

3rd ACTIVITY REPORT OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS*

Adopted on 28 April 1990

Covering the 6th and 7th Ordinary Sessions in Banjul (October/November 1989
and April 1990) as well as intersession activities

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I. Organization of work and any other business

A. Period Covered by the Report

1. The Second Activity Report of the African Commission on Human and Peoples' Rights was adopted by the Commission on 14th June, 1989 in Banjul (see above at p. 32 ff.). It covered two ordinary sessions (Cairo 17–26 October 1988 – Benghazi 3–14 April 1989) and one extraordinary session (13–14 June 1989, Banjul). The second report was adopted by the twenty-fifth session of the Assembly of Heads of State and Government of the OAU by its Resolution AHG/188 (XXV).

This report, the third one, relates to the sixth and seventh ordinary sessions (Banjul), 23 October – 4 November 1989 and 18–28 April 1990.

* Cf. further U.O. Umozurike, Presentation of the 3rd Activity Report to the OAU, *infra* at p. 83.

B. Status of Ratification

2. Mozambique has become the 40th State Party. It acceded to the Charter on 22nd February, 1989 and deposited its instrument of accession on 7th March 1990.

3. The list of States that have ratified or adhered to the African Charter on Human and Peoples' Rights is attached to this Report as Annex I (see below at p. 75 f.).

4. The Chairman has on behalf of the Commission re-written to all non States Parties urging them to ratify the African Charter on Human and Peoples' Rights. (The letter dated 21 February 1990 is contained in Annex II, see below at p. 77).

C. Session and Agenda

5. The Commission has held two Ordinary Sessions since its Second Activity Report was adopted:

- the Sixth Ordinary Session was held in Banjul, The Gambia from 23rd October to 4th November 1989;
- The Seventh Ordinary Session was held in Banjul, The Gambia from 18th to 28th April 1990.

The Agenda of all these sessions is attached to this Report as Annexes III and IV (see below at p. 77 f.).

D. Composition and Participation

6. The composition of the African Commission on Human and Peoples' Rights has changed. Mr. Umozurike was elected in July 1989 to fill the remaining period of Mr. Ibingira who had resigned. The list of members of the Commission is attached to this Report as Annex V (see below at p. 78).

7. Attendance at sessions has been as follows:

- All Commissioners attended the Sixth Session,
- at the Seventh Ordinary Session, Messrs Alioune Blondin Beye, Alexis Gabou and M. D. Mokama were absent with apology.

E. Chairman, Vice-Chairman and Secretary of the Commission

8. The mandate of the Chairman, Mr. Isaac Nguema and Vice-Chairman, Dr. Ibrahim Ali Badawi expired.

9. At its Sixth Session, the Commission went ahead with the election of its office bearers on the 24th October, the results of which are as follows:

- Prof. U. O. Umozurike, was duly elected Chairman of the Commission in accordance with Article 17 of the Rules of Procedure of the Commission.
- Mr. A. Gabou was duly elected as Vice-Chairman.

10. Taking the chair, Professor Umozurike thanked the members for electing him and Mr. Gabou as Chairman and Vice-Chairman respectively, and pledged to work hard in order to rise to the expectations of members. He paid tribute to Mr. Nguema for his total devotion and commitment in conducting the affairs of the Commission during its formative days, a task which was obviously very delicate and most demanding. He promised to carry on from where Mr. Nguema had stopped, and counted on the members for the necessary support in trying to achieve the set objectives of the Commission.

11. Mr. Ngabishema Mutsinzi continues to be the Secretary of the Commission.

F. Other Business

Matters relating to Situation of Human Rights in Africa

12. In the course of the general discussions, the African Commission on Human and Peoples' Rights dwelt on the situation of human rights and freedoms in certain

African countries. It expressed its heartfelt satisfaction at the release of Nelson Mandela and the Independence of Namibia which has become the 51st Member State of the OAU since 10 April 1990.

13. It approved the messages of support and solidarity issued on these occasions by the Chairman of the Commission.

14. It expressed the hope that the people of South Africa will continue the struggle in unity and solidarity until apartheid is totally dismantled and a democratic and non-racial society emerges.

15. During the in-depth and serious discussions, members of the Commission unanimously expressed their grave concern about the situation of human and peoples' rights in Africa. All African countries should take this concern into account with a view to ensuring the rule of law in each State. This was the solemn pledge made by African countries when they instituted and adopted a Charter which guarantees inter alia, the right to life, the inviolability of the human being, the security of the person, the right to be tried within a reasonable period by an impartial court or tribunal and the right of each citizen to participate freely in the government of his country.

