Final Communique of the 17th Ordinary Session of the African Commission on Human and Peoples' Rights

1. The African Commission on Human and Peoples’ Rights held its 17Th Ordinary Session in Lome, Togo upon the invitation of the Togolese from 13 to 22 March 1995 under the chairmanship of Prof. Isaac Nguema

2. The Session was preceded by a seminar on the African Charter in Human and Peoples’ Rights and the Human Rights of Women in Africa, organized by the African Commission in collaboration with the WILDAF (Women in Law and Development in Africa); as well as the 8Th workshop on NGO participation in the work of the African Commission, organized by the International Commission of Jurist (ICJ) in collaboration with the African Commission and the Association pour la promotion de l’Etat de Droit (APED), a togoelese NGO.

3. The following Commissioners attended to the Session:
   i) Prof. Isaac Nguema, chairman;
   ii) Dr. Mohammed H. Ben Salem, vice chairman
   iii) Mr. Atsu Koffi Amega;
   iv) Dr. Ibrahim Ali BADAWI
   v) Prof. Emmanuel V. O. DANKWA
   vi) Dr. Vera Valentina B. S. DUARTE MARTINS
   vii) Mr. Sourahata B. S. JANNEH
   viii) Mr. Robert KISANGA
   ix) Prof. Oji UMOZURIKE

4. Mr. Alioune BEYE and Mr. Youssoupha Ndiaye could not attend and sent their apologies.

5. The opening ceremony began at 10.00 am on the 13Th March 1995 at the Hotel Sofitel 2 Février in the presence of the Hon. Djovi Gally, minister for Human Rights and Rehabilitation responsible for Parliamentary Affairs of the Republic of Togo, representing the Prime Minister of the Republic, Mr. Dougan Becca Jose Domingo, representing H.E. Mr. Ibrahima Fall, the assistant Secretary General of the United Nations and Director of the UN Centre for Human Rights, and Mr. Adama Dieng, Secretary General of the International Commission of Jurists.

6. Also present were:
   - Ambassadors and Head of Diplomatic Missions;
   - Officials of the Togolese Government;
   - Delegates of States parties to the African Charter
   - Representatives of Inter-governmental and Non-governmental Organizations
   - Members of the Press and Other Guests.

7. Mr. Dougan Becca Jose Domingo, Mr. Adama Dieng, Prof. Isaac Nguema and the Hon.djovi Gally addressed the opening ceremony.

8. In his address Mr. Dougan Becca thanked the Commission for having invited the United Nations Centre for Human Rights to its 17Th Ordinary Session. After having extended to the Commission the
salutations and the wishes for its success of H.E. Mr. Ibrahima Fall, the Assistant Secretary General of the United Nations Centre for Human Rights and the Director of the said Centre, Mr. Dougan Becca notably assured the African Commission of the United Nations Centre for Human Rights’ commitment to support the Commission in carrying out its mandate.

9. In his address, Mr. Adama Dieng referred to the financial difficulties and insufficient personnel of the Secretariat of the African Commission and assured the African Commission of the International Commission of Jurists’ commitment to support the latter in carrying out its functions. Mr. Dieng informed the Commission that the ICJ will very soon sponsor an African Lawyer to work at the Commission’s Secretariat for a period of 12 months.

10. Mr. Dieng congratulated the government of Togo and Senegal for accepting the Commission’s request to undertake missions in their countries.

11. Mr. Dieng referred to the need to establish peace as well as the importance of strengthening the independence of the judiciary in Africa. The OCJ Secretary General also stated that those who commit serious breaches of human rights are often not brought to justice and noted the importance of addressing the problem of impunity.

12. In his address, Prof. Isaac Nguema thanked the ICJ for its commitment to attach a lawyer to the Commission’s Secretariat. He discussed the origins of various problems facing Africa including ethnic and religious conflicts and the crimes that accompany military take-overs. Prof. Nguema also stressed the need to find African solutions to African problems.

13. In his address, the Hon. Djovi Gally stated that Togo is committed to the promotion and protection of human rights and noted that the country’s constitution incorporates the principles enshrined in International Human Rights Treaties.

