



## ORAL STATEMENT BY AMNESTY INTERNATIONAL

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**62<sup>nd</sup> Ordinary Session of the African Commission on Human and Peoples' Rights, Nouakchott, Mauritania**

**Agenda Item 8: Activity Report of the Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings 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 and the ultimate cruel, inhuman and degrading punishment.

On 12 April 2018, Amnesty International published its global report on the use of the death penalty during 2017. The figures in the report reaffirm the global trend towards abolition of the death penalty. Only an isolated minority of countries continue to resort to executions. This positive trend is exemplified by the sub-Saharan Africa region, where Amnesty International recorded a drop in the number of executing countries. In 2017, only two countries – Somalia and South Sudan – are known to have carried out executions. In the previous year (2016), five countries had carried out executions. However, the number of executions increased from at least 22 in 2016 to 28 in 2017.

There was also a slight reduction in the number of countries where death sentences were imposed, 15 in 2017 compared to 17 in 2016. In addition, the number of recorded death sentences imposed in the region decreased by 19%, to at least 878 in 2017 compared to at least 1,086 in 2016. Nigeria alone accounted for 71% of the confirmed death sentences imposed in the region in 2017. Indeed, at the end of the year, Nigeria had the largest recorded death row population; 2285 in total.

During the year, Guinea effectively abolished the death penalty for all crimes, bringing the number of abolitionist countries in the region to 20. During the year, the Supreme Court of Kenya also abolished the mandatory death penalty for murder. Two countries that had already abolished the death penalty – Madagascar and Sao Tome and Principe – acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. Gambia signed the Protocol. Burkina Faso and Chad also took steps towards abolition of the death penalty under new or proposed laws. However, the Sierra Leone government rejected the Constitutional Review Commission's recommendation to abolish the death penalty.

In North Africa, Amnesty International remains concerned that across the region the death penalty is often used for crimes that do not meet the threshold of 'most serious crimes' under



international human rights law and that many trials in capital cases do not meet international fair trial standards. The organization confirmed that the authorities in Algeria, Egypt, Morocco, Tunisia and Libya imposed death sentences in 2017. Of these, only Egypt is known to have carried out executions. In particular, Amnesty International confirmed 35 executions in Egypt, 34 men and one woman. The majority of confirmed death sentences in North Africa were also imposed in Egypt, with 402 people sentenced to death compared to at least 237 in 2016. At least 88 men were sentenced to death in relation to political violence, 24 of them following a grossly unfair trial before a military court. The remaining 314 individuals, eight women and 306 men, were sentenced to death by civilian courts for crimes that included murder and rape. The courts exonerated two men and commuted the death sentences of 162 people – one woman and 161 men.

## 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.