



**Forum:** Sixth Committee of the General Assembly (Legal)

**Issue:** Discussing the practice of legalization of the death sentence as a legal measure

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*“Amnesty International has never felt more hopeful that this abhorrent punishment can and will be relegated to the annals of history”*

- Agnès Callamard, Secretary General, Amnesty International

### **I. Description of the Issue**

The death penalty, also known as capital punishment, is implemented in numerous jurisdictions as a legal measure to punish someone with an execution for committing a certain crime. Though these vary from each country, murder, terrorism, war crimes, treason and espionage are the most common crimes one can get punished for by death on a global level.

Even though the number of countries that have abolished the death penalty is drastically increasing annually, the capital punishment seems to still be an ongoing verdict in many nations, including some *United Nations* Member States. Death penalties are followed by an execution which could entail beheading, hanging, shooting, injecting, stoning, electrocuting or gassing the convict. According to the *Death Penalty Information Center (DPIC)*, more than 85 countries have rejected the death penalty for all crimes, although some countries have allowed exceptions for the possibility of execution. So when the topic of legalizing the death sentence arises, controversy is bound to follow, as many would argue that humanity is going back in time. While more and more nations are starting to abolish the death penalty, many countries are bound on the punishment, normalizing it furthermore.

According to the Santa Clara University, the United States of America currently has 2000 citizens on death row, with the majority of the country’s population being in favor of this punishment. The worlds’ nations are torn between whether execution is a moral duty to keep citizens safe and sound or an act that goes against human rights, which apply to every human.



### EXECUTING COUNTRIES IN 2019

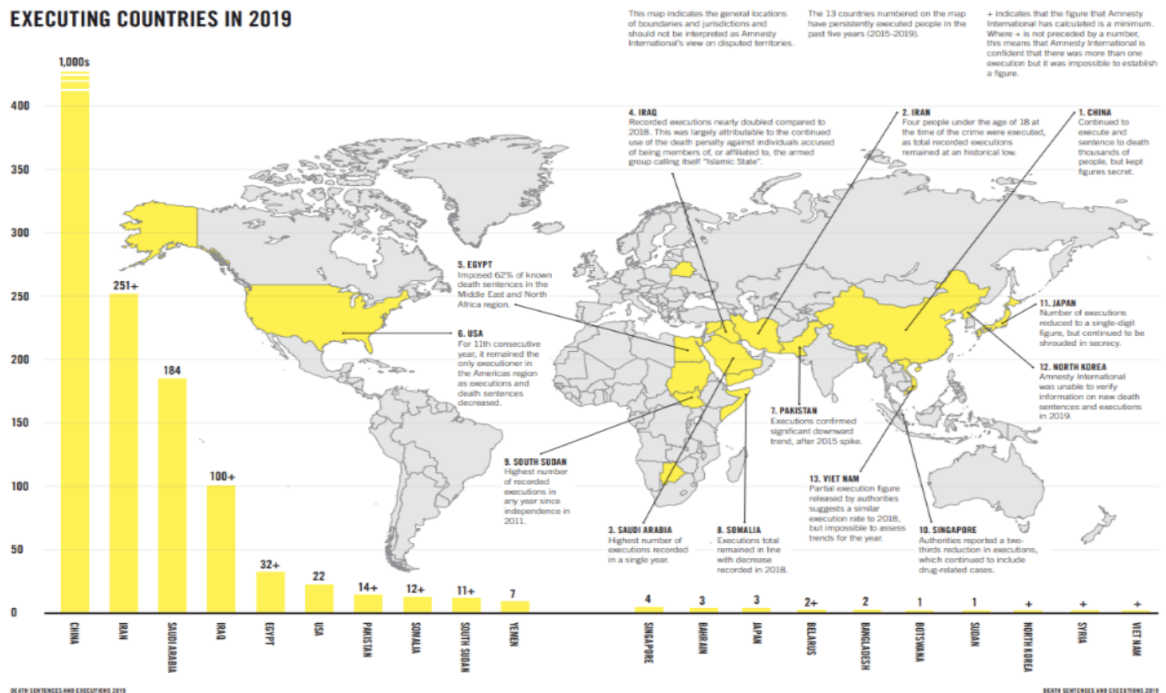


Figure 1: Death sentences and executions 2019 – Amnesty International

Figure 1 shows that although many parties are involved in this issue, the biggest known advocates for death sentences and executions as of recent times, according to *Amnesty International*, are the People’s Republic of China, the Islamic Republic of Iran, the Kingdom of Saudi Arabia, the Arab Republic of Egypt and the United States of America.

