



General Assembly

Distr.: General
4 September 2012

English only

Human Rights Council

Twenty-first session

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Liberal International (World Liberal Union), a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[24 August 2012]

* This written statement is issued, unedited, in the language received from the submitting non-governmental organization.

Universal abolition of the death penalty

Liberal International welcomes the recent statement of United Nations (UN) Secretary-General Ban Ki-Moon calling on member states to abolish the death penalty in which he clearly stressed that “the right to life lies at the heart of international human rights law” because it further emphasizes the importance of the Resolution on the Universal Moratorium of the Death Penalty adopted by the UN General Assembly in 2007.

As liberals, we strongly support and resonate with the message of the UN SG as we believe that the abolition of the capital punishment constitutes a fundamental step towards enhancing human dignity.

In the Liberal International Manifesto, the Liberal Appeal of Rome 1981, liberals clearly uphold the abolition of the death penalty as it is the legal protection of the individual from acts by the state which threaten his/her fundamental rights and existence.

Liberal International would like to address this situation and appeal to the UN Human Rights Council (UNHRC) to pay particular attention to the worrying situation in the following countries which still maintain and enforce the death penalty:

Republic of Belarus

Liberal International (LI) welcomes the decision taken by the UNHRC on 5 July 2012 to establish a mandate for a Special Rapporteur on the Situation of Human Rights in Belarus.

LI expresses deep concern that Belarus remains as the only European country that still uses the death penalty. The Republic of Belarus has executed 2 individuals in 2011 while the number of prisoners who remain on death row is unknown as data on the use of the death penalty continues to be classified as a state secret. Furthermore, executions continue to take place in secret with neither the prisoners condemned to death nor their relatives being informed of the exact date of the execution until it actually takes place.

LI strongly condemns the executions of Dmitry Konovalov and Vladislav Kovalyov, who were sentenced to death for allegedly carrying out a bomb attack at a Minsk metro station in 2011. Their case is particularly appalling as serious doubts about the legal process and human rights standards used in their trial still remain. Their execution was carried out despite a request from the United Nations Human Rights Committee to the Belarusian government for a suspension of any action until the Belarusian Supreme Court had examined the appeal in their case and despite the lack of a ruling on the final appeal stage in the trial afterwards. LI stresses that the bodies of the executed were not given to their families for a burial which underlines even more the inhumane and degrading nature in which these individuals' life was treated.

Liberal International urges the authorities of Belarus to:

- Release all data pertaining to executions of individuals sentenced to the death penalty.
- Comply fully with the newly appointed UN Special Rapporteur on the situation with Human Rights in Belarus.
- Implement the recommendations of the most recent report submitted by the Office of the High Commissioner for Human Rights.

People's Republic of China

Liberal International welcomes the decision of the People's Republic of China and in particular that of its National People's Congress Standing Committee to adopt an amendment to the criminal procedural law reducing the number of capital crimes from 68 to 55.

However, LI is appalled by the fact that China remains as the number one executor in the world continuing to execute more people than the rest of the world put together.

Regrets the fact that as per Amnesty International's Annual Report on the Death Penalty in 2011 the Chinese authorities "expanded the scope of capital punishment to include crimes such as forcing or deceiving someone to donate their organs, which in some circumstances can now be classified as intentional wounding or intentional killing."

Stresses that all data pertaining to the country's use of the death row is considered state secret.

Notes with deep concern that people confronted with the death penalty continue to face unfair judicial proceedings while their confessions are often extracted through torture or ill-treatment.

Urges for an amendment of the Chinese legislation in order to assure that prisoners under the death sentence have the right to seek pardon or commutation of their sentence from the executive branch.

Urges the authorities of the People's Republic of China to allow for an open and transparent public debate on the moratorium of the death penalty.

Islamic Republic of Iran

Liberal International would like to draw particular attention to the inhumane act of stoning practiced in the Islamic Republic of Iran which is still applied as a form of capital punishment for crimes such as among others adultery and homosexuality. This causes a particular case for concern as such penalty technique is clearly used by the state as a terror policy meant to silence any expression of free will and individual freedom.

LI stresses that under international law the death penalty is the most extreme form of punishment, which, if it is to be used at all, should be imposed only for the most serious crimes.

LI is particularly appalled at the number of death sentences applied to individuals under the age of 18 which is a clear violation to the UN Declaration of the Rights of the Child to which the Islamic Republic of Iran is a signatory. According to a recent report by the International Federation for Human Rights the government of Iran remains as the top executor of juvenile offenders in the world. According to the report's statistics during the past ten years at least 42 executions of juvenile offenders have been recorded in Iran, while 148 still remain on death row.

LI commends the prominent Iranian human rights lawyer, Nobel Peace Prize Laureate and 2010 LI Prize for Freedom Winner, Dr. Shirin Ebadi, for her efforts in fighting for the suspension of death sentences imposed on juvenile offenders.

