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**Inputs – Secretary-General’s report on a moratorium on the use of the death penalty**

**to be presented to the General Assembly at its fifty-seventh session in September 2022**

Submitted by

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The authors submit this report in response to a UN call for inputs to assist the Secretary-General in his report on the question of a moratorium on the use of the death penalty and other issues included in resolution 75/183 of the General Assembly such as the provision of safeguards guaranteeing protection of the rights of those facing the death penalty, including the right to apply for pardon or commutation; information, disaggregated by sex, age, nationality and race, and other applicable criteria, with regard to the use of the death penalty, the right of legal representation and the protection of lawyers in difficult contexts and the repercussion of COVID-19 pandemic.

This submission has been prepared with input from all members of the World Coalition Against the Death Penalty. In particular, it relies on information from the Abdorrahman Boroumand Center for Human Rights in Iran, Americans for democracy and human rights in Bahrain, Foundation for Human Rights Initiative, Legal Awareness Watch, The Paris Bar and the Taiwan Alliance to End the Death Penalty. It also complements the reports submitted by other members of the World Coalition such as Capital Punishment Justice Project, Culture pour la Paix et la Justice ECPM, Harm Reduction International, Salam for Democracy and Human Rights and others.

**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 the universal abolition of the death penalty. The World Coalition gives a global dimension to the local, national and regional actions taken by its members on the ground. It complements their initiatives, while constantly respecting their independence.

**Abdorrahman Boroumand Center for Human Rights in Iran** (ABC) is a non-governmental non-profit organization dedicated to the promotion of human rights and democracy in Iran. The Center is an independent organization with no political affiliation. Taking as a starting point the fundamental equality of all human beings, the Center seeks to ensure that human rights in Iran are promoted and protected without discrimination, whether it be on the basis of one's gender, race, religion, ethnicity, or national origin. Guided by the belief that unremedied human rights violations are a major obstacle to the establishment of a stable democracy, the Center is committed to the right of all victims of human rights abuses to justice and public recognition.

**Americans for Democracy & Human Rights in Bahrain** (ADHRB) fosters awareness of and support for democracy and human rights in Bahrain and Gulf Cooperation Council Countries (GCC). ADHRB has launched an Anti-Death Penalty Campaign during the summer of 2020 which involved local, national, and international engagements to advocate and lobby for the abolition of the death penalty and commutation of death sentences of the individuals on death row in Bahrain.

The **Foundation for Human Rights Initiative** (FHRI) is an independent, non-governmental, non-partisan and not for profit human rights advocacy organisation registered in Uganda under the Non-Governmental Organisations Act, 2016. FHRI Vision is a society based on human rights and civic culture as a foundation for peace, stability, democracy, social justice and sustainable development FHRI's Mission is to promote respect and observance of human rights practices and civic values, enhance best practices through training, education, research, advocacy, ICT's and strategic partnership. The Organization has Observer SStatus with the African Commission on Human and Peoples' Rights, is a member of the World Coalition Against the Death Penalty (Paris) and is affiliated to the International Federation of Human Rights Defenders, (FIDH) in Paris. It is a membership organisation with over 1,515 members. FHRI commands a 30 years experience and expertise in human rights activism in Uganda. FHRI has been at the forefront in monitoring and documenting human rights violations, publication of periodic huma rights reports, legal aid service provision to victims of human rights abuse; reporting before regional human rights treaty bodies, the judiciary, parliament, police and prisns; actively campaigns for the abolition of the death penalty including carrying out programmes that promote citizen participation and state accountability. Currently, it is spearheading five campaigns namely; *My Rights, My Power, Access to Justice, Rights and Rule of Law, Freedom of Pre-trail detention and the Campaign against the death penalty in Uganda.* FHRI is located at the Human Rights House, Plot 1853, John Kiyingi Road, Nsambya, Kampala Uganda.

**Legal Awareness Watch Pakistan** (LAW) has been advocating stakeholders across Pakistan against the use of the death penalty upon marginalized communities i.e., children and women including individuals those facing gallows on charges of blasphemy. It does strategic litigation and research relevant and latest decisions of the departments and courts to connect them with its advocacy for the capacity building of the stakeholders.

The **Paris Bar Association** is the professional order of the lawyers attached to the Court of Appeal of Paris. It is chaired by the President and Vice-President, representatives and spokespersons of Paris lawyers to the profession and public authorities.

The Paris Bar, includes 30,000 members, with equal numbers of men and women among its ranks. Traditionally, the Paris Bar has frequently been called upon to act when human rights are threatened somewhere in the world. Representatives of the Paris Bar regularly participate in missions whenever fundamental human liberties are threatened. The Paris Bar is a founding member of the World Coalition against the Death Penalty. The Paris Bar is also a founding member of the International Observatory for Lawyers in Danger (OIAD) launched in 2015. The International Observatory for Lawyers has a double goal: to list cases of lawyers victims of threats, pressure, torture, enforced disappearances and other offences against their moral and physical integrity and to provide legal, moral and/or material assistance to theses lawyers.

