56TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

Inter-Session Activity Report of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa (April 2014 – April 2015)

Presented by

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Inter-Session Activity Report of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa

INTRODUCTION

1. This report is presented in accordance with Rules 23(3) and 72 of the Rules of Procedure of the African Commission on Human and Peoples’ Rights (the Commission). It covers activities carried out during the intersession period between April 2014 and April 2015.

2. The report covers activities conducted in my capacity as the Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa, in accordance with my mandate under Resolution ACHPR/Res.251 (LIV) 2013. Part I includes activities undertaken. Part II consists of a brief summary on the situation of the death penalty and extrajudicial, summary or arbitrary killings in Africa and Part III reflects a conclusion, and some recommendations.

Part I. Activities undertaken

A. Continental Conference on the Abolition of the Death Penalty in Africa, 2 to 4 July 2014, Cotonou, Benin

3. The Continental Conference on the abolition of the death penalty in Africa was organised by the Working Group in partnership collaboration with the Republic of Benin and with the financial support of the EU and other partners1. The Conference was attended by representatives of AU Member States, Members of Parliament, relevant AU Organs and the United Nations Agencies, Sub-regional Institutions, International Organizations, National Human Rights Institutions, Non-Governmental Organizations, Academic Institutions, Lawyers, Judges, and former death row inmates and other stakeholders.

4. The aim of this conference was to raise awareness among African Union (AU) member States and other stakeholders on the issue of the death penalty (challenges/perspectives), to build stakeholders’ capacities to advocate for the abolition of the death penalty and the adoption of an African Protocol on the abolition of the death penalty; to provide a platform for participants to develop or come up with advocacy strategies at country and regional levels in this respect; and to

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1 FIDH, FIACAT, World Coalition Against the Death Penalty and Hands Off Cain
encourage Member States to vote in favour of the proposed United Nations General Assembly’s Resolution on a moratorium on the death penalty (adopted in December 2014) and to enhance its implementation in African countries. Finally, the conference was organized with the view of the imperative for the AU to adopt an African Protocol on the abolition of the death penalty.

5. At the end of the conference, participants unanimously adopted the Declaration on the Abolition of the Death Penalty in Africa (the Cotonou Declaration).

B. Participation at the High Level Panel on: “Regional Efforts for the Abolition of Death Penalty”.

6. During my mission in Geneva, on 4th March 2015, I participated as a panellist at the above-mentioned High Level Panel discussion, organised by the OHCHR in Geneva. The Panel was chaired by the President of the Human Rights Council (HRC) and moderated by Her Excellency Ms. Ruth Dreifuss, former President of the Swiss Confederation and member of the International Commission against Death Penalty. I made a presentation on “The progress made since 1999: the work of the commission and challenges in the abolition of the death penalty in Africa”. The Panel discussion was very successful as it enabled participants in the Plenary of the HRC to learn from the shared experiences on the issue of death penalty in America, Africa, Europe and Asia. They were better informed on issues relating to regional advances, best practices and challenges regarding the abolition of the death penalty. Retentionist States were encouraged to abolish the death penalty.

C. Urgent Appeals to States Parties on death penalty issue

7. On 27th May 2014, a joint Urgent Appeal was sent to H.E. the President of the Republic of Sudan by the Chairperson of the Committee on the Prevention of Torture in Africa, the Chairperson of the Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa and the Special Rapporteur on the Rights of Women in Africa, regarding the alleged sentence of death by hanging and 100 lashes against Meriam Yahia Ibrahim for apostasy and adultery respectively.

8. During the inter-Session I also sent an Urgent Appeal letter to H.E. the President of the Arab Republic of Egypt on 12th June 2014, on the death sentence imposed in absentia on ten persons by an Egyptian court. The
appeal urged the Government of the Arab Republic of Egypt to investigate the allegations and the circumstances surrounding the 10 death sentences. I also urged Egyptian authorities to take necessary measures to implement the Commission’s Resolution ACHPR/Res.136 (XXXIV)08 urging States Parties to the African Charter to observe a moratorium on the death penalty and to fully commit itself to complying with Egypt’s obligations under regional and international human rights law, including guaranteeing the 10 persons reportedly sentenced to death their rights in compliance with the African Charter.

