

# West Africa

## Time to abolish the death penalty

### Introduction

In 1948, when the United Nations General Assembly adopted the Universal Declaration of Human Rights – the first international covenant to proclaim that “*everyone has the right to life*” – only seven countries had abolished the death penalty. In 2003, the number of states that had *de facto* or *de jure*<sup>1</sup> abolished the death penalty had increased to 111 of the world’s 190 countries. No executions now take place in approximately two thirds of the world’s countries.

Since the beginning of the 1990s, this trend is also true of the African continent, where it has coincided with the introduction of multi-party political systems and the consolidation of civil society. In this regard, the figures are rather impressive. In 1990, only one country, Cape Verde, made no provision for capital punishment in its legislation. By 2002, ten countries had *de jure* abolished the death penalty (South Africa, Angola, Cape Verde, Côte d’Ivoire, Djibouti, Guinea-Bissau, Mauritius, Mozambique, Namibia and São Tome and Príncipe). Ten others had *de facto* abolished the death penalty (Benin, Burkina Faso, the Republic of Congo, Gambia, Madagascar, Mali, Niger, the Central African Republic, Senegal and Togo). About half of Africa’s fifty countries, therefore, no longer execute condemned prisoners.

The same trend is apparent in the countries of the Economic Community of West African States (ECOWAS) and Mauritania, the subject of this report.<sup>2</sup> In a little more than ten years, the number of *de jure* and *de facto* abolitionist countries has risen from one to ten. Consequently, two thirds of

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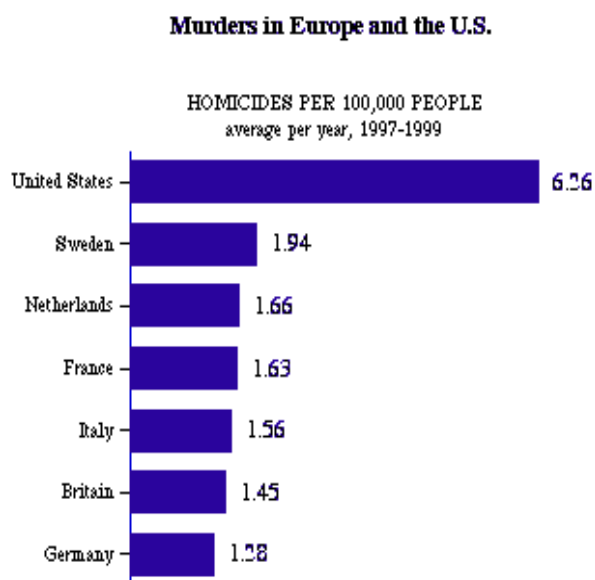
<sup>1</sup> Amnesty International understands “*de jure abolitionist*” to mean states that have legally and definitively abolished the death penalty and “*de facto abolitionist*” to mean states that have not applied the death penalty for at least ten years and that demonstrate the political will to no longer have recourse to the death penalty.

<sup>2</sup> Mauritania left ECOWAS in December 2000, reducing the number of member states to 15, but the possibility of its eventual return to the community is regularly mentioned.

ECOWAS countries, of which there are 15, have taken the decisive step of recognizing the sanctity of the right to life.

Supporters of the death penalty frequently argue that it acts as a deterrent to crime, an endemic problem in many of the sub-region's countries. However, this argument does not tally with the facts and figures. In the United States, one of the four countries, along with China, Iran and Saudi Arabia, where most executions have taken place since 2000, criminology studies have not shown that the death penalty has a greater deterrent effect than other penalties. In September 2000, the United States daily newspaper, *The New York Times*, published a study that compared the crime rate in different states of the American federation and concluded that, during the last 20 years, the number of crimes committed in states that maintained the death penalty was greater than in the states that have abolished the death penalty.<sup>3</sup>

This conclusion is even more striking when the overall crime rate in the United States is compared with that in European countries that abolished the death penalty years ago and where no execution has taken place for more than 35 years (see graph below).



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<sup>3</sup> Currently, the death penalty is provided for in 38 of the states of the United States as well as in federal legislation.

