Final Communique of the 18th Ordinary Session of the African Commission on Human and Peoples' Rights


2. The Session was preceded by the 19th ICJ workshop on the participation of NGOs in the meeting of the African Commission on Human and Peoples’ Rights. The workshop, which took place from 29th September to 1st October 1995, had been organized by the International Commission of Jurist (ICJ) in collaboration with the African Commission on Human and Peoples’ Rights.

3. The following commissioners attended the session:
   - Prof. Isaac Nguema, chairman;
   - Dr. Hatem Ben Salem, vice chairman;
   - Mr. Atsu Koffi Amega;
   - Prof. Emmanuel V. O. Dankwa;
   - Dr. Vera Valentina B. S. Duarte Martins;
   - Mr. Youssoupha Ndiaye;
   - Prof. U. Oji Umozurike;
   - Mr. Robert Habesh Kisanga;
   - Mr. Kamel Rezzag-Bara; and
   - Mrs. Julienne Ondzieb-Gnelenga.

4. Apologies ceremony were received from Alioune Blondin Beye.

5. The opening ceremony was held on 2nd October 1995 at 10.00 am on the premises of the National Assembly of Cape Verde and was presided over His Excellency the President of the Republic of Cape Verde, Mr. Antonio Mascarenhas Monteiro. The ceremony was also graced with the presence of Mr. Amilcar Spencer Lopes, the Speaker of the National Assembly, Mr. Carlos Veiga, the Prime Minister, Mr. Pedro Freire, the Minister of Justice and other members of the Government of Cape Verde.

6. The opening ceremony of the 18th Ordinary Session of the Commission was also attended by Ambassadors, Consuls and Heads of diplomatic Missions accredited to Cape Verde, delegates of OAU member States, representatives of inter-governmental and non-governmental organizations, members of the press and invited guests.

7. The following dignitaries spoke at the opening ceremony:
   - Honourable Pedro Freire, Minister of Justice of Cape Verde;
   - Mrs. Tokunbo Ige, the ICJ legal officer for Africa, representing Mr. Adama Dieng, Secretary-General of ICJ;
   - Prof. Isaac Nguema, Chairman of the African Commission on Human and Peoples’ Rights; and
   - His Excellency the President of the Republic of Cape Verde, Mr. Antonio Mascarenha Monteiro.
a) In his speech, the Minister of Justice Mr. Pedro Freire extended a warm welcome to members of the African Commission on Human and Peoples’ Rights and to members of the NGOs taking part in meetings of the Commission to Cape Verde. Mr. Freire reaffirmed Cape Verde’s commitment to preserving democratic values, the rule of law and the respect of human rights.

b) Speaking on behalf of Mr. Adama Dieng, the ICJ Secretary-General, Mrs. Tokunbo Ige, the ICJ legal Officer for Africa, wished the Commission’s meeting success and emphasized the need for cooperation between the Commission and NGOs in order to – in particular – consolidate the independence of the Judiciary in Africa and to eliminate impunity of perpetrators of serious violations of human rights.

c) Professor Isaac Nguema, Chairman of the African Commission on Human and Peoples’ Rights condemned the coup d’Etat which had taken place previous day in the Comoro Islands and called upon France to subdue Bob Denard, a French National who mastermind the overthrow of the Government of Comoro. Prof. Nguema stressed the need to give greater priority to issues related to the development in Africa. Analyzing political development in Africa, Prof. Nguema argued that Africa needs a new approach to society – a project based on, among other things, the rule of law, human rights, the independence of the Judiciary and freedom of opinion and expression.

d) In his address, his excellency the President of the Republic of Cape Verde, Mr. Antonio Mascarenhas Monteiro asserted that the African Charter on Human and Peoples’ Rights was a significant step forward for the people of Africa. President Monteiro said that current development democratization gave rise to the hope of the establishment in the near future of an African Court on Human and Peoples’ Rights. The President emphasized the fact that democracy should not be limited to institutional mechanisms only, but should rather bring about – through economic and social progress – a genuine human rights culture. In conclusion, President Monteiro declared the 18Th Ordinary Session of the African Commission on Human and Peoples’ Rights open and wished it success.

