



COUNTRY RESOLUTIONS ADOPTED AT THE NGOs FORUM PRECEDING THE
73rd ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN
AND PEOPLES' RIGHTS
17TH -18TH OCTOBER, 2022 - PHYSICAL

CRES/001/10/22: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN THE
CENTRAL AFRICA REPUBLIC

Nous, participants au Forum sur la participation des ONG à la 73^{ème} Session ordinaire de la Commission africaine des droits de l'homme et des peuples, appelons la Commission africaine à Soutenir ces résolutions adoptées lors du Forum des ONG :

Respecter les dispositions de la Charte Africaine des Droits de l'Homme et des Peuples (CADHP) ;

Libérer purement et simplement les défenseurs des droits humains, les journalistes et les prisonniers d'opinion, en particulier au Tchad, au Cameroun, au Gabon et en RDC ;

Encourager le respect des libertés fondamentales à travers la mise en œuvre effective des Lignes directrices sur la liberté d'association, de réunion et de manifestation en Afrique ;

Mettre en place les mécanismes pour lutter efficacement contre l'impunité ;

Cesser toute forme de menaces, représailles et intimidations à l'encontre des défenseur(e)s des droits humains, en particulier les femmes défenseures, les défenseurs des personnes LGBTQIA, les personnes LGBTQIA et les journalistes et adopter une loi portant protection des défenseurs des droits humains ;

Mettre en place les cadres propices de résolutions de conflits afin de faire taire les armes, conformément à la Résolution 446 de la CADHP ; en mettant en place les Commissions Vérité, Justice et Réconciliation et/ou en les renforçant dans tous les Etats de la sous-région, notamment au Cameroun, au Tchad, en RDC et en RCA ;

A veiller au respect scrupuleux des institutions démocratiques par la mise en œuvre de la Charte africaine de la démocratie, des élections et de la gouvernance, notamment au Tchad et dans tous les autres pays dont le processus démocratique est régulièrement mis à rude épreuve lors des échéances électorales.

Fait à Banjul le 18 octobre 2022

Le Forum

CRES/002/10/22: RÉSOLUTION SUR LA SITUATION DES DROITS DE L'HOMME EN RÉPUBLIQUE DÉMOCRATIQUE DU CONGO

Nous, participants au Forum sur la participation des ONG à la 73ème Session ordinaire de la Commission africaine des droits de l'homme et des peuples, appelons la Commission africaine à Soutenir ces résolutions adoptées lors du Forum des ONG :

Rappelant le mandat de la Commission Africaine des Droits de l'Homme et des Peuples (CADHP) de promouvoir et protéger les droits de l'homme et des peuples en Afrique en vertu de la Charte Africaine des Droits de l'Homme et des Peuples (Charte Africaine) ;

Rappelant les obligations de la RDC en vertu de la Charte africaine des droits de l'Homme et des Peuples, la Charte africaine de la démocratie, des élections et de la gouvernance et des autres instruments régionaux et internationaux relatifs aux droits de l'Homme ratifiés ;

Rappelant en particulier les dispositions pertinentes de la Charte africaine qui garantissent le droit à liberté et sécurité (article 6), le droit à la liberté d'expression (article 9), le droit à la liberté d'association (article 10) et le droit à la liberté de réunion (article 11), ainsi que la non-discrimination et la protection des droits des femmes (article 18(3)) ;

Rappelant l'article 6 de la Constitution de la RDC révisée en 2011 pour renforcer le pluralisme politique et le respect des droits civils et politiques ;

Rappelant également le communiqué de presse de la Commission africaine des droits de l'homme et des peuples en date du 18 janvier 2020 sur l'arrestation des défenseurs des droits de l'homme appartenant au mouvement citoyen LUCHA en République Démocratique du Congo dans lequel le Rapporteur Spécial sur les défenseurs des droits de l'homme alerte sur le non-respect de l'article 11 de la Charte africaine ;

Très préoccupées par la déstabilisation de l'Est de la RDC depuis près de trente ans par de nombreux de groupes armés locaux et étrangers, la situation de l'État de droit dans cette région et en particulier les restrictions imposées à l'exercice des droits démocratiques dans les provinces de l'Ituri et du Nord-Kivu sous état de siège, et les risques de voir l'argument sécuritaire brandi par les autorités pour restreindre l'organisation des élections de 2023 dans ces provinces ;

Observant avec inquiétude la reprise des arrestations et détentions arbitraires par l'Agence nationale de renseignement (ANR), au motif sécuritaire et de maintien de l'ordre,

Préoccupés par la lenteur des progrès dans l'adoption et la mise en œuvre des réformes législatives et administratives et des autres mesures indispensables à la tenue des élections générales prévues en 2023 ;

Le Forum des ONG demande à la CADHP d'adopter une résolution pour :

- **Appeler** les autorités congolaises à l'organisation des élections générales de 2023 se déroule dans un environnement libre, équitable et sécurisé, conformément aux délais constitutionnels, sur l'ensemble du territoire, et dans le respect des droits et libertés fondamentaux, et veiller à l'inclusion et à la consultation des organisations de la société civile dans au sein des cadres de concertation organisés par la Commission électorale nationale indépendante (CENI) ;
- **Condamner** les cas d'atteinte à la liberté de mouvement et au droit à la liberté de la personne commis par les forces de sécurité qui visent des opposants politiques, ainsi que les défenseurs des droits humains et les journalistes, notamment en encourageant à ce que la loi sur la protection des défenseurs des droits humains soit une priorité et soit inscrite à l'ordre du jour de la session parlementaire, pour être débattue et finalement adoptée ;

