



# **ST. VINCENT AND THE GRENADINES**

Permanent Mission of St. Vincent and the Grenadines to the United Nations

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## **UNITED NATIONS GENERAL ASSEMBLY (Third Committee: Social, Humanitarian and Cultural)**

### **Statement**

By

**H.E. Camillo M. Gonsalves**

Permanent Representative of St. Vincent and the Grenadines to the United Nations

on

**Agenda Item 64(b): Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms**

***Draft Resolution A/C.3/63/L.19Rev. 1  
“Moratorium on the Use of the Death Penalty”***

20<sup>th</sup> November, 2008  
New York

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Mr. Chairman,

Chapter 1 of the Constitution of Saint Vincent and the Grenadines states, in pertinent part, “no person shall be deprived of his life intentionally *save in execution of the sentence of a court in respect of a criminal offence under any law of which he has been convicted.*”

Our Constitution, which was bequeathed to us by the United Kingdom, our former coloniser, therefore enshrines the constitutionality and legitimacy of the death penalty within the Vincentian context. It is a sentence whose legality has been affirmed, reaffirmed and recognised by countless appellate courts over the years, up to and including Britain’s Judicial Committee of the Privy Council. It is supported by the overwhelming majority of our citizens, as evidenced by opinion polls, public consultations, and the statements of our governing and opposition political parties.

To be sure, the sentence is limited to the most serious crimes committed in our country, and, even then, is rarely carried out; but it is nonetheless a valid component of our body of laws, as enshrined in our penal code and upheld by our Constitution.

It seems to us, therefore, a peculiar expression of cultural, political and legal insensitivity for our dear friends and colleagues who support this text to foist upon the people of Saint Vincent and the Grenadines a resolution that seeks to undercut carefully considered legal precedent, political will and the desire of our citizens. The resolution demonstrates scant regard for the UN Charter, or the sovereign right of States to manage their domestic legal affairs. Indeed, the supporters of this resolution have brushed aside specific attempts to recognise such bedrock principles or to otherwise add balance to the document. As such, they have explicitly rejected contemplation of inviolable domestic considerations, and have ignored the myriad legitimate contexts and imperatives that inform some States’ decisions to retain the death penalty.

Saint Vincent and the Grenadines takes no issue with those states that have abolished or mothballed the death penalty in their local settings. It is their sovereign right so to do. Indeed, a quick perusal of the list of co-sponsors reveals that many States’ own recent histories of arbitrary and capricious application of the ultimate sanction may have resulted in public and political revulsion, which in turn may have led their populace to demand abolition. Such local histories of heinous misapplication of the death penalty are foreign to our own experience, and only serve to highlight the fact that each State must come to a decision on the death penalty on its own, without the interference of well-meaning but misguided outsiders.

And if it is true, as has been said, that the world is moving rapidly to universal abolition of the death penalty, it seems that such rapid movement has been taking place without the assistance of this resolution. It is curious that we would engage in the selected suspension of bedrock principles and engender tensions simply to acknowledge preexisting international momentum. For those who bask in the self-

congratulatory glow of their own recent rejection of the death penalty, it may seem unfathomable that the entire world does not share the clarity of your convictions, or your collective desire to pat yourself on the back. But this resolution cannot wish away the global reality that a significant number of States – many, like ours, with superlative records in the field of human rights – have nonetheless decided to retain the applicability of the death penalty.

Saint Vincent and the Grenadines does not see this resolution as appropriate or advisable, and we recognise the troubling potential of an unfortunate precedent being set by its passage. There are many punishments, procedures and behaviours that are prescribed, proscribed and permitted in other countries, yet would be abhorrent and repulsive in our domestic context. Surely, we and other like-minded states have no right to stick our noses into the strictly internal affairs of others, and to question the considerations that informed their decisions. Similarly, we demand respect for our sovereign right to responsibly apply the death penalty, if our population so desires and chooses, within the confines of our legal, ethical and constitutional obligations.

Accordingly, Saint Vincent and the Grenadines will vote against this draft resolution.

I thank you.