



Dear Delegates,

It is a pleasure to welcome you to the 2014 Montessori Model United Nations Conference.

The following pages intend to guide you in the research of the topics that will be debated at MMUN 2014 in committee sessions. Please note this guide only provides the basis for your investigation. It is your responsibility to find as much information necessary on the topics and how they relate to the country you represent. Such information should help you write your Position Paper, where you need to cite the references in the text and finally list all references in the Modern Language Association (MLA) format.

The more information and understanding you acquire on the two topics, the more you will be able to influence the Resolution writing process through debates [formal and informal caucuses], and the MMUN experience as a whole. Please feel free to contact us if and when you face challenges in your research or formatting your Position Papers.

We encourage you to learn all you can about your topics first and then study your country with regard to the two selected topics. Please remember that both committee members need to be well versed and ready to debate both topics.

Enjoy researching and writing your Position Papers.

We look forward to seeing you at the Conference!

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UN Legal

The Sixth Committee is the primary forum for the consideration of legal questions in the General Assembly. All of the U.N. Member States are entitled to representation on the Sixth Committee as one of the main committees of the General Assembly.

Source: <http://www.un.org/en/ga/sixth/>

Capital Punishment

Topic Background



The straps didn't fit George Stinney properly. The electric chair was designed for full-grown men, and George was small for his age. At 14 years old, George was the youngest person in the United States to die by capital punishment in the past century. Today, many believe that he was wrongfully convicted.ⁱ

Capital punishment, also known as the death penalty, is “the lawful infliction of death as punishment” for committing serious crimes, such as murder.ⁱⁱ Capital punishment has existed since ancient history. 141 countries today have outlawed capital punishment, but many countries still practice it. 21 countries practiced the death penalty in 2011, and the top 5 countries were China, Iran, Iraq, Saudi Arabia, and the United States.ⁱⁱⁱ Capital punishment is delivered in various ways, including lethal injection, electrocution, lethal gas, firing squad, and hanging.^{iv} Some countries allow children to receive the death penalty.

Some believe that the death penalty is a fair punishment for the most serious crimes, and it deters others from committing those crimes. Others believe that capital punishment is morally wrong, and sometimes innocent people are put to death.^v The question facing the international community and the United Nations is whether capital punishment should be abolished worldwide.

Past Action

Patrick Okoroafor was arrested in Nigeria for armed robbery when he was only 14 years old, and he was sentenced to die. But members of Amnesty International, a non-governmental organization that campaigns against the death penalty and wrongful convictions worldwide, organized a global letter-writing campaign that called for Patrick's release. The campaign successfully persuaded the government of Nigeria to not use the death penalty, and in 2012 -- 17 years after his arrest -- Patrick was released from prison. He was 31 years old.^{vi}

The international community has created various treaties and resolutions calling for the abolishment of capital punishment. The most notable is the “Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty,” which has been ratified by 75 countries and entered into force in 1991.^{vii} The General Assembly has also passed several resolutions on capital punishment, the most recent being resolution 65/206, “Moratorium on the use of the death penalty.”^{viii}

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There are also many international non-governmental organizations (NGOs) that seek to end the use of the death penalty. The most notable are Amnesty International and Human Rights Watch. These NGOs, along with others, monitor the use of capital punishment around the world and organize campaigns to get death row inmates out of prison.



Possible Solutions

Gavin, Nick, and Nathan Been were 12-, 13-, and 15-years old when they founded Kids Against the Death Penalty (KADP), an organization that empowers kids to raise awareness and campaign to end the use of capital punishment in the United States and around the world. They were inspired to start KADP when their uncle was sentenced to death in Texas. Today, Gavin, Nick, and Nathan travel around the US to speak out against the death penalty.^{ix}

The United Nations' goal for this topic is to develop international law regarding capital punishment. A majority of countries in the committee do not practice capital punishment, and they to pass resolutions that persuade the countries that do practice it to stop. Countries that practice capital punishment, however, want to preserve their ability to decide whether or not to practice it; they want to protect their sovereignty.

