

# AN IRREVERSIBLE PATH

The death penalty is a punishment applied by a minority of countries on the planet. The global trend is, slowly but surely, moving towards total abolition. Various actors participate in this arduous and difficult task. Among them, the International Commission against the Death Penalty.

By **ÁLVARO CORCUERA**. Photography by **SOFÍA MORO**

“FRANCE HAD A NEUROTIC TIE with the death penalty. In a certain way, its relationship with the guillotine was almost infantile. People never thought that the perpetrators of atrocious crimes would survive. In 1981, we were the only Western European country that still practiced executions. We then lived through an historic moment: following the election of François Mitterrand and after he had declared his opposition to the death penalty, a debate over abolition began in France. In the morning on which the matter was debated in the National Assembly, an opposition newspaper published a survey on its front page, with large headlines: ‘64% of citizens in favour of capital punishment, and 32% against.’ Public opinion was not on our side, but the political will of one man and an abolitionist movement, which was important but not in the majority, finally triumphed”. Robert Badinter was the French minister of Justice at the time, who together with Mitterrand brought the days of the guillotine to an end in his coun-

try. France became nation number 35 to prohibit capital punishment, a road which more and more countries would travel down, to the point that today there are 140 abolitionist states in legal terms or in practice, according to Amnesty International.

The historic event would leave its mark on Badinter forever, since then united with the movement against the death penalty. Today, the ex-minister forms part of a group which, in addition to himself, includes other international personalities linked to abolitionism. Together they form the International Commission against the Death Penalty (ICDP), which has its headquarters in Geneva (Switzerland), some of whose members appear in the photographs of this report. Led by the one-time Director General of UNESCO, Federico Mayor Zaragoza, the following, among others have also joined forces: the ex-president of the Philippines, Gloria Macapagal-Arroyo, who in 2006 ended executions in her country; the ex-governor of New Mexico (EEUU), Bill >

## **FEDERICO MAYOR ZARAGOZA**

*President of the  
International Commission  
against the Death Penalty.*



Richardson, who in 2009 signed the abolition of the death penalty in his state; and the ex-minister of Justice of Lebanon, Ibrahim Najjar, who refused to sign death sentences when he assumed office in 2008, introducing a moratorium that is still in place.

“More than 60 years after the adoption of the Universal Declaration of Human Rights, the tendency towards abolition is very clear. The call to reject the death penalty is no longer the concern of just a few people. There now exists a global movement that is calling for abolition”, underlines Mayor Zaragoza. The ICDP that he chairs was founded on October 7th, 2010, in Madrid. It was an initiative by Spain to reinforce the movement against the death penalty. The then Spanish president, José Luis Rodríguez Zapatero, who is an honorary member of the Commission, played an active role in its birth. The ICDP was in fact presented for the first time in the Palacio de la Moncloa, the official residence of the president of Spain. The death penalty was completely eradicated in 1978, once the

executed”, they add. The International Commission against the Death Penalty has to date sent missions to Tajikistan (2011 and 2013), United States (2012), Japan (2012), Tunis (2012) and the Caribbean (2013).

**THE NUMBER OF COUNTRIES** that applied the death penalty in 2012 was 21, the same as in 2011, but less than the 28 that did so a decade ago, in 2003. The majority of executions were carried out in five states: China, Iran, Iraq, Saudi Arabia and USA. Among them, it is believed that China executes more people than the rest of the countries together, although secrecy over the use of the death penalty and a lack of information make it very difficult to offer reliable statistics. According to Amnesty International, the Asian country could have murdered “thousands of prisoners”, without specifying how many. Moreover, according to this NGO, Iran executed at least 314 people, Iraq more than 129, Saudi Arabia more than 79, and the United States 43. In the latter coun-

**“I BELIEVED IN THE JUSTICE OF THE USA. I FELT BETRAYED. I HAD ALWAYS BEEN IN FAVOUR OF THE DEATH PENALTY”**

**JOAQUÍN JOSÉ MARTÍNEZ, EX-DEATH ROW INMATE**

40-year dictatorship of General Franco had ended, with the country going through a democratic transition, having approved its new and most recent Constitution.

With 15 members and 16 countries that support its work, the International Commission against the Death Penalty is formed of ex-presidents, prime ministers, ministers, United Nations representatives, an ex-judge and president of the International Court of Justice... All united, they represent all regions of the world, “demonstrating that the abolition of the death penalty is a global concern and not the cause of one particular place or country”, they point out. “The ICDP is opposed to the death penalty in all situations and urges the establishment of an immediate universal moratorium on executions as a step towards the complete abolition of the death sentences. The ICDP intervenes with experienced government representatives in matters concerning the death penalty. It visits countries and maintains meetings to achieve the abolition of the death penalty, as well as issuing alerts, in particular for those people who are at immediate risk of being

try, 75% of deaths occurred in only four states: Arizona, Mississippi, Oklahoma and Texas. Africa, with only five countries (Botswana, Gambia, Somalia, South Sudan and Sudan); the Americas, with the United States at the top, but with a group of countries like Guatemala, Belize and others from the Caribbean like Jamaica; and Europe, with only one retentionist country (Belarus), are advancing more rapidly towards abolition, as opposed to Asia, where the vast majority of executions are concentrated. “Despite the positive international trend towards abolition, there is no place for complacency while some States continue using the death penalty. The retentionist States – those that continue executing- are increasingly isolated, as more countries question the use of the death penalty as an effective tool of justice”, assures Mayor Zaragoza. The General Assembly of the United Nations has, in various resolutions, proposed, a moratorium on the use of the death penalty. That is, a stoppage to executions, as has happened in other countries.” I remember when Pierre Trudeau, prime minister of Canada intro-



