

VMUN 24'

UNHRC



Discussing the human rights violations relating to the use of the death penalty with special emphasis on arbitrary killings, extrajudicial killings and countries that permit the death penalty.

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Letter from the Executive Board:

“Dear delegates,

Welcome to the United Nations Human Rights Council and to the 11th edition of the Vaels Model United Nations event as a whole being held on the 2nd and 3rd of August. It is our immense and utmost pleasure to serve as your executive board for this committee and discuss the topic of discussing the human rights violations relating to the use of the death penalty with special emphasis on arbitrary killings, extrajudicial killings and countries that permit the death penalty.

Onto the agenda, deliberation around the use or the abolishment of the death penalty. This has been a heated topic of discussion for centuries, with many compelling arguments being brought up for both sides of the argument. We as an executive board wish to see a plethora of discussion which delves into and discusses every aspect of this agenda.

We expect you all to do intensive research on both sides of the argument, delving into both the moral and the legal aspects of the agenda, to reach a resolution by the end of day two, and all while adhering to your own country’s unique stance on this given agenda.

Please note that you are all representing diplomats and serve as the primary representation of your countries on the international forum and thus, when engaging in debate and discussion with your fellow delegates, we expect you to do so in a respectful and diplomatic manner and all while adhering to the foreign policies of your nations.

Additionally, we do expect you guys to save all of the sources and citations of your information offline, as internet access during the committee is strictly prohibited.

As your executive board, we prioritize new, innovative and creative ideas being put forth in this committee. We hope to see you guys come up with logical but creative new solutions to tackle one of the worlds' most pressing issues today, and look forward to seeing what you guys can cook up.

Whether you're a hardened veteran on this is your first time taking part in an MUN, we hope to make this an all-inclusive setting and conference where all of your voices are heard and all of your ideas are discussed. If at any point in the proceedings any of you have any doubts please feel free to ask any one of the executive board members your queries, or text us. We'd be more than happy to help all of you out.

Please note that this background guide is to be read fully by all of the delegates. And while this does contain a lot of essential information, this is by no means the end of your research, as we openly encourage you to use this as a starting point to your research.

That is about it, and we look forward to seeing you all on August 2nd and 3rd.”

Yours truly,
Adam Meshach (Chair) - 8778302579
Rinee Roy (Vice Chair) - 7845699593
Srividhan Shunmuganand (Vice Chair) - 8300763519

For any issues such as misspelled names, wishing to be reallocated, etc, feel free to contact us privately, or at vmun.unhrc@vaelsinternationalschool.com

History of UNHRC:

The United Nations Human Rights Council (UNHRC) is the body of the United Nations (UN) associated with the mission of promoting and protecting human rights around the world. It deliberates and investigates allegations of breaches of human rights in member states, and is the key platform to address global issues regarding violations of universal human rights like freedom of association and assembly, freedom of expression, women's rights, etc.

It was established by the United Nations General Assembly (UNGA) in 2006 through resolution 60/251, to replace the United Nations Commission on Human Rights (UNCHR). Such a replacement needed to be brought about due to a plethora of reasons including general inefficiency of the existing commission in protecting human rights globally. As of today, UNHRC is an extremely necessary international body for the implementation of, inter alia, policies and human rights.

In 1948, the UNGA approved the Universal Declaration of Human Rights, marking the first formal recognition of human rights. In 1950, the Council of Europe adopted the European Convention on Human Rights. Then, in 1966, the UNGA adopted the International Covenant on Civil and Political Rights and the International Covenant on Economic and Social Rights. These covenants form the International Bill of Human Rights.

Despite these legal aspects, the UNHRC has been criticized at times, on issues regarding provision of justice in the Israel Palestine conflict, Syrian refugee crisis, state of women in Afghanistan, etc. The UNHRC has also been criticized at times regarding the retention of the death penalty in certain states and the lack of legal action performed by the council, on grounds of encroachment of external sovereignty of states.

Empathy, tolerance, and commitment is vital to help reduce friction within the international community. Human rights are an important part of society, down to the grassroot level. Keeping this in mind, the United Nations Human Rights Council's Universal Periodic Review (UPR) is a

unique process which involves a review of the human rights records of all 193 UN member States every 4.5 years. It is one of the most original, and prolific achievements of the UNHRC. The UPR sessions have become necessary to micromanage major states as efficiently as possible and come up with plausible solutions.

