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EHRCO stands for democracy, the rule of law and the respect of human rights.

The Death Penalty Provision Should Be Deleted From the Country's Laws!

64th Special Report

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The life of a human being is a natural virtue. Before anything else, the life of a person is the expression of identity for that particular, specific person only. Nobody can resemble or replace that person. Next, life would not only create for that person relations with his close relatives, but also help him establish basic obligatory and voluntary relations with his surroundings. Although it is assumed that life is a personal natural virtue, it is also an accumulation of community efforts and the environmental influences of the surrounding. That is why it is said that dignity is inherent in life. Nobody has given life to any person. And nobody should therefore take it away from him.

On the one hand, life creates complicated, and at times, strong relations amongst and between people, and, on the other hand, human beings are charged with rage and anger, filled with bitterness and disappointment; emotionally upset, and envenomed by jealousy and wickedness so much so that they harm or kill other people.

Society is primarily established to ensure the security and well being of its members. This being the case, it has the responsibility and obligation to arrest the person who has committed illegal acts against others, put him before the law, and impose on him the necessary penalties. Under the circumstances, the following questions would be raised: What is penalty? What is the objective of a penalty? Society is obliged to answer these questions.

First and foremost, the commission of an offense is a question of justice that should, through existing legal procedures, be established beyond any reasonable doubt. If the penalty imposed by society for the offence that has been committed is or appears to be a retaliatory measure taken against the offender by siding with the victim, the society would, in a way be no better than the offender and be prejudiced instead of being guided by reason. In consequence, its mental and spiritual balances would be lop-sided. The acts committed by the offender which stand in contradiction to social security is not only the offence of one individual alone, but, is an

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• EHRCO has an observer status in the African Commission on Human and People's Rights, is a member of World Organization Against Torture and is also a corresponding member of the International Federation of Human Rights.

outcome of social vengeance. A society can be more healthy by teaching, reforming and rehabilitating the offender.

The society would do everything to see to it that the commandment "Thou Shalt not kill" is observed at the individual level. It teaches that to kill is an offence, a mistake and a sin. On the other hand, however, society does not consider it as an offence when it effects a death sentence on a person as a penalty. Why is that so? How and through what means can one differentiate between the killer as an individual and the killer as a society? A person has his own reasons and conditions for killing another person. Society has also its own reasons and conditions for killing a person. It is believed that killings by individuals are unlawful. But the execution of a person by society is a legally sanctioned measure. But the action in both cases is the same. In both cases, it is tantamount to destroying irreplaceable life. Illegal killing is a reflection of social ills. Legally sanctioned killings are manifestations of social ills as well. When society repeats the killing for offense committed by a person, nobody would learn; nobody would improve; the society that has already lost once would stand to lose for the second time by repeating the same act.

The commandment "Thou shalt not kill" should be applicable to both the individual and society. The notion that judicial killings would be instructive has been disproved by the history of mankind since ancient times. Killing a person on the excuse of the law is simply a retributive measure. It is obvious that it is only possible to reform and rehabilitate a person by keeping him alive. Killing a person is not such a reforming act.

It is impossible to overlook or forget the educational activities being carried out in Addis Ababa Prison since the days of the Derg. At one time, the highest results in the Ethiopian School Leaving Certificate Examination (ESLCE) were said to have been scored by students of the school of Addis Ababa Prison. Many people had referred to the school in the prison as a university. Many people have been released from prison after having studied various languages, development economics, history and other subjects. A person who is alive can acquire education and serve the community. But when the person loses his life, society loses its resource.

In its preamble, the Universal Declaration of Human Rights says that recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the cornerstone of freedom, justice and peace in the world. Article 3 of the Declaration stipulates that everyone has the right

to life, liberty, and security of person. The basic rights provided for in article 3 are the Alfa and Omega of the fundamental human rights incorporated in this and other human rights declarations. The political, economic and social rights spring from the right of a human being to life, freedom and full security.

It is common knowledge that this fundamental human right is being violated or restricted for various reasons and under different circumstances. The government is infringing upon this fundamental human right at will under the legal cover of maintaining public security, law and order. The security forces and cadres operating under the government on their part violate this fundamental human right at will with a vested interest to realize their political motive and impose their oppressive and repressive rule over the people. EHRCO has issued repeated reports substantiated by evidence on extra judicial killings committed by government bodies. It has also urged the appropriate authorities to put the killers before the law. Judges may, on the basis of the law, pass death sentences on serious offenders after their acts have been substantiated by the courts. Although these sentences have legal backing, they are measures that violate man's fundamental right to life.

Our Penal Code that was promulgated in 1999 provides for the death penalty. The Penal Code specifically states effecting the death sentence should be free from unnecessary, inhuman and brutal practice.

The Penal Code stipulates that: the death penalty on civilians shall be effected by hanging and on soldiers by a firing squad: the person under penalty shall not undergo any form of suffering. The fact that the implementation of the death penalty has been provided for in such a way has done away with the practice of effecting the death penalty in earlier days through amputation or through the way the offender committed the act crime - e.g. a criminal who has burnt a person to death should be burnt to death. Although the improvement that has been made in terms of ways of effecting the death penalty indicates that there is a change in attitude, the revengeful attitude remains intact. A death sentence may be put into effect by using any soft means imaginable. But one thing remains the same. The basis of effecting a death penalty on a person is nothing but vengeance. This measure would not keep one from violating a human being's right to life.

It is believed that because of the reasons indicated earlier, the death penalty is a penalty that violates the right to life of a person that is stipulated in Article 3 of the Universal Declaration of Human Rights.

EHRCO has, for quite some time now, been asking for the deletion of the death penalty from Ethiopia's laws on grounds that it is an act deviating from humanism. The government and society should

teach and reform offenders and facilitate conditions under which they could develop into good citizens and be re-instated in society but not put them to death with a sense of revenge. It is a mistake to think that death sentence would do away or reduce the incidence of crimes. Although death penalties passed by courts are based on the law, the government should consider this matter in such a way that the penalty imposed on the people is not put into effect. EHRCO has repeatedly declared that it is strongly opposed to the death sentence. It has now found it appropriate to make its position on this score known to the government and the society. In addition, EHRCO calls on citizens, government and non-government organizations, international organizations and representatives of governments to write to the officials and bodies of the Ethiopian government listed below requesting them to see to it that articles providing for death penalties should not be incorporated in the Penal Code which the government is in the process of revising at present.

Copies to:

- House of the Peoples Representatives
Po.Box. 8001, fax (252-1) 55 09 00, Addis Ababa, Ethiopia
- House of the Federation
P.O. Box 8001, Fax no. (251-1) 50 07 722
- H.E. Lt. Girma Wolde Giorgis, FDRE President
P.O.Box 1031, fax (251-1) 55 20 20, Addis Ababa, Ethiopia
- H.E. Ato Meles Zenawi, FDRE Prime Minister, Addis Ababa
P.O. Box 8001, Fax no. (251-1) 50 07 722
- H.E. Ato Harqa Haroye, FDRE Minister of Justice
P.O.Box 1370, fax (251-1) 52 08 74
- Commissioner of Addis Ababa Police
P.O.Box 5674, fax (251-1) 56 01 12 Addis Ababa, Ethiopia