



DIGNITY FOR ALL

10.10.2018 - World day **against** the death penalty

Dignity For All

On 10 October 2018 the World Coalition Against the Death Penalty and abolitionists all over the world will celebrate the 16th World Day Against the Death Penalty. This year, the World Day will focus on the living conditions of those sentenced to death.

The World Coalition is addressing the issue because it is aware that regardless of the prospect of execution, the imprisonment of those sentenced to death in itself inflicts considerable physical and psychological suffering, which can in some cases amount to torture. Striving for the complete abolition of the death penalty also means we cannot ignore the daily treatment that prisoners sentenced to death endure and their anguish as they face execution.

Since the 1980s, there has been a global trend towards the abolition of the death penalty, a trend which continues to this day.

According to *Amnesty International*, 16 countries had abolished the death penalty in law for all crimes in 1977. Today, two-thirds of all countries (142) are now abolitionist in law or in practice.

However, according to Amnesty International's 2017 annual report, at least 21,919 people were known to be under a sentence of death worldwide at the end of 2017. *The Cornell Center on the Death Penalty Worldwide* estimates the number of people sentenced to death around the world to be slightly less than 40 000.

Although people on death row are entitled to the same basic rights and treatment conditions as other categories of prisoners, as set out in the UN Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela rules), many testimonies document the inhumane living conditions that people sentenced to death endure.

In addition, people on death row have very little contact with their family and lawyers, as access to death row is often very limited. Therefore, the conditions of detention affect not only the person sentenced to death but also their families and their relatives.

The death penalty in numbers¹

107
countries have abolished the death penalty for all crimes

7
countries have abolished the death penalty for ordinary crimes

28
countries are abolitionist in practice

56
countries are retentionist

23
countries carried out executions in 2017

In 2017,
the top five executioners were China, Iran, Saudi Arabia, Iraq and Pakistan.

1. Amnesty International, «Death Sentences and Executions in 2017» (ACT 50/7055/2018), April 2018.

UNITED STATES

State of Louisiana

Although conditions of detention for people sentenced to death vary from one country to another, they always affect not only the person sentenced to death, but also their families, relatives, lawyers, and others.



"Our Ugly World"

Drawing by **Arthur Angel**, who was sentenced to death and spent 16 years in the prison of Enugu Prison in Nigeria. He was released in 2000 after all charges against him were dropped.

Wilbert, sentenced to death in 1961 and released in 2005

I spent more than a decade on Louisiana's Death Row. It was a cruel and brutal place. You live, day to day, week to week, month to month, with no kind words, no friendship, no love, no caring, no tenderness - nothing but the weight of society's wrath directed at you, demanding your death. In my 6' x 8' cell, there was room to pace four steps in one direction and four steps back, like the zoo animals, back and forth, day after day. We lived with vermin in our cells – roaches, mostly – and used the bare hanging bulb that lighted our cage to inspect our food trays for hair and insect parts. The temperatures on Death Row (where the windows are sealed shut) had often exceeded 100 degrees Fahrenheit (37.8 degrees Celsius). The inmates would lie on the concrete floor in the nude trying to stay cool. One court ordered the prison to provide air conditioning to lower the temperature to 80 °F (26.7 °C). This decision got reversed by a higher court, which saw nothing inhumane in making the men on Death Row suffer to the point of heat exhaustion.

Source: **Wilbert Rideau**, former death row prisoner, whose death sentence was commuted to a long-term prison sentence, which he purged. He became an author and award-winning journalist while he was in prison. Testimony collected by Sant'Egidio.



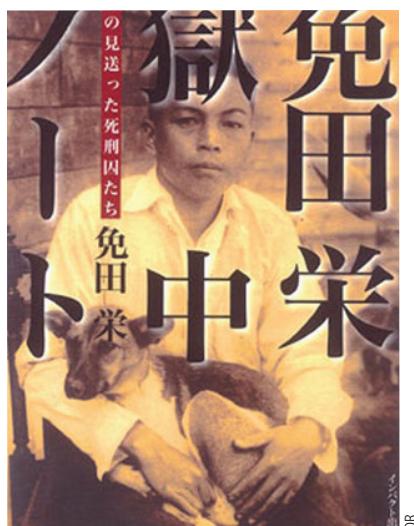
Death row cell, Polunsky prison in Texas.

The impact of the conditions of detention as seen



Amnesty International

Sakae Menda, an innocent man who was on death row in Japan for 34 years.



