

**Flygtningenævnets baggrundsmateriale**

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# SUB-SAHARAN AFRICA

## REGIONAL TRENDS

- The overall number of recorded executions more than doubled as a result of rising numbers in two countries – Somalia and South Sudan.
- Executions were recorded in the same three countries as in 2020 – Botswana, Somalia and South Sudan – whereas the overwhelming majority of the region's countries that have not yet abolished the death penalty for all crimes have not carried out any executions
- Recorded death sentences were up by 22%, with a sharp rise in the Democratic Republic of the Congo and Mauritania, and despite a significant drop in Zambia.
- There was progress towards the abolition of the death penalty in several countries, including Sierra Leone, Ghana and the Central African Republic.

| COUNTRY                          | 2021 RECORDED EXECUTIONS | 2021 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2021 |
|----------------------------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Botswana                         | 3                        | 6                             | 6                                                             |
| Burkina Faso <sup>182</sup>      | 0                        | 0                             | 0                                                             |
| Cameroon                         | 0                        | 4+                            | 250+                                                          |
| Central African Republic         | 0                        | 0                             | 0                                                             |
| Comoros                          | 0                        | 0                             |                                                               |
| Democratic Republic of the Congo | 0                        | 81+                           | +                                                             |
| Equatorial Guinea                | 0                        | 0                             |                                                               |
| Eritrea                          | 0                        | 0                             |                                                               |
| Eswatini                         | 0                        | 0                             | 1                                                             |
| Ethiopia                         | 0                        | +                             | 1+                                                            |
| Gambia                           | 0                        | 3                             | 3                                                             |
| Ghana                            | 0                        | 7                             | 165                                                           |
| Kenya                            | 0                        | 14                            | 601                                                           |
| Lesotho                          | 0                        | 0                             | 0                                                             |
| Liberia                          | 0                        | 0                             | 16+                                                           |
| Malawi                           | 0                        | 11+                           | 37+                                                           |

<sup>182</sup> Burkina Faso is abolitionist for ordinary crimes only. In 2018, the country removed the death penalty from its Penal Code; however, the death penalty remained in the Military Code of Justice. It has not carried out executions since 1998.

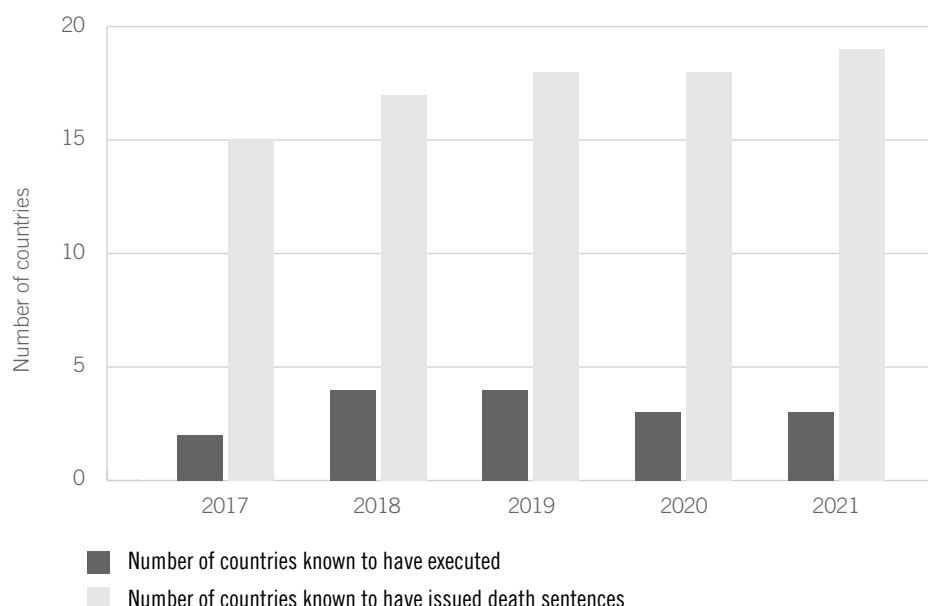
| COUNTRY      | 2021 RECORDED EXECUTIONS | 2021 RECORDED DEATH SENTENCES | PEOPLE KNOWN TO BE UNDER SENTENCE OF DEATH AT THE END OF 2021 |
|--------------|--------------------------|-------------------------------|---------------------------------------------------------------|
| Mali         | 0                        | 48                            | 48+                                                           |
| Mauritania   | 0                        | 60                            | 183                                                           |
| Niger        | 0                        | 0                             | 4                                                             |
| Nigeria      | 0                        | 56+                           | 3,036+                                                        |
| Sierra Leone | 0                        | 23                            | 117                                                           |
| Somalia      | 21+                      | 27+                           | 6+                                                            |
| South Sudan  | 9+                       | 10+                           | 334+                                                          |
| Sudan        | 0                        | 7+                            | 95+                                                           |
| Tanzania     | 0                        | +                             | 480+                                                          |
| Uganda       | 0                        | 2+                            | 135+                                                          |
| Zambia       | 0                        | 9+                            | 257                                                           |
| Zimbabwe     | 0                        | 1                             | 66                                                            |

A sharp rise in recorded executions in two of the three countries that continued to carry out executions in the region has meant that the overall number of recorded executions in sub-Saharan Africa more than doubled, from 16 in 2020 to 33 in 2021. Recorded executions in Somalia rose from 11 to 21, and in South Sudan from two to nine; with information from these countries being difficult to obtain, actual figures may have been higher. In Botswana, Amnesty International recorded the executions of three people, the same number as in 2020.