LI urges Iran to take the first necessary steps towards the abolition of the death penalty by halting immediately the imposition of the death penalty on cases which do not constitute the most serious crimes as defined by international law.

LI also urges the government of Iran to allow for a due process and fairness in trials involving the death penalty as stipulated in the International Covenant on Civil and Political Rights ratified by Iran in 1975.

Russian Federation

LI expresses deep regret over the fact that the 6th protocol of the European Convention of Human Rights to which Russia is a signatory and which effectively bans capital punishment during peacetime has still not been ratified by the Russian Parliament. This is particularly concerning as on 19 November 2009 the Constitutional Court of Russia extended the national moratorium on the death penalty “until the ratification of the 6th protocol of the European Convention of Human Rights.”

Furthermore, LI is alarmed that despite of the ruling of the Constitutional Court that the death penalty must not be used, Chechnya and Dagestan attempted to introduce Sharia trials including different types of executions which at the end took place.

Notes with great concern the results revealed in March 2012 by a major Russian Polling Center, Public Opinion Foundation, which see a clear rise in the popular opinion for the lifting of the temporary moratorium on the capital punishment.

Urges the Russian Parliament to ratify article 6 of the European Convention of Human Rights immediately.

Calls on the Russian authorities to organize a national public campaign to address the negative public opinion regarding the abolition of the capital punishment.

Republic of Singapore

Liberal International welcomes the recent consideration of the Singaporean government to ease its mandatory death penalty for drug trafficking.

However, LI regrets the fact that no further action has been taken to abolish the death penalty all together and that such form of punishment continues to apply in cases involving individuals who manufacture or traffic drugs and/or are responsible for funding, organizing or assisting drug trafficking.

LI also notes that the mandatory death penalty sentence remains for cases of murder except for certain cases where the intention of premeditated killing cannot be proved.

Liberal International stresses that there are currently 35 prisoners awaiting execution: 25 on drug-trafficking charges and 7 on murder charges.

Urges the government of Singapore to reform section 316 of its Criminal Procedure Code and allow for a proper debate on the abolition of the death penalty to take place both in the public sphere and in the Singaporean Parliament.

The United States of America

Liberal International welcomes the decision of the States of Illinois and Connecticut to become the 16th and 17th state respectively to abolish the death penalty during the course of this year.

LI also welcomes the decision of the British government to introduce new controls on the export of the drug Propofol to the USA because of the risk that it might be used to carry out executions by lethal injection. LI commends the role of the Liberal Democrats in introducing this policy and encourages them to continue their good work in the fight against the death penalty overseas.

However, LI expresses deep concern that the USA still remains among the top 5 states with the highest number of executions worldwide with 43 executions performed just in the past year. It is also the only country in the G8 to have carried executions in 2011.

LI deplores the continued use of the death penalty by the US state authorities against individuals with mental disabilities and strongly condemns the recent executions of Warren Hill and Yokamon Laneal Hearn in the states of Georgia and Texas respectively who were both convicted for murder in separate incidents but who were both proven to have psychological disabilities.

LI strongly agrees with the UN Special Rapporteur on Arbitrary Executions, Christof Heyns, that “it is a violation of death penalty safeguards to impose capital punishment on individuals suffering from psychosocial disabilities and it is also contrary to the US Supreme Court ruling *Atkins v Virginia* which held that such executions are unconstitutional.”

Liberal International urges the government of the USA to take necessary first steps in the abolition of the death penalty in its remaining 34 states by eliminating any form of discrimination in applying the death penalty such as race and/or social status and by establishing an immediate halt on executions of offenders with proven mental disabilities.

LI calls on the US authorities to publicly release data regarding the allegations of torture and inhumane treatment taking place at the Guantanamo Bay Detention Camp.

Liberal International recalls its Resolution on the Death Penalty adopted by its Congress in Ottawa (2000) in which LI has called on the work of the liberals throughout the world for the total abolishment of the use of death penalty in the world.

Liberal International calls:

- For the universal abolition of the death penalty as it is incompatible with the respect for human life and it goes against article 3 of the Universal Declaration of Human Rights which clearly stipulates that “everybody has the right to life, liberty and security of person.”
- For the suspension of any attempts by any government to silence individuals who are exercising their rights of free speech and assembly by the use of the death penalty.
- On the UN Special Rapporteur on Arbitrary Executions to follow particularly closely the situation in those countries where the death penalty is inflicted with a particular cruelty for offences that do not constitute most serious crimes as defined by international law.
- On the countries which still implement the death penalty not to be elected as members of the UNHRC.
- On the UNHRC to establish an annual black list on countries where the death penalty has been implemented as a follow-up to the Resolution on the Universal Moratorium of the Death Penalty adopted by the UN General Assembly in 2007.
- On all UN member states which export drugs such as Propofol which is often used in injections administered as a death penalty mechanism to follow the example of the British government and introduce strict export controls.