/} United Nations publication, Sales No.: 62.IV.2.

^{5/} Official Records of the Economic and Social Council, Thirty-fifth Session, Annexes, agenda item 11, document E/3724, section III.

I

"Recommends to the General Assembly for consideration at its twenty-second session the following draft resolution:

'The General Assembly,

'Recalling that according to article 3 of the Universal Declaration of Human Rights everyone has the right to life, liberty and security of person,

'Recalling further that according to article 5 of the Universal Declaration of Human Rights no one shall be subjected to torture or to cruel inhuman or degrading treatment or punishment,

'Having considered the report entitled Capital Punishment in the light of the comments thereon of the Ad Hoc Advisory Committee of Experts on the Prevention of Crime and the Treatment of Offenders,

'Sharing the view, expressed in the report entitled Capital Punishment and endorsed by the Committee, that there is a world-wide tendency towards a considerable reduction of the number and categories of offences for which capital punishment may be imposed,

'Noting, as the Committee does, that the abolitionist policy represents the major trend among experts and practitioners in the field and that even those who do not support abolitionist policy tend to take an increasingly restrictive view of the use of capital punishment,

'Desiring to promote further the dignity of man and thus to contribute to the International Year for Human Rights,

'Invites Governments of States Members of the United Nations:

'(a) To amend their laws, where necessary, to provide that a person condemned to death shall not be deprived of the right to appeal to a higher judicial authority or to petition for pardon or reprieve;

'(b) To provide that no death sentence shall be carried out until the procedures of appeal and pardon have been terminated and in any case not until six months after the passing of the sentence in the court of first instance and, where necessary, to amend their laws accordingly;

'(c) As from the day of adoption of this resolution, to notify the Secretary-General semi-annually of any death sentences subsequently passed and carried out in their countries and of the crimes for which these sentences have been imposed;

'(d) To inform the Secretary-General, not later than 10 December 1968, of actions taken in accordance with sub-paragraphs (a) and (b) above.';

II

"1. Draws the renewed attention of Governments of Member States to paragraph 2 - in particular sub-paragraphs (a), (b) and (d) - of Economic and Social Council resolution 934 (XXXV) of 9 April 1963;

"2. Requests the Secretary-General to ascertain from Governments of Member States their present attitude - with indication of the reasons therefor - to possible further restriction of the use of the death penalty or to its total abolition, and to invite those Governments to state whether they are contemplating such restriction or abolition and also to indicate whether changes in this respect have taken place since 1961;

"3. Further requests the Secretary-General to submit a report on the matter to the Economic and Social Council at its forty-fourth session."

4. Owing to its workload at the twenty-second session, the Committee was unable to consider the substance of the item.

5. Austria, Costa Rica, Denmark, Dominican Republic, Ecuador, Finland, Iceland, Ireland, Italy, Libya, Mauritania, Mexico, New Zealand, Sierra Leone, Sweden, Uruguay and Venezuela submitted a draft resolution (A/C.3/L.1514 and Add.1) reading as follows:

"The General Assembly,

"Recalling its resolutions 1396 (XIV) of 20 November 1959 and 1918 (XVIII) of 10 December 1963 on the question of capital punishment,

"Noting that the heavy agenda of the Commission on Human Rights at its recent sessions has not permitted it to study the report entitled 'Capital Punishment', and that therefore the Secretary-General could not present to the General Assembly the report, called for in operative paragraph 5 of resolution 1918 (XVIII),

"Noting also ECOSOC resolution 1243 (XLII), transmitting a draft resolution, presented by the delegations of Sweden and Venezuela, for a decision by the General Assembly as to what further steps should be taken in the matter,

"Regretting that the workload at the twenty-second session of the Assembly has not permitted it to consider the substance of the agenda item on capital punishment,

"1. Decides to consider the question of capital punishment at its twenty-third session;

"2. Requests the Secretary-General to provide the General Assembly at that session with pertinent information, prepared in the light of General Assembly resolution 1918 (XVIII);

"3. Invites the Economic and Social Council to seek the views of the Commission on Human Rights on the draft resolution transmitted with Council resolution 1243 (XLII) and to report to the General Assembly in time for its twenty-third session."

