

**ADVOCACY TOOLKIT**

**ABOLITION OF THE DEATH  
PENALTY IN AFRICA**

**AMNESTY  
INTERNATIONAL**



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# GLOSSARY

<b>ABOLITIONIST FOR ALL CRIMES</b>	Countries whose laws do not provide for the death penalty for any crime.
<b>ABOLITIONIST FOR ORDINARY CRIMES</b>	Countries whose laws provide for the death penalty only for exceptional crimes, such as crimes under military law or during war.
<b>ABOLITIONIST IN PRACTICE</b>	Countries which retain the death penalty in law for ordinary crimes but have not executed anyone during the past 10 years and are believed to have a policy or established practice of not carrying out executions.
<b>RETENTIONIST</b>	Countries that retain the death penalty in law for ordinary crimes, such as murder, in times of peace and do not meet criteria for “abolitionist in practice”.
<b>CLEMENCY</b>	An act showing mercy or leniency, usually by the executive, by lessening or even completely eradicating a sentence; used as a general term covering both commutations and pardons.
<b>COMMUTATION</b>	The death sentence is replaced by a less severe punishment, such as a term of imprisonment, often by the judiciary on appeal, but sometimes also by the executive.
<b>PARDON</b>	The convicted person is completely exempted from further punishment; this can be granted for a variety of reasons, usually by the executive such as the head of state or government, or in some cases by clemency boards which have been given final authority.
<b>EXONERATION</b>	After sentencing and the conclusion of the appeals process, the convicted person is later freed from blame or acquitted of the original criminal charge, and therefore is regarded as innocent in the eyes of the law.
<b>MOST SERIOUS CRIMES</b>	The only category of crimes to which the use of the death penalty must be restricted to under international law. International bodies have interpreted this as being limited to crimes involving intentional killing.
<b>MORATORIUM ON EXECUTIONS/ON THE USE OF THE DEATH PENALTY</b>	A public commitment made by the highest authorities or courts, which officially suspends the carrying out of death sentences, or even imposition of the death penalty as such; this should not be confused with a mere period of time where executions have factually not been carried out.

# WHAT IS THIS TOOLKIT ABOUT?

This toolkit is for the use of activists working on the abolition of the death penalty in Africa. It is intended to equip them with some key advocacy tools to effectively influence the institutions and individuals who can make abolition a reality in the region.

The toolkit is divided into four sections. The first section gives a global overview of the use of the death penalty with a particular focus on the situation in Africa. The second section outlines the provisions in global and regional human rights instruments that are relevant to the death penalty. The third section addresses common claims made to support the use of the death penalty and sets out the most important and effective arguments to counter these. The fourth section focuses on some practical approaches to carrying out advocacy at national, regional and global levels. This provides key concepts, suggestions and tips for advocacy that activists can use to strengthen and broaden their work against the death penalty. The toolkit has an appendix which provides information about the death penalty classification of countries of the world; African countries' ratification of a selection of UN treaties relevant against the death penalty; and the voting record of African countries at the United Nations General Assembly (UNGA) regarding a resolution on the moratorium on the use of the death penalty.

This toolkit is not intended to be an exhaustive guide. Activism on the abolition of the death penalty in Africa has a long history, and new challenges and opportunities continue to arise. Amnesty International hopes that this toolkit will support and strengthen the work of activists, whether they are relatively new to the issue or experienced campaigners, and that it will contribute to the global effort to combat the use of the death penalty and eventually end it.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime, regardless of the guilt, innocence or other characteristics of the individual and regardless of the method used by the state to carry out the execution. The Universal Declaration of Human Rights (UDHR) of 1948 recognizes each person's right to life (Article 3) and states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (Article 5). In Amnesty International's view, the death penalty violates these rights.

For further information on Amnesty International's work against the death penalty please visit <https://www.amnesty.org/en/what-we-do/death-penalty/>

# 1. THE WORLD, INCLUDING AFRICA, IS MOVING AWAY FROM THE DEATH PENALTY

**“Can the state, which represents the whole of society and has the duty of protecting society, fulfil that duty by lowering itself to the level of the murderer, and treating him as he treated others? The forfeiture of life is too absolute, too irreversible, for one human being to inflict it on another, even when backed by legal process.”**

Kofi Annan, former United Nations Secretary-General, 2000

## THE GLOBAL PICTURE

For decades the trend has become evident: the world is moving away from the death penalty and steadily consigning the ultimate cruel, inhuman and degrading punishment to history.

In 1977, when Amnesty International started campaigning for the abolition of the death penalty, only 16 countries had abolished the death penalty for all crimes. As of September 2019, 106 countries are now fully abolitionist in law – that is more than half the countries in the world.<sup>1</sup> Eight countries are abolitionist for ordinary crimes only. A further 28 countries are abolitionist in practice – meaning they have not executed for at least 10 years and have an established practice or policy not to execute. That makes a total of 142 countries that have abolished the death penalty in law or practice (more than two-thirds of the world). Only a minority of 56 countries retain the death penalty in law for ordinary crimes such as murder with a view to using it.

Abolitionist for all crimes	106
Abolitionist for ordinary crimes only	8
Abolitionist in practice	28
Total abolitionist in law or practice	142
Retentionist	56

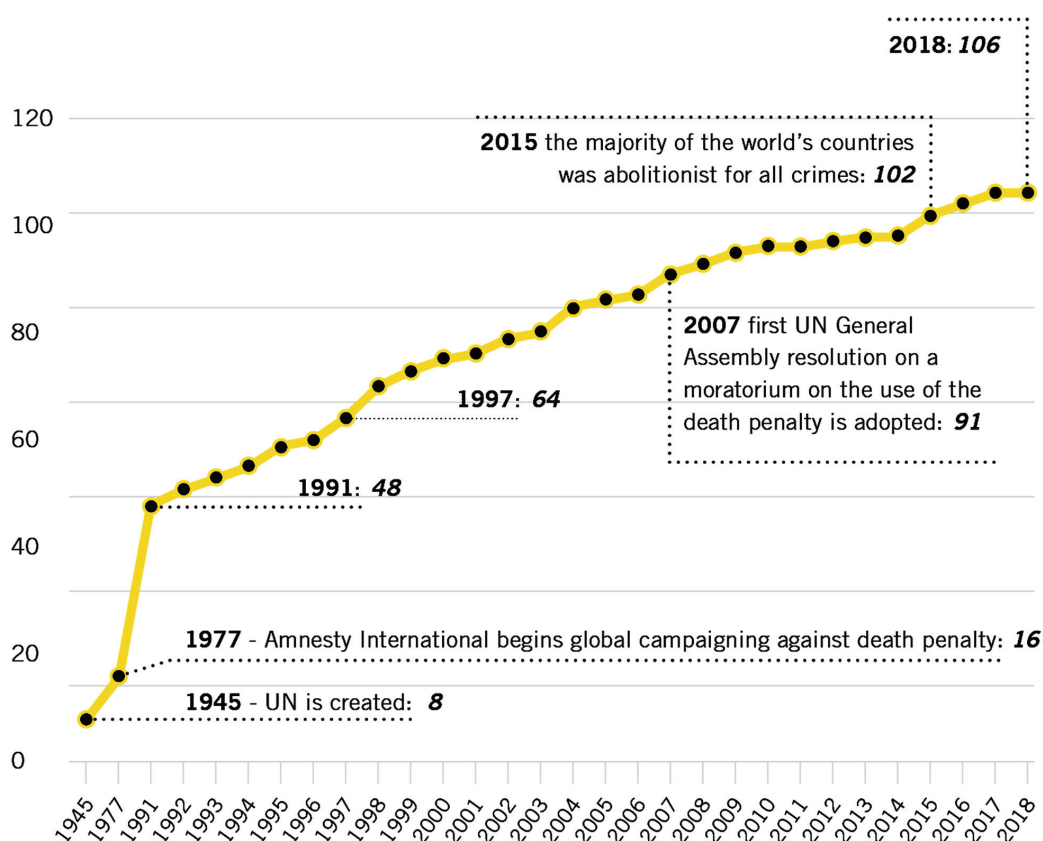
<sup>1</sup> See Annex I for the current list of abolitionist countries.

Support at the United Nations General Assembly (UNGA) for a moratorium on the use of the death penalty is also growing, indicating that a global consensus is building against this cruel and inhuman punishment. In December 2007, when the UNGA first adopted a resolution calling for a moratorium, 104 countries voted in favour of it. In December 2018, a record 121 countries voted in favour of such a resolution, while 35 voted against and 32 abstained.<sup>2</sup> For the first time, Dominica, Libya, Malaysia and Pakistan changed their vote to support the resolution, while Antigua and Barbuda, Guyana and in Africa South Sudan moved from opposition to abstention.

In addition, fewer executions have been recorded globally since 2015 when recorded executions decreased from 1,634 to 1,032 in 2016 and to 993 in 2017. In 2018, the number of known executions dropped by 31% to the lowest figure Amnesty International has recorded in 10 years.<sup>3</sup> This drop reflected a significant reduction in the number of executions carried out in some of the world's lead executing countries, such as Iran, Iraq, Pakistan and Somalia.

This overall trend was also recognized in 2018 by the UN Human Rights Committee, the body tasked with monitoring implementation of the International Covenant on Civil and Political Rights (ICCPR), when it stated: "States parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future."<sup>4</sup>

## Number of abolitionist countries 1945-2018



<sup>2</sup> The UNGA is the main deliberative, policymaking and representative organ of the UN. Comprising all 193 member states of the UN, it provides a forum for multilateral discussion about the issues covered by the Charter of the UN.

<sup>3</sup> At least 690 executions were known to have taken place globally in 2018, a decrease of 31% compared to 2017 (at least 993).

<sup>4</sup> Human Rights Committee, General Comment 36, Article 6: The right to life, UN Doc. CCPR/C/GC/36, para. 50.



# AFRICA: AN OVERVIEW

In the last four decades significant progress against the death penalty has been recorded in Africa and it is only a matter of time for the continent to become fully abolitionist. Forty years ago, no country in Africa had abolished the death penalty for all crimes; today, 20 countries on the continent have done so.

