

MARINETRAIN'25 UNHRC

AGENDA ITEM: Discussing upon the effects of Capital Punishment

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I. Letter from the Secretariat

Dear Participants,

I am honored to welcome you to the MARINEMUN conference 2025 , where we will engage in meaningful discussions and debates on global issues. As your Secretary-General, I am incredibly excited and proud to be in this role, and I am enthusiastic about the opportunity to see the diverse perspectives and ideas that each of you will bring to the table. I feel incredibly lucky to work alongside our wonderful academic and organization team, and together, we will create an enriching and A memorable experience for everyone involved.

This conference will be a platform for constructive dialogue and collaboration, and I am confident that together, we will make it a truly great and impactful event.

If you need any assistance, feel free to get in touch with me.

Warm regards,

Selin Esin

Secretary-General

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II. Letter from the Under-Secretary-General

Dear Delegates,

I would like to welcome you all to the United Nations Human Rights Council of MARINETRAIN'25 ! It is my utmost pleasure to serve you as the Under-Secretary-General of this committee.

Since the beginning of time, there has been a need for protecting and maintaining a secure environment for every civilization. As a person who sets her aims prior to justice, I can confidently claim that analysing the details about a nation's crime system can lead to a better understatement of that nation's social improvement and their individual beliefs including their ethical approaches. Consequently, their jurisprudence is one of the ways to

establish a sustainable political freedom environment; for those who are in favour and those who are against. In this committee, my dear delegates, you will decide whether Capital Punishment is necessary for maintaining a safe future in accordance with the law. Therefore, I want you to thoroughly research your country's policies on Capital Punishment, by taking past incidents into account.

To conclude, I would like to thank our esteemed Secretary-General Selin Esin for giving me this opportunity. If you have any questions, do not hesitate to contact me via my email.

Fearlessly,

İrem Uzun

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III. Introduction to the Committee

The Human Rights Council of the United Nations is an intergovernmental body responsible for protecting the rights of all citizens regardless of their ethnicity, nationality, class, religion, belief, gender, language. It encourages the promotion of human rights all around the globe, as well as addressing and making recommendations on violations of human rights. The universal periodic review made by UNHRC each year assess human rights' status in all member states. As a result, the Human Rights Council implements suggestion paths in order to maintain a peaceful environment for the ones in danger.

IV. Introduction to the Agenda Item

Capital Punishment, also known as the "Death Penalty" is the act of taking someone's life in accordance with the authority, with the aim of a retaliation towards a convict's accused crime. In many nations, it is believed to have reduced the crime rates by creating an acknowledgment to the results of felony. The first historical record upon capital punishment dates back to the beginning of civilisations on Earth. However, after World War II, with the Universal Declaration of Human Rights (adopted by the United Nations in 1948) international treaties began to proclaim the abolition of the death penalty. In this committee, we will have a conclusion on whether it has benefits or not by analyzing the future effects caused by a death penalty. Therefore, dear delegates, we want you to read the below mentioned study guide carefully by doing research upon your country's policies on capital punishment.

a) Historical Background

i) The Code of King Hammurabi of Babylon (18th Century BC)

One of oldest evidence showing that Capital Punishment had existed Before Christ is the Code of Hammurabi, which is also known to be the longest legal text from the ancient Near East. It is shaped upon the idea of ‘‘An eye for an eye.’’ as it writes in the ruins, ‘*If a person should blind the eye of another, they shall blind his eye.*’

To maintain a secure environment among the civilisation, Hammurabi Codes included harsh penalties for those who steal, by stating that ‘*If a man breaks into a house, they shall kill him and hang him in front of that very breach.*’ But on the contrary, even though they had codified the death penalty for 25 different crimes, murder was not one of them.

ii) Egypt (16th Century BC)

The first death sentence historically recorded occurred in 16th Century BC Egypt where the wrongdoer, a member of nobility, was accused of magic, and ordered to take his own life. During this period non-nobility was usually killed with a sword.

iii) The Hittite Code (14th Century BC)

The Hittite laws addressed typical criminal acts including assault, theft, murder, witchcraft, and divorce, among others. They also represented the social structure, sense of justice, and morality of the

empire. They were less-severe compared with the Code of Hammurabi. The death penalty was the main punishment method among the sexual crimes.

