



**FINAL COMMUNIQUE OF  
THE 39<sup>th</sup> ORDINARY SESSION OF  
THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS  
HELD IN BANJUL, THE GAMBIA,  
FROM 11<sup>th</sup> to 25<sup>th</sup> MAY 2006**

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1. The African Commission on Human and Peoples' Rights (African Commission), held its 39<sup>th</sup> Ordinary Session in Banjul, Republic of The Gambia, from 11<sup>th</sup> to 25<sup>th</sup> May 2006, chaired by the Chairperson of the African Commission, Commissioner **Salamata Sawadogo**.
  
2. The following Members participated at the Session:
  - Commissioner **Yassir Sid Ahmed El Hassan**, Vice-Chairperson;
  - Commissioner **Kamel Rezag-Bara**;
  - Commissioner **Musa Ngary Bitaye**;
  - Commissioner **Reine Alapini-Gansou**;
  - Commissioner **Mumba Malila**;
  - Commissioner **Angela Melo**;
  - Commissioner **Sanji Mmasenono Monageng**;
  - Commissioner **Bahame Tom Mukirya Nyanduga**; and
  - Commissioner **Faith Pansy Tlakula**.
  
3. As is customary, Non-Governmental Organisations (NGOs) met prior to the 39<sup>th</sup> Ordinary Session of the African Commission from the 6<sup>th</sup> to 8<sup>th</sup> May 2006, in order to contribute to the deliberations of the said Session.
  
4. From 7<sup>th</sup> to 8<sup>th</sup> May 2006, the African Commission held a two day Preparatory Meeting during which they discussed their contributions

towards the Brainstorming Meeting on the African Commission organised by the African Union and held from 9<sup>th</sup> to 10<sup>th</sup> May 2006 in Banjul, The Gambia. The Brainstorming Meeting discussed the functioning of the African Commission and its relationship with the Organs of the African Union and its cooperating partners and came up with recommendations that were addressed to various stakeholders.

5. The 2<sup>nd</sup> African Union Conference of National Human Rights Institutions was held along with the Ordinary Session of the African Commission from the 12<sup>th</sup> to 14<sup>th</sup> May 2006, in Banjul, The Gambia. The Conference was organised in collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Coordinating Committee of National Human Rights Institutions. Members of the African Commission participated in this Conference.
  
6. In her welcoming statement, the Chairperson of the African Commission, Mrs. Salamata Sawadogo, expressed, on behalf of the Members of the African Commission, and on her own behalf, her profound gratitude to the Government of The Gambia for once again hosting the Ordinary Session of the African Commission and welcomed the participants to the 39<sup>th</sup> ordinary session of the African Commission. She reported that since the conclusion of its 38<sup>th</sup> Ordinary Session, the African Commission continued to implement its mandate but noted with regret that not all the activities earmarked to be carried out during the intersession were undertaken. The Chairperson welcomed the election of the judges of the African Court on Human and Peoples' Rights and noted that the African Commission is waiting to see the inauguration of this important institution which will complement the work of the African Commission. Making reference to the situation in Cote d'Ivoire, the Chairperson of the African Commission noted the progress being made in the electoral process in the country and expressed the hope that the elections scheduled for 30<sup>th</sup> October 2006 would usher in a democratic government freely chosen by the people. Regarding the situation in

Darfur, Sudan, the Chairperson of the African Commission expressed continued concern about the state of human rights in the region and deplored the fact that internally displaced persons (IDPs) and refugees continue to bear the brunt of the conflict. She indicated that the arrest of Charles Taylor constituted an important step by the international community in the fight against impunity irrespective of the status of the individual. The Chairperson of the African Commission called on the support and assistance of all to enable the African Commission discharge its mandate.

