

Death Penalty: Foes Launch New Offensive in Strasbourg

by Mark Burdman

On June 21-23, the First World Congress Against the Death Penalty was held in Strasbourg, in eastern France. Bringing together activists against this bestial practice from around the world, the events included speeches made, and initiatives taken, at the assembly hall of the Council of Europe, and a vigil and a silent march, in the city. Immediately following, the Parliamentary Assembly of the Council of Europe, grouping together hundreds of Parliamentarians from the 40 or so European member-countries of the Council, gathered, also in Strasbourg, for its plenary beginning June 25, at which opposition to the death penalty was a main subject under discussion.

While several of the 87 countries in the world that still practice state-administered executions were targets of criticism, the main thrust of attacks at the Congress was against the death penalty in the United States, because the United States presumes to speak most loudly for “the values of the free world,” yet persists in this barbarism. This reflected a growing mood of outrage against the United States, at a time when the man who oversaw more executions while Governor of Texas than any other Governor in the United States, occupies the White House. The sentiment was enormously exacerbated, by the fact that the U.S. government had carried out two executions, the first Federal executions in a generation, just days before the Congress began. When President George W. Bush visited Europe in mid-June, he ran into numerous protests, by demonstrators accusing him of being “The Executioner.”

The mood of outrage was expressed most poignantly, by representatives from the United States itself. These included one man, Kerry Max Cook, who had unjustly served 22 years on Death Row, and who narrowly escaped death. He related his harrowing experiences, to an audience that was moved to the point of tears.

High-Level Support

The Strasbourg Congress was organized by an institution called “Together Against the Death Penalty” (“*Ensemble Contre la Peine de Mort*,” with the French acronym ECPM). The ECPM was launched in October 2000 by Michel Taube, who had co-authored a book, *Open Letter to the Americans for the Abolition of the Death Penalty*. Taube is currently the ECPM’s president.

Sponsorship for the Congress was given by Nicole

Fontaine, president of the European Parliament; Raymond Forni, president of the French National Assembly; and Robert Badinter, former French Justice Minister. It received official support from the Parliaments of France, Germany, Italy, Portugal, and Belgium.

Participants included Parliamentarians, including from countries that still practice the death penalty, such as Japan and various countries in South America and Africa, although no U.S. Senator or Representative was present. The Vatican was represented by a delegation led by Msgr. Paul Gallagher, and presented a Papal statement, calling for abolition of the death penalty worldwide (see *Documentation*).

Participants also included jurists, and activists from a number of human rights organizations, both those that deal specifically with death penalty and penal reform, and those more generally involved in human rights, including Amnesty International, the International Federation for the Rights of Man, and the League for Human Rights.

Statements of formal support were sent by both French Prime Minister Lionel Jospin and President Jacques Chirac. Jospin proclaimed: “The fight for the universal abolition of the death penalty is essential for our civilization, which should not respond to crime with barbarism.”

A statement was submitted by Cambodian Prince Norodom Ranariddh, stating that Cambodia’s support for abolishing the death penalty is so strong, that the country even refuses to execute leaders of the mass-murderous Khmer Rouge. There were also statements from the Presidents of Ukraine, Chile, and Ivory Coast, promising that their nations would formally abolish the death penalty.

‘It Is a Miracle That I Am Here’

Perhaps the most moving moment at the Congress, was the speech by Kerry Max Cook, on June 21. Receiving a standing ovation as he went to the podium, he began, by saying how happy he was “to have been able to come to Strasbourg, to tell my story to the entire world.”

In 1977, Cook had been falsely found guilty, of the rape and murder of a young woman, with whom he had had a brief relationship. Black and poor, he was not able to pay for a competent lawyer, “in a country where only the poor are hit by the death penalty. . . . We have no rich white people in Texas Death Row. If you are poor, black, or of a minority, and you don’t have the money to pay for an attorney,

ney, you suffer the death penalty.”

