



# DEATH PENALTY

## CRUEL, INHUMAN AND DEGRADING PUNISHMENT

### EDITORIAL

**N**EARLY ALL SOCIETIES HAVE AT SOME POINT IN THEIR history resorted to capital punishment. In Eighteenth century Britain two children were hanged at King's Lyn for the crime of theft. While in many countries capital punishment is usually reserved for the most heinous of crimes, such as premeditated murder, treason and espionage, there are still governments that consider human rights activism or public criticism 'heinous crimes'. Abdullah al-Mansouri, a Dutch-Iranian human rights activist, was allegedly sentenced to death by Iran last Monday, 29 October 2007.

Countries that remain proponents of the death penalty, such as Iran and the US are under continuous pressure to abolish the death penalty by the international community. Currently, more than half of countries in the world have abolished the death penalty, Rwanda the most recent among them.

The only developed countries that practice the death penalty are the United States and Japan. The pressure that the international community exerts in favour of the abolition of capital punishment is evident in the recent United Nations draft resolution on the moratorium on the death penalty. It could be argued that under the auspices of Article V of the Universal Declaration of Human Rights

capital punishment is even illegal as it could amount to «cruel, inhuman or degrading treatment or punishment.»

In fact, this has been the ground to refuse the extradition of certain criminals to the United States and other countries with death penalty.

Ultimately, it boils down to a question of whether it is more important to punish the guilty than protect the wrongly sentenced. Hopefully the wise words of the 12th Century Sephardic legal scholar, Moses Maimonides can provide us with some guidance when he stated: «It is better and more satisfactory to acquit a thousand guilty persons than to put a single innocent man to death.»

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