



Ending Torture. Seeking Justice for Survivors

United Nations Human Rights Committee
114th Session, 29 June – 24 July 2015

Statement by REDRESS in the General Discussion on the preparation for a General Comment on Article 6 (Right to Life) of the International Covenant on Civil and Political Rights (ICCPR)

14 July 2015

Check against delivery

Thank you Chair,

REDRESS is an international organisation with a mandate to assist survivors of torture and related international crimes to access justice and other forms of reparation for the harm they suffered. We welcome the opportunity to engage in this general discussion, and commend the Committee on its initiative to draft a new general comment on the Right to Life.

REDRESS' comments today focus on those areas of Article 6 which intersect with our own mandate concerning torture and cruel, inhuman or degrading treatment or punishment (other ill-treatment). REDRESS believes that it would be important for the general comment to expand on various relevant areas such as the responsibility of States in respect of torture resulting in death. At this stage, however, we focus our attention on a number of issues regarding the death penalty.

REDRESS' work with clients in cases involving the death penalty has convinced us that there is a need for further authoritative guidance in this area. We expect that the forthcoming general comment will help to restate and clarify the obligations on State parties to respect, protect, and fulfil human rights in the context of the right to life. Equally important, we hope the general comment will serve as a useful tool to enhance the implementation of State parties' obligations under article 6.

This Committee's previous General Comments have outlined important restrictions on the application of the death penalty and have recognised that its abolition is desirable. Since the adoption of General Comment No. 6, more than thirty years ago, the Committee has carried out significant additional work in this area, in particular through its concluding observations and jurisprudence. International law has continued to evolve, through political commitments and the wide range of decisions taken by courts and treaty bodies. Medical and scientific developments have increased our understanding of the physical and psychological impacts of the methods used to carry out death sentences. These factors have impacted the way the death penalty is viewed and assessed.

REDRESS has provided a written submission to the Committee where we have made more detailed comments. Today I will focus on a number of key points regarding these issues.

It is increasingly recognised that the imposition and execution of the death penalty raises a series of concerns over its compatibility with international human rights law, including the prohibition of torture and other ill-treatment. Examples include:

- This Committee and the European Court of Human Rights have recognised that the imposition of a death sentence following an unfair trial constitutes a violation of the prohibition of torture and other ill-treatment;
- Various methods of execution used in carrying out death sentences, as well as the death row phenomenon, have been challenged as incompatible with the prohibition of torture and other ill-treatment;
- This Committee has recognised that the failure to provide adequate information to family members of a person sentenced to death can result in a violation of the prohibition of torture and other ill-treatment; and
- Where a trial relies on evidence obtained through torture, fair trial guarantees have not been respected, and any death sentence imposed violates the right to life.

These factors give support to an interpretation that the death penalty is intrinsically cruel, inhuman and degrading.

The global trend towards abolition of the death penalty is founded on the recognition that the implementation of the death penalty carries a considerable, if not inherent, risk of a violation of the absolute prohibition of torture and other ill-treatment. Thus, REDRESS believes that the legality of the death penalty itself should be assessed by this Committee and addressed in the forthcoming general comment.

We wish you every success in the elaboration of this general comment and extend to you all possible support and collaboration.

Thank you for your attention Chair and members of the Committee, and distinguished representatives.

Statement delivered by: Ms. Kyra Hild
For further information please contact Kyra Hild, International
Legal Advisor, REDRESS (kyra@redress.org or +44 20 7793 1777)
www.redress.org