The UNHRC has been criticized at times, on varying issues, such as on diplomatic and membership issues by the Member States, such as the Israel-Palestine conflict, 2006 Lebanon conflict, and other issues involving states such as Eritrea, North Korea, Pakistan, Venezuela, etc. The rights of freedom of expression and peaceful assembly and the right to participate in public affairs are expressly recognized in the Universal Declaration of Human Rights, as well as the International Covenant on Civil and Political Rights which form an integral part of the human rights council in almost all of the cases and their repercussions. Thus, upholding of the basic rights of man across the world and resurrection of the wrongdoings done of them are of the primary concern of UNHRC.

4 Values of tolerance, equality and respect can help reduce friction within society. Putting human rights ideals into practice can help us create the kind of society we want to live in. In recent decades, there has been tremendous growth in how we think about and apply human rights ideas. This has had many positive results - knowledge about human rights can empower individuals and offer solutions for specific problems. Human rights are an important part of how people interact with others at all levels in society - in the family, the community, schools, the workplace, politics and international relations. It is vital, therefore, that people everywhere should strive to understand what human rights are. When people better understand human rights, it is easier for them to promote justice and the well-being of society.

The main aim of the Executive Board in having such a detailed history of the committee is solely to make delegates understand the Human Rights Council as a whole and how the agenda plays out in such a committee. Delegates should keep in mind the various human rights commissions mentioned above and the purpose of such external committees apart from the United Nations Human Rights Council.

About the committee:

The Human Rights Council is the principal United Nations intergovernmental body responsible for human rights. It is composed of 47 Member States, which meet in at least three sessions per year in Geneva, Switzerland. Its role includes strengthening the promotion and protection of human rights around the globe, and making recommendations to address violations of human rights, including gross and systematic violations.

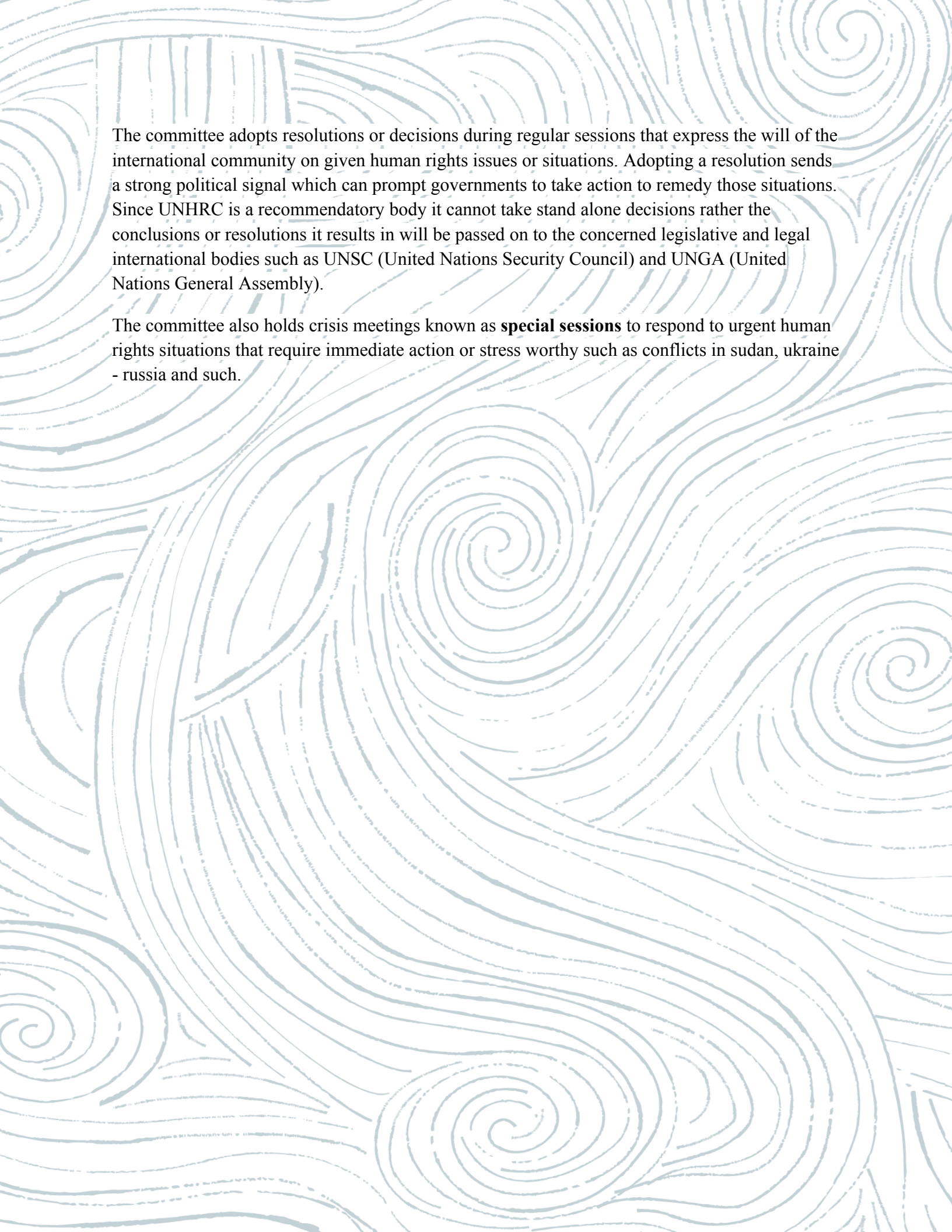
The Council's Membership is based on equitable geographical distribution. Seats are distributed as follows:

1. African States: 13 seats
2. Asia-Pacific States: 13 seats
3. Latin American and Caribbean States: 8 seats
4. Western European and other States: 7 seats
5. Eastern European States: 6 seats

Members of the Council serve for a period of three years and are not eligible for immediate re-election after serving two consecutive terms.

With membership on the Council comes a responsibility to uphold high human rights standards. This is a criteria insisted on by States themselves when they adopted resolution 60/251 in March 2006 to create the Human Rights Council.

Fundamentally the committee serves as an international forum for discussing human rights issues with UN officials and mandated experts, states, civil society, and other participants and in this MUN conference the delegates representing each country are expected to address the topic of the use of the death penalty.



The committee adopts resolutions or decisions during regular sessions that express the will of the international community on given human rights issues or situations. Adopting a resolution sends a strong political signal which can prompt governments to take action to remedy those situations. Since UNHRC is a recommendatory body it cannot take stand alone decisions rather the conclusions or resolutions it results in will be passed on to the concerned legislative and legal international bodies such as UNSC (United Nations Security Council) and UNGA (United Nations General Assembly).

The committee also holds crisis meetings known as **special sessions** to respond to urgent human rights situations that require immediate action or stress worthy such as conflicts in sudan, ukraine - russia and such.

Introduction:

Agenda: “Discussing the human rights violations relating to the use of the death penalty with special emphasis on arbitrary killings, extrajudicial killings and countries that permit the death penalty”

Right from the beginning, it is important to note that this agenda is an incredibly multi-faceted one, with many topics needing to be taken into consideration.

One of the things we would like to draw attention to is a statement from UN High Commissioner for the Human Rights Council On February 28, 2023 who stated that:

““For many years, the United Nations has opposed the death penalty in all circumstances. I share this position with the firmest conviction.

Ultimately, this is about the UN Charter’s promise of the highest standards of protection of all human beings. There are deeply compelling reasons for this position, both principled and practical.

Let’s not forget that the infliction by the State of the death penalty - the most severe and irreversible of punishments - is profoundly difficult to reconcile with human dignity, and with the fundamental right to life.

And despite the broad range of legal systems, judicial processes and criminal justice contexts represented in this room today, there is one common element to all of them – as with all human institutions, none are perfect.” “

In this session of the UNHRC, we expect delegates to address the several implications of the death penalty, both on a specific country-to-country and case by case basis, as well as on a global scale as a whole. In this discourse, we look for fruitful debate to be formed around both the ethics as well as the legal side of this debate, keeping in mind the various conventions and treaties that have discussed in great detail about the death penalty.

