



HOW TO ADDRESS A COMMUNICATION

TO THE

AFRICAN COMMISSION

ON

HUMAN AND PEOPLES' RIGHTS

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INTRODUCTION

No system of human rights protection has any practical meaning to the victims of human rights violations unless clear procedures exist for the vindication of the guaranteed rights. Consequently, a human rights charter is effective as a bulwark against repression only to the extent that implementable procedures are available for those who wish to use them.

The African Charter on Human and Peoples' Rights embodies individual and peoples' rights, states obligations and individual duties. It also provides for an implementation machinery in the form of an 11-member African Commission on Human and Peoples' Rights which is mandated to receive communications from states parties and "other communications" from individuals, groups and non-governmental organizations (NGOs) in respect of allegations of human rights violations. Procedures for sending these communications and conditions of admissibility have been spelt out in the African Charter and the Rules of Procedure of the African Commission.

In the four years since its establishment in 1987, the African Commission has not received any inter-state communication. Very few communications have been received from individuals, groups and non-governmental organizations (NGOs). This inaction on the part of NGOs has been generally due to lack of awareness on the part of several Africa-based NGOs of the communication procedures.

At the last NGO Forum, organized by the International Commission of Jurists (ICJ) in collaboration with the African Centre on Democracy and Human Rights Studies and the African Commission, held in Banjul in October 1991, several NGOs reiterated the need to produce a practical guide to the procedure of the African Commission.

This booklet is the result of the ICJ initiative. It is a practical guide for individuals, groups and NGOs wishing to address communications to the African Commission on Human and Peoples' Rights (ACHPR). It covers such matters as the African Commission and what it can do for the promotion and protection of human and peoples rights in Africa, how to obtain observer status with the ACHPR, who may send communications,

conditions of admissibility, processing of communications, the role of the Organization of African Unity (OAU) Assembly and what to do in cases of urgency.

The ICJ hopes that this booklet will provide an effective tool in the hands of human rights groups and organizations concerned with the implementation of the African Charter. It is believed that the needs of these organizations would be met in a practical way through the use of this booklet.

* * *

This text has been prepared by Wolfgang Benedek, University of Graz, Austria, together with Philip Amoah, International Commission of Jurists, who want to acknowledge valuable support received from Adama Dieng, Secretary-General of the International Commission of Jurists, and U.O. Umozurike, former Chairman of the African Commission on Human and Peoples' Rights, as well as E.V.O. Dankwa, University of Ghana.

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International Commission of Jurists
Geneva, Switzerland

January 1992

A. The African Commission on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights (ACHPR) was set up in 1987 as a result of the coming into force of the African Charter on Human and Peoples' Rights on 21 October 1986, having been adopted by the Assembly of Heads of State and Government of the Organization of African Unity (OAU) in 1981. The ACHPR has declared that 21 October should be observed as African Day of Human Rights.

The ACHPR has its seat in Banjul, The Gambia. It consists of eleven members of high morality, integrity, impartiality and competence in matters of human and peoples' rights. The Commissioners serve in their personal capacity and have solemnly declared to discharge their duties impartially and faithfully. They are elected by the Assembly of Heads of State and Government for a term of six years. The names of the present members can be found in Annex II.

Presently, the ACHPR meets twice a year for not more than eight days, mainly in Banjul. The task of the Commission is to promote human and peoples' rights and to ensure their protection in Africa (see articles 30 and 45). The Commission's Rules of Procedure adopted in 1988 are currently being revised.

B. What can the African Commission do for the promotion and protection of human and peoples' rights in Africa ?

a) PROMOTION

The Commission may

- collect documents, undertake studies and researches on African problems in the field of human and peoples' rights

- organize seminars, symposia and conferences
- disseminate information
- encourage national and local institutions concerned with human and peoples' rights
- give its views or make recommendations to governments
- formulate and lay down principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African governments may base their legislation
- cooperate with other African and international institutions concerned with the promotion and the protection of human and peoples' rights

African institutions wanting to cooperate may invite commissioners for promotional events (see the list of commissioners which also indicates their promotional responsibilities by countries in Annex II).