## ABOLITIONIST COUNTRIES IN AFRICA

COUNTRY	YEAR OF ABOLITION
ANGOLA	1992
BENIN	2016
BURUNDI	2009
CAPE VERDE	1981
CONGO (Republic of)	2015
COTE D'IVOIRE	2000
DJIBOUTI	1995
GABON	2010
GUINEA	2017
GUINEA-BISSAU	1993
MADAGASCAR	2015
MAURITIUS	1995
MOZAMBIQUE	1990
NAMIBIA	1990
RWANDA	2007
SAO TOME AND PRINCIPE	1990
SENEGAL	2004
SEYCHELLES	1993
SOUTH AFRICA	1997
TOGO	2009

Of the remaining African countries that retain the death penalty in their laws, the following are abolitionist in practice: Algeria, Cameroon, Central African Republic, Eritrea, Eswatini (former Swaziland), Ghana, Kenya, Liberia, Malawi, Mali, Mauritania, Morocco/Western Sahara, Niger, Sierra Leone, Tanzania, Tunisia, Zambia.

The following African countries are retentionist: Botswana, Chad, Comoros, Democratic Republic of the Congo, Egypt, Equatorial Guinea, Ethiopia, Gambia, Lesotho, Libya, Nigeria, South Sudan, Sudan, Uganda, Zimbabwe.<sup>5</sup>

In the last five years, apart from Congo (Republic of), Madagascar, Benin and Guinea that abolished the death penalty for all crimes, other countries have made important strides towards full abolition. In 2016, Chad adopted a revised Penal Code which abolished the death penalty except for “terrorism”.<sup>6</sup> In 2017, the

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<sup>5</sup> Botswana, Chad, Egypt, Equatorial Guinea, Nigeria, South Sudan and Sudan have carried out executions in the last five years.

<sup>6</sup> The revised Penal Code entered into force in 2017.

Supreme Court of Kenya abolished the mandatory death penalty for murder. In 2018, Burkina Faso abolished the death penalty for ordinary crimes only and Gambia moved closer to fully abolishing the death penalty by establishing an official moratorium on executions and becoming a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolishing the death penalty (ICCPR-OP2). Sixteen African countries have now ratified this global abolitionist treaty.<sup>7</sup>

There is real potential for more countries in Africa to abolish the death penalty. Therefore, the work of activists is crucial in the drive towards abolition across the continent.

### **DEATH PENALTY MILESTONES AT THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

In 1999, the African Commission adopted Resolution 42, its first resolution on the death penalty.

In 2005, the African Commission established the Working Group on Death Penalty and Extra-Judicial, Summary or Arbitrary killings in Africa. The Working Group was mandated, among other things, to monitor the use of the death penalty in Africa, to develop plans for abolition and to carry out a study on the death penalty in the region.

On 19 April 2012, the Working Group published its Study on the question of the death penalty in Africa.<sup>8</sup> The study analysed views in favour of and against its use and concluded that the abolitionist case is more compelling than the case for retaining the death penalty, and called on states parties to the African Charter to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2), to establish a moratorium on executions and to commute all death sentences to terms of imprisonment.

In 2015, the African Commission adopted General Comment No. 3 on the African Charter on Human and Peoples' Rights on the right to life (Article 4) which had been drafted by the Working Group.

Also, in 2015, the African Commission adopted the draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa, which requires signatory states to commit to protecting the right to life and abolishing the death penalty (Article 1). The draft Protocol is yet to be formally adopted by the African Union.

In 2017, the African Commission adopted the Resolution on the Right to Life in Africa.

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<sup>7</sup> See Annex IV.

<sup>8</sup> African Commission on Human and Peoples' Rights, Study on the question of the death penalty in Africa, 10 April 2012, adopted by the African Commission at its 50th Ordinary Session (24 October-7 November 2011), [www.achpr.org/files/news/2012/04/d46/study\\_question\\_deathpenalty\\_africa\\_2012\\_eng.pdf](http://www.achpr.org/files/news/2012/04/d46/study_question_deathpenalty_africa_2012_eng.pdf) (accessed on 6 July 2019).



**“I spent 18 years in prison in total, for something I did not know anything about, for a crime I did not commit... the death penalty is not good, the government should abolish the death penalty and replace it with another form of punishment.”**



*Cephass Komla Dzah*  
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Cephass Komla Dzah was convicted and sentenced to death by hanging by the Ho High Court in the Volta Region for the murder of a Nigerian national in Accra, the capital of Ghana. Cephass was granted a pardon in 2015 by the then President John Evans Atta Mills; he was 77 years old. Cephass maintains his innocence for the crime for which he was sentenced.

“I was going to the farm when a lorry came and stopped. Three police officers were inside. They arrested me, they said I had killed somebody. I was just walking, going to the farm with my machete to work the land. Back then, I was a farmer. They took me to Ho police station and kept me on remand for five years. After that, I spent 13 years on death row. I spent 18 years in prison in total, for something I did not know anything about, for a crime I did not commit.

“When I was condemned and sentenced to death I was perplexed but had hope that God would help me out since I did not commit the crime. I could not file an appeal against the court’s decision as I did not have money to pay for a lawyer. During my trial I was not properly represented by a lawyer. They just said that I committed a crime. There was nothing I could do at that time.

“When I was in prison I used to advise people about life, because death row is not a good place, it is not a place for human beings. There, I used to write about life, my thoughts about life, about the things I was going through. I wrote them all.

“When I was pardoned and released from prison, I was very happy. When I got home it was great. For a long time, my own people were afraid that I would die in prison. So, the day I returned home my family was waiting for me and they were happy. I felt welcomed. You see, by the time I got back, most of the elderly people I knew had passed away. So, I assumed the responsibility of being the elder in the village, and people respect me a lot and come to me for advice.

“The death penalty is not good, it should be abolished. You see, as a human being, if you commit an offence God will forgive you. Why can’t human beings forgive each other? The government should abolish the death penalty and replace it with another form of punishment.”

# 2. IMPORTANT LAWS AND STANDARDS ON THE DEATH PENALTY

**“No judiciary, anywhere in the world, is so robust that it can guarantee that innocent life will not be taken...”**

Zeid Ra'ad Al Hussein, former United Nations High Commissioner for Human Rights, 2014

## GLOBAL AND REGIONAL INSTRUMENTS

This section highlights important global and regional human rights instruments relevant to the abolition of the death penalty. Some of these instruments are treaties, binding on all states which are parties to them. Others are standards which are not directly legally binding but provide practical guidance to states, international agencies and other organizations and which are considered to have moral and political weight.

### UN AND REGIONAL TREATIES

#### International Covenant on Civil and Political Rights

The International Covenant on Civil and Political Rights (ICCPR) was adopted by the UNGA in 1966, and while it allows for use of the death penalty in principle, it does so only for the “most serious crimes” and sets abolition as the ultimate goal (Article 6).<sup>9</sup> The ICCPR establishes that the death penalty shall not be imposed on pregnant women or for crimes committed before the age of 18 (Article 6). The Covenant also states that the use of the death penalty may violate the right to life if it breaches other rights under the ICCPR, including the right to fair trial (Article 14) and the prohibition on torture (Article 7).<sup>10</sup> The ICCPR is a treaty with worldwide scope.

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<sup>9</sup> In 2006, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions narrowed the interpretation of “most serious crimes” by defining them as “cases where it can be shown that there was an intention to kill, which resulted in the loss of life”. See Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, UN Doc. A/HRC/4/20, 29 January 2007, paras 39-53 and 65. Guidance for the classification of crimes as “most serious crimes” has also been provided by the Human Rights Committee in its General Comment 36 on the right to life, adopted in 2018, paras 35/36.

<sup>10</sup> See Amnesty International: *Fair trial manual*, second edition (Index: POL 30/002/2014), chapter 28; *Combating torture and other ill-treatment: A manual for action* (Index: POL 30/4036/2016), chapter 2.6.

### **Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty**

Adopted in 1989 by the UNGA, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (ICCPR-OP2), requires a state party not to carry out executions (Article 1(1)) and to “take all necessary measures to abolish the death penalty within its jurisdiction” (Article 1(2)). The ICCPR-OP2 states in its preamble that “abolition of the death penalty contributes to enhancement of human dignity and progressive development of human rights” and that “all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life”.<sup>11</sup> The ICCPR-OP2 does not include a mechanism for states to withdraw, and so it is an important guarantee against reinstatement of the death penalty. The ICCPR-OP2 is a treaty with worldwide scope and any state party to the ICCPR can become a party to it. A state party to this treaty is barred from reintroducing the death penalty.<sup>12</sup>

### **Protocol No. 6 to the Convention for the Protection of Human Rights and Fundamental Freedoms [European Convention on Human Rights] concerning the abolition of the death penalty**

Adopted by the Council of Europe in 1982, Protocol No. 6 provides for the abolition of the death penalty in peacetime (Article 1); states parties may retain the death penalty for crimes “in time of war or of imminent threat of war” (Article 2). Protocol No. 6 is a European regional treaty.

### **Protocol No. 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms [European Convention on Human Rights] concerning the abolition of the death penalty in all circumstances**

Adopted by the Council of Europe in 2002, Protocol No. 13 provides for the abolition of the death penalty in all circumstances, including in time of war or of imminent threat of war (Article 1). Protocol No. 13 is a European regional treaty.

### **Protocol to the American Convention on Human Rights to Abolish the Death Penalty**

Adopted by the General Assembly of the Organization of American States in 1990, the Protocol provides for the total abolition of the death penalty (Article 1) but allows states parties to retain the death penalty in wartime if they make a declaration to that effect at the time of ratifying or acceding to the Protocol (Article 2). This Protocol is an American regional treaty.

## **UN STANDARDS**

### **Universal Declaration of Human Rights**

The Universal Declaration of Human Rights (UDHR), adopted by the UNGA in December 1948, recognizes each person’s right to life (Article 3) and categorically states that “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” (Article 5). Amnesty International considers that the death penalty violates these rights.

### **Safeguards guaranteeing protection of the rights of those facing the death penalty**

The Safeguards guaranteeing protection of the rights of those facing the death penalty, adopted in 1984 by UN Economic and Social Council Resolution 1984/50,<sup>13</sup> provide minimum guarantees such as no one under the age of 18 at the time of the crime shall be sentenced to death; death sentences should not be carried out on pregnant women, or new mothers, or on persons who have become insane; fair trial is ensured; and anyone sentenced to death has the right to appeal and to petition for pardon or commutation of the sentence.

