

**ACHPR/Res.235 (LIII) 2013: RESOLUTION ON TRANSITIONAL JUSTICE IN AFRICA**

*The African Commission on Human and Peoples' Rights (the Commission), meeting at its 53<sup>rd</sup> Ordinary Session held from 9 to 23 April 2013 in Banjul, The Gambia;*

**Recalling** its mandate to promote and protect fundamental human rights;

**Deeply concerned** by the scourge of armed conflicts and political crises in Africa, accompanied by serious and massive human rights violations, which are often characterised by impunity;

**Considering** that the various African legal instruments contain several norms and standards relating to transitional justice in Africa, including the Constitutive Act of the African Union, the African Charter on Human and Peoples' Rights and the African Charter on Democracy, Elections and Governance;

**Considering** new developments in Africa such as the development of a Transitional Justice Policy Framework by the African Union and the possibility of extending the mandate of the African Court on Human and Peoples' Rights to include international crimes;

**Stressing** the need to include human rights violations as part of a comprehensive effort to combat impunity and achieve lasting peace, the rule of law and governance;

**Stressing** the role played by transitional justice mechanisms in combating impunity and promoting reconciliation in countries emerging from political crises and violent armed conflicts, as well as the specific context of each post-conflict situation on the continent;

**Convinced** that the undertaking of a study on transitional justice in Africa will contribute to identifying the Commission's capacity and challenges in supporting transitional justice processes and mechanisms in Africa;

**Decides** to task Commissioner Pacifique Manirakiza with preparing a study on transitional justice in Africa, with the objective of:

- Identifying the various existing transitional justice mechanisms in Africa;
- Identifying the transitional justice legislative framework in Africa, in accordance with the Commission's mandate to promote and protect human rights in Africa;
- Determining the Commission's role in implementing the AU Transitional Justice Policy Framework;

- Analysing the opportunities and challenges of the Commission in encouraging and supporting transitional justice processes and mechanisms in Africa; and
- Analysing the possibility for the establishment by the Commission of a special mechanism on transitional justice in Africa;

The Commissioner responsible may request any form of assistance, including technical and logistical support, in order to complete the study within the required timeline.

***Decides*** that a report on the study should be presented to the Commission for consideration in May 2014.

**Banjul, The Gambia, 23 April 2013**