

**83rd ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN
AND PEOPLES' RIGHTS**

02-22 May 2025

**INTER-SESSION REPORT OF THE
WORKING GROUP ON COMMUNICATIONS**

**Presented by Honourable Commissioner Marie Louise Abomo
Chairperson of the Working Group on Communications**

INTRODUCTION

1. The Working Group on Communications (the WGC or Working Group) was established by **Resolution ACHPR/Res.194(L)11**, pursuant to Rule 23(1) and Rule 97 2) of the Rules of Procedure of the African Commission on Human and Peoples' Rights (the Commission) 2010.
2. During the 11th Extraordinary Session, held in Banjul, The Gambia, from 21 February to 01 March 2012, the Commission adopted Resolution ACHPR/Res. 212(EXT.OS/XI)12 defining the mandate of the Working Group.
3. This Report is presented in accordance with Rules 25(3) and 64 of the Commission's Rules of Procedure (2020) and covers activities undertaken during the intersession period between **November 2024** to **May 2025**. The Report is structured as follows:
 - A. Activities of the Working Group;
 - B. Communications considered during the reporting period;
 - C. Communications pending before the Commission;
 - D. End of simultaneous application of the 2010 and 2020 Rules of Procedure;
 - E. Challenges, recommendations, and prospects.

A. Activities of the Working Group

(i) *Participation in Implementation Hearing for Application 006/12*

4. The Working Group supervised the preparation of the pleadings for the hearing on the implementation of the Court's decision on reparation in the **Application No. 006/2012 - The African Commission on Human and Peoples' Rights v. Republic of Kenya**. In this regard, the Working Group (represented by myself as a Chair and by the Vice Chair), in conjunction with the Bureau, met with the Executive Secretary, the Communications Coordination Team and the Legal Counsel, to discuss the legal issues to be canvassed in the written and oral submissions of the Commission, which were subsequently filed with the Registry of the Court.

(ii) *Benchmarking visit to the European Court on Human and Peoples' Rights*

5. From 11 to 13 December 2024, I participated in the Benchmarking visit to the European Court on Human and Peoples' Rights (ECHR) in Strasbourg, France.

6. The visit provided an invaluable platform for the Commission to exchange best practices with the ECHR, strengthening institutional capacity and advancing the shared mission of promoting and protecting human rights globally. This visit marked an important step towards reinforcing its operational framework and fostering synergies with like-minded institutions.

(iii) *Participation in the Consultative Meeting of the Peace Support Operations Division (PSOD)*

7. In my capacity as the Chairperson of the Working Group, I was nominated by the Chairperson of the Commission to participate in the Peace Support Operations Division's (PSOD) consultative session with the AU's organs with human rights and international law mandate to discuss the AU Compliance and Accountability Framework (AUACF). The meeting took place in Addis Ababa, Ethiopia, from 27 to 31 January 2025.
8. The PSOD convened the meeting to acquire guidance from the AU human rights and international law organs on their jurisprudence concerning compliance and accountability for misconduct and violations of International Humanitarian Law (IHL) and International Human Rights Law (IHRL) in Peace Support Operations (PSOs), and to enhance the training curriculum of the AUACF.
9. In this regard, I delivered a presentation drawing attention to the treaties, caselaw, soft law instruments, and studies of the Commission, which counsel on the alignment of PSOs with IHL and IHRL standards. I emphasized three priority areas: ensuring the lawful use of force by security personnel; prohibiting torture and inhumane treatment; and safeguarding the rights of children and women in armed conflict. I called for robust training, monitoring, and developing victim-centred reparative frameworks. A compendium of human rights safeguards was developed from all our recommendations to enhance the current curriculum of the AUACF.

(iv) *Preparation of the retreat of the between the Commission and the African Court on Human and Peoples' Rights on the complementarity*

10. The Working Group was involved in preparing the retreat between the Commission and the African Court on Human and Peoples' Rights on complementarity. In this regard, the Working Group considered the draft Concept Note and the draft



Guidelines on Complementarity and submitted them to the Commission for approval.

