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The Future of Capital Punishment

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I. Introduction

In the eighteenth century B.C. the code of Hammurabi delineated over 280 laws governing the ancient city of Babylonia's citizens. Chiseled on a stone slab standing over 6 feet tall, the ancient ruler codified what he deemed as appropriate sanctions for breaking laws dealing with matters ranging from business transactions, property conflicts, divorce, and even sexual. Fundamentally, the Code of Hammurabi serves as a primitive Constitution basing the severity of the punishments according to the social status of the accused being either a free person or contrariwise, an enslaved individual. The overarching theme echoing within Hammurabi's code is the ancient proverb "an eye for an eye, a tooth for a tooth" arguing that the punishment should fit the severity of the crime committed.¹ Subsequently, the code included a series of 22 crimes for which there was no more appropriate punishment warranted, than the death of the offender. Thus, the ancient King of Babylon has just created the world's first laws on capital punishment, and set forth a practice that would be the topic of controversy for centuries to come. Capital punishment by definition is the practice of a state using execution as a means of

¹ "Introduction to the Death Penalty." Death Penalty Information Center. January 10, 2015. Accessed September 15, 2015. <http://www.deathpenaltyinfo.org/part-i-history-death-penalty>.

punishment for a crime committed by an individual. The definition makes a striking distinction that in order for the execution to be legal, it must be authorized and carried out by the governing state. Plainly stating, if a non-governmental organization carries out an execution, it would be considered murder, not capital punishment.

The most egregious, grotesque and downright creative forms of torture through public punishment were suddenly justified following the establishment of capital punishment. History is littered with tales of these methods such as the gallows, stoning, crucifixion, citizens being drawn and quartered, impalement, firing squad, the electric chair and the particularly unnerving method of the Guillotine. Renowned sociologist Michel Foucault argued that these crude methods were born out of a government's attempt at solidifying social order by placing the criminal's punishment on public display for the entire city to see.² The intent would be for this criminal's actions to serve as a deterrent for any individual considering challenging the State's influence and power. Citizen's young and old would gather in the town square to witness the next criminal's morbid fate at the hands of the government, supervising the spectacle. The small subset of countries still actively participating in the practice of capital punishment have

² Foucault, Michel. *Discipline and Punish: The Birth of the Prison*. New York: Pantheon Books, 1977.



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abandoned many of the aforementioned gruesome forms of public executions and in their place, have welcomed an alleged more humane method, the lethal injection.

Even in the 21st century, the topic of the legality and morality of a state to have the power to execute a citizen for their crimes is one that fuels disagreements amongst many individuals. Many argue that the governing body would be committing the very same atrocity against an accused criminal for which they are being tried. Since the days of Hammurabi's Code the world has seen unmeasurable growth and reform to the criminal justice system, with the creation of rights through Due Process and a fair trial, the justification of a state continuing the practice of capital punishment is running dry in such a sophisticated world. With over 140 countries who have abolished the practice of capital punishment completely for all crimes, the pressure is on for a unified global understanding of the ineffective nature of capital punishment. In efforts of encouraging meaningful dialogue on the dismissal capital punishment, the United Nation's Secretary General Ban Ki-moon made the assertion that "The death penalty has no place in the 21st century." This is a testament to the practice of capital punishment is in direct violation of the 1948 Universal Declaration of Human Rights. Article 5 in the Declaration states clearly that, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."³ Furthermore, Article 14

³ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), available at: <http://www.refworld.org/docid/3ae6b3712c.html> [accessed 15 September 2015]

establishes firstly that "Everyone has the right to seek and to enjoy in other countries asylum from persecution" and thereafter that "This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations."

II. Current Situation

Despite over 140 states having completely abolished the practice of capital punishment, many individuals today still face the ultimate punishment of death. This irreversible, absolute punishment is considered the highest form of disregard for human dignity. Time and time again the application of this punishment has been shown to occur disproportionately across racial, ethnic, religious, social and intellectual positions. For the states who still actively execute individuals, there are a variety of crimes that can qualify a person to pay with their life. For homosexual citizens of Sudan and Nigeria, individuals may face the death penalty simply for who they love.⁴ In other countries individuals caught having extra-marital affairs can be stoned to death. In spite of the many countries relentlessly holding onto capital punishment, since the 1970's there has been a global decline in the number of state sanctioned executions, showing a global trend favoring the abolishment of capital punishment.