14. Ministry Djovi Gally stated that the African Charter should be seen as the Constitution of Africa. He referred to the various problems facing Africa and emphasized the necessity of education for the development of a democratic society.

15. During its proceedings, the Commission dealt mainly with the following:

   i) Adoption of the report of the 16Th Session;
   ii) Consideration of application for observer status;
   iii) Promotional activities of the members of the Commission;
   iv) Examination of extrajudicial execution;
   v) Implementation of Resolution AHG/Res.230 (XXX) on the Creation of an African Court on Human and Peoples’ Rights;
   vi) The situation of prisons in Africa
   viii) Information on the Dakar Regional Preparatory Conference for the 4Th World Conference on Women;
   ix) Organization of forthcoming seminar and conferences;
   x) Publication of the Review and the Bulletin of the Commission;
   xi) Interpretation of Article 12 of Rules of Procedure of the Commission;
xii) Activities of the OAU relevant to the work of the Commission;

xiii) Administrative and Financial Matters;

xiv) Consideration of Communications

16. The following non-governmental organizations were granted the observer status:
   i) Association Angolaise des Droits de l’Homme;
   ii) Human Rights Information and Documentation Systems (HURIDOCS);
   iii) Women Justice Program;
   iv) Association Mondiale pour les Orphelins et les Enfants Abandonnés;
   v) Comité Africain pour le Droit et le Développement;
   vi) Association Mauritanienne des Droits de l’Homme;
   vii) Mouvement Mauritanien des Droits de l’Homme;
   viii) SOS Esclaves, Mauritanie;
   ix) Groupe d’Etude et de Recherche sur la Démocratie et le Développement Economique et Social en Mauritanie;
   x) Tchad Non-Violence;
   xi) Human Rights Society, The Gambia;
   xii) FIDA (Uganda);
   xiii) Liberia Human Rights Chapter;
   xiv) Institut Africain pour la Démocratie.

17. The following organizations were not granted observer status because the requirements were not met:
   i) Initiative et Développement – Afrique;
   ii) Ligue Africaine des Droits de l’Homme et des Peuples;
   iii) Association pour le progrès et la Défense des Droits de la Femme Maliennes;
   iv) International Movement for Development in Africa;
   v) Human Rights Defence Association for Peace in Central and Southern Africa.

18. The granting of observer status to 14 NGOs increased to 154 the number of NGOs which have observer status with the African Commission.


20. The representatives of Algeria, Burundi, Burkina Faso and Mali addressed the Commission and informed the Commission of their countries’ intention to present their State reports.

21. The Commission heard Statements from several African and international NGOs including:
   - Mr. Ahmed Motala, Lawyer for Human Rights;
   - Mr. Alioune Tine, rencontre Africaine pour la Défense des Droits de l’Homme;
   - Mr. Atondoko Guillaume Ngefa, AZADHO;
   - Mr. Salem Mezhoud, Anti-Slavery International;
   - Mrs. Tokundo Ige, International Commission of Jurist;
   - Mr. Jean-Berckmans Kaburumdi, ligue Burundaise des Droits de l’Homme (ITEKA);
   - Mr. Chidi Odinkalu, Interights;
- Mrs. Gloria Scott, Association of Femal Lawyers of Liberia ;
- Mrs Marguerite Contat, Comité International de la Croix Rouge (CICR) ;
- Mr. Nicholas Howen, Amnesty International ;
- Mr. Jean-Francois Basse, Observatoire International des Prisons ;
- Mr. Agokla Mawuli, Defense of Children International ;
- Mr. Clement Nwankwo, Constitutional Rights Project of Nigeria ;
- Mr. Mohammed Moneib Genedy, Egyptian Organization for Human Rights ;
- Mr. Ahmed Othmani, Penal Reform International (PRI) ;
- Mr. Tite R. Gatabazi, Défense des Enfants International ;

22. Mrs. Tokunbo Ige of the ICJ presented the Conclusions and Recommendations of the 8Th ING and put particular emphasis on the following questions:
   a) The necessity to appoint a Special Rapporteur on Prison Conditions in Africa ;
   b) The study on the implementation of Economic, Social and Cultural rights in Africa ;
   c) The existence of systematic and gross violations of human rights in a number of African countries ;
   d) The fight against impunity in Africa.

