Final Communiqué of the 28th Extra-Ordinary Session of the African Commission on Human and Peoples’ Rights

VIRTUAL SESSION
29 June – 1 July 2020
1. The African Commission on Human and Peoples’ Rights (Commission) held its 28th Extra-Ordinary Session (the Session) from 29 June to 1 July 2020, virtually on account of the COVID-19 pandemic.

2. During its 33rd Ordinary Session, the Executive Council of the African Union by its Decision Ex.CL. Dec/1225(XXXVI) of 10 February 2020, elected four (4) new Members of the Commission.

3. In accordance with Article 38 of the African Charter on Human and Peoples’ Rights (African Charter), the newly elected Members of the Commission are required to make a Solemn Declaration to discharge their duties impartially and faithfully; and in terms of Rule 10 of the Commission’s Rules of Procedure, the prescribed Declaration must be made before they assume office at a Public Session of the Commission.

4. The Commission thus convened a public session to enable the newly elected Commissioners to make their Solemn Declaration; the Commission later retreated into a private session to carry out an induction for the new Commissioners; conduct a re-allocation of its special mechanism mandates and country rapporteurs for countries Commissioners are responsible for monitoring the general human rights situation. Lastly, the Commission resumed its public session to deliver the Final Communique before officially closing the Session.

5. In accordance with Article 38 of the African Charter, the following newly elected Commissioners were sworn in during the Session:

   i. Dr Marie Louise Abomo of the Republic of Cameroon;
   ii. Mr Mudford Zachariah Mwandenga of the Republic of Zambia;
   iii. Mr Ndiâmé Gaye of the Republic of Senegal; and
   iv. Mrs Alexia Gertrude Amesbury of the Republic of Seychelles.

6. The Session was chaired by Honourable Commissioner Solomon Ayele Dersso, Chairperson of the Commission; assisted by Honourable Commissioner Rémy Ngoy Lumbu, Vice-Chairperson.

7. The following Members of the Commission participated in the Session:

   i. Honourable Commissioner Solomon Ayele Dersso; Chairperson
   ii. Honourable Commissioner Rémy Ngoy Lumbu; Vice Chairperson
   iii. Honourable Commissioner Kayïtïsï Zainabo Sylvie;
   iv. Honourable Commissioner Maya Sahli-Fadel;
   v. Honourable Commissioner Jamesina Essie L. King;
   vi. Honourable Commissioner Essaiem Hatem;
   vii. Honourable Commissioner Maria Teresa Manuela;
   viii. Honourable Commissioner Marie Louise Abomo;
   ix. Honourable Commissioner Mudford Zachariah Mwandenga;
   x. Honourable Commissioner Ndiâmé Gaye; and
   xi. Honourable Commissioner Alexia Gertrude Amesbury.
8. The public session was open to all stakeholders including representatives of Member States, AU Organs, National Human Rights Institutions (NHRIs), International and Inter-Governmental Organizations, Non-Governmental Organizations (NGOs); other observers and the media.

9. In his opening remarks, the Chairperson of the Commission, Honourable Commissioner Solomon Dersso, welcomed participants to the first virtual session of the Commission, while noting that the spread of COVID-19 on the continent has had an impact on the way we live and work. He informed participants that as part of the measures adopted to prevent the spread of COVID-19 and to protect participants and staff, the 66th Ordinary Session which was scheduled to take place in April 2020, and during which the new incoming Members of the Commission would have been sworn in, had to be postponed. He observed that given the ongoing nature of the COVID-19 pandemic, as well as the importance of the role of the Commission in ensuring the protection of human rights at this time, the Commission felt it necessary that the 28th Extraordinary Session be convened virtually, to allow the new incoming Members to assume office and to consider other urgent matters.

10. He welcomed all the newly elected Members of the Commission, while also wishing all the outgoing Members of the Commission the very best in their future endeavours. He recalled the Press Statement on human rights based effective response to the novel COVID-19 virus in Africa, issued by the Commission in March 2020, which provides guidance for States Parties to the African Charter, on placing human rights central in their responses to COVID-19. The Chairperson highlighted that the Commission has also adopted various thematic statements addressing different aspects of the COVID-19 responses of States and called on States to uphold human rights standards during the declared emergency or disaster situations.

11. Following the swearing-in, the Chairperson of the Commission invited the new Commissioners to make their individual statements.

12. In this regard, Honourable Commissioner Marie Louise Abomo extended her gratitude to all those who, at various levels, believed in her abilities and made her election as a Commissioner possible. While recognising both the magnitude of the tasks ahead and the importance of her responsibilities, she emphasized her determination to rise to the challenge in order to serve the African continent. She stated that she views the Commission as an institution which, in the framework of its mandate to promote and protect human and peoples’ rights in Africa, should notably contribute effectively to the achievement of Aspiration No. 3 of Agenda 2063, which highlights respect for human rights, justice and the rule of law. She underscored her role within the Commission, stating that together with other members of the Commission, she endeavours to contribute to the enrichment of human rights standards. She also expressed her commitment, with the civility and objectivity required, towards dialogue with the various stakeholders, in order for States in particular - which have the
primary responsibility of guaranteeing respect for human rights, to better fulfil their obligations, including by taking into account the recommendations of the Commission.

13. **Honourable Commissioner Mudford Zachariah Mwandenga** extended his gratitude to the Government of the Republic of Zambia for his nomination and to the Head of States of the African Union for electing him as a Member of the Commission. He recognized the responsibilities bestowed upon him in contributing extensively to the promotion and protection of human rights in Africa. He noted that this goes to the core of his work and undertook to discharge his duties diligently. He looked forward to having a good working relationship with the Commission and its Secretariat during his tenure at the Commission.