- **Encourager** les autorités congolaises à poursuivre leurs efforts dans la mise en œuvre des mécanismes de justice transitionnelle et dans la lutte contre l'impunité, notamment pour juger les plus hauts responsables, y compris dans l'affaire des assassins des défenseurs des droits humains Floribert Chebeya et Fidèle Bazana, et à veiller à l'opérationnalisation du fonds de réparation en faveur des victimes de violences sexuelles et de crimes graves ;
- **Appeler** à la nomination des membres de la Commission nationale des droits de l'homme (CNDH) après l'expiration du mandat de la Commission en juillet 2020, afin que l'institution puisse continuer à contribuer de manière efficace et indépendante à la promotion et à la protection des droits humains par le suivi et le compte rendu de la situation, en particulier alors que le pays se prépare à organiser les élections générales de 2023.

Fat à Banjul, le 18 octobre 2022

Le Forum

CRES/002/10/22: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN THE DEMOCRATIC REPUBLIC OF CONGO

We, the participants in the Forum on the Participation of NGOs in the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights call on the African Commission to uphold these resolutions adopted at the NGOs Forum:

Recalling the mandate of the African Commission on Human and Peoples' Rights (ACHPR) to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (African Charter);

Recalling the obligations of the DRC under the African Charter on Human and Peoples' Rights, the African Charter on Democracy, Elections and Governance and other ratified regional and international human rights instruments;

Recalling in particular the relevant provisions of the African Charter that guarantee the right to liberty and security (Article 6), the right to freedom of expression (Article 9), the right to freedom of association (Article 10) and the right to freedom of assembly (Article 11), as well as non-discrimination and the protection of the rights of women (Article 18(3));

Recalling article 6 of the Constitution of the DRC revised in 2011, to reinforce political pluralism and respect for civil and political rights;

Recalling also the press release of the African Commission on Human and Peoples' Rights dated 18 January 2020 on the arrest of human rights defenders belonging to the LUCHA citizen movement in the Democratic Republic of Congo, in which the Special Rapporteur on Human Rights Defenders warns of the failure to respect Article 11 of the African Charter;

Very concerned with the destabilisation of Eastern DRC for almost thirty years by dozens of local and foreign armed groups, the situation of the rule of law in this region and in particular the restrictions imposed on the exercise of democratic rights in the provinces of Ituri and North Kivu under a state of siege, and the risks of seeing the security argument used by the authorities to restrict the organisation of the 2023 elections in these provinces;

Observing with concern the resumption of arbitrary arrests and detentions by the National Intelligence Agency (ANR), on the grounds of security and law enforcement,

Concerned about the slow progress in the adoption and implementation of legislative, administrative reforms and other measures critical, for the conduct of the scheduled 2023 General Elections.

The Forum requests the ACHPR to adopt resolutions that seeks to urge Congo to:

- **Prepare** for the 2023 elections in accordance with the Constitutional deadlines, throughout the country, and ensure the inclusion of civil society organizations in the consultation frameworks organized by the CENI, ensuring the civic and democratic space is open and strengthened, in line with fundamental freedoms, regional and international commitments made by the Congolese government;
- **Condemn** violations of freedom of movement and the right to personal liberty that target political opponents, as well as human rights defenders and journalists, in particular by encouraging the law for the protection of human rights defenders to be prioritized and included on the agenda of the parliamentary session, for debate and eventual adoption;
- **Encourage** the authorities of the DRC to continue their efforts to implement transitional justice mechanisms and in fighting against impunity, and to judge the highest officials, particularly in the trial of the assassins of human rights defenders

Floribert Chebeya and Fidèle Bazana, and ensure the effective operationalization of the reparations fund for victims of sexual violence and serious crimes;

- **Urgently appoint** the members of the National Human Rights Commission (CNDH) following the expiry of the mandate of the Commissioner's in July 2020, so that the institution can effectively and independently continue to contribute to the promotion and protection of human rights through the monitoring and reporting of the human rights situation, particularly as the country prepares to hold the 2023 General Election.

Done at Banjul, October 18 2022

The Forum

CRES/003/10/22: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN EGYPT

We, the participants in the Forum on the Participation of NGOs in the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights call on the African Commission to uphold these resolutions adopted at the NGOs Forum:

Recognizing that advancing climate justice demands an inclusive, holistic approach to environmental policy that embeds human rights and tackles systemic problems, including historically rooted social injustices, ecological destruction, abuses by businesses, corruption and impunity, and social and economic inequality. The strongest voices across the world pushing back against these systemic problems, and in favor of more meaningful and ambitious climate action, have come from civil society.

Supporting the call made by the UN Special Rapporteur on the Rights to freedom of Peaceful Assembly and of Association: that the work of civil society be recognized, publicly and at the highest levels, as essential to the advancement of climate action and just transition. Stressing the importance of the right to freedom of expression and independent reporting to foster efforts to address the climate crisis.

Emphasize that effective climate action is not possible without open civic space. As host of COP27, Egypt risks compromising the success of the summit if it does not urgently address ongoing arbitrary restrictions on civil society.

