

NHSMUN50

National High School Model United Nations



UNHRC

UPDATE PAPER

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Dear Delegates,

I welcome you to the United Nations Human Rights Council (UNHRC)! My name is Pravalika Chintakindi, and I will be your Assistant Director for Session I for NHSMUN 2024! This is my first year on staff, but it will be my fourth year attending the conference. I attended NHSMUN three out of my four years in high school as a delegate in IFAD, CCPCJ, and UNRWA, and I loved every minute of them!

I am a freshman at Rutgers University in New Jersey, studying computer engineering with a minor in computer science. I'm deeply interested in tech and how people creatively utilize their skills to make discoveries to improve the world. Space exploration has always amazed me since I was a kid, so I hope to get a job that ties my interests together! Outside of school, I love spending time with my friends and family, whether watching a movie, playing games, listening to music, or talking with each other. I am also a huge food lover, so I enjoy cooking and trying out new cuisines to destress and relax!

After being a part of MUN for a few years now, it has contributed to my life in more ways than I had initially thought. Not only did it help me build my communication skills and how I present myself, but it also helped me gain more confidence, build my network, and change my perspective on how I think after meeting so many new people. Additionally, by exploring global issues, I can keep myself updated and informed about all that is changing worldwide. Engaging in MUN sparked a deeper understanding of diverse viewpoints and cultures. Moreover, the rigorous debates and conversations during committee sessions have helped me develop my creative thinking skills, which I have found very helpful in my daily life.

The topics chosen to be discussed during our committee this year are: "The Promotion and Protection of Human Rights in Nicaragua" and "The Impact of the Death Penalty on Human Rights." Both of these are of utmost importance and highly relevant. I am eager to witness the fantastic debate you will hold and the unique solutions that will be developed. Best of luck, and I look forward to meeting you all very soon!

Best,

Pravalika Chintakindi

United Nations Human Rights Council

Session I

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Ellie White

Dear Delegates,

My name is Maria Fernanda Lorenzo, but I prefer being called Maria or Fer. Welcome to the United Nations Human Rights Council (UNHRC)! I am this year's Assistant Director for Session II, and I could not be more excited. This is my first NHSMUN as a staff member. However, I attended twice as a delegate in Legal and the Food and Agriculture Organization at NHSMUN 2023 and NHSMUN 2022. I cannot wait to be blown away by your talents at the conference! I am excited to create an environment that prioritizes education and learning.

I live in Mexico City and am studying medicine at Universidad Panamericana. Outside of school, many of my hobbies relate to music, as I love to play the piano and guitar. I also love figure skating! As a delegate, I understand that attending NHSMUN can be very exciting but also nerve-wracking. Remember to keep an open mind as you prepare and discuss these critical topics, as all delegates share a similar goal. This will also allow you to meet some fantastic people, which is the highlight of Model UN conferences for me!

My fellow Assistant Director, Pravalika, and I are pleased to bring you an Update Paper that contains recent information relevant to the topics in UNHRC. In addition to the Background Guide, this paper provides a strong foundation for the topics discussed at the conference. However, remember to keep researching and staying up-to-date on these ever-changing topics.

I wish you the very best at this year's conference!

Sincerely,

Maria Fernanda Lorenzo

United Nations Human Rights Council

Session II

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NHSMUN 2024

TOPIC A: PROMOTION AND PROTECTION OF HUMAN RIGHTS IN NICARAGUA

Photo Credit: Jorge Mejía Peralta

Introduction

The human rights crisis in Nicaragua is a pressing concern.¹ In 2018, mass protests began in the country due to the social security changes made by the current president, Daniel Ortega. These changes included tax increases and reductions in social security benefits. Protestors were met with violence, including attacks from members of Ortega's political party, the Sandinista National Liberal Front. Today, issues include cases of mass migration and the seizure of religious and educational institutions by the government.²

It is essential to stay informed on these recent issues to fully understand the situation and create possible solutions. In 2023, 164,600 migrants entered the United States from Nicaragua.³ Furthermore, the government has recently sanctioned violence on religious institutions, including the Catholic Church. In total, 667 aggressions have been recorded against the Catholic Church. 2023 was the worst year for the Catholic Church in terms of violence from Ortega's regime.⁴ These issues have occurred due to human rights violations in Nicaragua. If not addressed, these circumstances will worsen and contribute to further issues.

Nicaragua's Current Migration Crisis and Economy

Nicaragua is currently facing a significant migration crisis and economic troubles.⁵ Due to government violence and economic decline, many citizens feel forced to leave the country. Recent attacks on civic and religious leaders and the removal of many businesses' legal status have added to this growing total.⁶ In November 2023, 23 percent of Nicaraguans expressed that they had considered emigrating from the country. This is a

considerable number of people, as Nicaragua has a population of 6.2 million.⁷ These migrants face a variety of challenges throughout their journey. However, they must overcome these obstacles to find a safe living place.

Many migrants seek to live in the United States. Specifically, from 2021 to 2023, 7.5 million migrants arrived at the United States border. These migrants come from countries like Mexico, Chile, and Nicaragua.⁸ Additionally, citizens from other countries use Nicaragua as a 'way-through' to their final destination. This means that migrants from other countries enter Nicaragua to use it as a passage to get to their desired location. For example, Cubans and Haitians use Nicaragua as a way-through because it is one of the few countries that does not require a visa.⁹ Between June and October of 2023, there were 60,000 arrival flights to Nicaragua, most of which were from Cuba or Haiti.¹⁰ Since January 2023, Nicaragua has been a way-through for about 100,000 migrants.¹¹

How President Ortega has dealt with this many migrants has raised concerns. Ortega has been accused of 'weaponizing' the migrants that have entered Nicaragua by ensuring that they are sent to the United States. This is a response from Ortega

1 "The Human Rights Situation in Nicaragua Continues to Erode. United Nations Assistant Secretary-General for Human Rights Tells the Human Rights Council," *United Nations Human Rights Council*, March 3, 2023, <https://www.ohchr.org/en/news/2023/03/human-rights-situation-nicaragua-continues-erode-united-nations-assistant-secretary>.

