

DRAFT – 11 March 2009

Resolution n° 1
Resolution on Justice in Africa

The NGO forum on the participation of NGOs in the 45th Ordinary session of the African Commission on Human and Peoples' Rights, meeting in the Gambia on 9-11 May 2009,

Recalling the *Resolution on the Ratification of the Treaty on the International Criminal Court* by the African Commission on Human and Peoples' Rights, Banjul (1998), the *Declaration and Plan of Action of Grand Bay, Mauritius* (1999), the *Resolution on the Ratification of the Statute of the International Criminal Court (ICC)* by OAU Member States, Pretoria (2002) and the *Resolution on ending impunity in Africa and on the domestication and implementation of the Rome Statute of the ICC* of the African Commission on Human and Peoples' Rights (2005),

Recalling the adoption in 2005 of World Summit documents where states expressed their commitment to the protection of civilians from genocide, war crimes, crimes against humanity and ethnic cleansing

Recalling that the *Constitutive Act of the African Union* expressly condemns and rejects impunity,

Noting with concern the numerous human rights abuses in parts of the African continent, most notably that men, women and children have been the victims of genocide, war crimes, crimes against humanity and other crimes recognized under international human rights law and international humanitarian law,

Noting that the perpetrators of these crimes are rarely brought to justice, while the victims are frequently denied an effective remedy,

Recalling that the establishment of the ICC represents an important development in the struggle against impunity for the most serious crimes as crimes of war, crimes against humanity and genocide, and that there is no peace without justice,

Noting that by attempting to punish those responsible for these crimes, the ICC is a crucial court of last resort in defending African victims and attempting to prevent the future occurrence of such atrocities,

Committed to the development of national capacity to address international crimes, and noting that under the complementarity principle, the ICC has jurisdiction only when national states are unwilling or unable to investigate and prosecute international crimes,

Recognizing the importance of working towards the most consistent and comprehensive application of justice for serious crimes around the world but convinced that justice should not be denied for some because justice cannot yet be achieved for all,

Recalling that 30 African states have ratified the Rome statute and that a number of them have made further efforts to give legal effect to its application nationally,

Recalling further that three African states (Uganda, the Democratic Republic of Congo and the Central African Republic) voluntarily referred situations on their territories to the ICC and that the UN Security Council referred Darfur to the ICC, given the gravity of crimes there,

Calls on the African Commission to:

- Urge the member states of the African Union (AU) to support victims by promoting judicial and other efforts to end impunity as well as promoting accountability for serious crimes under international law including through strengthening support and collaboration with the ICC,
- Urge the member states of the African Union that have not yet done so to ratify the Rome Statute and to ensure its effective implementation at the national level,
- Request the AU to include members of the African Commission on Human and Peoples' Rights in any discussions relating to impunity, including the ICC, in light of its role in the promotion and protection of human rights in Africa
- Encourage the Assembly of Heads of State and Government of the AU to urge its member states, including those under investigation by the ICC, to fully cooperate with the Court in its efforts to bring to justice suspected perpetrators of international crimes,
- Call on AU member states to demonstrate their commitment to human rights by taking steps to institutionalize the responsibility to protect,
- Ensure that the worst crimes under international law are adopted as crimes under national law and investigated and that those responsible are brought to justice in their own courts in accordance with internationally recognized fair trial standards,
- Appoint a Special Rapporteur on fighting Impunity in Africa, to carry out activities aimed at ensuring that those responsible for the worst crimes under international law are brought to justice; and strengthening law enforcement operations

11 May, 2009; Banjul, Gambia

Formattato