The overall number of recorded death sentences in 2021, 373, is also considerably higher than in 2020 where it stood at 305, up by 22%. There was a notable rise in recorded death sentences in the Democratic Republic of the Congo where they more than quadrupled, from 20 in 2020 to 81 in 2021. Recorded death sentences decreased in Sierra Leone by 41%, from 39 in 2020 to 23 in 2021. In Somalia, 21 of at least 27 people sentenced to death in 2021 were executed during the same year.

Commutations, pardons and exonerations were recorded in several countries, notably in the Democratic Republic of the Congo, where at least 26 people sentenced to death were pardoned, and at the end of the year all death sentences for which all appeals had been rejected were commuted. In Zambia, the sentences of all persons who had been on death row for over eight years, numbering 23, were commuted. In Nigeria, 17 people originally sentenced to death were acquitted upon appeal and 83 death sentences were commuted.

**FIGURE 11: NUMBER OF COUNTRIES IN SUB-SAHARAN AFRICA KNOWN TO HAVE EXECUTED OR ISSUED DEATH SENTENCES (2017-2021)**



*Yearly total of death sentences known to have been imposed during the period 2017-2021.*

At least 5,843 people were held under a sentence of death, with Nigeria holding 52% of them (at least 3,036).

Positive steps towards the abolition of the death penalty were taken in several countries. In Sierra Leone, parliament unanimously passed an Act that abolishes the death penalty for all crimes. At the end of the year, it was being finalized for official presidential signature. In Ghana, a Bill proposing the abolition of the death penalty from the Criminal and Other Offences Act, and potentially from the Armed Forces Act, was being processed in parliament. In the Central African Republic, a parliamentary committee<sup>183</sup> concluded its examination of a Bill for the total abolition of the death penalty.

<sup>183</sup> République centrafricaine, Rapport de la commission institutions, démocratie, judiciaire et affaires administratives sur la proposition de loi portant abolition de la peine de mort et modifiant certaines dispositions de la loi portant code pénal centrafricain, 21 April 2021, on file with Amnesty International.

## NOTABLE COUNTRY DEVELOPMENTS

**Botswana's** Ministry of Defence, Justice and Security informed Amnesty International that three executions were carried out in the country in 2021, six people were sentenced to death and one person's death sentence was commuted. At the end of 2021, six people were under sentence of death. All of the above are men, and all convicted of murder. The person whose sentence was commuted is Zimbabwean; all the rest are Batswana.<sup>184</sup> The number of persons executed in 2021 was identical to the number of those executed in 2020.

On 7 September 2021, the Buea Military Court in **Cameroon** sentenced to death four men for a series of crimes, including secession, terrorism, murder, possession of illegal arms and insurrection. The four had been found guilty of attacking a school, killing at least eight children.<sup>185</sup> The lawyer for the four, Barrister Atoh Walter M. Tchemi, told Amnesty International that the trial had been marred with procedural irregularities. Not only was the case heard by a military court, the 12 defendants were all heard on the same day, in a "marathon" session, preventing adequate consideration of individual cases. In addition, the prosecution failed to bring any witnesses to the hearing, presenting instead written statements, without third-party corroboration or the opportunity to question the witnesses, making the trial based on hearsay evidence alone. Language was also an issue: the trial was conducted in French and translated into English. However, most defendants only fully understand pidgin English.<sup>186</sup> An appeal was filed,<sup>187</sup> which had the effect of suspending the execution of the sentence. As of the end of 2021, a date for the hearing of the appeal was yet to be set.

Amnesty International recorded no executions, death sentences or persons under a death sentence in the **Central African Republic**, which has kept the death penalty on its law books but has not executed anyone since 1981.

In April, the Parliamentary Committee on institutions, democracy and judicial and administrative affairs<sup>188</sup> concluded its examination of a Bill for the total abolition of the death penalty, first proposed in 2018.<sup>189</sup> The Committee heard from experts and human rights NGOs and, in its report, recommended that the Bill be adopted by parliament.<sup>190</sup> As of the end of the year, Amnesty International was not aware of the Bill being debated further.

