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Amnesty Zimbabwe activists march on World Day Against the Death Penalty. October 2013 ©Amnesty International

ABOLITIONIST COUNTRIES IN SUB-SAHARAN AFRICA AND YEAR OF ABOLITION FOR ALL CRIMES

CAPE VERDE	1981
MOZAMBIQUE	1990
NAMIBIA	1990
SAO TOME AND PRINCIPE	1990
ANGOLA	1992
GUINEA BISSAU	1993
SEYCHELLES	1993
DJIBOUTI	1995
MAURITIUS	1995
SOUTH AFRICA	1997
COTE D'IVOIRE	2000
SENEGAL	2004
RWANDA	2007
BURUNDI	2009
TOGO	2009
GABON	2010
CONGO (Republic of)	2015
MADAGASCAR	2015
BENIN	2016

ABOLITIONIST REFLECTIONS

On 11 December 1977 Amnesty International and participants of the International Conference on the Abolition of the Death Penalty issued the [Stockholm Declaration](#) – the first international abolitionist manifesto – which called on all governments to bring about the immediate and total abolition of the death penalty.

At the time, only 16 countries had abolished the death penalty for all crimes. Forty years on, that figures stands at 105. Let's not make it another 40 years before the death penalty is consigned to history.

SUB-SAHARAN AFRICA

When Amnesty International started campaigning for the worldwide abolition of the death penalty in December 1977, no country in Sub-Saharan Africa had fully abolished the death penalty. 40 years down the line there has been encouraging progress towards abolition in the region. By 1987, still only one country – the small island of Cape Verde – had taken this step. However, progress picked up speed in the decade that followed as nine more countries consigned the cruel punishment to history.

Côte d'Ivoire epitomises the journey of many abolitionist African countries. The state was abolitionist in practice for several decades although the death penalty remained on the statute books. The country's first president, Houphouët Boigny, who held office from independence in 1960 until 1993, was opposed to the death penalty and never allowed death sentences to be carried out. Although death sentences were handed down for years no executions were carried out. The government had even rejected the attempt to expand the scope of the death penalty in 1995.

Amnesty International groups in Côte d'Ivoire for years campaigned for abolition and when the government of General Robert Guei took power and decided to draft a new constitution they saw a golden opportunity. The groups pressed for abolition during the drafting of the constitution. Their hard work paid off, and in 2000 a new constitution was adopted by referendum and it, in Article 2, expressly abolished the death penalty.

Courts have been key in achieving abolition. In 1995 the South African Constitutional Court declared the death penalty for murder to be incompatible with the prohibition of "cruel, inhuman or degrading treatment or punishment" under the constitution. Eight out of the 11 judges also found that the death penalty violates the right to life. The judgement effectively abolished the death penalty for murder. Subsequently, in 1998 the South African parliament completely removed the death penalty from law. More recently in 2016 a judgement by the Constitutional Court of Benin effectively abolished the death penalty for all crimes in Benin.

African Commission on Human and Peoples Rights (African Commission) has emerged as a strong voice against the death penalty, adopting its first resolution on the death penalty in 1999. By 2015 it had adopted a draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa. Although the draft Protocol is yet to be formally adopted by the African Union, its adoption by the African Commission nevertheless marks significant progress towards abolition.

NOTABLE CASES

"Sharpeville Six", South Africa



In December 1985 six people – Mojalefa Reginald Sefatsa, Oupa Moses Diniso, Reid Malebo Mokoena, Theresa Ramashamola, Duma Joshua Khumalo and Francis Don Mokhesi – known as the “Sharpeville Six” were convicted and sentenced to death for the murder, in September 1984, of

the deputy mayor of Sharpeville by a crowd protesting at rent increases. During the trial, some of the defendants said that they had been assaulted and tortured by the police while kept in incommunicado detention. The court, however, rejected these allegations. In December 1987 the Appeal Court upheld the convictions and sentences and, in a controversial decision, confirmed the appropriateness of convicting the six for murder on the basis of "common purpose" with the "mob". In March 1988, the clemency petition submitted by the "Sharpeville Six" was rejected by then President P.W. Botha. In addition, the request of the six to the Appeal Court to order a retrial was rejected. Amnesty International campaigned hard for the commutation of their death sentences. Eventually, on 23 November 1988, President Botha commuted their death sentences to terms of imprisonment of between 18 and 25 years. The "Sharpeville Six" were separately released from prison between 1991 and 1992.

<https://www.amnesty.org/download/Documents/POL1000021989ENGLISH.PDF>

Meriam Yehya Ibrahim, Sudan

"Knowing that the world was beside me gave me hope."



In 2013 Meriam Yehya Ibrahim was charged with adultery after relatives

reported her to the authorities for marrying a Christian man. Under Shari'a law as practised in Sudan, a Muslim woman is not permitted to marry a non-Muslim man, and any such marriage is considered adulterous. Meriam Yehya Ibrahim was detained in February 2014 after the court added the charge of apostasy when she informed the court that her mother had raised her as an Orthodox Christian. In May 2014 the court gave her three days to renounce her Christian faith to avoid being sentenced to death, an option that she rejected. Consequently, she was sentenced to death for apostasy, and to flogging for adultery. At the time of her trial Meriam Yehya Ibrahim was eight months pregnant, and in May 2014 she gave birth to her second child in Omdurman Women's Prison. Her child was detained

with her. Amnesty International campaigned vigorously for Meriam Yehya Ibrahim, calling for her immediate and unconditional release. Her case attracted widespread international attention with over one million people responding to Amnesty International's appeal to the Sudanese authorities for her release. On 23 June Meriam Yehya Ibrahim was released from prison after an appeal court overturned her sentence. Apostasy remains punishable by death in Sudan.

<https://www.amnesty.org/en/latest/news/2014/06/sudan-releases-woman-condemned-death-after-international-pressure/>

Moses Akatugba, Nigeria

"That place [death row] is hell for a man...I am overwhelmed, I thank Amnesty International and their activists for the great support that made me a conqueror in this situation."



Moses Akatugba was 16 years old and was awaiting the results of his secondary school exams when

he was arrested in 2005 for armed robbery, an offence he said he did not commit. He told Amnesty International that police officers beat him repeatedly with machetes and batons, tied him and hung him up from the ceiling for several hours, and then used pliers to pull out his toenails and fingernails. He was then forced to sign two pre-written "confessions". After eight years of being remanded in prison, he was sentenced to death by hanging in November 2013. International human rights law strictly prohibits the use of the death penalty against people who were below the age of 18 at the time of the crime. Amnesty International took up Moses Akatugba's case, calling for the Nigerian authorities to commute his death sentence and investigate his claims of torture by the police. More than 35,000 Amnesty International activists took action for Moses. On 28 May 2015, the eve of his departure from office, Emmanuel Uduaghan, then Governor of Delta state in Nigeria, granted total pardon to Moses. <https://www.amnesty.org/en/latest/news/2015/05/nigeria-pardoned-torture-victim-overwhelmed-by-campaign-to-spare-his-life/>

TAKE ACTION

Defend prisoners left to suffer on death row in Benin

Fourteen people in Benin are languishing on death row despite the Constitutional Court effectively abolishing the death penalty for all crimes in the country.

<https://www.amnesty.org/en/get-involved/take-action/prisoners-still-on-death-row-in-benin/>