In Africa also, it has been observed that the facts do not demonstrate the supposedly deterrent effect of the death penalty. Moreover, some studies have indicated that the death penalty has not prevented an increase in the number of murders. For example, in Nigeria, a law and criminology professor conducted a comparative study of the statistics on murders and executions between 1967 and 1985, and observed that *"the number of murders had regularly increased during most of this period"*, even though murder was punishable by the death penalty. The professor concluded that the studies conducted in Nigeria *"had clearly demonstrated that the use of the death penalty was not effective"* for murder and armed robbery in this country. In fact, the use of the death penalty demeans all those who have a role in it and only serves to make society more cruel rather than protecting it.

Some African political and legal authorities also hold this opinion. For example, in South Africa, a country that experiences a very high number of violent crimes, in February 1995, the Constitutional Court rejected the argument that the death penalty has a deterrent effect and described it as a cruel, inhuman and degrading punishment. Likewise, in June 2001, the State Governor of Oyo in Nigeria proposed that *"Nigeria abolish the death penalty from its legislation (...) as death sentences have not reduced the number of innocent people murdered"*. Finally, we should remember that, at a meeting held in November 1999, in Kigali, Rwanda, the African Commission on Human and Peoples' Rights – which is responsible for the implementation by member states of the African Charter on Human and Peoples' Rights – adopted a resolution requesting member states to consider abolishing the death penalty. This resolution reflects the view of the international community, most of which campaigns for the abolition of the death penalty.

Some of those who argue that the death penalty should be retained also put forward cultural and religious arguments. Amnesty International considers that the death penalty violates the inalienable rights of the individual as set out in the Universal Declaration of Human Rights in 1948, which recognizes the right of every individual to life and states that *"no one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment"*. Consequently, the movement for the abolition of the death penalty cannot be separated from the struggle for human rights. This was confirmed by the Human Rights Committee in its General Comment on article 6 of the International Covenant on Civil and Political Rights (ICCPR), adopted on 27 July 1982, in which it states that *"all measures of abolition of the death penalty should be considered as progress in the enjoyment of the right to life"*.

The need to strive for the universal abolition of the death penalty was emphasised by the UN's adoption of the Second Optional Protocol to the ICCPR.

This protocol, which came into force in 1991, provides for the abolition of the death penalty, while allowing states to make a reservation at the time of ratification that provides for the application of the death penalty in time of war or if faced with the imminent threat of war. By 1 July 2003, 49 states had ratified the Second Optional Protocol to the ICCPR. Of the 15 member countries of ECOWAS and Mauritania, this covenant has only been ratified by Cape Verde. Guinea-Bissau has signed but not ratified it.

The aim of the present document is to summarize each of the 16 countries' legislation on the death penalty, provide information on the most recent executions and convictions and note the view currently taken by the governments concerned. This document covers information known to the organization as of 1 October 2003. This document aims to support an action campaign aimed at making ECOWAS and each of the 16 countries concerned end the use of the death penalty in this region, notably through ratification of the Second Optional Protocol to the ICCPR.

Created in 1975, ECOWAS declared its aim to be *"to promote cooperation and integration with the establishment of a West African economic union as an ultimate goal. It is aimed at improving the living standard of the people, ensuring economic growth and strengthening relations between Members States.* In recent years, ECOWAS has continually broadened the scope of this dialogue and cooperation with a view to harmonizing the practices of member states in the legislative field. In 1992, member states adopted a convention aimed at promoting judicial cooperation in penal matters. Two years later, in August 1994, an extradition treaty was adopted, followed by several multilateral and bilateral instruments aimed at combating the trafficking of people, especially children. ECOWAS therefore owes it to itself to use the general mandate given to it by member states to promote respect for the dignity of human beings, including the right to life. By proceeding in this manner, ECOWAS will be following the general trend displayed by the majority of the international community, which aims for the abolition of the death penalty.

Of the 16 countries that form the subject of the present report, only four have implemented the death penalty during the last ten years. The international trend towards the abolition of the death penalty is therefore reflected in these countries. It is time that this sub-regional group harmonized its position with regard to the most imprescriptible right of all, the right to life. This would constitute an essential step towards the implementation of a common judicial system that respects the universal standards recognized by the international community.

