Final Communique of the 14th Ordinary Session of the African Commission on Human and Peoples' Rights


2. The Session was preceded by the fifth workshop on NGO participation in the work of the African Commission on Human and Peoples' Rights organized by the International Commission of Jurists in collaboration with the African Commission from 28 - 30 November, 1993.

3. The following Commissioners attended the Session:
   i) Prof Isaac Nguema, Chairman,
   ii) Dr. Mohammed Hatem Ben Salen, vice Chairman
   iii) Mr. Atsu-Kofi Amega,
   iv) Mr. Emmanuel Victor Oware Dankwa,
   v) Mr. Sourahata B. Semega Janneh,
   vi) Mr. Robert H. Kisanga,
   vii) Mrs Vera Valentina Duarte-Martins
   viii) Mr. Youssoupha Ndiaye,
   ix) Dr. Ibrahim A. Badawi El-Sheikh
   x) Prof. U.O Umozurike,

4. Mr Alioune Blondin Beye could not attend and sent his apologies.

5. The opening ceremony took place at 10.00am on 1 December 1993 at the Hilton Hotel in the presence of His Excellency, Salim Ahmed Salim, Secretary General of the OAU, Mr Adama Dieng, Secretary General of the International Commission of Jurists and Ambassador Haggag, Assistant Secretary General of the OAU. Also present at the opening ceremony were:
   - Ambassadors and Heads of Diplomatic Missions;
   - Representatives of Intergovernmental and Non-Governmental Organization;
   - Members of the Press and other guests.

6. In his introductory statement, Dr. Ibrahim Ali Badawi El-Sheikh, outgoing chairman of the African Commission, welcomed the three new members of the African Commission, Mr. Atsu-Kofi Amega, Mrs Vera Valentine Duarte-Martins, and Mr. Emmanuel Victor Oware Dankwa. Dr. Dadawi also congratulated Mr. Youssoupha Ndiaye for his re-election to the African Commission. He then called upon his Excellency, Dr. Salim Ahmed Salim, Secretary General of the OAU to address the opening meeting of the 14th Session.

7. In his address, His Excellency Salim Ahmed Salim congratulated the Commissioners elected during the last Summit of the OAU Assembly of Heads of States and Government. He also extended a special welcome to Mrs. Vera Valentina Duarte-Martins, the first woman to be elected to the Commission.
8. The OAU Secretary General urged the members of the Commission to discharge their duties impartially and faithfully as they are enjoined to do by the solemn declaration they made upon assuming their functions as Commissioners.

9. The Secretary General pointed out that the 14th Session convenes at a critical stage in the history of Africa. He noted that the changed world political circumstances have brought challenges to African States to adjust the systems of governments to respond to the new needs of society, particularly in the field of Human and Peoples' Rights.

10. The OAU Secretary General further noted that the new wave imposes a heavy duty on the African Commission as the Human rights Ombudsman in Africa. He called on the Commission to challenge governments to protect and promote human rights through dialogue and not through confrontation.

11. In conclusion, the OAU Secretary General stated that in order to achieve the objective of promoting and protecting human rights, Africans must continue the struggle for a world order which is sensitive to the legitimate aspirations for economic and social development of Africans which is an essential element of human rights. The Secretary General pledged to cooperate with the African Commission on the discharge of its functions.

12. In his opening address, the outgoing Chairman, Dr. Ibrahim Ali Badawi el-Sheikh thanked the OAU Secretary General for his address and stated that the Commission will take into account the Secretary General's message during its deliberations.

13. Dr. Badwi El-Sheikh noted that the 14th Session convenes at a time when the Central Organ for the Prevention, Management and Resolution of Conflicts in Africa meets at the level of Heads of State. Dr. Badawi El-Sheikh pointed out that many conflicts in Africa stem from human rights breaches.

14. Dr. Badawi El-Sheikh referred to the accomplishments and difficulties of the African Commission since its inception. In particular, he referred to the Commission's relations with NGOs, the Commission's examination of State reports and individual and NGOs complainants, as well as the Commission's 1992-1996 programme of activities.

15. Dr. Badawi El-Sheikh, stressed the need for the OAU to increase the administrative capacity of the Commission's Secretariat as well the Commission's budget so as to increase the effectiveness of the Commission.

16. Dr. Badawi El-Sheikh also referred to the important of coordinating with the OAU, the activities of the African Commission relevant to the work of the former. In particular, activities on the rights of the child, women and refugees.

17. In conclusion, Ddr. Badawi el-sheikh stressed the importance of promoting and ensuring respect for human rights in Africa as a prerequisite for development, peace and stability.

