

ACHPR/Res. 359(LIX) 2016: Resolution on the Human Rights Situation in Gabonese Republic

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 59th 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);

Bearing in mind the obligations of the Gabonese Republic as a State Party to the African Charter and other regional and international human rights instruments, and signatory to the African Charter on Democracy, Elections and Governance;

Reaffirming the provisions of Articles 3, 4, 5, 6, 7, 9, 11 and 13 of the African Charter which guarantee the right to equal protection of the law, the right to life, the right not to be subjected to torture and other ill-treatment, the right to personal liberty and protection from arbitrary arrest, the right to a fair trial, the right to receive information and to freedom of expression, the right of assembly, and the right to participate freely in government;

Concerned by the deteriorating political and human rights situation in the Gabonese Republic following the announcement of the results of the presidential election of 27 August 2016;

Further concerned by allegations of human rights violations, including the arbitrary arrest and detention of political opponents, the use of force against peaceful protestors and acts of torture and other ill-treatment;

Deeply concerned by the conditions of detention of persons arrested during the peaceful protests of 31 August to 4 September 2016, and the disappearance of many other people;

The Commission:

1. *Strongly condemns* the post-election human rights violations committed in Gabon;
2. *Condemns* all acts aimed at restricting the right to freedom of demonstration and peaceful assembly, including through the use of excessive and disproportionate force against protestors;
3. *Calls* on the Government of Gabonese Republic to:
 - i. take the necessary measures to put an immediate end to abuses and other forms of human rights violations and repression against leaders of opposition parties and their supporters;

- ii. refrain from the use of excessive force during demonstrations and mass protests;
 - iii. ensure due process of law for persons arrested and detained in relation to the mass protests, in accordance with regional and international standards, and release persons arrested and detained without charge;
 - iv. initiate prompt and impartial investigations into these alleged human rights violations and ensure that the perpetrators of these violations are held accountable;
 - v. 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
 - vi. Engage in an inclusive and constructive inter-Gabonese dialogue towards a solution to the post-election crisis.
4. *Calls* on non-state actors, in particular leaders and members of opposition parties, other stakeholders and the population in general, to refrain from any form of incitement and other acts of violence.
5. *Invites* the African Union and the international community to closely monitor the political situation in the Gabonese Republic.

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