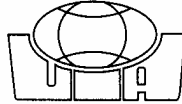


UNION INTERNATIONALE DES AVOCATS

INTERNATIONAL ASSOCIATION OF LAWYERS
INTERNATIONALE ANWALTS-UNION



UNION INTERNACIONAL DE ABOGADOS
UNIONE INTERNAZIONALE DEGLI AVVOCATI

الاتحاد الدولي للمحامين

"There can be no justice that kills," wrote Robert BADINTER.

The UNION INTERNATIONALE DES AVOCATS, at the request of several of its collective and individual members, proposes the adoption of a resolution on the abolition of capital punishment.

The resolution takes account of the fact that capital punishment still is practiced in a large portion of the world. In 2002, capital punishment continued to be practiced in 84 countries, including the United States, China and Japan, as well as a large number of other countries in Asia, Africa and the Middle East.

Today, many lawyers in the world have seen that capital punishment has not deterred criminals from killing, that it has had no effect on crime rates and that it often has targeted the weak, those who belong to minority groups or lack the means to defend themselves.

It therefore is appropriate to call for the review and revision of national laws, since almost all lawyers' organizations in the world now favour the abolition of capital punishment.

The Union Internationale des Avocats,

Acting in respect of the right to life as proclaimed by Article 3 of the Universal Declaration of Human Rights, by Article 6 of the International Covenant on Civil and Political Rights and by Article 6 and Paragraph *a* of Article 37 of the Convention on the Rights of the Child;

Confident that all measures aimed at the abolition of capital punishment contribute to upholding human dignity;

Recognizing the incontestable right and responsibility of all States to prosecute and judge the perpetrators of the most serious crimes;

Considering, nevertheless, that capital punishment is not acceptable even if it is implemented following proceedings guaranteeing a fair trial;

Considering the large number of cases leading to the erroneous application of capital punishment;

Encouraged by the fact that the number of countries abolishing capital punishment is growing steadily;

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Pleased that capital punishment has been excluded from the sentences that can be pronounced by the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Criminal Court; considering that the exclusion of such a sentence for crimes within the jurisdiction of these tribunals, that is to say, crimes of genocide, crimes against humanity and war crimes, makes the application of capital punishment for common law crimes even less justifiable;

Stressing that the abolition of capital punishment constitutes an essential objective of all the bars or associations of lawyers represented in this organisation;

Invites the lawyers and bars or lawyers' associations of States that have not yet abolished capital punishment to draw the attention of their State's authorities to compliance with Article 6 of the International Covenant on Civil and Political Rights as well as the United Nations safeguards guaranteeing protection of the rights of those facing capital punishment, in particular the provisions prohibiting death sentences and the execution of persons under 18 years of age at the time of commission of the crime as well as mentally handicapped persons;

Invites these lawyers and bars or lawyers' associations to convey to the UIA any information they may have with regard to any proceedings against any person likely to lead to capital punishment;

Invites the lawyers and bars or lawyers' associations of States that have abolished capital punishment to take action to urge their authorities to oppose any demands for extradition from States where capital punishment still is practiced if the person being prosecuted is in danger of receiving such a sentence;

Urges all States that are party to the International Covenant on Civil and Political Rights and that have not yet done so to ratify the Second Optional Protocol relating to the Covenant, aimed at abolishing capital punishment;

Urges all States that still practice capital punishment to place a moratorium on executions;

Urges all States that no longer apply capital punishment, but still keep it in force in their law, to abolish it.

The Union Internationale des Avocats, through the adoption of the present resolution, wishes to reaffirm its commitment to the advocacy of an international order governed by the rule of law and the respect of human rights, the most important of which is the right to life.

It considers that the abolition of capital punishment - a sentence that is contrary to universal principles of justice - is essential for the development of a State of law that respects the dignity of the human person.