



International Commission against the Death Penalty Opinion piece: India

By Federico Mayor, President of the International Commission against the Death Penalty

As the world marks another Human Rights Day – the anniversary of the United Nations' adoption of the Universal Declaration of Human Rights on 10 December 1948 –the past month has been a particularly bleak time for justice and human rights in India.

Two short days after the world's nations – gathered at the United Nations General Assembly's Third Committee which deals with human rights and social matters in New York – voted decisively for a global moratorium on capital punishment, India carried out its first execution since 2004.

Even as momentum towards a death penalty free world gathered more pace, Indian justice took a step backwards.

The execution of Mohammed Ajmal Amir Kasab on 21 November was a response to an outrageous act of terrorism. Kasab was the sole surviving gunman from the 2008 Mumbai attack, in which 10 gunmen claimed 166 lives during a 60-hour siege.

The Pakistani national was executed by hanging in Yerawada Prison in Pune, after President Pranab Mukherjee rejected a plea for mercy.

The suffering caused by the carnage perpetrated in Mumbai is impossible to describe. But even in such terrible and upsetting cases, capital punishment is not the answer.

Combating violent crime and terrorism, and ensuring victims of crime receive closure and justice, are essential – but must be rooted in human rights, not revenge and retribution.

In emotionally charged situations, there may well be popular support for executions. But if there is space for informed and considered discussion, and once life imprisonment is suggested as an alternative punishment, public support for state killing gradually falls away.

Worldwide, there is now a widespread and growing recognition that the death penalty is a cruel, inhuman and degrading punishment. It is poisonous and damaging. It fails to deliver public safety or deter violent crime, but instead endorses violence. Countries without the death penalty often have lower murder rates than those that do.

Moreover, the death penalty is cruel, violates the right to life, and is irrevocable. It is frequently used in an arbitrary and discriminatory manner, sometimes for political reasons.

It is then not surprising that most nations from all major regions, cultures and religions have now rejected the death penalty. According to the United Nations, more than 150 countries have abolished the death penalty or no longer use it.

India is so important as a reference worldwide, as an example of behavior in many aspects, that the capital punishment is seen completely incoherent by all those, millions and millions, loving this immense country.

There are already fears that others on India's death row might be executed shortly. Please reconsider the criteria that led the authorities to interrupt the moratorium's 8 years period. We are ready to provide all kind of informations they could require.

The recent commutation of a death sentence to life imprisonment by President Pranab Mukherjee is encouraging. We must hope that India's use of the gallows is an isolated incident – and that the authorities have the political courage to make this clear.

India's responsibility to commit itself to respect for the right to life – regardless of the crime – is needed on the global stage. Last month's vote by the UN General Assembly's human rights committee for a global moratorium built on previous resolutions. This year it drew new support from Central African Republic, Niger, Tunisia and South Sudan. Afghanistan, Papua New Guinea and Indonesia moved from a negative vote to abstention.

This was welcome progress. Yet India sided with the minority of States that cling to capital punishment by opposing to the resolution

Arguing against the death penalty, even in the face of terrible crimes, requires serious political courage. To do so is not to condone the crime: it is to stand up against violence and retribution, and for the rule of law and human rights.

India can turn the page. The resolution for a global moratorium on the death penalty will now be considered at the 67th UN General Assembly later this month. Its adoption will, send a powerful political and moral message worldwide.

The vote will be an opportunity for forward-looking nations such as India to reject this ultimate denial of human rights, and instead build a justice system that protects the public without recourse to the death penalty.

Federico Mayor Zaragoza is President of the International Commission against the Death Penalty – an independent body led by a group of high-profile Commissioners from across the world. They include former presidents, prime ministers, government ministers, senior United Nations officials, a former US state governor, a former judge and president of the International Court of Justice, and a leading academic. Mr Mayor is former Director General, UNESCO (1987-1999); Minister of Education and Science, Spain (1981-1982); and Member of European Parliament (1987). See www.icomdp.org.