



Oasis International School Model United Nations

General Assembly

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Guiding Package

Topic (3) : Abolishment of the Death Penalty

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Table on contents:

I-Abstract	3
II-Introduction.....	4
III-Definition of Key terms	5
IV-Background information.....	6
V-Major countries and organizations involved.....	9
VI-UN involvement	15
VII-Possible solutions	16
VIII-Guiding questions	16
IX-Useful links.....	17
X-Bibliography	17

I. Abstract

Human rights has been an issue concerning many countries. In fact, different judicial systems are totalitarian and unfair. They drive to poverty, corruption and spread injustice within the country. Likewise, innocent people are often condemned through various torturing ways. Yet, when it comes to death penalty, the execution is irreversible. Criminal justice systems always aim to enhance the society by setting up laws and verdicts. Nevertheless, chances are high for the social injustice and therefore corrupting the social infrastructure. It is primordial to highlight the significance of social issues in regards to the sustainable development. When mentioning the urge of assuring a sustainable development, ones should bear in mind its divergent aspects; the social aspect, most importantly. Accordingly, justice is a key factor to obtaining a durable development. Therefore, when stating the abolition of death penalty in order to ensure human rights, a rich debate forming two opposed parties comes along. On the first hand, the right to live is the most basic of all human fundamental rights. However, it is oppressed by the presence of death penalty in many countries. Moreover, there cannot be a sustainable development lacking the simplest right to every human being. On the other hand, criminals must be condemned, even executed, in case of threatening the country's rules, laws and policies; which is an essential way to ensure a secured, developed and sustainable future. There then should be a balance between the respect of law as well as human rights; two main factors for the establishment of a sustainable development. The General Assembly committee has already discussed the topic, however, not enough measures were taken. Therefore, the United Nations General Assembly, along with the international organizations should take further actions in order to ensure a well-structured base of a peaceful, sustainable and certainly right respecting future for all generations.

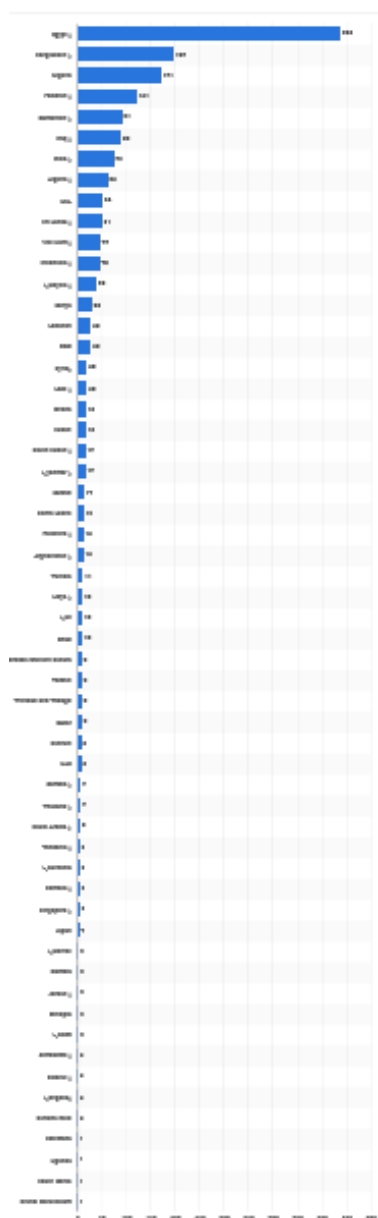
II. Introduction

Assuring a sustainable development is an essential part of the millennium development goals. In the past years, environmental issues had the most importance since they were thought to reflect a sustained development. However, social issues were always left with undetermined firm decisions. In fact, social infrastructure is one of the main steps to a sustainable development. The world currently faces social inequality and injustice; preventing it from obtaining sustainability. Furthermore, there can never be a sustainable development, as long as there is not a just society where the rule of law is applied equally and justly for all. Yet, different criminal justice systems neglect human rights while executing innocent people. Here comes the question of death penalty and its effect on the society. Speaking of the majority of people who are condemned for their criminal acts; the issue of poverty must be discussed. Poor people are always in need of the basic elements of living (nutrition, residence and health). Yet, no matter how hard they strive for employment, they are found unemployed. They therefore start committing crimes that endanger the lives of other human beings by: murdering, harassing, robbing, etc in order to fulfill their own needs. By this way, it is evident that the question of death penalty incorporates different considerable issues such as poverty and unemployment that needs to be tackled along the way. Although there are innocent people facing the consequence of other criminal acts and are under execution today, real criminals responsible for horrific acts are paying for their crimes and are under execution too. Therefore, the abolition of death penalty will cause the enhancement of the social infrastructure; medical facilities, schools and courthouses. Eventually, it is a complex situation where all states and nations must turn heads on in order to ensure a sustainable development in the shortest possible matter of time.