iv) Draconian Code of Athens (7th Century BC)

The Draconian Code was enforced by Draco in Athens and it was composed in reaction to the aristocrats of Athens' unfair interpretation and manipulation of law. The complete Draconian constitution is long gone, but individuals found guilty of crimes as minor as stealing an apple were supposedly sentenced to harsh penalties. The Draconian constitution was believed to have only one penalty—execution—for all those found guilty of violating it, and the laws were allegedly engraved in blood rather than ink. In the book *Life of Solon* by Plutarch (A Greek Philosopher) it is expressed that ‘*When questioned why he imposed the death penalty for the majority of offences, Draco allegedly responded that he felt that the smaller offences deserved it and that there was no harsher punishment available for the more serious ones.*’

v) Roman Law of the Twelve Tablets (5th Century BC)

The Twelve Tablets stated the rights and duties of the Roman citizen. Their content has been referred to as a "code" due to how detailed they are. It codified the death penalty and imposed an awareness upon the early knowledge of several important ideas, including justice, equality, and punishment, made possible by The Twelve Tables. Even though the Twelve Tables were put into effect shortly after legal reform, both the wealthy and the poor were granted social security and civil rights.

vi) Socrates' Death (399 BC)

One of the most well-known examples of the death penalty includes the death of Socrates. He was sentenced to execution by drinking poison on grounds of impiety and corrupting the youth's minds by the Athenian Court due to his thoughts and works upon the question of the ethical tradition of ideas.

vii) The Crucifixion of Jesus Christ (29 AD)

Jesus was crucified after his arrest on charges of claiming to be the Jewish king, a betrayal of the monarchy that carried a death sentence. Jesus received a crown of thorns to wear, was tortured, bore his own cross, hung between two thieves, and had his side wounded. He passed away shortly after. Whether we have no certainty about how the event took place or when it had happened, it is believed to be one of the most significant effects that caused an awareness among humanity upon the negative results of the death penalty. For instance, about 300 years later, the Emperor Constantine, after converting to Christianity, abolished crucifixion and other cruel death penalties in the Roman Empire.

viii) English-American Colonies

In English-American Colonies, slaves were the most affected ones with the implementation of the death penalty. Slaves might be subjected to torture or punishment for any cause at all. In order to deter future slaves from attempting the same thing, slaves who attempted to revolt or escape were frequently tortured and sentenced to death in public.

ix) Duke's Laws of 1665

To establish laws for the colony, Governor Richard Nicolls assembled a convention to Hempstead, Long Island, in March 1665. The regulations covered what Indians could and could not do, even though they were aimed for English and Dutch colonists. For instance, Indians were expressly forbidden from following their own religion and had to build fences around their cornfields. "No Indian whatsoever shall at any time perform outward worship to the Devil in any City within this Government," according to a particular law clause. One provision states, *"If any man lies with mankind as he lies with a woman, they shall be put to death, unless the one party were forced or be under fourteen years of age, in which case he shall be punished at the Discretion of the Court of Assizes."*

x) The French Revolution

The first campaign towards the abolition of the death penalty began on 30 May 1791 in France, but on 6 October that year the National

Assembly refused to pass a law abolishing the death penalty. However, they did abolish torture, and also declared that there would now be only one method of execution: *'All condemned to death will have their heads cut off.'* As the years had passed, the French Revolution occurred and the idea of humanism and justice began to spread in every region of the world, causing a serious controversy about the implementation of Capital Punishment.

xi) Capital Punishment Amendment Act 1868

The Capital Punishment Amendment Act 1868 abolished public executions for murder in the United Kingdom. According to the act, all prisoners serving death sentences for murder had to be put to death inside the prison's walls and their bodies were to be buried there.

