

8 October 2012

To: Heads of government of AU member states,
CC: Ministers of Foreign Affairs in Africa
Permanent Representatives to the African Union;
Members of the African Commission on Human and Peoples' Rights

African Civil Society Call for the relocation of the African Commission on Human and Peoples' Rights headquarters from The Gambia

Excellencies,

We, the undersigned non-governmental organisations, participating at the NGO Forum and the 52nd Ordinary Session in Yamoussoukro and to the commemoration of the 25 years of the establishment of the African Commission on Human and Peoples' Rights, are writing to call to your attention the ongoing widespread and systematic human rights violations in The Gambia and to call on African Union Member States to take urgent action for the relocation of the African Commission and Human and Peoples' Rights headquarters from The Gambia.

The Gambia government has over the years walked a path of continuous infractions on the fundamental rights of the Gambian citizenry, specifically in the following instances- the assassination of Deyda Hydara and the extra-judicial killings of 48 innocent migrants, [mostly Ghanaians] in 2005; disappearances of Ebrima (Chief) Manneh and Daba Marena and five other security officials in 2006; the abduction, stigmatisation and drugging of mostly elderly women accused of being 'witches' in 2007; and the continuous harassment and jailing of journalists and illegal closure of private media houses deemed critical of the Gambia Government; and the systematic dismantling of institutions of governance- the legislature and judiciary particularly.

The continued threats heaped on human rights defenders- especially given utterances made by President Jammeh, that he cannot guarantee the safety of human rights defenders working in The Gambia, does not make Banjul an ideal human rights capital of the African continent. Gambia's government has breached every single principle that the African Human Rights Charter espouses, and it has been requested, on numerous occasions, to respect its obligations to the Human Rights Charter, especially given the fact that it is hosting the Commission.

President Yahya Jammeh's regime's continued position to ignore the calls for reforms by its peers, civil society and the international community and its determination to continue to violate the rights of its own citizens through the rule of terror, and instilling fear within the general public, was further proven when it illegally executed nine inmates on death row, (following a pronouncement by President Jammeh to kill all death row inmates) and conspired with state security agencies to cover it up.

Moreover, the contempt shown by The Gambia government to the ECOWAS Court, by its refusal to honor the court ruling to produce Chief Ebrima Manneh and compensate his family, as well as compensate Musa Saidykhan for torture meted out to him whilst under the custody of state security agents. Arbitrary arrests and cruel treatment has now become a weapon wielded by the Jammeh regime against the citizenry, where acts of police brutality are rampant.

The African Commission on Human and Peoples' Rights must now, after decades of humiliation and disrespect shown to it by the Gambia government, be freed of the shackles of its host nation, and provided with the a home that respects and espouses the prescribed articles of the continental human rights Charter: article 3- equality before the law and protection by the law; article 4- respect for human life; article 6- right to liberty and protection from arbitrary arrest; article 7- right to fair trial and presumption of innocence until proven guilty; article 9: right to receive information and express and disseminate such information within the law; article 10- freedom of association; article 11- freedom of assembly; article 12- freedom of movement; article 25 duty to promote human rights; article 26- duty to guarantee independence of courts. All such articles have been systematically and deliberately breached by the regime of the very nation that such a sacred document was named after, and entrusted with the privilege of hosting a continental human rights body.

Excellencies,

The government of The Gambia has betrayed the trust of its own citizens and foreign nationals alike. And it has also demonstrated that it is an unreliable partner and an unworthy host of an enterprise established to protect and promote the rights of the African citizenry. The sole honour of calling Gambia host of the ACHPR must now be withdrawn; a bold move that will demonstrate Africa's resolve to uphold the sanctity of life, right to liberty, freedom, good governance and democracy.

We believe that the Government of the Gambia does not possess the moral authority in principle and practice, to continue to be bestowed with the privilege of hosting a human rights Commission secretariat, since it has demonstrated time and again that the protection of and respect for human rights is not a priority. The act of relocating the human rights Commission from The Gambia will be a milestone in our collective journey travelled over the 25 years we marched, as we embarked on a continental quest of promoting human rights for every African man, woman and child; irrespective of ethnicity, political leanings, different orientations, religion or race.

We therefore call on all member states of the African Union, to relocate the African Commission on Human and Peoples' Rights from The Gambia;

Excellency, we thank you for your attention to these concerns. We remain available to provide further information as may be useful.

Sincerely,