According to the *DPIC*, inmates that are awaiting execution on death row are kept under unacceptable conditions. Usually, they have already developed a mental illness if there hadn’t been one before, but the isolation and harsh treatment worsens the state of the felon. Especially the elderly of the convicted battle with the slow worsening of their physical disability, leaving them in agony and making their death “anticlimactic”.

The issue that lies here is that the death penalty is still a common punishment in various nations, although it is still flawed in its legislation. Many countries have abolished it, yet others only want to work on its framework, but the question resides of which options are better for humanity.



## II. Definition of Key Terms

- **Death sentence:** The death sentence, also known as capital punishment, is the act of taking a person's life, who has been convicted of a severe crime, such as but not limited to murder. This punishment is judicially ordered and leads to killing the convicted.
- **Execution:** The execution is the act of killing the convicted felon in brutal methods, after being sentenced to death. Different ways someone can be executed include beheading, burning, electrifying the convict.
- **Death row:** A designated area within a prison where individuals who have been sentenced to death are residing while awaiting their execution.
- **Racial injustice:** Treating a person with a different heritage, most likely a person of color, lesser than and unfairly. Building an opinion of a person with a different race and convicting them of injustice and not equal treatment.
- **Ethnic and religious minorities:** Communities with distinct cultural or ancestral characteristics that make them different from the majority population. Religious minorities are groups that practice a different faith from the dominant religion in a particular region or country. Both minorities may face challenges and discrimination based on their differences.
- **Legal measure:** A legal measure or legislation refers to the process of creating, enacting, and implementing laws or regulations within a particular legal system or governing authority. It involves establishing rules and guidelines that govern various aspects of society and carry legal weight once enacted.
- **Post Traumatic Stress Disorder (PTSD):** A psychological disorder that can develop in individuals who have experienced or witnessed a negatively impacted life changing event. It is characterized by symptoms such as flashbacks, intrusive thoughts, nightmares, intense anxiety, and emotional distress related to the traumatic experience.
- **Amnesty International:** An international organization, which advertises and fights for human rights, especially for wrongly convicted people that have been sentenced to prison due to unjust reasons such as but not limited to opposing political and religious views. (<https://www.amnesty.org/en/>)



- Death Penalty Information Center (DPIC): An NGO, which focuses on further depicting studies and reports on the death sentence. This organization was founded in the year 1990 and started off with primarily studying capital punishment in the US. (<https://deathpenaltyinfo.org/>)

### III. Background information

International law emphasizes that the execution of minors, pregnant women, and people suffering from mental illness is prohibited by all means, according to *Penal Reform International*. The *UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions* has also clearly stated, that the countries that tolerate capital punishment should only do it in the most serious of crimes, which later gets abused by many nations. According to *Penal Reform International*, the death penalty has been given to people who have committed the gruesome acts of such as but not limited to rape, kidnapping, political rebellion and espionage, which goes against strict guidelines of the *United Nations*.

In May of 2022, 90 states had ratified the *Second Optional Protocol to the International Covenant on Civil and Political Rights*, which commits to the full abolition of the death penalty, in hopes of preventing wrongly convicted people being executed or the prejudiced being more likely to be sentenced.

Even though such deliberate measures have been taken, according to *Amnesty International*, at least 2,016 people in 52 countries were sentenced to death in 2022 (at least 2,052 in 2021), which adds to the 28,282 people already convicted and on death row globally, who accumulated during the span of several years.