xii) The Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) is a United Nations General Assembly adopted international document that protects all human beings' rights and freedoms. The Declaration of Human Rights is an essential text in the history of human and civil rights. It consists of 30 articles that explain an individual's "basic rights and fundamental freedoms" and proclaim their universal character as inherent, inalienable, and applicable to all human beings. The Universal Declaration of Human Rights (UDHR) commits nations to recognize all humans as "born free and equal in dignity and rights" regardless of "nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status." The Declaration is regarded as a turning point in history because of its globalist language, which makes no reference to a specific culture, political system, or religion. In Articles 3-5, it establishes other individual rights such as the right to life- which directly connects with the abolition of Capital Punishment. The death penalty's advocates argue that because the right to life should be applied with a sense of justice, the death sentence does not violate the right to life, in contrast to its opponents who claim that it does. Since the right to life is the most essential human right and is violated unintentionally by the death penalty, opponents of the death

penalty contend that it is the worst violation of human rights since it subjects the condemned to psychological torture. The United Nations General Assembly has passed non-binding resolutions in 2007, 2008, 2010, 2012, 2014, and 2016 advocating for an international moratorium on executions with the goal of eventually abolishing them, but as explained above, there is still controversy about its methods and its results.

b) The Methods

- **Hanging**

The first known appearance of the method of hanging is in the book “Odyssey” by Homer, published in 8th Century BC. It has been a common method of Capital Punishment, as the prior one in most of the regions around the world. The act of hanging results in the closure of carotid arteries, closure of the jugular veins, closure of the airway and breaking of the neck; therefore, resulting in a painful death. The day before the execution, the prisoner is weighed, and a rehearsal is performed using a sandbag the same weight as the prisoner. This is to assess how long of a 'drop' is required to ensure a speedy death. If the rope is too long, the prisoner may be decapitated; if it is too short, strangulation may take 45 minutes. Hanging has caused a major controversy in nations as a result of being a method that includes public interest quite more, compared with the others. A punishment turning into a show among citizens has been widely criticized since it falls afoul with all the aspects that capital punishment defends.

- **Lethal Injection**

Lethal injection is a method of executing condemned individuals by injecting one or more drugs that cause death. A prisoner is tied to a gurney, a padded stretcher ordinarily used to transfer hospital patients, during a lethal-injection operation

- **Decapitation**

The complete separation of the head and body is called decapitation. Since the brain becomes depleted of oxygenated blood and all other organs are deprived of the involuntary functions required for the body to operate, such an injury is unavoidably lethal to humans. The intentional decapitation of a person, either as a murderous or executional method, is referred to as beheading. This act can be carried out manually with a guillotine or with the use of an ax, sword, or knife.

- **Electrocution**

Electrocution is death or severe injury caused by electric shock from electric current passing through the body.

- **Stoning**

Lapidation, often known as stoning, is a form of capital punishment in which a victim is repeatedly hit by stones until they suffer physical trauma and pass away. Since ancient times, it has been documented as a means of punishment for serious offenses.

- **Breaking Wheel**

The breaking wheel, also called the execution wheel, the Wheel of Catherine, was a kind of torture used for public execution mainly in Europe from ancient times through the Middle Ages and the early modern era. A criminal would be crushed to death or have their bones broken.

- **Flaying**

Flaying, commonly referred to as "skinning alive" is a slow, painful form of skin removal from the body.

- **Crushing (by Elephant)**

The technique used to carry out the death by crushing or pressing method has varied widely throughout history, but it usually involves

pushing large weights upon a victim with the intention of killing them. Crushing by elephants was a frequent way to die for nearly 4,000 years in South and Southeast Asia.

- **Blood Eagle**

The blood eagle was a technique described in late skaldic poetry for ritually killing a selected member. As per the two incidents recorded in the Sagas, the victims (who were both members of royal families) were made to lie on their backs, their ribs were cut off from their spines using a sharp instrument, and their lungs were extracted to form two "wings" via the opening in their lungs.

- **Impalement**

Impalement is the act of penetrating a human body with a tool such a spike, pole, spear, or hook, usually resulting in a full or partial torso perforation, and is used as a form of torture and execution. It was especially applied to "crimes against the state" and was depicted in mythology and art. It was also viewed in many cultures as an extremely severe kind of the death penalty. During times of war, impalement was frequently employed to put down uprisings, punish collaborators or traitors, and deal with infractions of military discipline.