### **UN Commission on Human Rights Resolution 2005/59**

The resolution, adopted by the UN Commission on Human Rights<sup>14</sup> on 20 April 2005, calls on all states that still maintain the death penalty to abolish the death penalty completely and, in the meantime, to establish a moratorium on executions.

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<sup>11</sup> The UNGA has called upon states that have not yet done so to consider acceding to or ratifying the ICCPR-OP2. See Resolution 73/175 adopted on 17 December 2018.

<sup>12</sup> Human Rights Committee, General Comment 36, Article 6: The right to life, UN Doc. CCPR/C/GC/36, para. 34.

<sup>13</sup> In 1989, the UN Economic and Social Council adopted Resolution 1989/64, Implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty, which recommended that member states take steps to implement the safeguards and strengthen further the protection of the rights of those facing the death penalty.

<sup>14</sup> The UN Human Rights Council replaced the UN Commission on Human Rights in 2006.

### **UN General Assembly resolutions on a moratorium on the use of the death penalty<sup>15</sup>**

Every two years the member states of the UN vote on resolutions on a moratorium on the use of the death penalty, which call on them to establish a moratorium on executions “with a view to abolishing the death penalty”. In December 2018, 121 states voted in favour of the latest resolution.

### **UN Human Rights Council Resolution 42/24**

The resolution, adopted by the UN Human Rights Council on 27 September 2019, reiterates Article 6(6) of the ICCPR, which state that nothing in that article shall be invoked to delay or to prevent the abolition of capital punishment by any state party to the Covenant and emphasizes that states parties that are not yet totally abolitionist should be on an irrevocable path towards complete eradication of the death penalty, de facto and de jure, in the foreseeable future. It calls on states that still apply the death penalty to limit its use to “the most serious crimes” and to remove from national laws any application of the death penalty to crimes not involving intentional killing, such as drug-related offences or terrorism-related crimes not involving intentional killing.

## **AFRICAN TREATIES**

### **African Charter on Human and Peoples’ Rights**

Adopted in 1981 by the African Union, it provides for the right to life and integrity of the person for every human being. It prohibits a state party from arbitrarily depriving someone of the right to life (Article 4) and undertaking “All forms of... torture, cruel, inhuman or degrading punishment and treatment” (Article 5).<sup>16</sup>

### **African Charter on the Rights and Welfare of the Child**

Adopted by the African Union in 1990, it establishes that: “The death sentence shall not be pronounced for crimes committed by children”. Regarding the administration of juvenile justice, the Charter further mandates in Article 17 that: “Every child accused or found guilty of having broken the law should receive special treatment, and no child who is imprisoned should be tortured or otherwise mistreated”. Article 2 specifies that the term “child” “means every human being below the age of 18 years”.<sup>17</sup>

### **Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (Maputo protocol)**

Adopted by the African Union in 2003, it provides for the right to life, integrity and security for every woman. It also calls on states parties “not to carry out death sentences on pregnant or nursing women”.<sup>18</sup>

## **AFRICAN STANDARDS**

### **African Commission on Human and Peoples’ Rights Resolution 42**

Adopted in 1999 by the African Commission, it calls on states parties to “a) limit the imposition of the death penalty only to the most serious crimes; b) consider establishing a moratorium on executions;” and “reflect on the possibility of abolishing the death penalty”.

### **African Commission on Human and Peoples’ Rights Resolution 136**

Adopted in 2008 by the African Commission, it calls on states parties to observe a moratorium on executions “with a view to abolishing the death penalty in conformity with Resolutions ACHPR/Res 42 (XXVI) of the African Commission and 62/149 of the General Assembly of the United Nations”. It also calls on states parties to ratify the ICCPR-OP2.

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<sup>15</sup> See Annex V.

<sup>16</sup> Organization of African Unity, African Charter on Human and Peoples’ Rights, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), 27 June 1981.

<sup>17</sup> Organization of African Unity, African Charter on the Rights and Welfare of the Child, OAU Doc. CAB/LEG/24.9/49 (1990), entered into force 29 November 1999.

<sup>18</sup> Organization of African Unity, Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa, 11 July 2003.



### **Declaration of the Continental Conference on the Abolition of the Death Penalty in Africa (the Cotonou Declaration)**

Adopted in 2014 by the African Commission, it “calls on legislators in Africa to review their national laws and enact legislation abolishing the death penalty and to support the ratification of the Additional Protocol to the African Charter on Human and Peoples’ Rights on the Abolition of the Death Penalty in Africa”. It also calls on them to ratify the ICCPR-OP2 and vote in favour of future UNGA resolutions on a moratorium on the death penalty.

### **General Comment No. 3 on the African Charter on Human and Peoples’ Rights: The right to life (Article 4)**

Adopted in November 2015 by the African Commission. The General Comment emphasizes that the African Charter does not include any provision recognizing the death penalty, even in limited circumstances, and states that: “The vast majority of African States have now abolished the death penalty in law or in practice. International law requires those States that have not yet abolished the death penalty to take steps towards its abolition in order to secure the rights to life and to dignity, in addition to other rights such as the right to be free from torture, and cruel, inhuman or degrading treatment.”<sup>19</sup>

### **African Commission on Human and Peoples’ Rights, “Resolution on the Right to Life in Africa”**

Adopted in 2017 by the African Commission, it urged states parties to the African Charter on Human and Peoples’ Rights that have established a moratorium on executions to take steps towards the abolition of the death penalty, and those states parties that have not abolished the death penalty to immediately establish a moratorium on executions.



*Amnesty International Ghana activists campaigning for the abolition of the death penalty  
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<sup>19</sup> African Commission on Human and Peoples’ Rights, General Comment No. 3 on the African Charter on Human and Peoples’ Rights: The Right to Life (Article 4), para. 22.



**“The use of the death penalty by governments is a sign of weakness and a failure to deal with crimes and problems of the society. Government should find a solution to crime.**



*Susan Kigula*  
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In September 2002, Susan Kigula was sentenced to death by hanging in Uganda for a murder which she says she did not commit. At that time in Uganda, the death sentence was mandatory, meaning that upon conviction for the offence of murder, death was the only sentence possible. Susan studied law while in prison and became the leading figure in the landmark case *Susan Kigula and 417 others v. Attorney General*. The petitioners were all on death row and successfully challenged the constitutionality of the mandatory death penalty at the Supreme Court of Uganda. The case abolished the mandatory death penalty in Uganda. Susan was released from prison in 2016.

“It is very difficult to keep on hoping when you are sentenced to suffer death. Not forgetting that I had left my one-year-old daughter behind with no parents. I had to rise up beyond my pain, drawing from my little inner strength remaining to live and hope for her, if I was to see her again.

“With 417 other death row inmates, I led a death penalty petition in the Ugandan Constitutional Court challenging the death penalty and mandatory death sentences. This case took several years to be decided in the Supreme Court, but it gave me hope that one day we would see the light again. When mandatory death sentences were abolished, I realized my hope had not failed me.

“I felt great when my death sentence was commuted because I knew that the time I was going to go home and reunite with my family was known. On the day I was released, I felt pure joy and excitement.

“Since coming out of prison I have been involved in the campaign against the death penalty in Uganda and around the world. I have been travelling to different countries to talk to young people, campaigners, activists and the government against the death penalty.

“The judicial system is prone to error. There are so many people on death row who are innocent. We don’t need the death penalty; governments should address the crime and not kill people. The use of the death penalty by governments is a sign of weakness and a failure to deal with crimes and problems of the society. Government should find a solution to crime.

“Being on death row was a learning and horrifying experience. I made a choice in prison to learn, not wallow in self-pity, stand up and inspire others, study and learn from other people’s mistakes. Living on death row was a horrifying experience. Not knowing when you could be killed; every time I heard the sound of the keys or the door open I wondered if they had come for me to be killed. I made a choice not to allow the terror of death to engulf me but to fight back.

“Activists against the death penalty should not give up. They should work together, support each other and engage as many stakeholders as possible in the fight for the abolition of the death penalty.”



# 3. THE CASE FOR ABOLISHING THE DEATH PENALTY

**“Everyone, including the most abominable of human beings, has a right to life, and capital punishment is therefore unconstitutional.”**

Justice Arthur Chaskalson, former President of South Africa’s Constitutional Court, 1995

States that maintain the death penalty use a variety of different arguments to support their stance and undermine the case for abolition. This section examines some of the most commonly used assertions in favour of retaining the death penalty and provides the basis for activists to effectively respond to and rebut these arguments.

## **THE CLAIM: THE DEATH PENALTY PREVENTS RE-OFFENDING**

The death penalty is often said by some states to be the most “restraining” form of punishment, because once the condemned offender is executed, there is no possibility of re-offending.

The death penalty as a method of preventing people from re-offending is a blunt tool. By its very nature, the death penalty can only be carried out against a person who is already imprisoned and therefore removed from society. Since that person can no longer commit acts of violence against society, the death penalty is not needed as a method of protection.

There are those who argue that imprisonment alone has not prevented individuals who have been imprisoned from offending again once set free. The answer is to review the parole procedures in place with a view to preventing relapses into crime. The answer is certainly not to increase the number of executions.

Unlike imprisonment, the death penalty entails the risk of judicial errors which can never be corrected. There will always be a risk that some convicted who are innocent will be executed. The death penalty will not prevent them from repeating a crime which they did not commit in the first place.

It is also impossible to determine whether those executed would actually have repeated the crimes of which they were convicted. Execution entails taking the lives of people to prevent hypothetical future crimes.

Furthermore, the death penalty is irreversible and does not leave any possibility of reformation and rehabilitation of the offender. Executing an offender additionally means that if a mistake is made by the justice system, there is no way back. No criminal justice is capable of deciding fairly, consistently and infallibly who should live or die. The risk of executing the innocent can never be eliminated.

### **THE CLAIM: THE DEATH PENALTY DETERS CRIME**

Supporters of the death penalty say that this is necessary to deter serious crimes such as murder because people fear death more than anything else.