In contrast, since the murdered woman was an “eminent citizen” of Texas, her family had considerable sums of money, and could get the best legal aid. The state prosecutor, he charged, “was seeking to get elected by winning the case.” The police concocted what was claimed to be “proof” of his guilt, while the doctor legally responsible for the autopsy, falsified evidence, to make it conform to the police investigation. A prisoner invented the claim, that Cook had confessed to him, that he had killed the woman.

Cook’s jail cell was so small, that “I could touch the four walls when I was in the middle of the room, and the toilets occupied 90% of the space.” Life on Death Row was a daily “battle for survival,” as he was regularly being raped, by other prisoners and by prison guards. While he was in detention, no less than 141 persons from Death Row were executed. “It is a miracle that I am here,” he told the Congress.

Happily, a group of university students became interested in his case, and collected money to pay a lawyer. Eventually, DNA samples were tested, and Cook was proven innocent, and released.

Another case, that of Michael Pardue of Alabama, who was eventually released in 1997, was described by his French lawyer, Thomas Lejeune.

Further insights into the United States legal system were presented by one of the sons of the late Ethel and Julius Rosenberg, who were executed in the early 1950s, at the height of the McCarthy period hysteria, for allegedly having spied for the Soviet Union. As was recently recounted in a German television documentary, the most intimate and harrowing details of their execution, after it had occurred, were broadcast to American television viewers, including how Ethel Rosenberg somehow survived electrocution, and then had to be strapped down again, and “killed a second time”!

In its coverage of the World Congress, the French daily *Le Monde* ran an accompanying article on June 22, detailing hopeful signs, that opposition to the death penalty is growing inside the United States.

Will the U.S. Abolish the Death Penalty?

The World Congress in Strasbourg concluded, with a declaration by the presidents of 15 Parliaments or Assemblies from around the world, calling for an immediate moratorium on executions, followed by the abolition of the death penalty, over the coming period. These included Fontaine, president of the European Parliament; Forni, president of the French National Assembly; and Lord Russell-Johnston, president of the Parliamentary Assembly of the Council of Europe.

On June 25, the Parliamentary Assembly passed a resolution, affirming that the United States and Japan should have their observer status to the Council of Europe taken away, unless they make “significant progress” toward abolishing the death penalty, by 2003. This move follows the recent removal of the United States from the United Nations Human Rights

Commission, the which action had reflected growing international disgust at the death penalty and related violations of human rights, in the United States.

Documentation

Vatican Declaration Against Death Penalty

The Holy See participated at the Strasbourg First World Congress on the Death Penalty, with a delegation led by Msgr. Paul Gallagher, special envoy to the Council of Europe, who presented the following declaration on June 21. The text was made available by the Vatican Information Service.

The Holy See has consistently sought the abolition of the death penalty, and His Holiness Pope John Paul II has personally and indiscriminately appealed on numerous occasions in order that such sentences should be commuted to a lesser punishment, which may offer time and incentive for the reform of the guilty, hope to the innocent, and safeguard the well-being of civil society itself and of those individuals who, through no choice of theirs, have become deeply involved in the fate of those condemned to death.

The Pope had most earnestly hoped and prayed that a worldwide moratorium might have been among the spiritual and moral benefits of the Great Jubilee, which he proclaimed for the Year 2000, so that the dawn of the Third Millennium would have been remembered forever as the pivotal moment in history, when the community of nations finally recognized that it now possesses the means to defend itself, without recourse to punishments which are “cruel and unnecessary.” This hope remains strong, but it is unfulfilled, and yet there is encouragement in the growing awareness that “it is time to abolish the death penalty.”

It is surely more necessary than ever that the inalienable dignity of human life be universally respected and recognized for its immeasurable value. The Holy See has engaged itself in the pursuit of the abolition of capital punishment as an integral part of the defense of human life at every stage of its development, and does so in defiance of an assertion of a culture of death.

Where the death penalty is a sign of desperation, civil society is invited to assert its belief in a justice that salvages hope from the ruins of the evils which stalk our world. The universal abolition of the death penalty would be a courageous reaffirmation of the belief that humankind can be successful in dealing with criminality and of our refusal to succumb to despair before such forces, and as such it would regenerate new hope in our very humanity.