

Index

- Abkhazia 60
abolition statistics 25, 252-53, 263
abolitionist pedagogy 45-46, 249-274
 continuous education 45-46, 67-68,
 187-202
 critique of defence litigation 256-258
 scrutiny of strategies 252-3
Afghanistan 12, 30, 286
Africa 75-98
African Union 76
 *African Charter on Human and
 Peoples' Rights* 75
 article 4 76, 79, 89, 96
 article 5(3) 79, 94-95
 article 6 83
 article 7 83-84, 88-89
 article 26 83, 88
 article 60 76, 98
 *African Charter on Human and
 Peoples' Rights on the Rights of
 Women in Africa* 76
 *African Charter on the Rights and
 Welfare of the Child* 76
African Commission on Human and
Peoples' Rights 2, 77, 80-81, 83,
88, 90, 97, 259
African Court on Human and Peoples'
Rights 98
(former) Organisation of African Unity
96
(proposed) protocol on the abolition of
the death penalty 97
*Resolution Urging the State to
Envisage a Moratorium on the
Death Penalty* 78, 259
Working Group on the Death Penalty
77, 79-81, 96
Agamben, Giorgio 45
Aguzarov, Tamerlan 62
Aikens, Earnest James 137
Alabama 285
Alaska 128, 266
Albania 35-36, 254
Algeria 2, 29-30, 36, 286, 298
Alito, Samuel (Justice) 133
Allen, Clarence Ray 156
Alston, Philip 253
American Bar Association 259
American Convention on Human Rights
19, 114, 253
 article 4(5) 19
 *Protocol to the American Convention
 on Human Rights to Abolish the
 Death Penalty* 254
*American Declaration of the Rights and
Duties of Man* 93
amicus curiae brief 56, 152-53
Amnesty International xii, 1, 2, 25, 56, 68,
211, 230, 233, 234, 239
Amsterdam, Anthony, 136-38, 143
Ancel, Marc 14, 15, 53
Anderson, Sir John 52
Andorra 26, 35-36, 254
Angola 35-36, 75
Anti-Death Penalty Asia Network 233
Antigua and Barbuda 29, 30, 38, 286
Anyangwe, Carlson E. 80
appeals procedure 19, 82-86, 101-23
Arab Charter of Human Rights 253
Argentina 12, 26, 35-36
Aristotle 46
Armenia 35-36, 60, 254
Ashby, Glen 112
Asian Charter on Human Rights 219
Asian discourse on human rights 229
Asian values 229
Athens 47
Australia 11-12, 26, 35-36, 286
 Australian Labour Party 253
Australasia 253
Austria 14-18, 20-3, 26, 35-36, 50, 254
Azerbaijan 36, 60, 254, 284, 289
Babirius, Gaius xi

- Badinter, Robert 52, 63
 Bae, Samgmin vii, 3, 229
 Bahamas 29-30, 104, 113-114
 Bahrain 29-30
 Baker, Gerard 62-63
 Baldus study 146-47
Bangkok Declaration on Human Rights
 3, 229
 Bangladesh 29-30, 38, 286
 Bar Human Rights Committee of England
 and Wales 153
 Barbados 29-30, 103-4, 257
 Baselga, Fátima Aburto 61, 65
 Baxi, Upendra 49
 Beccaria, Cesare xii, 45, 47
 Beckett, Margaret 253
 Bedau, Hugo xii, 63-64, 270
 Minimal Invasion principle 64
 Beijing 219
 Belarus 1, 61, 267
 Belgium 11-12, 26, 35, 36, 44, 47-48, 254
 Belize 30, 257
 Belmontes, Fernando 167
 Benin 2, 30, 36
 Bentham, Jeremy xii, 47, 51
 Bentley, Derek 120
 Bergegren, Astrid 54
 Bermuda 105
 Bhutan 1, 29
 Boleyn, Anne 102
 Black, Justice 132
 Blackmun, Justice 198
 Blom-Cooper, Louis 67
 Bolivia 26, 35-36
 Bosch, Mariette 88, 91, 94-95, 97
 Bosnia and Herzegovina 35-36, 254
 Bossuyt, Marc 23-24
 Botswana 30, 91
 Court of Appeal of Botswana 88
 High Court of Botswana 88
 Brazil 12, 35-36, 283
 Brennan, William (Justice) xii, 129, 132,
 139-41, 145
 Breyer, Stephen (Justice) 133, 162, 164,
 167-68, 174-75, 181, 183
 Brightman, Lord 110, 161
 Brunei Darussalam 29-30, 286
 Bulgaria 35-6, 257, 267-68
 Bureau of Justice Statistics 193
 Burkina Faso 2, 30, 36, 286
 Burma 12
 Burundi 28-30, 33, 36, 286
 Bush, Jeb 197
 Byelorussian Soviet Socialist Republic 12
 California 138, 156, 195, 285
 State Constitution 138
 Supreme Court of California 138
 'three strikes' rule 285
 Factor K 167
 Cambodia 26, 35-36
 Cameroon 30
 Camus, Albert 49, 52-53
 Canada 12, 30, 35-36, 164
 Canadian Supreme Court 165
 Cantu, Ruben 192
 Cape Verde 26, 35-36, 75
 capitalism 101-2
 Caribbean Centre for Human Rights
 266
 Caribbean Community 38
 Caribbean Court of Justice 257
 Cassin, René 11
 Centre for Capital Punishment Studies
 263-64
 Ceylon 14
 Chad 30, 286
 Chammari, Alya Cherif 80
 Chang, Chu-young 242
 Chaskalson, Arthur xii, 251
 Chechnya 60
 Chen, Shui-bian 239, 243
 Chen, Xingliang 221
 Chenwi, Lilian vii, 2-3, 75
 Chile 12, 26, 35-36
 China 5, 12, 25, 29-30, 32, 38, 205-223,
 229, 281-82, 286
 All China Lawyers Association 215
 Boxer Rebellion 207
 Confucianism 219
 criticism of use of death penalty 205
 Human Rights in China 219
 legal assistance 215-217
 Maoism 219
 Maoist era 208
 Ministry of Public Security 215

