

**ACHPR/Res.42(XXVI)99: RESOLUTION URGING STATES TO ENVISAGE A MORATORIUM ON THE DEATH PENALTY**

*The African Commission on Human and Peoples' Rights meeting at its Twenty-Sixth Ordinary Session held from 1-15 November 1999 in Kigali, Rwanda;*

**Recalling** Article 4 of the African Charter on Human and Peoples' Rights which affirms the right of everyone to life and Article V(3) of the African Charter on the Rights and Welfare of the Child providing that Death Sentence shall not be pronounced for crimes committed by children;

**Recalling** UN Commission on Human Rights' resolutions 1998/8 and 1999/61, which calls upon all states that still maintain the death penalty to, *inter alia*, establish a moratorium on executions, with a view to abolishing the death penalty;

**Recalling** UN Sub-Commission on the Promotion and Protection of Human Rights' resolution 1999/4 which calls upon all States that retain the death penalty and do not apply the moratorium on executions, in order to mark the millennium, to commute the sentences of those under sentence of death on 31 December 1999 at least to sentences of life imprisonment and to commit themselves to a moratorium on the imposition of the death penalty throughout the year 2000;

**Noting** that three States Parties to the African Charter have ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights aimed at abolition of the death penalty;

**Noting further** that at least 19 States Parties have *de facto* or *de jure* abolished the death penalty;

**Considering** the exclusion of capital punishment from the penalties that the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda are authorised to impose;

**Concerned** that some States Parties impose the death penalty under conditions not in conformity with the rights pertaining to a fair trial guaranteed in the African Charter on Human and Peoples' Rights;

1. **URGES** all States Parties to the African Charter on Human and Peoples' Rights that still maintain the death penalty to comply fully with their obligations under the treaty and to ensure that persons accused of crimes for which the death penalty is a competent sentence are afforded all the guarantees in the African Charter;
2. **CALLS** upon all States Parties that still maintain the death penalty to:

- a. limit the imposition of the death penalty only to the most serious crimes ;
- b. consider establishing a moratorium on executions of death penalty;
- c. reflect on the possibility of abolishing death penalty.