



**ACDHR**

**COUNTRY RESOLUTIONS ADOPTED AT THE FORUM ON THE PARTICIPATION OF NGOS IN THE  
57<sup>TH</sup> ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS  
AND THE 31<sup>ST</sup> AFRICAN HUMAN RIGHTS BOOK FAIR  
31<sup>ST</sup> OCTOBER-2<sup>ND</sup> NOVEMBER, 2015  
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BANJUL, THE GAMBIA**

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**CRES\001\11\2015: RESOLUTION ON THE HUMAN RIGHTS ON THE SITUATION IN ALGERIA**

We, the participants of the Forum on the Participation of NGOs in the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 31<sup>st</sup> African Human Rights Book fair held in Banjul, The Gambia from 31<sup>st</sup> October–2<sup>nd</sup> November 2015;

Considering the provisions of the AU Constitutive Act, the African Charter on Human and Peoples' Rights and other regional and international human rights treaties to which the Government of Algeria is a contracting party;

Reaffirming the primary responsibility of the Government of Algeria to promote and protect human rights and basic freedoms in the country ;

Concerned about the deteriorating situation of human rights in Algeria, through repressive laws and policies that continue to be deployed to curtail civil society, including the work of human rights organizations;

Deeply concerned about serious attacks against human rights defenders, journalists, lawyers and trade unionists, including arrest, arbitrary detention for prolonged periods, and widespread use of torture and other forms of ill-treatment in detention facilities;

The NGOs Forum calls upon the African Commission to :

- Call upon the Government of Algeria to ensure the right to a fair trial for human rights defenders, journalists and activists, including for detained activists Kameleddine Fekhar and Hacen Bouras, and to allow international observers to attend court hearings in order to ensure transparency.

- Call upon the Government of Algeria to allow national HR NGOs and the ICRC to visit prisons and detention facilities in order to ensure medical assistance and humane treatment for detainees
- Urge the Government of Algeria to ensure the right to freedom of association, by amending the association law (law 12-06 of 2012)
- Implore the Government of Algeria to ensure the right to freedom of expression and peaceful assembly, by stopping the wave of arrests against activists, for exercising their constitutional rights, and amending the relevant laws, particularly the law on information, the law on public meetings and demonstrations (law 91-19 of 1991), and the penal code.

Done in Banjul, The Gambia – 2<sup>nd</sup> November 2015

## **CRES\002\11\2015: RESOLUTION ON THE HUMAN RIGHTS ON THE SITUATION IN ANGOLA**

We, the participants of the Forum on the Participation of NGOs in the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 31<sup>st</sup> African Human Rights Book fair held in Banjul, The Gambia from 31<sup>st</sup> October–2<sup>nd</sup> November 2015;

Deeply concerned with the arbitrary restrictions on the work of Human Rights Defenders (HRDs), including through harassment, intimidation and arrest of HRDs, as well as the use of restrictive laws in Angola;

Concerned about the state security charges against 20 Human Rights Defenders in Angola, including 15 activists arrested and detained on charges of preparing a coup and an attack against the President; two women Human Rights Defenders also charged in connection with the alleged attempted coup, as well as 3 other Human RDs in Cabinda, Jose Marcos Mavungo, Arao Bula Tempo and Manuel Biongo;

Call upon the African Commission to:

- pass a resolution in support of the recent UN Special Rapporteur which called on Angola to release all jailed human rights defenders and drop charges against them.
- urge the Angolan government to revise the controversial points on the Presidential Decree 74/15 of 23<sup>rd</sup> March, 2015 about the activities of the NGOs and ensure that the document is In conformity with the Constitution and the law of Associations.
- urge the Angolan Government to implement the recommendations of the UN Special Rapporteur which called on Angola to set up an independent team to investigate an alleged massacre In The central province of Huambo with wildly differing casualty figures.

