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Chairman: Mr. Wolfe (Jamaica)

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The meeting was called to order at 3.10 p.m.

Agenda item 70: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/62/L.29, A/C.3/62/L.68-L.77)

Draft resolution A/C.3/62/L.29: Moratorium on the use of the death penalty

Proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.68

1. **The Chairman** drew attention to the proposed amendments to draft resolution A/C.3/62/L.29 contained in documents A/C.3/62/L.68-L.77, none of which had any programme budget implications.

2. **Mr. Attiya** (Egypt), speaking on a point of order, asked who had requested a recorded vote on the proposed amendment contained in document A/C.3/62/L.68.

3. **The Chairman** said that the main delegations making the request were Albania, Angola, Brazil, Croatia, Gabon, Mexico, New Zealand, the Philippines, Portugal and Timor-Leste.

4. **Mr. Heller** (Mexico), speaking in explanation of vote before the voting, said that the purposes and principles of the Charter of the United Nations reflected the resolve of Member States to join in maintaining international peace and security, promoting economic and social well-being, reaffirming faith in the dignity and worth of the human person, and ensuring respect for human rights of men and women everywhere. For over 50 years the Charter had been a source of international human rights precedents. Had the focus been on only one of the Charter's principles, the Universal Declaration of Human Rights and the Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights would not exist. The sponsors of draft resolution A/C.3/62/L.29 reaffirmed their commitment to all of the provisions of the Charter of the United Nations, as reflected in the first preambular paragraph of the draft resolution. Therefore, the proposed amendment was unnecessary and a clear attempt to hinder the discussion of matters relevant to the Committee's mandate. Resorting to selective quotations from the Charter would undermine

its contents and set an unfortunate precedent, to the detriment of all Member States. Mexico reaffirmed its commitment to all the purposes and principles of the Charter, which should be taken as a whole, without giving some precedence over others. A vote against the proposed amendment was thus not a vote against the Charter but a vote against a clear attempt to undermine its integrity. Mexico would therefore vote against the proposed amendment contained in document A/C.3/62/L.68 and urged other delegations to do likewise.

5. **Mr. Salgueiro** (Portugal), speaking on behalf of the European Union, and in explanation of vote before the voting, said that a reference to the Charter of the United Nations was a reference to all of its Articles; therefore there was no need for a specific reference to a specific Article. The Charter had to be read and understood in its entirety, as selective quotations only weakened its significance. It was very unusual, especially on human rights issues, for resolutions to include such selective quotations. A General Assembly resolution regarding a moratorium on the use of the death penalty did not violate the sovereignty of any Member State and was not an intervention under Article 2, paragraph 7, of the Charter. As reflected in Articles 10 to 14 of the Charter, General Assembly resolutions were referred to as "recommendations". In keeping with the purposes and principles of the Charter, in particular the purpose of cooperation, the promotion and protection of all human rights was a legitimate concern of the international community. The proposed amendment contained in document A/C.3/62/L.68 was hostile to the spirit and letter of draft resolution in A/C.3/62/L.29. His delegation would vote against it and invited all Member States to do the same.

6. **Mr. Nikuljski** (The Former Yugoslav Republic of Macedonia), speaking in explanation of vote before the voting, said that protection and promotion of all human rights and fundamental freedoms was a priority in accordance with all of the purposes and principles of the Charter. It was unnecessary to make selective quotations from the Charter, especially since a general reference to the Charter, and thus to all of its relevant Articles, had been given. The Charter was the basis of the Organization and must be considered in its entirety, not quoted selectively. Draft resolution A/C.3/62/L.29 did not impose measures on any State and did not violate sovereignty. The proposed amendment was

unnecessary and absolutely contrary to the spirit and letter of the draft resolution. His delegation therefore objected to the proposed change in the first preambular paragraph, would vote against the proposed amendment, and invited all Member States to do likewise.

7. **Mr. Skinner-Klée** (Guatemala), speaking in explanation of vote before the voting, said that his delegation was constrained to abstain in the voting on the proposed amendments to draft resolution A/C.3/62/L.29 because it believed that the Charter of the United Nations was a constitutional and universal instrument whose provisions could not and should not be interpreted or cited in isolation or in contradiction with the remainder of the instrument. Rather, it should be read, understood and interpreted as a harmonious and comprehensive whole, each part being understood in accordance with the other parts. The preferred interpretation should be one that reconciled the Charter's provisions, not one that gave certain clauses precedence over others. It was regrettable that Charter provisions should be cited in a truncated manner, weakening both the Charter and other basic human rights instruments.

