

Resolution on the Renewal of the Mandate and Reconstitution of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa - ACHPR/Res.531 (LXXIII) 2022

Dec 12, 2022

The African Commission on Human and Peoples' Rights, meeting in its 73rd Ordinary Session, held in Banjul, The Gambia, from 20 October to 9 November 2022:

Recalling its mandate of promotion and protection of human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Recalling also the decision of the 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 develop a concept paper on the issue of the death penalty in Africa;
Further recalling its Resolutions ACHPR/Res.42 (XXVI) 99 and ACHPR/Res.136 (XXXVIII) 08 calling on States Parties to observe a moratorium on the death penalty;

Bearing in mind United Nations General Assembly Resolution 71/187, adopted in December 2016, calling on all States that still maintain the death penalty to observe, inter alia, a moratorium on executions with a view to abolishing the death penalty;

Recalling its Resolution ACHPR/Res.79 (XXXVIII) 05 on the Composition and Operationalization of the Working Group on the Death Penalty (Working Group) aiming, inter alia, to enlarge the composition of the Working Group and to extend its mandate;

Recalling its Resolution ACHPR/Res.456 (LXVI) 2020 on the renewal of the mandate, appointment of the Chair and reconstitution of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa, adopted during its 66th Ordinary Session, held virtually from 13 July to 7 August 2020;

Recalling also its Resolutions DACHP/Res.113 (XXXII) 07, DACHP/Res.152 (XLVI) 09, DACHP/Res.201 (L) 11, DACHP/Res.251 (LIV) 2013, DACHP/Res.317 (LVII) 15, DACHP/Res.384 (LXI) 2017 and DACHP/Res.448 (LXVI) 2020 on the renewal of the Working Group's mandate;

Further recalling Resolution ACHPR/Res.425 (LXV) 2019 renewing the mandate of all its special mechanisms, including the Working Group, for a period of six (6) months, effective as of 10 November 2019;

Bearing in mind its Resolutions ACHPR/Res.270 (LV) 2014, ACHPR/Res.399 (LXII) 2018 and ACHPR/Res.456 (LXVI) 2020, appointing new Expert Members of the Working Group;

Recognizing its Resolutions ACHPR/Res.227 (LII) 12 and ACHPR/Res.408 (LXII) 2018 extending the mandate of the Working Group to issues of extrajudicial, summary or arbitrary killings and issues of enforced disappearances, respectively;

Recalling its Resolution ACHPR/Res.500 (LXIX) 2021 on the reconstitution of the Working Group and reconfirming the composition of the expert members, adopted during its 69th Ordinary Session, held virtually from 15 November to 5 December 2021;

Further recalling its Resolution ACHPR/Res.523(LXXII)2022, renewing and extending the mandate of the Expert Members of the Working Group for an additional period of three (3) months with retroactive effect starting 2 July 2022, adopted during the 72nd Ordinary Session held virtually from 19 July to 2 August 2022;

Recognizing that twenty-five (25) States Parties to the African Charter have already abolished the death penalty by enacting national legislation and that twenty-three (23) others have not carried out any executions during the last ten (10) years;

Reaffirming the Commission's commitment to promote the right to life and to continue advocating for the abolition of the death penalty and the prohibition of extrajudicial, summary or arbitrary killings and enforced disappearances in Africa;

Considering the need to pursue efforts with the States Parties to the African Charter, towards the adoption of the draft Protocol to the African Charter on the abolition of the death penalty in Africa;

Noting with appreciation the work done by the Working Group under the leadership of Commissioner Idrissa Sow and its former Chairpersons in the discharge of its mandate;

Noting that the mandate of the Expert Members of the Working Group has come to an end;

Aware in this context of the need to reconstitute the Working Group;

Recognizing the importance of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa and the need to enable it to continue to fulfil its mandate and address the important issues arising therefrom;

Bearing in mind the Standard Operating Procedures on the Special Mechanisms of the Commission (the SOPs on Special Mechanisms) adopted at its 27th Extraordinary Session held from 19 February to 4 March 2020 in Banjul, The Gambia;

Noting in particular the guidelines set out in the SOPs on Special Mechanisms, including the general roles and responsibilities of mandate holders, the composition of the mechanisms, the appointment of members and the duration of their mandate as well as the code of conduct for mandate holders;

Further noting the decisions taken during this 73rd Ordinary Session regarding the allocation of responsibilities among the Commissioners;

Decides to:

i. Renew the mandate of the Working Group for a period of two (02) years, starting on 9 November 2022, and to reconstitute it as follows:

-**Commissioner Idrissa Sow**, Chair;

-Commissioner Maria Teresa Manuela, Vice Chair;

-Commissioner Ourveena Geereesha Topsy-Sonoo, Member;

ii. Renew the mandate of the following expert members for the same term:

-Dr. Nouazi Kemkeng Carole Valerie (Central Africa);

-Mr. Kevin Gitau Mwangi (East Africa);

iii. Appoint for the same period the following Expert Members:

- Mr. Ngane Ndour (West Africa);
- Mr. Fadi Khalil (North Africa);
- Dr. Ntandokayise Ndhlovu (Southern Africa);

Done in Banjul, The Gambia, on 9 November 2022.