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56th Ordinary Session of the African Commission on Human and Peoples' Rights

Banjul, Gambia, 21 April – 7 May 2015

Item 7 on the agenda:

Report from the Working Group on the Death Penalty and Extrajudicial, Summary and Arbitrary Executions in Africa

Madam Chair,

Commissioners,

The Advocates for Human Rights, FIACAT, FIDH and Penal Reform International (PRI), all members of the **World Coalition against the Death Penalty**, would like to congratulate you on the activities of the Working Group on the Death Penalty in Africa since the 55th Ordinary Session of the ACHPR.

The member associations of the World Coalition against the Death Penalty would like to remind you of the strategies adopted by the African Commission in its report on the death penalty in Africa and, in particular, the recommendation made to the African Union and to States parties to adopt *“a Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa under any circumstances”*.

Madam Chair,

The member associations of the World Coalition against the Death Penalty believe it is necessary to adopt an Additional Protocol to the African Charter on Human and Peoples' Rights on the abolition of the death penalty in the sense that this regional instrument would meet both the political and the judicial objectives and would have a real mobilising effect.

An African Protocol on the abolition of the death penalty would showcase to the world the political courage on the part of the African governments to deal with this matter openly and it would underscore the importance it holds for the whole continent. It would validate just how topical and pertinent the talks held within African nations are and would clarify the stance on this question taken by the African Union based on the human rights protection, one of its principal objectives stated in its Constitutive Act. It would clearly reaffirm that true respect of every individual's right to life involves abolishing the death penalty in any event and without any exceptions.

From a judicial point of view, this instrument would only be binding on those States that went on to ratify it; it would supplement Article 4 of the African Charter on Human and Peoples' Rights

as regards the right to life. It would have the advantage of setting out the judicial means by which the death penalty can be abolished and in particular would avoid any possibility of it being reinstated unilaterally by States parties.

As regards mobilisation, it would moreover be an incentive instrument, forging the way forward and reinforcing the arguments for abolishing the death penalty. It would act as a mobilising factor on which African governments, national human rights institutions, lawyers, magistrates, civil society organisations, the media, religious leaders, traditional chiefs and citizens could all depend to counter any forms of resistance met during debates being held at national and regional level on the abolition of the death penalty.

Madam Chair,

For all these different reasons, the members of the World Coalition against the Death Penalty invites the African Commission on Human and Peoples' Rights during its 56th Ordinary Session to adopt the African Protocol on the Abolition of the Death Penalty and to send it to the African Union as swiftly as possible for adoption.

Thank you.