International Law, Sanctity of Life and the Right to Life: A Critical Analysis

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Abstract

The right to life is one of the most important provisions in International Law and is contained in different instruments at international, regional instruments as well as in national laws. What has courted controversy is the way the right to life has been perceived as well as presented in different countries. However, despite these anomalies with regards to the right to life, the obligation to protect citizens rests with state parties which should in turn ensure the promulgations of appropriate law to safeguard life within their constituencies. It is the objective of this paper to elaborate on the provisions of the ICCPR in terms of the right to life

Keywords - Sanctity of Life, Right to life, International Law, Provisions

1. Introduction

This paper deliberates on the sanctity and right to life as enshrined in different international instruments. Appropriate case studies in this regard are provided and observations made. It is the paper concludes that despite the legislative provisions that speak to the right to and sanctity of life, rogue polities continue to violate this right with imposition of death penalties being commonplace in some countries. The paper also notes that the concept of sovereignty of countries with regards to the implementation and interpretation of international instruments has tended to compromise the right to and sanctity of life, given the prevalence of the imposition of capital punishment in some countries. This anomaly emanates from the fact that the ICCPR does not totally prohibit the death penalty, thereby leaving the onus on countries to decide whether to prohibit or impose the death penalty.

2. Unravelling ‘the Right to Life’

Unravelling ‘the right to life’ helps to reveal associated concepts and practices such as the right to a decent life” Right to life” sounds like a very noble slogan and, indeed, few ideals could be more admirable except, of course, for a "right to a decent life.” It is within the context of mutual respect for all Creation that the discussion on the meaning of the right to life much commence, a dialogue which should not be politicized by any political party or particular religion and then rammed down the throats of other truly spiritual people as if they did not exist (Equality and Human Rights Commission). A decent life, including justice, freedom, dignity, fair play, adequate food, opportunity, freedom from persecution, authenticity, and all human and civil rights, is clearly denied to a great proportion of the Earth’s human children, not to mention her animal and other offspring (Forbes, 2009). Any serious discussion of the "right to life" must begin by focusing upon what "life" means and what creatures need in order to live a decent and hopefully rewarding life, as well as the rights of unborn human children (Forbes, 2009). The obligation to provide a decent form of life rests with national governments in accordance with national legislation. This is tantamount to the fact that governments are mandated by law to protect life, implying that nobody - including the government - can try to end your life. It also means that citizens have the right to be protected if their life is at risk. Similarly, public authorities should consider the right to life when making decisions that might put citizens in danger or which affect citizens’ life expectancy. Precedence of cases that highlight the right to life would provide a better grounding for the indispensability of the right to life.

3. Preamble to the Sanctity and Right to Life

Life should be protected and its sanctity preserved. Gushee (2012) notes numerous incidents that are a threat to life, which include “abortion, stem cells, and euthanasia, “the sanctity of life” which have gripped different religious sectors across the globe. Biblically a plethora of insertions equally allude to the sanctity of life (herein the right to life). To reinforce the biblical prescription on the right to life, the international community has sought to enforce the same by enacting and adopting appropriate instruments on the right to life. In recognition of the sanctity and right to life, different nations of the globe deliberated and eventually adopted on 16 December 1966 the United Nations General Assembly the ICCPR which was entered into force on 23 March 1976. This paper deliberates and unpacks the provisions and content of this vital instrument, notably the right to life, Article 6 of the ICCPR. This section highlights the nature of the States Parties obligation with regards to the death penalty. Relevant case law, observations, General Comments, are given in order to substantiate your arguments.

The rights enshrined in the ICCPR include the right to life in Article 6. The right to life is the fulcrum of all other rights, the fountain through which other rights flow, and any violation of this right without due process amounts to arbitrary deprivation of life. Even before birth an unborn child has a right to life. The object of this paper is to critically analyse the right to life as incorporated in the Article 6 of the International Covenant on Civil and Political Rights (ICCPR), by highlighting the nature of the States Parties in regard to the death penalty. To achieve this objective, the paper critically analyses Article 6 of the ICCPR by discussing its provisions and presenting debates around the right to life by way of different case law.

