

*Geneva International Centre for Justice*

## **62nd Session of the Human Rights Council**

# THE HUMAN COST OF DEATH PENALTY

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## HRC62: The Human Cost of Death Penalty



Examining the compatibility of capital punishment with the prohibition of torture

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Item 3: Interactive Dialogue with the UN Special Rapporteur on Extrajudicial,  
Summary or Arbitrary Executions

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## **Executive summary**

The Human Rights Council held an Interactive Dialogue with the Special Rapporteur on extrajudicial, summary or arbitrary executions, Mr Morris Tidball-Binz, during its 62<sup>nd</sup> session. The discussion focused on his thematic report concerning the death penalty and its relationship with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as well as the findings of his official visit to Lebanon.

The dialogue brought together a wide range of perspectives from Member States, regional groups and civil society representatives. While many delegations supported the Special Rapporteur's conclusion that capital punishment is incompatible with human dignity and international human rights standards, others maintained that international law continues to permit the death penalty when applied under strict legal safeguards and due process guarantees. The discussion therefore reflected continuing divisions among States regarding the legality and legitimacy of capital punishment.

Delegates also addressed broader issues relating to the administration of justice, accountability for unlawful killings, protection of the right to life and the responsibilities of States under international human rights law. In relation to Lebanon, discussions focused on alleged violations of the right to life arising from military operations, the need for effective investigations and access to justice for victims and their families.

The dialogue concluded with the Special Rapporteur reaffirming his position that the cumulative suffering associated with capital punishment renders it incompatible with the absolute prohibition of torture. He urged States to move towards abolition, while many delegations reiterated either their support for abolition or their commitment to retaining capital punishment within their domestic legal systems.

## **Background**

The death penalty is one of the most disputed issues in international human rights law. While international law has not yet prohibited capital punishment, many countries have moved towards restriction and abolition. International human rights mechanisms have progressively recognised that the death penalty raises serious concerns regarding the right to life, human dignity, fair trial guarantees and the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. Contemporary legal, medical and psychological evidence demonstrates that the suffering associated with capital punishment extends far beyond the moment of execution and affects individuals throughout the entire process, from arrest and detention to sentencing, death row confinement, execution and its consequences for family members.

The international legal framework governing the death penalty is primarily grounded in the United Nations human rights system and international human rights treaties. Article 6 of the International Covenant on Civil and Political Rights (ICCPR) recognises the inherent right to life and permits the death penalty only in limited circumstances, for the most serious crimes and under strict procedural safeguards. Article 7 of the Covenant prohibits torture and cruel, inhuman or degrading treatment or punishment without exception. Similar protections are contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which establishes the absolute prohibition of torture.

Over the past decades, international and regional human rights bodies have increasingly linked capital punishment to violations of human dignity and freedom from torture. The adoption of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty, together with repeated resolutions of the General Assembly calling for a global moratorium on executions, reflects the growing international consensus in favour of abolition. A majority of States have now abolished the death penalty in law or practice, while executions remain concentrated in a small number of retentionist States.

### **Summary of the Special Rapporteur's Reports: (A/HRC/62/37) and (A/HRC/62/37/Add.1)**

Special Rapporteur Morris Tidball-Binz examined the compatibility of the death penalty with the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, as well as the obligation of States to protect human dignity. Drawing on submissions from States, civil society organisations, academics, legal experts and individuals who have been directly affected by capital punishment, he adopted a trajectory based approach that assessed the cumulative suffering experienced by individuals throughout the entire death penalty process.

The Special Rapporteur argued that the suffering associated with capital punishment begins long before the execution. He highlighted concerns regarding torture, coercion and ill treatment during arrest, detention and interrogation, especially in cases involving forced confessions, restricted access to legal counsel and inadequate safeguards against abuse. According to the report, these violations are especially grave in capital cases because they can contribute to irreversible miscarriages of justice.