Case Studies:

North Korea:

The Democratic People's Republic of Korea, or North Korea as it is usually referred to, has become notorious for its undiplomatic tendencies, questionable treatment of its citizens and overall questionable acts when it comes to their human rights situation. The use of the death penalty is no exception to that statement. North Korea has not abolished the death penalty or implemented a moratorium on executions, nor has it limited the application of the death penalty to the "most serious" crimes. The people under sentence of death in North Korea also experience poor detention conditions, including verbal abuse, beatings, and torture that occur inside detention facilities run by North Korean law enforcement agencies, including the Ministry of State Security and the Ministry of Social Security in violation of the Nelson Mandela Rules and the Bangkok Rules. The international community has recommended North Korea abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR). Other recommendations have been to (1) institute an official moratorium on executions, (2) limit the death penalty to the "most serious" crimes, as defined by international human rights standards, (3) prohibit imposition of the death penalty for anyone under the age of 18 at the time of the alleged crime, (4) ensure conditions of detention are in line with the Nelson Mandela Rules and Bangkok Rules, (5) ensure access to competent counsel for all capital defendants, (6) take measures to guarantee fair trial to defendants in capital cases, and (7) commute death sentences for all people who have been held in condemned cells.



Iran :

Iran being known for its continuous use of the death penalty in violation of international law, including death sentences for crimes failing to meet the “most serious” crime threshold, the use of torture, and performing public executions are quite common in the nation. According to Iran Human Rights (IHRNGO) at least. Iran uses Death sentences for drug-related crimes, *efsad-fil-arz* (corruption on earth), *moharebeh* (waging war against god), and other non-lethal offenses violate international human rights law that limits the use of capital punishment to the “most serious crimes.” The issue comes into play when the punishment is usually undeserving to its convicts. Diana Eltahawy, Amnesty International’s Deputy Director for the Middle East and North Africa, emphasized the unfair trial proceedings, stating “The shocking speed at which these men were ushered to their deaths illustrates the Iranian authorities’ flagrant disregard for the rights to life and a fair trial.” The apparent lack of due process characterized in these three cases is largely representative of many cases in the country. Data from the Iran Prison Atlas found that 100% of protesters arrested between September 16 and December 31, 2022 were denied access to a lawyer highlighting a major issue regarding literally life or death. The United Nations Independent International Fact-Finding Mission established to investigate human rights violations by the Iranian government released a statement that said they were “deeply alarmed at the continuing executions of protesters pending investigations of alleged human rights violations.”



Saudi Arabia (Sri):

Saudi Arabia is known to be one of the world's most deadly executioners. Between 2010-2021, at least 1,243 people were executed. In 2022, at least 147 people were executed. The six bloodiest years of executions in Saudi Arabia's recent history have all occurred under the leadership of Mohammed bin Salman and King Salman and "Some executions are not even for recognized common crimes, but for such political offenses as 'endangering national unity' or 'undermining societal security,'" under this guise Saudi Arabia has many controversial uses of the death penalty even a case including the use of death penalty on a convict for tweeting about the judicial system of Saudi Arabia on the X platform, highlighting a multitude of problems pertaining to human rights.



Sharia Law:

What exactly is Sharia law? Since the term gets thrown around a lot, it is important to first and foremost understand what exactly is or is not “Sharia Law”

The official definition of Sharia law is considered to be - “Sharia is a body of religious law that forms a part of the Islamic tradition based on scriptures of Islam, particularly the Quran and hadith. In Arabic, the term shari‘ah refers to God's immutable divine law and this is contrasted with fiqh, which refers to its interpretations by Islamic scholars.”

In many Islamic countries that continue to carry out executions, the death penalty has become a sensitive topic. Governments often use Sharia law to justify maintaining and enforcing capital punishment, which can stifle debate on the issue. However, Sharia law is not as rigid on the death penalty as many scholars or states claim.

A common misconception about Sharia law is that it provides clear and definitive punishments for specific offenses. In reality, there are various sources that reference punishments, and different schools of Sharia law prioritize these sources differently. Another false belief is that Islamic judges must impose fixed, predetermined punishments for certain crimes without any discretion or consideration of mitigating evidence. This is not accurate. Furthermore, there is a belief that Sharia law is widely implemented in national legislation and practice across Islamic countries, particularly in the Middle East and North Africa (MENA) region.

Here are certain cases in which Sharia Law has allowed for the usage of the death penalty.