2 "2023: the 'most dismal year' for attacks on the Catholic Church," *Divergentes*, last modified October 17, 2023, <https://www.divergentes.com/2023-the-most-dismal-year-for-attacks-on-the-catholic-church/>; Ismael Lopez, "Remittances from Nicaraguan migrants mark new record, passing \$4 billion," *Reuters*, December 27, 2023, <https://www.reuters.com/world/americas/remittances-nicaraguan-migrants-mark-new-record-passing-4-billion-2023-12-27/>.

3 Lopez, "Remittances from Nicaraguan migrants mark new record, passing \$4 billion."

4 *Divergentes*, "2023: the 'most dismal year' for attacks on the Catholic Church."

5 Associated Press, "About Half of Nicaragua's Population Wants to Emigrate, Study Says," *Voa News*, November 30, 2023, <https://www.voanews.com/a/about-half-of-nicaragua-s-population-wants-to-emigrate-study-says-/7379826.html>.

6 Manuel Orozco and Patrick Springer, "An Unprecedented Migration Crisis: Characterizing and Analyzing its Depth," *The Dialogue*, last modified November 1, 2023, <https://www.thedialogue.org/blogs/2023/11/an-unprecedented-migration-crisis-characterizing-and-analyzing-its-depth/>.

7 Associated Press, "About Half of Nicaragua's Population Wants to Emigrate, Study Says."

8 Orozco and Springer, "An Unprecedented Migration Crisis: Characterizing and Analyzing its Depth."

9 Megan Janetsky, "Nicaragua is 'weaponizing' US-bound migrants as Haitians pour in on charter flights, observers say," *AP News*, October 24, 2023, <https://apnews.com/article/cuba-nicaragua-migration-charter-flights-daniel-ortega-3abf2fc16e51e86eb8b25c913b8ec464>.

10 Orozco and Springer, "An Unprecedented Migration Crisis: Characterizing and Analyzing its Depth."

11 Orozco and Springer, "An Unprecedented Migration Crisis: Characterizing and Analyzing its Depth."

to the sanctions that the United States has supported against his regime.¹² For example, United States President Joe Biden threatened to remove Nicaragua from the Central American Free Trade Agreement.¹³ This agreement between the United States and a small group of developing countries aimed to create better economic opportunities for all. Nicaragua would face tariffs and additional barriers to creating new markets and partnerships without participation in this agreement. Currently, Nicaragua is responsible for 10 percent of all migration at the United States-Mexico border.¹⁴ This raises serious concerns for the security of overseas borders and the migrants hoping to reach their final destinations.

Despite these challenges, many organizations are currently working to ensure the well-being of refugees. For example, the Nicaraguan American Human Rights Alliance (NAHRA) is a not-for-profit organization that promotes and defends the human rights of Nicaraguan migrants and refugees.¹⁵

Ongoing efforts at NAHRA include helping migrants fill out paperwork, translating between languages, and visiting detained asylum seekers.¹⁶ Organizations such as NAHRA are crucial in combating the current migration crisis in Nicaragua and ensuring the safety of all those seeking asylum.

Nicaragua's economy plays a vital role amidst the current migration crisis. Manufacturing, services, and agriculture are all critical sectors of Nicaragua's economy.¹⁷ Nicaragua is an open economy, meaning its assets, goods, and services are traded internationally. However, its economy is highly vulnerable to shocks and natural hazards. This means that the supply, demand, and prices of goods change significantly based on events in the country.¹⁸ Specifically, economic growth in Nicaragua is expected to slow down during 2024. This is because of the declining workforce due to mass migration, measured by the growing unemployment and poverty rates.^{19,20}

The World Bank also supports poverty reduction measures

12 Gus Contreras, Justine Kenin, and Mary Louise Kelly, "How Nicaragua is weaponizing immigration to the U.S.," *NPR*, January 4, 2024, <https://www.npr.org/2024/01/04/1222951949/how-nicaragua-is-weaponizing-immigration-to-the-u-s>.

13 Juan Gonzalez, *The Current Migrant Crisis: How U.S. Policy Toward Latin America Has Fueled Historic Numbers of Asylum Seekers* (Chicago: Great Cities Institute, October 2023), <https://greatcities.uic.edu/wp-content/uploads/2023/10/The-Current-Migrant-Crisis-Report-Finalized-2.pdf>.

14 Contreras, Kenin, and Kelly, "How Nicaragua is weaponizing immigration to the U.S."

15 "About Us," Nicaraguan American Human Rights Alliance, accessed January 16, 2024, <https://www.nahraglobal.org/en/home.html>.

16 Nicaraguan American Human Rights Alliance, "About Us."

17 "The World Bank In Nicaragua," The World Bank, last modified October 4, 2023, <https://www.worldbank.org/en/country/nicaragua/overview>.

18 International Monetary Fund, "Nicaragua: Staff Concluding Statement of the 2023 Article IV Mission," news release, November 22, 2023, <https://www.imf.org/en/News/Articles/2023/11/22/cs-112223-nicaragua-staff-concluding-statement-of-the-2023-article-iv-mission>.

