

Final Communiqué of the 35th Ordinary Session of the African Commission on Human and Peoples' Rights

1. The African Commission on Human and Peoples' Rights (African Commission) held its 35th Ordinary Session in Banjul, Republic of The Gambia, from 21st May to 4th June 2004, presided over by Commissioner Salamata Sawadogo.

2. The following Members of the Commission were in attendance:

- 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 ;
- Commissioner Bahame Tom Mukirya Nyanduga; and
- Commissioner Kamel Rezag Bara.

3. In his statement, Honourable Sheikh Tijan Hydera, Secretary of State for Justice of the Republic of The Gambia, said that Africa was facing challenges which it was determined to address with a view to building a continent of peace, prosperity and human development. He welcomed the coming into force of the Protocol establishing an African Court on Human and Peoples' Rights and urged the African Commission to work in complete harmony with the African Court with a view to strengthening the promotion and protection of human rights. In conclusion, the Secretary of State for Justice declared the 35th Ordinary Session of the African Commission on Human and Peoples' Rights officially open and wished the participants success in their deliberations.

4. After welcoming the participants to the 35th Ordinary Session and conveying the apologies for the inconvenience which the postponement and change of the venue and the dates of the session may have caused, H.E. Commissioner Salamata Sawadogo, Chairperson of the African Commission, thanked Mrs Julia Joiner, Commissioner for Political Affairs at the African Union Commission, for her presence and support. She then thanked the States delegates, the representatives of National Human Rights Institutions, the representatives of International and Non Governmental Organisations for their attendance. Commissioner Sawadogo then referred to the situation of human rights in Africa which was far from satisfactory in some parts of the continent. She accordingly called for vigilance from all the partners with a view to guaranteeing better respect of human rights, adding that the establishment of the African Court on Human and Peoples' Rights was a pledge for strengthening the system for the protection of human rights in Africa. In conclusion, the Chairperson of the African Commission made an appeal to those States Parties that had not yet done so, to ratify as their earliest opportunity the Protocol establishing an African Court and the Protocol relating to the Rights of Women.

5. Honourable Aichatou Mindaoudou, Minister of Foreign Affairs and Cooperation of Niger, made a statement on behalf of States Parties Delegates attending the 35th Ordinary Session. She urged the

African Commission to remain the custodian of the respect of human rights in Africa, and to continue with its mission so that a genuine culture of human rights may become established on the continent.

6. In her statement, Mrs Julia Joiner, Commissioner for Political Affairs at the African Union, pointed out that human rights in Africa had been given their rightful place in the programmes and activities of the African Commission. She indicated that the African Union Commission had undertaken consultations as part of the definition of its vision, its mission and its strategic framework with a view to adequately taking into account the human rights component. Pointing out that Africa was affected by many afflictions, Mrs Joiner stressed the urgent need for all the Member States of the African Union to sign and ratify the instruments relating to human rights and take suitable measures for their integration in the national laws and their effective implementation. In conclusion, she pointed out that the African Commission could count on the willingness of the Commission of the African Union in the implementation of its mandate.

7. Mr. Laurent Nkongoli, Member of the Rwandan Human Rights Commission, on behalf of National Human Rights Institutions, welcomed the collaboration that exists between the African Commission and National Human Rights Institutions, and urged those States Parties which had not yet set up human rights institutions to do so as soon as possible. Mr. Nkongoli then exhorted the community of Non Governmental Organisations and National Human Rights Institutions to strengthen their relations and use all their influence to have the Protocol establishing an African Court and the Protocol on the Rights of Women in Africa ratified as soon as possible.

8. The Executive Director of the African Centre for Democracy and Human Rights Studies, Mrs Hannah Forster, speaking on behalf of Non Governmental Organisations, invited the audience to observe a minute of silence in memory of all the victims of human rights violations.. Mrs Forster then pointed out that the Forum of NGOs, organised in preparation for the 35th Ordinary Session, had taken some resolutions which would be forwarded to the African Commission for consideration. She concluded by appealing to the African Commission to take all the necessary measures to end the violations of human rights on the continent, more particularly in Côte d'Ivoire and in Sudan.

9. The session was attended by twenty six (26) States Parties, seven (7) National Human Rights Institutions, four (4) International Organisations, one hundred and thirty nine (139) African and International Non Governmental Organisations and other invited guests, bringing the total to two hundred and ninety three (293) participants.