- National People's Congress 210
 Qing dynasty 207
 Standing Committee of the National People's Congress 209
 State Food and Drug Administration 205
 'Strike Hard' campaigns 210-11
 Supreme People's Court 5, 205, 222, 282
 Supreme People's Procuratorate 209
 White Paper on Human Rights 212
 Yuan dynasty 207
- Chirwa, Orton 83
 Chirwa, Vera 83
 Christianity 47
 Catholics 188
 Catholic Church in Taiwan 239
 Inquisitions 47
 Chong, Soo-an 237
 Chung, Dai-chul 242
 Cicero, Marcus Tullius xi
 Civil Society Prison Reform Initiative 283
 civilised society 52, 64, 116, 170
 Cold War 24
 Colombia 26, 35-36, 283, 286
 colonialism 102
 colonial society 102-4, 106
 neo-colonialism 102, 104, 117
 Colorado 200
 Commonwealth Caribbean 3, 5, 101
 commutation 16, 19, 88
 commutation for cash 207
 Comoros 30
 competent and impartial court 19, 80-89
 Congo (Brazzaville) 2, 29-30
 constitutions, *see also* United States of America
 written 101
 unwritten 104-5
 cost of the death penalty 195
 Costa, Judge 293, 295
 Costa Rica 12, 15, 17-18, 20, 22-23, 26, 35-36
 Côte d'Ivoire 35-36, 75, 286
 Council of Europe xii, 24, 43-73, 206, 267, 269, 295-97
 Committee of Ministers 44, 55-7
 Rapporteur Group on Human Rights 58
 common heritage 46
 death penalty-free area 46
 European Commission of Human Rights 53, 56
 European Committee on Crime Problems 53, 282
 European Convention on Human Rights 2, 52-61, 111, 163, 253
 article 2(1) 49, 54-55, 57, 59, 253
 article 3 54, 59, 64, 155, 271, 291-94
 article 5(1)(a) 292
 drafting debates 49
 European Court of Human Rights 44, 55, 82, 111, 154, 163, 271, 290
 Group of Officials of the Secretariat 46
 human rights discourse 53
 Parliamentary Assembly xiii, 54-55, 57, 254
 Committee on Legal Affairs and Human Rights 55
 conscience of Europe 45, 61, 65
 Protocol No. 6 to the European Convention on Human Rights 2, 22, 53-61, 254, 261
 Protocol No. 13 to the European Convention on Human Rights 45, 57-61, 254
 Statute of the Council of Europe 46
 Sub-Committee on the treatment of long-term prisoners 291
 Travaux Préparatoires 47-48
 article 1 46-47
 article 3 47-48
 Twelfth European Conference of the Directors of Prison Administration 282
- Council of the League of Arab States 253
 crime victims 249
 Crist, Charlie 197
 Croatia 35-36, 254, 283
 Cuba 1, 12, 30, 286
 cultural imperialism 2, 26
 customary international law 31-32, 169
 Cyprus 26, 35-36, 53, 254
 Czech Republic 12, 26, 35-36, 254, 262

