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While the FIDH welcomes the adoption by the Commission of the Guidelines and the Measures of prohibition and prevention of torture and other cruel, inhuman or degrading treatment or punishment in Africa (the Robben Island guidelines), and the draft Declaration on the principles of freedom of expression in Africa, it however deplores the fact that the Commissioners adopted no resolution, despite repeated appeals by the African or international NGOs, in particular on the Human Rights situation in Côte d'Ivoire and in the Democratic Republic of the Congo, or on the situation of Human Rights defenders and the New Partnership for African Development (NEPAD).

And yet the mandate of the Commission is to promote and protect Human Rights, under the conditions laid down by the African Charter of Human and Peoples' Rights, which came into force in 1996. The role of the Commission is of particular importance in view if the massive violations of Human Rights perpetrated on the continent, and the fact that few African States have acceded to the regional and international instruments for the protection of Human Rights: 20 countries have ratified the Statute of the International Criminal Court, but only 6 have ratified the additional Protocol to the African Charter establishing the African Court of Human and Peoples' Rights (15 ratifications being necessary for it to enter into force). Out of the 53 States parties to the African Commission, 44 are behindhand with their periodical reports, and 20 have never sent in a report.

The FIDH and many of its African member leagues present at the session as observers noted that the proceedings opened in the midst of considerable confusion. The news that the session was only going to last one week instead of two, and the initial absence of a quorum - only three commissioners were present out of eleven - seriously disrupted the agenda and the public sessions.

The main consequence of the confusion was the postponement to the next session of the only report on the agenda, that of the Democratic Republic of the Congo (DRC), whereas the Human Rights situation is extremely disturbing, both in the territories under government control and those administered by the rebels.

The Commission did indeed stress in the final communiqué the concern expressed by the NGOs regarding the Human Rights situation in Côte d'Ivoire, following the 19 September 2002 mutiny, but no resolution was adopted on the subject. And yet recommendations had been addressed to the Commissioners, in particular by the FIDH and the LIDHO, its member organisation in Côte d'Ivoire.

The FIDH had also hoped that the Commission would at last tackle the question of the protection of Human Rights defenders in Africa. In numerous interventions the NGOs recalled that defenders are still too often subjected to harassment, threats, unlawful arrest, detention, even torture, under various pretexts of belonging to the political opposition, or, since the 11 September 2001, to terrorist groups. The FIDH, in the framework of its joint programme with the OMCT, the Observatory for the protection of Human Rights defenders, called once again on the African Commission, for the seventh time in succession, to establish a mechanism - a "focus point" or a special rapporteur - on the question of defenders. There is no valid argument to justify the hesitations and the prevarication of the Commission in this respect. And yet once again the mechanism was refused by the Commissioners.

As for NEPAD, the question was postponed, under the pretext that it was too early for the Commission to take a stand on the place of Human Rights in the economic development policies of the African continent.
The silence of the Commission on such essential issues that fall within its mandate is disturbing. Its apathy is in striking contrast with the evident and exemplary development in Africa of the civil society and the independent Human Rights movement.

FIDH wishes to sound the alarm regarding the scanty achievements of the Commission, and expresses surprise at the fact that the Commissioners responded to none of the concerns of the NGOs. In that they defaulted on their task, as they should in all circumstances abide by the principles of integrity and impartiality specified in article 31 of the African Charter. The FIDH calls on this regional mechanism for the protection of Human Rights to effectively meet the expectations of the civil society, and to respond positively to its mobilisation. The FIDH reiterates that it is prepared to support any effort in that direction on the part of the African Commission for Human and Peoples’ Rights.