

Vivid X Cassiopeia Model United Nations CHAIR REPORT

Committee
UNHRC

AGENDA

**Combating the use of capital
punishment as a means of
violating human rights**

UN introduction

The United Nations is an international organization created in 1945, in the aftermath of the Second World War, after calls to encourage dialogue between nations and resolve international conflicts without war and to form policies on various international issues. Unlike most international organizations at the same time, the UN gained the support of various nations across the globe and today has over 193 member states and 2 observer states as its members. In Article I of the Charter of United Nations, the United Nations is delegated with the task of maintaining worldwide peace and security, developing relations among nations, fostering cooperation between nations in order to solve economic, social, cultural, or humanitarian international problems and providing a forum for bringing countries together to meet the UN's purposes and goals.

Committee introduction

The Human Rights Council is an intergovernmental body within the United



Nations which is responsible for the promotion and protection of human rights all around the world. As a subsidiary of the General Assembly, the Council discusses important thematic human rights issues such as freedom of association and assembly, expression, belief and religion, women's rights, Lesbian Gay Bisexual Transgender (LGBT) rights, and the rights of racial and ethnic minorities.

Topic introduction

Capital punishment, also referred to as the “death penalty”, is a form of punishment that involves taking the life of the accused. The origin of capital punishment dates back to Babylon, wherein the Code of King Hammurabi stated that the punishment for 25 different crimes was death. Ever since Babylon in the 18th century B.C., capital punishment has been a globally used form of punishment, most often set as the pinnacle punishment for the most capital of offenses. However, as the usage of capital punishment became more and more popular in Europe during the 18th

century, reformations for the death penalty and abolitionist movements began to form against this form of punishment. In the present age, 104 countries, including the majority of Europe, Canada, Australia and a large portion of Latin America, have completely abolished the enforcement of capital punishment, while 94 countries including the United States and the majority of Asia and Africa still practice capital punishment to varying degrees.

In the face of mounting pressure, many countries which still practice capital punishment have spoken out against the somewhat unfair standards the MEDCs (More Economically Developed Countries) set for the LEDCs (Less Economically Developed Countries). While many MEDCs can afford to accommodate large numbers of inmates, many LEDCs do not have the financial capacity to do so. Also, ideological differences regarding issues such as whether governments have the right to take a human life, the possibility of rehabilitation and the difficult prevention and monitoring of re-offenders have kept governments and society in disagreement with each other.



Many countries see the global interference with their nation's laws on the death penalty as an intrusion into their national sovereignty and their nations' ability to exercise power over its citizens. Finally, many countries with a constitution based on specific religious beliefs see the abolition of the death penalty in disagreement with their translation of their religion. Representatives at this year's UNHRC must strive to find a common ground.

Historical Background

Capital punishment, or the death penalty, has been around for a very long time. In Ancient China and Athens, the death penalty was made the official punishment for all crime, while the Code of King Hammurabi of Babylon codified the death penalty for 25 specific crimes, including treason and theft. The Mosaic Laws governing the

Jewish population enforced capital punishment and under the reign of Henry VIII of England, as many as 72,000 people are estimated to have been executed. However, these death sentences differ from modern-day capital punishments in that they purposefully incorporated torture methods for executions. Individuals were publicly stoned, crucified, thrown off cliffs, boiled, buried alive, crushed, skinned alive and burned at the stake, all while being at the receiving end of insulting songs. Also, the death penalty was different for men and women, and further differentiated between nobility, freemen and slaves. Although there were some occasions of restraint, such as by William the Conqueror and Emperor Constantine, the death penalty was freely used in most cases.

The usage of capital punishment was still prevalent in modern society until the 20th century. However, various journals and investigations began to question the feasibility of the death penalty. Cesare Beccaria made a global impact in 1767 with his book “On Crimes and Punishment”, which theorized that there was no justification for the taking of life by the state. Shortly after in 1793, William Bradford, the Attorney General of Pennsylvania, published the famous “An Enquiry How Far the Punishment of Death is Necessary in Pennsylvania”, which argued against the over-usage of the death penalty.