19 International Monetary Fund, "Nicaragua: Staff Concluding Statement of the 2023 Article IV Mission."

20 Lopez, "Remittances from Nicaraguan migrants mark new record, passing \$4 billion."



Daniel Ortega, among other president

Credit: PresidenciaMX 2012-2018

through the International Development Association (IDA). The IDA assists in sustainably distributing Nicaragua's limited resources.²¹ By leveraging local initiatives, the IDA aims to reduce poverty rates and decrease the number of migrants leaving the country.

On December 20, 2023, the economic ties between Nicaragua and China were strengthened. This means that China will provide more financial support to Nicaragua.²² This support is needed because of the sanctions that Nicaragua faces due to its human rights violations. Many UN member states, including the United States, Canada, and the United Kingdom, have sanctioned Nicaragua. In December, Chinese President Xi Jinping announced the formation of the China-Nicaragua Free Trade Agreement. Xi Jinping stated that he is willing to work with President Ortega to build a strategic partnership for economic development and mutual benefit.²³ The China-Nicaragua Free Trade Agreement took effect on January 1, 2024. Since China is one of the major investors in Central and Latin America, this is a significant help to Ortega's regime. It also mitigates the economic pressure inflicted by the United States. Therefore, despite the migration from Nicaragua, the country may remain economically sound due to the recent support from China.

Nevertheless, international support is not the only factor keeping Nicaragua's economy afloat. In fact, many Nicaraguans who successfully migrated to other countries send back remittances to Nicaragua.²⁴ A remittance is a payment made from one person or party to another, mainly when the sender and recipient are in different countries.²⁵ Remittances are essential, as they allow a migrant from one country to support friends and family who may still be in the country from which they migrated. In December 2023, USD 4.24 billion in remittances were sent to Nicaragua. This is 47 percent more than the total amount sent in 2022, which shows a growing

desire for Nicaraguan migrants to support their friends and family in the country. However, these funds have also supported its economy and have been considered an economic 'lifeline.'²⁶ This is important to note, as it shows the relationship between migration and economic growth in Nicaragua. On one hand, many citizens are leaving the country, contributing to the declining workforce. However, the remittances sent from those who have successfully migrated have helped stimulate the economy. Yet, should this migration continue at its current rate, fewer remittances may be sent, which can cause further troubles. Therefore, defending human rights throughout Nicaragua is essential, as mass migration can fuel economic uncertainty and impact those residing there. Delegates must consider the multiple factors that affect migration and the economy when brainstorming solutions for this issue.

Violence Against the Catholic Church and Education

Violence and oppression threaten religious freedom in Nicaragua. In 2023, the Catholic Church of Nicaragua faced its highest number of attacks from Ortega's regime, with a total of 667 recorded attacks. 214 of these attacks were against priests, bishops, and other members of the Church. The aggressions they faced included death threats, defamation, and intimidation. Additionally, eight priests were captured and sent to El Nuevo Chipote Prison between May and October of 2023. There have been reports of torture and human rights violations against inmates in this prison. Attacks against physical churches included fires, looting, and the immobilization of their bank accounts.²⁷ Due to the bank account freezing, the Church's national fund for priests could not pay out pensions to older priests.²⁸ This is alarming, as pensions are essential for one's financial stability in their older

21 The World Bank, "The World Bank In Nicaragua."

22 Joe Cash, "Nicaragua upgrades ties with China, seeks financial support amid Western sanctions," *Reuters*, December 20, 2023, <https://www.reuters.com/world/nicaragua-upgrades-ties-with-china-seeks-financial-support-amid-western-2023-12-20/>.

23 Cash, "Nicaragua upgrades ties with China, seeks financial support amid Western sanctions."

24 Lopez, "Remittances from Nicaraguan migrants mark new record, passing \$4 billion."

25 Chris Murphy and Khadija Khartit, "Remittance: What It Is and How to Send One," Investopedia, last modified August 12, 2022, <https://www.investopedia.com/terms/r/remittance.asp>.

26 Lopez, "Remittances from Nicaraguan migrants mark new record, passing \$4 billion."

27 Divergentes, "2023: the 'most dismal year' for attacks on the Catholic Church."

28 Eduardo Berdejo, "6 things you should know about the persecution of the Catholic Church in Nicaragua," *Catholic News Agency*, August 27, 2023, <https://www.catholicnewsagency.com/news/255173/6-things-you-should-know-about-the-persecution-of-the-catholic-church-in-nicaragua>.



Universidad Centroamericana

Credit: Chenanhe

years.

Additionally, records show that authorities prevented the Church from receiving a USD 500,000 donation from the Catholic Relief Services, an international humanitarian agency.²⁹ This further demonstrates that Ortega's regime is threatening the financial stability of the Catholic Church, which is extremely important for its continued operation. Furthermore, Catholic media sources were forcefully closed to prevent their voices from reaching an international audience. Most of these actions were unwarranted. However, the likely reason behind them is Ortega's desire to silence any voices that speak out against the current state of the country.³⁰