<b>BENIN</b>	<b>Abolished in practice</b>
<b>Current legislation :</b>	The death penalty is provided for in the penal code for various offences, but has been abolished in practice.
<b>Appeals procedures :</b>	Condemned prisoners can appeal to the Court of Appeal against sentences passed by the criminal courts. As a last resort, the Head of State can grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	On May 26 1986, six people were shot after being convicted of armed robbery and murder. The last execution was 12 years ago. Two people, convicted of ritual murder, were sentenced to death in August 1986 and executed on 23 September 1987.
<b>Most recent death sentences (to the knowledge of AI) :</b>	In 1999, a Cotonou court convicted several people of bank robbery and condemned them to death.
<b>Most recent official position taken by the authorities :</b>	Amnesty International does not know the government's official position. However, the new penal code bill, put before the National Assembly in March 2001 for study and adoption, still provides for this penalty.
<b>Most recent AI action :</b>	The Benin section of Amnesty International is fighting for the total and definitive abolition of the death penalty in Benin, within the context of debate on the new penal code bill.

<b>BURKINA FASO</b>	<b>Abolished in practice</b>
<b>Current legislation :</b>	The death penalty is provided for in the penal code for various offences, but has been abolished in practice.
<b>Appeals procedures :</b>	Condemned prisoners can appeal to the Court of Cassation. As a last resort, the Head of State can grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	The death penalty was carried out for the first time in 1960, and for a second time in June 1984, after a military court found seven people guilty of plotting against the state. Seven people were executed in 1988 for killing an army officer and his wife.
<b>Most recent death sentences (to the knowledge of AI) :</b>	In their absence, on 1 April 2003, the Criminal Chamber of the Ouagadougou Court of Appeal condemned Pierre Soulgané and Mahamady Congo to death for the murder and mutilation of an expatriate Belgian woman, Monique Meyer, in May 2002.
<b>Most recent official position taken by the authorities :</b>	Amnesty International does not know the government's official position. A proposed bill to abolish the death penalty was presented by a deputy to the legislative authorities in November 2001 but was withdrawn without being examined.
<b>Most recent AI action :</b>	In a letter addressed to the Burkina Faso authorities in July 2003, AI requested ratification of the Second Optional Protocol of the ICCPR.

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<b>CAPE VERDE</b>	<b>Abolished</b>
<b>Current legislation :</b>	The Constitution states that everyone has the right to have their life and physical integrity respected and that nobody will be sentenced to death in any circumstances. Article 26.2 of the Constitution, amended in 1994, affirms that nobody can be subjected to torture, cruel, inhuman and degrading punishment or treatment, or the death penalty.
<b>History of the death penalty prior to its abolition:</b>	The death penalty has never been used in Cape Verde. Portugal abolished the death penalty in 1867 and, consequently, this penalty was never introduced into the legislation of its colonies. At independence, Cape Verde did not include the death penalty in its criminal legislation.

<b>CÔTE D'IVOIRE</b>	<b>Abolished</b>
<b>Current legislation :</b>	Article 2 of the Constitution of 23 July 2000 abolished the death penalty.
<b>History of the death penalty prior to its abolition:</b>	<p>Until 2000, the Côte d'Ivoire penal code provided for the death penalty for murder and aircraft hijacking. However, this punishment was never used after independence in 1960. In 1975, President Houphouët-Boigny himself ordered that all death sentences be commuted to terms of imprisonment.</p> <p>In 1995, an attempt to extend the scope of the death penalty failed. On 16 March 1995, in response to a rising wave of crime, the Council of Ministers drafted a bill extending the death penalty to cover the crime of robbery with violence and providing for executions "by firing squad, in the presence of the public". In April and September 1995, AI wrote two open letters to President Henri Konan Bédié asking him to prevent this bill from becoming law. In the end, the law was never promulgated by the President.</p>
<b>Most recent executions (to the knowledge of AI) :</b>	There have been no executions since independence.
<b>Most recent death sentences (to the knowledge of AI) :</b>	<p>In July 1997, the perpetrator of three murders, André Ossey Ayékoué, was sentenced to death.</p> <p>In June 1998, Diomandé Hamadou was sentenced to death after being convicted of murder.</p>
<b>Most recent AI action :</b>	AI Côte d'Ivoire played an active role in the adoption of the new Constitution in 2000. The Constitution abolished the death penalty.