Qisas

Qisas is a category of sentencing where sharia permits capital punishment, for intentional or unintentional murder. In the case of death, sharia gives the murder victim's nearest relative or Wali (ولي) a right to, if the court approves, take the life of the killer. Hudud crimes, which are crimes against God, and are considered the most serious offenses under sharia law, for which punishments are prescribed in the Quran. This includes banditry and adultery:

The punishment of those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter, Except for those who return repenting before you apprehend them. And know that Allah is Forgiving and Merciful.

Diyya is controversial, especially when paid to avoid trial for crimes such as murder. Concerns have been raised that poor offenders face trial and capital punishment while wealthy offenders

avoid even a trial by paying off qisas compensation. The Murder of Shahzeb Khan in 2012 brought particular attention to this issue in Pakistan.

Hudud

Certain hudud crimes, for example, are considered crimes against Allah and require capital punishment in public.

Afghanistan:

Being known internationally for human rights (or lack thereof), Afghanistan is unsurprisingly currently a death penalty retentionist. Under both the Islamic Republic of Afghanistan and the Islamic Emirate of Afghanistan, the provision of death penalty is not unlawful. UNAMA, United Nations Assistance Mission in Afghanistan, has recorded just two instances of capital punishment ordered by judges or officials since August 2021. In 2014, Afghan appeals court confirmed death sentences against five of the seven defendants in a notorious robbery and rape case, despite their claims that their confessions were extracted through torture.



While the former Afghan government began to take steps away from the death penalty, the de facto government has re-established its use. Afghanistan does not limit the application of the death penalty to the most serious crimes. Furthermore, people under sentence of death

experience torture and other inhuman detention conditions. Courts often issue death sentences arbitrarily, without granting defendants due process and without adhering to formal judicial procedures.

There are credible reports of at least 216 people who are currently under judicial death sentences in Afghanistan. In May 2023, Afghanistan's Supreme Court announced that courts across the country had handed down 175 death sentences for murder since the summer of 2021.

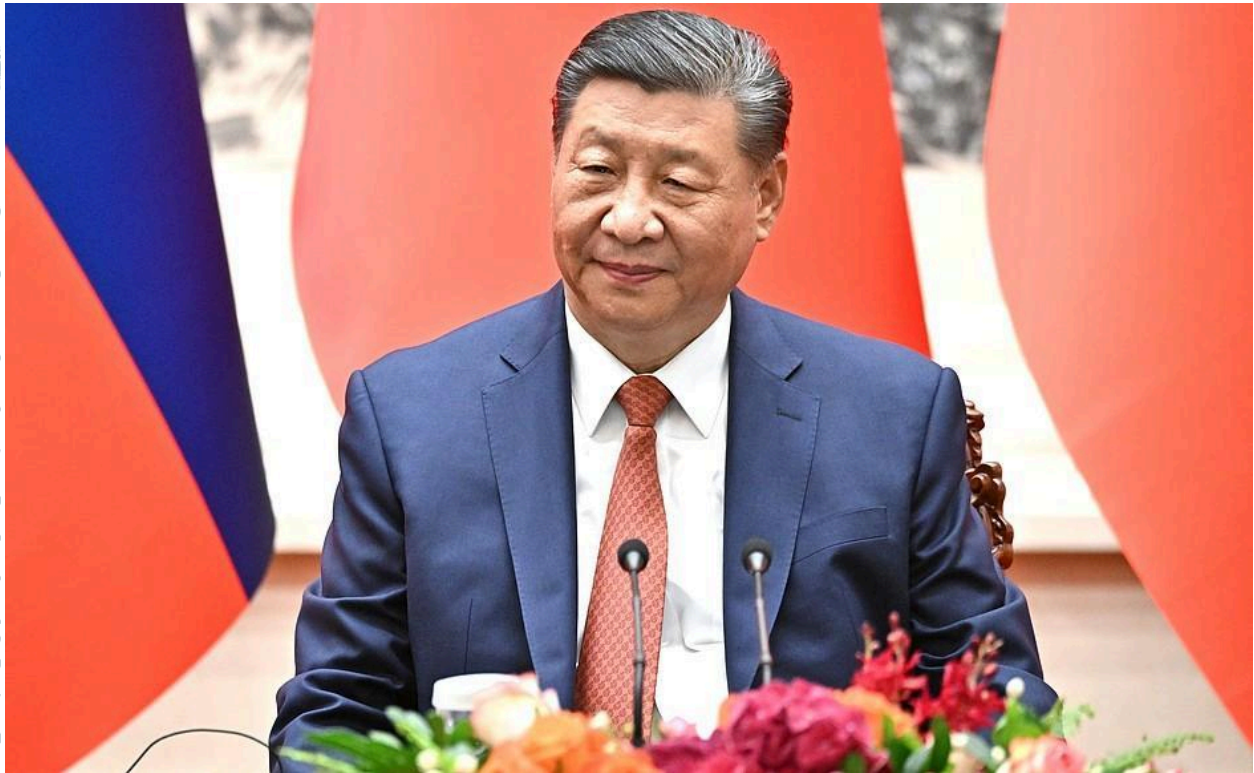
The Taliban carried out a double public execution at a stadium in Ghazni city in southeastern Afghanistan on 22 February, as thousands watched the shooting of two convicted men as their victims' relatives fired the gunshot.

