



**Fédération internationale des ligues des droits de l'Homme**

ORGANISATION INTERNATIONALE NON GOUVERNEMENTALE AYANT STATUT CONSULTATIF AUPRES DES NATIONS UNIES, DE L'UNESCO,  
DU CONSEIL DE L'EUROPE ET D'OBSERVATEUR AUPRES DE LA COMMISSION AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

International Federation  
for Human Rights

Federación Internacional  
de los Derechos Humanos

الغدرالية الدولية لحقوق الإنسان

**44th Ordinary Session of the  
African Commission on Human and Peoples' Rights**

**FIDH Intervention  
on the  
Human Rights Situation in Africa**

"Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of humanity and that the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of man "

Preamble to the Universal Declaration of Human Rights, 1948

**Madam Chairperson,  
Ladies and gentlemen Commissioners,**

The International Federation for Human Rights (FIDH) wishes to take the occasion of the 60th anniversary of the Universal Declaration of Human Rights, to pay tribute to all individuals who daily fight for the promotion and protection of human rights all over the five continents. 60 years after its adoption, the UDHR is very modern and still constitute an ideal while considering the numerous conflicts and serious human rights violations around the world.

In that regard, the human rights situation in **Somalia** is of great concern. Serious clashes persist and even intensify between troops of the Transitional Federal Government (TFG) backed by the Ethiopian army and insurgents of the Union of Islamic Courts. Here are

some figures showing the horror experienced by civilian populations: On September 19, fightings between the belligerents have killed at least 17 civilians and wounded 48 others; In September, nearly 100 000 Somali were forced to flee the combat zones in addition to the already 1.2 million internally displaced persons; 26 humanitarian workers have been killed since the beginning of the year; kidnappings are more and more numerous :16 humanitarian workers are currently detained; ; and 2 journalists were murdered in 2008.

In February 2008, the ACHPR at its 4th extraordinary session held in Banjul (Gambia) had decided in its resolution on the situation in Somalia to send a fact-finding mission to investigate on the serious human rights violations committed in the country. The FIDH would like to know whether this mission has been completed and, if so, what are its conclusions and recommendations.

**> The ACHPR should give a specific mandate and appropriate means to the Commissioner in charge of Somalia to enable him to report at each session on the situation of human rights in Somalia and support the efforts of the African Union, and the international community as a whole, for a peace settlement of the conflict.**



Since August 2008, a conflict is once again raging in the Eastern part of the **Democratic Republic of the Congo**. In North Kivu, fightings resumed between the Armed Forces of DRC (FARDC) and the National Congress for the Defense of the People (CNDP) headed by the rebel leader Laurent Nkunda. Violations of the international humanitarian law are committed by the various parties to the conflict against the civilian population such as : killings, kidnappings, looting of villages, forced recruitment and use of child soldiers, rape and other forms of sexual violence

against women and girls, torture, violations of fundamental liberties, restrictions on the distribution of humanitarian aid. There would be more than one million displaced by war in this region. The cease-fire declared by Nkunda, whose men are stationed a few miles from the town of Goma, remains extremely precarious.

Moreover, the population located in the Eastern Province particularly in the territory of Dungu, is facing attacks by fighters of the Lord Resistance Army (LRA). In late September - early October, tens of civilians were killed by the Ugandan rebels, many homes were burned and villages looted.

The ACHPR, which will consider at this session the report of the DRC, must firmly react and take a strong position on this situation.

**> The ACHPR must demand the effective implementation of the cease-fire and call on all parties to end all humanitarian and human rights violations and to respect the peace agreement signed on 25 January 2008 in Goma . The ACHPR must ask the governments of the region to cease all support to the rebel groups. Finally the ACHPR must call on the Congolese authorities to do everything possible to restore the authority of the state in the eastern province, but also support the efforts of the International Criminal Court for the arrest and transfer to The Hague of LRA individuals under ICC warrant of arrest, including its leader Joseph Kony.**

## **The fight against impunity - a universal right**

**Madam Chairperson,**

The impunity of the most serious crimes is not only a cause of the recurrence of serious violations of human rights and international humanitarian law but also a reason of the absence of long-lasting peace process in many conflict situations like in Darfur, CAR or DRC. As far as CAR and DRC are concerned, , the several amnesty laws that followed the peace agreements did not put an end to the conflicts. The criminals of the past are still criminals today.