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<b>GAMBIA</b>	<b>Abolished in practice</b>
<b>Current legislation :</b>	Abolished in April 1993, the death penalty was re-established in August 1995 by the Armed Forces Provisional Ruling Council, although it never came into force.
<b>Appeals procedures :</b>	Condemned prisoners can appeal to the Court of Appeal and then to the Supreme Court. The condemned can, as a last resort, ask the President to grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	There has only been one execution since independence : in December 1980, Mustapha Danso was convicted of the murder of a deputy commander in chief and was executed in September 1981.
<b>Most recent death sentences (to the knowledge of AI) :</b>	In June 1997, four men were convicted of treason and sentenced to death by the High Court, after an armed attack on Farafenni military camp, in November 1996. Their sentence was quashed on appeal in October 1997, but the state appealed against this decision. As far as AI is aware, the Supreme Court has not yet given a ruling on this appeal. Three soldiers, arrested in July 1997, after an armed attack on Kartong military post, were sentenced to death by the High Court in 1998.
<b>Most recent official position taken by the authorities :</b>	Amnesty International does not know the government's official position.

<b>GHANA</b>	<b>Abolished in practice</b>
<b>Current legislation :</b>	The death penalty still applies for various offences.
<b>Appeals procedures :</b>	Condemned prisoners have the right to lodge an appeal with the Court of Appeal. If this is refused, they can appeal to the Supreme Court. The Ghanaian state gives itself the right to appeal even if the condemned refuse all initiatives of this kind in their favour. The Head of State can grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	The last executions date from July 1993, when 12 people were shot for armed robbery or murder.
<b>Most recent death sentences (to the knowledge of AI) :</b>	On 12 February 2002, Edward Anim Densu was sentenced to death by hanging by the Koforidua High Court. His sentence was later commuted to life imprisonment.
<b>Most recent official position taken by the authorities :</b>	On 27 February 2001, the Minister of Justice, Nana Akufo-Addo, declared that he was not personally in favour of the death penalty, while emphasizing that this was not necessarily the government's position. In fact, the government has never expressed a wish to abolish the death penalty. However, in recent years, there has been a relaxation of penal policy: in February 1997, seven people sentenced to death were released on health grounds and 15 had their sentences commuted to life imprisonment. In April 2000, 100 people sentenced to death had

	their sentence commuted to life imprisonment.
<b>Most recent AI action :</b>	In 2000, AI published a report and took action requesting the new government of President Kufuor to initiate a national debate on the total abolition of the death penalty.

<b>GUINEA</b>	<b>Maintained</b>
<b>Current legislation :</b>	The death penalty is maintained for several offences.
<b>Appeals procedures :</b>	Condemned prisoners can appeal to the Court of Cassation and the Head of State can grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	On 5 February 2001, four people, sentenced to death in 1995 for murder, were executed. On 21 April 2001, three people sentenced to death for armed crimes including robbery, were executed.
<b>Most recent death sentences (to the knowledge of AI) :</b>	On 31 July 2001, 22 people convicted of murder were sentenced to death by Kankan criminal court. They are currently imprisoned in Kankan civil prison.
<b>Most recent official position taken by the authorities :</b>	With regard to the executions that took place in February 2001, the Minister of Justice, Abou Camara, stated: <i>"It is not the government that decided to execute them, but the judicial system, and it will be this way from now on. Whoever is found guilty of murder will be executed"</i> .
<b>Most recent AI action :</b>	An AI Urgent Action in October 2001 requested that the death penalty passed on 22 people sentenced in July 2001 be commuted to penalties that respect human dignity.

<b>GUINEA-BISSAU</b>	<b>Abolished</b>
<b>Current legislation :</b>	The Constitution of 1993 forbids the death penalty in any circumstances.
<b>History of the death penalty prior to its abolition:</b>	During the colonial period, under Portugal, the death penalty did not exist in Guinea-Bissau. It was introduced at independence in 1974. Although the sentence of imprisonment was authorized as an alternative to the death penalty in 1976, a Constitutional amendment, in 1978, broadened the scope of the death penalty to other crimes, like aggravated murder and attack on the security of the state. Opposition to the death penalty became stronger in the 1980s culminating in its abolition in 1993.
<b>Most recent executions (to the knowledge of AI) :</b>	In 1986, 13 people were sentenced to death by the Supreme Military Court, 12 of who had been charged with conspiring to overthrow the government. Six of them were executed. There are some reports that five other people were sentenced to death and executed for aggravated murder between 1985 and 1988.
<b>Most recent death sentences (to the knowledge of AI) :</b>	No other death sentence seems to have been passed since 1986.