As the global society began to better understand the potential effects of the death penalty, voices opposing capital punishment as a means of punishment slowly grew. In Britain, the number of offenses punishable by death continually increased until two hundred and twenty-two crimes, including cutting down a tree and robbing a rabbit warren all became punishable by the death. In the face of such barbaric laws, anger and discontent grew rapidly and reforms began to take a place in 1823. By 1837, over 100 capital offenses were swept away. In 1840, the first ever attempt to abolish the death penalty altogether was suggested in the House of Commons. Through the 19-20th centuries, this abolitionist trend grew and more countries followed suit, with over 50 countries abolishing the death penalty for trivial crimes by the 1900s.

However, the two world wars and chaos made the usage of capital punishment against traitors acceptable once again, and the abolitionist movement quietly continued growing.

The creation of the United Nations in 1945 opened a new chapter in the abolitionist movement against capital punishment. After the perils of a war that took around 100 million lives, the international society started to look forward to ensuring the rights of all people worldwide. The Universal Declaration of Human Rights guaranteed all citizens' the "right to life" and at the time of its adoption, 8 countries had already abolished the death penalty for "all crimes". Also, the Parliamentary Assembly of the Council of Europe and the European Union, demanded a commitment to abolition as a condition of entry into the organization. In 1998, the Commission on Human Rights called on states that still maintain the punishment "to establish a moratorium on executions, with a view to completely abolishing the death penalty" in Resolution 1998/8.

Status Quo

As of 2017, 104 nations have completely eliminated the usage of capital punishment from its legal system, while 56 countries still maintain capital punishment as a means of punishment, albeit in extreme cases. The remaining 30 nations have abolished capital punishment in practice and 6 have abolished it for small crimes.

This continuing trend of abolishments and moratoriums of the death penalty was stimulated due to various reasons. Capital punishment has been viewed as a very inhumane and cruel form of punishment, as it violates the fundamental rights of individuals: right to life. There have also been continuous and various debates on the issue of whether or not the death penalty is carried out in just methods, as multiple cases have shown the fact that the death penalty can be gruesome and inhumane once carried out. In many cases, chemicals injected into the criminal did not kill the criminal for around 40 minutes to an hour, causing severe mental and physical pain - an effect that was never justified. Additionally, in many cases, certain injections were carried out arbitrarily based on the race or ethnicity of the individual, and thus, causing numerous cases of unjustified executions.

Despite such implications of the death penalty, the number of executed individuals still remains high today. In its 2016 report on "Death Sentences and Executions" Amnesty International claims that more than 2032 people have been executed in 2016, with thousands thought to have been executed in China alone, which

refuses to release official figures. Countries such as the Philippines are even considering bringing back the death penalty, with a vote in its Senate expected to soon happen.

Currently, the United Nations stands firmly with its “Second Optional Protocol to the International Covenant on Civil and Political Rights”, which provides for the total abolition of the death penalty except in cases of war. The General Assembly has adopted non-binding resolutions calling for a global moratorium on executions 2007, 2008, 2010, 2012 and 2014.

As the Human Rights Watch reported last year, although most nations have abolished or spoken against the usage of capital punishment for crimes, “over 60% of the world's population live in countries where executions take place, such as China, India, the United States and Indonesia.”

Case studies

June 3, 1999, Clayton Lockett's Lethal Injection

On June 3, 1999, Clayton Lockett stood on a valley and shot at Stephanie Neiman, a 19-year-old who had graduated from high school two weeks earlier, with a 12-gauge shotgun. Lockett and his crew not only murdered Neiman, but also raped a friend of Stephanie Neiman. Lockett even threatened Neiman to keep quiet, but Neiman rejected this, and was thus, unfortunately shot.

