Final Communique of the 29th Ordinary Session of the African Commission on Human and Peoples' Rights

23rd April – 7th May 2001, Tripoli, Great Socialist Peoples' Arab Libyan Jamahiriya

1. At the invitation of the Great Socialist Peoples' Arab Libyan Jamahiriya, the African Commission on Human and Peoples’ Rights held, under the Chairmanship of Professor Emmanuel V. O. Dankwa, its 29th Ordinary Session from 23rd April to 7th May 2001 in Tripoli, Libya.

2. The following Members participated in the Session:
Chairman, Emmanuel V.O. Dankwa;
Vice Chairman, Kamel Rezag-Bara;
Commissioner Ibrahim Ali Badawi El Sheikh;
Commissioner Hatem Ben-Salem;
Commissioner Andrew Raganayi Chigovera;
Commissioner Vera Mlangazuwa Chirwa;
Commissioner Jainaba J ohm;
Commissioner Isaac Nguema;
Commissioner Julienne Ondziel-Gnelenga;
Commissioner Nyameko Barney Pityana.

3. The Session was officially opened by His Excellency Dr. Mohamed Abdellah El Harrare, Secretary General for Legal and Human Rights Affairs of the Secretariat of the Peoples' General Congress of the Great Socialist Peoples' Arab Libyan Jamahiriya.

After welcoming the participants, Dr. El Harrare recalled the suffering of the Libyan People as a result of the international embargo still in place in Great Socialist Peoples' Arab Libyan Jamahiriya.

He questioned the impartiality of the International Criminal Court because of the strong influence that representatives of the permanent Members of the Security Council have on it and reminded the African Commission and the participants of their duty to call for the institution of a neutral and upright international criminal system, capable of rendering justice equitably.

Recalling the slave trade, colonization and racial segregation, he urged the NGOs and the Commission to actively participate at the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance, scheduled to take place from 31st August to 7th September 2001 in Durban, South Africa and support the claim for reparation of damages that Africa incurred.

4. Mr. Joseph Joof, Attorney General and Secretary of State for Justice of the Republic of the Gambia speaking on behalf of State Parties to the African Charter on Human and Peoples’ Rights present at the Session and Mr. Mohamed Genedy on behalf of the Non Governmental Organizations granted observer status with the Commission, also delivered speeches.

6. NGOs expressed their concern about the human and peoples’ rights situation in many African States, particularly in the Great Lakes region (Burundi, Rwanda and the Democratic Republic of Congo), Guinea, Algeria, Egypt, Tunisia, Cameroon, Mauritania, Namibia, Sierra Leone, Uganda, Congo (Brazzaville), Liberia, Sudan, Chad, Togo, Libya and Côte d'Ivoire.

The NGOs noted the recurrence of armed conflicts, extra judiciary, summary or arbitrary executions, forced disappearances, arbitrary detentions, denial of justice, detention in inhuman conditions, cases of torture and cruel, inhuman and degrading treatment, obstacles to freedom of expression, harassment of human rights defenders, vulnerability of refugees and asylum seekers and violations that vulnerable groups in society suffer including women, children, the elderly and people with disabilities.

Representatives of some Member States responded to the statements by NGOs on the human rights situation in their countries.

7. The African Commission noted, with satisfaction the withdrawal of the suit brought against South Africa by the pharmaceutical companies on generic medicines for the treatment of HIV/AIDS.

The Commission considers HIV/AIDS pandemic as a serious threat to the human rights of Africans. It underscored the difficulties that HIV/AIDS patients face in accessing treatment as a major obstacle to exercise their right to health as provided for by the African Charter on Human and Peoples’ Rights.


A workshop was also held, during the Session, on Wednesday 27th April 2001, on the situation of indigenous peoples in Africa. The workshop made recommendations towards the improvement of the human rights situation of indigenous populations/communities.

10. The African Commission took note of the ratification of the African Union Treaty by thirty-eight (38) OAU Member States and its coming into force in the near future. It has decided to initiate discussions on the African Charter on Human and Peoples’ Rights and the African Union. The objective of this, is to reflect on the status of the African Commission under the African Union.

11. The National Human Rights Institution of Chad – La Commission Nationale des Droits de l’Homme du Tchad, was granted affiliate status with the African Commission.
12. The African Commission granted observer status to the following NGOs:

- L’Oeil d’Aujourd’hui;
- CI-AF Benin;
- Survival International;
- Centre for Democracy and Development;
- Centre Afrika Obota;
- Association Nigerienne pour la Défense des Droits de l’Homme;
- Rights Defenders Association;
- Que Choisir Bénin;
- CADDHOM absl;
- Human Rights Institute of South Africa; and
- Académie Africaine de Théorie du Droit.

13. In accordance with Article 62 of the Charter, the Republic of Congo (Brazzaville) presented its Initial Report whilst Namibia, Ghana and Algeria presented their first Periodic Reports. The Commission adopted concluding observations on the above mentioned reports, which will be transmitted to the respective countries.

14. Within the framework of its promotional activities, the Commission reiterated its decision to organize seminars on the following themes:

- Contemporary Forms of slavery;
- Right to Education and Development;
- Freedom of Movement and Right to Asylum in Africa;
- Rights of people with disabilities;
- Economic, Social and Cultural Rights in Africa;
- Prevention of Torture; and
- Refugees and internally displaced persons in Africa.

15. The African Commission paid tribute to Professor Isaac Nguema, who has been a Member of the African Commission since its inauguration in November 1987, by conferring upon him the unique title of “Chairman Emeritus of the African Commission on Human and Peoples’ Rights” for his sterling advocacy for human rights throughout the Continent. Commissioner Nguema also served as a Chairman of the Commission for three (3) terms (6 years).

16. The African Commission examined twenty one (21) Communications and took decisions on seizure, admissibility and merits of some of them.

17. The Commission adopted resolutions on:
• The immediate, lifting of sanctions imposed on Libya;
• The African Charter on Human and Peoples’ Rights and the African Union;
• HIV/AIDS Pandemic – Threat against Human Rights and Humanity;
• The recent violence in the Kabylia region in Algeria;
• The situation of human rights defenders in Tunisia; and
• Freedom of Expression;

18. The African Commission noted with pleasure the large attendance at its 29th ordinary session with representatives from 29 State Parties, 6 National Human Rights Institutions and 65 African and International NGOs, bringing it to a total of 230 participants. This is a clear indication of the increasing attention accorded to the Commission’s efforts in human rights promotion and protection in Africa.

19. The African Commission expressed its sincere and profound gratitude to the Leader and People of the Great Socialist Peoples’ Arab Libyan Jamahiriya for the warm welcome and hospitality accorded to it and which contributed to the success of the deliberations. The Commission thus adopted a vote of thanks and gratitude to the Great Socialist Peoples’ Arab Libyan Jamahiriya.

20. The 30th ordinary session is scheduled to be held from 13th – 27th October 2001 in Banjul, The Gambia.

21. The 29th ordinary session was closed on 7th May 2001 by Dr. Mohamed Abdellah El Harrare, Secretary General for Legal and Human Rights Affairs of the Secretariat of the Peoples’ General Congress of the Great Socialist Peoples’ Arab Libyan Jamahiriya.

22. The Chairman of the Commission held a Press Conference after the Closing Ceremony.

Done in Tripoli, The Great Socialist Peoples’
Arab Libyan Jamahiriya on 7th May 2001