**MORATORIUM ON DEATH PENALTY IN ZAMBIA**

Zambia inherited the death penalty from the colonial era and successive Constitutions have continued to provide for this penalty. The Bill of Rights in the Constitution provides under Article 12 that: protects the right to life, except that a person’s life may be terminated in the execution of a court sentence.

Since independence from Britain in 1964, Zambia has executed 72 people. The founding President, Kenneth Kaunda, sanctioned 64 executions, while his successor Frederick Chiluba approved eight. Since 1997, Zambian Presidents have refused to sign execution orders, choosing, instead to commute sentences to life imprisonment making Zambia an “abolitionist in practice”.

The death penalty has in recent years been condemned across the world as an irreversible torture. This punishment is often reserved for the most heinous of crimes such as first-degree murder, treason and aggravated robbery.

On 23rd December 2022, Zambian President Mr. Hakainde Hichilema signed into law Penal Code (Amendment) Bill number 25 which bans the death penalty and the offence of criminal defamation of the President. This formally eradicated the death penalty from the Penal Code, Chapter 87 of the Laws of Zambia. The last execution in Zambia was in 1997, creating a de facto moratorium for 25 years before this formal step was taken.

The death penalty has also been abolished in other pieces of legislation where it appeared such as the Defence Act following the enactment into law of the Defence (Amendment) Act [No.12 of 2023] which replaces the punishment for treason or defecting to enemy forces to “suffer death” and substitutes this punishment with “life imprisonment”.

The Criminal Procedure Code of Zambia sets out the procedure to be followed in the arrest, trial and sentence of a convicted person. It stated that a person sentenced to death “shall be hanged by the neck till he is dead” and that “the President shall issue a death warrant” commute the sentence or pardon an offender. This provision was also removed from the Code and the death penalty has been replaced by life imprisonment.

In conclusion, Zambia has moved from being an abolitionist in practice to a State that has de jure laws that have abolished the death penalty in Zambia. This aligns with Zambia’s commitment under the Convention against Torture and Article 15 of the Zambian Constitution which proscribes all forms of torture and inhumane treatment.