The Death Penalty

Only 3 nations in the world execute more people than the U.S.
China  Iran  Saudi Arabia

As a country that still uses the death penalty, the U.S. is in the company of egregious human rights violators.
“The care of human life and happiness, and not their destruction, is the first and only object of good government.”

-Thomas Jefferson
The United States was central to the creation of the Universal Declaration of Human Rights, which laid the foundation for the creation of international human rights law. The United States further acknowledged the importance of international human rights law by signing and ratifying internationally binding treaties.
Most relevant to human rights and capital punishment are the following international covenants and their general comments, of which the United States has signed and ratified so are legally binding:

-The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The United States ratified it 10/21/94.

-The International Convention against Torture, Cruel and Inhuman or Other Degrading Treatment or Punishments (CAT). The United States ratified it 10/21/94.
Is the United States fulfilling its legal obligations outline in these human rights instruments in regard to the protection of the rights of the accused and convicted?
The Answer is **NO**.
The death penalty in the U.S. violates binding international law because it:

- is arbitrary
- is discriminatory
- amounts to cruel and inhuman punishment
- violates international due process protections

The death penalty is a breach of our constitutional values of justice and freedom.
The death penalty is...

**Arbitrary:**

- The victim’s race, the location of the crime, defendants who can’t afford an attorney, and prosecutorial discretion make the death penalty arbitrary.
The following international legally binding texts and their general comments outline the protections against being arbitrarily deprived of life:
'Every Human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.’ (Art. 6)


‘...the expression of “most serious crimes” must be read restrictively to mean that the death penalty should be quite exceptional measure....The procedural guarantees therein prescribed must be observed, including the right to a fair hearing by an independent tribunal, the presumption on innocence, the minimum guarantees for the defense, and the right to review by a higher tribunal.’

-(GC6 para. 7) Human Rights Committee, General Comment No. 6: The Right to Life, April 30, 1982.
The death penalty is ...

Discriminatory:

• The biggest predictor of a death sentence is the race of the victim.
• African-American defendants receive the death penalty 3 times more often than white defendants where the victims are white.
The following international legally binding texts and their general comments protect individual from discrimination:
‘[A]ll are equal before the law and are entitled without any discrimination to equal protection of the law.’ (UDHR Article 7, also see Article 2)


‘All personal are equal before the law and are entitled without any discrimination to the equal protections of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, natural or social origin, property, birth or other status.’ (ICCPR Article 26, also see Article 2)

‘...States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law’ (ICERD Article 5)


‘Non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitute a basic and general principle relating to the protection of human rights.’ (GC 18 para. 1)

The death penalty amounts to ...

Torture or cruel and unusual treatment or punishment:

- Lethal injection gives the illusion of being a more human method of punishment, but it too causes unnecessary pain and suffering.
- Amnesty international found that lethal injection has ‘inherent potential for problems’ while the American Veterinary Medical Associate refuses to use the same concoction of drugs in animal euthanasia.
The following international legally binding texts and their general comments protect individuals from **cruel, inhuman, or degrading treatment or punishment:**
‘No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment’. (UDHR Art. 5)


‘All persons deprived of their liberty shall be treated with humanity and with respect of the inherent dignity of the human person.’ (ICCPR Art.10, also see Art.7)

‘No exceptional circumstances whatsoever,...may be invoked as a justification of torture.’ (CAT Art.2)

-International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, G. A. res. 39/46 (10 December 1984) entry into force 26 June 1987, in accordance with article 27 (1)).

‘the prohibition in article 7 (of the ICCPR prohibiting torture) relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim.’ (CAT GC20 para. 5)

-Human Rights Committee, General Comment No. 20: Replaces general comment 7 concerning prohibition of torture and cruel treatment or punishment, March 3, 1992.
The death penalty violates...

International Due Process Protections:

- Only 5% of inmates on death row can afford to pay for an attorney, “people who are well represented at trial do not get the death penalty” (Supreme Court Justice Ruth Bader Ginsburg, Associate Press 4/10/01).
- Local Politics, location of crime, plea bargaining and pure chance affect the legal process (Amnesty International, Death Penalty Facts.).
The following international legally binding texts and their general comments outline individuals' due process rights:
'Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention.’ (ICCPR Art. 9)


- *No guilt can be presumed until the charge has been proved beyond reasonable doubt*. Further, *the presumption of innocence implies a right to be treated in accordance with this principle*. *It is, therefore, a duty for all public authorities to refrain from prejudging the outcome of a trial’ (ICCPR GC13 para 14)

The Cost of the Death Penalty

The death penalty is far more expensive than life imprisonment.

