

**Honourable Members of the African Commission on Human and Speech
by H. E. Commissioner Bahame Tom Mukirya Nyanduga, Acting
Chairperson of the African Commission on Human and Peoples' Rights,
Delivered at the Closing Ceremony of the 45th Ordinary Session of the
African Commission on Human and Peoples' Rights**

27th May 2009, Banjul, The Gambia

- Honourable Marie Saine Firdaus, Attorney General and Minister of Justice of The Republic of The Gambia;
- My Lord, Justice Abdul Karim Savage, The Honourable Chief Justice of the Republic of The Gambia
- Honourable Reine Alapine Gansou, Acting Vice Chairperson of the African Commission,
- Distinguished Members of the African Commission on Human and Peoples' Rights;
- Honourable Members of the Government of the Republic of The Gambia;
- Distinguished Delegates of African Union Member States;
- Excellencies Members of the Diplomatic and Consular Corps accredited to the Republic of The Gambia;
- Distinguished Representatives of International Organisation;
- Distinguished Representatives of National Human Rights Institutions;
- Distinguished Representatives of Non-governmental Organisations;
- Distinguished Invited Guests of different designations;
- The Secretary to the Commission
- Distinguished Ladies and Gentlemen;

All protocols respectfully observed

Allow me, Honourable Attorney General and Minister of Justice, on this auspicious occasion of the closing ceremony of the 45th Ordinary Session of the African Commission, to take this opportunity, on behalf of the Members and staff

of the African Commission on Human and Peoples' Rights, and on my own behalf, to express our profound gratitude to His Excellency, Professor, Dr Alhaji Yahya A. J. J. Jammeh, the President of the Republic of the Gambia, the Government and the People of The Republic Gambia, for hosting the 45th Ordinary Session of the African Commission, which comes to an end today.

Honourable Justice Sanji Mmasenono Monagent, the Chairperson of the Commission, who had to leave midway through the Session, said when opening this Session, that we should not be surprised by the customary hospitality extended to the members of the African Commission, State delegates and participants from across our bellowed continent and beyond, because we are in The Gambia, the Smiling Coast of Africa. Various delegations expressed eloquently their satisfaction with the facilities, arrangements, and hospitality extended to all and sundry. The Gambia has given us only the very best in everything.

Honourable Minister, Distinguished Delegates, participants, ladies and gentlemen, when we set out two weeks ago to tackle the agenda items of the 45th Ordinary Session before us, and as we grappled with logistical issues surrounding the holding of this session, least did we know or expect that the 45th Ordinary Session could have attained the success the African Commission has been able to achieve, as we have heard in the Communiqué.

Allow me, Honourable Attorney General Minister of Justice and, to pay special tribute to you personally for your stewardship of the Ministry of Justice and Attorney Generals Chambers, out link with the Government of the Republic of the Gambia. Let me also through you, express our appreciation to Madam Awa Bah, the Acting Solicitor General, for her able leadership in organizing the logistics for holding of this Session. She represented you ably, during the formal opening of the 45th Ordinary Session of the African Commission. Madam Awa Bah and her

assistants were available around the clock to ensure that the session was conducted smoothly. They deserve our mention and appreciation. I can assure you Honourable Minister that the 45th Ordinary Session was one of the most successful session I have attended, not only in the Gambia, particularly when we take into account the logistical challenges which surrounded its organization. That this 45th Ordinary Session happened at all is an acknowledgment to the selfless efforts and the devotion of the Madame Awa Bah team I just mentioned, and the continued commitment of the Republic of The Gambia and its people to African Charter on Human and Peoples' Rights and desire to the see the African Commission succeeds in its mandate. The African Commission shall continue to count on the continued support of the Government and the people of the Republic of The Gambia.

I wish also to say a 'Big Thank You' to all the participants and delegates of this Session. Many of you had to travel by road from Dakar in order to be here. You came in numbers in spite of the knowledge that there would be flight disruptions. You braved the discomfort and uncertainty of the journey to be here. You did so because of your commitment to the ideals enshrined by the founding fathers of the African Charter, namely the respect for, the promotion and protection of the human and peoples' rights of the African people and the need to guarantee the rights and the dignity of the women of Africa, the welfare of the children of Africa, the helplessness of the old people, the people living with disabilities and other vulnerable persons in Africa. We came to reiterate our commitment that Africa is one. That the fight against injustices, prejudice, inequality, discrimination and impunity, the struggle against lack of development and human security, and other ill afflicting our people must continue. Nothing would have prevented us from adding our voices to the millions of hard working Africans who expected us to do exactly that.

It is a sobering time of reflection. The strength of this 45th Ordinary Session is found in the quality of its participants. 33 States Parties, 143 IGOs, and NGOs making a total of 419 participants from across the continent, came to Banjul for the 45th Ordinary Session. All of you braved the challenges to be here, in your collective desire to see Africa achieve respect of human rights for all. Your resolve reflects not just the commitment to serve the needs of the most disadvantaged members of our continent, but also a determination to carry on despite the difficult terrain in which we operate.

After two weeks of debates and discussions what did we achieve? First and foremost is the sustenance of the objective of putting the observance of human rights where it belongs: at the fore-front of our list of priorities for the continent.

Ladies and Gentlemen

As we come to the end of yet another Session of the Commission, let me recall that the struggle for protection and realization of human rights is a hard and long journey. Those who had the privilege to attend the opening ceremony, will recall that the Chairperson of the African Commission, Honourable Justice Monageng stated during her opening address that the human rights situation on the continent remains precarious. African States continue to face the multiple changes of poverty, conflicts, impunity, environmental degradation, disease and other forms of human rights violations.

