

Chapter One

First Annual Activity Report of the African Commission November 1987 - April 1988

I. Organisation of work and any other business

A. Status of ratification

1. The African Charter on Human and Peoples' Rights entered into force on 21 October 1986 in accordance with the provisions of Article 63 (3).
2. As at April 1988, date of the closing of the Third Ordinary Session of the African Commission on Human and Peoples' Rights, there were 35 States Parties to the African Charter on Human and Peoples' Rights, the instrument adopted by the 18th Assembly of Heads of State and Government held in Nairobi from 24 to 27 June 1981, and opened immediately for signature and for ratification or adhesion.
3. The list of States Parties to the African Charter on Human and Peoples' Rights is contained in Appendix III of the present volume .

B. Sessions and Agenda

4. Since its inauguration on 2 November 1987 in Addis Ababa, Ethiopia, the African Commission on Human and Peoples' Rights has held three (3) sessions:
 - the First Session took place in Addis Ababa, Ethiopia on 2 November, 1987;
 - the Second Session was held in Dakar, Senegal from 8 to 13 February, 1988;
 - the Third Session was held in Libreville, Gabon from 18 to 28 April, 1988.
5. The agenda of each of these Sessions is contained in Annex II.

C. Composition and Participation

6. The eleven members of the African Commission on Human and Peoples' Rights¹ were elected during the 23rd Ordinary Session of the Assembly of Heads of State and Government held in Addis Ababa, Ethiopia, pursuant to Article 33 of the Charter. The election was held in accordance with Articles 36 and 37 of the Charter. The list of the members of the Commission is contained in Annex I. All the members of the Commission attended the 3 Sessions, except that:
 - Mr. Mabanga-Chipoya was absent at the First Session with apology;
 - Mr. Grace Ibingira was absent at the Second Session with apology;
 - Mr. Grace Ibingira was absent at the Third Session.

¹ Article 31(1) of the Charter provides that the Commission shall consist of eleven members chosen from among African personalities of the highest reputation, known for their high morality, integrity and impartiality

D. Solemn Declaration

7. At the First Session convened by the Secretary-General of the OAU, pursuant to the provisions of Article 64(2) of the Charter, the elected members of the Commission, pursuant to Article 38 of the Charter made solemn declarations before taking office.
8. The text of the solemn declaration is contained in Annex III.

E. Election of the Chairman and the Vice-Chairman

9. At its First Session on 2 November, 1987, the Commission elected a Chairman and a Vice-Chairman in conformity with the provisions of Article 42 of the Charter:

Chairman: Mr. Isaac NGUEMA

Vice-Chairman: Mr. Ibrahim Ali Badawi El SHEIKH

10. In accordance with the provisions of Article 41 of the Charter, the OAU Secretary-General appointed Mrs. Esther Tchouta-Moussa, OAU Legal Adviser, Secretary to the Commission.
11. The Secretary-General of the OAU also provided the Commission with all the information it needed in order to carry out its mission. He encouraged it and expressed his readiness to assist. The Commission responded by extending its gratitude to him.

F. Any Other Business

12. At each of its three Sessions, the Commission considered various issues concerning its functioning, methods of work and programme of action. The general information given by the Chairman of the Commission at the Second and Third Sessions were noted and discussed by members of the Commission.
13. At its 26th sitting on 27 April, 1988, the Commission considered the draft of its first activity report on the deliberations of the First, Second and Third Sessions. The report as amended during the discussion was unanimously adopted.

II. General Observations of the Commission

14. At each of the three sessions, the Commission discussed at length the various tasks assigned to it by the Charter and the ways and means of executing them in order to attain the objectives set.
15. It felt that the magnitude and complex nature of the tasks it had to carry out demanded that it should stand on a solid foundation so as to make slow but sure and lasting progress.

a) Rules of Procedure

16. At its Second Ordinary Session held in Dakar, Senegal, the Commission drew up, discussed and adopted, its Rules of Procedure attached to this report as Annex IV.
17. As a first step to the implementation of the Charter, that 120 Rules legal instrument was intended to make the Commission a rational and functional effective organisation. It also defined its Rules of Procedure.
18. Two issues especially engaged the attention of the Commission during the preparation of the Rules of Procedure: the choice of Headquarters and the Financial Rules and Regulations of the Commission.
19. The Commission noted that the African Charter on Human and Peoples' Rights had not formally dealt with its Headquarters. There was no provision in the OAU Charter which dealt with this issue either.
20. At its Third Session held in Libreville, Gabon, it made a recommendation requesting the Twenty-fourth Ordinary Session of the Assembly of Heads of State and Government to take a decision on the issue. The recommendation appears in Annex V of this report.

Financial Rules and Regulations Governing Functioning of the Commission

21. The Commission analysed Articles 41 and 44 of the Charter dealing with the material and human resources, on the one hand, and the emoluments and allowances of Members of the Commission, on the other.
22. Pursuant to Rule 24 of its Rules of Procedure, the Commission recommended to the Assembly of Heads of State and Government to take a decision on the proposals it had made in this regard. The text of the recommendation is contained in Annex VI of this report.

b. Promotional Activities

23. The Commission attached particular importance to this essential mission entrusted to it by the Charter. Right from its Second Session held in Dakar, Senegal, it drew up a comprehensive Programme of Action aimed at promoting human and peoples' rights in Africa.
24. Specific proposals were included in the Commission's 1989-1990 draft budget on the financing of a selected part of the Programme of Action, to be implemented in successive stages.
25. The Programme of Action is attached as Annex VII of this report.

c. Protective Activities

26. The Commission noted with interest this aspect of its mandate. As from its First Session held in Addis Ababa, Ethiopia, it took cognisance of communications which had already been received at the OAU General Secretariat well before the establishment of the Commission. During its Third Session, the Commission evolved a methodology for receiving and considering communications. 'The documents are analysed in Part IV of this report.

d. Other Activities

27. The Commission has not yet received any tasks or actions for execution from a State Party, an institution of the OAU or the Assembly of Heads of State and Government.
28. It received offers of collaboration from three non-governmental organisations during its Third Session held in Libreville. Pursuant to its Rules of Procedure, it accepted to co-operate with those organisations.

III Consideration of Periodic Reports submitted by Member States pursuant to Article 62 of the Charter

29. The Commission discussed this important issue which was of double significance, namely, promotion and protection. It analysed the relevant provisions of the Charter.
30. After having concluded that the Charter did not specifically entrust it with the task of considering the periodic reports on the human and peoples' rights of State Parties, the Commission recommended to the Assembly of Heads of State and Government to specifically assign it with the mandate to enable it to consider and indicate the general orientation as regards the form and substance of the said reports.
31. The recommendation which also suggested that the OAU Secretary-General be empowered by the Assembly of Heads of State and Government to receive and forward the said documents to the Commission appears in Annex VIII of the present report.

IV. Consideration of communications

32. Since its second ordinary session, the Commission had considered the various aspects of that mandate. It prepared a document especially meant to guide the Secretariat in receiving communications from States Parties and other communications and the follow up stages.

The Commission also drew up and adopted model decisions aimed at facilitating the consideration of communications.

34. After having studied them, the Commission decided to allot them to the various members who would submit reports at the Fourth Session.

V. Next Sessions

35. Responding favourably to the invitations of the Governments of the Arab Republic of Egypt and the Libyan Arab Jamahiriya, the Commission decided to hold its Fourth Session in Cairo, Egypt, in October, 1988 and its Fifth Session in Benghazi, Libya. The modalities for the organisation of the two meetings was left with the Secretary General and the respective governments

Annexes

Annex I

Members of the African Commission on Human and Peoples' Rights

No.	Name	Country of origin	Duration of term
1.	M. Alioune Blondin Beye	Mali	2 years
2.	M. Ali Mahmoud Buhedma	Libya	6 years
3.	Dr. Ibrahim Ali Badawi El-Sheikh	Egypt	2 years
4.	M. Alexi Gabou	Congo	6 years
5.	M. Grace S Ibingira	Uganda	4 years
6.	M. Sourahata B Semega Janneh	Gambia	2 years
7.	M. MD Mokama	Botswana	6 years
8.	M. CLC Mubanga- Chipoya	Zambia	4 years
9.	M. Youssoupha Ndiaye	Senegal	6 years
10.	M. Isaac Nguema	Gabon	2 years
11.	M. Habesh Robert Kisanga	Tanzania	4 years

Annex II

Agendas of the three Sessions

I Agenda of the Addis Ababa Meeting (2 November 1987)

