

ACHPR/Res. 344(LVIII) 2016: Resolution on the fight against impunity in Africa

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 58th Ordinary Session held from 6 to 20 April 2016 in Banjul, Islamic Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

Recalling Article 3(f) and (h) of the Constitutive Act of the African Union (AU) which states that the objectives of the AU shall be to promote peace, security, and stability on the continent, as well as human and peoples' rights in accordance with the African Charter and other relevant human rights instruments, and Article 4 (o) relating to the condemnation and rejection of impunity;

Recalling the provisions of the African Charter in particular Articles 4 and 5 guaranteeing the rights to life, integrity and dignity of all human beings;

Recalling the obligation of African countries to combat impunity for all human rights violations in accordance with international and regional instruments and national legislative frameworks, to hold perpetrators of these crimes accountable;

Considering the resolutions of the Commission including Resolution ACHPR/Res.87(XXXVIII) 05 calling for an end to impunity in Africa and the domestication and implementation of the Rome Statute of the International Criminal Court

Welcoming the adoption of the Protocol on Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights granting the court criminal jurisdiction over international crimes affecting Africa;

Deeply concerned by the serious human rights violations committed in different parts of Africa, including sexual and gender-based violence, that may amount to genocide, crimes against humanity and war crimes, and other serious violations of international human rights law and international humanitarian law;

Concerned about the impunity that the perpetrators of these crimes continue to enjoy;

Conscious of the suffering of thousands of Africans who are victims of violations of international human rights law and international humanitarian law who continue to seek truth, justice and reparation;

The Commission urges States Parties to the African Charter to:

- i. Ratify the Protocol on the Amendments to the Protocol on the Statute of the African Court of Justice and Human Rights;
- ii. Comply with their obligations to investigate serious human rights violations, and hold perpetrators accountable in accordance with applicable regional and international human rights standards;
- iii. Take the necessary legislative and other measures to put an end to impunity and ensure that all the perpetrators of serious human rights violations are prosecuted;
- iv. Adopt the necessary laws, policies and mechanisms to guarantee the rights to justice, truth and reparation for victims of serious human rights violations and international crimes.

Done in Banjul, Islamic Republic of The Gambia, on 20 April 2016