

ACHPR/Res.13(XVI)94: RESOLUTION ON THE GAMBIA

The African Commission on Human and Peoples' Rights meeting at its Sixteenth Ordinary Session held from 25 October to 3 November, 1994 in Banjul, The Gambia;

Recalling the military take-over of the reins of government of the Gambia on the 22nd of July 1994 which brought an end to an elected government and threatened the respect for human rights and the rule of law in that country.

Reaffirming the fundamental principle that all governments should be based on the consent of the people freely expressed by them and through their chosen representatives and that a military government is a clear violation of this fundamental principle of democracy,

Drawing attention to the provisions of article 13 of the Charter which provides, *inter alia*, that "Every citizen shall have the right to freely participate in the government of his country, either directly or through chosen representatives in accordance with the provisions of the law",

Convinced that the introduction of military rule is a clear setback to the cause of democracy and democratic development in The Gambia and Africa generally:

1. **REITERATES** that the military coup in The Gambia is a flagrant and grave violation of the right of the Gambian people to freely choose their government;
2. **REQUESTS** the Armed Forces Provisional Ruling Council to transfer power to freely elected representatives of the people;
3. **CALLS UPON** the military authorities to ensure that:
 - i. the Bill of Rights contained in the Gambian Constitution remains supreme over all other legislation emanating from the Ruling Council;
 - ii. the dependence of the judiciary is respected;
 - iii. during the transition period, the rule of law, as well as the recognised international standards of fair trial and treatment of persons in custody are observed;
 - iv. all detainees should either be charged with the commission of offences or released forthwith and that meanwhile the rights of detainees to have

access to their lawyers and members of their families are scrupulously respected.