

Reference: C.N.706.2016.TREATIES-IV.12 (Depositary Notification)

SECOND OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON
CIVIL AND POLITICAL RIGHTS, AIMING AT THE ABOLITION OF THE
DEATH PENALTY

NEW YORK, 15 DECEMBER 1989

TOGO: OBJECTION TO THE RESERVATION MADE BY EL SALVADOR UPON ACCESSION ¹

The Secretary-General of the United Nations, acting in his capacity as depositary,
communicates the following:

The above action was effected on 14 September 2016.

(Translation) (Original: French)

The Togolese Government, which has chosen to be unreservedly abolitionist, has examined the reservation made by the Government of El Salvador to article 2 of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. The Togolese Government recalls that article 1, paragraph 1, of the Second Optional Protocol, by stipulating that “no one within the jurisdiction of a State Party to the present Protocol shall be executed”, specifically and unambiguously commits States Parties to abolish the death penalty under all circumstances and without exceptions.

However, by not explicitly limiting the application of the death penalty to the most serious crimes of a military nature committed during wartime or indicating the relevant provisions of El Salvador’s national legislation applicable during wartime, which must be communicated, at the time of accession, to the Secretary-General of the United Nations, as required by the provisions of article 2 of the Protocol, the reservation made by the Government of El Salvador is incompatible with the spirit and letter of the Protocol.

¹ Refer to depositary notifications C.N.201.2014.TREATIES-IV.12 of 8 April 2014 (Accession: El Salvador) and C.N.623.2016.TREATIES-IV.12 of 14 September 2016 (Accession: Togo).

The Togolese Government therefore objects to the aforesaid reservation. However, this objection shall not preclude the entry into force of the Protocol between the Togolese Republic and the Republic of El Salvador.

26 September 2016

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines, positioned below the date.

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