18. After the opening ceremony the newly elected members of the Commission made a solemn declaration to discharge their duties impartially and faithfully.
19. Pursuant to Article 42 of the African Charter and Rule 7 of the Rules of Procedure, the Commission elected its Chairperson and vice Chairperson for a renewable two-year period. Mr Isaac Nguema was elected Chairman. Mr Mohammed Hatem ben Salem was elected Vice Chairman.

20. During its proceedings the Commission dealt mainly with the following:

i. Consideration of applications for observer status;
ii. Consideration of Periodic Reports;
iii. Consideration of Communications;
iv. Consideration of Promotional activities;

21. The following non-governmental organisations were granted observer status:

i) International Federation of Women Lawyers (FIDA) Kenya Chapter;
iii) National Justice and Peace Commission, Catholic Mission
iv) Collectif des Ligues et Associations de Defense des Droits de l'Homme au Rwanda (CLADHO);
v) International Work for Indigenous Affairs;
vi) The Centre for Human Rights, Faculty of Law, University of Pretoria;
vii) Ligue des Droits de la Personne dans la Region des Grands Lacs (LDGL);
viii) International Commission of Jurists (Kenya Section);
ix) Foundation for Human rights Initiative;
x) Media Rights Agenda;
xi) Inter-African Network for Human Rights;
xii) International Alert;
xiii) University of Namibia;
xiv) Ligue Camerounaise des Droits de la Personne;
xv) Ethiopian Human Rights Councils;

22. The following non-governmental organization were granted observer status subject to the provision of additional basic documents:

i) Penal Reform International;
ii) AZADHO (Association de defense des Droits de l'Homme - Zaire)
iii) Association des Journalistes du Cape Vert;

23. These increase to 129 the number of non-governmental organizations in observer status with the African Commission.

24. The granting of observer status to la Societe Internationale pour les Droits de l'Homme was postponed pending the submission of a complete set of documents.

25. At the beginning of its proceedings, the Commission heard statements from several African and International NGO representatives including:

i. Nana Ghartey, Ghana Committee on Human and Peoples' Rights;
ii. Mr. Shadrack Gutto, Network of Activists and Researchers on Intergrated Human Rights in Africa
iii. Mrs. Tokunbo Ige, Legal Research and Resource Development Centre;
iv. Mr. Christopher Hall, Amnesty International;
v. Ms. Mona Rismawi, International Commission of Jurists; and
vi. Mr. Anslem Odinkalu, Interights (The International Centre for the Legal Protection of Human Rights).

26. During the proceedings, the Commission considered the initial periodic report of Ghana. Mr. Kobina Wudu, Ghana's Charge d'Affaires in Ethiopia, presented the report on behalf of the government of Ghana.

27. The purpose of periodic State reports is to encourage States to implement voluntarily their human rights obligations.

28. The Commission thanked the government of Ghana and its representative for submitting the report. The Commission urged the government of Ghana and its representative to submit in writing additional information and response to questions which could not be answered.

29. The Commission appealed to states Parties which have not yet done so to submit their reports as soon as possible.

30. With regards to protective activities, the Commission considered 60 communications from NGOs and individuals. These included 7 new communications. The Commission noted that some of these cases apparently relate to special cases which reveal the existence of serious and massive violations of human and peoples' rights.

31. The Commission noted with concern the situation of massive violations of human rights in a number of African countries which cause human suffering and death. Accordingly, the Commission appeals to all concerned to find ways and means to put an end to such unfortunate situations.

32. As regards promotional activities, the Commission decided to organize the following seminars:
   i. the status of women under the African Charter in relation to specific socio-economic problems;
   ii. refugees and displaced persons in Africa;
   iii. right to fair trial to be organised the Arab Lawyers Union;
   iv. popular participation and informal education.

33. In order to give effect to the rights set forth in the African charter, the Commission also adopted two resolutions, one on the right to Human Rights Education and another on the promotion and respect of human rights and International Humanitarian Law.

34. During its deliberations, the Commission received information that President Houphouet Boigny of Cote d'Ivoire had passed away. The Commission noted with regret that the death of President Houphouet Boigny is a great loss to Africa. The Commission observed a minute's silence and decided to send its condolence to the Government of Cote d'Ivoire.

35. The Commission reiterated its decision to continue to encourage African States to recognize 21 October as Africa Human Rights Day.
36. The Commission calls upon Ethiopia, Swaziland and Eritrea to adhere to the African Charter on Human and Peoples' Rights.


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