1. Opening of the Meeting
2. Election of a Provisional Bureau of the Meeting
3. Adoption of Agenda
4. Election of the Bureau of the Commission
5. Consideration of the Draft Rules of Procedure
6. Date and Venue of the Next
7. Any Other Business
8. Adoption of the Report of the First Session of the Commission

II. Agenda of the Dakar meeting (8-13 February 1988)

1. Opening of the meeting
2. Organisation of work
3. Adoption of the report of the First Session
4. Brief information on the intresession
5. Consideration of the Draft Rules of Procedure of the Commission
6. Future Programme of Activities of the Commission
7. Adoption of the Final Communiqué
8. Date and Venue of the next session
9. Any other business
10. Closing session

III. Agenda of the Libreville Meeting (18-28 April 1988)

1. Opening ceremony
2. Organisation of work
3. Adoption of the report of the Second Ordinary Session
4. Brief information on the intresession
5. Procedure for the consideration of complaints (methodology)
6. Consideration of guidelines for form and content of Periodic reports
7. Consideration of the Financial Rules and Regulations
8. Consideration of complaints received
9. Headquarters of the Commission
10. Date and Venue of the Fourth session
11. Any other business
12. Adoption of the Report of the Third session
13. Report to be submitted to the Assembly of Heads of State and Government
14. Final Communiqué
15. Closing session

Annex III

Solemn Declaration

“I solemnly declare to discharge my duties impartially and faithfully”.

Annex IV

Rules of Procedure of the African Commission on Human and Peoples' Rights

Adopted on 13 February 1988

Part One: *General Provisions (Rules 1-80)*

Sessions (1-5), Agenda (6-12), Members of the Commission (13-17), Officers (18-22), Secretariat (23-28), Subsidiary Bodies (28-31), Public Sessions and Private Sessions (32-33), Languages (34-37), Minutes and Reports (38-42), Conduct of the Debates (43-59), Vote and Elections (60-71), Participation of Non-Members of the Commission (72-75), Consultations with NGOs and Representation of NGOs (76-77), Publication and Distribution of Reports and Other Official Documents of the Commission (78-80)

Part Two: *Provisions Relating to the Functions of the Commission (Rules 81-118)* .

Reports Submitted by States Parties (81-86), Communications from States Parties; Procedure for the Consideration of the Communications received in conformity with

- Art. 47 of the Charter (87-91)
- Arts 48 and 49 of the Charter (92-100)

Other Communications: Procedure for the Consideration of communications received in conformity with Article 55 of the Charter:

- Transmission of Communication (101-104)
- General Provisions (105-110)
- Procedure to Determine Admissibility (111-116)
- Procedure for Consideration on the merits (117-118)

Final Chapter: *Amendment and Suspension of the Rules of Procedure (Rules 119-120)*.

PART ONE

GENERAL PROVISIONS - ORGANIZATION OF THE COMMISSION

Chapter I: Sessions

Rule 1: Number of Session

The African Commission on Human and Peoples' Rights hereafter; referred to as "the Commission" shall hold the sessions which may be necessary to enable it carry out satisfactorily its functions in conformity with the African Charter on Human and Peoples' Right (hereinafter referred to as "The Charter").

The Commission shall normally hold two ordinary sessions a year each lasting two weeks.

The ordinary sessions of the Commission shall be convened on a date fixed by the Commission on the proposal of its Chairman and in consultation with the Secretary-General of the Organisation of African Unity (OAU) (hereinafter referred to as "the Secretary-General").

The Secretary-General may change, under exceptional circumstances, the opening date of a session, in consultation with the Chairman of the Commission.

Rule 3: Extraordinary Sessions

1. Extraordinary sessions shall be convened on decisions of the Commission. When the Commission is not in session, the Chairman may convene extraordinary sessions in consultation with the members of the Commission. The Chairman of the Commission shall also convene extraordinary sessions:
 - a) at the request of the majority of the members of the Commission,
 - b) at the request of the current Chairman of the Organisation of African Unity (OAU).
2. Extraordinary sessions shall be convened as soon as possible on a date fixed by the Chairman, in consultation with the Secretary-General and the other members of the Commission.

Rule 4: Place of Meetings

The sessions shall normally be held at the Headquarters of the Commission. The Commission may, in consultation with the Secretary-General, decide to hold a session in another place.

Rule 5: Notification of the Opening Date of the Sessions

The Secretary-General shall inform members of the Commission of the date of the first sitting of each session and its venue. This notification shall be sent, in the case of an Ordinary Session, at least eight (8) weeks and, in the case of an Extraordinary Session, at least three (3) weeks, if possible before the session.

Chapter II: Agenda

Rule 6: Drawing up the Provisional Agenda

The Provisional Agenda for each Ordinary session shall be drawn up by the Secretary-General, in consultation with the Chairman of the Commission in accordance with the provisions of the Charter and these Rules.

The Provisional Agenda shall include if necessary, items on: "Communications from States", and "Other Communications" in conformity with the provisions of Article 55 of the Charter. It should not contain any information relating to such communications. Except what has been specified above on the communications, the Provisional Agenda shall include all the items listed by the present Rules of Procedure as well as the items proposed:

- a) by the Commission at a previous session;
- b) by the Chairman of the Commission or another member of the Commission;
- c) by a State Party to the Charter,
- d) by the Assembly of Heads of State and Government (or the Council of Ministers of the Organisation of African Unity),
- e) by the Secretary-General of the Organisation of African Unity for every issue relating to the functions assigned to him by the Charter,
- f) by a national liberation movement recognised by the OAU or by a non-governmental Organisation,
- g) by a specialised institution of which the States Parties to the Charter are members.

The items to be included in the provisional agenda under sub- paragraphs b, c, f and g of paragraph 3 must be communicated to the Secretary-General, accompanied by essential documents, not later than eight (8) weeks before the first sitting of each Session.

- 5. a) All national liberation movements or non-governmental Organisations wishing to propose the inclusion of an item in the Provisional Agenda must inform the Secretary-General at least ten (10) weeks before the beginning of the meeting. Before formally proposing the inclusion of an item in the Provisional Agenda, the observations likely to be made by the Secretary-General must duly be taken into account.
- b) The proposal, accompanied by essential documents, must formally be submitted not later than, eight (8) weeks before the opening of the session.

All proposals made under the provisions of the present paragraph shall be included in the Provisional Agenda of the Commission, if at least two-thirds (2/3) of the members present and voting so decide.

6. The Provisional Agenda of the Extraordinary session of the Commission shall include only the item proposed to be considered at that Extraordinary session.

Rule 7. Transmission and Distribution of the Provisional Agenda

1. The Provisional Agenda and the essential documents relating to each item shall be distributed to the members of the Commission by the Secretary-General who shall endeavour to transmit them to members at least six (6) weeks before the opening of the session.
2. The Secretary-General shall communicate the Provisional Agenda of that session and have the essential documents relating to each Agenda item distributed at least six weeks before the opening of the session of the Commission to the members of the Commission, member States Parties to the Charter, to the Current Chairman of the OAU.
3. The Draft Agenda shall also be sent to the specialised agencies, to non-governmental Organisations and to the national liberation movements concerned with the agenda.
4. In exceptional cases, the Secretary-General, may, while giving his reasons in writing, have the essential documents relating to some items of the Provisional Agenda distributed at least four (4) weeks prior to the opening of the session.

Rule 8: Adoption of the Agenda

At the beginning, of each session, the Commission shall if necessary, after the election of officers in conformity with Rule 18, adopt the agenda of the session on the basis of the Provisional Agenda referred to in Rule 6.

Rule 9: Revision of the Agenda

The Commission may, during the session, revise the Agenda if need be, adjourn, cancel or amend items. During the session, only urgent and important issues may be added to the Agenda.

Rule 10: Draft Provisional Agenda for the Next Session

The Secretary-General shall, at each session of the Commission, submit a Draft Provisional Agenda for the text session of the Commission, indicating, with respect to each item, the documents to be submitted on that item and the decision of the deliberative organ which authorised their preparation, so as to enable the Commission to consider these documents as regards the contribution they make to its proceedings, as well as their urgency and relevance to the prevailing situation.

Chapter III: Members of the Commission

Rule 11: Composition of the Commission

The Commission shall be composed of eleven (11) members elected by the Assembly of Heads of State and Government hereinafter referred to as "the Assembly", in conformity with the relevant provisions of the Charter.

