



**COUNTRY SPECIFIC RESOLUTIONS OF THE FORUM ON THE PARTICIPATION OF
NGOs IN THE 46TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON
HUMAN AND PEOPLES' RIGHTS AND 20TH AFRICAN HUMAN RIGHTS BOOK FAIR
7-9 NOVEMBER, 2009
KAIRABA BEACH HOTEL - BANJUL, THE GAMBIA**

CRES/001/11/09

Resolution on the human rights situation in The Gambia

We, participants at the Forum on the Participation of NGOs in the 46th Ordinary Session of the African Commission on Human and Peoples' Rights

Considering the provisions of the African Charter on Human and Peoples' Rights in particular Article 9(1)(2) on freedom of expression and opinion;

Emphasizing provisions of Articles 10 and 11 of the African Charter for Human and Peoples' Rights on the right to associate freely and to demonstrate in peace;

Condemning the ongoing grave human rights violations human rights defenders are exposed to since the 2006 Coup d'état;

Recalling the recent statements made by government's officials against human rights defenders and their activities in The Gambia;

Recalling that such declarations are contrary to the agreements between the African Union and the Republic of the Gambia on the establishment of the Secretariat of the African Commission in Banjul;

Bearing in mind that the Constitution of the Second Republic of The Gambia outlines freedom of expression, freedom of the media and freedom of the press;

Bearing in mind the African Commission Resolution on The Gambia

The Forum calls on the African Commission for Human and Peoples' Rights to:

- 1- **Conduct a fact finding mission in order to investigate** human rights abuse committed in Gambia,

- 2- **Ensure that** all prisoners of conscience in Gambia are freed without conditions, and that those detained incommunicado or in illegal and secret prisons are also freed if they are not charged immediately with a recognizably criminal offence and that those charged benefit from a fair trial.
- 3- **Ensure** that The Gambia's constitution reflects its African Charter obligations and that these are respected, especially with regards to the prohibition against torture, the right to a fair trial as well as freedom of expression, of the press and of association.
- 4- **Ensure** that the Government of The Gambia upholds its obligations under the African Charter by ending coercions against the media and making sure freedom of expression is guaranteed.
- 5- **Take appropriate measures** to ensure that human rights defenders undertake their activities in The Gambia freely and are protected by national laws as provided the Grand Bay 1998 and Kigali 2003 Declarations, as well as Article 12 subsections (2) and (3) of the 1998 United Nations Human Rights Defenders Declaration.
- 6- **Calls on** the Gambian government to take steps to rehabilitate victims of all human rights violations and rectify the situation;
- 7- **Evaluate** the possibility of removing the Headquarters of the African Commission on Human and Peoples' rights from Banjul to a country where human rights environment is conducive for the protection and promotion of peoples' rights.

Banjul, The Gambia - 9 November 2009



CRES/002/11/09

Résolution sur la Guinée

Nous, participants au forum des ONG de la 46eme Session ordinaire de la Commission Africaine des Droits de l'Homme et des Peuples

Conformément aux dispositions du Pacte international relatif aux Droits Civils et Politiques de la Charte Africaine des Droits de l'homme et des Peuples et de l'Acte constitutif de l'Union Africaine, à travers lesquels tous les Etats parties se sont engagés à promouvoir et à protéger les droits de l'homme ;

- **Considérant** les événements du 28 Septembre 2009, au cours desquelles la junte militaire à ouvert le feu contre les participants à une manifestation qui s'est soldé par plus de cent cinquante morts et des milliers de blessés. Ces massacres constituent des violations flagrantes des articles 6 et 21 du Pacte International sur les Droits Civils et Politiques et les articles 4 et 11 de la Charte Africaine des Droits de l'Homme et des Peuples qui garantissent l'inviolabilité des droits de l'homme et le droit à la manifestation pacifique.
- **Extrêmement préoccupé** par le sort des personnes arbitrairement détenues par la junte ; en violation des dispositions de l'article 9 du Pacte International sur les Droits Civils et Politiques et 6 de la Charte Africaine des Droits de l'Homme et des Peuples, qui garantissent la sécurité de la personne et qui disposent que nul ne peut être arrêté et détenu arbitrairement.
- **Très choqués** par l'ampleur et la gravité des viols publics commis sur les femmes qui ont aussi fait l'objet des traitements dégradants et inhumains, ce qui va à l'encontre de l'article 7 du Pacte International et 5 de la Charte Africaine.
- **Stigmatisant** les promesses non tenues du Capitaine Moussa Dadis Camara de ne pas se présenter aux prochaines élections ;

Les participants au Forum demandent à la Commission Africaine des Droits de l'Homme et des Peuples de:

1. **Condamner** la répression sévère par la junte militaire de la manifestation pacifique du 28 septembre et prendre des sanctions contre les auteurs des violations massives des droits de l'homme.
2. **D'exiger** la libération immédiate et sans conditions de tous les prisonniers actuellement détenus par la junte militaire.