There is no credible evidence to show that the death penalty deters crime more than other punishments. There are examples of countries maintaining the death penalty in their legislation and crime rates remaining at a high level: the United States is one. A survey of research findings on the relation between the death penalty and homicide rates, conducted for the UN in 1988 and updated in 2002, concluded that research has failed to provide proof that executions have a greater deterrent effect than life imprisonment.<sup>20</sup> A more recent UN report, published in 2015, stated: “Whether the offense is murder, a drug related crime or terrorism, the scientific evidence for deterrence is unreliable, inconclusive and, in many instances, simply wrong”.<sup>21</sup> Those who commit premeditated serious crimes may decide to proceed despite the risks in the belief that they will not be caught. The key to deterrence in such cases is to increase the likelihood of detection, arrest and conviction, not the severity of the potential sanction.

The deterrence argument also assumes that people who commit such serious crimes as the killing of another person do so after rationally calculating the consequences of their action. There is little evidence supporting this argument. Often murders are committed in moments when emotion overcomes reason or under the influence of drugs or alcohol. Some people who commit violent crime are highly unstable or mentally ill.

### **THE CLAIM: THE DEATH PENALTY DELIVERS JUSTICE THROUGH RETRIBUTION**

Some people argue that justice can only be served by taking a life for a life and a murderer has no right to claim the right to life.

The right to life must not be taken away from anyone regardless of the crime a person has committed. Human rights are inalienable and accorded equally to every individual. Furthermore, the death penalty cannot compensate those families who have lost their relatives because of crime. Those who have lost loved ones as a result of a crime have a right to see the person responsible for that crime held to account. However, as many families who have lost loved ones have said, the death penalty cannot genuinely relieve their suffering. The death penalty only extends their suffering to the family of the condemned person.

While some murder victim’s families say they find closure after executions, many others don’t. Some of the latter even speak out explicitly against the death penalty, because they refuse to be pushed into the role of being responsible for the premeditated killing of another person. In fact, the necessary additional court phases and longer trial times in death penalty cases often create additional harm by making victims’ families relive their trauma again and again.

Today’s penal systems do not sanction the burning of an arsonist’s home, the rape of the rapist or the torture of the torturer. This is not because they tolerate the crimes, but because societies understand that they must be built on a different set of values from those they condemn.

An execution cannot be used to condemn killing; it is killing. Such an act by the state is the mirror image of the criminal’s willingness to use physical violence against a victim.

### **THE CLAIM: THE DEATH PENALTY IS USED FAIRLY FOR APPROPRIATE AND SERIOUS CRIMES**

Some states argue that they apply the death penalty fairly to punish offenders only based on the nature of the crime committed.

The death penalty is often discriminatory and used disproportionately against the poor and minorities. Often those executed are not only those who committed the worst crimes, but those who are too poor to hire skilled lawyers to defend themselves or those who face particularly harsh prosecutors or judges.

The Rome Statute of the International Criminal Court (ICC) excludes the death penalty from the punishments which that Court is authorized to impose, even though the ICC has jurisdiction over extremely grave crimes such as crimes against humanity, genocide and war crimes. The same was also true for the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone. When these international tribunals

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<sup>20</sup> R. Hood, *The death penalty: A worldwide perspective*, Oxford University Press, third edition, 2002, p. 230.

<sup>21</sup> UN Office of the High Commissioner for Human Rights (OHCHR), *Moving away from the death penalty: Arguments, trends and perspectives*, 2015, p. 86.

were set up it was agreed that even for “the most serious crimes of concern to the international community as a whole” the death penalty was an inappropriate punishment.

### **THE CLAIM: PUBLIC OPINION SUPPORTS THE DEATH PENALTY**

Supporters of the death penalty argue that governments should not abolish the death penalty because public opinion is in favour of retaining the punishment.

Governments should rather show moral leadership and engage in an honest public debate on the death penalty, in which they do not try to claim to the public that the death penalty will make them safer. They should acknowledge to the public that there is no evidence that the death penalty is more of a deterrent than terms of imprisonment. They should address public concerns about crime through reforms that seek to effectively prevent, detect and reduce it. Political leadership is key in moving away from the death penalty: in several countries political leadership has been very important in overcoming domestic opposition to abolition and moving away from the death penalty, even without the full support of the public.

### **THE CLAIM: THE DEATH PENALTY IS PERMITTED UNDER INTERNATIONAL LAW**

Some argue that the death penalty is not completely prohibited by the ICCPR or other general international law.

While international law allows the death penalty in very limited circumstances, it restricts its use only for the most serious crimes and sets abolition as the ultimate goal. The international consensus on the end goal of abolition is strong every year: the increasing number of states supporting (or not opposing) resolutions on a moratorium on the use of the death penalty at the UNGA provides evidence of this.

The increasing number of states parties to abolitionist treaties, such as the ICCPR-OP2, the growing number of non-abolitionist states that have nonetheless ceased executions, and national courts outlawing the death penalty even when it is provided for in national laws shows that considerable progress is being made towards establishing an agreement among states that the death penalty is a violation of human rights.

### **THE CLAIM: ABOLITION OF THE DEATH PENALTY IS A WESTERN INITIATIVE**

Another argument used in favour of the death penalty is that calls for its abolition are an attempt by the West to impose its values.

Human rights are universal. That means that they apply to everyone simply by virtue of the fact of being human, not only those born in certain countries or in certain religions. Human rights are not Western in content but derive from many different traditions and are acknowledged by all the members of the UN as the standards by which they have agreed to abide. The numerous nations who have abandoned the use of the death penalty come from differing regions and cultures. It therefore cannot be claimed that abolition of the death penalty is solely advocated by one section of world society. For example, in addition to international law and standards on the death penalty which are applicable worldwide, Africa has, over the years, developed regional standards on the death penalty.<sup>22</sup> All states have engaged in conversations on the death penalty as part of their Universal Periodic Reviews at the UN Human Rights Council, another sign that the human rights breaches associated with this punishment are understood in all contexts.

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<sup>22</sup> See chapter 2.



**“The first person was hanged; his face was covered with a black sack. I could not think of anything else other than how I would die. Then there was the second, third and fourth execution until it got to my turn.”**

←  ThankGod Ebhos  
© Amnesty International 2015

ThankGod Ebhos was accused of an armed robbery that took place in 1988; he was sentenced to death by firing squad by a Robbery and Firearms Tribunal in Kaduna, Nigeria in 1995 and was on death row in Benin Prison in Edo State before his release. On 24 June 2013, ThankGod Ebhos was taken to the gallows in Benin Prison with four other men. The men were hanged in his presence but he escaped execution because, at the last moment, the prison authorities realized that his death sentence required a firing squad. In January 2014 the Economic Community of West African States (ECOWAS) Court of Justice granted an injunction restraining the government from executing ThankGod Ebhos pending the final determination of the case. On 10 June the Court delivered a final judgment ordering that his name be removed from the death row list. ThankGod Ebhos was released on 24 October 2014 after 19 years on death row. Following Nigeria’s Independence Day celebrations on 1 October, the then Governor of Kaduna State announced that he was using his power of Prerogative of Mercy to sign a release order for ThankGod Ebhos.

“Despite the fact that I was on death row I had the spirit of determination. I could not read and write before going to prison; it was in prison that I became literate as I enrolled in school. I learnt how to play the guitar and piano in prison. I also learnt the art of drawing; I was always drawing when I was in prison.

“Every day in prison, whenever I heard a knock on my door I thought they had come to take me for execution. I always had the feeling that any moment I was going to die. Being on death row is different from serving a prison term. Being sentenced to a prison term is better than being condemned to death. I had no rest of mind in prison, both day and night I kept thinking of my life.

“While I was on death row, many times I could not sleep at night. Many times I had nightmares. I dreamt I was on the gallows waiting for other people to be executed and would suddenly wake up before it got to my turn to be executed.

“Many times people lied to me that prison warders had gathered together and had gone to the gallows; this caused me lots of anxiety. Everyone in prison knew my execution warrant had been signed, so any unusual movement by the prison warders led to suspicions by prison inmates that I would be executed. I had been experiencing anxiety about my execution since I was sentenced to death in 1995.

“On that morning that the executions took place, we were in the cell and saw the doors to the gallows opened and the oil used to lubricate the gallows. They [prison staff] came to open the doors to our cell and forced us out to the gallows. We already knew we were going to die, they did not have to tell us. When we got to the gallows they locked the door against us with the Sheriff inside. A priest prayed that God should forgive us of our sins. After the prayer, our execution warrants were read to us.

“Then the executions started, the noose was already up and the bag of sand was down. The first person was hanged, his face was covered with a black sack. At that moment I did not think of anything else other than how I would die. Then there was the second, third and fourth execution until it got to my turn. The

prison staff checked my papers and discovered that I was sentenced to death by firing squad and not by hanging. The Sheriff insisted he could not hand me over to the hangman. That was how I escaped execution and a human rights organization took my case to the ECOWAS court.

“On the day I was released I was called and informed that an ‘amnesty’ had been granted to me by the Governor of Kaduna State and he had ordered my release. I was given three minutes to pack my belonging and leave the prison. I thought it was a dream and told God not to let me wake up if it was indeed a dream. Up till now I still wonder if it was a dream because I never thought I could be alive.

“The judiciary is not perfect; I can name some innocent people who have been executed. The government has to look for an alternative to executions.”



*Amnesty International Benin activists campaigning against the death penalty © Amnesty International*

# 4. OPPORTUNITIES FOR ADVOCACY ON ABOLITION

**“The abolition of the death penalty is a fight for the progress of humanity.”**

Boni Yayi, former President of the Republic of Benin, 2015

## **WAYS TO ABOLISH THE DEATH PENALTY**

In its study published in April 2012, the Working Group on the Death Penalty of the African Commission identified three ways to abolish the death penalty:<sup>23</sup>

- by a clause in the national constitution guaranteeing the right to life in absolute terms (that is, with no qualification whatever);
- by legislation proscribing the death penalty as a permissible sanction; or
- by subscribing to regional and international human rights instruments requiring the abolition of the death penalty and then aligning municipal law to those instruments.

## **METHODS OF ADVOCACY**

Methods of advocacy include but are not limited to:

- in person: private or public meetings, confidential or open discussions, direct or indirect communications through intermediaries, press conferences, workshops and training, photo exhibitions, and side events at conferences;
- print: newspapers, magazines, journals, newsletters, leaflets, billboards, studies, letters, public statements and reports;
- electronic: social media, blogs, radio, television, documentaries and films.