Done in Banjul, The Gambia – 2<sup>nd</sup> November 2015

## **CRES\003\11\2015: RESOLUTION ON THE HUMAN RIGHTS ON THE SITUATION IN BURUNDI**

Le Forum de participation des ONG à la 57ème Session ordinaire de la Commission africaine des droits de l'Homme et des Peuples, réuni à Banjul, Gambie, du 31 octobre au 2 novembre 2015

Profondément préoccupé par la détérioration de la situation politique et sécuritaire au Burundi, marquée par l'enlisement du dialogue politique, la perpétration d'actes de violence et de graves violations des droits humains, les entraves accrues aux droits et libertés fondamentales, les actes d'intimidation et de menaces à l'encontre des défenseurs des droits humains et les journalistes et par l'impunité des auteurs de violations ;

Craignant que l'ampleur et la persistance des actes de violence commis au Burundi n'entraînent, en cas de détérioration de la situation, une déstabilisation de l'ensemble de la sous-région ;

Considérant les dispositions de l'Acte Constitutif de l'Union africaine (UA), par lesquelles les États membres de l'UA se sont engagés à promouvoir et à protéger les droits de l'Homme et des peuples, la paix, la sécurité et la stabilité sur le continent, les principes et les institutions démocratiques, la bonne gouvernance (articles 3.h et 4.m) de même qu'à condamner et rejeter l'impunité (article 4.o) ;

Rappelant la Déclaration de la CADHP sur la situation au Burundi adoptée lors de sa 56ème Session, condamnant fermement toutes les formes de violence, d'intimidation ou de harcèlement perpétrées contre les citoyens burundais, en particulier l'usage disproportionné de la force létale par les forces de sécurité, les pertes en vie humaine, les restrictions à la liberté de presse, mais aussi à la liberté de réunion, d'expression et d'association ;

Rappelant la Résolution 309 de la CADHP sur la situation des droits de l'homme au Burundi dans laquelle elle condamne fermement les violations des droits humains commises au Burundi et invite le Gouvernement à ouvrir des enquêtes sur les violations perpétrées durant la période électorale et après, et traduire en justice les auteurs présumés ;

Regrettant, l'impunité généralisée dont continuent de bénéficier les présumés responsables de violations des droits humains ;

Saluant la décision du Conseil de Paix et de Sécurité de l'Union africaine d'ouvrir une enquête sur les violations des droits humains commis au Burundi contre les populations civiles ; rappelant également la demande formulée par le Conseil de Paix et de sécurité à la Commission africaine des droits de l'Homme et des peuples de prendre d'urgence les mesures requises pour mener cette enquête ;

Dans la perspective de cette mission d'enquête, le Forum des ONG recommande à la CADHP :

Concernant la compétence matérielle de la mission d'enquête :

- Porter une attention particulière sur les cas d'exécutions sommaires et extrajudiciaires et les allégations d'actes de torture : En septembre 2015, le Haut-Commissaire des Nations unies aux droits de l'Homme déclarait que son bureau avait enregistré, depuis avril 2015, 134 meurtres. Il déclarait par ailleurs « Presque chaque jour, des corps sans vie sont retrouvés dans les rues de certains quartiers de Bujumbura. Dans de nombreux cas, les victimes semblent avoir été tuées par des balles tirées à bout portant. Leurs corps portent parfois des traces de torture et sont souvent retrouvés les mains liées dans le dos ». Le Haut-Commissaire indiquait par ailleurs avoir documenté 90 cas de torture. La mission d'enquête devra également porter une attention particulière sur les conséquences de l'usage excessif et disproportionné de la force par les forces de sécurité burundaises, ayant causé la mort de plusieurs civils, de même que sur les cas d'assassinats ciblés.
- Enquêter sur les cas d'arrestations et de détentions arbitraires : Alors que la police burundaise nie tout phénomène d'arrestations massives et prétend procéder à de simples contrôles d'identité et opérations de recherche d'armes, le harcèlement des populations et les arrestations arbitraires se poursuivent. Régulièrement, des quartiers, particulièrement ceux considérés comme contestataires, sont bouclés pendant plusieurs heures ou jours, la police interdisant les habitants d'en sortir et menant des fouilles et perquisitions intempestives. Le Haut-Commissaire des Nations unies aux droits de l'Homme notait en septembre 2015 que des « centaines de cas d'arrestations et de détentions arbitraires » avaient pu être documentés début septembre. Le Haut-Commissaire indiquait par ailleurs que « les personnes arrêtées sont généralement relâchées après quelques jours, mais certaines restent en détention préventive pendant des mois, bien au-delà de la durée maximale autorisée par la législation nationale et internationale ».

