

Final Communiqué of the 30th Ordinary Session of the African Commission on Human and Peoples' Rights

13th – 27th October 2001

Banjul, The Gambia

1. The African Commission on Human and Peoples' Rights held its 30th Ordinary Session in Banjul, The Gambia, the headquarters of the Commission, from 13th - 27th October 2001 under the chairmanship of Mr. Kamel Rezag Bara.

2. The Session was attended by the following Members:

Mr. Kamel Rezag Bara: Chairperson

Mrs. Jainaba Johm: Vice- Chairperson

Dr. Ibrahim Ali Badawi El Sheikh;

Dr. Hatem Ben-Salem;

Mr. Andrew Ranganayi Chigovera;

Dr. Vera Mlangazuwa Chirwa;

Prof. E.V.O. Dankwa;

Mr. Yaser Sid Ahmed El-Hassan;

Dr. Angela Melo;

Dr. Nyameko Barney Pityana;

Mrs. Salamata Sawadogo;

3. The Session was officially opened by H. E. Isatou Njie SAIDY, Vice President of the Republic of The Gambia.

Mrs. Isatou Njie Saidy welcomed all the participants to The Gambia and to the 30th Ordinary Session. She recalled the mandate entrusted to the Commission by the African Charter on Human and Peoples' Rights. She further observed that the 30th Session of the Commission was being held in The Gambia at a time when Africa was undergoing democratic changes. She recalled the fundamental principle of equality of the people and congratulated the Commission for the excellent work accomplished over the years. She reiterated the commitment of The Gambia to host the Secretariat of the Commission and this she said, demonstrates the will of the Government of The Gambia in honouring its undertaking by constructing the headquarters of the Commission. Mrs. Njie Saidy stated that the Government of The Gambia had allocated a new and bigger plot of land to the Commission, and that the laying of the foundation stone of the building that would be the headquarters of the Commission would be done during the current session, on the occasion of the celebration of the 15th anniversary of the entry into force of the African Charter on Human and Peoples' Rights.

4. The following personalities also made statements at the opening ceremony: Professor E.V.O. Dankwa, outgoing Chairperson of the Commission, Mr. Daniel Utoni Nujoma (Namibia), representing delegates of the States Parties to the African Charter on Human and Peoples' Rights attending the Session, and Mr. Mohamed Genedy, who spoke on behalf of Non Governmental Organisations enjoying observer status with the Commission.

5. Several representatives of State Parties, National Human Rights Institutions, Non Governmental Organisations and other guests made statements during the course of the session.

6. The African Commission elected its new Bureau, which comprised of the following:

- Mr. Kamel Rezag Bara: Chairperson
- Mrs. Jainaba Johm: Vice Chairperson

7. The Commission appointed Dr. Angela Melo as Special Rapporteur on the Rights of Women in Africa for a period of two years.

8. The Commission took note of the progress made in the submission of initial/periodic reports to the Commission by States Parties to the Charter, as well as the increasing number of NGOs applying for observer status to better take part in the proceedings of the Commission.

9. Concern was expressed on the situation of human and peoples' rights in many African States, in spite of the efforts made by the Commission through its promotional missions. The recurrence of armed conflicts, extra-judicial, summary or arbitrary executions, cases of forced disappearances, arbitrary detentions, denials of justice, inhuman conditions of detention, cases of torture and cruel, inhuman and degrading treatment, some hindrances to the freedom of expression, harassment of certain human rights activists, the vulnerability of refugees and asylum seekers and the violation of their rights often subjected to the most vulnerable classes of the population, namely the women, the children, the elderly and the disabled.

10. The Commission welcomed the Durban Declaration and Programme of Action, adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, from 31st August to 8th September 2001 and resolved to prepare a strategic plan for the implementation of the Durban outcomes, which will be submitted to the Assembly of Heads of State and Government of the Organisation of African Unity/African Union (OAU/AU).

11. The Commission welcomed the establishment of the African Union following the adoption of the Constitutive Act of the African Union and resolved to accept the request of the Assembly of Heads of State and Government to submit proposals on the incorporation of the African human rights mechanism into the structures of the African Union.

12. The Commission expressed its appreciation on the steps taken during this 30th Session toward the construction of the Permanent Headquarters of the Commission in Banjul.

