

# amnesty international

## GHANA

### Death sentences for armed robbery

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Amnesty International has received reports that seven men in Ghana have been sentenced to death after being convicted of armed robbery. Two others sentenced to death had appeals against their sentences and convictions rejected. Amnesty International is concerned that executions in all nine cases may be carried out in the near future.

Two people were sentenced to death by a National Public Tribunal in the capital, Accra; **Clement Yaw Akonnor** and **Evans Agorobesa** were convicted of robbing a taxi driver at gunpoint in August 1990. The exact date of their conviction was not clear but is believed to have been in January 1991. It is not known whether appeals against conviction and sentence were lodged in either of these cases.

In March 1991 the Ashanti Regional Public Tribunal sentenced five men to death by firing squad for armed robbery. **Samuel Osei**, a farmer, **James Frempong**, unemployed, **Emmanuel Agbo**, a business man, **Solomon Sawah**, a taxi driver, and **Kwame Attah**, were convicted of armed robbery. One of them, Kwame Attah, was tried *in absentia*. It is not known whether appeals against conviction and sentence were lodged in any of these cases.

Also in March this year the National Appeals Tribunal dismissed an appeal against death sentences imposed by a Public Tribunal on **Samuel Kofi Akitti** and **Dieter H.O. Aryee**. They had been convicted of armed robbery. It is not known when the men were sentenced or by which Public Tribunal.

The Public Tribunals Law of 1982 (PNDC Law 24), which established the Public Tribunals, 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".

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.

Cases of armed robbery appear usually to be tried before Public Tribunals. Murder, which is a capital offence under the Criminal Code of 1960, may be tried by either the High Court or a Public Tribunal. It is not clear what criteria are used to determine whether a case is heard before the High Court or a Public Tribunal.

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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