Every two years, each state party to the African Charter has to submit a **national periodic report** on the legislative and other measures taken with a view to giving effect to the rights and freedoms recognized and guaranteed by the African Charter (art. 62). NGOs having observer status with the Commission may participate in a discussion of these reports.

b) PROTECTION

The ACHPR has to ensure the protection of human and peoples' rights under the conditions laid down in the African Charter. For that purpose, the African Commission may receive communications from states and "other communications" from individuals and NGOs.

Note: The ACHPR can only act on the basis of such communications.

C. How to obtain observer status with the African Commission ?

Any serious African and non-African NGO concerned with human rights can apply for observer status. The NGO has to send its constitution and give information on its structure, leadership, membership and activities. For this purpose it should enclose its publications, activity reports etc. to allow the Commission to properly assess its case. The application is to be sent to the Secretary of the African Commission on Human and Peoples' Rights well in advance of the next session of the Commission which usually takes place in October and March. The ACHPR designates a rapporteur to study the application and, if all necessary documents have been received, usually decides on them during the same session. The observers admitted will be informed about the sessions of the Commission, they have a right to participate in the public meetings and to receive its documents and publications etc. By the 10th session, the ACHPR had accorded observer status to 56 (fifty-six) NGOs.

D. Who can send in a communication ?

- States, for which there is a special procedure
- any African or international non-governmental organization (NGO), whether it has observer status with the ACHPR or not
- any individual who lives in a country which has ratified the African Charter and who considers himself/herself a victim of a violation
- if the victim is unable to submit the communication himself/herself, any other person or organization may do so on his/her behalf

Note: The communication should be in writing and sent to the Secretary of the ACHPR. There is, therefore, no reason to come to Banjul in person.

E. What should a communication be like to be admissible ?

First of all, it has to be against a state which has ratified the African Charter (see list in Annex I). Then, it should relate to the rights guaranteed under the African Charter (see Annex III). A communication has therefore to spell out as detailed as possible that rights under the African Charter have been violated. However, communications referring to violations of other human rights not explicitly guaranteed under the African Charter are also admissible if all other criteria are met.

COMMUNICATIONS CAN ONLY BE CONSIDERED IF THEY:

1. Indicate (by name, address, age and profession), the author (individual or NGO), but a communicator having satisfied the above requirements, may request anonymity.
2. Spell out the name of the state complained against (which has to be an African state which has ratified the Charter).
3. Indicate the legal measures taken at the national level showing that local remedies have been exhausted ¹, except when you can show that it is obvious that the procedure at the national level is unduly prolonged.
4. Indicate whether the same issue is already being considered by another investigating or settlement body, like the United Nations Human Rights Committee.

Additionally, the communication should give sufficient indication whether it refers to a serious or massive case of violations of human and peoples' rights.

1 Exhaustion of local remedies in many cases will mean bringing the complaint before the highest court of law competent to deal with it in normal procedure making use of the available remedies and respecting time limits. For that purpose you might give a list of remedies sought and official decisions received in regard to the case with all details.

*NO CONSIDERATION WILL BE GIVEN
TO COMMUNICATIONS WHICH:*

- are sent anonymously
- are written in insulting language
- are based exclusively on news disseminated through the mass media (which means that you should indicate the existence of other sources of information)
- cannot show that local remedies have been exhausted, or that the national procedure of such remedies is unduly prolonged
- are not submitted within a reasonable period from the time local remedies have been exhausted
- deal with cases which have been settled by states involved in accordance with other international procedures in the framework of the United Nations, the OAU or the African Charter

To be sure to fulfill all conditions, you may use the form attached in Annex VI.

The communication should be addressed to

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

Note: The ACHPR does not have a mandate to give legal advice. If you are in need of legal aid and you cannot afford a lawyer, you may approach one of the various legal assistance groups which exist in most countries or the National Bar Association.