The two executed men were identified as Syed Jamal from central Wardak province and Gul Khan from Ghazni. They were allegedly responsible for the stabbing to death of two people in separate attacks. The department of culture and information of Ghazni province in a statement said that the decision was made on the basis of the Taliban leader Haibatullah Akhundzada decree and the rulings of three courts.

China:

Being a death penalty retentionist, China is generally recognised as the world's leading executioner. However, the country's statistics on the death penalty are considered classified as a state secret. China currently has 46 crimes for which the death penalty can be imposed, including non-violent crimes. The last reduction in the number of capital crimes was in 2015 (ninth amendment to the Criminal Law). The majority of capital crimes do not meet the criteria of "most serious crimes." A death sentence in China is either approved with 'immediate execution' or with a 'two year suspension'.³ Increased use of the suspended death sentence has reduced executions but it is also associated with higher risks of miscarriages of justice.

In the 2018 UPR, China was recommended to establish a moratorium on all executions and take steps towards abolition; further reduce the number of crimes punishable by the death penalty; increase transparency and publish death penalty statistics.



“What evidence do you have that you didn’t commit the murder?” A high court judge in Heilongjiang Province before passing a death sentence despite inadequate evidence. Beijing Youth Daily, 28 April 2002.

Nigeria:

On the international stage, Nigeria has been signaling a change in its attachment to capital punishment. In 2007 and 2008, Nigeria voted against UNGA Moratorium resolutions, which call for the establishment of a moratorium on the use of the death penalty. armed robbery, murder, rape, terrorism-related offenses, and treason and kidnapping can invite death penalty in Nigeria. In the Northern Region, where Sharia law is applied, adultery, blasphemy, and homosexuality also carry the death penalty.



More than 720 men and 11 women are under sentence of death in Nigeria's prisons. They have one thing in common, beyond not knowing when they will be put to death. They are poor. From their first contact with the police, through the trial process, to seeking pardon, those with the fewest resources are at a serious disadvantage.

Relevant Legalities:

This section of the background guide will be dedicated to certain relevant legalities or "Legal" terminologies and frameworks that will be relevant to any discussions centered around the usage of the death penalty. Delegates are requested to find their own legalities to bring them up in the committee, but this would be a good place to start:

1) The Universal Declaration of Human Rights (UDHR) is an international document adopted by the United Nations General Assembly that enshrines the rights and freedoms of all human beings - Specifically pay notice to article 3 which states “Everyone has the right to life, liberty and the security of person”.

2) The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty that commits nations to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial - Specifically pay notice to Article 6 (1) which states that “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”.

Conclusion:

As stated previously, we hope this background guide will only act as a starting point for your research, and a tool to help facilitate productive discussion on legal aspects as well as moral debate. We expect all of you to adhere to the spirit of diplomacy and professionalism over the course of the conference in all of your discussions, debates and deliberations. We, as your executive board, hope to serve you as a guiding force to help this committee flow smoothly. We

eagerly look forward to observing what new and innovative solutions our delegates can come up with.

Kindly note that it is imperative that you approach this agenda with the objective of productivity and sustainability.

We eagerly look forward to seeing you all on August 2nd and 3rd

Regards,

The Executive Board of UNHRC.

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