

**Chapter Seven**  
**Seventh Annual Activity Report of the**  
**African commission**  
**1993-1994**

## **I. ORGANISATION OF WORK**

### **A. Period covered by the report**

1. The Sixth Annual Activity report of the African Commission on Human and Peoples' Rights was adopted by the Twenty-ninth session of the Assembly of Heads of State and Government of the OAU in its resolution AHG/Res. (XXIX) Rev. 1. The present report covers the 14<sup>th</sup> and 15<sup>th</sup> Ordinary Sessions held in Addis Ababa, Ethiopia, from 1-10 December 1993 and in Banjul, The Gambia, from 18-27 April 1994 respectively.

### **B. Status of ratification**

2. By the 15<sup>th</sup> session of the Commission, all the Member States of the OAU, with the exception of Ethiopia, Swaziland, and Eritrea, had ratified or acceded to the African Charter on Human and Peoples' Rights. The list of States and dates of signature, ratification/accession and deposit of instruments is attached to this Volume as Appendix III.

### **C. Session and Agenda**

3. The Commission has held two ordinary sessions since the adoption of its Sixth Annual Activity Report.

- The 14<sup>th</sup> ordinary session was held in Addis Ababa, Ethiopia, from 1-10 December 1993;
- The 15<sup>th</sup> ordinary session was held in Banjul, The Gambia, from 18 - 27 April, 1994.

The agenda for each of the two sessions is contained respectively in Annexes I and II of this report. The Items on extra-judicial executions, human rights education and the Fourth World Conference on Human Rights (Beijing 1995) were respectively proposed by the following NGOs: Amnesty International, The Decade for Human Rights Education and the Centre for the Development of Legal Resources and Research, in accordance with article 6, 5 (a) of the Rules of Procedure of the Commission.

### **D. Composition and Participation**

4. The terms of office of three Commissioners (Mr. Ali Mahmud Buhedma, Justice Moleleki Mokama and Mr. Alexis Gabou), expired and three new Commissioners, including a lady, were elected (Mrs. Vera Valentina Duarte Martins, Mr. Atsu-Kofi Amega and Dr. Emanuel Victor Dankwa) during the 29<sup>th</sup> Ordinary Session of the Assembly of Heads of State and Government (Cairo, Egypt, 28-30 June 1993). The list of members of the Commission as from June 1993 is contained in Annex III.

5. The following commissioners attended the 14<sup>th</sup> session:

1. Prof. Isaac Nguema - Chairman
2. Prof. Mohammed Hatem Ben Salem - Vice Chairman
3. Mr. Sourahata B.S Jannah
4. Justice Robert H. Kisanga
5. Dr. Ibrahim A Badawi EL Sheikh
6. Prof. U.O Umozurike
7. Mr. Youssoupha Ndiaye
8. Dr. Emanuel V. O. Dankwa
9. Mrs. Vera Valentina Duarte Martins
10. Mr. Atsu Koffi Amega

Mr. Alione Blondin Beye was absent with apology on account of a mission for the UN.

The following commissioners attended the 15<sup>th</sup> session:

1. Prof. Isaac Nguema - Chairman
2. Prof. Mohammed Hatem Ben Salem - Vice Chairman
3. Mr. Sourahata B.S Jannah
4. Justice Robert H. Kisanga
5. Dr. Ibrahim A Badawi EL Sheikh
6. Prof. U.O Umozurike
7. Mr. Youssoupha Ndiaye
8. Dr. Emmanuel E.V. O. Dankwa
9. Mrs. Vera Valentina Duarte Martins

Messrs Alione Blondin Beye and Atsu Koffi Amega were absent with apologies.

NGO participation was quite active and massive. That of Inter-governmental Organisations, although not quite as massive, was quite remarkable. Representatives of State Parties also attended the sessions.

#### **E. Chairman and Vice Chairman of the Commission**

6. Professor Isaac Nguema and Professor Mohammed Hatem Ben Salem were elected Chairman and Vice- Chairman respectively at the 14<sup>th</sup> session for a period of two years.

#### **F. Adoption of the 7<sup>th</sup> Annual Activity Report**

7. On the 27<sup>th</sup> April 1994, the Commission considered and adopted its 7<sup>th</sup> Annual Activity Report.

## **II. ACTIVITIES OF THE COMMISSION**

### **A. Consideration of Periodic Reports**

8. Under Article 62 of the Charter, each State undertakes to submit a report every two years, on the legislative or other measures it is taking to give effect to the rights and freedoms guaranteed by the Charter. No State submitted a report at the 15<sup>th</sup> session.
9. At its 14<sup>th</sup> ordinary session, the Commission considered the initial report submitted by Ghana pursuant to Article 62 of the Charter. It expressed its appreciation for the report and the presence of the representative of Ghana sent to present it and to undertake discussions with the Commission. The Commission acknowledged Ghana's preparedness to co-operate with it in the application of the Charter.
10. Following the presentation, members of the Commission raised several questions which were answered by the representative who promised to provide more detailed information about some of the questions.

By the 15<sup>th</sup> session, the following States had submitted their preliminary reports: Libya, Rwanda, Tunisia (9<sup>th</sup> session), Egypt and Tanzania (11<sup>th</sup> session), The Gambia, Senegal, Zimbabwe (12<sup>th</sup> session), Togo, Nigeria (13<sup>th</sup> session), Benin, Ghana, Cape Verde and Mozambique (14<sup>th</sup> session). It follows that 38 States were yet to submit their preliminary reports.

### **B Promotional Activities**

#### **i) Report of the Chairman**

11. During the session, the Chairman informed the Commission of the response of the President of the Republic of Cote d'Ivoire to the message of condolence sent following the passing away of His Excellency Felix Houphouet-Boigny, first President of the Republic of Cote d'Ivoire.
12. As part of the activities undertaken from April to November 1993, the Chairman participated in the following symposia, seminars, workshops and conferences:
  1. The Conference organised in Lisbon, from 5 - 7 April, on "the role of women in an interdependent world", by the North-South Centre of the Council of Europe and the Organisation of African Unity.
  2. A lecturing visit on the anthropological bases of human rights in Africa, within the framework of a (DEA) doctoral thesis at the University of Paris I (Pantheon, Sorbonne) from 20 April - 24 May 1993.
  3. The meeting of the Permanent Consultative Committee on Security in Central Africa, held in Libreville, from 30 August to 3 September 1993

under the auspices of the United Nations as a lecturer on the theme: “Democratisation, human rights and stability in Central Africa”.

4. Lecture given within the framework of a (DEA) doctoral thesis on “Comparative French and French inspired Law and the Development of Law” on 13 May 1993, at the University of Paris V (René Descartes) on the theme: “African Human Rights”.
  5. The Human Rights trainers workshop held in Darda (Chad) from 22 to 27 November 1993 by the International Federation of Human Rights Leagues in co-operation with the Chadian Human Rights League, as a resource person.
  6. The fifth workshop organised by the International Commission of Jurists (ICJ), from 28 to 30 November 1993, in Addis Ababa, on the participation of NGOs in the work of the African Commission on Human and Peoples’ Rights
13. As regards research and publication, the Chairman published an article on the Commission (organisation, mission, procedures and activities) in the Review “Parlements et Francophonie”, issue No. 88-89 published in Paris.
14. During the period from 10 December 1993 to 17 April 1994, the Chairman participated in the following conferences, symposia, seminars and workshops:-
1. The seminar on the training of human rights trainers organised from 7 to 11 February 1994 by the Zairean Human Rights League and the International Human Rights Federation in Kinshasa.
  2. The meeting of experts on UNESCO/Commandant Cousteau’s team organised by the Tri-Continental Institute for Parliamentary Democracy of La Laguna University at Santa Cruz de Tenerife from 25 to 26 February 1994 on human rights of future generations. The meeting gave rise to the Universal Declaration of the Human rights of future generations.
  3. The Conference on Electoral Freedom and the International Monitoring of Elections, organised from 28 February to 2 March 1994, by the Tri-Continental Institute for Parliamentary Democracy and Human Rights of the La Laguna University and the National Assembly of Portugal. The Conference resulted in the drafting of the Jorge Campinos International Convention on Electoral Freedom and the International Monitoring of Elections.
  4. The Action Forum Colloquium organised by the North-South Centre of the Council of Europe, from 11 to 12 March 1994 in Lisbon (Portugal) , on

strategies to the implementation in the areas of human rights within the framework of North-South relations.