(v) *Meetings or consultations of the Communications Working Group*

11. By consultation through email of 02 September 2024, the Working Group discussed and agreed for the Commission to hold an oral hearing in a Communication pending before it, pursuant to Rule 102(3) of the 2020 Rules of Procedure.
12. By consultation through email of 25 September 2024, the Working Group considered and adopted a decision on the request to review the non-seizure decision of a Communication pending before the Commission. The Working Group agreed that the Chairperson of the Commission should respond to the Complainant by requesting him to submit a new complaint demonstrating the *prima facie* violation of his rights, apart from the question of secession, as well as to respect the principle of confidentiality provided for in Article 59 of the Charter.
13. By consultation through email of 29 October 2024, in the margins of the 81st Ordinary Session of the Commission, the Working Group considered the Reports on the administrative seizure of Communications and the Narrative Audit of Communications, which were presented to the plenary of the Commission.
14. On 25th February 2025, in the margins of its 82nd Ordinary Session, the Working Group met virtually, during which it:
 - (i) was seized with one (1) Communication with a request for Provisional Measures;
 - (ii) adopted the Report on the Administrative Seizure of Communications and the Report on Communications Narrative Audit.
15. By consultation of 10th March 2025, the WGC:
 - (i) was seized with one (1) Communication with a request for Provisional Measures;
 - (ii) adopted an official summary of a decision on the merits in a Communication for its publication in the National Gazette and the media of the Respondent State.

B. Communications considered during the reporting period

16. At the beginning of the 81st Ordinary Session, held in Banjul, The Gambia, from 17 October to 6 November 2024, one hundred and eighty-two (182) Communications were pending before the Commission:
 - Forty-one (41) communications on merits;
 - One hundred and thirty-seven (137) communications on admissibility;
 - Three (3) communications for seizure; and
 - One (1) communication for review.
17. The Working Group recalls that at the 81st Ordinary Session, eight (8) Communications were considered, as follows:
 - Two (2) Communications were declared admissible;
 - One (1) Communication was declared inadmissible;
 - Two (2) Communications were adopted on the Merits;
 - One (1) Communication was withdrawn; and
 - Two (2) communications were deferred, one (1) for the continuation of the process of amicable settlement and another one (1) for the continuation of the exchange of pleadings.
18. During the 37th Extraordinary Session, held in Dakar, Senegal, from 02 to 06 December 2024, the Commission considered four (4) Communications, as follows:
 - Two (2) Communications on admissibility;
 - One (1) Communication on review of non-seizure; and
 - One (1) Communication on Seizure with request for Provisional Measures.
19. At the beginning of the 82nd Ordinary Session, held virtually from 25th February to 11th March 2025, one hundred and ninety-one (191) Communications were pending before the Commission:
 - Forty-one (41) Communications on merits;
 - One hundred and forty (140) Communications on admissibility;
 - Nine (9) Communications for seizure; and
 - One (1) Communication for review.
20. During this Session, the Commission considered twelve (12) communications:
 - Two (2) Communications were declared admissible;
 - Two (2) Communications were declared inadmissible;
 - Four (4) Communications were adopted on Merits;
 - Three (3) Communications were struck out; and

- One (1) Communication on Admissibility was deferred for the next session.

C. Communications currently pending before the Commission

21. At the beginning of this Session, one hundred and seventy-seven (177) communications were pending:
- Thirty-eight (38) communications on merits;
 - One hundred and thirty (130) communications on admissibility;
 - Eight (8) communications for seizure; and
 - One (1) communication for review.
22. Regarding communications submitted by States Parties, it should be noted that the Commission has received one (1) inter-state Communication filed by the Sudan against Chad, which the Commission has been seized of.

D. Publication of the Amended Practice Directives ending simultaneous application of the 2010 and 2020 Rules of Procedure

23. During the 80th Ordinary Session, held virtually from 24th July to 2nd August 2024, the Commission decided to end the simultaneous application of the Commission's 2010 and 2020 Rules of Procedure. The amended Practice Directives ending the simultaneous application of 2010 and 2020 Rules of Procedure will be published soon.

