19TH ORDINARY SESSION
26TH MARCH - 4TH APRIL, 1996
OUAGADOUGOU, BURKINA FASO

FINAL COMMUNIQUE OF THE SECOND EXTRA-ORDINARY SESSION
OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS
2ND EXTRA-ORDINARY SESSION OF
THE AFRICAN COMMISSION ON
HUMAN AND PEOPLES RIGHTS
18TH - 19TH DECEMBER, 1995
KAMPALA - UGANDA

FINAL COMMUNIQUE

1. The African Commission on Human and Peoples Rights held its second extraordinary session from the 18th - 19th December 1995 in Kampala (Uganda) under the Chairmanship of Professor Isaac Nguema and centred principally on the examination of human rights situation in Nigeria.

2. Present at the session were the following commissioners:

   - Prof. Isaac Nguema - Chairman
   - Prof. Emmanuel V.O. Dankwa - Vice Chairman
   - Dr. Hatem Ben Salem
   - Mr. Atsu Koffi Amega
   - Justice Robert-Habesh Kisanga
   - Mr. Kamel Rezzag-Bara
   - Mrs. Julienne Ondziel-Gnelenga

3. Absent with apology:

   - Mr. Alioune Blondin Beye
   - Mr. Youssoupha Ndiaye
   - Mrs. Vera Duarte Martins
   - Prof. O. Umozurike

4. The opening ceremony was held on 18 December 1995 at 9.30 am at the International Conference Centre - Kampala in the presence of Honourable Ruhakana Rugunda, Minister of Foreign Affairs of Uganda, Col. Kahinda Ottafire, Chairman of the Pan-African Movement and Mrs. Tokumbo Ige, representative of the Secretary General of the International Commission of Jurists.

5. Also present were official representatives of the Federal Republic Government of Nigeria, led by His Excellency the High
Commissioner of Nigeria to Uganda, Ambassadors and Heads of Diplomatic Missions accredited to Uganda, representatives of inter-governmental and non-governmental organisations, representatives from the Press and invited guests.

6. The formal opening session was marked by a welcome address by Prof. Isaac Nguema, Chairman of the African Commission on Human and Peoples' Rights who asked the audience to observe a moment of silence in memory of late Grace Ibingira, former member of the Commission who died recently.

7. The floor was given to Col. Kahinda Ottafire, Chairman of the Pan-African Movement, who recalled briefly the history of the movement whose evolution is linked to the long struggle of the African continent against colonialism, apartheid and exploitation. Talking about the situation of human rights in Africa, the Speaker insisted on the necessity of holding frank and open discussions concerning the sovereignty of states and peoples' freedom.

8. On behalf of the Secretary General of the International Commission of Jurists, Mrs. Tokumbo Ige, Legal Officer for Africa delivered a message expressing the support of the International Commission of Jurists to the holding of this extra-ordinary session centred on the examination of human rights situation in Nigeria.

Talking about the continuing serious violation of human rights in Nigeria, Mrs. Tokumbo Ige recalled the decisions taken to that effect by Commonwealth states, the European Community and the UN and wished that the African Commission use all legal means at its disposal to help improve the human rights situation in that country in order to restore democracy and good governance.

9. In his opening remarks, Prof. Isaac Nguema, Chairman of the African Commission on Human and Peoples' Rights recalled the emotion expressed by African and world opinion leaders towards
the execution of playwright Ken Saro-Wiwa and his 8 comrades of the Movement for the Survival of the Ogoni people. Talking about some burning events concerning human rights situation in Africa, Prof. I. Nguema indicated that the extra-ordinary session should give the continent the occasion to express itself on the modalities to develop in the framework of the principles of universality and indivisibility of human rights.

10. Honourable Ruhakana Rugunda, Ugandan Minister of Foreign Affairs delivered a message in which he recalled the mandate of the African Commission on Human and Peoples’ Rights in the protection and promotion of human rights. Observing that the African continent had never accorded enough attention to this issue, the Minister regretted the persistent political tensions in Africa principally due to the absence of democracy and good governance.

On the major focus of the holding of the extra-ordinary session, the Minister indicated that his Government had condemned recent events which took place in Nigeria regarding human rights violations and recalled that the Commission’s attention should equally spread to other regions of the continent where gross violations take place and wished that through dialogue, we can establish peace and stability in Africa.