9. On 19th September 2014, I sent an Urgent Appeal letter to H.E. the President of the Federal Republic of Nigeria regarding the alleged sentence to death by firing squad of 12 Nigerian Soldiers. I urged the Government of the Federal Republic of Nigeria to suspend the death sentences allegedly imposed on the 12 Soldiers and to investigate fully the allegations and the circumstances surrounding the 12 death sentences. I also urged the Nigerian authorities to take the necessary measures to implement the Commission’s Resolution ACHPR/Res.136 (XXXIV)08 urging States Parties to the African Charter to observe a moratorium on the death penalty and to fully commit itself to complying with Nigeria’s obligations under regional and international human rights law, including guaranteeing the 10 persons reportedly sentenced to death their rights in compliance with the African Charter.

10. I also sent a letter of Urgent Appeal to H.E. President of the Republic of Burundi on 2nd October 2014, concerning the discovery of dozens of mysterious dead bodies in Lake Rweru near the borders of Burundi and Rwanda. I urged the Government of the Republic of Burundi to investigate fully the circumstances surrounding the mysterious deaths, the motive for the killings, and the identities of the victims; as well as to commit itself fully, to complying with all its obligations under the African Charter and other regional and international human rights law, including identifying and bringing to justice the perpetrators of these crimes.

11. On 24th February 2015, I sent an Urgent Appeal letter to H.E. the President of the Arab Republic of Egypt regarding various death sentences and their execution in Egypt including the case of Mr. Mahmood Hassan Abdel Naby who was to be executed on 28th February 2015.

12. I also urged the Egyptian authorities to take the necessary measures to implement the Commission’s Resolution ACHPR/Res.136 (XXXIV)08
urging States Parties to the African Charter to observe a moratorium on the death penalty; to investigate fully the allegations made and establish their accurateness; to guarantee the observance of fair trial standards in courts proceedings for all individuals and to take all necessary measures to ensure that Mr. Mahmood Hassan Abdel Naby was not executed.

13. In all the letters of Urgent Appeal, I had requested for information on the measures taken or to be taken by Governments of the respective States in complying with the provisions of the African Charter and other international instruments to which they are parties.

14. In that regard, the Government of the Arab Republic of Egypt first responded on 8th September 2014 and declared that it was not aware of the 10 persons allegedly sentenced to death and requested for further information. During the 55th Ordinary Session in Luanda, Angola, it replied to issue of death sentences for 529 accused persons. The Government justified the sentences and provided information on the procedural and legal safeguards available to persons sentenced to death in Egypt. On 25th March 2015, we received a further response to the Urgent Appeal of 24th February 2015 on various death sentences and their execution including the execution of Mahmood Hassan Abdel Naby. The Government justified the sentences and provided information on the procedural and legal guarantees available to persons sentenced to death in Egypt. It also provided information on the trial process of Mahmood Hassan Abdel Naby including the Appeal and other processes availed to him. Mahmood Hassan Abdel Naby was hanged on 7th March 2015.

D. Statements and Press releases on the issue of death penalty.

15. On 15th May 2014, the Commission and the UN jointly issued a press release on the imposition of mass death sentences in Egypt.


17. A Press release statement was issued on 10th October 2014, on the occasion of the 12th World Day against the Death Penalty. The statement highlighted the momentum and positive developments registered in some African countries in their bid to abolish the death penalty. Since the theme for 2014 was mental illness: ‘Care, Don’t Kill’, the
Statement highlighted the general situation of persons with mental illnesses and intellectual disabilities vis a vis the death penalty, especially in Africa. States and other stakeholders were strongly called upon to adopt and literally implement international standards prohibiting death sentences and execution of mentally ill persons and to provide the necessary legal, psychosocial and medical support to them. I reiterated our appeal to the State Parties to abolish the death penalty or observe a moratorium on the death penalty with the view to abolish it and to support the fifth UN General Assembly Resolution calling for a global moratorium on the death penalty to be adopted later this year.