Rule 12: Status of the Member

1. The members of the Commission shall be the eleven (11) personalities appointed in conformity with the provisions of Article 31 of the Charter.
2. Each member of the Commission shall sit on the Commission in a personal capacity. No member may be represented by another person.

Rule 13: Term of Office of the Members

1. The term of office of the members of the Commission elected on July 1987 shall begin from that date. The term of office of the members of the Commission elected at subsequent elections shall take effect the day following the expiry date of the term of office of the members of the Commission they shall replace.
2. However if a member is re-elected at the expiry of his or her term of office, or elected to replace a member whose term of office expired or will expire, the term of office shall begin from that expiry date.
3. In conformity with Article 39 (3) of the Charter, the member elected to replace a member whose term of office has not expired, shall complete the term of office of his or her predecessor, unless the remaining term of office is less than six (6) months. In the latter case, there shall be no replacement.

Rule 14: Cessation of Functions

1. If in the unanimous opinion of the other members of the Commission, a member has stopped discharging his duties for any reason other than a temporary absence, the Chairman of the Commission shall inform the Secretary-General of the Organisation of African Unity, who shall then declare the seat vacant.
2. In case of the demise or resignation of a member of the Commission, the Chairman shall immediately inform the Secretary-General who shall declare the seat vacant from the date of the demise or from that on which the resignation took effect. The member of the Commission who resigns shall address a written notification of his or her resignation directly to the Chairman or to the Secretary-General and steps to declare his or her seat vacant shall only be taken after receiving the said notification. The resignation shall make the seat vacant.

Rule 15: Vacant Seat

Every seat declared vacant in conformity with Rule 15 of the present Rules of Procedure shall be filled on the basis of Article 39 of the Charter.

Rule 16: Oath

Before coming into office, every member of the Commission shall make the following solemn commitment at a public sitting:

“I swear to carry out my duties well and faithfully in all impartiality”.

Chapter IV: Officers

Rule 17: Election of Officers

1. The Commission shall elect among its members a Chairman and a Vice- Chairman.
2. The elections referred to in the present Rule shall be held by secret ballot. Only the members present shall vote, the member who shall obtain the two-thirds majority of the votes of the members present and voting shall be elected.
3. If no member obtains this two-thirds majority, a second and third and fourth ballot shall be held. The member having the largest number of votes at the fifth ballot shall be elected.
4. The officers of the Commission shall be elected for a period of two (2) years. They shall be re-eligible. None of them, may however, exercise his or her functions if he or she ceases to be a member of the Commission.

Rule 18: Powers of the Chairman

The Chairman shall carry out the functions assigned to him by the Charter, the Rules of Procedure and the decisions of the Commission. in the exercise of his functions the Chairman shall be under the authority of the Commission.

Rule 19: Absence of the Chairman

The Vice-Chairman shall replace the Chairman during a session if the latter is unable to attend a whole or part of a sitting of a session.

Rule 20: Functions of the Vice-Chairman

The Vice-Chairman, acting in the capacity of the Chairman, shall have the same lights and the same duties as the Chairman.

Rule 21: Cessation of the Functions of an Officer

If any of the officers ceases to carry out his or her functions or declares that he or she is no longer able to exercise the functions of a member of the Commission or

is no longer in a position for one reason or another, to serve as an officer, a new officer shall be elected for the remaining term of office of his or her predecessor.

Chapter V: Secretariat

Rule 22: Function of the Secretary-General

1. The Secretary-General or his representative may attend the meetings of the Commission. He shall participate neither in the deliberations, nor in the voting. He may however, be called upon by the Chairman of the Commission to address the meeting. He may make written or oral statements at the sittings of the Commission.
2. He shall appoint, in consultation with the Chairman of the Commission, the Secretary of the Commission.
3. He shall, in consultation with the Chairman provide the Commission with the necessary staff, material means and services for it to actually carry out effectively the functions and missions assigned to it under the Charter.
4. The Secretary-General shall take all the necessary steps for the meetings of the Commission.
5. The Secretary-General shall bring immediately to the knowledge of the members of the Commission all the issues that would be submitted to them for consideration.

Rule 23: Estimates

Before the Commission shall approve a proposal entailing expenses, the Secretary-General shall pre-re and distribute, as soon as possible, to the members of the Commission the financial implications of the proposal. It shall be incumbent on the Chairman to draw the attention of the members to those implications so that they discuss them when the proposal shall be considered by the Commission.

Rule 24. Financial Rules

The Financial Rules adopted pursuant to the provisions of Article 41 and 44 of the Charter, shall be appended to the present Rules of Procedure.

Rule 25: Powers of the Secretary of the Commission

The Secretary of the Commission hereinafter referred to as "Secretary" shall be responsible for the activities of the Secretariat under the general supervision of the Chairman, and, particularly:

- a) He/she shall assist the Commission and its members in the exercise of their functions;
- b) He/she shall serve as an intermediary for all the communications concerning the Commission;
- c) He/she shall be the custodian of the archives of the Commission;

Rule 26: Records of Cases

A special record, with a reference number and initialled, in which shall be entered the date of the registration of each petition and communication and that Of the closure of the procedure relating to them before the Commission shall be kept at the Secretariat.

Rule 27. Financial Responsibility

The Organisation of African Unity shall bear the expenses of the staff and the means and services placed at the disposal of the Commission to carry out its functions.

Chapter VI: Subsidiary Bodies

Rule 28: Establishment of Committees and Working Groups

1. The Commission may during a session, taking into account the provisions of the Charter and in consultation with the Secretary-General, establish, if it deems it necessary for the exercise of its functions, Committees or Working Groups, composed of the members of the Commission and send them any Agenda item for consideration and report.
2. These Committees or Working Groups may with the prior consent of the Secretary-General, be authorised to sit when the Commission is not in session.
3. The members of the Committees or Working Groups shall be appointed by the Chairman, subject to the approval of the absolute majority of the other members of the Commission.

Rule 29: Establishment of Sub-Commissions

1. The Commission may establish sub-Commissions of experts after the prior approval of the Assembly;

Unless the Assembly decides otherwise, the Commission shall determine the functions and composition of each sub-Commission.

Rule 30: Officers of the Subsidiary Bodies

Unless the Commission decides otherwise, the subsidiary bodies of the Commission shall elect their own officers.

Rule 31: Rules of Procedure

The Rules of Procedure of the Commission shall apply, as far as possible, to the proceedings of its subsidiary bodies.

Chapter VII Public and Private Sessions

Rule 32: General Principle

The sittings of the Commission and of its subsidiary bodies shall be private and shall be held "in camera".

Rule 33: Publication of Proceedings

At the end of each private sitting, the Commission or its subsidiary bodies may issue a communiqué through the Secretary-General.

Chapter VIII: Languages

Rule 34. Working Languages

The working languages of the Commission and of all its institutions shall be those of the Organisation of African Unity (OAU).

Rule 35 Interpretation

1. The address delivered in one of the working languages shall be interpreted in the other working languages.
2. Any person addressing the Commission in a language other than one of the working languages, shall, in principle, ensure the interpretation in one of the working languages. The interpreters of the Secretariat may take the interpretation of the original language as source language for their interpretation in the other languages.

Rule 36. Languages to be used for minutes of proceedings

The summary minutes of the sittings of the Commission shall be drafted in the working languages.

Rule 37 Languages to be used for Resolutions and other official Decisions

All the official decisions of the Commission shall be communicated in the working languages, that shall also apply to the other official documents of the Commission.

Chapter IX: Minutes and Reports

Rule 38. Tape Recording of the Sessions

The Secretariat shall record and conserve the tapes of the sessions of the Commission. it may also record and conserve the tapes of the sessions of the Committees, Working Groups and sub- commissions if the Commission so decides.

Rule 39: Summary Minutes of the Sessions

The Secretariat shall draft the summary minutes of the private and public sessions of the Commission and of its subsidiary bodies. It shall distribute them as soon as possible in a draft form to the members of the Commission and to all other participants in the session. All those participants may, in the seven (7) working days following the receipt of the draft minutes of the session, submit corrections to the Secretariat. The Chairman may, under special circumstances, in consultation with the Secretary-General, extend the time for the submission of the corrections.

In case the corrections are contested, the Chairman of the Commission or the Chairman of the subsidiary body whose minutes they are, shall resolve the disagreement after having listened to, if necessary, the tape recording of the discussions. If the disagreement persists, the Commission or the subsidiary body shall decide. The corrections shall be published in a distinct volume after the closure of the session.

