



Action against the death penalty in Ghana, 1 October 2021.
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KEY FACTS ON THE DEATH PENALTY IN GHANA

1. The **last executions** in Ghana were carried out in **1993**, the year of Ghana's return to civilian rule. Twelve people convicted of armed robbery or murder were executed by firing squad.

2. The death penalty is retained in the 1992 Ghanaian **Constitution**, which also provides it as the mandatory punishment for treason. The **Criminal Code** carries the mandatory death penalty for murder; and discretionary death sentencing for attempt to commit murder, genocide, treason and smuggling of gold and diamonds. Under the **Armed Forces Act** of 1962, the death penalty may be imposed for treason and mutiny by military personnel in time of war.

3. The courts have continued to impose **death sentences**, mostly for murder. Information provided to Amnesty International by the Ghana Prison Service indicated that three new death sentences were imposed in 2020; eight in 2019; and 12 in 2018.

4. As of the end of **2020**, 160 people – 155 men and five women – were **under sentence of death**. These included six foreign nationals, one from Benin, two from Burkina Faso and three from Nigeria. People sentenced to death in Ghana are transferred to Nsawam Prison, about two hours outside the capital Accra. There is a separate wing for death row prisoners in the men's section of the prison. Women on death row are detained in the female wing of Nsawam Prison and all stay in one death row cell.

5. **Commutations** of death sentences to lesser punishment or pardons have been granted in recent years. Nine people had their death sentences commuted to life imprisonment in 2020.

GHANA: TIME TO SCRAP UNFAIR AND DISCRIMINATORY DEATH PENALTY

The death penalty in Ghana has been frequently used in violation of international law and standards, affecting predominantly those from disadvantaged socio-economic backgrounds, as shown by [research](#) carried out by Amnesty International. It is high time the authorities of Ghana acted to fully abolish it.

In Ghana the death penalty has been imposed mainly as the mandatory punishment for murder, meaning that judges were unable to consider any mitigating factors relating to the case, the circumstances of the offence or the background of the defendants at sentencing, when they imposed the death penalty. This has meant, for example, that some women on death row could not have their experience of being subjected to prolonged domestic violence at the hands of their husbands or partners taken into account when they were convicted of their murders.

The widespread concerns on the lack of effective legal representation and appeals described by many on death row is also greatly alarming, including as these are critical safeguards to protect the rights of those facing the death penalty and avoid miscarriage of justice. Around three-quarters of the 107 people on death row interviewed by Amnesty International in preparing its 2017 report had a state-appointed lawyer at trial level, with only around 15% able to hire a lawyer of their choice with help from their families. Three men stated they did not have any legal representation during their initial trial; of the three women on death row at the time of the interviews, two said they did not have a trial lawyer. Several others said that their lawyers had not attended all the hearings; and many said that they did not have a chance to talk to their lawyer and prepare their defence during trial.

As appeals are not mandatory in Ghana, the majority of those on death row told Amnesty International that they had been unable to appeal their convictions and death sentences. Most did not fully understand their right to appeal or how to pursue this process, and believed they needed to have sufficient money to hire a private lawyer in order to appeal. Figures provided by the Ghana Prison Service (the Prison Service) in March 2017 indicated that only 12 prisoners on death row had filed appeals since 2006. None of the three women on death row had been able to file an appeal due to lack of money. One woman told Amnesty International that at the time a lawyer asked for 60 million Old Ghana Cedi (more than US\$12,000) to file an appeal.

It comes as no surprise that in a legal system with so few built-in safeguards those who end up carrying the burden of the death penalty have disadvantaged backgrounds. The majority of the 107 people interviewed came from outside of the greater Accra region, had minimal educational levels and were from disadvantaged socio-economic backgrounds, with children left in the care of others. Against international safeguards, six people on death row at Nsawam Prison were considered to have mental (psychosocial) or intellectual disabilities and were not supported through specialized care.

Conditions for men and women on death row do not meet international standards.