14. **Honourable Commissioner Ndiamé Gaye** stated that he was honoured to be elected as a Member of the Commission and accepted the noble role bestowed on him. He reiterated his commitment to serve selflessly to the course of human rights on the continent. He stated that he is privileged to be entrusted with such responsibility to serve Africa and made a commitment to perform his responsibilities diligently to the extent possible, with the support of other Members of the Commission.

15. **Honourable Commissioner Alexia Gertrude Amesbury** expressed gratitude to the Republic of Seychelles for nominating her and for her election as a Member of the Commission. She stated that Seychelles represents a small portion on the map of Africa and is proud that Seychelles is being recognized at the international level for the first time. She noted that the public session of the 28th Extra-Ordinary Session of the Commission coincided with Seychelles’ National Day, which is a double honour for her country. She expressed gratitude to the Commission and its Secretariat for organizing the session and making it possible for the newly elected Members of the Commission to be sworn in, despite the current pandemic which has affected the world. She underscored the “Black Lives Matter” campaign, and noted that amidst the pandemic, it is important to promote and protect the rights of all individuals, especially African people. She noted further that African lives need to be respected, particularly the rights to health, food and shelter. She concluded by urging the Members of the Commission to ensure that the voice of Africans are heard.

16. Thereafter, the Chairperson of the Commission invited the longest-serving Member of the Commission, Honourable Commissioner Zainabo Sylvie Kayitesi, to deliver the welcome remarks on behalf of the Commission. She welcomed the newly sworn in Members of the Commission and expressed the desire that they will contribute immensely to the course of human rights. She noted the very difficult period in the promotion and protection of human rights on the continent due to the COVID-19 pandemic, while also underscoring the important role of the Commission in this regard. She paid tribute to the outgoing Commissioners and expressed appreciation for their commitment to the work of the Commission and human rights in general. She highlighted the
Commission’s motto ‘Human Rights, our Collective Responsibility’ and hoped that the Commission will continue to make a difference in promoting and protecting human rights on the continent.

17. In a Private Session, the Commission considered and adopted its agenda and conducted an induction for the newly sworn in members on the following: an Overview of the African Union Architecture; Country, Thematic and Special Rapporteur Mandates; Terms of Reference of Working Groups; Statutory Sessions and Inter-Session Work of the Commission; Rules of Procedure and Workings Methods of the Commission; Processing of Communications; and Functions and Responsibilities of the Secretariat.

18. During the Private Session, the Commission made the following re-allocation of countries of responsibility and Special Mechanisms amongst its members:

i. Honourable Commissioner **Solomon Ayele Dersso**: Chairperson of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa; Country Rapporteur for Kenya, Sahrawi Arab Democratic Republic, Tanzania, South Africa, and South Sudan (5);

ii. Honourable Commissioner **Rémy Ngoy Lumbu**: Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa; Country Rapporteur for Cameroon, Côte d’Ivoire, Togo, Gabon, and Mali (5);

iii. Honourable Commissioner **Kayitesi Zainabo Sylvie**: Special Rapporteur on the Rights of Women in Africa, Chairperson of the Working Group on Communications; Country Rapporteur for Algeria, Seychelles, Angola, Chad, and Senegal (5);

iv. Honourable Commissioner **Maya Sahli-Fadel**: Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa; Country Rapporteur for Benin, Niger, Mauritania, Tunisia, and Burkina Faso (5);

v. Honourable Commissioner **Jamesina Essie L. King**: Special Rapporteur on Freedom of Expression and Access to Information in Africa; Country Rapporteur for Eritrea, Namibia, Somalia, The Gambia, and Zimbabwe (5);

vi. Honourable Commissioner **Essaiem Hatem**: Chairperson of the Committee for the Prevention of Torture in Africa; Country Rapporteur for Libya, Sudan, Madagascar, Djibouti, and Mauritius (5);

vii. Honourable Commissioner **Maria Teresa Manuela**: Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa; Country Rapporteur for Mozambique, São Tomé and Príncipe, Guinea-Bissau, Equatorial Guinea, and Cabo Verde (5);

viii. Honourable Commissioner **Marie Louise Abomo**: Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa, Chairperson of the Working Group on Specific Issues Related to the Work of the Commission; Country Rapporteur for Burundi, Democratic Republic of Congo, Comoros, and Congo-Brazzaville (4);
ix. Honourable Commissioner **Mudford Zachariah Mwandenga**: Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa; Country Rapporteur for Ethiopia, Ghana, Liberia, Rwanda, and Malawi (5);

x. Honourable Commissioner **Ndiamé Gaye**: Chairperson of the Working Group on Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa; Country Rapporteur for Central African Republic, Uganda, Nigeria, Egypt, and Sierra Leone (5); and

xi. Honourable Commissioner **Alexia Gertrude Amesbury**: Chairperson of the Working Group on Indigenous Populations/Communities in Africa, Chairperson of the Committee on the Protection of the Rights of People Living with HIV (PLWHIV), and Those at Risk, Vulnerable to and Affected by HIV in Africa; Country Rapporteur for Botswana, Zambia, Lesotho, Swaziland and Guinea-Conakry (5).

19. These changes and reallocations will be made available on the website of the Commission on: www.achpr.org

20. The Commission decided to hold its 66th Ordinary Session from 13 July to 7 August 2020, virtually due to the continuing COVID-19 pandemic. Details of the Session will be made available on the Commission’s website in due course.

21. The Commission would like to take this opportunity to once again welcome the new Members of the Commission and wish them all the very best in their task ahead, in contributing towards strengthening the promotion and protection of human rights on the continent.

22. The Commission expresses its sincere gratitude to all stakeholders who have taken time off their busy schedule to participate in the Session.

23. The Closing Ceremony of the Session was held virtually on 1 July 2020.

**Done this 1st day of July 2020**