

ACHPR/Res.156 (XLVI) 09: RESOLUTION ON THE APPOINTMENT OF THE SPECIAL RAPPORTEUR ON PRISONS AND CONDITIONS OF DETENTION IN AFRICA

The African Commission on Human and Peoples' Rights (the African Commission) meeting at its 46th Ordinary Session held from 11 – 25 November 2009, in Banjul, The Gambia;

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);

Reaffirming the importance of observing the objectives and principles of the African Charter for the promotion and protection of the human rights of all, including those of detainees and prisoners;

Recalling its decision taken at its 20th Ordinary Session held in Grand Bay, Mauritius in October 1996 to establish the office and to appoint a Special Rapporteur on Prisons and Conditions of Detention in Africa, as a prison monitoring mechanism;

Recalling further its decision taken at its 38th Ordinary Session held in Banjul, The Gambia in November/December 2005 to appoint Commissioner Mumba Malila as the Special Rapporteur on Prisons and Conditions of Detention in Africa;

Bearing in mind Resolution ACHPR/Res.126 (XXXII) 07 on the Appointment of the Special Rapporteur on Prisons and Conditions of Detention in Africa adopted at the 42nd Ordinary Session held from 15 – 28 November 2007, in Brazzaville, the Republic of Congo;

Considering that the term of Commissioner Mumba Malila as the Special Rapporteur on Prisons and Conditions of Detention in Africa comes to an end on 5 December 2009;

Noting with Appreciation the work that Commissioner Mumba Malila has done as Special Rapporteur on Prisons and Conditions of Detention in Africa;

Emphasising the importance of the work of the Special Rapporteur and calling on all its partners to collaborate in the search for solutions to the problems arising from the restriction of the freedom of the individual;

DECIDES to appoint Commissioner Catherine Dupe Atoki as the Special Rapporteur on Prisons and Conditions of Detention in Africa for a period of two years, effective 5 December 2009;

CONSIDERING its mandate to promote human and peoples' rights in Africa and to ensure their protection in accordance with the African Charter on Human and Peoples' Rights;

RECALLING its Resolution **ACHPR/ 69(XXXV) 04** of 4 June 2004 on the protection of human rights defenders in Africa adopted at the 35th Ordinary Session held from 21st May to 4th June 2004, in Banjul, The Gambia;

BEARING IN MIND its resolution **83(XXXVIII) 05** of 5 December 2005 on the appointment of a Special Rapporteur on Human Rights Defenders in Africa; adopted at the 38th Ordinary Session held from 21st November to 5th December 2005 in Banjul, The Gambia;

CONSIDERING its Resolution ACHPR/Res.125 (XXXXII) 07 on the renewal of the mandate of the Special Rapporteur on Human Rights Defenders in Africa, adopted at its 42nd Ordinary Session held in Brazzaville, Republic of Congo from 13 to 28 November 2007;

BEARING IN MIND that in the *Grand Bay (Mauritius) Declaration and Plan of Action*, the Organization of African Unity (African Union) called on Member States "to take appropriate steps to implement the UN *Declaration on Human Rights Defenders in Africa*";

CONSIDERING that the term of **Commissioner Reine Alapini-Gansou** as Special Rapporteur comes to an end on 5 December 2009;

NOTING with appreciation the work and accomplishment of Commissioner **Reine Alapini-Gansou** as Special Rapporteur on Human Rights Defenders in Africa since her re-appointment in 2007;

CONSIDERING the end of the mandate report of the Special Rapporteur;

EMPHASIZING the importance of the work of the Special Rapporteur regarding the search for solutions to the problems arising from the protection of human rights defenders;

CONSIDERING the necessity to allow the Special Rapporteur on Human Rights Defenders in Africa to continue to carry out its mandate as contained in resolution **ACHPR/ 69(XXXV) 04**;

DECIDES to appoint Commissioner **Mohamed Bechir Khalfallah** as Special Rapporteur on Human Rights Defenders in Africa for a period of two (2) years, with effect from 5th December 2009.