Death Penalty, A Violation Of Human Rights

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The death penalty, to me, has always been a confusing punishment. The USA and all other countries that practice Death Penalty are punishing people for murder with murder. The USA, flag bearer of human rights, is excelling in the right to life by taking this right from the ones who commit the crime. The death *penalty runs counter to fundamental human rights and shall be abolished in all states of the USA.*

Origins and Evolution of Capital Punishment

The history of capital punishment dates back to the period of the Babylon Empire. It was introduced as a punishment for twenty-five different crimes. When Athens took to power, they declared the death penalty as a punishment for all offenses. The means for execution back then were crucifixion, burning alive, drowning, etc. In the 10th century AD, hanging for death was a very common practice. William the Conqueror then abandoned this practice and made it legal only in times of war. In the centuries to come, there were more death penalties given than anywhere else in the world.

Capital Punishment in the United States

This influence was the strongest in the USA. When Europeans came to power, they introduced the concept of Capital Punishment. It was followed by the abolitionist movement of colonial times and the nineteenth century. The death penalty was reinstated and suspended several times before it was put into practice at the federal level in the USA (Bohm, 1999).

International Abolition and the U.S. Exception

As time passed, there was a consensus established within the international system of nations that the death penalty would no longer be tolerated.

Nation-states started to abolish it on moral and legal grounds. The most populated country in the world, China, and the most powerful country in the world, the USA, use the death penalty to execute thousands of people annually.

Human Rights and International Law

The death penalty in the USA intersects with human rights and international laws. There were different reasons that all countries used to abolish the death penalty. For some, it was the understanding and realization of human rights. Spain, Switzerland, and South Africa, for example, ended the death penalty because it ran counter to the right to life and dignity of every human being. It is now viewed as an international problem; the European Council has threatened that the observer status of the USA would be suspended if the death penalty would still be practiced in its full form (Dieter).

Treaties Against Torture and Federal Contradictions

The death penalty is constitutionally illegal as President Bill Clinton signed an order on the 50th anniversary of the UN Charter of Human Rights that states that the USA would always work to promote human rights. It is undeniably in contradiction with the Charter of Human Rights. The UN General Assembly has called to put an end to the death penalty. The USA ratified a treaty 'Convention against Torture' in 1994. According to this convention, the suffering inflicted on anyone as a punishment is illegal. It apparently terms the death penalty to be illegal (Meeropol).

Limits on Executing Minors and Mentally Disabled People

During the last few years, some progress has been made with regard to the amendment to the death penalty. In 2002, the Atkins vs. Virginia Supreme Court decision concluded that the death penalty would not be given to anyone who is medically declared to be mentally challenged.

Similarly, in the 2005 capital punishment case of Roper vs. Simons, it was stated that anyone under the age of 18 would not be charged with the death penalty. But, still, it is highly criticized that the prisoners of Guantanamo Bay are given death sentences despite the fact that the evidence is collected through torture and hearsay (Gerbasi & Scott, 2003).

Failure as a Deterrent

If people know about the punishment of the crime they are committing, why are people still charged for committing 1st-degree murder? Around 15,000 people were murdered in 2012 alone. Capital punishment does not seem to be that effective. It is not a strong measure of deterring people from their crimes (Flamehorse, 2013).

Execution Methods and Cruel Suffering

There are five proper methods of causing death in the USA: hanging, through gas chambers, electrocuting, firing, and lethal injections. John Wayne Gacy, who was charged with the sex-related murder of thirty-three people, was given the death penalty. He was injected with lethal injections, but things didn't go as planned. Something went wrong, and his death took seventeen minutes as compared to seven. The death was miserable. Even the legal methods of execution are painful and torturous (Kifner, 1994).

The Right to Life and State-Sanctioned Death

The death penalty violates the dignity of human life. If abortion is illegal in several states – the death penalty should be unlawful, too. The legal status of the death penalty in Utah forced a suicidal person, Gary Gilmore, to murder two people so he could demand a sentence for his death (Kozel).

Inadequate Defense and Mental Illness

Most of the death penalties are charged because of a lack of defense assistance. The defense counsel is not efficient enough. Therefore, several cases that appear in front of us are those where the decision has been reversed, and the death penalty decision has been reinforced. Furthermore, out of every ten people who are executed, one is mentally challenged. There are countless cases where mentally ill people are put on death row as the jury rejects the insanity defense. When the death penalty is made so common, it desensitizes the community and makes them devoid of emotions. It increases the current high levels of anxiety and depression.