18. On 10th March 2015, I issued a press release to condemn the execution of Mahmood Hassan Abdel Naby by the Egyptian authorities, as there is no evidence that the death penalty and its execution serve the purpose of deterrence that is sought in criminal punishments, and the execution was in flagrant violation of Mahmood’s right to life.


E. Participation in various meetings and activities

a. Meeting of the Working Group on the margins of the 55th Ordinary Session in, Luanda, Angola

20. The Working Group2 had a meeting on the margins of the 55th Ordinary Session in Luanda, Angola with EU Representatives to discuss the status of preparedness as well as details of the financial support to be provided for the Continental Conference on the Abolition of the Death Penalty, which took place from 2 to 4 July 2014 in Cotonou, Benin.

21. The Working Group also held a meeting with FIDH to discuss issues regarding the support to be provided by FIDH and other partners for the Continental Conference.

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2 Members of the Working Group that attended the meeting were Commissioner Kayitesi Zainabo Sylvie (Chairperson), Commissioner Med S.K. Kaggwa, Commissioner Maya Sahli Fadel and Ms. Alice Mogwe. Other attendees were staff of the Secretariat.
b. Meeting of the Working Group with UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, 1st July 2014, Cotonou, Benin

22. The Working Group\(^3\) held a meeting with the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (UN Special Rapporteur) on the sidelines of the Continental Conference in Cotonou, Benin, to discuss issues of common interest within the African Commission Special Mechanisms and UN Special Mandates framework of collaboration. The meeting discussed among other things, the possibility for the Working Group to draft a General Comment on the Right to Life (Article 4) with the financial and technical support of the UN Special Rapporteur. The meeting agreed in principle to undertake the said project using the methodology/approach for the Study on the question of the death penalty. The UN Special Rapporteur also agreed to prepare the background documents in both English and French and submit the first draft for discussion to the Working Group.

C. Meeting with Representatives of FIDH

23. In Addis Ababa, on margin of the January 2015 meetings of the AU Policy Organs, and within the framework of the EU’s call for submission of proposals to provide support to the Working Group on Death Penalty, Extra-judicial, Summary and Arbitrary killings, I, and others member of the Commission’s delegation, held a meeting with representatives of FIDH on the various possible activities to be considered in their proposal to the EU.

Part II. The Situation of the Death Penalty, Extrajudicial, Summary or Arbitrary Killings in Africa

24. Since 1999, when the Commission adopted the Resolution ACHPR/Res. 42(XXVI) 99, Africa has registered significant progress on the situation of death penalty. As we recall, the Resolution urged African States that still maintain the death penalty to comply fully with their obligations under the treaty and to ensure that persons accused of crimes for which the death penalty is a competent sentence are afforded all the guarantees under the African Charter. To give effect to this Resolution, the Commission created a Working group on the death

\(^3\) Members of the Working Group that attended the meeting were Commissioner Kayitesi Zainabo Sylvie (Chairperson), Commissioner Med S.K. Kaggwa, Commissioner Maya Sahli Fadel, Prof. Philip Iya, Prof. Calson Anyangwe, Ms. Alice Mogwe and Mr. Clement... Other attendees were staff of the Secretariat.
penalty in 2005, which was mandated among other things, to develop a strategic plan(s) including a practical and legal framework on the abolition of the Death Penalty; to collect information and continue to monitor the situation of the application of the Death Penalty in African States, and to submit a progress report at each Ordinary Session of the Commission.

25. This original mandate was extended by the Resolution ACHPR/Res.227 (LII) 2012 to Extra-judicial, Summary or Arbitrary Killings in Africa, as a result of which it became the Working Group on Death Penalty and Extra-judicial, Summary or Arbitrary Killings in Africa. The mandate of the Working Group covers all instances of killing that bring into question unlawfulness on the part of a State under international law, entailing international human rights law as well as international humanitarian law.

