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COMMISSION DES DROITS DE L'HOMME
Soixante et unième 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 20 avril 2005, adressée au Président de la Commission
des droits de l'homme par la Mission permanente de l'Arabie saoudite
auprès de l'Office des Nations Unies à Genève**

Au nom des délégations énumérées dans l'annexe, j'ai l'honneur de demander que la déclaration commune* ci-jointe soit distribuée en tant que document officiel de la soixante et unième 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

* La déclaration commune est reproduite en annexe telle qu'elle a été reçue, dans la langue originale seulement.

Annex

**61st 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.4/2005/L.77 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.4/2004/G/54 in which 64 delegations disassociated themselves from Commission on Human Rights Resolution 2004/67. This view was also reflected in (i) the joint statement contained in E/CN.4/2003/G/84 in which 63 delegations disassociated themselves from Commission on Human Rights Resolution 2003/67, (ii) the joint statement contained in E/CN.4/2002/198 in which 62 delegations disassociated from Commission on Human Rights resolution 2002/77, (iii) the joint statement contained in E/CN.4/2001/161 and E/CN.4/2001/161/Corr.1, in which 61 delegations disassociated themselves from Commission on Human Rights resolution 2001/68, (iv) 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, (v) 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, (vi) the joint statement contained in document E/1998/95 in which 51 delegations disassociated themselves from Commission on Human Rights resolution 1998/8, (vii) 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 (viii) 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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61st Session of the Commission on Human Rights Agenda Item 17(a)**JOINT STATEMENT ON THE QUESTION OF THE DEATH PENALTY****LIST OF CO-SPONSORS**

1. Antigua and Barbuda
2. Commonwealth of the Bahamas
3. State of Bahrain
4. People's Republic of Bangladesh
5. Barbados
6. Republic of Botswana
7. Brunei Darussalam
8. Chad
9. People's Republic of China
10. Union of the Comoros
11. Democratic Republic of Congo
12. Commonwealth of Dominica
13. Arab Republic of Egypt
14. Republic of Equatorial Guinea
15. State of Eritrea
16. Federal Democratic Republic of Ethiopia
17. Republic of the Fiji Islands
18. Republic of The Gambia
19. Grenada
20. Republic of Guinea
21. Republic of Guyana
22. Republic of Indonesia
23. Islamic Republic of Iran
24. Republic of Iraq
25. Jamaica
26. Japan
27. Hashemite Kingdom of Jordan
28. Democratic People's Republic of Korea
29. State of Kuwait
30. Lao People's Democratic Republic
31. Republic of Lebanon
32. Socialist People's Libyan Arab Jamahiriya
33. Republic of Malawi
34. Malaysia
35. Republic of Maldives
36. Islamic Republic of Mauritania
37. Mongolia
38. Union of Myanmar
39. Republic of Nauru
40. Republic of Niger
41. Federal Republic of Nigeria
42. Sultanate of Oman

43. Islamic Republic of Pakistan
44. Independent State of Papua New Guinea
45. Republic of the Philippines
46. State of Qatar
47. Republic of Rwanda
48. Saint Kitts and Nevis
49. Saint Lucia
50. Kingdom of Saudi Arabia
51. Republic of Singapore
52. Republic of Somalia
53. Republic of the Sudan
54. Republic of Suriname
55. Kingdom of Swaziland
56. Arab Republic of Syria
57. United Republic of Tanzania
58. Kingdom of Thailand
59. Republic of Togo
60. Kingdom of Tonga
61. Republic of Trinidad and Tobago
62. Republic of Uganda
63. United Arab Emirates
64. Socialist Republic of Vietnam
65. Republic of Yemen
66. Republic of Zimbabwe

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