*Rule 40: Distribution of the Minutes of the Private Sessions
and Public Sessions*

1. The final summary minutes of the public and private sessions shall be documents intended for general distribution unless, under exceptional circumstances, the Commission decides otherwise.
2. The minutes of the private sessions of the Commission shall be distributed forthwith to all members of the Commission and to any other participants in the sessions.

Rule 41: Reports to be submitted after each Session

The Commission shall submit to the Current Chairman of the OAU, a report on the deliberations of each session. This report shall contain a brief summary of the

recommendations and statements on issue to which the Commission would like to draw the attention of the Current Chairman and member States of the OAU.

Rule 42: Submission of official Decisions and Reports

The text of the decisions and reports officially adopted by the Commission shall be distributed to all the members of the Commission as soon as possible.

Chapter X: Conduct of the Debates

Rule 43: Quorum

The quorum shall be constituted by seven members of the Commission, as specified in Article 42 (3) of the Charter.

Rule 44: General Powers of the Chairman

In addition to the powers entrusted to him under other provisions of the present Rules of Procedure, the Chairman shall have the responsibility to declare each session of the Commission opened and closed; he shall direct the debates, ensure the application of the present Rules of Procedure, grant the use of the floor, submit to a vote matters under discussion and announce the result of the vote taken. Subject to the provisions of the Present Rules of Procedure, the Chairman shall direct the discussions of the Commission and ensure order during meetings. The Chairman may during the discussion of an agenda item, propose to the Commission to limit the time accorded to speakers, as well as the number of interventions of each speaker on the same issue and close the list of speakers. He shall rule on the points of order. He shall also have the power to propose the adjournment and the closure of debates as well as the adjournment and suspension of a sitting. The debates shall deal solely with the issue submitted to the Commission and the Chairman may call a speaker whose remarks are irrelevant to the matter under discussion to order.

Rule 45: Points of Order

2. A member raising a point of order cannot, in his or her comments, deal with the substance of the matter under discussion.

Rule 46: Adjournment of Debates

During the discussion on any matter,, a member may move the adjournment of the debate on the matter under discussion. In addition to the proposer of the motion one member may speak in favour of and one against the motion after which the motion shall be immediately put to the vote.

Rule 47: Limit of the Time accorded to Speakers

The Commission may limit the time accorded to each speaker on any matter, when the time allotted for debates is limited and a speaker spends more than one time accorded, the Chairman shall immediately call him to order.

Rule 48: Closing of the List of Speakers

The Chairman may, during a debate, read out the list of speakers and with the approval of the Commission, declare the list closed. Where there are no more speakers, the Chairman shall, with the approval of the Commission, declare the debate closed. This closure shall have the same effect as the one decided by the Commission.

Rule 49: Closure of Debate

A member may, at any time, move the closure of the debate on the matter under discussion, even if other members or representatives expressed the desire to take the floor. The authorization to take the floor on the closure of the debate shall be given only to two speakers against the closure, after which the motion shall immediately be put to the vote.

Rule 50: Suspension or Adjournment of the motion

During the discussion of any matter, a member may move the suspension or adjournment of the meeting. No discussion on any such motion shall be permitted and it shall immediately be put to the vote.

Rule 51: Order of the Motions

Subject to the provisions of Rule 45 of the present Rules of Procedure, the following motions shall have precedence in the following order over all the other proposals or motions before the meeting:

- a) to suspend the meeting;
- b) to adjourn the meeting;
- c) to adjourn the debate on the item under discussion;
- d) for the closure of the debate on the item under discussion.

Rule 52: Submission of Proposals and Amendments of Substance

Unless the Commission decides otherwise the proposals, amendments or motions of substance made by members shall be submitted in writing to the Secretariat; if a member makes the request, they shall be considered at the first sitting following their submission.

Rule 53: Decisions on Competence

Subject to the provisions of Rule 45 of the present Rules of Procedure, any motion tabled by a member for a decision on the competence of the Commission to adopt a proposal submitted to it shall immediately be put to the vote before the said proposal is put to the vote.

Rule 54: Withdrawal of a Proposal or a Motion

The sponsor of a motion or a proposal may still withdraw it before it is put to the vote, on condition that it has not been amended. A motion or a proposal thus withdrawn may be submitted again by another member.

Rule 55: New Consideration of Proposals

When a proposal is adopted or rejected, it shall not be considered again at the same session, unless the Commission decides otherwise. When a member moves the new consideration of a proposal, only one member may speak in favour of and one against the motion, after which it shall immediately be put to the vote.

Rule 56: Interventions

1. No member may take the floor at a meeting of the Commission without prior authorization of the Chairman. Subject to Rules 50, 49, 45 and 48 the Chairman shall grant the use of the floor to the speakers in the order in which it has been requested.
2. The debates shall deal solely with the matter submitted to the Commission and the Chairman may call to order a speaker whose remarks are irrelevant to the matter under discussion.
3. The Chairman may limit the time accorded to speakers and the number of interventions Which each member may make on the same issue, in accordance with Rule 44 of the present Rules.

Only two members in favour of motion and two against the motion of fixing such time limits shall be granted the use of the floor after which the motion shall immediately be put to the vote. For question of procedure the time accorded to each speaker shall not exceed five minutes, unless the Chairman decides otherwise. When the time allotted for discussions is limited and a speaker exceeds the time accorded the Chairman shall immediately call him to order.

Rule 57: Right of Reply

The right of reply shall be granted by the Chairman to any member requesting it. The member must try, while exercising this right, to be as brief as possible and to take the floor preferably at the end of the sitting at which this right has been requested.

Rule 58. Congratulations

The congratulations addressed to the newly elected members to the Commission shall only be presented by the Chairman or a member designated by

the latter. Those addressed to the newly elected officers shall only be presented by the outgoing Chairman or a member designated by him.

Rule 59: Condolences

Condolences shall be exclusively presented by the Chairman on behalf of all the members; the Chairman may, with the consent of the Commission, send a message on behalf of all the members of the Commission.

Chapter XI: Vote and Elections

Rule 60. Right to Vote

Each member of the Commission shall have one vote. In the case of equal number of votes the Chairman shall have the casting vote.

Rule 61: Asking for a Vote

A proposal or a motion submitted to the decision of the Commission shall be put to the vote if a member so requests. If no member asks for a vote, the Commission may adopt a proposal or a motion without a vote.

Rule 62: Required Majority

1. Except in the cases the Charter or other Rules of the present Rules of Procedure otherwise provide, decisions of the Commission shall be taken by the simple majority of the members present and voting.
2. For the purpose of the present rules of Procedure, the expression "members present and voting" shall mean members voting for or against. The members who shall abstain from voting shall be considered as nonvoting members.
3. Nevertheless decisions may be taken by consensus before resorting to voting, subject to compliance with the provisions of the Charter and the Rules of Procedure, and that the process for reaching that consensus shall not delay unduly the proceedings of the Commission.

Rule 63: Method of voting

1. Subject to the provisions of Rule 68, the Commission unless it otherwise decides shall normally vote by show of hands, but any member may request the roll-call vote, which shall be taken in the alphabetical order of the names of the members of the Commission beginning by the member whose name is drawn by lot by the Chairman. In all the votes by roll-call each member shall reply "yes", "no", or "abstention". The Commission may decide to hold a secret ballot.
2. In case of vote by roll-call, the vote of each member participating in ballot shall be recorded in the minutes.

Rule 64.. Explanation of Vote

Members may make brief statements for the only purpose of explaining their vote, before the beginning of the vote or once the vote has been taken. The member who is the sponsor of a proposal or a motion cannot explain his vote on that proposal or motion except if it has been amended.

Rule 65: Rules to be Observed while Voting

When the ballot shall begin, it may not be interrupted except if a member raises a point of order relating to the manner in which the ballot is held. The Chairman may allow members to intervene briefly, whether before the ballot beginning or when it is closed, but solely to explain their vote.

Rule 66: Division of proposals and amendments

The division of proposals and amendments shall be done if so requested. The parts of the proposal or amendments which have been adopted shall later be put to the vote as whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 67. Amendment

An amendment shall simply comprise an addition to or a deletion of another proposal of a change in a part of the said proposal.

Rule 68: Order of Vote on Amendments

When an amendment is moved to a proposal, the amendment shall be voted on first. When two or more amendments are moved to a proposal, the Commission shall first vote on the amendment furthest removed in substance from the original proposal and then on the amendment next furthest removed therefrom and so until all the amendments have been put to the vote. Nevertheless when the adoption of an amendment shall necessarily imply the rejection of another amendment, the latter shall not be put to the vote. If one or several amendments are adopted, the amended proposal shall then be put to the vote.

