

Statement

“35th AU Summit and Governance in Africa: The African Union must address the recurrence of military coups and ensure the restoration of civilian rule based on respect for human rights, the rule of law and democratic governance.”

Dakar, Bamako, Abidjan, Nairobi, Paris – 4 February 2022. In the aftermath of the attempted coup d'état in Guinea Bissau, in which 11 people, including 4 civilians, were killed, and as the African Union (AU) prepares to open its 35th Summit, FIDH and its member organisations call for the firm condemnation of the systematisation of military coups in Africa and for the identification of appropriate solutions to guarantee the respect of human rights, the rule of law and democratic principles.

In Burkina Faso, on 24 January 2022 — the evening of the coup d'état - MPSR representatives announced the forced resignation of President Roch Marc Christian Kaboré, the dissolution of the government and of the National Assembly, and the suspension of the Constitution. More than 10 days later, Roch Marc Christian Kaboré, still under house arrest, was able to meet with the ECOWAS and UN mission. No information has been given so far on the reasons and timeframe of this detention. The former president of the National Assembly Alassane Bala Sakande as well as the members of the deposed government are forced to remain in the city of Ouagadougou. **FIDH and the Mouvement Burkinabé des droits de l'Homme (MBDHP)** call for the respect of freedoms, and in particular freedom of movement of members of the former regime.

During this ECOWAS-UN political mission, the MPSR announced on 31 January the restoration of the Burkinabe Constitution through the adoption of a Fundamental Act of 29 January 2022. While granting full powers to the junta, the Act indicates "the continuity of the state until the establishment of transitional bodies" in Burkina Faso. It also reiterates the provisions of the 1991 Burkinabe Constitution affirming the fundamental rights and freedoms enjoyed by citizens, such as "the right to life, liberty, security and integrity of the person" (Article 1), which the MPSR committed to respect.

In the current context of security and humanitarian crisis in Burkina Faso, FIDH calls for the utmost vigilance regarding the possible consequences of the decision to close Burkina Faso's land and air borders. Despite the reopening of the airspace, a coalition of humanitarian organisations has underlined the difficulties of access to remote areas of the country for humanitarian aircrafts. FIDH and its organisations call on the MPSR to ensure effective access and support to vulnerable populations.

"We acknowledge the re-establishment of the Constitution and the institutions of Burkina Faso in the context of the transition period that is beginning. Nevertheless, we demand that the MPSR respect the regional and international commitments in the field of human and peoples' rights that Burkina Faso has signed and ratified – in particular, its obligation to protect the civilian population. The prompt proposal of the announced reasonable timetable, the transfer of power to civilians, and the release of President Kaboré and others detainees would be important signals ensuring that respect for the rule of law remains a priority during this transition period," said Chrysogone Zougmore, MBDHP president.

FIDH and its member organisations are deeply concerned by the deteriorating political and security context in Africa. While more and more countries are affected or threatened by a spiral of terrorist, communal, and counter-terrorism-related violence, several States have

failed to respond to the legitimate demands of their populations, particularly regarding the protection of civilians, justice, the fight against impunity, but also the fight against corruption, transparency, social redistribution and development. Faced with these challenging situations, states must promote and protect intangible human rights principles.

In **Sudan**, General Burhan, head of the Sovereign Council, proclaimed on 25 October 2021 the dissolution of the governmental bodies, the suspension of key articles of the [Constitutional Charter for the Transitional Period](#) adopted in 2019 and approved by the Military Council, putting a de facto end to the agreements for a civil transition. While protesters have been expressing themselves for several months now, driven by a desire for democracy, and with demands for freedom, peace and justice, [security services kept repressing demonstrations brutally](#), using live ammunition against civilians. More than 79 people have been killed since the coup, while nearly 2,000 have been injured and several cases of sexual violence have been documented. Moreover, medical centres, hospitals, but also journalists and the media are targeted by the authorities while arbitrary detentions of human rights defenders, lawyers and peaceful activists continue.

FIDH and its Sudanese member organisations, the African Centre for Justice and Peace Studies (ACJPS) and the Sudan Human Rights Monitor (SHRM), strongly condemn the violent and disproportionate repression carried out by the Sudanese Armed Forces (SAF), the Rapid Support Forces (RSF), and the Police Forces and call on international partners and institutions to urge Sudanese military authorities to immediately and unconditionally release all human rights defenders, lawyers, journalists, and activists who have been arbitrarily detained, and to respect the right of people to peaceful assembly, of association and free expression, including in the media and online. The escalation of violence in [Darfur](#), despite the signing of the Juba agreements, is of particular concern. The UN Integrated Transition Assistance Mission in Sudan (UNITAMS) has confirmed the resurgence of attacks on civilians in North and West Darfur, often committed in the context of inter-communal fighting, and has alerted on the fragile security situation in Blue Nile and Kordofan states.

