

Cairo, 3<sup>rd</sup> May 2012

**Recommendations on the 5<sup>th</sup> regional Workshop on "The Role of Judges, Public Prosecutors and Lawyers on Reducing the Application of the Death Penalty in the Arab States"**

**Beirut on the period from 29<sup>th</sup> to 1st May 2012**

The 5th regional Workshop on "The Role of Judges, Public Prosecutors and Lawyers on Reducing the Application of the Death Penalty in the Arab States" has been concluded on 1st May 2012 in Beirut. The workshop continued throughout the period from 29th to 1st May 2012 and organized by the Arab Center for the Independence of Judiciary and the Legal Profession (ACIJLP) in cooperation with the Lebanese instauration for democracy and human rights. 40 judges, lawyers, law professors and activists in the field of human rights from different Arab countries (United Arab Emirates - Qatar - Sultanate of Oman - Kuwait - Iraq - Lebanon - Syria - Sudan - Egypt - Tunisia) participated in the workshop.

The workshop has confirmed a set of principles and recommendations to reduce the application of the death penalty at the levels of legislation and practice and activating the role of the legal professionals such as judges, public prosecutors and lawyers in this area. The participants have reached the following recommendations:

1. The Arab Penal Legislation should be reviewed and complied with the international principles and standards related to human rights and the protection of the right to life. The ratification of the Arab states on the covenants and conventions should have an immediate impact on national legislation to amend or abolish inconsistent any penalty inconsistent with these covenants.
2. The need to provide for the protection of the right to life, consolidation of the international principles and standards relevant to the right to life in the Arab constitutions as an integral part of these constitutions. Legislation and laws are committed to respect and activate these principles.
3. Limiting the application of the death penalty - in a preliminary stage on the abolition of its application – on the most serious crimes and referring to the definition of these crimes according to international conventions, particularly the Rome Statute establishing the International Criminal Court.

4. Prohibiting the application or implementation of the death penalty on children, referring to the International Convention for the Protection of the Rights of the Child, non- application of such penalty on pregnant women and to defer execution of the penalty until birth and neonatal care.
5. Urging Arab States to ratify and accede to the Second Optional Protocol on the abolition of the death penalty.
6. Disseminating the culture of human rights, the culture of tolerance and anti-violence, and the exaltation of the status of tolerant religious thought, which protect the right to life as a sacred right, inviolable, whether through crime and lawlessness, or abuse in accordance with the law through the application of the death penalty.
7. Work on the immediate abolition of the death penalty for political crimes or economic crimes and replacing the death penalty with penalties of deprivation of freedom, allowing the possibility of achieving the purposes of criminal justice, either through compensating the victims or punishing the offenders and re-balance the society.
8. Calling upon the media organizations, civil society institutions and undertaking its role towards the community awareness on the importance and the sanctity of the right to life and facing all forms of traditions and customs that violate this right such as revenge or those that are based on religious, ethnic discrimination or based on the adoption of violence as a means to cope with violence and murder.
9. Calling upon the governments and the Arab parliaments to take the necessary measures related to the provision and activation of the safeguards and standards of fair trial, especially to ensure the right to defend criminal cases effectively and selecting and identifying lawyers qualified to take over the defense in criminal proceedings, particularly the crimes in which the person is accused of committing a crime that lead to the application of the death penalty.
10. Activating the right to appear before the natural judge, the prohibition of referring civilians to military or exceptional courts and limiting the military courts to military personnel only and in crimes related to military systems.
- 11.** Determining the right to silence of the accused in the crimes punishable by death penalty, activating the right to have an efficient and effective lawyer at all stages of criminal proceedings beginning from the stage of arrest of the accused through the phase of the investigation and the phase of the trial, in

addition to the activation of the right to two degree litigation, especially in the death penalty crimes.

12. Taking the necessary measures related to subject the penal institutions in the Arab states to the national institutions for human rights with the direct control of the judiciary and the adoption of a representative of the public prosecution in every seat of the headquarters of the penal institutions.
13. Activation of guarantees of the independence of the judiciary and legal profession, according to relevant international standards, in particular the United Nations Principles on the Independence of the judiciary, the principles of the UN on the role of lawyers, the adoption of continuous training for the legal professionals including judges, lawyers and public prosecutors on human rights standards, teaching these covenants and conventions in judicial institutions and holding oral and written tests for the covenants relevant to the right to life as a condition for promotion in the criminal courts.

The workshop is launched for the purpose of activating the international conventions and commitments related to protection of the right to life as a major right that must be respected and protected, working to reduce the death penalty and taking the necessary legislative, judicial, social measures to reduce this penalty to protect the right to life as being the most important right which cannot be violated under the international covenants, agreements and standards.

The workshop also aimed at discussing the reasons that lead to the occurrence of crimes of violating the right to life and taking the necessary strategies targeted at reducing the occurrence of these crimes.

This workshop comes within the framework of the ACIJLP's activities on the project "Reducing the application of the Death Penalty in the Arab States" which will continue throughout 2013, with financial support from the European Union.