III. Definition of key terms

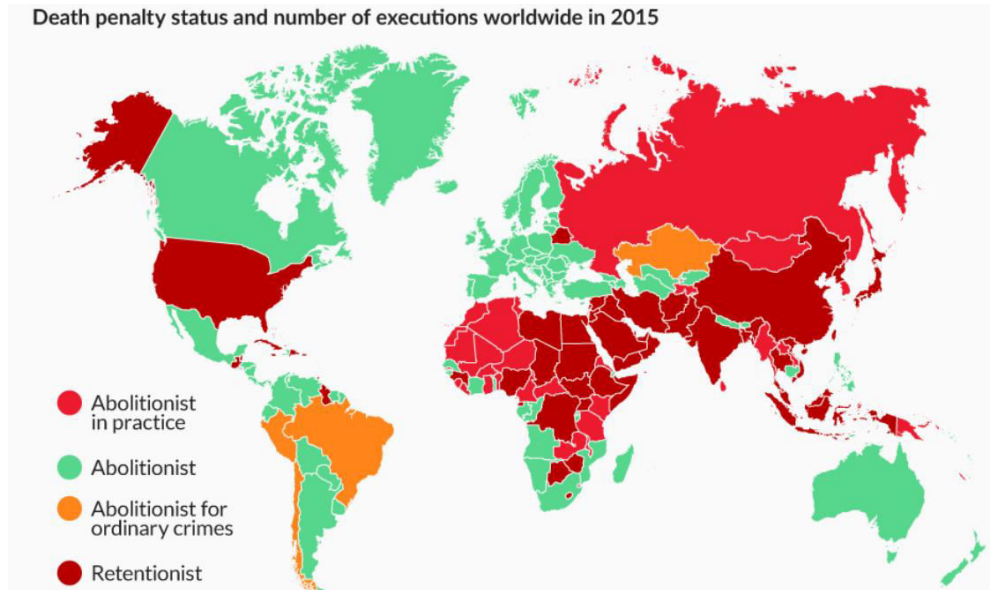
- 1. Abolition:** The act of ending
- 2. Death penalty:** A governmental punishment by execution
- 3. Crime:** An action that is strictly prohibited by law and may endanger humans' lives in certain cases
- 4. Aggravated crime:** The worsened situation of a crime that is gradually being affected by new circumstances (another crime, presence of weapons)
- 5. Capital murder:** It is any murder that makes the perpetrator eligible for the death penalty.
- 6. Clemency:** It is the power of a governor to delay the execution
- 7. Death sentence:** A sentence that condemns the execution of the murderer
- 8. Executioner:** An official who executes the murderer and who carries out the sentence of death
- 9. Electrocutation:** It is a form of execution that utilizes electricity in order to totally damage the human's organism
- 10. Juvenile:** A young, immature law offender
- 11. Pardon:** The act of abolition of a punishment
- 12. Verdict:** A decision made by the jury on a criminal case
- 13. Human Rights:** rights that are believed to belong to all human regardless of nationality, ethnic origin or religion, such as right for education.
- 14. Social Infrastructure:** Social Infrastructure is a subset of the infrastructure sector and typically includes assets that accommodate social services, for instance in the health sector, social infrastructures include medical facilities and rehabilitative facilities.
- 15. Retentionist:** A person who advocates the continued use of something
- 16. Abolitionist:** A person who advocates putting and end to something (an antonym of retentionist)
- 17. Homicide:** The killing of one human being by another
- 18. Capital Punishment:** the authorized killing of someone as punishment for a committed crime.