"I Spent 34 Years on Japan's Death Row". D. MacNeil

JAPAN

Sakae spent 34 years on death row in Japan

“ The prisoners adhere to a rigid schedule, beginning at 7am and ending at 9pm. They have 3 daily meals and evening cell inspections. They are not allowed to communicate with fellow prisoners, nor are they allowed to move about their cell as they are required to remain seated. They are given thirty minutes of exercise, such as skipping rope or running in place, several times a week. No exercise is allowed inside the cell. They are permitted to bathe twice a week (increased to three times during the summer months), for 15 minutes. They are subjected to round-the-clock monitoring by a camera on the ceiling of each cell, intended to prevent attempts at suicide, self-injury or escape. According to a letter smuggled out by one prisoner, the cells were frigid in the winter and suffocating hot in the summer, and meal time consisted of eating smelly rice next to the toilet. During the day, they could not lie down nor lean against the wall. At night, they must sleep under a bright light.

One prisoner reported that they would sometimes receive chobatsu (punishment), where in one case a prisoner spent 2 months with his hands cuffed and had to eat like an animal.

Prison visits are limited to a bare minimum.”

Japan is one of only two industrialized countries (the USA is the other) that retains the death penalty and carries out executions. Japan's use of the death penalty is veiled in secrecy, with prisoners informed of their fate just moments before their execution and relatives told only after the fact. Among those executed have been prisoners experiencing serious psycho-social disabilities.

Sources : "A Secret Theatre : Inside Japan's Capital Punishment System", C. Lane. "I spent 34 years on Japan's Death Row", D. MacNeil. "Hanging by a thread. Mental health and the death penalty in Japan", Amnesty international.

through the eyes of those who are subjected to them

MOROCCO

Maya*, wife of a man sentenced to death

“ My husband suffers from several diseases. When I see him, I see a living dead. He was sentenced to death twelve years ago, and for twelve years I too have endured his ordeal. I suffer the gaze of society. He is an outcast so I became an outcast. Often I tell myself that they do not even need to execute him, the hell of incarceration is going to kill him. Seeing how they are treated, I tell myself they do not even need to execute them. As soon as the phone rings, I always imagine that I will be told “Come get your husband's body ...”

* Her name was changed. Source: "Journey to the Living's Cemetery, Fact-finding Mission on Death Row in Morocco", OMDH, ECPM.

DRC

Olivier, lawyer of a person sentenced to death

“ The Uvira District Prison was built in 1948 to house 150 prisoners. Today there are 828, including 11 sentenced to death. My client lives in Cell #2, in which 143 other prisoners pile up in a room of 7 by 6 meters. They sleep six per mattress. Others lie on the ground or spend the night on canvas bags tied to the beds with ropes. For food, once a day my client receives a small slice of corn served with a small portion of beans doused with a 70 g box of tomato sauce, half full. Today, his body is skinny. For medical care, only two nurses report to the health facility next to the prison. And if he is sick, he has to buy his own medicine. But with what money?”

Source: testimony collected by Pax Christi-Uvira, DRC.

BELARUS

Tamara, mother of Pavel, executed in 2014

“ When I came to visit my son, he was bent over to the floor as a convoy of 10 people led him along. When I saw the number of guards they had deployed to bring him to me, I couldn't help myself and asked ironically whether they needed to call for more guards. Then he confessed me that, inside, he was frequently subjected to verbal taunts and psychological pressure from prison staff.”



HRC/VIASNA

Death row cell in pretrial detention centre N°1 in Minsk, 2006.

The daughter of Henadz, sentenced to death in 2014

“ Since the death sentence entered into effect - it's been three months now - we do not receive any letter from him. So, I am in a permanent state of uncertainty about his state, wondering whether he's still alive. Because from what I know, officials never communicate the date of the execution, they don't allow relatives to know if a convict has been shot or not. And when it's over, corpses are not returned to families, nor personal belongings.”

Source : "Death Penalty in Belarus. Murder on (Un)lawful Grounds", FIDH and VIASNA.

International Standards for Prison Conditions

Although Article 6 of the **International Covenant on Civil and Political Rights** allows the use of the death penalty, the actual practice of the capital punishment is not left to the unfettered discretion of the State².

Indeed, States must comply with various safeguards such as the prohibition against torture and cruel and inhuman or degrading treatment, set out in Article 7 of the **International Covenant on Civil and Political Rights** (“ICCPR”): *“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”*

Death row phenomenon as a breach of Article 7 of the ICCPR Covenant

Life on death row can lead to severe mental trauma and physical deterioration of people sentenced to death. The “**death row phenomenon**” is internationally recognized. It generally combines 3 factors: the harsh conditions of detention, the excessive length of incarceration and the anguish of living under a death sentence. This “**death row phenomenon**” amounts to a violation of the prohibition against cruel, inhuman or degrading treatment. Thus, at a domestic level, several courts have recognized that conditions on death row constitute a possible breach of article 7 of the ICCPR.

