

**ACHPR/Res. 384(LXI) 2017: Resolution on the Renewal of the Mandate and Reconstitution of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings in Africa**

*The African Commission on Human and Peoples' Rights (the Commission), meeting at its 61<sup>st</sup> Ordinary Session held from 1 to 15 November 2017 in Banjul, The Gambia:*

**Recalling** its mandate to promote and protect human and peoples' rights 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 26<sup>th</sup> Ordinary Session held in Kigali, Rwanda, urging States Parties to envisage a moratorium on the death penalty;

**Recalling also** the decision of the African Commission at its 37<sup>th</sup> 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 Question of the Death Penalty in Africa;

**Recalling further** its Resolution ACHPR/Res.79(XXXVIII) 05 on the composition and work of the Working Group on Death Penalty adopted at its 38<sup>th</sup> 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;

**Bearing in mind** its Resolution ACHPR/Res.136(XXXVIII) 08 calling on States Parties to observe the moratorium on the death penalty adopted at its 44<sup>th</sup> Ordinary Session held from 10 to 24 November 2008 in Abuja, Federal Republic of Nigeria;

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

**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 Death Penalty in Africa adopted at its 50<sup>th</sup> 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 include questions on extrajudicial, summary or arbitrary killings adopted at its 52<sup>nd</sup> Ordinary Session held from 9 to 23 October 2012 in Yamoussoukro, Côte d'Ivoire;

**Recalling further** Resolution ACHPR/Res.317 (LVII) 2015 on the Renewal of the Mandate of the Chairperson and Members of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings in Africa adopted at the 57<sup>th</sup>

Ordinary Session of the African Commission on Human and Peoples' Rights held from 4 to 18 November 2015 in Banjul, The Gambia;

**Bearing in mind** Resolution 71/187 of the General Assembly of the United Nations adopted in December 2016 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;

**Recognizing** that twenty (20) States Parties to the African Charter have already abolished the death penalty by enacting national legislation and twenty-two (22) others have not carried out executions for ten (10) years;

**Considering** the trends in international law which encourage the abolition of the death penalty, in particular, the 2<sup>nd</sup> Optional Protocol to the International Covenant on Civil and Political Rights, the Statute of the International Criminal Court, 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;

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

**Considering** the need to continue to advocate for the abolition of the death penalty in Africa;

**Considering** the importance to continue to work with States Parties to the African Charter towards the adoption 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 ten (10) 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 Death Penalty, Extrajudicial, Summary or Arbitrary Killings and the need to ensure continuity of the Working Group;

**Decides to:**

- i. **Renew** the mandate of **Commissioner Kayitesi Zainabo Sylvie** as the  
Chairperson of the Working Group for a period of two years effective 15 November 2017;
- ii. **Renew** the mandate of **Commissioner Maya Sahli Fadel** as a Member of the Working Group for the same period; and
- iii. **Appoint Commissioner Remy Ngoy Lumbu** as a member of the Working Group for the same period;
- iv. **Renew** for the same period the mandates of the following Experts:
  - Ms. Alice Mogwe;

- Professor Philip Francis Iya;
- Professor Carlson E. Anyangwe; and
- Mr Clement Capo-Chichi.

**Done in Banjul, The Gambia, 15 November 2017**