IV: Background information



- This statistic, though barely visible, shows the amount of executions only in 2015. For instance Egypt sentenced 538 people to death during 2015, which made it the leading country in death sentencing
- For a clearer study of the statistic that shows 57 countries and their record of execution please visit: “<http://www.statista.com/statistics/256459/number-of-death-sentences-worldwide/> ”

Death penalty status and number of executions worldwide in 2015



- Countries that are “abolitionist in practice” are countries in which no one was executed for the last 10 years, thus they are believed to not partake in execution. However they have no law that bans death penalties.
- Abolitionist countries are countries in which execution does not take place, the most intense punishment for any criminal is life sentence.
- Countries, which are abolitionist for ordinary crime, are where the death penalty only applies under exceptional circumstances.
- Retentionists are those who, until the present day, have not made any progress in abolishing the death penalty and practice it. In those countries the death penalty enjoys strong public support, and the matter receives little attention from the government and the media.

On the first hand, there are several arguments in favor of the existence of the death penalty such as:

1. Frank Carrington debates the fact that researchers have proven that death penalties did not lessen the presence of homicide, by stating that there is no way one can prove that it does or it does not lessen homicide rates, and that the death penalty is a punishment for a crime and not a tool to instill fear in the hearts of other criminals

2. The crime rate increases, thus more serious punishments are needed in order to try to diminish the presence of offenses such as murder, rape, assault, robberies, and kidnappings
3. Those who commit a crime are intentionally harming others, thus it is believed that the death penalty fits the crimes at hand such as willingly taking the life of someone
4. Fear of death. Most people have a natural fear of death. Therefore, the existence of death penalty will make the criminals think more thoroughly before committing a crime.

On the other hand, there are several arguments against the existence of death penalty; for the fair weighing of the arguments, only four will be mentioned:

1. Death penalty failed as a deterrent. Criminologist¹ claim they have statistically proven that when an execution is publicized, more murders occur in the day and the weeks that follow.
2. Conviction of the innocent occurs. Furthermore death makes a miscarriage of justice irrevocable. The two states Maine and Rhode Island abolished the death penalty because of public shame and remorse after they discovered they executed several innocent men.
3. Sustainable development unreachable with the existence of the death penalty. This is because willingly taking the life of another human being is an obstacle to social sustainability being a matter of principle and values (threatening the fundamental human rights)
4. Fear of death has never reduced crime. Criminals commit certain felonies knowing very well that death may occur, such as murders and heists² and home invasions. Moreover, that criminals are fueled in the heat of the crime and do not think about the consequences
5. Capital punishment may sometimes be applied to a suspect. Several men who were on death row for several years were released due to new discoveries in

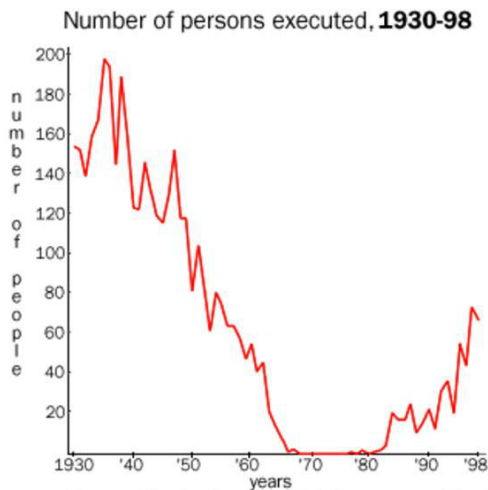
¹ sociologists who study criminal behavior, causes, and control as it relates to culture and society.

² robberies

their cases, like for instance Charles Ray Giddens (Oklahoma, Conviction: 1978).

Significant Dates:

1. Capital punishment existed long ago, to times that preceded the birth of christ. However the first ever recorded execution in the new era was Captain George Kendall in 1608.
2. In the US, approximately 48 people were wrongly given the death sentence and were forgiven later on.



From carefully analyzing the curve of the graph, we can notice that the number of legally executed criminals was diminishing with time and hit an all time low in the 1970s and the 1980s, however it started increasing once more.

