



ARAB CIVIL SOCIETY CALLS ON GOVERNMENTS TO END EXECUTIONS

Text of the Madrid statement, released at the end of a two-days international conference in Madrid

Since May 2008, three seminars on the situation of the death penalty in Arab countries were organized as a follow-up to United Nations General Assembly (UNGA) resolutions 62/149 and 63/168, calling for a “Moratorium on the use of the death penalty”. The main objective of the seminars was to discuss the implementation of the UNGA resolutions.

Alexandria Declaration- Representatives of Arab civil society, the League of Arab States, the UN Office of the High Commissioner for Human Rights, as well as international non-governmental organisations including Amnesty International, met in Egypt in May 2008 to discuss the implementation of UNGA resolution 62/149 (2007). At the conclusion of the meeting the participants issued a joint declaration, known as Alexandria Declaration, in which, among other things, they called upon Arab countries to comply with UNGA resolution 62/149. The Declaration also calls upon Arab governments to take concrete steps to progressively abolish the death penalty, and appealed to the Arab states which have observed a de facto moratorium to remove this punishment from their legislation in order to prevent its circumstantial use. The participants also called on Arab states consider amending article 7 of the Arab Charter on Human Rights, in order to ensure that the death penalty cannot be applied to those under the age of 18. The Declaration also appealed to Arab judges to refrain from the use of the death penalty and to use alternative punishments instead

Algiers Declaration--A two-day conference was held in Algiers January 2009 where over 100 participants attended the conference, representing national human rights institutions from Algeria, Egypt, Jordan, Mauritania, Morocco and Qatar. A number of human rights activists, lawyers, parliamentarians, journalists and government officials also joined the discussion.

The aim of the conference was to discuss the implementation of the second resolution on moratorium on executions, adopted by the UNGA in December 2008, and to build on the Alexandria declaration.

The conference was concluded with the adoption of the Algiers Declaration, which capitalized on the momentum generated by the Alexandria Declaration and renewed its call for the implementation of UNGA Resolutions 62/149 and 63/168. The Algiers Declaration also called again on Arab states to amend Article 7 of the Arab Charter on Human Rights in order to introduce an absolute ban on the death penalty for those under the age of 18. It also called for the introduction of reforms in the penal and judicial systems to guarantee fair trial, and encouraged Arab states to declare a cessation of the use of the death penalty and to establish this in law. The declaration raised the need for raising public awareness so that public opinion is influenced to accept the elimination of the death penalty, and to restrict and abolish it.

Madrid statement-- In July 2009 representatives of the civil society and national experts of Arab countries met in Madrid to discuss the situation of capital punishment in the Arab world. The seminar ‘Towards a global moratorium on the death penalty: the case of Arab countries’ was attended by a representative from the League of Arab States,

members of civil society from eight Arab countries (Algeria, Egypt, Iraq, Jordan, Lebanon, Morocco, Occupied Palestinian Territories, Syria), international and national NGOs and regional and international independent human rights experts and journalists.

The objective of the Seminar, like the previous ones, was to hold a debate on the situation of the death penalty in Arab countries in the Middle East and North Africa (MENA) region, analyzing the best ways towards establishing a moratorium on executions. During the Seminar sessions, participants also discussed issues related to ideological principles, public opinion and the active role of governmental bodies with regards to capital punishment.

At the end of the seminar, the participants issued the so-called "Madrid statement", to encourage governments of Arab countries to comply with UNGA resolutions 62/149 and 63/168 and introduce a moratorium on executions. The full text of the statement is reproduced below.

MADRID STATEMENT

Madrid, 14 - 15 July, 2009

- 1) *We, the participants of the civil society of the Arab countries, have met in Madrid, Spain, the 14th and the 15th of July at the kind invitation of The Ministry of Foreign Affairs and Cooperation and the Casa Arabe, to discuss the situation of the death penalty in Arab countries, and to consult on possible ways of working together towards a moratorium on the use of the death penalty in these countries.*
- 2) *Recalling the Alexandria Declaration, which calls upon the Arab countries to implement UNGA Resolution 62/149 on the Establishment of a Moratorium on the use of the Death Penalty;*
- 3) *Reiterating that we consider the use of the death penalty to be a violation of the most fundamental human right, i.e. the right to life; and that it has not succeeded in deterring or in preventing criminality in any country;*
- 4) *Regretting the fact that death sentences and executions continue to be carried out in numerous Arab countries;*
- 5) *Noting with concern the increasingly high number of crimes, punished by the death penalty,*
- 6) *Request the Arab governments, each according to its own circumstances, to fully comply with the United Nation General Assembly' resolutions 62/149 and 63/168 and to support the objective of a moratorium in forthcoming UN debates.*
- 7) *Urge Arab governments that have not yet done so to ensure that their penal and criminal procedure codes comply with international standards, in particular minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984;*
- 8) *Reiterate Alexandria and Algiers Conferences' recommendations on the Arab Charter for Human rights concerning the article 7 which does not comply with international standards concerning the prohibition of the death penalty for capital offences committed by juveniles under the age 18 years and urge the Arab League to take all needed measures to take action on this¹.*
- 9) *Urge the Arab countries to provide the UN Secretary General (on an annual basis) with official statistical data on the number of persons sentenced to death and executed and for which crimes, by age and gender, and to publish this information.*
- 10) *Call on Arab Governments that still make use of the death penalty to progressively restrict its use and reduce the number of offences for which it may be imposed;*
- 11) *Encourage the full collaboration between the governmental bodies, but also the members of the parliament, the judiciaries, the media and the civil society members to open a real debate at the national level on the establishment of a moratorium to executions with a view to abolishing the death penalty in the future.*
- 12) *Urge the Arab governments to establish an immediate moratorium on the use of the death penalty, which will serve as a viable tool to guarantee justice while a large debate on the revision of criminal codes is under progress among Arab countries.*
- 13) *Appeal to Arab states which have observed a de facto moratorium to remove this punishment from their legislation in order to prevent its circumstantial use;*
- 14) *Underline the need to target, as an ultimate goal, the ratification of the second optional protocol to the ICCPR;*

¹ The Director of the Human Rights Department for the Arab League abstained from this recommendation.

- 15) *Emphasize the need for the civil society to continue intensifying its activities to convince the public that narrowing and eventually abolishing the death penalty serves the ambition of the Arab people in fulfilling their aspiration to justice and human rights.*
- 16) *We encourage in every country full collaboration between the governmental bodies, members of parliament, the judiciary, the media and civil society members so as to open a real debate at a national level on the abolition of the death penalty, and while this is in process to establish an official moratorium on the imposition of all death sentences and executions.*