

**COUNTRY RESOLUTIONS ADOPTED AT THE FORUM ON THE PARTICIPATION OF NGOS  
IN THE 56<sup>TH</sup> ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND  
PEOPLES' RIGHTS AND THE 30<sup>TH</sup> AFRICAN HUMAN RIGHTS BOOK FAIR**

**17-19 APRIL, 2015  
KAIRABA BEACH HOTEL  
BANJUL, THE GAMBIA**

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**CRES\001\4\2015: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN GUINEA-BISSAU**

We, the participants of the Forum on the Participation of NGOs in the 56<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 30<sup>th</sup> African Human Rights Book fair held in Banjul, The Gambia from 16<sup>th</sup> to 19<sup>th</sup> April 2015;

Considering, that Guinea-Bissau is a party to the African Charter on Human and Peoples' Rights, and has ratified most of the international and regional instruments for the promotion and protection of human rights;

Concerned that since gaining Independence in 1973, not a single government has completed its mandated term and Guinea-Bissau has been facing continuous instability, characterized by frequent high level of political assassinations, coup d'états, political prosecutions and forced resignation from office, throughout its 41 years' existence as an independent state;

Deeply concerned by the fact that the 41 year instability since independence generated numerous human rights violations and a culture of impunity for violations such as of the right to life; including unlawful killings, extrajudicial executions and political assassinations; Further concerned that other violations include abduction, torture, arbitrary arrests and prolonged detention of political opponents and civil society representatives like, ban on freedom of expression and communications, denial of justice, violence against women, child labour, human trafficking, drug trafficking, all coupled with extreme poverty due to the non-realization of economic and social rights;

Preoccupied by the failure of successive Governments to bring to justice those responsible for the abuses and those victims are yet to be reinstated in their rights;

Recalling that past amnesty laws adopted by successive Governments have been inconsistent with international human rights standards and have generated more human rights violation

Cognizant that following the 12<sup>th</sup> April 2012 coup d'état, Guinea Bissau was led by a transitional Government and that the transitional period ended when the current government was installed in May, 2014, following democratically held elections;

Stressing that Guinea Bissau has been the first participating country to follow-up on the outcome recommendations of the December 2011 International Conference on Impunity, Justice and Human Rights, held in Bamako by organizing a National Conference on Impunity, Justice and Human Rights in July, 2013;

Taking note that it was the first time the issue of impunity was discussed openly amongst all national stakeholders during a national conference which recommended the fight against impunity by strengthening the justice system, the establishment of an International Commission of Inquiry (Col) to investigate political crimes since independence; and the holding of public consultation on a truth and reconciliation;

Recalling the United Nations Security 2203 (2015) which inter alia underlines that ‘ any lasting solution to instability in Guinea-Bissau should include concrete actions to fight impunity and ensure that those responsible for politically motivated assassinations and other serious crimes such as drug trafficking-related activities and breaches of constitutional order are brought to justice, including through transitional justice mechanisms’,

Bearing in mind that Security Council Resolution 2203 (2015) mandated the United Nations Integrated Peace-Building Office in Guinea Bissau (UNIOGBIS) to assist national authorities in the promotion and protection of human rights as well as undertaking human rights monitoring and reporting activities. The Mission is also mandated to provide strategic and technical advice and support to the Government in combating impunity with respecting human rights and fundamental freedoms;

Deeply concerned by future risk of instability which could be triggered by the noticeable individual conflict between the President and the Prime Minister and which could result in further human rights violations;

Considering that Resolution 2203 (2015) mandated UNIOGBIS to collaborate with the African Union, ECOWAS and the Community of Portuguese Speaking Countries (CPLP);

1. Call on the new Government to follow-up on the recommendations of the National Conference on Impunity of July, 2013 and to allow for the establishment of an independent international commission for inquiry in order to ensure prompt, impartial, effective and independent investigations into all past cases of human rights violations;
2. Call on the African Union, ECOWAS, CPLP in collaboration with the UNIOGBIS and other relevant UN Bodies, to support the establishment of an international commission of inquiry to investigate past human rights abuses;
3. Encourage the new Government to establish accountability mechanisms which conform with international standards of independence and impartiality in order to bring an end to impunity and ensure that all actions responsible for currently and past abuses are held accountable for their actions;
4. Encourage new Government of Unity to ensure the protection of defenders and to create an enabling environment for them to pursue their legitimate work;
5. Call on Members of the African Commission on Human and Peoples’ Rights and its Special Mechanisms to get interested in the situation of human rights in Guinea-Bissau;

6. Call on the Commissioner in charge of Guinea-Bissau to undertake a country visit to Guinea Bissau, to the main land and its Islands.

