



Promoting fair and
effective criminal justice



Social survey: public attitudes in Kazakhstan to the death penalty for terrorist offences¹

Currently in Kazakhstan, the death penalty is available for various offences related to the two headings of 'terrorist offences resulting in death' and 'especially grave crimes committed in wartime'. One reason given for maintaining the death penalty was public opinion, so this survey was commissioned to identify the reality of feeling in Kazakhstan about this issue.

This survey polled public opinion in Kazakhstan towards the use of the death penalty for terrorist offences resulting in death, and also for especially grave crimes committed in wartime. It was completed in May 2014, when the Kazakh Majlis (Parliament) was considering revisions to the country's Criminal Codes, including the use of the death penalty.

The majority of respondents – 62.6% – knew that an indefinite decree by the President of the Republic of Kazakhstan introducing a moratorium on executions has been in place since 2004. More than a third of respondents – 37.2% – didn't know that there was a moratorium on the application of the death penalty.

40.7% of respondents supported the moratorium, but also supported retaining the death penalty in the Criminal Code as an exceptional measure, allowing the possibility of reviving this means of punishment if the moratorium were to be cancelled.

31.2% supported cancelling the moratorium and returning to using the death penalty. Supporters of the death penalty thought that the list of crimes for which the death penalty can be applied should be expanded. The main argument used by those wanting an expansion of death penalty-applicable offences was that the death penalty is currently only available for offences that are rarely committed.

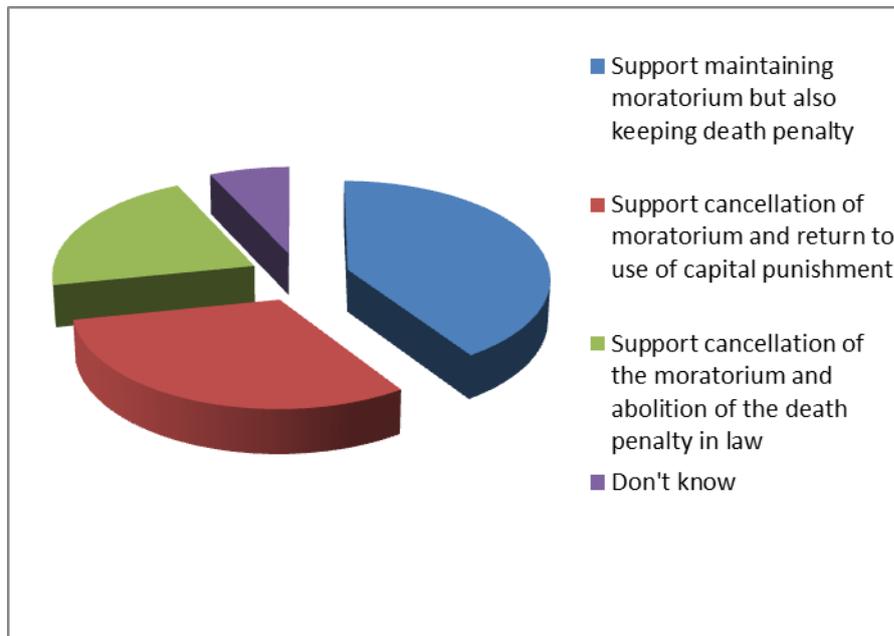
If there were a referendum on the death penalty, opponents of capital punishment would vote against the application of the death penalty and support total abolition.

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When asked which offences currently in the list of applicable offences should attract the death penalty, acts of terrorism were most often identified, with respondents saying that acts of terrorism often result in mass casualties and destabilise society and evoke fear in citizens.



Comparing the responses of participants to the use of the death penalty for terrorist crimes and their attitudes regarding the moratorium on application of the death penalty, it is possible to identify the following trends:

1. A majority of respondents who support the moratorium but want to retain the death penalty in law (78.5%), and a majority of respondents who support the revival of the death penalty (89.4%) also support the use of the death penalty for terrorist crimes that lead to deaths.
2. A majority of respondents who support the cancellation of the moratorium and abolition in law (54.1%) also opposed the use of the death penalty for terrorist offences that result in deaths. This shows that most opponents of the death penalty do not support its use as an exceptional measure of punishment for terrorist offences that result in deaths.

The arguments used by supporters of the death penalty:

1. Only this measure delivers a fair punishment for serious crimes.
2. Only this measure provides certainty of punishment for serious crimes (amnesties are possible when serving life or long-term sentences, conditional early release is possible, or prisoners may escape)
3. The death penalty is a way to save on state expenditure, compared with the high cost of housing long-term prisoners.