5. The Sixth workshop on the participation of NGOs in the work of the African Commission organised by the International Commission of Jurists and the African Centre for Democracy and Human Rights Studies in Banjul from 15 to 17 April 1994.
15. During the same period, the Chairman communicated information to students and researchers at the Universities of Montreal, Brussels and Portugal on the African Charter on Human and Peoples' Rights as well as on the studies he had just published on human rights and democracy on Africa.
16. With regard to publications, the Chairman undertook the following work:
  - a) he ensured the supervision of the publication of the second edition of the Review of the African Commission on Human and Peoples' Rights which came out in April 1994;
  - b) he sent in a presentation on the African Commission on Human and Peoples' Rights to the preparatory Committee of the World Conference on Human Rights in Vienna in June 1993. That paper was circulated under reference: A/CON 157/PC/62/ADD.2 of 23 March 1993.
17. He briefed members of the Commission on the amount received as subvention from Raoul Wallenberg Institute and how it was to be used in conformity with the two-year agreement signed on the 12<sup>th</sup> of April 1993 between the Secretary to the Commission and the Raoul Wallenberg Institute. Members of the Commission were also informed of how the fax machines donated by the Raoul Wallenberg Institute to facilitate communication between them, on the one hand, and between the latter and the Secretariat of the Commission as well as the institute concerned, on the other, during the intersession, were to be acquired. Following the discussions held during the 15<sup>th</sup> session, the representative of the Raoul Wallenberg Institute intimated that the Institute could bear part of the running costs of the fax machines on conditions that the latter be predetermined. The Chairman then informed the Commission of the expenses already incurred from the subvention granted by the Raoul Wallenberg Institute.
18. The Chairman reported on the progress of the discussions with Interights of London which had already received the sum of 75,000 ECUS from the Commission of the European Communities for assistance to the Commission, among other things. Interights had been requested to account for the use of that amount before offering any further services to the Commission.
19. The Chairman recalled the guidelines that members of the Commission could use in preparing periodic reports. He recommended that NGOs be involved in such an exercise by submitting an alternative if need be, with particular emphasis on:

1. the factors and difficulties impeding the implementation of the African Charter on Human and Peoples' Rights;
  2. the positive aspects of the reports;
  3. the main areas of concern;
  4. suggestions and recommendations.
20. To ensure a certain degree of transparency in the Commission's management, the Chairman requested members to copy correspondence dealing with Commission - oriented issues to the Secretary and the Chairman respectively.
21. The Chairman finally informed the Commission of his contacts with officials of UNESCO and ECA with a view to strengthening co-operation between the United Nations Agencies and the Commission.
22. He also pointed out that he was envisaging the establishment of relations of co-operation between the African Commission on Human and Peoples' Rights and Tri-Continental Institute for Parliamentary Democracy and Human Rights of the La Laguna University (Santa Cruz de Tenerife).

#### **ii) Activities of other members of the Commission**

23. The allocation of countries to respective commissioners for the purpose of promotional activities is as shown in Annex IV of this report.

During the intersession, members of the Commission visited and/or carried out promotional activities in the following countries: Egypt and Zimbabwe (Dr. Ibrahim A Badawi El Sheikh), Tunisia (Prof. H Ben Salem), Togo (Mr. Atsu Koffi Amega), Senegal (Mr. Youssoupha Ndiaye), Ghana (Prof. EVO Dankwa), Cape Verde and Guinea Bissau (Mrs. Vera VDM Duarte Martins), Uganda (Mr. Robert H Kisanga), Gabon, Chad and Zaire (Prof. I Nguema), The Gambia (Mr. SB Semega-Janneh), Nigeria, Swaziland and Lesotho (Prof. UO Umozurike).

#### **ii) Conference and Symposia organised**

24. During the two intersessions, the following seminars were organised:
1. Seminar on State Reporting for the English Speaking Countries. The Seminar was organised in collaboration with the Raoul Wallenberg Institute and held in Harare, Zimbabwe, from 23-27 August 1993 with the participation of Dr. Ibrahim Badawi El Sheikh.
  2. Seminar on Refugees and Internally Displaced Persons in Africa. The Seminar was organised in collaboration with Southern Africa Centre for Research and Documentation and held in Harare, Zimbabwe, from 16 - 18 February 1994 with the participation of the following members of the

Commission: Dr. Ibrahim Badawi El Sheikh and Prof. Hatem Ben Salem. The conclusions of that seminar are attached to this report as Annex V.

3. The fifth workshop on NGO participation in the work of the African Commission on Human and Peoples' Rights. The workshop held in Addis Ababa, Ethiopia, from 28 to 30 November 1993, was organised by the International Commission of Jurists in collaboration with the African Commission.

The next workshop held in Banjul, The Gambia from 15 to 17 April 1994, was also organised by the International Commission of Jurists with the collaboration of the African Commission and the African Centre for Democracy and Human Rights Studies. It was attended by the following members of the Commission: Prof. I Nguema, Prof. Hatem Ben Salem, Mrs. Vera Duarte Martins, Dr. EVO Dankwa, Prof. UO Umzurike, Mr. SB Semega-Janneh, Mr. Robert Kisanga and Mr. AK Amega.

4. Seminar on State Reporting for Francophone, Arabophone and Lusophone countries held in Tunis, Tunisia from 24 to 27 May 1994 with the participation of Prof. Ben Salem and the collaboration of Raoul Wallenberg Institute.

#### **iv) Programme of Action**

25. The Commission agreed to organise the following seminars:

1. Seminar on Fair Trial to be organised in collaboration with the Arab Lawyers Union and will be held in Cairo at a date to be determined.
2. Seminar on Human Rights Education in South Africa to be organised in collaboration with the South African Lawyers Committee for Human Rights and will be held in South Africa at a date to be determined.
3. Seminar on the African Charter and the Status of women to be held in Banjul, - The Gambia, at a date to be determined
4. Seminar on Non-Formal Education and Popular Participation

26. Furthermore, the Commission appointed its Vice-Chairman, Prof. Mohammed Hatem Ben Salem as Special Rapporteur on Extra-judicial executions in Africa. For the time being, he has mainly to focus attention on the situation in Rwanda.

#### **v) Regional and International Co-operation**

##### *a) World Conference on Human Rights*

27. As a contribution to the proceedings of the Fourth Session of the Preparatory Committee of the World Conference on Human Rights held in Geneva, from 19 to 30 April 1993, Prof. Nguema sent in a paper on the organisation and functioning of the Commission, its promotional and protective activities in the area of human and peoples' rights, its role of interpreting the Charter on human and peoples' rights as well as on the follow-up procedure applicable before the Commission.

The contribution was highly appreciated by the Preparatory Committee.

The outgoing Chairman of the Commission, Dr. Ibrahim Badawi El Sheikh represented the Commission at the said conference in Vienna, Austria, June 1993.

He presented a paper on the African Commission as requested by the Commission. He made several statements before the Conference. He briefed the 14<sup>th</sup> session of the Commission on the outcome of the said conference, in particular about the Final Declaration and Programme of Action of the Vienna Conference. He underlined the importance of the follow-up of the matters considered by the Vienna Conference and referred also to several activities undertaken in relation to the World Conference on Human Rights.

b). *Visit of HE Mr. Ibrahima Fall, United Nations Under Secretary General for Human Rights to the African Commission on Human and Peoples Rights (21 - 25 April 1994).*

During the 15<sup>th</sup> ordinary session held in Banjul, The Gambia, the Commission played host to His Excellency Mr. Ibrahima Fall, United Nations Under Secretary General for Human Rights.

During his working visit, H.E Mr. Ibrahima Fall held lengthy discussions with members of the Commission on the State of co-operation between the Human Rights Centre and the Commission since the latter's establishment.

After considering the functioning and essential needs of the Commission, the parties exchanged views of ways and means of improving the latter's performance in the discharge of its human rights promotional and protective activities. In that regard, the parties jointly identified the areas in which the Human Rights Centre could assist the Commission with financial or other resources. Practical ways and means were determined to that effect. The two parties agreed to spare no efforts in enhancing co-operation between their respective institutions and expressed gratification about the positive outcome of their meeting.

- c) The UN Centre for Human Rights organised a Regional Seminar on the Drafting and Preparation of Periodic Reports in Abidjan, Cote d'Ivoire from 20 to 24 June 1994. The African Commission was represented at the seminar by Prof. Ben Salem.
- d) The Commission decided to strengthen co-operation with national human rights NGOs especially through regular exchange of information on the promotion and protection of human rights within States in which such NGOs operate. That would

enable the Commission to benefit from assistance of NGOs for certain field investigations in areas it cannot itself visit.

#### **f) Publications**

28. The second edition of the Review of the African Commission on Human and Peoples' Rights came out on 15 April 1994 thanks to the assistance of the African Society of International and Comparative Law and the diligence of the drafting committee and its Chairman. The members of the Commission were asked to make available to the drafting committee and the Chairman, articles and other contributions for the following edition of the Review which was to be published in October 1994.

29. As regards the proposed publication of a quarterly Newsletter and Brochure of the Commission, it was to be done in English, French and Arabic. Prof. Ben Salem was entrusted with exploring its feasibility and ensuring its supervision in Tunis (Tunisia).

### **C. Administrative and Financial Matters**

#### **i) The OAU Budget**

30. The budget allocated by the OAU to the Commission for the 1993/1994 financial year is as follows:

Code	Description	Appropriations 1992-1993	Actual Expenditure 1991-1992	Appropriations 1993-1994	Increased (Decreased)
100	Est. Post	85,614.00	69,336.00	101,771.00	32,435.00
101	Post Adjust	23,942.00	12,397.00	21,182.00	8,785.00
102	Temp. ASST.	1,000.00	1023.00	1,500.00	477.00
103	OT Pay	250.00	276.00	250.00	-26.00
104	Comm. Honorarium	55,000.00	34000.00	33,000.00	-1,000.00
204-212	Common Staff Costs	117,375.00	43,777.00	79,098.00	35,321.00
300	Official Mission	20,000.00	18,599.00	20,000.00	1,401.00
401-406	Maint. Costs	19,000.00	13,700.00	16,500.00	2,800.00
501-504	Communication Costs	7,000.00	6,465.00	6,500.00	35.00
600-610	Supplies and	12,700.00	44,596.00	16,000.00	-28,596.00

	Services				
800	Meetings	160,000.00	188,438.00	135,000.00	-53,438.00
	TOTAL	501,881.00	432,607.00	430,801.00	-1,806.00

## ii) Subventions from the United Nations Centre for Human Rights

31. The Secretariat of the Commission as at 7 December 1993, received an initial transfer of 35,000 dollars as part of the subvention of 71, 000 dollars granted by letter of 22 July 1993 and earmarked for the following:

### a) Strengthening of the documentation Centre

1. -Library	\$	7,500
2. - Printing of the Charter	\$	7,500
b). Thematic seminar (20%)	\$	14,000
c). Regional Seminar (20%)	\$	18,000
d). Free-lance support staff	\$	24,000
Total	\$	71,000

The participation of four members of the Commission in the Seminar on Refugees and Displaced Persons held in February 1994 in Harare was financed by this project to the tune of 11, 611 US Dollars. Moreover, the Secretariat of the Commission had already secured the services of a Documentalists and a Programme Officer within the framework of the Project for a period of eleven months.