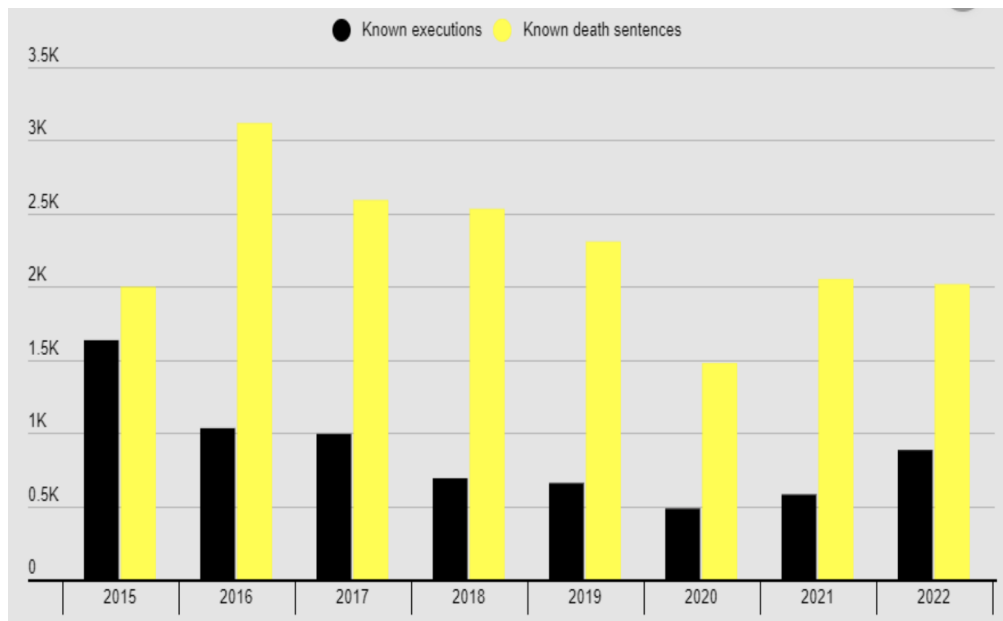
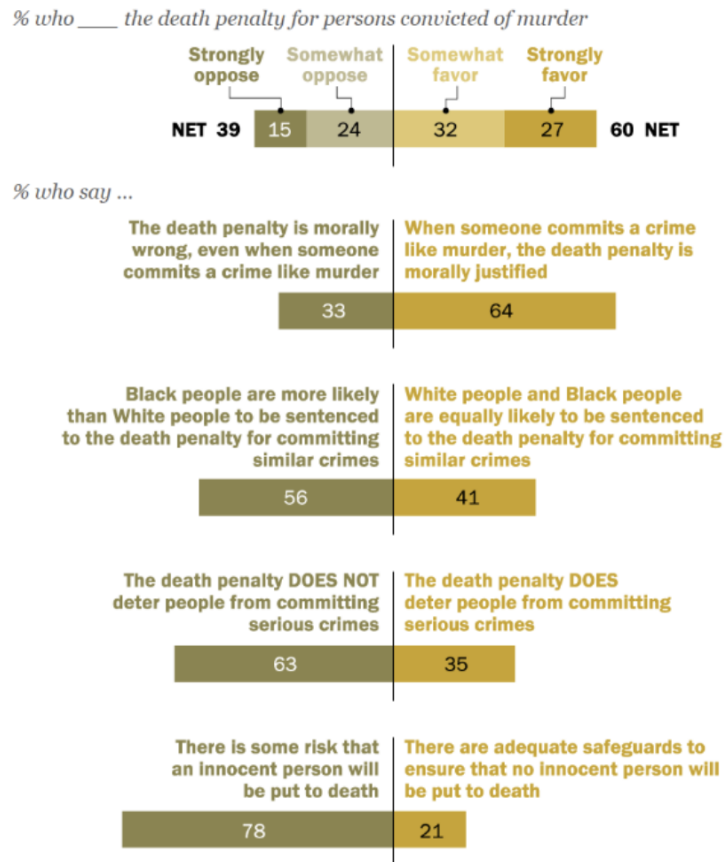


Figure 2: Executions and death sentences recorded globally (2015-2022)

Figure 2 depicts all death sentences as well as executions globally reported by *Amnesty International* from years 2015 to 2022. A clear increase in death sentences are seen in the year of 2016, in which 1000 more verdicts were made when compared to the statistics from the year before. This increase does not last long as the numbers of reported cases of executions decrease the following year, a clear dent being seen in the year of 2020 with about 1,500 sentences. This decrease was proven to not be permanent, as the statistics started rising again the years afterward.



Note: No answer responses not shown.  
 Source: Survey of U.S. adults conducted April 5-11, 2021.  
**PEW RESEARCH CENTER**

Figure 3: Survey of U.S. adults conducted April 5-11, 2021.

According to the *PEW Research Center*, some American citizens believe the death penalty to be faulty due to but not limited to racism, false convictions or immoral viewpoints.

