Final Communique of the 37th Ordinary Session of the African Commission on Human and Peoples’ Rights

1. In conformity with the relevant provisions of the African Charter on Human and Peoples’ Rights, notably in its Article 42.3 and the Rules of Procedure in its Article 1, the African Commission on Human and Peoples’ Rights held its 37th Ordinary Session in Banjul, Republic of The Gambia, from 27th April to 11th May chaired by Commissioner Salamata Sawadogo, Chairperson of the said Commission.

2. The following members participated at this Session:
   - Commissioner Yassir S. A. El Hassan, Vice-Chairperson;
   - Commissioner Mohammed A. Ould Babana;
   - Commissioner Andrew R. Chigovera;
   - Commissioner Vera M. Chirwa;
   - Commissioner Emmanuel V.O. Dankwa;
   - Commissioner Jainaba Johm;
   - Commissioner Angela Melo;
   - Commissioner Sanji Mmasenono Monageng; and
   - Commissioner Bahame Tom Mukirya Nyanduga.

3. As a prelude to the 37th Ordinary Session of the African Commission, the NGO Community met, as is the custom, from the 24th to 26th April 2005 to prepare its contribution to the said Session.

4. After having welcomed all the participants to the 37th Ordinary Session, the Chairperson, Mrs. Salamata Sawadogo expressed her heartfelt gratitude to the Government of The Gambia for the excellent arrangements made to facilitate the holding of this Session and for the various sessions that it has hosted since the creation of the ACHPR. Recalling the efforts made by the State Parties, the Chairperson expressed her satisfaction with the increasing number of participants to the sessions of the ACHPR. With regard to the general human rights situation, the Chairperson lauded the improvements that have taken place in a number of States but however deplored the persistent violation of human rights in other countries. Finally, the Chairperson urged State Parties to discharge their obligations in conformity with the African Charter.

5. In his address, H.E. Mr. Raymond Sock, The Attorney General and Secretary of State for Justice of the Republic of The Gambia, intimated that respect for human rights is a challenge which should be taken up by the African countries; he urged the State Parties to implement the different provisions of the African Charter in order to achieve this. He urged the African Commission to continue to play the role entrusted to it so as to guarantee the effective enjoyment of all the rights guaranteed in the said Charter. After having reiterated the commitment of the Government of The Gambia in supporting the African Commission in the execution of its mandate, H.E. the Secretary of State declared the 37th Ordinary Session open and expressed his wishes for the success of the deliberations.

6. In her speech, the Commissioner for Political Affairs of the Commission of the African Union, Mrs. Julia Joiner began by delivering the message of greetings and encouragement from the Chairperson of the Commission of the African Union, Professor Alpha Omar Konaré, before declaring that her presence was a testimony of the importance accorded by AU to the issue of human rights in Africa. Moving to the subject of the merger of the African Court of Justice with the African Court of Human
and Peoples’ Rights, Mrs. Joiner intimated that the Commission of the African Union is quite advanced in the study of this merger commanded by the need to rationalize the use of resources. In conclusion, Mrs. Joiner declared that in 2005, the AU Commission would be introducing the Human Rights Defenders Prize which will be awarded every year.

7. H.E. Mr. Hamadi Ould Meimou, High Commissioner of Human Rights, Poverty Alleviation and Integration of the Islamic Republic of Mauritania, who spoke on behalf of the State Parties present at the 37th Ordinary Session of the ACHPR, indicated that the promotion and protection of human rights, the expression of universal values, is a common objective for all the members of the international community. Referring to the considerable efforts being deployed by the African States, Mr. Ould Meimou emphasised the need to combat the sources of instability in order to guarantee the rights and fundamental liberties of citizens. He ended by underlining the pioneer role being played by the ACHPR in this context and urged the State Parties to provide it with adequate resources to enable it discharge its mandate and reinforce its independence.

8. Mr. Sidiki Kaba, President of the FIDH made his presentation on behalf of the Community of Non-Governmental Organisations. Expressing his hopes as well as his concerns on the general human rights situation on the Continent, Mr. Kaba voiced his satisfaction with the relations existing between the ACHPR and the NGOs who ceaselessly combine their efforts in the promotion and protection of human rights in Africa. Having enumerated several cases of human rights violations in a number of countries, Mr. Sidiki Kaba reiterated the determination and willingness of the NGOs to endure in their task of protecting human rights in Africa. In conclusion, Mr. Kaba urged the States to ratify the Protocols establishing the African Court on Human and Peoples’ Rights and that relative to Women’s Rights in Africa.