F. What will happen to the communication when received by the ACHPR ?

1. On arrival, the communication will be listed by the Secretary of the ACHPR. Communications which are not in reference to state parties of the African Charter or which are obviously irrelevant may be discarded by the Secretary.
2. At the next session of the ACHPR, which usually meets in October and March, the communication will be checked to determine whether it meets all the requirements spelt out under E. This is done by a commissioner. On his proposal, the ACHPR decides whether it will consider the case.
3. Prior to any substantive consideration all communications have to be brought to the knowledge of the state concerned to give it an opportunity to make its observations. When the author has asked for anonymity, the Commission will not disclose his name.
4. If the communication does not contain all the elements listed above, the African Commission will also request clarification from the author of the communication.
5. The ACHPR may stipulate a time limit within which the requested information should reach it.
6. After receiving the information requested, the ACHPR has to decide on the **admissibility** of the communication. If it decides that the communication is not admissible, the author of the communication and the state concerned will be informed by the ACHPR. If the grounds for the inadmissibility have ceased to exist, the ACHPR may reconsider its decision on the basis of a written request containing the relevant reasons.
7. If all the conditions spelt out above have been met and the comments received from the state concerned do not prove the contrary, the ACHPR will declare the communication admissible and will inform the author of the communication and the state party concerned accordingly.

8. Within the four ensuing months, the state party has to submit in writing to the Commission explanations or statements elucidating the issue under consideration. If possible, it shall indicate measures it was able to take to remedy the situation.
9. These explanations or statements will be communicated also to the author of the communication who may submit in writing additional information and observations within a time limit fixed by the ACHPR.
10. In case the state does not respond, the Commission may go ahead. According to Art. 46, it may resort to any appropriate method of investigation; it may hear from the Secretary-General of the Organization of African Unity or any other person capable of enlightening it.
11. In the light of all the information received, the ACHPR - on the recommendation of a working group set up for that purpose - makes observations to the state concerned and also informs the author of the communication.²
12. In accordance with general international and African practice, the Commission may, at any stage of the procedure, place its good offices at the disposal of the interested party in order to reach an amicable solution.³
13. When it appears after deliberations of the Commission that one or more communications apparently relate to **special cases** which reveal the existence of a **series of serious or massive violations of human and peoples' rights**, the ACHPR will draw the attention of the Assembly of Heads of State and Government to these special cases (Art. 58).

2 The procedure of the ACHPR is not yet fully clear on this but we believe this to be the only meaningful interpretation of the Charter.

3 There is not explicit provision on this in the Charter but it follows from Arts 60 and 61 on "applicable principles" and the past practice of the ACHPR. However, conciliation is as yet not mandatory.

G. What is the role of the Assembly of Heads of State and Government of the Organization of African Unity (OAU) ?

If the Assembly is informed by the Commission that there is a special case which reveals the existence of a situation of serious or massive violations of human and peoples' rights, it may request the ACHPR to undertake an in-depth study of these cases and make a factual report, accompanied by its findings and recommendations (Art. 58 para. 2).

H. What to do in cases of urgency ?

In cases of urgency you should immediately bring the matter to the attention of the Chairman and the Secretariat of the ACHPR, giving the reasons why the case needs urgent treatment. It is not clear yet if (like in the case of other regional commissions) the Chairman may act in the period between the sessions of the ACHPR on such a communication.

However, to avoid irreparable prejudice being caused to the victim of the alleged violation, the ACHPR may inform the state party concerned of its views on the appropriateness of taking **provisional measures** before making its final views known to the Assembly of African Heads of State and Government. This request to the state party does not imply a decision on the substance of the communication (rule 109).

Cases of **emergency** may also be brought by the ACHPR directly to the attention of the Chairman of the Assembly of Heads of State and Government who may request an in-depth study (Art. 58 para. 3). ■