- de facto* abolition 1, 3, 75, 79, 96, 128, 235, 259-61
- de jure* abolition 4, 79, 259-60
- death penalty as punishment
 arbitrary application 136
 discretionary 48
 mandatory 107, 118, 142, 144
- Death Penalty Information Center 187, 269
- death row
 decline in number of inmates 193
 death row phenomenon or delay of execution 4 14, 110-113, 154-55, 159-83
 expansion of numbers of inmates 147
 post sentencing/conviction procedures 177
 prison conditions 115-117, 155, 178
- Delpratt, Adolphus 118
- Democratic Republic of Congo 33, 286
- Deng, Xiaoping 208, 211
- Denmark 12, 17-18, 21, 26, 35-36, 44, 47-48, 254
- Derrida, Jacques 44, 68
 on sovereignty 44
 preferring life 68
- deterrence, *see* theories of punishment
- Diallo, Mactar 80
- Diaz, Angel 197
- Dieter, Richard C. vii, 4, 187, 253
- Diotodus xi
- Diplock, Lord 111, 118-119
- discretionary death penalty 14
- District of Colombia 128, 159
- Djibouti 1, 75
- DNA testing 189-90, 196
- Dnestr Moldovan Republic 61
- Dominican Republic 12, 22-23, 26, 30, 35-36, 286
- Douglas, Justice 132
- Douzinas, Costas 65
- Draconian Code 46
- Ecuador 12, 14, 16-18, 23, 26, 35-36
- Egypt 12, 17, 29-30, 38, 78, 286, 298
- Ehrich, Isaac 250
- El Salvador 26, 35-36, 283
- El-Awa, Mohamed S. 81
- Enlightenment 43
- early modern state 43
- Equatorial Guinea 1, 30, 33
- Eritrea 35, 286
- Estonia 36, 254, 267, 268
- Ethiopia 12, 30, 286
- European Union xii, 30-31, 35-36, 44, 206, 267-68
- Eleventh General Report of the European Council for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 287
- European Commission 60, 265, 298
- European Parliament 31
- evolving standards of decency 166-172
- executions 5, 60-61, 103, 159-160, 256
 'death by slicing' 207
 decapitation 207
 decline 193, 196-97
 elderly 156
 electrocution 130, 197, 260
 extra-judicial 33, 34
 hanging 105
 hung and quartered 103
 least pain possible 153
 lethal injection 154, 193, 197, 260
 Nazis 9, 47
 political offences 33
 strangulation 207
 summary 22, 81
 war criminals 47-48
 women 156
 extradition 30
 effective assurances against the death penalty 30
- Fagan, Jeffrey 250
- fair trial 81-86, 93
 due process 81-86, 129
- Falun Gong 214
- Falwell, Jerry 259
- Fawcett, J.E.S. 48
- Fédération Internationale des Droits de l'Homme* 80
- Ford Foundation 137
- Foucault, Michel 46, 51-52, 66, 67
 social contract 66
 technologies of sovereign power 52

- Fijalkowski, Agata 60
 Finland 16-17, 26, 30, 35-36, 254
 Fisher, Dena 281
 Fiss, Owen 134
 Fitzgerald, Edward 271
 Fitzpatrick, Peter 67
 flogging 104
 Florida 145, 148, 156, 195
 Florida Supreme Court 156
 France 12, 14, 21, 25, 26, 35-36, 44, 50,
 60, 254, 271
 French National Assembly 62
 Franck, Hans Göran 64, 68
 French Revolution 46-7
 Freud, Sigmund 45, 65, 67
 conscience 45, 65-66
 psychoanalytical view of death 49
 Fura-Sandström, Judge 294-95
 Furman, William Henry 137
- Gabon 2, 30, 36
 Gainsborough, Jenni 281
 Gambia 3, 80
 genocide 27, 34
 Georges, Telford 117
 Georgia 35-36, 60, 254
 Georgia (US State) 141, 146
 Germany 17-18, 22-3, 26, 35-6, 44, 48,
 254, 271
 German Federal Constitutional Court
 290
 Ghana 14, 29-30
 Ginsburg, Ruth Bader (Justice) 133
 Greece 12, 21, 35-6, 44, 254
 Greenberg, Jack 136-37
 Griffin, Larry 192
 Guatemala 12, 30, 35-6, 284
 Gubbay, Chief Justice 111
 Guerra, Lincoln 112
 Guillotin, Dr. Ignace 47
 guillotine 47, 52
 Guinea 1
 Guinea-Bissau 35, 75, 286
 Guizot, François xi, 63
 Guyana 29-30, 32, 258
 Supreme Court of Guyana 121
 Gyllensten, Lina viii, 249
- Haiti 11-12, 26, 35-36
 Hands off Cain xii, 25, 68
 hanging xii
 Hart, H.L.A. 51
 Hawaii 128
 Hewart, Lord 121
 Himmelstein, Jack 137
 Hobbes, Thomas 43
 Hodgkinson, Peter viii, 2, 67, 249
 Hoffman, Lord 109
 Honduras 12, 17, 26, 35-36
 Hood, Roger viii, xii, 1, 21, 50, 68, 249
 Hoyle, Carolyn 2
 human dignity 141, 242
 human rights theories
 cultural pluralism/relativism 3, 5, 117
 new worlds 65
 norms xii, 24, 26-27, 31, 34, 89, 168-
 69, 171, 174-78, 206, 243
 regionalism 3, 5
 universalism 3, 5, 31
 humanism 46, 52
 Hungary 26, 35-36, 254
 Hussein, Saddam xii-xiii, 38-39, 253
- Iceland 26, 35-36, 44, 48, 254
 Illinois 267, 286
 imprisonment 5, 251, 266-72, 281-300
 as an alternative to the death penalty 5,
 232, 251, 281-200
 life imprisonment 5, 27, 111, 209, 232,
 255, 267-68, 281-300
 life without parole 187-88, 194,
 201, 267-68
 life without the possibility of
 release 266
 natural life 266
 whole life tariff 266
 life with parole 178
 India 12, 14, 18, 21, 30, 109, 123, 164,
 260, 286
 Indian Supreme Court 164
 Indonesia 29-30
 inhuman and degrading treatment 64, 68,
 81, 94-95, 106, 165, 255
for cruel and unusual punishment *see*
below United States Constitution,
 Eighth Amendment

