

# An eye for an eye

by BRIAN LOCKHART

?An eye for an eye, and a tooth for a tooth.?

That is pretty much a standard old saying that many people use as an example of how to apply justice when someone is wronged.

It shouldn't be taken literally ? it means the punishment should fit the crime.

A society can be judged and rated on how well its justice system operates. This includes the entire procedure including individual rights, the court system, and punishment given to offenders who are found guilty.

The western notion of 'innocent until proven guilty' is designed to eliminate the old way of hanging a witch based on an accusation from someone who claims they saw their neighbour flying on a broomstick on a moonlit night.

This system has generally been adopted in western society, but not entirely.

There was a case in British Columbia several years ago where police from a European country arrived to question a prisoner who had been arrested and detained in B.C., but also had warrant for a murder committed in Europe.

The European police demanded the prisoner be questioned and made to talk.

The RCMP told the Europeans they can't force a prisoner to talk, and that he had the right to remain silent.

The Europeans then claimed he was guilty because he refused to speak and defend himself. The mindset of the two police agencies was entirely opposite when it came to procedures and the way they conducted an investigation.

The death penalty is of course the ultimate penalty that can be applied to a convicted person. Generally speaking, it is applied as a punishment to only the worst crimes ? usually murder ? but not always. In some countries you can be hanged or beheaded for fairly low level offences on the whim of the court or judge.

Currently there are 93 countries that still have the death penalty as an option in their criminal justice system. Of those countries, 27 have not executed anyone in least ten years. Eight of those countries still have it in the books but only for extreme cases like war crimes.

Almost all western democracies have abolished the death penalty.

Outside of China, which routinely executes its citizens by the thousands every year, but does so secretly, Iran, Saudi Arabia, Iraq, and Egypt accounted for 88 per cent of all known executions worldwide in 2020.

In the U.S. the death penalty is a matter of justice according to state law ? not federal law. That means a person can end up being strapped to a gurney and given a lethal cocktail of drugs in one place, but two miles down the road across the state line, that same person might someday receive parole for the same crime.

Some people are in favour of the death penalty for terrible crimes, others are opposed to it for any reason.

It 1959, mass murderer Charles Starkweather killed ten people in Nebraska and Wyoming in a crazy seven-day murder spree with his girlfriend, as well as an 11th person he murdered days earlier.

Thirteen months after being convicted of murder and sentenced to death, Starkweather met his fate while seated in the Nebraska State Penitentiary's electric chair. That seems to be a reasonable time for a sentence to be carried out, and was a normal time frame for those events at the time.

Currently there are 25 states that have the death penalty with various levels of enthusiasm.

The U.S. reinstated the opportunity for states to have the death penalty in 1977 after several years of a halt to all executions. With that, came a new system whereby the appeals process can last for years or decades.

This past week, the State of Arizona executed a man for a crime he committed in 1984. The previous week that same state executed a man for a crime committed in 1978 ? 44 years after he was convicted.

How can killing a person so many years after the crime be justified, since that person has been in prison serving which amounts to a life sentence, that in many places would place them on parole and ready for integration back into society? The thinking is these executions will open the path to clearing out Arizona's death row in a hurry.

Neither of the two men who were executed were Boy Scouts. The both deserved a severe punishment for their crimes.

However, executing a person so many decades after their crime is a miscarriage of justice. Those sentences should have been commuted to a prison term. Both prisoners have now served double sentences ? a life behind bars as well as an early death.

Justice is supposed to be blind.

In these cases, the eyes are wide open and the state has failed in carrying out justice.