In December 2023, the Nicaraguan government forcefully arrested Father Silvio Fonesca. Fonesca was known for openly criticizing the government's violence against the Catholic Church.³¹ This shows Ortega's will to silence opposing voices in the country. On December 24, 2023, the government sentenced six former employees of the Catholic charity group Caritas to six years of imprisonment on baseless money laundering charges. Groups such as these are essential in sustaining Catholic organizations, and Nicaragua's arrest of this

personnel can pose a severe threat to the health of the Catholic Church in the country. This systematic oppression not only undermines religious liberties, but also harms the well-being of the people of Nicaragua. In response, the United States Commission on International Religious Freedom (USCIRF) strongly condemned the Nicaraguan government for these actions in January 2024. The USCIRF made it clear that they cannot support Ortega's silencing of religious voices that speak out against his regime. USCIRF Commissioner Frank Wolf also urged the US Congress to pass the bipartisan Restoring Sovereignty and Human Rights in Nicaragua Act of 2023. As of now, the bill has only been introduced. However, if passed, it will expand the United States' ability to sanction the officials responsible for the religious violence in Nicaragua.³²

Raising awareness about this violence is necessary. Recent efforts have kept the public informed. In November 2023, the Initiative on Catholic Social Thought and Public Life hosted a dialogue regarding the religious situation in Nicaragua. This organization is part of Georgetown University, a Catholic and Jesuit university in the United States. It looks to address socio-economic hardships and maintain religious integrity.³³

²⁹ Berdejo, "6 things you should know about the persecution of the Catholic Church in Nicaragua."

³⁰ Divergentes, "2023: the 'most dismal year' for attacks on the Catholic Church."

³¹ Ewelina Ochab, "Nicaraguan Government Expels Arbitrarily Detained Priests," *Forbes*, January 6, 2024, <https://www.forbes.com/sites/ewelinaochab/2024/01/06/nicaraguan-government-expels-arbitrarily-detained-priests/?sh=352f4e057ef0>.

³² Ochab, "Nicaraguan Government Expels Arbitrarily Detained Priests."

³³ "Georgetown Hosts Dialogue Responding to Persecution of Catholic Church, Jesuits in Nicaragua," *Georgetown University*, November

The dialogue recapped Ortega's attack on the Universidad Centroamericana (UCA), a Catholic university in Nicaragua. This occurred on August 16, 2023, when the university was shut down and property seized.³⁴ This left roughly 9,500 undergraduate students without an educational institution.³⁵ Additionally, all classes and administrative activities were suspended, and its property and financial accounts were transferred to the Ortega regime.³⁶ This contributes to the decline of fundamental human rights, such as religious freedom and education. During the dialogue, Mathew Carnes, an associate professor and Latin America expert, said, "This is not something we're frozen in forever. That vision is more important than our voice and our dollars. It is the thing that nobody can take away from us, and desperately, people in Nicaragua want to know we have with them: our prayers, our solidarity and our sense of vision of who we can be."³⁷ This statement shows that this issue can be addressed with collective support and action. For example, the campaign #TodosSomosUCA raises funds to support the students who can no longer attend UCA Nicaragua.³⁸ This will be important in ensuring that those who are impacted by the religious violence in Nicaragua can receive enough support to continue their education.

Closing UCA Nicaragua caused many issues, as it was one of Central America's top private universities known for helping the country's National Academy of Sciences. Nicaragua's National Academy of Sciences sponsors many courses for teachers and journalists and hosts debates.³⁹ These debates center on major problems like the COVID-19 pandemic and climate change. The National Academy of Sciences also discusses major national projects in Nicaragua, such as constructing an interoceanic canal.⁴⁰ This causes further issues

for Nicaragua's development, as the government has closed a university that was a leading voice in an important national scientific organization.

The government monitored the university's actions and regulated research efforts, especially in the social sciences. Researchers were prohibited from accessing public records and faced criminal prosecution if they disobeyed.⁴¹ This prevented scholars from publishing important research that could have contributed to social and scientific advancements.

The violence against religion in Nicaragua has a direct negative impact on its education system, which poses a threat to prospective learners. More than 3,000 organizations have been shut down over the past two years for being a potential threat to Ortega's regime.⁴² Many include religious groups, NGOs, and affiliated bodies that speak out against Ortega's actions. These groups must receive international support to continue reporting on the human rights situation in Nicaragua.

Conclusion

The human rights issues in Nicaragua are a significant concern. As seen in recent updates, human rights violations have added to the growing migration crisis in the country. This migration can contribute to economic decline as more workers leave the country. However, the ever-increasing remittances sent back to Nicaragua have provided financial support.⁴³ If not handled carefully, however, the migration crisis can bring extreme economic consequences in Nicaragua's future, such as a massive labor shortage.

In fear of growing opposition, Ortega has attempted to shut down organizations that speak out against him. This includes

16, 2023, <https://www.georgetown.edu/news/georgetown-hosts-dialogue-responding-to-persecution-of-catholic-church-jesuits-in-nicaragua/>
34 Kevin Clarke, "Jesuit university in Nicaragua shut down by Ortega government," *America The Jesuit Review*, August 16, 2023, <https://www.americamagazine.org/politics-society/2023/08/16/jesuit-university-managua-nicaragua-ortega-murillo-government-245882>.

35 Clarke, "Jesuit university in Nicaragua shut down by Ortega government."

36 The Brussels Times with Belga, "Nicaragua Confiscates property of Jesuit university, accusing it of terrorism," *The Brussels Times*, August 16, 2023, <https://www.brusselstimes.com/648022/nicaragua-confiscates-property-of-jesuit-university-accusing-it-of-terrorism>.

37 "Georgetown Hosts Dialogue Responding to Persecution of Catholic Church, Jesuits in Nicaragua."

38 "In Solidarity with the People of UCA Nicaragua," Todos Somos UCA, accessed January 22, 2024, <https://www.jesuitscentralsouthern.org/support-us/uca-nicaragua/>.