16. However, mass media reports have proved that certain African countries had deliberately violated this solemn pledge.

17. The African Commission issued a solemn and strong appeal to these countries to immediately take all necessary measures to put an end to that.

18. It gave mandate to its Chairman to approach these countries and the authorities of the OAU on that matter with a view to verifying these informations and reporting to the Commission at its next session.

G. Adoption of the Activity Report

19. On 28th April 1990, the Commission considered the draft of this third Activity Report. After discussions resulting in amendments, the Activity Report was adopted by the Commission.

II. General remarks of the Commission

Promotional Activities

(a) Seminars

20. In keeping with the Programme of Action members of the Commission attended seminars which are listed in Annex VI (*see below at p. 79*).

(b) Publications

- On the issue of publications, the Commission noted with concern that the General Secretariat has not published the first and second reports of activity of the Commission apparently because of lack of funds. For making up for that situation, the Commission sought the help of the United Nations Centre for Human Rights in Geneva whereby the Centre had promised to help the Commission with the publication of 2000 copies of the first and second reports of the activities of the Commission.
- The Centre has graciously agreed also to publish and circulate, as UN documents, some of the documents containing information on the Commission notably the text of the African Charter and the Rules of Procedure of the Commission.
- At present, the Commission prepares to launch the first edition of its own publication "The African Review on Human and Peoples' Rights" which

contributions provided by the UNESCO and the Commission of the European Community.

(c) Observers

21. In pursuance of Rules 76 and 77 of its Rules of Procedure, the Commission has granted certain non-governmental organizations observer status.

22. The NGOs which have so far been granted observer status are in the list attached to this report as Annex VII (*see below at p. 80*).

III. Periodic Reports

23. The Great Socialist Peoples' Libyan Arab Jamahiriya was the first State Party to submit a periodic report in accordance with Article 62 of the Charter. This report will be examined at a next session.

IV. Consideration of Communications

Protection Activities

24. Since its beginning, the Commission received and considered 105 communications of which 16 are directed against States Parties to the Charter.

25. With the view to continuous improving the handling of the communications, the Commission instructed its Secretary as to ways and means which should be followed in processing complaints.

V. Next Sessions

26. Dates and venues of the next sessions will be determined in consultation with the OAU General Secretariat.

ANNEX I

List of States Parties to the African Charter on Human and Peoples' Rights

(see p. 76)

African Charter on Human and Peoples' Rights

No.	Country	Date of Signature	Date of Ratification	Date Deposited
1.	Algeria	10/04/86	01/03/87	20/03/87
2.	Angola			
3.	Benin		20/01/86	25/02/86
4.	Botswana		17/07/86	22/07/86
5.	Burundi		28/07/89	30/08/89
6.	Burkina Faso	05/03/84	06/07/84	21/09/84
7.	Cameroon	23/07/87	20/06/89	18/09/89
8.	Cape Verde	31/03/86	02/06/87	06/08/87
9.	Central African Republic		26/04/86	27/07/86
10.	Chad	29/05/86	09/10/86	11/11/86
11.	Comoros		01/06/86	18/07/86
12.	Congo	27/11/81	09/12/82	17/01/83
13.	Djibouti			
14.	Egypt	16/11/81	20/03/84	03/04/84
15.	Equatorial Guinea	18/08/86	07/04/86	18/08/86
16.	Ethiopia			
17.	Gabon	26/02/82	20/02/86	26/06/86
18.	Gambia	11/02/83	08/06/83	13/06/83
19.	Ghana		24/01/89	01/03/89
20.	Guinea	09/12/81	16/02/82	13/05/82
21.	Guinea-Bissau		04/12/85	06/03/86
22.	Côte d'Ivoire			
23.	Kenya			
24.	Lesotho	07/03/84		
25.	Liberia	31/01/83	04/08/82	29/12/82
26.	Libya	30/05/85	19/07/86	26/03/87
27.	Madagascar			
28.	Malawi		17/02/89	23/02/90
29.	Mali	13/11/81	21/12/81	22/01/82
30.	Mauritania	25/02/82	14/06/86	26/06/86
31.	Mauritius			
32.	Mozambique		22/02/89	07/03/90
33.	Namibia			
34.	Niger	09/07/86	15/07/86	21/07/86
35.	Nigeria	31/08/82	22/06/83	27/07/83
36.	Rwanda	11/11/81	15/07/83	22/07/83
37.	Sahrawi Arab Dem. Rep.	10/04/86	02/05/86	23/05/86
38.	Sao Tome & Principe		23/05/86	28/07/86
39.	Senegal	23/09/81	13/08/82	25/10/82
40.	Seychelles			
41.	Sierra Leone	27/08/81	21/09/83	27/01/84
42.	Somalia	26/02/82	31/07/85	20/03/86
43.	Sudan	03/09/82	18/02/86	11/03/86
44.	Swaziland			
45.	Togo	26/02/82	05/11/82	22/11/82
46.	Tunisia		16/03/83	22/04/83
47.	Uganda	18/08/86	10/05/86	27/05/86
48.	Tanzania	31/05/82	18/02/84	09/03/84
49.	Zaire	23/07/87	20/07/87	28/07/87
50.	Zambia	17/01/83	10/01/84	02/02/84
51.	Zimbabwe	20/02/86	20/05/86	12/06/86