Calling on Egypt, to ensure that civil society organizations, activists, and communities can meaningfully participate in all discussions and activities on climate and just-transition policy development and implementation at all levels of decision-making without fear of reprisals.

Further calling on authorities to put in place transparent and inclusive processes to ensure that everyone, including women, Indigenous peoples and local communities, workers, youth, children, persons with disabilities, and other groups facing marginalization

or discrimination, are provided with equal opportunities to effectively participate in climate decision-making;

Urge Egypt to end the prosecutions of civil society activists and organizations and guarantee space for civil society—including human rights defenders—to work without fear of intimidation, harassment, arrest, detention, or any other form of reprisal, including by releasing of unjustly jailed human rights defenders, lifting arbitrarily travel bans and asset freezes and closing all politically-motivated cases against activists targeted for their human rights work.

Emphasize that access to information is central to effective participation. Therefore, we urge ACHPR to call on the Egyptian authorities to immediately end the arbitrarily blocking of websites and ensure access inside the country to the hundreds of independent media, human rights organizations and other blocked websites.

Immediately release all journalists who have been imprisoned solely for doing their job, and put an end to restrictions on media and digital spheres.

Noting that, a selected number of journalists, human rights defenders, and other individuals who had been arbitrarily detained were conditionally released in recent months. We urge the Egyptian authorities to immediately and unconditionally release all those held simply for peacefully exercising their human rights, implementing criteria set by local NGOs for these releases: fairness, transparency, inclusiveness, and urgency.

Further noting that preparations for COP27 are taking place against the backdrop of an ongoing and deep-rooted human rights crisis in Egypt. The Egyptian authorities have for years employed draconian laws, including laws on counter terrorism, cybercrimes, and civil society, to stifle all forms of peaceful dissent and shut down civic space.

Deeply concerned that under the current government of President Abdel Fattah al-Sisi, thousands continue to be arbitrarily detained without a legal basis, following grossly unfair

trials, or solely for peacefully exercising their human rights. Thousands are held in prolonged per-trial detention on the basis of spurious terrorism and national security accusations. Among those arbitrarily detained are dozens of journalists targeted for their media work, social media users punished for sharing critical online content, women convicted on morality-related charges for making Tik Tok videos, and members of religious minorities accused of blasphemy.

Noting that prisoners are held in detention conditions that violate the absolute prohibition of torture and other ill-treatment, and since President Abdel Fattah al-Sisi came to power, hundreds have died in custody amid reports of denial of healthcare and other abuse. Egypt remains one of the world's top executioners, executing 107 in 2020 to 83 in 2021, with at least 356 people sentenced to death in 2021, many following grossly unfair trials including by emergency courts. The crisis of impunity has emboldened Egyptian security forces to carry out extra-judicial executions and other unlawful killing, enforced disappearances and torture with no fear of consequences.

Call on the Egyptian authorities to take meaningful steps to address the human rights crisis, including by lifting restrictions of civic space and ending crackdown on peaceful dissent.

CRES/004/10/22: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN ERITREA

We, the participants in the Forum on the Participation of NGOs in the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights have submitted these resolutions adopted at the NGOs Forum:

To put an end to violations of human rights in Eritrea,

Call on the African Commission on Human & Peoples Rights to unequivocally condemn the flagrant violations of the Eritrean regime to the human rights in Eritrea, as stated in the report of the Special Rapporteur on Human Rights in Eritrea, Dr. Mohamed Abdel Salam (2022), as well as the targeting of Eritrean refugees in Ethiopia through murder and arbitrary arrest.

CRES/005/10/22: RÉOLUTION SUR LA SITUATION DES DROITS DE L'HOMME EN RÉPUBLIQUE DU MALI

Nous, participants au Forum sur la participation des ONG à la 73ème Session ordinaire de la Commission africaine des droits de l'homme et des peuples, appelons la Commission africaine à Soutenir ces résolutions adoptées lors du Forum des ONG :

Rappelant le mandat de promotion et de protection des droits dont est investie la Commission africaine des droits de l'Homme et des Peuples (CADHP) en vertu de l'article 45 de la Charte africaine des droits de l'Homme et des Peuples (Charte africaine) ;

Rappelant les obligations de la République du Mali en vertu de la Charte africaine, de la Charte africaine de la démocratie, des élections et de la gouvernance et des autres instruments régionaux et internationaux relatifs aux droits humains ratifiés par l'État malien ;

Rappelant les dispositions pertinentes de la Charte africaine qui garantissent le droit à la vie (article 4), à la liberté et à la sécurité de la personne (article 6), le droit à la liberté d'expression et à l'accès à l'information (article 9), le droit à la liberté d'association (article 10), et le droit à la liberté de réunion (article 11);

Rappelant en particulier les articles 2,6 et 19 du Pacte international relatif aux droits civils et politiques (PIDCP), soulignant le respect des droits, y compris la liberté d'avoir des opinions et de les exprimer librement par toutes les personnes, et interdisant l'arrestation et la détention arbitraires et favorisant la libération des personnes accusées dans l'attente de leur procès ;

Rappelant les articles 4, 5, 7 de la Constitution malienne du 25 février 1992 qui garantissent respectivement le droit à la liberté d'opinion et d'expression ; à la liberté d'association, de réunion, de cortège et de manifestation ; à la liberté de la presse ;