7. The Minister of State for Justice, Human Rights and Good Governance and Special Adviser to the President of the Central African Republic, Honourable Henry Maidou, delivered a statement on behalf of the State Parties present at the 39<sup>th</sup> Ordinary Session. After having expressed his gratitude to the people and Government of The Gambia, the Honourable Minister reminded the participants, that the African Charter on Human and Peoples' Rights places responsibility on States Parties to ensure the promotion and protection of human rights on the continent. However, the protection of human rights in Africa can only be realised with the participation of all, including Member States, international partners, National Human Rights Institutions and NGOs. The Honourable Minister stated that the Sessions of the African Commission provide all those who fight for the cause of human rights with an opportunity to engage in frank and constructive dialogue. The Honourable Minister reminded the African Commission that in order for it to discharge its mandate with success, it is crucial that it cooperates with Member States, who would be encouraged to facilitate and support the African Commission's work. He urged the African Commission to continue discharging its mandate resolutely and with objectivity.
8. The Director of the Department of Political Affairs at the Commission of the African Union, Ambassador Emile Ognimba delivered a statement on behalf of the Chairperson of the Commission of the African Union, H.E

Alpha Konare who expressed his appreciation to the African Commission for its work in the promotion and protection of human rights on the continent. The Director conveyed the apologies of Mrs Julia Dolly Joiner, Commissioner for Political Affairs at the African Union, who was unable to attend the Opening Ceremony of the Ordinary Session but who remained firmly committed to the promotion and protection of human rights in Africa. Ambassador Ognimba indicated that the 39<sup>th</sup> Ordinary Session was being held after a brainstorming meeting on the future of the African Commission and noted that the outcome of that brainstorming would help set a roadmap for the reinforcement of its work with a view to enhancing the human rights situation on the continent. He urged all participants to utilise the forthcoming 7<sup>th</sup> Assembly of Heads of State and Government to celebrate the 25<sup>th</sup> anniversary of the adoption of the African Charter on Human and Peoples' Rights.

9. On behalf of the National Human Rights Institutions in Africa, the Chairperson of the Coordinating Committee of African National Institutions (Coordinating Committee), Mr Bukhari Bello stated that the Coordinating Committee has continued to carry out its mandate. He reported on the activities that it had undertaken in this respect. Mr Bello informed the participants that following a meeting of the Coordinating Committee on 11<sup>th</sup> April 2006 in Geneva, it was decided that its Secretariat would be located in Nairobi, Kenya. While condemning those who carry out coups d'état in Africa, he noted that another form of coup d'état is where incumbent leaders seek to change their constitutions so as to remain in government and called on civil society and the African Commission to condemn such 'coups on the people'. Mr Bello welcomed the holding of the brainstorming on the African Commission and hoped that the recommendations emerging there-from would be fully implemented by the concerned parties.
10. The Executive Director of the African Centre on Democracy and Human Rights Studies, Mrs Hannah Forster, made a statement on behalf of NGOs present at the 39<sup>th</sup> Ordinary Session of the African Commission

and made reference to the NGO Forum which was held prior to the 39<sup>th</sup> Ordinary Session to discuss the situation of human rights on the continent. She noted that although there have been some rapid changes over the past twenty five years in the field of the promotion and protection of human rights, Africa still experiences a lot of human rights abuses and called on Member States to ensure better protection of human rights in their territories. She welcomed the arrest of Charles Taylor and further called for the extradition of Felices Kabuga to Arusha, Tanzania to stand trial for his part in the Rwanda genocide. Mrs Forster commended the African Union for its initiative in establishing the Nelson Mandela Human Rights Award for human rights defenders in Africa.

11. In his opening address the Honourable Attorney General and Secretary of State for Justice of the Republic of The Gambia, Honourable Sheikh Tijan Hy dara welcomed all the participants to the 39<sup>th</sup> Ordinary Session. He indicated that the 39<sup>th</sup> Ordinary Session is being held at a time when The Gambia was preparing to host the 7<sup>th</sup> African Union Summit from 25<sup>th</sup> June – 2<sup>nd</sup> July 2006. He informed the participants that the Government of The Gambia has embarked on a serious campaign of human development and the eradication of poverty and that adequate institutions and mechanisms had been put in place through which people could address and/or channel their grievances. He therefore, deplored the use of unconstitutional means of getting into power. Honourable Hy dara noted that 2006 will be remembered as one of the most significant years in the history of the African human rights protection system, noting that 27<sup>th</sup> June 2006 will mark the 25<sup>th</sup> Anniversary of the adoption of the African Charter on Human and Peoples rights and 21<sup>st</sup> October 2006 will mark the 20<sup>th</sup> Anniversary of the entry into force of the Charter. He stated that it was important for the African Commission to undertake a self-evaluation to establish what contribution it had made on the continent thus far. Honourable Hy dara deplored the poor financial situation of the African Commission and warned that dependence by the African Commission on donor funding

may bring into question its credibility and independence, but reaffirmed his government's readiness to support the independence of the African Commission, since it is viewed as an indispensable institution in the realisation of the objectives of the African Union.