9. The Session was attended by three hundred (300) participants representing twenty eight (28) State Parties, six (6) National Human Rights Institutions, six (6) Intergovernmental Organisations, and one hundred and ten (110) African and International Non-Governmental Organisations.


11. Representatives of NGOs also made statements on the human rights situation in various African countries. Some of these countries exercised their right to reply.

12. On the 3rd May 2005, His Excellency Alhaji, Dr. Yahya A.J.J. Jammeh, President of the Republic of The Gambia received the Members of the African Commission on Human and Peoples’ Rights in audience. During this meeting H.E. the President reiterated his total willingness and the commitment of the Government of The Gambia to support the African Commission in its mission. The Members of the ACHPR wish to express their profound gratitude to H.E. the President of the Republic of The Gambia.

13. In conformity with Article 62 of the African Charter, the Islamic Republic of Mauritania and the Arab Republic of Egypt presented their Periodic Reports. The African Commission on Human and Peoples’ Rights considered these Reports and adopted the concluding observations in respect of each Report.
14. The Members of the African Commission presented their Reports on the activities carried out during the just ended intersession period. The Special Rapporteurs on Prisons and Conditions of Detention, on the Rights of Women in Africa, on Human Rights Defenders in Africa and on Refugees, Asylum Seekers and internally Displaced Persons in Africa and on the Right to Freedom of Expression in Africa presented their Activity Reports. The Chairpersons of the Working Groups on the Prevention of Torture, Cruel, Inhuman and Degrading Treatment in Africa and on Indigenous Populations/Communities also presented the Activity Reports of the said Groups.

15. The African Commission granted Observer Status to the following Non-Governmental Organisations:

- NGO Ogiek Welfare Council, Kenya;
- Canadian Foundation for the Rights of the Individual, Canada;
- Les Enfants de Demain, Benin;
- The Agora Group for Research on Children’s Rights and Peace, Senegal;
- The Pan African Thomas Sankara Association, Republic of Congo;
- Voice of the Oppressed for Human Rights, DRC;
- Social Alert Burkina, Burkina Faso;
- The SADC Lawyers Association, Botswana;
- Zimbabwe Lawyers for Human Rights, Zimbabwe;
- Noon Centre for Legal Consultation and Human Rights, Sudan;
- Forest People Programme, UK;
- Indigenous Movement for Peace Advancement and Conflict Transformation, Kenya;
- Committee of Human Rights Observers, KODO, DRC;

This brings the total number of Organisations enjoying Observer Status to three hundred and thirty two (332).

16. The African Commission considered matters relative to the ratification of the Protocol on the establishment of an African Court on Human and Peoples’ Rights and the one relative to the Rights of Women in Africa. Delegates from State Parties and Representatives of National Human Rights Institutions and NGOs made contributions relating to the rapid setting up of the African Court on Human and Peoples’ Rights.

17. Furthermore, the African Commission reflected on its relations with the organs and structures of the African Union. Diverse contributions were made in this regard by the participants.

18. The Members of the African Commission on Human and Peoples’ Rights adopted the Reports on promotional missions to Angola, Republic of Congo, the Democratic Republic of Congo, Nigeria, Sierra Leone and to Sudan as well as the Mission Reports of the Special Rapporteure on Prisons and Conditions of Detention in South Africa, in Cameroon and in Ethiopia.

19. The African Commission adopted the format to be used for the presentation of its mission reports.

20. The African Commission also adopted Resolutions on:

- The human rights situation in Darfur, Sudan,
- The human rights situation in Togo,
• The creation of an efficient African Court on Human and Peoples’ Rights,
• The specific issues relevant to its work.

21. The African Commission decided to install a “Hot Line” in the Secretariat in order to receive information on ill treatment reported by detainees, by their relatives or by any other reliable source. The telephone number and the modalities for use of this line will be widely published by the Secretariat.

22. The African Commission considered 47 Communications. It took decisions on seizure on 6 Communications. It took decisions on admissibility on 26 Communications and 1 on the merits. It further considered 14 other Communications and decided to defer them to the 38th Ordinary Session pending the submission of supplementary information or at the request of the Parties.

23. The 38th Ordinary Session of the African Commission will be held from the 21st November to the 5th December 2005, at a venue to be determined later.

24. The African Commission wishes to express its profound gratitude and sincere thanks to the Government of The Gambia for the facilities placed at its disposal, for the warm welcome and hospitality accorded to the participants during the 37th Ordinary Session.

25. The Chairperson of the African Commission held a Press Conference after the closing ceremony.

Done in Banjul, the 11th May 2005