32. Anticipated Subvention of 214, 285 Dollars:

Contacts were still under way with the United Nations Centre for the release of the subsidy which should be used for the computerisation of the Secretariat and the enhancement of promotional and protective activities.

## iii) Assistance from the Raoul Wallenberg Institute

33. The details relating to the financial assistance from Raoul Wallenberg Institute as per the agreement of 28 May 1993 are as follows:

- Promotional activities carried out by members of the Commission  
SEK 250, 000

## Seventh Annual Activity Report

- World Conference on Human Rights SEK 38, 000
- Umozurike (Swaziland and Lesotho) SEK 46, 000
- Umozurike (Nigeria and Cameroon) SEK 40,000

Total	SEK	124,000
-------	-----	---------

Balance	SEK	126.000
---------	-----	---------

2. Printing of the Review of the African Commission on Human and Peoples' Rights  
SEK 100.000

Printing of the Review of the African Society of International and Comparative Law SEK 100.000

Balance	SEK	00,00
---------	-----	-------

3. Faxes for members of the Commission	SEK	65, 000
--	-----	---------

Ben Salem	SEK	25,000
-----------	-----	--------

Janneh	SEK	7,000
--------	-----	-------

Badawi	SEK	25,000
--------	-----	--------

Total	SEK 57,000
-------	------------

Balance	SEK	8.000
---------	-----	-------

4. Emergency Missions	SEK 185, 000
-----------------------	--------------

Balance	SEK 185,000
---------	-------------

Used amount in total SEK 281,000

Balance in total	SEK 319,000 (equiv. \$ 39,000)
------------------	--------------------------------

#### iv) Commission of the European Communities

34. The Secretariat of the Commission received in two instalments, dated 6 February 1990 and 31 December 1992, respectively, a subvention of US\$ 54, 811.57 (46,851.05 + 7,960.52 dollars) from the Commission of the European Communities. The subvention was earmarked to cover the publication costs for the Review, the Annual Activity Reports of the Commission, as well as provide for the media coverage of the sessions of the Commission.

### D. Observers

35. In accordance with the provisions of Rules 76 and 77 of its Rules of Procedures, the Commission granted observer status to two NGOs, i.e.: the Community Legal Resource and Advice Centre, Lesotho and the Botswana Centre for Human Rights.

## **E. Protective Activities**

36. At its 14<sup>th</sup> and 15<sup>th</sup> sessions, the Commission received 33 communications under Article 55 of the Charter. This brought the total number of communications received by the Commission to 136. With regards to these communications, the Commission took measures in accordance with the provisions of the Charter. The Commission also followed up on old communications. The communications were examined in closed sessions. It should be noted that the Commission completed the consideration of 78 communications including two which were submitted to the Assembly of Heads of State and Government. 58 communications are still pending.

37. In accordance with Article 59 of the Charter, the details of the above-mentioned communications are contained in Annex VI.

## **F. Resolutions of the 14<sup>th</sup> and 15<sup>th</sup> sessions and Press Communiqué**

38. During the 14<sup>th</sup> session, the Commission adopted two resolutions respectively on:

- a). Human Rights Education;
- b). Promotion and Respect of International Humanitarian Law and Human and Peoples' Rights.

The text of these two resolutions are attached to this report (Annexe VII and VIII)

During its 15<sup>th</sup> session, the Commission adopted a resolution on the situation in Rwanda (Annex IX) and issued a press communiqué (Annex X). The Commission also adopted a resolution on South Africa which is hereto attached as Annex XI.

## **G. Adoption of the Report by the Assembly of Heads of State and Government.**

39. Following the consideration of this report, the Assembly of Heads of State and Government adopted a resolution by which it took note of it and authorised its publication; the Assembly also decided to set up an intergovernmental Committee of experts to consider the possibility of creating an African Court on Human and Peoples' Rights. The text of this resolution is appended to this report as Annex XII.

## **ANNEXES**

### **ANNEX I**

#### **AGENDA OF THE FOURTEENTH ORDINARY SESSION**

1. Opening Ceremony
2. Swearing in of the newly elected members of the Commission
3. Election of the Chairman and Vice Chairman of the Commission
4. Adoption of the Agenda
5. Organisation of work
  - a) Appointment of rapporteur
  - b) Working hours:
  - c) Programme of work
6. Observers:
  - a) Consideration of applications for observer status
  - b) Relations with observers
7. Consideration of Periodic reports
8. Promotional activities
9. Administrative and Financial matters
  - a) Report of the Chairman
  - b) Report of the Secretary to the Commission
  - c) Implementation of the Recommendations of the Preceding sessions
10. Protective activities
11. Working procedures of the Commission
  - a) Consideration of amendments to the Rules of Procedure
  - b) Consideration of article 58 of the Charter
12. Report on OAU activities relevant to the Commission
13. Date, Venue and Agenda of the fifteenth session
14. Any other business
15. Adoption of the report of the fourteenth session
16. Final communiqué and closing ceremony

## **ANNEX II**

### **AGENDA OF THE FIFTEENTH ORDINARY SESSION**

1. Opening Ceremony
2. Adoption of the Agenda
3. Organisation of work
  - a) Appointment of the Rapporteur of the Commission
  - b) Appointment of Rapporteur to prepare the Seventh Annual Activity Report
  - c) Working hours:
  - d) Programme of work
4. Observers:
  - a) Consideration of applications for observer status
  - b) Relations with observers
5. Consideration of if the Initial report submitted by Mozambique.
6. Promotional activities
  - a) Report of activities by members of the Commission
  - b) Consideration of extra-judicial executions
  - c) Creation of an African Court on Human and Peoples' Rights
  - d) Fourth World Conference on Women (1995) and setting up of a working group to prepare the Commission's Declaration
  - e) The organisation of forthcoming seminars and conferences
  - f) The regional seminar on the drafting and preparation
  - g) of periodic reports
  - h) Publication of the Commission's Review and Newsletter
  - i) Funding of the publication of minutes and periodic Reports
  - j) Report of the seminar on the protection of Refugees and Internally Displaces Persons in Africa
7. Protective Activities
8. Administrative and Financial matters
  - a) Report of the Chairman
  - b) Report of the Secretary to the Commission
  - c) Implementation of the Recommendations of the preceding sessions
  - d) Draft Rules on Contracts of Consultants
9. Working procedures of the Commission
  - a) Consideration of amendments to the Rules of Procedure
  - b) Consideration of article 58 of the Charter
10. Report on OAU activities relevant to the Commission
11. Date, Venue and Agenda of the Sixteenth session
12. Preparation of:
  - a) session report
  - b) Annual activity report
  - c) Final Communiqué
13. Adoption of the report
14. Adoption of the Seventh Annual Activity Report
15. Final communiqué and closing ceremony

### ANNEX III

#### LIST AND ADDRESSES OF MEMBERS OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS - BANJUL, THE GAMBIA

1. Mr. Isaac Nguema CHAIRMAN  
BP 962  
Libreville, Gabon  
Tel. Office : 241 73 24 20  
Tel. Res. : 241 73 20 27  
Telex : 5255 GO  
Fax : 241 76 09 93
2. Mr. Mohammed Hatem Ben Salem VICE-CHAIRMAN  
1, Rue de Naplouse  
BP 219, Lamanouba - 2010- Tunis  
Tunisie  
Tel. : 216 1 520 270  
Fax : 216 1 520 720
3. Mr. Atsu Koffi Amega Member  
BP 1262  
Lomé, Togo  
Tel. : 228 21 33 96  
Fax. : 228 21 39 74  
Telex : 5239
4. Mr. Alione Blondin Beye Member  
UNAVEM II  
Vila Espa  
PO Box 5185, Central Post Office  
Luanda, Angola  
Tel. : 244 2 341882/341824 (ext. 201/342)  
1 212 963 30 11 (Ext. 201/342)  
Fax. : 244 2 341882/341824 (Ext. 309)  
1 212 963 19 51  
Lusaka: Fax. : 260 1 26 07 66 (Direct)  
260 1 29 44 15 (Centre de Conference)
5. Mr. Emanuel Victor Oware Dankwa Member  
Faculty of Law  
University of Ghana  
PO Box 70  
Legon, Ghana  
Fax. : 233 21 222 621  
233 21 774 338
6. Mr. Sourahata Baboucar Semega Janneh Member

15 Hagan Street  
PO Box 212  
Banjul, The Gambia  
Tel. Office : 220 228174  
Tel. Res. : 220 495117  
Telex : 996 2216 GV (NOVOTEL)

7. Mr. Robert Habesh Kisanga Member

Court of Appeal  
PO Box 9004  
Dar-ES-Salaam, Tanzania  
Tel. Office : 255 51 27843/26011  
Telex : 989 41838 RCA TZ

