

Resolution on the Reconstitution of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa - ACHPR/Res. 500 (LXIX)2021

Jan 03, 2022

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 69th Ordinary Session, held virtually from 15 November to 5 December 2021;

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 (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 prepare a concept paper on the issue of the death penalty in Africa;

Recalling further 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 upon 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 ACHPR Resolution ACHPR/Res.79 (XXXVIII) 05 on the Composition and Operationalization of the Working Group on the Death Penalty (Working Group) aiming in particular at broadening the composition of the Working Group and its mandate;

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

Recalling further its Resolution ACHPR /Res.425 (LXV) 2019 renewing the mandate of all its Special Mechanisms, the Working Group included, for a period of six (6) months;

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

Recalling its Resolution ACHPR/Res. 480 (LXVIII) 2021 on the redistribution of the mandates of country Rapporteurs and Special Mechanisms among the Commissioners and which appointed Commissioner Maya Sahli-Fadel as Chairperson of the Working Group;

Noting with satisfaction the work accomplished by the Working Group, under the leadership of Commissioner Maya Sahli-Fadel, since her appointment on 8 May 2021;

Reaffirming the commitment of the Commission to promote the right to life and to pursue its advocacy for the abolition of the death penalty and the prohibition of extrajudicial, summary or arbitrary killings and enforced disappearances in Africa;

Recognising 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 carry out its mandate and deal with the major issues emanating therefrom;

Keeping in mind the Rules governing the creation and functioning of the Commission's Special Mechanisms (the Rules on the creation and functioning of the Special Mechanisms of the Commission), (the Rules on the Special Mechanisms) adopted by the Commission 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 Rules on Special Mechanisms, including the general role and responsibilities of the mandate-holders, the composition of the special mechanisms, the appointment of members and the duration of their mandates, and the code of conduct for mandate-holders;

Further noting the decision taken during the 69th Ordinary Session held from 15 November to 5 December 2021, relative to the distribution of responsibilities of the Special Mechanisms among the Commissioners;

Decides to appoint and reconstitute the Membership of the Working Group as follows:

1. Commissioner Idrissa Sow, Chairperson;
2. Commissioner Maya Sahli-Fadel, Vice-Chairperson; and
3. Commissioner Ourveena Geereesha Topsy-Sonoo, Member;
4. Maintain the same composition of expert members.

Done virtually, on 5 December 2021