



## STATEMENT BY AMNESTY INTERNATIONAL

Index: AFR 01/2755/2020

### 66<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights, Webinar

#### **Agenda Item 7(ix): Activity Report of the Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa**

Chairperson and Honourable Commissioners,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission) on the state of the death penalty in Africa.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the state to carry out the execution. The death penalty is a violation of the right to life as proclaimed in the Universal Declaration of Human Rights; it is the ultimate cruel, inhuman and degrading punishment.

On 21 April 2020, Amnesty International published its 2019 [global report](#) on the use of the death penalty which included developments on the death penalty in Africa.<sup>1</sup> The number of recorded executions and death sentences in Africa went down in 2019 compared to 2018.

In 2019, Amnesty International recorded 57 executions in five countries in Africa – Botswana (1), Egypt (32), Somalia (12); South Sudan (11) and Sudan (1). These were the same five countries that carried out executions in 2018. In addition, the organization recorded 810 death sentences in 23 countries in Africa. Moreover, positive actions or pronouncements which may lead to the abolition of the death penalty were recorded in Central African Republic, Equatorial Guinea, Gambia, Kenya and Zimbabwe.

In October 2019, the Kenya Task Force on review of the mandatory death sentence under section 204 of the Penal Code published its report. The Task Force, among other things, recommended that Parliament abolish the death penalty entirely. However, Amnesty International is concerned that no proactive steps have been taken by the Kenya government to implement this recommendation. Therefore, the organisation calls on the African Commission to urge Kenya to immediately take steps to abolish the death penalty.

So far this year, positive developments against the death penalty have been recorded in Africa which confirm that the continent continues to move steadily away from the death penalty. In May, Chad promulgated a new law which removed the death penalty for terrorism-related offences. This progressive step builds on the removal of the death penalty from the Penal Code in 2016. However, it is unclear if any other law in Chad, particularly military ones, still provides for the death penalty for any crime. As such, Amnesty International calls on Chad to clarify the status of the death penalty in the laws of the country.

---

<sup>1</sup> Amnesty International, Death Sentences and Executions 2019, April 2020, available at <https://www.amnesty.org/download/Documents/ACT5018472020ENGLISH.PDF>



In June, the Parliament of the Republic of Congo adopted a law authorising the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the Abolition of the Death Penalty; while in July, Sudan approved amendments in its criminal law which include the repeal of the death penalty for apostasy.

Nevertheless, it is worrying that Botswana and South Sudan continue to bulk the trend of progress on the death penalty in Africa by carrying out executions. In March, Botswana executed two people while South Sudan executed two men on 16 July in Juba Central Prison.

Amnesty International remains concerned that there is a lack of progress in the African Union's adoption process of the draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa. The organization reiterates its call on the African Commission to publish its strategy for the resolution of the delay in the adoption process and urges the Commission to work effectively with all relevant organs of the African Union to ensure that the draft Protocol is successfully adopted by the African Union.

## **Recommendations**

Amnesty International calls on the African Commission to:

- Continue to support steps towards the abolition of the death penalty in Africa;
- Pending abolition, reinforce its call on all state parties to the African Charter on Human and People's Rights to establish an official moratorium on executions with a view to abolishing the death penalty;
- Call on states parties to the African Charter to, without delay, commute to terms of imprisonment all death sentences;
- Urge states parties to the African Charter that are yet to do so to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty;
- Remind state parties to the African Charter that still maintain the death penalty:
  - that trials for crimes carrying the death penalty must comply with the most rigorous internationally recognized standards for fair trial;
  - that any death penalty provisions that are in breach of international human rights law, such as its mandatory imposition or for crimes which do not meet the threshold of "most serious crimes", must be removed from domestic laws;
  - to make available relevant information with regards to their use of the death penalty, including the number of persons sentenced to death, the number of persons on death row and the number of executions carried out;
  - that prisoners under sentence of death, their families and legal representatives are provided, in advance, with adequate information about a pending execution, including date, time and location;
  - to return the body of persons executed, and any personal effects, to the family for burial, without payment by the family, or inform them where the body is buried and allow them reasonable access to that location.