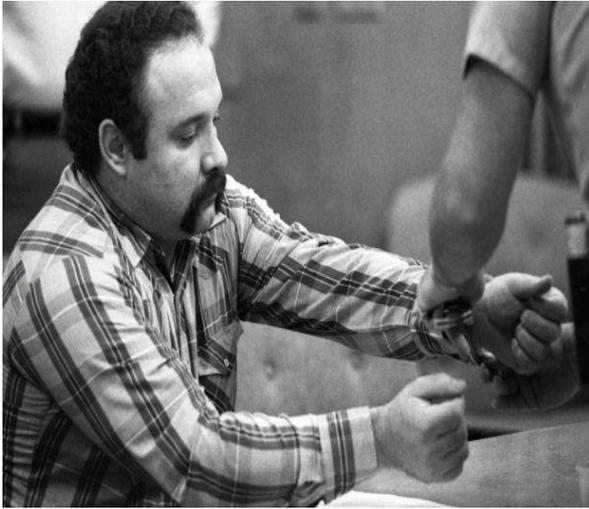
It was clear that Clayton Lockett was guilty, and deserved punishment. However, even for such a violent and inhumane criminal, the way his punishment was delivered brought a lot of controversy, as he was also a respected person that deserved the most fundamental rights.

On April 29, **Clayton Lockett** died due to a heart attack that was caused from the repercussions of a new injection protocol implemented by the United States of America. Lockett was injected with an execution drug called midazolam at 6:23 pm. After around 10 minutes, he became unconscious. However, three minutes later, he started to make unusual and strange movements, such as nodding or making weird noises. It was later found that the drugs he took exploded his veins, and were an

unconstitutional form of punishment. It was also declared that all of this was predictable and preventable. Thus, there was a great controversy on whether this was an unconstitutional procedure, or a just and proportionate punishment.

July 23, 2014, Joseph Wood's Lethal Injection

Even after lethal injections/chemicals (midazolam and hydromorphone) were



injected into Mr. Wood, for the next 100 minutes, he was unconscious, yet showed strange symptoms such as constant breathing and gasping. A reporter claimed that during the execution he heard around 600 gasps before Mr. Wood finally died. Mr. Wood's attorneys, during the botched execution, reported to the Federal District Court and called the Supreme

Court Justice. However, the spokesperson of Arizona Attorney General Office gave an unreasonable excuse: he stated that Joseph R. Wood was 'asleep' and snoring.

A while before the sloppy execution was carried out, defense attorneys of Mr. Wood requested the U.S. Court of Appeals for permission for the state to disclose the chemicals and sources used in the injection, and whether or not the executioners were given adequate training. However, this request was rejected by the Supreme Court, and thus, the inhumane process was never reprimanded, nor investigated.

December 8, 2016, Ronald Bert Smith Jr.'s Lethal Injection

Ronald Bert Smith Jr. was a former Eagle Scout and Army reservist. In 1994, he was found guilty of murder of a clerk who worked at a convenient store. In his trial, his jury was removed of all citizens that were against death penalty, and thus, the jury came to a 7 to 5 conclusion to imprison Smith for the rest of his life without parole. However, the customary law of Alabama did not require neither a majority nor unanimity vote for the judge to decide to impose death sentence upon a defendant.

Smith was locked into his room, and was injected with the controversial sedative midazolam. Afterwards, for the next 13 minutes, Smith constantly gasped, heaved, breathed, clenched his fists, made strange noises, and even raised his head during the sedation. He was declared to be dead 34 minutes after the injection.

Alabama Prison Commissioner Jeff Dunn claimed that the proper procedures were used to execute Smith. However, it was found that even after the multiple strange symptoms that Smith showed, he and his other prison officials did not consider stopping the procedure.

