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58th Ordinary Session of the African Commission on Human and Peoples’ Rights, Banjul, Gambia

Agenda Item 4: Human Rights Situation in Africa

Chairperson, Honourable Commissioners

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples’ Rights on this occasion of its 58th ordinary session.

In the past year, the system of international protection of human rights, in Africa and beyond, faced hard knocks and challenges. There were several threats to mechanisms for human rights protection. In this region, the independence and autonomy of the African Commission was severely tested. As the continent rolls out activities in celebration of this year’s African Union theme, “human rights with particular focus on the rights of women”, Amnesty International calls for a renewed commitment to the protection of the regional human rights system. To make the African human rights system adequate for its task, states must protect the system itself. We call on states to refrain from actions that undermine the system, including attacks against or withdrawal of support from the system.

Rwanda’s withdrawal of its “Article 34(6) Declaration” in February 2016 is the most recent example of state action aimed at weakening the African human rights system, and in this particular case, the African Court on Human and Peoples’ Rights. In this regard, we call upon Rwanda to reconsider its decision.

The capacity of international institutions to respond to crisis or conflict situations was also severe tested in 2015. In Africa, recent and ongoing situations in Burundi, Central African Republic, Nigeria, Cameroon, Libya, Mali, and South Sudan and Sudan have exposed significant gaps in the African Union and the United Nation’s institutional response to crisis and conflict. There has been a persistent lack of a coherent approach to the conflict or crisis situations in these countries. More importantly, measures for addressing human rights violations and impunity have been weak and inadequate.

In Burundi, security forces, primarily the police, killed dozens of people on 11 December 2015 after a pre-dawn rebel attack on three military installations in Bujumbura. Carrying out cordon and search operations in a number of so-called opposition neighbourhoods, including Nyakabiga, Musaga, Mutakura, Cibitoke, Jabe and Ngagara, the security forces entered houses forcefully, dragged men out of their homes, and shot some of them at close range. Numerous bodies were left
in the street at the end of the day, and at least one body was found tied up. It was the single bloodiest day since the current political unrest began in April 2015.

Satellite images, video footage, and witness accounts analyzed by Amnesty International provide strong evidence that the Burundian authorities allegedly buried people killed by police on 11 December 2015 in mass graves. Taken in conjunction with the removal of many of the bodies by security forces before they could be identified, the evidence suggests a deliberate cover-up and attempt to prevent proper investigations into the events of 11 December.

Regarding the situation in Burundi, we are pleased to learn that the African Commission has finalised and submitted to the Peace and Security Council the report of its fact-finding mission to the country. We look forward to the consideration and publication of the report.

In South Sudan, the signing of a peace agreement in August 2015 has not deterred both parties to the conflict from committing gross violations of human rights, including mass killings of civilians. Amnesty International has documented and gathered evidence of one particular incident of mass killing that happened in Leer Town, Unity State, in October 2015. Between 20 and 23 October 2015, South Sudanese government forces detained dozens of men and boys in an airtight shipping container causing the death of at least 62 of them. Government forces then loaded their bodies into a truck and dumped them in two open pits approximately 1km northeast of Leer town. The South Sudanese government has not acknowledged that dozens of men and boys were killed in the custody of its forces. It has also not publicly announced any investigation into the deaths of the detainees. Furthermore, no steps have been taken to hold perpetrators to account or to provide reparations aggrieved relatives of the deceased.

The large-scale violations of human rights in South Sudan and Burundi are the most palpable recent examples of the failure of multilateral or international initiatives to prevent or adequately respond to human rights violations in conflict or crisis situations. In this context, the adoption by the African Commission of Resolution 332 on Human Rights in Conflict Situations during its 19th extraordinary session in February 2016 is timely and commendable. We welcome the initiative to conduct a study on human rights in conflict situations in Africa. We pledge to offer technical and other support to the commissioner assigned to implement this resolution. We also wish to bring to the attention of the Commission of the existence of a civil society special interest group on peace and security which has been reflecting on strategies for enhancing the role of the African Commission in responding to conflict or crisis situation. Finally, as a first step towards the implementation of Resolution 332, we wish to propose that the Commission at its 59th ordinary session convenes an open and interactive discussion session on ‘human rights in conflict situations’ in order to open space for wider discussion on the subject.