V. Major countries and organizations involved

Countries involved:

China:

China is a country where it is believed that the number of executions is rather high. However such data, as the records and the amounts of executions are considered a state secret. On the other hand, in order to estimate the number of executions in China, researchers use reliable media resources and human rights organizations that estimate the country to have thousands of executions annually. Although the number of executions of the republic is limited, it is known that the most two measures that

are used for execution: lethal injection³ and shooting. Researchers have estimated that the total number of executions per year has diminished significantly from 12 000 people in 2002 to an estimated of 2 400 in 2013 - 2014.

Iran:

In 2012, more than 314 executions were carried out. What evokes attention is that some of the executions were carried out against members of minorities and opponents of the government for crimes that are not considered capital offenses under international law. Iran detains the death penalty for: cursing the prophet, murder, adultery, incest, rape, fornication, drinking alcohol and others. Iran also allows the execution of children upon reaching puberty, which is considered 9 years for girls and 15 for boys.

Saudi Arabia:

79 executions were recorded in 2012, of which 29 were carried out for non-lethal crimes that are internationally not considered as “most serious crimes”. Capital punishment is used in order to penalize murderers, drug offenders and those who engage in witchcraft, also sexual misconduct and violent or nonviolent offenses. The most used method is “beheading the criminal by a sword”, where they cut off the criminal's head in a swift motion using a two-handed sword.

United States:

The United States has one of the highest numbers of executions each year. In 2010 there were 46 reported executions. However the number has relatively dropped when compared to 10 years ago. Currently 34 out of 50 states still use the death penalty. The most common execution method used by the country is the electrocution.

Iraq:

Amnesty International confirmed that Iraq still embraces the death penalty. Iraq executed at least 120 people in 2009 and sentenced almost 1129 people to death in that same year, which was more than any other country other than China.

³ The act of injecting drugs into a person, causing immediate death

North Korea:

North Korea allows the death penalty for prostitution, drug transactions, and plots against national sovereignty, terrorism, murder and treason⁴. Furthermore, execution in North Korea is undergone publicly. Measures of execution are for instance, hanging and shooting

Pakistan:

With 326-recorded executions in 2015, Pakistan was ranked the third in the number of executions right below China and Iran. The Pakistan People's Party enforced a moratorium on the death penalty, which supposedly prevented the government from executing people in 2009 and 2010. However despite the moratorium, the Pakistani government continues to put in place the death penalty.

Egypt:

Egypt is one of the retentionist countries, where the only method of execution is by hanging. During June of 2015, at least 1 700 people were under sentence of death, however no official figures are available due to the government's secrecy. Furthermore the amount of death sentences has significantly increased from 109 in 2013 to 538 in 2015.

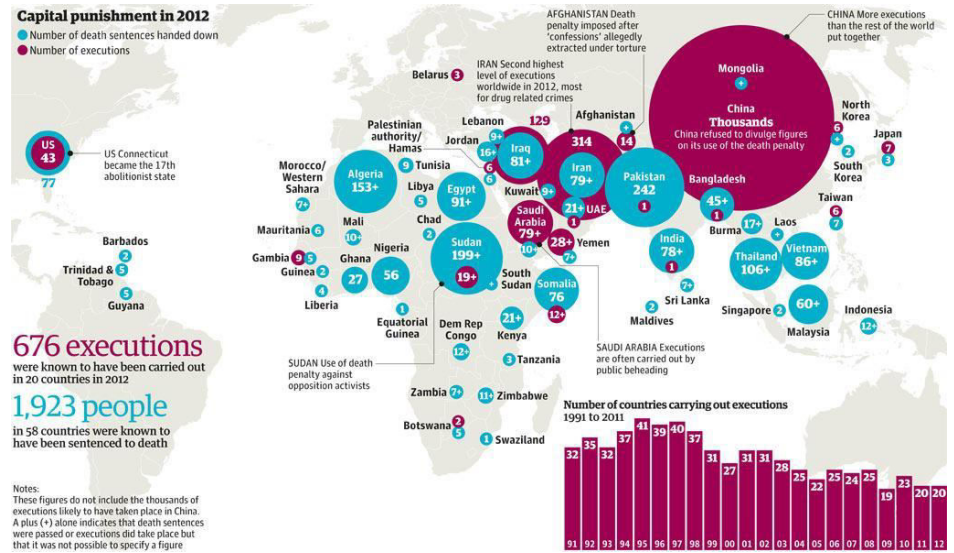
Bangladesh:

Being one of the retentionist countries, where the methods of execution are hanging and shooting. By the end of 2014 at least 1 235 were sentenced to death. However there is an apparent decrease in the yearly amount of death sentences, for instance in 2014 alone around 175 people were sentenced to death, While in 2013 at least 220 people were sentenced to death.