10. In conformity with Article 62 of the African Charter, Burkina Faso and the Republic of Sudan presented their Periodic Reports and the Republic of Niger presented its Initial Report. The African Commission considered these reports and adopted concluding observations.

11. The Members of the African Commission on Human and Peoples' Rights presented their reports on the activities carried out during the intersession. The Special Rapporteurs on Prisons and Conditions of Detention and on the Rights of Women in Africa presented their activity reports. The Focal Points on the right to freedom of expression in Africa ; human rights defenders in Africa; prevention of torture, cruel, inhuman or degrading punishment and treatment in Africa ; and refugees and internally displaced persons in Africa presented their intersession reports. The Chairperson on the Working Group on the situation of indigenous populations/communities presented his report.

12. The African Commission granted affiliate status to the following National Human Rights Institutions :

? Permanent Human Rights Commission of Zambia

? Commission Nationale des Droits Humains du Burkina Faso (National Human Rights Commission of Burkina Faso)

? Commission for Human Rights and Good Governance of Tanzania

13. The African Commission granted also observer status to the following Non Governmental Organisations :

? Association des femmes Juristes du Bénin : (Association of Women Lawyers of Benin)

? Action Sociale du Bénin : (Social Action of Benin)

? Croisade du Niger (Crusade of Niger)

? International Centre for Ethic, Justice and Public Life: Massachusetts, USA

? Legal Defence & Assistance Project of Nigeria:

? World Federalist Movement of the United States of America :

? Media Monitoring Project of Zimbabwe

? Bajito Onda of The Gambia

14. The African Commission considered issues relating to the protection of the defenders of human rights, the refugees and internally displaced persons as well as the strategies for prompt ratification of the Protocol establishing an African Court on Human and Peoples' Rights and the Protocol relating to the Rights of Women in Africa. In addition, the African Commission looked into its cooperation with the different bodies and structures of the African Union, including the African Court of Justice, the African Peer Review Mechanism, the Pan African Parliament, the Peace and Security Council, New Partnership for Africa's Development (NEPAD) and Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA).

15. The African Commission adopted the high level mission report to Côte d'Ivoire and the mission report of the Special Rapporteur on Prisons and Conditions of Detention in Africa undertaken to Benin.

16. The African Commission reiterated its decision to organise seminars in 2004 on the following themes:

- Economic, social and cultural rights ;
- Refugees and Internally Displaced Persons in Africa; and
- Contemporary Forms of Slavery.

17. The African Commission considered forty two (42) communications. It was seized of four (4) new communications and took two (2) decisions on admissibility and three (3) on the merit. It decided to defer thirty two (32) communications to the 36th Ordinary Session.

18. The African Commission reviewed the Guidelines for the Review of the Special Mechanisms of ACHPR and decided to appoint:

- Commissioner Jainaba Johm, Special Rapporteur on Human Rights Defenders in Africa,
- Commissioner Sanji Mmasenono Monageng, Chairperson of the Follow-up Committee on the Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman and Degrading Punishment and Treatment in Africa,
- Commissioner Bahame Tom Mukirya Nyanduga, Special Rapporteur on Refugees and Internally Displaced Persons in Africa.

19. The African Commission considered and adopted the Report of the Secretary to the African Commission on the administrative and financial situation of the Secretariat.

20. The Members of the African Commission adopted the Report of the 34th Ordinary Session held in Banjul, The Gambia, from 6th to 20th November 2003.

21. The African Commission adopted resolutions on the following issues :

- ? Protection of Human Rights Defenders in Africa
- ? Situation of Human Rights in Côte d'Ivoire,
- ? Situation of Human Rights in Nigeria,
- ? Situation in the Darfur region of Sudan,
- ? Situation of Women and Children in Africa

22. The African Commission on Human and Peoples' Rights wishes to express its sincere thanks and deep gratitude to the Government of The Gambia for the facilities put at its disposal and the warm welcome and hospitality extended to the delegates during the 35th Ordinary Session.

23. At the invitation of the Republic of Senegal, the 36th Ordinary Session of the African Commission on Human and Peoples' Rights will be held in Dakar from 23rd November to 7th December 2004.

24. The Chairperson of the African Commission will hold a Press Conference after the closing ceremony.

Done at Banjul, The Gambia, on 4th June 2004