8. **Mr. Makanga** (Gabon), speaking in explanation of vote before the voting, said that the United Nations had from its inception adopted a number of resolutions which, in principle, pertained to the sovereignty of States. At the 2005 World Summit, Heads of State and Government had recognized that human rights were a cornerstone of the United Nations. In recent years, Member States had signed and ratified several human rights instruments dealing with penal issues. In so doing, they had acknowledged that issues pertaining to domestic penal law had to be reviewed in accordance with applicable international standards. Several articles of the Universal Declaration of Human Rights, as well as several articles of the International Covenant on Civil and Political Rights, referred to penal matters. Indeed, the Security Council had established international criminal tribunals for the former Yugoslavia and for Rwanda in order to prosecute crimes committed within State jurisdictions. In 2002, the International Criminal Court had been established to prosecute war crimes, genocide and crimes against humanity. It was therefore clear that any reference to Article 2, paragraph 7, of the Charter of the United Nations was superfluous, giving the impression that penal issues fell within the exclusive jurisdiction of

States and departing from the aim of the draft resolution, which was to declare a moratorium on executions. A reference to Article 1, paragraph 3, of the Charter, stressing the imperative need for Member States to enhance international cooperation in order to promote and encourage respect for human rights, would be more appropriate. For those reasons, his country would vote against the proposed amendment and urged other Member States to follow suit.

9. **Mr. Davide** (Philippines), speaking in explanation of vote before the voting, said that his country, a founding member of the United Nations, had the highest regard for the principles and provisions of the Charter of the United Nations, including Article 2, paragraph 7, and had from the outset played an active role in promoting the self-determination and independence of States, in keeping with the principle that each State should be free to decide its future. Since draft resolution A/C.3/62/L.29 already contained a reaffirmation of the purposes and principles of the Charter, it was unnecessary to single out any one of them. His country also subscribed to the principle *pacta sunt servanda* in international law, in particular as articulated in article 26 of the Vienna Convention on the Law of Treaties, which based the implementation of obligations upon good faith. His country's understanding of that good-faith basis implied that a party to an international agreement such as the Charter of the United Nations should not invoke provisions of its domestic law as a justification for failure to perform its obligations. Moreover, Article 2, paragraph 7, of the Charter could not be cited against draft resolution A/C.3/62/L.29 because the latter involved an issue that was not essentially within the domestic jurisdiction of any State. The draft resolution involved a matter that fell squarely within the ambit of the principle of fundamental human rights and the dignity and worth of the human person, or the right to life itself, which was at the heart of the preamble of the Charter. That universal principle was certainly not within the domestic jurisdiction of any State. The Philippines would therefore vote against the proposed amendment contained in document A/C.3/62/L.68.

10. **Mr. Lukiyantsev** (Russian Federation) said that a moratorium on the death penalty had been in effect in his country for several years. His country was committed to strict compliance with its international commitments in the protection and promotion of human rights. It therefore supported draft resolution

A/C.3/62/L.29. The Charter of the United Nations was the main international multilateral agreement, on which all the activity of the Organization was based. At the same time, references to Charter provisions were acceptable in any documents or decisions of United Nations bodies or agencies. His country would therefore vote in favour of the proposed amendment (A/C.3/62/L.68) and for other proposed amendments if they were based on the Charter or on other international legal documents to which Russia was a State party.

11. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.68.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Central African Republic, China, Comoros, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nauru, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro,

Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Congo, Fiji, Ghana, Guatemala, Kenya, Lebanon, Liberia, Mali, Morocco, Republic of Korea, South Africa, United Republic of Tanzania, United States of America, Zambia.

12. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.68 was rejected by 82 votes to 73, with 15 abstentions.*

13. **Mr. Menon** (Singapore) said that he was astonished at the rejection of the proposed amendment, which essentially reproduced the wording of the Charter. The Charter was the basis of the Organization, which bound Member States together and determined how they interacted. In fact, the Charter made no reference to the abolition of the death penalty but it did contain a provision stating that nothing authorized the United Nations to intervene in matters within the domestic jurisdiction of any State. Clearly, some countries had voted to ignore a Charter provision because they found it incompatible with their purposes; perhaps in future they would ignore and re-interpret other Charter provisions or even the entire Charter.

14. **Mr. Attiya** (Egypt) placed on record his delegation's disappointment at the result of the voting. Despite sincere attempts to improve the language of the draft resolution, some delegations had voted against the Charter, against the basis of cooperation and respect and against the foundations of the Organization.

15. **Ms. Borjas Chávez** (El Salvador) said that her country reaffirmed its commitment to all of the purposes and principles contained in the Charter as a coherent whole. El Salvador had been obliged to vote against the proposed amendment because it considered it unnecessary. It was a partial quotation of the Charter and, as such, detrimental to draft resolution A/C.3/62/L.29.

16. **Mr. Hetanang** (Botswana) expressed his delegation's disappointment at the rejection of the proposed amendment. The issue was not whether a country had abolished the death penalty or instituted a moratorium; the issue was about framing the debate in accordance with the Charter. The decision to vote against the Charter set a very dangerous precedent. The trend would probably continue in the future, with references to the Charter being reinterpreted to suit certain ends.

Proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.69

17. **Mr. Attiya** (Egypt) introducing the proposed amendment, said he recognized that some countries had voluntarily decided to abolish the death penalty, others had decided to apply a moratorium on executions, and others had chosen to retain the death penalty. Each was right and none should impose its view on the others. The proposed amendment had been presented in that spirit and he hoped that Member States would vote in favour of it.