- **Scaphism**

Scaphism, also known as the boats, is an alleged ancient Persian method of execution mentioned by Plutarch in his Life of Artaxerxes. It consisted of placing the victim between two boats, wrapping and feeding them with honey and milk, and letting them fester until they were eventually eaten by insects and other vermin.

- **Gibbeting**

Gibbeting is the practice of using a structure similar to a gallows, from which the corpses of criminals were hung and made visible to the public in order to scare off other known or potential offenders. The gibbet was occasionally employed as a tool of execution, where the offender was left to suffer from starvation, exposure, and thirst.

VI. Capital Offences

Since the beginning of time, each nation has used capital punishment for different occasions due to the differences in culture and belief. Although it is not possible to deter every crime resulting in capital punishment, we can generalise violations which has or had been described as “Capital Crimes.”

Most well-known examples include: Murder, Drug Trafficking, Terrorism, Treason, Espionage (Spying), Crimes Against the State (Most commonly in order to overthrow the government), Political Protests, Sexual Assault, Human Trafficking, Separatism, Unlawful Sexual Behaviour (Mostly in Religious Communities), Witchcraft and Sorcery, Arson.

VII. The Ethical Approach Towards the Implementation of Capital Punishment

When the first civilisations had started to cross a line to express their limitations, the need for laws had aroused to keep the stability and safety of the people. At first, it was thought that harshing the penalties as much as they can, might prevent human beings from doing the exact same offence once more. Even though it worked for a couple weeks, they had realised that humans are still capable of committing crimes contrary to what they have seen in the past days. The behaviour patterns change as the years flow by. As analysed in the historical background, there were not many disagreements upon the act of capital punishment until the birth of a religion which affected most of Europe, christianity. Belief and religion affected people's approach towards the matter and allowed them to gain a broader perspective by focusing on its ethical integrity. Following that, as the result of the French Revolution, humanism emerged. And with those two aspects combined, people have started to analyse the significance of the life of a human.

In many cultures, human life is a sacred will which is given to them by a sacred creature, therefore, it is not up to others to decide someone's right to live, as everyone is their own being. Since freedom is expressed as “*Doing anything you wish for without limiting or disturbing others.*” if someone does limit or disturb a person, they shall be punished under the authority of the nation they belong in. The contrast in moral and ethical approach is that there is not an international constitution, each constitution differs from one another depending on the country's

geographical location and ethnicity. Some offences may be described as ‘‘capital crime’’ in a region whereas in other regions it may only have a monetary fine.

In addition, there are several cases of a death penalty which turned out to be a false accusation later in the history. Since human life cannot be irreversible, it is extremely important to research the case in its each perspective, without being mistaken.

VIII. Capital Punishment by Country

1. Afghanistan

In Afghanistan, capital punishment has been applied since the governance of Taliban. Even though more than 300 death sentences had been sent, only fewer than 40 executions had been done. Some citizens expressed their gratitude for the executions held by stating that it increases the security of their children and it protects them from any threat.

2. Egypt

In the latest years, there has been a specific increase of capital punishment in Egypt in comparison to other nations. It is documented that at least 530 capital sentences and 213 executions were held between 1991 and 2000. To compare, between 1981 and 1990, 35 executions and 179 death sentences were documented. Capital punishment resurfaced in the news following the violent dispersal of the pro-Muslim Brotherhood sit-ins at Rabaa El-Adaweya and Nahda Square in August 2013. When violence spread across the country after the dispersal, public figures argued that the death penalty was a necessary tool in Egypt's escalating battle with what the government has labelled as terrorism. In Egypt, crimes including "anti-terrorism" legislation, as well as those involving drugs, rape, and planned murder, are all punishable by death.

3. People's Republic of China

China has executed more people than any other nation. On the other hand, China's overall execution rate is lower than that of many other countries, such as Saudi Arabia, Iran, and Iraq, and equivalent to Vietnam and Singapore. Since the Supreme People's Court

acquired the authority to review all death sentences in 2007, there has been a significant decrease in the number of executions, which has been decreasing consistently since the 2000s. More than 58% of executions globally in 2009 and 65% in 2010 took place in China. The precise number of executions in China is classified as a secret by the government; however, authorities do periodically make death penalty cases available to the public. The list of capital crimes include crimes against people, such as sexually assaulting a person under the age of 14, as well as counter-revolutionary offences like planning an "armed mass rebellion" and endangering public safety by setting fire to property. Economic crimes like drug trafficking, embezzlement, and bribery were added to the list of crimes in the 1980s. Crimes against national symbols and riches, including stealing cultural relics and (before 1997) murdering giant pandas, are punishable by death in China.