E. Challenges, recommendations, and perspectives

a) Challenges

24. The Working Group notes with concern the low implementation rates of the Commission's decisions on Communications. The Working Group recall that States Parties to the Charter are under a peremptory obligation, free consented, to implement the decisions of the Commission under Article 1 of the African Charter.
25. The Working Group also wishes to counsel against the filing of frivolous and vexatious complaints by Parties. Legal practitioners are reminded that the same ethical duties that are incumbent on them under domestic law, are expected of them as they represent clients before the Commission.

26. The Working Group notes that there also has been a growing trend of legal practitioners submitting cases prematurely and without regard to the Rules of Procedure (2020), as well as the competence of the Commission.
27. The Working Group notes the low level of cooperation of Respondent States in communications. Less than 50% of States, against whom Communications have been brought, transmit submissions to the Commission. This results in the Commission resorting to adopting default decisions.
28. The Commission is concerned that many States Parties have recently participated in human rights judicial proceedings at other international courts and tribunals whilst neglecting their duties under the African Charter.
29. The Working Group observes that the translation of documents into the working languages of State Parties to the proceedings remains a pressing challenge for the Commission. Notwithstanding the improvements, there is still a severe limitation of funds allocated for the translation of Communications and submissions by Parties, particularly to/from Arabic. This situation will persist in the medium term as a result of the backlog of documents to be translated.
30. Finally, the Working Group wishes to stress the importance of compliance with the principle of confidentiality of decisions until their publication is authorised in accordance with Article 59 of the Charter.

b) *Recommendations*

31. In view of the above, the Working Group:
 - (i) Urges States Parties to implement the Commission's decisions and report accordingly within the 180 days period stipulated in Rule 125(1) of the Rules of Procedure (2020);
 - (ii) Reiterates its request that all Parties to the Communications apply the relevant provisions of the Rules of Procedure (2020), particularly with regard to the deadlines for submitting arguments and evidence at the different stages of the procedure, and to respect the principle of confidentiality provided for in Article 59 of the African Charter;



- (iii) Encourages States Parties to the African Charter to raise awareness on the African Charter, as well as the quasi-judicial function of the Commission, with a view to preventing the abuse of the Communications handling procedure by Parties;
- (iv) Encourages Complainants to submit complete complaints, including submissions on seizure, admissibility, merits and reparations, in order to facilitate the rapid examination of communications;
- (v) Encourages Parties to use the standardised complaint forms available on the Commission's website:
 - ➔ <https://achpr.au.int/index.php/en/news/announcements/2021-09-03/african-commission-human-and-peoples-rights-complaint-form-non-state> (English)
 - ➔ <https://achpr.au.int/index.php/fr/news/announcements/2021-09-03/formulaire-de-plaintes-de-la-commission-africaine-des-droits-de> (French)
 - ➔ <https://achpr.au.int/index.php/pt/news/announcements/2021-09-03/impresso-de-queixa-da-comissao-africana-dos-direitos-humanos-e-dos> (Portuguese)

c) Perspectives

- 32. The WGC believes that its establishment was essential to ensuring streamlined and efficient handling of Communications. However, the achievement of this objective still depends on the collaboration of all relevant stakeholders at the national and regional levels.
- 33. The Working Group is ready to cooperate with the High Courts of the States Parties, national bar associations, research institutions, and universities in the dissemination and popularisation of the Commission's jurisprudence and the procedure for the protection of human and peoples' rights. This cooperation includes the training of all stakeholders, particularly those of the judicial system of the States Parties.
- 34. The WGC, therefore, continues to gather diverse perspectives and suggestions from all stakeholders with a view to strengthening the fulfilment of its mandate



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and, by extension, to enhance the Commission's mandate entrusted to it by the States Parties.

Thank you for your kind attention!