



**FIACAT's contribution to the United Nations Secretary-General's
2015 annual supplement to his quinquennial report on capital
punishment**

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The International Federation of Action by Christians for the Abolition of Torture (FIACAT), is an international non-governmental human rights organisation, set up in 1987, which works towards the abolition of torture and the death penalty. The Federation brings together some thirty national associations, the ACATs, present in four continents.

By referring the concerns of its members working on the ground to international bodies, FIACAT's aim is to encourage the adoption of relevant recommendations and their implementation by governments. FIACAT works towards the application of international human rights conventions, the prevention of torture in places of detention, and an end to enforced disappearances and impunity. It also takes part in the campaign against the death penalty by calling on states to abolish capital punishment in their legal systems.

FIACAT is a member of the Steering Committee and the Executive Board of the World Coalition against the Death Penalty (WCADP).

The aim of this document is to inform the Secretary-General of the United Nations about the use of the death penalty since March 2014 in certain African countries where members of the FIACAT network are active. While in detention in these countries, people sentenced to death are subject to numerous violations of their fundamental rights. However, some improvements regarding the death penalty have been observed in Africa.

Firstly, a continental conference regarding the death penalty in Africa took place from 2-4 July 2014 in Cotonou (Benin). This conference brought together numerous representatives from African Union (AU) member states, parliamentarians, national human rights institutions and civil society organisations. The event provided an opportunity for these various stakeholders to debate on the death penalty in Africa and the adoption of a legally binding regional instrument aiming at the abolition of the death penalty. During the course of the conference, numerous advances were noted including the fact that 17 African Union member states have abolished the death penalty, 4

of them during the last 5 years, and that 20 are de facto abolitionists¹. Therefore, a clear trend towards abolition can be observed on the African continent, although some resistance still remains. In fact, at least 3 African Union member states sentenced people to the death penalty in 2014. The conference ended with a new advance towards the abolition of the death penalty in Africa: all the participants declared themselves to be in favour of adopting an African protocol for the abolition of the death penalty in all circumstances.

There have been some developments in certain countries in the African continent during this year; FIACAT and the ACATs have been able to gather information on the subject and have worked towards the abolition of the death penalty in Africa.

Benin

Benin abolished the death penalty in 2012 with its accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR), but the country has not yet commuted the sentences of those sentenced to death; today the number of those sentenced to death stands at 13, because one Beninese prisoner died in detention in 2014. In addition, during the course of a visit to the prison at Miserete (Benin) on 7 February 2014, ACAT Benin observed the ill-treatment inflicted on those sentenced to death and violations of their fundamental rights. Prisoners sentenced to death are detained in the same cell, they are denied visitors and may only leave their cell once a month in order to have a haircut.

Chad

A new draft criminal code was adopted at the Council of Ministers in September 2014. This new criminal code would abolish the death penalty which would be a significant step forward. However, the draft criminal code has also received numerous criticisms particularly as it proposes the criminalisation of homosexuality.

Côte d'Ivoire

On 10 March 2015 the Ivorian National Assembly voted for the permanent abolition of the death penalty in Côte d'Ivoire. This follows the passing by the Government of two bills aiming to amend the criminal code and the code of criminal procedure to permanently abolish the death penalty in Côte d'Ivoire (it had already been abolished in the Ivorian Constitution of 1 August 2000). This achievement was noted by the United Nations Human Rights Committee during Côte d'Ivoire's review in March 2015, which encouraged Côte d'Ivoire to pursue its efforts in particular by ratifying the Second Optional Protocol to the ICCPR.

Madagascar

On Human Rights Day, 10 December 2014, Madagascar's National Assembly passed unanimously a bill to abolish the death penalty in the country. On 10 October 2014, World Day Against the Death Penalty, an awareness-raising workshop on the death penalty was organised for parliamentarians and civil society representatives in Antananarivo by the United Nations High Commissioner for Human Rights in collaboration with ACAT Madagascar, FIACAT and the World Coalition Against the Death Penalty.

¹ From 10 December 2010, Madagascar abolished the death penalty from its penal code and the number of abolitionist African states has increased to 18; the number of states implementing a moratorium has thus decrease to 19.

Mali

Despite Mali having passed a *de facto* moratorium on executions in 1980, death sentences continue to be imposed. Therefore, FIACAT and ACAT Mali decided to organise an awareness-raising seminar on the death penalty in Bamako (Mali) on 29 and 30 September 2014 for Malian opinion leaders. This workshop made it possible to establish the reasons why the population of Mali supports the retention of the death penalty. The event also enabled religious and traditional arguments for the abolition of the death penalty to be identified. In their final declaration, the various participants called on the authorities in Mali to abolish the death penalty for all crimes, to ratify the Second Optional Protocol to the ICCPR and to support the draft African protocol on the death penalty.

Niger

The last execution in Niger took place in 1976, since which time Niger has implemented a moratorium on executions. However, courts continue to sentence criminals to death. During its Universal Periodic Review in February 2011, Niger accepted recommendations asking it to abolish the death penalty. A bill authorising Niger's accession to the Second Optional Protocol to the International Covenant on Civil and Political Rights was passed by the Government on 23 October 2014 and should be reviewed by Parliament in May 2015. With this in view, on 10 and 11 March 2015 FIACAT and ACAT Niger held an awareness-raising seminar for opinion makers to improve their ability to campaign for the abolition of the death penalty.

Togo

In November 2014, Togo has for the third time supported the United Nations General Assembly draft resolution calling for a universal moratorium on capital punishment. In December 2014, FIACAT and ACAT Togo undertook an advocacy mission to encourage the Togolese authorities towards that path, in particular they invited them to accede to the Second Optional Protocol to the ICCPR. A preliminary bill was passed in January 2015 authorising the ratification of the Second Optional Protocol to the ICCPR.