**Death Penalty**

26. As of April 2015, nineteen (19) State Parties to the Charter have abolished the death penalty by way of enacting national legislation.\(^4\) Eleven States have also ratified the Second Optional Protocol to the ICCPR on the abolition of the death penalty, and ten (10) of these are abolitionists.\(^5\) A further twenty-four (24) State Parties have not carried out an execution for ten years.\(^6\)

27. Among those States which have already abolished the death penalty in law, the Working Group welcomed the decision in the parliament of Togo to ratify the Second Optional Protocol to the ICCPR, and the decision of Côte d’Ivoire to remove references to the death penalty from its penal code, reconciling the law with its constitutional abolition some fifteen years previously. The Working Group welcomes the fact that more African States voted in favour of the UN General Assembly Resolution calling for a global moratorium adopted in December 2014, with Eritrea, Niger, Sierra Leone and Equatorial Guinea doing so for the first time. Only 6 (six) African States voted against the resolution.

28. The Working Group also welcomes progress that has been made across the continent during the intersession including the on-going review of

\(^4\) Angola, Benin, Burundi, Cape Verde, Chad, Côte d’Ivoire, Djibouti, Gabon, Guinea-Bissau, Madagascar, Mauritius, Mozambique, Namibia, Rwanda, Sao Tome and Principe, Senegal, Seychelles, South Africa, and Togo.

\(^5\) Benin, Cape Verde, Djibouti, Gabon, Guinea-Bissau, Mozambique, Namibia, Rwanda, Seychelles and South Africa. Liberia is the 11th State that has ratified OPII but not yet abolished the death penalty in national legislation. Angola, Madagascar and Sao Tome and Principe have signed but not ratified the Protocol.

\(^6\) Algeria, Burkina Faso, Cameroon, Central African Republic, Chad, Comoros, Congo, Democratic Republic of Congo, Eritrea, Ghana, Guinea, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Niger, Saharawi Arab Democratic Republic, Sierra Leone, Swaziland, Tanzania, Tunisia, and Zambia
the penal code in Comoros and the drafting of a constitutional amendment to abolish the death penalty in Ghana. In May last year, a workshop was held in Tunisia to discuss the reform of the Penal Code, and a reduction of the number of crimes for which the death penalty might be imposed. Tunisia also hosted a regional conference in late September, entitled “Moving Towards the End of the Death Penalty”. In Chad, a new penal code that made no allowance for the death penalty was approved by parliamentarians in September, the Commission welcomes the formal steps taken by Chad towards abolition of the death penalty and looks forward to the finalisation of this process. In December, Parliament in Madagascar also voted to abolish the death penalty.

29. The Working Group further welcomes statements made by the Zimbabwean Minister of Justice at the opening of the 15th Annual General Meeting and Conference of the SADC Lawyers Association in August 2014, affirming that he will not sign warrants for execution.

30. Despite the progress made above, there remain causes of concern. The Working Group is deeply concerned by the continued imposition of the death penalty for offenses which do not meet the threshold of “most serious crimes. Of the thirty-five countries retaining legal provision for the death penalty, a significant majority retain it as a sentence for crimes that are not within the “most serious” threshold. A case in point that captured global attention was the case of Meriam Yahia Ibrahim, who was sentenced to death for apostasy in Sudan.

31. The Working Group is also concerned about death sentences which may have been passed without due process. In this regard, the mass sentencing of more than 500 people by an Egyptian court during the intersession was alarming. These sentences are all the more worrying in light of the fact that in June, Egypt conducted executions for the first time since 2011 and has repeated it in March 2015. The Working
Group remains concerned about capital sentences being handed down by military tribunals.

32. In Somalia there were reports of three men being executed only days after a sentence was handed down by a military court, giving no time for judicial processes to have been exhausted.\textsuperscript{16}

33. The deterioration of the security situation in Libya has also led to summary executions by non-state groups.\textsuperscript{17}

\textbf{Armed Conflict}

34. The right to life continues to be protected in situations of armed conflict, where the requirements of International Human Rights Law are interpreted alongside International Humanitarian Law in a complementary fashion.\textsuperscript{18} The Working Group continues to consider violations of the right to life during armed conflict.

