

July 25 - August 12, 2005  
Palais des Nations, Geneva

**Dominicans for Justice and Peace, Dominican Leadership Conference and Franciscans International** remain concerned about the application and the use of the death penalty in a number of countries in the world as well its **unjust and unequal application**. It has been demonstrated that in countries where the death penalty continues to be enacted, it is more likely to be applied in a discriminatory manner, more likely to be applied to minorities. Poor people, disabled people and young people are more often subjected to capital punishment.

We welcome the fact that **Mexico** had decided in April 2005 to abolish the death penalty for all crimes and we also recognize that over 120 countries in the world have now abolished the death penalty in law or in practice. However, we also note that, in 2004, 97 % of all the nearly 3,800 reported executions took place in **China** (at least 3,400), **Iran** (at least 159), **Vietnam** (at least 64) and the **USA** (59). Moreover, **Iran** is still carrying out executions of child offenders.

In 2004, the number of people condemned to death in the United States was only half of what it was ten years ago. The moratorium on executions continues in the **State of Illinois**, and the State **New York** has abolished the death penalty. In the State of **New Mexico**, the House of Representatives voted to abolish the death penalty, but the resolution defeated by a narrow margin in the Senate. The **State of California**, which has the largest number of prisoners on death row in the United States, has voted to set up a study commission to analyze how the system works in practice there.

Notwithstanding these facts, in the **United States**, there are still 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 terms of other **developments in the United States**, we welcome the recent ruling of the **US Supreme Court**, in March 2005, which recognized that executing juvenile offenders is indeed cruel and unusual punishment and declared it unconstitutional to execute juveniles under the age of 18. The Supreme Court held that society's "evolving standard of decency" had reached a consensus that most minors are less blameworthy for the crimes than adults. Consequently, the court ruled that executing offenders who committed capital crimes before they were 18 years old is unconstitutionally "cruel and unusual" punishment barred by the Eight Amendment of the U.S. Constitution. The Court ruling is important since the majority on the Supreme Court invoked foreign precedents in reaching its decision about what the U.S. Constitution permits. Supreme court justice Kennedy noted that only seven other countries – including **Iran, Saudi Arabia and China** – have executed juvenile offenders, and all have since disavowed the practice. He also referred to the fact that every country except the **United States and Somalia** has ratified the UN Convention on the Rights of the Child, which has a provision forbidding the juvenile death penalty.

In March 2005, the **United States** government announced its decision to abide by the last year's ruling of the **International Court of Justice** (March 31, 2004) that 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) that allow foreign nationals in prison or on death row to benefit from legal advice from the representatives of their own countries. Regretfully, while agreeing to abide by the ruling of the **International Court of Justice** in March 2005, the United States announced at the same time that it was withdrawing from the protocol that allowed the International Court of Justice to receive and review alleged violations of the Vienna Convention.

In 2004, the interim government of **Iraq** reinstated the death penalty for a range of crimes including murder, drug trafficking, kidnapping and "endangering national security". In fact, the head of the Supreme Judicial Council stated that 10 people had been sentenced to death by Iraqi courts. The death sentences were upheld by an appeal court and they were reportedly in the hands of the Iraqi President and the Prime Minister for final confirmation.

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.

Our organizations urge the Sub-Commission to:

- 1. 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.**
- 2. Invite State members of the Council of Europe who have not yet done so, to ratify Protocol 13 to the European Convention on Human Rights concerning the abolition of the death penalty in all circumstances.**

**Finally, Dominicans for Justice and Peace, Dominican Leadership Conference and Franciscans International urge the government of the United States to reconsider its decision to withdraw from the optional protocol that allows the International Court of Justice to receive and review violations of the Vienna Convention on Consular Relations.**