Both men and women reported overcrowding, poor sanitary facilities, isolation, and lack of adequate access to medical care and to recreational or educational opportunities available to other people in detention. Amnesty International opposes the death penalty in all cases without exception.



TAKE ACTION LET'S MAKE ABOLITION OF THE DEATH PENALTY A REALITY IN GHANA

In June 2021, Hon. Francis Xavier Sosu, a member of the Parliament of Ghana, initiated a proposal for the introduction of a bill to remove the death penalty from the Criminal and Other Offences Act, 1960 (Act 29). The proposal seeks to abolish the death penalty for most capital offences under national legislation. This is a unique opportunity for Ghana to make significant steps towards the abolition of the death penalty for all crimes. You can support abolition in Ghana in three simple steps.



WRITE A LETTER, POST CARD OR EMAIL

Share your support for abolition of the death penalty in Ghana with Hon. Alban Sumana Kingsford Bagbin, Speaker of Parliament, who oversees the work of the country's legislative body; and Hon. Godfred Yeboah Dame, Attorney-General and Minister for Justice, who oversees the government's legislative agenda. They are among the key players to drive efforts towards abolition and commutation of all death sentences.

You can write a letter, postcard, an email. If you feel more creative, you can combine your appeal with an artwork, a drawing, a video-petition – anything that can help positively

convey that the world is ready to support Ghana make the move towards full abolition of the death penalty.



HELP SPREAD THE WORD

The louder they hear us, the better. Help us raise awareness on Amnesty International's concerns on the death penalty in Ghana and on ways others can support this action. You can support our fight against the [#deathpenalty](#) and ask for [#Ghanavoteforabolition](#) by spreading the word online, sharing a post, links or a 30-seconds video message on Facebook, Instagram and Twitter, to get as many people as possible to encourage the authorities of Ghana to take the next steps towards abolition. Make sure you address your message

to the authorities listed below, and you make clear that you support Amnesty International's call for the abolition of death penalty in Ghana. You can find below some points to include. Add [#Ghanavoteforabolition](#) to help us spread the word online.



REACH OUT TO YOUR LEGISLATOR

Contact your Member of Parliament or legislator and ask them to add their voice in support of abolition in Ghana.

As policy-makers, they would understand the challenges that come with legislative changes and would be uniquely placed to advocate for a response to crime and violence that is rooted in the promotion and protection of human rights for all.

YOU CAN WRITE TO:



Hon. Alban Sumana Kingsford Bagbin

Speaker of Parliament of the Republic of Ghana
Office of the Speaker of Parliament
Parliament House - Accra, Ghana
Email: info@parliament.gh
Salutation: Dear Speaker of Parliament



Hon. Godfred Yeboah Dame

Attorney-General and Minister for Justice of the Republic of Ghana
Office of the Attorney-General and Minister of Justice
P.O.Box MB60 - Accra, Ghana
Fax: +233-030 266 7609
Email: info@mojagd.gov.gh
Salutation: Dear Attorney-General

Some suggested points to include in your appeals:

- The use of the death penalty in Ghana violates human rights. It is imposed in breach of protections and restrictions set out in international law and standards, such as the mandatory punishment for certain offences. This has resulted, for example, in women who were subjected to gender-based violence at the hands of the murder victim not being able to present their experience and any other mitigating factors at sentencing; and many people not receiving effective legal representation, or any representation at all. The majority have not been able to exercise their right to appeal.
- Those with disadvantaged socio-economic backgrounds have been disproportionately affected by death penalty. People with mental (psychosocial) disabilities have been subjected to the death penalty and have not been supported with specialized care. Detention conditions on death row are poor.
- The Ghanaian authorities should commute the death sentences of all death row prisoners to terms of imprisonment and ensure all these cases are reviewed to identify any potential miscarriages of justice. As of today, the majority of the world's countries have abolished the death penalty for all crimes and known executions globally have continued to drop in recent years. The Parliament of Sierra Leone unanimously voted in favour of abolition in July 2021. With your support, Ghana can make significant steps towards the abolition of the death penalty for all crimes. We count on your support.