

# Sujet n° 3 : la peine de mort

Centrale – Filière TSI – 2012

Rédigez en anglais et en 500 mots environ une synthèse des documents proposés. Vous indiquerez avec précision à la fin de votre synthèse le nombre de mots qu'elle comporte. Un écart de 10 % en plus ou en moins sera accepté.

Votre travail comportera un titre comptabilisé dans le nombre de mots.

## Document 1 : Execution fuels row over death penalty

### Opponents say case of Troy Davis is a wake-up call to US politicians.

Ed Pilkington Jackson, Georgia

In statistical terms, it may have been just another execution. But, on the morning after the death by lethal injection of Troy Davis, there was no sign that the controversy over the case would be buried with him.

Davis was sent to his death despite a mass of evidence that left his 1991 conviction in doubt, including recantations from seven of the nine key witnesses at his trial for the murder of a police officer.

The execution has provoked an extraordinary outpouring of protest in Georgia, at the supreme court and White House in Washington, and in cities around the world. Relatives of Davis and civil rights leaders across the south vowed to fight on with the campaign to have the death penalty abolished. Richard Dieter, director of the Death Penalty Information Centre, said it was a clear wake-up call to politicians across the US.

"They weren't expecting such passion from people in opposition to the death penalty," he said. "There's a widely held perception that all Americans are united in favour of executions, but this message came across loud and clear that many people are not happy with it."

Brian Evans of Amnesty, which led the campaign to spare Davis's life, said that there was a groundswell in America of people "who are tired of a justice system that is inhumane and inflexible and allows executions where there is clear doubt about guilt".

He predicted the debate would now be conducted with renewed energy.

Martina Correia, Davis's sister, who kept vigil at the prison until the end, said that a movement had been formed that would transcend her brother's death. Sitting in a wheelchair as she battles cancer, she said: "If you can get millions of people to stand up against this, we can end the death penalty."

But so far national politicians have refrained from entering the debate. White House press secretary Jay Carney said: "It is not appropriate for the president of the United States to weigh in on specific cases like this one, which is a state prosecution."

Rick Perry, the leading contender for the Republican nomination and a strong supporter of the death penalty, has made no public statement on the Davis case. His presence in the Republican race guarantees that the issue of capital punishment will remain in the spotlight in a way it hasn't for years.

Davis was executed for the 1989 murder of Mark MacPhail, who was working off duty as a security guard when he intervened to help a homeless person being attacked. Davis was implicated by another man, Sylvester Coles. But key witnesses have come forward to say their evidence was wrong, and others have testified under oath that Coles was the killer.

Raphael Warnock, pastor of the Ebenezer Baptist church in Atlanta, where Martin Luther King had his ministry, said: "Through this, America is being transformed. This is one of those watershed moments when a human evil and injustice that is part of the norm suddenly becomes questioned and challenged."

*The Guardian Weekly*, September 30th 2011.

## Document 2 : Capital punishment : Dying out

Republican candidate for the presidency, Rick Perry, is governor of Texas, the state that uses it most. The state has carried out a record 236 executions in his nearly 11 years as governor. Mr Perry says he loses no sleep over it, and many voters feel the same.

But the abolitionist trend seems inexorable. In March Illinois became the fourth state in four years to scrap<sup>3</sup> the death penalty. Maryland, Connecticut and California may follow suit. Squeezed state budgets are eroding enthusiasm. The cost of fighting protracted legal battles and maintaining separate facilities for those condemned to death looks increasingly unaffordable when schools and libraries are being closed. California alone has more than 700 people on death row.

Bryan Stevenson, founder of the Equal Justice Initiative, a pressure group that espouses abolition, ascribes increasing unhappiness over the death penalty to a long-term growth in sensitivity to human rights. A growing number mind that the death penalty in America falls disproportionately on Blacks and poor people. The chance that innocent folk may be executed counts for more, with many, than the deterrent effect of capital punishment (itself questioned by academic studies). Cruesome details about the mechanics of executions also stoke public disquiet.

Pressure to get into international clubs has also propelled abolition. The Council of Europe, a Strasbourg-based talking shop that requires members to accede to the European Convention on Human Rights, has made the death penalty a bar to membership. That (plus other things such as election rigging) has left Belarus's application with rigor mortis.

*The Economist*, September 24th 2011.

Little by little, countries are ditching<sup>1</sup> the death penalty

On September 19th Abdul Hamid al-Fakki, a Sudanese, was executed in Saudi Arabia for the crime of "sorcery". On September 21st Troy Davis, a black man convicted of shooting an off-duty white policeman, was executed in the American state of Georgia. Protests that the evidence against him was flawed proved fruitless.

