

WARSAW, OCTOBER 1st 2008

Intervention by the Italian Helsinki Committee

On September 24, 2008, the Italian Chamber of Deputies approved the draft law for ratifying Protocol No 13 of the European Convention for the Protection of Human Rights and Fundamental Liberties, concerning the abolition of the death penalty in all circumstances. Italy has been a long time abolitionist country: This vote was just one more step in a long evolution of European and Italian juridical culture.

After the approval on December 18, 2007 of the Resolution for the universal moratorium on capital punishment by the UN General Assembly, the abolitionist countries and the OSCE as a whole should in our opinion continue their efforts, through dialogue, public awareness and sharing of best practices, toward extending the area of the world where the States' powers do not give death to persons in custody.

The General Assembly of the UN, in fact, did not and can not impose the Moratorium on its member States; however, it suggested it with a historical ethic emphasis. Both the OSCE and the NGOs should continue to monitor the situation country by country, organising political, parliamentary and public events in countries that still maintain the death penalty to get them to adhere to the principles established by the UN. This, apart of the United States and Belarus, is also true as for countries that currently observe a moratorium, but did not fully abolish the capital punishment yet.

As expressly stated in the Resolution approved in December, the next General Assembly must come back to the subject.

We believe that a new resolution, at the current session of the UNGA, should strengthen also the abolition of state secrecy on the death penalty. Many countries, mostly autocratic ones, provide no information on the application of the death penalty, and the lack of information on this matter available to the public is also a direct cause of most executions.

We also suggest that the new resolution foresees the creation of a Special Envoy of the Secretary General. This point was first raised by the transnational NGO Nonviolent Radical Party and by Hands Off Cain, and we fully support it. The envoy would have the task of not only monitoring the situation, but also promoting and accelerating the internal processes in diverse countries to satisfy the United Nations request for a moratorium on executions.

As for the **United States**, in 2007 there were numerous appeals against lethal injection, which resulted in the suspension of executions in 12 States. The argument common to many appeals was that the second drug administered to paralyze muscles, in reality, only impedes the executed from *demonstrating* pain caused by the third drug, which stops the heart, but does not prevent the executed from *feeling* pain. However, on April 16, 2008, the Supreme Court established that the cocktail of lethal substances used widely in executions throughout the US does not constitute a

“cruel and unusual” punishment and is therefore not in violation of the US Constitution. We believe that this is not the main issue: the main issue is to find a way out from executions.

We recommend the OSCE and the ODIHR to intensify the dialogue with the US government, as well as with Belarus, in order to stress the commitment for a higher degree of respect of the human rights, including the right not to be executed, and for a consequent reduction of the level of violence in the societies.