

ACHPR/Res.162(EXT.OSVIII)10 :RESOLUTION ON THE POLITICAL SITUATION IN NIGER

The African Commission on Human and Peoples' Rights, meeting at its 8th Extra-Ordinary Session held in Banjul, The Gambia, from 22 February to 3 March 2010

Recalling its mandate under the African Charter on Human and Peoples' Rights (African Charter) to promote and protect human and peoples' rights in Africa, and the other relevant legal instruments such as the African Charter on Democracy, Elections and Governance (African Charter on Democracy);

Recalling its Resolution (ACHPR/Res.14 (XVI) 94) on the Situation of Human Rights in Africa adopted at its 16th Ordinary Session held from 25 October to 3 November, 1994 in Banjul, The Gambia, which condemned the planning or execution of coup d'états and any attempt to seize power by undemocratic means, as well its Resolution on Military Regimes in Africa, adopted during the same Session;

Reaffirming its commitment to the development of democracy in Africa, and recognizing that the principles of good governance, transparency and human rights are critical elements that contribute to the prevention of conflict, and build representative governments;

Recalling the ouster of the President of Niger, Mamadou Tandja, through a bloody coup d'état by the country's military junta on 18 February 2010 ;

Aware that coups d'état are, in essence, human rights violations, characterized by denial of civil and political rights as well as economic stagnation in the countries;

Considering that the State of Niger is a State Party to the African Charter;

Recalling that the enjoyment of rights and freedoms are fundamental human rights enshrined in international instruments ratified by Niger, and notably Article 2 of the African Charter;

Recalling the provisions of Article 4(p) of the Constitutive Act of the AU which condemns and rejects unconstitutional change of government;

Considering Article 13(1) of the African Charter which stipulates that "every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law";

Recalling Articles 2(4) and 25(5) of the African Charter on Democracy adopted by the Assembly of Heads of State and Governments of the AU during its 8th Summit meeting in Addis Ababa, Ethiopia from 29 to 30 January 2007;

Commends the Communiqué of the Chairperson of the AU Commission, Honourable Jean Ping on 19 February 2010 in Addis Ababa condemning the coups in Niger, and the sanctions imposed on the Republic of Niger by the Peace and Security Council of the AU;

Noting that 2010 was declared the Year of Peace and Security in Africa during the 14th Ordinary Session of the Assembly on 3 February 2010 in Addis Ababa, Ethiopia;

Condemns the military coup d'état in Niger which is a serious violation of the provisions of the Charter and other subsequent legal instruments;

Calls on the Military Junta in Niger to:

1. comply with the international and regional human rights instruments ratified by the country;
2. re-establish the Constitution of 9 August 1999 and respect the fundamental rights and freedoms contained therein;
3. ensure a peaceful transition to the country's current political and institutional crisis;

Urges all the political stakeholders to take all necessary measures to immediately reinstate state institutions and a civilian rule based on the principles of democracy and human rights through the organization of free, fair and transparent elections;

Urges all the African communities to take all necessary measures to bring to justice the perpetrators of human rights violations in Niger.