35. In Sudan, armed conflict increased after April 2014, in South Kordofan and Blue Nile States with hundreds of barrel bombs and other ordinance being dropped on towns and villages, allegedly targeting schools and hospitals.\textsuperscript{19} In Darfur, attacks by Rapid Support Forces have escalated since February 2014. Monitors have alleged that this force, comprising many of the elements of the \textit{Janjaweed} militias supposed to have been disarmed a decade ago.

36. In the Central African Republic the Working Group was alarmed by reports in July last year of a targeted attack on a church in Bambari which was acting as a refuge for several thousand people, killing at least 27.\textsuperscript{20} Between June and September more than a hundred civilians were killed in four towns in Ouaka, Nana-Gribizi and Kémo prefectures.\textsuperscript{21} It is also concerned by reports that Anti-balaka militia have allegedly been attacking refugees attempting to flee into Cameroon.\textsuperscript{22}

\textsuperscript{16}http://www.hrw.org/news/2014/08/25/summary-executions-somalia
\textsuperscript{17}http://www.amnesty.org/en/news/public-execution-football-stadium-shows-libya-s-descent-lawlessness-2014-08-21
\textsuperscript{18}In the case of Democratic Republic of the Congo v Burundi, Rwanda and Uganda (2004) AHRLR 19 (ACHPR 2003), it was found that not only was there a violation of the Geneva Convention on the Protection of Civilian Persons in Times of War and its Protocol I, the acts perpetrated during armed conflict also amounted to violations of the African Charter on Human and Peoples’ Rights (pp. 79-80).
\textsuperscript{19}http://www.sudantribune.com/spip.php?article51371
\textsuperscript{22}http://www.voanews.com/content/many-car-refugees-arrive-in-cameroon-close-to-death/1921197.html
**Custodial Deaths**

37. When a State takes a person into custody, it accepts a heightened level of responsibility for that individual’s rights, including the right to life. When an individual dies in State custody, there is a presumption of State responsibility. It is therefore important that an independent and timely investigation be conducted into any death in custody, with full accountability for any individuals found responsible. This principle was reinforced by the Guidelines on the Conditions of Arrest, Police Custody, and Pre-Trial Detention in Africa adopted at the 55th Ordinary Session. The adoption of these Guidelines draws attention to the importance of the work done by the Special Rapporteur on Prisons and Conditions of Detention for the protection of the right to life in this context.

38. In South Africa, both the Judicial Inspectorate for Correctional Services and the Independent Police Investigative Directorate released their Annual Reports during the intersession\(^23\) which include among others, accounts of the number of people who have died of natural or unnatural causes in custody during the year, based on a process of mandatory reporting and publication of such information. The Working Group welcomes the legislation mandating such reporting, and encourages the adoption of similar procedures elsewhere on the continent.

39. The Working Group was concerned by reports that at least three men died after or during floggings administered in police stations in Sudan.\(^24\) It also considered reports of a suspicious death of a man in early October last year, having been taken into custody in Tunisia. The victim’s body when viewed by relatives reportedly showed bruising consistent with his having been beaten before his death.\(^25\)

**Excessive Use of Force**

40. The UN Basic Principles on the Use of Force and Firearms clearly states that lethal force may only be used to protect life: the use of lethal force to clear even an unauthorised public gathering is unlawful unless lives are threatened. In **ACHPR/Res.281 (LV) 2014** the Commission called upon States to refrain from disproportionate use of force against


demonstrators, and fully to comply with international standards on the use of force and firearms by law enforcement officials.

