



*FIACAT's oral statement*

*Biennial High-Level Panel on the Death Penalty*

*28 February 2023*

Thank you Mr. Chairperson,

FIACAT, a member organisation of the World Coalition Against the Death Penalty, welcomes the crucial theme of this panel, which is the limitation of the death penalty to the most serious crimes in accordance with Article 6 of the International Covenant on Civil and Political Rights.

As already mentioned, General Comment No. 36 of the Human Rights Committee specifies that the most serious crimes can only be understood as crimes of extreme gravity resulting in intentional death.

In the light of this definition, FIACAT notes numerous violations in law and in practice. Indeed, in several States, offences against State security are punishable by death whether or not they result in death. Similarly, offences related to organised crime are frequently punishable by death. This has become particularly acute in the context of the fight against terrorism. Several states have adopted extremely repressive legislation providing for the death penalty even though no precise definition of terrorism was provided. Faced with such a lack of legal certainty, many of these laws have been used to sentence to death people, including a large number of women, who have not committed crimes leading to death, or even for offences that do not fall under terrorism.

In this respect, FIACAT would like to congratulate the Chadian authorities for having revised their anti-terrorist legislation and for having shown that it is possible to combine an abolitionist commitment with the fight against terrorism. It encourages them to share their experience with other African Union States.

Furthermore, the death penalty is sometimes imposed on persons who have had only a limited degree of involvement or complicity in the commission of the crime. This is all the more problematic when the death penalty is mandatory, reducing the discretion of judges.

All these observations are exacerbated in the context of military justice, where more offences are punishable by death.

In the light of all these violations of Article 6, FIACAT would like to ask the panellists about the safeguards that must be put in place to ensure strict compliance with this provision in law and in practice.

Thank you for your attention.