ANNEX I

African Commission on Human &
Peoples Rights

Kairaba Avenue
P.O. Box 673
BANJUL, The Gambia
Tel. 92964



O.A.U. — O.U.A

Commission Africaine des
Droits de l'Homme et des
Peuples

ACHPR/RATIFICATION/A045

LIST OF COUNTRIES WHICH HAVE SIGNED, RATIFIED OR ADHERED TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

ETAT DES SIGNATURES, RATIFICATIONS ET ADHÉSIONS DE LA CHARTE AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES

N°	COUNTRY / PAYS	DATE OF/DE SIGNATURE	DATE OF/DE RATIFICATION ADHESION	DATE DEPOSITED DÉPOT
1	Algeria	10/04/86	01/03/87	20/3/87
2	Angola		02/03/90	09/10/90
3	Bénin		20/01/86	25/02/86
4	Botswana		17/07/86	22/07/86
5	Burundi		28/07/89	30/08/89
6	Burkina Faso	05/03/84	06/07/84	21/09/84
7	Cameroun	23/07/87	20/06/89	18/09/89
8	Cape verde	31/03/86	02/06/87	06/08/87
9	Central African Rep.		26/04/86	27/07/86
10	Chad	29/05/86	09/10/86	11/11/86
11	Comoros		01/06/86	18/07/86
12	Congo	27/11/81	09/12/82	17/01/83
13	Djibouti			
14	Egypt	16/11/81	20/03/84	03/04/84
15	Equatorial Guinea	18/08/86	07/04/86	18/08/86
16	Ethiopia			
17	Gabon	26/02/82	20/02/86	26/06/86
18	Gambia	11/02/83	08/06/83	13/03/83

19	Ghana		24/01/89	01/03/89
20	Guinee	09/12/81	16/02/82	13/05/82
21	Guinee-Bissau		04/12/85	06/03/86
22	Côte d'Ivoire			
23	Kenya			
24	Lesotho	07/03/84		
25	Liberia	31/01/83	04/08/82	29/12/82
26	Libya	30/05/85	19/07/86	26/03/87
27	Madagascar			
28	Malawi	23/02/90	17/11/89	23/02/90
29	Mali	13/11/81	21/12/81	22/01/82
30	Mauritanie	25/02/82	14/06/86	26/06/86
31	Mauritius			
32	Mozambique		22/09/89	07/03/90
33	Namibia			
34	Niger	09/07/86	15/07/86	21/07/86
35	Nigeria	31/08/82	22/06/83	22/07/83
36	Republique Rwandaise	11/11/81	15/07/83	22/07/83
37	Saharawi Arab Democratic Republic	10/04/86	02/05/86	23/05/86
38	Sao Tome & Principe		23/05/86	28/07/86
39	Senegal	23/09/81	13/08/82	25/10/82
40	Seychelles			
41	Sierra Leone	27/08/81	21/09/83	27/01/84
42	Somalia	26/02/82	31/07/85	20/03/86
43	Sudan	03/09/82	18/02/86	11/03/86
44	Swaziland			
45	Togo	26/02/82	05/11/82	22/11/82
46	Tunisia		16/03/83	22/04/83
47	Uganda	18/08/86	10/05/86	27/05/86
48	Tanzania	31/05/82	18/02/84	09/03/84
49	Zaire	23/07/87	20/07/87	28/07/87
50	Zambia	17/01/83	19/01/84	02/02/84
51	Zimbabwe	20/02/86	30/05/86	12/06/86

ANNEX II

**List of Members of the African Commission on Human and Peoples' Rights,
giving also the countries for which individual commissioners
have promotional responsibility ¹**

- | | |
|--|--|
| 1 Dr. Ibrahim Ali BADAWI EL-SHEIKH | Comoros, Seychelles, Egypt, Sudan,
Mauritius, Tunisia |
| 2 Mr Alioune Blondin BEYE | Benin, Burkina Faso, Côte d'Ivoire,
Mali, Togo |
| 3 Mr Ali Mahmoud BUHEDMA | Algeria, Libya, Mauritania,
Djibouti, Saharawi Republic |
| 4 Mr Alexis GABOU | Cameroon, Central African
Republic, Chad, Congo, Sao Tome |
| 5 Mr Sourahata Baboucar
Semega JANNEH | The Gambia, Liberia, Sierra Leone |
| 6 Mr Robert Habesh KISANGA | Ethiopia, Kenya, Somalia, Uganda,
Tanzania |
| 7 Mr Moleleki D. MOKAMA | Botswana, Lesotho, Malawi, Swaziland |
| 8 Mr C.L.C. MUBANGA-CHIPOYA ² | Angola, Mozambique, Zimbabwe,
Namibia, Zambia |
| 9 Mr Youssoupha NDIAYE | Cape Verde, Niger, Senegal,
Guinea, Guinea-Bissau |
| 10 Mr Isaac NGUEMA | Burundi, Gabon, Rwanda, Zaire,
Equatorial Guinea |
| 11 Prof. U.O. UMOZURIKE | Nigeria, Ghana |

1 This list is subject to changes, please check with ACHPR's Secretariat.

2 Mr Mubanga Chipoya died on 9 December 1991. The vacancy created by his death will have to be filled by the OAU Assembly at its next meeting.

