

AI Index: PRE 01/539/2012
05 November 2012

South Sudan: Place Moratorium on Death Penalty

(Juba, November 5, 2012) – South Sudan should join the great majority of United Nations members that have abolished the death penalty in law or practice by placing a moratorium on all executions, a group of South Sudanese and international human rights groups said today.

In December 2012, South Sudan will have its first opportunity to vote on a UN General Assembly resolution to establish a moratorium on executions with a view to abolishing the death penalty. In a [5 November letter](#) to the South Sudan Minister of Foreign Affairs, Nhial Deng Nhial, the organizations raised concerns about South Sudan's continued use of the death penalty.

“South Sudan should take the opportunity of the UN General Assembly resolution on the death penalty to join movement toward abolition across Africa and around the world,” said Audrey Gaughran, Africa Director at Amnesty International. “President Salva Kiir Mayardit should immediately declare an official moratorium on executions, and the government should urgently address the continuing shortcomings in the country's administration of justice.”

South Sudan has continued to use the death penalty despite well-documented weaknesses in the country's legal system, which prevent it from ensuring the basic legal rights of people accused of crimes. On August 28, two men were hanged in Juba prison. More than 200 prisoners are on death row, shackled and crowded into cramped and dirty cells.

Globally, more than two-thirds of UN member states- 137 countries - have abolished the death penalty in law or in practice. This includes 37 of the 54 member countries of the African Union - more than two-thirds of all African countries.

Since 2000, Burundi, Côte d'Ivoire, Gabon, Rwanda, Senegal and Togo have abolished the death penalty for all crimes. In the last few months alone, the government of Ghana accepted the recommendation of a Constitution Review Commission to abolish the death penalty in the country's new Constitution.

Benin became the 75th country worldwide and the 10th in Africa, to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) aiming at abolition of the death penalty; in September Madagascar also signed this treaty.

“Depriving someone of the right to life is an ultimate and irreversible punishment,” said Dong Samuel of the South Sudan Law Society. “Without even the most basic legal protections in place, the risk of arbitrariness and error is too high.”

Since 2006, South Sudan's Ministry of Justice has provided legal aid in a total of only six cases. The vast majority of prisoners on death row were not represented by counsel, leaving many unable to adequately prepare their defense or to appeal convictions.

The ICCPR requires that where the death penalty has not been abolished, it should be imposed only for

the most serious crimes, after scrupulous adherence to international fair trial standards, and only after a final judgment by a competent court.

The coalition of organizations is calling upon the Government of South Sudan to increase public information and transparency about its use of the death penalty, including by publishing statistics on the number of executions carried out and death sentences imposed and notifying prisoners' families of impending executions.

The accessibility of such information is of particular importance during the current constitutional review process, the groups said. During this period, the government should facilitate informed discussion about substantive constitutional provisions such as the right to life.

“Transparency is fundamental to the administration of justice and critical to allowing South Sudanese to evaluate how the death penalty is being imposed,” said Daniel Bekele, Africa director at Human Rights Watch. “However, the death penalty will remain an affront to basic human rights until there is an effective moratorium and it is ultimately abolished under statutory law.”