4. United Arab Emirates

Emirati law imposes the death sentence for a number of offences, and firing squads are used for executions. The death penalty is currently legal for the following crimes: treason, espionage, murder, successfully inciting a mentally ill person to commit suicide, arson that results in death, sexual assault that results in death, disposing of nuclear waste in the environment, rebellion, assault of a minor, robbery, terrorism, drug trafficking, and joining the Islamic State of Iraq and the Levant.

5. United States

The death penalty is a legal punishment in all 27 states, the federal government, and American Samoa in the United States. Although, in 23 states as well as the nation's capital, Washington, D.C. the death penalty has been abolished. Unlike other penalties, the death penalty is subject to jury decision. Individuals who are found guilty of capital crimes such as murder, treason, genocide, or the assassination or kidnapping of a member of Congress, the President, or a justice of the Supreme Court may be executed in the United States. The federal government may still use the death penalty, even if several states have stopped doing so. One significant rule is that it is not applicable to people with intellectual disabilities and those who are less than 18 years old.

6. Iran

Iran allows the death penalty as a form of legal punishment. Murder, rape, child molestation, homosexuality, pedophilia, drug trafficking, armed robbery, kidnapping, terrorism, burglary, incestuous relationships, fornication, forbidden sexual relations, sodomy, sexual misconduct, prostitution, plotting to overthrow the Islamic regime,

political dissidence, producing or preparing food, drink, cosmetics, or sanitary items that are fatal when consumed or used, producing and publishing pornography, using pornographic materials to solicit sexual activity etc. results in a death penalty. Iran is thought to have the highest execution rate per person, but most of them remain unrecorded.

DEATH PENALTY

Executions in 2022

According to Amnesty International, executions increased by 53% globally in 2022.

KNOWN EXECUTIONS RECORDED GLOBALLY



WHERE DID THE MOST EXECUTIONS TAKE PLACE?



Source: Amnesty International | May 16, 2023

AS OF DECEMBER 2022:

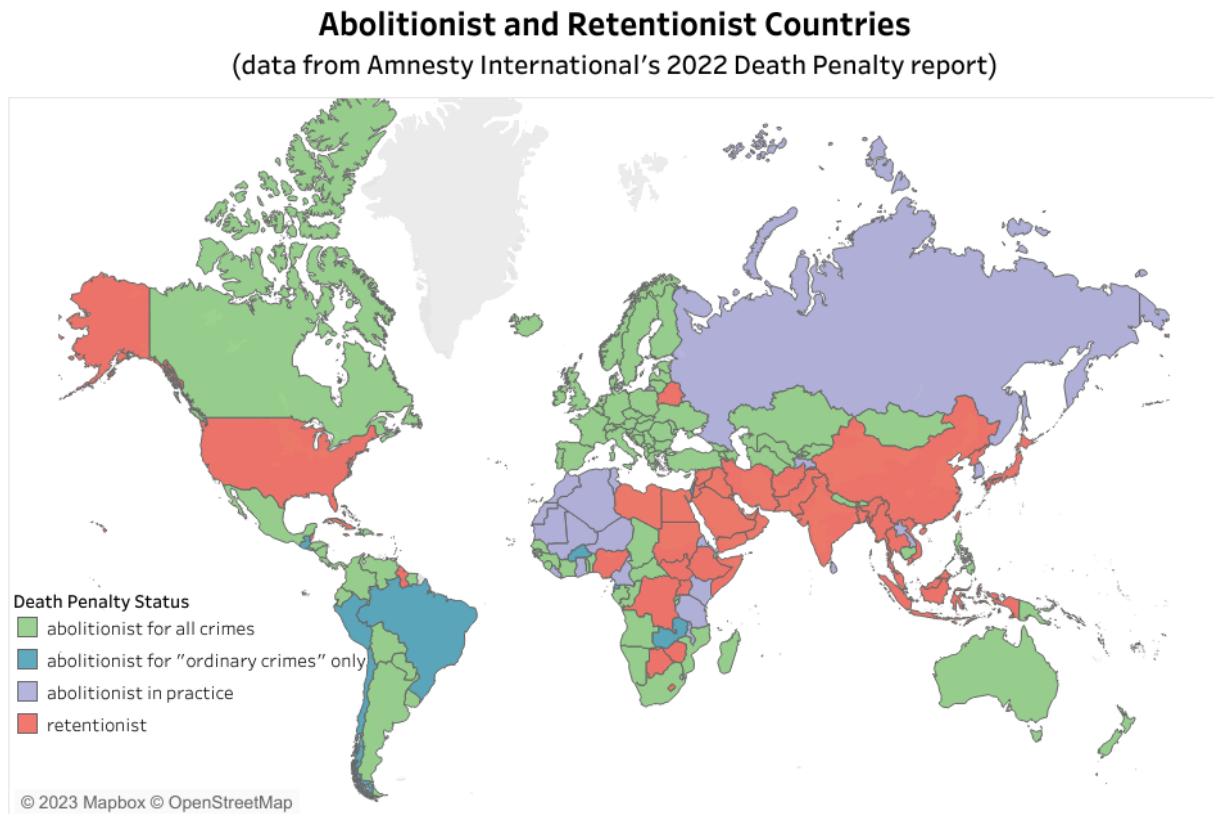


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Countries That Have Abolished Capital Punishment

Globally, the use of the death penalty has significantly decreased. More than 85 countries have abolished the death penalty for all offences since 1976; other countries did so for ordinary crimes only. Retentionist countries believe that maintaining capital punishments increases the stability of the country's security and encourages the connection between the government or a monarch and its citizens by restraining crimes in order to overthrow the current state or any disrespectful behaviours towards the ruling system. On the contrary, abolitionist countries assume that it cannot be acceptable since it degenerates human rights and restricts a person's freedom, and allows false accusations to take one's right to live. Countries that have abolished capital punishment include all of Europe

except for Russia and Belarus, Argentina, New Zealand, Namibia, Azerbaijan, the United Kingdom, Congo, Kazakhstan and more.



IX. The Viewpoint of the United Nations

1. The Universal Declaration of Human Rights

The Universal Declaration of Human Rights had a direct influence on how the international human rights law was developed, including the right to live, which supports the abolition of the death penalty.

2. The United Nations Moratorium Death Penalty

At the request of Italy, the European Union, in collaboration with eight co-author member states, submitted a resolution to the UN General Assembly proposing a global moratorium on the death penalty. The resolution called for the general

suspension, not the complete elimination, of the death penalty. With 104 in favour, 54 against and 29 abstains, the resolution was approved.

3. The International Covenant on Civil and Political Rights

As a worldwide treaty, the International Covenant on Civil and Political Rights (ICCPR) mandates nations to protect each person's civil and political rights, including the right to life.

4. The Convention on the Rights of a Child

The civil, political, economic, social, health, and cultural rights of children are set forth in the United Nations Convention on the Rights of the Child, an international treaty on human rights. According to the convention, a child is any person under the age of eighteen, unless their country's laws specify an earlier age of majority. The convention prohibits the death penalty for minors. The committee declared that all state parties must move quickly to prohibit and eliminate all corporal punishment and all other cruel or degrading forms of punishment of children.

X. Questions to be Addressed

1. What are the reasons behind implementing Capital Punishment?
2. What are the positive and negative impacts of Capital Punishment?
3. Is Capital Punishment effective in maintaining the current policies of countries and decreasing the crime rates?
4. In applied countries, what are the ways to deter a crime in accordance with justice; with the aim of preventing false accusations? How can these ways be improved?
5. How does Capital Punishment contribute to a person's security in a nation?
6. What is the ethical approach towards Capital Punishment?
7. How can a global framework upon the ethical approach of Capital Punishment be implemented?
8. Are current conventions and treaties about Capital Punishment enough? If not, what can be done to improve these conventions?

XI. Further Research

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