September 15, 2009, Romell Broom's Attempted Lethal Injection

Prison officials of Ohio endeavored to find a suitable vein in the limbs of Mr. Broom in order to inject the chemicals into his veins. However, the efforts were terminated, due to multiple failures, even after two hours of examination. While the officials were looking for a vein in which the chemicals could be injected, Mr. Broom was inflicted with a tremendous pain. The failures were so painful to the point that Mr. Broom tried to help the officials find a vein that would kill him. During this process, he covered his face with his hands, and had great pain in his stomach.

He sobbed, and his execution was stopped due to constant failure, and plans were that the execution would take place a week later, so that physicians could discuss on how the execution could be carried out effectively. This case clearly showed the inadequacies of the prison officials and their training. Afterwards, the executioners attributed the failure to Mr. Broom's abuse of drugs.

January 16, 2014 Dennis McGuire's Lethal Injection

After hydromorphone and midazolam, two very controversial drugs, were injected into Mr. McGuire, for around 25 minutes, he desperately and painfully gasped for air as the drugs slowly and painfully killed him. Witnesses of the execution claimed that even after Dennis took the chemicals into his veins, he made terrible choking sounds, grasped onto his stomach with a terrible and horrified look on his face. His

defendants filed a lawsuit after the execution, and Mr. McGuire's family purported that Mr. McGuire experienced repeatedly snorted, gurgled and looked as if he was in pain, as if he was suffocating.

Key terms

Capital Punishment

the legally authorized killing of someone as punishment for a crime.

Death Penalty/Sentence

the punishment of execution, administered to someone legally convicted of a capital crime.

Capital Crime/Offences

a crime, such as murder or betrayal of one's country, that is treated so seriously that death may be considered an appropriate punishment.

Botched

When a procedure carried out carelessly.

Strangulation

Interruption of tubular flow. Lengthy strangulation of blood vessels or the trachea (windpipe) may result in death.

Lethal Injection

Lethal injection is the practice of injecting a person with a fatal dose of drugs, typically a barbiturate, paralytic, and potassium solution for the express purpose of causing the immediate death of the subject.

Electrocution

the injury or killing of someone by electric shock

Gas Chamber

an apparatus for killing humans with gas, consisting of a sealed chamber into which a poisonous or asphyxiant gas is introduced.

Hanging

the practice of hanging condemned people as a form of capital punishment

Death qualified jury

Jurors who can fairly consider both execution and life in prison, without strong predispositions towards either, as possible sentences for a guilty defendant.

Related UN movements

On May 15th, UNHRC issued a report that requested the United States of America to stop the usage of the death penalty, a problem that was recognized as a primary concern of the preservation of Human Rights in the United States of America. 38 countries encouraged an abolishment or a moratorium on the usage of death penalty. In a similar U.N. review of 2010, less than half of the number of countries were against death penalty. Another concern brought up by multiple nations of the UNHRC was that racial profiling, or any arbitrary reason behind the usage of capital punishment, or unfair convictions must be safeguarded. Also, understanding that lethal injections have been abused in the past, France acknowledged the fact that the injections, if used, must be used transparently.

December 18, 2007, United Nations General Assembly Passes a Resolution Calling for a Moratorium on the Death Penalty

On December 18th, 2007, the United Nations General Assembly debated, and was able to pass a resolution, although non-binding, that requests countries to put a temporary ban on the usage of the death penalty. Few countries argued against this resolution, and the reasoning that was used was that the banning of the death penalty goes against the sovereignty of nations. After constant debate between nations of the General assembly, the resolution passed with a 104 to 54 vote, with 29 countries abstaining. Past discussions of the General Assembly in the 1990s had

a very different result, as two similar resolutions in the 1990s have failed to pass. This is significant, as it, to an extent, shows the change of the social trend.

Previously, former UN Secretary General Ban Ki-Moon acknowledged that the world is moving further and further away from the usage of death penalty, and that each country should try to adopt policies that would bring an end to the usage of death penalty.