18. **Ms. Zhang Dan** (China), speaking in explanation of vote before the voting, said that her delegation supported the proposed amendment and called upon other countries to do likewise. Determining appropriate penalties according to a country's national circumstances was a sovereign right in which no other country had the right to intervene. The death penalty was not prohibited by international law. China attached great importance to the issue of the death penalty and applied stringent restrictions upon its implementation, ensuring that it was used only on those few who had committed the most serious crimes. China opposed any attempt to intervene in a country's judicial independence.

19. **Mr. Spatafora** (Italy), said that in the voting on the proposed amendment contained in document A/C.3/62/L.68 the majority of the Committee had not voted against an article of the Charter and set a dangerous precedent, as had been alleged. The record should show that the majority had voted against a selective quotation from the Charter. The proposed amendment attempted to imply improper interference with the way in which States organized their legal and criminal systems. That was obviously not the case. The sponsors of the draft resolution believed that the promotion of a moratorium did not constitute a form of intervention in domestic jurisdiction. While

encouraged by a worldwide trend towards abolition of the death penalty, with over 130 countries having established a de facto moratorium on executions, the sponsors fully recognized that decisions regarding the death penalty had to be taken by each country at the national level. The draft resolution did not state that the death penalty was contrary to international law, nor did it single out particular States; it simply focused on a moratorium with a view to abolishing the death penalty.

20. **Mr. Menon** (Singapore), speaking on a point of order, said that the Chairman had invited general statements on document A/C.3/62/L.69. The representative of Italy was speaking on A/C.3/62/L.68 and should be requested to address the issue at hand.

21. **Mr. Spatafora** (Italy) speaking in explanation of vote before the voting, said that the proposed amendment contained in document A/C.3/62/L.69 sought to undermine draft resolution A/C.3/62/L.29. His delegation therefore strongly rejected it and invited all Member States to vote against it.

22. **Mr. Peralta** (Paraguay), speaking in explanation of vote before the voting, said that the proposed amendment contained in document A/C.3/62/L.69 suggested indirectly that the sponsors of draft resolution A/C.3/62/L.29, which included his country, were attempting to dictate how States should organize their judicial and penal systems. That was far from the truth. The main purpose of the draft resolution was to call upon Member States to establish a moratorium on executions with a view to abolishing the death penalty. The proposed amendment sought to weaken the content and purpose of the draft resolution, and he appealed to all Member States to vote against it.

23. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.69.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives,

Mauritania, Mongolia, Myanmar, Nauru, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sudan, Suriname, Syrian Arab Republic, Thailand, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United States of America, Uzbekistan, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Congo, Côte d'Ivoire, Fiji, Ghana, Guatemala, Kenya, Lebanon, Liberia, Mali, Morocco, Niger, Republic of Korea, Sri Lanka, Swaziland, Togo, United Republic of Tanzania, Zambia.

24. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.69 was rejected by 83 votes to 68, with 18 abstentions.*

25. **Mr. Attiya** (Egypt) said that draft resolution A/C.3/62/L.29 constituted an attempt by certain countries to impose their will and views on all Member States. The proposed amendment contained in document A/C.3/62/L.69 would have averted that attempt, and his delegation was therefore deeply disappointed that it had been rejected.

26. **Ms. Halabi** (Syrian Arab Republic) said that her delegation, too, was disappointed at the result of the voting. The proposed amendment would merely have affirmed two fundamental principles on the basis of which Member States had joined the Organization, namely the equal sovereignty of States and non-interference in their internal affairs.

Proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.70

27. **Mr. Menon** (Singapore), recalling his previous remarks on the proposed amendments to draft resolution A/C.3/62/L.29, called on all delegations to vote in favour of the proposed amendment contained in document A/C.3/62/L.70.

28. **Mr. Attiya** (Egypt) said that the proposed amendment reaffirmed that every Member State had an inalienable right to choose its political, economic, social and cultural systems, which was one of the fundamental principles governing international relations and the work of the United Nations. Respect for that right was the basis for all dialogue and cooperation between States. The proposed amendment would restore balance to the draft resolution, and he urged all delegations to vote in favour of it.

29. **Ms. Borges** (Timor-Leste), speaking in explanation of vote before the voting, said that there had been ample opportunity for delegations to propose amendments during the informal consultations on draft resolution A/C.3/62/L.29. The proposed amendment contained in document A/C.3/62/L.70 had not been presented at that time. Moreover, it sought to undermine the spirit and purpose of the draft resolution. Promotion of a moratorium on the use of the death penalty did not constitute a form of intervention in the domestic jurisdiction of a State or an attempt to impose the views of certain States on others. Rather, the purpose of the resolution was to reinforce and encourage the growing trend towards the phasing-out of the death penalty. The 1993 World Conference on Human Rights had agreed that the promotion and protection of all human rights was a legitimate concern of the international community. By becoming parties to United Nations human rights treaties, States undertook to comply with their obligations under those treaties. Her delegation would vote against the proposed amendment and urged others to do the same.

