

DEATH PENALTY: A ROAD PAVED WITH TORTURE

10 OCTOBER 2022

20TH WORLD DAY
AGAINST THE DEATH PENALTY

www.worldcoalition.org

**WORLD
COALITION**
— AGAINST THE DEATH PENALTY —

On 10th October 2022, the World Coalition Against the Death Penalty and abolitionists actors worldwide will celebrate the 20th World Day Against the Death Penalty.

This day is an opportunity to highlight the progress made regarding the struggle against the death penalty around the globe for the past twenty years. It also serves as a key moment to reflect on the link between the use of the death penalty and torture or other cruel, inhuman, and degrading treatment or punishment (CIDTP), as well as mark the growing recognition of the death penalty as incompatible with the prohibition of CIDTP under international law.

Today, 144¹ States are abolitionists in law or in practice, which represents more than two thirds of the world's countries. Comparatively twenty years ago, only 111² countries were abolitionists in law or in practice. It is undeniable that abolition of the death penalty has continued to gain ground around the world.

From an international legal perspective, the link between the use of the death penalty, torture and CIDTP has grown in its complexity over the past 20 years. There is a growing international acceptance of the principle that torture is inherent to the death penalty process, a process that is lawful under international law, albeit highly regulated. This notion puts into question the compatibility of the death penalty with the prohibition on the use of torture or CIDTP under international law. Two United Nations Special Rapporteurs on torture have expressed their favorable interpretation of this and called for studies on this very question, in 2009 and again in 2012³. As recently as 2019, for the first time, the United Nations Human Rights Committee suggested that certain methods of execution constitute torture or CIDTP⁴.

These progressive interpretations by international human rights bodies and mechanisms are not without dire need. The types of torture and other ill-treatment experienced during the long death penalty road are varied and numerous: **physical or psychological torture** has been applied in many cases during questioning to force confessions to capital crimes; **death row phenomenon** contributes to the long-term psychological decline of a person's health, harsh death row living conditions contribute to physical deterioration, mental anguish of anticipating execution once a date has been set, **methods of execution** that cause exceptional pain, and **the suffering experienced by family members** and those with a close relationship with the executed person.

1 Amnesty international, "Death sentences and executions in 2021" May 2022.

2 Amnesty international, "The Death Penalty: List of Abolitionist and Retentionist Countries (1 January 2002)", 31 March 2002.

3 Special reporter on torture reports, doc. ONU A/HRC/10/44, 2009, § 34-38 ; doc. ONU A/67/279, 2012, § 53, 56, 65-72 2012.

4 Human rights committee, General Comment no. 36 - Article 6: right to life, CCRPR/C/GC/36, para. 64, Septembre 3rd, 2019.

WHAT IS TORTURE AND CIDTP?

Any act by which severe pain or suffering, whether physical or mental, is inflicted on a person by or at the instigation of or with the consent [...] of a public official or other person acting in an official capacity. Torture is an aggravated et deliberated form of CIDTP.

Torture does not extend to “pain or suffering arising only from, inherent in or incidental to lawful sanctions.”. But the lawfulness of the death penalty as a legal sanction is questioned more and more on the international stage.

Article 1 and 16, Convention Against Torture; Article 1/2 Declaration on the Protection of All Persons from Being Subjected to Torture and Other CIDTP of December 9, 1975.

WHAT IS DEATH PENALTY PHENOMENON?

The psychological impact felt by a person sentenced to death that combines harsh living conditions, and the contemplation of impending execution.

THE DEATH PENALTY IN NUMBERS

110

States have abolished the death penalty for all crimes

55

States are retentionists

7

States have abolished the death penalty for common law crimes

27

States are abolitionists in practice

The 5 States that executed the most in the world in 2021 are, in order:

1 China

2 Iran

3 Egypt

4 Saudi Arabia

5 Syria

International laws and standards relative to the prohibition of torture and CIDTP

The prohibition of torture and other ill-treatment is acknowledged by diverse regional and international instruments and texts:

Universal Declaration of Human Rights of 1948 (art. 5)

International Covenant on Civil and Political Rights of 1966 (art. 7)

Convention against Torture of 1984

Convention on the Rights of the Child 1989 (art. 37 a)

European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 (art. 3)