Rule 69: Order of Vote on the Proposals

1. If two or more proposals are made on the same matter, the Commission, unless it decides otherwise, shall vote on these proposals in the order in which they have been submitted.
2. After each vote the Commission may decide whether it shall put the next proposal to the vote.

3. However, the motions which do not require the opinion of the Commission on the substance of the proposals shall be considered as previous issues and put to the vote before the said proposals.

Rule 70: Elections

The elections shall be held by secret ballot, unless the Commission otherwise decides when the election concerns one post for which only one candidate has been proposed and that the candidate or the list of candidates has been agreed upon.

Rule 71: Majority required to be Elected

When one post must be filled by election the candidate who shall obtain in the first ballot the majority of the votes cast and the largest number of votes shall be elected.

Chapter XII: Participation of Non-Members of the Commission

Rule 72: Participation of States in the Deliberations

1. The Commission may invite any State to participate in the discussion of any issue that shall be of particular interest to that State.
2. A subsidiary body of the Commission may invite any State to participate in the discussion of any issue that shall be of particular interest to that State.
3. A State thus invited shall have no voting right, but may submit proposals which may be put to the vote at the request of any member of the Commission or of the subsidiary body concerned.

Rule 73: Participation of National Liberation Movements

The Commission may invite any National Liberation Movement recognised by the OAU or by virtue of resolutions adopted by the Assembly to participate, without voting rights, in the discussion of any issue which shall be of particular interest to this Movement.

*Rule 74: Participation of Specialised Institutions and
Consultations with the latter*

1. Pursuant to the agreements concluded between the OAU and the Specialised Institutions, the latter shall have the right to:
 - a) be represented in the public sessions of the Commission and of its subsidiary bodies,

- b) participate, without voting rights, through their representatives in deliberations on issues which shall be of interest to them and to submit, on these issues, proposals which may be put to the vote at the request of any member of the Commission or the interested subsidiary body.
- 2. Before placing in the Provisional Agenda an issue submitted by 'a Specialised Institution', the Secretary-General should initiate such preliminary consultations as may be necessary, with this institution.
- 3. When an issue proposed for inclusion in the Provisional Agenda of a session, or which has been added to the Agenda of a session pursuant to Rule 5 of the present Rules of Procedure, contains a proposal requesting the Organisation of African Unity to undertake additional activities, relating to issues concerning directly one or several Specialised institutions, the Secretary-General should enter into consultation with the Institutions concerned and inform the Commission of the ways and means of ensuring co-ordinated utilisation of the resources of the various Institutions.
- 4. When at a meeting of the commission, a proposal calling upon the Organisation of African Unity to undertake additional activities relate to issues directly concerning one or several Specialised Institutions, the Secretary- General, after consulting as far as possible, the representatives of the interested institutions, should draw the attention of the Commission to the effects of that proposal.
- 5. Before taking a decision on the proposals mentioned above, the commission shall make sure that the Institutions concerned have been duly consulted.

Rule 75: Participation of Inter-governmental Organisations

Representatives of Intergovernmental Organisations to which OAU has granted permanent observer status and other Inter-governmental Organisations permanently designated by the OAU or invited by the Commission, may participate, without voting rights, in the deliberations of the Commission On issues falling within the framework of the activities of these organisations.

**Chapter XIII: Consultations with Non-governmental Organisations
and Representation of these Organisations**

Rule 76.. Representation

Non-governmental Organisations may appoint authorised observers to participate in the public sessions of the Commission and of its subsidiary bodies. The Non-governmental Organisations on the list as established by the Commission may send

observers to these sessions where issues falling within their area of activity are being considered.

Rule 77 Consultation

1. The Commission may consult the Non-governmental Organisations either directly or through one or several Committees set up for this purpose. In any case, these consultations may be held at the invitation of the Commission or at the request of the organisation.
2. Upon recommendation of the Secretary-General and at the request of the Commission, organisations on the above-mentioned list may also be heard by the Commission.

Chapter XIV. Publication and Distribution of the Reports and other official documents of the Commission

Rule 78: Report of the Commission

Within the framework of the procedure of communication among States Parties to the Charter referred to in Articles 47 and 49 of the Charter, the Commission shall submit to the Assembly a report containing, where possible, recommendations it shall deem necessary. The report shall be confidential. However, it shall be published by, the Chairman of the Commission if the Assembly so decides.

Rule 79: Periodical reports of Member States

Periodical reports and other information submitted by States Parties to the Charter as requested under Article 62 of the Charter, shall be documents for general distribution. The same shall apply to other information supplied by a State Party to the Charter, unless this State shall request otherwise.

Rule 80: Reports on the Activities of the Commission

1. As stipulated in Article 54 of the Charter, the Commission shall each year submit to the Assembly, a report on its deliberations, in which it shall include a summary of its activities.
2. The report shall be published by the Chairman after the Assembly shall have considered it.

**PART TWO
PROVISIONS RELATING TO THE FUNCTIONS
OF THE COMMISSION**

**Chapter XV
Promotional Activities**

Reports submitted by States Parties to the Charter under Article 62

Rule 81: Contents of Reports

1. States Parties to the Charter shall submit reports on measures they would have taken to give effect to the rights recognised by the Charter and on the progress made with regard to the enjoyment of these rights. The reports should indicate, where possible, the factors and difficulties impeding the implementation of the provisions of the Charter.
2. Whenever the Commission shall request States Parties to the Charter to submit reports as provided for by Article 62 of the Charter, it shall fix the date for the presentation of these reports.
3. The Commission may, through the Secretary-General, inform States Parties to the Charter of its wishes regarding the form and the contents of the reports to be submitted under Article 62 of the Charter.

Rule 82: Transmission of the Reports

1. The Secretary-General may, after consultation with the Commission, communicate to the Specialised Institutions concerned, copies of all parts of the reports which may relate to their areas or competence, produced by member States of these Institutions.
2. The Commission may invite the Specialised Institutions to which the Secretary-General has communicated parts of the reports, to submit observations relating to these parts within a time limit that it may specify.

Rule 83: Submission of Reports

The Commission shall inform, as early as possible, member States Parties to the Charter, through the Secretary-General, of the opening date, duration and venue of the at which their respective reports shall be considered. Representatives of the States Parties to the Charter may participate in the sessions of the Commission at which their reports shall be considered. The Commission may also inform a State Party to the Charter from which it wanted complementary information, that it may authorise its representative to participate in a specific session. This representative should be able to reply to questions to be put to him by the Commission and make statements on reports already submitted by this State. He may also furnish additional information from his State.

Rule 84: Non-submission of Reports

1. The Secretary-General shall, at each session, inform the Commission of all cases of non-submission of reports or of additional information requested pursuant to Rules 81 and 85 of the Rules of Procedure. In such cases, the Commission may send, through the Secretary-General, to the State Party to the Charter concerned, a report relating to the submission of the report or additional information.

2. If, after the reminder referred to in paragraph 1 of this rule, a State Party to the Charter does not submit the report or the additional information requested pursuant to Rules 81 and 85 of the Rules of Procedure, the Commission shall point it out in its yearly report to the Assembly.

Rule 85: Examination of Information contained in Reports

1. When considering a report submitted by a State Party to the Charter under Article 62 of the Charter, the Commission should first make sure that the report provides all the necessary information pursuant to the provisions of rule 61 of the Rules of Procedure.
2. If, in the opinion of the Commission, a report submitted by a State Party to the Charter, does not contain adequate information, the Commission may request this State to furnish the additional information required, by indicating the date on which the information needed should be submitted.
3. If, following the consideration of the reports, and the information submitted by a State Party to the Charter, the Commission decides that the State has not discharged its obligations under the Charter, it may address all general observations to the State concerned as may deem necessary.

Rule 86: Adjournment and Transmission of the Reports

1. The Commission shall, through the secretary-General, communicate to States Parties to the Charter for comments, its general observations made following the consideration of the reports and the information submitted by States Parties to the Charter. The Commission may, where necessary, fix a time limit for the submission of the comments by the States Parties to the Charter.
2. The Commission may also transmit to the Assembly, the observations mentioned in paragraph 1 of this Rule, accompanied by copies of the reports it has received from the States Parties to the Charter as well as the comments supplied by the latter, if possible.

