

**FORUM ON THE PARTICIPATION OF NGOs PRECEDING THE 45TH ORDINARY SESSION OF THE AFRICAN
COMMISSION ON HUMAN AND PEOPLES' RIGHTS**

Karaiba Beach Hotel, the Gambia, 9 - 11 May 2009

Resolution on Strengthening International Justice in Africa

We, the participants of the NGO Forum on the participation of NGOs in the 45th Ordinary Session of the African Commission on Human and Peoples' Rights, held at the Kairaba hotel in Banjul, Gambia on 9-11 May 2009,

Recalling the Resolution on the Ratification of the Treaty on the International Criminal Court by the African Commission on Human and Peoples' Rights, Banjul (1998), the Declaration and Plan of Action of Grand Bay, Mauritius (1999), the Resolution on the Ratification of the Statute of the International Criminal Court (ICC) by OAU/AU Member States, Pretoria (2002) and the Resolution on ending impunity in Africa and on the domestication and implementation of the Rome Statute of the ICC of the African Commission on Human and Peoples' Rights (2005),

Further Recalling the adoption in 2005 of World Summit document where member states of the United Nations expressed their commitment to the protection of civilians from genocide, war crimes, crimes against humanity and ethnic cleansing

Noting with concern the numerous human rights abuses in parts of the African continent, most notably that women and children have suffered the heaviest brunt of acts of genocide, war crimes, crimes against humanity and other crimes recognized under international human rights and international humanitarian law,

Recalling that the establishment of the ICC represents an important development in the struggle against impunity for the most serious crimes as crimes of war, crimes against humanity and genocide, and that there is no peace without justice,

Noting that by attempting to punish those responsible for these crimes, the ICC is a crucial court of last resort in defending African victims and attempting to prevent the future occurrence of such atrocities,

Committed to the development of national capacity to address international crimes, and noting that under the complementarity principle, the ICC has jurisdiction only when national states are unwilling or unable to investigate and prosecute international crimes,

Recalling further that three African states (Uganda, the Democratic Republic of Congo and the Central African Republic) voluntarily referred situations on their territories to the ICC and that the UN Security Council referred Darfur to the ICC, given the gravity of crimes there,

Noting that only 30 African states have ratified the Rome statute,

Call on the African Commission on Human and Peoples' Rights to:

Urge the member states of the African Union that have not yet done so to ratify the Rome Statute and to ensure its effective implementation at the national level,

Urge the member states of the African Union (AU) to support victims by promoting judicial and other efforts to end impunity as well as promoting accountability for serious crimes under international law including through strengthening support and collaboration with the ICC,

Encourage the AU to include members of the African Commission on Human and Peoples' Rights in any discussions relating to impunity, including the ICC, in light of its role in the promotion and protection of human rights in Africa

Encourage the Assembly of Heads of State and Government of the AU to urge its member states, including those under investigation by the ICC, to fully cooperate with the Court in its efforts to bring to justice suspected perpetrators of international crimes,

Call on AU member states to demonstrate their commitment to protection of civilians by taking steps to institutionalize the Responsibility to Protect,

Ensure that the worst crimes under international law are adopted as crimes under national law and investigated and that those responsible are brought to justice in their domestic courts in accordance with internationally recognized fair trial standards,

Appoint a Special Rapporteur on fighting Impunity in Africa, to carry out activities aimed at ensuring that those responsible for the worst crimes under international law are brought to justice; and strengthening international rule of law.

Done in Banjul, 11 May 2009