8. Mrs. Vera Valentina De Melo Duarte Martins Member

Supremo Tribunal de Justiça  
CP 117  
Praia, Cape Verde  
Tel. : 238 61 2137 (Residence)  
238 61 5809 (Bureau)  
Fax. : 238 61 4519 (MJ) PT

9. Mr. Youssoupha Ndiaye Member

President du Conseil Constitutionnel  
Ancien Musée Dynamique  
Dakar, Senegal  
Tel. Office : 01 22 44 50  
Tel. Res. : 01 22 72 57  
Fax. : 01 22 81 87  
Telex : 906 21776 MINAFET SG

10. Mr. Ibrahim Ali Badawi EL Sheikh Member

Embassy of Egypt  
Borweg 1  
The Hague - The Netherlands  
Office Tel. : 2597 354 2000  
354 4066  
Home Tel. : 2597 3607791  
Fax. : 3170 3543304

11. Mr. U Oji Umozurike Member

Faculty of Law  
University of Calabar  
Calabar, Nigeria  
Tel. Office : 234 87224748/49 Ext. 9  
Res. : 87220543  
Telex : 65103 UNICAL, NG  
Fax/Tel : 234 87220111, or 87220543

OR

c/o Liaison Officer  
University of Calabar  
Lagos Nigeria  
Tel. : 234 1 835 615

SECRETARY TO THE COMMISSION

Mr. Germain Baricako  
PO Box 673  
Tel. : 220 392 962  
Fax. : 220 390764  
Telex : 996 2346 - OAU BJL GV  
Banjul, The Gambia.

**ANNEX IV**

**DISTRIBUTION OF COUNTRIES BY MEMBERS OF THE COMMISSION  
FOR PROMOTIONAL WORK AS AT 10/12/1993**

1. Mr. Atsu-Koffi Amega  
Togo  
Central African Republic  
Burundi  
Chad  
Gabon  
Djibouti
2. Dr. Ibrahim A. Badawi EL Sheikh  
Comoros  
Seychelles  
Mauritius  
Madagascar  
Egypt
3. Mr. Alione Blondin Beye  
Benin  
Equatorial Guinea  
Cote D'Ivoire  
Mauritania
4. Mr. Emanuel Victor Oware Dankwa  
Ghana  
Zimbabwe  
Malawi
5. Mr. Souharata Baboucar Semega Janneh  
Gambia  
Liberia  
Sierra Leone  
Botswana  
Namibia
6. Mr. Robert H Kisanga  
Ethiopia  
Kenya  
Somalia  
Uganda  
Tanzania  
Zambia

7. Mrs. Vera VDM Duarte Martins  
Cape Verde  
Mozambique  
Angola  
Guinea Bissau and Sao Tome & Principe
8. Mr Youssoupha Ndiaye  
Mali  
Niger  
Senegal  
Republic of Guinea
9. Prof. Isaac Nguema  
Zaire  
Burkina Faso  
Congo  
Rwanda
10. Prof. Mohammed H Ben Salem  
Tunisia  
Algeria  
Libya  
Sahrawi Arab Democratic Republic  
Sudan  
Eritrea
11. Prof. U Oji Umozurike  
Nigeria  
Cameroon  
Lesotho  
Swaziland

## **ANNEX V**

### **CONCLUSIONS OF THE SEMINAR ON PROTECTION OF AFRICAN REFUGEES AND INTERNALLY DISPLACED PERSONS HELD IN HARARE, 16-18 FEBRUARY 1994**

The African Commission on Human and Peoples' Rights within the context of its programme of activities to promote and ensure respect for human rights in Africa, convened a seminar on "The protection of African Refugees and Internally Displaced Persons" in Harare from 16-18 February 1994.

The Seminar was officially opened by the Honourable John Khomo, Minister of Public Service, Labour and Social Welfare, of the Government of Zimbabwe.

#### **The seminar debated the following main issues:**

- A. Review the general picture of national, regional and international, governmental and non-governmental action, in favour of African refugees and internally displaced persons.
- B. Problems of African refugees and internally displaced persons in the context of promotion and ensuring respect for human rights with the view of consolidating action in their favour, with special reference to the needs of children and women.

#### **The Seminar came to the following general conclusions:-**

- The plight of African refugees and internally displaced persons is rooted in causes such as violation of human rights, civil strife, internal disturbances, political conflicts, armed conflicts, ethnic violence, religious intolerance and mass poverty;
- The participants noted in particular, the African Charter on Human and Peoples' Rights, international human rights instruments, namely the UN Convention on Refugees of 1951 and its protocol of 1967, the OAU Convention of 1969, the Geneva Conventions of 1949 and the two additional protocols of 1977 ;
- The participants, having noted the above-mentioned instruments, were of the opinion that the basic documents provides essential legal ground for protecting African refugees and internally displaced persons provided that African States adhere strictly to them and ensure their implementation in law and practice;
- The participants also noted that the issue of internally displaced persons requires close attention as presently, there is no agency with special mandate for their protection;
- The solving of the problems of African refugees, though the primary responsibility of African States, requires wholehearted solidarity on the part of the international community to enable Africa to address the root causes and effects, and find durable solutions to the problems of refugees and internally displaced persons.

The seminar noted the efforts of African governments, inter-governmental agencies such as the United Nations High Commission for Refugees (UNHCR) and international organisations such as the International Committee of the Red Cross (ICRC) and the NGOs vis-à-vis the problems of African refugees and internally displaced persons. However, the problems of their protection continue to exist.

**The seminar considered the reports of the following groups constituted by the seminar:**

**Group A.** was entrusted with elaborating the conclusions on - the general picture of national, regional and international, governmental and non-governmental action, in favour of African Refugees and internally displaced persons;

**Group B.** was entrusted with elaborating the conclusions on - problems of African Refugees and internally displaced persons in the context of promotion of and ensuring respect for human rights.

**Group C.** was entrusted with elaborating on - the specific needs of children and women.

The seminar adopted the following conclusions of the said working groups which are reproduced in the following text:

**Group A. presented the following conclusions:-**

- A disaster preparedness and early warning system should be established;
- States should be encouraged to respect human rights and to observe binding instruments, namely, the UN Convention on Refugees, the OAU Convention on Refugees, International Humanitarian Law, African Charter on Human and Peoples' Rights, and also the UN Convention on Mines;
- Procedures should be created to penalise States which violated these Conventions, and an African Court of Human Rights should be established;
- NGOs should increase their efforts in promoting the rights of refugees and internally displaced persons, and assist them in redressing violations of these rights
- Action should be taken to promote and assist refugees and internally displaced persons to participate in the planning and implementation of their own repatriation and resettlement
- Programmes should be promoted that endorse the fact that the best protectors of human rights are those with the greatest vested interest in their protection, i.e. the people themselves, and not support agencies, and that education for self-protection needs to be based on their own methods and their own ideas for improvement;
- In spite of the negative image of refugees and internally displaced persons often portrayed by the media, and which weakens the position of the former, the media has an important role in promoting the empowerment of people to protect and exercise their rights as well as expose violations thereof.

**Group B presented the following conclusions:-**

**Problem of displacement**

- The seminar urges African governments, international organisations, NGOs at national and international levels, and all other parties concerned with the situation of violence to recommit themselves to address root causes of displacement, to prevent refugee flow and to create conditions which would allow refugees and internally displaced persons to return to their normal places of habitual residence in safety and dignity;
- The seminar calls upon governments to continue to observe and implement the applicable international principles and norms for the protection of refugees, particularly the principle of *non-refoulement* and treatment of refugees and asylum seekers in accordance with principles and norms of international law and recognised humanitarian standards;
- The seminar calls upon governments who have not done so to promulgate national refugee legislation to give expression to international refugee standards, and establish procedures and mechanisms for dealing with all aspects of refugee protection;
- The seminar calls on governments to ensure that the detention, expulsion or deportation of refugees and asylum seekers be subject to legal and judicial safeguards;
- The seminar encourages governments to respect and promote the human rights of refugees over and beyond the enjoyment of asylum and protection against *refoulement*;
- The seminar calls upon the relevant national, regional and international NGOs to continue providing the necessary support towards the protection and assistance of refugees;
- Governments should take all necessary measures to ensure the adequate and effective security in refugee hosting areas and, in particular, to protect the refugees against all forms of personal violence, particularly rape. All perpetrators of such violence should be expeditiously punished according to the applicable penal law;
- In view of the phenomenal political, social and economic developments that have taken place regionally and globally, the traditional solutions to refugee problems, i.e., resettlement, local integration and voluntary repatriation need to be seriously reviewed. In particular, it should be examined whether under the changed circumstances, these continue to offer a durable solution in reality and whether, in the case of voluntary repatriation, it is always the best solution.
- Refugees should always be consulted and involved in the planning and implementation of their voluntary repatriation. In planning such voluntary repatriation, the concerns of refugees, particularly regarding safety, education, social and economic facilities, and access to settlement on and use of land, should be given the highest priority.
- While in exile, refugees should be provided with civic education so that the period in refuge contributes to the solution of their situation and to rebuilding a new and better society after their return home.

