

**ACHPR/Res.157 (XLV1) 09: RESOLUTION ON THE
GENERAL HUMAN RIGHTS SITUATION IN AFRICA**

The African Commission on Human and Peoples' Rights (the African Commission), meeting in its 46th Ordinary Session, in Banjul, the Gambia, from 11-25 November, 2009;

CONSIDERING the provisions of the African Charter on Human and Peoples' Rights, the Constitutive Act of the African Union, and other regional and international legal human rights instruments;

RECALLING the mandate of the African Commission on Human and Peoples' Rights to promote and protect human rights in Africa;

CONSIDERING the objectives of the African Union, inter alia:

1. To promote peace, security, and stability on the continent;
2. To promote democratic principles and institutions, popular participation and good governance;
3. To promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments;
4. To establish the necessary conditions which enable the continent to play its rightful role in the global economy and international negotiations;

CONCERNED at the climate of insecurity reigning in some African countries as a result of the persistent armed conflicts and the resurgence of fighting in others especially between rebel groups and armed forces, in Sudan, Chad, Central African Republic, Somalia, Eritrea, and in the Democratic Republic of Congo;

AWARE OF the political instability prevailing in certain parts of Africa as a result of the unconstitutional regime changes such as in the Republic of Guinea and in Guinea Bissau;

CONSIDERING that post election violence has led to human rights violations even in conflict free areas and that arbitrary and extrajudicial executions have persisted long after the elections in some countries;

CONCERNED at the crisis situation in the wake of the overthrow of constitutional rule leading to untoward situations in countries such as the Republic of Guinea and Guinea Bissau;

NOTING that in Kenya, despite the recommendations made by the Kriegler Commission of Enquiry on Elections and the Judge Waki Commission of Enquiry on post-election violence, the Government of National Unity is yet to implement the totality of the recommendations, to wit, the creation of a Special Court in Kenya to try perpetrators of the

serious human rights violations committed during the post election violence;

DEEPLY CONCERNED at the situation in Eritrea where several cases of arbitrary arrests and protracted detentions without trial of former ministers, soldiers, members of the Government, members of opposition parties, journalists and media personnel have been noted, in violation of the provisions of the African Charter on Human and Peoples' Rights;

CONDEMNING the persistent and serious human rights violations in conflict zones affecting the most vulnerable segments of society, women and children;

STRONGLY CONDEMNING human rights violations committed by rebel forces against the population in areas under their control, as well as the execution of civilians on the basis of summary judgements passed by special courts, the plundering of population's property and the practice of kidnapping ;

CONCERNED at the threats and harassment of human rights defenders and journalists are subjected to for denouncing human rights violations committed during conflicts, as well as the continued infringements on the freedom of expression ;

CONCERNED at the impunity reigning in these countries:

1. **CALLS ON** Member States to take legislative, material measures and provide human resources to put an end to the practice of impunity, as soon as possible;
2. **CONDEMNS** the human rights violations committed by all parties against the civilian population in times of peace and in times of war;
3. **URGES** the parties to the conflict to abide by principles of international humanitarian law and those enshrined in the African Charter on Human and Peoples' Rights and to immediately desist from launching attacks against the civilian population;
4. **URGES** the parties to the conflict to allow humanitarian organisations and United Nations Agencies to move around and to engage in their activities freely ;
5. **URGES** the Government of Kenya to implement the recommendations of the Kriegler Commission, the Waki Commission and the United Nations Special Rapporteur for Summary and Extrajudicial Executions ;

6. **CALLS ON** the National Council for Democracy and Development in Guinea (NCDD) to follow the mutually agreed timetable for the return to constitutional rule by the end of 2009 and to take measures to ease tensions in the country;
7. **CALLS ON** the Republic of Guinea authorities to pursue their collaboration with the African Union, ECOWAS, the European Union, and the international community at large to ease the tension in the country;
8. **URGES** the Government of Eritrea to fulfil its obligations under the African Charter on Human and Peoples' Rights, the Constitutive Act of the African Union and other relevant human rights instruments to which Eritrea is a party;

CALLS ON all the warring parties in Sudan, Chad, DRC, and in Somalia to cooperate with the international community in order to find a lasting solution to the conflict raging in these areas.