

# Resolution on Coup d'Etats, Military Transitions and Attendant Violations of Human and Peoples' Rights in Burkina Faso, Guinea, Mali and The Sudan - ACHPR/Res.548 (LXXIII) 2022

Dec 12, 2022

## **The African Commission on Human and Peoples' Rights (the Commission), meeting at its 73rd Ordinary Session, held in Banjul, The Gambia from 20 October to 9 November 2022:**

Recalling its mandate of under Article 45 of the African Charter on Human and Peoples' Rights (African Charter) to promote and protect the human and peoples' rights enshrined in the African Charter;

Cognizant of the right of citizens to 'participate freely in the conduct of the public affairs of their country, either directly or through freely chosen representatives' as enshrined under Article 13 of the African Charter and 'the right of all peoples to self-determination', guaranteed under Article 20 of the African Charter;

Recalling its Resolution ACHPR/Res. 515 (LXX) on Unconstitutional Changes of Government in Africa;

Recalling also the recognition in its Study on 'Addressing human rights issues in conflict situations in Africa' that unconstitutional changes of government impinge various rights guaranteed in the African Charter, including life, liberty and personal security, due process of the law, freedom of expression, freedom of association and assembly, the right to participation, the right to self-determination and the right to peace and security;

Recalling and Reaffirming the condemnation and rejection of unconstitutional changes of government under the Constitutive Act of the African Union and the requirements for 'respect for democratic principles, human rights, the rule of law and good governance' (Article 4(m));

Recalling also the provisions of Article 23 of the African Charter on Democracy, Elections and Governance, condemning unconstitutional changes of government, including putsches and Coups;

Bearing in mind Article 23 of the Constitutive Act of the AU and Article 7(1)(g) of the Protocol on the Establishment of the Peace and Security Council, which provide for the suspension of a country in which a government seized power through unconstitutional changes of government from participation in the activities of the AU;

Deeply concerned by the resurgence of military coups in Africa, with four countries having undergone military coups since 2021 and one country experiencing coups twice in 2022;

Deploring the human rights violations and crises these coups occasion, against the backdrop of security and socio-political crises and the direct and negative consequences on members of the public, including on account of disruption of services;

Concerned that the military coups in Burkina Faso, Mali and Sudan took place against the background of major insecurity and worsening socio-economic and humanitarian crises;

Taking note with appreciation of the measures adopted by the African Union Peace and Security Council and the ECOWAS Authority;

**Strongly Condemning** the violent repression of peaceful protests in Sudan, involving the undue use of force including live ammunitions, causing extra-judicial killings and injuries, and affirming the obligations of States to respect and protect the right to peaceful assembly;

**Concerned** about the human rights situation in Guinea, which has become recurrent, culminating in the dissolution of the country's leading opposition movement, the National Front for the Defence of the Constitution (Front national pour la défense de la Constitution, FNDC), in a manner which allegedly violates freedom of expression, association, peaceful assembly, and democratic participation;

**Further concerned** about the disruption by the military of the process of adopting laws to protect the media, by suspending the legislature and the Constitutional Court;

1) Declares that military coups represent retrogressive acts that are contrary to human and peoples' rights, and the principles of democracy and constitutional rule;

2) Reaffirms the rejection and condemnation of unconstitutional changes of government under Article 4 of the Constitutive Act;

3) Condemns the military seizure of power in Burkina Faso, Guinea, Sudan, and Mali;

4) Reminds the military authorities that States Parties remain bound by the rights and freedoms enshrined in the African Charter at all times and should accordingly guarantee the exercise by citizens of their rights and freedoms, including freedom of expression, freedom of association, freedom of assembly and access to social and public services including access to justice;

5) Strongly condemns:

(a) the continued repression of rights and limitation of fundamental freedoms in Sudan by the military since the coup of October 2021, and in particular the excessive use of force by the security services against peaceful demonstrators, which has resulted in at least 117 deaths and

more than 2,000 injuries to date; and

(b) the violation in Guinea of the freedom of expression, association and peaceful assembly, as well as the right to life and physical integrity; and the dissolution of the National Front for the Defence of the Constitution (Front National pour la Défense de la Constitution, FNDC) by the National Committee of Reconciliation and Development (Comité national du rassemblement et du développement, CNRD) – the military junta in power since 5 September 2021.

6) Urges that that transitional processes be conducted with full compliance with the requirements of the African Charter on Democracy, Elections and Governance, including the need for those involved in the transitional military leaderships not to participate in elections held at the end of the transitions for restoring constitutional order;

7) Reminds transitional military authorities that they shall be responsible for all violations occasioned due to the coup staged and while they are in de facto control of the reigns of power;

8) Calls for the investigation and prosecution of those responsible for serious human rights violations, including those committed in the context of the transition(s);

9) Calls for the release of all persons who were arbitrarily arrested, and for the guarantee of the right to demonstrate as a peaceful means of expression in a democracy; and

10) Calls for relevant constitutional reviews and reforms in affected States that take into consideration, amongst others: separation of powers and checks and balances between the different branches of government; strong guarantees for judicial independence, freedom of the press and freedom; independent constitutional bodies including human rights commissions; guarantees of financial transparency and equitable distribution of opportunities and resources as well as services; and security sector reforms.

**Done in Banjul, The Gambia, 09 November 2022**