4. Unpacking the Provisions of Article 6 of the ICCPR

Article 6 of the ICCPR presents the right to life as a fundamental right which every creation should enjoy. In addition, the right to life constitutes the precursor to all other human rights guarantees. Article 6 of the ICCPR states that the inherent right to life shall be protected by law and that no one can be arbitrarily deprived of his / her life. States that have ratified the ICCPR must at all times take positive steps or measures to effectively protect that the right to life. The right to life is inalienable meaning that at no time are states permitted to engage in or condone the arbitrary taking of a human life. In some countries the right to life is unqualified but in some it is qualified. Article 6 of ICCPR seeks to uphold the right to life by encouraging the abolition of death penalties and/or the commutation of such. Different sections of Articles 6 are highlighted below.

Article 6 (1) provides that:

Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

This provision presents the right to life as innate which everyone is born with and should enjoy with no deprivation on whatever grounds. This provision also calls upon state parties to enact appropriate legislation for the protection and enjoyment of life.

Article 6 (2)
In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgment rendered by a competent court.

This provision exhorts State Parties to desist from imposing death penalties and where death penalty is permissible, it should only be enforced in most serious crimes such as murder, treason and genocide. The existence of the death penalty in some countries such as Botswana and Zimbabwe as well as its abolition in other countries such as South Africa has provided a leeway for the violation of the right to life as a human sanctity. It is only a competent court that can pass such a judgement, though unscrupulous politicians have taken it upon themselves to interfere with national courts to drive the death penalty agenda. As a result and taking cognisance of the ICCPR provision on the right to life, the death penalty may not be arbitrarily applied.

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6Joseph R (2007) The right to life is the most important of all From The Age http://www.arha.org.au/index/Rita_Jospeh.pdf


8Human Rights Committee General Comment No. 6.

9Joseph R (2007) The right to life is the most important of all From The Age http://www.arha.org.au/index/Rita_Jospeh.pdf

10Constitution of South Africa.

11Kigula and Others v The Attorney-General Para 64.
Article 6 (3)

When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

This provides that if the right to life has been violated resulting in annihilation of lives known as genocide; Article 6 cannot be used to run away from the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide. This therefore means that the Convention on the Prevention and Punishment of the Crime of Genocide supersedes the provisions Article 6 of the ICCPR.

Article 6 (4)

Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

This section provides remedial measures or reversal of the death penalty. Taking cognisance of the right to life, those sentenced to death can also seek pardon or commutation of the death penalty to life sentence. Such measures are the mandate of State authorities who by way of a Presidential pardon may seek commutation of such penalty. According to this provision, a person has a legal right to ask for forgiveness of his sins and the request may be granted.

Article 6 (5)

Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

The provision also takes cognisance of age or state as factors that can be used to determine whether a person who has committed a crime was in total control of his/her mental faculties. Accordingly, anyone who is below age specifications or a pregnant cannot be charged of death sentence. This provision therefore expresses the need for leniency on specific groups of offenders such as children and pregnant women who are exempted from the imposition of capital punishment.

Article 6 (6)

Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

This provides calls for timeous justice and reinforces the notion that justice delayed is justice denied. The provisions further places an obligation on the State to abolish the death penalty in cognisance of the right to life.

5. Observations

The various sections of Article 6 of the ICCPR all point to the fact that the death penalty is not acceptable and that State parties should take reasonable measures to either abolish the death penalty or commute it to life sentence. Generally the essence behind Article 6 of the ICCPR is that no one shall be deprived of the right to life arbitrarily or through legal means. On the other hand the Article lists a number of specific restrictions and limitations on the use of the death penalty.12 In terms of General Comment No. 613 the right not to be arbitrarily deprived of one’s life should not be interpreted too narrowly but must be interpreted broadly.14 The requirement that the right shall be protected by law and that no one shall be arbitrarily deprived of his life mean that the law must strictly control and limit the circumstances in which a person may be deprived of life by the authorities of a State. The killing of suspects by the police deprived them of all the protections of due process of law laid down by the Covenant.

6. A critical Analysis of Article 6 of the ICCPR

Every human being has the inherent right to life and this right is protected by Article 6 (1) of ICCPR. However, this right is not as sacrosanct and inviolable as it sounds. There are a number of situations where a state may deprive persons of their lives without breaching international human rights law and examples include the imposition of the death penalty. The death penalty might appear to constitute a violation of the right to life but human rights law falls short of insisting that it does. It gives states the discretion to impose the death penalty but on the other hand urges them to move towards its abolition.