2. United Nations General Assembly, International Covenant on Civil and Political Rights, Res. 2200A (XXI), Art.6 (Mar. 23, 1976).

3. The Nelson Mandela Rules are available here:
https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf

The Nelson Mandela Rules

The Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) are, to date, the most robust set of standards in the area of prison conditions.

Adopted by the UN General Assembly in resolution 70/175 on 17 December 2015, they provide model international human rights standards regarding the basic rights of prisoners. Their stated goal is to *“set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management”*.

Some of the “Basic Rights” of Prisoners Under International Law

1. **Freedom from torture** or other cruel, inhuman or degrading treatment;
2. **Respect for prisoners’ dignity** and value as human beings;
3. **Necessary medical care**, including treatment for mental health issues;
4. **Food of proper nutritional value** and drinking water;
5. **Clean and adequate living conditions**, including sleeping and bathroom accommodations;
6. **Access to open air** and physical exercise;
7. **Adequate personal space**;
8. **Access to educational** and vocational activities;
9. **Regular contact with friends and family**;
10. **Access to legal counsel**.

10 reasons to end the use of the death penalty

1

**No state should have the power
to take a person's life.**

2

It is irrevocable.

No justice system is safe from judicial error and innocent people are likely to be sentenced to death.

3

**It is inefficient and does not keep
society safe.**

It has never been conclusively shown that the death penalty deters crime effectively than other punishments.

4

It is unfair.

The death penalty is discriminatory and is often used disproportionately against people who are poor, people with intellectual or psychosocial disabilities, and members of racial and ethnic minority groups. In some places, the imposition of the death penalty is used to target particular groups based on sexual orientation, gender identity, political opinion, or religion.

5

**Not all murder victims' families
want the death penalty.**

A large and growing number of victims' families worldwide reject the death penalty and are speaking out against it, saying it does not bring back or honor their murdered family member, does not heal the pain of the murder, and violates their ethical and religious beliefs.

6

It creates more pain.

Particularly for the relatives of the person sentenced to death who will be subjected to the violence of forced mourning.

7

It is inhuman, cruel, and degrading.

Conditions on death row and the anguish of facing execution inflict extreme psychological suffering, and execution is a physical and mental assault.⁶

8

**It is applied overwhelmingly in
violation of international standards.**

It breaches the principles of the 1948 Universal Declaration of Human Rights, which states that everyone has the right to life and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. On five occasions, the United Nations General Assembly has called for the establishment of a moratorium on the use of the death penalty.

(Résolutions 62/149 in 2007, 63/168 in 2008, 65/206 in 2010, 67/176 in 2015, 69/186 in 2014 and 71/187 in 2016).

9

It is counterproductive.

By establishing the killing of a human being as a legal solution, the death penalty promotes the idea of murder more than it fights against it.

10

**It denies any possibility
of rehabilitation for the criminal.**

10 things you can do to end the death penalty

- 1 Write to a prisoner** on death row.
- 2 Send support messages** to their relatives and lawyers.
- 3 Organize a visit** to prison following the World Coalition's guidelines.
- 4 Organize a public debate** and a movie screening with families of people sentenced to death, exonerees, their lawyers, and experts.
- 5 Organize an art exhibition** (of art work made by people sentenced to death, of photographs of death row, or of drawings or posters) or a **theatre performance**.
- 6 Join events** prepared for the abolition of the death penalty worldwide.
- 7 Donate to the World Coalition Against the Death Penalty** or another group working to end the death penalty.
- 8 Follow and contribute to the social media campaign** on Facebook and Twitter: #nodeathpenalty.
- 9 Mobilize the media** to raise awareness of the issue of the death penalty.
- 10 Participate in "Cities Against the Death Penalty /Cities for Life"** on November 30, 2018.

TO FIND OUT MORE

Find out everything about World Day against the Death Penalty at : www.worldcoalition.org/worldday including:

- The 2018 World Day poster
- The mobilisation kit
- Detailed factsheets on the death penalty around the world
- The 2017 World Day Report
- A tool for lawyers, journalists and prison staff

The World Coalition Against the Death Penalty is an alliance of more than 150 NGOs, bar associations, local authorities and unions. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. The World Coalition gives a global dimension to the sometimes isolated actions taken by its members on the ground. It complements their initiatives, while constantly respecting their independence.

The World Coalition Against the Death Penalty created the **World Day against the Death Penalty** on 10 October 2003. For the 16th World Day, the World Coalition would like to help activists worldwide rally to oppose the death penalty and unite behind the struggle for universal abolition.



World Coalition Against the Death Penalty

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