⁴ "Here Are the 10 Countries Where Homosexuality May Be Punished by Death." Washington Post. February 24, 2014. Accessed September 27, 2015. <https://www.washingtonpost.com/blogs/worldviews/wp/2014/02/24/here-are-the-10-countries-where-homosexuality-may-be-punished-by-death>.



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Amnesty International shows this decline in the number of death penalty victims saw a small surge 2014, attributing the spike to mass killings and death penalty sentencing practices in Egypt and Nigeria due to regional instability.⁵



Source: United Nations, 15 September 2015

In the same region many death penalty sentences are delivered out of a person being a perceived threat to the state security, terrorism, and political instability. More notably, the access to technological devices allow for information to reach all corners of the world through innumerable means. These advances have given rise to elevated media coverage of Human Rights violations across the world. Unjustly, journalists and photographers have been the target of capital punishment or life imprisonment for being pioneers in the movement for exposing the atrocities they find. These conditions of criminality through information sharing are reflected in

⁵ "Death Sentences and Executions 2014." Amnesty International. March 31, 2015. Accessed September 24, 2015. <http://www.amnestyusa.org/research/reports/death-sentences-and-executions-2014>.

the incident in Cairo, Egypt that occurred on August 23, 2013 where 15 journalists were arrested after their coverage of the Rabaa al-Adaweya sit-in that was set in place after the ousting of president Mohamed Morsi one month prior. Egyptian security forces were sent-forth to attack and kill the protesting citizens, ending in the death of hundreds of protestors. The journalists were detained and accused of inviting the world's attention on the atrocities that occurred at the protest site, thus bringing negative attention to Egypt. In spite of the journalists attempting to shed light on the realities of the corrupt government, they were charged with committing politically motivated charges such as "broadcasting false information" and "inciting violence against security officers that led the attacks on state institutions."⁶ Fourteen of the journalists have been sentenced to life in prison with the exception of their leader Waleed Shalaby.

Mr. Waleed Shalaby was charged for his organization and leadership role in the publishing of the information against the protest and sentenced to death. This sparked international outrage being that the crimes that the journalists were charged are not present in any international law document. In addition, the fifteen journalists were detained, charged, and sentenced without the proper Due Process offered to them by the UN International Covenant on Civil and Political Rights (ICCPR) "Safe guards guaranteeing protection of the rights of those

⁶ "Journalist's Appeal to Be Heard in October." Egypt Human Rights: Amnesty International. September 22, 2015. Accessed September 26, 2015. <http://www.amnestyusa.org/our-work/countries/middle-east-and-north-africa/egypt>.



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facing the death penalty.” After international outcry brought to the forefront by Amnesty International, the journalists’ lawyer’s appeal was granted and was set to be heard in court on October 1, 2015.

Although there were executions reported in 22 countries in 2014, the same number of countries that reported in 2013, there was a 20 percent reduction in the number of individuals executed. The worlds top five leading countries in the practice of execution in 2014 is Iran (where 289 officially executed but at least 400 more than were unacknowledged by authorities), Saudi Arabia with around 90 executions, Iraq with at least 60, and lastly, the United States of America with 35 executions.⁷ Regardless of global trend toward abolishment in sentences involving the death penalty, there are individuals who are facing death for non-lethal crimes and degradation of their rights as human beings meriting intervention by the United Nations.

III. United Nations Involvement

As early as the 1960’s the United Nations International Covenant on Civil and Political Rights (ICCPR) began drafting statutes to reform on the international policies regarding capital punishment.⁸ The

drafting of this resolution was occurring at a time when many countries still approved the practice. The resolution proposed by the ICCPR in 1966 was the first to speak openly about the custom of capital punishment being an attack on human dignity and an infringement on the rights that are owed to every global citizen. The articles within authorized the use of the death penalty with the parameter that the punishment be reserved for the most severe crimes, and not to be arbitrarily delineated as punishment for petty crimes. Still, Article 6 of the ICCPR makes it clear that guidelines presented are not to be used as a means to prolong or avoid complete abolishment of the death penalty by all signing parties. This resolution, containing 53 articles, set the groundwork for the resolutions to come on capital punishment and served as the catalyst responsible for fostering the growing abolishment of capital punishment.

