Final Communique of the 11th Ordinary Session of the African Commission on Human and Peoples' Rights

1. the African Commission on Human and Peoples’ Rights held its 11th Ordinary Session from 2 to 9 March 1992 in Tunis, at the invitation of the Tunisian Government, and chaired by Dr. IBRAHIM A. BADAWI EL SHEIKH

2. The session held just before the African Preparatory Conference on Human Rights organised by the United Nations and planned for November 1992 in Tunis, was preceded by the meeting of a workshop organised in the Tunisian capital from 29 February to 1st March 1992 by the International Commission of Lawyers on NGO support for the Commission’s work in cooperation with the African Commission.

3. At a time when Africa is proud to see one of its renowned sons, Dr. Boutros Boutros Ghali, at the head of the UN General Secretariat, at a time when the wind of democracy is blowing through the whole Continent and when Africa has just started on the process of dismantling the apartheid system in its southern part, the Commission has adopted a detailed program of action reaffirmed its determination to insure the promotion and the protection of human and peoples’ Rights in Africa.

4. The following Commissioners took part on this Session:
   - Dr. Ibrahim A. BADAWI EL SHEIKH, Chairman;
   - Alioune B. BEYE;
   - Mr. Ali Mahmoud BUHEDMA;
   - Mr. Robert H. KISANGA
   - Mr. Sourahata B. SEMEGA JANNEH; Vice chairman
   - Mr. Moleleki D. MOKAMA
   - Mr. Youssoupha NDIAYE
   - Mr. Isaac NGUEMA
   - Prof. U. O. UMOZURIKE

5. The Commission paid tribute to the late Commissioner C.L.C. Mubanga CHIPoya and observed a minute of silence.

6. The opening Session took place in the presence of His Excellency Mr. Hamed KAROUBI, Prime minister, representing the President of the Republic, Zine El Abidine Ben Ali.
   - Members of the Government and dignitaries of the host Country.
   - Ambassadors and Heads of Diplomatic Missions.
   - Mr. Hamed haggad, the OAU’s assistant Secretary General.
   - International and African NGO representatives.
   - Representatives from the International Press and guests

7. In his welcoming speech, Dr. Badawi El Sheikh, after praising Tunisia for her sustained policy on human rights, brought out the importance of this meeting, whose agenda covered notably both the examining of Egypt’s, Togo’s, Tanzania’s and Nigeria’s periodic reports and the studying of the right to freedom of association and the right of recourse. In his opening speech to the work of the 11th Session, the Prime Minister Mr. Hamed KAROUI stressed both the new era’s commitment to human rights and to African aspiration and just causes and to set up a new international economic order,
based on justice, equality of peoples and many-sided mutual help among African countries, finishing with a mention of how very much The Tunisian Government had done to promote and protect human rights.

8. The Commission elected a new Vice-Chairman Mr. Sourahata B. Jane in replacement of the late Commissioner C.L.C. MUBANGA-CHOPOYA.

9. The Commission’s work was particularly focussed on the four main questions that follow:
   i) Adopting a promotion program
   ii) Examining the periodic reports
   iii) Examining complaints
   iv) Studying article 10 of the Charter on the right to freedom of association and the right of recourse.

10. Before starting its deliberations, the Commission recorded a certain number of statements and also the conclusions reached by the workshop organized by the NGO’s forum.

11. In their speeches, the representatives of the governmental and non-governmental organizations stressed their organization willingness to give their support and their support and their aid to the functioning of the Commission for the Promotion and Protection of Human Rights in Africa. Such was the sense and significance of the speeches made in particular by:
   - Mr. FALK, representing the United Deputy Secretary General for Human Rights
   - Miss Catherine CISSE, on behalf of the Commission of European Communities
   - The representative of the Swedish Government
   - Mr. Nasr S.N. RAMADAN, representing the Tunisian Government
   - Mr. Farouk ABU EISSA, Secretary General of the Union of Arab Lawyers
   - Mr. Philip AMOAH, representing the International Federation of Journalists
   - Mr. Christopher HALL, representing AMNESTY INTERNATIONAL
   - Mr. FAYEK, Secretary General of the Arab Organization for Human Rights
   - Mr. Zouhir CHELLI, Tunisia’s honorary delegate at United Nations High Commissariat for Refugees.