Chapter XVI: Protection Activities communications from the States Parties to the Charter

Section 1:

Procedure for the Consideration of Communications Received in Conformity with Article 47² of the Charter:

² Article 47 reads:

If a State Party to the present Charter has good reasons to believe that another State party to this Charter has violated the provisions of the Charter, it may draw, by written communication, the attention of the State to the matter. This communication shall also be

"Procedure for Communications - Negotiations"

Rule 87: Purpose of the Procedure

1. Any Communication submitted under Article 47 of the Charter should be submitted to the Secretary-General and the Chairman of the Commission.
2. The communication referred to above should be in writing and contain a detailed and comprehensive statement on the actions denounced as well as the revisions of the Charter alleged to have been violated.
3. The notification of the communication to the State party to the Charter, the Secretary-General and the Chairman of the Commission shall be done through a registered letter accompanied by an acknowledgement receipt form or through any known technical means.

Rule 88: Register of Communications

The Secretary-General shall keep a permanent register for all communications received under Article 47 of the Charter.

Rule 89: Reply and Time Limit

1. The reply of the State Party to the Charter seized of a written communication should reach the requesting State Party to the Charter within 3 months following the receipt of the notification of the Communication.
2. It shall be accompanied particularly by:
 - a) written explanations, declarations or statements relating to the issues raised;
 - b) possible indications and measures taken to end the situation denounced;
 - c) indications on the law and rules of procedure applicable or applied;
 - d) indications on the local procedures for appeal already used, in process or still open.

Rule 90: Non-settlement of the Issue

1. If within three (3) months from the date the notification of the original communication is received by the addressee State, the issue has not been settled to the satisfaction of the two interested parties, through the selected channel of negotiation or through any other peaceful procedure selected by common consent

addressed to the Secretary General of the OAU and to the Chairman of the Commission. Within three months of the receipt of the communication, the State to which the communication is addressed shall give the enquiring State, written explanation or statement elucidating the matter. This should include as much as possible relevant information relating to the laws and rules of procedure applied and applicable, and the redress already given or course of action available.

of the parties, the issue shall be referred to the Commission, in accordance with the provisions of Article 47 of the Charter.

2. The issue shall also be referred to the Commission if the addressee State Party to the Charter fails to react to the request made under Article 47 of the Charter, within the same 3 months' period of time.

Rule 91: Session of the Commission

At the expiration of the 3 months' time limit referred to in Article 47 of the Charter, and in the absence of a satisfactory reply or in case the addressee State Party to the Charter fails to react to the request, each State Party may submit the communication to the Commission through a notification addressed to its Chairman, to the other interested State Party and to the Secretary-General.

Section II :

Procedure for the consideration of the communications received in conformity with Articles 48 and 49 "Procedure for Communication - Complaint"

Rule 92: Session of the Commission

1. Any communication submitted under Articles 48 and 49 of the Charter may be submitted to the Commission by any one of the interested States Parties through notification addressed to the Chairman of the Commission, the Secretary-General and the State Party concerned.
2. The notification referred to in paragraph 1 of the present Rule shall contain information on the following elements or be accompanied particularly by:
 - a) measures taken to try to resolve the issue pursuant to Article 47 of the Charter including the text of the initial communication and any future written explanation from the interested States Parties to the Charter relating to the issue;
 - b) measures taken to exhaust local procedures for appeal;
 - c) any other procedure for international investigation or international settlement to which the interested States Parties have resorted.

Rule 93: Permanent Register of Communications

The Secretary-General shall keep a permanent register for all communications received by the Commission under Articles 48 and 49 of the Charter.

Rule 94: Seisin of the members of the Commission

The Secretary-General shall immediately inform members of the Commission of any notification received pursuant to Rule 91 of these Rules of Procedure and shall send to them, as early as possible, a copy of the notification as well as the relevant information.

Rule 95: Private Session and Press Releases

1. The Commission shall consider the communications referred to in Article 48 and 49 of the Charter in closed session.
2. After consulting the interested States Parties to the Charter, the Commission may issue through the Secretary-General, releases on its activities for the attention of the media and the public at a closed session.

Rule 96: Consideration of the Communication

The Commission shall consider a communication only when:

- a) the procedure offered to the States Parties by Articles 47 of the Charter has been exhausted;
- b) the time limit set in Article 48 of the Charter has expired;
- c) the Commission is certain that all the available local remedies have been utilised and exhausted, pursuant to the generally recognised principles of international law, or that the process of achieving these remedies extend beyond reasonable time limit or has been unduly prolonged.

Rule 97. Amicable settlement

Except for the provisions of Rule 96 of the present Rules of Procedure, the Commission shall place its good offices 'at the disposal of the interested States Parties to the Charter so as to reach an amicable solution on the issue based on the respect of human rights and fundamental liberties, as recognised by the Charter.

The Commission may, through the Secretary-General, request the States Parties concerned or one of them to communicate additional information or observations orally or in writing. The Commission shall fix a time limit for the submission of the written information or observations

Rule 99: Representation of States parties to the Charter

1. The States Parties to the Charter concerned shall have the right to be represented during the consideration of the issue by the Commission and to submit observations orally and in writing or in either form.
2. The Commission shall notify, as soon as possible, the States Parties concerned, through the Secretary-General, of the opening date, the duration and the venue of the session at which the issue will be examined.
3. The procedure to be followed for the presentation of oral or written observations shall be determined by the Commission.

Rule 100: Report of the Commission

1. The Commission shall adopt a report pursuant to Article 52 of the Charter within a reasonable time limit which should not exceed 12 months, following the notification referred to in Article 48 of the Charter and Rule 90 of the present Rules of Procedure.
2. The provisions of paragraph 1 of Rule 99 of these Rules of Procedure shall not apply to the deliberations of the Commission, relating to the adoption of the report.
3. The report referred to above shall concern the decisions and conclusions that the Commission will reach.
4. The report of the Commission shall be communicated to the States Parties concerned through the Secretary-General.
5. The report of the Commission shall be sent to the Assembly through the Secretary-General, together with the recommendations it shall deem useful.

Chapter XVII

Other Communications:

**Procedure for the Consideration of the Communications Received in
Conformity with Article 55³ of the Charter**

Section 1:

³ Article 55 reads:

- 1 . Before each Session, the Secretary of the Commission shall make a list of the communications other than those of States parties to the present Charter and transmit them to the members of the Commission, who shall indicate which communications should be considered by the Commission.
2. A communication shall be considered by the Commission if a simple majority of its members so decide.

Transmission of Communications to the Commission

Rule 101: Session of the Commission

1. Pursuant to these Rules of Procedure, the Secretary-General shall transmit to the Commission the communications submitted to him for consideration by the Commission in accordance with the Charter.

Rule 102: List of Communications

1. The Secretary of the Commission shall prepare lists of communications submitted to the Commission pursuant to Rule 101 above, to which the shall attach a brief summary of their contents and regularly cause these lists to be distributed to members of the Commission. Besides, the Secretary shall keep a permanent register of all these communications.
2. The full text of each communication referred to the Commission shall be communicated to each member of the Commission on request.

Rule 103: Request for Clarifications

1. The Commission, through the Secretary-General, may request the author of a communication to furnish clarifications on the applicability of the Charter to his communication, and to specify in particular:
 - a) his name, address, age and profession by justifying his very identity, if ever he is requesting the Commission to be kept anonymous;
 - b) name of the State party referred to in the communication;
 - c) purpose of the communication; d) provision(s) of the Charter allegedly violated; e) "De facto" means of law;
 - f) measures taken by the author to exhaust local remedies;
 - g) the extent to which the same issue is already being considered by another international investigating or settlement body.
2. When asking for clarification or information, the Secretary-General shall fix an appropriate time limit for the author to submit the communication so as to avoid undue delay in the procedure provided for by the Charter.
3. The Commission may adopt a questionnaire for use by the author of the communication in providing the above mentioned information.
4. The request for clarification referred to in paragraph 1 of this Rule shall not prevent the inclusion of the communication on the lists mentioned in paragraph 1 of Rule 102 above.

Rule 104: Distribution of Communications

For each communication recorded, the Secretary-General shall prepare as soon as possible, a summary of the relevant information received, which it shall distribute to the members of the Commission.

Section II:

General Provisions governing the consideration of communications by the Commission or its Subsidiary bodies

Rule 105: Private Session

The sessions of the Commission or of its subsidiary bodies during which the communications provided for in the Charter are examined shall be considered private. The sessions during which the Commission may consider general issues, such as the application procedure of the Charter, may be public, if the Commission so desires.