- Enquêter sur les actes de harcèlement à l'encontre des défenseurs des droits humains et des journalistes : Les défenseurs des droits humains et les journalistes, dans le collimateur du régime Burundais depuis de nombreuses années, sont depuis le début de la crise des cibles privilégiées et continuent de subir attaques, actes de harcèlement et stigmatisation accrus. Défenseurs et journalistes continuent de faire face à des atteintes à leur sécurité physique (tabassage par les forces de police, tentative d'assassinat), à des menaces, actes de harcèlement et d'intimidation, stigmatisation. 5 médias ont été détruits et n'ont toujours pas été autorisés à reprendre leur diffusion. Parallèlement, les déclarations des autorités burundaises laissent entendre qu'une nouvelle loi sur les associations pourraient restreindre d'autant plus la liberté d'association, notamment en durcissant les conditions d'enregistrement des ONGs et en portant atteinte à leur droit au financement.
- Porter une attention particulière sur les mesures d'enquêtes et de poursuites prises par les autorités burundaises pour poursuivre et juger les responsables de crimes : En dépit des déclarations des autorités faisant état de l'ouverture d'enquêtes sur les crimes commis, les responsables de ces exactions continuent de jouir d'une impunité quasi-généralisée. Les autorités burundaises ont déjà eu à mettre en place par le passé des commissions d'enquête sur des cas d'exécutions sommaires et extra-judiciaires qui n'ont pour l'heure pas fait connaître leurs conclusions. La mission d'enquête de l'Union africaine devra porter une attention particulière sur l'administration de la justice au Burundi et formuler des recommandations concrètes pour lutter contre l'impunité des auteurs de crimes.

Concernant la compétence temporelle de cette mission d'enquête :

- L'enquête devra couvrir les événements survenus, y compris pendant la période pré-électorale, lors de laquelle un nombre important d'exactions à caractère politique ont pu être documentés.

Le Forum recommande par ailleurs à la CADHP :

- De garantir, dans le cadre de son enquête, des mesures de protection des victimes et des témoins;
- De coopérer avec les organisations indépendantes de défense des droits humains;
- De s'assurer de rendre public le résultat de son enquête et d'exiger que les auteurs de crimes soient poursuivis et jugés devant des juridictions compétentes, indépendantes et impartiales;
- De proposer au gouvernement burundais un appui technique pour mettre le

projet de loi sur les ONGs en conformité avec les standards internationaux et les obligations du Burundi ; proposer également un appui technique pour l'adoption d'une loi sur la protection des défenseurs des droits humains conforme aux standards internationaux et aux obligations du Burundi;

- D'inviter la Commission nationale des droits de l'Homme du Burundi à documenter les allégations de violations de droits humains;
- De développer une feuille de route pour les droits humains au Burundi qui comprendrait des mesures de protection des droits et des libertés fondamentales, appellerait à la réouverture des médias suspendus, comprendrait des mesures de lutte contre l'impunité des auteurs de violations et de renforcement du cadre normatif relatif à la protection des droits humains.