39 Káta Karáth, "Government seizure of Nicaraguan university a blow to science, researchers say," *Science*, August 25, 2023, <https://www.science.org/content/article/government-seizure-nicaraguan-university-blow-science-researchers-say>.

40 Karáth, "Government seizure of Nicaraguan university a blow to science, researchers say."

41 Karáth, "Government seizure of Nicaraguan university a blow to science, researchers say."

42 The Brussels Times with Belga, "Nicaragua Confiscates property of Jesuit university, accusing it of terrorism."

43 Lopez, "Remittances from Nicaraguan migrants mark new record, passing \$4 billion."

religious, educational, and civic groups, which are essential for Nicaragua's development.⁴⁴ Ortega has also shut down schools that are religiously affiliated, which causes a decline in education overall. The criminalization of religious leaders and persecution of education in Nicaragua is a problem that has catastrophic consequences. It not only affects the country's prosperity and culture but also its education and access to information. Actions must be taken to support the future of Nicaraguans. While groups such as the USCIRF are looking to levy sanctions on those responsible for the violence, delegates are encouraged to brainstorm novel solutions to this issue. The culmination of these ideas will help define the best course of action for human rights in Nicaragua moving forward.

⁴⁴ The Brussels Times with Belga, "Nicaragua Confiscates property of Jesuit university, accusing it of terrorism."



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TOPIC B:

THE IMPACT OF THE DEATH PENALTY ON HUMAN RIGHTS

Photo Credit: Library of Congress

Introduction

The recent rise in the use of the death penalty worldwide has raised concerns. A handful of countries have sentenced people to death over the last few months, and there is great backlash against these cases. Countries such as Iran, China, and Saudi Arabia have all been of interest lately, given their use of the death penalty. In these countries, the death penalty is being used in ways that violate international law. This includes sentencing those who have not committed a “most serious crime” to death. Additionally, countries such as the United States are discussing new ways to carry out death sentences, which has ignited a lot of controversy and debate.¹

Instances where the death penalty has been imposed in ways that seemingly disregard fair trials have drawn attention, prompting international discussions. Forums such as the Universal Periodic Review allow for these discussions to occur, including many advocacy groups, such as the World Coalition Against the Death Penalty.² These are extremely important, as the 193 sovereign countries worldwide are not able to agree on a solution regarding the death penalty without proper discussion. These are also important for delegates to follow, as they highlight new cases and issues regarding the death penalty. This Update Paper will serve as a guide for many of the recent uses and trends of the death penalty. While this paper highlights many recent cases, delegates are encouraged to actively read about new cases as they are made available.

Recent Updates on the Death Penalty Around the World

Following recent death penalty applications worldwide can help form a better understanding of its use and trends. Over the past months, many countries have continued to apply the death penalty and have used it in new ways. For example, Iran and China are using the death penalty as a tool to get inmates to act orderly or provide information, while countries such as the United States are considering new methods of execution.

On the other hand, countries such as Zimbabwe are proposing to abolish the death penalty in the interest of finding better ways to treat and introduce offenders back into society.³ These developments are important to discuss, showing how quickly the topic evolves. Staying informed on recent cases of the death penalty can help delegates understand its modern use and possible alternatives.

Since November 2023, Iran has carried out over 707 executions after an eight-year hiatus. At least 390 of those executed were convicted for drug-related offenses. An additional 238 were convicted of murder. Since October 7, 2023, the rate of executions in Iran has increased, with rates as high as 176 executions in just 54 days.⁴ Those executed have a variety of occupations, including civil activists and rap artists. Two recent cases involve Ahmadreza Haeri and Saman Yasin. According to a letter from November 20, 2023, written by Haeri, an Iranian civil activist, those who are imprisoned undergo inhumane treatments, such as torture. The letter gives specifics about how Yasin, a rap artist from the area, was the subject of a mock execution to extract confessions from him. He was forced to write his will and was transported to a prison blindfolded and with his hands tied. Officials then explained to Yasin how he would be executed in graphic detail. Finally, he was allowed to save himself on the condition that he would cooperate with the officials. Two days after this mock execution occurred, a death

1 “Worldwide Wednesday International Roundup: China, Israel, Iran, Malaysia, Philippines, Qatar, Somalia, Vietnam, and Zimbabwe,” Death Penalty Information Center, last modified December 6, 2023, <https://deathpenaltyinfo.org/news/worldwide-wednesday-international-roundup-china-israel-iran-malaysia-philippines-qatar-somalia-vietnam-and-zimbabwe>; Anish Vij, “New Death Row execution method that’s never been tried before to be used on inmate Kenneth Smith next week,” *Ladbible*, January 20, 2024, <https://www.ladbible.com/news/us-news/kenneth-smith-new-death-row-execution-method-849400-20240120>.

2 “Abolition of the Death Penalty at the United Nations Human Rights Council 53rd Session,” World Coalition Against the Death Penalty, September 18, 2023, <https://worldcoalition.org/2023/09/18/abolition-of-the-death-penalty-at-the-united-nations-human-rights-council-53rd-session/>.

3 Death Penalty Information Center, “Worldwide Wednesday International Roundup: China, Israel, Iran, Malaysia, Philippines, Qatar, Somalia, Vietnam, and Zimbabwe.”