Realizing that some permanent members of the United Nation’s held steadfastly to their sovereign right to punish criminals to the degree that they deem appropriate, the United Nations Economic and Social Council drafted its first manuscript on May 25, 1984 titled “Safeguards guaranteeing protection of the rights of those facing the death penalty.”⁹ The document serves as a small nod to these countries that include China and the United States by acknowledging their right to sovereignty in punishment, but affirms that the practice deviates from a great number of

⁷ "Death Sentences and Executions 2014: Top Executioners." Amnesty International. March 31, 2015. Accessed September 24, 2015.

<http://www.amnestyusa.org/research/reports/death-sentences-and-executions-2014>.

⁸ "International Covenant on Civil and Political Rights." International Covenant on Civil and Political Rights. March 23, 1976. Accessed September 15, 2015.

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

⁹ "1996/15. Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty." UN News Center. May 25, 1984. Accessed September 15, 2015.



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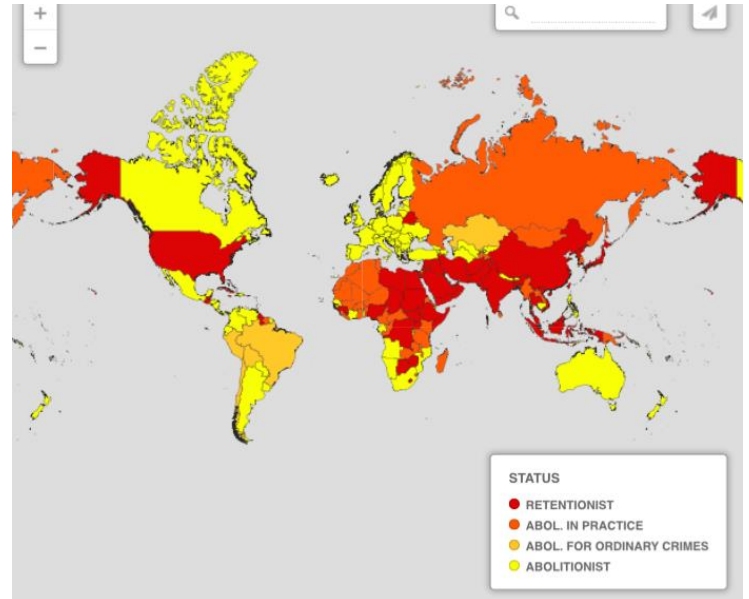
the articles within the Declaration of Human Rights to which all of the member countries agreed to many years prior. The ECOSOC resolution included that the countries for which the death penalty had not been abolished, that they reserve the punishment for the most severe of crimes. The safeguard also upholds the notion that all individuals under the age of 18 are ineligible for execution, providing a means of protection for children against the practice. The international right to due process and the appellate process is upheld within the resolution in section 8 by stating that individual's must have exhausted all means of appeal before being delivered the final form of punishment. Lastly, the most controversial part of the resolution states that when the inevitable occurs, the means of capital punishment must be the most humane method that inflicts the minimal amount of pain possible.

In 1989, the UN adopted the the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty. Housed within this new Protocol is an updated push for abolishment of capital punishment for states that have not yet done so. The document also urges for states that have not abolished the death penalty some new guidelines for which they are requested to apply. For member states that signed the Second Optional Protocol, the states acknowledged the act of capital punishment as a violation of human dignity and agreed not to execute anyone within the jurisdiction of their country. With this new document, a division to the degree of which a country has abolished capital punishment unfolded.