Rappelant en outre les précédentes résolutions de la CADHP sur la situation au Mali, **et** notamment sa résolution n°441 du 7 août 2020, adoptée lors de sa 66ème session ordinaire exprimant sa préoccupation face à la répression des manifestations de juin et juillet 2020 par les forces de sécurité maliennes, et déplorant « *la violation de nombreux droits garantis par la Charte, y compris le droit à la liberté d'association et de réunion, à la liberté d'expression, ainsi que la protection contre les arrestations et les détentions arbitraires* » et demandant « *aux autorités compétentes de lui accorder l'autorisation nécessaire (...) pour effectuer une mission d'établissement des faits au Mali* »;

Rappelant également les communiqués de presse publiés par la CADHP les 26 mai 2021, 18 août 2020, 14 juillet 2020, notamment exhortant « *toutes les parties au calme et à garantir un climat respectueux des droits de l'Homme reconnus à la population malienne (...)* » et « *invitant les Forces de sécurité au respect de la vie humaine, de l'intégrité physique, de la liberté de réunion et de manifestation, du droit à la propriété tels qu'ils sont protégés par la Charte africaine des droits de l'homme et des peuples et d'autres instruments pertinents* »;

Déplorant les violations et menaces de violations répétées aux droits à la liberté d'opinion et à la liberté d'expression, caractérisées par la multiplication des actes d'intimidation et de harcèlement judiciaire, des arrestations arbitraires et tentatives d'arrestations et d'autres formes de menace et de pression exercées sur les personnes exprimant des opinions critiques envers les autorités de la Transition, notamment sur les réseaux sociaux ¹;

Profondément préoccupées par les restrictions au droit à l'information et à la liberté de la presse, manifestées par un contrôle accru des médias par les autorités de la Transition, la pratique progressive de l'autocensure par les journalistes et les médias au Mali, déjà menacés par la Loi No 00-46/AN-RM de Juillet de 2000 limitant la liberté d'expression, et portant régime de la presse et délit de presse;

1. Et notamment les arrestations et détentions suite à des critiques envers le Premier Ministre par intérim Choguel Kokalla Maïga d'Issa Kaou Djim en octobre 2021 ; de Dr Oumar Mariko, Bakary Camara et Boubacar Soumaoro en décembre 2021 ; du Dr Étienne Fakaba Sissoko en janvier 2022. Note sur la situation des droits humains dans le contexte du conflit et de la transition au Mali adressée à la CADHP le 24 août 2022, la FIDH, AI et ASFC.

Dénonçant, les restrictions apportées à l'espace civique et aux libertés publiques, notamment aux droits à la liberté d'association et la liberté de réunion pacifique, par l'imposition d'un système d'autorisation préalable à l'organisation de marches et la sélection arbitraire et discriminatoire des mouvements autorisés à protester ;

Le Forum des ONG appelle la Commission Africaine des Droits de l'Homme et des Peuples à adopter une résolution visant à :

- **Condamner** les violations des libertés fondamentales et exhorter les autorités maliennes à mettre immédiatement un terme à tout acte susceptible de porter atteinte au respect des droits humains et à l'État de droit ;
- **Exhorter** les autorités de la Transition à poursuivre les travaux engagés, en lien avec les organisations de la société civile et les médias, en vue de la dépénalisation du délit de presse, comme les délits contre l'autorité et la chose publique, et contre les personnes, passibles de peines d'emprisonnement de 3 mois à un an et d'amendes allant de 50.000 FCFA à 600.000 FCFA afin de garantir le droit à l'information des populations maliennes ;
- **Appeler** les autorités à réviser la loi sur la cybercriminalité pour la mettre en conformité avec les normes internationales et régionales de protection des droits humains notamment celles relatives à la liberté d'expression ;
- **Inviter** les autorités maliennes à renforcer la liberté de la presse et la protection des journalistes, en favorisant la délivrance des cartes de presse aux journalistes maliens, et des accréditations des journalistes internationaux en service au Mali, et en levant les procédures en cours de suspension des médias ;
- **Rappeler** aux autorités maliennes leur obligation de respecter les droits des défenseurs des droits humains et à garantir les conditions d'un environnement

favorable à leur action légitime de promotion et de défense des droits et cesser toutes formes de pression exercées sur la société civile au Mali ;

- **Exhorter** les autorités maliennes à mettre fin aux poursuites engagées contre toutes les personnes poursuivies pour avoir exercé leur droit à la liberté d'expression et lutter contre les appels à la haine ;
- **Décider** de la tenue d'une mission de promotion des droits humains en République du Mali composée du Président de la Commission, Rapporteur en charge de la situation des droits humains au Mali, et des rapporteurs spéciaux pertinents dans le but de rencontrer les représentants des autorités nationales, de l'opposition politique et de la société civile pour œuvrer à la promotion et la protection des droits humains dans le pays ;
- **Appeler** les autorités maliennes à adresser une invitation permanente aux Rapporteurs spéciaux de la CADHP et des Nations unies sur les défenseurs des droits de l'Homme et à faciliter leurs visites ; particulièrement, appeler les autorités maliennes à mettre en œuvre les recommandations formulées par l'Expert indépendant des Nations unies, Monsieur Alioune Tine, sur la situation des droits de l'Homme au Mali dans son rapport de mars 2022 ;
- **Appeler** les autorités maliennes à accepter la mission d'établissement des faits au Mali, pour les cas de violations graves des droits humains commises depuis le coup d'État d'août 2020 et pour les autres cas de violations qui pourraient être commis dans ce contexte de transition politique.