FIDH, ACJPS, and SHRM call on international partners and institutions, first and foremost the AU and the Intergovernmental Authority on Development (IGAD), to [meet the demands of the civilian population](#), to strengthen the coordination of their efforts in favour of the restoration of a peaceful civilian transition and to commit themselves to accelerating the implementation of the Juba Peace Agreement dispositions. FIDH and its member organisations also stress the need to prosecute perpetrators of serious human rights violations, including those committed by security forces, both for [crimes committed under the el-Bashir regime](#), but also for crimes committed during the transitional period, including the 3 June massacre, and since the 25 October 2021 coup.

"FIDH and its member organisations call on the African Union to fight against impunity for human rights violations committed since 25 October 2021 in Sudan. The AU must send a strong signal in favour of justice for the victims by setting up an independent fact-finding mission on the human rights violations documented and denounced relentlessly by Sudanese civil society," said Sheila Muwanga Nabachwa, FIDH's vice president.

In **Guinea**, five months after the army took power, the 81 members of the Conseil National de Transition (CNT) were appointed on 22 January 2022. The long-awaited establishment of this transitional institution is, however, highly controversial within the political class and civil society. The discretionary mode of appointment of some its members, as well as the

presence among them of personalities who supported the modification of the Constitution by Alpha Condé in 2020 are the subject of controversy and denunciations. **FIDH and its Guinean member and partner organisations, the Organisation guinéenne des droits de l'Homme et du citoyen (OGDH), Mêmes droits pour tous (MDT) and the Association des victimes, parents et amis du 28 septembre 2009 (AVIPA)**, call on the African Union and its member states to demand that the guinean authorities observe strict respect for human rights and fundamental freedoms throughout the transitional period, including by demonstrating transparency with regard to the allegations of abuses committed during the coup d'etat on 5 September 2021.

When it took power, the Comité national du rassemblement pour le développement (CNRD) indicated its commitment to making justice and respect for human rights "the compass" of all its actions during the transition. FIDH, OGDH, MDT, and AVIPA have long been committed to the fight against impunity in Guinea and call on the African Union and ECOWAS to follow the transition in Guinea with the greatest attention. In particular, our organisations urge the AU and ECOWAS to put all their weight behind the authorities to ensure that prompt measures are taken in order to specify the modalities and deadlines for a return to constitutional order, and to strengthen the Guinean State's action to [fight impunity by setting a date for the trial of the 28 September 2009 massacre](#).

"Our organisations expect the CNRD to respect these specific commitments, which are set out in the Transition Charter and were repeatedly reiterated through various addresses of Colonel Mamadi Doumbouya. The effective opening of the trial of the events of 28 September 2009 must be the starting point for the restoration and consolidation of the rule of law in Guinea. It is a powerful act and history will remember it," said Drissa Traoré, secretary general of the FIDH.

In Mali, the political transition underway since the coups d'état of August 2020 and May 2021 was due to end in February 2022 with the holding of legislative and presidential elections. These were finally not organised, in violation of the Transition Charter approved in September 2020 at the end of the national consultation. In view of the delay in implementing the electoral timetable, ECOWAS imposed targeted sanctions against the Prime Minister, members of the government and the 121 members of the National Transitional Council (NTC) in November 2021 before imposing additional sanctions, including an economic and financial embargo on 9 January 2022.

In its latest report of the Secretary-General on the situation in Mali, published on 10 January 2022, the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) recorded 92 human rights violations and 232 abuses, including 16 extrajudicial, summary or arbitrary executions, 84 other killings, 94 cases of injury, 60 abductions or enforced disappearances, and illegal arrests and detentions. In particular, 69 cases of prolonged detention and violation of due process in terrorism cases, as well as cases of death threats and intimidation, siege of civilian populations, destruction and looting of civilian property, cattle raids, and forced displacement.

This latest report, like the previous ones and the alerts issued by Malian civil society, indicate that the conflict is gaining ground day by day, and is getting closer to the capital, Bamako. At the heart of these clashes, the [civilian population is caught in the violence of various armed groups](#), community militias and [national](#) and international defence and security forces involved in the fight against terrorism. FIDH continues its action [in favour of the fight against impunity in Mali and justice for the victims](#) and urges the African Union and ECOWAS to place the protection and interests of the civilian population at the heart of

their priorities.

"While the sanctions are a response to the violation of commitments made by the Malian authorities to restore the rule of law in the country, they might worsen the plight of the Malian people, who are already suffering from violations of their rights, insecurity and precariousness caused by the multidimensional crisis that has affected the country since 2012. FIDH and its member organisations urge ECOWAS, the AU and the Malian authorities to re-establish a constructive political dialogue in order to guarantee the effective and rapid return to constitutional order on the one hand, and to lift these damaging economic sanctions on the other hand," said Paul Nsapu, FIDH vice-president.