3. ***Demander avec insistance*** au Capitaine Camara de se conformer à sa promesse de ne pas se présenter aux prochaines élections ;
4. ***De s'assurer*** que les prochaines élections soient conformes aux dispositions pertinentes de la Charte de la CEDEAO sur les élections et aux dispositions pertinentes de l'Acte Constitutif de l'Union Africaine.
5. ***D'exiger*** de la junte de tenir sa promesse d'autoriser une enquête internationale et indépendante.

Banjul, Gambie, 9 Novembre, 2009



CRES/003/11/09

Résolution sur le Niger

Nous, participants au forum de participation des ONG de la 46eme Session ordinaire de la Commission Africaine des Droits de l'Homme et des Peuples

-**Préoccupé** par les actes anticonstitutionnels et de mal gouvernance perpétrés par le président Mamadou Tanja à travers les manipulations constitutionnelles ayant aboutit entre autres à :

- La dissolution du parlement et l'arrestation des représentants du peuple
- La dissolution de la Cour constitutionnelle suite à son refus de cautionner la tenue de son référendum
- La convocation effective du referendum anticonstitutionnel

-**Rappelant** l'obstination du président Mamadou Tanja d'aller à l'encontre des principes démocratiques, malgré la condamnation de la communauté internationale (EU,OIF), de la CEDEAO et de l'Union Africaine ;

- **Condamnant** les arrestations arbitraires, les actes de tortures, les procès non équitables, les harcèlements judiciaires ainsi que les attaques ciblées à l'endroit de tous ceux représentant une menace pour le gouvernement en place.

- **Rappelant** les dernières et multiples arrestations dont celle du défenseur des droits de l'homme Marou Amadou, arrêté pour « administration d'une association non déclarée ».

- **Considérant** l'article 23 de la Constitution du 9 Août 1999; qui dit que "chaque personne a le droit et la liberté de penser, d'opinion, d'expression, de conscience, de religion et d'adoration..."

-**Considérant** les dispositions de l'article 3 de l'Acte Constitutif de l'Union Africaine ; qui demande de « promouvoir les principes et les institutions démocratiques, la participation populaire et la bonne gouvernance ».

- **Considérant** l'article 9 de la Charte Africaine des Droits de l'Homme et des Peuples qui dit que "chaque individu a le droit de recevoir l'information" (art. 9-1) et que "chaque individu a le droit d'exprimer et de partager ses opinions selon la loi" (art 9-2)

- **Soulignant** le fait que les articles 10 et 11 de la Charte Africaine des Droits de l'Homme et des Peuples garantissent le droit à la liberté d'association pour tous et la liberté de manifestation pacifique.

- **Réaffirmant** que la Déclaration sur les Défenseurs des Droits de l'Homme des Nations Unies¹, dit que "Chacun a le droit, individuellement ou en association avec d'autres, de promouvoir la protection et la réalisation des droits de l'Homme et des libertés fondamentales aux niveaux national et international ²"

Le Forum de participation des ONG demande à la Commission Africaine des Droits de l'Homme et des Peuples de:

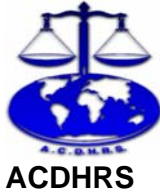
- **D'exiger** des autorités nigériennes de se conformer aux dispositions contenues dans la Résolution de la Commission Africaine des Droits de l'homme et des Peuples sur les changements anticonstitutionnels
- **Rétablir et respecter** la constitution du 9 Août 1999
- **Garantir** la liberté d'expression en permettant l'accès pour tous aux médias publics et en mettant fin à toutes les entraves à l'endroit des médias privés.
- **Respecter** scrupuleusement les droits des défenseurs des droits de l'homme, notamment leur droit à la liberté d'association, d'expression, de manifestation et de mouvements conformément aux instruments internationaux et régionaux ratifiés par le Niger

Banjul, Gambie, 9 Novembre, 2009

1

Déclaration sur le droit et la responsabilité des individus, groupes et organes de la société de promouvoir et protéger les droits de l'Homme et les libertés fondamentales universellement reconnus

² Article 1 de la Déclaration



CRES/004/11/09

Resolution on the Situation in Darfur

We, the participants at the Forum on the participation of NGOs in the 46th Ordinary Session of the African Commission on Human and Peoples' Rights held in Banjul (7th – 9th November 2009):

Considering the provisions of the Constitutive Act of the African Union, the Charter of the United Nations Organisation as well as those of the African Charter on Human and Peoples' Rights and other regional and international human rights instruments to which the Sudan is a state party and that as a state party the Sudan is legally bound to fully and effectively implement the provisions of these instruments and respect and promote the human rights and fundamental freedoms set therein without discrimination on any ground;

Welcoming the report of the AU High-Level Panel on Darfur led by former South-African President Thabo Mbeki as adopted by the AU Peace and Security Council at the Level of Heads of State and Government in Abuja on 29th October 2009; and that the report was an authentic African effort which emphasized that issues of inequality in the distribution of economic wealth and political power as well as discrimination against, marginalisation and exclusion of the people of Darfur from participation in the political and economic life in the country as the root causes of the armed conflict in the region and affirmed that justice, accountability, healing and reconciliation as the imperatives for peace in Darfur;

Welcoming regional and international efforts to combat impunity, to uphold fundamental justice to the victims and to maintain durable peace in Darfur including the decision of the International Criminal Court to hold accountable individuals accused of planning, executing, condoning or encouraging the commission of war crimes and crimes against humanity in Darfur;