Done in Banjul, The Gambia – 19<sup>th</sup> April, 2015

## **CRES\002\4\2015: RESOLUTION ON THE SITUATION OF XENOPHOBIC VIOLENCE AGAINST MIGRANTS IN SOUTH AFRICA**

We, the participants of the Forum on the Participation of NGOs in the 56<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 30<sup>th</sup> African Human Rights Book fair held in Banjul, The Gambia from 16<sup>th</sup> to 19<sup>th</sup> April 2015;

Recalling the mandate of the African Commission to promote and protect human and peoples' rights in Africa;

Noting particularly Article 12 of the African Charter that guarantees the freedom of movement and of residence by non-nationals in African states and protects them against mass expulsion;

Recalling the obligations of member States to the African Charter arising from Articles 1, 2, 3, 4, 5, 6, 9, 11, 12, 14 and 19 of the African Charter;

Deeply concerned by the outbreak of xenophobic attacks against foreigners, particularly of African origin, committed in South Africa since January 2015, which include violations of the right to life, the right to physical integrity, the right to property, freedom of assembly, freedom of expression;

Concerned by the failure of the Government of South Africa to address the early warning signs of xenophobic violence, to effectively stop the on-going attacks and threats against non-nationals and to adequately protect and provide redress victims of violence;

Deeply concerned by the excessive use of force by security forces against the anti-xenophobia peaceful march organised by non-nationals in Durban;

Further concerned by the inflammatory and hateful remarks made by several South African leaders, including Zulu King Goodwill Zwelithini, President Zuma's son Edward Zuma and ANC Secretary General Gwede Mantashe, contributing to the escalation of the on-going attacks on non nationals;

Noting the condemnation by the Government of South Africa of the xenophobic attacks, the organisation of a peace march in Durban and calls for an end xenophobic violence;

Noting with deep concern the failure by the Government of South Africa to firmly condemn the inflammatory and hateful statements, that has led to exacerbation of xenophobic violence and the proposal made by ANC Secretary General Gwede Mantashe of the establishment of refugee camps as a response to xenophobia;

Concerned that a policy of encampment is retrogressive in that it would serve only to further alienate this already vulnerable population, in complete disregard for South Africa's Constitution and the Refugees Act 130 of 1998, which guarantee freedom of movement and residence, as well as South Africa's international and regional human rights commitments;

Stressing that the Government's failure to adequately address legacies of apartheid and to meet the basic needs of the people of South Africa has contributed to the entrenchment of xenophobia;

Concerned that the findings and recommendations of the report produced by the South African Human Rights Commission in 2010, concerning the xenophobic attacks have not been implemented to effectively bring justice to victims of xenophobia and hold those responsible accountable to prevent the resurgence of such attacks;

Deploring further the increased administrative hurdles, increased corruption within Immigration department and tightening of immigration laws in South Africa has reinforced negative perceptions about migrants;

Recalling Resolution 131/2008 of the African Commission on the Situation of Migrants in South Africa adopted in May 2008;

We call on the African Commission on Human and Peoples' Rights to;

- 1. Adopt an resolution condemning in the strongest terms the xenophobic attacks on non-nationals in South Africa and urging the Government of South Africa to;**
- 2. Unconditionally respect and uphold provisions of the African Charter on Human and Peoples' Rights and other regional and international human rights standards guaranteeing the fundamental principle of non-refoulement and the fundamental rights and freedoms of migrants;**
- 3. Ensure an effective, impartial and independent investigation and prosecution of all instigators and perpetrators of xenophobic attacks, including the authors of inflammatory and hateful statements;**
- 4. Ensure an effective, adequate and prompt redress for all victims of xenophobic attacks and the vetting of all police officers involved in the disproportionate attacks against the Durban peaceful anti-xenophobia march;**
- 5. Refrain, in its responses to the xenophobic violence, from any retrogressive measures, in particularly the establishment of refugee camps, in violation of its own legislation and its international and regional human rights commitments;**
- 6. Take effective steps to ensure the implementation of the recommendations of the 2010 report of the South African Human Rights Commission and previous resolutions of the African Commission on xenophobia in South Africa;**

