

## *Alabama and the death penalty*

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## **Body**

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This week, a United Nations report described Alabama's use of the death penalty as being one of the worst examples in the United States. It surmised that Alabama may have already executed innocent people.

Documents

Below are excerpts from the U.N. report, which was produced by Professor Philip Alston of the United Nations Human Rights Council Special rapporteur on extrajudicial, summary or arbitrary executions.

- In Alabama, the situation remains highly problematic. Government officials seem strikingly indifferent to the risk of executing innocent people and have a range of standard responses, most of which are characterized by a refusal to engage with the facts. The reality is that the system is simply not designed to turn up cases of innocence, however compelling they might be. It is entirely possible that Alabama has already executed innocent people, but officials would rather deny than confront flaws in the criminal justice system.
- Alabama's systematic rejection of concerns that basic international standards are being violated sits oddly alongside the government's determined and successful bid to attract foreign investment from the European Union in particular. Indeed, Alabama's largest export market in 2007 was Germany. It would thus be appropriate for Alabama to engage in a dialogue on due process concerns in its death penalty with the international community.
- The problem of politicizing death sentences is illustrated by Alabama's law permitting judges to override the considered opinion of the jury in sentencing. Even if a jury unanimously decides to sentence a defendant to life in prison, the judge can instead impose a death sentence.

When judges override jury verdicts, it is nearly always to increase the sentence to death rather than to decrease it to life, and a significant proportion of those on death row would not be there if jury verdicts were respected.

Given the key role of the jury in American justice, it is difficult to justify giving officials who will be held to account for their stance on the death penalty every four years the power to substitute their own individual opinions for those of the 12-member jury.

Given concerns about possible innocence and the irreversible nature of the death penalty, Alabama should relieve judges of this invidious role by repealing the law permitting judicial override. Instead, juries should be permitted to play their historical role of protecting individual rights.

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