



THE DEATH PENALTY IN LIBERIA

**HOW CAN ABOLITION
IN LIBERIA
BE ENCOURAGED?**

THE 4 MAIN PRIORITIES :

-  Commute the sentences of inmates on death row in Liberia
-  Abolish the death penalty for all crimes by amending the New Penal Law of 1976 of the Republic of Liberia
-  Implement the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in accordance with Liberia's international obligations
-  Sponsor the Resolution calling for a universal moratorium on the use of the death penalty to be presented to the United Nations General Assembly in December 2020



CHRONOLOGY OF THE ABOLITION OF THE DEATH PENALTY IN LIBERIA

2000

LAST EXECUTION

Beginning of the moratorium

16 September 2005

ACCESSION

to the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty

15 July 2008

REINTRODUCTION OF THE DEATH PENALTY

by hanging for three crimes, with the amendment of the New Penal Law of 1976

MESSAGE FROM THE PRESIDENT

The death penalty violates the most fundamental and sacred right of an individual: the right to life. This right is essential for the existence of mankind. It must be ensured in order to fulfill the protection and enjoyment of any other right, indeed a person must be alive to claim the rights that appertain to him/her.

The right to life is a fundamental human right that must be guaranteed and protected by all States at all times. Infringement of this right by any State amounts to a gross human rights violation. The State, which has the responsibility to protect the lives of its people and ensure their safety and security, betrays their trust

ACAT Liberia wishes to remind the Government of Liberia of its obligations under the Second Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR OP2), calling for a Moratorium on the Death Penalty and its subsequent abolition. Liberia acceded to the ICCPR OP2 in 2005 but it is yet to ratify the instrument and domesticate it in its legal framework.

ACAT Liberia therefore calls on the Government of Liberia to ratify the ICCPR OP2, domesticate it in its laws and commute the sentences of convicts on death rows.

Dale Nikke Tokpah
President of ACAT Liberia

DID YOU KNOW?

Between 2007 and 2018, the United Nations General Assembly adopted seven resolutions calling for a **universal moratorium on the death penalty**.

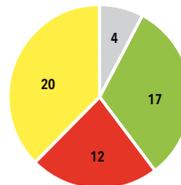
In December 2018, 121 of the 193 UN member States voted in favour of the resolution, 35 voted against and 32 abstained. These resolutions confirm the global consensus to abolish the death penalty.

And in Africa? Many African States have voted in favour of these resolutions and this number is constantly increasing (see diagram opposite). Within 11 years, the number of States voting in favour of the universal moratorium has increased from 17 to 27, while the number of opposing States has been reduced from 12 to 5.

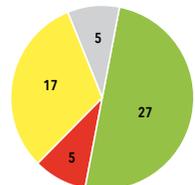
Liberia never voted in favour of these resolutions; the State has always abstained.

VOTES OF AFRICAN STATES

Votes on the resolution
62/149 (2007)



Votes on the resolution
73/175 (2018)



■ For ■ Against ■ Abstentions ■ Absence

NEXT STEPS FOR THE ABOLITION OF THE DEATH PENALTY

Ratify the Second Optional Protocol to the ICCPR aiming at the abolition of the death penalty and domesticate it in its legal framework

Impose a moratorium on executions and amend its laws to eliminate the death penalty.

Sponsor the Resolution calling for a universal moratorium on the use of the death penalty to be presented to the United Nations General Assembly in December 2020