Figure 2. Global status on global moratorium of death penalty,2014

source: Amnesty International, 2014

Red: upholding capital punishment
Dark orange: moratorium in use
Bright orange: abolished for ordinary crimes
Yellow: absolute abolishment



Firstly, there were those who outright abolished the practice of capital punishment for all crimes, the largest percentage of the world. Followed by those who maintained the right to execute citizens but reserved the practice for the most heinous crimes, thus reducing, but not eliminating the practice. Subsequently, as the Second Optional Protocol offers, there are states who have no yet outlawed capital punishment as a capable punishment but have abolished it in practice. Lastly, there are many countries who not only uphold capital punishment as an appropriate means of punishment but actively participate in the sentencing practice.

In an address to the newly founded initiative International Commission Against the Death Penalty (ICDP) held in Geneva, Switzerland on February 23, 2013, United Nations Secretary General Ban Ki-moon



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stated “The taking of life is too absolute, too irreversible, for one human being to inflict on another, even when backed by legal process.”¹⁰ Secretary General Ban Ki-moon continues in his address to discuss his deep concern with states who have long abstained from the use of the death penalty suddenly reinstating it into practice. The Secretary General asserts that countries with the most sophisticated legal systems have wrongfully convicted, sentenced and execute individuals who are ultimately proven innocent. The execution and subsequent exoneration of these innocent individuals comes after many spend extensive amounts of time on death row. Secretary General Ban Ki-moon since the beginning of his tenure has been quite vocal against the notion of capital punishment, especially advocating especially for pregnant women, and children to be spared this fate.

Mirroring Secretary General Ban Ki-moon’s strong stance against the practice of the death penalty is that of the newly appointed United Nations High Commissioner for Human Rights Zeid Ra’ad Al Hussein of Jordan. Shortly after his appointment as High Commissioner, in December of 2014 Pakistan and Jordan announced that they would be resuming the use of the death penalty.¹¹ High

Commissioner Zeid expressed his deepest disappointment in their decision stating that no justice system is free from flaws and that the death penalty historically has had no bearing on lowering the crime rate. High Commissioner Zeid asserts contrarily that instead of lowering crime rates the implementing of the death penalty has instead generated a series of cases where the individual was found innocent after their death. Since his appointment High Commissioner Zeid has focused his efforts toward the abolition of the death penalty by calling the countries guilty of the human dignity violation by name on a world platform. Most recently High Commissioner Zeid called on Iran to work with the United Nations on finding an alternative means of addressing crime. Zeid pointed out that many of the 753 individuals executed in 2014 by Iran were under the age of 18 at the time of their crime, or condemned to death for their expression of religious practice.¹² Iran’s actions in executing these individuals clearly violates several international laws, exposing that they are violating the guidelines of the ICCPR which they ratified several years ago.

With two of the United Nations highest officials calling international

¹⁰ Ki-moon, Ban. "Secretary-General's Message to the International Commission against the Death Penalty." Un.org. February 23, 2013. Accessed September 15, 2015.
<http://www.un.org/sg/STATEMENTS/index.asp?nid=6619>.

¹¹ Ra’ad Al Hussein, Zeid. "Zeid Deeply Regrets Resumption of Executions in Pakistan and Jordan." Ohchr.org. December 22, 2014. Accessed September 16, 2015.

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15447&LangID=E>.

¹² Ra'ad Al Hussein, Zeid. "Condemning New Death Sentence, UN Rights Chief Highlights Alarming Use of Capital Punishment in Iran." UN News Centre. August 5, 2015. Accessed September 15, 2015.

http://www.un.org/apps/news/story.asp?NewsID=51565#.Vg4FXrS3S_s.



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attention to the misrepresentation of facts presented by the states that still retain the death penalty, the space for the supporters of capital punishment to inhabit is rapidly shrinking. On September 29, 2015 the Office of the High Commissioner for Human Rights hosted global panel on “Moving Away from the Death Penalty – The Voices of Victims’ Families.”¹³ The main objective of this global panel is to dispel the assertion that “victims’ families believe that only the death penalty can provide justice.” The panel shed light that the death penalty in reality served the opposite purpose of making the healing process more difficult for the murder victims’ families. The victim’s families feel that the “responding responding to one killing with another does not honor the victim.” Rarely spoken of is the deep emotional and psychological toll that the death penalty has on those surrounding the situation. The family of both the victim and the executed are forever changed. As are the doctors, corrections officers, lawyers, jurors and judges who are involved in the case. The goal of the panel was to reach out to the states that have yet to abolish the death penalty by revealing the little discussed emotional ripple effect felt by those left behind after the execution. To effectively do this, the panel called upon several keynote speakers, the father of a murder victim and support group advocates for the family members of executed individuals. Over all the summit hosted by the United Nations Office of the High Commissioner for Human Rights was a successful tool to resurface the notion of the

¹³ *Moving Away from the Death Penalty: The Voices of Victims’ Families*. United States of America: OHCHR, 2015. Film.

death penalty being a threat to the human dignity of not only the individual facing execution, but to all those involved in the aftermath.