## **STRATEGIC ADVOCACY**

Advocacy is a set of strategic actions directed at decision makers and relevant stakeholders in support of a specific policy issue, for instance abolition of the death penalty. The targets of any advocacy are those individuals who have the power to implement the change sought. Advocacy is about having good strategies and arguments to influence those targets. It involves such activities as meetings with government officials, publishing public statements and reports, and engaging with international and regional human rights bodies.

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<sup>23</sup> African commission on human and peoples' rights, *Study on the question of the death penalty in Africa*, 10 April 2012, p. 54.



It is important to understand the political context, who is who, what motivates our targets and what they think about the death penalty.

The following key steps are intended to guide you when planning and implementing an advocacy strategy on death penalty abolition.

## **ANALYSE THE CONTEXT**

The starting point for developing an advocacy strategy on abolition of the death penalty is to gather information on the use of death penalty in a given country. This should include a legal assessment, evaluating the relevant national legislation and how this relates to international law. It could include the following questions:

- How often is the death penalty used, and for which crimes?
- Is the death penalty actively applied or only retained in law?
- How does the judicial system work?

A strong advocacy strategy will need a political assessment as well, gathering the following types of information:

- How does the legislative system work? Who drafts and amends the laws – is there a parliamentary or legislative committee process?
- Which are the key government ministries and agencies and who are the key decision makers within those institutions?
- What is the public mood on the death penalty?

The above should be followed with identifying and establishing means of private communications with allies on the abolition of the death penalty in the country.

## **SET THE STRATEGY'S AIM AND OBJECTIVES**

The ultimate aim of an advocacy strategy on death penalty abolition in a given country should be that the death penalty is no longer retained in domestic law. However, in some contexts it may be the case that abolition is a medium- or long-term goal, and smaller objectives must be set for the shorter term, such as:

- The state votes in favour of the UNGA resolution on a moratorium on the death penalty.
- The government establishes an official moratorium on executions.
- The state ratifies the ICCPR-OP2.
- The government commutes all death sentences to terms of imprisonment.
- The state abolishes the mandatory use of the death penalty.
- The state does not use the death penalty for crimes that do not meet the threshold of the “most serious crimes”.
- The state enacts other legal changes to meet the minimum guarantees set by international law and standards (such as regarding its use against children, people with disabilities or minority groups).
- The government initiates a comprehensive study on the death penalty in a given country.

It is also helpful to break objectives down into series of necessary steps that lead to the main goal. What does it take, for example, to vote in favour of the UNGA resolution on a moratorium on the death penalty? What is the timeframe for that?

## **PLANNING THE STRATEGY: TIMELINE AND KEY DATES**

An advocacy strategy should include a timeline of your planned activities, taking into consideration the resources available. It should also include key dates and reference points that mark an opportunity and monitor progress.

## IDENTIFY TARGETS

Who are the people who have the power to bring about the desired change? Depending on the context, when working for a moratorium on executions or abolition of the death penalty, targets could include, for instance, influential members of parliament, the minister of justice and the minister of home affairs, the prime minister and the president. Do you have direct access to these people? If not, who has the power to influence them? Other states and regional bodies, the media, academics, religious and community leaders, key diplomats and other officials may all be able to exercise influence. Judges, especially senior ones, also often have a high level of authority and can directly or indirectly contribute to the abolitionist steps. But targeting courts in direct advocacy, such as in specific cases, needs to be balanced with the need to respect the independence of the judiciary and proper judicial processes.

## DEVELOP CLEAR ARGUMENTS

One or more concise and persuasive messages will be needed to capture and effectively convey the objectives of your strategy. A clear message should provide arguments supporting the desired action and outline the positive or negative consequences of that action. It should summarize the recommendations in a simplified language, be clear and concise, and tailored to specific audiences.

Addressing more than one target is likely to require a different message – and perhaps a different channel of communication – for each target. The message and means to influence the minister of justice in a given country might be different from those needed to seek the support of a community leader.

## ASSESS YOUR STRENGTHS AND WEAKNESSES

An assessment of the strengths and weaknesses of your organization or group leading any advocacy initiative is important, so that strategies can take account and be adapted to these. Examples of strengths include specialist knowledge on death penalty issues and access to organizations and individuals supporting the set advocacy aim. Examples of weaknesses might include limited or negative relations with key advocacy targets within the government or the lack of funds or capacity, which could lead to overreach or being unable to follow up on successes.

## IDENTIFY YOUR ALLIES AND OPPONENTS

Identifying the organizations, groups and individuals that might support the achievement of your advocacy aim will help in assessing how to effectively engage with them, how to build support, divide labour and co-ordinate activities. Being aware of the advocacy work carried out by partner organizations and other allies can help in avoiding duplication, mixed messages and possible conflicts. Similarly, identifying the organizations, groups and individuals that might oppose your advocacy aim will help in assessing how to counter their arguments and persuade them to cease advocating against that. The most important allies and opponents are those organizations, groups and individuals that are influential with the key advocacy targets.

## ASSESS RESOURCES

Assessing the human and financial resources available to implement an advocacy strategy is crucial to identify ways to overcome possible deficiencies, where possible, or to reconsider aspects of the strategy so that its objectives can be achieved. Is training required to carry out chosen activities? If so, how much will it cost? Is there need for additional funding?



*Amnesty International activists in Zimbabwe march on World Day against the Death Penalty © Amnesty International*



# ADVOCACY TOWARDS STATE OFFICIALS

Key advocacy targets within government may include the head of state or government, relevant government ministers and diplomats, as well as members of the legislature.

The following key tips are intended to guide you when engaging with your chosen targets to address death penalty issues.

## KEY TIPS FOR EFFECTIVE ENGAGEMENT WITH STATE OFFICIALS

- Know how the process of policy development works, for instance who is involved in its formulation, implementation and possible change. Identify the right target, and the best time to make an intervention.
- Develop a relationship of trust. Introduce yourself and share information, including studies, statistics, suggestions and recommendations.
- Co-ordinate closely and establish open lines of communications.
- Keep in mind that state officials face competing pressures from multiple stakeholders, therefore advocate strategically so that key concerns fit within a specific policy agenda.
- Make targeted, specific, realistic, achievable requests.
- Identify the most effective advocacy tools at disposal to communicate a concern or encourage and congratulate officials on steps taken on death penalty abolition (see text box on methods of advocacy).

## KEY TIPS FOR ADVOCACY MEETINGS WITH STATE OFFICIALS

- Plan the meeting (location, time, delegates, different scenarios), find out who the person(s) you will face will be, prepare agenda and materials (for example position papers, leaflets and reports) and distribute them in advance. Allocate enough time for discussion.
- Introduce yourself, exchange business cards. Initiate the meeting with a positive note. Make the official feel comfortable, say something positive about his or her work and allow an opportunity to speak early on.
- Address your objectives and desired outcome of the meeting, state a case precisely, and make a request explicit. Ask questions and allow time for answers.
- Be prepared to anticipate the counter arguments that the official may raise, and to concede some points as required. Provide counter arguments and explain why it is in the interest of the official (or his/her institution) to respond positively. Offer to provide more information if needed. Keep looking for solutions.
- Sum up at the end of the meeting, reiterate what was agreed and follow up by sending action points and thank you letters. Deliver what you agreed and stay in touch, monitoring whether any promises by officials have been delivered on.

## KEY TIPS FOR LETTER WRITING TO STATE OFFICIALS

- Use a layout that is inviting to the eye.
- Introduce the issue briefly and concisely.
- State clear objectives at the beginning of the letter, then set out how to achieve them and what would be the benefits to the official of doing so.
- Make the reading appealing: address possible fears and reservations, and summarize points. Use positive tone of voice. Use concise and clear language. Do not assume knowledge or background.
- Make specific recommendations and suggest next steps.

## KEY TIPS FOR TELEPHONE COMMUNICATION WITH STATE OFFICIALS

- Make contact with relevant secretary/assistant. Agree time and agenda of call.
- Prepare a desired outline of the call, points and goals to discuss and the intended flow of conversation.
- Anticipate objections and how to overcome them. Have supporting studies, briefing papers, data and other relevant information at hand.
- Introduce yourself. If possible, start with recommendations from somebody the official knows. Make a clear and appealing case; engage the official by asking questions.
- Note decisions and information for improving communications. Summarize what was agreed and next steps.
- Follow up with thank you letters and confirmation of outcomes.



*A group of Amnesty International activists who successfully campaigned for the abolition of the death penalty in Guinea © Amnesty International*

## ENGAGING WITH THE MEDIA

Media engagement has strong potential for influencing state officials. Media releases, background briefings, opinion pieces, letters to the editor and featured articles can all help to put government ministers or officials under pressure regarding their position on the death penalty. There is a risk of some media organizations oversimplifying issues. Having good relationships with journalists at key outlets and being available for short-notice comments or advice can help overcome this challenge. Running workshops and training journalists to report sensitively on death penalty issues can also help alleviate some of the negative stereotypes which can be disseminated through the media.

## OUTREACH

Outreach involves reaching out to groups, organizations and individuals who work together on common concerns about human rights. Faith-based groups, anti-death penalty organizations, ex-death row prisoners and family members of people who experienced the death penalty may all be able and willing to help influence state officials. Identifying them and persuading them to co-operate may facilitate access to information and provide a platform to spread the death penalty abolition message to a wider audience. Effective co-operation requires joint identification of agendas and expectations, and clear definition of roles

and responsibilities. It also requires recognizing and respecting different expertise, abilities and resources, including different working styles and cultural backgrounds.