<b>LIBERIA</b>	<b>Maintained</b>
<b>Current legislation :</b>	The death penalty is maintained for several offences.
<b>Appeals procedures :</b>	Condemned prisoners can appeal to the Supreme Court. The Head of State can grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	In November 1995, seven commanders of the armed group, Conseil de paix au Libéria (LPC), <i>Liberian Peace Council</i> , were shot after a specially constituted court sentenced them to death for atrocities committed against civilians. It is possible that other executions have taken place in the conflict that has raged in Liberia since 1989, without Amnesty International knowing about it.
<b>Most recent official position taken by the authorities :</b>	After the departure of President Charles Taylor and a peace accord in August 2003, a national transitional government was due to take power on 14 October 2003.
<b>Most recent AI action :</b>	Since 1989, Liberia has experienced a series of internal armed conflicts during which war crimes, crimes against humanity and other serious violations of international humanitarian law have been committed. AI has continually requested that those suspected of being responsible for these acts should be brought to trial using procedures in line with international standards of equity, and excluding any recourse to the death penalty. For example, in a letter to the United Nations Security Council in August 2003, AI recommended the implementation of a long term strategy to deal

	with the question of impunity in Liberia, as part of the reconstruction of a national judicial system in line with international standards of equity and excluding all recourse to the death penalty.
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<b>MALI</b>	<b>Abolished in practice</b>
<b>Current legislation :</b>	The death penalty is provided for in the penal code for various offences, but has been abolished in practice. A two year moratorium was decreed in May 2002.
<b>Appeals procedures :</b>	Condemned prisoners can appeal to the Court of Cassation. The President of the Republic can grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	Mamadou Keita and Karuba Coulibaly, both sentenced to death for murder, armed robbery and other crimes in 1980, were shot on 21 August 1980.
<b>Most recent death sentences (to the knowledge of AI) :</b>	In 2002, 26 people were sentenced to death, 19 of them in their absence.
<b>Most recent official position taken by the authorities :</b>	In March 1996, President Alpha Oumar Konaré declared that he was opposed to the death penalty and commuted all death sentences pronounced under his Presidency to lifetime imprisonment. In May 2002, President Konaré decreed a two year moratorium on executions while waiting for the National Assembly to debate the abolition of the death penalty. However, to this day, the new parliament elected in June 2002, on the morrow of the election of President Amadou Toumani Touré, has not yet debated this issue.
<b>Most recent AI action :</b>	The Mali section of Amnesty International has taken many actions in favour of the abolition of

	<p>the death penalty, notably at the annual meetings of the <i>Espace d'interpellation démocratique</i>, Democratic Space, on 10 December, at which government ministers, including the prime minister, respond to questions put by citizens and respond to allegations of human rights violations.</p>
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<b>MAURITANIA</b>	<b>Abolished in practice</b>
<b>Current legislation :</b>	The death penalty is provided for in the penal code for various offences, but has been abolished in practice.
<b>Appeals procedures :</b>	Condemned prisoners can appeal to the Court of Cassation and can also ask for a review of their sentence. Finally, the condemned cannot be executed until a pardon has been refused.
<b>Most recent executions (to the knowledge of AI) :</b>	Three armed forces officers were sentenced to death in 1987 by the State Security Chamber for plotting to overthrow the regime.
<b>Most recent death sentences (to the knowledge of AI) :</b>	On 13 December 2002, the criminal court sentenced M. Moustapha H'Mane, a Moroccan national, to death for murder.
<b>Most recent official position taken by the authorities :</b>	Amnesty International does not know the government's official position.
<b>Most recent AI action :</b>	AI requested ratification of the Second Optional Protocol of the ICCPR in a letter to the authorities in August 2003.

