

DIIALOGUE ON PARLIAMENTARY ROUND TABLE ON THE ABOLITION OF DEATH PENALTY BY PARLIAMENTARIANS ACTION GROUP ON 3RD MAY 2015 AT COURTYARD HOTEL: MY EXPERIENCE ON THE EXECUTION OF THE PUNISHMENT AS A PRISON OFFICER.

I am John William Nyoka, Senior Citizen and Executive Director of the Inmate Rehabilitation and Welfare Services- Tanzania an NGO which is essentially manned by Retired Commissioners of Prisons. I have worked with the Tanzania Prisons Service for twenty-nine years and Namibian Correctional Services for seventeen years.

Mark the difference, Tanzania Prison Service and Namibian Correctional Services. Namibian Correctional Service is relatively a young system which has scrapped all the apartheid inhumane laws that include corporal punishment, death sentence, while Tanzania Prison Service is an old system still maintaining corporal punishment, death penalty, penal diet with water adilibitum.

People are asking us, our NGO, IRaWS-T what have you to offer now while all along you have been in the Prison Service. Yes, it is a good question. Board Members of our NGO all of them had been the Commissioners of Prisons from Simeon Mwanguku, Jumane Mangara, Onel Malisa, Nicas Banzi to Augustino Nanyaro.

While we were on board in the government we used to advise officially and secretly on the welfare and treatment of offenders. But most of us, I can ensure you there was none amongst us who was in favour of the retention of the death penalty.

We are as well committed in advising and pressing members of Parliament, the government on this question of death penalty.

Currently it requires the courage of a madman in Tanzania to speak on the abolition of death sentence.

I was not surprised in the proposed constitution nothing has been mentioned about the death sentence and its effect of having a big number of condemned prisoners whose sentences are not implemented. Should we continue to have overcrowding of condemned prisoners in our institutions?

I happened to be one of the attendees on that day at the Ukonga Prison Staff Training College in 1985 when Mwalimu Nyerere was addressing members of the Police and the Prison Services on the occasion of bidding him farewell. Mwalimu was very emotional and revealed that he had always been reluctant in signing death warrants to condemned prisoners. He believed that “by signing death warrant for one condemned prisoner you assume the responsibility of killing two people including the deceased one!

I thought this would have been a polite command for Tanzanians to think the possibility of doing away with death sentence on their new constitution.

Probably the timing for the government to think for abolition of capital punishment is not ready. It seems these efforts of abolition death penalty are being overshadowed by the people who are involved in the killings of albinos. More than five people have been sentenced to death while others are still in remands waiting for their verdicts.

This reduces the government commitment in abolishing this punishment. However, the biggest question still remains, how far are we sure that death punishment would effectively reduce the number of grisly killings? We have just seen despite the current efforts of bringing to book these killers still the albino saga continues unabated.

Deterrence is no longer considered as an appropriate measure of dealing with crime rather it hardens the criminals. According to available statistics, recidivism rate in the country is currently at 47% yet we have very tough sentences based on retributive approaches. We should change our approach of getting tougher to the crime rather we should get smarter to the crime.

On the question of death penalty, how does the Prison Service view it? The concept of rehabilitation is very much compromised with the death penalty. Does it make sense upholding the capital punishment within our correctional institutions and yet claiming to reform them! Probably this could be brought in the impending National Prison Policy which is being worked out.

It is true that the legitimacy of changing the law is derived from the people together with the political will from the opinion makers. But those involved in collecting the necessary views of the people should not dismiss that they are dealing with the public living in abject poverty and have lost confidence with court and prosecution and to them death penalty is their way of dealing with it.

Probably it could be better to review the recommendations advanced by the Law Reform Commission of Tanzania which included disputed decision on Tanzania to emulate from some of its neighbours who have scrapped the capital punishment.

Countries like Rwanda, Namibia and South Africa have done away with capital punishment. The language today in correctional fraternity is to address the reoffending attitude of offenders by introducing intervention programmes that may address their criminal behaviours not killing them.

In my more than forty years' experience as a correctional officer, I have worked and experienced in so many times the pushing of a knob in an execution chamber, ending condemn prisoner's life. I would spend sleepless nights for a week before regaining my composure. At one time I had to be handcuffed together with a condemned prisoner on escort to avoid escapes lest we escape together.

It is worse with the hangman who keeps on being haunted in his whole life in memory of those he has executed and lives in hallucination. Let us go for alternative to death penalty to avoid all this.

As said earlier, the Tanzanian retired Commissioners of Prisons in their umbrella organization, Inmate Rehabilitation and Welfare Services-Tanzania (IRaWS-T) strongly recommended the constitution should have considered removing death sentence.

These are the people who know the feelings of the condemned prisoners; it could have been wise to listen to them!

Thank you very much for listening...