41. The Working Group also considers killings arising from the use of force during or after arrest. There are no circumstances under international human rights law or international humanitarian law where a shoot-on-sight policy can be justified against civilians. In that regard, the Working Group commends the Kenyan National Human Rights Commission for condemning the killing of three suspected gangsters in Mombasa in August.26

42. The Working Group was alarmed by the announcement of a “shoot to kill” policy to enforce a curfew in South Sudan in July.27 The Working Group is also concerned by a similar policy employed at the borders of Eritrea: during the intersession reports were received of 10 civilians being shot as they attempted to leave the country.28

Other Killings

43. Under this heading, the Working Group considers killings or death threats perpetrated by terrorist, those related to election violence, and those committed either by state-actors or by state-affiliated “hit squads”, pro-government or opposition militias, or party youth wings.

Killings or death perpetrated by terrorists

44. Violations of the right to life by terrorist groups continued throughout the inter-Session in various African states. BOKO HARAM, an Al Qaeda affiliated group that has proclaimed allegiance to the self-appointed Caliphate of the Islamic State of Iraq and Syria (ISIS) is causing desolation in Nigeria, Niger, Cameroun and Chad. The Working Group was gravely concerned by the video footage that emerged in August 2014 concerning killings of Boko Haram hostages. It shows detainees having their throats slit and bodies being dumped into mass graves.29 On 14 April 2014 it abducted more than 276 school girls from the Chibok town, with 219 of them still in the hands of Boko Haram. The kidnapping was followed by the torching of entire villages and the killing of people varying from 150 to 2000 people in Baga on 8 January 2015. Boko Haram is frequently using children as human

26 http://www.the-star.co.ke/news/article-182020/cops-spot-over-three-deaths
bombs and shields, and it is targeting women and girls for horrific abuse including forced marriage and slavery.

45. In Kenya, the terrorist attack on the Garissa University College on 2nd April 2015, claimed 148 innocent lives, all of them being College students. The Garissa attack came after the Westgate attack in Nairobi where 67 people lost their lives. Al Shabaab, a Somali terrorist group, has claimed responsibility for the attack and vowed to continue terrorist attacks on the Kenyan territory until Kenya withdraws its forces from Somalia. The Working Group strongly condemns these recent attacks at Garissa University College.

46. In ACHPR/Res.276 (LV) 2014 the Commission strongly condemned these violations of the right to life, urging the perpetrators to immediately end such attacks, and urging states to take necessary steps to bring terrorists to justice. The Working Group reaffirms its concern about these killings perpetrated by terrorist group and condemn them strongly.

Private Killings

47. The Working Group monitors patterns of violence against particular vulnerable groups, such as journalists, human rights defenders or humanitarian aid workers, honour killings, ritual murder, albino killings, vigilante killing or mob justice especially where such killings reflect a culture of impunity.

48. The Working Group notes that during the inter-Session, at least 24 humanitarian aid workers have been killed including 6 in South Sudan. In ACHPR/Res.273 (LV) 2014, the Commission broadened the scope of the mandate of the Special Rapporteur on Human Rights Defenders in Africa to include the gathering of information concerning reprisals against civil society stakeholders. The targeting of human rights defenders by armed groups in Libya has been a particular cause for concern for several international actors, including the Working Group.

49. Journalists have also been killed in Libya, Somalia and the Central African Republic and such attacks can have a severe impact on the enjoyment of a number of other human rights, including freedom of expression. It notes that in June last year, the ECOWAS Court ruled that The Gambia should pay an award to the family of slain journalist

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30 Information from the Aid Worker Security Database [https://aidworkersecurity.org/incidents]
Deyda Hydara in compensation for not having properly investigated his murder, though this ruling has not yet been implemented by the State.32

50. The Working Group remained concerned about attacks, many of them fatal, targeted against persons with albinism. These attacks have been especially documented in Tanzania and Burundi, but have also been highlighted in several other countries on the Continent. Both the UN and the Working Group have made public statements calling for action to combat this discriminatory victimisation.33 Worryingly, figures released during the intersession suggest that killings motivated by suspicion of witchcraft were also sharply increasing in Tanzania and Burundi, with more than 300 killings occurring in only the first six months of 2014.34