Fait à Banjul, le 18 octobre 2022

Le Forum.

**CRES/005/10/22: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN THE
REPUBLIC OF MALI**

We, the participants in the Forum on the Participation of NGOs in the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights call on the African Commission to uphold these resolutions adopted at the NGOs Forum:

Recalling the mandate of the African Commission on Human and Peoples' Rights (ACHPR) to promote and protect rights under Article 45 of the African Charter on Human and Peoples' Rights (African Charter);

Recalling the obligations of the Republic of Mali under the African Charter, the African Charter on Democracy, Elections and Governance and other regional and international human rights instruments ratified by the Malian State;

Recalling the relevant provisions of the African Charter that guarantee the right to life (Article 4), liberty and security of the person (Article 6), the right to freedom of expression and access to information (Article 9), the right to freedom of association (Article 10), and the right to freedom of assembly (Article 11);

Recalling in particular Articles 2, 6 and 19 of the International Covenant on Civil and Political Rights (ICCPR), emphasizing respect for rights, including the freedom to hold opinions and express them freely by all persons, and prohibiting arbitrary arrest and detention and promoting the release of accused persons pending trial;

Recalling Articles 4, 5 and 7 of the Malian Constitution of 25 February 1992, which respectively guarantee the right to freedom of opinion and expression; freedom of association, assembly, procession and demonstration; and freedom of the press ;

Recalling further the previous resolutions of the ACHPR on the situation in Mali, **and in particular** its resolution No. 441 of 7 August 2020, adopted at its 66th ordinary session, expressing its concern at the repression of the demonstrations of June and July 2020 by the Malian security forces and deploring "*the violation of many rights guaranteed by the Charter, including the right to freedom of association and assembly, freedom of expression, as well as protection against arbitrary arrest and detention*" and requesting "*the competent authorities to grant him the necessary authorization (...) to carry out a fact-finding mission to Mali*";

Recalling also the press releases issued by the ACHPR on 26 May 2021, 18 August 2020, 14 July 2020, in particular urging "all parties to calm down and to guarantee a climate of respect for the human rights of the Malian population (...)" and "inviting the security forces to respect human life, physical integrity, freedom of assembly and demonstration, and the right to property as protected by the African Charter on Human and Peoples' Rights and other relevant instruments";

Deploring the repeated violations and threats of violations of the rights to freedom of opinion and freedom of expression, characterized by an increase in acts of intimidation and judicial harassment, arbitrary arrests and attempted arrests, and other forms of threat and pressure exerted on persons expressing opinions critical of the transitional authorities, particularly on social networks² ;

Deeply concerned by the restrictions on the right to information and freedom of the press, manifested in the increased control of the media by the transitional authorities, the progressive practice of self-censorship by journalists and the media in Mali, already threatened by Law No. 00-46/AN-RM of July 2000 limiting freedom of expression, and establishing a press regime and press offences;

2. In particular, the arrests and detentions following criticism of interim Prime Minister Choguel Kokalla Maïga of Issa Kaou Djim in October 2021; of Dr Oumar Mariko, Bakary Camara and Boubacar Soumaoro in December 2021; and of Dr Étienne Fakaba Sissoko in January 2022. Note on the human rights situation in the context of the conflict and transition in Mali addressed to the ACHPR on 24 August 2022, FIDH, AI and CBSA.

Denouncing the restrictions on civic space and public freedoms, in particular the rights to freedom of association and peaceful assembly, through the imposition of a system of prior authorization for the organization of marches and the arbitrary and discriminatory selection of movements authorized to protest;

The NGOs Forum call on the ACHPR to urgently adopt a resolution to:

- **Condemn** the violations of fundamental freedoms and urge the Malian authorities to put an immediate end to all acts likely to undermine respect for human rights and the rule of law;
- **Urge** the transitional authorities to continue the work begun, in conjunction with civil society organizations and the media, with a view to decriminalizing press offences, such as offences against public authority and property, and against individuals, punishable by prison sentences of between three months and one year and fines of between 50,000 and 600,000 CFA francs, in order to guarantee the Malian people's right to information;
- **Call on** the authorities to revise the law on cybercrime to bring it into line with international and regional human rights standards, particularly those relating to freedom of expression;
- **Invite the Malian authorities** to strengthen press freedom and the protection of journalists, by promoting the issuance of press cards to Malian journalists and accreditations to international journalists working in Mali, and by lifting the current suspension of the media;
- **Remind** the Malian authorities of their obligation to respect the rights of human rights defenders and to guarantee the conditions for a favorable environment for

their legitimate action to promote and defend their rights, and put an end to all forms of pressure on civil society in Mali;

- **Urge** the Malian authorities to put an end to the prosecution of all those who have been prosecuted for exercising their right to freedom of expression and to combat hate speech;
- **Facilitate** a human rights promotion mission to the Republic of Mali composed of the President of the Commission, the Rapporteur on the situation of human rights in Mali, and the relevant special rapporteurs with the aim of meeting with representatives of the national authorities, the political opposition and civil society to work towards the promotion and protection of human rights in the country
- **Call on** the Malian authorities to extend a standing invitation to the Special Rapporteurs of the ACHPR and the UN on human rights defenders and to facilitate their visits; in particular, call on the Malian authorities to implement the recommendations made by the UN Independent Expert, Mr. Alioune Tine, on the situation of human rights in Mali in his report of March 2022 ;
- **Urge** the Malian authorities to accept the proposed promotion mission to Mali, for the cases of serious human rights violations committed since the coup d'état of August 2020 and for other cases of violations that may be committed in this context of political transition.