## **Internally Displaced Persons**

### **The Seminar:**

1. Calls upon States and relevant organisations and institutions to respect and adhere to the relevant principles and the norms of humanitarian law in order to ensure the dignity and integrity of the civilians, and allow for the effective response to such protection and assistance problems as and when they arise.
2. Urges governments and all concerned parties to recognise the right of humanitarian assistance to victims of war and displaced persons, and to allow humanitarian organisations access to all these populations in particular by respecting the impartiality and neutrality of humanitarian aid and allowing its delivery in safety;
3. Calls upon States to accede to all relevant treaties, enforce them in their domestic law and practice, disseminate knowledge of these laws, and ensure effective functioning of the international and regional mechanisms of implementation and control;
4. Call upon the international community to review and further develop the international protection and assistance framework with particular reference to cases of internal displacement not adequately covered by existing humanitarian and human rights law as well as strengthening assistance to host communities.
5. Calls for the provision of legal aid and assistance to refugees and internally displaced persons to enable them exercise their right of access to the African Commission on Human and Peoples' Rights in order to seek redress to violations to their human rights.
6. Recognises that whereas under certain specific circumstances, so-called safety zones might be established to protect and assist displaced victims of armed conflict, such mechanisms should not be used to prevent refugees from seeking and being granted asylum outside their countries of origin.

### **Information and Dissemination**

1. The seminar noted the need for information to be provided to refugees, returnees and internally displaced persons concerning relevant principles of protection and international law to enable them to invoke their rights themselves.
2. The seminar calls upon African governments, Inter-governmental Agencies, NGOs and the public at large to gather and disseminate detailed information on the social, medical, economic and ecological consequences of landmines so as to promote efforts for the control or ban of the production, the trade, stockpile and use of landmines.

3. The seminar calls upon African Governments, and the international community at large to provide all the necessary resources and assistance to support effective and long-term initiatives for mine clearance and mine awareness in all the mine-infested areas in Africa.

### **Landmines**

1. The seminar calls upon African governments to ratify the 1980 Convention, supports the review of the Convention which has been initiated by the General Assembly, and hopes that this review will lead to a total ban on the production, stockpile, trade in and use of landmines.
2. The seminar calls upon African governments, Intergovernmental Agencies, NGOs and the public at large to gather and disseminate detailed information on the social, medical, economic and ecological consequences of landmines so as to promote efforts for the control or ban of the production, trade, stockpile and use of landmines.
3. The seminar calls upon African governments and the international community at large to provide all the necessary resources and assistance to support effective and long-term initiatives for mine clearance and mine awareness in all the mine-infested areas in Africa.

### **Role of National, Regional and International NGOs**

- The seminar calls upon national, regional and international NGOs to co-ordinate and collaborate in their efforts to assist refugees and internally displaced persons in securing protection according to international human rights principles and norms, and to support national NGO initiatives and encourage community participation, particularly where refugees and internally displaced persons are themselves directly involved;
- The seminar encourages relevant NGOs to consider including in their mandates, the monitoring of the human rights of refugees;
- The seminar urges African Governments to support and allow NGOs to carry out their humanitarian work on behalf of refugees and internally displaced persons at all times and according to the principles of neutrality and impartiality. In particular, no political or other considerations should be allowed to prevent NGOs from carrying out humanitarian activities for the benefit of refugees and internally displaced persons, especially where life-threatening situations exist;
- The seminar calls upon African governments in particular and relevant organisations to support and strengthen the relevant regional institutions, especially the African Commission on Human and Peoples' Rights, the Conflict resolution mechanisms, and the Bureau for refugees and internally displaced persons so as to enable them to better and more effectively carry out their respective mandates;

- In order to improve the system of human rights enforcement in Africa, the seminar calls for the establishment of an African Court of Human Rights and the prerequisite goodwill of governments necessary to make such a court or any other such structure effective. Additionally, it should be examined how the mandate of the recently appointed United Nations High Commissioner for Human Rights could improve the enforcement of human rights in Africa generally and of internally displaced persons in particular;
- The mandate and work of the relevant organs of the OAU, particularly the Commission of 15 on refugees should be reviewed so as to enable the question of internally displaced persons to be considered and dealt with specifically and in its own right.

**Group C presented the following conclusions**

1. In view of the fact that over 50% of refugees and internally displaced persons are women, the staffing of institutions, and the setting and implementation of policies, as well as the allocation of funds and other resources, should accurately reflect the gender balance of these populations;
2. Donor agencies, host governments, and the media should make efforts to become better informed about the special protection and assistance needs of refugee and internally displaced women beyond basic requirements of food, clothing, shelter and health services;
3. The African Commission on Human and Peoples Rights should review the African Charter on Human Rights and Welfare of the Child with the aim of implementing its provisions;
4. The African Commission on Human and Peoples' Rights should take cognisance of the special needs of repatriated refugees and internally displaced persons;
5. Efforts should be made by the international community and the African Commission on Human and Peoples Rights to inform refugees and internally displaced persons of their human rights;
6. With regards to the African Charter on Human and Peoples' Rights, it is recommended that the following articles be reflected upon for further clarity and operational pragmatism in the light of the protection of women and the protection of children:
  - Article 13, paragraph 2 - equal access to public service: the question is how does the Commission ensure that this takes place and what measures are in place to ensure such success?
  - Article 16, paragraph 1 - the psycho-social needs (including education), for refugees and internally displaced persons need to be identified as essential components of equal importance to material assistance;
  - Article 17, paragraph 3 - what power has the Commission in cases of failure by States to promote and protect common morals?

- Article 18, paragraph 3- the State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of woman and the child as stipulated in international declarations and conventions; how does this fit with national legislation;
  - Articles 25 and 26 - the duty to ensure the respect of rights and freedoms and the duty to guarantee the independence of the courts;
  - Chapter II, article 31 - how valid is the necessity for legal experience given the mandate of the Commission, as stated in Chapter II Article 45, paragraph 1(a) and 2. By stating a preference for legal experience, women are automatically excluded, because this is traditionally male-dominated field. Commission members should include a variety of skills including psycho-social sciences.
  - Chapter III Article 56 and 58 - massive violation of human and peoples' rights.
7. Noting that the African Charter on Human and Peoples' Rights obligates States to afford "every individual" basic human rights without discrimination, such as, the right to equality before the law, fair trial, economic, social and cultural rights; noting also that the Charter refers to the right to asylum and prohibits mass expulsion of nationals, it is thus binding upon African States to observe fully the Charter and reflect its provisions related to refugees and displaced persons in the reports submitted to the African Commission under Article 62. It is incumbent on the African Commission to pay special attention to the issue of displaced persons and make its own contributions in this regard.

## **FINAL CONCLUSIONS**

1. The participants called upon the international community to intensify its efforts in favour of African refugees and internally displaced persons, especially women and children;
2. The participants indicated that the conclusions of the seminar should be annexed to the annual report of the African Commission on Human and Peoples' Rights to be submitted to the OAU Summit and other participants, with the view of acting on these conclusions. The hope was also expressed that the African Commission on Human and Peoples' Rights will act on these conclusions;
3. The participants expressed their warm gratitude and thanks to the Government of Zimbabwe for having graciously accepted the convening of the Seminar in Harare and designating the Honourable Minister of Public Service, Labour and Social Welfare, John Nkomo, to officially open the seminar.

**Harare, Zimbabwe, 18 February 1994 .**

## ANNEX VI

### Decisions/Recommendations on communications

#### **1/88 FEDERICK KORVAH VS. LIBERIA**

Communication on the situation in Liberia including corruption, immorality, etc.... of July 26, 1987

#### **Final decision:**

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session held from 17 - 26 October 1988;

*Considering* that the communication is not addressed to the Commission but to the Liberian government;

*Considering further* that the five matters described in this communication do not amount to violations of human rights under the provisions of the Charter;

**Declares the communication inadmissible**”. (Article 114 of the Rules of Procedure - Article 56 of the Charter).

#### **2/88 IHEANYICHUKWU A IHEBEREME vs. USA**

Communication on false imprisonment, police brutality, etc. on July 13, 1987.

#### **Final decision**

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session from 17 to 26 October 1988;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible**” (Article 101 of the Rules of Procedure).

**3/88 CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS VS. YUGOSLAVIA - 26 JANUARY 1987**

Communication on alleged deprivation of the right to practice a profession

**Final decision**

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session from 17 to 26 October 1988;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**4/88 CO-ORDINATING SECRETARY OF THE FREE CITIZENS CONVENTION VS. GHANA**

Communication about arrest and detention of persons - 25 June 1987

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session from 17 to 26 October 1988;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**5/88 PRINCE JN MAKOGÉ VS. USA**

Communication on the activities of the UAS in Africa dated 29 August 1986

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session from 17 to 26 October 1988;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**6/88 DR. KODJI KOFFI VS. GHANA**

Communication on arrest and detention without trial, dated April 11, 1988.

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session from 17 to 26 October 1988;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**7/88 COMMITTEE FOR THE DEFENCE OF POLITICAL PRISONERS VS. BAHRAIN**

Communication on alleged false imprisonment of persons and torture, dated February 26 1988.

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session from 17 to 26 October 1988;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**9/88 INTERNATIONAL LAWYERS COMMITTEE FOR FAMILY REUNIFICATION VS. ETHIOPIA**

Communication on alleged false imprisonment of persons and torture, dated April 14 1988.

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session from 17 to 26 October 1988;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**10/88 GETACHEW ABEBE VS. ETHIOPIA**

Communication on false imprisonment and deprivation of property, dated June 1, 1988

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session from 17 to 26 October 1988;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**11/88 HENRY KALENGA VS. ZAMBIA**

A communication on false imprisonment, dated August 2 1988. The author (victim) was released after a member of the African Commission on Human and Peoples’ Rights effected an amicable settlement. This file is closed. (Article 97 of the Rules of Procedure; Article 56, 1 of the Charter).