30. **Mr. Vigny** (Switzerland), speaking in explanation of vote before the voting, said that article 6 of the International Covenant on Civil and Political Rights made it clear that capital punishment was a human rights issue. Moreover, the Vienna Declaration and Programme of Action, adopted by consensus in 1993, stated that the promotion and protection of all human rights was a legitimate concern of the international community. In that context, and as a sponsor of draft resolution A/C.3/62/L.29, his delegation would vote against the proposed amendment contained in document A/C.3/62/L.70 and urged others to do likewise.

31. **Mr. Neritani** (Albania), speaking in explanation of vote before the voting, said that draft resolution A/C.3/62/L.29 had started a process of dialogue on an issue of fundamental importance for the enhancement and progressive development of human rights: the right to life, as affirmed in the Universal Declaration of Human Rights. General Assembly resolutions had a recommendatory nature; as such, the purpose of the draft resolution was not to interfere in the internal affairs of States but merely to promote a moratorium on the use of the death penalty in recognition of a growing trend among States in that direction. In the broad context of human rights issues, the proposed amendment contained in document A/C.3/62/L.70 did not adequately reflect the restrictions placed on State action by the Charter of the United Nations and international law. Moreover, the wording was not in keeping with the type of language usually used in Third Committee draft resolutions. All Member States were bound by the letter and spirit of the Charter; selective quotations from it would not change that fact. His delegation would vote against the proposed amendment contained in document A/C.3/62/L.70 and urged others to do the same.

32. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.70.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Central African Republic, China, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan,

Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nauru, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, Uzbekistan, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Cambodia, Congo, Côte d'Ivoire, Fiji, Ghana, Guatemala, Kenya, Lebanon, Mali, Morocco, Republic of Korea, Sri Lanka, United Republic of Tanzania, Zambia.

33. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.70 was rejected by 83 votes to 72, with 15 abstentions.*

34. **Mr. Menon** (Singapore) said that he was surprised by the Committee's rejection of the proposed amendment, which merely affirmed a basic principle enshrined in the Charter of the United Nations, namely

that every Member State had the right to choose its political, economic, social and cultural systems. By rejecting the proposed amendment, the Committee seemed to be saying that the European Union countries and other sponsors of draft resolution A/C.3/62/L.29 had the right to determine how other Member States should behave. Many States had struggled for years to gain their sovereignty from the very countries that now sought to curtail it. They should not be so ready to abrogate their rights and responsibilities as sovereign States. The vote further confirmed that some delegations were cynical in their support for the principles of the Charter; there was no room for selectivity regarding which principles to support or reject. If certain States wished to persuade others of the merits of a moratorium on the death penalty, they should do so at the bilateral level rather than dividing the Committee on the issue.

35. **Mr. Attiya** (Egypt) said that the vote on the proposed amendment was disappointing and served to reaffirm his delegation's concern that certain States were attempting to impose their views on others, despite the statements made to the contrary.

Proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.71

36. **Mr. Degia** (Barbados) said that one of the major shortcomings of draft resolution A/C.3/62/L.29 was that it was based on the assumption that the death penalty was prohibited in international law, which was untrue. The proposed amendment was a quotation from article 6 of the International Covenant on Civil and Political Rights, which permitted the imposition of the death penalty for serious crimes. His delegation saw no reason, in a draft resolution advocating a moratorium on the death penalty, not to include a caveat making it clear that the death penalty was not prohibited in international law. It would be surprising if the proposed amendment were rejected, since most Member States were parties to the Covenant.

37. **Mr. Hetanang** (Botswana) expressed his delegation's unease at the refusal of the main sponsors of draft resolution A/C.3/62/L.29 to engage in constructive dialogue with all delegations in informal consultations, with a view to ensuring that all concerns were considered on their merits. The main sponsors had also refused, on the basis of a flawed argument against selective quotations, to acknowledge the relevant provisions of various international instruments

in the draft resolution. Faced with such an inflexible approach, delegations with concerns about the draft resolution had had no other recourse but to propose formal amendments. The proposed amendment contained in document A/C.3/62/L.71, which recalled article 6, paragraph 2, of the International Covenant on Civil and Political Rights, disproved the assertion that the sponsors of the proposed amendments were aiming to undermine the draft resolution. If that were true, they would not be insisting on the inclusion of safeguards. The refusal to acknowledge the provisions of an international treaty undermined the importance of that treaty.

38. **Mr. Margarian** (Armenia), speaking in explanation of vote before the voting, said that the sponsors of the proposed amendment had characterized the draft resolution as a European Union-led initiative when in fact it was a cross-regional initiative. The second preambular paragraph of the draft resolution mentioned the International Covenant on Civil and Political Rights, which was one of the most widely ratified international instruments. It was therefore unnecessary to include selective quotations from the Covenant in the draft resolution. The purpose of the quotation in document A/C.3/62/L.71 was to emphasize that the death penalty was permitted under the Covenant. However, article 6, paragraph 6, of the Covenant provided that nothing in that article could be invoked to delay or to prevent the abolition of capital punishment by any State party. The proposed amendment was therefore contrary to the content and spirit of the Covenant and of the draft resolution, and he appealed to all delegations to vote against it.

