International Commission against the Death Penalty

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International Commission against the Death Penalty Statement on the ICDP delegation's visit to Nairobi, Kenya, 12–14 October 2026

A delegation of the International Commission against the Death Penalty (ICDP or Commission) led by Commissioners Sylvie Kayitesi and Barbara Lochbihler and composed of Co-Executive Directors Asunta Vivó Cavaller and Dr Rajiv Narayan visited Nairobi, Kenya, from 12 to 14 October 2026 to discuss the current state of play on the death penalty in Kenya with leading national actors in the judiciary, the Parliament and civil society.

The delegation had the honour of having productive meetings with eminent personalities including the Honourable Chief Justice Martha Koome, President of the Supreme Court of Kenya, and her team and with the respected Justice George Vincent Odunga of the Court of Appeal of Kenya. The delegates also held discussions with important stakeholderss including Executive Director Dr Moses Maranga of the National Council on the Administration of Justice (NCAJ), who was joined online by Justice Grace Ngenye of the Court of Appeal of Kenya, and with Ms Claris Ogangah, Chairperson of the Kenya National Commission on Human Rights and her team.

At the National Assembly, the delegation was introduced in plenary by the Speaker, the Rt. Hon. Moses Wetang'ula. The delegates met with members of the Departmental Committee on Justice and Legal Affairs (JLAC) led by Vice-Chairman Hon. Mwengi Mutuse, MP, who are considering a bill calling for the reform of the criminal code, which had been drafted by the NCAJ, with implications on the status of the death penalty in the country, and with Kenyan members of Parliamentarians for Global Action (PGA), led by Hon. Millie Odhiambo, MP. The delegation received in-depth briefings and held discussions with national experts working on criminal justice and human rights including the NGO Reprieve.

The ICDP delegation listened with great interest to the analyses and views shared by these eminent actors on the progress made and the challenges ahead.
- Though Kenya retains the death penalty, the country has not carried out an execution since 1987;
- The historic ruling, on 14 December 2017, by the Supreme Court of Kenya in the case of Francis Karioko Muruatetu & Another v. Republic, where the Court found that the mandatory death penalty under Section 204 of the Penal Code is unconstitutional. The Court found that the mandatory nature of the death sentence for murder violates the right to a fair trial, human dignity, access to justice, and equality before the law under Kenya's 2010 Constitution. The ruling reportedly allowed judges greater discretion to

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consider individual mitigating factors (such as age, first-time offender status, or remorse).
- The re-sentencing hearings, which were a follow-up to the 2017 decision, which allowed individuals previously sentenced to a mandatory death penalty for murder to apply for re-sentencing hearings;
- The clarification by the Supreme Court in 2021 that the *Muruatetu* ruling applied strictly to murder cases and did not automatically extend to other capital crimes like robbery with violence or treason or attempted robbery with violence,
- and the current criminal code reform bill, which is now being considered by the JLAC. The ICDP welcomes the continued engagement of Kenyan institutions on this issue.

The delegation was also honoured to attend a breakfast hosted by H.E. Jaime Moreno Bau, Ambassador of Spain to Kenya, in its honour. The ICDP expresses its sincere gratitude to the Embassy of Spain for its warm hospitality and its continued support for the Commission's work.

The ICDP would like to express its sincere gratitude to all its interlocutors for their openness, their time and the richness of the exchanges, and looks forward to continuing this constructive dialogue with the hope that Kenya moves further away from the death penalty towards eventual abolition.

Background

The International Commission against the Death Penalty, established in 2010, is currently composed of 26 Commissioners of high international standing from all regions of the world, under the leadership of President Judge Navi Pillay, the 2026 Nobel Peace Prize Laureate and former United Nations High Commissioner for Human Rights. ICDP's work is supported by a geographically diverse Support Group of 24 Member States committed to the abolition of the death penalty. The Commission acts with total independence.

The Commission promotes the abolition of capital punishment in law in States that observe a de facto moratorium on the use of the death penalty and promotes moratoriums on executions in States that retain capital punishment. ICDP works with the United Nations and other international and regional organisations, governments and non-governmental organisations to advocate for worldwide abolition of the death penalty. Its Secretariat is based in Madrid and is responsible for the day-to-day work of the Commission.

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