ACHPR/Res.34(XXV)99: RESOLUTION ON THE SITUATION IN COMOROS

The African Commission on Human and Peoples' Rights, meeting at its Twenty-Fifth Ordinary Session, in Bujumbura, Burundi, from 26 April – 5 May 1999;

Recalling the military *coup d'état* which took place on 30 April 1999 in Comoros, which resulted in the overthrow of the Government of the interim President, Mr. TADJEDDINE BENSAID by the Army Chief of Staff, Colonel AZALI ASSOUMANE;

Recalling its resolution on military regimes in Africa, adopted at its 16ᵗʰ Ordinary Session, held in Banjul (The Gambia), from 25 October – 3 November 1994;

Noting that the Declaration and Plan of Action of Grand Bay (Mauritius), adopted by the First Ministerial Conference on Human Rights in Africa (12 – 16 April 1999) recognises that the causes of human rights violations in Africa include unconstitutional changes of government;

Reaffirming the fundamental principle that for a government to be legitimate it must be freely chosen by the people and through democratically elected representatives;

Recognising that the take-over of power by force is contrary to the provisions of articles 13(1) and 20(1) of the African Charter on Human and People's Rights and that accession to power by military regimes through *coups d'état* constitutes an intolerable infraction of the democratic principles of the rule of law;

DECLARES that the military *coup d'état* in Comoros is a grave and unacceptable violation of the rights of the Comorian People to freely choose their government;

CALLS ON the *de facto* military authorities in this country to ensure that:

1) The fundamental rights and freedoms contained in the constitutional provisions of Comoros are given pre-eminence over any other form of legislation that may emanate from the authorities in place.

2) The independence of the judicial power, especially as regards its mission to guarantee inalienable human rights, is respected.

3) The reinstatement of democratically instituted civilian rule is initiated without delay.