

ACHPR/Res.74(XXXVII)05: RESOLUTION ON THE SITUATION IN DARFUR,SUDAN

The African Commission on Human and Peoples' Rights meeting at its 37th Ordinary Session held from the 27th of April to the 11th of May 2005 in Banjul, The Gambia;

Considering the Human Rights situation in Africa generally and, *inter alia*, the situation of human rights in the Darfur Region of The Sudan;

Recalling the Resolution **ACHPR/Res. 68 - (XXXV) 04** adopted on 4 June 2004 by the African Commission on Human and Peoples' Rights during the 35th Session on the situation in the Darfur Region of The Sudan, and **Resolution E/CN/4/2005/L.36/Rev. 3** adopted by the UN Commission on Human Rights on the 21 April 2005 on the situation of human rights in The Sudan;

Considering the provisions of the Constitutive Act of the African Union, the African Charter on Human and Peoples' Rights, the Charter of the United Nations and other regional and international human rights and international humanitarian law instruments to which the Republic of The Sudan is a party;

Recalling numerous decisions of the Assembly of Heads of State and Government of the African Union, the Peace and Security Council of the African Union on the Darfur, in particular **Decisions AU/Dec.54 (III), AU/Dec. 68 (IV), and PSC/PR/Comm. (XIII) and PSC/PR/Comm. (XVII);**

Commending the International Commission of Inquiry on Darfur for its investigation into the human rights situation in the Darfur and its recommendations regarding the violations of human rights and international humanitarian law in the Darfur contained in its report of January 25, 2005;

Welcoming the United Nations Security Council Resolutions **1556/2004, 1590/2005, 1591/2005 and 1593/2005** of March 2005 on the situation in The Sudan and Darfur;

Deeply concerned that in spite of the presence of African Union monitors and international humanitarian agencies in the Darfur Region, violations of human rights and international humanitarian law continue to occur;

NOW THEREFORE:

- i. **CALLS ON** the Government of The Sudan to comply with its obligation under the Constitutive Act of the African Union, the United Nations Charter and the African Charter on Human and Peoples' Rights, and other relevant instruments to which Sudan is a State party;

- ii. **CALLS ON** the parties to the conflict in the Darfur to observe the terms of the Ceasefire Agreements concluded in Ndjamena, Tchad, and to resume negotiations in Abuja, Nigeria, under the auspices of the current Chairman of the African Union, President Olusegun Obasanjo of the Federal Republic of Nigeria, with a view to finalize a permanent ceasefire and a Comprehensive Peace Agreement on the conflict in the Darfur;

- iii. **CALLS ON** all parties to the conflict to cease with immediate effect, all attacks against civilians in the Darfur, and particularly calls on the government of The Sudan and the Janjaweed militia to stop their campaign of forced depopulation of entire areas of the region through their indiscriminate attacks of villages, rape and sexual violence against women, girls and children, abduction of women and children, looting of livestock and foodstuff from villages in the Darfur Region;

- iv. **URGES** the Government of The Sudan to continue its cooperation with all international agencies and humanitarian organizations and to ensure their full, safe and unhindered access to the conflict affected areas of Darfur in order to facilitate delivery of humanitarian assistance and protection to the civilian population;

- v. **CALLS ON** the Government of The Sudan to cooperate fully with the Prosecutor of the International Criminal Court (ICC) in his investigation under the terms of the United Nations Security Council referral of the Darfur situation to the ICC, in order to investigate and bring to justice all persons suspected of perpetrating crimes of concern to the international community;

- vi. **CALLS ON** the United Nations Security Council to continue monitoring the implementation of its resolutions on the Darfur, in particular the cooperation by the Government of The Sudan with the Prosecutor of the ICC;

- vii. **URGES** the Government of The Sudan to submit to the African Commission its overdue comments on the recommendations made in the Report of the African Commission's Fact-Finding Mission undertaken in July 2004 to Darfur;

- viii. **CALLS ON** the international community to respond adequately to appeals and requests by the African Union for logistical, financial and material assistance in support of its peacekeeping and Ceasefire monitoring mission in the Darfur Region.