Amnesty International recorded no executions in the **Democratic Republic of the Congo**, which has seen no executions since 2003. At least 81 people,<sup>191</sup> one of them a woman, were sentenced to death, more than quadruple the number of recorded death sentences in 2020.<sup>192</sup>

On 8 January, President Felix Tshisekedi pardoned all 26 people sentenced to death in 2003 for the assassination of then president Laurent-Désiré Kabila in 2001.<sup>193</sup> On 31 December, the president

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<sup>184</sup> Letter to Amnesty International from the Ministry of Defence, Justice and Security, 25 January 2022.

<sup>185</sup> Journal du Cameroun, "Cameroon: Four get death sentence over Kumba school massacre", 8 September 2021, [journalducameroun.com/en/cameroon-four-get-death-sentence-over-kumba-school-massacre/](https://journalducameroun.com/en/cameroon-four-get-death-sentence-over-kumba-school-massacre/)

<sup>186</sup> Amnesty International, phone interview with Barrister Atoh Walter M. Tchemi, 18 January 2022.

<sup>187</sup> Direction de la justice militaire, *Tribunal militaire de Buea, Procès verbal de notification d'une ordonnance portant fixation de la consignation d'appel*, 21 June 2021, on file with Amnesty International.

<sup>188</sup> République centrafricaine, Rapport de la commission institutions, démocratie, judiciaire et affaires administratives sur la proposition de loi portant abolition de la peine de mort et modifiant certaines dispositions de la loi portant code pénal centrafricain, 21 April 2021, on file with Amnesty International.

<sup>189</sup> République centrafricaine, Assemblée Nationale, "Loi portant abolition de la peine de mort en République centrafricaine" (no date), on file with Amnesty International.

<sup>190</sup> Committee report, Conclusions.

<sup>191</sup> United Nations Joint Human Rights Office in the Democratic Republic of the Congo (UNJHRO), MONUSCO – OHCHR, Analysis of the human rights situation in 2021, January 2022 (no date), para. 58.

<sup>192</sup> Barron's, "From APF news: DR Congo sentences 16 to death for 2019 killing of Ebola medic", 9 March 2021, [barrons.com/news/dr-congo-sentences-16-to-death-for-2019-killing-of-ebola-medic-01615313405](https://barrons.com/news/dr-congo-sentences-16-to-death-for-2019-killing-of-ebola-medic-01615313405)

<sup>193</sup> Africanews, "DR Congo frees 26 prisoners for ex-leader Kabila's assassination", 8 January 2021, [africanews.com/2021/01/08/drc-prez-pardons-26-prisoners-for-murder-of-ex-prez-laurent-kabila/](https://africanews.com/2021/01/08/drc-prez-pardons-26-prisoners-for-murder-of-ex-prez-laurent-kabila/)

signed a decree that, among other things, commuted all death sentences in force at the time, and for which all appeals have been rejected, to life imprisonment.<sup>194</sup> Amnesty International has not been able to establish the number of people impacted by the decree.

The government of **Eswatini** informed Amnesty International that there were no new developments in the use of the death penalty during the year, indicating that no executions were carried out and no death sentences imposed during 2021.<sup>195</sup> One man remained under a sentence of death.

While Amnesty International recorded no executions in **Ethiopia**, the media reported, without detail, that on 6 August the Western Command First Instance Military Court convicted an undisclosed number of members of the Ethiopian National Defence Force (ENDF) of treason for conspiring with the Tigrayan People's Liberation Front (TPLF) to launch an attack on the military in the context of the armed conflict in Tigray. Those convicted were sentenced to death or to life imprisonment.<sup>196</sup>

In addition, on 4 April a court in Oromia Regional state sentenced a man to death after convicting him of murder.<sup>197</sup>

Death sentences continued to be handed down in **Gambia**. In July, the High Court of Banjul sentenced a senior official under ex-President Yahya Jammeh to death by hanging for the assassination of former minister Ousman Koro Ceesay.<sup>198</sup>

A Private Member's Bill, proposed to **Ghana's** parliament in June by Francis-Xavier Sosu, the Member of Parliament for Madina, provides for the abolition of the death penalty, as a first step, from the country's Criminal and Other Offences Act.<sup>199</sup> At the end of the year the proposed Bill was being prepared for a first reading, with discussions ongoing on expanding it to cover provisions in the Armed Forces Act<sup>200</sup> that impose the death penalty.

The Director of Ghana's Prisons informed Amnesty International that no executions took place in the country, seven people were sentenced to death and 165 were under sentence of death at the end of the year, six of them women and six foreigners. There were no commutations or pardons.<sup>201</sup> Amnesty International understands that all 165 were convicted of murder, which remains punishable by a mandatory death penalty in Ghana, barring judges from considering specific circumstances that may have mitigatory effect in each case.