39. **Mr. Tarragô** (Brazil), speaking in explanation of vote before the voting, said that the preamble to draft resolution A/C.3/62/L.29 made a general reference to the International Covenant on Civil and Political Rights, since it was one of the major international instruments pertinent to the issue of the death penalty and had been widely ratified. The draft resolution had been modified during informal consultations precisely in order to accommodate the concerns of certain delegations about the inclusion of selective quotations from international instruments. The proposed amendment reintroduced such a selective quotation, which failed to reflect the fact that, although the Covenant did not prohibit the death penalty, it did refer to the desirability of its abolition. The proposed amendment therefore ran counter to the spirit of both

the Covenant and the draft resolution. His delegation would vote against it and encouraged all others to do the same.

40. **Ms. Banks** (New Zealand), speaking in explanation of vote before the voting, endorsed the comments made by the representatives of Armenia and Brazil. The proposed amendment contained in document A/C.3/62/L.71 was misleading and unbalanced because it was a selective quotation of the type which the sponsors of the draft resolution had tried to avoid in response to concerns expressed by certain delegations. Moreover, the Human Rights Committee, which oversaw the implementation of the International Covenant on Civil and Political Rights, often referred to the death penalty in terms that suggested the desirability of abolition. Her delegation would therefore vote against the proposed amendment and hoped that others would follow suit.

41. **Mr. Jesus** (Angola), speaking in explanation of vote before the voting, said that not only the International Covenant on Civil and Political Rights but also the Second Optional Protocol thereto advocated the abolition of the death penalty. His delegation would vote against the proposed amendment for that reason, as well as the reasons outlined by previous speakers.

42. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.71.*

In favour:

Afghanistan, Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, Central African Republic, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Nauru, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Republic

of Tanzania, United States of America, Uzbekistan, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bahamas, Bhutan, Congo, Côte d'Ivoire, Fiji, Ghana, Guatemala, Kenya, Lebanon, Liberia, Mali, Morocco, Nigeria, Republic of Korea, South Africa, Sri Lanka, United Arab Emirates, Zambia.

43. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.71 was rejected by 82 votes to 68, with 19 abstentions.*

44. **Mr. Attiya** (Egypt) said that his delegation had voted in favour of the proposed amendment, since Egypt was a party to the International Covenant on Civil and Political Rights. It was disappointing that not all the parties to the Covenant had done likewise. The proposed amendment would not have introduced selectivity into the draft resolution; rather, the decision to ignore the main international instrument relevant to the issue of the death penalty was a form of selectivity.

45. **Mr. Khani Jooyabad** (Islamic Republic of Iran), endorsing the comments made by the representative of Egypt, said that his delegation respected the choice made by certain countries to abolish the death penalty or introduce a moratorium on its use. However, the same respect and understanding should be extended to

other countries in different situations which chose to impose the death penalty for the most serious crimes, in accordance with article 6, paragraph 2, of the International Covenant on Civil and Political Rights. His country was in a region that was a major transit route for drugs; thousands of its law-enforcement officers had died at the hands of drug traffickers. Moreover, the main market for those drugs was in the very European countries which were advocating a moratorium on the use of the death penalty. His country felt that the death penalty was necessary in order to enforce its zero-tolerance policy, and a moratorium could not, therefore, be accepted.

46. **Mr. Degia** (Barbados) expressed his delegation's disappointment at the outcome of the voting and said that it had been appropriate to quote a provision of the International Covenant on Civil and Political Rights that explicitly allowed for the death penalty. Being a party to the Covenant was not inconsistent with supporting the amendment.

Proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.72

47. **Mr. Degia** (Barbados), introducing the proposed amendment, said that it would make draft resolution A/C.3/62/L.29 less one-sided. According to a fundamental principle of international law, international instruments were binding only on the respective States parties.

48. **Mr. Delacroix** (France), speaking in explanation of vote before the voting, said that the sponsors of draft resolution A/C.3/62/L.29 would have taken a positive view of a general reference to the Second Optional Protocol to the International Convention on Civil and Political Rights, if that reference had been coupled with a call for the Protocol's prompt ratification. The proposed amendment, however, was a biased interpretation of the Protocol. Any reinterpretation of human rights instruments should be avoided.

49. **Ms. Kozar** (Croatia), speaking in explanation of vote before the voting, said that her country would have favoured a general reference to the Optional Protocol accompanied by a call for its prompt ratification. By making a selective reference to the Protocol, however, the proposed amendment undermined both draft resolution A/C.3/62/L.29 and the Protocol itself.

50. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.72.*

In favour:

Afghanistan, Antigua and Barbuda, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, Central African Republic, China, Comoros, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Nauru, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sudan, Suriname, Thailand, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Republic of Tanzania, United States of America, Uzbekistan, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bahamas, Bhutan, Congo, Côte d'Ivoire, Fiji, Ghana, Guatemala, Kenya, Lebanon, Liberia, Mali, Morocco, Niger, Nigeria, Republic

of Korea, South Africa, Sri Lanka, Swaziland, Syrian Arab Republic, United Arab Emirates, Zambia.

51. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.72 was rejected by 82 votes to 65, with 22 abstentions.*

52. **Mr. Degia** (Barbados) expressed his delegation's disappointment at the rejection of a reasonable amendment.

Proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.73

53. **Mr. Menon** (Singapore), introducing the proposed amendment, emphasized that the sponsors' aim was to dissolve the false impression that there was unanimous approval of the work of the Commission on Human Rights in relation to the death penalty. Actually, many States had signed statements of disassociation. Rejecting the amendment would be to deny that fact.

54. **Mr. Labbe** (Chile) said that draft resolution A/C.3/62/L.29 was consistent with the Charter of the United Nations and the international human rights instruments and reflected many resolutions adopted by the Commission on Human Rights in numerous sessions. Those antecedents had aimed at the definitive disappearance of the death penalty worldwide. It was therefore reasonable to refer briefly to the most recent of those resolutions.

55. **Mr. Nikulyski** (The Former Yugoslav Republic of Macedonia), speaking in explanation of vote before the voting, said that the Commission on Human Rights had already adopted resolutions that called for a moratorium on executions and that the proposed amendment was unnecessary.

56. **Mr. Belle** (Belgium) said that it was customary for draft resolutions presented to the Committee to contain references to important related resolutions already adopted by the General Assembly, the Economic and Social Council or the Commission on Human Rights but not to national declarations of disassociation.

57. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.73.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Djibouti, Dominica, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nauru, Niger, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bhutan, Cambodia, Congo, Côte d'Ivoire, Fiji, Ghana, Guatemala, Kenya, Lebanon, Liberia, Mali, Morocco, Nigeria, Republic of Korea, Russian Federation, Sri Lanka, Swaziland, Zambia.

58. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.73 was rejected by 82 votes to 67, with 19 abstentions.*

59. **Mr. Attiya** (Egypt) said that the vote had denied a fact and imposed on many States a viewpoint that they did not share, preventing them from expressing their opinions.

60. **Mr. Menon** (Singapore) said that, by denying a historical fact, the amendment had set a dangerous precedent.

Proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.74

61. **Ms. Akbar** (Antigua and Barbuda), introducing the proposed amendment, said that all delegations should respect diversity, which was a reality.

62. **Mr. Kavanagh** (Ireland), speaking in explanation of vote before the voting, said that the amendment, which had not been proposed during the informal negotiations in the draft resolution, should be considered an attempt to change the latter's object and purpose. Although there was a reasonable amount of diversity between different legal systems there was also extensive common ground, and many rules were suitable at all times and in all places. Currently, 130 countries in all regions of the world had abolished the death penalty in law and in practice. Invoking cultural diversity as an argument for not applying the same rules everywhere ran counter to the principles of the Universal Declaration of Human Rights. Regardless of their political systems, all States should fully promote human rights and fundamental freedoms. The sponsors of draft resolution A/C.3/62/L.29 had no intention of imposing their views on others.

63. **Ms. Borges** (Timor-Leste), speaking in explanation of vote before the voting, said that draft resolution A/C.3/62/L.29 reflected the provisions of the main international human rights instruments regarding the death penalty. The Universal Declaration of Human Rights stated that cultural diversity should be respected only where it did not run counter to fundamental rights.

64. **Ms. Schmidt-Gutzat** (Montenegro), speaking in explanation of vote before the voting, said that the sponsors of draft resolution A/C.3/62/L.29 had provided numerous opportunities for the formulation of specific proposals during informal negotiations. The proposed amendment, which had not been presented

then, was an attempt to alter the aim of the draft resolution. The abolition of the death penalty, in law or in practice, by 130 countries showed that no particular system or circumstances could be an obstacle to declaring a moratorium on executions or abolishing the death penalty.

65. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.74.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Bhutan, Botswana, Brunei Darussalam, Central African Republic, China, Comoros, Cuba, Democratic People's Republic of Korea, Dominica, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nauru, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Solomon Islands, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, Uzbekistan, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former

Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Cambodia, Congo, Côte d'Ivoire, Fiji, Ghana, Guatemala, Kenya, Lebanon, Mali, Morocco, Republic of Korea, Russian Federation, Sri Lanka, Zambia.

66. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.74 was rejected by 83 votes to 71, with 15 abstentions.*

67. **Mr. Menon** (Singapore) emphasized that the rejected amendment had been a factual statement. Not all rules were appropriate for all places at all times. Failure to acknowledge that fact was tantamount to maintaining that all States should have legal systems similar to those of the sponsors.

68. **Ms. Akbar** (Antigua and Barbuda) expressed regret that the amendment had not been approved, and said that the vote had shown that there was no international consensus on the death penalty.