Even for states which have agreed to abolish the death penalty, human rights law appears ambiguous, allowing them in some statutes to make reservations maintaining the right to use the death penalty at times of war for example. At the same time, the use of the death penalty is totally prohibited from use by the various international criminal courts, like the International Criminal Tribunal for the Former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Criminal Court. The Committee was concerned with the sizeable backlog in the revision of outdated and obsolete legislation and it recommended that he State party should proceed with the proposed revision of the Criminal Code at the earliest opportunity and in particular to

12 Office for Democratic Institutions and Human Rights (2004)
13 Human Rights Committee General Comment No. 6.
14 Article 6(1) of ICCPR.
remove references to the death penalty.

Among the most notable weaknesses of this sub-article is that it does not prohibit the death penalty which is in contrast to the dictates of sanctity of life. Additionally, the fact that some countries claim sovereignty over their affairs and subjects has led to lack of uniformity on the application of article 6 of the ICCPR. This has led to some countries upholding the death penalty notably Botswana and Zimbabwe and others condemning the death penalty South Africa and most SADC states. In South Africa, the historic precedent of the abolition of the death penalty was the 6 June 1995 ruling by the Constitutional Court in the case of S v Makwanane in which capital punishment was declared a violation of the right to life as contained under the South African Constitution.

However, there are strengths to this provision which is that it recognises the right to and sanctity of life. In addition, it places obligations on state parties to put in place appropriate policies and enact relevant legislation that seek to promote the right to life.

7. Case law on the Right to life

Although there are numerous cases and precedents on the right to life, this paper presents two prominent cases in the UK namely Pretty v United Kingdom (2002) and Osman v United Kingdom (1998) as well as other two cases in South Africa, namely State v Makwanyane and Another (1995).

**Pretty v United Kingdom (2002)**

A woman suffering from an incurable degenerative disease wanted to control when and how she died. In order to avoid an undignified death through respiratory failure, she wanted her husband to help her commit suicide and sought an assurance that he would not be prosecuted for his assistance. The European Court of Human Rights found that the right to life does not create an entitlement to choose death rather than life. So, there was no right to die at the hands of a third person or with the assistance of a public authority.

**Osman v United Kingdom (1998)**

A teacher had developed an unhealthy interest in one of his pupils that included following him home, locking him in a classroom, vandalising his home and victimising his school friend. The teacher’s behaviour was reported to the headmaster and to the police. The teacher subsequently shot the pupil and his father, injuring the pupil and killing his father. The European Court of Human Rights found that the police had not failed in their duty under Article 2 to safeguard the father’s right to life. There was insufficient proof that the teacher posed a real and immediate threat to life which the police knew about or ought to know about. The positive obligation to safeguard life must not impose an impossible or disproportionate burden on public authorities.

**State v Makwanyane and Another (1995)**

This was a landmark 1995 judgment of the Constitutional Court of South Africa. It established that capital punishment was inconsistent with the commitment to human rights expressed in the Interim Constitution. The court's ruling invalidated section 277(1)(a) of the Criminal Procedure Act 51 of 1977, which had provided for use of the death penalty, along with any similar provisions in any other law in force in South Africa. The court also forbade the government from carrying out the death sentence on any prisoners awaiting execution, ruling that they should remain in prison until new sentences were imposed. Delivered on 6 June, 1995 this was the newly established court's "first politically important and publicly controversial holding."

**Mohamed v President of the Republic of South Africa (2001)**

The 2001 of the Constitutional Court of South Africa dealing with the legality of the South African government's actions in handing over KhalfanKhamis Mohamed to United States authorities. The court ruled that the South African government may not extradite a suspect who may face the death penalty without seeking an assurance from the receiving country that the suspect will not be sentenced to death.

**Suarez de Guerrero v. Colombia**

In Suarez de Guerrero v. Colombia the Committee was of the view that the action of the police resulting in the death of Mrs. Maria Fanny Suarez d Guerrero was disproportionate to the requirements of law enforcement in the circumstances of the case and that she was arbitrarily deprived of her life contrary to article 6 (1) of the ICCPR. The right to life was not adequately protected by the law of Colombia as required by article 6 (1). The Committee accordingly ordered the State party to take the

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16 Sec. 11 South African Constitution.
17 Case summaries taken from *Human rights, human lives*, Department for Constitutional Affairs, 2006
18 Husband of Maria Fanny Suarez de Guerrero v. Colombia, Para 13
necessary measures to compensate the husband of Mrs. Maria Fanny Suarez de Guerrero for the death of his wife and to ensure that the right to life is duly protected by amending the law.19

