

**62ND ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES'
RIGHTS**

NOUACKHOTT, MAURITANIA

24th April to 3rd May 2018

**STATEMENT BY THE KENYAN SECTION OF THE INTERNATIONAL
COMMISSION OF JURISTS**

To the Chairperson of the Working Group on Death Penalty and Extrajudicial,
Summary or Arbitrary Killings in Africa

[Thank you]

The Kenyan Section of the International Commission of Jurists (ICJ Kenya) welcomes the opportunity to address the Chairperson of the Working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa with respect to the human rights situation in Kenya. We wish to bring to your attention the following issues:

1. Madam Chairperson, ICJ Kenya acknowledges the milestones that have been achieved towards the abolition of the death penalty in Kenya. The Supreme Court of Kenya, in the case of Francis Karioko Muruatetu & Wilson Thirumbu Mwangi v Republic [2017] eKLR, removed the mandatory provisions of the death penalty. The Court ruled that any court in Kenya dealing with a capital offence should be allowed to use its judicial discretion to deliver judgement and issue the death penalty. Moreover, in October 2016, President Uhuru Kenyatta commuted 2,655 men and 92 women to serve life sentences.
2. Despite the milestones achieved, ICJ Kenya is concerned that the **Kenyan State is yet to sign the Second Optional Protocol to the International Covenant on Civil and Political Rights which abolishes the death penalty**. In 2007, the Kenya National Commission on Human Rights, through a position paper, recommended the abolition of the death penalty as a step toward the protection of human rights in Kenya. Despite these recommendations by the Commission the Government has not abolished the death penalty.
3. ICJ Kenya is also deeply concerned about the **growing trends of police brutality, torture and extrajudicial killing and regime policing**. State machinery (the police) have increasingly been used to intimidate and harass citizens and to silence dissident voices, resulting into grave human rights violations. Police shootings are reported nearly every day of the week by the press and the total number is certainly unacceptably high.

Madam Chairperson,

1. We call upon the Commission to urge the government of Kenya to sign the Second Optional Protocol to the International Covenant on Civil and Political Rights which abolishes the death penalty.

2. We also call upon the Commission to urge the Government of Kenya to take measures to desist from police brutality, torture and the extrajudicial killing and regime policing as well as underscore personal responsibility of any security agent involved in these human rights violations.

Thank you Madam Chairperson

Signature

A handwritten signature in black ink, appearing to read 'Samwel Mohochi', with a stylized flourish at the end.

Samwel Mohochi
Executive Director