15 March 2001 – Hands Off Cain Campaigns:

On March 15, 2001, in Italy, Hands Off Cain started a campaign online for the purpose of raising awareness of death penalty. The organization launched the campaign in order to gain support and pressure the United Nations to pass a resolution that calls for a moratorium on death penalty. This campaign was initiated after the EU's withdrawal from the 1999 General Assembly resolution that called for the moratorium on death penalty. The organization advertised its cause and proceeded with the project - "Stop the death penalty through Internet" - and used multiple media outlets to further spread its purpose. As a result, many entertainers, athletes, celebrities and journalists endorsed the cause, and lead to the success of the campaign.



Afterwards, this campaign that first began in Italy spread to Spain, where once again, media was used to endorse the organization on March 16, 2002. This campaign that took place in Spain was also for supporting the efforts to bring a moratorium on death penalty. Like before, there was great media coverage, and the campaign succeeded thanks to many supporters and celebrities that endorsed the campaign. The campaign could gain around 10,000 signatures in one single day.

Positions of Key Member Nations

United States of America

In the United States of America thirty-two states including states such as Florida, North Carolina, and Pennsylvania to this day consider capital punishment as legal and practice it as law while 18 states including states such as California, Michigan, and the District of Columbia have made capital punishment illegal within its boundaries. The number of states that legalized capital punishment in the United States reached its peak in the year of 1995 with 38 states, and steadily fell until just last year wherein the number of states rose from 31 to 32. The United States have issued 504 death sentences between the years of 2007 and 2012 and have 41 federal offenses that may result in capital punishment.

United Kingdom

The United Kingdom or England to be more precise was one of the first sovereign nations to popularize the usage of capital punishment in the early 18th century. However, as the viewpoint of the British society began to see capital punishment as an unfair injustice, the United Kingdom abolished capital punishment in the United Kingdom for the offense of murder with the Murder act of 1965 or the Abolition of Death Penalty act. This left 4 offences; high treason, piracy with violence, arson and espionage, and capital offences under military law open to capital punishment. During the following years, several acts were put into action shortening the list of offences that would result in capital punishment until the year of 1998 when the Human Rights Act 1998 removed the act of allowing capital punishment under military jurisdiction (the direct authority of a nation's military law), completely abolishing capital punishment in the United Kingdom.

China

The People's Republic of China is the leading enforcer of the capital punishment and has executed thousands of people each year according to Amnesty



estimations, totaling an amount that estimates near the total number of executions in the rest of the world. While the pure quantity of executions taking a place may seem incurable, the number of executions in the People's Republic of China has been making slow progress with the yearly total of executions moving in a downwards trend since the year of

2011. Amnesty International's China researcher William Nee stated that while in practice not much of a change was being made, the slow decrease did show "determination on the part of government to slowly decrease the use of the death penalty."

Kingdom of Saudi Arabia

For the past decade, Saudi Arabia has ranked in the top 5 for nations with the most executions. This trend shows no signs of stopping, as in 2015, the Saudi authorities executed 157 people, a clear increase from the 90 executions reported previously in the year of 2014. The executions showed no signs of stopping as a massive 47 people were executed across the duration of 24 hours on January 2 2016. With the ongoing unrest in the middle east, it is estimated that somewhere between dozens to hundreds of Saudi Arabians are currently on death row.

Democratic People's Republic of Korea

The Democratic People's Republic of Korea currently has 20 different crimes that result in capital punishment, ranging from treason to delinquency. While only 20 crimes are listed as punishable by the capital punishment, the number of actions that result in capital punishment are greatly shadowed by this meager number. For instance, in the last 2 years, 130 North Koreans were executed for the act of watching South Korean television. The reason behind this is a North Korean law that states 'executions

are allowed when authorities believe a crime is ‘extremely serious’. The ambiguity of this law is allowing many North Korean authorities to legally enforce numerous executions. Between the years 2000 and 2015 the Democratic People’s Republic of Korea has carried out 1,400 public executions.