6. At the 1552nd meeting the representative of Sweden, in introducing that draft resolution on behalf of the seventeen co-sponsors, pointed out, inter alia, that the substantive part of the draft resolution recommended only certain humanitarian procedures and took no stand either to approve or to disapprove capital punishment as such; that the General Assembly had in 1963, in its resolution 1918 (XVIII), requested the Commission on Human Rights to make recommendations concerning capital punishment but that the Commission, owing to its heavy workload, had as yet been unable to deal with the item; and that 1968, being the International Year for Human Rights, would present a very suitable occasion for the General Assembly to take stock of the existing situation and decide on a future course of action. The seventeen-Power draft resolution would enable the General Assembly to take at least a procedural decision at its twenty-third session, whether or not the Commission on Human Rights would be able to deal with the item.

7. One representative, on the other hand, stressed that a question as serious and complex as capital punishment should, in accordance with existing practice, be thoroughly studied by the Commission on Human Rights before being dealt with by the General Assembly and that the Assembly should also have before it the views of an expert body like the Consultative Group on the Prevention of Crime and the Treatment of Offenders.

8. The representative of the Union of Soviet Socialist Republics submitted a written amendment (A/C.3/L.1525) reading as follows:

"Replace operative paragraph 3 by the following text:

'Invites the Economic and Social Council:

'(a) To instruct the Commission on Human Rights to consider all aspects of the question of capital punishment and to submit its recommendations on the matter to the General Assembly through the Economic and Social Council;

'(b) To seek the views of the Consultative Group on the Prevention of Crime and the Treatment of Offenders concerning the draft resolution transmitted by Council resolution 1243 (XLII).'

9. At the 1553rd meeting the representative of Sweden announced that an acceptable compromise text had been found for a revision of paragraph 3 of the seventeen-Power draft resolution based on the USSR amendment (A/C.3/L.1525) with certain further changes and additions, as follows:

"Replace operative paragraph 3 by the following text:

3. Invites the Economic and Social Council:

'(a) To instruct the Commission on Human Rights to consider the question of capital punishment including the draft resolution transmitted by Council resolution 1243 (XLII) and to submit its recommendations on the matter to the General Assembly at its twenty-third session through the Economic and Social Council;

'(b) To seek the views of the Consultative Group on the Prevention of Crime and the Treatment of Offenders concerning the draft resolution transmitted by Council resolution 1243 (XLII), requesting the Secretary-General to transmit these views to the General Assembly at its twenty-third session.'

III. VOTING

10. At the 1553rd meeting, the Third Committee unanimously adopted the seventeen-Power draft resolution (A/C.3/L.1514 and Add.1) as orally revised at that meeting.

RECOMMENDATION OF THE THIRD COMMITTEE

11. The Third Committee therefore recommends to the General Assembly the adoption of the following draft resolution:

Capital punishment

The General Assembly,

Recalling its resolutions 1396 (XIV) of 20 November 1959 and 1918 (XVIII) of 10 December 1963 on the question of capital punishment,

/...

Noting that the heavy agenda of the Commission on Human Rights at its recent sessions has not permitted it to study the report entitled Capital Punishment,^{6/} and that therefore the Secretary-General could not present to the General Assembly the report called for in paragraph 5 of resolution 1918 (XVIII),

Noting also Economic and Social Council resolution 1243 (XLII) of 6 June 1967, transmitting a draft resolution, submitted by the delegations of Sweden and Venezuela, for a decision by the General Assembly as to what further steps should be taken in the matter,

Regretting that the workload at its twenty-second session has not permitted the General Assembly to consider the substance of the item on capital punishment,

1. Decides to consider the question of capital punishment at its twenty-third session;

2. Requests the Secretary-General to provide the General Assembly at that session with pertinent information prepared in the light of Assembly resolution 1918 (XVIII);

3. Invites the Economic and Social Council:

(a) To instruct the Commission on Human Rights to consider the question of capital punishment, including the draft resolution transmitted by Council resolution 1243 (XLII), and to submit its recommendations on the matter through the Council to the General Assembly at its twenty-third session;

(b) To seek the views of the Consultative Group on the Prevention of Crime and the Treatment of Offenders concerning the draft resolution submitted by the Council in resolution 1243 (XLII), requesting the Secretary-General to transmit these views to the General Assembly at its twenty-third session.

^{6/} United Nations publication, Sales No.: 62.IV.2.