Websites for more statistics:

<http://www.ibtimes.co.uk/top-five-countries-highest-rates-executions-1436979>

⁴ The crime of betraying one's country, especially by attempting to kill or overthrow the sovereign or government.



Death penalty around the world		
Click heading to sort		
Country	Total executed, 2007-12	Total sentenced to death, 2007-12
CHINA	THOUSANDS	THOUSANDS
IRAN	1,663	156
SAUDI ARABIA	423	54
IRAQ	256	1,420
UNITED STATES	220	504
PAKISTAN	171	1,497
YEMEN	152	109
KOREA (NORTH)	105	0
VIETNAM	58	258
LIBYA	39	0

Organizations involved

- World Coalition Against The Death Penalty: The WCADP is an international alliance to obtaining the universal abolition of the death penalty. it has established 10 October as the date of the annual World Day Against the Death Penalty in 2003. Members include AI, Human Rights Watch, and other organisations. Their website contains many useful resources in English, French,

Arabic and other languages. For more informations, please visit <http://www.worldcoalition.org/>

- Amicus:
Amicus is a UK-based NGO supporting U.S. capital defense lawyers by providing them with the pro bono legal assistance of U.K. lawyers and law students. For more information, please visit <http://www.amicus-alj.org/>
- Amnesty International:
AI is a global organization whose mission is to end human rights violations by conducting campaigns and actions, and documenting abuses through the collection and publication of data. Amnesty records worldwide reports of executions to show the world that the epidemic must be put to an end. For more information please visit <http://www.amnesty.org/en/death-penalty>
- Anti-death Penalty Asia Network:
The Anti -Death Penalty Asia Network (ADPAN) is a cross-regional network of NGOs founded in Hong Kong in 2006. It is committed to working for the abolition of the death penalty across Asia and the Pacific. For more information please visit <http://adpan.net/>
- Capital Punishment U.K.:
Capital Punishment U.K. is a website documenting the history of the death penalty in most countries worldwide. For more information please visit <http://www.capitalpunishmentuk.org/>
- Death penalty Information Center:
The Death Penalty Information Center is a major information resource on the death penalty in the United States. It offers exhaustive data and issue analysis on death sentences and executions and monitors every death row inmate in every state. For more information please visit <http://www.deathpenaltyinfo.org/>
- Death Penalty Project:
The Death Penalty Project, based in London, provides death-sentenced prisoners from the Caribbean with pro bono legal representation for their final appeal before British courts. It also assists lawyers presenting constitutional and international legal

arguments before national courts and regional and international human rights tribunals. For more information please visit <http://www.deathpenaltyproject.org>

- Ensemble Contre La Peine De Mort : Ensemble Contre la Peine de Mort is the leading international alliance of francophone abolitionist organizations. Every three years, it organizes the World Congress Against the Death Penalty, the world's largest abolitionist gathering. For more information please visit <http://www.abolition.fr/>
- International Federation For Human Rights: The FIDH, the world's oldest human rights organization, is a federation of state-level member organizations engaged in the struggle for human rights. It publishes press releases and reports on the law and practice of capital punishment around the world. For more information please visit <https://www.fidh.org/International-Federation-for-Human-Rights/death-penalty/>
- Human Rights Watch: Human Rights Watch is an international organization dedicated to promoting and protecting human rights through investigations and strategic advocacy. It publishes news releases and in-depth thematic reports on death penalty issues. For more information please visit <http://www.hrw.org/>
- International Academic Network for the Abolition of Capital Punishment The International Academic Network for the Abolition of Capital Punishment is a Spain-based network of legal scholars, human rights centers and NGOs. For more information please visit <http://www.academicsforabolition.net>
- Harm Reduction International : Harm Reduction International is a leading global NGO working to promote harm reduction policies aiming mainly to abolish the use of capital punishment for drug use. For more information please visit <http://www.ihra.net/>