Kindler v Canada

In Kindler v Canada20 the Human Rights Committee found that the extradition of Mr Kindler without assurance that he will not face death penalty if extradited did not violate Canada’s obligations under Article 6 of the ICCPR.21 One of the Committee members Wennergren in his dissenting opinion was the opinion that it would appear logical for article 6 (1) to be interpreted widely, while Article 6 (2) which addresses the death penalty should be narrowly interpreted.22 He was of the view that Canada violated Article 6 (1) by consenting to extradite Mr Kindler to the United States without having secured assurances that he would not be subjected to the execution of a death sentence. 23 However, ten years after the Kindler v Canada case, in Judge v Canada24 the Committee noted the growing international consensus in favour of the abolition of the death penalty and found Canada in violation of Article 6 (1) by deporting Judge to the United States, without ensuring that the death penalty would not be carried out.25

The right to life is not, however, as inviolable as it might seem at first sight. There are a number of situations where states may deprive individuals of life itself and to which international human rights law does not raise an objection. The use of the death penalty is one such example.26 In all the cases the sanctity and right to life has been pronounced and highlighted as indispensable

8. Comments and Elaboration on the Death Penalty

The death penalty continues to be legitimate and practiced in a number of states around the world as an exception to the right to life.27 Some states have outlawed the death penalty except for most for most serious crimes.28 With regard to the death penalty, the Committee stresses that the article “refers generally to abolition in terms which strongly suggest that abolition is desirable”. 29 In Lubuto v Zambia20 the Committee found that the crime of aggravated robbery committed by Mr Lubuto could not be considered as the most serious crime as the use of firearm did not result in death or wounding or killing of any person. 30 Hence, the Committee found that the mandatory imposition of death penalty under Mr Lubutos case violated Article 6 (2) of the ICCPR.31

The death penalty cannot be imposed if: a fair trial has not been granted;32 other ICCPR rights have been violated; the crime was not punishable by the death penalty at the time it was committed; the offender is not entitled to seek pardon or a lesser sentence; the offender is under the age of 18; the offender is pregnant.33 The UN Human Rights Committee has interpreted this to mean that all provisions contained within the ICCPR must be upheld and, if this is not the case, the death penalty cannot be imposed34 hence, where there is a breach of the ICCPR provisions the death penalty cannot be imposed.35

The abolition of death penalty is a human rights objective and the Committee’s jurisprudence provides that the automatic and mandatory imposition of death penalty constitutes an arbitrary deprivation of life which is contrary to Article 6 (1). In State v Makwanyane,36 the Constitutional Court of South Africa found death penalty to be inherently cruel, inhuman or degrading and, therefore, unconstitutional. Article 6 stipulate the narrow confines within which the death penalty may be legitimately imposed in States Parties which have not abolished this penalty.37 Some states have not outlawed the death penalty but in practice are

19 Husband of Maria Fanny Suarez de Guerrero v. Colombia, Para 15
21 Kindler v Canada Communication 470/1991 Para 14.6
22 Wennergren based his opinion on the fact that in the travauxpreparatoires to the ICCPR many delegates and bodies participating in the drafting process saw the death penalty as an ‘anomaly’ or a necessary evil.
23 Chenwi LM (2007: 64)
27 Article 6(2)
28 UN General Assembly Resolution 2200 A (XXI) of 16 December 1966.
29 General Comment No. 6 Para 2(2) and (6)
31 Lubuto v Zambia, Communication 390/1990 Para 7.2
32 Lubuto v Zambia, Communication 390/1990 Para 7.2 and 9
33 Mamsaraj and Others v Sierra Leone (2001) AHRRL 33 (HRC 2001) para 5.6
34 The Death Penalty Under International Law international Bar http://www.ibanet.org/Human_Rights_Institute/About_the_HRI/HRI1_CONTACT_Us.aspx
35 The Death Penalty Under International Law international Bar http://www.ibanet.org/Human_Rights_Institute/About_the_HRI/HRI1_CONTACT_Us.aspx
36 The Death Penalty Under International Law international Bar http://www.ibanet.org/Human_Rights_Institute/About_the_HRI/HRI1_CONTACT_Us.aspx
abolitionists by not sentencing offenders to death. Another good example of abolitionists is human rights activism, such as by Amnesty International which is concerned by protecting political prisoners from being sentenced to death for their political beliefs.