69. **Mr. Khani Jooyabad** (Islamic Republic of Iran), expressed regret that the amendment had been rejected, and said that universality was not synonymous with conformity. Cultural diversity and universality were not incompatible but reinforced each other.

Proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.75

70. **Mr. Hetanang** (Botswana), introducing the proposed amendment, said that draft resolution A/C.3/62/L.29 lacked balance. Its sponsors had failed to acknowledge the fact that many Member States maintained the death penalty for the most serious crimes. A balanced representation of the various conceptions of justice and avoidance of double standards were prerequisites for constructive deliberations.

71. **Mr. Alvarez** (Uruguay) said the proposed amendment was not in keeping with operative paragraph 2 (c) of draft resolution A/C.3/62/L.29 and should therefore be rejected.

72. **Ms. Banks** (New Zealand) said that the factual nature of the proposed amendment did not justify its

adoption. The statistical figures spoke for themselves. More than two thirds of the United Nations membership had abolished the death penalty in law or in practice. The amendment was contrary to the spirit of draft resolution A/C.3/62/L.29, which aimed at phasing out the death penalty.

73. **Mr. Ney** (Germany) agreed with the representative of Botswana that, in discussing the draft resolution, delegations should stick to the facts. The facts were that currently 130 countries had abolished the death penalty in practice, whereas in 1948, when the Universal Declaration of Human Rights had been adopted, only eight countries had done so. Only 25 countries had carried out executions in 2006. In the past 25 years alone, 61 countries had abolished the death penalty for all crimes. There was also no denying that capital punishment was irreversible and irreparable. No country or legal system was immune to miscarriages of justice. The proposed amendment was hostile to the spirit and letter of draft resolution A/C.3/62/L.29.

74. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.75.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, Central African Republic, China, Comoros, Cuba, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nauru, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Uzbekistan, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Tuvalu, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bhutan, Congo, Côte d'Ivoire, Fiji, Ghana, Guatemala, Kenya, Lebanon, Mali, Morocco, Republic of Korea, Sri Lanka, Zambia.

75. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.75 was rejected by 83 votes to 72, with 14 abstentions.*

76. **Mr. Hetanang** (Botswana) expressed disappointment at the result of the voting. The sponsors of the proposed amendment had merely intended to provide some balance to the text of draft resolution A/C.3/62/L.29, which ignored a number of simple facts.

77. **Mr. Khani Jooyabad** (Islamic Republic of Iran) said that his delegation had voted in favour of the proposed amendment in recognition of the fact that many Member States retained the death penalty. Some delegations had bandied about misleading statistics, claiming that an "increasing" number of States had imposed a moratorium on capital punishment. In fact, however, 67 States conducted executions, 11 more that did so only for serious crimes, and a further 29 had imposed only a 10-year moratorium. Thus a total of 107 States legally recognized the death penalty, as against the 90 that had imposed a moratorium.

Proposed amendment to draft resolution**A/C.3/62/L.29 contained in document A/C.3/62/L.76**

78. **Mr. Hetanang** (Botswana) said that, in addition to the points he had raised at the forty-third meeting, he wished to draw attention to the double standards applied by the opponents of the proposed amendment, who suggested that only the death penalty was irreversible and irreparable. The life imprisonment of an innocent person was equally wrong and the years of life lost could not be regained. It was, in any case, an affront to the legal systems of the sponsors of the proposed amendment to suggest that an innocent person might be convicted or executed. In Botswana, it had never been shown that an innocent person had been executed. In any case, the remote possibility of an innocent person being executed was surely preferable to the release of a murderer on a legal technicality. Opponents of the proposed amendment should rather improve the checks and balances in their criminal justice systems to prevent miscarriages of justice.

79. **Mr. Khani Jooyabad** (Islamic Republic of Iran) said that the deterrent value of the death penalty imposed only for the most serious crimes had been endorsed by many legal systems, on the ground that the right to life of the many was more important than that of a mass murderer or a war criminal. The deterrent effect of capital punishment was proved by the fact that many countries preferred to impose a moratorium rather than to abolish the death penalty outright. Abolitionists who denied its deterrent value should indicate how innocent people should be protected against war criminals, mass murderers, serial killers, armed drug-traffickers or escaped convicts. Moreover, if such people received life sentences, the question arose as to who would pay the cost and who would guarantee that they would remain in prison for life, especially in areas of social or political instability.

80. **Ms. Pohjankukka** (Finland) said that, following open consultations, draft resolution A/C.3/62/L.29 had received wide support. The proposed amendment contained in document A/C.3/62/L.76 changed the overall thrust of the fifth preambular paragraph of the draft resolution. There was no conclusive evidence of the deterrent effect of the death penalty; nor could the irreversibility of capital punishment be disputed. The proposed amendment undermined the spirit and purpose of the draft resolution.

