

ICJ Kenya Statement on the 18th World Day Against the Death Penalty

In commemoration of the World Day Against the Death Penalty, the Kenyan Section of the International Commission of Jurists (ICJ Kenya) wishes to reiterate its denouncement of the death penalty. ICJ Kenya reaffirms its commitment to advocate for the human rights, freedom, and dignity of all in line with Article 6 (1) of the International Covenant on Civil and Political Rights, Article 4 of the African Charter on Human and Peoples' Rights, and Article 26(1) on the Constitution of Kenya, 2010.

ICJ Kenya acknowledges the notable progress made at the regional and international levels towards abolishing the death penalty. More than 100 states have either abolished the death penalty or introduced a moratorium on its execution. More specifically and recently, we congratulate the Republic of Chad, the Republic of Zimbabwe, for the notable progress made towards granting commutations, effecting pardons, and reducing death penalty's application.

ICJ Kenya is conscious that some states are yet to abolish the death penalty, such as the Republic of Botswana, the Republic of Somalia, and the Republic of Egypt, recording twenty-five death executions cumulatively this year. These continued executions are not only in violation of the state's commitments to preserve the right to life. The dignity of a person as provided under the African Charter on Human and Peoples Rights and the relevant treaties but are also seen as a significant claw back to regional and international efforts intended to advance the abolishment of the death penalty.

ICJ Kenya lauds the recent release of eight death row convicts from Shimo La Tewa Prison on the national level. We commend the significant role that the judiciary has played in supporting the abolition of Kenya's death penalty through its judicial pronouncements. While these efforts are commendable, we acknowledge that legislative and institutional reforms are necessary for the definitive abolition of the death penalty in Kenya.

In this regard, we call upon:

The member states of the African Union to:

- i. Abolish the death penalty and observe a moratorium on death sentences and executions;
- ii. Support the African Union's adoption of the draft Protocol to the African Charter on the abolition of the death penalty, adopted by the ACHPR during its 56th Ordinary Session; and
- iii. Cooperate with civil society actors to promote the abolishment of the death penalty in Africa



The government of Kenya to:

- i. Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights;
- ii. Support and ensure the implementation of the recommendations of the Task Force Report on the death penalty in Kenya, including allocating financial resources to the judiciary to facilitate institutional arrangements for parole and resentence hearing; and
- iii. Collaborate with civil society actors to create public awareness and engagement in the campaign against the abolition of the death penalty.

The Judiciary of Kenya to:

- i. Ensure the protection of inmates right to a fair trial, including the right to access legal counsel and the right to effective legal representation in the resentence hearings; and
- ii. Collaborate with civil society actors to create public awareness and engagement in the campaign on the abolition of the death penalty.

The National Assembly to:

- i. Support legislative amendments consistent with the repeal of sections of the law that provide the death penalty sentence.

The Civil Society to:

- i. Create awareness among the general public, duty bearers and the media on the abolition of the death penalty;
- ii. Provide technical support to state actors in reforming the existing laws towards abolishing the death penalty sentence;
- iii. Monitor and document state's implementation of the relevant treaties on the abolition of the death penalty; and
- iv. Support civil society actors based in retentionist states in advocating for the abolition of the death penalty

Signed



Kelvin Mogeni
Chairman
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