VI. Landmark Resolutions

The United Nations General Assembly introduced the first resolution 62/149 on the death penalty on December 18, 2007 with a vote divided greatly at 104 in favor and 54 opposed. Italy proposed and sponsored the drafting of the resolution that was shortly after presented by the European Union and co-authored by eight member states of the United Nations. The resolution calls for a moratorium, rather than outright abolition on capital punishment across the world.¹⁴ The resolution calls for a moratorium rather than abolition creates a more appealing option for those states who wish to maintain the choice of capital punishment. However, in conjunction with the suspension in executions, the states that remain active in executions must agree to at least be developing an effective strategy toward reduction and eventual abolition in practice. The resolution asks for states active in the use of the death penalty to lessen the crimes that qualify for its use as to limit the individuals currently waiting on death row. Furthermore, any state that has already abolished capital punishment may not seek to reintroduce the sentence. It

¹⁴ Resolution 62/149. Moratorium on the use of the death penalty (UN: General Assembly: Sixty Second Session, Accessed 15 September 2015), http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/62/149&Lang=E



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echoes the inconclusive notion of any deterrent effect that states may claim that capital punishment may serve as well as recognizing it as an irreversible and irredeemable human dignity violation. As with all General Assembly resolutions, this one has no enforceable commitments, but it is symbolic leap forward in efforts of achieving global abolition of the death penalty.

On the one-year anniversary of the adoption of resolution 62/149, the United Nations General Assembly introduced and adopted resolution “63/168: Moratorium on the use of the death penalty” on December 18, 2008.¹⁵ The resolution reaffirms the contents of the original resolution passed one year prior. In addition, the second resolution serves as a welcome invitation to all states who wish to initiate their moratorium if they not previously done so. For all states with existing support of the moratorium, resolution 63/168 requests that all forms of progress be submitted to Secretary General Ban Ki-moon for a formal review and verification.

In the third installment of resolutions, the United Nations General Assembly introduced resolution 65/206: Moratorium on the use of the death penalty on December 21, 2010.¹⁶ This resolution can be seen as a

reaffirmation of the aforementioned resolutions. The resolution reassures that children are in the realm of protection from capital punishment by holding the states accountable under not only the Universal Declaration of Human Rights but the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.¹⁷ Moreover, the resolution also calls for states who still uphold the death penalty to downgrade its use and treatment of prisoners as outlined in the “safeguards guaranteeing protection of the rights of those facing the death penalty” by the ECOSOC in 1984. Among the various important add-ons within the resolution was the General Assembly’s request for all states regardless of the status of abolishment, to fully disclose any and all occurrences of executions within their state’s borders. This is noteworthy because as with all actions of state actions, there is a considerable portion of questionable activity done in secrecy, creating a dark figure of crime and punishment.

The latest update to the resolution 69/186 on Moratorium on the use of the death penalty was passed on December 18, 2014. The latest resolution acknowledges the plethora of worldwide initiatives toward the abolishment of the death penalty. In addition, the General Assembly acknowledges those states who have been forthcoming to the public regarding their use of the death penalty so that the public may use the information provided for research

¹⁵ Resolution 63/168. Moratorium on the use of the death penalty (UN: General Assembly: Sixty Third Session, Accessed 16 September 2015),

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/63/168&Lang=E

¹⁶ Resolution 65/206: Moratorium on the use of the death penalty (UN: General Assembly: Sixty Fifth Session, Accessed 16 September 2015),

http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/65/206

¹⁷ Rights under the Convention on the Rights of the Child. Retrieved September 15, 2015, from http://www.unicef.org/crc/index_30177.html