- innocence 4, 51, 187, 191-193, 195-96,
200-1
irremediable punishment 52, 191
- Inter-American Commission on Human
Rights 23, 82, 93
- Inter-American Court of Human Rights 23,
82, 93
- International Law Commission 27
- Iowa 128, 267, 286
- Iran 24, 29-30, 33, 281, 286
- Iraq xii-xiii, 29, 33, 253, 281
- Ireland 26, 35-36, 44, 254
- Islamic law 25
Shari'a law 78
- Israel 14, 35-6, 286
- Italy 15-18, 20-3, 25-7, 35-36, 44, 48, 60,
254, 271, 289
- Iya, Philip Francis 80
- Jamadar, Justice 115-117
- Jamaica 29-30, 34, 104-5, 109-113, 257,
286
Jamaica Constitution 161
Jamaica Labour Party 257
Jamaica Royal Commission 103
Peoples' National Party 257
slave rebellion 103
- James, Mel 281
- Japan 14, 29-30, 234
- Jiabao, Wen 211
- Jordan 29-30, 298
Amman Centre for Human Rights 298
- Judicial Committee of the Privy Council 5,
101, 107-115, 117, 119, 155, 161-
62, 175-76, 255, 257, 270
as a legitimate constitutional court 108,
119-120
- Jung-bae, Chun 233
- Justice for All 264
- juveniles 3, 12, 14, 19, 24, 26, 32, 76, 79,
148-49, 151, 153, 166, 169, 171-
73, 188, 210, 267
- Kaliakbarova, Gulnara 281
- Kandelia, Seema viii, 2, 249
- Kant, Immanuel 43
- Kazakhstan 30, 36, 283, 298
- Kennedy, Justice 151, 154
- Kentucky 260
- Kenya 30, 77, 286
- Killingley, Julian ix, 4, 127
- Kim, Dae-jung 234, 241, 243
- Kim, Seong-ho 236
- Kim, Seung Kew 236
- Koestler, Arthur 52
- Krüger, Hans Christian 54
- Kulayev, Nur-Pashi 62
- Kun-chen, John Chen 239
- Kuwait 29, 30
- Kyrgyzstan 30, 36, 284, 288, 298
- Lafayette 51
- Lanier, Julian 166
- Last Aid Kits 137
- Laos 30
- Latvia 35-36, 60, 254, 267
- Law Society of England and Wales 153
- Lebanon 1, 12, 29-30, 286, 298
- Legal Defence and Educational Fund 134-
137, 141, 143-44, 146-47
- legal representation 19
- Léger, Lucien 291
- Lesotho 29-30
- Lewis, Neville 121
- liberalism 45, 62, 65, 102
legitimacy xi, 45, 49, 63-5, 101, 106,
172-73, 207
- Liberia 1, 29-30, 75
- Libya 29-30, 286
- Lidgard, Bertil 54
- Liechtenstein 26, 35-36, 254
- Lim, Chian Yew 281
- Lithuania 35-36, 254, 267
- Locke, John 43
- Louisiana 142-43, 153-54, 267, 286
- Luxembourg 12, 26, 35-36, 44, 48, 254,
267
- Macbean, Nicola ix, 5, 205
- Macedonia 35, 254, 267
- Machiavelli, Niccolò 67
- Madagascar 2, 286
- Maharaj, Ramesh 115
- Maine 128, 267
- Malawi 29-30, 77, 263, 286