ANNEX II: Ratification of the African Charter on Human and Peoples' Rights

His Excellency
President of the People's Republic
of

African Commission on
Human and Peoples' Rights
P. O. Box 673, Banjul,
The Gambia

21 February, 1990

May I recall, Your Excellency, that the African Charter on Human and Peoples' Rights was adopted by the Assembly of African Heads of State in Nairobi in 1981 and came into force on 21 October 1986. The Commission of the African Charter on Human and Peoples' Rights was inaugurated on 2 November 1987 and has been doing its best to carry out the responsibilities vested on it by the Charter.

As we go through the latest list of ratifications, we notice that your Excellency's State is not yet included. This does not imply that you are not concerned with the activities of the Commission. Your Excellency's State helps to fund the Commission through its contributions to the OAU; it considers the annual reports and through the Assembly and Secretariat generally exercises control over the Commission. What remains therefore is to formally recognize your interest, obligations and responsibilities under the Charter.

The Charter is considered to reflect the hopes of African people for a fuller and better life in which their States accept to observe certain minimum standards of treatment for their citizens. The Charter incorporates authentic African philosophy on human and peoples' rights which are regarded as unique in the doctrine of human rights. I am convinced, Your Excellency, that it will be in furtherance of Your Excellency's State's role in Africa to ratify the Charter and give formal recognition to the activities you are already performing in furthering the promotion and protection of human rights in Africa. This hope is well-founded and I crave for Your Excellency's personal intervention in the matter. I have the honour to be.

Yours faithfully,
Prof. U. O. UMOZURIKE,
Chairman, African Commission
on Human and Peoples' Rights

**ANNEX III: Agenda of the sixth ordinary Session
(23 October – 4 November 1989)**

1. Opening Session
2. Election of Bureau
3. Adoption of Agenda
4. Organisation of Work
 - (a) 10 hrs – 13 hrs; 16 hrs – 18.30 hrs
– Friday 27th October Afternoon – Free; Saturday 28th October Afternoon – Free
– 1st November – Working Session; 3rd November – Working Session
 - (b) Appointment of Rapporteur
5. Action by the 25th Session of the Assembly of Heads of State and Government on the 2nd Activity Report of the Commission.
6. Report of the Activities of the President and Members of the Commission during the Intersession period.

7. Consideration of Communications.
8. Promotional Activities; Publications and Distribution.
9. Question of observers.
10. Questions relating to the Headquarters.
11. Relations between the Commission and the African Centre for Democracy and Human Rights Studies.
12. Consideration of the Report on Privileges and Immunities of Commissioners.
13. Any Other Business.
14. Date, Venue and Draft Agenda of the 7th Session.
15. Adoption of the Report of the Session.
16. Final Communiqué.

ANNEX IV: Agenda of the seventh ordinary Session (18 – 28 April 1990)

1. Opening Session
2. Adoption of Agenda
3. Organization of work
4. Appointment of Rapporteur
5. Matters arising from the last meeting
6. Consideration of national periodic reports
7. Reports of activities of the Chairman, Members and Secretary of the Commission during the Intersession:
 - a) Report of the Chairman; b) Report of Members; c) Report of the Secretary
8. OAU Convention on Privileges and Immunities: Privileges and Immunities of Members of the Commission
9. Organization of the activities of the Commission:
 - a) Protective activities; b) Promotional activities
10. Consideration of the Rules of Procedure
11. Report on the activities of the OAU relevant to the Commission
12. Annual Activity Report
13. Observers
14. Draft Budget of the Commission
15. Any Other Business
16. Date, Venue and draft agenda of the 8th Session
17. Adoption of the Report of the Session
18. Final Communiqué

