Final Communique of the 15th Ordinary Session of the African Commission on Human and Peoples' Rights

1. The African Commission on Human and Peoples’ Rights held its 15Th Ordinary Session at its Headquarters in Banjul, Gambia from 18 to 27 April under the chairman of Professor Isaac NGUEMA.

2. The session was preceded by the sixth workshop on NGO participation in the work of the African Commission on Human and Peoples’ Rights organized by the International Commission of Jurist (ICJ) in collaboration with the African Commission and the African Centre for Democracy and Human Rights Studies.

3. The following Commissioners attended the Session:
   - Prof. Isaac NGUEMA, Chairman;
   - Dr. Mohammed H. BEN SALEM, Vice chairman;
   - Prof. Emmanuel V. O. DANKWA;
   - Mr. Sourahata B. S. JANNEH;
   - Mr. Robert H. KISANGA;
   - Mrs. Vera Valentina B. S. DUARTE MARTINS
   - Mr. Youssoupha NDIAYE;
   - Dr. Ibrahim Ali BADAWI EL-SHEIKH;
   - Prof. U. Oji UMOZURIKE.

4. Mr. Alioune Blondin BEYE and Mr. Atsu Koffi AMEGA could not attend and sent their apologies.

5. The opening ceremony took place at 10.00 am on 18Th April 1994 at Kombo Beach Novotel in the presence of the Honorable Mariama Alaba MBOGE, Parliamentary Secretary, Ministry of external Affairs, the Gambia and Mr. Adama DIENG, Secretary General of the International Commission of Jurists. Also present were:
   - ambassadors and Head of Diplomatic Missions;
   - Government Officials;
   - Representatives of Inter-governmental ad Non-governmental Organizations
   - Members of the Press and Other Guests.

6. Prof. Isaac Nguema and Mr. Adama Dieng addressed the opening Session.

7. In his address, Prof. Isaac Nguema deplored the poor human rights situations in a number of African countries and in particular addresses the question of summary executions. He considered various theories on the origin of violence and dismissed the notion that violence is inevitable in Africa. He however, expressed the view that ethnic rivalry and poverty are the main causes of violence in Africa.

8. In view of the wide spread problems in Africa, Prof. Isaac Nguema recognized the need for the African Commission to be seen as a forum for action, solidarity, responsibility, a forum of liberty and truth, dialogue and tolerance.
9. In his address Mr. Adama Dieng stressed the need to strengthen the cooperation between the African Commission and NGOs. He emphasized the importance of NGO involvement in the work of the Commission as NGOs provide information on human rights and urged the Commission to continue to make use of NGO resources.

10. Mr. Adama Dieng described the last six months as a period of despair because of the systematic and serious violations of human rights in African countries, notably Rwanda and Burundi. He also referred to the issue of extrajudicial executions in Africa. On behalf of the NGOs attending the Session, Mr. Dieng called on the African Commission to interpret the African Charter in a dynamic way in order to ensure the enjoyment of fundamental rights in Africa.

11. During its proceeding, the Commission dealt mainly with the following:

- The situation in Rwanda and South Africa
- Consideration of Communications;
- Consideration of promotional activities;
- Administrative and financial matters;
- Examination of Extrajudicial Execution;
- Cooperation with the United nations in the promotion and protection of human rights in Africa;
- Consideration of applications for observer status with the African Commission;
- Preliminary Discussion of the question of establishing an African Human Rights Court.

12. The following non-governmental organizations were granted the observer status:

- Community Legal Resource and Advice Centre;
- The Botswana Centre for Human Rights was granted Observer status subject to the provision of additional documents.

13. This increases to 131 the number of NGOs which have observer status with the African Commission.

14. At the beginning of its proceeding, the Commission Heard statements from several African and International NGO representatives including:

- Dr. Phillip AMOAH, International Commission of Jurist (ICJ);
- Mme Bernadette PALLE, coordonatrice du Réseau Sous Régional Femmes Africaines et Droits Humains (REFAD);
- Mr. Aref Mohamed AREF, Association pour la Défense des Droits de l’Homme et des Libertés;
- Mrs. Florence BUTEGWA, Women in Law and Development (WILDAF);
- Mr. Salem MEAHOU, Anti-Slavery International;
- Mrs Dorcas COKER-APPIAH, International Federation of Women Lawyers (FIDA), Ghana;
- Mr. Kolawole Olaniyi, Constitutional Rights Project;
- Mme Ndoure MBAM DIARRA, Association Malienne des Droits de l’Homme;
- Mr. Anselme ONDIKALU, Interights;
- Mr. Kwesi GYAN APENTENG, African Topics

15. Dr. Phillip Amoah, IJC Legal Officer for Africa presented the conclusions and recommendations of the NGO workshop. In addition, the NGO workshop presented a number of draft resolutions for consideration by the African Commission.
16. During its deliberations, the Commission noted with regret that it could not consider the periodic report of Mozambique as scheduled because the leader of the delegation of Mozambique who had the mandate to present the report could not turn up, although two members of the said delegation were in attendance.

17. The purpose of periodic State reports is to encourage States to implement voluntarily their human rights obligations, and states Parties encouraged to ensure that their representatives are present at present their reports.

18. Furthermore, the Commission appealed to States Parties which had not yet done so to submit their reports as soon as possible.

19. As regards protective activities, eight new communications were submitted to the Commission. The Commission also considered 70 communications which have so far been submitted to it.

20. The Commission noted, with concern, the situation of massive violations of human rights in Rwanda. In this regard, the Commission appointed its Vice Chairman as Special Rapporteur for extrajudicial executions in Africa, and the rapporteur has been requested to address the situation in Rwanda as a matter of urgency.

21. The Commission also noted with concern, the United Nations’ Security Council’s withdrawal of peace keeping troops from Rwanda. The Commission issued a press communique deploring the Security Council’s decision and urged the United Nations to send peace keeping troops to protect the people of Rwanda. The Commission also called the OAU heads of States to increase assistance to Rwanda in an effort to bring a speedy end to the suffering of the people of Rwanda.

22. The Commission also passed a resolution calling for the cessation of violence and for a free and fair election in south Africa.

23. With respect to promotional activities, the Commission reiterated its decision to organize the following seminars:
   - The status of women under the African Charter in relation to specific socio-economic problems (schedules to be held in Banjul, Gambia in October 1994);
   - The right to fair trial and legal assistance to be convened in Cairo, Egypt;
   - The implementation of the African Charter with particular reference to the reporting procedure (for French, Arabic and Portuguese speaking African countries) to be held in Tunis, Tunisia;
   - Human Rights Education in South Africa in collaboration with Lawyers Association for Human Rights.
   - Informal education and popular participation

24. The Commission accepted an invitation from the United Nations to participate in a regional seminar on the drafting and preparation of periodic reports, scheduled to be held in Abidjan, Côte d’Ivoire from 20 to 24 June 1994

25. A report on a Seminar on African Refugees and internally displaced persons which was successfully held in Harare from 16 to 18 February 1994 was presented to the Commission.

26. The Commission considered in a preliminary way the question of establishing an African Court on
Humans and Peoples’ Rights, and the Commission on the matter entrusted one Commissioner to prepare, for the 16Th Session, a draft proposal on the future possible action.

27. The commission reiterated its decision to continue to encourage African States to recognize 21 October as Africa Human Rights Day.

28. The Commission called upon Ethiopia, Eritrea and Swaziland to ratify the African Charter on Human and Peoples’ Rights.


Issued in Banjul 27 April 1994