

DECLARATION ON THE ESTABLISHMENT AND FUNCTIONING OF THE INTERNATIONAL COMMISSION AGAINST THE DEATH PENALTY

The representatives of the following countries:

Algeria; Argentina; Dominican Republic France; Italy; Kazakhstan; Mexico; Mongolia; Philippines; Portugal; Spain, South Africa; Switzerland and Turkey.

Considering a clear and growing trend in recent years towards the abolition of the death penalty in the world, thanks to the development of an international movement promoted by international and regional organizations, relevant civil society actors and representatives of the political world.

Noting that despite all the efforts and achievements to date, there are still many places in the world where the use of the death penalty is still practiced.

With the aim of strengthening the fight against the death penalty in all regions of the world in order to establish a moratorium on the use of the death penalty, with a view to its complete abolition.

Bearing in mind the proposal by the Spanish Government to establish an International Commission against the Death Penalty, with an additional mandate to actions undertaken by International and Regional Organizations, civil society and the political world that favour the abolition of the death penalty

Taking into account that the added value of the International Commission Against the Death Penalty will be the bearing of its members, their independence in decision making and broad geographical representation, giving it a high profile in the international arena, as well as a strategic and selective character when carrying out its objectives, with a view to achieving tangible results.

Declare their intention to create an independent INTERNATIONAL COMMISSION AGAINST THE DEATH PENALTY (hereinafter Commission), based on the following principles:

I-OBJECTIVES

The Commission shall have the following objectives:

-Promote without delay, the establishment of a moratorium on the use of the death penalty in all regions of the world, allowing the most widespread and effective implementation of a universal moratorium on the horizon of 2015, with a view to its total abolition.

-Promote the abolition of the death penalty in legislation in those countries carefully considered, in particular in the legislation of the countries that apply a de facto moratorium on the use of the death penalty.

-Solicit when appropriate, the suspension of executions in cases where International Law restricts its application, in particular, when it affects the most vulnerable groups of society (child offenders, pregnant women and mentally ill people).

To achieve these objectives, the Commission will carry out the following activities on a strategic and selective manner:

-Maintain contact with high representatives and personalities of specific countries, along with representatives of International Organizations and NGOs;

-Make appeals and statements on matters of concern relating to the abolition of the death penalty;

-Participate in conferences and seminars, as well as campaigns to mobilize public opinion;

- Dissemination of information and presentation of papers at international forums.

II STRUCTURE AND ORGANIZATION

The Commission shall be chaired by a President and shall be composed of a maximum of 15 members. It shall be backed by a Support Group.

The Commission and the Support Group will have a Secretariat.

1)-The Commission.

The Commission shall be chaired by a President and initially composed of the members listed in the annex to this Declaration. All of them are personalities of reputable international standing, high moral authority and are recognized expertise in human rights. Further, they do not represent any particular country, thereby guaranteeing complete independence and freedom of action of the Commission.

The President and Members of the Commission are composed of a group in which the principles of gender equality and the geographical representation of all the regions of the world have been taken into account. Their mandate will be no remunerated and it shall be for a maximum of three years, with possibility of extension. The President of the Commission, in agreement with its members, will proceed to formalize the appointment of new members of the Commission and his/her successor when appropriate, and will report it to the Support Group.

The President will be the highest body representing the Commission and will lead the activities carried out jointly or through its members. He/she will set the agenda of the meetings of the Commission.

The Commission shall hold at least two annual meetings, in which decisions will be taken by majority vote of members present.

The President, and through him/her, the Members of the Commission, may seek the necessary advice and assistance from the Support Group through the Presidency of the Support Group, for the realization of specific activities that will help to fulfil its objectives. Moreover, the Presidency of the Support Group will bring to the attention of the President of the Commission, and through him/her, to the Members of the Commission, the proposals adopted by the Support Group.

The constitution of the Commission will take place in Madrid on 7th October 2010, as part of the celebrations of the World Day against the Death Penalty.

2)-The Support Group

The Support Group will be initially composed of the countries that sign this Declaration. Through prior agreement of the Support Group, other interested countries may join accordingly.

Each of the countries that are part of the Support Group will appoint a Focal Point to act as a representative, ensuring the fulfilment of its duties.

The Support Group, through its Presidency, will propose to the President of the Commission and through him/her, to its Members, activities in order to fulfil its objectives. Further, it will examine the implementation of activities proposed by the President of the Commission and through him/her, the Members of the Commission, to facilitate the necessary assistance.