- Southern Regional Traditional Courts
83
- Malaysia 29-30, 38, 286-87
- Maldives 29-30, 286
- Mali 2, 36
- Malta 26, 35-36, 254
- mandatory death penalty 14, 238, 252,
255-56
- Mansfield, Michael 46
- manslaughter 143
- Mao, Zedong 207
- Market and Opinion Research International
263
 - Crime and Punishment Polls 263
- Marley, Bob 117
- Marriott, Jane ix, 4, 159
- Marshall Islands 26, 35-36
- Marshall, Thurgood xii, 134, 140-41, 262
- Marxism 219
- Maryland 197
- Massachusetts 128, 201
- Mauritania 29-30, 286
- Mauritius 35-36, 75
- Maxwell-Fyfe, Sir David 47
- McKenna, Justice 131
- McVeigh, Timothy 252-53
- Megivern, James xii, 49
- Meltsner, Michael 137
- mental health 3-4, 22, 29, 154-55, 177, 252
 - extremely limited mental competence
22
 - insanity 26, 155, 165, 177
 - learning difficulties 3
 - mental anxiety 166, 177
 - mental retardation 22, 166, 169-70,
173
- Mexico 12, 35-7, 270
 - Supreme Court of Mexico 271, 290
- Michigan 128, 145, 285
- Micronesia 26, 35-36
- Mill, John Stuart 270
- Milsap, Samuel 198
- Minnesota 128
- Missouri 192, 197
- Mogwe, Alice 80
- Mohamad, Mahathir 230
- Moldova 36, 61, 254, 267
- Molloy, Mary 281
- Monaco 26, 35-36, 254
- Mongolia 29-30
- Montenegro 35-6, 254
- Moon, Ban Ki 38
- moratorium xii, 1-2, 17, 26, 29, 31, 34,
36-8, 50, 77-81, 113-115, 134-137,
187, 200, 205, 249, 258-61, 281
 - Moratorium 2000 259
- Morocco 18, 30, 75, 286, 298
- Morris, Norval 15
- Moussaoui, Zacarias 62
- Mozambique 36, 75
- Mularoni, Judge 293, 295
- Muntinghe, Lukas 283
- murder 143
 - first degree 143, 167, 266
 - second degree 143
- Murphy, Mary 281
- Myanmar 29-30, 33, 286
- Namibia 36, 75, 271
- National Association for the Advancement
of Colored People 134-135, 141,
144, 146
- National Coalition for the Abolition of the
Death Penalty 47
- National Omnibus Poll 187
- Nauru 2
- Nazis 9
- Nebraska 260
- Nepal 3, 35-36, 286
- Netherlands 12, 15-17, 20, 23, 35-36, 44,
47-48, 254, 267
- New Jersey 128, 196, 198
 - New Jersey Crime Victims' Law
Center 198
- New Mexico 266
- New York 128, 130, 196, 285
 - Court of Appeals of New York 128
- New Zealand 9, 12, 15-17, 26, 35-36
- Nicaragua 23, 26, 35-36, 283
- Nicol, Danny 55
- Niger 30, 286
- Nigeria 29-30, 33, 38, 77-78, 83, 90, 263,
284, 286
 - Civil Disturbances (Special Tribunal)
Act* 84