The report further examined fair trial guarantees, emphasising that defects in legal representation, discrimination, lack of due process and the admission of evidence obtained through torture undermine the legitimacy of death sentences. The Special Rapporteur stressed that mandatory death sentences and proceedings that fail to provide adequate safeguards are incompatible with international human rights standards.

Special attention was given to conditions on death row. The report described the severe psychological suffering caused by prolonged detention under sentence of death, uncertainty regarding execution dates, isolation and restrictive prison conditions. Referring to the death row phenomenon, the Special Rapporteur noted that the cumulative effects of fear, uncertainty and prolonged confinement may amount to cruel, inhuman or degrading treatment and, in some circumstances, torture.

The report also examined execution methods and found that no method of execution can eliminate the risk of severe physical or mental suffering. It highlighted that the secrecy that often surrounds execution procedures, including limited access to information for prisoners and their families, further intensifies suffering and obstructs accountability.

The Special Rapporteur also underscored the disproportionate impact of capital punishment on vulnerable and marginalised groups, including persons living in poverty, racial and ethnic minorities, foreign nationals and persons with psychosocial or intellectual disabilities. He further emphasised the psychological harm experienced by family members who endure prolonged uncertainty and anticipation of loss.

The report concluded that the cumulative suffering inherent in capital punishment renders it incompatible with the prohibition of torture and other ill treatment and inconsistent with the protection of human dignity under contemporary international law. The Special Rapporteur therefore called on retentionist States to halt executions, establish moratoriums on the use of the death penalty and work towards its complete abolition.

In addition, the Special Rapporteur presented findings from his official visit to Lebanon conducted from 29th September to 10th October 2025. The visit examined alleged violations of the right to life arising from Israeli military operations on Lebanese territory, including attacks against civilians and civilian objects. The report highlighted concerns regarding unlawful killings, obstacles to effective investigations and challenges faced by victims and their families in accessing truth, justice and reparations. The Special Rapporteur stressed the need to strengthen Lebanon's capacity to document, investigate and prosecute potentially unlawful deaths and to ensure accountability for violations of international law.

## Summary of the Interactive Dialogue



### Opening Statement by the Special Rapporteur

The Special Rapporteur, Mr Morris Tidball-Binz, opened the interactive dialogue by presenting both his thematic report and his report on his visit to Lebanon. He expressed appreciation to all those who contributed to his mandate, including the Office of the High Commissioner for Human Rights, United Nations agencies, Member States, civil society organisations, academics, legal experts and individuals directly affected by capital punishment.

He reiterated that his work examines the compatibility of the death penalty with the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment, maintaining that it is incompatible with international human rights law and an affront to human dignity.

He emphasised that capital punishment causes severe physical and psychological suffering that extends beyond execution itself and continues throughout arrest, detention, trial, death row confinement and its wider impact on families.

He concluded the opening presentation by affirming that the death penalty should be understood as incompatible with the prohibition of torture and inconsistent with the protection of human dignity under contemporary international law.



### **Summary of the Statement of the Concerned Country (Republic of Lebanon)**

The delegation of Lebanon expressed appreciation to the Special Rapporteur for his thematic report and for his official visit to the country, describing the engagement as constructive and valuable for strengthening national capacity to protect the right to life.

Lebanon noted that the visit took place under exceptional circumstances marked by ongoing hostilities, despite existing ceasefire arrangements. The delegation referred to continued Israeli military operations on Lebanese territory, including attacks affecting civilians, paramedics, journalists and civilian infrastructure, which it stated were contrary to international humanitarian law.

The State's representative condemned these violations and reiterated its call for full respect of international human rights law and international humanitarian law. It further emphasised Lebanon's commitment to continued cooperation with the Special Rapporteur and other United Nations human rights mechanisms in addressing concerns raised in the report and strengthening accountability and protection frameworks for affected populations.

### **Statements by Member States**

During the interactive dialogue, several Member States took the floor to express their positions on the death penalty and the findings of the Special Rapporteur.



