

ACHPR/Res. 477 (LXVIII) 2021: Resolution on the situation of Military Instability in Northern Mozambique

The African Commission on Human and Peoples' Rights (African Commission) meeting at its 68th Ordinary Session held virtually from April 14 to May 4, 2021.

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (African Charter);

Recalling the relevant provisions of the African Charter on Human and Peoples' Rights concerning the protection of the right to life, respect for human dignity, prevention of torture, prevention of extrajudicial and arbitrary executions, protection of women's and family rights;

Recalling also the relevant provisions of the African Charter on the Rights and Welfare of the Child on ensuring the survival, protection and development of the child, protection and care of children affected by armed conflict, protection and special assistance for children deprived of their family environment;

Conscious of the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;

Conscious of the provisions of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa relating to respect for the dignity of women, integrity and security of their lives, respect for the right to a peaceful existence, protection of women in armed conflicts, protection of women asylum seekers, refugees, returnees and internally displaced persons against all forms of violence;

Considering the Geneva Convention Relative to the Protection of Civilian Persons in Time of War; the Protocol to the Geneva Conventions Relative to the Protection of Victims of Non-International Armed Conflicts; and Rule 112 of the International Committee of the Red Cross Relative to Search and Recovery of Dead Bodies;

Considering United Nations Security Council resolution 2573 (2021) on the protection of civilians in armed conflict;

Considering also the Commission's Press Release on the attack in Palma, issued on 30 March 2021, as well as the UNHCR's urgent appeal to displaced persons resulting from the attacks in Cabo Delgado;

Deeply concerned about the reports received of massive human rights violations such as mass killings of civilians, torture, ill-treatment and extrajudicial executions, beatings, harassment and extortion, exposure of bodies of victims in the streets, lack of assistance to displaced persons, notably children and women, lack of protection of civilians fleeing from armed group attacks, in the northern region of Mozambique;

Bearing in mind the Commission's role under Article 45, paragraph 1 (b) of the African Charter on Human and Peoples' Rights, which requires that "principles and rules are formulated and established to resolve legal problems affecting the enjoyment of human and peoples' rights and fundamental freedoms on which African governments can base their legislation".

The Commission:

1. **Condemns** all forms of violations of rights to which civilians, in particular children, women and internally displaced persons, have been directly or indirectly subjected in the context of the armed conflict between State forces and the armed group in northern Mozambique;
2. **Calls on** the State of Mozambique to ensure respect for its international obligations in humanitarian law, particularly with regard to the protection of civilians in armed conflicts and the search for, recovery and treatment of the bodies of victims affected by the armed conflict.
3. **Calls on** the State of Mozambique to recover and bury the bodies of the victims, to provide adequate assistance to the alarming number of internally displaced persons, to grant special protection to children and women affected by the armed conflict, to cease mass killings, extrajudicial and arbitrary executions, to grant protection to civilians and to investigate and prosecute the perpetrators of the violations;
4. **Calls on** neighbouring countries to allow access to their territory for people fleeing violence and to implement the principle of non-refoulement;
5. **Demands** that the State of Mozambique take measures to ensure, the protection of the right to life, the guarantee of human dignity, the protection of children and women, as well as internally displaced persons on the continent, the prevention of torture and the prevention of extrajudicial and arbitrary executions;
6. **Encourages** the State to work towards a more peaceful solution to the ongoing conflict in order to protect the lives of the civilian population and restore unity and peace to the country

Done virtually on May 4, 2021