ANNEX III

PART I

RIGHTS AND DUTIES

CHAPTER I. HUMAN AND PEOPLES' RIGHTS

Article 1

The Member States of the Organization of African Unity parties to the present Charter shall recognize the rights, duties and freedoms enshrined in this Charter and shall undertake to adopt legislative or other measures to give effect to them.

Article 2

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without distinction of any kind such as race, ethnic group, colour, sex, language, religion political or any other opinion, national and social origin, fortune, birth or other status.

Article 3

1. Every individual shall be equal before the law.
2. Every individual shall be entitled to equal protection of the law.

Article 4

Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

Article 5

Every individual shall have the right to the respect of the dignity inherent in a human being and to the recognition of his legal status. All forms of exploitation and degradation of man particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited.

Article 6

Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained.

Article 7

1. Every individual shall have the right to have his cause heard. This comprises:
 - (a) The right to an appeal to competent national organs against acts violating his fundamental rights as recognized and guaranteed by conventions, laws, regulations and customs in force;
 - (b) the right to be presumed innocent until proved guilty by a competent court or tribunal;
 - (c) the right to defence, including the right to be defended by counsel of his choice;
 - (d) the right to be tried within a reasonable time by an impartial court or tribunal.

2. No one may be condemned for an act or omission which did not constitute a legally punishable offence at the time it was committed. No penalty may be inflicted for an offence for which no provision was made at the time it was committed. Punishment is personal and can be imposed only on the offender.

Article 8

Freedom of conscience, the profession and free practice of religion shall be guaranteed. No one may, subject to law and order, be submitted to measures restricting the exercise of these freedoms.

Article 9

1. Every individual shall have the right to receive information.
2. Every individual shall have the right to express and disseminate his opinion within the law.

Article 10

1. Every individual shall have the right to free association provided that he abides by the law.
2. Subject to the obligation of solidarity provided for in Article 29 no one may be compelled to join an association.

Article 11

Every individual shall have the right to assemble freely with others. The exercise of this right shall be subject only to necessary restrictions provided for by law in particular those enacted in the interest of national security, the safety, health, ethics and rights and freedoms of others.

Article 12

1. Every individual shall have the right to freedom of movement and residence within the borders of a State provided he abides by the law.
2. Every individual shall have the right to leave any country including his own, and to return to his country. This right may only be subject to restrictions, provided for by law for the protection of national security, law and order, public health or morality.
3. Every individual shall have the right, when persecuted, to seek and obtain asylum in other countries in accordance with the laws of those countries and international conventions.
4. A non-national legally admitted in a territory of a State party to the present Charter, may only be expelled from it by virtue of a decision taken in accordance with the law.
5. The mass expulsion of non-nationals shall be prohibited. Mass expulsion shall be that which is aimed at national, racial, ethnic or religious groups.

Article 13

1. Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law.
2. Every citizen shall have the right of equal access to the public service of his country.
3. Every individual shall have the right of access to public property and services in strict equality of all persons before the law.

Article 14

The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.

Article 15

Every individual shall have the right to work under equitable and satisfactory conditions, and shall receive equal pay for equal work.

Article 16

1. Every individual shall have the right to enjoy the best attainable state of physical and mental health.

2. States parties to the present Charter shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick.

Article 17

1. Every individual shall have the right to education.

2. Every individual may freely take part in the cultural life of his community.

3. The promotion and protection of morals and traditional values recognized by the community shall be the duty of the State.

Article 18

1. The family shall be the natural unit and basis of society. It shall be protected by the State which shall take care of its physical and moral health.

2. The State shall have the duty to assist the family which is the custodian of morals and traditional values recognized by the community.

3. The State shall ensure the elimination of every discrimination against women and also ensure the protection of the rights of the woman and the child as stipulated in international declarations and conventions.

4. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs.

Article 19

All peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another.

Article 20

1. All peoples shall have right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.

2. Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community.

3. All peoples shall have the right to the assistance of the States parties to the present Charter in their liberation struggle against foreign domination, be it political, economic or cultural.

Article 21

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.

2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.

3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic co-operation based on mutual respect, equitable exchange and the principles of international law.

4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.