ANNEX V: List of members of the Commission

1. Prof. U. Oji Umzurike, Chairman
2. Alexis Gabou, Vice-Chairman
3. Alioune Blondin Beye, Member
4. Ali Mahmoud Buhedma, Member
5. Dr. Ibrahim Ali Badawi El Sheikh, Member
6. Sourahata Baboucar Semega Janneh, Member
7. Justice Robert Habesh Kisanga, Member
8. Moleleki D. Mokama, Member
9. C. L. C. Mubanga-Chipoya, Member
10. Youssoupha Ndiaye, Member
11. Isaac Nguema, Member

Secretary to the Commission: Ngabishema Mutsinzi

ANNEX VI

Seventh Session of the African Commission on Human and Peoples' Rights**Intersession activity Report
of the Chairman of the African Commission on Human and Peoples' Rights
November 1989 – April 1990**

1. Three members of the Commission – Mr. R. H. Kisanga, Mr. I. Nguema, and Prof. U. O. Umozurike – attended a symposium on the Judiciary and Human Rights organized in Banjul by the African Society of International Law in collaboration with the African Commission on Human and Peoples' Rights and the African Centre for Democracy and Human Rights Studies. Prof. Umozurike delivered a paper on Autochthony in the African Charter.

2. The Chairman addressed staff and students of the University of Lagos on the African Commission on 5 December 1989.

3. The Chairman issued a statement on the 10 December 1989 to mark the 41st Anniversary of the Universal Declaration on Human Rights.

4. On 5 January 1990, the Chairman issued a call to Nigerian non-governmental organisations to seek observer status with the African Commission on Human and Peoples' Rights.

5. Six members of the Commission – Mr. R. H. Kisanga, Mr. Y. Ndiaye, Dr. A. Gabou, Mr. I. Nguema, Mr. S. Semega-Janneh and Prof. U. O. Umozurike – attended a Seminar organised jointly in Costa Rica by the Inter-American Institute of Human Rights, Inter-American Court of Human Rights and Inter-American Commission on Human Rights on 8–12 January 1990. All the Members participated in discussions on the Inter-American Commission and African Commission.

6. On 16 January 1990, the Chairman paid a courtesy call on the Nigerian President, General Ibrahim Babangida.

7. The Chairman attended the Ministerial Council of African Foreign Ministers held in Addis Ababa 19–24 February 1990 and delivered an address. He and the Secretary held discussions with the Secretary-General of the OAU and observed the deposit of instruments of ratification of the African Charter by the Republic of Malawi and addressed letters to Heads of State that have not yet ratified the Charter.

8. The Chairman attended the Meeting of the UN Commission on Human Rights held in Geneva and delivered an address on 9 March 1990. He held discussions with the officials of the Commission on the requirements of the African Commission.

9. Four Members of the Commission – Mr. B. Beye, Mr. R. H. Kisanga, Dr. A. Gabou and Prof. U. O. Umozurike – attended the Afro-European Conference on Human Rights organized in Strasbourg by the Friedrich Naumann Foundation on 26–30 March. The Chairman delivered a paper on the working of the African Commission on Human and Peoples' Rights. The Commissioners discussed cooperation between (the European and) African Commission with their European counterparts.

10. The Chairman addressed a letter to President Nujoma on the occasion of Namibia's Independence.

11. The Chairman received an application by the Catholic Commission for Justice and Peace in Zimbabwe for observer status dated 13 March 1990.

12. The Chairman received a complaint from International Pen Writers in Prison Committee against Malawi, dated 12 March 1990.

13. The Chairman is convinced of the need to carry on promotion activities in all member states through lectures and seminars and urges the Commission to address itself seriously to them.

BANJUL, 20/4/90

U. O. Umozurike
Chairman, African Commission on
Human and Peoples' Rights

ANNEX VII

LIST OF ORGANIZATIONS GRANTED OBSERVER STATUS WITH THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

No.	NAME AND ADDRESS OF THE ORGANIZATION	DATE GRANTED OBSERVER STATUS/	SESSION OF THE COMMISSION/
1.	AMNESTY INTERNATIONAL International Secretariat 1, Easton St., London WC1X 8DJ United Kingdom	28 April, 1988	3rd Session, Libreville/Gabon
2.	INTERNATIONAL COMMISSION OF JURISTS (COMMISSION INTERNATIONALE DE JURISTES) P.O. Box 120 109, Route de Chêne, CH-1224 Chêne-Bougeries GENEVA	28 April, 1988	3rd Session, Libreville/Gabon
3.	AFRICAN ASSOCIATION OF INTER- NATIONAL LAW (ASSOCIATION AFRICAÏNE DE DROIT INTERNATIONAL) University of Nairobi P.O. Box 30197 Nairobi/Kenya	28 April, 1988	3rd Session, Libreville/Gabon
4.	INTERNATIONAL TRAINING CENTER IN THE FIELD OF HUMAN RIGHTS (CENTRE INTERNATIONAL DE FORMATION AL'ENSEIGNEMENT DES DROITS DE L'HOMME ET DE LA PAIX) c/o EIP, 5, Rue du Simplon CH-1207 GENEVE	18 October, 1988	4th Session Cairo/Egypt