11. The Commission adopted the following agenda:

1. Opening ceremony
2. Adoption of the agenda
3. Organisation of proceedings
   a) Summary and arbitrary executions
   b) Compatibility between internal legislation in Nigeria and certain articles of the African Charter on human and peoples rights.
5. Examination of practical measures to take faced with the prevailing situation in Nigeria.
6. Examination of certain urgent situations concerning human rights in Africa, notably in Burundi
7. Adoption of the Session report
8. Closing ceremony.

12. The Commission nominated Commissioner Kisanga rapporteur of the session and Commissioner Rezzag-Bara to write the final communiqué.

13. In the course of the afternoon session on the 18th December 1995, His Excellency the Ambassador Ahmed Haggag, Assistant Secretary General of the OAU delivered a message on behalf of the Secretary General, indicating the preoccupation of the continental Organisation on the situation of human rights in Nigeria. He recalled the recent visit undertaken by His Excellency Salim Ahmed Salim, Secretary General of the OAU in Nigeria, as well as the Special Summit held in Pretoria by SADC member States. Ambassador A. Haggag indicated that the OAU intends to do everything possible to give Nigeria all the help it needs in order to diffuse the crisis now shaking Nigeria, and to apply the transitional programme towards democracy, as announced by the Federal Government of Nigeria on the 1st October 1995.


15. The Nigerian High Commissioner to Uganda, on behalf of the Nigerian Government, also addressed the Commission. He insisted on the promise made by the Nigerian authorities to start off from 1st October 1995 a transitional programme towards a civil and democratic government.

Emphasizing the will of the Nigerian Government to cooperate with the Commission, the Nigerian delegation promised to submit a written response to all the concerns expressed during the
action before the Commission's 19th Ordinary Session. He also
drew the Commission's attention to slanderous campaigns against
Nigeria on the issue of human rights by assuring the Commission
that it was honouring its international obligations and legal
principles as well as the rule of law.

The Nigerian Delegation extended an invitation to the
Commission to pay them a visit during the month of February 1996.

16. A fruitful exchange was established between members of the
Commission and Nigeria's Government representatives on major
preoccupations of which the forthcoming trial of the "19 Ogoni
people" and the compatibility of the Nigerian legislation with
the provisions of the African Charter on Human and Peoples Rights
were the major issues discussed.

The members of the Commission expressed their serious
concern on the situation of human rights in Nigeria and their
worry on measures which could aggravate the situation.

17. At the end of its deliberations, the Commission decided to
take the following practical measures concerning the situation
of human rights in Nigeria.

1. Taking note of the readiness and will of the Nigerian
Government cooperation, the Commission decided to ask
the current president of OAU and the Secretary General
to express to the Nigerian Authorities that no
irreparable prejudice is caused to the 19 Ogoni
detainees whose trial is pending.

2. In order to intensify the dialogue between the
Commission and the Nigerian Authorities, a delegation
composed of the Chairman, Vice-chairman, and the
Special Rapporteur on summary and arbitrary executions
shall undertake a mission to Nigeria from 16 to 21
February 1996.
3. The report of the extraordinary session shall be submitted to the Current Chairman of the OAU, the United Nations Secretary General and the United Nations High Commissioner for Human Rights.

4. The Commission shall write a statement to the UN Commission on Human Rights during its next session on the evolution of the situation of human rights in Nigeria in light of the results of its extraordinary session and its proposed mission.

5. During its 19th session, the Commission will consider the mission's report on the human rights situation in Nigeria as well as the Special Rapporteur's report on summary and arbitrary executions.

6. The Commission invites the Government of Nigeria to submit in conformity with article 62 of the Charter, its periodic report on the measures taken to ensure compliance with the rights and liberties recognised and guaranteed in the Charter, relevant past resolutions and decisions of the Commission as well as with the provisions of the Charter, relating to the independence of the judiciary, the safety of persons and property, the freedom of opinion and expression and social rights of workers.

18. The Commission heard a communication on the prevailing situation in Burundi where armed bandits cause permanent insecurity provoking assassinations and massive displacement of the civilian population.

The Commission's attention was drawn to the urgent need to assist in improving the judicial system, prison administration and the national reconciliation process.
19. The debate that followed allowed the Commission to express its fears on the rapid deterioration of the situation in Burundi. This issue will be further considered at the 19th session.

20. In the light of the human rights situation in Africa, the Commission decided to analyse in depth the idea of putting into place an early warning mechanism in case of emergencies and called upon the NGO community to render assistance in that field.

21. The closing ceremony took place on the 19 December 1995 at the International Conference Centre in Kampala, Uganda in the presence Hon. Joseph Ekemu, Minister of Justice of Uganda who addressed the meeting.

Done in Kampala, 20 December 1995