

**ACHPR/Res.145 (EXT.VII) 09: RESOLUTION ON THE
DETERIORATING HUMAN RIGHTS SITUATION IN THE
REPUBLIC OF THE GAMBIA**

The African Commission on Human and Peoples' Rights (African Commission), meeting at its 7th Extraordinary Session in Dakar, Senegal, from 5 to 11 October 2009;

Conscious that the African Charter on Human and Peoples' Rights guarantees the basic rights and freedoms enshrined therein, and confers the African Commission with the mandate to monitor, promote and protect human and peoples' rights on the continent;

Recalling its Resolution, No. ACHPR/Res.13 (XVI)1994 adopted at its 16th Ordinary Session held in Banjul, The Gambia, from 25 October to 3 November 1994; Resolution No. ACHPR/Res. 17(VII)1995 adopted at its 17th Ordinary Session held in Lome, Togo, from 13 to 22 March 1995, and Resolution No. ACHPR/Res. 134(XXXIV)2008 adopted at its 44th Ordinary Session held in Abuja, Nigeria, from 10 to 24 November 2008; all of which relate to the human rights situation in the Republic of The Gambia;

Considering that the African Commission has on several occasions brought to the attention of the Government of the Republic of The Gambia, concerns on human rights violations in The Gambia, in particular the right to life and the right to freedom of expression. These concerns relate to the alleged murder, unlawful arrest and detention, harassment, intimidation, prosecutions and disappearances of journalists and human rights defenders deemed to be critical of the Government;

Deeply concerned by allegations that on 21 September 2009, H.E. President Sheikh Professor Alhaji Dr. Yahya A.J.J. Jammeh allegedly stated in a national television broadcast that he would kill anyone, especially human rights defenders and their supporters, whom he considered to be sabotaging or destabilizing his Government;

Considering that the alleged threats undermine the safety and security of members and staff of the African Commission, and human rights defenders who participate in the activities of the African Commission, including in the 46th Ordinary Session scheduled to take place from 11 to 25 November 2009 in Banjul, The Gambia, whose Agenda will address the human rights situation in Africa;

Convinced that the alleged statement calls into question the commitment of the Republic of The Gambia to the fundamental principles and objectives of the Constitutive Act of the African Union, the African Charter and other regional and international human rights instruments;

Recalling that the Headquarters Agreement between the African Union and the Republic of The Gambia on the establishment of the Headquarters of the

African Commission on Human and Peoples' Rights in The Gambia guarantees the inviolability of the members and staff of the African Commission and participants in the activities organized by the African Commission:

- i. **CALLS** on the African Union to intervene with immediate effect to ensure that H.E. President Sheikh Professor Alhaji Dr. Yahya A.J.J. Jammeh withdraws the threats made in his statement;
- ii. **FURTHER CALLS** on the African Union to ensure that the Republic of The Gambia guarantees the safety and security of the members and staff of the African Commission, human rights defenders, including journalists in The Gambia, and all participants in the activities of the African Commission taking place in The Gambia;
- iii. **REQUESTS** the African Union to authorize and provide extra-budgetary resources to the African Commission to ensure that the 46th Ordinary Session is convened and held in Addis Ababa, Ethiopia, or any other Member State of the African Union, in the event that His Excellency the President of The Republic of The Gambia does not withdraw his threats and the Government cannot guarantee the safety and security of the members and staff of the African Commission and the participants of the 46th Ordinary Session;
- iv. **REQUESTS** the African Union to consider relocating the Secretariat of the African Commission in the event that the human rights situation in the Republic of The Gambia does not improve;
- v. **URGES** the Government of the Republic of The Gambia to implement the recommendations of its previous Resolutions, in particular, Resolution No. ACHPR/Res. 134(XXXXIV)2008, adopted during the 44th Ordinary Session held in Abuja, Nigeria, from 10 to 24 November 2008, and to investigate the disappearance and/or killing of prominent journalists Deyda Hydara and Ebrima Chief Manneh.