

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Uganda: Amnesty International calls on the Ugandan government to abolish the death penalty

Following Wednesday's Supreme Court judgement, Amnesty International calls on the Ugandan government to take up its responsibility to ensure the amendment of Ugandan law and abolish the death penalty. All over the world courts are limiting the scope of the death penalty and governments globally are abolishing capital punishment. Amnesty International calls on the leadership of Uganda to follow this international trend and abolish the death penalty.

The Supreme Court of Uganda on Wednesday 21 January 2009 upheld the judgment of the Ugandan Constitutional Court that the mandatory application of the death penalty is unconstitutional, but the death penalty per se remains constitutional, rejecting both Government and death row prisoners' appeals. In making this decision, the court also decided that the mandatorily imposed death sentences received by the vast majority of 400+ appellants in this case should be commuted to life imprisonment.

While disappointed that the court did not abolish the death penalty completely, Amnesty International welcomes the further restrictions placed on the use of capital punishment. The court ruled that after three years a condemned prisoner has suffered cruel and unusual punishment and the death sentence should be commuted. While this decision which will save the lives of many of those condemned to death in Uganda, Amnesty International maintains that the unique suffering caused by the imposition of the death penalty starts the moment the sentence is imposed and the person is forced to contemplate their death at the hands of the state. No one should be forced to undergo such treatment.

Amnesty International calls on Uganda to heed the call of both the UN General Assembly and the African Commission on Human and Peoples Rights, which have recently called for a moratorium on the Death Penalty. The decision of the Supreme Court of Uganda now places the onus for the abolishment of the death penalty in Uganda on the Ugandan government.

Amnesty International opposes the imposition of the death penalty on the basis that it violates the right to life and the right to protection from cruel, inhuman and degrading treatment.

Background

Since April 1999, there have not been any executions following the imposition of the death sentences by civilian courts in Uganda. Wednesday's ruling is as a result of appeals by the government against a 2005 decision by the Constitutional court which declared that the mandatory imposition of death penalty was unconstitutional. The 2005 case had been brought by over 400 prison inmates on death row.

The African Commission of Human and Peoples Rights (ACHPR) has issued a succession of resolutions calling on African states to consider observing a moratorium on the death penalty, including most recently at the 44th Session of the ACHPR on 5 December 2008. Following this, over

one hundred countries voted overwhelmingly in favour of a resolution on "Moratorium on the use of the death penalty" at the United Nations General Assembly on Thursday 18 December 2008.

Uganda is a party to the UN International Covenant on Civil and Political Rights and the African Charter on Human and Peoples Rights both of which guarantee the right to life and the right to protection from torture, cruel, inhuman and degrading treatment.

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