

# For African nations, capital punishment is a grim colonial legacy that lingers on

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## **On the World Day Against the Death Penalty, the tide is turning in west Africa against this tool of colonial repression and racism**

In July, Sierra Leone became the 23<sup>rd</sup> African country to [abolish the death penalty](#). Although its use across the continent has dwindled - thanks to concerted efforts from human rights organisations and governments - the death penalty remains on many more countries' statute books due to its strong colonial legacy.

During the colonial period, punishments that were being abandoned in Europe found fertile ground in [Africa](#). Among them was the death penalty, which was deployed as a key element in the mechanism of colonial repression.

While imprisonment became the most common response to crimes in colonial Africa, the death penalty was at the heart of the colonial project, its practice deeply woven into the fabric of state formation and citizenship building.

The 1890s were a formative time for the death penalty in Africa. It had been introduced in British Africa, in the Belgian Congo and in German Africa. But it was mainly practised in French Africa around this time, which corresponded with the end of the military conquests in the region and France's early efforts to consolidate its rule through an established politico-legal administration.

The death penalty was first introduced in the region in [Senegal](#), France's oldest colony in west Africa, as early as 1824, soon after the French took possession in 1817. But it was not enforced until 1899. That year the first public guillotine execution took place in Saint-Louis, the colony's administrative capital, at a time when the Third French Republic turned away from public executions.

Senegal was the only country in French West Africa to use the guillotine. In French Equatorial Africa, French Togo and French Cameroon, the firing squad remained the main execution method until 1957.

The death penalty in French Africa was an institution with a complex, messy and layered history. It moved beyond legal justice and was shaped in many ways by political and social factors. Alongside its role to mete out punishment and maintain law and order, the death penalty in French Africa was also displayed as an instrument of state authority and legitimacy.

From its institutionalisation in the 1890s until the 1960s, when France withdrew from most of its colonies in the region, the politics of the death penalty navigated between imperial ideas and local practices.

Crimes such as gang attacks, armed pillage, rebellions, conspiracy to rebel against the colonial

administration – all threats to the colonial economy and the protection of French assets in French West Africa – were punished by death.

But numerous legislations that reflected cultural assumptions about Africans – such as their natural savagery and barbarism, primitive character and natural instinct for violence – continuously reshaped how the death penalty was put into practice.

Capital crimes were constantly redefined to respond to growing concerns over any kind of criminal act or behaviour, which led to an expansion of the categories of capital crimes throughout the colonial period. Colonial judges, most of them administrators with no judicial training, were bestowed with discretionary powers to define what constituted a crime and handed down death sentences based on African customs that they knew nothing about or had limited understanding of.

The death penalty was deeply rooted in racism. It was politicised and weaponised as colonial administrators targeted and profiled particular ethnic, religious or political groups as potential capital criminals or suspects. Colonial judges built their prosecutions on the characters of African defendants rather on the circumstances of the crimes they had committed. Racist stereotypes and prejudice created the ground for the criminalisation of activities such as witchcraft and cannibalism. Colonial judges severely prosecuted these crimes, which stood as evidence of the so-called “savagery” of Africans, legitimising the necessity of the French’s “civilising mission” in Africa.

The death penalty did not end with the demise of European colonialism in Africa – Senegal did not abolish the death penalty until 2004. Instead, the continuity of colonial legislation and traditions surrounding the death penalty shaped its practice in countries long after independence.

Today, many African countries are still reckoning with this gloomy inheritance from colonialism. But with the growing momentum of the anti-death penalty movement across the continent and the world, there is good reason to think more countries will do away with the ultimate sentence.

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**Dr. Dior Konaté** is a professor of African history at South Carolina State University. She is the author of [Prison Architecture and Punishment in Colonial Senegal](#). She is currently working on a book titled *Constructing Death: Capital Punishment in Colonial Senegal*

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