VII. UN involvement

Throughout the past decades, the United Nations has been involved in divergent human rights issues. In fact, it has viewed the death penalty as a human rights issue since 1948. Likewise, in 1948, the Universal declaration led to the abolition of death penalty in 118 nations in the past 60 years.⁵ Yet, many other countries are still using death penalties as a punishment for the criminals. The “Best practices and challenges in implementing a moratorium on the death penalty,” is an event held annually that aims for an annual resolution “Moratorium on the use of the death penalty”, that was first adopted in 2007 by the General Assembly.

“Together, we can finally end this cruel and inhumane practice everywhere around the world,” said the Secretary General Ban-Ki moon in this annual event.

The 19th of November 2012, The United Nations General Assembly third committee (social, humanitarian and cultural) approved a draft resolution about the moratorium and abolition of certain executions, with 110 states in favor. However, the application of death penalty is continued. It is stated in the resolution that people under 18 years old as well as pregnant women, are not to be executed. Therefore, the General Assembly is trying to ensure the fundamental human rights by limiting the number of executions among the countries and not abolishing the capital punishment as a concept. Moreover, the United Nations Human Rights Council always aims to strictly limit capital punishment, only leaving it to the most serious of crimes; In fact, it actively adopts resolutions on death penalties since 2005. Additionally, the UN Economic and Social Council (ECOSOC) guarantees the rights to those who are facing execution orders.

Furthermore, there isn't a direct prohibition of death penalty by the international law. Nevertheless, the United Nations always strives to abolish it completely in order to ensure the rights of every human being.

⁵ <http://www.ocadp.org/un-and-the-declaration-of-human-rights.html>

VIII. Possible solutions

- Abolishing the death penalty for any crimes in which a homicide has not occurred.
- Replacing the death penalty by life in prison without the possibility of parole.
- Promoting social education in order to diminish crime
- Urges the cooperation of all countries with AI (Amnesty International) to limit death penalties worldwide
- Replacing the death penalty with life sentence in governmental work.

IX. Guiding questions

1. When is capital punishment applied?
2. Will the abolition of death penalty help ensure human rights or the opposite?
3. What is the significance of social issues in regards to the sustainable development?
4. Should death penalty be replaced by another punishment?
5. What are other punishments that could replace the capital punishment?
6. What is your country's position regarding the issue?
7. Which measures should be taken by the member states in order to abolish the death penalty?
8. Which measures should be taken by the member states in order to continue the use of death penalty as a punishment for criminals?
9. How can your country assure a sustainable development by tackling the issue of capital punishment?

IX. Useful links:

<https://www.amnesty.org/en/what-we-do/death-penalty/>
<http://www.deathpenaltyinfo.org/states-and-without-death-penalty>
<http://www.un.org/press/en/2012/gashc4058.doc.htm>
<http://www.ohchr.org/EN/Issues/MDG/Pages/The2030Agenda.aspx>
<http://unac.org/wp-content/uploads/2013/07/HRandSD-EN-PDF.pdf>
<http://www.prodeathpenalty.com/ornellaspaper.htm>
<http://www.religioustolerance.org/execut3.htm>
<https://prezi.com/jjv6yv1w5mif/capital-punishment/>

X. Bibliography:

Anna Caldara, environmental sustainability vs human rights. Available on http://www.sustainlv.org/focus_on/environmental-sustainability-vs-human-rights/ consulted the 20/8/2016

Anonymous, Why the Death Penalty should be abolished. Available on <http://www.icomdp.org/arguments-against-the-death-penalty/> consulted the 20/8/2016

Anonymous,, meeting coverage and press releases, available on <http://www.un.org/press/en/2012/gashc4058.doc.htm> consulted the 20/8.2016

Anonymous, Statement to the Inter-Parliamentary Union, March 2013: Sustainable Development and Access to Justice <https://www.penalreform.org/resource/statement-interparliamentary-union-march-2013-sustainable-development-access/> consulted the 20/8.2016