Relevant Organizations

Amnesty International

Amnesty International is a global movement against injustice that has been active since 1961. Amnesty International believes that the death penalty is a cruel injustice and believes that the death penalty breaches two essential human rights, which are; the rights to life and the rights to live without the any kinds of torture.

Death Penalty Information Center

The Death Penalty Information Center is in Washington D.C. based non-governmental organization that provides the general public and media with analysis and information on capital punishment. Ever since its founding in 1990 the center has published annual reports on the death penalty, highlighting the newest statistics and changes.

Since 2014 the Center has been officially archived in the U.S. Library of Congress. Funded by individual donors and foundations the center is key in providing information on all aspects of capital punishment.



National Coalition to Abolish the Death Penalty:

The National Coalition to Abolish the Death Penalty or the NCADP is an American organization or movement formed with the single purpose of abolishing the death penalty in the United States of America, and supporting the abolishment of the death penalty in foreign nations as well.

Death Penalty Focus

Death Penalty Focus, founded in 1988, is a non-profit organization over 35,000 strong in members. It has dedicated itself to the abolition of capital punishment and

uses strategies such as research, disseminating information, and grassroots organization.

Reprieve

Reprieve is a British Organization that provides legal and investigative assistance to vulnerable individuals for free. The organization targets the death penalty, lethal injections, torture, drones, and secret prisons as injustices.

Ensemble Contre la Peine de Mort

Ensemble Contre la Peine de Mort is a French speaking international alliance of abolitionist organizations. Every three year the alliance organizes the largest abolitionist gathering in the world known as the World Congress Against the Death Penalty.

Future Outlook

Questions to ponder on

What are possible replacements for the death penalty and how will they hold the same amount of weight and authority that the death penalty holds?

Capital punishment is founded on the mentality of ‘an eye for an eye’ and is to this day receiving sizable support from the public in nations such as the United States. If capital punishment is the literal interpretation of ‘an eye for an eye’ why is it a social injustice that the UN must rid?

In the year of 2016 when the United Nations held the sixth “Moratorium on the use of the death penalty” the United States of America voted against the resolution. The representative of the United States stated that “The ultimate decision regarding these issues must be addressed through the domestic democratic processes of individual Member States and be consistent with their obligations under international law”. Is the issue of capital punishment an issue that should be decided on by as an international law or should it be kept to the individual decisions of the member states?

Possible solutions

As capital punishment has been around since the beginning of civilization, looking to completely abolish it immediately is quite distant from the realm of possibility. Thus, rather than looking to abolish the death penalty straight away, creating an international treaty on what types of crimes should be punishable by death will help to keep the number of unjust executions to a bare minimum. Therefore, a possible solution would be to come to an agreement on what the boundaries and limitations of capital punishment should be.



In most cases, the abolishment of Capital Punishment came as a result of civilian protest and civilian movements rather than government actions. Thus, a large portion of the reason that nations such as the United States and the Republic of China enforce forms of capital punishment to this day can be the civilians lack of knowledge on the injustices of Capital Punishment. Therefore, a possible solution to fastening the process of abolition could be to find ways to raise awareness of the social and humane injustices of capital punishments in regions where these injustices are less known. This could be done through several methods such as seminars, flyers, charity events, and online advertisements.

Executions are irreversible. Once an execution has been carried out there is no way to resurrect the victim of the execution. Therefore, creating a global set of enhanced safeguards could reduce the number of unjust and inaccurate executions. This could be accomplished through finding ways to prevent the inclusion of racial discrimination, physical/mental disability, and wrongful conviction as causes for an execution.

In order to bring an end to the injustice of capital punishment an international call for transparency in lethal drug injections could be a possible solution. Currently, a majority of the lethal injections being used in nations such as the United States and the Republic of China are highly experimental and contain many unknown effects. Thus, enforcing transparency in the lethal injections used for executions could diminish the

cases of experimental injections being used on criminals. Consider this as how you want delegates to approach this issue and their possible resolutions.

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