Done at Banjul, October 18, 2022

**CRES/006/10/22: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN THE
REPUBLIC OF SOUTH SUDAN**

We, the participants in the Forum on the Participation of NGOs in the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights call on the African Commission to uphold these resolutions adopted at the NGOs Forum:

Recalling its mandate to promote and protect human and peoples' rights pursuant to the African Charter on Human and Peoples' Rights (the African Charter);

Cognizant of Article 23 of the African Charter, which provides for the right of all peoples to peace and security, of Articles 10 and 11 of the Protocol to the African Charter on the Rights of Women in Africa, which provide for the right to peace and protection of women in armed conflicts, and of the African Union (AU) Transitional Justice Policy (AUTJP) and the African Commission's Study on Transitional Justice and Human and Peoples' Rights (TJ Study), which contain the authoritative views of the AU on Transitional Justice Processes;

Recalling its previous resolutions on the Republic of South Sudan, including Resolution 428 (ACHPR/Res.428 (LXV) 2019), and its press release on human rights violations in the South Sudan conflict of 12 July 2018, as well as all relevant decisions and communiqués of the AU and the Intergovernmental Authority on Development (IGAD);

Further recalling that the Government of South Sudan bears the primary responsibility for the promotion and protection of human rights and has the responsibility to protect its population from genocide, war crimes, ethnic cleansing and crimes against humanity, as well as from human rights violations and violations of international humanitarian law, including those committed by its own forces;

Highlighting that while the transitional justice mechanisms envisioned by Chapter V of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-

ARCSS), namely the Commission for Truth, Reconciliation and Healing (CTRH), the Compensation and Reparation Authority (CRA), and the Hybrid Court for South Sudan (HCSS), have yet to be established, there is a need for continued monitoring of and reporting on human rights violations, investigations, and collection and preservation of evidence to combat the impunity perpetrators enjoy;

Noting that Chapter V of the R-ARCSS envisages that the Revitalized Transitional Government of National Unity (R-TGoNU) should cooperate with the African Commission for putting in place transitional justice institutions, notably the CTRH;

Highlighting the continued important role of the reconstituted Joint Monitoring and Evaluation Commission (R-JMEC) and of the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) in supporting the implementation of the R-ARCSS;

Further highlighting the importance of full accountability for all human rights violations and violations of international humanitarian law, including at the command responsibility level, and the need for truth, reconciliation, healing, reparations, guarantees of non-recurrence, and support to and protection of victims, survivors and witness before, during and after legal proceedings;

Bearing in mind the importance of transitional justice mechanisms as part of a holistic transitional justice approach, to combat impunity and ensure non-recurrence of violations;

Commending the role played by the AU, the IGAD and guarantors of the R-ARCSS in bringing parties together to advance its implementation, as well as the efforts made by other inter-governmental bodies to support the dialogue among the various stakeholders towards achieving peace, security and political stability in South Sudan;

Taking note with appreciation of the signature of the Rome Declaration on the peace process in South Sudan between signatories and non-signatories of the R-ARCSS, on 12 January 2020, the parties' recommitment to the Agreement on Cessation of Hostilities,

Protection of Civilians and Humanitarian Access of 21 December 2017, and the talks mediated by the Community of Sant'Egidio, while calling upon all parties to fully honor their commitments in this regard;

Recognizing the provision of technical assistance and capacity-building by the international community to South Sudan to date, as well as efforts by regional and international actors to support transitional justice, accountability, reconciliation and healing including through cooperation with the AU Commission and the African Commission, including its Country Rapporteur for South Sudan;

Noting with appreciation the ongoing cooperation of the Government of South Sudan with the AU, the IGAD, the Office of the United Nations High Commissioner for Human Rights (OHCHR), the Commission on Human Rights in South Sudan (CHRSS) established by the United Nations Human Rights Council, and the United Nations Mission in South Sudan (UNMISS), including its Human Rights Division;

Welcoming the formation, despite delays, of the R-TGoNU, the appointment of governors and deputy governors in all States, the reconstitution of the Transitional National Legislative Assembly, and steps taken towards the formation of unified armed forces pursuant to Chapter II of the R-ARCSS, including the recent graduation of a first batch of 20,000 members of the unified national army, police and other security forces;

Further welcoming the adoption of a national action plan on sexual and gender-based violence, action plans of the Sudan People's Liberation Army (In Opposition) and the South Sudan People's Defence Force to combat sexual and gender-based violence, the adoption of a comprehensive action plan to end and prevent all six grave violations against children, the establishment of a court to try cases of gender-based violence and of mobile military courts in Central Equatoria State, the establishment of a General Court Martial process in Yei, Central Equatoria State, convictions of officers for crimes committed against civilians, and the formation of investigation committees to address intercommunal violence in Upper Nile State, Abyei Administrative Area, Warrap State and Unity State;

Welcoming also the return to Kajo-Keji and Morobo Counties in Central Equatoria State of 90,000 internally displaced persons;

Taking note of the agreement by parties of the R-ARCSS, as announced on 4 August 2022, on a roadmap that extends the transitional period by 24 months, while stressing the need to use this 24-month extension to open the political space, adopt an election law, establish an inclusive electoral system, and advance the permanent constitution-making process;

