

ACHPR/Res.251 (LIV) 2013: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE CHAIRPERSON AND MEMBERS OF THE WORKING GROUP ON THE DEATH PENALTY, EXTRAJUDICIAL, SUMMARY AND ARBITRARY KILLINGS IN AFRICA

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 54th Ordinary Session, held from 22 October to 5 November 2013, in Banjul, The Gambia;

Recalling its mandate to promote human rights and ensure their promotion 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 State Parties to envisage a moratorium on the death penalty;

Further 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 elaborate a concept paper on the Question of the Death Penalty in Africa;

Recalling its Resolution ACHPR/Res.79(XXXVIII) 05 on the composition and work 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;

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 of the International Criminal Court, the Resolution of the UN Commission on Human Rights, 2005/59, relating to the Death Penalty, the practices adopted by the State Parties to the UN Charter and the debates and initiatives undertaken by civil society and other stakeholders on the question of the death penalty;

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

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

Recalling its Resolution ACHPR/Res.136(XXXXVIII) 08 calling on State Parties to observe the moratorium on the death penalty adopted at its 44th Ordinary Session, held from 10 to 24 November 2008, in Abuja, the Federal Republic of Nigeria;

Further recalling its Resolution ACHPR/Res.201 (L) 11 on the renewal of the mandate of the Chairperson and the appointment of members of the Working Group on the Death Penalty in Africa, adopted at its 50th Ordinary Session , held from 22 October to 5 November 2011 in Banjul, The Gambia;

Recalling further its Resolution ACHPR/Res.227 (LII) 2012 on the expansion of the mandate of the Working Group to questions on extrajudicial, summary or arbitrary killings, adopted at its 52nd Ordinary Session, held from 9 to 23 October in Yamoussoukro, Côte d'Ivoire;

Recognizing that seventeen (17) State Parties to the African Charter have already abolished the death penalty and twenty (20) others have declared a moratorium on its implementation;

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

Considering the ongoing preparation of the draft Protocol to the African Charter on Human and Peoples' Rights on the Abolition of the Death Penalty in Africa;

Noting with appreciation the work done by the working Group under the leadership of Commissioner Kayitesi Zainabo Sylvie during the last two years;

Further noting that the mandate of the Chairperson and Members of the Working Group has come to an end;

Further recognizing the importance of the work of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and the need to ensure continuity of the Working Group;

Decides to:

- i. Re-appoint **Commissioner Kayitesi Zainabo Sylvie** as the Chairperson of the Working Group for a period of two years starting from 5 November 2013;
- ii. Re-appoint **Commissioner Maya Sahli Fadel** and **Commissioner Med Kaggwa** as Members of the Working Group for the same period; and
- iii. Renew for the same period the mandate of the following experts:
 7. Ms Alice Mogwe;
 8. Prof. Philip Francis Iya; and
 9. Prof. Carlson E. Anyangwe.

Done in Banjul, The Gambia, 5 November 2013