Despite these cases the death penalty, on the statute books since the days of Hammurabi, is disappearing in much of the world. More than two-thirds of countries have done away with it either in law or in practice. The latest is Benin. In August the west African country committed itself to abolishing capital punishment permanently. The number of countries that carry out judicial killings fell from 41 in 1995 to 23 in 2010, according to Amnesty International, a pressure group. China (chiefly), Iran, North Korea, and Yemen accounted for most of the executions. Votes against the death penalty at the UN General Assembly have passed with big and growing majorities since 2007. Capital punishment has virtually gone in Europe (only Belarus still uses it, most recently in July). This year China whittled down<sup>2</sup> its list of crimes punishable by death.

Yet for all the apparent momentum, capital punishment remains entrenched in the Middle East and North Africa, and in parts of Asia, notably China. Jacqueline Macalesher of Penal Reform International, a lobby group, thinks the Arab Spring could be a new spur to abolition, though she worries that executing political enemies may prove attractive in the short run.

The other big exception is America, where two-thirds of states still have the death penalty. A leading

1. To ditch: to get rid of; here: to abolish.
2. To whittle down: to reduce.
3. To scrap: to get rid of; here: to abolish.

## Document 3 :

### Two Gallup poll charts on opinions in the United States

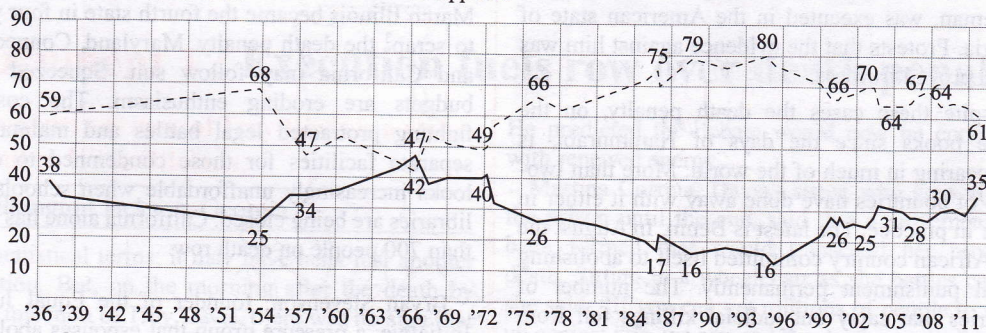
October 13, 2011

*Are you in favor of the death penalty for a person convicted of murder?*

1936-2011 trend

----- % In favor

———— % Opposed



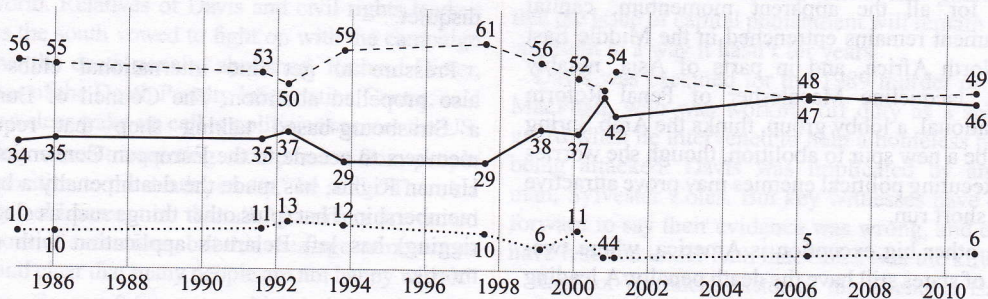
November 8, 2010

*If you could choose between the following two approaches, which do you think is the better penalty for murder?*

----- % The death penalty

———— % Life imprisonment, with absolutely no possibility of parole

..... % No opinion





## Travail préparatoire

### Comprendre et reformuler

#### 1. Vocabulaire des textes

<i>to fuel a row</i>	attiser une controverse
<i>a controversy</i>	une polémique
<i>controversial (adj.)</i>	polémique
<i>recantation</i>	rétractation
<i>a witness to/the key-witness</i>	un témoin de/le témoin principal
<i>an outpouring of protest</i>	un déluge de protestations
<i>to fight on</i>	continuer la lutte
<i>a wake-up call</i>	un avertissement
<i>a groundswell of people</i>	une lame de fond/un mouvement de masse
<i>to stand up against</i>	s'élever contre
<i>to refrain from +ing</i>	s'abstenir de
<i>to weigh in on</i>	peser dans
<i>to make a public statement</i>	faire une déclaration publique
<i>to remain in the spotlight</i>	rester sous les feux de la rampe/d'actualité
<i>to implicate</i>	impliquer, compromettre
<i>to come forward</i>	se présenter comme
<i>to testify under oath</i>	témoigner sous serment
<i>watershed moments</i>	moments décisifs

#### 2. Réformulation des idées-clés

##### Article 1:

##### Execution fuels row over death penalty

*Opponents say case of Troy Davis is a wake-up call to US politicians*

In statistical terms, it may have been just another execution. But, on the morning after the death by lethal injection of Troy Davis, there was no sign that the controversy over the case would be buried with him.

