

ACHPR/Res.134(XXXIV)08: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE GAMBIA

The African Commission on Human and Peoples' Rights, meeting at its 44th Ordinary Session held in Abuja, Federal Republic of Nigeria, from the 10 – 24 November 2008;

Recognising its mandate under the African Charter on Human and Peoples' Rights (The African Charter) to promote and to protect human and peoples' rights in Africa;

Considering the provisions of the Constitutive Act of the African Union, the African Charter, as well as the provisions of other regional and international human rights instruments to which The Gambia is a State Party;

Strongly Condemning the attempted Coup d' etat of March 2006 in The Gambia and calling on all Africans to respect the provisions of the Constitutive Act of the African Union which in Article 4 (p) states as one of its principles, "condemnation and rejection of unconstitutional changes of government";

Deeply concerned by the **deterioration of the human rights situation** in the country owing to routine allegations of unlawful arrests and detentions, torture in detention, unfair trials, extrajudicial executions and enforced disappearances by State Security Forces, which target human rights defenders, journalists, and all persons suspected of involvement in the attempted coup to overthrow the Government of The Gambia

Recalling that since the March 2006 attempted Coup d' etat in The Gambia, there has been a severe deterioration in the **enjoyment of the right to freedom of expression** particularly **involving** attacks on the independent media which has led to several journalists **being arrested** or fleeing the country, thereby, violating the right of the people of The Gambia to the freedom of expression and access to information;

The African Commission hereby:

Condemns the continued human rights violations in the Republic of The Gambia and requests for the immediate and unconditional release of Chief Ebrima Manneh and Kanye Kanyiba and all prisoners of conscience;

Calls on the Republic of The Gambia to immediately and fully comply with the 5 June 2008 judgement of the ECOWAS Community Court of Justice in respect of **the release of** Chief Ebrima Manneh from unlawful detention and pay the **damages** awarded by the Court.

Further Calls on the Government of The Gambia to investigate all allegations of acts of torture in detention and extrajudicial executions.

Urges the Government of The Gambia to provide organizations, families and friends of persons in detention, access to the detainees to enable an assessment of their health and living conditions;

Calls on the Government of The Gambia to **bring to an immediate end** the harassment and intimidation of independent media institutions and respect the rights of journalists and other human rights defenders;

Urges the Government of The Gambia to fully comply with its obligations under the African Charter with regard to the right to liberty, freedom from torture, right to fair trial, freedom of expression and of association and to take all necessary measures to ensure its accountability for reported cases of human rights violations in the country;

Further Calls on the Government of The Gambia to immediately implement this Resolution.