On 6 July, the Supreme Court of **Kenya** issued a ruling<sup>202</sup> providing directions on how its 2017 ruling in *Muruatetu & Another v. Republic* declaring the mandatory death penalty for murder unconstitutional<sup>203</sup> was to be implemented. In its 2017 ruling, the Court had instructed a wide array of institutions, including parliament and the Attorney-General, to make amendments to laws and policies to ensure such implementation, but in its July 2021 ruling the Court expressed dissatisfaction with the way these instructions were followed, stating that there was confusion, including among lower

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<sup>194</sup> Actualite.cd, "DRC: Felix Tshisekedi signs a decree on a collective measure of pardon", 31 December 2021, [actualite.cd/2021/12/31/rdc-felix-tshisekedi-signe-lordonnance-portant-mesure-collective-de-grace](https://actualite.cd/2021/12/31/rdc-felix-tshisekedi-signe-lordonnance-portant-mesure-collective-de-grace)

<sup>195</sup> Letter to Amnesty International from the Ministry of Justice and Constitutional Affairs, 28 December 2021.

<sup>196</sup> Addis Standard, "News: Southern Command Military Court sentences army members accused of 'direct links' with T.P.L.F. from eight to eighteen years in prison", 26 August 2021, [addisstandard.com/news-southern-command-military-court-sentences-army-members-accused-of-direct-links-with-t-p-l-f-from-eight-to-eighteen-years-in-prison](https://addisstandard.com/news-southern-command-military-court-sentences-army-members-accused-of-direct-links-with-t-p-l-f-from-eight-to-eighteen-years-in-prison) A report on the sentencing first appeared in a post on the Ethiopian Ministry of Defence's official Facebook page but was later removed.

<sup>197</sup> Ethiopian Monitor, "Man gets death penalty after killing three people", 4 April 2021, [ethiopianmonitor.com/2021/04/04/man-gets-death-penalty-after-killing-three-people/](https://ethiopianmonitor.com/2021/04/04/man-gets-death-penalty-after-killing-three-people/)

<sup>198</sup> FOROYAA (Serrekunda), "Gambia: Court sentences Yankuba Touray to death by hanging", 14 July 2021, [allafrica.com/stories/202107150194.html](https://allafrica.com/stories/202107150194.html)

<sup>199</sup> Criminal and Other Offences Act 1960 Act 29.

<sup>200</sup> The Armed Forces Act 1962 Act 105.

<sup>201</sup> Letter to Amnesty International Ghana from the Prisons/Technical and Service, 31 January 2022.

<sup>202</sup> *Francis Karioko Muruatetu & another v Republic; Katiba Institute & 5 Others (Amicus Curiae)* [2021] eKLR, judgment of 6 July 2021.

<sup>203</sup> *Francis Karioko Muruatetu & another v Republic* [2017] eKLR, judgment of 14 December 2017.

courts, regarding the fate of hundreds of persons previously sentenced to death under mandatory provisions, leading to what the Court described as “an avalanche of applications for re-sentencing”. In its July 2021 ruling the Court also clarified, among other things, that the 2017 ruling did not apply to other provisions for a mandatory death sentence such as treason, robbery with violence and attempted robbery with violence, but that these can be challenged through the courts with a likely “similar outcome”. As for murder, the Court ruled that as long as it is not abolished, the death penalty must be restricted to “the rarest of rare cases involving intentional and aggravated acts of killing”. The Court ruled that all of those sentenced to death for murder as a mandatory punishment were entitled to a re-sentencing hearing.

No executions and no new death sentences were recorded in **Liberia**, but at least 16 remained under a sentence of death.

In December, the House of Representatives passed a Bill to amend the Penal Law criminalizing “acts of human sacrifice”. The amendment, which alongside the act of human sacrifice itself criminalizes a wide array of related acts such as financing, attempt, complicity and possessing tools for such acts, imposes the death penalty on an array of offences, including financing human sacrifice and possessing instruments for carrying it out. The Bill was sent to the Senate for approval.<sup>204</sup>

In April, the Supreme Court of **Malawi**, deciding a case involving a prisoner sentenced to death under laws providing for a mandatory death penalty for murder, which had been declared unconstitutional by the High Court in 2007,<sup>205</sup> initially ruled that the death penalty itself was unconstitutional. However, the ruling was later revised, with Justices vacating the initial decision.<sup>206</sup> The revision was on procedural grounds only and did not address the question of whether or not the death penalty accorded with Malawi’s constitution; nor did it address the reasons provided in the original decision for determining that it did not.

