

**ACHPR/Res.130(EXT.OS/IV)08: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN KENYA**

*The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 4<sup>th</sup> Extra-ordinary Session in Banjul, The Gambia, from 17<sup>th</sup> to 23<sup>rd</sup> February 2008:*

**Pursuant** to its mandate under Articles 30 and 45 of the African Charter on Human and Peoples' Rights (the African Charter), to promote and protect human and peoples' rights in Africa;

**Taking into account** Article 46 of the African Charter which allows the Commission to use any appropriate method of investigation in the execution of its mandate;

**Considering** that the Republic of Kenya is a party to the African Charter, and has thereunder committed itself to the promotion and protection of human and peoples' rights;

**Considering further** that, at the 41<sup>st</sup> Ordinary Session of the African Commission, held in Accra, Ghana from 16 to 30 May 2007, the Republic of Kenya submitted its Periodic Report in accordance with Article 62 of the African Charter in which it indicated the legislative and other measures taken to give effect to the African Charter in Kenya;

**Recalling** the Concluding Observations adopted by the African Commission pursuant to the examination of the said Periodic Report of Kenya;

**Deeply concerned** by the violence that followed the December 2007 Presidential and Legislative Elections in Kenya, and the deteriorating human rights situation resulting therefrom;

**Welcoming** the cessation of violence and the ongoing dialogue between the Government and the Orange Democratic Movement (ODM) facilitated by the African Union (AU) Envoy, the former United Nations Secretary General, H.E.Koffi Annan;

**The African Commission:**

1. **Condemns** the violations of human rights that have been perpetrated in the wake of the 27 December 2007 Presidential and Legislative Elections in Kenya;
2. **Expresses** its support to the mediation process facilitated by H.E.Koffi Annan and his team;
3. **Calls** on the parties in the on-going dialogue to put the interest of the country above any other interest;

4. **Calls upon** the people of Kenya to exercise patience and give dialogue a chance;
5. **Decides** to send a Fact-Finding Mission to the Republic of Kenya, to among other things, investigate allegations of violations of human and peoples' rights that have occurred following the December 2007 elections;
6. **Urges** all stakeholders including the Government and the ODM, to cooperate with and extend all assistance to the Fact-finding Mission, to enable it to effectively undertake its work.