

ACHPR/Res.201 (L) 11: RESOLUTION ON THE RE-APPOINTMENT OF THE CHAIRPERSON AND MEMBERS OF THE WORKING GROUP ON THE DEATH PENALTY IN AFRICA

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 50th Ordinary Session held in Banjul, The Gambia, from 24th October to 5th November 2011;

Recalling its mandate to promote human and peoples' rights and to 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 in Kigali, Rwanda urging States Parties to envisage a moratorium on the death penalty.

Recalling further the decision of the African Commission adopted at its 37th Ordinary Session to appoint two Commissioners to work with the Special Rapporteur on Prisons and Conditions of Detention in Africa, to prepare a concept paper on the Issue 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 Convention on Civil and Political Rights relating to the abolition of the death penalty, the Statute on the International Criminal Court, the Resolution 2005/59 of the United Nations Human Rights Commission on the death penalty and the practices adopted by the States Parties to the United Nations Charter, and the debates and initiatives undertaken by civil society and other stakeholders concerned by the issue of the death penalty;

Bearing in mind Resolution 62/149 of the United Nations General Assembly adopted in 2007 calling on, in particular all States that still retain the death penalty to observe a moratorium on executions with a view to abolishing the death penalty;

Recalling its Resolution 79/XXXVIII/05 on the composition and operationalization 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 so as to broaden its mandate;

Bearing in mind Resolution ACHPR/Res.113 (XXXXII)07 on the Renewal of the Mandate and the Appointment of Commissioner Kayitesi Zainabo Sylvie as Chairperson of the Working Group on the Death Penalty adopted at the 42nd Ordinary Session held in Brazzaville, Republic of Congo, from 15 - 28 November 2007;

Recalling its Resolution No. ACHPR/Res.136(XXXXIII).08, calling on State Parties to observe the moratorium on the death penalty adopted at its 44th

Ordinary Session held in Abuja, Federal Republic of Nigeria, from 10 – 24 November 2008.

Recognizing that seventeen (17) State Parties to the African Charter have already abolished the death penalty, and thirteen (13) others have placed a moratorium on its application;

Reaffirming the commitment of the African Commission to promote the right to life and to encourage State Parties to abolish the death penalty;

Noting with appreciation the work and accomplishment of the Chairperson of the Working Group, Commissioner Kayitesi Zainabo Sylvie, and considering the need to ensure the continuity of the Working Group;

Recognizing further the importance of the activities of the Working Group on the death penalty and the need to allow it to continue executing its mandate;

Noting also that the mandate of the Chairperson and the members of the Group has expired;

Decides to:

- i. Re-appoint Commissioner Kayitesi Zainabo Sylvie as of Working Group;
- ii. Appoint Commissioner Maya Sahli Fadel as member of the Working Group;
- iii. Appoint Commissioner Med Kaggwa as member of the Working Group;
- iv. Renew the mandate of the following Experts:
 - Mrs. Alya Cherif Chammari
 - Mrs. Alice Mogwe
 - Prof. Philip Francis Iya
 - Prof. Carlson E. Anyangwe
 - Moctar Diallo

The mandate of the Working Group is 2 years and shall take effect on 5 November 2011.

Done in Banjul, The Gambia, 5 November 2011