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@Open letter to His Excellency Mr Henri Konan BEDIE, President of Côte d'Ivoire, on a bill providing for public executions

Dear President,

You received me in Abidjan on 1 February this year when I led an Amnesty International delegation visiting a number of African countries, including Côte d'Ivoire, to launch a campaign to raise awareness of the human rights situation in Sudan. During this meeting, you confirmed your country's determination to observe all instruments safeguarding fundamental human rights, in particular the right to life.

You will therefore quite understand my concern and disappointment when I learned that on 16 March 1995 the Council of Ministers adopted a bill providing for the death penalty "by firing-squad and in public" for robbery with violence.

This bill, which is due to be laid before the National Assembly at its next session in April, represents a radical change in the legal tradition of your country, where the death penalty, although retained in law, has never been enforced since independence in 1960. In 1975 your predecessor, President Félix Houphouët-Boigny, took a personal stand against capital punishment by ordering all pending death sentences to be commuted to prison terms. At our meeting in February you yourself took pride in the fact that there had never been any executions in Côte d'Ivoire, despite several death sentences having been handed down by the courts.

The death penalty, abolished in practice, was hitherto reserved for crimes involving bloodshed and for aircraft hijacking. Your government has officially justified extending it to robbery with violence by the rising tide of insecurity in your country. The bill therefore aims to have a deterrent effect, stating that this growing crime wave "is likely to compromise the

harmonious development of Côte d'Ivoire by discouraging economic initiatives and, above all, foreign investment".

Amnesty International recognizes the seriousness of the situation, but none of the many studies carried out in various countries has produced scientifically conclusive proof that the death penalty has any special deterrent effect compared with other punishments. There is even reason to believe that the introduction of the death penalty may lead to an increase in the murder rate. In Nigeria, for instance, a professor of law and criminology has noted, after a comparative study of murders and executions between 1967 and 1985, that "murder incidents have consistently increased during most of this period", even though murders were punishable by death and virtually everyone was aware of this. The professor concluded that the studies carried out in Nigeria "have demonstrated clearly that no efficacy can be shown for the operation of the death penalty " in respect of murder and armed robbery in that country. In reality, capital punishment degrades everyone involved in it and, instead of providing stronger safeguards for society, merely aggravates its cruelty. This is particularly true of the public executions envisaged by the new Ivorian bill. In countries where such public executions take place, eye-witnesses have noted that when an incident disrupts the progress of the execution, some prisoners take a long time to die and their suffering is visible. In some cases, police have had to intervene to restore order when the crowds, aroused by the spectacle, became difficult to control.

Extending the use of the death penalty, as envisaged by the Ivorian bill, contravenes several articles and provisions of international instruments safeguarding fundamental human rights. The International Covenant on Civil and Political Rights, to which Côte d'Ivoire became a party in 1992, states in Article 6 that "in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes". Furthermore, in Resolution 32/61 of 8 December 1977, the United Nations General Assembly reaffirmed that "the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment...".

Amnesty International considers that the death penalty violates the inalienable rights of the individual as laid down in the Universal Declaration of Human Rights of 1948, which recognizes the right of everyone to life and states that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Consequently, the movement for the abolition of the death penalty cannot be separated from the struggle for human rights. This has been confirmed by the Human Rights Committee in its General comment on Article 6 of the International Covenant on Civil and Political Rights, adopted on 27 July 1982, when it concluded that "all measures of abolition should be considered as progress in the enjoyment of the right to life ...".

This campaign for the worldwide abolition of the death penalty is meeting an ever-growing response in Africa. For instance, since 1990, Mozambique, Namibia, São Tomé and Príncipe, Angola and Guinea-Bissau have abolished the death penalty for all crimes. In South Africa a moratorium on executions was imposed in 1992, and the nine recently appointed members of the Constitutional Court are due shortly to rule on the

constitutionality of the death penalty, which, according to some lawyers, is incompatible with the new South African Constitution which came into force in April 1994 and which safeguards the right to life and other fundamental human rights.

In this respect the Ivorian bill gives particular cause for concern, since on 17 March 1995 the Minister of Justice, M. Faustin Kouamé, declared in an interview in the newspaper *Fraternité Matin* that these death sentences would henceforth be passed by magistrates' courts and, where applicable, in accordance with *in flagrante delicto* procedures.

In consideration of the above, may I request you, Mr President, to exert all your influence in order that this bill may be withdrawn and Côte d'Ivoire remain, as you expressed it to me yourself, an example to Africa with regard to non-implementation of the death penalty.

It would indeed be a matter of deep regret if your name and government were to be associated, within a few months of the presidential elections planned for October 1995, with a law which, by providing for public executions, would constitute a serious violation of the right to life.

Yours respectfully and sincerely,

Pierre Sané

Secretary General