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GHANA

@Two sentenced to death for murder

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Two people have recently been sentenced to death in Ghana in separate murder cases.

Kwaku Duroh, aged 48, was sentenced to death by firing squad by the Ashanti Regional Public Tribunal after being convicted of murdering an 80-year-old woman in 1991. The exact date of the conviction is not known, but it is believed to have been in January 1992.

The Western Regional Public Tribunal has sentenced **Kofi Ntorie**, a 40 year old farmer, to death by firing squad for the murder of a child in 1990. He is believed to have been convicted on 18 January 1992.

Both men pleaded not guilty to the charges and it is not known whether appeals against conviction and sentence were lodged in either of these cases.

More than 270 people have been sentenced to death and over 90 executed in Ghana since 1982. The majority of these sentences were passed for murder or armed robbery. Most death sentences in Ghana are passed by the Public Tribunals, special courts established by the present military government in 1982 under the Public Tribunals Law of 1982 (PNDC Law 24). This law states that the death penalty may be imposed for offences specified by the ruling Provisional National Defence Council (PNDC) and in " ... cases where the Tribunal is satisfied that very grave circumstances meriting such a penalty have been revealed". There are in practice no established or binding procedures for cases prosecuted before the Public Tribunals and in effect each Tribunal orders its own

procedures for each case. Consequently, defendants and defence counsel often do not know what to expect and there is a clear bias in favour of conviction.

The Public Tribunals Law was amended in August 1984 (PNDC Law 78) to establish a National Public Tribunal as a higher court to which those convicted by Public Tribunals could appeal. The National Public Tribunal also tries cases itself and hears appeals against its own decisions sitting as a National Appeals Tribunal. However, there is no guarantee that judges hearing an appeal will not be the same as those who presided over the National Public Tribunal whose decision is being challenged on appeal, and the independence of the appeal procedure is therefore not ensured.

Amnesty International is concerned that defendants before Public Tribunals may not receive trials which conform to international standards of fairness. It is not clear that these courts are sufficiently independent of the government; members of the tribunals, who are appointed by the Provisional National Defence Council (PNDC), have no specific protection against dismissal, nor are they required to have legal training.

Amnesty International does not condone acts of violence and recognizes the right of governments to bring to justice those responsible for such acts. However, Amnesty International is unconditionally opposed to the use of the death penalty, on the grounds that it is a cruel, inhuman and degrading punishment which violates the right to life and has been shown to have no special deterrent effect.

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