4 Death Penalty Information Center, “Worldwide Wednesday International Roundup: China, Israel, Iran, Malaysia, Philippines, Qatar, Somalia, Vietnam, and Zimbabwe.”

sentence was imposed on Yasin even though an appeal for it had been accepted. However, Yasin was recently transferred to a psychiatric facility and was reportedly injected with an unknown substance that caused him to go unconscious for 24 hours. His vision was also impaired for two days.⁵ The legality of the death penalty in a country allows mock executions such as the one described above to occur. This is a severe violation of human rights, as it inflicts psychological torture on victims.

China is thought to have the highest death sentence rate. However, not all executions in China are made public. This means that there could be more executions occurring than what is known publicly.⁶ This could result from China's troubled court system and policies that allow capital punishment for crimes that might not meet international law standards. A recent example is the case of Sun Deshun, the former chairman of the Chinese bank China Citic Bank. Deshun was prosecuted and sentenced to death in November 2023 for accepting bribes totaling CNY one billion (USD 137 million). However, Deshun's execution was "suspended," meaning he could avoid execution if he displayed good behavior. Deshun

was placed on a two-year probation period, and if no new crimes were committed during this time, then his sentence could be reduced to life without parole.⁷ China's policymakers enforce harsh rules to deter future criminals even though there is no evidence that the death penalty deters crime.

In the United States, the total death row population stood at 2,331 at the end of 2023.⁸ This is a decrease from a total of 2,436 in 2022. However, the number of prisoners on death row in the United States remains alarmingly high.⁹ A recent case of the death penalty in the United States is that of Alabama inmate Kenneth Smith. Smith was convicted of murder and sentenced to death in 1989. After losing several appeals of his conviction and sentence, Smith was scheduled to be executed by lethal injection in November 2022. However, this first attempt to execute Smith failed. After this failed execution attempt, a second death warrant was issued to execute Smith by nitrogen hypoxia on January 25, 2024. This method involves placing a mask that produces nitrogen over the nose and mouth of the inmate. As a result, the inmate is not able to breathe any oxygen and eventually dies. This second death

⁵ Death Penalty Information Center, "Worldwide Wednesday International Roundup: China, Israel, Iran, Malaysia, Philippines, Qatar, Somalia, Vietnam, and Zimbabwe."

⁶ "The Status Quo of China's Death Penalty and the Civil Society Abolitionist Movement," World Coalition Against the Death Penalty, February 15, 2022, <https://worldcoalition.org/2022/02/15/china-death-penalty-2022/>.

⁷ Death Penalty Information Center, "Worldwide Wednesday International Roundup: China, Israel, Iran, Malaysia, Philippines, Qatar, Somalia, Vietnam, and Zimbabwe."

⁸ "The Death Penalty in 2023: Year End Report," Death Penalty Information Center, last modified December 1, 2023, <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-year-end-reports/the-death-penalty-in-2023-year-end-report>.

⁹ Death Penalty Information Center, "The Death Penalty in 2023: Year End Report."

Death row cells
Credit: Allison Cornford



warrant has received much backlash. The United Nations High Commissioner for Human Rights said that suffocation by nitrogen gas is classified as torture and inhumane. Additionally, Smith's attorney appealed the execution to the US Supreme Court, stating that Smith would be used as a 'test subject.'¹⁰ However, the Supreme Court denied Smith's appeal on January 24, 2024. As a result, the state of Alabama executed Smith by nitrogen hypoxia on January 25, 2024. This was the first time someone has been executed by nitrogen hypoxia in the world. Alabama Department of Corrections Commissioner John Hamm stated that nothing out of the ordinary occurred during the execution, and state officials have claimed that this method of execution is humane. Smith's spiritual adviser, however, witnessed the execution and stated that it was "the most horrible thing I've ever seen." Several other witnesses of the execution expressed similar horror.¹¹ Furthermore, the state has redacted or hidden much of the information published on the execution, creating skepticism that officials did not follow standard protocols.¹² It is critical to consider new methods of execution and the threats they pose to human rights.

While some countries are discussing new ways to carry out the death penalty, others are reevaluating its use. Zimbabwe is an example of this.¹³ Currently, Zimbabwe has 62 prisoners scheduled to be executed. However, in November 2023, Zimbabwean legislator Edwin Mushoriwa introduced a bill to abolish the death penalty in the country.¹⁴ This bill gained bipartisan support, which shows Zimbabwe's desire to remove the death penalty. Additionally, Zimbabwe's criminal system was originally built on restorative justice, which allows

offenders to find ways to compensate for their crimes without the need to be executed.¹⁵ Restorative justice helps people face the crimes they have committed by ensuring that they address any harm or damage caused. It also involves the families and people impacted by the crime and gives them input.¹⁶ When the bill was introduced, Mushoriwa highlighted Zimbabwe's roots in restorative justice and stated that the death penalty was "never part of the Zimbabwean culture."¹⁷ This is important, as it shows Zimbabwe's desire to return to its roots and improve its correctional system. Zimbabwean legislator Allan Markham highlighted how many countries have moved away from the death penalty and stated that Zimbabwe should as well in the "interest of globalization."¹⁸ This shows Zimbabwe's interest in maintaining solid international relationships. Abolishing the death penalty may be an essential first step in achieving this objective. Many countries do not support the death penalty, so one country's use of it could negatively affect their relationships with others.

Overall, the death penalty has seen an uptick in its use across the world. In certain countries, it seems as though the death penalty may be ending, while in others, its use is evolving. These cases must be evaluated to further understand why certain countries use the death penalty and what alternatives to capital punishment exist. For example, approaches such as restorative justice are worth considering over execution.¹⁹ The updates provided here are not the last. Therefore, staying informed on new cases is important as they are made available.