Fait a Banjul – Gambie – 2 novembre, 2015

**CRES\004\11\2015: RESOLUTION ON THE HUMAN RIGHTS ON THE SITUATION IN CONGO BRAZZAVILLE**

We, the participants of the Forum on the Participation of NGOs in the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 31<sup>st</sup> African Human Rights Book fair held in Banjul, The Gambia from 31<sup>st</sup> October–2<sup>nd</sup> November 2015;

Deeply concerned by the human rights violations and the deterioration of the political and human rights situation in Congo, following legitimate claims of the population, for greater freedoms and better democratic governance;

Concerned by the arbitrary arrests and unconscionable detentions, the sustained suppression of the demonstrations and popular protest movements, the police brutality in handling protest that causes loss in human lives;

Strongly condemns the excessive and disproportionate use of force to suppress the will of the Congolese citizens aspiration to democracy and good governance;

Reminds the Congolese Government that such acts constitute serious violations of the provisions of the African Charter and calls on it to immediately take the necessary measures to guarantee the inalienable rights of Congo citizens;

**Call upon** the African Commission on Human and Peoples' Rights to issue strong resolution condemning the human rights violations in Congo and call on the Congo Government to:

- refrain from all excessive and disproportionate use of force during popular demonstrations and protest movements;
- recognize the legitimate will and aspiration of Congolese citizens for greater democracy, good governance and respect for human rights and fundamental freedoms;
- to embark on constructive dialogue comprising of all the major stakeholders in Congo.

Done in Banjul, The Gambia – 2<sup>nd</sup> November 2015



## **CRES\005\11\2015: RESOLUTION ON THE HUMAN RIGHTS ON THE SITUATION IN KENYA**

We, the participants of the Forum on the Participation of NGOs in the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 31<sup>st</sup> African Human Rights Book fair held in Banjul, The Gambia from 31<sup>st</sup> October–2<sup>nd</sup> November 2015;

Concerned about the conflict between conservation and the rights of the forest indigenous peoples,

Concerned about the non implementation of the High Court ruling requiring the Government to refrain from any actions that may prevent the Sengwen from the quiet enjoyment of tier ancestral land in the Embobut forest,

The NGOs Forum calls on the African Commission to call on the Government of Kenya to:

- ensure that there is no conflict between conservation and the rights of the forest indigenous peoples and to strengthen conservation in the way science recommends means protecting the rights of Sengwer indigenous peoples to own and live on their ancestral forest lands and territories in the Cherangany Hills;
- take necessary measures to implement/respect the High Court ruling requiring the government to refrain from any actions that may prevent the Sengwer from the quiet enjoyment of their ancestral lands in Embobut forest, including by halting the eviction of the Sengwer from their ancestral home in Embobut Forest, and to work with the Sengwer and the National Land Commission to secure Sengwer rights to remain on their ancestral lands and to live there sustainably;
- adopt urgent measures to secure forest indigenous peoples' (Yiaku, Aweer, Sanye, Ogiek and Sengwer) rights to their ancestral lands in Kenya, and to address the injustices that have followed from these rights being denied.

Done in Banjul, The Gambia – 2<sup>nd</sup> November 2015

## **CRES\006\11\2015: RESOLUTION ON THE HUMAN RIGHTS ON THE SITUATION IN LESOTHO**

We, the participants of the Forum on the Participation of NGOs in the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 31<sup>st</sup> African Human Rights Book fair held in Banjul, The Gambia from 31<sup>st</sup> October–2<sup>nd</sup> November 2015;

Concerned about the ongoing political crisis and human violations currently prevailing in Lesotho, which have warranted intervention of SADC and yet leaders of opposition are still on the run and detained 23 soldiers continue to face torture,

Call upon the African Commission to call on the Government of Lesotho;

- Ensure that all incarcerated persons are treated with dignity and respect, including not being subjected to torture,
- Investigate cases of torture and bring to account all those responsible
- Comply with court decision for incarcerated persons to be granted access to their Lawyers and investigate reported cases of intimidation of Lawyers.

