

ACHPR/Res.91(XXXVIII)05: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN ERITREA

The African Commission on Human and Peoples' Rights meeting at its 38th Ordinary Session held in Banjul, The Gambia, from 21 November to 5 December 2005;

Considering that the State of Eritrea is a State Party to the *African Charter on Human and Peoples' Rights*;

Recalling that freedom of opinion and expression as well as the right to assembly are fundamental rights enshrined in international instruments ratified by Eritrea, and notably Articles 9 and 11 of the *African Charter on Human and Peoples' Rights*;

Recalling Article 7 of the *African Charter on Human and Peoples' Rights* which ensures the right to a fair trial and the *Guidelines and Principles on the Right to a Fair Trial and to Judicial Assistance in Africa* developed by the African Commission on Human and Peoples' Rights;

Considering Article 1 of the *African Charter on Human and Peoples' Rights* which stipulates that “the State Parties recognise the rights, duties, and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them”;

Considering the provisions of the *Constitutive Act of the African Union*, the *United Nations Charter*, as well as the *African Charter on Human and Peoples' Rights* and other international human rights instruments to which Eritrea is a party and, consequently, that the State is legally bound to fully and effectively implement these same instruments without any discrimination whatsoever;

Deeply concerned about the arbitrary arrests and continued detention without trial for many years of several former cabinet ministers and government officials, members of opposition groups, journalists and media practitioners in violation of the provisions of the *African Charter on Human and Peoples' Rights*;

Recalling the decision of the African Commission, under Communication no. 250/2002, and the call addressed to the Government to comply with the recommendation of the former for the release of the detainees;

1. **Condemns** the continued detention of the former cabinet ministers, government officials, members of Parliament, journalists, media practitioners and others for many years;
2. **Calls** on the Government of Eritrea to fulfil its obligations in line with the *Constitutive Act of the African Union*, the *African Charter on Human and Peoples' Rights* and other pertinent instruments to which Eritrea is a party;

3. **Calls** on the Government of Eritrea to guarantee, at all times, the right to a fair trial, freedom of opinion and expression as well as the right to peaceful assembly;
4. **Calls** on the Government of Eritrea to immediately free the former cabinet ministers, government officials, members of Parliament, journalists, media practitioners and other individuals who have been arrested and detained without trial for many years;

Calls on the Eritrean Government to comply with the international instruments ratified by Eritrea, most notably the *African Charter on Human and Peoples Rights* (ACHPR), the *International Covenant on Civil and Political Rights* (ICCPR) and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) and to cooperate with the African Commission on Human and Peoples' Rights.