Davis was sent to his death despite a mass of evidence that left his 1991 conviction in doubt, including recantations from seven of the nine key witnesses at his trial for the murder of a police officer.

*One more execution in the world yet it has revived the debate about the death penalty in the US.*

*Troy Davis was executed despite evidence of his possible innocence.*

## fiche de civilisation

### La peine de mort aux États-Unis

- **Abolition et réintroduction** : après avoir été jugée contraire au 8<sup>e</sup> amendement à la Constitution qui interdit tout châtement cruel ou exceptionnel et donc suspendue par la Cour Suprême en 1972, la peine de mort fut rétablie en 1976.
- **Utilisation** : à ce jour elle reste utilisée par deux-tiers des états, soit 33 états sur 50.
- **Raison d'être** : les principaux arguments pour le maintien de la peine de mort sont que le châtement suprême est la seule réponse proportionnée au crime suprême, le meurtre; qu'elle a un effet dissuasif; qu'elle supprime le risque de récidive.
- **Inégalités raciales** : la peine de mort frappe de façon disproportionnée les minorités, noires ou hispaniques. En effet, 42 % des prisonniers des couloirs de la mort sont noirs, alors qu'ils ne représentent que 12 % de la population; un Noir qui a tué un Blanc a bien plus de risques d'être condamné à mort que l'inverse.
- **Inégalités territoriales** : de plus en plus d'états l'ont suspendue ou ont imposé un moratoire, mais d'autres continuent à l'appliquer régulièrement : en 2007, 60 % des exécutions ont eu lieu dans le seul état du Texas. D'autre part, les peines varient énormément d'état à état, et même selon le comté où l'on est jugé.
- **Inégalités d'application** : en Californie par exemple, seuls 6 à 8 % des prisonniers éligibles à la peine capitale sont effectivement condamnés à mort mais certains crimes ont des taux de 100 % ou presque (comme les meurtres de policiers ou d'enfants) alors que la loi ne fait aucune différence entre la qualité des victimes.
- **Coût** : la peine de mort coûte cher au contribuable car les peines ne sont pas immédiatement exécutées (ex : Troy Davis (doc 1) a attendu 22 ans dans les couloirs de la mort) et d'autre part, elle est précédée d'une série d'appels en justice très coûteux, qui font que cela revient 10 fois plus cher de condamner quelqu'un à mort que de le condamner à la perpétuité. En Californie par exemple, le coût total par execution est estimé à 250 millions de dollars.
- **Erreurs judiciaires** : 125 condamnés à mort ont été relâchés entre 1976 et 2008, innocentés grâce à un test ADN ou pour manque de preuves ou encore vice de procédure.

*'cruel and unusual punishment'*

*an eye for an eye;  
to act as a deterrent;  
to eliminate the risk  
of re-offending*

*to impose a  
moratorium on  
executions*

*cop killers are  
among the most  
likely to be executed*

*to be on death row*

*the different stages  
include: pre-trial,  
jury selection, trial,  
automatic appeals,  
clemency procedures*

*a miscarriage  
of justice*

*a DNA exoneration/  
a DNA test*

- **Opinion publique** : même si 60 % des Américains sont encore favorables à la peine de mort, 46 % prônent la prison à vie sans liberté conditionnelle.
- **Détails techniques** : la chaise électrique, moyen d'exécution le plus utilisé par le passé, a été remplacée par l'injection létale, après que des exécutions ratées ont mis en évidence, par le biais de films diffusés sur Internet, le côté barbare et inhumain de ce châtiment.
- **Restrictions légales** : la Cour Suprême a déclaré illégale la peine capitale pour les mineurs et les handicapés mentaux (mais l'exécution en 2010 de Teresa Lewis, une femme avec un QI très faible accusée d'être le cerveau d'un double meurtre en Virginie, a montré les limites de cette restriction).
- **En baisse** : le nombre d'exécutions en 1999 était de 98 contre 42 en 2007.

### Sources

- « Aux États-Unis, la peine de mort est une continuation de la ségrégation raciale », *Le Monde*, 10 octobre 2011.
- "High cost of Death Row", *New York Times*, September 2009.
- The Death Penalty Information Center.

*life imprisonment  
without parole*

*the electric chair*

*lethal injection*

*botched executions*

*barbaric and  
inhumane*

*juvenile offenders  
and mentally  
retarded persons*