5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practised by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

Article 22

1. All peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind.

2. States shall have the duty, individually or collectively, to ensure the exercise of the right to development.

Article 23

1. All peoples shall have the right to national and international peace and security. The principles of solidarity and friendly relations implicitly affirmed by the Charter

of the United Nations and reaffirmed by that of the Organization of African Unity shall govern relations between States.

2. For the purpose of strengthening peace, solidarity and friendly relations, States parties to the present Charter shall ensure that:

(a) Any individual enjoying the right of asylum under Article 12 of the present Charter shall not engage in subversive activities against his country of origin or any other State party to the present Charter;

(b) Their territories shall not be used as bases for subversive or terrorist activities against the people of any other State party to the present Charter.

Article 24

All people shall have the right to a general satisfactory environment favourable to their development.

Article 25

States parties to the present Charter shall have the duty to promote and ensure through teaching, education and publication, the respect of the rights and freedoms contained in the present Charter and to see to it that these freedoms and rights as well as corresponding obligations and duties are understood.

Article 26

States parties to the present Charter shall have the duty to guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter.

ANNEX IV

OTHER COMMUNICATIONS

Article 55

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.

Article 56

Communications relating to human and peoples' rights referred to in Article 55 received by the Commission, shall be considered if they:

1. Indicate their authors even if the latter request anonymity;
2. Are compatible with the Charter of the Organization of African Unity or with the present Charter;
3. Are not written in disparaging or insulting language directed against the State concerned and its institutions or to the Organization of African Unity;
4. Are not based exclusively on news disseminated through the mass media;
5. Are sent after exhausting local remedies, if any, unless it is obvious that this procedure is unduly prolonged;
6. Are submitted within a reasonable period from the time local remedies are exhausted or from the date the Commission is seized of the matter; and
7. Do not deal with cases which have been settled by these States involved in accordance with the principles of the Charter of the United Nations, or the Charter of the Organization of African Unity or the provisions of the present Charter.

Article 57

Prior to any substantive consideration, all communications shall be brought to the knowledge of the State concerned by the Chairman of the Commission.

Article 58

1. When it appears after deliberations of the Commission that one or more communications apparently relate to special cases which reveal the existence of a series of serious or massive violations of human and peoples' rights, the Commission shall draw the attention of the Assembly of Heads of State and Government to these special cases.

2. The Assembly of Heads of State and Government may then request the Commission to undertake an in-depth study of these cases and make a factual report, accompanied by its finding and recommendations.

3. A case of emergency duly noticed by the Commission shall be submitted by the latter to the Chairman of the Assembly of Heads of State and Government who may request an in-depth study.

Article 59

1. All measures taken within the provisions of the present Chapter shall remain confidential until such a time as the Assembly of Heads of State and Government shall otherwise decide.

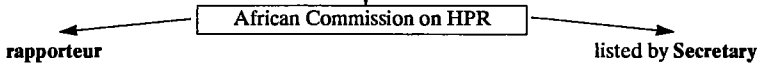
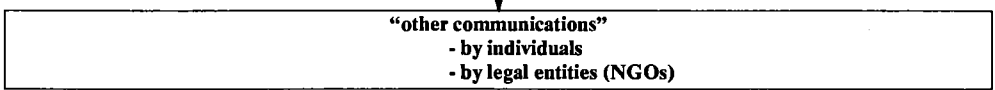
2. However, the report shall be published by the Chairman of the Commission upon the decision of the Assembly of Heads of State and Government.

3. The report on the activities of the Commission shall be published by its Chairman after it has been considered by the Assembly of Heads of State and Government.

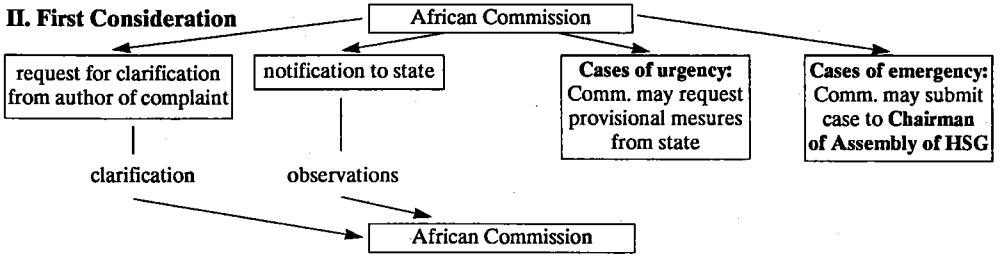
ANNEX V

Chart of Procedure of Commission on "other communications"