- Presidential Commission on the
 Reform of the Administration of
 Justice 284
*Robbery and Firearms (Special
 Provision) Decree* 85
 North Carolina 142, 197
 North Dakota 128
 North Korea 30, 234, 286
 North Ossetia 62
 Norway 11-12, 15, 17-18, 21, 23, 26, 35-
 36, 44, 47-48, 254, 283
 Supreme Court of Norway 47
 Nuremberg 9
 Tribunal 47
- O'Connor, Justice 149, 151, 172, 183
 Oman 29, 31
 Opsahl, Torkel 48-49
 Organisation for Security and Co-operation
 in Europe 68
 Organisation of American States 24
- Pakistan 11, 14, 26, 31, 281, 286
 Palau 35
 Palestinian Authority 286, 298
 Paley, William 129
 Panama 12, 18, 23, 26, 35-36
 Papua New Guinea 3, 18, 286
 Paraguay 26
 pardon 12, 14, 16, 19
 Parents of Murdered Children 264
 Patten, Chris 31
 Penal Reform International 281, 298, 300
 Central Asia Office 284, 298
 Pennsylvania 200, 267, 286
 Peru 11-12, 23
 Philippines 3, 12, 14, 29, 31, 35-36, 130,
 263, 283
 Plato 46
 Plutarch 46
 Poland 12, 14, 35-36, 60, 254
 Law and Justice Party 60
 politics
 cognitive change 50
 new political reflection 52, 63
 political unease 50
 Pompelio, Richard 198
- Portugal 17-18, 22-23, 26, 35, 36, 50, 254,
 283
 Powell, Justice 147
 pregnant women 12, 14, 19, 26, 76, 252
 Prison Reform Trust 289
 Prokosch, Eric xii
 public information 28, 80, 187-201, 230,
 234, 237, 261-64, 298
 conscience of the community 187
 public opinion 45, 80, 106, 150-51, 169,
 175, 187-201, 230, 232, 234, 237-
 38, 249, 251, 261-64, 272, 298
 elite group knowledge 249
 erosion of confidence 188
- Qatar 29, 31
 Qiu, Xinglong 220
- Rehnquist, Chief Justice 146, 150, 171
 religion (general) 29
 transcendence 26
 Renaissance 46
 reprieve 16, 19, 117
 Rhode Island 128
 right to life 12, 17, 26, 50, 63, 64-65, 68,
 81, 89-94, 103, 241
 arbitrary deprivation of life 89-94
 Rock, Paul 265
 Roberts, John (Chief Justice) 133, 153
 Robertson, Pat 259
 Robespierre, Maximilien 47
 Robinson, Mary 34
 Rodley, Nigel 20
 Rolph, C.H. 52
 Roman abolitionists xi
 Romania 26, 35-36, 254, 262, 267
 Rome Diplomatic Conference 29
 Romney, Mitt 201
 Roosevelt, Eleanor 11
 Rousseau, Jean-Jacques 43
 Royal Commission on Capital Punishment
 51-52
 Russian Federation 2, 25, 36, 58, 60, 62,
 254, 283, 288
 Soviet Union 11, 15
 Rwanda 9, 27-29, 31, 34, 36, 75, 282, 284,
 286
 genocide in 34, 282

- Ryan, George 259
- Sachs, Albie xii
- Salem, Ben 79
- Samoa 36
- Samuel, Sir Herbert 51
- San Antonio 192
- San Francisco 9-10
- San Marino 26, 35-36, 254
- Santos, Michael 281
- São Tomé and Príncipe 26, 35-36, 75
- Sarat, Austin xii, 67, 222
- Saro-Wiwa, Ken 86, 90-3
- Saudi Arabia 12, 15, 29, 31, 286
- Savigny, Friedrich Karl von 45, 66
- savings clauses 105
- Scalia, Antonin (Justice) 133, 145, 150, 152, 171-72, 175
- Scarman, Lord 110, 161
- Schabas, William A. ix, xii, 1, 3-4, 9, 50, 59, 68
- Scharf, M.P. xii
- scope of capital offences 19, 26, 28, 31, 32, 44, 50, 76, 102-3
- drug trafficking 34
 - expansion of scope 34, 210-11
 - expressions of conscience for the 32
 - most serious crimes 18-20, 32
 - non-fatal kidnapping 144
 - non-violent financial crimes 29, 32, 210
 - non-violent religious crimes 29, 32
 - rape 144, 153
 - reduction in scope 159, 230
 - sexual relations between consenting adults 32
- security of the state 14, 47, 102, 214, 274
- Select Committee on Capital Punishment 47, 51
- Sellin, Thorsten 250
- Senegal 17, 35, 75, 286
- Sentencing Project 267
- Serbia 35-36, 254
- Sergeeva, Vika 281, 283
- Seung-gyu, Kim 232
- Seychelles 35, 75
- Shaw, Lord 51
- She, Xianglin 214
- Shia, Ben Chang 232
- Shih, Morley 240
- Siam 12
- Sierra Leone 1, 31, 85, 286
- Singapore 26-27, 29-30, 38, 286
- Singleton, Charles 177
- SIZO 281
- Slovak Republic 26, 35-36, 254, 267
- Slovenia 35-36, 254, 283
- social contract 43, 66
- contemporary European social contract 45
 - Foucault 66
 - Hobbes 43
 - Kant 43
 - Locke 43
 - Rousseau 43
- Socrates 48
- Solomon Islands 1, 26, 35, 286
- Somalia 31, 286
- Souter, David (Justice) 133
- South Africa 12, 36, 75, 123, 234, 283, 285-86
- South African Constitutional Court 92, 262
- South Dakota 267, 286
- South Korea 3, 31, 230, 234
- Korea Society Opinion Institute 232
 - Lawyers for Democratic Society (Minbyun) 233
 - Legislative and Judicial Committee 235
 - National Human Rights Commission 232, 236
 - Pan-Religion Union for Abolition of the Death Penalty 234
 - Special Bill on Abolishing the Death Penalty 235
- South Ossetia 60
- Spain 18, 26, 35-36, 50, 60, 254, 283
- Sri Lanka 2, 36, 286
- St Kitts and Nevis 29, 31, 103, 105, 108
- St Lucia 29, 31, 105, 108
- St Vincent and the Grenadines 29, 31, 105, 108, 286
- state sovereignty xii-xiii, 3, 27, 43, 76, 205
- sovereignty problem 2, 44, 47, 58-61

