



General Assembly

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Seventy-ninth session

Agenda item: Moratorium on the execution of the death penalty

Sponsors: Algeria, Brazil, Botswana, Fiji and Mexico,

The General Assembly,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on the Elimination of All Forms of Racial Discrimination,

Recognizing that the right to life is an inalienable birthright of every human being and that its protection is a cornerstone of international justice and human dignity,

Reaffirming the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming the International Covenant on Civil and Political Rights,

Recognizing the importance of regarding the sentencing and execution of ensuring transparency regarding the death penalty,

Recognizing the importance of impartial public opinion polling,

Recognizing the importance of understanding the impact of the abolition of the death penalty on society,

Recognizing the importance of promoting discussion in countries where the death penalty exists,

Recognizing that home countries can assist foreigners sentenced to death,

Recognizing the importance of making unbiased social questionnaire,

Recognizing the importance of promoting understanding of the death penalty,

Recognizing that the death penalty is disproportionately applied to persons of minorities,

Recognizing that trials are not conducted equally for all people,

Recognizing the importance of providing concrete measures for the implementation of equal justice;

Underscoring that the denial of legal assistance by the tribunal reviewing the death sentence of an indigent convicted person precludes an effective review of the conviction and sentence by the higher tribunal, and that such denial of legal assistance constitutes a violation of article 14 (3) (d) and (5) of the International Covenant on Civil and Political Rights,

Stressing that those convictions resulting in the death penalty based on information obtained through torture or cruel, inhuman or degrading treatment of interrogated persons violate article 15 of the Convention against Torture and articles 7, 14 (3) (g) and 6 of the International Covenant on Civil and Political Rights,

Recognizing the importance of compliance with Article 7 and other international laws,

Stressing the importance of preventing false convictions to the greatest extent possible and creating an environment conducive to their detection,

Stressing that the term “the most serious crimes” has consistently been read restrictively and interpreted as pertaining only to crimes of extreme gravity involving intentional killing but has possible existence for exception

Stressing also that under no circumstances can the death penalty ever be applied as a sanction against specific forms of conduct, such as apostasy, blasphemy, adultery, consensual same-sex conduct or relations, establishing political opposition groups or offending a head of State, and that States parties that retain the death penalty for such offences commit a violation of their international obligations,

Recognizing the importance of continuing to work until a problem is truly solved ,

Recognizing that continued efforts towards the abolition of the death penalty are necessary,

1. Emphasizes the universal foundation of human rights, centered on the right to life, and that this right should be respected as an unshakable foundation in any society;
2. *Recalls* Member States that they have to promote and protect all human rights and fundamental freedoms, regardless of their political, economic and cultural systems, when discussing the death penalty or sentencing or executing a person to death;
3. Emphasizes that arbitrary death penalty includes the following:
 - a. Death sentence imposed on the basis of coerced confessions as a result of torture and other cruel, inhuman or degrading practices,
 - b. Certain groups or vulnerable groups, especially immigrants, the poor, ethnic minorities, and other nationalities, who are excessively more likely to be sentenced to death than other defendants charged with similar crimes,
 - c. A death sentence is imposed under the following circumstances where the accused is not given the legal assistance necessary to receive a fair trial,

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- i. The accused is represented by an inexperienced person who does not have the appropriate legal credentials,
 - ii. Court-appointed counsel is not selected when the defendant cannot afford counsel,
 - iii. Contact between defense counsel and the accused is excessively restricted,
 - iv. Interpretation or translation assistance is not provided when the trial or defense is conducted in a language the defendant does not understand,
 4. Encourages retentionists countries to ensure transparency in sentencing and execution by collecting the following information;
 - a. Recognized number of death sentences and executions per year,
 - b. Recognized number of death sentences and executions by type of crime,
 - c. Recognized percentage of defendants sentenced to death penalty by nationality,
 - d. Recognized number of death sentences in which the defendant was suspected of being falsely convicted,
 5. Encourages all Member States to take precautions to avoid arbitrarily guiding public opinion when conducting questionnaires on the pros and cons of the death penalty or publicizing the results of such questionnaires as follows:
 - a. To conduct questionnaires on the public with as much information as possible, including both viewpoints,
 - b. To avoid questions that include one-sided assumptions
 - c. To select the target audience of the survey impartially and comprehensively,when limiting the target audience of the survey,
 - d. To disclose the tabulation method of the survey results as much as possible,
 - e. To Ensure the anonymity of the questionnaire,
 6. Recommends abolitionists countries the future collect data on the changes before and after the abolition of the death penalty to avoid arbitrary inducement of arbitrary results in the following items;
 - a. Public opinion on the abolition of the death penalty,
 - b. Crime rates,
 - c. Recidivism rates for crimes for which the death penalty has been imposed,
 7. Calls upon retentionists countries as follows;
 - a. To promote debating the aim of examining the possibility of introducing a moratorium on executions,
 - b. To allow sufficient time for public debate between sentencing and execution,
 - c. To ensure that the death penalty is not applied on the basis of discriminatory laws, including laws which target individuals for exercising their human rights, or as a result of discriminatory or arbitrary application of the law,

8. Reaffirms that when a person who does not hold the nationality of a country, such as a foreign national, is sentenced to death, the defendant is entitled to the support of the country of his or her nationality;
9. Urges retentionists countries to deepen understanding of the death penalty by educating their citizens, judges, prosecutors and administrators about international trends, international human rights law and the death penalty itself;
10. Urges all Member States to ensure that all punishments, including the death penalty, are meted out equally regardless of race, religion, nationality or other minority group;
11. Urges all Member States to provide equal access to counsel and other assistance to ensure fair trials regardless of race, religion, nationality or other minority group at the time of trial;
12. Encourages all members to implement the following provisions to ensure equal trial;
 - a. To ensure that defendants understand the language used in court, including by hiring free interpreters,
 - b. To maximize the use of technology, such as DNA testing, to prevent mistrials to the greatest extent possible.
 - c. To be given adequate time and facilities to prepare his or her defense and to communicate with counsel of his or her choice,
 - d. To receive a trial without undue delay.
 - e. If for any reason defendant is unable to retain counsel, the State will arrange for the accused to be represented by counsel of his/her choice
 - f. To examine or have examined witnesses against him, and to require the presence and examination of witnesses for him under the same conditions as witnesses against him
 - g. Not to be compelled to make a statement or confess to a crime that is prejudicial to himself/herself.
 - h. Not to use statements or confessions made through torture or ill-treatment in proceedings
 - i. to have the right to appeal.
13. Urges all Member States to refrain from executing persons who are mentally disabled at the time of execution, persons under the age that will be defined in national law, pregnant women, and mothers of newborns, and to take the following measures as following;
 - a. To conduct a psychiatric evaluation at the time of execution by a qualified person.
 - b. If the age of the person in question is not known, the death penalty shall be postponed until such information is determined.
14. Calls upon state which have abolished the death penalty not to reintroduce it and encourage them to share their experiences in this regard;

15. Urges retentionists countries to take proactive steps to reduce the number of crimes for which the death penalty is imposed and further strictly limit the death penalty to the "most serious crimes" mentioned in Article 6, Paragraph 2 through followings:
 - a. To host a future meeting for the discussion of the range of "most serious crimes",

- b. To further discuss the possible exception in the meeting;
16. Stress to continue the discussion and consideration of this matter at least 80 sessions under the item entitled “Promotion and Protection of Human Rights” including the definition of “most serious crimes” and definition of infants and newborns,childrens;
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