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and to dialogue about the death penalty. The resolution also makes note of the resolution passed on June 26, 2014 by the Human Rights Council to convene biennial high-level panel discussions to promote an exchange in opposing views on capital punishment. Enclosed within the resolution are the guidelines and expectations of all states as noted in the prior resolutions, in addition to a grave concern for all states stubbornly holding onto the practice.

already set in place for their protection. In 2014, while in the United Nation's Third Committee meeting the United States voted in support of an amendment to the resolution put forth by Saudi Arabia to put a clause in that recognizes sovereign rights of individual states, a notion that completely negates the resolution. The United States presents an interesting case being that they are such a prominent member state of the U.N. and simultaneously represent staunch convictions on the issue of state sovereignty.

Despite the United States preserving their right internationally to invoke the death, within its borders there is a movement of abolition brewing. Executions are declining at an exponential rate, with only 35 executions in 2014. The growing opposition for the death penalty in the United States is due to a number of contributing factors. Firstly, there have been 321 exonerations of individuals wrongfully convicted and executed for crimes of which through DNA evidence they were found innocent. This information on the flawed application of the death penalty played to reinforce the United Nation's concern of the irreversible and permanent nature of the punishment, by extension largely shaping the U.S. citizen's public opinion. Another predicament guiding the public stance on the death penalty is how costly the sentence is on tax payers. It is not enough that the United States of America has the highest incarceration rate per capita in the world, but the Due Process rights namely, the right to appeal, makes the death penalty a literal money pit for tax payers.¹⁸ Research shows



A meeting between Hungarian PM Viktor Orban (Left) and EU President Jean-Claude Juncker (right) in June 2015 to discuss Hungarian pro-death penalty proposals in the Hungarian National Assembly, against EU law. Source: www.telegraph.co.uk/news/worldnews/europe/hungary/11643564/Hungary-could-be-thrown-out-of-EU-if-it-brings-back-death-penalty-says-Jean-Claude-Juncker.html

V. Country Positions

United States of America:

Although the United States has voted against every resolution for moratorium on the use of the death penalty, it currently has the lowest occurrences of execution in twenty years. The reasoning behind the U.S. being steadfast in their opposition is the belief that signing an agreement on how to punish its citizens would undermine the U.S. Constitution and the Due Process law's

¹⁸ Tsai, Tyjen, and Paola Scommegna. "U.S. Has World's Highest Incarceration Rate."



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that executing an individual for a crime costs more than it would for them to spend life in prison. This cost is attributed to the length of time it takes for a death row inmate to exhaust their appellate attempts in addition to cost of chemicals and equipment for the lethal injection. In the ever-growing prison industry, the death penalty seems like a misappropriation of tax dollars, leading many citizens to argue why the government is willing to invest more in the execution of its criminals, than in the education of its youth.¹⁹ Furthermore, on a number of occasions, the United States has botched lethal injection style executions of their prisoners resulting in the prisoner experiencing excruciating pain without dying. Due to the inconsistent results in the use of lethal injection, many prisoners have filed Federal civil law suits stating that the lethal injection is a violation of the Eighth Amendments protection against “cruel and unusual punishment” as well as violating international statutes under the same guidelines.²⁰

The arbitrary implementation of the U.S. death penalty sentence has repeatedly come into question across racial,

socioeconomic and gender bias. Recent reports tell that African Americans currently comprise 41% of death row inmates and 34% of all individuals ever executed. Such a high statistical representation of one race is grossly irregular and invites the question of if one race is committed an entire states criminal activity, or the more likely conclusion that there is a systemic function set in place to maintain this ratio. Another violation is the United State’s continued practice of executing individuals who fall within some degree of mental deficiency, be that insanity or mental impedance. It is for the many reasons previously mentioned that the United Nations expresses deep rooted concern for the continued use of the death penalty by the U.S., one of it’s highly respected member states.