Highly appreciating efforts of the African Commission on Human and Peoples' Rights to address the situation in Darfur including its October-November 2009 visit to Sudan and recalling in this regard previous resolutions on Darfur adopted by the Commission since its 35th Ordinary Session;

Deeply concerned at the continuing grave violations of human rights and humanitarian law in Darfur as documented in numerous reports including the report of the International Commission of Inquiry on Darfur of 25th January 2005, which concluded that the crimes committed in Darfur are "... no less serious and heinous than genocide..." and that despite the deployment of an AU/UN hybrid peacekeeping force to protect civilians in Darfur the humanitarian situation in the region continues to deteriorate;

Abhorring the decision of the government of Sudan to expel 13 international relief organisations from Sudan thus putting the lives of more than three million internally displaced persons and war-affected civilians in Darfur, especially women and children, at high risk;

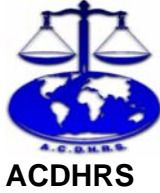
WE HEREBY call on the African Commission to ensure that the government of Sudan complies with its obligations under the African Charter on Human and Peoples' Rights, the AU Constitutive Act, the UN Charter and all other regional and international human rights treaties to which Sudan is a state party, and in particular comply with the following:

1. **Stop**, with immediate effect, all military activities and attacks against civilians in Darfur and end the grave violations of human and peoples' rights in particular the forced depopulation of entire areas in the region, and to cease all support, including the protection of and provision of weapon and other military supplies to the *Janjaweed* militiamen.
2. **Allow** immediate and unconditional return of the expelled international relief organisations to Darfur and provide the necessary support to all international agencies and relief organisations in order to ensure immediate, full, safe and unhindered access to the war-affected population in Darfur and facilitate delivery of humanitarian assistance to civilians in need thereof.
3. **Fully and unconditionally** cooperate with the International Criminal Court in its efforts to bring to justice all persons suspected of perpetrating war crimes and crimes against humanity in Darfur and arrest and hand over such individuals.
4. **Accelerate** the process of legal reform in the country in accordance with the Comprehensive Peace Agreement and repeal or amend all laws and regulations incompatible with the Bill of Rights enshrined in Sudan's Interim National Constitution especially those laws and regulations that perpetrate impunity for human rights violations, contravene with the due process of the rule of law and justice or curtail freedom of expression, assembly and association.

We further call upon the African Commission on Human and Peoples' Rights to:

5. **Examine** the report of the AU High-Level Panel on Darfur and persuade the AU member states to follow-up scrupulously the implementation of the recommendations contained on that report especially those recommendations which have direct implication on the enjoyment of human and peoples' rights in Darfur.
6. **Urge** all state members of the AU and the UN to fully cooperate with the International Criminal Court by arresting and handing over all persons suspected of committing war crimes and crimes against humanity in Darfur.

Banjul, The Gambia, 9th November 2009



CRES/005/11/09

Resolution on the situation in Zimbabwe:

We, the Participants to the Forum on the participation of NGOs in the 46th Ordinary Session of the African Commission on Human and Peoples' rights,

Observing the many outstanding issues from the Global Political Agreement (GPA) signed by the representatives of the three main political parties in Zimbabwe on the 15th September 2008 and the SADC Summit Communiqué of 29 January 2009;

Concerned that the human rights situation in Zimbabwe remains fragile despite the formation of the Inclusive Government;

Alarmed by a fresh wave of attacks on civil society representatives and MDC-T political officials and the general citizenry in the form of arbitrary arrests and detention and malicious prosecutions, unjustified persecution, physical attacks and harassment;

Recalling the commitment of the parties to the inclusive government to stop all human rights violations and to further "attend to all outstanding issues arising from the implementation of the GPA and the SADC Summit Communiqué of January 2009," as reaffirmed in the Troika delegation's statement released on 31 October 2009;

Taken aback by the recent deportation of the UN Special Rapporteur on Torture, and Other Cruel, Inhuman and Degrading Treatment or Punishment, Professor Manfred Nowak, by the Zimbabwean authorities on 28 October 2009;

Concerned by the parties' failure to fully and effectively implement the Inter - party Political Agreement to its letter and spirit;

Hereby Call upon the African Commission to:

1. **Re-affirm** the primacy and pre-eminence of principles of good governance and free and fair elections as the hallmark to democracy;
2. **Call upon** the Inclusive government to re-affirm its commitment to uphold and respect human rights as envisaged by the African Charter;
3. **Urge** the government to re-affirm its commitment to respect international and regional human rights institutions and or mechanisms established by treaty bodies to which it is a party;
4. **Urge** the inclusive government to immediately implement measures to ensure the security of persons, in particular Human rights Defenders;
5. **Urge** the Inclusive Government to ensure that the Constitutional Reform Process is carried through without further delays as it is the gateway towards restoration of democracy and good governance;
6. **Call upon** SADC and the AU as the guarantors of the GPA to increase visibility by closely monitoring the situation in Zimbabwe.

Banjul, The Gambia - 9th November, 2009