<b>NIGER</b>	<b>Abolished in practice</b>
<b>Current legislation :</b>	The death penalty is provided for in the penal code for various offences, but has been abolished in practice.
<b>Appeals procedures :</b>	Condemned prisoners can appeal to the Court of Cassation. The President of the Republic can grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	Commander Bayéré Moussa, Captain Sidi Mohamed and Ahmed Mouddour, general secretary of the trade union confederation UNTN, were sentenced to death by the State Security Court for their participation in the attempted coup d'état of March 1976. At this trial, six other people were also sentenced to death, two in their absence, but they were subsequently pardoned.
<b>Most recent death sentences (to the knowledge of AI) :</b>	In July and August 1985, 12 Tuaregs, arrested after an attack on Tchén Tabaraden police station, were sentenced to death by an emergency military court. Seven of the 12 had their sentence commuted to lifetime imprisonment by President Ali Saïbou in November 1987. This sentence was reduced to 30 years in July 1988.
<b>Most recent official position taken by the authorities :</b>	In August 2002, after loyalist forces put down mutinies in army barracks, the prime minister declared he was against the death penalty. However, this sentence is provided for in the military justice code prepared after these mutinies and adopted in December 2002. The code established a military court to deal with

	crimes of a military nature. A new penal code, adopted in May 2003, maintains the death penalty.
<b>NIGERIA</b>	<b>Maintained</b>
<b>Current legislation :</b>	<p>Nigeria is a federal republic comprising 36 states. Each state has its own legislation. The current federal constitution of Nigeria authorizes the death penalty for the most serious crimes and recognizes the right of federated states to establish courts governed by religious law.</p> <p>Several states in the north of the country, where the majority of the population is Muslim, have established penal codes inspired by <i>Sharia</i> (Islamic law), and which are applied at the same time as secular penal law.</p> <p>The penal codes based on <i>Sharia</i> provide for passing sentences such as the death penalty, the amputation of limbs and flogging. Within the terms of this body of law, the accused can be sentenced to death by a judge and executed, after examination by a court according to the rules of <i>Sharia</i> of the state in question and ratification by the Governor of that state.</p>
<b>Appeals procedures :</b>	<p>Condemned prisoners can appeal. If the death sentence is confirmed by the state's Islamic Court of Appeal, they can appeal to the <i>Sharia</i> panel of judges of the federal court, then the federal Supreme Court.</p>
<b>Most recent executions (to the knowledge of AI) :</b>	<p>On 3 January 2001, M. Sani Yakubu Rodi was hung. He had been sentenced to death for the murder of a woman and her two children. Katsina court originally decided that he should be stabbed to death with the same knife that he used for the triple murder, but the <i>Sharia</i> authorities finally changed their mind in order</p>

	<p>to avoid triggering violence between the Muslim and Christian communities of Kuduna. It was the first execution since the new <i>Sharia</i> penal codes were introduced in the state of Katsina on 1 August 2000.</p>
<p><b>Most recent death sentences (to the knowledge of AI) :</b></p>	<p>On 9 October 2001, the supreme Islamic court of Gwadabawa, in the state of Sokoto, convicted a pregnant woman of adultery and sentenced her to death by stoning. She admitted that her child's father was a married man, Yakubu Abubakar, and pleaded guilty. M. Abubakar was released for lack of evidence. On 25 March 2002, the Islamic Court of Appeal in Sokoto acquitted her on a technicality. The sentence had been passed before the new Islamic penal law came into force in that state.</p> <p>On 22 March 2002, Amina Lawal was sentenced to death by stoning for adultery by an Islamic court in Bakori, in the state of Katsina. This young woman, who gave birth to a child when she was divorced, admitted meeting M.Yahaya Mohammed, over a period of eleven months. The birth of the child was sufficient to prove Amina Lawal's guilt. On the other hand, Yahaya Mohammed was acquitted for lack of evidence. Amina Lawal made a first appeal in April 2002, alleging a technicality. The Bakori court upheld the sentence. Amina Lawal and her lawyers appealed a second time to the Katsina Court of Appeal. On 25 September 2003, this Court of Appeal acquitted Amina Lawal.</p> <p>Ahmadu Ibrahim and Fatima Usman were sentenced to five years imprisonment by a secular court of the first instance in the state of Niger for having an extra-marital relationship. The father of Fatima Usman thought this was too light a sentence and complained to the state's Islamic authorities. In May 2002, in their absence, the court of New Gawu area sentenced the couple to death, in accordance</p>