People’s Republic of China:

Historically, capital punishment is regarded as one of five classic punishments of dynastic China. The practice of capital punishment was supported by the legal sector but it’s implementation followed the teachings of Confucius which advocated for a rehabilitative approach to criminality rather than a punitive response. When the country’s governmental organization shifted toward the Chinese Communist Party, Chairman Mao Zedong’s favoring of the use of capital punishment eradicated all prior legislative hesitance when implementing the punishment. Zedong argued that it’s use served the purpose of acting as a deterrent in limiting counterrevolutionaries. After Mao, leader Deng Xiaoping strongly advocated against abolition and more aggressively worked to deploy the death penalty more actively on repeat offenders and corrupt officials. Mao and Deng presented the death penalties use as a positive act necessary for

U.S. Has World's Highest Incarceration Rate. October 28, 2014. Accessed October 6, 2015.

<http://www.prb.org/Publications/Articles/2012/us-incarceration.aspx>.

¹⁹ "Education vs Prison Costs." CNNMoney. March 5, 2015. Accessed October 6, 2015. <http://money.cnn.com/infographic/economy/education-vs-prison-costs/>.

²⁰ "Eighth Amendment - U.S. Constitution - FindLaw." Findlaw. January 9, 2014. Accessed October 6, 2015. <http://constitution.findlaw.com/amendment8.html>.



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the citizens to exact their anger and outrage on the criminals. This strategic shaping of the use of the death penalty has become so engrained in the Chinese culture at that time of Deng's reign in the early 1990's that over 95% of Chinese society and government strongly supported its use. However, the People's Republic of China continues to keep its citizenry and the rest of the world in the dark on its true number of executions regarding that such statistics are a "state secret."²¹

According to Amnesty International, the People's Republic of China has the highest rate of executions in the entire world, estimating their annual executions somewhere in the three thousand range. It was assumed that after 2007 when the Supreme People's Court took back the power to review death penalty cases, that the number of executions has decreased. Unfortunately, much to the dismay of the international movement toward abolition, PRC continues to classify the death sentences as state secrets so there is no way to obtain a concrete confirmation on the true number of executions.²²

Saudi Arabia:

The use of the death penalty in Saudi Arabia is derived from Shari'ah law, an Islamic legal system comprised of a

collection religious principles in the Quran. Shari'ah law deals with a myriad of topics including political, economic, criminal matters as well as moral matters such as diet, hygiene, prayer and sexual intercourse. Much of the international criticism of the Saudi Arabian use of Shari'ah law is that it has a wide array of crimes that warrant the use of the death penalty. In Saudi Arabia individuals can be publicly executed by beheading with a sword, shot by firing squad, or stoned to death for crimes of murder, rape, false prophecy, armed robbery, witchcraft, speaking ill of the Islamic faith, or even denouncing their allegiance to the Islamic faith.

Drawing further attention from the international realm, Saudi Arabia actively practices the public execution of foreigners and its citizens with no exemption. Amnesty International reported that of the 2013 executions, over half were foreigners mostly from the developing world.²³ Saudi Arabia has been under increased scrutiny since late 2012 when a number of migrant workers and foreign aids were publicly executed for crimes after obtaining convictions from blatantly unfair trials. In mid-2012 Dawood Hussein al-Marhoon and Abdullah Hasan al-Zaher who were 17 and 16 years old respectively, sentenced to death by the Specialized Criminal Court (SCC) in Saudi Arabia for crimes of security breaches, terrorism, anti-government protests. The young men repeated state that they were interrogated and tortured until they confessed to the aforementioned crimes

²¹ Hogg, Chris 25 February 2011. "China ends death penalty for 13 economic crimes". BBC. Retrieved 17 September 2015.

²² "Death Sentences and Executions 2014." Amnesty International. 2015. Retrieved September 17, 2015.
<https://www.amnesty.org/en/latest/research/2015/02/death-sentences-and-executions-2014/>

²³ "Death Sentences and Executions 2013" (PDF). Amnesty International. 2014. Retrieved 19 September 2015.
<http://www.amnestyusa.org/sites/default/files/act500012014en.pdf>



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of which they hold that they are innocent. The conviction of the young men to death for crimes that occurred when they were minors is a flagrant violation of the UN Conventions on the Rights of Children, which is legally binding for Saudi Arabia. Moreover, the proceedings of the SCC have been disproportionately targeting individuals who seek to protect human rights, and their decisions on convictions are carried out with the utmost secrecy. The arbitrary and vaguely applied methods of the death penalty that clearly disregard all UN resolutions and the Universal Declaration of Human Rights merit Saudi Arabia as a contender for one of the world's top executioners.