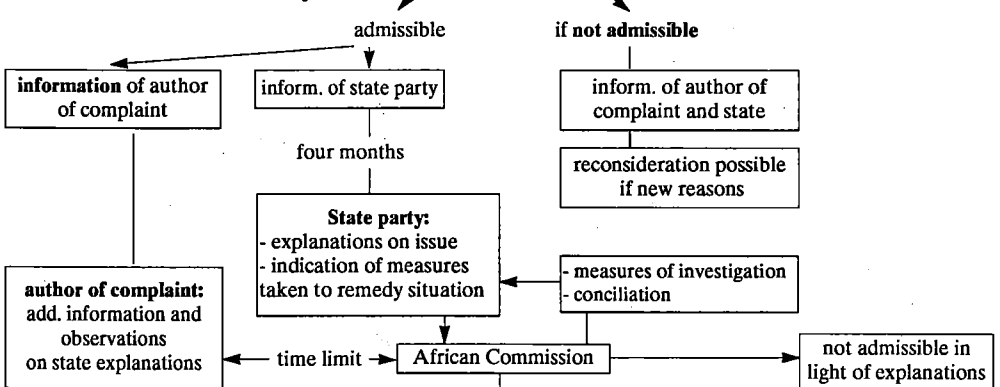
I. Seisin of the Commission



II. First Consideration

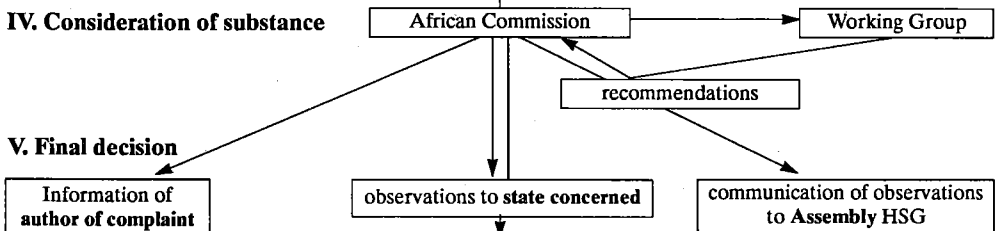


III. Decision on Admissibility

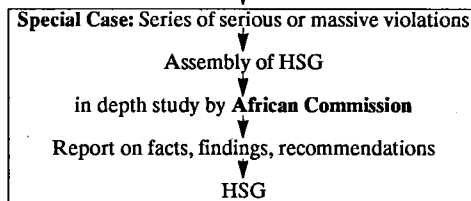


African Commission

IV. Consideration of substance



V. Final decision



ANNEX VI

African Commission on
Human & Peoples' Rights



OAU - OUA

Commission Africaine des Droits
de l'Homme et des Peuples

Kairaba Avenue
P.O. Box 673
BANJUL, The Gambia
Tel. 92964-92962
Telex 2346 OAU BJI GY

QUESTIONNAIRE CONCERNING COMMUNICATIONS

Under Article 55 of the African Charter on Human and Peoples' Rights
and Article 103 (G)(3) of the Rules of Procedure of the African Com-
mission on Human and Peoples' Rights

- 1 - Name and identity of the author _____
- 2 - If the author is requesting to be kept anonymous - why _____

- 3 - Name of the State Party referred to _____
- 4 - Purpose of the communication for information
 for consideration by the Commission
 for other purposes

(For your comments you may wish to add more pages)

- 5 - Description of the facts constituting the alleged violation _____

 - 6 - Measures taken by the author to exhaust the local remedies _____

- Date _____ Name of Institutions or public national
bodies seized _____

Result or verdict if any _____

- 7 - Whether the issue is considered by or pending before another investi-
gating African or International body _____

If the answer is yes which body _____

- 8 - Whether the author is the alleged victim, one from his relatives or
organisation or individual _____

ANNEX VII

Form for Communications - Check List

	1	Family name and first name(s) of the author
	2	Address
	3	Age
	4	Profession
	5	State concerned (Party or not)
	6	Subject of the Communication
	7	Date of 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