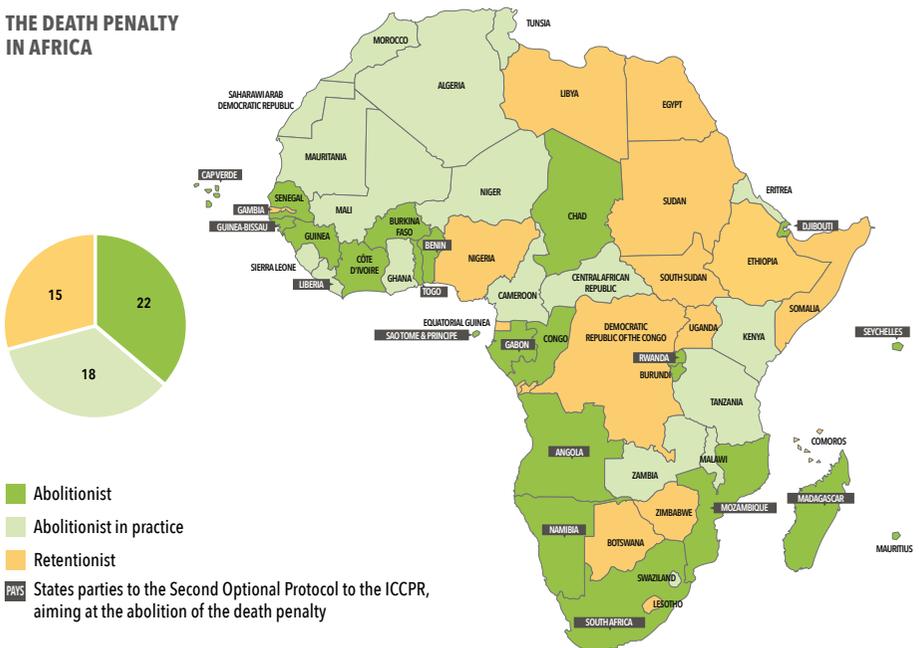
The **Second Optional Protocol** to the International Covenant on Civil and Political Rights (ICCPR) aiming at the abolition of the death penalty is the only international treaty which prohibits executions and which aims at the complete abolition of the death penalty. This instrument obligates States which have ratified it to definitively get rid of the death penalty and makes it possible to guarantee, in a lasting manner, the non-reinstatement of the death penalty at national level.

As of 1 June 2020, the Protocol has been ratified by 88 States and signed by 39 others, including 16 African countries (see map below). The most recent in Africa are The Gambia (September 2018) and Angola (October 2019).

The situation of Liberia is unique, as it is the only country in the world to have reversed its position following accession to the Second Optional Protocol (in 2005). By this accession, Liberia is under the obligation domesticate the instrument in its domestic laws. Instead, in 2008, Liberia "reintroduced" the death penalty with an amendment to the Penal Law that made armed robbery, terrorism and hijacking offences that carry a death sentence.

In Africa, the trend is also towards the abolition of the death penalty, which places Africa as the next abolitionist continent. As of 1 June 2020, 22 states in Africa have abolished the death penalty, 18 have a moratorium on the death penalty, and only 15 maintain the death penalty. Chad is the last country to have abolished the death penalty on May 20, 2020.

THE DEATH PENALTY IN AFRICA





WHY DO WE NEED AN AFRICAN PROTOCOL ON THE ABOLITION OF THE DEATH PENALTY?

FROM A POLITICAL POINT OF VIEW, it shows the will of African governments to openly deal with the question of the death penalty and proves the importance of this issue on the continent. It reaffirms that respect for the right to life necessarily requires the abolition of the death penalty.

FROM A LEGAL POINT OF VIEW, it is binding only upon those States that ratify it, and supplements and strengthens the provisions on the right to life (Article 4) of the African Charter. It specifies the legal means of abolishing the death penalty and of preventing it from being reintroduced in the State parties.

FROM AN EDUCATIONAL POINT OF VIEW, it serves as an instrument which governments, national human rights institutions, religious, traditional and customary leaders, lawyers, the judiciary, civil society organisations, the media and citizens can use as a basis for arguing for the abolition of the death penalty.



WHAT DOES THE ADDITIONAL PROTOCOL ON THE ABOLITION OF THE DEATH PENALTY IN AFRICA SAY?

THE PREAMBLE recalls the commitments of the African Union and its Member States in favour of the abolition of the death penalty and emphasises the importance of abolition for the protection and promotion of human rights.

ARTICLE 1 requires the Signatory States to commit to protecting the right to life and abolishing the death penalty while respecting their sovereignty.

ARTICLE 3 requires States that have ratified the Protocol to apply a moratorium on executions pending the completion of the national legislative process to abolish the death penalty.

ARTICLE 4 relates to Member States' reporting obligations to the ACHPR.

ARTICLE 6 provides for the entry into force of the Protocol once 15 African Union Member States have ratified or signed it.

ARTICLES 2 AND 5 deals with procedural issues.

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