

ACHPR/Res.13(XVI)94: RESOLUTION ON THE GAMBIA

The African Commission on Human and Peoples' Rights meeting at its 16th Ordinary Session held from 25 October to 3 November, 1994 in Banjul, The Gambia;

Recalling the military take-over of the reins of government of the Gambia on the 22nd July 1994 which brought an end to an elected government and threatened the respect for human rights and the rule of law in that country.

Reaffirming the fundamental principle that all governments should be based on the consent of the people freely expressed by the and through their chosen representatives and that a military government is a clear violation of this fundamental principle of democracy,

Drawing attention to the provisions of article 13 of the Charter which provides, *inter alia*, that "Every citizen shall have the right to freely participate in the government of his country, either directly or through chosen representatives in accordance with the provisions of the law",

Convinced that the introduction of military rule is a clear setback to the cause of democracy and democratic development in The Gambia and Africa generally:

1. REITERATES that the military coup in The Gambia is a flagrant and grave violation of the right of the Gambian people to freely choose their government;
2. REQUESTS the Armed Forces Provisional Ruling Council to transfer power to freely elected representatives of the people;
3. CALLS UPON the military authorities to ensure that:
 - (i) the Bill of Rights contained in the Gambian Constitution remains supreme over all other legislation emanating from the Ruling Council;
 - (ii) the dependence of the judiciary is respected;
 - (iii) during the transition period, the rule of law, as well as the recognised international standards of fair trial and treatment of persons in custody are observed;
 - (iv) all detainees should either be charged with the commission of offences or released forthwith and that meanwhile the rights of detainees to have access to their lawyers and members of their families are scrupulously respected.

ACHPR/Res.17(XVII)95: RESOLUTION ON THE GAMBIA

The African Commission on Human and Peoples' Rights meeting at its 17th Ordinary Session held from 13 to 22 March 1995, Lomé, Togo;

Recalling the condemnation of the 22 July 1994 *coup d'Etat* in The Gambia by the African Commission on Human and Peoples' Rights and the international community and the consequence of the military *coup d'Etat* on the principles of democracy and the rule of law,

Taking note of the continued presence of the military in power in The Gambia, despite calls for an immediate handing over to a civilian government, as expressed in the resolution on The Gambia by the ACHPR during its 16th Ordinary Session held in Banjul in October 1994,

Taking note with great concern that there are allegations of serious violations of Human Rights in the period of military rule:

1. NOTES the reduction of the timetable of transition to civilian rule by the Armed Forces Provisional Ruling Council from 4 to 2 years and therefore recommends strongly that the international Donor Communities lift the economic sanctions imposed on The Gambia;
 2. INSISTS on the need for an independent judiciary and due process of law in The Gambia under all circumstances;
 3. RENEWS its demands on the AFPRC to accelerate the process of transition to constitutional rule and to abolish all decrees that infringe the freedom of The Gambia people individually and collectively, including the freedom of expression, the press, and the right of association and assembly.
 4. CALLS UPON the AFPRC to set up an independent commission of inquiry to investigate all allegations of violation of human rights.
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ACHPR/Res.134 (XXXXIII) 08: RESOLUTION ON THE HUMAN RIGHTS SITUATION IN THE REPUBLIC OF THE GAMBIA

The African Commission on Human and Peoples' Rights, meeting at its 44th Ordinary Session held in Abuja, Federal Republic of Nigeria, from the 10 – 24 November 2008;

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

Considering the provisions of the Constitutive Act of the African Union, the African Charter, as well as the provisions of other regional and international human rights instruments to which The Gambia is a State Party;

Strongly Condemning the attempted Coup d' etat of March 2006 in The Gambia and calling on all Africans to respect the provisions of the Constitutive Act of the African Union which in Article 4 (p) states as one of its principles, "condemnation and rejection of unconstitutional changes of government";

Deeply concerned by the **deterioration of the human rights situation** in the country owing to routine allegations of unlawful arrests and detentions, torture in detention, unfair trials, extrajudicial executions and enforced disappearances by State Security Forces, which target human rights defenders, journalists, and all persons suspected of involvement in the attempted coup to overthrow the Government of The Gambia

Recalling that since the March 2006 attempted Coup d' etat in The Gambia, there has been a severe deterioration in the **enjoyment of the right to freedom of expression** particularly **involving** attacks on the independent media which has led to several journalists **being arrested** or fleeing the country, thereby, violating the right of the people of The Gambia to freedom of expression and access to information;

The African Commission hereby:

Condemns the continued human rights violations in the Republic of The Gambia and requests for the immediate and unconditional release of Chief Ebrima Manneh and Kanyie Kanyiba and all prisoners of conscience;

Calls on the Republic of The Gambia to immediately and fully comply with the 5th June 2008 judgement of the ECOWAS Community Court of Justice in respect of **the release of Chief Ebrima Manneh** from unlawful detention and pay the **damages** awarded by the Court.

Further Calls on the Government of the Republic of The Gambia to investigate all

allegations of acts of torture in detention and extrajudicial executions.

Urges the Government of the Republic of The Gambia to provide organizations, families and friends of persons in detention, access to the detainees to enable an assessment of their health and living conditions;

Calls on the Government of the Republic of The Gambia to **bring to an immediate end** the harassment and intimidation of independent media institutions and respect the rights of journalists and other human rights defenders;

Urges the Government of the Republic of The Gambia to fully comply with its obligations under the African Charter with regard to the right to liberty, freedom from torture, right to fair trial, freedom of expression and of association and to take all necessary measures to ensure its accountability for reported cases of human rights violations in the country;

Further Calls on the Government of the Republic of The Gambia to immediately implement this Resolution.

Done in Abuja, Federal Republic of Nigeria the 24th November 2008.