The Ministry of Justice and Human Rights in **Mali** informed Amnesty International that the country’s three appeal courts, of Bamako, Kayes and Mopti, sentenced 48 people to death during their Assize (serious crimes) sessions, at least one of them for terrorism-related offences.<sup>207</sup> On 30 June the Court of Appeal of Mopti, during its Assize session, sentenced to death 12 persons found guilty of taking part in an attack on Koulogon Peulh, Bankass cercle, in 2019, killing dozens, burning buildings and looting. All 12 were tried in their absence.<sup>208</sup>

In January, **Mauritania**’s human rights record was considered within the UN Human Rights Council’s Universal Periodic Review. Mauritania’s report did not mention the death penalty.<sup>209</sup> During the discussion, the country’s representatives stated that no execution had been carried out since 1987, and that Mauritania would continue to observe a de facto moratorium on executions.<sup>210</sup> However, while Mauritania “noted” some of the recommendations calling on it to abolish the death penalty, ratify the

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<sup>204</sup> Daily Observer, “Ritual killers, accomplices get death penalty”, 13 December 2021, [liberianobserver.com/ritual-killers-accomplices-get-death-penalty](https://liberianobserver.com/ritual-killers-accomplices-get-death-penalty)

<sup>205</sup> *Kafantayeni and Others v Attorney General*, Constitutional Case No. 12 of 2005 [2007] [High Court sitting as Constitutional Court, later confirmed by Supreme Court of Appeals].

<sup>206</sup> *Khoviwa v Republic* (MSCA Miscellaneous Criminal Appeal Number 12 of 2017) [2021] MWSC 3 (28 April 2021).

<sup>207</sup> Letter to Amnesty International from Ministry of Justice and Human Rights, 25 January 2022. See also Malijet, “Mali: Clôture de la 1ère session de la cour d’assises de Bamako: 13 condamnations à la peine de mort prononcées par les juges”, 14 April 2021, [malijet.co/societe/faits-divers/cloture-de-la-1ere-session-de-la-cour-dassises-de-bamako-13-condamnations-a-la-peine-de-mort-prononcees-par-les-juges](https://malijet.co/societe/faits-divers/cloture-de-la-1ere-session-de-la-cour-dassises-de-bamako-13-condamnations-a-la-peine-de-mort-prononcees-par-les-juges); Nouvel Horizon, “Clôture de la 2ème session ordinaire de la cour d’Assises de Bamako”, 4 October 2021, [nouvelhorizonmali.com/2021/10/cloture-de-la-2eme-session-ordinaire-de-la-cour-dassises-de-bamako/](https://nouvelhorizonmali.com/2021/10/cloture-de-la-2eme-session-ordinaire-de-la-cour-dassises-de-bamako/); Indépendant [Mali], “Fin de la 1ère session de la cour d’Assises de Kayes: Sur les 40 affaires inscrites au rôle 7 ont été renvoyées à la prochaine session”, 13 October 2021, [lindependant-mali.net/2021/10/13/fin-de-la-1ere-session-de-la-cour-dassises-de-kayes-sur-les-40-affaires-inscrites-au-role-7-ont-ete-renvoyees-a-la-prochaine-session/](https://lindependant-mali.net/2021/10/13/fin-de-la-1ere-session-de-la-cour-dassises-de-kayes-sur-les-40-affaires-inscrites-au-role-7-ont-ete-renvoyees-a-la-prochaine-session/)

<sup>208</sup> UN Security Council, Situation in Mali: Report of the Secretary-General, 1 October 2021, UN Doc. S/2021/844, para. 35.

<sup>209</sup> UN Human Rights Council, *National Report Submitted in Accordance with Paragraph 5 of the Annex to Human Rights Council Resolution 16/21: Mauritania*, 9 November 2020, UN Doc. A/HRC/WG.6/37/MRT/1.

<sup>210</sup> Working Group on the Universal Periodic Review, Report: *Mauritania*, 9 April 2021, UN Doc. A/HRC/47/6, para. 52.

Second Optional Protocol to the International Covenant on Civil and Political Rights, establish a de jure moratorium and reduce the number of offences punishable by death, it did not accept any of them.<sup>211</sup>

On 25 November, a criminal court in Northern Nouakchott sentenced to death three men for stabbing to death a university lecturer near to his home in June 2021.<sup>212</sup>

Mauritania's Ministry of Justice informed Amnesty International that no executions were carried out in the country during 2021, 60 people were sentenced to death and 183 were under sentence of death at the end of the year, including 18 foreigners; the sentence of 91 persons was final and of 92 under appeal.<sup>213</sup>

Amnesty International recorded no executions in **Nigeria** in 2021, despite the Minister of Interior, Rauf Aregbesola, on 23 July urging state governors to sign the death warrants for persons held under death sentences throughout Nigeria, where appeals have been exhausted and no compassionate or other grounds for commutation or pardon exist, as part of measures to tackle overcrowding in the country's prisons.<sup>214</sup> However, Nigerian courts sentenced to death at least 56 people during the year. The number of persons held under death sentences, at least 3,036, is by far the highest recorded in sub-Saharan Africa, and one of the highest recorded worldwide. Nigerian governors and courts commuted the death sentences of at least 83 persons, and appeals courts acquitted at least 17 others who had been sentenced to death.