- traditional right of the death penalty
 27, 43, 45, 49, 56-57, 63
- Stevens, John Paul (Justice) 133, 148, 150,
 155, 161-62, 167-68, 175, 178,
 181, 183
- Stewart, Justice 139
- Steyn, Lord 117
- Stokes, Rachael ix, 5, 281
- structural litigation 134
- Sudan 26, 29, 31, 33, 78, 90, 281, 286
- Sudan People Liberation Army 87
- suicide in prison 289
- Surinam 31
- Swaziland 29, 31, 81, 286
- Sweden 12, 14-18, 20, 22-23, 26, 35-36,
 44, 48, 254, 267-68
- Switzerland 35-36, 254
- Sword of Damocles 162
- Syria 12, 29, 31, 38, 286
- Taiwan 230, 232, 238-241
- Huang Judicial Reform Foundation 240
- Taiwan Alliance to End the Death
 Penalty 238, 242
- Taiwan Association for Human Rights
 239
- Taiwanese legislative Yuan 238
- Tajikistan 2, 29, 31, 36
- Tanzania 29, 31, 286
- Taron, Luc 292
- Teitgen, Henri-Pierre 53
- Templewood, Lord 51-52
- terrorism 45, 61-4
- Texas 192, 194, 199, 250
- Thailand 31
- Thatcher, Margaret 25
- theories of punishment
- brutalizing effect 67
- deterrence xi, 14, 17, 51, 64, 161, 187,
 240, 249-51
- economic statistical analysis 250
- utilitarianism 51-52
- Minimal Invasion principle 64
- replacing the death penalty 249
- retribution (*lex talionis*) 43, 47, 52,
 161, 206, 251
- eye-for-an-eye 251
- scientific enquiries 18
- Thomas, Clarence (Justice) 133, 166, 180
- Thompson, Roy 118
- Thucydides xi, 47
- Timor-Leste 35-36
- Togo 31, 90, 286
- Toktaliev, Akin 288
- transparency 34
- Treaty of Westphalia* 58
- Trinidad and Tobago 29, 31-32, 104-5,
 109, 112-13, 115, 119, 257, 258,
 263, 270
- Constitution of Trinidad 108
- Trushnet, Mark 134
- Tucker, Carla Fay 34
- Tunisia 31, 298
- Turkey 11-12, 31, 35-36, 44, 254, 268
- Turkmenistan 36
- Tuvalu 35-36
- Uganda 31, 77, 286
- Constitutional Court of Uganda 255
- Ukraine 12, 35-36, 254, 267
- United Arab Emirates 1, 29, 31, 286
- United Kingdom 12, 14-15, 35, 44, 48, 50,
 101, 173, 254, 267, 286
- English Bill of Rights 129, 161, 173
- House of Lords 123
- Murder (Abolition of the Death
 Penalty) Act* 102
- Waltham Black Act* (Bloody Code) 102,
 129
- United Nations 1-2, 9-41
- Charter of the United Nations* 9, 27, 30
 article 2(7)
- Commission on Crime Prevention and
 Criminal Justice 28
- Commission on Human Rights 10, 14,
 23-24, 28, 29, 32-33, 34, 254
- Committee on Crime Prevention and
 Control 16, 18
- Committee on the Rights of the Child
 24
- Congress on the Prevention of Crime
 and the Treatment of Offenders 17,
 21, 25
- Convention on the Rights of the Child*
 24, 26, 290
 article 37(a) 290