- 7. Adopt an effective national strategy to combat, stop and prevent xenophobia and to address all its legal, economic, political, social and psychological drivers;**
- 8. Urge the Government of South Africa to address the root causes of xenophobia and the unfinished business of the South African transitional justice process;**
- 9. Ensure the release of migrants, refugees and asylum-seekers arbitrarily arrested and illegally detained, and that the immigration laws and practice do not consider illegal immigration a criminal offense;**
- 10. Urgently authorize the African Commission to carry out a promotion and protection mission to South Africa, in particular with its Special Rapporteurs on the Rights of Refugees Asylum Seekers and Migrants, and appraise the Commission of all progress at the 57<sup>th</sup> Session of the ACHPR .**

Done in Banjul, The Gambia – 19<sup>th</sup> April, 2015

## CRES\003\4\2015: RESOLUTION ON SOUTH SUDAN

We, the participants of the Forum on the Participation of NGOs in the 56<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 30<sup>th</sup> African Human Rights Book fair held in Banjul, The Gambia from 16<sup>th</sup> to 19<sup>th</sup> April 2015;

Concerned by the continuously deteriorating human rights and humanitarian situation in South Sudan ;

Recalling that since the outbreak of the conflict in mid December 2013, civilians have been victims of extreme acts of violence, including mass killings, rape and other forms of sexual crimes, torture, enforced disappearances, forced recruitment of child soldiers, forced displacement. Further recalling that such crimes could amount to international crimes reprehensible under the Rome Statute of the International Criminal Court (ICC) ;

Recalling that the African Union Commission (AUC) established, in March 2014, a Commission of Inquiry mandated to "investigate the human rights violations and other abuses committed during the conflict and make recommendations on the best ways and means to ensure accountability, reconciliation and healing" ; Further recalling that the establishment of the Commission of Inquiry demonstrated the African Union's commitment to condemning and rejecting impunity as provided for in its Constitutive Act ;

Dismayed however by the failure of the African Union Peace and Security Council to publish the report of the Commission of Inquiry. Further dismayed by the failure of the Government of South Sudan to conduct credible and independent investigations with a view to prosecuting and holding accountable persons suspected of international humanitarian and human rights law violations. Considering that these failures seriously compromise prospects for justice and reconciliation in South Sudan and contribute to the continuation of serious human rights abuses and the culture of impunity ;

Concerned in particular by the continuing forced recruitment of children into the ranks of fighting troops of parties to the conflict ; Alerted particularly by the forced recruitment, between January and March 2015, of hundreds of children by government forces and their allies in Upper Nile and Unity States ;

Concerned by the restrictions to the work of human rights defenders and journalists who are increasingly subjected to arbitrary arrest and detention, intimidation, threats and other acts of harassment and reprisals, in particular when they document and report on conflict-related human rights abuses and call for accountability, or seek to engage with international human rights forums;

Concerned by the recent passing of a Bill granting the National Security Service (NSS) sweeping powers of arrest, detention, search and seizure and the potential of this legislation to further reduce the space for human rights defenders and journalists ;

Concerned by the fact that over 2 million people are still internally displaced in South Sudan, that over 500,000 have been forced to seek refuge in neighbouring countries and that 2.5 million are facing food insecurity ;

Recalling the ACHPR's Resolution 265 on the human rights situation in South Sudan, calling upon the Government of South Sudan to “ensure full protection of the civilian population” and to “ensure that perpetrators of the human rights violations are held accountable”;

The NGO Forum calls upon the ACHPR to adopt a resolution:

1. **Calling upon the African Union Peace and Security Council to immediately consider and publish the report of the AU Commission of Inquiry on South Sudan and implement any recommendations that would contribute to ensuring justice and reparations to victims of human rights violations and abuses ;**
2. **Supporting in the holding of fair, transparent and credible investigations into the international humanitarian and human rights law violations and abuses committed in South Sudan since mid December 2013 with a view to prosecuting those suspected of responsibility for such crimes through the establishment of a hybrid judicial mechanism and/or investigations by the International Criminal Court (ICC) ;**
3. **Calling upon the parties to the conflict to immediately cease all violations of international human rights and humanitarian law. In particular, all forces should immediately cease unlawful killings, forced recruitment of children, acts of sexual violence and other attacks on civilians ;**
4. **Calling upon the parties, the AU and Intergovernmental Authority on Development (IGAD) mediators to exclude amnesty for crimes under international law and to support the establishment of a vetting system to ensure that members of the South Sudanese military and security personnel about whom there is evidence of serious human rights violations do not remain, or are not placed in, positions where they could repeat such violations or impede justice processes ;**
5. **Calling upon the Government of South Sudan to guarantee the protection of fundamental rights and freedoms, including freedom of expression and freedom of association;**
6. **Calling upon the Government of South Sudan to ensure in particular that human rights defenders and journalists can operate freely, without fear of being arbitrarily arrested, detained or intimidated, or subject to reprisals on the basis of their engagement with regional or international human rights forums, and ensure that violations of their rights are effectively investigated and sanctioned;**
7. **Calling upon South Sudan's parliament to repeal or substantially amend the National Security Service Law, to ensure it provides adequate safeguards against human rights abuses, and meets regional and international legal standards;**
8. **Calling upon the government of South Sudan to guarantee the protection and security of civilians, particularly internally displaced persons ;**
9. **Calling upon the African Commission's Special Rapporteur on the Situation of Human Rights Defenders to conduct an urgent academic visit to the country, to investigate and report on the worsening environment for human rights defenders;**
10. **Requesting the mobilization of adequate humanitarian support to ensure that the basic needs of all populations affected by the conflict are met ;**
11. **Calling upon the Government of South Sudan to immediately complete ratification of the African Charter on Human and Peoples' Rights (the African Charter) and the African Charter on the Rights and Welfare of the Child (ACRWC) by depositing instruments of**