American Convention on Human Rights of 1969 (art. 5.2)

African Charter on Human and Peoples' Rights of 1981 (art. 5)

Inter-American Convention to Prevent and Punish Torture of 1985

European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 1987

Arab Charter on Human Rights of 2004 (art. 8)

Association of Southeast Asian Nations Declaration on Human Rights, 2012 (art. 14)

The types of torture and other ill-treatment experienced during the long death penalty road are varied and numerous:

Arrest and questioning

MALAYSIA

"In 2005, at 20 years old, Hoo Yew Wah was arrested for possession of 188.35 grams of methamphetamine. He was later taken to a police station, where he said the police broke his finger and threatened to beat his girlfriend during interrogation to make him sign a statement, without a lawyer present. He contested the statement at trial and on appeal, but it was used as evidence to convict him. (...) Yew Wah was automatically presumed to be guilty of drug trafficking [by the court] - and was given the mandatory sentence of death."

Testimonial gathered by Amnesty International in 2019.

SRI LANKA

When describing his schedule on a prison ward, the following anonymous man who has been under a sentence of death for 13 years explained, "**Exercise time is at 10H00. I don't go out for exercise. I haven't gone out for exercise for about five years. What is the point?**"

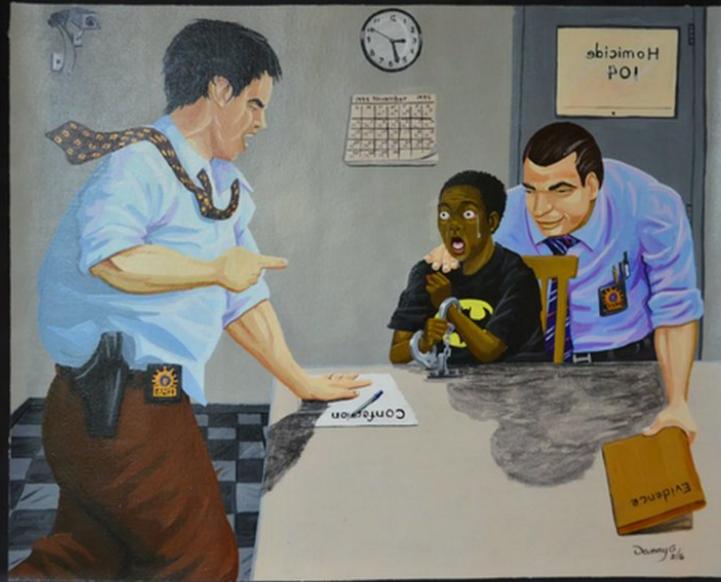
Over 1200 persons are under sentenced of death in Sri Lanka.

Quote gathered by the Human Rights Commission of Sri Lanka for their 2020 Prison Study.



USA

Pennsylvania



Painting entitled "Coerced Confession"⁵ by Daniel Gwynn, by Daniel Gwynn, who has been on death row in Pennsylvania, USA since 1996.

Testimonial and art work sent by lifespark!

5 For more art by Daniel Gwynn: <https://www.artforjustice.org/daniel-gwynn>

Death row phenomenon



"My brother, Greg Wilhoit, spent five years on Oklahoma's death row for a crime he did not commit. (...) **Visiting Greg on death row was very traumatic.** Oklahoma does not allow contact visits so we were not able to even hug Greg for years. **He shared with us the barbaric living conditions, and we had nightmares imagining what he was dealing with and his hopelessness.** We tried to comfort him when his friends were executed. It was devastating. Nothing that we suffered compared to what Greg went through, but no family should have to watch the state methodically plan the murder of their loved one."

Nancy Vollertsen, sister to Greg Wilhoit.

Greg Wilhoit was wrongfully convicted and sentenced to death in 1987. He was fully exonerated in 1993.

Testimonial shared by Witness to Innocence in 2022.

Anticipation of execution



"Several death row prisoners have shared what they saw on the day of Weng Renzian's execution. They said that Weng Renzian was unwilling to let the prison guards take [him] out of his cell and resisted strongly. Other prisoners were locked in their cells with the small glass window on the door covered, so that they could not see the condition outside. They could only hear Weng Renzian's painful cries. The guards called for more help to come in to assist. **In the end, Weng Renzian was dragged along the corridor, and the sound of shackles, handcuffs and floor tiles [...]** **was even more eerily deafening and frightening in the quiet prison at night.** (...) Renzian shouted, "My brothers, take care! I'll leave first!" and then he was taken to the execution ground."

