

# **Final Communiqué of the 23rd Ordinary Session of the African Commission on Human and Peoples' Rights**

Banjul, the Gambia

20-29 April 1998

1. The 23rd Ordinary Session of the African Commission on Human and Peoples' Rights was held from the 20th to the 29th of April, 1998, in Banjul, The Gambia.

2. The opening ceremony of the 23rd Ordinary Session of the African Commission on Human and Peoples' Rights took place in Banjul, the Gambia, on the 20th April, 1998 under the Chairmanship of Mr. Youssoupha Ndiaye, Chairman of the Commission.

3. The opening ceremony was graced by the presence of the Chief Justice of the Supreme Court of The Gambia Hon. Justice Omar Alghali who delivered the opening speech.

4. The Session was also addressed by a representative of the NGOs, Mr. Mohamad Monieb of the Egyptian Organisation on Human Rights.

5. The issue of enhancing cooperation between NGOs and the Commission was deliberated upon. Statements were delivered by representatives of the governments of Sudan, Namibia and Mauritania, and also by representatives of various NGOs.

6. The Commission granted observer status to 7 NGOs. The list of the NGOs granted observer status is available at the Secretariat.

7. The Commission considered the initial report of Namibia which was presented by Mr. U. Daniel Nujoma, the Human Rights Coordinator of Namibia, on behalf of the government of Namibia; and the initial report of Guinea which was presented by Mr. Mamadou Bobo Diallo, the Legal Advisor, Ministry of External Affairs of the Republic of Guinea, on behalf of the government of Guinea.

8. In relation to the human rights situation in Africa, various NGO representatives deplored the situation in countries like the Democratic Republic of Congo, Algeria, Mauritania, Rwanda, Chad, Sudan, Cameroon, Eastern Sierra Leone and Nigeria. Special mention was made of female genital mutilation, which is one of the widespread violations of the rights of African women, in many African countries.

Other human rights violations highlighted were slavery, freedom of expression and association as well as forced deportations, extra-judicial executions, religious intolerance and political repression.

The representatives of the Governments of Mauritania, Burkina Faso, the Gambia and Namibia also expressed their opinions on the issue and on the statements made. The session was also later addressed by the representative of the government of Mozambique.

9. The Commission was notified by Amnesty International that the government of Rwanda had

announced its decision to execute 22 people who had been charged with committing genocide and convicted without fair trial, on the 24th of April. The Commission sent urgent messages appealing for a stay of execution as the intended executions would be in violation of the Charter. Upon confirmation that the executions were carried out in public, the Commission authorised the Chairman to write to the government of Rwanda and express the outrage of the Commission at this blatant disregard of the provisions of the Charter. A press release was issued on this matter.

10. The Special Rapporteur on summary, arbitrary and extra-judicial killings, Dr. Hatem Ben Salem and the Special Rapporteur for prison conditions in Africa, Prof. E. V. O. Dankwa presented their reports to the Commission.

11. The working group on the Draft Additional Protocol to the African Charter on the Rights of Women in Africa co-ordinated by Commissioner E. V. O. Dankwa presented a progress report on the said document.

Commissioner Julienne Ondziel Gnelenga was appointed as the Special Rapporteur on the Rights of Women in Africa.

12. The Commission and the NGOs present discussed various ways in which the African Commission for Human and Peoples' Rights could celebrate the 50th anniversary of the Universal Declaration on Human Rights. The Secretariat was requested to draw up a programme for the celebrations taking into consideration all the proposals that had been made.

13. The Commission discussed at length the issue of the periodic reporting of States and among other things, ways of improving the guidelines for State reporting.

The Commission decided to consider the reports of Seychelles and Chad at the 24th Ordinary Session.

14. The Commission discussed in detail the need for strengthening cooperation between the Commission and National Human Rights Institutions and considered the report of Commissioners Rezag-Bara and Pityana recommending the grant of affiliated institutions status to National Human Rights Institutions.

The Commission deferred its decision on this matter to the next Session and decided that National Human Rights Institutions could in the meantime be invited to attend the Commission's Sessions.

15. The Commission adopted a resolution supporting the establishment of an International Criminal Court.

16. The Commission continued its discussions on the establishment of an African Court on Human and Peoples Rights. It was decided that each Commissioner would endeavour to sensitize Heads of States and governments of countries that had been assigned to them, on the need for this Court, and hence the need to ratify the Protocol on the establishment of an African Court on Human and Peoples' Rights as soon as possible.

17. The publication of the Review and Newsletter of the Commission was discussed and the Commission decided to ensure that the 6th edition of the Review and Newsletter was published as soon as possible.

18. The Commission reiterated its plans to organise and/or participate in the following seminars:

- Popular Participation and Non formal Education
- Peaceful Settlement of Ethnic and Social Conflicts from a Human Rights perspective
- Contemporary Forms of Slavery in Africa
- The Right to education: An Essential Condition for development in Africa
- Freedom of Movement and the Right to Asylum in Africa
- Good Governance and Corruption in Africa
- Seminar of African Ambassadors based in Addis Ababa on the Human Rights System in Africa
- The Right to fair Trial and Legal assistance
- Ministerial Conference on Human and Peoples' Rights in Africa
- Diplomatic Conference on the International Criminal Court

19. The Commission considered the Mission report on Sudan. Consideration of the Mission report on Nigeria was postponed to the to the 24th Session.

20. The Commission considered sixty-nine (69) complaints on human rights violations and made the necessary recommendations.

21. The African Commission expresses its profound gratitude to the Government of the Republic of The Gambia, which did not spare any effort to ensure the smooth running of the 23rd Ordinary Session of the Commission.

22. The Closing Ceremony took place on the 29th of April 1998, at the Kairaba Hotel under the Chairmanship of Mr. Youssoupha Ndiaye and was closed by the President of the Court of Appeal of the Gambia, Mr Justice Chomba.

23. The Chairman of the Commission Mr. Youssoupha Ndiaye held a press conference after the closing ceremony.