The **Taiwan Alliance to End the Death Penalty** (TAEDP) is a coalition of local abolitionist NGOs and research institutes, which promotes the reform of Taiwan’s penal system in addition to advocating the abolition of the death penalty. It was launched in September 2003, by the Taiwan Association for Human Rights (TAHR), the Judicial Reform Foundation (JRF), Fujen University John Paul II Peace Institute, the Chang Fo-chuan Center for the Study of Human Rights, the Taipei Bar Association (TBA) and the Peacetime Foundation. The TAEDP understands that Taiwan’s society has not yet been exposed to a true debate on the death penalty, and that the general public seems to support capital punishment as a form of revenge. The Alliance therefore aims at creating an open discussion forum for the society on various issues regarding its abolition. It is particularly aware of the need to take victims’ rights into account in penal reform.

**The Advocates for Human** **Rights** (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

Since 2020, the world has been coping with COVID-19 and the pandemic had several consequences on the safeguards guaranteeing protection of the rights of those facing the death penalty:

1. **Right to a Fair Trial and Adequate Legal Assistance**
2. COVID-19 threatened not only the health of people worldwide but also their fundamental freedoms, with emergency measures adopted by governments worldwide in effect restricting a wide range of liberties and often bringing the justice system to a halt. Vulnerable groups, who are the main beneficiaries of legal aid, were the most impacted by the shutdown.The solutions to the continuity of access to law and justice depend almost exclusively on new technologies which are widely inaccessible to many low-income and vulnerable groups in need of legal assistance. They cannot, therefore, be considered in any case as a viable stopgap to the suspension of hearings and in-person basic services, as this would completely disenfranchise the most vulnerable and impoverished communities while further reinforcing existing inequalities. Activities which provide access to law and justice must be given essential service status in a society that upholds rule of law. These services would then be prioritized, along with other sectors, to receive resources and exemptions which would ensure the continuity of basic onsite services during a major crisis.[[1]](#footnote-1)
3. Restrictions related to the pandemic have led to disruptions and delays in the judicial system in most countries of the world, often delaying death penalty trials. In some countries, death sentences were handed down by videoconference via the Zoom app[[2]](#footnote-2) after speedy trials.[[3]](#footnote-3) In other countries, lawyers couldn’t access prison and could not meet with their clients.
4. In 19 Corrections Systems in the United States, because of the coronavirus, people sentenced to death could no longer receive any visits; in 33 other Corrections Systems, they were only permitted to see their lawyer.[[4]](#footnote-4) It is understandable that those sentenced to death should be kept safe from contamination (albeit rather cynical from a system that claims it wants to keep those incarcerated in good health until they are put to death by lethal injection). Yet this also results in increased suffering, endured by people on death row, their families and lawyers, who need to adapt to these restrictive conditions, which are worse than normal.[[5]](#footnote-5) Prison restrictions have seriously infringed the rights of those awaiting execution because courts are stalled and law firms are closed.
5. In Taiwan, in the past two years due to Covid-19, the quality and frequency of meetings between lawyers or family members and inmates has been affected in some cases due to strict restrictions in prisons. Meanwhile, there have also been cases where the court failed to make the defendant accused of the death penalty come to the court to be tried in person due to the pandemic. In Taiwan, the Citizen Judges Act will come into effect in January 2023, there will be three judges and six citizen judges to rule a case together. Most criminal cases involving manslaughter which have high risk of the death penalty may apply to this new legislation in 2023. However, because the sentencing of such cases is not unanimous, it takes only more than two-third of the votes from citizen and professional judges to render a death penalty verdict. So, whether the number of death sentences will be increased due to this, or whether the defendants can access effective defense and a fair trial are both very concerning.[[6]](#footnote-6)
6. In Uganda, Prisoners were able to access their lawyers and secure sessions in court. However, it should be noted that Covid-19 brought changes and Uganda is not exceptional. Due to guidelines/ requirements/ SOPs that were put in place by the Ugandan government, it was difficult for lawyers to connect or spend quality time with the prisoners. But online sessions were embraced and thanks to Uganda prisons, prisoners were able to access courts online. However, such arrangements have their own limitations like witnesses could miss the sessions due to data, or no access to meet the court physically. Today prisoners are able to go to court, so we see progress.[[7]](#footnote-7)
7. In Pakistan, since the outbreak of Covid-19 pandemic, people on death row or likely to be sentenced to death across Pakistan faced discrimination as well as their legal rights have been denied, such as the right to fair trial under Article 10 A of Constitution of Pakistan, 1973 and the right to a fair hearing at the appellant court. Appeals to the high court are pending, no date of hearing have been fixed. Protection of lawyers across Pakistan remains an issue.[[8]](#footnote-8)
8. Lawyers in Gulf Cooperation Council countries faces a serious challenge when it comes to defending defendants who are on death row. The pandemic made their practice and legal representation even more difficult and challenging. Their access to their clients or legal documentations related to their cases became extremely difficult where prosecutors used COVID-19 pandemic as an excuse to restrict lawyers access to important documentations and evidence which hindered their ability to defend their clients and offer the best legal advice to them. Some lawyers filed legal proceedings and administrative proceedings to protest such measures by the prosecutors and the government. We have documented several cases where these lawyers have been retaliated against by the government where some of them were threatened that they may face the jeopardy of losing their legal license.[[9]](#footnote-9)
9. **The right to apply for pardon or commutation**
10. The pandemic has also led governments to take measures to promote respect for human rights. For example, in Cameroon, Republic of Congo, Kenya, Morocco, Tanzania, and Zimbabwe - commutations of prison sentences or pardons have been or pardons have been granted to some prisoners on death row in order to in order to relieve prison overcrowding. However, in other countries, the right to pardon has not been effectively implemented. Up to December 31, 2021, Taiwan has 38 death row inmates (37 males, 1 female). 34 out of 38 death row inmates have applied for the presidential pardon, but none of them have received any positive response from the president. These 34 death row inmates are looking for legal remedies.[[10]](#footnote-10)
11. **Executions**
12. While in some parts of the world, the pandemic has allowed progress on the death penalty, in other territories it has sometimes been a pretext for increasing the use of capital punishment - this is notably the case in Egypt where three times as many executions took place in 2020 to reach 107.
13. In Iran, family members and lawyers were denied information regarding imminent executions. In mid-March 2022, at least 11 people - many people sentenced to death for drug-related offenses - were executed against the backdrop of a security alert and official efforts to control the flow of information.[[11]](#footnote-11)
14. In the United States, the resumption of federal executions has forced lawyers, prison officials prison officials and family members, among others, to travel to the facilities or execution chambers, exposing themselves to the risk of contamination and new clusters. This has included the case of lawyers for Lisa Montgomery, whose execution on January 13, 2021 made her the first woman on federal death row to be executed death row in over seventy years. In June 2021, the President imposed a moratorium on capital punishment at the federal level.
15. In Taiwan, from December 16, 2020, to April 20, 2022, there were neither death penalty verdicts nor executions, but there was also no death sentence convicted cases that have been overturned or commuted through legal remedies. The execution date and time are still undisclosed, so no one knows any information about the death penalty execution.[[12]](#footnote-12)
16. Since December 2021, reports of mass executions in countries like Saudi Arabia[[13]](#footnote-13), or resumptions of executions after two year, like in Japan[[14]](#footnote-14) or Singapore[[15]](#footnote-15), are of particular concerns.