Done in Banjul, The Gambia – 2<sup>nd</sup> November 2015

## **CRES\007\11\2015: RESOLUTION ON THE HUMAN RIGHTS ON THE SITUATION IN LIBYA**

We, the participants of the Forum on the Participation of NGOs in the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 31<sup>st</sup> African Human Rights Book fair held in Banjul, The Gambia from 31<sup>st</sup> October–2<sup>nd</sup> November 2015;

Considering the provisions of the AU Constitutive Act, the African Charter on Human and Peoples' Rights and other regional and international human rights treaties to which the state of Libya is a contracting party;

Reaffirming the primary responsibility of the state of Libya to promote and protect human rights and fundamental freedoms in the country and to provide conditions conducive to a dignified life for all the people of Libya;

Deeply concerned about the security and humanitarian conditions of the Libyan citizens, lacking food, medicine and vaccines for infants, and that attempts to end the armed conflict and the humanitarian suffering in the country through negotiated political settlement have not yet been successful;

Alarmed by the widespread lack of accountability for serious crimes committed by all armed factions against the population, including extra-judicial killings, assassinations, enforced disappearances, torture and ill-treatment, as well as forced displacement of civilians. the passing of draconian decrees and laws, the accordance of amnesties to commanders and members of armed factions under the pretext of protecting revolutionary gains, and the deactivation of transitional justice mechanisms;

Welcoming international commitments to combat impunity, to uphold fundamental justice to the victims of violations of international human rights and humanitarian law and to maintain durable peace in Libya, particularly the decisions of the UN Human Rights Council to establish an independent investigation on grave human rights violations perpetrated in Libya since January 2014, and the UNSC and the ICC to hold accountable individuals from all sides accused of committing war crimes and crimes against humanity in Libya;

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

- Condemn violence and massive violations of human rights and international humanitarian law committed in Libya and demand that all parties to the conflict respect Libya's obligations under the African Union Constitutive Act, the United

Nations Charter, the African Charter on Human and Peoples' Rights and all other regional and international human rights treaties to which Libya is a state party.

- Urge the State of Libya to adopt urgently a comprehensive accountability plan that sets a framework for proper vetting mechanisms to integrate both sides' armed groups individually into security institutions
- Call upon all parties to the conflict in Libya to cease, with immediate effect, all military activities and attacks against civilians, end the violations of human and peoples' rights, in particular the forced displacement of civilians and to remove all obstacles that prevent international relief organizations to access communities and regions in need of humanitarian need, including medicine, shelter and nutrition
- Call upon the International Criminal Court (ICC) to open investigation on ongoing massive violations of human rights and international humanitarian law perpetrated in Libya since the revolution which has an open mandate to investigate alleged international crimes committed in Libya since 2011.
- Call upon the State of Libya to ensure legislative and *de facto* protection against *refoulement* and amend Law 10 of 2013 Criminalising Torture, Enforced Disappearances and Discrimination to ensure that it is fully consistent with the Robben Island Guidelines.
- Call upon the State of Libya to prevent arbitrary arrests and ill-treatment in detention centres and to bring private detention facilities under its authority as provided for in Ministerial Decree No. 219 dated 18 February 2013. The State of Libya is particularly encouraged to ensure that detainees, especially foreign nationals in its custody, are held in humane conditions and treated according to due process of law.
- Urge the State of Libya to ensure that those responsible for acts of torture are subject to legal process and that there is no immunity from prosecution for nationals suspected of torture in accordance with Article 16 of the Robben Island Guidelines, and to lift all amnesties including on the basis of revolutionary legitimacy.

- Urge the State of Libya to adopt a law of civil society that is consistent with international freedom of association standards, and conduct impartial, thorough and effective investigations into all cases of attacks, harassment, and intimidation and bring to justice all perpetrators of such offenses, and ensuring they are held accountable for their crimes
- Call upon the State of Libya to uphold women' rights in accordance with international standards, including criminalizing and preventing violence against women and to ensure that the future constitutional framework grants Libyan women the right to pass their nationality on to their children
- Call upon the State of Libya to become party to the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).
- Call upon the State of Libya to provide an adequate framework to ensure protection of the human rights of migrants and refugees.
- Call upon the State of Libya to end discrimination against minority groups, particularly in relation to their right to access Libyan citizenship, education, healthcare as well as freedom of conscience and belief, and to ensure that these rights are enshrined in the constitution.

