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STATEMENT UNDER ITEM 4 – Situation of Human Rights in Africa

Madame Chair,

The International Service for Human Rights (ISHR), welcomes the year of human rights and celebrates this year in solidarity with all stakeholders.

ISHR would like to highlight the trend of human rights violations associated with electoral processes in Africa. In particular Burundi and recently in Gabon where there has been a further regression of democracy and rule of law due to post electoral crises. This has resulted in various forms of human rights violations, including excessive use of force against peaceful protestors, enforced disappearances and arbitrary arrests of citizens and human rights defenders who are not in favour of the much contested election results.

We call on the Commission to :

- support the recently adopted Human Rights Council Res **HRC33/24** on Burundi, that sets up a much needed Commission of Inquiry
- encourage the Burundi government to lift the **persona non-grata** status which has been placed on the three members of the UN mission of independent experts on the human rights situation in Burundi, which includes the Commission's Hon. Commissioner Maya Fadel
- provide technical support and monitor the implementation of the HRC resolution and the African Commission's fact-finding mission to Burundi recommendations.

We note with grave concern the withdrawal of South Africa, Burundi and yesterday The Gambia from the International Criminal Court (ICC).

While we recognise the African Court of Human and People's Rights, it does not extend to criminal prosecutions. *Moreover, the Malabo Protocol, which extends the competence of the court, grants immunity to sitting heads of states and other senior state officials. This means that those guilty of the grossest violations of human rights and the perpetration of international crimes will not be held accountable for their actions, for as long as they remain in power.*

The ICC is therefore a viable alternative mechanism for holding perpetrators of human rights violations and international crimes accountable for their actions in Africa.

Madame Chair, there can be no sustainable peace, prosperity or development where there is impunity and, in this light, the ICC should be seen as an indispensable partner to the continent rather than somehow anti-African.

I thank you.