

ACHPR /Res.79(XXXVIII)05: RESOLUTION ON THE COMPOSITION AND THE OPERATIONLISATION OF THE WORKING GROUP ON DEATH PENALTY

The African Commission on Human and Peoples' Rights meeting at its 38th Ordinary Session held in Banjul, The Gambia, from 21st November to 5th December 2005;

Considering the provisions of the *African Charter on Human and Peoples' Rights* which entrusts it with a treaty monitoring function and a mandate to promote human and peoples' rights and ensure their protection in Africa;

Recalling the Resolution adopted at its 26th Ordinary Session held from 1st to 15th November 1999 in Kigali, Rwanda, urging Member States to envisage a Moratorium on the Death Penal

Recalling the decision of the African Commission at its 37th Ordinary Session to appoint two Commissioners to work with the Special Rapporteur on Prisons and Conditions of Detention in Africa to improve the document on the Question of the Death Penalty in Africa;

Considering the trends in international law which encourage the abolition of the death penalty, in particular the *2nd Protocol to the International Covenant on Civil and Political Rights*, the *Statute on the International Criminal Court* and the Resolution of the UN Commission on Human Rights, 2005/59, on the Question of the Death Penalty and the debates and initiatives undertaken by civil society and other stakeholders on the question of the death penalty;

Recognising that 14 African Union Member States have already abolished the death penalty and 13 others are exercising a moratorium on its application;

Calls upon Member States of the African Union that have abolished the death penalty *de jure* to encourage other Member States which still carry out the death penalty about the necessity of abolishing the death penalty;

Resolves to:

- a. Expand the composition of the Working Group to include:
 - two (2) Members of the African Commission on Human and Peoples Rights, namely Commissioner Yasser El Hassan and Commissioner Bahame Tom Nyanduga;
 - Five (5) experts chosen to represent the different legal systems and the different regions in Africa;
- b. Broaden the mandate of the Working Group in the following manner:-
 - Elaborate further a Concept Paper on the Death Penalty in Africa;
 - Develop a Strategic Plan(s), including a practical and legal framework on the abolition of the Death Penalty;
 - Collect information and continue to monitor the situation of the application of the Death Penalty in African States;
 - Develop a funding proposal with a view to raising funds to meet the costs of the work of the Working Group;

- Submit a progress report at each Ordinary Session of the African Commission;
- c. Collaborate with other partners, including International, National, Governmental and Non-Governmental Institutions for the successful fulfilment of its mandate;

Requests the African Union to provide adequate resources, assistance and support in the implementation of this Resolution.