

**ACHPR/Res.68(XXXV)04: RESOLUTION ON DARFUR**

*The African Commission on Human and Peoples' Rights at its 35<sup>th</sup> Ordinary Session held in Banjul from 21<sup>st</sup> May – 4<sup>th</sup> June 2004, in Banjul, The Gambia*

**Considering** the provisions of the Constitutive Act of the African Union, the Charter of the United Nations, as well as those of the African Charter on Human and Peoples' Rights (African Charter), and other regional and international human rights and international humanitarian treaties, to which the Sudan is a party;

**Mindful** that, Sudan, as a State Party to the aforementioned instruments, is legally bound to fully and effectively implement the provisions of these instruments and respect the human rights and fundamental freedoms set therein without discrimination on any grounds;

**Recalling** the report of the UN High Commissioner for Human Rights, Situation of Human Rights in the Darfur region of the Sudan, 7 May 2004;

**Deeply** concerned over the prevailing situation in Darfur, particularly the continuing humanitarian crisis and the reported human rights violations committed in that region since the beginning of the crisis such as the mass killings, sexual violence as a means of warfare and the abduction of women and children;

**Alarmed** by the large number of internally displaced persons and the continuing exodus of refugees mainly from Darfur;

**Recalling** the Resolution on Sudan adopted by the African Commission on Human and Peoples' Rights at its 17<sup>th</sup> Ordinary session in Lome, Togo;

**Recalling** the decision on the crisis in the Darfur region of Sudan, adopted by the Peace and Security Council of the African Union on the 25<sup>th</sup> May 2004, urging the Parties to fully and scrupulously implement the Humanitarian Ceasefire Agreement signed on 8 April 2004, in N'djamena, Chad, between the Government of Sudan (GoS), the Sudan Liberation Movement / Army (SLM/A), and the Justice and Equality Movement (JEM);

**Mindful** of the mandate of the African Commission in terms of the Charter to "promote human and peoples' rights and ensure their protection in Africa" and especially in a situation of serious or massive violation of human and peoples' rights (article 58 (1));

1. **Deplores** the ongoing gross human rights violations in the Darfur region of Sudan;
2. **Calls upon** all parties to the armed conflict to immediately cease using military force to interfere with the delivery of humanitarian assistance to the civilian population and to allow such assistance to be delivered unhindered;

3. **Welcomes** the announcement by the Sudanese authorities of their decision to allow and facilitate access of humanitarian agencies and organizations and the deployment of observers from the African Union and the international community to Darfur, as well as to facilitate the return of IDPs and refugees;
  
4. **further welcomes** the announcement by the Sudanese Government of their decision to allow and facilitate access of a fact-finding mission of the African Commission;

**Accepts** to send a fact finding mission to Darfur to investigate reports on human rights violations in Darfur and to report back to it.