**12/88 MOHAMMED EL-NEKHEILY VS. OAU**

Communication on wrongful dismissal, non-payment of salaries, etc., dated May 28, 1988.

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session from 17 to 26 October 1988;

Considering that the communication is directed against the OAU which is not a State or a Party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**13/88 HADJALI MOHAMMED VS. ALGERIA**

Communication about slow judicial process but no specific breaches of the provisions of the Charter, dated August 29, 1988.

“ The African Commission on Human and Peoples’ Rights, established under Article 30 of the African Charter on Human and Peoples’ Rights;

Considering that the communication does not state the complaints directed against the state concerned or/ the human rights violations suffered by the author of the communication or the procedures engendered by such violations;

**Declares the communication inadmissible”** (Article 114 of the Rules of Procedure, Article 56 of the Charter).

**14/88 DR. ABD ELDAYEM AE SANUSSI VS. ETHIOPIA**

Communication about arbitrary detention, dated February 29, 1988.

“ The African Commission on Human and Peoples’ Rights, established under Article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session from 17 to 26 October 1988;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**15/88 MPAKA - NSUSU ANDRE ALPHONSE VS. ZAIRE**

Communication on false imprisonment, dated September 12 1988

“The African Commission on Human and Peoples’ Rights ;

Considering that the communication had already been referred for consideration to the Human Rights Committee established under the International Covenant on Civil and Political Rights;

**Declares the communication inadmissible”** (Article 56/7 of the Charter; article 114 of the Rules of Procedure)

**16/88 COMITÉ CULTUREL POUR LA DÉMOCRATIE AU BENIN VS. BENIN, DATED 3 AUGUST 1988; 7/88 BADJOGOUME HILAIRE VS. BENIN, DATED OCTOBER 10, 1988; 18/88 EL HADJ BOUBACAR DIAWARA VS. BENIN, DATED JULY 15 1988**

Communications about false imprisonment.

“ The African Commission on Human and Peoples’ Rights, established under Article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fifteenth ordinary session held in Banjul, The Gambia, from 18 to 27 April, 1994;

Considering that at its fifth ordinary session held in Benghazi (Libya) in April, 1989, the Commission decided to link the three petitions registered under Nos. 16/88, 17/88 and 18/88 at the Secretariat due to their interrelation;

Considering that the three petitions were declared admissible and that notification thereof was made to the parties concerned on 14 March 1990, 17 November 1990, 16 November 1992, 12 August 1993 and 20 January 1994;

Considering that during this same session, the Commission declared the three communications admissible, in application of articles 56 and 57 of the African Charter on Human and Peoples’ Rights and rules 114 and 117 of the Rules of Procedure;

Considering that by letter dated 18/3/1994, the State of Benin acknowledge receipt of all the notifications and informed the Commission of the dispatch of the requisite documents and information;

Considering moreover that it was as a result of a letter from Mr. Diawara to the Commission dated 12 April, 1994 that the political and judicial authorities took into consideration the requests of Mr. Diawara by referring the matter to the examining magistrate and the President of the Republic of Benin;

Considering that prior to any substantive consideration, the communication must be referred to the sixteenth session of the Commission, pursuant to Rule 115 of the Rules of Procedure;

**Decides** to refer the matter to the sixteenth session for decision on admissibility and consideration on the merits.

### **19/88 INTERNATIONAL PEN VS. MALAWI, ETHIOPIA, CAMEROON AND KENYA.**

Communication on false imprisonment, dated August 30 1989

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its sixth ordinary session held from 23 October to 4 November 1989;

Considering that the communication is directed against States not parties to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

### **20/88 AUSTRALIAN COMMITTEE AGAINST TORTURE VS. MOROCCO**

Communication on wrongful arrest and false imprisonment.

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its sixth ordinary session held from 23 October to 4 November 1989;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

## **21/88 CENTRE HAITIEN DES LIBERTÉS PUBLIQUES VS. ETHIOPIA**

Communication on extra-judicial executions, dated January 20 1989

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its sixth ordinary session held from 23 October to 4 November 1989;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

## **22/88 INTERNATIONAL PEN VS. BURKINA FASO**

Communication on alleged wrongful detention (not dated)

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fifteenth ordinary session held in Banjul The Gambia, from 18 - 27 April 1994;

Considering that Mr. Ernest N Ouegraogo has been released on 4 August 1989;

**Declares** that the file be closed” (Article 56 of the Charter).

## **24/89 UNION NATIONAL DE LIBERATION DE CABINDA VS. ANGOLA**

Communication on alleged denial of self-determination, dated April 2, 1988.

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fifth ordinary session held from 3 to 14 April 1989;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**26/89 AUSTRIAN COMMITTEE AGAINST TORTURE VS. BURUNDI**

Communication about mass arrests, detention, torture, etc..., dated March 31, and June 19, 1989

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its sixth ordinary session held from 23 October to 4 November 1989;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**28/89 ASSOCIATION INTERNATIONALE DES JURISTS DEMOCRATES VS. ETHIOPIA**

Communication on alleged false imprisonment, destruction of property, etc.

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its sixth ordinary session held from 23 October to 4 November 1989;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**29/89 COMMISSION FRANCAISE JUSTICE ET PAIX VS. ETHIOPIA**

Communication on denial of the right to life, dated March 3 and June 19, 1989

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its sixth ordinary session held from 23 October to 4 November 1989;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

### **33/89 SIMON B NTAKA VS. LESOTHO**

Communication on infringement of the right to free movement, dated January 14, 1974

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fourth ordinary session held from 17 to 26 October 1988;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

### **35/89 SEYOUM AYELE VS. TOGO**

Communication on alleged deprivation of nationality, December 12 1987

#### **Final Decision:**

The author complains that an alleged victim was impliedly denied his nationality by the action of his own state.

The Commission decided that the allegation was vague and the communication inadmissible under article 56 of the Charter.

### **37/90 GEORGES EUGENE VS. USA, HAITI**

Alleged ill-treatment by USA and Haiti, dated March 23, 1990

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its seventh ordinary session held from 18 - 28 April 1990 in Banjul, The Gambia;

Has taken the following decisions:

At its sitting on Wednesday 25 April 1990;

Considering that the communication is directed against States which are not parties to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**38/90 WESLEY PARISH VS. INDONESIA (not dated)**

Alleged illegalities committed by Indonesia

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its seventh ordinary session held from 18 to 28 April 1990;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**41/90 ANDRE HOUVER VS. MOROCCO**

Communication on alleged political imprisonment and other wrong doings, dated March 28 1990

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its seventh ordinary session held from 18 to 28 April 1990;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**42/90 INTERNATIONAL PEN VS. MALAWI**

Communication on the denial of the right to life, dated March 12, 1990

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its seventh ordinary session held from 18 to 28 April 1990;

Considering that the communication is directed against a State which is not a party to the African Charter on Human and Peoples’ Rights;

**Declares the communication inadmissible”** (Article 101 of the Rules of Procedure).

**43/90 UNION DES SCOLAIRES NIGERIENS - UNION GENERALE DES ETUDIANTS NIGERIENS AU BENIN VS. NIGER**

Communication of alleged denial of the right to life, etc. dated February 14, 1990.

“ The African Commission on Human and Peoples’ Rights, established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fifteenth ordinary session held in Banjul, The Gambia, from 18 to 27 April 1994;

By petition dated 14/2/90 registered at the Secretariat of the Commission under No. 43/90, the *Union des Scolaires Nigériens* and *Union Général des Etudiants Nigériens au Bénin* wrote to the Commission to denounce human rights violations allegedly committed by the State of Niger during the events of 09/02/90 in that country.

Considering that the communication had been brought to the knowledge of the State of Niger through letters of 6/11/90 and 12/08/93, pursuant to article 57 of the Charter ;

Considering that since the matter was referred to the Commission, no additional information has been received by the Secretariat, in spite of several reminders;

Considering that the four (4) months date line given to the parties at the fourteenth session of the Commission held in Addis Ababa, Ethiopia, in December 1993, has expired;

Considering that none of the conditions relating to form, time-limit or procedure laid down under article 56 of the Charter and Rule of Procedure has been complied with;

Considering that the communication is therefore inadmissible;

Decides to declare the communication of *Union des Scolaires Nigériens et l’Union des Etudiants Nigériens au Bénin* against the State of Niger inadmissible pursuant to article 56 of the Charter and Rule 114 of the Rules of Procedure.

#### **45/90 CIVIL LIBERTIES ORGANISATION VS. NIGERIA**

Communication on wrongful eviction of inhabitants, dated October 4, 1990

##### **Final Decision:**

“The Commission decides that local remedies have not been exhausted as required by article 56 of the Charter and 114 of the Rules of Procedure and therefore declares the communication inadmissible”.

**53/90 ALBERTO T CAPITAO VS. TANZANIA**

Communication on recovery of money, dated March 26, 1991.

**Final Decision:**

“The Commission decides that local remedies have not been exhausted as required by article 56 of the Charter and 114 of the Rules of Procedure and therefore declares the communication inadmissible”.

**55/91 INTERNATIONAL PEN VS. CHAD**

Communication on alleged false imprisonment, dated March 27, 1991

“Following the withdrawal of the communication on 31 August 1993 following the release or death of the prisoner concerned, the Commission decided to close the case” (Article 56 of the Charter; article 111 of the Rules of Procedure).

