

March 7, 2011

Statement to members of the  
Connecticut Joint Committee on Judiciary  
by Joshua Rubenstein  
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*Testifying in support of SB-1035 and HB-6425*

My name is Joshua Rubenstein. I am sharing this testimony with you in writing in my capacity as the Northeast Regional Director of Amnesty International USA. My office, which is based in Somerville, Massachusetts, works with our grassroots membership throughout New England, New York, and New Jersey. Let me also add that I was born and raised in New Britain and am a 1967 graduate of New Britain High School.

I welcome this opportunity to share with members of your committee the views of Amnesty International with regard to the death penalty in Connecticut. We know there is currently a bill before you to abolish the death penalty, a proposal that we endorse.

Amnesty International opposes the death penalty in all cases, regardless of the gravity of the crime. There is no disguising the fact that the state is involved in a premeditated killing. The state is taking to refined, calculated heights what it seeks to condemn--the deliberate taking of human life.

If there is one aspect of the death penalty that Amnesty International is best suited to address, it is how capital punishment is administered around the world. The United States stands virtually alone among advanced industrialized democratic societies in retaining the death penalty. Every year, additional countries codify their reluctance to execute prisoners: France in 1981; Argentina and Australia in 1984; Haiti in 1987; Romania in 1989. Since 1990, over fifty countries have abolished the death penalty for all crimes. In 1990, they included Hungary, Ireland, Mozambique, the Czech Republic, and Namibia and in 1997, Nepal abolished the death penalty for all crimes as well. In 1999, Bermuda, East Timor, Latvia, Nepal, Turkmenistan, and Ukraine all effectively abolished the death penalty. They were joined by Albania in 2000, Chile in 2001, and Cyprus in 2002. In 2003, Protocol 13 to the European Convention on Human Rights went into effect – this is the first legally binding international treaty to abolish the death penalty in all circumstances with no exceptions. In 2005, Mexico abolished the death penalty and then the Philippines joined the abolitionist community in 2006. In 2007, Kyrgyzstan abolished the death penalty for ordinary crimes and Rwanda abolished the death penalty for all crimes. In 2008, Chile and Uzbekistan, and in 2009, Burundi and Togo all abolished the death penalty for all

crimes. And Gabon abolished capital punishment in 2010. There are now 139 countries that have abolished the death penalty in law or practice.

Moreover, it is not sheer coincidence that so many countries have abolished the death penalty as part of the transition to a more democratic form of government. In countries as diverse as Haiti, Paraguay, Romania, Spain, Portugal, and Namibia, the death penalty was abolished once dictatorships came to an end. And in South Africa back in 1990, the apartheid government declared a moratorium on the death penalty when it released Nelson Mandela and opened negotiations with the African National Congress. This process reached fruition in 1995 when capital punishment was abolished altogether in the new South African constitution. We all understand what happened in each of these countries. The death penalty was understood to be a part of the repressive machinery of a dictatorial state. Once a more democratic society could be established, there was a fundamental determination to do away with the most terrible prerogative that any government can exercise, the power of life or death over its own citizens.

The abolition of the death penalty in Rwanda reflects the lesson, learned at the cost of a horrific genocide, that more killing is not a solution to problems, and that taking away the state's power to kill is an essential step in building peace and reconciliation.

It is an unsettling fact that in 2010, China, Iran, and the United States were among the countries which carried out the most executions. Why should the United States of America, or the state of Connecticut, count itself among such governments who currently control China and Iran, when all the countries whose political traditions we claim to share – the United Kingdom, Canada, France, Ireland, Israel, and Italy, among many others – have long since abolished the death penalty?

Members of Amnesty International share the concern of all citizens over the terrible crimes of violence that continue to plague our communities. Like everyone, we want to see our neighborhoods protected from violence and we want those who commit violent acts to be held accountable and brought to justice. We know, however, that the death penalty will not resolve any of the real problems associated with crime and the criminal justice system and instead serves to brutalize society. It also consumes resources that could otherwise be used towards constructive strategies to combat violent crime and to offer assistance to its victims and their families. Application of the death penalty in the United States has been arbitrary, racially biased, and unfair. The process can only be compared to a horrifying lottery in which political, financial, and community pressures may well play a more decisive part in sending a person to the death chamber than the actual crime itself.

There are people who are surprised by Amnesty International's opposition to the death penalty. They applaud our efforts on behalf of prisoners of conscience. They share our abhorrence of torture. But they fail to understand that an execution is the ultimate form of torture, that if it is

wrong to attach electrodes to a prisoner in order to give her pain but not to kill her - as happened to thousands of political dissidents in Chile under General Augusto Pinochet - then it is surely wrong to attach electrodes in order to kill the prisoner. In the Soviet Union under Leonid Brezhnev, it was a form of torture to administer anti-psychotic drugs to healthy people because of their political dissent. Would it not also be a form of torture to inject poisonous drugs into a prisoner in order to kill him?

Seen in this light, the death penalty is no longer simply a criminal justice issue. It is the ultimate violation of human rights.

I would like to close my testimony to you with an academic challenge. As you know, Amnesty International regards the death penalty, in all its forms, as a violation of the right to be free from torture. No matter how it is carried out, the death penalty is an assault on human dignity and a violation of human rights. With this in mind, I would ask members of the committee to think of five democratic countries outside the United States that provide authority to the judicial system to sentence and carry out the execution of a prisoner. I would guess that you would have difficulty coming up with such a list.