Done in Banjul, The Gambia – 2<sup>nd</sup> November, 2015

## **CRES\008\11\2015: RESOLUTION ON THE HUMAN RIGHTS ON THE SITUATION IN SUDAN**

We, the participants of the Forum on the Participation of NGOs in the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 31<sup>st</sup> African Human Rights Book fair held in Banjul, The Gambia from 31<sup>st</sup> October–2<sup>nd</sup> November 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 that 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 of the African Commission on Human and Peoples' Rights (Commission) to address the situation in Sudan and recalling in this regard previous missions conducted by the Commission to Sudan in 2004, 2006 and 2014 as well as the resolutions on the situation of human and peoples' rights in the country 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;

*Welcoming* regional and international efforts to combat impunity, to uphold justice to the victims of violations of human rights and international 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 and peoples' rights in Sudan, in particular extra-judicial killings, torture and ill-treatment of political detainees, students 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 media, freedom of association and the dismantling of independent civil society in the country;

*Strongly* condemn reports of numerous incidents of ethnically motivated killings and ill-treatment of students from regions affected by the armed conflict in Sudan such as Darfur, South Kordofan and the Blue Nile State;

The NGOs Forum calls upon the 57th Ordinary Session of the African Commission on Human and Peoples' Rights to:

- Further 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.
- 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 as well as the freedom of assembly and association.
- 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.
- 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.
- 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.
- Further urge the government of Sudan to stop all types of harassments against Sudanese human rights defenders, to respect their rights as internationally recognized and allow them space to monitor, research and report on human rights situation in different parts of the country.

- Urge 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 – 2<sup>nd</sup> November, 2015



## **CRES\009\11\2015: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN SOUTH SUDAN**

We, the participants of the Forum on the Participation of NGOs in the 57<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights and the 31<sup>st</sup> African Human Rights Book fair held in Banjul, The Gambia from 31<sup>st</sup> October–2<sup>nd</sup> November 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 which could amount to international crimes reprehensible under the Rome Statute of the International Criminal Court (ICC);

*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 and 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;

*Dismayed* in particular by the continuing conflict in the areas of Upper Nile and Unity States. *Further alerted* particularly by the spread of the conflict to areas that were unaffected before such as Central Equatoria and Western Equatoria States despite the signing of the Agreement on the Resolution of the Conflict in South Sudan in August;

*Alarmed* by the increasing rates of sexual violence in South Sudan; the brutality of the sexual violence and the target of children and elder women;

*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; for instance by the intimidation and threats to Dr. Luka Biong which led to him fleeing into exile after he organized a public debate on the President's decision to establish 28 States.

*Concerned* by the fact that over 2.5 million people are still internally displaced in South Sudan, that over 500,000 have been forced to seek refuge in neighbouring countries and that 4 million people are facing food insecurity and restriction of the flow of humanitarian aid to the people facing extreme hunger;

*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 AUC’s released report is a welcome step towards accountability, reconciliation and healing;

*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:

- Calling upon the Government of South Sudan to implement the recommendations of the recently released African Union Commission’s investigation report that would contribute to ensuring justice and reparations to victims of human rights violations and abuses;
- 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;
- Calling upon the Government of South Sudan to guarantee the protection of fundamental rights and freedoms, including freedom of expression and freedom of association;
- 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;

- Calling upon South Sudan's parliament to amend the National Security Service Bill to ensure it provides adequate safeguards against human rights abuses;
- Calling upon the government of South Sudan to guarantee the protection and security of civilians, particularly internally displaced persons;
- Requesting the mobilization of adequate humanitarian support to ensure that the basic needs of all populations affected by the conflict are met;
- 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;
- 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 – 2<sup>nd</sup> November 2015