DEATH PENalty

Frequently asked questions

1. **Doesn’t the death penalty deter people from committing crimes, especially murder?**

No, there is no evidence that the death penalty has a greater deterrent effect on crime than imprisonment. States in the USA that have death penalty laws do not have lower crime or murder rates than other states and states that have abolished capital punishment show no significant changes in either crime or murder rates.

The majority of murders are committed in the heat of the moment or under the influence of alcohol or drugs, with little or no thought given to possible consequences.

1. **Aren’t most executions swift and painless?**

No, firstly the long waits on death row for execution are a form of ‘cruel and unusual punishment’. In Japan for example, Hakamada Iwao spent 46 years on death row, not knowing when he was going to be executed before finally being released for a retrial.

In the USA, those on death row often face several execution dates before the sentence is carried out; sometimes a stay of execution is given with hours or just minutes to spare.

Secondly, the methods of execution are not guaranteed to be swift and painless. The majority of US executions are now done by lethal injection and there have been several reports of death by lethal injection taking a long time to work. Joseph Wood in Arizona took almost 2 hours to die in July 2014.

1. **Shouldn’t executions be carried out as quickly as in China, Iran and Iraq rather than prisoners spending many years on death row?**

Both rapid executions and long trials including appeals while waiting for execution can lead to serious injustices. Rapid execution does not give enough time for appeals and other safeguards to establish the certain guilt of the prisoner. Long years spent waiting on death row while appeals are made is a cruel and inhuman punishment in itself, and even then does not eliminate the chance of executing an innocent person.

1. **How many innocent people have been executed?**

It is impossible to give a concrete number due to the lack of statistics in a number of countries and lack of transparency in the judicial systems. However 150 prisoners on death row in the United States have been found to be innocent since 1973 after being given the death penalty.

Some have also been found innocent after the execution. Troy Davis, for example, was given the death penalty for the killing of a police officer in Georgia. He was executed in September 2011 even though key prosecution witnesses in his trial confessed they had lied, and despite strong evidence pointing to the crime being carried out by another individual.

A study by statisticians and lawyers from Michigan and Pennsylvania in April 2014 concluded that approximately 4% of those convicted in the US were probably innocent. In some countries where information is less available and the legal processes less thorough, the number may be higher.

1. **Doesn’t the use of DNA now ensure that innocent people aren’t executed?**

DNA has been useful in gaining more secure convictions and in showing that some condemned to death were in fact innocent. However DNA evidence is often ignored or even destroyed. DNA evidence can also be confusing and misleading for juries and mistakes can still be made.

1. **What about the UK? When was the death penalty abolished?**

The last execution in the UK was carried out in 1964. The death penalty was abolished for murder in Great Britain in 1965 and in Northern Ireland in 1973. It remained on the statute book for longer but was not enforced for:

* Fire/explosion in naval dockyard, ship or warehouse (until 1971)
* Espionage (until 1981)
* Piracy with violence (until 1998)
* Treason (until 1998)
* Some military offences (until 1998).

The death penalty was abolished for all crimes in the UK in 1998.

1. **Is the death penalty used anywhere in Europe?**

Belarus is currently the only country in Europe where the death penalty is enforced. After 24 months without executions at least 3 people were executed in Belarus in 2014.

1. **Isn’t the death penalty a much more cost-effective method of dealing with those who commit the worst crimes than keeping them in prison for a very long time at the state’s expense?**

No. If an accused person is to have a fair trial with reasonable appeals and then be executed, the expense to the state is likely to be higher than for a very long term of imprisonment.

A study in 2008 of the death penalty in Maryland (which abolished the death penalty in 2013) showed that the total costs of death penalty cases was approximately 3 times the costs of long term imprisonments.

1. **Don’t the families of victims deserve justice?**

Some families of victims are staunchly against the death penalty. The international organisation Murder Victims’ Families for Human Rights campaigns against the death penalty.

Many who have wanted a murderer to be killed when they have taken the life of a loved one find that in fact they are not helped by the execution.

1. **Is it true that someone who commits a very serious crime is much more likely to be executed if he or she is poor or part of a racial minority?**

Yes. Wealthy and well-connected people can employ much more experienced lawyers and can fund appeals. In the USA the number of racial minorities on death row is far higher than the proportion of other racial groups. See the case of Reggie Clemons.

1. **What about juveniles and the mentally ill/impaired? Are they executed?**

Yes, in some countries. Pakistan executed a man on 10 June 2015 for crimes committed when he was 15, largely based on a confession that was allegedly given under torture. Saudi Arabia, Yemen and Iran have also executed people who were under 18 at the time of their crimes.

Mental illness and impairment is often not taken into account in giving death sentences. See the case of Ramiro Hernandez who was executed despite having an IQ of 70, making it illegal under a 2002 US Supreme Court ruling.

1. **What is the alternative to the death penalty?**

The most common alternative is life imprisonment. Some countries and USA states can sentence individuals to life without parole, permanently removing them from society.

1. **What does Amnesty International do regarding the death penalty?**

Amnesty gathers, checks and publishes information about the death penalty worldwide. It urges governments to remove the death penalty from statute books and to sign up to international laws and agreements against the death penalty. It also campaigns in general against the death penalty and makes appeals for individual cases.

1. **Where does Amnesty get its information on the death penalty?**

Amnesty gains its information from a wide range of sources including government statistics, NGOs, lawyers and families. Information is carefully checked as far as possible and only published as fact if it is verified. Amnesty-published statistics on the death penalty therefore give minimum verifiable numbers.