**MICHÈLE DUVIVIER PIERRE-LOUIS**  
*Prime minister of Haiti (2008-2009), she chairs the Knowledge and Liberty Foundation.*



**MOHAMMED BEDJAOU**  
*Statesman in various governments of Algeria. Emeritus Member of the Institute of International Law*



**BILL RICHARDSON**  
*Ex-governor of New Mexico. Abolished the death penalty in this North-American state in 2009.*



**GLORIA MACAPAGAL-ARROYO**  
*President of the Philippines from 2001 to 2010. She put an end to death sentences in her country in 2006*



**ROBERT BADINTER**

*Minister of Justice (1981-1986). Together with President François Mitterrand, he abolished the death penalty in his country.*



**IOANNA KUÇURADI**

*Holder of the Chair of Philosophy of Human Rights of UNESCO.*



**RUTH DREIFUSS**

*President of Switzerland in 1999, she is now the Rector of the University for Peace, established by the United Nations.*

> duced the moratorium for 5 years. He said that the death penalty had to be empirically questioned, to guarantee whether it was or was not useful for society. When that time was over, he saw that they already had the evidence: as all the studies had shown, there had been no increase in bloody criminality”, Badinter tells us. Canada abolished the death penalty in 1976.

It is not easy, however, to overcome the resistance of those countries that still believe in capital punishment. Countries with such different geo-strategies as the United States, China, Iran, India, North Korea, Syria and Zimbabwe, have voted together against the United Nations resolutions. “We are witnessing a very deep and, at the same time, very rapid movement. And most important of all, there is no turning back. Once abolished, the death penalty is not restored. Do you know why? Because, very simply, it is understood that the death penalty is useless as a deterrent against crime”, argues Badinter.

**THERE IS IN ADDITION THE RISK OF KILLING innocents.** “A system of justice oriented towards human rights should protect the public from crime, but without the risks that are linked to the execution of an innocent person, and without the barbarity and cruelty of those executions”, points out Mayor Zaragoza. There is no justice system so perfect that it does not commit errors, as justice is delivered by human beings, and human beings make mistakes. Awareness of these mistakes is what can lead to abolition, as happened in the United Kingdom, where the last execution took place in 1965. “A

man was hanged who, before dying, claimed he was innocent. Time passed and a prisoner who was going to die of cancer behind bars confessed to being the true murderer. In other words, it was known that an innocent person had been murdered at the end of an exemplary, English, judicial proceeding, in other words, with the greatest respect for the rights of the defendant. After learning about the case, it was clear that the English justice system could be the criminal. It caused such a commotion in

ed that the fire had not been intentional and that Willingham had not murdered his own children.

Other prisoners who like him have claimed that they were innocent, have managed to demonstrate as much in the USA. To date, 142 people have left death row in North America. One of them, Ron Keine, who was in a prison in New Mexico for two years, always stresses that: “We managed it, not thanks to the system, but in spite of the system”. Another, the Spaniard Joaquín José Martínez, who

**“SPAIN ABOLISHED HANGING IN 1812, ONLY TWO MONTHS AFTER RATIFYING THE CONSTITUTION OF CÁDIZ”**

public opinion that they said ‘no more’, recalled the French ex-minister of Justice.

It is known that similar cases have taken place in other places. For example, in the United States, where Cameron Todd Willingham was executed in the State of Texas in 2004, accused of murdering his three children by setting fire to his home. During the 12 years that he spent on death row, Willingham always maintained that he was innocent. Minutes before his death, exercising his right to a few last words, he said: “I am an innocent man, condemned for a crime that I did not commit. I have been persecuted for 12 years for something that I did not do”. The combination of sodium thiopental, pancuronium bromide and potassium chloride put an end to his life. Years later, a new investigation demonstrat-

spent five years imprisoned in Florida for a crime that he did not commit, commented on a paradox: “Worst of all is that I was in favour of the death penalty. I believed in American justice and I felt betrayed by it. I never thought that something like that could happen to me. My experience has shown me that while capital punishment exists, none of us will be free from finding ourselves in a situation like the one I lived through”.

The path towards abolition is not an easy one. They also understand this at the International Commission against the Death Penalty: “The abolition of the death penalty has to do, above everything else, with human rights. In the same way as with torture, capital punishment will in the end be considered for what it is: a cruel, inhuman and degrading punishment”. ●