Three states – Jigawa, Taraba and Niger – adopted new laws that impose the death penalty for various crimes that do not involve intentional killing. In February, Jigawa State passed legislation imposing the death penalty on persons convicted of rape and found to have infected their victims with HIV,<sup>215</sup> and the Taraba State House of Assembly passed a law imposing the death penalty on anyone who has “carnal knowledge of a minor”, unless the convicted person is younger than 14 years old.<sup>216</sup> In July, Niger State passed a law imposing the death penalty on any person providing information in support of, instigating or aiding and abetting of kidnapping and cattle rustling.<sup>217</sup> Acts of kidnapping and cattle rustling themselves are already punishable by death in Niger State and several other Nigerian states.

On 21 January an Appeal Panel, presided over by the Chief Judge of Kano State, ordered the retrial of Yahaya Sharif-Aminu. The singer, musician and composer, in his early 20s, had on 10 August 2020 been convicted by an Upper Sharia Court in Kano State and sentenced to death by hanging for blasphemy against Prophet Muhammad in a song that he had circulated on WhatsApp earlier that year.<sup>218</sup> The Panel ordered that the case be returned to the same Upper Sharia Court that had convicted and sentenced him, but be heard by a different judge. The decision was based on the defendant having not been represented by a legal representative throughout his original trial.<sup>219</sup> A hearing at the Kano State High Court was scheduled for February 2022.

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<sup>211</sup> Working Group on the Universal Periodic Review, Report: *Mauritania*, Addendum, 19 April 2021, UN Doc. A/HRC/47/6/Add.1, recommendations 130.4-130.25.

<sup>212</sup> Kiffa online, “موريتانيا / الحكم بالإعدام على قتلة ‘ولد ألما’”, 25 November 2021, [kiffaonline.com/2021/11/25/](https://kiffaonline.com/2021/11/25/)

<sup>213</sup> Letter to Amnesty International from the Ministry of Justice, 28 February 2022.

<sup>214</sup> Punch.com, “Sign death warrants to decongest prisons, Aregbesola urges govts,” 24 July 2021, [punchng.com/sign-death-warrants-to-decongest-prisons-aregbesola-urges-govts/](https://punchng.com/sign-death-warrants-to-decongest-prisons-aregbesola-urges-govts/)

<sup>215</sup> Premium Times, “Nigerian governor signs law approving death sentence for rapists”, 24 February 2021, [premiumtimesng.com/news/headlines/445090-nigerian-governor-signs-law-approving-death-sentence-for-rapists.html](https://premiumtimesng.com/news/headlines/445090-nigerian-governor-signs-law-approving-death-sentence-for-rapists.html)

<sup>216</sup> Business Day, “Taraba Assembly embraces death penalty for rapists”, 25 February 2021, [businessday.ng/politics/article/taraba-assembly-embraces-death-penalty-for-rapists/](https://businessday.ng/politics/article/taraba-assembly-embraces-death-penalty-for-rapists/)

<sup>217</sup> Cable, “Niger state to hang convicted kidnappers, informants”, 16 July 2021, [thecable.ng/niger-state-to-hang-convicted-kidnappers-informants](https://thecable.ng/niger-state-to-hang-convicted-kidnappers-informants)

<sup>218</sup> Amnesty International, *Death Sentences and Executions 2020* (Index: ACT 50/3760/2021), April 2021, [amnesty.org/en/documents/act50/3760/2021/en/](https://amnesty.org/en/documents/act50/3760/2021/en/), p. 53.

<sup>219</sup> Amnesty International, “Nigeria: Authorities must quash the conviction and death sentence imposed on Kano-based singer”, 13 August 2020, [amnesty.org/en/latest/news/2020/08/nigeria-authorities-must-quash-the-conviction-and-death-sentence-imposed-on-kano-based-singer/](https://amnesty.org/en/latest/news/2020/08/nigeria-authorities-must-quash-the-conviction-and-death-sentence-imposed-on-kano-based-singer/); Amnesty International, “Retrial ordered for singer on death row”, 29 January 2021, [amnesty.org.uk/files/2021-01/F113720\\_1.pdf?VersionId=w4Qkyqsl8YLMgw4h57REqb6uOmalDfL](https://amnesty.org.uk/files/2021-01/F113720_1.pdf?VersionId=w4Qkyqsl8YLMgw4h57REqb6uOmalDfL)

The parliament in **Sierra Leone** unanimously passed the Abolition of the Death Penalty Act 2021 on 23 July. The Act abolishes the death penalty for all crimes, removing it as punishment from each of the provisions in the Criminal Code and other legislation, including military law. The death penalty for these crimes was replaced by a maximum sentence of life imprisonment with a minimum 30-year imprisonment, while allowing for judicial discretion in sentencing.<sup>220</sup>

At the end of the year, the Act was in the process of finalization, official signing by the President and gazetting.