Figure 3 shows a clear overview of the opposing standpoints of American citizens in 2021. Overall, the vast majority of 64% is in favor of sentencing a murderer to death and believes it to be morally acceptable, whereas the argument of black people being more likely to be put on death row wins by a small difference. Additionally, a vast majority of 78% does believe that the probability of an innocent person being convicted is a high risk.

This survey highlights two crucial standpoints on whether the death penalty should be used as a legal measure or not. Though governments such as but not limited to the United Kingdom,



the Kingdom of Spain, the Republic of Poland and the Kingdom of Cambodia are starting to abolish this punishment, it seems as though a fair share of the citizens are in favor of the death sentence.

Regarding capital punishment and its economic effects, that influences and affects millions of citizens worldwide as an aspect which needs tremendous improvement. According to *An Economic Analysis of the Death Penalty*, advocates of capital punishment argue that the conviction is accompanied by various benefits for the economy as well as the society. Executions help with deterring potential murderers of committing such crimes and also with keeping correctional facilities less crowded. Marginal profits are also made, which is oftentimes paid for by the victim's families, as they are determined to do anything to see the convict deceased.

But one main economic factor that outweighs most of the good ones, at least for the majority of countries, are the costs that accompany the process of an execution. When adding the trial and sentencing fees, appellate costs and the execution fees together, an average price of around \$1.26 million is to be estimated by the *Loyola Law School*.

Not only is the convicted affected by the sentence but also their family and loved ones. The *DPIC* documented that most relatives suffer from mental illness due to the emotional distress of having someone on death row. These mental illnesses include such as but not limited to depression, anxiety, and Post Traumatic Stress Disorder (PTSD). *Amnesty International* also claims that capital punishment is discrimination against society's most vulnerable. It is pointed out how the death sentence is used as a threat against impoverished people, ethnic and religious minorities, as well as disabled people.

In Conclusion, the death sentence comes with a lot of economic factors, which influence society very highly. *An Economic Analysis of the Death Penalty*, advocates for resources to be channeled into the communities of the nation, rather than on convicting someone to death. It is also argued that the death penalty is the "ultimate cruel, inhuman and degrading punishment".

*"The intentional killing of another person is wrong and as Governor, I will not oversee the execution of any individual. Our death penalty system has been, by all measures, a failure. It*



*has discriminated against defendants who are mentally ill, black and brown, or can't afford expensive legal representation. It has provided no public safety benefit or value as a deterrent. It has wasted billions of taxpayer dollars. Most of all, the death penalty is absolute. It's irreversible and irreparable in the event of human error."*

- Gavin Newsom, Governor of California, 13 March 2019

This quote from California's governor shows all the faults in the death sentencing structure and highlights how it drives the social gap between government and society further apart. He highlights the racial injustice reported by *Amnesty International* that hundreds of people of color with no financial support experience and also all the economic difficulties that come with the death penalty such as but not limited to the waste of billions of taxpayer dollars.

Through these results that organizations such as *Amnesty International*, the *DPIC*, the Office of the *United Nations High Commissioner for Human Rights (OHCHR)* use as argumentation, it becomes clear why such institutions, like the *United Nations Office on Drugs and Crime (UNODC)* are so adamant to abolish the death penalty globally, as it causes economic as well as social distress.

#### **IV. Historical Background**

According to the *DPIC*, during the beginning of using the death penalty as a legal measure, it was a widespread form of execution in many civilizations, which traces back to ancient codes of law, such as the Code of Hammurabi in Babylon and the Roman law of the Twelve Tablets.

Forms of executions entailed crucifixion, drowning, beating, burning and impalement, which turned into boiling, burning at the stake, hanging, beheading, drawing and quartering later in the 16th century.

By the 1700s, crimes such as cutting down a tree would lead to an execution but due to the severity of the death sentence, juries became more and more reluctant to convict criminals for their offense, so the capital offenses were reformed and over 100 crimes were removed from the list of 222.





But in the beginning of the 20th century, according to the *Center of Excellence for Stability Police Units*, human rights movements erupted all over the world fighting for their dignity and their right to live. Advocates for the movement argued that capital punishment violates these fundamental rights and constitutes cruel, inhumane, and degrading treatment.

Ever since then, the *United Nations* and many other institutions such as the Council of Europe have been working towards the complete abolition of the death penalty worldwide.

According to the DPIC, the death penalty has changed a lot over time. The reforms and changes in society's culture led to a slow and steady reduction of the conditions for a death penalty as well as the inhumane and cruel methods of executions.