8. After the official opening ceremony, two new members of the Commission, Mr. Kamel Rezag-Bara and Mrs. Julienne Ondziel-Gnelenga took the oath of office. Each one of them swore as follows: “I swear to carry out my duties well and faithfully in all impartiality”.

9. The Commission then proceeded to elect its office bearers. There were three candidates – Commissioners Isaac Nguema, Hatem Ben Salem and U.O. Umozurike – for the post of Chairman, professor Isaac Nguema was re-elected.

10. Prof. E.V. O Dankwa, the sole candidate for the post, was elected vice chairman of the Commission.

11. During its deliberations, the Commission discussed mainly, the following items:

- Consideration of applications for observer status ;
- Review of periodic reports of countries ;
- Consideration of amendments to the Rules of Procedure ;
- Review of article 52 of the Charter ;
- Activity report of the commissioners ;
- Consideration of the issue of extra-judicial, summary and arbitrary executions ;
- Report on the implementation of resolution AHG/Res. 230 (XXX) on the establishment of an African Court on Human and Peoples’ Rights;
- Organization of forthcoming seminars and conferences;
- Publication of the review and newsletter of the Commission;
- Prison conditions in Africa;
- Protection activities;
- Administrative and financial matters;
- The situation of the documentation centre of the Commission;
- Dividing States parties among members of the Commission for promotional activities;

12. Observer status was granted to 13 new non-governmental organizations. The list of these NGOs is available at the Secretariat. The number of NGOs status has therefore increases from 154 to 167.

13. representatives of the Governments of Algeria, Benin, Cameroon, Nigeria, Togo, Swaziland, Tunisia and Zambia took part to the Session.

14. The representative of the Government of Algeria announced that, among other things, he had submitted to the Secretariat, the first report of his country which will be examined at the 19Th Ordinary Session of the Commission.

15. representatives of Benin, Cameroon, Togo and Swaziland asserted the willingness of their governments to cooperate with the Commission.

16. furthermore, Swaziland’s delegate announced that Swaziland had already ratified the African Charter on Human and Peoples’ Rights and that the instrument of ratification had been sent to the office of the Secretary General of OAU.

17. During its Session of 3rd October 1995, the Commission discussed Tunisia’s first periodic report which was presented by two delegates of the government of Tunisia, namely Mr. Ali Benmalek, charge de missions in the Ministry of Foreign Affairs and Mr. Habib Cherif, an Advisor in the Ministry of Justice.

18. The Commission expressed satisfaction with the quality of the report presented by Tunisia and with the interest demonstrated by the Tunisian Government in keeping its commitment to the provisions spelt out in the African Charter on Human and Peoples’ Rights.

19. The Commission noted with regret that it could not discuss the country report of Mozambique, Mauritius and Seychelles as indicated on the Agenda because these countries had not sent delegates to the Session to present their reports to the Commission.

20. The Commission heard speeches delivered by representatives of the following African and International non-governmental organizations:

- Mr. Ahmed Motala : Amnesty International;
- Mr. Alioune Tine : Rencontre Africaine pour la Défense des Droits de l’Homme;
- Mr. Salah Zeghidi : Ligue Tunisienne pour la Defense des Droits de l’Homme.
- Mr. Aref Mohamed Aref : Association des Droits de l’Homme de Djibouti.
- Mr. Ahmed Othmani : Penal Reform International;
- Mr. Chidi Odinkalu : Interights;
- Mr. Jamal Abderrahim : Union des Avocats Arabes;
- Mr. Fernandez Gomez : Forum des ONG des pays Lusophones.
- Mr. Massalbaye Tenebaye : Union Inter-Africaine des Droits de l'Homme
- Mr. Kaudhis Ouffoumou : Association Internationale pour la Démocratie
- Mr. Sylver Ntukamazina : Ligue Burundaise des Droits de l'Homme;
- Mr. Benedict Sannoh : Center for Democracy and Human Rights – Liberia
- Mr. Gerd Oberleitner : World University Service;
- Mrs. Bernadette Palle : Coordinator of the “ Femmes Africaines et Droits Humains” Network;
- Mrs. Ayodele Atsenuwa : Legal Research and Resource Development – Nigeria
- Mr. Joseph Henry Joof : African Centre for Democracy and Human Rights Studies – Gambia;
- Mr. Eze Onyekpere : Civil Liberties Organization.