However, nowadays, many political leaders tend to oppose peace and justice and stigmatise what they call justice of the North, which according to them disrupts peace efforts and interferes in internal judicial affairs of the South. Surfing on the current cases against Jean-Pierre Bemba, El Beshir, Charles Taylor or Hissein Habre, the same leaders criticize international justice as being a justice of the Whites, reproducing neo-colonialists patterns. A justice that considers that the national courts are not sufficiently mature to judge their own nationals and therefore requests the right to do so . Even worse, those who are promoting in some African countries for the right to justice for victims , are now stigmatized as being instrumentalised by Northern countries.

Could we really consider the Human Rights Defenders from Mauritania, CAR, DRC, or the Republic of Congo as manipulated by Northern States because they are fighting, sometimes with great risks, for the right to justice for victims while national jurisdictions were not willing or unable to do so and when the criminals benefit from amnesty laws? Peace should come before justice, some of them respond. But what kind of peace are we talking about in CAR, DRC or Sudan after many years of deadly conflicts with impunity of the perpetrators of the most serious crimes. We shall remind that the victims of these conflicts are Africans and they are the one we should listen to - while States do not, when they desperately call for justice.

**Madam Chairperson, Ladies and Gentlemen Commissioners,**

The thousands of women and men gathered in the FIDH fight tirelessly against the impunity of the crimes committed on our continent. But be sure that they also require national courts of the North to pursue the perpetrators of the crimes committed in their countries or by some of their nationals abroad. They act so that the North stop protecting their nationals from prosecution for atrocities committed in various continents including Africa. That is what many human rights organizations such as FIDH are working on. Thus, Donald Rumsfeld, the former U.S. secretary of state, accused by FIDH of crimes of torture, escaped from justice while travelling in France in 2007, by hiding in the US Embassy before leaving in catimini the country. Other cases have been filed to seek justice for the victims of the crimes committed by Westerners in Afghanistan, Iraq and Guantanamo, so that Northern jurisdictions could face their responsibility as they are requesting the Southern ones to do so. We will continue to mobilize in order such procedures to evolve, in the name of the victims deprived of justice, but also in the name of the universality of human rights, and therefore of international justice.

## **Major political crisis**

In addition to the requirement of the end of conflicts and the fight against impunity for perpetrators of the most serious crimes, it is not possible to assess the general situation of human rights in Africa in the last six months without denouncing the serious violations of democratic principles that have marred our continent.



Me Sidiki Kaba, FIDH's Honorary President and president Sidi Ould Cheikh Abdallahi's daughter  
FIDH mission in Nouakchott / August 2008

**Mauritania**, the first country which has ratified the African Charter on Democracy, Elections and Governance, is also the first one to have violated its provisions! The ACHPR must firmly condemn the coup in Mauritania perpetrated by the General Ould Abdel Aziz's junta, demand the immediate return to constitutional order and the immediate release of political prisoners arbitrarily detained. The ACHPR must suspend Mauritania as a member of the African Commission on Human and Peoples' Rights in the absence of positive response on these two points before the end of 2008.

In **Ivory Coast**, the presidential election scheduled for 30 November 2008 is again postponed. If this delay seems to be justified by the serious gaps and shortcomings of the electoral process underway, more serious concerns prevented such election from being held: a country still divided into two separate administrations and a climate of great insecurity; the failure to reunify the army and demilitarization at a standstill.



In **Chad** the National Commission of Inquiry on the events after the coup attempt in February 2008 issued a report which highlights the responsibility of the Chadian National Army (ANT) for the enforced disappearance of Mr Ibni Oumar Mahamat Saleh as well as for the serious human rights violations perpetrated in Ndjamena after the retreat of the rebels. Despite such findings, the Chadian authorities now seem to evade their responsibilities towards the victims and their international commitments in this matter.

Finally, the political stalemate in **Zimbabwe** is accompanied by humanitarian disaster. The African Charter on Human and Peoples' Rights is violated article by article and those who try to stand up against this situation are systematically repressed and targeted. The failure of political solutions and all mediations make the prospect of open conflict in Zimbabwe and intensified violations of human rights ever closer.

**> The ACHPR must take a stand and describe these situations to reflect these multiple abuses and encourage their authors to put an end immediately to all human rights violations.**