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| الاتحاد الأفريقي<br>African Commission on Human & Peoples' Rights   |   | UNIÃO AFRICANA<br>Commission Africaine des Droits de l'Homme & des Peuples |
| No. 31 Bijilo Annex Lay-out, Kombo North District, Western Region, P. O. Box 673, Banjul, The Gambia Tel: (220) 441 05 05 / 441 05 06, Fax: (220) 441 05 04 E-mail: <a href="mailto:au-banjul@africa-union.org">au-banjul@africa-union.org</a> ; Web <a href="http://www.achpr.org">www.achpr.org</a> |   |  |

## ACHPR/Res.257 (LIV) 2013: RESOLUTION CALLING ON THE REPUBLIC OF KENYA TO IMPLEMENT THE ENDOROIS DECISION

*The African Commission on Human and Peoples' Rights (the Commission), meeting at its 54<sup>th</sup> Ordinary Session, held in Banjul, The Gambia, from 22 October to 5 November 2013;*

**Considering** its mandate to promote and protect human and peoples' rights in Africa as provided for in Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

**Reaffirming** the Commission's commitment to the promotion and protection of the rights of indigenous populations or communities in Africa, as a result of which it resolved to establish a Working Group on Indigenous Populations/Communities in Resolution ACHPR/Res.51(XXVIII)00;

**Further recalling** its Resolution ACHPR/Res.65 (XXXIV)03 on the Report of the African Commission's Working Group on Indigenous Populations/Communities adopted at its 34<sup>th</sup> Ordinary Session, held in Banjul, The Gambia, from 6 to 20 November 2003;

**Recognising** the importance of ensuring State Parties' compliance with the decisions of the Commission on Communications to ascertain victims' rights to effective redress;

**Noting** the Commission's obligation to follow-up on the implementation of its decisions in accordance with Rule 112 of its Rules of Procedure;

**Considering** Rule 118 (1) of the Commission's Rules of Procedure which allows the Commission to submit a case to the African Court on Human and Peoples' Rights where a State has not complied, or is unwilling to comply, with its decisions;

**Recalling** the Commission's decision in *Centre for Minority Rights Development (Kenya) and Minority Rights Group International (on behalf of Endorois Welfare Council) v. the Republic of Kenya*;

**Further recalling** the oral hearing at the 53<sup>rd</sup> Ordinary Session of the Commission, held from 9 to 23 April 2013, in Banjul, The Gambia, whereby the parties updated the Commission on the implementation of its decision in the Endorois case;

**Recalling** the Commission's Note Verbale to the Republic of Kenya, dated 29 April 2013, in which the Commission reminded the State party of its pledge at the oral hearing to submit an interim report within 90 days of the hearing, and a comprehensive report, including a road map with timelines and commitments for implementation at the Commission's 54<sup>th</sup> Ordinary Session;

**Bearing in mind** the non-compliance of the Republic of Kenya with its pledge to transmit an interim report within 90 days of the oral hearing, and a comprehensive report at the 54<sup>th</sup> Ordinary Session of the Commission, held in Banjul, The Gambia, from 22 October to 5 November 2013;

**Taking into account** the absence of the Kenyan Government representatives at the "Workshop on the Status of Implementation of the Endorois Decision of the African Commission on Human and Peoples' Rights" organised by the Working Group on Indigenous Populations/Communities in collaboration with the Endorois Welfare Council held in Nairobi, Kenya on 23 September 2013;

**Concerned** by the lack of feedback from the Government of Kenya on the measures it has taken to implement the Endorois decision;

The Commission:

1. **Urges** the Government of Kenya, as State Party to the African Charter, to comply with its obligations under the Charter, including giving effect to the rights and freedoms guaranteed therein;
2. **Calls on** the Government of Kenya to inform the Commission of the measures proposed to implement the Endorois decision, and more particularly, the concrete steps taken to engage all the players and stakeholders, including the victims, with a view to giving full effect to the decision;
3. **Exhorts** the Government of Kenya to immediately transmit to the Commission, a comprehensive report, including a roadmap for implementation as pledged during the oral hearing at the 53<sup>rd</sup> Ordinary Session of the Commission.

**Done in Banjul, The Gambia, 5 November 2013**