### French Republic

The representative of France reiterated full support for the mandate of the Special Rapporteur and emphasised that there is no humane form of the death penalty. France noted that capital punishment is often discriminatory in practice and disproportionately affects persons in vulnerable situations. The delegation further reaffirmed its call for the universal abolition of the death penalty, noting that a growing number of States have already moved towards abolition in law or practice.



### Republic of Indonesia

The delegate of Indonesia stated that capital punishment is applied within a legal framework that includes strict procedural safeguards and due process guarantees. Indonesia maintained that its criminal justice system ensures fairness in trials and that there have been no executions since 2017, reflecting restraint in practice.



#### Republic of Iraq

Iraq through its representative stated that the death penalty is limited to the most serious crimes and is imposed only following court rulings and review by higher judicial authorities. Iraq also emphasised its respect for international human rights instruments and called for caution in relying on unverified information when assessing national practices.



#### Malaysia

The delegate of Malaysia highlighted that its criminal justice system operates in line with the rule of law and international human rights standards. The delegation referred to reforms undertaken, including steps taken towards abolition of the death penalty. Malaysia also challenged certain claims in the report, including allegations regarding disproportionate sentencing of foreigners, and emphasised the right to due process for all individuals.

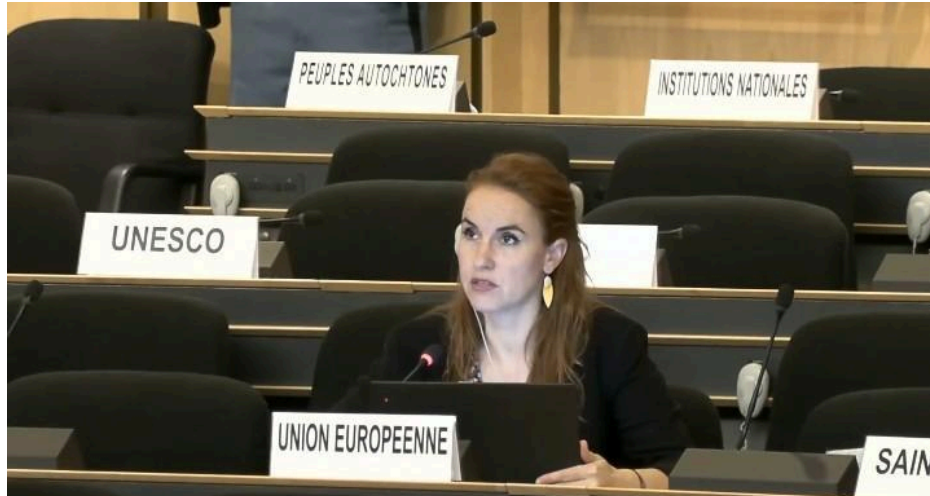


### Republic of Singapore

Singapore through its representative defended the lawful application of the death penalty within its legal system, stressing that it is imposed only for the most serious crimes following strict due process guarantees. Singapore distinguished between judicially imposed capital punishment and extrajudicial executions, and argued that there is no international consensus prohibiting the death penalty when applied in accordance with national law and legal safeguards.

### **Statements on Behalf of a Group of States**

Several regional and cross-regional groups of States took the floor to present coordinated positions on the issues raised in the Special Rapporteur's report.



### European Union

The representative of the European Union reiterated the Union's strong position that the death penalty is incompatible with human dignity and carries an inherent risk of discriminatory application. The delegation emphasised the irreversible nature of capital punishment and the risk of wrongful convictions. It further reaffirmed its consistent call for the abolition of the death penalty worldwide.



### Republic of Finland on behalf of the Nordic Baltic countries

The representative of Finland, speaking on behalf of the Nordic Baltic countries, expressed concern that the death penalty entails severe physical and psychological suffering that may amount to torture or other ill-treatment. The group emphasised the risk of irreversible wrongful convictions and maintained that capital punishment is incompatible with human dignity and the absolute prohibition of torture. It called for the universal abolition of the death penalty.



