

## CHAPITRE 36

## La peine de mort

## MILESTONES :

Great Britain :

-1861 : Sir Robert Peel's Criminal Act reduced the number of capital crimes to four

-1908 and 1933 : death penalty was abolished under 16 and then under 18

-1965 : the Murder Act suspended capital punishment

USA :

-1972 : the Supreme Court decided that the death penalty violated the 8th and 14th amendments

-1979 : executions started again in Georgia, Florida and Texas

-1994 : Violent Crime Control and Law Enforcement Act, 60 crimes could lead to the death penalty

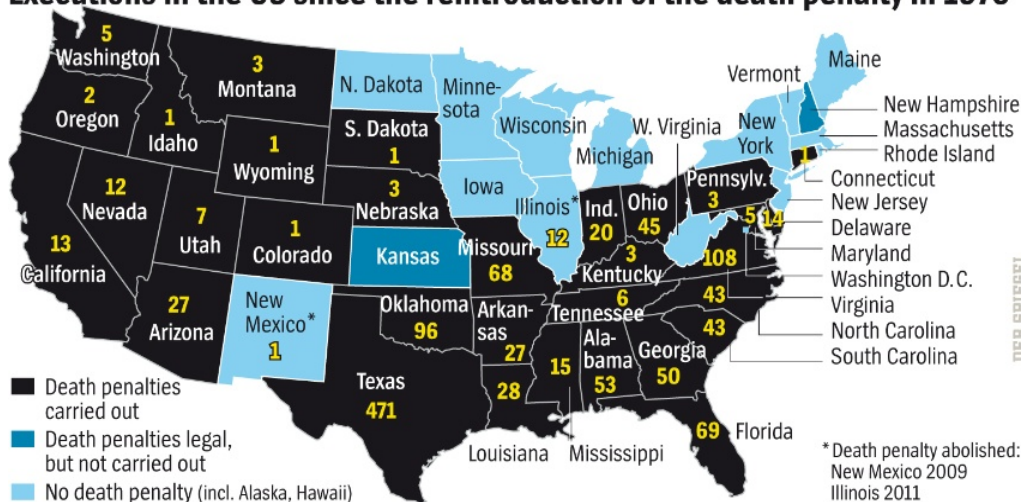
-1996 : Anti-Terrorism and Effective Death Penalty reduced the filing deadlines for the appellate process

In **Great Britain** criminals sentenced to death were most often hanged. In 1066 William the Conqueror decided that death penalty would be reserved to conspirators. During the reign of Henry VII capital punishment was massively used so that around 72 000 people were executed. With the **Capital Punishment Act** citizens could witness executions. The death penalty was enforced in the **1780s** with over 220 different crimes which could lead to this sentence.

Sir Samuel Romilly (1757-1818), the Solicitor-General, tried to reform the justice system. In 1861, Sir Robert Peel's **Criminal Act** reduced the number of capital crimes to four : murder, treason, arson in royal dockyards and piracy with violence. From **1908** death penalty was limited to people above 16 and above 18 from **1933**. The **1938 Criminal Justice Bill**, which suggested to suspend execution during 5 years, failed because of the Second World War. In **1965 the Murder Act** suspended the death penalty for five years and the limit was abolished in 1990. In 1999 and 2003 the Commons ratified the European Convention on Human Rights abolishing the death penalty.

In the **USA** the Divine, Moral and Martial Laws of 1612 allowed death penalty in Virginia. In the 1800s Jefferson failed to introduce a bill to reserve Virginia's death penalty for murder and treason. The electric chair was developed around 1888 as an alternative to hanging. After World War II the death penalty was criticized because it violated the 14th and 8th Amendment. In **1972** the Supreme Court decided to suspend the capital punishment. However states tailored legislations so that death penalty was reduced to specific crimes. They provided two-stage trials in order to avoid miscarriages of justice. In 1979, the Court approved the new statutes of Georgia, Florida and Texas so that executions could start again. Now 38 states and the federal government have capital punishment laws in effect.

## Executions in the US since the reintroduction of the death penalty in 1976



In 1994, Clinton signed the **Violent Crime Control and Law Enforcement Act** in which 60 crimes could lead to capital punishment. The **Anti-Terrorism and Effective Death Penalty Act** of 1996 established tighter filing deadlines for the appellate process. A defendant must finish all appeals in state courts before going in the federal courts. This explains that the procedure, called « exhaustion of remedies », takes 11 years on average between sentencing and execution. Lethal injection is the most common form of execution.

New Mexico and Alaska apply a life sentence without parole instead of death penalty. In 2005 the Supreme Court abolished the death penalty for people under 18 when they committed their crime. However there is a shift of attitude as it appears with the 2003 moratorium on executions in Illinois or yet the proposed legislation to provide defendants with adequate counsel.