The year 2009 has posed major challenges to African States, their governments and people. Conflicts and instability continue to bedevil a number of countries. Let me speak about a few of these conflicts and situations. Somalia comes at the top of the list. Somalia has continued to suffer a humanitarian crisis as a result of conflict. We condemn the wanton violations of the human rights of the civilian population, in particular women and children. Let me take this

opportunity to commend the Republic of Uganda and Burundi, for their sacrifices on behalf of Africa to assist Somalia to re-establish security, state institution and order.

The Darfur region of Sudan, the Great Lakes Region, Chad, the Central Africa Republic continue to focus the attention of the continent. The scourge of massacres and displacement, the abductions, rape and other forms of sexual violence perpetrated by armed militia against women and children, in the North Kivu and Eastern DRC, by the EDLR/Interahamwe, and the LRA in North DRC and Central African Republic, continue to be major issues of concern to the African Commission.

The fight against the HIV/AIDS pandemic continues at a time African States are caught between the proverbial “rock and a hard place,” due to the dire economic situation the continent finds itself in. The global financial crisis and the economic recession have hit hard the countries which traditionally are the markets for our products. Millions of our people, men, women and children remain impoverished, living below a dollar a day. The attainment of Millennium Development Goals by 2015, remain out of reach for them. Widespread and systemic corruption and the continued inability by many governments to provide their citizens with the most basic economic and social services, in a continent with an abundance of natural resources remains a matter of grave concern to the African Commission. Many African people and communities have no access to clean water, adequate housing, food, education and primary health care. The situation is worse for indigenous peoples across the continent, who suffer marginalization and live under conditions of deprivation.

These challenges are a testimony to the fact that there is a great deal of work which remains to be done before human and peoples’ rights are fully realized on

the continent. These challenges ought to be addressed with responses guided by respect for the rights of every individual community and people, in particular marginalized and vulnerable persons. I urge all of you to rededicate yourselves to the ideals contained in the Objectives and Principles of the Constitutive Act of the African Union, and the Africa Charter on Human and Peoples' Rights.

Africa cannot simply afford to remain indifferent any longer. Nor can it continue bearing witness to wars, and the attendant violations of the rights of its people; our mothers, sisters, the girl child, the child soldier, all of whom bear the brunt of conflict, poverty, ignorance, diseases and illiteracy. It makes good sense to say that our generation cannot and will not tolerate these evils; instead, our energies and resources should be dedicated and directed towards building, protecting and promoting peace, justice, the rule of law and democracy.

Amidst all these challenges we must not succumb to despondence. There is a new dawn of a brighter day, blowing fresh winds across the continent!! From Sierra Leone to Ghana, South Africa and the valleys and the mountains of Malawi, we have heard the people speak. At the outset of the 45th Ordinary Session, we witnessed the successful conclusion of the election in South Africa. As we sat right here in Banjul, the Republic of Malawi successfully held Presidential and General elections. Only a day ago the Constitutional Court in the Republic of Niger has confirmed the sanctity of the Constitutional transfer of power.

We are seeing a firm foundation for democracy on the continent, free and fair elections, political accountability gaining ascendancy, as the continent emerges from the dark days of armed militias and dictatorship. It is only through the emergence and consolidation of democratically elected governments that the continent shall eventually realize the vision of an African Union government. A

true democratic African government must be based on respect for democratic governance, human and peoples' rights, namely economic, social, cultural, political and civil rights and the elimination of impunity.

During the last fourteen days the 45th Ordinary Session of the African Commission was able to finalize and adopted a number decisions on communications. The African Commission also finalized reports and Resolutions on key human rights issues.

The African Commission continued elaboration of its Interim Rules of Procedure, taking into consideration comments and observations made by its stakeholders, in preparation of its meeting with the African Court on Human and Peoples' Rights, which is expected to be held in July 2009. in that regard, I would like to thank the States Parties, non governmental organizations (NGOs) and individuals for their comments and observations on the interim Rules of Procedure.

As we come to the end of yet another session of the African Commission, let us not forget the victims of human rights violations, those who have perished, or continue to suffer under the dungeons of repressions, those who continue to live under the fear of persecution of for the want of human security and dignity. Their plight shall continue to inspire the African Commission in the pursuit of its mandate.

Honorable Minister of Justice, Your Excellencies, members of the African Commission, Representatives of States Parties, distinguished guests, Ladies and Gentlemen.

Let me take this singular occasion to pay tribute to my fellow Commissioners, the Staff of the Secretariat, the technical team of linguists, and all the support staff for the important contributions they have made during this two-week period, as

we burnt the mid-night candle in this smiling city called Banjul. Their contribution to the successful conclusion of this session cannot be overstated.

Before I leave this rostrum, I would like to reiterate my profound gratitude to the Government and People of the Gambia, for all the facilities put at the disposal of the Commission enabling a successful 45th Ordinary Session. As I said before, we have never felt more at home.

I also want to thank all the delegates of State Parties, intergovernmental and international organizations, the National Human Rights Institutions, and nongovernmental organizations who continue to demonstrate their willingness to contribute to the success and richness of our deliberations.

As I come to the end of my tenure on the African Commission, allow me Honorable Minister, Excellencies, ladies and gentlemen to bid you farewell. I will do so by quoting a Swahili proverb, Swahili being the sixth official language of the African Union. The proverb states "milima haikutani, binadamu hukutana". It simply means, "Mountain never meet, human beings do".

Thank you very much

Merci beaucoup

Muito obrigado,

Shukrani

Gracias,

Asante Sana.

Kwaherini, au revoir, Bon voyage.