Concerned about the slow pace of implementation of the R-ARCSS, in particular regarding the operationalization of Chapter V institutions, including lack of progress regarding the Hybrid Court and slow progress regarding the CTRH;

Stressing in this regard the need for the Ministry of Justice to ensure that the national consultations about the establishment of the CTRH are fully inclusive, in particular of refugees and internally displaced persons, before drafting relevant CTRH- and CRA-related legislation;

Encouraging efforts to address sexual and gender-based violence, including conflict-related sexual violence, and the widespread impunity in this regard;

Deploring the continuing human rights violations and abuses suffered by the people of South Sudan, as eight million remain dependent on aid and half the country's population, or six million, are food insecure, and deploring the deliberate targeting of and retaliatory attacks against civilians, particularly women and children, including sexual and conflict-related sexual violence, gang rape, acts of torture and other cruel, inhuman or degrading treatment, deliberate starvation, recruitment and use of child soldiers, abductions, enforced disappearances and extrajudicial executions;

Further deploring violations of economic, social and cultural rights, including the rights to food, education, and health;

Alarmed by obstacles to humanitarian aid, including undue delays, duties and taxes, as well as intimidation and harassment of and attacks against humanitarian workers, including killings, and extrajudicial executions of prisoners in Bentiu, Unity State, and deeply alarmed by pervasive localized conflicts and intercommunal violence, including in Tonj and other parts of Warrap State, Magwi, Nimule and Kapoeta, Eastern Equatoria State, Greater Upper Nile State, and parts of greater Jonglei and Unity State;

Deeply concerned by the shrinking of the civic and political space, exemplified by the arbitrary arrest and detention of protesters in Rumbek, Malakal, Bor and Juba, and prolonged arbitrary detention of suspected or actual members and supporters of civil society and opposition groups, such as the People's Coalition for Civil Action, and violations of their right to a fair trial and due process guarantees, as in the case of the former governor of Northern Bahr el Ghazal State, Kuel Aguer, who was charged with an attempt to overthrow a legitimate government after he expressed his support for the Coalition;

Deeply concerned also by restrictions to the work of human rights defenders, civil society organizations, journalists and the media, including through harassment, intimidation, surveillance, threats, attacks, and arbitrary arrests and detentions, and by undue restrictions to the freedoms of opinion and expression online and offline, peaceful assembly and association;

Stresses the vital role played by human rights defenders, including women human rights defenders, civil society organizations, journalists and media workers, women peacebuilders, in particular those working on human rights, women's and girls' rights, monitoring of ceasefire and security arrangements, transitional justice, democratic governance, constitution-making, and promoting an inclusive political environment and electoral process;

The NGOs Forum call on the ACHPR to:

1. **Condemn** all violations of human rights violations and international humanitarian law in South Sudan, including harassment and intimidation of, and attacks against, human rights defenders, members of civil society organizations, journalists and humanitarian workers, violations committed against civilians, including sexual and conflict-related sexual violence, and undue restrictions to the freedoms of opinion and expression online and offline, peaceful assembly and association;
2. **Condemn** the widespread impunity perpetrators of violations and abuses continue to enjoy, and urges authorities to take all necessary steps to hold those who have committed violations accountable in fair trials;
3. **Urge** the Revitalized Transitional Government of National Unity and other relevant stakeholders to accelerate implementation of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, including by operationalizing transitional justice institutions envisioned in Chapter V of the Revitalized Agreement, namely the Commission for Truth, Reconciliation and Healing, the Compensation and Reparation Authority, and the Hybrid Court for South Sudan;
4. **Urge** in this regard the Revitalized Transitional Government of National Unity to work with the African Union to immediately establish and operationalize the Hybrid Court without further delays, including by adopting the Statute of the Court and by signing the Memorandum of Understanding in this regard;
5. **Urge** the Government of South Sudan to allow and facilitate the full, safe and unhindered access of humanitarian and relief personnel to the millions of people, including internally displaced persons, in need of humanitarian aid;
6. **Request** the Country Rapporteur for South Sudan to engage with the AU Commission and the Government of South Sudan with proposals on the operationalisation of Chapter V of the R-ARCSS; and
7. **Urge** all external actors to continue to provide all the necessary support to South Sudan towards implementing processes of transitional justice, accountability, reconciliation and healing including through cooperation with the AUC and the African Commission.

Done in Banjul, The Gambia

**CRES/007/10/22: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN
SWAZILAND**

We, the participants in the Forum on the Participation of NGOs in the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights call on the African Commission to uphold these resolutions adopted at the NGOs Forum:

- A) Uphold the human rights and fundamental freedoms of the people of the country. This includes the rights to freedom of assembly and association; freedom of expression, access to information, internet social media.
- B) Urge the government of Swaziland to protect the rights of children and other vulnerable and minority groups.
- C) Create an enabling political climate for negotiation and dialogue; to immediately recall the army and security that are deployed throughout the country and in communities.
- D) Release all political prisoners including but not limited to the two members of parliament, Mbuduzi Bacede Mabuza and Mthandeni Dube;
- E) Allow all exiles to unconditionally return including but not limited to MP Mduduzi Simelane and withdrew all politically motivated charges;
- F) Urgently ensure a neutral venue for a properly mediated national political dialogue and work with the SADC structure to ensure a smooth transition to multiparty democratic dispensation; and
- G) Cease all states sponsored victimization, harassment and targeting of pro-democracy leaders and campaigners using the security forces and arbitrary application of the law