**57/91 TANKO BARIGA VS. NIGERIA (not dated)**

Communication on demands of sums of money and other privileges

**Final Decision:**

The demand is incoherent and is inadmissible under article 55(2) of the African Charter on Human and Peoples’ Rights.

**63/92 CONGRESS FOR THE SECOND REPUBLIC OF MALAWI VS. MALAWI, DATED 5 APRIL 1991**

Communication on the general political situation in Malawi

**Final decision:**

The information is noted, and as it is not a complaint, no further action is necessary and accordingly, the matter is closed. (Article 56 of the Charter; article 114 of the Rules of Procedure).

**66/92 LAWYERS' COMMITTEE FOR HUMAN RIGHTS VS. TANZANIA**

Communication on alleged false imprisonment, dated July 1991.

The complainant, Mr. Seif Hamad having granted bail and subsequently the charges against him have been struck, there is no need to proceed, and the matter is accordingly closed. (Article 55 of the Charter)

**76/91 CIVIL LIBERTIES ORGANISATION VS. NIGERIA**

Communication on alleged wrongful detention, dated February 25, 1992

**Final decision:**

The Commission obtained information by letter CO. 128/T/24 dated May 19, 1992 from the government of Nigeria and other independent sources that the matter was being amicably resolved and therefore closed the file. (Article 50 of the Charter).

**64/92 KRISHNA ACHUTHAN VS. MALAWI (OCTOBER 10, 1991); 68/92 AMNESTY INTERNATIONAL VS. MALAWI (MARCH 2, 1992); 78/92 AMNESTY INTERNATIONAL VS. MALAWI (OCTOBER 6, 1992)**

Communications on alleged wrongful detentions and denial of rights.

**Final decision:**

The Commission finds that the State is in breach of articles 4, 5, and 7 of the African Charter on Human and Peoples' Rights and decides to refer the situation to the Assembly of Heads of State and Government under article 58(1) of the Charter.

**69/92 AMNESTY INTERNATIONAL VS. TUNISIA**

Communication on alleged wrongful detention and torture, dated 4 March 1992

**Final decision**

“The African Commission on Human and Peoples' Rights, established under article 30 of the African Charter of the African Charter on Human and Peoples' Rights;

Meeting at its 13<sup>th</sup> ordinary session, from 29 March to 7 April 1993 in Banjul, The Gambia;

Considering articles 55 and 56 paragraph 7;

**Decides** to declare the communication of Amnesty International against the Republic of Tunisia inadmissible pursuant to the relevant provisions of article 56 (7) which stipulates that communications submitted within the framework of Part II, Chapter III of the African Charter on Human and Peoples' Rights should necessarily "not deal with cases which have been settled in accordance with the principles of the Charter or the United Nations or the Charter of the Organisation of African Unity or the provisions of the present Charter".

**72/92 BAMIDELE ATURU VS. NIGERIA**

Communication about denial of right to education, dated 21 February, 1992

**Final decision:**

Author fails to exhaust local remedies. The Commission considers the application to be inadmissible under article 55(5) of the Charter.

**70/92 I BRAHIM DIOUMESSI, SEKOU KANDE, OUSMANE KABA VS. GUINEA (not dated)**

Communication on detention without trial.

**Final decision:**

"The African Commission on Human and Peoples' Rights established under article 30 of the African Charter on Human and Peoples' Rights;

Meeting at its fifteenth ordinary session held in Banjul, The Gambia, from 18 to 27 April, 1994;

Recalling the provisions of article 57 of the Charter and those of Rules 110 and 115 of the Rules of Procedure which stipulate that prior to any substantive consideration, all communications must be brought to the knowledge of the State concerned;

Notes that the said communication was brought to the attention of the State of the Republic of Guinea on 13/11/92, 12/4/93 and 12/3/94;

Request the Guinea government to submit additional information relating to the issue within two (2) months of receipt of a new notification, failing which this matter shall be considered during the sixteenth session". (Article 57 of the Charter; articles 110 and 115 of the Rules of Procedure).

**73/92 MOHAMMED L DIAKITE VS. GABON**

Communication on wrongful expulsion and deprivation of property, dated 17 April 1992.

“The African Commission on Human and Peoples’ Rights established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fifteenth ordinary session held in Banjul, The Gambia, from 18 to 27 April, 1994;

Recalling the provisions of article 57 of the Charter and those of Rules 110 and 115 of the Rules of Procedure which stipulate that prior to any substantive consideration, all communications must be brought to the knowledge of the State concerned;

Notes that the said communication was brought to the attention of the State of the Gabon on 11 November 1992 and 12 April 1993;

Decides to enquire from the author of the complaint, pursuant to the decision of the thirteenth session whether he intends to take up this matter with the Gabonese judicial authorities and requests him to submit a response within four (4) months of receipt of this decision;

Directs that substantive consideration of the matter be undertaken during the sixteenth session”. (Article 57 of the Charter, articles 110, 115 and 117 of the Rules of Procedure).

**83/92 JEAN Y DEGLI (ON BEHALF OF N BIKAGNI) VS. TOGO (JOINED WITH 88/93 AND 91/93 OF MARCH 1 1993)**

Communication on unlawful detention.

“The African Commission on Human and Peoples’ Rights established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fifteenth ordinary session held in Banjul, The Gambia, from 18 to 27 April, 1994;

Recalling the provisions of article 57 of the Charter and those of Rules 110 and 115 of the Rules of Procedure which stipulate that prior to any substantive consideration, all communications must be brought to the knowledge of the State concerned;

Notes that the said communication was brought to the attention of the State of the Togo on 11 November 1992;

Confirms the interim measures taken during the 14<sup>th</sup> session aimed at ensuring the security of the victim and to avoid irreparable prejudice to be inflicted on the victim of the alleged violations” (Article 57 of the Charter; articles 110 and 115 of the Rules of Procedure).

**88/93 UNION INTERAFRICAIN DES DROITS DE L’HOMME VS. TOGO  
(not dated)**

Communication on the human rights situation in Togo.

“The African Commission on Human and Peoples’ Rights established under article 30 of the African Charter on Human and Peoples’ Rights;

Meeting at its fifteenth ordinary session held in Banjul, The Gambia, from 18 to 27 April, 1994;

Recalling the provisions of article 57 of the Charter and those of Rules 110 and 115 of the Rules of Procedure which stipulate that prior to any substantive consideration, all communications must be brought to the knowledge of the State concerned;

Decides to bring the communication to the knowledge of the government of Togo and to request it to submit a response within two months of receipt of the notification;

A substantive consideration of the matter shall be undertaken at the sixteenth session”. (Article 57 of the Charter, articles 110, 115 and 117 of the Rules of Procedure).

**91/993 COMMISSION INTERNATIONALE DES JURISTES VS. TOGO**

Communication on the human rights situation on Togo, dated 1 March 1993;

(Combined with No. 88/93).

**93/93 International Pen vs. Ghana (not dated)**

Communication on the freedom of expression.

“Upon the request by the author on 24 March 1993, the communication was withdrawn and the file closed”. (Article 56 of the Charter).

**97/93 JOHN K MODISE VS. BOTSWANA**

Communication on denial of nationality, dated 3 March 1993;

**Final decision:**

It was decided to write to the author stressing the need for exhaustion of local remedies as required by article 56 of the Charter. He should also be advised to contact the NGO - Botswana Centre for Human Rights which enjoys observer status with the Commission for assistance. (Article 56(5) of the Charter.

**104/93 CENTRE FOR THE INDEPENDENCE OF JUDGES AND LAWYERS  
VS. ALGERIA, DATED AUGUST 12,1992.**

Communication on the general political situation in Algeria.

**Final decision:**

The communication provides a general information to the Commission and deals with no specific breaches of the Charter. The file is therefore closed. (Article 56 of the Charter).

**106/93 AMUH JOSEPH VITINE VS. CAMEROON, DATED 16 SEPTEMBER  
1993**

Communication on wrongful persecution.

**Final decision:**

Mr. Amuh Joseph wants the Commission to save his life and prevail on the government to stop the hunt against him. He also wants the Commission to appeal to the government of Senegal and Niger to grant him refugee status.

The Commission applied article 56 and decide not to take up the matter.

**107/93 ACADEMIC STAFF OF NIGERIAN UNIVERSITIES VS. NIGERIA**

Communication on breach of agreement, threats etc. dated 27 July 1993

**Final decision:**

From the evidence adduced by the author, local remedies have not been exhausted. The communication is therefore inadmissible. The Commission draws the attention of the author to article 56 of the Charter.

**131/94 OUSMAN MANJANG VS. THE GAMBIA (not dated).**

Communication on wrongful detention and confiscation of papers.

**Final decision:**

Article 56(5) requires that the author exhausts local remedies before the Commission takes up his complaint. In the absence of that, the communication is declared inadmissible. (Article 56 of the Charter).

**47/90 LAWYERS COMMITTEE FOR HUMAN RIGHTS VS. ZAIRE**

Communications on violations of human rights by the Government of Zaire, including arbitrary arrests, detention, torture etc. dated October 16 1990.

**Final decision:**

The Commission admits evidence of the existence of a series of serious or massive violation of human and peoples' rights and decides under article 58(1) of the Charter to draw the attention of the Assembly of Heads of State and Government to the situation.