## V. How to prepare as a delegate

To have fruitful debates, you as a delegate need to be well prepared and educated on your issues. As this research report only gives an overview on the matter, it is your job to go further into detail, specializing your research in your country. Examine the current status as well as the political and religious state of your country and find out how that influences their opinion on the matter. Is the death penalty still a legal punishment? How common is the verdict in the country and what are the stances of the citizens?

To be better prepared to respond to other delegates that may call you out during points of information, make sure to find reasonable arguments that your country would also use in this case scenario. If you're still unsure about something or need help, I'll be open to any and all questions you might have! Please remember to send your **two position papers** as well as your **resolution** to your chairs **by September 8th, 2023**, as we will not be able to correct it and give you tips if it is submitted after the deadline! After completing your research on the issue of legalizing the death penalty, you should be able to answer the following questions such as but not limited to: Why is the death sentence and its use a pressing issue? Is the death penalty legal in my country? Which nations are my allies and which have opposing views?

If you have done your research and feel like you are able to represent your country and its views in a diplomatic manner, rehearse your public speaking skills, such as giving speeches



and debating in general. This will be very useful for you as a delegate and all of your hard work will be in your favor. A very nice and safe way to get involved into the debate is by pre-writing a speech, which you can give in front of your committee.

## VI. UN resolutions regarding the issue and useful links for research

- Moratorium on the use of the death penalty, 17 December 2018 (A/RES/73/175)
  - [https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/449/69/PDF/N1844969.pdf? OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/449/69/PDF/N1844969.pdf?OpenElement)
- Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms, 6 December 2016 (A/71/484)
  - [https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/417/43/PDF/N1641743.pdf? OpenElement](https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/417/43/PDF/N1641743.pdf?OpenElement)
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, December 1989 (44/128)
  - <https://www.ohchr.org/sites/default/files/ccpr-death.pdf>
- Amnesty International global report 2022, death sentences and executions
  - <https://www.amnesty.org/en/documents/act50/6548/2023/en/>
- The Universal Declaration of Human Rights, 1948
  - <https://www.un.org/sites/un2.un.org/files/2021/03/udhr.pdf>
- General Assembly Resolution 217 A, 1948
  - <https://daccess-ods.un.org/tmp/6368665.09914398.html>

## VII. Useful links

- Penal Reform International, Key facts about the death penalty
  - <https://www.penalreform.org/issues/death-penalty/key-facts/>
- An Economic Analysis of the Death Penalty by Martin Kasten, 1996
  - [An Economic Analysis of the Death Penalty](#)
- Santa Clara University “Capital Punishment: Our Duty or Our Doom?”



- <https://www.scu.edu/mcae/publications/ie/v1n3/capital.html#:~:text=Capital%20punishment%20is%20often%20defended,killers%20do%20not%20kill%20again.#>

## VIII. Sources

- Facts about the death penalty in the US, 2021
  - <https://www.pewresearch.org/short-reads/2021/07/19/10-facts-about-the-death-penalty-in-the-u-s/>
- Executions around the world
  - <https://deathpenaltyinfo.org/policy-issues/international/executions-around-the-world>
- Death Penalty report by Amnesty
  - <https://www.amnesty.org/en/what-we-do/death-penalty/>
- Death sentences and executions 2022, Amnesty International
  - <https://www.amnesty.org/en/documents/act50/6548/2023/en/>
- Countries that have abolished the death penalty since 1976
  - <https://deathpenaltyinfo.org/policy-issues/international/countries-that-have-abolished-the-death-penalty-since-1976>
- These countries lead the world in executions, 2014
  - <https://www.businessinsider.com/countries-lead-the-world-in-executions-2014-3>
- Figure 1: Death sentences and executions 2019 – Amnesty International
  - <https://www.amnestyusa.org/wp-content/uploads/2020/03/Amnesty-Death-Sentences-and-Executions-2019.pdf>
- Figure 2: Executions and death sentences recorded globally (2015-2022)
  - <https://www.amnesty.org/en/what-we-do/death-penalty/>
- Figure 3: Survey of U.S. adults conducted April 5-11.2021.
  - [https://www.pewresearch.org/politics/wp-content/uploads/sites/4/2021/06/PP\\_2021.06.02\\_death-penalty\\_00-01.png](https://www.pewresearch.org/politics/wp-content/uploads/sites/4/2021/06/PP_2021.06.02_death-penalty_00-01.png)