

# Death penalty has no place

## Analysis

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**T**HERE is no right more sacred than the right to life," United Nations High Commissioner for Human Rights Navi Pillay told a high-level panel on the death penalty in New York last July.

Pillay noted that an increasingly large number of UN member states had acknowledged that the death penalty undermined human dignity, and that its abolition – or at least a moratorium on its use – contributed to the enhancement and progressive development of human rights.

The death penalty, or capital punishment, constitutes the ultimate form of punishment: by taking the life of a person convicted of a crime.

Where the death penalty persists, conditions for those awaiting execution are often horrifying, leading to aggravated suffering.

Today, the World Coalition Against the Death Penalty and abolitionists around the world celebrate the 10th anniversary of World Day against the Death Penalty, a global initiative supported by the Office of the United Nations High Commissioner for Human Rights (OHCHR).

In Cambodia, both the OHCHR and the United Nations Office on Drugs and Crime (UNODC) welcome the Royal Government of Cambodia's repeated stand against the use of capital punishment.

Cambodia has been at the forefront of abolishing the death penalty in Asia, in particular among ASEAN nations.

Cambodia is one of only two ASEAN countries (the other being the Philippines) to have abolished capital punishment.

It also has the longest continuous period of abolition, having banned the death penalty for all crimes since 1989.

This situation became formally entrenched in 1993 under Article 32 of the Cambodian Constitution, which explicitly forbids capital punishment.

In recent years, the Royal Government of Cambodia has repeatedly reaffirmed its commitment to the abolition of the death penalty by consistently voting, in 2007, 2008 and 2010, in favour of United Nations General Assembly resolutions on a moratorium on the use of the death penalty.



Protesters carry placards in front of a courthouse in San Juan, Puerto Rico, where a jury was deliberating whether to give the death penalty to Edison Burgos for killing his girlfriend Madelyn Semidey Morales, a US Drug Enforcement Administration informant. The placards read "Vengeance is not justice" and "Do not kill, I live" in reference to a Christian commandment. **REUTERS**

These resolutions also called for a restriction of the number of offences punishable by death; the publication of information on the use of the death penalty; respect for the international standards that provide safeguards guaranteeing the protection of those facing the death penalty; and a commitment not to re-introduce the death penalty once it is abolished.

In December this year, the UN General Assembly will vote on a fourth resolution on a moratorium on the death penalty.

Cambodia's abolition of the death penalty is all the more laudable in light of the heinous crimes that were committed in the country during the Khmer Rouge period.

The sentencing by a Cambodian court of Kaing Guek Eav to life imprisonment for such serious crimes has reinforced the message that Cambodia has renounced the use of the death penalty in practice as well as in theory.

The great majority of countries in the world that have abolished the death penalty have also ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR).

Ratification of this protocol, which aims to end capital punishment, sends a clear signal to the international community on this important human-rights issue.

It comes as no surprise, therefore, that several United Nations member states recommended that Cambodia ratify the Second Optional Protocol during Cambodia's Universal Periodic Review in 2009 – a recommendation accepted by Cambodia, in another demonstration of the Kingdom's stance on this issue.

"The right to life is the most fundamental of all human rights," UN Secretary-General Ban Ki-moon remarked at the New York meeting, during which he encouraged all member states to follow a growing world-wide trend towards the abol-

ition of the death penalty. "It lies at the heart of international human rights law," Ban Ki-moon continued.

"The taking of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process."

The Royal Government of Cambodia has already shown great leadership by becoming the first ASEAN member to ratify the Optional Protocol to the Convention against Torture (OPCAT).

In this important year, during which Cambodia holds the ASEAN chair, the Royal Government of Cambodia could demonstrate similar leadership on the issue of the death penalty by becoming the second ASEAN member, after the Philippines, to become a State party to the ICCPR Second Optional Protocol.

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