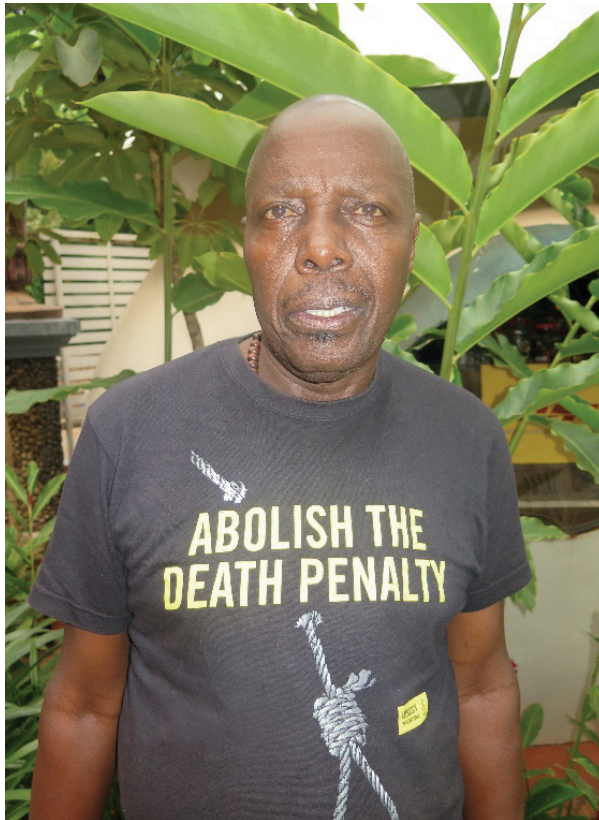
## **ENGAGING EXPERTS ON DEATH PENALTY ISSUES**

Academics, prosecutors, lawyers, prison service officials and other experts on death penalty issues, including sympathetic religious and community leaders and former government representatives, may all have the ability to influence state officials. Examples of engagement could include organizing a photo exhibition in the high court to highlight the experience of people on death row, and inviting forensic specialists to attend, to create opportunities for them to speak to key advocacy targets

## **KEY RECOMMENDATIONS**

The overall recommendation is that states should abolish the death penalty. This should always be re-stated at the outset, especially in public materials, even if this is not realistic in the short time. Pending full abolition of the death penalty, they should:

- Establish an official moratorium on executions with a view to abolishing the death penalty, as called for by UNGA resolutions, and vote in favour of future resolutions.
- Commute without delay all death sentences to terms of imprisonment.
- Remove from national law any death penalty provisions which are in breach of international human rights law, such as its mandatory imposition or its imposition for crimes which do not meet the threshold of “most serious crimes” and which are committed by persons below 18 years of age, and its application on pregnant women, as stipulated for example in Article 6 of the ICCPR.
- Take all the necessary steps to ensure the prompt ratification, without reservations, of the ICCPR, and its OP2, aiming at the abolition of the death penalty.
- Ensure that trials for crimes carrying the death penalty comply with internationally recognized standards for fair trial; where that has not been the case ensure that the individual concerned is given a retrial in proceedings which comply with these standards, and without recourse to the death penalty.
- Ensure full compliance with internationally recognized standards on the use of the death penalty, including the prohibition on the use of the death penalty against juveniles and juvenile offenders (meaning persons who were under the age of 18 at the time of the crime), people with mental or intellectual disabilities, the elderly, pregnant or nursing women.
- Publicize, at least on an annual basis, comprehensive statistics on the death penalty and facts around the administration of justice in death penalty cases.
- Provide technical support and share their experience with other governments on how to move towards abolition of the death penalty.



**“There wasn’t one day I didn’t think I was going to die. Others should not go through what I went through – the guilty ones or the other innocent ones like me.”**

←  Edward Edmary Mpagi  
© Amnesty International 2018

In 1982, Edward Edmary Mpagi was sentenced to death in Uganda for the murder of a man who was later found to be alive. Edward had been framed after a land dispute between families in his village. Witnesses were bribed to say they had seen Edward kill the man and dispose of the body. He spent 18 years on death row in Luzira Prison. His family successfully campaigned for his release, providing evidence that the alleged victim was still alive. In 2000, Edward Mpagi was released by the Ugandan authorities. While on death row Edward taught his fellow inmates to read and write. He is now an advocate for the abolition of the death penalty in Uganda.

“In 1981, I was arrested along with my cousin (who passed away in prison). I was sentenced to death for the death of a person who was later found to be alive. We only saw our lawyer twice before our hearing. As a result of bribes we were sentenced to death. At that time my English was not so good. I needed a translator. My cousin did not know any English at all.

“I spent 18 years on death row. My cousin and I were both convicted in this case. At the time in Uganda it was very hard to reverse the decision of the judge, so my family followed the case up, until they lost hope in securing our release. My cousin and I could not believe that a legal system would convict innocent people.

“In Uganda, conditions for death row prisoners are cruel, degrading and inhuman. We were always denied medicines. There were lice, flies and other vermin in the prison and this resulted in many illnesses and many prisoners died from these illnesses. In 1984 my cousin developed malaria, skin conditions and stomach complications because of inadequate food.

“I pleaded with the prison authorities to give my cousin medication and treatment. However, they told me that we were brought to death row to face death, that it was a waste of taxpayer’s money to treat him. My cousin died in 1985. This really scared me.

“Life is terrible on death row. No one was ever given any notice that they would be executed. Each time we were taken by complete surprise. We lived in complete fear of any unusual activity from the wardens. During my stay in prison there were five rounds of executions. The last one was in 1999 in which the state executed 28 prisoners. But to make matters worse for the inmates, execution was carried out in a nearby place; the crying of the inmates was closely heard and movements were seen. This made inmates’ life so complicated.

“I remember my best friend and roommate being dragged out by prison wardens to be executed. He cried and resisted but he was overpowered after he was hit on the head by fierce wardens. Everybody was in fear at that time. It took us years to get over that incident. But still I keep remembering his last words.

“The coffins for the prisoners to be executed were made in the prison. During the three days before executions, we could all hear the making of coffins. The black hoods and clothes for prisoners to be executed were made by other prisoners. We knew how many people were to be executed by counting the number of hoods being made.

“All this made us depressed and stressed. The people selected for execution were taken to the gallows, which were above our cells. They kept calling out to us and singing hymns to inform us of their fate. Many of them went to the gallows pleading their innocence. Others admitted their crimes and made peace with their enemies and the Lord. Others insisted that while they committed offences, their co-accused were innocent and wrongly convicted.

“There wasn’t one day I didn’t think I was going to die. Others should not go through what I went through – the guilty ones or the other innocent ones like me.

“The death penalty should be abolished; the risk of killing the innocent is high. I know so many people who were innocent and have been killed. People who are found guilty should be kept in prison but not executed. Governments around the world that still use the death penalty should abolish it because death is not punishment. Everyone will die one day, both the innocent and guilty. However, if you put someone in prison instead of killing them, the person has a chance of being remorseful and to change.

“Abolitionist activists should continue sensitizing people to the horror of the death penalty.”

## ENGAGING WITH REGIONAL AND UN MECHANISMS

Regional and UN mechanisms often offer opportunities for advocacy when opportunities to influence domestic legislation or politics at national level are limited.

### REGIONAL MECHANISMS

#### AFRICAN COMMISSION

You can engage with the African Commission in a range of ways, including the following:

***The individual communications procedure:*** submit a communication to highlight a violation by a state party of one or more rights enshrined in the African Charter in relation to a death penalty case. Communications must meet the seven conditions outlined in Article 56 of the Charter, and must be submitted in writing and addressed to the Secretariat or the Chairman of the Commission. Make precise allegations of facts by attaching relevant documents and avoid allegations in general terms. Call on a delegation of the African Commission to undertake a fact-finding mission in your country of concern to further establish first hand the situation of those affected by the death penalty. Call on the African Commission to urge all states parties to the African Charter to establish a moratorium on executions with a view to abolishing the death penalty; to commute all remaining death sentences to terms of imprisonment; and to ratify the ICCPR-OP2. In case of inadmissibility of a communication, provide further information for a review of this decision. In case of admissibility of a communication, make oral presentations before the African Commission, providing arguments and facts supporting your communication. Put pressure on that state party to implement the African Commission’s recommendations.<sup>24</sup>

***Review of a state party’s process:*** send reports to the Secretary of the Commission on the human rights situation in a state party under review by the African Commission, highlighting the violations in the use of the death penalty in that country.<sup>25</sup> Reports must be sent at least 60 days prior to the examination of the report by the African Commission.

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<sup>24</sup> NGOs can withdraw their communication at any stage.

<sup>25</sup> Every two years states parties to the African Charter are required to submit to the African Commission a report on the measures taken to respect and implement the rights guaranteed in the Charter.



**Working Group on the Death Penalty:** communicate with the Working Group Chairperson and provide information on the use of the death penalty in a state party to the African Charter, to facilitate effective monitoring on the application of the death penalty in Africa, with a view to promoting abolition.

**African Commission observer status:** apply to the Secretary of the African Commission for observer status. NGOs with observer status can participate in and speak during the ordinary sessions of the African Commission, prepare reports on the human rights situation in a given country, including on the use of the death penalty, and submit proposals which may be put to vote at the request of any of its members.<sup>26</sup>

**The Forum on the Participation of NGOs in the Ordinary Sessions of the African Commission (the NGO Forum):** participate in the NGO Forum and establish collective positions on the death penalty with other NGOs. Identify possible strategies on death penalty issues and draft resolutions for consideration to the African Commission Session during its sittings.<sup>27</sup> Applications can be made through the African Centre for Democracy and Human Rights Studies.<sup>28</sup> During the ordinary sessions of the African Commission, deliver oral and public statements on the use of the death penalty in Africa, highlighting particular concerns in countries, trends, positive developments and initiatives for abolition.

## UN MECHANISMS

### HUMAN RIGHTS COMMITTEE

Together with other civil society organizations provide a submission to the Human Rights Committee – sometimes described as a “shadow report” – to influence the review by the Committee of states parties’ compliance with their obligations under the ICCPR and under its Optional Protocols, and to reflect an agreed view on death penalty issues. Participate in consultations and briefings with the Committee’s members. Attend a Committee session, disseminate its observations and recommendations. Monitor and encourage implementation by states parties of the Committee’s recommendations.<sup>29</sup> If the relevant Committee’s competence has been accepted under the (First) Optional Protocol on individual communications, submit a communication to highlight a violation by a state party of one or more rights enshrined in the ICCPR in relation to a death penalty case.<sup>30</sup>

### COMMITTEE AGAINST TORTURE

Submit information to the Committee against Torture (CAT) at different stages of the reporting process and attend sessions where the Committee examines the report for which information has been submitted.<sup>31</sup> Participate in consultations and briefings with the Committee’s members. Disseminate the Committee’s observations and recommendations. Monitor and encourage implementation by states parties of the Committee’s recommendations.<sup>32</sup>

Other treaty-based UN mechanisms, such as the **Committee on the Elimination of Racial Discrimination**, the **Committee on the Elimination of Discrimination against Women**,<sup>33</sup> the **Committee on the Rights of the Child**, the **Committee on Migrant Workers**, and the **Committee on the Rights of Persons with Disabilities** can also serve as entry points if you can raise a death penalty issue relevant to their mandates, especially for countries which have only ratified a small number of the relevant human rights treaties.

