

**FINAL COMMUNIQUE OF THE 5th EXTRA-ORDINARY SESSION
OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS
HELD IN BANJUL, THE GAMBIA
FROM 21 TO 29th July 2008**

1. The African Commission on Human and Peoples' Rights (the African Commission), held its 5th Extra-Ordinary Session in Banjul, the Republic of The Gambia, from 21st to 29th July 2008.

2. Honorable Commissioner Justice Sanji Mmasenono Monageng, Chairperson of the African Commission, chaired the deliberations of the 5th Extra-ordinary Session.

3. The following Members attended and participated in the 5th Extra-ordinary Session:

- Commissioner **Angela Melo – Vice Chairperson;**
- Commissioner **Reine Alapini-Gansou;**
- Commissioner **Catherine Dupe Atoki;**
- Commissioner **Musa Ngary Bitaye;**
- Commissioner **Soyata Maiga;**
- Commissioner **Mumba Malila;**
- Commissioner **Bahame Tom Mukirya Nyanduga;**
- Commissioner **Kayitesi Zainabo Sylvie;**

Two members of the Commission apologized for their absence. These are:

- Commissioner **Pansy Tlakula; and**
- Commissioner **Yeung Kam John Yeung Sik Yuen.**

4. In her opening speech, the Chairperson, Honourable Justice Sanji Mmasenono Monageng thanked the government of the Republic of The Gambia, for hosting the African Commission and supporting it for the past twenty years. The Chairperson also expressed her gratitude to the Government of The Gambia for the undertaking given to the Executive Council of the African Union during its 13th Ordinary Session, held in Sharm El-Sheikh, the Arab Republic of Egypt, from 27th to 28th June 2008, that the Secretariat of the Commission will be moving to new premises following the expiry of the present lease agreement, pending the construction of permanent premises that are in line with the 2005 criteria for hosting African Union Organs.

5. Thereafter, the Chairperson congratulated H. E. Alhagi Dr. Yahya A. J. J Jammeh, the President of the Republic of The Gambia, and the People of The Gambia, on the occasion of the 14 th Anniversary of the July 22 nd Revolution.

6. On behalf of the Members of the African Commission, and on her own behalf, Justice Monageng also expressed gratitude to the Attorney General and Secretary of State for Justice, Mrs. Marie Saine Firdaus, for sending a representative to officially open the 5 th Extra-ordinary Session on her behalf, despite their busy schedule, arising from the fact that the Extra-Ordinary Session was starting on the eve of the July 22 Celebrations.

7. The Chairperson explained that the purpose of the 5 th Extra-ordinary Session was to finalize the Rules of Procedure of the African Commission, with a view to harmonizing them with those of the African Court on Human and Peoples' Rights (the African Court). She indicated that the Commission would also address the backlog of Communications before it, as well as other urgent issues.

8. Speaking on behalf of the Secretary of State for Justice and Attorney General, the Deputy Permanent Secretary for Justice, Mr Sainey Suso, welcomed the Members of the Commission. He said that he was pleased by the Commission's decision to hold its 5 th Extra-Ordinary Session in the Gambia as a continuation of the important work started at the 4 th Extra-ordinary Session, in February 2008, in Banjul.

9. He further underscored the importance of the African Commission finalizing consideration of its Rules of Procedures, which would enable it to effectively work with the African Court.

10. He stressed the importance of the Mandate of the Commission because, in his view, it is only when human rights are guaranteed, promoted and protected that peace and development can be realized on the continent. In that regard, he reiterated the importance of Member States to submit their State Reports, indicating the legislative and other measures taken to give effect to the rights enshrined in the Charter. He concluded by reiterating the commitment of the Government of The Gambia to support the African Commission and its work. Mr. Sainey Suso then declared the 5 th Extra-Ordinary Session officially open.

11. After the Opening Ceremony, the African Commission went into private session, and adopted the agenda for the 5 th Extra Ordinary Session. The Members of the Commission then undertook intensive deliberations on its Rules of Procedure and other items before it.

12. During the Session, the Commission finalized considerations of its revised Rules of Procedure, and the Commission decided to meet the African Court sometime before the 44 th Ordinary Session.

13. During the Session, 12 Communications were tabled before the Commission for consideration. The Commission considered 6 Communications and adopted 1 decision on review, 1 decision on merits, 1 decision on a point of procedure and 2 decisions on admissibility. One Communication was deferred for further information. The Commission deferred the other six Communications for consideration during its 44 th Ordinary Session to be held in Abuja in November 2008

14. The African Commission once again expresses its sincere appreciation and profound gratitude to the Government and People of the Republic of The Gambia for the facilities placed at its disposal,

and for the hospitality accorded to the Commission, all of which contributed immensely to the success of the deliberations of the 5 th Extra-Ordinary Session.

Done in Banjul, The Gambia, 29 th July 2008