

ACHPR/Res.152 (XLVI) 09: RESOLUTION ON THE RENEWAL OF THE MANDATE OF THE CHAIRPERSON AND THE 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 46th Ordinary Session held in Banjul, The Gambia, from 11 - 25 November 2009;

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 in Kigali, Rwanda, urging States Parties to envisage a moratorium on the death penalty.

Recalling further 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;

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, the Resolution of the UN Commission on Human Rights, 2005/59, relating to the Death Penalty and 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;

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;

Recalling its Resolution No. ACHPR/Res.136(XXXVIII).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 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 Odenationalization 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;

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 in Brazzaville, Republic of Congo, from 15 - 28 November 2007;

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

Considering that the mandate of the Chairperson comes to an end on 25 November 2009 and;

Noting with appreciation the work and accomplishment of the Chairperson of the Working Group, Commissioner Kayitesi Zainabo Sylvie ;

Considering the necessity to allow the Working Group to continue its mandate ;

Decides to re-appoint Commissioner Kayitesi Zainabo Sylvie as Chairperson of the Working Group for a period of two years, starting on 25 November 2009.

Appoints Commissioner Mumba Malila, as well as the following experts, as members:

1. Ms. Alya Cherif Chammari
2. Ms. Alice Mogwe
3. Prof. Philip Francis Iya
4. Prof. Carlson E. Anyangwe