

ACHPR/Res.113(XXXII)07: RESOLUTION ON THE RENEWAL OF THE MANDATE AND THE APPOINTMENT OF THE CHAIRPERSON OF THE WORKING GROUP ON THE DEATH PENALTY

The African Commission on Human and Peoples' Rights (the African Commission or ACHPR), meeting at its 42nd Ordinary Session held in Brazzaville, Republic of Congo, from 15 - 28 November 2007;

Recalling its mandate to promote human and peoples' rights and ensure their protection in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Recalling its Resolution ACHPR/Res.42 (XXVI) 99, adopted at its 26th Ordinary Session held at Kigali, Rwanda, urging States Parties to envisage a moratorium on the death penalty.

Recalling the decision of 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 elaborate a concept paper 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 Optional 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, relating to the Death Penalty, the practices adopted by the States Parties to the UN Charter, and the debates and initiatives undertaken by civil society and other stakeholders on the question of the death penalty;

Recognizing that sixteen (16) State Parties to the African Charter have already abolished the death penalty, and thirteen (13) others have placed a moratorium on its application;

Recalling its Resolution 79/XXXVIII/05 on the Composition and Operationalisation of the Working Group on the Death Penalty adopted at its 38th Ordinary Session to expand the composition of the Working Group to include two members of the Commission and five independent experts and to broaden its mandate;

Noting that the term of office of one of the members of the Commission, Mr. Yasser Sid Ahmed El Hassan, who served as the Chairperson of the group, has come to an end;

Decides to appoint Commissioner Kayitesi Zainabo Sylvie as Chairperson, for a period of two years, starting on 28 November 2007

Appoints Commissioner Bahame Tom Mukirya Nyanduga, as well as the following experts, as members :

- Ms. Alya Cherif Chammari
- Ms. Alice Mogwe
- Mr. Mactar Diallo
- Prof. Philip Francis Iya
- Prof. Carlson E Anyangwe

- Prof. Mohamed S. El-Awa

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

Calls upon other partners to provide further assistance to the Working Group to fulfil its mandate.