



PUBLIC STATEMENT

AI INDEX: ACT 50/8015/2018
9 MARCH 2018

BENIN: DEATH SENTENCES OF FOURTEEN PRISONERS COMMUTED

Amnesty International today welcomed the commutation of the death sentences of 14 death row prisoners, by the authorities in Benin, as a sign of the country's commitment to the abolition of the death penalty. The prisoners – 10 Beninese, two Nigerians, one Togolese and one Ivorian – were the last remaining people on death row in Benin. They had all been languishing on death row, under grim conditions, for between 18 to 20 years. The commutations followed the Constitutional Court judgement in January 2016 which effectively abolished the death penalty for all crimes in the country.

By commuting the death sentences of the men, Benin has shown that it is committed to its obligations under the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at abolishing the death penalty (ICCPR-OP2). The country now needs to take a further step by ensuring national legislation is reviewed and reformed to expressly abolish the death penalty without delay. The authorities must also ensure the detainees are provided with legal aid to pursue any outstanding appeals or seek judicial review against their convictions and that their prison conditions meet international human rights standards.

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 and the ultimate cruel, inhuman and degrading punishment.

BACKGROUND

The last known execution in Benin was carried out in 1987. In 2012 the country acceded to ICCPR-OP2. The treaty commits Benin not to carry out executions and to take all necessary measures to abolish the death penalty within its jurisdiction. Since Benin's accession to ICCPR-OP2, the Constitutional Court has passed two landmark judgments on the death penalty in the country. On 4 August 2012, the Constitutional Court declared that, due to Benin's accession to ICCPR-OP2, "no legal provision can now mention the death penalty" in Benin.

In another, landmark case, the Constitutional Court on 21 January 2016 determined unambiguously that the entry into force of ICCPR-OP2, and its accession by the Republic of Benin, "now renders inoperative all legal provisions stipulating the death penalty as a punishment". The Constitutional Court found that "no legal provision contained in the internal legal order can any longer mention the death penalty; that, likewise, no criminal prosecution undertaken by any jurisdiction can have as its legal basis a provision stipulating capital punishment as the punishment for the offence committed, such that no one can now be sentenced to capital punishment in Benin." This ruling effectively abolishes the death penalty for all crimes in Benin.

In January 2017 Amnesty International published a briefing on the plight of the 14 men and, among other recommendations, called on the Benin authorities to commute the death sentences of the men (<https://www.amnesty.org/en/documents/act50/4980/2017/en/>). In July 2017 the organisation launched a global petition for the commutation of the death sentences (<https://www.amnesty.org/en/latest/news/2017/07/benin-amnesty-international-petitions-authorities-to-commute-the-sentence-of-14-men-on-death-row/>).

On 21 February 2018 the government announced the commutation of the death sentences of the 14 men to life imprisonment.