### Principality of Liechtenstein on behalf of a group of States

The delegate of Liechtenstein, speaking on behalf of a group of States, reaffirmed full support for the mandate of the Special Rapporteur and reiterated calls for the rejection of capital punishment in all circumstances. The group stressed that the prohibition of torture is non-derogable and highlighted the lasting psychological impact of death sentences on both victims and their families.



### Republic of Moldova on behalf of a group of countries

The representative of Moldova, speaking on behalf of a group of countries, joined the Special Rapporteur in calling on all retentionist States to move towards complete abolition of the death penalty. The delegation referenced upcoming international discussions on abolition and encouraged continued global momentum towards ending capital punishment.



### Ukraine on behalf of a group of States

The delegate of Ukraine, speaking on behalf of a group of States, raised concerns regarding accountability for unlawful killings and judicial executions. The group emphasised the need to strengthen investigation mechanisms and ensure access to justice for victims and their families, while questioning what additional measures could improve accountability frameworks at the international level.

### **Statements by Civil Society**

Several non-governmental organisations welcomed the Special Rapporteur's report and supported its conclusion that the death penalty is incompatible with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment. The civil society emphasised that capital punishment causes severe physical and psychological suffering throughout the entire process, including for family members who endure prolonged uncertainty and anticipation of loss.

The public sphere further argued that no method of execution can eliminate the risk of pain and suffering and stressed that the death penalty has not been proven to deter crime. They also raised concerns regarding its discriminatory application against vulnerable and marginalised groups and called on States that retain capital punishment to establish moratoriums on executions and take concrete steps towards its complete abolition in line with international human rights standards.

### **Concluding Remarks**

In his concluding remarks, the Special Rapporteur thanked the distinguished representatives for their interventions and questions. He stated that the conclusions of his report were based not only on extensive international and national legal analysis, academic research and expert studies, but

also on direct engagement with death row survivors, victims of torture and their families. He emphasised that the testimonies he received revealed profound physical and psychological suffering that often remains unheard in discussions surrounding capital punishment.

The Special Rapporteur reiterated that the prohibition of torture is universal and absolute and cannot be justified under any circumstances. Referring to developments in international human rights law, he argued that human rights instruments must be interpreted in light of evolving knowledge and understanding. He maintained that the cumulative suffering associated with the death penalty renders it incompatible with contemporary human rights standards and called for its recognition alongside practices that are universally condemned under international law.

At the conclusion of the dialogue, the Vice-President of the Human Rights Council thanked the Special Rapporteur for his service and contributions throughout his mandate and wished him success in his future endeavours.

### **Position of Geneva International Centre for Justice**

**Geneva International Centre for Justice (GICJ)** welcomes the Special Rapporteur's examination of the death penalty through the lens of the prohibition of torture and the protection of human dignity. GICJ shares the concern that capital punishment causes profound physical and psychological suffering throughout the entire process, affecting not only those sentenced to death but also their families and communities.

GICJ reiterates that the right to life and the prohibition of torture are fundamental and non-derogable principles of international law. The irreversible nature of the death penalty, coupled with the risk of wrongful convictions, discrimination, unfair trial proceedings, and prolonged death row detention, raises serious human rights concerns that cannot be ignored.

GICJ further emphasises that accountability for unlawful killings and violations of the right to life remains essential in all circumstances. In this regard, GICJ takes note of the findings presented concerning Lebanon and stresses the importance of effective investigations, access to justice and reparations for victims and their families.

GICJ calls upon States that retain the death penalty to establish moratoriums on executions and take concrete steps towards abolition in accordance with evolving international human rights standards. GICJ also urges the international community to strengthen efforts aimed at protecting human dignity, preventing torture and ensuring respect for the right to life without discrimination.



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