	<p>with the new <i>Sharia</i> code. The federal authorities only recognized the first sentence and refused to hand the couple over to the Islamic authorities. Ahmadu Ibrahim and Fatima Usman remained in prison until October 2002, when they were released and warned about their future conduct. In January 2003, Fatima Usman gave birth to a child and returned to Lambata, where she still lives. The appeal hearing on their case in the Minna Islamic Court of Appeal was adjourned <i>sine die</i> on 4 June 2003.</p>
<p><b>Most recent official position taken by the authorities :</b></p>	<p>According to AI's Nigeria section, President Obasanjo has expressed his opposition to the death penalty on several occasions. The president has described the Islamic laws applied in 12 northern states as "<i>Sharia policy, which will fail in the course of time</i>". On 14 June 2001, the governor of Oyo state proposed that "<i>Nigeria removes the death penalty from its legislation (...) as death sentences have not reduced the murder of innocent people</i>". On 31 July 2003, President Obasanjo again declared his opposition to the death penalty and his intention to begin a national debate on the issue, which was due to be launched on 10 October 2003.</p>
<p><b>Most recent AI action :</b></p>	<p>The question of the abolition of the death penalty is regularly raised by AI at its meetings and in correspondence with the Nigerian authorities and campaigns are regularly organized on this issue.</p>

<b>SENEGAL</b>	<b>Abolished in practice</b>
<b>Current legislation :</b>	The death penalty is provided for in the penal code for various offences, but has been abolished in practice.
<b>Appeals procedures :</b>	Condemned prisoners can appeal to the Court of Cassation. The Head of State can grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	Since independence in 1960, there have been only two executions: Moustapha Lo, in 1965, for trying to kill President Senghor; and Abdou Ndaffa Faye, in 1967, for killing Demba Dio, mayor of Mbour.
<b>Most recent death sentences (to the knowledge of AI) :</b>	In March 2002, the criminal court at Ziguinchor, in Casamance, sentenced two people to death in their absence, for infanticide and poisoning respectively. In September 2003, the criminal court at Dakar sentenced Abdoulaye Diagne to death for robbery with violence that resulted in the death of a soldier.
<b>Most recent official position taken by the authorities :</b>	In an official response to AI in July 2001, the Senegalese government stated that " <i>Senegal has not applied this penalty since 1967</i> ". With regard to the abolition of the death penalty, the Senegalese authorities declared that " <i>a process is underway where all parts of society will be involved in discussing a possible change to the law</i> ". In an official response to the AI Senegalese section in October 2002, the Senegalese Minister of Justice congratulated the section " <i>on the initiatives taken by</i>

	<i>Senegalese civil society organisations to lead a national campaign to obtain the abrogation of the death penalty from Senegalese penal law".</i>
<b>Most recent AI action :</b>	<p>In a document entitled <i>Senegal - Putting an end to impunity: a unique opportunity not to be missed</i>, published in April 2002, AI requested the government to "take the necessary legislative measures to abolish the death penalty" and "ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty".</p> <p>AI Senegal co-ordinates a coalition of NGOs campaigning for the abolition of the death penalty in Senegal. The coalition was created in 2002 and has taken various actions, including the organisation of public education campaigns, national petitions and a search for external support.</p>

<b>SIERRA LEONE</b>	<b>Maintained</b>
<b>Current legislation :</b>	The death penalty is maintained for several offences. The United Nations and the government signed an accord in January 2002 on the establishment of a special tribunal to try those who had the greatest responsibility for crimes against humanity, war crimes and other serious violations of international humanitarian law in Sierra Leone. This tribunal excludes recourse to the death penalty.
<b>Appeals procedures :</b>	Condemned prisoners can appeal to the Court of Appeal unless the case is a court martial. As a last resort, they can appeal to the Supreme Court. The Head of State can grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	Twenty four soldiers, including important leaders of the Armed Forces Revolutionary Council (AFRC), which took power after a coup in 1997, were convicted of treason and other crimes, sentenced to death by a court martial in October 1998 and executed in public one week later. Ten other soldiers sentenced to death in the same trial had their sentences commuted to life imprisonment by the president.
<b>Most recent death sentences (to the knowledge of AI) :</b>	In three separate cases, in August, October and November 1998, 42 civilians were sentenced to death for treason. Some of them were also convicted of murder. Some of them escaped after a foray into the capital, Freetown, by rebel forces of the RUF and the AFRC, in January 1999. All those sentenced to death were granted a pardon in July 1999 after the government and the RUF signed a peace

