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Item 17: Promotion and Protection of Human Rights:
The death penalty

Delivered at the UN Commission on April 18, 2005

Dominicans for Justice and Peace, Dominican Leadership Conference, Pax Christi International, Commission of the Churches on International Affairs of the World Council of Churches, International Federation of Action by Christians for the Abolition of Torture, Sisters of Notre Dame de Namur, Elizabeth Seton Foundation (Srs of Charity), International Presentation Association: Sisters of the Presentation, Maryknoll Sisters of St. Dominic Inc., Maryknoll Fathers and Brothers, Congregations of St. Joseph and International Young Catholic Students (IYCS), in conjunction with Franciscans International, are **concerned about the application and the use of the death penalty** in a number of countries in the world.

Our long-standing position against the death penalty is grounded in **the respect for all human life, the opposition to violence in our society and the injustice of the death penalty**. We see the death penalty as perpetuating a **cycle of violence** and promoting a **sense of vengeance** in our culture. To continue to enact the death penalty is to teach that violence and killing are acceptable ways of dealing with violence and killing. **Restoration of society** and the healing of victims, as well as reform and rehabilitation of the offenders, must be the goals of a criminal justice system. On this basis, a number of **Dominican and other congregations in the United States** have adopted a corporate stance advocating the abolition of the death penalty.

We also remain concerned about its **unjust and unequal application of the death penalty**. It has been demonstrated that in countries where the death penalty continues to be enacted, it is more likely to be applied in a racist manner, more likely to be applied to minorities and the under classes in general. Poor people, disabled people and young people are more often subjected to capital punishment.

The death penalty is still in use in a number of countries. In this respect, **the 2nd World Congress against the Death Penalty, held in Montreal**, in October 2004, expressed its concern over the resumption of

executions in Lebanon, Chad, Indonesia and India and the re-establishment of capital punishment in Afghanistan and Iraq. The World Congress recognized however that Sénégal had recently abolished the death penalty and congratulated Turkey, Bhutan, Samoa, and Serbia-Montenegro for also having abolished the death penalty. The Congress deplored the retention of the death penalty in 78 countries, notably in China, the United States, Saudi Arabia, Iran, Singapore, Guatemala, Japan and Cuba.

In the **United States**, there are approximately 3500 inmates on death row in 38 state and federal prisons. The largest number, over 600, is in California. Since 1973, there have been 117 exonerations of death row inmates.

In response to this situation, the **Catholic Bishops of the United States** launched in March of this year a Campaign to end the use of the death penalty. The United States Bishops have spoken out against the death penalty since the 1970s. In this context, it is appropriate to remember **Pope John Paul II's opposition to the death penalty** and his 1998 call for a moratorium on the use of the death penalty. The Pope was also known for making appeals on behalf of inmates on death row.

In terms of **positive developments in the United States**, we note the recent ruling of the **Supreme Court** of that country recognizing that executing juvenile offenders is indeed cruel and unusual and declaring it unconstitutional to execute juveniles under the age of 18. We also take note of 2002 decision by the Court to abolish the execution of persons suffering from mental retardation.

Furthermore, we welcome the decision of the United States government to abide by the ruling of the **International Court of Justice** of March 31, 2004 which had ruled that the United States had violated the rights of 51 Mexicans on death row in the **United States** and that their cases should be reviewed. The case before the International Court dealt with alleged violations by the **United States** of Articles 5 and 36 of the Vienna Convention on Consular Relations (1963). Regretfully, while agreeing to abide by the ruling of the **International Court of Justice**, the United States also announced that it was withdrawing from the protocol that allowed the International Court to receive and review alleged violations of the Vienna Convention.

Recommendations

Dominicans for Justice and Peace, Dominican Leadership conference, Pax Christi International, Commission of the Churches on International Affairs of the World Council of Churches International Federation of Action by Christians for the Abolition of Torture, Sisters of Notre Dame de Namur, Elizabeth Seton Foundation (Srs of Charity), International Presentation Association: Sisters of the Presentation, Maryknoll Sisters of St. Dominic Inc., Maryknoll Fathers and Brothers, Congregations of St. Joseph and International Young Catholic Students (IYCS), in conjunction with Franciscans International:

- **Encourage all governments to abolish the death penalty and to ratify the Second Optional Protocol to the International Covenant on Civil and Political rights, which requires governments to put an end to capital punishment in their countries.**
- **Urge the government of the United States to reconsider its decision to withdraw from the optional protocol that allows the International Criminal Court to receive and review violations of the Vienna Convention on Consular Relations.**

- **Invite state members of the Council of Europe to ratify Protocol 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances.**

- **Urge governments to seek alternatives to the death penalty that reflect intelligence, civility, compassion and justice.**

Thank you, Mister Chairman.