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Moving Towards a Worldwide Moratorium on the Death Penalty

The Color of Law

By David A. Love, JD

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It was a good day at the United Nations. On July 3, [UN Secretary-General Ban Ki-moon](#) called on member states to abolish the death penalty. And he called for a universal moratorium on the death penalty by 2015.

"The taking of life is too absolute, too irreversible, for one human being to inflict on another, even when backed by legal process," he said. "Where the death penalty persists, conditions for those awaiting execution are often horrifying, leading to aggravated suffering."

Mr. Ban gave the introductory remarks at a panel called "Moving away from the death penalty - Lessons from national experiences" at UN Headquarters in New York. The event, a gathering of diplomats, legal practitioners and civil society, focused on those UN member states that have made positive steps towards abolition, and the human rights implications of the death penalty in those states that execute. Also present were Assistant Secretary-General [Navi Pillay](#), the UN High Commissioner for Human Rights, and [Christof Heyns](#), Special Rapporteur on extrajudicial, summary or arbitrary executions.

Speaking at the forum was Federico Mayor, president of [the International Commission Against the Death Penalty](#), an initiative of the Spanish government that is supported by 15 countries. Mayor noted that one of the first steps taken by Spain after the Franco regime was the abolition of the death penalty.

A highlight of the forum was Witness to Innocence member, [Kirk Bloodsworth](#), who spent eight years in prison, including two on Maryland's death row, for a murder someone else committed. He was convicted of the murder and rape of a little girl. In 1993, Bloodsworth was the first death row prisoner to be exonerated through DNA testing. And he was released just months after his mother died. Bloodsworth shared with an international audience the inherent problem of executing innocent people, of his experiences living in the hell that is death row, and the pain of being released from prison just a few months after his mother died.

[Barry Scheck](#) of the Innocence Project noted that only 5 percent of serious felonies have biological evidence for the purposes of DNA testing and proving one's innocence. Innocent people are sentenced to death for a number of reasons, including police and prosecutorial misconduct, incompetent lawyering, racism in the jury selection process, eyewitness misidentification, and others.

Reasonable people can differ about the death penalty, Scheck said, but no one can differ about the risk of executing innocent people. He also suggested that the U.S. Supreme Court would abolish the death penalty if the states demonstrate a trend towards abolition. The high court would conclude that the death penalty could not stand when limited to a small number of states in one region of the country.

In the past five years, [five states](#) - [New Mexico](#), Illinois, [New Jersey](#), [New York](#) and Connecticut - have abolished the death penalty, for a total of 17 states that do not execute. And in November, [California voters](#) will have the opportunity to repeal the death penalty in the nation's largest state, thereby eliminating a quarter of America's death row.

Meanwhile, in 2007, the UN General Assembly voted in favor of a resolution for a worldwide moratorium. The U.S. voted against it. Over 150 nations have done away with the death penalty or do not practice it. Moreover, in 2011 only 20 nations executed prisoners.

On the day of the UN event I had an interesting conversation with two men, diplomats from a Muslim nation. I expressed my unequivocal opposition to the death penalty, and they explained to me why they believed the death penalty was fairly applied in their country - the concept of blood money.

With blood money, the family of the murder victim can demand a payment from the accused criminal. If the accused is able to pay the amount demanded by the family, that person is spared. Otherwise, he or she is executed. And the family may decide not to accept blood money altogether, and the execution will proceed.

Whether they realized it or not, the two men articulated good reasons for ending the death penalty. If a person may be spared, and another executed for the same crime, then one can argue that no one should have to die.

The U.S. maintains its own arbitrary form of justice, where many murders are potentially death-penalty eligible, but the ultimate decision is made by petty local officials - district attorneys on the county level, and U.S. attorneys in the federal system. Those who are prosecuted and condemned are typically poor, disproportionately of color, and almost exclusively in cases involving white victims.

Universally, executions provide no deterrent effect. Capital punishment represents pure vengeance and retribution operating as public policy. It leaves no room for rehabilitation. Moreover, we cannot bring an innocent man or woman back from the grave.

Surely the day will come when the international community declares a moratorium on executions. The death penalty is the ultimate human rights violation. As long as humankind upholds the sentence of death, it tears down its own humanity.

BlackCommentator.com Executive Editor and Columnist, David A. Love, JD, is a journalist and human rights advocate based in Philadelphia, is a graduate of Harvard College and the University of Pennsylvania Law School. and a contributor to [The Huffington Post](#), [the Grio](#), [The Progressive Media Project](#), [McClatchy-Tribune News Service](#), [In These Times](#) and [Philadelphia Independent Media Center](#). He also blogs at [davidalove.com](#), [NewsOne](#), [Daily Kos](#), and [Open Salon](#). Click [here](#) to contact Mr. Love.



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