10 Vij, "New Death Row execution method that's never been tried before to be used on inmate Kenneth Smith next week."

11 Dakin Andone, Isabel Rosales, and Christina Maxouris, "Alabama inmate Kenneth Smith executed with nitrogen gas, marking the emergence of a wholly new method of capital punishment," *CNN*, last modified January 26, 2024, <https://www.cnn.com/2024/01/25/us/kenneth-smith-nitrogen-gas-execution-alabama/index.html>.

12 Andone, Rosales, and Maxouris, "Alabama inmate Kenneth Smith executed with nitrogen gas."

13 Death Penalty Information Center, "Worldwide Wednesday International Roundup: China, Israel, Iran, Malaysia, Philippines, Qatar, Somalia, Vietnam, and Zimbabwe."

14 Death Penalty Information Center, "Worldwide Wednesday International Roundup: China, Israel, Iran, Malaysia, Philippines, Qatar, Somalia, Vietnam, and Zimbabwe."

15 "About Restorative Justice," University of Wisconsin Law School, accessed January 22, 2024, <https://law.wisc.edu/fjr/rjp/justice.html>; Death Penalty Information Center, "Worldwide Wednesday International Roundup: China, Israel, Iran, Malaysia, Philippines, Qatar, Somalia, Vietnam, and Zimbabwe."

16 University of Wisconsin Law School, "About Restorative Justice."

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18 Death Penalty Information Center, "Worldwide Wednesday International Roundup: China, Israel, Iran, Malaysia, Philippines, Qatar, Somalia, Vietnam, and Zimbabwe."

19 "The death penalty and organized crime," United Nations Office on Drugs and Crime, accessed January 22, 2024, <https://www.unodc.org/c4j/zh/organized-crime/module-10/key-issues/death-penalty-and-organized-crime.html>.

Recent Discussions on the use of the Death Penalty

There have been many recent discussions around the world on the death penalty. One recent discussion on the death penalty involved Saudi Arabia. In this country, people are often sentenced to death for crimes that fail to meet the “most serious crime standard” under international law. This specific discussion surrounded the case of Muhammad al-Ghamdi, a man who was arrested and convicted of several crimes for his online activity on Twitter and YouTube.²⁰ Al-Ghamdi does not consider himself a political or human rights activist. He views his social media posts, rather, as a way of expressing his concerns about the Saudi government online. Saudi security forces arrested al-Ghamdi outside his home. He was then taken to al-Dhahban Prison, where he was held in solitary confinement for four months. During this time, his family could not contact him, and he was not given access to a lawyer. He could only speak to a lawyer immediately before court sessions when he obtained legal representation.

Eventually, the court sentenced al-Ghamdi to death by using his tweets, retweets, and YouTube activity as evidence against him.²¹ In September 2023, the Office of the United Nations High Commissioner for Human Rights (OHCHR) urged that Al-Ghamdi’s death sentence be revoked immediately. They stated that the mere expression of one’s views on social media does not merit a “most serious crime,” and that the court should not have sentenced al-Ghamdi to death.²² The OHCHR emphasized that fundamental human rights, such as the freedom of expression, are essential for a fair and prosperous society.²³ Discussions on these cases led by groups such as the OHCHR are important in spreading awareness and condemning the use of the death penalty internationally.

During the World Day Against the Death Penalty on October 10, 2023, France reiterated their opposition to the death penalty. France also called on all countries to sign and ratify the Second Optional Protocol of the International Covenant on Civil and Political Rights, which abolishes the death penalty.²⁴ The Protocols are meant to protect and secure the

²⁰ “Saudi Arabia: Man Sentenced to Death for Tweets,” *Human Rights Watch*, August 29, 2023, <https://www.hrw.org/news/2023/08/29/saudi-arabia-man-sentenced-death-tweets>.

²¹ *Human Rights Watch*, “Saudi Arabia: Man Sentenced to Death for Tweets.”

²² Office of the United Nations High Commissioner for Human Rights, “Saudi Arabia: Revoke Death Penalty for Social Media Activity, UN Experts Urge,” news release, September 15, 2023, <https://www.ohchr.org/en/press-releases/2023/09/saudi-arabia-revoke-death-penalty-social-media-activity-un-experts-urge>.

²³ Office of the United Nations High Commissioner for Human Rights, “Saudi Arabia: Revoke Death Penalty for Social Media Activity, UN Experts Urge.”

²⁴ “UN – World Day Against the Death Penalty,” France Ministry for Europe and Foreign Affairs, accessed December 21, 2023, <https://www.diplomatie.gouv.fr/en/french-foreign-policy/france-and-the-united-nations/news-and-events/news/news-2023/article/un-world-day->

Lethal Injection Room
Credit: CACorrections



most critical human rights, such as the right to life.²⁵ At the moment, 90 countries have committed to removing the death penalty and have signed the Second Protocol.²⁶ Discussions led by countries such as France can potentially increase this count. Signing the Second Protocol shows a genuine commitment against the death penalty.

