

ACHPR/Res.93(XXXVIII)05: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN THE DARFUR REGION OF SUDAN

The African Commission on Human and Peoples' Rights meeting at its 38th Ordinary Session in Banjul, The Gambia from 21 November to 5 December 2005;

Considering the provisions of the *Constitutive Act of the African Union (AU)* and the *Charter of the United Nations Organisation (UN)*, as well as those of the *African Charter on Human and Peoples' Rights* and other regional and international human rights instruments to which the Sudan is a State Party;

Recalling relevant Decisions and Communiqués adopted by the AU Assembly of Heads of State and Government and those of the Peace and Security Council on the situation in Darfur, most notably Decisions AU/Dec.54(III) and Assembly/AU/Dec.68 (IV) adopted at the 3rd and 4th Ordinary Sessions of the AU Assembly of Heads of State and Government respectively, as well as Communiqués PSC/PR/Comm.(XIII) and PSC/PR/Comm.(XVII) adopted by the AU Peace and Security Council at their 13th and 17th Meetings respectively;

Recalling Resolutions 1556/2004 of 30 July 2004 and 1590/2005, 1591/2005 and 1593/2005 adopted by the UN Security Council on the situation in Darfur, Sudan in March 2005;

Recalling also Resolution ACHPR /Res.74 (XXXVII) 05 adopted by the 37th Ordinary Session of the African Commission on Human and Peoples' Rights on 11th May 2005 on the situation in the Darfur region of Sudan and Resolution ACHPR/Res.68 (XXXV) 04 adopted by the 35th Ordinary Session on 4th June 2004, as well as Resolution E/CN.4/RES/2005/82 adopted by the UN Commission on Human Rights on 21st April 2005 on the situation of human rights in Sudan;

Deeply concerned about the continuing grave violations of human rights and international humanitarian law in Darfur committed by parties to the conflict, in particular the continued depopulation of vast areas in the region of their indigenous owners, threats of violence, intimidation and assault against UN agencies and humanitarian organizations, the targeting and killing of AU troops in Darfur, and the killing and abduction of staff members of national and international humanitarian organisations;

Concerned that the African Commission undertook a Fact-Finding Mission to the Darfur region of Sudan in July 2004 and dispatched its report to the government of Sudan but has not yet received a response;

1. **Calls** on the government of Sudan to submit its comments to the African Commission with respect to its report on the 2004 Fact-Finding Mission to Sudan;

2. **Calls** on the government of Sudan to comply with its obligations under the African Charter on Human and Peoples' Rights, the AU Constitutive Act, the UN Charter and other relevant instruments to which the Sudan is a State Party, and comply with the following:
 3.
 - a. **Cease**, with immediate effect, all attacks against civilians in Darfur and end the grave violations of human and peoples' rights, in particular the forced depopulation of entire areas in the region, rape and sexual violence against women and girls, abduction of women and children, and to cease all support to the Janjaweed militiamen, including the provision of supplies.
 - b. Provide the necessary support to all international agencies and humanitarian organisations in order to ensure effective and full access to the war affected areas of Darfur and to facilitate delivery of humanitarian assistance to civilian populations.
 - c. **Fully and unconditionally** cooperate with the Office of the Prosecutor of the International Criminal Court in his efforts to investigate and bring to justice all persons suspected of perpetrating war crimes and crimes against humanity as prescribed in the report of the International Commission of Inquiry on Darfur.
 - d. **Take all appropriate measures** to ensure the effective implementation of the Resolutions 1556/2004 of 30 July 2004 and 1590/2005, 1591/2005 and 1593/2005 adopted on 29 and 31 March 2005 by the United Nations Security Council;
 - e. **Calls** on all parties to the conflict to return to negotiations and to cooperate with the international organs and humanitarian organisations.