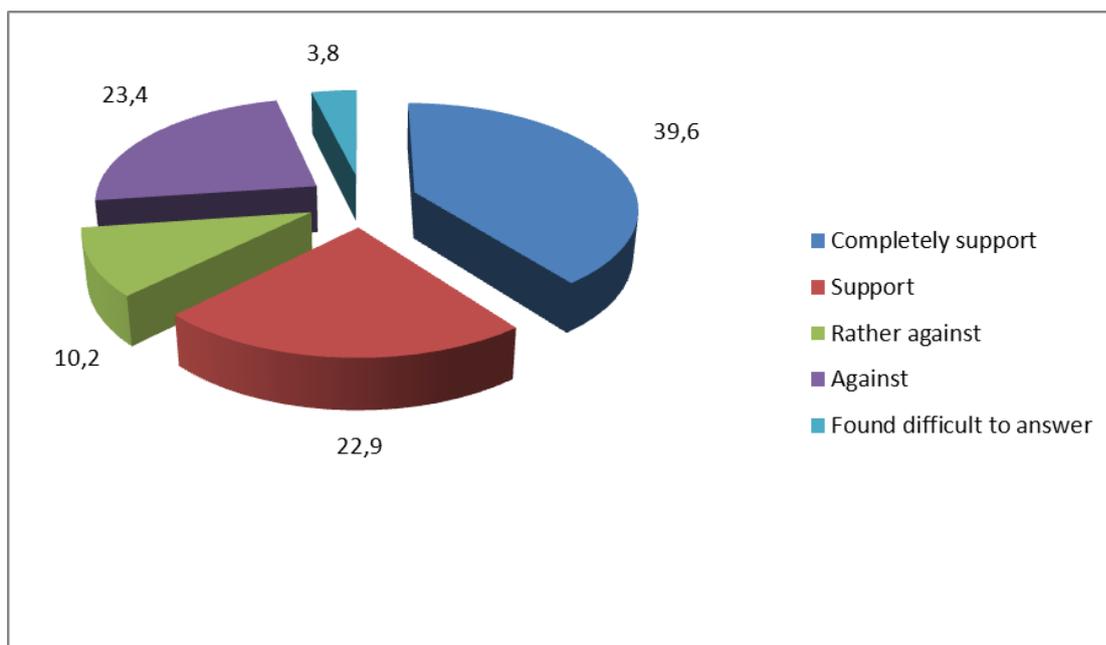
4. The death penalty is a deterrent for people who might commit serious crimes.
5. The death penalty is an effective way to prevent a rise in crime.
6. Without the death penalty, the offender is at risk of retaliatory attacks from victims' relatives.

The arguments used by opponents of the death penalty:

1. The probability of a miscarriage of justice is high.
2. The death penalty is an inhumane act.
3. The death penalty is murder even when it involves killing a criminal.
4. It is wrong to deprive a criminal of the opportunity to repent and atone for their offence.
5. The death penalty doesn't lead to a decrease in crime but increases animosity in society.

Respondents with different views concerning the death penalty both noted that the death penalty may be a more humane punishment than life imprisonment. They felt that life imprisonment was an even more severe form of punishment than the death penalty, for terrorist offences resulting in death and for especially serious crimes committed in wartime.

To justify this point of view, respondents noted that lifelong imprisonment deprives a person of meaning in their lives and opportunities to think positively about the future. Such conditions are extremely cruel and therefore life imprisonment should not be a permitted means of punishment, including for terrorist offences resulting in deaths.



Research conclusions

1. The level of awareness of respondents about the 2004 decree of the President of the Republic of Kazakhstan introducing an indefinite moratorium on application of the death penalty was 62.6%.
2. Views about the moratorium on the application of the death penalty can be separated into three main categories:
 - the first and largest group (40.7%) supported the moratorium, but also thought that the death penalty should remain in the Criminal Code of the Republic of Kazakhstan with the possibility of returning to this method of punishment if the moratorium is cancelled;
 - the second group – 31.2% of respondents – supported cancelling the moratorium and reintroducing the death penalty as a punishment;
 - the third group – 21.2% of respondents – supported cancelling the moratorium and removal of the death penalty from the Criminal Code of the Republic of Kazakhstan.
3. 79.9% of respondents supported the death penalty for terrorist crimes resulting in death and for especially serious crimes committed in wartime.
4. The majority of respondents (62.5%) supported the right to petition for a death sentence to be commuted to life imprisonment in cases of terrorist crimes resulting in death or especially serious crimes committed in wartime.
5. 48.3% considered that life imprisonment is equivalent to the death penalty as a punishment for terrorist crimes and especially serious crimes committed in wartime. 46.9% of respondents believed it was not.

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