5	THE ARAB LAWYERS UNION (UNION DES AVOCATS ARABES) 13, Ittehad El-Mouhameen El-Arab Street Garden City Egypt	18 October, 1988	4th Session Cairo/Egypt
6	EGYPTIAN UNITED NATIONS ASSOCIATION (ASSOCIATION EGYPTIENNE DES NATIONS UNIES) 28, Talaat Harb St. Flat 710 Cairo/Egypt	18 October 1988	4th Session Cairo/Egypt
7	THE AFRICAN JOURNALISTS UNION (AJU) (UNION DES JOURNALISTES AFRICAINS) 1, Talaat Harb St. P.O. Box 71, Bab El Louk Cairo/Egypt	22 October, 1988	4th Session Cairo/Egypt
8	THE AFRICAN SOCIETY (LA SOCIETE AFRICAINE) 5, Ahmed Hishmat St. Zamalik Cairo/Egypt	22 October, 1988	4th Session Cairo/Egypt
9	ASSOCIATION SENEGALAISE D'ETUDES ET DE RECHERCHES JURIDIQUES (ASERJ) Palais de Justice B.P. 9003 Dakar/Sénégal	12 April 1989	5th Session Benghazi/Libya
10	ASSOCIATION DES CONSULTANTS INTER- NATIONAUX EN DROITS DE L'HOMME (CID) (ASSOCIATION OF INTERNATIONAL CONSULTANTS ON HUMAN RIGHTS) Case Postale 529 Ch-1211 GENEVE 6 /Switzerland	12 April, 1989	5th Session Benghazi/Libya
11	HUMAN RIGHTS INTERNET University of Ottawa 57 Louis Pasteur Ottawa, Ont. K1N 6N5 Canada	4 November, 1989	6th Session Banjul/Gambia
12	LE MOUVEMENT BURKINABE DES DROITS DE L'HOMME ET DES PEUPLES (MBDHP) THE BURKINABE MOVEMENT ON HUMAN AND PEOPLES' RIGHTS 01 BP 2055 · Ouagadougou 01/Burkina Faso	4 November, 1989	6th Session Banjul/Gambia
13	THE LAWYERS COMMITTEE FOR HUMAN RIGHTS 330. Seventh Avenue, 10th Floor N New York, N.Y. 10001 Telex 5106005783 U.S.A.	4 November 1989	6th Session Banjul/Gambia

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| 14. | THE AFRICAN CENTRE FOR DEMOCRACY
AND HUMAN RIGHTS STUDIES
Kairaba Avenue – P.O.Box
Banjul/The Gambia | 4 November, 1989 | 6th Session
Banjul/Gambia |
| 15. | ARAB ORGANIZATION FOR HUMAN RIGHTS
17, Midan Aswan – Mohandessin
Guizeh – Tel. 3466582
Egypt
or/ou
P.O. Box 82
1211, GENEVA 28 / Switzerland
Tel. 7916182 | 4 November 1989 | 6th Session
Banjul/Gambia |
| 16. | OBSERVATOIRE DE L'INFORMATION
17, rue Abbé-de-l'Épée
34000 Montpellier
France | 4 November, 1989 | 6th Session
Banjul/Gambia |
| 17. | HUMAN RIGHTS WATCH / AFRICA WATCH
90 Borough Street
London SE11L / U.K.
Tel (01) 378-8008
Fax (01) 378-8029 | 4 November 1989 | 6th Session
Banjul/Gambia |
| 18. | THE CATHOLIC COMMISSION FOR JUSTICE
AND PEACE IN ZIMBABWE
P.O.Box 8493 Causeway
Harare/Zimbabwe | 28 April, 1990 | 7th Session
Banjul/Gambia |
| 19. | THE INTERNATIONAL ORGANIZATION FOR
THE ELIMINATION OF ALL FORMS OF
RACIAL DISCRIMINATION (EAFORD)
2025 Eye Street, NW, Suite 1120
Washington, DC 20006
U.S.A. | 28 April, 1990 | 7th Session
Banjul/Gambia |