**ratification with the African Union ; and to initiate the internal process for ratifying other regional human rights treaties, particularly the Protocol to the African Charter on the Rights of Women in Africa and the African Charter on Democracy, Elections and Governance ;**

- 12. Calling upon the Government of South Sudan to accede to the Rome Statute and consider making a declaration under article 12 (3) of the Statute granting the ICC jurisdiction over crimes that have occurred during the conflict.**

Done in Banjul, The Gambia - 19 April 2015



## CRES\004\4\2015: RESOLUTION ON SUDAN

We, the participants of the Forum on the Participation of NGOs in the 56<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 30<sup>th</sup> African Human Rights Book fair held in Banjul, The Gambia from 16<sup>th</sup> to 19<sup>th</sup> April 2015;

Considering the provisions 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 to which 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;

Appreciating efforts made by the African Commission on Human and Peoples' Rights to address the situation in Sudan and recalling in this regard previous resolutions adopted by the Commission on the situation in Sudan since its 35<sup>th</sup> Ordinary Session held in Banjul in May – June 2004,

Noting the failure of the government of Sudan to fully implement the Commission's successive recommendations and Concluding Observations, including on Sudan's Third Periodic Report as well as past decisions in which the Commission, inter alia, requested the government of Sudan to improve the human rights situation in the country and abolish inhumane practices such as corporal punishment;

Noting that Sudan convened its general Presidential and Legislative elections in the first half of April 2015 amidst a widespread boycott by opposing political parties, due to serious curtailment of freedoms, and the absence of conditions conducive to fair and impartial elections;

Welcoming regional and international efforts to combat impunity, to uphold justice to the victims of violations of human rights and international humanitarian and criminal law in Sudan, particularly the decision of the International Criminal Court to hold accountable individuals accused of planning, executing, condoning or encouraging the commission of war crimes, crimes against humanity and genocide in Darfur;

Alarmed by the deteriorating situation of human rights and fundamental freedoms in Sudan, in particular extra-judicial killings, enforced disappearances, torture and ill-treatment of political detainees, human rights defenders and pro-democracy activists and the suppression of the right to hold public rallies and manifestations, arbitrary arrest and detention without judicial preview of political opponents, curtailment of the freedom of expression, freedom of the press and the media, freedom of association and the dismantling of independent civil society in the country;

Strongly condemning reports of numerous incidents of ethnically motivated enforced disappearances committed in the regions affected by the armed conflict in Sudan Darfur State;

Call upon the African Commission on Human and Peoples' Rights to:

- 1. Urge the government of Sudan to comply with its obligations under the AU**

**Constitutive Act, the African Charter on Human and Peoples' Rights, the UN Charter and all other regional and international human rights treaties and covenants to which Sudan is a state party;**