- Crime Prevention and Criminal Justice Branch 288
- Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* 265
- Economic and Social Council 14-16, 19, 21-22, 24, 28, 33, 35, 82
 - Social Committee of the Economic and Social Council 15
- General Assembly xii, 1-2, 5, 9, 13, 16, 18, 21-24, 27-28, 31, 35-36, 258
 - Third Committee of the General Assembly 14
- Human Rights Committee 13, 28, 92, 112, 164-65, 258
- Human Rights Council 21, 32
- International Criminal Court 26-27
- International Criminal Tribunal for Rwanda 27-28
- International Criminal Tribunal for the Former Yugoslavia 27
- International Court of Justice 254
- International Covenant on Civil and Political Rights* 3-5, 12, 22-23, 26, 30, 35, 79, 92, 114, 205, 213, 233, 290
 - article 6 12, 14, 17-18, 22, 28-29, 34, 92, 94, 213, 257-58
 - article 6(1) 13
 - article 6(2) 12-13, 21
 - article 6(6) 13
 - article 10(3) 271
 - article 14 17
- Moratorium on the use of the death penalty* xii, 1-2, 36-38, 299
 - wrecking amendments 37
- Office of the Presidency of the General Assembly 25
- Optional Protocol to the International Covenant on Civil and Political Rights* 32
- Safeguards guaranteeing the rights of those facing the death penalty* 3, 18-19, 21-22, 24, 26, 28, 30, 94
 - article 1 19
 - article 2 20
 - article 3 20
 - article 5 21
- article 6 20
- article 9 20
- Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty* 22, 24, 30, 75, 79-80, 233, 254
 - article 1 23
- Secretariat 19
- Secretary-General 15-17, 19
- Security Council 9, 25, 27
- Seventh Quinquennial Survey 4
- Social Defence Research Institute 16
- Special Rapporteur on extra-judicial, summary or arbitrary executions 4, 82
- Statute of the International Criminal Tribunal for Rwanda* 9
- Sub-Commission on Prevention of Discrimination and Protection of Minorities 23
- Sub-Commission on the Promotion and Protection of Human Rights 31-32, 79
- Universal Declaration on Human Rights* 10, 14, 26
 - article 3 14-16, 21
- Working Group on Arbitrary Detention 33
- United States of America 2, 12, 14, 20, 25, 62, 64, 127-203, 281, 286
 - Anti-Terrorism and Effective Death Penalty Act* 257
 - Supreme Court of the United States 23, 127, 160
 - United States Congress 129-30, 168
 - United States Constitution* 4
 - constitutional interpretation 127, 133, 175
 - Eighth Amendment 4, 130-31, 133, 137, 139, 141-42, 144-47, 148-53, 160, 168, 171, 173, 181-83
 - Fifth Amendment 128-29, 155, 180, 182-83
 - Fourteenth Amendment 127, 129, 139, 142, 144, 146, 155, 180, 182-83
 - judicial activism 133

- originalism 133, 175
- pragmatism 133
- strict constructionism 133
- textualism 133
- Uri Party 236
- Uruguay 11-12, 14-15, 20, 21, 23, 26, 35-36
- Utah 130
- Uzbekistan 1, 31, 36, 284

- Vanuatu 26, 35-36
- Venezuela 11-12, 14-18, 26, 35-36, 283
- Vermont 128
- victimology 264-66
 - European Forum for Victim Services 265
 - International Victimology 265
 - Victim Support Programme 266
 - victims 264-66
 - victim's families 67, 274
 - World Society of Victimology 265
- Vienna Convention on Consular Relations* 94
- Vienna World Conference on Human Rights 229
- Vietnam 1, 29, 31, 286
- Virginia 154, 163, 165
 - West Virginia 128
- Voltaire xii, 47

- Waldensian sect 47
- Wales 268

- Wallen, Brian 112
- Warren, Chief Justice 132, 139
- Westey, Mervin 118
- Whitaker, Quincy x, 3, 5, 101
- White, Justice 140, 145, 161
- Whittaker, Justice 132
- Wilberforce, Lord 109, 119
- Williams, Eric 106
- Willingham, Cameron 192
- Wisconsin 128
- Wohlwend, Renate xiii, 55, 58, 60, 64
- World Coalition Against the Death Penalty 68, 81, 273, 299
 - Third World Congress Against the Death Penalty 273
- World Day Against the Death Penalty 241, 299
- Wu, Chung-yuan 239

- Yemen 12, 29, 31, 286, 298
- Yew, Lee Kuan 230
- Yifan, La 32, 205
- Yoo, Ihn-tae 241
- Yoo, Young-chul 238
- Yorke, Jon x, 2, 43
- Yugoslavia 9, 12, 21, 31

- Zambia 31, 77
- Zhang, Jun 222
- Zheng, Xiaoyu 205
- Zimbabwe 29, 31, 109, 164, 255, 286
- Zimring, Franklin xii, 52