



Parliamentarians *for Global Action*
Parlamentarios para la Acción Global
Action Mondiale des Parlementaires
برلمانيون من أجل التحرك العالمي

To the Attention of:
The Committee Secretary
Legal and Parliamentary Affairs Committee
House of Representatives of the Republic of Uganda

5 April 2016

Dear Committee Secretary,

Submission on Uganda's efforts towards abolition of the Death Penalty in support of the private members' Bill for the Abolition of the Death Penalty.

Parliamentarians for Global Action (PGA) thanks the Honourable Madame Speaker and the Chair of the Legal and Parliamentary Affairs Committee for the opportunity to make this submission on Uganda's efforts to abolish the death penalty and today's introduction of the draft bill by my PGA colleagues Honourable Fox Odoi and Honourable Alice Alaso.

In 2013, upon proposal of myself, **Mark Pritchard, Chair of the UK All-Party Parliamentary Group for the Abolition of the Death Penalty, Member of the PGA International Council** and in cooperation with my colleague from the House of Lords Baroness Vivian Stern, PGA has embarked in the creation of a global parliamentary platform for the abolition of the death penalty.

Through the global PGA network, consisting of over 1300 legislators from over 140 countries, we are supporting our colleagues in those countries who are trying to raise awareness about the negative effects of the death penalty.

Honourable Madame Speaker, Honourable Chair and Committee Members:
Allow me use this opportunity to address some common myths and misconceptions about the death penalty.

- 1) Empirical evidence has proven that there is NO causal link between crime prevention and the availability of the death penalty.¹ There are States in which the death penalty has been abolished and the crime rate went down.² In fact, economic, social and cultural matters are extremely important for crime prevention, and justice is only one part of the equation. Within the framework of a national justice system, it has been observed that it is not the severity of the penalty but the relative certainty and predictability in applying any proportionate penalty that renders a functioning criminal justice system a deterrence factor. The proof of what we say can be found in the USA: in some States the death penalty is not applied, and the crime rate is comparatively lower than the one of States in which the death penalty is still applied.³
- 2) In liberal democracies and in other forms of Governments as we know them, we have to recognise that there is always scope for human error. Therefore, no decision of any branch of the Government shall be definitive or irremediable. History tells us that many people have been executed mistakenly, because evidence was flawed and manipulated, and other decisive evidence emerged only after that an execution took place.
- 3) Many of us believe in God, in the sacrosanct nature of human life and/or in the absolute need to respect human dignity and the human person: How can we reconcile these religious and ethical convictions with laws that allow the State to take away the life of other human beings, albeit found guilty beyond any reasonable (human) doubt before a competent Court of Law for extremely serious crimes? For many of us with profound religious beliefs, if the Creator gave us life, it is only the Creator who can take it away from us. Pope Francis expressed the

¹ "Several countries continue to use the death penalty for drug-related crimes, with the argument that this harsh punishment is needed for deterrence purposes. However, there is no evidence that the death penalty deters any crime," he emphasized in his remarks", Ivan Šimonović, Assistant Secretary-General for Human Rights, Opening remarks to the UN Human Rights Council, 4 March 2015

² See J. Donohue, J. Wolfers, The Death Penalty: No Evidence for Deterrence, *The Economists Voice* (2006)

³ See also Radelet and Lacock, "Do Executions Lower Homicide Rates? The Views of Leading Criminologists", *The Journal of Criminal Law and Criminology*, Vol. 99, no.2, 2009, through Amnesty International <http://www.amnestyusa.org/our-work/issues/death-penalty/us-death-penalty-facts/the-death-penalty-and-deterrence>

Catholic Church's opposition to the death penalty, calling it "inadmissible, no matter how serious the crime committed." He continued, "It is an offence against the inviolability of life and the dignity of the human person, which contradicts God's plan for man and society, and his merciful justice, and impedes the penalty from fulfilling any just objective. It does not render justice to the victims, but rather fosters vengeance."⁴

- 4) Many of us will agree that in a liberal democratic State it shall not be up to the State to decide about the life and death of individuals. Justice as such cannot and shall not be seen as another form of revenge, carried out by states acting as revengeful agents punishing unlawful acts of murder with lawful executions. Spain abandoned the last vestiges of its death penalty in 1995, stating that: "the death penalty has no place in the general penal system of advanced, civilized societies [. . .]. What more degrading or afflictive punishment can be imagined than to deprive a person of his life [. . .] ?"⁵
- 5) The position of a majority of States in the International Community is pro-abolition: Amongst such States, which include all 28 Member States of the European Union, we would like to find a special for Uganda, which is playing an important role in International Relations as a peace-loving nation. "The rights to life and dignity are the most important of all human rights And this must be demonstrated by the State in everything that it does, including the way it punishes criminals".⁶

In Conclusion:

As PGA Members, we call upon our fellow Members of Parliament to work together to abolish the death penalty in Uganda, as a nation under God that respects humanity, but also understand that we humans, and all justice systems around the world, are prone to make errors. Once someone has been executed, the error is irreversible.

⁴ Letter by Pope Francis to the President of the International Commission Against the Death Penalty, National Catholic reporter, 20 March 2015 <http://ncronline.org/blogs/ncr-today/pope-francis-death-penalty-inadmissible>

⁵ R. Hood, *The Death Penalty: A World-wide Perspective* 8 (2d edit. 1996)

⁶ *Makwanyane and Mchunu v. The State*, 16 HRLJ 154 (Const. Ct. of S. Africa 1995)

On behalf of the PGA International Council and the UK All-Party Parliamentary Group for the abolition of the Death Penalty I thank the Honourable Speaker, fellow parliamentarians and my colleagues of the PGA Chapter Uganda for your time and your efforts towards abolishing the death penalty, which the global network of PGA highly encourages.

Yours sincerely,

A handwritten signature in purple ink, consisting of several loops and a long horizontal stroke.

Hon. Mr. Mark Pritchard, MP (House of Commons)
Member of the PGA International Council
Chair of the UK All-Party Parliamentary Group for the abolition of the Death Penalty