Rule 106: Press Releases

The Commission may issue, through the Secretary-General and for the attention of the media and the public, releases on the activities of the Commission in its private session.

Rule 107. Incompatibilities

1. No member shall take part in the consideration of a communication by the Commission:
 - a) if he has any personal interest in the case; or
 - b) if he has participated, in any capacity, in the adoption of any decision relating to the case which is the subject of the communication.
2. Any issue relating to the application of paragraph 1 above shall be resolved by the Commission.

Rule 108: Withdrawal of a Member

If, for any reason, a member considers that he should not take part or continue to take part in the consideration of a communication, he shall inform the Chairman of his decision to withdraw.

Rule 109: Provisional Measures

Before making its final views on a communication known to the Assembly, the Commission may inform the State Party concerned of its views of the appropriateness of taking provisional measures to avoid irreparable prejudice being caused to the victim of the alleged violation. In so doing, the Commission shall inform the State Party that the expression of its views on the adoption of those provisional measures does not imply a decision on the substance of the communication.

Rule 110: Information to the State Party to the Charter

Prior to any substantive consideration, every communication should be made known to the State concerned through the Chairman of the Commission, pursuant to Article 57 of the Charter.

Section III:

Procedures to determine admissibility

Rule 111: Time Limits for Consideration of the Admissibility

The Commission shall decide, as early as possible and pursuant to the following provisions, whether or not the communication shall be admissible under the Charter.

Rule 112: Order of the Consideration of the Communications

1. Unless otherwise decided, the Commission shall consider the communications in the order they have been received by the Secretariat.
2. The Commission may decide, if it deems it good, to consider jointly two or several communications.

Rule 113. Working Groups

1. The Commission may set up one or several Working Groups, composed of 3 of its members at most, to submit recommendations on the conditions of admissibility stipulated in Article 56 of the Charter.

Rule 114: Admissibility of the Communications

1. Communications may be submitted to the Commission by:
 - a) an alleged victim of a violation by a State Party to the Charter of one of the rights enunciated in the Charter or, in his name, when it appears that the latter is unable to submit the communication himself;
 - b) an individual or an organisation alleging, with . proofs in support, serious or massive cases of violations of human and peoples' rights.
2. The Commission may accept such communications from any individual or organisation irrespective of where they shall be.
3. in order to decide on the admissibility of a communication, pursuant to the provisions of the Charter, the Commission shall ensure:

- a) that the communication indicates the identity of the author even if he requests the Commission to be anonymous, in which case the Commission shall not disclose his name;
- b) that the author alleges to be a victim of a violation, by a State Party, of any one of the rights enunciated in the Charter and, if necessary, that the communication is submitted in the name of an individual who is a victim (or individuals who are victims) who would be unable to submit a communication or to authorise it to be done;
- c) that the communication does not constitute an abuse of the right to submit a communication under the Charter;
- d) that the communication is not incompatible with the provisions of the Charter;
- e) that the communication is not limited solely to information published or disseminated through the mass communication media;
- f) that the same issue is not already being considered by another international investigating or settlement body;
- g) that the alleged victim has exhausted all the available local remedies or that the processes of such remedies are unduly taking a long time;
- h) that the communication has been submitted within a reasonable time limit from the time the local remedies have been exhausted or from a period decided by the Commission.

Rule 115: Additional Information

- 1. The Commission or a Working Group set up under Rule 113, may, through the Secretary-General, request the State Party concerned or the author of the communication to submit in writing additional information or observations relating to the issue of admissibility of the communication. The Commission or the Working Group shall fix a time limit for the submission of the information or observations to avoid the issue dragging too long.
- 2. A communication may be declared admissible only on condition that the State Party concerned has received the text of the communication and that it has been given the opportunity to submit the information and observations pursuant to paragraph 1 of this Rule.
- 3. A request made under paragraph 1 of this Rule should indicate clearly that the request does not mean that any decision whatsoever has been taken on the issue of admissibility.

Rule 116: Decision of the Commission on Admissibility

- 1. If the Commission decides that a communication is inadmissible under the Charter, it shall make its decision known as early as possible, through the Secretary-General, to the author of the communication and, if the communication has been transmitted to a State Party concerned, to that State.
- 2. If the Commission has declared a communication inadmissible under the Charter, it may re-consider this decision at a later date if it is seized by the interested

individual or on his behalf, of a written request containing the information to the effect that the grounds for the inadmissibility have ceased to exist.

Section IV:

Procedure for the consideration of communications

Rule 11 7.. Proceedings

1. If the Commission decides that a communication is admissible under the Charter, its decision and the text of the relevant documents shall as soon as possible, be submitted to the State Party concerned, through the Secretary-General. The author of the communication shall also be informed of the Commission's decision through the Secretary-General.
2. The State Party to the Charter concerned shall, within the 4 ensuing months, submit in writing to the Commission explanations or statements elucidating the issue under consideration and indicating, if possible, measures it was able to take to remedy the situation.
3. All explanations or statements submitted by a State Party pursuant to the present Rule shall be communicated, through the Secretary-General, to the author of the communication who may submit in writing additional information and observations within a time limit fixed by the Commission.
4. The Commission may review the decision by which it has declared a communication admissible, in the light of the explanations and statements submitted by the State Party under the present Rule.

Rule 118.-Final Decision of the Commission

1. If the communication is admissible, the Commission shall consider it in the light of all the information that the individual and the State Party concerned has submitted in writing; it shall make known its observations on this issue. To this end, the Commission may refer the communication to a Working Group, composed of 3 of its members at most, which shall submit recommendations to it.
2. The observations of the Commission shall be communicated to the Assembly through the Secretary-General.
3. The Assembly or its Chairman may request the Commission to conduct an in-depth study on these cases and to submit a factual report accompanied by its findings and recommendations, in accordance with the provisions of Article 58 sub-paragraph 2 of the Charter.

Final Chapter: Amendment and suspension of the Rules of Procedure

Rule 119: Method of Amendment

Only the Commission may modify the present Rules of Procedure.

Rule 120: Method of Suspension

The Commission may suspend temporarily, the application of any Rule of the present Rules of Procedure, on condition that such a suspension shall not be incompatible with any applicable decision of the Commission or the Assembly or with any relevant provision of the Charter and that the proposal shall have been submitted 24 hours in advance. This condition may be set aside if no member oppose it. Such a suspension may take place only with a specific and precise object in view and should be limited to the duration necessary to achieve that aim.

Deliberated and adopted by the Commission at its second session held in Dakar, Senegal, on 13 February 1988.

Annex V

Recommendation on the Headquarters of the African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights, meeting in its Third Ordinary Session in Libreville, Gabon, from 18 to 28 April 1988,

Recalling that the African Charter on Human and Peoples' Rights which entered into force on 21 October 1986, established a Commission whose members were elected on 29 July, 1987 by the OAU Assembly of Heads of State and Government and which held its First Session in Addis Ababa,

Noting that the Charter does not contain any formal provision indicating that the Headquarters of the Commission is established at the Headquarters of the OAU,

Noting indeed that Article 30 of the Charter specifies only that an African Commission on Human and Peoples' Rights is established within the OAU, charged with promoting human and peoples' rights and ensuring their protection in Africa,

Noting also that Article 64 of the Charter stipulates that the OAU Secretary-General will convene the first meeting of the Commission at the Headquarters of the Organisation and that subsequently, the Commission shall be convened whenever necessary and at least once every year by its Chairman;

Bearing in mind the quasi-legislative nature of the Commission and its need for a full-time Secretariat, it is not desirable to have the Headquarters of the Commission where the political and administrative organs of the OAU are located,

Convinced that the Headquarters of the Commission can only be hosted by a State which has ratified the Charter and which offers to the Commission substantial material and human resource facilities for its establishment, work and researches:

- 1 .RECOMMENDS to the OAU Assembly of Heads of State and Government to establish the Headquarters of the African Commission on Human and Peoples' Rights in a country other than the one hosting the political and administrative organs of the OAU;
2. RECOMMENDS ALSO to the Assembly of Heads of State and Government to choose, in order to establish the Headquarters of the Commission, a country which has ratified the African Charter on Human and Peoples' Rights and which offers to the Commission substantial material and human resource facilities for its establishment, work and researches.