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<sup>26</sup> NGOs cannot vote in these discussions. Those without observer status can attend the ordinary sessions but are not allowed to speak.

<sup>27</sup> Organized twice a year in the days preceding the Ordinary Session of the African Commission, the NGO Forum is a platform for sharing updates on human rights in Africa.

<sup>28</sup> This is an independent non-governmental pan-African organization established in Gambia in 1989. More information can be found here: [www.acdhrs.org](http://www.acdhrs.org)

<sup>29</sup> The Human Rights Committee is a body of independent experts that monitors implementation of the ICCPR and ICCPR-OP2 by those treaties’ states parties.

<sup>30</sup> See Annex III for a list of African countries that are states parties to the Optional Protocol to the International Covenant on Civil and Political Rights.

<sup>31</sup> For specific aspects of the death penalty that could be referred to, see Amnesty International, *Combating torture and other ill-treatment: A manual for action* (Index: POL 30/4036/2016), chapter 2.6.

<sup>32</sup> CAT is the body of independent experts that monitors implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by its states parties.

<sup>33</sup> For example, on the issue of punishing “adultery” with the death penalty, see Amnesty International, *Body politics: A primer on criminalization of sexuality and reproduction* (Index: POL 40/7763/2018), Annex 2 (pp. 100-102).

## UN HUMAN RIGHTS COUNCIL

Participate in a plenary session of the Human Rights Council: make written statements and oral interventions, and organize parallel events on the death penalty. Lobby reviewing states to raise death penalty issues, make recommendations and follow up on their commitments on the death penalty. Lobby for strong resolutions on death penalty issues.

## UNIVERSAL PERIODIC REVIEW

Check the calendar of reviews of the Human Rights Council to find out when your country of concern is up for review under the UN Universal Periodic Review (UPR).<sup>34</sup> Provide a timely submission to the Human Rights Council on the use of the death penalty in that country.<sup>35</sup>

## SPECIAL RAPPORTEURS

Submit communications to the Special Rapporteur on extrajudicial, summary or arbitrary executions and to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Raise concerns on the death penalty, and facilitate access to human rights holders, lawyers, journalists and other stakeholders. Make a case for the Special Rapporteurs to visit the country you are working on, and accompany them when possible. Disseminate their findings and recommendations. Ask governments to implement these recommendations.<sup>36</sup>

## UN GENERAL ASSEMBLY

NGOs generally cannot speak in the General Assembly but can engage via their country capitals and directly with the UN missions in New York. Lobby states to make statements on death penalty abolition, and on the wording of a resolution for a moratorium on the use of the death penalty as a step towards abolition.<sup>37</sup> Hold side events to raise awareness of death penalty issues.

## KEY DATES

The following key dates mark recurrent opportunities for advocacy on death penalty issues:

**World Day against the Death Penalty:** Since 2003, every year on 10 October, the World Coalition against the Death Penalty has called upon abolitionist NGOs, networks, activists and institutions to mobilize and raise awareness on the use of the death penalty around the world.<sup>38</sup> Every year the World Coalition identifies a theme for the “World Day against the Death Penalty” which is used to raise awareness around the use of the death penalty. On 10 October you can organize an event or action to raise awareness on the death penalty or join other initiatives organized worldwide.

**Cities for Life – Cities against the Death Penalty:** The “World Day against the Death Penalty” action is followed on 30 November each year by the “Cities for Life” initiative, when municipalities around the world light up symbolic buildings to commemorate the first abolition of the death penalty by the Grand Duchy of Tuscany in 1786. Engage your city officials so that major monuments and squares are used to hold educational and artistic events aimed at raising awareness on the death penalty.

**Human Rights Day:** This day marks the adoption of the UDHR by the UNGA on 10 December 1948. The UDHR sets out a broad range of human rights and freedoms to which all people are entitled, without

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<sup>34</sup> The UPR is a state-driven process under the auspices of the Human Rights Council that involves a review of the human rights’ records of all UN member states. Forty-two states are reviewed each year during three Working Group sessions dedicated to 14 states each. These three sessions are usually held in January/February, May/June and October/November.

<sup>35</sup> Submissions (five pages maximum when submitted by individual stakeholders and 10 pages maximum when submitted by a coalition of stakeholders) should be made through the online UPR Submissions Registration System: <https://uprdoc.ohchr.org/Account/Login.aspx?ReturnUrl=%2f>

<sup>36</sup> Special Rapporteurs are independent human rights experts responsible for undertaking thematic studies, reporting to the Human Rights Council and the General Assembly, raising cases with relevant governments and making recommendations to address human rights violations.

<sup>37</sup> UNGA resolutions are generally first considered under the body’s relevant committees. The Third Committee deals with human rights issues and it generally considers all draft resolutions on this topic in mid-November, approximately. Once the proposed resolutions are adopted by the Third Committee, they are sent for full consideration by the plenary session of the UNGA and it is only after this that the proposals can be adopted as UNGA resolutions.

<sup>38</sup> The World Coalition is an alliance of more than 150 NGOs, bar associations, local authorities and unions that work to strengthen the international dimension of the fight against the death penalty.

distinction. Organize an event or action to raise awareness on the death penalty. Join other initiatives organized worldwide.

**UNGA vote on the death penalty:** Every two years member states of the UN at the General Assembly vote on a resolution to establish a moratorium on executions with a view to abolishing the death penalty globally. The crucial votes usually occur in November and December of respective years.

**Universal Periodic Review (UPR):** Every UN member state has its human rights record scrutinized every four and half years under the UPR process.

**Amnesty International:** The organization publishes its annual reports on the global use of the death penalty in one calendar year, usually in the first quarter of the following year.<sup>39</sup>

## IMPORTANT ONLINE RESOURCES

Important online resources on the death penalty can be found below:

Amnesty International: [www.amnesty.org/en/what-we-do/death-penalty/](http://www.amnesty.org/en/what-we-do/death-penalty/)

World Coalition against the Death Penalty: [www.worldcoalition.org/](http://www.worldcoalition.org/)

Cornell Center on the Death Penalty Worldwide: [www.deathpenaltyworldwide.org/](http://www.deathpenaltyworldwide.org/)

Office of the High Commissioner for Human Rights: [www.ohchr.org/EN/Pages/Home.aspx](http://www.ohchr.org/EN/Pages/Home.aspx)

African Commission on Human and Peoples' Rights: [www.achpr.org/](http://www.achpr.org/)

International Commission against the Death Penalty: [www.icomdp.org/](http://www.icomdp.org/)

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<sup>39</sup> See [www.amnesty.org/en/what-we-do/death-penalty/](http://www.amnesty.org/en/what-we-do/death-penalty/) for copies of past reports.





**“That place  
[death row] is  
hell for a man.”**



*Moses Akatugba*  
© Amnesty International 2016

Moses Akatugba was 16 years old when he was arrested in 2005 in Nigeria for armed robbery, an offence he said he did not commit. He told Amnesty International that police officers beat him repeatedly with machetes and batons, tied him and hung him up from the ceiling for several hours, and then used pliers to pull out his toenails and fingernails. He was then forced to sign two pre-written “confessions”. After eight years of being remanded in prison, on 12 November 2013 he was sentenced to death by hanging. On 28 May 2015, the eve of his departure from office, Emmanuel Uduaghan, then Governor of Delta State in Nigeria, granted a total pardon to Moses.

“When the judge delivered the judgment, I was not expecting to be sentenced to death. I was shocked when the judge sentenced me to death. I saw my mother and other people crying in the courtroom. I looked at the judge and wondered how she could come to the conclusion that I should be killed. That day I told the judge that I was innocent and that one day, somehow, I was going to be exonerated. When I said that, I was hopeful in the midst of nothing; all I had was my innocence.

“The campaign of Amnesty International for my release brought life to me on death row. The actions of activists who campaigned for me gave me joy and courage that I was going to get out of prison.

“I am now back in school to receive the education I was deprived when I was sentenced to death. I now advocate against the death penalty and provide campaign support to others the way Amnesty International campaigned for my freedom.

“When I was in prison I was really moved by the fact that activists around the world campaigned on my behalf against my death sentence. I made up my mind that when I got out of prison I would campaign against the death penalty for the rest of my life.

“That place [death row] is hell for a man. No human should be made to go through such a place. The death penalty must be abolished and replaced with prison terms.

“I urge activists against the death penalty not to relent in their work because it is effective and having an impact. If not for the work of activists I wouldn't be a free man.”

# ANNEX I: ABOLITIONIST AND RETENTIONIST COUNTRIES AS OF 30 SEPTEMBER 2019

## 1. ABOLITIONIST FOR ALL CRIMES

Countries whose laws do not provide for the death penalty for any crime:

Albania, Andorra, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Bulgaria, Burundi, Cabo Verde, Cambodia, Canada, Colombia, Congo (Republic of the), Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Estonia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Guinea, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, Ireland, Italy, Kiribati, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Luxembourg, North Macedonia, Madagascar, Malta, Marshall Islands, Mauritius, Mexico, Micronesia, Moldova, Monaco, Mongolia, Montenegro, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niue, Norway, Palau, Panama, Paraguay, Philippines, Poland, Portugal, Romania, Rwanda, Samoa, San Marino, Sao Tome and Principe, Senegal, Serbia (including Kosovo), Seychelles, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Suriname, Sweden, Switzerland, Timor-Leste, Togo, Turkey, Turkmenistan, Tuvalu, UK, Ukraine, Uruguay, Uzbekistan, Vanuatu, Venezuela.

## 2. ABOLITIONIST FOR ORDINARY CRIMES ONLY

Countries whose laws provide for the death penalty only for exceptional crimes such as crimes under military law or crimes committed in exceptional circumstances:

Brazil, Burkina Faso, Chile, El Salvador, Guatemala, Israel, Kazakhstan, Peru.

## 3. ABOLITIONIST IN PRACTICE

Countries that retain the death penalty for ordinary crimes such as murder but can be considered abolitionist in practice in that they have not executed anyone during the last 10 years and are believed to have a policy or established practice of not carrying out executions:

Algeria, Brunei Darussalam, Cameroon, Central African Republic, Eritrea, Eswatini (former Swaziland), Ghana, Grenada, Kenya, Laos, Liberia, Malawi, Maldives, Mali, Mauritania, Morocco/Western Sahara, Myanmar, Niger, Papua New Guinea, Russian Federation,<sup>40</sup> Sierra Leone, South Korea (Republic of Korea), Sri Lanka, Tajikistan, Tanzania, Tonga, Tunisia, Zambia.