The Support Group will work internally and without international visibility. It will hold at least two annual meetings, to be convened by the Presidency, in which decisions will be taken by majority vote of the Focal Points or governments representatives present at the meetings.

It may propose the appointment of observers from international and regional organizations working on human rights that could provide advice to the Support Group and attend meetings when appropriate.

It may provide experts through the Secretariat or voluntarily by country members, to guarantee the best accomplishment of the activities of the Commission, particularly when travelling to specific countries.

It will carry out its functions under the coordination of a rotating Presidency. Spain will hold the first Presidency of the Support Group for duration of one year, commencing on the date of the signing of this Declaration. The Presidency shall be chaired by the Ambassador-at-Large and National Coordinator Against the Death Penalty. Following this, the rotating Presidency shall be assumed by Switzerland, with a duration of one year. The Support Group will decide in due course on the following rotating Presidencies

III-Secretariat

The Commission and the Support Group will have a Secretariat that shall be composed of a Secretary General and a small number of administrative or technical personnel whose appointment must be ratified by the Support Group.



The Secretary General is responsible for the Secretariat. His/her selection, proposed by its Presidency, shall be appointed by the Support Group for a mandate of two years, with possibility of renewal.

The Secretariat is responsible for organizing the work of the Commission and shall give continuity to it. It will further coordinate the activities of the Support Group, as well as receiving information relative to the question of the death penalty, to be evaluated by the Support Group and whom will be responsible for preparing the necessary reports when required.

In addition to the daily management and administration of the funds, the Secretariat shall be specifically responsible for organizing the meetings of the Commission and the Support Group, for the transfer of information between the Commission and the Support Group, for drafting the minutes of the meetings of the Commission and Support group, for the archiving, and the publication of documents and statements by the Commission.

The Secretariat will report to the Support Group, via the Secretary General, on the implementation of the financial and administrative activities of the Commission. All the contributions and payments will be made with the double signature of the President of the Support Group and the Secretary General.

The headquarters of the Secretariat will be located in Geneva at the Academy of International Humanitarian Law and Human Rights, and its activities shall be subjected to the laws and jurisdictions of Swiss Law. During its first year, since the establishment of the Commission, the work of the Secretariat will be carried out in close collaboration with the Ministry of Foreign Affairs and Cooperation of Spain.

IV-Financing

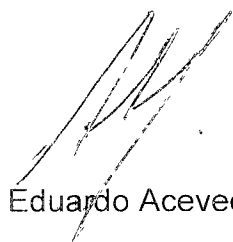
The Secretariat will have a bank account to receive voluntary contributions of the Country Members of the Support Group who may also finance specific activities of the Commission, as well as receiving financial assistance from international institutions and by other means.

Spain will assume all the expenses incurred from the preparation of the Commission up until the application of its constitution.

This declaration is effective upon signature and does not claim any international legally binding obligation.

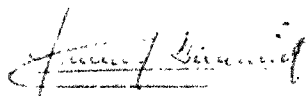
Signed on 28 September 2010 in Spanish, English and French.

For **ARGENTINA**




Eduardo Acevedo Díaz

For **DOMINICAN REPUBLIC**




Priscila Bautista

For **FRANCE**



Céline Giusti

For **ITALY**



Emanuele Rozo Sordini

For **KAZAKHASTAN**



Andrian Yelemessov

For **MEXICO**



Bernardo Graue Toussaint

For **MONGOLIA**



Ganzorig Gombosuren

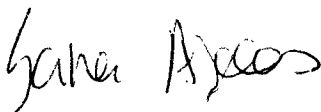
For **PHILIPPINES**



Cecilia
Cecilia Anna Feria

Cecilia Anna Feria

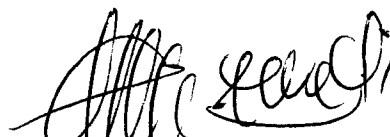
For **PORTUGAL**



Sara Ágoas



For **SOUTH AFRICA**




Pitso Montwedi

For **SPAIN**

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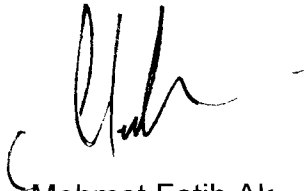
Rafael Valle Garagorri

For **SWITZERLAND**

A handwritten signature in black ink, appearing to read 'Rudolf Knoblauch', with a horizontal line underneath.

Rudolf Knoblauch

For **TURKEY**

A handwritten signature in black ink, appearing to read 'Mehmet Fatih Ak', with a horizontal line underneath.

Mehmet Fatih Ak