Annex VI

Recommendation on the Financial Rules and Regulations Governing the Functioning of the African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights, meeting in its Third Ordinary Session in Libreville, Gabon, from 18 to 28 April 1988,

Considering that the African Charter on Human and Peoples' Rights adopted in Nairobi on 28 June 1981, entered into force on 21 October 1986, and that members of the African Commission on Human and Peoples' Rights set up to apply it, were elected on 29 July 1987, and installed on 2 November 1987;

Reaffirming their duty to ensure the promotion and protection of human and peoples' rights and freedoms, duly taking into account, the primordial importance traditionally attached to these rights and freedoms in Africa,

Conscious of the fundamental role of the African Commission on Human and Peoples' Rights to assist States Parties to the African Charter on Human and Peoples' Rights in the promotion and protection of human and peoples' rights and freedoms,

HAS AGREED THAT:

1. The Financial Rules and Regulations of the OAU dated 4 March 1979, apply to the African Commission on Human and Peoples' Rights, without prejudice to the following rules:
2. The Organisation of African Unity shall bear the financial cost of the Commission, pursuant to the relevant provisions of the OAU Charter and of the African Charter on Human and Peoples' Rights, Article 41 of which stipulates:

"The Secretary-General of the Organisation of African Unity shall appoint the Secretary of the Commission. He shall provide the staff and services necessary for the effective discharge of the duties of the Commission. The Organisation of African Unity shall bear the cost of the staff and services" and Article 44 of which stipulates:

"Provision shall be made for the emoluments and allowances of the members of the Commission in the Regular Budget of the Organisation of African Unity".

3. The Commission's budget shall form part of the Regular Budget of the Organisation of African Unity, but this budget shall be distinct and managed separately.

The Secretary-General of the OAU shall be the Accounting Officer and, in this capacity, shall be responsible for its management. He may however delegate all or part of his powers to the Chairman of the Commission for application of the financial rules and regulations of the OAU and the relevant provisions of the Rules of Procedure of the Commission.

The Accountant of the OAU shall be responsible for keeping the accounts. He shall be responsible for receiving financial resources and making relevant payments. He may, following the exigencies of the service, delegate all or part of his powers to a staff member of the Secretariat of the Commission, in consultation with the Commission.

4. The Secretary-General of the OAU shall prepare and submit for consideration to the Advisory Committee on Administrative, Budgetary and Financial Matters, the OAU Programme of Action which shall include the programme of action of the Commission and the budgetary appropriations including those of the Commission.
 5. The following are expenditure codes necessary for the effective execution of the tasks assigned to the Commission pursuant to the provisions of Article 27 of the Financial Rules and Regulations of the OAU, to cover:
 - the emoluments and allowances for the members of the Commission, as provided for in Article 44 of the Charter;
 - staff costs of the Secretariat of the Commission; - cost of facilities and activities of the Commission.
 6. As regards additional resources to the financial contribution of the OAU to the Commission, the latter may accept in consultation with the OAU Secretary-General, grants, bequests and other donations compatible with the objectives of the African Charter of Human and Peoples' Rights.
 7. If the budgetary appropriations of the Commission have not been approved or are inadequate or if new expenses are to be incurred as a result of financial implications of approved decisions after the Regular Budget of the OAU had been adopted, the Secretary-General of the OAU shall, in consultation with the Commission, submit to the Advisory Committee or sub-Advisory Committee, a rectified additional programme and budget for consideration. He shall subsequently submit the same to the Council of Ministers for approval. This would enable the Commission to carry out its task effectively.
- The Secretary-General may also identify new financial sources by drawing from the overall balances available under some codes after the normal closing of the financial year.
8. If the budgetary estimates of the Commission are not adopted before 1 June, one-twelfth of the previous budget shall be released in accordance with Article 34 of the OAU Financial Rules and Regulations.

Annex VII

Programme of activity of the African Commission on Human and Peoples' Rights

A. Research and Information activities

1. Establishment of an African Library and a Documentation Centre on Human Rights;
2. Printing and Disseminating of the African Charter on Human and Peoples' Rights including its Rules of Procedure;
3. Publication of an African Review on Human and Peoples' Rights;
4. Periodic Radio Broadcasts and Television Programmes on Human Rights in Africa;
5. Integration of Teaching on Human Rights in the Syllabi of Secondary education;
6. Proclamation of a Human Rights Day;
7. Participation in the bicentenary activities of the Declaration on the Rights of Man and of the Citizen, 1789;
8. Institution of a prize for a competition on Human Rights;
9. Recommendation on the Establishment of National Human Rights Committees;
10. Recommendations on the Establishment of Human Rights Institutions;
11. Symposia or seminars on Apartheid.

B. Quasi - Legislative Activities

1. Charter ratification campaign within countries which have not yet ratified it;
2. Ratification of Human Rights treaties prepared by international organisations (UN, ILO etc.)
3. Introduction of the provisions of the Charter in the constitutions of States.

C. Co-operation Activities

1. Co-operation with international inter-state or non-governmental organisations: European Commission, American Commission, United Nations Commission, International Commission of Jurists, International Academy of Human Rights, Amnesty International;
2. Co-operation with African organisations: Inter-African Union of Lawyers, Association of African Jurists, Association of African International Law;
3. Periodic Reports of States.

Annex VIII

Recommendation on Periodic Reports

The African Commission on Human and Peoples' Rights, meeting in its Third Ordinary Session in Libreville, Gabon, from 18 to 28 April 1988,

Having carefully examined the African Charter on Human and Peoples' Rights and, particularly, its article 62, which stipulates:

"Each State Party shall undertake to submit every two years, from the date the present Charter comes into force, a report on the legislative or other measures taken with a view to giving effect to the rights and freedoms recognised and guaranteed by the present Charter",

Considering that the African Commission on Human and Peoples' Rights is the only appropriate organ of the OAU capable not only of studying the said periodic reports, but also of making pertinent observations to States Parties, after providing them with general guidelines on the form and contents of the reports which they should submit, pursuant to Article 62 referred to above:

RECOMMENDS that the Assembly of Heads of State and Government:

1. Mandate the General Secretariat of the OAU to receive the said reports and communicate them to the Commission without delay;
2. Specifically entrust it with the task of examining the periodic reports submitted by the States Parties pursuant to Article 62 and other relevant provisions of the African Charter on Human and Peoples' Rights;
3. Authorise it to give the States Parties general guidelines on the form and the contents of the said periodic reports.

Annex IX

Communication Procedures (Register Forms)

Register No. 1

Communication from a State Party against another State Party:

Article 47 Procedure

1.	Applicant State
2.	Respondent State
3.	Date communication written (Date on communication)
4.	Subject of the communication: Provisions violated
5.	Date communication received by State concerned
6.	Date of notification of the OUA Secretary General
7.	Date of expiry of three months period (Art. 48)
8.	Settlement of the dispute
9.	Date of notification of the Commission (Article 48)
10.	Date of notification of the Secretary General (Article 48)
11.	Date of notification of other State (Article 48)

Register No. 1: Page 2

Communication from a State Party against another State Party:

Procedure for seizure (Article 49)

1.	Applicant State
2.	Respondent State
3.	Date of communication
4.	Subject of the communication: Provisions violated
5.	Date communication received by State concerned
6.	Date of seizure of the OUA Secretary General
7.	Date of seizure of the Chairman of the Commission
8.	Exhaustion of local remedies
9.	Information requested
10.	Attempt at conciliation
11.	Report of the Commission (Art. 520)
12.	Recommendations made to the Assembly of Heads of State and Government
13.	Date report was sent to the State concerned
14.	Date report was sent to the Assembly of Heads of State and Government

Register No. 2 Page 1

Procedure for investigation for other communications (article. 55)

1.	Serial number
2.	Date of communication
3.	Date received
4.	Notification of State concerned
5.	Rapporteur appointed
6.	Date of appointment
7.	Work to be carried out
8.	Date report deposited
9.	Decision of the Commission
10.	Decision of the Assembly of Heads of State and Government

Register No. 2 Page 2

Communication procedure- article 55

Information relative to the author of the communication

1.	Family and first names of the author
2.	Address
3.	Age
4.	Profession
5.	State concerned (Party or not)
6.	Subject of the communication
7.	Date of the communication (Date on communication)
8.	Provisions violated
9.	Means of fact (summary of facts)
10.	Measures taken by the author to exhaust local remedies
11.	Examination before another international body of enquiry or settlement

1988

First Annual Activity Report of the African Commission November 1987 - April 1988

ACHPR

ACHPR

<http://archives.au.int/handle/123456789/2074>

Downloaded from African Union Common Repository