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COMMISSION DES DROITS DE L'HOMME
Cinquante-huitième session
Point 17 a) de l'ordre du jour

PROMOTION ET PROTECTION DES DROITS DE L'HOMME

ÉTAT DES PACTES INTERNATIONAUX RELATIFS AUX DROITS DE L'HOMME

Lettre datée du 25 avril 2002, adressée au Président de la cinquante-huitième session de la Commission des droits de l'homme par le Représentant permanent de l'Arabie saoudite auprès de l'Office des Nations Unies à Genève

J'ai l'honneur, au nom des délégations des pays dont la liste figure à l'annexe, de vous prier de faire distribuer la déclaration commune* ci-jointe en tant que document officiel de la cinquante-huitième session de la Commission des droits de l'homme au titre du point 17 a) de l'ordre du jour.

L'Ambassadeur,
Représentant permanent
(Signé) Abdulwahab Attar

* L'annexe est reproduite telle quelle, en anglais seulement.

Annex

**58th Session of the Commission on Human Rights
Agenda Item 17(a)**

JOINT STATEMENT ON THE QUESTION OF THE DEATH PENALTY

(List of Co-sponsoring Delegations as in Annex)

We would like to place on record our disassociation from Commission on Human Rights resolution E/CN.4/2002/L.104 on the question of the death penalty for the following reasons:

- (a) There is no international consensus that capital punishment should be abolished. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights states that "sentence of death may be imposed only for the most serious crimes". This view was reflected in the joint statement contained in the document E/CN.4/2001/161 and E/CN.4/2001/161/Corr.1, in which 61 delegations disassociated themselves from a Commission on Human Rights resolution 2001/68. This view was also reflected in (i) the joint statement contained in E/CN.4/2000/162, in which 51 delegations disassociated themselves from a Commission on Human Rights resolution 2000/65 (ii) the joint statement contained in the ECOSOC document E/1999/113 in which 50 delegations disassociated themselves from the Commission on Human Rights Resolution 1999/61, (iii) the joint statement contained in document E/1998/95 in which 54 delegations disassociated themselves from a Commission on Human Rights resolution 1998/8, (iv) the joint letter contained in document E/CN.4/1998/156 in which 51 delegations expressed their reservations prior to the adoption of the Commission on Human Rights resolution 1998/8, and (v) the joint statement contained in document E/1997/106 in which 34 delegations disassociated themselves from a similar Commission on Human Rights resolution 1997/12.

- (b) At the 54th UNGA in New York, a large majority of delegations disapproved of a draft resolution on the death penalty tabled by the EU. As a result, its co-sponsors decided to withdraw the EU draft resolution.

- (c) In his statement to the plenary of the Rome Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, the President of the Conference declared that the debate at the Conference on the issue of which penalties should be applied by the Court showed that there is no international consensus on the inclusion or non-inclusion of the death penalty, and further that not including the death penalty in the Rome Statute would not in any way have a legal bearing on national legislations and practices with regard to the death penalty, nor should it be considered as influencing, in the development of customary international law or in any other way, the legality of penalties imposed by national systems for serious crimes.

- (d) Capital punishment has often been characterised as a human rights issue in the context of the right of the convicted prisoner to life. However, this must be weighed against the rights of the victims and the right of the community to live in peace and security.

- (e) Every State has an inalienable right to choose its political, economic, social, cultural and legal systems, without interference in any form by another State. Furthermore, the purposes and principles of the Charter of the United Nations, in particular, Article 2, paragraph 7, clearly stipulates that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State. Accordingly, the question of whether to retain or abolish the death penalty should be carefully studied by each State, taking fully into account the sentiments of the people and the state of crime and criminal policy. It is inappropriate to make a universal decision on this question or to propose such action in the forum of an international organisation.

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Annex

**58th Session of the Commission on Human Rights
Agenda Item 17(a)**

List of co-signatories:

Joint Statement on the Question of the Death Penalty

- 1 People's Democratic Republic of Algeria
- 2 Antigua and Barbuda
- 3 Commonwealth of the Bahamas
- 4 State of Bahrain
- 5 People's Republic of Bangladesh
- 6 Barbados
- 7 Republic of Benin
- 8 Republic of Botswana
- 9 Brunei Darussalam
- 10 Republic of Burundi
- 11 People's Republic of China
- 12 Islamic Federal Republic of the Comoros
- 13 Arab Republic of Egypt
- 14 Republic of Equatorial Guinea
- 15 State of Eritrea
- 16 Federal Democratic Republic of Ethiopia
- 17 Gabonese Republic
- 18 Republic of Ghana
- 19 Grenada
- 20 Republic of Guyana
- 21 Republic of Indonesia
- 22 Islamic Republic of Iran
- 23 Republic of Iraq
- 24 Jamaica
- 25 Japan
- 26 Hashemite Kingdom of Jordan
- 27 Republic of Kazakhstan
- 28 Republic of Kenya
- 29 Democratic People's Republic of Korea
- 30 State of Kuwait
- 31 Lao People's Democratic Republic
- 32 Republic of Lebanon
- 33 Socialist People's Libyan Arab Jamahiriya

- 34 Republic of Malawi
- 35 Malaysia
- 36 Republic of Maldives
- 37 Islamic Republic of Mauritania
- 38 Mongolia
- 39 Union of Myanmar
- 40 Sultanate of Oman
- 41 Republic of the Philippines
- 42 State of Qatar
- 43 Republic of Rwanda
- 44 Saint Lucia
- 45 Saint Kitts and Nevis
- 46 Kingdom of Saudi Arabia
- 47 Republic of Sierra Leone
- 48 Republic of Singapore
- 49 Republic of the Sudan
- 50 Republic of Suriname
- 51 Kingdom of Swaziland
- 52 Arab Republic of Syria
- 53 United Republic of Tanzania
- 54 Kingdom of Thailand
- 55 Republic of Togo
- 56 Kingdom of Tonga
- 57 Republic of Trinidad and Tobago
- 58 Republic of Malawi
- 59 United Arab Emirates
- 60 Socialist Republic of Vietnam
- 61 Republic of Yemen
- 62 Republic of Zimbabwe

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