



# Amnesty International

CANADA

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The Right Honourable Stephen Harper  
Prime Minister of Canada  
80 Wellington Street  
Ottawa, Ontario  
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November 6, 2007

Dear Prime Minister,

We are writing this open letter to you to express Amnesty International's deep concern about two significant reversals over the past week in Canada's policy of absolute opposition to the death penalty.

The death penalty has, of course, been abolished as a matter of practice in Canada for over four decades. Over that time, laws and policies were put in place to not only formally recognize abolition in Canada but to work towards reducing the use of the death penalty worldwide. That has included:

- The policy of seeking clemency when Canadian citizens are sentenced to death in other countries.
- The obligation to seek reliable assurances that the death penalty will not be used against individuals facing removal from Canada who are wanted on capital charges in other countries.
- The longstanding practice of co-sponsoring resolutions on the death penalty that were regularly adopted by the UN Commission on Human Rights.
- The ratification of the 2<sup>nd</sup> Optional Protocol to the International Covenant on Civil and Political Rights, dealing with abolition of the death penalty.

These strong international positions and leadership are consistent with the majority public view in Canada in favour of abolition. It is consistent as well with the approach taken by Canada's traditional allies with respect to international human rights concerns, including all states within the European Union.

It was with considerable regret and surprise, therefore, that we learned that your government has, in part, reversed policy in two of these areas. First, it was announced that clemency would no longer be requested when Canadian citizens have been sentenced to death in countries that are considered to be democratic and which provide fair trials.

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Next, we learned that Canada would vote in favour of, but not co-sponsor, the important resolution that has been tabled at the UN General Assembly, calling for a global moratorium on use of the death penalty. Seventy-five countries have indicated that they will co-sponsor this important and potentially ground-breaking resolution. It is astounding that Canada is not among them.

Both of these developments represent set-backs in Canada's international human rights record. That is obviously deeply regrettable with any government, perhaps doubly so with a country such as Canada which has such a strong global reputation when it comes to human rights. It is not too late, however. Both policies can be changed, and changed in time.

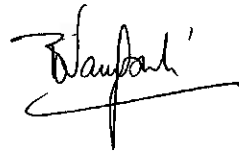
The policy on clemency has arisen in the context of the cases of Ronald Smith, a Canadian citizen facing the death penalty in Montana. No date has yet been set for Mr. Smith's execution. There is clearly still time, therefore, for Canada to intervene with a request for clemency. A decision not to do so would fly in the face of the spirit of the Supreme Court of Canada's 2001 ruling in *Burns and Rafay*, requiring Canada to seek and obtain reliable assurances that the death penalty would not be sought before agreeing to extradite anyone to a country where they face capital charges. It would be a travesty if Canadian law and practice were to require binding efforts to forestall use of the death penalty before a person of any citizenship is sent from Canada to another country, but no effort at all if a Canadian citizen is sentenced to death abroad.

The resolution on the death penalty at the current session of the UN General Assembly is not set to come up for vote until November 14<sup>th</sup>. Canada can still add its name to the list of co-sponsors. In doing so Canada will reaffirm that its unequivocal global position in support of abolition of the death penalty has not wavered. If, on the other hand, Canada chooses to refrain from co-sponsoring the resolution, the unfortunate and very troubling message conveyed is that Canada's resolve has in fact diminished. That will not be rectified by a subsequent positive vote in favour of the resolution. Co-sponsorship is the stage at which Canada has an opportunity to demonstrate that its firm commitment to abolition has not changed. We hope and expect that Canada will demonstrate that leadership.

Sincerely,



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