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Africa: Moving towards abolition of the death penalty

As government officials and civil society representatives meet in Entebbe, Uganda, on 10 and 11 May to discuss the death penalty in Commonwealth African countries, Amnesty International welcomes positive action across Africa to abolish capital punishment. About half of the countries in Africa no longer execute convicted prisoners.

In 1990, only Cape Verde had no provision for capital punishment in its legislation. By 2002, 10 countries in Africa had de jure abolished the death penalty, while 10 others had de facto abolished it.

Over the past 10 years the number of countries of the Economic Community of West African States and Mauritania that have legally abolished the death penalty or have not carried out executions has risen from one to 10. Only Guinea, Liberia, Nigeria and Sierra Leone have carried out executions in the last decade.

In Nigeria the last person to be executed was hanged on 3 January 2001, as far as Amnesty International is aware. President Olusegun Obasanjo has repeatedly declared his opposition to the death penalty and in November 2003 initiated the National Study Group on the Death Penalty with a mandate to conduct a national debate on the issue and to make recommendations to the Federal Government by June 2004. Amnesty International is urging the National Study Group on the Death Penalty to recommend a complete abolition of the death penalty for all crimes.

Since 1990 five countries of the Southern African Development Community (SADC) - - Angola, Mauritius, Mozambique, Namibia and South Africa - - have abolished capital punishment. Other SADC countries have made positive progress. In Malawi, although the death penalty is still on the statute books, there have been no executions since 1992 and President Muluzi has made a personal commitment not to sign execution orders while in office. He has repeatedly commuted death sentences. President Mwanawasa of Zambia has made a similar commitment not to sign execution orders, and has commuted 60 death sentences so far this year.

No executions have been carried out in Kenya since the mid 1980s and in 2003 President Kibaki commuted 195 death sentences.

"There is a clear trend worldwide and across Africa towards abolition of the death penalty. Worldwide, an average of three countries a year abolishes capital punishment," Amnesty International said.

Some 20 countries in Africa have so far ratified the Rome Statute of the International Criminal Court. National legislation in those countries should be consistent with the Rome Statute, which

states that the maximum penalty that the Court can impose is life imprisonment. It is inappropriate for national courts to impose a more severe penalty than that chosen by the international community for acts of genocide, crimes against humanity, war crimes and other serious violations of international law.

Equally, the Statute of the Special Court for Sierra Leone established by the United Nations and the Sierra Leone government to try those bearing the greatest responsibility for crimes against humanity, war crimes and other serious violations of international law during Sierra Leone's internal armed conflict, provides a maximum sentence of life imprisonment, whereas those convicted before national courts of offences which may be less grave could face execution. This serious discrepancy must be removed by abolition of death penalty in national law.

Amnesty International opposes the death penalty in all circumstances. It is a violation of the right to life and is the ultimate cruel, degrading and inhumane punishment. The death penalty has never been shown to deter crime more effectively than other punishments.

"All African countries that have not yet abolished the death penalty should establish a moratorium with immediate effect in line with the African Commission on Human and Peoples' Rights resolution on the death penalty adopted at the 26th Ordinary Session in November 1999 in Kigali, Rwanda, with a view to moving towards complete abolition," Amnesty International urged.

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