13. The Members of the Commission presented their reports on the activities carried out during the period between sessions. The Special Rapporteur on Prisons and Conditions of Detention in Africa, Dr. Vera Mlangazuwa Chirwa, also presented her report, as well as the Special Rapporteur on Women's Rights in Africa, Mrs. Julienne Ondziel-Gnelenga.

14. The Commission adopted the report of the 29th Ordinary Session, which took place in Tripoli, Libya.

15. The African Commission granted observer status to the following twelve (12) NGOs:

- Minority Rights Group (London);
- Association Femme et Vie (Benin);
- Le Mouvement Ivoirien des Droits de l'Homme (Côte d'Ivoire);
- Le Mouvement Nigérien pour la Défense et la Promotion des Droits de l'Homme (Niger);
- Cellule de Liaison et d'Information des Associations Féminines (Chad);
- Reporters Sans Frontières (France);
- Women Aid Collective (Nigeria);
- Kituo Cha Katiba (Uganda);
- Human Rights Center for the Assistance of Prisoners (Egypt);
- Africa Legal Aid (Netherlands);
- Sudan Bar Union (Sudan);
- Bangladesh Human Rights Commission (Bangladesh).

16. The Commission was unable to consider the periodic report of Togo and the initial report of Lesotho. Due to transport problems, the delegates of Togo arrived in Banjul after the Commission had closed its public sessions. Lesotho on the other hand, was unable to send any representatives to introduce its report. The Commission deferred consideration of the said reports to its 31st Ordinary Session.

17. In conformity with Article 62 of the Charter, the Republics of Cameroon and Mauritania submitted their initial reports, which have been scheduled for consideration at the 31st Ordinary Session of the Commission.

18. Within the framework of its promotional activities, the Commission reiterated its decision to conduct seminars on the following topics:

- Contemporary Forms of Slavery;
- Peaceful Settlement of Conflicts from the human rights point of view;
- Right to Education and Development;
- Freedom of Movement and Right of Asylum in Africa;
- Right of the Disabled in Africa;
- Economic, Social and Cultural Rights in Africa
- Prevention of Torture;
- Situation of Refugees and Displaced People.

The organisation of the seminar on Economic, Social and cultural Rights in Africa, the seminar on the Prevention of Torture and the seminar on Refugees and Displaced Persons are at an advanced stage.

19. The African Commission considered eighteen (18) communications; it was seized of two (2) new communications, it took decision on the merits of one (1) communication and considered fifteen (15) other.

20. The Commission decided to hold an Extraordinary Session on communication 227/99- Democratic Republic of Congo/ Burundi, Rwanda and Uganda. It therefore resolved to seize the Secretary General of the OAU/AU for the dispositions to be taken to that effect.

21. The African Commission adopted one (1) resolution on the construction of its Permanent Headquarters in Banjul, The Gambia.

22. The African Commission was pleased with the attendance at the 30th Ordinary Session; there were twenty-seven (27) States Parties represented by some fifty-two (52) participants, seven (7) National Human Rights Institutions and seventy-one (71) African and International NGOs, and other guests, bringing the total to 204 participants.

This is an evidence of the increasing interest to the work of the Commission for the promotion and protection of human rights in Africa.

23. The African Commission expresses its sincere thanks and heartfelt gratitude to the Government of The Gambia for the facilities put at its disposal and the warm reception and hospitality extended to it, which contributed to the smooth organisation and success of the proceedings of the 30th Ordinary Session.

24. Upon invitation by the Gambian authorities, the African Commission took part in the ceremony of the laying of the foundation stone of its Permanent Headquarters, which took place on 24th October 2001 in Banjul, The Gambia.

25. At the invitation of the Republic of South Africa, the 31st Ordinary Session of the Commission will be held from 2nd to 16th May 2002 in South Africa, at a venue to be determined following the preparatory mission to be undertaken to South Africa.

26. The 30th Ordinary Session was closed on 27th October 2001 by H. E. Mr. Joseph Joof, Attorney General and Secretary for Justice of the Republic of The Gambia.

27. The Chairperson of the Commission held a Press Conference after the closing ceremony.

Done in Banjul, The Gambia, on 27th October 2001