

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

AI Index: IOR 63/004/2008  
3 December 2008

### **African Commission: Amnesty International welcomes resolution on moratorium on executions**

Amnesty International welcomes the recent adoption by the African Commission on Human and Peoples' Rights (African Commission) at its 44<sup>th</sup> Ordinary Session in Abuja, Nigeria, of a resolution calling on African States that still retain the death penalty to "observe a moratorium on the execution of death sentences with a view to abolishing the death penalty."

The resolution, adopted just days after the Third Committee of the UN General Assembly voted for a similar resolution on moratorium on executions, is an important step towards making the African Union (AU) a totally death penalty-free zone.

The resolution expressed concerns about the failure of some African states "to give effect to the UN resolutions and African Commission's own 1999 resolution calling for a moratorium on executions", and about the application of "the death penalty in conditions not respectful of the right to a fair trial guaranteed under the African Charter on Human and Peoples' Rights and other relevant international norms".

By adopting the resolution, the African Commission has aligned itself with the global trend towards abolishing the death penalty, and supported the call for African states that still retain the death penalty to demonstrate commitment to observing a moratorium on executions as the first necessary step towards abolition. Amnesty International considers that the African Commission's resolution provides a solid basis for individual and collective state action to observe a moratorium on executions towards the eventual abolition of the death penalty.

AU member states that still retain the death penalty, including Botswana, Burundi, Cameroon, Chad, Comoros, Congo (Democratic Republic), Egypt, Equatorial Guinea, Ethiopia, Guinea, Lesotho, Libya, Nigeria, Sierra Leone, Somalia, Sudan, Uganda and Zimbabwe must take immediate steps to implement the resolution by establishing a moratorium on executions.

In line with the African Commission's resolution, Amnesty International calls on AU member states to fully support the plenary votes at the UN General Assembly for a resolution on moratorium on executions, which is expected to take place during the week beginning 15 December 2008.

The African Commission also needs to monitor regularly the implementation of the resolution on the national fronts. African states must also fully support, engage and cooperate with the African Commission's Working Group on the Death Penalty for it to discharge its mandates effectively and efficiently. They must implement any recommendations by the Working Group.

#### **Background:**

The African Commission on Human and Peoples' Rights established under the African Charter on Human and Peoples' Rights, adopted at its 44<sup>th</sup> Ordinary Session held from 10<sup>th</sup> to 24<sup>th</sup> November 2008 in Abuja a resolution calling on states parties to the African Charter to observe a moratorium on the death penalty. Among others, the resolution recalled Article 4 of the African Charter, which recognises the right of everyone to life, and Article 5(3) of the African Charter on the Rights and the Welfare of the Child, which guarantees the non-application of death penalty for crimes committed by children.

The African Commission also noted that 27 states parties to the African Charter have abolished the death penalty in law or de facto, while only six have ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty.

The resolution asked AU member states that still retain the death penalty to: A. Fully comply with their obligations under the African Charter, and guarantee to every person accused of crimes for which capital punishment is applicable, fair trial standards. B. If they have not yet done so, ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty. C. Include in their periodic reports information on the steps they are taking to move towards the abolition of the death penalty in their countries. D. Fully support the Working Group on the Death Penalty of the African Commission on Human and Peoples' Rights in its work towards the abolition of the death penalty in Africa.

Earlier, at its 26<sup>th</sup> Ordinary Session held from 1st to 15th November 1999 in Kigali, Rwanda, the African Commission adopted resolution ACHPR/Res 42 (XXVI) calling on states parties to the African Charter to consider observing a moratorium on the death penalty.

Amnesty International attended the African Commission Session and the NGO Forum preceding the Session in Abuja, and lobbied commissioners and worked with non-governmental organizations (NGOs) to support the call for a moratorium on executions.

Amnesty International opposes the death penalty because it is irrevocable and there is always a chance that innocent men and women will be executed in any country that maintains this punishment. The death penalty is inherently arbitrary and discriminates against those who are poor, marginalized or belong to minority communities. The decrease in countries carrying out executions is dramatic. In 1989, executions were carried out in 100 states. In 2007 Amnesty International recorded executions in 24 countries.

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