23. The Commission notes with regret that the State reports of Mozambique, Seychelles could not be considered as scheduled because the States did not send their representatives to discuss the reports with the Commission. On the other hand, the Commission took note of the apologies of Mauritius, which could not send their representative due to the cyclone which step through the country on the 12Th and 13Th of March 1995.

24. Members of the Commission presented reports on promotional activities which they undertook during the inter-sessional period.

25. The Special Rapporteur on Extrajudicial, summary or arbitrary executions presented a draft proposal of revised terms reference after considering draft terms of reference from the Commission and NGOs. After consideration, the Commission adopted the terms of reference presented by the Special Rapporteur.

26. The commission’s Secretary General informed the Commission that the OAU Secretary General in consultation with member States and the ICJ will convene a meeting of expert in May 1995 regarding the establishment of an African Court on Human and Peoples’ Rights.

27. The Commission considered the question of penal reform and the prison conditions in Africa. The Commission decided to organize a seminar on penal reform in collaboration with Penal Reform International.

28. Commissioner Vera Valentina B. S. Duarte Martins presented the conclusions and recommendations on the seminar on the Rights of Women in Africa and the African Charter on Human and Peoples’ Rights. The main recommendations are as follows:
   a) An additional protocol on the rights of women should be prepared ;
   b) Pending the adoption of this additional protocol, some interim measures should be taken by the States Parties in order to allow women to enjoy fully their rights;
c) The commission should recommend to the OAU the nomination of a special rapporteur to the Commission who would be responsible for the protection of women’s rights.

29. The Commission approved the first two recommendations relative to the additional protocol and to the interim measures.

30. The Commission entrusted two of its members, Dr. Duarte Martins and Prof. Dankwa to initiate work on an additional protocol on the rights of Women.

31. The Commission reiterated its decision to organize the following seminars:
   i) the Right to Fair Trial and Legal assistance;
   ii) Popular Participation and Non-formal Education
   iii) Human Rights in a New South Africa.

32. The commission also decided to organize seminars on the following themes:
   i) Contemporary Forms of Slavery in Africa;
   ii) Peaceful Resolution of Ethnic and Social Conflicts;
   iii) The Right to Education as an Essential Condition for Development in Africa
   iv) Freedom of Movement and the Right to Asylum in Africa;
   v) The Problem of Impunity in Africa;
   vi) Conditions in African Prisons;

33. The Commission considered and adopted the report and the resolutions of the 16th Session. These resolutions are on The Gambia, Nigeria, Rwanda, the Military, Contemporary Forms of Slavery and the Human Rights Situation in Africa.


35. With respect to its protective activities, the Commission examined 53 old communications and 1 new communication. The status of the communication is as follow:
   i) Communication on which a decision on the merits was taken: 3.
   ii) Communications declared admissible: 8
   iii) Communication declared inadmissible: 4
   iv) Cases in which the Commission decided to send missions to the States concerned: 23
   v) Cases in which decisions were deferred pending receipt of additional information: 10
   vi) Cases in which the Commission is to effect amicable settlement: 2
   vii) Cases in which the file was closed: 4

36. During this Session, the Commission was received in audience by the President of the Republic of Togo, General Gnassimbe Eyadema as well as by the Prime Minister, H.E. Mr. Edem Kodjo.

37. The closing ceremony was addressed by his Excellency Edem Kodjo, Prime Minister of the Republic of Togo.
38. The Commission calls on Algeria, Botswana, Burundi, Burkina Faso, Cameroon, Central African Republic, Comoros, Congo, Côte d’Ivoire, Djibouti, Equatorial Guinea, Gabon, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Namibia, Niger, Sahrawi Democratic Republic, Sao Tome & Principe, Sierra Leone, Somalia, Sudan, Zaire And Zambia to submit their initial State reports as soon as possible.

39. The Commission urgently calls on Eritrea, Ethiopia, Swaziland and South Africa to ratify the African Charter on Human and Peoples’ Rights as soon as possible.

40. The Commission decided to hold its 18Th Ordinary Session in Cape Verde from 6 to 15 October 1995.

Issued in Lome, Togo, 22 March 1995.