12. During the Session, the African Commission heard statements relating to the human rights situations in Africa from several Delegates of State Parties, Representatives of International Organisations and Intergovernmental Organisations, National Human Rights Institutions and NGOs.
13. Thirty two (32) States Parties, Nineteen (19) National Human Rights Institutions, six (6) International Organisations and Intergovernmental Organisations and one hundred and twenty eight (128) African and International NGOs were represented at the 39<sup>th</sup> Ordinary Session of the African Commission. Altogether a total of four hundred and nineteen (419) participants attended the 39<sup>th</sup> Ordinary Session.
14. In conformity with Article 62 of the African Charter on Human and Peoples' Rights, the Central African Republic presented its Initial Report. The Republic of Cameroon and the Great Socialist Libyan Arab Jamahiriya presented their Periodic Reports. The African Commission examined the said State Reports and adopted Concluding Observations relating thereto. In accordance with its decision taken at the 38<sup>th</sup> Ordinary Session, the African Commission considered the Initial Report of Seychelles in the absence of the State Representatives.
15. The Chairperson and Members of the African Commission, as well as the various Special Rapporteurs and Chairpersons of the Working Groups of the African Commission presented reports of the activities that they had undertaken during the inter-session.

16. The African Commission granted Observer Status to the following seven (7) NGOs -:

- Prison Fellowship Ethiopia (Ethiopia)
- Institut Panos de l’Afrique de l’Ouest (Senegal)
- WITNESS (USA)
- Foundation for Women’s Health, Research & Development (UK)
- Citizens for a Better Environment (Zambia)
- Cameroon Environmental Protection Association (Cameroon)
- Stop Poverty (Mauritania)

This brings the number of NGOs with Observer Status with the African Commission to three hundred and forty nine (349).

17. The African Commission adopted the Report of the Fact-finding Mission to Togo and the Report of the Mission of the Special Rapporteur on the Rights of Women in Africa to the Democratic Republic of Congo.

18. The African Commission reiterated its decision to organise seminars on the following topics in 2006 -:

- Terrorism and Human Rights in Africa;
- Islam and Human Rights;
- Contemporary Forms of Slavery; and
- Refugees and Internally Displaced Persons in Africa.

19. The African Commission adopted the Resolution on the Renewal of the Term and Extension of the Mandate of the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa – Commissioner Bahame Tom Mukirya Nyanduga. The mandate was extended to include the protection of migrants.

20. The African Commission considered fifty nine (59) communications. It was seized with eight (8) new communications and considered three (3) communications for review, seventeen (17) on the merits and thirty one (31) on admissibility.

21. The African Commission considered and took note of the Report of the Secretary to the African Commission, relating to the financial and administrative situation of the Secretariat and to the construction of the headquarters. The African Commission considered its budget for 2007 which was prepared by the Secretariat and submitted proposals for inclusion therein.
22. The African Commission adopted its Activity Report which will be submitted to the 9<sup>th</sup> Ordinary Session of Executive Council of the African Union and the 7<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government of the African Union, which is scheduled to take place between 25<sup>th</sup> June and 2<sup>nd</sup> July 2006, in Banjul, The Gambia.
23. The African Commission decided to hold its 40<sup>th</sup> Ordinary Session from 15<sup>th</sup> to 29<sup>th</sup> November 2006 in Banjul, The Gambia.
24. The African Commission expresses its sincere appreciation and profound gratitude to the Government of The Gambia for the facilities placed at its disposal and for the warm welcome and hospitality accorded to the participants, all of which contributed to the excellent outcome and success of the deliberations of its 39<sup>th</sup> Ordinary Session.
25. The closing ceremony of the 39<sup>th</sup> Ordinary Session took place on the 25<sup>th</sup> May 2006 in Banjul, Republic of The Gambia.
26. The Chairperson of the African Commission will hold a Press Conference after the closing ceremony.

*Done in Banjul, The Gambia, 25<sup>th</sup> May 2006*