The foreclosure of any avenue of appeal to competent national organs in a criminal case attracting punishment as severe as the death penalty clearly violates article 6 as it falls short of the standards stipulated in the UN Safeguards.\(^39\) Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction.\(^40\) and steps should be taken to ensure that such appeals shall become mandatory.\(^41\) A higher threshold of rights should be intended for those who are charged with crimes the sentence of which is the death penalty.\(^42\)

### 9. Most Serious Crimes

The Committee emphasises that in States which retain the death penalty, its use must be exceptional and restricted to the “most serious crimes”\(^43\) and that all the procedural guarantees of the law and the ICCPR must be assured as well as the specific right to seek pardon or commutation of the sentence.\(^44\) The ICCPR does not define what constitutes most serious crimes, hence, national governments had discretion to decide what acts constitute ‘most serious crimes’ and, as a result, many retentionist countries prescribe capital punishment for a variety of ‘ordinary crimes’, such as drug offences. The ECOSOC Safeguards specifies the scope of the crimes punishable by the death penalty as those that should not go beyond intentional crimes with lethal or other extremely grave consequences.\(^45\)

In 1995 Report of the Secretary-General recognised ‘the definition of the “most serious crimes” may vary in different social, cultural, religious and political contexts’.\(^46\) The Secretary-General emphasised that ‘the safeguards are intended to imply that the offences should be life-threatening, in the sense that this is a very likely consequence of the action’. The UN Human Rights Committee has indicated that the definition of ‘most serious crimes’ is limited to those directly resulting in death. The Committee’s Concluding Observations for Iran in 1993 stated that death penalty for crimes of an economic nature or for crimes that do not result in loss of life, is contrary to the Covenant.

Death penalty should not be imposed for non-violent acts such as financial crimes, non-violent religious practice or expression of conscience, or sexual relations between consenting adults.\(^47\) The issue that must accordingly be decided is whether the sentence in the instant case is compatible with article 6(2) of the Covenant, which allows for the imposition of the death penalty only for the most serious crimes’.\(^48\) Article 6 is non-derogable in its entirety; any trial leading to the imposition of the death penalty during a state emergency must conform to the provisions of the Covenant, including all the requirements of Articles 14 and 15.

### 10. Second Optional Protocol to the ICCPR

Accordingly, the UN has adopted the Second Optional Protocol to the ICCPR, which abolishes the death penalty during peacetime.\(^49\) Article 2 of the Second Optional Protocol provides that no reservation is admissible except for reservations made at the time of ratification or accession that provide for the application of the death penalty in time of war pursuant to a conviction for a most serious crime of a military nature committed during wartime.

A milestone was of course the adoption in 1989 of the Second Optional Protocol to the International Covenant on Civil and Political Rights3 in which States express an “international commitment to abolish the death penalty”.\(^50\) States parties guarantee not to execute anyone under its jurisdiction and to take all measures to abolish the death penalty.\(^51\) The optional protocol to the ICCPR stipulates that no reservation is allowed except for the application of the death penalty for most serious crimes of a military nature committed during wartime. A State Party, against whom a claim has been made by an individual under the Optional Protocol, is to respond to it within the time limit of six months set out in article 4 (2) and to submit to the Committee

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40 General Comment No. 06: The right to life (art. 6)
43 General Comment 6. Para 7.
44 General Comment 6. Also see Brett P &Mutzenberg P (2010:45).
48 Lubuto v Zambia Para 7.2.
50 See Preamble of the Optional Protocol.
51 Salama I (2010:2).
written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by the State.\textsuperscript{52} Mansaraj and Others v Sierra Leone the Committee reiterated in its conclusion that the state committed a grave breach of its obligations under the Optional Protocol by putting 12 of the authors to death before the Committee had concluded its consideration of the communication.\textsuperscript{53}

11. Duties of State Parties with Regards to the Right to Life

The protection of the right to life in article 4 also includes a duty for the state not to purposefully let a person die while in its custody.\textsuperscript{54} The government has a responsibility to protect all people residing under its jurisdiction.\textsuperscript{55} In \textit{Camargo v Columbia}\textsuperscript{56} and \textit{Eduardo Bleier v Uruguay},\textsuperscript{57} the Human Rights Committee held that the law must strictly control and limit the circumstances in which a person may be deprived of his life by the authorities since the state has a duty to protect life and that, where violations occur, there is a duty to establish what happened and to bring the culprits to justice and pay compensation.\textsuperscript{58}