[END]

1. Information provided by The Paris Bar [↑](#footnote-ref-1)
2. <https://guardian.ng/news/man-gets-death-sentence-as-lagos-holds-virtual-court-session> [↑](#footnote-ref-2)
3. <https://www.hrw.org/news/2020/05/27/singapore-judge-issues-death-sentence-zoom>; <https://www.amnesty.org/en/press-releases/2020/05/singapore-death-sentence-zoom/> [↑](#footnote-ref-3)
4. <https://www.themarshallproject.org/2020/03/17/tracking-prisons-response-to-coronavirus> [↑](#footnote-ref-4)
5. <https://www.themarshallproject.org/2020/03/17/tracking-prisons-response-to-coronavirus> [↑](#footnote-ref-5)
6. Information provided by Taiwan Alliance to End the Death Penalty [↑](#footnote-ref-6)
7. Information provided by FHRI [↑](#footnote-ref-7)
8. Information provided by LAW Pakistan [↑](#footnote-ref-8)
9. Information provided by Americans for democracy and human rights in Bahrain [↑](#footnote-ref-9)
10. Information provided by Taiwan Alliance to End the Death Penalty [↑](#footnote-ref-10)
11. Abdorrahman Boroumand Center for Human Rights in Iran correspondence with source close to person executed at Adelabad Prison, March 15, 2022 [↑](#footnote-ref-11)
12. Information provided by Taiwan Alliance to End the Death Penalty [↑](#footnote-ref-12)
13. <https://worldcoalition.org/2022/04/04/saudi-arabian-mass-execution-of-81-men/> [↑](#footnote-ref-13)
14. <https://worldcoalition.org/2021/12/23/protest-against-executions-ordered-by-minister-of-justice-yoshihisa-furukawa/> [↑](#footnote-ref-14)
15. <https://www.facebook.com/ADPANetwork/> [↑](#footnote-ref-15)