



**INTERNATIONAL COMMISSION AGAINST THE DEATH PENALTY**  
**Opinion piece – World Day against the Death Penalty 2014**

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**Political leadership is key for a world moving away from the death penalty**

(Geneva, 10 October 2014) Last month – after two mentally disabled half-brothers, Henry Lee McCollum and Leon Brown, were declared innocent of a brutal crime in North Carolina 30 years ago – a New York Times editorial argued that the risk of executing the innocent means the death penalty must end.

We agree. Today, the World Day against the Death Penalty is an opportune moment to consider capital punishment's deadly costs and consequences – especially during a year in which the death penalty has repeatedly been shown to be unfit for purpose, flawed and cruel.

As widely reported, McCollum and Brown – convicted of the 1983 rape and murder of a young girl, based on confessions they subsequently withdrew and said were coerced – were in September exonerated after three decades. Multiple pieces of evidence, including DNA findings, proved their innocence.

In Japan, recent DNA findings raising questions on the evidence used by prosecutors has resulted in the release on 27 March 2014 of 78 year-old Hakamada Iwao, following a judgment by the Shizuoka district court. Hakamada was sentenced to death on 11 September 1968 on charges of murdering four people in June 1966. Using unusually strong language in their judgment, the judges of the Shizuoka district court, who ordered the release of Hakamada Iwao in March 2014, pointed out that there is a very strong possibility that the evidence used against Hakamada in the initial trial was fabricated. In 2011, Hakamada became the world's longest-serving death row prisoner. Hakamada Iwao was sentenced to death on the basis of a confession that appears to have been forced. He retracted his confession during his trial and told the court that he had been beaten and threatened by the police.

It is hard to imagine the mental agony suffered by Hakamada Iwao, who has spent decades not knowing if he would be executed the next day. In Japan, those facing the death penalty are only informed of their execution hours before their death sentence is carried out.

As is the case with most prisoners under sentence of death in Japan, he was detained for this entire period in solitary confinement – something that has reportedly left his mental health in a deteriorated state. As if this terrible ordeal was not enough, Hakamada Iwao's suffering is not over yet. Prosecutors from the Shizuoka District Office have chosen to appeal against the court ruling to grant a retrial, lodging their appeal with Tokyo's High Court on 31 March 2014. The court could now take months, if not years, to make a ruling.

These cases are a reminder that no justice system is perfect. Mistakes are made. The death penalty goes hand-in-hand with the risk of executing the innocent, compounding crime with injustice.

This year, the World Day against Death Penalty is highlighting the plight of people with mental health problems who in different countries are at risk of a death sentence or execution. In recent years, under international standards, people who are mentally ill should never face the death penalty. Mental disorder is not a crime: it requires care, not death.

Despite such injustice and suffering, the United States and Japan – together with China, Iran, Iraq, North Korea, Saudi Arabia and Yemen – remains part of a small group of some 22 nations that carried out executions in 2013.

However, the international trend is towards abolition of capital punishment. According to the United Nations, some 160 countries have abolished the death penalty or do not execute. They have turned away from capital punishment because it violates the right to life. It is cruel and inherently flawed as a tool of criminal justice. And, importantly, it fails to deter crime more effectively than other punishments.

The UN General Assembly has voted overwhelmingly four times for a global moratorium on capital punishment, with increased support on each occasion. The UN will vote again calling for a moratorium of the death penalty in December this year, a month that will also mark the 25<sup>th</sup> anniversary of the adoption of the Second Optional Protocol to the International Covenant on Civil and Political Rights – the only international legal instrument with worldwide scope to abolish capital punishment.

We, at the International Commission against the Death Penalty – an independent body led by commissioners from all world regions – are urging the States that continue to carry out capital punishment to embrace such opportunities to turn away from this cruel and irreversible punishment.

On this day, we renew our commitment to continue to shine a spotlight on this inhuman and degrading punishment and to send the clear and simple message: political leadership is crucial in ensuring that the world moves away from the death penalty.

*The writers are members of the International Commission against the Death Penalty ([www.icomdp.org](http://www.icomdp.org)), an independent body of politically influential people supported by a diverse group of 18 governments. **Federico Mayor** is President of ICDP and former Director General of the UNESCO and former Minister of Education and Science of Spain. **Bill Richardson** is former Governor of New Mexico. **Ibrahim Najjar** is former Minister of Justice of Lebanon. **Ruth Dreifuss** is former President of the Swiss Confederation. **Gloria Macapagal Arroyo** is former President of the Philippines. **Louise Arbour** is former UN High Commissioner for Human Rights and former Chief Prosecutor of the International Criminal Tribunals for the former Yugoslavia and Rwanda. **Giuliano Amato** is former Prime Minister and Judge of the Constitutional Court of Italy. **Michèle Duvivier Pierre-Louise** is former Prime Minister of Haiti. **Robert Badinter** is former Minister of Justice of France. **Asma Jahangir** is former President of the Human Rights Commission of Pakistan. **Ioanna Kuçuradi** is UNESCO Chairperson of the Philosophy and Human Rights Department and Director of the Center of Research and Implementation of Human Rights in Maltepe University, Turkey. **Hanne Sophie Greve** is Judge and Vice-President of the High Court for Western Norway and former Judge at the European Court of Human Rights.*