- 2. Further urge the government of Sudan to cease all violations of human rights and fundamental freedoms, including arbitrary arrest and detention, extra-judicial killings, torture and ill-treatment of detainees, and safeguard the freedom of the press and media, the rights of human rights defenders, the safety of international peacekeepers, as well as the freedom of assembly and association;**
- 3. Call on the government of Sudan to implement the recommendations adopted by the African Commission on Human and Peoples' Rights, in particular to repeal Article 22 of the National Security Act that confers on members of the security forces total immunity for the violations of human rights and international humanitarian law, to criminalize torture and all forms of violence against women, end corporal punishment and to revise laws regarding press freedom;**
- 4. Call on the government of Sudan to ensure that all persons held in its custody for political reasons, including the armed conflict in Darfur, Southern Kordofan and the Blue Nile States be brought before courts of law and be allowed unhindered access to family members, lawyers of their choice and to medical care. All persons held without judicial preview should be released;**
- 5. Urge the government of Sudan to stop all forms of harassments against independent civil society, to reverse its decisions to close NGOs and allow independent civil society and research institutes to work freely and without interference and to ensure the safety and security of their members and staff.**
- 6. Further urge the government of Sudan to cease all types of harassment against Sudanese human rights defenders, to respect their internationally guaranteed rights, and allow them space to monitor, research and report on human rights situation in different parts of the country;**
- 7. Urge the African Union, including the Peace and Security Council, as well as all AU member states, to continue their efforts in combating impunity and to expand regional coordination to apprehend all individuals accused by the International Criminal Court (ICC) of committing war crimes, crimes against humanity and genocide in Darfur.**

Done in Banjul, The Gambia - 19 April 2015

## CRES\005\4\2015: RESOLUTION ON SWAZILAND

We, the participants of the Forum on the Participation of NGOs in the 56<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 30<sup>th</sup> African Human Rights Book fair held in Banjul, The Gambia from 16<sup>th</sup> to 19<sup>th</sup> April 2015;

Considering that there is no guarantee to the right to freedom of association, with government de-registering the trade union national centre, TUCOSWA;

Concerned that the government has also threatened to de-register several other civil society organisations that have challenged government policy;

Considering, that the government of Swaziland continues to arrest and imprison trade unionists, journalists and political activists;

Deeply concerned by the arrest of Thulani Maseko, a lawyer working for TUCOSWA, on 17 March 2014 and Bheki Makhubu, editor of The Nation magazine, who was arrested on 18 March 2014 and the two remain imprisoned today;

Considering police and security forces continue to disrupt union activities and civil society gatherings;

Considering that civil and political rights, though found in the constitution, are not respected in law or in practice, including the lack of recognition and registration of political parties – such as PUDEMO;

Considering existing legislation severely limits the right to freedom of association and pending legislation threatens to further undermine those rights;

Considering that an ILO High-Level Fact-finding Mission in 2014 found that “no concrete, tangible progress has been made on the various matters concerning the application of Convention No. 87, some of which have been pending for over a decade;”

Considering that the African Commission for Human and Peoples' Rights Resolutions on Swaziland for 2012 and 2013 and promotional mission in 2005 with recommendations were completely ignored;

Further considering that the September 2013 African Union recommendations for the government of Swaziland to ensure that its laws provide for fundamental freedoms of conscience, expression, peaceful assembly, association and movement international principles for free and fair elections and participation in electoral process, have been ignored;

Urge the African Commission on Human and Peoples Rights to:

1. Call for the immediate release of all human rights defenders currently in prison such as, but not limited to Thulani Maseho and Bheki Makhubu;
2. call for the registration and recognition of political parties, trade unions and other civil society organisations;
3. Call for follow-up on previously issued African Commission for Human and Peoples' Rights resolutions and recommendations on Swaziland;
4. Urgently send a promotional mission to Swaziland including the Special Rapporteurs for Human Rights Defenders and Freedom of Expression.

Done in Banjul, The Gambia – 19th April, 2015

## CRES\006\4\2015: RESOLUTION ON ZIMBABWE

We, the participants of the Forum on the Participation of NGOs in the 56<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 30<sup>th</sup> African Human Rights Book fair held in Banjul, The Gambia from 16<sup>th</sup> to 19<sup>th</sup> April 2015;

Recalling the commitments made by the Government of Zimbabwe to fulfill its obligations under the African Charter on Human and Peoples' Rights, as a member, and current Chair of the African Union;

Deeply concerned about the enforced disappearance, on 9 March 2015, of Itai Dzamara, a human rights and pro-democracy defender in Zimbabwe who remains missing to date;

Deeply concerned that a High Court order issued, directing the authorities to establish his whereabouts and update his family and lawyers on the progress is yet to be complied with;

Call upon the African Commission on Human and Peoples' Rights;

1. To urge the government of Zimbabwe to take all necessary and urgent measures to ascertain the whereabouts of Itai Dzamara;
2. To fully investigate the circumstances surrounding the abduction of Itai Dzamara and ensure that those responsible for the enforced disappearance are brought to account;
3. To ensure that Itai Dzamara's family and lawyers are continuously updated on the nature of investigations and any progress.

Done in Banjul, The Gambia - 19 April 2015