

## AMNESTY INTERNATIONAL PUBLIC STATEMENT

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# MALAWI: IMPOSITION OF DEATH SENTENCE FOR CRIMES AGAINST PEOPLE WITH ALBINISM WILL NOT STOP ATTACKS

The sentencing of Willard Mikaele to death for the murder of Mphatso Pensulo, a person with albinism, will not deter further attacks against the vulnerable group, Amnesty International said today. The organisation emphasizes that only adequate crime control mechanisms and effective criminal justice, through fair trials, for crimes against people with albinism, including tackling past impunity, can reduce the crimes.

Amnesty International has consistently called for accountability for the outstanding 22 murder cases of people with albinism, which remain unsolved. Even though Willard Mikaele admitted the facts of the case and pleaded guilty to the murder of Mphatso Pensulo, justice can be served with a custodial sentence, without resorting to the death penalty.

The world is moving away from the death penalty, which is a cruel and inhuman form of punishment. Majority of countries, 106, have completely outlawed the punishment for all crimes. There is no credible evidence that the death penalty has a greater deterrent effect on crime than imprisonment. In particular, the availability of the death penalty for murder in Malawi, albeit at the discretion of the court, has not deterred the occurrence of the crime in the country.

In the case of *Kafantayeni and others v Attorney General*, the Constitutional Panel of the Malawi High Court declared the mandatory death penalty for murder unconstitutional in 2007. Since then, Malawi has taken progressive steps against the mandatory use of the death penalty. A mitigation and resentencing process was initiated which has led to the commutation of some death sentences to terms of imprisonment and the release of some prisoners. The death sentence imposed on Willard Mikaele is the first recorded by Amnesty International in Malawi since 2016 and constitutes a setback on the country's progress against the death penalty.

Amnesty International does not condone criminality and denounces all crimes against people with albinism. Malawi must continue with efforts to strengthen its criminal justice system and ensure the protection of people with albinism. Where crimes are committed against them, including murder and abductions, the authorities must ensure a timely prosecution without resorting to the death penalty. The organisation calls on Malawi to commute all death sentences to terms of imprisonment and abolish the death penalty for all crimes.

### Background

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the

prisoner. The death penalty violates the right to life as proclaimed in the Universal Declaration of Human Rights. It is the ultimate cruel, inhuman and degrading punishment.

The last execution in Malawi was carried out in 1992. At the end of 2018, 15 people were known to be under the sentence of death.

Willard Mikaele was convicted of the murder of Mphatso Pensulo on 19 March and sentenced to death on 3 May; he was arrested in Mozambique on 12 January 2017. Willard Mikaele had been advised by a herbalist he met in Mozambique to kill a person with albinism if wanted to get rich. The court imposed the death sentence citing the prevalence of attacks against people with albinism in the country and the court's obligation to protect them.