



Human Rights Institute

Human Rights Council, 34th Session

01 March 2017

High Level panel on the death penalty

Statement by the International Bar Association

Mr President,

The International Bar Association's Human Rights Institute opposes the use of the death penalty in all circumstances and has called for its total abolition since 2008.

The Human Rights Institute is also concerned that the imposition of the death penalty amounts to cruel, inhuman or degrading treatment, contrary to both the *International Covenant on Civil and Political Rights* as well as the *Convention Against Torture*.

Many methods of execution may amount to such violations, such as stoning, asphyxiation by means of gas, and execution by lethal injection as they may take the victim some time to die or cause excruciating pain. These problems are aggravated in countries which retain the death penalty but where the availability of prescribed lethal drugs may be limited and execution officials resort to substitutions for convenience and accessibility.

There is also the severe mental trauma and physical deterioration caused by prolonged periods of incarceration prior to execution.

Finally, the Human Rights Institute is concerned that, in its experience, jurisdictions which retain the death penalty rarely meet international fair trial standards, where coerced confessions, the use of military trials and limited access to defence lawyers are commonplace. This is clearly contrary to the requirements of the *International Covenant*.

These problems are exacerbated in jurisdictions which provide for a mandatory death penalty for some crimes. The Human Rights Institute, in its publication last year entitled *Forced to Kill*, has shown that this practice is a violation of international law, Common Law, Civil Law and Sharia.

Thank you, Mr President.