12. Presenting the report of the workshop organized by the International Commission of Lawyers, Mrs. Mona ABDALLAH RISHMAWI first repeated the conclusions and recommendations made by the workshop, held from 5 – 7 October 1992 in Banjul on the organization and functioning of the African Commission on Human and Peoples’ Rights, before making recommendations on the contents of the right to freedom of association and of the right of recourse, provided for in article 10 and 7 of the African Charter on Human and Peoples’ Rights. According to Mrs. Rishmani, the workshop examined the provisions of the African Charter on Human and Peoples’ Rights and particularly those of the above-mentioned articles concerning the right to freedom of association and the right of recourse, so that the content of these rights conform to other international legal tools.

13. Taking up the question program of action and working methods, the Commission drew up a timetable of seminars and symposia which it intends to organize, either in cooperation with other international organizations or alone. In this way, the Commission reiterated its intention of organizing:
- a seminar on refugees and displaced persons, jointly with the UNHCR,
- a seminar on integration and the implementing of the African charter in Africa legal systems (Banjul 1992),
- a seminar on the role of women in development,
- a seminar on popular participation and informal education (in cooperation with UNESCO and the Economic Commission for Africa),
- a seminar on post-apartheid South Africa (in cooperation with UNESCO)

As regarding working methods, the Commission decided:
- to set up an Information and Documentation Centre within the Secretariat
- to set up a work group during the inter-sessions
- to adopt an organigram for the Secretariat’s departments, and recognized a need for recruiting the corresponding staff
- to establish a press bulletin concerning the activities of the Commission and concerning Human Rights in Africa
- To continue with publishing the African Commission on Human and Peoples’ Rights Review.
- To publish annual reports and other Commission’s documents including periodic reports
- On the need to publish and translate periodic reports

14. During the deliberations, the Commission had the task of examining the reports made by the Arab Republic of Egypt and the Republic of Tanzania. Examination of these reports aimed at examining the legislative or other measures taken by the states to give effect to the rights and freedoms recognized and guaranteed by the African Charter on Human and Peoples’ Rights.

15. The Commission regretfully noted that the States do not conform entirely to the orders and questions put to them when they are drawing up these reports. In nonetheless hailed the usefulness and the appropriateness of the constructive dialogue which had developed between the Commission and the States concerned, and thanked the Governments of the Arab Republic of Egypt and of Tanzania for their reports and for their willingness to cooperate with the Commission.

16. As regards promotion activities, besides those which appear in the program of action adopted by the Commission, the Commission will submit to the Conference of OAU heads of States and Governments to be held in Dakar in June-July 1992 a certain number of draft resolutions particularly concerning the ratifying of the Charter, promotional activities and the States’ reports. Moreover, the Commission passed two resolutions, one on the right of freedom of association and one on the right of recourse. As far as right of recourse is concerned, the Commission is appealing to the States to give effect to the exercise of this right, which includes:
   i) the right to refer to the competent national court any acts that violates the basic rights which are recognized and guaranteed to one by the conventions, laws, regulations and customs in force;
   ii) the right to be presumed innocent until one’s guilt is established by a competent court;
   iii) The right to be defended, including that of being helped by counsel of one’s choice.
   iv) The right of being tried within a reasonable period of time by an impartial court.

19. During this session, the Commission granted observer status to the following non-governmental organizations:
   i) The Human rights Institute at the Catholic University of Lyon;
   ii) The Guinea-Bissau Human Rights League;
iii) The International Society for Human Rights – The Gambia Group;
iv) The National Union of the Moroccan Press;
v) Lawyers for Human Rights;
vi) The Observatoires Panafricain de la Démocratie
vii) “Article 19” - The International Centre against Censorship;
viii) The National Human Rights Committee;
ix) The Libyan Arab Human Rights Commission;
x) The Benin Human Rights Commission;
xii) The African Lawyers Federation;
xii) The International Centre for Human Rights and Democratic Development

20. It also granted observer status to the International Committee of the Red Cross

21. Finally before ending the examination of its agenda, the Commission adopted its report of the 11Th Session and of the annual report, which will be submitted to the next session of the Conference of OAU Heads of States and Governments.

22. The commission registered with satisfaction the request made by the Malian government to the Commission to send a mission to observe the Presidential Election to be held on 22 March and 5 April 1992

23. The commission expressed its sincere thanks to his Excellency President Zine El Abdine Ben ALI, president of the Republic of Tunisia, and to the Tunisian Government and people, for their warm welcome and the hospitality they have shown it and for the support they have given to the Commission’s work, a support which has allowed the work to be so successful. A telegram of thanks to His Excellency the President was sent to that effect.