Testimony collected by the Taiwan Alliance to End the Death Penalty in 2022.



Mohammad Fada'i, wrote a letter as a juvenile waiting for execution: "Now, once more, I am waiting for execution. I am no longer afraid of death. (...)

Today I am writing this letter to you and I still cannot believe that I have been separated from my school and my friends forever. I still cannot believe that I am grown up and my childhood and youth has ended. **I cannot believe that I have to die in few days."**

Testimony collected by the Abdorrahman Boroumand Center in 2008.

Cycles of hope/despair on death row



In April 2021, the Malawi Supreme Court handed down an opinion that abolished the death penalty. Four months later, the Supreme Court changed their ruling, effectively retaining the death penalty in the penal code. Steven Ching'ombe, on death row in Zomba, described the experience; "we were so excited we couldn't eat - all our relatives outside the prison were so happy." After hearing the judgement had been changed "**our hearts were broken... we all just cried...** I could have done the job for them and hanged myself."

Steven Ching'ombe and many others are still sentenced to death in Malawi.

Testimonial shared by Reprieve in 2022.

Our deep thanks to the individuals who provided testimonies and to the organizations which sent them. For additional, full testimonies, please read "Testimonies: Acts of Torture in Capital Punishment" on the World Coalition website.

To find out more...

Find out everything about World Day Against the Death Penalty at www.worldcoalition.org/fr/campagne/20-world-day-against-the-death-penalty including: the 2022 World Day poster ; the Mobilization Kit ; the testimonies collection ; detailed factsheets on the death penalty around the world ; the 2021 World Day Report.

The World Coalition Against the Death Penalty is an alliance of more than 160 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. For the 20th World Day, in 2022, the World Coalition would like to help activists worldwide rally to oppose the death penalty and unite behind the struggle for universal abolition.

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 or executed.

3

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 groups based on sexual orientation, gender identity, political opinion, or religion.

4

It is inhuman, cruel, and degrading.

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

5

It denies any possibility of rehabilitation.

6

It creates more pain, particularly for the relatives of the person sentenced to death, including children, with harsh transgenerational consequences.

7

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 seven occasions, the United Nations General Assembly has called for the establishment of a moratorium on the use of the death penalty (resolutions No. 62/149 in 2007, No. 63/168 in 2008, No. 65/206 in 2010, 67/176 in 2012, No. 69/186 in 2014, No. 71/187 in 2016, No. 73/175 in 2018, and No. 75/183 in 2020).

8

It is counterproductive, because by instituting the killing of a human being as a criminal justice solution, the death penalty endorses the idea of murder more than it fights it.

9

It is inefficient and does not keep society safer.

It has never been conclusively shown that the death penalty deters crime more effectively than life imprisonment.

10

Not all murder victims' families want the death penalty.

A large and growing number of crime 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.

10 THINGS YOU CAN DO TO END THE DEATH PENALTY

1

Organize a gathering.

It can take the shape of a demonstration, a webinar, remote workshop, a debate or a movie screening, an art exhibition or theater performance.

2

Organize a visit in prison

to raise awareness on the conditions of detentions of prisoners.

3

Build partnerships with minority group's rights organizations (women, LGBTQIA+, religious minorities, ethnic minorities...) to raise awareness on how discriminations are an aggravating factor of the psychological and physical tortures.

4

Participate in a TV show or community radio

to raise awareness of the need to abolish the death penalty.

5

Write a letter

to death row inmates or to their families to show support and fight isolation.

6

Join the events

prepared for the abolition of the death penalty worldwide. Visit the World Coalition page for events near you!.

7

Donate to a group working to end the death penalty.

8

Follow the social media campaign

on Facebook, Instagram and Twitter and launch your own using: #nodeathpenalty.

9

Mobilize the media

to raise awareness on torture experienced by those who are sentenced to death both locally and worldwide. Call for interviews, testimonies from death row detainees, investigations on local cases and raising awareness campaigns.

10

Participate in Cities Against the Death Penalty/ Cities for Life on 30 November 2022.



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