The state member has a duty to investigate and investigations undertaken by the government are positive steps.\textsuperscript{59} The word investigation was interpreted as “an impartial procedure to establish the facts” or “aiming to clarify the facts” thus the phrase “procedure of international investigation” refers to an international body that sets out to establish the facts.\textsuperscript{60}

In Baboeram et al. v. Suriname the Committee found that 15 prominent persons had lost their lives as a result of the deliberate action of the military police that the deprivation of life was intentional and urged the State party to take effective steps (i) to investigate the killings of December 1982; (ii) to bring to justice any persons found to be responsible for the death of the victims) (iii) to pay compensation to the surviving families; and (iv) to ensure that the right to life is duly protected in Suriname.\textsuperscript{61}\textsuperscript{62}In its Concluding observations for the Russian Federation the Committee urged the State party to take the necessary measures to abolish the death penalty de jure at the earliest possible moment, and consider acceding to the Second Optional Protocol to the Covenant which abolished the death penalty.\textsuperscript{63}

The Committee also urged the State party to revise federal and state legislation with a view to restricting the number of offences carrying the death penalty strictly to the most serious crimes and to take appropriate steps to ensure that persons are not sentenced to death for crimes committed before they were 18.\textsuperscript{64} The former Commission on Human Rights and Special urged States that have criminalised same-sex relationships to repeal such laws so that death penalty may not be imposed for same-sex relations between consenting adults.\textsuperscript{65} The Committee recommended Iraq to abolish the death penalty for crimes which are not among the most serious crimes, in accordance with article 6(2) and to consider the total abolition of the death penalty.\textsuperscript{66} It also ordered the suspension of a decree\textsuperscript{67} without delay and to take steps to repeal it. The decree stipulates that the death penalty will be imposed on persons who have evaded military service several times, and that it contains retroactive provisions, contrary to article 15 of the Covenant.\textsuperscript{68}

Each State party undertakes “to ensure that any person whose rights or freedoms as herein recognised are violated shall have an effective remedy, notwithstanding that the violation has been committed by a person acting in an official capacity.”\textsuperscript{69} In its general comment No. 6 [16] adopted at its 378th meeting on 27 July 1982, the Human Rights Committee observed that the right to life enunciated in the first paragraph of article 6 of the International Covenant on Civil and Political Rights is the supreme right from which no derogation is permitted even in time of public emergency.\textsuperscript{70}

\textsuperscript{52} Human Rights Committee Ninety-fourth session Geneva, 13-31 October 2008 General Comment No33 Para 8
\textsuperscript{53}Mansaraj and Others v Sierra Leone Para 6.2.
\textsuperscript{54} International Pen and Others (on behalf of Saro-Wiwa v Nigeria.
\textsuperscript{55} See Communication 74/91, [Commission, Nationale des Droits de l’Homme et des Libertés v Chad] Para 21
\textsuperscript{56} Camargo v Columbia 45/79.
\textsuperscript{57} Eduardo Bleier v Uruguay 30/78.
\textsuperscript{58} Ramphal SS (1989 :42).
\textsuperscript{59} Amnesty International and Others v Sudan (2000).
\textsuperscript{62} Concluding observations of the Human Rights Committee: Russian Federation, 24 November 2009, CCPR/C/RUS/CO/6. Para 12/
\textsuperscript{66} Revolutionary Command Council Decree No. 115 of 25 August 1994 of Iraq.
\textsuperscript{68} The Optional Protocol to the International Covenant on Civil and Political Under article 2(3).
\textsuperscript{69} Human Rights Committee General Comment No. 14 Article 6 (Nuclear weapons and the right to life).
12. Conclusion

The discussion and exploration of the content of the ICCPR’s Article 6 has shown that the right to life is indispensable and is highlighted as such. However the sovereignty of countries with regards to the implementation and interpretation of international instruments tends compromise the imposition of capital punishment as well as the right to life, given that the ICCPR does not totally prohibit the death penalty, thereby leaving it to countries to decide whether to prohibit or impose the death penalty. This can be liable to abuse by leaders as they can decide which ones are the most serious crimes according to their domestic laws thereby watering down the effectiveness of Article 6 of the ICCPR.

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