

**ACHPR/Res. 358(LIX) 2016: Resolution on the Human Rights Situation in the Democratic Republic of Congo**

*The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59<sup>th</sup> Ordinary Session held from 21 October to 4 November 2016 in Banjul, Islamic Republic of The Gambia;*

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

*Recalling* the provisions of Articles 3(2), 4 and 23 of the African Charter regarding the obligations of State Parties to protect the lives of persons and to ensure peace and security in their territory;

*Further recalling* the provisions of Article 13(1) of the African Charter which stipulates that "every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law";

*Reaffirming* its Resolution ACHPR/Res.293 (EXT.OS/XVII) 2015 on Elections in Africa which calls on State Parties to protect the fundamental rights of all citizens, including the rights to freedom of movement, assembly, association and expression as well as equal access to the media for all stakeholders;

*Bearing in mind* its Statement of 22 September 2016 following the violence of 19 and 20 September 2016, in particular in Kinshasa, calling on the Government of the Democratic Republic of Congo (DRC) to conduct an independent and impartial investigation into the incidents;

*Concerned* by the human rights violations, including the excessive use of force on protestors and executions, particularly in Beni, and the lack of investigation and prosecution of the perpetrators, and the recent arbitrary arrest and detention of protesters, in Kinshasa on 24 and 26 October 2016;

*Further concerned* about allegations of restriction of the freedom of expression, association and peaceful assembly of political parties, youth associations and civil society organisations;

*Deeply concerned* about the arbitrary arrest and detention, intimidation and harassment of youth activists, human rights defenders and political opponents;

*Conscious* of the need to restore the rule of law and to ensure the exercise and full enjoyment of the rights guaranteed under the African Charter and other relevant instruments;

*Welcoming* the efforts of the African Union through facilitation of the on-going national dialogue between the Government and the opposition;

*Further welcoming* the efforts of the international community to peacefully resolve the political crises in the DRC;

**The Commission:**

1. *Condemns* the various human rights violations committed in the DRC, including executions, arbitrary arrests and detention, restrictions on freedom of expression, association and assembly, and the excessive use of force during protests.
2. *Calls* on the Government of the DRC to:
  - i. immediately end all human rights violations;
  - ii. take the necessary measures for citizens to exercise their fundamental human rights and freedoms;
  - iii. initiate prompt and impartial investigations into these alleged human rights violations and ensure that the perpetrators of these violations, including those within the security forces, are held accountable;
  - iv. ensure that victims of the above violations and their families obtain full and adequate redress, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition; and
  - v. comply with the African Charter, and other regional and international human rights instruments to which it is a party.
3. *Encourages* all the stakeholders to continue the national dialogue in order to preserve peace.
4. *Calls* on all actors, particularly leaders and members of opposition parties, other stakeholders and the population in general, to refrain from violence and maintain peace before, during and after the elections.
5. *Encourages* the African Union, and the international community to continue to support efforts aimed at resolving the crises in DRC.

**Done in Banjul, Islamic Republic of The Gambia, on 4 November 2016**