Additionally, much discussion on the death penalty occurred during the Universal Periodic Review in 2023. The Universal Periodic Review is the process where United Nations Member States review and discuss each other's human rights situations. This allows the global community to follow human rights trends worldwide and hold each other accountable.²⁷ One country that was discussed during the Review was Japan. Japan has not executed anyone since 2019.²⁸ However, the death penalty in Japan is now set to be used against Shinji Aoba, a man who carried out an arson attack that killed 36 people.²⁹ Aoba was arrested after he recovered from the burns he received. He was then admitted to court in September 2023. He was accused of breaking into an animation studio and setting fire to the gasoline he poured on the floor. However, Aoba's lawyers claimed that a psychological disorder rendered him incapable of distinguishing between good and bad decisions.³⁰ Despite this information, the Japanese government has stated that they fully believe in and support the death penalty being used as a punishment for "atrocious crimes" such as the one committed by Aoba.³¹

Japan is also often criticized for the way that inmates are treated. For instance, many inmates are forced to spend

years in solitary confinement before they are executed.³² The Japanese government also keeps executions hidden, carrying them out in private locations. For this reason, there is little to no information on the treatment of prisoners before their executions. This means that there is no guarantee that their fundamental rights are respected. In fact, inmates are given just a few hours' notice before they are executed, and family members are notified only after the execution has been carried out.³³ During the Universal Periodic Review, organizations such as the World Coalition Against the Death Penalty, the Center for Prisoners' Rights, and the Death Penalty Information Center spoke out against Japan's actions.³⁴ They also called on Japan to reduce their rate of executions, ensure the presence of a defense counsel at all interrogations, and eliminate solitary confinement.³⁵ The discussions that took place during this Universal Periodic Review Outcome involved advocacy groups and aimed to hold countries accountable for their use of the death penalty. These discussions must continue to ensure everyone's stance is heard and reconciled.

During a panel held earlier this year, the United Nations High Commissioner for Human Rights urged all countries to work towards abolishing the death penalty. This aligns with the United Nations Charter's promise of maintaining the highest protection standards for all human beings.³⁶ The High Commissioner questioned member states on whether depriving another human being of their life is debasing our societies.³⁷ United Nations Special Rapporteurs highlight that even though the death penalty is permitted in international

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25 United Nations Human Rights Office of the High Commissioner, "Background to the International Covenant on Civil and Political Rights and Optional Protocols," accessed December 25, 2023, <https://www.ohchr.org/en/treaty-bodies/ccpr/background-international-covenant-civil-and-political-rights-and-optional-protocols>.

26 "Just One More Step: Ratifying International and Regional Protocols," World Coalition Against the Death Penalty, March 2022, <https://worldcoalition.org/campagne/just-one-more-step-ratifying-international-and-regional-protocols/>.

27 "Universal Periodic Review," United States Department of State, accessed January 6, 2023, <https://www.state.gov/universal-periodic-review/>.

28 "Why Japan Retains the Death Penalty," *The Economist*, last modified April 26, 2022, <https://www.economist.com/the-economist-explains/2022/04/26/why-japan-retains-the-death-penalty>.

29 Justin McCurry, "Kyoto Animation Fire: Japan Prosecutors Seek Death Penalty over Blaze That Killed 36," *The Guardian*, December 7, 2023, <https://www.theguardian.com/world/2023/dec/07/kyoto-animation-fire-japan-prosecutors-seek-death-penalty-over-blaze-that-killed-36>.

30 McCurry, "Kyoto Animation Fire: Japan Prosecutors Seek Death Penalty over Blaze That Killed 36."

31 *The Economist*, "Why Japan Retains the Death Penalty."

32 McCurry, "Kyoto Animation Fire: Japan Prosecutors Seek Death Penalty over Blaze That Killed 36."

33 *The Economist*, "Why Japan Retains the Death Penalty."

34 World Coalition Against the Death Penalty, "Abolition of the Death Penalty at the United Nations Human Rights Council 53rd Session."

35 World Coalition Against the Death Penalty, "Abolition of the Death Penalty at the United Nations Human Rights Council 53rd Session."

36 "UN human rights chief calls on all nations to abolish death penalty," *UN News*, February 28, 2023, <https://news.un.org/en/story/2023/02/1133977>.

37 *UN News*, "UN human rights chief calls on all nations to abolish death penalty."

law, in minimal circumstances, it is challenging to impose it in a way in which countries can comply with all of the human rights obligations.³⁸ Even though there seems to be an international trend toward abolishing the death penalty, the main factor that is holding multiple countries back is how it has become normalized in their societies.³⁹ Considering various legal systems, religions, and cultures among countries, finding common ground between all states has proven challenging. However, ongoing discussions led by bodies such as the United Nations High Commissioner for Human Rights and the Universal Periodic Review Forum are significant when debating the death penalty.

Conclusion

Considering the various opinions on the death penalty and its implementation worldwide, it is clear that this issue has not reached a definite solution. There are many countries that still actively use the death penalty, even when the crime in question is not defined as a “most serious crime” by international law. Cases like Muhammad al-Ghamdi in Saudi Arabia echo the importance of this, as one should not receive the death sentence for expressing themselves.⁴⁰ Many countries, such as France and Zimbabwe, still push for reform despite certain hardships. In a more interconnected world than ever, abolishing the death penalty might help some countries improve their relations with others.

When tackling this issue, the challenge lies in considering diverse legal systems, religions, and cultural beliefs across countries. The death penalty has become entrenched in some countries’ cultures, making it difficult to abolish. Therefore, creative solutions are needed to further promote and protect the dignity of human beings worldwide. Discussions on the international scale are important in working towards solutions. However, it is up to delegates to turn these discussions into action and create tangible change.

³⁸ United Nations Office of the High Commissioner, “UN Experts Call for Universal Abolition of the Death Penalty,” news release, October 9, 2023, <https://www.ohchr.org/en/press-releases/2023/10/un-experts-call-universal-abolition-death-penalty>.

³⁹ UN News, “UN human rights chief calls on all nations to abolish death penalty.”

⁴⁰ Human Rights Watch, “Saudi Arabia: Man Sentenced to Death for Tweets.”

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