In Chad, following the death of President Idriss Déby Itno in April 2021, after 30 years of undivided power, a military council led by his son, Mahamat Idriss Déby, has been established. The Conseil militaire de transition (CMT) has presented an 18-month roadmap, which planned the organisation of an inclusive national dialogue followed by elections for a return to civilian rule. Supported by the African Union and international partners, this inclusive national dialogue had been requested by civil society for decades. The dialogue, which was supposed to open between November and December 2021, was finally postponed to February 2022, and has now been postponed again to May 2022.

The transition period was punctuated by several statements by Mahamat Idriss Déby and members of the government guaranteeing respect for regional and international texts on the protection of human rights. However, the military junta has repeatedly restricted freedom of expression and association, banning and repressing demonstrations. Between April and May 2021, at least 16 people died and 700 were arrested during demonstrations in N'Djamena and Moundou. In October 2021, new acts of repression by the defence and security forces were perpetrated against the civilian population. In January 2022, in Abeche, human rights organisations reported at least 21 deaths, 80 injuries, and 200 arrests following violence related to the appointment of a new canton chief in Ouaddaï province. Nearly 10 months into the transition period, **FIDH and the Ligue Tchadienne des droits de l'homme** call for the African Union to intervene to ensure that all such acts of violence against the Chadian population are independently investigated.

FIDH and LTDH denounce these blatant violations of human rights, which the CMT should have protected against, and remain concerned by the repeated postponement of the inclusive national dialogue. Our organisations call on the African Union, the United Nations, and international partners, in particular France, to place the protection of human rights and the fight against impunity in Chad at the heart of their action.

"The credibility of the transition process and the success of the inclusive national dialogue will be dependent upon guaranteeing the protection and respect of human rights in Chad. This includes pursuing the fight against impunity for serious human rights violations, a pillar of the rule of law," said Assingar Dobian, FIDH Representative to the Economic and Monetary Community of Central Africa (CEMAC).

In Guinea-Bissau, on 1 February 2022, an attempted coup d'état was foiled by the authorities, after five hours of confrontation resulting in the death of 11 people, including four civilians. Since its independence on 10 September 1974, Guinea Bissau, with a population of about two million, has experienced at least six attempts and four coups d'état, the most recent of which was carried out on 12 April 2012 by General Mamadu Turé Kuruma. The current President Umaro Sissoco Embaló, with the support of the army, was

inaugurated on 26 February 2020, after an election contested by his opponent.

This political, economic, security, and institutional instability, which has persisted since 1980, has had many negative impacts on civil society organisations, with human rights defenders and pro-democracy activists being targeted regularly. FIDH and its member organisations firmly condemn this further attempt to gain unconstitutional power and call on ECOWAS and the AU to strengthen their mobilisation for the implementation as soon as possible of a concerted strategic approach to enable the strengthening of the rule of law and lasting stability in Guinea-Bissau.

"FIDH and its member organisations are concerned about the repetition and normalisation of coups d'état as a means of changing power. The coups d'état carried out in Mali, Chad, Guinea, Sudan, and Burkina Faso are further weakening state structures and institutions at a time when the various contexts are precarious. FIDH and its member organisations call on the partners of these countries to systematically denounce and condemn the repeated obstructions to the rule of law and the democratic principles essential to the organisation of a peaceful political life that respects human rights. Only these principles are vectors of a lasting peace and of a sustainable economic and social development so much demanded by the populations", declared Paul Nsapu, FIDH vice-president.

FIDH and its member organisations reiterate their condemnation of coups d'état and remind all actors to dully respect democratic principles, and in particular constitutional and legal frameworks in each of the aforementioned countries. FIDH and its member organisations stress that the coup d'état in Burkina Faso, as well as the two consecutive putsches in Mali, the military coup in Chad, and the military coups in Guinea and Sudan are in violation of several regional and international instruments, including the African Charter on Human and Peoples' Rights (ACHPR) and the African Union Charter on Democracy, Elections and Governance (ACDEG), which came into force in 2012, and recognises that any putsch or coup d'état against a democratically elected government constitutes an unconstitutional change of government, subject to appropriate sanctions by the Union. (Article 23).

"In the current volatile context of the region, it is urgent that the African Union and the regional economic communities combine their efforts to address the issues of democracy, good governance and human rights that underlie the recurrence of political crises. Beyond the systematic suspension of their respective bodies, it is essential that the AU and the regional economic communities provide urgent and appropriate responses to contribute to the sustainability of civil, constitutional and consensual powers in Africa, based on the respect of the principles of justice, transparency, participation, pluralism and political dialogue", said Mabassa Fall, FIDH representative to the African Union.

FIDH and its organisations call on international partners and institutions involved in these situations, and in particular the United Nations and the European Union, to strengthen their mobilisation in order to support the political transitions in Mali, Chad, Guinea, Sudan and Burkina Faso, in particular by defining concrete and effective actions in the interest of the civilian population.