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Zimbabwe: Amnesty International says death penalty provisions in draft constitution do not go far enough

Following the release on 18 July of a second Draft Constitution Of Zimbabwe document, Amnesty International has reiterated its call for total abolition of the death penalty in the proposed new Constitution.

Section 4.5 in the new draft constitution allows for the imposition of the death penalty on a person convicted of murder “committed in aggravating circumstances,” but exempts from the application of the death penalty all women, men under 21 years at the time of the commission of the crime, and those over 70 years of age. It also prohibits the imposition of the death penalty as a mandatory punishment.

The proposed provisions on the death penalty are disappointing in that Amnesty International has consistently called on Zimbabwe to remove the death penalty entirely from the new Constitution and join the global trend towards abolition of this ultimate cruel, inhuman and degrading form of punishment. The death penalty should be abolished fully in the new Constitution regardless of gender and the circumstances in which a crime was committed.

The new proposals do not address the real problems of the death penalty in Zimbabwe. Under the existing Constitution both mutiny and treason are crimes which are punishable by death in addition to murder. While mutiny and treason would now be excluded, Amnesty International is not aware of any prisoners on death row who were convicted for these crimes.

Amnesty International is aware of at least 56 people serving death sentences in the country at present. Of these 56, the organisation is aware of only one woman being on death row. The practical impact of the provisions under the current draft to exempt women would therefore not significantly reduce the use of the death penalty.

The death penalty is a violation of the right to life and is the ultimate cruel, inhuman or degrading punishment. These rights are recognized in the Universal Declaration of Human Rights and other international human rights instruments to which Zimbabwe is a state party.

Amnesty International has been campaigning for total abolition of the death penalty in the context of the current constitution-making process since 2009, and for the recognition of economic, social and cultural rights in a new constitution.

The organisation will seek further engagement with the Zimbabwean authorities on the death penalty and other issues of concern when the second draft is signed off by principals of the Government of National Unity.