CRES/008/10/22: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN TANZANIA

We, the participants in the Forum on the Participation of NGOs in the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights have Condemn the various human rights violations committed in the country and the continued repressions of human rights defenders especially on-going incidents in Ngorongoro and Loliondo and to urge the government of Tanzania to:

- a) **Take** immediate measures to release the Maasai leaders and other HRDs charged with murder of the Police officer in Arusha as they have been held under detention for more than three months now without the investigation being completed.
- b) **Initiate** prompt, impartial, and effective investigations into the alleged human rights violations in Ngorongoro and Loliondo and ensure that the perpetrators are held accountable and subjected to appropriate sanctions.
- c) **Officially** invite the African Commission and UN Special Mandates to undertake a special mission to the United Republic of Tanzania specifically in relation to human rights violations in Ngorongoro/Loliondo.
- d) **Reinstate** the declaration under article 34(6) of the protocol on the African Court to allow citizens of Tanzania and human rights defenders direct access to the African court.
- e) **Amend** the laws curtailing freedom of assembly including the Constitutional provisions related to election and election laws and establish an independent electoral commission before the next general election. This establishment should take concerns of citizens, CSOs and other key stakeholders in the independent electoral management bodies.
- f) **Conduct** wider community consultation for the purpose of adopting human based approach on any government plan to protect dispute areas.

Done in Banjul, The Gambia

CRES/009/10/22: RESOLUTION ON THE SITUATION OF HUMAN RIGHTS IN UGANDA

We the Civil Society Organizations participating in the Forum of NGOs preceding the 73rd Session of the African Commission on Human and Peoples' Rights (ACHPR), held from 17-18 October 2022 in Banjul, The Gambia.

Concerned about the growing decline in the democratic and civic space in Uganda evidenced in newly adopted restrictive laws such as the Computer Misuse (Amendment) Act, 2022 which criminalizes online speech in violation of the right to freedom of expression guaranteed under Article 9 of the African Charter on Human and Peoples' Rights (the Charter), and the Anti-Money Laundering (Amendment) Act, 2022 and the Anti-terrorism (Amendment) Act, 2022, which have introduced tougher sanctions, including hefty financial penalties, against those found guilty of non-compliance.

Further concerned that the recent adoption of such laws that would severely affect the work of NGOs and further undermine their operating environment.

Gravely concerned about the persistent attacks and harassment of journalists and curtailment of digital freedoms that hamper the exercise of freedom of expression online.

Noting the lack of adequate legal protection for human rights defenders to promote and protect their fundamental rights and facilitate their advocacy work.

Commending the recent ruling of the High Court in Kampala restricting the powers of the Financial Intelligence Authority (FIA) to arbitrarily freeze bank accounts of non-governmental organizations on grounds of terrorism financing, while **remaining**

Concerned that Government continues to misapply anti-money laundering and anti-terrorism laws to overregulate and stifle civil society.

Welcoming the Commission's recent urgent call for the cessation of multiple rights violations against the Benet Mosopisyek Community in the Republic of Uganda issued on 4th October 2022.

Noting that the government has persisted with brutal attacks on the Benet indigenous community, including killings, torture, and rape of women perpetuated by Uganda wildlife Authority agents, without redress to the victims and in violation of the Charter.

Further concerned that the government adopted a Policy in 2019 to implement the Uganda Wildlife Act, without consultation with the mosopisyek of the Benet indigenous community.

Now hereby recommend that the African Commission on Human and Peoples' Rights call upon the Government of Uganda to:

- Urgently review the recently adopted revisions to laws including the Computer Misuse (Amendment) Act, 2022, Anti-Money Laundering (Amendment) Act , 2022 and the Anti-terrorism (Amendment) Act, 2022, as well as amend existing restrictive laws such as the NGO Act (2016) to ensure that the laws are in line with the African Charter and international human rights treaties.
- Comply with its human rights obligations to respect the rights of CSOs and in particular, enforce measures to protect CSOs from arbitrary and illegal barriers such as freezing of bank accounts that are aimed to curtail CSOs' access to funds.
- Desist from targeted attacks and intimidation of journalists, CSOs and HRDs and ensure their enjoyment of their fundamental rights online and offline; immediately investigate cases of harassment, prosecute alleged perpetrators and provide redress to victims of such targeted attacks.
- Legitimize and protect the work of human rights defenders in Uganda by expediting the adoption of the Human Rights Defenders Bill 2019.
- Immediately stop the eviction of mosopisyek of Benet in Mt. Elgon National Park done by Uganda wildlife Authority, provide restitution of their ancestral land of mosopisyek and report to the Commission on the measures that have been taken thus far.

- Review the 2019 policy under the Uganda Wildlife Act and to take steps to conduct adequate consultations with the mosopisyek of Benet indigenous on the gaps and needs to be addressed in the policy framework.
- Recognize Mosopisyek of Benet who are still stateless under the Constitution of Uganda in order to avoid marginalization and discrimination of these indigenous minorities.
- Strengthen the NHRI to effectively execute its constitutional mandate of protecting and promoting human rights and more specifically additional funding to handle the backlog of human rights complaints filed by victims of rights violations.

Done in Banjul, The Gambia