21. Mr. Ahmed Cassim Motala presented the resolutions and recommendations of the 9Th workshop of NGOs participating in the meeting of the African Commission. Mr. Motala highlighted the following issues:
(a) the role of NGOs in strengthening the African Commission;
(b) the human rights situation in a good number of African countries;
(c) the role of the Special Rapporteur on extrajudicial, summary and arbitrary executions.
(d) The monitoring of the respect of economic, social and cultural rights in Africa.

22. On behalf of Penal Reform International, Mr. Ahmed Othmani presented a draft resolution on appointing a special rapporteur of the African Commission on Human and Peoples’ Rights who would look into prison conditions in Africa.

23. Mrs. Ige Tokunbo, the International Commission of Jurists’ (ICJ) Legal Officer for the Africa presented a draft resolution on appointing a special rapporteur to the African Commission who would deal with the right of women in Africa. Mrs. Tokunbo also mentioned the preparation of a draft additional protocol to the African Charter on Human and Peoples’ Rights on the issue of the rights of women.

24. Members of the Commission presented their reports on promotional activities undertaken during the intersession.


27. With regard to protection activities, the Commission reviewed 41 communications.

28. The Secretary to the Commission presented to the Commission the report of his activities during the intersession. The Commission considered, in particular, matters pertaining finance, the organization of the documentation Centre and the preparation and publication of the Commission’s Review.

29. The Commission reiterated its decision to organize the following seminars:
- The right to fair Trial and to legal assistance;
- Popular participation and non-formal education;
- Human rights in the new South Africa;
- Freedom of movement and issues related to refugees and displaced people in Africa;
- Prison conditions in Africa;
- Peaceful resolution of ethnic and social conflicts in Africa;
- Contemporary forms of slavery;
- Impunity;
- The rights of women;
- Economic, social and cultural rights in Africa;

30. the Commission distributed States parties among its members for promotional activities.

31. The Commission reviewed thematic resolutions as well as resolutions on countries made by the 9th ICJ workshop which had been held just before the 18th Ordinary Session of the Commission. In view of the importance of most of the points raised in those resolutions and in view of time constraint, the Commission decided to postpone the deliberations thereon to its 19th Ordinary Session. This will enable the Commission to discuss the resolutions in detail.

32. due to its heavy schedule, the Commission decided to postpone to its next session discussion on criteria for granting observer status to NGOs and conditions pertaining to the status.

33. on the 6th October 1995, the commissioners were invited by His Excellency the President of Cape Verde, Mr. Antonio Mascarenhas Monteiro to lunch at the State House. The commissioners were also invited to dinner by the Hon. Minister of Justice, Mr. Pedro Freire on the 11th October 1995.

34. The Commission called upon Angola, Botswana, Burundi, Burkina Faso, Cameroon, Comoro Islands, Congo, Cote D’Ivoire, Djibouti, Equatorial Guinea, Gabon, Kenya, Lesotho, Liberia, Madagascar, Malawi, Mali, Mauritania, Namibia, Niger, The Saharan Arab Democratic Republic, Sao Tome Ad Principe, Sierra Leone, Somalia, Sudan, Zaire And Zambia to present their initial reports as soon as possible.

35. The Commission called upon Ethiopia, Eritrea, and South Africa to ratify the African Charter on Human and Peoples’ Rights as soon as possible.

36. The closing ceremony of the 18th Ordinary Session was held on the 11th October 1995 on the premises of the National Assembly of the Republic of Cape Verde. the Hon. Minister of Justice if Cape Verde, Mr. Pedro Freire, presided over the ceremony.

37. The chairman of the Commission held a press conference after the closing ceremony.

38. The Commission decided that its 19th Ordinary session will be held in Ouagadougou, Burkina Faso in March 1996 at the invitation of the government of Burkina Faso.

Praia, Cape Verde, 11th October 1995