## ANNEX VII

### RESOLUTION ON HUMAN AND PEOPLES' RIGHTS EDUCATION

The African Commission on Human and Peoples' Rights meeting at its 14<sup>th</sup> Ordinary Session in Addis Ababa, from 1 - 10 December, 1993:

**Acknowledging** that education in human and peoples' rights is a prerequisite for the effective implementation of the African Charter on Human and Peoples' Rights and other international human rights instruments;

**Bearing in mind** that the African Charter on Human and Peoples' Rights provides in Article 17(1) for the right to education and that Article 25 of the African Charter calls upon States Parties to the Charter to promote human and peoples' rights through teaching, education and publication;

**Recalling** the Resolution on the African Commission on Human and Peoples' Rights, AHG/Res. 227 (XXIX), published in the Commission's 6<sup>th</sup> Annual Activity Report, 1992 - 1993, in which all States Parties are requested to "ensure among other things (a) that human rights are included in the curriculum at all levels of public and private education and in the training of all law enforcement officials, and (b) that education on human rights and democracy should involve every organ of the society as well as the media",

**Taking note** of the UNESCO Plan of Action adopted at the International Congress on Education for Human Rights and Democracy in Montreal during March 1993, which laid the foundation for the recommendation adopted at the World Conference on Human Rights in Vienna for a Decade of Human Rights Education to be declared,

**Noting also** the Declaration at the World Conference on Human Rights, Vienna 1993, encouraging all governments to include in the formal sector, curricula on the study of human rights in primary, secondary and tertiary institutions as well as those in the administration of justice, and for governments to be encouraged to undertake the promotion of human rights in the informal sector,

**Taking into consideration** the Programme of Activities of the African Commission on Human and Peoples' Rights, 1992 - 1996, adopted at the 11<sup>th</sup> Session, March 1992,

**Recognising** the importance of education as an active vehicle of inculcating the values and corresponding behaviours in a civil society based on full respect for human and peoples' rights, democracy, tolerance and justice,

**Emphasising** the importance of propagating the principle of human rights law as well as international humanitarian law,

**Taking into consideration** further the great efforts made by the African Non-Governmental Organisations to promote and implement human and peoples' rights

through education on both formal and informal levels, using popular participatory methods and through the media,

***Having considered*** the item on human rights education upon the request of a number of Non-Governmental Organisations:

1. REITERATE its request for States Parties to include the study of human and peoples' rights in the curriculum at all levels of public and private education, including at law schools to ensure, *inter alia*, that education and information regarding human and peoples' rights are included in the training of law enforcement personnel, civil or military, as well as medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;
2. DECIDES to intensify the co-operation between the African Commission and the African Non-Governmental Organisations on human and peoples' rights education, bearing in mind in particular the activities contained in the Commission's Programme of Activities, 1992 - 1996;
3. UNDERLINES the importance of education, through appropriate means and techniques, being geared among other things to the need of specific groups such as women, children, refugees and internally displaced persons, victims of armed conflicts and other disadvantaged groups;
4. ENCOURAGES Governments to take advantage of the activities of the Non-Governmental Organisations to organise a workshop on human and peoples' rights education with a special reference to popular participation and non-formal education during 1994, and any further initiatives which would strengthen the long term activities of the African Commission and Non-Governmental Organisations in the field of human rights education.

## ANNEX VIII

### RESOLUTION ON THE PROMOTION AND THE RESPECT OF INTERNATIONAL HUMANITARIAN LAW AND HUMAN AND PEOPLES' RIGHTS

The African Commission on Human and Peoples' Rights meeting at its 14<sup>th</sup> Ordinary Session in Addis Ababa, from 1 - 10 December, 1993:

**Considering** that human rights and international humanitarian law (IHL) have always, even in different situations, aimed at protecting human beings and their fundamental rights,

**Noting** the competence of the International Committee of the Red Cross (ICRC) to promote the respect of the international humanitarian law,

**Recalling** the resolution CM/Res. 1059 (XLIV), adopted at the 44<sup>th</sup> Ordinary Session of the Council of Ministers of the OAU which reaffirmed the determination of the OAU to support the ICRC in its activities and to grant it the necessary facilities to carry out its mandate,

**Recalling** also the conclusions of the seminar held in Banjul, October 1992, following the 12 Session of the African Commission on Human and Peoples' Rights on the national implementation of the African Charter on Human and Peoples' Rights, which underscored the need to disseminate and implement the provisions of international humanitarian law applicable in time of armed conflicts,

**Considering** the Resolution on Human and Peoples' Rights Education adopted by the African Commission on Human and Peoples' Rights at its 14<sup>th</sup> Session, December 1993,

**Recognising** the need for a close co-operation in the field of dissemination of international humanitarian law and human and peoples' rights:

1. INVITES all African States Parties to the African Charter on Human and Peoples' Rights to adopt appropriate measures at the national level to ensure the promotion of the provisions of the international humanitarian law and human and peoples' rights;
2. STRESSES the need for a specific instruction of military personnel and the training of the forces of law and order in international humanitarian law and human and peoples' rights respectively;
3. STRESSES FURTHER the importance of regular exchange of information between the African Commission on Human and Peoples' Rights, the International Committee of Red Cross and human rights non-governmental organisations, on teaching and dissemination activities undertaken on the principles of human and peoples' rights and international humanitarian law, in the

schools, universities and all other institutions;

4. DECIDES to participate, as much as possible, in the seminars, conferences or technical sessions organised by the ICRC on questions of mutual interest and urges the ICRC to reciprocate for the activities of the Commission.

## ANNEX IX

### RESOLUTION ON THE SITUATION IN RWANDA

The African Commission on Human and Peoples' Rights meeting in its 15<sup>th</sup> Ordinary Session in Banjul, The Gambia, from 18 - 27 April, 1994:

***Deeply concerned*** about the alarming human rights situation in Rwanda characterised by serious and massive human rights violations,

*Noting* the OAU Secretary General's very energetic condemnation of the wanton killing of civilians and heinous acts perpetrated in this country,

***Bearing in mind*** the recommendations made by the UN Special Rapporteur on extra-judicial, summary or arbitrary executions following his visit to Rwanda in 1993:

1. CONDEMNS very strongly the cycle of violence and the massacre of innocent civilians by the different armed factions;
2. URGES the parties to the conflict to immediately cease hostilities and work towards a peaceful settlement through dialogue between all the peoples of Rwanda;
3. CALLS ON all parties to respect the African Charter on Human and Peoples' Rights, the principles of International Humanitarian Law as well as the activities of humanitarian organisations operating in the field;
4. INVITES the Special Rapporteur on extra-judicial summary or arbitrary executions to pay special attention to the situation in Rwanda and report back to the 16<sup>th</sup> Session.

**ANNEX X**

**PRESS RELEASE**

The African Commission on Human and Peoples' Rights during its 15<sup>th</sup> ordinary session from 18 to 27 April 1994 in Banjul;

Informed of the massacres and outbursts of violence in Rwanda following the plane crash of 6 April 1994 in which the President of Rwanda, General Juvenal Habyarimana and the President of Burundi, His Excellency Cyprian Ntaryimira were killed;

Apprised by the Security Council decision to withdraw UN troops from Rwanda because of the flare up of violence in that country;

Considering that this measure comes at a time when the Rwandan people is more in need of being protected and its survival ensured;

Considering that solidarity and interdependence amongst peoples and states require that every effort be made to avoid the recurrence of more serious disturbances in Rwanda;

Deplores the decision taken by the Security Council;

Urges the United Nations Organisation to request the withdrawal of the decision taken by the Security Council;

Appeals to the OAU Heads of State and Government for increased assistance to Rwanda to put an end to the sufferings of the people.

## Annex XI

### RESOLUTION ON SOUTH AFRICA

The African Commission on Human and Peoples' Rights meeting in its 15<sup>th</sup> Ordinary Session in Banjul, The Gambia, from 18 - 27 April, 1994:

**Noting** the violence that has taken place in South Africa and the loss of lives that has assumed alarming proportions,

**Reiterating** the importance of protecting human lives and creating a climate conducive to a free and fair elections,

**Welcoming** the positive developments that have emerged towards a consensus for holding the forthcoming election:

1. URGES all parties concerned to cease the violence and create a peaceful atmosphere;
2. URGES the concerned parties in South Africa to take all necessary steps to create an atmosphere conducive to free and fair election;
3. URGES all political parties and others concerned in South Africa to accept the results of the election if it is declared to be substantially free and fair by the Independent Electoral Commission;
4. URGES the new government to ratify the African Charter on Human and Peoples' Rights and to ensure the protection of the human rights of all South Africans in accordance with the said African Charter and other relevant treaties and standards.

BEARING IN MIND the recommendations made by the UN Special Rapporteur on extra-judicial, summary or arbitrary executions following his visit to Rwanda in 1993:

1. CONDEMNS very strongly the cycle of violence and the massacre of innocent civilians by the different armed factions;
2. URGES the parties to the conflict to immediately cease hostilities and work towards a peaceful settlement through dialogue between all the peoples of Rwanda;
3. CALLS ON all parties to respect the African Charter on Human and Peoples' Rights, the principles of International Humanitarian Law as well as the activities of humanitarian organisations operating in the field;

4. INVITES the Special Rapporteur on extra-judicial summary or arbitrary executions to pay special attention to the situation in Rwanda and report back to the 16<sup>th</sup> Session.

1994

# Chapter Seven Seventh Annual Activity Report of the African Commission 1993 - 1994

ORGANISATION OF AFRICAN UNITY

ORGANISATION OF AFRICAN UNITY

---

<http://archives.au.int/handle/123456789/5365>

*Downloaded from African Union Common Repository*