The UN should discuss resolutions that address three key issues:

- **Human Rights:** There exists international human rights law on capital punishment, such as the Second Optional Protocol referenced above. For countries that want to abolish capital punishment, how can countries that practice capital punishment be persuaded to sign the protocol? How can the law be strengthened?
- **Sovereignty:** For countries that practice capital punishment, do they have a right to decide whether or not to practice it? Or can the international community tell these governments what to do?
- **Exceptions:** In countries where capital punishment takes place, should teenagers, children, the mentally handicapped, and other types of people be excluded from capital punishment?

The UN can decide to either promote the trend of abolishing capital punishment around the world, or preserve the sovereign ability of governments to decide how to seek justice. In either case, the committee must make a decision and push forward the development of international law.

Further Research



Guiding Questions

- Does your government practice capital punishment? Why or why not?
- If your government does practice capital punishment, how can you convince the international community to respect your government's decision to allow the death penalty?
- If your government does not practice capital punishment, how can you persuade other governments to end their use of the death penalty?

Research Sources

- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty: <http://www.2.ohchr.org/english/law/ccpr-death.htm>
- General Assembly Resolution A/RES/65/206, "Moratorium on the use of the death penalty:?" <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/524/90/PDF/N1052490.pdf?OpenElement>
- Top 10 Pros and Cons: Should the death penalty be allowed? <http://deathpenalty.procon.org/view.resource.php?resourceID=002000>
- BBC: Introduction to capital punishment: <http://www.bbc.co.uk/ethics/capitalpunishment/intro.shtml>
- Amnesty International: Abolish the death penalty: <http://www.amnesty.org/en/death-penalty>
- Amnesty International: Death Sentences and Executions 2011: <http://www.amnesty.org/en/library/asset/ACT50/001/2012/en/241a8301-05b4-41c0-bfd9-2fe72899cda4/act500012012en.pdf>
- Death Penalty Information Center: <http://www.deathpenaltyinfo.org/>
- Capital Punishment in Context: <http://www.capitalpunishmentincontext.org/>
- Pro-Death Penalty.com: <http://www.prodeathpenalty.com/>
- Stop Child Executions: http://www.stopchildexecutions.com/index.php?option=com_content&view=article&id=239:patrick-okoroafor-released-from-nigerian-prison&catid=36:scenews&Itemid=86
- American Civil Liberties Union: Capital Punishment <http://www.aclu.org/capital-punishment>

ⁱ Edwards, David. "New evidence could clear 14-year-old executed by South Carolina." *The Raw Story*. 3 October 2011. <http://www.rawstory.com/rs/2011/10/03/new-evidence-could-clear-14-year-old-executed-by-south-carolina/>

ⁱⁱ "Capital Punishment." *West's Encyclopedia of American Law*. 2005. <http://www.enotes.com/capital-punishment-reference/capital-punishment-144787>

ⁱⁱⁱ "The Death Penalty in 2011." Amnesty International. Accessed 25 August 2012. <http://amnesty.org/en/death-penalty/death-sentences-and-executions-in-2011>

^{iv} "Methods of Execution." International Justice Project. http://www.internationaljusticeproject.org/briefs_execution_methods.cfm

^v "Top 10 Pros and Cons: Should the death penalty be allowed?" ProCon.org. 13 April 2009. <http://deathpenalty.procon.org/view.resource.php?resourceID=002000>

^{vi} Trimel, Suzanne. "Amnesty International Applauds Release of Patrick Okoroafor, Former Nigerian Child Prisoner, Denied Fair Trial and Sentenced to Death for Robbery." Amnesty International. 9 May 2012. <http://www.amnestyusa.org/news/press-releases/nigeria-child-prisoner-free-after-17-years>

vii “Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.” United Nations, *Treaty Series*. Updated 24 August 2012. http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-12&chapter=4&lang=en

viii A/RES/65/206. “Moratorium on the use of the death penalty.” United Nations General Assembly. 28 March 2011. <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/524/90/PDF/N1052490.pdf?OpenElement>

ix Kids Against the Death Penalty. Accessed 25 August 2012. <http://www.freewebs.com/kadp/>

