

AMNESTY INTERNATIONAL

Public Statement

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Kenya: Abolition of the death penalty is essential for a Constitution that respects human rights

Amnesty International is calling on the government of Kenya to abolish the death penalty as they consider a new Constitution. Enshrining the abolition of the death penalty in the Constitution would be one of the most important steps Kenya could take in securing respect for the human rights of everyone under its jurisdiction.

The organization welcomes the decision taken by the government of Kenya not to carry out any death sentences during its tenure of office and to commute the death sentences of all those presently on death row to life imprisonment. There is clear evidence that Africa is moving towards universal abolition of the death penalty. Twelve of the 53 countries on the continent have permanently abolished the death penalty, most recently Senegal on 10 December 2004, UN Human Rights Day. Another 20 countries, including Kenya, have not carried out executions for more than 10 years.

While Amnesty International recognizes the right of governments to ensure that anyone suspected of involvement in criminal acts is brought to justice, the organization opposes the death penalty as it is the ultimate cruel, inhuman and degrading punishment and is a violation of the right to life as recognized in international human rights standards, including the Universal Declaration of Human Rights. A Constitution that prohibits the death penalty and links the abolition of the death penalty to human rights, in particular to the rights to life and physical and mental integrity and specifically the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment, is in line with international human rights standards.

The Attorney General of Kenya Amos S. Wako has up to 24 August 2005 to complete the drafting of the new Constitution of Kenya, which will then be published for a referendum.

Amnesty International calls on the government of Kenya to further implement the decision not to carry out any death sentences during its tenure and to commute the death sentences of all those presently on death row to life imprisonment, by proposing provisions abolishing the death penalty in the draft Constitution.