European Union:

The European Union (EU) holds a strong stance against the use of the death penalty and actively encourages further abolition for States that continue the practice. The EU has been and continues to be the largest advocate and contributor to the cause of death penalty abolition. In 1998, the EU introduced the first human rights guideline to be adopted by the Council into the EU Guidelines, which requires abolition of the death penalty to all member states of the EU and a condition upon all states who wish to obtain membership in the future. The EU upholds that there is no evidence upholding any deterrent theories of capital punishment. The EU was of the first major sponsors of the UN General Assembly's 2007 Resolution directing a world wide push for moratorium but more favorably abolition.

The EU has made its stance increasingly more apparent, actively intervening in cases of individual death

penalty sentences and the larger policy pushes toward abolition. EU funding also allows non-governmental organizations (NGO's) to push for the abolition of the death penalty. Missions vary from the monitoring of the use of the death penalty to assistance to prisoners, support for constitutional reform, training, advocacy and awareness-raising campaigns.

In the most forceful push for abolition in the use death penalty, the EU demanded its member states to halt the distribution of the drugs or their formulas used by the U.S. for lethal injection. The method of lethal injection calls for the executioner to administer a lethal series of three shots, the first to put the individual in a comatose state, followed by a chemical used to fast acting striated muscle paralysis, this usually relaxes the diaphragm and causing asphyxiation.



Lastly, the Corrections Officer will administer the final shot that disrupts the electrical conductivity within the heart causing death by cardiac arrest. Notably, physicians have revealed that if the individual is not completely sedated after the first injection, the process of the subsequent injections will be excruciatingly painful, leaving the individual paralyzed with no



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means of expressing their pain. This is the cause of much disagreement on the ethical and moral degradation involved in killing someone under the false pretense of the method being painless. It is for this reason that the European states that once provided the United States with the cocktail of drugs has since 2010 banned the exportation of said drugs if their primary intended use is capital punishment. For the 32 of the 50 states in the U.S. that have not yet abolished the practice of the death penalty, there has been a mad scramble to find a distributor of the necessary drugs for lethal injection.²⁴ Lacking the appropriate pharmaceutical developers, the state governments responded by attempting to recreate the cocktail in a dangerous game of experimentation. As a result, many states including have resorted to reintroduce the once retired methods of execution, the electric chair, gas chamber, and firing squad. Though the actions of the EU as the international leaders in death penalty abolition have reduced the number of executions and marginally protected the rights of those facing death, the road toward global abolition requires relentless pressure.

VI: Path for Future Action

Over the last two years there has been a 22% decrease worldwide in the use of the death penalty, reflecting a global shift toward elimination of capital punishment. The

²⁴ Berman, Mark. "The recent history of states scrambling to keep using lethal injections." Washington Post. February 3, 2013. Accessed September 16, 2015. <http://www.washingtonpost.com/news/post-nation/wp/2014/02/19/the-recent-history-of-states-scrambling-to-keep-using-lethal-injections/>.

reassuring momentum behind the campaign toward global abolition of capital punishment can be attributed to the ground breaking UN General Assembly's series of Resolutions. However, there is still a clear resistance in states that refuse abolition or even moratorium and the current measures exerted on these resistant States need to be amplified by the international community. The only future of capital punishment should be a distant memory of the world's past that will serve to show how far humanity has come.

Possibilities for global moratorium include:

- *Adaptation* to the existing UN GA resolutions that calls for a moratorium, and eventual outright abolition on capital punishment across the world.
- *Encourage States* to alter their domestic laws, perhaps by establishing clear benchmarks, international standards, criteria for domestic legislation to put restraints on the use of capital punishment.
- *Identity specific States* with discriminatory practices the death penalty and make demands that it be ended.
- *Hold* international panels with the goal of dispelling myths and educating the public on true research on the findings of the death penalty.
- *Inform* resistant countries on the positive long term and short term effects of abolishing the death penalty.



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