In Maryland, administering the death penalty is “3 times the cost of non-death penalty cases.” - Amnesty International USA

In Indiana, the death penalty costs more than life without parole by about 38%” - Amnesty International USA, Indiana Criminal Law Study Commission

In California, death penalty cases cost the current system $137 million.

Without the death penalty, the system would cost only $11.5 million - California Commission for the Fair Administration of Justice
Who
does the death penalty affect?
Photos of Aaron Patterson, Earl Washington, Ray Krone and Madison Hobley used with permission from Death Penalty Information Center.
These exonerees cumulatively spent more than 57 years on death row for crimes they did not commit.

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

-Universal Declaration of Human Rights, Article 1
For example...
Innocence and the Death Penalty

• Albert spent 13 years on death row for the murder of an elderly couple.

• Prosecutors withheld key information from the defense, failed to produce physical evidence, and relied only on witness testimony, which has since been discredited.
Innocence and the Death Penalty

- Convicted on faulty witness identification for the rape and murder of a girl.
- First death row inmate to be exonerated by DNA.
- Nine years in prison—of which two on death row.

Kirk Bloodsworth
Innocence and the Death Penalty

- **17 years on death row** for the killing of an elderly couple

- During interrogation, police threatened, slapped, and suffocated Aaron with plastic to get him to confess

- **No physical evidence** tying Patterson to the crime

Aaron Patterson
Innocence and the Death Penalty

Since 1973, **136 people** have been freed from death row because they were innocent.

Why do wrongful convictions happen?

- Poor legal representation
- Mistaken eyewitness testimony
- Police and prosecutorial misconduct
- Perjured Testimony
- Racial Prejudice
- Community/political pressure to solve a case
139 Countries around the world have abolished the death penalty.
Will the U.S. join them?
With your help, we can work toward making that happen...
What can YOU do about the death penalty?
Get involved.
If you have 10 minutes…

• **Learn the Facts.** Read the death penalty fact sheet and test your knowledge with the quiz in this toolkit. Check out the organizations on the resource list to learn more.

• **Donate.** Make a donation to a national or international organization that works to end capital punishment.

• **Sign Up for E-mail Alerts.** Sign up for news and action information from these advocacy groups:
  – Death Penalty Information Center [www.deathpenaltyinfo.org/rss-feed](http://www.deathpenaltyinfo.org/rss-feed)
  – The National Coalition to Abolish the Death Penalty [www.ncadp.org](http://www.ncadp.org)
  – Amnesty USA [www.amnestyusa.org/death-penalty](http://www.amnestyusa.org/death-penalty)
If you have a few hours…

- **Investigate Individual Cases.** Learn about current capital punishment cases in the United States and around the world.

- **Write a Letter.** Write to your newspaper on behalf of a case or to voice your concern about the death penalty.

- **Educate.** Download the lesson plan in this toolkit and organize an interactive workshop for your local school, community center, or faith community.

- **Create a Petition.** Highlight death penalty issues at the state or federal level and get others to sign.

- **Contact Your Legislators.** Contact local legislators and public officials regarding state and federal use of the death penalty.
If you have a month…

• **Host a Film Screening.** Host a movie night about the death penalty and facilitate a post-film discussion.

• **Start a Book Club.** Select a death penalty-related book and coordinate a discussion among friends, schoolmates, or family members.

• **Hold a Fundraiser.** Plan a fundraising event, such as a bake sale, silent auction, or bingo night, in your community for an organization that works to end the death penalty.

• **Host a Speaker.** Invite a speaker through the [Campaign to End the Death Penalty](https://www.endthedeathpenalty.org/) or [Witness to Innocence](https://www.witnessinnocence.org/) to give a presentation on capital punishment issues to your school, community center, or faith community.

• **Organize a Call-In Day.** Voice your opposition to the federal use of the death penalty by calling members of Congress. Encourage friends and fellow activists to do the same! Choose a meaningful date, like December 10 (Human Rights Day) to call-in.
If you have a year or more...

- **Volunteer Regularly.** Find organizations in your area that advocate for death penalty abolition and ask how you can help.

- **Join a Campaign.** Consider how you can influence change in the criminal justice system. Get involved and volunteer your time with a death penalty abolition campaign:
  - National Coalition to Abolish the Death Penalty [www.ncadp.org](http://www.ncadp.org)
  - Amnesty International [www.amnesty.org](http://www.amnesty.org)
  - Death Penalty Focus [www.deathpenalty.org](http://www.deathpenalty.org)
Get involved.

**EDUCATE** yourself on the Death Penalty.

**VOLUNTEER** your time at a local organization working to abolish the death penalty.

**DONATE** to an organization working to abolish the death penalty.