51. The Commission adopted Resolution ACHPR/Res.264/2013 of 5 November 2013 on the prevention of attacks and discrimination against persons with albinism during its 44th Ordinary Session. The resolution urged member States to ensure effective protection of persons with albinism and members of their families; to conduct impartial, speedy and effective investigations into attacks against persons with albinism, to prosecute those responsible and to ensure that victims and members of their families have access to appropriate remedies; to take effective measures to eliminate all forms of discrimination against persons with albinism, and to increase public awareness-raising activities; and to include in their periodical reports to the Commission information on the situation of persons with albinism including good practices in protecting and promoting the rights of persons with albinism.

Part III. Conclusion and Recommendations

52. In conclusion, as far as the death penalty is concerned, a combination of circumstances led to an ever diminishing rate of death penalty convictions in some countries. Some countries recognized inconsistency between the respect of the right to life and human dignity and the death penalty and therefore replaced the death penalty with life
imprisonment. Others circumstances include the fact that in some countries prosecutors got tired of seeking for the ultimate punishment, judges imposed an alternative penalty, especially in cases where the death penalty was provided for less serious crimes and Prison officers who watched over the death row prisoners began to voice the agony and trauma that they faced daily.

53. Africa is changing, making strides in the direction of abolishing the death penalty. Abolitionists and retentionists are engaged in a death penalty debate fraught with emotions, complexities, controversies and contention. This is largely through the continuing effort of the African Commission and the international dynamics and trends toward the abolition of the death penalty. The Commission’s Resolution ACHPR/Res.136(XXXIII)08/2008 on moratorium on the death penalty, as well as the UN resolutions to stay executions among retentionist countries, influenced attitudes of different countries on the issue of death penalty.

54. The draft Additional Protocol to the African Charter on Human and Peoples’ Rights on the Abolition of the Death Penalty in Africa, which is one of the main recommendations of the Study on the Question of the Death Penalty in Africa, will be adopted in the 56 Ordinary Session and is a great step for the continent toward the abolition of the death penalty.

55. Following the above analysis on the situation of the death penalty and extrajudicial, summary or arbitrary killings in Africa, I wish to make the following recommendations to the various stakeholders:

State Parties:

1. States that haven’t yet abolished the death penalty to implement Resolution ACHPR/Res.136 (XXXIV)08 urging States Parties to the African Charter to observe a moratorium on the death penalty, by declaring a moratorium as a progressive step toward abolition, and Commute the death sentences of prisoners in death row to life imprisonment and to commence the process of formal abolition of the death penalty;

2. The Working Group calls on all States that haven’t yet abolished the death penalty to abide by international standards by disclosing information about procedural remedies guaranteed to people facing death sentences, number of death sentences imposed and number of executions per year.
- Ratify, for countries that have not yet done so, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty and amend their national laws accordingly;

- Support the adoption of an Additional Protocol to the African Charter on Human and Peoples’ Rights on the Abolition of the Death Penalty;

- Respond favourably to the Urgent Appeals sent by the Working Group and Resolutions passed by the Commission;

- Ensure the effective protection of persons faced or threatened with extrajudicial, summary or arbitrary killings in their respective States;

- Adopt effective measures to combat and put an end to extrajudicial, summary or arbitrary killings in their territories at all times;

- The Working Group calls upon States, where there are acts of violence against particular vulnerable groups, such as journalists, human rights defenders or humanitarian aid workers; honour killings; ritual murder; albino killings; vigilante killing or mob justice; to publicly condemn such attacks and killings, conduct public campaigns on awareness, appoint members of the vulnerable groups in decision-making positions, ban witch-doctor licences, provide protection and temporary shelter to persons under the threat of attacks, and conduct speedy investigation on cases with the view to bring the perpetrators to justice.

_Civil society organisations, traditional and religious leaders:_

- Advocate at the national level for the formal abolition of the death penalty;

- Collaborate and support similar advocacy efforts at the continental level;

_Other partners:_

- Provide support to the Working Group to enable the latter to effectively implement its mandate.