

Speech by Commissioner of ICDP Mr.Elbegdorj Tsakhia on 46th session of the Human Rights Council Biennial high-level panel discussion on the question of the death penalty

Dear High Commissioner, dear President of the Human Rights Council, dear Minister of Justice, dear Professors, dear friends.

It is a great honor to participate in this distinguished panel to talk about the death penalty.

Sanctity of human life is very important I assume that our blue planet will become more humane if there is no death penalty.

I want to tell one short story to you. When I was sworn in as President of Mongolia, I faced with choice to commute or to continue to carry out death sentences. I chose life.

When I assumed the presidency in June 2009, my state was killing. After two terms, eight years when I passed the presidency to my successor my country was no longer killing, the country was free of death penalty.

Mongolia was not a soft place when it came to the death penalty in particular. Not long ago, Mongolia's record of death penalty was one of the worst in the world. According to Amnesty International, Mongolia carried out executions in secrecy. There was a total darkness. From that the experience of becoming death penalty free country was not easy.

To make it succinct, I will briefly tell you the chronology of those years.

- In June 2009, I began commuting death sentences.
- In January 2010, I announced single handedly the official moratorium on death penalty.
- In January 2012, my country became signatory to the Second Optional Protocol to ICCPR, the international treaty against death penalty.
- In July 2015, Mongolia's Parliament approved a new Penal code where we removed all capital offences.
- Since July 2017, that new Penal code come into effect.

From our experience, we learned so far three things.

First: Political will and continued leadership have played a central role.

Second: Step by step approach in decision making and international support were very important.

Third: Maintaining the status of the death penalty free country is crucial.

Dear friends,

One trend I would like to make here as specially important. After we began the official campaign and practical measures to dismiss capital punishment, there was no increase of violent crimes in country.

Second trend could be of greater importance. There have been occasions to bring back death penalty. But, public opinion has shifted. There are increased voices that abolishing death penalty was good thing for Mongolia.

When discussion comes against or for death penalty, the argument of sovereign right or deterrent effect of death penalty are no longer valid. In today's world they are obsolete and outdated. Global practices show that human rights are firstly universal. Secondly, from my experience, death penalty retentionist arguments based on deterrence are weak and not supported by the facts.

When the debate comes to punishment, "no severity but certainty" matters more. Any punishment should not be final. Because it runs into destroying of innocent life.

Also, I have one message to the people. Don't give to the state the right to kill. State killing has no moral justification. Because the state killing is intentional and violates the basics of human rights. Everywhere the state has a trust problem. When powers have right to kill, they always have a chance to abuse it. If you do not have sufficient trust for your government, don't trust death penalty.

Dear friends,

I am a Commissioner of the International Commission against Death Penalty, which is led by the former UN High Commissioner for Human Rights Judge Navi Pillay. I would like to thank here the current High Commissioner Madame Bachelet for her star leadership for human rights at a very challenging time. My utmost gratitude to the chair of today's discussion, President of the Human Rights Council Madame Nazhat Shameem Khan.

In our Central Asia region Kazakhstan brought good news by joining the Second Optional Protocol. That means Central Asia and Mongolia are just one step away from becoming probably the first zone in the world without death penalty.

Finally, I would like to warmly congratulate the Honorable Minister of Chad for leading his country to become 107th abolitionist state. Now in our blue planet more than two-thirds of the States have abolished the death penalty in practice. We still have a lot to do. Let's be vigilant until the last death sentences are removed.

Thank you for your attention.

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