While Article 16(1) of Sierra Leone's Constitution still allows for the death penalty to be imposed, a government report from December on its plans to seek amendments to the Constitution includes amending this Article so as to remove the death penalty.<sup>221</sup>

The Sierra Leone Correctional Service informed Amnesty International that during 2021, no executions took place in the country. Twenty-three people, all men, were sentenced to death. One hundred and seventeen people were held under sentences of death, three of them women. The death sentences of four people were commuted.<sup>222</sup>

In **Somalia**, 21 people were executed on 27 June by firing squads in Puntland. According to an official cited by the media, the men had been convicted of Al-Shabaab membership and acts of terrorism, including killings, in separate trials in the towns of Galkayo, Garowe and Qardho earlier in the year. Eighteen were executed in Galkayo, while three others were executed separately in Qardho and Garowe. The executions reportedly came just two hours after Al-Shabaab members attacked the town of Wisil, an attack in which dozens, including civilians, were killed.<sup>223</sup>

In addition to the 21 sentenced and executed in 2021, at least six others were sentenced to death. On 21 April, the Court of First Instance of the Armed Forces of Mudug and Ayn regions in Puntland sentenced five men to death. They were convicted of killing both soldiers and civilians in the service of the Al-Shabaab armed group.<sup>224</sup>

On 13 March, a military court in Somaliland sentenced to death a soldier for killing a civilian schoolteacher in Gabiley Town, Somaliland.<sup>225</sup>

The number of recorded executions in **South Sudan** rose sharply, from two in 2020 to nine in 2021. The number of death sentences also rose, from at least six to at least 10. At least 334 people were held under sentence of death at the end of the year.

South Sudanese NGOs continued efforts to support people sentenced to death in unfair trials. On 10 June, a man was released after being held on death row for 13 years, with the help of the Justice and Human Rights Observatory Organization. According to his lawyer, the man had been convicted in 2009 of murdering another man. He had consistently maintained his innocence. An appeal to the Court of Appeal subsequently failed, but the Supreme Court overturned the conviction upon further appeal, on grounds of insufficient evidence.<sup>226</sup>

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<sup>220</sup> Amnesty International, "Sierra Leone: Abolition of death penalty a major victory", 25 July 2021, [amnesty.org/en/latest/news/2021/07/sierra-leone-abolition-of-death-penalty-a-major-victory/](https://www.amnesty.org/en/latest/news/2021/07/sierra-leone-abolition-of-death-penalty-a-major-victory/)

<sup>221</sup> Report on the Review of the 2017 Government White Paper on the Constitution of Sierra Leone, 1991 (Act No. 6 of 1991), December 2021, p. 7.

<sup>222</sup> Letter to Amnesty International Sierra Leone from Sierra Leone Correctional Service, 3 February 2022.

<sup>223</sup> Voice of America, "Somalia executes militants amid deadly attack," 27 June 2021, [voanews.com/a/africa\\_somalia-executes-militants-amid-deadly-attack/6207538.html](https://www.voanews.com/a/africa_somalia-executes-militants-amid-deadly-attack/6207538.html); Garowe Online, "Al-Shabaab executes 6 alleged to be 'US spies' in Somalia", 28 June 2021, [garoweonline.com/en/news/somalia/al-shabaab-executes-us-spies-in-somalia-after-21-militants-shot-dead](https://garoweonline.com/en/news/somalia/al-shabaab-executes-us-spies-in-somalia-after-21-militants-shot-dead)

<sup>224</sup> Horn Observer, "Somalia: Puntland Military court hands down death sentence to five Shabab members", 21 April 2021, [hornobserver.com/articles/830/Somalia-Puntland-Military-court-hands-down-death-sentence-to-five-Shabab-members](https://hornobserver.com/articles/830/Somalia-Puntland-Military-court-hands-down-death-sentence-to-five-Shabab-members)

<sup>225</sup> Somalia24, "Somaliland's military court sentences soldier to death", 13 March 2021, [handsoffcain.info/archivio\\_news/202103.php?iddocumento=60325368&mover=0](https://handsoffcain.info/archivio_news/202103.php?iddocumento=60325368&mover=0)

<sup>226</sup> See also Sudans Post, "Juba prisoner found not guilty after 13 years in jail", 10 June 2021, [sudanspost.com/juba-prisoner-found-not-guilty-after-13-years-in-jail/](https://sudanspost.com/juba-prisoner-found-not-guilty-after-13-years-in-jail/)

On 5 August, a court in al-Obeid, the capital of the North Kordofan Region, **Sudan**, sentenced to death six members of the paramilitary force Rapid Support Forces (RSF) for killing demonstrators protesting against gasoline and bread shortages in July 2019 in the city. The RSF had been established in 2013 by then President Omar al-Bashir.<sup>227</sup>

While no executions have been carried out in **Tanzania** since 1994, courts in the country continued to hand down death sentences. At least 480 people remained under death sentences at the year's end.