81. **Mr. Wenaweser** (Liechtenstein) said that the fifth preambular paragraph of the draft resolution had four objectives, all of which were firmly grounded in international law, whereas the proposed amendment addressed only one. Moreover, the latter stated that “some” Member States viewed the death penalty as a deterrent for the most serious crimes, thus implying that other States did not. It was hard to see what objection there could be to the very neutral statement in the fifth preambular paragraph of the draft resolution that there was no conclusive evidence of the death penalty’s deterrent value. Lastly, he was intrigued by the suggestion that imprisonment was as irreversible as execution. A prisoner could be released and even compensated; a person who had been executed was dead.

82. **Mr. Kruljević** (Serbia) said that the proposed amendment undermined the spirit and purpose of the draft resolution. His delegation was a sponsor of the latter, since it was not convinced that the death penalty was a deterrent and believed, on the contrary, that a moratorium on its use would lead to the enhancement and progressive development of human rights.

83. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.76.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, China, Comoros, Cuba, Democratic People’s Republic of Korea, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People’s Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nauru, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Russian Federation, Samoa, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bhutan, Congo, Côte d’Ivoire, Ghana, Guatemala, Kenya, Lebanon, Liberia, Mali, Morocco, Niger, Republic of Korea, Sri Lanka, Zambia.

84. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.76 was rejected by 83 votes to 67, with 15 abstentions.*

85. **Mr. Hetanang** (Botswana) said it was regrettable that the proposed amendment had been rejected on the flimsiest of grounds.

86. **Mr. Degia** (Barbados) said that a number of the arguments put forward against the proposed amendment had been blatantly one-sided, based on selective quotation. As for the claim that consultations had been held, the delegations that had sponsored the proposed amendment had not been allowed to explain their position or to negotiate the question of a moratorium, which was by no means certain to lead to the enhancement or progressive development of human rights. Any resolution on the issue should also address the questions of enhancing the right to development, the right to food and the right not to live in poverty.

Proposed amendment to draft resolution**A/C.3/62/L.29 contained in document A/C.3/62/L.77**

87. **Ms. Booker** (Bahamas) said that, much as her delegation respected States that had applied a moratorium on the use of the death penalty, the aim of the proposed amendment was to balance the sixth preambular paragraph of the draft resolution so that it would cover also those that had not applied such a moratorium.

88. **Mr. Makanga** (Gabon) said that he saw no reason to change the existing wording of the sixth preambular paragraph of the draft resolution, which welcomed the decision by an increasing number of States to apply a moratorium on — not to abolish — the death penalty.

89. **Mr. Staur** (Denmark) said that his delegation could not support the proposed amendment for a number of reasons. First, a draft resolution on a moratorium on the use of the death penalty should welcome rather than simply take note of States' decisions in that regard. Secondly, it was indisputable that an increasing number of States had applied such a moratorium. Moreover, it was entirely superfluous to insert the word "voluntarily"; such a decision could not but be voluntary. In that connection, he noted that, in order to accommodate the concerns of some States, the sponsors had changed the wording of the sixth preambular paragraph. To change the sequencing between a moratorium and abolition, as suggested in the proposed amendment, however, was unacceptable.

90. *A recorded vote was taken on the proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.77.*

In favour:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Brunei Darussalam, Central African Republic, China, Comoros, Democratic People's Republic of Korea, Egypt, Eritrea, Ethiopia, Gambia, Grenada, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Japan, Jordan, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Myanmar, Nauru, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines,

Saudi Arabia, Sierra Leone, Singapore, Solomon Islands, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tonga, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, United Republic of Tanzania, United States of America, Viet Nam, Yemen, Zimbabwe.

Against:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Belgium, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Montenegro, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of).

Abstaining:

Algeria, Bhutan, Cambodia, Congo, Côte d'Ivoire, Djibouti, Ghana, Guatemala, Kenya, Lebanon, Mali, Morocco, Republic of Korea, Sri Lanka, Zambia.

91. *The proposed amendment to draft resolution A/C.3/62/L.29 contained in document A/C.3/62/L.77 was rejected by 81 votes to 70, with 15 abstentions.*

92. **Ms. Booker** (Bahamas) said that, as the debate developed, the only "increase" to be observed was in the number of votes in favour of the proposed amendment.

93. **Mr. Degia** (Barbados) said that opponents of the proposed amendment had spoken of a trend to halt abolition and of the 130 countries that had allegedly applied a moratorium to the use of capital punishment. Such figures were misleading. His own country was often claimed to be abolitionist, because it had not carried out any executions for the past 25 years, but it did not consider itself to be so. He noted, moreover,

that even some sponsors of draft resolution A/C.3/62/L.29 had voted for the proposed amendments contained in documents A/C.3/62/L.75, L.76 and L.77.

94. **Mr. Hetanang** (Botswana) said that it was regrettable that the proposed amendment had been rejected, since it had provided a balanced reflection of the issues concerned. He added that nearly all the sponsors of draft resolution A/C.3/62/L.29 had, in abolishing the death penalty or in applying a moratorium, moved at their own pace. That was the gradual approach that the proposed amendment had aimed to promote.

The meeting rose at 6.05 p.m.