## 4. RETENTIONIST

Countries that retain the death penalty for ordinary crimes:

Afghanistan, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Botswana, Chad, China, Comoros, Cuba, Democratic Republic of the Congo, Dominica, Egypt, Equatorial Guinea, Ethiopia, Gambia, Guyana, India, Indonesia, Iran, Iraq, Jamaica, Japan, Jordan, Kuwait, Lebanon, Lesotho, Libya, Malaysia, Nigeria, North Korea (Democratic People's Republic of Korea), Oman, Pakistan, Palestine (State of), Qatar, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, South Sudan, Sudan, Syria, Taiwan, Thailand, Trinidad and Tobago, Uganda, United Arab Emirates, USA, Viet Nam, Yemen, Zimbabwe.

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<sup>40</sup> The Russian Federation introduced a moratorium on executions in August 1996. However, executions were carried out between 1996 and 1999 in the Chechen Republic.

## **ANNEX II: AFRICA'S RATIFICATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

The International Covenant on Civil and Political Rights, presently has 116 states parties.

**African states parties:** Algeria, Angola, Benin, Botswana, Burkina Faso, Burundi, Cabo Verde, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Egypt, Equatorial Guinea, Eritrea, Eswatini (former Swaziland), Ethiopia, Gabon, Gambia, Ghana, Guinea, Guinea-Bissau, Kenya, Lesotho, Liberia, Libya, Madagascar, Malawi, Mali, Mauritania, Mauritius, Morocco, Mozambique, Namibia, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Sudan, Tanzania, Togo, Tunisia, Uganda, Zambia, Zimbabwe.

**Signed but not ratified:** Comoros.

**Not a party:** South Sudan.

## **ANNEX III: AFRICA'S RATIFICATION OF THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS**

The Optional Protocol to the International Covenant on Civil and Political Rights, presently has 116 states parties.

**African states parties:** Algeria, Angola, Benin, Burkina Faso, Cabo Verde, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Gambia, Ghana, Guinea, Guinea-Bissau, Lesotho, Libya, Madagascar, Malawi, Mali, Mauritius, Namibia, Niger, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Somalia, South Africa, Togo, Tunisia, Uganda, Zambia.

**Signed but not ratified:** Liberia.

## **ANNEX IV: AFRICA'S RATIFICATION OF THE SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE DEATH PENALTY**

The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, presently has 88 states parties.

**African states parties:** Angola, Benin, Cabo Verde, Djibouti, Gabon, Gambia, Guinea-Bissau, Liberia, Madagascar, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Seychelles, South Africa, Togo.

# ANNEX V: AFRICA'S VOTING RECORD ON UN GENERAL ASSEMBLY RESOLUTIONS ON THE USE OF THE DEATH PENALTY

## UNGA RESOLUTION 62/149 ADOPTED ON 18 DECEMBER 2007<sup>41</sup>

**African country votes in favour:** Algeria, Angola, Benin, Burkina Faso, Burundi, Cape Verde, Congo, Côte d'Ivoire, Gabon, Madagascar, Mali, Mauritius, Mozambique, Namibia, Rwanda, Sao Tome and Principe, South Africa.

**African country votes against:** Botswana, Comoros, Chad, Egypt, Ethiopia, Libya, Mauritania, Nigeria, Somalia, Sudan, Uganda, Zimbabwe.

**African country abstentions:** Cameroon, Central African Republic, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Eritrea, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Malawi, Morocco, Niger, Sierra Leone, Swaziland, Togo, United Republic of Tanzania, Zambia.

## UNGA RESOLUTION 63/168 ADOPTED ON 18 DECEMBER 2008<sup>42</sup>

**African country votes in favour:** Algeria, Angola, Benin, Burkina Faso, Burundi, Cape Verde, Congo, Côte d'Ivoire, Ethiopia, Gabon, Guinea-Bissau, Madagascar, Mali, Mauritius, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Somalia, South Africa.

**African country votes against:** Botswana, Comoros, Egypt, Libya, Nigeria, Sudan, Swaziland, Uganda, Zimbabwe.

**African country abstentions:** Cameroon, Central African Republic, Djibouti, Eritrea, Gambia, Ghana, Guinea, Kenya, Lesotho, Liberia, Malawi, Mauritania, Morocco, Niger, Senegal, Sierra Leone, Togo, United Republic of Tanzania, Zambia.

## UNGA RESOLUTION 65/206 ADOPTED ON 21 DECEMBER 2010<sup>43</sup>

**African country votes in favour:** Algeria, Angola, Burkina Faso, Burundi, Cape Verde, Congo, Gabon, Gambia, Guinea-Bissau, Madagascar, Mali, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Somalia, South Africa, Togo.

**African country votes against:** Botswana, Egypt, Ethiopia, Libya, Sudan, Swaziland, Uganda, Zimbabwe.

**African country abstentions:** Cameroon, Central African Republic, Comoros, Democratic Republic of the Congo, Djibouti, Eritrea, Ghana, Guinea, Kenya, Lesotho, Liberia, Malawi, Mauritania, Morocco, Niger, Nigeria, Senegal, Sierra Leone, United Republic of Tanzania, Zambia.

## UNGA RESOLUTION 67/176 ADOPTED ON 20 DECEMBER 2012<sup>44</sup>

**African country votes in favour:** Algeria, Angola, Benin, Burkina Faso, Burundi, Cape Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea-Bissau, Madagascar, Mali, Mozambique, Rwanda, Sierra Leone, Somalia, South Africa, South Sudan, Togo, Tunisia.

**African country votes against:** Botswana, Egypt, Ethiopia, Libya, Sudan, Swaziland, Uganda, Zimbabwe.

**African country abstentions:** Cameroon, Comoros, Democratic Republic of the Congo, Djibouti, Eritrea, Guinea, Kenya, Lesotho, Liberia, Malawi, Mauritania, Morocco, Namibia, Niger, Nigeria, Senegal, United Republic of Tanzania, Zambia.

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<sup>41</sup> <https://undocs.org/en/A/RES/62/149>

<sup>42</sup> <https://undocs.org/en/A/RES/63/168>

<sup>43</sup> <https://undocs.org/en/A/RES/65/206>

<sup>44</sup> <https://undocs.org/en/A/RES/67/176>

## **UNGA RESOLUTION 69/186 ADOPTED ON 18 DECEMBER 2014<sup>45</sup>**

**African country votes in favour:** Algeria, Angola, Benin, Burkina Faso, Burundi, Cabo Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Equatorial Guinea, Eritrea, Gabon, Guinea-Bissau, Madagascar, Mali, Niger, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, South Africa, South Sudan, Togo, Tunisia.

**African country votes against:** Botswana, Egypt, Ethiopia, Libya, Zimbabwe.

**African country abstentions:** Cameroon, Comoros, Democratic Republic of the Congo, Djibouti, Gambia, Ghana, Guinea, Kenya, Liberia, Malawi, Mauritania, Morocco, Namibia, Nigeria, Senegal, Uganda, United Republic of Tanzania, Zambia.

## **UNGA RESOLUTION 71/187 ADOPTED ON 19 DECEMBER 2016<sup>46</sup>**

**African country votes in favour:** Algeria, Angola, Benin, Burkina Faso, Cabo Verde, Central African Republic, Chad, Congo, Côte d'Ivoire, Eritrea, Gabon, Guinea, Guinea-Bissau, Madagascar, Malawi, Mali, Mozambique, Namibia, Sao Tome and Principe, Sierra Leone, Somalia, South Africa, Swaziland, Togo, Tunisia.

**African country votes against:** Botswana, Burundi, Egypt, Ethiopia, Libya, South Sudan, Sudan.

**African country abstentions:** Cameroon, Comoros, Djibouti, Equatorial Guinea, Ghana, Kenya, Lesotho, Liberia, Mauritania, Morocco, Niger, Nigeria, Seychelles, Uganda, Zambia, Zimbabwe.

## **UNGA RESOLUTION 73/175 ADOPTED ON 17 DECEMBER 2018<sup>47</sup>**

**African country votes in favour:** Algeria, Angola, Benin, Burkina Faso, Cabo Verde, Central African Republic, Chad, Côte d'Ivoire, Equatorial Guinea, Eritrea, Gabon, Gambia, Guinea-Bissau, Libya, Madagascar, Malawi, Mali, Mauritius, Mozambique, Namibia, Niger, Rwanda, Samoa, Sao Tome and Principe, Somalia, South Africa, Togo, Tunisia.

**African country votes against:** Botswana, Egypt, Ethiopia, Sudan, Zimbabwe.

**African country abstentions:** Cameroon, Comoros, Congo (Republic of), Democratic Republic of the Congo, Djibouti, Ghana, Guinea, Kenya, Lesotho, Liberia, Mauritania, Morocco/Western Sahara, Nigeria, South Sudan, Tanzania, Uganda, Zambia.

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<sup>45</sup> <https://undocs.org/en/A/RES/69/186>

<sup>46</sup> <https://undocs.org/en/A/RES/71/187>

<sup>47</sup> <https://undocs.org/en/A/RES/73/175>



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# ADVOCACY TOOLKIT

## ABOLITION OF THE DEATH PENALTY IN AFRICA

When Amnesty International began campaigning for the abolition of the death penalty in 1977, no country in Africa had abolished the death penalty for all crimes. Today, 20 countries on the continent have abolished the punishment for all crimes. In the last four decades significant progress against the death penalty has been recorded in Africa and it is only a matter of time for the continent to become fully abolitionist.

This toolkit is for the use of activists working on the abolition of the death penalty in Africa. It is intended to equip them with some key advocacy tools to effectively influence the institutions and individuals who can make abolition a reality in the region. Amnesty International hopes that this toolkit will support and strengthen the work of activists, whether they are relatively new to the issue or experienced campaigners, and that it will contribute to the global effort to combat the use of the death penalty and eventually end it.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature or circumstances of the crime, regardless of the guilt, innocence or other characteristics of the individual and regardless of the method used by the state to carry out the execution.