In November, a specially convened **Ugandan** Court Martial sitting in Mogadishu, Somalia, sentenced two soldiers serving with the African Union Mission in Somalia (AMISOM) in the country to death for unlawfully killing Somali civilians during a military operation against the armed opposition Al-Shabaab group in August. The two were transferred back to Uganda for the continuation of judicial proceedings.<sup>228</sup>

On 27 January, **Zambia's** Minister of Home Affairs Stephen Kampyongo announced that President Edgar Lungu had commuted the death sentences of 246 convicted persons to life imprisonment. Stephen Kampyongo explained that the main reason for the commutations of 225 men was fear for the health of those whose appeals against their death sentences had been exhausted, and who had been incarcerated in the Mukobeko maximum correctional facility, a colonial-era facility designed to hold up to 40 inmates for up to a few months but which had been holding over 400 men. Health considerations included but were not limited to Covid-19-related risks. The death sentences of 21 women, incarcerated in the Kabwe female correctional facility, were similarly commuted. Stephen Kampyongo also stated that his country had not abolished the death penalty because that would require a referendum.<sup>229</sup>

However, Zambia's courts continued to sentence people to death, including for aggravated robbery, which is punishable by a mandatory death sentence,<sup>230</sup> and while the Court of Appeal and Supreme Court in some cases acquitted people convicted of murder, the majority of them ended up being held under death sentences.<sup>231</sup>

On 13 April, **Zimbabwe's** President Emmerson Mnangagwa ordered, among other things, the commutation to life imprisonment of the death sentences of all prisoners who had been on death row for at least eight years.<sup>232</sup>

Zimbabwe's Prison and Correctional Service informed Amnesty International that one man was sentenced to death for murder, and 66 persons were held under death sentences at the end of the year, all men, all for crimes involving murder. One presidential pardon was granted to a person under a sentence of death, and the death sentences of 23 men were commuted.<sup>233</sup> Since according to the Prison and Correctional Service all of these commutations were of sentences issued in 2013 or earlier, Amnesty International believes that they were the result of the presidential commutation in April.

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<sup>227</sup> Africanews, "Sudan: Death sentences for six paramilitaries for the killing of protesters in 2019", 6 August 2021, [africanews.com/2021/08/06/sudan-death-sentences-for-six-paramilitaries-for-the-killing-of-protesters-in-2019/](https://africanews.com/2021/08/06/sudan-death-sentences-for-six-paramilitaries-for-the-killing-of-protesters-in-2019/)

<sup>228</sup> AMISOM, "Press release: Court Martial finds AMISOM soldiers guilty of killing civilians in Goloweyn," PR/24/2021, Mogadishu, 13 November 2021, [facebook.com/amisom.somalia/photos/a.405210486184589/4714623708576557/?type=3](https://facebook.com/amisom.somalia/photos/a.405210486184589/4714623708576557/?type=3); BBC, "Two Ugandan soldiers sentenced to death in Somalia," 14 November 2021, [bbc.co.uk/news/world-africa-59280210](https://bbc.co.uk/news/world-africa-59280210)

<sup>229</sup> Human Rights Commission [of Zambia], "HRC commends president Edgar Lungu for commuting sentences of 246 death row inmates to control the spread COVID-19 in correctional facilities", 1 February 2021, [hrc.org.zm/index.php/multi-media/news/372-hrc-commends-president-edgar-lungu-for-commuting-sentences-of-246-death-row-inmates-to-control-the-spread-covid-19-in-correctional-facilities](https://hrc.org.zm/index.php/multi-media/news/372-hrc-commends-president-edgar-lungu-for-commuting-sentences-of-246-death-row-inmates-to-control-the-spread-covid-19-in-correctional-facilities); News Diggers!, "Lungu commutes 246 inmates' sentences from death row to life imprisonment", 28 January 2021, [diggers.news/local/2021/01/28/lungu-commutes-246-inmates-sentences-from-death-row-to-life-imprisonment/](https://diggers.news/local/2021/01/28/lungu-commutes-246-inmates-sentences-from-death-row-to-life-imprisonment/)

<sup>230</sup> Republic of Zambia, the Penal Code Act (1953), sec. 294(2).

<sup>231</sup> Africanlii.org, "Time to end mandatory death penalty in Zambia?", 24 June 2021, [africanlii.org/article/20210624/time-end-mandatory-death-penalty-zambia](https://africanlii.org/article/20210624/time-end-mandatory-death-penalty-zambia)

<sup>232</sup> President Emmerson Mnangagwa, *Clemency Order No. 1 of 2021*, Zimbabwean Government Gazette Extraordinary, 13 April 2021, [gazettes.africa/archive/zw/2021/zw-government-gazette-dated-2021-04-13-no-47.pdf](https://gazettes.africa/archive/zw/2021/zw-government-gazette-dated-2021-04-13-no-47.pdf), para. 9.

<sup>233</sup> Letter to Amnesty International from the Zimbabwe Prison and Correctional Service, 18 February 2022.