	<p>agreement.</p> <p>The RUF leader, Foday Sankoh, who had been arrested at the beginning of March 1997 in Nigeria for the possession of arms and munitions, was brought back to Sierra Leone in July 1998 and tried for treason and other crimes. He was sentenced to death in October 1998. However, he was released in 1999 as part of the peace negotiations. After the signature of the peace agreement in June 1999, he was pardoned and occupied an important position in the government. Foday Sankoh was arrested again in May 2000 and in March 2003 and charged by the special Sierra Leone tribunal dealing with war crimes, crimes against humanity and other serious violations of international humanitarian law. He died on 29 July 2003.</p>
<p><b>Most recent official position taken by the authorities :</b></p>	<p>Although some members of the government are known to support the principle of abolishing the death penalty, there was a reticence to broach this question while the armed conflict continued. With the end of the conflict in 2002, it seems that there is greater political will to open a debate on the abolition of the death penalty.</p>
<p><b>Most recent AI action :</b></p>	<p>In December 2002, AI wrote to the Minister of Justice to express concern about the approximately hundred people associated with the former armed opposition who had been charged with offences punishable by the death penalty. These people did not have legal representation and their trial took place in the absence of defence lawyers. The trial, which was regularly adjourned, had still not finished by 1 October 2003.</p> <p>In the same letter, AI also called on the authorities to follow the practices of the Special Tribunal for Sierra Leone, exclude the death</p>

	penalty and take the necessary measures for the abolition of the death penalty. During its visit to Sierra Leone in May 2003, an AI delegation raised the question of the abolition of the death penalty with several ministers, the new parliamentary human rights group and national NGOs.
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<b>TOGO</b>	<b>Maintained</b>
<b>Current legislation :</b>	The death penalty is provided for in the penal code for various offences, but has been abolished in practice.
<b>Appeals procedures :</b>	The accused can appeal to the Court of Cassation. The Head of State can grant a pardon.
<b>Most recent executions (to the knowledge of AI) :</b>	According to official information, only two people have been executed. The last execution was in 1978. M. Adjata Koffi was executed the day after he was sentenced to death for murder.
<b>Most recent death sentences (to the knowledge of AI) :</b>	In December 1986, the State Security Court sentenced 13 people to death, three of them in their absence, for participating in a failed coup d'état in September 1986. Their sentences were commuted to life imprisonment by President Eyadéma in October 1987. On 5 September 2002, Komlan Agbéviadé, was sentenced to death for the premeditated murder of his brother. It was found that he had psychiatric problems but he was sentenced without a competent psychiatrist first making a

	diagnosis.
<b>Most recent official position taken by the authorities :</b>	In its report to the United Nations Human Rights Committee in 2001, Togo indicated that the Commission to harmonise national legislation would include the question of the death penalty in its review of the penal code. As far as we are aware, the provisions providing for the death penalty have not been abrogated.
<b>Most recent AI action :</b>	In July 2003, in a letter addressed to the Togolese authorities, AI requested the ratification of the Second Optional Protocol to the ICCPR.

#### **RECOMMENDATIONS**

Amnesty International requests

#### **ECOWAS leading organs to:**

- Reaffirm the fundamental principles of human dignity recognized at the international level and pressure member states that have not yet signed the Second Optional Protocol to the International Covenant on Civil and Political Rights to do so and to ratify it without delay.
- Place the abolition of the death penalty on the agenda of their next meetings.

#### **ECOWAS member countries and Mauritania to:**

- Ratify the Second Optional Protocol to the Covenant on Civil and Political Rights if they have not already done so.
- To the four ECOWAS member states who have used the death penalty during the last ten years, to adopt, without delay, a moratorium on executions and take the measures necessary to abolish the death penalty.

#### **Civil society of ECOWAS member states and Mauritania and international public opinion:**

- Organize pressure on the governments concerned to take concrete measures towards the definitive abolition of the death penalty.