Financial Costs and Delayed Verdicts

The average time for a death penalty trial to reach the final verdict is over 12 years on average. It is extremely expensive as compared to a sentence of life imprisonment as it requires more papers work and hiring an expensive attorney. It has been reported that death penalties have cost over $135 million annually to the California Justice System. Similarly, in Kansas and Maryland, a death penalty case costs 70% times more than a non-death penalty case (Maxfield, 2017).

Racial Disparities in Capital Sentencing

Statistics reveal how minorities are higher recipients of death penalties as compared to the white majority. Professor Katherine Beckett from the University of Washington concluded in his studies that blacks were four times more likely to receive the death penalty than white convicted murderers. In a

revised edition of the same study, it was said that the jury was three times more likely to sentence the death penalty if the defendant was black. So, it can be clearly stated that marginalized racial minorities are victimized in the name of capital punishment (Evans & Beckett, 2014).

Irreversible Errors and Wrongful Execution

There is always a margin for an error of judgment. There is always a possibility that the evidence provided is forged. Even if that rarely happens, a person's life is at stake. Once killed for punishment, the act is irreversible. Cameron Toddy, the father, was accused of the murder of his three children. After the death penalty was given and he was murdered, evidence revealed that his children died in a fire. An innocent life was lost.

Insanity, Responsibility, and the James Holmes Case

Even if proven guilty, it is time that we question the sanity of capital punishment and death penalties. James Holmes has been guilty of cold-blooded, first-degree murder of 12 people in a movie theater in Colorado in 2012. A jury discarded his insanity defense. Now, it is under debate whether he shall be charged with life imprisonment or the death penalty. Even the thought of putting him on death row is embarrassing for the USA, being the flag bearer of human rights.

Death Row Syndrome

On average, a typical person on death row is expected to wait for 12 years for his death penalty. This wait for death causes 'Death Row Syndrome.' A psychological disorder of severe anxiety and depression attacks from waiting for death. It is a psychological trauma given to the prisoner and runs counter to many law injunctions.

Execution and Murder Rates

It has been revealed that the death penalty leads to an increase in the murder rate. According to various studies, the death rate in 2010 in states where the death penalty was suspended was much lower as compared to states where death punishment was legal.

Constitutional and Religious Arguments for Capital

Punishment

The death penalty is supported by many because they believe that death as a punishment is not cruel and is given to only those who deserve it. Scholars also argue that the death penalty is not unlawful as it was given legal status when it was drafted in the 7th Amendment in 1791.

Many people support capital punishment because of religion. They argue that Christianity calls for capital punishment instantly if a murder is committed. They give the reference stated below:

Genesis 9:6, “Whoever sheds the blood of man, by man shall his blood be shed, for God made man in his image.”

But it is not true for American cases of capital punishment. The Bible has set very high standards for the murder penalty. Eyewitness statements, proof, and evidence of the crime make the accounts of capital punishment very rare.

The biblical injunction holds true for deterrence from crime if and only if the death penalty is correctly given out. If given wrongly, it results in an even more disastrous society (Mohler, 2014).

Retribution, Deterrence, and Victims’ Justice

Some say that criminals should pay for their crimes. The larger the crime, the greater the punishment. Hence, as justice should be served to the family of the victim, the criminals must be executed. It is also argued that the Death penalty is sure to deter criminals from committing murders. It is said that executing convicted murderers would prevent other criminals from doing the same. It is termed necessary as it discourages instances of crime (Sage, 2006).

Rehabilitation Over Revenge

But, I believe that retribution is confused with revenge. Putting criminals through rehabilitation will not only make them realize their mistakes but also make them better social beings. They will contribute more to the betterment of society.

And even if not, the state does not have the right to take someone’s life away. Above all, the UN Declaration of Human Rights declares the death penalty to be inhumane and illegal. So, it shall be abolished in the USA without further delay.

Everyone has an alienable right to live; sentencing to death and taking that right runs counter to the human rights charter. Retribution is immoral, vengeance is flawed and sooner or later, an innocent will be killed because of the flaws that exist within the justice system of the USA.

Life Without Parole as the Alternative

If the death penalty is abolished altogether, what is next? Well, there is an alternative that the USA shall embrace with open arms; 'life without parole.' It costs less; there is enough time to correct the mistakes made. It certainly values life and the dignity of a human being. It is much better and sane than taking someone's life for a crime they committed. Nobody wants a rapist or a serial killer back on the streets, life without parole may not be the perfect solution, but it is the best alternative to the death penalty.

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